AN APPRAISAL OF THE NIGERIAN DEMOCRATIC JOURNEY BETWEEN 1999 AND 2014

Phillip Adeyinka Oyadiran and Obinna Innocent Nweke
Department of Public Administration, Faculty of Management Sciences, University of Abuja
E-mail: philloy2000@yahoo.com08055247905

Abstract
Democracy is adjudged the best form of government all over the world. In 1999, Nigeria joined other civilized countries by enthroning democratic political system. Consequently, this paper examines the democratic experience in Nigeria since the return of democracy in 1999. Adopting narrative descriptive approach, the paper notes that democracy is capable of ensuring good governance based on rule of law, accountability, and transparency among others if well managed. However, in the case of Nigeria, the paper observes that the nation has made some giant strides in its democratic journey since 1999 but the people are yet to fully reap the fruits embedded in this political system. This is as a result of challenges like ethno-religious factor, the absence of true federalism, abject poverty, disjointed information, the Incumbency Factor, the politics of God fatherism, corruption and security concerns. The paper concludes that what is needed in the country is the strengthening and building of institutions of government rather than personalization of state authority. The institutions of government so strengthened will act as catalysts in promoting the goals of democracy and serve as bulwark against abuses.

Keywords: Nigeria, democracy, governance, political

Introduction
Democracy is a global maiden which every nation woos. The democratic obsession is sweeping across the whole world, from the nation-states in the former Soviet Union and Eastern Europe to Africa and Asia. It shows that democracy has gathered momentum across the globe as a result of its immense advantages… (Bello-Imam 2004:1). Democracy has been described as government by persons freely chosen by the governed who also hold them accountable and responsible for their actions while in government (Gana, 1996:12). A democratic system is one where rulers are held accountable to the ruled by means of a variety of political arrangements. Such arrangements include but are necessarily conterminous with, competitive multi-party elections held at regular intervals (Osaghae, 1995).

The universal acceptance of democracy as the best system of governance is incontestable. This is premised on the participatory opportunity democracy affords the citizenry in the selection and election of their leaders and representatives. It guaranteed some recipe for good governance and the fundamental human rights of all law abiding citizens. These enviable attractions coupled with the global urge precipitated the return of the country (Nigeria) to democracy on May 29, 1999 after a prolonged heinous military dictatorship. Upon the return, Nigerians heaped a sigh of relief that at last they are liberated from the shackles of unilateralism and arbitrariness that characterized military rule.

However, the envisaged opportunities and hope seem to have given way for illusion and bewilderment 15 years after the experimentation (with democracy). This is accounted for by crude politics, corruption, selfishness and greed of the political leadership. For instance, despite her energy wealth, Nigeria is often mired in the dark; and despite her abundance human resource her economic and political affairs cannot be effectively managed. This is reflective in the on-going political cannibalism that is crippling the economy in deference to the unhindered citizen participation, tolerance of opposing views, abhorrence of arbitrary rule and unilateral decision making that political democracy involves. Since 1999, the polity has witnessed an increasing build-up of authoritarian structures and institutions and human rights abuses. The resultant unstable political atmosphere has combined with poor social infrastructure to question the viability of democracy in Nigeria. The focus of this study is to examine the democratic journey in Nigeria in the last 15 years.
Statement of the problem

It is a known fact that as at now, Nigerians and Nigeria as a nation have not began to experience true democracy and good governance. It is not false to say that Nigeria became democratic since 1999 but has not taken advantage of this form of government to put in place adequate measures that can ensure national security and the prevalence of good governance. The lack of good governance in the country is traceable to the absence of true democracy and even more prevalent now, the increasing threat of insecurity borne out of the presence of bombings, terrorist attacks, kidnapping, poverty and hunger, unstable power supply, lack of adequate infrastructures and particularly, poor leadership etc. This situation in the country is not only killing her efforts at democracy but portends a serious threat to national security in the country. Agekameh (2010), captures the feeling of Nigerian’s in these words, —the consensus Nigerians need from the politicians at this point is how to transform the country from the backwaters of underdevelopment, poverty and disease to a prosperous nation: (The Nations, 2010). The questions here thus, can we say that democratic experience has been successful in Nigeria in the last 15 years? Is there link between democracy and good governance that can be harnessed for a better future for Nigeria?

This paper seeks to look at the democratic processes in Nigeria. It attempts to find out issues and phenomena that characterize the democratic processes in Nigeria, particularly, since the reintroduction of democracy in 1999. Against this background, the paper further attempts to make recommendations towards the promotion of ideal democratic culture, idiosyncrasies and behavioural patterns.

Methodology

The materials used in this paper are derived from secondary sources. This involves learning new facts and principles through the study of documents and reports. The documents and records include journals, textbooks, newspapers, magazines, official publications etc. By putting together logically, evidences derived from documents and records on issues regarding democracy in the fourth republic in Nigeria. In this regard, the content analysis shall be used in transforming reports and evidences into meaningful results before drawing a conclusion.

Conceptual clarification

Democracy

Generically, democracy involves the opportunity to participate in decision making in the political process. It repudiates arbitrariness and authoritarianism. It extols the consent of the governed and it protects human personality and values (Ake 1996). Democracy whether liberal or African or modern includes fundamental recognition of popular sovereignty, equal opportunity for all, majority rule, representativeness, minority rights, right of choice between alternative programmes, popular consultation, consensus on fundamental issues and more essentially periodic elections (Oke, 2005:45).

The concept of democracy confers the opportunity to participate in decision by all adult citizens. The citizenry enjoys wide spread participation in the political process.

Democracy involves majority rule, political equity, the rule of law, due process, popular sovereignty, respect for human rights and popular participation (Zabadi, 2006). A democratic system exists when policies are made on a majority basis by representatives subject to effective popular control at periodic elections, which are conducted on the principles of political equality, and conditions of political freedom (Nwolise, 2002). Therefore, democracy involves putting in place good governance that could actualize the interests and aspirations of the electorates. It does this through representatives, institutions and organizations that guarantee effective and efficient management of the public resources for the benefit of all the citizenry, and it does so accountably and transparently using the provisions of the constitution and as well abiding by the rule of law.

Democracy therefore works to realise the ideal of equal freedom for everyone in society or the state; brings about political autonomy by means of legitimately reached majority decisions; needs a robustly constituted society in order to provide everyone with opportunities for participation.
The basic contention is that no compelling justification for democracy could oppose the view that people ought to be treated as political equals (Seward, 1998). In understanding this view, we can clearly state that, for democracy to thrive, it must supersede any hegemonic disposition. Nevertheless, democracy should be based on honesty, decency, and good governance whereby the will of the people in choosing their representatives is most effectively respected. This study will adopt Seward's definition of democracy because of its adequacy. He stated that "democracy is a political system in which citizens themselves have an equally effective input into the making of binding collective decisions" (Seward, Ibid).

**Governance**

Governance can be defined as the process that is employed to achieve the noble end of the state. Thus, governance simply implies the art of governing a people within a given territory or a state. It consists of two essential elements of the state, namely the structure of the state and the procedures of the legislative, judicial and those of the executive and administrative bodies at all the tiers of government. In one word, governance remains a state in action. Hirst and Thompson (1996) define governance as “the control of an activity by some means such that a range of desired outcomes is attained”. Thus, governance in a political sense is a more complex activity. Secondly, political governance is service oriented. Governance is better conceived from Lasswel traditional definition of politics as who gets what, when and how and perhaps how much. Thus, governance has a lot to do with the allocation of values in the society, which to a large extent is political in nature.

Although governance is related to politics, it is conceptually different. However, as a human phenomenon, governance is exercised within a given socio-cultural context and belongs to a broader department of politics. While politics is the authoritative allocation of values or who gets what, when and how, governance is the process and mechanisms of allocating the values without jeopardizing the principle of equity, justice and fairness. Therefore, it is through the practical application of the authority and the processes of governance that the powers of the state acquire meaning and substance. In this regard the World Bank view governance as, “the manner in which power is exercised in the management of a country’s economic and social resources for development (Odunuga, 2003). The Bank further identified the following three key aspects of governance: the form of a political regime; the process by which authority is exercised in the management of a country’s social and economic resources and the capacity of government to design formulate and implement policies and discharge functions. The United Nations Development Programme (UNDP 1997) sees government and governance as being synonymous. Accordingly, it define governance as a complex mechanisms, process, relationships and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences. It is important to note that government and governance are interconnected. Government, as an art of governance, enjoys four important attributes which include sovereignty, power, authority and legitimacy (Ekei, 2003). All these elements or attributes are the instruments of effective governance in the sense that they provide the necessary anchor and legal/moral justifications to the government. Governance in the context of this paper is defined as the process of allocating resources, through the instrumentalities of the state, for the attainment of public good. This includes institutional and structural arrangements, decision making processes, policy formulation and implementation capacity, development of personnel, information flows and the nature and style of leadership within a political system.

**Theoretical framework**

**The Elite Theory**

The elite theory as reflected in the writings of Wilfredo Pareto, Gaetano Mosca, Ortega, Gasset and Robert Mitchels assumes that in every society there are two groups of people the class that rules and the class that is ruled (Korpi, 1989:332). They are unanimous in their views that society is ruled by a minority group that possesses the qualities necessary for its ascension to full social and political power. These are people who are successful and hold command positions in every organization. Because of their privileged position
in the power stratum of society, they shape public policy to reflect their values and preferences instead of the masses. The elites are the policy makers who wield significant power and influence in the allocation of values in society. They share common consensus on the maintenance of the status quo. To this extent, they are conservative, non-innovative and marginal in their attitude towards the management of public resources and power relations in society.

The assumption of Ikelegbe (1994) is that the elites are conservative in nature and they make policies that serve the marginal interest of the masses with maximum long term benefits for the elites. But because the elites are conscious of the stress and radical change this may create they introduce some welfare policies to placate the masses. Elite dominance in many societies is function of ignorance, lack of organization and lack of information by the masses. However, the recent populist revolution that swept through North Africa from Tunisia, Egypt and Libya to Syria in 2011 has discountenanced the weak position of the masses in the power equation. Many elite theorists have argued that the masses lacked political initiative and motivation and psychologically prefer to be led. Against this trend of argument is the hidden fact that the masses are psychologically and materially demobilized and traumatized to pave way for elite's dominance in all society. Elite superiority is a function of the social, intellectual and professional qualities they possess in the power relations. They control the military, economy, bureaucracy, politics, religion and traditional life of all society. Traditional rulers are influencial elements in Nigerian politics. They control the productive resources of society and the value system upheld by society. This has informed the thrust of many policies in society in favour of the elites.

The thrust of the argument in relation to democratic experience in Nigeria in the fourth republic is elitist in nature. As democracies consolidate, oligarchs rarely disappear. Rather, they are gradually integrated into the democratic system through increasingly attractive positive incentives, which convince elites that they are better off playing the democratic game, and negative incentives, which make the costs of circumventing the law increasingly prohibitive to errant elites while also making such transgressions more likely to be caught and sanctioned. The Nigerian political elites are currently undergoing the early stages of such a transition towards greater reliance on formal democratic mechanisms rather than a strict reliance on the informal exercise of power.

The political elite is far from homogeneous; it is fragmented and deeply competitive. A key dynamic in elite interactions is that those who have come to elite status through patronage networks are not always those who are able to mobilize populations. Hence, some leaders will seek to use ethno-religious and regionally based divisions to try to mobilize citizens in an attempt to gain access to a share of the petro rents and therefore some degree of elite status. This has been particularly but not exclusively apparent in the oil-producing Niger Delta as mentioned previously, but there have also been attempts to organize ethnic Igbo nationalists in the southeast and Yoruba nationalists in the southwest through the Oduduwa People’s Congress (OPC).

In the past, the elite dealt with its fragmentation through a continuous series of negotiations and shifting alliances that provided some balance against any faction becoming too dominant. What was missing from this dynamic, however, was a systematic check on the impunity of those in power at any given time. What has occurred over the last decade is that the gap between Nigeria’s oligarchy and the people has become unacceptable, leading to questions about the sustainability of Nigeria’s political order without democratic reform. In particular, there are much stronger calls for transparency and accountability, and politicians are increasingly using such principles in their competitions with one another. Thus the rules of elite politics are themselves evolving, where greater responsiveness to public needs and demands is assuming greater importance along with calls for greater accountability and more checks and balances.

**Challenges of democratic consolidation in Nigeria since 1999**

Nigeria’s democracy landed on a good platform with the existence of democratic institutions, plural
society, vibrant civil society organizations and critical mass media among others. These ingredients have the structure and capacity to make democracy strive in Nigeria. But it is germane to note that, Nigeria’s democracy has remained grossly unstable since the return to this popular form of governance in 1999. The political terrain has been home with lots of challenges precipitating against the genuine realization of the system. In fact the impediments to the nation’s unending desire for a true democracy seem to assume a more perilous proportion by the day. These challenges are:

a. **Ethno-religious factor:** this remains one of the forces that have contributed greatly to socio-political instability in the country. The latest sectarian turbulence in the country and the clamor for the presidency by varied ethnic groups indicate that the society is still Balkanized by tribal and religious sentiments (Victor, 2002). Each ethnic nationality in Nigeria has its own faith, interest, culture, language and level of aspiration and these forces seem to affect the economic fate of each group. In addition, they make the creation of a common identity problematic, thereby exacerbating the difficulty in attaining a true democracy in the society. Currently, Nigeria lacks the necessary democratic values (civil and human abuse is rampant, freedom of speech and expression is hampered, lack of social security and distributive justice) hence the rampant social unrest in the polity (Victor, 2002).

b. **The absence of true federalism:** Lack of true federal structure in Nigeria is a stumbling block to the nation’s ongoing democratic enterprise. The federal government is very overbearing as it controls about 80% of the country’s resources leaving state and local governments at its mercy. Where regions, states or geographical zones have the power to control their resources and to have access to the necessary funds for community development programs, democracy strives. In fact, it is only true federalism that can guarantee fairness and justice in the society. More importantly, it enables each locality to progress according to the aspiration of the people. A durable and enforceable people’s constitution is an indispensable tool to make this feasible, as the constitution protects the people and determines socio-political activities in a society. As noted in the philosophy of Aristotle “we can decide the identity of a state only by examining the form (and contents) of its constitution”. In Nigeria we lack the reality of such a federal constitution and true federal state (Awuudu, 2012).

**Abject poverty:** continued poverty, reinforced by mass unemployment is a barrier to Nigeria’s quest for consolidating her democracy. A society of beggars, parasites and bandits cannot develop. It cannot know peace or stability and cannot be democratic (Ake, 1996). This shows that any individual deprived of the basic wherewithal cannot participate effectively in a democratic process. A poor person is therefore not a full fledged social individual, as he/she lacks the basic freedom to engage in the life he/she enjoys. One can safely argue that poverty is a hindrance to democratic consolidation since economic chaos can topple democratic institutions. The problems of poverty and injustice are good part of Nigeria, and the citizens do not seem to understand what is in their culture preventing them from achieving a just, prosperous-dignified life and true democracy. It is essential to note that about 70% of the Nigerian populations are estimated poor. Is there any wonder why the society is chaotic? (Victor, 2002). The consequence of the above estimation substantiates how the masses in Nigeria are easily brainwashed and their right of choice terribly manipulated making an objective choice seldom to consideration. And more often than not, various forms of inducements and gratification which provide very temporary relief from the scourge of poverty are given central attention in making democratic choices.

**Disjointed information:** mass media as watchdog of the public interest is very crucial to democratic consolidation. The media is democratically seen as vanguard for holding governments accountable and guarding against the abuse of power. This can be done by raising countervailing structures of surveillance to monitor government activities and stem an inherent disposition towards excess. But in Nigeria especially in this republic, there are constraints on press media resulting in suppression of information, provision of disjointed and half hazard information and thereby limiting the
capacity of individuals to develop a reservoir of political knowledge to assist them in controlling authoritarian rule and participating adequately in political activities. Our media has been subsumed into the elite structure “the big man” syndrome or “upper body structure”. This is actively inimical to the survival and deepening of democracy (Auwuudu, 2012).

e. The Incumbency factor: In political parlance, incumbency refers to holders of political office who enjoy certain privileges (such as wider media coverage and security) which are not available to other contestants in the electoral contest. These privileges create some electoral margin for the incumbent running for re-election leading to an incumbency abuse factor. In Nigeria, this factor promotes appointment of corrupt and or compromised electoral officers, manipulation of the electoral law and the constitution, manipulation of the electoral tribunals to protest stolen mandates, use of state security forces and apparatus to intimidate opposition parties, denial of access to state owned media houses etc to ensure they regain or elongate their tenure against popular will (Jaja&Aumona, 2011:125).This is purely anti democracy.

f. The politics of godfatherism: another great impediment to democratic consolidation in Nigeria is the phenomenon of godfatherism which has been dominating the political scene of the country. It is a game where political kingmakers and gladiators manipulate the political system to enthrone their crowned political stewards. Ogundiya (2010:237) asserts that Godfatherism is both a symptom and a cause of the violence and corruption that together permeates the political process in Nigeria. Public officials who owe their positions to the efforts of a political godfather incur a debt that they are expected to repay without end throughout their tenure in office. They control state resources and policies not minding the corporate existence of the state. In fact their activities help frustrate the basic democratic values in society and block the democratic process by obstructing selection of good and qualified candidates for elective posts thereby making the rise of true democracy a hard nut.

Corruption: According to John Campbell, USA Ambassador to Nigeria; corruption is a clog in the wheel of any nation struggling for the enthronement and consolidation of democracy and good governance (Punch July 7th, 2005). This shows that democracy cannot be predicted on a fragile and unstable political base. Corruption as a devastator has greatly eroded the fundamental values of democracy and its essential principles.

Corruption in its popular conception is defined as the exploitation of public position, resources and power for private/selfish gain. For instance, Dobel (1978) defined corruption as “the betrayal of public trust for individual or group gain”. In a similar vein, Obayelu (2007) identifies it as “efforts to secure wealth or power through illegal means for private gain at public expense, or a misuse of public power for private benefits”.

According to Ogundiya (2010), events in Nigeria since 1999 have shown that the tidal waves of reversal have been contending with Nigeria’s democratic project. Consequently, democracy remains grossly unstable and the future seems to be very bleak because of rampant bureaucratic and political corruption. Corruption has reached a high crescendo such that an average Nigerian now possibly associates democracy with it. The consequences of political corruption are potently manifest: cyclical crisis of legitimacy, fragile party structure, institutional decay, chronic economic problem and unemployment, and above all general democratic volatility.

Corruption in this country is generally characterized by Looting of funds and wealth kept secretly, i.e. capital flight; misappropriation and mismanagement of public funds; money laundering (acquiring money through fraudulent ways); drug and child trafficking; illegal arms deal; gratification which involves monetary, material or physical favor as a condition or reward for performing official duty, official abuse of office in which an official suppresses and violates an oath of office and nepotism which is granting underserved favors to one’s relations. The recent corruption scandal in the oil sector totaling N1.7 trillion from 1999-2011, Police Pension Fund of N18 billion as well as the James Ibori N450 billion corrupt case
of money laundering in London is just the tip of an iceberg as far as corruption is concern in Nigeria.

h. **Security question:** from 1999-date, the country has been home with lots of ethno-religious crisis, sectarian mayhem, electoral violence, insurgency etc. questioning and shaking the survival of democracy. Notable among them are, the Yoruba and Hausa/Fulani disturbance in Shagamu, Lagos State (1999-2000), the Urohbo/Ife Modakeke crisis (2000-2001), the Jukun/Tiv conflict (2000), incessant turbulence in Jos the erstwhile home of peace and tourism, the post election violence in the Northern part of Nigeria (2011) and constant sectarian turmoil exemplified by the activities of BokoHarram. The x-ray of the above upheavals will indicate that, our democracy is surely under great challenge making Dauda and Avidime (2007) to argue that the current security situation in the country is a major obstacle to the consolidation of democracy. According to them, “the tense security situation in all parts of the country makes nonsense of whatever efforts has been made to justify the sustenance of our democratic experiment since the environment is unconducive for foreign investments and endangered by bad governance and political instability”.

Multiple electoral challenges, credible periodic election are a crucial factor in the survival of any political system and the conduct of free and fair election is the beauty of a democratic structure. This is because it makes electoral activities meaningful and the interest of the electorate represented. But in Nigeria especially in this fourth republic, elections have become a tool for promoting the interest of the aristocrat rather than the electorates. The philosophical basis and fundamental ethos of democracy are being swept under the carpet making the Nigerian electorate to lose faith in the electoral process and the government.

Analytically, the 2003 and 2007 general elections were adjudged to be worst elections in the history of fourth republic. This is because the elections were characterized by; massive rigging, monetization factor, assassination, political thuggery, sentiments, corrupt practices of electoral officers, judicial injustice, deliberate disfranchisement of the populace, discountenancing of the electorate’s vote, outright disregard for the rule of law etc. What the above implies is that the legitimacy of democracy as the best form of governance has been corroded.

**A critique of the institutional arenas for democracy in Nigeria**

**Governance Sphere**

**Executive and legislature in a democratic government**

The executive and legislative arms are very important institutions in any democratic regime. This is because they play very crucial role in the policy making and implementation processes for the good governance of the democratic society. For instance, Laski (1992) sees the “executive as occupying a very crucial position in the administration of a state. Laski therefore observe that the executive in all democratic systems exists to first and foremost, decide on the final choice of policy to be submitted for acceptance to the legislative assembly; secondly, it is its business to see to it that the public services fully apply to that policy as intended by the legislature; and thirdly it ensures that it delimits and also coordinates the activities of the different departments of state”. The executive is therefore the organ of the state that is charged by the constitution to manage the resources of the state for the common good of the citizens.

On the other hand, Appadorai (1975) classifies the functions of legislature as legislation, administration, financial appropriation and ventilation of grievances. Parliament demonstrated a determined ability to hold ministers to account and ‘... exercised a constant supervision of all governmental affairs’ (Maitland, 1908). The legislature also screens and approves budgets. The “legislative phase of the budgetary process involves the consideration of the budget by members and subsequently, approving the budget” (Reid, 1966). Therefore, the Act of Parliament is required to give authority to the governments’ estimates of revenue and expenditure plans on annual basis. The Economic Commission for Africa (ECA) in its study on the “Role of legislature in promoting good governance in Africa” – explains that formal legislative functions can be summarised into three - law making, representation and oversight function. The exercise
of these three basic functions makes the legislature the cornerstone of any democracy.

Executive dominance characterizes all three tiers of the Nigerian federation, and is most evident in the legislatures’ lack of control over government revenues or the budget process. The president has yet to respect a budget passed by the National Assembly, state assemblies typically do not even know significant line items in the budgets they do pass, and local government councils are absolutely beholden to the local government chairs, who more often than not serve at the whim of the governor.

The National Assembly, however, has made important strides toward gaining some leverage on the executive. Without budget influence to bargain with the president, the Assembly has regularly turned to the only other major power it has over him: impeachment. The president’s refusal to release budgeted funds sufficiently angered the National Assembly in 2002 that they nearly impeached him, and a similar budget row saw a minor impeachment effort fizzle in 2005. Both efforts resulted in the president ceding important concessions.

The defeat of the president’s third term gambit in 2006, however, was a watershed event for the independence of the federal legislature, in that it rejected a major demand of the presidency and the president accepted the outcome. Activists report, however, that at the outset, most legislators were ready to vote for the third term and only after intense public scrutiny (mixed with opposition by the governors) did a majority of legislators reject the amendments. Senators are said to have responded directly to strong pressure from their constituents on this topic. This has not been lost on civil society, which has been encouraged by the apparent success of pressure put on legislators.

State assemblies have also had occasional moments of independence, but they have overall been far less frequent than at the national level. The state legislatures mostly operate under the heavy influence of the governor, and have not fully exercised the powers that they have. However, many state assemblies have impeached their governors on corruption charges, but these events were largely orchestrated by local godfathers in alliance with the presidency. The Lagos and Kano assemblies are probably the most advanced in terms of development of oversight committees and budgetary components, but nearly all the assemblies have seen almost no opposition party representation since 2003, such that there is little dissent along political party lines.

Local governance

Dysfunctional local governance has prompted attempts at several sweeping reforms since independence. President Obasanjo named his own commission in 2003 to reform the local governments, which recommended a parliamentary system for the councils, but that has yet to be adopted. The principal problem is related to the centralization of the Nigerian state that took place during the 29 years of military rule. The main source of revenue for local governments comes from the Federation Account, with state government contributing an additional 10 percent.

The governors control the local governments through their discretion over the flow of funding. Roughly a quarter of the Federation Account revenues are earmarked for the 774 local governments, but these funds are first sent to the governor’s office, who is supposed to disburse them to the councils in the state. In practice, however, the governors have withheld these funds at times, or deducted funds for dubious development projects. Once the funds arrive at the local government councils, they are controlled by the chair, who tends to use this as leverage in negotiations with other council members and local bureaucrats. By the end of this process, little of the local funds remain for the business of local governance.

An exciting change at the local level, however, has been prompted by the moribund state of the councils. Community associations across the federation have begun to take new roles in local politics, providing mechanisms whereby neighborhoods and larger localities can petition the local government councils and state agencies to address community needs. A number of civil society groups have also sought to mobilize the community associations, with important successes across the federation. As the citizens increase their
interactions with local government, though, the pressures build on the LGAs to be more responsive and to more effectively deliver basic services. One proposal being circulated suggests the adoption of participatory budgeting practices, in which local budgets are vetted and passed by the local communities themselves, thus ensuring public participation and oversight.

III. The Judiciary

The judiciary at the federal level has been singled out in Nigeria for its growing autonomy and work as a check on executive impunity. In particular, the Supreme Court and the Federal Courts of Appeal are clearly emerging as islands of integrity in what is commonly viewed as a bleak judicial landscape. The National Judicial Commission is working to remove errant judges and to assert its constitution-mandated control over judges’ salaries, and the National Judicial Institute is working to improve judicial integrity and competence.

However, this is against a rather dismal backdrop of systematic marginalization of the judiciary under the preceding military rule, which continues to cast a shadow over the rule of law in Nigeria. During the regime of General Abacha, the judiciary’s authority and independence were undermined as the state exercised rather arbitrary authority through the federal security system, which included the military, the state security services, and compliant courts. The court system, especially at the state and magistrate levels, continues to suffer from the legacy of poor funding and executive intimidation, and judges at those levels tend to be vulnerable to compromise through bribery and political influence. Very basic constraints continue to plague the justice system, as detailed below in Section 4.2. Court cases are not properly recorded, judges have no law clerks, and there is very little in the way of reference materials. The backlog in case management is such that nearly two-thirds of Nigeria’s 40,000 inmates have not been convicted in a court of law.

Since 1999, Nigeria has not yet transitioned to a legal system or political culture that can be described as fully democratic. A disconnect between the legal and political processes has been a direct consequence of the military’s approach to governance. The result has been citizens being subject to arbitrary government decisions. In the absence of effective legal recourse, citizens rely on their personal contacts and networks with elites or influential government officials. To move away from the extra-judicial means of pressing for political demands will require a different orientation towards respecting the rule of law regardless of who is in power. In the context of increased competition among the country’s big men, however, political elites have themselves increasingly turned to the judicial system to resolve their disputes. For example, in July 2005, the Supreme Court upheld the re-election of President Obasanjo in the controversial 2003 poll. The defeated candidate, retired General Muhammadu Buhari, and his All Nigeria People’s Party, formally accepted the court ruling, which upheld an earlier judgment by the Court of Appeal. The Supreme Court also overturned the 2005 unconstitutional impeachment of the Oyo governor that was engineered by the local godfather, even though the godfather is an Obasanjo ally. Such an increasing role has energized the judiciary at the federal level, and the Supreme Court in particular, and augurs well for the eventual expansion of rule of law in Nigeria. Funding for the judiciary has gone up at both the federal and state levels, and there is a push for better training for state attorneys, especially in Lagos and Cross Rivers states.

Budgetary constraints, however, remain particularly worrying when it comes to judicial and court reform. The president has not respected a single budget passed by the National Assembly since 1999, instead impounding and releasing funds as he sees fit. This budgetary tyranny of the executive is even more pronounced at the state and local government levels, where governors and local government chairs are the first recipients of federation funds, which most have treated as largely private accounts. State assemblies, consequently, have been almost completely beholden to the governors.

IV. The Civil Society

Nigeria has long enjoyed a vibrant civil society and a rough-and-tumble media that is famous across Africa. It has a flourishing English language press,
much of it in private hands. There are at least 20 dailies, 12 Sunday papers, and four weekly business reports. State-run radio and television reach virtually all parts of the country, with broadcast media starting to open up to private enterprises as well. Radio remains the key source of information for many Nigerians. Trade unions, professional associations, business associations, traditional institutions, and religious institutions have also played critical roles in building democracy and sustaining the democratic yearning since Nigerian independence. These older groups have been joined since the late 1980s by the NGO movement, a host of small, professional, fleet-footed organizations targeting a variety of social concerns, service provisions, or advocacy needs across the federation.

The rise of civil society over the last 20 years began during the period of military regimes, so many of the CSOs were conceived of in opposition to arbitrary rule. They received a considerable amount of foreign assistance during the military era, and a number have emerged as capable champions of reform. There is a plethora of human rights and women’s NGOs, for instance, but they have been struggling for financial sustainability since the end of military rule in 1999 led to a shift in international focus to governmental institutions. The CSOs have been struggling with developing new tactics and programs under civilian rule, such as enhancing access to the legislature, serving in watchdog roles, and seeking to engage more effective citizen participation in local affairs.

The trade unions have long been the democratic warhorses of Nigeria, along with the Bar association and a number of religious institutions, and they have been joined by a myriad of small human rights and democracy NGOs. Most of the large groups, like the unions and the Bar, rebounded from the damage done by the military years to regain some of their former prominence on a number of important national policy issues such as the price of fuel. A number of NGO coalitions had some impact during President Obasanjo’s third term on national debates over constitutional reform, anti-corruption, Fuel subsidy removal, and the development of a Freedom of Information Act (FOIA).

The Nigerian Labor Congress (NLC) is the principal umbrella union organization that was taken over by state-appointed administrators under the Abacha years, but has since regained its independence. Since the return to civilian rule, the NLC has broadened its mandate from just labor issues to broader concerns over basic welfare deficiencies that affect the work force, such as health care, education, housing, and utilities. Most particularly, the NLC has gained popularity by confronting the government over the issue of energy prices, arguing that energy is so central to people’s livelihoods that society needs to be shielded from fluctuation. They have called six general strikes since 1999 to protest fuel price increases, causing the government to reverse its rollback of subsidies on several occasions. The union has in some ways filled a gap left by the absence of an effective opposition, but the government has introduced—but not yet passed—new legislation to end the NLC’s monopoly over union organizing and curtailing its right to strike over non-work issues. The NLC now has two full-time staffers who serve as liaison officers with the National Assembly, indicating how it has adapted to the new opportunities under constitutional rule.

**Conclusion**

This paper has dealt with the discourse of the challenges of democratic consolidation and appraisal of the institutional arenas for democracy in Nigeria since the return of democracy in 1999 using the analytical examination of the concepts of democracy and governance as the point of departure. In the course of the analysis the challenges of democratic consolidation-ethnic-religious factor, the absence of true federalism, abject poverty, disjointed information, the Incumbency Factor, the politics of Godfatherism, corruption and security concerns were identified and examined. The paper also examined the institutional arenas for democracy, particularly the Governance sphere-Executive and Legislature in a Democratic Government, the local governance, the judiciary and the civil society organizations since the commencement of the fourth Democratic Republic in 1999 in Nigeria though, not without the relevant citation of the positive contributions of these institutions to the nation’s landscape. Some panaceas which can rescue the nation from these
problems holding her by the jugular have been recommended with the conclusion that the Nigerian state will free itself from the manacling claws of legislative brigandage, administrative lawlessness and anti-democratic processes which have crippled her democratic governance process if the following recommendations are implemented.

1. Strengthen formal political institutions that foster a healthy balance of power among the elite: Clearly, efforts that bolster the relative power of the legislative and judicial branches against the executive branches are essential in this regard. Strengthening the powers of the states and local governments vis-à-vis the federal government is also essential, as is decentralization of presidential controls over public revenues. The enabling environment, however, is not yet as advanced as it could be for progress in this area, and the Government of Nigeria needs to first take some steps towards decentralization.

2. Support CSOs that can improve demand-side advocacy for strengthening of legislative functions and processes and for improvements in the justice system. This should include strengthening the organizational, professional, and informational resources of select professional organizations and trade unions. As per the language in the Foreign Assistance Framework, this recommendation is aimed at strengthening civil society capacity to act as agents for reform and for democratic processes. Also, there is an urgent need to assist select civil society organizations to construct viable linkages with community groups representing community-level inputs. The purpose of this component is to provide communities with alternative means to engage in the political process, especially in helping to access public goods and meet their basic needs. Such efforts could utilize public/private partnerships with local governance to engage in social infrastructural improvements that could support other Mission Strategic Objectives (SOs), such as in the areas of health, education, and economic growth.

3. Support oversight initiatives that could help to reduce executive arbitrariness. A key focus, which corresponds to past Mission investments regarding the budget, would be to support a National Assembly Budget Office. Not only should the capacity for effective review be enhanced, but also the Assembly’s ability to render the national budgets and their review more transparent. “E-governance” and electronic vetting of bills should be supported vigorously. More fundamentally, the National Assembly and state assemblies’ “power of the purse” needs strengthening so as to buttress the legislatures’ control over public revenues and spending. This recommended activity corresponds to the Foreign Assistance Framework-recommended interventions to strengthen oversight and budget capacity.

At the federal level, where windows of opportunity have emerged such as in the Courts of Appeal, provide support to reform regarding management procedures. “Bricks and mortar” work to improve operational systems and professional capacities to carry out their core functions such as case management, court procedures, recording, and harmonization of polices and public private partnerships relating to crime and violence could all be targets of assistance. This set of activities corresponds to the Foreign Assistance Framework objective of professionalization of justice system actors. The impact of these activities should be visible and tangible, with results evident in the medium term.

Strengthen formal institutional arrangements that encourage and force political elites to view the public interest as a personal political priority, particularly through credible elections, transparency, and accountability mechanisms. In addition, provide increased formal avenues for public participation in the policy process, through community associations and other local governance approaches.

Assist select community associations themselves in obtaining better access to local and state governments. Pilot projects in key states and local governments could explore alternatives for improved community association participation, such as Local Government Association (LGA) budget monitoring through participatory budget practices.
7. Finally, assist the Nigerian media to address its concerns regarding professional skills, research infrastructure (through computers, the Internet, and information technology), and reducing its susceptibility to bribery and other corrupt practices. Priority should be given to protecting courageous media professionals from personal abuse and the growing infringement of press freedoms by the security agencies of the Nigerian government. The media has had a positive impact on democratization already, and greater professionalization will further enhance their role and credibility.

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