

## CONTENTIOUS ISSUES IN NIGERIA'S DEMOCRATIC EXPERIENCE, 1999-2008

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### ABSTRACT

This paper therefore seeks to describe and analyze those issues and developments in the current democratic dispensation that are contentions and therefore antithetical to the attainment of genuine democracy in Nigeria. To address this paper is divided into four sections. The first conceptualizes democracy, in the second section a brief historical exposition on the quest for democracy is highlight, followed an analysis of the programmes of the fourth Republic that tend to run foul of genuine democratic culture. Finally concluding remarks are made.

### INTRODUCTION

Several years of military dictatorship had devastated the psyche of Nigerians and the clamour for a change to civilian-elected government had resonated all over the place. This was in the belief that a civilian government would guarantee greater freedom for the citizens and entrench the rule of law. This would explain the euphoric acceptance of General Abdulsalam Abubakar's transition from military to civil-rule programme as he took the reins of power following the demise of General Sani Abacha, who had initiated the most vicious scheme to transform from military dictator to civilian president. The successful completion of that programme returned Nigeria, once again, to an elected civilian government. Ordinarily the inauguration of a civilian elected government would have assuaged Nigeria's thirst for democracy since Alhaji Shehu Shagari was overthrown in a military coup in the eve of the New Year of in 1984. Unfortunately this appeared not to be the case.

Nigerians have groaned in agony of autocracy and totalitarianism since 1999 when the present democratic dispensation came on board. This therefore makes the appraisal of democracy in this fourth republic indispensable. It is this task that this paper seeks to address. It will x-ray the activities of government within the period in order to find how far they accord with democratic norms and practices. It will also attempt to provide an answer to the mind-bugging question of whether all civilian government can be rightly described as democratic. In this respect, dispassionate and reflective observes of the trends in Nigeria are wont to comment that true democratic practice and culture are yet to be attained. Nigeria appears to be moving on the reverse direction of democratization. Abubakar Momoh has aptly described this trend as de-democratizing. By this he meant "the actions and inactions of politicians, militants and all those saddled with the political responsibility of expanding the democratic space under; the civilian era, whose actions, however have . led to the shrinking of the democratic space and imposition of authoritarian culture", (62).

### THE CONCEPT OF DBMOCRACY

Democracy as a concept used by social scientists and anthropologist to explain political phenomenon has been subject to varying definitions. These definitions have varied over time and in contexts. Democracy has its origins in ancient Greek.

Etymologically, it is a compound word derived from two Greekwords, 'demos' meaning, the people, the mas and 'Yratia' meaning rule. Democracy therefore means rule by the people. The concept of democracy underwent several modifications by adapting itself to the changing trends in philosophical thought in Western Europe. Some of those political thinkers whose ideas had influence and shaped democracy included John Locke, whose seminal work 'Two Treaties of Government' which rests on the plank of 'the consent of the governed' profoundly altered discussions of political theory and promoted the development of democratic institutions. With his assertion of Natural Law, Locke rebutted the claim that government, specifically monarchy, was an aspect of a divinely ordained chain of being. Locke's theory of Natural Law inspired a generation of Enlightenment philosophers in Europe and New World from Jean Jacque Rousseau in France to David Hume in Scotland, Immanuel Kant in Germany and Thomas Jefferson and Benjamin Franklin in what became the United States of America.

These processes or stages in evolution of democracy notwithstanding, the concept began to assume better clarification and understanding when Abraham Lincoln gave the definition of democracy as "*government of the people, by the people and for the people*". His definition places 'people' at the center stage of democracy. How the people could then

form the government poses another question. In this regard, the answer could be found in the right and responsibility of the people to choose who governs. Another level of this analysis is, how could such government be for the people? The answer also could be found in the context that the policies of such government should be for the common good of the greater number of the people. This discourse made on Abraham Lincoln's definition is relevant to this paper. This is in the context that it provides an answer to the question of ideal democratic practice in Nigeria.

In the realm of its context, democracy is historically specific and historically defined. Western societies, epitomized by the United States of America, could be said to be democratic. The practice of ideal democratic culture had attained notable heights and has become eternalized. They have unconsciously been adapted in all facets of politics and public life. But the case of the third world countries marks a departure from this trend. Hence Momoh argues, "While everybody talks about democracy they actually mean democratization", To him, the best Third World countries which Nigeria is part of "can get is democratization which is a form of transition or the in-between political authoritarianism and liberal democracy. Viewed in this context democratization is a process that would eventually culminate to democracy", (63). Perhaps, this could be acquiesced in the Nigerian context, judging by the cases of incessant military incursion into politics and the need to allow for a period of learning. But learning is directed towards improvement and perfection. Certainly, Nigeria's experience in the practice of democracy appears pessimistic. Rather than adopt policies that would democratize, the leaders have chosen to inglorious path of de-democratization.

By and large, one could be better guided by the dictionary definition of the concept, which states thus "democracy/is a form of government in which the people govern themselves or elect representative to govern them", (Mair Robinson; 357). In other words, democracy is "government by the people in which the supreme power is vested in the people and exercised directly by them or by their elected agents under a free electoral system" (United States Information Agency Magazine, p.8). The major pillars of democracy are:

- Sovereignty of the people
  - Government based upon consent of the governed
  - Maturity rule
  - Minority rights
  - Guarantee of basic human rights
  - Free and fair elections
  - Equality before the law
  - Due process of Law
  - Constitutional limits on government
  - Social economic and political pluralism
  - Values of tolerance, pragmatism, cooperation and compromise
- } Rule of law

### **NIGERIA'S DEMOCRATIC EXPERIENCE**

Nigerians democratic experience has been a tortuous and chequered one. Out of its forty-nine years as a nation, it has a cumulative of twenty-six years of military rule and twenty-three of civilian administration. The country was also led by a retired army officer, General Obasanjo's regime from 1999 to 2007. Thus the military and people with strong military background have ruled Nigeria for more years and this has profoundly influenced democratic culture.

Democratic rule in Nigeria commenced with the attainment of political independence from Britain in 1960. That regime lasted for about six years and was terminated by a military coup in 1966. The pattern of democracy adopted in that regime was the Westminster Parliamentary system which it inherited from the British colonial masters. This pattern remained essentially the same, even with the attainment of Republican status in 1963. Incipient signs for the collapse of the first Republic began with several crises that rocked the administration and for which it was largely instrumental. In the first place there was the census controversy of 1963. Again election crises in the Western Region had threatened peace in the region so much so that state of emergency was declared in the region. The role of the Northern Peoples Congress led Federal Government in instigating the crises is well known. Decadence and corruption which had eating deep into the fabric of the society accompanied these crises. In the final analysis, six officers of the Nigerian army of the rank of Major staged a military coup on January 15, 1965. This coup brought the first civilian administration to an abrupt end. Ironically, the coup executors did not take up the reins of government. These fell into

the hands of Major General Aguiyi Ironsi, the highest commanding officer of the Nigerians army; who was also of the Igbo extraction. It would appear that some of his Policies attracted the ire and resentment of the Northern segment of the country which felt he was advancing the Igbo cause thereby. In reaction violent riots erupted in the North during which the Igbo resident in the area were killed and their property looted.

The mounting tension resulted in the coup of July 29, 1966, in which Major General Aguiyi Ironsi, the Governor of western Region Lt. Col. Fajuyi and several Igbo officers and men were killed. Lt Col. Yakubu Gowon emerged as the Head of State after the initial stalemate. But Lt. Col Odumegwu Ojukwu, the Governor of Eastern region refused to lend his support to the new administration. In the ensuing crises, Eastern region seceded from the Nation by declaring itself the Independent State of Biafra on May 27, 1967. It was in order to bring the Eastern region back to the Nigeria family that the civil war was fought.

For about thirteen years, that is 1966 to 1979, Nigeria was under military rule. With the successful completion of the General Obasanjo's transition from military rule to civil rule, Nigerian again, returned to civil rule. The 1979 constitution which was adopted in the Second Republic was modeled after the United States constitution. Presidential system of government was adopted. And Alhaji Shehu Shagari of the defunct National party of Nigeria (NPN) became Nigeria's first executive president. His regime was very uninspiring to Nigerians. Corruption and graft were high and prebends freely dispensed to party men. It could not manage effectively the resources of state and by 1982 it introduced austerity measures. Discontent toward the government soared high among the labour Unions. Some of the major scandals that rocked the administration include the massive over-invoicing characteristic of government parastatals especially, the Nigerian National Supply Company (NNSC).

By 1983, when there was another general election, the slogan 'Change 83' adopted by the, opposition had become very popular. Howbeit, Nigerians were denied the opportunity of effecting that change through the ballot box as the elections were rigged in favour of the ruling party. But the military disenchanted by the state of affairs staged a military coup that swept Alhaji Shehu Shagari out of office and ushered in the Buhari/Idiagbon regime. Nigerians have variously perceived this regime. In some quarters, it has been seen as the regime, which could have righted most of the wrongs in the Nigerian society. Proponents of this view applaud the war Against Indiscipline Program which had gradually began to inculcate orderliness among Nigerians; the regimes policy of fund conservation and outright refusal to adopt economic models of the Bretton Woods Institutions, the change of the face of the national currency and its apparent transparency. Opponents of this view on their part are of the opinion that the regime was autocratic, repressive and inhuman. They argue that it was more interested in the survival of the state than the welfare of its citizens. Its greatest critics argue that the regime did not have any clear-cut policy for a return to civilian administration. The regime was overthrown in a palace coup in which its Army Chief of Staff emerged as the new Head of State on August 27, 1985. However, most Nigerians still express some feeling of nostalgia whenever the administration is a matter of discourse.

The General Ibrahim Babangida administration that emerged after the coup that ousted Buhari /Idiagbon, worked on the psychology of Nigerians. It introduced programmes and policies that tended towards liberalism and openness. For instance it threw open for public debate the issue of IMF loan. Nigerians roundly rejected this, but he went ahead to collect the loan under the guise of the Structural Arrangement Programme. This, indeed, was an act of great deceit to Nigerians.

The Babangida regime also initiated a transition programme in which the date for the handover of power to civilians was shifted severally. However, he was compelled by pressure from the public and his colleagues in the armed forces to step aside in August 1993. The maneuverable ability of the regime earned its leader, Ibrahim Babangida, the sobriquet "Maradona".

The president of the .Armed Forces Ruling Council (AFRC) while stepping aside handed power to an Interim National Government; (ING) headed by the renowned businessman and industrialist, Chief Ernest Shonekan. ING lasted for three months in power without any known policy on how to manage the lingering crises. Barely three months after its Inauguration, General Sanni Abacha, the Defence Secretary of the regime, sacked the Interim National Government. General San, Abacha's regime was a calamity that befell Nigerians. Special killer squads sponsored by state unleashed terror and eliminated perceived enemies. Phantom coup charges were leveled against eminent Nigerians, including

his Second-in-Command, General Oladipo Diya, former Head of State, Olusegun Obasanjo and his next in command while in office Shehu Yar'dua. It was even alleged that the death of the latter was a state planned terror. Sani Abacha hounded the opposition. He attempted to transform from a military to of civilian Head-of-state. The stage appeared set for this as all the five registered political parties, with the exception of the Movement for Democracy and Justice, had adopted him as their presidential candidate. Movement and organizations were floated to blow the trumpet the of Abacha's civilian president. Ironically Sani Abacha died of heart attack on June 8, 1998 with his death Nigerian heaved a sigh of relief.

Major General Abdusalami Abubakar took over the reins of government. He made frantic efforts to restore the faith of the citizens on the state. He immediately granted amnesty' and released those incarcerating in jail on account of Abacha's phantom coup and member of civil society organization opposed to Abacha's rule. He raised the salaries of workers. Most importantly, he nullified all the elections conducted by Abacha, banned the existing political parties and initiated the transition programme that gave birth to the present democratic dispensation. However, the Transition Programme was highly flawed. In the first place, it was hastily planned. The constitution adopted for the in-coming civilian administration was prepared without adequate consultation and input from Nigerians. The Independent National Electoral Commission lacked the capacity and will to supervise the parties. This created the room for the hijacking of the parties by some special interests. By and large, the present democratic dispensation and its leaders would unarguably be described as products of special interest, and not the popular choice of Nigerian electorate.

### **CONTENTIOUS ISSUES IN NIGERIA'S PRESENT DEMOCRATIC EXPERIENCE**

One cannot embark on a meaningful and dispassionate assessment of any civilian administration outside the parameters of the pillars of democracy. Since 1999 Nigeria's leaders have violated democratic ideals. This paper does not intend to enumerate such infractions, for they are legion and in deed, commonplace. Rather, it shall discuss principle of democracy that has been flouted.

A key element of any democratic system is election. The validity and reliability of this process is central in democracy because it is through election that leaders and representatives are chosen. A working definition of this concept at this juncture is apposite. Chambers 21<sup>st</sup> Century Dictionary defines it thus "the process or act of choosing people for office, especially political office." (P.423) thus elections are the central in democratic representative government. The import of this lies in the fact that the authority of the government derives solely from the consent of the governed. The principal mechanism for translating that consent into authority is free and fair elections. The pertinent question with reference to the Nigerian content is, how free and fair are the election conducted in Nigeria in the present democratic dispensation? There is plethora of evidence to conclude that elections in Nigerian have neither been free nor fair. This state of affairs is borne out of vaulting desire of the ruling patty, (the PDP) to perpetuate itself in office against the wishes of Nigerians. It is against this background that the Cleric, Author and Social Critic Rev. Fr. (Dr.) John Odey had written of the elections thus, "This Madness Called Election 2003"(Odey (A)). and "Another Madness called Election 2007"(Odey (B)). Some of the feature of these elections that negate the principle of fair and free elections included:

- The use of members of the armed forces and other security operatives to have a stronghold;
- The use of party-thugs;
- Denial of the opposition parties I asses to the medial for information dissemination 'and enlightenment of the electorate on their manifesto;
- Doctoring and mutilation of official election result documents;
- Issuing certificate of return to the persons who did not actually contest elections.

A case in point in this regard is the declaration of one Mr. Kenneth Abana the winner of the Anambra Central Senatorial seat. That the matter was quashed at the election tribunal vindicated Chief Ndi Obi's claim. Undue in interference in the judicial process on election matters. Again, the case of Senator Ugochukwu Ubah and Prince Ukachukwu at the Election petition Appeal tribunal at Enugu readily comes to mind: the manipulation voter's registration exercise. Up to the point this paper is presented, Anambra State cannot lay claim to any valid voters register.

Harassment and intimidation of members' of the opposition with state instrument for fighting corruption. EFCC. This was clearly manifested in the 2007 elections. Some leading members of the Action congress, especially its presidential candidate was declared ineligible to run for the election on thumped- up charges of corruption by the EFCC. There were also cases of stolen mandate -the case in point is that of Oshimole Edo State and Mimiko of Labour party in Ondo State. There is also the partisan role played of INEC, the supposed electoral umpire in Nigeria, in the conduct of elections. The circumstances surrounding INEC's cancellation of the April 14 gubernatorial election in Imo state on the flimsy excuse of electoral Violence, which had yet remained unsubstantiated, testifies to the electoral today's bias and partiality.

The Election Tribunal has further exposed the partiality of INEC through the nullification not of less than six gubernatorial elections and several scores of election results at the other levels. The activities of the INEC in the conduct of elections in this democratic dispensation is so abysmal that various elections monitoring groups were unequivocal in stating that what took place in Nigeria was not elections but selection and allocation of votes. The European Union Election

Observers Mission (EUEOM) report, the Transition Monitoring Group report and the Report by the Catholic secretariat confirm this. Another point to be noted on Nigerian democracy is the temperament and personality trait of the immediate past president. As Mornoh observed, "He takes things very un-statesmanly. He is uncivil in his disposition, openly insults, abuses people and uses force as a last resort over any issue he feels aggrieved"(72). Instances abound to substantiate. The mention of a few would Suffice. The use of armed soldiers on Odi in Bayelsa state and Zaki-Bian in Benue state,' and his apparent silence on the issue of the abduction of Ngige and the mayhem in Anambra State. His vengeful disposition could be seen in his attitude towards his allies Whom he suspected to have secretly aided the opposition or found wanting in their assignment to actualize his tenure elongation ambition. Senator's Ibrahim Mantu and Ifeanyi Ararume's electoral travails are not unconnected to this. He had also declared the 2007 polls as a do-or-die affair for the PDP.

Closely connected to the above is the flagrant rape of the constitution and deliberate suppression of the Rule of law. His role in the declaration of the State of emergency in plateau is a case in point according to Professor Ben Nwabueze. Under section 305 of 1999 constitution:

The maintenance of public safety and order, which is the *raison d'etre* for the power to declare emergency, is a matter concurrent to both the federal; and state governments. By implication, it follows that the Governor should be part and parcel of a decision to declare an emergency in his state alone. The imitative should come from him by way of a request to the president, at all events, an emergency should not be declared in his state alone over his head(quoted in Odife F.B). .

Nwabueze concludes that "the act of declaration' of emergency is inconsistent and void"(Odife, 8). Again, President Olusegun Obasanjo was closely associated with all the impeachment of state governors during his tenure. This is quite un-becoming of the Head of State. He also made deliberate attempts to frustrate judicial processes, especially on a matter he felt the judiciary might not compromise.

During the legal tussle between himself and Alhaji Atiku Abubakar preceding the 2007 presidential elections he suddenly declared public holiday three days to the election in order to forestall judgment being given by the Supreme Court on some critical issues on the election brought by the latter before it.

Other pillars of democracy, which were flouted, are the sovereignty of the people and the consent of the governed. The violation of the right of the citizens to determine their affairs were notable in Anambra state during the 2007 gubernatorial elections. President Obasanjo forcibly foisted Andy Uba on the people as a state governor as a compensation for the latter for his loyal services. In this regard, the consent of the people was not sought. Severally Obasanjo increased the pump price of petroleum products without the approval the national assembly.

Three arms of government, the Executive, legislative and judiciary, operate in ideal presidential democracy. Each is independent of the other in' the discharge of its functions, but they collectively function for the good of the state. Between 1999 and May 2007, the executive breached this time-honored practice. It meddled so much in the affairs of the legislature especially the senate, that there were a total of five senate presidents within the period. This hallowed



chamber was not allowed to freely choose its leadership and this account for the several changes in its leadership, and the quality of at democracy.

### **PRESIDENT UMARU MUSA YAR'DUA AND HIS REFORMS**

The emergence of Musa Yar'dua as the nation's Head of State would seem to have marked a new tum in the nation's democratization process. His inaugural speech gave Nigerians some sense optimism and some of his polices appear to be inclined towards restoring hope in governance. The seven point's agenda of his administration is thoughtfully drawn. Most interesting to Nigerian was his avowed determination to uphold the rule of law and reform the electoral process. In the first place, his performance on the electoral reforms falls far short of the expectation of Nigerians. The manner the Reports of the Electoral Reforms Committee were elevated to political issue is most unfortunate. Some basic aspects of the Report, which Nigerians consider essential for the survival of democracy, were not adopted. Again, his clamour for the defense of the rule of law and application of justice appear selective. Some former state governors who were known to have embezzled and misappropriated funds have not been caught by the search light of EFCC. Most disappointing is this regard is the role of the Attorney General of the federations in the trial of former governor Ibori of Delta State in a British Court. That he was discharged and acquitted of the charges was the treachery of the AGF. Reflective observers are of the view that the unseen hands of the former president are still at work.

### **CONCLUDING REMARKS**

This paper has argued that rather than democratize, the nation is de-democratization. It blames this on the over bearing attitude of the leaders, their flagrant violation of the constitution and abuse of political power have bred civilian autocracy and dictatorship. This situation is antithetical to democratization and attainment of genuine democracy. This paper calls for a total review of the electoral system and the amendment of the constitution of 1999 guarantee a genuinely Independent Electoral commission. Again jail terms with hard labor should be imposed on those who rig election. Furthermore, to curb excessive lust for power and ameliorate the impact of the incumbency factor, the constitution should be amended to single term of five years for the office of state governors and the president.

This paper kindly decries the situation whereby electoral results are determined by courts of law instead of that collated by INEC officials in the field. However, the paper is optimistic that the reforms introduced by President Yar'dua will in no distinct time begin to yield positive fruits. Above all, there is the need for ethical re-orientation among Nigerians especially the political elite. It is only a change of attitude towards what is up building forthright and progressive that the De-democratization trend could be reversed. The call for a Sovereign National Conference which has been projected in certain quarters to discuss the fate of Nigeria is at best a distraction to finding genuine and lasting solution to the problem at hand.

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