

A STUDY OF SUSTAINABLE DEMOCRATIC PROCESS IN NIGERIA

<https://doi.org/10.47743/jopafl-2023-28-01>

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Abstract: *Democracy in Nigeria has been marred with a lot of tribulations threatening continuity of this form of government despite what the nation underwent before changing from military regime to civil rule. These threats include rigging, victimization of voters, imposition of candidates, godfatherism, ethnic and religious hegemony with incidental crisis; lack of respect to due process, corruption, poverty and economic recession bred inter alia by bad governance. If the problems are not nip in the bud, it can lead to secession by an integral part of the economy; serious crisis or another civil war. These lingering problems threatening the sustainability of democratic form of government in Nigeria have triggered serious concern. Despite problems experienced in democracy in this nation and some developing countries, it is still patronised by many countries because of benefits derived from it which has made it to be embraced by them. This form of government which has fortified many developed nations has also triumphed and stable in those nations that had developed good legal frameworks and system of conducting hitch free elections. The contrary is the case of Nigeria where it is wrongly practiced. It has been discovered that the crux of the matter is that constitutional provisions and other legal frameworks are often breached and wrongly executed in Nigeria and many developing countries. These have inter alia been adduced in the past as justification for aborting democracy through military incursion. This paper has considered relevant local statutes, the international standard and the legal framework of countries that have been practicing democracy successfully for a very long time. This has assisted tremendously to reinforce the legal framework with strong antidote against the venom threatening the peace, sustainability of democracy and progress of the nation.*

Keywords: *incursion, democracy, tribulation, sustainability.*

Introduction

Despite global outstanding performance of democracy, it has not recorded impressive performance in Nigeria and many developing nations. It has been rated as the most efficient form of government in the world and most successful nations in the world are democratic. (Green Garage Blog, 2015) The reason for the clamour for democracy is evident in the growth and development of democratic nations. It gives the people opportunity to choose their leaders through elections. The way it is practiced in Nigeria is different and cannot be referred to as a paradigm of good democracy practiced in democratically successful nations. Elections in the country have always been conducted inter alia amidst fear, victimization and intimidation of voters, threat of military intervention, war and secession. People have always been taking steps that can truncate the democratic process and there have been display of despair about sustainability of democracy in the country. A country where the military regimes have always been accepted with jubilation depicts triumph of autocracy over democracy despite the global rating and alluring performance of representative government. The country's democracy is far below international standard. According to Ajayi, 1998 (as cited in Lawal and Olukayode, 2012) the generally accepted archetype of governance especially in developing countries has

suffered impaired growth in Nigeria. This can be corroborated in lack of development and good governance through poor infrastructural facilities, bad roads, incessant power outage, lack of adequate health facilities among others despite the wealth of the nation.

It is necessary to look into the constitutional provisions and implementation of the country's legal framework in order to have sustainable democracy and good governance in Nigeria. This paper has however delved into the international and regional instruments so as to recommend a review of the local statute in conformity with the international and regional instruments. It has also examined the legal frameworks on democracy in other democratically successful jurisdictions.

Statement of Research Problem

The Nigerian independence from Britain in 1960 was full of great anticipation of socio-economic development and doable democratic process to the nation. After 50 years of independence, the hope of developing for better standard of living has been mere hallucination and not yet achievable. Democracy in Nigeria is now a truism and slogan used for estrangement, domination and marginalisation of Nigerians. Instead of galvanizing, democracy discourages the people. De-democratization and tyrannical propensities are rapidly embryonic in Nigeria. (Muhammed, 2017). Democracy has been stable in America for over 230 years while Nigeria has just spent a short period of time as democratic nation. (Akintide, 2009)

The country ought to be used to democratic ethics and norms since it has spent over 20 years on democracy but the contrary is the case. There are numerous encumbrances against democracy which include incapable and impracticable rules; lack of check and balance of agency in charge of policy formulation and implementation of rules and lack of confidence in Independent Electoral Commission since its officials are still appointed by Government who also fund it. (Arowolo and lawal as cited in Lawal and Olukayode 2012 p.449)

Historical Background

Democracy as a form of government was practiced in the Ancient city – states where all Adult males would assemble to discuss public affairs and made decisions. It was at such forum that death penalty was meted out to Socrates in Athens when he was found guilty of treason. (Johari, 2011). With the increase in the number of people in the world, it became difficult to have all the people gathered at one place to formulate policies and make decisions on how the people would be governed. In the course of the evolution of the world there were modifications on democracy as a form of government. As a result of modernization, democracy was seen in the modern age in a modified manner to improve the ancient practice. This became noticeable during Glorious Revolution in England in 1688. The same was manifested in America as a result of American Declaration of Independence in 1776. The Romans also imbibed democratic tendencies but not like the Greek. The Roman Empire (509 – 27 BC) exhibited this tendency traceable to the Greek through the practice of representative democracy. (Microsoft Encarta, 2009).

Monarchical form of government was the government operating in England until the Magna Carter Charter which gave room for the absolute power of the King to be

reduced. The Charter was actually the pillar of democracy in England. It paved room for the commencement of democracy by maintaining that no freemen should be punished except through the Law of the Land. (Magna Carter and the Pillars of Democracy in England, n.d)

In 1628, Petition of Right was also created which gave the Parliament power to approve tax before it would be imposed on the people. At that time it was the king that was imposing tax. Also in 1689, Bill of right was created which created freedom of speech. (DeMichele, 2016) Modern democracy also appeared in France as a result of French Revolution. (France This Way, 2006) In 1762 in Europe, Jean Jacques Rousseau expanded John Locke's ideology in his book titled 'Social Contract' by maintaining that the people should have impute in the running of the government affairs. (Microsoft Encarta 2009 (DVD) Redmond, WA: Microsoft Corporation, 2003)

New form of democracy became manifest through the glorious Revolution in England in 1688, America Declaration of independence in 1776 and French Revolution in 1789 which is known as Representative government. (Johari, 2011, p.492) In the 19th century democracy was existing in Europe and gradually spread round the continent. It also became a form of Government in North and South America. It later got to ex colonial countries in Asia and Africa. (Microsoft Encarta 2009 (DVD) Redmond, WA: Microsoft Corporation, 2003)

With the study of the history of democracy as analysed above, it is clear that many of these contributed to its development in Europe and America which had great effect on its stability. It naturally developed and it is clear that the people themselves developed it. This form of government in Africa is still struggling to be of the standard in developed nations. It has been tested in the Western World and other parts of the world and it has also contributed to the development of those nations. It has developed some features that are making it popular and attractive to people to continue to desire it.

Meaning of Terms

The word Democracy originated from the Greek Words 'demos' which means 'people' and 'kratein' which also means 'rule'. Pericles, the great Athens Leader defines democracy as 'a government in which people are powerful'. Abraham Lincoln defines it as the government of the people, by the people and for the people. According to Sir John Seeley, 'it is a government in which everyone has a share' (Seely cited in Johari, 2011, p.324). Dicey maintained that 'it is a form of government in which the governing body is comparatively a large fraction of the entire nation'.

International Instruments

It is provided under Article 21 (1) of the Universal Declaration of Human Rights (UDHR) (1948) that everyone should be given opportunity to participate in the government of his or her country by himself or herself or through freely chosen representatives of his choice. Article 21(3) provides that the will of the people shall be the basis of the authority of government and it shall be expressed in periodic and genuine elections conducted through universal and equal suffrage and through secret vote or of equivalent of free voting procedure. Article 25(b) of the International Covenant on Civil and Political Rights (ICCPR) (1966) provides that member nation shall ensure that every citizen is given right

and opportunity without restrictions and distinctions which include discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status as provided in Article 2 of the ICCPR. Every person is to be allowed to vote and be voted at genuine periodic elections through universal and equal suffrage in an election conducted by secret ballot which guarantees free expression of the will of the electorate.

Regional Instruments

Article 13(1) of African Charter on Human and People's Rights 1981 provides that every citizen of member nations should be allowed to participate freely in the government of his or her country directly or through representative as provided by the law of his or her country. Article 17 of African Charter on Democracy, Elections and Governance (2007-2012) reiterates commitment to hold transparent, free and fair elections in conformity with the principles governing democratic election in Africa. It provides for well established impartial national electoral body that is responsible for the management of elections. Article 17(2) provides for establishment of national mechanisms that will redress election-related disputes without delay. It also provides under Article 17(3) that parties and candidates should be given fair and equal access to state controlled media during elections. Article 17(4) provides for state parties to ensure provision of a binding code of conduct that will govern approved political stakeholders, government and other people involved in the elections before, during and after the elections. Political stakeholders should be committed to accept the outcome of the elections when the result is announced and be given opportunities to challenge the results.

Local statute

The preamble of the 1999 constitution provides that the people of Nigeria have firmly resolved to live in unity and harmony as one indivisible and indissoluble sovereign nation under God dedicated to the promotion and inter-African solidarity, world peace, international co-operation and understanding. They are to also have a constitution to promote good government. Besides, the country is to provide for the welfare of every person base on the principles of freedom, equality and justice in order to consolidate the unity of Nigerians. It is provided in section 14 (1) of the 1999 constitution under Fundamental Objectives and Directive Principles of State Policy that Nigeria shall be a country guided by democracy and social justice. It further maintains that sovereignty belongs to the people of Nigeria who give power and authority to the constitution.

The United Nations

The United Nations General assembly has been having at least one resolution annually on democracy since 1988. It has been the major issues in conferences of the United Nations. Increased representation of women in decision making process of member nations has also been promoted. In 2015, the Assembly of Heads of States and heads of Government has adopted sustainable democracy in 2030 Agenda to make the world to have sustainable democracy. It reaffirmed the commitment that democracy is valuable for good governance, rule of law, creation of national and international enabling environment essential to sustain development. The United Nations has been supporting democracy inter alia through the United Nations Democracy Fund (UNDEF), The United Nations Development Programme (UNDP), the Department of Political Affairs, (DPA), the Department of Peacekeeping Operations (DPKO), the office of the High Commissioner for Human Rights (OHCHR) the United Nations Entity for Gender Equality and the

Empowerment of Women (UN-Women). It has also provided electoral assistance to more than one hundred countries since 1991. Nigeria is one of the nations that have benefited from the electoral assistance. United Nations Development Programme (The United Nations , n.d)

Essential Features of Democracy

There are essential features of democracy which will assist in explaining it for better understanding of this form of government. They are as follows:

1. Free and Fair Election

Free and fair election is a good and major attribute of democracy. Gathering in a place as done in Greece will definitely be difficult now that population of the people has increased. What is in operation in the world today is election through vote which will be done to choose few people that will serve as representatives of the people. It is a good method of determining accuracy of the number of voters for each candidate. It is essential so as to know the candidates that win elections. The voters are to be free to elect their candidates without any imposition or victimization. Votes must be counted accurately and rule must be strictly followed to determine the winner to serve in public workplace.

2. Human Right

The right of the people is essential and there are civil and political rights available to them. They should be free to vote and be voted for; free to assemble and join any party of their conscience. They should also have freedom of private Life and freedom of expression among others.

3. Political Parties

There should be parties that will assemble people of the same ideologies or same goal of producing victorious candidates that will win the election from their parties. The parties should be given avenue to compete in an election without victimization or intimidation.

4. Constructive Criticism

While the victorious parties are ruling, Criticism should be allowed. the parties that did not win the elections should be free to criticise the ruling party. This will definitely assist the nation to progress.

5. Accountability

The system through the ruling party has to ensure that accountability and due process measures are in place. They are to block loop holes that could affect their party and to ensure progress and development of the nation.

6. Independent Judiciary

The judiciary should be in place to ensure the rule of law is in place in the country. They are to ensure that the right of the citizen is protected and that the judicial power is excised without depending on the executive and the legislature. (Johari, 2011, p.498)

Mainstay of Sustainable Democracy

There are many things that are very important for democracy to be perfectly realised and sustained particularly in Nigeria. These include the following:

Constitution

The constitution contains the precepts of democracy. The principles, limitations and privileges and democratic limitations are stated in it. It contains words which are very sacred and are binding the people and their representatives. They are supposed to be followed and if this is done democracy will be sustained. (Ogunleye, 2005 The Constitution is a good weapon to sustain democracy. It has guaranteed the right of the citizen. Many people can seek redress against the government and challenge any infringement of their rights. In (A.G.F. v Atiku, 2007) Alhaji Atiku, who was a Vice President, was able to challenge the Federal Government when he wanted to defect to another party and still remain the Vice President. Former President Olusegun Obasanjo maintained that it was not possible for him to do so. The constitution was interpreted to the favor of Alhaji Atiku. Democracy will allow people that want to result to self help and cause crisis to take appropriate legal step enshrined in the constitution and other laws. The Fundamental Human Right of the people is guaranteed by the constitution. The political and social rights of the citizen are not to be infringed upon. Although the state cannot be challenged on the infringement of the economic, social and cultural rights covered under Chapter II of the constitution under the Fundamental Objective and Directive Principles of state Policy as held in (Arch bishop Olubunmi Okogie v The Lagos State, 1981) but it has been held that it contains guidelines as to what court should do when confronted with interpretation of the constitution.

The Rule of Law

The government should make efforts base on impersonal law instead of claim of man which is not reliable. The summary of the rule of law is as follows:

- (i) Equality before the law
- (ii) Governmental ability to stay clear of arbitrary coercion.
- (iii) People's liberty

Where the rule of law is absent, people will lack adequate protection against tyranny, dictatorship and totalitarianism.(Oyediran et al, 1991) . The constitution contains sets of rules that are governing the state. The Rule of law is a state of mind that guides the people. It is a situation where the people obey the rules spelt out in the constitution and the bye-laws. It is the rule of the land or the acceptable standard of behavior which is also referred to as due process. It does not give chance for anybody to maneuver or manipulate. It is the rule of law that depicts the practice of the people in a legal and acceptable manner which is due process. It gives room for precedents which must be followed. Sanctions effectively carried out without sparing anybody encourages the people to adhere to democracy. If properly followed, it will lead to fair play, good conscience, justice, predictable administration, policy implementation and sustainability of democracy. In (Government of Lagos State v Ojukwu, 1986), the court noted that the right of the people should be respected under the rule of law. Meanwhile India Judiciary and the constitution of South Africa have made it possible for people to challenge government on infringement of economic, social and cultural rights. This is maintained by the court in (Government of Republic of South Africa v Grootboom, 2001)

People's Involvement

People are to sustain democracy through their involvement in government policies and democratic process. They are to defend democracy from the powerful people that want to use their power against the progress of the people. They are not to just be bystanders after voting but to monitor governmental activities. They are to be aware of what the

government is embarking on so as to hold government accountable. The Leaders will be careful of the people when they are aware that they are being watched. (Ogunleye, 2005)
Good Conduct of Election

Observers have reported irregularities during elections generally in West Africa. Besides, the region has experienced crisis and election-related violence during elections. This is a serious concern. There were coups in Mali and Guinea-Bissau in March and April in 2012. There have been cases of election violence in Nigeria and Cote d'Ivoire. These are threats to sustainability of democracy and regional stability of the region. Election is an element of self governing and validating process. If there is no constructive, institutional and standard democratic order to suck up and sort out pressure likely to develop at the time of election and after it, it can breed dangerous hostility. By virtue of its contestable quality, election can breed ethnic, religious and other societal disagreements whereby people will be used to foment brutality. Holding regular and translucent election is a serious aspect of democratization process. Genuine election enhances authenticity of the Government and increases trust that the people have in Government. It is an avenue where political disagreements can be solved through debate. The risk factors of democracy should be analysed, monitored and addressed. (International peace institute, 2012)

Thriving Economy

There are many classes of people in the economy. The gap between the rich and the poor should not be too wide. A situation whereby the poor will become aggressive against the rich should be avoided. Everybody should feel the impact of democracy. There should be job opportunities for the people. The private sector should be expanded with investment especially on Agriculture. There should be infrastructural and health facilities created by Government. When the people see all this, they will have the feeling that democracy is good for them and it should be sustained. (Ogunleye, 2005)

Education

Education is a precious legacy that can be given to citizens of a nation by its government. The government is not up to its responsibility, if it fails to give education to its people. Politicians use illiterate as thugs and hatchet men. Majority of those use for political violence are illiterates. (The Sun 2016) Education is the pillar of national stability and security. It is instrumental to political and economic growth. Citizenship education developed in Nigeria is not meant for training of individual to be just and skillful but meant for people to contribute and participate freely in democracy. (Sadiq, n.d.)

Electronic Democracy

Electoral system in Nigeria is notorious for electoral malpractices in numerous ways such as hijack of ballot boxes, voiding of votes through incomplete thumb print, absconding with ballot boxes, insecurity of voters, delay in supply of electoral materials, long queue of voters, falsification of election results among others. It is necessary to introduce electronic democracy at this period of communication and information technology. It contains E-voting system whereby there will be use of computers and computerized voting equipments for easy calculation of votes in a credible way. The system will enable voting and counting of votes very easy and perfectly handled. Brazil, Japan, Belgium and some countries have been making use of E-Voting system. (Kuye et al, 2013) The passage of a Bill to allow E-voting in Nigeria is a successful step on reform of election in Nigeria to ensure free, fair and credible election in Nigeria. (Nwachukwu, 2017)

Conclusion

Sustainability of democracy is a heavy task in Nigeria. Democracy as a form of government should be properly learnt and accepted as the government of the people so that involvement of the people would be the general focus. All impediments to sustainable democracy should be jettisoned so that the people can have a stable and developed economy. If we are able to achieve this, the efforts of the United Nations, Pericles, John Locke, Jean Jacques Rousseau, Sir John Seeley, Dicey and Abraham Lincoln and others who imbibed democracy and agitated for its practice will not be in vain.

Recommendations

Having studied democracy in Nigeria, the situation at hand can still be improved upon and the following recommendations will assist greatly:

After election to appoint their Leaders people don't bother themselves on governmental policies. People should be encouraged to contribute to national issues so as to give room for more people to contribute to their own affairs. This will give the law makers and government opportunity to assess people's view on decisions or policies being planned.

The constitution contains the rules governing the people and government in the country. It is based on the constitution that a state is governed. The country should be run according to the laid down rules. There are procedures that have to be followed by the various arms of government, Ministries, Departments and Agencies. With the rule properly followed, the system of governance will become easy and smooth.

Election plays a dominant role in a democratic dispensation. It is through election that the country will elect the leaders for a specified period of time. Post election crisis can disrupt democratic processes and lead to crisis. The first and third republic in Nigeria derailed as a result of post election crisis. Elections should be free of manipulations and people should be convinced that it is transparent.

The people while exercising their franchise should do so in good faith. They should elect the type of leaders that are honest and transparent in performing their duties as good representatives of the people. If the people are well represented, the country's wealth will be well managed, invariably; there will be little or no crisis.

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Corruption is a bane to the development of a nation. People should look for God fearing people to manage the economy. Each time there was Military intervention, corruption has always been one the reasons for overthrowing the government. Voting corrupt leaders and allowing rigging in election or people's participation to rig should be discouraged. Such candidates will lead the country into problem through manipulations if elected.

There should be a focus on how to improve the economy of the nation. If people are expected to vote, there should be benefit that will serve as incentive to the people. These should be in form of employment opportunity. Hungry electorates can be easily bought over. Poor turnout of electorates will be experienced on the Election Day. When the economy is improved the quality of leaders that will be elected will be different. Besides,

any misunderstanding can aggravate to a situation where the poor will gather and steer up crisis against the Rich. It is from the poor that those who are used as Assassins are employed to kill or terrorise the people.

Education plays a dominant role in sustaining democracy. The type of democracy practiced in Greece has been greatly improved. The method of voting requires literacy. The Party Agent to monitor Poll on Election Day should be literate so as to be good Agent of his party or Candidate. People that are educated will be useful as officials and they will perform better than those with little or no education. In the election conducted in 2015 and the one conducted four years earlier in Nigeria, highly educated people were used. Vice Chancellors of universities were involved and the end result was a successful conduct.

The armed forces are meant to secure the country especially against external aggression. What has been practiced so far in West African sub region is a different thing. To have a sustainable democracy in Nigeria, the military should stay off governance and they should focus on security of the nation. Each time the Military takes - over, what they allege leaders of and which they say is their reason for coming to power to correct, has been what they would end up doing. There has always been a promise of returning the government to democracy but this hardly happens and at times another military government eventually takes over.

It is very important for the Politicians to imbibe spirit of practicing politics with ideology. The party manifesto and ideology will help a lot; it unites the members and guides them on their contract with the people. When they are ruling the people the 'social contract' principle will assist the government to make progress. Crossing of carpet is too common to many of them especially when they lose in an election. Desperate tendency is displayed with this attitude and it can affect sustainable democracy.

Electronic voting should be properly implemented in Nigeria in order to reduce the problem encountered during voting and collation of results of votes in Nigeria. There should also be introduction of CCTV to monitor election at every Polling Booth.

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