

**Name : usman usman najeem**

**Matric no : 19/sms08/010**

**Course code :POL 104**

**Term paper**

**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 have affected democracy in Nigeria.**

**Democracy** is a system of government by the whole population or all the eligible members of a state, typically through elected representatives. democracy is seen as the most humane system of administration. However , in Nigeria Democracy has made corruption legitimate. In the days of the military, the zones of legal and illegal monetary appropriation were clearly demarcated, so we could tell easily when an act of corrupt self-enrichment had occurred. Not any more. Under our current 'democratic' practice, public officials steal legally. They only have to underwrite what they steal as a licit item in the budget bill. Elected officials often do not play by the rules that brought them to power

The major loopholes in the Nigeria's constitution which has affected democracy over the years is the fact that there's is no constitution made under a democratically elected government, all of these constitutions were prepared under the military rule . The military rule did not recognise democracy as the system of government being in practice in Nigeria , when ever they (military) take over power , the first action they take is suspend the constitution. Military government is often seen as dictatorial in nature . Constitution made under the

military are : 1979 constitution , 1993 constitution and 1999 constitution.

**1979 constitution:** this constitution ushered in a civilian government after 12 years of military rule. This came 3 years after major general Olusegun Obasanjo became the military head of state and fulfilled a promise made by his boss (late major general Murtala Muhammed) . However this government did not last long before it was overthrown in 1983 by major general Muhammed Buhari . The major general Buhari led military government was overthrown in 1985 by major general Ibrahim Babangida .

**1993 constitution:** major general Babangida promised to return civilian government in Nigeria but failed to fulfil his promise after he annulled the June 12 election . But however a constitution was drafted before the election which was intended to see the return of democratic rule to Nigeria with the establishment of a Third Republic, but was never fully implemented, and the military resumed power until 1999.

**1999 constitution:** general Abdulsalmi Abubakar fulfilled his promise of returning governmental powers back in the hands of the civilians and a constitution was drafted . The current constitution was enacted on 29 May 1999, inaugurating the Nigerian Fourth Republic. Nevertheless, the constitution was amended in November 2012 .

Another loophole in Nigeria's constitution over the years which has affected democracy is **colonialism**. politically, colonialism had helped to sow the seed of disunity, acrimony, rancour, corruption, discrimination, mediocrity, sectionalism and absence of patriotism. The British officials did not have nationalistic political interest of Nigeria at heart, instead, "a divide and rule policy" was adopted without considering the ethnic differences. That is why till today, Nigeria stills experiences political disharmony. Constitutions made

during the colonial era gave some chance to take part in governance of the country, however, they held powers they held powers that were either too small or completely irrelevant. The British Governors decided the fate of the nation without consulting the people of Nigeria. The only constitution that was drafted due to the widespread consultation of the Nigeria people is the Macpherson constitution of 1954. Colonialism also had negative economic impact on Nigeria. The main negative impact on the economy of Nigeria was slavery. The second negative effect was the stealing of Nigeria's resources. A large amount of resources were exported out of Nigeria due to colonization. The British Empire and other colonial powers extracted and sold a lot of unique minerals belonging to the Nigerian people. Slavery also brought some negative social impacts to Nigeria, It is impossible to deny the fact that Nigerians became more cruel because of slave trade. A lot of Africans became agents for slave trading companies all over the world. They helped the British slave traders to kidnap people and turn them into slaves. The greatest problem of this economic impact of colonialism on Nigeria was that the cash crops were bought at a very cheap price by the colonizers and sold at exorbitant prices to the natives. Western education by the colonial masters was a sort of cover in that led to the imbalance in education in Nigeria between the South and the North due to the different educational policies in the two areas. This gave some tribes advantage in occupying major political positions in the country and relegated others as the minority. The railways and other means of communication made possible the evacuation of Nigerian products to Britain and other European countries on trade terms decided by the colonial authorities and, of course, to the disadvantage of Nigerian owners of the commodities. Most of the leaders who would have made Nigeria strong because of their influence were either sold as slaves or killed by the colonisers. The Nigerian peoples were subjected to colonial experiences such as : forced labour , land

alienation , poor wages , heavy taxation discrimination , rape and murder. The indirect rule by lord lugard helped to groom traditional rulers through their participation in the administration of their respective societies which eventually helped in preparation for self rule . But however , these traditional rulers were ruling according to guidance by the British officials . Colonialism caused the dispersion of natives. Some of the natives who could not stand the suffering which they were being subjected to had to flee their lands to different lands in search of better lives. Colonialism has made Nigeria as a former British colony dependent on their colonial masters even after the colonies have gained independence. This is because the colonial masters tapped into and exploited the mineral and human resources of the Nigerian colony and this has left Nigeria somewhat underdeveloped or developing. Nigeria is still very much dependent on Britain for many things. Even the clothing materials and other things are imported from Britain and other countries. This form of economic dependence is referred to as a type of neocolonialism. After independence , some of the sections in the 1960 constitution had some elements of colonialism in it

Example : The legislative powers of the Nigerian state were in an Act of the British parliament and not that of the Nigerian parliament and The Queen of England remained the constitutional ceremonial head of state of Nigeria. neo-colonialism is a mighty obstacle which prevents Nigeria from experiencing meaningful development.

## **CONCLUSION**

This term paper gives an insight on how Nigeria's constitutions over the years have affected the smooth running of democracy in Nigeria . I have come into conclusion that most of the constitutions that were drafted including the 1999 constitution were not drafted under a democratically elected government . And

effects of colonialism and how they affected the drafting of the constitution.

By the virtue of any military government, there was no form of democracy involved in their governance and membership was by appointment which clearly negates the principles and feature of democracy. Colonial masters on the other hand , did not allow for due consultation from Nigerians on the content of a proposed constitution and as such all the constitutions that came up during the colonial era were largely unaccepted by the Nigerian people who agitated for a constitution that represented their interests and opinion. In this term paper , it was said that the only constitution that was drafted with consultation from Nigerian people was the macpherson's 1954 constitution.

Lastly , since Nigeria from Britain , there has been several attempts at a workable constitution. Drafting of constitution has been a challenging issue in any political organisation because it involves putting together the : aspirations, values and agreements of different individuals and communities.