

ISSN: 2349-2147



Modern Research Studies

Editor-in-Chief
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**An International
Journal of
Humanities and Social
Sciences**

An Indexed & Refereed e-Journal

www.modernresearch.in

**Title: Nigeria Hobbled Democracy: Implications of
Irregularities on Democratic Consolidation in
Nigeria**

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**Volume 3, Issue 1
March 2016**

pp. 83–95.

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Nigeria Hobbled Democracy: Implications of Irregularities on Democratic Consolidation in Nigeria

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Abstract: Prior to 1999 political transition which made Nigeria a democratic state, Nigeria was under firm military regime for close to twenty-nine years since 1966. However, since 1999 when Nigeria started to seemingly practice democracy, there have been divergent opinions as regards the assessment of democratic rule in Nigeria. While some have come up with the verdict that democracy has been full of failures and hardship, others think that democracy has been on course. Agreed that democracy is on course in Nigeria, evidences have shown that since 1999 political players have been involved in actions subversive of democratic tenets which portend great danger to consolidation of democracy in Nigeria. This paper thus examines anomalies in the practice of democracy in Nigeria by political office holders which portray that what is enthroned in Nigeria is a form of civilian dispensation and not real democratic practice; and that is why constitutional provisions are ignored with impunity resulting in weak state institutions like Presidency, Judiciary, Police, Electoral body and so on. Indeed, what is being practiced is more of plutocracy than democracy. For democracy to be consolidated in Nigeria, the supremacy of the Nigeria Constitution is important, with government of law and not government of man in practice.

Keywords: Constitution, Democracy, Election, Nigeria, Political Party.

1. Introduction.

Election is seen as a process that enables members of the society to choose a representative to a position of authority. Election and democracy are thus linked together and that is why election is most times discussed in relation to representative democracy. Democracy in the words of American founders, as government of the people by the people and for the people, involves a scheme of representation. This definition can be broken down thus; government of the people means government on behalf of the people, government by the people refers to representative government while government for the people means that government should be handled by principled people and individuals that could be held accountable. Taking cognisance of this, it thus implies the need for people participation in political process for this objective to be achieved. Democracy as a mechanism bestows legitimacy on political decisions when they adhere to proper principles, rules and mechanisms of participation, representation and accountability. In democratic settings, citizens participate in politics by expressing their opinions and casting votes. Voters' opinions attain legitimacy based on the fact that government is responsible to the voters and equally derives its power to influence policy from the desire of politicians to get elected to office and remain in that position as long as possible. However, when opportunity to participate in the political process is thus denied the eligible voters, it amounts to non-adherence and violation of the principle of democracy. Albeit various studies on Nigeria democracy and election process have been carried out and even appear to be over-flogged, this study intends to look at the implication of democratic irregularities on acts of governance, democratization process and consolidation. This studies argues that the incidence of irregularities in the practice of democracy has been responsible for weakening of state institutions by the political office holders and complete breakdown of law and order which made it possible for five out of thirty-two lawmakers in Rivers State House of Assembly to impeach the Speaker of the House in 2013 with a replay in Ekiti state House of Assembly with seven out of twenty six lawmakers removing the Speaker of the House claiming to have formed a quorum. The paper concludes that, for

Nigeria new democratic process and institutions to be strengthened and made to work, a strong state institutions as spelt out by the constitution will enhance the roles played by political office holders and parties in the consolidation of Nigerian Democracy.

2. Democracy as a political concept.

The term democracy connotes a lot of meanings; however, as used in this paper, the terminology is viewed from political sphere. The word democracy is from the Greek writings around the fifth century B.C. *Demos*, referred to common people, the masses; and *kratos*, meaning power (Janda, Berry, and Goldman 2005, 33). Universal participation, political equality and majority rule are imperative principles of democratic decision-making. Fundamentally, this implies that political power resides with the people; hence, the definition of the term democracy, as the government of the people by the people and for the people. The term has become so popular that the world's political parties contain variation of the word democracy (Janda 1982, 46-55). With this, the people could either exercise the political power directly or indirectly. If the people were to exercise this power directly, that means each time a government decides to make a decision, everybody living under such jurisdiction would be asked of their opinion. This could only be practicable in small, simple societies where all members of the society, rather than elect a representative, converge together to make decisions, thus observing political equality and majority rule. This practice is in tandem with Jean Rousseau's contention that true democracy can only be seen in all citizens gathering to make decisions and supervise the government. Rousseau asserted that decisions of government should embody the general will, that's people's "will" and "will cannot be represented" (Rousseau 1762, 141). Instances however abound where there are large societies which could be practically impossible to be run under this arrangement. By implication, the need to opt for indirect exercise of political power by the people becomes imperative. In this process, the people elect a representative who makes decision on their behalf. Such elected representatives are obliged to represent the voters' views and interests on policy decisions. Within the context of representative democracy, strict adherence to the principles

of universal participation, political equality and majority rule are germane for election to be deemed democratic.

3. Democracy and Political Parties.

For democratic principle of universal participation to be achievable, it needs to follow a process; that is, it requires a platform which is only provided by political parties. Political parties are vital institutions of democracy. That is why James Madison asserted that in every political society, parties are unavoidable (Rutland & Rachal 1985, 197-98). Political parties provide the platform for agglomeration of diverse ideas and people. This process of bringing together diverse people and ideas under the platform of a political party creates avenue for majority rule. Despite the fact that political parties serve as a platform that brings diverse people in the society and ideas together, they appear relatively loose with caucus and factions within the party so as to preclude imposition of undemocratic will on the populace. Without political parties, a modern representative democracy is not conceivable. They articulate and integrate different interests, visions and opinions. They are also the main source for the recruitment of political elites (Hofmeister & Grabow 2011, 16) and its heterogeneity in terms of factions within the party composition make a tyranny of the majority unconceivable or practically impossible because the essence of diversity within the parties poses a hindrance to the unanimity that could fuel tyranny. Political parties equally make performance evaluation possible. Through party articulation of ideology and set of goals, with party members saddled with the responsible for such goals accomplishment, it becomes easy for politicians to be evaluated whether they fulfill their promises or not. Without political party it would be a herculean task evaluating the goals, achievement or otherwise of individual candidates. Political parties in democratic society avail the voters the opportunity to hold the party at the helms of affairs responsible for the execution of its programmes and remain an indispensable and imperative nexus between the state and society.

4. Democracy and election.

Elections are imperative requirement of democracy and fulfil the first three democratic principles – universal participation, political equality, majority rule, and it equally institutionalise mass participation in democratic governments. Voting thus becomes a vital or significant mechanism for majority participation in politics. Voting and elections are fundamental means by which democratic participation can be expressed. By formalising political participation through rules for suffrage and for counting ballots, electoral systems allow large numbers of people, who individually have little political power, to wield great power (Janda, Berry & Goldman 2005, 214). The implication of wielding great power lies in the opportunity of control the electorates have over public officials through competition whereby leaders could be removed out of office by elections. Through elections, it becomes practically impossible for political office holders to perpetuate themselves indefinitely in office; hence, elections process put a limitation to the possibilities of abuse of power by politicians while in office.

5. Irregularities in Nigeria Democracy.

Political parties are expected to demonstrate certain capacities in order to participate effectively in the political process and contribute to the consolidation of democracy. These capacities referred to as functions are to articulate and aggregate social interest, recruit political personnel, develop political programmes, promote political socialization and participation of citizens, organize the government and contribute to the legitimacy of the political system (Hofmeister & Grabow 2011, 16). By legitimizing political process it behoves the political parties to abide by the principles guiding the political system. Hence, realising the importance of political parties to democracy, since without political party there is no democracy, intra-party democracy becomes imperative. Consolidation of democracy becomes elusive if parties are bereft of democratic structures (Hofmeister & Grabow 2011, 16). In Nigeria, political actions inimical to the essence of democratic tenets abound within the political parties which undoubtedly hinder intra-party democracy. Developments in the experiment of intra-party democracy in Nigeria show party leadership becoming very powerful through accumulation and monopoly of power, thus constituting

problems for the formation of democratic opinion. This attests to the theory of iron law of oligarchy by Robert Michels that rule by elite or oligarchy is inevitable as an "iron law" within any democratic organisation as part of the "tactical and technical necessities" of organisation. While applying this to representative democracy, Michels stated that "it is organisation which gives birth to the dominion of the elected over the electors, of the mandataries over the mandators, of the delegates over the delegators (Iron law of oligarchy). One imperative requirement of political parties is internal democracy. Unfortunately, this important requirement germane to modern democracy is lacking among the political parties in Nigeria. Various shades of vices have become recurrent feature of the political parties and this portends great danger to the consolidation of Nigerian Democracy. Starting with the conduct of intra-party elections, electing people that the generality of the people want is the ultimate objective of democracy, but it is quite prevalent in this country that there is an occurrence of impunity whenever it comes to internal party democracy.

This incidence of non-democratic practices among the political parties is attested to by Mersel. Thus, in recent years, various democracies have faced the problem of non-democratic political parties. He infers the need for political parties to be democratic internally in their organisational practices rather than externally, in their goals (Mersel 2006).

Democratic values remain the foundational base of democracy and it behoves the democratic government to implement them pragmatically. Unfortunately, most party members have little say or none on who represents the party for elections. In Nigeria, the open system that should allow members unhindered opportunity to contest election on party platform remains a mirage. Two factors however are often at play in this regard. These are money and god-fatherism. With respect to the former, getting tickets to contest election on party platform has become a bazaar where the highest bidders get the party tickets. The issue of god-fatherism is another bane in the practice of politics in Nigeria. The practice here is that politicians without political and societal value operate under a god-father to win party primaries and subsequent general election. Such politicians eventually become

subservient to the god-father's remote control and in the process subvert democratic values. Though, in some cases, the beneficiary disagrees with the benefactors and a political quagmire thus ensued. An example of political action subversive of democracy by political parties was the case of Anambra State where a god-father and a member of the then ruling party, Peoples Democratic Party, Chris Uba with the connivance of Assistant Inspector-General of Police (AIG) Raphael Ige abducted the incumbent Governor of the State, Dr. Chris Ngige on July 10, 2003. Although, the AIG claimed to have acted on orders from above which the Nigerian Police authorities denied, the question is how the AIG could solely carry out such treasonable act without the backing of a higher authority? Also, if the treasonable act was carried out by a member of the opposition party, would the PDP government remain indifferent or act differently with the culprits arrested and prosecuted? The levity with which the Anambra abduction saga was handled by then ruling People's Democratic Party as a 'family affair' revealed, a case of conspiracy and complicity instead of those involved in the abduction saga to be charged for treason under the provisions of Criminal Code Act (Cap 77, Laws of the Federation of Nigeria, 1990) as a violation of section 1, sub-section 2 of the 1999 Constitution of the Federal Republic of Nigeria which states that "The Federal Republic of Nigeria shall not be governed, nor shall any person or group of persons take control of the Government of Nigeria or any part thereof, except in accordance with the provisions of the Constitution" (*Constitution of the Federal Republic of Nigeria* 1999). Another subversive action on democracy consolidation in Nigeria was the illegal and unconstitutional impeachment of Governor of Oyo State, Rasidi Ladoja by eighteen rather than twenty-two legislators at the instance of the strong man of Ibadan politics, late Alhaji Lamidi Adedibu in connivance with PDP stalwarts and support by law enforcement agents. More worrisome was how Lateef Salako a.k.a Eleweomo, the slain chairman of the National Union of Road Transport Workers in the state, stormed the Oyo State House of Assembly in company of gun wielding members of his Union on January 12, 2006 to effect the illegal impeachment which was immediately implemented by the security agents obviously doing the bidding of the Presidency during Obasanjo's administration. The antithesis to democratic values in the impeachment saga among other

things was the fact that the eighteen lawmakers loyal to the late Adedibu were held sitting in a hotel rather than the State House of Assembly to deliberate on the impeachment with the impeachment notice sent through the newspapers. Additionally, an example of political actions with subversive impact on democratic values was the case of Rivers State House of Assembly where five out of thirty-two lawmakers impeached the Speaker of the House in 2013 with a replay in Ekiti State House of Assembly with seven out of twenty-six lawmakers removing the Speaker of the House in 2014. Also, in the imbroglio that engulfed the Governors' forum chairmanship election on 24th May, 2013 between former Governor of Rivers State, Rotimi Amechi – the immediate past Governor of Plateau State, Jonah Jang, and the result of the election that eventually ensued saw Rotimi Amechi won with nineteen votes while Jonah Jang garnered sixteen votes. Despite this, Jonah Jang and his cohorts found it convenient to say somebody with sixteen votes was the winner. Elementary sense would tell a rational human being that nineteen is greater than sixteen. But since Jonah Jang and his cohorts had the sympathy of the presidency, recourse was always made to him as the chairman of the Governors' forum. One salient thing about this political anathema was that it was perpetrated by People's Democratic Party, who then was the ruling party and that shows the magnitude at which political parties undermined the constitution of the country. Another subversive action on democracy by the People's Democratic Party was the case of Onitsha North and South Federal Constituency of Anambra State, March 28, 2015 election into the House of Representatives. The name of Lynda Chuba-Ikpeazu who emerged as the winner of the People's Democratic Party primary and has been submitted to INEC was clandestinely substituted with Godwin Idu for the election. Despite the fact that Lynda Chuba-Ikpeazu filed a suit on March 18, 2005 to challenge the substitution of her name earlier submitted to INEC which predated March 28, 2005 election, the INEC still deemed it fit to issue Godwin Idu Certificate of Return as the winner for the Onitsha North/South Federal Constituency seat in House of Representatives. The collaboration of INEC in the substitution of Lynda Chuba-Ikpeazu with Godwin Idu violated the provisions of sections 31(2)(j) and 50 of the People's Democratic Party constitution; sections 31(1)(2) and 33 of

the Electoral Act, 2010 (as amended); section 222(c) of the constitution of the Federal Republic of Nigeria and Article 25(xii) of the Electoral Guidelines for Primary Elections, 2014, of the People’s Democratic Party.

6. Implications of irregular political actions on consolidation of democracy.

For any democracy worthy of the name, it needs to be built around essential core ideas or set of principles such as democratic values, popular sovereignty, rule of law, rights and liberties and economic well being (Sodaro 2008, 171). More so, democratic values and rule of law form the foundational base of democracy and an advantage of democracy is the relative stability and durability of the state structures which reflect in strong and generally well-respected political institution and legal system, the consistency of the political processes, relatively efficient and professional bureaucracies and rarity of serious challenge to the territorial integrity (McComick 2010, 37). Since democratic values and the rule of law are germane to democracy, it implies that in a democratic country the constitution becomes supreme. Alas, in Nigeria once a political party emerges as the ruling party, the government becomes the government of the party, not the government of law, with the party members seeing themselves above the law and undermined the constitution with impunity. This is antithesis to what is obtainable in advanced democracy such as America with the principle of ‘government of the law and not government of man’. In essence, since adherence to democratic tenets engender relative stability and durability of state structures resulting in strong and well-respected political institution and legal system invariably non-adherence to the tenets will inevitably result in weakened political institutions and legal system. This becomes evident when cognisance is taken of the Nigerian situation with weakened state structures such as presidency, electoral body, legislature, police and legal system. The presidency lacks the political will to act decisively especially on state matters that affect party members or political godfathers. This is due to the process which led to the emergence of the president first as the flag-bearer of the political party concerned and eventual ascendancy to the position of the president which is always fraught with irregularities, malpractices,

deceits, diabolical oath-takings or covenants which made the emergent president subservient to political god-fathers and party manipulation in favour of party members. The electoral body as a vital institution in the electoral process leading to democracy is expected to be independent and autonomous in order to be fair and impartial in conducting its functions as umpire. Unfortunately, Independent National Electoral Commission (INEC) is so weak and vulnerable to the manipulations of either political office incumbency or financial overtures. It will rather be appropriate to name the electoral body Dependent National Electoral Commission (DNEC). People who could easily be cowed into submission are often times appointed the Chairman of the electoral body so that it will be easy to facilitate electoral frauds. A look at the statements of two former Chairmen of INEC gives credence to such personalities that hold sway as electoral body chairman. For instance, shortly after the April 2003 elections, Abel Guobadia described the current president of Nigeria, Gen. Muhammadu Buhari, as a "frustrated man" who was then former president Olusegun Obasanjo's opponent in the race (*Thisday Newspaper* April 25, 2003). These statements are indecorous of supposed impartial umpire expected to facilitate process that will entrench democracy. Also, these two state structures, that is, police and legal system are vital to the consolidation of democracy. A strong well-respected police and legal system that could hold its own against all odds remain germane to consolidation of democracy. This is because a strong police force has a duty to defend democracy while a strong legal system through a non-partisan judicial system will be able to uphold the supremacy of the constitution. However, as a result of politicisation and partisanship, state institutions have become ineffective as to be able to guide against the challenges threatening democratic tenets. The removal of Justice Ayo Salami as the President of the Appeal Court of Nigeria by Goodluck Jonathan administration was not unconnected with the fact that his presence as the President of the Appeal Court of Nigeria would make it difficult for the People's Democratic Party to manipulate election tribunal results in their favour. This unfortunate judicial anathema was perpetrated using the Chief Judge of the Federation. Even when the National Judicial Commission exonerated and absolved Justice Ayo Salami of the fabricated allegations and indictment against him and asked for his reinstatement,

Goodluck Jonathan dillydallied till Justice Ayo Salami reached the retirement age and his unjust and inimical removal was eventually turned to retirement. Goodluck Jonathan's action gives credence to Meredith Martins' assertion in his book *The State of Africa* (2011) that African leaders spent three-quarter of their tenure strategising on re-election bid. With this mindset, subversive measures are employed; hence, every democratic tenets imperative for the consolidation of democracy are jettison, and that is why state institutions under such leaders like the Nigeria police force collaborate with politicians to subvert the rule of law; political thugs beat a judge in Ekiti State under the watchful eyes of the Nigerian police protecting Ekiti law makers to perpetrate illegality in the house of Assembly; judiciary is misused to pervert justice while those judges who would not compromise their integrity are removed as was the case of Justice Ayo Salami to pave way for judges that would do their biddings and flagrance disobedience of court order and injunctions. With the political irregularities, consolidation of democracy in Nigeria remains a mirage or illusory until state structures which reflect in strong and generally well-respected political institution and legal system as well as consistent political processes is achievable. It is only in a democratic setting where the constitution is supreme that strong state institutions can be strengthened to facilitate democratic tenets that will enhance consolidation. If truly Nigeria democracy is fashioned after American model, it should be done in totality of American model where the constitution remains supreme, with government of law and not government of man in practice. It is by so doing that democratic practices can be ingrained that Nigerians civilian population including the military would not imagine replacing democracy with alternative rule. Many times, in order to survive, we have to start a process, that is, we need to get rid of the old memories, habits and past traditions in order to take advantage of the present.

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