

TOWARDS THE PEOPLES' CONSTITUTION AND GOOD GOVERNANCE IN NIGERIA

TERSOO PAWA

Department of Political Science
College of Education Katsina-Ala
Benue State, Nigeria
terspawa@gmail.com
08066745423

&

SAMSON AONDOWASE FADA Ph.D

Department of Political Science
Benue State University, Makurdi,
Benue State, Nigeria
07038061708
aondowase2@yahoo.com

Abstract

The concept constitutionalism connotes a total and strict adherence to the rule of law where the constitution remains supreme and where all people are equal before the law with protected human rights. In promoting constitutionalism, governance must therefore be devoid of fake promises; initiating and implementing policies; watching the peoples' countenances to bring smiles thus ruling and watching out for what the law stipulates. Available data reveal that Nigeria is far from observing constitutionalism because of the inherent inadequacies in the constitution. Consequently, good governance is characterised by indices like the Rule of Law, Participation, Consensus orientedness, Accountability, Transparency, Responsiveness, among others are unattainable. The paper concludes that unless the process and the content of the constitution are re-addressed via due process, Nigeria will remain in this governance quagmire. It therefore suggests adequate public education, consultations and independent candidatures in the electoral process as the panacea to the validity and legitimacy questions of the Nigeria's constitution.

Keywords: *Constitutionalism, Constitution, Good Governance*

Introduction

Constitutionalism which suggests strict adherence to the valid and legitimate constitution of the land remains the major feature of democratic governance. That is why governance as the exercise of economic, social, political and administrative authority for managing the affairs and resources of the nation requires being substantively good. That is why Sahni (2003) argues that governance for development has to be accountable, participatory, responsive, effective and efficient for promoting the rule of law and safeguard of popular interest towards attainment of holistic development. This is why constitutionalism can be equated with good governance. There is therefore a nexus between the constitutionalism and democracy as both complement each other.

The role of the constitution in any society or organization cannot be underestimated. That is why there is a celebrated maxim which logically argues that there is no orderly society without a state as there can be no orderly state without a constitution. Consequently, there is no doubt that the constitution is the body and soul of the state and a regulatory framework or mechanism in any state. This premise justifies why most nations of the world maintain one constitution or the other. Some are written others are unwritten, we also have rigid and flexible constitutions. Others are unitary, federal or confederal depending on which a country chooses to operate.

However, despite the centrality of the constitution, and with a written and a supposedly rigid one at that, Nigeria happens to have a chequered constitutional history, dominated by the colonial-milito-elitist documents which are products of processes which negate in every sense the people-oriented inclusive approach. This paper therefore reviews the historical development of constitutions and analysis the nexus between constitutionalism and good governance in Nigeria. Based on the above reasoning, one would expect a popular reform for a valid constitution, to which adherence is indispensable in solving the constitutional problems in Nigeria.

CONCEPTUAL CLARIFICATIONS

The Constitution

A constitution in simple terms means a body of fundamental laws, norms and principles that determine how the state is governed. Bagehot (1949) observes that, these rules could be legal or non-legal. Wheare (1964) corroborates that such a collection of rules which establish and govern the state could be legal or extra -legal. Legal in the sense that, the courts recognize and apply them and extra legal in the context whereby, customs and conventions help to regulate government. It is “a body of rules and regulations...whereby government is organized and its functions” (Johari, 2005:535). It may be said to be a collection of principles according to which the powers of the government, its rights and the relations between the two are adjusted, it is seen to be “the biography of power relationships”. Okoli and Okoli (1990:33) have affirmatively summed up that the constitution is; “... the embodiment of all the political economic social, cultural religious and even historical forces conditioning the perception of a people at any time and powerful enough to be isolated and accepted as a guide for future actions.”

Since not all of them can be measured by this Okolis’ yardstick, Ihonvbere (2000:4) insists that it “should and must” be scientifically dynamic to reflect such tenets as the past present and anticipate the future. Hence Cheadle (1999:31) describes it as “the repository of national souls.” The functions of constitutions among other roles include the definition of structures and functions of government; it declares the principles regulating operations, the state and the citizenry. Peacock and Smith (2002) have observed that a constitution contains the procedures and substantive protections by which most of the political societies, other procedures and substantive ends are curbed and channeled.

Constitutionalism

Constitutionalism today, means more than recognition of the document or its legalistic interpretations. It means the legitimate process that culminates into a body of rules; supremacy of law and strict adherence to constitutional restraints. It also refers to recognizing democracy and limited government. This prompted Tumwesigye’s (cited in Mmanda, 1998) argument that, there are so many constitutions in the world which are valid but not legitimate. Constitutionalism prevails within the universe of positive restraint. It occupies a central position between two extremes of the continuum, very strong restraint and weak restraint. (Mazrui 2001, Johari 2002). Operationally, Ihonvbere (2000:6) posits that constitutionalism:

... is in two issues, first, the process of making and the extent to which it is popular and democratic; and second, the available opening, institutions and processes of making the constitution of living document by taking it to the people... to not just have access to it, but to understand it, claim ownership and deploy it is the defense of their individual and collective rights.

This means that, constitutionalism does not suffice only with validity but the legitimacy of a popular legal document and adherence to it. Constitutional scholars have it that; constitutionalism goes beyond creating power “but that these rules impose limits on these powers” (Stanford Encyclopedia 2007:3).

This position expects the people's constitution to be a compact produced through dialogue between the state/citizens reflecting their yearnings and aspirations. A document which all citizens understand and can claim its ownership as in the way the preamble of our constitution states that: "We the people of the Federal Republic of Nigeria... having firmly resolved... to make, enact and give ourselves the following constitutions" (1999 Constitution). Constitutionalism in the modern political discourse means, supremacy of law and not of individuals; it divides power and provide effective restraint on government action. This concept stands for a limited civilized and responsible government. Wheare (1964:137) was correct to have observed that a constitutional state is:

...something more than a government according to the terms of a constitution. It means government according to rule as opposed to arbitrary government; it means government limited by the terms of a constitution, not a government limited only by the desires and capacities of those who exercise power.

According to Tarnande and Pawa (2011), constitutionalism further means five things in the trio relationship with the rule of law and judicial independence:

i. **The Existence of the law in the land.** The law must first of all be recognized as a body of fundamental rules and regulations. According to Kgositsile (1999:28) a people must keep constitutions because they:

... are important repositories of peoples' histories, values, aspirations, concerns and dreams... They lay down principles, the nightmares people have gone through and would like to avoid repeating. They are a set of commitments and vows like in a marriage to ensure that on rainy days in some distant future, the parties do not destroy all in the heat of the moment. They can be tools for transformation ... every effort must be made to make the process as inclusive of all stakeholders in the society as possible

It is actually a confirmation that there is a law in the land which must be obeyed. Johari's (2003:548) view is in consonance with this condition where he argues that:

Constitutionalism stands for the existence of a constitution in the state, since It is the instrument of government or the fundamental law of the land, whose objects are to limit the arbitrary action of the government to guarantee the rights of the governed and to define the operation of the sovereign power.

Constitutions lay the foundations for a political order governed by laws, rules or regulations.

ii. **Positive restraint:** Sequel to the above is that the constitution prevails in a universe of positive restraints. In this case these must be strong restraints against "too much government" (autocracy) but must empower "too little government" above anarchy. What matters is the legitimacy of these restraints as Tumwesigye (cited in Ihomvbere 2001:1) captures in his critique that:

There are so many constitutions in the world which are valid but not legitimate ... the basis of validity of the constitution is the powers of the one who is implementing it, but the basis of the legitimate constitution is the way it is accepted by those it is targeting which is the result of the way that they consciously participated or were involved in it.

iii. **A Product of the People:** The people are not made for the law but the law for them. It must be a product of the people who must majorly participate in the constitution making process that they would enact for themselves to warrant the claim, "We the people of ... hereby ENACT for ourselves the following constitutions..."

- iv. **An essence of the State:** As an arbiter, the constitution becomes the basis of order and existence of the state like in the Hobbesian social contract. This is the main reason why man controls the evil in him for the greater good of all or else all states would have collapsed in unresolved conflicts arising from individual interests, ideas and sentiments.
- v. **Adherence:** Finally constitutionalism requires strict adherence to the tenets of the rule of law, and impartial adjudication. In this manner, the rule of law sets parameters of general modus operandi for the people's choice for obedience (enjoyment) and disobedience (penance).

Good Governance

Good governance means so many things, it is "... among other things participatory, transparent and accountable. It is also effective and equitable. And it promotes the rule of law" (UNDP, 2003:2). It "... encompasses the role of public authorities in establishing the environment in which economic operators function and in determining the distribution of benefits as well as the relationship between the ruler and the ruled" (OECD, 2013). It is "... epitomized by predictable, open and enlightened policy making; a bureaucracy imbued with a professional ethos; an executive arm of government accountable for its actions; and a strong civil society participating in public affairs; and all behaving under the rule of law" (World Bank 1994).

Indicators of Good Governance

Sheng (2015:1) contends that:

Good governance has 8 major characteristics. It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society.

Accordingly, OECD (2014) argues that these are inextricably related to each other. For instance, without active participation among the various actors in governance, there would be a concomitant lack of responsiveness. Likewise, if decision-making is not transparent, then inevitably there would be no participation, accountability, and decisions are not consensus oriented. These indicators should, however, be understood in the context of good "democratic" governance.

Participation: participation as quality of good governance requires citizens taking part in the socio-political and economic affairs of their country. This means active involvement of all interested citizens in the decision-making process because their opinions and recommendations in the decision making process are very important. It could also be in terms of contesting for political or leadership positions or contributing to community development opportunities (Essays, UK. November 2018).

Rule of law: the rule of law is a fundamental feature of liberal democracies since it provides the enabling grounds "through the law that people express their will and exercise their sovereignty" (Tamayao, 2014:3). When put to practice, it attempts to guarantee absolute supremacy of the regular laws and restrains arbitrary use of force by individuals or government agencies. It safeguards the system from abuse of prerogative or discretionary powers of the government of the state. The underlying democratic principle here is that no one however rich and powerful can be above the law or can the government arbitrary act in contravention of the law. Thus, good democratic governance is fundamentally adherence to the rule of law as it compels the people and the civil societies render total obedience to the law on one hand and

demands that the government acts within the spheres of competence specified by the law (Tamayao, 2014).

Transparency: transparency in good governance expects government to avoid lip service thereby dwelling on truth and sincerity by ensuring that people are provided with the information about the decision-making process and the implementation of the same. Legally, it means that information on matters of public concern are made available to the citizens or those who will be directly affected. Tamayao (2014) argues that transactions involving public interests must be fully disclosed and made accessible to the people. It safeguards the democratic right to information and right to access of the same.

Accountability: Accountability is a fundamental requirement of good governance which means responsiveness or answerability for leadership action or inaction. It extends to the fact that every person or group is responsible for their actions in the public realm. At the end of it all actors have an obligation to answer for the consequences of decisions and actions they have made on behalf of the people they represent. Accountability could be in various forms: political, hierarchical, and managerial accountability. Tamayao (2014) observes that political accountability is when public officials are answerable to the people they represent. Hierarchical accountability refers to the responsibility of the various agencies and their respective officers and personnel in relation to their objectives. Managerial accountability refers to employee responsiveness based on organization and individual performance.

Effectiveness and Efficiency: Good governance requires that institutions, processes, and actors maximize resources towards meeting the objectives of development and always be at their best to deliver according to the peoples' yearnings and aspirations. There must be equilibrium between meeting the needs and proper utilization of resources to accomplish the objectives set out by governance.

Equity and Inclusiveness: governance for equity and inclusiveness requires all members of the society irrespective of sex, socio-economic status and religion to be factored in all policy articulations. To prevent alienation and segregation, leadership and followership must be on same page regarding major decisions or policies. The subjects must not only be receivers of laws but must be allowed to make meaningful contributions legislations affecting them. For social equity, the downtrodden must be given greater attention. "It is based on the principle that those who have less in life should have more in law" (Tamayao, 2014:4).

Consensus oriented: This is the major thrust of political life where people are bound to disagree but eventually agree by reaching consensus that will of best interest to all. The mechanisms for conflict resolution must guarantee a success for resolution of conflicts that will arise from competing interests of the actors. To meet the consensus, a strong, impartial, and flexible arbiter must be established to ensure fairness for all competing interests.

Issues with the Nigerian Constitution

The Nigerian constitution has come a long way to have assumed the present status. A historical review of the Nigerian constitutional profile that fall within two major periods: the pre and post-independence constitutions. Between 1914-1954 Nigeria had five colonial documents such as, the Lugardian Amalgamation Constitution 1914, Clifford's 1922, Richard's 1946, Macpherson 1951, Littleton 1954 and the 1960 (independence) Constitutions. The 1963, 1979 and 1999 post-independence constitutions have all defied legitimacy with a few exception of the consultative process that gave birth to the 1951 constitutions.

The Pre Independence Constitutions

The pre-independence constitutions fashioned and named after the colonial governors were constantly reviewed at the instance of the mounting intense nationalist pressures. However, little did they translate into improving the exclusivity that characterized the process of imposed colonial constitutions. The 1946 Richards constitution is historically credited for its embryonic beginning/formation of federalism that recognized regions as sub-national units. However just like the preceding constitution, it provided for only 4 elected Nigerians, (3 Lagos 1 – Calabar) out of 46 members. The process of making these constitutions involved only a few Nigerians. Meanwhile, with “captive legislatures”, the governors’ absolute powers were un-restrained and undiminished (Sagay 1999).

As a result of the heightened tempo of nationalist struggles during the immediate post WW II era, the issue of non-consultation became more focused. These mounting criticisms consequently aggregated into series of activities that culminated into the Ibadan conference 1950 and subsequent 1951 Macpherson’s constitution. This phenomenon prompted Sagay’s (1999:1) remarks that, “The 1951 constitution came into being after an unprecedented process of consultation with the people of Nigeria as a whole”. The draft constitution noteworthy was discussed at the village, district, divisions, regional and the national conference of 9th January 1950. This did not only provide for inclusion of Nigerians into constitution making but achieved greatly in creating unity at the centre through regional strength, for the first time in the colonial Nigeria.

Udoma (1999:13) applauds the spirit in the legitimate compact of the people and commended the type of confidence garnered when they see themselves as part of the process. He said:

It was confidently expected that, when the regions felt that they had wide powers to run their own regional affairs they would be more likely ready to cooperate with other regions through their representatives in the council of ministers and the House of Representatives serving the interest of Nigeria a whole.

The euphoria about this optimism was short-lived when the military came into politics. It is expected that this arrangement would be suitable when well negotiated and comprises are reached when a process-led approach is used. Nevertheless, the crises-ridden implementation of the Macpherson’s constitution necessitated the convention of the 1953 and 54 London and Lagos conferences respectively. These conferences culminated into the Lyttleton’s constitution of 1954 which for the first time officially enunciated a federal system with north, west and eastern regions. The constitution relatively “removed the elements of unitarism... for the first time established a federal system of government for Nigeria” (Oyovbaire 1991:193).

The London conferences of 1957 and 1958 were held preparatory for independence. Unfortunately, the 1960 and later 1963 constitutions did not significantly seek to institute mechanisms of inclusion as such. Rather it was a “**trickish deal**” to stage-manage the caricature independence of 1960. Besides replacing a ceremonial president for the Queen and Supreme Court in place of the Privy Council, they were characterized by just “clientele independence”. Though it came up with the derivative formula, (50% derivative region, 50% to Federal), the provisions on “State of emergency” in sections 70, 71 and 72 were dangerously simplistic. (to imply any time it was declared). If these constitutions were initiated, negotiated and produced by Nigerians, far reaching impact could have been recorded beyond this Joke. This warranted Sagay’s agreement that, with this, even Lewis Carol’s Humphy Dumpty could not have explained better than “whatever a parliament calls emergency” (Oyabaire 1991:194).

The Post-Independence Constitutions

It is rather apt to say that the military intervention in Nigerian politics since 1966 did not only over centralize powers but destroyed federalism and constitutionalism. The authoritarian character of the military, manifested in the elitist process with which handpicked “wise men” were used to draft constitutions for Nigeria. In the colonial style, the military made and imposed the 1979 constitution was drafted by a handpicked committee of 49 members. Though a constituent assembly deliberated the 1989 draft, 1/3rd of them were appointed. The June 12 protests thwarted and destroyed every sense of participation in the making of the 1995 draft constitution. Thus Jega (1999:56) must not have gainsaid that, the regime rather “... effectively used its control of the technical and executive committee of the constitutional conference to literally alter decisions arrived at on the floor of the conference”.

By extension, General Abubakar’s parting gift (1999 constitution) could not have fulfilled any standard required of a process-led constitution. Evident enough, the two months period for the Justice Tobi’s Constitution Debate Coordination (CDCC) betrayed every sense of legitimacy. It was a joke because it consulted only few urban/state headquarters. Similarly, what made Obasanjo’s constitution review committee “Technical” could probably have been because of exclusion of women which was later corrected with an afterthought. But Jonathan committed the biggest blunder of handpicking people for a constitutional conference.

Suffice it to recall that, both the pre and post independent constitutions had been very unpopular because “the documents were imposed constitutions” (Ikubaje 2003:3); had “little inputs from the populace” (IDEA 2001:1) and had dangerously and persistently excluded females and lacked legitimacy” (Ezeilo, 2000). Nigerians therefore unanimously condemned the 1999 constitution particularly having realized that, it though was legal or valid, it lacked legitimacy; thus, “a bible of contradictions” (Ikubaje 2003:4).

The Problems with the 1999 Constitution

- 1. The False Claim:** Though the Nigerian constitutions preamble claims to be inclusive as it states that:

We the people of the Federal Republic of Nigeria having firmly and solemnly resolved: to live in unity and harmony as an indivisible and indissoluble sovereign nation under God dedicated to the promotion of African solidarity, world peace, international cooperation and understanding, provide for the purpose of promoting the good government and welfare of all persons in our country on the principles of freedom, equality, justice and for the purpose of consolidating the unity of our people. Do hereby MAKE, ENACT and GIVE to ourselves the following constitution (1999 Constitution).

It actually turns out to be exclusive with the elitist and non-participatory process. At no time have Nigerians been significantly involved in the making of the making of the constitution to warrant this claim. After all this constitution was made by a military government, through a few chosen elites.

- 2. Contradictions/inconsistencies:** There are sectional contradictions on so many issues, for instance section 222 on “restriction on formation of political parties” gives the impression that political parties only need to be registered by INEC but section 40 gives the proviso that, INEC has to simply accord recognition as if not necessarily registering them. Another example is section 156 shows ambiguities on the qualification for 14 Federal Executive Bodies including INEC, National Economic Commission, National Population Commission etc as same with House of Representatives. Meanwhile section 65 gives membership of political parties as a qualification as if INEC has to be a member of a political party. The

other issue is the 35 years age as if any person below 35 cannot be a member of the Federal Executive Bodies.

2. The constitution does not guarantee economic-social and cultural rights as presented by sections 15, 16 and 17 from the fundamental objectives and Directive principles of state policy. Provision from these sections are not justiceable and not enforceable under the 1999 Constitution. But these are areas Nigerians clamour that need to be given priority every government in power. In response to these problems, Nigerians have different views which can be filtered into three major schools of thought as to the problem in Nigeria.

- The first argument blames it all on the constitution saying our problems and all other problems only emanate from here. This school advocates a total restructuring/overhaul of the entire constitutional framework via a Sovereign National Conference.
- The second school accuses absence of true Federalism and calls for a constitutional Reform that would put an end to the faraway Abuja appropriating to itself thereby expropriating the real owners of their property.
- The third view blames it on the operators of the constitution. It argues that the constitution suffers great insincerity of people who are supposed to govern in accordance with constitutional provisions. Kalu (2007) portrays this where he argues that:

As a document, it is one of the lengthiest and most detailed constitutions in the world. But those who were elected to govern, prefer to ignore it and then continue to call for its review. The Constitution is not our problem, our problem is to develop love for democracy.

Mirroring through all these three lines, there are fundamental questions crying for attention which include resource control, overconcentration of powers at Abuja, as the absence of true federalism. Consequently in the year 2012 House of Representatives designed The Tentative Template for the public hearing on the review of the Nigerian Constitution(10th November 2012). These questions aroused some critical reasoning on how many successive governments have in most cases trivialized issues that should have been fundamentally treated.

- The question on new states and boundary adjustments, elicited a **yes** from almost all selfishly thinking this was an opportunity at last for their own State. However, we should kindly bear in mind that, if we continue to create states based on primordial bickerings then we would never stop creating them. The 36 states could be maintained while recognizing the 6 geo-political zones for political convenience and not to be accorded the status of tiers of government.
- The Economic, Political and Social objectives 15, 16 and 17 were recommended to be made justiciable justiciable and enforceable so that the constitution compels those in government to exalt with compulsion those duties required of them and not the practice where Nigerians are only given rhetorics and bookish acquaintances as regards these provisions which are normally not implemented.
- Sections 81 and 121 (1) on “Authorization of expenditure from consolidated Revenue fund” was vague and required the proposed 3 months prior to the new fiscal year. It must be quickly added that, the period notwithstanding, emphasis should be on what parameters the preceding appropriation should be assessed. We have to include Key Performance Indicators as parameters of assessing the extent of implementation of the previous fiscal year before presenting the new one. This should form the basis of accepting or rejecting the new budget estimates.
- The Nigerian local Government system should be formally accorded status of a 3rd tier with their financial autonomy as Buhari has just started to ensure rapid rural development. Their

creation should be by the Federal Government to prevent abuse for political patronage by the states. A fixed tenure of office for chairmen should abolish caretaker practice in which Federal allocations are directly allocated abolishing joint accounts. But while enforcing the economic objectives of the constitution. Assets declaration should become mandatory while maximum penance be allocated for financial misconducts and other corrupt practices.

- While maintaining section 315 (5a & b) on NYSC and the public complaints they should rather be strengthened. Section 197(1)b on State Electoral Commissions could be abrogated to minimize duplications of duties. INEC can have its offices down to the States and Local Governments.
- In putting on end to manipulation of criminal laws the immunity clause should be streamlined to civil proceedings in order to instill accountability and probity in governance
- Offices of the president and Governors can conveniently rotate within the recognized zones, (the 6 geo/senatorial zones) but within these zones, people with proven integrity & exceptional meritorious qualities be chosen to avoid the rancor that usually characterize our elections. The hitherto two – term tenure should be maintained. The Constitution must be enforced against ineffectiveness and inaction in office. Based on section 77 (1) we should first of all crave for electronic voting that would save time and minimize rigging. With electronic registration and voting this should be made possible for Nigerians abroad participate in national affairs.

In sequence with this line of thought, Ekeh (1999) articulated that, the “process” and the “contents” are the two aspects of any good constitution. Nevertheless the Key terms in constitution making are compromises and Negotiations. He stressed the need for citizens to espouse various principles and causes for running their governments. They need to work out areas of common good out of contentious issues like those raised above as the loopholes in the Nigerian constitution. He further decried the rash manner in which Nigerians are excluded from producing a constitution. Thus by this Nigeria is denied being a true federation or a Republic. Supporting this position, the Nigerian National workshop on Constitution essentially opined that:

...the call for participatory constitution making addresses the need to legitimize the process and ensure that, citizens is (sic) an integral part of the constitutional reform debate. Following such a turbulent history of militarism, continuing and controversial constitutional debates and processes, Nigerians argue that, the constitution making process can also be an opportunity for the consolidation of the national project.

This will be the only way out of the cosmetic constitutional reforms that are done in order to justify the action of a government in power.

Conclusion and the Way Forward

The paper concludes that unless the process and the content are readdressed via due process Nigeria will remain in this governance crisis. There is every need to level the grounds for constitutionalism to flourish which can be done through initiating an inclusive process with public education, consultations and debates. The procedure would have the presence of a committed leadership a robust political Will, which would in charting a new course of constitutionalism initiate, produce and adhere to provisions of the constitution. This is what is popularly known today as in common parlance as *due process*.

An Independent Constitutional Committee

An independent, well financed committee and other enlarged subcommittees as much as not less than 300 members have to be put in place by a government that is ready to chart a promising future. Members would have to be drawn from all nooks and crannies or groups of Nigeria. These include, representatives of nationalities making up Nigeria, professionals, trade unions, students, women, members of the armed forces, paramilitaries, civil societies or NGOS, belligerent groups etc. this commission must have to be guided by principles of free participation, accountability,

inclusivity, transparency and openness, legitimacy, accessibility and empowerment of the civil society (CFRC. 2003).

Independent candidatures

Inclusion of Independent candidature in the content of the constitution is all that Nigeria needs to use as a sound check on the political process. Independent candidature should be allowed to prevent imposition of candidates on the populace by political parties scheming in politics. This would bring to bear the role of personality and credibility to limelight. Political power holders will learn to ensure good governance by imbibing transparency, accountability, etc.

Public Education

The committee should be saddled with the task of enlightening and mobilizing people about the content of the constitution, procedures of consultation and all that is to be involved in the process. For this, there should be a comprehensive translation of all existing laws, regulations, institutions, customs and political practices into vernacular (languages) of the nationalities. Enough copies be produced and distributed, which would later be re-translated into English for document. The cost notwithstanding, it would enable Nigerians to have a deeper understanding for greater inputs. Students would be taught in classroom, workshops organized at local and state levels and at the same time pages serialized in newspapers. Programs can be featured on TVS and Radios on what the clauses in the constitution mean.

Time

Timing is very important, Nigeria is very large, therefore, it will not be too much even if it takes four (4) years of an administration to produce a worthy constitution. The time required should be reasonable for a slow due process of making the constitution. It has ever been funny producing a constitution in a year or two months allocated for debate in a country like Nigeria.

Consultations

Sub-committees would coordinate consultations to be carried at village, district, local Government and state levels. At these stages memoranda and oral presentations could be received and properly articulated. Freedom of speech and press should be guaranteed for people to air out their grievances and bitterness as well as possible solutions they would offer.

Availability of Draft Copies

At the expiration of comprehension consultation, the draft consultation should be written in a simple language devoid of verbosity or over technicalities or ambiguities. They should be made available to all people to read with a view to revise further areas of disagreements therefore focusing on what the future might be like.

National Referenda/Debates

National referenda would be conducted on loopholes or contending issues that we are held vital. At this level, all stake holders should be allowed to address issues of grievances and arrive at compromise solutions. These debates would eschew the secretive tendencies that have always characterized constitution making in Nigeria. It would as well prevent opportune individuals from illegally slotting causes in the constitution.

Adherence

We can mathematically say constitutionalism = the process + adherence to the legitimate content and spirit of the constitution. Adherence is the sure segment of validity of the constitution. The onus therefore lies with governance that must equilibrate the process of decision making and implementation. The equilibrium can only be arrived at with good governance which a Ugandan former Prime Minister, Nsibambi (cited in Ikubaje 2003:3-4) once viewed as:

The exercise of politico-administrative and managerial authority and order which is legitimate, accountable, transparent, democratic, efficient and equitable in resource allocation and utilization and responsive to the critical needs of the promoting human welfares and positive transformation of society. It manifest itself through benchmarks... mechanism of delivery of services by government, security, good leadership, the rule of law, participation by the people, freedom of oppression, transparency, accountability, legitimacy, devotion of power, informed citizenry, strong civil society, protection of basic human rights, regular free and fair election, good local and international relations, political stability, protection of property and life.

This loaded concept of good governance constitutes a totality of strict adherence to the rule of law where the peoples' constitution shall remain supreme; all people equal before the law as well as protected human rights. The government work therefore be devoid of fake promises, it would initiate and implement policies, watch the peoples countenance and bring smiles, rule and watch out for what the law stipulates. This is the hallmark of constitutionalism.

References

- Association of Nigerian Scholars for Dialogue: Debates. CDD.<http://www-association-of-Nigerian-scholars-for-dialogue>. Retrieved 15.02.2016
- Bagehot, W (1949). *The English Constitution: Origin of Modern Constitutionalism*. London: Harper and Row.
- Berek H.S. "Creating a Coast for a Liberated State: The Etitrean Experience" in Fayemi J.K (1999) *Beyond Elections: Strengthening Nigeria's Constitution for Sustainable Democracy and Development*. London: Centre for Democracy & Development
- Bhattacharya, M. (2003) "Nexus between Accountability and good governance: Conceptual and Practical Issues" in Sahni, P. and Medury, U. (2003) *Government for Development: Issues and Strategies*. New Delhi: Prentice-Hall.
- Cheadle, H. (1999) "Constitution Making – The South African Experience" In Fayemi J.K (1999) *Beyond Elections: Strengthening Nigeria's Constitution for Sustainable Democracy and Development*. London: Centre for Democracy & Development
- Diecy A.V. (1960). *An introduction to the study of the Law of Constitution*. London: Macmillan.
- Duchacet I.D. (1970) *Comparative Federalism: The Territorial Dimension of Politics*. New York: Rinchart and Winstone.
- Eke P. (1999) "Reponses Nigerian Scholars and Activists" in Fayemi J.K (1999) *Beyond Elections: Strengthening Nigeria's Constitution for Sustainable Democracy and Development*. London: Centre for Democracy & Development
- Essays, UK. (November 2018). Principles and Characteristics of Good Governance. Retrieved from <https://www.ukessays.com/essays/politics/principle-of-good-governance.php?vref=1>
- Ezilo, J.N. (2000) "Engendering the language and Content of the 1999 Constitution." Colloquim on Gender and the 1999 Constitution. Lagos CFCR. <http://www.goodgovernance.org.au/about-good-governance/what-is-good-governance/> retrieved 10.11.2016
- Human Rights Commission. A Project of the Asian Human Rights Commission <http://www.hyschool.org/doc/mainfilephp/lesson49/187>
- Igbuzor, O. (2003) "Constitutional Reform in Nigeria: Perspectives from Civil Society." (CFCR)
- Ihonvbere, J. (2000) *Towards the New Constitutionalism*. New York: The Ford Foundation.
- Ikubaje, (2003) "Governance and Constitution reform in the Fourth Republic: The International Institute for Democracy and Electoral Assistance I-IDEA, Stockholm.
- Jega A. (1999) Institution Designs for Cooperative Federalism and Decentralization in Nigeria. in Fayemi J.K (1999) *Beyond Elections: Strengthening Nigeria's Constitution for*

- Sustainable Democracy and Development*. London: Centre for Democracy & Development
- Johar, J.C. (2002) *Principles of Modern Political Science*. New Delhi: Sterling Publishers Ltd.
- Kgositsile B.M. (1999) “Comparative experience in Constitution making lessons from South African Eretria, Thailand, Bangladesh and Uganda” in Fayemi J.K. (1999) *Beyond Elections: Strengthening Nigeria’s Constitution for Sustainable Democracy and Development*. London: Centre for Democracy & Development
- Mazrui, A.A (1999) “Constitutional Change and Cultural Engineering”Africa’s Search for New Directions, Keynote address at International Conference on “Constitutionalism in Africa” organized by Faculty of law, Makerere University Kampala, October 5-8
- Mmanda, E (1998) “Debate on constitutional Reform in Tanzania” which way to effect Democratic Reforms. A paper presented at the workshop on “The Process of Contstitution Making in Kenya by Centre for Constitutionalism Mombassa, Kenya.
- OECD (2013) What is Governance. <https://tamayaosbc.wordpress.com/2014/08/21/what-is-governance/> retrieved 10.11.2016
- Okoli, F.E. and Okoli F.C (1990) *Foundation of Governance and Politics*. Onitsa: African FEP Publishers.
- Oyovbaire et al (1991) *Governance: A Preparation Course*. Ibadan: Evans Brothers Limited.
- Peanock and Smith (2000) *Political Science* . New York: Macmikk
- Political Bureau (1987) *Report of the Political Bureau*. Abuja: MAMSER/Federal Government of Nigeria.
- Sagay, I.E. (1999) “The Constitution and Constitutionalism” in Fayemi J.K. (1999) *Beyond Elections: Strengthening Nigeria’s Constitution for Sustainable Democracy and Development*. London: Centre for Democracy & Development
- Sahni, P. and Medury, U. (2003) *Government for Development: Issues and Strategies*. New Delhi: Prentice-Hall.
- Sheng, Y.G.(2015). What is good governance? <http://www.unescap.org/sites/default/files/good-governance.pdf>>. retrieved 10.11.2016
- Standford encyclopedia of Philosophy <http://plato.standford.edu/entries/constitutionalism>.
- Tamayao, M. J (2014) What Is Governance? | Law, Politics, and Philosophy. <https://tamayaosbc.wordpress.com/2014/08/21/what-is-governance/>).
- UNDP, (2013) The World Bank Group. web.worldbank.org > ... > Governance > Overview > Frequently Asked Que...retrieved 10.11.2016
- Where, K.C. (1964). “The Federal Principle” from *Federal Government* 4th ed. New York.
- World Bank (1994) *Governance: The World Bank’s Experience*. retrieved 10.11.2016