



INITIATIVE FOR RESEARCH,
INNOVATION AND ADVOCACY
IN DEVELOPMENT



IRIAD MEMORANDUM ON CONSTITUTIONAL REVIEW

NATIONAL
PUBLIC HEARING
03-04
JUNE 2021



IRIAD MEMORANDUM ON CONSTITUTIONAL REVIEW WITH STUDENTS AND CORPERS

Outline

- Introduction
- Methodology
- Key Findings
 - Increased Representation of Women
 - Electoral Reform
 - Executive Immunity
 - Residency and Indigeneship
 - State Creation
 - State Policing
 - Local Government Autonomy
 - Federal Structure/Power Devolution
 - Fiscal Federalism
 - Miscellaneous
- Conclusion
- Annex A: List of Institutions Visited
- Annex B: List of Respondents
- Annex C: Gallery

About IRIAD

The Initiative for Research, Innovation and Advocacy in Development (IRIAD) is a multidisciplinary strategic think-tank focusing on developing critical understanding of governance processes and regimes from knowledge building and sharing, as well as impact advocacy. Our mission is to strengthen governance and accountability in Nigeria through knowledge production, innovation and impact advocacy. Our vision is to be a knowledge and innovation centre for ethical governance and just development.

Our core values are knowledge-exchange, inclusion, justice, equity, transparency and accountability.

Contact

IRIAD

Knowledge + Innovation + Inclusion

8A Remilekun Street, Kukwaba, Abuja, Nigeria

Phone: +234 8077222801 and +234 9092068680;

Email: iriadev2020@gmail.com and comms@iriad.org

Social Media Channels

Twitter/Instagram/Facebook: @iriadev

Website: <https://iriad.org>

Introduction

The ongoing constitutional review is an initiative by the National Assembly to highlight salient parts of the 1999 Constitution of Nigeria that require attention, with a view to amending them. In order to facilitate the inclusion of youth voices in this process, the Initiative for Research, Innovation and Advocacy in Development (IRIAD) interviewed primary and secondary school students, university students, and youth corpsers. The interviews were used to gather and collate the views and opinions of youth on the areas they believe require amendment in the Constitution. These opinions are hereby presented in this memorandum.

Methodology

The main method used for this exercise was collection of primary data through interviews. Members of IRIAD went out in groups of two to four to visit various primary and secondary schools, universities, and National Youth Service Corps (NYSC) Secretariats in the Federal Capital Territory (FCT), including those in the Abuja Municipal Area Council (AMAC), Bwari, Gwagwalada, and Kuje. During these visits, we interviewed primary and secondary school students, university students, and youth corpsers in order to get their opinions on the areas they believe require amendment in the Constitution. We started by explaining what the Constitution is, before explaining the current constitutional review and amendment process. We observed that while most of the interviewees had knowledge of the former, many did not know about the latter. Thus, we were able to enlighten them on the ongoing constitutional review before proceeding to ask them questions.

In terms of the type of questions, we asked both open questions about what they would like to see included in the Constitution, as well as leading questions about specific issues

in the Constitution such as women's participation, electoral reform, executive immunity, residency/indigeneship, state creation, state policing, and local government autonomy, among others. The individual responses to these questions were then analysed and grouped according to thematic area.

We interviewed a total of 155 students and corporers (72 females and 83 males) in one primary school, 22 secondary schools, one university, and four NYSC Secretariats in the FCT. The age range of our interviewees was 9-29.

We asked the consent of the participants before taking pictures, videos, or audio recordings of the interviews. Where the interview required entering inside a school, we also sought the consent of the appropriate authorities (the Principal or Vice-Principal).

In addition to the interviews, we called for students and corporers to send their contributions to us by email. This allowed to extend our reach beyond the FCT to some extent. We received three responses from students in Ondo, Zamfara, and Plateau States, making a total of 158 responses. However, the details of interviewees are not included in this Memo to respect confidentiality of interviewees and maintain ethics of research.

Key Findings

The main issues that emerged from our engagement with young people were: increased representation of women, electoral reform, executive immunity, residency/indigeneship, state creation, state policing, and local government autonomy. Other minor issues were power devolution, fiscal federalism, education, and other miscellaneous issues.

1. Increased Representation of Women

The overwhelming majority of our respondents believed that there should be more women in governance (only eight disagreed). The most commonly cited reasons for this

belief were that women possess the ability and capacity to govern, they can bring about a change in the country, and they can promote issues that are specific to women. Other reasons were that:

- women are thoughtful, industrious and diligent.
- there are countries with female leaders who are doing well.
- women would bring about policies that are inclusive.
- it would lead to gender balance in governance and balanced decision-making.
- it would set a good example for younger girls.
- it would introduce a fresh perspective to national issues.
- it would help demystify the myth that women are weaker vessels.
- it is in line with the ideas of modernisation and gender equality.

However, there was some divergence over how this increased representation can be achieved. The most common method suggested was to create additional special seats for women in parliament, although one respondent pointed out that these special seats should only be used in the meantime to improve women's representation – it should not last forever. Other suggested methods included:

- there should be a twinning principle whereby if the position of President is occupied by a man, then a woman should be the Vice-President, and if the position of Governor is occupied by a man, then a woman should be the Deputy Governor.
- political parties should support women and push them into the National Assembly.
- women should be encouraged/groomed to join politics just like the men.
- the Constitution should have provisions prohibiting discrimination against any woman contesting for political office.
- some ministerial appointments should be given to women alone.

Interestingly, one of our respondents also noted that putting women in power does not really bring about gender equality because the men who are in power can still convince the women to join their side and corruption will still in within government. From this

statement, we can deduce that bringing women into power is a necessary step, but it is not sufficient to bring about gender equality. The women in power must also be those who are keen to bring about change.

2. Electoral Reform

Another common theme that stood out was on the issue of electoral reform and, in particular, electronic voting. Our respondents advocated for the adoption of electronic voting for different reasons, including that:

- it would reduce electoral malpractices such as ballot box snatching, voting rigging, bribery, thuggery, and electoral violence.
- it is in line with the ideas of modernisation and digitalisation.
- it would prevent overcrowding on election day, which is particularly important due to COVID-19.
- it would make the declaration of election results faster and more transparent, thereby stopping politicians from manipulating election results.
- it would make the voting process faster and less stressful.
- it would boost public trust in the electoral process.
- it would increase voter turnout on election day, particularly among the youth.

However, some respondents made it clear that certain conditions would need to be put in place for electronic voting to work effectively. One of such conditions is that the process must be secure and transparent to the public. Another is that the data must be inaccessible to anyone but the INEC Chairman. Another is that the people and electoral officials must be honest and willing to do the right thing. They opined that if these conditions are not put in place, there would be no difference between electronic voting and manual voting.

On the other hand, a minority of respondents were against electronic voting, because they believed it would further complicate the electoral process and provide new room for manipulation of election results. There was also the view that electronic voting would not be feasible as in Nigeria we do not have the necessary system and facilities,

and a lot of Nigerians also lack the technological know-how to vote electronically. As a way to mitigate this problem, a few respondents suggested having both manual voting and electronic voting so that people would have a choice.

Another common issue brought up by eight respondents was that electoral offenders should be punished for their offences. One respondent specifically suggested life imprisonment for those who buy and sell votes, given that it is an offence that affects the future of many citizens in the country.

Other suggested amendments regarding electoral reform were:

- the INEC Chairman should not be appointed by the Federal Government as this would lead to favouritism.
- local government elections should be conducted by INEC, and this should be done at the same time as national and state elections.
- any politician involved in electoral malpractices should be disqualified automatically.
- young people should be included in governance. In order to achieve this, two respondents suggested that anyone over 60 years should not be allowed to run for political office, while another suggested that the limit should be 65.
- four respondents suggested a reduction in the voting age, with three of them specifying that the age be reduced to 16.
- Nigerians in the diaspora should be allowed to vote if they want to.

3. Executive Immunity

There was a wide consensus that executive immunity should be removed in *prima facie* criminal cases. Our respondents believed it should be removed because:

- it promotes anarchy.
- it is unfair for members of the executive to be exempted from their crimes while in office.
- it enhances corruption and impunity.

- it would help keep leaders in check and make them understand that they are not above the law.
- it is in line with the principle that everyone is equal before the law.
- it would lead to greater accountability, ensuring that those who commit crimes, including our leaders, face the consequences of their actions.
- it would serve as a deterrent to future officials, thereby raising a breed of more responsible leaders.
- it would boost public trust in government institutions.

A minority of respondents believed that executive immunity should remain. One respondent adopted this view because members of the executive are humans and no one is perfect. Another respondent stated that there would be instability in the country if members of the executive are arrested. For one respondent, the importance of the office that the people hold justifies the retention of immunity.

A more nuanced view was provided by one respondent, who argued that there should be executive immunity for the President but not the Governor, because the President has important responsibilities.

There was also the view expressed by two respondents that while immunity should remain, those members of the executive who commit crimes should be impeached.

4. Residency and Indigeneship

Most of our respondents who expressed views on this issue believed that the criterion for running for office and accessing certain benefits should be residency rather than indigeneship. Three respondents pointed out that those who have lived in an area for a certain period of time can better identify the challenges of the state and the areas where they need help. Another respondent argued that if the criterion is residency rather than indigeneship, it would help to control the discrimination on the basis of tribe which is prevalent in Nigeria. However, one of our respondents noted that the issue must be handled with care because allowing a non-indigene to rule in a state could bring about tribal wars.

A more nuanced view was provided by some respondents who believed while the criterion should be indigeneship, residency should contribute to whether one is regarded as an indigene or not. In this light, three respondents suggested that when a person has lived in a place for over ten years, he or she can be an indigene and can contest for elections or otherwise participate in the affairs of that state. Two other respondents suggested that when a person has lived in a place for over fifteen years, he or she can be an indigene of that place. There was also a view that the person should have paid their taxes in that state for a certain number of years for them to be regarded as indigenes.

Only one respondent believed that the criterion should be solely indigeneship, as non-indigenes would not know the culture of the state and how it has developed.

5. State Creation

Of those that expressed views on this issue, only a few suggested that more states should be created, particularly from those that are already large in size and have multiple tribes. The reasons for supporting the creation of more states were that it would bring about development in villages, it would stop tribal wars, and it would create job opportunities.

However, most of our respondents were of the view that more states should not be created because:

- it would increase the cost of governance.
- it would further divide the nation and lead to disunity.
- the existing states are not being catered for.
- it would lead to a waste of resources and promote more embezzlement.
- there are too many states already and some of them cannot stand on their own without help from the federal government.
- it would bring about an unending clamour for state creation.

In lieu of creating more states, these respondents suggested increasing the effectiveness and efficiency of the existing states, as well as providing them with enough funding and amenities. Two respondents suggested reducing the number of states altogether.

6. State Policing

The vast majority of those who spoke about state policing were in support of it for the following reasons:

- it would lead to better efficiency and promote security within states.
- it would reduce crime rate and end insecurity.
- it would reduce language barriers in policing.
- it would make promoting security easier because the police would be more familiar with the happenings in their individual states than the federal government which is too busy handling other affairs.
- it would make state governors more involved in security issues and also prompt them to take the issues of their state security more seriously.
- it would bring about job opportunities in the state.
- it would reduce corruption within the police force.

One respondent however pointed out that there must be control mechanisms to prevent the state police from abusing power.

On the other hand, a minority of respondents were against state policing because they believed states do not have the required capacity to handle security, it would make things more complex, it would increase the cost of running the affairs of the country, and it provide more room for increased corruption as well as the manipulation of elections and electoral processes by politicians.

One respondent suggested that instead of establishing state police, the current federal police should be reformed. Another respondent proposed some of these reforms: the funding and capacity of the federal police should be increased, and more police officers should be recruited.

7. Local Government Autonomy

The opinions expressed on local government autonomy were almost equal. Five respondents were in support of increasing local government autonomy, while six were against it. Those who advocated for increased local government autonomy did so on the grounds that it would make local government leaders accountable and responsible for their actions. Two respondents specifically mentioned that statutory allocations should be sent directly to the local governments from the federal government without passing through the state governments.

However, those against giving local government more autonomy believed that more autonomy would lead to corruption and abuse of power.

8. Federal Structure/Power Devolution

Only two respondents expressed views on power devolution, and they both agreed that more power should be given to the states, as there is currently too much power in the centre.

9. Fiscal Federalism

Only a few respondents expressed views on fiscal federalism. Two of our respondents opined that states should have a larger share of the revenue generated from their jurisdiction, as this would aid their development. One respondent suggested that states should be able to generate their own revenue instead of relying on federal government allocations, while another conversely suggested an increase in federal allocation to states. However, there was a respondent who was against more allocation of resources to the states, as he felt that it would be easy for them to misuse these resources.

10. Other Issues (these promotes national unity and good governance)

Our respondents also had the opportunity to make their own suggestions on areas they would like to see included in the Constitution. One theme that came out strongly was the theme of education. The following were their suggestions:

- Free primary and secondary education should be provided by the government in order to improve the level of literacy in Nigeria.
- School fees across the country should be reduced.
- School buses should be free.
- Education should be taken to the streets.
- The education sector should be reformed. Teachers and lecturers should be re-oriented, as to teach the students real life issues like leadership, organisational, and corruption-free behaviours.
- There should be life skills education in lieu of formal education.

Other miscellaneous suggestions are as follows:

- One respondent opined that the federal character principle should be replaced with meritocracy so that more competent people would occupy public and private positions, thereby aiding development. However, another opined that no region should dominate political appointments, and majority and minority ethnic groups should be given appointments equally. On this same issue, another respondent called for an amendment that would strengthen existing institutions like the Federal Character Commission for it to deliver on its mandate.
- The salaries and other allowances of public office holders must be drastically reduced, so that the finance can be used to develop the country and the middle classes.

- There should be continuity in governance, whereby every new government continues from where the old one stopped, instead of abandoning project and start new ones which eventually that they will not finish before they leave office.
- The right to freedom of speech as stated in the Constitution should be enforced.
- In light of the discussions about regulating social media, one respondent suggested that the right to use social media should be stated in the Constitution.
- One respondent suggested that the timeline for the passing of the Appropriation Bill should not be more than six months, while another suggested that it should not be more than one year.
- The regulation of the prices of basic goods should be constant and provided for in the Constitution.
- Person income tax should be reduced.
- One respondent opined that NYSC should be scrapped, while another stated that it should not be scrapped but corps members should not be taken to another region to serve due to the high level of insecurity in the country.
- Military and paramilitary agencies should be reformed to ensure efficient operations and reduce harassment and malpractices.
- In order to reduce corruption in the country, the punishment for giving or taking bribe should be life imprisonment.
- Five respondents opined that the penalty for rape should be death.

Conclusion

Our extensive engagement with students and corporers demonstrates strongly that the youth have an interest in the governance of the country, and their opinions must be taken seriously. While there are nuanced views and opinions on the constitutional issues, the following are the major areas on which there was some level of consensus across our respondents:

- There should be more women in governance. This gives support to the creation of additional special seats for women to boost their representation in parliament.
- Electoral offenders should be punished for their offences. This gives impetus to the establishment of a National Electoral Offences Commission charged with the responsibility of investigating, arresting, and prosecuting electoral offenders.
- Electronic voting should be adopted.
- Executive immunity should be removed in *prima facie* criminal cases. This calls for an amendment of section 308 of the Constitution to allow criminal proceedings to be brought against members of the Executive.
- The criterion for contesting elections and accessing certain benefits in a state should be residency rather than indigeneship.
- State policing should be established. This calls for an amendment of section 214 of the Constitution to provide for state policing.
- There should be free education for all. This calls for an amendment to make the right to education contained in section 18 of the Constitution justiciable.



**INITIATIVE FOR RESEARCH,
INNOVATION AND ADVOCACY
IN DEVELOPMENT**



IRIAD

Knowledge + Innovation + Inclusion

8A Remilekun Street, Kukwaba, Abuja, Nigeria
Email: iriadev2020@gmail.com, comms@iriad.org

Phone: +234 912 155 1337