

HILAL AHMAD WANI & ANDI SUWIRTA

Democratisation in Nigeria: Problems and Future Prospects

ABSTRACT: Nigeria, as a major democracy in African continent, has to respect every faith, culture, community, language, and every identity which exists in Nigeria. There is immense need that government should manage all the gap and gulf between the different communities through working properly for the greater interest of all the citizens, without any differentiation and distinction. Those who are oppressed sections of this society, the greater attention is required for their betterment. All developing countries are in transition, and Nigeria is not different case from other developing countries. In summation, it can be said that democratic governance and accountable political system is needed to fulfil the vacuum. Democratic system of governance could be the real panacea of all the problems which country is facing. This paper is an attempt to understand the process of democratisation in Nigeria. Democratisation term will elucidate that whether the government is successful in promoting and maintaining justice and rule of law or whether the government is not successful in the process of democratisation. This study will also touch all the lacunas of democracy in Nigeria. The main discourse is that government has to understand the real problems of people in any democratic country and try to fulfil all the basic amenities and entitlements for its citizens.

KEY WORD: Nigeria government, process of democratisation, rule of law, happy and prosperous country, and accountable and good governance.

RESUME: Artikel ini berjudul "Demokratisasi di Nigeria: Masalah dan Prospek Masa Depan". Nigeria, sebagai negara demokrasi besar di benua Afrika, harus menghormati setiap agama, budaya, masyarakat, bahasa, dan setiap identitas yang ada di Nigeria. Ada kebutuhan mendesak bahwa pemerintah harus mengelola semua kesenjangan dan jurang antara masyarakat yang berbeda melalui program kerja yang baik untuk kepentingan yang lebih besar dari semua warga negara, tanpa perbedaan dan pemisahan. Mereka yang tertindas dalam masyarakat memerlukan perhatian yang lebih besar untuk kemajuan mereka. Semua negara-negara berkembang berada dalam masa transisi, dan Nigeria bukan kasus yang berbeda dari negara-negara berkembang lainnya. Dalam perkiraan dapat dikatakan bahwa pemerintahan yang demokratis dan sistem politik yang akuntabel diperlukan untuk memenuhi kevakuman. Sistem pemerintahan yang demokratis bisa menjadi obat mujarab nyata bagi semua masalah yang dihadapi oleh negara. Makalah ini merupakan upaya untuk memahami proses demokratisasi di Nigeria. Istilah demokratisasi akan menjelaskan bahwa apakah pemerintah berhasil dalam mempromosikan dan mempertahankan keadilan dan supremasi hukum atau apakah pemerintah tidak berhasil dalam proses demokratisasi itu. Penelitian ini juga akan menyentuh semua kehampaan demokrasi di Nigeria. Wacana utama adalah bahwa pemerintah harus memahami masalah nyata dari rakyatnya di setiap negara yang demokratis serta mencoba untuk memenuhi semua kebutuhan dasar dan hak dari warga negaranya. **KATA KUNCI:** Pemerintah Nigeria, proses demokratisasi, supremasi hukum, negara bahagia dan sejahtera, serta akuntabilitas dan pemerintahan yang baik.

INTRODUCTION

"Democracy does not provide a people with the most skilful governments, but it does that which the most skilful governments often cannot do. It spreads throughout the social body, a restless activity, super abundant force, and energy never found elsewhere, which, however little favoured by circumstances can do wonders. Those are its true advantages", Alexis de Tocqueville as cited by *Nigeria Tribune* (29/5/2001).

The end of the twentieth century not only witnessed a new structure of the international system, it also confirmed the emergence of a single hegemonic power. In addition, from a reputed global village, the world is increasingly becoming a hamlet. Not only have national borders been rendered porous, national economics have been penetrated by uncontrollable extra-national economic forces. The forces

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of globalisation and technology have gate-crashed into nation-states, accelerating identity explosions of groups which aggressively demand their rights, without a thought about their obligations to the society or polity. From old Yugoslavia, through Romania, Bulgaria to Ogoni land in Nigeria, identities have exploded.

Groups are now more conscious of their interests and the needs to protect these in competition with others. Increasingly, the main dilemma is where one strikes a balance between the demands of these groups to be different in a democratic setting, through the instruments of violence and the need to protect the fundamental human and other rights of individuals and groups.

Nigeria history has been sharing that of frequent military interventions in politics, long periods of military dictatorship, executive impunity, and attempts by some rulers to ascend to power and/or perpetuate themselves in power through electoral fraud against the wishes of the vast majority of the people. And clearly, today, twelve years after the restoration of civilian democratic rule, there are horrendous challenges towards the deepening of democracy in Nigeria. Furthermore, many years of political perambulation and inept leadership have stunted Nigeria's development, accentuated ineffective governance and deepened alienation of the people from the political process.

On May 29, 1999, Nigeria entered into its Fourth Republic with pomp and pageantry and with hopes of establishing a peaceful democratic polity. Since, then ethnic, religious, geo-ethnic, and others have punctuated the political process and rendered extremely fragile the security of persons, groups, and their properties. By July 2002, there have been no less than 64 violent conflicts, leaving thousands dead, injured, and homeless. Why is the country experiencing such communal violence in a democratic setting in which citizens have avenues for seeking redress and correcting ills? (Lewis, 1994; and Ojo, 2006).

Nigeria made a transition from military rule to civil rule on May 29, 1999. It was

a great step for the establishment of democracy in Nigeria, but it failed in the process of accommodation of interests of different identities and segments of Nigerian society. Democracy is based on rule of law, justice, and freedom in all domains of individual life be it political, economic, social, educational, and cultural. The concepts of democracy and political stability are interlinked with each other. There will be political stability if there will be proper governance for the benefit of all sections of society, not for chosen few only.

Let us clarify that mostly in developing countries, which are in transition democracy is being run by elite class for the interest of elite class which gives a birth to revolutions in society. Or one group of people have more share in the policy making, whereas others are neglected. In any diversified country, there is need that power should be equally shared between all groups; this will make political system functional, otherwise it will be the game of few for the interest. Democracy respects every individual right, no matter his belongingness is concerned, he has the same voice and equal value in a country which other citizens have; because the main principle of democracy is rule of law and egalitarianism. For sustenance of democracy in a diversified country, it needs a tolerance, recognition, and accommodation.

With Nigeria's tortuous democratic transition to the Fourth Republic on May 1999, hopes are high once again about the possibility of the sustenance of democratic values in the country. Prior to 1999 political transition, Nigeria was under firm military autocracy for close to 29 years since 1966, when the military made their first incursion into Nigeria's government and politics, following the collapse of the First Republic. We note further that authoritarian governments were interrupted only by a brief period of civilian rule in the Second Republic (1979-1983). Therefore, Nigeria's march to constitutional democracy was chequered one, marked by anti-colonial struggles, crisis, coups, counter-coups, and thirty-month agonising civil war between

1967 till 1970. According to Nwabueze, Nigeria has passed through five phases, viz:

- (1) Era of colonial autocracy and absolutism, that is period of formal colonialism till October 1, 1960, when the country gained "flag" of independence;
- (2) Emergence of constitutional democracy, 1960-1966;
- (3) the Return of military autocracy and absolutism, 1966-1979;
- (4) Restoration of constitutional democracy, 1979-1983; and
- (5) the Second coming of military autocracy and absolutism, 1983-1989 (cited in Ayua, Guobadia & Adekunle, 2000:10-90).

Since 1989, the polity has added more phases to her democratisation march. With the inglorious "stepping aside" of General Ibrahim Babangida in 1993, and Interim National Government (ING), was put in place, headed by Earnest Shonekan, hand-picked by unelected military president; thereby suffering immensely from legitimacy *crisis ab initio*. The interim contraption collapsed after 82 days, following the declaration that it was illegal by Lagos High Court in a lawsuit instituted by the assumed winner of June 12, 1993 presidential election, M.K.O. Abiola.

Cashing in on the court verdict, General Sani Abacha staged *coup d'état*, dissolved all the extant democratic structures retained by the ING and once again reverted the country to full-blown military dictatorship. General Sani Abacha's military autocracy and dictatorship was characterised by "horrendous human rights" violations, unprecedented kleptocracy, hostage taking, forced exile, and physical elimination of opponents that defined Germany in the period 1936-1945, while Joseph Stalin's Soviet Union also characterised the behaviour of the state. It was in this state of confusion that General Sani Abacha died on June 8, 1998, in mysterious circumstances.

General Abdulsalami Abubakar, who took over after General Sani Abacha, seemed to have learnt enormous lessons from the legitimacy crisis suffered by his predecessor. He made it known that he was prepared to hand over to civilians as scheduled. His transition programme was the shortest in the annals of military-midwife political transition programmes in Nigeria. General

Abdulsalami Abubakar handed over the reins of government to Olusegun Obasanjo after general elections in 1999.

THE CONCEPT OF DEMOCRACY

Democracy has been the subject of immeasurable interpretations by scholars over the years. It has often been used and misused, abused and described by people according to their interests. This is why Gitonga contends that, in view of the great variety and diversity of regimes and systems that pass for democracies, it is not at all an easy matter to establish what the precise and objective meaning of democracy is, or can be (cited in Schedler, 1998).

Without going into the controversy over the meaning, dimensions and foundations of democracy, we can see democracy in the light of its etymological sense as the "rule of the people". However, it is even more difficult to properly conceptualise "rule by the people". We, therefore, agree with one of the simplest yet clearest definitions of democracy offered by Oyugi, who describes it as the existence of an open polity that is responsive and accountable to the general citizenry (cited in Schedler, 1998). The very idea of democracy as enunciated by the ancient Greeks means *demos cratos*, which literally translates into people's power. Yet to many, the very idea of people's power means nothing, but mob rule.

To this school of thought, giving power to the people amounts to a dictatorship of the ignorant masses over the more enlightened and better educated political elite. From this perspective, and obvious fears of the tyranny of the majority, many societies began working into the system certain measures which would preclude the tyranny of the masses. For example in America, the President is not only chosen by popular vote but by an electoral college to ensure spread.

In spite of the differences in conceptualisation and practices of democracy, Eghosa Osaghae notes that all its versions, whether liberal or capitalist, socialist and African brand, share the fundamental objective of "how to govern the society in such a way that power actually belongs to

all the people" (cited in Diamond, 1988). Similarly, K.S. Chafe (1994) contends that democracy means, among others, the involvement of the people in running of the political, socio-economic, and cultural affairs of their society.

Indeed, the peculiar virtue of democracy is thought to lie in the fact that it is the only form of government that can advance the interests of all the members of a politically organised community. J. Isawa Elaigwu, by quoting of Alexis de Tocqueville, then explains the virtue of democracy as follows:

Democracy does not provide a people with the most skilful of governments but it does that which the most skilful governments often cannot do. It spreads throughout the social body, a restless activity, super abundant force, and energy never found elsewhere, which, however little favoured by circumstances can do wonders. Those are its true advantages (Elaigwu, 2005).

The former Nigerian Minister of Information, Jerry Gana, in the Olusegun Obasanjo's administration, also buttresses this view:

You know the mentality of our people. If democracy does not produce clean water, if democracy does good roads, transform agriculture, cultivate industrial development, sanitise society, give us power supply, democracy will lose credibility and they may say, "Na democracy we go chop?" (cited in Chafe, 1994:131).

So, here, it is very pertinent to mention that any government be it democratic or authoritarian is recognised by the public, as per its performance if government will perform well and take into consideration the public welfare, then definitely that government will be supported by the public; and if government failed, then public will be interested to change the dysfunctional government. The performance of the government is very important. How much democracy is successful in strengthening the economic conditions of the country and removing the backwardness is very important issue.

If we put some glances on the issues

of performance of the government, there is a lot of gap between Nigeria and other countries of the world. For example, in 1978, the World Bank, in its investigation, ranked Nigeria as middle-income country with per capita income of about US\$ 1,000 and an exchange rate of US Dollar to one Naira. In 1990, the World Bank report equally showed that per capita had declined to US\$ 290, a situation which made Nigeria to drop from a middle income to the 17th poorest country in the world in terms of capital income (The World Bank, 2012).

The level of poverty in the country is increasing at an increasing rate. In fact, it became fair between 1985 and 1992, while it worsened between 1992 and 1996, as poverty level increased from 43.7 percent to 65.6 percent in 1996. According to the Nigerian Human Development Report (NHDR), as at 1998, Nigerian living in poverty was estimated at 48.5 percent; while in 2000, NHDR ranked the country 151 position out of 174 countries and among the poorest in the world (cited in UNDP, 2012). This in itself is an indication that, if as at 2000, the country could still be ranked among the poorest nations, one is forced to ask, "Has democracy yielded any dividends to Nigeria?"

Since majority of Nigerians have had little or no access to social amenities, no social welfare networks to ameliorate the condition of poor. There is inadequate access to employment opportunities for the poor, inadequate access to education, health sanitation, and water services. Despite the establishment of several schemes and programmes, such as Family Economic Advancement Programme; the Petroleum Trust Fund; the Directorate of Food, Roads, and Rural Infrastructure; the Better Life Programme; the Family Support Programme; the Oil and Mineral Producing Areas Development Commission; National Agricultural Land Development Authority; the Nomadic Education Programme; and the River Basin Development Authorities; etc., the desired results have still not been achieved, as poverty is still prevalent in Nigerian society.

Apart from the fact that most of them suffered from duplication of efforts and targets, unnecessary plurality of influences, wrong identification of roles and functions; very importantly is that Nigerian successive governments' political institutions lack the requisite capacity for effective performance. The current dispensation has witnessed government concentration on security matters and unnecessary publicity in terms of public image rather than focusing on the formulation and implementation of poverty alleviating policies and programmes. More attentions have been devoted to the satisfaction of the interests of political elite/godfathers who could offer support for second or third bids. Thus, there is need for caution on the part of the government in implementing her economic policies, particularly in ways that could reduce poverty and unemployment in Nigeria (Bratton, 1989:51; and Whitehead, 1989:245).

Concept of democracy defines universally acceptable definition. Hence, while the conceptualisations are dependent on individual perceptions of scholars who have at one time or the other written on it, the practice of democracy, however, varies from one country to another; and it is a function of values, beliefs, orientations, idiosyncrasies, and mores that are held sacrosanct by each state. In spite of all these, there is a consensus of opinion among scholars who according to Osaghae is "How to govern the society in such a way that power actually belongs to all the people" (cited in Diamond, 1988). For the purpose of this chapter, it may not serve any useful purpose going into the origin of democracy. What is important here is to put the concept in its proper perspective for better comprehension.

Democracy, according to Andreas Schedler (1998), is that institutional arrangement for arriving at political decisions in which individuals acquire the people's vote, independent judiciary, bill of fundamental human rights, a free market economy, and a two or multi party system (herein after referred to as a plural party system) in which every party has a chance of

coming to power through periodic elections. This conceptualisation represents the liberalist view of democracy with the belief that there should be public contestation for power involving competitive politics, which are free and fair as well as the institutionalisation of opposition.

This is aptly supported by Dudley who argues that for the institutionalisation of democracy to be achieved, there should be participation by the citizens in deciding who rules and how decisions are made, equality of all citizens as implied in the rule of law, accountability and responsive of the citizens, freedom of speech and association, and social justice which involves treating individuals and groups fairly and justly (cited in Schedler, 1998).

For the Socialist and Marxist school of thought, democracy is tantamount to all power belonging to people, which can only be ensured if they collectively own and control the means of production, thereby depriving the bourgeoisie of all power. Marxist scholars argue, further, that the minority capitalists who own the means of production in capitalist democracies actually rule, while creating an erroneous impression that they can do a great deal, whereas, in actual fact, it is nothing more than a deceit. They (the masses) can do nothing because all the wealth, all the power of capital is in hands of their enemies (bourgeoisie). Burkharin termed this as "bourgeoisie democracy". In Lenin's submission, this "bourgeoisie democracy" means the institutionalised suppression of the working class by the bourgeoisie, with the conclusion that the true democracy is possible only if class domination is eliminated (Whitehead, 1989).

Similarly, K.S. Chafe (1994) views that democracy as the involvement of the people in the running of the political, socio-economic, and cultural affairs of their society. The degree of involvement of the citizenry in the total affairs of their polity, within the standard of natural justice, determines the degree of democratic substance of a political system. Jackman

too observes that the three features of the liberal democracies promote the egalitarian impulse: the *first* is their emphasis on universal suffrage; the *second* is their protection of the rights of organised political opposition; and the *third* is their extension to the disadvantaged groups, of the right to organise and engage in collective action in their own behalf (cited in Chafe, 1994).

Ravitch too equally identifies certain elements of democracy, such as majority rule, minority rights, and what he calls as "constitutional democracy". According to him, all democracies are systems in which citizens freely make political decisions by majority rule (cited in Schedler, 1998). But rule by majority is not necessarily democratic; no one, for example, would call a system fair or just that permitted 51 percent of the population to oppress the remaining 49 percent in the name of majority. In a democratic society, majority rule must be coupled with guarantees of individual human rights that, in turn, serves to protect the rights of minorities – whether ethnic, religious or political, or simply the losers in the debate over a piece of controversial legislation. The elements of constitutional government-majority rule coupled with individuals and majority rights, and the rule of law, can be found in Canada and Costa Rica, France and Botswana, Japan and India.

For the "common good and mutual advantage" to be realised, Kola Olugbade is of the belief that government must be responsive to wishes of the electorate (cited in Chafe, 1994). For George Nzongola-Ntalaja (2001), democracy, as a political concept, is founded on three underlying ideals, namely "democracy as a value, a process, and practice". A careful analysis of democracy shows it as perhaps the most popular form of government, because it not only guarantees popular participation but also ensures strict adherence to the rule of law and citizen's fundamental human rights as well as a government that exists and performs in the common interest of all (Nzongola-Ntalaja, 2001:20).

DEMOCRATIC CONSOLIDATION AND ITS RELATIONSHIP WITH AN EFFICIENT MANAGEMENT OF GOVERNMENT BUSINESS

Originally, the term of "democratic consolidation" was meant to describe the challenge of making new democracies secure, of extending their life expectancy beyond the short-term, of making them immune against the threat of authoritarian repression, and of building dams against eventual "reverse waves". However, the list of the problems of democratic consolidation (as well as the corresponding list of "conditions of democratic consolidation") has expanded beyond all recognition. It has come to include such divergent items as popular legitimating, the diffusion of democratic values, the routinisation of anti-system actors, civilian supremacy over military, the elimination of authoritarian enclaves, party building, the organisation of functional interest, the stabilisation of electoral rules, the routinisation of politics, the decentralisation of state power, the introduction of mechanisms of direct democracy, judicial reform, the alleviation of poverty, and economic stabilisation (Schedler, 1998).

Put differently, democratic consolidation means reducing the probability of its breakdown to the point, where political actors can feel reasonably confident that democracy will persist in the near (and not-so-near) future. Democratic consolidation is the process by which democracy becomes so broadly and profoundly legitimate among its citizens that it is very unlikely to breakdown. Exploring the nexus between good governance and democratic consolidation, the UNDP (United Nations for Development Programs), in its 1997 reports, came up with a catalogue of what it takes to sustain democracy, viz: (1) Popular participation; (2) Democratic sustenance; (3) Governmental legitimacy and acceptance by the people; (4) Transparency; (5) Promotion of equity and equality; (6) Ability to develop the resources and methods of governance; (7) Promotion of gender balance; (8) Tolerance and acceptance of diverse perspectives;

Table 1:
BTI 2012 | Nigeria Country Report

Population (mn.)	158.4	HDI	0.459	GDP p.c. (\$)	2381
Pop. Growth (% p.a.)	2.5	HDI rank of 187	156	Gini Index	42.9
Life expectancy (years)	51	UN Education Index	0.442	Poverty ³ (%)	83.9
Urban population (%)	49.8	Gender inequality	GII	Aid per capitiva (\$)	10.7

Sources: The World Bank (2012); and UNDP (2012).

Footnotes: (1) Average annual growth rate; (2) Gender Inequality Index or GII; and (3) Percentage of population living on less than US\$ 2 a day.

(9) Ability to mobilise resources for social purposes; (10) Strengthening of indigenous mechanisms; (11) Observance of rule of law; (12) Efficiency and effectiveness in the use of resources; (13) Ability to engender and command respect and trust; (14) Accountability; (15) Ability to define and take ownership of national solutions; (16) Enabling and facilitative governance; (17) A regulation rather than controlling governance; (18) Ability to deal with temporary issues; and (19) A service-oriented governance (cited in Bratton & Van de Walle, 1997:3).

For democracy to be firmly established in Nigeria, observance of human rights and the minority problems in the country must be adequately addressed. Nigerians need to seek solution to fiscal federalism, confederation, political restructuring, and derivative revenue sharing. The poor handling of the economy means that there is little base for the average Nigerian; jobs are disappearing as companies are close down. Pensioners are dying routinely. Poverty abounds and crime has assumed the status of normal feature of Nigerian society. Whereas, democracy means better paid jobs, good education, best health care, excellent amenities such as durable houses, better transportation, good roads, proper electricity, water facilities, and above all a better future for children (Diamond, 1988).

Any good system of governance, which is based on democratic stones, needs to maintain rule of law, equity, justice, protections of fundamental rights, and socio-economic and political welfare for all. Power should not be in the hands of few elite

classes, but it should be fairly distributed for the welfare of all the sections of the state. When people are not getting their due they become marginalised, this marginalisation creates a kind of hatred towards states and this is the major reason they stand against the state and then cycle of violence become the daily routine in that state. Mostly the problems faced by the majority of the countries in the world can be included in this category, because of the lack of the good governance or due to democratic failure (Diamond, 1988:1-10).

Corruption has become a way of life in Nigeria, which the government in power cannot ignore. Corruption and cronyism have long haunted Nigeria. The military has been castigated for generally misruling the country. It must be noted that the military did not emerge from some planet like Mars, Venus, or Jupiter. They are made up of people who came from various parts of the country and, therefore, are a reflection of society. The first and second Republics failed essentially due to corruption, which the political gladiators relied on and military insatiable appetite for greed and power, contributed to the continuous rise in corrupt practices in the country.

Nigeria has made modest progress in its transformation to democracy and a market economy, but there have also been serious setbacks. Nigeria suffered a constitutional and leadership crisis from 2009 to 2010, stemming from the unconstitutional behavior of President Umaru Yar'Adua, who was also gravely ill, and the federal executive council. Surprisingly, the political class, represented by the National Assembly

and the 36 State Governors, eventually resolved the crisis and determined that Vice President Goodluck Jonathan would become acting President in February 2010. After President Umaru Yar'Adua's death in May 2010, Goodluck Jonathan became executive President.

In 2009, and even more in 2010, Nigeria experienced a wave of political violence, ethnic and religious conflicts as well as a rise in organized crime, jeopardizing the country's still-weak democratic system. However, an amnesty deal in the Niger Delta significantly defused the violence in that region at least temporarily, yet did not lead to a political and socio-economic solution to the troubles.

A government may be efficient in one area and be inefficient in other areas. Under military regimes, governments seem to be most efficient in the maintenance of law and order, and the regulation of human behaviour. That a government is efficient in other areas, such as the economy, does not necessarily make the government transparent and accountable, as the experiences of economic development in some Asian countries have shown. Yet one must make a distinction between efficiency in the management of government business and the democratic imperatives of accountability, transparency, and ethics in government business.

This brings us to the main issues of democracy and democratic governance. Democratic governments are not known to be the most efficient or cost-saving modes of government human beings have

operated. But, they are useful in enshrining certain value, such as accountability and transparency, over time. Many of Nigerian schooled and worked under military rule, so the concept of democracy may be remote or at least, fuzzy.

Democracy, however, is a very controversial concepts. Even the Greek city-states which practised democracy in those old days would be shocked to see the values attached to democracy today. However, there are certain principles of democracy which can be regarded as universal.

The first is that in a democratic settings, *authority* (defined as the legitimate use of power) emanates from the people. The people are the repository of power, and they delegate this power to their representatives to use it to ensure the carrying on of their welfare and security. This delegated power from the people is called authority.

The second characteristic is the *rule of law*. A democratic polity must be based on law which

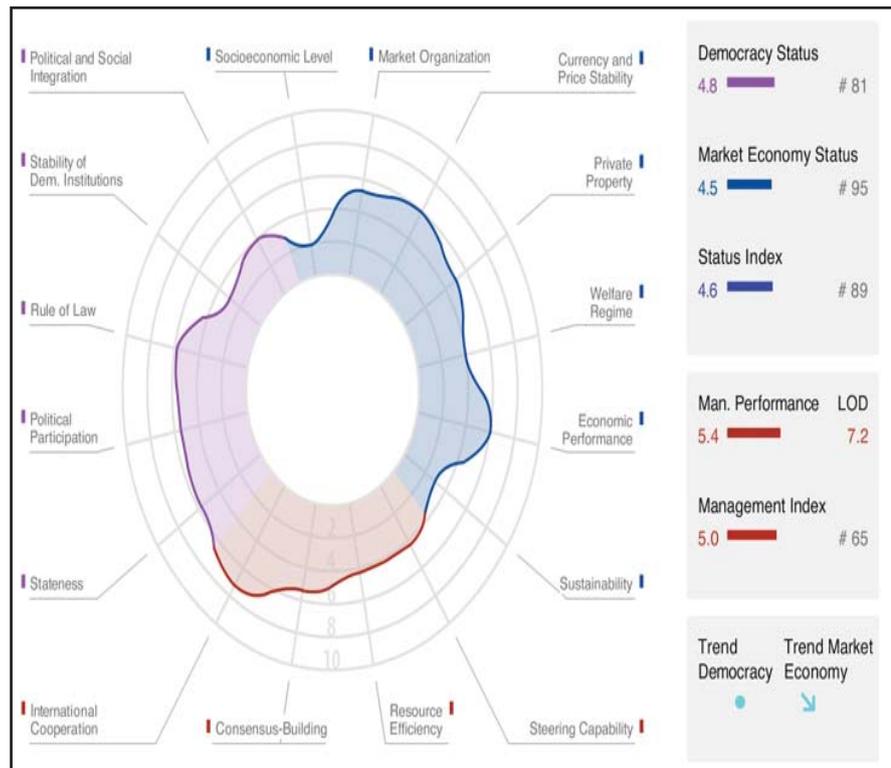


Table 2:
 Transformation Index BTI 2012

Source: <http://www.bti-project.org/countryreports/wca/nga/Transformation.Index.BTI.2012> (9/10/2012); and <http://www.vanguardngr.com/2011/06/npsas-confab-on-future-of-democracy-in-nigeria> (9/10/2012).

is applicable to all and guarantees the security of all. It makes the system predictable. It makes it possible for the aggrieved to seek redress, instead of taking laws into his or her own hand.

The third principle is *legitimacy*. This has two aspects: *input and output*. The *input* dimension presupposes that the government and/or the leader has the right to rule, based on the law guiding ascension to political power. The *output* aspect refers to the fact that it is not enough that you have the right to rule, but that you must rule rightly, given the mandate given to you by the people.

This leads us to the fourth point, the *principle of choice*. If you do not rule rightly, the people must have the right to change you through an established mechanism, and give a new mandate to someone else. *Choice* also refers to other forms of freedom, such as your freedom of worship, of thought, of movement, of association, expression, and others as permitted by law. There is no absolute freedom anywhere in the world. Your freedom steps where mine begins.

Finally, there is the *principle of accountability*. Government and/or leaders must be accountable to the people for the mandate given to them to carry out certain activities on behalf of the people. Often, most societies have ways of establishing the principles of accountability in government business through a set of rules and regulations (cited in <http://www.modernghana.com/news/219353/1/democratic-consolidation-in-nigeria-issues-challen.html>, 10/11/2012).

Nigerian democracy can survive when it will be based on accountability, rule of law, justice, and freedom of choice in all spheres of life. A democracy without giving rights to people cannot survive at long run rather it will give birth to revolution. People can only to the government when government will be responsive and based on the rule of law. Rule of law, justice, liberty, equality, and equity are the corner stone's of any democratic system (Ogunsanwo, 1994:139).

DEMOCRACY IN NIGERIA: ISSUES, CHALLENGES, AND PROSPECTS

Democracy may be a process not an event, but it is a myth to assume any country can develop without democracy. Democracy, therefore, is a desirable ideal to which every country should aim. But there are objective criteria to gauge, where a country stands on the democracy continuum. Rotarians talk of

the four-way test. For democracy scholars, however, it is a six-way test. It is from this six-way test that we propose to discuss how the country has fared on the democracy continuum (cited in <http://www.african-examiner.com/mimiko0927>, 28/9/2012).

This six-point test is as follows: (1) Holding of periodic elections, which are adjudged free and fair, and representative of the will of the people; (2) Respect for freedom of association; (3) Freedom of the press and the right to disseminate information; (4) Effective separation of the duties and functions of the executive, the legislature, and the judiciary; (5) Respect for the rule of law; and (6) Accountability and transparency in governance.

Free, Fair, and Credible Democratic Elections. Holding free, fair, and credible elections is the greatest challenge or perhaps threat, if it must be blunt, to the Fourth Republic of Nigeria. "Periodic elections do not a democratic nation make", once thundered Prof. Adebayo Williams in "Democracy and its Discontent", an article he wrote for *African Today* magazine in October 2007. That is sheer electoralism, and so, it has been with the country of Nigeria.

That is why we will talk more extensively on free and credible elections, the first of the six-point test. The other five are constitutionally provided for and an aggrieved party can go to court to claim his right. To correct rigged polls, the courts have tried their best. But from the recent experience in Ekiti and the other court-ordered re-runs, it is clear there is a limit to which the courts can help. That is why sweeping electoral reforms are absolutely necessary (Williams, 2007).

Since the return to civil rule on 29 May 1999, Nigeria has held three General Elections, aside from sundry re-run elections and local government polls. Of the three General Elections, none of them met the muster of sane polling, even if to be fair, the 1999 Election, under the direction of the late Ephraim Akpata, appeared the cleanest of the three. But, a disturbing trend is that as each General Election was worse than the preceding one (2003 was worse than

1999, and 2007 was worse than 2003); each succeeding electoral umpire was also worse than his predecessor (Williams, 2007).

Chief Ephraim Akpata did a fair job. But that cannot be said of Dr. Abel Guobadia, who succeeded him. Of course, Prof. Maurice Iwu, the current Independent National Electoral Commission (INEC) chairman appears to have broken all bounds in how not to conduct elections; the latest example being the Ekiti governorship re-run, and the drama and controversy that surrounded the final “result” (Akinyami, 2009).

Prof. Maurice Iwu, with his perfidy, is surely leading Nigeria into the abyss and its democracy into a dungeon. If immediate action is not taken, Maurice Iwu will lead the electoral system into a state, where candidates will prepare for war instead of electioneering. That would result in a situation of mutually assured destruction. But even with his extremely bad record, he is unfazed. He supervises the conception, monitoring, and execution of mandate robbery – and he does so with reckless abandon!

No thanks to Maurice Iwu, INEC has become a nest of election riggers. Despite all that, he goes on an ego trip, when reacting to his troubled conscience, claiming that he has a lot to teach both Ghana and the United States of America in the ABC of clean elections. Yet by universal consensus, he conducted the worst election in Nigerian history in 2007. Since then, he has continued his electoral rascality with phoney re-runs in which he and his collaborators, not the Nigerian electorate, decide who win or lose elections. In the name of *Mallam Aminu Kano*, that exemplar in justice and to his golden memory, the Nigeria people make this clarion call: “Wake up, ladies and gentlemen, and let us form a coalition against electoral robbery!” (cited in Adebaniwi & Obadare, 2010).

On the fidelity of the vote, the core foundation of democracy, therefore, Nigerian country is faring very badly at each passing election. This is a very disturbing trend as, in this particular case, nobody

can talk of “consolidating democracy” as nothing can be built on air. This is the greatest single threat to the Nigerian democratic survival. That is why sweeping electoral reforms are not only imperative but also inevitable.

Electoral Reforms and Appointment of INEC Chairman. At this juncture, the Nigeria government must revisit the core recommendations of the Muhammadu Lawal Uwais’ ERC (Electoral Reforms Committee) and the government must implement to save the Nigeria democracy. The ERC recommended the advertisement of interested candidates and the short-listing of three after adequate screening by the National Judicial Council (NJC). NJC, then, passes the short list to the President who picks one and sends his name to the Senate for confirmation. Even if the Senate rejects the first appointee, the President still has the remaining two to forward. This recommendation will deny any sitting President or Governor the chance to plant a party sympathiser as electoral chief, as it often happens, to help skew the election. That will help to shield the electoral umpire from executive interference thus securing independence.

In terms of discipline too, any complaints would be sent to the NJC which will investigate and forward its findings to the Senate for action. So, by this recommendation, a one man-show in the appointment of the INEC (Independent National Electoral Commission) members has passed to a triumvirate of the President, the Senate, and the NJC. This democratisation of the process is imperative, given where the executive abuse of the past has landed the democracy.

Furthermore, the arbitrary change of rules by the INEC chairman, as recently witnessed in the aftermath of the Ekiti re-run election, when the lawyers to a petitioner was asked to go to Abuja to obtain the permission of the INEC chairman before the Certified True Copies (CTC) of documents used in the election, will be eliminated. This, before now, has been a routine procedure. But overnight, the all-powerful INEC chief

politicised the process, perhaps to favour certain interests.

Independent Funding and Security of Tenure. The ERC (Electoral Reforms Committee) recommended funding for INEC (Independent National Electoral Commission) be charged into the Consolidated Fund. That means the electoral body will not go cap-in-hand to the executive for funds. Financial independence is crucial in any venture; and the government should be commended to have retained this particular recommendation. This stems from the preceding two points. If INEC is not beholden to any single body or institution and can access its funding from the Consolidated Fund, it logically follows that its tenure would be secure.

Time-Limit in Electoral Adjudication. The Muhammadu Lawal Uwais' Committee recommended that every electoral petition be dispensed with before the swearing-in. That is a logical thing to do, given the current situation where someone alleged to have stolen the vote enjoys the plums of office and even spends government money on his petition defence. Why the Federal Government is opposed to this position is curious; for it seems a fair and equitable thing to do. The National Assembly should insist on this particular recommendation.

Electoral Offences Commission. This is to strengthen the state's capacity to punish electoral criminals. Such a commission should be made to dispense justice faster than the conventional courts, without necessarily sacrificing the principles of justice and fair play. If Nigeria's government must reform and redeem the democracy, then electoral cheats and those who aid and abet her in INEC (Independent National Electoral Commission) must be made to face the full wrath of the law. Any elected office holder found guilty must not only be barred from future elections, he/she must go to jail for the offence. So too, must colluding electoral and security officials.

Independent Candidature and Internal Democracy in Parties. This is a welcome reform, given that it is a constitutional right to vote and be voted for. It will enrich

the democratic process and curb cases of imposition in the parties, knowing that an alternative platform is open to aggrieved but popular candidates.

This is a key challenge under the present dispensation, where parties are seldom democratic in the conduct of their internal affairs. Option A4 (effective separation of the duties and functions of the executive, the legislature, and the judiciary) is hereby recommended, where candidates emerge from the ward up to the highest levels; and the process is seen to be clear and transparent. If parties embrace internal democracy, the chances are that the general polity would be more democratic. So, there is need for a set of electoral law setting out such processes, so that every party that nominates a candidate must conform to these set of rules.

National Data Base. Every rigged election starts with a padded voter register. Therefore, there is urgent need to ensure the electoral roll is genuine and not fake. A scientific way to go about this is to invest in a comprehensive National Data Base that captures the biometrics of the voters on the roll. That way, cases of multiple thumb-printing and even proxy voting (which are now very rampant) would be easily detected and punished. Nigeria's people lost a golden opportunity with the failure of the National Identity Card Programme; but that does not mean that Nigeria's people cannot succeed in it, if they really are determined to. In fact, a comprehensive national data base is key to clean elections. But it would also provide accurate statistics for economic planning, help to effectively fight crime and enhance national security.

War Against Poverty. The discussion must not end this contribution without a word on poverty eradication. Indeed, mass poverty is not only a threat to democracy, but also a potent threat to national security and prosperity. For Nigeria's governments to fight poverty, they must all fight for the realisation of electoral reforms as they had earlier highlighted. Without a credible electoral system, in which every vote counts, there cannot be accountable

leadership which feels its survival depends on gaining and retaining the confidence of the people. Of course, where the leaders have accountability, the road to prosperity is assured.

However, for a good political system to work, the constitution must work the way it is intended to be. This now brings the Nigerian government to the issue of their supposed federal constitution which, in actual practice, is more unitary than federal. The implication is that Nigeria is presently bogged down by a powerful and inefficient centre. This centre sits on most of the resources. But it does not account for them; and it misapplies and mal-administers those resources.

To buttress the point, the glorious period in Nigerian history was when the regional governments operated on a sound federal constitution. The legacies of Sir Ahmadu Bello in the North, Chief Obafemi Awolowo in the West, and Dr. Nnamdi Azikiwe in the East are still there today for all to see. It was the golden age of Nigerian politics and economy. But in the last 30 years, Nigeria has stagnated because of over-centralisation of authority and resources.

Since the bulk of Nigerian people live in the states, the states need more resources and authority. That there is a running debate on the desirability or otherwise of state police is enough attestation to this. That is why Nigeria must return to true federalism (Ahmad Wani & Suwirta, 2013). Nigeria government need to make every part of the country profit centres, rather than cost centres that they are now – no thanks to an over-centralised federal government that sits on idle funds but has little ideas on what to do with it. To eliminate poverty, therefore, states must be at the prime drivers of development.

That is why Nigeria must also make bold endeavours. Nigeria government must think out of the box and invest in education as the greatest weapon against poverty. Let's move away from the tyranny of dead ideas and make direct investment in agriculture and agro-allied industries. With the maximum use of irrigation for all-year-round agriculture, Nigeria government

must invest in storage facilities. Nigeria government must make massive investment in electricity, as no nation can develop without power. Then, Nigeria government must resuscitate the rail system and get the economy moving again. That is how to launch a full-scale war on poverty, subdue it, and give Nigeria people the good life. That, in the long run, is the only dividend that can sustain democracy (<http://nigeria.villagesquare.com/akin-oyebode/the-future-of-democracy-and-the-rule-of-law-in-nigeria.html> May-2012, 10/11/2012).

DEMOCRACY AND THE RULE OF LAW IN NIGERIA

Nigeria has had a chequered experience with both democracy and the rule of law. While the immediate post-colonial period can generally be described as a period during which democracy and the rule of law generally thrived, the seizure of the country's political space by *khakistocrats*, in effect, bade good-bye to the fine points of elected government and due process of law, heralding the years of the locust, characterized by autocracy, arbitrariness, executive recklessness, and impunity (<http://www.african.examiner.com/mimiko0927>, 28/9/2012).

The hallowed principles of separation of powers, division of powers, and judicial supremacy were peremptorily cast in limbo as the militariat foisted its own notion of governance on a reluctant populace. The age of decrees which operated "with immediate effect" emasculated an otherwise proud and assertive judiciary which became infested with the *kabiyesi* syndrome among some judges who out of fear, diffidence the predisposition to filthy lucre decided to yield to the wiles of new-fangled dictators who claimed to have come to rescue the people from themselves.

Aside from the fact that ballot-box democracy was an anathema to the military dictators, the self-proclaimed saviours of the masses felt perfectly free to suspend the cherished values of free choice, federalism, and respect for the sanctity of due process which had served as the lubricants of

democracy and the rule of law. What is more, Nigeria government evinced no genuine desire for restoration of democratic rule until revolutionary pressures compelled her to foist what an observer described as an "endless transition" on the country. Admittedly, the venality of the political class put blinkers on their eyes so much so that they were prepared to buy a pig-in-poke by embracing the programme clamped on the country by the military dictators. Talk of buying an equipment without its operating manual (Akinyami, 2009).

What is even more galling to the Nigeria government was the subversion of the values of honesty, integrity, and frugality which had informed the socialization process and political education of the entire country in the immediate post-colonial generation. The "settlement" syndrome introduced by Babangida and his fellow travelers resulted in entrenching corruption as the fundamental objective and directive of state policy, to borrow the expression of one of the country's most perceptive critics.

The implication of the foregoing was that the fundamental or basic law operating in the country did not bear the imprimatur of the preponderant majority of the people. In other words, Nigeria lacks an autochthonous constitution such that the most important source of law operating in the country; simply told a lie against itself, as ruefully observed by the *Patriots*. But for the crass opportunism of the political class, the issue of enabling Nigerians to own their constitution should have been the first item on the agenda of the country upon the transfer of power from the military usurpers to an elected administration (cited in Akinyami, 2009).

That the Nigeria regimes have continued to trick the people with the notion of amending different provisions of Decree 24 of 1999, which has been masquerading as the country's Constitution, bespeaks the absence of the sense of shame from those who claim to be representing the Nigeria people. Right now they are engaged in another quixotic search and journey to no-where, forgetting that multiple panel-beating can never be

a good substitute for a brand new vehicle (cited by *Nigeria Tribune*, 24/9/2009).

Accordingly, the blunt refusal by the political class to set in motion the process of convening a proper Constituent Assembly constitutes the most grievous danger to the sustenance of democracy and the rule of law in Nigeria. Continued operation of a military decree posing as the country's constitution is, quite frankly, dysfunctional and counter-productive in the extreme in the face of the multifarious challenges currently confronting the polity. By burying their heads in the sand like ostriches, the Nigerian ruling class is fiddling while Nigeria is burning. Even if this house has not fallen, the truth of the matter is that it is tottering and warrants immediate reinforcement in order to avert imminent disaster.

Nigeria regimes are all living witnesses of the fact that what they have enthroned in the country is a form of civilian dispensation and not real democracy. Indeed, what Nigeria regimes have is more a plutocracy or kleptocracy than a democracy. For, it is practically impossible to have democracy without genuine, committed democrats, and an electorate unencumbered by lack of the vital necessities for existence.

The political parties operating in the country today are little more than opportunistic contraptions, highly plastic, synthetic and inorganic, leaving the electorate with little more than a choice between *Tweedledee* and *Twedeledum*. Furthermore, democracy is more than elections which are, more often than not, a product of politics of the stomach than the interplay of competing ideologies. Besides, the rough edges and infelicities of the polity such as lack of devolution of powers to the constituent units, absence of fiscal federalism, state police, guarantee of socio-economic rights, judicial reform, and numerous other afflictions of the Nigerian nation-state would need to be confronted first before it can be truly said that the country is making progress in the right direction (Adebanwi & Obadare, 2010).

The current state of the rule of law in Nigeria is not altogether wholesome, more

so as there does not seem to be enough evidence of fidelity to law by public office-holders. A situation where opportunistic and selective application of laws is the order of the day does not augur well for the vitality of the rule of law. Not only should judges be ready and willing to be firm and stand up for what is right, stakeholders must be prepared to wage the crusade for independence of the judiciary and general acceptance of the dictum, "Be you ever so high, yet the law is above you!" (cited in Adebani & Obadare, 2010). *Ad hominem* application of laws and disregard for court injunctions by highly placed persons should not feature in any legal system that espouses adherence to the tenets of the rule of law.

As Roberto Unger loves to intone, law holds the secrets of what glues society together. Accordingly, law should be seen as the sentinel of democracy and the last stop before societal decay and ultimate collapse. Indeed, law and society are two sides of the same coin. People cannot have one without the other. The success Nigeria makes of its effort toward nation-building depends, to a large extent, on its ability to harness law as an instrument of social control as well as social engineering. While the nuclear clock in Nigeria is now at three minutes to midnight, most elements within the ruling class continue with business as usual, oblivious of the fault lines that are clearly visible to discerning eyes (cited in Akinyami, 2009).

The very survival of Nigeria, as we know, it is very much a function of the key players on the political landscape to hold on to the tenets of democracy and due process of law. Democracy might jolly well be as Churchill quipped, the worst system of government, aside from all the others, but it cannot operate in a milieu where it is constantly brutalized and desecrated by the very people who strain every nerve to profess their adherence to its principles (cited in Suberu, 2009).

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CONCLUSION ¹

Looking at the many dimensions of the democratic governance and role of the Nigeria government, there are many ways to cross for the development and welfare of the citizenry. In fact, any democracy can be successful only when the government is responsive and efficient in tackling all the issues of welfare properly. But, after looking in the context of good governance and the democratic aspect of governance, there are many things missing still. There is need that policy makers should pay attention on the prevailing hindrances and hurdles of nation building process in the country of Nigeria. This can done when the government will be highly accountable to every individual who is the part of the Nigeria society.

There is a dearth need of development for making citizens of the country of Nigeria happy and prosperous. It can be done when government will provide employment to its young youth who are still jobless. Moreover, building and constructing good roads, proper electricity, best irrigation facilities, industrial and technological development, providing all basic amenities to all which are needed for a better and dignified life of citizens the government, has to play a vital role in all these areas and learn a lesson from the developed world how their citizens are happy and prosperous. Protection of fundamental rights, rule of law, and equality are the cornerstones and cardinal principles of democracy.

Nigeria, as a major democracy in African continent, has to respect every faith, culture, community, language, and every identity which exists in Nigeria. There is immense need that government should manage all the gap and gulf between the different communities through working properly for the greater interest of all the citizens, without any differentiation and distinction. Those who are oppressed sections of this society, the greater attention is required for their betterment. All developing countries are in transition, and Nigeria is not different case from other developing countries. In summation, it can be said that democratic governance and accountable political system

is needed to fulfil the vacuum. Democratic system of governance could be the real panacea of all the problems which country is facing.

The first 10 years of resumed civil rule has not been a soar-away success in terms of democracy and democratisation on two crucial fronts: (1) the fidelity of the vote; and (2) accountable and transparent governance. Extra work must be done in these areas to make Nigeria a democracy and to make that democracy sustainable. However, other indices like freedom of association, freedom of the press, separation of powers and respect for rule of law have made appreciable strides, even if great challenges still lie along the way. Whether Nigeria government can sustain, not to talk of consolidating this democracy, will depend on how these itemised flaws are corrected. But the key challenges remain electoral reforms and mass poverty. The Nigeria government, therefore, needs the sweeping electoral reforms; and making the practice of the constitution federal as conceived, rather than the unitary as it is currently practised.

The Nigeria government needs a broader, firmer, and deeper faith in the people. A faith that human desire to do right, that the commonwealth is founded upon a righteousness which will endure, a reconstructed faith that the final approval of the people is given not to demagogues, slavishly pandering to their selfishness, merchandising with the clamour of the hour but to statesmen, ministering to their welfare, representing their deep, and silent abiding convictions.

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