

AN ANALYSIS OF THE PRACTICE AND PROCESSES OF CONSTITUTIONAL AMENDMENT IN NIGERIA

By

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Abstract

Constitution is the paramount source of all legal cum political authority in a polity. Nigeria operates a written and supreme Constitution. One aspect of supremacy of the Constitution is that the National Assembly alone is incapable of altering it without collaboration with the State Houses of Assembly or with the people's vote in a referendum. Amendments of some provisions in the Constitution, that are deemed so important, are made so onerous bordering on impossibility. This paper examines the processes and procedures for amendment of the Constitution by analysing the constitutional requirements for the amendment and insights of authors as well as judicial pronouncements on some aspects in the area. The paper concludes by advancing useful suggestions towards effective use of the opportunity present in constitutional amendment.

1.1 Introduction

The constitution of any Country is a living document. It is intended to capture the essence and wishes of the people it governs.¹ The need for a constitution that is amenable to amendment in response to changing social and political conditions is perhaps greatest in a developing Country like Nigeria. But to make a constitution or portion of it altogether unalterable, even by the people, seems an extreme approach.² Formal constitutional amendment rules are largely corrective. Recognizing that a deficient constitution risks building error upon error until the only effective repair becomes revolution, constitutional designers entrench formal amendment rules that can be used to peacefully correct the constitution's design. Fixing defects is therefore an essential function of formal amendment rules. Yet formal amendment rules do more than entrench a procedure

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¹ Ofo. N. (2011), Amending the Constitution of the Federal Republic of Nigeria 1999, *African Journal of Legal Sciences* vol. 4, Martinus Nijhoff Publishers, p. 123.

² *Ibid.*, p. 24.

for perfecting apparent imperfections in the written constitution: they may also serve the underappreciated function of expressing constitutional values.³

The conditions and procedures for amending the Nigerian Constitution, or any part thereof, are explicitly stated in the Constitution.⁴ Beyond constitutional requirements however, there are acceptable standards for constitutional review. The core issues and challenges relate to the extent to which the review processes are open, transparent and participatory.⁵ Any constitutional review processes that fail to accord priority to these issues will likely end in a fiasco. It is therefore imperative that the people should be sufficiently informed and educated about the review agenda and carried along either as fringe or core-participants in the review processes. They should also be empowered to claim ownership of the review processes and its outcome.⁶

Whereas Nigeria has operated with so many constitutions in the past, the study in this paper is restricted to the current Constitution in operation, the 1999 Constitution of the Federal Republic of Nigeria (as amended).⁷ Nor will the paper concern itself with the processes of making or altering the Constitution through the instrumentality of the constituent body. This is with the aim of analysing the various provisions in the Constitution that set out the processes to be use in amending portions of it, and, of, how those provisions permits meaningful and useful amendments. Where it is found that the provisions of amendment then need to be strengthened or relaxed it will be pointed out. This is to be done with an objective of bringing out effective constitutional order in Nigeria.

1.2 The Character of the Nigerian Constitution

One of the best ways of understanding the nature of government in a polity is by looking at its constitution. A constitution is an aggregate of fundamental principles or established precedents that constitute the legal basis of a polity, organisation or other type of entity, and commonly determine how that entity is to be governed.⁸ It is a Country's supreme law, which contains the guiding principles according to which that Country is governed. It creates and

³ Albert, R. (2014), *The Expressive Functions of Constitutional Amendment Rules*, *McGill Law Journal*, vol. 59, no. 2, p. 227.

⁴ See Sections 8 & 9 of the Constitution of the Federal Republic of Nigeria 1999 (as altered)

⁵ The Senator Mantu led constitutional review was abortive due to its secrecy and lack of honesty on President Olusegun Obasanjo's Third Term Agenda.

⁶ Omotola, J. S. (2006), *Constitutional Review and the Third Term Agenda: Nigeria's Democracy at the Crossroads*, *The Constitution*, vol. 6, no. 3, p. 64.

⁷ Cap. C32. *Laws of the Federation of Nigeria 2004*, hereinafter refers to as the Constitution.

⁸ McKean, E. (ed.) (2005). *New Oxford American Dictionary 2nd Edition*, Oxford University Press, New York, p. 2051.

organises the States and government. It sets parameters and limits the operation of organs of government, actions of people and institutions.⁹ While the idea of a Constitution is coeval with government itself, that of constitutional government or constitutionalism is not. It connotes a government defined, regulated and limited by a constitution, written or unwritten, and limited not just in conventional or political sense, but as a matter of law, with all its coercive force.¹⁰ A constitution then is a *sine quo non* for valid constitutional governance in any polity.

In the history of constitutional enactment and amendment, political scientists have classified the word 'Constitution' into 'flexible and rigid' and 'written and unwritten' categories.¹¹ A written constitution is an act of deliberate creation a Code or Charter of government, whereas an unwritten one is an inheritance, of their national character and usages.¹² The idea of a single written document called the "Constitution" was an American innovation.¹³ The Nigerian Constitution follows on the footsteps of the Constitution of the United States of America. Like the American Constitution, it is said to be written, presidential, federal and supreme in character. It is the *grundnorm*, the supreme law. It is the law from which every other law in the Country derives its authority, authenticity and legitimacy.¹⁴ Regardless of the classification given to a Constitution, its true character is to be ascertaining from the way it puts into operation in a polity.

1.3 Amendment of the Constitution

In view of the fundamental nature of the constitution and the dynamic nature of society, it is not difficult to imagine that situations would arise requiring some provisions of the constitution to be amended. Several reasons can be adduced for this. It could be because new situations not contemplated by the Constitution have arisen which needed to be accommodated. It could also be due to the challenges encountered in the implementation of the Constitution which were not envisaged by the drafters of the Constitution. Constitutional amendment could become necessary as a result of other societal dynamism: changes in technology, changes in the administrative structure of the Country, the need to accommodate the interests of some segments of the society, etc. The reasons for

⁹ Ijaiya, H. K. (2018), *Judicial Approach to Interpretation of Constitution*, Malthouse Press Limited, Lagos, p.1.

¹⁰ Nwabueze, B. O. (1993), *Ideas and Facts in Constitution Making*, Spectrum Books Limited, Ibadan, pp. 2-3.

¹¹ Oluyede, P. A. & Aihe, D. O. (2003), *Cases and Materials on Constitutional Law in Nigeria 2nd Edition*, University Press Plc., Ibadan, p. 118.

¹² Nwabueze, B. O., *op. cit.*, p. 6.

¹³ Nwabueze, B. O., *op. cit.*, p. 5.

¹⁴ Ofo. N., *op. cit.*, p. 123; see also section 1(1) & (3) of the Constitution.

requiring the amendments to a Constitution are numerous.¹⁵ The power to amend the Constitution is an original power exercisable by the people directly or through their elected representatives. But the amending power is subject to other considerations which make it necessary and desirable that the concept of constituent power should not be too rigidly adhered to in practice. Constitutional amendment should not be made unduly difficult, as would be the case of approval of the people is required in every case.¹⁶ A middle course is then preferable; securing its sanctity from unwholesome tinkering by the legislature by setting a higher standard for its amendments.

It is important to recognize that in a constitution such as the Nigerian Constitution which is relatively young, to take care of the vagaries and other hidden problems in an unsophisticated society as ours, though vibrant in its intent and orientation because it is still developing, construction of its provisions must be equally vibrant to be in accentuation with the growth of a dynamic society.¹⁷ This is paramount in relation to altering the provisions of its most important law, its Constitution. The power of the legislature to alter the provisions of the Nigerian Constitution is provided under section 9(1). The section provides that "*The National Assembly may, subject to the provision of this section, alter any of the provisions of this Constitution*". This is a general power the specifics of which are provided under section 9(2) and 9(3) of the Constitution.

It is obvious from the provision of section 9(1) of the 1999 Constitution that no part of the said constitution is beyond amendment. What is important is that the right procedure is followed in every amendment as stipulated in the Constitution.¹⁸ Section 9 of the Constitution should be seen for what it is: a special, self-sufficient stipulation for the amendment of the 1999 Constitution, subject only to itself in its entirety, including its amendment. Any contrary understanding is untenable in a textual constitutional basis.¹⁹ The Constitution is to operate as self-healing law through the instrumentality of the legislature at both the federal and state government levels, and in limited instances with the assistance of the citizens when referendum is required.

The 1999 Constitution is more or less a re-incarnation of the first Presidential Constitution, the 1979 Constitution of the Federal Republic of Nigeria.²⁰ Unlike the present Constitution, the 1979 Constitution, in its about

¹⁵ Ofo. N., *op. cit.*, pp. 123-124.

¹⁶ Nwabueze. B. O., *op. cit.*, pp. 23-24.

¹⁷ Ijaiya. H. O., *op. cit.*, p. 186.

¹⁸ Ofo. N., *op. cit.*, p. 146.

¹⁹ Ofo. N., *op. cit.*, p. 139.

²⁰ Cap. 62, *Laws of the Federation of Nigeria 1990*.

fifty one month's operation in the Second Republic,²¹ has never suffered amendment by the legislature. However the 1984 New Year's Eve *coup d'état* brought with it two important military promulgation that seriously tempered with and hampered the operation of the 1979 Constitution, namely the Federal Military Government (Supremacy and Enforcement of Powers) Decree²² and the Constitution (Suspension and Modification) Decree.²³ Among others, the 1979 Constitution was made inferior to a Decree of the Federal Military Government or an Edict of a State Government. Its provisions on legislature were entirely jettisoned. The military intervention however should not be regarded as part of the amending process of the Constitution. It was an event beyond the contemplation of the Constitution that might either be a revolution or a rebellion, depending on its success.

A Constitution cannot be amended by the Legislature like other legislation. Also a constitution cannot be considered on the same footing like other statutes or legislation.²⁴ The supremacy of the Constitution and the concept of constitutionalism require that the procedure outlined by the Constitution for its amendment must be followed to the letters otherwise the amendment will be null and void and of no effect. The first effort of amending the provisions of the Nigerian Presidential Constitution was during the tenure of Chief Olusegun Obasanjo.²⁵

There have, however been controversies over the procedure adopted by the National Assembly in its amending exercises. The controversies centres around the key questions of: whether the National Assembly should have started with a "proposal" rather than a "bill" for the amendment of the Constitution; whether the National Assembly ought to pass the Amendment Act before or after the receipt of a resolution of two-thirds of the State Houses of Assembly; whether presidential assent is required for the Amendment Act. The Constitution states that it should start by a proposal.²⁶ This writer is of the opinion that, regardless of the nomenclature use in initiating the process to alter the Constitution, the most important consideration is that the process as outlined in the Constitution has been followed through. In other words, whether it was initiated by a proposal or a bill is immaterial, in so far as the steps itemised in the constitution are carried through the exercise will be valid. On the requirement of presidential assent, this paper is

²¹ The Second Republic lasted from 1st October, 1979 to the 31st December, 1983.

²² No. 13 of 1984.

²³ No. 1 of 1984.

²⁴ Ijajya, H. O., *op. cit.*, p. 2.

²⁵ Ogbu, O. N. (2010). Constitutionalism and Constitutional Amendment: A Critical Appraisal of the Procedure for the Recent Amendment of the 1999 Constitution. *N.IJ Law Journal*, vol. 3, National Judicial Institute, Abuja. p. 101.

²⁶ *Ibid.*, p. 102.

of the opinion that constitutional amendment is *sul generis*, as such the requirement of validity of a presidential assent as mandated for ordinary Acts by section 58 of the Constitution is inapplicable for cases falling under section 8 & 9 of the Constitution as erroneously held in *Olisa Agbakoba SAN v The National Assembly and Anor.*²⁷ Furthermore, the National Assembly ought to have first passed the bill for the amendment of the Constitution before sending it to the State Houses of Assembly for their approval.

The process of amending the Constitution has been criticized as being purely designed to frustrate amendments because it is cumbersome, expensive and could only be seen as a strategy to maintain an undemocratic *status quo*. As an organic law of a dynamic society, the Constitution of the Country will always be amended from time to time as the need arises. However, the amendment ought to serve the purpose of social engineering and not elitist or class interest.²⁸ Altruistic rather than selfish interest then should be the main driver of constitutional amendment in Nigeria.

1.4 "Simple Procedure" in the Amendment of Nigerian Constitution

The Constitution is an instrument of government under which laws are made and is not merely an Act or Law, hence the construction the court will give to a constitutional provision must be such that will best serve the interest of the Constitution and best carry out its object and purpose and give effect to the intention of the framers.²⁹ It is important for Nigeria to be provided with a Constitution for the People and not the People for a Constitution.³⁰ This necessitates having public good as the ultimate goal of any provision in the Constitution. It is imperative then that it should be subjected to periodic review, by way of amendments, to cater for the yearning and aspirations of the Nigerian citizens.

The legal status of the Constitution of any country as the supreme law of the land is determined by the procedure for its amendment. Its important provisions are usually protected from amendment by hasty and ill-considered legislations.³¹ Thus one aspect of supremacy of a constitution is where for its

²⁷ Unreported suit no. FHC/L/CS/941/2010 delivered by Okechukwu, J., on 8/11/2010

²⁸ Ogbu, O. N. (2012) A Critical Analysis of the Constitution (First Amendment) Act, *Nigerian Juridical Review*, vol. 10, Faculty of Law, University of Nigeria, Enugu, p. 72.

²⁹ Hon, S. T. (2004), *Constitutional Law and Jurisprudence in Nigeria*, Pearl Publishers, Lagos, p. 4; see also Attorney General, Ondo State v Attorney General of the Federation & 35 Ors. (1986) 1 NWLR (Pt. 18) 621.

³⁰ Sambo, M. B. (2003), *Shari'a and Justice: Lectures and Speeches*, Sankore Educational Publishers Ltd, Zaria, p. 333.

³¹ Oluyede, P. A. & Aihe, D. O., *op. cit.*, p. 120.

amendment the Country's parliament cannot be able to think with its provisions except upon invitation extended to bodies outside it. Even in simple amendments to be made to it, the Nigerian Constitution cannot be amended by the two houses of the National Assembly alone. The two houses in the National Assembly comprises of the Senate and the House of Representatives.³² The Bill containing any amendment must be sent to the State Houses of Assembly and the votes of the two-thirds thereof amounting to 24 States is necessary.

Sections 48 and 49 of the Constitution have provided the total number of the legislators that comprises the National Assembly. The number of senators is fixed at 109 senators, 3 from each State and the Senator representing the Federal Capital Territory. The House of Representatives on the hand is composed of 360 parliamentarians elected on population indices. Section 9(4); of the Constitution is to the effect that for the purposes of amendment of the Constitution the number of members of each House of the National Assembly shall notwithstanding any vacancy, be deemed to be the number of members specified in sections 48 and 49 of the Constitution. By section 9(4) therefore, a vacancy in membership limiting factor to the exercise of power to alter the Constitution. Such incomplete membership of that House shall be deemed to be the complete membership thereof as specified in the Constitution. For in law, when a thing is deemed to be something else, it is to be treated as that something else, together with the attendant consequences, but it is not that something else.³³

1.5 Special Processes in Amending the Constitution

Being a part of constituent power, the power to amend the constitution after it has been adopted or enacted by the people is (or should be) also an original power exercisable only by the people directly or by a specially elected and mandated constituent assembly,³⁴ or by requiring the legislature to achieve certain threshold beyond ordinary law making criteria. Yet constitutional amendment should not be made unduly difficult, as would be the case if the approval of the people is required in every case. For to make a Constitution or portion of it altogether unalterable, even by the people, seems an extreme approach.³⁵ The Nigerian Constitution therefore strikes a balance by making it generally alterable by the two-third majority votes of the two houses of the National Assembly and approval of it by two-third majority of the State Houses of

³² See sections 47 of the Constitution.

³³ Hon. S. T., *op. cit.*, p. 54; *Savannah Bank Ltd v Ajilo* (1989) 1 NWLR (Pt. 97) 305.

³⁴ Nwabueze, B. O. (1993), *Ideas and Facts in Constitution Making*, Spectrum Books Limited, Ibadan, p. 23.

³⁵ *Ibid*, pp. 23-24.

Assembly. Additionally, the Constitution required special majority and even the votes of the people in a referendum in special cases.

Section 9 of the Constitution lays down two different criteria for the amendment of vital or entrenched provisions, and the amendment of any other part of the Constitution.³⁶ Some aspects of the Constitution are deemed so important that special procedure that is much more stringent is set for their amendments. Those provisions which are considered to be specially important, for example, fundamental rights, the issue of creation of States and the independence of judiciary the 1999 Constitution provides for special majority for the amendment of their provisions under the Constitution.³⁷ In *Minister of Internal Affairs v. Shugaba Darna*,³⁸ it was held that by virtue of section 9 of the 1979 Constitution,³⁹ special provisions is made for the purpose of altering any of the provisions of Chapter IV of the Constitution, the power of amendment is not given a separate exclusively to either the National Assembly or the State House of Assembly, both have a part to play and the votes necessary for the purpose of amendment is not the same as for the amendment of some other sections of the Constitution. It falls within the same cumbersome provision of creating new States.⁴⁰

A special majority in relation to the amendment of the Nigerian Constitution relates to the requirement provided for in section 9(3) which is beyond two two-thirds. The subsection mandates the votes of not less than four-fifths majority of all the members of each House of the National Assembly, and also the amendment must have been approved by resolution of the Houses of Assembly of not less than two-thirds of all the States. This special majority is required for the purpose of altering the provisions of Section 9, Section 8 and Chapter IV of the Constitution.

1.6 Amendments of the Constitution and Changes in the Federation's Components

In Nigeria, proposals to rewrite the Constitution to create a more decentralized federation are most of the times problematic.⁴¹ The Constitution

³⁶ Lawal. I. B. (2015). The Review of the Constitutional Amendment Procedure and Presidential Assent in Nigeria. *Journal of Law and Conflict Resolution*, vol. 7, no. 5, Academic Journals, pp. 26-27.

³⁷ Oluyede, P. A. & Aihc. D. O., *op. cit.*, p. 120.

³⁸ (1982) 3 NCLR 915.

³⁹ In *pari materia* with section 9 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

⁴⁰ *Ibid.*

⁴¹ Suberu. R. T. (2005). *Renovating the Architecture of Federalism in Nigeria: The Option of Non-Constitutional Renewal*. Solomon Asch Center. University of Pennsylvania.

permitted interference with the constituent components of the Federation by way of States creation, boundary adjustment and creation of new local government areas.⁴² Nigeria, like many other Federations, has a rigid Constitution. This rigidity is sterner on major issues that have to do with restructuring of the Federation which in most instances requires the approval of four-fifths majority of the National Assembly and two-thirds of the State Houses of Assembly.⁴³ Securing such majorities is quite a Herculean task given the divisive nature of Nigerian politics. Attempts to create new states are usually seen as tinkering with the precarious structural 'balance' in the Federation.⁴⁴

One major feature of the constitutional amendment processes common to all those found in different constitutions is the fact that the consent of the people must be obtained in respect of the amendment. This is not unusual. If the Constitution is to govern the affairs of the people, it is appropriate that they should have some say in its enactment and amendment. However, the consent of the people need not be directly given. They could be deemed to have consented if their duly elected representatives consent. Thus, in some, but not all, cases the amendment process includes a referendum being taken to get the approval of the people.⁴⁵ Respectfully, the decision of their Lordships went too far in holding that altering Chapter IV and creation of new States have the same rigidity. Creation of new Local Government Areas will also attract people's vote in a referendum, which is not required for creation of a new State.

The Constitution should be interpreted broadly, liberally and purposely so as to enable it to continue to play "a creative and dynamic role in the expression and the achievement of the ideals and expressions of a nation, in the articulation of the values bonding its people, and in disciplining its governments".⁴⁶ In a Federation such as Nigeria where challenges of national integration persists, interference with its components must be protected from the whims and caprices of politicians and stringent procedures for its amendments are justified. The components of the Nigerian Federation were set out in section 2 of the Constitution and the schedule that accompany it.⁴⁷ Nigeria is a Federation consisting of States and a Federal Capital Territory.⁴⁸

⁴² See section 8 of the Constitution.

⁴³ *Ibid.*

⁴⁴ Okpanachi, E. & Garba A (2010), Federalism and Constitutional Change in Nigeria, *Federal Governance*, vol. 7, no. 1, Forum of Federations, pp. 7-8.

⁴⁵ Ofo, N., *op. cit.*, p. 125.

⁴⁶ Ijaiya, H. O., *op. cit.*, p. 5; see also *Government of the Republic of Namibia v Culture* (1993) 3 LRC 175.

⁴⁷ See the First Schedule to the Constitution.

⁴⁸ Section 2(2) of the Constitution.

The subject of the creation of more states in Nigeria was dear to the hearts of most Nigerians.⁴⁹ However creation of States is thorny in Nigeria's Federal politics. Attempts to create new States are usually seen as tinkering with the precarious structural 'balance' in the Federation. Thus, it is objected or countered with similar agitations from other regions. The scramble for more States can consume the whole constitutional review exercise. Except in 1963 when the Midwest Region was created by a civilian government, all States creation exercises have been carried out by the military.⁵⁰ Section 8 of the Constitution is an example of the factors that makes the Nigerian Constitution to be categorised as a supreme Constitution.⁵¹ A constitution is supreme if for its amendment or amendment of any of its provisions the legislature alone is incapable of doing so without inviting a body outside of the national parliament.⁵² Section 8 of the Constitution deals with State creation, boundary adjustment and creation of new local government areas which cannot be accomplish by the legislature at the federal and state levels alone without recourse to people's vote in a referendum.⁵³

In validating Law No. 7 of Cross River State of 2007 the Supreme Court in *Independent National Electoral Commission and Anor. V. Muri Edet Etim Asuquo and Ors.*,⁵⁴ the Supreme Court held that it is the State House of Assembly that has the power to create a new local government area or alter the boundaries of the existing ones.⁵⁵ However, a State which desires to create a new Local Government Council can only do so after complying with the provisions of Section 8(3) and (6) of the 1999 Constitution; and that the 1999 Constitution provides for a two-tier approach to the creation of Local Government Areas/Councils to wit: first (or State tier) approach procedure and the second (or Federal tier). Also the threshold set by Section 7(2) of the Constitution must be upheld in creating the additional local government areas.⁵⁶ Section 7 (2) states that in creating the additional local government areas the State House of Assembly must:

- a) Define such area as clearly as practicable; and

⁴⁹ Aniagolu, A. N. (1993), *The Making of the 1989 Constitution of Nigeria*, Spectrum Books Limited, Ibadan, p. 161.

⁵⁰ Okpanachi E. & Garba, A. (2010), *Federalism and Constitutional Changes in Nigeria*, *Federal Governance*, vol. 1, no. 1, Forum of Federations, p. 8.

⁵¹ Jibril, M. T. (2018), *The Imperative of Peoples Sovereign Powers of Referendum under the 1999 Constitution*, *ABU Law Journal*, vol. 38, No. 1, Faculty of Law, AhmaduBelloUniversity, Zaria, p.5.

⁵² Wheare, K. C. (1951), *Modern Constitution*, Oxford University Press, London, p. 23.

⁵³ Jibril, M. T., *op. cit.*, p. 5.

⁵⁴ (2018) 9 NWLR (Pl. 1624) 305.

⁵⁵ *Ibid.*

⁵⁶ Mowoc, K. M. (2008). *Constitutional Law in Nigeria*, Malthouse Press Limited, Lagos, p. 117.

- b) Ensure, to the extent to which it may be reasonably justifiable, that in defining such area, regard is paid to
 - I) The common interest of the community in the area,
 - II) Traditional association of the community, and
 - III) Administrative convenience.

It is the duty of the National Assembly, upon the completion of the creation of new local government areas by the States House of Assembly and returns made to it, to pass an Act with respect to the name and headquarters of the newly created local government areas.⁵⁷

1.7 Conclusion

The Nigerian Constitution opens by recognition of the people's sovereign powers.⁵⁸ Being a written Constitution however the power to alter its provisions are mostly donated to the National Assembly and the State Houses of Assembly. Analysing its principal sections for amendment and amendment of its components it became apparent that certain level of rigidity is expected in its amendment.

It has been found that Section 9 of the Constitution is *sui generis*, autonomous and so exhaustive on the procedure for the amendment of the Nigerian Constitution. The provisions therein seem to have mostly strike a balance between flexibility and rigidity. This is commendable, as to provide otherwise is to left the Constitution open to unnecessary tinkering and manipulations of the political class. It is hereby recommended that as the provisions in Section 9 haven't tilted towards any extremes they should be sustained and no further amendments is recommended.

However the provisions in Section 8 on the amendment of the components of the federation; creation of new States, creation of new Local Government Areas and boundary adjustment, are too stringent to make the provisions useful or viable in achieving those objectives. For instance, it will be more useful if creation of new Local Government Areas is left entirely to the States without recourse to National Assembly and allocation to Local Government Areas in a State be made in accordance with variables like population; land mass, etc, not their actual number. This is in addition to other amendments that may be made to ease the processes provided for under Section 8 of the Constitution. It is then recommended that the requirement of recourse to

⁵⁷ AG Lagos State v A. G., Federation (2004) 15: NWLR (pt. 904) 1.

⁵⁸ See the Preamble and Section 14(2) of the Constitution.

National Assembly should only be notification and not a provisions for funding of the Local Government Areas as prov 162 of the Constitution be made contingent upon variables like mass, ecology, etc and not their numbers in a State.