Constitutional development is a dynamic process and as such susceptible to a number of short comings.The 1999 constitution was adopted and used as the supreme law of the state. A number of case scenarios and constitutional matters suggest that the 1999 constitution has a number of gaps which have been at issue in effective governance and politics in Nigeria. These constitutional loopholes which have not been given adequate scholarly attention remain the source of several controversies that continue to threaten political stability and democracy transformation in Nigeria.

Salient among them include but not limited to; Questions of citizenship/indigenship, power transition, power sharing, inter party conflict etc. These remain recurring issues which the Nigerian constitution is still grappling with.

These gaps point to the areas of weaknesses or flaws that contradict the desire and spirit of the constitution. The loopholes reveal what is termed a lacuna in legal parlance.

EVIDENCE OF SOME CONSTITUTIONAL GAPS AND CASE EXAMPLES

 **Gender Disparity**

In the 1999 constitution, gender disparity is discernible. For instance , in section 26(2)(a)and 29(4)(b) Of the 1999 constitution the word women was not often used unlike gender which was largely used in the entire section pointing to the marginalization of the word women and gender equality.

**Citizenship/Indigenship Crisis**

There is one phrase whose exact denotation is problematic namely: indigenous to: which was first used in the Constitution of the Federal Republic of Nigeria (CFRN) 1979.The term was not properly spelt out in the 1999 constitution and it has often created problems in understanding and delineating who is an indigene and who is not beyond that what should be considered in the context of indigeneity and what should not

Again, there is a lacuna on aspects of citizenship involving male foreigners married to Nigerian women and wishing to gain Nigerian citizenship .Section 26 of the 1999 constitution defined a Nigerian citizen and process of citizenship by naturalization and registration, however the silence about the process of citizenship for non - Nigerian men perhaps results in challenges of marriage instability.

**Sexual Discrimination**: This is another term in the constitutional that has been poorly implemented in practical terms The right to dignity of womanhood has also been poorly internalized and implemented in the Nigerian constitution as women and their rights have been marginalized.

**The Federal Character Principle:** This is an invention of the 1999 constitution aimed to reflect federal presence in all aspects of events or activities such as political offices, including the composition of the national football team However since its adoption the federal character principle has not enthroned ethnic emancipation both in the structure of political appointments and similar public offices

Right to Inheritance: In the 199 there is a gap in contextual application of the clause right to inheritance much of the crisis is reflective of persisted quarrels among families on the demise of its breadwinners

**The Land Use Act:**

This has been a colonial legacy and often equates land grab and alienation It extends beyond the use of land alone rather encompasses the natural resources therein In the particular case of the oil rich Niger Delta there are repeated incidence of resource marginalization as constitutional dictates are not followed. There are other key issues that require urgent attention such as sexual discrimination, section 42(1-3);right to dignity of womanhood, section 34,their political and economic rights, section 14(3);right to inheritance, land use act etc.

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—poses a major threat to democracy. Corruption pervades the daily lives of Nigerians. 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 elections since the country’s independence. USAID capitalized on this positive momentum to improve elections by supporting the organizational development of political parties and the independence of the electoral commission, and by increasing civil society input into electoral and constitutional reform dialogue. In 2015, the Independent National Electoral Commission working with civil society organizations-which ran parallel vote tabulations-Nigeria helped usher in the first peaceful, democratic transition of power between two parties.

**Politics**

The Nigerian political scene today is full of political tension, maneuvering and even intimidation. There were reports of an uncovered plot by the presidency to arrest former President Olusegun Obasanjo and former Vice President Atiku Abubakar for identifying with the new PDP. This builds into their plans to deal with the group of seven governors (G-7) and their supporters. The paper reports that in a press statement the National Publicity Secretary of the Party Eze Chukwuemeka Eze made the allegation, which he puts this way: The sin of these two distinguished Nigerian statemen (Obasanjo and Atiku) according to those plotting their ‘demystification’ is their alleged support for the new PDP, including the G7 governors. That those evil plots are being conceived by the presidency confirms that the Abacha days are truly here again with us.

The fight for a second term it seems has diverted the attention of all but the masses from what really matters.

**Security**

The continued state of insecurity continues unabated, with the killings in September, 2013 of 21 students of the College of Agriculture in Yobe State, and the killing of at least fifteen people in the same month (September) in fresh violence between the Agatu people from Benue State and the Fulani cattle breeders. Whether political, religious or ethnic, one is clear Nigeria is in a state of insecurity with many skeptical as to the governments’ political will to truly tackle insecurity in the country.

 **Health**

The health sector is no better, with resident doctors currently on an industrial action with the effects of brain drain and inadequate medical equipments. We can now add the absence of medical doctors to the list.

**Education**

Nigeria is characterized by recurrent and lingering strikes by academics and non academics at different levels of the education system. The current Academic Staff Union of Universities (ASUU) strike is an example of how much education and human capital have been neglected. The Nigerian education system is in severe crisis is self evident. If the increasing trend of our university graduates being unable to read and write is not enough evidence, then the virtual absence of our universities in upper of the league of African Unities should suffice. And if you are still not convinced, you can read the articulation of the Academic Staff Union of Universities (ASUU) during its annual strikes.

Most public schools and institutions of higher learning are characterized by dilapidated structures, overcrowding in classes, poor salaries and working conditions.

**Conclusion**

The long and short of it is, Nigeria as a state is sadly moving back to the state of nature. Where anarchy prevails. This is evident from the research; Nigerians are now left to basically cater for their needs.

Proliferation of various security outfits and vigilante groups offering security for a price. What I refer to as the commercialization of security in Nigeria. Those who cannot afford them are left to the mercy of thugs and robbers. Most public hospitals cannot meet the growing medical needs of the people. People are left at the mercy of private hospitals and clinics with sometimes half-baked personnel.

In Nigeria tertiary education has no specific graduation year. The few that can afford it take their children and wards to private institutions, while the greater majority. Democracy in Nigeria can be concluded as being the instrument of leaders, for the leaders and by the leaders. Attach a peaceful community and government would turn a blind eye but, attach the political ambition of the government in power and government will do enough to put you down. It is becoming more and more apparent that life in Nigeria is literarily survival of the fittest. Influence and affluence remain key to power and dire sanity. each organization (and even states), must meet the challenges of its particular environment. Similarly, Buhari (1999) observes that over the years Nigeria has established the dubious reputation as a place where nothing ever gets done until money changes hands, as a result of which it has become the country with one of the highest costs of contracts in the world.