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**THE NATIONAL
CONFERENCE**

2014

**NATIONAL
CONFERENCE**

2014

**FINAL DRAFT OF
CONFERENCE REPORT**

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CHAPTER ONE

INTRODUCTION

AGITATIONS FOR NATIONAL CONFERENCE: A HISTORICAL OVERVIEW

1.1 BACKGROUND

1.1.1 The Federal Republic Nigeria with a population of approximately 170 million, located in West Africa, has 36 States, 774 Local Government Areas and the Federal Capital Territory, Abuja. The country has had a history of national dialogue that has impacted on its constitutional and political development. In different phases of the 100 years of Nigeria as a nation from the amalgamation of the Northern and Southern Protectorates on January 1, 1914 to the convocation of a National Conference in March 2014, the nature, character and prospects of national conferences have been turning points in the history of the country. Each phase has had a defining moment as a result of the issues, demands, struggles and movements peculiar to it.

1.1.2 The history of constitutional and political development has shown that conferences for nation-building can be classified into three: -**Constitutional, National** (non-sovereign) and **Sovereign**. A constitutional conference is concerned with the sole aim of developing a constitutional framework or making proposals for constitutional changes within the existing constitutional framework. It has limited scope – Constitution making for the purpose of nation-building, through which the rules and principles of political pluralism, the role of the state, citizenship rights and duties, protection of fundamental human rights, etc., are defined

1.1.3 A National Conference is a formal platform for dialogue by constituent units of the nation convened by the national government of a country to discuss issues or problems that inhibit national progress or challenge national cohesion. A National

Conference is expected to proffer appropriate solutions that will assist in moving the nation forward.

1.1.4 A Sovereign National Conference is the convocation of by and large, civil society organizations, workers' unions, political parties, professional associations, religious denominations, and government representatives to discuss and chart new ways forward for the nation. As the word 'sovereign' suggests, the conference is not subject to the authority of the state and its outcome may supplant and sweep away existing order while heralding an entirely new order. It has the capacity to take effective and effectual decisions relating to the tenure, survival and/or limits of power of the existing regime. This means that a sovereign national conference is interpreted as a transitional phase in the process of a mass struggle to carry out system or regime change.

1.1.5 The situation which leads to the convocation of a sovereign national conference arises from the thinking that the existing order or regime, is incapable of solving economic and political problems and the institutions of the state are rather weak or ineffective to assert authority while the democratic opposition is not strong enough to effect regime or system change. Where the convocation of a Sovereign National Conference is unlikely, its proponents have advocated a Conference of Ethnic Nationalities particularly in an ethnically plural society. Representatives of the ethnic nationalities are convened on a common platform to discuss and make recommendations to Government about their common problems in order to achieve higher levels of mutual trust, understanding and integration in nation-building.

1.1.6 The nature and character, relevance and legitimacy of the three types of national dialogue depend on the context- especially the political situation in any country, and the considerations concerning future political development. Generally, a national dialogue assists in creating environments of high trust and openness, with

reflective and generative capacities for problem-solving, action-planning and conflict resolution for the development of the society.

1.1.7 It will be recalled that the creation of the Kingdom of Great Britain on May, 1 1707, to include Wales and the Kingdom of Scotland was the outcome of a National Dialogue which involved the constituent parts of the new political union. This creation was the result of the Treaty of Union of July 22, 1706, which was ratified by both the Parliament of England and the Parliament of Scotland which passed an Act of Union in 1707. The legislative structures of both territories were responsible for the formalization of the amalgamation. The United States' First and Second Congresses in 1774 and 1775 respectively, also held National Dialogues to address issues related to their political development.

1.1.8 The Nigerian experience in the agitation for national conference began after amalgamation in January 1914. For this reason, this chapter is divided into six sub-themes which mirror the agitation for National Conference: 1914-1945: Amalgamation and the problem of nationhood; 1945-1960: Decolonization and the Agitation for Constitutional Reform and Independence; 1960-1966: Early years of Independence; 1966-1999: Military regimes and the movement for democratization; 1999-2014: Democratic rule and the agitation for sovereign national conference.

1.2 AMALGAMATION AND THE PROBLEM OF NATIONHOOD

1.2.1 Nigerians under colonial rule were confronted with the task of building a new nation created by the British. The 1914 amalgamation of the Northern and Southern Protectorates that created the Nigerian nation was a British colonial initiative. This provoked bitter controversy at the time, arousing the resentment of educated elite and of some British administrators. A number of issues had agitated the early Nigerian nationalists. First, in spite of the amalgamation, colonial administration recognized the two areas as autonomous parts and administered the territories separately. Second, the

educated elites were excluded from colonial administration. Early Nigerian nationalists began to advocate for a national dialogue to discuss the future political development of the amalgamated territories as a single and unified Nigerian nation. They also demanded for participation in the management of their own affairs.

1.2.2 The agitation of the early Nigerian nationalists did not receive positive attention from the British colonialists. At the end of the First World War in 1918, representatives from the four British colonies in West Africa namely, Nigeria, Gold Coast (now Ghana), Sierra Leone and the Gambia, organized the National Congress of British West Africa and held a conference in Accra in 1920. The sub-regional conference urged the British to lay the basis for future self-determination, and demanded for a Legislative Council in each territory, half of whose members should be elected Africans, African veto over taxation, separation of the judiciary from the legislative arm of government, appointment and deposition of chiefs by their own people, abolition of racial discrimination in the civil service, development of municipal government, repeal of certain 'obnoxious' Ordinances, and the establishment of a University in West Africa.

1.2.2 The agitation of those early Nigerian nationalists did not receive positive official attention because they were not only considered to be the source of political agitation, but the British imperialists feared that their aspiration to greater participation in government had the ultimate aim of displacing British administration.

1.2.4 As a result of the Accra Conference of 1920, the British introduced a new Constitution (known as the Sir Hugh Clifford Constitution) in 1922. The Constitution established a Legislative Council and introduced elective representation. This led to the formation of the first Nigerian political party – the Nigerian National Democratic Party (NNDP) in 1923 led by Herbert Macaulay. The party articulated nationalist issues which included the economic development of the natural resources of the country under controlled private enterprise, and the Africanization of the civil service.

However, Northern Nigeria was excluded from the jurisdiction of the Legislative Council and was administered by the issuance of proclamations by the Governor until the introduction of a new constitution at the end of the Second World War in 1945.

1.2.5 In the 1930s and up to the end of Second World War, Nigerian nationalists continued their agitation for a national dialogue for the political restructuring of the country. The advocates of a national dialogue argued that the act of amalgamation was not a federal idea but that there were strong integrative factors of inter-group relations that favoured the division of the country into a number of units that could develop into components of a future federation. The nationalists argued that a federal system would enhance national unity and integration of the component parts of the country, and agitated for the inclusion of the Northern Provinces in the Legislative Council. While the colonial government did not convene a national conference, prior to the introduction of a new constitution, nevertheless the country was divided into three regions in 1939 - the Northern, Western and Eastern Regions. This was a fundamental and major step in restructuring.

1.3 DECOLONIZATION AND AGITATION FOR CONSTITUTIONAL REFORM AND INDEPENDENCE

1.3.1 In the different phases of the era of decolonization from 1945 to the attainment of independence in 1960, Nigerians agitated for constitutional conference, self-government and the granting of independence. On the 6th of December 1944, Sir Arthur Richards who was the Governor of Nigeria, had in a dispatch to London, stated clearly that the problem of Nigeria was how to create a political system that would advance political development in line with the interests being pursued by various Nigerian groups. In March 1945, the constitutional proposals were embodied in a White Paper, published in the United Kingdom and Nigeria and this was submitted to the Legislative Council on the 22nd of that month. Nigerian nationalists agitated for a constitutional conference for the discussion of the proposals on the grounds that the Nigerian representatives in the Council were over-persuaded by the benign

atmosphere of colonial domination. Following this agitation, a storm of criticism arose in the nationalist press over the demand for self-government.

1.3.2 In 1946, the Arthur Richards Constitution was introduced. At that time, Nigerian nationalists were already demanding immediate full self-government. From the time the constitution came into effect in 1947, wartime developments have affected the nationalist struggle. The nationalist movement had become a powerful force, capable of questioning, in action and as well as in words, the constitutional, administrative and economic assumptions of the British authority. Nigerian nationalists were opposed to the Constitution, partly because of its contents, and also because of the way in which it was introduced. In 1947, the three elected representatives in the Legislative Council from Lagos boycotted the first session of the Council, and when they resumed sitting in 1948, they began to demand for quicker constitutional changes.

1.3.3 The Richards Constitution was designed to last for nine years. Sir Arthur Richards made the mistake of not consulting the opinion of Nigerians over his constitutional proposals and found himself faced with a spate of bitter criticism from the nationalists. On August 23, 1949, Sir John Macpherson took over as the Governor of Nigeria. In that same year, the colonial Government took the initiatives in launching constitutional discussions. A Select Committee of the Legislative Council made recommendations to the Governor regarding the steps to be taken for a review of the Richards Constitution with special reference to the methods to be adopted for ascertaining the views of all sections of the population on the issues involved.

1.3.4 As Nigerian nationalists continued the agitation for a national constitutional conference, Governor Macpherson adopted a policy of allowing Nigerians at every level to participate in putting forward suggestions for the country's constitution through a series of discussions held first at the village, then in the district, followed by provincial, regional and national conferences. After collating views from the

grassroots, the various Provincial Conferences made recommendations which were considered by Regional Conferences. The views of the Regional Conferences were then considered by a Drafting Committee, and followed by the General Constitutional Conference held in Ibadan in January 1950. The Constitutional Conference at Ibadan made recommendations, with four minority reports attached, which were put before the regional Houses and the Legislative Council. The outcome of the constitution review was the 1951 constitutional arrangement known as the 1951 Macpherson Constitution.

1.3.5 Because it came into being after an unprecedented process of consultation with the peoples of Nigeria as a whole, the constitution granted some concessions to the nationalist agitation in that it offered a measure of responsible government and not self-government to Nigerian nationalist leaders.

1.3.6 From 1953, the tempo and intensity of political agitation sharply increased. The nationalists argued that because of the structural weaknesses and manifest deficiencies of the Constitution, they were determined to drastically review it, or in the alternative, it should be the last colonial Constitution prescribing a dependent status for Nigeria. Although the Constitution was to expire in five years; a motion was moved by Chief Anthony Enahoro of the Action Group in the House of Representatives on March 31, 1953 calling for the attainment of self-government in 1956. Although Northern legislators were not opposed to the motion, they felt that the demand was too early. A critical fall-out from the debate on self-government was a walk-out from the Parliament and resignations of some Ministers. These led to a constitutional crisis and the threats of disintegration of the country.

1.3.7 Following the crisis over the self-government motion, the Colonial Secretary, Oliver Lyttleton, convened a Constitutional Conference in London from July 30 – August 22, 1953 to revise the 1951 Constitution. At the Conference, a federal constitution was accepted by the leaders of the main political parties, and it was

agreed that regions which so requested should have full internal self-government in 1956. The work of the Conference was completed by a further Conference in Lagos from January to February 1954. The outcome of the 1953 Constitutional Conference and the resumed Lagos Conference in 1954 established the Federal (Lyttleton) Constitution of 1954. Federalism had been advocated at the 1950 Ibadan General Conference on constitution review but was rejected. After the 1953 crisis, federalism was adopted as the solution to the political problems of the country.

1.3.8 The attainment of independence by Ghana on March 6, 1957 spurred Nigerian nationalists to take a fresh and bolder look at the political future of the country. On March 26, 1957, a motion was unanimously passed in the House of Representatives setting 1959 as the year of independence for Nigeria within the British Commonwealth. The delegates to the Nigerian Constitutional Conference in May and June 1957 in London were mandated to actualize the agitation. Nigerian leaders were at last united on an issue which for six years had not only plagued all internal relationships but had also threatened the very existence of Nigeria as an emergent national entity.

1.3.9 Strengthened with this new spirit of unity and common purpose, the leaders of the Nigerian delegation to the Constitutional Conference presented a joint Memorandum requesting the British Government to grant the country independence in 1959, but the Colonial Secretary, Mr. Lennox-Boyd did not favour the request. That notwithstanding, the Nigerian delegates still pressed further their demand for self-government not later than April 2, 1960. At the Conference, the Western and Eastern Regions were granted full internal self-government in 1957.

1.3.10 The Nigerian Constitutional Conference resumed in London from September 29 to October 27, 1958. The outcome was internal self-government in 1959, the Independence Constitution of 1960, and the granting of independence on October 1, 1960. The period 1950 to 1959 represented a 10-year period of negotiations between

the major stakeholders in the Nigerian nation-state project and what they finally arrived at in the form of 1960 Constitution was, subject to minor, non-structural modifications, the only legitimate basis of association of all the different nationalities in Nigeria. The fears of the minority in an unbalanced federal structure and the creation of more regions were the issues that could not be resolved during the constitutional conferences before the attainment of independence in 1960.

1.3.11 Minority fears of domination by the three powerful regions were expressed at the 1953 Constitutional Conference. It was at the 1957 Constitutional Conference that the British Colonial Secretary appointed a Commission headed by Henry Willinks to ascertain the facts of the fears of minorities in Nigeria and proposing means to allay those fears; to advise what safeguards should be included for this purpose in the Constitution; and as a last resort to the agitation, make a case for the creation of States. The report submitted is known as the 1958 Willinks Commission Report. The Willinks Report was not given consideration during the Constitutional Conference of 1960, which also worked out the final arrangements for the independence of Nigeria, and the ratification of the resolution of the House of Assembly of Southern Cameroons to cease to be part of Nigeria from October 1, 1960 after a Plebescite in which the Northern Cameroons opted to stay in Nigeria while the Southern Cameroon opted to be part of the Republic of Cameroon.

1.4 CONTINUED AGITATIONS IN THE EARLY YEARS OF INDEPENDENCE

1.4.1 In the early years of independence, minorities in the country continued their agitation for the creation of their States. In the 1960 and 1963 Constitutions, a federal system made up of strong regions and a centre with limited powers, was instituted. Both the 1960 (Independence) Constitution and the 1963 (Republican) Constitution were basically the same. The only differences were the provisions for ceremonial President (1963) in place of the Queen of England (1960) and the judicial appeals

system which terminated with the Supreme Court (1963) rather than the Judicial Committee of the British Privy Council (1960). With this constitutional arrangement, distinct features – especially the Republican status of Nigeria emerged.

1.4.2 Other important features of the 1960/63 Constitution included allowing for separate Constitutions for each Region in addition to the Federal Government Constitution. Second, each region had its own separate Coat of Arms and Motto, in addition to that of the nation. Third, each region established its own separate semi-independent Mission in the U.K. headed by an 'Agent-General'. Fourth, the regional governments had Residual Power, that is, where any matter was not allocated to the Regions or the Federal Government it automatically became a matter for Regional jurisdiction. One important feature of the 1960 Constitution is the extensive powers granted the regions, making them effectively autonomous entities and the revenue arrangements which ensured that the regions had the resources to carry out the immense responsibilities.

1.4.3 While Nigeria moved from one crisis to another within months after the attainment of independence, the minorities continued their agitation for more States. The first manifestation of the crisis was the declaration of an emergency in the Region by the Federal Government and the consequent take over of the Government of the region by the Federal Government. This was a seminal event. On August 9, 1963, the Mid-West Region was created by constitutional means through a referendum and this led to a stronger agitation for minority rights. Before 1960, about 9-15 demands for state creation were expressed including a Yoruba Central State, Ondo Central and Mid-West from the Western Region; Cross River-Ogoja-Rivers States from the Eastern Region; and Middle Belt State from the Northern Region. No other State apart from the Mid-West Region was created before the collapse of the First Republic in January 1966.

1.5 MILITARY REGIMES AND THE AGITATIONS FOR DIALOGUE

1.5.1 The political process was distorted by military intervention following the bloody coup of January 15, 1966 led by Major Chukwuma Kaduna Nzeogwu and a group of Majors, which overthrew the government of the Prime Minister, Sir Abubakar Tafawa Balewa and ushered in the military regime of General Johnson Thomas Umuunnakwe Aguiyi-Ironsi. In July of the same year, a counter-coup ushered in the military regime of Lt. Col. Yakubu Gowon. The Gowon regime which, after prosecuting a bitter civil war (1967 – 1970) failed to return the country to constitutional rule after series of promises to that effect, was overthrown in July 1975. The General Murtala/Obasanjo regime that took over from Gowon convened Constitutional Drafting Committee and Constituent Assembly which returned the country to democratic rule. In October 1979, the Second Republic was inaugurated but was overthrown in a coup in December 1983 that ushered in the military regime of General Muhammadu Buhari. In August 1985, the regime was overthrown in a military coup that brought in the military regime of General Ibrahim Badamasi Babangida, whose transition to civil rule failed leading to what many see as a political contraption where a civilian unelected Interim National Government (ING) led by Chief Ernest Shonekan was instituted on August, 27 1993. The ING was overthrown on November, 18 1993, thus paving the way for the military regime of General Sani Abacha, whose sudden death in June 1998 ushered in the regime of General Abdulsalam Abubakar that handed over power to a civilian government on May 29, 1999.

1.5.2 During the military regimes, Nigerians agitated for a return to democratic rule, as the years of military regimes also stirred controversy about military intervention. The reasons for military intervention may be varied but the agitations for constitutional conferences throughout the years of military rule was based on the fact that politics is and needs to be separated from the military, which is considered to be a

professional, a-political institution. This view derives from the duties and roles of the professional soldier as subordinate to and subject to civil authority and control.

1.5.3 In response to the agitation for a national dialogue following the events of 1966, the military leadership of General Gowon summoned an Ad Hoc Constitutional Conference in August 1966 to discuss the future political development of the country. The summoning of the conference attracted extensive discussions in regional Consultative Committees, Leaders of Thought Conferences, the Universities, and the Media. The technical character of the problems that were dealt with made the political discussions a well-organized national debate that focused on a number of issues.

1.5.4 Four issues stood out in sharp contrast during the discussions: first, was the issue of creating more States, arising directly from the problem of structural imbalance in the federation. Second, the form and unit of association within the federation was also hotly debated. Third, the composition of the central authority equally exercised the Leaders of Thoughts nationwide. Fourth was the issue of secession.

1.5.5 The other issues of resource control and equitable formula for revenue allocation, defense and foreign affairs, financing of the centre, judiciary, armed forces and police, and other functions of the central authority were matters of both political and constitutional interest in the drafting of a new constitution for the future political development of the nation.

1.5.6 The crucial question involved in the debate was the survival of the nation as a single entity and the extent to which the constituent parts may contribute to the government of the whole. The peculiar problem of the post-January 1966 events had threatened the dissolution and collapse of the nation-state project. The debate was therefore designed by the military regime of Gowon to involve the public in

discussing the federal issue as a means of furthering the preservation of the Nigerian nation-state.

1.5.7 Two developments in the post-January 1966 events influenced the summoning of an Ad hoc Constitutional Conference. First of all, in the aftermath of the January 15, 1966 bloody military coup, General Aguiyi-Ironsi abolished the federal structure and Regional Governments by promulgating the Unification Decree 34 of May 1966. With this decree, Nigeria ceased to be a federation and was grouped into a number territorial areas called provinces, which led to the emergence of a unitary state. Second, after the coup of July 1966, Gowon, reverted immediately to the federal system of government by repealing Decree 34 and restoring Regional Governments. The events after July 1966 opened a national debate on the future of the federal state. The need to find a formula for the continued association of the constituent units led to the proposals for a Constitutional Conference.

1.5.8 The inauguration of a Constitutional Conference was a fundamental advance in dealing with the complex national question. On September 12, 1966 the Ad Hoc Constitutional Conference opened in Lagos. By the end of the month, a preliminary report was submitted to the Supreme Military Council. It had the potential to go down as the most important of its kind in Nigerian history. This is because the proposals presented by the regional delegations showed the extent to which the country had drifted apart, and was on the brink of disintegration. The conference failed because the protracted deliberations on an acceptable formula for maintaining the federation were prematurely ended with the news of renewed killings in the North and of retaliatory actions in the South. Though the killings were tragic events that sought to undermine the nation-state project, the Gowon administration ruled out a complete break-up of the country and suggested three possible constitutional arrangements that would enable Nigeria to remain as one nation: a federation with a strong central government; a federation with a weak central government, or a confederation with no central government.

1.5.9 The Constitutional Conference had deliberated on proposals from the four regions without deciding on any agreed strategy for keeping Nigeria as an integral and indivisible unit. The positions of the Regions on almost all the four major issues – particularly the form and unit of association differed considerably. The break-down of the Conference and the outbreak of the Nigerian civil war changed the political landscape and reshaped the nature and form of the agitations for new constitutional arrangements.

1.5.10 During the constitutional talks, the Eastern Regional position was influenced to some extent, by the position of Lt. Col. Emeka Odumegwu-Ojukwu, who had his differences with Gowon. The personal conflict between the two army officers led to the deterioration in the relations between Eastern Regional Government and the Federal Government. Both leaders traded words as to the real cause of the breakdown of the Constitutional Conference. The only meeting that Ojukwu agreed to attend with Gowon was held outside the country, at Aburi in Ghana, from January 4 -5, 1967 through the intervention of General Ankrah, who was the Head of the Military Government of Ghana. Both Gowon and Ojukwu gave different accounts of the Aburi Accord. Ojukwu insisted on his own interpretation of what had been decided at Aburi and accused the Federal Government of failing to honour agreements voluntarily arrived at, and from then on, he kept repeating his slogan, "On Aburi we stand: there will be no compromise."

1.5.11 The relevance and significance of the talks held in Aburi lies in the attempt by Gowon not to allow the Eastern Region to secede. Gowon believed that the federation had been preserved at Aburi, while Ojukwu claimed the Aburi agreement gave him wide-ranging powers to control the Government of the Eastern Region and even to secede from the federation if he chose to. The Aburi talks were peace efforts in preventive diplomacy, which provided a paradigm of international support to statehood and security in the first decade of Nigeria's independence.

1.5.12 From March 1967 the relationship between Eastern Region and the Federal Government deteriorated to the point where the East took over the Federal Departments and Parastatals, as well as the withholding of all federal taxes and revenue from 1 April 1967. This was declared illegal and unconstitutional by the Federal Government, which in turn imposed various economic sanctions on the Eastern Region. On May 30, 1967 an Eastern Regional Consultative Assembly mandated Ojukwu to declare the “Republic of Biafra.” The failure of the Constitutional Conference and the Aburi talks plunged Nigeria into a 30-month civil war.

1.5.13 In the immediate post-war years, the Federal Military Government embarked upon a programme of Rehabilitation, Reconstruction and Reconciliation in its nation-building efforts. Similarly, Nigerians began to agitate for a return to democratic rule and on the need to hold constitutional talks as prelude to military disengagement from politics. The agitation raised a number of issues about the role of the military, about civil-military relationships, and about the degree of civil authority over the military.

1.5.14 In September 1975, a 50-member Constitution Drafting Committee (CDC) was appointed by the military regime of General Murtala Muhammed as part of the transition programme to democratic rule (49 members were eventually inaugurated). General Muhammed was assassinated in February 1976, and was succeeded by General Olusegun Obasanjo, who convened a Constituent Assembly in October 1977 to work out a constitutional framework from the report of the CDC. The outcome of the constitutional talks was the 1979 Constitution made pursuant to the Constitution of the Federal Republic of Nigeria (Enactment) Decree No. 25 of 1978.

1.5.15 Again, in December 1983, the process of political development was distorted by another military intervention.

1.5.16 In spite of continued agitations for better constitutional rule, the Military regime of General Muhammadu Buhari focused its attention on economic matters and moral re-awakening instead of addressing those agitations. It was the regime of General Babangida that overthrew General Buhari in another military coup which, took up the challenge. The regime set up a Political Bureau under Professor J. S. Cooley to:

- (i) review Nigeria's political history and identify the basic problems which have led to our failure in the past and suggest ways of resolving and coping with these problems;
- (ii) identify a basic philosophy of government which will determine goals and serve as a guide to the activities of government;
- (iii) collect relevant information and data for the Government as well as identify other political problems that may arise from the debate;
- (iv) gather, collate and evaluate the contributions of Nigerians to the search for a viable political future and provide guidelines for the attainment of the consensus objectives; and
- (v) deliberate on other political problems as may be referred to it from time to time.

1.5.17 The Bureau identified up to thirty issue-areas for public debate and ensured adequate participation by the citizens as it was monitored at the Local Government level and coordinated at the State and national levels. The Bureau submitted its Report in 1987. The work of the Political Bureau was followed by the inauguration of a Constitution Review Committee on September 7, 1987. In view of the sad experiences arising from the politics of the Second Republic, the task of the

Committee was to produce a document which will prove acceptable, workable, adaptable, enduring and suitable to Nigeria's particular circumstances, needs and temperament as a people now and in the foreseeable future. A Constituent Assembly was then inaugurated. It submitted a Draft Constitution after concluding deliberations on suitable constitutional arrangements for Nigeria. This gave birth to the 1989 Constitution of the Federal Republic of Nigeria.

1.5.18 A watershed in the agitation for constitutional change was the demand for a Sovereign National Conference following the annulment of June 12, 1993 Presidential election by General Babangida. The annulment signaled the failure of the 1986 to 1993 political transition programme to the Third Republic. While the crisis forced the military President out of power unceremoniously, he also appointed an Interim National Government (ING) headed by an unelected civilian - Chief Ernest Shonekan. This generated further crisis and intensified agitations for a Sovereign National Conference. The June 12 1993 Presidential election was the most intriguing element in the military transition agenda to the Third Republic. The agitation for a Sovereign National Conference has perhaps never been demonstrated so dramatically as in the contemporary history of Nigeria. Various sub-nationalities and ethno-religious groups and other interests have unrelentingly been calling for the convocation of a Sovereign National Conference to address the critical issues of political reforms, constitutional re-engineering, political restructuring and agitations for resource control. There have also been complaints of marginalization, neglect and injustice.

1.5.19 The agitation for a Sovereign National Conference (SNC) in Nigeria coincided with similar demands across Africa. The convocation in 1989 of National Conference of Civil Society Organizations in Benin Republic, which successfully declared itself 'sovereign' in place of the then existing state power provided a model for many agitators for the SNC in Nigeria. The Benin Conference overturned the Constitution, supplanted the authority of President Kerekou and spear-headed elections which brought in a new President. In February 1991, the National

Conference of Congo was organized at the Convention Centre of Brazzaville under the pressure of mass movements by the then President of the Republic, Denis Sassou-Nguesso. The delegates represented civil society organizations including political parties, workers' unions, professional organizations, religious denominations as well as Government representatives.

1.5.20 As the military regime of General Abacha was resisted by civil society organizations, the National Democratic Coalition (NADECO) was founded on March 15, 1994. It advocated the convocation of a Sovereign National Conference as one of the steps to be taken towards an attempt at finding solutions to the problems of Nigeria. The proponents of the Conference insisted that it is only through the initiative that Nigeria can wriggle out of the myriad of problems confronting it.

1.5.21 On June 26, 1994 General Abacha convened the National Constitutional Conference, which lasted until June 26, 1995. The conference was concerned with the sole project of developing a constitutional framework for the Fourth Republic. The outcome of that Conference was introduced as a Constitution on August 27, 1995 but was actually not promulgated into law before Abacha's death. Civil society organizations mounted campaigns against the National Constitutional Conference partly because of the problems of June 12 and also because members were hand-picked individuals who would put up constitutional proposals along the lines dictated by their military appointers

1.6 DEMOCRATIC RULE AND THE AGITATION FOR SOVEREIGN NATIONAL CONFERENCE

1.6.1 The return to civil rule on May 29, 1999 following the re-establishment of democratic governance did not lay to rest the agitation for a Sovereign National Conference. The weaknesses of the 1999 Constitution had become more evident with various peoples of Nigeria expressing concerns about its operation. From May 1999

when the Constitution came into effect, many had challenged as a lie, the preamble to the Constitution which states:

“We the people of the Federal Republic of Nigeria having firmly and solemnly resolved, to live in unity and harmony as one indivisible and indissoluble sovereign nation under God, dedicated to the promotion of inter-African solidarity, world peace, international co-operation and understanding; and to provide for a Constitution for the purpose of promoting the good government and welfare of all persons in our country, on the principles of freedom, equality and justice, and for the purpose of consolidating the unity of our people; do hereby make, enact and give to ourselves the following Constitution.”

1.6.2 The proponents of a Sovereign National Conference continued to insist that this lie about “we the people...” must be resolved through a national conference in order to have a People’s Constitution. In which case, the national conference should be seen as a Constitution-making arrangement, and a platform for the fundamental definition of our nationhood and citizenship. They also pointed out that rather than classify the proponents of national dialogue as agents of balkanization, Nigerian leaders must seize the opportunity presented to work towards redesigning the foundation of the nation to enable it achieve its potentials as a strong, prosperous and proud nation.

1.6.3 Against the backdrop of widespread pressures and agitation by Nigerians for opportunities to rethink the historical evolution, context and basis of their continued existence in one Nigeria, President Olusegun Obasanjo convened a National Political Reform Conference from February-July 2005. Among the issues of political reforms were: the federal structure, fiscal federalism (especially in relation to resource control), form of government, citizenship, accountability and ethics in government, the Independent National Electoral Commission, political parties, reform of the electoral system, the economy, foreign policy and the environment.

1.6.4 Although the convocation of the conference provided the platform for national dialogue on important national issues, prominent leaders of civil society organizations

argued that the National Political Reform Conference was similar to the late General Sani Abacha's National Constitutional Conference of 1995, and that it was not based on systemic people-determined structure. The leadership of the Conference of Nigerian Political Parties also questioned the rationale for the conference. As the debate intensified, a new group known as the Pro-National Political Reform Conference Organization (PRONACO) organized a parallel Conference. The PRONACO conference produced a report, including a model Constitution. But as it turned out, it lacked the capacity to implement or enforce its decisions and recommendations.

1.6.5 With the skepticisms about the value of the National Political Reform Conference and its possible breakup before commencing sitting, the civil society organizations continued their agitation for a Sovereign National Conference. In the end, the Conference deliberated and treated more than 700 memoranda submitted by Nigerians, and arrived at near unanimity on 187 recommendations out of 189 subjects decided upon. There was serious disagreement on only one subject, "Resource Control" and a sharp disagreement on the tenure of the President and Governors.

1.6.6 The proponents of Sovereign National Conference continued their agitation for a National Roundtable. To them, the 2005 National Political Reform Conference was not the kind of national dialogue they have been advocating. The Committee of Patriots, a group in the forefront of the agitation for convening a National Conference called on some personalities labelled, "Fathers of the Nation" to lend their voices and appeal to the Presidency and members of the National Assembly to yield to the call for a National Conference. The group strongly believed that "a National Conference will enable Nigerians from across ethnic and religious groups to deliberate and agree on the terms and conditions on which they are to live together in peace and unity." The group also emphasized that a National Conference would help "to work out a programme for ensuring development, progress, justice, equality and freedom for all Nigerians, and to adapt a Constitution whose source of authority, as the supreme law

of the land, is the people, acting in a Constituent Assembly (i.e. National Conference) and a referendum, otherwise called a People's Constitution." What the group considered worrisome was the trend of events in the country and the nature and character of the political campaigns already mounted for the 2015 elections, This in itself, should inform the basis for the convocation of a national conference so that the future might not lead to chaos in the country.

1.6.7 In response to civil society agitation, the National Assembly in 2012 initiated efforts towards review of the 1999 Constitution. The Senate Committee on Constitutional Review issued a statement through Senator Victor Ndoma-Egba calling:

"on the proponents of a conference by whatever name it is called to feel free to submit their views to the Committee. The Committee reiterates the fact that there can be no other sovereignty that can be derived from the Constitution. While the Senate recognizes the right of Nigerians to hold opinions and freely associate, the insistence by certain quarters for Sovereign National Conference is untenable as there can only be one sovereignty."

1.7 CONVOCAION OF THE NATIONAL CONFERENCE 2014

1.7.1 In response to the continued agitation for a National Dialogue, the Jonathan Administration constituted a high-powered Committee on the Review of Outstanding Issues from Recent Constitutional Conference (2012) under Justice S. M. Belgore. The Belgore Committee was mandated to examine the relvance and currency of the recommendations of the previous Conferences which were not implemented, draft bills for consideration (where necessary) and propose policy guidelines for the implementation of those recommendations.

1.7.2 On October 1, 2013, President Goodluck Ebele Jonathan in his Independence Day broadcast to the nation, declared the intention of his Government to organize a National Dialogue as a way of resolving the intractable security and political crises in

the country. Government's resolve to convene a National Dialogue amounted to the acknowledgement of the agitation for a conference to find solutions to the myriad problems confronting the country, particularly those issues that continue to militate against national cohesion and development.

1.7.3 The President set up a 13-member Presidential Advisory Committee on National Dialogue with Senator Femi Okurounmu as Chairman and Dr. Akilu Indabawa as Secretary. The Committee, which was charged with designing the framework for the National Dialogue toured 13 cities, 2 in each geo-political zone and the FCT Abuja and interacted with more than 7,000 Nigerians. It also received thousands of memoranda from individuals, groups, and professional associations. The Committee submitted its report to the President in December 2013. The President accepted the Committee's recommendation for the convening of a National Conference.

1.7.4 President Jonathan inaugurated the National Conference on March 17, 2014 with Hon. Justice Idris Legbo Kutigi as Chairman, Professor A. Bolaji Akinyemi as Deputy Chairman and Dr. (Mrs.) Valerie-Janette Azinge as Secretary. He described it as a historic National Conference which promises to be another significant landmark in our efforts to strengthen national unity and consolidate democratic governance in Nigeria. The Conference was inaugurated after the celebration of the centenary of the amalgamation of Southern and Northern Protectorates of Nigeria in 1914. For this reason, President Jonathan in his address during the inauguration of the 2014 National Conference pointed out that his administration convened the Conference because of his belief that the long-running national debate on the best way forward for our country will not be in vain. The 2014 National Conference is expected to lay much stronger foundation for faster development by building a more inclusive national consensus on the structure and guiding principles of state that will guarantee the emergence of a more united, progressive, just, peaceful and prosperous Nigeria.

CHAPTER TWO

SURVEY OF NATIONAL/CONSTITUTIONAL CONFERENCES UP TO 2005

2.1 BACKGROUND

2.1.1 The search for equity and justice in economic independence, social cohesion, national integration and political stability has been expressed continuously in the convocation of periodic Constitutional and/or National Conferences from the Colonial period to the present.

2.1.2 Attempts at Constitution-making in Nigeria originated from the Instruments for the Amalgamation of the Colony of Lagos and the Protectorates of Southern and Northern Nigeria, in 1914. Chronologically, there are distinct phases in this process with each phase accommodating a number of constitutional developments leading to the gradual involvement of Nigerians in their own governance. The last attempt at such exercises before the present National Conference was the National Political Reform Conference (NPRC) convened by President Olusegun Obasanjo's administration in 2005. The following were the major phases of Constitutional-making that Nigeria passed through.

2.2 THE AMALGAMATION INSTRUMENTS

2.2.1 In the first phase, lasting 1914-1950, the British Colonial Office was the sole determinant for constitution-making for Nigeria, and Nigerians were not even consulted on what was supposed to positively govern and transform their lives. For instance, as early as 1886 when Lagos Colony was separated from the Gold Coast, an Executive Council for the Lagos Colony was established. But the Governor-General, Frederick Lugard had reduced the powers of the Executive Council to the status of a Legislature. In 1906, when the Lagos Colony was merged with the Protectorate of Southern Nigeria, the competence of this Legislative Council was extended to cover Lagos and the Southern Protectorate. In order to compensate the inhabitants of Lagos

who were de jure British subjects and enjoyed the rights of British citizens, a small Legislative Council for Lagos Colony was introduced for the purposes of enacting Laws and scrutinising estimates and expenditure. The Legislative Council consisted of ten officials and six unofficial members.

2.2.2 The Amalgamation of 1914 was executed in three related Constitutional Instruments, namely: The (Nigerian Council) Order-in-Council, 1912; the Letters Patent, 1913; and the Nigeria Protectorate Order-in-Council, 1913. These instruments were what could be referred to as Nigeria's first Constitution. The Nigerian Council was essentially an advisory body without any legislative powers. It comprised of 24 official and 12 unofficial members. Six of the unofficial members were Europeans representing commerce, shipping, mining and banking interests. The six African unofficial members included traditional rulers namely, the Sultan of Sokoto, the Alafin of Oyo, the Emir of Kano, Chief Douglas Numa and two educated Nigerians representing Lagos and Calabar, respectively. These constitutional instruments, especially the Letters Patent, vested executive power in one individual: the Governor, who acted at his own discretion. Additionally, though there was a single Governor for the entire territory, both the North and South continued to maintain different policies and concepts of colonial administration. Similarly, both the Executive and Legislative Councils were dominated by British officials appointed by the Governor, to whom they owed allegiance, and did not involve Nigerians in governance beyond merely seeking their advice and opinion whenever necessary.

2.3 THE CLIFFORD CONSTITUTION OF 1922

2.3.1 Constitutional Conference, as an aspect of African nationalism, started outside the continent by people who became convinced and committed to the idea that the colonised needed support and guidance before they could give meaningful challenge to the Colonial State. In this respect, the names of personalities such as, Edward Blyward and P.J. Jackson featured prominently. These friends of Africa founded the National Congress of British West Africa, in 1920. After its Inaugural Conference in

Accra led by a well known Gold Coast Lawyer, Casely Hayford, and attended by the four British West African Colonies: Gambia, Gold Coast (Ghana), Nigeria and Sierra Leon; the Congress decided to send a delegation to the Secretary of State for Colonies in London to present the following demands:

1. The creation of Legislative Council for each Colony, with half of the members elected Africans;
2. Control of taxation by the African members of the Legislative Council;
3. Appointment and deposition of Chiefs should be done by their own people;
4. Abolition of racial discrimination in the Civil Service and;
5. Establishment of a University in West Africa.

2.3.2 The Secretary of State, Lord Alfred Milner, turned down the demands. Frustrated delegates returned home only to be severely insulted and criticized by the Colonial Governors of Gold Coast and Nigeria. Sir Hugh Clifford, the new Governor-General of Nigeria who took over from Lord Lugard, accused the Nigerian members of the delegation of not being only unrepresentative of the Nigerian people but also of being ignorant of the Nigerian conditions. He further asserted that the claims and pretensions of the delegation were at variance with the natural development of independence, which in his opinion should be the goal of all true patriotic Nigerians.

2.3.3 In spite of his virulent attack against the National Congress for British West Africa's demands for the Colonies, Clifford's Constitution of 1922 was the first in British West Africa that provided for elected African members on Legislative Council. The Council consisted of 46 members, 27 of them were officials, and 19 unofficial. Out of the unofficial members, 3 were to be elected by adult males in Lagos with a residential qualification of 12 months and a gross income of 100 pounds per annum, and one elected member from Calabar.

2.3.4 An Executive Council provided for by the Constitution composed solely of British officials and Legislative Council whose function was limited to the Colony and Southern Protectorate. For the Northern Protectorate, the legislative functions were vested in the Governor. The restricted elective system into the legislature led to political agitations among educated Nigerians and consequently to the emergence of political associations/parties. Herbert Macaulay formed the Nigerian National Democratic Party (NNDP) in 1922. The Nigerian Youth Movement (NYM) was formed in 1938, and its disintegration led to the emergence of the National Council of Nigeria and the Cameroons (NCNC) in 1944.

2.3.5 The West African Students' Union in London submitted a memorandum in 1941 to the Governor of Nigeria, the Sultan of Sokoto, the Oni of Ife, the Oba of Benin and the Alake of Egba land demanding for a Federal Constitution for Nigeria. The increasing pressure for reform, mounted by Nigerian nationalists, succeeded in making the Governor, Sir Arthur Richards, to make proposals for a new Constitution in order to promote national unity, provide adequate safeguards for the country's diverse elements and secure greater participation of the citizens in the management of their affairs.

2.4 THE RICHARDS CONSTITUTION OF 1946

2.4.1 The observable weaknesses of the Clifford's Constitution made the Nigerian nationalists to put pressure on Sir Bernard Bourdillon, the Governor General of Nigeria (1935-1943) to give them a new befitting Constitution. In response to the popular demand and the increasing agitations for Constitutional reforms, a memorandum issued by Bourdillon on the future political development of Nigeria made useful proposals on the formulation of a new Constitution for Nigeria. He set up three Regions, and each had a Regional Assembly. This was the beginning of Nigerian Federalism. It was Sir Bernard Bourdillon who laid the groundwork for the inclusion of the Regional System in the 1946 Constitution. Sir Arthur Richards, who succeeded Bourdillon as Governor-General was the architect of the 1946 Constitution. He incorporated numerous proposals and created new innovations and institutions including the following:

1. Single Legislative Council for the whole country. The North was no longer isolated from the Legislative Council as in the Clifford's Constitution;
2. For the first time, Constitutional provision allowed for a majority of unofficial members in the Legislative Council;
3. The principle of Regionalism was formally entrenched in the Constitution. Three Regions – Eastern, Northern and Western Regions became officially recognised;
4. Regional Councils were introduced, and;
5. House of Chiefs was established in the Northern Region.

2.4.2 The Richards Constitution was severely criticised by many nationalist politicians who perceived it as a mere instrument of the Colonial State meant to undermine the spirit of pan-Nigerianism and lay the foundations of intense inter-regional rivalry among Nigerians. This was in addition to their outright condemnation of its sundry provisions but especially those relating to the Ordinances on: Mineral, Public Land Acquisition, Crown Land, and Appointment and Deposition of Chiefs. The Richards' Constitution became increasingly vilified and unpopular.

2.5 THE MACPHERSON CONSTITUTION OF 1951

2.5.1 The pace of constitutional change accelerated after the promulgation of the Richards Constitution in 1946. The document was suspended in 1950 as a fall-out of calls for greater autonomy. A Select Committee of the Legislative Council had been set up to review the Constitution. This development led to series of Conferences which culminated in a new Constitution.

2.5.2 Between 1949 and 1950 Nigerians were consulted on new constitutional arrangements through questionnaires at Village and District meetings, at Provincial

and Divisional Conferences, at Regional Conferences, and finally at an inter-parliamentary Regional Conference in Ibadan. It was at Ibadan that the Conference drafted the terms of a new Constitution in 1950; and a Draft Constitution was subsequently adopted which formed the basis of the Nigeria (Constitution) Order in Council of 1951 otherwise known as the Macpherson's Constitution, named after the incumbent Governor-General, John Stuart Macpherson. The document established an Executive Council and a Lieutenant-Governor appointed in each region. The existing Legislative Council was replaced by an enlarged Central Legislature known as the House of Representatives, which had power to legislate for the peace, order and good governance of the whole country, subject to the veto of the Secretary of State for the Colonies. Members of the House of Representatives were elected formally from among their own communities where people were entitled to be registered as voters. And for the first time, both the Central and the Regional Legislative Houses were composed of elected Nigerians who were also in the majority.

2.5.3 The Macpherson Constitution gave renewed impetus to party activity and to political participation at the national level. The period – early 1950s - also saw the evolution of political party-controlled administrations in the three Regions: NCNC in the East, Northern Peoples' Congress (NPC) in the North and Action Group (AG) in the West. However, the 1951 Constitution reflected the increasing trend towards regionalism as the Regions ceased to be mere administrative units and became political entities.

2.5.4 The development of these regional political parties had resulted into intense regional rivalry among politicians. The threat posed by the possibility of Nigeria's break up subsequently led to the convocation of two additional Constitutional Conferences at London and Lagos in 1953 and 1954 respectively, in order to review the Macpherson's Constitution. At these Conferences, it was agreed between representatives of the major political parties in the three Regions on the one hand, and the Secretary of State for the Colonies on the other, to create the fullest possible

authority for the Regions under a truly Federal Constitution. This decision gave birth to the Lyttleton Constitution of 1954.

2.6 THE LYTTLETON CONSTITUTION OF 1954

2.6.1 As a result of the Oliver Lyttleton's Constitution of 1954, Nigeria was divided into five component parts: Northern, Western and Eastern Regions, the Southern Cameroons and the Federal Capital Territory of Lagos. All Legislative and Executive powers were transferred to the Regions with some reserved exclusively and others in part for the Centre. The Eastern and Western Regions were to achieve internal self-government in 1957 and the Northern Region in 1959. Most importantly, Nigerians virtually took over the Legislative Houses. Though the system of franchise varied from Region to Region, generally the direct system of election replaced the indirect system. Both the Governor-General and the Regional Governors ceased to be members of the Legislative Houses. A Federal Supreme Court was established, as were a High Court of Lagos, and a High Court of the Regions and of the Southern Cameroons.

2.6.2 The 1954 Constitution worked smoothly until 1957-1958 when there were further Constitutional Conferences in London at which the Independence Constitution was proposed. Two important developments followed the 1957 Conference: the Eastern and Western Regions achieved self-government on August 8, 1957; and Alhaji Abubakar Tafawa Balewa became Nigeria's first Prime Minister on September 2, 1957.

2.7 THE 1957 – 58 CONSTITUTIONAL CONFERENCES

2.7.1 The preparation of a new Federal Constitution for an Independent Nigeria was carried out at Conferences held at Lancaster House in London in 1957 and 1958, which were presided over by The Rt. Hon. Alan Lennox-Boyd, M.P., the British Secretary of State for Colonies. Nigerian delegates were selected to represent each Region and to reflect various shades of opinions. The delegation was led by Sir

Abubakar Tafawa Balewa of the NPC and included party leaders: Chief Obafemi Awolowo of the Action Group, Dr. Nnamdi Azikiwe of the NCNC, and Sir Ahmadu Bello of the NPC, who were also Premiers of the Western, Eastern and Northern Regions respectively.

2.7.2 The 1958 Constitutional Conference discussed the Independence Constitution and agreed to write in the Constitution a list of Fundamental Rights to protect Nigerians against arbitrary use of power by government, its agents or organs. It was also agreed that the Northern Region should attain self-government on March 15, 1959 and Nigeria should attain its Independence on October 1, 1960.

2.7.3 The period covering the first five years of Nigeria's Independence, 1960-1965, during the First Republic, was the third phase in the history of Constitution-making in Nigeria. It was an important turning point in the political development of the country. This was the first time Nigerians took total control of their country's internal and external affairs.

2.8 THE 1960 INDEPENDENCE CONSTITUTION

2.8.1 A Constitutional Conference was convened in 1960 in order to deliberate on the Draft of the Independence Constitution. The Conference ratified the decision of the House of Assembly of the Southern Cameroons to cease to be part of Nigeria at Independence, and also approved the Independence of Nigeria with full responsible status within the Commonwealth effective from October 1, 1960.

2.8.2 Both the Federal and the Regional Governments operated a bicameral Westminster Model of parliamentary system of government. The Regions and their boundaries were safeguarded by an elaboration of boundaries. Appropriate measures were also taken to protect and entrench important constitutional provisions, such as those relating to the Federal Framework, Fundamental Rights, Citizenship and Revenue Allocation.

2.9 THE 1963 REPUBLICAN CONSTITUTION

2.9.1 The 1963 Constitution provided for a ceremonial President while the Head of Government was a Prime Minister. In the regions, there were ceremonial Governors, while the Executive was headed by premiers. The National Parliament consisted of elected Representatives and a Senate whose members were nominated from the Houses of Chiefs. In order to protect public funds, the Parliament took some stringent measures such as placement of restrictions on withdrawals, debate, enactment of Appropriation Bill and monitoring of Audit Reports on the Accounts of the Federation. Two types of Legislative Lists were entrenched, namely: the Exclusive Legislative List for the Centre, and the Concurrent Legislative List for both the Centre and the Regions. The Supreme Court became the highest appellate court instead of the Privy Council in London. A National Police Force was provided for, in addition to the Native Authority Police.

2.9.2 Before the promulgation of the 1963 Constitution, there were numerous disturbing signs of discord, tension and disagreements, leading the nation to slip into a series of crises: the Action Group crisis of 1962; the Revenue Allocation disputes; the Treasonable Felony Trial of Chief Obafemi Awolowo and 20 leading members of his party; the Census Controversy of 1962-1964; the alignments and realignments of political forces and parties before and after the 1964 Federal Elections; the dispute between the President and the Prime Minister over the 1964 elections; the crisis in the Western Region elections of 1965; and the post-election violence that followed. All these negative developments watered the seed of discord that eventually led to the fall of the First Republic through the violent military intervention of January 15, 1966, and the emergence of General Johnson Thomas Ummakwe Aguiyi-Ironsi as the first military Head of State in Nigeria.

2.10 CONSTITUTIONAL CONFERENCES UNDER THE MILITARY

2.10.1 In February 1966, following the violent seizure of power by the military and the collapse of the First Republic, three important Study Groups were set up by the new administration in order to examine Constitutional, Administrative and Institutional problems in the Federation. The Study Group on Constitutional problems was to, among others, review all aspects of the 1963 Constitution including – the structure, division of powers and the electoral as well as party political system; identify factors militating against national unity and the emergence of Strong Central Government; and recommend possible safeguards. Before the Constitutional Study Group made any progress, it was scuttled by the promulgation of the Constitution (Suspension and Modification) (No. 5) Decree No. 34 of 1966.

2.11 THE UNIFICATION DECREE No. 34 of 1966

2.11.1 Under Decree No. 34 of 1966 promulgated by the General Ironsi regime, Nigeria ceased to be a Federation and instead came to be known as “Republic of Nigeria”; the Regions were equally abolished and each came to be known as “Group of Provinces” under a Military Governor appointed by the Head of the National Military Government; and a National Public Service was created through the unification of all the existing Public Services in the Regions.

2.11.2 Lt. Colonel (Later General) Yakubu Gowon overthrew the Ironsi Military Government in another bloody coup d’état. Gowon set up an Advisory Group of Civilians to advise his Government on appropriate Constitutional changes that could be easily accommodated, considering the circumstances and mood of the nation. The Constitutional (Suspension and Modification) Decree 9 of 1966 returned the Political Structure of the country to the position before the promulgation of Decree 34. An Ad Hoc Constitutional Conference of the Advisory Group of Civilians was convened on September 2, 1966 in Lagos. By the end of the month, a preliminary report was submitted to the Supreme Military Council.

2.11.3 The proposals presented by the Regional Delegations showed the extent to which the country had drifted apart, and was at the brink of disintegration. The Conference failed because the protracted deliberations on the acceptable formula for maintaining the Federation were prematurely ended with the news of fresh outbreak of violence in the North, which was also echoed in the South. The Gowon administration ruled out a complete break-up of the country and suggested three possible constitutional arrangements that would enable Nigeria to remain as one nation: a Federation with a strong Central Government; a Federation with a weak Central Government; or Confederation with no Central Government.

2.11.4 Gowon's Constitutional Conference had deliberated on proposals from the four Regions without deciding on any agreed programme for keeping Nigeria as an indivisible political entity. The positions of the Delegates from the Regions on the form of association differed considerably. For instance, the Mid-west supported continued Federation with the existing four Regions, with more regions in the future and with Lagos either as Federal Territory or as a separate State. The West and Lagos proposed a Federation with more States on linguistic basis and with Lagos as a separate State. The East demanded a loose association of States comprising the existing Regions. The North advocated for Nigeria to have strong autonomous States delegating powers to a Central Authority for common services.

2.11.5 There were other important issues for the consideration of the Conference on which the regional delegates presented contrary or even opposing views. These included the composition of Central Authority and the issue of secession. The adjournment of the Conference on November 7, 1966 influenced the Supreme Military Council to issue a statement warning "that any attempt to use force to split the country or to enable any part secede from it would be treasonable." However, before deliberations were finalised attempts to solve the constitutional impasse that broke up between the Federal Government and the Eastern Regional Government shifted to Aburi in Ghana.

2.11.6 During the Constitutional Conference, the Eastern Regional delegates were greatly influenced by the position of Lt. Col. Odumegu Ojukwu, who had irreconcilable differences with, and never recognised General Gowon as the Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria and Head of Government. The seeming personal conflict between the two army officers led to the rapid deterioration of relations between the Eastern Regional Government and the Federal Government. Both leaders traded words as to the real cause of the break-down of the Constitutional Conference. The only meeting that Ojukwu agreed to attend with Gowon was held outside Nigeria, at Aburi, on January 4-5, 1967, through the intervention of the Head of that country's Military Government, Lt. General Joseph Arthur Ankrah. Some agreements were reached and documented in what is popularly called the 'Aburi Accord'.

2.11.7 Regional considerations and conflicting interpretations made the implementation of the Aburi-Accord impossible. In response to the stalemate, the Federal Military Government promulgated series of Decrees, which first vested the Legislative and Executive powers of the Federation on the Supreme Military Council and fully restored the Executive and Legislative powers of the Regions, and then further divided the Regions into a 12-State structure. It was in opposition to these constitutional developments that the then Military Governor of the Eastern Region, Lt. Colonel Odumegu Ojukwu, declared the Region independent. Consequently, a Civil War ensued which lasted 30 months.

2.11.8 After the war, General Gowon, set a 9-Point Programme for return to democratic civilian administration including: reorganisation of the armed forces; national reconstruction; implementation of a National Development Plan; elimination of corruption; creation of more States; revision of the revenue allocation formula; a new Constitution; national census; reorganisation of party political system; and popular elections at both Federal and State levels. The failure of the Gowon regime to

live up to expectations, as evidenced by the indefinite postponement of the return to democratic civilian administration, increased peoples' disenchantment with it and a total loss of confidence, culminating in another coup d'état which brought Brigadier (Later General) Murtala Ramat Mohammed to power on July 29, 1975.

2.12 MURTALA CONSTITUTIONAL INITIATIVES

2.12.1 The new Military Government under General Murtala announced a 5-stage programme of transition to democratic civilian administration including the setting up of a Constitution Drafting Committee (CDC) in September 1975, to produce and submit to the Supreme Military Council a Draft Constitution. Members of the Committee were selected on the basis of two per State and were learned Nigerians in disciplines relevant to constitution-making. At the inaugural meeting of the Committee, the Head of State gave an insight into what the Supreme Military Council expected of the draft to be produced:

- (a) A Federal System of government based on democracy and rule of law guaranteeing fundamental human rights;
- (b) Establishment of genuine and truly national political parties;
- (c) An Executive Presidential System of government;
- (d) An Independent Judiciary;
- (e) Establishment of Corrupt Practices Tribunal and Public Complaints Commission, and;
- (f) Constitutional restrictions on the number of States to be created.

2.12.2 In August 1977, the Constituent Assembly Decree No. 50 of 1977 established a Constituent Assembly (CA), which comprised elected and nominated Members to deliberate on the Draft Constitution drawn up by the CDC. During the debates at the Assembly, the most controversial issues were those relating to the creation of new States; establishment of Federal *Shari'a* Court of Appeal; the ban on corrupt public

officers from contesting for or holding public offices for sometime, and the scope of the powers of the Constituent Assembly, i.e. whether it was to deliberate on the Draft Constitution or to proceed to enact the Constitution after deliberation. Despite the argument that a Representative Assembly possesses a legitimacy superior to that to be derived from the stamp of any other authority (*salus populi suprema lex*), the Federal Military Government made 22 amendments to the Assembly's version of the Draft Constitution which the then Head of State, General Olusegun Obasanjo, said were meant to strengthen it and ensure stability, progress and continuity. The issues relating to the amendments were popularly referred to, as the "No-Go-Areas"!

2.12.3 General Obasanjo promulgated the amended Draft Constitution presented to his regime into the 1979 Constitution. A General election was held which, ushered in a civilian administration at Federal level and the 19 States of the Federation with Alhaji Shehu Shagari as the elected President and a National Assembly comprising a Senate and House of Representatives at the centre. Similarly 19 State Governors were elected each with an elected State House of Assembly. The second Republic lasted four (4) years.

2.13 GENERAL BABANGIDA'S CONSTITUENT ASSEMBLY

2.13.1 The Military struck on December 31, 1983 exactly three months into President Shehu Shagari's Second Term in office. General Muhammadu Buhari emerged as the new Head of State. His regime introduced sweeping and austere economic and social measures aimed at ridding the country's political landscape of corruption and restoring sanity in the conduct of its affairs. The austere economic policies of Buhari's regime caused severe hardship across the country and a faction of the military took advantage of the situation to stage a counter-coup which brought General Ibrahim Badamasi Babangida to power on August 27, 1985.

2.13.2 In January 1986, the Armed Forces Ruling Council (AFRC) under General Babangida established a Political Bureau to sensitize Nigerians politically, receive and collate their ideas/opinions on a possible future political system. A Constitution Review Committee (CRC) was also set up in September 1987, in order to

examine the 1979 Constitution and make relevant amendments for the consideration of Government. A Constituent Assembly similar to the one established in 1977 was set up comprising some elected and nominated Members. The Assembly was mandated to deliberate on the CRC recommendations.

2.13.3 General Babangida's Constituent Assembly did not bring any fundamental changes to the 1979 Constitution except for the provision of a 2-Party System; establishment of Traditional Councils and conferring on States the powers to create Local Government Development Areas (LGDAs). Others included provision of a list of the duties of the citizens; addition of three more fundamental rights: to own property, to free medical care, and to education; establishment of Election Tribunals; a Chapter on Local Government System; the Federal Capital Territory, Abuja; and restriction on citizens by registration or naturalization from holding elective or appointive public offices.

2.13.4 The 1989 Constitution, as the document was referred to, despite the Constitution (Promulgation) Decree No. 12 of 1992 did not wholly become operational. Portions of it were promulgated piecemeal beginning with the Local Government (Basic Constitutional and Transitional Provisions) Decree No. 15 of 1989 under which Local Government Councils were constituted; the State Government (Basic Constitutional and Transitional Provisions) Decree No. 50 of 1991 under which Civilian Governors and members of the Houses of Assembly were elected; and the Federal Government (Basic Constitutional and Transitional Provisions) Decree under which the National Assembly was constituted and the Presidential Election of June 12, 1993 was held. The annulment of the results of that election by the Armed Forces Ruling Council set the stage for the commencement of another series of attempts at fresh Constitutional-Conferences in Nigeria.

2.14 THE NATIONAL CONSTITUTIONAL CONFERENCE OF 1994/95

2.14.1 The annulment of the results of the June 12 Presidential Election by the Armed Forces Ruling Council created very serious political and inter-regional problems. The fault-lines of differing identities across the country became suddenly sharpened and solidified. General Babangida himself was consequently consumed in the flames of organized opposition and sustained protests against military rule and militarism especially by individuals, groups and civil society organizations from the Southwest. He abdicated in controversial circumstances on August 27, 1993 and installed a very successful and respected industrialist who did not have public service background or political antecedents, Chief Ernest Shonekan, to head an Interim National Government (ING).

2.14.2 Chief Shonekan's interim administration lasted only three months, and was challenged on many fronts (political and legal) for its doubtful legitimacy, leading to its overthrow by the Minister of Defence, General Sani Abacha on November 17, 1993. With the termination of the ING, the agitations for a return to Constitutional Government heightened. In response, the new Head of State stressed the determination of his Administration to restore power to Civilians based on a transparent process of democracy. Amidst incessant unceasing calls from several quarters for a Sovereign National Conference (SNC), General Abacha convened a National Constitutional Conference in 1994.

2.14.3 Nation-wide non-partisan, indirect elections were held into the National Constitutional Conference on May 28, 1994 at which 273 Delegates, each representing a Conference District, were elected to the Conference. In addition to the elected Conference Delegates, the Provisional Ruling Council (PRC) nominated 96 other persons, three from each State of the Federation and three others representing the Nigerian Labour Congress (NLC), the Nigerian Union of Teachers (NUT) and the National Union of Nigerian Students (NUNS). The Head of State appointed both the Chairman of the Conference and his Deputy as well as Members of the Conference

Commission – the administrative organ established to manage the National Constitutional Conference.

2.14.4 The 369-member Conference was deliberately designed to avoid being dominated by a single group, interest or section in the country. It brought together persons chosen on the platform of delineated constituencies small enough to facilitate the equal participation of all. The nominated Delegates were drawn from a wide spectrum of the society such as professionals from law, medicine and engineering. Other sectors represented included, religion, politics, academia, administration, banking, industry, the armed forces, law enforcement and security services (retired personnel only), the media, traditional rulers, technocrats, local community leaders and opinion moulders. However there was a huge gender deficit in the representation as only 8 out of 396 Delegates were females.

2.14.5 The National Constitutional Conference was boycotted by the vocal sections of the society that agitated for the convocation of a Sovereign National Conference – i.e. – the civil society advocates including the Southwest-based National Democratic Coalition (NADECO) and the mainstream political platform of the Southwest – the Afenifere. The Conference concluded its assignment in 1995. The products of its deliberations included policy recommendations and a new Constitution that was never promulgated. Elements of that Constitution that never saw the light of the day included the introduction of a hybrid political system similar to the French model of a President subsisting with a Prime Minister. The Conference also came up with new initiatives that have now been entrenched in Nigeria’s political landscape – the six (6) geo-political zones.

2.14.6 The failure to promulgate the new Constitution and the sudden death of General Abacha in 1998 after a controversial attempt at self-succession, led to the emergence of General Abubakar Abdussalami as the new Head of State. The new Head of State established a Constitution Review Committee which examined previous constitutional arrangements and made recommendations for a new Constitution. The new Constitution was largely a re-enactment of the 1979 and 1989 Constitutions with

few additions or modifications. An election was held in 1999 which ushered in a new civilian democratic dispensation under President Olusegun Obasanjo, a bi-cameral National Assembly at the federal level and 36 State Governors with State Houses of Assembly.

2.15 THE NATIONAL POLITICAL REFORM CONFERENCE OF 2005

2.15.1 President Olusegun Obasanjo convened a National Political Reform Conference (NPRC) in 2005 in recognition of intensified calls for National Dialogue among Nigerians even with the new constitutional dispensation. Many Nigerians believed that the 1999 Constitution was not good enough to usher in the kind of democratic governance that they fought for over the decades. The weaknesses of the Constitution meant that, something drastic needed to have been done about. So the Obasanjo administration responded by convening that Conference. The inaugural speech of the President on February 21, 2005 left no one in doubt as to the reasons for convening the Conference.

2.15.2 According to the President, the convocation of the NPRC was an opportunity to: reassess, refocus, redefine and redesign the political landscape of the country in a direction that would strengthen the bonds of unity, enhance the processes of democratic consolidation, strengthen the structures so as to solidify those values that promote democracy, good governance and good neighbourliness; and open boundless opportunities for all Nigerians to be, and to feel that they are part of the evolving political process and socio-economic advancement.

2.15.3 In convening the NPRC, President Obasanjo totally rejected the idea of convoking a Sovereign National Conference or a Conference of Ethnic Nationalities. He said:

“there were deafening calls for a Sovereign National Conference...We rejected the call for a Sovereign National Conference. But we had remained open to constructive, positive and purposeful discourse on how to move the nation forward...We are not at war with any constituency or interest group.

Rather, we are laying bare, opportunities for all Nigerians to be part of a historic process of working for sustained democracy, positive change and enduring polity...Representation, utilizing extant structures of political demarcation and delineation is the most feasible today...We believe that the idea of representation at this Conference solely by ethnic configuration is rather unrealistic, inequitable and unworkable...It is my view that our country has gone beyond the antics and narrow interests of ethnic entrepreneurs...Most Nigerians may have a permanent address in their villages but survive on the basis of other identities at the places of work, business, leisure and other interaction and engagement. We should consolidate these positive webs and networks of solidarity, compassion, tolerance, inclusion, organization, mobilisation and collective dedication to the common good rather than reifying ethnicity in a nation and world that are rapidly changing. Pluralism is the order of the day and globalisation, technology, modernization, and the politics of accommodation dictate that we must reject those ideas and arguments that seek to divide us and establish the interests of ethnic entrepreneurs as the sole interest of the people...The Nigerian State is not collapsing or exhausted, and our territorial integrity is fully intact and guaranteed. We must not confuse what took place in a few African States where State structures had collapsed completely, thoroughly compromised or totally lacked legitimacy with what our people need today. And, as we all know, the convening of a Sovereign National Conference did not ensure democracy in those countries that had it..."

2.15.4 The establishment of the NPRC was consistent with the recommendations of an earlier Committee on Background Paper for Political Reform chaired by the then Governor of Kaduna State, Ahmed Mohammed Makarfi, as mandated by the Council of States. In addition to Makarfi's Committee Report, other relevant materials including the Report of the All Party Committee on the Review of the 1999 Constitution of the Federal Republic of Nigeria were made available to the Conference Secretariat. Delegates to the NPRC were not left entirely alone to decide the boundaries of their jurisdiction. With the benefit of Obasanjo's experience in similar circumstances, during the Debates of the Constituent Assembly in 1977, some issues were regarded as settled ab initio, by government. It was believed that Nigerians have generally reached consensus on those issues through – decades of political engagements and contestation, dialogues, conflict and negotiation, networking, and confrontation with the stark realities that unite Nigerians as a people.

These issues were also recognised as being central to the unity of Nigeria as well as core to the stability, security, peace, growth and the developmental process of the country. They included: the oneness of Nigeria; federalism and federal system of government; presidentialism; multi-religiosity; federal character; popular participation; the Fundamental Objectives and Directive Principles of State Policy; and Separation of Powers.

2.15.5 It was further advised that, the Conference was free to strengthen, update, and refine the settled issues as enumerated, in its recommendations; but nothing should be done to undermine the national integrity and sovereignty or weaken the national cohesion of the Nigerian State and society. Those mentioned areas were regarded to have constituted the bedrock of the unity, identity, and political praxis of Nigerians. In view of the importance of Nigeria in Africa, Delegates were also advised to show unique foresight and be insightful about African unity, cooperation, integration and development as envisaged in the African Union and NEPAD.

2.15.6 A closer examination of the Constitutional processes and procedures from colonial era to the present would reveal a definite pattern of approach that dominated each of the differing political contexts in which the exercises took place. During the colonial period, Constitutional efforts were geared towards keeping the natives under control in order to achieve maximum economic benefits with minimal administrative cost. A system of divide-and-rule became most handy to use. In the long period of military rule, Constitutional and/or National Conferences were used as a convenient excuse for self-perpetuation. It was only the Murtala/Obasanjo administration that was found to be credible in this respect. Military leaders also tended to be too rigid in their desire to enact a Constitution that will subjugate all component parts to the centre, with or without justification. The only attempt at Constitutional Conference by a democratic government took place under President Olusegun Obasanjo in 2005. The vaulting ambition of the President to elongate his tenure beyond what the Constitution approved, discredited the entire exercise.

2.15.7 President Obasanjo's NPRC failed because it had to adjourn sine die as a result of some irreconcilable issues such as revenue sharing and introduction of a clause for a third term as against the usual two terms allowed by the 1979, 1989 and 1999 Constitutions. The National Assembly rejected the entire package of legislative and constitutional matters arising from the resolutions of the Conference because of the determination of the Members to knock out the idea of third term. The agitations for a proper National Conference thus persisted.

2.16 THE NATIONAL CONFERENCE OF 2014

2.16.1 In response to the persistent calls for a Conference, President Goodluck Ebele Jonathan decided to convene a National Dialogue. In his 2013 Independence Anniversary Broadcast to the nation, the President announced the setting up of a 12-Member Presidential Advisory Committee on National Dialogue under the Chairmanship of one of the advocates of a Sovereign National Conference Senator Femi Okurounmu. The Committee was tasked with working out the framework of a national dialogue including suggesting the appropriate name and nomenclature of the Dialogue, its legal framework, time frame, mode of representation, and modalities of implementing the decisions of the Dialogue.

2.16.2 After three months of intensive work, the Okurounmu Committee submitted a Report to the Jonathan administration. Government then convened the National Conference 2014 with a mandate to deliberate on all matters that militate against Nigerian's national unity and progress. Government accepted that the Conference should discuss any matter (s) that will help in strengthening the unity of Nigeria. The only issue that was not allowed for deliberation at the Conference was the existence of Nigeria as an indissoluble nation. The National Conference made up of 492 Delegates and a 6-Member Conference Management was inaugurated by the President on 17th March 2014. The Principal officers of the 2014 National Conference were Hon. Justice Idris Legbo Kutigi as Chairman, Professor A. Bolaji Akinyemi as Deputy Chairman and Dr. (Mrs.) Valerie-Janette Azinge as Secretary.

CHAPTER THREE

CONTEMPORARY SOCIO-ECONOMIC AND POLITICAL CHALLENGES TO NATIONAL DEVELOPMENT AND COHESION

3.1 BACKGROUND

3.1.1 As the Union Jack was lowered and the Nigerian Green White Green flag hoisted in its place signifying the emergence of the country as a sovereign political entity in 1960, the country's potentials for greatness was not in doubt. The country's territories of over 923 thousand square kilometres presents a beautiful topography from the lush savannah grass land of the north to the wetlands and forests of the south. Seventy per cent of these are arable land and they are well irrigated by a network of rivers and lakes, a viable source of hydro-electric power, which constitutes 1.4 per cent of the land. Climatic conditions ranged from the tropical, sub-tropical in the south to semi desert in the north supporting in all a very vibrant food and agricultural system including the production of diverse food and cash crops, fish and animal husbandry and a natural habitat for a wide variety of wild life. Agriculture was undoubtedly the mainstay of the economy, contributing about 58% of the GDP even as country met the national food demand. The country was a net exporter of food.

3.1.2 The discovery of oil in commercial quantities at Oloibiri in 1956 puts Nigeria among the top ten countries of oil and gas producing nations of the world. Besides oil are vast reserves of other mineral resources including some 800 million tons of Iron, over 6 million tons of Tin, over 3.5 million tons of Manganese and 3.2 million tons of Columbite. The states of Kano, Bauchi in the northern belt of the country are reported to have very rich reserves of Copper, with Uranium in Bauchi, Adamawa, and Cross River States. Lead and

Gold abound in Imo, Anambra, Plateau and Adamawa and in Oyo, Zamfara, Kwara and Niger States. Over 100 million tons of Marble reserves exist in Kwara, the Federal Capital Territory, Niger, Edo, Oyo, Plateau, and Kaduna States.

3.1.3 In addition to its vibrant agricultural sector Benue shares over 700 million tons of Limestone with the Anambra, Cross River, Ogun, Bauchi, Sokoto and Kogi States. Several states of the country have huge deposits of Salt and Clay Reserves well over the 200 million tons mark. Apart from the over 150 million tons of Feldspar reserve, there are also Gypsum and Diatomite reserves that would last for some 20 years. As at 1999, the Federal Government has a total of 37 mineral resource deposits in the country.

3.1.4 A large segment of Nigeria's population is youthful and upwardly mobile. Even to limit the discourse to the huge potentials of the Nigerian market alone would be to elude the wider picture in the sense that Nigeria is, in real terms, the gateway to the regional economy of Western Africa. In all, the economy and people of Nigeria are very well positioned to take advantage of continental and global business and market opportunities. A recent rebasing of the country's Gross Domestic Product (GDP) puts the economy as the largest in Africa and 26th in the world. However, the challenge lies in how to deploy these capacities in such a manner as to address the dire socio-economic conditions of the masses of Nigerian people while promoting overall economic growth and development of the country.

3.1.5 Despite the abundant potentials for greatness, Nigeria had been facing some difficult challenges that inhibit national cohesion, political development and socio-economic progress. These are the issues that we will address in this Chapter because they provide the foundation for the deliberations at the National Conference 2014.

3.2 CHALLENGES TO NATIONAL COHESION

3.2.1 Modern nation-states tend to be pluralistic in the widest possible sense. Whilst this diversity can be a source of strength, they have been known also to fuel mutual suspicion and constituted ready foddors for the embers of conflict. In drawing a parallel for Nigeria, it is recognized that the country has over 350 ethno-cultural groupings. This multi-ethnicity has been compounded by pronounced religious differences, exploited usually for political considerations by avid political classes in contexts of extreme poverty and very low educational development among the mass of the populace. Whereas Nigeria is supposed to be a secular state, "one nation bound in freedom, peace and unity", the prevalence of religiosity and its related nepotism at all levels, has effectively undermined the objectivity which secularity would have ordinarily imbued in national politics.

3.2.2 A nation, *simplicita*, is a community of people sharing a common heritage, language, culture, religion etc. As stated at the beginning of this subsection modern nation-states tend to be pluralistic in the widest possible sense of the word. So, if by nation-state we mean 'a sovereign political entity' whose territorial jurisdiction extends to all persons that share ethnic, linguistic, cultural and historical traits and who identify themselves as constituting one nationality, then there are hardly any such states in the contemporary international system. It is argued here therefore that what makes a nation-state a reality is where there is a palpable concurrence, at some particular historical juncture, of identifiable inter-subjective allegiance by the constituent nationalities of the given sovereign political entity.

3.2.3 In the light of the problems of insecurity and other ethno-political tendencies, a major facet of the challenge for national cohesion lies in the state's capacity to nip in the bud tendencies towards all forms of impunities by

any persons or groups. Such persons and groups have taken undue advantage of the inadequate presence of government in places like our poorly manned borders, remote rural areas, etc. Their nefarious conducts such as cross- border banditry, terrorists' attacks, smuggling, illicit trans-border trafficking in drugs and human beings, etc have severely undermined the authority and legitimacy of the Nigerian nation-state.

3.2.4 There is a positive correlation between the prospects for the realisation of the ideals of national cohesion and an enlightened, educated population. The latter have the capacity to undertake a well-reasoned, rational and effective engagement with the ethos of participatory democracy. An enlightened citizenry has all it takes to maintain the critical link between the declarative purpose of government and the requisite positive action needed for their realisation.

3.2.5 In laying out the challenges to national cohesion, it is important to recognise those which are associated with the youth population of Nigeria in the formulation and implementation of relevant youth development and empowerment programmes. In addition to deploying the appropriate policies and programmes on educational, employment, etc., other youth related policies such as sports development need to be even more rigorously pursued seeing that in Nigeria sports have emerged as a major national unifier and a veritable tool for the advancement of the spirit of healthy competitive rivalry.

3.2.6 In the pursuit of the goals of attaining national cohesion, Nigeria will need to continue its priority of commitment to welfare enhancing and pro-growth economic policies with the view to reducing the incidence of poverty. The associated increased transactional flows will impact positively on citizens' economic conditions, and galvanise even further the level of inter-group

mobility and interaction. This is the process that, as a matter of deliberate public policy, must be actively cultivated and harnessed for national cohesion.

3.2.7 To increase the level of human interaction and transactional flows as a strategy for national cohesion, it is important to escalate the pursuit of infrastructural development and to deploy these not only across the urban areas but the rural areas as well. This will serve to open up the entire country and ensure even greater levels of inclusive socio-economic development.

3.2.8 Building a critical mass of nationalistic fervour around the ‘Nigerian Project’ is one important challenge to Nigeria’s national cohesion. This essentially requires the creative development and communication of positive affirmative narratives in support of our national unity and development irrespective of our socio-cultural diversity.

3.3 POLITICAL CHALLENGES

The Nigerian nation state currently faces a number of critical political issues. Most of these, euphemistically dubbed the ‘National Question’, were raised by diverse stakeholders across the country in the course of the national consultative meetings of the Senator Okunribido Pre-Conference Committee.

3.3.1 **The clamour for a review of the Constitution:** The country’s current socio-economic and political challenges are traced to the defects in the Constitution, being the supreme document that mediates political activities and the processes of governance. These processes which determine who exercises executive power, who makes laws, how do other players get their voices heard, and how political and public office holders are made accountable.

3.3.2 It is known that even the most perfectly-crafted constitutions do not themselves automatically foster democracy, good governance and the public good. Nonetheless, it is trite knowledge that where the Constitution is devoid of fundamental deficiencies and the process of its evolution is legitimately rooted

in the people, it acquires the necessary authority to regulate affairs and interactions of the citizens without fair or favour, but with justice and equity. In this way, the much needed stability between political contestation for power and the smooth running of government is established

3.3.3 Up till now, a truly acceptable constitution has not emerged to mediate the social contract between the constituent nationalities of the country and the Nigerian state. This has caused critics of successive constitutions to dub the documents as ‘false Constitutions’. A valid charge indeed in view of the fact that our constitutions only emerged after public opinion gathered through consultations have been subverted by the so-called ‘necessary amendments and inclusions’ under the watchful eyes of the colonial administrators or their military successors in the post-independence Nigeria. The successive constitutions have thus been vitiated by the absence of that critical organic connection which they are supposed to have had with the spirit of the people in order to give meaning to their cry of ‘We the People...’.

3.3.4 In the final analysis, contemporary socio-economic and political challenges to national development and cohesion make two interconnected demands on the Nigerian state and people: the need to set in motion and make an acceptable constitution, and, the imperative to establish the much needed structural and institutional mechanisms which would facilitate the urgent attainment of critical, people-centred economic growth and development.

3.3.5 Corruption remains the single most debilitating problem confronting Nigeria’s development efforts. Its corrosive impact continues to undermine governance, stability and progress. It distorts and undermines efficient allocation of resources, and by extension the country’s capacity for competitiveness. It reduces the net value of public spending as well as the quality of services, public infrastructure, and the volume of tax revenues; and it

encourages misappropriation and misallocation of resources. Corruption smears the nation with the most odious of perceptions and further impedes economic growth by discouraging investments both local and foreign. Politically, corruption desecrates the rule of law, respect for human rights, public accountability and transparency. It undermines the electoral process; it creates and exacerbates the problem of legitimacy for government and its institutions. It deepens income inequality and poverty even as it erodes the moral fabrics of society and fans the embers of grievances and conflict while engendering trafficking in human and other illegal substances, armed robberies and related violent crimes including terrorism.

3.3.6 The problem of corruption has been duly acknowledged by successive governments with efforts made to stem such corruption. These efforts include in recent times the creation of several Anti-Corruption Agencies (ACA). These include the Independent Corrupt Practices and other Related Offences Commission; the Code of Conduct Bureau and the Code of Conduct Tribunal; the Economic and Financial Crimes Commission; the Nigerian Extractive Industries Transparency Initiative and the Technical Unit on Governance and Anti-Corruption Reform. Others are the Bureau for Public Procurement and the Public Complaints Commission. In the National Assembly, there are the Committees on Anti-Corruption, National Ethics, Values and Ethics, Code of Conduct and Public Petitions.

3.3.7 These efforts notwithstanding, the malaise of corruption continue to ravage the country's politics. The inability to curb corruption can be attributed to a combination of factors including the lack of political will; especially in terms of bringing perpetrators of corruption to book; the weakness of law enforcement; the varied limitations of judicial institutions and processes; inadequate funding and the marked absence of synergy among ACAs; pervasive incidence of poverty; lack of social security and safety nets;

vulnerability of public sector workers to corruption due to low wage and a skewed reward system.

3.3.8 Nigeria's ethnic groups are over 350. By definition, a minority ethnic group is one which is numerically lesser than major ethnic groups of a given country. It may possess ethnic, religious or linguistic characteristics which differ from those of the other groups. It usually shows a sense of solidarity directed towards preserving its culture, tradition, religion or language. Over the years, the issue of the rights and freedoms of minorities and ethnic nationalities concerning marginalisation and exclusion have come to constitute a serious challenge to national cohesion and development. The sustained agitations have roots going back as far as the commencement of the amalgamation processes which culminated in the unification of the Southern and Northern Protectorates and the Colony of Lagos in 1914. These invariably brought the various ethnic minorities under the three dominant ethnic groups – the Hausa/Fulani, Ibo and Yoruba. It must be noted that minority/dominant ethnic group consciousness and agitations are also exhibited at the sub-national levels. In all, the ethnic minority and the National Question are, the products of the balkanisation of nationalities resulting in their spread across states and even international boundaries. However, despite the provisions of constitutional safeguards for the protection of minorities and other forms of discrimination, some minority groups have remained disadvantaged by lumping them together with powerful hegemonic groups who monopolised political and economic power - thus provoking their persistent and consistent demands for the creation of additional states and/or re-adjustment of boundaries in the existing states.

3.3.9 The challenge here, therefore, is on how to mitigate the issue of discrimination and marginalisation as well as those petty rivalries existing in inter-ethnic relationships which tend to impact negatively on the living conditions of most members of minority and other ethnic nationalities. In

meeting this challenge however, the associated responsibility of managing conflicts with the guiding principles and tenets of our federalism in mind is necessary

Devolution of powers

3.3.9 The structural composition of Nigeria's federal system has increasingly come under critical scrutiny in recent years. This has been accompanied in particular by agitations for a review of the legislative lists of the tiers of government with a view to reducing the legislative powers at the federal level and devolving same to the federating units. As conceived, the problem is that there is an over-concentration of power at the centre to the detriment of the federating units of the country. A skewed power arrangement in favour of the federal government has greatly resulted in bloated administrative machinery at the centre; with a disconnect between the centre and its developmental policies and the intended recipients at the grassroots. Furthermore, the huge attraction which the perquisites of office at the centre offer has exacerbated the problems of unconscionable socio-economic and political manipulations and corruption.

Fiscal federalism: revenue sharing, resource control and sharing formula

3.3.10 Fiscal federalism deals with how revenues are generated and distributed among the federating units in a Federation. The present situation in which the Constitution empowers the Federal Government to keep custody and determine the terms and manner of the allocation of the funds that accrue to the Federation Account is generally regarded as a negation of the principles of fiscal federalism. This imbalance has been roundly criticised as fostering dysfunctional ties which have been adversely affecting the capacities of the federating states to function effectively. Indeed, this situation has in fact pitched the states against the federal government in some instances.

Reforms of the public service

3.3.11 There were calls for reform of the public sector particularly in the light of the disaffections with both the structure, composition and functioning of the executive and the legislative arms of government. Many individuals and groups consider them, as presently constituted, to be over- bloated, inefficient, wasteful and corrupt. There is a dire need to rationalise government's agencies, departments and parastatals in order to meet the exigencies of governance and deliver the dividend of democracy to the citizenry. There were also concerns on the Judiciary expressing the urgent need for it to deal with the issues of speedy administration of justice and other related matters such as prison reforms, and the capacity to enforce strict adherence to the rule of law.

The challenge of an inclusive and participatory democracy

3.3.12 Nigerians from all walks of life recognise the link between an inclusive participatory democratic political system and development. However, the country's nascent democracy continues to be threatened by various forms of authoritarian rule, the systematic narrowing up of the political space, extreme personalisation of power, corruption, gross human rights abuses and the political exclusion of women, ethnic minorities, and the youth.

3.3.13 The stultifying effects of these are the root causes and the intensifiers of the crisis of national identity, conflicts, politically-motivated violence including assassinations, kidnapping, arson, etc. They are also the causes of political apathy, the weakening of our federalism, and the decaying of political institutions.

Accountability and transparency

3.3.14 The foregoing challenges threw up, an important issue for the country's democratic arrangement revolving around the notions of accountability and

transparency. The challenge of consolidating democratic processes and institutions in the country demands that governments manage the inter-election years in ways which assure easy and unrestricted access by the citizens to information on their government's activities. In effect, this requires that, with the exception of issues pertaining to national security, all other information must be made available to the public upon demand. A necessary precondition for participatory democracy is a well-informed citizenry functioning within the context of a society that guarantees freedom of expression, freedom of association and a free media.

3.3.15 In this vein, the enactment of the Freedom of Information is laudable but at present functions less than optimally. Consequently, information management and disseminating organisations and institutions both in the public and private sectors function under varying degrees of impediments. Overall, a major gap in our body polity is the absence of mechanisms through which the electorate could call the political class to order, and/or make them more accountable in public offices. Worse still, the majority of the citizenry are uneducated and rural. Thus, Nigeria faces the problem of an ill equipped public to engage and /or challenge autocracy and excesses in public office. This makes it easy for the corrupt politician to manipulate the public conscience.

Political Parties and Electoral Systems

3.3.16 In discussing the challenges of Nigeria's political system in general and especially the problems of weak democratic institutions, special mention must be made of the state of the political party system in the country. It could be recalled that political parties stand indicted in the crisis of the First Republic. Those parties, formed and managed along ethno-cultural lines, exacerbated the then existing regional/ethnic fault-lines and schism in the country. Subsequent efforts at party formation however tried with significant degrees of success to avoid this pitfall.

3.3.17 Despite the progress made in this regards however, the current political party system in Nigeria continues to be beset with problems which include a lack of internal democracy and of accountability; poor funding and the absence of an ideology; god-fatherism and a flagrant disregard for the rules of the game; the marginalisation of women and youth to mention but a few. These problems in themselves have given rise to new fault-lines of their own; they have engendered profound alienation and disaffection between and within political classes, threatening to heat up the polity in some instances, while actually leading to the outbreak of violence in others as several electoral and post-electoral crises have shown. Almost invariably, in such instances, it could be said that the notion of a free and fair election, the hall mark of a democratic political system, has been vitiated.

3.3.18 There remains the critical challenge of improving the governance mechanism of political parties in Nigeria and making it a functional instrument for the development of the country's nascent democracy. As it is today, it has failed to be properly focused and issue-driven with lack of commitment to faithfully respect party constitutions and guidelines, particularly in the distribution of power and functions among its ranks.

3.3.19 The foregoing have serious implications for national development in terms of the prospect for evolving a systematic, efficient and efficacious leadership recruitment/selection process, capable of crystallising the ideals of good governance, while promoting the ideals of integrity, honesty, commitment to and respect for the rules of law, to an effective reward system as well as disciplined approach to the management of the commonwealth.

The global facet of Nigeria's development challenge

3.3.20 It is noteworthy that Nigerians are also very much concerned about the global facet of the challenges to their national development and cohesion. The global economy is recognised as the terrain in which lies the prospect for growing, developing and restoring the national economy to the position of wellness enough to guarantee citizens' wellbeing. But the reality of contemporary global political economy must be factored into whatever ambition that Nigeria has relative to the international system. The global economy is in a dire situation, inevitably, Nigeria's politico-economic and security malaise cannot possibly be understood outside of the contemporary global crises. The enduring reality of the country's economic dependence on the international system makes it easy for any major global crisis to get refracted into the Nigerian socio-economic and political milieu.

3.3.21 Furthermore, Nigerians will like to see a more focused, astute foreign policy which is in alignment with our national interests and the means used to pursue them. Our role in global and continental diplomacy is recognized as are our contribution to decolonisation, end to racism, apartheid and peace-keeping across the world. Happily, the Nigerian foreign policy machinery, through the recent thrust of Economic and Investment Diplomacy which is a vital component of the Transformation Agenda of President Goodluck Ebele Jonathan, has facilitated remarkable increase in the level of Foreign Direct Investment (FDI) into Nigeria. According to the United Nations Conference on Trade and Development (UNCTAD), Nigeria recorded 7.03 billion USD FDI inflow in 2012 and 8.9 billion USD in 2013. The World Bank reports that formal remittance flows into Nigeria by her Diaspora in 2013 totalled 21 billion USD. This recent development which makes Nigeria Africa's number one FDI destination, has been described as a Nigeria-centric foreign policy, i.e. a policy which is driven principally by the considerations of the prosperity and wellbeing of Nigerians at home and abroad.

3.3.22 It is germane to underscore the fact that the growth in the real sector of the Nigerian economy in recent times is due largely to the synergy among the Ministry of Foreign Affairs, the Ministry of Industry, Trade and Investment and the National Planning Commission to implement President Goodluck Jonathan's mandate of enhanced FDI, poverty alleviation and job-creation opportunities for Nigerians. The reforms in the power and infrastructure and the deployment of economic diversification strategies into such areas like solid minerals, tourism, hospitality industry and agriculture, have also attracted foreign investors into Nigeria. According to the latest World Bank General Household Survey (GHS) Report 2013, poverty rate in Nigeria has declined to 33.1 percent due to sustained social safety programmes and improvement in hiring standards. The report puts the population of poor Nigerians at 58 million, "more than half of which live in the northeast or northwest of the country".

3.3.23 Nigerians therefore called for a constitutional grounding and elucidation of key issues dealing with, among other things, Nigeria's participation in international organisations; treaties and international legal matters. Central to all of these is the urgent imperative to review Nigeria's international commitments including peace keeping, aid programmes, etc. Equally important is the imperative of synergising the activities of all the relevant foreign policy making and implementing institutions across all the ministries, departments and agencies of government as well as NGOs in Nigeria.

3.3.24 The National Conference 2014 was convened by President Goodluck Jonathan, GCFR in response to the call by Nigerians to deliberate on the foregoing and the many other challenges confronting the Nigerian nation-state. The Conference set up 20 Committees which addressed these and related matters and subsequently made recommendations for the deliberation of the Plenary of the entire Conference Delegates. In the final analysis, the prospect

for Nigeria's socio-economic development and cohesion will, to a large extent, be dependent on whether Nigerians are able to seize this moment not only to make declaratory statements of purpose, but also to back same up with positive action.

3.4 SOCIO-ECONOMIC CHALLENGES

3.4.1 Nigeria's development faces major socio-economic challenges. These challenges are numerous such as in the social sector (healthcare delivery, education, housing, unemployment and social welfare, gender equity), underdevelopment of the real sector as well as development of agriculture and solid minerals to diversify the economy, problems of infrastructural development, managing economic liberalization, planning problems, and more. These will now be addressed.

Underdevelopment of the real sector

3.4.2 The challenge of national economic development, among other things, revolves around the prospect for unleashing a process of structural transformation of the economy a key indication of which would be a palpable and progressive industrialisation of the key sectors of the economy. There is strong evidence that Nigeria has made some progress in this regard. From the early days of the Nigerian Enterprise and Indigenisation policy programmes to the establishment of the Nigerian Industrial Development Bank (NIDB) and to the current National Industrial Revolution Plan (NIRP) to mention a few, cross sectoral industrial capacities have without doubt been significantly enhanced.

3.4.3 However, a critical analysis of Nigeria's economic profile will reveal that much more still needs to be done in this regard. The GDP 2013 (rebased) indicates the dominance of the service sector with 52 % of the GDP. But the bulk of this (32%) is trade-related, the remainder being contribution from ICT.

Further, 20% of the labour force is said to be employed in this very limited value-adding service sector. The extractive sector's contribution to the GDP is 14%. This is mainly from the extraction of crude oil. The manufacturing sector is a mere 8% of GDP, and taken together the industrial sector which contributes 22 % of the GDP, employs only 10 % of the labour force. Agriculture employs 70 % of the Nigeria's labour force and yet makes only a 26 % contribution to the GDP.

3.4.4 In the light of foregoing statistics, the country's level of industrialisation has had only modest transformative impact on key sectors of the economy such as mining and agriculture in which the country has comparative advantage. This situation will need to be resolutely addressed as the well-known effect of a fledgling, undeveloped real sector is the relegation of critical facets of national economic activities to sub-optimal production levels. Failing to do this will only cause Nigeria's exchange relations with the international market in this era of knowledge-based, technologically driven and globalised economic competition to be predicated on low value-added primary commodities in exchange for industrialised goods and services and even household consumables.

Economic Diversification

3.4.5 Past experiences have shown excessive reliance on primary commodity export and its fluctuating prices that have exposed the economy to vulnerabilities. At critical moments such as economic depression it undermines national income and investment potentials, leaving the national economy chronically dependent on international financing, loans and aids. This in fact was the genesis of our chronic indebtedness and the eventual macro-economic crisis which drove the country cap-in-hand to the doorsteps of the London and Paris Clubs for financial bailouts in the 1980s. As our reliance on primary commodity exports deepened, our national income plummeted in reflection of

both the declining prices of primary commodities on the international market and of other untoward dimensions of the crises of the global capitalist system at that time.

3.4.6 While progress has been made since 1960, nonetheless, there is the need to walk the talk of economic diversification even further. The challenge is twofold: firstly, the strategic failure on the part of public policy to identify and develop other growth centres (especially in the primary, extractive sectors where Nigeria has a natural comparative advantage), and; secondly, lack of stimuli to ensure forward and backward linkages among the industrial sectors, particularly the agricultural sector. Until recently, there was an almost exclusive focus on the extractive industries which was confined essentially to the oil and gas sector with little or no link with the manufacturing and service sectors of the economy. Had there been this vital inter-sectoral linkages at both vertical and horizontal levels, it would have fostered the requisite synergies for leveraging on economies of scale; leakages and waste would have been drastically minimised; and there would have been a sustained generation of critical multiplier-effects and the diversified, cross-sectoral impact would have led to spontaneous economic growth and development.

3.4.7 It is important to raise the related problem of Nigeria's food insecurity situation at this point. The country has moved from being a net exporter of food in the 1960s to its current situation where billions of naira is expended annually on agro-food imports. In some respects, the gross neglect of agriculture eventually became the bane of the Nigerian economy. The agricultural sector accounted for more than 40 per cent of the pre-1973 GDP. In the following decade however, agricultural output had declined 1.9 per cent with export dropping 7.9 per cent. Agricultural imports as a share of total imports went up from 3 per cent in the 1960s to over 7 per cent in the 1980s. The downturn in the nation's agricultural fortunes resulted from the colossal loss of

competitiveness among farm exports following the substantial appreciation of the naira from the 1970s up until 1983. Compounding the crisis of the agricultural sector even further was the oil boom. As the country became awash with petro-dollars, it came to be considered enervating and unproductive to engage in the rather ‘exerting’ primary sector.

3.4.8 Against this backdrop, the country gave less than its best, and thus failed, to extract the positives, whatever they were, from such adopted economic policies and strategies as Indigenisation, Import Substitution, Industrialisation and the related public sector reforms. Thus, development in the primary, secondary and tertiary sectors of the economy are essentially dictated and directed by the external sector for the benefit of the countries who dictate policies and direct programmes that influence the pattern of development in those sectors.

3.4.9 This lack of inter-sectoral linkages has led to low levels of Research and Development (R&D) in Nigeria’s industrial and agricultural sectors. Unlike in other countries where R&D activities have transformed key agro-allied sectors (Malaysia’s oil palm industry, for example), poor funding of R&D by both the private and public sectors and poor linkages between research activities in universities and research institutes and the real sector has resulted in inadequate technological backup for industry and agriculture in Nigeria.

3.5 **THE SOCIAL SECTOR**

3.5.1 The leading social challenges in Nigeria’s social sector are those pertaining to health, education, housing and social security and the prospect for instituting equity and a gender-sensitive development. Health transcends the mere absence of diseases and infirmity; it also includes the state of a total and complete physical, mental and social wellbeing of an individual. At the

national level, it encapsulates the general state of physiological, psychological, mental and emotional wellbeing of the population. Over the years, successive administration have undertaken several schemes, policies and programmes in pursuit of a healthy nation.

3.5.2 Notwithstanding the progress made in this regard, tertiary and primary health care delivery systems continue to face a number of challenges thereby inhibiting the actualisation of the goal of making available affordable, accessible and functional health care delivery system to the mass of Nigerians. In general, policy interventions, including the recent Universal Health Coverage (UHC) by the year 2020, have faced problems which include decay and inequitable distribution of health care infrastructure between urban and rural areas; inadequate financing mechanism for health insurance; deficiency in the current Act of the National Health Insurance Scheme, which provides for the voluntary payment contribution by employees rather than mandatory contribution and the mismanagement of resources.

3.5.3 The concerns about the health sector are related to the inadequacy of competent manpower, the problem of fake and adulterated or sub-standard drugs, poor remuneration of medical personnel and the problem of incessant strikes by health workers, unethical medical practices including medical negligence, quacks and unregistered hospitals and pharmaceutical outlets. These challenges have proven intractable and costly in terms of human lives lost and in the significant outflow of financial resources following the significant increase in recent years of Nigerian medical tourists.

3.5.4 Education is at the epicentre of the development process. It is the bedrock upon which rests our capacity for human capital development and evolving a truly enlightened and competent citizenry. The educational system is pivotal to creating an economy that is globally competitive and sustainable.

Education is therefore a strategic national goal. And in recognition of this, successive Nigerian governments have committed substantial human and material resources over the years to the sector in order to meet Nigeria's developmental needs. Some of the efforts in this regard are to be found in the recent review of the National Policy of Education, the Curriculum Review across sectors, and the Needs Assessment leading to release of funds to the sector to address challenges of infrastructure, capacity building, provision of scholarship, and development programmes across the sector.

3.5.5 Some of the persisting challenges in the educational sector remain the low level of enrolment and retention in primary schools with the attendant consequence of an estimated 10.5 million out-of-school children, being one of the highest rates in the world; inadequate infrastructure; and dwindling learning facilities especially the inadequate utilisation of modern technology at all levels. Other challenges are the unqualified teaching force, poor remuneration and lack of other incentives leading to the problem of recruitment and retention of qualified teachers in critical subject area; incessant strikes and low morale among academic and non-academic staff at the tertiary levels; weak regulatory mechanisms including inspectorate services.

3.5.6 The related problems associated with the question of access to qualitative and affordable education is the wider, very important issue of human capital development. Significant progress has been made as evident in the growing number of educational and vocational training centres across the country. But Nigeria continues to face critical manpower challenges the crux of which is the inadequacy of a critical mass of skilled labour to drive the cross-sectoral growth and development of the economy.

3.5.7 This very serious and fundamental challenge for Nigeria lies in part with the design and implementation of policies that will enhance the acquisition of

knowledge, competence and creativity. There is also the related challenge of building consensus and commitment around issues of vocational and technical educational development reform. This will serve to bridge the gaps in policy while also addressing the costly disconnections across sectors that ordinarily should have been functioning in synergy. As things stand presently, there are marked dissonances between the production and utilisation of the trained products from conventional channels of formal educational institutions and those from vocational training institutions and centres.

3.5.8 Where unemployment or under-employment is high, progressive human capital development is invariably undermined because of the constraints exerted on income and investment that would have underwritten the cost of training and skills acquisition. Unemployment and poverty is relatively high particularly among the youths. The most immediate implication of this is that a significant proportion of this huge population are actually in the debilitating conditions of impoverishment alluded to in the World Bank Report of 2014. The Report was consistent with other globally referenced reports that indicate the persistently rising trajectory of the incidence of poverty in Nigeria from 46.3 % in 1985 to 80.2 % in 2010. Further, the country's Human Development Index (HDI) for 2012 which was 0.471 ranks Nigeria the 153rd country out of 185 in the world. This in reality implies that the bulk of the population are effectively excluded from active and qualitative participation in the national economy. In fact, Nigeria is said to have one of the lowest labour participation rates (60 %) in the world.

3.5.9 A major socio-economic challenge for Nigerians is the problem of shelter. There is a National Housing Policy and supporting implementation instrument in the form of the National Housing Programme. The policy and programme frameworks conceive of the housing challenge in terms of 'the process of providing safe, comfortable, attractive, functional, affordable, and

identifiable shelter in a proper setting within a neighbourhood, supported by continuous maintenance of the built environment for the daily living activities of the individual or family within the community while reflecting their socio-economic, cultural aspirations and preferences'. A number of options exist to help actualise the housing needs of the citizenry. These include a National Housing Fund established by the National Housing Policy, primary and secondary mortgage institutions, staff housing loans in both public and private sectors, loans from commercial banks and cooperative societies.

3.5.10 The existence of these support infrastructure notwithstanding, the prospect for accessible and affordable housing continues to encounter problems associated with prohibitive costs of land; costs of building materials; high interest rates and short tenure loans and mortgages which make such services unaffordable; absence or inadequate provision of infrastructural services at affordable cost; and disregard as well as inadequate enforcement of standards leading to poor housing quality and underlying the rising incidences of building collapse.

3.5.11 There are also other institutionally-related issues that have served to further compound the housing challenge in the country. These include the inclusion of the Land Use Act in the Constitution which makes it inflexible and difficult to effect necessary amendments, inadequate and out-dated compensation policies with respect to land acquired in pursuit of the public good, lack of political will on the part of governments and relevant institutions to implement policy and enforcement standards and the marked absence of coordination between and among tiers of government on matters of housing.

3.5.12 A growing segment of the Nigerian population is made up of the aged, retirees, unemployed, etc. It is estimated for instance that about 5% of Nigerians, some 8 million people, belong to the category of elderly persons.

The National Social Development Policy of Nigeria 1989 defines the elderly as any person 65 years and above. It is recognised that there are peculiar challenges associated with the conditions of living of this class of Nigerians for which development policies must address. They include, among others, issues of poverty, and related problems of access to care, adequate nutrition, and recreation facilities; the absence of nursing homes and specialised care, inadequate social workers and care givers, and gross inadequacy of critical support infrastructure designed to meet the specialised needs of the elderly. The elderly face the problem of stigmatisation, where old age is associated with illness and a burden on family and society; they are sometimes prone to abuse, including associating old age with witchcraft, etc. Institutionally related problems have also compounded the issue in view of the fact that a marked absence of a National Policy for Senior Citizens as well as a coordinating body or agency that will collate and coordinate the affairs of the elderly.

3.5.13 Closely associated with the widely acknowledged youth bulge in the country is the challenge posed by unemployment and underemployment. Worst hit in this regard are the growing number of young school-leavers from post-primary and tertiary institutions, the out of school youths, the retrenched, etc. According to the National Bureau of Statistics, unemployment rose from 8% in 2003 to 24% in 2013. In reference to youth (of the range of age 15-35years) unemployment, a 2012 NBS Youth Survey puts unemployment at 54% of the youth population which is 69 million.

3.5.14 There is a National Policy on Employment as well as several government programmes and interventions targeting this challenge. They include the National Directorate of Employment (NDE), the National Poverty Eradication Programme (NAPEP) and interventions schemes like the SURE-P, among others. Notwithstanding, the problem of unemployment appears to be on the increase. A number of challenges have combined to undermine these

efforts including problem of policy inconsistency and lack of continuity, the absence of inadequate provision of basic infrastructure such as transportation, electricity, etc. Others include deficit in the educational curriculum resulting in the failure to equip beneficiaries with appropriate skills for employment and job creation. Indeed the falling standard of education has undermined the training received and the ultimate employability of school leavers.

3.5.15 At a time when the country is faced with diverse and far-reaching socio-economic and political challenges, it is imperative to focus attention on how targeted interventions impact on the different needs of both men and women. This means that at the realms of knowledge production as well as in the setting of development agenda for the country, public policy must be sensitive to the pattern of distribution of socio-economic services, infrastructure and opportunities between and within men and women, social classes, nationalities, and ultimately the federating units in the country.

3.5.16 The nexus between gender and development is now universally acknowledged. The UNDP for example posits that 'if development is not engendered, it is endangered'. The issue at stake is one of equity as well. For only in the inclusion of gender-sensitive considerations will there be an understanding of and sensitivity to how the unequal power distribution between men and women cuts across all facets of society. Gender issues, which are, usually, erroneously associated with 'consideration for women issues', actually concern themselves with those socially and culturally constructed differences between men and women, boys and girls, which give them unequal value, opportunities.

3.5.17 The 1999 Constitution guarantees sex-based equality. There are in place ministries, departments and agencies (MDAs) that seek to eschew discrimination, equal opportunities and access to women, children and other

vulnerable groups. These MDAs include the Ministry of Women Affairs, the Federal Character Commission, the Human Rights Commission, etc. The country is also a party to several international conventions eschewing all forms of discrimination against all persons. All of these are commendable measures.

3.5.18 However, the problem of gender inequity has remained largely unresolved because of the erroneous assumption that these provisions automatically translate into the protection of women and the provision of equal opportunities to both women and men. So, undoubtedly, progress has been made thanks to these measures and government's commitment to affirmative action. More women are now, more than ever before, represented at all levels and tiers of government and along the broad spectrum of the private sector. But the reality is still that women remain grossly under-represented in governance: they constitute less than 6% of elective positions, and less than 12% in appointive positions despite their numerical strength of about half of the population of the country.

3.5.19 The economic dimensions of Nigeria's gender challenge also present a disturbing picture. Over 80% of the population live below the poverty line. Due to drawbacks associated with the incidence of cultural bias, patriarchy, religion, male chauvinism, illiteracy, state and geography, the incidence of poverty and relative lack of opportunities are very high for women and the girl-child. Public policies and programmes like Poverty Alleviation schemes have targeted women in several respects. But much still needs to be done to assure equality of access to those critical wealth-creating infrastructures that would maximise women's contribution to the growth of the economy, particularly in the informal sector where they are predominantly located. Women's access to health-care delivery systems needs to be further enhanced. This point cannot be overemphasised seeing that Nigeria is currently next to India with the second highest rate of maternal mortality.

Planning problems and the lack of continuity and synergies

3.5.20 In the past there were development plans covering designated government policies geared towards actualising national economic objectives, like the development of industry, infrastructural facilities, welfare, etc. There were five such Plans beginning with the First National Development Plan, 1962-67, (setting aside the earlier ‘national’ plans under the colonial government, the 1946-55 Ten Year Plan of Development and Welfare {with plan revisions, 1951-55} and the 1955-60 plan {later extended to 1962}). By late 1989 however, the concept of a fixed five-year plan had been scrapped by the government of General Ibrahim Babangida in favour of a three-year ‘rolling plan’ with effect from the 1990-92 period in the context of a more comprehensive fifteen to twenty-year plans.

3.5.21 Without gainsaying the progress made under successive Plans, it must be pointed out however that each had been confronted with either one or a combination of problems that included poor funding, inadequate man-power for the execution of the plans, as well as poor project planning and evaluation. Equally important is the low level of public involvement and participation. There were also the problems with synergising policies across sectors and tiers of government, a problem that was seriously compounded by lack of policy consistency and continuity.

3.5.22 It is being canvassed, and with good reason too, that a 20-year Perspective Plan be evolved to which all major stakeholders would commit to serve both as a roadmap and benchmark in the pursuit of economic growths and development. The need to rigorously pursue and commit to such a Plan cannot be over-emphasised when it is recalled that countries which could be considered to be relatively within the same broad developmental categorisation as Nigeria – Brazil, South Korea, Malaysia, Indonesia, India, Turkey, etc- had

treaded that path, and have long forged ahead with the rapid transformation and development of key drive sectors of their respective economies.

Managing economic liberalisation

3.5.23 The Nigerian economy has increasingly been liberalised. This is due to its structural composition as it is to her commitment to the tenets of contemporary neoliberalism. Under the goading of global institutions like the World Bank, IMF and the WTO, national barriers are being lifted in key economic and commercial areas to facilitate the unfettered flow of capital investments and of goods and services.

3.5.24 In the light of the dearth of capital and investment in Nigeria, the quest to attract same is understandable. It is imperative however to question the quality of investment we attract as well as implication of indiscriminately throwing our markets wide open for access. As it is indigenous capital, entrepreneurs have come under unprecedented pressure of competition from foreign goods and capital.

CHAPTER FOUR

CONFERENCE PROCEEDINGS

4.1 INAUGURATION OF THE CONFERENCE

4.1.1 The National Conference 2014 was inaugurated on 17th March 2014 at the Auditorium of the National Judicial Institute (NJI) Abuja by President Goodluck Ebele Jonathan, GCFR. The inauguration, which was attended by the 492 Delegates (except a few) signaled the formal beginning of the Conference.

4.1.2 In his inaugural Address, the President told the Delegates that they were free to discuss any issue about Nigeria with particular emphasis on finding solutions to the problems of national unity and development. He said that the Conference had no no-go-area although he ruled out any discussion on breaking-up the country. The President emphasized that the Conference should come up with strategies to strengthen rather than weaken Nigeria's national unity, and enhance a participatory and inclusive democratic system of Government. He urged the Delegates to recognize the need to move the country forward more than the narrow interests that define our fault-lines.

4.1.3 The President charged the Conference to spell out the modalities for the implementation of its recommendations/resolutions. He told the Delegates that they are free to suggest any constitutional arrangement they consider best for Nigeria. The President thanked the National Assembly for introducing the provision for a referendum in the proposed amendment of the 1999 Constitution, and declared that the amendment should be relevant to the National Conference if the need for a referendum arises at the end of deliberations.

4.1.4 In the course of plenary debates on the President's Inaugural Address, Delegates were sharply divided on modalities for actualizing a constitutional amendment. While some Delegates posited that amendments to the Constitution are

sufficient on their own; others contended that amendments embedded in the 1999 Constitution would make it a new one. Another group of Delegates insisted that a new provision in the Constitution would necessitate a referendum. Conference could not therefore reach a decision on the matter at the time of putting this report together.

4.1.5 While urging the Delegates to conduct their deliberations in the best patriotic spirit, he informed them that, Government had accepted the recommendations of the Okurounmu Advisory Committee on National Dialogue that decisions at the Conference should be reached by consensus. Where consensus is not possible after many attempts, the President said decisions should be reached by seventy-five per cent (75%) majority. He informed the Delegates that Government had designed this process of decision-making for the National Conference in order to ensure inclusive and popular resolutions that can help in strengthening the bond of unity among Nigerians. The President gave the Conference three months deadline within which to conclude its deliberations and submit a Report to Government.

4.2 RULES OF PROCEDURE

4.2.1 As the National Conference settled down to business, Delegates considered and adopted, with amendments, the 'Draft Rules of Procedure' presented to them by the Conference Management. Highlights of the Rules of Procedure included the adoption of basic rules to guide smooth deliberations, decision-making, working days and hours etc. In particular the Conference adopted a four working days week – Mondays to Thursday and hours of business in two sessions – morning session (10 am to 2 pm) and afternoon session (4 to 6 pm).

4.2.2 One issue in the Rules of Procedure that became very controversial was the decision-making procedures. Some Delegates rejected the proposal to take decisions if consensus fails by 75% majority. They argued that decisions in any democratic setting are normally arrived at by simple majority or in extreme cases where principles of inclusivity must prevail, by a two-thirds majority. They opined that, arithmetically the 75% majority proposed as the benchmark for arriving at decisions when consensus is not possible, is much high than the normal two-thirds. So they suggested that to avoid

complications and confusion, decisions should be reached where consensus is not possible by simple majority. They suggested that this would be consistent with the best democratic practice.

4.2.3 Other Delegates supported the retention of the decision-making benchmark as proposed in the inaugural speech by the President. They argued that the National Conference was not convened through a democratic process in the sense that all the Delegates were nominated not elected. The President who convened the Conference, they further argued, did so by invoking his powers under Section 5 of the 1999 Constitution, which gives him the power to institute any Committee, body or organ to advise him on the smooth running of Government. In the opinion of those Delegates, the President therefore had the right to determine how that body he instituted shall conduct the specific assignment he gave it. This, they said, applied to the National Conference.

4.2.4 Another group of Delegates presented the view that if fundamental decisions are going to be made regarding the constitution, policy and law of Nigeria, the most realistic option is to retain the 75 percent majority proposed by the President to ensure an equitable, balanced and inclusive decision-making benchmark.

4.2.5 Following this controversy which tended to divide the Delegates along regional lines and posed a real threat to the take-off of the Conference, Conference Management constituted a Committee of 50 very influential and seasoned leaders among the Delegates. Membership of the Committee was drawn from all sections of the country and covered all demographic divisions represented at the Conference. The Committee became known as '50 Wise men/women'. This Committee met with the Management and after series of brutally frank discussions, came up with a compromise – that where consensus is not possible, decisions should be arrived at by 70% majority. The Committee took that position in recognition of the realities of the Conference's composition and the need to put national interest first over and above narrow interests consistent with Nigeria's well-known fault-lines. This compromise was then tabled at the Plenary. It was unanimously carried.

4.3 GENERAL DEBATE ON THE PRESIDENT'S ADDRESS

4.3.1 Having adopted the Rules of Procedure (with amendments), the Conference went into business. The first two weeks were devoted to general debate on the President's Inaugural Address. Every Delegate was allowed to speak for three minutes. The contributions dwelt on the general agenda of the Conference. All the Delegates spoke. Each bared his/her mind on issues that appeared dear to him/her about the state of things in Nigeria. Many issues were raised and varied positions canvassed.

4.3.2 The General Debate was conducted in an atmosphere of matured discourse and mutual respect even where the points raised and positions canvassed were sensitive along the divides. Some of the issues that were constantly raised by the Delegates in the course of the General Debate included, but were not limited to the following: -

1. National Security and Defence;
2. Devolution of power from the central government to the federating units;
3. Political restructuring and a redefinition of the federating units;
4. Agriculture and Food Security;
5. Resource control and resource allocation;
6. Forms of government;
7. Deepening of democracy;
8. Party system and elections;
9. Accountability and transparency in government;
10. Poverty and wealth creation;
11. Economic development;
12. Religion and the state;
13. Public service;
14. Foreign Policy and Diaspora Matters;
15. Corruption and development;

16. Ethnic nationalities and minority question;
17. Civil society and the media;
18. Judiciary and law reform;
19. Transport, public works and Infrastructure – roads, aviation, waterways, etc;
21. Social sector and social welfare;
22. Education and culture;
23. Citizenship;
24. Immigration Matters and Cross-Border crimes;
25. Energy crisis; and
26. Land holdings and Land tenure.

4.3.3 After the General Debates were exhausted, the Conference went into the Committee stage where the bulk of the Conference work was done. Delegates were distributed into 20 Committees. The contributions of the Delegates during the General Debate had tremendously impacted on designing the Committees based on the major thematic issues which appeared to be the major areas of concern on the basis on which, the Conference would be able to propose recommendations for moving Nigeria forward and strengthening unity among its people. The 20 Committees established by the Conference were as follows:

1. Agriculture and Water Resources;
2. Citizenship, Immigration and Related Matters;
3. Civil Society, Labour and Sports;
4. Devolution of Power;
5. Economy, Trade and Investment;
6. Energy;
7. Environment;
8. Foreign Affairs and Diaspora Matters;
9. Judiciary, Law, Human Rights and Legal Reform
10. Land Tenure;

11. National Security;
12. Political Restructuring and Forms of Government;
13. Political Parties and Electoral Matters;
14. Politics and Governance;
15. Public Finance and Revenue;
16. Public Service;
17. Social Sector
18. Religion;
19. Science, Technology and Development; and
20. Transportation.

4.3.4 In posting the Delegates to the 20 Committees, each was asked to indicate three Committees of his/her preference. Conference Management had a difficult task posting all the Delegates to their preferred Committees as most of them selected a few Committees that had political leanings. Only a few Delegates indicated interests to serve on some of the Committees like Committee on Religion – which was preferred by about 3% of the Delegates. Faced with such challenges, Conference Management ensured even distribution of the Delegates to each of the Committees in such a way as to ensure that no one section of the country had 70% of members of each of the Committees so that, if it comes to voting, consensus principles would be enforced and where that is not possible the 70% benchmark would not be one-sided. As much as possible, the distribution of the Delegates was fairly even within respectable limits.

4.3.5 The Committees worked for a period of six (6) weeks and produced Reports which presented in the Plenary on the basis of which Conference took decisions. These decisions are now presented in the chapter that follows.

CHAPTER FIVE

CONFERENCE RESOLUTIONS

5.0 INTRODUCTION

The National Conference having considered the reports of the 20 Committees adopted the following recommendations. These are presented Committee by Committee as follows:

5.1 AGRICULTURE AND WATER RESOURCES

5.1.1 INSTITUTIONAL MANAGEMENT OF AGRICULTURAL PROGRAMMES

Conference believes that there are a few areas that need policy strengthening as captured below:

5.1.2 ROLES OF THE FEDERAL GOVERNMENT

1. Conference decided that the Federal Government should concern itself mainly with regulatory policy issues and articulation of strategic national direction, providing guidance to State Governments and Agencies as well as formulation of foreign/international policy interphase of the sector. The Federal Government shall lay down the fiscal and monetary regulations that will enhance investor mobilization and interest in Nigerian agriculture, but also support an institutional structure that will enforce this arrangement. The Federal Government should link its policy frameworks to the global policy dynamics that attracts foreign investors and aids/grants. Part of the policy content should be to protect and grow the small holders, indigenous technologies and promote quality and standard for value added products targeted for domestic and international markets.

2. Other areas that should be consigned to the Federal Government include Research and Development, regulation of seed industry, Quarantine services, Agricultural Insurance, Strategic National Food Reserve, inventorization of land resources, Commodity Development and Marketing Institutions, maintenance of

fishing terminals and fisheries infrastructure, maintenance of large dams and irrigation infrastructure, strategic intervention in the control of major land degradation such as desertification and water erosion, land reclamation and development, monitoring and evaluation, central coordination of agricultural data gathering and information management. The central government should also be exclusively responsible for inter-sectoral linkages and harmonization to facilitate access to finance and input services delivery as well as enforce standards in conjunction with other relevant institutions, co-ordination, monitoring and evaluation.

3. In addition, the Federal Government should confine itself to:

- a) Agricultural Pricing Policy: The objective of which should be to provide remunerative prices to farmers for their products, to stabilize prices and income for the farmers, to make the prices of the Nigerian agricultural products competitive to promote exports, and to ensure that imported agricultural products do not have price advantages over local commodities.
- b) Agricultural Trade Policy: To promote agricultural exports and discourage importation.
- c) Infrastructure Development Policy: To provide infrastructure as part of general rural development aimed at making basic amenities accessible to rural communities to facilitate agricultural production and the orderly conduct of rural enterprises.

4. Coordination, Monitoring and Evaluation

For the Federal Ministry of Agriculture and Rural Development to carry out the above functions effectively, Conference proposed that the establishment of a **National Agricultural Programme Coordinating Agency*** to be responsible for:

* New Agency highlighted.

- a) Providing technical support to the States in planning, formulating and designing agricultural programmes based on the States priority and comparative advantage, working closely with the State agencies;
- b) Monitoring special intervention programmes of the Federal Government in close collaboration with the States;
- c) Assisting the States in carrying out periodic evaluation and particularly impact assessment of the State and Federal projects and programmes;
- d) Co-ordinating the gathering, up-dating and dissemination of national agricultural data including marketing and price information;
- e) Maintaining a two-way track of information flow between the Federal and State Governments on the performance of Federal Government policies in order to facilitate the initiation of corrective measures where necessary or desirable;
- f) Co-ordinating the donor assisted programmes and projects and providing implementation support for such programmes.

5. **Agricultural Research and Development:** This is a key function of the Federal Government and should remain on the Exclusive Legislative List. There are, presently, 18 agriculture-related Research Centres/ Institutes under the supervision of the Federal Ministry of Agriculture and Rural Development. The fundamental issue that needs to be addressed is whether these Research Centres are delivering or even capable of delivering on their respective mandates. With the exception of two or three, most of them presently lack the requisite capacity (equipment and human) to carry out any meaningful research and are poorly linked to end users. In any case, Conference is not persuaded that the Federal Government needs such a huge number of agricultural research institutes with thinly spread resources. There may therefore be a good case to

explore the rationalization of the system for greater efficiency and higher productivity. To further enhance their research output and synergy and strengthen their contribution to national development, all the Federal Agriculture-related Research Centres/Institutes should be formally linked with the Faculties of Agriculture in the Federal Universities close to such Centres as is presently the case with the Institute of Agricultural Research and Animal Production Research Institute (both in Samaru) with Ahmadu Bello University; Institute of Agricultural Research and Training, Moor Plantation, Ibadan with Obafemi Awolowo University; and the Federal Root Crops Research Institute at Umudike with the University of Agriculture, Umudike. In the same vein, the National Cereals Research Institute, Badeggi should be linked with the Federal University of Science and Technology, Minna, Lake Chad Research Institute should be linked with the University of Maiduguri, and the National Veterinary Research Institute, Vom should be linked with the University of Jos, etc.

6. The Agricultural Research Council of Nigeria was created principally to coordinate and harmonize the research programmes, focus and activities of the 18 Agricultural Research Institutes under the supervision of the Federal Ministry of Agriculture and Rural Development as assigned to it in the policy document. This function remains relevant and critical. Unfortunately, the Council appears to have degenerated to a mere administrative link between the Institutes and the Ministry thereby getting itself unduly involved with routine matters that are essentially within the domain of the Governing Boards of the respective Institutes. Its statutory focus has therefore taken a back seat. There is urgent need to re-engineer and re-focus the Council for it to add value to the system.

6. Market Information Gathering and Communication: The Federal Government should support the State to gather information it requires for policy feedback and decision making in areas such as prices, quantities, location of sales, import of food, export of food, value added activities, number of player and stakeholders in the agricultural sector. Most of the information should be collected in collaboration with the private sector and bought in by the government for further policy and

review and strengthening. This activity is to be carried out by the new **National Agricultural Programme Co-ordinating Agency**.

7. **Inter-Sectoral Linkages and Harmonization:** Agricultural enablers cut across key Ministries, such as Works, Education, Health, Defence, Youth/Women, Industries, Water Resources, etc. This is why the Federal Ministry of Agriculture and Rural Development must have a strong institution akin to the defunct Federal Agricultural Coordinating Unit (FACU) that will effectively coordinate and monitor the contribution of other agencies to agricultural development, as well as make informed contributions to the budget and resource allocation of relevant Institutions/Ministries to agriculture.
8. The effective coordination of all Ministries, Departments, Agencies and Institutes involved in agricultural transformation is an imperative otherwise the already existing duplications/overlaps will substantially increase. This has serious cost implications for Government. Such coordination will also ensure they do not work at cross purposes.

9. **SPECIAL PROJECTS Coordination**

Nigeria as a client member to various international finance institutions leverage financial credit called concessional loans from agencies like the World Bank, International Fund for Agricultural Development (IFAD), African Development Bank to fill some developmental gaps and in most cases to catalyze development. Those facilities have two key components, namely, the financial component (which is the loan) and the knowledge base component (which is technical support to Nigeria and which is more important component). The recommended National Agricultural Coordinating Agency should ensure judicious use of the loan proceed as well as handle replication and up-scaling of successes from the outcome of the technical assistance to States. A good communication and knowledge management strategy is thus expected to be developed and coordinated

for sharing and dissemination of outcomes from donor-funded special interventions in agriculture. Close collaboration and linkages with the State Government Agencies are critical to the success of the implementation of the national agricultural policies. It is imperative that the Federal Government gives a strong lead in this direction.

5.1.3 THE ROLES OF STATE AND LOCAL GOVERNMENTS

The role of the States and Local Government rests on implementation of the policy directive of the Federal Government and feedback to the FG on policy performance. The Federal Government should substantially divest itself from implementation of activities in the field. In this context, all forms of extension work (including the strengthening of extension training institutions) including agro-inputs/fertilizer sourcing and delivery, grazing reserves development and provision of water for livestock, maintenance of buffer stocks of agricultural commodities, promotion of community-based and member-based rural development, organisation and coordination of the collection of primary agricultural data, infrastructural support to extension, seed production at all stages (parent stock, foundation and certified); adaptive research; and value addition through processing should substantially devolve to the States and Local Governments. In this line, the States, and to a lower degree, Local Governments will be required to invest directly in infrastructure including land acquisition for agricultural purposes. The other roles of States include promoting appropriate investment environment that suits private sector involvement in agricultural and agro-business activities. The States should be capturing and promoting comparative advantages found in their States with a view to converting them into a competitive advantage.

2. This process will be guided by land and economic mapping by the States. On this note, Conference decided that:

- a) Governments, State and Local, being stake holders, should facilitate the revitalization of such a skills-acquisition/agricultural-training center in each senatorial district in the country as an initiative towards the transformation of agriculture, making it attractive to the youth and as a viable platform for job-creative/poverty alleviation. All the isolated institutions, programmes set up to generate employment or create wealth that are working at cross purposes or duplicating each other should be reviewed and rationalized to dovetail into this programme, and be operated as an umbrella National Scheme pursuing common objectives;
- b) Each centre should be sited on a piece of land twenty to fifty hectares in area, and equipped with a variety of agricultural machinery: small scale tractors, power tillers, rice reapers, miniature harvesters, etc. and all unemployed youth, including fresh school leavers, should be trained in their use for mechanized farming as a replacement for hand tools;
- c) State and local Governments should encourage private sector participants as agric-equipment vendors through soft loans, tax exemptions, duty-waivers, etc. to source and import rugged, small scale equipment for sale to those newly trained mechanized farmers;
- d) State and local governments, as stake holders, should facilitate access to farmlands for these young farmers even on renewable-term basis, until they are able to acquire their own land;
- e) As a matter of necessity, this initiative should facilitate the training of small-, middle-level and even big-time entrepreneurs for growing, processing, manufacturing and transporting, and, in some cases, even for the exporting of the produce, bearing in mind and utilizing all the facilities and processes that Information and Communication Technology has made available;

- f) The initiative should set up a special section for training rural women in handcrafts, running cottage industries for domesticated small scale production; and, at the same time, provide them with grants and soft loans, especially now that the number of single parents and widows is continuously on the increase; and
- g) At the onset, the initiative should direct all its efforts towards the production of food items, which will then be used for import substitution for commodities like rice, wheat, tomatoes, fruit juices, fisheries etc. to reduce import bills and free the scarce foreign exchange, thus also strengthening the value of the Naira.

3. Farmers-led Commodity Marketing Board: Prior to Nigeria political independence, the colonial administration was able to sustain a sharp and robust focus on commodity development and marketing primarily in order to accelerate the resuscitation of British industrial sector at the end of the second World War in 1945. This led to the establishment of Marketing Boards for all the major commodities, viz: Cocoa, Oil Palm, Cotton and Groundnuts between 1947 and 1949.

4. Over the years, the national policy focus on the Commodity Marketing Boards became gradually weakened and compounded by undue political interference undermining the management of the entire system. The introduction of the Structural Adjustment Programme in 1986 wiped out this formal and structured market instrument without any reflection on the other services the Marketing Boards were performing e.g. research and extension linkage and without any deep reflection on alternative market information policy or strategy. The attempt by the Federal Government to establish three Agricultural Development and Marketing Companies a decade ago did not succeed because it was supply-driven and not 'demand-driven'. It is gratifying to note that the present Agricultural Transformation Agenda has recognized this and intends to address this issue. Conference urges that this should be given utmost priority and urgency. Government should support the development of Farmers-led Commodity Marketing and demand-driven marketing organizations for

the key commodity crops, viz: Cotton, Groundnuts, Cocoa and Oil Palm. For a start, such marketing organizations should be promoted by the Federal Government, even if private sector-driven or, better still, be left entirely to the private sector on strictly demand-driven basis or to inter-state regional economic groupings.

5. Agricultural Input Supply and Subsidy Management: The subsidy regime and management mechanism that has been put in place by the current policy drive, (whereby the Government distribution system has been replaced with private sector-led system utilizing input vouchers) appears to have substantially removed the operational bottlenecks and abuses associated with subsidy management in agriculture generally and should be strengthened and sustained. There is however the need to strengthen effective operational connectivity with the States in the service delivery so as to ensure sustainability. Provision of agricultural services and activities are best left to the States with strong guidance and coordination from the centre.

5.1.4 AGRICULTURAL PRODUCTION AND PRESERVATION FOR FOOD SECURITY AND INDUSTRY

1. Agricultural Land Resources

- a) Soil survey operations should be undertaken in a systematic manner, such that year after year contiguous Local Government Areas and/or States should be surveyed with the aim of eventually having the entire country or zone covered by semi-detailed and eventually detailed soil surveys, resulting in the production of useful, farmer friendly soil maps for each Local Government Area in the country.
- b) The Nigerian Soil Science Institute whose bill for its establishment is currently before the National Assembly, should promptly be set up to regulate the training and professional practice of all aspects of Soil Science in the country.

- c) Extensive enlightenment campaigns on the use of soil survey information for improved control of erosion, desertification, and flood should be carried out in English and in local languages throughout the country using electronic and print media, as well as agricultural extension agents.
- d) There should be extensive needs assessment assignment of soil and water laboratories available in the country so as to systematically upgrade at least two laboratories in each political zone in the country to serve as soil testing locations.
- e) “Nigeria must guard against land grabbing and ensure that irrespective of purposes for which land is needed, land owners whether individuals or communities, must not be dispossessed without due consultation and adequate compensation.”

2. **Irrigation:** Following extensive reviews of existing policies and challenges facing the desired application of irrigated agriculture for increased food production, Conference decided that:

- a) Manpower development (capacity building) and training programmes on the management, operation and maintenance of the different components of large scale irrigation schemes (surface/non-pressurised and pressurised) should be intensified;
- b) The coherent draft National Irrigation and Drainage Policy which provides the essential guidance necessary for irrigation farming should be adopted without further delay. It provides for the expansion of irrigation schemes which is necessary to drive the Agricultural Transformation Agenda. It also guarantees food security and the success of poverty alleviation programmes, afforestation and reforestation programmes, the establishment of grazing zones, and efforts

towards the mitigation of the damaging impact of climate change through ecosystem restoration schemes;

- c) There is an urgent need to develop a formal structure and institutional framework for cooperation between all irrigation stakeholders at all levels;
- d) A practical fee structure must be determined to ensure appropriate financial returns that ensure the availability of funds for proper maintenance and improvement of completed irrigation systems; and
- e) There should be diligent and holistic study of all the large dams in the country to determine their state and to take immediate action where maintenance or repair is required.

5.1.5 IMPLICATIONS OF CLIMATE CHANGE FOR AGRICULTURE

1. The Agricultural Policy of Nigeria and the Agricultural Transformation Agenda should adequately recognise the synergy between climate change and irrigation. The current policy document on its mandate, vision and mission statements is silent on the impact of climate change on agricultural systems. There is no clear policy position on how to respond to the impact of climate change on the overall objectives of the policy. Indeed the National Irrigation and Drainage policy, the Agricultural Policy of Nigeria and Agriculture Transformation Agenda (ATA), should be synchronised to articulate a clear and joint Blueprint or Action Plan that emphasizes the use of efficiently run irrigation schemes to combat the negative impacts of climate change on agriculture.

2. Furthermore, Government should involve the farmer, the herdsman, fisherman and the rural dweller in the design and implementation of policies intended to address the most relevant problems of the soil degradation. The goals of sustainability can best

be achieved through a participatory “bottom up” approach as opposed to the current “top down” approach that is being used in most projects.

- a) The role of irrigation schemes in ecosystem restoration, provision of irrigated grazing lands and the reduction of community clashes and insurgency should be fully exploited;
- b) The National Adaptation Strategy and Plan of Action on Climate Change in Nigeria (NASCPA – CCN) is yet to be adopted as a policy document for the country. It should be reviewed and adopted; and
- c) Government policy should take advantage of climate change and desertification, and introduce species of trees/crops that are adapted to deserts and minimum water. They should invest heavily into date palm plantations to develop its related industries in communities with serious desert encroachment challenges.

5.1.6 MECHANISED AGRICULTURE

1. In view of the observed low capacity utilisation of available fertile land for agriculture and the need to bring more land under cultivation for increased agricultural output, Conference decided as follows:

- a) Promotion of research and development of indigenous and appropriate agricultural machinery taking into consideration the culture and traditions of the people;
- b) Government must introduce policies for the protection of local entrepreneurs, and timelines for transfer to the use of local technology;

- c) Promotion of mechanized agriculture at all levels using appropriate technology and mechanical power as well as the use of cooperatives. This involves improvement of manual and animal traction tools, introduction of intermediate technology and eventual graduation to the use of high-tech mechanical power as may be applicable in each locality;
- d) Revival of farm settlements will provide large tracts of land for mechanisation. This will result in viable rural communities with high agricultural production and agro-industrial centres;
- e) Development of a policy to provide basic infrastructure in all areas of agricultural mechanisation. This is an important key to unlocking the green economy for the well-being of Nigerians;
- f) That Government policies relating to agriculture in Nigeria should reflect and support engineering input and engineering professionals involved with agricultural practices;
- g) The River Basin Development Authorities also have substantial farmlands in all their catchment areas lying waste and in some cases the lands have been balkanized for personal use. Both the National Agricultural Land Development Agency and the Authorities should cooperate and return the lands to the original intentions for which the lands were achieved;
- h) The need to emphasize Horticulture as part of Agricultural production for income generation both internally and for foreign exchange earnings; and
- i) That Government Policy should enhance the availability of improved seedlings for Agricultural and Horticultural purposes for increase in food production and income generation.

5.1.7 BIO-TECHNOLOGY

1. Conference decided as follows:

- a) That adequate funding should be devoted to biotechnological research, especially those that do not involve cross-species genetic manipulations; and
- b) That action should be expedited on the passage of the Biosafety Bill to regulate trans-boundary movement of genetically modified agricultural products and encourage development of improved varieties and breeds under ethical research environment.
- c) That the Bio-safety Bill should be reviewed to include the following:
 - i. Public participation: It should be obligatory to ensure public participation when applications to introduce GMOs are being considered;
 - ii. The Bill should specify clearly how large-scale field trials would be contained and regulated to avoid contamination of surroundings or farms;
 - iii. Besides Environmental NGOs, Farmers organizations should be represented on the Governing Board;
 - iv. Risk Assessment: The Bill should state criteria for risk assessment and such assessments must be carried out in Nigeria and not offshore;
 - v. Liability and Redress should be included in the Bill bearing in mind that this is a key part to implementing the Nagoya-Kuala Lumpur

Supplementary Protocol to the Cartagena Protocol on Bio-safety adopted in October 2010; and

- vi. Precautionary principle: The Bill should include the implementation of the precautionary principle that entitles our government to decide against approval or for restriction in cases of incomplete or controversial knowledge.

5.1.8 LIVESTOCK, GRAZING RESERVES, RANCHING (DOMESTICATION) AND FISHERIES

1. Conference decided that:

- a) In the long term cattle routes and grazing reserves be phased out to lay emphasis on ranching. Cattle rustling is however a disincentive to ranching and must be brought under control by better policing. In the meantime, States which have large livestock populations should endeavour to maintain grazing reserves; and
- b) The traditional institutions should be primarily responsible for the conflict resolution between the Herdsmen and Farmers, and also their respective Associations where resolutions has failed, then the Alternative Dispute Resolution (ADR) Centre should be their last resort.

- vii. **Linkages of Domestic Production Capacity with Health and Safety Policy on Meat and Dairy Product:** The most practical tool for enforcing an effective health and safety standard for domestic meat and dairy consumption is the regulation and control of breeding and livestock improvement techniques. Domestic meat and dairy sources offers the best guarantee that such animal food sources are free of

potentially harmful substances that enter the food chain either as breeding enhancers through biotechnology or food preservatives. Given the current gap in the supply of meat and dairy products for domestic consumption, the current livestock and fisheries component of the Agricultural Transformation Agenda should focus on closing the gap in supply to the domestic market. Conference therefore decided that:

- a) Government should have policies in place to ensure that abattoirs are as animal friendly and humane as possible. The design of abattoirs should be such that an animal is not slaughtered in the presence and view of other animals.
 - b) Government should enact policies prescribing a minimum size of battery cages for layers (egg producing chickens). These battery cages should be large enough for the birds to flap their wings and ‘stretch’ themselves.
 - c) Government should ensure humane handling of animal being transported to and from markets. There should be a fine for any cruelty to livestock.
2. **Poultry production and the Poultry Economy:** Poultry production is one area that has developed independently of Government funding. Government policy recognises that ‘poultry is rated as the most industrialised component of the livestock subsector’ valued at about N80 billion. Incentives should therefore be given in the form of cheap financing for the subsector and favourable tariff regime, particularly for the poultry value-chain infrastructure.

Given the level of investment in large-scale poultry farming there is need for comprehensive private-public contributory poultry insurance for the subsector, coupled with appropriate investment guarantee and credit guarantee schemes.

3. **Strengthening Local Capacity for High-Value Fishing Operations:** Two main fisheries categories currently exist in the sector - culture and capture

fisheries. Whilst culture fishery contributes an increasingly significant proportion of the fish economy, capture fishery remains the primary subsistence as well as economic activity of rural dwellers around localities with significant surface water resources. Government's commitment to economically viable commercial fishing operations requires a guided transition from traditional fishing practices to extensive technologically enhanced fishing/trawling operations without necessarily compromising the local fishing entrepreneurship. Private sector funding can be encouraged through a system of policy and financial incentives and access to bodies of water such as dams. In particular local entrepreneurs must be encouraged to explore serious deep sea fishing/trawling activities which provide a significant avenue for foreign exchange earnings. It is also imperative that Government safeguard this significant natural resource through proper policing of our territorial waters.

4. Over the years, livestock and fisheries activities have been carried out as largely private/individual enterprises. The subsector demands the use of substantial manpower and thus presents significant opportunities for employment generation.

5. **Food Storage, Preservation, Processing and Packaging:**

Conference decided the following interventions in the postharvest system of agriculture in line with the policy on agriculture:

- a) There is a need to enhance inter-seasonal and inter-year food price stability for sustainable food security. This will encourage double seasonal cropping in the semi-arid regions as well as the effective use of existing and future irrigation systems in other parts of the country;
- b) Revival of the strategic grains and food reserve programmes. The process will provide for large scale food storage making food available throughout the year at stabilised prices;

- c) Provision of support for the development of fruits, vegetables, cash crops, grains and livestock as well as fisheries processing and packaging industries at all levels;
- d) Promotion of patronage and consumption of locally produced food and value added products over similar imported products. This will reduce produce losses resulting from lack of storage and processing and also reduce expenditure on imports;
- e) Provision of access roads to farming communities in the hinterlands to reduce handling and transportation damages and consequential losses in agricultural produce;
- f) Stabilization and provision of electric power so as to ensure prompt and long term storage and processing. Economic produce storage and processing cannot be realized under a system dependent on self-generation of power;
- g) To promote research in control of post-harvest losses by upgrading and funding existing institutions and centres involved in such research and activities to ensure year round agricultural produce;
- h) Construction of cylos for grain farmers; compartmentalised cold rooms for fish farmers; and other types of appropriate storage and preservative facilities at appropriate strategic area across the Country, to attract token from farmers as encouragement to produce to their maximum capacity; and
- i) Provision of special incentives and agricultural loan facilities for agricultural produce processing industry across the Country.

6. **Promotion and Marketing of Agricultural Produce:** There should be a well-structured promotion of the institutions and incentives supporting these interventions such as:
- a) Commodity trading exchanges which allow spot and forward sales as well as crops being used as collateral;
 - b) Marketing boards or corporations; and
 - c) Government (Federal/State) guarantee scheme for cash crops, especially those for export.
7. The establishment of the necessary policy and legislative frameworks should be expedited to make them a reality in the short term.

5.1.9 WATER RESOURCES, AND THE ROLE OF RIVER BASIN DEVELOPMENT AUTHORITIES

1. Water Resources

Conference decided as follows:

- a) Significant and sustained political will should be provided to ensure that water as a natural resource is suitably protected. Borehole sinking should be discouraged, as it will have adverse effect in future;
- b) Legal regulatory framework: The Constitutional provision for the Water Sector needs to be strengthened and clarified. Water Decree 101 of 1993 is the principal legislation guiding activities in the Water Sector. It no longer meets present day needs and challenges. In addition to its status in the 1999 Constitution (as amended), there is a need for a review that will include definition of access to water resources, the establishment of water protection zones, regulation on raw water abstraction and sanctions for water misuse,

pollution, and punishment for those who sabotage assets and frustrate efforts to provide water for all. It is proposed that amendments include Access to safe and adequate water as a Fundamental Human Right;

- c) Trans-boundary waters should be placed on the Exclusive Legislative List (Interstate waters are already on the Exclusive Legislative List);
- d) Water for domestic, commercial, industrial, irrigation, power and other uses should be placed on the concurrent list;
- e) Set specific standards and limits for the various uses of water –domestic, commercial, industrial, fisheries and other agricultural uses for water polluting parameters and also fix penalties for non-compliance;
- f) The regulatory framework will also need to take into consideration private sector participation which will open up new financing opportunities. The various draft policies with regard to the water sector are comprehensive and need to be updated, finalised and implemented to give direction to efforts to effectively develop and manage activities in the sector. The policies need to fully integrate all stakeholders in a holistic institutional management framework;
- g) The implementation of policies in this sector requires considerable investments in infrastructure – new projects and the completion of abandoned projects. The financing shortfalls for water infrastructure projects must be addressed through financing alternatives (as distinct from Government funding) and income generation. Public Private Partnerships (PPP) are a viable means;
- h) The Bill for Integrated Water Resource Management (IWRM), when passed, will enable the sector to generate income through a system of water bills, rates and tariffs and enabling laws. It should be passed speedily;

- i) Drought, desertification and drying up of lakes and rivers pose serious problems and have had a drastic effect on Nigeria's economy, displaced cattle herdsman and communities, and posed very serious security challenges from insurgents and tensions between neighbouring communities and countries. The restoration of dried up lakes and rivers is an imperative. It will have consequences on the environment through the restoration of ecosystems, and facilitate the return of relationships between affected communities and countries to some equilibrium;
- j) Manpower development: there is a desperate need for manpower development at every level in the water sector to counteract the effects of low capacity and ensure that the water mandate is executed. Capacity building through both educational and training programmes needs to be urgently embarked upon;
- k) A National Water Commission should be established to - Maintain a comprehensive database on water sources and usage to aid overall planning; Manage inter-sectoral linkages; ensure sectoral allocation of water; manage trans-boundary Rivers and lakes which can affect our access to water and create political tensions; Dredging for accessibility of water generally and for Agricultural purposes, as well as Sand filling for land recovery to enhance other uses, including Agriculture;
- l) Adapt and localise imported technology through the active participation of Research Institutes; and
- m) Expose farmers to export opportunities.

6.1.10 THE ROLE OF RIVER BASIN DEVELOPMENT AUTHORITIES (RBDA'S)

1. The Decree establishing River Basin Development Authorities already provides the legal backing for River Basin Development Authority operations. It would however be necessary to strengthen their operations through:
 - a) An immediate organizational and management audit to facilitate and overhaul of all their systems for more efficient operations. The resuscitation of the Lake Chad itself should urgently be initiated in a form of “Save Lake Chad” which the government should do in collaboration with other members of the Lake Chad Basin Commission;
 - b) Commercialisation, NOT privatisation of River Basin Development Authorities to combine the need for income generation with social obligations to local communities and farmers. The Federal Ministry of Water Resources as the supervising ministry should work out an implementation time table for commercialisation that should not exceed 12 months;
 - c) The role of River Basin Development Authorities is not defined in the Draft National Water Resources Bill and must be properly integrated into water sector operations because of their interface with Federal, State, Local Governments and farming communities;
 - d) The Agricultural Policy of Nigeria and the Agricultural Transformation Agenda should incorporate the role of River Basin Development Authorities in supporting agricultural production through irrigation, available water bodies and hydropower;
 - e) River Basin Development Authorities are an obvious choice to support the management of completed irrigation systems within their catchment areas,

without prejudice to the proposed Irrigation Management Authorities proposed in the National Water Resources Bill;

- f) The size of projects undertaken by River Basin Development Authorities must be realistic. Project execution currently takes 15 – 20 years. Projects must be properly phased so that benefits are possible at different execution milestones. Public Private Partnerships provide an alternative to Government funding and will make projects attractive to financial institutions. Some River Basin Development Authorities are considering such relationships for infrastructure developments such as hydropower;
- g) There is a need for urgent recruitment and training of existing staff to fill the gaps created by the retired and retiring staff. In many cases up to 50% of the staff are over 50 years old;
- h) The multipurpose Dams already constructed should be revitalized to ensure full utilization of the hydro power facilities available and the development of the irrigation command areas; and
- i) To achieve agricultural production for domestic and international market, National Agricultural Policy must target establishing fertilizer plants in Nigeria to meet World Bank and FAO standards of fertilizer utilization (kg/hectare).

5.1.11 A CASE FOR THE RESUSCITATION OF LAKE CHAD

1. Urgent Need for the Resuscitation of Lake Chad: Considering the extreme importance of the Lake as a source of livelihood for over 17 million Nigerians and the fact that the States within the hydrological basin of the Lake are among those with the highest incidence of poverty in the land (such poverty contributing a rife catalyst for the current ravaging insurgency in the zone) and considering that the Lake has provided a viable platform for sub-regional economic co-operation and integration,

Conference strongly urged the Federal Government to urgently initiate concrete action (in mobilizing the required resources in conjunction with international donors) towards the realization of the inter-Basin Water Transfer from the Congo River Basin to Lake Chad so as to avert an impending humanitarian catastrophe in the already socially dislocated and economically traumatized region of the country.

5.1.12 HUMAN RESOURCE DEVELOPMENT FOR AGRICULTURE AND WATER RESOURCES

- a) Education: Agricultural courses and programmes in Agricultural institutions should be refocused with greater practical emphasis to enable graduates of such institutions become drivers of the agricultural programme of Nigeria.
- b) Recruitment: apart from the specific lack of qualified or technically qualified manpower, is the absence of sufficient manpower in terms of numbers, to carry out all the required functions. This is true for farmers, Ministries and private sector participants in the agriculture and water resources sectors. There needs to be appropriate recruitment and training of the relevant personnel to fill the existing capacity and skills gaps especially in agricultural extension, soil surveys, land evaluation, hydrogeology/hydrology, biotechnology, agricultural mechanisation, irrigation and drainage etc.
- c) Research and Development : Research Institutes and Universities should undertake research directed at developing the sector. Such research efforts should be coordinated by designated centres of excellence. Long term goals of our research thrust should be aimed at developing local technologies that are sustainable and adaptable for local manpower usage;
- d) Domestication of information and knowledge transfer in local languages. Such knowledge should also be transmitted in a way that takes cognisance of, and

takes advantage of local culture. This is particularly important for the local women farmers and cattle herdsman;

- e) For youth mobilization, the Federal Government should accelerate the implementation of the Youth Employment in Agriculture Program (YEAP) as designed by the Federal Ministry of Agriculture and Rural Development in 2012 and launched by the President in 2013;
- f) Land ownership by women will increase female participation in the sector and engender greater commitment to farming. This will increase productivity. Existing traditional land practices should be changed through the enforcement of the Constitutional provision on ownership of property
- g) There should be a policy prohibiting any educational institution (Primary or Secondary) from using farm work as a form of punishment for students' misbehaviour. Agriculture should not be associated with punishment and drudgery. It does not encourage young minds to be excited about, or look forward to the life of a noble farmer. A positive attitude towards agriculture is essential; and
- h) There should be the revival of the Unified Agricultural Extension System (UAES), which is based on visiting and training farmers, and the area to be covered should include crops and livestock production, agro – forestry, fisheries, soil and water conservation practice and animal traction.

5.1.13 AGRICULTURAL FUNDING, SUBSIDIES AND INSURANCE

Conference decided that:

- a) Agriculture and Water Resources development should be declared a national emergency sector with a massive infusion of funds. The funds dedicated to this

sector should be optimally managed for maximum effect. Although Nigeria has increased its attention to agriculture in recent years by introducing a range of policies to increase production, the country's budgetary allocations and actual spending in agriculture are woefully inadequate for the reduction of poverty and the provision of key resources and services needed to actualise policy targets at all levels. The current level of funding of both sectors has decreased. The funding of the agriculture sector in 2014 is only 1.4% of the national budget. This is significantly lower than the 10% advocated at the Maputo Declaration on Agriculture and Food Security in Africa which was agreed upon more than 10 years ago by the member States of the African Union;

- b) The new levels of funding should emphasise Research and Development, training, technology transfer and scholarships to attract the best brains, building up the required scientific manpower capacities critical mass to translate policies to realities;
- c) State and Local Government establishment of grazing zones and improved livestock production systems should be encouraged to reduce community clashes;
- d) Staple Crop Processing Zones as described in the Agricultural Transformation Agenda are one answer to building infrastructure in an integrated way that reduces the financial burden of building their own infrastructure on farmers;
- e) A percentage of tax revenues should be used to directly fund the agro and water resources sectors. This can be in the form of the introduction of a dedicated tax regime;
- f) Gender budgeting for agriculture: A designated percentage of the budget should be dedicated to women farmers in the local communities; labour saving technology should be funded to allow them more on-farm time;

- g) There must be affirmative finance for women in the form of a specified proportion of all bank lending to agriculture being available to women;
- h) In addition to existing budgetary allocation, we recommend that 30% of the National Resources Fund be used for the development of the Agricultural sector; whilst an additional 20% of the Fund is used for the development of Water Resources and the development of mechanized Deep Sea Fishing as a major foreign exchange earner. This combined amount will significantly impact on the delivery capabilities of these two critical sectors;
- i) Private sector funding should be encouraged by creating the enabling environment;
- j) Subsidies for agriculture should be adequate and managed in a manner that directly reaches target beneficiaries and eliminates corruption;
- k) Farmers should be sensitised and mobilised to take advantage of the existing insurance framework to insure their crops and livestock. The Nigerian Agricultural Insurance Corporation exists to provide that service;
- l) That low interest single digit, long tenure loans and micro credit be made available and accessible to support commercial transformation and profitability of small scale agriculture: Including enabling access to micro insurance tailored to the need of small scale agriculture;
- m) Persons living with disabilities should be given lower or free interest loan and 50% subsidy in all farm improvement and impute; and

- n) That government at all levels should provide incentives to these sectors: Piggery farming, grass cutter farming, rabbitry, farming, snail farming and mushroom farming.

5.2 CITIZENSHIP, IMMIGRATION AND RELATED MATTERS

5.2.1 CENSUS AND INTEGRATED NATIONAL DATABASE

Conference decided that:

- a) The National Identity Management Commission should be listed among the Federal Executive Bodies in Section 153(1) of the 1999 Constitution of the Federal Republic of Nigeria;
- b) Census should remain in the Exclusive Legislative List; the maintenance of the entire machinery for data collation should be included in the Concurrent Legislative List. Consequently, Part I, Item 8 of the Second Schedule of the 1999 Constitution should be amended to read as follows: “Census and enumeration of Nigerians;”
- c) The national enumeration exercise should remain the responsibility of the Federal Government;
- d) The national census exercise should be preceded by the development of a full scale integrated national database which will include:
- i. Registration of all settlements (including cities, town, villages, hamlets, farmsteads, nomadic fishermen and herdsmen).
 - ii. Registration of all households.
 - iii. Registration of buildings.
 - iv. Update and sustenance of birth registration.
 - v. Update and sustenance of death registration.

- vi. Registered information or data of citizens and immigrants in Nigeria.
 - vii. Language, tribe and religion.
- e. The Integrated Database should include the records of:
- i. The Nigerian Communication Commission (NCC) – which should provide telephone registration information.
 - ii. The Federal Road Safety Corps – FRSC which should provide information on drivers licences.
 - iii. State Ministries of Health which should provide information on births and deaths.
 - iv. Universal Basic Education Board should provide information on school enrolment figures.
 - v. The Immigration Service should provide information on passport holders, and aliens coming in and out of the country.
 - vi. Other relevant bodies including Banks, Federal and State Civil Service Commissions, Trade Unions and Associations, employers of labour as well as Traditional Institutions etc, should feed the Integrated National Database with information.
 - vii. All tiers of Government, i.e. Federal, States and Local Governments should maintain data base and be involved in collating data for the Integrated National Database.
 - viii. The Integrated National Database should be included in the Concurrent Legislative List.
- f. The National Population Commission, (NPC), the National Identity Management Commission (NIMC), and the National Bureau of Statistics should be well funded and equipped with the state of the art modern technology for the purpose of achieving accurate census figures and Integrated Database for Nigeria.

- g. There should be provision of National Identification Number and a multi-purpose Digital Card with biometric information for all citizens eighteen (18) years and above. This would also serve as a social security number and card for the provision of welfare services to all citizens. The National Identification Card will similarly serve as a Voters Card as all who are above 18 are also the eligible voters;
- h. Employers of labour should ensure that all Nigerian workers have a digital workplace identification card that carries the employee's national identification number. No Nigerian should be eligible for employment without a National Identification Card;
- i. All formal and semi-formal professional associations, trade associations, transport unions, market men and women associations must have digital Identity Cards for their members with their respective National ID card numbers printed on it;
- j. All Driving Licenses should be digital with biometric data and must carry the national identity card number with it;
- k. All e-payment bank cards should bear the owners name and national identity card number;
- l. All personal vehicles, tricycles and motor cycles should be registered with the name and national identification card numbers of the owners;
- m. All landed properties should be registered with the name and national Identity Card number of the owners;
- n. All transport operators should record the name and national identification number of their passengers;

- o. All hotels, motels and guest houses should register their Nigerian guests with the national Identity Cards and foreigners with their international passports;
- p. All businesses should be registered with name and national identification number of the owners and promoters;
- q. All tax payers identification number (TIN) should also bear their national identification number;
- r. All immigrants and foreigners in Nigeria should be registered with a digital immigration identity card. This is to ensure effective monitoring, access and control of all immigrants in Nigeria, especially for security purposes;
- s. Police data bank should include the name and national identity card number of all suspects, criminals and witnesses. The data bank should have direct access to the Integrated National Data Base;
- t. All State and Local Governments should similarly develop integrated data bank with relevant and appropriate contents, fully integrated with the National Database with every individual file carrying the person's national identity card number;
- u. In order to enhance the credibility, acceptability and possible accuracy of future census in Nigeria, adequate technical and human resources should be mobilised for the exercise. Necessary assistance should be sought and obtained from International Multi-lateral and Bi-lateral agencies; and

- v. Laws should be enacted to criminalize any attempt by census officials or members of the public to inflate or distort in anyway, the outcome of the enumeration of people and households in Nigeria.

5.2.2 CITIZENSHIP AND NATIONALITY/ RESIDENCY/ INDIGENEITY/ DUAL CITIZENSHIP

Conference decided that:

- a. Chapter III, Section 26(a) of the 1999 Constitution should be amended to read “any person who is or has been married to a citizen of Nigeria;”
- b. A bill should be introduced guaranteeing the granting of special immigrant status with full residential rights to non -Nigerian spouses of citizens of Nigeria who do not wish to acquire Nigerian Citizenship. Above all there is an overwhelming need to liberalise the path to naturalised citizenship;
- c. Section 29 (4) (b) of the Constitution should be repealed in view of the provision of Section 29 (4) (a);
- d. As a means of promoting social citizenship, there is a need to make the provisions on socio-economic rights in Chapter II of the Constitution justiciable. This is derived from the fact that the lack of basic amenities and social mobility is at the root of the various communal strife;
- e. Section 45 (1) should be amended to include Section 42 and read as follows:

“Nothing in sections 37, 38, 39, 40, 41, and 42 of this Constitution shall invalidate any law that is reasonably justifiable in a democratic society”

This amendment will respond to the ouster provisions in section 42 (3);

f. Residency rights conferred by state on all citizens under Section 15 (3) of the 1999 Constitution should be made justiciable;

g. The clause "...who shall be an indigene of such State" contained in Section 147 (3) should be deleted to read as follows:

"Any appointment under subsection (2) of this section by the President shall be in conformity with the provisions of section 14 (3) of this Constitution.

Provided that in giving effect to the provisions aforesaid the President shall appoint at least one Minister from each State."

h. Ensure Chapter II, which contains all citizenship rights and obligations become (justiciable) enforceable;

i. Expand Section 42 (1) & (2) to place a duty on citizens to embrace national loyalty above sectional or ethnic loyalties. Section 42 (2) should be amended to read thus:

"A person shall not be discriminated against on grounds of ethnic group, place of origin, sex, religion political opinion, social or economic status, disabilities or circumstances of birth."

j. The ideological aspirational intendment of Chapter II of the Constitution represents the basic law of citizens' rights and duties of the state. They should be given the necessary force of law to – for the first time – build national integration and cohesion;

- k. Section 25 (a) should be amended to allow a Nigerian woman to enjoy the rights accrued all Nigerians either at her place of origin or that of her husband;
- l. Amend or delete Section 6 (c) of the Constitution, which is a bar from access to the courts with respect to Chapter II as a necessary step towards Nigerian citizenship, based on residency;
- m. Adopt and amend Item No. 26, Page 28 of the Report of the Presidential Committee on Review of Outstanding Issues from Recent Constitutional Conferences (the Justice Alfa Belgore Report), with a caveat to read:

“On the matter of Indigeneship, the Committee recommends that the current Constitutional position should be maintained but that a new provision should be inserted into the Constitution to read: “The right of any Nigerian citizen to be resident or domiciled in any part of Nigeria shall not be abridged. Such a resident shall enjoy all rights, privileges and facilities in the place of his/her choice, provided that such a person meets his/her basic civic obligations.

A person born in a State or who marries an indigene of a State acquires automatic residence status in the State.”

- n. The Constitutional amendments to achieve the effectiveness and efficacy of the linkages be immediately effected;
- o. National law and policy should be guided by UNDRIP which recognises the rights of indigenous peoples;

- p. National institutions should be strengthened to prohibit and punish criminal conduct which target, kill or destroy lives and property on the basis of origin, belief, religion or circumstance;
- q. The Criminal Justice System across the country should be called to action the sceptre of “hate crimes” or “specially aggravated crimes” has now formed part of criminal jurisprudence; and
- r. The teaching of indigenous languages for the first three (3) years of primary education should be made mandatory.

5.2.3 MOVEMENT OF GOODS, PERSONS AND SERVICES/IMMIGRATION AND INTERNAL SECURITY/BORDER CONTROL/ REFUGEE AND ASYLUM/ INTERNALLY DISPLACED PERSONS (IDPs)

Conference decided that:

- a. The Federal Government should strengthen its border surveillance in a manner that prevents unlawful entry of persons, goods and services into Nigeria;
- b. The implementation of the ‘Transit Code’ system that was developed by the Nigerian Customs Service (NCS) in April, 2014 in partnership with Benin Republic, Cameroon, Chad and Niger, should be extended to all other borders outside the North-Eastern part of Nigeria. The new policy requires that all Nigeria-bound vehicles imported from the above-mentioned countries are handed over from the NCS by the country’s Customs Administration after due clearance, putting a stop to the hitherto disorganised car-park system that existed at the Benin end of

the border and reduce chances of the second-hand cars being used to smuggle arms and drugs into Nigeria;

- c. Nigeria should take full advantage of the ECOWAS Protocol on Free Movement of Persons in a manner that would enhance national economic growth and also address inherent threats to national security by criminal and illegal immigrants;
- d. Government at Federal and State levels must build good road networks for citizens and ensure that the existing roads are constantly maintained to allow for smooth movement of persons, goods and services;
- e. Citizens should as much as possible, be protected from multiple taxation and payment of indiscriminate levies regarding their movement or that of their goods and services within the country;
- f. The Constitutional provisions on Freedom of Movement and fundamental rights generally are more effectively enforced to ensure that those whose rights to movement are obstructed can approach courts of competent authority for redress;
- g. The Federal Road Safety Corps should double its efforts at ensuring that road users across Nigeria obey rules/regulations on safe driving. The organisation should be well funded and provided with modern technology for improving on its performance; and
- h. Religious organisations that engage in obstruction of roads during their prayer sessions, festivals and processions should be encouraged to seek less conflict-ridden approaches for attaining their goals. Politicians should also organise their campaigns and rallies in manners that do not threaten public peace and order.

5.2.4 MODERNISATION OF PASTORALISTS/NOMADIC LIVELIHOOD

Conference decided that:

- a) An integrated development and livelihoods modernisation program should be designed and implemented to address the issue of settling nomadic herdsmen into settled communities based on established cattle ranches with fodder development technologies, and including abattoirs, processors and other businesses along the livestock value chain;
- b) The integrated development and modernisation program should be funded by both Federal and State Governments in States where such settlements are established;
- c) The integrated development program should be undertaken and wrapped up within a period of 5 to 10 years after which such settlements should have become self-sustaining with the full integration of the nomadic herdsmen community into modern Nigeria political economy;
- d) Officers and men of the Nigerian Immigration Service should be more imbued by a sense of patriotism at ensuring that aliens do not take advantage of our porous borders to gain entry into the country for subversive activities;
- e) Nigeria needs to commit more resources into building border fences across the nation;
- f) The government must involve border communities in the policing of Nigerian borders. Traditional rulers have a significant role to play in this respect;

- g) There is also the need to have a regional approach to the management of Nigerian borders. Nigeria should establish cooperation with neighbouring states on the movement of persons. As experienced in the other parts of the world, intelligence information should be exchanged across borders;
- h) The Public Key Directory (PKD) Infrastructure be installed, having obtained the approval of the Federal Executive Council (FEC) since 2011. This enables countries to authenticate passports presented at points of entry and ensure that people with criminal records are not allowed into the country;
- i) The Nigerian government should revive collapsed industries in Nigeria as part of its larger objectives of building local economy, preventing forced migration of labour and improving National security;
- j) Taking the foregoing into consideration, it is recommended that the Nigerian Government must also ensure the strengthening of the country's land, air and sea borders. The most problematic however, is land border control because of the expansive nature of land;
- k) The NIS should be reformed, retrained and kitted for better effectiveness in managing our land borders;
- l) The NIS needs to have a unit known as "Border Guards" or "Border Corps". The capacity of this unit should be built for full combat operations;
- m) The Nigeria Immigration Service (NIS) was found to be under-staffed and requires at least 10,000 persons to be recruited yearly within the next five years;

- n) There is the need for increased interagency collaboration between the NIS and other security agencies for a more effective policing of Nigerian borders;
- o) Nigeria needs to map the identified illegal routes and create control posts for them;
- p) There is need for community policing of the borders as well as a redirection of attitudes of members of the border communities;
- q) There should be the construction of border plazas which should be equipped with radars, sensors as well as cargo and document scanners;
- r) Capacity building and motivation for border patrol personnel;
- s) Conference summarised approaches for managing Nigerian borders into three categories: the existing surveillance approach, community approach and cross regional approach (the Sahel and Gulf of Guinea dimensions);
- t) The Federal Government should partner with Civil Society Groups and NGO's through the NIS to carry out advocacy at all border communities to build confidence and patriotism;
- u) In this age of asymmetric conflict and international terrorism, the Federal Government must monitor more carefully, those seeking refugee or asylum status in Nigeria;

- v) The Government must also ensure that those being granted asylum in Nigeria are properly investigated and are found not to be related to any agents of destabilization. This kind of vetting should involve the Interpol;
- w) Refugees and asylum seekers should be properly documented and those granted temporary or permanent stay in Nigeria should be properly monitored so as to prevent them from fronting for other troublesome groups across the globe;
- x) Refugees should be returned to their countries immediately the causes of their movement to Nigeria have been proactively dealt with;
- y) Nigeria should tap more creatively into international resources which abound for managing refugees;
- z) Government at all levels has responsibility for preventing anything that could cause man-made human displacement. It should also increase the facilities for managing natural disasters;
- aa) NEMA, SEMA and related agencies should be better empowered to respond in a timely manner to the needs of IDPs;
- Ab) Credible data is needed on the numbers, location and conditions of IDPs in order to design effective policies and programmes. Data should be disaggregated by age, disability, gender and other key indicators so that the specific needs of particular groups are taken into account;
- Ac) Training programmes for government officials, including camp administrators, military and police in the Guiding Principle on internal displacement is essential for ensuring that they are aware of the rights

and needs of the displaced and their own official duties to protect and assist them;

- Ad) States have been encouraged by the United Nations resolutions to develop laws to uphold the rights of IDPs, taking into account the Guiding Principles. Nigeria government should adopt the new laws or revise existing legislation;
- Ae) Engaging displaced persons in consultation and building upon their skills is something often overlooked but critical to an effective response, whether the issue is relocation or design of assistance programmes or returns;
- Af) In the event that citizens are displaced due to no fault of theirs, the Government must be seen to adequately support recovery efforts of affected persons including bringing to justice, perpetrators of man-made displacement of persons, and
- Ag) The management of ecological funds should place more emphasis on prevention of disasters.

5.3 CIVIL SOCIETY ORGANISATIONS, LABOUR, YOUTH AND SPORTS

5.3.1 RECOMMENDATIONS ON CIVIL SOCIETY ISSUES

1. The Public Order Act and Remand Law: In order to enhance the work of civil society and to enable it perform its mandate to the people and enthrone a truly democratic and just society, the Conference decided to recommend the REPEAL of these laws;

2. Regulation of Civil Society and its Organizations: The establishment of a self-regulatory Commission is recommended to be peopled by civil society activists and

which shall be free from undue state's interference that will regulate the conduct and activities of civil society organizations in Nigeria. The Commission shall be known as **“Civil Society Regulatory Commission (CSRC)”**. Its functions shall be to:-

- (a) Register Non-government organizations in Nigeria.
- (b) Sanction CSOs that abuse the ethics or rules of the Commission.
- (c) Propose Grants on behalf of Non-government organizations to the National Assembly and make them available for the CSO's access to do their work to the society.

3. Justiceability of Socio-Economic Rights: The merger of Chapters Two and Four of the 1999 Constitution while causing them to be executable or justiceable under our law as it is the practice in other civilized societies of the world.

4. The African Charter on Human and Peoples Rights which we have domesticated is incorporated into our Constitution.

5. Appropriate Grants for Civil Society Accessibility: That statutory funds to be known as “Civil Society Grants Fund” be annually appropriated by the National Assembly for civil society activities to strengthen them to perform their watchdog roles, act as checks against impunity by state actors and to enthrone an open, just and accountable society. The Fund/Grant shall be managed by the **CSRC**.

6. Weak Institutions

- a) We recommend the strengthening of the National Human Rights Commission (NHRC), the Judicial Service Commission (JSC), Anti-Corruption Agencies and the National Orientation Agency (NOA) to help them judiciously discharge their functions by being independent in appointment, operations and funding; and

- b) That Judicial officers convicted or found guilty of corruption and perversion of justice be liable to 50 years imprisonment and loss of all official entitlements including gratuities and pensions and all ill-gotten gains without an option of fine. We note that what revived the Asian nations were the enactment of such strong laws that frowned at corruption, abuse of due process and the rule of law in their countries.

7. Social Security for the Unemployed, Disabled, Aged and Children

1. A National Jobs Creation Agency be established through the merger of the National Directorate for Employment (NDE), the Small and Medium Enterprises Development Agency of Nigeria (SMEDAN), the YOUWIN Department, the Community Services, Women and Youth Employment Project (CSWYE) and graduate Internship scheme SURE-P. This will lead to a coordinated job creation approach;
2. The agency will receive and review applications against a set of criteria and eligibility factors. The funding will be allocated on a competitive basis;
3. The agency's activities will be governed by three committees: Advisory, Investment and Technical Evaluation Committees.
 - a. The Advisory Committee will be responsible for providing advice on the job creation strategy to the government;
 - b. The Investment Committee will have fiduciary responsibility for the approval of funding applications. The Investment Committee is independent of the management of the agency; and

- c. The Technical Evaluation Committee is responsible for technical assessment of proposals and recommendations to the Investment Committee.

8. **Popular Participation and Inclusiveness:** To encourage popular or people's active participation in government and achieve optimal reduction in corruption, the policy of **Participatory Budgeting** to cause the citizens to participate in deciding how they are governed, including choosing projects they want in the Appropriation Laws and the contractors who will execute these projects be entrenched in our Constitution.

9. **Minorities' Rights and their Fears:** In order to build a just, free, stable, equitable, peaceful and strong nation, it is recommended that all the **executive and** strategic positions in all the tiers of government rotate among all the Zones or States or ethnic nations making up Nigeria; Senatorial Districts or Local governments making up a State, or wards making up a local government. This shall ensure that all parties are equitably and justly treated.

10. **Funding of Education:** In order to revive our educational sector and build a strong nation, we propose 30% allocation for Education in Annual Appropriation Laws of our Government at all the tiers: from federal to local government.

11. **The Plight of Nigerians in Foreign Lands:** In order to adequately cater for the welfare and security of these Nigerians in foreign lands, Conference decided to recommend the setting up of a National Commission on Nigerians in Diaspora to take care of the issues affecting this category of the population.

12. **Abuse of Women's Rights and Rape:** That a law shall be enacted to provide for life imprisonment with hard labour for any person convicted of rape and sodomy, and death penalty for the rape of a minor.

13. Creating An Enabling Space for Civil Society and its Operations: To do this Conference decided to recommend the enactment of a Civil Society Consultation Act (CSCA) which will amongst other things:

- a) Formalize some level of civic power around the three tiers of government in Nigeria;
- b) Smoothen the loose ends between citizen rights to participate in governance and actual participation itself;
- c) Make it mandatory for government to put in place structures and programs for consulting and dialoguing with citizen organizations;
- d) Define the level of civil society representation and participation in public regulatory bodies;
- e) Provide in clear terms, the way in which government must involve civil society in drawing up the budget and implementing it;
- f) Provide for Annual General Assembly between government and civil society or Annual National Conference between civil society and government;
- g) Provide for Town Hall Meetings between Civil Society and Chairmen of Local Councils; and
- h) Provide for periodic evaluation of both official and unofficial spaces of citizen participation in governance. This will be with a view of reinforcing both models and getting the best out of them.

5.3.2 ISSUES RELATING TO LABOUR

1. Unemployment: To tackle the challenge of unemployment, Conference decided that:

- a) A Labour and Employment Exchange or Job Centres should be established in major cities throughout the Federation;

- b) It should be mandatory for all employers of labour to provide First Aid Corridors in their workplaces;
- c) Revival and development of domestic industries through:
 - i) Enactment of fundamental policies to provide incentives to and protect domestic industries;
 - ii) Promotion of added value to local raw materials;
 - iii) Fixing of the power sector to enable industries thrive; and
 - iv) Encouragement and protection of farmers to produce raw materials for industry. This can be done through guaranteed markets for agricultural produce.
- d) Skills Acquisition Development
 - :
 - (i) There should be an overhaul of existing skills acquisition programmes to make them more functional and effective through the revival of Vocational and Technical Education/schools;
 - (ii) The ITF should be strengthened to provide effective linkage between Educational Institutions and Industries. Adequate financial support should be made to the ITF to support the establishment of Skill acquisition centres across the country; and
 - (iii) There should be funding of skills acquisition projects through revolving loans for take-off.

- e) Disability and Unemployment
- i. 15 percent of employment places in public and private sectors of the economy should be reserved for persons with disabilities and ensure that they are given work that matches their qualifications;
 - ii. ILO Convention No. 159 should be ratified and implemented by developing a National Policy on Vocational Rehabilitation and Employment of Persons with Disabilities to ensure entry to the labour market; and
 - iii. Reasonable accommodation should be provided in work places according to Article 2 of the United Nations Convention on the Right of Persons with Disabilities (UNCRPD) which Nigeria had signed and ratified.
- f) Casualization of Labour: All multi-national companies and government agencies that have employed casual workers for more than six months should be mandated to take immediate steps to convert the same to permanent employment.

2. Precarious Work and Vulnerable Workers

- a) Regulations guaranteeing casual workers permanent employment after working for six months, irrespective of the number of contracts making up the period should be enacted.
- b) Policies and laws which extend labour and social protection to domestic workers should be put in place urgently. Such laws should regulate working hours, pay, maternity protection and other conditions of work.
- c) It shall be mandatory for all employers of domestic workers, who are between ages 18-25 to ensure they acquire Secondary education or vocational training;
- d) The National Child Rights Act should be strengthened and made applicable even where states have not domesticated the Act; and

- e) There is the need to revive and strengthen the Labour Inspectorate Division of the Ministry of Labour.

6 Minimum Wage

- a) The National Minimum Wage, as currently provided for in the Constitution of the Federal Republic of Nigeria 1999 should remain on the Exclusive Legislative List; and
- b) All stakeholders, including state governments should avail themselves of the tripartite framework for determining the minimum wage to ensure ownership and acceptability.

7 Trade Union and Industrial Action

- i. No attempt should be made to deny workers the right of unionisation. Strikes are legitimate instruments of enforcing workers rights and negotiations within the framework of collective bargaining; and
- ii. The Pan-National Character of Labour Unions which has played an important role in national development should not be compromised by balkanizing labour and trade unionism. Labour and unionism should continue to be on the Exclusive Legislative List.

8 Pension and Gratuity

- a) The 2004 Pension Act should be amended to raise the minimum contribution of employers to 15% and clearly state the continuous existence of gratuity;
- b) The constitutional provision for the periodic review of pensions should be adhered to;

- c) Pension for those retired under the old pension system should be placed on first line charge; and
 - d) Relevant legislation should be made to prescribe life imprisonment for those found to have stolen money meant for pensioners and public funds.
- 9 **Reform of Existing Labour Laws:** A comprehensive reform of existing labour and related laws should be undertaken, so as to remove or amend provisions which impede workers' welfare and hence productivity. Such laws and institutions include the Employee Compensation Act, the National Industrial Court, the Trade Union Act and the Industrial Arbitration Panel.

5.3.3 ISSUES RELATING TO YOUTH

Conference decided that:

1. The full implementation of the 2nd National Youth Policy and the Nigerian Youth Employment Action Plan (NYEAP);
2. Legal backing to be given to the documents to aid implementation;
3. Creation of an Agency backed by law to be saddled with the responsibility of drawing up policy framework and work plan for Youth development. The Agency shall facilitate the enactment of a law to fund and regulate the activities of the National Youth Council of Nigeria (NYCN) and its affiliates without undermining its independence;
4. Adequate funding and proper supervision of relevant government Agencies, MDAs on Youth development programmes;

5. Value reorientation in the country; A general public enlightenment that admonishes the citizenry to noble values such as honesty, dignity of labour, love for country and fellow human beings and the fear of God;
6. Creation of the National Youth Development Fund to:
 - a) Administer Start-up Enterprise Development Programme;
 - b) Safeguard the use of loans obtained by young entrepreneurs; and
 - c) Monitor repayment of loans.
7. Government should provide an Intervention Fund as a matter of priority, to revitalize skill acquisition, Vocational Training Centers, which are lying fallow across the country;
8. Streamlining of the youth development programmes and the conduct of Needs assessment to determine the type of skills programme different categories of youth require;
9. The NYSC Scheme to be repositioned for relevant Youth Empowerment. The one year time tenure should be split in three phases as follows:
 - a. One month of orientation;
 - b. Six month of primary assignment, integration and industrial exposure; and
 - c. Five months of vocational and entrepreneurial skills acquisition.
10. Stakeholders particularly states and local governments should play their supportive role of providing logistics and accommodation (some states are already doing so) for youth corps members;

11. Harmonization of all Youth Development Programs, projects and initiatives into one comprehensive programme supervised by the Federal Ministry of Youth Development;
12. 30% affirmative action to engage the youths in decision making positions;
13. Revival of vocational schools and provision of disability-friendly gadgets to facilitate learning;
14. There should be effective monitoring of the various empowerment programmes to ascertain the level of impact the programmes have and if really it is empowering the youths;
15. Teaching of life skills at secondary school level to prepare the youth for coping in the society. The curriculum should include:
 - a) Healthy living styles/sex education
 - b) Managing time, money and self
 - c) Effective communication skills
 - d) Information Communication Technology(ICT)
 - e) Leadership training
 - f) An understanding of Nigeria and its peoples
 - g) Introduction to total quality concept
 - h) Civic responsibilities
 - i) Agricultural orientation
16. Review of educational policies to include practical application of theories such that the discrimination between B.Sc and HND become eroded;
17. Revival of vocational schools and emphasis on development of entrepreneurial skills to enable youth have access to credible means of earning a living, and thus rise above untoward engagements;

18. Active collaboration of relevant Government agencies in youth development with other stakeholders such as the National Youth Council; Youth Parliament; Civil Society Organizations as well as other countries in youth related research in a bid to further deepen and share knowledge for enhanced policy development; and
19. Making the school environment accessible (or user-friendly) to those living with disabilities.

5.3.4 SPORTS AND RELATED MATTERS

Conference decided that there should be:

1. An unbiased structure negating nepotism, ethnocentrism and corruption;
2. Ample spread of training and practice facilities in all the 774 local government areas (LGAs) of the country;
3. A befitting, competent, willing and well-compensated leadership consolidated across the over Forty Four (44) Sporting Federations;
4. Adequate and prompt funding of all sports, and that all sports be accorded priority attention;
5. Maximum compliance with global regulations and collaborations. (For instance, the practice whereby one strong sporting event can adopt other weaker and non-sponsored events- like football teams adopting hockey, basketball or table tennis);
6. Inclusion of all Nigerians, irrespective of gender, age, religion, tribe, ability or disability in sports;
7. A mechanism for motivating and monitoring of the Corporate Social Responsibility budgets for sports sponsorship to spread over all sports. There are over forty (40) sports in numbers aside from football;

- i. Early identification of prospective talents and consequential multiplication of training facilities across the nation to complement and consolidate harvested talents;
- ii. Specialization based on natural resources and physical features, for example, swimming at the riverine areas and Polo in the North, and other areas where there are established cultural festivals in Wrestling, Boxing, Fishing and Boat Regatta, etc.
- iii. A Sports Endowment Fund to allow further investment in sports to encourage the local production of sporting equipment;
- iv. A Director-General for the National Sports Commission who should be appointed on a tenure basis and shall be appointed from outside the Civil Service;
- v. A Commission consisting of nine (9) External Members, with the Minister in charge of Sports as the 10th Member and Chairman of the Commission;
- vi. The conglomeration of all sports federations in Abuja for effective coordination, monitoring and efficiency;
- vii. A law backing the establishment and operations of the National Sports Commission, and incorporating all these Recommendations before being passed into law by the National Assembly; and
- viii. Policy actions like Government at all levels to stop the indiscriminate conversion of sporting arenas into residential or other uses.

5.3.5 GENERAL

In addition to the foregoing, Conference further decided that:

1. Government should formulate a National Mentoring Policy to be managed by the Human Resources Department. The Policy, when established, will promote the attachment of newly employed persons to Directors and Assistant Directors in both Public and Private Sectors. The Policy should also require all companies quoted on the Nigerian Stock Exchange, as part of their Corporate Social Responsibility (CSR), to accept a specified number of unemployed youths under a 6-month mentoring programme each year;
2. In each state of the Federation, a body to be known as State Collegiate Athletics Association and at the federal level, a National Collegiate Athletics Association should be established for the purpose of organizing sporting activities among Secondary Schools in the states and among Universities at the federal Level respectively;
3. The federal government should take immediate physical possession of the about 147 hectares of land in Afuze Village of Owan East Local Government, Edo State, to set up a Campus of the National Institute of Sports, which will serve as a Zonal Laboratory, equipped with state-of-the-art facilities for camping and training to ensure the overall development of sports in Nigeria;
4. Youths should be trained as mediators with a view to building a National Peace Builders Corps of Nigeria;
5. Government should enact laws to criminalise child labour and the use of children for alms begging;
6. The National Assembly should expedite the passage of the National Sports Commission Bill. Conference also recommended that the National Sports Commission should not be managed by a Sole Administrator as presently done. Rather, it should be run by members of the Governing Board comprising heads of sports agencies; and

7. Any group of workers that remain on strike for more than four (4) weeks shall not be entitled to and not be paid salaries.

5.4 DEVOLUTION OF POWER

5.4.1 REVIEW OF THE LEGISLATIVE LISTS OF THE TIERS OF GOVERNMENT

1. RECOMMENDATIONS ON THE EXCLUSIVE LEGISLATIVE LIST

1. Accounts of the Government of the Federation, and of offices, Courts and authorities thereof, including audit of those accounts;
2. Arms, ammunition and explosives;
3. Aviation, including airports, safety of aircraft and carriage of passengers and goods by air;
4. Awards of national titles of honour, decorations and other dignities;
5. Bankruptcy and insolvency;
6. Banks, banking, bills of exchange and promissory notes:

Conference decided that items 6, 15 and 24 be merged and amended to read: 'Banks, banking, exchange control, bills of exchange, currency, coinage, legal tender and promissory notes'; the reason being that the items merged are similar and could come under same legislation. Conference decided that it be retained in the Exclusive Legislative List as specified in the 1999 Constitution (as amended);

7. Borrowing of moneys within and outside Nigeria for the purposes of the Federation or of any State; and
8. Census, including the establishment and maintenance of machinery for continuous and universal registration of births and deaths throughout Nigeria.

Conference decided that this item be split into two parts:

- i. “Census and National Identification Registration” to be retained in the Exclusive Legislative List;

While

- ii. “Registration of Births and Deaths” to be moved from the Exclusive Legislative List to the Concurrent Legislative List.
9. Citizenship, naturalisation and aliens.

Conference decided that items 9, 18, 30 and 42 be merged and amended to read: “Citizenship, naturalization, immigration and emigration, passport, aliens, and deportation of persons who are not citizens of Nigeria” and further recommends that the items (as amended) be retained in the Exclusive Legislative List. Conference made the recommendation on the strength that the items are all related and therefore did not see any compelling reason to keep them separated;

10. Commercial and industrial monopolies, combines and trusts;
11. Construction, alteration and maintenance of such roads as may be declared by the National Assembly to be Federal Trunk Roads.

Conference decided that the Item be amended to read: 'Federal Trunk Roads' and retained in the Exclusive Legislative List.

12. Control of Capital Issues.

13. Copyright

Conference decided that the item be moved from the Exclusive Legislative List to the Concurrent Legislative List.

14. Creation of States.

15. Currency, coinage and legal tender.

Conference decided that items 15, 6 and 24 be merged and amended to read: 'Banks, banking, exchange control, bills of exchange, currency, coinage, legal tender and promissory notes' and retained in the Exclusive Legislative List.

16. Customs and excise duties.

Conference decided that items 16 and 25 be merged and amended to read: 'Customs, Excise and Export Duties, and retained in the Exclusive Legislative List . Conference made this recommendation based on the fact that the items were related.

17. Defence.

18. Deportation of persons who are not citizens of Nigeria.

The National Conference recommends that items 18, 9, 30 and 42 be merged and amended to read: 'Citizenship, naturalization, immigration

and emigration, passport, aliens, and deportation of persons who are not citizens of Nigeria’ and retained in the Exclusive Legislative List. The reason being that Conference considered the items merged as related.

19. Designation of securities in which trust funds may be invested.

20. Diplomatic, consular and trade representation.

21. Drugs and poison

22. Election to the offices of President and Vice-President or Governor and Deputy Governor and any other office to which a person may be elected under this Constitution, excluding election to a local government council or any office in such Council.

The National Conference decided that the item be amended to read: ‘Election to the offices of President and Vice-President or Governor and Deputy Governor and any other office to which a person may be elected under this Constitution and retained in the Exclusive Legislative List.

23. Evidence.

Conference decided that items 23 and 28 be merged and amended to read: ‘Evidence, fingerprints, identification and criminal records’ be retained in the Exclusive Legislative List.

24. Exchange Control

Conference agreed that items 24, 6, and 15 be merged and amended to read: ‘Banks, banking, exchange control, bills of exchange, currency,

coinage, legal tender and promissory notes’ and retained in the Exclusive Legislative List.

25. Export duties.

Conference agreed that items 25 and 16 be merged and amended to read: **‘Customs, Excise and Export Duties, and retained in the Exclusive Legislative List.**

26. External Affairs.

27. Extradition.

28. Fingerprints, identification and criminal records.

Conference decided that items 28 and 23 be merged and amended to read: ‘Evidence, fingerprints, identification and criminal records’ and moved to the Concurrent Legislative List.

29. Fishing and fisheries other than fishing and fisheries in rivers, lakes, waterways, ponds and other inland waters within Nigeria.

30. Immigration and emigration from Nigeria-

Conference agreed that items 30, 42, 18, and 9 be merged and amended to read: ‘Citizenship, naturalization, immigration and emigration, passport, aliens, and deportation of persons who are not citizens of Nigeria’ and retained in the Exclusive Legislative List .The committee merged the items because they are interrelated.

31. Implementation of treaties relating to matters on the list.

32. Incorporation, regulation and winding up of bodies corporate, other than co-operative societies, local government councils and bodies corporate established directly by any Law enacted by a House of Assembly of a State.
33. Insurance.
34. Labour, including trade unions, industrial relations; conditions, safety and welfare of labour; industrial disputes; prescribing a national minimum wage for the Federation or any part thereof; and industrial arbitrations
35. Legal proceedings between Governments of States or between the Government of the Federation and Government of any State or any other authority or person.
36. Maritime shipping and Navigation, including-
- a. Shipping and navigation on tidal waters;
 - b. Shipping and navigation on the River Niger and its affluents and on any such other inland waterways as may be designated by the National Assembly to be an international waterway or to be an inter-State waterway;
 - c. Lighthouses, lightships, beacons and other provisions for the safety of shipping and navigation;
 - d. Such ports as may be declared by the National Assembly to the Federal ports (including the constitution and powers of port authorities for federal ports).
37. Meteorology.

38. Military, (Army, Navy and Air Force) including any other branch of the armed forces of the Federation.

39. Mines and minerals, including oil fields, oil mining, geological surveys and natural gas.

Conference decided that it should be retained in the Exclusive Legislative List as specified in the 1999 Constitution of the Federal Republic Nigeria (as amended) but amended to read:-

“Mines and all Minerals, including oil fields, oil mining, geological surveys and natural gas, provided that:

(a) the governments of states where the mining activities take place shall be involved in matters relating thereto;

(b) the government of the federation shall create a special fund to develop mines and minerals in states where such resources are undeveloped.”

In making this recommendation, the National Conference considered the overriding need to bring all the other mineral resources of the country, hitherto undeveloped into mainstream development by activating National Strategic Plan for exploitation of all minerals so as to boost their contribution to the Gross Domestic Product (GDP).

It also was of the view that this item (as amended) would enable the federal government set up or create a special fund that would ensure the realization of the above mentioned goal through a tripartite relationship between the federal government-state and investor(s). This in its view is also meant to diversify the economy of the country rapidly

and give those states involved, a sense of belonging in the Nigerian nation .Such diversification of the economic base of the country would reduce the over dependence on oil and gas revenue; engender economic sustainability and substantially reduce the tensions over the issue of revenue sharing.

40. National parks being such areas in a State as may, with the consent of the Government of that State, be designated by the National Assembly as national parks.

41. Nuclear energy.

42. Passport and visa.

Conference decided that this Item be merged with items 30, 18, and 9 to read: 'Citizenship, naturalization, immigration and emigration, passport, aliens, and deportation of persons who are not citizens of Nigeria' and retained in the Exclusive Legislative List .The committee considers the items merged as related.

43. Patent, trademarks, trade or business names, industrial designs and merchandise marks.

44. a). Retirees previously employed by the Federal Government should be entitled to payment of their benefits by the Federal Government. (This should be retained in the Exclusive Legislative list).

b) State Governments shall have jurisdiction over the pension matters of their own employees/retirees (This should be moved to the Concurrent Legislative list).

45. The Police

The National Conference decided that this item be moved from the Exclusive Legislative List to the Concurrent Legislative List.

46. REGULATION OF TELECOMMUNICATIONS, INFORMATION AND COMMUNICATION TECHNOLOGY (ICT)

47. Powers of the National Assembly, and the privileges and immunities of its member;

48. Prisons;

49. Professional occupations as may be designated by the National Assembly;

50. Public debt of the Federation;

51. Public holidays:

Conference decided that it should be moved from the Exclusive Legislative List to the Concurrent Legislative list. This, in the view of Conference, will give states the latitude to declare holidays reflective of the values of its own people;

52. Public relations of the Federation;

53. Public service of the Federation including the settlement of disputes between the Federation and officers of such service;

54. Quarantine;

55. Railways;

Conference decided that this item be moved to the Concurrent Legislative List. This in the view of the committee would give the States with high population cities the power to provide light railways for its people;

56. Regulation of political parties;

57. Service and execution in a State of the civil and criminal processes, judgments, decrees, orders and other decisions of any court of law outside Nigeria or any court of law in Nigeria other than a court of law established by the House of Assembly of that State;

58. Stamp duties;

59. Taxation of incomes, profits and capital gains, except as otherwise prescribed by this Constitution;

60. The establishment and regulation of authorities for the Federation or any part thereof-

- a. To promote and enforce the observance of the Fundamental Objectives and Directive Principles contained in this Constitution;
- b. To identify, collect, preserve or generally look after ancient and historical monuments and records and archaeological sites and remains declared by the National Assembly to be of national significance or national importance;

- c. To administer museums and libraries other than museums and libraries established by the Government of a State;
- d. To regulate tourist traffic; and
- e. To prescribe minimum standards of education at all levels.

61. The formation, annulment and dissolution of marriages other than marriages under Islamic law and Customary law including matrimonial causes relating thereto;

62. Trade and Commerce, and in particular:

- a. Trade and commerce between Nigeria and other countries including import of commodities into and export of commodities from Nigeria, and trade and commerce between the States;

Conference decided that “Trade and commerce between Nigeria and other countries including import of commodities into and export of commodities from Nigeria” be retained in the Exclusive Legislative List, while “TRADE AND COMMERCE BETWEEN THE STATES” is moved to the Concurrent Legislative List. This in its view was informed by the need to liberalise trade among States and by the recognition of the current trend among many states that are already building economic and commercial relationships with one another, and the fact that there already exists interstate enterprises that bind many States together;

- b. Establishment of a purchasing authority with power to acquire for export or sale in world markets such agricultural produce as may be designated by the National Assembly;

- c. Inspection of produce to be exported from Nigeria and the enforcement of grades and standards of quality in respect of produce so inspected;
 - d. Establishment of a body to prescribe and enforce standards of goods and commodities offered for sale;
 - e. Control of the prices of goods and commodities designated by the National Assembly as essential goods or commodities; and
 - f. Registration of business names.
63. Traffic on Federal Trunk roads;
64. Water from such sources as may be declared by the National Assembly to be sources affecting more than one State;
65. Weight and Measures;
66. Wireless, broadcasting and television other than broadcasting and television provided by the Government of a State; allocation of wave-lengths for wireless, broadcasting and television transmission;
67. Any other matter with respect to which the National Assembly has power to make laws in accordance with the provisions of the Constitution; and
68. Any matter incidental or supplementary to any matter mentioned elsewhere in this list

5.4.2 RECOMMENDATIONS ON THE CONCURRENT LEGISLATIVE LIST

1. Subject to the provisions of this Constitution, the National Assembly may by an Act make provisions for –

(a) the division of public revenue –

(i) Between the Federal Government and the States;

Conference decided that this item be moved from the Concurrent Legislative List to the Exclusive Legislative list.

(ii) Among the States of the Federation;

Conference decided that this item be moved from the Concurrent Legislative List to the Exclusive Legislative list.

(iii) Among the local government councils in the States;

Conference decided that this item be moved to Residual Legislative List.

(b) grants or loans from and the imposition of charges upon the Consolidated Revenue Fund or any other public funds of the Federation or for the imposition of charges upon the revenue and assets of the Federation for any purpose notwithstanding that it relates to a matter with respect to which the National Assembly is not empowered to make laws;

Conference decided that it be retained in the Concurrent Legislative List but amended to read:

“Grants or loans from and the imposition of charges upon the Consolidated Revenue Fund or any other public funds of the Federation or for the imposition of charges upon the revenue and assets of the Federation for any purpose notwithstanding that it relates to a matter with respect to which the STATE Assembly is not empowered to make laws”

2. Subject to the provisions of this Constitution, any House of Assembly may make provisions for grants or loans from and the imposition of charges upon any of the public funds of that State or the imposition of charges upon the revenue and assets of that State for any purpose notwithstanding that it relates to a matter with respect to which the National Assembly is empowered to make laws

Conference decided that it be amended to read:

“Subject to the provisions of this Constitution, any House of Assembly may make provisions for grants or loans from and the imposition of charges upon any of the public funds of that FEDERAL/State or the imposition of charges upon the revenue and assets of that FEDERAL/State for any purpose notwithstanding that it relates to a matter with respect to which the National Assembly is empowered to make laws”, and be retained in the Concurrent Legislative List.

3. The National Assembly may make laws for the Federation or any part thereof with respect to such antiquities and monuments as may, with the consent of the State in which such antiquities and monuments are located, be designated by the National Assembly as National Antiquities or National Monuments but nothing in this paragraph shall preclude a House of Assembly from making Laws for the State or any part thereof with respect to antiquities and monuments not so designated in accordance with the foregoing provisions;

4. The National Assembly may make laws for the Federation or any part thereof with respect to the archives and public records of the Federation;
5. A House of Assembly may, subject to paragraph 4 hereof, make laws for that State or any part thereof with respect to archives and public records of the Government of the State;
6. Nothing in paragraphs 4 and 5 hereof shall be construed as enabling any laws to be made which do not preserve the archives and records which are in existence at the date of commencement of this Constitution, and which are kept by authorities empowered to do so in any part of the Federation;
7. In the exercise of its powers to impose any tax or duty on -
 - (a) Capital gains, incomes or profits or persons other than companies; and
 - (b) Documents or transactions by way of stamp duties.

The National Assembly may, subject to such conditions as it may prescribe, provide that the collection of any such tax or duty or the administration of the law imposing it shall be carried out by the Government of a State or other authority of a State.

Conference decided that it be retained in the Concurrent Legislative List as specified in the 1999 Constitution (as amended);

8. Where an Act of the National Assembly provides for the collection of tax or duty on capital gains, incomes or profit or the administration of any law by an authority of a State in accordance with paragraph 7 hereof, it shall regulate the liability of persons to such tax or duty in such manner as to ensure that such tax or duty is not levied on the same person by more than one State;

9. A House of Assembly may, subject to such conditions as it may prescribe, make provisions for the collection of any tax, fee or rate or for the administration of the Law providing for such collection by a local government council;
10. Where a Law of a House of Assembly provides for the collection of tax, fee or rate or for the administration of such Law by a local government council in accordance with the provisions hereof it shall regulate the liability of persons to the tax, fee or rate in such manner as to ensure that such tax, fee or rate is not levied on the same person in respect of the same liability by more than one local government council;
11. The National Assembly may make laws for the Federation with respect to the registration of voters and the procedure regulating elections to a local government council;
12. The National Assembly may make laws for the Federation or any part thereof with respect to:
- (a) electricity and the establishment of electric power stations;
 - (b) The generation and transmission of electricity in or to any part of the Federation and from one State to another State;
 - (c) the regulation of the right of any person or authority to dam up or otherwise interfere with the flow of water from sources in any part of the Federation;
 - (d) the participation of the Federation in any arrangement with another country for the generation, transmission and distribution of electricity for any area partly within and partly outside the Federation;

- (e) the promotion and establishment of a national grid system ;and
- (f) the regulation of the right of any person or authority to use, work or operate any plant, apparatus, equipment or work designed for the supply or use of electrical energy.

13. A House of Assembly may make laws for the State with respect to :

- (a) Electricity and the establishment in that State of electric power stations;
- (b) The generation, transmission and distribution of electricity to areas not covered by a national grid system within that State;

Conference decided that it be retained in the Concurrent Legislative List but amended to read:

“The generation, transmission and distribution of electricity within that State”.
The Committee’s recommendation was based on the need to remove bottlenecks associated with generation, transmission and distribution of electricity by the States; and

- (c) The establishment within that State of any authority for the promotion and management of electric power stations established by the State.

14. In the foregoing provisions of this item, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them:

"distribution" means the supply of electricity from a sub-station to the ultimate consumer;

"management" includes maintenance, repairs or replacement;

"power station" means an assembly of plant or equipment for the creation or generation of electrical energy; and

"transmission" means the supply of electricity from a power station to a sub-station or from one sub-station to another sub-station, and the reference to a "sub-station" herein is a reference to an assembly of plant, machinery or equipment for distribution of electricity.

15. The National Assembly may make laws for the establishment of an authority with power to carry out censorship of cinematograph films and to prohibit or restrict the exhibition of such films; and nothing herein shall:

- (a) Preclude a House of Assembly from making provision for a similar authority for that State; or
- (b) Authorise the exhibition of a cinematograph film in a State without the sanction of the authority established by the Law of that State for the censorship of such films.

16. The National Assembly may make laws for the Federation or any part thereof with respect to:

- (a) The health, safety and welfare of persons employed to work in factories, offices or other premises or in inter-State transportation and commerce including the training, supervision and qualification of such persons;
- (b) The regulation of ownership and control of business enterprises throughout the Federation for the purpose of promoting, encouraging or facilitating such ownership and control by citizens of Nigeria;

(c) The establishment of research centres for agricultural studies; and

(d) The establishment of institutions and bodies for the promotion or financing of industrial, commercial or agricultural projects.

17. Subject to the provisions of this Constitution, a House of Assembly may make Laws for that State with respect to industrial, commercial or agricultural development of the State;

18. Nothing in the foregoing paragraphs of this item shall be construed as precluding a House of Assembly from making Laws with respect to any of the matters referred to in the foregoing paragraphs;

19. For the purposes of the foregoing paragraphs of this item, the word "agricultural" includes fishery;

20. The National Assembly may make laws to regulate or co-ordinate scientific and technological research throughout the Federation;

21. Nothing herein shall preclude a House of Assembly from establishing or making provisions for an institution or other arrangement for the purpose of scientific and technological research;

22. The National Assembly may make laws for the Federation or any part thereof with respect to statistics so far as the subject matter relates to;

(a) Any matter upon which the National Assembly has power to make laws;

(b) The organisation of co-ordinated scheme of statistics for the Federation or any part thereof on any matter whether or not it has power to make laws with respect thereto-

23. A House of Assembly may make Laws for the State with respect to statistics and on any matter other than that referred to in paragraph 23 (a) of this item;
24. The National Assembly may make laws for the Federation or any part thereof with respect to trigonometrical , cadastral and topographical surveys;
25. A House of Assembly may, subject to paragraph 25 hereof, make laws for that State or any part thereof with respect to trigonometrical, cadastral and topographical surveys;
26. The National Assembly shall have power to make laws for the Federation or any part thereof with respect to university education, technological education or such professional education as may from time to time be designated by the National Assembly;
27. The power conferred on the National Assembly under paragraph 27 of this item shall include power to establish an institution for the purposes of university, post-primary, technological or professional education;
28. Subject as herein provided, a House of Assembly shall have power to make laws for the state with respect to the establishment of an institution for purposes of university, technological or professional education; and
29. Nothing in the foregoing paragraphs of this item shall be construed so as to limit the powers of a House of Assembly to make laws for the State with respect to technical, vocational, post-primary, primary or other forms of education, including the establishment of institutions for the pursuit of such education.

c. SUPPLEMENTAL AND INTERPRETATION

1. Where by this Schedule the National Assembly is required to designate any matter or thing or to make any declaration, it may do so either by an Act of

National Assembly or by a Resolution passed by the Both Houses of the National Assembly; and

2. In this Schedule, references to incidental and supplementary matters include, without prejudice to their generality, references to:

(a) Offences;

(b) The jurisdiction, powers, practice and procedure of courts of law;

(c) The acquisition and tenure of land.

5.4.3 RESOLUTIONS ON FISCAL FEDERALISM

1. After extensive deliberations, Conference decided as follows:

- i. The creation of the office of the Accountant-General (Director-General) of the Federation as a distinct and separate office from the Office of the Accountant General of the Federal Government. The Committee recommends that the functions of both offices shall be clearly outlined and demarcated. The Committee however noted that any name could be designated to the Offices provided that their functions are clearly spelt out. The Office of Accountant General (Director-General) of the Federation shall oversee the accruals of revenue into and disbursement from the Federation Account as and when due; and shall administer these funds as required by the Constitution, while the office of the Accountant General of the Federal Government shall oversee the accounts of the Federal Government; and
- ii. That the power of the Federal Government under section 162(3) of the 1999 Constitution (as amended) to prescribe the terms and manner of sharing national revenue (Federation Account) shall be exercised through the Revenue Mobilisation Allocation and Fiscal Commission, which shall consult the Federal

and State governments before presenting a draft Bill on the matter to the National Assembly for enactment into law.

5.4.4 REVENUE SHARING (VERTICAL ALLOCATION)

Conference accordingly decided as follows:

That the sharing of the funds accruing to the Federation Account among the three tiers of government, should be done in the following manner:

- i. Federal Government- 42.5%
- ii. State Governments- 35%
- iii. Local Governments- 22.5%

To replace the existing formulae of:

- i. Federal Government-52.68%
- ii. State Governments-26.72%
- iii. Local Governments-20.60%

Conference agreed that Local Government Areas should be stripped of their status as the third tier of public administration. However, Conference did not make any specific decision to delete LGAs from the sharing formula.

5.4.5 SHARING FORMULA (HORIZONTAL ALLOCATION)

Conference decided as follows:

1. That the percentages given to Population and Equality of States in the existing Sharing formula be reduced while that assigned to Social

Development Factor be increased to a much higher percentage so as to ensure accelerated development of all parts of the country;

2. That three new principles listed hereunder be added to the existing sharing formula to enhance economic, infrastructural and human development in the country:

- i. Inverse Primary School Enrolment
- ii. Federal Presence, and
- iii. Unemployment

3. That the “technical” aspects and details of revenue sharing formula shall be referred to the Revenue Mobilisation, Allocation and Fiscal Commission and the National Assembly for final determination. The proposed sharing formula by Conference is based on:

- i. Diminished emphasis on principles of equality of states and population;
- ii. Increased emphasis on Social Development Factor; and
- iii. Internally Generated Revenue effort.

5.4.6 RESOURCE CONTROL

1. Having critically examined the issues in contention, Conference recognizes the need to:

- 1 Review the percentage of revenue allocation to States producing oil (and other resources);
- 2 Reconstruct and rehabilitate areas affected by problems of insurgency and internal conflicts; and
- 3 Diversify the Nigerian economy by fast tracking the development of the solid minerals sector.

2. The Conference also notes that assigning percentages for the increase in derivation principle, and setting up Special Intervention Funds to address issues of reconstruction and rehabilitation of areas ravaged by insurgency and internal conflicts as well as solid minerals development, require some technical details and considerations; and

3. Conference therefore recommends that Government should set up a Technical Committee to determine the appropriate percentages on the three (3) issues and advise government accordingly.

5.4.7 ESTABLISHMENT OF A SPECIAL FUND FOR THE DEVELOPMENT OF MINERAL RESOURCES

Conference decided as follows:

1. That there should be a constitutional provision for the establishment of a Special Fund for the development of mineral resources in the country;
2. That a competent body be established to administer the Fund according to guidelines that shall be specified by the National Assembly.

5.4.8 SOVEREIGN WEALTH FUND

The Sovereign Wealth Fund as is currently operating as Nigeria Sovereign Investment Authority (NSIA), 2011, be enshrined in the Constitution of the Federal Republic of Nigeria.

5.5 ECONOMY, TRADE AND INVESTMENT

Conference decided that:

- i. Section 16 of the 1999 Constitution should be made justiciable. In particular, Section 16(2(a-d)) should be obligatory and not optional;

- ii. The plan- budget link should be rekindled by legislation. To this end, Section 81 of the 1999 Constitution should be amended to provide that;

The Appropriation Bills sent by the President to the National Assembly or by the State Governor to the State Assembly to be accompanied by an underlying Medium Term Plan and a Plan Compatibility Statement detailing deviations of the previous year's budget implementation from the plan with justifications. The Plan Compatibility Statement will prevent plan and budget indiscipline.

- iii. *National Revenue Bill* should be enacted into law every year prior to the Appropriation Act. Any excess revenue beyond that in the National Revenue Act be retained in the Federation Account and can only be distributed (within the year with the passage of a *Supplementary Revenue Act*);
- iv. Any excess revenue beyond that in the National Revenue Act be retained in the Federation Account and not distributed by the end of the year but to be used to finance capital programs and exploration of mineral resources in every part of the country for the next year budget, except with the *Supplementary Revenue Act*;
- v. To ensure an institutional arrangement for effective plan- budget link, the National Planning Commission be converted to Federal Ministry of Planning and Economic Development with the Vice President as Minister of Planning and Economic Development;
- vi. At the state level, the Deputy Governor should be Commissioner of Planning and Economic Development;

vii. Budget Office of the Federation should be returned to the Ministry of Planning and Economic Development;

viii. Federal Government should submit a bill on National Participatory Development Planning Process to the National Assembly to be enacted into law. The Bill should provide for:

The establishment of Sectorial Policy and Development Deliberation Committees at Federal and States levels under the chairmanship of the Minister/Commissioner of Planning and Economic Development. The Minister/Commissioner responsible for the relevant sector and top national/state leadership of key stakeholder organizations in the sector should be members.

ix. All Treaties and Agreements should be ratified by the National Assembly;

x. The immunity clause should be removed if the offences attract criminal charges to encourage accountability by those managing the economy;

xi. In order to guarantee the independence of anti-corruption and regulatory agencies, like; Economic Crime and Fiscal Commission (EFCC), Independent Corrupt Practices Commission (ICPC), Security and Exchange Commission (SEC), National Deposit Insurance Commission (NDIC), the Chief Justice of the Federation, Accountant- General of the Federation (AGF) and Auditor- General of the Federation, the budgets of these institutions should be made first line charges;

xii. Reduction in the number of political appointees and aides;

xiii. Elected members of the legislative arms of all the tiers of government should serve on part-time basis;

- xiv. There should be speedy removal of all impediments to the revival of the Iron and steel and petrochemical industries and funding for R&D into possible Oleochemical uses for Nigeria's major agricultural products;
- xv. Government, the armed forces and the private sector should collaborate and invest in the development of a Military Industrial Complex that can support Nigeria's defence needs as the largest economy in Africa;
- xvi. Provision of world class infrastructure for the supply of power, transportation, water etc. to support manufacturing, agricultural business and tourism development;
- xvii. Make constitutional provision for the Sovereign Wealth Fund (SWF) and legalise the Excess Crude Accounts (ECA);
- xviii. Elevate the Financial System Strategy (FSS) 2020 to a critical National Project and place it under the implementation leadership of the Minister of Finance;
- xix. Government at all levels should promote the buy 'Made in Nigeria' campaign so that Nigerians will be encourage to consume what we produce;
- xx. Nigeria should have a developmental agenda for successive governments to follow. In this vein, the National Integrated Infrastructure and Industrial Master Plan should be legislated upon by the National Assembly. Similarly, the States should be encouraged to set up similar infrastructure and inclusive master plans; and
- xxi. The informal sector where majority of the poor particularly women operate should be recognized as pivotal to the transformation of the economy. Appropriate policy measures to guide its contribution to the GDP should be put in place.

5.5.1 MODES OF STATE INTERVENTION IN ECONOMIC MATTERS

Conference observed that to mitigate the negative consequences of unbridled capitalism, government should put in place strong safety nets to cater for the vulnerable particularly in the provision of education, health care, access to opportunities and general wellbeing of the citizens.

In addition, the state should intervene in the following ways:

- (i) Utilization of public sector resources to execute *social overhead capital projects* in areas necessary to create enabling environment for all economic agents to operate optimally;
- (ii) Secondly, government may have to participate in directly productive activities at least to get things started in new frontiers of the economy while taking steps to actively seek private sector participation and eventual takeover of such activities at the earliest possible opportunity;
- (iii) Thirdly, government should *design appropriate policy packages to facilitate, stimulate, and direct private economic activities* in order to promote a harmonious relationship between the desires of the private businesses and households and the development goals of society; and
- (iv) In other words, government, through its policies, should be a *promoter and stabilizer*. It is pertinent to note that this is one of the major drivers of the success of China, Malaysia, Singapore South Korea and Taiwan.

5.5.2 INITIATIVES AND PROGRAMS FOR ACCELERATED AND SUSTAINABLE DEVELOPMENT AND DIVERSIFIED ECONOMY.

Good Governance, Political Stability and Security

Conference recommended the provision of increased financial and technical support to these institutions; improved capacity building for their staff along with appropriate incentives to enhance their performance.

Mandatory Participatory Planning

Conference decided that having adopted the mixed economy and a federal system of government, planning in Nigeria should aim at achieving the following objectives:

- (i) Securing effective Federal and State plan coordination as well as plan discipline at all levels of government;
- (ii) Building consensus among all stakeholders, in all parts of the federation, on the vision of development and securing agreement on the basic strategy as well as priority medium-term and short-term action plans for realizing this vision at all levels of government of the federation;
- (iii) Securing the commitment of all stakeholders, in all parts of the federation, to the implementation of their component of the agreed medium-term and short-term action plans required of them in order to realize the vision at all levels of government of the federation; and
- (iv) Securing participation in an all-stakeholder monitoring of implementation of the agreed medium-term and short-term action plans as well as all stakeholder impact assessment and review of agreed action plan at all levels of government of the federation.

Conference, envisaged that this participatory planning process will be a process for:

- i. Promoting a shared vision of development within the framework of an enduring partnership among all stakeholders in all parts of the federation;
- ii. Agreeing, by all stakeholders, at all levels of government in the federation, on those priority strategies and coordinated action plans to be taken by all stakeholders at all levels of government which hold the promise of greatest possible positive impact on the welfare of the people in all parts of the federation;
- iii. Securing the commitment of all stakeholders to perform their

- own component of the action plan in concert at all levels of government of the federation;
- iv. Securing the commitment of all stakeholders in all parts of the Federation to fully and effectively participate in a joint monitoring, impact assessment and review of agreed medium-term and short-term action plans for realizing the shared vision of development at all levels of government; and
 - v. Ensuring that development plans are coordinated across levels of government and that the development plans of all sub-national governments draw inspirations from that of the central government.

Sound and Stable Macroeconomic and Regulatory Environment.

Conference decided that to sustain and enhance the level of macroeconomic stability achieved therefore, FAAC operations should be fine-tuned to reduce the devastating effects of the liquidity cycles associated with the fiscal operations of FAAC on macroeconomic variables. This is because a stable macroeconomic and regulatory environment is critical for investments planning. Complementary monetary, fiscal, trade and industrial policies are necessary for better synergy. In an open economy that depends heavily on imports for industrial inputs and capital goods, exchange rate stability is crucial to manufacturers for planning purposes. It is, therefore, important for the Central Bank of Nigeria to continue to carefully manage the foreign exchange market.

Forging Linkages in the Economy through Innovation and Technology

Conference decided that:

- (i) Job creation and generation of inclusive growth and competitiveness involves the ability to innovate and effectively use technology to add value to locally available resources and create new products among other factors;
- (ii) There is need to consciously develop a National Innovation System (NIS) which will serve as a link between research efforts and adaptation/application

and their outcome. Given the low level of indigenous technology, Nigeria has to invest in the development of technology sector through aggressive investment in Research and development, importation/adaptation of foreign technology and foreign direct investments when applicable;

(iii) There is a threshold of technology required to drive industrialisation. Nigeria has to use all available channels to build up her technological base to be able to meet the target of NV20:2020 and the drive towards inclusive and integrated growth of the economy;

(iv) It is, important that Nigeria develops an innovation system. The low level of funding by enterprises, in the main, derives from the small scale nature of many firms, the unwillingness of multinational firms to stop patronizing the suppliers of raw materials in their countries of origin and the inadequacy of resources available to them;

(v) Adaptive R&D underpinned by adapting imported technology to local conditions, which is common in developing countries, need to be supported by financial and non-financial instruments, such as:

- a. Strengthening tertiary education in science and technology;
- b. Engineering positive Foreign Direct Investment spill-over to SMEs: Globally, the level and range of outsourcing has been on the increase in developed countries. The growing skills base in India and China enable companies to slice-up value chains and outsource intermediate inputs and tasks to local industrial entities;
- c. Strengthening technical infrastructure in high-tech areas;
- d. Creating an enabling policy environment for strengthening university-enterprise linkages;
- e. Conference further recommended that various crop research institutes should be strengthened and invite private sector participation and patronage to facilitate the utilization of the research output of the institute; and
- f. Nigeria also needs to track global technology trends and relate them to areas where the country could lead with respect to proprietary

technologies or where it should focus on technology transfer, adoption and adaptation.

Adequate Human Capital

Conference decided that:

Nigeria needs a functional technical educational system that would produce the skills required by the economy.

Basic Infrastructure

Conference decided that recent efforts at repositioning our infrastructure environment are commendable. However there are still a number of issues to be addressed in order to improve effectiveness and efficiency. These include:

- i. Review of Legal and Policy Framework: Tackling the huge infrastructure deficits will not only require considerable financial investments but also a review of several legal and policy frameworks like pricing, so that private capital can be attracted into some of these infrastructure provisions;
- ii. Power Sector: The Privatisation of the Power Sector is commendable. However current challenges (inadequate gas supply, low water levels, vandalism of gas pipelines, etc) that led to a drastic decline in the power situation should be addressed. Efforts should be made to ensure that the process is better coordinated with all the parties – Generation (GENCOs), Transmission (TCN) and the Distribution (DISCOs)- so that the target of a minimum of 35,000 megawatts by 2020 would be surpassed substantially. Urgent attention should be paid to the security of gas pipelines as the incessant vandalism disrupts gas supply to turbines and this may delay the much desired positive outcome of the privatization agenda. Private investment in gas gathering infrastructure should also be encouraged. In addition, the review of the Multi Year Tariff Order II (MYTO) should be expedited to ease the burden on MSMEs;
- iii. The possibility of generating electricity through uranium enrichment and utilization of renewable energy resources for power generation such as

- solar, coal and wind should be encouraged more vigorously as this will diversify Nigeria's energy mix and reduce vulnerability;
- iv. Rehabilitation and Monitoring of Major Road Networks: We recognise recent efforts at rehabilitating the road networks. In order to ease distribution of goods at competitive rates, it is recommended that the remaining networks should be speedily rehabilitated;
 - v. Modernising the Rail System: The commendable on-going rail rehabilitation programme should be accelerated in view of its centrality to the growth of internal trade and industrial competitiveness; and
 - vi. Localising Opportunities in Telecom: Although Nigeria has made progress in expanding telecommunications network more still needs to be done. There is need to ensure widespread availability of broadband infrastructure at competitive prices. Nigerian firms should also be encouraged through appropriate policies to manufacture most of the telephone accessories that are currently being imported, while companies producing these accessories should be encouraged to open their factories in the country. By this, the country will fully reap the benefit of value addition in the industry, promote local industrial linkages, create decent jobs for Nigerians and internalize the multiplier effects of the industry.

Ports Administration:

Conference decided that there is the need to redress current challenges in the clearing process and generally make the ports more efficient and competitive.

Growing New Enterprises

Conference decided that:

- i. The country should articulate a program for the diversification of the economy towards non-traditional tradable goods and services beyond mineral and agriculture based products;
- ii. Reliance on oil has exposed the economy to the volatility of the international oil market. The long-term decline in the terms of trade of

its traditional agricultural export commodities has made such trade less attractive. Movement into manufacturing and exportable service activities would allow Nigeria to take advantage of the rising demand that derives from the growing income in the world economy; and

- iii. There is a need to enhance the entrepreneurship capabilities of the informal sector operators and facilitate the promotion of creative funding sources, such as venture capital, equipment leasing, etc.

Development of Core Industries, especially the Iron and Steel and Petrochemical Industries

Conference decided that:

- i. The manufacturing base has to be expanded rapidly in the next six years for Nigeria to reach the level of industrial output that would put it in the top twenty economies of the world; and
- ii. Stimulating investment in the petrochemical industry should be one of the focus areas of the manufacturing sector in the medium term.

Military Industrial Complex

Conference decided that military research and technology has proven to have significant spin off effect which facilitated the development of advanced technology in many areas like management science, medicine; communication, transportation etc, in addition to security and combat readiness in many advanced countries. This is usually promoted and developed through active collaboration between governments, national armed forces and the industrial sector in a relationship usually termed the Military Industrial Complex. The complete absence of this in Nigeria partly accounts for the low level of technology and the limitations of the armed and security forces. This should be redressed urgently.

Development Financing

Conference decided that:

- i. It is therefore imperative that a stronger foundation should be built for the financial system to put in place a financial architecture that will take the nation to the desired level of development. Such a financial system should be all inclusive and make financial resources available to people who need them irrespective of where they live;
- ii. The security, stability and integrity of the financial system should be assured in order to build confidence and trust in the system. Values and ethics needs to be strengthened to reduce high level of fraud and corrupt tendencies. This will ensure high level of local and international confidence in the sector. Furthermore, stability in the governance of the financial system should be treated as sacrosanct to serve as insurance against policy inconsistency; and
- iii. Nigeria's financial system should be situated within national political, social and cultural system and it should develop new ways of raising capital for infrastructural development in addition to creating special funds and linkages with venture capital groups to encourage creativity and innovation
- iv. Conference also decided that the financial sector should aspire to achieve the following critical habits or development drivers:
 - i. Strong institutions, rather than strong personalities;
 - ii. High ethical values;
 - iii. High quality of Human Capital;
 - iv. Entrepreneurship Excellence;
 - v. Good Leadership; and
 - vi. Public financial literacy programmes.

Foreign Direct Investment

Conference advocated that:

- i. Thus a conducive environment should be created to attract FDI to the economy. However care should be taken to ensure that such investments are consistent with the aspirations of the economy; and
- ii. Efforts should be made to ensure that foreign investors queue into the aspirations of the economy to stop being exporters of raw materials in their crude form and importers of all inputs required by the manufacturing sector.

Trade Policy and other Partnership Agreements

Conference advocated that:

- i. There is need for government to mainstream trade policy into economic development strategy in order to take advantage of the synergy that results from coordination and policy coherence. Vision 20:2020 has provided a pragmatic framework for interfacing trade and industrial policies in Nigeria in a more systematic manner;
- ii. Improving the share of manufactured and value added goods in Nigerian export should be an important objective of Nigeria's industrial policy. In addition, more sophisticated, value added products targeting the regional as much as the domestic market should be encouraged;
- iii. To promote accountability and enhance transparency in formulation of trade policy and negotiation of partnership agreements, Conference observed that:
 - a. Treaties and trade agreements intended to be signed should be subjected to public debate to elicit input from all stake holders;
 - b. All treaties and agreements should be ratified by the National Assembly before it becomes binding;
 - c. Government should consult all relevant institutions and interest groups before entering into bilateral/multilateral agreements; and

- d. All existing agreements and treaties should be reviewed to ensure that they are in consonance with Nigeria's national interest.

Competitiveness, Standards and Regulation

Conference decided that:

- i. Nigeria has a number of regulatory agencies to oversee pricing behaviour for specific utilities. These bodies should effectively regulate the pricing policies of service providers towards ensuring cost effective inputs;
- ii. It is necessary to develop appropriate standards for products that are not currently covered, while reviewing some current standards with a view to bringing them up to global best practices; and
- iii. Furthermore, the various regulatory authorities should be made to perform optimally by ensuring that illegal and non-conforming activities going on are checked as they are inimical to economic growth and development.

Patronage of Made-in-Nigeria Products

Conference decided that:

- i. The policy of Buy-Made-in-Nigeria products is, therefore, commendable as this would translate to increased production activities and job creation for Nigerians. This policy should be embraced by all MDAs in all tiers of government; and
- ii. The margin of preference policy should also be strictly enforced in the procurement processes of all MDAs at all levels of government.

Dispersal of Industries and Industrial Infrastructure

Conference decided that:

- i. The strategy of industrial clustering has been identified by many manufacturing sub-sectors in Nigeria as a good strategy for development;
- ii. Provision of dedicated industrial infrastructure is therefore an important way to foster industrial clustering, both in areas of traditional industrial

agglomerations as well as in under-developed areas with latent economic potential;

- iii. The on-going extension of gas pipeline to all parts of the country should be sustained and intensified; and
- iv. Sector-specific research and product development institutes should be established in all ecological zones to rigorously pursue research into value addition and product development using the local raw materials.

Development of Micro, Small and Medium Enterprises (MSMEs)

In order to achieve the full potential of the MSMEs development in Nigeria, the following specific strategies were recommended by Conference:

- i. Government should accelerate the creation of a better and more conducive manufacturing environment through the provision of necessary infrastructure, research and development (R&D) and other policies that will facilitate their development;
- ii. Constraint to finance should be seriously addressed through the provision of specialized MSMEs funding windows at single digit interest rate;
- iii. Fiscal, financial and other incentives should be introduced to encourage MSMEs with high local content in raw material usage, as well as to encourage partnerships and linkages between large firms and MSMEs. In order to achieve this, partnering organizations, working with the appropriate regulatory agencies, should develop acceptable product standards;
- iv. MSMEs development institutions (SMEDAN, ITF, NBTIetc) should be strengthened to intensify the provision of appropriate skill development programs for existing and potential MSME operators in order to sharpen and focus their entrepreneurial disposition; and
- v. There is need to encourage positive attitudinal changes towards achieving best manufacturing practice by MSMEs.

Consistency in Government Policy

Conference proposed that key/major industrial policies should be legislated upon to ensure policy continuity without jeopardising the process of policy review and amendment as may be necessary.

High Cost of Doing Business in Nigeria and Unwarranted Burdensome Activities of Regulatory Agencies

Conference decided that government should fund the regulatory agencies adequately to enable them discharge their responsibilities to the industries and the nation at large.

Export Processing Zones

Conference decided that there is the need to accelerate the review of the Export Processing Zones as there are abuses in their operations.

Multiple and Illegal Taxes and Levies

Conference appreciated the steps taken by the Federal and State Governments through the National Economic Council (NEC) in setting up a Technical Committee on the Review of Multiple Taxation across the Federation at various levels and its effects on the Nigerian economy, following the evidence-based presentation made by the Manufacturers Association of Nigeria to NEC in March, 2013. Government at all levels should earnestly adopt the implementation blueprint so as to put an end to the lingering problem of multiple taxes and levies in the country.

Tariff Policy Review

Conference decided that there is the need to revive the Tariff Review Board which will review recommendations from the Tariff Technical Committee and make appropriate recommendations to Government,

Agro-Allied Industries and Food Security

Conference appreciated the remarkable achievements of the Agricultural Transformation Agenda, especially the development of various agricultural value chains, and advocated the following to further enhance the achievements:

- i. Promotion of large scale mechanised farming in areas where Nigeria has comparative and competitive advantage;
- ii. Enhancement of support to small holder farms to significantly increase their productivity, minimize post-harvest losses through provision of suitable storage facilities and preservation techniques;
- iii. Acceleration of the comprehensive programme of rural development and modernization through the provision of basic rural infrastructure in order to attract youths back to the farms;
- iv. Further encouragement and assistance to peasant farmers, through appropriate public policy, to embrace the culture of agricultural insurance against environmental and post-harvest losses;
- v. Encouragement of peasant farmers to join or form cooperatives to ease access to credit facilities and enhance government-farmer cooperation;
- vi. Facilitation of market linkages between processors and producers;
- vii. Provision of comprehensive financing and technical support to the agro-allied industries;
- viii. Support for Agricultural Research Council of Nigeria to effectively coordinate the activities of the agricultural research system and secure adequate and timely funding to the agricultural research institutes drawing on the experience of Brazil; and
- ix. Re-introduction of Produce Marketing Boards to facilitate standardization of the produce and help mop up products and form a basis for government subsidy. The boards should also be given additional mandate to promote value addition and the development of the value chain of their commodities. They should use any surplus generated to finance research into the possibility of oleochemical uses of the produce to create new and innovative products. It is instructive to note that Ghana did not abolish her

cocoa marketing board when we scraped ours and that is fundamentally why Ghana's cocoa is today better priced than Nigeria's in the international market.

Informal Sector of the Economy:

Conference decided that the informal sector

- i. Should be restructured and linked to the manufacturing sector as suppliers of value added raw materials and services; and
- ii. To this end, the informal sector should be helped to develop locally-fabricated technology or acquire foreign technology to improve the quality of their products and services.

Oil and Gas

Conference decided that:

- i. The on-going efforts of Government at abating the crisis in the Niger Delta region should be sustained and the alarming spate of oil theft should be frontally attacked,
- ii. Government should intensify efforts at diversifying the economy away from oil. To this end, the accruing revenue from crude oil exports should be invested in ameliorating the infrastructure deficiencies in the country in order to fast-track the growth of the manufacturing sector in particular and the economy in general;
- iii. Thrust and sequence of the reforms successfully implemented in the telecommunications and electricity sectors should be instructive. Relatedly, the Petroleum Industry Bill should be speedily followed to a logical conclusion;
- iv. Government should therefore put in place appropriate incentives to encourage private sector participation in the gas industry; and
- v. Government should fully implement the National Gas Master Plan, including ensuring appropriate investment in gas gathering infrastructure through Public Private Partnership (PPP).

5.5.3 Other Related Matters

Patents, Copyrights, Trademarks and Bio-Piracy

- i. Nigerian entrepreneurs and innovators should be encouraged to register their business names and patent their creations with the relevant agencies;
- ii. The laws against copyright infringement and piracy should be enforced so that the interest of Nigeria's innovators can be protected;
- iii. Producers and service providers should be encouraged to form associations that can collectively promote their business interests; and
- iv. The Nigerian Copyright Commission should issue periodic statistics on current scale of inventions and innovations to provide adequate information for all stake holders.

Human and Social Issues

The observance of human and social rights is essential to the wellbeing of the citizenry. This is an indispensable condition for business development and profitability. There is, therefore, the need to promote the general wellbeing of the citizens. In this regard, Conference resolved that Government, in partnership with the private sector and other stakeholders should:

- i. Empower citizens through access to education, employment and public enlightenment to defend their rights;
- ii. Train and retrain law enforcement/administrative agencies to check arbitrariness and impunity in their dealing with individuals and corporate citizens; and
- iii. Gazette all laws of the Federal Republic of Nigeria speedily.

Education

Education is key to the overall development of any nation. There is, therefore, the need for the following:

- i. Increase public expenditure on education;

- ii. Emphasize moral instruction and civics in primary and secondary school curricula and vigorously implement policies to curb cultism, examination malpractices and admission fraud;
- iii. Include vocational education in primary schools and introduce entrepreneurship in the curricular of secondary and tertiary institutions in order to produce school leavers and graduate job-creators;
- iv. Transform existing technical schools to focus on skills needed in identified industrial sectors and review their curricula in line with the needs of industries; and
- v. Create more incentives to encourage industries to support industrial liaison and attachment programmes of educational institutions.

Health Care Delivery

A healthy nation produces a healthy workforce and a wealthy nation. Conference therefore invited the National Assembly to accelerate the process of enacting the Universal Health Bill into a law. In the meantime, Conference enjoined Government to do the following:

- i. Join and vigorously pursue HIV/AIDS vaccine production research, as well as map out a scheme of 100% access of all people living with AIDS to anti-retroviral drugs and therapy;
- ii. Strengthen NAFDAC on its drive against fake and substandard food and drugs;
- iii. Undertake measures to reduce the cost of drugs and institute schemes targeted at vulnerable citizens (the aged, children, women, mentally physically challenged, etc.) or debilitating diseases e.g. tuberculosis, visual impairment etc. and commence subsidized or free treatment as a point of departure; and
- iv. Continue to invite and encourage the participation of non-governmental agencies, philanthropists, etc. in funding the health sector.

Youth Development

Conference decided that government should continue to motivate, empower and occupy youths through education and skill acquisition schemes, employment creation, poverty alleviation programmes that are specifically targeted at the youths.

Pro-Gender Policies

Conference decided that:

- i. Existing female-focused education, skill acquisition, empowerment programmes and implementation of the 35 per cent affirmative action should be strengthened. In areas where males are lagging behind, male-child targeted improvement programmes should be put in place;
- ii. Special Funds for interest-free loans for women farmers, marketers, traders and transporters, as well as owners of rural and urban cooperatives should be provided;
- iii. Schools, playgrounds, medical clinics, ambulance, and fire services should be built in all markets and commercial centres;
- iv. Fuel depots should be built in remote areas and riverine communities where there is plenty of crude oil but no fuel to buy at affordable price; and
- v. For affirmative action in education, there should be 50% the cost of tuition, books, equipment and hostels for all female students in secondary and post-secondary education.

National Security

Conference decided that:

- i. Security agencies should be strengthened, well equipped and better motivated to enhance their capacity to tackle the menace;
- ii. Government should do more to facilitate the creation of more jobs as this would open up opportunities for the army of unemployed persons and idle minds to be productively engaged and kept away from criminal tendencies and activities; and

- iii. Mass enlightenment of the populace to orientate them towards positive national endeavours and peaceful co-existence should be embarked upon.

Cost of Governance

Conference decided that:

- The number of political appointees and aides should be drastically reduced;
- Elected members of the legislative arms of all tiers of government should serve on part-time basis;
- MDAs should be streamlined to avoid duplication of functions and unnecessary cost outlay; and
- Strict compliance with the procurement act in the award of contract to avoid high project costs should be maintained.

Fiscal Sustainability

Conference decided that government should move in the direction that would ensure that within the shortest possible time, the cost of governance would be born solely through taxation. Revenue from mineral resources including, profit on investments, rents and royalties should be invested in infrastructure and the sovereign wealth fund to secure the future after the life span of these natural resources.

Information and Communication Technology (ICT)

Conference advocated that regulatory authorities should ensure that the observed challenges in the ICT industry are addressed. Also the internet gateway needs to be expanded in order to improve the access of the populace to internet facilities

5.5.4 OTHER SPECIFIC RECOMMENDATIONS OF CONFERENCE

- (i) Section 16 of the 1999 Constitution should be made justiciable. In particular, Section 16(2(a-d) should be obligatory and not optional;

- (ii) The body prescribed in Section 16(3) of the 1999 Constitution should be set up;
- (iii) The plan- budget link which has been absent in the recent past should be rekindled by legislation. To this end, section 81 of the 1999 constitution as amended should be amended to provide for:
 - a. The Appropriation Bill sent by the President to the National Assembly or by the State Governor to the State Assembly to be accompanied by an underlying **Medium Term Plan** and a **Plan Compatibility Statement** detailing deviations from the previous plan with justifications. The Plan Compatibility Statement will prevent plan and budget indiscipline;
 - b. **National Revenue Bill** to be enacted into law every year prior to the Appropriation Act. Any excess revenue beyond that in the National Revenue Act to be retained in the Federation Account and can only be distributed within the year only with the passage of a **Supplementary Revenue Act; and**
 - c. Any excess revenue beyond that in the National Revenue Act retained in the Federation Account and not distributed by the end of the year to be used exclusively to finance capital programmes of the next year's budget.
- (iv) To ensure an institutional arrangement for effective plan- budget link, the National Planning Commission should be converted to Federal Ministry of Planning and Economic Development with the Vice President as Minister of Planning and Economic Development;
- (v) Budget Office of the Federation should be returned to the Ministry of Planning and Economic Development;
- (vi) Federal Government should submit a bill on National Participatory Development Planning Process to the National Assembly to be enacted into law. The Bill should provide for:

- a. Establishment of Sectorial Policy and Development Deliberation Committees at Federal and States levels under the chairmanship of the Minister/Commissioner in charge of Planning and Economic Development. The Minister/ Commissioner responsible for the relevant sector and top national/state leadership of key stakeholder organizations in the sector should be members;
 - b. These Committees should meet half yearly to deliberate on plan performance, new opportunities and threats as well as on possible strategies for dealing with the situation based on the findings of the participatory monitoring and impact assessment;
 - c. The findings and recommendations emanating from each of these meetings to be presented to the Federal Executive Council or State Executive Council for consideration and approval; and
 - d. The Federal Executive Council (FEC) or State Executive Council (SEC) to send a copy to the Federal or State legislatures for consideration and noting by way of a resolution;
- (vii) Nigeria should have a developmental agenda for successive governments to follow. In this vein, the National Integrated Infrastructure and Industrial Master Plan should be legislated upon by the National Assembly. Similarly, the States should be encouraged to set up similar infrastructure and inclusive master plans;
- (viii) Government at all levels should;
- a. Invest in the people, science and technology;
 - b. Create agencies for mechanical and technical education to target those out of school and unemployed youth;
 - c. Invest in social, institutional and economic infrastructure;
 - d. Nurture, support and promote development of world class indigenous private sector operators, organizations and institutions to get them to be

able and ready to partner with their foreign counterparts to their mutual benefits and complementary to national development agenda;

- e. Invest in directly productive activities necessary to shift the frontiers of development opportunities by getting things started in such areas while at the same time taking steps to encourage the indigenous private sector, in partnership with their foreign counterparts where and when necessary, to take over such activities at the earliest possible time;
- f. Create and strengthen institutions and mechanisms to provide the needed linkages and partnerships between knowledge providers (Educational Institutions and Research Institutes) with the productive sector as a whole and industries in particular; and
- g. Ensure as a matter of policy, that prior to approval of market places, there should be in the minimum, toilet facilities and conveniences with portable water, as well as equipped creches and day care centers within the market vicinity. These facilities should be provided by government and the manufacturers whose goods are distributed in the market in a Public Private Partnership arrangement;
- (ix) Nigeria should not enter into any partnership/trade agreement that could be detrimental to the current efforts at industrializing the country, especially ECOWAS-EU European Partnership Agreement. Nigeria should also renew its trade agreement with ECOWAS Common External Tariff and the World Trade Organization;
- (x) All industrial policies be legislated upon to ensure policy continuity;
- (xi) Adequate consultations be held with all relevant stakeholders in coming up with policy reviews in respect of manufacturing and Agribusinesses enterprises;
- (xii) Immediately publish all existing Agreements and treaties for public scrutiny and debate;

- (xiii) All Treaties and Agreements should be ratified by the National Assembly;
- (xiv) Constitutional amendment that will clearly specify taxes/levies to be collected by each tier of Government;
- (xv) The Tariff Review Board should be revived;
- (xvi) Speedy removal of all impediments to the revival of the Iron and steel and petrochemical industries and fund R&D into possible oleochemical uses for Nigeria's major agricultural products;
- (xvii) Removal of the Land Use provision from the constitution and made a separate law for ease of review;
- (xviii) Promotion of large scale mechanised farming in areas where Nigeria has comparative and competitive advantage;
- (xix) Evaluation of the operations of the EPZs, tightening the regulatory framework and enforce relevant legislations to check abuses. In particular, the speedy removal of the aspects of the regulation that allows the manufacturing of items on the prohibition lists in the EPZs and allowing same to be sold 100 per cent in the Custom Territory (Local Market);
- (xx) Initiating a program for small farm holders to significantly increase their productivity;
- (xxi) Accelerating the development of a comprehensive programme of rural development and modernization through the provision of basic rural infrastructure in order to attract youths back to the farms;
- (xxii) Further encouraging and assisting peasant farmers, through appropriate public policy, to embrace the culture of agriculture insurance against environmental and post-harvest losses and get organized into cooperatives;
- (xxiii) Encouraging the establishment of the model of Commodity Marketing Corporations being facilitated by the Federal Ministry of Agriculture and adding to their mandate the commitment to research and

- development of new and innovative industrial uses for the crops, and facilitating private sector participation;
- (xxiv) The armed forces, government and the private sector should collaborate and invest in the development of a Military Industrial Complex that can support Nigeria's defence needs as the largest economy in Africa;
 - (xxv) Government at all levels should ensure that all its agencies patronize made in Nigeria Goods while the National Assembly should enact a law to prohibit Government from sourcing for goods that are available and made in Nigeria, from abroad;
 - (xxvi) Providing world class infrastructure like roads, power etc at all tourist sites;
 - (xxvii) Providing incentives to investors in the tourism sector to encourage private participation;
 - (xxvii) Developing all areas of tourism;
 - (xxviii) Ensuring that accruing revenue from crude oil sales, rents and royalties are invested in ameliorating the infrastructure deficiencies in the country in order to fast-track growth of the real sector;
 - (xxix) Privatisation of existing refineries for greater efficiency and accountability and the proceeds of all privatization exercises should be reinvested in identifiable and sustainable infrastructural projects.
 - (xxx) Ensuring speedy conclusion of the Petroleum Industry Bill;
 - (xxxi) Increasing public expenditure on education, and health;
 - (xxxii) Creating of more incentives to encourage industries to support industrial liaison and attachment programmes of educational institutions;
 - (xxxiii) Accelerating of the process of enacting the NHIS Commission Bill 2012 into a law;
 - (xxxiv) Ensuring that security agencies are strengthened, well equipped and better motivated to enhance their capacity to tackle security challenges;

- (xxxv) Ensuring that the operations of the anti-corruption agencies should be strengthened so that their operations can go down to the sub national levels and the private sectors;
- (xxxvi) Removal of the immunity Clause to enhance accountability by those managing the economy;
- (xxxvii) In order to guarantee the independence of anti-corruption and regulative agencies, like; Economic Crime and Fiscal Commission (EFCC), Independent Corrupt Practices Commission (ICPC), Security and Exchange Commission (SEC), National Deposit Insurance Commission (NDIC), the Chief Justice of the Federation, Accountant-General of the Federation (AGF) and Auditor-General of the Federation, the budgets of these institutions should be made first line charges;
- (xxxviii) Government should embark on mass enlightenment of the populace to orientate them towards positive national endeavours and peaceful co-existence;
- (xl) Reduction in the number of political appointees and aides;
- (xli) Elected members of the legislative arms of all the tiers of government should serve on part-time basis;
- (xlii) MDAs should be streamlined to avoid duplication of functions and unnecessary cost outlay;
- (xliii) Strict compliance with the Procurement Act in the award of contract to avoid high project costs should be observed;
- (xliv) Political commitment of the leadership is essential to maximizing welfare of the Nigerian people efficiently, effectively and equitably;
- (xlv) Implementation of the 35 per cent affirmative for women in all activities of government;
- (xlvi) Creation and maintenance of a competent and highly motivated bureaucracy with the ability and necessary authority to carry out all development policy activities including formulating sound development

plans, policies and programs and vigorously and pragmatically implementing them;

- (xlvii) Enactment of constitutional provisions for the Sovereign Wealth Fund (SWF) and legalization of the Excess Crude Accounts (ECA);
- (xlviii) Luxury Taxation should be imposed on some categories of luxury items in the country;
- (xlix) Creation of an intervention fund to be Strategically applied towards funding productive sectors for a defined period;
 - (l) Creation of a sustainable, regulated and legislated funding window for MSME to access equity/debt/grants investment by resuscitating the CBN Small and Medium Enterprises Equity Investment Scheme (SMEEIS) where banks willingly contribute 10% of their profit to the scheme or creating a program similar to the defunct CBNSMEEIS;
 - (li) Creation of tested programs for massive development of the mortgage and insurance sectors and establishment of a mortgage regulator in Nigeria;
 - (lii) Elevating the Financial System Strategy (FSS) 2020 to a critical National Project and placing it under the implementation leadership of the Minister of Finance;
 - (liii) More effective coordination and streamlining of the regulators in the financial sector;
 - (liv) Design innovative instruments and strategies, which may include tax incentives, to attract:
 - a. Funds from new development financing opportunities such as Diaspora Bond, emerging funds from the Middle East and international institutions;
 - b. Capital from the listing of local and foreign companies operating in Nigeria but not yet listed on the Nigeria stock exchange;
 - c. Nigerians holding funds abroad to invest them in Nigeria; and

- d. Operators of micro, small and medium enterprises should be duly registered and provided with tax relief or holiday of 3 years to relieve them of the burden of the multiple tax and enhance their productivity.
- (lv) Government should divest public funds from Commercial Banks;
- (lvi) The Nigerian National Petroleum Corporation (NNPC) should be made to pay prevailing interest rates on unduly delayed remittances to the Federation Account;
- (lvii) Government should formulate a policy of low tax on food and high tax on luxury goods.
- (lviii) Establishment of Economic Planning Departments to be headed by Certified Economists at Local Governments or Municipal Governments as may be created to interface with the proposed Science and Technology Skills Development Centres of Tertiary Institutions;
- (lix) Implementation of an Investors Assurance Act, to be implemented by the Central Bank of Nigeria through the Commercial banks, should be passed by the National Assembly to protect pioneer and vulnerable investors;
- (lx) Socio – Economic rights as provided for in Chapter 2 of the 1999 Constitution (as amended) should be made justiciable;
- (lxi) There should be short and medium term poverty eradication programs with specific provisions for:
- a. Social welfare packages for the vulnerable population i.e, children, women, unemployed, elderly persons, mentally and physically challenged;
 - b. Skill acquisition and empowerment programs; and
 - c. Viable job creation.
- (lxii) Government should pay up local debt amounting to N1 Trillion to encourage cash flow and reduce economic insecurity;

- (lxiii) Government should initiate a 5-year Development Plan as was done previously;
- (lxiv) All banks should have gender desks to ease the stress of borrowing by women;
- (lxv) Local textiles should be exempted from Value Added Tax (VAT) for a period of five (5) years and Government should impose a levy of not less than 5% on imported textiles to boost the Textile Revival Fund;
- (lxvi) Government should pass an Anti – Trust Law to prevent monopolies in the privatized sectors of the economy;
- (lxvii) Government should completely release the sum of N100 billion budgeted for the Cotton and Textile and Garment Revival Scheme, through the Bank of Industry (BOI); and
- (lxviii) Investment in social institutions should be specifically structured to direct more resources towards areas that train artisans and auxiliary workers.

5.6 ENERGY

5.6.1 RECOMMENDATIONS ON POWER

1. Power/ Energy is so strategic to the industrial take off and the wellbeing of the people that Government should not leave it in the hands of the private sector. Rather, the country should adopt a top-down approach by amending the existing legal framework to allow State Governments, Local Governments and the private sector to be involved in power generation, distribution and marketing locally.

In this regard, Conference decided that:

- a) The privatisation contracts between the Federal government and GenCos and DisCos observed to be on the brink of collapse, there is the need for an agonising re-appraisal of the whole contract as originally formulated;

- b) A two (2) year time-frame should be given to firms in the Electric Power Sector to allow them stabilize and provide efficient power supply to Nigerians;
- c) More transparency is needed in all future privatization of the Nation's assets. All parties to the agreement must respect agreements drawn up as part of any sale of public assets;
- d) An immediate solution be found to solve the large cash deficit that is threatening the whole power sector;
- e) Government finds ways to improve gas supply and transmission to ramp up power delivered to the system as a possible solution to the current cash shortfall in the sector. In addition, Government should implement the National Gas Master Plan whose main objective is to transmit gas from source to all the States of the federation for industrial and domestic as well as to Independent Power Projects (IPPs);
- f) Government finance the generation of bankable geosciences data for all our coal - fields to help accelerate the use of coal to increase power generation in the country;
- g) Government should be actively involved in the funding of new coal power plants;
- h) The use of Bitumen as a veritable energy source be exploited soonest;
- i) The country must continue to focus on capacity building to keep pace with the expected rapid development of the sector;

- j) A deliberate policy to encourage local production of spare parts and all electrical equipment needed by the Nigerian Electricity Supply industry be put in place;
- k) Extra effort be made to promote energy efficiency within households and industries;
- l) There should be a National Policy to deal with compensation payable on transmission and gas pipeline routes;
- m) A policy be put in place where local communities are involved in the security of power and gas lines traversing their land;
- n) There should be penalties prescribed for vandalization of gas and electricity infrastructure;
- o) Everything be done to fast track the development and completion of identified large hydro sites in Nigeria such as Mambilla, Zungeru, Gurara, Dadin Kowa and Kin Dams;
- p) The Supergrid development be fast-tracked so power can be developed close to the fuel sources and generated power transmitted to other parts of the country or neighbouring countries at low loss levels. This should reduce incidences of gas pipeline vandalizations;
- q) In view of the United Nations policy on Universal Access to Electricity, the Nigerian Government should, as a matter of urgency, ensure access to electricity for every Nigerian home before the year 2020;

- r) Government should ensure the take off of the Hydro Electric Power Area Development Commission (HYPADEC) so that affected riverine communities would have access to power;
- s) Immediate steps should be taken to remove the current restriction on how much power a private entity can generate off – grid;
- t) Nigerian engineers should be adequately represented in the planning and implementation of all aspects of the power sector reform program;
- u) The 1.68% Federation Account Allocation for Solid Minerals Development be dedicated to Coal-to-Power scheme for the next six (6) years (including funds already accumulated as seed money) to facilitate attainment of 33,000MW coal-fired power contribution and an aggregate rating of 55,000MW by 2020;
- v) Government should consciously continue to participate/invest in power generation along with competent private sector investors;
- w) The Federal Government should adopt clean coal technology to mitigate the negative environmental consequences from the use of coal for power generation; and
- x) The Federal Government should develop a policy in respect of Kainji, Jebba and Shiroro hydro plants to ensure that tree fringe forest is replaced immediately for the water level to be kept highly stable.

5.6.2 RECOMMENDATIONS ON RENEWABLES

Conference decided that:

1. A resource survey and assessment should be carried out to determine the total renewable energy potential in the country as well as identify the local conditions and local priorities in various ecological zones;
2. A comprehensive and coherent integrated national energy policy that will develop a robust energy mix for the nation to include renewable energy should be implemented to incorporate funding, technological development, institutional structures and governance as well as utilization, to guide the citizens towards an efficient usage of its energy resources;

3. While considering the use of bio-fuel in the energy mix, the current National Bio-Fuel Policy, authored by the Nigerian National Petroleum Corporation (NNPC) should be radically reviewed to:

- a. Close gaps created in the current policy with regard to taking into cognisance the environmental and socio-economic problem associated with monoculture agricultural production necessary to produce crops for bio-fuels;
- b. Curtail the extremely liberal tax incentives, including many years of tax holidays stipulated for investors, to ensure that the nation is not short-changed; and
- c. Ensure that proceeds from pollution tax to be imposed on oil companies (by the policy) should be used to clean up the environment and communities impacted by petroleum resource extraction rather than being used in subsidizing bio-fuel production.

4. The policy should identify areas of focus in respect of energy saving measures such as in office buildings and residential areas; manufacturing industries, transportation, electricity generation, distribution, as well as electricity equipment and appliances;

5. An agency to promote the use of energy efficient products and ensure that appropriate practices should be established to advocate a separate rural renewable energy programme and to acknowledge that renewable energy is a viable tool for fostering rural empowerment and development, Government should be financially involved in laying the foundation;

6. In the light of the above, the following clean energy opportunities should also be emphasized for application in Nigeria, with a level of enforcement, where necessary:

- a. More efficient passive and full usage of solar technologies in the residential, commercial, and industrial sectors;
- b. Implementation of renewable biomass and biogas from waste as a fuel in highly efficient cook stoves;

- c. Use of biofuels in efficient cooking stoves and lamps in homes;
- d. Energy-efficient lighting and use of biofuels as a transport fuel;
- e. Use of solar and wind energy for irrigation water pumping and farm electricity supply;
- f. Utilization of agricultural residues for electricity generation;
- g. Generation of biogas from animal wastes produced by the livestock and animal husbandry;
- h. Introduce and encourage the use of modern “clean stove” for cooking, which is environmentally friendly and energy saving;
- i. Government policy should encourage the use of low energy light bulbs.
- j. tidal and wave energy should be harnessed;
- k. Government should ensure that street lightings are powered by solar energy; and
- l. The Jatropha plant should be planted across the nation as such plant serves as a source of renewable energy.

7. Awareness Programmes-

- a) Renewable energy awareness programs should be initiated to develop and imbibe energy efficiency technologies among the populace in the following areas:
 - i) Embracing clean energy facilities in the different sectors of the Nigerian economy;
 - ii) Building up partnerships between government, private sector and civil society ; and
 - iii) Innovative approach to renewable energy financing should be encouraged;
 - iv) Government should immediately commence public sensitization, with a view to ensuring that in the next two years, coal briquettes replace firewood for domestic cooking.

8. Technology Research and Development/Capacity Building

- a) **Without prejudice to food production and biodiversity,** Research & Development in renewable energy science and technology as well as policy analysis and market research should be intensified. The existing research and development centres and technology development institutions should also be adequately strengthened to support the shift towards an increased use of renewable energy
- b) A testing and standards laboratory for renewable energy technologies should be established, similar to that in South Africa;
- c) Manpower development for the design, production, installation and maintenance of renewable energy technology should be employed as part of Human resource development, critical knowledge and technical knowhow as the focus for project development, project management, monitoring and evaluation;
- d) Renewable energy devices and systems should be developed and implemented, incorporating national standards, codes of practice, maintenance manuals, life cycle costing, resources management and cost-benefit analysis tools; and
- e) The enabling regulatory framework should be established for the renewable energy industry.

9. Funding and Financing

- (i) Public-Private-Partnership should be encouraged to mobilize financial resources for the development of the renewable energy industry;
- (ii) An energy pricing structure which is market based and which reflects long term benefits and environmental costs should be promoted; and
- (iii) Carbon Credit to be earned from the use of Renewable energy.

10. Institutional Reforms and Governance Issues

- a) Provide institutional linkages between public and private sector institutions and renewable energy end users with regards to funding and information exchanges;

- b) Strengthened the capacity of various renewable energy institutions;
- c) Emphasis should be placed on unified procedures and coordinated activities by the Government;
- d) That the Electric Power Sector Reform Act should be fully implemented;
- e) Laws should be enacted (and those available should be enforced) at the State and Local Government levels to control indiscriminate cutting of trees for household energy and charcoal making and export; and
- f) Simple solar appliances should be developed for home use in Nigeria. This can give relief to Nigerians and reduce the depression on their income through diesel consumption.

11. Investment Support/Incentives

- a) Establish a renewable energy development fund to serve as the instrument for the provision of financial incentives to local manufacturers, suppliers and users of renewable energy;
- b) A road map for accessing investment and support funds (sources of funds, types of funds and how to access them) for renewable energy projects should be developed;
- c) All tariffs on imported renewable energy technologies and systems should be removed in the short term; and
- d) The established Feed-In Tariff structure (which is technology based) to encourage the investment in renewable energy for power generation to achieve 10% of the total energy mix must be strengthened.

12. International Collaborative Platforms: Advantages of Global partnerships, in Renewable Energy Development such as the Residential Energy of Efficiency Project initiative of UK, to assist the country in a creative integration of renewable energy systems should be explored.

5.6.3 RECOMMENDATIONS ON OIL AND GAS

1. The Oil and Gas Sector is as large and complex as it is strategic to the nation. It is also, at least for now, an enclave sector, particularly the upstream that generates the bulk of our national revenue. The sector is also traditionally inward looking, and not always free with information that really ought to be in the public domain.

Recommendations made against this back-ground are therefore, wholly in good faith, with hope that they may be regarded as a reflection of the mood and perception of the public that the sector exists to serve when all is said and done;

2. **Pace of Reform:** There is no doubt at all that reform in the Oil and Gas Sector is due. However, given its long established traditions, complexity and strategic significance, the pace of change should be more graduated, so that the negatives do not outweigh the positives. Conference notes in this context that the entire anticipated revenue gain from the PIB, if and when passed, is only \$4 billion dollars, or less than 10% of the current revenue level. This may not be all the gains, but have we really thought through the other potential benefits, such as investor confidence? (See further comments below, under PIB);

- a) The Petroleum Act of 1969 should be reviewed in the interest of justice and equity; and
- b) That urgent steps be taken to ensure accurate and independently verifiable metering of the oil and gas operations.

3. **Investment Environment:** There are countries such as Venezuela that once took the path we are taking now in terms of reform, that led to an exodus of many of the majors then operating in the country. Production soon plummeted, and they went to invite the IOC's back on very costly consultancy and service contracts;

- a) Accordingly, we advise that a thorough investigation of the current avalanche of divestments by IOCs be conducted and remedies found, for maintaining a healthy balance between the multinationals and indigenous operators; and
 - b) An energy corridor should be established where viable, so as to serve as a veritable tool for the rapid industrialization and diversification of the Nigerian economy.
4. **Upstream Funding:** We cannot grow reserves or production without adequate funding. Accordingly, government must take immediate steps to improve the funding of the upstream, the cash-cow of the nation, because if really funding is the issue, then encouraging the IOC's to divest is not the only answer;
- a) Government should meet its "cash call" obligations, and
 - b) Conference also recommends that "cash call" obligations be met by deductions from the federation account and excess crude funds directly, before revenue is distributed amongst the three tiers of government.
5. **Reserve Growth**
- a) Given the uncertainty of the future reserve situation for oil as much as for gas, government must challenge NNPC to come up with a robust strategy for reserve appreciation, with suggestions for its attainment; and
 - b) The sector Master Plan of 2004 originated by NNPC can be a useful starting point.
6. **Security:** The rate of crude oil and products theft has now reached alarming proportions, fuelling a whole "black" crude export market of its own. At a reported 350,000bbls per day (equivalent to 35 million dollars each day) or roughly a quarter of our annual revenue, government must fully assert Nigerian sovereignty and bring this racket to a full final stop. The potential gains should clearly outweigh the cost of security;

7. State of Downstream Assets

- a) It borders on the scandalous that a nation that has been in the oil business for close to 60 years, and realizing good revenue streams could allow its products storage, handling and transmission system to deteriorate to the present sorry state, compromising effective delivery of petroleum products to all parts of the country;
- b) Government, accordingly, should without delay, institute a comprehensive independent technical audit of the entire national products handling/storage/transmission system, and initiate a phased implementation of the findings;
- c) Conference decided that a root-to-branch audit of the entire PPMC logistical system and asset integrity be carried out as a matter of urgency, and appropriate remedies mapped out for phased implementation;
- d) In addition, the record-keeping, which is currently still analogue, archaic, and unreliable, must be migrated to digital, if transactional and technical data are to be pristine enough to facilitate a smooth flow of PPMC's business;
- e) The National Petroleum Assets Management Corporation (NAPAMCorp) and Nigerian Petroleum Asset Management Company Ltd (NAPAMCO) be merged for greater clarity of purpose; and
- f) That the building of floating filling stations in riverine areas of the Niger Delta should be investigated.

8. Refineries and Domestic Refining

- a) The refineries are subject to similar decay as the PPMC assets, and the same approach is suggested;
 - c) Government should within the shortest possible time, engage independent experts to assess the condition of the refineries and recommend whether they are beyond economic repair or not;
 - d) The final decision should take into account the implications for employment opportunities, local value added, conservation of forex now being spent on the massive import program (Importation even from Niger Republic); cost-efficiency; LPG and benzene production for the domestic market; and shortening of the products distribution distance (if all three refineries were to be in operation); and
 - e) That the Government should consider the construction of mini refineries in each State as it is done in Malaysia and Indonesia.
9. **Gas-to-Power:** The power Sector was dubbed a disaster sector by this Administration. The government therefore knows what the problems are, amongst which is the lack of gas supply processing capacity, and common access to transmission network;
10. The current reforms must give comfort that we are on course, to make gas available on short order, in order to make up for the back-log of gas delivery that has contributed to the generation capacity shortfall against the targets set in the Power Master Plan. A starting point would be the National Gas Policy documents, but that is not all, as shown in the details of this report;

- a) A legislative framework that would enable the setting up of a Regulator and related agencies for an open access gas market as envisaged in the currently on-going reforms;
- b) The power of the Minister to grant exemption to gas flaring should be abolished under our laws;
- c) All new non-associated gas produced in Nigeria should be reserved for the domestic market until such a time that domestic demand is satisfied and a pricing regime for gas should be developed to make this possible; and
- d) There should be a Power Strategic Plan with a long term objective of utilizing PPP options to develop our Gas pipeline network. 90% of Nigeria's current gas pipelines are located along the Atlantic coast and there is need to extend the pipeline infrastructure to the hinterlands.

11. The Petroleum Industry Bill

1. Conference is aware of all the controversies surrounding this bill, but feels that it is not an option to do nothing. It should be progressed in the National Assembly (NASS) where all issues can be thrashed out before the tenure of this Assembly expires;
2. On the whole, Conference felt strongly that the bill should not be allowed to die quietly as was the PIB (2008). Rather, it should be debated vigorously, amended as appropriate, and passed, given the disservice to the well-being of the petroleum sector and the nation that the present state of uncertainty portends;
3. The PIB should clearly criminalise gas flaring and offenders should pay the commercial value of the flared gas;
4. The opportunity loss from the prevailing state of anomie of the bill is mounting daily; and

12. Community Participation: The current divestment is bringing many indigenous operators into the sector. Accordingly, we feel that producing communities who can find the finance, and are sufficiently well organised can and should be given equity of at least 10% by the indigenous entities. For the communities to be overlooked by the government that has right of consent to these deals does not make good sense for business or security of facilities;

- a) Communities prone to gas flaring should be paid compensation for the effects of gas flaring;
- b) There should be provision **for** local community involvement and adequate military security to prevent vandalism of oil, gas and electrical equipment and lines; and
- c) That where opportunities are created for communities to participate in developing oil fields from which the international oil companies are divesting, care must be taken that the divesting companies do not pass their liabilities, especially those related to massive environmental damage to the communities or other local investors.

13. Liquefied Petroleum Gas (LPG): The low level of availability of LPG, in such a potentially huge market as Nigeria is as baffling as it shows lack of concern for the environment and the people, especially in the rural areas;

- a) Within the next 3 years, everything should be done to address this issue and to ensure that we stop exporting abundant LPG abroad, only to import same at exorbitant mark up in foreign exchange;
- b) A management company or department under the LNG be put in place to liaise with the United Nations and the World Bank so as to participate in the ongoing global gas flaring reduction programs;

14. Fuel Subsidy

1. A careful study of the current gasoline price template shows that there is a credibility problem over the level of subsidy being advertised by the NNPC. In reality, much of the price make up is attendant on the fact that products are being imported, and therefore has an avoidable landing and handling cost component;

2. This would not be the case, if we refined our own crude, as efficiently as possible. We are of the view that even a 30% cost reduction would be a huge saving for the nation, and could stanch the financial haemorrhage we are currently undergoing;

15. Frontier Exploration: Exploration of the inland sedimentary basins is both good politics of national unity and a potential to upsize our stagnating reserve base.

Accordingly a creative package needs to be put in place, where those who receive lucrative blocks in the Niger Delta on- and offshore, may be persuaded to explore inland too. A dedicated technical unit of high visibility is required to advance this strategic objective;

16. Local Content: Conference decided the strict enforcement of local content laws in the oil and gas sector; and

17. IOC Participation in Refining: That government should put in place a policy that the IOCs participate in Nigeria's refining business either by way of joint venture arrangements with Nigeria Government or as sole operators. This will improve the quantity of production and prevent importation with its attendant effects.

5.7 ENVIRONMENT

5.7.1 Recommendations of Constitutional Provisions

1. The vital need to preserve the integrity of the Nigerian environment and thus secure its sustainability for present and future generations requires clear and direct stipulations in the

Nigerian Constitution. This must include justiciable rights to a safe and satisfactory (as stipulated by Article 24 of the African Charter on Peoples and Human Rights to which Nigeria is a signatory) environment including the rights to water, clean air, food, shelter. As a people living very closely to and depending for livelihoods on nature/environment we should enshrine the rights of nature to maintain its natural cycles without disruption in our Constitution;

2. Section 20 of the 1999 Constitution does not establish any legally enforceable code of environmental rights. Conference therefore decided that the Environmental Objectives of the State under Chapter II of the Constitution be transferred to the justiciable rights under the Fundamental rights chapter of the Constitution, as for example is the case under Article 48A of the Indian Constitution, Article 2 of the Angolan Constitution, Article 46 and 47 of the Constitution of Congo and Article 15(2) of the Constitution of German Democratic Republic and Articles on environment and natural resources in the Constitutions of Kenya, Ghana, Uganda, Eritrea and South Africa, etc;
3. Power to Legislate: This should be clear and without any ambiguity with respect to legislative power on the environment. Federating units should have the right to legislate while overall environmental protection can continue to be handled by NESREA and a needed Nigerian Environmental Health & Safety Agency;
4. Section 251 (1) of the 1999 Constitution should be amended in such manner as to give jurisdiction to the state High Court over the items listed under Section 251 (1) (n) of the Constitution in order to give easier access to justice;
5. The Land Use Act has since its enactment generated a lot of controversy. It has taken away the land rights from local communities. Conference decided that the Land Use Act should remain in the Constitution but be amended to take care of those concerns, particularly on compensation in Section 29(4) of the Act to

read; land owners should determine the price and value of their land based on open market value;

6. The capacity of existing courts should be strengthened to enable them tackle the rigours of environmental cases;
7. The Constitution as amended should define waste beyond refuse. The National Conference recommends federal, state and council wastes. In consonance with this, federal wastes shall be wastes emanating from defence (explosive and disarmament wastes), nuclear operations (radioactive wastes), mineral resources and mining operation (mining wastes). State wastes include all hazardous wastes other than federal wastes, whereas Council wastes are essentially non-hazardous (domestic and wastes from small businesses) and institutionally generated. The 4th Schedule of the Constitution should be changed to limit the powers of Councils to non-hazardous wastes;
8. The Ecological Fund should be domiciled in the Federal Ministry of Environment and the disbursement of same should be tied to a specific or identifiable environmental problem;
9. Resource Democracy: The right of the people to own and manage their resources by entrenching resource democracy gives rights to federating units to prospect for and develop resources in their territories. This will remove conflicts between federating units and promote progressive and active development;
10. The power on the issue of resource management should devolve to States and local communities, in order to allow them to participate in the management of resources;
11. The constitutional right to environment should be justiciable under Chapter 2 of the 1999 Constitution (as amended); and

12. The phrase right to life in a healthy environment should be added to Chapter II of the 1999 Constitution (as amended).

5.7.2 Recommendations on Legal Framework

1. **The Nigerian Environmental Standards and Regulations Enforcement Agency (NESREA)**, Nigeria's topmost environmental regulatory agency, established by NESREA Act 25 of 2007 does not regulate the oil and gas sector. Conference recommends that the, NESREA Act of 2007 be amended to give it oversight over the entire environment including the oil and gas sector. Furthermore, the requirement of Pre-action Notice and Limitation Clause be removed from the NESREA Act;

2. **The Oil Pipelines Act (CAP 338, LFN, 1990)**. This Law was first enacted in 1956. It provides for the issuance of licenses to any person or corporate body prospecting for oil or gas to survey, construct, maintain and operate pipelines for the purpose of conveying natural gas, mineral oil or any petroleum product to any destination. In Part IV the Act requires the Oil operator to pay compensation to any individual or group that may have suffered environmental or personal injury. The Act also provides for payment of compensation for land acquired in the laying of the pipelines. The entire compensation regime envisaged under this Act weighs against those whose lands and property suffer injury. This law deserves unification in the form of the American Superfund Act (Comprehensive Environmental Response, Remediation, Compensation and Liability Act, 1980) that compels polluters to clean up impacted areas to the satisfaction of the citizenry;

3. Conference decided that **a new law on oil and gas pipelines** be enacted which will comply with international standards set out in:

- i. Rio Declaration 1992; and
- ii. American Superfund Act, already cited;

- iii. Articles 16 and 24 of the African Charter on Human and Peoples Rights (Ratification and Enforcement) Act, CAP 10, Laws of the federation of Nigeria, 1990.

4. The Gas Re-injection Act of 1979 should be amended to:

- i. Removes the provision that empowers the minister to authorize the flaring of gas;
- ii. To impose stiffer sanction including fines equivalent to commercial price of natural gas and holding the heads of offending agencies personally liable;
- iii. The proposed Petroleum Industry Bill should not contradict the provisions in the Gas Re-injection Act. The PIB should be futuristic and cater for future exploration and exploitation in zones outside of the current oil/gas belt. It should also ensure protection of communities in the fields of operations;
- iv. Domesticate all ratified international conventions and treaties; and
- v. The penalty for gas flaring should be paid to the communities that are directly affected by such flaring rather than the Federal Government.

5. Environmental Impact Assessment Act Cap E 12 LFN 2004

The Environmental Impact Assessment Act should be reviewed to provide for the social dimension in environmental management. It is also recommended that all policies, plans and programmes be subjected to Strategic Environmental Assessment (SEA) in pursuance of environmental sustainability;

- 6. The Act establishing the Nigerian Meteorological Agency (NIMET) should be reviewed in order to bring it up to date with current realities and since there are many ministries represented on its Board there should be a clarification as to

which of the ministers nominates other Board membership. Part III, Section 7(q) of the Act states that the agency shall; “be the sole authority to approve and establish meteorological stations for meteorological observations.” This needs to be reviewed to only mandate the agency as the approving authority and not one that must establish all meteorological stations in the country;

7. Environmental legislations should do away with the requirement of “mens rea” and incorporate the principle of “strict liability”;
8. There is need to regulate electronic waste disposal; and
9. There should be a legislation to prohibit the use of asbestos in Nigeria.

5.7.3 Policy Resolutions

1. Resolutions on Institutional Framework and Enforcement

- i. There must be policy and action coherence between and within government agencies to ensure synergy in tackling our environmental challenges;
- ii. Environmental Impact Assessments (EIA) are not project planning approval documents but veritable tools for environmental protection. Accordingly EIAs must be conducted for all major projects as stipulated in the EIA Act. Moreover, there should be detailed post project assessment requirements and approved decommissioning plans;
- iii. The Precautionary Principle of the Cartagena Protocol of the Convention on Biological Diversity (CBD) prevails in discussions of modern biotechnology in agriculture and foods. Nigeria must be kept free of genetically modified organisms (GMOs) as a key way to avoid biodiversity erosion and seeds colonization by agri-businesses;
- iv. Modern biotechnology in agriculture should be restricted to laboratories - and a regime of strict liability and redress should be in place in case of accidents;

- v. Environmental protection can be a strong unifying factor in Nigerian politics. For example gas flaring contributes to global warming and this leads to intensification of desertification and halting gas flaring helps in the fight against desertification. Secondly environmental problems do not respect state or regional boundaries;
- vi. The Polluter Pays principle is good, but we need to raise the bar and demand that a polluter stops principle;
- vii. Transparency and accountability in resource exploitation and management would serve better ends when taken beyond financial transparency to resource transparency. This implies that Nigeria must not only track money earned from mineral resources, for example, but must meter and ascertain the quantum of resources extracted in the country;
- viii. The National Oil Spill Detection and Response Agency (NOSDRA) should be well funded, and allowed to recruit more personnel to carry out its functions;
- viii. An Environmental Restoration Agency should be established to replace the Hydrocarbon Pollution Restoration Project (HYPREP) and ensure government and polluters fund the agency. This Agency should also be empowered to rehabilitate those persons whose farmlands and fishing sites have been permanently impacted upon and ensure that oil exploration companies carry out environmental remediation exercises wherever oil is explored;
- x. There is urgent need to establish a framework for the regulation of noise pollution;
- xi. Agencies in the sector should produce-disaggregated information/data on environmental issues in Nigeria;

- xii. Environmental Consultation Departments should be created in local governments;
- xiii. There is a need to encourage continuous dredging in order to diversify Nigerian ports;
- xiv. There is a need to make concrete recommendations on the issue of desertification for example Shelter Belts;
- xv. The Federal Government should implement the UNEP Report on Ogoni kingdom;
- xvi. Enclave communities in National Parks should be resettled in compliance with the original intent of the law establishing these Parks;
- xvii. The Federal and State governments should as a matter of urgency create an agency to address the issue of desertification. They should also embark on a study to determine the extent of the forest available in Nigeria and adopt strategies to enhance green economy;
- xviii. There should be a special agency and fund dedicated for environmental cleanup in the Niger Delta;
- xix. Conservation Clubs be established in schools in Nigeria;
- xx. There should be a National Action Plan bordering on environmental issues that cut across all tiers of government;
- xxi. There is need to regulate emission of fumes from vehicles that ply Nigerian roads;

- xxii. The Department of Forestry should be subsumed in the Ministry of Environment; and
- xxii. The development of Nuclear power plants should have alongside it, development of radioactive waste handling capacity.

2. Climate Change

Steps to be taken are clearly outlined in the National Policy on Climate Change and must include:

- i. Integrate climate change adaptation policies and programmes in development policies as an effective risk management strategy;
- ii. Ensure synergy in the implementation of mitigation and adaptation measure by the tiers of government;
- iii. Halt other practices that intensify the release of greenhouse gases into the atmosphere and invest in low carbon development, including ramping up investment in renewable energy supply;
- iv. Increase investment in mass transit infrastructure to reduce dependence on inefficient and polluting individual transport modes;
- v. Fund and carry out climate adaptation programmes at community levels
- vi. Build relevant seas and coastline defences;
- vii. Promote economies, including jobs that are diverse and resilient to climate change;
- viii. Promote integrated community forest management and ensure reforestation of degraded areas as direct contribution to both combat global warming and protect our biodiversity and local livelihoods;

- ix. Establish laws that recognise the right of nature to maintain its cycles for the survival of human beings and other species on the planet;
- x. Establish the Green Tree belt to combat desertification; and
- xi. That indigenous knowledge should be harnessed to mitigate the effect of climate change.

3. Flooding

Conference decided that the Federal Government should:

- i. Carry out a National Watershed Delineation and Characterisation for use in preparing and implementing an adequate enforcement programme to protect and maintain the quality of the nation's lands, water and coastal resources;
- ii. Install flood early warning systems, including through use of communication equipment and mass media, at national and federating units levels.
- iii. Prepare and implement flood and drainage master plans for all communities (urban and rural) including construction of drainages, canals and treatment of effluents before discharge into natural water bodies;
- iv. Map of all flood plains and structures therein;
- v. Development and enforcement of codes and guidelines pertaining to erecting of buildings and other structures in vulnerable areas;
- vi. Prepare plans for recovery after storms and floods. Government should rehabilitate, resettle and reconstruct flood-affected communities as well as environmental refugees;

- vii. Ensure adequate maintenance and regulation of dams to avoid sudden release through failure or threat of failure. Two new dams should be built at the lower end of River Niger to address the issue of perennial flooding; and
- viii. Flood mitigation plans should be put in place in communities in flood plains and flooding should be declared as an annual natural disaster wherever it occurs in Nigeria.

4. Gully and Coastal Erosion

Needed policy actions adopted by Conference include:

- i. Immediate review of current National Policy on Erosion and Flood Control that was prepared in 2005;
- ii. Survey and map of all areas prone to gully and coastal erosion
- iii. Prepare and implement policies and programmes to control erosions and related hazards;
- iv. Make inventory of areas and developments in the area that have special heritage value for purpose of specially protecting and defending such;
- v. Take an inventory of all structures and infrastructure located in the areas;
- vi. Promote appropriate agricultural practices and embark on systematic creation of vegetative cover and soil restoration projects to combat gully erosion;
- vii. Promote the utilization of flood water to recharge subsurface aquifers as a means of ensuring water security;
- viii. Ensure continuous monitoring and regular mapping of shorelines and river banks;

- ix. Create public awareness of erosion prevention actions;
- x. Ensure popular participation in soil restoration activities through suitable agro-ecological practices;
- xi. Create and maintain an up-to-date coastal management plan for Nigeria with the federating units taking the lead;
- xii. Maintain an update soil type and quality mapping of vulnerable areas;
- xiii. Ensure coherence and information sharing between all ministries, departments and agencies engaged in coastal activities and regulations;
- xiv. Ensure that road construction and other infrastructure installations are adequately engineered so as not to contribute to erosion;
- xv. Construct adequate coastal embankments to resist erosion of coastlines; and
- xvi. Plant tree belts to check wind erosion.

5 Natural Disasters

Conference resolved that Federal Government should:

- i. Promote public awareness of the nature of disasters and responses including through popular advocacy and through inclusion in educational curriculum;
- ii. Build community resilience through setting up of community environmental committees;
- iii. Secure resilience and thereby reduce vulnerability by building physical structures such as sea walls to halt coastal erosion and a green belt to halt the spread of the desert;

- iv. In planning infrastructures safety factors must be inbuilt to ensure that they survive natural disasters;
- v. Ensure that building codes enhance resilience of structures in disaster situations;
- vi. Create national flood early warning systems, establish systems including use of satellite data for prediction of flood occurrence;
- vii. Preparation of a Disaster Recovery Plan to cater for emergencies, including recovery of transportation and telecommunications infrastructure after a disaster;
- viii. Special provisions must be made for adequate access for the handicapped as stipulated by international laws; and
- ix. Federating units shall in collaboration with the Federal government prepare and implement guidelines, action plans and programmes for emergency responses

6. Desertification and Drought

Conference decided that:

- i. Dedicated actions to save Lake Chad which is disappearing by the day, Nigerian Government has to continue working with other countries sharing the Lake Chad Basin to ensure the recharging of the Lake;
- ii. Forest reserves should be established, protected and properly maintained by both Federal and State governments;

- iii. All Local Government Areas should earmark at least 25% of their landmass for forestry and this should be properly manned and protected. Other states should ensure creation of forests on at least 15 per cent of their land area;
- iv. Encourage communities to imbibe the culture of tree planting. There is also a need to mandate the inclusion of tree planting as a criteria for building plans approval and the approving authority shall determine the number of trees based on the size of the land;
- v. Strict regulation and enforcement of logging activities;
- vi. Federal and State Governments should create and properly fund a reforestation and afforestation agency to handle all anti-desertification projects; and
- vii. In order to stem the frequent clashes between herdsmen and farmers, government should restrict the movement of cattle to ranches.

7. Bush Burning

Conference called on the Federal Government to:

- i. Mount public campaigns against bush burning and impose penalties for wilful breaches;
- ii. Provide extension services to local farmers to enable them learn agro-ecological methods of farming. The responsibility for this should be borne by States and Local Government; and
- iii. Provide suitably adapted techniques suitable for use by small-scale farmers in place of slash and burn methods of land preparation.

8. Biodiversity

1. Identify biodiversity hotspots, like the wetlands and forests which have very high concentrations of native species, and which are rapidly losing habitat and species, as primary targets for conservation.

- i. Ensure strict bio safety laws and particularly reject acts that could lead to invasion of alien species and resulting colonisation and biodiversity erosion;
- ii. Ensure strict liability and redress in bio-safety matters and bar untested and unregulated technologies including those related to genetically modified organisms (GMOs), geoengineering, nanotechnology in foods and agriculture and synthetic biology;
- iii. Restore degraded forests, savannah grasslands, mangrove swamps, and abandoned farms;
- iv. New biodiversity conservation areas should be established. These should range from strictly protected wilderness areas to multiple-use areas, and must be large enough to encompass and maintain all aspects of an ecosystem;
- v. Utilise community-based approaches in sustainable biodiversity conservation that incentivise local peoples to preserve biodiversity;
- vi. Allocate adequate funds for scientific research on biodiversity, and for distribution and analysis of the data obtained;
- vii. Establish more Forest Reserves with community involvement;
- viii. Enact National and State Forest Laws with provisions including allowing for and encouraging sustainable community forest management;
- ix. Empower forest guards to adequately protect and police our forests; and

- x. Establish a National Forestry Commission

9. Waste Management

Nigeria must ensure responsibility in integrated waste management chain through regulation, control, and Information shall be the responsibility of all tiers of Government. Funding and Information shall be the responsibility of the Waste Generators while Governments should tackle disaster waste only. Technical Operation, and Information (collection, processing & disposal shall be the responsibility of the private sector duty or through public private partnerships (PPP).

- i. The **Federal Government** through NESREA shall develop a broad regulatory system for all forms of hazardous Waste and shall have broad authority to regulate and control Federal wastes. There should be criminal prosecution for indiscriminate disposal of toxic waste;
- ii. The **State Government** shall develop a broad regulatory System for all non-Hazardous Waste and shall be especially responsible for regulation and control of Hazardous Waste other than Federal Wastes;
- iii. **Local Government** shall be responsible for regulation and control of non-Hazardous Waste in Nigeria;
- iv. NESERA by Law has the authority to manage Nigerian Environment and so should be the only Body to regulate Federal Waste (be it in the Oil or Solid mineral sectors of the economy);
- v. Develop a National Framework for Waste Management. The content of this framework should be based on the principles that waste is harmful, must be accounted for, must be managed based on best practices and sustainability, and such management should be all inclusive (private & public);
- vi. Government should ensure the quick passage of the bill to professionalise the environmental practice in Nigeria. The Professional Environmental Council will assist the statutory bodies to regulate and control waste and environmental management in Nigeria. Waste and environmental management and control has

legal and various ethical responsibilities and so cannot be controlled by law alone;

- vii. Act in recognition of the fact that ethical responsibilities are best managed by professional organizations so they are a pre-requisite for good enforcement regime in the industry;
- viii. Professional organization also drives the development of standards, manpower, and investment;
- ix. There is a need to regulate management of waste from the leather industry;
- x. Hospitals in Nigeria should have incinerators for the purposes of waste management; and
- xi. Defecation in public places should be prohibited.

10. Human Displacement and Resource Loss: Conference decided that the displaced peoples of Bakassi be properly resettled in Cross River State and be adequately compensated for loss of tangible and intangible resources. Conference also recommended that Nigeria takes steps to secure her territory by all necessary means to forestall a repeat of the Bakassi debacle as is currently emerging in Sardauna Local Government of Taraba State.

5.8 FOREIGN POLICY AND DIASPORA MATTERS

5.8.1 PROMOTION OF CULTURE AND TOURISM, INVESTMENT IN TOURISM AND CULTURAL EXCHANGE

Conference decided that:

- i. Culture and tourism should, in addition to being treated as important means of attracting foreign direct investment (FDI), be used as effective foreign policy tools;
- ii. To achieve this objective, the appropriate machinery should be put in place, including, but not limited to:

- a. Providing the necessary infrastructure such as hotels, air and road connections, cultural and tourist facilities and trained tour guides and tourism staff;
- b. Developing strong and effective communication strategies to promote Nigeria as a good, safe and interesting tourist and cultural destination;
- c. Cleaning up Nigeria's image currently marred by the unscrupulous activities of some Nigerian fraudsters at home and abroad;
- d. Successfully dealing with the current security challenges; and
- e. Using Nigerian fashion, music and movies as well as religion to promote the positive image of Nigeria.

5.8.2

NIGERIA AND INTERNATIONAL PEACEKEEPING OPERATIONS

Conference decided that:

- i. Efforts should be made to bridge the disconnect which appears to exist between the Ministry of Defence and the Defence Headquarters and the men on the field. This will ensure that Nigerian contingents in peacekeeping operations receive the best support they need to succeed;
- ii. The Ministry of Foreign Affairs and Nigerian Missions in the field of operation should be better involved in the management of Nigerian military and Police officers' participation in peacekeeping missions. For this purpose, there should be an inter-Ministerial Committee, consisting of the Ministries of Defence, Foreign Affairs, Finance and Information, to manage Nigeria's participation in peacekeeping operations;
- iii. The Ministry of Foreign Affairs should also create a Desk or Division, in the Office of the Permanent Secretary, to be able to

- liaise effectively with the Ministry of Defence and Defence Headquarters, as well as the Missions that are concerned;
- iv. The selection of participants in peacekeeping operations should be based purely on merit and the most suitable personnel should be the ones sent on missions;
 - v. Officers and men participating in peacekeeping operations, must at all times, exhibit discipline, professionalism and patriotism and regard themselves as representatives of the country;
 - vi. Every effort must be made to ensure that Nigeria takes maximum benefits in peacekeeping operations by ensuring that the right equipment and materials are acquired which will become a veritable source of modernizing the equipment of the Armed Forces and the Police;
 - vii. Financial benefits accruing to Nigeria should be claimed promptly for the benefit of the country;
 - viii. Nigeria should push for representation in peacekeeping where Nigerian officers are given leadership roles in the peacekeeping operations which are commensurate with the level of troop contribution; and
 - ix. Participation in peacekeeping operations should be seen as an important foreign policy tool, an avenue to build good will for Nigeria and a means to increase both the capacity and professionalism of the Nigeria Armed Forces and the Police and every effort must be made to do it right.

5.8.3 NIGERIA'S EXTERNAL AID POLICY / REVIEW OF TECHNICAL AID CORPS PROGRAMME

Conference therefore decided as follows:

- i. An Agency for External Aid, which brings under one umbrella all aid giving processes in the country, should be created;

- ii. The Agency should be a parastatal of the Ministry of Foreign Affairs with the Ministries of Finance, National Planning, Defence, Trade and Industry, and Justice, as well as the Central Bank, NIA and NIIA being represented in its Board;
- iii. The current Technical Aid Corps Scheme (TAC) and the Directorate of Technical Cooperation in Africa (DTCA) should be transferred to the new Agency to constitute separate Directorates or Departments under the Agency, but not in a merged form as recommended by the Orosanye Panel;
- iv. Both TAC and DTCA should be reviewed so as to make them more responsive to their objectives, and be more effective and attractive to prospective Nigerian participants; and
- v. The Ministry of Foreign Affairs should be empowered to develop and elaborate the process, together with the concerned Ministries and Departments, so as to obtain the necessary legislation that will bring into existence a Nigerian Agency for External Aid.

5.8.4 PROMOTING THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) REGIME

Conference decided that:

- i. The Committee of ECOWAS Ambassadors in Abuja should work closely with the ECOWAS Commission, like the Permanent Representatives Committee (PRC) does with the African Union Commission in Addis Ababa, Ethiopia, to ensure that the former works in accordance with its rules and procedures. Nigeria should appoint a seasoned diplomat as Ambassador/Permanent Representative to ECOWAS Commission, who will lead the process. He/she must also be given appropriate staff and resources to enable the Mission perform its duties effectively;

- ii. Nigeria should also promote discipline within the ECOWAS Community so that once the community takes a decision, all members should abide by that decision. This is the only way the region can defend its interest, be it within the continent or outside Africa;
- iii. Nigeria should work towards the early introduction of a single currency in ECOWAS in order to promote trade and investments within the region;
- iv. To enhance her security, Nigeria should enter into agreements with her Eastern, Southern and Northern neighbours similar to the 1984 Quadripartite Agreement she entered into with her Western neighbours, viz, Benin, Togo and Ghana, to cover cases of terrorism and insurgency; and
- v. Nigeria should spearhead the rapid operationalisation of the ECOWAS Brigade of the African Standby Force and encourage the countries of Central African States to do the same so as to be in a position to provide rapid response to any security threats from both contiguous regions.

5.8.5 ROLE AND PARTICIPATION OF NIGERIA IN INTERNATIONAL ORGANISATIONS

(a) African Union

Conference decided that:

- i. Nigeria should create strategic alliances across Africa with a few countries of like mind and interest with which she could work to promote their interests and the unity of the continent. An informal mechanism for consultation between the countries at the level of Ambassadors, Foreign Ministers and Heads of State and Governments should be established;
- ii. Addis Ababa has become the de-facto political capital for the continent, and Nigeria should take this into account in her diplomatic calculus.

The country should therefore make an unambiguous statement with her presence in Addis Ababa which exudes: Commitment, Capacity, Confidence, Determination, Influence and Principle;

iii. For this purpose, the Nigerian Mission in Addis Ababa must be recognised as the pre-eminent Mission in Africa and be so treated in terms of:

- The selection of the Head of Mission who should always be a career officer and one with flair for the multilateral diplomacy;
- Posting of adequate staff with different skills including political, economic, legal and cultural as well as communication;
- Constructing a more appropriate Chancery building befitting Nigeria's image and status;
- Ensuring that the Mission is provided with adequate financial resources to enable it pay its staff, dues to international organisations and rent for staff accommodation until they are provided with Nigeria-owned properties which should be a policy objective; and
- Provision of adequate facilities, such as transportation, to enable the Mission properly meet its obligations to the flood of visitors to Addis Ababa or who pass through it for official functions.

iv. Nigeria should build strategic partnerships with Africa's key institutions, i.e. the African Union, African Development Bank and UN Economic Commission for Africa (ECA), in order to help promote Nigeria's interests in Africa. Activities in such partnerships should

include sponsoring specific projects, hosting or co-hosting special events of interest to Nigeria and hosting African institutions such as the African Remittances Institute which is yet to be established;

v. Nigeria should adopt a Strategic Action Plan for Africa with the following guiding principles:

- Minimising delays in decision-making on matters that are of strategic interest to Nigeria;
- Consistency in her actions, undertaking early and regular consultation and coordinating efforts with identified partners;
- Consolidating ECOWAS as an impenetrable political base where Nigeria holds sway and wields unquestionable influence;
- Cultivating a policy of forward planning with a strategic long-term vision; and
- Building a professional cadre with multi-lingual and diplomatic skills that will defend and promote Nigeria's foreign policy and positions in ECOWAS, AU and Economic Commission for Africa.

(b) United Nations

Conference noted that Nigeria is serving on the UN Security Council for the second time within a space of five years. It recommends that the country must make use of this rare opportunity to ensure that both Nigeria and Africa benefit maximally from their membership of the Organisation particularly in terms of the continent receiving the fullest support to meet the challenges it faces and being treated equally with other regions of the world. Furthermore, Nigeria should be aggressive in offering itself for positions that are open to Africa in the Organization.

(c) The Commonwealth

Conference decided that Nigeria should continue to be a keen member of the organisation. Nigeria should also actively seek to get competent Nigerians on the staff of the secretariat of the organization.

(d) Organisation of Islamic Cooperation (OIC)

Conference is of the view that, as one of its financial members, Nigeria should continue to take advantage of its programme, such as funding for economic development projects.

(e) Community of Sahel –Saharan States (CEN-SAD)

Conference decided that Nigeria should sign the Treaty so that it can fully participate in all its activities, especially in the security sector, considering that all of her neighbouring countries are members of CEN-SAD.

f) Gulf of Guinea Commission (GGC)

Conference decided that Nigeria should continue to play an active and leading role in this important organisation that has great potential to improve Nigeria's fortunes in the Gulf of Guinea,—especially in combating contemporary security and other challenges including piracy, oil theft, illegal oil bunkering, trafficking in human and small arms and light weapons, smuggling and environmental degradation.

(g) D8 Countries

Conference decided that since Nigeria has been declared the largest economy in Africa, she should take an active part in the activities of this organisation in order to consolidate her new status.

5.8.6 ADDITIONAL RECOMMENDATIONS ON NIGERIA'S PARTICIPATION IN INTERNATIONAL ORGANISATIONS

Conference made the following additional recommendations with respect to Nigeria's role and participation in the organisations discussed here and others to which the country belongs:

- i. Nigeria should see her membership of international organisations as a foreign policy tool which she should use, at all times, to maximum advantage;
- ii. Nigeria must calibrate her interests by developing a short, medium and long term agenda in the West Africa sub-region, the African continent and the world. She must begin by sharpening her role in all the organisations she belongs to;
- iii. Nigeria should intensify efforts to get competent Nigerians appointed or elected to positions in international organisations and support them once appointed or elected to ensure that they perform well and uplift the image of the country; and
- iv. For the purpose of (iii) above, a Desk or Unit should be created in the Ministry of Foreign Affairs, preferably in the office of the Honourable Minister or Permanent Secretary, to coordinate governmental support for getting competent Nigerians elected/appointed into international organisations. That Unit should also be responsible for coordinating support for non-Nigerian candidates she intends to support, particularly in African and UN organisations.

5.8.7 PROMOTION OF PEACE, JUSTICE, RACIAL EQUALITY WITHIN THE INTERNATIONAL SYSTEM

Conference therefore recommended that Nigeria should deposit the Declaration with the Court to enable the victims of such attacks or their families secure justice and redress before the Court.

5.8.8 THE ROLE OF FOREIGN MISSIONS IN NIGERIA'S DOMESTIC AFFAIRS

Conference noted, with regret, the interference by several diplomatic missions in Nigeria's internal domestic affairs and therefore recommended the following:

- i. The Ministry of Foreign Affairs should remind diplomatic missions in Nigeria of the well established practice of diplomats and diplomatic missions not to interfere in the internal affairs of the country. When this is violated, the Ministry of Foreign Affairs must call attention to the violation;
- ii. The Ministry of Foreign Affairs must remind diplomatic missions that requests for meetings with government Ministries and Departments, and visits to places outside Abuja or Lagos, must be made through it;
- iii. Diplomats should respect the age-old practice of dealing with Nigerian officials at their own level as it is not acceptable for First Secretaries or Counsellors and Consuls to be inviting Nigerian Ministers, Governors, etc, to their functions. When invited, Ministers, Governors and other senior officials should seek the opinion of the Protocol Department of the Ministry of Foreign Affairs as to the advisability or otherwise of accepting an invitation;
- v. Ministers and others who wish to meet foreign diplomats or who foreign diplomats want to meet must arrange such meetings through the Ministry of Foreign Affairs; and
- vi. The Ministry of Foreign Affairs must beef up its Protocol Department to enable it perform these functions effectively.

5.8.9 STATUS OF THE MINISTRY OF FOREIGN AFFAIRS

In view of the above, Conference recommended as follows:

- i. The Ministry of Foreign Affairs is the primary vehicle through which the country should formulate and implement its foreign policy. Accordingly, the number of actors in foreign policy activities should be reduced to enable the Ministry perform its functions effectively:

- ii. The Ministry should be empowered to do this through the following:
 - a. Creating a separate Foreign Service and a separate Foreign Service Commission that will be responsible for recruitment, discipline, promotion and other matters in the Ministry;
 - b. Recruitment into the Foreign Service should be through a competitive and transparent exercise, followed by training in the Nigerian Foreign Service Academy;
 - c. Final recruitment into the Nigerian Foreign Service should be strictly based on successful graduation from the Nigerian Foreign Service Academy. In other words, recruits into the service should see themselves as Cadets who become commissioned Foreign Service Officers on graduation from the Academy;
 - d. To be able to do this successfully, the Foreign Service Academy must be vastly improved in terms of staffing, funding, logistics and curriculum;
 - e. All Nigerian Foreign Service Officers should be made to acquire a second foreign language. In this respect, the acquisition of a second foreign language should be made a condition for promotion beyond Counsellor grade;
 - f. Efforts should be made to implement reforms of the Ministry of Foreign Affairs as approved by the Federal Executive Council decision of May 2, 2007 which is capable of returning the Ministry to the path of achieving effectiveness, efficiency, competitiveness, professionalism and specialisation;
 - g. Similarly, the outcome of the 2011 Review carried out by the Presidential Advisory Council and the Ministry should be fully implemented; and
 - h. High-tech information technology, which will enable Missions interact with the Ministry and between each other in real time, must be put in place.
- iii. There should be synergy between the Ministry of Foreign Affairs and the NIA as they need to complement each other for the benefit of the nation;

- iv. There is need for synergy between the Ministries of Foreign Affairs, Defence and Information on issues of security, the civic responsibilities of Nigerian citizens, etc. In this respect, each mission should be provided a Communication Officer who will be able to, on a permanent basis, produce and disseminate information materials on Nigeria;
- v. The Ministry of Foreign Affairs must be properly funded for all its activities. The situation where Missions are unable to meet their obligations because of inadequate funding and late remittance cannot and must not continue. Both the Executive and Legislative arms of government must recognise that the bulk of the Ministry's expenditure is in foreign exchange and must so be provided for;
- vi. While there are calls for the number of Nigerian Missions to be reduced on account of cost, the Committee recommends that government should proceed with caution on this. If Nigeria is to compete with South Africa and Egypt for a permanent seat on the UN Security Council, she needs more, not less diplomatic missions abroad, as both countries have far more missions than Nigeria. It may therefore be more beneficial for Nigeria to introduce what has been described as "smart missions" with only two or three staff manning them;
- vii. The Nigerian Institute of International Affairs (NIIA) should be given the room to play its constitutional role of supporting the Ministry of Foreign Affairs, in terms of providing training of Nigerian diplomats, carrying out appropriate research to support Nigeria's foreign policy efforts, providing information and advice to the Ministry based on its inter-action with similar foreign institutions and providing testing ground for new policy thinking by the Ministry; and
- xviii. Consideration should be given to getting the NIIA represented on the Presidential Advisory Committee (PAC) on International Affairs.

5.8.10 TREATIES AND LEGAL MATTERS

A) EXTANT PROVISIONS OF THE CONSTITUTION THAT RELATE TO FOREIGN POLICY

Section 12 (1) (2) and (3): Implementation of Treaties.

Conference decided that a full-fledged, in-house, independent Legal Department be established within the Ministry of Foreign Affairs to handle all legal issues within the Ministry.

Section 41(1) (2) (b): Extradition out of Nigeria for Trial Elsewhere

Conference decided that the Section be retained with an emphasis on the need for strict implementation in favour of Nigeria lest the country be short-changed or treated as a weaker partner.

Section 162 (1): Public Revenue of the Federation

Conference decided that this Section be strictly complied with so that personnel of the Ministry of Foreign Affairs and others enjoy such rights/privileges as are conferred on them by the Constitution.

Section 171(1) (2) (4) (5): Appointment of Ambassadors, High Commissioners or other Principal Representatives of Nigeria Abroad

Conference decided that this section of the law be retained.

However, in making this recommendation, Conference observed that, as much as possible, the President should make the bulk of such appointments from career diplomats from the Ministry who have received the necessary training to be appointable as the principal representatives abroad. Nevertheless, the President should be at liberty to appoint persons of high integrity and competence as non-career ambassadors. The number should however be limited in comparison to

career diplomats. Conference therefore agreed, and endorsed the recommendation made by the 1995 Conference to the effect that the ratio of non-career to career Heads of Mission should be in the range of 30% for non-career to 70% for career diplomat, respectively.

Section 254(c) (2): Exclusive Jurisdiction of the NIC

Conference decided that under the new arrangement, whereby the trials of labour and employment matters are under the sole jurisdiction of the NIC, it is only fitting that this Section be retained as it is.

5.8.11 MATTERS RELATING TO FOREIGN POLICY UNDER THE EXCLUSIVE LEGISLATIVE LIST

Conference noted that the Second Schedule, Part I to the Constitution of the Federal Republic of Nigeria, 1999 contains the Exclusive Legislative List and the following items relate to foreign policy:

- Item 18 – Deportation of persons who are not citizens
- Item 20 – Diplomatic, Consular and Trade representation
- Item 26 – External Affairs
- Item 27 – Extradition
- Item 30 – Immigration into and emigration from Nigeria
- Item 31 – Implementation of treaties relating to matters on the list
- Item 42 – Passport and visas
- Item 52 – Public relations of the Federation

As these items are all germane to foreign policy, Conference decided that they should be retained on the Exclusive Legislative list.

5.8.12 EXTRADITABLE OFFENCES

Conference decided that Nigeria enters into extradition treaties with its northern, eastern and southern neighbouring countries as it did with its western ones, to protect itself against subversion and insurgency.

5.8.13 DOMESTICATION OF TREATIES

Conference decided that in so far as Section 12(3) of the Constitution speaks of an Act of the National Assembly being “ratified” by a majority of all the Houses of Assembly in the Federation, the phraseology is not apt and should be changed to simply ‘passed’ or ‘confirmed’.

5.8.14 PRISONER EXCHANGE

Nonetheless, Conference decided that where it is established that a prisoner serving in a foreign jail is a Nigerian, he/she deserves a prisoner swap or exchange.

5.8.15 DIASPORA MATTERS

Citizen Diplomacy

Having considered issues relating to Nigeria’s Diaspora, Conference decided:

- i. To support the current effort by the House of Representatives to establish a Nigerian Diaspora Commission and urges the rapid conclusion of work on the Bill for an Act to establish it;
- ii. that when the National Assembly passes the Bill, it is recommended that the President should give his assent to it and government should make the necessary provisions for its immediate establishment;
- iii. Conference decided that with the demand by Nigerians in the Diaspora to be allowed to vote in Nigerian elections, the provisions of Section 13(1)(c) of the Electoral Act 2006 and Sections 77(2) and 117(2) of the Constitution be amended to provide for Diaspora Voting Rights;
- iv. Before this is done, Conference strongly recommends that the necessary machinery which will facilitate Diaspora voting and ensure that only Nigerian citizens who are qualified to take part in the voting exercises is put in place;
- v. That the Nigeria Immigration Service should be mandated to share daily migration data, as collected from country’s national departure points with its missions abroad. This information will enable Nigerian

diplomats to know the total number of citizens arriving in their diplomatic jurisdictions; and

- vi. That all Nigerian citizens including Ministers, Governors, Legislators and other agents of government should alert or register with the Nigerian mission in their host country on arrival. This will also strengthen the missions' capacity to provide diplomatic, protocol and consular services as may be appropriate or required.

5.8.16 LAW, JUDICIARY, HUMAN RIGHTS AND LEGAL REFORM

1. LAW AND ORDER

Conference resolved that:

- (i) There should be equality before the law;
- (ii) There should always be a balance between the administration of justice and its public perception in view of the fact that justice shall not only be done; but must be seen to have been done;
- (iii) The Offices of the Attorney General of the Federation/State should be separated from that of the Minister/Commissioner of Justice;
- (iv) The concept of Plea Bargain should be abolished;
- (v) The Nigerian Bar Association should monitor the conduct of Lawyers to ensure that they take their assignments seriously and act in line with the rules of professional conduct; and
- (vi) Lawyers involved in misleading Judges should face disciplinary actions for unethical conduct.

2. LEGAL FRAMEWORK

- (i) Policy recommendations arising from the Conference should be implemented by the Presidency;
- (ii) Recommendations requiring abrogation or amendment of existing Laws other than the Constitution should be initiated/carried out

by the relevant Authorities, Ministerial Departments and Agencies;

- (iii) On recommendations requiring amendments to certain Sections of the Constitution or the emergence of an entirely new Constitution, Conference resolved to draft a Bill to that effect for the President to forward to the National Assembly for further actions. In this regard, a form of interface with the National Assembly should be initiated by the President; and
- (iv) Conference recommendations should be taken to the Court of public opinion/Referendum, if the need arises.

3. LEGAL REFORMS

- (i) There should be uniform retirement age of 70 years for all Judges of Superior Courts of Record.
- (ii) Our Criminal and Penal Code Systems should be guaranteed and accorded the same right;
- (iii) The justiciability of socio-economic rights under the Fundamental Objectives and Directive Principles in Chapter 2 of the Constitution should be guaranteed and accorded the same rights as that of Human Rights;
- (iv) There should be deliberate efforts to ensure that our culture and orientation are part of our jurisprudence;
- (v) As much as possible, matters should be decided on their merit rather than technicalities; and
- (vi) There should always be a balance between the administration of justice and its public perception in view of the fact that justice shall not only be done; but must be seen to have been done.

4. Judiciary

- (i) All Nigerian Lawyers, especially the senior ones, should ensure the efficiency of the Nigerian Judicial System; and
- (ii) The State Judicial Service should be reformed to ensure optimal performance.

5. Structure of Courts

- (i) There should be established, the State Court of Appeal for each State to serve as the terminal Court for States on State matters except in cases of weighty Constitutional issues, civil liberties and matters of overriding public interest with the leave of the Supreme Court;
- (ii) The Federal Government should, through the Consolidated Revenue Fund, provide the take-off grant for the establishment of the States Courts of Appeal;
- (iii) Section 121 of the Constitution should be strengthened to make failure to release funds to the State Judiciary, to amount to gross misconduct;
- (iv) The President of the State Court of Appeal shall be the Head of the State Judiciary;
- (v) The Court of Appeal should revert to Federal Court of Appeal to hear appeals from Federal Courts and Tribunals and general Court Marshals and shall be terminal Courts except in cases of weighty Constitutional matters, civil liberties and matters of overriding public interest with the leave of the Supreme Court; and
- (vi) Consequential Sections of the Constitution should be amended to reflect the recommended changes.

6. REVIEW OF JUDICIAL INSTITUTIONS

A. National Judicial Council

- (i) The functions and headship of the National Judicial Council (NJC) should remain as contained in the Constitution;
- (ii) The composition of the NJC should be reviewed as follows:
 - a. The CJN should be the Chairman;
 - b. President of the Federal Court of Appeal;
 - c. The Chief Judge of Federal High Court;
 - d. The President of National Industrial Court;
 - e. One (1) President of the State Court of Appeal from each geo-political zone appointed by the body of zonal President of the State Courts of Appeal;
 - f. One (1) Grand Khadi to be nominated by the body of Grand Khadis in Nigeria;
 - g. One (1) President of State Customary Court of Appeal from each geo-political zone nominated by the body of zonal Presidents of the Customary Courts of Appeal;
 - h. Six (6) representatives nominated by the NBA two (2) of whom must be women; and
 - i. Two (2) other members who are not Lawyers, who are of unquestionable integrity, to be appointed by the President on the recommendation of the CJN.

B. Federal Judicial Service Commission (FJSC)

- (i) A retired Justice of the Supreme Court should be appointed by the President on the recommendation of the Chief Justice of Nigeria (CJN);
Other members of the Commission should be:

- (ii) A retired Justice of the Court of Appeal;
- (iii) The Hon. Minister of Justice;
- (iv) A retired Judge of the Federal High Court;
- (v) A representative of Labour appointed by the President;
- (vi) Two persons each of whom has been qualified to practise as a Legal Practitioner in Nigeria for a period of not less than fifteen (15) years, from a list of not less than four persons so qualified and recommended by the Nigerian Bar Association;
- (vii) Two (2) other persons not being Legal Practitioners, one of whom shall be a woman who, in the opinion of the President, are of unquestionable integrity.

C. State Judicial Service Commission (SJSC)

- (i) The President, Court of Appeal of the State should be the Chairman;
Other members of the Commission should be:
 - (ii) The Chief Judge of the High Court of the State;
 - (iii) Commissioner for Justice of the State;
 - (iv) The Grand Khadi and/or President of Customary Court of Appeal of the State (whichever is applicable);
 - (v) Two (2) persons, each of whom has qualified to practise as a Legal Practitioner in Nigeria for a period of not less than 15 years from a list of not less than four (4) persons so qualified as recommended by the Nigerian Bar Association of the State; and

- (vi) Two (2) persons not being Legal Practitioners, one of whom shall be a woman who, in the opinion of the Governor, are of unquestionable integrity

D. Increase in the number of Supreme Court Justices

That the number of Supreme Court Justices be increased from twenty one (21) to forty (40) so that the Court would sit in many groups and dispense justice in expeditious manner.

7. Technology and Administration of Justice

- (i) There should be verbatim reporting in all Courts; and
- (ii) The fast track system should be introduced in all Courts.

8. Professional Development of Judicial Officers

- (i) Continuing Legal education should be looked into with a view to ensuring efficiency and excellence;
- (ii) Training of Verbatim Reporters, though expensive, should be given priority in the annual training budgets; and
- (iii) The National Judicial Institute (NJI) should be circumspect in endorsing sponsorship of Workshops and Seminars by corporate bodies.

9. Sharia and Customary Legal Systems

The status quo, as contained in the Constitution, should remain. However, Conference further recommends that all matters emanating from the Sharia and Customary Courts should end at the Court of Appeal of the State or the Federal Court of Appeal as the case may be, except in cases of Constitutional significance, civil liberties and matters of overriding public interest.

10. Delays in Administration of Justice

On ways to expedite justice in the Nigerian judiciary, Conference recommends as follows:

- (i) There should be unified Rules of Courts covering both civil and criminal procedures, so that their applications do not vary from Court to Court or State to State. This recommendation shall not be applicable in the Sharia and Customary legal systems;
- (ii) A new Section providing for the Chief Justice of Nigeria to set up a National Council on both Civil and Criminal Procedures should be inserted in the Constitution, to adopt and constantly update the comprehensive and unified Rules of Courts to cover the entire system;
- (iii) There should be provision for the conclusion of cases commenced before a judge, before transfer of such a judge to prevent such matters starting de novo except in cases of promotion, death or retirement of such a judge;
- (iv) The adoption of the recommendations of Justice Uwais' Electoral Reforms Committee that no candidate in an Election shall be sworn in or allowed to take over a position or Office after an election until all the election petition matters involving him or her are concluded, unless there is still 120 days to oath taking and matters before the Tribunal should be finished within 90 days;
- (v) The Legal Aid Council, National Human Rights Commission and the Public Complaints Commission should be well funded to effectively perform their functions;
- (vi) Private prosecution should be enhanced. Small Claim Courts should be established in the States;
- (vii) Juvenile Courts should be established to take care of matters concerning children and minors;
- (viii) All preliminary objections and interlocutory matters should be taken together with the substantive matters;

- (ix) Preliminary objections in Criminal and Civil trials should be taken together by the trial Court except where the Court thinks otherwise;
- (x) The practice of seeking leave of Court in cases of mixed law and facts or facts alone, should be abolished;
- (xi) All cases from inferior Courts should terminate at the State Court of Appeal except in cases where issues of Constitutional significance, civil liberty and matters of public interest are involved; and
- (xii) Judges elevated to higher Courts should conclude their cases if evidence has been concluded.

11. Independence of the Judiciary

- (i) In appointing Judicial personnel including Magistrates, Area, Sharia, and Customary Courts judges, qualities such as merit, competence and integrity are prerequisites which must be kept in mind;
 - (ii) While recommending the retention of the present appointment procedures, Conference urges for mandatory greater consultation with the Bar which must be constitutionally guaranteed;
 - (iii) Due process and fair hearing should be introduced in the process of removal of heads of Courts so as to confer greater protection and remove arbitrariness and politicization of their removal;
 - (iv) The welfare of Judges should be guaranteed and protected by the Constitution;
 - (v) The Order of Precedence which relegated the Chief Justice of the Federation to the 5th position in the nation's Protocol List should be reviewed such that the Chief Justice is brought to the 4th position;
- Other resolutions by Conference are:

- (vi) The constitutional provisions that will ensure the prompt and adequate release of fund should be reiterated;
- (vii) Judgments of Courts in Nigeria on the timely release of funds to the Judiciary from the Consolidated Revenue Fund should be enforced;
- (viii) The stakeholders in the Judiciary should be vigilant and proactive;
- (ix) The Office of and powers of the Accountant General should be strengthened to enable him or her operate optimally; and
- (x) The Police, the Economic and Financial Crimes Commission (EFCC), Code of Conduct Bureau, the Judiciary, etc. should be put under a consolidated law to safeguard and guarantee their independence.

12. Funding of the Judiciary

- (i) The Judiciary should be properly funded; and
- (ii) To ensure greater financial autonomy of the Judicial organ and insulate it from manipulative tendencies of other organs, all its funds (capital and recurrent) should be a first line charge on the Consolidated Revenue Fund of the Federation/State.

13. Appointment of Judicial Officers

- (i) The process leading to and concerning the appointment of Judicial Officers should be advertised, done openly and transparently and essentially on merit. Those to be appointed should be interviewed. As a general rule, the principle of seniority in appointment should always be considered. But in some instances, there should be balancing and other considerations;
- (ii) As part of the processes of appointing Judicial Officers, the use of interview in the appointment of Judges should be encouraged. Also, the Bar should be consulted before such appointments;

- (iii) The headship of Judicial Bodies should be appointed on the basis of seniority except there are reasons to the contrary; and
- (iv) Qualified and experienced Lawyers/Academicians at the Bar should be appointed directly to all Appellate Courts.

14. Access to Justice

- (i) Pre-action Notice should be abolished;
- (ii) Public Officers Protection Act should be repealed; and
- (iii) The requirement of locus standi in Public Interest Litigation should be abolished.

15. Alternative Justice – Alternative Dispute Resolution [ADR]

- (i) Court-ordered mediation through the option of multi-door approach;
- (ii) Judges should be more proactive in advising parties to settle their cases; and
- (iii) Customary Arbitration should be encouraged.

16. Specialized Courts/Tribunals

- (i) Tribunals of Enquiry should be an item under the Concurrent Legislative List;
- (ii) Electoral Offences Commission should be established for the Federation as one of the Bodies in Section 153 (1) of the Constitution;
- (iii) Electoral Offences Tribunal should be established under the Constitution to try alleged electoral offences;
- (iv) Such offences should be tried summarily where they were committed;
- (v) The decisions of such Tribunals shall not be subject to the supervisory jurisdiction of the High Court. Appeals from such Tribunals shall be to the Federal Court of Appeal; and

- (vi) Stay of proceedings should not be entertained in such tribunals.
On the qualifications of members of Specialized Tribunals, Conference resolved that:
- a. Retired Judges should head such Tribunals as Chairmen;
and
 - b. The Chairmen of the Tribunals shall be appointed by the President of the Court of Appeal.

17. Condition of Service of Judicial Officers

Conference decided that:

- (i) The remuneration of Judicial Officers must be improved. A situation whereby most Political Office holders earn more than Judges should be discouraged;
- (ii) All Superior Court Judges should not be members of social clubs;
- (iii) The National Judicial Council (NJC) should commence the improvement and enhancement of condition of service of Judicial Officers, including their health needs. In so doing, the NJC shall seek the assistance of any other Agency and the said review should apply to both the serving and retired Judges;
- (iv) The Revenue Mobilization Allocation and Fiscal Commission (RMAFC) should enhance the pay package of Judicial Officers in line with what is obtainable at Lagos State;
- (v) Appointments and welfare of Magistrates, Customary Court judges and Area Court Judges should be reviewed upwards;
- (vi) Section 291(3)(a) of the 1999 Constitution be amended to enable Judicial Officers who have served up to ten (10) years be entitled to pension as follows:

“Any person who has held office as a Judicial Officer of Superior Court of Record for a period of not less than ten years shall, if he retires at or after the age of seventy years, be entitled

to pension for life at a rate equivalent to salaries and all allowances of serving Judicial Officers of equivalent rank”.

- (vii) The system that requires Judges to turn in a certain number of cases/judgments quarterly without regard to the quality of the judgment should be discouraged;
- (viii) The working conditions of the Judges, Magistrates, Area, Sharia, and Customary Courts Judges. should be improved;
- (ix) Judges, Magistrates, Area, Sharia, and Customary Courts Judge. should have all necessary tools to discharge their functions creditably; and
- (x) Judges, **Magistrates, Area, Sharia, and Customary Courts Judges** should be insulated from interference and undue influence by the Executive, Legislature and other persons in the society.

18. **PRISON REFORMS**

Conference recommends that:

- (i) The Federal Government should build more Prisons to take care of the present overwhelming and future prisoners’ population;
- (ii) States should also build Prisons to take care of persons waiting or undergoing trials and convicts found guilty of State offences;
- (iii) The Consolidated Prisons Reform Bill before the National Assembly should be passed into Law as soon as possible;
- (iv) The condition of Nigerian Prisons should be totally reformed and upgraded to be able to fulfill its mandate of reformation;
- (v) Borstal Homes and Reformatories should be established in all the States of the Federation;
- (vi) There should be provision for Marshals of Court who will receive Para-military training and carry out the duty of ensuring the enforcement of judgments and orders of the Court and also

ensure that those convicted by Courts serve the Prison terms accordingly;

- (vii) The fingerprints of every prisoner should be captured for record and information management;
- (viii) Pregnant women or nursing mothers should be allowed to deliver and nurse their babies for two (2) years before serving their sentences in prison; and
- (ix) No awaiting trial prisoner shall be detained for a period longer than the period he or she would have served if convicted of the crime he or she is charged with.

19. Sentencing and Death Penalty

Issue of death penalty should be left for the States to decide since it is a State matter.

20. Justiciability of the Fundamental Objectives and Directive Principles of State Policy [Chapter 2 of the Constitution]

- (i) Section 179(2) of the Constitution relating to equitable distribution of appointments in the States be replicated in the Constitution to extend same to the Federal Government;
- (ii) An implementation agency be established to ensure that the rights as enshrined in the Constitution were made justiciable;
- (iii) The Guideline made by the Federal Character Commission to the effect that a woman married to a man from another State should benefit from her State of origin only but not from her husband's State should be abolished;
- (iv) The name "Federal Character Commission" be changed to "Equal Opportunity Commission" to reflect its mandate and scope of operation.

- (v) An expression “**as and when practicable**” contained in Section 18(3) of the 1999 Constitution relating to justiciable rights should be deleted; and
- (vi) That Section 13 of the 1999 Constitution (as amended) be amended to read as follows:

13(2)- The President shall report to the National Assembly at least once a year all steps and measures taken to ensure the realization of the policy objectives contained in this Chapter; and in particular, the realization of a healthy economy and basic human rights including the rights to health, education, work and housing.

21. **Fundamental Rights**

- (i) Chapters 2 and 4 of the Constitution should be merged. Socio-economic Rights contained in Chapter 2 of the Constitution should be made justiciable as in Chapter 4;
- (ii) Section 6 (6) (c) of the Constitution should be retained to take care of the rights retained in Chapter 2;
- (iii) The National Health Insurance Scheme (NHIS) Act be amended and expanded to accommodate all Nigerians;
- (iv) The current provision for compulsory education of Nigerian children up to Junior Secondary 3 should be extended to Senior Secondary 3;
- (v) The Nigerian Education Bank should be activated and made accessible and workable;
- (vi) Human rights training should be included in Police training curriculum in the country;
- (vii) Citizens whose environmental rights have been infringed should be given recourse to the Office of the Minister of Labour; and

- (viii) That there should be compensation for accused persons who were unreasonably kept on awaiting trial but were later released pursuant to an order of a court of competent jurisdiction.

22. **Jurisdiction of the National Industrial Court**

- (i) The Right of Appeal which arises on denial of fair hearing and issues of Fundamental Rights should be left as they are provided for in the Constitution whereas the right of appeal on other matters should be with the leave of Court;
- (ii) Appeals from the National Industrial Court of Nigeria should terminate at the Federal Court of Appeal except for matters of weighty Constitutional significance, civil liberties, and matters of overriding public interest; and
- (iii) Aggrieved parties shall have access to Industrial Arbitration Panel without recourse to the Office of the Minister of Labour.

23. **Gender Issues**

- (i) All discriminatory Laws and practices against the female gender should be abolished from our statute books and communities, respectively. All subsidiary legislations that hold women down should be repealed from our statute books and abolished from our societies;
- (ii) Section 55(1) (d) of the Penal Code Act, Cap. 89 LFN dealing with the offence of Battery should be repealed;
- (iii) Section 282 of the Criminal Code and Section 357 of the Criminal Code Act Cap. 79 LFN 1990 dealing with the offence of Rape should be repealed;
- (iv) Sections 353 and 360 of the Criminal Code Act which discriminate against women in prescribing punishment for indecent assault on males and females, respectively, should be repealed.

- (v) The review of the definition of prostitution in Section 1 of the Criminal Code Act, Cap. 77 LFN 1990;
 - (vi) The review of Section 16(12)(c) of the Matrimonial Causes Act Cap. 220 LFN 1990 on proof of conviction of the respondent before cruelty of a party to marriage is established;
 - (vii) Section 26(2)(a) of the 1999 Constitution regarding citizenship should be repealed;
 - (viii) Section 29 (4) (b) of the Constitution which deems any woman who is married should be of full age should be deleted;
 - (ix) Section 221 of the Criminal Code Act which requires corroboration before a conviction for defilement of a girl under 16 years of age could be sustained, should be repealed;
- The Committee also recommends that:
- (x) The right to property inheritance and full employment rights without discrimination;
 - (xi) The right to enjoy the indigeneship of her place of birth/origin as well as that of husband/marriage;
 - (xii) The right to hold not less than 35% of the elective and appointive Offices;
 - (xiii) The phrase “35% affirmative action” should be included in the Nigerian Constitution and in the Constitution of all Political Parties; and
 - (xiv) The right not to be subjected to all cultures, customs, traditions and practices that undermine the status of women, or that derogate from their welfare, dignity, interests and aspirations.

24. Elections/Electoral Act

- (i) Serving Judges should preside over election matters.**
- (ii) Section 285 of the Constitution which provides for 180 days for the hearing and determination of Election petitions should be

amended such that all interlocutory matters should be taken together with the main petition;

- (iii) Election Tribunals should be presided over by retired Judges. The President of the Court of Appeal should set up such Panels;
- (iv) The election petitions involving position of Governor should end at the **Supreme Court**; and
- (v) There should be established an Election Offences Tribunals to try electoral offences.

25. **Extra-Judicial Killing**

- (i) Parade of suspects by Police and allied authorities is illegal and pre-judicial, and therefore should be discontinued;
- (ii) There should be Coroner's Inquest whenever there is any extra-judicial killing; and
- (iii) There should be compensation paid to the next-of-kins of victims of extra-judicial killings.

26. **OTHER RELATED MATTERS**

A. (i) That locus standi under Section 6 (6) (b) of the Constitution 1999, as amended should not be scrapped.

B. **Office of the Attorney General of the Federation**

- (i) There shall be an Attorney General of the Federation;
- (ii) He shall be the Chief Law Officer of the Federation;
- (iii) A person shall not be qualified to hold or perform the functions of the Office of the Attorney General of the Federation unless he is of unquestionable integrity; qualified to practise as a Legal Practitioner in Nigeria and has been so qualified for not less than 15 years;

- (iv) The Attorney General for the Federation shall be appointed by the President for a single term of six (6) years subject to confirmation by the Senate;
- (v) The Attorney General of the Federation shall have power:
- a. to institute and undertake criminal proceedings against any person before any Court of Law in Nigeria, and any other Court Marshal in respect of any offence created by or under any Act of the National Assembly;
 - b. to take over and continue any such criminal proceedings that may have been instituted by any other authority or person; and
 - c. to discontinue at any stage before judgment is delivered, any such criminal proceeding instituted or undertaken by him or any other authority or person.
- (vi) The powers conferred upon the Attorney-General of the Federation may be exercised by him in person or through Officers of his Department;
- (vii) In exercising his powers as the Chief Law Officer of the Federation shall have regard to the public interest, the interest of justice and the need to prevent abuse of legal process;
- (viii) A person holding the office of the Attorney General of the Federation shall be removed from office by the President acting on the address supported by two-thirds majority of the Senate praying that he be so removed for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct; and

- (ix) The Attorney General of the Federation shall not be removed from office before expiration of term of office except in accordance with the provisions herein before stated.

C. Office of the Attorney General of the State

Conference recommends that:

- (i) There shall be an Attorney General of the State;;
- (ii) He shall be the Chief Law Officer of the State;
- (iii) A person shall not be qualified to hold or perform the functions of the Office of the Attorney General of the Federation unless he/she is of unquestionable integrity, qualified to practice as a Legal Practitioner in Nigeria and has been so qualified for not less than 15 years;
- (iv) The Attorney General for the State shall be appointed by the Governor for a single term of six (6) years subject to confirmation by the State House of Assembly; and
- (v) The Attorney General of the State shall have power:
 - (a) to institute and undertake criminal proceedings against any person before any Court of Law in Nigeria, and any other Court Marshal in respect of any offence created by or under any Act of the State House of Assembly;
 - (b) to take over and continue any such criminal proceedings that may have been instituted by any other authority or person; and
 - (c) To discontinue at any stage before judgment is delivered, any such criminal proceeding instituted or undertaken by him or any other authority or person.

- (vi) The powers conferred upon the Attorney-General of the State may be exercised by him in person or through officers of his Department;
- (vii) In exercising his powers as the Chief Law Officer of the State shall have regard to the public interest, the interest of justice and the need to prevent abuse of legal process;
- (viii) A person holding the office of the Attorney General of the State shall be removed from office by the Governor acting on the address supported by two-thirds majority of the House of Assembly praying that he be so removed for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct; and
- (ix) The Attorney General of the State shall not be removed from office before expiration of term of office except in accordance with the provisions herein aforestated.

5.10 LAND TENURE MATTERS AND NATIONAL BOUNDARIES

5.10.1 LAND TENURE MATTERS

1. The National Conference noted that the poor implementation of Land Use (Decree) Act demonstrates its inadequacies due in part to inherent ambiguities. Conference notes the views of various stakeholders, including communities, investors and researchers that have made calls for review, modification or abrogation of the Act.

2. Conference further noted the ambiguities and contradictions of the Act on the issue of customary tenure. Upon considering all the cases, we are of the view that:

- a) The Land Use Act should remain in the Constitution but be amended to take care of those concerns, particularly on compensation in Section 29(4) of the Act to read; land owners should determine the price and value of their land based on open market value;

- b) Customary right of occupancy in Section 21 of the Act be amended to read; Customary right of occupancy should have the same status as Statutory right of occupancy. It should also be extended to urban land;
- c) Section 7 of the Act; restriction on the right of persons under age of 21 to be granted statutory right of occupancy, should be amended to read; restriction of persons under the age of 18, because an adult according to the Child's Rights Act is a person who has attained the age of 18;
- d) Other issue observed; titling of land and further taxation after payment of certificate of occupancy fees. These are not legal issues but procedural, hence we recommend the need to call on Governors to hasten titling of land (like it has been done in Edo state where almost 90% of land is titled) and fees paid by land owners for certificates of occupancy should indemnify them from further taxation, when leveraging their land;
- e) The right of communities to have land protected from human activities that would hinder or degrade the productivity of such land, through pollution and flooding. Such law should also guarantee the maintenance of adequate tree cover for mitigating impacts of climate change; and
- f) Conference recommended that the provisions of the Nigerian Minerals and Mining Act 2007 should serve as the minimum standard for dealing with communities, land owners and land users in legislations relating to the extraction of all minerals and the setting aside of forest to serve as carbon sink.

3. Conference recommended that relevant provisions of the Nigerian Minerals and Mining Act with respect to the rights of land owners and users, and their communities should be included in legislations relating to exploitation of petroleum resources and

the management of forest resources. In particular, such provisions include Sections 3(1)(c), 4c, 19, 71(1)(c), 100, 102, 107.

5.10.2 INTERNAL BOUNDARIES

1. There is need for the Federal Government to embark on full scale sensitization program to address the challenges faced on the resolution of internal boundary disputes. Lack of political will on the part of some State Governments to support the implementation of the agreed boundary resolutions has hindered the success of the process;
2. Traditional institutions have key role to play in ensuring peaceful coexistence between border dwellers. They command respect and at such must be involved in the facilitation of the peace process;
3. On the issue of resource control, sole claims of resources that straddle interstate boundaries by one community or State have also created problems in the management of boundaries in Nigeria. In this regard it is hereby recommended that joint exploitation of cross-border resources be pursued;
4. A policy for equitable sharing of straddling resources between affected States and Local Government Areas, and Communities should be evolved and applied;
5. National Boundary Commission being an agency of the Federal Government charged with the responsibility of defining and determining the limits of the boundary should be strengthened and adequately funded to enable it discharge its responsibilities effectively and timely;
6. The National Boundary Commission's mandate should be broadened to include recommendations on boundary adjustments where necessary and be given powers to implement its decisions, working in collaboration with the relevant authorities of States of the Federation; and

7. The Federal Government should ensure that approved boundaries are enforced.

5.10.3 ADJUSTMENT OF INTERNAL BOUNDARIES

1. Conference agreed that all stringent conditions should be removed from the Constitution so as to give effective implementation to the result of settlement of disputes over boundaries, and in response to credible application by communities for boundary adjustment;
2. In particular, Conference agreed that Section 8(2) of the Constitution should be expunged and replaced with the following provisions;
3. The boundary of any existing State(s) and Local Governments and shall be adjusted by the National Boundary Commission, which shall act upon receiving an application from the area requesting boundary adjustment, provided that:
 - i. the application is supported by relevant stakeholders from/representing the communities in the area demanding;
 - ii. the area concerned is geographically contiguous with the state to which the area will be adjusted;
 - iii. The proposal for adjustment is approved by a simple majority in a plebiscite conducted for residents of communities situated in the area to be adjusted, provided that the receiving state agrees to accommodate the adjustment; and
 - iv. A National Boundary Tribunal should be established to adjudicate on boundary disputes.

5.10.4 In concluding its deliberations on Land Tenure Matters and National Boundaries, Conference observed that:

i. proper land management is essential for guaranteeing citizens' and communities' access to shelter, employment and for achieving food security and other social conditions necessary for decent living. At the same time, land resources should constitute an important source of revenues for States of the Federation and other sub-national public authorities. Improvement of public revenues could enhance our common drive towards socio-economic development, including the provision of enabling public infrastructures. However, the achievement of these goals is hampered by the existing land management framework, which is governed by the Land Use (Decree) Act. The Act, which contains inconsistencies, has not been properly implemented. Moreover, the insertion of the Act in the Constitution of the Federal Republic of Nigeria has made its amendment impossible;

ii. Issues of proper delineation and delimitation of internal and external boundaries are important. The elimination of extra-rigid stipulations for adjustment of internal boundaries, which have been drawn following colonial era frames, could have profound implications for security and the attainment of developmental objectives and social justice for individuals and communities, and the Nigerian nation at large; and

iii. While there is a general consensus in Nigeria on the imperative of reforming the current weak and contradictory land and boundary governance frameworks, access to land is an issue of rights, and that land administration should recognise the importance of strengthening the federating States as building blocks of a united Nigeria.

5.11 NATIONAL SECURITY

5.11.1 NATIONAL SECURITY MANAGEMENT

Conference decided that:

- (i) States where matters of national security challenges originate should be invited to the National Security Council meetings;
 - (ii) National Security Council meeting should hold quarterly except in times of emergency;
 - (iii) A National Border Patrol Guard (NBPG) should be established to secure and protect the nation's borders;
- 6 Appointment of the Chief of Defense Staff and Service Chiefs should be based on merit, which is defined by seniority and merit;
 - 7 The Ministry of Internal Affairs should create a Crisis Management Department;
 - 8 Membership of the Crisis Management Department should be drawn from: The National Emergency Management Agency (NEMA), International Federation of Red;
 - 9 Cross, Nigeria Security and Civil Defence Corps (NSCDC), Federal Road Safety Corps (FRSC) and all other voluntary agencies;
 - 10 A minimum baseline for assessing the state of national security in the country should be set up;
 - 11 The Nigeria Armed Forces and Police should be adequately equipped with mobile gadgets and their welfare packages including pension and gratuity should also be reviewed and drastically improved; and

- 12 Deployment of members of the Armed Forces for non-combat roles should be limited to national emergencies.

5.11.2 LAW AND ORDER INFRASTRUCTURE

- (i) **THE OFFICE OF NATIONAL SECURITY ADVISER (ONSA):** **Conference** resolved that the status-quo be retained. This was based on the reasoning that the NSA is appointed on the discretionary powers of Mr President and that the Committee ought not to meddle with such discretion;
- (ii) **THE NIGERIA POLICE FORCE: CENTRALIZED OR DECENTRALIZED POLICE:** Conference received several memoranda from individuals, the Nigeria Police Force (NPF), and corporate organisations. Some of these memoranda advocated for centralized Police, while others argued for decentralized Police. Those who advocated for Centralized Police advanced the following arguments:
- a. State Police will lay the foundation for the eventual break-up of the country;
 - b. The current crop of political leadership will misuse the organs of State Police to intimidate political opponents;
 - c. Very few states in Nigeria can at the moment fund and maintain a Police Force;
 - d. That even the developed countries of the world are moving towards Centralised Police; and

- e. There will be serious conflict in operational jurisdiction between the Federal and State Police.
- (iii) On the other hand, those agitating for decentralized Police insist that given the current augmentation of fund to the Police by State Governments, States should be allowed to establish their own Police Service, which will complement the efforts of the NPF. Other arguments include:
- a. Personnel of State Police are likely to do better intelligence gathering and rapid response actions because they know the terrain, speak the local languages and even probably know the criminals;
 - b. That the argument that Governors will abuse a State Police assumes that the Federal Government has more integrity than the State Government; this according to them is yet to be empirically proved, given the experiences of some States to the contrary;
 - c. That the on-going invasion of most States in the North Central by terrorists without apprehension by the NPF questions the integrity of the Force; and
 - d. The idea of State Police will enhance cooperation and partnership between Federal and State Governments to stem the tide of insecurity in the country.

Conference therefore decided that:

- a. There shall be a Federal Police with areas of jurisdiction covering the entire country and on clearly spelt out matters and offences;

- b. For any state that requires it, there shall be a State Police at the State level, to be established, funded and controlled by the State;
- c. State Law may also provide for Community Policing;
- e. Deployment of Police Officers of the rank of Deputy Superintendent of Police (DSP) and below should be done to their States of origin. This will address concerns about the need for such officers to understand the language and culture of the people of the State, especially as this group of Officers actually constitutes the operational component of the Force;
- f. Reinvigoration of the Police Council with a full time Secretariat so as to discharge its constitutional mandate as spelt out in the 3rd Schedule, Para 27, of the 1999 Constitution;
- g. Section 214 of the 1999 constitution which provides for the establishment of 'The Nigeria Police Force' (NPF) should be amended to rename it 'The Nigeria Police' because the Police ought not to be a force;
- h. Appointment of The Inspector General of the Police (IGP): Nomination and appointment of the IGP should remain with the President and the National Council of State subject to confirmation by the Senate;
- i. Funding of the NPF: The funding of the Police should be seriously enhanced and given priority attention. All logistic needs of the NPF should be met by Government; and the enactment of the Police Trust Fund Act should be expedited to compliment Government funding;
- j. Minimum manpower (General Duties) requirement for the Force should be worked out to achieve optimum police service delivery on the

basis of Nigeria's current population. Other factors such as crime rate and industrial development should also be considered in Police deployment;

- k. Police Council should remain the body responsible for Force policy, finances, organization and standards. It should play a far greater role in shaping the aims and objectives of the service. It should be responsible for the appointment of the Inspector-General of Police on the advice of the Police Service Commission;
- m. Police Service Commission should continue to be responsible for appointment, promotion and discipline of all officers below the I.G.P., except the operational control of the Force which is vested in the IGP. It should be independent enough to guard against nepotism in recruitment, discipline and promotion and the dominance of the service by any single or few ethnic groups. In other words, it should implement the requirement of the Constitution to reflect Federal Character in recruitment. Memberships of the Commission should be apolitical and should comprise men and women of proven integrity;
- n. The Inspector-General of Police should be made accountable to the Police Council for the effectiveness and efficiency of the Force;
- o. Rehabilitate, expand and equip the existing police institutions to enable them meet the training needs of the Police;
- p. Training the trainers to acceptable standards while appropriate incentives should be introduced for trainers to attract some of the best in the Service;
- q. Screen the existing manpower, weed out the bad and the untrainable ones and commence the retraining of the retained ones;

- r. Ensure proper screening and vetting of the background of all prospective recruits using police apparatuses, the Security and Intelligence service and traditional institutions i.e. ward, village and district heads, emirate council and similar outfits in other parts of the country;
- s. Provide a modern communication network and restore the integrated radio satellite communication introduced in 1992;
- t. An Inspectorate Department headed by a retired officer not below the rank of DIG should be established under the Ministry of Police Affairs to undertake inspections with a view to maintaining standards of performance of Police formations and functions throughout the country; records of arms and ammunition and other police station records, as well as maintain general sanitation of Police station and barracks;
- u. Public order law which had been grossly abused should be reverted to the police for implementation;
- v. A Police Reform Implementation Committee should be put in place to facilitate the implementation of the recommended reforms; and
- w. The Inspector General of Police (IGP) should be the accounting officer of the Nigerian Police and be answerable to the Nigerian Police Council on financial matters.

5.11.3 THE NIGERIA SECURITY AND CIVIL DEFENCE CORPS (NSCDC):

Conference took due notice of the Sub-Committee thoroughly studied Public perception on the existence and performance of the NSCDC, as well as its level of collaboration with other security agencies in the discharge of its statutory duties. In fact, the 2005 Political Reforms Conference had recommended it for merger with the Police.

Observations/Comments

- a. The NSCDC was established by an Act of the National Assembly in 2003 and was mandated to carry out specific duties to include protection of critical infrastructure and national assets against vandalism i.e oil and gas, power installations, Telecommunication installations, water pipelines, transport facilities such as road, railways and waterways, Regulation of private security guard companies; mitigation of national disaster; and counter terrorism;
- b. The NSCDC has progressed as a security agency and can contribute to national security under the right security framework; and
- c. Unhealthy rivalry between the Corps and the NPF is rising due to similar and cross-cutting operations in the field.

5.11.4 Consequently, Conference decided that:

- a. The NSCDC should be strengthened to carry out the critical mandate stipulated by the Act setting it up. Furthermore the operations and duties of the Nigeria Security and Civil Defence Corps (NSCDC) should be streamlined and delineated from those of the NPF in line with international best practices;
- b. The NSCDC Act 2003 should be amended to grant them access to the National Integrated Database, which was recommended by Conference on Citizenship, Immigration and related Matters; and
- c. the NSCDC Act should be amended to compel landlords to register particulars of tenants on prescribed format or data forms with the agency, which should be saddled with the responsibility of keeping such records.

5.11.5 THE NIGERIAN PRISONS SERVICE (NPS): A functional Prisons Service is a sine qua non for efficient criminal justice administration. However, Conference observed that the NPS has been poorly supported to discharge its onerous responsibilities.

1 Observations/Comments

- a. The NPS is a critical pillar of the Criminal Justice Administration tripod alongside the Judiciary and the Police;
- b. Given exponential population growth and offenders in the society, the responsibilities of the NPS have become overwhelming largely due to negligent funding;
- c. There is a worrisome infrastructure gap in the face of ageing colonial relics, which still remain the baseline of the Service; and
- d. Centrality of the NPS in criminal justice administration and all other security agencies.

5.11.6 Conference decided that:

- a. There is urgent need to constitute a Prisons Infrastructure Reforms Committee ((PIRC) to undertake an infrastructure needs assessment of the NPS to advise Government accordingly;
- b. At least, one modern prison should be established in each state of the country to ensure that prison facilities actually become Correctional Centers;

- c. A Correctional Center Trust Fund (CCTF) be established to augment government budgetary funding of the NPS; and
- d. In view of the important role of the Service, it should be made mandatory for state governments and Local Government Areas (LGAs) to admit the NPS into the State Security Council and LGA Security Committee respectively.

5.11.7 THE FEDERAL ROAD SAFETY CORPS (FRSC)

Observation/Comment:

The FRSC was first established by Decree 45 of 1988 and later replaced by the present FRSC (Establishment) Act of 2007. The establishment of the FRSC conforms with the United Nations (UN) and World Health Organization (WHO) resolutions that member-nations should dedicate an agency of government to lead in coordinating road traffic and safety management in order to combat carnage on the road. The FRSC has fully computerized its operations. It has a Corps Information and Technology Center that can respond to emergencies in ten to fifteen minutes, and staff strength of about 18000 spread throughout Nigeria.

Conference expressed satisfaction with the performance of its operations and recommends that the Commission should be further strengthened as appropriate so that it can better fulfill its mandate.

5.11.8 DEPARTMENT OF STATE SERVICES (DSS):

Conference extensively examined the critical role of the Service in the sustenance of National Security. The best international practices common with the intelligence community were carefully studied side by side with our local peculiarities.

In most developed nations, the intelligence infrastructure, irrespective of structure of government, is centrally controlled like the military; The task of preventing, deterring, disrupting, and containing the enormous and continually changing National security challenges is predicated on intensive human capital development, intricate internal and external collaborations and infusion of state-of-the art technical equipment; and Recent attacks on Nigeria's Missions and Consulates abroad are indicative of inadequate security.

Conference therefore decided that:

- a. The State Security Service and its sister-organisation, the National Intelligence agency (NIA) are to remain under the Central Government irrespective of the form of government finally agreed upon;
- b. Funding of the SSS is to be through a First Line Charge basis from the Federation Account;
- c. Headship of the Service is to be sourced from among the serving professionals within the Service;
- d. The establishment of the SSS Institute for Security Studies (ISS) should be codified into an Act;
- e. The populace are to be enlisted into a new way of consciousness and vigilance and helped to come to terms with the reality that security is everybody's business; and
- f. Leaders at all tiers of Government and at various levels should be enjoined to see Good Governance as an integral component of National Security.

5.11.9 THE NATIONAL INTELLIGENCE AGENCY (NIA)

The National Intelligence Agency (NIA) has responsibility for maintaining the external security of Nigeria in non-military areas. It is the intelligence arm of the Nigerian Foreign Service. It conducts espionage operations abroad and engages as well in counter-intelligence operations. The National Conference already appreciates that the Agency requires support on matters affecting safe and efficient operations abroad, and organizational capacities and capabilities at home. Against this background, the Conference took the following decisions:

- a. Funding of NIA should be on First Line Charge of the Consolidated Revenue Account;
- b. Appointment to the Office of the Director General of the NIA should be made in line with the existing procedure.
- c. The existing law establishing the NIA should be amended to provide for the protection of the confidentiality of operations, facilities and staff of the Agency;
- d. The Ministry of Foreign Affairs (MFA) should be required by legal instrument to provide full and proper cover for operations and personnel of the National Intelligence Agency (NIA) in Nigerian overseas missions with appropriate sanctions against any breaches of such duty of responsibility to provide such cover. This can be achieved by appropriate amendment of the 1962 Official Secrets Act;
- e. An inspectorate body should be established in line with that of the Police Service Commission appointed by President, Commander-in-Chief. The composition should be as follows:

- i. A retired Chief Justice of the Federation as Chairman;
- ii. Two other members – one being a former head of the Civil Service; and
- iii. A former Director-General of the State Security Service or the National Intelligence Agency as members.

Members of the inspectorate body should be persons who retired meritoriously after a distinguished period of service.

5.11.10 DEFENCE INFRASTRUCTURE

Conference decided that:

- a. The Civilian oversight of the Armed Forces as exists now should subsist;
- b. Civil-Military relations should be more robustly encouraged for the overall benefit of the nation and democracy. This can be enhanced through:
 - i. Re-professionalism of the military;
 - ii. Mutual understanding between military and civilian authorities;
 - iii. Providing good governance;
 - iv. Civilian participation in military orientation programmes;
 - v. Adherence to the rule of law;
 - vi. Understanding the military; and

- vii. Adequate funding of the military.
- c. The Armed Forces Act should be reviewed to eliminate areas of inconsistencies with the Constitution of the Federal Republic of Nigeria 1999 (as amended) as well as bringing its contents up to date for the benefit of enhanced morale and welfare of the Service personnel;
- d. The Reserve System for the Armed Forces should be activated;
- e. Care should be taken in making appointments into the offices of the Service Chiefs, ensuring seniority and merit in order to minimize the current high rate of attrition of senior officers;
- f. The appointment of the Chief of Defence Staff by the President as the normal Chairman Joint Chiefs of Staff should be inserted in the Constitution;
- g. The Armed Forces should be properly equipped and made readily deployable;
- h. Adequate funding of the Armed Forces of not less than the United Nations 2.3% minimum of the GDP is recommended;
- i. Funding of the Armed Forces should be done on first line charge basis to ensure uninterrupted flow of funds consistent with requirements of absolute state of military preparedness;
- j. There is the need for the Legions' Act to be replaced with Veterans Federation Act;

- k. The outstanding 36 months pension arrears including the withheld 20% owed veterans should be paid without further delay;
- l. The harmonisation of the pension rates between pre-2010 and post 2010 Veterans should be effected;
- m. Continuous effort should be made towards training, funding and operational engineering of the Defence Intelligence Agency (DIA) and the National Intelligence Agency (NIA);
- n. Ensure continuing effective political re-orientation of the military.
- o. Create an indigenous military technological base;
- p. Reorganise Defence Industries Corporation of Nigeria (DICON) to make it more productive and efficient. This is in addition to the establishment of a Military Industrial Complex (MIC) or a Military Industrial Zone which will include but not limited to collaboration with the industrial and manufacturing sector in the area of research and development, production, use and support for Military training, weaponry, equipment etc. Consequently, there is need to amend the DICON Act to transform it into a regulator which shall license all private sector operators in the proposed MIC;
- q. Create an enabling environment for private sector participation in the local manufacture of most of our military needs;
- r. Commit at least 5% of the defence budget to R&D;
- s. Accredite courses offered in military institutions to ensure that personnel could be gainfully employed after retirement;

- t. Ensure adequate logistics support for sealift and air lift capacity to support our land forces outside Nigeria;
- u. Commence the modernisation of existing platform and training infrastructure;
- v. Vigorously pursue the harmonization of professional and educational schools and medical services;
- w. Ensure adequate force levels to meet international commitments and combat challenges;
- x. Construct adequate barracks accommodation for the Armed Forces with essential welfare facilities;
- y. The cooperation/synergy existing between NIMASA and the Joint Task Force (JTF), the Nigerian Navy and the Nigerian Airforce should be encouraged and sustained;
- z. The federal character structure of the armed forces should be maintained in the interest of our stability;
- aa. Retired Military Personnel should be mobilized to fight terrorism;
- ab. Government should review the procedure of using the military in aid of civil authority in matters of internal security because the existing procedure referred to as the “blue and brown cards” which was signed by the Prime Minister in 1960 is obsolete;

- ac. The Air force should be more involved in the management of Total Radar Coverage of Nigeria (TRACON) in partnership with the Civil Aviation Authority in securing our air space;
- ad. Government should ban the unauthorised importation of military camouflages into the country;
- ae. The Federal Government through the Ministry of Defence should set up a committee to review the disengagement and discharge of members of the Armed Forces from service;
- af. The Federal Government should review the payment of death gratuity and cater for members of the Armed Forces who die before completing 5 years of service;
- ag. The Federal Government should facilitate the review of the extant law on Court Martial so that the Judge advocate is appointed by a Service's Directorate of Legal Services based on the request of the Convening Officer through the appropriate channel;
- ah. The Federal Government should facilitate the review of Section 133 of the Armed Forces Act by the insertion of a new Sub-section 8 to strengthen the independence of the members of court martial, to wit:

“No disciplinary or administrative action shall be taken against a member of the Armed Forces for any act done or purported to have been done pursuant to membership of a court martial”

- ai. The Federal Government should facilitate the review of Section 124 (6) of the Armed Forces Act to accommodate the serious offences presently excluded as shown in Table 1 of the main report.

5.11.11 SUNDRY SECURITY PROBLEMS

Conference decided that:

- a. The tripartite arrangement of patrol of our territorial waters and the coastlines and enforcement between the Nigerian Navy, Nigerian Maritime Administration and Safety Agency (NIMASA), and the Joint Task Force (JTF) should be continued and improved upon;
- b. The Joint Nigeria/Republic of Benin Patrol of international waters be encouraged and supported with sufficient vessels and manpower;
- c. The installation of coastal RADARS to capture the entire coastal terrain of Nigeria, for effective monitoring;
- d. More patrol platforms be purchased for NIMASA, under the Public-Private Partnership arrangement for effective coverage of the Nigerian Maritime Domain;
- e. More bi-lateral and multi-lateral diplomatic instruments be sought with the neighbouring states, in order to successfully tackle the problem of sea piracy, especially due to the contiguous nature of the coastline in the Gulf of Guinea; and
- f. Sufficient monitoring and response equipment for the effective policing of the Nigerian territorial waters, (e.g. Booms and SCHEMERS) used for oil spill detection be acquired for our coastal and territorial waters.

5.11.12 ORGANISED TRANS-BORDER CRIMES

Conference decided that:

- a. These crimes and their perpetrators should be fought to a stand-still by the combined efforts of all security agencies;
- b. Joint border Patrols and exercises should be intensified;
- c. The Nigeria Police and the Nigeria Customs Service, both of which hold crucial positions in this matter be strengthened and positioned so that they can discharge their functions adequately;
- d. Part of the agreement between Nigeria and ECOWAS countries should include the right of hot pursuit; and
- e. The core providers of intelligence that is essential to a robust and comprehensive crime control i.e. SSS/NIA should similarly join in the effort to fight this menace.

5.11.13 PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS

Conference decided that:

- a. Government should promote peaceful co-existence amongst the diverse ethno-religious and political groups in Nigeria. This will minimise the outbreak and persistence of violent conflicts that leads to arms proliferation;
- b. The National Orientation Agency (NOA) should mount awareness programmes whereby Nigerian citizens will appreciate the importance of monitoring developments around them. Reports of unwholesome

activities in arms trafficking should also be promptly made to the security agencies;

- c. Government should aggressively embark on job creation for Nigeria's teeming and idle youths;
- d. Government at all levels should deal with the demand factors that made arms proliferation a lucrative business;
- e. Strengthen the Law enforcement agencies be strengthened to enable them perform their duties efficiently;
- f. The Firearms Act of 1959 and the Robbery and Firearms (Special Provisions) Act should be overhauled to give law enforcement agents more power to deal with this menace;
- g. Suggestions made in many quarters for effective policing of our borders through which a good deal of fire arms enter into Nigeria be appropriately utilized;
- h. Failure of public security has led to intermittent outbreak of violent conflicts resulting in "self-help" security measures such as vigilante groups and arms stockpiling. These measures are fuelling the domestic arms race. Conference unanimously pronounced Good governance as the solution to public security challenges; and
- i. The Joint Intelligence Board (JIB) should devise means of recovering all illegal arms circulating in the country by directing co-ordinated operations in this regard.

5.11.14 OIL THEFT AND SMUGGLING

In order to make any meaningful impact on the war against crude oil theft and smuggling, Conference decided on a 4- Pronged approach, namely:

- a. Intelligence gathering;
- b. Money Trail;
- c. Physical monitoring and policing of our coastal and territorial waters;
and
- d. Joint operations between the Nigerian Navy, Nigerian Air Force and the Joint Task Force.
 - Intelligence gathering: Priority should be given to intelligence on Nigerian oil theft, in the following:
 - i. Volume of oil stolen;
 - ii. The number and operational capabilities of active export bunkering rings;
 - iii. The nature and size of any so called “White Collar” oil theft;
 - iv. Transit anchoring and fuelling patterns of ships suspected of stealing oil in Nigerian waters;
 - v. A survey of small to medium tankers regularly anchored off-shore the Niger Delta coast lines;
 - vi. Mapping of the main illegal bunkering hot spots;
 - vii. The role of coastal communities in illegal oil trading;
 - viii. The nationalities involved in oil theft, particularly at very high levels;
 - ix. Case studies of refineries receiving stolen crude from Nigeria; and

- x. Establish the link between oil theft and fuel oil trading in Nigeria.
- The Money Trail: The Nation should pay attention to the following:
 - i. How oil thieves pay for large capital expenses, ships, etc.
 - ii. The use of bulk cash smuggling to conceal oil theft process;
 - iii. To identify Nigerian banks used by oil thieves to launder their money;
 - iv. To identify the profiles of facilitators used by suspected oil thieves, to move their money abroad or within; and
 - v. To keep data on Charters, Insurers and issuers of Letter of Credit linked to ships carrying stolen oil and regular cargos.
- Physical monitoring and policing of our coastal and territorial waters: The Nigerian Navy, Nigerian Maritime Administration and Safety Agency (NIMASA), etc should be properly equipped to discharge their statutory mandates and duties in accordance with the NN Act and NIMASA Act. 2007, Sabotage Act 2003, and the Shipping Act 2007; and
- Joint Operations: This synergy of operation is already in place, and should be sustained especially ensuring that the Nigerian Air Force is provided the appropriate platform to engage in aerial surveillance of coastal areas and territorial waters, thus providing real time intelligence data for the Nigerian Navy, NIMASA and JTF to fight oil theft and smuggling. The joint Nigeria/Benin

patrol should be sustained and appropriate frigates/vessels provided at all times. NIMASA through private partnership in the acquisition of vessels should be encouraged to equip the Nigerian Navy for patrol duties.

5.11.15 THE BOKO HARAM INSURGENCY

Conference observed that the Boko Haram insurgency, with links to global terrorism, has claimed many lives; led to the abduction of children and young women, destroyed millions of naira worth of property; destroyed infrastructure and crippled economic life in the North East. With the insurgency has come the forced migration of communities in Borno State to other states and neighbouring countries. What the Conference also found most alarming were indications that Boko Haram may be connected with notorious global terrorist actors, especially al Qaeda, Al Shabaab and al Qaeda in the Islamic Maghrib (AQIM) thus internationalizing the conflict.

Consequently, Conference decided that:

- i. Government should set up a National Counter-Terrorism Architecture (NCTA) to undertake the following functions:
 - Harmonize national counterterrorism efforts and provide the platform for foreign assistance;
 - Interface between Nigeria and the African Union (AU) countries especially contiguous states such as Niger, Chad, Cameroun, and the African Centre for the study and Research on Terrorism; and
 - Engage the Services of well-trained counter terrorism operatives to work within the established in-country infrastructure.

- ii. The Federal Government should set aside a Special Fund to rehabilitate and reconstruct all States, including the FCT (Abuja), which have suffered devastating attacks by the Boko Haram.

5.11.16 INFORMATION COMMUNICATION TECHNOLOGY (ICT)

ICT enablers are being deployed in the Ports, shipping, patrol, and logistics operations by NIMASA in line with the requirements of the International Ship and Port Facility Security (ISPS), Code of the Safety of life at Sea (SOLAS) Convention 1974, the Suppression of Unlawful Acts against the Safety of Maritime Navigation Convention (SUA) of 1988, and the 1982 United Nations Convention on the Law of the Seas (UNCLOS). These are legal instruments to which Nigeria is a signatory and has domesticated them, thus forming part of our municipal laws. Conference is satisfied with the synergy between the NIMASA, the military and the Nigeria/Republic of Benin Joint Anti-piracy Patrol and Enforcement; in dealing with sea piracy and oil theft in our territorial waters and coastal environment.

Conference, in consequence of the aforementioned, decided that:

- a. The tripartite arrangement of patrol of our territorial waters and the coastlines and enforcement between the Nigerian Navy, Nigerian Maritime Administration and Safety Agency (NIMASA), and the Joint Task Force (JTF) be continued and improved upon;
- b. The Joint Nigeria/Republic of Benin Patrol of international waters be encouraged and supported with sufficient vessels and manpower;
- c. The installation of coastal RADARS to capture the entire coastal terrain of Nigeria, for effective monitoring;

- d. More patrol platforms be purchased for NIMASA, under the Public-Private Partnership arrangement for effective coverage of the Nigerian Maritime Domain;
- e. More bi-lateral and multi-lateral diplomatic instruments be sought with the neighbouring states, in order to successfully tackle the problem of sea piracy, especially due to the contiguous nature of the coastline in the Gulf of Guinea; and
- f. Sufficient monitoring and response equipment for the effective policing of the Nigerian territorial waters, (e.g. Booms and SCHEMERS) used for oil spill detection be acquired for our coastal and territorial waters.

5.12 POLITICAL RESTRUCTURING AND FORMS OF GOVERNMENT

1. FEDERALISM

Conference agreed that Federalism denotes a political arrangement in which a country is made up of component parts otherwise called Federating Units. Thus in a Federation, political powers are constitutionally shared between the central government and the federating units. These powers basically, represent the functions of each tier of the federation.

Conference also noted the inherent advantages of a federal system of government in a heterogenous society such as ours. These include:

- the sustenance of unity in diversity;
- expanded opportunities for the various peoples, including minority groups, to participate in the governance of the country; thus minimizing the fears of domination and/or marginalization among minority groups. It also and promotes broad-based development.

Consequently, Conference unanimously resolved as follows:

1. Nigeria shall retain a Federal system of Government;
2. The core elements of the Federation shall be as follows:
 - i. A Federal (Central) Government with States as the federating units; and
 - ii. Without prejudice to States constituting the federating units, States that wish to merge may do so in accordance with the Constitution of the Federal Republic of Nigeria (as amended).

Provided that:

- (a) A two-thirds majority of all members in each of the Houses of Assembly of each of the States, in which such merger is proposed, support by resolution, the merger;
- (b) a Referendum is conducted in each of the States proposing to merge with 75% of the eligible voters in each of those States approving the merger;
- (c) the National Assembly, by resolution passed by a simple majority of membership, approves of the merger; and
- (d) States that decide to merge shall also reserve the right to demerge following the same procedure and processes for merger.

2. **REGIONALISM**

At independence in 1960, Nigeria had three regions and by 1964 had added a fourth region. All four were autonomous but subordinated only to the Federal Constitution. Then came the military in 1966 when aspects of the Federal Constitution were suspended leading to the creation of 12 states, (six in the north and six in the south) in answer to political exigencies including the protection of minority rights;

More states were created to satisfy the yearnings of various ethnic nationalities which fear domination by some others. Nigeria now has 36 States plus the Federal Capital Territory. In spite of this subsisting arrangement, there continues to be demands for the creation of more States.

After extensive consideration of Regionalism/Zones, Conference decided as follows:

- (i) The States shall be the federating units; and
- (ii) Any group of States may create a self-funding Zonal Commission to promote economic development, good governance, equity, peace and security in accordance with the Constitution of the Federal Republic of Nigeria (as amended).

3. STATE CREATION

The subject of State creation has remained a huge political issue in Nigeria. Conference examined the Reports of the 2005 National Political Reform Conference and the Report of the Presidential Committee On Review of Outstanding Issues from Recent Constitutional Conferences 2012 (the Belgore Report) and after wide consultations and extensive deliberations and in the interest of equity, justice and fairness.

In addition, Conference therefore resolved as follows:

- (i) In the spirit of reconciliation, equity, fair play and justice, there shall be created an additional State for the South East Zone; and
- (ii) That all other requests for State creation should be considered on merit.

Conference approved the criteria for the creation of new States as follows:

- (1) Any new State sought to be created must be viable. In considering viability, the following should be taken into consideration:
 - (a) Any new State should be economically viable;
 - (b) It should have human, natural and material resources;
 - (c) It should have a minimum land mass/water mass; and
 - (d) The viability of the existing State(s) should be taken into consideration as well, so as not to create a situation where new State(s) would leave the existing State(s) unviable.
- (2) That State creation should be on the basis of parity between the geo-political zones to ensure equality of Zones;
- (3) Additional States should be created in each of the six (6) geo-political zones to bring the number of States in each zone to nine (9);
- (4) That eighteen (18) more States be created as follows:
 - a. Apa State from the present Benue State; Edu State from Niger State; Yamji State from the present Kebbi State; Katagun State from the present Bauchi State; Savannah State from the present Borno State; Amana State from the present Adamawa State; Gurara State from the present Kaduna State; Ghari State from the present Kano State; Etit State from the present South East Zone; Aba State from the present Abia State; Adada State from the present Enugu State; Njaba-Anim State from the present Anambra and Imo States; Anioma State from the present Delta State; Ogoja State from the present Cross River State; Ijebu State from the present Ogun State; New Oyo State from the present Oyo State;

- b. That the third State to be created in the South –South Zone will be named later, along with its State Capital;
- c. That the third State to be created in the South-West Zone will be named later, along with its State Capital; and

The 1999 Constitution of the Federal Republic of Nigeria shall be amended to allow for less onerous process for creation of States.

4. LOCAL GOVERNMENT ADMINISTRATION

Conference recognized Local Governments as a layer of governance closest to the people and in effect, a platform for sustainable socio-economic development and popular participation in governance at the grass-root.

It however noted the alleged abuse of the Local Government system by State administrations.

In tandem with its recommendation under **Federalism**, Conference introduced some necessary safeguards to guarantee the independence of local government councils.

Conference therefore decided that:

- (a) **Section 7** of the 1999 Constitution (as amended), that a system of Local Governments by democratically elected Local Government Council be guaranteed;
- (b) States wishing to create Local Governments, may create them under the jurisdiction of the States;
- (c) The number, structure, form and administration of Local Governments shall be determined by the States;

- (d) Without prejudice to the existing Local Governments, States that wish to, may create or reduce the number of existing Local Governments Areas, which shall be under the jurisdiction of the State;
- (e) The List of the Local Governments Areas contained in the First Schedule of the 1999 Constitution (as amended) be removed, and transferred to the States to be covered by a law of the State Houses of Assembly;
- (f) The functions of the Local Governments as contained in Schedule 4 of the 1999 Constitution (as amended) shall be transferred to the States subject to the power of the State Houses of Assembly to add or reduce the said functions of the Local Government;
- (g) Chairmen and Councillors of Local Governments, not democratically elected, shall not be recognized by all authorities and persons and shall not be entitled to any revenue allocation;
- (h) In addition to the functions conferred upon Local Government Councils as specified in the Fourth Schedule of the 1999 Constitution (as amended), a House of Assembly of a State may by law confer other functions on the Local Government; and
- (i) The Constitution should fix the tenure for Local Government Councils at three (3) years.

In addition, Conference noted the representations of National Union of Local Government Employees (NULGE) on the need to protect the Local Government Administrations. Conference unanimously adopted Para 33 A (i)-(v) of the Report of the Presidential Committee On Review of Outstanding Issues from Recent Constitutional Conferences 2012 (**the Belgore Report**) as follows:

A. Local Government Funding

Conference decided that:

- (i) The Joint State/Local Government Account be scrapped and in its place the establishment of a State Revenue Mobilization, Allocation and Fiscal Commission (SRMAFC) with representatives of Local Governments and a Chairman nominated by the Governor;
- (ii) All nominees of SRMAFC be screened by State House of Assembly;
- (iii) Members be appointed to a fixed tenure with possibility of renewal for another term;
- (iv) Members cannot be removed until expiration of their terms unless for special circumstances; and
- (v) Allocation of funds to the State Government, Local Government Councils and between Local Councils of a State, each SRMAFC shall apply the same distribution principles for Revenue Allocation Formula adopted by RMAFC to allocate fund from the Federation Account.

Local Government Elections

Conference accepted **the Belgore Report** position that:

- (i) the practice of unelected officials or Sole Administrators administering Local Governments at any period violates the spirit of representative governance and should not be allowed. Local Councils must have clearly defined tenure; and
- (ii) Elections shall be held not earlier than 90 days or not later than 30 days to the expiration of the clearly defined tenure of the Local Government Councils. Section 197(1) (b) of the 1999 Constitution (as amended) and the relevant provisions in the Third Schedule should therefore be expunged.

5. GEO-POLITICAL ZONES

Conference maintained that geo-political zones should not be the federating units of our Federation

Conference therefore decided that the Geo-Political Zones shall not be the federating units of the Nigerian Federation.

6. FORMS AND CONTENT OF GOVERNMENT

Conference considered the Presidential and Parliamentary systems of government.

It identified and examined their attributes, principal among which are:

- The entrenchment of the principle of Separation of Powers for the Presidential System; and
- The promotion of co-operation and harmony between the executive and legislature, for the Parliamentary system of government.

Conference reasoned that the combined effect of the aforementioned attributes, would ensure transparency and accountability in government business and at once promote peace and good governance.

For instance, the Vice-President and a majority of cabinet ministers being selected from the Legislature will bring harmony.

Conference therefore settled for a home-made model of government that effectively combines the above attributes of the Parliamentary and Presidential systems of government.

It coe-named it: The Modified Presidential System.

Conference unanimously decided that a Modified Presidential System of Government be adopted for the Federation, and that the core elements of the Modified Presidential System of Government shall be as follows:

- (i) There shall be a President for the Federation;
- (ii) For the purpose of election to the office of President, the whole of the Federation shall be regarded as one constituency;
- (iii) A candidate for an election to the Office of President shall run with a Vice-President on the same ticket;

- (iv) There shall be a Vice President for the Federation;
- (v) The President-Elect shall select a Vice-President from the Legislature;
- (vi) The President shall exercise full responsibility for his Government and he shall select not more than eighteen (18) Ministers from the six geographical zones;
- (vii) Subject to the provisions of (vi) above, the President may select, not more than thirty (30%) per cent of his Ministers from outside the Legislature;
- (viii) The President shall be entitled to serve two terms of office of four years each. The second term of a maximum of four years shall be subject to re-election;
- (ix) There shall be quarterly Question Time for the President and for Ministers at the Legislature to enhance accountability and transparency;
- (x) There shall be an annual State-of-the-Nation address by the President; and
- (xi) In the event of death, incapacitation, impeachment or resignation of the President, the Vice-President shall act as President for a period of ninety (90) days within which an election to the office of President shall be held. Presentation of the annual budget to the Legislature will be the responsibility of the Minister of Finance;

Election of the Governor of the State

Conference decided that these provisions as applicable to the President shall apply mutatis mutandis with regard to the election of the Governor and the government under his charge

7. LEGISLATURE

Conference decided that the status quo i.e. Bicameral Legislature be maintained.

8. ROTATION OF POWERS

Conference noted that Nigerians desire a nation in which every citizen can aspire to the highest office in the land without hindrance.

Hence any arrangement that would erase the fear of marginalization of minority groups should be pursued with vigour. The Principle of Rotation of Powers will also reduce the desperation and tempo of agitation for creation of states.

Conference noted the need to effectively provide for the active participation of women, the youth and the physically-challenged in the evolving political process. To give the principles of zoning and rotation of public offices at all levels of government a legal backing, Conference therefore agreed as follows:

1. The Electoral Act and the Constitution of the Federal Republic of Nigeria (as amended) should provide for:
 - (a) The Principle of Zoning and Rotation of elective offices at the Federal and State levels on the basis of excellence, equity, gender, justice; and
 - (b) The Office of President shall rotate between the North and the South and amongst the six (6) geo-political zones.
 - (i) The Office of the Governor shall rotate among the three (3) Senatorial Districts in that State.
 - (ii) The Office of Chairman of a Local Government Council shall rotate within the Local Government Area. The National Independent Electoral Commission (INEC) shall divide the Local Government into two or three equal parts as the case may be for the purpose of the rotation of Office of the Chairman.
 - (c) The participation of Women, Youths and the physically-challenged in the political process; and

- (d) The domestication of the Convention for the Elimination of Discrimination against Women (CEDAW) at all levels of governance and spheres of endeavour.

9. FEDERAL CAPITAL TERRITORY

The Decree No.6 of 4th February, 1976 created the Federal Capital Territory.

The Constitution of the Federal Republic of Nigeria 1999 (as amended), in Chapter VIII also provides for the creation and existence of the Federal Capital Territory, its boundaries and ownership of all lands comprised in the Federal Capital Territory. Sections 297-304 provide for the application of the Constitution to the Federal Capital Territory representation at the National Assembly; a minister for the Federal Capital Territory Abuja; its administration and establishment of the Judicial Service Committee of the Federal Capital Territory.

Predicated on the strong representation from the original inhabitants and indigenous people of the Federal Capital Territory on the issue of political inclusion, Conference decided as follows:

- (a) There should be an elected mayor for the inner nucleus of about 2000 sq.km of the Federal Capital Territory;
- (b) There should be a ministerial slot for the Federal Capital Territory at the Federal cabinet;
- (c) There should be an increase in the number of Federal Constituencies from the present number of two (2) to four (4);
- (d) There should be an increase in the number of Area Councils from six (6) to eight (8); and

- (e) Payment of the outstanding compensations due to the indigenes of the Federal Capital Territory be made by the Federal Government of Nigeria.

10. OTHER RELATED MATTERS: THE NIGERIAN CHARTER FOR NATIONAL RECONCILIATION AND INTEGRATION

- (a) With a view to encouraging inclusiveness and the need to build a fully-integrated nation, Conference further recommends the adoption of **The Nigerian Charter for National Reconciliation and Integration.**

The Charter shall form the basis of our Union as a Nation and guarantee the national existence.

This National Charter is:

THE NIGERIAN CHARTER FOR NATIONAL RECONCILIATION AND INTEGRATION

PREAMBLE

PERSUADED that when the administrations of the Northern and the Southern Protectorates of Nigeria were amalgamated in 1914, the framework of a potentially great nation was laid,

CONSIDERING the need to ensure that the amalgamation achieves its full intendment of building a fully integrated nation,

CONCERNED that, since the post-independent political upheavals that abrogated the terms of nationhood entered into by our founding fathers, the diverse ethnic nationalities of Nigeria have never had ample opportunities to formally express their consent to coexist as one nation,

RECALLING the labours of our founding fathers and of our heroes past to build a nation where, though tribe and tongue may differ, in brotherhood we could stand in the service of our sovereign nation,

HUMBLY AWARE that, in spite of their labours, our founding fathers could not attain the nation of their dreams but bequeathed to subsequent generations, including ours, the task of forging a more perfect union,

GRIEVED that since independence, millions of Nigerian – of different tribes and of different faiths – have lost their lives, and that children have been orphaned, women have been widowed, men, women boys and girls have been maimed, hopes have been dashed, dreams have been shattered and properties have been destroyed, on account of conflicts brought about by the absence of genuine national integration and in total disregard of the tenets of our faith to truly love our neighbours as ourselves.

CONSCIOUS of the fact that these historical grievances have produced resentment, nurtured bitterness and sustained distrust amongst Nigerians against one another and against the Nigerian state,

CONCERNED that lingering underdevelopment and failure to harness our diverse human and material resources to combat our common socio-economic problems such as poverty, unemployment, disease and insecurity, have been the painful consequences of the absence of good governance and genuine national integration,

DETERMINED to heal the painful wounds of the past, to forgive past sectional wrongs, to let go of past sectional grievances, to close the book

on our troubled past, to open up vistas of greatness and to embrace our future,

CONVINCED that, diverse though we may be, we are better off together and that, united, we can surmount every obstacle and fulfill our great national destiny,

NOW THEREFORE, WE THE PEOPLE OF NIGERIA proclaim this **CHARTER FOR NATIONAL RECONCILIATION AND INTEGRATION** as the **BASIS OF OUR UNION**.

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Article 1

We hereby firmly solemnly resolve to live in unity and harmony as one indivisible and indissoluble sovereign nation under God.

Article 2

We shall build a land of Freedom, Peace, and Justice and a home of Equity and Fair Play, where no one is oppressed and no one is discriminated against on the basis of ethnicity, gender or religion and where constant and consistent dialogue is encouraged.

Article 3

We shall be a law abiding nation where the Rule of Law prevails, where Right is Might and the Law Impartial and Supreme.

Article 4

We shall be a God-fearing nation emphasizing the fear of God in our private and public endeavours.

Article 5

We shall freely express our ethnic, cultural and religious diversity with tolerance within the context of our corporate existence and alongside the pursuit of our national destiny.

Article 6

We shall respect, preserve, protect and defend the rights of every Nigerian irrespective of ethnic, gender or religious differences.

Article 7

We shall not discriminate against any Nigerian on the basis of indigeneship or place of origin.

Article 8

We shall not accept, tolerate, promote or support the subject of the Nigerian people or any person resident in Nigeria to acts of terror or discrimination on account of their religious beliefs, ethnic identities or political allegiances or for any other reason whatsoever, nor shall we accept, tolerate, promote or support acts organized in pursuit of disunity or the disintegration of our beloved nation.

Article 9

We shall uphold family values and ensure that public policy is used as a tool to promote these values so that strong families will become the units of a strong nation.

Article 10

We shall work assiduously for the development of our people and nation with zero tolerance for corruption in all spheres of life both private and public.

Article 11

We shall be a caring and compassionate nation where children have free access to qualitative education and healthcare and where the welfare of the old, the vulnerable and the physically-challenged is guaranteed.

Article 12

We shall be a nation of equal opportunity where young men and women are provided with the socio-economic environment to maximize their potentials, to experience the dignity of labour and the triumph of enterprise and innovation, thereby earning for themselves and their families a decent standard of living while contributing to building our economy to great and enviable heights.

Article 13

We have vested upon the Nigerian state, represented by government at all levels and in all the arms, the power to guarantee the security, development and welfare of the Nigerian people and to deploy the resources of the nation solely in the service of the people and we reserve the right to change government by peaceful and constitutional means.

Article 14

We shall be a truly federal state with such powers vested exclusively on the federal government as are necessary to firmly and prosperously knit together the federating units upon which residual powers shall be vested.

Article 15

We understand and embrace our manifest destiny to harness our diversity in providing leadership for the African continent, in engaging the international community for the defense of our interests and in promoting inter-African solidarity, world peace, international cooperation and understanding.

Article 16

In furtherance of these objectives and in pursuance of our national destiny, we shall be governed by the best, brightest and fittest from all walks of life and from every geopolitical zone elected into public office through the democratic principle of free, fair and credible elections in accordance with our Constitution and our Electoral Laws while the weak, old and vulnerable shall never be disadvantaged.

Article 17

In further pursuance of these objectives, appointments into political offices and the Civil Service at every level and in every arm shall be

governed by the principles of justice, fairness and in the best interest of our nation.

Article 18

The consent to live together in unity and harmony and the principles and purpose of our national coexistence stated heretofore in this Charter shall be incorporated into our Constitution upon adoption by the Nigerian people through a referendum.

Article 19

With understanding and patriotic zeal and in all solemnity, we therefore pledge to ourselves as a people and to our country Nigeria, to serve in honour and with dignity within and outside her boundaries and henceforth conduct ourselves in such a manner as to bring no reproach and dishonor to our nation.

Article 20

For this purpose, the Nigerian government at all levels and in all arms, shall propagate this Charter and shall promote the principles stated herein.

And to this end, in utmost faith, the delegates to the National Conference 2014, to be recalled by subsequent generations as the Centenary Conference for National Reconciliation and Integration, on behalf of the Nigerian people, do hereby append our signatures to this document as the Basis of the Union of our Nation.

So Help Us God.

- (b) The right to self-determination by the States as federating units shall be extended to ethnic nationalities within the State.
- (c) States shall have their respective Constitutions.

- (d) There shall be a revenue sharing formula established by law in every State.
- (e) The Federal Government should set up a new Commission to address the plight of FCT indigenes.

11. **NATIONAL ANTHEM**

Conference decided that:

Nigeria should revert to her old National Anthem which embodies unity, peace and prosperity as follows:

**Nigeria, we hail thee,
Our own dear native land,
Though tribe and tongue may differ,
In brotherhood we stand,
Nigerians all are proud to serve
Our sovereign Motherland.**

**Our flag shall be a symbol
That truth and justice reign,
In peace or battle honoured,
And this we count as gain,
To hand on to our children
A banner without stain.**

**O God of all creation,
Grant this our one request,
Help us to build a nation
Where no man is oppressed,
And so with peace and plenty
Nigeria may be blessed.**

5.13 POLITICAL PARTIES AND ELECTORAL MATTERS

5.13.1 POLITICAL PARTIES

1.1 Registration

Conference decided that:

- (i) Extant legal provisions on party registration, as informed by the Supreme Court verdict in *Fawehinmi vs INEC*, which essentially expects political parties to *register with* INEC rather than for them to be *registered by* INEC, is fair enough and should be sustained;
- (ii) The relevant provisions of the Electoral Act, 2010 permitting INEC to de-register political parties in certain circumstances should be removed; and
- (iii) Public funding of political parties, a factor accounting for the existence of several mushroom parties whose proprietors are only interested in drawing government subvention be discontinued.

1.2 Funding

Conference decided that:

- (i). Public funds should no longer be made available to political parties. It consequently recommends that Section 228(c) of the 1999 Constitution be deleted;
- (ii) Donations to political parties should be in line with the provisions of Section 225 of the Constitution and Sections 88 – 90 of the Electoral Act;
- (iii) Political parties should not only keep proper records of funds raised but also also provide annual statements to the new Political Parties Regulations and Electoral Offences Commission (PPREOC) recommended in this Report for creation;
- (iv) Public fund should not be used by elected politicians to fund the activities of their political parties; and

(v) Government houses, cars and other facilities and resources should not be used for the partisan interest of any political party.

1.3 Ideology

Conference decided that:

(i) Political parties should have clear-cut policies and programmes based on shared values and principles, such that basis of membership, identification and voting shall be clear. This is expected to form the basis of participation by members in the affairs of political parties and identification by voters. It is, thus, expected to institutionalize a culture of best practices in the political party system; and

(ii) Section 224 of the Constitution, which provides that the programmes, aims and objectives of a political party should conform to the provisions of Chapter II of the Constitution be adopted in government's engagement with political parties.

1.4 Administration

Conference decided that:

(i) Political Party leadership and administration should be insulated from control and interference from chief executives of government at all levels, so that party independence is restored. In so doing, the wishes of the party members as expressed through their votes will be reflected in party administration;

(ii) In order to enhance effectiveness and efficiency of political parties, their administrative processes should be made transparent and accountable. Issues such as party membership registers and the conduct of party activities should be made accessible and transparent to members;

(iii) The various positions and responsibilities enshrined in a party's constitution must be allowed to function as provided, in accordance with universal principles of management and administration such as consultation, delegation, job specification,

transparency, accountability, etc. This will help curtail the excesses of party functionaries;

(iv) The provisions in the Electoral Act that encourage the exhaustion of internal mechanisms for the settlement of disputes before referral to the courts be upheld;

(v) The votes of Party members should be allowed to count in all situations where the rules of the parties make for voting, including party primary elections. Political party administration should be separated from government, such that those who must hold political offices must not concurrently hold party positions and vice versa. Party functionaries should therefore be divested of their party positions automatically, as they assume political offices, elective or appointive:

- i. To actualize the foregoing, Conference therefore decided that No official of any political party shall concurrently hold a position in government be added to Section 223 as 223(2) (c);
- ii. Section 87(8) of the Electoral Act making provision for political office holders to also hold party office should be deleted; and
- iii. The *Political Parties Regulations and Electoral Offences Commission (PPREOC) be established.*

1.5 Women Participation in Politics

On the issue of participation of women and people living with disability in politics, Conference recommended the institutionalization of affirmative action for women and people living with disability. This implies provision for the reservation of a defined quota for women and persons living with disability in party hierarchies, and as candidates for elections in every party's **constitution, manifestoes and other documents.**

1.6 Internal Party Democracy

Convinced that Section 223 of the 1999 Constitution and the Electoral Act, 2010 (as amended) provide adequate guidelines on internal democracy for political parties, Conference decided that both provisions should be sustained.

Conference further decided that:

(i) All political party organs must be allowed to function as stipulated in the political party guidelines;

(ii) For parties to be effective, their processes should be not only be democratic, but also inclusive, such that the various stakeholders and divergent interests within the party are fully protected and are given a sense of belonging;

(iii) Internal democracy be institutionalized by each political party should be reflected in the party constitution and other documents, and consequently all party organs should function as stipulated in the party guidelines;

(iv) The recurrent practice of 'consensus' decision-making mechanism within parties to frustrate laid down democratic processes should be discouraged; and

(v) While not ruling out the possibility of emergence of candidates for elections through consensus, any such consensus agreements/decisions within the parties should still be taken through the established democratic processes of voting. Therefore there should be a Section 87(9) in the Electoral Act to read: 'Nothing in this Section shall empower any political party to choose its officials or candidates for elections except by democratic process of voting'.