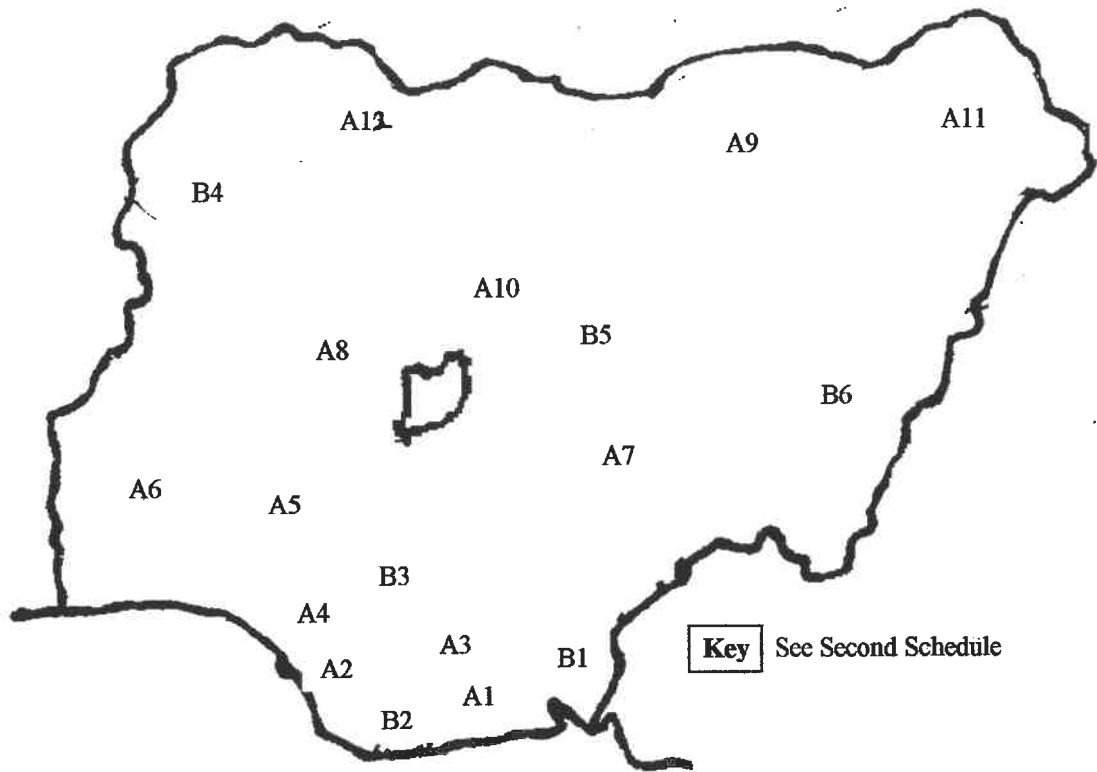


Restructuring Nigeria



A POWER - SHARING

Constitution

For the

Union of Nigeria

RESOLUTION

“To work for a new constitution for Nigeria;

“To ensure to all communities and nationalities, large and small alike, meaningful participation in the governmental processes of the country;

“To work for the new constitution to be submitted for approval to a general referendum throughout Nigeria;

“We reaffirm our faith in the survival of Nigeria as a sovereign entity and our belief in ensuring a secure and honourable existence for its various nationalities and peoples”.

**MOVEMENT FOR NATIONAL REFORMATION (MNR)
Founding Resolution, 5th December, 1992**

CONTENTS

CHAPTER I – The Union of Nigeria	5-7
Article 1: The Union	5-7
Article 2: Union Capital	7
CHAPTER II – Founding Principles	8-19
Article 1: Sovereignty and Self Determination	8
Article 2: Supremacy of the Constitution	9
Article 3: Democracy and Fundamental Rights	9-15
Article 4: Citizenship	15-17
Article 5: Freedom of the Media	17
Article 6: Languages	17-18
Article 7: Religion	18
Article 8: Economic and Political balance	18
Article 9: Natural and Mineral Resources	18-19
CHAPTER III – Relationship Between the Union, Regions and Associated Territories	20-21
Article 1: Division of Authority	20
Article 2: Judicial and Administrative Cooperation	20-21
Article 3: Constitutional Arrangements	21
Article 4: Indigeneity	21
CHAPTER IV – Citizen Participation in Constitutional Amendments and Allied Matters	22-23
Article 1: General Provisions	22
Article 2: Political Parties	22
Article 3: Initiative and Referendum	22-23
CHAPTER V – Union Institutions	24-30
Article 1: General	24
Article 2: Parliament	24
Article 3: House of Representatives	24-25
Article 4: House of Nationalities	25-26
Article 5: Union Executive	26
(a) President and Vice – President of the Union	26
(b) Council of Ministers	27
(c) Prime Minister	27
(d) Removal from Office	27
Article 6: Union Boards, Corporations, Commissions and Authorities	28-30
(a) General	28
(b) Board of Accountants	28
(c) Board of Auditors	28
(d) Board of Governors of Union Central Bank	28-29

Article 7: Union Judiciary	29-30
Article 8: Immunities	30
CHAPTER VI – Tasks and Responsibilities	31-34
Article 1: Security, Armed forces and Police	31
(a) General	31
(b) Arms	31
(c) Police	31
Article 2: Education, Research, Statistics and Culture	32
(a) Education	32
(b) Research	32
(c) Statistics	32
(d) Sports	32
(e) Culture	32
Article 3 – Health	32-33
Article 4 – The Environment	33
Article 5 – Public Works and Transportation	33
Article 6 – Economy	34
Article 7 – Social Security	34
CHAPTER VII – The Regions and Associated Territories	35-40
Article 1 – Function of Regions	35
Article 2 – Regional Assembly	36
Article 3 – House of the People	36-37
Article 4 – House of Communities	37
Article 5 – Regional Governor and Deputy Governor	37
Article 6 – Regional Executive Council	38
Article 7 – Chief Minister	38
Article 8 – Rights of Regions and Associated Territories	38-39
Article 9 – Functions of Associated Territories	39-40
CHAPTER VIII – FINANCES	41-45
PART 1 – The Union	41
Article 1 – Taxation	41
Article 2 – Customs Duties	41
Article 3 – Emergency Grants	41
PART II – Multi-Nationality Regions	42
Article 1 – Levies	42
Article 2 – Budget	42
CHAPTER IX: Transitional Provisions and Savings	43-45
Article 1: Existing Laws	43
Article 2: Existing Bodies, Offices and Courts	43-44

Article 3: Successions to Property Rights, Liabilities and Obligations	44
Article 4: Management	44-45
CHAPTER X: Commencement Date	46
FIRST SCHEDULE: Map of Nigeria	47
SECOND SCHEDULE: Components Nationalities of the Regions	48-49
THIRD SCHEDULE: Allocation of Functions	50-55
Part 1: Union Legislative List	50-53
Part 2: Concurrent Legislative List	53-54
Part 3: Regional Legislative List	54-56
Part 4: Associated Territories Legislative List	56
FOURTH SCHEDULE: Oath of Allegiance	57

A

Constitution

For the Union of Nigeria

We the nationalities and peoples of Nigeria having cohabited as a country under arrangements conceived and imposed on us by colonial powers in their interest, wishing to continue our cohabitation as one country on the basis of our common consent in our own interest and with a view to encouraging peaceful, respectful and supportive relations between our nationalities and peoples, so as to advance our common interests, do through our freely chosen representatives, adopt this Constitution for our Union of Nigeria.

CHAPTER I

THE UNION OF NIGERIA

ARTICLE 1: The Union

- Section** 1. The territory known as the Federation of Nigeria shall be named the Union of Nigeria and the appellation Nigeria shall not be changed except where a proposal for change has been passed by the House of Nationalities of the Union Parliament and endorsed thereafter by the majority of Regional Assemblies, and a substitute name has been chosen in a countrywide referendum among voters.
- Section** 2. The territorial area and boundaries of the Union shall be as set out in the First Schedule to this Constitution.
- Section** 3. The Union shall consist of mono-nationality Regions, multi-nationality Regions and the Union Capital Territory.
- Section** 4. The Union shall be governed by a system of federations of nationalities, that is to say the mono – nationality Regions shall be federations of sub – nationalities and the multi – nationality Regions shall be federations of nationalities.
- Section** 5. The component nationalities of each Region shall be as set out in the Second Schedule to this Constitution.
- Section** 6. An ethnic group not listed in the Second Schedule as a nationality but wishing to be recognised and officially treated as such shall submit a formal petition to that effect to the House of Nationalities whose decision in the matter shall be final.
- Section** 7. Where a Region is comprised of more than one nationality (a Multi-Nationality

Region), the component nationalities or combinations of nationalities shall be designated Associated Territories. In a mono – nationality Region, the component sub – nationalities or combinations of sub – nationalities shall be designated Provinces.

Section 8. An Associated Territory may on application to the Union become a Region if the application satisfies the Commission on Nationality Matters of the House of Nationalities that the Territory has the necessary constitutional requirements including resources, ability and popular support to discharge the tasks and responsibilities of a Region as set out in Chapter VII and Parts 2 and 3 of the Third Schedule to this Constitution and if the application has the support of three – quarters of the electorate in a referendum in the Territory.

Section 9. Subject to Section 10 of this Article, a Region or Associated Territory may secede from the Union only after:

(1) a motion in favour of the demand to secede is moved in both Houses of the legislature of the Region concerned or the Territorial Council of the Associated Territory concerned, and carried by the votes of not less than two thirds of the votes of all persons entitled to vote, and

(2) the Commission on Nationality Matters of the House of Nationalities has, within two years of receipt by the House of formal notification of a favourable decision by the Regional legislature or Territorial Council concerned, organised a referendum of the people of the Region or Territory; and

(3) the demand for secession has been endorsed by not less than three quarters of the electorate in the referendum.

Section 10. No Region or Associated Territory may take any action pursuant to Section 9 of this Article before the expiry of the 20th anniversary of the date of adoption of this Constitution.

Section 11. Every Region or Associated Territory may have its own flag and emblem provided that such flag or emblem shall incorporate in its design the Union flag or such other emblem of the Union as may be prescribed by the Union Parliament.

Section 12. In furtherance of the relationship between the three levels of establishment in the Union:

a) the Union shall have no authority to supervise a Region in Regional matters;

b) the Regions shall not be subordinate to any Union authority in Regional matters;

c) the Union shall have no right to give orders or dictate to a Region in Regional matters;

d) the relationship between a Region and an Associated Territory shall be the same mutatis mutandis as the relationship between the Union and the Regions as set out in sub – Sections (a), (b) and (c) of this Section.

- (e) the powers of a Province shall be defined and regulated by the Regional Assembly of the Region in which the Province is situate.

ARTICLE 2: Union Capital Territory

- Section** 1. The capital of the Union of Nigeria shall be Abuja in the existing Federal Capital Territory.
- Section** 2. The area comprised in the Union Capital Territory shall be as shown in the First Schedule to this Constitution.
- Section** 3. The Union Capital Territory shall be administered by a Council composed of a Chairman appointed by the Union Council of Ministers, one member appointed by each Regional government and six members elected by the residents of the Territory.
- Section** 4. The Chairman of the Administrative Council of the Union Capital Territory shall hold office for two years, provided that the Chairmanship shall rotate among the Regions and no Region shall hold the chairmanship for a second or subsequent time until after all the other Regions shall each have had its turn, whereafter the rotation shall start afresh.
- Section** 5. There shall be a Deputy Chairman of the Council and the office shall rotate annually in alphabetical order among the Regions represented in the Council, provided that the first such Deputy Chairman shall be elected by the members of the Council from among themselves, and provided that the first Deputy Chairman shall not be from the same Region as the Chairman.

CHAPTER II**FOUNDING PRINCIPLES****ARTICLE 1: Sovereignty and Self Determination**

- Section** 1. Sovereignty in Nigeria shall reside in the nationalities and peoples of the Union.
- Section** 2. In exercise of that sovereignty, the nationalities and peoples of the Union have adopted this Constitution as the expression of their will as to the basis on which they have chosen to remain together as one country.
- Section** 3. This Constitution shall continue in force and effect as herein contained except as may be revised in accordance with the procedures set out in this Constitution and until such time as the nationalities and peoples of the Union may adopt another Constitution.
- Section** 4. By this Constitution the nationalities and peoples of the Union delegate the exercise of their sovereign powers to the extent set out in this Constitution to the institutions and officers created by this Constitution that they may exercise the powers so delegated to them for the protection and well being of the nationalities and peoples of the Union.
- Section** 5. The nationalities and peoples of the Union reserve the right to exercise their sovereignty directly rather than through the agency of the persons and institutions referred to in Article 1 Section 4 of this Chapter in accordance with the procedures set out in Chapter VII of this Constitution.
- Section** 6. Every citizen of the Union shall have equal rights before the law and shall be equally subject to the law.
- Section** 7. All powers and authority vested by this Constitution in any institution or person shall be vested in them as trustees for the nationalities and peoples of the Union, and for their benefit and convenience. Accordingly, any person in whom such power or authority is vested shall be guilty of a **crime against the people** if he or she uses the power or authority entrusted to him:
- (a) for the unjust enrichment or unjust advantage of himself or any other person;
 - (b) to the partial prejudice or detriment of the people; or
 - (c) to frustrate or otherwise impair the sovereign will of the people as expressed in or in accordance with this Constitution.
- Section** 8. A prosecution for a crime against the people may be brought by any citizen at any time and a person convicted of the offence shall be punishable by death or such lesser punishment as the courts may decide.
- Section** 9. A person adjudged guilty of a crime against the people shall not be pardoned saving by the authority of the House of Nationalities.

ARTICLE 2: Supremacy of the Constitution

- Section** 1. This Constitution shall be supreme and its provisions shall have binding force on all authorities and persons throughout the Union of Nigeria in respect of matters set out in the Third Schedule to this Constitution.
- Section** 2. If any law is inconsistent with the provisions of this Constitution in relation to matters set out in the Third Schedule, this Constitution shall prevail, and that other law shall to the extent of the inconsistency be void.
- Section** 3. The Union of Nigeria shall not be governed, nor shall any person or group of persons take control of the government of Nigeria or any part thereof, saving in accordance with the provisions of this Constitution.
- Section** 4. In the event of any person or group of persons taking control of the Government of Nigeria or of any Region or Associated Territory unlawfully or by means not in accordance with the provisions or spirit of this Constitution, the event shall be a crime against the people and it shall be lawful for the Nationalities and peoples of the Union individually or collectively to resist and reverse the action of the usurpers by any means which they can muster and no action taken in furtherance of the resistance and reversal thereof shall be regarded as a criminal offence.

ARTICLE 3: Democracy and Fundamental Rights

- Section** 1. The Union shall uphold the principles of liberty, democracy, equity and the rule of law.
- Section** 2. Every person shall have a right to life, and no one shall be deprived intentionally of his or her life, save in execution of the sentence of a court in respect of a criminal offence of which he or she has been found guilty.
- Section** 3. Every individual shall be entitled to respect for the dignity of his or her person, and accordingly no person shall be subjected to torture or any other inhuman or degrading treatment.
- Section** 4. The Union shall adhere to the principle of gender equality and shall abide by the principle of Affirmative Action whereby women shall be entitled to at least thirty percent of all public offices in the Union.
- Section** 5. The Governments in the Union shall owe a duty to the Citizens to comply with all international conventions and treaties on human rights and accordingly any law of any Government in the Union contravening such conventions and treaties shall be null and void to the extent of such contravention.
- Section** 6. Every person in the Union shall be entitled to his or her personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure established by law:
- (a) in execution of the sentence or order of a court in respect of a criminal offence of which he or she has been found guilty;

- (b) by reason of his or her failure to comply with the order of a court or in order to secure the fulfilment of any obligation imposed upon him or her by law;
- (c) for the purpose of bringing him or her before a court in execution of the order of a court or upon reasonable suspicion of his or her having committed a criminal offence, or to such extent as may be reasonably necessary to prevent him or her from committing a criminal offence;
- (d) in the case of a person who has not attained the age of eighteen years, for the purpose of his or her education or welfare;
- (e) in the case of vagrants, persons suffering from an infectious or contagious disease, persons of unsound mind or persons addicted to drugs or alcohol, for the purpose of their care or treatment or the protection of the community; or
- (f) for the purpose of preventing the unlawful entry of any person into the Union or of effecting the expulsion, extradition or other lawful removal from the Union of any person or the instituting of proceedings relating thereto.

Section 7. Any person who is arrested or detained shall be informed in writing, within twenty-four hours and in a language that he or she understands, of the facts and grounds for his or her arrest or detention.

Section 8. Any person who is arrested or detained in accordance with Section (5) (c) of this Article shall be brought before a court of law within a reasonable time, and if he or she is not tried within a period of -

(a) two months from the date of his or her arrest or detention in the case of a person who is in custody or is not entitled to bail; or

(b) three months from the date of his or her arrest or detention in the case of a person who has been released on bail,

he or she shall without prejudice to any further proceedings that may be brought against him or her be released either unconditionally or upon such conditions as are reasonably necessary to ensure that he or she shall appear for trial at a later date.

Section 9. In Section (8) of this Article, the expression "a reasonable time" shall mean -

(a) in the case of an arrest or detention in any place where there is a court of competent jurisdiction within a radius of forty kilometres, a period of one day; and

(b) in any other case, a period of two days or such longer period as in the circumstances may be considered by the court to be reasonable.

Section 10. Any person who is unlawfully arrested or detained shall be entitled to compensation and public apology from the appropriate authority or person; and in this subsection, "the appropriate authority or person" shall mean an authority or person specified by law.

- Section** 11. Nothing in this Article shall be construed in relation to Sections 7 and 8 of this Article as applying in the case of a person arrested or detained upon reasonable suspicion of having committed a capital offence.
- Section** 12. In the determination of his or her civil rights and obligations, including any question or determination by or against any government or authority, a person arrested shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality.
- Section** 13. Without prejudice to the foregoing provisions of this Article, a law shall not be invalidated by reason only that it confers on any government or authority power to determine questions arising in the administration of a law that affects or may affect the civil rights and obligations of any person if such law -
- (a) provides for an opportunity for the persons whose rights and obligations may be affected to make representations to the administering authority before that authority makes the decision affecting that person; and
- (b) contains no provision making the determination of the administering authority final and conclusive.
- Section** 14. The proceedings of a court or of any tribunal relating to the matters mentioned in Section 11 of this Article (including the announcement of the decisions of the court or tribunal) shall be held in public.
- Section** 15. Whenever any person is charged with a criminal offence, he or she shall, unless the charge is withdrawn, be entitled to a fair hearing in public within a reasonable time by a court or tribunal:
- Provided that -
- (a) a court or such a tribunal may exclude from its proceedings persons other than the parties thereto and their legal practitioners in the interest of defence, public safety, public order, public morality, the welfare of persons who have not attained the age of eighteen years, the protection of the private lives of the parties or to such extent as it may consider necessary by reason of special circumstances in which publicity would be contrary to the interests of justice;
- (b) if in any proceedings before a court or such a tribunal, the court or tribunal is satisfied that it would not be in the public interest for any matter to be publicly disclosed, the court or tribunal shall make arrangements for evidence relating to that matter to be heard in private and shall take such other action as may be necessary or expedient to prevent the disclosure of the matter.
- Section** 16. Every person who is charged with a criminal offence shall be presumed to be innocent until he or she is proved guilty. Provided that nothing in this section shall invalidate any law by reason only that the law imposes upon any such person the burden of proving particular facts.

- Section 17.** Every person who is charged with a criminal offence shall be entitled to -
- (a) be informed promptly in the language that he or she understands and in detail of the nature of the offence;
 - (b) be given adequate time and facilities for the preparation of his or her defence;
 - (c) defend himself or herself in person or by legal practitioners of his or her own choice;
 - (d) examine, in person or by his or her legal practitioners, the witnesses called by the prosecution before any court or tribunal and obtain the attendance and carry out the examination of witnesses to testify on his or her behalf before the court or tribunal on the same conditions as those applying to the witnesses called by the prosecution; and
 - (e) have, without payment, the assistance of an interpreter if he or she cannot understand the language used at the trial of the offence.
- Section 18.** When any person is tried for any criminal offence, the court or tribunal shall keep a record of the proceedings and the accused person or any persons authorised by him in that behalf shall be entitled to obtain copies of the judgement in the case within seven days of the conclusion of the case, and copies of the record of proceedings within 90 days of the delivery of judgement.
- Section 19.** No person shall be held to be guilty of a criminal offence on account of any act or omission that did not, at the time it took place, constitute an offence, and no penalty shall be imposed for any criminal offence heavier than the penalty in force at the time the offence was committed
- Section 20.** No person who shows that he or she has been tried by any court of competent jurisdiction or tribunal for a criminal offence and convicted or acquitted shall again be tried for that offence or for a criminal offence having the same ingredients as that offence save upon the order of a superior court.
- Section 21.** No person who shows that he or she has been pardoned for a criminal offence shall again be tried for that offence.
- Section 22.** Saving as otherwise provided by this Constitution, a person shall not be convicted of a criminal offence unless the offence is defined and the penalty is prescribed in a written law, and in this subsection a written law refers to an Act of the Union Parliament or a Law of a Region or Associated Territory or any subsidiary legislation or instrument under the provisions of a law.
- Section 23.** The privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications, is hereby guaranteed and protected and shall not be violated upon pain of such penalty as the courts may determine.
- Section 24.** Every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his or her religion or belief, and freedom either alone or in community with others, in public or in private, to manifest and propagate his religion or belief by worship, teaching, practice and observance..
- Section 25.** No person attending a public owned place of education may be compelled to receive religious instruction or to take part in or attend any religious ceremony .

- Section** 26. Every person shall be entitled to associate freely and assemble with other persons and in particular may form or belong to any political, trade union or other association, provided that nothing in this section shall entitle any person to form or take part in the activity of or be a member of, a secret cult.
- Section** 27. Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.
- Section** 28. Every citizen of the Union shall be entitled to move freely throughout Nigeria and no citizen of Nigeria shall be expelled from Nigeria or refused entry thereto or unlawfully refused exit therefrom.
- Section** 29. A citizen of the Union belonging to a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person:-
- (a) be subjected, either expressly by or in the practical application of, any law in force in the Union or any executive or administrative action of the government, to disabilities or restrictions to which citizens from other communities, ethnic groups, places of origin, sex, religions or political opinions are not made subject; or
- (b) be accorded either expressly by, or in the practical application of, any law in force in the Union or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of the Union of other communities, ethnic groups, places of origin, sex, religions or political opinions.
- Section** 30. No citizen of the Union shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth.
- Section** 31. Subject to the provisions of this Constitution, every citizen of the Union shall have the right to acquire and own immovable property anywhere in the Union.
- Section** 32. No moveable property or any interest in an immovable property shall be taken possession of compulsorily and no right over or interest in any such property shall be acquired compulsorily in any part of the Union except in the manner and for the purposes prescribed by a law that, among other things -
- (a) requires the prompt payment of compensation therefor and
- (b) gives to any person claiming such compensation a right of access for the determination of his interest in the property and the amount of compensation to a court of law or tribunal or body having jurisdiction in that part of the Union.
- Section** 33. Nothing in Section 32 of this Article shall be construed as affecting any general law
- (a) for the imposition or enforcement of any tax, rate or duty;

- (b) for the imposition of penalties or forfeiture for breach of any law, whether under civil process or after conviction for an offence;
- (c) relating to leases, tenancies, mortgages, charges, bills of sale or any other rights or obligations arising out of contracts.
- (d) relating to the vesting and administration of property of persons adjudged or otherwise declared bankrupt or insolvent, of persons of unsound mind or deceased persons, and of corporate or unincorporated bodies in the course of being wound-up;
- (e) relating to the execution of judgements or orders of court;
- (f) providing for the taking of possession of property that is in a dangerous state or is injurious to the health of human beings, plants or animals;
- (g) relating to enemy property;
- (h) relating to trusts and trustees;
- (i) relating to limitation of actions;
- (j) relating to property vested in bodies corporate directly established by any law in force in the Union;
- (k) relating to the temporary taking of possession of property for the purpose of any examination, investigation or enquiry;
- (l) providing for the carrying out of work on land for the purpose of soil-conservation; or
- (m) subject to prompt payment of compensation for damage to buildings, economic trees or crops, providing for any authority or person to enter, survey or dig any land, or to lay, install or erect poles, cables, wires, pipes, or other conductors or structures on any land, in order to provide or maintain the supply or distribution of energy, fuel, water, sewage, telecommunication services or other public facilities or public utilities.

- Section 34.** (a) An act of the Union Parliament shall not be invalidated by reason only that it provides for the taking, during periods of emergency, of measures that derogate from the provisions of this Article but no such measures shall be taken in pursuance of any such act during any period of emergency save to the extent that those measures are reasonably justifiable for the purpose of dealing with the situation that exists during that period of emergency:
- (b) Provided that nothing in this Section shall authorise any derogation from the provisions of Section 2 of this Article except in respect of death resulting from acts of war, or authorise any derogation from the provisions of Section 10 of this Article.
- (c) In this Section, a " period of emergency" means any period during which there is in force a proclamation of a state of emergency declared by the House of Nationalities.

- Section** 35. Any person who alleges that any of the provisions of this Chapter has been, is being or is likely to be contravened in any Region in relation to him may apply to a High Court in that Region for redress or compensation or an order to avert the contravention.
- Section** 36. Subject to the provisions of this Constitution, a High Court shall have original jurisdiction to hear and determine any application made to it in pursuance of this Section and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcement or securing the enforcing within that Region of any right to which the person who makes the application may be entitled under this Chapter.
- Section** 37. The Union Parliament
- (a) may confer upon a High Court such powers in addition to those conferred by this Section as may appear to the Union Parliament to be necessary or desirable for the purpose of enabling the court more effectively to exercise the jurisdiction conferred upon it by this section; and
- (b) shall make provisions
- (i) for the rendering of financial assistance to any indigent citizen of the Union where his right under this Chapter has been infringed or with a view to enabling him to engage the services of a legal practitioner to prosecute his claim, and
- (ii) for ensuring that allegations of infringement of such rights are substantial and the requirement or need for financial or legal aid is real.
- ARTICLE 4: Citizenship**
- Section** 1. Any person who was a citizen of Nigeria immediately before the adoption of this Constitution shall be a citizen of the Union.
- Section** 2. Any person shall be a citizen of the Union if he or she was born after the date of adoption of this Constitution and either of his or her parents was a citizen of the Union.
- Section** 3. A person to whom the provisions of Section 4 of this Article apply may be registered as a citizen of the Union if the Commission on Nationality Matters of the House of Nationalities is satisfied that he has taken the Oath of Allegiance prescribed in the Fourth Schedule to this Constitution.
- Section** 4. The provisions of this Section shall apply to-
- (a) any person who is or has been married to a citizen of the Union; or
- (b) any person of full age and capacity born outside the Union if either of the person's grandparents is or was a citizen of the Union.
- Section** 5. Any person who is qualified in accordance with the provisions of Section 6 of this Article may apply to the Commission on Nationality Matters for the grant of a certificate of naturalisation.

- Section** 6. No person shall be qualified to apply for the grant of a certificate of naturalisation unless he or she satisfies the Commission on Nationality Matters that -
- (a) he or she is a person of full age and capacity;
 - (b) he or she is a person of good character;
 - (c) he or she has shown a clear intention of his or her desire to be domiciled in the Union;
 - [d] his or her financial means are such that he or she will be able to maintain himself or herself without assistance from the State.;
 - [e] he or she is in the opinion of the Government of the Region where he or she is or proposes to be resident, acceptable to the local community in which he or she is to live permanently, and is willing to be assimilated into the way of life of Nigerians in that part of the Union;
 - (f) he or she is a person who has made or is capable of making useful contribution to the progress and well-being of the Union;
 - (g) he or she has taken the Oath of Allegiance prescribed in the Fourth Schedule to this Constitution; and
 - (h) he or she has, immediately preceding the date of his or her application, either-
 - (i) resided in the Union for a continuous period of ten years; or
 - (ii) resided in the Union continuously for a period of twelve months, and during the period of fifteen years immediately preceding that period of twelve months has resided in the Union for periods amounting in the aggregate to not less than ten years.
- Section** 7. Any citizen of Nigeria of full age who wishes to renounce his or her Union citizenship shall make a declaration in the manner prescribed by the Commission on Nationality Matters for the renunciation.
- Section** 8. The Commission on Nationality Matters shall cause the declaration made under Section 7 of this Article to be registered at a prescribed location and upon such registration, the declarant shall cease to be a citizen of the Union.
- Section** 9. The Commission on Nationality Matters may withhold registration of any declaration made under Section 7 of this Article if:
- (a) the declaration is made during any war in which the Union is physically involved; or
 - (b) in its opinion, the declaration is otherwise contrary to public policy.

- Section** 10. For the purposes of Section 7 of this Article, "full age" means the age of eighteen years and above.
- Section** 11. The House of Nationalities may make regulations not inconsistent with this Article prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Article, and for granting special immigrant status with full residential rights to non-Nigerian spouses of citizens of the Union who do not wish to acquire Union citizenship.
- Section** 12. Any citizen of the Union having the right to move and reside freely within his own Region shall have the right to move and reside freely within the territories of all other Regions.

ARTICLE 5: Freedom of the Media

- Section** 1. Every citizen and every association of law – abiding citizens shall have freedom of public expression and freedom of the press and any laws purporting to abolish or restrict these freedoms shall be unconstitutional and invalid.
- Section** 2. Every citizen shall have the right to seek and receive information, express opinions and disseminate them freely.
- Section** 3. Without prejudice to the generality of subsection (1) of this section, every person shall be entitled to own, establish and operate any medium for the dissemination of information, ideas and opinions.
- Section** 4. All governments and public authorities in the Union shall make available in reasonable manner all information generated by the public sector, and no journalist shall be forced to reveal his or her sources of information.
- Section** 5. It shall be unconstitutional and unlawful for any public authority to subject the media to censorship, restrictions on circulation or dissemination of their product or reports or opinions, or to institute arbitrary management of information, obstacles to the free flow of news, or restrictions on the activities and movements of journalists.
- Section** 6. No news medium or journalist may be punished for publishing the truth or for criticising or denouncing any government or public authority in the Union.
- Section** 7. Tariff and exchange policies, licences for importation or purchase of printing or news – gathering equipment, the assigning of radio and television frequencies, and the granting or withdrawal of government advertising shall not be used to reward, punish or threaten the media or journalists.

ARTICLE 6: Languages

- Section** 1. The official language of the Union shall be English and, accordingly, all Union Government publications shall be made in the English language.

- Section** 2. The official languages in a Mono-Nationality Region shall be the English both the language of the nationality and English and accordingly all Regional and Provincial Government publications shall be made in both languages.
- Section** 3. The official languages in a Multi-Nationality Region shall be English and such other language or languages as the Regional Assembly may determine, provided that within an Associated Territory, the Territorial language shall have equal status with English.
- Section** 4. Every nationality in the Union shall have the right to speak, write and develop its language and adapt it for modern usage.
- Section** 5. The Union shall encourage understanding and exchange among its linguistic communities.
- Section** 6. This Constitution shall be reproduced in each of the Regional and Associated Territory languages.

ARTICLE 7: Religion

- Section** 1. The Union shall be a secular state and the Government of the Union shall not adopt any religion as a state religion or use public funds to support or promote any religion except on equal terms with all other religions in the Union.
- Section** 2. The Union shall not enter into membership of any international organisation of States whose membership is determined wholly or mainly by religious affiliation.

ARTICLE 8: Economic and Political Balance

- Section** 1. The Union shall uphold the principles of equity among the nationalities of the Union.
- Section** 2. The Union shall work to secure and maintain economic and political balance among the nationalities of the Union.
- Section** 3. The Union and Regions shall guarantee the right of citizens to work and shall promote policies which shall provide large – scale employment for citizens and promote payment of unemployment benefits.

ARTICLE 9: Natural and Mineral Resources

- Section** 1. All natural and mineral resources upon or under land forming part of the territory of the Union shall belong to the person or persons or community or communities who are the owners of the land.
- Section** 2. All natural and mineral resources in, under or upon the territorial waters of any nationality within 24 nautical miles of the shores of the Union shall belong to the Region of which the waters form part.

- Section** 3. All other natural and mineral resources in, under or upon the territorial waters of the Union and within its Exclusive Economic Zone shall belong to the Union.
- Section** 4. The exploitation of the natural and mineral resources belonging to any Region or Associated Territory or community or person shall be subject to the consent of, and payment of fair compensation to, the owner or owners of the resources.

CHAPTER III

RELATIONSHIP BETWEEN THE UNION, REGIONS AND ASSOCIATED TERRITORIES

ARTICLE 1: Division of Authority

- Section** 1. The Union shall have the legislative, executive and judicial powers expressly allocated to it under Parts 1 and 2 of the Third Schedule to this Constitution and shall be responsible for the tasks assigned to it in Chapter VI of this Constitution.
- Section** 2. In a Multi-Nationality Region, all legislative, executive and judicial powers other than those assigned to the Union or Associated Territories shall be reserved to the Region.
- Section** 3. In a Mono-Nationality Region, all legislative, executive and judicial powers, other than those clearly assigned to the Union shall be reserved to the Region.
- Section** 4. Multi-Nationality Regions and Associated Territories shall define in their Constitutions the tasks for which they shall be responsible within the limitations of their powers and the tasks for which other organs of administration within their territories shall be responsible.
- Section** 5. All functions, subjects and matters not listed in the Union Legislative List, Concurrent Legislative List or Associated Territories Legislative List in the Third Schedule of this Constitution, shall be the exclusive responsibility of the Regions.

ARTICLE 2: Judicial and Administrative Co-operation

- Section** 1. The Union and the Regions shall collaborate and support each other in the discharge of their responsibilities and may grant to one another administrative, judicial and other assistance.
- Section** 2. Union law shall take precedence over Regional laws in Union matters and Regional laws shall take precedence over contrary Union laws in all other matters.
- Section** 3. The Regions shall implement Union law in conformity with the Constitution and the relevant statute.
- Section** 4. Every Region shall establish a Regional Supreme Court, Appeal Court, High Court and such other Courts as the Regional Assembly may by law establish.
- Section** 5. The Regional Supreme Court shall have the highest and final jurisdiction over Regional and Associated Territory matters.
- Section** 6. The Regional Supreme Court shall in addition to its appellate jurisdiction in the Region assume the original jurisdiction of the Union High Court in the Region. Decisions rendered by the Regional Supreme Court in its Union jurisdiction may be reviewed on appeal by the Union Supreme Court.

- Section 7.** The Regional High Court shall in addition to its jurisdiction in the Region assume the jurisdiction of the First Instance Court of the Union. Decisions rendered by the Regional High Court in its Union jurisdiction may be reviewed on appeal by the Regional Supreme Court.

ARTICLE 3: Constitutional Arrangements

- Section 1.** Every Region and every Associated Territory shall have a democratic Constitution.
- Section 2.** The Constitution of a Region or Associated Territory shall be the Constitution approved by the people and shall contain provisions for citizen participation in the process of changing the Constitution that are substantially the same as those set out in Chapter IV of this Constitution.
- Section 3.** A Multi-Nationality Region shall be served by the following common institutions: a Regional Assembly, Regional Executive Council, Regional Court of Justice, Regional Board of Accountants and Regional Board of Auditors provided that the Associated Territories in the Region shall enjoy equitable representation in all such institutions.
- Section 4.** The Union shall guarantee the Constitutions of the Regions and Associated Territories.
- Section 5.** The Union shall upon application by the legislature of a Region or by the Regional Executive Council when the Legislature cannot be expeditiously convened, protect the Region or an Associated Territory therein against internal violence.
- Section 6.** The Union shall safeguard the territories of the Regions and Associated Territories from invasion.
- Section 7.** No changes shall be made to the boundaries of a Region or Associated Territory without the assent of the population concerned, the Region or Associated Territory concerned, and Union House of Nationalities.

ARTICLE 4: Indigeneity

- Section 1.** The qualification for indigeneity for a person whose parentage or paternity is not of his or her Region or Associated Territory of residence shall be by birth, provided that such person shall have lived in the Region or Associated Territory of which indigeneity is claimed for a period of not less than 25 years and contributed to the development of the area including by regular payment of tax.
- Section 2.** Any person entitled to indigeneity on the grounds of Section 1 shall enjoy all such civic rights and other provisions as shall be accorded to persons who are indigenes of the Region or Associated Territory by paternity.
- Section 3.** Multi – Nationality Regions and Associated Territories shall apart from the powers assigned to them in Schedule VI of this Constitution, be responsible within the limitations of their powers to decide other tasks and functions if any, that may be granted, conferred upon or delegated to the Associated Territories.

CHAPTER IV

CITIZEN PARTICIPATION IN CONSTITUTIONAL AMENDMENTS AND ALLIED MATTERS

ARTICLE 1: General Provisions

- Section 1.** All Union citizens who are 18 years or older shall in all matters have the same political rights and obligations.
- Section 2.** A citizen from one Region residing in another Region of which he or she is not a national shall have the right to register and vote in either Region.

ARTICLE 2: Political Parties

- Section 1.** It shall be the right of any citizen of Nigeria to form or join other citizens in forming a political association.
- Section 2.** It shall be the inalienable right of every citizen of Nigeria to contest election to any elective office established under this Constitution either on the platform of a political association or as an Independent Candidate.
- Section 3.** There shall be established under this Constitution a Union Electoral Board, and the Chairman of the Board shall be appointed by the Council of Ministers.
- Section 4.** The Governments of the Regions shall each nominate one member to serve for a term of three years on the Board.
- Section 5.** The Union Electoral Board shall have the following functions and powers:
- (a) to compile a Voters' Register containing the names of Citizens of Nigeria who are 18 years of age and above and to maintain, update and publish the same annually;
 - (b) to conduct elections to the Union Parliament;
 - (c) to register Symbols and Logos submitted by political associations and individuals intending to contest elections under this Constitution;
 - (d) to adjudicate between political associations and between independent candidates for elections over differences and conflicts regarding ownership and usage of symbols; and
 - (e) to conduct countrywide referenda.
- Section 6.** In this Article, for the avoidance of doubt the expression political association includes political parties.

ARTICLE 3: Initiatives and Referendum

- Section 1.** 1,000,000 registered voters spread over not less than one third of the number of Regions may propose fundamental changes in this Constitution.

- Section 2.** Such proposal shall be submitted to the House of Nationalities who shall authorize a referendum.
- Section 3.** If the proposal secures not less than two thirds of the total votes cast in the referendum, it shall be deemed to be approved.
- Section 4.** If the proposal fails to secure the number of votes needed for its approval, it shall not be re – submitted to a referendum until after the expiration of 12 years from its first submission.
- Section 5.** 1,000,000 citizens entitled to vote and spread over one third of the number of Regions may propose a partial revision of the Constitution .
- Section 6.** The popular initiative for a partial amendment of the Constitution shall be in the form of a draft embodying the proposal and duly be submitted to the House of Nationalities.
- Section 7.** If the House of Nationalities accepts the submission, they shall submit it to the vote of the Regional legislatures. If they reject the initiative, it shall not be re - submitted to a referendum until after twelve years.
- Section 8.** Amendments to the Union Constitution shall not be effective unless and until they have been submitted to a referendum of the people.
- Section 9.** The entry by the Union into organisations for collective security or into supranational communities shall not be binding until they have been submitted for approval to the Regions and approved by the majority of Regional legislatures.
- Section 10.** The following shall be submitted to the vote of the people in a referendum;
- (a) changes in this Constitution
 - (b) creation of new Regions
 - (c) demands for secession
 - (d) privatization of public enterprises
 - (e) any other matter in this Constitution that requires a referendum or on which the two Houses of Parliament decide by a simple majority in the House of Representatives and a majority of Nationalities in the House of Nationalities that a referendum should be held.

CHAPTER V

UNION INSTITUTIONS

ARTICLE 1: General

- Section** 1. The Union shall be served by the following common institutions: a Parliament, a Council of Ministers, a Central Bank, a Union Court of Justice, a Board of Accountants, a Board of Auditors and such other institutions as Parliament may by law establish for the exercise of Union functions
- Section** 2. No person shall at the same time be a member of two or more of these institutions.
- Section** 3. The following offices shall not at the same time be held by persons from the same Region: President or Vice President of the Union, Prime Minister, Chancellor or Vice Chancellor of the House of Nationalities, Speaker or Deputy Speaker of the House of Representatives, Chief Justices of the Union, or such other office as the House of Nationalities may prescribe.

ARTICLE 2: Parliament

- Section** 1. The Union legislature shall be called Parliament and it shall be composed of two Chambers, namely the House of Representatives and the House of Nationalities.
- Section** 2. Each House shall keep a record of its proceedings and shall regularly publish the same.
- Section** 3. Members of Parliament shall receive remuneration for their services which shall be paid out of the Treasury of the Union and which shall be such amount as the Council of Ministers shall from time to time determine.
- Section** 4. Members of Parliament shall in all cases except treason and an imprisonable offence, be privileged from arrest during their attendance at a session of either House or in transit to or from the same, and for any speech or debate in either House they shall not be questioned against their will in any other place.
- Section** 5. Every bill which has passed the House of Representatives and the House of Nationalities shall be remitted to the President of the Union for signature into law. If within 14 days of such remittance the President declines or fails to sign a bill into law, it shall be referred back to Parliament and shall become law if again passed by both Houses with the necessary majority.

ARTICLE 3: House of Representatives

- Section** 1. The House of Representatives shall consist of representatives of the peoples of the Union.
- Section** 2. Representatives shall be elected by direct universal suffrage and shall hold office for a term of three years, unless sooner lawfully removed.
- Section** 3. The number of Representatives shall not exceed three hundred.

- Section** 4. Seats in the House shall be allocated among Regions in proportion to the respective populations of the Regions.
- Section** 5. The House shall establish its own rules of procedure.
- Section** 6. Parliament shall, in accordance with this Constitution, enact laws on matters assigned to the Union in the Third Schedule to this Constitution.
- Section** 7. Save as otherwise provided, the House of Representatives shall act by simple majority of votes cast and the House of Nationalities shall act by majority of Regions. Any difference between both Houses on any matter shall be referred to a joint meeting of equal numbers of each House, whereat decisions shall be taken by simple majority of votes.

ARTICLE 4: House of Nationalities

- Section** 1. The House of Nationalities shall consist of representatives of the nationalities of the Union.
- Section** 2. Each nationality shall have two representatives who shall each serve for a term of 4 years.
- Section** 3. Members of the House of Nationalities shall be elected by the Regional legislatures.
- Section** 4. The House shall establish a body comprised of their own members which shall be known as the Commission on Nationality Matters and which shall have the following powers:
- [a] to adjudicate in disputes between the Union and a Region or between a Region and Associated Territories or between Regions or, if the dispute is between Associated Territories, upon appeal from a decision of a Region;
- [b] to decide upon questions arising with respect to the right of self determination of nationalities under Articles 1.7 and 1.8 of this Constitution;
- [c] to deal with applications for citizenship pursuant to Article 4 of Chapter II of this Constitution; and
- [d] to impose such penalties and sanctions as it deems fit on a Region or Associated Territory if that Region or Territory has departed from the basic values or has violated the basic rules of the Union. In such cases, a penalty and sanctions shall be submitted to the House of Nationalities for ratification which will not be valid unless supported by at least two thirds the number of Regions voting.
- Section** 5. The House shall elect its Chairman and Deputy Chairman who shall be known respectively as Chancellor and Vice – Chancellor.
- Section** 6. The House shall establish its own rules of procedure.

- Section** 7. Except as provided by this Constitution, the House shall act by a simple majority of the Regional votes cast.

ARTICLE 5: Union Executive

(a) President and Vice - President of the Union

- Section** 1. The President shall be the Head of State and Commander – in – Chief of the Armed Forces of the Union and of the Regional Guards of the Regions whenever they are called into the operational service of the Union by the House of Nationalities.
- Section** 2. The President and Vice – President shall be persons elected by an Electoral College consisting of all the legislatures of the Union and the Regions and shall be persons from among three nominees for each office presented by the Government of the Region whose turn it is to hold the offices of President and Vice – President of the Union.
- Section** 3. The Regions shall by rotation in alphabetical order each present for election as President and Vice – President, three persons for each office.
- Section** 4. A person nominated for the post of President or Vice – President by the Government of his or her Region shall be taken as having been elected for the post if he or she has received the votes by secret ballot of the majority of legislatures present and voting in the College.
- Section** 5. In the event that no nominee for the post of President or Vice – President wins more than fifty percent of the votes cast at an election for either office, there shall be a run-off election between the two leading candidates and the candidate winning the larger number of votes shall be declared elected.
- Section** 6. The term of office of the President and the Vice – President shall be four (4) years.
- Section** 7. In the event of the removal of the President from office constitutionally or of his death, resignation or inability to exercise the powers and discharge the duties of the Presidency, the same shall devolve on the Vice – President and in the event that both the President and the Vice – President are unable to discharge the duties of their offices, the Electoral College shall be summoned to elect another person or persons from among candidates presented by the Government of the sitting Region to complete the rest of the vacant term of office. Pending the election of a new President and Vice President which shall take place within thirty days of official notification of the vacancies, the Chancellor and Vice Chancellor of the House of Nationalities shall act as President and Vice President respectively of the Union.
- Section** 8. The President or Vice – President shall not during his or her term of office be a member of a legislature.
- Section** 9. The President and Vice – President shall receive such remuneration for their services as shall be determined by the House of Nationalities.
- Section** 10. The President or Vice – President may not be removed from office before the expiration of his or her term of office saving by a vote of no confidence passed by the House of Nationalities.

(b) Council of Ministers

9

- Section** 1. The executive authority of the Union shall reside in the Council of Ministers.
- Section** 2. The Council of Ministers shall consist of one Minister from each Region appointed from among members of the House of Representatives by the Prime Minister, provided that where a suitable candidate is not available, the Prime Minister may appoint a member of the House of Nationalities as Minister from a Region.
- Section** 3. The Council of Ministers shall consider, and when it so desires promote, laws and resolutions furthering the aims of the Union as set out in this Constitution.
- Section** 4. The Council of Ministers shall operate by simple majority.
- Section** 5. The Council may establish other rules of procedure for the conduct of its business.
- Section** 6. The Prime Minister may establish a Committee of Ministers to be known as a Cabinet which shall be his or her principal advisers.

(c) Prime Minister

- Section** 1. The Prime Minister shall be the Chairman of the Union Council of Ministers and as such, Head of the Union Government.
- Section** 2. The Prime Minister shall be appointed by the President in consultation with the leading members of the majority party or coalition of parties in the House of Representatives, and by annual rotation amongst the Regions, provided that the Prime Minister shall not come from the same Region as the President, provided also that no Region shall produce a Prime Minister more than once until after all the Regions have had their turn, and provided further that where the Region whose turn it is to produce the Prime Minister does not have a member in the leading party or coalition of parties in the House of Representatives, the President may in consultation with the leaders of the political parties represented in Parliament appoint a member of the House of Nationalities from the relevant Region as Prime Minister provided that within three months thereafter the appointee shall contest a constituency election to secure membership of the House of Representatives.
- Section** 3. Where after a general election the leader of the majority party or coalition of parties in the House of Representatives comes from the same Region as the sitting President, the House of Nationalities may, if the parties and Regions concerned do not otherwise arrange or order, decide the appointments to the offices of Prime Minister and President based on the fundamental principles of rotation governing appointments to the two offices.

(d) Removal from Office

The President, Vice President or Prime Minister of the Union shall without prejudice to any other prescribed punishment be removed from office upon the passage of a vote of no confidence in him by the House of Nationalities in the case of the President or Vice – President or by the House of Representatives in the case of the Prime Minister.

ARTICLE 6: Union Boards, Corporations, Commissions and Authorities⁴

(a) General

The Union Government shall establish Boards, Corporations, Authorities or Commissions for matters on the Union legislative list. In particular it shall establish a Board of Accountants, a Board of Auditors and a Board of Governors of the Union Central Bank. The composition of any Union board, corporation, authority or commission shall be one Chairman appointed by the Council of Ministers and one member appointed by each Regional Government, among whom the Deputy Chairmanship shall rotate on an annual basis, provided that no Region shall have a second or subsequent occupancy until all Regions have each had a seating.

(b) Board of Accountants

Section 1. The Board of Accountants shall take records of the revenue and expenditure of the Union and its institutions.

Section 2. It shall provide Parliament and the Council of Ministers with a statement of accounts annually and the statement shall be made public.

Section 3. The Accountant – General shall be responsible to the Board.

Section 4. Each member of the Board shall act in the general interest of the Union and no member shall seek or take instruction from any Regional Government or other interest.

Section 5. Members of the Board of Accountants shall receive such remuneration as the Council of Ministers shall from time to time determine.

(c) Board of Auditors

Section 1. The Board of Auditors shall examine the revenue and expenditure accounts of the Union and its institutions.

Section 2. At least once each year it shall provide Parliament and the Council of Ministers with a statement of assurance as to the reliability of the accounts, and the legality and regularity of the underlying transactions. The statement shall be made public.

Section 3. The Auditor – General shall be responsible to the Board.

Section 4. Each member of the Board shall act in the general interest of the Union. None shall seek or take instruction from any Regional Government or from any other interest.

Section 5. Members of the Board of Auditors shall receive such remuneration as the Council of Ministers shall from time to time determine.

(d) Board of Governors of Union Central Bank

Section 1. The Union Central Bank shall be governed by a Board of Governors.

Section 2. Each Region shall appoint one member to the Board of Governors.

- Section** 3. The Union Central Bank shall implement the monetary policies of the Union.
- Section** 4. The Union Central Bank shall hold and manage the foreign reserve of the Union. It shall have the exclusive right to authorise the issuing of bank notes and coins within the Union through a mint which shall at all times be public owned
- Section** 5. The Union Central Bank shall maintain an account for each Region and Associated Territory into which all sums accruing to the Region or Territory shall be credited and against which all liabilities of the Region or Associated Territory shall be debited.
- Section** 6. Members of the Board of Governors of the Union Central Bank shall receive such remuneration as the Council of Ministers shall from time to time prescribe.

ARTICLE 7: Union Judiciary

- Section** 1. The judicial power of the Union shall be vested in the Union Courts of Justice, which shall consist of the Union Supreme Court, Union Court of Appeal, Union High Court and such other Courts as may be established by the Union in respect of matters in the Union Legislative List.
- Section** 2. The judicial power of the Union Courts of Justice shall extend to all cases arising under this Constitution, the laws of the Union and Treaties made by the Union, all cases affecting Ambassadors, State Ministers and Consuls of the Union; controversies to which the Union is a party and controversies between two or more Regions or Associated Territories or between a Region or Associated Territory or its citizens and foreign States or citizens.
- Section** 3. In all cases affecting Ambassadors, State Ministers and Consuls of the Union, and those in which a Region is a party, the Union Supreme Court shall have original jurisdiction. In all other cases the Court shall have appellate jurisdiction.
- Section** 4. The Union Supreme Court shall be the supreme court of the Union in matters of this Constitution and Union law.
- Section** 5. Each Region shall appoint one judge to the Union Supreme Court, two judges each to the Union Court of Appeal and the Union High Court, save that no appointment shall be valid without the approval of the Judicial Committee of the House of Nationalities.
- Section** 6. A judge shall not be dismissed from office saving by a vote to that effect by the Judicial Committee of the House of Nationalities.
- Section** 7. The retirement age shall be 75 for Justices of the Supreme Court and 70 for all other judges.
- Section** 8. The Justices of the Union Supreme Court shall elect from among their number a President of the Court who shall be Chief Justice of the Union, and his or her appointment shall be subject to the approval of the Judicial Committee of the House of Nationalities and he or she shall hold office for three years.

- Section** 9. Parliament and the governments of the Regions and Associated Territories shall have the right to bring actions before the court. The court may choose to hear actions brought by private and legal persons.
- Section** 10. No judge shall seek or take judicial instruction from any Government in the Union or from any other interest.
- Section** 11. Members of the Union Court of Justice shall receive such remuneration as Parliament shall from time to time determine.

ARTICLE 8: Immunities

- Section** 1. No civil or criminal proceedings shall be instituted or continued against any person or persons to whom this Article applies nor shall the person or persons be arrested or imprisoned and no process of any court or tribunal requiring or compelling the appearance of the person or persons shall be applied for or issued while the person is in office, provided that in ascertaining whether any period of limitation has expired for the purposes of any proceedings against such person, no account shall be taken of his period in office.
- Section** 2. The provisions of this Article shall not apply to civil proceedings against any person to whom this section applies in his official capacity or to civil or criminal proceedings in which the person is a nominal party.
- Section** 3. This Article shall apply to persons holding the office of President or Vice President of the Union or the office of Governor or Deputy Governor of a Region or the office of Territorial Ruler or Deputy Territorial Ruler of an Associated Territory.

CHAPTER VI

TASKS AND RESPONSIBILITIES

ARTICLE 1: Security, Armed Forces and Police

(a) General

- Section** 1. The Union shall have a standing army and the Regions shall as near as possible have an equal number of personnel in the army.
- Section** 2. The standing army shall not exceed in number one member for every 1000 of the Regional Guards.
- Section** 3. The Union shall have an air force, a navy and a marine corps.
- Section** 4. The armed forces shall contribute to prevention of war and maintenance of peace and they shall defend the country, protect its population and lend support to the civil authorities when called upon in accordance with this Constitution.
- Section** 5. The armed forces shall not be deployed in peace time except on the institution of the Council of Ministers which shall not declare war without the approval of Parliament.
- Section** 6. There shall be a Union Defence Council which shall consist of the head of the Civil Defence Council of each Region, the Union heads of the standing army, air force, navy and marine corps, and the Union Minister of Defence.
- Section** 7. Every Nigerian between the ages of 18 and 60 shall be liable to render military service.
- Section** 8. The Union Chief of Staff shall be a serving military officer appointed by the President from among three candidates submitted by the Council of Ministers.

(b) Arms

- Section** 9. The Union shall legislate on the abuse of weapons, associated equipment and ammunition.
- Section** 10. The Union shall legislate on the production, acquisition, distribution, importation, exportation and transit of military materials.

(c) Police

- Section** 11. There shall be a police service for the Union and it shall deal with Union offences and inter-Regional offences.
- Section** 12. No police officer shall be deployed to any Region or Associated Territory unless he or she is a citizen of the nationality of that Region or Associated Territory or being a resident of an Associated Territory, he is fluent in at least one of the indigenous languages of the people of that Territory. For the avoidance of doubt, each Region or Associated Territory shall be entitled to establish and

maintain its own police service.

ARTICLE 2: Education, Research, Statistics and Culture

(a) Education

- Section** 1. Education shall be compulsory for all children in the Union from the age of 6 until the age of 15.
- Section** 2. There shall be a Union Education Council made up of the Union Minister of Education as Chairman and the Regional Ministers of Education as members.
- Section** 3. The Union Education Council shall prescribe Union standards for professional education and minimum standards for other levels of education.
- Section** 4. The Union shall support the establishment of specialised educational institutions.

(b) Research

- Section** 5. The Union shall support scientific research and may make its support conditional in particular upon taking coordinating measures.

(c) Statistics

- Section** 6. The Union shall collect the necessary statistical data on the status and evolution of the population, the economy, society, the territory and environment of the Union.
- Section** 7. To facilitate the collection of data, the Union may legislate on harmonizing and keeping official registers.

(d) Sports

- Section** 8. The Union shall promote sports and support inter-Regional and international sports and other activity.

(e) Culture

- Section** 9. The Union shall support cultural activities of Union interest and encourage art and music which are of All – Nigeria interests and in so doing, it shall take into account the cultural and linguistic diversity in the Union.
- Section** 10. The Union shall establish a Council for Arts and Culture which shall be composed in accordance with Article 6 (a) of Chapter V of this Constitution.

ARTICLE 3: Health

- Section** 1. There shall be free primary health care for all children in the Union up to the age of 16.

- Section** 2. There shall also be free health care for Union Senior Citizens of the age of 65 years and above.
- Section** 3. There shall be a Union Health Council made up of the Union Minister of Health and all Regional Ministers of Health.
- Section** 4. The Union Health Council shall prescribe minimum standards of health education, health services and health institutions in the Union.
- Section** 5. The Union shall support the establishment of specialized health institutions.

ARTICLE 4: The Environment

(a) Environment

- Section** 1. The Union shall legislate on the protection of man and the natural environment against harm and nuisance

(b) Forests

- Section** 2. The Union shall establish guidelines for the protection of forests and encourage measures for the conservation and regeneration of forests.

(c) Nature

- Section** 3. The Union shall legislate on the protection of animal and plant life, and on the preservation of their natural environment.

(d) Trade, Importation and Exportation of Animals

- Section** 4. The Union shall regulate the importation and exportation of animals and animal products, and trade in animals.

ARTICLE 5: Public Works and Transportation

(a) Public Works

- Section** 1. The Union shall undertake and promote extensive public works as an instrument for achieving mass employment and advancing rural development.

(c) Highways

- Section** 2. The Union shall undertake the construction and maintenance of a network of inter-Regional highways and highways linking the Union with other countries.
- Section** 3. The Union shall prescribe standards which the Regions shall observe in the construction and maintenance of Regional highways.
- Section** 4. Legislation on railways, navigation, aviation and space shall be a Union matter.

ARTICLE 6: Economy

- Section** 1. The Union shall safeguard the interests of the country's economy and shall take measures to protect and advance the economy.
- Section** 2. The Union shall ensure the free movement of goods, services and capital within the Union but no Regional law regulating the taxation of income or profit shall be construed as an impediment to the free movement of goods, or services, or capital.
- Section** 3. The Union shall ensure the country's supply of essential goods and services in the case of threats of crises or shortages which the economy cannot counteract by itself.

ARTICLE 7: Social Security

- Section** 1. The Union shall guarantee and underwrite minimum levels of access to health and education for all citizens.
- Section** 2. The Union shall care for and rehabilitate the physically and mentally handicapped, the aged and young orphans.

CHAPTER VII

THE REGIONS AND ASSOCIATED TERRITORIES

ARTICLE 1: Function of Regions

- Section** 1. Each Region shall establish and maintain the following institutions: a Regional legislature, Regional Executive Council, Regional Courts, Regional Board of Accountants, Regional Board of Auditors, Regional Civil Service Commission and such other organs for the execution of Regional functions as the Regional Assembly may decide. Membership of the institutions and organs shall be spread equitably among the Associated Territories or Provinces as the case may be.
- Section** 2. No person shall at the same time be a member of two or more of the Regional institutions.
- Section** 3. In each Region, the following Regional offices shall not be held at the same time by persons from the same Associated Territory or Province: Governor and Deputy Governor of the Region, Chief Minister, Speaker of the House of the People, Chairman of House of Communities, and any other office declared as a key office by the Regional Assembly, provided that where persons from all the Associated Territories or Provinces in a Region have been elected or appointed to some of these offices, any other offices shall be spread equitably among them on the second round.
- Section** 4. Union laws on matters in the Exclusive List and on the Concurrent List in so far as they are agreed by the Regions, shall be observed by the Regions.
- Section** 5. Every Region shall make arrangements for levying and collecting taxes and duties within the limits of Regional powers.
- Section** 6. Every Region shall prepare and maintain its own budget and formulate policies for the effective management of its economy.
- Section** 7. Every Region shall form and maintain Regional Guards to be organised as a militia and shall appoint and promote officers of such Guards and furnish their clothing and equipment and train them to such minimum standards as the Union may prescribe.
- Section** 8. Every Region shall establish a Civil Defence Council which may authorise the use of the Regional Guards to maintain public order within their territory, whenever the means of the civil authorities are insufficient to cope with threats to internal security.
- Section** 9. Every Region shall maintain its own police force to secure law and order within its territory.
- Section** 10. Every Region shall be responsible for ensuring the education of its children to a standard not less than the minimum standards prescribed by the Union.

- Section** 11. Every Region shall be responsible for establishing and maintaining a system of basic health care for its citizens up to standards not less than those prescribed by the Union.
- Section** 12. Every Region shall provide for the establishment and maintenance of postal services.

ARTICLE 2: Regional Assembly

- Section** 1. Each Region shall establish and maintain a Regional Legislature which shall be called the Regional Assembly and shall be composed of two chambers, namely the House of the People and the House of Communities.
- Section** 2. The Regional Assembly shall enact laws on matters assigned to the Regions in Parts 2 and 3 of the Third Schedule to this Constitution and residual matters not assigned in Parts 1 and 4 therein to the Union or Associated Territories respectively.
- Section** 3. Each House shall keep a record of its proceedings and shall regularly publish it.
- Section** 4. Members of the Regional Assembly shall receive remuneration which shall may be determined by the Regional Executive Council and which shall be paid out of the treasury of the Region.
- Section** 5. Members of the Regional Assembly shall in all cases except treason, an imprisonable offence or breach of the peace, be privileged from arrest during their attendance at sessions of either House and in transit to and from the same and for any speech or debate in either House they shall not be questioned against their will.
- Section** 6. Every bill passed by the Regional Assembly shall be presented to the Governor for signing into law. If the Governor declines or fails to sign the bill into law within 14 days, it shall be referred back to the Regional Assembly and shall become law if passed again with the required majority.

ARTICLE 3: House of the People

- Section** 1. The House of the People shall consist of elected representatives of the people of the Region.
- Section** 2. The representatives shall be elected by direct universal suffrage and shall hold office for a term of 3 years.
- Section** 3. The number of elected representatives shall be on the basis of one representative to 100,000 persons.
- Section** 4. The House of the People shall establish its own rules.
- Section** 5. Save as otherwise provided in this Constitution, the House of the People shall act by simple majority of votes cast.

- Section** 6. The House shall elect its own Speaker and Deputy Speaker.

ARTICLE 4: House of Communities

- Section** 1. The House of Communities shall consist of representatives allocated equally among the Provinces in the case of a mono – nationality Region or among the Associated Territories in the case of a multi-nationality Region.

- Section** 2. Members of the House of Communities shall be elected or selected as the Region may determine and shall hold office for a term of 4 years.

- Section** 3. The House of Communities shall elect its own Chairman and Deputy Chairman.

- Section** 4. The House shall establish its own rules of procedure.

- Section** 5. Except as provided by this Constitution, the House shall act by a simple majority of Provincial votes cast.

ARTICLE 5: Regional Governor and Deputy Governor

- Section** 1. The Governor and Deputy Governor shall be elected by a joint sitting of the two Houses in the Regional Assembly and shall be rotated among the Associated Territories or Provinces in a Region.

- Section** 2. The Governor and Deputy Governor shall be elected separately by majority votes but where no candidate secures a majority vote there shall be a run-off between the two candidates with the highest number of votes.

- Section** 3. The term of office of the Governor and Deputy Governor shall be 4 years each.

- Section** 4. In the event of removal of the Governor from office or of his death, resignation or inability to exercise or discharge the powers of Governor, the same shall devolve on the Deputy Governor and in the event of both Governor and Deputy Governor being unable to discharge the duties of his or her office for any cause, the Regional Assembly shall elect other persons from among two candidates presented by the Regional Council of Ministers other persons, who in the case of multi-nationality Regions shall come from the same Associated Territory as the immediate past Governor or Deputy Governor to complete their term. The Chairman and Deputy Chairman of the House of Communities shall act as Governor and Deputy Governor pending elections which shall take place within 14 days of the vacancy occurring.

- Section** 5. The Governor or Deputy Governor shall not be a member of the legislature during his or her term of office.

- Section** 6. The Governor and Deputy Governor shall receive such remunerations as shall be determined by the House of Communities.

- Section** 7. The Governor or Deputy Governor may be removed from office upon a vote of no confidence in him or her passed by a joint meeting of the two Houses of the..

Regional Assembly. In the case of removal by reason of an offence, the removal shall be without prejudice to any other prescribed punishment for the offence.

ARTICLE 6: Regional Executive Council

- Section** 1. The executive authority of the Region shall reside in the Regional Executive Council.
- Section** 2. The Regional Executive Council shall consist of Ministers appointed by the Chief Minister from among members of the House of the People and the appointments shall be spread fairly among the Associated Territories in the case of a multi-nationality Region or among the Provinces in the case of a mono – nationality Region.
- Section** 3. The Regional Executive Council shall promote laws and resolutions furthering the aims of the Region.
- Section** 4. The Regional Executive Council shall operate by simple majority except where otherwise prescribed by the Regional constitution.
- Section** 5. The Council shall establish its own rules of procedure.

ARTICLE 7: Chief Minister

- Section** 1. The Chief Minister shall be the Chairman of the Regional Executive Council and as such, Head of the Regional Government
- Section** 2. The Chief Minister shall be appointed by the Governor in consultation with the leaders of the majority party or coalition of parties in the House of the People and shall in the case of a multi-nationality Region be rotated annually among the Associated Territories until all have had their turn, provided that if the Associated Territory whose turn it is to produce the Chief Minister does not have a suitable member in the leading party or coalition of parties in the House of the People, the Governor may in consultation with the leaders of political parties in the Assembly appoint a member of the House of Communities as Chief Minister and provided that within three months thereafter, the appointee shall contest a constituency election and win a seat in the House of the People.
- Section** 3. The Chief Minister shall without prejudice to any other punishment prescribed be removed from office upon the passage of a vote of no confidence in him by the House of the People.

ARTICLE 8: Rights of Regions and Associated Territories

- Section** 1. Every Region and every Associated Territory shall be entitled to maintain its own police service to deal with offences within its territory.

- Section** 2. Every Region and every Associated Territory shall have the right to own and operate its own radio and television stations.
- Section** 3. Every Region and every Associated Territory shall have the right to establish and maintain its own trade promotion council.
- Section** 4. Every Region shall have the right to establish and maintain its own Agent – General’s Office and Staff in London and such office shall be complementary to the Union High Commission in the United Kingdom. Every Region shall also have the right to establish a Trade and Education Office as part of a Union Embassy in other countries.

ARTICLE 9: Functions of Associated Territories

- Section** 1. Each Associated Territory shall have an Associated Territory Ruler who shall be the sole or senior Traditional Ruler of the Territory if there is one or the Traditional Ruler elected to that position for a fixed period by an Electoral College consisting of the Traditional Rulers in the Associated Territory.
- Section** 2. The Territorial Ruler of an Associated Territory shall be entitled to such remuneration and privileges as may be determined from time to time by the Associated Territory Executive Committee with the approval of the Associated Territory Administrative Council.
- Section** 3. Each Associated Territory or combination of Associated Territories shall establish and maintain the following institutions: Territorial Administrative Council, Executive Council, Customary Courts, Board of Accountants, Board of Auditors, Board of Control of Public Servants and other institutions for the execution of its constitutional powers.
- Section** 4. The composition of the Associated Territory Executive Council shall include traditional and popularly elected elements, provided that the traditional element shall consist of Gazetted Traditional Rulers and Gazetted Traditional Chiefs, and the democratically elected element shall be in the majority in the Council.
- Section** 5. Associated Territory Councils shall enact laws on matters assigned to the Territory in the Constitution and matters which may be delegated to them by the Union or Regional governments.
- Section** 6. Associated Territory Councillors shall receive remuneration which shall be determined by the Council itself and which shall be paid out of the Associated Territory Treasury.
- Section** 7. Associated Territory Executive Committee members shall receive only such sitting fees as the Territorial Council may from time to time determine.
- Section** 8. The Chairman and Deputy Chairman of the Associated Territory Executive Committee shall be elected biennially by the Associated Territory Administrative Council from among themselves and shall receive such allowances as the Associated Territory Administrative Council may from time to time determine.

- Section** 9. The Administrative Council and Executive Committee of an Associated Territory shall keep records of their proceedings and shall regularly publish them.
- Section** 10. All legislation passed by an Associated Territory Administrative Council shall be referred to the Ruler of the Territory who shall sign it into law, but upon his or her failure to so sign it within one month of its reference, the legislation if passed again by a majority in the Council shall become law.

CHAPTER VIII**FINANCES****PART 1: THE UNION****ARTICLE 1: Taxation**

- Section** 1. The Union shall have power to levy taxes in respect of transportation by air, rail and sea.
- Section** 2. The Union shall have power to levy and collect fees from licences issued and services provided by organs of the Union Government.
- Section** 3. The Union shall take the necessary measures to prohibit and prevent inter-Regional double taxation.
- Section** 4. The Union shall establish principles on the harmonization of direct taxes of the Regions and the Associated Territories. The harmonisation shall concern tax liability, tax objection, taxation period, and procedural and criminal law on taxation. Harmonization shall not cover tax scales, tax rates and tax-exempt amounts.

ARTICLE 2: Customs Duties

- Section** 1. Legislation on customs duties and other levies on trans-border goods traffic shall be a Union matter.
- Section** 2. Duties levied on goods imported into the Union shall be collected by the Union and shall be distributed equally between the Union Government and the Government of the Region to which the goods are consigned and thereafter shall be distributed equitably between the Regional Government and the Associated Territory or Province to which the goods are destined.
- Section** 3. Excise duties levied on goods exported out of the Union shall be collected by the Union Government and shall be distributed equally between the Union Government and the Government of the Region of production. Other excise duties shall be collected by and belong to the Government of the Region of production.

ARTICLE 3: Emergency Grants

- Section** 1. To promote financial stability and advance even development within the Union, the Union shall establish and operate a Contingencies Fund and may make grants from the fund to the Government of any Region or Associated Territory in the event of a natural disaster or catastrophe or an emergency.
- Section** 2. The Contingencies Fund shall be maintained by such levies on the Regions as are approved by the House of Nationalities and such levies shall be paid and collected by the Central Bank by way of debits and credits to and from the accounts of the Regions with the Bank.

PART II: MULTI-NATIONALITY REGIONS**ARTICLE 1: Levies**

- Section** 1. The excess of a Regional Government's total expenditure for any financial year over its internally generated revenue shall be borne in equitable shares by the Associated Territories of which the Region is comprised, by way of a levy on each Territory.
- Section** 2. The levy shall be collected by the Union Government on behalf of the Regional Government by way of debits from the accounts of the Associated Territories to be maintained with the Central Bank and corresponding credits to be made to the account of the Regional Government with the Bank.

ARTICLE 2: Budget

- Section** 1. For the purpose of calculating the levy due from the Associated Territories for any financial year, the Government of their Region shall prepare a Budget setting out in sufficient detail
- (1) its estimated internally generated revenue for the financial year;
 - (2) its estimated expenditure for the year to perform the functions assigned to it under this Constitution and under the Constitution of the Region;
 - (3) its estimated appropriation for contingencies in relation to expenditure to be charged to a revenue account for the year; and
 - (4) its estimated financial reserves it will be appropriate to raise on account for meeting its estimated expenditure to be charged to revenue account for the next following financial year.
- Section** 2. The Government of the Region shall submit the Budget to the Territorial Councils in the Region for approval not later than the end of the second quarter of the preceding financial year.
- Section** 3. The Territorial Council shall within sixty days of receipt of the Budget approve it or propose amendments stipulating the changes it proposes.
- Section** 4. If the Budget is changed by one-third or more of the number of Territorial Council in the Region, the Budget shall be amended by the median percentage change specified by the Territories which have proposed the changes.

CHAPTER IX

TRANSITIONAL PROVISIONS AND SAVINGS

ARTICLE 1: Existing Laws

- Section** 1. All existing laws whose spirit and core provisions are in conflict with the spirit and letter of this Constitution whether by implication or direct provisions shall cease to have effect upon the promulgation of this Constitution.
- Section** 2. All other existing law shall until that existing law is altered by an authority having power to do so, have effect with such modification (whether by way of alterations, additions or omissions) as may be necessary to bring that existing law into conformity with the spirit and letter of this Constitution.
- Section** 3. The Council of Ministers may at any time by order make such changes in the text of any existing law whose spirit and core provisions are not in conflict with the spirit and letter of this Constitution as it considers necessary to bring that existing law into conformity with this Constitution.
- Section** 4. Notwithstanding paragraph 1 of this Article, if it becomes necessary to prevent a lacuna capable of upsetting the systems in the Union or any Region, the House of Nationalities may authorize the extension of the time any existing law affected by paragraph 1 of this Article shall cease to have effect provided that such extension shall terminate upon the promulgation of the law intended to replace the existing law by the appropriate authority under this or any Regional constitution.
- Section** 5. In this Article existing law means any Union enactment or instrument including rules or orders made thereunder and any rule or law in force before the coming into effect of this Constitution.

ARTICLE 2: Existing Bodies, Offices and Courts

- Section** 1. All existing bodies, offices and courts whose manner of constitution and core functions are in conflict with the spirit and letter of this Constitution shall cease to exist.
- Section** 2. All other existing bodies, offices and courts shall continue to function and if necessary with such modifications made by the Council of Ministers to bring their constitutions and functions into conformity with this Constitution.
- Section** 3. The House of Nationalities shall make rules for the redeployment, retirement and benefits of staff of the existing bodies, offices and courts affected by Sections 1 and 2 of this Article.
- Section** 4. The House of Nationalities shall also make rules for transfer of functions or matters which have been initiated but not concluded in any of the existing bodies, offices and courts affected by Section 1 of this Article, to appropriate Union or Regional bodies, offices and courts authorized to discharge or handle such functions or matters

provided that such functions or matters shall abate if their continued exercise or handling shall conflict with any provision of this or any Regional constitution.

- Section** 5. The House of Nationalities may make rules for a reciprocal transfer of such functions or matters being handled by former States and Local Governments bodies, offices and courts which ceased to exist under this or the Regional constitution to appropriate Union bodies, offices and courts authorized to discharged or handle such function or matter provided that such function or matter shall abate if its continued exercise or handing shall conflict with any provision of this or any Regional constitution.
- Section** 6. Notwithstanding Section 1 of this article, if it becomes necessary to prevent a lacuna capable of upsetting the system in the Union or any Region, the House of Nationalities may authorize the extension of time any existing body, office or court affected by Section 1 of this article shall cease to exist provided that such extension shall terminate upon the bringing into being of the body, office or court meant to replace the existing body, office or court by the Union or the Region.
- Section** 7. All functions or matters concluded by the existing bodies affected by Sections 1 and 2 of this Article or other existing bodies shall be accorded the due recognition they deserve by the Union and every Region provided that such recognition is not prohibited by this or Regional constitution.
- Section** 8. In this Article existing bodies, offices and court mean bodies, offices and courts established by former constitutions, laws and rules or orders of the former Legislative House and authorities of Federal, State, Local and Regional Governments.

ARTICLE 3: Successions to Property Rights, Liabilities and Obligations.

- Section** 1. Without prejudice to the generality of the provisions of Articles 1 and 2 of this Chapter, any property, right, privilege, liability or obligation which immediately before this Constitution came into effect was vested in, exercisable or enforceable by or against the former authority of the Federation or any of its agents or agencies shall upon the coming into effect of this Constitution without further assurance that this provision be vested in or become exercisable or enforceable by or against the Union or its agencies as the case may be.
- Section** 2. The House of Nationalities shall determine how any property, right, privilege, liability or obligation of former States or their agents or agencies shall be distributed or apportioned or allocated among the Regions.
- Section** 3. The Regions shall determine how any property, right, privilege, liability or obligation of a former Local Government or its agents or agencies shall be distributed or apportioned or allocated amongst its Associated Territories or Provinces or other constituent units if any.

ARTICLE 4: Management

- Section** 1. Within three (3) months after the approval of this Constitution by the people of Nigeria in a referendum, the existing Independent National Electoral Commission (INEC)

shall organise elections into Territorial Councils, Regional Legislatures and the Union Parliament.

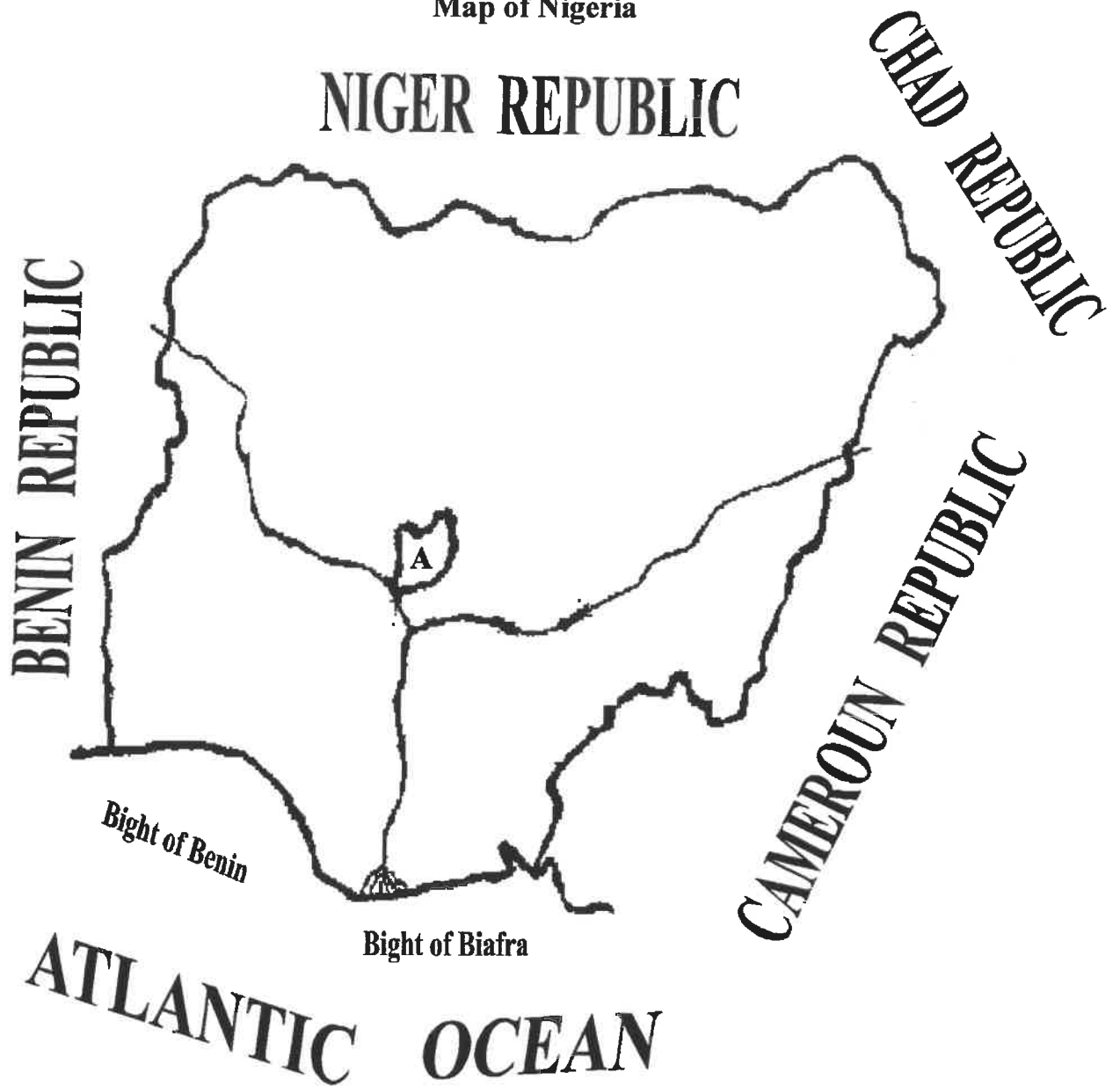
- Section** 2. The Head of the Federal Government of Nigeria shall within seven (7) days of the elections into the Regional Legislatures make a proclamation which shall be published in the Federal Gazette summoning the first meetings of the Regional legislatures to constitute the Regional Governments.
- Section** 3. The Head of the Federal Government of Nigeria shall within twenty – one (21) days of the proclamations setting up Regional governments make a proclamation to be published in the Federal Gazette summoning the first meeting of the Union Parliament to constitute the Union Government.
- Section** 4. Upon the adoption of this Constitution in a referendum organised by the Independent National Electoral Commission, the Head of the Federal Government shall become Head of Transitional Federal Government which he shall set up in consultation with members of the National Conference and he or she shall, in consultation with National Conference members from the respective areas concerned set up a Transitional Territorial Council in each Associated Territory, a Transitional Regional Government in each Region and a Transitional Administrative Council in the Union Capital Territory of Abuja, and not later than twelve months thereafter, there shall be general elections to fill all elective positions in the Constitution.

CHAPTER X**COMMENCEMENT DATE**

This Constitution and the Schedules thereto shall come into effect upon ratification thereof by the majority of the number of Regions in a free, countrywide referendum in which all registered voters in the country shall be entitled to participate. The vote of a Region shall be decided by the majority of vote cast in the Region.

First Schedule

Map of Nigeria



(A) Abuja, Union Capital Territory

Second Schedule

Component Nationalities of the Regions

(A) The Mono-Nationality Regions

- 1) Ibibio Federation
- 2) Ijaw Federation
- 3) Igbo Federation
- 4) Urhobo Federation
- 5) Edo Federation
- 6) Yoruba Federation
- 7) Tiv Federation
- 8) Nupe Federation
- 9) Fulah Federation
- 10) Gbagyi Federation
- 11) Kanuri Federation
- 12) Hausa Federation

(B) The Multi-Nationality Regions

- 1) Region comprising Smaller Nationalities of Cross River & Akwa Ibom States
Eket, Annang, Oron, Ibeno, Efik, Ejagham, Korop, Boki, Bakwara, Yakurr, Yala
- 2) Region comprising Smaller Nationalities of Bayelsa & Rivers States
Ikwerre, Etchei, Ekpeye, Engeni, Ogba, Eleme, Ndoni, Ogoni, Andoni
- 3) Region comprising Smaller Nationalities of Edo & Delta States
Ika, Ndokwa, Warri, Isoko
- 4) Region comprising Smaller Nationalities of West Middle Belt
Zuru, Kambari, Bariba, Bussa, Karekare, Ngizim, Angamo, Bola, Funne, etc.
- 5) Region comprising Smaller Nationalities of Central Middle Belt
 - (a) Ebira Group: Ebira, Uku, Ebira-Ugu, Ebira-Panda, Etuno-Igarra, Ebira-Mozun, Bassa-Nge
 - (b) Igala Group

- (c) Kabba Group: Owe, Abinu, Ijumu, Yagba
 - (d) Idoma Group
 - (e) Upper Benue Group: Alago, Eggon, Gwandara, Mada, Kakanda, Mighili, Bassa-Komu, Ninzon, Arum, etc
 - (f) Nok Group: Atyap, Ham, Bajju, Ninzam, Ikullu, Kamanton, Gwandara, Kahugu, Kwasam, Hori, Ninkyop, etc)
- 6) Region comprising Smaller Nationalities of East Middle Belt
- (a) Plateau Group: Ngas, Berom, Afezere, Tarok, Goemai, Mavo-Jukun, Amu, Pyem, Youm, etc
 - (b) Taraba Group: Chamba, Jukun, Kuteb, Mambila, Kona, Kunni, Kaanab, Ngoro, Abakwa, Mumuye, Yububen, etc
 - (c) Savanna Group: Burra, Tangale-Waja, Bachama, Manghi, Kilba, Yungur, Mwanna, Bwazza, Mbula, etc

Third Schedule

Allocation of Functions

Part 1: Union Legislative List

The functions of the Union Government shall consist of the following matters on which the Union Parliament shall have legislative powers:

- | <u>Item</u> | |
|-------------|--|
| 1 | Accounts and Audit of the accounts of the government of the Union and offices, courts and authorities thereof |
| 2. | Arms, Ammunition and Explosives |
| 4. | Aviation and Aero-Communication system, Airports and Safety of Aircraft |
| 5. | Awards of Union Titles of Honour, Decorations and other Dignities |
| 6. | Bankruptcy and Insolvency, Banking, Bills of Exchange and Promissory Notes |
| 7. | Union Central Bank and Regulation of Banks |
| 8. | Borrowing of Monies within and outside Nigeria for the purpose of the Union |
| 9. | Census of the Union |
| 10. | Construction, Alteration and Maintenance of Union Highways, consisting of International Arterial Routes and Inter-Regional Motorways |
| 11. | Citizenship, Naturalization and Aliens |
| 12. | Deportation of Aliens |
| 13. | Company Law and Allied Matters |
| 14. | Copyright, Patents and Intellectual Property right |
| 15. | Currency, Coinage and Legal Tender |
| 16. | Import and Export Duties, subject to the <u>provisions of Article 2 of Chapter VIII of this Constitution</u> |
| 17 | Defence of the Union, <u>subject to the provisions of Article 1 of Chapter VII of this Constitution</u> |
| 18, | Consular Matters, <u>subject to Section 4 of Article 8 of Chapter VII this Constitution</u> |
| 19. | Drugs and Poisons |

- Item
20. Elections to Union offices
 21. Evidence
 22. External Affairs, Diplomatic Relations, Extradition, Exchange Control, Immigration, into and Emigration from Nigeria, subject to the provisions in this Constitution relating to Agents-General in Section 4 of Article 8 of Chapter VII of this Constitution
 23. Fingerprints, Identification and Criminal Record
 24. Fishing and Fisheries in inter-Regional rivers, lakes, waterways, ponds and inland waters
 25. Implementation of Treaties relating to matters on this list
 26. Regulation of Insurance Institutions
 27. Labour relating to employees of Union Institutions and Agencies and Union wide Minimum Wages
 28.
 - a) Generation, Transmission, Distribution of Electricity in the Union, other than electricity generated and distributed by or under the authority of a Region or Associated Territory
 - b) Participation of the Union in any arrangement with any country for the generation, transmission or distribution of electricity for any area partly within and partly outside the Union
 - c) Regulation relating to the damming up of, or interference with, flow of water in inter-Regional waterways
 29. Establishment of Union Industries and Union Agricultural, Forestry and Fisheries Research Centres
 30.
 - a) Maritime Shipping and Navigation in tidal waters, International waterways and inter-Regional waterways, lightships, beacons and other provisions for the safety of shipping and navigation on such waters
 - b) Union Ports, including the constitution and powers of Ports Authorities for such Ports
 31. Meteorology, except meteorology by a Regional Government
 32. Off-shore Mines and Minerals, in accordance with constitutional Revenue Allocation Formula
 33. Naval, Military and Air Forces of the Union, subject to inter-Regional agreement on recruitment, composition and control

- Item †
34. Nuclear Energy, saving Nuclear Energy for peacefully purposes
 35. Passport and Visas, provided that the Union shall issue Passports and Visas at the request of a Regional Government or Agent-General
 36. Patents, Trademarks, Trade or Business Names, Industrial Designs and Merchandise Marks
 37. Pensions, Gratuities and other like Benefits payable out of the Union Consolidated Revenue Fund or any other public funds of the Union
 38. Security Services and Union Investigative Bureau for inter-Federation crimes, subject to inter-Regional agreement on recruitment, composition and control
 39. Union Posts, Telegraphs and Telephones
 40. Union Prisons and Union Regulations for non-Union Prisons
 41. Professional Occupations and Qualifications
 42. Public Debt of the Union
 43. Public Holidays of the Union
 44. Public Service of the Union
 45. Union Railways
 46. Supreme Court of the Union, provided that the Court shall be composed of one judge per Region and that the office of Chief Justice shall rotate biennially among the Regions
 47. Service and execution in a Region of the Civil and Criminal Processes, Evidence, Procedure and other court processes of any court of law outside the Union or any court of law within the Union other than a court of law established by the legislature of a Region
 48. Union Museums and Libraries
 49. Prescription of Minimum Standards of Education at all levels, provided that Regions may prescribe minimums higher than the Union minimum
 50. Regulation of Tourist Traffic on Union highways, waterways and by air
 51. Formation, annulment and dissolution of Marriages other than marriages under customary law, including matrimonial causes relating thereto
 52. Water from sources affecting more than one Region

Item

- 53. Standards, Weights and Measures
- 54. Allocation of Wavelengths for wireless, broadcasting and television transmission and the operation of wireless broadcasting and television other than broadcasting and television provided by or under the authority of a Region
- 55. Specialist Secondary and Post-Secondary Institutions
- 56. Resolution of inter-Regional Disputes

Part 2: Concurrent Legislative List

Both the Union and the Regions shall have power to legislate on the following matters, provided that in the event of conflict between Union and Regional legislation, Union law shall prevail::

Item

- 1. Civil law, criminal law and execution of sentences, the organisation and procedure of courts, the legal profession, notaries and legal advice
- 2. registration of births, deaths and marriages
- 3. association and assembly
- 4. residence and settlement of aliens
- 5. weapons and explosives
- 6. protection of cultural assets against exportation
- 7. refugee and expellee matters
- 8. public welfare
- 9. mining, industry, supply of power, crafts, trades, commerce, banking, stock exchanges and private insurance
- 10. production and utilization of nuclear energy for peaceful purposes, construction and operation of installations serving such purposes, protection against hazards arising from the release of nuclear energy or from ionizing radiation, and disposal of radioactive substances
- 11. labour law, including legal organisation of enterprises, protection of workers, employment exchanges and agencies, as well as social insurance, including unemployment insurance
- 12. regulation of educational and training grants and promotion of scientific research

- Item
13. transfer of land, natural resources and means of production to public ownership or other forms of collective enterprises for the public benefit
 14. prevention of abuse of economic power
 15. promotion of agricultural production and forestry, securing supplies of food, importation and exploitation of agricultural and forestry products, deep-sea and coastal fishing, and protection of the coasts
 16. real estate transactions, land law and matters concerning agricultural leases, as well as housing, settlement and homestead matters
 17. measures against communicable human and animal diseases or diseases that endanger public health, and trade in medicines, curatives, narcotics and poisons
 18. protection regarding the marketing of food, drink and tobacco, of necessities of life, fodder, agricultural and forest seeds and seedlings, and protection of plants against diseases and pests, as well as the protection of animals
 19. ocean and coastal shipping, as well as sea marks, inland navigation, meteorological services, sea routes and inland waterways use for general traffic
 20. road traffic, motor transport, construction and maintenance of long - distance highways, as well as collection of charges for the use of public highways by vehicle and the allocation of revenue therefrom
 21. energy, other than nuclear energy

Part 3: Regional Legislative List

Whenever any Union law is in conflict with any Regional law on matters in the Residual List, the Regional Law shall prevail and the Union law shall to the extent of any inconsistency be void.

All residual matters not set out in Parts 1,2 and 4 of the Third Schedule to this Constitution are on the Residual List. For the avoidance of doubt, the Residual List shall include the following:

- Item
1. Agriculture
 2. Animal Health
 3. Fisheries
 4. Forestry

- Item
5. Development, Regulation and Supervision of Local Industries and Enterprises, that is industries and enterprises established by or under the authority of a Region
 6. Co-operative Societies
 7. Social Welfare
 8. Education
 9. Land Matters, including acquisition of rights in land by aliens, compulsory acquisition of land, customary land tenures, lands and buildings vested in a Region, land settlement, rent of land and buildings, conservation of soil, survey of land but not including surveyor profession.
 10. Regional Public Works
 11. Town and Country Planning
 12. Regional Public Service
 13. Local Government
 14. Public Health and Sanitation; Hospitals, Dispensaries and Maternities; Housing; Registration of Births, Death and Marriages; Burial Grounds
 15. Customary Courts
 16. Jurisdiction and power of all courts with regard to any of the matters mentioned in this Schedule
 17. Income Tax
 18. Borrowing of moneys within Nigeria upon the security of the revenues or assets of the Region for purposes relating to any matter mentioned in this Schedule and borrowing of moneys outside Nigeria upon the security of the Union Government
 19. Appropriation from the revenues and funds of the Region of moneys to meet expenditure relating to any matter mentioned in this Schedule
 20. Loans and advances from the revenues and funds of the Region for purposes relating to any matter mentioned in this Schedule
 21. Any matter declared to be within the competence of the legislature of the Region under any Section of this Constitution
 22. Fees and other charges in respect of any of the matters mentioned in this Schedule
 23. Offences against laws with respect to any matters mentioned in this Schedule
 24. Regional distributive entitlements under Sections 2 and 3 of Article 2 of Chapter VIII of this Constitution

- Item
25. Regional entitlements under Section 1 of Article 1(a) of Chapter VI of this Constitution
26. All matters set out or implied in Chapter VII of this Constitution.

Part 4: Associated Territories Legislative List

- Item
1. Territorial Land, including Public Acquisition, Tenure, Settlement, Renting, Survey
 2. Territorial Public Health and Sanitation, including Clinics and Maternity Centres
 3. Territorial Public Works
 4. Territorial Town and Country Planning
 5. Local Taxation and Rates
 6. Territorial Customary Court
 7. Territorial Authorities for local or village administration
 8. Primary Education and awards for education at higher levels
 9. Territorial Public Service
 10. Powers delegated from Union and Regional Authorities
 11. Awards of Territorial titles, honours, decorations and dignities
 12. Social, industrial, commercial and agricultural development
 13. Monarchies, chieftaincies, cultural and traditional matters.
 14. Census of Associated Territory
 15. Territorial transport and communications services
 16. Public Holidays of the Territory
 17. Territorial Museums and Libraries
 18. Territorial Radio and Television services
 19. Territorial Electricity services
 20. Elections to Territorial offices
 21. Accounts and Audit of the accounts of the Territorial Authority and of offices, courts and authorities thereof

Fourth Schedule

Oath of Allegiance

I, do solemnly swear/affirm that I will be faithful and bear true allegiance to the Union of Nigeria and pledge that I will preserve, protect and defend the Constitution of the Union of Nigeria.

So help me God.