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**ASSIGNMENT QUESTION**: CONSTITUTION IS IMPORTANT FOR THE CONSOLIDATION OF DEMOCRACY. HOWEVER, THE MAKING OF NIGERIA’S CONSTITUTIONS HAVE BEEN UNDER TWO POLITICAL DISPERSIONS THAT HAVE ANTI-DEMOCRACY TENDENCIES, AND THIS HAS BEEN A GREAT IMPEDIMENT TO DEMOCRATIC GOVERNANCE IN NIGERIA. EXAMPLE; SOME OF THE LOOPHOLES IN NIGERIA’S CONSTITUTIONS OVER THE YEARS THAT HAVE AFFECTED DEMOCRACY IN NIGERIA

**WHAT IS CONSTITUTION**

Constitution 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 rights and civil rights and civil liberties. A constitution is an aggregate of fundamental principles or established precedents that constitute the legal basis of a polity, organization or other type of entity, and commonly determine how that entity is to be governed.

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**".

The concepts of constitution and constitutionalism refer to the legal framework of a country. While constitution is often defined as the “supreme law of a country,” constitutionalism is a system of governance under which the power of the government is limited by the rule of law. Constitutionalism recognizes the need of limiting concentration of power in order to protect the rights of groups and individuals. In such system, the power of the government can be limited by the constitution – and by the provisions and regulations contained in it – but also by other measures and norms. In order to understand the two concepts – as well as their similarities and differences – it is important to understand their history and evolution. The idea of constitution has changed significantly compared to the first examples seen in ancient Greece, while the concept of constitutionalism has grown around the principle that the authority of the government is derived from and limited by a set of rules and laws.

**MEANING OF DEMOCRACY**

a system of government by the whole population or all the eligible members of a state, typically through elected representatives. Democracy is a government in which the supreme power is [vested](https://www.merriam-webster.com/dictionary/vest#h2) in the people and exercised by them directly or indirectly through a system of representation usually involving periodically held free [elections](https://www.merriam-webster.com/dictionary/election).

**THE RELATIONSHIP BETWEEN CONSTITUTION AND DEMOCRACY**

**The relation between** constitutionalism and **democracy** is dialectic, there is an irresolvable tension **between** constitutionalism and **democracy**, yet the two also depend on each other. A **constitutional** framework, built on a prudent regard for human beings, must enable the government to control the governed.

Democracy is a system of government. A Constitution is a document outlining the fundamental principles according to which a state is governed.

Constitutions can exist in both democratic and undemocratic states and democracy can actually exist in a state with no written constitution (i. e. the UK.) Even though the two are nominally independent of each other, states with a clear, rational constitution tend to have more stable democratic governments, and vice-versa.

Democracy is a system of government in which the citizens exercise the power directly or elect representatives from among themselves to form a governing body, as parliament. And constitution is a body of fundamental principles or established precedents according to which a state or other organisation is acknowledged to be governed.

Democracy shows citizens exercise the power and constitution shows by which way govt exercise the power.

**CONSTITUTION OF NIGERIA**

The **Constitution of Nigeria** is the [supreme law](https://en.wikipedia.org/wiki/Constitution) of the [Federal Republic of Nigeria](https://en.wikipedia.org/wiki/Nigeria).

Nigeria has had a series of constitutions. The current constitution was enacted on 29 May 1999, inaugurating the [Nigerian Fourth Republic](https://en.wikipedia.org/wiki/Nigerian_Fourth_Republic).

**Colonial era (1914–1960)**

Nigeria's first constitutions were enacted by [order in council](https://en.wikipedia.org/wiki/Order_in_council) during the [colonial era](https://en.wikipedia.org/wiki/Colonial_Nigeria), when the country was administered as a [Crown Colony](https://en.wikipedia.org/wiki/Crown_Colony). The constitutions enacted during this period were those of 1913 (which came into effect on 1 January 1914), 1922, 1946, 1951 and 1954.

In 1946 a new constitution was approved by [Westminster](https://en.wikipedia.org/wiki/Westminster) and promulgated in Nigeria. Although it reserved effective power in the hands of the [Governor-General](https://en.wikipedia.org/wiki/Governor-General_of_Nigeria) and his appointed [Executive Council](https://en.wikipedia.org/wiki/Executive_Council_(Commonwealth_countries)), the so-called **Richards Constitution** (after Governor-General [Sir Arthur Richards](https://en.wikipedia.org/wiki/Arthur_Richards,_1st_Baron_Milverton), who was responsible for its formulation) provided for an expanded Legislative Council empowered to deliberate on matters affecting the whole country. Separate legislative bodies, the houses of assembly, were established in each of the three regions to consider local questions and to advise the lieutenant governors. The introduction of the federal principle, with deliberative authority devolved on the regions, signaled recognition of the country's diversity. Although realistic in its assessment of the situation in Nigeria, the Richards Constitution undoubtedly intensified regionalism as an alternative to political unification.

The pace of constitutional change accelerated after the promulgation of the Richards Constitution. It was suspended in 1950 against a call for greater autonomy, which resulted in an inter-parliamentary conference at Ibadan in 1950. The conference drafted the terms of a new constitution. The so-called **Macpherson Constitution**, after the incumbent Governor-General, [John Stuart Macpherson](https://en.wikipedia.org/wiki/John_Stuart_Macpherson), went into effect the following year.

The most important innovations in the new charter reinforced the dual course of constitutional evolution, allowing for both regional autonomy and federal union. By extending the elective principle and by providing for a central government with a Council of Ministers, the Macpherson Constitution gave renewed impetus to party activity and to political participation at the national level. But by providing for comparable regional governments exercising broad legislative powers, which could not be overridden by the newly established 185-seat federal House of Representatives, the Macpherson Constitution also gave a significant boost to regionalism. Subsequent revisions contained in the **Lyttleton Constitution**, named for [Oliver Lyttelton, 1st Viscount Chandos](https://en.wikipedia.org/wiki/Oliver_Lyttelton,_1st_Viscount_Chandos) and enacted in 1954, firmly established the federal principle and paved the way for independence.

**Constitutional independence (1960)**[[edit](https://en.wikipedia.org/w/index.php?title=Constitution_of_Nigeria&action=edit&section=3)]

Nigeria's first constitution as a sovereign state was enacted by a [British](https://en.wikipedia.org/wiki/United_Kingdom) order in council so as to come into force immediately upon independence, on 1 October 1960. Under this constitution Nigeria retained Queen [Elizabeth II](https://en.wikipedia.org/wiki/Elizabeth_II) as titular head of state.

**1963 constitution (First Republic)**[[edit](https://en.wikipedia.org/w/index.php?title=Constitution_of_Nigeria&action=edit&section=4)]

Independent Nigeria's second constitution established the country [as a federal republic](https://en.wikipedia.org/wiki/Nigerian_First_Republic). It came into force on 1st of October,1963 (Nigeria's third anniversary as an independent nation). The 1963 constitution, which was based on the [Westminster system](https://en.wikipedia.org/wiki/Westminster_system), continued in operation until a [military coup in 1966](https://en.wikipedia.org/wiki/1966_Nigerian_coup_d%27etat) overthrew Nigeria's democratic institutions.

**1979 constitution (Second Republic)**[[edit](https://en.wikipedia.org/w/index.php?title=Constitution_of_Nigeria&action=edit&section=5)]

The 1979 constitution, which brought in the [Second Republic](https://en.wikipedia.org/wiki/Nigerian_Second_Republic), abandoned the Westminster system in favour of an [American](https://en.wikipedia.org/wiki/United_States)-style [presidential system](https://en.wikipedia.org/wiki/Presidential_system), with a direct election, directly-elected. To avoid the pitfalls of the First Republic, the constitution mandated that political parties and [Federal Executive Council (Nigeria cabinet)](https://en.wikipedia.org/w/index.php?title=Federal_Executive_Council_(Nigeria_cabinet)&action=edit&redlink=1) positions reflect the "federal character" of the nation: political parties were required to be registered in at least two-thirds of the States of Nigeria or states, and each state had to have at least one member of the cabinet from it.

**1993 constitution (Third Republic)**[[edit](https://en.wikipedia.org/w/index.php?title=Constitution_of_Nigeria&action=edit&section=6)]

The 1993 constitution was intended to see the return of democratic rule to Nigeria with the establishment of a [Third Republic](https://en.wikipedia.org/wiki/Nigerian_Third_Republic), but was never fully implemented, and the military resumed power until 1999

**1999 constitutions (Fourth Republic)**[[edit](https://en.wikipedia.org/w/index.php?title=Constitution_of_Nigeria&action=edit&section=7)]

The 1999 constitutioning restored democratic rule to Nigeria, and remains in force today. In January 2011, two amendments of the 1999 constitution were signed by President Olusegun Obasanjo, the first modifications since the document came into use in 1999.

**HINDRANCE OF DEMOCRACY**

**Regionalism –**

The sense of regionalism among the people endangers the liberal democracy. Regional feelings make the people narrow-minded.

**Casteism and Communalism –**

The bane of casteism and communalism brings disharmony and strife in the society. These forces of disintegration are a big hindrance in the path of democracy.

**Illiteracy –**

 Illiteracy is the greatest enemy of democracy.

If the people are illiterate, democracy is sure to fail.

**Poverty –**

Poverty is also a great hindrance which hampers the successful working of democracy. A poor man is tempted to sell his vote. Poverty endangers democracy.

**Indolence –**

Indolent people are a burden on the society. Indolent and lazy people do not care to participate in the activities of the government. It endangers democracy.

Others include; Godfatherrism , intra- party democracy, and so on.

**POSSIBLE SOLUTIONS TO THE HINDRANCE IN DEMOCRACY**

The effectiveness of quotas in elections or within political parties for expanding women’s participation affirms that elements of democracy can be designed to achieve desirable outcomes. But can democratic institutions be designed to make democracy itself more resilient? Scholars of institutions have argued that it is possible to design a set of rules—or institutions—to engineer specific desirable outcomes in democracies such as inclusivity, more meaningful representation or accountability. The ‘constitutional engineering’ approach, pioneered by the eminent Italian political scientist Giovanni Sartori (1997), assumes that considerations such as presidential system design, electoral system design, or the delimitation of internal boundaries and decentralized governance (such as in federal systems) can promote specific desirable outcomes in democratic systems (stability, inclusion or ethnic politics).

Perhaps the most extensive application of this perspective is found in the electoral system design literature, which argues that a country’s electoral system must be chosen based on a close context assessment of goals such as accountability, inclusivity and gender equality (Norris 2004). Concerning other specific institutions, there is a widespread debate in the scholarly literature over what types of institutions produce more resilient democracies. Research on institutional design helps inform policy-related debates to help countries choose the ‘right’ institutions to create more inclusive electoral processes (Reilly 2006; Reilly and Nordlund 2008). Outside actors such as bilateral development organizations, transnational civil society and international organizations often provide guidance on suitable institutions for a country’s context.

**CONCLUSION**

Democracy as a system of reconciling such differences cannot be taken for granted: policymakers and citizens must undertake measures to support and safeguard democracy to make it more resilient. Concerns about declines in the quality of democracy globally have caused some to retrench from the long-term tasks of democracy building. However, it is time to renew support for democracy with a clearer focus on (a) when it can be flexible and recover from likely future challenges, crises and changes and (b) how it can be strengthened.

The following recommendations address today’s most pressing concern for democracy: safeguarding it when it is under threat by building resilience from within.

• Improving elections and representation

• Protecting and advancing fundamental Rights

• Curbing corruption and state capture: Accountability

• Deepening and expanding participation

• A democracy that delivers: an inclusive, capable state