

REVIEW OF THE NATIONAL YOUTH SERVICE CORPS ACT: AN AGENDA FOR REFORM

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Abstract

The National Youth Service Corps (NYSC) was founded over forty years ago with the basic objective of fostering unity and the spirit of brotherliness among all citizens of Nigeria through bridging of the gaps created by ethnicity. However, the usefulness of the NYSC is now been called into question. This paper reviews the NYSC Act and makes recommendations for reforms that will reposition the service corps towards contributing to the sustainable economic development of Nigeria. In so doing, the paper also examines the provisions of Bills pending before the National Assembly to determine if the proposals in the Bills are adequate. The paper discusses, among others, the welfare of corps members. It proposes, among others, a review of corps members' allowances, establishment of a corps members' insurance scheme and collaboration between the NYSC and other agencies for the purpose of enabling corps members to be tools for economic development in Nigeria.

1.1 Introduction

The National Youth Service Corps (NYSC, hereinafter called the 'service corps'), which was established on 22nd May, 1973,¹ came to be out of the need to restructure and reposition post-war-ravaged Nigeria into a united, developed and self-sufficient nation based on the spirit of brotherhood.² The educated youths were seen

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¹The Service Corps was established via Decree No. 24 promulgated by the military regime of General Yakubu Gowon (Rtd.). For a detail history, see '15 years of the National Youth Service Corps: The Journey so far' (Lagos: NYSC Publication Committee, 1988); <http://www.nysc.gov.ng>, accessed on 19 October, 2015; National Youth Service Corp Handbook (1999).

²See Uwechue R., *Reflections on the Nigerian Civil War: Facing the Future* (New York: Africana Publishing Corporation, 2004); Udende P., and Salau

as the tools for achieving this end and thus the structure of the service corps was centred on them forming its membership.

It is important to note that since its establishment, the service corps has, to a large extent, achieved its major objective of fostering unity and the spirit of brotherhood amongst Nigerians. That being said, occurrences such as the post presidential-election-violence that rocked most northern states in 2011 leading to the death of about 10 corps members and the displacement of many; and the recent nefarious activities of the Boko Haram sect have heightened calls for the scrapping of the service corps. The argument is that these happenings have eroded the objectives of the service corps thereby exposing its failure and that it is no longer useful in the present quest for sustainable economic development of Nigeria.³ There are calls, however, in some quarters for a reform of the service corps to meet the challenges of recent times because it could properly function as a tool for economic development if properly positioned.⁴

This paper critically reviews the enabling law of the service corps with a view to proposing reforms that will reposition it towards attaining sustainable economic development in Nigeria. To achieve this, the work is structured into five parts. Part one is the introduction. The second part discusses the establishment, legal basis and objectives of the service corps. Part three focuses on membership of the corps while the fourth part discusses the need

A.A., "National Youth Service Corps Scheme and the Quest for National Unity and Development: A Public Relations Perspective," <http://www.unilorin.edu.ng/abdulrauf/NYSCandthequestfornationalunityanddevelopment.pdf>, accessed on 18 October, 2015; Ajayi A.I., and Falade D.A., "The National Youth Service Corps (NYSC) Scheme in Nigeria, 1973-2012: Retrospective and Prospective Analysis," *Journal of Arts, Humanities and Diplomacy*, Volume 2, Number 2, 2012. Further see Eberly D.J., and Gal R., "A Role for Young People in Building Post-Conflict Civil Society," *International Journal of Not-for-Profit Law*, Vol. 9, 4, August 2007. http://www.icnl.org/research/journal/vol9iss4/special_3.htm, accessed on 20 October, 2015.

³Ajayi and Falade, note 2.

⁴Ibid. See also Udende and Salau, note 2.

for reform and attempts at reforming said corps. Part five states the recommendations and concludes the paper.

2.1 Establishment, Legal Basis and Objectives of the Service Corps.

The second-half of the twentieth century and the twenty-first century have witnessed the establishment of National Youth Schemes in parts of the globe⁵ with varying objectives, such as to foster national unity; to provide young people with experience, perhaps to improve their employability; to achieve certain social objectives, such as helping the poor or the environment; to allow students to fund their education; or even to make conscription more equitable⁶ - all these with the ultimate goal of economic advancement of the nation.⁷ While the establishment is a private initiative in some countries,⁸ in others, it is a government initiative;⁹ and while membership is voluntary in some countries, in others it is mandatory.¹⁰

The service corps in Nigeria is a government initiative which was established under Decree No. 24 of 1973, promulgated by the Military regime of General Yakubu Gowon (Rtd.). That Decree was repealed and later replaced by Decree 51 of 16th June 1993. This Decree is saved by section 315(5) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) which recognises it as an existing law and gives it the same effect as any other provision of the Constitution. Thus the Nigerian Constitution is the

⁵See Eberly and Gal, note 2; Udende and Salau, note 2. See also A Chantia, "Awareness Regarding Activities of National Service Scheme: An Appraisal," *Anthropologist*, 10(4), 289-296 (2008).

⁶Ibid.

⁷Ibid.

⁸For instance, the United Kingdom's Community Service Volunteers was founded in 1962 by Mora and Alec Dickson. See <http://www.vsointernational.org/about/history>, accessed 23 October 2015.

⁹ For instance, the National Youth Schemes in India, Germany, Zimbabwe, South Africa, Israel and Nigeria are established by their governments. See note 5.

¹⁰Service under the National Youth Service Corps in Nigeria is mandatory by virtue of section 2 of the National Youth Service Corps Act. But it is voluntary in UK, USA, etc. See note 5.

legal basis of the NYSC with the Decree to continue to have effect as a Federal enactment (i.e. deemed an Act of the National Assembly.) Thus the National Youth Service Corps Act¹¹(hereinafter referred to as ‘the Act’) shall be referred to in the rest of this work.

The reason for the creation of the service corps was the yearning to refocus the post-civil war Nigeria as a united, strong and self-reliant nation with a great and dynamic economy, which offers bright and full opportunities for its citizenry in a free and democratic society.¹² Upon its creation, the service corps became saddled with some herculean tasks forming its objectives, as follows:¹³(a) to inculcate discipline in Nigerian youths by instilling in them a tradition of industry at work, and, of patriotic and loyal services to Nigeria in any situation they may find themselves; (b) to raise the moral tone of the Nigerian youths by giving them opportunities to learn about higher ideals of national achievement and social cultural improvement; (c) to develop in the Nigerian youths the attitudes of mind acquired through shared experience and suitable training, which will make them more amenable to mobilisation in the national interest; (d) to enable Nigerian youths acquire the spirit of self-reliance by encouraging them to develop skills for self-employment; (e) to contribute to the accelerated growth of the national economy; (f) to develop common ties among the Nigerian youths and promote national unity and integration; (g) To remove prejudices, eliminate ignorance and confirm at first hand the many similarities among Nigerians of all ethnic groups; and (h)to develop a sense of corporate existence and common destiny of the people of Nigeria.

To ensure the attainment of these laudable objectives by the service corps, it is enjoined to ensure the following:¹⁴ (a) the equitable distribution of members of the service corps and the effective utilization of their skills in areas of national needs; (b) that as far as possible, Nigerian youths are assigned to jobs in

¹¹ Cap N84, LFN 2010.

¹²See notes 1 and 2.

¹³See NYSC Act, section 1(3).

¹⁴See NYSC Act 1993, section 1(4).

states other than their states of origin; (c) that such group of the Nigerian youths assigned to work together is representative of Nigeria as far as possible; (d) that the Nigerian youths are exposed to modes of living of the people in different parts of Nigeria; (e) that the Nigerian youths are encouraged to eschew religious intolerance by accommodating religious differences; (f) that members of the service corps are encouraged to seek, at the end of their one year national service, career employment all over Nigeria, thus, promoting the free movement of labour; and (g) that employers are induced partly through their experience with members of the service corps to employ more readily and on a permanent basis, qualified Nigerians, irrespective of their states of origin.

The above provisions form the basis for the mobilisation policy of the service corps in order to enable easy achievement of its objectives. No one captured this point better than the then Director General of the service corps, Brig. Gen. Maharazu Tsiga, when he stated thus:

By its mobilization policy, corps members are deployed outside their states of origin. This deliberate policy affords Nigerian youths a sure platform for interacting with fellow Nigerians of diverse customs and traditions. The priceless understanding generated by this cross cultural interface has greatly reduced the tribal gap that created undue mistrusts and suspicion among the Nigerian people in the past. Today, Nigerians more than ever before readily marry across tribal lines, while barriers to individual mobility of labour are fast crumbling. The fact that young men and women today live, seek and find jobs anywhere in the country while business associations, social interaction and friendly engagements flourish all over can be directly traced to the bridges of

harmony that the NYSC has built across the Nigerian landscape.¹⁵

We cannot but agree with the above statement because the crises in the country today, particularly in the Northern and some other parts, may not be tribal or religious in actual fact. They merely put on tribal and religious masks. Political undertones may not be ruled out from these crises. Unfortunately, corps members have been victims of some of these crises. The foregoing is better appreciated by the violence that engulfed the far north immediately after former President Goodluck Jonathan was declared the winner of the April 2011 Presidential elections by the Independent National Electoral Commission. We saw the brutal killing of 10 corps members, maiming and displacement of several others.¹⁶ The post-election bomb blasts in some parts of the country had similar effects. Staring us in the face frequently are the activities of the dreaded terrorist group, Boko Haram.

Owing to the foregoing, reforms have been proposed in some quarters to the effect that corps members should be deployed to places within their region for their safety.¹⁷ We share the view that regional posting may not be the way out. While not denying the fact that some regions are more volatile than others, we believe that insecurity of lives and properties is a national problem. A region may be safe today but no one can tell what will happen the next second. The service corps is founded basically to foster national unity, integration and brotherhood. Adopting regional deployment will ridicule the essence of the service corps.

It appears that regional deployment accords with the doctrine of federalism upon which the Nigerian state is based.¹⁸ In fact, those calling for regional posting may have support in the Canada's Katimavik¹⁹ which tend to allow states within the

¹⁵ The Guardian, Thursday, January 28, 2010, p. 51.

¹⁶ Ibid.

¹⁷ Omeiza A. D., 'Reform or Abrogate NYSC,' <http://www.ganuji.com/article/5000/NEWS5802.htm> accessed on 22 October, 2015.

¹⁸ See Constitution of the Federal Republic of Nigerian, 1999, ss. 2 and 3.

¹⁹ This is the Canadian Equivalent of the Nigerian National Youth Service Corps. See note 5.

federation to operate their youth service scheme somewhat autonomously under the national scheme. But we should keep in mind that every country has its challenges and peculiarities. We should also not forget the strong desire to keep the country as a strong indivisible entity and this is where the service corps becomes relevant. The deployment policy of the service corps is based on the above stated objectives of the service corps which are founded on this national imperative. It only remains to say that a huge burden is on the security agencies to be more alert and diligent in the performance of their duty. In the light of the present realities, corps members wherever they are deployed must be given special and adequate security wherever they be mobilised to.

That being said, a look at the general tenor of the Act, particularly section 1(3) shows that, although it is a federal legislation, the states of the federation are placed in a position to be direct and primary beneficiaries of the activities of the service corps. No doubt, once the states adequately benefit, the ideals and objectives of the service corps are met.²⁰ Thus, it is suggested that state governments should be made more responsible in contributing to the attainment of the objectives of the service corps. To this end, it is our view that the N500,000 minimum subvention required by the Act²¹ to be given by state governments to the chairmen of the states governing boards for welfare of the corps members at the beginning of each service year be increased to a reasonable amount given the large number of prospective corps members called-up annually. Some may argue that this amount is a minimum and as such there is no need to increase same. One may ask; in practice, how many state governments give more than that amount or any at all each service year? We believe that through purposeful cooperation between the federal and state governments, a mandatory legal regime could be put in place to make state governments obliged to provide adequate camping

²⁰Lack of adequate security for corps members, rejection of corps members and inadequate finance have been identified as some of the major challenges militating against the attainment of the objectives of the service corps. See Ajayi and Falade, note 2.

²¹See NYSC Act 1993, section 7.

facilities to cater for the camp and orientation programmes in their states. This we believe will take care of the financial and infrastructural challenges facing the service corps.

Again, the service corps should make every player in the private sector take broader and more serious view of their corporate social responsibility to the youths of this country whose talents, skills and enterprise they exploit for their profit-making ventures. In the same vein, the government should provide a conducive business environment for the private sector. When all these are in place, the unfortunate incidents of rejection of corps members when posted for primary assignment will be reduced to a bearable minimum. This is not leaving out government parastatals. They should be properly mobilised and positioned to be disposed to assisting the service corps in achieving its goals. They should, at all times, be able and ready to accept corps members posted to them for primary assignment. More still, the service corps should beef up its collaboration with other agencies, such as National Directorate of Employment, Millennium Development Goals and the National Agency for the Prevention and Eradication of Poverty, Small and Medium Enterprise Development Agency of Nigeria, etc., saddled with the responsibility of creating employment opportunity and eradicating poverty in Nigeria. This will aid in the achievement of the objectives set out for the service corps.

3.1 Membership of the Service Corps

We stated above that the educated youths of the country were seen as the most appropriate tools for achieving the objects of the service corps. Thus, they form the membership of the corps. However, membership of the service corps is not automatic upon becoming educated. The Act defines a member of the service corps to mean a person registered as a member of the service corps.²² Although this definition errs on the side of clarity, a construction of section 2 of the Act and section 1 of the National Youth Service Corps (Extension of Application) Order, 1974 will help to correct the error. In sum, one must be eligible for call-up in accordance with the Act and must be duly registered to be a member of the

²²See NYSC Act 1993, section 22.

service corps. Gleaned from the above-mentioned sections, the following persons are eligible for call-up:

- a. Nigerian graduates from Nigerian Universities, Polytechnics and other Degree awarding institutions.
- b. Nigerian graduates from foreign universities or other degree awarding institutions.²³
- c. Those who obtained their National Certificate of Education (NCE) between 1975 and 1984.²⁴

By virtue of section 2(2)(a) of the Act, the above-listed Nigerian graduates must not be more than 30 years of age at the time of graduation. If they were above 30 years of age at the time of graduation, they will be exempted from service.²⁵

3.2 Deployment of Members of the Service Corps (Corps Members)

After being called-up for service under the service corps, members go through an orientation programme for three weeks in camps, after which they are deployed to places within their states of deployment for their primary assignments. This is referred to as placing of corps members and it is done in accordance with section 9(2) of the Act, which makes it mandatory for corps members to be deployed to undertakings such as hospitals; road constructions; farming; water schemes; surveying and mapping; social and economic services; teaching; food storage and eradication of pest; rehabilitation of destitute and the disabled; development of sports; all government departments and statutory corporations suitable for new graduates; development projects of local council; the private

²³ This is made possible by the combined effect of section 2(1) (c) of the Act and section 1(a) of the Order.

²⁴ This is provided for in section 2(1) (d) of the Act.

²⁵ It may be inferred from the provision of section 2 of the Act and section 1 of the Order that the following persons are excluded from membership of the service corps: Graduates of Part-time programmes, Graduates of Sandwich Courses and Monotechnics, Graduates of Long Distance Learning Programmes, Holders of Diploma Certificates from Universities, Holders of Ordinary National Diploma from Polytechnics, and NCE Holders from 1985 till date.

sector of the Nigerian economy; and such other undertakings and projects as the president may, by order, determine.

From experience, it appears the service corps usually deploys corps members to places where their services are required. But, in so doing, section 9(3) of the Act makes it mandatory for priority to be given to the undertaking or projects mentioned in subsection (2), situate in such appropriate urban or rural area of the federation. Furthermore, in order to ensure that the service corps does not exercise its powers arbitrarily while placing corps members in accordance with section 9(2) of the Act, it is required in subsection (4) to take into consideration three factors to wit- qualification of each corps members; existing vacancies; and priorities of national needs.

It appears that the above factors are conjunctive. That is, the three must be borne in mind before placement of corps members is been done. However, the third factor will, and usually, has more weight. But there may be some very special cases, where it would not be proper to place a corps member mainly on the priority of national needs. For instance, it may be inappropriate for the service corps to place a lawyer to perform the undertaking of a medical doctor on grounds of national needs. Such placement would be nothing but laughable. We however concede that some very exceptional circumstances, such as war, may warrant the placement of corps members to any undertaking regardless of their qualification. It appears that the service corps was acting under section 9(4) (c) when it was made compulsory for all corps members to assist the Independent National Electoral Commission in the registration of voters preparatory to the April, 2011 general elections and all other subsequent elections. Thus, we may conclude that the subsection could be invoked in any situation of urgent national need notwithstanding that corps members have already been assigned their primary roles. We state further that in every case, the usefulness and productivity of the corps members should be the focal point when making placement because, in the final analysis, it is the productivity of corps members that determines the achievement of the service corps.

By virtue of section 9(5) of the Act, the service corps shall not be compelled in any manner whatsoever to deploy a corps member to any particular undertaking or project. This provision is aimed at ensuring that the discretion to deploy is unfettered. However, it appears to be a different matter in practice. Corruption and nepotism have changed the order of things. Thus, we see placements of corps members being done without regards to the provisions of this section. Sometimes, in practice, the service corps usually deploys corps members to establishments that make such demands. This does not amount to compelling the service corps as it is in compliance with the spirit and letter of section 9(4) of the Act. Whatever may be the case, an employer of corps members, whether public or private, is under a duty- by virtue of section 9(6) of the Act – to expose the corps members to gainful working experience within their establishment.

3.3 Welfare and Protection of Corps Members

Bearing in mind that persons who are called-up for National service are deployed to states (sometimes far away) other than their state of residence, the policy makers made arrangements for the welfare and protection of such persons (i.e. corps members) within the duration of their service year. Accordingly, an employer of corps members, in determining the seniority of, and the salary or other remuneration, pension and gratuity payable to a graduate who has completed a period of service under the service corps and been duly discharged therefrom, shall take account of that period of service, and such salary or other remuneration, pension and gratuity shall not be less than that normally due to a graduate in comparable employment for the same period as the duration of the first mentioned graduates service in the service corps.²⁶Also, an employer of corps members is under a duty to provide corps members under their employment with basic accommodation and where it is not available pay the minimum sum of two hundred and fifty naira (₦250) only per month in lieu of accommodation; all welfare facilities normally provided for the regular staff including

²⁶NYSC Act 1993, section 18(1).

medical service; and transport or where it is not available, pay the minimum sum of one hundred and fifty naira (₦150) only per month in lieu of transport.²⁷

Given the present day reality, where our Naira is not potent enough to stand the inflation trend, we cannot but say that the sums of money provided for by the Act in lieu of accommodation and transport respectively are grossly inadequate. In some cities like Abuja, Port Harcourt, Lagos, etc., such amounts cannot take care of the daily accommodation and transportation needs of corps members; talk more of their monthly requirements. Perhaps, it is the realization of this that made the management of the service corps increase the minimum monthly allowance in lieu of accommodation to three thousand naira (₦3,000) only and that of transportation to two thousand naira (₦2,000) only.²⁸ Nevertheless, the present increase is inadequate given the reason stated above. Furthermore, most employers of corps members do not feel obliged to provide these basic minimum facilities for corps members. Such employers accept corps members on the condition that they cannot provide for their basic welfare required by the Act, thus giving corps members a take-it-or-leave-it kind of acceptance. This, to a large extent, will militate and is militating against the achievement of the goals of the service corps.

We must here draw attention to section 16 of the Act which empowers the President to make such regulations as may be necessary or expedient for the purpose of achieving the objects of the Act: (a) For proper functioning and conduct of the work of the service corps; (b) Setting out the programmes and schedules for training of the members of the service corps; (c) Specifying the procedure for call-up and the manner in which notification of call-up shall be made to members and prospective members thereof; (d) For providing funds for the use of the Directorate; (e) For the procedure for determining the medical fitness or otherwise of persons to be called-up and the manner in which such matter shall be determined; and (f) Other matters (unless it is otherwise

²⁷NYSC Act 1993, section 18(2).

²⁸ “National Youth Service Corps, Adamawa State (2008 Batch ‘B’) Orientation and Service Guide” (2008).

provided expressly) required to be prescribed by this Act. Furthermore, the service corps is also empowered, subject to the approval of the President, to make bye-laws for (a) the pay, remuneration, allowances, and other emoluments and expenses of corps members; and (b) the general discipline, control and welfare of members of the service corps.²⁹

It is pertinent to note that pursuant to this section, over time there had been approved some stipends as monthly allowance for corps members, the current allowance being nineteen thousand eight hundred naira (₦19,800) only.³⁰ We do not need to go to Beijing or Dubai to realise that the present monthly allowance of corps members is grossly inadequate. We maintain this position for various reasons. First, corps members are graduates of universities, polytechnics and other degree awarding institutions both in Nigeria and abroad. Secondly, corps members, during their service year, could be regarded as federal civil servants.³¹ We stress at this point that the National Youth Service Corps is not 'National Youth Slavery Corps' and as such the present allowance must be revisited and reviewed upward to reflect the status of members of the service corps. The inflationary trend in the country and the fact that our Naira is constantly plunging downwards in terms of value should bear much in our minds, more so as corps members are usually deployed to places far away from their parents and guardians, and from familiar terrains.

²⁹See sub-section (1) and (2) thereof.

³⁰It is also pursuant to the above section that the National Youth Service Corps Bye-laws, which came into effect on June, 1974, were made. This Bye-law contains provisions mainly for discipline of corps members during their stay at the orientation camps and in their places of primary assignment.

³¹ See section 19 of the Act which makes the Public Officers Protection Act, Cap 397, Laws of the Federation of Nigeria, 1990 applicable to corps members. See also s 318 of the Constitution which states that "Public service of the Federation means" the service of the federation in any capacity in respect of the government of the federation and it includes inter alia, members of staff of any commission or authority established for the federation by this constitution or by an Act of the National Assembly. We believe that, by these sections, corps members could be deemed civil servants of the Federation.

A very important issue that comes to mind under this head is that of insurance of corps members. Nowhere in the Act is provision made for the insurance of members of the service corps during their service year. It is, to say the least, very disheartening. Perhaps this was left for the employers of the corps members. Even at that, no direct provision is made. We submit that this is a fundamental error and such must be addressed promptly. It appears however, that the service corps, as a matter of policy, has fashioned out some kind of benefit system that seems like insurance for corps members. For instance, the burial arrangement of any corps member who died during the service year while acting within the confines of his duties or who is involved in an accident during an approved journey is taken charge of by the service corps. Some form of death benefit is also given to the family of the deceased. Also, where a corps member falls ill he is expected to visit any government or military hospital for treatment and thereafter present the necessary documents evidencing his expenses for reimbursement.³²

It is our considered view that the above arrangement is not adequate. For instance, what happens when a corps member is attacked, maimed, robbed, or even sexually harassed to the extent of being raped? We have given an instance above where the lives and properties of corps members are destroyed during the service year. All these and other imaginable instances make up the risks that corps members are exposed to when answering the compulsory national call.

4.1 Reforming the Service Corps: Need to Deviate from the Norm

So far, we have taken out time to critically review salient provisions of the Act with regards to the objectives and membership of the service corps. Although it deserves some kudos as it has to a large extent achieved the goals for its establishment, the service corps appears not properly equipped to face the challenges of current economic needs of the country; hence, its

³²See notes 1 and 28.

continued existence has given rise to some discordant tunes. Some opinion leaders are lavish in their argument for scrapping of the service corps, while others call for a complete reform and repositioning of the service corps to meet present challenges. No one strongly canvassed for scrapping of the service corps than Omeiza, when he stated as follows:

Living in a dynamic world like ours is a challenge and the earlier we realize this dynamism, the better for all of us. The idea behind the establishment of the NYSC may have been eroded by the present hardship that abound in every area of our life, the lack of accommodation for corps members in various states of the federation make a huge mockery of the whole scheme, poor sanitary situation and the lack of portable water in different orientation camps makes the whole scheme a charade and this calls for reform or outright cancellation of the scheme. A trip to different orientation camps is a testimony to the fact that the scheme has turned a moral burden on our leaders. In fact, discussing experiences with fellow corps members from different states shows a uniformity of feelings that the government lack ideas as to how best it could make the scheme work. Suffice to say then that abolishing it would be more meaningful to youths who are exposed to ill-treatment emanating from lack of accommodation, poor sanitary condition and harsh weather.³³

Akukwe, after relishing the memories of his days as an ex-corps member, appear to have led the argument for a reform of the service corps. Hear him:

The original founders of NYSC had a great idea of forging national unity during the most formative years of life. However, senseless slaughter of innocent Nigerians is extremely unacceptable. Targeting well educated, almost penniless young Nigerians, providing critically needed service in a ritual of senseless

³³See note 17.

bloodletting can never be tolerated. Targeting well educated young Nigerians providing virtually free service is inherently hideous and barbaric. That all sponsors of these bloodletting rituals have gone unpunished in the past and are likely to remain unpunished in this latest bloodletting is nerve wracking. It is now time to conduct an independent comprehensive review of the NYSC scheme. The review of the NYSC should proceed in three basic stages. First, the government of Nigeria should conduct an immediate program audit of the NYSC scheme. Second, a transparent public review of the NYSC should take place. Third, conclusions from the program audit and public review should inform legislative amendments to the NYSC Act.³⁴

From the foregoing arguments, it is observed that the real issue in contention is centred on corps members' security and welfare. This is not surprising because, corps members are undoubtedly at the heart of the service corps. They are the means to the ends of the service corps and the ends of the service corps are means in themselves to the attainment of sustainable economic development of the entire nation. Thus, their security, welfare and development cannot be taken for granted. Although we concede that the service corps appears to have largely achieved its primary objective, we are of the firm opinion that the service corps should now shift to other objectives such as youth development and economic empowerment so as to foster sustainable economic development. It is in the light of the above that we join forces with those calling for reform of the service corps and we adopt the approach suggested by Akukwe subject to the recommendations we shall make later. Let us hasten to note the middle course towed by a blogger on the Heal Nigeria Blogspot when he stated:

³⁴ Akukwe C., 'Reform the National Youth Service Corps' in <http://www.nnaab.edu.ng/community/blog/2011/05/03/reform-the-national-youth-service-corps/>, accessed on 27 October, 2015.

Going forward I will suggest three options to the government. The first option is for government to provide adequate funding for Corp members' welfare and basic amenities. The second option is to make the program voluntary. This still provides an opportunity for graduates who are keen to undertake a "national service" and explore other parts of Nigeria. The program should also be more flexible to allow Corp members to move between states within the service year in order to broaden their exposure. The third option is total cancellation of the program - which I don't think is a good idea because of its wider benefits.³⁵

Ogunro seems to have placed the issues in the right perspective when he said:

Gen. Gowon deserves kudos for making national integration one of the key goals of the NYSC, but the challenges facing the country, especially the youth today are deep and more complex than integrating the different segments of our society. The number one concern of young Nigerians today is lack of jobs. Among graduates, this is usually the result of low capacity, or not having the right kind of training that the market requires. It has got so bad that if a reputable company or government agency should advertise 10 vacancies, tens of thousands of applicants are likely to turn up. No nation can make real progress when its most important resources, its youthful population, are not at work. Resolving this low capacity puzzle will take a multi-sectoral approach, with the university education playing the lead role. It may require reviewing our current curriculum to prioritize training that will produce job creators rather than job seekers.

³⁵ "National Youth Service Corps Program," <http://healnigeria.blogspot.com/2009/07/national-youth-service-corps-program.html>, accessed on 19 October, 2015.

But that is the world as it should be. What can we do now? What role can the NYSC play to help close the skill gap and prepare our young graduates for a life of productivity and employment?³⁶

We must reiterate that for any reform of the service corps as it stands today to be of any relevance, such reforms must be one that positions it to be a useful instrument for economic development of the nation and the reform must be hinged on corps members' security, welfare and development. At this point, we must note some efforts to reform the NYSC by the government.

In 2011, the then Minister of Youth and Development (Bolaji Abdulahi) initiated a reform process of the NYSC geared towards national integration and youth empowerment. To achieve this, the reform focused on effective regulation of the posting process by ensuring that corps members are posted to the areas of rural health, primary and secondary education, rural infrastructural development and agricultural development.³⁷ The new reform further aimed at discouraging highly placed government officials and influential members of the society from seeking concessionary posting for prospective corps members, specifically to metropolitan cities like Abuja, Lagos and others contrary to the spirit of the service corps.³⁸ The said reforms also saw the need to appoint new directors in addition to those already in the service corps. This was to ensure effective management of the service corps.³⁹

We must commend the efforts and the actions of the government on this score, through its youth development ministry, geared towards reforming the service corps. It is, however,

³⁶ Ogunro, J. 'The Future of NYSC' in http://newsdiaryonline.com/julius_youth.htm, accessed on 20 October, 2015.

³⁷ "Federal Government Announces New NYSC Posting Policy," <http://www.dev.saharareporters.com/nees-page/federal-government-announces-new-nysc-posting-policy?> accessed on 22 October, 2015. See also Iyaji A., "NYSC Reforms, a Welcome Relief," <http://blueprinting.com/?p=1480>, accessed on 25 October, 2015.

³⁸ Ibid.

³⁹ Ibid.

painfully observed that as beautiful as the said reforms were presented, they did not speak of and achieve anything new, particularly in respect of the deployment of the members of service corps. In fact, it has always formed the objectives of the service corps as contained in section 1 of the Act. These are issues which the service corps has concerned itself with over the years – national integration. Although, the reform spoke about youth empowerment, it did not reflect adequate measures for so empowering the youths other than emphasizing skills acquisition as part of the orientation programme. Again, this is not new, experience have shown that these issues have always formed the modus of the orientation programme.

We have said earlier that any reform which undermines the need to position the service corps to contribute effectively to the economic development of the country is no reform at all. The best way to so position the service corps would be to ensure that the corps members, who are the ultimate agents of economic development, are properly developed. Such development will not come by closely regulating the deployment pattern of the service corps and by ensuring corps members' skills acquisition within the three weeks orientation alone. Such development must include the entire wellbeing of corps members, both in the orientation camps and in their places of primary assignment. Thus, issues such as welfare of corps members, security of corps members, and economic empowerment of corps members in its true sense must take the centre stage of any meaningful reform. All these zero down to adequate motivation of corps members, who we regard as the agent of economic development being educated youths. This is because there is an inseparable link between the economy and the educated youths.⁴⁰ The youths remain the engine room of growth and the way they are handled by the government could bring hope or doom to a nation. Furthermore, youths with contaminated orientation or views probably from the service year could transfer

⁴⁰ Ozturk, I. "The Role of Education in Economic Development: a Theoretical Perspective," <http://www.mpra.ub.uni-muenchen.de/9023/>, accessed on 18 October, 2015.

such view to whatever sector they find themselves and this is the very reason why we are where we are.

We must again, at this point, note some efforts this time by legislators sponsoring different Bills for the amendment of the National Youth Service Corps Act to allow for *inter alia*, improved welfare and economic empowerment of corps members so they could become change agents upon completion of the programme. We note first the Bill sponsored by Senator Stella Oduah in 2015 seeking to amend the NYSC Act to “provide for the free and compulsory acquisition of vocational skills by corps members as a solution to the perennial problem of unemployment.”⁴¹ This bill proposes that the service year be split into two, with not less than three months of the year to be reserved for the skill acquisition programme⁴² while the rest of the year will be taken up by the usual corps members’ employment experience at their places of primary assignment.⁴³

The Bill also states that 20% (twenty percent) of the allowances due to each corps member should be deducted and placed in an interest-yielding account, such money to be paid back to the corps member at the end of the service year to serve as “seed money for business start-up.”⁴⁴ This Bill is laudable as it schedules a quite reasonable period of time for skill acquisition by corps members in skill domains of their choice. This will go a long way towards empowering them and is a right step in deviating from the norm of past reforms. However, the idea of putting aside 20% of the current allowances due to corps members seems nothing but laughable since the current allowance of nineteen thousand eight

⁴¹ Explanatory Memorandum, A Bill for an Act to Amend the National Youth Service Corps Act, CAP. N84, LFN, 2004 to Provide for Free and Compulsory Acquisition of Vocational Skills by Corps Members, and for Such Related Matters- National Youth Service Corps (Amendment) Bill 2015, SB. 147. (On file with authors).

⁴² 82 Skills Domains for Vocational Training are set out in the Schedule to the Bill.

⁴³ See the proposed new section 5(5) of the NYSC Act as set out in the Bill.

⁴⁴ See the proposed new section 5(8) and (9) of the NYSC Act as set out in the Bill.

hundred naira (₦19,800) only is already not enough to cater for the needs of the corps members.

There is also a Bill before the House of Representatives (HB. 514) sponsored by Hon. Mohammed Garba Gololo i.e. the National Youth Service Corps (Amendment) Bill 2016,⁴⁵ which seeks first, among others, to change the name of the Corps to the National Youth Service and Empowerment Corps (NYSEC)⁴⁶ with one of the objectives of the “new” service and empowerment corps being to “enable Nigerian Youths acquire the spirit of self-reliance by encouraging them to develop skills for self-employment.”⁴⁷ Under the NYSEC, the service year is to be broken into two halves of six months each, the first six months is for national service as usual while the last six months will see all corps members return to the orientation camps for entrepreneurship development and skill acquisition, which forms the empowerment phase of the programme.⁴⁸ Upon completion, a loan of one million naira (₦1,000,000) only is to be given to each corps member, payable after five years which will act as start-up capital and a means of empowerment of the corps members.⁴⁹

This Bill also increases the minimum annual subvention from a State governor to a state governing board of the NYSEC from five hundred thousand naira (₦500,000) only to five million naira (₦5,000,000) only.⁵⁰ In the same vein, the Bill increases the minimum amount to be paid to each corps member by an employer in lieu of the provision of basic accommodation and transport from two hundred and fifty naira (₦250) only to twelve thousand naira

⁴⁵ A Bill for an Act to Amend the National Youth Service Corps Act to Reflect the Underlined, Specify the Objectives of the Corps and the Condition of Service and Empowerment of Corps Members under the Corps and for Related Matters. (On file with authors).

⁴⁶ See section 1(1) of the Bill.

⁴⁷ See section 1(3) (d) of the Bill. One of the aims of the NYSC as re-conceptualised under this Bill is “the empowerment of the Nigerian Youth in order that they be self-employed and self-reliance.”

⁴⁸ See section 4(i) of the Bill.

⁴⁹ The loan is not to attract any interest. See section 4(i)-(iii) of the Bill.

⁵⁰ See section 6(3) of the Bill.

(~~₦~~12,000) only,⁵¹ and from one hundred and fifty naira (~~₦~~150) to seven thousand five hundred naira (~~₦~~7500) only, respectively.⁵²

This Bill by Hon. Gololo trows the line taken by that by Senator Oduah in emphasising skill acquisition by corps members as a means of empowering them, a providing for compulsory skill acquisition for them, this time for six months and in the orientation camps. The present writers do not see how feasible organising the proposed skill acquisition programmes in the orientation camps will work as virtually all the camps are in a state of disrepair with very poor facilities. The rooms are over-crowded and proper bathroom and toilet facilities are non-existent. The food served is also not appealing. Corps members often cannot wait to depart from the camps because of all these. Except a major overhaul is undertaken in all orientation camps in the country, the feasibility of holding such a lengthy programme there is bleak. Perhaps the proposed increased minimum annual subvention by state governors will go to improving the facilities and the welfare of corps members in the camps, that is, if the governors honour their commitments. The increase in the accommodation and transport allowance is also very commendable. Employers may balk at paying this citing economic hardship (many do not already pay the current amount for the same reason). However, putting a reasonable minimum in law would help to create a sense of obligation in the employers to so pay.

There is yet another Bill for the amendment of the extant NYSC Act before the House of Representatives, this Bill seeking an increase in the monthly allowances due to corps members from the current nineteen thousand eight hundred naira (~~₦~~19,800.00).⁵³ This Bill, sponsored by Hon. Joan Mrakpor, also seeks the provision of mandatory life insurance for corps members and

⁵¹ See section 17(a) of the Bill.

⁵² See section 17(c) of the Bill.

⁵³ Awosiyon K., "House of Reps Passes Bill Seeking Increment of Corps Member's Allowance," www.silverbirdtv.com/education/10836-house-reps-passes-bill-seeking-increment-corps-member-s-allowance," accessed 30th November, 2016. It should be noted that this Bill was only passed for third reading.

access to loans for corps members who acquired special business skills during the service year.⁵⁴ All these are to go towards enhancing the welfare of the corps members. This Bill, we submit, has a lot of potential as it addresses one of the sorest issues for corps members presently- their very inadequate monthly allowance. It also seeks to provide for insurance for corps members, this time mandatory life insurance, which is very much needed as we have canvassed above. However, it fails to deal some other aspects of insurance needed such as health, fire and even motor vehicle insurance. Insurance provided for corps members for the duration of their service year should be comprehensive.

It is important to at this juncture to note a Bill for the amendment of the NYSC Act⁵⁵ that came before the Nigerian Senate in 2012 which was rejected.⁵⁶ The Bill was sponsored by Senator Olubunmi Adetunmbi and it sought among others, to prohibit the posting of corps members to states where conflict⁵⁷ exists.⁵⁸ The Bill also sought to provide for health and life insurance cover for the corps members,⁵⁹ and to increase the accommodation and transport allowance due to them from employers to five thousand naira (₦5,000) only and three thousand naira (₦3,000) only, respectively.⁶⁰ Members of the Senate rejected the Bill because they argued that the changes sought could be effected through administrative means and thus there was no

⁵⁴ Ibid.

⁵⁵ National Youth Service Corps (Amendment) Bill 2011- A Bill for an Act to Amend the National Youth Service Corps Act, CAP. N.84 LFN 2004 (SB.70- on file with authors).

⁵⁶ "Senate Rejects Bill to Avert NYSC Members Postings to Restive Northeast," www.gistmania.com/talk/topic,93838.0.html, accessed 30th November, 2016.

⁵⁷ "Conflict" was defined in the Bill to mean "ethnic, religious or commercial conflict in any part of the state resulting in a breakdown in law and order." See section 9 of the Bill.

⁵⁸ Corps members posted to such states, or a state where conflict suddenly erupts, could reject such posting. See section 2 of the Bill.

⁵⁹ See section 9 of the Bill.

⁶⁰ See section 7 of the Bill.

need for an amendment of the Act.⁶¹ They took this view because an amendment of the NYSC Act would necessitate an amendment of the Constitution of the Federal Republic of Nigeria (CFRN)1999 (as amended),⁶² going by the provisions of section 315(5) of the Constitution.⁶³ This, the present writers believe, they wanted to avoid as it is quite a tedious process.

⁶¹ The then President of the Senate, David Mark, especially noted that it would be wrong to amend the NYSC Act because of insecurity as it was only temporary.

⁶² See "Senate Rejects Bill," note 58 above.

⁶³ Section 315 (1)-(4)CFRN 1999 (as amended) saves existing laws in force immediately before the provisions of the Constitution came into force, such laws being allowed to continue to have effect subject to modifications by the relevant authorities. In Section 315(5), specific statutes are named, among which is the NYSC Act. According to that sub-section, nothing shall invalidate those statutes and their provisions shall "continue to apply and have full effect in accordance with their tenor and to the like extent as any other provisions forming part of the Constitution and shall not be altered or repealed except in accordance with the provisions of section 9(2) of the Constitution." Thus section 9(2) which provides an inflexible procedure for the amendment of the Constitution must be complied with for any amendment of the NYSC Act to be legal. It is noted that the NYSC Act and others so named in section 315(5) are not integral parts of the Constitution but have been expressly named and incorporated in the Constitution because of their importance. This is informed by the decision of the court in *Babalola vs Obaoku-Ote* (2005) 8 NWLR (Pt927) 386, where Adekeye, JCA (Justice of the Court of Appeal) while construing similar provisions in section 274 of the defunct 1979 Constitution as it relates to the Land Use Act (another named statute) stated thus:

The Land Use Act, 1978 was not invalidated by the 1979 constitution and by virtue of section 274(5) of the 1979 constitution; the Land Use Act was incorporated into the provisions of the constitution to the like extent as any other provisions forming part of the constitution. However, the Land Use Act is not an integral part of the constitution and could not whittle down or override any provisions of the constitution. Where the provisions of the Act are found to be inconsistent with those of the constitution then, those in conflict with the constitution are to that extent void.

In reaching the above decision, the Learned JCA relied on an earlier Supreme Court decision in the case of *Nwokocha vs. Gov., Anambra State* (1984) All NLR 324; (1984) SC 542, where Eso JSC (Justice of the Supreme Court) held that the Land Use Act, though entrenched in the constitution by virtue of section

The implication of the above is that the current attempts at amending the Act will be exercises in futility if the provisions of section 315(5) of the Constitution are not complied with. That being said, we do not agree with the Senate that a mere administrative means can be used to bring about necessary reforms such as the provision of insurance cover and then an increase in the accommodation and transport allowances that were expressly specified in the extant Act. To avoid the inflexible and time-consuming procedure for constitutional amendment envisaged by section 315(5) of the Constitution,⁶⁴ an administrative action coupled with a subsidiary legislation made pursuant to section 16 of the Act will suffice to bring about some of the proposed amendments especially those that are in line with the spirit and letters of the Act, like providing for a mandatory insurance scheme for corps members. However, for the allowances, we believe that an alternative measure will be to amend the Act in order to totally remove the specified amount and make that provision of the Act very flexible. This measure will make it easier for the NYSC Directorate to adapt the allowances to prevailing economic circumstances and the state of the naira at any time. This would show serious commitment to improving the welfare of the corps members and also a commitment to the entire NYSC scheme.

5.1 Recommendations and Conclusion

We commend the current Bills before the National Assembly seeking in one way or the other an amendment of the NYSC Act.

274(5) of the 1979 constitution, is not part of the constitution. Undoubtedly, what the appellate courts say above about the Land Use Act applies with equal force, *mutatis mutandis*, on the NYSC Act.

⁶⁴ The preferred mode for amending/altering the laws named in section 315(5) of the Constitution amongst which the NYSC Act is one, is the procedure outlined in section 9(2) of the Constitution. This is as expressly stated in section 315(5). Section 9(2) of the Constitution reads thus: "An Act of the National Assembly for the alteration of this Constitution, ... shall not be passed in either House of the National Assembly unless the proposal is supported by the votes of not less than two-thirds majority of all the members of that House and approved by resolution of the Houses of Assembly of not less than two-thirds of all the States."

They all have their merits as we have recognised above. We however recommend a consolidation of all the Bills into one comprehensive Bill instead of splitting the efforts towards a reform of the current law. To be valid, the provisions of section 315(5) of the Constitution must be complied with.

The above Bills have done considerable work on proposing an empowerment phase of the NYSC programme which will equip corps members with needed skills to survive in a tough labour market and even become job creators themselves. However, we still find some gaps as to the welfare of corps members which we believe can be plugged. Taking the welfare of corps members seriously we believe begins from an overhaul of the present facilities in the orientation camps. There is serious work to be done in that area. Another salient issue is that of the pauperized stipends/monthly allowances for corps members. In this regard, we humbly recommend that a salary scale equivalent to that of Grade Level 7 and 8 in the Federal Civil Service be paid to corps members depending on whether they are graduates of polytechnics and Universities respectively. However, such amounts should not be completely paid directly to corps members. A large percentage of the wage should be reserved and paid to individual members at the end of each service year. This will enable them to start up viable economic venture based on the skills acquired during the proposed empowerment phase of the NYSC programme. This perhaps will be more feasible than granting a one million naira loan to all corps members every given year. No doubt this will call for monitoring of such corps members by the service corps after their service year. We believe this can be easily achieved in collaboration with other agencies saddled primarily with poverty alleviation and job creation. This will go a long way to empower Nigerian educated youths who would have been transformed to job creators rather than seekers at the end of their service year and bring about sustainable economic development of the entire nation.

We also advocate the establishment of a concrete and continuous insurance scheme encompassing life insurance, health insurance, fire insurance, and motor vehicle insurance to be called 'National Youth Service Corps (Corps Members) Insurance

Scheme.’ This is as against only the provision of mandatory life insurance. This will take care of the risks which corps members are exposed to during the service year while acting within the confines of their legitimate duties. The working of such scheme must involve a collaboration of efforts by government at all levels and the organised private sector. Therefore, dialogue and negotiations amongst those concerned must precede the establishment of such scheme. Although, some of the proposed reforms could be achieved through a subsidiary legislation, we believe that an amendment of the Act, which complies with section 315(5) of the Constitution, will better serve the very comprehensive reforms being proposed.

A program that was created over forty years ago for sure needs a review. The current challenges being faced by the service corps should not be allowed to erode its enormous benefits. The service corps has largely achieved its objectives despite these challenges. It is also one of the agencies of government in Nigeria that still wields substantial relevance in our quest of economic development. It is concerned about educated youths who form the fulcrum and engine room for economic development. Some of the reasons for starting the service corps are likely to be irrelevant today, thus, the need for repositioning and restructuring of the service corps cannot be wished away. We believe that a reform structured along the lines of our foregoing recommendations will see to it that the service corps takes its pride of place in the economic development of our great nation.