

# **REPOSITIONING NIGERIAN GOVERNMENT AND POLITICS**



Edited by:

Prof. O.A. Bamisaye

M.K.O Alimi, Ph.D

Published By:

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2018

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## Preface

The civil society and International community have expressed concern over the near absence of good governance/government that supports probity, transparency, rule of law, honesty, responsiveness and accountable. The scenario has been attributed to endemic, systematic, pervasive and pandemic corruption, prevalence of soft state and unaccountable leadership, ineffective administration, weak penal institutions and cultural peculiarities of the Nigerian people that aid and abet unethical behaviours and practices particularly corruption. The effects of these unfortunate acts according to the policy makers, scholars and professionals that contributed articles to this edition include high rate of unemployment, poverty, hunger, disease, insecurity, infrastructure decay and deficit as well as general underdevelopment. This book of reading is a commendable and compelling reading, incisive as it recommended a wide range of measures towards institutionalizing good governance and corrupt free electoral process, as well as the adoption of western patterns of politicking in our polity. In this edition, it is pertinent to stress that while editors take responsibility for the editorial work, the authors of various Chapters take full responsibility for the contents of their chapters.

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## CHAPTER ONE

### *Political Restructuring in Nigeria Through The Instrument Of Law*

Williams, A

#### **Abstract**

To say that the Nigerian federalism is due for political restructuring is an undisputable fact given the agitations and current trend in the Nigeria political landscape. However, for a meaningful political restructuring to take place, it must be through the due process of law rather than through violence, brigandage and war as currently being advocated by a section of the country. To achieve this, there must be an effective and efficient legislative and legal institutions and this could only be possible through the institutionalisation of good governance and true democracy. Governance generally, is primarily concerned with interrelated issues. These are (a) existence of societal institutions for managing social relations in a nexus; and (b) the high degree of autonomy enjoyed by the institution of government in the performance of its assigned duties. It could be said that the state of institutions along these two dimensions determine the quality of good governance. The present Nigerian Government (Executive, legislature and the judiciary) and decision makers at the top echelon of governance in the country must take cognisance of the urgency to stem social unrests, militancy, terrorism, bunkering, poverty, unemployment and economic-induced crimes in the country. These can only be through effective restructuring of Nigerian Federalism. Nigerians are keenly watching and hoping that our Bi-cameral system of government works together for the best interests of Nigerians and Nigeria. This writer urges our parliamentarians to rise up to their responsibilities and work transparently, respectfully and responsibly together for the good of the nation. The good governance and restructuring should start from our government through the provision of social amenities like power, creation of jobs, affordable health care delivery system and good roads.



### *Introduction*

The Nigerian nation has had a chequered history in terms of political development and upheavals since she attained political independence on the 1<sup>st</sup> of October, 1960. Upon attainment of her independence, expectations were high and also in the course of her nationhood. Today, Nigeria is a sleeping giant or a "paper tiger". This should not be so. Nigeria should not be a paper-tiger giant of Africa, but an economic, political, stable, dynamic and development-driven nation. Contrary to expectations, her experiences so far have been quite traumatic, excruciating and challenging; and riddled with frequent military coups and counter coups, a civil war, annulment of the freest and fairest elections, social and economic strangulating policies and bad leadership, endemic corruption and grinding poverty, acute unemployment, religious intolerance, kidnapping, militancy and terrorist attacks on innocent citizens. The litany of the prevailing social malaise is interminable (Nwafor, 2011).

There is no doubt that Nigeria seem to have not been having it good since the end of the civil war of 1967—1970. The country has moved from one problem to the other given room to the fear that it may eventually crumble and cease to exist. Military politics in Nigeria began shortly after the end of the civil war. The excuse for military incursion into Nigeria's political arena was tied to General Yakubu Gowon's unwillingness to vacate the seat of government after his promise to return the nation to civil rule. Aboluwodi (2011) maintained that since the first coup after the end of the civil war it has been a harvest of military administration. Thus the botched electoral process which would have ushered in a civil administration in 1993 was still an attempt to maintain military relevance in Nigeria's political landscape. The confusions that followed the failed electoral process gave birth to a civilian administration in 1999, clearly dictated by the military whims.

Indeed, these political problems and many more have not only impacted negatively on Nigeria's developmental strides, but have also dented the image of Nigeria abroad. Hence, her citizens are subjected to thorough scrutiny, humiliating and embarrassing experience outside the shores of Nigeria. Furthermore, the inability of succeeding political leaders to manage the gains of institution of democracy in Nigeria since 1999, has complicated political trends and events in the country especially the perceived manipulations of the electoral processes. For these reasons, there is the urgent need for a radical political change in all spheres of our national life. In fact, a need for political reconstruction is inevitable at this critical stage of Nigeria's development. The present federal system in Nigeria is fraught with crisis, ethnic mistrusts, violence, militancy and political instability. The reality is that no nations can achieve viable political and economical stability with these present scenarios. Hence, there is a need for the restructuring of the system to meet the current global drive for political sustainability. The only weapon for this assignment is

restructuring through the due legal process.

Suffice to say that good leadership is particularly important as a source of value inspiration for the citizens. Thus, leaders are the custodians of a nation's ideas of the belief it cherishes of its permanent hopes, of the faith which makes a nation out of a mere aggregation of individuals. A careful examination of the attitude and behaviour of the leaders of post independent Nigeria shows that many of them were not sustainable sources of hope for the citizens. Rather they were pre-occupied by the pursuit of selfish personal goals at the expense of broader national interest or need. In other words, Nigerian leaders were instrumental leaders or what David Apter cited by Dike (2005) call "consumatory leaders".

The endemic nature of lack of good leadership in Nigeria has made many concerned Nigerians to continue to ask rhetorically: where are our leaders leading us to and "to whom can we look for the direction we need in respect of actualisation of the much touted political structure in Nigeria". To many, reviving the political system for the benefit of the generality of the people appears hopeless and possibly unrealisable.

### **The Origin of Political Instability in Nigerian**

Political instability and the disruption of social order in Nigeria started with the 1964 federal elections, which were the third in the country in coming after those of 1954 and 1959. At the conclusion of the two earlier federal elections, the NPC and the NCNC had formed the federal government. However, because the alliance between the two parties was anchored on ideological compatibility; the post 1959 NPC-NCNC coalition government was particularly outstandingly acrimonious. The UP prepared for the November 1965 legislative election in the Western Region an attempt to gain control of the three southern regions and the Federal Territory of Lagos (Ojo, 2012). Amid widespread charges of vote irregularities, Akintola's NNDP, supported by its NPC ally, scored an impressive victory in November. There were extensive protests, including considerable grumbling among senior army officials, at the apparent perversion of democratic process. In the six months after the election, an estimated 200 people died in violence that erupted in the Western Region. (Omotola, 2010). The subsequent developments led to series of crises which eventually ushered the first military coup of January 15, 1966 led by the Late Major Kaa Chukwuma Nzeogwu and the counter-coup of July 29, 1966 led by then Lt. Muritala Muhammed (who later became the Head of State through another coup in 1975. (see Williams, 2014). Ethnic consciousness became intensified with the death of Major General Aguiyi Ironsi in the coup of 1966. The military administration of Gowon rode into limelight through an appeal to national sentiment that saw the Northern elements leading the nation, with the claim



they were championing the corporate interest of Nigeria. The North was favoured in everything, including developmental projects, giving room for Kano State to have 44 local governments area while Lagos State with much more population has 20. Some of the outright human right abuses which culminated in the unjustified killing of Ken SaroWiwa and the eight Ogoni activists on the 10<sup>th</sup> November, 1995 later fuelled the spate of ethnic groupings and violence in Nigeria, leading to the resuscitations or outright formation of such groups as Movement for the Survival of the Ogoni People (MOSOP), Odua People's Congress (OPC), Movement for the Actualisation of Biafra and its twin, Independent People of Biafra (IPOB), Ijaw Youth Council (IYC), Arewa People's Congress, Egbesu Boys, Movement for the Emancipation of Niger Delta and the most dangerous one, Jama'at Ahl as-Sunnah Lid-Da'wahwa'l Jihad popularly known as Boko Haram and a host of others. Thus in his submission, Kwaja (2012) contended that "the post-colonial Nigerian state has become so entangled in ethnic and religious issues to the extent that its neutrality has become suspect".

Different challenges in the entire political and economic landscape in Nigeria began to rear their heads during the military era shortly after Aguiyi Ironi was accused of introducing unitary system into the nation's political field. Ironically, the succeeding military civilian administrations faked a federal system while in practice they actually adopted unitary federalism. The unitary structure is reflected in the agitations that have come to accompany different policies of governments in the past and the present. Gambo alluded to this notion, though in a reference to Osaghae's (2005) work where the latter has aptly explained that the clamour for true federalism and a shift from accommodating nationalism to self-determined nationalism has become the bane of Nigerian development. In this regard, at the core of the crises of Nigerian federalism, is the dearth of consensus on how the federal polity should be structured, power defined, contestation for power organised, resources generated, right protected, mode of cohabitation defined and the larger democratic constitution articulated and compacted.

Whereas, for Eresia-Eke & Ebiye (2010) "federalism as a political philosophy aims to create harmony from intrinsic or inherent political, social and economic asymmetry vis-a-vis ethnic heterogeneity." In this sense, a federal system by its structure would have articulated these important issues, but because Nigeria is said to be an "indivisible entity" nobody wants to discuss the issues for fear that he/she may be accused of being an enemy of the state. The result is that the political spectrum has become so wide to the extent that it has been able to accommodate some aggrieved individuals and groups at the detriment of the Nigeria's political fortune and have now empowered these individuals to raise fundamental questions concerning the basis for the Nigerian state. This undoubtedly poses a lot of challenges to Education to tackle.



### **Problems of Nigerian Federalism as Presently Constituted**

1. *Inter-ethnic rivalry:* Nigeria, we all know is made up of diverse group of people with over 250 different ethnic groups, and the rivalry among Hausa/Fulani, Yoruba and Igbo has become a serious issue overtime and is now heating up the polity. In Nigeria, We see different set of people from different geo-political regions agitating for power which sometimes lead to disagreements and even conflicts among the parties involved. The major reason for ethnic rivalry in Nigeria is lack of cohesion and the inability of the parties involved to concede defeat in order to promote national peace and unity. A good example of a leader and a patriotic Nigerian was former President Goodluck Ebele Jonathan who conceded defeat by congratulating the president elect Muhammadu Buhari in a phone call after election results were announced. This is the first time it happened in Nigeria's political history. Not only did former President Goodluck Jonathan conceded defeat, he also did not challenge the victory of now President Muhammadu Buhari in court thereby saving enormous resources that could have been wasted in an unending litigation. This I believe he did in order to promote unity, harmony, and peaceful co-existence among Nigerians.

2. *Power Shift and Rotation of Offices:* Shifting and rotation of power have been one of the major issues militating against federalism in Nigeria. This basic principle ensure that certain elective offices such as the office of the president, vice presidents, senate president, speaker and other key offices are rotated among several geo-political zones in the country. However, this has never been smooth and rancour-free as it ought to be due to the inability of the politicians to honour the "gentleman agreement" reached and the constitution of their respective parties. This has often led to winner-take-all attitude of the part of any victorious party. This often leads to mistrust and ethnic agitation among the geo-political zones.

3. *Revenue Allocation and Sharing of Funds:* The issue of revenue allocation is another issue confronting federalism in Nigeria. Revenue allocation refers to the sharing formula of the country's financial resources among the different tiers of government in the country, with the main objective of enhancing economic growth and development, reducing inter-governmental tensions and promoting national unity. Some of the elites at the helms of affairs, especially at the federal level has seen revenue allocation as a tool to satisfy their un-quenching thirst for money.

4. *Minority issue and the creation of states:* As a result of the nature of the ethnic diversity of Nigeria, it has brought about the issue of minorities which has constituted to one of the major problems militating against the development of the nation.

5. *The issue of Secession by Indigenous People of Biafra (IPOB):* This is an issue involving a group with its vociferous agitation for a separate state of Biafra to be carved out of the South-East geo-political zone. The agitation by the group is assumed to be a threat to the unity of the nation.

...dangerous dimension with hundreds of people being killed or wounded in  
...with the security agents. This is constantly disrupting the social and  
...development in the south-eastern part of the country. The issue of  
...is a major factor disrupting the federalism in Nigeria, and it also have  
...reflecting the growth and development of the country.

*Promotion of National Integration and Stability:* The federal government  
...should ensure that there's cohesion among the people; which will in turn foster  
...unity among her citizens. Integration is very important in nation  
...building, as it examines the problem of diversity and inter-ethnic rivalry and  
...peace and unity among the people.

*Harmony Among Ethnic Groups:* Government should apply less stringent  
...among ethnic groups and embrace fairness in order to eliminate the  
...in Nigeria. Particularly in the area of resource control and  
...of funds from the federation account. Dialogue and diplomacy  
...employed and deployed in the areas of the ethnic groups fighting and  
...for resource control rather than violence and the use of naked force.  
...to teach us day is that; government should not always result to the  
...to settle conflicts, instead they should embrace dialogue.

*Abolition of Indigene and Non-Indigene and the State of Origin Dichotomy in  
the 1999 Constitution of Nigeria in the determination of Employment or Political  
Appointment:* In 2012, Governor Aliyu Babangida of Niger state called  
...of indigene and non-indigene dichotomy from the constitution in  
...to foster unity and national integration. He however stated that " the  
...and non-indigene dichotomy has cause the nation more problem than  
...initially planned to achieve". The federal government should remove  
...and non-indigene dichotomy from the Nigerian constitution in order  
...peace and unity.

Equally important is the fact that promotion of good community  
...is essential in the attempt to maximise teaching and learning, and it  
...the organisation and administration of public relations  
...outside the school, part of which is undoubtedly political  
...One of the sensitive areas that should receive adequate attention in  
...is the public behaviour of members of the country itself through  
...education.

*The 2014 National Conference Report and Recommendations.* (Confab  
...2014).

The Conference commenced March 17, 2014 when it was inaugurated by  
...President Goodluck Jonathan and concluded its sittings and  
...sometime in August, 2014. The National Conference made far-  
...reports and recommendations that if implemented will go a long way in  
...the contemporary problems and issues affecting Nigerian federalism.

The convocation of the Conference was packaged by a 13-member



Presidential Advisory Committee on National Dialogue headed by Okurounmu, a former senator. The Committee submitted its 69-member report last December.

Apart from its 492 membership drawn from different spheres of life, the Conference was supervised and managed by a secretariat whose six members were also nominated by the Federal Government. During the period the Conference sat, its stability was tested by some thorny national issues, which included resource control, derivation principle, Land Use Act, national security among others.

Below are the highlights of its recommendations. The recommendations are itemised below.

### **Creation of 18 New States**

The Confab recommended the creation of 18 new states (three per political zone). Among them are Apa, Edu, Kainji, Katagum, Savannah, Anambra, Gurara, Ghari, Etiti (South East zone), Aba, Adada, Njaba Anim, Anambra, Orashi, Ogoja, Ijebu and New Oyo. Apart from the 18 proposed states, the Conference also recommended one new state for the South East to make there be an equal number of states with the other zones except the North West which has seven. It also recommended that states willing to merge can also do so under certain conditions.

### **Resource Control/Derivation Principle/Fiscal Federalism**

The Conference noted that assigning percentage for the derivation principle, and setting up Special Intervention Funds to address issues of reconstruction and rehabilitation of areas ravaged by insurgencies and internal conflicts as well as solid minerals development, require some technical details and consideration. The Conference therefore recommended that the Government should set up a Technical Committee to determine the appropriate percentage on the three issues and advise government accordingly.

### **Public Finance/Revenue Allocation**

That the sharing of the funds to the Federation Account among the tiers of government should be done in the following manner: Federal Government – 42.5%, State Governments – 35% and Local Governments – 22.5%. That the percentage given to population and equality of states in the revenue sharing formula be reduced while that assigned to Social Development be increased to a much higher percentage so as to ensure accelerated development of all parts of the country.

### **Forms of Government**

It also recommended the Modified Presidential System, a home-



model of government that effectively combines the presidential and parliamentary systems of government. The president shall pick the vice president from the Legislature. The President should select not more than 18 ministers from the six geo-political zones and not more than 30% of his ministers from outside the Legislature. Reduce Cost of governance by pruning the number of political appointments and using staff of ministries where necessary.

#### **Power-Sharing/Rotation**

It submitted that the presidential power should rotate between the North and the South and among the six geo-political zones while the governorship will rotate among the three senatorial districts in a state.

#### **Local Government**

Local Government will no longer be the third tier of government. The federal and states are now to be the only tiers of government. States can now create as many local governments they want. The Joint State/Local Government Councils should be scrapped and in its place the establishment of a State RMAFC with representatives of LG and a Chairman nominated by the Governor. The Constitution should fix the tenure for Local Government Councils at three years. The Commission recommends the scrapping of State Independent Electoral Commission, SIECs.

#### **Immunity Clause**

The immunity clause should be removed if the offences attract criminal sanctions to encourage accountability by those managing the economy.

#### **Independent Candidacy**

It recommended that every Nigerian who meets the specified condition in the Electoral Act should be free to contest elections as an independent candidate.

#### **Governance**

The creation of the office of the Accountant General (Director-General) of the Federation as a distinct and separate office from the Office of the Comptroller General of the Federal Government. The Office of the Accountant General of the Federation shall oversee the accruals of revenue into and disbursement from the Federation Account as and when due; and shall administer these funds as required by the Constitution, while the office of the Comptroller General of the Federal Government shall oversee the accounts of the Federal Government.

#### **Anti-corruption**

Special Courts to handle corruption cases should be established in the

light of undue prolongation in the trials and prosecution of corruption cases in the regular courts. A non-conviction-based asset forfeiture law.

### **Land Tenure Act**

The Land Tenure Act should remain in the Constitution but be amended to take care of those concerns, particularly on compensation in Section 294. The Act to read "land owners should determine the price and value of their land based on open market value.

### **National Anthem**

Re-introduce the old National Anthem

### **Religion**

The Conference recommended that there will be no government sponsorship of Christian and Muslim pilgrimages to the holy lands. It resolved that churches and mosques should begin to pay tax to government.

*The Tardiness and Reluctance of the Present Government of President Muhammadu Buhari to Implement The 2014 National Conference Report.*

President Muhammadu Buhari came to power on the 29<sup>th</sup> day of May 2015 having defeated former President Goodluck Jonathan in the presidential election of that year. Therefore, the implementation of the Confab Report squarely on his shoulder. However, since the coming into power of the present government, little or no mention has been made about the 2014 Confab Report and its implementation thereby aggravating political tensions across the country. Also, no reason has been put forward as a justification.

### Recommendations

Consequently, to have a meaningful political restructure in Nigeria. If the constitution must be corrected with the view to repositioning the nation for sound political structure, the following suggestions are highly imperative.

That:

The government at the Federal level should set up a joint committee with the National Assembly with a view to implement the recommendations of the 2010 National Conference.

The outcome of the joint committee should be harmonised and incorporated into the 1999 Constitution through a process of amendment.

Notwithstanding this, the will to govern well in political terms has to be constantly demonstrated in all over the nation and government institutions.

The political office holders should be bound and accountable for the promises made to the electorates during electioneering campaigns, more especially, campaign promises on bringing the nation together. Fulfilling such promises will go a long way to turning the nation around to reposition it for political restructure. This is important because so far, the socio-political scene of Nigeria can be characterised as a scene where fulfilling campaign promises is an aberration; where integrity and honour have been banished and corruption rampant.

Political leadership in Nigeria has to patriotically work hard to remove several contradictions that confront youths and citizens all the time. The contradictions include: seeing the leaders preaching one thing and doing another; seeing the leaders talk against injustice but practising injustice; watching the leaders preach against corruption but practice culture of impunity among the members. Leadership resolved to practise what it preaches will be a source of motivation for youths and citizens to internalize the democratic values of rule of law, respect for self and others, use of nationality and responsibility in thinking and behaviour. That is the only way Nigeria and Nigerians can restructure the constitutionally.



## Conclusion

In view of all the political insecurity, instability, corruption and terrorism of all sorts, there is an urgent need for political restructure in the nation. The principal tool for meaningful change, no doubt, is the implementation of the sovereign will of the people as encapsulated in the 2014 Confab Resolution. Therefore, both the executive and the National Assembly should be in a hurry to come together and see to the implementation of some of the recommendations, particularly the areas of Resource Control, revenue Allocation, Power Sharing, Local Government Autonomy, Anti-Corruption, Removal of State of Emergency, Dichotomy etc will go a long way in peace and stabilising the Nation towards federalism.