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Fundamentals of a New Nigeria: Harnessing the Opportunities

Table of Contents

Pages

Introduction and Context	
Turning the Tide of Daunting Challenges	
Fundamentals for a New Nigeria	
(i) <i>The Challenge of Federalism</i>	
(ii) <i>The Judiciary with its Cornerstone Objective of Justice</i>	
(iii) <i>Accountability and Transparency in Institutions</i>	
(iv) <i>Nigeria's Security Challenge</i>	
(v) <i>Energy and Livelihoods</i>	
(vi) <i>Education</i>	
Harnessing the Opportunities	
Conclusion	
References	

FUNDAMENTALS OF A NEW NIGERIA: **HARNESSING THE OPPORTUNITIES**

I. Introduction and Context

1. I am deeply honoured and privileged to have been invited to present the Keynote Address at the 21st Obafemi Awolowo University Muslim Graduates' Association (UNIFEMGA) public lecture. The theme, ***Harnessing Opportunities for a New Nigeria*** holds significant importance for our country especially at such a time as this. I therefore wish to extend my gratitude to the leadership of UNIFEMGA, Lagos Chapter, and offer my congratulations to the organization for its commendable efforts as a Muslim alumni association dedicated to all-round human development rooted in Islamic values. By actively and persistently collaborating with influential societal figures advocating for societal progress and development, UNIFEMGA, especially its Lagos Chapter, has established itself as a proactive organization determined to give a fighting chance to Nigeria and indeed to Nigerians.
2. Reflecting on the array of distinguished thinkers who have graced this podium as Keynote Speakers in the past editions of the association's public lecture, I am profoundly humbled to now stand before you. As a Muslim and a product of '*Great Ife*' myself, I sense a profound bond with this great and esteemed audience. Hence, I consider this moment a unique opportunity to honour our great *alma mater* and those virtuous and passionate men and women who, at various times, molded us into purpose-driven individuals, committed to advancing the progress of our nation and our global community. I am confident that I echo the sentiments of majority of us gathered here today when I say that our shared experiences at *Great Ife* continue to evoke unceasing excitement within us, even as we navigate new chapters of life across various parts of the world. This enduring attachment to *Great Ife* speaks volumes about the profound impact it has had on our lives.
3. Let me also congratulate the worthy honorees of today, my Lord, Honourable Justice Habeeb Adewale Abiru, Justice of the Supreme Court, and Professor Yusuf Olaolu Alli, Senior Advocate of Nigeria. You have continued to serve as true embodiment of those virtues as are commended and encouraged in the Qur'an and hadith. May Allah (SWT) continue to guide and uphold you.

4. The topic of my address is ***Fundamentals of a New Nigeria: Harnessing the Opportunities***. It is imperative that we prioritize getting the fundamentals right, as only then can our nation effectively harness its opportunities. In the context of the scenario described earlier, I find myself contemplating the extent of our attachment and dedication to our great country, Nigeria? Permit me to give some additional perspective to this rhetorical inquiry. It is quite interesting to note that the profound connection we, as alumni of *Great Ife* feel towards our alma mater, where we spent between 2 to 10 years depending on our chosen fields of study, mirrors the attachment every Nigerian feels towards a particular institution or community, whether by association or birthright. Yet, I suspect that if my rhetorical question is posed on the depth of attachment that Nigerians have to Nigeria today, the thrust of responses and reactions will show that we are touching a raw nerve. The organizers of this event, in a subtle yet poignant way, reflected this much in the theme of this event. The reference to a “new Nigeria” is a clarion call for meaningful change and presupposes that there is “an old or current Nigeria” from which we all want to move away.
5. In today’s Nigeria, Nigerians are expressing deep-seated frustration and discontent, stemming from underlying issues that can neither simply be wished away nor overlooked. Describing the current circumstances as hard and very challenging is an understatement: escalating food costs, unsustainable transportation expenses, weakened labour market, unfulfilled political promises, worsening poverty levels, lopsided growth, increasing income inequality heightened insecurity marked by violence and kidnappings, a stark absence of basic amenities, and a bitter harvest of dashed expectations from the much-touted democratic model of governance. For a country famed as “the happiest capital of the world”, life in contemporary Nigeria presents a sharp dichotomy: a minority who possess and blatantly flaunt wealth, juxtaposed against a majority who lack such privileges and who are seemingly destined to endure cramped and severely diminished lives in incapacitating conditions. This, is a minuscule view of the shapes of suffering confronting Nigerians.
6. Nigeria’s reputation has not always been like this. It was at a time, a respected trading nation renowned for her groundnuts, cocoa, hide and skin, palm oil and kernels, and other cash crops. Today’s Nigeria that we now wish will die and resurrect in a new Nigeria was once the green pasture for a number of other African countries. Foreigners were an integral part of our university

faculties, and unity prevailed, with every part of Nigeria embracing all Nigerians-regardless of ethnic background. In terms of development, Nigeria was once upon a time ahead of countries such as Botswana, Malaysia, Singapore, and Hong Kong, who have since benefitted from good governance and have now become global destinations and cynosure of all eyes, while massive brain drain has become the lot of Nigeria.

7. If we were to carry out an autopsy of what went wrong that left Nigeria dwarfed from its initial path of greatness, accusing fingers will point to many factors. These include the detrimental effects of colonialism on national unity, cohesion, integration and patriotism; the vestiges of an inadequate educational policy; the failure of early politicians to eschew unhealthy rivalry and put the abundant resources of the nation to good use; and the incursion of the military into governance. While it cannot be denied that these factors had various devastating effects on the country, the fact remains that Nigeria is not the only country that experienced these challenges. However, a number of countries that experienced similar challenges have made their way out of the cul-de-sac. Similar observations can be made regarding the current global economic crisis. For instance, for many countries, their trajectory of progress creates room for optimism albeit guarded. For many Nigerians, on the other hand, their dampened enthusiasm which stems from a total mistrust for the government, is further fueled by the increasing brazenness of some political and other office holders in their violation of law and basic moral ethos.
8. Hitherto, the buzz phrases were, *“restructuring”*, *“need for equity and justice”*, *“reset of the template of power”*, *“constitutional amendment”*, *“true federalism”*, *“good governance”*, and *“the need to rejig the security architecture among others*. Today, everyday conversations and debates are now inundated with extreme negative commentaries and doomsday assertions such as; *“Nigeria is a failed state”*, *“Nigeria is collapsing”*, *“amalgamation of Nigeria was a mistake”*, *“Nigeria’s fragile democracy is facing an uncertain future”*, *“no theory or ideology can work for Nigeria”*, *good governance is beyond this generation”*. It is quite evident that the nation is progressively but steadily degenerating. Just as we have the mischief makers who are deliberately etching out these disturbing assertions for selfish reasons, so also are the poor masses, particularly the youth, who have been pushed to the wall and no longer see a future for themselves.

9. We cannot shy away from the fact that the debilitating challenges of today are the consequences of the maladministration and mismanagement of successive administrations. Regrettably, the logic of this position which ordinarily should imbue rational thinking is, for a number of reasons, no longer an effective antidote for rekindling the passion and patriotism of citizens who have found themselves in the throes of poverty. First, every election brings promises of opportunities for the country, but elected public officers consistently fail to deliver on these promises. Second, Nigeria is one of the most endowed countries on earth both in terms of human and material resources; yet, poverty is endemic. Third, on a daily basis, as one explosive scandal is sizzling off, another damning one is taking over with no seeming consequences for perpetrators. The unending saga is one of every new day, a new scandal. Finally, and as I noted in another paper on *Good Governance in Nigeria's Quest for Transformation*:

...in the case of Nigeria, we can tick the boxes on almost all critical reforms that should deliver on good governance and public integrity, yet the desired outcomes of good governance reforms have remained elusive.

10. I have recounted the above to remind us of where we are, and to provide guidance as we progress. Time is running out for Nigeria to identify and implement effective solutions to the problems the country faces. What new direction must Nigeria follow to turn back the tide of instability and become a vibrant nation that will have a pride of place in global reckoning? This, I believe, is the task that the organizers have set for me.

II. **Turning the Tide of Daunting Challenges**

11. It will serve no useful purpose to jump into seeking solutions without first pondering the myth or reality of the claim that Nigeria's problem has defied solution, and that resolution lies beyond this present generation of leaders. I personally do not share this view. I will venture to add that for majority of the masses, whose very loud and clear prevailing message as they struggle through life and their invocation of the God factor, is for a "miracle" that will deliver on their high expectations for Nigeria's future.

12. I hope you will pardon the self-indulgence of my sharing the personal story of an institution that mirrors Nigeria, and which I was privileged to lead as Vice Chancellor between 2016 and 2021. Lagos State University (LASU) is a public university owned by the Lagos State Government (LASG) and with a student population of over 25,000 and staff population of about 3,000. As at December, 2015, everything you can expect to go wrong with an institution had gone wrong. One commentator described it as a system under siege. Another notable activist who was once the President of the Student Union at LASU asked me why I decided to leave my comfort zone for “this mess”. The proprietor, the Lagos State Government was already tired of the institution’s incessant crises; both staff and students had become disillusioned; other stakeholders, including the Alumni were no longer proud to be associated with the institution; basic infrastructure had collapsed; and the campus was plagued by the reign of terror of cultists.
13. Fast forward to 2021, the university experienced five consecutive years of unbroken academic sessions; it became certified as an African Centre of Excellence for Innovative and Transformative STEM Education by the World Bank ; it was ranked second in Nigeria following the University of Ibadan, and placed between 501 – 600 band out of 1527 institutions globally by the Times Higher Education, UK. In addition, employers were coming to train and recruit students from the campus; students were consistently excelling in both national and international competitions; and the institution became the bride of benefactors for its infrastructure. What brought about these changes? We embraced inclusivity; upheld the rule of law and due process; appointed officers based on merit rather than on tradition; maintained transparency and accountability; prioritized quality assurance; and were uncompromising in enforcing discipline. These approaches enabled us to be firm but fair, and within a short while every critical stakeholder became aligned. Despite the efforts of divisive individuals to sow discord, they were unable to garner sufficient support because the system was functioning effectively, and the majority supported the new era.
14. Again, we are all witnesses to what happened at the Joint Admissions and Matriculations Board (JAMB) under the leadership of Professor Is-haq Olanrewaju Oloyede. He was appointed in 2016, and from the first year, he turned the fortunes of the institution around from a struggling, loss-making and inefficient entity to one that was regularly making remittances to the

Federal Government. According to a commentator, what JAMB remitted under Professor Oloyede in 5 years was more than what the institution generated in more than 40 years of its existence. Through innovative technology, the activities of JAMB became seamless and transparent.

15. Let us not be unduly sanctimonious to think that Nigeria is the only country grappling with challenges. Nations across the world are also seriously contending with difficult issues, such as the scourge of corruption, yet they are carrying out governance effectively with needed leadership to improve people's lives. In the case of Nigeria, one is provoked to ask why the country is grinding down despite reform mechanisms that are regularly being put in place? To my mind, we are running a society where the interest of self is greater than the interest of the state. In the bid to amass wealth or get immediate gratification, leaders, elites and citizens in authority do not care about what is at stake, even to the extent of compromising national interest. We have come to believe that any line can be crossed without facing any consequence.
16. On the contrary, for a number of states within the global community, only one set of rules reign both for the rich and the poor. Consequently, everyone, including the corrupt minded individuals, have recognized that some patriotic principles should never be violated, regardless of the potential benefits that may come with such actions. Beyond the consequences associated with messing up the system, there is a patriotic consciousness that has been instilled since childhood – the respect for the rule of law and the value for the safety and prosperity of the nation rather than for self.
17. Fifty years ago, Singapore grappled with challenges including high unemployment and poor infrastructure, among others. Today, the city is ranked as one of the most livable cities, with one of the highest levels of human capital development in the world. We are also all conversant with the story of Sheikh Rashid Ibn Saeed Maktoum and his visionary leadership of Dubai. Within a short space of ten to twenty years following the United Arab Emirates independence and the withdrawal of the United Kingdom in 1971, Dubai became a luxury travel destination for leisure and business. In the case of China, the car industry is a pillar of its economy. As at 2004, her total highway length was 34,000 kilometers. By 2009, it has expanded to 65,055 kilometers. By 2021, it approached 169,100 kilometers, and reached 177,000 kilometers

by 2022. As always, China was intentional in her development plan, and was thus able to compress her remarkable step in motorization transition into less than twenty years. Reference can also be made to South Korea. In the wake of the Asian financial crisis, business leaders voluntarily gave support to government while other South Korean families offered family jewels and gold filings to help the nation stave off a currency crisis. All of these reflect the depth of devotion to one's country, and goes clearly beyond political party affiliation, religious inclination or ethnicity. They also show the significant difference that bold, innovative and effective leadership can make in the life of systems and institutions.

18. Let me make it clear that it will not be fair to say that Nigerians in general are not patriotic. Far from it. Vestiges of the love that Nigerians have for their country are evident in the way they celebrate the successes of the Super Eagles, other national events and their willingness to lend a hand in everyday social interactions. The dilemma is when citizens consistently see their leaders, public officers and members of the political class engage in profligate and errant fiscal behavior. That is when the norm of universalism, where everyone believes they can engage in aberrant and sleaze take hold.
19. We should not be under any illusion that the situation in Nigeria cannot degenerate beyond what we are all currently experiencing. In the absence of strong political will, a strong sense of national pride, a strong belief that Nigerians can attain the high standards that nationals of other countries attain, and a strong drive by all to make the nation better as a country, we will never achieve a new Nigeria. Several examples abound of countries that have ceased to exist. Reference can also be made to a country like Venezuela which at a time had the largest crude oil reserve in the world (amounting to more than 300 billion barrels) and was in the 1960s and 1970s one of the wealthiest countries in Latin America. Venezuela has a population of less than 30 million. Today, over 90% of Venezuelans live in poverty. Hyperinflation characterized by extreme food and medicine shortage, constant electricity blackout and rampant crime has now become the order of the day.
20. I am a strong advocate of the corporate existence of Nigeria and by this, I do not mean that our current arrangement is not deeply flawed. I will also readily admit that the subject of our Union as one country is negotiable. It happened in Czechoslovakia, Yugoslavia, Sudan, Ireland and Germany among others.

So, it can very well happen in Nigeria. But, if we do a deep soul-searching, is that what we really want? If we agree that the diversity of nature is the core of the harmonious symphony of our ecosystem, then, it should not be difficult to relate to the opportunities inherent in the diversity of people, culture and lifestyles. Further, when we consider the implication of the principles of sovereignty and what impact it will have on everyday activities that we ordinarily take for granted, the reality of Nigeria breaking into smaller countries will force on us, much deeper reflection. Finally, if we bring our current unsavory mindset into that alternative of a cannibalized Nigeria, we would only have succeeded in creating multiple mini-Nigeria.

21. We can however re-think a number of fundamental principles and utilize them to bring about the emergence of a new Nigeria.

III. **Fundamentals for a New Nigeria**

*(i) **The Challenge of Federalism***

22. The first of the foundational issues is what I will refer to as the consistent conversation on our “accidental constitution”. The strident calls have been that what Nigeria needs is a new constitution. The 1999 constitution which ushered in the fourth republic was derived from the 1993 constitution (second republic), which also has its origin in the 1979 constitution (first republic). At the core of the problem of the 1999 constitution is its legitimacy: it is believed that it is not a document that arose from the solemn resolution of the people of the Federal Republic of Nigeria, and indeed, that it was just hurriedly put together by the Provisional Ruling Council of the Federal Military Government of the time.
23. It is not difficult to appreciate why the 1999 constitution has so few friends. For one, it has failed to achieve the expected balance in the distribution of power and functions among the three levels of government so as to provide a barrier against centralist authoritarian control. There is a substantial mismatch in functions assigned, tax raising powers and revenue among the federating units. In addition, its operationalization totally negates the spirit of competitive federalism. The principles of consultation and coordination which should guide its operationalization are observed in breach.

24. I have above distinguished the substance of the 1999 constitution as a document from its operationalization so that we do not confuse the two. While I fully agree with distinguished scholars, jurists and other critics of the 1999 constitution that it could have been better designed in order to achieve a more appropriate balance of the federal structure, and more transparently provide for the values of democracy, I respectfully believe that the attack on the constitution which holds that it is not a document of the people has long been overtaken by events. To continue to tug at it will be a distraction from the real issues which I am convinced has more to do with operationalization of the constitution. I say this for the simple fact that the 1999 constitution has been in use for close to 25 years. The Provisional Ruling Council that introduced it at the time represented the sovereign. Thus, even if it contravened established norms, that which otherwise is not lawful has been made lawful by necessity. Asserting the illegitimacy of the constitution on this basis at this stage therefore can be no more than for an historical purpose of revisiting our past and re-imagining our shared future.
25. On the substance of the 1999 Constitution vis-à-vis its operationalization, I believe as noted earlier that the challenge of Nigeria in relation to the constitution is more about its operationalization. Whatever document that is in place will not succeed for as long as operators continue to prioritize self over the nation. The stated goal of the 1999 constitution is for Nigerians to live in unity, harmony, and to promote good governance and the welfare of all individuals in Nigeria based on the principles of freedom, equality and justice. The primary impetus behind this entrenched goal was the belief that persons throughout the Federal Republic of Nigeria, regardless of their territorial position, had essentially identical demands and expectations with regards to their social conditions.
26. The framers of the constitution recognized that the document's inherent nature is such that it does not account for every contingency and future problem. Consequently, adjustments in the balance between meeting the demands and expectations of the people on the one hand, and maintenance of the federal system on the other hand are accomplished by means of a system of checks and balances: *constitutional amendments, intergovernmental relations (consultation and co-ordination), and judicial review*. What this reinforces is that the framers of the 1999 Constitution did not intend for it to be a once-and-for-all universal document. Rather, the document permits and encourages

reforms and the continuing articulation of differences. The daunting question remains: how effectively have we utilized these checks and balances in adjusting the constitutional foundation of our federation and strengthening our unity?

27. Section 9 (2) and (3) of the Constitution outline the procedure for amending provisions of the constitution. Section 9 (2) requires the votes of two-thirds majority vote from both houses of the National Assembly and approval by a resolution of two-thirds majority of the States Houses of Assembly for Constitutional amendments. Section 9 (3) imposes an additional requirement of four-fifth majority from both chambers of the National Assembly and approval by a two-thirds majority of the States Houses of Assembly for amendments related to creating new states, boundary adjustments, establishing new local government areas, fundamental rights, or altering the mode of amending the constitution.
28. Some might contend that the outlined procedure for amendment lacks adequate flexibility. This is deliberate and is designed to prevent scenarios where amendments are subject to the whims of politicians seeking brownie points. Notwithstanding, the 1999 constitution has so far been altered five times – twice in 2010 under former President Umaru Yar'Adua, and thrice under former President Muhammadu Buhari (2018 and 2023). While these amendments are commendable, there are still critical issues that have not been successfully addressed through constitutional amendment. These include; “devolution of power”, removal of Land Use Act from the Constitution”, “affirmative action for women”, “State Creation and Boundary Adjustment”, “constitutional provisions to protect election of chairmen and councilors of local government to insulate them from Governors”, “State Police”, “Restructuring of the federation”, “abrogation of immunity clause”, “tenure of office”, financial autonomy for the judiciary and local governments”, “revenue allocation”, “strengthening independence of institutions”, “citizenship and indigeneity”, and “constitutional roles for traditional rulers”.
29. Imagine for a moment that all the aforementioned issues scaled the rigorous process of amendment; wouldn't Nigeria have reaped the benefits of incremental constitutional amendments as a method of addressing the perceived shortcomings within the federation? Why did these critical proposed amendments fail? The answers are not far-fetched. Partisan politics tainted by

distrust and division along regional lines played a significant role. Legislators, at both national and state levels, in the different scenarios, opted to vote to protect their constituents and political interests, rather than Nigeria's interest. We have had opportunities to amend the constitution to make it more people-driven, but we have failed to do so. Rather, we chose to clamour for a brand-new Constitution. Instead of allowing for extensive intergovernmental relations and intensive consultation and co-ordination to guide political decision-making processes as intended under the Constitution, our politicians are consistently driven by parochial interest. Who then are the “angel Nigerians” or quintessential body to draft the new constitution? What came out of the 2005 Constitutional Reform Conference and the 2014 National Conference? The simple truth is that within both the executive and the legislature, structures that exist or are intended to be put in place to enhance consultation and co-ordination are not allowed to serve their intended purposes. All these bring us back to the problem of operationalization and the challenge of operators.

30. Just recently, the breaking news was about a Bill proposing constitutional alterations for a transition to Parliamentary System of government. I find this to be a bold and inspiring move. Equally, I agree that the Parliamentary System has the potential to reduce the cost of governance. My concern is that the vision of a new system alone will not change avaricious attitude without effective checks and balances in place. If the current attitude of many of our political actors persists, the Parliamentary System will turn out to be more expensive than the Presidential System. It is interesting to note that Kenya put in place one of the world's most ambitious and progressive constitutions in 2010 to seek social transformation through constitutionalism. Incidentally, more than 12 years after the constitution was put in place, it has yet to achieve its goals. This is primarily due to the Kenyan government's increasing disregard of its importance, demonstrated by repeatedly ignoring the rulings of Kenya's Supreme Court. Consequently, it must be stressed that the best of constitution will not by itself provide basic amenities. The operators of the constitution are those who will make this happen. Where operators of the constitution are not faithful to the constitution, nothing good will happen. They are the ones who can make the system expensive or inexpensive. If it is to reduce cost of governance, so many countries have abolished upper houses of bicameral legislatures at the national level and adopted unicameral systems. This, perhaps, is the right way for Nigeria to go.

31. I will, in a moment, revisit the process of judicial review which under the 1999 Constitution is meant to be a check on the greed of the political class and other abusers of the system, but which has remained comatose. Allow me to point out at this stage that the critical issues that are undermining and impoverishing peoples' lives are not directly caused by what is or is not in the Constitution. Rather they stem from a deficit of integrity, good values and patriotism among many public office holders. Perhaps, it is possible to gauge the potency of the constitution and the patriotism of our public office holders by taking stock of how the country responds to the following betrayals:
- a) violation of procurement rules and regulations for self-gain;
 - b) utilization of sub-standard materials for construction;
 - c) usage and production of sub-standard goods and products;
 - d) outright stealing and mismanagement of funds allocated for the provision of social services and amenities;
 - e) orchestrated killing of innocent citizens to gain relevance, power or to make the system ungovernable in order to maintain a corrupt status quo;
 - f) appointment of unqualified and inept individuals to positions of authority;
 - g) outdated rules that are creating opportunities for graft;
 - h) wasteful prestige projects orchestrated by some Governors to siphon State funds;
 - i) refusal to grant citizens a say in government despite provisions of Freedom of Information law and other relevant provisions of the Constitution;
 - j) subversion of justice either through negligence, ignorance or corruption by agencies responsible for law enforcement;
 - k) quick fix solutions and unsustainable social intervention programmes that are more of conduit for corruption; and
 - l) subversion of the rule of law and due process.
32. Public officers often wax lyrical about growth, sustainable development and their determination to deal decisively with corruption. Yet, they engage in one or all of the above misadventures, and only for them thereafter to summon God to sanctify their corrupt practices in the name of thanksgiving, not minding the dire consequences of their acts on the nation. They are confident that even when they are charged to court, they will exploit the technicalities,

uncertainties and delays of our court system. Thus, the now common refrain “Go to Court”. Justice is neither speedy nor cheap and is hugely technical. On their part, the citizens, in their anger, frustration and helplessness have adopted the spiritual inclination of “May God help Nigeria” as their coping strategy. I believe we should refrain from invoking God in this matter. Instead, we should utilize the intellect that God has given us to effect positive change.

33. This brings me back to the process of judicial review and the fundamental role of the judiciary in dividing governmental functions and financial relations among levels of government (fiscal federalism and intergovernmental relations), and safeguarding citizens’ liberties.

(ii) **The Judiciary with its Cornerstone Objective of Justice**

34. The third critical mechanism of an effective federal system is an impartial and transparent judicial system that is able to, without delay, protect rights and freedoms under the law, check abuse of power and maintain the balance between the Centre and the States. Section 6 of the Constitution vests judicial powers of the Federation in the courts, while Section 4 made clear that neither the National Assembly nor a House of Assembly of a State shall enact any law that ousts or purports to oust the jurisdiction of a court of law or of a judicial tribunal established by law. A well-functioning judicial system is not only vital for law and order in the society. It also must serve as a catalyst to business activities, and remains indispensable in the maintenance of balance in a federal system.
35. The framers of the 1999 Constitution recognized that there will, from time to time, be disputes between the Federation and a State or between States, not only on interpretation of provisions of the constitution, but also on the application of those provisions. This is why there is a clear framework laid out for the original jurisdiction of the Supreme Court intended to deal with such cases and controversies. In that role as the guardian of the Constitution and the final arbiter of law or fact, the Supreme Court in several cases such as *A. G. Bendel v. A. G. Federation* (1983) 6 SC 8; *A. G. Lagos State v. A. G. Federation* (2004) 12 SCNJ 1; *A. G. Federation v. A. G. Lagos* (2013) LPELR – 2097 (SC); and *A. G. Abia v. A. G. Federation* (2007) 2 SC 146, has, at various times, been saddled with the responsibility of resolution of issues

affecting both the overall federal system and the fiscal arrangements within the system.

36. The Supreme Court together with other courts within the Nigerian judicature has the authority to invalidate legislation or executive actions which a court considers to be in conflict with the Constitution. Through the power of judicial review, the constitution can be maintained as a living document that can continually meet expectations in complex and complicated situations. Furthermore, the Court, through the maintenance of strong adherence to rule of law and constitutional government, has the potential to sanction actions motivated by narrow political and economic self-interest and ensure the fulfilment of the promise of equal justice under law for Nigerians. In this regard, in resolving disputes, the court's interpretative philosophy is the ask what the original intent of the framers of the constitution was?
37. Within the context mentioned above, when the judicial system is efficient (i.e. capable of producing desired results without wasting resources) and effective (i.e. producing a result that is wanted), it will be authoritative in adjudication and earn the respect of the society. When it is otherwise, the consequences manifest in incidences of pervasive betrayals such as earlier mentioned and worsening constitutional tensions as are being experienced in the country today. In recent times, a series of judgments and rulings have increased the withering attacks on Nigeria's judiciary. Prior to the recent attacks, the sector has been struggling with delays in the determination of cases, inadequate funding, allegation of corruption, inordinate reliance on technicality and legalism, and a deeply flawed system for the appointment of judges. One of the most eloquent statements about the current state of Nigeria's judiciary was made by a retiring Justice of the Supreme Court, Honourable Justice Musa Datijo Muhammad, at his valedictory session. He noted:

A couple of years ago, appointment to the bench was strictly on merit. Sound knowledge of the law, integrity, honour, and hard work distinguish those who were elevated. As much as possible, the most qualified men and women were appointed. That can no longer be said about appointment to the bench... it is asserted that the process of appointment to judicial positions are deliberately conducted to give undue advantage to the children, spouses and mistress of serving

and retired judges and managers of judicial offices... It is obvious that the judiciary I am exiting from is far from the one I voluntarily joined and desired to serve and be identified with. The institution has become something else.

38. In the face of the above narration of systematic judicial failure, need we ask any further why Nigeria's federalism is fledgling? As a matter of urgency, Nigeria needs to reform its judiciary. We must overhaul the system for appointing—Judges, enhance accountability through monitoring; ensure independence; appropriately resource the system including providing sufficient incentives for judicial officers, and prioritize improving access to justice.

(iii) **Accountability and Transparency in Institutions**

39. Institutions are a collection of social norms that regulate individual and organizations' behaviour. With particular reference to the public sector, institutions are the policies, legal frameworks, informal norms and Codes of Conduct which create the incentives that drive governance and government decision-making. The importance of strong institutions in holding those in power accountable underscores the need for advocating for strong institutions and strong leaders. Where institutions lack sufficient autonomy from interest groups and are not accountable to the majority, the result is poor governance, i.e. negative impact on access to economic, legal, political and social rights, and opportunities.
40. Many of Nigeria's public sector institutions have been described as cesspool of corruption, such that no one with integrity wants to engage with them. Stories abound of multinational companies who for reasons of strict regulations and integrity standards in their home country sub-contract or out-source "public relations" to indigenous companies. Their attitude is "*hear no evil, see no evil*". Many wonder why corruption in Nigeria's public sector has persisted without restraint. First, the attitude among many appointed leaders of 'let me do my own before we lock the gate of corruption' is a reason why the problem has continued. Second, regulatory watchdogs are weak, often either lacking in resources and capacity, or their independence having been outrightly hijacked by vested interests. Thus, they often resort to

sensationalizing investigation. Third, the courts, as previously noted, have not been able to deliver on predictability of decisions and speed of trials.

41. Monumental fraud and other serious atrocities committed by heads of institutions are often overlooked or given a slap on the wrist, under the guise of granting medical attention for frequently feigned illnesses by perpetrators or through laughable plea bargains. It is essential that abusers of power must not be allowed to feel that they are beyond the law. The crack-down which must be non-partisan and non-discriminatory must start with mandatory digitalization of all institutional processes and procedures relating to procurement (acquisition of goods, construction or services), including their approval routes. It should also extend to government services such as citizens requests for license and permit among others. It is feasible, and what is required is a proper mix of digital channels such that weaker users are not disadvantaged. Freedom of information legislation must also be allowed to operate effectively (including giving access to raw data) at minimal cost, and the courts must be ready to play their role in this regard. The transparency that will result from the above will significantly reduce corruption since information can be monitored and evidence tracked and documented. This will afford civil society organizations, the media and others the opportunity to play their role as effective watchdogs.
42. The stark reality is that numerous interest groups have hijacked Nigerian institutions. Mere good wishes, great enthusiasm and slogan shouting will not curb the pervasive corruption among government officials. Until Nigeria embraces digital tools and technologies that meet proper standards in the running of her institutions, the system will remain ineffective and corrupt.

iv. **Nigeria's Security Challenge**

43. Security is a core government responsibility and is fundamental to people's livelihoods. Insecurity poses a threat to political stability, economic growth, social development, human rights protection, poverty eradication and overall governance. The factors driving insecurity include poverty, inequality, injustice, unemployment, corruption, unpopular policies and terrorism among others. Nigeria has, for some time now, been grappling with unprecedented security challenges. These include Fulani-Herder farmer clashes, kidnapping for ransom, oil-theft and illegal refining, political score settling, arbitrary

arrests by police for extortion, Boko Haram terrorists, cult-clashes, ethnic militancy, militant Islamist groups, armed robbery and other violent criminal activities. Citizens and entire communities are frequently subjected to serious violent incidents such as bombing of residences, offices and religious institutions, kidnappings, arson attacks, and brutal assassinations.

44. The government at all levels has made extensive efforts to address the security challenges, yet they have remained daunting. As part of the government's efforts to address the problem, agencies and outfits of the government including the police, the army, as well as joint commands of the police have all been in charge. Furthermore, funds have been made available to acquire weapons all in the bid to stem the challenge. The motivation behind criminal activities varies: poverty is the reason why some go into crime; perceived injustice (political, ethnic and religious) sometimes prompts rebellion against the system; and there are those who sponsor violent crimes to render the system ungovernable for political or economic gains. On the side of governance, there are those who sabotage government's efforts and initiatives for their selfish gains. What is the path forward?
45. I'll proceed with the assumption that the relevant agencies of government already have a clear view of the root causes mentioned above. What we might need to enhance further is the security infrastructure. This involves strengthening the police and other security agencies, investing in community initiatives, deepening access to conflict resolution mechanisms, and improving intelligence services. The argument for State Police has been reiterated numerous times. In nearly all federal systems, subnational governments maintain their own police forces. It was recently reported that President Tinubu, alongside State Governors have reached an agreement for the Federal Government and the States to collaborate with the National Assembly to establish a framework for the implementation of State Police. In the meantime, the State Police Bill is already being considered at the National Assembly. The modalities for the implementation are to be further discussed at the National Economic Council. Huge commendations must go to Mr. President for spearheading this initiative. This is the kind of consultation and coordination that the framers of the Constitution envisioned. It demonstrates that, under the 1999 Constitution, Nigerian leaders can achieve whatever goals they set for the growth of the nation. To guard against the abuse of the police and ensure the proper functioning of the courts, it is proposed that Section 215 (5) of the

1999 Constitution be amended, as it is antithetical to the principle of checks and balances enshrined in the Constitution.

*iv. **Energy and Livelihoods***

46. Access to energy is for Nigeria to achieve meaningful development, improve peoples' livelihoods and alleviate poverty. Lack of access to affordable and reliable electricity deepens systemic inequalities. Despite a population of over 200 million people, Nigeria only generates between 4,500 and 5,000 megawatts of electricity daily, which is far below the estimated energy demand of 24,380 megawatts in 2015. Since privatization in 2013, this situation has persisted with more than 46 percent of the population yet to be connected to the national grid. How does Nigeria compare with countries of similar population sizes? As of 2022, Pakistan with a population of 202,675,000 was generating 43,775 megawatts; Brazil, with population of 209,850,000 was generating 181,532 megawatts as of 2021; and Indonesia with a population of 265,015,300 was generating 85,100 megawatts as of 2023.
47. It is on record that each administration starts off with an ambitious target, only to later attribute its failure to challenges in power generation, transmission or distribution. Frankly speaking, there was no sincerity in the privatization process. National assets were sold to entities that were ill equipped to manage them. If the system had allowed for thorough appraisal of the bidders' capabilities in terms of design, implementation plan and financial capacity, efficiency and welfare would have seen improvements. Sadly, Nigerians have endured persistently poor performance, in the face of increasing tariffs. Nigerians are tired of the blame game. It is cheering to know that the recently signed Nigerian Electricity Supply Industry (NESI) Constitutional Amendment Act, 2023 now allows states to be fully involved in the generation, transmission and distribution of electricity. This, hopefully, will bring an end to the season of excuses for non-performance. The sector should therefore be able to attract private sector investment. It is apparent that without addressing the electricity issue, whatever incentive that is given to the various sectors of Nigeria's economy will fail to realize their intended goals.

iv. **Education**

48. South Korea, once counted among the poorest countries, now ranks among the largest economies of the world. Not many will believe that as at 1953, South Korea was one of the poorest economies on the planet. Further, as recently as 1997, the country was plagued by financial crisis, crony capitalism and political immaturity. A primary factor behind its rapid economic advancement is its educational system. Its single-track approach guarantees universal access to primary, secondary and tertiary education, guided by rigorous academic standards known as “education fever”. Bringing this closer to Nigeria, the introduction of the free primary education programme by the government of Western Nigeria in 1955, which remained prominent till 1966, left an indelible imprint on the annals of education in both Western Nigeria and the entire country. That highlights the importance of education in fostering national development.
49. To ensure Nigerian students are equipped with the skills that will make them competitive in the global economy and have the confidence to practice those skills, it is imperative to adequately, and urgently too, fund our educational institutions. In the absence of skilled human resources, the potentials of natural resources will never be realized. Our institutions must be capable of attracting and retaining top graduates and talents, both from within and outside the country, to serve as teachers. Reform efforts should address the entire system rather than the usual sporadic disconnected initiatives. Creativity, critical thinking, collaboration and communication are the imperatives of today’s learning. These should serve as the guiding principles for our strategic planning and the mapping of our curriculum. Despite the encouraging developments recently observed at the National Universities Commission (NUC) and the Tertiary Education Trust Fund (TETFund), there remains an urgent need for a more proactive approach towards integrating our institutions with our communities and businesses. In addition, there is a crucial need for accountability within the system. Nigeria needs an education revolution.

VI. **Harnessing the Opportunities**

50. The global economy is undoubtedly experiencing a period of profound upheaval marked by food and energy supply crisis, persistent inflation, debt distress, security threats, climate crisis, and global macroeconomic challenges

exacerbated by Russia's war in Ukraine. Across the world, the prevailing reality is that countries are exploring strategies to enhance their resilience in order to withstand shocks and persistent structural challenges, as well as be in position to amortize the windows of opportunity that these challenges present. If Nigeria successfully addresses or demonstrates clear evidence of addressing the fundamental challenges identified above, it will be poised to leverage opportunities that enhance its competitiveness and facilitate rapid transformation of its communities and the well-being of its citizens. What therefore are the opportunities waiting to be harnessed for Nigeria's development? Indeed, I say without equivocation that Nigeria boasts abundant opportunities for development across multiple sectors including natural resources, human capital development, entrepreneurship and innovation, digital technologies, green and blue economies, regional integration, tourism, biodiversity and many others.

51. Nigeria must aggressively map out and leverage her areas of comparative advantage. The entertainment industry, for example, is one area where Nigerian artists have distinguished themselves and winning worldwide audiences. Nigeria's tourism sector is another area where Nigeria can boast of a wide variety of tourist attractions in every state. With proper structuring, Nigeria has the potential to emerge as an international entertainment and tourist destination that will attract millions of foreign tourists each year. Top game developers will see the over 32 thriving biodiversity in Nigeria wildlife reserves as places to invest. The strong sense of community in Nigeria, coupled with the widespread use of pidgin language in various forms, will undoubtedly allure tourists and enhance their experience with the communities. In Agriculture, there is opportunity to move beyond the export of raw materials by focusing on creating more value-added products. We must fully understand the value chain of agriculture and the comparative advantage of states across all sectors. Similarly, in the solid mineral sector and blue economy, there's potential for value addition. However, realizing these potentials will require implementing consistent and favourable policies, regulations and reforms that prioritize long-term productivity and export-led growth. With Nigeria's teeming population of youth that are ICT savvy, the country is in position to leverage technology to increase efficiency, accountability, and productivity.

52. Another crucial area of focus is Small and Medium-Sized Enterprises (SMEs). Often hailed as the backbone and engine of any economy, SMEs play a pivotal role in driving growth, fostering innovation, and creating jobs. Regrettably, Nigeria is yet to tap into the great potentials of SMEs to drive growth, open new markets, and provide employment opportunities. Their growth and valuable contributions have been largely undermined by inconsistent government policies, harsh economic environment, high cost of operations, lack of access to funding and poor business practices. The government must prioritize its support for the sector to foster intentional development of this critical sector. Initiatives must be put in place to encourage responsible micro lending, ensuring long-term access to capital, implementing credit guarantee schemes and establishing reasonable lending requirements. Government must also evolve strategies to provide non-financial services to support SMEs, particularly in the area of capacity building.
53. We are in the era where data reigns. To thrive in this new age, a country needs a comprehensive real-time view of its data to gain valuable insights into the needs and priorities of its communities, identify areas of growth opportunity, and effectively track progress towards development goals. In a global list of 30 countries that are leading the data economy, South Africa was the only African country that featured, ranking at 25. If Nigeria aspires to secure its position in the emerging data-driven economy, it must swiftly embark on developing plans for effective data governance.
54. With regards to ease of doing business, Nigeria ranked a dismal 131st out of about 191 countries worldwide as of 2020. This performance speaks volumes about the dilemma facing Nigerian entities and their competitiveness in the global economy. Much has been said regarding Nigeria's imperative to diversify and embrace non-oil exports to address the deepening forex exchange problem. Significant efforts can be directed towards both the manufacturing sector, which has unfortunately underperformed in the last two decades, and the services sector, which accounted for 52% of the GDP in the third quarter of 2022. Government must remain vigilant of regulations that impede the performance of these sectors and be ready to provide support with incentives that enable them to invest in their workforce for the development of new skills.

55. Government must continue to aggressively address infrastructure constraints, particularly focusing on improving the road networks and digitizing our ports. It is disheartening that our ports which ordinarily should be the catalyst of economic development, have turned into the albatross undermining the system as a result of corruption and myopic management. As part of the efforts to enhance the sustainability of Nigeria's economy across various sectors, the courts must evolve into hubs where a series of good practices promoting quality and efficiency in the court system drive prompt resolution of commercial disputes. Only then can Nigeria attract and retain foreign capital and investment. **If we succeed in reforming Nigeria's judicial sector today, Nigeria will undergo transformative change.** We can also enhance productivity through intellectual property and other tangible assets. By employing the triple helix model of innovation, Nigeria can intentionally align her educational institutions to collaborate with the industries in research and development and also fully tap into the potentials of Artificial Intelligence. This collaboration will foster the development of requisite skills, technology, expertise and improvements in the quality of goods for exports.
56. In closing this segment, allow me to sound a note of caution. It is fashionable for developing countries in situations similar to Nigeria's to be offered various types of grants, soft loans, concessional trade arrangements, aid for trade, climate change support, capacity development and training assistance by multilateral development banks and financial institutions. Their prescription and strategies are not devoid of politics. In such circumstances, we must be cautious of inflated expectations. Securing a deal is one thing; ensuring it translates into tangible progress is another. Any assistance that would lead to unsustainable debt burdens for the country or exacerbates the pressure on communities, families and individuals would be meaningless and inappropriate.

V. Conclusion

57. Distinguished ladies and gentlemen, the success or failure of endeavours hinges on the individuals involved. Regrettably, for too long, elected leaders and public officials have exploited social divisions among Nigerians along religious and ethnic lines to flout democratic rules and engage in horrifying and shameful corrupt practices to consolidate their hold on power. On the path of the judiciary, which should serve as a check on such abuses, reforms

intended to simplify proceedings have paradoxically become more technical and burdensome than the processes they aim to reform. Procedure, rather than justice, has taken precedence, and rights are routinely defeated by wrongs. The once-respected esteem for the law has disappeared, leaving the society hugely demoralized. The current challenges can serve as inspiration for a new Nigeria. The opportunities abound for us to harness in building a prosperous nation, as well as the untapped potential of our vibrant youth population. It is long overdue for Nigeria to shine on the world stage. With determination, innovation, and collective effort, we can realize this vision and pave the way for a brighter future for all Nigerians.

58. I thank you for listening.

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