



Constitutional Amendment and the Presidential Assent

By giving assent to 35 of the 44 passed bills seeking amendments to the 1999 Constitution, President Muhammadu Buhari has undoubtedly embarked on the journey to enthrone federalism to the polity; and Nigerians may as well praise themselves for witnessing the start of an era much desired. The journey, of course, has only just started; the path is envisaged to be long and tortuous, and certainly the task cannot be accomplished by anything less than concerted and sustained efforts by all stakeholders in Nigeria.

The other day, in the din of the ongoing controversy over the conduct of the 2023 general elections, President Muhammadu Buhari gave assent to some bills, the product of the constitutional amendment exercise of the 9th National Assembly under Senator Ovie Omo-Agege-led committee. It would be recalled that the Senate President, Ahmad Lawan, in early 2020 inaugurated a 56-member Constitution Review Committee headed by the Deputy Senate President, Senator Ovie Omo-Agege, comprising all the eight principal officers, one senator each from the 36 states and two members from each of the six geo-political zones. It was an easy task for the committee. At the end of it all, the committee engrossed about 44 bills as an amendment to the constitution. While 35 bills were approved, others were rejected due to their controversial nature. Some of the bills spanned the financial autonomy of state legislatures and state judiciary; power devolution to allow state governments to build and operate airports, prisons, railways, and power grid systems. Others include legislative power to summon president and governors; timeframe to submit ministerial and commissioner nominees; timeframe for submission of the national budget; and separation of the office of the Attorney-General of the Federation and the State from the minister or commissioner for justice. While these had the concurrence of the state assemblies, the local government financial and administrative autonomy bill hit the roadblock for seeking to abrogate the state-local government joint account; establishment of local government as a tier of government; and institutionalisation of legislative bureaucracy in the constitution.

Of the 35 bills forwarded for presidential assent, only about 16 were given assent. These include bills that seek to change the names of some local governments; financial independence of State Houses of Assembly and State Judiciary; and for related matters; regulation of the first session and inauguration of members-elect of the National and State Houses of Assembly; and for related matters; deletion of the reference to the provisions of the Criminal Code, Penal Code, Criminal Procedure Act, Criminal Procedure Code or Evidence Act; and for related matters; exclusion of the period of intervening events in the computation of time for determining pre-election petitions, election petitions and appeals; and for related matters; provision for the post-call qualification of the Secretary of the National Judicial Council; and for related matters; deletion of

the item "prisons" in the Exclusive Legislative List and re-designate it as "Correctional Services" in the Concurrent Legislative List; and for related matters; movement of the item "railways" from the Exclusive Legislative List to the Concurrent Legislative List; and for related matters; cession to States power to generate, transmit and distribute electricity in areas covered by the national grid; and for related matters; requirement of the President and Governors to submit the names of persons nominated as Ministers or Commissioners within sixty days of taking the oath of office for confirmation by the Senate or State House of Assembly; and for related matters. The endorsed bills, now Acts in the grundnorm nudged forward aspects of the issues in the agitation for restructuring of the Nigerian federation. Two basic alterations that stand out in this regard, namely, electricity and railway are now on the concurrent legislative list.

The struggle for restructuring, in other words, for a re-federalised Nigeria, dates back to the days of the military junta of General Ibrahim Babangida. Precisely in 1989, Mr. Alao Aka-Bashorun, a prominent pro-democracy activist and former President Nigeria Bar Association made effort to organise a national constitutional conference under the toga of the National Consultative Forum (NCF) and truncated by the military. The venue of the conference, the National Theatre Iganmu, Lagos was barricaded with armoured tanks. The affront of the military only increased the tempo of agitation for restructuring and became the clarion call for all that is amiss with Nigeria. In the fourth republic inaugurated in May 1999, attempts had been made to reform the constitution in 2004 and 2014 by both the Obasanjo and Jonathan administrations. They all came to naught.

As we had argued in our federalism series, there is no part of the country that cannot survive with fiscal and legislative autonomy ceded to the federating units. The inauguration of new oil wells in Lagos, Bauchi, and Kogi and the illegal mining of gold in Zamfara underlined the point being made. The feared disintegration of the country, the bugbear of those who for the part have ruled this country, is, in our opinion, misplaced. To be sure, autonomy for the federating units of the Nigeria federation will accelerate the goals of development in the country to the rebound of the general well-being of the people. This is not the end of the journey, the struggle for re-federalising the Nigerian state must continue until it is fully achieved for enduring peace, stability, and development in the country. However, Nigerians must build on the gains of the moment.

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