

1999 CONSTITUTION; A DOCUMENT FIT FOR THE DUSTBIN, SCRAP IT NOW- PUNCH EDITORIAL

IN the current quest for a functional Nigeria, the advocacy by Wole Olanipekun (SAN) that it is time to overhaul the 1999 Constitution because it is to blame for the ills bedeviling the country, deserves consideration by stakeholders. In a timely warning at the 2024 convocation of the Olabisi Onabanjo University, Ago-Iwoye, the former Nigerian Bar Association president traced the sorry state of Nigeria to the constitution, which has turned the federal state into a unitary polity. On all counts, Olanipekun is right. If Nigeria is desirous of a prosperous, progressive country, it should just scrap that unworkable, divisively flawed and poverty-inducing constitution. Apart from Olanipekun, Olisa Agbakoba, Bisi Akande, Afe Babalola and Robert Clarke have consistently canvassed dropping the constitution because in a federal state like Nigeria, a unitary document is fit only for the dustbin. The PUNCH boldly supports this point of view. Besides, the constitution was bequeathed to the country by the military when it was returning to the barracks in 1999, is not a sensible document. Unsparring, Olanipekun said the constitution is a fake document. We agree totally. "Every governor goes to Abuja now every day and who do they go to see, directors, deputy directors. Is this federalism?" he said. "I'm a lawyer but we are deceiving ourselves; our constitution is fake, and I have said this over and over, but then as lawyers you will ask us, if we say the constitution is fake, why are we practising it?" The law has to be practised until is amended. This calls for soul-searching.

Weirdly, in an entity of more than 250 ethnic nationalities and different religious persuasions, the centrifugal provisions in the document are a recipe for the current fragility and economic malaise tormenting Nigeria. It has 68 items in the Exclusive Legislative List contrary to the tenets of federalism. Of all the 25 federal countries in the world, only Nigeria has a single, centralised police force. In the United States, there are around 18,000 police forces, including the FBI at the centre. Germany has three federal and 16 regional police forces. Similar devolution operates in Canada, Australia, India, Brazil, Sweden, and Switzerland, among others. In Nigeria, the fake constitution is fuelling war-like security breaches, particularly Islamic terrorism, banditry, kidnapping, Fulani herdsmen atrocities and militancy. In the South-East, the agitation for separatism has assumed a violent hue. Fiscal federalism is sorely absent. States own resources that are appropriated by the centre, which spends it lavishly without recourse to the owners. Instead of generating, and warehousing their revenue, states troop to Abuja monthly share money at the centre.

The Federal Government – just a single component – receives 52.68 per cent of all revenues; the 36 federating units fight over 26.72 per cent. Unlike in the First Republic that was aborted by the military putsch of January 1966, this is a major impediment to competition, and hard work by the federating units, which are now subservient to the centre. The listing of the 774 LGAs in the constitution, which share the remaining 20.60 per cent, completes the illogicality. In other federations, LGAs are under

the control of the federating units. In Nigeria, some are absurdly canvassing for LG autonomy.

In hindsight, the past presidents since 1999 share a major part of the blame. According to Olanipekun, Obasanjo told him point blank when he was president that the constitution should not be changed to restructure Nigeria into a true federation. His successors – Umaru Yar'Adua, Goodluck Jonathan and Muhammadu Buhari – all rebuffed calls to restructure Nigeria. Buhari rejected efforts by the ruling All Progressives Congress to revisit the restructuring of the country through a party committee. "we also appeal to the powers that be now, to our President, Bola (Ahmed) Tinubu, that the time for us to restructure this country is now," Olanipekun said. Tinubu, once an apostle of restructuring, has turned around 360 degrees on restructuring since he assumed the presidency in May 2023.

Strangely, they (past presidents) all see the light to restructure after leaving office. This is self-serving. Without restructuring, the current despair will not end. Currently, the states are beggarly. Without the monthly revenue sharing, only Lagos, Ogun, Rivers, Kaduna, Kwara, Oyo and Edo were viable in 2022, an Economic Confidential report stated. To secure their domains, they sheepishly run to Abuja. True federalism is the answer to all this. As it is, inflation is at a 21-year high at 28.92 per cent. Unemployment is 33.3 per cent. The naira has collapsed, exchanging at around N1, 500 to \$1. Under Buhari (2015-2023), 63,111 died in violence. In the Tinubu era, 5,130 were massacred, including the attacks on three LGAs in Plateau State, during the Christmas period, an International Centre for Investigative Reporting report stated. The Federal Capital Territory, Ekiti State, Kwara State, and the Lagos-Ibadan Expressway have all recorded fresh security breaches. Olanipekun said, "Joblessness, bad economy, frustration, man's inhumanity to man, awkward federation that we described as federalism, we are running a unitary government...."

Before he was inaugurated, Nobel laureate, Wole Soyinka, had advised Tinubu to restructure Nigeria, "Otherwise, even your economic policies will fail, your infrastructure and transformation will fail. We will just go back threading the same old spur." This is a sound counsel.

Gani Adams, a political leader, said, "We cannot achieve much if our democracy is tied to the 1999 Constitution which we are using presently in Nigeria today. The 1979 and 1999 constitutions are tools the military imposed on us to preserve their atrocity." In the same vein, Agbakoba said, "The new constitution should include massive devolution of powers from the federal to state governments, strengthening of institutions that support democracy...."

Therefore, Tinubu should make restructuring the cornerstone of his administration. Otherwise, his legacy will be like that of his predecessors, who came, saw, and were defeated by the centrifugal forces.