

ROLE OF THE NATIONAL ASSEMBLY IN THE RESTRUCTURING CONUNDRUM: AN APPRAISAL*

Abstract

This paper is predicated on the assumption that most Nigerians are generally in agreement on the fact that the present governance system is not working as it should, due largely to the way it is structured and run and therefore should be restructured to get it working again. However, controversy exists as to the way forward and this is on the questions as to the implication of structuring, who does the restructuring and how, vis a vis the role the National Assembly. It is argued in this paper, that despite its obvious wide powers to alter any section of the constitution, the National Assembly is not in a position to achieve the desired restructuring due to the existing incurable democratic deficit or virus with which the 1999 constitution is associated. This is coupled with the existential political realities around the capacity of members of the National Assembly to deliver on this mandate. It is concluded, that the desired democratically restructured federal constitution for Nigeria that can take care of the existential plurality problems, as against a tokenistic constitutional amendment is beyond the capacity of the National Assembly and can only be realistically achieved through a broad based national constitutional confab (howsoever described) convened for that purpose and the result approved at a referendum.

Keywords: Democratic deficit, National Assembly, Referendum, Restructuring

1. Introduction

It must be noted that restructuring is not a new idea in the chronicles of Nigeria's constitutional engineering trajectory however, it remains a challenging conundrum. In other words, Nigeria has been experiencing periods of remarkable fundamental constitutional restructuring as could be clearly identified from the history of her constitutional development. The difference is that all previous constitutional restructuring had taken place under the control and supervision of either the colonial administrations or successive military administrations. The common character of these previous administrations is that they focused on the fragmentation of the country in order to exercise effective control on the people and conveniently exploit their economic resources for the promotion of the agenda of their sponsors. This character is contrary to the right of 'All people to their economic, social and cultural development with due regard to their freedom and identity...' ¹ In other words, the type of restructuring, the process and the right template that will ensure that it is carried out in a manner that can guarantee the autonomy of the component units, justice, equity, security, and prosperity for Nigerians wherever they live, are the critical issues. There are two major opinions on the way forward for Nigeria. Some, especially the younger generation believe that they have had enough of the Nigerian union and its frustrations, which they have described in unprintable terms and therefore feel that the corporate existence of Nigeria is negotiable. On the other hand, the older generation believes that the basis for Nigerian unity still exists and that the country will thrive better as one united nation that can be restructured to get it working again. The question is whether the National Assembly is in a position to achieve the desired objective in exercise of its apparently unlimited legislative powers.

The paper commences with this introduction as section 1 and briefly explains the key concepts in section 2. Section 3 briefly explains the justification for restructuring the extent. Section 4 analyses the challenges ahead, especially the role of the National Assembly under the present constitutional arrangement and the critical stakeholders, *vis a vis* as against the peoples' sovereignty; and Section 5 is the concluding remarks, with emphasis on the imperative of a holistically and democratically restructured federal constitution for Nigeria that can be truly regarded as autochthonous.

2. Explanation of Key Terms

Democratic deficit

The term democratic deficit or democracy deficit occurs when ostensibly or a democratic country or democratic organizations or institutions (particularly governments) fall short of fulfilling the principles of democracy in their practices or decision-making procedures or suffer from a lack of democracy and therefore lacks legitimacy or acceptability.

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¹ See Article 22 of The African Charter on Human and Peoples Rights (1981). Incorporated into Nigerian Law as the African Charter on Human and Peoples' Rights (Ratification and enforcement Act, Cap 10 Laws of the Federation.

National Assembly

National Assembly in this paper refers to the legislative organ of the Federal Republic of Nigeria which is bicameral in nature, composed of the Senate and the House of Representatives, established under section 4 of the Constitution with power to make laws for the Federation or any part thereof, subject to the provisions of the Constitution.

Referendum

A referendum (plural: referendums or less commonly referenda) is a direct vote by the electorate on a proposal, law, or political issue. This is in contrast to an issue being voted on by a representative. It is the principle or practice of submitting to popular vote a measure passed on or proposed by a legislative body or by popular initiative.²

Restructuring

The concept of 'restructuring has become the latest buzz word in the political landscape with political and non-political actors pushing forward their ideas of the word that was not too long ago, an anathema to many state actors'.³ It is therefore not a new idea in Nigeria's constitutional engineering lexicon. Nevertheless, some Nigerian leaders mischievously claim not to understand the meaning of restructuring because they are opposed to the idea. Nevertheless, nobody can deny the fact that when a structure is discovered to be in bad shape or fractured, the owner has a responsibility to fix it or suffer the consequences of not doing so, which may result in the total collapse of the structure. Restructuring therefore means rebuilding, reorganizing⁴ or restoring to the former functional position in order to make the system function more efficiently and progressively.

3. Justification for Restructuring Nigeria

Though as alluded to above, restructuring in Nigeria in the context of political structure is not a new idea, none of the previous restructuring attempts was democratically undertaken and therefore the result could not genuinely reflect the ostensible objective of building 'one nation bound in freedom, peace and unity'. For instance, it is on record that the creation of states and local governments were arbitrarily undertaken by military fiat and skewed in favor of a section of the country which produced the Military Heads of State of their own extraction to foster their hegemonic and primordial agenda. Consequently, Nigeria continues to search for an ideal constitutional governance platform under which peace, stability, equity and progress can be achieved and sustained. Thus, the widespread agitation among Nigerians for restructuring is not aimed at breaking up the country but to ensure fairness and equity for all irrespective of tribe, religion or other primordial interests. In the same vein, the successive constitutions were arbitrarily prepared and imposed on the people by the Military and being implemented by their civilian successors. These constitutions lacked democratic legitimacy and promoted a unitary system, though professing federalism. Today, both the blind and the deaf can testify to the abuse of the federal character principle, excruciating level of insecurity, terrorism, kidnapping, various forms of banditry, marginalization and all forms of oppression in Nigeria leading to restiveness, protests and agitations. Obviously, the dimension of the state of affairs in the country can be likened to a war situation which the country's security system has not been able to show signs of winning. No country can survive and make progress under this type of environment. The problem being structural, restructuring becomes a salutary imperative.

Based on Nigeria's experience in constitutional engineering, it must be admitted that federalism has been generally perceived as the most preferred form of government based on its assumed capability to integrate and harmonize the plural and heterogeneous socio-economic and political life of the federating societies. The plural nature of Nigeria in terms of its multi-ethnic, multi-lingual, multi-religious and multi-cultural life makes federalism ideal for the country. Against the above background, all the past constitutional changes in Nigeria adopted and retained the federal arrangement howsoever. Nevertheless, the essence of federalism in Nigeria could not be realized, thereby negatively impacting national development efforts.⁵ In this connection, Asiwaju Bola Ahmed was quoted as having said that 'We can't make progress under current structure. No progress can be made under the current political system, which operates like a military unitary system'.⁶ Thus, the demand

² <https://www.merriam-webster.com/dictionary/referendum> (accessed 20 February 2022).

³ See Emmanuel Aziken, Political Editor, Clifford Ndujihe, Dapo Akinrefon & Charles Kumolu, <https://www.vanguardngr.com/2017/06/nigeria-what-is-restructuring/amp/> (accessed 20 March 2021).

⁴ *Oxford Dictionary of English Language*, 7th ed, defines restructuring to mean 'to reorganize differently'.

⁵ See 'Problems of federalism in Nigeria and Solutions', <https://naijaquest.com/problems-of-federalism-in-nigeria/> (accessed 20 February 2019).

⁶ AS Oduguwa 'Restructuring: A Quintessential Element of Federalism' <https://ebiographer.wordpress.com/2017/08/05/restructuring-a-quintessential-element-of-federalism/> (accessed 20 February 2019).

for the restructuring of the Nigerian political system by various tribal groups and sections is such that we can entrench 'true federalism' which has remained a recurring decimal in Nigeria. However, it must be noted that there is no system of government known as 'true federalism' in the lexicon of systems of governments. A political system is either federalism or something else. A system is federal if it is operated in accordance with the tenets of federalism. The idea of true federalism is a Nigerian coinage popularized by the opponents of the present federal arrangement which lacks the tenets of federalism and therefore is anything but federal both in principle and in practice. In this regard, devolution of power to the federating units and relative independence in the management of their own affairs are fundamental tenets, in such a manner that the federal government is left with the powers of defense, currency, foreign affairs and so on while the states should be given more powers over other affairs.

It will be recalled that the most recent attempt towards engineering a people centered restructuring of Nigeria was made in 2014 in a national conference convened by His Excellency, Dr. Goodluck Ebele Azikiwe Jonathan when he was President. The proceedings were carried out without the midwifery of the Military so that the discussions looked free and sincere though the outcome could not be implemented before the end of his tenure. However, some of its provisions remain working basis for the country even under the present governance system.⁷ Thus, our concept of a restructured Nigeria is anchored on the anticipated rearrangement or reframing of the 1999 Constitution to reflect the political will of the people. How this can be achieved remains an issue for determination which will be addressed later in this paper.

The frightening current events give cause for one to believe that the country is on the verge of being a fragile or failed state. Apart from structural defects earlier discussed, bad leadership is one of the banes of the country in that the wrong people who occupy leadership positions feel that Nigerian leadership is their birth right which was bequeathed to them by the colonial masters. To them true federalism of the First Republic when there was fiscal federalism and healthy competition among the federating units is not in their best interest and had to be abandoned. To them again, the agitation for restructuring is seen as a challenge to the unity or oneness of Nigeria.

Furthermore, the activities of most of the critical institutions tend to tilt the balance of powers in Nigeria towards the center, to the detriment of the constituent states. This is very clear from the dominance of the federal executive agencies in the governance of the whole country to the exclusion of the federating units. These federal agencies include: the Independent National Electoral Commission (INEC) which has power to conduct state gubernatorial and state House of Assembly elections; the National Population Commission (NPC) which has exclusive powers to conduct census of Nigeria; the National Judicial Council (NJC) is given power to recommend the appointment and removal of state judges; centralized Nigerian police force under the direct command of the IGP, thereby leaving the security of the state in the hands of the federal government instead of the state governor.

The monopoly of the functions of the above institutions as provided for in the constitution clearly undermines the federal principle. This defeats the essence of the autonomy which each of the federating units, central or regional must enjoy and be able to execute its own will in the conduct of its affairs. To buttress the above point, reference can be made to the lamentation of Governor of Kaduna State, Nasir El-Rufai, on the occasion of the swearing-in of new High Court judges, commissioners, members of statutory commissions, and chief executives of Kaduna State Government agencies on Friday 15 October 2021, during which he blamed the 1999 Constitution for the state's inability to appoint more High Court judges.⁸ He expressed hope that the ongoing constitutional review process will address the situation. He further quoted as saying that 'Speedy justice cannot be dispensed by overworked judges. We want to lighten the burden of our judges but our ability to appoint more of them is constrained because the National Judicial Council has to recommend to us to appoint'.⁹ He described the position thus: 'This is an anomaly introduced by the drafters of the 1999 Constitution who effectively foisted a unitary judiciary on a federation'.¹⁰

Indeed, the present federal system is anomalous and open to abuse and has indeed been always abused by the Federal Government against the states and by the states against the local governments, respectively. In short, what we have today can be more accurately described as a decentralized unitary system rather than a federal system of government.¹¹ This shows that the balance of powers of governance tilts in favor of the center thereby

⁷ For instance, the six zonal structure remains an acceptable and applicable model in the scheme of things today.

⁸ <https://punchng.com/el-rufai-blames-1999-constitution-for-inability-to-appoint-more-judges/>

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ See OE Nwebo, *Critical Constitutional Issues in Nigeria, Op Cit*, pp 96-105.

making the component units subservient leading to disharmony in the polity. Consequently, there has been a plethora of cases in which the federal and state governments have been engaged in battle over resource control and revenue allocation. Niki Tobi JSC aptly put the thorniness of this issue in the opening statement of his lead judgment in his judgment in *A.G. Abia State and Others v A.G. Federation and Others*,¹² in which he stated thus:

This is yet another open quarrel between the State and the Federal Government. This Court is by now thoroughly familiar and used to such quarrels, as they come before it fairly regularly in the last few years or so. The open quarrel dovetails to a subtle one between the concepts of federal system and unitary system in constitutional law and politics.

The above judicial pronouncement coming from such an erudite justice of the Supreme Court of Nigeria says it all about the implication of the confused and hybrid system of government which Nigeria operates in the guise of federalism.

4. The Role of the National Assembly

It is instructive to note that there are divergent views regarding the role of the National assembly in the quest for a restructured Nigeria. Some political pundits have given tendentious meaning to the term depending on their hunches while some others pretend not to even know the meaning. It is therefore important to understand the meaning of restructuring in its proper context because one's position on the role of the National Assembly depends on the individual's perception on what restructuring is all about and the content.

Theories of Restructuring

The restructuring debate has generated two major ideologues. The first is those who do not want restructuring, in that they perceive deliberately misunderstood and misguidedly equated same with an attempt to dismember the country on the one part and those who are the protagonists of restructuring. To them, the Nigerian unity is non-negotiable. Accordingly, any desired change in the structure of Nigeria can only be referred to the National Assembly (where they can use their numerical strength to frustrate same) as the only organ constitutionally empowered to amend the constitution.¹³ However, it is submitted that the issues around restructuring are so fundamental that it is considered to be beyond the powers of the legislature. Among the protagonists in the restructuring debate, two major schools or variants have also been identified. The first group can be referred to as the old school whose idea of restructuring is the desire to return to the regional federal structure and the parliamentary system. To this group, restructuring makes sense as the panacea to the fledging Nigerian system, only if the objective is to move from the presidential system of government to the cabinet or parliamentary system. The group regards as fallacious, the claim that restructuring tantamount to disunity. In their view, to suggest that Nigeria should be left the way it is presently is to pave the way to Rwanda. In other words, restructuring of Nigeria would rather strengthen the unity of the country as a nation in that freely negotiated and voluntarily agreed terms or basis of Nigerian unity will lead to the elimination of the factors that have all along been threatening the stability, peace, security and progress of the country. The other protagonists of the restructuring agenda see it, not as a return to regionalism or parliamentarianism but a geopolitical structure or even state structure in which power and resources are decentralized. It involves devolution of powers and resources such that more responsibilities are given to the states and local governments while the Federal Government is vested with the responsibility to oversee our foreign policy, defense and economy. This means that a substantial number of the items on the extant exclusive legislative list should be devolved to the states and local governments which should accordingly be empowered by the constitution to appropriate and expropriate their resources and pay royalty to the federal government. This will include the employment of a cost-benefit analysis and prudential reward management strategy to ensure that the restructured federal arrangement is cost efficient and cost effective. It will also require the establishment of strong institutions and mechanisms to ensure transparency and responsibility in the management of state or local government resources.¹⁴ In effect, restructuring does not necessarily imply tinkering with the genetic or geographical structure of the nation, a return to regionalism or disintegration.

¹² 24 LER [2006] SC.99/2005; *A.G Federation v AG Abia State and Others* (2001) 11 NWLR (pt 725) 2001. See also *A.G Lagos State v A.G Federation* (2004) 18 NWLR (Pt. 904)1, which case involved the action of the Federal Government withholding of local government statutory fund allocation as a result of the creation of additional local governments by the Lagos State Government and conduct of elections therein without consequential amendment of the constitution by the National Assembly as provided for in the Constitution.

¹³ In support of the position of the National Assembly, reliance can be placed on the provisions of Section 4 and Section 9 of the Constitution respectively with regard to the legislative powers of the National Assembly and its powers and procedure for the alteration of the Constitution.

¹⁴ This means that adequate checks and sanctions are provided against misappropriation or embezzlement of public fund by the various tiers of government.

In the context of the local government system, it can be described as a constitution review strategy aimed at bringing government as closely as possible to the people at the grass roots.¹⁵ Lest we forget, the restructuring we are talking about is the one anchored on the weak 1999 Constitution of the Federal Republic of Nigeria which has been described as an illegal constitutional contraption which has led us to the present political and socio-economic conundrum. The whole idea of restructuring is to make the country greater, more productive and more conducive to live in by eliminating the incidents of oppression, exploitation, marginalization, underdevelopment and corruption and other unpatriotic and structurally entrenched and suffocating ills of the Nigerian society. There is yet another restructuring school of thought who are opposed to the agitation for restructuring who do not see any justification for that. To this group, the protagonists for restructuring are classified as members of the opposition whose only aim is to destabilize the polity. In their view, there is nothing wrong with the system or the Constitution, at best the problem lies with the people or operators of the Constitution or managers of the system. Therefore what is needed is a change of attitude or ethical reorientation on the part of both the governors and the governed.

However, this paper argues that the restructuring debate is being deliberately confused and mixed up with the breakup of the country by self-serving, hypocritical and dogmatic political leaders who are the beneficiaries of the Nigeria's obvious existential debacle. Restructuring is all about putting the country in a workable state by the components and constituents coming together to negotiate on how to eliminate the pernicious, debilitating and dehumanizing ills of the Nigerian society to make the system viable and sustainable. In this context, restructuring can be seen as a growth and development strategy used to reconstruct and rejig the power perspectives of the institutions and levels of government. Methinks, everything should be negotiable, including the rights of Nigerians to determine the terms of their co-existence or otherwise as members of a political union.

The Role of National Assembly *vis-a-vis* other Critical Stakeholders

On the question as to who restructures and how, it has been contended that it is the constitutional power of the legislature, in the Nigerian case the National Assembly to restructure the country if need be. This is the position of the protagonists who believe that restructuring simply involves an amendment or alteration of the Constitution to achieve the intended change. This position begs the question as to whether the National Assembly can by way of alteration under section 9 of the Constitution bring about fundamental changes, including giving the country a new Constitution if so desired by the people. The question can be extended further as to whether the legislature has the capacity to restructure the country and give the resultant new constitution the required democratic legitimacy which the previous constitutions lack. The answer to this question can only come from an answer to the question as to whether restructuring is a legal or political issue. Arguably, restructuring can involve both legal and political processes but ultimately its legitimacy can only arise from compliance with the legal process as outlined in the Constitution itself. This is epitomized in the concept of the supremacy of the constitution. Hence, the constitution can be described as a creature which becomes the father of its creator after its creation and determines how it can be changed. This means that any constitutional change outside the contemplation of the Constitution will tantamount to a revolution and a vote of no confidence on the government particularly, the legislature. Therefore, in the Nigerian case where there is an existing constitution with legislative powers vested in the National Assembly for the federation (including the power to alter any of the provisions of the constitution), any other process will necessarily encounter resistance from the legislature especially where such alteration is likely to disadvantageously touch on the vested interest of the members.

If on the other hand, the desired restructuring is intended to be far reaching as to involve the first option of possibly negotiating out of a united Nigeria, fundamental constitutional obstacles will necessarily arise in view of the provisions of section 1 (1) of the constitution on the supremacy of the constitution and section 2 (1) on the indivisibility and indissolubility of the sovereign state of Nigeria. Thus any alteration of the Constitution otherwise than in the manner provided for in the Constitution suffers from legitimacy deficit in legal terms, in view of the toga of supremacy with which the Constitution is clothed. Furthermore, it is inconceivable that a far reaching alteration can fly under the incumbent members of the National Assembly as that will tantamount to legislating themselves out of job, just as in the case of any alteration that will affect the structure, size or even the life of the legislature.¹⁶ In the case of ordinary amendment that is not far reaching and does not affect the

¹⁵ Eugene Uwalaka 'Restructuring Definition and Form' 12 December 2018. <https://guardian.ng/opinion/restructuring-definition-and-form/> (accessed 10 March 2021).

¹⁶ It will be recalled that there are views being seriously canvassed that the cost of maintaining the National Assembly is prohibitive and unrealistic in our present financial state. Some others are also prosing for a one Chamber House with downsized number. These are changes being proposed by the people which the incumbent legislatures will not ordinarily support to their disadvantage. It is preposterous to expect that these are achievable by mere constitutional alteration within the cumbersome procedure in the Constitution.

vested interest of members of the National Assembly, no serious constitutional obstacle will arise. What is required in that case is simply to comply with the provisions of section 9 on the mode of altering the provisions of the constitution. However, the possibility of executive resistance employing the use of veto and other delay tactics for political reasons cannot be ruled out. It will be recalled that previous attempt to amend the constitution under the 9th Assembly could not materialize until the end of the life of that Parliament. This 9th Assembly had to wait until the last lap of the life of the Parliament before initiating far reaching amendments to the Constitution. The proposed amendments are in our view likely to end the way similar amendments initiated by their predecessors ended, that is, without being passed into law. The above are challenges that may frustrate the expeditious actualization of the restructuring agenda thereby making it a conundrum.

The alternative is to convoke a sovereign national conference where all the contentious issues around the demand for restructuring will be tabled, frankly and freely discussed, agreed on, and approved in a plebiscite or a referendum organized for that purpose. Hence, sovereignty belongs to the people¹⁷ and the exercise of their sovereign rights cannot be limited by law. The likely challenge with this process is that it will require the courage, political will and cooperation of an incumbent government especially the executive and the legislative arms and all the critical stakeholders who must be prepared to make the necessary sacrifices. This implies that they must be willing to eschew their acquired rights and vested interests and ambitions under the existing federal arrangement. Thus, as Nwabueze puts it, 'Restructuring is not a matter that can be implemented by amendment of the 1999 Constitution. It imperatively requires a new constitution adopted or approved by the people at a referendum.'¹⁸ The National Assembly's stand that the 1999 Constitution can only be amended or altered but cannot be abolished and replaced by a new constitution does not hold water. In this connection, it is argued that it is possible for the National Assembly to make fundamental changes in the constitution and even replace the constitution with a new one by amendment in exercise of its unlimited powers under section 4 and section 9 of the constitution. For the avoidance of doubt, section 9 of the constitution provides that: 'The National Assembly may subject to the provisions of this section *alter any of the provisions of this Constitution*'.¹⁹ There is nothing in section 9 of the Constitution which precludes the National Assembly from amending any section of the constitution. The question is whether the members of the National Assembly possess the will and capacity to do so.

However, it is submitted, that the National Assembly is not in a position to cure the existing democratic legitimacy deficit in the Constitution in exercise of their legislative powers no matter how far reaching the amendment may be, without reference to the people approving same in a plebiscite or referendum. The justification for the above proposition can be seen from international legal instruments, particularly the African Charter on Democracy, Elections and Governance²⁰ which provides that 'State Parties shall ensure that the process of amendment or revision of their constitution reposes on national consensus, obtained if need be, through referendum'.²¹ Furthermore, Article 20 of the African Charter on Human and Peoples Rights provides that 'All peoples shall have right to existence. They shall have the unquestionable and inalienable right to self-determination. *They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen*'.²²

In another dimension, arguably, the 1999 constitution is only a schedule to Decree 24 of 1999 and as such can be classified as an existing law. Therefore, as an existing law, under Section 315 of the 1999 constitution it is within the competence of the National Assembly to repeal same by an Act. Besides, the fact that the 1999 Constitution was not made by the people constitutes a flaw that cannot be cured by ordinary constitutional amendment. Therefore, it is submitted that nothing can change its character as a constitution made, not by the people, but by the Federal Military Government and simply imposed on the people by the Government of General Abdulsalami Abubakar. In other words, even if all the proposals to be contained in a new constitution for Nigeria were to be integrated into it, it would still remain what it is and still not meet the desire and demand of Nigerians for a new and autochthonous constitution which ideally, should be the outcome of the deliberations

¹⁷ See Section 14 (2) (a) of the Constitution.

¹⁸C Ndujihe & G Okehttps://360post.wordpress.com/2017/03/31/state-of-the-nation-without-restructuring-we-wont-go-far-nwabueze-akinjide-adebanjo-utomi/ (accessed 20 November 2018).

¹⁹Underlining mine, showing that the power of the national Assembly to amend the constitution is not limited Provided that it is done in conformity with the provisions of Section 9 of the Constitution.

²⁰ Adopted by the 8th Ordinary Session of the Assembly, 30 January 2007.

²¹ Nigeria is one of the countries that have ratified the African Charter on Democracy, elections and Governance which has become operational. Nigeria is therefore a State Party and has thereby committed itself to implement the objectives, apply the principles and respect the commitments enshrined in the Charter. See Article 44 of the Charter.

²² Italics are mine, to show the requirement of demonstrable freedom of choice in this regard. It must be noted that the African Charter on Human and Peoples Rights has been domesticated in Nigeria and its provisions are therefore binding.

by the people at a national convention or constituent assembly for that purpose and approved by the people in a referendum.²³

5. Conclusion

In light of the foregoing, the paper reiterates that restructuring is imperative as the only enduring solution to the Nigeria's political and socio-economic debacle. While recognizing the wide constitutional powers of the National Assembly, it is however submitted, that the required restructuring is so fundamental that it cannot be achieved through mere diversionary incremental constitutional alterations. Therefore the people in exercise of their inherent sovereign right can determine the type of constitution that should form the bases of their corporate existence. The process must factor the exercise of the peoples' sovereignty to freely determine how they should be governed, taking into consideration their plurality *vis a vis* their political-economic sensitivities and concerns. The paper concludes that the legislature no doubt has a critical role to play but the consummation must take on board the participation of other critical stakeholders in the Nigerian project including the professional class, the trade unions and the civil society groups. The expected restructuring must be carried out in an atmosphere where all the contentious issues must be placed on the discussion table without any inhibition or restriction and the outcome approved in a referendum. This process is recommended as the only sure way to not only effectively address Nigeria's plurality problems, but to also cure the democratic legitimacy deficit and other viruses associated with the 1999 Constitution, if only the political will on the part of the ruling elites can be mustered. Otherwise, if a peaceful and democratic restructuring becomes impossible a cataclysmic restructuring becomes inevitable at the fullness of time and this will not augur well for the survival and growth of the country.