

By Bukar Usman

The 1999 Constitution of the Federal Republic of Nigeria (as amended) has provisions for the necessary steps that must be taken and adhered to in amending any of its provisions. Similar provisions were made in the previous constitutions of Nigeria. The procedures for changing or altering the constitution are complex and cumbersome. The framers of the constitution deliberately made it so to discourage frivolities and unwarranted tinkering with the constitution so as to preserve the unity of Nigeria.

The call for the restructuring of Nigeria which in essence is a call for partial or wholesale review of the current 1999 Constitution should be treated under those provisions. It is the perceived difficulties in compliance with those provisions that tend to make some people want to circumvent the process by condemning the existing constitution altogether as a product of a non-democratic process. Some of these people are even calling for a new one that would emerge through what they perceive as the "democratic process."

There is no doubt that the restructure advocates are few and localised to some sections of the country. However, many of them are respected and influential in the society. Some of them have held public offices. Others are still serving. Some never held public office. There are also notorious armchair critics and non-conformists among them. Some of the advocates are also fairly well off in the society. They cannot therefore be accused of acting on selfish grounds or for material gains. But it is quite apparent that they are out to promote, in the main, sectional interests and agenda that could erode the pillars of our national unity. Some of them promote their views with all the force at their disposal. Others threaten to unleash unimaginable calamity on the nation if their largely narrow and untenable wishes are not granted within a given time, ignoring the undeniable fact that nation-building is a continuous project.

However, there are those who joined the bandwagon in calling for restructuring without knowing the full import of what the concept and content of restructuring entails. This reminds one of the episode under the Gowon administration when some students took to the streets in demonstration, shouting, "Ali Must Go!" Non students joined them innocently, echoing "Ali Must Go!" without knowing what the students were protesting against.

Viewed closely, the restructure advocates essentially anchor their arguments on certain misgivings and perceptions in form and style of governance. They perceive intolerable imbalance in the federal structure, as currently constituted; imbalance in appointments and imbalance in the distribution of resources. They equally perceive the system of governance in practice as unitary, contrary to their yearnings for federalism.

The question is, what are the likely solutions to the myriads of perceptions and arguments for restructuring Nigeria?

Some of the advocates of restructuring propose a return to the 1963 Constitution. They justify this by arguing that it was the only constitution in the nation's history that was freely negotiated by our revered civilian political leaders. The three

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initial Regions and later four, created by that constitution, performed wonderfully as units of development under the political and administrative structure. Indeed, there is no doubt that the Regions recorded unmatched developments within the rather short time they were operative.

The restructuring advocates point out that all the subsequent constitutions were handed down by the military. They emphasize that the 1999 Constitution currently in operation was a product of the military and that it is a carryover of the unitary system of governance imposed by military-style governance. Hence they call for a re-enactment of "true federalism" and "true fiscal federalism", the like of the 1960s which left the Regions with sufficient resources to perform. They argue along this line of postulations contrary to the fact that the current 36 States of the federation get more money than the former Regions.

But what are the reasons that made Nigeria to jettison the regional arrangement of the 1960s, if it indeed worked satisfactorily?

Memories are short. Some people seem to forget that it was similar agitations like the current clamour to restructure that brought about the balkanisation of Nigeria into states, ostensibly to redress perceived imbalance that might jeopardise the existence of Nigeria as a country. Emerging from a hard-earned independence, the nationalists could not contemplate such a suicidal act and therefore sacrificed their individual ambitions to sustain the unity of the country.

In their anxiety to bury the ghost of regionalism permanently and to shun the revival of regionalism under any guise, they were not prepared to even tolerate the existence of the residual "common services" after the abolition of the regions. The regional assets were shared to the last kobo, sometimes after much acrimony among the successor states. Some promising regional industrial, commercial and financial undertakings of the likes of Industrial Investment and Credit Corporation (IICC), Eastern Nigeria Development Corporation (ENDC) and Northern Nigeria Development Corporation (NNDC), inherited by the successor states, were starved of funds and allowed to collapse or pale into insignificant entities.

Those who propose, for an experimental period, the creation of "Geo-economic Zonal Commissions," as a more practicable answer to the clamour for restructuring, need to revisit the circumstances of the demise of IICC, ENDC, NNDC, Oil Mineral Producing Areas Development Commission (OMPADEC) and similar institutions and also critically examine the performance of the Niger Delta Development Commission (NDDC). Likewise they should examine the performance of the River Basin Development Authorities. Of course, a new commission has recently been approved for the North-East. Its take-off and success in meeting the objectives of its establishment and the expectations of the people in its areas of operations may inform the nation better and encourage or discourage the establishment of such geo-economic



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commissions. But would the agitators patiently wait for such evaluation?

While it may be necessary to occasionally undertake a critical self-examination in nation-building, it is unrealistic to prescribe the structure of Nigeria of 1963 to Nigeria of today, let alone of the future. Definitely Nigeria has undergone a lot of irreversible metamorphosis from 1963 to date. The population size has increased. The proportion of the contribution of agricultural commodities to revenue of the component units has drastically changed. What remained relatively fixed is the Nigeria territory, less ceded Bakassi. Socio-cultural and political dynamics have inflicted permanent changes. The structure, systems and practices of that era cannot realistically be superimposed on the existing structure.

Perhaps, it is in realisation of the impracticality of returning to the 1963 structure and worried by the malfunction of the current state structure, that some of the advocates floated the idea of adoption of the current geopolitical zones as the federating units. This idea was canvassed and rejected in the course of the constitutional discussions prior to the promulgation of the 1999 Constitution. Another proposal is for a supra body of federation of some states within the federation. That is to group the states into several federal regional governments and empower the federated states to have representations overseas, just like it was when the regions had consular-generals. The workability of this proposal is suspect and should be rejected.

It may be recalled that Nigerians were jubilant and hailed the creation of their states. It is therefore,

inconceivable that the states as presently constituted would willingly give up their hard-earned freedom and again subordinate themselves to the former regional capitals. The ensuing struggle for a would-be capital of the proposed sub-federating units is another issue that must be anticipated. Can Nigeria afford more rounds of squabbles and expenses to site and build new capitals for the proposed sub-federating units?

Besides, much as there is serious concern about the economic viability and sustainability of the existing states, many interest groups still clamour for further balkanisation and creation of more states, no matter what. Hence, there is need for the two extreme groups - those calling for further balkanisation vs those demanding for sub-federating entities - to seriously reconcile their views.

Undoubtedly, serious questions have been raised by the demands for restructuring. Unfortunately, the answers are not easy to come by. The way forward, however, is not in a return to the bygone structures of the early 1960s. Such proposals remain mere nostalgia as the bygone structures of that era can't be re-enacted in their exact format today. The answer to the re-structuring question lies more in collective self-examination, in fundamental change of attitude, and in a public-spirited approach to public administration by the current operators of our constitution. Fortunately, there is a silver lining after the initial heated agitations. This is in the realisation that Nigeria as a whole is in better stead than the constituent parts standing alone and that solution to the questions raised should be sought within the context of maintaining Nigeria's sovereignty.

Nigeria, the largest black nation on earth, a creation of God and blessed with a lot of potentials, can be administered properly by a more ethical, transparent and accountable leadership at all levels. There is urgent need to uplift the living standard of the citizenry and this also calls for a more judicious use of our God-given resources.

While there is need to put in place measures that will ensure our current leaders exhibit the right attitude in the performance of their functions, the more urgent and fundamental need is to work out a way of inculcating and sustaining in the younger and future generations patriotic zeal that puts service and loyalty to country above selfish and parochial inclinations.

Given the required change in attitude, the 1999 Constitution is workable. Contrary to its condemnation by some critics, it is not the product of a single individual. It is a reflection of the totality of all the numerous efforts and experiences Nigeria gained and harnessed at constitution making since the amalgamation of the country in 1914. At least there were seven consecutive constitutions drawn up for the country prior to the 1999 constitution.

Many living Nigerians could testify that they participated in several constituent assemblies, the discussions of which preceded the promulgation of the different constitutions by the military, as a matter of formality.

The centre may well have turned out to be too powerful, hence the current call for devolution of powers and redistribution of resources. However, it cannot be denied that the powerful centre is the outcome of intense agitations by Nigerians of the 1960s that the regions were too powerful and imbalanced and should be balkanised. The agitations were heeded and implemented to grant self-determination to some communities and preserve the unity of Nigeria.

Nigeria needs to move forward. This is not possible with unending revisionism and the constant undermining of its constitutions and institutions. On this point, one cannot agree more with Mr. Simon Kolawole who perhaps out of exasperation remarked: "...We are unable to reach anything close to a national consensus on the way forward. Some just take the opposite direction out of ignorance, some out of mass hysteria, some for political reasons, some for cheap publicity, some out of hardened ideologies and some for no reason." (*Thisday*, November 12, 2017, P.88).

Certainly, the evils of corruption, greed, selfishness, impunity and mismanagement of public funds which have plagued the nation for years are not structurally induced. They arise mainly from human weakness and poor compliance with rules on regulations. It is not a structural matter that disposal of litigations in courts is prolonged in Nigeria relative to the swiftness with which similar cases are disposed of in courts in other countries. Electoral malpractices are not structurally induced. They are due to non observance of the rules. While one may not want to invoke the adage, "A bad workman blames his tools," it should be re-asserted that the solution to some of Nigeria's socio-economic and political problems greatly lies more in a much-needed change of attitude to governance by the operators than in restructuring of the country.

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