**NAME: ONAZI MARYANN AGBENU**

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**COURSE: Constitutional Development of Nigeria (Pol 104)**

**ASSIGNMENT TITLE: Constitution is important for the consolidation of democracy. However, the making of Nigerian’s constitution 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 have affected democracy in Nigeria.**

**DEPARTMENT: INTERNATIONAL RELATIONS AND DIPLOMACY**

**COLLEGE: SOCIAL AND MANAGEMENT SCIENCES**

WHAT IS A CONSTITUTION?

Constitution can be defined as a book that contains basic norms which people setting up the polity have accented to with the aim of establishing the kind of government that want and setting up the rules that should guide it. Constitution is also a form of guide that tells the citizen what to do and what not to do, it contains every rights of an individual.

There are different types of constitutions:

1.Written constitution

2.Unwritten constitution

3.Rigid constitution

4.Flexible constitution

There are other types of constitutions. They include; Monarchical, Republican, Federal, Parliamentary, Unitary.

 WHAT IS DEMOCRACY?

Democracy is a system of government in which people participate in governance either directly or indirectly or indirectly through their democratically elected representative. Abraham Lincoln defines democracy as government of the people by the people and for the people.

There are different types of democracy which are;

1. Direct Democracy
2. Indirect Democracy

 FEATURES OF DEMOCRACY

1. Free press
2. Human rights
3. Majority rule
4. Electoral process
5. Party opposition

Nigeria practices indirect democracy and uses a written form of constitution. A written constitution is where laws guiding a country are enshrined in a book. No constitution is entirely written and no constitution is entirely unwritten. Indirect democracy is defined as when someone is chosen by the people or citizen to rule are govern them this is done by participating in election and preventing political apathy.

The Nigerian constitution was made in different periods which are;

1. Colonial period
2. Military period

The colonial period was when were still under the influence of the British. They took all decision relating to us and did not allow any African to take decision for them self. The colonial period started from 1900 from lord lugard the first governor general to the last governor general Lyttleton 1954.They all had their constitution. It was in the colonial period that Elective principle was introduced. The colonial master came solely to exploit us of our natural resources. When the colonial masters came they adopted the principle of association and ruled us indirectly with our traditional rulers.

The military period was after Nigeria gained independence from Britain and became a republic on 1st October 1960 and 1st October 1963 respectively. The military was in power for 30years and they ruled by decree and seized the constitution. After the prime minister had taken over from the Queen of england by Tafawa Balewa years after was when military war started with general Aguyi Ironsi and ended with Gen.Sani Abacha who then handed over to civilian government. During the military period human rights of the citizens were abused and tram pooled upon. Nigeria is a federal state and adopted federalism. Federalism is defined as when the component units has more power than the centre.it is also the distribution of powers among the three tiers of government.

Although Nigeria is described as the giant of Africa, it is faced with many issues and problems. Our politics game has become a form or medium to disobey the constitution governing the country and feel we are above the law then all citizen is equal before the law including the number one citizen the president of the federal republic. There are different factors exhibited presently that reduces the growth of democracy which could also be regarded as the loopholes of the constitution.

There have been different types of constitution that existed since the time of lord lugard in the 19oos till the 1990s.Nigeria is using the 1999 constitution of the federal republic and it has been criticised. This is because the constitution was made a brief period after military left for civilians to begun to rule which led to Olusegun Obasanjo as the president of the federal republic of Nigeria in 1999, it is said that the constitution the constitution was a hurried document and should be amended. Several of Nigerian challenges are attributed to perceives imbalances and inadequacies of the constitution. The constitution was proposed regarding the constitution in Goodluck Ebele Jonathan endorsed in 2011. The national assembly made some amendment in the constitution but did not receive presidential assent before end of tenure.so they decided to push forward with amending the constitution it had received approval from both chambers, two-third support of state assemblies and approval from public sessions conducted with Nigerians. Federal republic of Nigeria held a four days’ retreat in Abeokuta they made efforts to make sure that the amendment of the constitution was flexible and practicable because there were about 30bills at hand.

Some of the issues which were proposed and needed to be looked in or addressed were revenue allocation, fiscal federation, state creation, resources, control, local government creation, and the perceived long standing marginalization of the ethnic minorities and a few regions of the country, and whatever amendment made should not divide Nigeria. Some problems faced in Nigerian Democracy; corruption, poor justice, High cost of governance, insecurity, impeachment and petroleum products cross carpeting. One of the objectives of any government with good plans for the nation is to increase the standard of living of people in the country. The federal government in Nigeria doesn’t show any interest in the welfare of the people, this is a country were senators are paid 20 million. From an investigation carried out a a senator earns 240 million naira in salaries while a senate house of representative earns about 204 million naira per annum which I see as a total madness when there is a high rate of poverty in the country and someone can be paid that amount apart from the government funds diverted to their private account. Nigerian politicians earn more than what US president or UK prime minister earns, and in the country paying that they do not have good hospitals or health care services to take care of a common man or adequate infrastructures. Many Nigerian leaders are greedy in nature they have excessive urge for power as wishes to be there for as long as they live, it is believed that power is sweet so since they have had a taste of they don’t plan on leaving it soon.

Democracy can be strengthened when there is a vibrant opposition with ideological orientation. But if members of an opposition party defect to the ruling party the country will then go into one party state which is even worse than a military regime. When there is no opposition, there can never be good governance because when its only one party ruling the party can decide to misbehave without fear of being taken out of power. Impeachment is a legislative tool inappropriately used in Nigeria. Impeaching doesn’t only mean removing someone from office charges are involved in it. Democracy cannot be entrenched in a polity where impeachment is a household word. The ways by which the democracy can continue to uphold is that Nigeria should adopt a unicameral legislation to reduce the high cost of governance. Before giving a contract out the background of the person should be checked before giving the business of providing essential services to the people so that the funds doesn’t go into the wrong hands or greedy people. The person chosen should have or be guided by national interest and not parochial interest, sectional and religious. Any person found guilty of corruption, sabotage, electoral violence and malpractices including terrorism be executed without death warrant which can even help curb social vices and reduce the population of the country which helps in building a better society for the citizens. During the first and second republic there was a lot of electoral malpractices and corruption in the western region the challenge. Nigeria is facing a problem and in search of solutions and how the new regime can surmount these problems as soon as possible.