

AN APPRAISAL OF THE LEGAL FRAMEWORK ON, AND RELEVANCE OF THE NATIONAL YOUTH SERVICE CORPS SCHEME.

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Abstract

The National Youth Service Corps since it's inception in 1973 has impacted tremendous transformation in the social-economic development of Nigeria. No doubt, it has proven to be a formidable force in the act of nation building. However, in spite of the incredible contributions of the scheme in it's 50 years of existence that have kept the country's unity, it has witnessed myriad of issues and challenges besetting the realization of it's cardinal objective. Thus, it is against this background that the study adopted doctrinal approach to identify these challenges which we believe are surmountable because they are human imbued and provided answers that will stern the tides. The paper made useful suggestions which if implemented will enabled greater positive impact on the scheme's operation so as to secure it's relevance and continuity.

1.0 INTRODUCTION

The National Youth Service Corps Scheme was established as a child of necessity by the military government of General Yakubu Gowon. It was promulgated by Decree No. 24 of 22nd May, 1973 which was re-coded as Cap 285 Laws of the Federation of Nigeria 1990. The Decree was repealed and replaced with Decree No. 51 of 16th June, 1993 and was later re-designated as Act CAP N84 Laws of the Federation of Nigeria 2004. Effective from 1999, the Act was preserved in the Constitution as an existing law and deemed as an Act of the National Assembly.⁵⁰⁶

The service corps is a one year compulsory National Service for Nigerian graduate youths who shall have graduated from the polytechnics or universities within and outside the country at the age of 30 years. The scheme is saddled with the core mandate of national integration, unity and development.

1.1 History of the Scheme

The quest for the realization of 'National Unity'⁵⁰⁷ began after the post independence era 1960 to 1963, which saw Nigerians in ethnic mistrusts (political, economic, cultural and religious tensions), that eventually resulted in a civil war between 1967-1970 (30 months).

⁵⁰⁶ The Constitution of the Federal Republic of Nigeria 1999 (As Amended), Cap. C23 Laws of the Federation of Nigeria 2004. s. 315 (1)(a)

⁵⁰⁷ The process of bringing together a variety of individuals from distinct cultural, ethnic, tribal and social backgrounds in a specific setting or polity for a common good.

It was at the end of the hostilities that the then leadership of the country came to the realization that it will take more than the force of the arms to weld the entire country into one indivisible whole.⁵⁰⁸ As a developing country, Nigeria was further plagued by the indices and problems of under development, namely; poverty, mass illiteracy, acute shortage of high skilled manpower (coupled with most uneven distribution of the skilled people that are available), woefully inadequate socio-economic infrastructural facilities, housing, water and sewage facilities, road, healthcare services, and effective communication system.⁵⁰⁹

Faced with these almost intractable problems, which were further compounded by the burden of reconstruction after the civil war, the government and people of Nigeria set for the country, fresh goals, and objectives aimed at establishing Nigeria.⁵¹⁰ Accordingly, searchlight was beamed on Nigerian youth in order to successfully realize the wish of building a unified nation aimed at raising a new crop of disciplined and detribalized Nigerians by allowing the youths to undergo National Service in States other than their State of origin, for the purpose of national development and integration.⁵¹¹

Since its establishment 50 years ago, the Scheme has witnessed a raft of changes with visible impact in the realm of; integration, education, healthcare delivery, agriculture, rural infrastructure, science and technology, entertainment, skill acquisition, youth development and conduct of general elections/other national programme etc, which to a reasonable expanse has deepened its importance as an impetus for national integration, unity and development. As a direct consequence over the years, the Scheme has witnessed tremendous increase in the number of Corps Participants due to increase in the number of Corps Producing Institutions in the country.

Looking back at the last five decades of the scheme's existence, it is noteworthy to x-ray the extent to which Corps participants have demonstrated the core values of the NYSC viz: patriotism, integrity, efficiency, commitment and team work as well as how well the scheme had fared in the realization of the objective of fostering development and the continued existence of Nigeria as an indivisible entity.

1.2 Purpose of the Scheme

The Scheme was established as an interventionist agency of the government of the Federation in 1973. Driven by the need to promote; integration, national unity and development, in order to accelerate the recovering processes of rebuilding a country left with millions of casualties, arising from an avoidable civil war. Hence, the core mandate of the service corps as provided in Act are as follows:⁵¹²

(a) The proper encouragement and development of common ties among the Nigerian

⁵⁰⁸ Editorial: 'At 47, NYSC Still a Pivot of National Unity and Development', in Journal of NYSC Directorate Headquarters, APMAJU522020, p. 03

⁵⁰⁹ Culled from: <https://nysc.gov.ng/aboutscheme.html>, accessed 01/06/2023

⁵¹⁰ *ibid*

⁵¹¹ The 45-Year Development Trajectory: Issues and Events in NYSC Yearbook 45th Anniversary Comparative Edition, 2018, p. 17

⁵¹² National Youth Service Corps Act, CAP N84, LFN 2004, s. 1(2)

- youths;
- (b) The promotion of national unity; and
 - (c) The development of the Nigerian youths and Nigeria into a great and dynamic economy.

The proviso to Section 1, subsection 2 of the Act, charged the scheme with the core mandate to prosecute the objective of the Service Corps, which include the need to;⁵¹³

- (a) Inculcate discipline in Nigerian youths by instilling in them a tradition of industry at work, and, of patriotic and loyal service to Nigeria in any situation they may find themselves;
- (b) Raise the moral tone of the Nigerian youths by giving them the opportunity to learn about higher ideals of national achievement, social and cultural improvement;
- (c) Develop in the Nigerian youths the attitudes of mind, acquired through shared experience and suitable training, which will make them more amenable to mobilization in the national interest;
- (d) Enable Nigerian youths acquire the spirit of self reliance by encouraging them to develop skills for self employment;
- (e) Contribute to the accelerated growth of the national economy; (f) develop common ties among the Nigerian youths and promote national unity and integration;
- (g) Remove prejudices, eliminate ignorance and confirm at first hand the many similarities among Nigerians of all ethnic groups; and
- (h) Develop a sense of corporate existence and common destiny of the people of Nigeria.

2.0 LEGAL FRAMEWORK OF THE NYSC SCHEME

The body of Laws and Rules of procedure regulating the National Youth Service Corps includes; the Constitution of the Federal Republic of Nigeria, the National Youth Service Corps Act, the Public Officers Protection Act, the National Youth Service Corps (Extension of Application) Order, the National Youth Service Corps Bye-Laws and Case law. These legislations are necessary for a good understanding of the legal framework that regulates the operations of the service corps.

2.1 Constitution of the Federal Republic of Nigeria

The Constitution of the Federal Republic of Nigeria 1999 (as amended)⁵¹⁴, gives NYSC Act the same effect as any other provisions of the Constitution. Being a part of the constitution of the Federal Republic of Nigeria, it is a Federal Act which cannot be altered or repealed except in accordance with the provisions of Section 9, subsection 2 of the Constitution.⁵¹⁵

It bestow national service as an obligation on Nigerian citizen hence, eligibility for participation in the Scheme, is the preserve of Nigerian youths to the exclusion of all others.⁵¹⁶ Also, the Constitution confers jurisdiction on the Federal High Court to the

⁵¹³ *ibid* s. 1 (3)

⁵¹⁴ *Op cit* (n 1)

⁵¹⁵ *ibid* s. 315 (5)

⁵¹⁶ *ibid* ss. 24(b), 34(2)(e)(iii)

exclusion of any other court in civil causes and matters - the administration, management, control, operations, any action, proceedings for a declaration or injunction affecting the validity, administrative action or decision of the service corps.⁵¹⁷

2.2 National Youth Service Corps Act

The Act established the National Youth Service Corps Scheme, hereinafter, referred to as the 'Service Corps' pursuant to Section 1, subsection 1 of the Act⁵¹⁸ and set its core objectives.⁵¹⁹ Section 2, provides for the categories of Nigerians who are eligible to participate in the service corps. In a bid to achieving its objectives, the Act established a National Directorate in the Presidency which is the national Governing Board and the highest policy maker of the service corps.⁵²⁰ The Act, equally provide for the office of the Director-General who shall be appointed by the President and saddled with the responsibility of the day to day administration of the Scheme.⁵²¹ While other relevant provisions of the Act are provided to position the Scheme within its areas of operations.

2.3 Public Officers Protection Act

Section 2(a) of The Public Officers Protection Act,⁵²² protects public officers' actions or inactions in the course of their public duty. As a matter of facts the relevant provision stipulates that: "the action, prosecution or proceedings shall not lie or be instituted unless it is commenced within three months next after the act, neglect or default complained of, or in case of continuance of damages or injury, within three months next after the ceasing thereof."

The foregoing explains the rationale behind Section 19 of the NYSC Act, which provides the same protection for every member of the service corps for the duration of his service, provided it is established that his action relate to (a) an act done in pursuance or execution of any Act or Law or the execution of any public duty or authority and (b) an alleged neglect or default in the execution of any such Act, Law, duty or authority.⁵²³

2.4 National Youth Service Corps (Extension of Application) Order

The Order,⁵²⁴ is a derivative power granted by the President pursuant to Section 2, subsection 4 of the NYSC Act, to make subsidiary legislation for the regulation of the Service corps. The Order extend the application of Section 2, subsection 1 of the Act for the participation in the service corps to Nigerians who studied overseas and have successfully completed their first degree at the end of the 1973-74 academic year or to

⁵¹⁷ *ibid* s. 251 (1) (p)(q)(r)

⁵¹⁸ *Op cit* (n 7)

⁵¹⁹ *ibid* s. 1 (2)

⁵²⁰ *ibid* s. 3 (1)

⁵²¹ *ibid* s. 5 (1)

⁵²² Cap P41, Laws of the Federation of Nigeria 2004

⁵²³ The protection only apply to public officers in public service of the Federation and not applicable for the protection of public officers in the service of any State of the Federal Republic of Nigeria. See the case of *CIL Risk & Asset Management Ltd v. Ekiti State Government & 3 Ors* (2020) 12 NWLR (Pt. 1738) 203

⁵²⁴ L.N. 54 of 1974

those who successfully completed before 1973-74 academic year who had engaged in post-graduate studies and wish to volunteer for call-up for service for the year 1974.⁵²⁵

By virtue of Paragraph 1, subparagraph 2, the Order also extend to Nigerians who have successfully completed their first degree at the end of 1974-75 academic year or any subsequent academic year.

2.5 National Youth Service Corps Bye-Laws

The NYSC Bye-Laws⁵²⁶ is also a subsidiary legislation made pursuant to Section 15 of the Act with commencement on 20th June 1974. The Bye-Laws made up of eleven paragraphs, provides for the motto of the NYSC 'Service and Humility.'⁵²⁷ Paragraph 2 of the Bye-Laws is the NYSC Pledge which every member of the service corps shall subscribe to as soon as possible after registration.

The Bye-Laws also specifies the code of conduct and the penalties for breaches thereof as well as welfare provisions for members of the service corps.

2.6 Case laws

These are judgments of courts vested with jurisdiction in Nigeria, which provides binding judicial precedents in cases determined from any action/matter that arisen in the course of the Scheme's operation.

3.0 OBJECTIVES AND IMPACT OF THE SCHEME

During it's establishment 50 years ago, the scheme attracted protests from Nigerian youths so as not to participate in the programme. Now, the scheme has grown to also attract protests from the same youths for exclusion or delay in mobilization. Some have either reduced their age or procured fake documents by conniving with unscrupulous individuals just to participate in the Service corps. This is an indication that the scheme is a veritable platform for the Nigerian youth as it has achieved it's core mandate pertaining to the objectives through it's policies and programmes. Interestingly, section 1(4) of the NYSC Act provides for the criteria that the Service corps should meet in order to achieve it's objectives.

3.1 Promotion of Common Destiny for National Unity and Integration

The Scheme has ensured the equitable distribution of members of the Service corps to all the States of the federation and the Federal Capital Territory by dint of Section 1, subsection 4 (a) of the Act which is in accordance with the national integration policy as provided under the 1999 Constitution.⁵²⁸ This distribution of human resources to various states of the Federation has given young Nigerians the opportunity to understand the geographical expedience, cultural diversity and economic importance of every part of the country. This policy had engendered balanced growth and development as States that lack certain professionals have had the privilege of having such professionals they never

⁵²⁵ *ibid* paragraph 1 (1)(a)(b)

⁵²⁶ L.N. 37 of 1974

⁵²⁷ *ibid* para 1

⁵²⁸ See (n 1) s. 15

produced.

Hence, it has made invaluable contribution towards alleviating the manpower challenges of some States, and enabled professionals in relevant field to contribute their own quota to national development in core sectors of National needs as provided by its posting policy namely: Education, Health, Infrastructure and Agriculture. This policy has been steadily effective over the years and had made NYSC a household name in Nigeria. The policy has exposed the youths to the mode of living of the people in different parts of Nigeria thereby, removing their prejudices, ignorance of the many other similar ethnic groups in Nigeria and had made them acquire the spirit of self-reliance which is a catalyst for National Unity and development.

3.2 Promotion of Peaceful Co-existence

The Service corps has pursued vigorously over the years, through its deployment policy, the achievement of the objective which stipulates posting of Nigerian youths to states other than their state of origin.⁵²⁹ This had continued to build long-lasting bonds of friendships, inter-ethnic marriages, business relationship etc., amongst the Corps participants, which can be deduced to have removed the negative notions about other tribes and has as well eradicated ethnic suspicions. Instead, bridges of unity have emanated across the federation arising from the social exposure, occasioned by the Scheme.

3.3 Fostering the Tradition of Team-Work

The Scheme, by virtue of Section 1, subsection 4 (c) has ensued that each group of Nigerian youths is a representative of the country. Hence, the formation of Platoons in the camp, represent a mini Nigeria. NYSC Orientation camp, is a microcosmic Nigeria, which pools together youths from diverse nationalities, cultures, religion and social backgrounds for three weeks, carrying out assigned tasks concertedly in the spirit of nationalism and/or patriotism.⁵³⁰ This cross cultural integration has greatly reduced the tribal gap which hitherto created unnecessary mistrusts and suspicion among the Nigerian people in the past. The scheme has acted as a pivotal in satisfying the health needs of the people under the NYSC HIRD programme, advocacy project against HIV/AIDS through Peer Education programme, the fight against epidemic and pandemic, the conduct of general election and other national programmes. Thus, the scheme is an invaluable platform for young Nigerians to actively participate in nation-building which has instilled a sense of responsibility and ownership.

3.4 Promotion of National Integration, Unity and Development

The scheme has played a pivotal role in national development over the years, by the inculcation of community development values in the Corps participants so as to expose them to the mode of living of the people in different parts of Nigeria.⁵³¹ In this regard, members of the Service corps, driven by the spirit of patriotism to contribute towards uplifting the living standard of the rural inhabitants, have been addressing the felt-needs of their host communities with laudable projects such as: construction of boreholes, bus-

⁵²⁹ Op cit (n 7) s. 1 (4)(b)

⁵³⁰ Op cit (n 6) p. 16

⁵³¹ See (n 7) s. 1 (4)(d)

stop stands, public conveniences, libraries, schools, health centres, roads, culverts, mentorship of pupils/students in science, technology, arts and ICT, advocacy campaigns, extra-moral lessons, conduct of quiz, among other. The aforementioned grassroots participation had engendered the bridging of the imbalance in rural-urban development and also reawakening stakeholders' consciousness of the needs of the rural dwellers.

Furthermore, the NYSC scheme has developed common ties amongst the youths from shared experiences which can improve their social skills so as to enable them live in any part of the world they may find themselves. Thus, promoting national integration, unity and development.

3.5 Promoting Religious Tolerance

The scheme has continued to encourage and make impact in promoting national integration and unity among Nigerian youths by making them live together so as to eschew religious intolerance by accommodating religious differences.⁵³² The Orientation camp programme of the Service corps, speaks volume as youths from diverse background who have never lived or associated with people that practice a religion other than theirs, are put together in the same room to live together for 21 days. They see themselves as rational human beings with differences only in opinions and beliefs.

3.6 Promotion of Free Movement of Labour

The introduction of Skill Acquisition and Entrepreneurship Development as part of the Orientation course content, is another remarkable achievements of the Service corps. This policy is in line with Section 1, subsection 4 (f) of the Act, which encourage members of the Service corps to seek employment after their service year anywhere in Nigeria so as to promote free movement of labour. In fact, the success story of the skill programme cannot be overemphasized as over seven thousand ex-Corps Members have been able to establish thriving businesses that contribute to the nation's GDP.⁵³³

3.7 Avenue for Job Opportunity

The working experience garnered from their respective places of primary assignment during the service year has prepared Nigerian youths for post-service employment. As such, some organizations have created job opportunities for them by retaining them after their service year for satisfactory performance regardless of their state of origin.⁵³⁴ This practice had, fostered national integration and development.

Therefore, there is no gainsaying the fact that in the quest for national integration and national unity after the post civil war Nigeria, the scheme's formation was an uncommon intervention as a unifier of the ties of ethnic and inter-tribal harmony which would have been far from being realizes without the scheme.

⁵³² *ibid* s. 1 (4)(e)

⁵³³ *Op cit* (n 6) p. 17

⁵³⁴ See (n 7) s. 1 (4)(g)

4.0 Challenges in the Realization of the Cardinal Objectives of the NYSC Scheme

No matter the good intention behind any laudable objective, trials and threats will always exist to constitute some challenges. The NYSC Scheme is not an exception. Thus, in spite of the incredible contributions of the scheme to National Unity in its over 50 years of existence, it had witnessed myriad of issues and challenges besetting its corporate existence as follows:

4.1 Social Issues

This refers to certain situations in the society that have negative effect on an individual or group of individuals within the social group. This includes:

4.1.1 Preferential Posting: majority of the prospective corps participants with prominent people in positions have a penchant for influencing their deployment to a preferred states. By so doing, this can limit the impact of the scheme in the mobilization process. It negates the relevant provisions of Section 1, subsection 4 (b) of the NYSC Act which empowers the service corps to exercise discretionary power in deploying eligible Nigerian youths to any of the States of the Federation other than their State of origin.

But with greater synergy from all the stakeholders in the mobilization process, greater efficiency will engender optimal performance. The scheme should be strict in exercising its unfettered powers of deployment without fear.

4.1.2 Pregnant and Nursing Mothers: This class of corps participants are not allowed to stay in the camp for the 21 days duration due to their conditions which is not suitable in such environment. By this way, this category of corps members miss out from the orientation course content which is fundamentally designed to equip the corps participants for the task of national and community service in nation-building. They know next to nothing about the core values of the scheme and their activities throughout the service year are foisted with issues of; pressuring postings to choice places of primary assignment, absenteeism, defacing of NYSC uniform, truancy, poor working relationship with employers among others.

The answer to stem this tide is to amend the NYSC Act to exclude this category of Nigerian youths from participating in the service corps such exclusion will reduce the burden on funding.

4.1.3 Relocation/Corps Rejection: The essence of National service is deployment and posting of corps participant to other places different from their background. Due to apprehension of perceived insecurity in some part of the country or the intention to invade service by procuring fake medical reports/marriage certificates, most parents pressure their children to request for change of State of service or primary place of assignment. Although, most of the rejections are self induced, a good number of rejection is as a result of absence of data basis on the capacity of States to absorb corps participants. The resultant effect of the foregoing is that the practice impedes on the smooth operations of the scheme.

Admonition of participants and parents alike, remains the potent tool to reducing ingenuine

cases of relocations and rejections hence, participants should take their posting in good faith so as not to change their destiny.

4.2 Economic Issue

This refers to issues of allocation and employment of economic resources. This includes:

4.2.1 Inadequate Funding: It is important to document that some States and Local government have not been performing their statutory responsibilities to the scheme as required by the relevant provisions of Sections 6(2)(a), 7(3)and(4) and 8(4) of the NYSC Act. Failure by such state and local government to render this duty over the years, negate the objective of promoting national integration.⁵³⁵ Issues such as inadequate orientation camp facilities, inadequate corps lodges, lack of befitting office and residential accommodation among others, had unfortunately been a challenge to the smooth operations and progress of the scheme in some States of the federation.

Population up surge in the country that had brought about increase in the number of corps participants, due to the high number of Corps Producing Institutions, far stretches the federal government budgetary funding of the scheme.

The solution to this issues lies in all the States and Local governments as tripartite partners, to ensure that they fulfil their statutory responsibilities to the service corps as required by NYSC Act, as well as the provisions of the 1999 Constitution. Also, the NYSC Trust Fund Bill currently awaiting presidential assent, is a right course in the right direction if passed as it will involve the private sector participation in the funding the scheme. This will assist in addressing the scheme's infrastructural needs for enhanced operational efficiency in nation-building processes.

4.2.2 Technological Threats: Technology that has made work easy for the service corps due to advancement, poses data security concern in the mobilization and deployment processes. Fraudsters have gone to the extent of cloning official website of the service corps to defraud unsuspecting Nigerian youths as well as their parents/guardians. While in some cases, impersonators register for NYSC with the details of another. The scheme had continued to suffer the tricks of these fraudsters which is rubbing on it's corporate image as well as the safety of the scheme's data. Members of the public and prospective participants should exercise restraint and ensure they verify information from relevant authorities while dealing with unknown or unconfirmed individuals or groups. Also, the service corps is enjoined to continue to be on top of the game in this era of modern technology by adopting techniques with several jumps ahead so as to be able to stamp out any illegal practices in it's mobilization processes. Additionally, the scheme is urged to continue to work with relevant security agencies so as to identify, arrest and prosecute such culprit(s).

⁵³⁵ Op cit (n 1) s. 15 (3)(a)(b)(c)(d)

4.3 Political Issue

This refers to issues which pervade or pose a major threat to democratic existence such as: conflict, communal, ethnic, religious or resource allocation rivalries. This includes:

4.3.1 Indiscipline and Corruption: Corruption has become a norm in the mobilization process due to the culture of indiscipline. The desperation for National service has given rise to fake certificates and certificate racketeering by syndicates from tertiary institutions within and outside Nigeria. Some have reduced their date of birth because of the age limit of graduation at 30 years for eligibility to participate in the service corps. This issue had continued to undermine the calling up processes of the scheme, thereby strangling education and employment sectors from the needed manpower quality to actualize national dream.

Hence, the best way to eliminate this issue is for Nigerian youths to see the service corps as a public interest scheme for the betterment of all Nigerians.

4.3.2 Insecurity: Boko Haram/IPOB Terror attacks, hostages/kidnapping crises, disappearance of Corps members as well as post election violence among others, has resulted in some parent/guardians being apprehensive over the safety and security of their children/wards. Although, the security concerns were not caused by the scheme, they constitute a huge threat pervading the country and not targeted at the corps participants *per se*. However, they are of great concern to the smooth operation of the scheme.

4.4 Sincerity of Purpose by Participants

Majority of the participants in the service corps do not have sincerity of purpose as they lack the understanding of the scheme's unique roles in nation building. Hence, they do not have the passion to make changes rather, they see national service as a mere waste of time and the monthly allowance as their own share of the "National cake."

To improve on its impact on nation building, participants must see their call to service as a call to greater responsibility hence, they must take their orientation course seriously and purposefully.

4.5 Posting to Private Establishments without Corresponding Contribution

Nigeria's private sector account for 90 percent of the nation's gross domestic product (GDP).⁵³⁶ This, simply translates to the fact that private establishments are the highest corps employers across the Federation. Section 9, subsection 2 (m) provides for the deployment of members of the service corps to the private sector of the Nigeria economy. Yet, it is the government that continues to foot the monthly allowances of corps participants serving in private institutions, which is tantamount to using government resources to sustain the private establishment. This has unfortunately been a challenge to the smooth operation of the scheme in terms of funding and high budgetary allocation.

⁵³⁶ Yemi Osinbajo, (former Vice President of Nigeria) in the Cable News, April 6th 2018. culled from: <https://www.thecable.ng/osinbajo-the-private-sector-accounts-for-90-nigerias-gdp/amp>. Accessed 22nd June 2023

4.6 Lack of Requisite Know-How of the Administrators of the Scheme

Unarguably, the service corps is not a course of study *per se* however, the administrators of the scheme are supposed to acquaint themselves with the legal framework of the scheme in order to achieve optimal efficient performance of its core mandate. Regrettably, many of the administrators of the scheme are ill-equipped as they do not possess the requisite Capacity and knowledge to administer the role of nation building which is the core mandate of the service corps. They neither have a grip of the intent and purpose of the scheme as a policy of public interest, adequate knowledge of the legal framework nor accurate info to effectively respond to enquiries when made.

This is because, they have refused to develop themselves thereby, lagging behind and in some cases, misapplying the policies of the scheme by exhibiting negligence, carefree attitude at work, poor work performance, work tardiness among others. Whereas, public service is supposed to be a disciplined and rule-guided system. This act of negative behaviour, is reeling heavy blow on the image of the scheme.

In order to stern this tide, the scheme must ensure that all hands must be on deck to collectively tackle these issues militating against the image of the scheme so as to promote its operations. The scheme must ensure continuance of training and retraining of all its managers so as to make them become conversant with the legal framework as well as adapt to evolving technological trends in order to enhance their performance. In addition, the scheme should reward excellent performance and punish any act of misbehaviour in accordance with the provisions of the public service rule.

5.0 COMPARATIVE ANALYSIS OF NYSC WITH SIMILAR SCHEMES IN OTHER JURISDICTION

In a bid to enhance nation-building, promote unity and cohesion, some countries introduced measures that involve youth participation in developmental goals. The measures were established for different reasons hence, differently described.

In Ghana, it is called the Ghana National Service Scheme, established in 1973 by Decree N.R.C.D 208, N.R.C Act⁵³⁷ - with a mandate to address national cohesion and labour productivity.⁵³⁸ The scheme is similar in some respects with the NYSC Scheme, in the context of its compulsory one year service for graduate youths, posting to critical areas like: agriculture, education, health and rural infrastructure, non-taxable monthly participants' allowance and the Act provides for offences/penalties.⁵³⁹ The Scheme has some remarkable differences from the Service Corps in Nigeria, in that the President is required to consult with the Council of State before appointing the Chairman and Members of the Governing body and appointing the Director on the advice of the governing body.⁵⁴⁰ The tenure of office of board members of the scheme is 4 years.⁵⁴¹

⁵³⁷ See the Ghana National Service Scheme Act, 1980 (Act 426) s. 1

⁵³⁸ See the Ghana National Service Scheme Rules and Regulations, rule A

⁵³⁹ Op cit (n 32) ss. 3 (1), 4 (2), 28

⁵⁴⁰ See the Constitution of Ghana as amended 1996, Arts 70 (1)(d)(iii) and 195 (1)

⁵⁴¹ Op cit (n 32) s. 12 (1)

Also, the payment of monthly allowance/initial transport to the service post and from service post back to hometown, paid from the government treasuries only covers service personnel posted to schools and colleges under the Ghana Education Service, ministries, departments and establishments while statutory bodies, corporations, religious bodies and private sector shall pay the service monthly allowance/initial transport to the service post and from service post back to hometown from their own resources, while private companies are required to pay a service charge equivalent of 20% of the monthly basic service allowance to the Ghana Scheme, eligible participants in the Scheme, have two categories (non-graduate service and graduate) from the age of 18, while the age of 40 years is the determinant age for participation in the scheme and the scheme provides for deferment of service.⁵⁴²

In Zambia, it is called the Zambia National Service Scheme, established in 1972⁵⁴³ - with the mandate to train citizens with the task to serve and defend the Republic.⁵⁴⁴ The Service is similar in some respect with the NYSC Scheme, in that it is strictly for the citizens of Zambia as in the case of Nigeria, exemption, appointment of Commandant of service like the Director General in the case of Nigeria and provides for offences/penalties as well as appeal.⁵⁴⁵

However, the service is significantly different from the NYSC Scheme, in that Zambia Act, pursuant to Section 5, subsection 1, provide for eligible participants of all categories of youths from the age of 18 to 35 who have attained Form V or who are graduate. The Zambia Act also respectively provides for: deferment, secondment, calling members of the service in time of emergency to serve with the Defence Force in defense of the Republic, members can be made to proceed for service in friendly neighbouring states and employers are prohibited from terminating the employment of a member by reason of liability for service which the NYSC Act did not provide for.⁵⁴⁶

In Sierra Leone, it is known as the National Youth Service, established in 2016 - with the mandate to promotes youth participation in governance.⁵⁴⁷ The first batch of 200 National Youth graduate corps were inaugurated on Thursday 20th September 2018.⁵⁴⁸ The Sierra Leone service is remarkably similar in all respect to the NYSC scheme as it adopted virtually all the Sections of the Nigeria scheme although, with little semantics differential. For instance; the focus on graduate youth, objectives, appointment of the chairman/members of the governing body by the president as well as their tenure of office of 3 years, administrative structure, appointment of the Executive Director, compulsory one year service, deployment policy outside region of origin and exemption of members of the Armed Forces/Police from service.⁵⁴⁹

⁵⁴² Op cit (n 33) Rule B (1)(3)(6)(11)(12)

⁵⁴³ See the Zambia National Service Act Cap 121 of the Laws of Zambia 1972. s. 3 (1)

⁵⁴⁴ *ibid* s. 3(2)

⁵⁴⁵ *ibid* ss. 11 (10), 16, 21, 29 to 33

⁵⁴⁶ *ibid* ss. 12, 17, 25, 26 & 27

⁵⁴⁷ See the Sierra Leone National Youth Service Act No. 4, 2016

⁵⁴⁸ Culled from <https://nys.gov.sl/site/aboutus.do>. Accessed on 5th July 2023.

⁵⁴⁹ Op cit (n 42) ss. 1, 2, 4, 5, 14, 15, 16, 17, 18, 26, 28 (1), 35, 37, 38, 41, 43, 44, 45, 46, 47

However, there are some differences between the two schemes in that under the Sierra Leone scheme, exemption from service can be granted on medical ground as well as possession of discipline not in line with national development priority, age of participant not more than 35 years, issuance of certificate of national service as well as production for employment, public and private institutions shall make allocation to support the service scheme from their annual budget, appeal procedure and offences/penalties.⁵⁵⁰

In the Gambia, it is called the National Youth Service Scheme, established pursuant to the Constitution of the Republic of the Gambia 1997 as amended.⁵⁵¹ The Gambia service is similar in many respect to the NYSC scheme in that it provides for Certificate of National Service and Exemption as proof for participation in national service and the certificates are to be required for employment.⁵⁵² The Gambia Constitution also, provides for the establishment of the National Youth Service Board which shall be responsible for the operation of the service just like the National Directorate under the NYSC Scheme, appointment of members of the Board by the president and the president's power to make regulations.⁵⁵³

However, the Gambia scheme is different from that of Nigeria in that pursuant to Section 196, subsection 1 of the Gambia Constitution as amended, it provides for all categories of the citizens who have attained the age of 18 as eligible participants whereas in Nigeria, eligible participants are graduate youths of not more than 30 years of age. Also, the certificates required for employment, are only required in public service why under the Nigeria scheme, they are required for employment in both public and private service.⁵⁵⁴

In Namibia, it is called the National Youth Service, established in 2005 with the vision of turning the youths into productive citizens.⁵⁵⁵ The Service is similar in some respect with the NYSC Scheme, in the context of the maximum age of 30 years for participants, president power to make appointment of the Board members, duration of 3 years tenure of office, appointment of Commissioner of the service and make regulations.⁵⁵⁶

However, the Service has remarkable differences from the NYSC Scheme, in that it provides for all categories of youths as against the service corps which is strictly for graduate youth. Also, it established a special fund known as the National Youth Service Fund, responsible for the discharging of all the liabilities of the Service which is not in place under the service corps.⁵⁵⁷

In South Africa, it is called National Youth Development Agency, which was established in 2008.⁵⁵⁸ The Programme is aimed at engaging South African youth in community

⁵⁵⁰ *ibid* ss. 1, 28 (2) & 40

⁵⁵¹ See The Constitution of the Republic of Gambia Amendment Act No. 6 2001. s. 195 (1)

⁵⁵² *ibid* s. 196 (2)

⁵⁵³ *ibid* s. 197 (1)(2)(3)

⁵⁵⁴ *ibid* s 196 (2)

⁵⁵⁵ See Republic of Namibia National Youth Service Act 6, 2005. (GG 3468) s. 2 (1)

⁵⁵⁶ *ibid* ss. 1, 5, 7 (1), 11 (1), 16, 17 and 30

⁵⁵⁷ *ibid* s. 18

⁵⁵⁸ See the Republic of South Africa National Youth Development Agency Act, No 54, 2008. s. 2 (1)

service activities to strengthen service delivery, build patriotism, promote nation-building, foster social cohesion and assist the youth to acquire occupational skills necessary to access sustainable livelihood opportunities.⁵⁵⁹ The Agency is similar in some respect with the service corps in the context of its objects, number of sections, president's power to make regulations, duration of the Board members to hold office for a period of 3 years,⁵⁶⁰ as well as the involvement of the Act.⁵⁶¹

However, the Agency has remarkable differences from the Nigeria Service corps in that the South Africa Act, pursuant to Section 1, paragraph 13, provide for eligible participants of all categories of youths from the age of 14 to 35, appointment of members of the board by the President, Board members appoint the Chief Executive Officer and the funds of the Agency are numerous, including private contributions from the Demutualization Levy.⁵⁶² In European countries, national service has been that of compulsory military service, dated back before First World War. However, "after the collapse of communism and the end of Cold War in Europe, many countries abolished compulsory military service. Of the 29 countries that are members of NATO, including Turkey, only six have maintained compulsory military service since 1993. But in the wake of the war in Ukraine, several are considering bringing it back."⁵⁶³ The system of national service in Europe is quite different from the Nigeria situation as there is no conscription or compulsory military service under the NYSC.

In Australia,⁵⁶⁴ National Service Scheme began in 1911 with the first scheme by way of conscription of young men aged 18 to 26 but was suspended in 1929. It was revived shortly after World War II, pursuant to the Defence Act - Regulations - Statutory Rules 1939 No. 160, which stipulated that unmarried Australian men who turned 21 in the year ending 30 June were called up for 3 months of military training in the CMF. It was also closed down in 1946.

However, major changes were made by the National Service Act 1951 which provide for all males aged 18 to be called up for training in the Navy, Army or Air Force. It was discontinued in 1959 and reconsidered in 1964 pursuant to the National Service Act and was subsequently terminated using the expedient of 'exceptional hardship' by the National Service Termination Act 1973. Much later, the Defence Legislation Amendment Act 1992 repealed the National Service Act 1951 but retained conscription in a time of war with prior parliamentary approval. Whereas, in Nigeria, there is no conscription hence, their

⁵⁵⁹ Culled from: <https://www.nyda.gov.za/Products>, accessed 20th June 2023

⁵⁶⁰ Op cit (n 50) ss. 3, 9 (6), 19

⁵⁶¹ From 1996 when it was first enacted as the National Youth Commission Act to the National Youth Commission Amendment Act of 2000, which was repealed by National Youth Development Act 2008.

⁵⁶² Op cit (n 50) ss. 9 (2), 13 (1), and 18

⁵⁶³ Walter D. Jan, Is compulsory military service coming back? Culled from: <https://www.dw.com/en/europe-is-compulsory-military-service-coming-back/a-65880469>. Accessed 4th July 2023

⁵⁶⁴ Culled from: <https://anzacportal.dva.gov.au/stories/national-service-1951-1972>, accessed 4th July 2023

system of national service is very different from the service corps.

6.0 RECOMMENDATIONS

The study recommends the following viable options which remains a formidable force capable of changing the narrative of the scheme in accordance with it's core mandate.

1. The study documented the need for the service corps to be resolute and strict in exercising it's unfettered powers of deployment without fear.
2. The paper proposed the need for urgent amendment to the NYSC Act, so as to expressly provide for the exclusion of nursing mothers and pregnant women from service. Better still, they should finish the process of weaning their babies before participation in the service corps.
3. The work noted that there was the need for all the states of the federation to have a data base of manpower capacity.
4. The essay canvassed the need for all the States and Local governments in the federation to see themselves as tripartite partners in the NYSC programme so as to fulfil their statutory responsibilities to the service corps as required by the tenor of the NYSC Act as well as the provisions of the 1999 Constitution.
5. The article advanced the need for urgent presidential assent to the NYSC Trust Fund Bill so as to involve the private sector participation in the responsibility of funding the scheme.
6. The piece emphasized the need for members of the public and prospective corps participants to exercise restraint and ensure they verify information from relevant authorities while dealing with unknown or unconfirmed individuals or groups.
7. The discourse harped on the need for the service corps to continue to be on top of the game in this era of modern technology by adopting techniques with several jumps ahead so as to be able to stamp out any illegal practices in it's mobilization processes.
8. The composition dwelled on the need for the scheme to continue to work with relevant security agencies so as to identify, arrest and prosecute such culprit(s). The scheme should continue to sanction erring institutions, hand over such culprit to security agencies for prosecution and institutionalize a platform which will require corps producing institutions to upload the list of their matriculated students admitted every year.
9. There is the need to allow and encourage private sector contribution towards the funding of the scheme by urgently amending Section 15, subsection 1 of the NYSC Act so as to require the private sector to pay the monthly allowances of corps participants serving in their establishment.
10. The treatise underscored the need to make Skill Acquisition and Entrepreneurial Development programme, compulsory for all Corps participants as it is a veritable answer for post service unemployment.
11. The analysis brings to the fore, the need for Nigerian youths to see the service corps as a public interest scheme for the betterment of all Nigerians.
12. The monograph stressed on the need for the scheme to continue to sanction erring corps producing institutions and institutionalize a platform which will require them to upload the list of their matriculated students admitted every year.
13. The critique adduced the need to ensure the fencing of all orientation camps with security watch towers erected and the deployment of modern technology for

surveillance as well as regular surveillance of Corps lodges by security personnel and community gate keepers.

14. The examination highlighted the need for corps participants to see their call to service as a call to greater responsibility.
15. The exposition recorded the need to allow private sector contribution to the funding of the scheme by urgently amending Section 15, subsection 1 of the NYSC Act so as to require the private sector to be paying the monthly allowances of corps participants serving in their establishment.
16. The thesis focused attention on the need for the scheme to ensure continuance of training and retraining of all it's managers so as to make them conversant with the legal framework as well as adapt to evolving technological trends in order to enhance their performance.

7.0 CONCLUSION

This paper carefully examined the various ways of achieving the objectives of the NYSC Scheme as provided in Section 1, subsection 4 of the NYSC Act with a view to ascertain how well the scheme has achieved the noble intention of fostering national integration, unity and development through it's policies and programmes implementation. Accordingly, it is apparent from the foregoing documented analysis that the scheme is indeed, an invaluable platform for developing the potentials of Nigerian youths to actively participate in nation-building.

The scheme remains a formidable force capable of changing the narrative of our dear country if it's policies and programmes are implemented in accordance with it's core objectives as we believe that the stances of our preceding recommendations will see to it that the service corps will be better positioned in the economic development of our great nation. Thus, the scheme still wields substantial relevance over 50 years of it's existence in the quest for national integration, unity and development hence, there is the need to ensure it's continuity.