AN EVALUATION OF THE DEMOCRATISATION PROCESS IN NIGERIA (1998 – 2006)

BY

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DECLARATION

I, Yusuf Musa, declare that this Ph.D research Dissertation titled `An Evaluation of the Democratization Process in Nigeria (1998-2006) was duly researched and written by me and has not in any way been submitted anywhere else for the award of Doctoral Degree.

(Yusuf Musa).

DEDICATION

This Dissertation is dedicated to my father Malam Abubakar, grand father Malam Musa, my mother Hajiya Aishatu and the entire family.

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ABSTRACT

The democratization process in Nigeria between 1998 to 2006, a period that forms an important scope of this study, had been nothing but actions and political behaviours of questionable legal grounds that proceeded into crisis, absurdity, unconstitutionality and which almost ended up in impasse, imbroglio and chaos. The clamping of State of Emergency in Plateau on May 18, 2004 and Ekiti state on October 19, 2006 clearly demonstrated the degenerated and deep level of socio-political and economic crises and corruption which were consequently informed not only by the structural dysfunctions but also by the role and behaviour of personalities or actors within the system and on whom the success of democracy critically depends.

However, and based on the findings of this dissertation, the above scenario was informed by a number of factors notably the blatant abuse of Rule of Law and Constitutionalism most notably by the Presidency and the Houses of Assembly at both State and Federal levels, and which impacted on the credibility crisis on the leadership emanating from lack of accountability and economic extravaganza, the weakening of the Judicial system and the abuse of the due process of law, strenuous and unfortunate Executive – Legislature relations, series of unconstitutional impeachments of the executive.

Furthermore, the abuse of the anti-corruption policy of the regime during the democratization process became prevalent especially through the activities of the Economic and Financial Crimes Commission and the Independent Corrupt Practices Commission by the Presidency on political opponents. For example the Presidency used the EFCC to unseat Peter Ayo Fayose as governor of Ekiti State, and to attempt the impeachment of Joshua Dariye of Plateau State. The EFCC and ICPC became the tools of intimidation and blackmail of those that opposed the Presidency, for example the former governor of Kogi State Prince Abubakar Audu. Other issues that posed a threat to the process included the combatant relationship of accusations and counter accusations of corruption and abuse of office between the President and his Deputy which took unprecedented trend especially in 2006. This was not unconnected with the Vice-President's opposition to the aborted unconstitutional third term agenda of the President.

Finally, therefore, though the 1998-2006 democratization process under the Fourth Republic civilian regime was chaotic due

to the anti-democratic political behaviour of the actor-stakeholders or personalities within the system and which have tended to presage serious threats to the process and to democracy which must be addressed in order to save the country from collapse, however incorporation of Nigerian traditional values of leadership and governance as found in the pre-colonial Sokoto Caliphate, the Ibo Society and the Old Oyo Empire into the tenets and principles of modern liberal democracy would help build durable democracy. The choice of leaders of credibility through free and fair elections by the masses, would also go a long way in the institutionalization and preservation of democracy in Nigeria.

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CHAPTER ONE: INTRODUCTION

NATURE OF THE PROBLEM

1.1 Preamble

The failure of one party system and military autocracy to usher in political stability and progress in Africa has generated a lot of concern and the call for an alternative from both the public and the academia alike. So much has been written on the advantages of democratic constitutionalism as opposed to military and one party-rule in Africa. Furthermore, the collapse of several regimes in Africa and other parts of the world shows that no political system can survive for long without democratization. This has been the case as presented by historical write-ups.

Democratization, a concept that cannot be reduced to multiparty system or elections alone, can be understood from the context of certain values that are necessary for its existence and which include Rule of Law and Constitutionalism, free and fair periodical elections, accountability and transparency of the leadership, democratized economy, society and political processes, ordered and stable society with spirit of equality, freedom and human rights. As a process, democratization is an experiment overtime, it would be wrong to assume that it would not begin

unless and until these values or conditions are satisfied. They are, however, developed or created in the process thereby leading to a true and stable democracy.

In Africa, the call for democratization has dominated the political and social environment by the different segments of the society. The pressure has, consequently, made many African countries to begin the journey towards democratization. For example, domestic and international pressure forced the historic Apartheid South Africa to return to popular rule. Indeed the wind of democratic transformation is blowing over Africa with astonishing speed.

The transition from one-party and despotic military rule, decreed by law, to a free political competition between rival parties under a democratic set-up is a momentous event. This has led to a bewildering proliferation of political parties in Africa. In Zaire, for example, there were about 250, 100 in the Congo, 68 in Cameroun, 30 in Senegal, 25 in Burkina Fasso, 17 in Benin, 16 in Guinea and 32 in Nigeria (Nwabueze, 1993). But despite the penchant for democratic constitutionalism in the continent, a common characteristic of this post colonial journey to democratization is its instability (Mbachu 1994 in Omoniyi et al

(eds) 11).

The tendency to reduce democratization to mere partisan politics, the electoral process, and elections is a serious misrepresentation. Furthermore, mere transition from a military regime to a civilian government of multi-partyism does not mean absolute democratization and must not be reduced to that alone. In fact democratization means much more than what some analysts ascribe to it.

The Nigerian perspective of democratization is not different from what other post-colonial societies in Africa ascribe to it. According to Eskor Toyo, in Nigeria practically everyone have taken it for granted that democracy means whatever American and Western European propagandists mean by it. An extremely superficial and misleading notion that “democracy” means a constitution allowing for elections and that the mere holding of elections and the installation of governments based on those elections means democratization has taken root (Toyo, 2001:1). No one is asking any deep questions.

Toyo further stresses “the presumption that the mere termination of military rule will mean a transition to democracy is wrong. The political scientists that decided to lend their services to

the transition to civilian rule were busy telling everyone that their mechanistic juggling was all that Nigeria needed to land in a democracy. All this is insufferably ignorant, misleading and dishonest (Toyo, 2001:2).

Perhaps one could partly attribute the failure of the attempts at democratization in Nigeria to the inherent unstable character of post-colonial journey to democratization in Africa and partly to this misleading misconception of what democratization is.

Attempts at democratization in Nigeria, over the years, had been that of frustration, failures and chaos characterizing a general political instability and collapse of elected civilian regimes as informed by recurrent military incursions into politics and the establishment of military dictatorship. Even the military organized transition to civil rule programmes seemed to have been state-guided in character thereby impacting negatively on the attempt at democratization, leading to fragile political structures devoid of the strength to sustain democracy; this had made those leadership values inherent in Nigerian cultural traits relevant to the democratization process.

The failure of democratization process has become a serious source of concern and which principally informed the choice of the

topic.

Ironically, however, this failure emanates more from the structural dysfunctions, omissions, and contradictions in both the regime and the person spearheading the democratization. (Bako, 2001:1). However and more importantly, the research findings of this Dissertation revealed that the problems of democratization in Nigeria especially during the period of study could be linked to the abuse and disregard for Rule of Law and Constitutionalism by politicians and political office holders during the period. Consequently, therefore the violation and abuse of the western liberal democratic principles of Rule of Law and Constitutionalism became prevalent in the system manifesting in the excessive manipulation of the judiciary and the judicial process, emasculation of the electoral process, lack of accountability and transparency in government, disregard for press freedom and the legalization of corruption by government officials all of which combined to exacerbate the problem which continued to manifest in civil disorders, insecurity and general chaos in the system.

Nigerian experience at democratization since independence has been the problems of discontinuity, changes, frustrations, failure and crises characterizing a general political instability. The

collapse of the civilian regimes in the first, second and third republics and their substitution with military dictatorships clearly explains the above assertion. This has certainly demonstrated the need for genuine democratization in the country. Democracy, however, is o a new concept in Africa because there are evidences to show that Africans had been practicing democracy even before the advent of colonialism and colonial rule. The African variants of democracy, therefore, existed in African cultural practices and political systems of the pre-colonial and post colonial traditional authorities. A critique of the Western liberal theory of democracy in chapter six of this Dissertation provides a detailed explanation of the above fact.

A critical analysis of cultural values of Rule of Law, constitutional checks and balances, respect for laws of the land, transparency and accountability in leadership, representation and fair hearing to mention a few, as found in traditional political systems in Nigeria provides a veritable critique of the Western liberal democratic theory. Essentially, these traditional cultural values of leadership and governance in the political structures of Africa, albeit, Nigeria are the same values that provide the bedrock of the so-called Western democracy. That democracy existed in

Africa is incontestable giving the argument that culture is the foundation of democracy. The only difference is how one chooses to call which democracy as related to which culture. Western liberal democracy is rooted within the context of western cultural practices just as African democracy was rooted within the context of African cultural practices. The need therefore, to consider certain traditional values in leadership and governance, as found in pre-colonial political systems of Nigeria, as relevant to the democratization process become imperative. Politicians and political office holders must have to respect and observe these values for genuine democracy to be entrenched in the polity.

Explanations on Nigeria's democratization problematique centre largely on the tenacity of the military to control power and the problem in the structural weakness and fragility of the so-called democratic institutions so formed in the name of democratization. However, what is surprising is that very few writers pay attention to the behaviour and breach of basic democratic values by the political class as attributable factors to the failure of democratization in Nigeria. Behaviour of actors is therefore central to the success or failure of democratization process and the establishment of a genuine democracy.

Democratization is not just a concept which can be abused especially as is the case in Nigeria today. Democratic politics is always built on certain principles which are popular participation and inclusiveness, responsiveness and accountability, freedom and respect for human rights, supremacy of the constitution and observance of the rule of law, among many others. Where these principles are, in general, observed, one can pronounce a government constituted in such a polity as democratic (Mikailu and Yaqub, 2003:45). On the other hand and conversely too, where they are observed in the breach one has no option but to consider such a regime as undemocratic this is regardless of whether or not the regime in power is able to meet or satisfy the welfare needs of its people. The extent to which these principles are observed in the process of democratization in Nigeria is doubtful and hence researchable.

Nwabueze (1993) stresses that democratization is not synonymous with multipartyism, though this could be one of its preconditions. Other conditions are necessary and these include a free and just society, a virile, ordered and stable society with the spirit of equality. The number of political parties in contest for elections is just part of the democratization process. In the fullest

sense of the term, democratization requires that the economy, society, politics, constitution and constitutional procedures, the electoral system and governance be democratized.

However, as an experiment overtime, it is wrong to consider the view that democratization process should not begin unless and until these conditions are satisfied. They can be created or developed in the process.

Considering the process of democratization in Nigeria from 1998 to 2006 and based on the attempt to practicalise Liberal Democracy as a model, these elements of democratization as found in the principle of Rule of Law and Constitutionalism, manifesting in the violation of judicial process and justice, fair electoral process, accountability and transparency, press freedom to mention a few, were least observed. This may be applied to Africa and the third world in general. The problem can be blamed not on the inappropriateness or unsuitability of the values and underlying principles of Rule of Law and Constitutionalism, rather the problem can be conceptualized within the context of crisis of implementation and ignorance on the part of the people and especially the leaders' inability to practically imbibe the spirit of these values (Nwabueze, 1993).

Various attempts at democratization by the military in Nigeria like the one of 1979, which led to the establishment of a civilian government under Alhaji Shehu Shagari, and that of 1998, which led to the establishment of another civilian administration under Chief Olusegun Obasanjo, a retired army General and former Head of State, have peculiar characteristics. This is in the sense that the leadership was made up of the same people and characters. The difference is, however, found in the regime type. The implication is that the value of probity and accountability, two fundamentals of democratisation became least observed. Thus the overthrow of the Shagari government by he military in 1983 indicated a failure in the attempt to democratize Nigeria.

The period between 1983 to 1985 witnessed very little in terms of democratization in Nigeria. However by August 1985 the country witnessed yet another military intervention through a “palace” coup staged by Ibrahim Babangida. This brought an end to the regime of Buhari.

Babangida’s regime used various strategies to stay in power without actually starting the process of genuine democratization. For five years the regime maintained total ban on political activities which was only lifted in May 1989. This led to the emergence of

over forty political associations thirteen of which sought for registration with the National Electoral Commission. But NEC recommended only six who, according to guidelines, were able to meet some of the stipulated requirements for registration (Adeyemi, 2002:10).

Though the journey into the Third Republic could be said to have started with the ban on party politics, the inauguration of a Political Bureau earlier in 1986 did not help matters. Despite the Bureau's task of reviewing Nigeria's political history and identifying the obstacles to democratization, and despite the Bureau's recommendations parts of which formed the NEC's basis of registering the six political associations as parties, the military administration however dissolved them and accused them of political activities capable of bringing disunity.

The government went ahead and created, registered and even funded two political parties and imposed them on Nigerians. These were the National Republican Convention (NRC) and the Social Democratic Party (SDP). The government further drew up the parties' manifestoes and constitutions which were very much similar with the philosophy of a moderate ideological leanings of "a little to the left and a little to the right" (Adeyemi, 2002:10). This

was another blow to the democratization process in the country.

As rightly observed by Nwabueze (1993) that the failure of democratisation is found in the inability of the people to imbibe the spirit of its principles, the annulment of the June 12, 1993 presidential elections clearly support this fact. The election, a contest between late Chief MKO Abiola of the SDP and Alhaji Bashir Tofa of the NRC, was locally and internationally believed to be the fairest and freest election in the history of elections in the country. Here, the military becomes another obstacle to democratization by their reluctance to allow the democratization process to take firm root.

The uproar and general chaos and insecurity caused by he June 12 crisis forced Babangida to hastily inaugurate an Interim National Government (ING) in August under Chief Ernest Shonekan with mandate to conduct yet another election and oversee the final transition program.

However, the crisis of legitimacy suffered by the ING and further political imbroglio led to its exit barely after only three months in November, 7th 1993 with the coming of General Sani Abacha to power. Abacha terminated the transition programmes of his predecessors and inaugurated a Constitutional Conference of

chosen representatives across the country to debate on the future of democracy and the possibility of Nigeria's co-existence as a nation. The government then embarked on another transition program which began in the forth quarter of 1995.

In 1996, local government elections were conducted on zero party basis and later the government, in response to the Constitutional Conference debate for multi-party system for the country, registered five political parties. Even these remained an essential arm of the Provisional Ruling Council (PRS) headed by Abacha. Moreso, the parties became a pawn in the chess game of vicious and complex military manipulations aimed at allowing Abacha to succeed himself without going through the rigours of elections (Adeyemi, 2002:11). This is how the introduction of "Tazarche" syndrome became manifest in Nigerian politics and which was vehemently and viciously carried out by Abacha's men. The "5 million youths march in March" clearly indicated how Abacha's supporters wanted Nigerians to believe that there was a popular movement behind the military autocrat. However, the whole process was brought to a halt with the mysterious death of Abacha on Monday, the 18th of June 1998.

After the death of Abacha the PRC selected General

Abdussalami Abubakar as the new Head of State who immediately set 29th of May, 1999 as the terminal date of the transition program. In what appeared to be the shortest period in the history of transition in the country, the process of military disengagement started with the inauguration of the Independent National Electoral Commission (INEC) on 11th August, 1998 headed by Justice Ephraim Akpata. The commission formed guidelines for the registration of political parties, conducted local government elections on 5th December, 1998, and subsequent elections the following year. A civilian administration came to power on 29th May 1999 with Chief Olusegun Obasanjo of the People's Democratic Party (PDP) as President.

From the above brief but analytical evaluation of democratization in Nigeria, one can conclude that the transition programmes of the regimes of Babangida, Abacha and Abubakar left much to be desired. The truth of the matter is that Nigeria has been embroiled in more time-wasting, expensive, flambouyant and highly militarized state-guided and exclusive transitions than in real sustainable democratization (Bako, 2003:4). The collapse of the Third Republic presented a unique dimension to the problems of democratization in Nigeria. In fact one can assert that part of the

democratization problematique of this country was the military. For out of the forty three years of independence, the military had ruled for Twenty-nine years during which they could have institutionalize a genuine democratization process in the country.

The government of Chief Obasanjo has been considered as democratic by many people. That democratization has finally taken root. But to what extent is this assertion true? Giving the basic values of democratization (Nwabueze, 1993) and the extent to which they were observed, is Nigeria actually democratizing? These and many other questions would be answered in the course of our study.

RESEARCH PROBLEM

That the democratization process in Nigeria was unstable and chaotic is incontestable. This Dissertation intends to find out the factors, causes or reasons responsible for this lamenting, sordid and chaotic character of the democratization process with particular reference to the period 1998-2006. However, Western liberal democratic values and principles of the Rule of Law and Constitutionalism would form the parameters for evaluation assessments, analysis and conclusions. Particular attention would be paid to the extent to which they were observed, implemented

and institutionalized.

Furthermore, the Dissertation would attempt to investigate the extent to which the abuse and violation of Rule of Law and Constitutionalism, as informed by the negative, undemocratic behaviour of politicians, government officials and stakeholders as actors, impacted on the lack of accountability and transparency, weakening of the judiciary and travesty of justice, absence of free and fair elections, disregard for freedom of the press and human right which became veritable source for the chaos and confusion in the system.

There is no doubt that the democratization process in Nigeria during the period of study was practically characterised by action and behavior of questionable legal ground , as exhibited by the actors and which proceeded into unconstitutionality, absurdity and crises that almost ended up in confusion and chaos generally emanating more from the structural dysfunctions, omissions and contradictions in the regime and the actors spearheading the process.

However, and principally too, the abuse, violation and disregard of the cardinal liberal democratic principles of the Rule of Law and Constitutionalism could have been the source of the

democratization problematique of the country. Consequently, and negatively too, this impacted on the disregard of justice, accountability, transparency, election malpractices etc. which became the source of corruption, insecurity, decline in the living standard, some of the factors that contributed to make explicable the collapse of the second and third republic.

In a nutshell therefore, the Dissertation is intended to investigate the causes of the problems of the democratization process in Nigeria with particular reference to the extent to which liberal democratic values and principles of Rule of Law and Constitutionalism, as parameters for assessment, were observed from 1998-2006. This raises the issue of whether the country was democratizing and the possibility of the process to collapse under the intense weight of abuse of democratic principles by the Nigerian politicians. Since Nigeria is supposed to be practicing the Liberal Democratic model of governance, liberal democratic values and principles Rule of Law and Constitutionalism would, therefore, provide the possible parameters for observations, assessments and analysis.

There is little doubt that Nigeria's democratization process since 1998 had been marred by frustrations and confusion by

comparison to other Third World countries. It is hardly contestable that the democratization process was marred by considerable confusion, omissions, threats and intimidation especially between the executive and legislative arms of the government. Constitutional stalemate became apparent especially in Plateau, Ekiti and Anambra States where cases of impeachments served to the Executive by the legislature degenerated into power wranglings that tended to overheat the polity.

Furthermore, central to this dissertation is the argument that the democratization process between 1998-2006 was characterized by outright abuse of the tenets or principles of liberal democracy – viz – Rule of Law, Constitutionalism, Accountability, transparency, fair elections, constitutional checks and balances, Press Freedom to mention a few, and which consequently informed the confusion and chaos that engulfed the process.

The problem became exacerbated with, especially the public and even academia's misconception and narrow understanding of the concept. The central argument of this Dissertation is that given the failures and frustrations that accompanied the attempts at transition from military dictatorships to democratic governance in Nigeria, and their seeming socio-economic and political

repercussions, prominent among which was the crisis following the annulment of the “June 12” Presidential elections in 1993 by the Military regime in power, the belief is that the principles of Rule of Law and Constitutionalism as found in Western liberal democracy seemed to have been least observed by the actors and or personalities spearheading the process. This is on the one hand. On the other, the electorate seemed ignorant of these principles of Liberal Democracy let alone observe them, or even if they were aware of these values, they lacked the political power to force their leaders to observe them.

What then are the real causes that explain this unfortunate situation? Is it the distorted notion of democratization as exhibited by most writers, or the structural and institutional dysfunctions in the system? Is the role being played by actors and personalities a contributory factor to the problem or is the ignorance of the principles of democracy by the masses part of the problem?

On the basis of the above, therefore, the causes of the chaotic character of the democratization process in Nigeria since 1998 to the present civilian regime of 2006 remains a problem which this Dissertation seeks to investigate.

However, for the purpose of having a clearer background to

the genesis of the problem under investigation, the study will examine the democratization process and the transition programme as carried out by the government of General Abubakar and the seven years of "democratic governance" under the Civilian government between 1998-2006. The intent of this study therefore, is to critically and in detail evaluate the causes of confusion and chaos in the process and the tasking attempt to entrench Liberal Democratic governance in Nigeria, with emphasis on the values and principles of Liberal democracy. The period 1998 to 2006 would be the focus of our analysis. This forms the basic kernel of our research problem.

Furthermore, the Dissertation would also attempt to examine those African variants of democracy as a critique of the Western liberal theory of democracy, as found in the African cultural traditional practices, ideas and values of leadership. These are evidenced in the political structures of the Sokoto Caliphate of Northern Nigeria, the Oyo Political system and the Ibo non-Centralized Political system of Western and Eastern parts of pre-colonial Nigeria respectively, and to extrapolate and relate these values with the tenets and principles of modern liberal democracy with the intent of identifying their relevance to the democratization

process during the period of study.

The study will also examine the nature of structural and institutional arrangements of the transition from military to civilian administration as made by the military and their seeming impacts on the democratization process, and the role played by the actors.

Finally, for the purpose of our investigation, the following will form our research questions.

What is the difference between transition to civil rule, multi-partyism and democratization?

What are the fundamental principles or values of democratization?

What role did actors, and personalities play in the observation and implementation of the liberal democratic values of Rule of Law and Constitutionalism in Nigeria during the period of study?

To what extent did the violation and abuse of Rule of Law and Constitutionalism impacted on the other important values of the liberal theory of democracy?

What are the African variants of democracy as found in the traditional political systems and cultural practices in Nigeria and to what extent are these relevant to the democratization process?

What are the conditions for the success of democratization in Nigeria?

However and in conclusion, the cardinal principles of Rule of Law and Constitutionalism as found in Liberal Democracy will form our parameters for evaluation and the impacts of their abuse on accountability, equality, justice and fairness, freedom of the individual, liberty among others, will also be examined.

1.3 **RESEARCH OBJECTIVES**

The objectives of this research are based on the crucial understanding and contextual analysis of our intent of research. In effect, the objectives are:

i) To examine and analyse the nature and character of military organised and state guided transition to civil rule progrmmes and their impacts on the democratization process in Nigeria.

ii) To evaluate the behaviour of politicians and government officials as actors and stakeholders during the democratization process and the extent to which the liberal democratic values of the Rule of Law and Constitutionalism wee observed and implemented and analyse the impacts of the abuse of these values on other principles of the liberal democratic theory between 1999 – 2006.

iii) To examine the African variants of democracy, as found in the African cultural practices with particular reference to

traditional values of leadership and governance in pre-colonial political systems of Nigeria, as a critique of the Western liberal theory of democracy.

iii) To examine and analyse the relevant conditions for the success of democratization and institutionalization of genuine and sustainable democracy in future Nigeria.

1.4 BASIC PROPOSITIONS

The march to democratic governance in Nigeria since independence in 1960, and which witnessed establishment of a civilian government in 1979 and more especially the inauguration of yet another civilian administration in 1999, has been characterized by confusion, chaos and general uncertainty and lack of direction by the civilian government. Notable among these were the abuse of Rule of Law and Constitutionalism and the consequent scandals and abuse of office by both the Executive and Legislature, corruption in the Judiciary and corridors of power, the scandalous impeachments threats and intimidation between the Presidency and the Vice-Presidency, the governors and their legislators, the National Assembly, violation of press freedom and human rights to mention a few.

These are no doubt anti-thetical to democracy anywhere in

the world. The result is that the democratization process was being thrown into chaos, confusion and lack of focus and a serious credibility deficit on the part of the government. This study, therefore, proceeds to state the following propositions:

a) That the liberal democratic principles and values of the Rule of Law and Constitutionalism were considerably abused and violated as characteristically found in the undemocratic behaviours of the politicians and government officials as actors and stake-holders in he system and which informed, albeit negatively, the confusion and chaotic character of Nigeria democratization process between 1999-2006.

b) That the abuse and violation of Rule of Law and Constitutionalism resulted in the excessive manipulation and weakening of the Judiciary and judicial process between 1999-2006.

c) That the abuse and violation of Rule of Law and Constitutionalism resulted in the serious emasculation of the electoral process by most especially, the politicians of ruling political party thereby leading to elections that were, in many respects, not free and fair.

d) That the practical abuse of the principles of Rule of Law and

Constitutionalism resulted in an unprecedented strenuous relation between the executive and legislature at State level and between the Presidency and the National Assembly.

The Dissertation would painstakingly and objectively attempt to evaluate these propositions and related issues in the democratization process between 1999-2006 in Nigeria with the intent of getting to the root causes of the democratization problematic manifesting in general chaos, confusion, uncertainties, credibility deficit and lack of focus by the government.

1.5 SCOPE OF RESEARCH

The scope of this research will be limited to the chosen period of study. As already shown, the study will cover the transition to civil rule programme of the military administration of General Abdulssalmi Abubakar between 1998 and 1999, and also the seven years of civilian administration between 1999 to 2006.

The areas to be covered during the period of study are those that will allow empirical grasp of the character and nature of the military transition programme of 1998 and the civilian regime of 1999-2006. These will include political transition agenda, elections and electoral process, administrative style of the civilian government, the constitution and constitutionalism, the economy,

the political behaviour of the Nigerian politicians among others. The choice of the scope of this study is therefore, informed by the following:

Firstly by every standard, the civilian regime especially from 1999-2006 was perceived as the most repressive in terms of its relationship with the labour unions, it was a regime characterised by the worst national labour strike in the history of Nigeria. A regime that witnessed the most intensive religious and ethnic cleavages that engulfed almost every part of the country. The regime was a manifestation of abuse of Rule of Law and Constitutional violations and corruptions ever in the history of Nigeria and worst still at the national legislative levels, levels very much unimagined. The period under study witnessed intensive political violence, vandalization of petroleum products leading to serious fire outbreaks in the country. The regime also witnessed what one might call the coercive approach to crisis intervention whereby a whole village, Zaki Bium in Benue State, was scattered and displaced by the military.

Furthermore, the nine-month transition programme of the military regime of 1998 was marked by serious lack of integrity and illogicality.

Our choice of scope of study is a deliberate methodology adopted to minimise the problem of generalisation which is common in theories of social sciences. However, it is interesting to note that, in contrast with the Shagari regime, the civillian regime between 1999-2006 seemed to be at war with most of the socio-political groups in the country since its inception in 1999. Notably among these were the Academic staff Union of Universities, the Nigeria Labour Congress, the Medical Doctors Association and even the Students. This was a negation as far as democratic governance is concerned. There were frictions between the Presidency and the National Assembly. The impeachment scandal of late Dr. Chuba Okadigbo and several others were also further anti-democratic gestures of the regime.

Finally, the choice of the period 1998-2006 will also enable us to limit the scope of the research, as done above, which could otherwise go out of hand, more so as the existing issues on transition programmes in Nigeria are complex, nebulous, and controversial. The scope of this study will, as expected, provide empirical data with which to determine the causes of the confusion, chaos, uncertainities and the lack of decorum as problems of the democratization process through the hypothesis of the study which

could be tested, confirmed or rejected.

1.6 SIGNIFICANCE OF THE STUDY

Political ideas have their roots in the historical and cultural situations of the people and society. Though the word democracy might have originated from Ancient Greek, Western societies have no exclusive claim to the term as a label for their own version of rule by the people, or government in accordance with the will of the bulk of the people.

From the above therefore, it is inconstestable that other areas of the World have a genuine historical claim to the title democracy as the non-liberal variant found in Africa and Communist countries. Democracy, therefore needs to be viewed not only from the perspective of Western liberal theory; other cultures have contributed to the indepth understanding of the term. Democracy is thus founded upon the culture of the people. This is on the one hand.

Furthermore, and secondly too, the success or failure of democratization as a process and democracy as a political system depends on the behavioural nature and character of the actors namely politicians and other stake-holders.

The central argument of this Dissertation as discussed in

Chapter Four is that behaviour of actors is central to democratization and democracy, and that failure or success of democracy depends on the behaviour of the actors spearheading the process. There is thus the need for actors to behave democratically. Also since culture is linked to democracy the need to explore and exploit those African variants of democracy to our advantage becomes imperative. There exists these variants in the traditional political systems and cultural practices of Nigerians.

The significance of this Dissertation as a contribution to knowledge is rooted within its ability to:

a) Establish a linkage between the behaviour of actors (political office holders, politicians and other stake-holders) and the success or failure of democracy as a system.

b) Establish a linkage between democracy and the culture of the people.

The study, therefore, highlights the centrality of behaviour of actors (stake-holders and politicians who are principal actors in the democratization process) to the success or failure of democratization process as evidenced in the second and third republics. Actors need to behave democratically for democracy to

succeed and stabilize.

The study further highlights the centrality of culture and traditions of the people to establishment of sustainable democracy. That democracy is built upon the foundations of cultural traits of the people as evidenced in the analysis that Law as an instrument of social change is central to democracy and exists in conformity with the cultural factors and climate of that society. In otherwords, laws are enacted based on current beliefs and practices of the people and which are accepted as part of the culture of the people. Furthermore, even Liberal Democracy was built upon the cultural beliefs of the Bourgeois class struggle and revolution.

As analysed, based on the research findings, this Dissertation demonstrated that the failure to observe the Rule of Law and Constitutionalism as manifested in the behaviour of politicians and political office holders of the regime between 1999-2006 actually led to violations of other fundamental principles of accountability, abuse of justice and judicial process, abuse of electoral process and fair elections, as found in party primaries and general elections. These have led to serious credibility deficit in the government, corruption, insecurity and general low level of standard of living of the people, problems that posed serious threats to the

democratization process and which even tended to presage the entire system, as manifested in second and third republics.

Furthermore, and since democracy is built upon the culture and traditions of the people as demonstrated by this Dissertation, for democracy to succeed in Nigeria, the need to incorporate those traditional values of accountability to the people fairness and justice, legislative check on the executive, fair hearing and above all the supremacy of the rules of the land into the democratization process becomes imperative. For example the leadership values of representation, accountability, succession to authority, justice and law enforcement procedures as found in the Sokoto Caliphate; the constitutional checks and balances, supremacy of the laws over the executive, impeachment procedures as found in the Oyo Empire, and the values of representation and fair hearing as found in the Ibo Community political system are values that would support democracy in Nigeria, provided that the political office holders and politicians adhere to them strictly.

Much of the earlier studies on democracy in Nigeria relied on the external or Western interpretation of the concept without much regard to cultural relativism of Africa as important factor in democratisation process. Though these earlier interpretations were

becoming increasingly boring, they are valid in many respects.

The Dissertation, therefore, is significant as an agenda to move beyond arguments of definitional conceptualization of democracy and concretely examine the possible practicability of the concepts and values of democracy by the politicians and political office holders in a civilian administration. Although, works on military transitional programmes and civilian administrations of the Second and Third Republics became increasingly popular, much work remains undone in the field especially in the empirical realm.

Generally, there seems to be inadequate information in scientific studies on democratization process in Nigeria and the impact of transitional programmes on the success or failure of democratic governance. Instead, the type of literature that are largely and readily available are on theoretical postulations of democratization and democratic governance. This Dissertation is significant to the extent that it would provide such empirical insights to the nature of civilian elected government using the period 1999-2006 as a parameter for our analysis. This Dissertation will serve as additional literature to the study of democratic politics in Nigeria especially by identifying those African

variants of democracy as found in the traditional Nigerian values of leadership and governance in pre-colonial Africa, albeit Nigeria, and correlate their relevance to modern liberal democratic ideals and thus serve as a guide towards the establishment of democratic governance.

1.7 LIMITATIONS OF THE STUDY

The limitations of this Dissertation are not different from those found in the theoretical attempts in democratic studies elsewhere. However, the major problem or limitation of this Dissertation is rooted within the problematic of definitions and conceptualization of democracy and democratization. Just as scholars in the political and democratic studies found it difficult, in fact almost impossible to universalise the definition of democracy, this Dissertation will only attempt to borrow a leaf from what other researchers attempted doing.

Secondly, the problem of value judgement also presents a serious limitation of this Dissertation. Democratic values are often difficult to judge giving their abstract character. However this research will try to examine these values and attempt to relate their extent of practicability in the period 1999-2006. The question of value bias raises a general problem in the study.

It has been established that knowledge is not value-free in the social sciences and that political analysis and interpretations are subject to the particular perspective of the analyst. However, the Dissertation will observe the applicability of these democratic values in the period of study. This makes some sense because what is observed is in part a consequence of the theoretical position that the analyst adopts in the first place (Sanders, 1995).

METHOD OF DATA COLLECTION AND ANALYSIS

Identifying the types of data to be used in any research and the sources of that data is very much imperative. There is also the need to clearly state the method to be applied in the collection and analysis of that data. For the purpose of this Dissertation, however, the data used had been obtained both from primary and secondary sources. The primary sources include the Questionnaire Technique and the Participant observation Technique.

PRIMARY DATA:

The Questionnaire Technique:

The Primary Data is meant to compliment for the data obtained from secondary sources in order to achieve a level of objectivity in analysis of findings.

Instrumentation: The Fixed Response or Structured Questionnaire:

The technique for data collection employed in this Dissertation was the Questionnaire Instrumentation Technique which was used to obtain relevant data from the population of this study. In this respect the fixed response or structured questionnaire was designed. Sample copies of these were given to a panel of experts who provided comments and corrections. This was for the purpose of validation, effectiveness and reliability. However, for purpose of pilot testing, some of the questionnaires were distributed to a much smaller populations but under similar conditions in the towns selected. The reason for this was to ensure that the items on the questionnaire were clearly understood.

(ii) Geographical Location and Population of the study:

The geographical location of the study were the selected towns of Kaduna, Ibadan, Bauchi, Enugu, Okene, Lagos, Uyo, Gusau and Abuja. The population of this study was finite, accessible and limited to the residents in the selected geographical area. The believe was that such population would provide the most authentic and dependable data for the study given its believed level of awareness and knowledge of the political and economic situations in the country during the period of study. The table below indicates the various categories, sex, age and educational

qualifications of the population selected;

Table 1: Categories of Sampled Population:

Age	Sex	Profession	Education
25-35 36-46 47-above	Male Female	Politicians Lecturers Civil Servants Academicians Students	B.Sc M.Sc Ph.D Others

(iii) Sampling Technique

The sample of the population for this study were the selected residents in the towns selected for the research. Based on the data obtained, generalizations were made and applied to larger portions of the Nigerian populace. This study employed the probability sampling Technique out of which the Simple Random Sampling procedure was adopted for the research.

(iv) Procedure for Data Collection

Collection of data was done through the administration of the carefully structured questionnaires on the sampled population. Four hundred and fifty (450) questionnaires were administered on

the population; ninety (90) to each of the five(5) profession categories of the population.

Out of the four hundred and fifty questionnaires distributed, three hundred and fifty (350) were filled and returned. Sixty five (65) were retrieved from the politicians, seventy five (75) from lecturers; sixty nine (69) from students; seventy-seven (77) from Civil Servants; sixty-four (64) from academicians respectively.

Below is the table of analysis on the demography of the respondents.

Table 2: Demography of Respondents

	Sex		Qualification				Age			%	Total
Category	F	M	B.Sc	M.Sc	Ph.D	Others	25-35	36-46	47-above		
Politicians	25	40	61	3	1	-	6	48	11	72-22	65
Lecturers	26	49	50	19	5	NCE 1	38	30	7	83.33	75
Students	30	39	59	10	-	-	48	21	-	76.66	69
Civil Servants	20	57	47	27	1	Dip 5	9	10	58	85.55	77
Academicians	24	40	24	31	9	-	6	34	24	71.11	64
											250 78%

(v) Data Analysis

For data analysis, the descriptive statistics technique has been used and based on the Likert-type rating scale. The data were obtained from the retrieved filled questionnaires from the

respondents. The results are in tabular representations' from which inferences were drawn.

(b) Another technique employed in generating the primary data for this Dissertation was the Participant Observation Technique. This has become relevant especially given my experience in the system at various capacities as ad-hoc staff of the former Federal Electoral Commission (FEDECO), National Electoral Commission (NEC) and now Independent National Electoral Commission (INEC) in various categories as presiding officer, supervisor, returning officer and collation officer, registration officer and supervisory registration officer during voters registration and general elections and my experience in Local Government Council of Igabi in various capacities as member of various Committees and Secretary of Rigachikun Development Area. As a member of the system, I was, therefore, able to obtain data through watching and describing behaviour while still in the system.

1.8.2 **SECONDARY DATA**

The Secondary data for this Dissertation was obtained through the followings:

a) Books

b) Magazines

c) Newspapers

d) Journals

e) Conference Papers

f) Seminar Papers

It is hoped that the secondary source would serve as a tool to enable one to grasp the phenomenon under study through descriptive analysis. The relevant documents to be used in this Dissertation as stated above are newspaper reports, magazines, conference papers, journals, textbooks, and any other relevant literature relating to the conduct of democratic practices and the application of the relevant values important to democratization process in Nigeria. This would be followed by critical analysis of the contexts and contents of the information in these documents in order to draw conclusion and proffer objective recommendations.

1.9 **RESEARCH OUTLINE AND SUMMARY OF CHAPTERS**

CHAPTER ONE: General Introduction: The Nature Of The Problem

This chapter provides a general introduction of the

problem and its characteristic nature. The chapter further incorporates subject matters such as statement of the research problem, research questions, proposition, scope of study, significance of the study, methodology and data collection and analysis, and structural outline of the research.

CHAPTER TWO: Literature Review andTheoretical Framework

This chapter contains a detailed review of the previous works and the theoretical framework on the subject matter of this investigation with special attention to the Liberal Democratic Theory as the framework of analyses.

CHAPTER THREE: Military Transition to Civil Rule and the Crisis of Institutionalization of Democracy: An Analysis of the Nature, Character and Dynamics of Military Disengagement from Politics.

This chapter will attempt to discuss the military organized transition programmes in Nigeria with particular reference to Constitutional developments and constitution making, the structures for the transition and the strengths and weaknesses of these structures.

The chapter would further examine the military character of the Nigerian State and how this militarism seem to have affected the democratization process in Nigeria.

CHAPTER FOUR: **Demoratization process, the Rule of Law and Constitutionalism: An Evaluation of Abuse and Violation of Western Liberal democratic principles in Nigeria (1999-2006)**

This chapter attempts an indepth and critical evaluation and analyses of the findings of this Dissertation on the democratization process in Nigeria with special attention to the Fourth Republic within the period 1999-2006. The chapter would further evaluate the behavioural character of the Nigerian Politicians with special focus on the Legislature and the Executive and the seeming impacts of that behaviour to the democratisation process as

regards the observation, implementation and or breach of the principles of Rule of Law and Constitutionalism of modern liberal democracy upon which the republic was founded. However, findings on the impacts of abuse of Rule of Law and Constitutionalism on other liberal democratic principles of accountability, Virile Judiciary, Freedom and Human Rights, Elections and Representation would form the basis and parameters of our evaluation and analyses.

CHAPTER FIVE: **Conditions for the success of Democracy in Nigeria:** This chapter examines those structures that are necessary to the survival of democracy in future Nigeria as related to the findings of this Dissertation with careful attention to commitment to democratic principles by the political class, an independent and virile Judicial system, the

Electoral System, Social and Economic conditions and political stability among others.

CHAPTER SIX: **The African variants of Democracy in Nigerian Traditional political systems and Cultural practices: A critique of the Western Liberal theory of Democracy:**

This chapter would attempt a critique of the Western Liberal theory of democracy by examining the African variants of democracy with particular reference to those traditional values, beliefs and practices of leadership in the Nigerian traditional political settings and their relevance to the democralization process in the country. The Yoruba system of government with its checks and balances in the Old Oyo Empire of the West, the Igbo representative government in the Igbo stateless societies of East and the Sokoto Caliphate political system of Northern Nigeria, respectively, will serve as examples.

CHAPTER SEVEN: Summary, Conclusion and Recommendations:

The Chapter would provide a brief summary of the contents of the Dissertation upon which conclusion will be based on certain observations. Finally recommendations would follow as the last segment of the research.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 INTRODUCTION

The transition from military regimes or one party autocracies to democratically elected government has been a major focus of academic debate in Africa. The debate mainly centers on the nature and character of what democracy entails, the nature of the transition programmes, the success and failure of democracy and the conditions for successful democratic governance in Africa. The result is that a lot has been written on transition and democracy in Africa leading to an ever increasing literature on the subject.

This Dissertation will, therefore, attempt to review some, not in any way all, of the literature relevant to the subject matter of our research. However, the review will focus on the conceptual and theoretical problematique of democratization in Africa generally with special reference to Nigeria. The study will focus attention primarily on the theoretical review of democracy and democratization, the nature and dynamics of the military and its transition to democracy programmes, the socio-economic conditions necessary for the success of democratic governance, the organic linkage between cultural pluralism and democratization,

and the imperativeness of the concept of governance in the democratic struggle.

The literature to be reviewed, however, is just a small proportion of the ever increasing volume of academic works on democracy and democratization struggle in Africa and other parts of the world.

2.2 DEMOCRACY IN THEORY

There is so much confusion and disagreement on what democracy and democratization are all about to the extent that numerous competing models, theories and concepts emerged especially in the 20th century. In fact the concept and theory on democracy and democratization has become one of the most difficult and perplexing question in political philosophy. Ranny (1975:209) rightly captured the situation and notes that nothing more than the word “democracy” arouses strongly favourable emotions in most people, who find it psychologically necessary to claim the label for whatever set of political institutions they prefer. He goes on to argue that many, indeed, insist that only the particular institutions they favour constitute `true democracy’ which they distinguish from the many false kinds by adding some adjective; liberal democracy, peoples democracy, guided democracy,

proletarian democracy, and so on.

In Nigeria, however, the genesis of misconception of democracy and democratization could be traced to the introduction of the President Babangida's `guided democracy' which strongly underlie the philosophical underpinnings of the regimes transition programme. But, lamentably, within the parameters of this so called guided democracy emerged several anti-democratic techniques, behaviours, political orientations, policies and military legitimized decisions. The philosophy of new breed politicians, and the open balloting or "option A-4", the frantic formation of political parties that were more or less imposed on the people, the establishment of National Electoral Commission and later Independent National Electoral Commission as the moral crusader of politics in the country were among these policies (Akindele, 1994:72)

It is, however, baffling, that every one claims to understand what is meant by democratization. They associate the term with a mere condition of choosing rulers by popular elections (Raphael, 1970). However, a cursory examination of the associated values of democratization and the practical application of these values to other contexts will reveal glaring inconsistencies and contradictions

even in the same society.

All systems of government rather claim to be democratic. This is because of the universal recognition of its theoretical concept. But, and despite its universality, democratization seems to have no theory. This is due to the fact that equality, freedom, liberty, justice, the rule of law, fundamental rights; some of the concepts usually presented as democratic, may not be consistently applicable. But then democratization is praised for being the only process that can, at least, guarantee the preservation of these values.

Despite the confusion that surrounds the attempt to theorise democracy by scholars of political science, however, democracy is best understood by examining its values. Democratization involves, among other values, the observance of the rule of law under the provision of the constitution. In fact, constitutional democracy or constitutionalism means using the constitution as a supreme and fundamental law to regulate and limit the powers of government... (Nwabueze, “Our March to constitutional Democracy”, The Guardian, July, 1988, Lagos.)

Furthermore, democratization involves the rule of law which safeguards freedom of men under government to have a standing

rule to live by ..... , a liberty of man to follow his own will in all things, where that rule prescribes not and not to be subject to the inconstant, uncertain, arbitrary will of another man (John Locke, in J. W. Gough, 1945 (ed). The Second Treatise of Civil Government).

In a joint write up, Amin and Yaqub (2003:47) observe that accountability and good governance are necessary for the success of democratization and that an accountable government is one that is free from corrupt practices, is likely to confront the menace of corruption and there are equally the odd chances that such constituted authority will be transparent. According to Sir Karl Popper, democracy does not mean something as vague as the rule of the people or the rule of the majority; but a set of institutions among them, especially, general elections (Nwabueze 1993:68).

Some scholars have rather paid attention on some more important characteristics of democratization in the attempt to find solution to the problem of theory formulation in the democratization debate. For example Nwabueze (1993:72) clarifies that the conditions for a free and fair elections or referendum are a matter of crucial importance to democratization. According to the author, elections that are free and fair require that, among other things, a contest conducted impartially, giving no advantage to one

candidate over another, and the results are based on and truly reflect the votes lawfully cast at the election by voters, and are free from falsification, inflation or other fraudulent manipulation of figures and that the winner is determined by a majority of the highest number of such lawful votes. The journey to democratization in Nigeria, however, seemed to have eluded such important pillar of genuine democratic governance. The results are several contradictions, inconsistencies and confusions. For example, the 2003 general elections are still far from being free and fair.

As far as the process of democratization in Africa and indeed Nigeria is concerned, the problem is not to be located within the context of theory formulation, rather the problem is clearly seen and appreciated within the context of blatant abuse of those fundamental principles of democracy. Constitutional provisions have been least observed especially since the present administration assumed power. For instance, the abduction of the Anambra State governor Dr. Chris Ngige on the 10th of July 2003 by the police, and on the alleged orders of one Chris Uba, a political god father, is a good example.

To buttress the above assertion further, it is no exaggeration

to claim that electoral malpractices have become recurrent incidence in Africa, and through which governments keep themselves in power. Nigeria provides, perhaps, the most blatant manifestation. The much publicized massive rigging in the April 12th and 19th general elections of 2003 portrays this fact. Furthermore, Nigerians are, allegedly, still battling to come to terms with bleak episodes such as the perceived imposition of Senator Wabara as Senate President despite allegations that there were riggings in his election in the Abia South Senatorial District (Weekly Trust, September 6-12, 2003). From the above, there is little doubt that the democratization process in Nigeria is hampered by seriously unprecedented and unimaginable challenges, compounded by the naïve and narrow misconception of the concept especially with the futile attempt at theory formulation.

However and despite the anxiety for theory development on democracy and the confusion that ensues in the attempt, two major models stand out clearly. These are the Communist Model (otherwise known as the socialist, or peoples' democracy) and the Liberal Model (or bourgeois democracy). Though the advocates of the two models view and interpret democracy in different ways, and hardly use the term in exactly the same context, they, however

reject dictatorship.

Dahl (1971) and Diamond (1988) view democracy as a system of government based on a meaningful and extensive competition for governmental power without resorting to force, political participation in the selection of leaders and policies through regular, free and fair elections and a high degree of civil and political liberties. To Healey and Robinson (1992:162) liberal democracy entails that the powers of government are limited by law and citizens enjoy freedom of association to compete for office in free elections at regular intervals.

On the other hand, the communist model of democracy which is people – oriented and collectivist in approach, emphasizes the principle of equality of all people and the right to organization. It is social in context and humanistic in doctrine (Shivji, 1989, cited from Asobie, 1995:4). The basic principle of equality of all people confer on the people the right to external self-determination. It also confers on the people to maintain their cultural identity, to form civil and political organizations and to live under democratic government representing all social groups and capable of promoting their rights and guaranteeing fundamental freedom and also the right of the people to use force or the right to revolution. (Shivji, in

Asobie, 1995:4).

Interestingly, Ake (1996) opines that social democracy goes beyond abstract political rights but also takes concrete economic and social rights seriously and even invest heavily on the upliftment of ordinary people so that they can participate effectively in governance. From the perspective of this model persistent struggle to win democracy from the dominant coalition forces, whose belief in democracy is unreal, is emphasized (Asobie, 1995:5).

The above statement seems to get the backing of Nnoli (1994:6) who notes that democracy is a product of the sweat, toil, creativity, blood and sacrifice of millions of people across the space and time of mankind in the struggle for a better life.

Though the arguments on the models of democracy discussed above are interesting and have thrown some light in the attempt to understand what democracy is, however the literature so far reviewed seems to have missed one important fact. Any one of these models can degenerate into dictatorship or something other than democracy depending on the disposition of the person exercising power and the level of political apathy and ignorance of the people. This is clearly applicable to Nigeria in the first seven years of

“democratic” government (1999-2006).

In his literary contribution to the interesting debate on the concept and meaning of democracy, Mbachu, (1994:12) observes that democracy is a way of life that involves freedom to make choices about what one does, where he lives and how he uses his earnings; and that democracy involves the operationalization of institutions – the home, the church, local, state and federal government. In other words, democracy is incomplete if these institutions are not fully operational within the system. Though the author goes on to associate democracy with the right of justified ownership of property, he, however, points to the absence of social and class barriers and that there must be equality of opportunity and the solution of common problems through the exercise of the freewill of the people.

However and at a more theoretical level of definition, democracy is a political system in which the eligible people (electorate) in any country participate actively not only in determining the kind of people that govern them, but also actually participating actively in shaping the policy output of the government (Mbachu, 1994:12).

Theorising democracy will always present a problem because

democratic ideas, it must be noted, are means of achieving the supposedly desired ends of good government or human happiness, and furthermore, the definition and interpretation of these ideals have been influenced by all forms of perceptions (Salami, 1994:13). Pioneering researchers on politics and democracy have wrongly equated political thoughts with the formulation of theories of democratic ideals. The transplantation of these ideals into reality has, however, led to the problem of institutionalizing democracy which invariably brings in the idea of representation in democracy (Salami, 1994). More often forgotten, transplantation is an exercise in putting concept into reality, while conceptions of democracy are nothing but political thoughts, which incidentally have been used as theories of democracy.

The centrality of power has become a dominant element in the intellectual discourse on the theory and practicability of democracy. The instruments of state control especially in Third World politics rest fundamentally on the ability to acquire power. This has necessitated the use of all forms of political jobberies and evil machinations to acquire power and consequently sustain its use even in a democratic set up like Nigeria's. To gain or exercise power is the principal desire of any political actor in both the

developed or developing polities. In other words, democratic practice is nothing but the process of acquiring power by the elites most especially. This is, perhaps, the beginning of the Elitist Theory of Democracy (Salami, 1994:16). It must be pointed out that within the Nigerian context the practice of democracy has always posed more problems than solutions leading to calamities and frustrations. This is because of the tradeable investment undertone that underlies democratic practice in Nigeria and governmental power becomes very hot bone of contention (the Ngige Saga for example) by the elites. In elitist democracy controlling government power and being in it is, accordingly, a do or die affair. As a further contribution to the debate on theoretical explanations on democracy, Richard Joseph makes an account on the continuing elusion of democracy in Nigeria. The starting point in his analysis and subsequently his Prebendal Theory of Democracy (Salami, 1994:16) is that Nigerian political life, and hence the democratization process is entirely characterized and dominated by corruption. As central to Joseph's analysis, the concepts of clientelism and prebendalism upon which he built his formulation are worthy of recognition.

Richard Joseph sees clientelism as "patron-client" ties which

invariably constitute the common thread underlying ethnic, regional and religious identities, while prebendalism is seen as the procurement of office of state either through examinations or as reward for loyal service to a lord or ruler (Salami, 1994:17). This is very much typical of the democratization process in Nigeria. He further maintains that clientelism and prebendalism are two of the fundamental principles of political organization and behavour in Nigeria. An individual seeks the political support of an “Oga” or a “god father” whose main resource in meeting that request for political support is quite literary the piece of the state.

However, and despite what Morgenthau was quoted to have said, from a rather misplaced anger that “Theory, being by definition useless for practical purposes, was assigned an honorific but ineffectual position, (Salami, 1994:16) the above theoretical postulations, though not concretely theorizing democracy may serve as a further understanding to what democracy is and what it is not, especially given the Nigerian context in the years of civilian rule.

2.3 **THE MILITARY AND TRANSITION TO DEMOCRACY: A REVIEW OF THE NATURE AND DYNAMICS OF THE DEMOCRATIZATION PROCESS IN AFRICA**

The abortion of civilian rule through overt military intervention in politics has been the ultimate manifestation of political instability in Africa and thus any explanation of political instability in Nigeria, therefore is inevitably an exercise of the etiology of military intervention in Nigerian politics (Sambo, 1994). Societal pressures and the instantaneous declarations of political transition programmes were manifestations of the attempt to initiate and execute programmes of withdrawal of the military from politics. Military transfer of political power to the civilians is not a new thing in Africa, however, some military leaders have also reneged on handing over to the civilians (Igwe, 1994). Usually the transition of power from the military to the civilian may take one of the following patterns: the counter-coup approach, as in the case of the Murtala's military take over from Gowon; the military-turned political pattern, as in the case of Babangida's transition programme, and later Abacha's program; and the constitutional evolutionary pattern as in the case of Abdulsalam's program.

The role of the military in the search for sustainable

democratic government in Nigeria is subject of enduring debate. However, and theoretically the military is the least qualified to champion the cause of democracy, at least in view of its organizational values and manifest dispositions. Sambo (1994) argues further that the current quest for democracy in Nigeria, throws up the paradox of an essentially non-democratic institution being burdened with the task of not only establishing but also remaining manifestly committed to the sustenance of a vine and enduring social and political order.

An observation of the democratic character of the military would probably render suspicions of the efforts of the military regimes at democratization in Nigeria. Though one could argue that there was an element of commitment of democratic transition by the military, considering the Murtala's program which was executed by Obasanjo in 1979, however the perception of insincerity looms large nonetheless (Sambo, 1994) which also explains the seeming skeptical, sometimes cynical, reaction to programmes of transition in the country. The perception of insincerity could be grounded in the reasoning that it would be unrealistic for those who wield political power to sincerely embark on programmes that will ensure their self liquidation. This concept,

perhaps, clearly explains the reluctance of some military regimes to truly embark and promptly execute the transition to its logical conclusion. The Babangida transition program may serve as an example here.

Transition encompasses a fundamental or qualitative change in the state of being of the relevant entity as for example the revolutionary overturning of prevailing structures and relationships in a society and their replacement with significantly new, usually qualitative higher net work of ideas and symbols (Sambo, 1994:213).

In another definition by the same author, transition involves a change of leadership or elements of it with or without meaningful socio-political reconstruction. It entails either a grafting of new values on an extant social system or worse still an aversion for new values and a defence of the old even if despised, and inappropriate practice and behavioural patterns.

However, transition in the Nigerian context, was more of an aversion for new values and a defence of the old giving the fact that the same set of leaders continue to dominate the Nigerian political scene.

In his contribution, Onuoha (1994) opines that transition,

theoretically, and indeed empirically understood, refers to the totality of our socio-cultural, economic and political values, experience and process under social change from the very day of colonial contact to the present day. It is more than a simple military handover of political power to an elected government, no matter how rigorous, prolonged and far-reaching the transitional program may be (Onuoha, 1994:29). In his conclusion, therefore, the author argues that what has been happening since the 1987 transition program (by the Babangida military administration) was class struggle of a transitional society. It is inadequate to allow government's or establishment's terms or notions, pronouncements or propaganda to weaken scholarly conceptualization and theory building, which are the tools of proper analysis of our social, economic and political problems. It is the responsibility of theory construct to discourage conceptual muddle, imprecision or inappropriateness. If we must resolve Nigeria's problems, they have to be addressed in proper perspectives, and for this to be achieved the clarifications of concept and development of appropriate social and political explanation are indispensable (Onuoha, 1994:31).

In his scholarly contribution to the debate on the nature and dynamic of military inspired transitional programmes to democratic

governance in Nigeria, Nwabueze, (1992) identifies some legal and institutional mechanisms for democratic transition which include multi-partyism, complete change of guards, a truly democratic constitution having the legal force of supremacy and overriding law, freedom and openness, and form of separation of powers.

The literature on transitional process as initiated and embarked upon by the military is an ever increasing phenomenon, which is by no means exhaustible in this limited write-up. However, the idea is to attempt and review some of it in order to provide an additional insight on the subject matter. But before we conclude, it would be useful to quote Owolabi (1992) who observes that under the personalist transformation (transitional) pattern, the goal of the military is to disengage through the civilianization of the military leader. And attempts to legistimise its rule through the transformation of the military head of government into civilian leader usually through electoral process which may be characterized by all sorts of malpractices (Owolabi 1992:259)

The above observation clearly depicts the attempts and hidden agenda of the Babangida and Abacha military transition programmes of 1987 and 1993 respectively. This has introduced a new concept of “Tazarche” or continuity in Nigerian politics.

Finally, however and despite the theoretical misinterpretation of what transition is and should be (Onuoha, 1994;, Sambo, 1994) and the seeming deviation from establishing a legal framework of true transitional program (Nwabueze, 1992) one may argue that the transitional program and the establishment of civilian administration in 1999 is a step forward and an improvement in the country's journey to democracy.

2.4 ACHIEVING SUSTAINABLE DEMOCRACY: A REVIEW OF THE SOCIO-ECONOMIC INFRASTRUCTURES OF DEMOCRACY

The present political scenario in Africa presents an unfortunate failure of one party and multi-party political systems all in the name of democracy. In other words, democratization and democracy have been failures. In the words of Esso (1994), all the one party regimes which have prospered for over three decades (in Africa) are finishing more or less with failure. Neither the promotion of civil liberties nor the promotion of man, nor even the economic development in the name of which these regimes were imposed on the African populatons, has actually been achieved (Esso, 1994). This is so because the conditions for the success of democracy were hardly present. The period of our study presents a striking example in this context.

In Nigeria's journey to democratization and the hope for sustainable democracy, the last four years of civilian administration were not more than an absolute abuse on constitutionalism, an important bedrock to Liberal Democratic governance. The process by which the 1979 constitution was amended in 1999 gives a strong indication that once more Nigeria may miss the essential ingredient of constitutionalism (Egwu, 2000) which in itself is an important structure for sustainable democracy.

According to Egwu (2000:1) a cursory look at the past clearly shows that the missing link in the search for enduring democratic governance is constitutionalism. The author further observes that while it is true that the country has had "legal" constitutions, these have hardly been 'legitimate'. The process of evolving constitutions in Nigeria has all along been a state-led, elite driven process that result in producing elegant constitution documents that can hardly provide the basis of democratic governance.

It is pertinent to note that the establishment of a multi-party system in Nigeria and the return to civil politics in May 1999 with the successful hand over of power from the military to an elected civil governmance based on competitive and open elections do not

make democracy.

The real challenge, however, of building a lasting democracy begins with the inauguration of a genuine constitution and constitutionalism (Egwu, 2000)

Perhaps for a clearer understanding of the determinants of a sustainable democracy, one may wish to explore the works of modernization theorists like Lerner, (1958) and Lipset (1959) who presume that certain variety of socio-economic variables e.g. average income, literacy, urbanization and communications development determine democratic political stability.

One of the problems of this type of analysis, according to Hyden (1999) is that it is too sweeping because it overlooks the transformations countries inevitably tend to go through. For, as argued by Miller (1985), countries like Argentina, Chile and Greece and Uruguay that achieved high per capita income in the late 1960s and with which they culd have launched stable mass democracies ended up suffering breakdowns in democracies a few years later.

In the words of Pascal Bruckner the first condition of democracy is to be an incomplete nature; as a Messiah its reign is always expected to come and to identify it with any define regime is

to betray it. Democracy is not an immediate fact. It is a long and patient corruption, which is always open to correction, remodelling, and always being perfected through dreadful acclaims (Esso, 1994:61).

Social conditions, Mbachu (1994) argues, do affect democracy and human rights in Africa. Certainly the level of socio-economic development of any society makes it easier or difficult for that society to guarantee democracy and human rights. Thus lack of development of the material conditions in Africa has made it extremely difficult for the emergence of effective democracy and human right program.

While the above assertion by Mbachu may be true to an extent, Esso (1994) posits that certain constants of democracy exist which are but universal. This is despite the fact that there is neither perfect democracy nor can there be a universal democracy. Universal Adult Suffrage which sets the basis for the legitimacy of power and allows, through free and fair elections, for political alteration; the legal state, which protects the citizen by guaranteeing individual freedom, defines the necessary equilibrium between the different authorities and fixes the role of the army; and the scrupulous respect of human rights which constitutes a

guarantee against all despotic powers, are some of these constants (Esso, 1994:62-63).

However, Esso further argues that democratic power should be seen as an instrument which permits effective enforcement of the constants. This could only happen when democratic governance is led by democrats. That is to say the men who made it and who will make it stay. In other words, it is necessary to have men who accept to establish more at the national level than at the international, a democracy of prosperity of which the result of their growth is not turned back, confiscated at the end of the domination and political hegemony, but left in an optimal way (right remuneration for work, creation of jobs, social, political and audacious commitment) to give to a man the means for his development (Esso, 1994:65).

In his contribution to the debate on the conditions for the success of democracy in Africa, albeit Nigeria, Nwokeji (1994:24-40) strenuously argues that “Western democracy” which is the creed that has captured “African imagination” is the product of Western cultures and that Africans have not been engaged in developing democratic forms in any serious way. They have rather engaged in copying western forms. This attitude tends to have enormous

implications for the system and its operations. The foundation ideas and values that make the system work in the home countries of origin could not belong to us just because we have adopted names and institutions. The experiences that guided the development of the forms remain alien.

Nwokeji's postulations seem interesting and he has positively contributed to the debate. However, his assertions are mainly centred on the fact that democracy is assumed to have originated from the West, not considering that ancient Africa had its own kind of democracy. Democracy should be understood as a universal concept without any geographical origin. Nwokeji should have cautioned Africans to always regard democracy as having a cultural outlook so that African ways of life could be coopted in the process of democratization in the continent. Culture here plays an important role in the development and sustainability of democracy in Africa.

The imperativeness of morality in political behaviours would go a long way in sustaining our long cherished democracy in Africa. But the issue of morality in politics is considered old fashioned in our democratic political culture. In the words of Osaghae (1994:70-71) this unfortunate tendency, coupled with the palpable

disinterestedness of African political scientists in philosophy, accounts for the relative neglect of and poor state of scholarship on the morality question.

No wonder the process of democratic politics in Nigeria is characterized by unscrupulous mass rigging of elections, assassinations of opponents, deceit, massive financial corruption by administrators who do not consider such atrocities as politically amoral. Disrespect for the State, therefore, emanets from its inability to express the good of the individual. If it exists to pursue the interests of only few, then it has no right to expect obedience from the people no matter who its operators may be. As long as this perception persists, obedience will be problematic. The point is the State and its operators should be credible in the eyes of the people and hyphothetically where such credibility is absent, as the case may be in Nigeria today, the political order is unlikely to be stable. To illustrate further, credibility is nothing but a moral imperative (Osaghae, 1994:70-71) for the survival of democracy in Africa in general and Nigeria in particular. In the final analysis, the moral imperative in Nigeria's democratic stability is that a government can be stable only to the extent that the people believe it has a moral right to be obeyed, and without any means of coercion.

A pre-condition for the success of democracy anywhere in the world is the rule by the majority. The policy that attracts the support of the majority, therefore, becomes the official policy. According to Jones et al (1974) the burden is upon the majority to persuade minorities (to accept that policy) rather than coerce them.

Democracy also acknowledges the right of all citizens to dissent. A sustainable democracy is also characterized by social integration which makes possible a wide spread habit of tolerance or accommodation of differences over issues and policies (Onu, 1994:36). By implication, therefore, the rule by the majority as regards official policy formulation and acceptance of that policy by the minorities upon persuation is not enough without social integration. As a cultural pluralist Nigeria needs social integration now more than any other period in the historical evolution of the country for the present democratization process to be sustained. As mentioned earlier, democratic success has to do with morality which is essentially the issue of credibility on the part of the government officials (Osaghae, 1994:70-71). Trust has, thus, become an essential political and social factor since it is, socially, a sense of identity with fellow cirizens (Onu, 1994:36) and politically it is the belief that the government is operating within the context

of one's normative expectations of how the government should function (Miller, 1994:989 in Onu, 1994:37).

Borrowing from the argument of Onu above, one can assert that the failure of democratic politics in Nigeria over the years could be attributed to the absence of legitimacy from the citizens. The seven years of "democracy" or rather civilian government from 1999 to 2006 has been characterized by distrust of the government by the public. Basic trust from the people has become gradually eroded following deceitful statement and empty promises by administrative stakeholders. People no longer believe in the government and consequently the expected legitimate support became apparently weak. The present administration, therefore, needs to cultivate a trust culture in the citizenry in order to make the government truly democratic.

In the final analysis, and as noted by Diamond (1987) Nigeria's political environment is characterized by suspicion, jealously, pride and insecurity, which have been mobilized into overt conflict by political leaders as a deliberate strategy in the competition for not merely group but personal power and wealth. Furthermore, the first attempt at democracy in Nigeria failed because of lack of trust among the ethnic groups. Ironsi's regime

was overthrown because he and his policies were suspected . Gowon's regime collapsed and Murtala's did not succeed either. Shagari's regime, a second attempt at democratization, was overthrown because he was accused of breaching public trust.

In the same vein, the military regime of Buhari which succeeded Shagari was equally overthrown by General Babangida and his men because the military leaders could no longer trust each other.

All these are inferences from which the present leadership should draw in the attempt at democratization in Nigeria.

2.5 **CULTURAL PLURALISM AND DEMOCRATIZATION PROCESS IN AFRICA**

Attempts at formal representative democracy of the Western parliamentary and the American presidential types have turned out to be failures with sometimes tragic consequences. Certainly a democratic culture that is alien to Africa can hardly survive and it is on this basis that the recognition of the importance of culture in relation to democratic practice in Africa must be appreciated. In its ability to condition human behaviour culture has become an integral part of democracy not only in Africa but also in all parts of the world that practice democratic governance (Nasidi and Igoil,

1997). A lot of literature abound on the relevance of culture to democratization in Africa to the extent that the failure of democracies are blamed on the inability of the latter to embrace Africa's cultural pluralism.

Indeed, Western anthropologists had labelled the non-centralized societies in Africa as stateless because they allegedly had no governmental institutions at all and Colonial rule was merely filling a vacuum. But in their contribution to the debate, Sarbah and Mensah argued that the right of the African peoples to choose their own leaders was based on the time honoured customs of the natives. The office of the king was elective and no king was born a king. It was the right of those who place him there to put him off the stool for any just cause (Hendrickson, 1997:22-23).

From the above it can be argued that democracy has been in existence in Africa even before the Colonial era and this system of democracy was based on the cultures of the people.

Modern African writers believed in the existence of African idea of democracy which was rooted in the African culture. Africans knew that democracy was primarily a doctrine of equality and self-rule and did not include ideas of racial discrimination. African writers agreed that the essential principles of democracy were one man,

one vote and majority rule. Therefore African culture provided a backdrop from which the nationalist argued for racial emancipation from colonial rule (Hendrickson 1997:27).

In his contribution to the debate on the relationship between culture and democracy from the African context, Okello Oculi (1997:32) argues that the relationship between cultural processes and the possible emergence of democratic political processes and structures can be carefully analyzed within a frame work which takes into account the evolution of central themes in culture over long period of time.

According to Durell (1997:83) in the historical and classical sense, the central tenet of democracy is the active participation of the people in governing themselves. Thus, the democratic ethos is the culture in which the participation of the individual citizens of a society is both encouraged and legitimated. Simply put, Durell further argues, the democratic ethos is the set of values, beliefs, and practices that support this participation as a political idea.

The many definitions and conceptions of “culture”, “democracy” and “the rule of law” of the liberal orthodoxy are simplistic and, therefore, patently reductive (Ahire, 1997). Though our major concern here is not the re-definition of culture as a

counter to the rather bourgeois conception, but we are mainly concerned with the extent to which culture is related to democracy and the rule of law. Cultural practices possess a material base which determines their form and content. This observation (Ahire, 1997) is also true of democracy which is essentially the nature of the social structure that permits the emergence of democratic or undemocratic forms of politics.

In his contribution Ayua (1997:110) upholds that the efficacy of law and democracy in any given society is largely determined by the cultural climate of that society. In other words, the cultural elements such as values and attitudes that bind the society together determine the place of law and democracy in the society as a whole (Friedman, 1969).

Law as an instrument for social change has become central to democracy. This is because it has become the vehicle for advancing the goals of democracy and achieving national aspiration and objectives. But despite this seemingly important position of the law in a democratic setting, the law can be limited if cultural factors are not analyzed and taken into consideration before enacting or promulgating particular legal rules. Laws should be enacted in conformity with current beliefs and practices and which are

accepted as part of the culture (Ayua 1997).

It is interesting to note that the failure of democracy in Africa and indeed in Nigeria can be linked to endemic political instability, widespread economic imbalances and corruption. But what has been the role of the constitution as a neutral framework of political competition and promotion of democracy? In a situation where the constitution is disregarded or partly applied especially where the government in power intends to muzzle political opponents (Ayua, 1997:116), one cannot but expect democracy to fail. The 1979 constitution of Nigeria provided very little avenue for the success of democracy in the Second Republic because of the way its operators blatantly abused it and made it a tool of promoting self-interest.

Perhaps the greatest challenge to the stability of democracy in Nigeria could be attributed to cultural pluralism. According to Okita (1997:254) cultural pluralism is not a new phenomenon in Nigeria, nor is it even unique to Nigeria. However, the way and manner it is manipulated is new, while the form that it is taking is certainly dangerous and therefore poses a threat to the unity and stability of this country. Cultural pluralism is certainly a danger to democracy.

Cultural plurality is essentially an anthropological

phenomenon but the ethnic sentiments it generates is basically political since the plural-cultural situation provides for the political expression of plurality and diversity (Okita, 1997:255). It has been argued that ethnic identity as a social phenomenon is the product of crisis situation or social persecusion whether at the individual or group levels in reaction to such situations created by other individuals or group. (Okita, 1986) in Okita 1997:256).

The concepts of representation, majority rule, opposition competition (Sils, 1971:12) are essential bedrock to democracy. These are only viable with the emergence of political parties. But when political parties emerge along ethnic lines and differences and despite the national outlook declared by some of their leaders one cannot expect the survival of democracy in such a confused atmosphere. Political parties that emerged in Nigeria during the first and second Republic were no more than ethnic associations (Okita, 1986), hence the failure of the attempt to democracy.

However, and despite its complex, dynamic and its fluid nature, cultural pluralism is a universal phenomenon which cannot be put out of existence. What is crucial is the need to contain it, cope and live with it in a manner that will ensure peaceful co-existence and orderly progress.

The relationship between culture, militarism and democracy should not be overlooked in the context of understanding and reviewing the impacts of cultural pluralism on the democratization process in Africa. More importantly, militarism and democracy, on the surface, may appear to be two strange-bed-fellows (Mamman, 1997:288) though one must not forget that transitional attempt to democracy in Nigeria have been planned and organized by the military. However, it must be pointed out that militarism and democracy are components of the total cultural heritage of mankind. Whether as a “military” or a “democrat” man is the actor, a product of a definite cultural environment (Mamman, 1997:288).

A more rewarding contribution to the understanding of the interplay of culture, militarism and democracy in Africa and Nigerian politics is the one by Dunmoye (1997) who observed that in many African political systems.... military might had always been a major prerequisite for political ascendancy and leadership, and as Mazrui (1975, in Dunmoye, 1997) asserts, this is one aspect of the African culture that the African military tends to glorify and reify, although they seldom declare it openly.

Dunmoye (1997:299) further goes on to assert that culture is central to political organization and the evolution of leadership. It is

also central to the evolution of ideology. Therefore, the concept of culture is at the heart of conception and consciousness in which consciousness is seen both as bound up with our existing state of affairs and as a condition which makes it possible to change that state of affairs.

Perhaps a major contributor to the failure of democracy in Africa has been the issue of patrimonial culture. Takaya (1997) observes that a prominent phenomenon that immediately caught the attention of researchers and observers was the prevalence of corruption in African political life. Corruption is seen as a generic term (Takaya, 1997) being descriptive of violations of accepted standards or prescribed rules of behaviour with reference to a specific area under discussion. For example, judicial, administrative, professional, religious or political conduct.

Takaya further maintains that it is harder to define political corruption than to imagine its consequences on the economic, political and social well-being and progress of any affected nation, however, the author goes on to identify political corruption as used in a general, all-embracing sense to mean:

a) Any violation of constitutional, legislative or procedural rules of official behaviour by public officers for political advantage

over fellow contestants for public office;

b) Any criminal, moral, evil or vicious acts like murder or malicious blackmail directed against political opponents or career public servants as political vendetta;

c) Any form of graft, that is, the acquisition of property and other material values by dishonest or questionable means, as by taking advantage of one's positions to acquire undue riches;

d) Any exchange of moral, normative or legal standards for political gains or by undue creation of pork-barrels or excessive favouritism in the allocation and redistribution of public resources, societal values and other public opportunities only by patronage to political supporters"; (Takaya, 1997:60-61).

From the above and considering the Nigeria's "democratic" system Takaya rightly captures the scene especially during the period of this study.

2.6 GOVERNANCE AND DEMOCRATIC STRUGGLE IN NIGERIA

Democratic politics is always everywhere built on certain minimum principles among which are transparency and good governance (Mikailu and Yaqub, 2002). A government that is not

democratic but imbibes the principles of transparency and good governance has the likely chance of surviving for long. In Africa, one major set back to the attempts at democratic politics has been the abuse of the concept of transparency, responsiveness, accountability and the observance of the rule of law, all important ingredients of good governance.

In his contribution to the debate on governance and democratization in Nigeria, Williams (1999:69) observes as a great irony of history that the decade known as the decade of independence in Africa was also the decade in which the continent witnessed the most severe assault on the democratic process. This observation may not be unconnected with the failure of politicians to observe good governance in the conduct of state affairs.

It has been observed that by the end of 1969, great majority of African nations that started out at independence with one form of democratic governance or another had come under full-blown military dictatorship or some other variants of authoritarian rule (Williams, 1999). Notably among these were Nigeria, Ghana, Sudan, Congo, Benin Republic and Togo, to mention a few. This development has profoundly affected literature and literary production which had led writers into serious conflict with the

authorities.

In Nigeria, particularly, the rulers came under even more potent and direct literary pressures in the deepening crisis of governance and the subsequent struggle for democratization. Much formal poetry was written to condemn their political hooliganism.

However, what is interesting about Williams observation was that even writers were involved in the struggle for governance and democracy in Nigeria. But what he, Williams, did not highlight was that writers made little impacts on Nigerian leadership in the struggle to establish genuine democracy and good governance. He also did not consider other social forces that were part of the struggle.

The struggle for democratic governance in Nigeria could be enhanced and be made more effective with the involvement of the indigeneous none-governmental grassroots organizations as found in certain local communities across the country. Ohachenu's research findings are of significant importance to our study here. In a research study conducted in some local communities in Enugu and Imo States, Ohachenu, (1999:120-125) observes that based on the organization, management, government and functions of these communities, the communities possess the necessary qualities for

fostering democratic governance whereby the interests of both the individual and the collective are equally important. This was despite the problems facing these communities among which leadership problem was very insignificant about; 1.4% (Ohachenu, 1999).

There is no doubt that the struggle for democracy and governance in any society must have to start from somewhere. In fact transition from one political system to another has been part of human activity. The former Soviet Socialism was built upon the ruins of the Czarship system in Russia. Irans Islamic Republic was built upon the ruins of the Shah Dynasty. American democratic system was built upon the ruins of British Colonial domination. No society escapes its past (Hyden, 1999) as there is always a definite "path-dependency" that bears on the present.

Building democracy, therefore and as Hyden (1999:58) rightly observes is not an exercise that starts from a clean slate. It starts on the ruins of a past order, or if that is still alive, in its womb. Building democratic governance in Nigeria must, therefore, start from the ruins of military autocracies. Though the transition program of handing over of power to an "elected" "democratic" or rather civilian administration is considered as the beginning of

building democratic governance in the country, but the reality is that given the seeming constitutional and administrative irregularities, this regime is far from democratic governance. This is not surprising because more specifically past forms of governance do not always give way easily when countries wish to democratize (Hyden, 1999).

Democratization in Nigeria was typically preceded by some form of military autocratic governance especially in the presidency where the principal interest groups ruled society without consultation. Typical of this was the cancellation of toll plazas, increase in petroleum prices etc. by the President without consulting the National Assembly. This was typical of the democratization in Europe which was preceded by some form of corporalist governance (Hyden, 1999:59).

There is no doubt that the recent political crisis in Nigeria has highlighted in very stark terms the fundamental weakness in the process of our democratization (Mabogunje, 1999) and this has, however, made the following questions pertinent: why do many of the Nigerian citizens at all levels of society behave with so little love for the country? Why has corruption and misappropriation of public funds become almost a way of life for political leaders and

bureaucrats? Clearly, these questions and many more like them indicate symptoms of some very serious democratic malaise in the country.

However, and in the words of Mabogunje (1999:2) identifying the root cause of the Nigeria democratic malaise is not likely to be easy. Yet it is becoming almost imperative if Nigeria is to be built on a firm democratic foundation and get its economy back on track, serious attempt must be made to confront this challenge. Mobogunje (1999) further argues that the problem of governance and democratization in Nigeria can be summarised in the following two broad ways: the popular reactions to existing local government council everywhere in the country is for most people to feel that they owe them no civic obligations. Secondly the petroleum windfall has enabled the political class as well as bureaucrats to continue to behave as if they are benefactors of the society. This has encouraged them to engage in distributing patronage and largesses thereby becoming indifferent to the hastle and inconvenience they cause the citizens in the process.

The concept of Institutional Radicalization has been identified by Mabogunje (1999:4) as a basic solution to the democratic malaise of Nigeria. According to him any system of governance is

based on institutions within which various appropriate activities take place. Institutions, however, have been defined as a set of rules enforcement, characteristics of rules and norms of behaviour that structure repeated human interaction (North, 1989:20). These rules usually confer benefits on particular individuals, and it is necessary to ensure - by forcing the rules – that these benefits are made available to society.

From the above theoretical concept of Mabogunje's Institutional Radicalization, and from the fact that the structure and effectiveness of enforcing these rules are a critical aspect of an institution, it follows that institutionalizing democratic governance in Nigeria must have to do with the enforcement of rules by a special agent or third party such as the police, the judicial authorities or some other types of official whose responsibility it is to ensure that the institution works.

2.7 **DEMOCRATIZATION AND CONSTITUTIONAL GOVERNANCE IN NIGERIA**

The organic linkage between democracy and constitutionalism is indispensable in the paradigm of politics and democratic practice. So-many scholars have written a lot on the problematique of constitutional governance in Nigeria to the extent

that a lot of problems and the question of legitimacy of the Nigerian constitution with particular reference to the 1979 constitution became identified (Egwu, 2000).

According to Egwu (2000) the process by which the current 1999 constitution .... was brought into being gives a strong indication that once more Nigeria may miss the essential ingredient of constitutionalism (and thus, the establishment of sustainable democracy). Enthrenching constitutionalism and democracy are two important projects that cannot be undermined in the democratization process in Nigeria.

However, and despite the practical disregard of the constitution by the leadership, the constitution continues to play a binding role in the process of democratization. In fact the constitution provides the legal framework and the concrete foundation for the success of democracy.

The central role of the constitution has made some scholars (Dudley, 2002) to argue that instability in Nigeria is as a result of constitutional impropriety of the elite who have not observed the rules that are necessary for the stability of the system.

As a fundamental prerequisite of democracy, the constitution must be a document that has overriding power over and above all

institutional structures in the society. Infact, the constitution is the foundation upon which the democratic system is established. In the words of Nwabueze (1993:206-207)... the constitution is the source from which government derives its very existence and powers.... The author further goes on to emphatically describe a written constitution as a supreme, overriding law ensuring a guarantee of individual liberty and the separation of the legislative from the executive power... This document and what it entails is an essential attribute of the Rule of Law.

As earlier reiterated, the issue of democratization and enduring democratic governance in Nigeria has being a contentious one leading to academic arguments and even skepticism of the present “democratic” administration. Samuel Egwu is one of these scholars who believes that the present government is not democratic because the establishment of a multi-party system and the successful hand over of power from the military to an elected civil government based on competitive and open elections do not make democracy (Egwu, 2000:1)

However, and despite the attempts to produce at least something the government can call a constitution, the process was characterized by failure and defeat. For example the 1979

constitution was proscribed by the Buhari military administration. People differ in their opinion as to what reasons accounted for the failure of the 1979 constitution.

Whatever reasons may be proffered, however, Dudley (2002) and Ayua (1997) seem to agree on the fact that constitutional impropriety was accountable. It was not the constitution that failed the nation but it was those responsible for its operation. By implication, constitutional failure in Nigeria is attributable to the crisis of operational inefficiency on the part of the Nigerian political stake-holders. The malady (of the 1979 constitution) lay in the irresponsibility of its operators by not coming up to the requirements, expectations, ideals and objectives of the constitution (Ayua, 1997:118).

In responding to the problems of the Second Republic and the failure of the 1979 constitution, Ayua (1997:119-122) identifies certain important issues all of which were constitutional. Among these are:

a) Low degree of law awareness in Nigeria i.e poor understanding of the constitution and constitutionalism. Politicians violated constitutional provisions without any challenge from the electorates. This encouraged lawlessness

in the system. The excellence of constitution is immaterial so long as the government refuses to accept its mandate and discipline.

b) Constitutional abuse in respect to the doctrine of separation of powers whereby legislators used their power to obstruct the functions of the political system unless they were bribed with huge sums of money. They refused to pass bills, threatened the executive, etc.

Abuse of the ethnic and religious affiliations especially by the higher placed politicians has seriously affected the success of the constitution. In a situation whereby the electorates are made to ignorantly but tenaciously, defend their ethnic and religious affiliations the emergence of a secular democratic system with strict accountability would be an impossible dream.

Ayua's contributions seem to be of interest to our study here because giving the way and manner in which the civilians ruled this country especially during the period of this research, one could have very little doubt that the above constitutional problems were vividly manifest in the system. Thus for a democracy to succeed, the principle of constitutionalism must be held in high esteem in all ramifications by both the ruling elite, most importantly, and the

electorates alike.

The conceptualization of constitutionalism, though vast, may add to our understanding of its linkage with, and importance to democratic political system. Egwu (2000:3) examines the concept "constitutionalism" as comprising political ideas, legal principles and institutional devices all of which serve the goal of limited government. Philosophically, the notion of constitutionalism is derived from the idea of checking the natural inclination of man to misuse political power and or the tendency of power to corrupt man. However one looks at the concept, constitutionalism, through its liberal notion and contemporary usage, has a power restricting function (Egwu, 2000).

A very central but compelling argument on the notion of constitutionalism is perhaps one made by Preuss, (1993:76) who argues that constitutionalism is that political decision-making and the processing of social conflicts, including the conflict between the individual and the government, which are subjected to a class of legal rules that claim supreme legal validity.

On the other hand, Henken (1998) believes constitutionalism to mean or imply that the constitution cannot be suspended, circumvented or disregarded by political organs of the government,

and it can be amended only by procedures appropriate to change of constitutional character and that give effect to the will of the people acting in constitutional mode; and that public authority can be legitimately exercised only in accordance with the constitution.

2.8 **LIBERALISM AND DEMOCRACY: A REVIEW OF THE IDEALS OF LIBERAL DEMOCRATIC THEORY**

The doctrine or concepts of Liberalism, Libertarianism and or Civil liberties are the cardinal principles upon which the Liberal Democratic Theory is built. However, and a more cursory examination would reveal that each explains a situation of individual freedom within the context of a democratic setting and with constitutional paraphernalia as checks on the despotic leadership.

Liberal Democracy is a combination of various concepts each explaining an aspect of the freedom of the individual in the society; freedom of the individual in relation to those in leadership; freedom of the individual against the undemocratic ruler. Liberalism, an important pillar of the Liberal Democratic Theory, connotes social attitude characterized by interest in the increase and wide dissemination of welfare without drastic changes in the structure of society (Fairchild, 1970:176).

However, and in another vein, the same author examines the concept of liberalism as a doctrine of intellectual tolerance that rules out selfish considerations and other evidences of unfairness and bias in the formulation of economic, political and other social policies.

As a philosophical doctrine and a form of government, liberal Democracy could be seen as a progressive advancement. This is in the sense that the doctrine is made up of several concepts each of which is important in its understanding. For example, libertarianism, according to Fairchild (1970:176) is originally the theoretical and philosophical doctrine of freedom. The modern philosophy of liberty, is conceived by those to whom the goal of society is the establishment of institutions which will make unnecessary the forms of compulsion associated with the state and the private ownership of the industry.

On the other hand, Civil Liberties can be seen as a phrase associated chiefly with practices of political democracy stemming from English institutions in which the civil power is dominant over the military, and in which judicial review of all confinements is guaranteed by `harbeas corpus' i.e. `the rights of man; `Civil rights', as in English and American law. Furthermore, the ten original

amendments to the US constitution (the Bill of Rights) are often characterized as civil liberties, the phrase applies correctly only to political guarantees not to defendants in the criminal courts.

For a better understanding of the concept, however, civil liberties is the freedom claimed by or accorded to persons to speak, write, publish, assemble and organize without interference or penalty.

Hoult (1969:186) defines the liberal as a concept applied to those elements in the political centre – a measure of collectivism to protect the weak against the strong-liberal goal of freeing the greatest number from arbitrariness.

In his contribution, Ball (1977:121-124) examines the Liberal Democratic Theories of Representation as a system that lays emphasis on the importance of individuals rights especially the inviolability of the property and the necessity of limiting the powers of government to protect those rights as justified and found in the theories of natural rights that were beyond the competence of any government interference. The American Declaration of Independence of 1776 was a testimony to this assertion in the sense that the Declaration claimed “we hold these truths to be self-evident that all men are created equal, that they are endowed by

their creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness" (Ball, 1977).

The philosophical rationale for the Liberal Democratic Theories of Representation can be seen from the view point that man, as a creature of reason, can identify his own interest and his own opinions and is aware of the wider claims of the community. He will, therefore, use his vote in an intelligent fashion and is consequently entitled to share in the selection of representatives. (Thomas Jefferson in Hoffstadter, 1961:26-32).

Liberal Democratic theories lay emphasis on the role of Representative Assemblies as a protection against the encroachment of the executive power especially encroachments on liberties of the individual. However, there is the problem of the tyrannical majority e.g. the representative assembly which reflects the opinion of the electorates may interfere with the `inalienable rights' of the individuals.

The potential conflict between the sovereignty of the majority and the protection of the rights of the individuals is solved by Robert Dahl's concepts of `Madisonian and Populistic' democracy. It is an effort to bring off a compromise between the power of majorities and the power of minorities, between political equality of

all adult citizens on the one side, and the desire to limit their sovereignty on the other (Dahl, 1956:11, 12 & 50). This Dahl applies to the American political system with its constitutional checks and balances.

Furthermore, Populistic Democracy postulates two goals to be maximized-political equality and popular sovereignty (Dahl, 1956), though other variations within the representative theories of liberal democracy is the utilitarian demand for representatives to constitute an exact social mirror of the electorate; the English idealists' partial reaction against nineteenth-century individualism in their belief that the system of representation should allow common interests to emerge after a process of discussion.

In the final analysis, however, and cumulatively too, the various representative theories have managed to accommodate themselves to the rise of the mass party and the growth in executive power in two ways: the emphasis on the doctrine of the mandate i.e. government programme is the implementation of election promises that have received the consent of the electorate; the rationality element i.e. rationality of the voters to decide which party or political leaders to vote for during election times.

The above is by no means the only literature on the Liberal

Democratic Theories. In fact the vast literature on the subject matter is inexhaustible within the framework of this Dissertation. However, from the little reviewed one finds out that among the different Models of Democracy, the Liberal model presents a firmer ground for protecting the individual within a tyrannical government. Moreover, Nigeria seems to be practicing the American system of democracy, since the collapse of the first Republic, which is Liberal Democracy.

What is interesting about the literature reviewed is that there has been silence on what is be done should the individual violate the rights of others. Though the constitution is the protector of this liberty and the rights of the individual by limiting the powers of government, the literature reviewed should have said something about the constitutional penalties on individuals who are likely to violate the laws, thereby limiting the rights of the individual.

Furthermore, the authors of literature reviewed failed to highlight how regimes in the Third World countries may interfere with the rights of the individual under the façade of constitutional provision of emergency situations or crisis.

The above are characteristic of the Democratization process in Nigeria, and, hence presents a gap which this study intends to fill.

Furthermore, there can be no extra-constitutional government, no exercise of public authority by any person or institution not designated pursuant to the constitution. There can be no continuation in office beyond the terms for which officials were elected or appointed.

In conclusion, therefore, the first requirement of democratic governance is constitutionalism which is found within a legal state in which the constitution is a supreme law. This requirement was far from being met in Nigeria as at the period of research. However, to enhance constitutionalism, such a constitution must provide mechanisms for checking the maintenance of legality by means of the division of power in specialized organs of the state and most importantly within a citizenry who actively assert their civil and political rights (Egwu, op.cit:4).

2.9 **THEORETICAL FRAMEWORK: A REVIEW OF THE LIBERAL DEMOCRATIC THEORY**

There is no doubt that the attempts to entrench democracy in the socio-economic and political life of Nigeria has been marred by blatant disregard to principles of democracy as entailed in a Liberal Democratic system or model of government.

However, by virtue of its relevance and universality as a tool for analysis; this Dissertation adopts the Liberal Democratic Theory as the Theoretical Framework for the research study. An exploration into the nature, character and dynamics of the Liberal Democratic Theory as a model would certainly present a better understanding of grounds upon which the theory is adopted as the Theoretical Framework for this Dissertation, and coupled with the fact that Nigeria's attempts at democratization revolves around the practicalization of Liberal Democracy.

The Liberal model of democracy, otherwise known as 'Bourgeois Democracy' was the consequence of the struggle by the bourgeois class that suffered all sorts of economic and political discriminations in the hands of the nobility in the feudal system. However, the bourgeois fought against those limitations that hampered the success of its enterprise. Consequently, such democratic values as freedom, equality, and justice became rationalized as inherent to man; became sanctioned by arguments of natural law and even found expression in doctrine of natural and human rights. This marked the beginning of the Bourgeois Revolution.

As the balance of power between the nobility and Bourgeoisie

shifted in favour of the latter, as the revolution was carried through, democracy moved from the realm of theory to the realm of practice. Freedom became more practical in the aspects of trade, competition for markets, freedom of the worker to sell his labour whenever and wherever he pleased, and freedom to own means of production.

Bourgeois democracy, therefore, marked the beginning of political decision-making through the representatives of citizens. This was the beginning of Representative Democracy, and in order to choose peoples' representatives, political parties and the electoral system were devised. In practice, the working class and the peasantry were excluded from decision-making process by bourgeoise democracy, because of the importance of ownership of the means of production in the whole scheme (Nnoli, 1986:120). A practice almost similar in Nigerian politics.

Bourgeois democracy rather found expression in two major types of government: the Cabinet and the Presidential, which are two most influencial in Africa.

However and with time, the working people began to demand for freedom to form labour union; freedom to engage in strike actions as means of improving their working conditions and the

right to vote and be voted for in political elections. Where these rights were denied the working people engaged in struggles thereby establishing Peoples' Democracy, e.g. in Russia (1917) and China (1949), and the institutionalization of Democratic Centralism.

Liberal Democracy entails that the powers of government are limited by law and citizens enjoy freedom of association to compete for office in free elections at regular intervals (Healey & Robinson, 1992:162).

The rationale and application of equality as principles of liberal democracy could be traced to the time when the French revolutionaries popularized it in 1789 and since then liberty and equality became the rallying cry and watchword for revolutionaries fighting for democracy (Nwabueze, 1993:187-193).

Liberty and equality always go together because the former cannot exist without the latter i.e. equality before the law, protection by the law, and obligation to obey its rules without exemption based on official position. It is this fact that all rules apply equally to all, including those who govern, which makes it improbable that any oppressive rules will be adopted (Hayek, 1960:210).

However and more relevant to our study here is the fact that

equality as a principle of liberal democracy involves both the social aspects i.e. freedom of individuals to engage in whatever lawful occupations or activities they like and from the fact that they differ widely in the innate abilities and talents which they apply to such occupations or activities e.g. differences in aptitude, skill, resourcefulness, initiative, perceptiveness, strength and determination which results in differences in physical, intellectual and will power; equality of all before the state i.e. equal claim to fundamental rights to life and personal liberty and even participation in government and politics (Nwabueze, 1993:187-193).

The Liberal Democratic Theory further entails that it is everyone's right to exercise some influence on the administration of the government, either by electing all or particular officials, or through representations, petitions, demands to which the authorities are more or less compelled to pay heed (Rosen & Wolff (eds) 1999:p.49). As discovered in John Stuart Mill's "doctrine of liberty", liberty is the inward domain of consciousness; demanding liberty of conscience in the most comprehensive sense, liberty of thought and feeling; absolute freedom of opinion and sentiment on all subjects, practical or speculative, scientific, moral or theological

(Nwabueze, 1993:113)

The concept of liberty should cover tastes and pursuits; of framing the plan of our life to suit our own character; of doing as we like, subject to such consequences as may follow, without impediment from our fellow creatures, so long as what we do does not harm them, even though they should think our conduct foolish, perverse, or wrong (Nwabueze, 1993:113). And the liberty of combination among individuals; freedom to unite, for any purpose not involving harm to others, the person combining being supposed to be of full age, and not forced or deceived. However, Mill's doctrine has been criticized on the ground that it failed to tell how liberty could be secured and respected in the society.

A means of safeguarding liberty against, most especially and critically too, the tyranny of political rulers has been found in the Constitution. As a source through which the government derives its existence and powers, the Constitutional provision through the famous `Bill of Rights' has provided protection to liberty thus becoming an essential mark to Constitutional Democracy (Nwabueze 1993:128). Though a society may still respect and observe individual freedom without a `Bill of Rights' e.g. Britain, however, the Constitution must contain laws, regulations or

customs that are meant to protect the rights of the individual. A written constitution serves the purpose better because it operates as a limitation upon government.

A constitution can only merit the name if it is a “Constitution of Liberty”; a Constitution that would protect the individual against all arbitrary coercion (Hayek, 1960; 182).

From the above brief review of the concept or doctrine of liberal democracy one can observe that the model stands out as the more relevant as a theoretical framework for this Dissertation. However, that is not the essence. The relevance of the theory to Nigerian setting is not just in describing the nature and principles of the theory, but rather in analyzing the extent to which Nigeria’s democratization process has succeeded or failed drawing from the principles of liberal democracy as our parameters of evaluation, analysis and assessment.

Furthermore, and as observed by Toyo (2001:32-34) certain problems are inherent in Bourgeois Liberalism from which the concept of liberal democracy became propagated. That Capitalist Liberalism may lead to anti-human or anti-democratic results is incontestable especially considering the practices of `democracy’ in Nigeria. For example private property right leads to few dominating

the economy and holding millions to ransome. This leads the bourgeoisie to dictate to workers, fire (retrench) workers etc. thereby creating unemployment and denying the worker the right to life and happiness. This is a problem prevalent in Nigeria's journey to democracy, and to compound the issue, on the grounds of liberal democracy.

However in the course of our investigation and using the Liberal Democratic Theory as our model and Theoretical Frame work we shall make attempt to examine further the above problem as asserted by Toyo and to what extent is it a violation of the principles of liberal democracy as a universal doctrine. Other principles, too would be examined vis-à-vis their application, respect and constitutional protection in Nigeria during the period of study.

A number of attempts have been put forward to explain the fragility of political institutions and the attendant consequences of the failure of democracy in developing countries. The modernization theory is one of such attempts and it argues that political instability and the fragility of democratic structures in Africa and most of the Third World are the consequences of the existence and dominance of traditional political structures that do not allow for

the germination of a modern democratic culture. As such these traditional political structures are a negation to the development and sustainability of genuine democratic governance in Africa.

However and on the other hand, the modernization theory further argues that the problematique of democratization in Africa is to be located within the contextual framework of an exploitative social relations of production and its attendant consequences of class conflicts in the African societies. In other words, the conflict between labour and capital best explains the failure of democracy and democratization in Africa.

One salient fact that is often ignored by most scholars and students of democratic studies especially on African democratization process is that the dependent nature of the African economy on Western imperialist economic structures has, lamentably, imposed on African societies abject poverty and persisting ignorance which have tended to threaten not only the existence of the post-independence political structures but also the existence of the state in most African societies. In other words, imperialism and dependency have strenuously contributed to the problems of poverty and ignorance in Africa, and, as can be seen, these have been a major source of the problem of democratization

in Nigeria.

2.10 CONCLUSION: AN ANALYSIS OF THE RELEVANCE OF THE LIBERAL DEMOCRATIC THEORY TO STUDY ON NIGERIA DEMOCRATIZATION PROCESS

Despite the inherent problems of Bourgeois liberalism as highlighted by Toyo (2001:32-34) above, the theoretical framework of this Dissertation as based on the Liberal Democratic Theory is no doubt relevant to the study on Nigeria Democratization Process in the following ways:

Firstly the bourgeois struggle for such democratic values of freedom, equality and justice and which became rationalized as inherent to man also follows the same struggle to entrench and observe such values and several similar values in the process of democratization in Nigeria. For this the theory is relevant.

Secondly, the theory becomes relevant because it is the bedrock to the beginning of political decision making that moved from the realm of theory to the realm of practice. This was the beginning of representative democracy, the formation of political parties and the electoral process all of which are fundamental to the democratization process in Nigeria.

Thirdly, the relevance of the theory could be located within

the context of the Presidential and Cabinet systems of government, the former of which was the system being practiced during the period of study. Also in the same vein the demands for freedoms to form labour unions, to engage in strike actions as means of improving working conditions became prevalent in these two types of government.

Fourthly, the rationale and application of equality as principles of liberal democracy, limiting of the powers of the government by law, and the rights of the citizens to enjoy freedom of association and to compete for office in free elections further demonstrate that the theory is relevant to this Dissertation. This is in the sense that equality is among the tenets of democracy as extrapolated by this study.

Finally, the concepts of equality and liberty, concepts that are intertwined, were fundamental to the liberal democratic theory as they are to the democratization process in Nigeria, the focus of this Dissertation. This is not overlooking the concept of constitutional democracy, which entails that equality before the law, equal protection by the law, and the obligation by all to obey the Rule of Law without exemption whatsoever. The violation of this fundamental tenet, is must be noted, was the bane of the problems

of democratization in Nigeria between 1999-2006 which provided the background of this Dissertation.

CHAPTER THREE

MILITARY TRANSITION TO CIVIL RULE AND THE CRISIS OF INSTITUTIONALIZATION OF DEMOCRACY: AN ANALYSIS OF THE NATURE, CHARACTER, AND DYNAMICS OF MILITARY DISENGAGEMENT FROM POLITICS

3.1 INTRODUCTION

The process of institutionalizing democracy has never been an easy task anywhere; in any society. That it is difficult to achieve and maintain a stable democratic government in a plural society, a well established proposition and a fact in political science, is undoubtful. However, and despite the preponderance of the military in Nigeria politics, military rule was still considered an aberration, a phenomenal problem that must be done away with by every possible means.

Traditionally, the process of institutionalizing democracy in Nigeria since independence has been through military organised transitions to civil rule programmes. This is due to the frequent intervention in governance by the military especially following the first military coup in 1966.

The transition to civil rule programme as an aspect of democratization process by Nigeria, has been the results of self-designed and self directed political disengagement programmes by

the military. The implication is that against the background of an extensive pontification on the ideals of liberal democracy, and the building of democratic political culture in Nigeria, the military had to set in motion all necessary but deceptive machinery and paraphernalia for the transition programmes that would supposedly launch Nigeria on a sound and sustainable democracy.

However, and despite the seemingly faultless arrangements in the transition agenda, the recurrent military interventions in governance in 1983, 1986 and 1993 point to the fact that the transition agenda of the military was full of loop-holes. The military has no doubt become part of the crisis of democratization in Nigeria. It is against this background that this Dissertation sets to study the nature, character, policies and politics of the transition agenda of the military and their seeming implications on the attempts at democratization and the institutionalization of democratic governance in Nigeria.

To further support the above postulations, for example, it is clear that the cancellations of the 1993 General elections which was won by Abiola and which was believed to be the most credible in the history of elections in the country, by the military regime of Babangida led to serious social and political stalemate popularly

referred to as the `June 12'. Consequently, rising geopolitical and ethnic tensions at that moment forced Babangida to hurriedly found and inaugurate an Interim National Government under Chief Ernest Shonekan to complement for the loss of leadership to the Yorubas (International IDEA: 2001:51).

The repressive measures adopted by General Abacha's regime, which shoved aside the Shonekan-led Interim National Government, to hold on to power made Nigerians to further detest military rule and militarism. The country was heading towards breakdown and disintegration at the time of Abacha's sudden death in June 1998. It was not surprising that people poured on to the street to celebrate Abacha's death (International IDEA, 2001).

The point here is at the time of Abacha's death and the ascendancy of power by General Abdulsalami Abubakar Nigeria was in deep political and ethnic tensions. Outpourings of emotions and the determined opposition to Abacha's dictatorship persuaded, or rather forced Abubakar to believe that the military must relinquish its grip on governance. The outcome was an eight month transition agenda hurriedly prepared by the military. This resulted in the elections and inauguration of the Fourth Republic under the presidency of Chief Olusegun Obasanjo on May 1999

(International IDEA, 2001: 7).

Institutionalizing democracy in a highly militarised society would certainly be met with a lot of constraints. This is not to say that democracy cannot work in a society formerly ruled by military autocracy, however entrenching constitutional democracy in such a society will not be easy. In fact, it will be more demanding than ever imagined.

Prolonged military rule has unfortunately turned Nigeria into a highly militarized polity where militarism germinated to assume a total culture and way of life. It must be noted that military rule is only one aspect of militarism. The introduction of military ideals in the formation of Constitution Drafting Committees and Constituent Assemblies to ratify the draft constitution amidst amendments through decrees by the military were aspects of militarism. This would certainly have adverse effects on the transition programmes which could not provide for sustainable democracy in the political future of Nigeria.

From the onset, therefore, the transition to civil rule agenda of the military from Murtala/Obasanjo, to the Babangida, Abacha and Abdussalami regimes were highly militarised especially in the formation of Constitutions, registering of political parties, creation

of the electoral machinery and even the formation of electoral tribunals to attend to cases of election results.

The emergence of a democracy has a specific kind of foundation upon which it can only be sustained and grow in strength with time (Adedokun, 1992:4) and the collapse of the 1979-1983 civilian government could be attributed to neglect of this important fact.

An analysis of the political behaviour of the military and experience of political absolutism in Nigeria will reveal the military as serious constraints to the transition to civil rule and democratization in the country (Ojo, 1992:17). This is evident in the prolong military dictatorship and its consequent element of militarism in the Nigeria political system, promulgation of constitutions that were heavily doctored with such amendments as (were) deemed necessary in the interests of security, welfare and good governance (International IDEA, 2001: 24).

Furthermore, it is true that transitions to civil rule by the military were the results of self-designed and self directed political disengagement or tactical withdrawal by repressive military regimes, which were more often than not, reviewed and re-designed, as in the case of Babangida regime. These cannot lead to

the attainment of true democracy (Ojo, 1992:14).

As can be argued, the transition to civil rule in Nigeria was the type as championed by an arbitrator ruling army which sets a time limit on its governance and handover power to "acceptable" Nigerians (Adedokun, 1992:5). The implication was that it was the arbitrator that determined the country's constitution, political structure, political party system, political culture and consequently electioneering machinery and even election results. These are serious democratic and constitutional irregularities in the transition to civil rule agenda.

Consequently, and from the above, it can be asserted that the military institution in Nigeria has erroneously arrogated to itself the role of civil order armies constantly monitoring and adjudging civil order according to its code and envisioned social orders.

However and despite the crises found in the constitutional arrangements of the transitions to civil rule in the country, Nigerians exhibited that they preferred and were more comfortable with a political system of governance devoid of the military.

3.2 **Militarism and the Problem of Democratic Consolidation**

The long years of military rule in Nigeria has unfortunately turned the country into a militaristic political system with an

exclusive democratic process that would hardly allow for development of concensus especially on major issues of national importance as well as the expression of disagreements.

However, military rule is only one aspect of militarism. Militarism can be seen as a total culture and a way of life clearly discernible in the family in oppression of women and child-abuse; in the work place in the oppression of subordinates; in educational institutions in the exploitation of students; and, in fact, in everyday discourse. In any case, the language of "immediate effect" is clearly and highly militaristic (International IDEA, 2001:10). These manifestations are clearly seen in civilian government of 1999. This is not surprising since the President himself was a retired military.

Militarism forecloses debates, discussions, bargaining and compromise and instead it elevates force, order, intimidation compulsion and control, characteristics present in the 1999 civilian government. May be this could explain the frequent change of the Senate leadership especially where the Senate President refused to be controlled "militarily" in a democratic environment.

The twenty-eight years of military rule in Nigeria left behind a military culture of arbitrariness, command-and-obey syndrome, intemperate language, total absence of debate, intimidation of civil

society, disregard for civil rights, absence of the rule of law and due process, and the emasculation of the judiciary resulting in an intolerant political environment. The authoritarian military culture has certainly made the democratization process very slow and less interesting even after the inauguration of an elected civilian government in 1999.

It is interesting to note that despite the withdrawal of the military from active politics and its replacement with elected politicians in 1999, Nigerians continued to be intolerant to one another with lack of acceptance of ethnic diversities, religious pluralism and cultural differences manifesting in sporadic socio-economic crises which often claimed the lives of innocent Nigerians in thousands. The Kaduna crises of 2000 and 2002 were good examples.

Furthermore, frustrations and social discontents with the pattern of allocation of the nation's resources and political appointments have often taken the forms of violence. The Niger Delta crisis is a good example. Many years of militarism and military despotism had seriously undermined the legitimacy of the Nigerian state which had consequently abandoned its primary functions and responsibilities leading to the collapse of state

institutions and the subsequent personalization of the public domain, including the private use of public treasury (International IDEA, 2001:137). Corruption has become a routine, with access to enormous state resources restricted to those who were well connected to the military as managers of state institutions. Vast majority of the citizenry became alienated from the state, engaging it in antagonism if they had to, but avoiding it if they could. That the elected rulership of 1999 inherited a highly militaristic state system is incontestable.

A cursory look at the Nigerian political system after the inauguration of elected civilian administration in 1999 would reveal that authoritarism has manifested itself in the country through years of military rule. This is marked by the absence of debate, intimidation, disregard of civil rights, and non-challance about due process and the rule of law. This has left an intolerant environment, in which the language of politicians is still militaristic and people still use violence to settle issues (International IDEA: 2001:45). Years of civil rule from 1999 reveal that there had been excessive and overcentralization of powers in the executive at the Federal, State and Local government levels. The executive had become a symbol that could never be challenged. For example the

Governor of Adamawa State summoned all his commissioners and Permanent secretaries and threatened to dismiss any one who went contrary to the tenure elongation of President Obasanjo.

From the above, therefore, it would not be a mistake to assert that the elected government of 1999 found itself amidst a society whose levels have been egregiously abused by the long years of military rule.

3.3 Military Rule and Constitutional Development.

Problems associated with Nigeria democratization process can no doubt be located within the context of constitution making and constitutionalism. Democratic transition from military rule has generated agitations for genuine democratic reforms including constitutionalism especially after the inauguration of civilian government in 1999. Agitations were related mainly to issues on the legitimacy of the 1999 constitution and questions about government's commitment to the rule of law. These were certainly burning issues affecting the democratization process since the 29th of May 1999.

It is interesting to note that Nigeria has produced ten written constitutions, majority of them by the military, but it has yet to entrench constitutionalism. The problem is seriously linked to the

constitution - making process as initiated, reviewed, amended and adopted by the military regime in power.

The 1999 Constitution was promulgated by the military under Abubakar. The process of making the Constitution allowed only very limited consultation with the populace.

However and despite being under military rule for almost 30 of its 40 years of independence, Nigeria has a history of constitution - making (1960, 1963, 1979, 1989, 1995 and 1999) (International IDEA, 2001:19). But the elements of democratic constitutionalism were yet to take deep roots in the political minds and consciousness of Nigerians, hence the demands for constitutional amendments of the 1999 constitution.

Clearly, while the transition in May 1999 successfully terminated military rule and ushered in an elected civil order in Nigeria, the transition from an elected civil order to a democratic government has only just begun the present demand for constitutional review process is an important aspect of this transition.

As can be observed, Nigerians are constantly challenging the legitimacy of the 1999 constitution. This is understandable because, as was pointed out, the final draft was crafted and

imposed by the military officers. This was undemocratic and unconstitutional. The constitution, as can be seen, contains several provisions that make it not only unworkable but a stumbling block to democratic consolidation. That section that protects Executive Governors etc from judicial punishment is a good example. This has allowed some state governors an upper hand to engage in undue manipulation of state treasury and blatant disregard to due process culminating in the worst financial scandals in their various states.

However, continued demand for a sovereign national conference, and the attempt by the President to convene same in Abuja in 2006, and the situation in the Niger Delta, were events across the country that exemplify the popular feeling that the 1999 Constitution required amendment. There was, therefore, the exigency of taking a second look at a Constitution bequeathed by a military beating a nervous retreat.

Throughout the transitional history of Nigeria, what is interesting is that the processes of constitution - making by the military in power were significantly similar. For example in 1979 the military, under Obasanjo, convoked a Constitution Drafting Committee, while the Babangida military regime constituted a

Constitution Review Committee and the Abubakar regime established a 25 member Constitution Debate Collating Committee in 1998 to determine whether or not Nigerians preferred the 1979 constitution.

The argument, however, it that in each case the constitutions for transition programmes were produced by the military in power. This was clearly antithetical to democratic governance because the constitutions did not reflect the feelings, yearnings and aspirations of Nigerians.

In certain instances, the Obasanjo and Babangida military regimes to be precise, the military further inaugurated Constituent Assemblies, the composition, size, powers and method of election and or nomination of which were decided by the military. The membership of the Abacha National Constitutional Conference was formed in a similar vein. Those appointed hardly ensured fair representation, rather these represented government interests. Furthermore, principal officers of such Assemblies were exclusively nominated by the military. What was disturbing was whether such constitutions contained what could have emerged under different settings (Omoruyi et al (eds) 1994:101). It is worthy to note that the military imposed limitations on the constitutions and

constitutionalism in the Nigerian democratization process in the sense that the authoritarian military regime determined what should be contained in the Constitution; the 1999 Constitution inclusive. Final decisions on certain matters or `no-go' zones, as declared exclusive preserve by the Federal Government, invariably rested with the military ruling body.

When a Constitution is heavily doctored and subjected to amendments by the military, as clearly evident on the 1979, 1989 and even the 1999 Constitutions, the legitimacy of that Constitution is put to question. The document can never be a Constitution freely made by the representatives of the people. What was especially disturbing was that the authoritarian posture of the military, as regards determining the final draft of the Constitution, was the failure of the regime to recognize the superiority of an elected body over any other authority. The military, therefore became the real sources of Constitutional authority.

From the above, therefore, it can be affirmed that the military had been the source of Constitutional problems even after handing over power to elected civilians. Consequently, when a democratic process is lodged on an unconstitutional and undemocratic foundation, subsequent actions and activities become nullities.

3.4 **Military and the Structures for Transition to Civil Rule**

Military disengagement from politics and the transition to civil rule in Nigeria seem to have been founded on the same philosophy. Philosophically, the military tradition of transition to civil rule saw military intervention in national politics as nothing more than a purely temporary intrusion into a `civilian sphere' in order to save the political system from collapse and prevent the breakdown of law and order (Ezeani, 1994 in Omoruyi (eds) 1994: 86). The military, therefore, imposed a time limit on army rule and arranged to hand the government over to an acceptable civilian regime.

Political structures for transition to civil rule as introduced and inaugurated by the military seemed very much similar. Formation of political parties, election machinery, mass mobilization system, and even the judicial system that were some of the important structures for the transition programme were based on the military ideological orientation, and thus similar in many respects.

Party politics and political participation are important pedestals in democratic governance as can be argued as regards the formation of political parties during the transition periods. The military were believed to have greater influence in the formation of

the Constitution. For example and under the philosophy of "guided democracy" the Babaginda military administration formed two political parties fully funded and directed by the government.

The military's control on political participation especially during the Babaginda Transition programme was very much interesting. According to the military political participation had been put to shame especially with the way politicians refused to play the game according to laid down rules (Omoruyi, 1994: 92). Consequently the government banned old politicians from participating and, under the principle of "New Breed" allowed only those newly introduced into the game to participate. This was another problem to the democratization process and as contributed by the military.

The role of the military in the formation of political parties during the periods of transition reflected the military frame of reference in the sense of extreme centralization by the ruling party, command and obedience and supra-individuality. For example the National Party of Nigeria and the Peoples Democratic Party seemed to have these military elements. This centralised control of the party by the so called party barons had seriously affected the standard of political participation synonymous with democracy.

On the other hand and even where the military decided to introduce two political parties - the National Republican Convention and the Socialist Democratic Party- the funding control and choice of candidature were determined by the military. For example and as was argued, these two political parties were an imposition on the politicians; NEC wrote their constitutions, manifestoes, designed their emblems, flags and other paraphernalia which were later approved by the AFRC (Omoruyi, 1994:1080). The choice of Obasanjo of the Peoples Democratic Party as presidential candidate was said to have been determined by the retired military of the Northern elements; and the way Obasanjo was treating the PDP reflected the character of the military. This was evident in the series of changes of PDP leadership since 1999.

As is pellucidly clear from various literature on transition to civil rule in Nigeria as carried through by the various successive military regimes, it can be said without equivocation that the formation of political parties reflected elements of military control. This was more so during the Babangida transition programme than was during the Obasanjo's military transition programme of 1975-79. Furthermore, the principle of `guided democracy' as introduced by the Babaginda administration in relation to political parties and

political participation had the implication of restricting popular political participation. For instance, peoples view as collated by the Political Bureau as part of preparation to ensure an orderly return to civil rule were never made available to the people until the Babangida military government formed its opinion on them (Caron, B; Gboyega A. and Osaghae, E. (eds), 1992:267.

3.5 **Military and the `Electoral Machinery'**

Another structure worthy of consideration in the transition to civil rule programme in Nigeria was the electoral machinery. This has been under serious military control especially as regards the selection of electoral commissioners and the laws or decrees empowering the election bodies.

As rightly observed, elections into various public offices are considered the true tests of a democratic polity..... the essence is to gauge the democratic pulse of the people (Omoruyi, 1994:106).

Generally, the various military governments of Obasanjo, Babangida and Abubakar who embarked on the transitions to civil rule at differing periods in the political history of this country vested the responsibility of conducting elections on electoral bodies created by military decrees. What was obvious was that the role and status of the electoral machinery was as much characterized

by substantive political and constitutional ambiguity as the military regime itself (Omoruyi, 1994:106). The extent to which the Federal Electoral Commission (FEDECO) of the Obasanjo military regime, or the National Electoral Commission (NEC) of the Babaginda regime or the Independent National Electoral Commission (INEC) of Abubakar were subjected to the rule of law and due process was highly doubtful; it was similarly questionable how `independent' the INEC was in the discharge of its responsibilities.

Furthermore, provisions of the Electoral Amendment Decree of 1987, National Electoral Commission (Amendment) Decree of 1989 or Decree No. 8 and National Electoral Commission (Amendment) Decree of 1989 or Decree No. 37 pointed to the assertion that electoral machineries operated under the cloak of military authoritarianism, making their decisions unchallengeable in any court of law. That they were not subject to due process was clearly evident.

In the conduct of elections, however, the electoral bodies adopted different methods. The secret balloting as adopted by FEDECO proved to be inefficient and full of malpractices in the sense of rigging and other electoral crimes; while the "Option A4" or open balloting by queuing, a Babaginda mechanistic juggling,

proved worse with several cases of serious corruption ever in the electoral history of Nigeria.

However and despite the military character introduced into the electoral systems of the transition programmes, and the adverse comments from critics of the military, the electoral bodies set up had recorded varying degrees of success despite massive rigging which characterized elections in Nigeria.

As a procedure recognized in a democratic political system for choosing persons to hold offices, elections have become a socio-political mechanism for aggregating preferences and saddled with the roles of participation, mobilization, integration, education, selection, regulation and legitimization in politics (Remi A. & Tunde, B (eds) 2003:46.) for elections to efficiently perform these roles, they have to be free, fair and credible, qualities hardly attributed to elections under a military organized transition. Literature on elections in Nigeria are certainly corpious, some tend to argue that electoral behaviour and voting pattern have been characterized by cultural and structural pluralism, practorianism, clientilism and prebendalism which combined in several complex ways leading to electoral corruption and violence, rigging, obstructionism and punitive control. These have reduced politics to

business activity stemming from those identified structural and cultural variables which in the first place bedevilled attempts at nation building.

Elections could be classified basically into two; the transition elections and the consolidation or second-term elections. The transition elections were those organized for the purpose of handover of government to elected civilians by the military while the elections of consolidation were meant to allow for the transition from civilians to another elected civilians. This Dissertation would focus primarily on the first type of election since our major point of discussion here hinges on the character of military transition programmes and how it affects the democratization process.

Transitional elections, as part of the transition structures, were supervised, albeit by the military posing under the disguise of apparent neutrality, in 1979, 1992, and 1999. However, it is interesting to note that the military who were supposed to ensure fairness in the conduct of the elections became interested in the outcome of the elections, and in particular were concerned about who or which political party would succeed them (Pudley, 1973 in Remi, A. & Tunde, B. (eds 2003:50). This fact was demonstrated in the National Party of Nigeria (NPN) victory in 1979, and the People's

Democratic Party (PDP) victory in 1999. This tended to suggest that one of the foundations upon which genuine democratization could have been initiated was weak; a problem located within the context of military supervisory role in the elections.

Another factor militating against smooth and fair elections in military guided transition were military electoral reforms. For example, the 1979 transition election took place under a range of military electoral reforms manifesting in new constitutional arrangements, various laws as guidelines to formation of political parties, the introduction of the presidential system of government etc; reforms antithetical to laudable transition to democratic rule.

The philosophy of “guided democracy” as introduced by the military in its transition reforms seemed to have telling effects, albeit negatively, not only on elections but also on parties and political behaviour. The transition elections of June 1993 was much restricted, guided and guarded by strict military reforms. The election, believed to be one of the freest, fairest, most credible and best organized and conducted in Nigeria’s electoral history became a major source of concern of Nigerians when the military government of Babangida annulled the results on personal interests more clearly depicting military interest in the outcome of

elections and which was another factor impeding genuine democratization.

Despite the unique system of the 1993 election – the open-secret ballot other wise known as 'Option A4' (Jinadu, 2002:197 and Akintenrinwa 1997: 285-8 in Remi, A. & Tunde, B. (eds) 2003:53) the election was seriously regulated with many rules as churned out by the National Electoral Commission. Furthermore, the military imposed a two-party system for the populace and made primary elections compulsory for the parties. However the military cancelled the results creating in its wake a serious political crisis that nearly tore the country apart.

In 1999 another transition election was conducted with less stringent electoral regulations though the manifestoes of the parties had to be approved by the newly renamed Independent National Electoral Commission. The election was conducted with a fairly stable political atmosphere devoid of abusive language, political thuggery, obstructionism, and less punitive control. But even the military government of Abdulsalami Abubakar could not waive the issue of mass rigging during the election as alleged by the head of BBC election monitoring team in the country. This was what the ANPP Presidential candidate called 'Monumental Fraud'. As

observed, the reason for the massive rigging was to ensure that the Peoples Democratic Party and its Presidential candidate General Olusegun Obasanjo, a candidate of the military, had an absolute majority and in order to avoid a coalition and consequent weak take-off of a new government (Remi, A. and Tunde, B (eds):2003:54). From the above, however, a major point of analysis of this Dissertation stems from the seeming crisis arising from the military style of transition process. This had left much to be desired thus becoming a source of problems and impediment to democratization process in the country. The military organized and guided transition in the spheres of elections and the choice of candidate for Nigerians had left behind a serious problem especially in the style of leadership of the newly inaugurated government.

To support the above, for example, it became clear that the choice of General Obasanjo was wrong in the sense that the personal political styles of the President, a retired military with the characteristics of militarism in him, proved undemocratic. Events in the seven years of the Fourth Republic proved the retired military president to be obstinate, authoritarian, dictatorial snobbish and arrogant (Remi, A. and Tunde, B. (eds) 2003:54). This had led to endless crisis and struggle which the President had with

both Houses of the Legislature. The military had been a serious impediment and a source of failure of democratization process in Nigeria.

The creation of certain institutions to support democracy by the military government, Babangida regime to be specific, proved fruitless. The creation of the Code of Conduct Bureau, the Code of Conduct Tribunal, MAMSER, and the Centre for Democratic Studies by the military regime of Babangida as part of the transition agenda contributed little to the support for democracy.

3.6 **CONCLUSION**

The role of the military in the search for sustainable democracy, through organized and guided transition to civil rule programmes, had been a subject of enduring debate which, however, reflected on interesting paradox. Though the military played prominent role in the attempts to realize the widespread desire of Nigerians for popular participation in the political process, yet in theory and as had been manifested in practice the military is the least qualified to champion the cause and course of democracy. This is at least in view of its organizational values and manifest dispositions.

The military had been perceived as insincere in relation to the

transition process. The perception of insincerity was allegedly grounded within the reasoning that it was unrealistic to expect that those who wield political power would embark on programmes which guaranteed their self-liquidation.

Though the “insincerity argument” was not necessarily a scientific consultation for empirical evidence point to a consistency in commitment to the transition to civil rule agenda by the military (the Murtala/Obasanjo regime), however, the due interference in the transition agenda pointed to the reluctance by the military to hand over to the civilians without at least a favourable reconstitution of the political class. This had given way to the military choices of presidential candidates (the Abdulsalami regime) in any case; the argument is that the military could not have afforded to be indifferent to its succession.

The military had been a major source of Nigeria’s democratization malaise. This is indisputable as imperical evidence point to the serious political crises which the country experienced as a result of military guided and controlled transition to civil rule programmes.

Undue interference into the political affairs of Nigerians has led to serious repressions manifesting in the long period of military rule.

This has had effects on society and even political attitude of Nigerians. For example Nigeria became highly militarized thus giving way to an environment that was democratically uncondusive. Amidst a constitution that was heavily and militarily doctored, censored and approved as amended, loomed the problem of constitutional legitimacy.

The process of constitution making as controlled by the military left a serious vacuum in the transition process. Constitutionalism became a serious problem that spilled over into the newly constituted civilian government. This is what happens when a constitution is devoid of popular participation.

Finally, the nature, character and dynamics of transition to civil rule were synonymous of the characteristics of the military as the moral crusader of democratization. The organizational values and dispositions of the military have tended to bear on the arrangements, structures and dynamics of the transition programme thereby producing leaders though civilians but with military styles of leadership. However, and on the contrary, despite the serious and undue meddling with the process of the transition, the military could be seen to have made positive contributions to the democratization process because the enthronement of

democracy, though never an easy task, had to begin from somewhere.

CHAPTER FOUR

DEMOCRATIZATION PROCESS, THE RULE OF LAW AND CONSTITUTIONALISM: AN EVALUATION OF ABUSE AND VIOLATION OF WESTERN LIBERAL DEMOCRATIC PRINCIPLES IN NIGERIA (1999-2006)

4.0 INTRODUCTION

Perhaps the 29th of May 1999 would go down as one of the most important dates in the political history of Nigeria. This is because it was the day Chief Olusegun Obasanjo, a retired army general, took the oath of office as yet another civilian President elect, thereby marking the beginning of a Fourth Republic and the exit of the military from active political landscape of Nigeria. It was also the day of high expectations by teeming Nigerians who were just recovering from a long coma of military overhang that was clearly perceptible.

Furthermore, the maiden broadcast by the President which contained a carefully designed agenda on anti-corruption and economic recovery, among others, immediately after assuming office made Nigerians desirous of genuine change which carried along with it sanity and a collective spirit to, as was usually said,

move the country forward.

As a personality of international repute, an important member of the Eminent Person's Group, an uncompromising fighter of Apartheid and a social critic especially on Babangida's economic reforms, attitudes that culminated in putting him behind bars, no one ever had the slightest doubt that Chief Olusegun Obasanjo would steer the wheel of leadership to a greater Nigeria despite seeming odds and numerous obstacles. Even those that engineered his release from prison and sponsored his presidential candidature, thereby sweeping aside more qualified candidates, least expected government to deliver the country from that canker worm-corruption-which had eaten deep into the marrow of almost every sector of Nigeria polity, and the seeming poor socio-economic conditions that posed a threat to genuine democratic governance.

However, and after about seven years on the throne, the story was that of mixed feelings of betrayal, frustration and lost of confidence in the government. In fact the democratic picture of Nigeria was chaotic and pathetic. Though the President might not have been the only one to blame, he was among the politicianS whose unruly behaviour made bastard of the principles of Rule of Law and Constitutionalism as found in Western liberal theory of

democracy.

A period characterised by poor administration that lacked focus, poorer economic conditions, unemployment, high crime waves, unprecedented communal clashes, threats of secession, to mention just a few, and above all monumental level of corruption at high places and which earned Nigeria the second position in the world, the confusion and chaos informed by the abuse and violation of Rule of Law and Constitutionalism, and which resulted in lack of transparency and accountability, justice, freedom and respect for human rights' etc by government officials and the politicians themselves, the administration can be said to have failed especially taking the government policy agenda as a yardstick for measurement.

As the patron of the administration, perhaps the gold medal for superlative achievement in self-deceit might be awarded to the President-elect inaugural address as contained in the papers (Daily Trust, Friday October 31,2003 Vol. 7 No. 27 p. 6 and 39). According to the retired general, now turned politician, corruption, the greatest single bane of the society, would be tackled; nobody no matter who and where would be allowed to get away with the breach of the law, or the perpetration of corruption and evil. That

under his administration all the rules and regulations designed to help honesty and transparency in dealings with government would be restored and enforced.

Furthermore, the President continued that rampant corruption of the public service and the cynical contempt for integrity that pervaded every level of the bureaucracy would be stamped out and that crime would be given as much attention as corruption; a determined effort would be made to cut down, significantly, the incidence of violent crime.

In the same speech, the President promised to tackle the issues of crisis in the oil producing areas, food supply, food security and agriculture, law and order with particular reference to armed robbery and cultism in educational institutions, exploration and production of oil, education, macro-economic policies especially exchange rate management, supply and distribution of petroleum products among others. Other areas where the President promised to address include the debt issue, corruption, drugs, organised fraud or 419, crimes leading to loss of lives, property and investment, infrastructure, resuscitation of manufacturing industries, job creation and creation of conducive environment for investment and poverty alleviation; policies too

many to be achieved in a four-year tenure in office.

The President told Nigerians that in pursuit of the above "priorities" as he called them, he had worked out measures, which must be implemented within the first six months. A code of conduct for ministers and other public officers would be introduced and that other measures for individual and collective self-control and self-discipline of ministers and other public officers would be introduced.

However, and after seven years of the administration, the government seemed to have kept its promise at the minimal for most of the problems to be “tackle head on at all levels" continued unabated; infact these were seriously exacerbated by personal attitude and behaviour of politicians and political office holders in the government. In subsequent analyses, this Dissertation would revisit these priority areas of the President in order to establish whether or not they were fulfilled and if not, what actually went wrong.

From the available data collected, the reality was that the administration was characterized by unprecedented breach and abuse of Rule of Law and constitutionalism leading to problems of monumental level of corruption in almost every sector of the policy,

serious travesty of justice, threatening communal clashes and lost of lives and property engulfing almost every part of the country, crisis in the Niger Delta and other oil producing areas, personality clashes, constitutional breach, disregard to freedom of the press, in fact the problems were numerous and almost seemingly insurmountable. Underlying each of these problems, however, was the unruly behaviour of the politicians especially the supposedly highly cherished lawmakers of the land. This alone was a serious threat to democratization in the country. That the administration was a failure was, to say the least a gross and serious understatement. This statement would be addressed adequately by this Dissertation using the data collected during the course of research. Liberal democratic politics is always everywhere built on certain minimum values or principles (Mikail & Yaqub, 2002). These include, among others, constitutionalism, accountability and transparency, freedom and respect for human rights including freedom of the press, security and political stability, rule of law and judicial credibility, regular free and fair elections which provides the basis for popular participation in government, and a democratic economy which provides the basis for improved social living conditions (Nwabueze, 1993; Mbachu, 1999; Ayua, 1997). Where

these values and principles are in general observed, one can pronounce a government constituted in such a polity as democratic. Conversely, where they are observed in the breach, an analyst has no option but to consider the regime as undemocratic (Mikail & Yaqub, 2002).

Premised within the context of Liberal democratic ideals and principles, the administration of the Fourth republic seemed to have least observed the principles of Rule of Law and Constitutionalism of Western liberal of democratic politics as enumerated above. This formed the basis of this Dissertation. From available data collected on the administration from 29th May 1999, the date it was inaugurated to 2006, the reality was that the administration had degenerated into the abyss of unprecedented credibility deficit, with its legitimacy almost hanging in the balance. The government became characterized by serious and monumental corruption almost engulfing the entire system of the government. Corruption had become part of state policy and to worsen the situation the Presidency, the National Assembly and the Judiciary were not spared. This lack of accountability had become a serious threat to democratization. Other sources of the government's credibility gap could be located within the blatant constitutional

abuse as exhibited, lamentably, by the Presidency and other high ranking stakeholders of the administration, and the consequent insecurity and political instability, the limping economy and the sweeping decline in the value of the Naira.

Furthermore, the government's attitude to the press was another issue of serious concern. Available data indicate that the administration engaged in serious brutalization of the press thereby curtailing, to a greater extent, the principle of freedom of expression and human rights. These and other problems culminated in depicting the government as undemocratic. This would be critically evaluated in subsequent part of this chapter.

Underlying each of the above undemocratic attitudes of the administration was the role played by the politicians especially the members of the National and State Assemblies and the executive. It was unequivocal to say that the politician who portrayed to be the cherisher of democracy, even in the wake of military dictatorship became the most serious threat to democracy during the period of study. The problem of lack of credibility could be linked to the unruly behaviour of the politicians as manifested in the two national Houses of Assembly.

There hardly exist any doubt that the survival of democracy

anywhere in the world depends on the attitude and behaviour of the politicians. This chapter, therefore, intends to analyse the abuse and violation of the principles of Rule of Law and Constitutionalism by Nigerian politicians, their attitude and behaviour towards the system and their role in the abuse of other liberal democratic ideals. This would be done with particular reference to violation of Rule of Law and Constitutional abuse and how this impacted albeit negatively, in crippling of the judicial system, manipulation of the electoral machinery and election process and above all, the unnecessary over-heating of the polity thereby causing a crisis situation that threatened the stability of the country.

4.1 **THE VIOLATION OF RULE OF LAW AND ABUSE OF CONSTITUTIONALISM: THE TRAUMA OF A LIMPING DEMOCRACY**

Rule of law and Constitutionalism, two cardinal values upon which Western liberal democracy model is built, are major yardstick to assess whether a polity is a democracy or not. In any case, therefore, their abuse and violation are indicators that such a polity is undemocratic be it civilian or military.

There are sufficient data to justify that the period between 1999-

2006 witnessed considerable abuse and violation of the principles of Rule of law and Constitutionalism by the politicians and other stake-holders. This, however, impacted negatively on the absence of accountability and transparency in government, weakening of the judiciary and judicial process, manipulation of the electoral process leading to elections devoid of fairness. Other problems that emerged included the emasculation of the press thereby curtailing the much needed freedom of the press and by implication freedom of expression in the system. These are no doubt attributable to the undemocratic political behaviour of principally the politicians and other stake-holders who were supposedly mandated to safeguard these basic values and ensure that they were institutionalised well into the system.

Perhaps a cursory examination of the theoretical concepts and meanings of Rule of Law and Constitutionalism respectively would allow a proper grasp of the context within which the analyses were made. Interestingly, therefore, exploring the meaning of Rule of Law and Constitutionalism would allow one to appreciate the gravity of the consequences of abuse and violation of these important values in a society where democracy was almost a foreign concept due to prolong military rule and institutionalized

culture of militarism.

4.2 THE LAW: A DEFINITIVE EXPLORATION

The definition of law has always been contentious, nebulous and tiring. This is because it is a difficult word to define. However, certain definitions by various schools of thought would help in the beginning of understanding the concept. For example, and according to the Historical school, law assumes a fixed character peculiar to a people in their manners, language and constitution. In this respect law is assumed to reflect the customs and traditional practices and acceptances of a people. This, however, distrusts all legislations especially in the form of codes. However, the criticism against this definition of law posits that the approach tends to idealise the past and tends to have traditions like fetters upon lands of reformative enterprise (Allen, 1964:15-18).

On the other hand, the Legal Positivist School defines law as a set of rules and commands laid down by the state. Here law assumes a character of the product of the ruling power in society (Dias, R. 1970). This definition, however, tends to separate, in principle, the law as it is and the law as it ought to be. The school insists on strict separation of law from ethics and social policy

thereby identifying justice with legality, hence denying the use of law as an instrument of social change.

The Social Engineering concept sees law as linked to the principle of utility with the main task of “the satisfaction of human events and desires” (Allen, 1964:34-39). This forms the hallmark of sociological jurisprudence. But the Realist Movement in the American jurisprudence defines law as a body of facts, rather than a system of rules, as a going institution rather than a set of norms (Allen, 1964:41). In this case, and by implication, what judges, attorneys, the police and prison officials do about law cases is the law itself. Thus, the law has no existence as a concept, but only as a series of factual occurrences and law is, therefore, not what it is but what it does.

Furthermore, the class character of law, based on the Economic Theory as postulated by Karl Marx and Frederick Engels who were the founders of Scientific Socialism, examines law as a product of evolving economic forces, determined by economic factors, as is part of the superstructure erected above an economic basis. Hence, law is of class character and created by an economically ruling class, tied to the economic interest of that class (Stone, 491-494). The claim of law to independence as a social

force or to impartiality is practically illusory.

From the above, therefore, one fact is discernible; law as a subject is becoming more and more sophisticated and complicated. A subject with varying dimensions and which is extremely difficult to define. This is despite the several philosophical attempts to define the term. By implication law has no any general decisive meaning agreeable to all yet. Even the attempted philosophical definitions, on their own, do not appear to be independent, with anyone sufficient in itself, to constitute law in all ramifications especially with its multifarious character.

However, and from the African context, law has meaning only when it can perform the following functions:

a) regulating the conduct and relations of people in the context of rapid and fundamental changes taking place in the society.
b) reflecting the values of the society it serves; otherwise it will be largely irrelevant to the lives of the people and thus be ignored.
c) creating favourable conditions in which desirable social developments can take place (Ayua, 1997:113).

Performing the above functions by law depends on the legal system in place and the cultural climate in the society. A legal

system is a set of rules of law in force in a country together with the machinery and personnel by which those rules are applied. In this case, the legal system requires the laws themselves, in forms of rules, doctrines, statutes, decrees and the constitution; the machinery in the form of courts that apply the law; and the personnel in the form of judges and other human instrumentalities that actually interpret the law.

4.3 THE RULE OF LAW: A CONCEPTUAL EXPLORATION

The historical origin of the concept of Rule of Law can be traced to the idea of sovereignty of the people, where according to Aristotle the many are sovereign not as individuals, but all together. This is the beginning of the Rule of the People (Aristotle, in Robinson, 1995:79-81).

However, in any polity where laws do not rule, then there is no constitution. The law should rule over all general matters, while the officers or those in government should rule over the particular mattes, and that should be considered a constitution (Robinson, 1995:79).

Furthermore, it clearly follows that, if democracy is one of the constitutions where everything is settled by decrees as regards the

affairs of the state, that is not really a democracy at all, since no decree can be general (Rosen, M. and Wolff, J., 1999:106). A broader examination of the concept of Rule of Law reveals within its ambits particular application of the concept of a free society and the equality before the law. Any coercion not backed by law, or unwarranted coercion on the individual are not legal. It is the principle stipulating that law should govern or rule the affairs, actions and rights of the individual. The Doctrine of the Rule of Law must have the characteristics or attributes of the law which it requires should be the only power to govern the affairs, actions and interests of men in society.

Fundamentally, therefore, the power to make law in accordance with the Doctrine of the Rule of Law must, in the first place, be subject to rules fundamentally accepted by the society thereby limiting the arbitrariness by law-makers which is inherently tyrannical and antithetical to Rule of Law. By implication law-making should be made by an organ separate, in terms of structure and personnel, from that which execute the law. A written constitution is an essential attribute of the Rule of Law in the sense that is the supreme overriding enshrining the guarantee of individual liberty and the separation of the legislative from the

executive power (Nwabueze, 1993:206-209). Furthermore, the application of the law in settling disputes between individuals and between the government and individual must be done, impartially and through a judicial proceeding, by an organ separate from and independent of that which makes the law. In other words, Rule of law requires that the Judiciary be separated and act impartially independently from both the executive and the legislature.

Rule of Law must be able to circumscribe the discretion it grants to government in matters affecting the interest of the individual in order to curtail government arbitrariness. This is a sort of guide for law-making directing the legislature as to the form its laws should take. Consequently, Rule of law is only effective only in so far as the legislator feels bound by it; a moral tradition of the community, a common ideal shared and unquestioningly accepted by the majority; a meta-legal doctrine, a political ideal.

The Rule of Law also requires, in the second place, that laws must not be made by one man or a junta of men, but must be made by a peoples representative body, and mandated in that behalf by popular consent. Law-making by a hereditary monarch, usurping, self-appointed dictator or a military junta provides no basis for the Rule of Law. Also, the Rule of Law requires that law-

making by such a representative body must follow a process pre-determined by laid-down rules of procedure, requiring legislative proposals to be presented in the form of bills, with precise wordings of its provisions fully set out, and then to be put through a ponderous process of long-drawn-out debates in the assembly and its committees during which the substance of the proposed law and the meaning and implication of its wordings are examined in detail (Hayek, 1960:174).

The procedure of committees, hearings, long-debates in the legislative process may be cumbersome, time-consuming and even inefficient, however, it has the important merit of minimizing the incidence of arbitrary and ill-thought out legislation, and it also serves to prevent those inroads upon the law of the land which a despot might effect by ordinances and decrees, or by sudden resolutions (Dicey, 1960:407). This, however, is the best guarantee of regularity in the conduct of the affairs of the society by enabling its members to know in advance when the government is planning to interfere with the course of their lives, and protest if need be.

In the third place, Rule of Law requires that laws must be standing, fixed and not extemporary, ad-hoc decrees. Laws must also be certain and known which apply only in respect to the future

and retrospectively. Consequently, the individual will have the opportunity to know in advance how he stands in relation to the coercive power f the government and the extent that law can be used to interfere with the course of his life and activities. Cardinal to the Doctrine of the Rule of Law is that all rules apply equally to all, including those who govern, which makes it improbable that any oppressive rules will be adopted (Hayek, 1960:210). There must, therefore, be equal subjection of rulers and the ruled alike to the law and the implied prohibition of any exemptions based on official position held. No one should be above the law, the government and its officials included. All acts or omissions by government and its officials must be subject to the same laws that govern the acts or omissions of private persons and must attract the same consequences whether they be breach of contract, tort or criminal offence. By implication, therefore, any exemption allowed to the rulers would enable them to commit breaches of contract, torts and criminal offences even with impunity knowing that they are not answerable to the law for their deeds and consequently leaving the innocent, injured individual without remedy.

4.4 **RULE OF LAW AND THE CONSTITUTIONAL IMMUNITY**

FROM COURT ACTION

That equality before the law, whereby all rules apply equally to all including those who govern, is cardinal to the doctrine of the Rule of Law is incontestable, however, and unlike their American Counterpart, the Nigerian, and indeed some Common Wealth Countries' constitutions grant to an incumbent President and Governors immunity from court action, both civil and criminal, arrest or imprisonment in pursuance of a court process and from any court process requiring or compelling his presence during his tenure in office. According to the Constitution, "no civil or criminal proceeding shall be instituted or continued against him".

The immunity granted to the incumbent President or Governor as entrenched in the Nigerian Constitution and those of other Common Wealth Countries does not extend to Liability. For after his tenure the incumbent becomes amenable to civil or criminal action. In other words, the immunity does not in any case afford the incumbent protection for acts done before or during his tenure. He is answerable to court action after he ceases to hold office. Manifest examples occurred when the Governor of Bayelsa Dieppriye Alamedeigha was impeached by the State House of Assembly and was subsequently charged to court for financial

misconduct, and the Governor of Jigawa Saminu Turaki who was taken to court after his tenure for misappropriation of public funds.

Furthermore, the immunity does not imply that the incumbent is not answerable for his actions, nor does it take away his competence as a witness. Thus while he cannot be compelled to appear before any tribunal or body, the constitution does not preclude him from volunteering to do so; President Obasanjo volunteered and appeared before a tribunal sitting in Abuja. Had the constitution preclude the incumbent from answerability for his actions or from appearing before a tribunal or body, then impeachment action before the Assembly against the incumbent for gross misconduct, and his appearance before the Assembly to defend himself against the charges would have been a manifest contradiction. It happened to Joshua Dariye of Plateau State.

4.5 THE RULE OF LAW: THE PROBLEMATIC OF OPERATION

Despite its impeccable character as cardinal bedrock of a democracy, and an avenue of safeguarding the entire democratic system, certain factors, however, tend to impede or limit the operational capacity of Rule of Law as a doctrine and a democratic principle.

For example, the wide discretionary powers enthrusted to the

executive to interfere, untrammelled by judicial control, with the individual, as he, the executive, may think expedient in the implementation of schemes of social improvement or other social welfare programmes or even security situations. For example, State of emergencies or curfew, land confiscation for developmental projects etc. This is made possible by the rise and growth of social and economic legislations of the modern welfare state. A practice Lord Hewart described as “the new despotism” (Hewart, 1960:234-239).

Secondly, another problem limiting the operation of the principle of Rule of Law has to do with the way the courts conceive the concept. The courts conceive Rule of Law as primarily concerned with constitutionality or legality. The role of the courts in applying the principle, therefore, is limited to testing it on the constitutionality or legality of government actions in a formal sense to the extent that if such acts are within the formal limits of the power granted by law in the constitution or any other law, the courts will not enquire further. This is despite the fact that even if such acts contravenes other variants of the Rule of Law.

This absence of judicial creativity by invoking any ethical notions of a just or wise decision indeed hampers the effectiveness

of Rule of Law. This is further based on the rigid, doctrinaire insistence on the so-called declaratory theory of the judicial function of adjudicating a case before it strictly according to how the law is supposed to exist and to be well known; a doctrinaire that cannot but further violate and incapacitate the principle.

To take the analysis further, even the doctrinal basis of the declaratory theory is analytically positivism whose central thesis is the view that only rules forming a logically consistent system, and not any ethical notions of a just or wise results are to be the sole guide for a jucial decision (Nwabueze, 1993:216). Maintenance of the Rule of Law demands, however, of the courts a posivite role whereby courts should look beyond the formal letters of the law, and engage themselves in a purposeful effort to try to distill principles of fairness and justice from the moral, ethical and other fundamental values of the society. This becomes necessary giving the fact that Rule of Law embraces not only the law as it is but also other societal values which could be used to complement where the law fails to establish fairness and justice.

Furthermore, the interpretation and application of the law by the courts should be informed by reasons and the fundamental values of the community through which a body of specific rules to

enrich the corpus of the law will eventually grow; after all a considerable part of the English law, the so-called “Rules of Equity” was evolved in just the same fashion.

Thirdly, and finally, a serious limitation in the operationalization of the principle of Rule of Law is that the principle is seldom enshrined in the constitution explicitly by name and as a specific doctrine of the government. In Nigeria, for example, certain principles like supremacy of the law of the Constitution, constitutional guarantee of basic rights and freedom, popularly elected legislature and its separation from the executive, and the procedure for law-making are enshrined explicitly in the constitution. Other principles explicitly enshrined include separation of judicial power and independence of the Judiciary, judicial review of legislative and executive actions, the prohibition of ex-post factor criminal legislation and the principle of non-discrimination by the state.

However, and more fundamentally, the Constitution should affirm the doctrine of the Rule of Law as a fundamental principle of the nation, proclaiming Nigeria as a democratic state of law in which human dignity, the rights and liberties of citizens, the free development of human personality, justice and political pluralism

represent supreme values and are guaranteed. The Nigerian Constitution should further include that the law shall provide for the future, that citizens are equal before the law, as found in Romania's 1991 Constitution. The Constitution should also, in explicit terms, proclaim Nigeria a law governed state, and governed only by the Constitution and the laws of the country, enjoining the state to create conditions conducive to the free development of the individual and where all citizens shall be equal before the law, as found in Bulgaria's 1991 New Constitution.

4.6 **CONSTITUTIONALISM: A DEFINITIVE EXPLORATION**

The fact that Nigeria had yet to entrench Constitutionalism despite about ten written constitutions produced over the years is not an exaggeration. Noting that the process of making the 1999 Constitution allowed only a very limited consultation with the people, thereby leading to the conclusion that Nigeria needed a new constitution via a constitutional review process. The concept or Principle of Constitutionalism or Constitutional Democracy, a concept much more wider and complex than just a draft constitutional documents, found expression in western liberal democracy as an underlying principle. However broad the principle

may be, it can simply be defined as principle which requires that the elected government be responsive to the needs of the people, their rights, well-being and safety. It is a principle that further places limits on government power. In fact Constitutionalism as a concept evolves in a democratic context as a way of life and based on democratic culture (International IDEA, 2001:21).

Furthermore, elements of Constitutionalism include, among other things, political ideas, legal principles and institutional devices, all of which serve the goal of limited government. Notion of Constitutionalism was meant to clear the fear about the natural inclination of man to misuse power or the tendency of power to corrupt man in the political society. Central to the notion of Constitutionalism had been that political decision-making and the processing of social conflicts, including the conflict between the individual and the government, are subject to a class of legal rules that claim supreme validity, and which was called the Constitution (Preuss, 1993:76).

According to Henken Louis, Constitutionalism implies also that the constitution could not be suspended, circumvented or disregarded by the political organs of the government; and could only be amended by procedures appropriate to change of

constitutional character and that which gave effect to the will of the people acting in constitutional mode (Henken, 1998).

4.7 RULE OF LAW AND CONSTITUTIONALISM: AN ANALYSIS OF THEIR ABUSE AND VIOLATION IN NIGERIA (1999-2006)

The civilian government in the Fourth Republic, though supposedly founded upon the tenets of the Rule of Law and Constitutionalism, seemed to have eluded the concepts of Rule of Law and Constitutionalism as important pedestals in democratic politics and governance. However, the abuse of Rule of Law and Constitutionalism by the administration could best be understood after a cursory examination of these principles within the context of a western liberal democracy setting, as done in other sections above, vis-à-vis their implementation and institutionalization within the context of a civilian administration during the period of study.

As earlier enumerated, a successful handover of power from the military to an elected civilian government based on competitive and open elections do not make a democracy, until that government observes, respects and institutionalize those concepts or principles that are found in a democracy (Egwu, 2000:1). On this basis, therefore, the government during the period of study in

the Fourth Republic was not a democracy, and to exacerbate the problem it never made attempts to become one, from the point of view of entrenching the Rule of law and Constitutionalism as part of government policy.

However, and coupled with the legitimacy gap and other loopholes found in the 1999 Constitution, the government seemed to have little respect for the Constitution and Rule of Law, breaching and abusing the concepts indiscriminately especially by the Presidency, the legislature and other organs of the government.

The military might have produced a constitution that was heavily doctored and which was characterized by irregularities, however, the way and manner in which the Nigerian politicians and other government officials abused and breach that constitution was, to say the least, unprecedented. Instances of violation of the Rule of Law and Constitutional abuse by the government were found in both the Presidency and the National Assembly. Similarly, the case was the same at the State Government level of the administration, and at the individual level of the politicians.

For example, the President had been accused of contempt on the National Assembly over the years, and by implication contempt on the people of Nigeria. He seemed to have great faith in and

commitment to corruption and had virtually demolished all relevant constitutional checks and balances designed to curtail the excesses of the executive power by using blackmail, compromise and huge financial inducements. He has been accused of taming the "watchdog" in the media, though still a dog but true to its name it only watched; it neither barked nor bite nor yet exposed the excesses of any one, least of all the President. The role of Mr. President in constitutional breach and therefore crippling of the principles of Rule of law and Constitutionalism was highly instrumental.

On the role of the National assembly, the breach of the Constitution and therefore weakening of Rule of Law and Constitutionalism is worthy of note here. The Honourable Members of the National assembly, the melting-pot of Nigerians, started on a seriously bad note. For example the first straw that broke the legislature's morale, and lost of confidence in the eyes of Nigerians, to perform its constitutional role of law-making was the infamous debate on furniture allowance and other self-serving sundry issues (Daily Trust, Monday 26th May, 2003 vol. 6 No. 11. P. 32). This was a serious constitutional breach and a fatal blow to Rule of Law and Constitutionalism because the debate failed to

follow “due process”. The fixing of wages and allowances was the constitutional duty of the Revenue Mobilization and Fiscal Allocation Commission (RMFAC), a duty which the legislators shamelessly high-jacked to the dismay and disappointment of Nigerians.

The decision of the Council of State, the Chairman of which was the President himself, on June 18th 2003 to undertake Local Government reforms was most unconstitutional and a violation of the principles of Rule of Law and Constitutionalism. Local Government reforms was purely a constitutional matter, and therefore beyond the capacity of the executive, as reported by the press (Weekly Trust, 6-12 September, 2003, vol. 6 No. 37. p.2). Rather the matter should have been referred to the National Assembly in accordance to the provisions of the Rule of Law. Furthermore, the President had been accused of improper presentation of bills to the National Assembly, notably the Senate. For example and as reported in one of the Daily Trust Newspapers, the President wrote a minute on a document on new revenue sharing formular sent to him by the Revenue Mobilization and Fiscal Allocation Commission (RMFAC) and presented to the Senate as a form of bill. This contravened section 162 sub-section 2 of the

1999 Constitution and a gross violation of the tenets of Constitutionalism (Daily Trust, Friday, 17th October, 2003, vol. 7 No. 17. p.1).

The above statement is further factualised through the responses on the questionnaire schedule on `Tenets of Constitutionalism were abused". On the tabular presentation below, out of the 350 responses received, 306, and 87.42% of the respondents believed strongly that there was abuse of constitutionalism, while only 1 and 0.28% of the respondent disagree.

TABLE 3 - **QUESTIONNAIRE RESPONSE ON: THE TENETS OF CONSTITUTIONALISM WERE ABUSED**

Strongly agree	Agree	Undecided	Strongly disagree	Disagree	Total
306	40	1	2	1	350
87.42%	11.42%	0.28%	0.57%	0.28%	100%

However, and to further support the above data, and as reported in the Newswatch of all the acts of violation of the Rule of Law and Constitutional abuse by Mr. President and some of the politicians in the Senate, was the monumental scandal of the

attempt to smuggle a clause into an already assessed Electoral Bill. This was the case of insertion of section 80(1) as amended by the President after the Bill had been passed by the National Assembly. What was surprising was the way that clause found its way into that Electoral Act, 2001 which had already been passed by the Assembly as Electoral Bill, 2001 on the 4th of December, 2001. On the 5th of December, however, the President wrote to the Speaker, House of Representative, Ghali Umar Na'aba, with some amendments on the Bill (Newswatch, January 14, 2002 vol. 35, No. 2, p.20-29).

A clear abuse of the principle of the Rule of Law could be seen the Presidents attempt to create law, a function for a representative body, by passing his proposal amendments of the controversial clause section 80(1) which originally read "at the close of nominations for general elections, any political party which fails to sponsor at least 15% of its candidates for councillorship, Council Chairmanship, and States House of Assembly respectively throughout the Federation, spread among 2/3 of the States and the Federal Capital Territory, shall not participate in general elections". In his proposal, President Obasanjo made the following suggestions which he expected Na'aba to smuggle into the Bill:

a) That only serious and credible political parties should participate in elections, which should be determined by;

b) The acceptability of political parties by Nigerians, subject to initial electoral contest at grassroots, which should be determined by;

c) Political parties winning certain percentage at Local Government elections (parties must win 15%) spread among 2/3 of the states and the Federal Capital Territory.

The table below presents the level of response on the problem of violation of Rule of law. For out of the 350 responses, 301 or 86% of the respondents clearly agree, and strongly too, that there was least observance of Rule of Law by actors in the system as the case of proposal for amendment of a Bill by the President indicated. Only 3 or 0.87% of the respondents disagree.

TABLE 4 - QUESTIONNAIRE RESPONSE ON:

RULE OF LAW WAS LEAST OBSERVED BY ACTORS DURING PERIOD OF STUDY

Strongly agree	Agree	Undecided	Strongly disagree	Disagree	Total
301	39	2	5	3	350
86%	11.4%	0.57%	1.42%	0.87%	100%

The Speaker of the House of Representatives, however, reasonably told the President earlier that it was impossible to make any amendments on a bill that has already been passed as law, but suggested that Mr. President could write to the House indicating his interests and promised to see the Senate President, Anyim Pius Anyim, on what could be done. Anyim was of the opinion that smuggling amendments on the bill was possible, and unknown to Na'abba, swiftly went into action and contacted some trusted staff of the legal department and the Clerk of the House, Ibrahim Salim, to doctor the Bill. All the relevant amendments as presented by Obasanjo were inserted onto the Electoral Bill. In the haste to please their master Anyim's trusted staff immediately took the amended Bill straight to Mr. President thereby violating the tenets of the Rule of Law.

Under normal circumstances, any bill must pass through the Clerk of the House who would send same to the President with a covering letter through the Special Adviser (National Assembly) to the President, Aminu Wali, who would then pass the bill to Mr. President with a covering letter. But this procedure was violated, and when the fraud leaked and became public, Ibrahim Salim, Clerk of the House, testified his innocence of the fraud before the

committee of the National Assembly investigating the matter.

Amidst nationwide public condemnation and general uproar generated by the scandal, Obasanjo accused Na'abba of participating in the fraudulent scandal, though Na'abba naturally denied any participation in the scandal and even recalled what he President said, during their meeting, on the impossibility of any amendments as advised by Na'abba; Obasanjo said, "we will make it look like the printers' devil".

However, and from whatever ramifications one looks at the attempt to smuggle Obasanjo's amendments onto the Electoral Bill 2001, the reality was the President intended to disallow parties other than the Peoples Democratic Party to field in candidates in the first place, except for Local Government Councils' elections which were not threatening to Mr. President, and in preparation of Obasanjo's sole candidature in the 2003 elections.

In a similar development, it as a serious violation of the Rule of Law and gross abuse of principle of Constitutionalism, the call, by the President and as reported in the newspapers, for the deregistration of political parties "that failed to make minimum of impacts during elections", or in other words that failed to achieve acceptable standards or failed to win elections (Daily Trust, Wednesday 3rd

December, 2003 Vol. 7 No. 49). This was in contravention of section 224 of the 1999 Constitution which stipulates that, “the programmes as well as the objectives of a political party shall conform with chapter II of this Constitution,” a section that clearly defines a dozen objectives and directive principles of State Policy. There was no mention of any eligibility for the registration of a party based on winning elections.

What is worthy of note here is the fact that the rationale for the registration of political parties emanated from that military mindset which produced the 1979 Constitution out of which the 1999 Constitution germinated. The idea of registering political parties was to curtail possible anarchy which might result from a free-for-all electoral contest. This does not conform with the principle of free association and free and fair electoral contest in the Western liberal democracy. Furthermore, the First Republic in Nigeria, India and Jamaica, to mention a few, had no law on registration of parties before they can contest for elections, and contests were free-for-all, devoid of any anarchy. Moreover, sections 221 and 222 of the 1999 Constitutions allowed for all manners of political parties and even non-party candidates, to contest for elections without any registration.

As enumerated earlier, politicians and political office holders together with some stakeholders found the administration a safe and convenient environment to violate the principles of Rule of Law and Constitutionalism, thereby making a mockery of Constitutional laws. For example, and as reported in a Newswatch magazine, with the backing of the Presidency, Chief Chris Uba, the political god-father of Dr. Chris Ngige, Anambra State Governor, and Senator Chuma Nzeribe connived with the police and abducted and detained Dr. Ngige on July 10th, 2003, in clear violation of the 1999 Constitutional provisions (Newswatch, 4th August, 2003, vol. 38 No. 5). To compound the already bad constitutional stalemate, an Abuja High Court Judge, Wilson Egbo Egbo, delivered a controversial judgement restraining Ngige from functioning as governor of Anambra State, sequel to a suit filed by Uba and Nzeribe on Ngige. The court order clearly showed the interest of the Presidency in the issue, probably because Chris Uba was a politician contractor and a close associate to Obasanjo.

Serious violation and abuse of the principles of the Rule of Law and Constitutonalism could be seen when the Corporate Nigeria, a faceless group of “donors” led by the Director General of Nigeria’s Stock Exchange, Mrs. Ndi Okereke Onyiuka, donated

billions of Naira to Obasanjo as campaign contribution for the 2003 elections. This was unconstitutional as the money was allegedly raised `illegally. Report in a Daily Trust Newspaper further support the fact that what Corporate Nigeria did was a violation of an imperative western liberal democracy principle of good corporate governance, and in contravention of section 221 of the 1999 Constitution which stipulates that, "No association other than a political party, shall canvas for votes for any candidate at any election or contribute to the funds of any political party or to the election expenses of any candidate at an election" (Daily Trust, Wednesday, 9th April, 2003, vol. 5 No. 78 p. 32). Corporate Nigeria was never a political party and had no legal basis of donating money to Mr. President in any case. This was a serious violation of Rule of Law and Constitutionalism.

Further developments reveal the gruesome abuse and violation of the principles of Rule of Law and Constitutionalism which were cardinal to the western liberal democracy. For example, the "National Assembly House Rule 2" which restricted new and fresh members to the House from occupying principal offices, as reported in the Daily Trust of Tuesday, May 17th 2003: vol. 6 NO. 12, p. 7, though controversial and might sound

convincing and acceptable in structure owing to the fact that its proponents advanced reasons for its introduction into the House, was a violation of conventional parliamentary practice all over the world. The "National Assembly House Rule 2" was a manifest negation of the principles of Rule of Law and Constitutionalism. The Rule was unconstitutional because it had no legal basis in the 1999 Constitution.

The "National Assembly House Rule 2" categorically barred newly elected members from aspiring for any principal office in the House due to their apparent lack of "cognate legislative experience", and that "old members were apparently more experienced in legislative matters" became a major source of serious deliberations and crisis in the House. This forced Honourable Alhaji Aminu Masari, the consensus candidate of the Peoples Democratic Party for the post of Speakership, to make a pledge to ensure that the "Rule" was repealed, in order to resolve the endless crisis in the House and to enable new members have the opportunity to head House Committees. In any case the Rule was unconstitutional.

For obvious reasons, the Presidency might be blamed principally for threatening the concepts of the Rule of Law and Constitutionalism and practically abused the 1999 Constitution as

a legal framework. The former Senate President, Anyim Pius Anyim, was reported to have blamed President Obasanjo for the poor performance of the National Assembly between 1999-2004 as a result of excessive interference in its affairs. The President was accused of emasculation of the National Assembly thereby rendering it impotent most especially by using money to influence members to impeach leadership. He was similarly accused of making the judiciary a willing tool in the hands of the executive thereby backing court decisions to prohibit parliaments from making laws or nullifying Acts (Daily Trust, May 29th 2003; vol. 6 No. 14 p. 1-2).

That the President had been very instrumental in the violation and abuse of Western liberal democratic principles of the Rule of Law and Constitutionalism is incontestable. A report by Newswatch indicated the fraudulent signing into law of a new electoral bill that banned new political parties from participating in Presidential and Gubernatorial elections until 2007 by Mr. President, the re-ordering of the 2003 election time table and the order that local government council elections must hold in 2003 by the President were but a few further examples (Newswatch, December 24, 2001: vol. 34, No. 25, P. 47). To compound the

problem, the attempts by State Governors to dissolve local government councils and conduct fresh elections was a blatant contradiction of the provisions of section 12 of the amended electoral bill which “allows the supremacy of the National Assembly law over that of the State”, as reported in the Newswatch of November 5, 2001: vol. 35, No. 18, p. 41.

Though Anyim’s accusations on President Obasanjo might sound personal and political, however further investigations and media reports revealed the negative behaviour and contempts for Rule of Law and Constitutionalism by Mr. President especially when he attempted to abolish death penalty in August, 2003. By implication, this was a direct affront for the Sharia Law and a breach of the 1999 Constitution which unequivocally recognized capital punishment, “Every person has the right to life and no one shall be deprived intentionally of his life, save in execution of a sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria” (Daily Trust, Wednesday, August 27, 2003: vol. 6 NO. 78, P. 40).

The President was unnecessarily overheating the polity while trying to appease his masters abroad. Moreover, even the Constitution of the United States, from which Nigeria borrowed a

leaf, recognizes capital punishment, and the attempt to remove it by the United State Senate was vehemently challenged by the public, forcing the Senate to back up. Was it not the President, as General Obasanjo and Head of State then, who signed the death warrants of the Dimka coup plotters that assassinated General Murtala Mohammed in 1976? One finds it difficult to understand the psychology of Mr. President when he was dealing with issues of national interest.

Further instances of violation of the Rule of Law and abuse of the principle of Constitionalism by the Presidency had generated tensions which tended to presage the democratization process in the country. For example, it was unnecessary and unconstitutional for Obasanjo to have ordered the Accountant-General of the Federation to stop the salaries of members of the House of Representatives just because the Speaker could not send details of salary and emolument of members to the Presidency as requested.

As reported in the Newswatch, the drama began when the President sent a joint letter to the National Assembly on 30th January, 2002 requesting for details of salaries and emolument of members. The Senate President, Anyim, simply picked a copy sent

to the Senate by the Revenue Mobilization and Fiscal Allocation Commission and sent same to the Presidency, while the Speaker of the House of Representatives, Na'abba, and members of the House wrote back to Mr. President asking the President to refer to the Revenue Mobilization and Fiscal Allocation Commission for the details since the commission was, after all under the Presidency. Apparently angered by the delay, the President ordered the Accountant-General to stop the salaries of the members (Newsatch, 11th March, 2002; vol. 35, No. 10, p. 40-50).

To even up against the President, members of the Lower House decided to deliberate on certain misconducts by Mr. President of purchasing 62 housing units for staff of the Presidency without the approval of the House and the refusal by the President to sign into law the bill on Niger Delta Development Commission presented to him. However, it took the then National Chairman of the Peoples Democratic Party, Chief Audu Ogbeh, painstaking efforts to settle the duel between the President and members of the Lower House. However, and obviously, the President's intention was to frustrate the members of the House and set them against Na'abba who had stepped on the toes of Mr. President by refusing to comply with the amendments in the Electoral Bill 2001 scandal.

The President had been accused of interfering with the Rule of Law and Constitutionalism most notably in the area of judicial proceedings. The Anambra State abduction saga would, perhaps, buttress the above accusation. It was clear that after the abduction of the Anambra State Governor, Dr. Christ Ngige, was nullified by the court, Obasanjo and Chuma Nzeribe wanted the abductors to be freed because the case involved his close lackey Chief Chris Uba. However, further developments saw to the dismissal of Assistant Inspector General, Mr. Raphael Ige, who led the police squad in the scandal, from the Nigeria Police Force, while nothing happened to Chief Chris Uba, despite the setting up of an investigation committee under the Chairmanship of Senator Oserheimen A. Osunbor by the Senate (Newsatch, August 25th, 2003; vol. 38, No. 8, p. 44-47).

In another development, the Newswatch report of a suit filed in the Federal High Court, Abuja by Chief Gani Fewehinmi, SAN, and Lawyer activist, against the President, the Economic and Financial Crimes Commission (EFCC), the Independent Corrupt Practices Commission (ICPC) and the Code of Conduct Bureau, on the 31st of May, 2005 was interesting. The suit was charging Mr. President, the EFCC, the ICPC and the Code of Conduct Bureau of

violation of section 15(5) of the 1999 Constitution; which stipulates that, “The State shall abolish all corrupt practices and abuse of power” and the disregard to Code of Conduct item 1, (5th schedule) part 1 of the 1999 Constitution; which stipulates that, “a public officer shall not put himself in position where his personal interest conflicts with his duties and responsibilities” (Newswatch, June 6, 2005; vol. 41 No. 22, p. 14-22).

The above followed the illegal and unconstitutional launching of the Obasanjo Presidential Library in Abeokuta, Ogun State on May 14, 2005 by Chief Olusegun Obasanjo. About six Billion Naira was realized from individuals and corporate bodies. According to Mr. Fawehinmi, it was illegal and unconstitutional for Olusegun Obasanjo a serving President, to have launched the library and collected gifts of money in the process. This was a clear abuse of power and a position where the personal interest of the President conflicted with his duties and responsibilities as the President of the Federal Republic of Nigeria. This contradicted the principles of the Rule of Law and Constitutionalism.

Mr. Fawehinmi further accused the President of violating sections 15(5) and 23 of the 1999 Constitution by constituting a Board of Directors of the library, his personal project, with

government officials and foreigners. Among the members of the Board were Mr. Christopher Kolade of the Nigerian High Commission in Britain, Chief Gbenga Daniel, Ogun State Governor, Mrs. Iyabo Obasanjo Bello, Ogun State Commissioner of Health, Messrs. Karl Masters and Vernom Jordan of the United states, and Mr. Richard Benson of the United Kingdom. It was also illegal and abuse of power the licence with which Obasanjo used to affiliate the library with the Bells University of Technology, probably another personal and family project. In any case, there was abuse of the principles of Rule of Law and Constitutionalism by the President and as further stated by Messrs. Titus Mann and Chima Ubani, the President and Executive Director, respectively, of an Abuja based Civil Liberties Organisation.

4.8 **NIGERIAN POLITICIANS AND THE THREAT TO DEMOCRATIC CONSOLIDATION IN NIGERIA: AN ANALYSIS OF ABUSE OF RULE OF LAW AND CONSTITUTIONALISM**

There is no doubt that political behaviour is an underlying aspect of politics and an important, though salient, pedestal for the success of democracy. After his analysis on the failure of democratization in African countries especially, Nwabueze (1993:3)

lamentably expressed that the chief problem of democratization in Africa has to do not with the inappropriateness of the underlying values and principles of (liberal) democracy as with the inability to imbibe their spirit. The role of the actors, rulers and the governed alike, play a crucial role to the survival and or failure of the system.

The politicians of Nigeria's Fourth Republic, the same old wine in a new bottle, played a significant role in the abuse of liberal democratic ideals. Though the problem cut across the entire system, however, the rulers were more to blame because it was they who handled all necessary checks and balances to safeguard these principles. On the contrary, where the leadership failed to perform that constitutional role, the result would be chaos and total collapse of the system. The politicians of the Fourth Republic, categorically speaking, failed to carry out that constitutional role. Why Nigeria still survives is a miracle.

Furthermore, the analysis on table 5 below justifies this fact. For example out of the three hundred and fifty (350) respondents to the questionnaire on politicians and the danger to democracy, two hundred and ninety two (292) 83.42% strongly agree that politicians actually constitute the greatest danger to democracy. This is because it is they whoo abuse its principles more often.

Moreso, the abuse of the principle of Rule of Law and Constitutionalism could be said to have originated from the politicians from whom other citizens of the country would copy and emulate.

TABLE 5: **QUESTIONNAIRE RESPONSE ON: POLITICIANS CONSTITUTED GREATEST DANGER TO DEMOCRACY BY ABUSING ITS PRINCIPLES**

Strongly agree	Agree	Undecided	Strongly disagree	Disagree	Total
292	36	3	14	5	350
83.42%	10.28%	0.87%	4%	1.42%	100%

To understand the gravity of the threat posed to fourth republic democracy by the politicians, it is important to review the political behaviour of the Nigerian political class in the history of Nigeria.

i) **Character of the Nigerian Politicians:**

It is apparently clear that after a long history of democratic struggle, and the establishment and collapse of past republics in the political terrain of Nigeria, that even democracy has to be saved from Nigerian politicians. Nigerian politicians might be full of resourcefulness, however, they lacked the basic requirement of good character. This attitude would be demonstrated later.

A group that was aberrant and opportunistic, paying only lip service to democracy but doing what would undermine it, the political class of former republics was most inconsistent, whose influence on the state was mostly negative. It was a group that shaped and contributed to the situation Nigeria found itself. As in the words of Sam Nda-Isaah as reported in one of the dailies, the Nigerian politicians though smart when it came to ideas and concepts (e.g. "Atiku: the embodiment of democracy"), lacked nimbleness when it came to preserving democracy (Daily Trust, Monday 18 March, 2002. vol. 3 NO. 44 p.32). The reasons for the failure of the first republic were almost the same reasons for the failure of the second and the third: corruption, embezzlement and instability, among others.

The Nigerian politicians, as a group, was neither committed to democracy nor to the people. This was clearly manifested in the way the politicians were conducting themselves in the period under study. For example, when the politicians were busy competing among themselves to acquire private jets and choice properties overseas, majority of the people could not afford basic essential commodities. The Vice-President, the imprisoned governor of Bayelsa State and a host of others had private mansions abroad,

while majority of Nigerians were homeless, sleeping under bridges and at market places. This was an abuse to democracy.

The attitude of the politicians towards the electoral system was not in the interest of democracy either. The conduct of the 1983 general elections was anything but democratic. Elections conducted amidst an environment of thuggery, massive rigging and general insecurity, the landslide victory claimed by the ruling National Party of Nigeria and in the most unlikely states of Ondo, Oyo and Enugu was a serious blow to democratic ideals. This was among the factors that contributed to the collapse of the Shagari administration barely three months after its was inaugurated for second term.

On corruption, the group was very sensitive. Reports on Nigeria by Transparency International and United States Agency for International Development (USAID) confirmed the level Nigeria degenerated in terms of corruption. With improved technology of rigging, the Nigerian politicians of the Second Republic, especially, could be regarded as a back-breaker of the electoral system. A prominent politician Chief Sunday Afolabi once said that politics was a “come-and-eat business”, a most unfortunate statement. The corruption mindlessness of this group was the basis for changing

from one political party to another and from one government to another. For how could Chief Bola Ige, a former Presidential aspirant of the Action for Democracy (AD) a rival party of the Peoples Democratic Party (PDP) become the Attorney General and a Minister of Justice under the PDP led government? From the above, therefore, the reality was that when it came to pillaging the economy Nigerian politicians play on the same side wearing the same jersey.

That the Nigerian politicians lacked cohesion was incontestable. They were collectively void of the acuity to appreciate the military as their common enemy. This was manifested in their silence and acceptance of the cancellation of the June 12, 1993 general elections by Babangida military regime. A supposedly collective victory against the military that was sold over a pot of porridge. When not stealing the Nigerian politicians busied themselves competing and fighting; for instead of insisting on the June 12, they competed, and outdid one another, for cabinet appointments first in Chief Ernest Shonekan interim contraption and then subsequently in the succeeding Abacha military regime. Furthermore, it was the same politicians who shamelessly endorsed the sole candidacy of General Sani Abacha, a serving army general

who could not have been a card-carrying member of any of the then political parties.

In the vanguard of the above absurdity were the likes of Dr. Ibrahim Tahir, Dr. Sam Mbakwe, Chief Evan Enwerem (First Senate President under Obasanjo), Chief Barnabas Gemade (former PDP Chairman), Chief Tony Anenih, Chief Ojo Madueke (Obasanjo's former Minister of Transport), Chief Emeka Offor and several others who determined the fate of democracy in period of study. It was the same group that organised the fictitious one million-man march to Abuja in support of Abacha's consent for political participation and the same group that was selling "the no alternative to Obasanjo" trash to Mr. President.

The trenchant pro-democracy posture of the Nigeria politicians was, therefore, a hoax as its double faced propensities portrayed. For example most of the founding fathers of G34 and NADECO were those pro-Abacha group who gave him the much badly needed legitimacy at inception of government, and who were compensated with ministerial and Chairman of Boards appointments, but who were subsequently dropped by the same Abacha in a cabinet reshuffle when he needed them no more. When they later formed political parties which were not registered they

resorted to the consummation of the June 12, formation of NADECO and the Group of 34 as pro-democracy groups.

The Nigerian politicians was indeed an interesting specie; no wonder the military treated them with cavalier contempt and disdain, and seized power just when they felt like it. The annulment of the primaries victories of Yar'Adua and Adamu Ciroma, SDP and NRC Presidential candidates respectively, the annulment of the election result of June 12 1993 and Abacha's take over of power in November 1993 while the politicians watched on without the slightest reaction were just few examples of this anti-democracy scorn.

ii. The Anti-Democratic Character of Fourth Republic Politicians:

There is no doubt that the anti-democratic character of politicians in the past political history of Nigeria was not different from that of the politicians during the period of study. It was indeed true that the politicians were very much instrumental in the abuse of Rule of Law and Constitutionalism, the liberal democratic ideals upon which the administration was founded.

From the available data collected during the course of research, it became apparently clear that the Nigerian politician comprising chiefly the leadership and stakeholders in government, were among

the serious threats to the survival of democracy. It was a group that comprised a personality in which the discipline, principle and integrity required by democracy were lacking. The administration was practically made up of politicians majority of whose backgrounds were doubtful. Many of who were convicts, ex-convicts, forgers; people who made democracy a wrong option for growth and development.

a) The Executive: A detailed analysis of the conduct of the Executive was seriously disturbing and a serious threat to democracy. This was of particular interest here because it involved the Presidency, not only as a person but as an institution. The Presidency, an important pillar of democracy, was expected to provide an exemplary personality worthy of emulation. The appearance of Mr. President on the invitation of the Oputa Panel on Human Rights violations and investigations commission, and to take the oath like anyone else was a clear demonstration that no one was above the law; a demonstration of good and exemplary leadership.

However, further developments revealed the personal political style of the President, a retired military general as obstinate, authoritarian, dictatorial, snobbish and also arrogant. These were

manifested in the endless crisis and struggle which the President had with the National Assembly (Anifowose and Babawale, 2003:55). As a travesty of democratic governance, the President's attitude towards serious official matters was unexpected. As a mark of lack of direction of the government, the President presented only a flimsy document to the National Assembly as "Obasanjo's Economic Directions from 1999 to 2003" and even then this was only presented in April 2000, eleven months after Obasanjo had taken office. This was also presented five months after the Peoples Democratic Party Federal government had submitted its 2000 full budget to the National Assembly on the 24th November, 1999. If the President could submit a personal document to the National Assembly without consulting other government quarters was a danger signal to democracy. (Daily Trust, Fri. May 30, 2003: Vol. 6 No. 15 p. 20).

In a valedictory speech on Wednesday 28 May 2003 a day to the inauguration of Obasanjo for a second term, the outgoing Senate President Chief Anyim Pius Anyim lamentably assessed the personality role of Mr. President in four years (1999-2003). He commented that President Obasanjo was a major contributory factor to the poor performance of the National Assembly. That from

experience, one way a presiding officer (Senate President) would give himself out to the manner of impeachment was to hold a different opinion to the executive arm of the government (Mr. President). According to him what was of interest about this trend was that it came to be believed that whenever a presiding officer (Senate President) was impeached it was democracy in action, but whenever impeachment was mentioned in connection to the Chief Executive (Mr. President) it was democracy under threat.

However and in the word of Joseph U. Anwana, the retired general was no less a military dictator, not with his intolerant posture towards opposing views, his self-opinionated and Machiavellian approach to power and administration. The executive so tampered with the principle of separation of powers and checks and balances in a manner unbecoming in a democratic setting. The legislature became a mere rubber stamp, a battle ground between Presidential loyalists and other power brokers within the house. In fact the legislature's instability during the period under study can be attributable to imperialistic executive interference.

b. The Legislature: The implications of the personality attitude and political behaviour to democracy as exhibited by majority of the members of the National Assembly was another source

of concern. It is lamenting to note that for a better part of their tenure, between May 1999 to May 2003, National Assembly members became immersed in destructive engagements that manifested in, seemingly avoidable, legal battles that became serious bottlenecks to legislative deliberations. Both the old and newly elected members, especially during the second term period, became embroiled in verbal, legal battles over who was ably qualified to occupy positions of the principal officers of the National Assembly especially the Lower House.

Relatively therefore, the issue of Rule 2 of the Assembly became one major and only source of serious deliberations. Rule 2 barred newly elected members from aspiring for any principal office due to lack of "cognate legislative experience" (Daily Trust, May 26, 2003 Vol. 6 No. 11. p.32).. This was in line with the fact that "old members were apparently more experienced in legislative matters". However, the consensus candidate of the Peoples Democratic Party for the post of speakership, Alhaji Aminu Masari pledged to ensure that the House Rule 2 was repealed; this was in order to resolve the endless crisis surrounding the matter, and to enable the new members have the opportunity to head house committees.

In another development the unconstitutional and consequently undemocratic behaviour of members of the legislative institution of the government was manifested in their refusal to refund house allowance in lieu of accommodation as directed by the National Assembly Staff Commission and Revenue Mobilization and Fiscal Allocation Commission, two important bodies recognized by the constitution. In a similar vein, the members also refused to comply with another directive jointly issued by the two commissions to pay for their vehicles or return them at the end of their tenure.

Furthermore, and most seriously too, another undemocratic attitude by members of the National Assembly was manifested in a serious retrogressive legislative action concerning attempts to review the Anti-corruption and other related offences Act 2000 in the interest of the members and other power brokers.

There is no doubt that critical legislation often requires careful deliberations and it is not surprising that it took the National Assembly over a year to pass the anti-corruption legislation known as the Corrupt-Practices and other Related Offences Act 2000. For obvious reasons, the enactment of this historic legislation was heralded with much international applause

and approval. Corruption, a burden to national development, needed extraordinary powers to combat the menace, stronger powers were required to enforce already existing laws to punish officials. Consequently the Anti-Corruption Commission was formed.

However, when the Commission began to apply the law on key political office holders, there were calls for a review of and even outright repeal of the legislation (Daily Trust, Wednesday April, 9, 2003 Vol. 5 No. 78 p. 6), and the lawmakers swiftly moved into action. A product of over one year of careful deliberations was to be reversed by a curiously hurried process, a lack of circumspection that generated much furore, and expectedly, public outrage; an action not in consonance with the democratic principle of popular representation.

The amendment bill, the Corrupt Practices and Other Related Offences Bill 2003, contained some fundamental changes that practically reduced the powers of the Commission in terms of authority and operations. On the original bill the appointment of Chairman of the Commission resided with the Chief Justice of Nigeria while the Commission was to appoint its Secretary, while the amended provision allowed the President to appoint both the

Chairman and Secretary respectively. Other amendments were on sections 36, 37 and 38 of the Act, on the search of premises and seizure of property of suspects, and the power to inspect and freeze bank accounts of suspects in sections 43 and 45 of the Act which were deleted.

Furthermore, sections 39 and 40 on disclosure of information on suspects to the Commission by legal practitioners and other persons, and section 50 on the surrender, by suspects of travel documents to the commission were also deleted. Also sections 55 on evidence of accomplices; 56 on statement of the accused and 57 on statement of deceased persons were deleted. However, sections 8-26 on offences and penalties were retained with minor changes. The reality was the intent to reduce, strategically, the powers of the commission.

As a serious blow to anti-corruption and, consequently, democratic governance, and a scheme designed to prepare an escape route from the long arm of the law, the implications of the Anti-Corruption amendment Bill 2003 to the survival of democracy under the regime and in future political landscape of Nigeria could be seen when carefully analysing the detailed provisions of especially the deleted sections that gave the Commission the

powers to execute the ardous task of punishing corrupt practices.

However, and whatever might have informed the hasty review and amendments of the anti-corruption act, the move was not consistent with the fight against corruption and definitely not in the public interest. The action was meant to debilitate the Commission and further encourage corrupt practices, and a demonstration of the character of actors supposedly spearheading the course of democracy in Nigeria, and at the highest level of political participation, too.

(c) The Senate, an important Upper House of the Legislative Assembly, was also instrumental in the analysis of political behaviour in the Fourth Republic. In other words the behaviour of members of the Senate was equally disturbing to the survival of democracy. The Senate got off to a wobbly start by allowing the executive to seriously interfere in the election of its principal officers. In a way the Senate was trading off its freedom and constitutional birth-right as an independent arm of the government to the executive.

Absurdly, however, the alleged attempt at evil doctoring of the Electoral Act 2001 by the leadership of this namby-pamby Senate and their search for scapegoat over its political misfortunes was

evidence to show that even the highly respected Senators were part of the political drama of the administration. The President of the Senate Anyim Pius Anyim, Senators Tunde Ogbeha and Udo Udoma were alleged to have conspired and inserted an additional clause to an electoral Act (Daily Trust, Monday 18 March 2002 Vol. 2 No. 44 p.6) that was already passed by the two Houses and sent to the President for signature. Though the accused Senators denied the allegation, however, the refusal to repent and apologise to the nation revealed the dual personality of those holding the fort at the Upper House.

To compound the already ridiculous action, the Senators began guerilla moves to intimidate and remove the Clerk of the House Alhaji Ibrahim Salim for testifying the role of the Senators in front of the members of the Lower House. The move was a violation of Section 11 of the National Assembly Service Commission Act 2000 which stipulated that the Clerk of the House could only be removed by the Commission, acting on an address supported by the majority of members in each House of National Assembly praying that the Clerk be so removed for inability to discharge his functions due to infirmity of the mind or body or any other cause for misconduct.

From the above, therefore, what is clearly discernible was that the abuse of Constitutional provisions was more prevalent in the executive and the legislature especially as portrayed by the members of the National Assembly. The above fact is further supported by Table 6 below. For out of the 350 responses retrieved from the respondents on the issue, 200 or 57.14% strongly agreed to the fact that both the executive and the legislature were to blame for disregard of the Constitution. However, 106 or 30.29% of the respondents further agreed thus confirming that truth of the matter. Only 15 or 4.29% and 13 or 3.71% of the respondents disagreed and strongly disagreed respectively while 16 or 4.58% were undecided on the issue.

TABLE 6 **QUESTIONNAIRE RESPONSE ON:**

BOTH THE EXECUTIVE AND THE LEGISLATURE WERE NOTABLE IN ABUSE OF CONSTITUTIONAL PROVISIONS

Strongly Agree	Agree	Undecided	Strongly Disagree	Disagree	Total
200	106	16	13	15	350
57.14%	30.29%	4.58%	3.71%	4.29%	100%

The Senate unruly behaviour which was threatening to

democratic governance in the Fourth Republic was manifested clearly when members ignored circulars from the Clerk of the House dated 23rd June 1999 and 10th September 1999 respectively. The circulars were drawing the attention of members that the Services Committees of the National Assembly could only ascertain the needs of members for onward approval by the leadership of both Houses, while implementation should be done by the Accounting Officer of the National Assembly. The accounting officer was the Clerk of the House. The members ignored these circulars and in their normal "Rambo attitude", continued to exhibit the grab-all-the -contracts syndrome leading to the stench which was followed by the audit report from the Office of the Accountant General of the Federation indicting the principal officers of the Senate for breach of Financial regulations. This compelled the Senate to probe itself through the instrumentality of the Idris Kuta panel, the report of which was never disclosed nor implemented.

As a manifest of the deep seated irresponsibility that was the hall-mark of the praxis of Nigerian politicians Senator Ibrahim Mantu, Chairman of National Assembly Joint Committee on Review of the 1999 Constitution allegedly disclosed, in a newspaper

interview (Daily Trust, Thursday November 20, 2003 Vol. 7 No. 40 p.40), that his committee had commenced deliberations on a possible six-man Presidential Council to head Nigeria from 2007. Though a member of the Committee Barrister Bala Ngilari issued a denial of knowledge of the idea which Mantu did not refute, however, the implication was that sections of the political class was canvassing for a rotational presidential six-man turn-by-turn musical chair just to ensure that members of their class had access to the opportunities that the Presidency opened to the resources of Nigeria.

Analytically, therefore acceptance of a six-man presidential council on rotational presidency and many other unpatriotic maneuvering schemes, the constant would had been regimes of impunity, corruption, banditry and almost total disrespect for law-governed processes perpetrated by the ruling circles, and on the other hand the pauperization of the Nigerian people. Nigerians should not be the guinea-pig of an unpatriotic political group whose raison d'etre remained conquest of state power to feather their own nests at the expense of the Nigerian people.

Impeachment, a sacred word in democratic governance, used only in extreme cases, seemed to have been applied

indiscriminately by members of the Houses of Assembly both at the Federal and State levels. For example barely eighty-four days after his election as the Speaker of the House of Representatives, Masari was faced with the problem of impeachment from members of the House (Newswatch, September 8, 2003 Vol. 38 No. 10 pp. 34-35). The Speaker was accused by members of pandering to the whims and caprices of Mr. President thereby turning the Presidential villa his second home and consequently neglecting their welfare. The impeachment move was only stalled at the intervention of the former Speaker Na-Abba. Members were further angered with the way the President was handling their welfare; only N1.2 billion was made available and the money for furniture and other expenses were trapped in banks that were about to collapse.

Other reasons for the impeachment move centred around taxing of the unpaid salaries of members, in the name of monetization, and the deduction of N700,000 from annual salary for car loans. The members further retaliated by vowing to revoke a N3.6 billion dollar contract given to SOLGAS, an American Company over the Ajaokuta Steel Company project, and warmed for a showdown with the President over the amendment bill on the Niger Delta Development Commission on which the President

introduced about nine amendments mainly those rejected by the National Assembly in 2001.

The impeachment saga had become rampant almost throughout the States Houses of Assembly, and which were carried too far thereby pointing a threatening finger on democracy. Most of these impeachment moves were organised by the executives over flimsy personal squabbles between them and the impeached speakers of the House. This episode became one of the characteristics of the government; a move which began at the National Assembly now cut across the entire polity. Barely four months into the administration's second term no less than four principal officers of Houses of Assembly were swept off in a spate of crises that portend danger to democracy (Newswatch, December, 2003, Vol. 38 No. 22 pp. 34-36). In Jigawa State the impeachment of Dundubus, the Speaker was the result of personal problem between him and governor Turaki in 2002 over an undisclosed trip of about fifty-two days by the governor and without any forwarding address. Pressures from the public and the House made the Speaker to declare the governor "missing". Apparently disturbed by this scandalous embarrassment, the governor decided to deal with his one time close accomplice. In 2003, therefore, the governor

proposed a trip to Malaysia, and in the entourage were some members of the house, traditional leaders and top government officials. The speaker rejected the trip as a waste of resources. Apparently angry with the seeming loss of the N5M BTA, twenty out of the thirty members voted Dundubus out, as planned by the governor.

In Anambra State, the story was different in the sense that the Ngige crisis was the cause of the impeachment of Azodo, following her role in the crisis. She was alleged to have brought a letter of resignation signed by Ngige, and thus declared his seat vacant. To compound things, she was part of the entourage that abducted the governor, more over she happened to be a cousin to Chris Uba, the man who organized the abduction. When Ngige regained his authority he took his revenge.

The impeachment of Itulah, the Speaker of Edo State House of Assembly, though on alleged corrupt practices, was the direct tussle between his sponsor, Chief Tony Anenih, former works and Transport Minister and whose son wanted to run for the governorship in 2007, and the governor, Chief Igbenedion, who was against the Minister's plans. Impeaching the Speaker, therefore, was intended to weaken the grip of Anenih on the state by

removing his important pawn from the political chess board.

Abba Ali Mangal, Speaker of Borno State House of Assembly and his Deputy Musa Inuwa Kubo were forced to resign following an allegation of closeness with the executive which was not in the interest of the House. But the truth was that the impeachment move was done by loyalists to former governor Mala Kachalla who had serious problems with the incumbent governor, Ali Madu Shefiff.

However, more threatening to democracy were the impeachment scandals that engulfed the Senate for the most part of the tenure of the administration. Within five years for example there had been four Presidents of the Senate, making an average of one year and three months per President.

Since inception in 1999, the Senate has had plenty of episodes of comic tragedy; the mace, symbol of authority got missing or was hidden and someone was going to bring fire-wood as a standby mace, the wranglings about money in “Ghana-Must-Go” bags; the quarrels about junkets, about contracts, about membership of “juicy” or “non-juicy” committees, and the various impeachment episodes would thrill anyone who didn’t expect any serious business from the beloved senators.

Perhaps, a succinct analytical exposition of the Senate would provide answers to the impeachment scandal in that House. Firstly, perhaps the seat of the Senate President was seen purely within the prism of money, which accounted for why all the brawls about money and a powerful seat of various privileges especially if there was closeness to Mr. President, hence the allegations and threats of impeachment, no matter how trivial the allegation.

Secondly, the Senate was a mini Nigeria, made up of assortment of various hues of individuals who had risen to public notice by fair and foul means; made lots of money by fair and foul means; won elections by fair and foul means; many of them had cheated on the lottery of life. You had contractors, professors, coup plotters, barricudas, sharks, carpet beggars, and a few good men. Many of them did not strictly understand why they were there. They saw it just as another money spinning job and their business was to keep the money spinning into their pockets. Some were serious about the business of law-making, others did not say a word until they quit. They simply hustled for contracts, harassed ministries and parastatals during budget sessions, or issued frivolous invitations for appearance so that they could squeeze them for money, a political behaviour characteristically

undemocratic.

4.9 ABUSE OF RULE OF LAW, CONSTITUTIONALISM AND ABSENCE OF ACCOUNTABILITY IN GOVERNMENT

Accountability, a principle that carries along with it strong weight in democratic politics, has broad and complex meaning. However, the simplest definition of the concept has been used even from the philosophers of antiquity such as Plato and Aristotle to those of the modern era such as Mill and Bentham.

Accountability as related to democratic governance is the extent to which a government is responsible to its citizens more fundamentally within the context of constitutionalism; a process or avenue by which the government can be made a limited entity, it cannot act or rule in absolute or arbitrary terms nor does it have unlimited powers within the context of the Rule of Law. A government that is accountable is a government that rules constitutionally, observes procedures, and is subject to checks and balances. Furthermore, an accountable government is one that is, all things being equal, free from corrupt practices and is most likely to do battle with the menace of corruption, and hence with the institutionalization of transparency and good governance as parameters for its operations and conducts (Mikailu and Yaqub,

2003:46-48).

Unfortunately, however, after about seven years of inauguration and swearing in of the government of the Fourth Republic, the democratic system including those structures meant to consolidate it, had experienced some stress. The factor responsible for this state of affairs might not be unconnected to the failure by those in government to imbibe the spirit of those democratic principles meant to checkmate the government. Accountability being one of these was least observed. This is evidenced in the monumental level of corruption that became a menace practically engulfing almost every aspect of the polity.

It is no exaggeration that the violation of the Rule of Law and abuse of Constitutionalism actually resulted in the absence of accountability and the much needed transparency in running of government. This has led to massive corruption and the looting of public treasury notably by those in the corridors of power, as was confirmed by Table 7. Two hundred and thirty nine (239) or 68.28% of the respondents were of the strong believe that the government was less transparent and accountable to the people, while only two 92) or 0.62% of the respondents did ot decide on the issue. However, 109 or 34.06 of the respondents further confirmed

the lack of transparency and accountability in the government. This had led to serious credibility gap whereby the people served to have very little respect for the government, leading to unprecedented legitimacy crisis.

TABLE 7: **QUESTIONNAIRE RESPONSE ON:**

THE GOVERNMENT WAS LESS TRANSPARENT AND ACCOUNTABLE TO THE PEOPLE

Strongly Agree	Agree	Undecided	Strongly Disagree	Disagree	Total
239	109	2	-	-	350
68.28%	34.06%	0.62%	-	-	100%

The abuse of these time-honoured principles of democracy was actually legendary and the negative impacts on the country's politics, unfortunately but apparently, was what was going to be endured for a long time (Mikailu and Yaqub, 2003:9). That the government of Chief Obasanjo, the national anti-corruption crusader, observed and institutionalized the principles of accountability was, to say the least, an understatement. Infact accountability was among the worst affected in terms of principles

breach by the government.

Though the government cannot be blamed for initiating corruption into the system, however, the menace became rampant with unprecedented and unimaginable cases of corrupt practices that became the hallmark and praxis for political behaviour and policy enactment. Cases of corruption involving prominent civil servants, the security, the educationists, and the highly honoured Senators became exacerbated with complex and confusing results. This was, however, despite the anti-corruption slogan of the government, and the anti-corruption laws of the executive and the legislature.

Evidenced by the data collected, high level corruption was reported involving political office holders despite the passing of the anti-corruption Act 2000, and the consequent formation of the Independent Corrupt Practices and Other Related offences Commission (ICPC).

When a government becomes unaccountable and less transparent, expectedly corruption becomes an intractable problem. High level of corruption in the government most especially became pervasive and almost part of the government policy and legacy. For example as indicated by Table 8 below,

98.85% or 346 of the respondents to the questionnaire on corruption were of the strong view that corruption was certainly very high,a nd 4 or 1.14% of the respondent agreed. None was of the opinion that there was no corruption in the system.

TABLE 8: **QUESTIONNAIRE RESPONSE ON:**

THERE WAS HIGH LEVEL OF CORRUPTION IN THE GOVERNMENT

Strongly Agree	Agree	Undecided	Strongly Disagree	Disagree	Total
346	4	-	-	-	350
98.85%	1.14%	-	-	-	100%

According to a report, Bauchi state presented serious problems of corruption and lack of accountability on the part of the government (Analysis, March 2003 Vol. 2 No. 3). For example, about N1,013 billion meant for ecological fund was unaccounted for and the balance of N95 million meant for the Sakwa Village erosion was unaccounted for by the government. Furthermore, the government allegedly diverted about N50 million river project, money meant for ecological erosion created by rivers Kadabdu, Katagum, Kumsal, Burwat, Maje, Galadima, Kamal, Sum, and

Lafia-Sara. From 1999-2002 the Bauchi State Government allegedly collected N864 million from the Federal Government to solve problems of ecology, desertification and embark on environmental projects. However, only contracts worth N187 million were awarded, the balance of N676 million was not accounted for by the government.

The Bauchi State government in 2001 through the Ministry for Local governments was said to have extorted about N250 million from the twenty local governments in the State for water supply. However, only boreholes sunk by the National Water Scheme were available to the people. Other allegations relate to N80 million collected from the local governments for the purchase of fertilizer, but they were given only N40 million worth of fertilizer by the government, this was despite the presence of a fertilizer company in the state; the importation of seven hundred second-hand tractors at the cost of N200 million, and which were unsuitable for the terrain of Bauchi. According to the National Economic Intelligence report of October 2002 the contract was a waste of resources. The money should have been invested in the Steyr Motor Company for meaningful results; the diversion of N200 million relief assistance from Federal Government to victims of the June 18, 2001 Tafawa

Balewa/Bagoro Communal Conflict, to imprests for the compensation committee, security etc. was another sad story and the 1.317 million dollars Bauchi Plastic Factory fraud was another supporting evidence.

It must be recalled from the onset that the administration was far from accountability, transparency and good governance from the reality of the Presidents cabinet. Cabinet members, ministers and related office holders and political advisers, were picked not on the basis of merit, rather political imperative was the formula used in the selection. Unfortunately for the nation, most of those picked were “cleared” by the National Assembly. It was not surprising, therefore, that the team expectedly performed below average. The President was rather compromising the quality of the cabinet with political impetus. The re-election campaign of the President into second term which was hinged on continuity actually produced the same unqualitative brand of cabinet that was not different from the former. The same class of politician “locusts” that transformed Nigeria into “drought” republic (Daily Trust Tuesday, May 20th 2003 vol. 6 No. 7). So when cases of corruption, fraud and general economic misappropriation of public funds were reported on some ministers (Daily Trust, Friday, 5

December 2003 Vol. 7 No. 51 p.1), these did not come as a shock, especially when Obasanjo sacked his Minister of Labour and Productivity, Mr. Hussaini Akwanga, over a $214 million dollar National Identity Card scam.

Furthermore, as a sign of the credibility crisis of the Obasanjo government, spectators at the closing ceremony of the All Africa Games at the Abuja National stadium jeered at the President with visible mockery. The situation made the President uncomfortable but he continued to deliver his speech. Present at the spot were diplomats, aides and foreigners. This shows how deeply unaccountable the government was. Similarly, the Presidential entourage was reported to have been stoned and pelted in Lagos, Kano, Kaduna, Zaria, Kachia and Kafanchan. In Ilorin it had to sneak away while in Makurdi the President was visibly not welcomed.

The principles of accountability, transparency and good governance seemed to have eluded the government of the Fourth Republic and had become mere ideological concepts used deceitfully, in the corridors of power. For example, twice the Presidency was alleged to have used money to sponsor the impeachment of speakers in the House of Representatives,

(Newswatch, April 9, 2001 Vol. 33 No. 14 p. 6) and twice the Presidency denied. This was despite the anti-corruption campaigns and the "Ghana-Must-Go" scandals in the House.

Furthermore, the principles of accountability, transparency and good governance seem to have been least observed by the government under the intense weight of corruption. Though the story of corruption in Nigeria, apocryphal as it seemed, did not, however, escape the analysis of Transparency International, an anti-corruption body, which put Nigeria as the second most corrupt nation, and a leader in the pantheon of corrupt nations. The cancer of corruption has corroded practically almost every aspect of national life. Ghost worker syndrome, a conduit pipe for siphoning monumental amount of salaries, had become a normal problem in government, though how could ghosts be workers was another question. For example, between 1999 to 2000 alone about N30 billion was lost to ghost workers by the Federal Government. (Newswatch, July 30, 2001 vol. 34 No. 4 pp. 42-45).

Furthermore, various Legislative Houses in the country became in the pockets of the Executive, thus the checks and balances that separation of powers was expected to provide had collapsed under the intense weight of corruption during the period

of study. Corrupt public morality, therefore, became a serious danger to the embryonic democracy. Deposit of money before contract was released to a contractor, over-invoicing and inflation of contract sum became part of public life.

That democratic accountability and transparency, seemed to have eluded Nigeria during the administration was incontestable. For example the first ever nationwide police strike attempt (Newswatch, February 25, 2002, Vol. 35 No. 8), electoral fraud, unending violence and communal clashes, continuous threat to oil companies in the Niger Delta were evidences of the credibility deficit of the government. The political elite had little commitment to democracy as an end. They only saw democracy in instrumental terms, without any values to fight for. Invariably, therefore, the politicians were democracy's worst enemy.

As a more disturbing trend, however, and according to Transparency International, it was alleged that about 50% of corruption took place right under the nose of the President (Daily Trust, Thursday, December 4th 2003 Vol. 7 No 50 p 8) as evidenced by the National Identity card scam in which three Ministers and four government officials came under detention by the Independent Corrupt Practices Commission. Among the

personalities involved were Ministers of Labour and productivity, Mr. Hussaini Zannuwa Akwanga, Internal Affairs Minister Dr. Mamman Shata, Chief Michael Afolabi Ms R.O. Akerele, Permanent Secretary, Ministry of Internal Affairs, Dr. Okwesilieze Nwodo, former governor of Enugu State, Christopher Orumgre Agidi, former Director Department of National Civic Registration, and a businessman with SAGEM S.A. of France, the company handling the contract, Niyi Delegun, Mr. Adelegun was alleged to have collected colossal amount of money in local and foreign currencies under the secret in collaboration with Mr. Jean Pierre Delame, Regional General Manager (Identification Systems) of SAGEM, and distributed same to the accused persons.

To further buttress the above assertion, however, the illegal transfer abroad of 186 million dollars scam in 1999 by one Emeka Offor, a business man and Peoples Democratic Party financier (Newswatch, February 25, 2002 Vol. 35 No. 8 p. 8) was enough evidence. Both Obasanjo and the party kept quiet until one O.C. Udegbunam, Assistant Secretary of PDP Wuse ward, wrote a petition to Obasanjo on November 26, 2001 insisting on investigation. Lamentably, Mr. Udegbunam came under intensive pressure from some PDP stalwarts, and office of the Vice President

forcing him to withdraw the petition which he refused. Offor sent his representatives to persuade Mr. Udegbunam to withdraw the petition. The fate of the petitioner was still unknown.

In another development, Transparency Watch reported that Chrome Consortium, Offor's company was given an inflated contract of 100 million dollars to repair old and new Port Harcourt refineries, which were never repaired, and another contract to explore oil deposit on behalf of Nigeria in the Economic Zone between Sao Tome and Principe involving about 100 million dollars. Money was also alleged to have been used to recapitalize the distressed Orient Bank, now African Express Bank in 1999. The bank belonged to Offor and Alhaji Gidado Idris, former Secretary to the Federal Government during Abacha government was the bank's Chairman. Offor, who had business relations with Atiku Abubakar, and Gidado were believed to have contributed to the ill-fate that befell the defunct Oil Minerals Producing Areas Development Commission (OMPADEC), the National Fertilizer Company (NAFCON) and the Eleme Refinery through inflation of contracts.

What was apparently clear was that Mr. Emeka Offor might have been compensated for his "troubles" by the government and

the party or he was just another conduit pipe for siphoning money abroad for government officials and other politicians.

The menace of corruption had become pervasive under the Obasanjo administration, thereby clearly bringing into focus the "settlement" syndrome of the government. For example the President practically and deliberately refused to prosecute the contractors handling the Turn Around Maintenance (TAM) of the refineries, knowing fully well that none of the refineries was humming. The contract was awarded to political cohorts, who helped Obasanjo's re-election, at the cost of about 400 million dollars, as a way of "settling" them. This was indicated in the action of the President who went ahead and deregulated the downstream sector (Newswatch, October 27, 2003 Vol. 38, No. 17 p. 16-23) thereby compounding the already distressful situation of petroleum scarcity due to grounded refineries, despite a 400 million dollar contract down the drain. The President was in a way aiding and abetting squandermania on the economy and thus jeopardizing the chances of democracy success. Even the importation of crude, as a result of deregulation, to bridge the shortfall in supply was given to corrupt politicians and fronts.

Further reports exposed the insincerity of the Nigerian

National Petroleum Corporation (NNPC) in operation of finances. For example, according the Chairman Revenue Mobilization Allocation and Fiscal Commission (RMAFC) Alhaji Hamman Tukur, the NNPC was defrauding the nation of 445,000 barrels sold between January to July 2002 while the N302 billion shortfall was never accounted for. This was happening right under the nose of Mr. President who handled the Ministry. Still, Obasanjo was reluctant to order Jackson Gaius Obaseki to refund the money.

In a similar development, Senator Idris Abubakar, Chairman Senate Committee on Public Accounts, reported that the N2.3 billion NEPA scandal was the result of Chief Bola Ige's decision to transfer the money to banks for interests, while he was Minister of Power and Steel, (Newswatch, July 2, 2001 vol. 33 No. 26, P. 52-60); scandals which Mr. President should have queried, but surprisingly he pretended to be unaware or was it a way of "settlement"? However, the President, and the PDP leadership combined to stop full investigation by the National Assembly as that would send possible negative signals of corruption abroad.

It is interesting to note that the President "elect" was the one directly micro-managing the NNPC, yet the institution was riddled with corruption, (Newswatch, October 27, 2003 Vol. 38 No. 17 pp.

16-23) according to Abubakar D. Umar, former military governor of Kaduna State. However, a brief run down of the administration during the period of study would give shocking revelations. For example, the hotel bills for Jackson Gaius Obaseki at NICON Noga Hotel, Abuja for four years ran to a whooping N240 million. This was not questioned by Mr. President whose people had to swallow the bitter pills of deregulation and hiking fuel prices. In ten ministries alone, Ministers stole more than N236 billion in 2001 through over-invoicing, embezzlement, payments of jobs not done, double-debiting, contract inflation, release of money without approving authorization, name it. But the anti-corruption crusader turned deaf ears. Infact the credibility gap of the Obasanjo administration, principally emanating from lack of accountability and transparency, was such that his attitude towards corruption were almost negating his ideals. The Acting Auditor General of the Federation, Mr. Vincent Azie, had to resign hastily, or was dismissed as an attempt to cover up the scam.

Road contracts given to contractors who refused to do the job and who the authorities had no audacity to question were numerous; though the President himself refused to account for the over N30 billion recovered from the Abacha family. In four and a

half years, the President's foreign trips were about 179 times, and he slept out of the country 415 times as revealed by Mr. Fawehinmi, Obasanjo's aide. The abduction of Anambra State Governor, Dr. Chris Ngige, by Chris Uba, Chuma Nzeribe, Raphael Ibe, the retired Assistant Inspector General Zone 9 should have been a trial for treason, but Obasanjo refused to act probably to protect his lackey Chris Uba, thus creating a precedence of corruption and anarchy in the polity.

Also in the same vein, the Vice President was accused of fraudulently enriching himself as Chairman Bureau for Public Enterprises through procuring some of the privatised companies notably African Petroleum, via a front Peter Okocha. Also, Atiku and Uba used personal interest to revoke a contract given to Malabu Oil and Gas Ltd. over the company's refusal to grant them 50% equity shares.

In the Senate, the story was not different. The gallant action by Minister of Federal Capital Territory, Nasir El-Rufai, to expose the demand of N54 million as bribe before he was cleared by the Senate screening committee, was about the only anti corruption crusade by a member of the political class. Senators Jonathan Zwingina and Ibrahim Mantu who became deeply involved in the

scandal, had to face the eleven-man Senate Committee on Ethics Code of Conduct and Public Petitions. However, the committee exonerated Mantu and Zwingina for lack of evidence from El-Rufai, who was also blamed for not reporting the matter to Independent Corrupt Practices Commission (ICPC) or speaking out early enough immediately after the alleged demand.

Furthermore, Mantu and Zwingina were believed to run a sophisticated network in the Senate (Newswatch, October 20, 2003 Vol. 38 No. 16)where they allegedly extorted about N500 million from shortlisted Ministers demanding clearance, money they were said to have shared between them. Even Atiku was said to have given N150 million to the Senate on behalf of his ministerial candidates through Zwingina who traveled with the money abroad with his wife. But the N54 million demand from El-Rufai was meant to persuade Adolphus Wabara, then Senate President, who was bent on stopping El-Rufai while the rest of the candidates were to give N1 million each.

The menace of corruption had eaten deep into the system even political parties were not spared. For example monumental theft of party funds were reported in the ruling PDP involving the party leadership. About thirteen of the PDP executives were swept

as a clean up for theft of party funds and alleged undue interference and complicity in the Anambra crisis. The Party Chairman, Mr. Audu Ogbeh, and other members of the Executive were replaced by a seven-man Interim Committee under Ahmadu Alli as Chairman.

Fraud involving billions of party money belonging to the PDP were reported involving principally the National Treasurer, Umar K. Lawan and members of the National Working Committee of the Party. The National Organizing Secretary was said to have remitted only N678 million to the Party out of the estimated N2 billion realised from the sale of 2002/2003 nomination forms; while only N.5 billion was handed over to the Treasurer as remittances for sale of the same forms (Newswatch, June 27, 2005 Vol. 41 No. 22 pp. 20-23). Furthermore, on December 17, 2002 the Organising Secretary applied and was given N45 million, for NWC meeting without reference to the committee. This was despite the N17 million which he applied for the same committee meeting in November 13, 2002. Another fraud of N101.185 million was discovered at the former Habib Bank involving the National Treasurer while the National Working Committee was alleged to have shared the N10 million donated to the Party.

Further cases of unaccountability found in the Fourth Republic include the case of bribery scandal of N56 million involving the dismissed Minister of Education, Fabian Osuji as gratification to the National Assembly budget committee for favourable fiscal considerations (Newswatch, April 4, 2005 vol. 41 No. 13, pg. 14-26); the case of the impeached governor of Bayelsa State Chief Diepreye Alamieyeseigha who was arrested by the London Police for alleged 2.6 million pounds money laundering, more than 1.2 million pounds was found in his luxury pent-house located in Central London (Newswatch, October 24, 2005 vol. 42 No. 17 pp. 14-21); Mr. Tafa Balogun the sacked Inspector General of Police, whose complicity was very instrumental to the fraudulent success of the Peoples Democratic Party in the 2003 polls, was allegedly involved in N96 billion scandal when he was arrested on 17January, 2005 (Newswatch January 24, 2005, vol. 41 No. 4 pp. 13-14). The Senate President Chief Adolphus Wabara had to resign over the Osuji Bribery Scandal. The Police were also affected. About thirty-five policemen, including one ASP Maurice Vandi were arrested and paraded before the Press for extorting money from motorists in Lagos. (Newswatch, September 1, 2003, vol.9 pp. 30-31.

In the Local Government Councils, the third tier of government in Obasanjo administration, the issue of corruption was not new. For example about thirty one Local government council Chairmen across the nation came under investigation. Frank Bala Baba, the Chairman Sanga Local Government in Kaduna State was suspended by the State House of Assembly for embezzlement involving N100,145,025.03 (Newswatch June 25, 2001, vol. 33 No. 25 p. 54) out of which he spent N3 million for purchase of 26 wheeled vehicles, N1.5 million for fencing his house, N2.3 million for furnishing his house, N16 million for extra budgetary spending, N9 million for consultancy, N3.1million for rehabilitation and reconstruction of his office as against, the N906,044 estimate as approved by the Works Department of the Local Government.

Finally, in the Senate, the leadership seemed to have been corroded of accountability and transparency (Newswatch, June 11, 2001 vol. 33 No. 23 p. 45) almost turning the Senate a veritable ground for intrigue, power-play, scheming, betrayal, and horse trading; where motions were used to settle political scores and not to enhance governance. In the period under study, several allegations were filed against the Senate. These made the Senate to

set up a Harmonization Committee to review the Idris Kuta report on some allegations made against the Senate. For example, the spouses of the Senate President were paid fat Basic Travel Allowances from the Senate purse, and that the Senate President serviced his cars with N4.5 million (Newswatch, April 23, 2001, vol.33 No. 16. P.13). The Harmonization Committee headed by Victor Isa Oyofo found that Chuba Okadigbo, the former Senate President, committed a crime of awarding contracts with 50% to 100% payment as against the approved 25%, a crime of collision to subvert due process and partnership in fraud. He was also accused of awarding contract on street lights at N173 million as against the N57 million FCDA evaluated estimate. This does not ensure the proper utilization of public money. He was also accused of purchasing eight cars at N32 million and for furniture he collected additional N12,211,570 as against the earlier approved N2.5m.

Chief Evan Ewerem was asked to refund N25 million for furniture which, according to the committee, he did not purchase as he failed to display the furniture. He was also accused of playing instrumental role in the contract scam, which began during the tenure of Okadigbo. The committee further found out that

Senator Haruna Abubakar once pressurised the Director of Finance and Supply to pay N21m for vehicles insurance to Royal Exchange instead of the originally recognised NICON. Payment was done with serious violations of procedures and regulations. He was also accused of initiating a N22 million welfare package to the Senate President and N16.9 million to himself; and also collected an unaccounted N14 million to furnish his quarters. He was said to have offered inducements to the Kuta Panel to alter reports against him.

The Government's failure to fight corruption was apparently due to lack of the will and courage to do so, for constitutional provisions against corruption and penalties could be found in sections 140, 149, 152, 185, 194 and 290 of the constitution which demand for assets declaration by officers (Newswatch, June 11, 2001 vol. 33, No. 23 p.57), however the President was always practically silent. The case of the investigation panel on Nigeia Airways would further attest for this assertion.

A panel headed by a retired Judge, Obiora Nwazota was set up by the President himself to investigate a N31 billion fraud in Nigeria Airways. On the Panel were Chimezie Ikeazor, Yemi Adetutu, Mfon Amana, Mika Anache, Eni Okoi and Catherine Okon

as members. However, undue external pressures and influence made what the panel did a questionable venture. For example, the panel indicted virtually every member of the management from engineers to pilots, accusing them of defrauding the Nigeria Airways of N31 billion (Newswatch December 1, 2003, vol. 38 No. 22). But the government white paper on the panel report remained at the level of draft, and there was no verdict on the report. The President was again silent.

In conclusion therefore, to say that the fourth Republic civilian government had serious credibility deficit, due to lack of accountability and transparency, was grossly an understatement. The government had failed to stimulate economic activities which had become weak under the intense weight of corruption; it was a government that had no economic agenda which could have been disrupted by the menace of corruption; it had failed to pull Nigerians out of the abyss of poverty, hunger and worst of all a ravaging menace of corruption.

4.10 **ABUSE OF THE RULE OF LAW, CONSTITUTIONALISM AND THE TRAVESTY OF JUSTICE**

The truth that democracy is consolidated when most conflicts are processed through democratic institutions is incontestable;

when nobody can control the outcomes ex-post, the results are not determined ex-ante; they matter within some predictable limits and they evolve compliance of the relevant political forces (Prezeworski, 1990). Principle of `"Independence of the Judiciary" entails that the Judiciary, though itself an organ of government with its own powers and limitations, is somehow autonomous from the democratic process, thereby playing the role of a referee who monitors the process of politics; and also, as a good referee, implements the rules agreed to by all sides, but is indifferent to the substantive outcomes as long as they do not violate the procedural rules and substantive preclussions in the constitution (Jiyane, 1994:2710).

Furthermore, the judiciary should police the democratic process by virtue of its natural immunity to the majoritarian system itself. In other words, one can assume that the Judiciary would not need to please the majorities that may seek to entrench themselves by enacting laws which make it impossible for other citizens to organize and cause their views to become the new majority opinion.

The Judiciary is supposed to be filled with men and women whose intellectual capabilities enable them to see beyond the

momentary political impulses, and protect the integrity of the system that is presumably embraced by most, if not all, citizens. It is an institution designed to persuasively exercise its force of reason to correct the polity, given that a people committed to the value of democratic self-rule can sometimes be mistaken.

The Judiciary must possess powers of Judicial Review, the power of courts to hear and decide properly framed suits questioning the constitutionality of laws and actions of legislative and executive branches of government. The above are by no means the only qualities of the Judicial System in a democracy.

However, and without much reservations too, the Judicial system in Nigeria during the period of study seemed to possess little of these qualities. The problems and weaknesses of the Judiciary in Nigeria became more glaring especially after the 2003 elections and the high-jacked victory of the Peoples Democratic Party. Apparently, extreme emasuclation by the executive, excessive and undue interference with the tenets of justice and Rule of Law by the Executive, unprecedented corrupt practices combined to weaken the Judiciary over the years thereby throwing the system into serious credibility crisis. With problems that infested the system, leaving the credibility of the Judiciary hanging

in the balance, the notion of the Rule of Law and Constitutionalism, two pillars for the protection of human rights, became seriously contentious, as would be evaluated shortly.

The unimaginable manipulation and taming of the judiciary and judicial process most notably by the executive has made the tenet of supremacy of law a mere concept that was never carried further beyond the realm of theory. For example the determination of outcomes of judgements delivered by the judiciary had tended to assume the decision of the executive. Clear examples were found in some of the 2003 elections results as determined by the weak and emasculated judiciary. This has been clearly outlined in Table 9 whereby 302 or 86.28% of the respondents strongly agreed to the fcat that the executive manipulated the judiciary, excessively. Only 2 or 0.57% of the respondents for reasons best known tot hem, while 5 or 1.42% were undecided on the matter and 3 or 0.85% of the respondents strongly disagreed. In any case, the reality is that the Honourable Judges became, practically, in the pockets of governors and the President.

TABLE 9: **QUESTIONNAIRE RESPONSE ON:**

THERE WAS EXCESSIVE MANIPULATION OF THE JUDICIARY AND JUDICAL PROCESS BY THE EXECUTIVE

Strongly Agree	Agree	Undecided	Strongly Disagree	Disagree	Total
302	38	5	3	2	350
86.28%	10.85%	1.42%	0.85%	0.57%	100%

From the on-set, the administration's ambivalence about the supremacy of law in a democracy was lamentable. A clear example however was the invasion of the premises of "The Insider Weekly", a weekly opposition newspaper, by security agents, acting on the order of the government, without making reference to any law that gave the government the power to seize private property, or detain citizens of the Republic without the order of the court (Tell, 11th October, 2004; p.5). A serious and dangerous precedence set by the government.

Judicial Tribunals of the April 19th, 2003 elections were alleged to have endorsed rulings in favour of the defeated incumbent governors against their opposition counterparts. Cases of conspiracy by the Tribunals were reported in ten states of the Federation where the Tribunals were said to have dismissed petition cases against governors of the ruling party on "technical" grounds. Notable among these states were Imo, Plateau, Yobe,

Delta and Ekiti States (Newswatch, July 21, 2003: vol. 38, No. 3, pp. 48-50). This situation was unfortunate. It depicted how the Judicial System had become vulnerable and a lackey of the executive. It also depicted the low level to which the Judicial System succumbed to executive pressure, and the plots by both the Federal and State Governments to thwart justice during elections, an apparent threat to the concept of Rule of Law.

Similarly, the unscheduled summoning of Justice Umaru Abdullahi, Chairman of the Abuja Election Tribunal by Mr. President on the 5th of August, 2003 barely hours after the Tribunal made a ruling in favour of Muhammadu Buhari of the All Nigeria Peoples Party (ANPP) was questionable and suspicious. Earlier the Tribunal ruled that the petition filed by Muhammadu Buhari challenging the election results enabling the President to go for second term substantially complied with provisions of the Electoral Act 2002 and thus not void as demanded by Chief Afe Babalola, Counsel to the President. However, and barely hours after the ruling, the President summoned Justice Umaru Abdullahi, the Tribunal Registrar and two other members of the Tribunal to a meeting in the Presidential Villa and in the presence of his counsel (Weekly Trust, Wednesday 6th, August, 2003; vol.6, No. 63, p.1).

Apparently worried by the seeming set-back in Buhari's favour, Mr. President could not restrain himself and thus brought his executive powers to bear on an already weak and emasculated Judiciary. At the meeting it was learnt that the President expressed disappointment with the way the case was progressing. Buhari on his part expressed his concern on the impacts of the meeting to the Rule of Law and Independence of the Judiciary, that the meeting might influence the decision of the Judges. This it actually did.

When contacted, the President's spokesperson, Mrs. Remi Oyo confirmed the meeting but added that it had nothing to do with the election petition, rather the President wanted to discuss on the provision of a piece of land for construction of offices for the Federal Court of Appeal. But the timing, venue and membership of the meeting suggested otherwise.

Conversely, in a similar development, members of the Election Tribunal in Akwa Ibom State were confirmed to have been induced with money to upheld the 2003 election results in favour of Governor Obong Victor Attah on the 14th July, 2003. Justices Matilda Adamu and other members of the Tribunal were believed to have been bribed into ruling against Ime Sampson Umanah, the

billionaire businessman and petitioner on the election results. In a purported confessional statement made by Sergeant Peter Kasai, Justices Matilda Adamu, A.T. Ahura, A.M. Elelegwu, Khadi T. Mahmud and Chief Magistrate O.J. Isede received bribes in the hands of the Akwa Ibom Chief Judge Effiong Idiong in order to upheld the results (Newswatch, August 25, 2003: vol. 38, No. 8, pp. 20-27).

Furthermore, Sergeant Peter Kasai, who was justice Matilda's orderly, confirmed that on 11th July, 2003 he paid N6.4 million into two separate accounts at the Standard Trust Bank on behalf of `Madam', his boss, and on the 3rd of June, 2003 he was driven to Uyo by Edet, the Tribunal's driver, and paid N4 million into account No. 01740811801125 in the name of Hadiza Adamu, Matilda's daughter, at the Standard Trust Bank. The money was in two denominations of N500 notes for N3 million and N200 notes for N1 million. Another N2.4 million was also paid into an account by name of Ogaba Odioga Michael, Matilda's son at the same Standard Trust Bank. Peter further confessed that on 20th June, 2003 the Khadi's driver told him that he drove the Tribunal members in his peugeot 505 wagon car to the house of Effiong Idiong, Akwa Ibom Chief Judge and collected money about 10 rolls of N500 notes in

separate leather bags for each of the members.

However, Kasai's allegations were obviously spurred by anger and frustration for he was given nothing out of all that money, and when Matilda promised him a house, a promise she never honoured in the past, Kasai angrily said he did not want. It was not surprising, therefore, that Kasai was replaced as Justice Mailda's orderly. This was how the morale of the supposedly credible and highly intellectual members of the Judicial System degenerated to almost nothing in the pockets of the Executive.

The Independent Corrupt Practices Commission (ICPC) eventually arrested Effiong Idiong for his complicity in the scandal as a conduit through which bribe was delivered and similarly a Federal High Court judge Chrytandus Senlong was dismissed for attempting to influence the Tribunal to rule in favour of Governor Attah (Newswatch, 15 Marcy, 2004; vol.34, No. 10, p.12).

In another scandalous situation, the Cross River re-constituted Election Tribunal was forced to suspend proceedings due to an allegation of N2.5 billion bribery scandal. The allegation was filed in a thirteen page petition sent to Justice Muhammed Uwais, the Chief Justice of the Federation by the Movement for the Liberation of Cross River. The Tribunal was induced to rule in

favour of Governor Donald Duke of Cross River State (Newswtch 3rd, May, 2004; vol. 39, No. 17, p.21).

Certainly the Judicial System during Chief Olusegun Obasanjo's tenure in the Fourth Republic was in a mess. Underlying the bane of this mess was corruption whereby the honourable Judges had gone down so low as to be influenced by ruling in favour of anyone who had the money to buy justice. In fact the Judicial System was bereft of reason by the psyche of tradeable investment undertone found in Nigeria politics. This was most unfortunate.

It was a disgrace of Judicial credibility for a Judge of a High Court to have his ruling quashed by a Court of Appeal. But this had at most become part of the practice of Judicial precedence. For example, Justice Standley Nnaji's judgement in an Enugu High Court, restraining Dr. Chris Ngige from calling himself the Governor of Anambra State, was over-ruled when Ngige took the matter to the Court of Appeal, this was despite the fact that the police had already complied with the earlier court order. The police deliberately refused to comply with the Abuja court of Appeal's order to restore Dr. Ngige's security back (Newswatch, 11th October, 2003; vol. 40, No. 15, p.11). This was a blatant breach of

the Rule of Law by the Police who were acting on instructions from their superiors that were already in the pockets of the President, an interested candidate to the case. Though Justice Standley Nnaji ws later retired, the damage was done.

The common man was no where near Justice and Rule of Law as his last hope if the Chief Justice of the Federation, Justice Muhammadu Uwais would be accused of corrupt practices. A businessman, Reginald McPepple of Port Harcourt, accused the Chief Justice of keeping fifteen official cars to himself, each of his two wives had two cars with Supreme Court drivers attached to her. He was also accused of delaying the release of funds meant for staff arrears until the money attracted interests in Banks which were later shared to top members of the Court; and that judgements involving Ngige, and another involving an oil company were influenced by him (Newswatch, June 27, 2005; vol. 41. No., 25, pp.12-19).

4.11 **VIOLATION OF PRINCIPLES OF THE RULE OF LAW AND CONSTITUTIONALISM AND THE MANIPULATION OF ELECTORAL PROCESS AND ELECTIONS**

Elections, a process universally conceived as the pillar of representative democracy, are both as important as they are

controversial in the democratic development of any polity. Despite the raging controversy among political thinkers on the nature of representation, the universal agreement is that representational democracy is intrinsically linked to elections and voting. The representatives, acting on behalf of the electorate make the legislative and executive decisions which the voters in the aggregate could not (Babawale and Anifowose, 2003: 21).

Theoretically, elections had been considered as a process of testing the administrative pulse of the government, the level of political participation and the legitimate credibility of the government, and are means through which popular commitment to the regime may be mobilized. Some extremist thinkers have even gone further to portray elections as the very heart of democracy. They might be right considering the intense weight elections carry to the success of liberal democratic politics all over the world.

However, and from available literature on electoral process in Nigeria especially during the period of study, the standard values and ideas within the theoretical framework of elections seemed to have eluded Nigeria. The electoral system, the technical and practical framework for elections, was beset by so many compounding problems not least among which was election fraud.

From the selection or appointment of the man-power structure of the system to the conduct of elections the major characteristics were inconsistencies, and manipulations of votes usually in favour of the ruling party.

Furthermore, among the prominent problems experienced in the process of elections were rigging, in the forms of stuffing of ballot boxes with ballot papers, over-bloating of voting registers, special treatment of voters, disappearing of or destruction of boxes etc; and distortion or doctoring of election results (International IDEA, 2001: 217). Certainly open, competitive and meaningful electoral politics remained elusive to Nigeria. From the findings of this Dissertation it became clear that electoral malpractices had become an entrenched practice in the Nigerian political system. At worse, the politicians resorted to suing judicial tribunals to fraudulently win elections.

More tragic was the role of the executive in aiding electoral malpractices during the period of study. For example, during the election of the Peoples Democratic Party National Executive on November 20th, 1999, Adamu Chiroma reported a case of massive rigging going on to the President, who was present at Eagles Square, Abuja, the venue of the elections, but Mr. President refused

to intervene simply because he had planned it that his candidate, Chief Barnabas Gemade, won the election; and he actually did as the Chairman of the Party (Daily Trust, Friday, February 14th, 2003; vol. 5, No. 40, p. 40). This was a dangerous precedence to the nation's embryonic democracy.

That the standard values and ideas which theoretical framework of elections are set seemed to have tarnished by politicians in Nigeria is incontestable. This assertion was compounded with devastating consequences by the role of the executive in the manipulation of the electoral process and election results to favour the ruling party. This has practically led to elections that were far from being free and fair as further confirmed by Table 10 below. For example, the 350 or 78% responses retrieved from the 450 questionnaires distributed, 310 or 88.57% of the 350 respondents strongly agreed on the above assertion, and with the 20 or 5.71% additional responses further conforming the truth of the assertion, one might conclude that the abuse and violation of the principles of the Rule of Law and Constitutionalism have seriously, albeit negatively, impacted on the electoral process and elections, important process of testing the administrative pulse and legitimacy of government.

TABLE 10: **QUESTIONNAIRE RESPONSE ON:**

ELECTIONS AND ELECTORAL PROCESS WERE NOT FREE AND FAIR

Strongly Agree	Agree	Undecided	Strongly Disagree	Disagree	Total
310	20	2	8	10	350
88.57%	5.71%	0.57%	2.28%	2.85%	100%

Poverty and the attendant consequences of politics of cash-and-carry coupled with the appointment of party loyalists to man the electoral process had combined to weaken the electoral system in Nigeria. Though there was no election that was entirely free and fair from malpractices however flimsy, but when the malpractices became glaringly unprecedented it became a serious threat to democracy as the case of the 2003 general elections portrayed.

Despite the apparent credibility gap of the Judicial Tribunals on election petitions as enumerated earlier in this chapter, the Judiciary made attempts to introduce some sanity into the politics of elections in Nigeria. For example the Court of Appeal in Abuja ruled in favour of the wife of Babagana Kingibe of the All Nigeria Peoples Party as Senator when the court ordered that fresh

elections be conducted in the Federal Capital Senatorial District. This was a blow to Senator Isa Maina of the Peoples Democratic Party who had to vacate his senatorial seat (Newswawtch, December 1st, 2003: vol.38, No. 22. P.38).

Similarly, in Bornu South Senatorial District, Sanusi Dagash of the PDP lost to Fati Bulama of the ANPP on the orders of the Jos Court of Appeal which ordered for the conduct of fresh elections in the district. However, when Fati Bulama and the ANPP petitioned the National Assembly on the continued stay in office of Senators Sanusi Dagash and Isa Maina, the House of Senate replied that it did not receive any court verdict or that of INEC to that effect on the two Senators.

Furthermore, the case between Philip Aduda of the PDP and Uche Okafor of the ANPP on the membership of the House of Assembly from the Abuja Municipal Area Constituency was still pending in Court of Appeal, though the election tribunal earlier ruled that fresh election be held in two polling units in Gwarimpa, the area of contention, with about 4,000 voters. Fearing defeat Mr. Aduda objected an took the case to the Abuja Court of Appeal.

The dispute on the electoral victory of Chief Adolphus Wabara from Abia South Senatorial District was another example

of the rampant cases of election malpractices across the nation. Chief Dan Imo, the ANPP contestant was asked to withdraw the case, in favour of Wabara, by the Ukwa-Ngwa elders of the area (Newswatch, June 30, 2003; vol. 37, No. 25, p.7).

Finally, election malpractices continued to pose threats to democracy in Nigeria during the period of study. The case of Anambra alone remained an incontrovertible indictment of Abel Guobadia, the INEC Chairman, and his men and women across the country in the sense of electoral malpractices. The disagreements between the "godfathers" and "godsons" clearly exposed what happened in the State; the story was almost the same across all states. There was something of ""Anambra" in all of them. On the other hand, while the INEC Commissioners believed they had a duty to ensure that registered voters who did not turn up to vote were duly represented by those who did, however, they equally ensured that in some communities all the registered voters turned up and voted one hundred percent for only one political party (Newswatch, June 6th, 2005: vol. 41, No. 22, P.11). What a brazen effrontery!

41.2 **BAD SOCIAL AND ECONOMIC CONDITIONS AND INSECURITY**: **THE MANIFESTS OF ABUSE OF RULE OF LAW AND CONSTITUTIONALISM**

There is no doubt that the social and economic conditions of Nigerians, especially those at the base of the social pyramid were no much better during the period of study. The politicians were very much instrumental in this respect. High level monumental corruption as engaged by those in the corridors of power was one underlying factor in the worsening socio-economic conditions of Nigerians who voted Chief Olusegun Obasanjo to power. Fraudulent awards of contract sum, double-debiting of government accounts, illegal transfer of money abroad were but few of the corrupt practices that exacerbated the already deteriorating social and economic conditions that were antithetical to democratic consolidation. In this respect, the government could be said to have recorded more deficits than dividends of democracy.

Furthermore, the pervasive violation of Rule of Law and Constitutionalism had made bastard of government economic reform policies leading to more hardships on the people. Budget deficits, contract inflation, the “settlement syndrome”, increasing prices of petroleum products by the President without due

consultation with the legislative organ were but few manifestations of the abuse of Constitutional provisions, the Rule of Law and Constitutionalism. Little wonder then, that even NEEDS, the government's pet economic recovery policy, failed to save the people from the abyss of poverty, bad socio-economic conditions and deteriorating living standard. This has been confirmed by Table 11 below. About 97.14% or 340 respondents agreed strongly that the socio-economic conditions within which Nigerians found themselves was bad, while 10 or 2.85% responded further to confirm this.

TABLE 11:QUESTIONNAIRE RESPONSE ON:

THERE WAS BAD SOCIO-ECONOMIC CONDITIONS WITH LOW LIVING STANDARD

Strongly Agree	Agree	Undecided	Strongly Disagree	Disagree	Total
340	10	-	-	-	350
97.14%	2.85%	-	-	-	100%

With undemocratic economy in a supposedly democratic environment, prudent management of resources became alien to the administration. Frequent price hikes of petroleum products,

and the consequent spiralling inflation made life almost unbearable to the common man, who had to face threats of mass retrenchment, unemployment, and delays in the settlement of benefits and pensions. Perhaps the pathetic conditions of the ex-service man could explain the tragedy more clearly.

Furthermore, the government economic recovery policies, the dictates of IMF and the World Bank, had done worse damages to the lives of Nigerians, thereby leading to incessant political and communal violence and the general insecurity threat looming the Nigerian environment. Armed robberies, political thuggery and professional assassinations became the alternative employment to those retrenched and unemployed Nigerians, and even the dejected serving and the rejected ex-serving men were alleged to have joined the queue. Any government that fails to understand that fuel in Nigeria is politically inflammable is reading Nigeria's history up side down. However, barely five years of inception, the government had increased fuel prices five times, an average of once every year. The consequences of the fuel price increase was devastating to the economy and the lives of Nigerians. In short, more than eighty percent of the revenue accruing to the Federal Government came from fuel. (Newswatch, October 25, 2004: vol. 40, No. 17, pp. 10-

11).

The violation of the rules of the game as found in the principles of Rule of Law and Constitutionalism gave the government the excuse to enact economic reforms that were charateriscally undemocratic, devastating na dharsh on the people. Notable among these were the incessant increase in prices of petroleum products, due to deregulation of the fuel sector, retrenchment of workers in a bid to rationalize the work force etc. In Table 12 below a statistical analysis is made on the issue through the response got from the people. Out of the 350 respondents, 338 or 96.5%, and 10 or 2.85% confirmed that the economic reforms policies, notably the NEEDS, were harsh on the people. This had further curtail the political eagerness of Nigerians to contribute their input in the affairs of their country especially when they had to struggle hard to live.

TABLE 12: QUESTIONNAIRE RESPONSE ON: GOVERNMENT ECONOMIC REFORMS WERE HARSH ON THE PEOPLE

Strongly Agree	Agree	Undecided	Strongly Disagree	Disagree	Total

338	10	2	-	-	350
96.57%	2.85%	0.57%	-	-	100%

The Nigeria Labour Congress had attempted to control the action of the government in relation to increase in the price of petroleum products, but with little success. To further castrate the NLC the Senate enacted a Dismemberment Bill, without members forming quorum. In fact the deliberations took place within five minutes, and he Bill was passed. Though the Presidency and the House of Representatives were yet to endorse the Bill as law, however, it was imminent that the NLC was becoming a threat that must soon be rid of.

Earlier, the attempt to frustrate and deal with the NLC started with the ruling of Justice Rose Ukeje of the Federal High Court in Abuja following a nationwide strike against fuel increase. This gave oxygen to the castration attempt by the Senate. According to the Judge, there was no mention of the office of the President in the NLC Act so Oshiomole was just a pretender to the throne. She also found out that there was no provision for workers to discuss or protest fuel price increase. On these premises, she declared the strike as void and illegal.

The problems generated by fuel in the Nigeria socio-economic and political life could be located within the context of corruption. For example, despite the release of N90 billion contracts for the Turn Around Maintenance of the nations refineries none of them was humming, and he government deliberately refused to bring the erring political contractors to justice. Even the then Minister of Information Chief Chukwuemeka Chikelu lamented that they were not functioning. This was an acceptance of failure, and he accepted that they had failed in that respect.

Similarly, the government allows for the importation of 500,000 metric tones of fuel monthly amounting to 30 million dollars on freight, insurance and port charges. That amounted to 360 million dollars per year, which could have been saved had the government insisted in controlling the fuel office for five years. Why the incessant price hikes? Who was the President trying to protect at the expense of millions of Nigerians who have had to endure these price hikes with the consequential effects of inflation, hunger and degradation? Answers to these questions would be provided in subsequent analyses.

The story of oil in Nigeria was a story of a striking paradox; you had it, yet you didn't have it. Anyway, God had meant Nigeria

well. He could have followed the law of the desert dwellers and gave crude oil to Niger Republic, which like Saudi Arabia, sat on sand. Or He could have followed the laws of Coastal dwellers and favoured Cameroon at the expense of Nigeria. He did not. God gave a bit of oil to Cameroon, a few barrels to Gabon, a few more to Equatorial Guinea; just so they would not complain and bear Nigeria ill-will. Oil was the source of revenue allocation problem, resource control issue and endless national quarrels which became exacerbated by the administration's draconian and anti-democratic policies.

There is no doubt that oil was so important to Nigeria that the President was its Chief Marketer for the nation since he assumed office in May 1999. No insult intended, and no one called Mr. President a petrol attendant (Newswatch, 21 June, 2005; vol.39, no. 24, p.10). He was his own Minister of petroleum resources, and until market forces took over the initiating task of determining fair prices of petroleum products, the President was obliged to do the dirty job. This explains the frequent and unfair hiking of petroleum prices during his tenure.

However, the crude oil syndrome was not the only problem threatening democratic consolidation in Nigeria. Other issues

included the rationalization of work force exercise as embarked by the government and followed by the private sector and other corporate bodies in the economy. For example, the government estimated about 75,000 to be sacked out of the 185,000 Federal Government workforce. This did not include staff rationalization exercise at the Nigerian National Petroleum Corporation which already sacked more than 2,355 of its work force in April, 2005 alone; the 4,500 workers retrenched by the Aviation Ministry in 2004. (Newswatch, June 13, 2005; vol. 41, No. 23, pp. 14-21). On the other hand, government parastatals were compelled by the Federal Government to rationalize their staff through the ritual huge budgetary cuts, incapacitating them from paying salaries.

The Rationalization policy of the government which had generated numerous socio-economic and security problems, was among the instruments of the International Monetary Fund and the World Bank for imposing imperialist financial discipline under the façade of multilateralism and technical competence. The policy had compounded the already bad unemployment trend, thereby throwing thousands on the street without job. Consequently, spiralling problems of armed robbery burglaries and thefts became rampant in the society.

For example and as a growing national problem, armed robbery claimed many lives of innocent Nigerians. Many major towns and cities became hostages to young men and women who robbed, maimed and killed. From January-July 2001 alone in Lagos, about 129 cases of armed robbery was recorded, about 183 of these robbers were killed by the police. In the same vein, about 256 arms were recovered, with about 2431 ammunitions. The police lost 14 of their men, and lost 14 arms to the robbers with 125 ammunitions, and unfortunately about 41 innocent civilians lost their precious lives (Newswatch, 23 July, 2001, vol. 34, No.3, p.31). Furthermore, 751 vehicles were stolen during the same period January to July 2001 in Lagos by armed robbers, while the police recovered about 919 vehicles.

In any society where actors violate the Rule of Law and disrespect the tenets of Constitutionalism one should expect nothing less than the breakdown of law and order. In Nigeria, especially during the period of study the level of insecurity of peoples lives and property became unprecedented due to the abuse of the Western liberal democratic principles of Rule of Law and Constitutionalism by politicians and other actors. For example and as shown in Table 13 below, level of insecurity was high across the

country manifesting in armed robberies, cultism in schools, Civil disturbances and the reawakening of the Biafra spirit. The Niger Delta area had become a beehive of youth militants who generally disturbed peace in the region. In the table, for example out of the 350 questionnaire responses retrieved, 345 or 98.57% strongly confirmed the above assertion of deteriorating level of security in the process of democratization during the period of study.

TABLE 13: **QUESTIONNAIRE RESPONSE ON: LEVEL OF INSECURITY WAS VERY HIGH ACROSS THE COUNTRY**

Strongly Agree	Agree	Undecided	Strongly Disagree	Disagree	Total
345	5	-	-	-	350
98.57%	1.42%	-	-	-	100%

The tensions generated by the harsh economic and social conditions led to intolerance and the tendency to resort to violence at the slightest provocation. Thus series of communal clashes were recorded across the nation. In Kaduna, Lagos, Kano, Sokoto, Jos, Benue, Ibadan and many other major towns religious and tribal

crises had claimed thousands of lives and rendered thousands homeless. Notably among these and one with gravious consequences was the Plateau State crisis which led to a State of emergency imposed on the State by the President. This was in order to curb the seriously deteriorating security atmosphere in the State. The State of emergency imposed in May 18, 2004 was the third in the political history of Nigeria, after instances of 1962 and 1967 (Newswatch, May 31, 2004, vol.39, No. 21, p.13).

Evidences from the data acquired by this Dissertation indicate instances of break down of law and order in Nigeria's institutions of higher learning. Cases of cultism, serious arms build up and related crimes were found in Nigeria's universities and polytechnics, problems that became prominent. Almost everyone lived in fear except, those that carried guns and weapons. In 2001 for example, thirteen students were expelled in Lagos State University. According to the Acting Vice Chancellor of the University, Professor Abisogun Leigh, cultism was considered as a money making venture by students, hence its proliferation in institutions of higher learning. Similarly, ten students got killed in a gun battle between two rival cult groups, while in the University of Science and Technology, Port Harcourt three students were

killed in a clash between cultists. In University of Jos, three students got killed as a result of conflicts, while in Obafemi Awolowo University about seven students were killed in 1999, mainly as a result of election issues on campus (Newswatch, 29 July, 2002, vol. 36, No. 4, pp. 20-23). Surprisingly, most of the cult members were students from wealthy background, like the University of Lagos, "Lord" was the son of a former Chief Justice of the Federation, others were the children of top government officials and even the police. Weapons were usually supplied by the ex-student members of the cult. The fighting between Ijaw and Isekiri militant youths that claimed lives and properties was another instance of break down of law and order. Political violence, another source of insecurity, became rampant in the society. Political aspirants especially from the opposition were assassinated across the nation. Notable among these as reported by the Daily Trust were the assassination of Chief Marshal Harry the All Nigeria Peoples Party's Vice Chairman South-South Zone on March 6, 2003 in Abuja; the assassination of Honourable Uche Nwole, the former PDP House of Representative member in 1999 but who later joined the ANPP. He was shot dead in Owerri on Thursday 6, March, 2003 (Daily Trust, Friday 7, 2003; vol.5, No. 55, pp., 1-3).

Furthermore, the nationwide insecurity became a serious threat to democratic consolidation during the period of study. Cases of insecurity were witnessed across the nation, notable among which was the Port Harcourt Prison crisis of Friday 17, June, 2005 when an invading army of about a hundred armed youths led by Ateke Tom broke open the jail in Port Harcourt thereby setting free about one hundred and seventy-six inmates among whom were three militia men of the Niger Delta Vigilante Group; and other unrepentant criminals and warlords of the 2004 Niger Delta rebellion which took a detachment of the army to crush. The Niger Delta rebellion became a threat to the extent that the Federal Government had to sign a truce with Asari Dokubo, a tenacious rebel leader. But Dokubo and Tom's groups vowed to continue with further attacks of oil installations in the area while kidnapping foreign staff in the process. (Newswatch, July 4, 2005, vol. 42, No. 1, pp. 12-13).

In a similar development, the reawakening of the Biafra spirit was taking a new dimension. In Imo State the headquarters of the Movement for the Actualization of the Sovereign State of Biafra (MASOB) various money denominations of the defunct Biafra republic became openly hawked. The youths confessed that they

sold the Biafran money to get the Naira with which to purchase arms for the MASOB; and also to rekindle the Biafra spirit amongst the youths.

In Lagos, the insecurity issues became more serious when the United States embassy and others closer to it closed down for security reasons following a National Intelligence Council report that Nigeria was a potential terrorist target and might break up in next fifteen years. These had actually aggravated the already existing state of tension and insecurity in the country.

The growing population of street kids who could not point to anyone as father or mother was a pathetic story of rejection and neglect and difficulties in the struggle to survive the odds in Nigeria. The street was their work place and their home a corner somewhere under the bridge, and they practically depended on charity to eat, and when it was not forthcoming, to illegitimate acts like armed robbery and assassinations to eat. Some of these kids were used as house help like Rashidat Balogun who was brought to Lagos by one Pa Balogun, a middleman, and traded off as house help for N3,000 monthly which was collected by Pa Balogun. Rashidat at 15 years of age and from Oshogbo found herself in that pathetic condition because her father could not afford to take care

of his children due to loss of job. (Newswatch, 20th June, 2005, vol. 41, No. 24, pp. 13-23). Other categories of street kids became Party vanguards and assassins or notorious armed robbers posing serious threat to life, property and the nascent democracy.

Finally, from the social and economic angle and the analyses of the socio-economic life of Nigerians, there were more deficits than dividends of democracy during the period of study. In fact the government had failed he nation. Absence of portable water, erratic power supply, bad roads that often turn to death traps, insecurity, hunger, unemployment and deteriorating standard of education were some of these deficits. (Newswatch, May 28, 2001, vol. 33, No. 21, p.9). While on the other hand, ravaging poverty in a distress economy and social unrest, hyper inflation of prices had combined to reduce the democratic morale of Nigerians. The Naira became in its biggest trouble of loss of vlaue; about N140 to just 1 dollar (Newswatch, 7 May, 2001, vol. 33, No. 18, p.6), while almost everywhere was a prevailing passion of depression, disappointment and a feeling of dead end of hopelessness from the people due to the abysmal performance of the government (Newswatch, 11 June, 2001, vol.33, No.23, p.14). Life was almost lingering on the last lane!

4.13 **VIOLATION OF RULE OF LAW, CONSTITUTIONALISM AND FREEDOM OF THE PRESS AND EXPRESSION**

There is no doubt that the Nigerian press had had it a little so rough from the government. The case of unlawful and unconstitutional arrest and detention of Osa Director, Editor-In-Chief, and Chucks Onwudinjo and Janet Mba-Afolabi, Executive Editors of "The Insider" magazine on the orders of the Vice President Atiku Abubakar for publishing a story on Aso Rock Oil Bunkering scandal was one instance of breach of Rule of Law and abuse of Constitutionalism out of many. The story "Aso Rock Oil Bunkering Scandal: Atiku, Gusau Linked, 8 arrested ships to be Destroyed" generated a lot of heat. Though the bunkering was smashed at Forados and Escravos creeks, Atiku was alleged to be behind three vessels (M.T. Gloria, M.T. Tina, and M.T. Sara) which had about 4,000 metric tones of crude oil, while Gusau was linked to two of the vessels (M.T. Berinelo, and M.T. Breton 1) which had 17,800 metric tones of crude. Altogether, the eight ships carried 124m barrels valued at N35 billion (Newswatch, December 8, 2003, vol.38, No. 23, p. 35).

In the same vein, Mr Funke Fadugba, the chairman Nigerian Union of Journalist, Lagos decried muzzling of the press, which he

regretted fought to enthrone democracy, but was gradually becoming the casualty of democracy with rising cases of abuse and brutalization by the government. For example on 30th August, 2003, security attached to the Vice President allegedly beat a Journalist, one Akinleye, into a coma for taking pictures for Daily Independent Newspaper at the coronation ceremony of Rilwan Akiolu. Mr. Akinleye was given 1,900 dollars by the Vice President as compensation with an apology.

The violation of principles of Rule of Law and Constitutionalism seriously impacted on the freedom of the Press and freedom of expression especially when the government began curtailing the rights of newsmen in the country. This had led to the extent of molestations and unlawful arrests of publishers of newspapers and magazines for making public news against government interests. Table 14 however, further confirms the above asserton whereby out of the 350 responses, 220 or 62.85% of the responses strongly agreed, 110 or 31.42% agreed while only 15 or 4.28% disagreed and 5 or 1.42% were not decided on the issue.

TABLE 14: **QUESTIONNAIRE RESPONSE ON:**

THERE WAS LESS PRESS FREEDOM AND FREEDOM OF EXPRESSION

Strongly Agree	Agree	Undecided	Strongly Disagree	Disagree	Total
220	110	5	-	15	350
62.85%	31.42%	1.42%	-	4.28%	100%

In another development, at the second World Press Freedom Ranking of October 2003, Nigeria recorded a progressive deterioration in press freedom, ranking 49 out of 139 countries. According to the Reporters Without Borders of Paris, Nigeria was ranked at 103 out of 166 nations because of lack of laws by the National Assembly to enhance press freedom and freedom of political participation. It also alleged that security officers deliberately cowed the press and suppressed political expression on the orders of the government. Instances of the above allegation could be referred to July 30, 2003 arrest and brutalization of Mr. Femi Komolafe Labour Editor of Vanguard and Ola Awoniyi, Chief Correspondent of the French News Agency (Agence France Press) by the order of the police while convening a mass protest over the petroleum prices hike. Similarly, on July 31, 2003, Rotimi Ajayi, Political Correspondence of the Vanguard, and George Oshodi, Photo Journalist with the Associated Press were ruffled while

covering protest on petroleum price increase. Oshodi's camera was smashed by the police in the process.

The Freedom and Human Rights Bureau of the NUJ reported that it had eighty-one documented cases of press brutality by security agents. Furthermore, on 3rd December, 2002 the SSS detained one Abdurrahman, a political critic, while leaving the Murtala Muhammed Airport for London, and on the 6th December, 2002, Theoma Onbibi, Executive Director of Alliances for Africa, a regional human rights organization, was detained, while the SSS seized Kayode Fayemi's passport at the Murtala Muhammed International Airport, and on 11 January, 2003, the SSS similarly seized Odia Ofeimun's passport on arrival from Caracas, Venezuela.

Finally, the attitude of the government towards the press portray the government's fear of being exposed and challenged. This was another serious problem of the administration and a challenge to democracy in Nigeria. Similarly the arrest of pro-democracy rally led by activist Professor Wole Soyinka by the Police was another instance of the government credibility crisis. The police alleged that Soyinka's Citizens Forum did not obtain permission before the rally (Newswatch, 13 May, 2004, vol.39, No. 21, pp. 26-28).

4.14 **STRENUOUS EXECUTIVE-LEGISLATURE RELATIONS, AND CASES OF IMPEACHMENTS: MANIFESTATIONS OF ABUSE OF DEMOCRATIC PRINCIPLES OF THE RULE OF LAW AND CONSTITUTIONALISM**

The relation between the executive and the legislature which was supposed to be cordial, harmonious and smooth in order to pave way for policy formulation and implementation for the continuity and survival of the democratization process and democracy lamentably became sour and lukewarm over the years. The relation between the two important institutions of democracy became that of intimidation, threats and impeachment moves especially as served on the executive by the legislators. This has become a serious threat to the democratization process.

Indiscriminate impeachment of executive by the legislature, Speakers of the House by members acting on inducements by the executive were but manifestations of the abuse of provisions of the Constitutions apparently stemming from the violation of due process and abuse of the principles of the Rule of Law and Constitutionalism. This had led to strenuous relationship between the executive on the one hand and the legislature on the other. As indicated in Table 15 below 300 or 85.71% of the responses, out of

the 350 received, 300 or 85.71% agreed on the issue and 40 or 11.42% rather affirmed. However, 4 or 1.14% strongly disagreed, 2 or 0.57% were undecided while 4 or 1.14% disagreed. The strenuous relationship between the executive and legislative organs of the government had, by implication, affected smooth passaging of bills and the smooth running of the affairs of state.

TABLE 15: **QUESTIONNAIRE RESPONSE ON: RELATION BETWEEN THE EXECUTIVE END LEGISLTURE WAS LESS CORDIAL**

Strongly Agree	Agree	Undecided	Strongly Disagree	Disagree	Total
40	300	2	4	4	350
11.42%	85.71%	0.57%	1.14%	1.14%	100%

Impeachment, a sacred word in democratic governance, used only in extreme cases and as last resort, was abused and applied indiscriminately by the legislature on the executive. What was more disturbing was that the grounds upon which the executive was impeached were not enough for impeachment. However, the impeachment of some governors, speakers and Senate Presidents though grounded on allegations of embezzlement, fraud and money

laundering, were done without following due process and constitutional provisions.

The impeachment of Ekiti State governor Peter Ayodele Fayose along with his deputy Mrs. Abiodun Olujimi on Monday 16, 2006 by members of the State House of Assembly, though unconstitutional, was one of the trends that pervades the stability of the administration and poses a serious threat to the democratization process. The constitutional crisis that engulfed the state afterwards and the clamping of a state of emergency by the Federal government were events that portend danger to democracy.

The travails in Ekiti State that culminated in the impeachment of the governor and his deputy began when the Economic and Financial Crimes Commission (EFCC) went public with charges of corruption against the governor and his deputy in September 2006 (Daily Trust, Friday October 20, 2006 Vol. 14, No. 100). The State House of Assembly went ahead to investigate the charges and subsequently the Speaker of the House Friday Aderemi requested the State Chief Judge Kehinde Bamisele to constitute a probe panel on the charges. Bamisele, however, appointed Fayose's cohorts who exonerated the governor.

Apparently angered by the turn out of events, the House

consequently suspended Bamisele as State Chief Judge and appointed Aladejana as acting-Chief Judge and even mandated him to constitute another panel, which found Fayose and his deputy guilty and the House went ahead and impeached them. The Speaker was immediately sworn in as the governor, while on the other hand the deputy governor Olujimi claimed not guilty and, therefore, not impeached. She even continued to claim authority of the State since the governor had been impeached. Somewhere from his hiding place, Fayose continued to claim that he was still the governor. The Federal government declared a state of emergency in the State and appointed retired General Tunji Olurin as administrator on Thursday 19th October, 2006 (Tell, October 30, 2006, No. 44).

Almost in the same vain, the relationship between the governor of Anambra State Mr. Peter Obi of the All Nigeria Peoples Party (ANPP) who came to office in March 2006 after the Enugu High Court refused to entertain the application of impeached Governor Ngige, became strenuous over allegations of fraud and financial misconduct by the House of Assembly. Thus Peter Obi was served with impeachment notice by the House after an emergency session in October, 2006. At the meeting, conveyed by

the Speaker Mr. Mike Bolanwu, Peter Obi was accused of awarding contracts to friends and business associates, and of transferring state funds to a bank where he used to be Chairman (Daily Trust, October 17, 2006 Vol. 1 NO. 97). In a four page notice, eighteen of the members signed the impeachment notice. The notice was served barely few days after the President had visited the State and even sought for peace among party members. However Obi was impeached on the 2nd of November, 2006 by the House.

The impeachment of Peter Obi and his replacement by his deputy Dame Virgy Etiaba was done amidst speculations that the sworn in deputy governor might be impeached again (New Sentinel, November 12, 2006 Vol. 2 No. 17) by the PDP dominated House membership. The impeachment of Obi was not unconnected with the case he earlier filed in the court demanding for the extension of his tenure to its normal four year term. If the case became successful as was hopefully believed by Obi, the aspirations of Dr. Andy Uba to contest for the governorship and with the support of Obasanjo, would be dashed. Thus the legislators decided to impeach him to pave way for success of Dr. Andy's plans. The swearing of Dame Virgy Etiaba as Anambra State governor was still a mistake made by the House because; Etiaba could still prevent

Dr. Andy from achieving his plans. She thus faced the threat of impeachment by the House.

What is interesting, however, was the intervention of the PDP National leadership in the matter, where the Party asked the Anambra House of Assembly to drop the impeachment move against Governor Obi. But the party seemed less concerned about the impeachments of Ngigie, Fayose and the moves to impeach Dariye. Or was the party acting on the orders of Mr. President? Furthermore, the Anambra State House of Assembly seemed to have little honour in the plea of Mr. President on the impeachment move when he visited the State. In any case, the allegations against Peter Obi were not grounds enough for impeachment because there existed worse cases of misconduct in many states. However, the Governor was from the opposition party. Cases of impeachments have tended to overheat the polity thereby posing great danger to the democratization process and setting a bad precedence in the future. Worse still, they were done unconstitutionally in disregard to due process of the law.

The constitutional stalemate engulfing Plateau State as a result of attempt to impeach Governor Joshua Dariye by some members of the House of Assembly was another threat to the democratization

process. The crisis which began in February, 2006 when the EFCC submitted a report of corrupt practices by Dariye to the House and insist that he must be impeached, practically took a new dimension of power wrangling between the Speaker and his deputy and even divided the House. Furthermore, when the EFCC officials went to Jos, the Plateau State capital for investigations they were allegedly beaten up by mobs believed to be the governor's "security aids".

Among the members of the Plateau State House of Assembly only six opted for the impeachment while fifteen refused to endorse and even planned to decamp from the PDP. Among these were the Speaker Simon Lalong and his deputy Usman Zumunta Musa. But owing to pressure from mobs and the subsequent drafting of security to the House, the six-man members could not endorse the impeachment in Jos, rather they based their sittings in Abuja. Meanwhile, the security of the speaker and that of his deputy were summarily withdrawn by the government, and there were indications too that Dariye's security would also be withdrawn to pave way for his impeachment.

To exacerbate the crisis, however, Honourable Michael Dapialong claimed that in the absence of the Speaker who had now left PDP, he was the Speaker, while on the other hand Lalong was still

claiming authority.

4.15 CORRUPTION, ACTIVITIES OF THE ICPC AND EFCC: THE CONSEQUENCES OF ABUSE OF RULE OF LAW AND CONSTITUTIONALISM

It is undoubtful that corruption is the absolute manifest violation of the Rule of Law and Constitutionalism, two principles that embody provisions to avoid corruption. That corruption, a canker worm, a burden to national development and democratic stability, needed extra-ordinary powers to combat is incontestable. No wonder the National Assembly took over a year to deliberate and pass the legislation bill popularly known as the anti-corruption bill. The Corrupt Practices and other Related Offences Act was passed into law in 2000 which consequently gave birth to the Independent Corrupt Practices and other Related Offences Commission (ICPC) and the Economic and Financial Crimes Commission (EFCC). The two bodies were given powers to investigate and charge corrupt officials to court. However, the way and manner the two anti-corruption bodies arrested and detained suspects was unconstitutional. Sometimes, and allegedly on the order of the President, the activities of the ICPC and EFCC bore high degree of politicking, intrigue, intimidation and indictment.

Though the Bill was, lamentably, amended in 2003 by members of the National Assembly thereby reducing the powers of these anti-corruption bodies, however, the two institutions continue to function especially on the extra-ordinary powers of the Presidency.

But over the years, the ICPC and EFCC have been alleged to be acting within the confines of Presidential orders, though Mallam Nuhu Ribadu, the EFCC boss denied the allegation. Activities of the ICPC and EFCC in various states and involving a number of personalities confirmed that afterall the Presidency was using them as tools of intimidation and blackmail especially on those opposed to his views. The anti-corruption crusade of the two institutions had thus become questionable and dubious, compounded by allegations of bribery by their officials.

To buttress the above allegations for example, the former governor of Kogi State, Prince Abubakar Audu complained that the EFCC had been embarrassing him over allegations that he fled the country for fear of being investigated by the Commission. The truth is that the EFCC actually declared the governor wanted, as was publicly announced by Mallam Nuhu Ribadu (Daily Sun, Tuesday October 17, 2006). That Audu had “sneaked” out of the

country. But Audu confessed that he did not sneak out as alleged by Ribadu, rather he went out normally through the Nnamdi Azikiwe International Airport. As was usual, he was not stopped or searched or arrested for any criminal office. He also confessed that he was never, at any time, invited by the EFCC or the S.S. for any interview prior to his trip. The letter from the EFCC came to his house ten days after he had travelled.

On the other hand, however, and assuming Audu's confessions were true, then the EFCC was on to something else other than trying to bring corrupt officials to book. Furthermore, the unfortunate events in Zamfara State where the EFCC allegedly summoned all the State Commissioners to Abuja on allegation of corruption (Daily Trust Tuesday Oct. 17, 2006) without any concrete investigation pointed to the fact that the move was aimed at discrediting Governor Ahmed Sani of Zamfara who was a Presidential aspirant. Similar cases of intrigue and embarrassment took place in Kano State, Bauchi and many other quarters especially where the President's Third Term agenda was opposed.

The activities of the EFCC in Ekiti State recently left much to be desired. Though no one will agree to corrupt leadership in the executive over the legislature however minimal , but the way the

EFCC master minded the impeachment moves against Governor Ayodele Fayose and his deputy was incredible.

The impeachment of Fayose over alleged mastermind of the killings of Ayo Daramola, a gubernatorial aspirant in the State, and Tunde Ojomola, a Germany-based businessman, and alleged complicity in the botched N1.4 billion integrated poultry project and many related issues of corruption, was in order, however, the way and manner it was carried out practically by the EFCC was unconstitutional.

There is no doubt that it was the EFCC that turned the impeachment move against Fayose and Olujimi, who allegedly collected fifty thousand dollars out of the N1.4 billion poultry project, into an action of legal questionable grounds. The move however proceed into crisis, absurdity, impasse, imbroglio an chaos when the EFCC indicted and arrested the Ekiti State House of Assembly members charging them with corruption and forcing them to endorse Fayose's impeachment. Furthermore, the dismissal of the State Chief Judge Kayode Bamisele for inaugurating a pro-Fayose panel which exonerated the governor, the appointment of Aladejana as acting Chief Judge mandated to constitute yet another panel that found Fayose guilty, the

impeachment of the governor despite Justice Belgore's caution that the move was unconstitutional all point to a serious Federal Government involvement and manipulation to achieve political interest. The hasty clamping down of emergency on the state could be one of these interests.

Nuhu Ribadu's comment that Fayose deserved to be impeached to pave way for his arrest and trial point to EFCC's active role in the foul play. But was Fayose the only corrupt official in the system? The believe is that there were worse cases of corrupt officials in the President's cabinet, the National Assembly and the states, and which were done under the nose of the President but the EFCC did not make move to combat them. Though Nuhu Ribadu claimed that the EFCC only act on petitions; but media reports on corruption and the names of those involved were grounds enough for the EFCC to move if really it was meant to do its job and if it was not a tool of political manipulations in the hands of the President.

In Bauchi State, the EFCC claimed that Governor Adamu Muazu was under probe involving fraud of N4,973,202.10 at Shiva Local Government. But according to the Bauchi State Secretary to State Government, Alhaji M.N. Umar, the figures as quoted by the

EFCC were not in tandem with the records on ground. This shows another attempt of mischief on the Bauchi State government probably to discredit the governor for one political reason or the other.

In Plateau State, the story was almost similar. The EFCC accused Dariye, the State Governor over money laundering and embezzlement (Daily Trust Friday, October 30, 2006). However, the State House of Assembly seemed to be on the side of the governor, and only six out of the twenty four members endorsed the EFCC allegations. Even these six members were alleged to have been forced by the EFCC for the endorsement in Abuja where they were detained. The case of Dariye could not be unconnected with his disagreements with Senator Ibrahim Mantu, and the EFCC's involvement in the matter seemed to have been masterminded by the President who, according to Solomon Lar, the first PDP National Chairman, insisted that Dariye must resign.

Finally, and on the balance, the accusations labeled on the EFCC of being the President's watchdog and tool of pertuation of political interest seem credible owing the problem between the President and his deputy, the accusations and counter accusations of corruption between the President and Atiku while the National

Assembly and the EFCC said nothing, did nothing and even pretended as if they were not existing. If the EFCC was truely an anti-corruption institution established by law, it should have acted and done its duty by insisting on the impeachment of the President and his deputy because they were both corrupt. The National Assembly must insist and impeach the President and his deputy since the two had succeeded in demonstrating to the world that the crusade against corruption was a mere window dressing.

4.16 THE NATIONAL ECONOMIC EMPOWERMENT AND DEVELOPMENT STRATEGY (NEEDS) AND THE NIGERIAN ECONOMY AND SOCIETY: A CRITIQUE OF GOVERNMENT ECONOMIC REFORMS IN THE DEMOCRATIZATION PROCESS.

Amidst excessive violation and abuse of the Western liberal democratic principles of Rule of Law and Constitutionalism by the politicians and other stake holders, and the attendant consequences as manifests in lack of accountability and transparency in government resulting in massive corruption scandals, weakening of the Judiciary and judicial process, and the manipulation of the electoral process leading to elections that were not free and fair, the government took time to introduce some

economic reforms that were characteristically anti-social, undemocratic and vague.

Notable amongst these reforms and one with unimaginable consequences had been the National Economic Empowerment and Development Strategy, popularly known as NEEDS. As vague and confusing as its name, the National Economic Empowerment and Development Strategy seemed to have made very little positive impacts in uplifting the living standard of the people through improving their income and the economy in general. This Dissertation will, therefore, attempt to examine the nature, character and policy drive of NEEDS before making any critical assessments on its impacts on the Nigerian electorates in a democratization process the success of which depends on an economy that is free and democratic. Also this Dissertation will attempt to examine the extent to which the economy was democratized to enable meaningful political participation by the poverty striken Nigerians during the period of study.

Premised within the context of the International Development Targets (IDTs) which were set in 1996 to improve the economic well-being social and human development of the world's population, and to ensure environmental sustainability and

regeneration, the Nigerian government decided to introduce NEEDS as a framework of addressing these International Development Targets (NEEDS DOCUMENT, 2004:16).

However, in September 2000, 149 World leaders, under the auspices of the United Nations, adopted the UN Millenium Declaration which listed a series of Millenium Development Goals which embraced most of the International Development Targets and even added poverty concerns related to hunger, water, disease, AIDS, orphans and urban poverty.

As a policy thrust in the 2001 Kuru Declaration, the NEEDS DOCUMENT embodied the vision the government has for Nigeria "to build a truly great African democratic country, politically, united, integrated and stable, economically prosperous, socially organized, with equal opportunity for all and responsibility from all, to become the catalyst of (African) Renaissance, and making adequate all-embracing contributions, sub-regionally, regionally and globally" (NEEDS DOCUMENT 2004:4) the National Economic Empowerment Strategy can be seen as a plan to overcome the deep and pervasive obstacles to progress bedevilling Nigeria and which have been identified by the government and the peoples of Nigeria. It was a policy that aimed at value re-orientation, wealth creation,

poverty reduction, and above all employment generation. The core-value of the strategy included among others, the recognition of importance and respect for elders, honesty and accountability, cooperation, industry, discipline, self-confidence and moral courage (NEEDS DOCUMENT, 2004:3).

As a strategy, however, NEEDS was designed to give very high priority to agriculture, small scale enterprises, improvement of irrigation to farmers, machinery, improved rural infrastructure, access to improved crop varieties and commodity marketing facilities. The process of achieving the strategy included among others, improving the educational system, improving the health care delivery with special emphasis on HIV/AIDS, malaria, tuberculosis, and reproductive health, establishment of a special contributory pension scheme, and improving infrastructure with special attention to electricity and roads network.

The above reforms were supposed to be achieved through a Macro-Economic framework procedure whereby the National Economic Empowerment and Development Strategy (NEEDS) would focus special attention to:

a) Empowering People: through allowing the private sector to thrive, creating opportunities for employment and wealth

creation, creating a system of incentives that reward hard work and punish corruption, investing in education and providing special programmes for the most vulnerable members of society. However, the reality was that creating opportunities for employment was more illusory than true while education was still underfunded.

b) Promoting Private Enterprise: Under NEEDS, the private sector would be the engine of economic growth as the executor, investor and manager of business while the government would play the role of enabler, facilitator and regulator, helping the private sector grow, create jobs and generate wealth. Supposedly, therefore, deregulation and liberalization would diminish governmental control and attract private sector investment. But despite the above policies, the government recorded very little success in allowing private sector grow, jobs were not created to cater for teeming unemployed and poverty had become increasingly pervasive especially during the period of study. Furthermore, NEEDS was supposed to enhance security and rule of law, infrastructure, finance, regional integration and globalization. But notably the level of security had degenerated and the

violation of rule of law especially by the organs of the government was rampant, thereby indicating the illusory character of the NEEDS framework.

c) Changing the way the government does its work: NEEDS was, according to the document, designed to make the government smaller, stronger, better skilled and more efficient in delivery essential services. The government would be transformed from a haven of corruption to an institution that spurred development and serves the people. According to the NEEDS DOCUMENT, when in-kind benefits for civil servants like subsidized housing, transport and utilities were monetized, government jobs will decline dramatically and the cost of running government will fall. By implication, therefore, this policy was intended to throw many people out of employment thereby compounding the already saturated labour market. And with teeming jobless masses, the outcomes were insecurity, corruption and crimes manifesting in armed robbery and militant groupings like those in the Niger Delta area. Furthermore, the DOCUMENT stipulated that reforms and regulations will be implemented to ensure transparency and accountability and corrupt practices will be outlawed.

The extent to which these so-called reforms were implemented to lead to the achievement of the desired goods was still contestable.

4.17 NEEDS AND THE MILLENIUM DEVELOPMENT GOALS

The United Nations Declaration committed the UN member Statesto achieving those Millenium Development Goals (MDGs) which were the offshoots of the International Development Targets (IDTs) and much more. However, this Dissertation intends to examine these MDGs vis-à-vis NEEDS responses and the possible achievements as claimed by the NEEDS DOCUMENT. This would be done with special attention to the NEEDS policy thrust in the achievement of these goals.

As earlier enumerated, NEEDS specifically addressed the International Development Targets as embodied in the Millenium Development Goals, the followings of which the UN Declaration committed UN member states to achieve by 2015.

To halve (1/2) the proportion of people whose income is less than one dollar a day and who suffer from hunger, NEEDS aimed at achieving this by introducing wide-spread government reforms that would enhance GDP growth by 6% per annum; develop public-

private partnerships to stimulate rapid infrastructure development including provision of water for domestic and commercial use; draw up a social charter or contract between the government and the electorates to ensure that voices of the poor are heard and their concerns addressed (NEEDS DOCUMENT, 2004:17).

However and despite these seemingly perfect plans, though not clearly defined, but which were either poorly implemented or not implemented at all, the reality is that a large proportion of Nigerians were living well below 1 Dollar per day, and far down the poverty level during the period of study, an indication that NEEDS thrust in addressing this MDG was more of failure than success.

Achieving Universal Primary Education: NEEDS thrust on this MDG was geared towards reducing the number of unqualified school teachers by about 80%, and mobilizing community and private sector involvement in education.

Reduce maternal mortality by three quarters (¾) and under five child mortality by 2/3. Halt and begin to reverse the spread of HIV/AIDS, malaria and other major diseases. Provide special assistance to children orphaned by HIV/AIDS (NEEDS DOCUMENT, 2004:17). To address this very important MDG, NEEDS planned by setting up of comprehensive health centres,

and the introduction of new Health Insurance Scheme based on personal contributions. But despite this policy thrust, health centres were still inadequate in relation to the proportion of child mortality rate and maternal mortality especially during labour or delivery. Moreover, NEEDS had not adequately addressed the problems of malaria related diseasea and the “Special assistance” given to children orphaned by HIV/AIDS was still insignificant, even the new National Health Insurance Scheme was yet to fully commence as civil servants seriously complained on the inefficiency of the scheme to address their family health-related problems.

Significantly improve the lives of at least 100 million slum dwellers by 2020, NEEDS policy thrust included the provision of affordable housing, water and sanitation, introduction of programmes to build skills and enterpreneural development, improving access to credit, improving access to adult education and offer scholarships (NEEDS DOCUMENT, 2004:16-17). However, during the period of study, problems of over population and congestion in the urban areas due to shortage of housing were manifestations of NEEDS failure to provide affordable housing to meet this MDG by 2020. The proportion of slum dwellers had been on the increase as most people could not afford to rent houses in

relatively descent locations in the cities. Furthermore, the problem of adequate water supply was no longer identified in the rural areas alone, even Abuja the capital Territory of Nigeria, of all places, was not spared. Recently the government had to ban hawkers of water in jerry cans from parading the city. This had been a major set back as far as the NEEDS policy thrust was concerned. There was no one city or town in Nigeria that could boast of adequate water supply from the government.

However, and on the balance, and giving the policy thrust, and strategy of the National Economic Empowerment and Development Strategy (NEEDS) and according to the NEEDS DOCUMENT, the success of NEEDS rested on three pillars. These included empowering the people, creating environment that enabled Nigerians to make the most of their natural resources and flair for business, and reforming the laws and the way the government works. People would be empowered through generating jobs to improve incomes, housing, health care, education, political power and physical security. Jobs would be created by making it easier for providate sector to thrive and by training people in skills relevant to works and by promoting rural development. NEEDS would create 7 million new jobs by 2007.

But the problem of unemployment continued unabated manifesting the illogicality of this policy. Other means of empowering the people included creation of affordable housing, improving health care services and strengthening skill base through Universal Basic Education and increased school enrolment and better trained teachers and the building of technical schools and buying equipment; protecting the vulnerable, and the promotion of peace and security by reforming the security sector, police re-orientation towards more people friendly service, establishment of early warning and response system to detect conflict.

Furthermore, the NEEDS DOCUMENT identified the promotion of private enterprise as another pillar imperative to the success of the strategy. This could be done by stabilizing the value of the Naira, creation of sufficient foreign exchange to buy goods from abroad, development of infrastructure like power, transportation and telecommunications, simplifying import and export procedures in order to increase turn-over of business, improving infrastructure by completing 3,000km road network, and strengthen the Roads Maintenance Agency to oversee the repair and maintenance of some 500 roads, develop seaports and upgrade railways. Most of these projects were never realized as at the

period of this study.

As a carefully designed paper blueprint, NEEDS could be seen to have made very little impact on the economy, however, other important pillars necessary for its success included promotion of industry in the areas of food processing, industrial chemicals, information and communication technologies, biotechnology, electronics and space technology, energy, oil and gas which would ensure 7% annual growth, 70% capacity utilization, and 70% investment made by private sector by 2007. In fact, most of these plans never left the NEEDS DOCUMENT lest they be implemented by the government. One begins to wonder who the government was really fooling. Promotion of private enterprise would also include improving agriculture and promoting other sectors with particular attention to development of a deep sea port, free trade zones, ship building facility in order to boost coastal shipping, international trade and regional integration.

Finally, the success of NEEDS would depend on changing the way government does its work through the establishment of the New Budget Monitoring and Price Intelligence Unit which would review, oversee and certify government contract to ensure value for money, popularly known as “due process”, massive anti-corruption

campaigns through the ICPC and EFCC to outlaw corrupt practices and expose unethical and illegal practices and punish those who engaged in them, and annual budget framework and guidelines for balanced budget implementation of priority programmes and budget discipline and cost effectiveness. However, the case of corrupt Ministers in Obasanjo's cabinet and corrupt Senators that were never punished, and the case of the NNPC turnover maintenance scandals were some of the manifest contradictions of NEEDS.

However and despite the pervasive socio-economic and political problems bedeviling the Nigeria polity thereby threatening the democratization process, the government proponets of NEEDS shamelessly claimed that between 1999-2003, NEEDS recorded some measure of success. Amongst the achievements of NEEDS as found in the NEEDS DOCUMENT, 2004, could be seen in the areas of International relations whereby Nigeria re-integrated with regional and international community, and Nigeria's role as a founding member of the New Economic Partnership for African Development (NEPAD), the Economic Community of West African States (ECOWAS), and Nigeria's Chairmanship of Commonwealth countries. One wonders in what capacity NEEDS influenced all

these.

Other areas of achievement according to the Document included infrastructure development notably electricity generation which had doubled since 1999, while during the period of study the nation continued to experience erratic supply of electricity, telephone lines which rose from 400,000 in 1999 to 8 million in 2003; economic development whereby agriculture boosted productivity grew by 7% in 2003, industrial capacity more than doubled: 29% in 1999 – 60% in 2003, GNP grew by 5% averagely between 1999-2003, a significant increase over the 2.8% rate in 1990's, unemployment fell from 18% in 1999 to 10.8% in 2003, 3.5million new jobs were created, foreign direct investment in non oil sector grew by 3.6% annually between 1999-2003; enhancement of security whereby the police force doubled in size between 1999-2003, security facilities and equipment were significantly enhanced (NEEDS DOCUMENT, 2004:9),

this was despite the high crime waves and the threat to strike by the Police in 2002.

In fact one does not need to go any further to ascertain the failure of NEEDS. From the context of NEEDS implementation levels by the organs involved, it would be serious exaggeration to

attribute most of the above so-called achievements to NEEDS. For example Nigeria was a member of ECOWAS long before the introduction of NEEDS, and to say that economic development was achieved through NEEDS is a serious fallacy. The strategy was so unpopular that most Nigerians could not feel its impact at the state level (SEEDS) or the local government level (LEEDS). No wonder when a Ministerial candidate was asked about NEEDS by the Senate during the screening exercise for Obasanjo' second cabinet, the man became dumfounded and practically showed he knew nothing about the word.

4.18 **THE NEEDS POLICY: ASSESSMENT OF IMPACTS ON THE ECONOMY, THE PEOPLE AND THE DEMOCRATIZATION PROCESS**

The NEEDS economic reform programme as contained in the document of the administration during the democratization process seemed to have varying degree of impacts on the economy, the people and the democratization process in general. Unfortunately, the impacts were more negative than positive giving the deteriorating standard of living of the people, increasing unemployment level and a general decay in the economy.

Moreover, these reform programmes have been the source of series of communal clashes as generated by anger and frustration emanating from discontents in the teeming unemployed youths in the society. This was despite the poverty Alleviation Programme of the regime as contained in the NEEDS policy which could not help mattes much.

The NEEDS economic recovery policies, the dictates of the IMF and World Bank were among the following: deregulation of down stream petroleum sector of the economy, the privatization of government parastatals and companies so as to reduce over burden in government spending, rationalization of the work force to reduce huge salary expenditure and ensure efficiency, poverty alleviation, sanitization of the banking sector, and debt relief. However, these polices had done more damages to the economy, the people and democratization process over the years as would be analysed shortly.

First, the deregulation of the petroleum products, though not an earlier initiation by the administration, was premised within the argument that petroleum products would increase, bringing to an end the agony of fuel scarcity and its attendant consequences. Furthermore, with deregulation, the government would have

enough funds to revitalize the nation's refineries which had been down for long. This funding would come by increase in the fuel prices of these products, because the government was in a way withdrawing any subsidy attached to petroleum marketing, thereby increasing the price.

However, and despite protests from the people, with the Nigeria Labour Congress (NLC) at the forefront, the government went ahead and deregulated the petroleum products by announcing the withdrawal of oil subsidy. This action instantly jerked the price of petroleum products. When the government came to power in 1999, the price of petrol per litre was approximately N11.00k, but barely five years after inception, the government increased petrol price five times, an average of once every year. Even this was not enough, and despite series of strike actions by the NLC. By 2006, the price of petroleum had increased to N67 – N70 per litre.

The impacts of deregulation of petroleum on the democratization process could be seen in the instantaneous increase in the prices of commodities, labour, spare parts, transportation and housing. Virtually every commodity tended to have a new increased price tag. The implication was that the

already poverty stricken masses found it extremely difficult to survive with low level of income and purchasing power. This was a serious blow to democracy and because the people, now more pauperised than before could not exert their political will on the leadership, and to worsen the situation active political participation became seriously hampered especially when erring politicians resorted to use of money to manipulate political interests and even rig elections while the people were watching or aiding the action.

Secondly, the privatization policy of the regime did more harm to the economy and the people of Nigeria in the sense that those that were supposed to benefit from the policy did not. The policy which was intended to increase efficiency and productivity by selling of government companies to private individuals became chaotic as only wealthy Nigerians got access to shares. It is true that over the years government owned companies performed well below expectations despite government funding on them, however the way the policy was implemented became a serious threat to democratization process.

For example the privatization of the fertilizer factories led to increase in fertilizer prices as marketers decided the prices in the face of withdrawal of government subsidy. The intention of

increase in agricultural production therefore became defeated. This applied to many of the textile factories, the aviation industry and other affected companies nationwide. Moreover, the privatization of aviation and air transportation over the years had led to serious tragedy of plane crashes involving lives of innocent Nigerians. Companies were given licences indiscriminately without proper check of planes and efficiency of personnel. Recent among these plane crashes wee the ones involving the Bellview Plane in 2005, and the ADC Plane in 2006 which claimed the lives of the Sultan of Sokoto, Muhammadu Maccido, the Deputy Governor of Sokoto State, two senators and very important personalities across the nation. This was a serious threat to democracy.

Third, the rationalization of the work force actually threatened the democratization process in the sense that several people were thrown out into the already saturated labour market. The rationalization exercise had, over the years thrown thousands of Nigerians on to the streets without jobs. But despite the already compounded bad unemployment trend, the government earmarked to disengage more by 2006. An estimated 75,000 was earmarked for rationalization out of the 185,000 federal workforce. This was despite the 2,355 and the 4,500 sacked in 2004 and 2005 in the

NNPC and the Aviation Ministry alone. The privatization policy was very much instrumental in this.

The impacts of the rationalization drive were numerous though it had made the government smaller (NEEDS DOCUMENT, 2004:8), but weaker and not better skilled, with more problems among which were armed robbery, political thuggery and vanguard of political parties and politicians, cultism and even prostitution as many unemployed found income through such atrocities. The attendant consequences were general insecurity and violence in the society. This was despite the NEEDS security strategy as contained in the DOCUMENT (NEEDS DOCUMENT, 2004:27). This had tended to pose a threat to the democratization process as democracy could not be built in an atmosphere of insecurity.

The poverty alleviation programme of the administration could not provide the estimated jobs to the teeming unemployed, and thus could not solve the problem. This was despite the alleged 3.5 million new jobs created by NEEDS as contained in the DOCUMENT (NEEDS DOCUMENT, 2004:9) and the huge funding from the government through local and state governments. The way and manner the policy was implemented and without proper government monitoring left much to be desired. The policy was

characterized by insincerity as politicians resorted to paying a minimum of N3,000 each to party loyalists and relatives with the money meant for the programme. The failure of the policy was therefore unavoidable. Teeming numbers of thousands of unemployed youths continue to pose a threatening finger to the success of the democratization process and the institutionalization of a genuine democracy in Nigeria.

Fourth, the sanitization of the banking sector by the administration though a welcome policy nationwide, had its effects on the economy, the labour market and hence the democratization process. It is true that many banks crashed due to inadequate capital base. A lot of customers were affected by this tragedy. Notably among the se banks was the African International Bank. However, to save the situation and introduce sanity into the banking industry, the Federal Government fixed the Capital base of any bank wishing to operate at N20 billion.

The policy made many banks to fold up especially those that could not meet the December 2005 deadline, and many were forced to merge with more credible banks. The result was that many workers were laid off thereby compounding the already distressful unemployment situation. However, several banks settled their laid

off staff adequately to be able to start a new life, but the truth was that the unemployment problem continued unabated with its attendant repercussion and impacts on the polity.

In the interim, however, the regime recorded commendable success in securing of debt relief from the nation's western creditors. The efforts of the former Finance Minister Mrs. Ngozi Okonjo-Iweala were highly commendable. But the problem is anchored within the way and manner the government would divert the resources meant for debt settlement towards the success of the democratization process.

In conclusion, therefore, the NEEDS economic reforms have had varying degree of impacts on the democratization process given the way the people continued to live below the poverty level. Furthermore, the level of political participation has been weakened by continued poverty, unemployment and related crimes. The reforms had generated more groans than gains especially the deregulation of petroleum and withdrawal of fuel subsidy which had led to spiraling inflation in the country. In any case, the democratization process was threatened by these reforms and the corrupt practices of erring and undemocratic politicians in the system.

4.19 **SUMMARY AND CONCLUSION**

Summarily therefore, to say that the Fourth Republic regime had failed Nigerians was, to say the least, a gross understatement. The regime had failed to stimulate economic activities and promote development. It was a government that had no economic agenda that could pull Nigerians from the abyss of poverty, hunger and stiffling communal clashes and loss of life. Even the NEEDS Economic reform policies were as vague and unclearly defined. Yet the President had carried on as if nothing was wrong. It was also a government that respected no opinion except that of Mr. President, which was why he appointed special advisers, whose advise he said he was not bound to accept. Most of the NEEDS programmes for economic emancipation had failed – poverty alleviation, anti-corruption crusade, local government reforms. None of them had taken the nation nearer to the end of the dark tunnel. The President was at war with almost everybody – the NLC, ASUU, the media except of course the oil marketers whom he used to drain the pockets of impoverished Nigerians (Newswatch, November 17, 2003, vol. 38, No. 20, pp. 7-27). In fact the general scenario in Nigeria was a tenure full of Credibility Deficits arising from bad economic infrastructures, an emasculated Judicial System, a badly

managed police force and a general fall in the standard of living of most impoverished Nigerians (Weekly Trust, September 6-12, 2003, vol. 6, No. 37, p.2).

The socio-economic conditions were no better during the period of study. Rising figures of the unemployed had become a normal sign, retrenchments continued unabated, crimes became rampant and cases of communal and religious crises continued to dominate the pre-occupation of Nigerians. The culture of tolerance, which was very much relevant to democratic governance was almost absent. The problem was not lack of money, but mismanagement and monumental corruption and disloyalty.

The regime produced a Nigeria that occupied the verbal vanguard pontificating and giving precepts all over the world without any example to show, with Mr. President, mistakenly taken for an apostle and untiring champion of democracy who had, as it were, forgotten to do at home what he had been busy preaching abroad (Daily Trust, Friday September 26, 2003, vol. 6, No. 100, p. 40).

All these were the manifests of the abuse and violation of the Rule of Law and Constitutionalism, two cardinal principles of Western liberal democracy and the abuse of which impacted on the

lack of accountability by the government leading to serious credibility deficit, manipulation of the electoral process and the emasculation of the judiciary and justice in the country. According to Table 16 below, out of the 350 responses received on the abuse of the principles of democracy, 318 or 90.85% agreed that these principles were abused, 18 or 5.14% strongly agreed, 6 or 1.71% were undecided on the issue while 3 or 0.85% and 5 or 1.42% strongly disagreed and disagreed respectively.

TABLE 16: **QUESTIONNAIRE RESPONSE ON:**

THE PRNCIPLES OF DEMOCRACY WERE SERIOUSLY ABUSED DURING THE PERIOD OF STUDY

Strongly Agree	Agree	Undecided	Strongly Disagree	Disagree	Total
18	318	6	3	5	350
5.14%	90.85%	1.71%	0.85%	1.42%	100%

The leaders' propensity to steal, fuelled by the "Settlement Syndrome" policy of the Obasanjo government, including in graft and other forms of corruption to "settle" the Party's financier cohorts and of which the Obasanjo government was famous for, were no reasons to consider Nigeria broke. The country had no

right to be broke for between 1999-2002 alone the government had earned and spent Six Trillion Naira (N6 trillion), the Federal and State governments had expended N4.8 trillion with very little to show for it. Furthermore, by 2003, the government expected revenue stood at N3trillion, and from the non-oil sector the government was expected to rake N1.2 trillion totaling about N4.2 trillion in the nation's till (Daily Trust, Monday, October 27, 2003; vol.7, No. 23, p.40). Lamentably and despite the amount of expected revenue accrued to the government, there were no developmental plans in the offing, government officials and politicians had looted the treasury and stolen the nation dry.

In conclusion, though one cannot entirely dismiss the government as a failure principally for a number of reasons: at the local government level some development projects were executed by those chairmen of Councils committed to the plight of their people, and also some State governors had done much to be commended, for example, Kaduna State. However and on the balance, and taking the Presidential agenda as contained in his maiden speech as parameter for evaluation, the behaviour of actors and stakeholders in the administration had been anything but abysmal and undemocratic, manifesting in serious abuse, violations and

contraventions of the Rule of Law and Constitutionalism. This had led to corruption and serious credibility deficit, emasculation of the Judiciary and Judicial process, manipulation of electoral process even at levels of party primaries, and curtail of press freedom. No wonder the crisis in the oil areas and general confusion, chaos and lack of focus continued with gravity. Agriculture remained poorly funded; armed robbery, cultism and assassinations continued unabated; corruption proliferated unchecked; infrastructural collapse aggravated; manufacturing sector comatose; no jobs, no foreign investment, no budgetary directions, no accountability and no credibility. In fact the concept of democratic governance was abused with impunity by the performance of the government. The principles of accountability, transparency and good governance; the principle of constitutionalism; Rule of Law and the Judicial System; the principle of free and fair electoral process; press freedom were but alien to the government. The government observed them the least and in most cases in the breach. The politicians and political office holders were very much instrumental in this respect. The democratization process, therefore, though in a dark stark wood, was heading for the rocks.

The problem of the administration was a tragedy of the

limping lame duck, an administration whose tenure was in sight, but tended to lose focus, lose authority and possibly even falls apart in recriminations. The administration was floundering about like a lame duck, striking here, quacking there, flapping its wings here, dredging the mud there, but unable to accomplish much in the end.

CHAPTER FIVE

THE CONDITONS FOR THE SUCCESS OF DEMOCRACY IN NIGERIA

Introduction

The perception of Nigeria as a country where democracy has continuously failed is predicated on the negative behaviour and attitudinal approach to and abuse of democratic principles of Rule of Law and constitutionalism, transparency, fair electoral process, freedom of press and fair hearing among others by the Nigerian politicians and political office holders, and the role of the transition agencies over the years. Elements of democratic practice include a general acceptance of electoral and party political arrangements within which diverse group interests are represented as well as the formal constitutional guarantee and existence of certain liberties and freedoms. However, the institutional manifestations of these democratic practices include representative bodies such as parliaments, elected executives and a virile judiciary. The failure of successive experiments with democratic governments belies the existing lag between the political institutional foundations of democratic development and the attitudinal dispositions conducive to the realization of the promise of democracy (Sambo, A.

1994:219).

From the above, this chapter would attempt to examine the conditions that are necessary to the success of democratization and consolidation of democratic politics in Nigeria.

Transition as an aspect of democratization encompasses a fundamental and qualitative change in the state of being of the relevant entity as for example the revolutionary overturning of prevailing structures and relationships in a society and their replacement with a significantly new, and usually qualitative higher network of ideas and symbols. A transition is an epoch defining experience with boundary transcending and barrier breaking qualities which always result in definite change of place, nature and state of being of the subjects that experience it. As a social policy, therefore, transition, al beit democratization, involves a conscious attempt at redirecting the social value system as well as individual behaviour, an important democratic pre-condition, to new ends.

From the above, it follows that the behaviour and attitudinal disposition of actors are fundamental to the germination of qualitatively higher network of ideas and symbols relevant to democratic consolidation. Transition processes must, of necessity,

encompass the process of creating political institutions such as political parties; of linking these institutions up in a system of relationships with one another and with the total environment, and of inducing members of the relevant social system to imbibe the behavioural patterns thrown up by the frame work.

5.1 INSTITUTIONALIZATION OF DEMOCRATIC CULTURE

Barely out of the abyss of long military dictatorship and the culture of militarism, the future of democracy would remain bleak in Nigeria without the institutionalization of a strong democratic culture in the polity. The concept of democratic culture is dependent on the existence of modern state that can protect the rights of its citizens and extract duties from them. Since the essence of democracy is for citizens to be able to ventilate their views through unrestrained debates, unrestricted communication between the government and the governed is, therefore, of utmost necessity. This way, a democratic political culture contrasts sharply with the culture of authoritarianism (International IDEA, 2001:46).

As an important infrastructure for future democratic consolidation in Nigeria, the democratic culture as opposed to militarism must prevail. The political environment must be

tolerant, patience must be the philosophical basis for political debates, the relationship between the legislature and the executive must show proper appreciation of the political boundaries of both. The attitude of the Executive must be that of tolerance, not the one of teleguiding the legislature as if in a military system. Impeachment must not be invoked on trivial issues and matters as routine as expenditure. Violence must not be the one and only way of settling issues, or the only means of attracting attention to problems.

An undemocratic culture is about the most serious threat to democratization process, and anti-thetical too to democratic consolidation. The culture of arbitrariness, command-and-obey syndrome, intemperate language, total absence of debate, intimidation of civil society, disregard for civil rights, absence of the rule of law and due process, and the emasculation of the judiciary are but elements of culture clearly undemocratic, in which the consolidation of democracy is never guaranteed.

5.2 **A UNIVERSALLY ACCEPTED ELECTORAL PROCESS**

The future success of democracy in Nigeria depends on another important structure: the electoral process. The universal

adult suffrage would be instrumental in consolidating democratic governance in Nigeria. Failures of democratic systems in the past years had been attributed to specifically the issues of elections and election results. Where the rules for election are not generally accepted by all the political parties and relevant actors in the field, the acceptance of election results would be rather difficult. The need for tribunals to address elections petitions is predicated on the assumption that the results were not acceptable to all.

As highlighted earlier, the Nigeria voting system was at times strayed towards caricature: faking, cramming of ballot boxes, underage voting, doctoring of results etc. and various manipulations ending naturally in results that one already knows, (Henriette, 1997:62). This practice had gradually eroded the people's confidence in the Nigeria electoral process. Other problems relating to logistics, availability of voting materials at the stipulated time of election must be addressed.

Invariably, therefore, for democracy to succeed there must be a better electoral exercise of a universal voting system which would be the basis for the legitimacy of the democratically elected government. The universal voting system must be sustained and guaranteed through the elaboration of an electoral code fixing the

rules of the game acceptable by all parties and actors; equal access to government media during election campaigns. Furthermore, supervision and observation of the electoral machinery during the process must be done by a non partisan organization or body. Underlying each of these steps is the adequate and effective political education of Nigerians, normally the prerogative of the political parties, on the mistakes inherited from the collapsed electoral systems of the past civilian regimes (Henriette, 1997:63). The masses would then be the architects and defenders of their political life and good course. A well defined universally accepted electoral process would bring a political change without which the future success of democracy in Nigeria would rather be illusory.

5.3 EMERGENCE OF THE LEGAL STATE

The advent of the Legal State as established by constitutional provisions would protect the citizen by clearly defining his obligations and rights thereby ensuring the future success of democracy in Nigeria.

As a concept and structure in democratic politics, the Legal State must emerge to ensure the redistribution of income so as to reduce the extant gap between the social classes in the society where a work code curbs the capital freedom, where the law

corrects the bills, and where the protection of the individuals and the minorities balances the wish of the majority (Bruckner Pascal in Henriette, 1997:63). Central to the conceptualization, al beit the emergence of the Legal State, is the institutionalization of balance of power. This is inspite of the impracticability of Montesquieu's principle of Separation of Powers in our democracy. A principle more ideological, however, at least the independence of the Judicial power had to separate from and surpass any other power in the executive or legislative realm. The independence and power of the Judiciary must prevail so that justice could prevail in Nigerian society. The odd deeds of democracy in Nigeria more often than not emanates from the subjection of Judicial Power to the Executive one, as in the emasculation of the Judiciary by the executive. This achieved, a condition for democratic consolidation in future Nigeria would have been laid.

5.4 **RESPECT FOR HUMAN RIGHTS**

Definitely man possess, independently of his origin, of his social condition or of his environment, a certain number of personal rights which are so inherent to his being which he would not be pleased to be deprived of without having his personality assaulted. Furthermore, the preambles of the Nigerian

constitutions contain the Declaration of Universal Human Rights as voted by the General Assembly of the United Nations since 10th December, 1948. However, most regimes in Nigeria whether military or civilian, did not actually recognize most classical freedoms of information, of expression, of association. Peoples rights had barely been respected, arbitrary arrests for expression of one's opinion were common and tortures more rampant on notably the press. The respect for human rights, therefore, is very relevant to the success of democratic consolidation in Nigeria in the future. Everyone must participate fully in the defense of human rights by taking care of the oppressed poor if democratic consolidation is to be realised in Nigeria.

5.5 GOVERNANCE BY THE DEMOCRATS

It is indisputable that not every politician is a democrat as revealed by the findings of this Dissertation in the previous chapter. Political behaviour must necessarily be democratic contrary to what was as exhibited by the Nigerian political class over the years. The democratic power was seen by this class purely as an instrument to safeguard a freedom not having but a theoretical value. Hence the failure of political democratic consolidation.

What is fundamental is to consider democratic power as an instrument which permits effective enforcement of the constants of democracy. This could only be achieved when democracy finds the democrats: the actors who make it and who will make it stay.

Furthermore, and in the same vein, it is of utmost necessity to have men and women who accept to establish, more at the national level than the international, a democracy of propensity of which the result of their growth is not turned back, confiscated at the end of the domination and political hegemony, but left in an optimal way, invoking right remuneration for work, creation of jobs, social, political and audacious commitments, to give a man the means for his development.

Those who have enliven the democratic institutions must refuse to sink into democratic impostures considering the principles and values they have invoked as simple alibi for perpetuating their power. They must assign to themselves with all their force the task of bringing principles close to reality. These are the democrats that must govern democracy in future in this country.

For much as the people decry illegal change and looting during decades, again nothing will happen if the people do not take

their own development in their own hands. In other words, democracy is about the only avenue that will help achieve this. The people know its virtues: clear and transparent management, numerous developmental people oriented projects, spirit of healthy competition, control and sanction for breach of established rules. In fact democracy, a real catharsis, a new mentality, must only be managed by democrats for its sustainability in the future.

5.6 **ADVENT OF SOCIAL DEMOCRATIC ECONOMY AND POLITICAL SECURITY**

Security, though a complex and broad based concept, is an important democratic constant, the absence of which has been one of the attributable factors to failure of democratic systems in Nigeria over the years. However, to avoid the arduous task of a critical evaluation of the complexities and broadness of the concept, this study will limit its analysis on the most common of these aspects of security above.

Social conditions do affect democracy in a number of ways. The level of socio-economic and material development of the people makes it easier or difficult for that society to guarantee democracy. Living condition, health, educational, and level of employment opportunities are the social determinants for the future success of

democracy in Nigeria. Therefore, security in food, job, education and health are important to the man who must eat, work, learn and be healthy before he engages in politics lest to defend democratic ideals and values. Poverty, hunger, diseases and draught have tended to pose security threats to lives of Nigerians.

On the other hand, the economy provides the basis upon which man's social security could be guaranteed. The economy must be democratized to allow all the free chance of participating in determining its future. There must not be any restrictions or "no-go-areas" in the operation of the economy. Everyone must be given opportunity to participate. There must be equal job opportunities that would guarantee the economic security of the individual at all times. Lack of security in the economic realm is anti-thetical to democratic consolidation in Nigeria.

Political stability is surely an imperative to democratic consolidation. Security of lives and properties of citizens anchors on the virile judicious application of justice in the society. Frequent crises, crimes and general unrests usually threaten the stability of the polity and thus jeopardising the chances of success of democratic consolidation in Nigeria.

Where the polity is infested by political thuggery, arson,

assassinations and religious and communal crises, the chances of democratic consolidation become bleak. The polity must be secured enough to guarantee for stability within which democracy will thrive. Since the development of democracy depends on concensus, debates and constitutional means of conflict resolution, the polity must ensure security in the realm of politics so that democratic consolidation in future Nigeria becomes a reality.

5.7 **CONCLUSION**

The data which is regularly published on the anti-democratic elements in Nigeria that are capable of killing democratic zeal in the future are overwhelming. However, worse situations exist which the statistics, owing to their dryness of nature, could not relate. These include among others illadapted educational system with fixed structures and products, developing and dragging along an incessantly increasing unemployment; striking health insufficiencies and general uncertainty in food sufficiency. Corruption, consumerism, nepotism which have grown all over the nation like wild grass are also a threat to democracy in Nigeria.

Fortunately, however, the brutal acceleration of history which characterises the end of this century provoked a veritable earthquake which does not spare any government thereby

rendering the victory of democracy more than just an ordinary reality.

To make the reality a certainty, there is the need to seek and enumerate the conditions of this reality bearing in mind that every democratic regime must have the well being of the people as its ultimate goal. For democracy to be durably rooted in Nigeria one has to take into account the value it represents and seek for its implementation.

However, the first condition of democracy is to be of an incomplete nature, as a messiah its reign is always expected to come, and to identify it with any definite regime is to betray it. Democracy is not an “immediate fact”. It is a long and patient corruption, which is always open to correction, remodelling, and always being perfected through dreadful acclaims.

History has shown that there is no universal democracy, nor any perfect democracy as demonstrated by the democracies of Athens, France which dates back to 1792, and which through tumults and convulsions gave birth to Napoleon and the Empire after one hundred years. But history must contribute to enlighten one’s thoughts and to feed one’s analysis. However, history equally teaches us that behind ideologies that underlie political regimes,

constants of democracy exist which are but universal and which Nigeria can benefit from in future.

CHAPTER SIX

THE AFRICAN VARIANTS OF DEMOCRACY IN NIGERIAN TRADITIONAL POLITICAL SYSTEMS AND CULTURAL PRACTICES: A CRITIQUE OF THE WESTERN LIBERAL THEORY OF DEMOCRACY

6.1 Introduction

There is no doubt that Democracy is a universal concept, and that `representative democracy' has its origins in ancient Greece. However, Western societies have no exclusive right to the term as a label for their own version of "rule by the people or governance in accordance with the will of the bulk of the people" (Macpherson, 1965:1). Other parts of the world like Africa have "a genuine historical claim to the title democracy". However, all social and political ideas have their roots in the historical circumstances of a particular period (Manneheim, 1936; Marx, 1978).

Though the African version of democracy might not have taken the liberal variants, as found in the West and the United States, the ideas were believed to include those African cultural practices, norms and values that were principally used as guiding principles in governance and the settlement of disputes.

However and as a point of departure, this chapter would

attempt to examine those African democratic variants as found in the Nigerian traditional practices of administration and governance that are relevant to the success of modern (liberal) democracy in the country as a critique of the Western liberal theory of democracy. Over the years through long established cultural values and norms as found in the selection of their leaders, the administration of justice and observance of the rule of laws of the land, public fair hearing through constitutional courts of elders and rulers (like Emirs, Oba's and Alafin's as the case might be), the long established practices of deporting, removing or demoting despotic rulers, and a cherished practice of the principle of accountability.

Furthermore, and in the wider African realm African values of racial emancipation, cultural preservation and economic development as found within the concept of "Cultural Nationalism" as the African democratic variant of Fundamental Human Rights and Freedom, were found to be relevant to Western Liberal democracy. The concept of "Cultural Nationalism" found expression from African resistance to total immersion into an alien colonial culture just as the liberal democratic values of freedom, equality and justice found expression and rationalization from the struggle by the bourgeois class that suffered economic and political

discriminations in the hands of the nobility in the feudal system.

Among the debilitating impacts of colonial rule was the attempt by Europeans to erase African history and culture by declaring it to be nothing but barbarism and savagery (Hendrickson, 1997:22). Reactions from a section of the African Western educated elite was swift and effective. These elites resisted total immersion in an alien culture by defending and maintaining the African identity. The cultural nationalists further argued that the political system of African societies were essentially democratic as the usurpation of the democratic rights of the African people was seen in the choice of their rulers.

For example, and as according to Hayford (1970:33) the office of the King was elective. No king was born a King ... it was the right of those who placed him there to put him off the stool for any just cause. But no other authority could interfere with his position, if his people were satisfied with him. Moreover, Sarbah (1968:22) stated that `he who serves and is bound to obey must have a voice in the election of the person who is to command; hence it was the right of the people to select a fit and proper person as the successor to the present Chief or King.

The democratic rights of the Nigerian people were asserted

with relevance to their traditional cultural practices in opposition to European ideas which portrayed African leaders as savage despots with absolute power of life and death over their peoples (Hendrickson, 1997: 23). A picture of African societies that was not unlike constitutional monarchies is further presented by Sarbah and Hayford as a "national constitution" and the "native state system" respectively. Furthermore, the powers of the African king or Chief were limited by certain rights of the people, especially through the councils of traditional African societies which imposed checks on the rulers and provided a balance of power. Every male adult had the right to be represented in these State Councils (Hendrickson, 1997 p. 23). The Yoruba Constitutional Government in the old Oyo Empire and the Igbo Representative non-centralised societies clearly provide a good example, as would be discussed later in this chapter.

As a respect of democratic constitutionalism, the Nigeria traditional societies highly recognized and guaranteed the right of the individual. Any person of respectability in the community could attend the court of the ruler and councillors, and there was also the right of free trial and the right to demand that a case be heard by the councillors. In public deliberations, the family headmen and

the elders had a right to represent their families and be heard through well defined channels (Sarbah 1968:87).

From the above, the right of representation, the right to elect rulers, the right to depose them when they failed to execute the will of the people were all components of customary law and were clearly examples of a `democratic' form of government. That Nigerians had a right to be governed by their own customary law because it was fundamentally equivalent to European democratic practices is undoubtful. Nigerians, and indeed Africans, did not, in any way, need to copy any foreign democratic institutions. This is because their past was an adequate basis upon which the necessary institutions for democratic governance could be built. It was unnecessary, therefore, to wait until the masses of Africa became literate, in the European sense, in order for democracy to be practiced. Finally, and in any case, Africans did not have to learn to rule themselves, they had been doing so for centuries (Hendrickson, 1997: 24).

Conclusively, therefore, Nigerian traditional values of leadership can be traced back to Nigeria cultural practices long before the introduction of Western democratic liberalism. Nigeria has been practicing democracy for long as found in the political

arrangements of the old Oyo Empire and the Igbo land in the West African sub-region and the famous Sokoto Caliphate in Northern Nigeria. Traditional Constitutionalism and the Rule of Law have been found to play very important roles in the settlement of disputes in traditional Nigerian societies. However, the essence of this chapter is to expose the concepts and ideas of democratic practices in Nigeria with the aim of correlating these with the values and principles of modern (liberal) democracy, thereby filling a seeming missing gap in most literatures on democratic studies especially those reviewed in the course of this research Dissertation.

Furthermore, that cultural traditional values of leadership are part of the democratization process anywhere is incontestable as buttressed by Table 17 below. For example out of the 350 responses collected, 186 or 53.14% of the respondents and 164 or 46.85% of the respondents both strongly agreed and agreed respectively on the fact that traditional values of the people were found to be relevant to democratization.

TABLE 17: QUESTIONNAIRE RESPONSE ON:

TRADITONAL VALUES OF LEADERSHIP ARE RELEVANT TO THE DEMOCRATIZATION PROCESS

Strongly agree	Agree	Undecided	Strongly Disagree	Disagree	Total
186	164	-	-	-	350
53.14%	46.85%	-	-	-	100%

6.2 **VALUES OF LEADERSHIP AND GOVERNANCE: ASSESSMENT OF TRADITIONAL POLITICAL STRUCTURES AND CULTURAL PRACTICES IN NIGERIA.**

The Old Oyo Empire was the political seat of the Yoruba and the Edo or Bini peoples of the South - Western part of the present day Nigeria. The empire became famous for its political arrangement and system of government which is often referred to as one of the African versions of democracy. Ile-Ife remained the spiritual headquarters of the Yoruba.

The emergence of this great Empire could be dated to the 15th Century A.D. with the expansion of the early settlement of Oranmiyan the youngest son of Oduduwa. Oranmiyan was among the earliest rulers of the Oyo Empire and who was specially

responsible for its expansion. He was said to have possessed both warlike spirit and indomitable courage (Buah, 1974:122).

In the history of this important Empire, the deposal of Ajaka, the eldest son and successor of Oranmiyan from office was an indication of a tenet of democratic rule in the sense that even a ruler could be deposed constitutitionally for failing to perform to the peoples' expectations. However, learning his lesson from his first term in office, Ajaka's second period of rule saw him as a great conqueror (Buah, 1974:123). The government of Oyo comprised four important decision making bodies viz: the Alafin, the Oyo Mesi, the Ogboni and the Eso. Each of these bodies weilded considerable power and influence in the affairs of the Empire, and each would be discussed seperately highlighting its democratic implications and role in the administration of the State.

6.3 STRUCTURES OF POLITICAL SYSTEM OF THE OYO EMPIRE

a) The Alafin:

The Alafin was the King and head of State who ruled the metropolitan territories of the Empire directly. He was assisted by a host of officials and institutions namely the Oyo Mesi, Ogboni and the Eso (Buah, 1974; 125).

The Alafin of Oyo ruled the provinces or states indirectly through local rulers called Oba who were often assisted by the local chief priests of the great god Sango. Many of the provincial rulers were successful army generals, and appointed by the king. It is interesting to note that the Alafin allowed considerable autonomy and freedom of action to these local rulers, whose activities were, however, watched and reported upon by imperial officers sent by the Alafin called Ilari, and wives of the Alafin posted out for the same purpose. This was meant to ensure constitutional checks on the local rulers by the representatives of the King.

On the death of the Alafin, succession to the Oyo throne stayed with the different branches of the direct lineage of Oranmiyan. Often the selection of a new candidate was done on the basis of rotation from the different branches (Buah, 1974: 125). This could be referred to as "rotational presidency or democracy" as was to be attempted in Nigeria.

However, to safeguard the life and interest of the Alafin during his reign, the constitution provided that the eldest son of the King, and who occupied the important office of Aremu, was never permitted to succeed his father; indeed he had to die with his father. This apparently curious and callous custom must have

been instituted as a safeguard against an over-ambitious and impatient immediate heir intriguing to hasten the removal or death of the monarch, and to ensure that the eldest prince would protect the life and interests of his father (Buah, 1974: 125).

Similar to the practice of selecting faithful cabinet members by the Head of State or Governor, it was customary in the Empire, that all the court officials of the deceased Alafin had to die with him. This was aimed at giving the new Alafin complete freedom in choosing court officials that were faithful and who could not obstruct new policies of the new Alafin or even plot against him. It was also an opportunity for the new Alafin to bring new blood into the corps of court officials the loyally and help of whom he could be sure of should he wished to introduce new policies.

Taking our cue from the above, it is common practice, and constitutional too, for the Chief Executive of a country or state or local government to select assistants from amongst those he can trust and is comfortable with. Hence cabinet re-shuffle has been very common in modern democratic governance. This is because the Chief Executive can feel comfortable just like his colleague in the Old Oyo Empire. By implication, the stability and progress of the system depends on those that will help the Chief Executive in

running the system. In other words, their loyalty and support matters a lot in the survival of the system and its continuity. For example in the second tenure of Presidents Obasanjo and Bush respectively, each appointed Ministers, Ambassadors and Principal officers of his government, amongst people he believed had unreserved loyalty towards his administration and who could sacrifice for the success of his government.

b) The Oyo Mesi

Another important structure in the constitutional democracy of the old Oyo Empire was the Oyo Mesi. As the Supreme council of State, this important body consisted of seven king-making aristocratic members and members of the Ogboni too. They were not appointed by the Alafin. The Oyo Mesi enjoyed great freedom of discussion and action at the royal court. It held judicial authority in the capital and appointed the army leaders (Ajayi and Espie, 1965:195)

As a representative of public opinion, the Oyo Mesi was not only a king-making body but also acted as a watchdog on the actions and conduct of the Alafin. Headed by the Bashorun, a position similar to that of a Prime-Minister, the Oyo Mesi as king-makers, usually consulted the great oracle at Ife, before announcing the name of the candidate `the gods were believed to

have approved (Buah, 1974: 127).

To check the activities of the Alafin, the Bashorun and other members of the Oyo Mesi annually determined whether or not the Alafin still enjoyed the confidence of the gods and, by implication, the people. This was done through religious divination. As a vote of no confidence from the gods and the people, the Alafin was compelled to commit suicide. Acting as head of the Oyo Mesi and on behalf of the Ogboni, the Bashorun would present an empty calabash to the unwanted Alafin and solemnly pronounce the ruler's rejection, "the gods reject you, the people reject you, the earth rejects you". The Alafin then had to commit suicide by taking poison.

c. The Ogboni

A secret society composing of a hundred aged men, reknowned for their wisdom, political and religious standing (Ajayi & Espie, 1965:195), the Ogboni was a much larger body acting as a check on the Oyo Mesi. As a representative of the general will of the people, important decisions of the Oyo Mesi such as rejection of an unwanted Alafin, had to get the approval of the Ogboni which was headed by Oluwo the Chief priest of Ife. This tradition was an effective check on possibly arbitrary decisions of the Oyo Mesi.

d. The Eso

Composing of seventy distinguished army officers, the Eso played an important role in the constitution of the Oyo Empire. Headed by the Commander - in - Chief of the imperial army, the Are-Ona-Kakanfo, and being non-hereditary but appointed as a result of military prowess and controlling the imperial armed forces, the Eso wielded considerable influence on the conduct of the Alafin, decisions of the Oyo Mesi and the Ogboni respectively. By custom, members of the Eso were posted as provincial governors, by the Alafin. By implication, therefore and coupled with the fact that they owed their appointment to the Alafin, this was way of limiting their powers.

6.4 **CONSTITUTIONAL CHECKS AND BALANCES IN POLITICAL SYSTEM OF OYO EMPIRE**

Seperation of powers and constitutional checks and balances amongst the principal structures of a government are important features of democratic politics. As each structure is impeccably controlled and checked by the other, arbitrary use of power is greatly minimized leading to the relative stability and continuity of the system.

The Oyo empire was reknowned for such checks and balances

by the Alafin, the Oyo Mesi, the Ogboni and the Eso respectively. As each served as a check on the other, a pattern which appeared to have been unique in the history of pre-colonial Africa (Buah, 1979:128), the long life and stability of the system was ensured. In other words, this helped to strengthen the stability of the imperial structure.

The pattern of checks and balances in the Oyo imperial political system was carried in the following ways:

Firstly as constitutional check on the Alafin, the Oyo Mesi, acting according to the wishes of the Ogboni and the Eso and the will of the gods, could decide the future of the Alafin. Hence the Alafin could not afford to become tyrannical.

Secondly, any act of arbitrariness by the Oyo Mesi was checked by the Ogboni who, as representatives of the will of the people, had to constitutionally approve important decisions by the Oyo Mesi. For example the death of a tyrannical Alafin.

Thirdly, the death of an Alafin invariably means the death of one of the members of the Ogboni. This provided a check on the decisions of the Oyo Mesi as approved by the Ogboni as that one member could be any of them.

Fourthly, and as another constitutional safeguard, the Oluwo

as head of the Ogboni, who had great influence on the decisions of that body, was a special representative of the Alafin. By implication, any arbitrary decisions by the Bashorun, head of the Oyo Mesi, to reject an Alafin would immediately be prevented by the Oluwo. This acted as a check on the Oyo Mesi.

Fifthly, however, the powers of the Ogboni were equally limited as the body was controlled by public opinion and the general will of the people.

Sixthly, the powers of the Eso, though they controlled the imperial army, were limited in the sense that they owed their appointments to the Alafin acting in conjunction with the Oyo Mesi, and their posts were held at the pleasure of the Ogboni. This was, however, despite the fact that members of the Eso were generally of humble birth and often being eunuchs with very little political ambition.

Finally, the other bodies could not act arbitrarily against the Eso who controlled the armed forces, and could therefore, overthrow them by force if badly treated (Buah, 1974; 122-29).

Conclusively, the Oyo empire was among the many examples of the African ideas of democracy, with a pattern of constitutional checks and balances which had been described as unique in the

history of pre-colonial Africa. A political system that lasted for nearly four hundred years, the Yoruba system of rule was both aristocratic as well as democratic which had developed into one of the most effective forms of central and local government administration. Other factors might have contributed to the long life-span of the empire, however the most effective of them was a democratic system with a constitutional checks and balances that was almost similar to that of the modern idea of libertarian democratic governance.

6.5 **REPRESENTATIVE DEMOCRACY OF THE IBO NON-CENTRALISED POLITICAL SYSTEM**

Among the most dynamic and progressive peoples of Nigeria are the Ibo, with a principal home at the former East - Central State of the Federation of Nigeria. The political and social organization of the Ibo followed the segmentary pattern type based on small units that never developed into great empires or kingdoms. This was despite the existence of the five principal groups that developed into different distinct dialects.

Many historians indeed gave the impression that the different groups of the Ibo had the same pattern of government; namely that of the City State and village units or group government. However,

further investigations reveal that some groups especially those in the Awka area had Kingship institutions similar to those which existed in other large West African states.

6.6 THE IBO SEGMENTARY POLITICAL STRUCTURES

The best examples of the Ibo segmentary political units appear to have existed in the territories of Owerri, Aba, Orlu and Okigui.

The smallest unit in the political structure was the extended family. This was usually with a common lineage. This was the beginning of the administration system through which social problems were settled amicably.

The next structure was the ward. This was formed by several extended families. Next to the ward was the village which was formed by several wards. Generally a village had a market around which the wards were grouped.

A village might become large thereby making occasional division leading to emergence of two or more communities out of the split. It was very common for two or more small lineages to merge into a large and stronger unit. However, all the lineages in a village community were believed to trace their origin to one common ancestor.

6.7 **ADMINISTRATION OF JUSTICE IN IBO VILLAGE COMMUNITY**

The institutionalization of justice under a traditional democratic system was among the important features of the Ibo representative democracy. The government of the Ibo village community was generally under the control of two principal institutions namely the Omala-Oha (General Assembly) and the Ama-ala (Council of Elders). While the Ama-ala was a restricted body of Council of Elders, the Omala-oha was made up of all citizens. Most of the members of the Council of Elders were heads of the extended families of the community and they exercised priestly function. Generally one of the leaders acted as the father of the group.

Individuals who had cases usually brought them to the General Assembly which was summoned by the town crier on the orders of the Ama-ala. Individuals were allowed to express their cases at the Assembly gathering after which the Ama-ala withdrew for consultations. After the private meeting of the Elders, the Ama-ala then rejoined the Assembly to announce judgements. However, decisions were based on the unanimous vote of the Assembly. This way the Ama-ala was prevented from forcing its

decisions on the people.

All adults were entitled to attend the Assembly and each individual had the right to a fair hearing. When an individual felt that his interests demanded his own presence, he had the right to attend the session of the Ama-ala which was handling his case.

However, and in order to safeguard democracy, whenever the Ama-ala arbitrarily refused to summon the Assembly as demanded by the customs, the commoners could force their will on the Ama-ala by threatening to disobey the Elders who, to protect and maintain their dignity, could not ignore the wishes of the people (Buah, 1974: 149). In this way, ordinary citizens had their rights protected against arbitrary rule by the Ama-ala.

The administration of Justice in the Ibo system of government was not on the basis of formally constituted courts of justice, as in the modern sense, however, as was common with nearly all other communities, the courts were ad hoc ones. Generally, serious cases came before the Assembly of the citizens and the Ama-ala, but minor quarrels between individuals were often settled privately usually before a small group of elders at the ward level. However, where one party still felt aggrieved, he or she could always appeal to the Ama-ala for further redress, though final judgement still

rested with the Assembly.

In cases where a formal hearing was necessary, both parties would present their cases before the Ama-ala, and then withdraw to allow the adjucators examine each side's case. The parties returned later to hear the judgement as decided by the Ama-ala now acting as a customary court.

Settlement of disputes in the non-centralized representative democracy of the Ibo was however, more often than not achieved by arbitration rather than formal court proceedings. Blame was then apportioned.

6.8 TRADITIONAL VALUES OF LEADERSHIP AND GOVERNANCE IN THE SOKOTO CALIPHATE

There is no doubt that the Islamic revolution in the form of Jihad that engulfed most part of the Western Sudan in 1804 which was organized and carried out by Shehu Usman Fodio left in its wake a highly organized political system with values similar to those of a modern liberal democracy. Though Islamic in nature and character, the values presented yet another ground to argue that democracy existed in Africa long before the introduction of the Western type liberal democracy, and from which if coopted, the latter could be made more effective.

The Sokoto Caliphate presented a coherent value system grounded in Islamic knowledge and experience that favoured an atmosphere of harmony, rationality and discipline (Tukur, 1997:7) and which led to the formation of a community out of the wider community of Islam including the Tuaregs, Hausas and Fulanis. The result was the emergence of an efficient and effective administrative and military organisation that possessed credible leadership and motivated followership. Turn of events, however, threw a decadent phase of the Islamic societies of Bornu and Hausaland and forged a complex reaction of the intellectuals, their communities and the populace resulting in a rejuvenated society that required the installation of new codes of governance, norms and structures in the form of the Sokoto Caliphate. Of prominence here was Shehu Usman Ibn Fodio, leader of the famous Islamic Jihad.

Given the time constraint and the volume of works on the traditional values of the Sokoto Caliphate, this study would limit its scope on some selected values that are more relevant to the study. Certain values like representation, accountability, succession, justice and law enforcement would form our basis for extrapolation of these values with the tenets and principles of liberal democracy.

a. Representation

The concept of representation, denoting a person representing a number of persons in a symbolic way (Anthony H. Birch, 1971 in Tukur, 1997:96) seems to have some relevance to our discussion here. This is because of a number of reasons. First, representation as a principle of liberal democracy gained prominence from the fact that since not everyone could partake in policy making in the government, people select or elect the trusted among them to represent the others. Athenian system of representative democracy clearly depicts this assertion. Secondly, elections form an important pedestal in liberal democracy, and this is a method of selecting representatives of the people. Thirdly, representation confers on the government with a particular kind of legitimacy and channels of communication through which consent to particular policy is mobilized.

However, the principle of representation as found in the writing of Ibn Fodio and based on the Islamic political theory differs slightly from the liberal democratic concept in the sense that it emanated from the concept “Wakala” meaning “trust”, and its derivation “wakil” “trustee’. This conveys the idea of a ruler enthrusted with responsibility for the welfare of his people. In the

Caliphate therefore, the power of representation was vested in the Imam who was inturn chosen by scholars and virtuous men and best Muslims within the community. Furthermore, the condition under which representatives were chosen or appointed specified the characteristics they ought to possess at the time of their appointment and how they should conduct themselves when in office.

b. Accountability

The principle of accountability as it stands for answerability was fundamentally illustrated and practical within the Caliphate. Just as the leader was responsible for the destiny of the community or state so also were the representatives of the people obliged to account for their actions to the people. The accessibility of the ruler and his senior deputies to the ordinary members of the community indicated a form of accountability. Rulers, therefore, listened to complaints, gave information, advised and educated, interviewed personally in one matter or other and reacted to enquiries.

As indicated in the writings of the Shehu, the seclusion of the King from his subjects as a practice destructive to a reign was based on the belief that when the oppressor was sure that the

oppressed person could not get access to the ruler, he became even more oppressive. Furthermore, the importance of accessibility and the danger of inaccessibility to honest and fair administration and the security of the Caliphate was strongly stressed to rulers. Leaders, therefore, held themselves accountable to value system which embodied justice, consultation, probity and public interest.

The “Ulema” (scholars) became the embodiment of the value of accountability, thus the Sokoto leaders recognized the need to explain their actions and policies to them, who inturn passed the information on to the public, hence the publication of state papers within the Caliphate.

The concept of accountability in the political system of the Sokoto Caliphate emanated principally from the injunction of accountability to Allah as fundamental to Islamic political thought. No doubt the concept became fundamental to policy makers in the Caliphate. Furthermore, from the qualification for election to positions of authority in the Caliphate to the act of “baya” (legitimate support), concern with the hereafter and the type of reward which Allah may give for credible performance and behaviour made accountability a cardinal principle in the conduct of affairs of the State by the leadership.

c. Succession to Authority:

Succession, though a concept with multiple meaning, could be seen as a process by which candidates are selected or validated and the manner in which a final choice is made (John N. Paden in Tukur, 1997:105). Succession as an important pillar in continuity of leadership and governance, whether through well defined channels of electoral machinery and elections as in the case of liberal democratic system, or through appointments as in the case of the Sokoto Caliphate, is seen to perform two fold basic functions. First it makes for provision of leadership, and hence the integrity and perpetuity of the State, second, it partakes of the procedures for legitimization of power. Both functions are, however, surrounded with heavy symbolism which serves the purpose evincing respect for the institution and emotional loyalty and attachment to the person to whom homage is paid.

The importance of succession to the integrity and survival of the state is such that important rules are attached to the concept and its process. For example in the liberal democratic system there are constitutional rules attached to elections and the process of transition from one elected officer to another. In the caliphate however, these rules referred to a peaceful change of leadership

which signified adherence to a fundamental canon of Islam that there shall be only one supreme “Imam” at a time. Other rules revolve around level of knowledge, personality integrity and general acceptance by the community of the candidates to be elected or appointed.

In a purely conceptual sense, succession can be categorized into three basic types. The first, hereditary, as a general rule is associated with monarchical-type of rulership in which a family or dynastic group is recognsed by society as having exclusive rights to succession. This has little relevance to our discussion here. The second, appointive, is normally identified with bureaucratic organisations operating in complex settings with characteristics, competence, achievement and similar qualifications. The third, elective, is illustrated by parliamentary or representative democracies in which legislators, government leaders and presidents are chosen through one form of electoral arrangement or other.

In the Sokoto Caliphate, however, certain rules or principles as regards selection of leadership stand out clearly. These were anchored within the philosophical position of Usman Ibn Fodio and which were fundamentally Islamic. For example, leadership of the

"Ulama" was never given to anyone who seeked after it, selection was done by the best Muslims; the person to select was from among the scholars and virtuous men, a man the "Ulama" were pleased with as their ruler because he was the best of them and the most suitable for the office.

The above are principles that are relevant to liberal democratic procedure of elections if only they can be coopted. The election of incompetent, power drunk and despotic, corrupt leadership perhaps is the result of absence of such traditional African values, such as those of the Sokoto Caliphate, in the principles and practice of democratic governance.

d. Justice and Law Enforcement:

The essence of Justice, putting things where they properly belong, to the harmony and stability of the Sokoto Caliphate must not be underestimated. This has led to the establishment of a machinery for the administration of justice in the Caliphate. The wisdom behind the formation of a judiciary lay in its usefulness as a deterrence to quarrels and assaults. It suppressed the unjust and helps the oppressed. These are similar philosophical wisdoms in the judicial system as found in liberal democracy. Furthermore, the machinery apart from helping to end disputes, enjoins right and

prohibits wrong.

Since the judiciary must be appropriately staffed, the system of appointment of persons to judicial posts delineated unjust persons from appointment, to the posts, a rule found in the liberal democratic system. Furthermore, unjust persons even if adequately learned were warned against seeking this noble office, this applied to the ignorant, too.

In the Caliphate, therefore, the judge was a person who knew what was right and based his judgement on it, and who in his loyalty to Allah, had no fear of criticism and who did not look for gifts or anything of self-interest that could hold the office of the judge, and, above all, whose action was one of the greatest virtues in the eyes of Allah. The position was not given to anyone who seeked for it.

The basis for the administration of justice in the Sokoto Caliphate was derived from the Qur'an, the hadith and the concensus of the community. Where the judge could not find a decision about a case from these three legal sources, he was allowed to use his assessment and independent reasoning after consulting scholars. The ability to distinguish between the plaintiff and the dependant was as imperative as the understanding of the

complaints and their categories as related to response in the form of confession, denial and refutal.

6.9 **NIGERIAN CULTURAL PRACTICES AND THE IDEA OF DEMOCRACY**

The historical experience of colonialism unavoidably forced Nigerians, albeit, Africans to begin to cherish their roots despite colonial historical documents depicting the continent as dark, illiterate and barbaric. The African political thought and ideas of democracy are the idea of Africans which arise from the material conditions within which they find themselves (Hendrickson, 1997).

Furthermore, Nigerians like any other peoples, perceive the world in accordance with understanding their place within it, and which cannot be detained from the experiences of the past as well as the present, both of which are combined with related hopes for the future. This is not withstanding the `Western' education introduced to them.

Similarly, the link with the past is readily apparent in the exposition by modern African leaders about democracy. These ideas are by no means second class versions or concepts learned while studying in the `West', but rather as first hand original expressions

of the thoughts and sentiments of Africans during a particular period in the history of the continent.

For example, by the eighteen century African intellectuals had begun the attempt to grapple with such enduring issues as racial emancipation, cultural preservation and economic development in order to record their dissatisfaction with the results of colonial rule. To assert their traditional political thinking and democratic ideals African intellectuals including Nigerians vehemently opposed European historicism which depicted African history and culture as nothing but barbarism and savagery. Consequently, the African intellectuals evolved the concept of “Cultural Nationalism” to add to variety of democratic thoughts and ideals prevalent on the continent. They resisted total immersion in an alien culture by defending and maintaining their African identity.

However, and besides rejecting European versions of Christianity and setting up indigeneous churches independent of foreign control, and claiming an underlying monotheism in traditional African religions, the Cultural Nationalists further argued that the political system of African societies was essentially democratic. This can be justified from our analysis of the Igbo non-centralised and the Yoruba centralised democratic political

structures. Indeed this struggle was the first step towards the eventual dismantling of the colonial administration which had justified its rule with reference to a morally superior form of government as opposed to African chieftaincies (Hendrickson, 1997; 22).

In their contributions towards asserting African culture Mensah John Sarbah and Joseph Ephraim Casely Hayford examined and profoundly analysed customary law in Africa as cogent and clear depicting the ideal that he who serves and is bound to obey must have a voice in the election of the person who is to command; and that the right of dismissal was in the African people (Hayford, 1970:126; Mensah, 1968:22).

The democratic rights of the Nigerian people were asserted with reference to their traditional cultural practices. It was argued that the powers of the king or chief, who were hitherto portrayed by European historians as savage despots with absolute powers of life and death over their people, were limited by certain rights of the people. Councils of traditional societies imposed checks on the rulers and provided a balance of power; every adult male had the right to be represented in these State Councils. As insisted by Hayford this right was fully recognised and guaranteed. According

to Sarbah, any person of respectability in the community could attend the court of the ruler and councillors. There was also a right of free trial and the people had a right to demand that a case be heard by the councillors (Hendrickson, 1997: 23).

In Africa, and as emphatically argued by the Cultural Nationalists, the right of representation, the right to elect rulers, the right to depose them when they failed to execute the will of the people were all components of customary laws which were clearly examples of `democratic' form government. Based on this, it was further argued African's had `a right' to be governed by their own customary law because it was fundamentally equivalent to European democratic practices, and were based on cultural norms and practices.

African leaders like Nnamdi Azikiwe, Obafemi Awolowo, Tafawa Balewa, Julilus Nyerere, Kenneth Kaunda, Jemo Kenyatta in the attempt to justify one form of party rule or the other and the current practices in immediate post-colonial Africa, made references to traditional ideas of democracy, hence African socialists like Nyerere, argued that not only democracy, but socialism as well had roots in Africa's cultural past. This was the beginning of African Socialism. To them democracy and socialism

were systems whereby the people shared equally in the decision-making processes, the production of goods and services and the distribution of the wealth of the nation. Traditionally, the African peoples ruled themselves in the general interest of the collectivity as a whole and did not divide themselves into classes with opposing interests.

Leopold Sedar Senghor, Jomo Kenyatta, Sekou Toure, Kenneth Kaunda and Kwame Nkrumah (Senghor, 1965; Kenyatta, 1962, Toure, 1975; Kaunda, 1963; Nkrumah, 1963) all expressed these ideas of African socialism and democracy though with minor differences in emphasis.

6.10 **DEMOCRACY IN NIGERIAN CULTURAL PRACTICES**

There is no doubt that Nigerian culture provides the backdrop from which to argue that democracy was not a new concept, and an important pedestal in the struggle, for racial emancipation from alien rule.

Elsewhere, it was argued that single party system was manifestation of the peoples' choice, and therefore, by definition democratic; that they came to power through elections, the results of which were merely the expression of a unified general will of the people for independence and modernization or economic

development (Hendrickson, 1997:26); that this unity of purpose was what reproduced the communalism of earlier African societies.

However, there was a general concensus that traditional Nigerian, albeit, African societies were characteristically democratic since within them there were institutions for the choice of and deposition of rulers, and for the expression of grievances and for their settlement (Busia, 1967).

Writers seemed to have accepted without question the existence of democratic forms in traditional cultures in Nigeria thereby uniformly rejecting the ideas of men like Clifford which equate democracy exclusively with European culture (Hendrickson, 1997:27); this was in spite of the fact that they might have differed in their preference for one-party or multi-party systems as essential ingredients of democracy.

Furthermore and as asserted by Bako (1997:226) democracy cannot be the monopoly of any civilization or race, but is a historical and essential class phenomenom whose attributes can be distinguished and analysed on the basis of the kind of societal dominant mode of rule and system of values and norms, which inform and guide all social relations in the social group right from family, clan, ethnic group, economy, to state levels to human

interactions.

From the above, it can be unequivocally asserted that democracy is built upon the culture and traditional practices of the people as strongly ascertained by the historical development of the Western liberal theory of democracy. Africa, al beit Nigeria, is no exception. There, too, existed a form of democracy based on culture and traditions of the people. Table 18 below further confirms the argument. Out of the 350 responses retrieved, 216 or 61.7% of the respondents agreed to this fact while 98 or 28% agreed. This helps to factualize the argument. However, 20 or 5.71% of the respondents disagreed, 10 or 2.85% were undecided on the mater and 6 or 1.71% of the respondents disagreed strongly. In any case the table presented a strong correlation and relationship between democracy and culture. In fact democracy is culture.

TABLE 18: **QUESTIONNAIRE RESPONSE ON: DEMOCRACY IS BUILT UPON THE CULTURE AND TRADITION OF THE PEOPLE**

Strongly Agree	Agree	Undecided	Strongly Disagree	Disagree	Total
216	98	10	6	20	350
61.71%	28%	2.85%	1.71%	5.71%	100%

It is true, that democracy was primarily a doctrine of equality and self-rule which did not include ideas of racial discrimination, and the essential principles of which were one man, one vote and majority rule, however, the search for elements of democracy in the Nigeria culture was meant to justify to the colonialists the right of Africans to rule themselves, that democracy is inherent in Nigerian culture is incontestable.

6.11 EVALUATION OF THE RELEVANCE OF TRADITIONAL VALUES TO CONTEMPORARY DEMOCRATIZATION PROCESS AND GOVERNANCE IN NIGERIA

There is no doubt that the basic ingredients of political thought are values (Tukur, 1999:523) which have been defined as the highest ethical and moral standards which individuals and societies use to determine their choice among options in the arena of public affairs. However and more fundamental too, the relevance of these traditional values to contemporary democratization in Nigeria lies within the context of practicability as must be emphasized by the leadership. In other words, the values of integrity, truthfulness, wisdom, sincerity, justice, generosity and discipline (Tukur, 1999) are only relevant if the politicians and political office holders attempt to respect them and institutionalize

them within the framework of the democratization process.

There is no doubt that African culture provides the backdrop from which to argue that democracy was not a new concept to the continent, as demonstrated within the contexts of unity and consensus (Tukur, 1999:32) or alternatively "Consensual Democracy" as opposed to "Advisorial democracy". However, this was despite the existence of one-party dominant rule syndrome in the continent.

It can be argued further that consultation, advise and consent, as ends in themselves, indisputably provide the foundations of a proper government. Nigerian leadership should take a cue from this. In a wider perspective, these values feature more prominently as instruments for the attainment of leadership objectives in contemporary democratic dispensation in Nigeria. Values such as welfare and social justice cannot be anything more than articles of faith for a leadership. There is, thus, the need to create institutions based on consultation in Nigeria for the attainment of their goals. This is a challenge to Nigerian politicians and political office holders.

Furthermore, the relevance of such traditional leadership values of accountability, transparency, constitutional checks and

balances, popular representation, succession to authority, Rule of Law and social justice to contemporary democratization in Nigeria must not be overlooked by the leadership. These must be co-opted within the principles of liberal democratic ideals if genuine democratization is to be achieved in Nigeria.

For example, the problems of the Judicial process in Nigeria even under a civilian regime could be said to have emanated from the gradual but precipitous abandonment of the traditions, customs and practices of the communities and nationalities which make up Nigeria (Tukur, 1999:573). The modern legal system largely "borrowed" from the west could not go closely in line with the life of the "natives". Irrelevance of the laws and the personnel administering them, the delays, corruption and the injustices of the new process were very painful when most of the headaches were wholly avoidable. However, the reintroduction of such customary approaches of requisites restitution, shaming, community service and fines on offenders would reduce, drastically, sentencing to imprisonments and confinements in dilapidated and broken-down prisons which only add to criminalization of victims.

6.12 **CONCLUSION**

A viable and stable democratic polity has to be founded on a

definite platform of social morality and civic culture indigenous to the communities which make up the society for which the democratic polity is being created. This assertion is incontestable giving the fact that peace, stability and meaningful political development and social-regeneration seem to have continued to elude Africa in general and Nigeria in particular.

Analysis of the relevance of traditional values of leadership in Nigeria as witnessed in the political structures of the Yoruba, Ibo and the Sokoto Caliphate systems of government respectively to contemporary Nigeria setting was justification enough that if these values are co-opted and inculcated into the practice of democracy, a better and stable democratic polity in Nigeria in particular could emerge. Democracy, therefore, is a universal concept found within the context of a peoples culture and tradition, and which no people, Europeans or otherwise, could claim right to the concept.,

Africans in general do not have to `borrow' ideas of democracy from alien sources, though Europeans may refuse to believe that the traditional societies were run democratically, however, what is clear is that: first there is a relevance between the traditional political systems and modern liberal democracy as demonstrated in the traditional cultural practices of the right of representation, the

right to elect rulers, the right to depose them when they failed to execute the will of the people. The systems of governance in the Sokoto Caliphate and the Old Oyo Empire are notable examples, and which can be co-opted into liberal democratic ideals.

The traditional values of respect of the rights of the individual as demonstrated in his right to attend court sessions as found in the Sokoto Caliphate, right to free trial and free hearing as found in the Ibo system, and the Constitutional checks and balances demonstrated in the Oyo system are equally relevant to democratization process in the country. The Councils of the Emir also acted as checks on the ruler as they were responsible for his appointment and deposition. The Sokoto Caliphate system presents a good example. These are values that can help shape democracy into an effective system in Nigeria.

Secondly, the establishment of liberal democratic system in Nigeria should take traditional norms and values into consideration in governance. This is because there are communities that are essentially traditional and conservative and which cannot in any way be isolated from the liberal democratic system.

Thirdly, though liberal democracy cannot be said to be unsuitable for African al beit, Nigerian conditions, however the

introduction of “cultural Nationalism would give a better understanding of the concept within the realm of traditional cultural practices of the people.

Fourthly, the tenets/principles of liberal democracy could be extrapolated with “Cultural Nationalism” within the context of those social conditions and circumstances within which the people find themselves. For examples both the tenets of racial emancipation and human rights as found in “Cultural Nationalism” and the tenets of fundamental rights and freedoms as found in liberal democracy have similar genetic social conditions and circumstances within which the Africans and the bourgeois found themselves at differing periods of colonialism and feudal system respectively.

Furthermore, modern African political thought recognizes the essential linkage with past practices of democracy in Africa, thus to understand the character of democracy in contemporary Africa, one must recognize these past practices traditions, norms and values and bring them together with the tenets of modern democracy for a better system. Concepts like Cultural Nationalism, African Socialism, Racial Emancipation, mental emancipation, Cultural Representation, Economic Development were developed essentially

by African educationists in the attempt to justify that democracy is inextricably linked to the social conditions and circumstances within which people find themselves of the past and which are relevant to the present system of governance. The concept, democracy, is therefore not in anyway alien to Africa.

Fundamentally, nationalists struggle for democracy in Africa was meant for control of African affairs by the “natives”. Thus democracy was understood in terms of the experience of the anti-colonial struggle, stressing participation and mobilization of the masses, the achievement of desired end and rule in the interest of the African people, rather than in the interests of the metropole countries (Hendrickson, 1997:29), this was despite the obstacles to democratization as form of external imposture and its inability to co-opt domestic forces and traditional values and norms in the process (Bako, 1997:228). These values of representation, consensus, consultation, social justice, accountability, rule of law etc are norms that are relevant to and can be co-opted in the process in Nigeria.

Traditional values were said to be found in the pre-colonial past. However, their validity does not depend on this argument because they were not `good’, `valuable’ or `honourable’ simply

because they were part of traditional African life (Mbiti, 1969:271). The truth is that they merely reflect the given historical conditions within which the African people found themselves and on which their cultural considerations depend. This justification applies to all other social and political ideas ever pronounced by mankind.

In the final analysis and having exposed and justified the existence of those traditional values of leadership as found in Nigeria cultural settings, this Dissertation would stress that though their relevance to contemporary democratization have been clearly enumerated, however, the problem is that more often than not politicians and those occupying political offices in the system do not pay much attention to the adherence of these values let alone recognize them as part of the democratization process.

The truth is that most writers tend to borrow a leaf from European colonial history of separating the concept of democracy from African traditional cultural practices. By our analysis above, supported by facts as presented by various different intellectuals on African democratic studies, democracy was not alien to Africa. It existed as far as the African cultural and traditional practices were concerned and which germinated out of the cultural norms and values of the people. Norms that are no doubt relevant to the

success of democratization only if the actors and stakeholders would adhere to their institutionalization.

CHAPTER SEVEN

SUMMARY, CONCLUSION AND RECOMMENDATIONS

7.1 SUMMARY

The failure of different political systems to bring about the much needed political stability and development in Africa actually generated varying degree of interests and the ultimate search for an alternative. The call for democratic alternative, has, thus dominated the political environment in Africa. To further pave the way for democratic experiment in Africa, pressures from other democratic polities outside the continent, the collapse of communist political ideology certainly pointed to the liberal democratic ideals as the only solution to the African malaise.

A common characteristic of post-colonial democracy in Africa is its instability, because several attempts to consolidate budding democracies have been thwarted by the military, capitalising on the undemocratic behaviour of the actors and stakeholders spearheading the process. However, and despite the failure of previous attempts to entrench democracy, African countries still continue the search for a workable experiment, Nigeria inclusive. The transition programme of the military regime of General Abdulsalami Abubakar which terminated on the 29th of May, 1999

was a watershed in the political history of Nigeria. The shortest transition agenda, in terms of duration, the programme lasted only eight months with the election of Chief Olusegun Obasanjo as the new President. The military has been very instrumental in Nigeria transition programmes. The traditional cultural value traces of democracy in Africa as discovered by this study were more stable and lasting. Traces of democracy found in the peoples cultural practices and upon which they ruled themselves are ingredients upon which modern democracy could be built. The Yoruba system of administration in the old Oyo Empire and the Igbo system of representative democracy were notable examples. The liberal democratic model though alien to Africa but equally useful provided that its principles and values are implemented with high commitments in conjuncture with African traditional cultural values.

While the transition in May 1999 successfully terminated military rule and ushered in an elected civil government in Nigeria, the transition and democratization process from an elected civil order to democratic government had only just begun. Eighteen months into this historic journey to democratic government, the system continued to experience some stress and problems

emanating from the abuse and violations of the principles of Rule of Law and Constitutionalism by the actors in the system, manifesting in serious degrees of economic, political and social uncertainties. Flash points of ethnic, communal and resource conflicts persisted and the economic environment was still unstable while the Niger Delta crisis continued unabated, with threatening environmental degradation in the oil-producing regions. Underlying these and many more problems threatening the democratization process was the attitudinal approach, insensitivity and slow pace at which the politicians and political office holders were addressing these fundamental national issues. Issues like poverty alleviation, resources distribution, infrastructure development, and security as contained in the NEEDS DOCUMENT, a strategy and working policy of the government, were given the barest attention by the government. An air of anxiety and uncertainty continued to pervade dear Nigeria. Nigeria was certainly at a crossroads. There was something fundamentally wrong with the way politicians were handling the affairs of the nation.

To exacerbate the tension already looming the environment, the politician continued to behave apolitically to the dismay and disappointments of Nigerians who fought for the institutionalization

of the civilian government. Seven years into the democratization process the condition within which Nigerians found themselves was pathetic. The democratic principles of the Rule of Law and Constitutionalism which the actors ought to observed as the main agenda of the democratization process were barely observed let alone institutionalized.

Characteristically, therefore, the data findings of this Dissertation reveals that there was clear abuse of the Rule of Law and Constitutionalism, leading to lack of accountability and transparency in government, emasculation of the Judiciary and Judicial process by the executive, manipulation of the electoral process and general absence of representation. Hypothetically, these were discovered to have accounted for the problems which the democratization process continued to experience during the period of study.

Findings revealed that Nigerians had a significant amount of good will and patience in the government and also understood that change would not come overnight with the social delivery which has become a complicated process that required time. Nevertheless, in the face of overwhelming poverty characterised by monumental level of corruption as engaged primarily by the

politicians, Nigerians had no option but to express their anxiety and frustration. They felt they had been waiting for democracy dividend for a long time especially since the Babangida military days of Structural Adjustment Programme. This had characterised a failure on the part of the administration that was expected to deliver the expectations of the Nigerian population.

Furthermore, other issues that continued to presage the democratization process and institutionalization of democracy in Nigeria during the period of study included the anti-democratic NEEDS economic reforms policies of deregulation of petroleum resources, rationalisation of the workforce, privatization of government parastatals, sanitisation of the banking industry, poverty alleviation and debt issues. However these have had various devasting impacts on the economy and the people who were supposed to contribute their input in the democratization process. While the economy continued to remain in a pathetic condition, the masses had to do with spiraling inflation and degrading living conditions, hunger, diseases and general increase in crimes and insecurity. The economy remained undemocratized in many facets.

Relatively, the executive-legislature relations, the threats of impeachments of the executive stemming from these strenuous

relations were other factors threatening the democratization process. Ayo Fayose, Ekiti State governor, Peter Obi of Anambra, Chris Ngige of Anambra were among the governors that were impeached by their legislatures. Similarly the relationship between the President and his deputy were also another problem that posed a danger to the democratization process. Each was accusing the other of corruption, embezzlement and gross abuse of office, while the EFCC and ICPC, and the National Assembly were watching. Whereas the EFCC and ICPC were parading and detaining people under the façade of anti-corruption, and on the seeming orders of the President who used the two bodies as tools for intimidation and abuse of power. As a result, corruption continued to pervade the society unabated.

7.2 **CONCLUSION**

Nigeria's democratization process had been marred by inconsistencies and frustrations even leading to collapse of govenments founded on the basis of elections. The reality, however, is that these governments collapsed for a number of reasons. The dismal performances of these various republics explains some of these reasons.

From the findings of this Dissertation, the reality is that the

civilian government of the Fourth Republic has performed abysmally below the expectations of Nigerian's notably seven years after inauguration. The attitudinal and unprecedented negative and undemocratic behaviour towards these Liberal Democratic principles as exhibited by the Nigerian politicians had been very instrumental in this respect. Clear abuse of the principles of Rule of Law and Constitutionalism, and the manifest violations of constitutional provisions in running of government, abuse of the principles of accountability, transparency and good governance, serious and unprecedented travesty of Justice, practical taming of the press and freedom of expression were manifestations of the undemocratic behaviour of the politicians. This informed the stress, chaos and confusion that continued to pervade the process from 1999-2006. The misbehaviour of the politicians reflected in the executive, the legislature and even in public officers of the government. For example while the National Assembly members unscrupulously focused attention on trivial matters like remunerations and principal offices of the Assembly, the executive rather focused attention on how to tame the legislature through inducements and organised impeachment of principal officers. However, this was a serious set back to the democratization

process.

Furthermore, the findings revealed that:

(a) In the breach of democratic principles of the Rule of Law and Constitutionalism, the Nigerian politicians paid less attention to accountability as portrayed by the level of corrupt practices and apparent looting of the nation's treasury. Billions of Naira and Dollars went down the drain unaccounted for through initiation of contracts, over-invoicing, double-debiting of government accounts, over spending and the "settlement" syndrome whereby party financiers were given money for contracts that were never executed as a means of compensation for their troubles", during elections, contracts for Turn Around Maintenance of refineries was a good example. Thus the issue of transparency and good governance became barely visible in the government.

(b) Constitutional breach became prevalent in the administration. The Presidency was very fond of acting contrary to constitutional provisions as shown by research findings. The unconstitutional abduction and impeachment of Anambra State Governor by his political "god-father" was among the numerous cases of constitutional abuse in the government. The President and other stakeholders simply watched on without bringing the law

to bear on the constitutional criminals.

(c) The electoral process too was not free and fair as expected as elections became marred by frauds of all sorts; thereby leading to rejection of results by the opposition party and petitions to tribunals set at the instance of the Presidency.

(d) Rule of law became visible only on those whom the principle was supposed to protect. The emasculation of the Judiciary by the executive became clear at both the Federal and State levels of the government. Scandals of corruption by the Judicial Tribunals on elections petitions to favour the executive cut across the country, thereby eroding the credibility of the Judiciary.

(e) The Nigerian and foreign press too was not spared by the unruly behaviour of the politicians. Cases of brutalization of the press became visible. Unlawful arrests and detention of the press at the instance of the Vice President were clearly seen. This was unfortunate because the press was very effective in the establishment of the government.

Finally, on the socio-economic and political front, Nigerians became most disappointed. The economy remained in a pathetic shape with more people hanging on the last lane. Communal clashes, the Niger Delta crisis, religious and tribal unrests

continued to pose a threat to the democratization process. Political thuggery, assassinations, arson, coupled with rampant cases of armed robbery, theft, cultism in schools created an environment of insecurity for a smooth democratisation process. In fact the democratization process in the seven years of the Fourth Republic was nothing but smooth.

Finally, having examined the transition history in Nigeria over the years in which the military had been very instrumental, and also having discussed the theoretical and practical bases of a democratic system of government, the conclusion is that a government formed on the basis of election alone cannot assume the qualities of democracy. Hence the Fourth Republic, though it came through elections, was not a democratic government. And continued breach, abuse and violations of Rule of Law and other underlying tenets of democracy by the politicians could only aggravate the problems pervading the system and the possible collapse of the Republic. Similarly, the Second and Third Republics that came before it were not democratic governments either and they collapsed due to abuse of principles of democracy. However, the civilian governments of the various republics were rather part of the democratization processes of establishing a

democratic system.

Furthermore, the Dissertation observed that the democratization processes in Nigeria were marred by problems that eventually led to their collapse. Among these problems was the attitude of non-observant of democratic principles especially by the actors notably the Nigerian politicians and other stake-holders. The politicians were the worst enemy of democracy, as further observed by this study. This was also prevalent in the Fourth Republic democratization process. This was a serious threat to the democratization process in the polity; it has tended to slow down the process. However, and given the fact that the road to democracy is always a tedious one, as the cases of the United States, France and other advanced democracies portrayed, establishment of a liberal democracy in Nigeria would not be that easy, but would be facilitated and enhanced with the observance and commitment to liberal democratic principles in conjunction with those traditional values of leadership and governance as found in the Sokoto Caliphate, the Oyo empire and the Ibo community political systems by the Nigerian politicians, which had become the serious danger to democratization process in Nigeria over the years.

There is no doubt that the democratization process during the

period of study had experienced some stress, chaos, and confusion emanating from clear abuse and violation of the principles of Rule of Law and Constitutionalism leading to the abuse of principles of Accountability, Transparency and Good governance, violation of Constitutional provisions in running of government, serious and unprecedent travesty of Judicial process, practical taming of the press as informed by the undermocratic behaviour of politicians and political office holders.

Finally, therefore, the democratization process was far from establishing a stable democracy. However, the reality is that since democracy has to start from somewhere, nto necessarily from a clean state, the journey to democracy could be said to have begun, and which can be enhanced by coopting into the process:

a) Traditional leadership values of integrity, truthfulness, wisdom, sincerity, justice, generosity and discipline as found in Nigerian Cultural values.

b) Traditional values of accountability, transparency, constitutional checks and balances, popular representation, legitimate success to authority, Rule of Law, Constitutionalism and Social Justice as found in Nigerian traditional political structures.

c) Social morality and civic-culture framework that are

indigeneous to the people of Nigeria.

7.3 **RECOMMENDATIONS**

From the research findings, analyses, and the conclusions arrived at, this Dissertation would, therefore, proceed to proffer the following recommendations:

To ensure a smooth democratization processes and the institutionalization and survival of democracy the people must find ways of keeping their elected representatives accountable. This can be done starting from selection of candidates and participatory voting devoid of financial inducement by candidates.

There is the need for Nigeria to evolve a model of democracy conducive to its cultural realities, traditional cultural leadership values and norms can be co-opted while appreciating the western liberal democratic model. This will go along way in encouraging participation in governance and policy-making.

The behaviour of the Nigerian politicians must be that of good example to the people by observing the principles of democracy. The Executive and the Legislature are very instrumental in this respect.

Interest Groups must be encouraged to channel conflicts and critisms by consensus and through the appropriate democratic

structures. This breeds healthy democratization process.

The government must ensure that the social conditions of the people are improved meaningfully to enable effective political participation and reduction of conflicts.

The government must democratize the economy by making available free participation in all economic activities without favour to any section of the populace.

It is imperative that the government embarks on envigorated political socialization programmes with the objective of attitudinal change in the people and the politicians principally.

The democratic institutions created must be made to reconcile interests within a framework thereby ensuring sufficient overall consensus.

The Nigerian press must be allowed to freely participate in the democratization process without sanctions, emasculation or brutalization by the executive or any other body.

The culture of militarism must be replaced by the democratic culture of tolerance, consensus, patience and peaceful co-existence even in the wake of possible conflicts. Democratization process could hardly succeed with a culture of impatience, “immediate effect”, command and obey syndrome, and conflicts as means of

channeling discontents.

BIBLIOGRAPHY

BOOKS

Ahire, T. P. (1997). "Culture, Democracy and the Rule of Law: Theory and Evidence from Nigeria", in Nasidi, Y. and Igoil, I. (eds) Culture and Democracy: Centre for Nigerian Cultural Studies, A.B.U. Zaria.

Ajayi, J.F. and Espie, I (1965). A Thousand Years of West African History: Ibadan University Press, Ibadan-Nigeria

Ake, C. (1996). Is Africa Democratising?. Lagos: Malthouse press.

Akindele, S. T. (1994). "Democracy and Imaginary Thinking in Nigeria", in Omoruyi, O. et. al (eds.) Democratisation in Africa: Nigerian Perspectives. vol. One. Centre for Democratic Studies, Abuja-Nigeria.

Allen, C. (1964). Law in the Making

Amuwo, K. (1992). "The International and Domestic Contexts of Democratic Transition in Africa: Road blocks to Democracy?" in Caron, B., Gboyega, A., and Osaghae, E (eds). Democratic Transition in Africa. Ibadan: Centre for Research, Documentation

and University Exchange (CREDU).

Anifowose, R. and Babawale, T. (eds) (2003). 2003 General Elections and
Democratic Consolidation in Nigeria: Lagos-Nigeria. Frankad Publishers.

Aristotle, in Robinson Richards (1995). Politics Books III and IV. Clarendon Press, Oxford

Ayua, I.A. (1997). "Culture, Law and Democracy, in Nasidi and Igoil
(eds). Culture and Democracy: Centre for Nigerian Cultural Studies, ABU Zaria-Nigeria.

Bako, S. (1997). "Problems of Democracy in Nigeria: Cultural Imperatives
and Impediments" in Nasidi and Igoil (eds). Culture and Democracy: Centre for Nigerian Cultural Studies, A.B.U. Zaria-Nigeria.

Bako, S. (2001). “The Crisis of Transition to Democracy Under Obasanjo
Presidency” in Jega, A.M., Wakili, H. and Ahmad, M. (eds) Democracy and Democratization in Nigeria (1999-2001). Kano Centre for Democratic Studies, Kano-Nigeria.

Ball, A.R. (1977). Modern Politics and Government. London: Macmillan
Press.

Buah, F.K. (1974). West Africa Since A.D. 1000. Book One: The People:
London. Macmillan Educational Ltd.

Busia, K.A. (1967). Africa in Search of Democracy: London. Routhledge
and Keagan.

Caron, B, Gboyega, A., and Osaghae, E (eds) (1992). Democratic Transition in Africa, Centre for Research, Documentation and University Exchange (CREDU), Institute of African Studies

University of Ibadan, Ibadan-Nigeria.

Dahl, R.A. (1956). A Preface to Democratic Theory: Chikago. University

of Chikago Press.

Dahl, R.A. (1961). Who Governs?: New Haven.

Dahl, R.A. (1971). Polyarchy. New Haven. Yale University.

Dele, O. et al (eds) (1995) Governnance and Democracy in Nigeria. Ibadan-Nigeia: Spectrum Books.

Dias, R. (1970). Jurisprudence, 3rd ed., London.

Dicey, A. V. (1960). The Law of the Constitution, 10th Edition.

Dunmoye, A.R. (1997). "African Warrior Tradition and Western Liberal

Democracy", in Nasidi and Igoil (eds). Culture and Democracy. Centre for Nigerian Cultural Studies, Ahmadu Bello University, Zaria-Nigeria.

Durell, R.J. (1997). "Democratic Politics, Education and Works?"

in

Nasidi and Igoil (eds). Culture and Democracy. Centre for Nigerian Cultural Studies. ABU Zaria-Nigeria.

Ephraim, J. and Hayford, C. (eds) (1970). Gold Coast Native Institutions

with Thoughts Upon a Healthy Imperial Policy for the Gold Coast and Ashanti. London: Frank Cass & Co. p.33.

Esso, E.H. (1994). 'Conditions for the Success of Democracy in Africa", in

Omoruyi, et al (eds) Democratisation in Africa: African Perspectives. Vol. one. Centre for Democratic Studies, Abuja-Nigeria.

Fairchild, H.P. (ed) (1970). Dictionary of Sociology and Related Sciences.

Lilttefield. New Jersey: Adams and Co.

Friedman, (1969) in Ayua (1997). "Culture, Law and Democracy," in Nasidi and Igoil (eds) Culture and Democracy. Centre for Nigerian Cultural Studies, Ahmadu Bello University, Zaria-Nigeria.

Hayek, F.A. (1960). The Constitution of Liberty.

Healey R, and Robinson, M. (1992). Democracy, Governance and Economic Policy. London: Overseas Development Institute.

Hendrickson, M.J. (1997). “African Ideas of Democracy: A Cultural Legacy?” in Nasidi & Igoil (eds). Culture and Democracy. Centre for Nigerian Cultural Studies, A.B.U. Zaria-Nigeria.

Henriette, E.E. (1997). “Conditions for Success of Democracy in Africa” in
Omoruyi et al (eds) Democratisation in Africa: African Perspectives. Vol. one. Centre for Democratic Studies, Abuja-Nigeria.

Hewart, (1960) “The New Despotism” in Hayek 91960. The Constitution
of Liberty

Hoftstadter, R. (1960). The American Political Tradition: London.

Hoult, T.F. (1969). Dictionary of Modern Sociology. Littlefield: USA. Adam & Co.

Hyden, G. (1999). “Conjunctures and Democratisation”, in Olowu et al
(eds). Governance and Democratisation in Nigeria. Ibadan-Nigeria: Spectrum Books.

International Institute for Democracy and Electoral Assistance (IDEA)
(2001). Democracy in Nigeria: Continuing Dialogues for Nation Building Capacity Building Series, 10: Stockholm, Sweden.

Igwe, I.O. (1994). “The Military and Transition to Democratic Rule in
Nigeria: A comparative Assessment of the Transition to Civil rule Under Obasanjo and Babangida Regimes”, in Omoruyi et al (eds). Democratization in Africa: Nigerian Perspectives. Vol. one. Centre for Democratic Studies, Abuja-Nigeria.

Jefferson, T. in Hoffststadter (1960). The American Political

Tradition:

London.

Jiyane, Z.B. (1994). “Reconciling Judicial Review with Democracy in

South Africa”, in Omoruyi, et al (eds) Democratization in Africa: African Perspectives Vol. one. Centre for Democratic Studies, Abuja-Nigeria. Pp. 256-271.

Kaunda, K. (1963). Zambia Shall Be Free. London: Heinemann.

Kenyatta, J. (1962). Facing Mount Kenya: The Tribal Life of the Gikuyu.

New York: Random House.

Lerner, D. (1958). The Passing of Traditional Society. New York: The Free

Press of Glencoe.

Mabogunje, A. (1999). “Transitional Radicalisation, Local Governance

and Democratisation Process in Nigeria", in Olowu, et al (eds). Governance and Democratisation in Nigeria. Ibadan-Nigeria: Spectrum Books.

Macpherson, C.B. (1965). The Real World of Democracy. Toronto: CBC
Publication.

Mamman, A.B. (1997). "Culture, Militarism and Democracy", in Nasidi &
Igoil (eds). Culture and Democracy. Centre for Nigerian Cultural Studies, A.B.U. Zaria-Nigeria.

Mannaheim, K. (1936). Ideology of Utopia: An Introduction to the Sociology of Knowledge. New York: Harcourt, Brace and World Inc.

Martinussen, J. (ed). (1997). Society, State and Market. Red Wood Books, United Kingdom.

Marx, K. "The German Ideology", in Robert, C.T. (eds) The Marx-Engels

Reader, 2nd ed. W.W. Norton & Co. London.

Mazrui, A. in Dunmoye, A.R. (1997). "African Warrior Tradition and
Western Liberal Democracy", in Nasidi & Igoil (eds). Culture and Democracy. Centre for Nigerian Cultural Studies, A.B.U. Zaria-Nigeria.

Mbachu, O. (1994). "Democracy in Africa: A Theoretical Overview" in
Omoruyi, et al (eds). Democratization in Africa: African Perspectives vol. one. Centre for Democratic Studies, Abuja-Nigeria.

Mbiti, J.S. (1969). African Religions and Philosophy. London: Heineman
Educational Books, p. 271.

Mikailu, A.S. and Yaqub, N. (2003). "Accountability and Good
Governance as Essential Elements of Democratic Politics: An Analysis of Their Institutionalization in Contemporary Politics of Nigeria," in Mike Kwanashie (ed) Politics and Political Power

Relations in Nigeria, Institute for Development Research, Ahmadu Bello University, Zaria, Dat and Partners Logistics, Nigeria.

National Planning Commission (2004). The NEEDS DOCUMENT, 2004.

National Planning Commission, Abuja-Nigeria. Reproduced by Central Bank of Nigeria, Abuja, 2005.

Nasidi, Y.A. and Igoil, I. (eds). Culture and Democracy. Centre for Nigerian Cultural Studies, A.B.U., Zaria-Nigeria.

Nkrumah, K. (1963). Africa Must Unite. London: Panaf.

Nkrumah, K. (1970). Class Struggles in Africa: Panaf

Nnoli, O. (1986). Introduction To Politics: Longman: Nigeria

Nnoli, O. (1994). Ethnicity and Democracy in Africa. Lagos-Nigeria: Malthhouse Press.

North, in Mabogunje, A. (1989). “Transitional Radicalisation, Local Governance and Democratisation Process in Nigeria”, in Olowu et al

(eds). Governance and Democratisation in Nigeria. Ibadan-Nigeria: Spectrum Books.

Nwabueze, B.O. (1993). Democratisation, Ibadan-Nigeria: Spectrum Books.

Nwabueze, B.O. (1992). “Legal and Institutional Mechanisms for Democratic Transition”, in Caron et al (eds). Democratic Transition in Africa. Ibadan-Nigeria: Centre for Research, Documentation and University Exchange (CREDU).

Nwokeji, M.O. (1994). “Historical and Theoretical Diagnosis of Africa
Democratic Delusions”, in Omoruyi et al (eds). Democratization in Africa: African Perspectives vol. one. Centre for Democratic Studies, Abuja-Nigeria.

Ohachenu, U. (1999). “Learning From Below: Indigenous Non-Governmental Grassroots Organisations in Governance and Democratisation”, in Olowu et al (eds). Government and Democratisation in Nigeria. Ibadan-Nigeria: Spectrum Books.

Okello, O. (1997). "Classical and Colonial Cultures in Africa and the
Problem of Democratic Politics", in Nasidi & Igoil (eds). Culture and Democracy. Centre for Nigeria Cultural Studies. A.B.U., Zaria-Nigeria.

Okita, S.I. (1997). "Cultural Pluralism and the Search for Viable Democracy", in Nasidi & Igoil (eds). Culture and Democracy. Centre for Nigerian Cultural Studies. A.B.U., Zaria-Nigeria.

Olushola, M. (1994). "National Interest and the Quest for Democracy in
Nigeria: A Theoretical Appraisal of Nigeria's Transition to Civil Rule Programme", in Omoruyi, et al (eds.) Democratisation in Africa: Nigerian Perspectives vol. one: Centre for Democratic Studies, Abuja-Nigeria.

Omoruyi, O. (1994). "Designing the Nigerian Transition Programme" in
Omoruyi. et al (eds). Democratisation in Africa: Nigerian

Perspectives vol. one. Centre for Democratic Studies, Abuja-Nigeria.

Onu, M.C. (1994). “Democracy and Trust: The Case of Nigeria”, in Omoruyi et al (eds) Democratisation in Africa: Nigerian Perspectives, vol. one. Centre for Democratic Studies, Abuja-Nigeria.

Onuoha, B. (1994). “Transition and Democracy in Nigeria”, in Omoruyi et
al (eds) Democratisation in Africa: Nigerian Perspectives vol. one. Centre for Democratic Studies, Abuja-Nigeria.

Osaghae, E.E. (1994). “Sustaining Democratic Stability in Africa”, in
Omoruyi et al (eds). Democratisation in Africa: African Perspectives vol. one. Centre for Democratic Studies. Abuja-Nigeria.

Owolabi, A.O. (1992). “The Military and Democratic Transition: An Analysis of the Transition Programme of the Babangida Administration”, in Caron et al (eds) Democratic Transition in

Africa. Ibadan-Nigeria: Centre for Research, Documentation and University Exchange (CREDU).

Phillipe, S. and Karl, T. (1988). “What Democracy is ..... and is not”, in Jon, E. & Rune, S. (eds). Constitutionalism and Democracy Cambridge University Press. P. 76.

Preuss, U.K. (1993). “Democracy and Constitutionalism”, in Gross, (ed).
Constitutionalism and Politics. Bratislava Symposium.

Prezeworski, A. (1998). “Democracy As A Contingent Outcome of Politics”,
In Jon & Rune (eds). Constitutionalism and Democracy. Cambridge University Press. Pp. 61-62.

Prezeworski, A. (1990). Transition to Democracy.

Pulley, (1973). In Remi, A. and Tunde, B. (eds) (2003). 2003 General
Elections and Democractic Consolidation in Nigeria. Lagos-Nigeria.

Frankad Publishers

Ranny, A. (1975). Government: Brief Introduction to Political Science.

Hinsdale, Illinois: The Dryden Press.

Raphael, D.D. (1970). Problems of Political Philosophy. London. Oxford

University Press.

Remi, A. and Tunde, B. (eds) (2003). 2003 General Elections and Democratic Consolidation in Nigeria. Lagos-Nigeria: Frankad Publishers.

Robinson, R. (1995). Politics Books III and IV, Clarendon Press, Oxford

Rosen, M. and Wolff, J. (eds) (1999). Political Thought. Oxford University Press, New York

Salami, A.T. (1994). "Theorising Democracy: A Focus on Richard

Joseph's Prebendal Theory", in Omoruyi et al (eds) Democratisation in Africa: Nigerian Perspectives. vol. one. Centre for Democratic Studies. Abuja-Nigeria.

Sambo, A. (1994). "Transition to Democracy in Nigeria: Possibilities and
Limitations", in Omoruyi et al (eds). Democratisation in Africa: Nigerian Perspectives vol. one: Centre for Democratic Studies, Abuja-Nigeria.

Sarbah, J.M. (1968): Fanti National Constitution (2nd ed.) London: Francass & Co. p. 22.

Senghor, L.S. (1965): On African Nationalism: London. Praeger.

Sills, (1971) in Okita (1997). "Cultural Pluralism and the Search for
Viable Democracy," in Nasidi & Igoil (eds) Culture and Democracy. Centre for Nigerian Cultural Studies. A.B.U., Zaria-Nigeria.

Souley, A.N. (1992): "Economic Crisis and Democratisation in

Africa”

in Caron et al (eds). Democratic Transition in Africa. Ibadan Nigeria. Centre for Research , Documentation and University Exchange (CREDU).

Stone, J. Social Dimensions of Law and Justice

Takaya, B. (1997). “Patrimonial Culture and Democratic Participation:

The Contribution of Traditional Legacies to Political Corruption in Africa”, in Nasidi and Igoil (eds). Culture and Democracy. Centre for Nigerian Cultural Studies, A.B.U. Zaria-Nigeria.

Toure, S. (1975). “National Democracy” in Mtiso & Rothio (eds).

Readings in African Political Thought. London: Heinemann.

Tukur, Mahmud (1999). Leadership and Governance in Nigeria: The

Relevance of Values: Hudahuda/Hodder & Stoughton.

Williams, A. (1999). “The Fictionalisation of Democratic Struggle in Africa: The Nigerian Example”, in Olowu et al (eds). Governance and Democratisation in Nigeria. Ibadan-Nigeria: Spectrum Books.

JOURNALS

Adedokun, S. (1992). "Transition From Military to Civil Rule in Nigeria: A

Theoretical Analysis," in Tyoden, S.G. (ed). Transition to Civil Rule: The Journey So far. Journal of Nigerian Political Science Association (NPSA) Annual Conference Proceedings. Nigerian Institute of International Affairs, Lagos-Nigeria.

Alabi, D.O.(2001). "A Critical Analysis of the Socio-Economic and Political

Legacies of the Abacha Regime (1993-1998)". The Spectrum Journal vol. 8, No. 1. Kaduna Polytechnic, Kaduna-Nigeria.

Chodak, S. (1991). "The Rise of the Global Civilisation". Dialogue and

Humanism. The Universalist Quarterly Journal.

Chomsky, N. (1991). "The Struggle for Democracy in a Changed World:

Review of African Political Economy Journal No. 50, March, 1991.

Diamond, L. (1998). “Nigeria: Pluralism, Statism and the Struggle for
Democracy”. Africa Journal Vol. II.

Henken, L. (1998). “Elements of Constitutionalism”. The Review Journal
No. 60 June, 1998.

Lipset, S.M. (1959). “Some Social Requisites of Democracy: Economic
Development and Political Legitimacy”. American Political Science Review. Journal, Vol. 53, No. 1, pp. 69-105.

Miller, E.N. (1985). “Dependent Economic Development: Aid Dependence
on the United States and Democratic Breakdown in the Third World”. The International Studies Quarterly Journal vol. 29. pp. 445-469.

Sanders, D. (1950). “Behavioural Analysis,” in Marshal, D and Stocker,

G. (eds). Theories and Methods in Political Science. Journal. No. 46, pp. 43-49.

S.O. Ojo (1992). “Regulating the Polity in a Deregulated Economy: Hypotheses and Illustrations Based on SAP and Transition to Civil Rule Programme”, in Tyoden, (ed). Transition to Civil Rule: The Journey So Far. Nigerian Political Scinece Association Journal. Conference Proceedings. Nigerian Institute of International Affairs, Lagos-Nigeria.

MAGAZINES

Mathews, T. (1992): “Decade of Democracy”, Washington: Newsweek

January 6. p. 28.

Analysis, March 2003: vol. 1,No. 3 pp. 33-36.

Newswatch, September, 24th 2001: vol. 3 no. 12, p. 22.

Newswatch, September, 8th 2003: vol. 38, No. 10, pp. 34-35

Newswatch, December, 1st 2003: vol. 38 No. 22, pp. 34-36.

Newswatch, June 21st, 2005: vol. 39 No. 24, p. 10.

Newswatch, June 13, 2005: vol. 41, No. 23, pp. 14-21.

Newswatch, July 23, 2001: vol. 34, No. 3. p. 31.

Newswatch, May 31, 2004: vol. 39, No. 21, p. 13.

Newswatch, July 29, 2002: vol. 36, No. 4, pp. 20-23

Newswatch, July 4, 2005: vol. 42, No. 1, pp. 12-17.

Newswatch, June 20, 2005: vol. 41 No. 24, pp. 13-23.

Newswatch, May 28, 2001: vol. 33, No. 21, pp. 9-31.

Newswatch, May 7, 2001: vol. 33, No. 18, p.6.

Newswatch, June 11, 2001: vol. 33 no. 23 p.14.

Newswatch, December 8, 2003: vol. 38 No. 23 pp. 35-56.

Newswatch, May 13, 2004: vol. 39 No. 21 pp. 26-28.

Newswatch, November 17, 2003: vol. 38 No. 20pp. 7-27.

Newswatch, April 9, 2001: vol. 33 no. 14 p.6

Newswatch, February 25, 2002 vol. 35 No. 8 pp. 12-19.

Newswatch, July 30, 2001: vol. 34 No. 4 pp.42-45

Newswatch, October 27, 2003: vol. 38 No. 17 pp. 16-23.

Newswatch, July 2, 2002: vol. 33 No. 26 pp. 52-60

Newswatch, October 20, 2003: vol. 38 No. 16 pp. 32-41.

Newswatch, June 27, 2005: vol. 41 No. 25 pp. 20-23.

Newswatch, April 4,2005: Vol. 41 No. 25 pp. 14-26

Newswatch, October 24,2005: Vol. 42 No. 17 pp. 14-21

Newswatch, January 24, 2005: Vol. 41 No. 4 pp. 13-14

Newswatch, June 25, 2001: Vol. 33 No. 25 p. 54.

Newswatch, April 23, 2001: Vol. 33 No. 16 p. 13

Newswatch, June 11, 2001: Vol. 33 No. 23 pp. 45-57

Newswatch, December 1, 2003: Vol. 38 No. 22 pp. 40-48.

Newswatch, January 14, 2002: Vol. 35 No. 2 pp. 20-29.

Newswatch, August 4, 2003: Vol. 38 No. 5 pp. 20-34.

Newswatch, December 24, 2001: Vol. 34 No. 25 p. 47

Newswatch, November, 5, 2001: Vol. 35 No. 18 p. 41

Newswatch, March 11, 2002: Vol. 35 No. 10 pp. 40-50.

Newswatch, August 25, 2003: Vol. 38 No. 8 pp. 44-47

Newswatch, June 6, 2005: Vol. 41 No. 22 pp. 14-22.

Newswatch, July 21, 2003: Vol. 38 No. 3 pp. 48-50.

Newswatch, August 25, 2003: Vol. 38 No. 8 pp. 20-27

Newswatch, May 3, 2004: Vol. 39 No. 17 p. 21.

Newswatch, March 15, 2004: Vol. 39 No. 10 p. 12

Newswatch, October 11, 2004: vol. 40 No. 15 p. 11

Newswatch, June 27, 2005: Vol 41 No. 25 pp. 12-19.

Newswatch, December 1, 2003: Vol. 38 No. 22 p. 38

Newswatch, June 30, 2003: Vol. 37 No. 25 p. 7

Newswatch, October 25, 2004: Vol. 40 No. 17 pp. 11-10

Newswatch, 29, 2006 Vol. 43 No. 21

Newswatch, May 15, 2006 Vol. 43 No. 19

Newswatch, May 29, 2006 Vol. 43 NO. 21

Newswatch, April 3, 2006 Vol. 43 No. 13 pp. 10-17

Newswatch, February 6, 2006 Vol. 43 No. 5

Newswatch, May 1, 2006 Vol. 43 No. 18

Tell, October 11, 2004 p. 5

Tell, October 30, 2006 No. 44

NEWSPAPERS:

Daily Trust, October 31, 2003: Vol. 7 No. 27 p. 6 & 39

Daily Trust, Monday, March 18, 2002: Vol. 3 No. 44 p. 32

Daily Trust, Wednesday, May 7, 2003: Vol. 5 No. 98

Daily Trust, Monday, March 18, 2002: Vol. 3 No. 44 p. 6

Daily Trust, Friday, May 30, 2003: Vol. 6 No. 15 p. 2

Daily Trust, Tuesday, May 20, 2003: Vol. 6 No. 7

Daily Trust, Friday, December 5, 2003: Vol. 7 No. 51 p.1

Daily Trust, Monday, October 20, 2003: Vol. 7 No. 77 p.1

Daily Trust, Monday, February 17, 2003: Vol. 5 No. 41 p. 40

Daily Trust, Thursday, December 4, 2003: Vol. 7 No. 50 pp. 1-6

Daily Trust, Monday, May 26, 2003: Vol. 6 No. 11 p. 32

Daily Trust, Friday, February 14, 2003: Vol. 5 No. 40 p. 40

Daily Trust, Friday October 17, 2003: Vol. 7 No. 17 p.1

Daily Trust, Wednesday, December 3, 2003 Vol. 7 No. 49 p.40

Daily Trust, Tuesday May 17, 2003: Vol. 6 No. 12 p. 7

Daily Trust, Wednesday, April 9, 2003: Vol 5 No. 78, p. 32

Daily Trust, Thursday, May 29, 2003: Vol. 6 No. 14 p. 1-2

Daily Trust, Wednesday, August 27, 2003: Vol. 6 No. 78 p.40

Daily Trust, Wednesday, August 6, 2003: Vol. 6 No. 63 p.1

Daily Trust, Friday, February 14, 2003: Vol. 5 No. 40 p. 40.

Daily Trust, Friday, March 7, 2003: Vol. 5 No. 55 pp. 1-3

Daily Trust, Friday, September 26, 2003: Vol. 6 No. 100 p. 40

Daily Trust, Monday, October 27, 2003: Vol. 7 No. 23 P. 40

Daily Trust, Tuesday 17 October, 2006 Vol. 14 No. 97 p1

Daily Sun, Tuesday 17 October, 2006 Vol. 3 No. 826

Daily Trust, Friday 20 October, 2006 Vol. 14 No. 100

Daily Trust, Friday 11 August, 2006 Vol. 14 No. 50

Daily Trust, Friday 4 August, 2006 Vol. 14 No. 45

Daily Trust, Thursday 17, August, 2006 Vol. 14 No. 53

New Sentinel, November, 12 2006 vol. 2 No. 17

Weekly Trust, September 6-12, 2003: vol. 6 No. 37 p. 2

Nwabueze, B.O, (1988). “Our March to Constitutional Democracy”. The Guardian. July 1988. Lagos

Toyo, E. (1988). “Socio-Economic Inequality and the Stability of the Third Republic”. National Concord. Concord Group of Publications. P. 97.

CONFERENCE PAPERS:

Adeyemi, S.G. (2002). “Political Parties and Popular Participation”. An
unpublished paper presented at Centre for Advanced Social Sciences. Abuja-Nigeria on theme: “Assessment of our Democratic Journey So Far”.

Asobie, A. (1995). The African Riddle: What Democracy? Whose State?
Which Africa? Unpublished keynote address at Ibadan under the auspices of Nigerian Political Science Association Bienniel Congress, August 21-23.

Egwu S. (2000). Civil Society and the Struggle for

Constitutionalism.

Unpublished paper presented at University of Jos organised Civil Rights Congress. Theme: " Constitutionalism and Democracy". 5-6 May, 2000.

Dudley, in Adeyemi, S.G. (2000). Political Parties and Popular Participation. Unpublished paper presented at Centre for Advanced Social Sciences, Abuja-Nigeria. Theme: "Assessment of Our Democratic Journey So Far."

Toyo, E. (2001). Democracy. Unpublished paper presented at a lecture

Conference organised by the Academic Staff Union of Universities, ASUU, Ahmadu Bello Universities Zaria Chapter and other Human Rights Groups on 9, January 2001 in Kaduna. The paper was delivered earlier on Friday 12, September, 1997 under the auspices of the Nigerian Association of Political Science Students (NAPSS) University of Calabar chapter and also at the Convention of the Eastern Zone of the NAPSS a few days later.

DEPARTMENT OF POLITICAL SCIENCE

AHMADU BELLO UNIVERSITY, ZARIA

RESEARCH INTERVIEW MODULE

1. How would you rate the strength of Rule of Law, Constitutionalism and Judicial structures in the democratization process between 1998-2006?

2. To what extent were those in government transparent and accountable?

3. What is your opinion about the level of corruption in the country and the government's efforts to combat it?

4. Would you say that the streneous relationship between the Executive and Legislature was a threat to the success of the process?

5. How would you assess the electoral process and elections during the period of study?

6. To what extent was the level of insecurity in the country a threat to the process?

7. How do you react to the impeachment moves by the legislature on the executive during the period?

8. The socio-economic conditions of the masses were nothing but better during the period of study. How do you respond to that?

9. The Press became a serious tool of manipulation and informing Judicial decisions by the Executive especially at Electoral Tribunals. Do you agree?

10. Democracy could only succeed when true democrats champion the course of the democratization process. How do you react to this?

Musa Yusuf (Ph.D Student)

Appendix 1(a)
DEPARTMENT OF POLITICAL SCIENCE
AHMADU BELLO UNIVERSITY

RESEARCH QUESTIONNAIRE SCHEDULE

Dear Sir,

Musa Yusuf is a Ph.D student of Political Science who is conducting a research on Evaluation of the Dem

mocratization Process in Nigeria (1998-2006).

You are, please, required to respond to the questions below by ticking (√) a box accordingly. Your opinion would be treated as highly confidential.

Thanks in anticipation of your cooperation.

(Musa Yusuf)

Ph.D. Political Science Student

Personal Details:

(i) Sex: (a) Male [ ] (b) Female [ ]

ii) Age: (a) 25-35 [ ] (b) 36-46 [ ]

(c) 47 – above [ ]

iii) Education: (a) B.Sc. [ ] (b) Ph.D [ ]

(c) M.Sc [ ] (d) Others specify [ ] .....

2. There was another attempt at democratizaton in Nigeria between 1998-2006:

(a) Strongly agree [ ] (b) Agree [ ]

(c) Undecided [ ] (d) Strongly disagree [ ]

(e) Disagree [ ]

3. The Principles of Democracy were seriously abused during the period of study.

a) Strongly agree [ ] (b) Agree [ ]

c) Undecided [ ] (d) Strongly disagree [ ]

e) Disagree [ ]

The Democratization Process between 1999-2006 was in a serious mess.

a) Strongly agree [ ] (b) Agree [ ]

c) Undecided [ ] (d) Strongly disagree [ ]

e) Disagree [ ]

5. Rule of law was least observed by actors during the period of study

a) Strongly agree [ ] (b) Agree [ ]

c) Undecided [ ] (d) Strongly disagree [ ]

d) Disagree [ ]

6. The tenets of Constituionalism were abused

a) Strongly agree [ ] (b) Agree [ ]

c) Undecided [ ] (d) Strongly disagree [ ]

d) Disagree [ ]

7. Both the Executive and the Legislature were notable in abuse of Constitutional Provisions.

a) Strongly agree [ ] (b) Agree [ ]

c) Undecided [ ] (d) Strongly disagree [ ]

d) Disagree [ ]

8. There was excessive manipulation of the Judiciary and Judicial

process by the Executive.

a) Strongly agree [ ] (b) Agree [ ]

c) Undecided [ ] (d) Strongly disagree [ ]

e) Disagree [ ]

9. Elections and Electoral Process were not free and fair.

a) Strongly agree [ ] (b) Agree [ ]

c) Undecided [ ] (d) Strongly disagree [ ]

e) Disagree [ ]

10. The government was less transparent and accountable to the

people.

a) Strongly agree [ ] (b) Agree [ ]

c) Undecided [ ] (d) Strongly disagree [ ]

e) Disagree [ ]

11. There was less press freedom and freedom of expression

a) Strongly agree [ ] (b) Agree [ ]

c) Undecided [ ] (d) Strongly disagree [ ]

e) Disagree [ ]

12 There was high level corruption in the government.

a) Strongly agree [ ] (b) Agree [ ]

c) Undecided [ ] (d) Strongly disagree [ ]

e) Disagree [ ]

13. Relation between the Executive and Legislature was less cordial.

a) Strongly agree [ ] (b) Agree [ ]

c) Undecided [ ] (d) Strongly disagree [ ]

e) Disagree [ ]

14. Government Economic reforms were harsh on the people.

a) Strongly agree [ ] (b) Agree [ ]

c) Undecided [ ] (d) Strongly disagree [ ]

e) Disagree [ ]

15. There was bad socio-economic conditions with low living standard.

a) Strongly agree [ ] (b) Agree [ ]

c) Undecided [ ] (d) Strongly disagree [ ]

e) Disagree [ ]

16. Level of insecurity was very high across the country.

a) Strongly agree [ ] (b) Agree [ ]

c) Undecided [ ] (d) Strongly disagree [ ]

e) Disagree [ ]

17. Politicians constituted the greatest danger to democracy by abusing its principles during period of study.

a) Strongly agree [ ] (b) Agree [ ]

c) Undecided [ ] (d) Strongly disagree [ ]

e) Disagree [ ]

18. Traditional values of leadership are relevant to the democratization process.

a) Strongly Agree [ ] b) Agree [ ]

c) Undecided [ ] d) Strongly Disagree [ ]

e) Disagree [ ]

19. Democracy is built upon the culture and tradition of the people.

a) Strongly Agree [ ] b) Agree [ ]

c) Undecided [ ] d) Strongly Disagree [ ]

e) Disagree [ ]