



THE 8TH SENATE

FEDERAL REPUBLIC OF NIGERIA

COMMITTEE ON THE REVIEW OF THE 1999 CONSTITUTION

REPORT ON CONSTITUTION

ALTERATION BILLS

2017

JULY 2017

REPORT OF THE SENATE COMMITTEE ON THE REVIEW OF THE 1999 CONSTITUTION ON BILLS TO FURTHER ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999

1. Introduction

This Committee was constituted on Tuesday 22nd December 2015 and inaugurated on Tuesday 13th January 2016 – with a clear mandate to reprocess issues considered in the 7th Assembly that had gained national consensus and enjoyed huge good-will from the public. It was also tasked with the responsibility of aggregating the views of Nigerians on aspects of the Constitution that require alteration as well as the preparation of a draft constitution alteration bill. However, between the period of the Committee’s inauguration and now, several Constitution amendment bills were referred to it, most of which border on governance issues that have agitated the minds of Nigerians.

2. Committee Membership

1. Sen Ike Ekweremadu - Chairman
2. Sen. Ahmad Lawan - Member Steering Committee
3. Sen. Olusola Adeyeye - Member Steering Committee
4. Sen. Balla Ibn Na’Allah - Member Steering Committee
5. Sen. Godswill O. Akpabio - Member Steering Committee
6. Sen. George Akume - Member Steering Committee

7.	Sen. Eyinnaya H. Abaribe	-	Member Steering Committee
8.	Sen. Francis A. Alimikhena	-	Committee Member
9.	Sen. Emmanuel Bwacha	-	“
10.	Sen. Mohammed A. Ndume	-	“
11.	Sen. Philip T. Aduda	-	“
12.	Sen. Biodun C. Olujimi	-	“
13.	Sen. James E. Manager	-	“
14.	Sen. Mohammed D. Goje	-	“
15.	Sen. Oluremi Tinubu	-	“
16.	Sen. Mohammed S. Lafiagi	-	“
17.	Sen. Bukar Abba Ibrahim	-	“
18.	Sen. Joshua C. Dariye	-	“
19.	Sen. Rufa’I S. Ahmed	-	“
20.	Sen. Joshua Lidani	-	“
21.	Sen. Abdullahi Adamu	-	“
22.	Sen. Abu Ibrahim	-	“
23.	Sen. Kabiru I. Gaya	-	“
24.	Sen. Hope Uzodinma	-	“
25.	Sen. George Thompson Sekibo	-	“
26.	Sen. Binta Masi Garba	-	“
27.	Sen. Andy Uba	-	“
28.	Sen. Suleiman M. Nazif	-	“
29.	Sen. Emmanuel Paulker	-	“
30.	Sen. Mohammed A. Aliero	-	“
31.	Sen. John O. Enoch	-	“
32.	Sen. Sunny O. Ogbuoji	-	“
33.	Sen. Gilbert E. Nnaji	-	“

34.	Sen. Abdullahi Gumel	-	“
35.	Sen. Shehu Sani	-	“
36.	Sen. Dino Melaye	-	“
37.	Sen. Olugbenga B. Ashafa	-	“
38.	Sen. David Umaru	-	“
39.	Sen. Joseph D. Gbolahan	-	“
40.	Sen. Robert A. Boroffice	-	“
41.	Sen. Monsurat J. Sunmonu	-	“
42.	Sen. Ibrahim Gobir	-	“
43.	Sen. Oduah A. Stella	-	“
44.	Sen. Aliyu M. Wamakko	-	“
45.	Sen. Jeremiah T. Useni	-	“
46.	Sen. Bayero N. Usman	-	“
47.	Sen. Ben Murray Bruce	-	“
48.	Sen. Rose O. Oko	-	“
49.	Sen. Fatimat O. Raji-Rasaki	-	“
50.	Sen. Misau Isa Hamma	-	“
51.	Sen. Abdullahi Aliyu Sabi	-	“

3. Legislative Action

The Constitution review process has so far been driven by the principles of inclusiveness, popular participation, and transparency with national interest as the lodestar, even as expert opinions were not ignored. In its deliberations on amendment proposals, comments from stakeholders and strategic partners, reports of experts, feedbacks on the bills referred to it, the Committee was constraint to assess not only the popularity of the

proposals, but also their value and workability in the context of Nigeria. Of course, citizen's views have been carefully integrated into every recommendation. It must be underlined however that these views were appraised in the context of their compatibility with the Constitution as well as with democratic principles and national unity in general. Similarly, the committee observed that while some of the bills referred to it were not comprehensive enough but rife with ambiguities, some do not promote the spirit of separation of powers in a Presidential system of Government, while some of the issues raised are better treated as conventions than codified in the Constitution. Such issues were subsequently abandoned.

Furthermore, the Committee held a retreat from 16th to 19th June 2016 that brought together federal and state legislators, experts, and civil society organisations to deliberate on key constitutional issues and come up with concrete constitution amendment proposals for the 8th Senate. The retreat was a valuable strategizing experience sharing as well as a learning event. It built on the discussions and outcomes of the 7th Senate's constitution amendment exercise, discussed new developments, challenges and how to address them in relation to the 8th senate's strategic and operational priorities with regards to constitution amendment.

You will recall that the Committee presented an interim report in December 2016 and promised to make a full report after further consultations and strategy meetings with the House of Representatives. Thereafter, the bills referred were consolidated and disaggregated drawing from lessons learnt in the botched 7th Assembly Constitution Review Process. Thus, the committee consolidated and clustered amendment proposals into appropriate thematic and sectional heads. While some amendment proposals were incorporated into existing Senate Bills, others were grouped thematically. Additionally, some amendments that could not fit into any of the above classifications were produced as stand-alone bills.

These clusters are given different short titles such as Fourth Alteration Bill No. 1,2,3, etc. The reason for this is to ensure that the rejection of section(s) dealing with an issue does not affect other sections dealing with different unconnected issues. This is to forestall the unfortunate experience of the 7th Assembly's Constitution Alteration process, which after satisfying the provisions of section 9 of the Constitution was not assented to by the president.

Subsequently, the committee held a joint working retreat with the House of Representatives Committee on the Review of the 1999 Constitution as well as Speakers and representatives of State Houses of Assembly on 14th and 15th July 2017. The aim of the joint working retreat was to review and validate amendment proposals contained in the Draft

Constitution Amendment Bills drawn by a team of experts. This report therefore highlights clauses in the draft alteration bills recommended for adoption by the joint committee of the Senate and House of Representatives.

4. RECOMMENDATIONS

In the light of the foregoing and in line with the wishes of the people, the need to strengthen institutions of government for greater efficiency and to deliver the common good of State, the Committee hereby recommend 27 bills for consideration and passage by the Senate. Below are the highlights of the bills which are all attached to this report –

- 1. Constitution of the Federal Republic of Nigeria, (Fourth Alteration) Bill, No. 1, 2017** (Composition of Members of the Council of State) – *This bill seeks to amend the Third Schedule to include former Presidents of the Senate and Speakers of the House of Representatives in the composition of the Council of State.*
- 2. Constitution of the Federal Republic of Nigeria, (Fourth Alteration) Bill, No. 2, 2017** (Authorisation of Expenditure) – *seeks to alter sections 82 and 122 of the Constitution to reduce the period within which the President or Governor of a state may authorise the withdrawal of monies from the consolidated revenue fund in the absence of an appropriation act from 6 months to 3 months.*

3. **Constitution of the Federal Republic of Nigeria, (Fourth Alteration) Bill, No. 3, 2017** (Devolution of Powers) - *This seeks to alter the Second Schedule, Part I & II to move certain items to the Concurrent Legislative List to give more legislative powers to States. It also delineates the extent to which the federal legislature and state assemblies can legislate on the items that have been moved to the Concurrent Legislative List.*
4. **Constitution of the Federal Republic of Nigeria, (Fourth Alteration) Bill, No. 4, 2017** (Financial Autonomy of State Legislatures) - *This alteration seeks to provide for the funding of the Houses of Assembly of States directly from the Consolidated Revenue Fund of the State.*
5. **Constitution of the Federal Republic of Nigeria, (Fourth Alteration) Bill, No. 5, 2017** (Distributable Pool Account) - *This Bill seeks to alter section 162 of the Constitution to abrogate the State Joint Local Government Accounts and empower each Local Government Council to maintain its own special account into which all allocations due to the Local Government Council shall be directly paid from the Federation Account and from the Government of the State and also to make provisions for savings in the Federation Account before distribution to other levels of Government.*
6. **Constitution of the Federal Republic of Nigeria, (Fourth Alteration) Bill, No. 6, 2017** (Local Government) - *The alterations here are aimed at strengthening local government administration in Nigeria by guaranteeing the democratic existence, funding, and tenure of local government councils.*
7. **Constitution of the Federal Republic of Nigeria, (Fourth Alteration) Bill, No. 7, 2017** (State Creation and boundary Adjustment) - *This*

essentially seeks to alter section 8 of the Constitution to ensure that only democratically elected local government councils participate in the process of State creation and boundary adjustment. It also removed ambiguities in the extant provisions to enhance clarity with respect to the procedure for state creation.

- 8. Constitution of the Federal Republic of Nigeria, (Fourth Alteration) Bill, No. 8, 2017** (The Legislature) - *This alteration seeks among other things to alter sections 4, 51, 67, 68, 93 and 109 of the Constitution to provide immunity for members of the legislature in respect of words spoken or written at plenary sessions or at Committee proceedings; institutionalize legislative bureaucracy in the Constitution like the Civil Service Commission in the executive and the Judicial Service Commission in the judiciary; and, obligate the President to attend a joint meeting of the National Assembly once a year to deliver a state of the nation address.*
- 9. Constitution of the Federal Republic of Nigeria, (Fourth Alteration) Bill, No. 9, 2017** (Political Parties and Electoral Matters) – *This seeks to alter section 134 & 179 to provide sufficient time for INEC to conduct bye-elections; and section 225 to empower the Independent National Electoral Commission (INEC) to de-register political parties for non-fulfillment of certain conditions such as breach of registration requirements and failure to secure/win either a Presidential, Governorship, Local Government chairmanship or a seat in the National or State Assembly or a Councillorship.*
- 10 Constitution of the Federal Republic of Nigeria, (Fourth Alteration) Bill, No. 10, 2017** (Presidential Assent) – *This seeks to alter sections 58, 59 and 100 to resolve the impasse where the President or Governor*

neglects to signify his/her assent to a bill from the National Assembly or withhold such assent. This is to enable timely passage of laws for good governance.

11 Constitution of the Federal Republic of Nigeria, (Fourth Alteration) Bill, No. 11, 2017 (Timeframe for submitting the Names Ministerial or Commissioners Nominees) - *This Bill seeks to alter the Constitution of the Federal Republic of Nigeria, 1999 to set a timeframe within which the President or a Governor shall forward to the Senate or State House of Assembly names of nominees for confirmation as Ministers or Commissioners; provide for attachment of portfolio and thirty-five percent affirmative action for women.*

12 Constitution of the Federal Republic of Nigeria, (Fourth Alteration) Bill, No. 12, 2017 (Appointment of Minister from the FCT) - *The Bill seeks to alter section 147 of the Constitution of the Federal Republic of Nigeria, 1999 to provide for the appointment of a Minister from the FCT, Abuja to ensure that the FCT is represented in the Executive Council of the Federation.*

13 Constitution of the Federal Republic of Nigeria, (Fourth Alteration) Bill, No. 13, 2017 (Change of Names of some Local Government Councils) - *This Bill seeks to alter the Constitution to provide for change in the names of some Local Government Councils and the definition of the boundary of the FCT, Abuja.*

14 Constitution of the Federal Republic of Nigeria, (Fourth Alteration) Bill, No. 14, 2017 (Independent Candidature) – *This seeks to alter sections 65, 106, 131, and 177 of the Constitution. This is aimed at expanding the political space and broadening the options for the electorate by allowing for independent candidacy in all elections.*

- 15 Constitution of the Federal Republic of Nigeria, (Fourth Alteration) Bill, No. 15, 2017** (The Police) - *This Bill seeks to alter the Constitution in sections 34, 35, 39, 214, 215, 216 and the Third Schedule to change the name of the Police from “Nigeria Police Force” to “Nigeria Police” in order to reflect their core mandate.*
- 16 Constitution of the Federal Republic of Nigeria, (Fourth Alteration) Bill, No. 16, 2017** (Restriction of Tenure of the President and Governor) - *This Bill seeks to restrict a person who was sworn-in as President or Governor to complete the term of the elected President from contesting for the same office for more than one term.*
- 17 Constitution of the Federal Republic of Nigeria, (Fourth Alteration) Bill, No. 17, 2017** (Separation of the Office of Accountant-General) - *This Bill seeks to alter section 84 of the Constitution to establish the office of the Accountant-General of the Federal Government separate from office of the Accountant-General of the Federation.*
- 18 Constitution of the Federal Republic of Nigeria, (Fourth Alteration) Bill, No. 18, 2017** (Office of the Auditor-General) - *This Bill seeks to make the office of the Auditor-General for the Federation and for the State financially independent by placing them on first-line charges in the Consolidated Revenue funds of the Federation and of the States.*
- 19 Constitution of the Federal Republic of Nigeria, (Fourth Alteration) Bill, No. 19, 2017** (Separation of the office of the Attorney-General of the Federation and of the State from the office of the Minister or Commissioner for Justice) - *This Bill seeks to alter sections 150, 174, 195, 211, 318 and the Third Schedule to the Constitution to separate the office of the Minister or Commissioner for Justice from that of the Attorney-General of the Federation and of states so as to create an*

independent office of the Attorney-General of the Federation insulated from partisanship. It also seeks to redefine the role of the Attorney-General, provide a fixed tenure, provide the age and qualification for appointment and also for a more stringent process for the removal of the Attorney General.

20 Constitution of the Federal Republic of Nigeria, (Fourth Alteration)

Bill, No. 20, 2017 (Judiciary) – *This bill contains a vast array of alterations with regards to the Judiciary such as the composition of the National Judicial Council, and empowering Justices of the Supreme Court and Court of Appeal to hear certain applications in chambers thereby enhancing the speedy dispensation of justice.*

21 Constitution of the Federal Republic of Nigeria, (Fourth Alteration)

Bill, No. 21, 2017 (Determination of Pre-Election Matters) - *This Bill seeks to among other things make provisions for timelines for the determination of pre-election disputes.*

22 Constitution of the Federal Republic of Nigeria, (Fourth Alteration)

Bill, No. 22, 2017 (Civil Defence) - *This Bill seeks to reflect the establishment and core functions of the Nigeria Security and Civil Defence Corps. It is a consequential amendment because of the inclusion of the national security and civil defence as an item in the Exclusive Legislative List under the Second Schedule to the Constitution.*

23 Constitution of the Federal Republic of Nigeria, (Fourth Alteration)

Bill, No. 23, 2017 (Citizenship and Indigeneship) - *This Bills seeks to alter section 25 of the Constitution to guarantee a married woman's right to choosing either her indigeneship by birth or by marriage for the purposes of appointment or election.*

24 Constitution of the Federal Republic of Nigeria, (Fourth Alteration) Bill, No. 24, 2017 (Procedure for overriding Presidential veto in Constitutional Alteration) - *This Bill seeks to among other things provide the procedure for passing a Constitution Alteration Bill where the President withholds assent.*

25 Constitution of the Federal Republic of Nigeria, (Fourth Alteration) Bill, No. 25, 2017 (Removal of certain Acts from the Constitution) - *This Bill seeks to alter section 315 of the Constitution of the Federal Republic of Nigeria, 1999 to remove the law-making powers of the Executive Arm of Government and delete the National Youth Service Corps Decree, the Public Complaints Commission Act, the National Security Agencies Act and the Land Use Act from the Constitution, so that they can be subject to regular process of amendment.*

26 Constitution of the Federal Republic of Nigeria, (Fourth Alteration) Bill, No. 26, 2017 (Investments and Securities Tribunal) – *This bill seeks to establish the Investments and Securities Tribunal under the Constitution.*

27 Constitution of the Federal Republic of Nigeria, (Fourth Alteration) Bill, No. 27, 2017 (Reduction of Age Qualification) - *This Bill seeks to alter the Sections 65, 106, 131, 177 of the Constitution to reduce the age qualification for the offices of the President and Governor and membership of the Senate, House of Representatives, and the State Houses of Assembly.*

28 Constitution of the Federal Republic of Nigeria, (Fourth Alteration) Bill, No. 28, 2017 (Authorisation of Expenditure 1) – *This Bill seeks to provide for the time within which the President or Governor shall lay the Appropriation Bill before the National Assembly or House of*

Assembly to encourage the early presentation and passage of Appropriation Bills.

- 29 Constitution of the Federal Republic of Nigeria, (Fourth Alteration) Bill, No. 29, 2017** (Deletion of the NYSC Decree from the Constitution) – *The Bill seeks to alter the Constitution of the Federal Republic of Nigeria, 1999 to delete the National Youth Service Corps Decree from the Constitution so that it can be subject to the regular process of amendment.*
- 30 Constitution of the Federal Republic of Nigeria, (Fourth Alteration) Bill, No. 30, 2017** (Deletion of the Public Complaints Commission Act from the Constitution) - *The Bill seeks to alter the Constitution of the Federal Republic of Nigeria, 1999 to delete the Public Complaints Commission Act from the Constitution so that it can be subject to the regular process of amendment.*
- 31 Constitution of the Federal Republic of Nigeria, (Fourth Alteration) Bill, No. 31, 2017** (Deletion of the National Securities Act from the Constitution) - *The Bill seeks to alter the Constitution of the Federal Republic of Nigeria, 1999 to delete the National Securities Act from the Constitution so that it can be subject to the regular process of amendment.*
- 32 Constitution of the Federal Republic of Nigeria, (Fourth Alteration) Bill, No. 32, 2017** (Deletion of the Land Use Act from the Constitution) - *The Bill seeks to alter the Constitution of the Federal Republic of Nigeria, 1999 to delete the Land Use Act from the Constitution so that it can be subject to the regular process of amendment.*

5. CONCLUSION

We thank the leadership of the Senate for constituting the Committee, and our colleagues for their constructive engagement with the committee and ensuring the active participation of their constituents throughout the process.

At this stage, we also urge you to reach out to your respective House of Assembly members whom section 9 of the Constitution have made critical and distinctive partners of this process, to enlist their support in the passage of these bills. We believe that this is another milestone in the quest of repositioning our fundamental legal framework for public good.

Thank you.

Senator Ike Ekweremadu, CFR
DSP/Chairman of the Committee

Dr. Innocent Mebiri
Clerk of the Committee