



THE 7TH SENATE
FEDERAL REPUBLIC OF NIGERIA
COMMITTEE ON THE REVIEW OF THE 1999 CONSTITUTION

REPORT OF THE SENATE COMMITTEE ON THE REVIEW OF THE 1999
CONSTITUTION ON A BILL FOR AN ACT TO FURTHER ALTER THE PROVISIONS
OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF
NIGERIA 1999 AND FOR OTHER MATTERS CONNECTED THEREWITH, 2013

1.0 INTRODUCTION

The Senate of the Federal Republic of Nigeria referred the following Constitution alterations bills to the Committee for further legislative action after the debate on their general principles and second reading passage:

1. Constitution (Alteration Bill) 2012 (SB.107), Second Reading – Wednesday 14th March, 2012
2. Constitution (Alteration Bill) 2012 (SB.136), Second Reading – Thursday, 14th October, 2012
3. Constitution (Alteration Bill) 2012 (SB.139), Second Reading – Thursday, 4th October, 2012
4. Constitution (Alteration Bill) 2012 (SB.158), Second Reading – Thursday, 4th October, 2012
5. Constitution (Alteration Bill) 2012 (SB.162), Second Reading – Thursday, 4th October, 2012
6. Constitution (Alteration Bill) 2012 (SB.168), Second Reading – Thursday

- 4th October, 2012
7. Constitution (Alteration Bill) 2012 (SB.226), Second Reading – 20th February, 2013
8. Ministerial (Nominees Bill), 2013 (SB.108), Second Reading – Wednesday, 13th March, 2013

1.1 MEMBERSHIP OF THE COMMITTEE

- | | | | |
|-----|--------------------------|---|----------|
| 1. | Sen. Ike Ekweremadu | - | Chairman |
| 2. | Sen. Victor Ndoma-Egba | - | Member |
| 3. | Sen. Bello Hayatu Gwarzo | - | “ |
| 4. | Sen. Uche Chukwumerije | - | “ |
| 5. | Sen. Abdul Ahmed Ningi | - | “ |
| 6. | Sen. Solomon Ganiyu | - | “ |
| 7. | Sen. George Akume | - | “ |
| 8. | Sen. Abu Ibrahim | - | “ |
| 9. | Sen. Ahmed Rufa’i Sani | - | “ |
| 10. | Sen. Ayoola H. Agboola | - | “ |
| 11. | Sen. Umaru Dahiru | - | “ |
| 12. | Sen. James E. Manager | - | “ |
| 13. | Sen. Heineken Lokpobiri | - | “ |
| 14. | Sen. Odion Ugbesia | - | “ |
| 15. | Sen. Chris Anyanwu | - | “ |
| 16. | Sen. Ahmed Makarfi | - | “ |
| 17. | Sen. Smart Adeyemi | - | “ |
| 18. | Sen. Dahiru Kuta | - | “ |
| 19. | Sen. Nkechi Nwaogu | - | “ |
| 20. | Sen. Zaynab Kure | - | “ |
| 21. | Sen. Ayogu Eze | - | “ |

22. Sen. Suleiman Adokwe - “
23. Sen. Ita Enang - “
24. Sen. Phillip Tanimu Aduda - “
25. Sen. Chris Ngige - “
26. Sen. Barnabas Gemade - “
27. Sen. Ahmed Zannah - “
28. Sen. Christopher Nwankwo - “
29. Sen. Bello Moh’d Tukur - “
30. Sen. Anthony Adeniyi - “
31. Sen. Joshua Lidani - “
32. Sen. Abdulaziz Usman - “
33. Sen. Abubakar Atiku Bagudu - “
34. Sen. Mohammed Shabba Lafiagi - “
35. Sen. Adegbenga Sefiu Kaka - “
36. Sen. Boluwaji Kunlere - “
37. Sen. Sola Adeyeye - “
38. Sen. Olufemi Lanlehin - “
39. Sen. Joshua Dariye - “
40. Sen. Magnus Abe - “
41. Sen. Abubakar Tutare Umar - “
42. Sen. Alkali Jajere - “
43. Sen. Esuene Helen - “
44. Sen. Nenadi Usman - “
45. Sen. Oluremi Tinubu - “
46. Sen. Aisha Alhassan - “
47. Sen. Mohammed Sani Saleh - “
48. Sen. Margery C. Chuba Okadigbo - “
49. Sen. Hope Uzodinma - “

2.0 BACKGROUND OF THE BILL

Mr. President, Distinguished colleagues, Constitution Review is a continuous process and has been on the front burner of national discourse since 1999. This has been so, especially after the last National Assembly successfully passed three sets of alterations to the Constitution of the Federal Republic of Nigeria, 1999. These alterations have undoubtedly strengthened our electoral system and further established the enabling framework for the nurturing of a vibrant democracy.

There has always been the realization that from time to time, certain provisions in our Constitution do become unworkable because circumstances have changed so that such provisions are no longer appropriate. It is in this light that the Senate Committee on the Review of the 1999 Constitution adopted an incremental approach to constitutional changes. Previous alterations have undoubtedly deepened our democratic ethos by confronting outstanding problems and addressing glaring omissions. At the same time, those alterations have generated momentum for continuing review.

This ongoing exercise is indeed a continuation of previous alterations. If you recall, in May 2011, the Committee identified and made recommendations in respect of a number of issues in its report.

***See “Report of the Senate Committee on the Review of the 1999 Constitution (SCRC) ON Its Activities Since Inception - 2009 -2010 – 2010/2011 Sessions, May 2011.**

Devolution of powers, Creation of states, Recognition of Geo-Political Zones, Local Governments, fiscal federalism, mayoral status for the FCT and executive immunity were some of the issues highlighted. Those recommendations were derived from the views of Nigerians as expressed in memoranda submitted to the Committee. Since then, the committee has systematically aggregated and analyzed all proposals, comments and experiences and translated them into constitutional review recommendations informed by international good practices.

While some of the issues highlighted above can be addressed through incremental amendment within the constraints of the provisions of sections 8 and 9 of the Constitution, others, it appears, require an entirely new Constitution. Although our Constitution makes provisions for amendments, it has stopped short of specifying or making explicit provisions for enacting a whole new constitution. If this is not envisaged as it is the case with our Constitution, sometimes there is doubt about whether the amendment process could be used to provide a completely new Constitution. This and many other considerations are some of the unique challenges and opportunities that the Committee had to grapple with.

The recommendations in the Draft Bill set out institutional and legal reforms, which together with sufficient political will may help to: ensure the drafting of a Constitution in accordance with international rule of law and equality; provide for constitutional and other legal guarantees for the practice of true federalism; provide for accountability and transparency in governance; and,

create an independent judicial system that would ensure the proper administration of justice in Nigeria.

3.0 OBJECTIVE OF THE BILL

The purpose of the bill is to remove contradictions and ambiguities, supply omissions, and make the Constitution more practical and relevant to the needs of Nigerians in the twenty-first century.

4.0 COMMITTEE ACTION/METHODOLOGY

The process of drafting or amending a constitution in any society is a complex one. It is a highly political and sensitive process, each with its unique challenges and opportunities. As such, the Committee was mindful to apply the same degree of focus on the contents of the amendment as the process itself. Thus, the “participatory” approach constituted a key guiding principle of the entire process. The other principle is that every action and recommendation of the Committee must have as an overriding aim the promotion of the unity and cohesion of the nation. The participatory approach can be summarized as public participation, inclusiveness (including gender equity) and representation, transparency and national ownership. Inclusivity in the process is for the most part beneficial to the longevity and viability of the Constitution. More so, we believe that if people feel a sense of ownership of the Constitution, they are more likely to protect it and exercise their duties under the new constitutional order.

Generally therefore, the process was non-partisan and very participatory. This approach is critical to achieving the broad principles of Constitutional review, especially those relating to building an active citizenry and an effective governance framework.

The recommendations contained in this report were arrived at on the basis of extensive research, study tours, proposals from memoranda submitted to the Senate Committee, strategic collaborations with key partners, consultation with stakeholders and feedbacks from the National and Zonal Public Hearings on the Review of the Constitution. Discussions of the Committee were always open, frank, sometimes intense but always amiable and at all times motivated by what is best for Nigeria. Members always tried to reach out for a consensus decision. Hence, decisions and recommendations in the Report have been approved by consensus. In those rare occasions where there were strong divergence of views, decisions were supported by a majority of members and, where it was requested, the minority view is also recorded.

Below are the highlights of the process-

- a. The Committee initially called for the submission of memoranda in the following thematic areas:-
 1. Devolution of Powers;
 2. Creation of More States;
 3. Recognition of the Six Geo-political Zones in the Constitution;
 4. Constitutional Role for Traditional Rulers;
 5. Local Government;
 6. Taking out the following Acts of the National Assembly from the Constitution: The Land Use Act, NYSC Act, Public Complaints Commission Act and the National Security Agencies Act (Section 315);
 7. Fiscal Federalism;

8. Amendment of Provisions relating to Amendment of the Constitution; State Creation and Boundary Adjustment to remove ambiguities;
 9. Immunity Clause;
 10. Nigerian Police;
 11. Judicial Reforms;
 12. The Executive;
 13. Rotation of Executive Offices;
 14. Gender and Special Groups;
 15. Mayoral Status for the Federal Capital Territory;
 16. Residency and Indigene Provisions; and
 17. Any other issue that will promote good governance but which may require the amendment of the Constitution.
- b. Engaged seasoned experts on Constitutional law and federalism as consultants to provide research papers and reports on the many areas of constitutional governance for the consideration of the committee;
 - c. Held a retreat in Asaba, Delta State to exchange views and listen to expert perspectives on the major thematic areas;
 - d. Conducted opinion polls on a number of critical issues;
 - e. Undertook study tours to the International Law Institute in Washington DC, Forum of Federations in Ottawa, Canada and to India where we met

and interacted with parliamentarians, judges, government officials, scholars and Nigerians living in diaspora. We were able to gain new insights into the practice and challenges of federalism;

- f. Met and consulted with Civil Society Organizations and organized interest groups in order to learn from them the strengths and weaknesses of the Constitution as it relates to them;
- g. Held a National Public Hearing in Abuja to gather further inputs from individuals, Institutions and organizations;
- h. Held Zonal Public Hearings in the six geo-political zones (Calabar, Enugu, Gombe, Lagos, Makurdi and Sokoto) of the Federation to further broad participation from all sections of the society;
- i. Held Town hall meetings in Senatorial zones and stakeholders forum in the States.
- j. Held a retreat in Lagos, Lagos State to consider the draft bill emanating from the inputs of stakeholders and feedback from the hearings as well as the bills referred to the Committee from plenary in order to develop proposals for constitutional change; and
- k. Embarked on the drafting of constitution review draft bill.

5.0 HIGHLIGHTS

It is important to state at this juncture that in order to streamline this report; the Committee has consolidated all the Constitution alteration Bills so far referred to it. A number of Bills referred to the Committee where considered and rejected on the ground that the extant provisions in law are sufficient.

They are:

1. Office of the Auditor-General for the Federation, Bill, 2011 (SB.18)

This Bill seeks to establish the office of the Auditor-General for the Federal Government, Audit Service Commission, and providing additional powers and functions to the office of the Auditor-General.

2. The Right of Person to be Indigene of a Locality in Nigeria, Bill, 2011 (SB.18)

The purpose of this bill is to make provision for right of a Nigerian citizen irrespective of his class, religion, tribe, political belief e.t.c to become an indigene of any locality in Nigeria.

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3. National Council of Traditional Rulers (Establishment) Bill, 2011 (SB.141)

This seeks to establish Traditional Rulers Council both at the national and state levels to advice government on issues of religion, culture, resolution of boundary disputes, and maintenance of peace, corporate unity and development of the country.

The highlights of the sections affected by this alteration are as follows:

SECTION 9 - PROCEDURE FOR DRAFTING AND ENACTING A NEW CONSTITUTION

The Committee feels there is the need to make an elaborate provision in Section 9 of the Constitution for a procedure to bring an entirely new constitution into being. This is predicated on the belief that the incremental approach to constitutional amendment may not be sustainable in the long run. The need may arise in the future for a whole new document.

SECTION 58 AND SECTION 100 – PRESIDENTIAL ASSENT

In the light of recent experiences, the Committee inserted a new provision in the Draft Bill to resolve the impasse where the President neglects to signify his assent or that he withholds such assent. In our view, this will strengthen legislature's authority and enable timely passage of laws for good governance.

SECTION 121 – CREATION OF FIRST-LINE CHARGE FOR CERTAIN BODIES AND OFFICES AT THE STATE LEVEL

To engender accountability and efficient service delivery, a provision is made for State Houses of Assembly, State Independent Electoral Commissions, Auditor-General of the State and the Attorney-general of a State to get their funding directly from the State Consolidated Revenue Fund.

SECTIONS 135 AND 180 – SINGLE TENURE

Considering the financial expenses often associated with re-election and to ensure that executive heads are freed from the distractions to be able to concentrate on public policy issues, a provision for a single term of 6 years for President and Governors is made in sections 135 and 180 respectively.

SECTIONS 150 AND 195 – OFFICE OF THE ATTORNEY GENERAL

To guarantee the independence of the office of the Attorney-General of the Federation and the Attorney-General of the State, the office is accordingly separated from that of the Minister of Justice or Commissioner for Justice.

SECTION 162 - REMOVAL OF STATE – LOCAL GOVERNMENT JOINT ACCOUNTS

To make for accountability and an effective Local Government system, the State-Local Government Joint Account is expunged from the Constitution.

SECTION 302 - AN ELECTED MAYORAL SYSTEM OF ADMINISTRATION FOR THE FEDERAL CAPITAL TERRITORY

According a mayoral status to the FCT is not only in keeping with the practice in many capital cities of the world, but it is also to ensure efficient administration of the FCT.

SECTION 6 OF THE 1ST ALTERATION ACT

Direct funding from the Consolidated Revenue Fund of the Federation is made for the Attorney-General of the Federation, the Auditor-General of the Federation, Revenue Mobilization, Allocation and Fiscal Commission; and the National Human Rights Commission.

SECOND SCHEDULE, PART I – DEVOLUTION OF POWERS

The exclusive list under Part 1 of the Second Schedule to the Constitution is congested, cumbersome and unwieldy. There is therefore the need to decongest the exclusive list by maintaining only items of utmost importance to the federation as a whole, while transferring items of concurrent interests to the concurrent list. The Committee therefore Substituted “Post and Telegraphs” with “Post and Telecommunications”, removed Pensions, Prisons, Railways, Stamp Duties and Wages from the Exclusive Legislative List and also added new items to the Exclusive and Concurrent lists namely: **(CONCURRENT LIST)** Arbitration, Environment, Healthcare, Prisons, Railways, Road Safety, Stamp Duties, Wages, Land and Agriculture, Youths, Public Complaints and Aviation AND **(EXCLUSIVE LIST)** National Security.

THIRD SCHEDULE OF THE CONSTITUTION, SECTION 6 OF THE SECOND ALTERATION ACT, S.14 OF THE THIRD ALTERATION ACT, SECTIONS 150, 174,195 &211 – JUDICIAL REFORMS

The Committee recognizes the singular role of the judiciary as the final arbiter over all disputes in the nation. Thus, the recommendations seek to reinforce the independence of the Judiciary; provide for the elaboration of rules, regulations and administrative processes that enhance quick and affordable access to justice.

REMUNERATION OF PAST PRESIDING OFFICERS OF THE NATIONAL ASSEMBLY - S. 84 (5)

The Committee recommends that past presiding officers of the National Assembly should be remunerated (provided that such officers were not impeached) just as it is the case with certain past judicial and executive officers.

6.0 OBSERVATIONS

In its deliberations and painstaking analysis of the proposals, comments from stakeholders and strategic partners, reports of experts, feedbacks from the National and Zonal Public Hearings and the Bills referred to it, the Committee observed as follows:

- (a) While most proposals and forwarded Bills were widely popular with the citizenry and advanced strong arguments for constitutional amendments, the Committee was constraint to assess not only the popularity of the proposals, but also their value and workability in the context of Nigeria. Of course, citizen's views have been carefully integrated into every recommendation contained in the draft bill. It must be underlined however that these views were appraised in the context of their compatibility with the Constitution as a whole as well as with democratic principles and national unity in general.

- (b) Some of the bills referred were not as comprehensive and were rife with ambiguities, some do not promote the spirit of separation of powers in a Presidential system of Government, while some proposals are better treated as conventions rather than codified in the Constitution.

On the strength of this, the Committee rejected:

- (i) Senate Bill 96 which is a proposal seeking to establish State Courts of appeal in the six geo-political zones, introduce State Legislative list, adjust and modify the legislative powers of government between the Federal and State Governments and provide for the recognition of the six geo-political zones in the Constitution. **The**

Committee is of the view that the present structure/arrangement should be sustained.

- (ii) Senate Bill 136 - Constitution (Alteration Bill). This Bill seeks to provide for the implementation and or execution of the National Assembly resolutions and or approve report of investigations conducted by the National Assembly. *This proposal good as it may be to assert the authority of the National Assembly does not promote the spirit of separation of powers in a presidential system of government and it apparently encroaches on the powers of the executive arm of government.*

- (iii) Senate Bill 139 - Constitution (Alteration Bill) 2012. This Bill seeks to provide for more responsibility to the State by transferring some legislative items from the Exclusive legislative list to the Concurrent list. It also provides for the creation of the Office of the Auditor-General of the Federation as distinct from the Office of the Auditor-General of the Federal Government of Nigeria. *The scope of the transfer of items in the Exclusive list is too wide especially*

considering the fact that the Committee has already transferred and included more items into the concurrent list. It is necessary to maintain a strong federal government that can hold the country together. In the case of the Auditor-General, the present constitutional provision is good and wide enough. What is required is financial independence which has now been provided for.

- (iv) Senate Bill 108 - Ministerial (Nominees Bill) 2011). This seeks to make provision that will enable the National Assembly to be more effective in the screening of Ministerial nominees by ensuring that portfolio is attached to each nominee. **Assigning portfolios should remain the prerogative of the President for reasons of flexibility. Besides, it has been shown that professional qualification does not necessarily approximate to performance in practical terms.**
- (v) Senate Bill 162 - Constitution (Alteration Bill) 2012. The objective of this bill is to prohibit the education of children and wards of Public Officers abroad on courses offered by institutions in Nigeria save for specialized courses at post graduate levels. *This may amount to a violation of the rights of such children/wards, it is discriminatory and may also be difficult to enforce.*
- (vi) **Fiscal Federalism/Derivation:** The minimum has already been set in the extant Constitution. It is the Committee's view that fixing the present rate to reflect prevailing reality should be an administrative responsibility vested in the Revenue Mobilisation Allocation and Fiscal Commission (RMAFC).
- (vii) **State Police:** We recommend that the preferred approach at this time is to critically look at the current federal police system with a view to sanitizing and strengthening it.

- (viii) **Special Status for Lagos:** While the Committee appreciates the peculiar needs and challenges of Lagos, it is our considered opinion that according such special status should be a matter of political decision which should be kept out of the Constitution.
- (ix) **Ministerial Slot for “Indigenes” of the FCT:** This seeks the inclusion of the FCT in the proviso to section 147 (3) of the Constitution as it relates to ministerial appointments so as to ensure that an “indigene” of the FCT is appointed as a minister. Desirable as that may be, we are of the view that the provisions granting mayoralty status for the FCT will go a long way in ensuring equitability and is sufficient to ensure efficient administration of the Federal Capital.
- (x) **Rotation of Executive Offices:** We rejected this proposal on the grounds that the Constitution should not make Nigerian leadership subject to ethnic or regional considerations. This should be a matter of consideration amongst the various political parties.
- (xi) **Prohibition of Foreign Accounts (Section 3 Of Part 1 of the Fifth Schedule):** We recommend that the status quo be maintained in this regard. Making any alteration is most likely to be received with misgivings and outrage by Nigerians as it may portray the National Assembly as self serving. This may affect the entire legitimacy/credibility of the Constitution amendment exercise.
- (xii) **Voting Rights – Diaspora Voting (S.77 (2)):** INEC is still grappling to strengthen its capacity to conduct elections within the country. It would be counter-productive to extend INEC’S responsibilities abroad without the requisite capacity.

(xiii) **State Creation:** The under-listed 61 requests for state creation were made to the Committee. However, none of those requests complied with the entire provision of section 8(1), which states: “8. (1) An Act of the National Assembly for the purpose of creating a new State shall only be passed if-

(a) a request, supported by at least two-thirds majority of members (representing the area demanding the creation of the new State) in each of the following, namely -

(i) the Senate and the House of Representatives,

(ii) the House of Assembly in respect of the area,
and

(iii) the local government councils in respect of the area, is received by the National Assembly;

(b) a proposal for the creation of the State is thereafter approved in a referendum by at least two-thirds majority of the people of the area where the demand for creation of the State originated;

(c) the result of the referendum is then approved by a simple majority of all the States of the Federation supported by a simple majority of members of the
Houses of Assembly; and

(d) the proposal is approved by a resolution passed by two-thirds majority of members of each House of the National Assembly”.

SOUTH-SOUTH

S/N	PROPONENT	PRAYER
1	MOVEMENT FOR THE CREATION OF AHOADA STATE	Creation of Ahoada state out of present Rivers state.
2	TORU-EBE STATE CREATION MOVEMENT	Creation of Toru-Ebe state out of the present Delta, Edo and Ondo states.
3	MOVEMENT FOR THE CREATION OF OGOJA STATE	Creation of Ogoja state from the present Cross River state.
4	THE URHOBO PROGRESS UNION(UPU)	Creation of Urhobo state out of the present Delta state
5	MINJI-SE STATE CREATION MOVEMENT	Creation of Minji-Se State from the present Rivers State
6	MOVEMENT FOR THE CREATION OF ADO STATE	Creation of Ado State out of the Present Delta State

7	MOVEMENT FOR THE CREATION OF CONFLUENCE STATE	Creation of Confluence State out of the present Kogi, Edo and Nasarawa States.
8	RIVERS SOUTH EAST SENATORIAL DISTRICT.	The creation of Bori State out of the present Rivers State.
9	MOVEVEMENT FOR THE CREATION	Creation of Anioma State out of the present Delta State.
	ANIOMA STATE.	
10	OIL RIVERS STATE MOVEMENT.	Creation of Oil rivers state out of the present Akwa Ibom and Rivers states.
11	WARRI ITSEKIRI MODEL	Creation of the Warri State out of the present Delta state.
12	MOVEMENT FOR THE CREATION OF NEW DELTA STATE.	Creation of New Delta state out of the present delta State.
13	MOVEMENT FOR THE CREATION OF ETHIOPE STATE	Creation of Ethiope State out of the present Delta State.

14	ANIOMA STATE CREATION MOVEMENT	Creation of Anioma State out of the present Delta State.
15	SOMBREIRO STATE CREATION MOVEMENT	Creation of Sombreiro State out of the present Rivers State.
16	Ijaw and Itsekiri leaders Forum	Creation of Coast State from the present Delta State.
17	AFE ANNANG (Supreme Social-Cultural Organization of Annang People)	Creation of Itai State out of the present Akwa Ibom State

SOUTH EAST

	PROPONENT	PRAYER
1	ABA STATE CREATION MOVEMENT-ABA,	Creation of Aba state from the present Abia state.

2	ADADA STATE CREATION MOVEMENT & ENUGU STATE COMMITTEE ON THE ACTUALIZATION OF ADADA STATE	Creation of Adada state from the present Enugu state.
3	MOVEMENT FOR THE CREATION OF ORASHI STATE	Creation of Orashi state out of the present Imo and Anambra and Anambra states.
4	UGWUAKU STATE MOVEMENT	Creation of Ugwuaku state out of the present Imo, Abia, Anambra and Enugu states
5	LIFE PATRON OF OCHOGBOS OUTSIDE IGBOLAND.	Creation of Etiti State from the parts of the present Enugu, Anambra, Imo, and Abia States.
6	MOVEMENT FOR THE CREATION OF EQUITY STATE OF NIGERIA.	Creation of Equity state out of the present Abia, Anambra, Enugu, Imo and Ebonyi States.
7	NJABA STATE CREATION MOVEMENT.	Creation of Njaba state out of the present Imo State.

8	OHANAEZE: ANAMBRA STATE COMMITTEE ON THE STATE CREATION.	Creation of Orimili State from the present Anambra State.
9	NJABA & ORASHI STATE CREATION MOVEMENT.	Creation of Anim State (<i>Merger of Njaba and Orashi States</i>) from the present Imo and Anambra States.

SOUTH WEST

	PROPONENT	PRAAYER
1	TORU-EBE STATE CREATION MOVEMENT	Creation of Toru-Ebe state out of the present Delta, Edo and Ondo states.
2	NEW OYO STATE FORUM(NOSFOM), IBADAN	Creation of new Oyo state as part of the states of the federation of Nigeria
3	REMO FORUM	Creation of Remo-Ijebu state from the present Ogun state
4	IJESHA STATE CREATION MOVEMENT	Creation of State to be known as Ijesha State out of the present Osun state.
5	COMMITTEE ON ODUDUWA STATE CREATION	Creation of Oduduwa State from the present Osun State

6	IJEBU STATE CREATION MOVEMENT.	Creation of Ijebu State with Ijebu Ode as the Capital.
7	CENTRAL COUNCIL OF IBADAN INDIGES-C.C.I.I	Creation of the Ibadan State out of the present Oyo State.
8	GUNUVI NATIONAL CONGRESS OF NIGERIA & YEWA TRADITIONAL COUNCIL	Creation of Yewa State out of the present Ogun State.
9	THE PEOPLE OF ONDO NORTH SENATORIAL DISTRICT OF ONDO STATE.	Creation of Ose State out of the present Ondo.
10	MOVEMENT FOR THE CREATION OF IJESHA STATE.	Creation of the Ijesa State out of the present Osun State.

11	PEOPLE OF EPE, ETIOSA, IBEJU-LEKKI, IKORODU, KOSOFE AND SHOMOLU LOCAL GOVERNMENTS	Creation of Lagoon State out of the present Lagos State.
12	MOVEMENT FOR THE CREATION OF OLUWA STATE.	Creation of Oluwa State out of the present Ondo State.
13	OKE-OGUN DEVELOPMENT COUNCIL	Creation of Oke-Ogun State out of the present Oyo State.
14	MOVEMENT FOR THE CREATION OF IGBOMINA STATE	Creation of Igbomina State out of the Present Osun and kwara States.
15	THE COMMITTEE ON STATE CREATION	Creation of Ilaje State from the present Ondo State

NORTH CENTRAL

	PROPONENT	PRAYER
1	APA STATE CREATION	The Creation Apa State from the present
	MOVEMENT	Benue State.

2	PEOPLE OF BORGU, KAGARA AND KOTANGORA EMIRATES	The creation of Kainji state from the present Niger state.
3	EDU STATE CREATION MOVEMENT	Creation of Edu State out of the present Niger and Kwara States of Nigeria.
4	MOVEMENT FOR THE CREATION OF CONFLUENCE STATE	Creation of Confluence State out of the present Kogi, Edo and Nasarawa States.
5	OKURA STATE CREATION MOVEMENT	Creation of Okura State out of the present Kogi State
6	MOVEMENT FOR THE CREATION OF BORGU STATE	Creation of Borgu State out of the present Kebbi, Kwara and Niger state.
7	COMMITTEE ON THE CREATION OF OKUN STATE (COMMITTEE OF ELDERS FOR THE PROGRESS OF EGBE) AND OKUN	Creation of the Okun State out of the present Ekiti, Ondo, Kwara and Kogi States of Nigeria

	DEVELOPMENT ASSOCIATION.	
8	MOVEMENT FOR THE CREATION OF LOWLAND STATE (TUNKUS)	Creation of the Lowland State out of the present Plateau State of Nigeria.
9	MOVEMENT FOR THE CREATION OF SOUTH PLATEAU STATE.	Creation of South Plateau State out of the present Plateau State of Nigeria.
10	MOVEMENT FOR THE CREATION OF GBOKO STATE.	Creation of Gboko State out of the Present Benue State
11	BINDA STATE CREATION MOVEMENT.	Creation of Binda State out of the Present Benue State
12	Kogi Youth Movement Hon. Chief Alfred Bello (JP) BA, MPA, LLB <i>National President</i>	Creation of Kabba State out of the Present Kogi State

13	MOVEMENT FOR THE CREATION OF KATSINA-ALA STATE	Creation of Katsina Ala State out of the present Benue and Taraba States
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NORTH EAST

	PROPONENT	PRAAYER
1	MOVEMENT FOR THE CREATION OF KATAGUM STATE	Creation of Katagum State out of the Present Bauchi state.
2	AMANA STATE CREATION MOVEMENT	Creation of Amana State out of the present Adamawa State.
3	MOVEMENT FOR THE CREATION OF SAVANNAH STATE	Creation of Savannah State out of the present Borno State.

NORTH WEST

1	SOUTHERN KADUNA PEOPLE'S UNION, STATE CREATION COMMITTEE MEMO	creation of Gurara State out of the present Kaduna state of Nigeria
2	THE MOVEMENT FOR THE CREATION OF NEW KADUNA STATE.	Creation of New Kaduna State from the present Kaduna
3	MOVEMENT FOR THE CREATION OF TIGA STATE	Creation of TIGA State out of the present Kano State
4	MOVEMENT FOR THE CREATION OF GHARI STATE	Creation of Ghari State from the present Kano State.
5	MOVEMENT FOR THE CREATION OF KARADUWA STATE	Creation of Karaduwa State out of the present Katsina State
6	MOVEMENT FOR THE CREATION OF HADEJIA STATE	Creation of Hadejia State out of the Present Jigawa State.

OBSERVATIONS ON STATE CREATION MEMORANDA THAT FAILED TO MEET THE REQUIREMENTS OF SECTION 8

ZONE	S/N	STATE	OBSERVATION
NORTH CENTRAL	1	BINDA STATE	Date Submitted: September 2012. No signatures from members of the National Assembly, State House of Assembly or Local Government Councils representing the area.
	2	BORGU STATE	No signatures of members of the Senate, House of Representatives, and Local Government Councils representing the Area were attached.
	3	CONFLUENCE STATE	No required signatures
	4	GBOKO STATE	Date of Submission: 20 th June, 2012. No signatures of members of the Senate, House of Representative and Local Government Councils representing the area.
	5	IGBOMINA STATE	No signature of representatives from the Senate, House of Representatives, State House of Assembly or the Local Government Councils representing the area was attached.
	6	KABBA STATE	No signatures by members of the National Assembly, the State House of Assembly and the Local Government representing the area concerned.

	7	KAINJI STATE	No signatures by the representatives at the National Assembly or the State House of Assembly.
	8	KATSINA ALA STATE	No requisite signatures
	9	LOWLAND STATE	Memo dated 24th September, 2012. No member of the Senate representing the area signed. No member House of Representatives signed. No member from the State Houses of Assembly signed.
	10	OKUN STATE	No requisite signatures.
	11	OKURA STATE	Date of Submission: 20 th June, 2012. All the Local Government Chairmen and Councillors who signed were not
			democratically elected. They were Transition Council members.
	12	SOUTH PLATEAU STATE	No signatures by members of the House of Representatives and the Local Government Councils representing the area were attached.
SOUTH WEST	1	BENI-EBE STATE	No signatures of members of the Senate, House of Representative and Local Government Councils representing the area were attached.

	2	IBADAN STATE	Memo dated 23 rd October, 2008. No member of the House of Representatives signed and none of the senators who signed is currently serving.
	3	IJESA STATE	No member of Senate representing the area signed.
	4	LAGOON STATE	No signatures of members of the Senate, House of Representative and Local Government Councils representing the area were attached.
	5	NEW OYO STATE	No member of Senate representing the area signed.
	6	OKE OGUN STATE	Memo submitted 18 th June, 2012. No requisite signatures
	7	OSE STATE	No signatures of members of the Local Government Councils representing the area.
	8	REMO-IJEBU STATE	No signatures of the constitutionally required representatives were attached.
	9	YEWA STATE	No signatures of members of the Senate, House of Representative and Local Government Councils representing the area were attached.
	10	YEWA/AWORI STATE	No signatures of the constitutionally required representatives were attached.

SOUTH SOUTH	1	ANIOMA STATE	Senator P.E. Osakwe who signed is no longer serving. In addition, only 3 instead of six House of representatives members signed to meet the 2/3 rd requirement of the House of Representatives members representing the area. Of these three, Hon. Doris Uboh and Hon. C.U. Onyekweli are no longer serving. The only person serving is Hon. Ndudi Elumelu.
	2	COAST STATE	Senator Stella Omu who signed is no longer serving. In the House. There are 8 local government councils involved, 2/3 rd s of which will be 5. Only Chairmen and Councillors of 3 local government councils signed.
	3	ETHIOPE STATE	Memo not dated. No requisite signatures from member(s) House of Representatives, State House of Assembly or Local Government Councils.
	4	ITAI STATE	No member representing the Local Government Councils appended his signature.
	5	OGOJA STATE	No member of the National Assembly or the House of Assembly representing the area appended his signature.
	6	OIL RIVERS STATE	No signatures of members of the Senate, House of

			Representatives, and Local Government Councils representing the area were attached.
	7	TORU – EBE STATE	Memorandum submitted on the 20 th February 2012. Senator James Manager signed and there were no sufficient signatures from the Local Government Councils representing the areas to meet the 2/3 rd requirement – No Local Government representative from any of the 3 Local Governments in Edo signed.
	8	TORU-EBE STATE (By the Benin Kingdom)	Objects to the inclusion of Benin territory to the proposed Toru- Ebe State. Supported by signatures by all three levels of representation required.
	9	URHOBO STATE	No signatures by members of the National Assembly, State House of Assembly and the Local Government Council areas.
	10	WARRI STATE OR WARRI PROTECTED TERRITORY.	No member of the Senate representing the area signed.
NORTH EAST	1	AMANA STATE	No signatures of members of the Senate, House of Representatives, Local Government Councils representing the area were attached.

	2	KWARARAFI STATE	No signatures of members of the Senate, House of Representatives, Local Government Councils representing the area were attached.
NORTH WEST	1	KARADUWA STATE	No signatures of members of the Senate, House of
			Representatives and House of Assembly representing the area were attached.
	2	TIGA STATE	No signatures of members of the Senate, House of Representatives, and Local Government Councils representing the area were attached.
	3	ZURU STATE	No member of the Senate representing the area appended his signature.
SOUTH EAST	1	ANIM STATE	Only one House of Representatives member instead of 3 signed . He is Hon. Fort Dike. In addition, the 12 Local Government Councils from the present Imo state that are part of the proposed State were represented by Transition Council members who signed on behalf of the councils and not constitutionally elected members.

	2	ETITI STATE	Memorandum dated November, 2012. No signatures from the Senate, House of Representatives, House of Assembly and Local Government Council.
	3	EQUITY STATE	No signatures of members of the Senate, House of Representatives, and Local Government Councils representing the area were attached.
	4	NJABA STATE	The number of members of the House of Representatives who signed do not approximate to the 2/3 requirement and at the Local Government Areas from Anambra state, Transition Council members signed and not elected representatives.
	5	ORASHI STATE	No required signatures.
	6	ORIMILI STATE	Senators Annie Okonkwo and Ubanesse Igbeke who signed are not presently serving. Of the 6 members of the House of Representatives who signed, only two are still serving and they are Hon. Uche Ekwunife and Hon. Charles Odedo. The others who signed and are no longer serving are Ho. Gozie Agbakoba, Hon. Ralph Okeke, Hon. Chinedu Eluemuno and Hon. Chukwudi Onyema. In addition at the Local Government Areas Transition Council Members signed.

	7	UGWUAKU STATE	No member of the Senate representing the area appended his/her signature.
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The demand for the following states attempted meeting the requirements of Section 8 (1)(a)(i -iii). They are:

1. Aba State
2. Adada State
3. Ado State
4. Apa State
5. Bori State
6. Edu State
7. Ghari State
8. Gurara State
9. Hadeija State
10. Ijebu State
11. Katagum State
12. Minji-se State
13. New Delta State
14. Oduduwa State 15. Oluwa State
16. Savannah State
17. Sombreiro State

We wish to note in respect of all the requests listed above that not all of the signatories are presently serving as members of the Senate, House of Representatives, State Houses of Assembly or Local Government Councils as required by section 8 (1) (a) of the Constitution and in some cases, the memoranda was received long after the official close of submission. As such,

if the signatures of those that are no longer serving at the various legislative levels are removed, the signatures of the serving members will not satisfy the provisions of Section 8 (1) (a)(i -iii). In all, none of the request for state creation at the close of receipt of memoranda satisfied the requirement of Section 8 (1)(a)(i -iii) to justify a recommendation for the next step in Section 8(1)(b) namely: directing the Independent Electoral Commission (INEC) to conduct a referendum. Below is a table of the Committee’s observations in this regard:

OBSERVATIONS ON REQUESTS FOR STATE CREATION THAT PRIMA FACIE COMPLIED WITH THE REQUIREMENTS OF SECTION 8 (1)(A)(i-iii)

ZONE	S/N	STATE	OBSERVATION
NORTH CENTRAL	1	APA	Memorandum is dated 1 st July, 2009. No member of the House of Representatives who signed the memo is presently a serving member of the National Assembly. They are: Honourables David O. Idoko, Solomon Agidani, Augustine Adikpe, Nelson Alapa.

	2	EDU	Memorandum is dated 15 th July, 2009. Hon. Baba Shehu and Hon. Isa Shaba who signed are no longer members of the House of Representatives.
NORTH WEST	3	GHARI STATE	<p>Memorandum dated 11th May, 2009. None of the House of Representatives members who signed the memo is presently a serving member of the House.</p> <p>They are Honourables Sa'adu Yusuf Goda, Hamisu Abdul'Azeez, Yunusa Haruna, Haliru D. Maigari, Sule Durum, Sale Ahmad Marke, Aminu Sa'adu Yakanawa, Hamisu Ibrahim and Hafizu Sani.</p>

	4	GURARA STATE	<p>Letter of submission dated 17th May, 2010. Senator Zagi Caleb who signed is no longer a serving senator.</p> <p>3 of the 6 House of Representatives members who signed are not currently serving members. They are: Hon. Ado Dogo Audu, Hon. Joseph Gumbai and Hon. Emmanuel Maisango Audu.</p>
	5	HADEIJA	<p>Letter dated 27th October, 2009. Nine Constituencies demanded for the state.</p> <p>Out of 9 House of Assembly members who signed, 6 are no longer serving. They are: Hon. Suleiman Ibrahim Marke, Adamu Hassan Abun-so, Yusuf Ahmad Soja and Musa Hassan Birniwa, Abdulkadir Abubakar, Umar Anas Adamu.</p> <p>Therefore, the two-thirds requirement was not met.</p>

	6	NEW KADUNA STATE	<p>Memo dated April, 2010.</p> <p>Only 3 of the 11 members of the House of Representatives who signed are presently</p>
			<p>serving. The presently serving members are Hon. Isa Muhammed Ashiru, Hon. Ibrahim Khalid and Hon. Yakubu U. Barde.</p> <p>Similarly, many of the members of the House of Assembly who signed are longer serving.</p>
NORTH EAST	7	KATAGUM STATE	<p>Letter dated 14th day of December, 2009.</p> <p>Senators Muhammed A. Muhammed and Senator Suleiman Mohammed Nazif who signed are no longer serving senators.</p> <p>Of the six House of Representatives members who signed namely: Hon. Yusuf A . Tuggar, Hon. Adamu Gurai, Hon. Awwalu Audu. Hon. Sabo Usman, Hon. Tata Umar and Hon. Ibrahim Aliyu Makama, only Hon. Adamu Gurai is a serving member.</p>

	8	SAVANNAH STATE	<p>Letter of Submission dated 28th March. 2010. Senator Omar Hambagda is no longer serving as a senator, Hon. Mohammed Ali Ndume is no longer in the House of Representatives while Hon. Ishaku Joshua Shara is no longer a member of the National Assembly.</p>
SOUTH EAST	9	ABA	<p>Letter of submission dated 9th September, 2008. Senator Adolphus Wabara who signed is no longer a serving senator. Four members of the House of Representatives signed namely, Hon. Chinenyerem Macebuh, Hon. Damian Ozurumba, Hon Nkech Nwaogu and Hon. Uzor Kalu. Hon. Nkechi Nwaogu is now a senator.</p> <p>The other three members of the House of Representatives who signed are no longer members of the House.</p>

	10	ADADA STATE	<p>Three House of Representatives members signed namely, Hon. Ifeanyi Ugwuanyi, Hon Pat Asadu and Hon. Paul Eze. Hon. Paul Eze is no longer serving.</p> <p>Of the 10 members of the State House of Assembly who signed, 7 are no longer serving. They are: Honorables Onah Fabian, Atigwe David, Amuh Felix</p>
			<p>Elechi, Ogbu Eugenia, Chigbo Anthony, Nna mani Edith, Elizabeth Ezugwu.</p> <p>The remaining three failed to meet the two-thirds requirement.</p>
SOUTH - SOUTH	11	ADO STATE	<p>Submission Date: 11th October, 2010.</p> <p>The Local Government Chairmen and Councillors who signed are no longer serving.</p>

	12	BORI STATE	<p>Date of Submission: April 2009.</p> <p>Senator Lee Ledego Maeba who signed is not currently serving.</p> <p>None of the 3 members of the House of Representatives who signed is presently serving. They are- Hons. Emmanuel Nwika Deeyah, Chief Olaka Nwogu and Christopher Berewari.</p>
	13	MINJI-SE STATE	<p>Date of Submission: 29TH August, 2010.</p> <p>Hon. Daemi Kunaiyi-Akpanah who signed is no longer serving as member of the House of Representatives.</p> <p>Also, Four out of the seven members of the House of</p>
			<p>Assembly who signed are no longer serving.</p>

	14	NEW DELTA STATE	<p>Submitted 3rd August, 2010.</p> <p>The only Senator, Prof. A.E. Eferekaya who signed is no longer a serving senator.</p> <p>The House of Representatives members who signed namely Hon. Members Overah, OJ, Solomon U Ahwinahui and John H. Agoda are also no longer serving.</p>
	15	SOMBREIRO STATE	<p>Memorandum received after the official close of submission.</p>
SOUTH WEST	16	IJEBU	<p>Memorandum submitted July, 2009.</p> <p>All signatories from the Senate and House of Representatives are not serving members of the National Assembly. They are Senator Lekan Mustapha, Hon. Dave Salako, Gbenga Oduwaye and Segun Osibote.</p> <p>At the House of Assembly, of the 11 who signed, 9 are not presently serving. They are- Honourables Musa Marroof, Nosiru Isiaka, Akeem Salami,</p> <p>Wale Alausa, Edward Ayo-Odugbesan, Omosanyo Solaja,</p>

			Moses Abiodun, Pelumi Olusola, Tokunbo Oshin.
	17	ILAJE STATE	Date of Submission: 20 th August, 2010. Senator Hosea Ehinlanwo who signed is no longer serving. Hon. Agboola Ajayi is also no longer a member of the House of Representatives. The 2 members of the State House of Assembly who signed are not presently serving.
	18	OLUWA	Date of Submission: 10 th June 2010. Sen. Ehinlewo, Hon. E.O. Adedeji, Oluwole Olakinde and Agboola Ajani are no longer serving members of the National Assembly. At the House of Assembly, of the 8 signatories, 7 of them are no longer serving representatives. They are: Honourables Mayowa Akinfoharun, Yomi Tadema, Niyi Adebuseye, Yibo Obagbemi, Oyebo Aladetan, Kunle Odidi, Kele Bolodeoku.

	19	ODUDUWA	Date of Submission: 17 TH June, 2009
			None of the signatories in respect of the Senate and House of Representatives is a serving member. They are: Senators, Omisore, Isiaka Adeleke, Simeon Oduoye, Hon. Patricia Etteh, Kayode Idowu, Kolawole Ismaila, Onigbogi. Olugbenga, Busay Oluwole Oke, Leo Owoyemi Adesare, Falade Ajibade M., Albert Abiodun Adeogun and Jolaye George Oyewole.

The Committee therefore recommends that, provided the House of Representatives received same, henceforth, the Clerk of the National Assembly should be directed to forward any memoranda that complied with section 8(1)(a)(i, ii & iii) to the Independent National Electoral Commission (INEC) to conduct a referendum which itself is still half of the journey towards state creation. This can be done at anytime, whether or not there is a constitution amendment exercise going on.

7.0 RECOMMENDATION

Mr. President, Distinguished colleagues, in view of the importance of these proposed alterations and their potential to create an enabling framework for stability and for the nurturing of a vibrant democracy in Nigeria; the Committee do hereby recommend that:

- (i) The proposed alteration to the Constitution in the attached document be adopted.
- (ii) The Senate do expedite action in the passage of the bill to enable the government restructure the institutions affected by this alteration.

8.0 CONCLUSION

Mr. President, Distinguished colleagues, on behalf of the members of the Committee, we wish to thank you for entrusting the responsibility of processing the alteration of the Constitution in our hands. Your support and cooperation has been quite rewarding throughout the exercise. We cannot thank you enough.

Senator Ike Ekweremadu, CFR
DSP/Chairman

Dr. Innocent Mebiri
Committee Clerk

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