

Introduction.

Honorable Chairman and Esteemed Members of the House of Representatives Committee on Constitution Review, as we stand at the crossroads of our nation's destiny, it is incumbent upon us to revisit the bedrock of our democracy—the Nigerian Constitution of 1999 (as amended). This sacred document, which embodies our collective aspirations, rights, and responsibilities, requires critical examination and thoughtful enhancements. Our great nation, with its rich diversity of cultures, languages, and traditions, deserves a constitution that reflects the will of the people—a constitution that transcends mere words and becomes a beacon of hope for generations to come

The Imperative for Change

Nigerians, both at home and abroad, have raised their voices in unison. They cry out for a constitution that not only safeguards their fundamental rights but also propels us toward peace, prosperity, effective governance, and inclusive leadership. Our citizens yearn for a framework that harnesses our abundant resources—both natural and human—for the sustainable development of our communities. It is time to heed their call.

Thematic Areas of Review

Our proposal centers around five critical thematic areas:

1

Federal Structure and Power Devolution: We must reevaluate the distribution of powers between the federal and state governments. Decentralization is key to empowering local communities and ensuring efficient service delivery

2

Local Government Autonomy: Local governments are the bedrock of grassroots development. We advocate for genuine autonomy, allowing them to address the unique needs of their constituents

3

Public Revenue, Fiscal Federation, and Revenue Allocation: Fair and transparent revenue-sharing mechanisms are essential. Let us create a system that benefits all Nigerians, regardless of their geographical location.

4

Electoral Reforms: Our electoral processes must be fortified. The Independent National Electoral Commission (INEC) needs strengthening to guarantee transparent, credible, free, and fair elections.

5

Gender and Marginalized Groups: We commit to promoting gender equality and protecting the rights of marginalized communities. Their voices deserve amplification within our constitutional framework.



The TriAfrica Empowerment Foundation: A beacon of purpose-driven transformation, stands as a non-profit, non-partisan, and non-religious force for positive change. Rooted in unwavering commitment, this leadership-driven organization champions the cause of citizens and communities across Nigeria and beyond.

Our Aim:



Empowering Communities: We believe in the inherent strength of communities. Our mission is to harness their resources, both tangible and intangible, for sustainable growth.



Right Leadership Selection: We advocate for leadership that transcends mere titles—a leadership that embodies integrity, empathy, and vision. Our goal is to foster the right selection of leaders for political and public service.



Global Engagement: From the bustling streets of Lagos to the diaspora communities scattered across continents, we bridge gaps and ignite connections. Our commitment extends beyond borders, accelerating diaspora engagement and investment.



Citizen-Centric: At the heart of our endeavors lies the citizen—the pulse of our nation. We empower individuals to actively participate in their own development, locally, regionally, and globally.



Resource Harnessing: We recognize that true prosperity lies in resource optimization. By tapping into the human capital and natural wealth of our communities, we pave the way for sustainable progress.



Inclusive Leadership: Our vision extends beyond the corridors of power. We advocate for inclusive leadership that amplifies marginalized voices and uplifts the entire nation.

Methodology of Review Proposal: A Collective Endeavor

Our proposal emerges from a collaborative effort—a symphony of voices spanning continents. Citizens, thought leaders, civil society advocates, and the committed Nigerian diaspora have contributed their insights. Through citizen engagement, rigorous discussions, and tireless advocacy, we have distilled their wisdom into this proposal.



Conclusion

Honorable Chairman, esteemed colleagues, let us rise to the occasion. The cries of Nigerians echo across borders, urging us to forge a constitution that transcends politics—a constitution that binds us in purpose and propels us toward a brighter future. Together, let us weave a constitutional tapestry that honors our past, embraces our present, and charts a course toward a Nigeria where justice, equity, and prosperity flourish.

As we embark on this constitutional journey, the TriAfrica Empowerment Foundation is committed to be a guiding light—a testament to the resilience of Nigerians and their unwavering commitment to a brighter future.

May this proposal be the catalyst for transformation—a testament to our commitment to a better Nigeria.

Thank you.



Ituah Ighodalo
President
TriAfrica Empowerment Foundation



**Africa
Leadership
Group**



**TRIAFRICA
EMPOWERMENT
FOUNDATION**



18b Holloway Road, Ikoyi, Lagos



+234 703 187 1514



info@africaleadershipgroup.org



www.africaleadershipgroup.org





The Nigeria Constitution Review Proposal

Submitted To:

**Chairman, House of Representatives on Constitution Review,
National Assembly, Federal Republic of Nigeria**

NLS NIGERIA
LEADERSHIP
SERIES



**Africa
Leadership
Group**



**TRIAFRICA
EMPOWERMENT
FOUNDATION**

 18b Holloway Road, Ikoyi, Lagos

 info@africaleadershipgroup.org

 +234 703 187 1514

 www.africaleadershipgroup.org



Table of Contents

I.	The Context and Background of The Review of Nigeria's Constitution (as amended 1999) along with insights on Specific Themes and Proposed Changes	07
II.	The Specific Articles in the Current Constitution related to each Theme	09
III.	Thought Leaders, Advocates, and Citizens Proposed Changes	10
IV.	The Specific Proposals for Amending the Articles	11
V.	The Specific Constitutional Reforms Currently Proposed in Nigeria	13
VI.	The Nigeria Constitution 1999, with a focus on specific chapters	16
VII.	Citizens' Focus Group Enhanced Case for Devolution of Power in the Nigeria Constitution (as amended 1999)	18
VIII.	Focus Group Inputs on Local Government Challenges	20
IX.	Some Successful Examples of Devolution of Power in other African countries	22
X.	Considerations for Equitable Resource Allocation During Devolution	24





Table of Contents

XI.	Commendable Recent Actions: Devolution of Power and Local Government Autonomy	26
XII.	Electoral Reforms to Strengthen INEC to deliver Transparent, Credible, Free, and Fair Elections	27
XIII.	The Nigerian Constitution Review to Empower INEC to Conduct LG Elections	30
XIV.	Successful Examples of Thought leaders, Citizen-led Constitutional Reforms in other Countries	31
XV.	How can Nigeria learn from These Successful Examples?	33
XVI.	International Organizations and Advocacy Groups and Development Partners on The Nigerian Constitution Review	35



The Context and Background of The Review of Nigeria's Constitution (as amended 1999) along with insights on Specific Themes and Proposed Changes:

1 Federal Structure and Power Devolution:

The Nigerian Constitution of 1999 established a federal system of government, where powers are shared between the central government and the 36 states, along with the Federal Capital Territory (Abuja). However, challenges persist in achieving true federalism. The current constitution grants substantial powers to the federal government, which has implications for state autonomy and resource control. Though leaders advocate for a more equitable distribution of powers, emphasizing devolution to states and local governments. Proposals include revisiting the Exclusive Legislative List to decentralize authority and empower states to address local needs effectively. The impact of such changes would enhance regional development, foster better governance, and promote inclusivity.

2 Local Government and Local Government Autonomy:

Local governments play a critical role in grassroots development. The 1999 Constitution recognizes them as the third tier of government but subjects them to state control. This lack of autonomy hinders effective service delivery. Proposals for change include granting local governments more independence, allowing them to raise funds, formulate policies, and manage resources. If implemented, this could enhance local governance, improve service provision, and empower communities.

3 Public Revenue, Fiscal Federation, and Revenue Allocation:

The Constitution outlines revenue-sharing mechanisms, but challenges persist. The Revenue Mobilization, Allocation, and Fiscal Commission (RMAFC) regulate revenue allocation. However, the centralization of power in the federal government affects equitable distribution. Though leaders call for reforms to address this imbalance. Changes could involve revising the revenue-sharing formula, granting local governments greater financial autonomy, and ensuring transparency in resource allocation. The impact would be felt through improved infrastructure, social services, and economic development.



4

Electoral Reforms to Strengthen Political Participation and Leadership Selection Processes:

Nigeria's electoral history has been marred by fraud and violence. Electoral reforms are crucial for democratic consolidation. The 1999 Constitution, despite recognizing elections as a fundamental process, requires improvements. Proposals include enhancing the independence of the Independent National Electoral Commission (INEC), promoting internal party democracy, and addressing electoral malpractices. These changes would bolster citizens' confidence, enhance political participation, and ensure credible leadership selection.

The impact would be a more robust democratic system and increased public trust.

In summary, revisiting the Constitution to address these themes would lead to a more balanced federal structure, empowered local governments, efficient revenue allocation, and strengthened electoral processes. Thoughtful reforms can pave the way for a more vibrant and participatory Nigerian democracy.





The Specific Articles in the Current Constitution related to each Theme.

The relevant articles in the current Nigerian Constitution of 1999 related to each theme are:

1 Federal Structure and Power Devolution:

- **Article 2:** This article establishes Nigeria as a federation consisting of states and the Federal Capital Territory (Abuja). It outlines the distribution of powers between the federal government and the states.
- **Article 4:** This article emphasizes the supremacy of the Constitution and the need to adhere to its provisions. It sets the framework for power-sharing and cooperation among the tiers of government.

2 Local Government and Local Government Autonomy:

- **Article 7:** This article recognizes local governments as the third tier of government. However, it also subjects them to state control, limiting their autonomy.
- **Article 8:** This article empowers state Houses of Assembly to create local government areas and delineate their boundaries.

3 Public Revenue, Fiscal Federation, and Revenue Allocation

- **Article 162:** This critical article addresses revenue allocation. It establishes the Revenue Mobilization, Allocation, and Fiscal Commission (RMAFC) responsible for determining revenue-sharing formulas.
- **Article 7 of the Fourth Schedule:** This section outlines the functions of local governments, including revenue collection and administration.

4 Electoral Reforms to Strengthen Political Participation and Leadership Selection Processes:

- **Article 15:** This article recognizes the right to vote and participate in elections. It establishes the Independent National Electoral Commission (INEC) responsible for organizing and conducting elections.
- **Article 68:** This section outlines the process for removing elected officials through impeachment.
- **Article 69:** This article addresses the conduct of by-elections to fill vacant positions.





Thought Leaders, Advocates, and Citizens Proposed Changes

- **Amending Article 7:** To grant local governments more autonomy and financial independence.
- **Revising Article 162:** To ensure a fair revenue-sharing formula that benefits all tiers of government.
- **Strengthening Article 15:** By enhancing INEC's independence and addressing electoral malpractices

The impact of these changes would be far-reaching, fostering better governance, equitable resource allocation, and a more robust democratic system.



IV

The Specific Proposals for Amending the Articles.

Specific proposals for amending the relevant articles in the Nigerian Constitution:

1

Federal Structure and Power Devolution:

- **Proposal:** Amend Article 2 to clarify the distribution of powers between the federal government and states. Consider revisiting the Exclusive Legislative List to devolve more authority to states in areas such as education, health, and transportation.
- **Impact:** Enhanced state autonomy, better regional development, and improved governance.

2

Local Government and Local Government Autonomy:

- **Proposal:** Amend Article 7 to grant local governments greater autonomy. Allow them to manage their finances, formulate policies, and execute projects independently.
- **Impact:** Empowered local governments, efficient service delivery, and community development.

3

Public Revenue, Fiscal Federation, and Revenue Allocation

- **Proposal:** Revise Article 162 to ensure a fair revenue-sharing formula. Consider factors like population, landmass, and internally generated revenue (IGR) when allocating funds.
- **Impact:** Equitable resource distribution, improved infrastructure, and economic growth



4

Electoral Reforms to Strengthen Political Participation and Leadership Selection Processes:

➤ **Proposal:**

- Strengthen **Article 15** by enhancing INEC's independence. Ensure transparent electoral processes, credible voter registration, and efficient management of elections.
- Amend **Article 68** to streamline the impeachment process, making it more transparent and accountable.
- Enhance **Article 69** to address by-elections promptly and efficiently.

- **Impact:** Increased public trust, vibrant democracy, and effective leadership selection.

Thought leaders, advocates, and citizens advocate for these changes to create a more responsive, inclusive, and democratic Nigeria. By aligning the proposed amendments with relevant articles, we can pave the way for a brighter future.





The Specific Constitutional Reforms Currently Proposed in Nigeria.

Specific constitutional reforms currently proposed in Nigeria:

1 Federal Restructuring:

- **Context:** The ongoing debate centers around restructuring Nigeria's federal system to address power imbalances between the central government and states.
- **Proposal:**
 - **Devolution of Powers:** Advocates propose transferring certain powers from the federal government to states, allowing them greater autonomy in areas like education, health, and transportation, and security.
 - **Resource Control:** Discussions include revisiting resource allocation and revenue-sharing formulas to ensure equitable distribution among states.
- **Impact:** Enhanced state autonomy and regional development.

2 Local Government Autonomy:

- **Context:** The 1999 Constitution subjects local governments to state control, limiting their independence.
- **Proposal:**
 - **Autonomy:** Advocates call for granting local governments more financial and administrative autonomy.
 - **Direct Funding:** Proposals include allowing local governments to raise funds independently and manage resources.
- **Impact:** Improved service delivery, community development, and effective governance at the grassroots level.



Specific constitutional reforms currently proposed in Nigeria:

③ State Police:

- **Context:** Nigeria currently lacks state police forces, relying solely on federal police.
- **Proposal:**
 - **Creation of State Police:** Advocates argue for establishing state police forces to enhance security and address local challenges.
 - **Balancing Power:** Ensuring state police operate independently while adhering to national standards.
- **Impact:** Improved security, quicker response to local incidents, and better law enforcement.

④ National Security:

- **Context:** Nigeria faces security challenges, including insurgency, banditry, and communal conflicts.
- **Proposal:**
 - **Security Architecture:** Advocates call for reviewing the security architecture to address gaps and improve coordination.
 - **Community Policing:** Promoting community-based security initiatives.
- **Impact:** Enhanced national security, protection of lives and property, and stability

⑤ National Security:

- **Context:** Discussions focus on addressing gender disparities and promoting women's rights.
- **Proposal:**
 - **Gender Quotas:** Advocates propose introducing quotas for women in political offices and decision-making bodies.
 - **Equal Opportunities:** Ensuring equal access to education, employment, and healthcare.
- **Impact:** Empowered women, improved representation, and reduced gender-based discrimination.



Specific constitutional reforms currently proposed in Nigeria:

6 Traditional Institutions:

- **Context:** Traditional institutions play a significant role in Nigerian society
- **Proposal:**
 - **Recognition and Reform:** Advocates call for recognizing traditional rulers and ensuring their roles align with modern governance.
 - **Accountability:** Balancing traditional authority with democratic principles.
- **Impact:** Strengthened cultural heritage and community cohesion.

7 Fiscal Federation and Revenue Allocation:

- **Context:** Nigeria's revenue-sharing formula disproportionately favors the federal government.
- **Proposal:**
 - **Equitable Formula:** Advocates seek a fair distribution of revenue among tiers of government.
 - **Local Government Funding:** Ensuring local governments receive adequate resources
- **Impact:** Improved infrastructure, social services, and economic development.

8 Judicial Reform:

- **Context:** The judiciary's independence and efficiency are critical.
- **Proposal:**
 - **Judicial Autonomy:** Advocates call for safeguarding judicial independence from political interference.
 - **Case Backlog:** Addressing delays in court proceedings.
- **Impact:** Fair and efficient justice system

These proposed reviews aim to address critical issues, enhance governance, and promote inclusivity. Public engagement remains crucial to ensure legitimacy and acceptance of any resulting constitutional changes.





The Nigeria Constitution 1999, with a focus on specific chapters.

Context:

The Nigerian Constitution of 1999 serves as the supreme legal framework for governance in Nigeria. It outlines the structure of government, the distribution of powers, and fundamental rights and obligations. Notably, it establishes a federal system where powers are shared between the central government and component regions.

Challenges:

① Federal Structure and Power Devolution:

The constitution grapples with the delicate balance between federal and state powers. Key challenges include:

Chapter 1, Part 2: Federal Republic of Nigeria

- **Supremacy of Constitution:** The constitution asserts its supremacy, but practical implementation remains a challenge. Ensuring that all branches of government adhere to constitutional provisions is crucial.
- **States of the Federation and the Federal Capital Territory, Abuja:** The delineation of states and their roles within the federal structure requires continuous review. Balancing regional autonomy with national unity is an ongoing challenge.

Chapters 5, 6, & 7:

1. Legislative Powers (Chapter 4):

- The National Assembly (comprising the House of Representatives and the Senate) holds legislative authority. However, achieving effective collaboration between the federal and state legislatures remains complex.
- **Money Bills:** The constitution specifies procedures for money bills, but ensuring transparent financial management across all tiers of government remains a challenge.



Chapters 5, 6, & 7:

2. Executive Powers (Chapter 5):

- The president wields executive authority. Balancing centralized power with decentralized decision-making is critical.
- **Separation of Powers:** Ensuring that the executive does not encroach upon legislative and judicial functions is an ongoing struggle.

3. Judicial Powers (Chapter 6):

- The judiciary, including the Supreme Court, plays a vital role in interpreting and upholding the constitution. Challenges include maintaining judicial independence and addressing delays in justice delivery.

4. Local Government System (Chapter 7):

- Local governments are essential for grassroots development. However, issues such as financial autonomy, capacity building, and political interference persist.

Call for Review:

1. **Power Devolution:** Revisit the allocation of powers between the federal and state governments. Strive for a more equitable distribution that empowers local communities
2. **Constitutional Amendments:** Regularly review and update the constitution to address emerging challenges and promote inclusivity.
3. **Strengthening Institutions:** Enhance the capacity and independence of key institutions (legislature, executive, and judiciary) to ensure effective governance.

In summary, Nigeria's constitutional journey involves navigating federalism, balancing powers, and safeguarding citizens' rights. Continuous dialogue and reforms are essential for a resilient and responsive constitutional framework.



VII

Citizens' Focus Group Enhanced Case for Devolution of Power in the Nigeria Constitution (as amended 1999)

Key Issues in the Nigeria Constitution 1999:

1 Federal Restructuring:

- The debate centers around reconfiguring the balance of power between the central government and component regions. Advocates argue for a more equitable distribution of authority to enhance regional autonomy and address historical imbalances.
- **Example:** Calls for resource control, revenue allocation, and greater decision making power for states and local governments.

2 Local Government Autonomy:

- The constitution currently places local governments under the control of state governments. This arrangement limits their independence and hinders effective service delivery.
- **Example:** Local governments need more autonomy to manage their affairs, allocate resources, and respond to local needs.

3 State Police:

- The absence of state police has implications for security and law enforcement. Advocates argue that allowing states to establish their police forces would enhance security and responsiveness.
- **Example:** States like Lagos and Rivers have expressed interest in having their police forces to address local security challenges.

4 National Security:

- The constitution vests significant security powers in the federal government. However, localized security threats require tailored responses.
- **Example:** Insurgency in the Northeast and communal conflicts in various regions highlight the need for decentralized security strategies.



Case for Devolution of Power in Nigeria:

① Enhanced Local Decision-Making:

- Devolution allows decisions to be made closer to the people, communities, and businesses they affect.
- **Example:** Local government areas (LGAs) can tailor policies to their unique needs, leading to more effective public services.

② Flexibility and Responsiveness:

- Devolved powers provide greater flexibility for local leaders to address specific challenges promptly.
- **Example:** LGAs can respond swiftly to infrastructure needs, healthcare, education, and economic development.

③ Stronger Partnerships:

- Devolution fosters collaboration between public, private, and community leaders.
- **Example:** LGAs can work closely with businesses, civil society, and citizens to drive growth and development.

④ Targeted Public Services:

- Devolution ensures that resources are allocated based on local priorities.
- **Example:** LGAs can focus on critical areas such as water supply, sanitation, and road maintenance.

⑤ Global Precedents:

- Countries like Australia, France, the Netherlands, the United Kingdom, and the USA have successfully implemented devolution.
- **Example:** In England, devolution has empowered local governments to make decisions that benefit their communities.

In summary, devolution of power in Nigeria is essential for effective governance, improved services, and stronger local partnerships. By granting greater autonomy to LGAs, Nigeria can unlock its full potential and address pressing challenges.



Local governments in Nigeria encounter several challenges that impact their effectiveness and ability to serve their communities. Here are some specific challenges:

1 Financial Autonomy:

- Local governments often struggle with financial constraints. Their revenue sources are limited, and they heavily rely on allocations from the federal and state governments.
- Ensuring financial autonomy for local governments is crucial to empower them to carry out essential functions such as infrastructure development, education, and healthcare.

2 Capacity Building:

- Many local government officials lack adequate training and skills to manage complex administrative tasks. Capacity-building programs are necessary to enhance their capabilities.
- Strengthening human resources within local governments can improve service delivery and governance.

3 Political Interference:

- Local government elections are sometimes influenced by political interests at higher levels. This interference affects the independence and decision-making of local officials.
- Ensuring free and fair local elections is essential for effective local governance.

4 Infrastructure Deficits:

- Local governments face challenges in maintaining and developing infrastructure such as roads, water supply, sanitation, and waste management.
- Insufficient funds and inadequate planning hinder infrastructure improvement.

5 Lack of Accountability:

- Transparency and accountability mechanisms are often weak at the local level. Corruption and mismanagement of resources persist.
- Strengthening oversight and promoting citizen participation can address this challenge.



6 Inadequate Revenue Generation:

- Local governments heavily rely on statutory allocations, which may not be sufficient to meet their needs.
- Exploring alternative revenue sources (such as property taxes, fees, and levies) is essential.

7 Coordination with State and Federal Levels:

- Coordinating policies and programs across different tiers of government can be challenging. Lack of synergy leads to inefficiencies.
- Improved collaboration and communication are necessary for effective governance.

8 Community Engagement:

- Engaging citizens in decision-making processes remains a challenge. Local governments need to involve communities in planning and implementation.
- Community participation enhances ownership and accountability.

9 Insecurity and Conflict:

- Some local governments operate in regions affected by insecurity, insurgency, or communal conflicts.
- Ensuring safety and stability is critical for local development.

10 Unequal Development:

- Disparities exist among local governments in terms of development indices, resources, and opportunities.
- Addressing these inequalities requires targeted interventions and equitable resource allocation.

In summary, local governments in Nigeria face multifaceted challenges related to finance, capacity, governance, and community engagement. Addressing these issues requires collaborative efforts from all stakeholders.



IX

Some Successful Examples of Devolution of Power in other African countries.

Devolution has been implemented successfully in several African countries, empowering local authorities, and promoting effective governance. Here are notable examples:

1 Kenya:

- Kenya's devolution journey began with the 2010 Constitution, which established 47 counties.
- Devolution has reduced inequalities, promoted gender equality, and increased access to quality services.
- UNDP has supported Kenya's devolution by providing financial and technical assistance.

2 Uganda:

- Uganda's decentralization efforts aim to empower local governments.
- Local councils have gained decision-making powers in areas such as education, health, and infrastructure.
- The goal is to enhance service delivery and community participation.

3 South Africa:

- South Africa's post-apartheid era saw the adoption of a decentralized system.
- Provinces and municipalities have significant autonomy in managing local affairs.
- Devolution has contributed to democratic governance and improved service provision.

4 Ghana:

- Ghana's decentralization policy focuses on strengthening local governance
- District assemblies play a key role in decision-making and development planning.
- Devolution has improved citizen participation and service delivery.



5

Namibia:

- ▶ Namibia's decentralization process emphasizes community-based development.
- ▶ Regional councils and local authorities have responsibilities in areas like education, health, and infrastructure.
- ▶ Devolution aims to enhance local ownership and responsiveness

6

Malawi:

- ▶ Malawi's decentralization policy seeks to empower local councils.
- ▶ District assemblies manage resources and implement development projects.
- ▶ Devolution aims to address poverty, promote accountability, and involve citizens in decision-making.

In summary, these African countries demonstrate that devolution can lead to better governance, community engagement, and targeted development. While challenges persist, the commitment to empowering local authorities remains strong.





Considerations for Equitable Resource Allocation During Devolution.

Ensuring equitable resource allocation during devolution in Nigeria is crucial for promoting fairness, balanced development, and effective governance. Here are some strategies to achieve this:

1 Transparent Allocation Formula:

- Develop a clear and transparent formula for distributing resources among States and local governments.
- Consider factors such as population, poverty rate, land area, fiscal responsibility, and basic equal shares.
- Regularly review and update the formula to reflect changing demographics and needs.

2 Needs-Based Allocation:

- Prioritize resource allocation based on the specific needs of each State or local government.
- Assess factors like infrastructure gaps, education, healthcare, and economic development.
- Allocate resources accordingly to address disparities.

3 Equalization Grants:

- Introduce equalization grants to support less economically developed States.
- These grants can bridge the gap between resource-rich and resource-poor regions.
- Monitor the impact of equalization grants to ensure effectiveness.

4 Fiscal Responsibility and Accountability:

- Tie resource allocation to fiscal responsibility.
- States and local governments should demonstrate prudent financial management.
- Regular audits and transparency mechanisms are essential.



5

Resource Monitoring and Evaluation:

- Establish mechanisms to monitor resource utilization.
- Evaluate the impact of allocated funds on development outcomes.
- Adjust allocations based on performance and results.

6

Citizen Participation and Feedback:

- Involve citizens in resource allocation decisions.
- Conduct public consultations, town hall meetings, and surveys.
- Ensure that community priorities inform allocation choices.

7

Capacity Building for Local Governments:

- Strengthen the capacity of local governments to manage resources effectively.
- Provide training in financial management, project implementation, and governance.
- Empowered local officials can optimize resource utilization.

8

Avoid Political Interference:

- Insulate resource allocation from political influence.
- Establish independent bodies or commissions responsible for allocation decisions.
- Prevent favoritism and ensure an impartial process.

9

Data-Driven Approach:

- Base resource allocation on accurate data and evidence.
- Regularly collect and analyze socioeconomic data to inform decisions.
- Use technology for efficient data management.

10

Balancing Equity and Efficiency:

- Strive for a balance between equitable distribution and efficiency.
- While equity is essential, ensure that resources are used efficiently for maximum impact.

In summary, Nigeria must adopt a holistic approach that combines fairness, accountability, and citizen participation to achieve equitable resource allocation during devolution. By addressing these challenges, Nigeria can build a stronger and more cohesive nation.



Commendable Recent Actions: Devolution of Power and Local Government Autonomy

The recent Constitution Amendment Acts in Nigeria mark a significant step toward true federalism. These amendments aim to shift certain powers from the Exclusive Legislative List to the Concurrent List, granting States more autonomy. Key provisions include:

1 Devolution of Powers (National Grid System):

- States can now generate, transmit, and distribute electricity within areas covered by the national grid.
- Nigeria, despite its vast energy resources, faces severe power deficits, affecting millions of citizens.
- By empowering States to participate in power generation, we anticipate a revival of the struggling power sector

2 Local Government Autonomy:

- The bill recognizes the importance of local governments as engines of development.
- States can now take charge of their growth, address local needs, and tailor policies accordingly.
- This autonomy will enhance service delivery, community engagement, and economic progress.

3 Equitable Resource Allocation:

- A transparent formula for resource distribution among States is essential.
- Factors like population, poverty rates, and infrastructure gaps should guide allocations.
- Ensuring fiscal responsibility and monitoring resource utilization will promote fairness.

In summary, this policy bill seeks to strengthen Nigeria's federal structure, empower local governments, and ensure that resources are allocated fairly during devolution. By striking this balance, we pave the way for a more responsive and prosperous nation





Electoral Reforms to Strengthen INEC to deliver Transparent, Credible, Free, and Fair Elections

The challenges of Nigeria's Electoral System

Nigeria's electoral system faces several challenges that impact the credibility, transparency, and effectiveness of the electoral process. Some of which are:

1. Electoral Fraud and Irregularities:

Electoral fraud, rigging, manipulation of results, and other irregularities have been persistent challenges in Nigeria's electoral system, undermining the integrity of elections and eroding public trust in the process.

2. Violence and Insecurity:

Electoral violence, intimidation, and insecurity during elections pose significant challenges, endangering the lives of voters, election officials, and candidates. This not only disrupts the electoral process but also deters citizens from freely participating in elections.

3. Voter Suppression and Intimidation:

Cases of voter suppression, intimidation of voters, and political thuggery have been reported in past elections, limiting the ability of individuals to exercise their democratic rights and impacting the overall fairness of the electoral process.

4. Inadequate Electoral Infrastructure:

Challenges such as insufficient polling stations, poorly maintained voter registers, inadequate electoral materials, and logistical issues often hamper the smooth conduct of elections, leading to delays and disenfranchisement of voters.

5. Weak Electoral Institutions:

The independence, capacity, and neutrality of electoral management bodies such as the Independent National Electoral Commission (INEC) have been questioned, affecting their ability to administer free, fair, and credible elections.

6. Political Influence and Interference:

Political interference by powerful interests, including political parties, candidates, and government officials, in the electoral process undermines the impartiality and fairness of elections.

7. Lack of Civic Education:

Insufficient civic education and voter awareness programs contribute to low voter turnout, misinformation, and voter apathy, limiting the democratic participation of citizens in the electoral process.



Ways to strengthen INEC and the Electoral System.

To strengthen Nigeria's electoral system and address the challenges it faces; several measures need to be implemented:

1. Electoral Reforms:

Undertake comprehensive electoral reforms to enhance the legal framework governing elections, address loopholes, and improve the conduct of the electoral process. Reforms should focus on issues such as electoral fraud, violence, transparency, and accountability.

2. Enhanced Security Measures:

Ensure robust security arrangements before, during, and after elections to deter electoral violence, protect voters, election officials, and candidates, and maintain a peaceful atmosphere for the electoral process.

3. Improved Electoral Infrastructure:

Invest in upgrading electoral infrastructure, including voter registration systems, polling stations, and logistics to facilitate smooth and efficient conduct of elections and enhance voter participation.

4. Capacity Building for Electoral Institutions:

Strengthen the capacity, independence, and professionalism of electoral management bodies like INEC through training, resource allocation, and institutional reforms to bolster their credibility and effectiveness in managing elections.

5. Promotion of Civic Education:

Conduct sustained civic education and voter awareness campaigns to educate the public about their rights and responsibilities, electoral processes, and the importance of democratic participation, thereby increasing voter turnout and engagement.

6. Technology Integration:

Introduce and leverage technology in election management processes such as voter registration, accreditation, and results collation to enhance transparency, accuracy, and efficiency while minimizing opportunities for electoral malpractices.

7. Enforcement of Electoral Laws:

Ensure strict enforcement of electoral laws and regulations to sanction electoral offenders, deter malpractices, and uphold the rule of law in the electoral process.

8. Civil Society Engagement:

Foster active engagement of civil society organizations, media, and other stakeholders in monitoring elections, advocating for electoral integrity, and holding electoral officials and political actors accountable.

By implementing these measures, Nigeria can strengthen its electoral system, enhance democratic practices, promote free and fair elections, and build public trust in the electoral process. A credible and transparent electoral system is vital for democratic governance, political stability, and national development.



Specific Constitutional Amendment.

To strengthen Nigeria's electoral system and address the challenges it faces; specific constitutional amendments may be necessary. Some potential constitutional amendments that could help achieve the goals outlined earlier include:

1. Electoral Reforms:

Introduce constitutional provisions that mandate regular review and update of electoral laws to ensure they reflect best practices, promote transparency, and prevent electoral malpractices.

2. Electoral Commission Independence:

Strengthen constitutional safeguards to ensure the independence of electoral management bodies like the Independent National Electoral Commission (INEC), including provisions for the appointment, removal, and autonomy of the commission's leadership.

3. Security Measures:

Amend the constitution to provide a legal framework for the deployment of security forces during elections, outlining their roles, responsibilities, and coordination mechanisms to ensure effective security arrangements without infringing on citizens' rights.

4. Technology Integration:

Enshrine provisions in the constitution that support the use of technology in electoral processes, such as electronic voting, biometric voter registration, and results transmission, while ensuring data security, transparency, and accuracy.

5. Civic Education:

Include provisions mandating the government to conduct civic education programs as part of its responsibilities to enhance voter awareness, civic engagement, and participation in the electoral process.

6. Electoral Offenses and Penalties:

Introduce constitutional provisions that specify electoral offenses, prescribe appropriate penalties for offenders, and establish mechanisms for the prosecution and adjudication of electoral crimes to deter malpractices.

7. Civil Society Engagement:

Embed provisions in the constitution that recognize and protect the role of civil society organizations, media, and other stakeholders in election monitoring, advocacy for electoral integrity, and promotion of democratic values.





The Nigerian Constitution Review to Empower INEC to Conduct LG Elections

To empower the Independent National Electoral Commission (INEC) to conduct Local Government elections in Nigeria, specific sections of the Nigerian constitution may need to be amended. Below are the key constitutional provisions that would likely need to be revised to achieve this:

1. Schedule Part I and Part II of the Constitution:

The sections of the Constitution that delineate the powers and functions of both the federal and state governments, as well as the responsibilities of Local Government authorities, would need to be reviewed to ascertain the distribution of electoral responsibilities and the extent of INEC's mandate in relation to Local Government elections.

2. Section 7 of the Constitution:

Section 7 of the Nigerian Constitution deals with the system of Local Government administration in Nigeria. Any amendments to empower INEC to conduct Local Government elections would likely involve changes to this section to redefine the roles and responsibilities of Local Government authorities in the electoral process.

3. Section 153 of the Constitution:

This section establishes the Independent National Electoral Commission (INEC) and outlines its functions and powers. Amending this section may be necessary to expand INEC's mandate to include the conduct of Local Government elections.

4. Schedule Part II (1) & (2) of the Constitution:

These parts provide details on the composition and functions of INEC. Amendments to these sections could specify INEC's authority and processes for conducting Local Government elections, including registration of voters, election organization, and result declaration.

5. Any Associated Electoral Laws:

In addition to amending the constitution, changes to existing electoral laws such as the Electoral Act may be required to provide legal frameworks for INEC's involvement in Local Government elections and to address logistical, administrative, and procedural aspects of the electoral process.

Amending these constitutional provisions would be essential to delineate the roles, responsibilities, and powers of INEC in conducting Local Government elections, ensuring legal clarity, accountability, and effective electoral management across all levels of government in Nigeria.





Successful Examples of Thought leaders, Citizen-led Constitutional Reforms in other Countries

Examples of successful, thought leader-driven, citizen-led constitutional reforms in various countries:

①

Chile:

- **Context:** Chile witnessed mass protests (the 2019-2021 Estallido Social) against rising living costs, inadequate healthcare, and income inequality.
- **Reform:** The Constitutional Convention was established to draft a new constitution, replacing the one inherited from the Pinochet regime.
- **Impact:** Chile's constitutional moment is likely to inform other constitutional processes across Latin America and beyond.

②

Ireland:

- **Context:** The Irish Citizens' Assembly (ICA) involved 99 randomly selected citizens.
- **Reform:**
 - Following ICA recommendations, a 2015 referendum legalized same-sex marriage.
 - A 2018 referendum resulted in constitutional change, legalizing abortion
- **Impact:** Citizen-led assemblies influenced constitutional amendments, promoting social progress.

③

Kenya:

- **Context:** Kenya initiated electoral reforms.
- **Reform:** A proposal for the direct election of mayors was approved in a referendum.
- **Impact:** Enhancing democracy and promoting inclusiveness through electoral changes.

④

Kyrgyzstan:

- **Context:** Despite pandemic challenges, Kyrgyzstan approved a new constitution.
- **Reform:** The new constitution shifted from a parliamentary to a presidential system of government.
- **Impact:** A significant constitutional change in response to societal needs.



5 Angola and Zimbabwe:

- **Context:** Both countries passed significant constitutional amendments.
- **Impact:** These amendments addressed specific issues, demonstrating responsiveness to citizens' demands.

6 Malta, Samoa, and Georgia:

- **Context:** These countries approved significant constitutional amendments
- **Impact:** Reforms in areas like governance, rights, and electoral processes strengthened their constitutional frameworks.

7 Ghana:

- **Context:** Ghana pursued electoral reforms.

Reform: A proposal for the direct election of mayors was approved in a referendum
- **Impact:** Enhancing local governance and democratic representation.

These examples highlight the power of citizen engagement in shaping constitutional reforms. By actively participating, citizens can drive positive change and strengthen democratic institutions.





How can Nigeria learn from These Successful Examples?

Nigeria can draw valuable lessons from successful examples of citizen-led constitutional reforms in other countries. Here are some key takeaways:

1 Inclusivity and Participation:

- **Learn from Chile:** The Chilean experience demonstrates the power of involving citizens directly through mechanisms like the Constitutional Convention. Nigeria can establish similar platforms for citizens to actively participate in constitutional discussions.
- **Lesson:** Engage diverse voices, including marginalized groups, women, youth, and indigenous communities. Their perspectives enrich the reform process.

2 Educate and Mobilize Citizens:

- **Learn from Ireland:** The Irish Citizens' Assembly educated citizens and facilitated informed decision-making. Nigeria can organize similar assemblies or public forums to raise awareness about constitutional issues.
- **Lesson:** Educate citizens on constitutional matters, ensuring they understand proposed reforms and their implications.

3 Responsive Referendums:

- **Learn from Kenya and Ghana:** Both countries successfully used referendums to approve specific constitutional changes. Nigeria can consider referendums for critical reforms.
- **Lesson:** Referendums allow citizens to directly express their views on constitutional amendments. Clear communication and transparency are essential.

4 Legal Clarity and Implementation:

- **Learn from Kyrgyzstan:** Despite challenges, Kyrgyzstan achieved constitutional change. Nigeria should focus on drafting clear, enforceable legal provisions.
- **Lesson:** Ensure that proposed amendments are legally sound, practical, and aligned with existing laws



5 Civil Society Engagement:

- **Learn from Malta, Samoa, and Georgia:** These countries successfully amended their constitutions. Nigeria can collaborate with civil society organizations, legal experts, and academia.
- **Lesson:** Civil society plays a crucial role in advocating for reforms, conducting research, and mobilizing public support.

6 Persistence and Public Pressure:

- **Learn from Angola and Zimbabwe:** These countries made constitutional changes despite challenges. Nigeria should persistently advocate for reforms.
- **Lesson:** Public pressure, sustained campaigns, and peaceful protests can drive change

7 Adaptation to Context:

- **Learn from Ghana:** Ghana's electoral reforms addressed local governance. Nigeria can tailor reforms to its unique context.
- **Lesson:** Understand Nigeria's specific needs and tailor constitutional changes accordingly

8 Transparency and Accountability:

- **Learn from Successful Reforms:** Transparency in the process and accountability of elected officials are critical. Nigeria should emphasize these principles.
- **Lesson:** Ensure that constitutional reforms are transparent, and mechanisms exist to hold leaders accountable.

8 Celebrate Progress and Learn from Challenges:

- **Learn from All Examples:** Celebrate milestones, acknowledge challenges, and learn from both successes and setbacks.
- **Lesson:** Constitutional reforms are iterative processes. Adapt and refine strategies based on experiences.

In summary, Nigeria can learn from these examples by fostering citizen engagement, promoting inclusivity, and prioritizing legal clarity. By combining local context with global insights, Nigeria can pave the way for meaningful constitutional reforms.





International Organizations and Advocacy Groups and Development Partners on The Nigerian Constitution Review.

What International organizations, advocacy groups, and donor partners are saying about each theme of the Nigerian constitution review:

① Gender Equality and Women's Participation:

- **UN Women** acknowledges Nigeria's constitutional review process and the efforts of women's rights organizations. They emphasize the need to remove barriers preventing women from participating fully in public life. UN Women calls for adopting measures that ensure greater representation and participation of women in governance. Nigeria should learn from other African countries that have adopted constitutions promoting equal rights and opportunities.

② Pro-Poor Growth and Poverty Reduction:

- **Donor Partners:** They emphasize assisting Nigeria in developing nationally owned poverty reduction strategies. These strategies should strengthen the social contract in favor of pro-poor growth. Donors can support Nigeria's efforts to address poverty through context-specific approaches.

③ Socioeconomic Development:

- **United Nations Nigeria and Donor Community:** They launched the UN Plus Offer to support Nigeria's socioeconomic recovery from the pandemic. This collaborative effort aims to address challenges posed by COVID-19 and promote sustainable development.

④ Community Engagement and Male Leadership:

- **Women for Women International:** Their programs in Nigeria engage both women and male leaders. By involving male family members and community leaders, they contribute to stronger nations. The focus is on empowering women and promoting gender equality.

In summary, these organizations emphasize gender equality, poverty reduction, socioeconomic recovery, and community engagement as critical aspects of constitutional reforms in Nigeria. Their insights can inform Nigeria's ongoing constitutional review process.





**Africa
Leadership
Group**



**TRIAFRICA
EMPOWERMENT
FOUNDATION**

The Nigeria Constitution Review Proposal

**Submitted To:
Chairman, House of Representatives
on Constitution Review,
National Assembly,
Federal Republic of Nigeria**

