

ISSN 115 - 960X



Ilorin Journal of Business and Social Sciences

Volume 15, No 2

August, 2013

*Published by the Faculty of Business and Social Sciences
University of Ilorin, P.M.B. 1515, Ilorin, Nigeria.*

VOLUME 15, Number 2, August, 2013

PUBLISHED BY

THE FACULTY OF BUSINESS AND SOCIAL SCIENCES,
UNIVERSITY OF ILORIN,
P.M.B. 1515, ILORIN, NIGERIA.
E-mail: fbssjournal@gmail.com

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10. The Impact of Education and Gender on Personal Income
Tax Compliance in Kwara State
Salam, M.O., Aliu, O.A. and Abdulkadir, R.I..... 127-138
11. Re-thinking the 2005-2006 attempt at Reviewing the
Nigerian Constitution
Muhammad, A.A..... 139-151
12. African Union and the Promotion of Democratization in Africa:
Prospects and Challenges
Adebisi, O.M..... 153-170
13. The Planning Implications of Age at First Marriage in the
Traditional Urban Setting of Ilorin, Kwara State, Nigeria
Olorunfemi, J.F and Orire, I.O..... 171-180
14. Perceived Job Security Level and Commitment to Work in
Selected Banks, Southwestern Nigeria
Aluko, M.A.O., Aliyu, T.K., Alabi, A.M..... 181-193

RE – THINKING THE 2005 - 2006 ATTEMPT AT REVIEWING THE NIGERIAN CONSTITUTION

Abdulrasheed A. Muhammad
Department of Political Science
University of Ilorin
PMB 1515, Ilorin, Nigeria

Abstract

As an established body of rules from which other norms derive, the constitution represents the totality of fundamental rules which establish and regulate the whole system of government of a country. However, Nigeria's previous experiences have shown that the process of arriving at this important framework has been devoid of free participation of the people. Even the hopes of democratic governance serving as springboard for a holistic review of the constitution has since 1999, when the country re democratised, remained one of high expectations and dashed hopes. While the 2005 - 2006 attempt represent a mild stone towards producing a people oriented constitution, it however, in the end was not to be as it became truncated. This paper examines the series of attempts at producing a people oriented constitution in Nigeria. It argues that political intricacies in the country are what led to failure of the 2005 – 2006 attempts at reviewing the Nigerian constitution. As a way forward, some deliberate attitudinal reorientation is quite necessary.

Key Words: Constitution, People, Orientation, Review, Democracy

Introduction

Scholars on Nigeria's government and politics (Osaghae, 1998, Akinwumi 2004) have always explained Nigeria's attempt at democratisation on two planes. First were the anti colonial struggles prior to independence and second were the post independent attempts at having a prosperous and stable democratic polity. Indeed, Nigeria's post independent history has been characterized much by military seizure of political power and truncation of the democratic processes. This, also, has been noted in two phases. The first occurred between 1966 and 1979 while the second happened between 1983 and 1999. Note worthy is that all attempts at self democratic rule right from pre independence era has been marked by attempts at fashioning an acceptable constitution for the country. For the avoidance of doubt, the four constitutions that the country effectively operated between 1922 and 1960 (aside the 1922 constitution) were largely an attempt to improve on the previous one.

Also, because the various constitutions had little or no input of the natives, they were neither regarded as people friendly nor an expression of legitimate aspirations of the people. Aghalino (2006) was thus right when he observed that during the colonial period, constitutions that were put in place were geared towards consolidating British imperial

strategies and as such, were not people oriented. This situation, though was expected to change at independence, was however, mocked further by military intervention in politics which did not allow for free participation of the people in the political process including, the process of constitution making. Consequently, although the 1979 constitution which propelled the second republic was the end product of rigorous work by a Constitution Drafting Committee and a Constituent Assembly, it was not wholly acceptable to Nigerians since the principal actors were appointed by the military with little or no input by the civilian populace. Same account could be read for the successive 1989 and 1999 constitutions. It is worthy to note that what later came as the 1999 constitution, for instance, went through several processes of incubation including the convocation of a Constituent Assembly by late former Head of State, General Sani Abacha, the setting up of a Constitution Debate Coordinating Committee headed by Justice Niki Tobi under the Abdulsalami administration among others to work on the constitution. However, it was still not wholly acceptable to Nigerians. Therefore, the enthronement of democratic rule in the country in May 1999 unleashes a new hope of having a people oriented constitution.

Indeed, many Nigerians were quick to dub the 1999 constitution as a military contraption which needs to be reviewed in line with democratic tenets around the world and the wishes of the people. Critical issues conversed for review includes citizenship and residency rights, gender equality, enhancing the federal system and, access to justice and rule of law, among others. Unfortunately, the hopes of democratic governance serving as springboard for a holistic review of the constitution has since 1999 remain one of high expectations and dashed hopes. What accounts for this trend? Understanding this dilemma becomes significant given the fact that since 1999, several attempts have been made to review the constitution but without success. But this desire of reviewing the constitution has remained enduring several years into democratic rule. The closest attempt at producing a people oriented constitution was in 2005 but like previous attempts, this was not to be. What then went wrong? This question is more justified when it is realized that the clamour for a people oriented constitution has been an enduring agitation in the current democratic practice. The paper is structure into six - the introduction, which, is followed by an examination of the imperatives and centrality of the constitution. The third part examines constitution amendment process in Nigeria according to the constitution while the fourth part is devoted to examining the various attempts at constitution amendment since 1999 with emphasis on the 2005 – 2006 attempts. The fifth part provides explanation for the observed trend while the sixth part concludes the work.

Imperatives of Constitution

The constitution is the ground norm of any society. It is the established body of rules from which other norms derive. This implies the totality of fundamental rules which establish and regulate the whole system of government of a country (Wheare, 1966). It is noteworthy that several other definitions (Anifowoshe, 1999; Okoli and Okoli, 1990; Nwabueze, 1982; Akande 1982) tend to share this perspective which aligns the constitution with the administration of the state. It is also in this context that Anyaegbunam (2010) argued that the constitution is a collection of fundamental

principles dealing with the organization of government, the distribution of power among various arms of government and the rights of the citizens of a state. The inference from these postulations is that, ideally, a constitution defines a country's governmental structure as well as prescribes guidelines for political and governmental activities within the state. Also implicit in this is that the constitution provides express principles on how a state should be run, the structure and powers of its institutions as well as values of the particular society. These attributes makes the constitution the supreme law of any society and from which all other laws derive their existence.

This supremacy of the constitution is an inherent attribute of virtually all modern constitutions as any other law inconsistent with it naturally to the extent of its inconsistency remains null and void. The supremacy clause is underscored by the fact that it is the part that keeps the entire state and governmental structure from falling apart. For instance in the US, the supremacy clause is entrenched in Article VI of the constitution. In Ghana, section 1 (2) of the constitution says that the constitution is 'the supreme law of Ghana and any other law found to be inconsistent with any provision of this Constitution shall, to the extent of the inconsistency, be void'. Similar provision is contained in section 1 of the Nigerian constitution of 1999. Two things are implicit in the supremacy clause. First, it means that when state or sub national laws conflict with national laws, the national laws are superior and second, to be valid, a national law must be in conformity with the Constitution. All this are pointers to the fact that the Constitution is a document of high significance in the state.

The significance of the Constitution is further underscored by specific purposes which it serves in the political system. Anyaegbunam (2010) have identified five of such purposes. These include, (i) acting as a country's mission statement. This is expressed either in the preamble to the constitution and or provisions on the directive principles of state policy. In Nigeria, chapter II of the 1999 constitution makes clear this provision while the same account could be read of Ghana in chapter VI of its constitution. (ii) the Constitution delimits governmental powers through constitutional arrangements of such powers into legislative, executive and judicial. But it must also be stated that the nature or pattern of distribution of governmental powers largely depends on the governmental arrangement as between Presidential and parliamentary system or a hybrid of both. Which ever way it goes, however, the formal distribution helps eliminate a major source of confusion that may arise out of improper delineation of powers.(iii) It enhances the formulation and execution of public policies. This is achieved through the process of specific guidelines offered by the constitution. (iv) Guarantees Citizen's Rights.

It is axiomatic to observe that the constitution not only place obligations on the citizens but also guarantee the enjoyment of some inalienable rights by them. Such rights include rights to life, freedom of expression, association etc as found in several international documents like the Universal Declaration of Human Rights, Magna Carta, Bill of rights etc. According to Anyaegbunam (2010), these declarations have found local enactment through their embodiment in most constitutions as fundamental human rights. (v) Constitutions also serves as instruments of development because it grows along with the as-a corporate entity. This developmental role of the constitution stems from its organic nature which makes it dependent for its relevance on the societal context within which it operates. As rightly observed by Anyaegbunam (2010), the dynamism inherent

to the constitution opens it to review in response to increasing needs of the citizenry as well as changing circumstances.

The constitution and Constitution Amendment Process

The 1999 constitution is the supreme law of the country above which there is no other law. This was well emphasized in part I, section 1 of the 1999 constitution. The constitution also places the power of amending the constitution or any part of it in the legislature. The provisions of section 9 sub sections 1 – 4 is clear on this. According to the section:

- (1) The National Assembly may, subject to the provision of this section, alter any of the provisions of this Constitution.
- (2) An Act of the National Assembly for the alteration of this Constitution, not being an Act to which section 8 of this Constitution applies, shall not be passed in either House of the National Assembly unless the proposal is supported by the votes of not less than two-thirds majority of all the members of that House and approved by resolution of the Houses of Assembly of not less than two-thirds of all the States.
- (3) An Act of the National Assembly for the purpose of altering the provisions of this section, section 8 or Chapter IV of this Constitution shall not be passed by either House of the National Assembly unless the proposal is approved by the votes of not less than four-fifths majority of all the members of each House, and also approved by resolution of the House of Assembly of not less than two-third of all States.
- (4) For the purposes of section 8 of this Constitution and of subsections (2) and (3) of this section, the number of members of each House of the National Assembly shall, notwithstanding any vacancy, be deemed to be the number of members specified in sections 48 and 49 of this Constitution.

By the above provisions, it is the National Assembly that has the exclusive power to amend the constitution. However, amendment proposal may be initiated by members of the legislature or the executive.

The 2005 - 2006 Attempt

It is important to state that agitations for an amendment of the 1999 constitution of Nigeria dated back to the early years of Nigeria's Fourth Republic. Initially, there were sporadic and isolated cases of criticisms against the constitution by citizens and some civil society groups. However, by 2000, the Citizens Forum for Constitutional Reform (CFCR) was formed as an umbrella body of over 150 Civil Society organizations agitating for a review of the 1999 constitution. Among the issues advocated by the CFCR as requiring reform are nature of Nigerian federalism which is more Unitary than federal going by over bloating of the exclusive legislative list with issues which are better dealt with by states and local governments; fiscal federalism which is, at present, largely in favour of the federal government; issues of indigeneity and citizenship and the language of the constitution which is not gender friendly.

Other issues which were complained about by individuals and groups include insincerity, non consultative and non inclusiveness of the constitution. Perhaps it was in response to the various agitations and cognizance of its role under the constitution that the National Assembly in 2000 inaugurated a 72 member Joint Committee for the Review of the 1999 Constitution headed by then deputy Senate President, Ibrahim Mantu. The committee's terms of reference include an assessment of all possible defects in the 1999 Constitution; the desirability or otherwise of the clamour for a constitutional conference; receiving memoranda from the public with the intention of improving the constitution (The Guardian, October 15, 2002). Earlier before this, the president had also set up a presidential Committee on Review of the Constitution (PCRC). However, in spite of the N230 million spent on the Presidential Review and the publicity accorded it (The Guardian, October 15, 2002), the long expected review of the document did not take place. The same account goes for the National Assembly joint committee which, though submitted its report to the National Assembly, but the proposed amendments could not be embarked upon before the expiration of tenure of the Assembly. It is also worthy to state that in spite of these efforts by the executive and legislative arms, the review attempts were seen by some as a diplomatic way of escaping the convocation of a Sovereign National Conference (SNC) which has remained the main point of agitation by a section of the civil Society such as PRONACO.

While the above are major attempts from state institutions, there were yet some other attempts by individual or group of lawmakers proposing a review of some parts of the constitution. They include (i) A bill for an Act to amend the constitution of the federal republic of Nigeria 1999 so as to create local government councils and to provide for the autonomy of local government system as a third tier of government and related matters sponsored by: Hon. M. A. Wakil, Hon. (chief) MAO Oluabunwa Hon. Foster Okoto Bruce Hon. Terngu Tsegba Hon. Busaridada and Hon. Auyu-Wazdu Bukum (ii) In 2000, a bill for an act to amend the First Schedule to the Constitution of the Federal Republic of Nigeria 1999 and to make consequential provisions in accordance with section 8 (5) of the constitution for Names and Headquarters of newly created local government areas in Bayelsa state sponsored by Hon. Olaka Nwogu Hon. Austin Opara Hon. Nwachi Agwu Hon. Jibrin Barau Hon. Agbotu Emibra and Hon. Sanusi Dagash (iii) in 2001, a bill for an Act to amend the Constitution of the Federal Republic of Nigeria, 1999 and for matters connected therewith submitted by the executive and (iv) Also in 2001, An Act to amend the constitution of the Federal Republic of Nigeria 1999 so as to make adequate provisions for local government councils as a third-tier of government and other related matters. The bill was sponsored by Senators Tunde Ogbeha (Kogi West), Wahab Dosunmu (Lagos West), I. S. Martins Rivers West), David A. B. Mark (Benue South, Abdallah M. Wall (Sokoto South), A. M. Pepple (Rivers South-East), Femi Okurounmu (Ogun Central), and Idris Abubakar (Gombe South) and (v) In 2002, a bill for an Act to amend the Constitution of the Federal Republic of Nigeria, 1999 by reserving ten per cent (10%) of seats in the National Assembly for Women and for connected purposes

However, for myriad of reasons, all these amendments were neither successful nor did they generate much public interest. This makes the 2005 attempt at amending the Constitution significant. In addition, the 2005 amendment was also significant because

the agitations for constitutional reform had reached a crescendo such that it can no longer be ignored by the government especially with vociferous agitations from some sections of the country for the convocation of a SNC where serious national issues bothering on the co-existence of various ethnic groups, the structure of the country and the entities that make up Nigeria can be properly discussed (Ali, 2001; Tyoden, 2000). The 2005 attempt to review the constitution was, therefore, government's response to the imminent threat posed by such agitations. It must also be stated that, there were initial scepticisms to the convention of a NPRC that represent the factory of ideas for the proposed 2005 review. This stems first and majorly from advocates of a SNC who believed that the NPRC cannot be an alternative to the SNC and second, some members of the legislature who are of the view that such conference is a travesty and a usurpation of the powers of the legislative arm.

Nonetheless, the federal government, in spite of these resentments, in February 2005, announced the convocation of a NPRC whose memberships were appointed by the government and covers the various social, political and economic terrain of the Nigerian state. In his inaugural speech to the conference, the president had admitted that Nigeria's historical experiences at constitution making and political reform shows that it may have some structural defects that require adjustment so as not to continue to constrain the deepening, widening and consolidation of democratic values and practices. Consequently, constitution making efforts must go down to the grassroots to deal with the issues of inclusion, popular participation, ownership, and legitimacy (Obasanjo, 2005b). Further in his speech, the President attempted a summary of his understanding of those issues that have necessitated constitutional and political reform in the country. According to him:

Some issues that have emerged include, but are not limited to, the challenge of constitutionalism and constitutional reform; the opportunity to bring all stakeholders together to discuss the preferred political path for the nation; the challenge of building new, accountable, responsive and focused leadership; and how to build, operate and sustain real political parties. Other issues are those of nationality, identity, freedoms and liberties, social justice, rights and obligations; electoral reforms that ensure credibility and respectability of elections; relations between tiers of government; performance of government and how to ensure truly democratic governance for all. In all of these, the central challenge is still how to strengthen the social contract between the custodians of state power and the governed.

From the president's speech, it can be inferred that the broad objective of the NPRC was to serve as think tank towards resolving the myriad of political challenges confronting the country, including deficiencies in the constitution. While it was not given any term of reference by the government, it later adopted some eighteen items as its term of reference following conclusion of debates on President Obasanjo's inaugural speech and the harmonization of the outcome of that debate with the Makarfi committee report which gave birth to the establishment of the conference (Thisday,

March 11, 2005). Perhaps it is pertinent to mention some mild drama that occurred at the beginning and at the end of the NPRC because of their significance to Nigeria's political context.

First, there were criticisms as to why virtually all delegates to the conference were government nominees. Although the government had earlier in a broadcast to the nation in preparation for the conference, given the impression of consulting widely before delegates were selected (Obasanjo, 2005c), but as it later turned out, most of the delegates were nominees of the PDP through the President himself or State Governors of PDP controlled states. Second, the Abia state governor, Orji Uzor Kalu had rejected those nominated from his state on the grounds that he was not the one that neither nominated them nor was he consulted before their nomination. This position nullifies the federal government's claim of wide consultation with stakeholders before the delegates were selected. In spite of this, however, those announced by the President were the ones that represented their state through the tenure of the conference. Related to this is the rejection of their nomination by some individuals. Notable among this is Chief Anthony Enahoro, a NADECO chieftain, for lack of confidence in the conference. Third was religious undertone that crept into nominations for the conference. The President was immediately upon announcement of names of delegates, accused of religious bias against Muslims. This is because, Justice Nikki Tobi and Reverend Mathew Hassan Kukah, Chairman and secretary to the conference, respectively, were observed to be Christians thereby creating the insinuation that it was a Christian affair. This prompted the appointment of a co-secretary for the conference in person of Professor Is'haq Oloyede, a Muslim from the south-west to counterbalance religious composition of top echelon of the conference. Lastly, towards the end of the conference, the delegates from south-south and south-east region staged a walkout from the conference when it became apparent that their insistence on 25% derivation was not acceptable to other members of the conference. The regional members had proposed an initial 25% as derivation to be graduated to 50% over a period of five years.

However, other members of the conference opted for a fixed 13% derivation as part of its recommendations. This did not go down well with the eastern regional bloc members who walked out of the conference and never returned until the conference adjourned *sine die* in July 2005 after submitting its report to the President. The implication of the above scenario is that the activities of the conference cannot be said to be immune from the systemic socio-political and economic challenges of the Nigerian state.

All the same, the report of the conference was submitted to the National Assembly in August 2005. In his speech at presentation of the report of the conference (see Appendix 6), the President hinted that although the conference has come and gone, it has generated and unleashed new discourses that will only deepen political awareness, strengthen political engagements, and enrich the country's political lexicon. Therefore, it is the turn of the National Assembly to play its part by looking into the report (see Appendix 6) to see what part of the Report can be adopted, adapted or used to enhance its constitutional and legislative work (Obasanjo, 2005d). Although the report of the NPRC was submitted to the National Assembly in 2005, debate on the issue did not commence until 2006. Moreover, since the National Assembly then already had a Joint Committee

on the Review of the 1999 Constitution (JCRC) headed by Deputy Senate President, Ibrahim Mantu, the report of the conference serves as additional input to the work of the committee. Thus, through 2005 to mid 2006, the issue of constitutional amendment was handled by the National Assembly JCRC. For instance, the JCRC held public hearings in February 2006. However, the hearings, as observed by Harriman (2006), a member of parliament, lacked all credibility and legitimacy. He underscored this assertion by noting that the hearings were only held in six zonal centres and not in the states which section 2(2) of the 1999 Constitution recognizes as the federating units. The committee also had a retreat in Port Harcourt which was bedeviled by irregularities and controversies. A major issue that continued to affect deliberations on the constitution amendment was the rumoured plan of extending the tenure of the president and Governors by 4 years through the constitution amendment.

The rumour over tenure elongation (third term) for the President and Governors started in February 2005 when a section of the Press claimed to have stumbled onto the tenure elongation proposal in the working papers of the National Political Reform Conference. At that point, many Nigerians became alerted and on the look for any attempt to bring the tenure elongation issue to the fore. Expectedly, their search light was pointed towards the executive arm but suspecting legislature's connivance. The tenure elongation attempt, however, never became an issue until the report of the NPRC got to the JCRC and suspicion of the committee's intention. Right from then, the issue of tenure elongation distorted and overshadowed other issues in the constitution amendment debate. Indeed, so charged was the issue that opposing movements emerged at the National Assembly such as the Unity Forum, a group of pro-tenure extension legislators and the 2007 movement, members of which were basically anti tenure extension (Tell March 13, 2006:24-26). These are in addition to other groups among the populace that either drew up support for or mobilized Nigerians against the tenure extension bid. In other words, the tenure elongation bid not only pitched the executive against the legislature but it also polarized the National Assembly much as individuals and groups in the country also became pitched against one another.

Consequently, the issue of constitution amendment became the issue of third term or tenure elongation resulting in deep polarization of the polity. More worrisome is the allegation that the provision on tenure elongation for President and Governors was not in the recommendation of the NPRC but inserted by the JCRC. True to this fact, an examination of the report of the NPRC revealed that the conference recommended retention of existing two terms provision in the 1999 constitution (recommendation on tenure) but in the proposed amendment by the JCRC submitted to the National Assembly, the provision has been altered to read three terms without concurrence of several members of the committee. Although after this, debates over the issue continued in the media and other public arena, it was not until May 2006 that the National Assembly finally put paid to it when it discontinued debate on the constitution amendment proposal. The Senate for instance it its sitting on 2nd May, 2006, decided to allot 6 legislative days for discussion on the constitution amendment proposal (Senate Votes and Proceedings, May 2nd, 2006). This took place on 3rd, 4th, 9th, 10th, 11th and 16th days of May, 2006. It is important to stress that despite the intimidation, monetary inducement and pressures, the National Assembly had a robust debate before it overwhelmingly decided to discontinue

debate on it on May 16th, 2006. In his remarks to the Senate before commencement of debate on the 16th, the then Senate President, Ken Nnamani, charged Senators to rise above partisan and alleged pecuniary considerations in making their decision noting as well that, 'now that we are at the threshold of concluding this historic debate on the proposed amendment to the constitution, I urge every Senator to rise up to the challenge of patriotism' (Senate Votes and Proceedings, May 16th, 2006). It is also important to note that the presence in the House, of eminent Nigerians, including former governors, Ministers and former lawmakers as observers of proceedings in the last six days devoted to debating the constitution amendment, underscores the significance of the exercise and how important it was to Nigeria's democratic development.

Towards an Explanation

From our discussions above, three mutually reinforcing plausible explanations can be offered as providing impetus for the 2005 attempt to fail. First was that, the issue of constitution amendment soon became the issue of 'third term' or tenure elongation for the President, Vice, Governors and their deputies. There is no doubt that the mood of most Nigerians was for a respect of constitutional provision on tenure of public office holders. Therefore, the desire to avoid tenure elongation was allowed to overshadow other issues in the constitution review attempt. Largely, antagonists of the third term bid cuts across different facets of the Nigerian society. This included prominent political actors including the Vice President, Atiku Abubakar, some members of the PDP, other political parties and civil society organizations. In a national survey by Afro barometer, an overwhelming 84% agreed that the President should obey the spirit and letters of the constitution including serving no more than two terms limit in office (quoted in Olaniyan 2006). This scenario brings to the fore, the complexities that greeted the attempt at amending the 1999 Constitution of the Federal Republic of Nigeria in 2005. For sure, these complexities go beyond the longitudinal polarization between the executive and the legislative institutions but also, the polarization of members of the PDP which the ruling party, the executive itself, legislature, the citizens as well as sections of the civil society.

Second, there were some considerations of ethno-regional interests by major actors on the issue but hiding under the popular sentiment of advancing democracy. Indeed, a careful observer of Nigerian politics would easily recall that struggle for ascendancy between the north and the south which predate Nigeria's independence in 1960 have always been informed by self interest of the two regions. Mutual suspicion and the desire of one group to dominate the other have been the hallmarks of inter group relations. Commenting on the dynamics of ethno-regional politics in the post colonial states, Vaughan 1991, cited in Tenuche, 2009) observes that, in the attempt to mobilize mass support, the ethno regional political classes' usually co-opt the traditional rulers who were closest to the grass roots in furthering their interests. Consequently, the traditional rulers become key instruments in the mobilization of primordial sentiments thus fanning identity politics. Indications of ethno regional sentiments influencing behaviours on the constitution amendment could be noticed in reactions of participants at the fourth northern senator's forum in Kaduna 2006. At the occasion, placard-carrying demonstrators taunted then deputy Senate president, Alhaji Ibrahim Nasiru Mantu, who was also Chairman of the National Assembly JCRC; Senate leader, Dr. Sarki Dalhatu

Tafida and Senator Umar Hambagba accusing them of working against the interest of the North to produce the president in 2007. they were also accused of being opportunists who wanted to trade off the North for personal gains. Equally, both the then chairman of the Northern Governors Forum, Alhaji Mohammed Adamu Aliero and the chairman of the Northern Senators' Forum, Senator Idris Ibrahim Kuta, were unequivocal in warning against the amendment of the constitution to favour a particular candidate against democratic aspiration (Mamah, 2006). Also, it was apparent that while most of the protagonists are from the southern region, most antagonists are from the northern region. This fact is buttressed by an Afro barometer survey on the issue which revealed that:

The strongest opposition was found in the north-central, the north-west and the south-west (outside of Lagos) while the greatest degree of acceptance was expressed by those in the south –east, south – south, Lagos state and the north east (quoted in Olaniyan, 2006:15).

In other words, the high rate of opposition from the north, for instance, may not be unconnected with the clamour for power to return to the region come 2007. This position was equally underscored by former Governor Sani Yerima of Zamfara State while responding to a question on the tenure elongation bid in an interview. According to him, power 'is automatically supposed to go to north... south had taken eight years, and the north should have eight years' (Yerima 2006). To a large extent, these evidences suggest that ethno regional considerations played a major role in determining the pattern reaction to issues in the constitution amendment proposal. Needless to stress that, this is informed by perceived advantage of political power. The vociferous opposition of a sitting Vice President to the tenure elongation bid can also be understood in this regard. Consequently, if discarding tenure elongation in order to realize ethno-regional objectives, means discarding other issues in the review attempt, so be it.

Third is the fact that the wish of Nigerians, more that the Will of the legislature, led to failure of the tenure elongation bid and by extension, the constitution amendment attempt. This is because, having being the object of cynicism and public diatribe as a result of attempts to impeach the President in 2002, the legislature saw this as an opportunity to redeem its image before the Nigerian people and as such, had no choice but to support the popular preference of the people which was to ensure that the tenure elongation bid does not scale through. In other words, if Nigerians had been passive, there is the likelihood that the legislature may have little or no difficulty in towing the lines of the executive arm which form all intent and purpose wanted the tenure elongation. Also, as earlier noted, the presence of former state Governors, Ministers and other top government functionaries at debates in the legislature over constitution amendment suggests the kind of voracious interests the issue generated among Nigerians. Moreover, it was the main issue of discourse by major Newspapers in the country during the period.

Conclusion

Analysis above have revealed that Nigeria's problem has not just been crisis of democratisation but one that is deeply rooted in the constitution making process

especially given the centrality of holistic constitutional framework to the success of any democratisation attempt. With the failure of the 2005 – 2006 attempts, Nigerians seem to have 'lost a greater opportunity of producing a people oriented constitution. This is because on the one hand, previous attempts at constitution making have been under one form or the other of authoritarian regimes. On the other hand, this endeavour occurred at a time when a democratic government was in place much as the clamour was borne out of genuine concerns by most Nigerians. Also, the failure of the 200 – 2006 attempts shows the kind of destructive influence which political considerations and indeed, elite struggle for power has on the genuine aspirations of the people. In order to have a people oriented constitution in this context, deliberate attitudinal reorientation towards a people centred governance on the part of the elites is quite necessary. Equally, informal institutions of accountability such as the civil society need to be strengthened to play greater role in the political and governance process of the country. As institutions that currently enjoy the support and patronage of many Nigerians, it is better placed to hold the government accountable and galvanise the people's consciousness, successfully, towards the attainment of political goals.

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