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## CAN NIGERIA'S NASCENT DEMOCRACY SURVIVE?

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### ABSTRACT

*By May 2009, Nigeria's nascent democracy should have been a decade. Thus, the thrust of this paper is an in depth analysis of the possibility of sustaining democratic values beyond any sudden reversal. The paper, however, takes a cursory look at the daunting challenges ahead and infers that unless the government increases social expenditure and truncate the current brazen corruption, the hope of democratic consolidation may eventually be a mirage.*

Key words: democracy, nascent, corruption, state law and order

## INTRODUCTION

As rightly collated by Decalo<sup>1</sup>, the events in Africa took scholars by surprise, since most doubted Africa could move towards democracy. Even in the mid-1980's, one argued that by reason of their poverty or the violence of their politics, African states were unlikely to move in a democratic direction.<sup>2</sup> Another adding that "to have expected democracy to flourish would have been historical blindness"<sup>3</sup>, since 'outside the core (industrialized states) democracy is a rarity, support for Tilly's thesis 'why Europe will not occur again – with a few exceptions, the limits of democratic development in the world may well have been reached'<sup>4</sup>.

However, despite the doubts and skepticisms openly expressed by scholars, Nigeria, like several other African countries, became democratic. On May 29, 1999 Nigeria became a 'democratic' state. Prior to 1999 political transition, Nigeria was under firm military autocracy and absolutism for close to 29 years (since 1966), when the military made their first incursion into Nigeria's government and politics, following the collapse of the first republic<sup>5</sup>. It is vital to note that authoritarian governments were interrupted only by a brief period of civilian rule in the Second Republic (1979-1983)<sup>6</sup>. Thus, Nigeria's march to constitutional democracy was a chequered one marked by anti-colonial struggles, crises, coups, counter-coups, and a thirty-month agonizing civil war between 1967 and 1970. So far, Nigeria has passed through several phases in her democratization bid viz: (a) era of colonial autocracy and absolutism, that is, period of formal colonialism till October 1<sup>st</sup> 1960, when the country gained 'flag' independence; (b) emergence of constitutional democracy – (1960-1966), (c) the return of military autocracy and absolutism – (1966-1979); (d) restoration of constitutional democracy – (1979-1983); and (e) the second coming of military autocracy and absolutism – (1983-1989).<sup>7</sup>

Since 1989, that Nwabueze made that observation, the polity has added more phases to her democratization bid. With the inglorious 'stepping aside' of General Ibrahim Babangida's administration in 1993, an Interim National Government (ING) was put in place, headed by Chief Ernest Shonekan, handpicked by an unelected military President (General Babangida), thereby making the ING suffer a serious legitimacy crisis *ab initio*<sup>8</sup>. The interim contraption collapsed after eighty-two days, following the declaration that it was illegal by a Lagos High Court in a suit instituted by the assumed winner of the June 12, 1993 presidential election – Chief M. K. O. Abiola. Cashing-in on the court verdict, General Sani Abacha staged a coup d'état, dissolved all the extant democratic structures retained

by the ING, and once again, returned the country to a full blown military dictatorship. It was in this state of confusion that Gen. Abacha died in June 8, 1998 in a mysterious circumstance. Gen. Abdulsalam Abubakar, who took over after the demise of Gen. Abacha, who had a transition programme reputed to be the shortest in the annals of military-midwife political transitions in Nigeria. Eventually, barring all odds, Gen. Abubakar handed over the reins of government to Chief Olusegun Obasanjo (a retired general) in 1999. With the inauguration of Chief Obasanjo's civilian administration in 1999, hopes were high once again that democracy would be sustained and consolidated. But alas, the military background of Chief Obasanjo became a serious liability on the system when the supposedly democratic government became a replica of dictatorship in its entire facet. By 2003, after the expiration of his first term, his administration conducted a general election, and handed over to itself. This election was generally perceived to have been massively rigged.<sup>9</sup> In 2007, at the expiration of his administration's constitutionally mandated second term, another general election was conducted to usher in another civil government. This election was remarkable in a number of ways. First, it was after eight tumultuous years of democracy – the longest period since independence from the United Kingdom in 1960.<sup>10</sup> Secondly, for the first time in the history of the country, there was a civilian-civilian transfer of power. It would have been even more remarkable if there had been a transfer of power from the ruling party to the opposition.<sup>11</sup>

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Meanwhile, the thrust of this paper is an indepth analysis of the major challenges facing the nascent democracy in Nigeria to prevent it from the threats of authoritarian repression or what David Beetham calls "reverse waves".<sup>12</sup> It is to these anti-democratic forces that could lead to democratic reverse which had taken place in Mauritania recently via a military coup d'etat that we now turn to.

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#### (A) STRENGTH OF THE ECONOMY

As I have argued elsewhere<sup>13</sup>, quantitative cross-national research on the economic determinants of democracy and democratization generally consistently reveals that a country's level of economic development is associated positively and strongly with the extent to which the political systems manifest properties of democracy. There is, therefore, a two-way causal relationship between the economy and sustainable democracy; the state of the economy is the determinant of enduring democracy, but democracy is a key pre-requisite for sustainable economic transformation. The message is: broad-based economic prosperity sustains democracy, whereas widespread poverty and ignorance undermine it. To

mimic President Clinton of U.S. when he was running for office in 1992, 'it is the economy, full stop!'<sup>14</sup> No doubt, Nigeria is potentially Africa's largest economy. Every year, the country produces over 200,000 graduates of tertiary institutions (including 65 universities), has the 6<sup>th</sup> largest gas reserves in the world, eighth largest oil producer (with abundant, but largely untapped natural resources – gold, limestone, among others), and with 60 percent of its arable land lying fallow. In the words of Soludo (2005), Nigeria has also millions of its citizens in Diaspora (with estimated 100,000 Nigerian medical doctors and scientists abroad). Unfortunately, was not lucky in the first 40 years of its independence with sustained good political governance.<sup>15</sup> In his perceptive public lecture, Charles Soludo, Nigeria's Central Bank Governor,<sup>16</sup> noted further that democracy has not been endured in Nigeria simply because the economic numbers did not add up; whereas, democracy and indeed any form of government must deliver tangible economic benefits to the generality of the citizenry to be credible and sustainable.

In a seminal article on 'What Makes Democracy Endure', Przeworski found the empirical evidence that:

Once a country has a democratic regime; its level of economic development has a very strong effect on the probability that democracy will survive ... democracy can be expected to last an average of about 8.5 years in a country with per capita income under \$2,000; 33 years between \$2,000-\$4,000 and 100 years between \$4,000-\$6,000 ... Above \$6,000 democracies are to live forever. No democratic system has fallen in a country where per capita income exceeds \$6,033.<sup>17</sup>

Be that as it may, most African states have few economic potentials of any significance (many literally nothing) that could attract foreign risk capital, which is why entrepreneurs did not flock into them in the past, irrespective of ideology or level of democracy! And to rely on local capital to fuel development is to foredoom many to perpetual marginality.<sup>18</sup>

Taking a cue from the same line of argument, Akintunde<sup>19</sup>, while rationalizing the reasons for the demise of democracy in the first republic, postulated that a democracy which is not founded upon a secure economic base is not likely to succeed because it lacks an essential condition of efficiency. It is unable to fulfill the expectations of its citizens; in the common parlance, it cannot deliver goods. So significant is the economic base that many people have surmised that even communist countries, as they



become wealthier, will come to resemble western democracy more and more<sup>20</sup>. Unfortunately, in Nigeria, as in most of the developing countries, due largely to the poor economic base, the middle class is a very small minority of the population. Western democracy is, therefore, not securely founded because it lacks one of the essential ingredients of success – an influential middle class. This fact, which is sometimes a surprise to African leaders<sup>21</sup>, was well known to Aristotle more than two thousand years ago. According to Aristotle, 'when democracies have no middle class and the poor are greatly superior in number, trouble ensues and they are speedily ruined'.<sup>22</sup> The nexus between democracy and the strength of the economy reveals that those who are not rich usually confined to mere voting, political career thus become the privilege of those who are wealthy enough to afford the leisure to devote to politics in most western countries, until the advent of Trade Union M.P.s.<sup>23</sup> Thus, while blaming the politicians, it is worth repeating that, by embarking on western democracy on an inadequate economic base, the Fourth Republic was set on a death course, it was bound to be corrupt.<sup>24</sup> The same scenario is playing itself out in Nigeria presently.

No doubt, it is a daunting task in the face of the aforementioned historical evidence to sustain democracy in an economy like Nigeria, where per capita income has been below the \$1,000 mark. That, according to Prezeworsk<sup>25</sup>, poses a serious threat.

Considering the nexus between democracy and the economy vis-à-vis the expectation of an average African, Claude Ake (of blessed memory) averred that:

The ordinary people of Africa are supporting democracy as a second independence. This time they want independence not from the colonial masters, but from indigenous leaders. They want independence from leaders whose misrule has intensified their poverty and exploitation to the point of being life threatening. And they are convinced that they cannot now get material improvement without securing political empowerment and being better placed to bring public policy closer to social needs. [Nonetheless] democracy is being interpreted and supported in ways that defeat those aspirations and manifest no sensitivity to the social conditions of the ordinary people of Africa. Generally, the political elites who support democratization are those with no access to power and they invariably have no feeling for democratic values. They support democratization largely as

a strategy of power... The people can (only) choose between oppressors and by the appearance of choice legitimize what is really their disempowerment.<sup>26</sup>

In line with the above postulations, Jerry Gana (a one-time Information Minister) admitted, too, that:

You know the mentality of our people. If democracy does not produce clean water, if democracy does not produce good roads, transform agriculture, cultivate industrial development, sanitise society, give us power supply, democracy will lose credibility and they may say, na democracy we go chop?<sup>27</sup>

The caveat is that where democratic processes do not yield economic returns, a regression to dictatorship cannot be ruled out. This point is clearly stated by Larry Diamond thus:

...Many new democracies in Latin America, Eastern Europe, Asia and Africa will probably breakdown in the medium to long run unless they can reduce their often appalling levels of poverty, inequality, and social injustice, and through market oriented reforms lay the basis for sustainable growth.<sup>28</sup>

When this is juxtaposed with the admittance by the Central Bank in its 2008 first quarter report released to the public<sup>29</sup>, the economy is in perpetual crisis. The Apex Bank attributed the high rate of inflation in the country to the erratic power supply. According to the report, the inflation rate on a year to year basis was 7.8 percent, compared to 6.6 percent and 5.2 percent recorded in the preceding quarter and the corresponding period of 2007. The report noted further that inflation rate on a 12-month moving average basis for the first quarter was 5.8 percent compared with 5.4 percent recorded in the preceding quarter.<sup>30</sup> Indeed, nothing can be more soothing to the nation's debilitating power crisis, largely fingered for stunting the economy, rendering it comatose and occasioning a declining industrial sector, whose capacity utilization nosedived to a paltry 20 percent by the end of 2006. Epileptic power supply, a very prohibitive business climate and inconsistency in government policies, have combined to smother the country's industrial sector leading to the closure of multinationals, like Michelin, Panalpina, and other notable firms. The shrinking of the textile sector from 170 in the 60s, 70s, and 80s to 10 in the 90s, also evinces the acute nature of the problem. The recent disclosure by the House of Representatives Committee on Power, which probed the power sector that the country now generates less than a pitiable 1,000 megawatts, makes mockery of the country's vision of becoming one of the 20 largest and most

resilient economies by 2020, compared to South Africa, a country of 42 million people, which generates over 42,000 megawatts. Much of Nigeria's investment in the power sector has been enmeshed in corruption and enthralled in the lust of the political elite for primitive accumulation.<sup>31</sup>

The concomitant effect of poor economy is lingering with the poverty problem. Nigeria's poverty conundrum has assumed a frightening dimension. In the words of Dr. Magnus Kpakol, Senior Special Assistant to the President and National Coordinator of National Poverty Eradication Program, in a public lecture entitled "Poverty Solution: The Role of Government in Poverty Eradication" declared that:

The number of poor Nigerians could be put at an estimated figure of 70 million ... in 1980, the figure was 28.1 million. 1985, 46.3 million; 1992, 42.7 million; 1996, 65.6 million and 1999, 70.0 million, 2004, 54.4 million.<sup>32</sup>

He gave the statistical breakdown along the six regional levels to be "North-East, 72.2 percent; South-East, 26.7 percent; South-South 31.5 percent; South-West 43.1 percent; North-Central 67.0 percent; and North-West, 71.2 percent".<sup>33</sup> Undoubtedly, something must be wrong somewhere, for a critical official poverty statistics, which revealed that over half of Nigeria's 150 million population are poor, is unexplainable going by the abundant human and material resources in the country. The economy was so gloomy that 2007/2008 United Nations Development Programme's (UNDP's) Human Development Index (HDI) ratings placed Nigeria at 158<sup>th</sup> position out of 177 countries.<sup>34</sup> No doubt, democracy is endangered in Nigeria more than ever before. Poverty, want, and squalor are anti-democratic forces in the polity.

The only exception is Indian democracy, which has long baffled theorists of democracy. Democratic theory holds that poverty, widespread illiteracy, and a deeply hierarchical social structure are inhospitable conditions for the functioning of democracy.<sup>35</sup> But the historical novelty of Indian democracy was noted by Barrington Moore:

Economically (India) remains in the pre-industrial age ... But as a political specie, it does belong to the modern world. At the time of Nehru's death in 1964, political democracy had existed for seventeen years. If imperfect, the democracy was no more

sham ... Political democracy may seem strange both in an Asian setting and one without an industrial revolution.<sup>36</sup>

To avert recapitulation, my earlier work glaringly with empirical data proved the pathetic downslide of Nigeria's economy over the years with the attendant threat to democratic sustenance.<sup>37</sup> Bruce Baker too in his perceptive piece emphasized much the strength of the economy and sustainable democracy.<sup>38</sup>

#### **(B) STRENGTHENING THE WEAK STATE**

As a corollary to the aforementioned weak economy, the state, in terms of being weak or strong, matters to the study of threats to democracy both from within and without, as well as one of the common modes of failure of democracy and democratization.<sup>39</sup> Perhaps, the greatest manifestation of a weak state vis-à-vis sustainable democracy is that it cannot successfully administer a true and fair credible election which is the kernel of democracy. No doubt, one of the fundamental problems that post-colonial African states are facing is that of how to sustain and consolidate democracy through credible elections.<sup>40</sup> In the whole continent of Africa, few states could lay claim to having genuinely conducted free and fair elections as universally perceived. Hence, election administration that will attain governmental legitimacy after polls has always been a serious concern to electoral scholars.<sup>41</sup> The reason for this is not far-fetched. It is well known that most new states in Africa, Asia, and Latin America are too weak for the assignment. This is why state capacity is one of the major prerequisites for democratic nurturing, sustenance, and consolidation. In the extant literature on democratization and state capacity generally, five elements are crucial to the strength of the state vis: (a) monopoly of the coercive power of society, that is, control of instrument of coercion; (b) the right to impose tax and collect revenue; (c) the power of legal enactment, that is, power to make laws; (d) sovereignty over territory and society; and (e) control of the institutions of the state or state apparatus, i.e. bureaucracy.<sup>42</sup> These five elements taken together constitutes the basis of state power and they endow the state with the status of statehood.

However, it needs be emphasized that nation states which qualify for the status of statehood may differ in their degree of stateness; some are strong states, and others are weak. No doubt, Nigeria falls into the category of weak or soft states. Like others in her category, Nigeria runs a system, one in which formal rules (laws, officially stated administrative rules and practices, etc.) are applied copiously and in a lax manner rather than rigorously and consistently. It is one in which private advantage can be gained and

private bargains struck concerning the enforcement or non-enforcement of the rules as when a businessman bribes a tax official. Besides money, another inducement is kinship sentiment while another is the favour of superiors. The consequential effect is that in several cases, individuals may be too powerful than the state in which the rule of law is abused with impunity. Cases of such were too numerous to be mentioned during the last Nigeria's general elections in April 2007.<sup>43</sup> In a nutshell, the stronger the state in all ramifications, the better for deepening of democratic values in Nigeria. This can be achieved via the entrenchment of state institutions cum congruent political behaviour by the political elite.

### (C) IMBALANCE FEDERAL STRUCTURE

Perhaps the most crucial of all imperatives for the consolidation of Nigeria's nascent democracy is the restructuring of the lopsided and structurally imbalance federal arrangement. As rightly noted by Emeka Anyaoku, former Secretary General of the Commonwealth:

At the heart of the several conflicts plaguing the Nigerian state today is the consequence of the failure of the practice of true federalism. The power shift debate that characterized the politics of transition from military to civil rule and which has persisted several months after, rose largely out of the frustration of large segments of the population with the structure of the political system that has shut significant sections out of the corridors of power for most of the post-independence period.<sup>44</sup>

With Nigeria being one of the most complex societies in Africa, federalism was adopted to integrate the plural and divided societies. This is in line with the perception of early generation of students of inter-group relations or plural societies, which considered federalism an effective way of achieving and preserving both integration and stability in deeply divided societies. Whenever events seemed to demand that a compromise is affected between the necessity for unity and cooperation on a wide territorial basis, "the temptation is to proffer catch all management formula, such as federalism ..."<sup>45</sup> This tendency to see federalism as a magic wand that can channel irreconcilable inter-ethnic hostility into conciliation and federal cooperation was subscribed to by Carnell, thus: "in tropical area characterized by extreme cultural and ethnic diversity ... federalism comes as something of a political panacea".<sup>46</sup> In a nutshell, federalism is considered the most appropriate framework for governing multi-ethnic societies. However, recent events in Nigeria clearly demonstrate that the polity is far from being a federation, or alternatively

as has been suggested, that Nigeria is not a true or real federation.<sup>47</sup> Since 1954, when the foundation of classical federation for Nigeria was laid,<sup>48</sup> the system is still far from being problem-free. The story is that of both 'political and governmental instability'.<sup>49</sup> Worst still, Nigeria's ethnic make-up remains what Furnival calls "in the strictest sense a medley (of people) for they mix but do not combine".<sup>50</sup>

Though, the system has survived many turbulent periods, like census crises, electoral crises, social and economic unrest, with coups and counter-coups cum devastating civil war; however, the genesis of the convoluting nature of Nigerian federalism has been itemized in a recent public lecture by Adebayo Adedeji:

- Lack of structural balances
- Replacement of federalism of coordinate governments by federalism of subordinate governments (since 1966)
- Centralization of power and persistent lack of respect for the principle of subsidiary
- Inadequate attention to the need for economy in governance
- Lack of adequate measure to protect the rights of ethnic minorities and guarantee their right of self-determination
- Monopolization since 1966 of the power to control national and human resources by the federal government
- Persistent breach of the principles of fiscal federalism
- Pursuit of short-term political expediencies to the detriment of the development of proper constitutional development and practices in the long term.<sup>51</sup>

Commenting on the negative impact of over-centralization of the federal structure, J. S. Coleman, observed that "excessive centralization and statism of most developing countries ...not only means greater vulnerability as a result of unfulfilment of populist expectations, it also means heightened inefficiency".<sup>52</sup> Also, in a perceptive essay, Fallers, observed that "centralization leads to authoritarianism".<sup>53</sup> No doubt, persistent military rule has affected the structure of the polity. This is not unconnected with the fact that the military is both commandist and paternalistic in orientation.<sup>54</sup> As perceived by Isawa Elaigwu,<sup>55</sup> the system is more of a unitary one than being federal. This negative trend must have motivated Akindele to canvass the argument that:

What we need today is a non-centralised federal system in which the State governments are politically virile, legislatively strong, financially resilient, and indeed, constitute self-confident and self-assertive centres of respect by and loyalty for the citizens they serve and over whom they exercise authority.<sup>56</sup>

Without gainsaying, Nigerians need to seek a solution in either "fiscal federalism", "confederation", "political restructuring", "derivative revenue sharing", or "whatever except the present warped union where there is too much power and resources concentrated at the centre". In the words of Jide Osuntokun,<sup>57</sup> "more than anything else, we need an entirely different approach based on a different philosophy". This is imperative because democracy can only thrive where federalism is properly managed. Centralized authoritarian system is indeed anti-thetical to democracy.

#### **(D) MANIFESTATIONS OF CORRUPTION IN THE NASCENT DEMOCRACY**

Indeed, corruption under the new democracy has been pervasive, open, and shameless. The spate of corrupt practices was spearheaded by Alhaji Salisu Buhari, former Speaker of the Federal House of Representatives. Barely a year of Nigeria's nascent democracy, the young speaker was exposed by a News Magazine of certificate forgery and perjury. In his bio-data which he submitted for election, Buhari had purported to be 36 years and to have attended the University of Toronto, Canada. Whereas, he was neither up to that age nor had he ever attended that University, talkless of holding the qualification he claimed to have. In an exclusive report entitled "The face of a liar",<sup>58</sup> it was reported that the speaker was a cheat. After much controversy and investigative journalism, at the end of the day, the former speaker admitted that he forged both his birth and academic certificates. He was removed as the Speaker of the House for the fact that he had padded his age to surmount the 30 years minimum age requirement, the constitution places in the way of candidates contesting election into the House of Representatives. While the degree he faked was an egocentric misadventure, both are a criminal perfidy. He was eventually tried and convicted of forgery and perjury and sentenced to jail in August 3, 1999 by an Abuja Chief Magistrate Court.<sup>59</sup>

Immediately, after the removal of the former speaker, another privately owned news magazine, *Tell*, ran an exclusive, scandalous, and equally corrupt story about the Senate President, Evan(s) Enwerem. He too was accused of a questionable past which ought not to have given him the privilege of becoming a

number three man in the polity. Like a child's play, he too was removed as Senate President. Chief Enwerem was replaced by Dr. Chuba Okadigbo. According to the famous dictum, 'what is morally wrong cannot be politically right'. The mass media quickly discovered financial recklessness on the part of the new Senate President too.<sup>60</sup> In view of persistent media 'war' against him, the house set up a probe panel to investigate him and off he went like his predecessor, having been found guilty of corrupt practices too. In less than two years of democratic experiment, Nigerians had three Senate Presidents and two Speakers of the House of Representatives for no other reason than corrupt charges. As rightly put by a news magazine, from Evan(s) Enwerem to Chuba Okadigbo and now to Anyim Pius Anyim, the upper legislative house has become a laughing stock over allegations of impropriety.<sup>61</sup>

Allegations of corrupt practices are not only limited to the legislative arm of government alone. In November 2000, a member of the House of Representatives, Adams Jangaba, Chairman of the Anti-Corruption Committee, had tendered some four million naira (N5m) packed in eight *Ghana-Must-Go* bags, claiming it was a bribe offered some members of the house by the trio of President Obasanjo, Vice President Atiku Abubakar, and Governor Peter Odili of Rivers State. His words, "We gathered that the money is from President Obasanjo, Governor Peter Odili of Rivers State, and Vice President Atiku Abubakar and channeled through the President Liaison Officer (PLO), Dr. (Mrs) Esther Uduachi". The money, according to Jangaba, was to be shared among eight representatives with the sole aim of quickening the exit of Ghali Umar Na'Abba as Speaker of the House of Representatives. The allegation caused a commotion and, for over one hour, the law makers engaged in a free-for-all fight.<sup>62</sup>

Nigerian mass media were awashed with the rumours of sharp practices which informed the dissolution of Federal Executive Councils too frequently, within the first two years of democracy, thereby resulting into governmental instability. If the federal tier of government appears so striking, the State governments are not left out in the immoral act. In an exclusive report by *The News Magazine*,<sup>63</sup> three Governors may soon face serious problems over corruption. One of them, according to the magazine sources, is in the South-West and he has been spending money like confetti, buying houses in Florida in the United States. Over \$100 million was allegedly found in the personal account of one of the governors, who calls the shots in one of the States, East of the Niger. Likewise, at the state level, that tier of government is not immune from corruption too. In February 2000, the Speaker of the Oyo State



legislature was declared wanted by the police for defrauding the State government of 6.5 million naira (about \$60,000).<sup>64</sup>

It needs be emphasized that corruption is child's play at the upper echelon of government, when compared to what obtains at the grassroots level. Presumably, closer to the people, an assumed catalyst for rural development, the performance of local government functionaries seem opposed to what they were elected to be doing. At a public function recently, Mr. President delivered his verdict, indicting the local government administrators for lack of focus and indifference to the socio-economic needs of their people. Their governing styles, he said had "engendered so much cynicism that the federal government is being warned that this may be a particularly difficult front for the war against corruption".<sup>65</sup> When it comes to corruption at the third tier of government, the President is putting the situation mildly. Nigerians have for long, moved from, 'cynicism' to indignation and outrage. Their 'verdict', is more strident than the President's and has resulted in heaps of petitions submitted to the state and federal legislature, the Inspector General of Police and more recently, the Anti-Corruptions Commission (I.C.P.C.) headed by Justice Mustapha Akanbi. Quoting a news magazine,<sup>66</sup> many of the chairmen have learnt well the lessons of corruption of the Gen. Babangida and Abacha regimes that span some 13 years. They are following the same formula for kickbacks, security votes, and outright thievery that served the dictators and their cronies so well. And they are publicizing extravagance, flagrantly flaunting the ill-gotten wealth accumulated through ingenious, innovative way which ultimately short-changes the people they swore to serve.

Nevertheless, it needs be emphasised that the incumbent civilian administration is ever conscious of the pervasive 'culture' of corruption in the polity and perhaps definitely doing something possible to curtail it. In his inauguration broadcast to the nation, President Obasanjo identified corruption as the greatest single bane of Nigeria. Although, he admitted that the vice is incipient in all human societies, he agreed that it must not be condoned. To achieve the aim of having a corruption-free country, the President began his crusade from his own house when he ordered the arrest of his cousin, Dr. Julius Makanjuola, a Permanent Secretary, in the Ministry of Defence, who allegedly misappropriated N400 million.

On June 7, 1999, he externalized his crusade by inaugurating the Christopher Kolade Panel to review contracts and licences from January 1, 1999 to May 28, 1999. It was also to determine whether or not

the procedures for such were in conformity with existing regulations and ascertain the relevance and priority of such contracts. Apart from ascertaining whether the expenditure involved was justifiable in the light of economic realities of the country, the panel was to determine the propriety of appointments into top echelon of federal ministries and extra-ministerial departments, including whether the principle of federal character was adhered to.

The Kolade panel reviewed a total of 4,072 contracts valued at N639.62 billion, 576 licenses, and 807 appointments which the General Abdulsalami Abubakar regime handled. Kolade and his team revealed that the Federal Capital Territory Ministry rushed 266 projects worth over N44.5 billion. The panel also condemned the contract agreement between the Nigerian Ports Authority and Intel Services Limited, which "was packaged solely to serve the interest of Intel, thus, creating a monopoly situation that would exclude other companies from participating in Port activities". Consequently, President Obasanjo suspended all contract awards, licenses, and appointments made between January 1<sup>st</sup> and May 28, 1999, leading to renegotiations and contract re-awards.<sup>67</sup>

To give legal teeth to its anti-corruption crusade, the Obasanjo administration presented to the National Assembly, the "Prohibition and Punishment of Bribery and Other Related Offences Bill", six weeks after the inauguration of his government. The two federal legislative chambers subjected the bill to their own crucible, injecting the clause that the President, the Vice President, and State Governors are not immune to probe.

After a long delay, the National Assembly finally passed the bill and it was signed into law by Mr. President on September 29<sup>th</sup>, 2000. Section 3 of the bill establishes the "Independent Corrupt Practices and Related Offences Commission", consisting of a chairman and 12 others (two from each of the six zones of the federation). Some of the highlights of that bill are: "Any person who asks for, receives or obtains any benefit before doing his or her duty is liable to imprisonment for seven years; fraudulent acquisition of property shall, on conviction, be liable to seven years imprisonment; any person who corruptly gives or procures any property or benefit to a public officer or any other person shall be liable, on conviction to seven years imprisonment."<sup>68</sup> The anti-corruption law is expected to be the most popular 'gospel' for the administration if the determination of the President is anything to go by.<sup>69</sup> But

as much as the anti-corruption law is good for Nigeria's nascent democracy, the wide gap between intents and actual practices is another hurdle for the civilian government.

#### (E) THE MILITARY AS POTENTIAL THREAT

Unlike the position of Andreas Schedler, that "as students of democratic consolidation have been quick to recognize, focusing on the military, and on classical coup politics as privileged objects of research may be morally, politically, and empirically questionable ...",<sup>70</sup> empirical data which emanates from Nigerian government and politics is quite antithetical to his observation which is only relevant in advanced democracies alone.

In Africa, Asia, and Latin America, the military has become 'political gladiators' in the battle for the control of the state through incessant intervention in politics and government, thereby making that institution of the state the most potent threat to democracy. For instance, in eleven different occasions, as a result of the military's desire to control the state, Nigeria went through the 'labour pains' of coup d'état which either failed, were aborted, or succeeded.<sup>71</sup> Between 1966 when the military made their first incursion into politics and 1999 that they handed over to their retired boss – Gen. Olusegun Obasanjo – Nigeria has had seven military heads-of-state, with a lot of coup victims in the bargain. At last count, over one hundred and seventeen (117) persons both military and civilians have been executed over coup charges. The death toll in 1976 was 39, 10 in 1986, while the aborted coup in 1990 recorded the highest casualties of 60.<sup>72</sup> As a result of the frequent coups and counter coups, the military has ruled Nigeria for a much longer time than their civilian counterparts. The civilians have held office for 10 out of 39 years of Nigeria's flag independence, excluding the spell of the Interim National Government (ING) of Chief Earnest Shonekan between August 27, 1993 and November 17, 1993.

Though it is a settled matter in the extant literature on civil-military relations that the military is a *sine qua non* to the continuing existence of the civil society, for any human collectivity without a standing army may easily go into extinction. As articulated by Plato in *The Republic*,<sup>73</sup> soldiers constitute a vital element of the ideal structure of the society. All societies require a body of men whose sole occupation is that of protecting them from the dangers of external invasion, internal subversion, or irredentist claims that may tear a society into shreds. It is against this background that in all regions and climes, human

societies are faced with the problem of taming the military. It is not surprising, therefore, that 17<sup>th</sup> century political thinkers all took a dim view of the military.

Considering the nexus between the military and democracy, Claude Ake (of blessed memory) noted that:

... the military and democracy are in dialectical opposition. The military is a taut chain of command; democracy is a benign anarchy of diversity. Democracy presupposes human sociability; the military presupposes its total absence, the inhuman extremity of killing the opposition. The military demands submission, democracy enjoins participation; one is a tool of violence, the other a means of consensus building for peaceful co-existence.<sup>74</sup>

The new political actors were ever-conscious of the potential danger the military poses to the nascent democracy when in a sweeping retirement exercise, the federal government pulled out of the military well over 100 soldiers, including Generals and Senior military officers, who were suspected to be 'political', most especially those of them that have held political appointments between 1985-1999.<sup>75</sup> The primary reason for this official action barely a month after the formal inauguration of democracy was not unconnected with "the threat of a military coup that has long been a feature of political life in the third world ...".<sup>76</sup> In an attempt to ensure stable civil-military relations, sweeping retirements and re-organisations have been a continuous exercise. In May 2001, just as the polity was preparing for the second anniversary of democracy, General Victor Malu, the Chief of Army Staff, as well as the Naval and Air Force Chiefs, Victor Ombu and Ibrahim Mahmud Alfa, were relieved of their positions and quickly replaced too. Thus, since the first spate of retirements, re-organisations of the armed forces continued to be a recurring occurrence.

It would be recalled that until 1966, the Nigerian Army was a normal/professional force. The officers and men occupied themselves with training, peace-keeping efforts in foreign lands, and other sundry military activities. But that changed when major Kaduna Chukwuma Nzeogwu and his cohorts struck in January 15, 1966. Their coup, apart from sounding the death knell of the First Republic, effectively brought the men in 'Khaki' into the murky waters of Nigerian politics. Having tasted the 'forbidden fruit', the army lost its innocence, and treachery, ethnic loyalty, and power mongering became its hallmark. By the time the second coup of July 29<sup>th</sup>, took place, the army had become a force of

"anything is possible".<sup>77</sup> For most observers, Major-General Aguiyi Ironsi was killed not because the coupists disagreed with his policies but they wanted to avenge the killings of their kinsmen in the January coup (Otubanjo, 1999). And to show that the Northern soldiers were in charge, Colonel Yakubu Gowon, a junior officer who had ten superiors ahead of him, was forced on the country as head-of-state. Matters got to a head when some non-commissioned officers and other junior officers refused to take orders from Brigadier Babafemi Ogundipe – a Yoruba officer – just because he was not from the Northern part of the country. At that point, esprit de corps and professionalism were gradually becoming discarded concepts.<sup>78</sup>

Furthermore, because of their short stint in power, the barracks could no longer contain them. They struck again in 1983, thereby truncating the second republic. With persistent military rule from Generals Buhari in 1983 to Sani Abacha in 1998, the military had begun its descent into the abyss. Under these Generals, "professionalism was completely eroded. Soldiers were so enchanted with political office that their promotion had to be put on hold for the period they were serving as governors, ministers, and in other plum political positions".<sup>79</sup> While it may be impossible in Nigerian context to follow the Tanzanian example, where the whole army was disbanded, the current administration can still take certain steps to save the Nigerian army from itself and the nation from another misadventure.

As I have argued elsewhere,<sup>80</sup> the Nigerian military should be restructured, professionalized, and generally re-orientated to quit politics for the politicians, so that it will be able to defend democracy. This becomes imperative because "civilian control of the armed forces is an essential aspect of government of, by and for the people. In a democracy, public policy is decided by the majority subject to the rule of law, instead of brute force".<sup>81</sup> In essence, civilian control of the military as obtained in America,<sup>82</sup> a model of advanced democracy, is a *sine qua non* to democratic sustenance. It needs be emphasized that the military should be kept busy without which their idleness may tempt them to stage another come back. This fear was expressed by Claude Welch (Jr.) too, long before the transition to civil rule. In his words, "were the armed forces of Nigeria to disengage, they would in fact be equally likely to hasten back. They are subject to contradictory pressures, meaning both countervailing efforts for restructuring and depoliticization and considerable pressures for renewed political involvement. The tension between these, neither one fully congenial to senior officers, helps explain the back-and-forth movements of Nigerian civil-military relations."<sup>83</sup> Thus, any effort at professionalizing and restructuring

the military should fashion their roles in a democratic dispensation to keep them engaged and dissuade them from dabbling into politics.

#### **(F) THE JUDICIARY AND SUSTAINABLE DEMOCRACY**

The judiciary is a cardinal institution in our established democracy. This is not unconnected with the fact that constitutional government must in part be judicial government.<sup>84</sup> As the third organ or branch of government, the constitution vests it inter alia with the powers to interpret and apply all laws in the country in relation to both criminal and civil matters and disputes between individuals and groups, between individuals and political authorities as well as between political authorities in a parallel relationship or in a vertical relationship such as between one state and the federal government in a federal system.<sup>85</sup> Thus, it is the guardian of the rule of law and the upholder of justice, fair play and equity. This is the reason why in Nigerian constitutions it enjoys the greatest measure of independence from both the executive and legislative arms of government, except during military interregnum.<sup>86</sup>

Meanwhile, beyond mere theoretical postulations, the Nigerian judiciary has manifested a number of shortcomings making the organ dysfunctional and eminently qualifies for reform and total overhauling and this is what qualifies it to become one of the threats to democracy. In a relatively complex society, like Nigeria, people are appointed even into Supreme Court not on merit but on such nebulous grounds of religious and ethnic balance, federal character, seniority, zonal representation and old school ties.<sup>87</sup> Similarly, what obtains at state level is indeed more worrisome. In a perceptive essay, Fashikun noted that:

Allegations in the media in the last few weeks are worrisome and could be a sign that the judiciary could be the greatest threat to Nigerian democracy. Add the Osun state allegation to the events taking place in Oyo and Kwara states, you will agree with my conclusion that very soon the development could threaten our democracy.<sup>88</sup>

Quoting copiously from the valedictory speech of retiring Justice Olabanji Olagunju, hear him.

It is disheartening and most unfortunate that today judicial appointments have been politicized and are no longer based on merit. It is who you know, whose son or daughter you are and where you come from in Kwara state that are the main considerations for appointing High Court judges. This will lead to

lowering of standards and as time goes on, a situation will come when the blind will be leading the very blind.<sup>89</sup>

He added:

In 2004 or thereabout when two candidates were nominated, recommended and proposed for appointment as High Court judges in Kwara State, indigenes of a particular section of the state petitioned and complained that the two nominees were from Kwara south senatorial district and should therefore not be appointed. These two candidates were then dropped. But only recently, six new High Court judges, all of them from Kwara Central senatorial district, were appointed and nobody raised an eyebrow. Needless to say that all the new appointed judges are from Ilorin.<sup>90</sup>

Speaking on the composition of the Kwara State Judicial Service Commission, Orilonise said "in Kwara State, there are seven members with the Chief Judge as chairman. Other members are the State Attorney General and the Grand Khadi of the Sharia Court of Appeal. All these three ex-officio members are indigenes of Ilorin". One out of the two lawyers of more than 10 years post call is also an Ilorin man. This adds up to four Ilorin indigenes out of a seven-member commission. The Secretary to the Commission is also an indigene of Ilorin. Other two members are non-lawyers but nominees of the Governor. They are people, who, in the opinion of the governor, are of unquestionable character. Invariably, the two nominees of the governor are politicians but very few politicians are of unquestionable character.<sup>91</sup>

This picture is a replica of what obtains in most states of the federation, where governors manipulate the judiciary to soothe their whims and caprices. The concomitant effect of this kind of scenario vis-à-vis the judiciary is divided loyalty and inability to uphold the solemn principle and ethics of judicial independence. This is one of the constraints of the judiciary in Nigeria. Secondly, as long as there is no fiscal or financial independence of the judiciary, it will continue to be subject to the control of the purse. This is not ideal for judiciary that worth its salt. In a profound work on Nigerian judiciary not long ago, Davies<sup>92</sup> identified two major problems with the judiciary which to a great extent has cumbered its performance. First, Nigerian judges are in most cases unable to interpret the laws to accord with the

progressive aspirations of the people. Secondly, some of the judges are even said to belong to some secret societies which are very powerful and feared by their members by imposing serious sanctions on them. Judges who belong to such secret societies are believed to have double loyalty, that is, loyalty to the state and its laws and loyalty to the secret societies and their obnoxious norms and dastardly acts. In the circumstances, therefore, it is most probable that a judge will, naturally tilt his loyalty to his society which can impose sanction on him with disastrous consequences than the judge is ordinarily willing to bear. It is possible therefore for a Nigerian judge to adjudicate on a dispute between two parties in a manner that is against the weight of evidence of the parties to the dispute more so, if a party to the dispute is a relation, a member of his ethnic group or a member of his secret society. Finally, there are widespread allegations of corruption against members of both the bench and the bar.

Whereas, it is only transparency and accountability that can boost the confidence of the masses of the people on the judiciary. By extension therefore, transparency boosts the democratic claim of any government.<sup>93</sup> From the foregoing, a democratic polity can never evolve without transparency on the part of the judiciary. This is because democracy is about government being freely chosen by the governed. In case of electoral dispute, it is the judiciary that adjudicates a government that had been freely chosen that can be responsible to the governed.<sup>94</sup>

### CONCLUDING REMARKS

This study has shown that the nascent democracy in Nigeria is facing daunting challenges which makes it imperative to be properly nurtured and managed. It is however, significant to mention that all the issues discussed in this paper are far from being exhaustive but for space constraints. A number of other equally salient issues which are of great concern to scholars of democratization and democratic consolidation includes abuse of both human and groups' rights. Whereas democracy is about liberty with an expanded political space.<sup>95</sup> A choked system where human, religious and groups' rights are glaringly truncated is inimical to sustainable democracy. Not only that the character of gender politics in Nigeria in terms of the unwarranted discrepancy between the locations of men and women in the state and society in almost all facet of life places particular emphasis on the oppression and marginalization of women at all levels is indeed antithetical to democracy.<sup>96</sup> Another anti-democratic issue is perpetual legitimacy crisis occasioned by the inability of the state to conduct a free, fair and credible election.<sup>97</sup> Finally, other twin issues are dysfunctional political parties and the media which equally suffered a lot



of limitations too.<sup>98</sup> The sheering news however is that Nigerians, in a nationwide opinion survey, funded by the United States Agency for International Development (USAID), in January 2000, eighty percent of respondents agreed that democracy is preferable to any other form of government, a level of support unequalled in recent surveys in Ghana (74 percent), Zambia (63 percent) and South Africa (56 percent).<sup>99</sup> This kind of support for democracy if matched by a congruent political culture and behaviour may eventually translate to a consolidated democratic polity.

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