

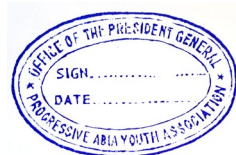


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**MEMORANDUM RECOMMENDING YOUTH INCLUSION,
SOLE CANDIDACY, NOMINATION OF CANDIDATES FOR
INEC NATIONAL CHAIRMAN AND NATIONAL ASSEMBLY
PROCEDURE FOR SELECTION, AND OTHER MATTERS**

**PROPOSAL TO THE HOUSE COMMITTEE ON
CONSTITUTION AMENDMENT**

**SUBMITTED BY DABERECHI KINGSLEY EKEJIUBA
PRESIDENT, THE PROGRESSIVE ABIA YOUTHS
ASSOCIATION**



09/04/2024

1. INTRODUCTION

The Progressive Abia Youth Association (PAY) being a youth-led organization recognize the role of Nigerian Youths in promoting peace and progress in the country. As a non-partisan organization and an active stakeholder in the electoral system, PAY acknowledges the significant duties of the Independent National Electoral Commission (INEC) and the need to ensure that such institution playing visible roles in the foundation of our electoral democracy is exceptionally managed.

In response to the yearning for qualitative youth representation and the call for free, fair, inclusive, violent-free and credible elections in Nigeria and taking advantage of the ongoing constitution review championed by the house of representatives, PAY took it up as a duty to come up with a memorandum in support of the constitutional amendment proposal to fortify Nigeria's electoral democracy and ensure youth inclusion.

In doing this, it has drawn inferences, making recommendations for:

- 1.1** Modification of **section 131(b) and (c)** and any other relevant provision of the constitution to set a minimal age of 35 years for aspirants to the office of the President, Federal Republic of Nigeria, and accommodate sole candidacy for Presidential candidates not sponsored by a political party.
- 1.2** Amendment of **section 131(d)** and any other relevant provision of the constitution to set a minimum requirement of a university or polytechnic or college degree, and national service for election to the office of the President and every other elected office in Nigeria.
- 1.3** Modification of **section 142(1)** to provide for nomination of a vice presidential candidate for a sole presidential candidate.
- 1.4** Amendment of **section 154(1) and (3)** to
 - a. exclude the Independent National Electoral Commission (INEC) as a Federal Executive Body.
 - b. mandate registered political parties to nominate candidates for the chairman of the independent national electoral commission not later than 90 days before the expiration of the tenure of the commission's chairman. empower the President to appoint the chairman after thorough screening of all nominees for the chairman of the independent national electoral commission by the National Assembly within 30 days of receiving the list of successfully screened nominees.

1.5 Amendment of **section 177 (b) (c) (d)** to set minimum age requirement to 30 years, give room for sole candidacy and set a minimum educational requirement of a university or polytechnic or college degree and a proof of national service at the Nigeria Youth Service Corps (NYSC)

1.6 Amendment of **section 198** to:

- a. exclude the State Independent Electoral Commission (SIEC) as a State Executive Body.
- b. mandate registered political parties' state chairmen to nominate candidates for the chairman of each state's independent electoral commission not later than 90 days before the expiration of the tenure of the state commission's chairman. Empower the Governor to appoint the chairman after thorough screening of all nominees for the chairman of the state independent electoral commission by the State House of Assembly.
- c. Amendment of **section 221(1)** to include candidates' campaign organizations and provide a regulatory framework for campaign organizations.

All of the aforementioned constitutional concerns are currently relevant to the improvement of electoral outcomes and the inclusion of the industrious Nigerian youth.

The progressive Abia youths who are delivering this memorandum through the office of her president have meticulously analyzed and endorsed the pertinent legal provisions. Drawing from our experience and verifiable data, we view the recommendations advocated herewith as expedient to enhancing the status quo of elections and governance in Nigeria.

2. SECTION 131

Background

2.1 The Federal Republic of Nigeria, as a democratic nation is designed with a constitutional priority of promoting the good government and welfare of all persons in Nigeria, on the principles of freedom, equality and justice, and for the purpose of consolidating the unity of the Nigerian people; continually seeking to enhance its governance structures to ensure effective leadership and representation. One crucial aspect of this enhancement is the eligibility criteria for individuals aspiring to the highest office in the land—the Presidency. According to the national youth survey by National Bureau of Statistics (NBS, 2020), the population of Nigerians 35 years and below is 74.22 percent of the entire population. In the 2023 elections, the Independent National Electoral Commission INEC reckoned that more than 50% of registered voters were less than 40 years old. Despite their large population, Nigerian youths are being constitutionally relegated to second fiddle roles with the age limitation for presidential, governorship and legislative office aspirants.

Additionally, changing dynamics in global leadership and significance of intellectual dexterity in 21st century leadership calls for an improvement in educational standards for aspirants to the office of the President, Federal Republic of Nigeria.

In this proposal, we advocate for a constitutional amendment aimed at setting stringent yet pragmatic qualifications for presidential candidates, with the primary goal of institutionalizing competence, integrity, and national service ethos in leadership.

In light of the above, section 131(a), (b), (c), (d) provides thus -

131. A person shall be qualified for election to the office of the President if -

(a) he is a citizen of Nigeria by birth;

(b) he has attained the age of forty years;

(c) he is a member of a political party and is sponsored by that political party; and

(d) he has been educated up to at least School Certificate level or its equivalent.

Proposed Amendments:

2.2 Minimum Age Requirement: The proposed amendment for **131(b)** suggests setting a minimum age of 35 years for individuals aspiring to the office of the President of Nigeria. This age requirement opens a great opportunity for the youth while ensuring that candidates possess a certain level of maturity, experience, and judgment necessary for effective leadership at the highest level of government.

2.3 Sole Candidacy Provision: The amendment also seeks to accommodate sole candidacy **131(c)** for presidential candidates not sponsored by a political party. This provision allows independent candidates to contest for the presidency without the need for party affiliation, thereby promoting inclusivity and expanding the pool of potential candidates. This amendment became necessary due to the consistent inconsistency of political ideology attributable to political parties in Nigeria.

2.4 Educational Qualification: To guarantee a certain level of intellectual capacity and educational attainment, the proposal recommends a minimum requirement of a university, polytechnic, or college degree for presidential candidates **131(d)**. This qualification ensures that candidates possess the necessary knowledge, skills, and critical thinking abilities to navigate the complexities of 21st century governance effectively.

2.5 National Service Requirement: Additionally, the amendment proposes a mandatory national service requirement for individuals seeking election to the office of the President and every other elected office in Nigeria **131(e)**. This requirement underscores the importance of civic responsibility, patriotism, the Pan- Nigerian spirit, and commitment to Nigeria's development agenda among political leaders.

The proposed modifications are reflected in the following or similar terms -

131. A person shall be qualified for election to the office of the President if -

(a) he is a citizen of Nigeria by birth;

(b) he has attained the age of thirty-five years;

(c) he is a member of a political party and is sponsored by that political party or a sole candidate;

(d) he has been educated up to at least a university degree or its equivalent; and

(e) he has served with the National Youth Service Corps (NYSC).

Validation:

The rationale behind these proposed amendments is rooted in the imperative of ensuring competent, qualified, inclusive and dedicated leadership in Nigeria. By setting minimum age, educational, and national service requirements that reflects a shared vision for a united Nigeria, the constitution will elevate the quality of candidates vying for elected offices, particularly the presidency. Furthermore, the provision for sole candidacy offers greater flexibility and inclusivity in the electoral process, empowering individuals outside traditional party structures to participate in nation-building.

The proposed constitutional amendments outlined above represent a pivotal step towards enhancing the quality of leadership and governance in Nigeria.

3. SECTION 142

Background

3.1 With the proposed amendment to **section 131(c)** to accommodate sole candidacy for presidential elections, it becomes imperative to modify **section 142(1)** for which **section 131(c)** is a forerunner.

2.6 Section 142(1) provides thus-

(1) In any election to which the foregoing provisions of this Part of this Chapter relate, a candidate for an election to the office of President shall not be deemed to be validly nominated unless he nominates another candidate as his associate from the same political party for his running for the office of President, who is to occupy the office of Vice-President and that candidate shall be deemed to have been duly elected to the office of Vice-President if the candidate for an election to the office of President who nominated him as such associate is duly elected as President in accordance with the provisions aforesaid

Proposed Amendment

3.2 Vice presidential candidate for a sole candidacy: Selecting a vice presidential candidate is very crucial for the sole aspirant to fulfil constitutional demands. The vice presidential candidate should embody qualities of competence, integrity, and a deep commitment to national service, mirroring the values espoused by the presidential hopeful. Therefore, the choice of a vice presidential candidate in a sole candidacy scenario is not merely about filling a slot, but about selecting a capable individual who can effectively collaborate with the presidential nominee in steering the country towards progress and prosperity. This is not inconsistent with expectations from vice presidential candidates nominated by political parties.

The proposed modifications are reflected in the following or similar terms -

142 (1) In any election to which the foregoing provisions of this Part of this Chapter relate, a candidate for an election to the office of President shall not be deemed to be validly nominated unless he nominates another candidate as his associate from the same political party, or from another region for a sole candidate, for his running for the office of President, who is to occupy the office of Vice-President and that candidate shall be deemed to have been duly elected to the office of Vice-President if the candidate for an election to the office of President who nominated him as such associate is duly elected as President in accordance with the provisions aforesaid.

Validation:

In the context of a sole candidacy, the selection of a vice presidential candidate carries significant weight, representing a critical complement to the presidential aspirant's vision and leadership. In addition to constitutional correctness, it is essential for a sole presidential candidate to select a vice presidential candidate from another region in Nigeria to symbolize the diversity of the Nigerian people.

4. SECTION 154

Background

4.1 The Independent National Electoral Commission (INEC) plays a crucial role in ensuring the integrity and fairness of elections in Nigeria. Following the myriad of challenges that characterized the 2023 elections, concerns have been raised regarding INEC's perceived independence, integrity and the process of selecting its chairman and national commissioners. Recent appointments to the office of INEC chairman and national commissioners made by former presidents were deemed partisan as affirmed by the nomination of members of political parties and political affiliates to lead the electoral commission. In response to these concerns, there is dire need to facilitate a constitutional amendment that will address these issues by redefining the status of INEC, transferring the responsibility of nominating and affirming the INEC chairman and national commissioners to political parties and the national assembly respectively. Summarily, this entails setting a timeline for the nomination of INEC chairman by political parties, and empowering the National Assembly with the sole responsibility of electing the INEC national chairman.

With reference to the 1999 constitution (as amended), **section 154(1) and (3) corroborating section 153(1)** states thus-

154. (1) Except in the case of ex officio members or where other provisions are made in this Constitution, the Chairman and members of any of the bodies so established shall, subject to the provisions of this Constitution, be appointed by the President and the appointment shall be subject to confirmation by the Senate.

(3) In exercising his powers to appoint a person as Chairman or member of the Independent National Electoral Commission, National Judicial Council, the Federal Judicial Service Commission or the National Population Commission, the President shall consult the Council of State.

Proposed Amendment

4.2 Exclusion of INEC as a "Federal Executive Body"

The proposed amendment seeks to redefine the status of INEC by excluding it from being categorized as a Federal Executive Body alongside National Judicial Council (NJC), the Federal Judicial Service Commission (FJSC) and the National Population Commission (NPC) in **sections 153(1), 154(1) and 154(3)**. While INEC currently operates with a certain degree of autonomy, the term 'independent institution' should imply complete separation from executive influence and interference which does not accurately reflect INEC's current status. By removing this classification, the leadership of INEC will have more flexibility to carry out its activities while upholding transparency and accountability in its operations being completely accountable to Nigerians and the national assembly.

4.3 A Mandate for registered political parties to nominate candidates for the chairman of INEC 90 days before the expiration of the tenure of the commission's substantive chairman. These nominees shall be screened by the National Assembly, and consequently, one of such Nominees shall be appointed by the President.

Under this proposed amendment, registered political parties will be required to nominate candidates for the chairman of INEC within a specified timeframe. This timeframe, set at 90 days before the expiration of the tenure of the commission's substantive chairman aims to ensure complete closure of the preceding election and expedite the process of selecting a chairman and ensuring continuity in INEC's leadership. By enforcing a clear deadline for nominations, this provision will prevent delays and uncertainties in the appointment of the INEC chairman, thereby enhancing the commission's effectiveness and credibility. The proposal retains the original term of 5 years for the appointed chairman.

The proposed modifications are reflected in the following or similar terms -

154. (1) Except in the case of ex officio members or where other provisions are made in this Constitution, the Chairman and members of any of the bodies so established except the Independent National Electoral Commission (INEC) shall, subject to the provisions of this Constitution, be appointed by the President and the appointment shall be subject to confirmation by the Senate.

(3) In exercising his powers to appoint a person as Chairman or member of the National Judicial Council, the Federal Judicial Service Commission or the National Population Commission, the President shall consult the Council of State.

(4) For the purpose of appointing the chairman of the Independent National Electoral Commission (INEC) as established in 151(1)(f), registered political parties shall nominate candidates for the position not later than 90 days before the expiration of the term of office for the sitting chairman.

(5) The national assembly shall screen the candidates at a joint sitting and;

(6) The chairman of the Independent National Electoral Commission shall be appointed by the President from one of the successfully screened nominees;

(7) Provided that such appointment shall be done within 30days of transmission of the list of successfully screened nominees to the President.

Conclusion:

The proposed constitutional amendment on the independence of INEC and the selection process for its chairman reflects a commitment to enhancing the integrity and effectiveness of Nigeria's electoral system. By redefining INEC's status, opening up INEC Chairman's selection process to Nigerians, setting clear timelines for chairman nominations, and empowering the National Assembly in the selection process, the amendment will address concerns regarding INEC's independence and the transparency of its leadership appointments. Ultimately, the objective of this modification is to strengthen public trust in the electoral process and uphold the democratic principles enshrined in Nigeria's constitution.

5. SECTION 177

Background

5.1 The 36 states, as subunits of the Federal Republic of Nigeria, have a unique role in modeling the Nigerian constitution as an authentic guide in their quest to promote the good government and welfare of all persons in the 36 federating units on the principles of freedom, equality, and justice, and for the purpose of consolidating grassroots development. Similar to **section 131**, a critical concern in this discussion is the eligibility criteria for individuals aspiring to the highest office in the states—the governorship.

Motivated by changing dynamics in global leadership and the significance of intellectual dexterity in 21st century leadership, we propose a constitutional amendment aimed at setting stringent yet pragmatic qualifications for governorship candidates, with the primary goal of institutionalizing competence, integrity, and national service ethos in state leadership.

In light of the above, section 171(a), (b), (c), (d) provides thus -

177. A person shall be qualified for election to the office of Governor of a State if

(a) he is a citizen of Nigeria by birth;

(b) he has attained the age of thirty-five years;

(c) he is a member of a political party and is sponsored by that political party; and

(d) he has been educated up to at least School Certificate level or its equivalent.

Proposed Amendments:

5.2 Minimum Age Requirement: The proposed amendment for **171(b)** suggests setting a minimum age of 30 years for individuals aspiring to the office of the governor of any of the 36 states and minister of the FCT as outlined in part one of the first schedule of the 1999 constitution (as amended).

5.3 Sole Candidacy Provision: The modification also seeks to accommodate sole candidacy in section **177(c)** for governorship candidates not sponsored by a political party. This provision allows independent candidates to contest for governorship elections without the need for party affiliation. This amendment became necessary due to the consistent inconsistency of political ideology attributable to political parties in Nigeria.

5.4 Educational Qualification: To deal with the intellectual demands of 21st century leadership, the modification recommends a minimum requirement of a university, polytechnic, or college degree for governorship election candidates **177(d)**. This qualification ensures that candidates possess the necessary knowledge, skills, and critical thinking abilities to navigate the complexities of 21st century governance effectively.

5.5 National Service Requirement: In order to ensure a patriotic mindset and foster the Pan-Nigerian spirit, the amendment proposes a mandatory national service requirement for individuals seeking election to the office of the governor of a state in the federal republic of Nigeria.

The proposed modifications are reflected in the following or similar terms -

177. A person shall be qualified for election to the office of Governor of a State if

(a) he is a citizen of Nigeria by birth;

(b) he has attained the age of thirty years;

(c) he is a member of a political party and is sponsored by that political party or a sole candidate;

(d) he has been educated up to at least a university degree or its equivalent; and

(e) he has served with the National Youth Service Corps (NYSC).

Conclusion:

The urgency of guaranteeing capable, qualified, inclusive, and committed leadership in every part of Nigeria serves as the foundation for the reasoning behind these suggested amendments. The constitution would improve the caliber of candidates running for elected offices in the 36 states, by establishing an inclusive minimum age, educational, and national service standards that represent a common vision for a united and progressive Nigeria. The proposal for a single candidacy seeks to promote greater inclusivity and flexibility in the electoral process, enabling people outside of established party organizations to take part in the development of Nigeria's electoral democracy.

6. SECTION 198

Background

6.1 Guaranteeing the independence of the State Independent Electoral Commission (SIEC) is essential for developing our electoral democracy. In recent times, the state division of INEC has been nothing short of a political tool used by state governors to install political loyalists and puppets as local government chairmen and ward councilors. Against this backdrop, it becomes imperative to grant absolute independence to the state electoral commission to ensure that grassroots elections are free, fair, and credible. This modification seeks to define a holistic system for administering the state independent electoral commission across the 36 states in Nigeria.

6.2 **Section 198** building on **section 197(1)** provides thus-

198. Except in the case of ex-officio members or where other provisions are made in this Constitution, the Chairman and members of any of the bodies so established shall, subject to the provisions of this Constitution, be appointed by the Governor of the State and the appointment shall be subject to confirmation by a resolution of the House of Assembly of the State.

Proposed Amendment

6.3 Exclusion of SIEC as a State Executive Body

The proposed amendment seeks to redefine the status of the state independent electoral commission (SIEC) by excluding it from being categorized alongside the State Civil Service Commission (SCSC) and the State Judicial Service Commission (SJSC) in Section 197(1). The state independent electoral commission has enjoyed no form of independence over the years, with state governors taking full advantage. This is most evident in local government elections, where the governing party in each state wins over 98% of the LGA and council elections. In the current dispensation, the term ‘independent institution’ should imply complete separation from external influence or interference and the ability to carry out duties without fear or favour which does not accurately reflect SIEC’s current status. By removing this classification, the chairman of any state’s independent electoral commission will have more flexibility to carry out its activities while upholding transparency and accountability in its operations, being completely accountable to the citizens of the state and the state assembly.

6.4 A mandate for registered political parties in each state to nominate candidates for the chairmanship of the state's SIEC 90 days before the expiration of the tenure of the commission's subsisting chairman:

Under this proposed amendment, registered political parties in each state will be required to nominate candidates for the chairmanship of each of the 36 states' independent electoral commissions within a specified timeframe. This timeframe, set at 90 days before the expiration of the tenure of the subsisting commission's chairman, aims to ensure the complete closure of the preceding election, expedite the process of selecting a chairman, and ensure a smooth transition.

6.5 Empowerment of the State Houses of Assembly to screen each state's SIEC chairmanship nominees at a sitting, upon nomination from the political parties:

The proposed amendment empowers the State Houses of Assembly to play more active roles in the selection of SIEC chairmen. Following the nomination of candidates by political parties in each state, the State Houses of Assembly will conduct thorough screening procedures to assess the qualifications and suitability of each nominee. Subsequently, members of the State Houses of Assembly will after the screening, transmit the list of the successfully screened nominees to the governor for appointment. Provided that such appointment shall be done within 30 days of transmission of the list of successfully screened nominees to the governor. This process aims to enhance transparency, accountability, and bipartisan consensus in the selection of the SIEC chairman; strengthening the commission's legitimacy and independence.

The proposed modifications are reflected in the following or similar terms -

198. (1) Except in the case of ex-officio members or where other provisions are made in this Constitution, the Chairman and members of any of the bodies so established in Section 197(1), except the state independent electoral commission, shall, subject to the provisions of this Constitution, be appointed by the Governor of the State, and the appointment shall be subject to confirmation by a resolution of the House of Assembly of the State.

(2) For the purpose of appointing the chairman of a State Independent Electoral Commission (SIEC), registered political parties in a state shall nominate candidates for the SIEC chairman not later than 90 days before the expiration of the term of office for the sitting chairman.

- (3) The state house of assembly shall screen the candidates at a sitting and;**
- (4) The chairman of the state independent electoral commission shall be appointed by the Governor from one of such Nominees successfully screened by the State House of Assembly;**
- (5) Provided that such appointment shall be made within 30days of transmission of the list of successfully screened nominees to the governor.**

Conclusion

Realizing the urgent need for structural adjustments and the importance of ensuring free, fair and credible elections across the 774 local governments and 36 states of the federation, reforms must prioritize bolstering electoral institutions' independence and transparency. Constituting a non-partisan electoral commission accountable to the citizens at grassroots is paramount to achieve this national goal.

7. SECTION 221

Background

7.1 The strength of electoral democracy lies in the wholeness of citizen participation. With the current constitutional provision as expressed in **Section 221**, citizens who align with candidates and not political parties are excluded from political campaigns and financial activities. Acknowledging this reality, citing the definitive role of citizens who got involved in the political process through candidate campaign organizations and support groups in the 2019 and 2023 general elections, it becomes imperative to provide a constitutional background for candidate campaign organizations to actively engage in the electoral process by campaigning for votes and contributing to political party funds or candidate expenses. This proposed amendment seeks to address the evolving dynamics of political participation, acknowledging the integral role campaign organizations play in modern electoral campaigns in Nigeria. By allowing these organizations to participate more directly in the electoral process, the proposed amendment aims to foster a more inclusive and competitive political environment, empowering candidates and political parties to better engage with voters and articulate their policy platforms.

7.2 **Section 221** provides thus –

221. No association, other than a political party, shall canvass for votes for any candidate at any election or contribute to the funds of any political party or to the election expenses of any candidate at an election.

Proposed Amendment

7.3 Empowering candidate campaign organizations to canvass for votes and contribute to the election expenses of candidates:

This proposed amendment seeks to enable candidate campaign organizations to contribute to political party funds and candidate expenses during elections to promote transparency and accountability within the electoral system. It is poised to give all candidates an opportunity to capitalize on the constitutional principles of unity and inclusion, ensuring that all campaign organizations have members across the 36 states and the FCT, 109 senatorial zones, 360 federal constituencies, or 774 local governments, as the case may be.

7.4 Regulating the activities of campaign organizations:

With the establishment of a law that supports the funding and administration of candidate campaign organizations, this section is designed to provide a framework for the management and administration of these organizations.

The proposed modifications are reflected in the following or similar terms -

221 (1) No association, other than a political party or a candidate's campaign organization, shall canvass for votes for any candidate at any election or contribute to the funds of any political party or to the election expenses of any candidate at an election.

(2) Activities in relation to the administration and management of candidate campaign offices shall be regulated by an act of the national assembly

Conclusion

The establishment of campaign organizations and campaign offices across the 36 states and the FCT during election seasons has been the norm in recent times. These platforms, established by political party candidates, are used to raise funds and lead campaigns for political parties and candidates without recourse to the constitution of the Federal Republic of Nigeria. With the proposed amendment to **Section 221**, campaign organizations would be formalized and empowered to canvass for votes as well as raise funds in support of a candidate. The introduction of clear guidelines and regulations in **Section 221(2)** will control the financial activities of campaign organizations, thereby reducing the influence of undisclosed or illicit funds in the electoral process. By formalizing the role of campaign organizations in the constitution, Nigeria will advance towards a more robust and equitable democratic framework where diverse voices are heard and electoral processes are conducted with integrity and astute fairness

8. GENERAL CONCLUSION

The recommendations proposed for modifications and amendments to 7 sections of the Nigerian Constitution in this document present a forward-thinking approach towards enhancing the electoral processes, significantly including the youth, and improving the governance structure in Nigeria.

By reducing the minimum age requirements for aspiring presidential and other elected office candidates, as well as educational qualifications and national service mandates, we ensure that individuals seeking public office possess the necessary competence, experience, and commitment to serve the nation effectively.

Furthermore, the proposal to allow for sole candidacy and the nomination of vice presidential candidates for sole presidential candidates will potentially facilitate political accountability and strengthen the democratic principles of representation and choice. The proposed amendments concerning the composition and selection processes of electoral commissions at both the federal and state levels will promote transparency, impartiality, and efficiency in electoral administration, ultimately contributing to the credibility and legitimacy of electoral outcomes.

The inclusion of campaign organizations within the regulatory framework underscores the need for accountability and transparency in political campaigning, safeguarding against undue influence, and promoting fair competition among candidates.

Overall, these recommendations reflect a concerted effort by all progressive Abia youths to address existing gaps in Nigeria's electoral system and pave the way for greater youth participation and empowerment in the country's democratic processes.

Attached Document: Voter Distribution Chart showing critical data on the youth and other voting demography.

Source: Independent National Electoral Commission (INEC, 2023)



Signed by:

Daberechi Kingsley Ekejiuba

President, The Progressive Abia Youths Association