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ASSIGNMENT: Constitution is important for the consolidation of democracy. However, the making of Nigeria’s constitutions has 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 constitution over the years that affected democracy in Nigeria.

WHAT IS DEMOCRACY?

Democracy is a form of government in which the people exercise the authority of government. Who people are and how authority is shared among them are core issues for democratic development and constitution.

The definition of democracy is a form of government in which the common people hold political power and can rule either directly or through elected representative. An example of democracy at work is in the united states where people have political freedom and equality.

ORIGIN OF DEMOCRACY

Democracy is generally associated with the efforts of the ancient Greeks and Romans, who were themselves considered the founders of Western civilization by the 18th century intellectuals who attempted to leverage these early democratic experiments into a new template for post-monarchical political organization. The extent to which these 18th century democratic revivalists succeeded in turning the democratic ideals of the ancient Greeks and Romans into the dominant political institution of the next 300 years is hardly debatable, even if the moral justifications they often employed might be. Nevertheless, the critical historical juncture catalyzed by the resurrection of democratic ideals and institutions fundamentally transformed the ensuring centuries and has dominated the international landscape since the dismantling of the final vestige of empire following the end of the second World War.

Modern representative democracies attempt to bridge the gulf between the Hobbesian ‘state of nature’ and the grip of authoritarianism through social contracts that enshrine the rights of the citizens, curtail the power of the state, and grant agency through the rights to vote. While they engage populations with some level of decision-making, they are defined the premise of distrust in the ability of human populations to make a direct judgement about candidates or decision on issues

DEFINITIONS OF CONSTITUTION

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.

Constitutionalism is a compound of ideas, attitudes and patterns of behavior elaborating the principle that the authority of government derives from and is limited by a body of fundamental law.

HISTORY OF NIGERIAN CONSTITUTIONAL DEVELOPMENT

The importance of a constitution in any given society cannot be overemphasized. The constitution, in Nigeria’s situation, is the supreme law of the land which all acts of individuals and of parliament must not contravene. It is the fundamental and organic law of a nation or state that establishes the institutions and apparatus of government, defines the scope of governmental sovereign powers, and guarantees individual civil rights and civil liberties.

It is trite that one of the sources of a constitution is other constitutions. This is the major aim of this work is to trace the history of Nigeria’s constitution from the 1922 constitution to the 1979 constitution. This will help us to understand better, how previous constitutions have been fashioned for Nigeria and will go a great length in making us understand the source of our present constitution from the looking glass of constitutional histories.

After the annexation of Lagos by the British in 1801, a legislative and executive council was constituted for it. In 1862, Lagos and other British territories in the Gold Coast, Sierra Leone and Gambia were by a commission dated 19 February 1866, placed under a Governor General based in Sierra Leone. However, they each had separate legislative councils. In 1874, the Gold Coast and Lagos were formed into a separate colony with a governor and legislative council based in the Gold Coast. In 1886, Lagos became a separate political entity with its own Governor, executive and legislative councils. In 1906, the protectorate of Southern Nigeria and the colony of Lagos were amalgamated and the called the colony and the protectorate of Southern Nigeria. By article 4 of the Southern Nigeria protectorate order in council 1906, the legislative council of Lagos was empowered to make laws for the protectorate of Southern Nigeria by ordinance.

In 1914, the colony and protectorate of Southern Nigeria was merged with the protectorate of Northern Nigeria and they were referred to as the colony and protectorate of Nigeria. The legislative council was this time allowed to make law for only the colony. The Governor made laws for the protectorates. Lord Lugard said the reason for this was “until communications by railway are greatly extended, the proposition is physically impossible”. This was due to the large size of the country.

In place of a legislative council for the country there was established an advisory body called the Nigerian council. It had 30 members of whom 17 were officials and 13 non-officials of the non-officials, 4 were nominated by the Governor to commercials, shipping, mining and banking interests. While the Lagos chamber of mines appointed one member each. The remaining members were Nigerians appointed by the Governor.

PERIODS IN THE MAKING OF NIGERIA’S CONSTITUTION

There are two major periods in the making of Nigeria’s constitution which are;

* Colonial Era
* Military Era

Each of these periods have been bestowed on Nigeria’s constitution on the various characters that accompany the era. For instance, the constitutions made under colonialism have been such that they are made for subjects, and not citizens; they are characterized by a controlled participation of Nigerians in politics.

Also, constitutions under military rule have been characterized by retaining the monopoly of force over the people; and the setting of certain institutions as if they are above law as well as having them as instrument of oppression {which is a major feature of military rule}

There is a period called “A Third Period”. Under the military and the colonial era, there was a third period, this period was a very uncommon period in Nigeria and did not repeat itself in Nigeria. This is the period of democratic governance. The 1963 constitution is an example of this period, this constitution sought to break the ties with Britain as being the parent country and made efforts to localize politics and Nigeria’s sovereignty.

There are two major features of this constitution are that;

* It became the republic of Nigeria
* It shed the parliamentarian style of British and adopted the American presidential style

Even though we have just two major periods. We may, through historical analysis of what happened before the making of the constitution {as in what led into them}; and the constitution is expected to achieve, come up with more periodization of the making of Nigeria’s constitution. Some of the periods includes;

* Pre- amalgamation period
* Colonial period
* Pre- independence period
* Post- independence period
* Military period

CONSTITUTIONS UNDER THE COLONIAL ERA

The formation of what Nigeria is today can be traced to colonialism. It is important to examine what colonialism that is and its agenda was, as Ekeh {1975:93} says it is to colonialism that we must look for any valid nature conceptualization of the unique nature of African politics. Osaghae {2006:234} reiterates this position, to him, the character and pathologies of contemporary African politics takes root from, and has been shaped by colonialism. There would have been no Nigeria as a state if colonialists had not merged together while independent communities and named it Nigeria. It is the colonialists that gave birth to Nigeria, formed its institutions, set its bureaucracies in place, decided the rules with which Nigeria is to be administered and determined the mode of governance with which the country is to be governed.

The kind of politics the colonialists introduced to Africa was quite different from the kind obtained in their home countries. Largely, the type of politics the colonialists practiced back home was made responsive to the needs of their people and geared towards improving the lot of their citizens. But the type they introduced to Africa was exploitative and directed towards expropriating the human and natural wealth of African continent.

MAJOR PROBLEMS OF DEMOCRACY IN NIGERIA

There are roadblocks to a strong democracy in Nigeria at all levels of government. Conflict triggered by political competition and communal, ethnic, religious, or resource allocation rivalries- pose a major threat to democracy. Corruption pervades the daily lives of Nigerian lives. Many government institutions do not adequately engage with citizens or the private sector and lack the capacity to carry out their mandates. Further, civil society lacks both the capacity and the resources to effectively engage with government and advocate for change

CIVIL SOCIETY AND MEDIA

Although elites dominate the political structure, civil society organizations are becoming a voice for democratic reform. Their efforts to push for inclusive governance have been successful in many ways, but they lack the capacity and resources to carry out their functions fully. USAID works directly with a diverse representation of Nigerian civil society and media organizations, building their internal management capacity and strengthening their ability to engage with the government on issues of fiscal accountability, budget monitoring and transparency within extractive industries.

ELECTIONS

In 2011, Nigerians participated in what were arguably the most credible and transparent election since the country’s independence. USAID capitalized on this positive to improve elections by supporting the organizational development of political and by increasing civil society input into electoral and constitutional reform dialogue. In 2015, the independent National Electoral Commission working with civil tabulations- Nigeria helped usher in the first peaceful, democratic transitions of power between two parties.