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**MATRIC NUMBER: 19/SMS09/070**

**QUESTION: Constitution is important for the consolidation of democracy. However, the making of Nigeria’s constitutions have been under two political dispensations that have anti- democracy tendencies and this has been a great impediment to democratic governance in Nigeria. Examine some of the loopholes in Nigeria’s constitutions over the years that affected democracy in Nigeria.**

***Table of content:***  ***PG***

Meaning of Constitution………………………………………………………………………………………….. ***3***

Meaning: Definitions by different scholars

The Nigerian’s Constitution…………………………………………………………………………***5***

Background: Birth; Transition; Evolution

Meaning of Democracy…………………………………………………………………………… ***6***

Political Dispensation………………………………………………………………………………***8***

Challenges of Political Dispensation in the 21st century………………………………………………………………..***10***

Impunity, Failure of leadership and the likes

**Meaning of Constitution:**

Often the layman defines a constitution as a body of law that governs a group of people, it is not purely wrong as it as some sense in it, as still a constitution still has the rules and regulation of a group of people. According to the Mariam dictionary a constitution is “the basic principles and laws of a nation, state, or social group that determine the powers and duties of the government and guarantee certain rights to the people in it” it also views it as a written instrument embodying the rules of a political or social organization. The Mariam dictionary further breaks down the layman’s definition of constitution into bites we can clearly understand and it made us to see that even the layman’s definition has a form of sense. It says the constitution is a mode in which a state or society is organized, that is the way in which sovereign power is distributed, also an establishment of law or custom and the act of establishing, making, or setting up.

Thomas Paine a political science scholar sees a constitution to be “a thing antecedent to government, and a government is only the creature of a constitution”. The constitution of a country is not the acts of its government, but of the people constituting a government. It is the Body of Elements to which you can refer and quote article by article; and which contains the principles upon which the government shall be established, the manner in which it shall be organized, the powers it shall have, the Mode of Elections, the duration of Parliaments or by what other name such bodies may be called; the powers which the executive part of the government shall have and in fact, everything that relates to the complete organization of a civil government, and the principles upon which it shall act, and by which it shall be bound. A constitution, therefore is to a government what the laws made afterwards by that government are to a Court of Judiciary. The court of Judiciary does not make the laws, neither can it alter them; it only acts in conformity to the laws made: and the government is in like manner governed by the constitution. According to him he views a constitution as a means of the aggregate of only those written principle which regulate the administration of the state. Also according to K.C Wheare, a constitution is used to denote all written and unwritten principles regulating the administration of the state.

Aristotle defines a constitution as “the way of life the state has chosen for itself” such a definition is very ancient and no clear characteristics of a constitution can be found from it. C.F Strong says a constitution may be said to be a collection of principles according to which the powers of the governed and relation between the two are adjusted. Constitution refers to a body of agreed rules and principles starting how the power of governing a country are given and how these powers are to be exercised.

**The Nigeria’s Constitution:**

The Nigeria’s constitution evolution can be demarcated into three broad phases as follows. First, over the period from 1914 until independence, the British “amalgamation” Nigeria into one single colonial entity, gradually transforming the new state into a parliamentary federation of three major ethnic regions. This British legacy unraveled shortly after Nigeria gained independence in 1960 with the collapse of the First Nigerian Republic in a bloody military coup in 1966 and the subsequent outbreak of Nigerian civil war (1967- 1970).

Second, during 1966- 1999, Nigeria’s military rules transformed the country’s constitutional institutions in response to the failure of the First Republic and the outbreak of civil war. Three mega-constitution changes defined this transition:

* a change from a federal territorial structure with a small number of large constituent region to one with large number of relatively small states;
* a huge expansion in the central government and a corresponding reduction in the autonomy of subnational units; and
* a shift from a parliamentary system of government to a presidential structure. Additionally, the military sought to create agencies for restraining the political malfeasance at the roots of the country’s instability.

Finally, the period since 1999 is the longest phase of civilian rule in Nigeria’s constitutional history. It has seen governmental, civic and etho – regional bodies immersing themselves in multifaceted and contentious constitutional politics in a bid to reform or restructure the military’s centrist and allegedly and contentious constitutional politics in a bid to reform or restructure the military’s centrist and allegedly undemocratic constitutional legacy. Nonetheless, the basic elements of this legacy (multiple states, centralized federalism, presidential governance, and the quest for credible agencies of restraint) have remained intact.

Nigeria’s First Republic (1960 – 1966), however, proved unviable. The extensive postmortems on the Republic have implicated at least four institutional factors, namely, the unbalanced federal territorial structure, the subversive power of large regional units’ vis-à-vis the central government, the fragmentation and weakness of the central political executive in the face of this regional divisiveness, and weakness of the central political executive in the face of this political power.

A flagrant defect of the First Republic’s federalism was the size of the predominantly Muslim Northern Region, which was larger and more populace than the two Southern, predominantly Christian region (the Eastern and Western administrations) combined. This created a classic “dual power situation” (with the “core” Northern Region usurping and rivaling the central government), deepened ethnic insecurity, and encouraged ethno- secessionism. The fact that the North was poorer and less modernized than the South aggravated this structural defect, highlighting the tension between the political hegemony of the north and the socio-economic primacy of the south.

The greatest source of instability in the First Republic was, however, the intense premium on the control of political power and the absence of strong countervailing institutions to personal, factional or sectional abuses of power. In an underdeveloped political economy like Nigeria, where access to political power is the primary avenue to affluence and influence for groups and individuals, political competition can become intensively destructive, and overwhelm and consume institutions like the judiciary and electoral administration that are designed to regulate the struggles for power. But the Constitutional arrangement of the first Republic lacked effective mechanisms to strengthen or insulate such potential institutions of restraint. The flaws in the Constitutional institutions of the procedures by which those institutions were constituted. The institution were fashioned in a succession of constitutional conference between the British colonial authorities and rising, but tiny and ethnically fragmented, nationalist elite.

**Meaning of Democracy:**

A very clear definition which we may all have known from infancy is Democracy is a government for the people, and by the people. Some view democracy as the rule by the majority. Democracy can be said to be a government in which the supreme power is vested in the people and exercised by them directly or indirectly through a system of representation usually periodically held free elections. Democracy is derived from a Greek word “demokratia”, the term democracy relates to popular government. It is, above all, a political system in which the people, that is to say the citizenry, holds sovereignty.

Some philosophers view democracy in varieties of form. Sinclair Lewis says democracy in general, apart from outrageous exceptions, democracy has given the ordinary worker more dignity than he has ever had. Also Ghandi sees Democracy, based on the idea that I do, should provide the same opportunities weaker than stronger. Only non- violence can achieve this goal. Aristotle sees democracy as a government of the poor or those less fortunate, Henry Ford said and I quote “The democracy that I favor is one that gives everyone the same chance of success, depending on the capacity of claims to provide the number the authority which belongs to merit”, and lastly Churchill says the democracy is the worst political system, with the exception of all other. Looking at the different definitions above we figure that the all are connected to a certain feature that is all have the role individuals have to play, it is quite obvious that democracy thrives more in an environment in which the words of people can be heard and their rights are not being infringed upon.

Popper’s as cited in Javie (2006) defines democracy in contrast to dictatorship or tyranny. He places emphasis on the availability of opportunities for the people to control their leaders and them without recourse to a revolution.

Democracy as a concept has not enjoyed any general and accepted definition just like every other concepts in the field of social sciences. Schumpeter (1960), observed democracy as a formal organizational arrangement for achieving administrative, political and legislative decision or a system in which a citizen ascertains the legal right to take part in decision making through the means of struggle which involves a competition to achieve the vote of the people. In a similar view, Cohen (1971) believes that democracy involves a system of public government in which members of the public have the equal opportunity to directly take part in the decision making of their society that affects all. Therefore, in view of the above, the several scholars maintained the argument that democracy is a good system of government on the basis that, it enables the people with the opportunity to make contribution, especially on the issues that affect their society and usually on the opportunity to make contribution, especially on the issues that affect their society and usually on the production and delivery of those that represent them in the government and thereby promoting development and stability in the society. Democracy by participation enhances people’s independence and it is so doing becomes the most recognized systems of government in the world as it promotes political equity in the society. Democracy involves the consent of deliberation through natural form and devoid of threat. In a related view, Mohammed, (2007) asserts that, one great feature that has made a democratic system of government a world hotcake is hinged on the fact that it gives an individual or group the legal and free opportunity for articulation and pressing home his or their desires or demands and invariably making a contribution to public policy that will guarantee positive achievements in the society.

Nigeria as a developing nation has witnessed some level of democratic stability and truncation from a historical perspective it witnessed her first republic in 1963 as a sovereign entity. This first democratic achievement was truncated on 15th January 1966 by a military coup d’état. Her second republic came in 1979 in which Alhaji Shehu Shagari was elected under a democratic dispensation. In 1983, the military interfered and halted the administration, which ushered in a military regime. The third republic was welcomed in 1993 but was annulled by another military junta until 1999 in which a new democratic dispensation emerged with Olusegun Obasanjo as the civilian elected president and has not been truncated by another military regime till date. Democracy in any society has been observed as one of the vital strategies that promote and propel social stability, economic development, better standard of living and political proficiency in the present day society.

Democracy in the present day Nigeria has been observed as a simple political desideratum which hangs on a hitching utopia ( Adewusi, 2011). Therefore, a sincerer democracy is a sine qua non in bringing development to every sector of a nation’s economy. In the same relation, Ojukwu and Nwanolue (2012) observed that the overall success and achievement of any nation practicing democracy is highly centered on three major contests. One of these factors is identified as legislative efficiency, in which the exercise of the legislative organ must reform and reflect positively the political and socioeconomic challenges that have been hanging on the nation for some quite of time. While the second factor involves executive contest has been identified as hanging on the legislative willingness to make a policy of inclusiveness which will enable her citizens take a vibrant participation in the daily activities of government of their country (Hassan & Mamudu, 2011). However, from the above observation, this study sets out the sole objective to achieve a conceptual and exploratory understanding of democratic practice. A qualitative study, secondary data, and liberal democratic theory were adopted to achieve this aim.

Democracy by participation enhances people’s independence and in so doing, becomes the most recognized systems of government in the world as it promotes political equity in the society. Democracy involves the consent of deliberation through natural form and devoid of threat. In a related view, Mohammad, (2007), asserts that, one great feature that has made a democratic system of government a world hotcake is hinged on the fact that it gives an individual or group the legal and free opportunity for articulation and pressing home his or their desires or demands and invariably making a contribution to public policy that will guarantee positive achievements in the society.

Therefore, considering the above observations, it is made clear that democracy as a system of government has gained a world acceptance. It ranges from the facts that it promotes the culture of a popular representation, participation and contribution in decision making in the society, freedom of speech among others. However, it becomes clear that in the present democratic dispensation there must exist free and fair election, legitimate government, fundamental human rights and the existence of multiple political parties, political tolerance, separation of power, accountability, rule of law, transparency and equality of all men (Edigheji, 2005).

Lastly, in a nation said to be practicing democracy and all these features missing, it only becomes an expression of democracy and all these features missing. It only becomes an expression of democracy and not a practical democracy and stands questionable. However, Nigeria suffers from all kinds of challenges which include, Boko Haram insurgency, Niger Delta Militancy, Corruption, Failure of leadership, poor political will insincerity among leaders, absence of accountability in governance and improper vision of the accountability in governance and improper vision of the political leadership and so forth at the present democratic in the country (Linus Ugwu, 2015). Similarly, democracy involves a kind of political system which allows decision makers to be selected through periodic elections that must be on the basis of free, fair and honest. In a democracy all adults are eligible to vote and thereby allowing candidates seeking for public office to compete freely. Democracy in Nigeria is still at a young and infancy stage but is seen at a bright perspective to be facing or going through its growth stage.

**What is Political dispensation?**

Political dispensation is an important era in a specified political period defined by its individual uniqueness and has its own demands and expectations. The peculiarities of any POLITICAL DISPENSATION demands practically the emergence of POLTICAL parties that contest and win election that eventually emerge a leader that can effectively lead and manage the economy of a nation.

With the inception of the 21st century in Nigeria politics, the expectation for good governance became high. This was as a result of the country’s return to democratic system after several years of military regimes in 1999. However, despite its return to a civilian administration, the menace has been on enjoyment of democratic dividends. This study, therefore, makes a conceptual and explorative understanding of Nigeria’s 21st century democratic dispensation. The study infers that despite years of civilian rule since 1999, there are challenges ranging from election malpractices, insecurity, poverty and economic mismanagement which pose threat to the current democratic dispensation in Nigeria. The qualitative method of study is adopted and secondary data used. This study, therefore, recommends that the constitution should be thoroughly checked and reviewed in order to effect positive changes in the society. The political leadership must have the will to turn around the socio- economic and political challenges facing the country so as to ensure development in all sensitive and non-sensitive sectors. If all these are given adequate attentions, Nigeria’s democratization would be positioned higher in the midst of other democracies.

**Challenges of Democratic/ Political Dispensation in Nigeria 21st century:**

However it has become regrettably that Nigeria’s 21st century practice of democracy and democratic dispensation is inherently characterized by social disturbances, political instability and economic dwindling which have invariably resulted in a high rate of unemployment, abject poverty, sexual slavery, prostitution, hooliganism, electioneering disputing, serious hunger, and among different kinds of crimes ranging from kidnapping, robbery, arm bandit, theft, Boko haram and Niger Delta militancy (Ojukwu and Nwanolue, 2012). Since Nigeria’s independence in 1960, democratic dispensation has been a chief preoccupation with the affairs of the nation. But elusiveness has been at the center stage because of several domestic challenges being faced by the country and invariably undermines the level of democratic and political dispensation to the populace. Some challenges of Political dispensation are explained blow;

* **Impunity:**

Impunity as a threat stands as a major challenge and obstacle in the democratic dispensation of Nigeria at 21st century. Therefore, it measurement is not considered on the basis of democratic structure, but the extent at which the rule of law is promoted. However, in the country’s struggle for some levels of democratic dispensation, the level of impunity is high in the constitution so that a pure domestication of equality of all Nigerians can be assured and democratic dispensation maintained.

* **The Failure of Leadership:**

The challenge of good leadership in Nigeria right from her independence in 1960 has remained unresolved. It has not been opportune to be governed by a leader who has the country and the people at heart. Most of her leaders usually emerge by accident as most of these leaders because of their way mostly found to be unprepared for such enormous task. Therefore, this stands as one of the causes of failure of leadership emanating from policies of no vision. The election of 2015 that took President Buhari to power was handed with the mantle of leadership not on the basis of the choice of Nigerians.

Furthermore, Nigeria 21st century democratic dispensation is expected to promote common good to the people, which can be accomplished through the sustenance of democratic values, such as, fiscal discipline, transparency, leadership accountability, a good conscience, due process, the others. However, leaders with credibility have not been found to have the above features accomplished for common good of the society which is the basis of a democratic dispensation. Therefore, this explains the poor current state of the nation’s democracy.

* **Insurgency of Militancy:**

The role of the militants in the South and Boko haram in the North stand as a great setback to a democratic dispensation in the Nigeria 21sr century of political existence. The activities of these groups have continued to retardate the political and socioeconomic development of the nation. These activities invariably become a great challenge to a democratic dispensation in the country. Therefore, to curtail this setback there must be a good political will from the political leaders and the security operatives in order to subdue the situation to a stand- still. The political leaders must be able and sincerely support the security agencies in order to ensure victory over the menace as it will invariably lead to common good of the society. Poverty and underdevelopment must be handled with a great political will for democratic dispensation to thrive.

* **The State of corruption:**

Corruption has been identified as a major challenge to democratic dispensation not only in Nigeria but to democratic dispensation not only in Nigeria but the world at large. Osimiri (2009), observed that corruption has caused democratic dispensation and good governance in Nigeria to be in a State of catastrophe. Therefore, in view of this, several governments in Nigeria ventured into anti- corruption campaigns. One of these campaigns was the creation of Economic and Financial Crime Commission (EFCC) and the Independent Corrupt Practices and other related offenses commission (ICPC) by Obasanjo’s civilian administration in 1999 to curtail corruption so that democratic dispensation could thrive. In addition these two agencies under the administration of Obasanjo were greatly commended both home and abroad for their great efforts. Although, they were also criticized for being selective in their operation and served as an instrument by the president to silence his political opponents. To promote democratic dispensation in Nigeria, corruption must not be handled softly anti- corruption agencies must be empowered by a good political will by the political leaders and those found with cases of corruption should be dealt with accordingly without political interference from the political leaders.

* **The Electoral System:**

In the political system of Nigeria, election has been observed as gradually taking shape as a political culture. But these elections are constantly being hijacked and manipulated by the incumbents and those with economic power, who ensure that they hold on to power through all illegal means and just as we attempted recently in Gambia. This act of practice puts the nation’s democratic dispensation into question and thereby denying the common man his common good. The free and fair election in the country has always been questionable. Abuse of elector al legitimacy and the electoral process. The beliefs of the must be renewed towards democracy by the assurance of good governance and the common good in the society.

* **Human Rights:**

On the country’s present democratic dispensation the citizen’s fundamental rights are still questionable as they usually come under attacks irrespective of the advent of democracy. For instance, the protection, respect for human dignity and enjoyment of the right to life is hindered by the unavailability of socioeconomic infrastructures which are necessary for the guarantee of fulfilment and realization of human rights.

* **Poverty:**

Poverty as an outcome of poor democratic dispensation has been identified as one of the greatest factors that stand as challenge to the greatest factors that stand as a challenge to a democratic dispensation in Nigeria. The country is endowed with both human and natural resources, but poverty is still rampant in the country. Similarly, United Nations Development Program (2007), Observed that Nigeria exhibits its ugly look in several homes where an average individual struggle with a life of high poverty. In addition an average Nigerian is isolated from himself as he suffers the capacity to provide for himself the life basic necessities that include medical facilities and education. Consequentially, the poor people are brainwashed easily and their rights toward choice are terribly manipulated and thereby making an objective choice rarely to consideration. However, different forms of gratification and inducement which produce short relief from the plague are usually given chief attention in making democratic choices. Poverty is equally observed by some scholars as one of the factors that promote security challenges which the country is suffering (Harrington and Awoyemi 2012). Therefore, when the people are embedded with a high rate of poverty, it affects their thinking, behavior, communication and even to demand their common good in an era of a democratic illusion in Nigeria needs to be tackled with all levels of seriousness so that people can think right and demand their common good from their political leaders.

**Conclusion and Recommendation:**

At the current state of world politics and democratic dispensation, the future of Nigeria as a sovereign entity with a democratic system of government is still questionable. Although, the present process of democratic change in the country is overwhelmed with a lot of expectations and hopes for the common good. However, Patrick (1992) observed that, in the history of mankind and particularly in the third world nations, good governance and democratic dispensation are very limited in nature. Therefore, the process of emergence within the circle of plural politics is always troubled by acute conflicts, tensions, and contradictions.

Therefore, this study was conceptually carried out in order to make an exploratory understanding of democratic dispensation in Nigeria’s 21st century of democratic practice. Through an intensive study, the study found out that Nigeria from her independence witnessed a quite number of democratic truncation, but finally settled in 1999 and still in practice up date. The study further found out that Nigerian have never enjoyed any democratic dispensation from the inception of democratic practice in the country and owing to some negative domestic factors; some of this factors include bad leadership, electoral mal- practice, insurgency, militancy, electoral violence and impunity among others. This study, however, recommends that for a democratic dispensation to be achieved in Nigeria, the issue of illiteracy must be addressed through education so that people can know their rights and demand for their common good. The government should provide infrastructural facilities and most of all; accountability, transparency, legitimacy and the wish of the people should be highly respected.