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Assignment: constitution is important for the consolidation of democracy. However, the making of Nigeria’s constitution has been under two political dispensations that have anti-democracy tendencies, and this has a great impendent to democratic governance in Nigeria. Examine some of the loopholes in Nigeria’s constitution over the years that has affected democracy in Nigeria.

**Introduction**

A constitution is an important consolidation of democracy, as the structure of a constitution determines the type of government a state operates. Unfortunately, due to the development of the Nigerian constitution, it has appeared to be inconvenient in the current democratic status of the Nigerian society. The constitutional status is contradictory to the other impulse in the Nigerian democratic system. A constitution is the aggregate of fundamental principles and established precedents that constitutes the legal basis of a polity, organization or entity that is to be governed. Democracy is set to be a government masterminded by the people as controls rests in their hands.

The Nigerian democratic status is one of a façade, which has led to its continuous political instability. This due to factors that cannot go unnoticed. First the colonial era, which gave birth to various constitutions which had little or no Nigerian representation.

The military era was characterized mainly by force, its laws came in form of decrees and edicts which couldn’t be debated. These two eras were the major foundations for the Nigerian constitution.

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The Nigerian society strived to attain its independence, but without the proper review on how the constitution was formed. This led to elements of the two oppressive eras were left in the society and its governance, which has led to various cases of instability and inadequacies.

**Loopholes in the Nigerian Constitution and Democracy**

Many states across the globe have been perceived as democratic. It’s a political arrangement that consolidates an egalitarian society with the full participation of all the adult citizens in a free and fair periodic election, with at least two political parties. This has been seamlessly achieved in civilized climes like the USA, UK, France and even Ghana of yesterday. There are several impediments to this noble concept in Nigeria, hence many political analysts are of the view that some countries in Africa are practicing civilian rule which is far from democracy. Poverty is one of them, a hungry man can mortgage his future for a token commonly referred to as stomach infrastructure to do what is inimical to democracy. Some staff of the electoral umpire can declare a loser of an election as the winner after receiving gratifications. Security agents who are supposed to maintain law and order during elections are now ominously partisans. The jumbo pays for the executive and the legislature in Nigeria has dwarfed the benefits of democracy. Poor justice deliver due to compromise on the part of the judges leads to the rule of men rather than the rule of law. Electoral violence in some African states, because of the desire to have an undue share of the national cake is a serious impediment to democracy Claude Ake (1996) wondered if the region was democratizing. He noted that politicians are “like mafias, waging a violent struggle for a lucrative turf”.

Corruption; it has become a culture in Nigeria such that it now looks strange to condemn it. Many people believe that Nigeria cannot survive without corruption. Some politicians are in office just for the singular aim of stealing. How does one explain the situation whereby elderly politicians are still amassing wealth they don’t need? Does it make sense to the masses to come to vote in an election thatwould throw up a cabal of looters? Democracy is supposed to create strong institutions which discourages wastage and profligacy. According to Anyang Nyango (1998) democracy ensures a judicious use of resources. A democratic regime is expected to deliver services to the masses and abolish poverty, but this cannot be achieved if corruption remains a way of life. It is sad that stealing is not corruption in Nigeria, according to the PDP presidential candidate. This is a serious threat to democracy.

God Fatherism; one of the major issues bedevilling democracy in Nigeria is the nagging concept of political godfathers in the various political parties in Nigeria. The concept of godfatherism in politics is not altogether a bad one. The most important factor is the motive and leanings of the political godfather. One of such situations in Nigeria was the fiasco involving then governor of Anambra state Dr Chris Ngige and his erstwhile political godfather, Chris Uba, where Dr Ngige was temporarily removed from office by his godfather for not playing to his (godfather’s) tune.

Poverty amongst citizens; according to a UNICEF report, about 70.8 percent of Nigerians live on less than $1 a day. This means that a large population of Nigerian citizens are poor and vulnerable. Due to the prevailing poverty situation in the country, it has become quite easy for the few rich to buy out the majority poor during elections. This in the long run leads to a situation where only the rich and their cronies have access to political power, thereby tossing away democracy and establishing plutocracy which is a government of the wealthy.

The inefficient electoral umpire; the continuous incidences of inconclusive, cancelled and upturned elections in Nigeria have gone a long way to show that the Independent National Electoral Commission (INEC) is significantly inefficient in conducting free, fair and credible elections. Cases of vote rigging and other forms of electoral fraud are common place in Nigerian elections.

Dictorial tendencies of Nigerian institutions; despite the fact that Nigeria has been practising democracy for the past 17 years, it seems that most of the government institutions are yet to imbibe the basic principle of a constitutional democracy, which is the rule of law. It seems like Nigerian institutions are still yet to recover from the hangover of decades of military rule. Acts of impunity by government officials and their agencies bring back memories of the days of military rule.

Lack of recognition of separation of powers; according to the constitution of the Federal Republic of Nigeria, there are meant to be three arms of government i.e. the executive, the legislature and the judiciary. These three arms are meant to be separate and independent of each other in order to ensure adequate checks and balances. Unfortunately, today, the legislative and judiciary arms of government seem to be tied to the apron strings of the executive arm which seems to see itself as *primus inter pares*, making it almost impossible for there to be adequate checks and balance.

The problem of insecurity; Insecurity is unarguably the greatest threat to Nigeria nascent democracy. In the southern part of Nigeria, there is the menace of kidnapping for ransom and armed robbery. Several lives have been lost in the process. It is the failure of governance. I think the main challenge with the insecurity is the failure to correctly diagnose what is wrong. From our diagnosis, we never agreed as to what the problem is and when you have incorrect prognosis of challenges you cannot come up with the right solution. We are not saying that the absence of governance or bad governance is largely responsible; governance conundrum is mostly responsible for most of the security challenges facing us. Why are people taking up arms against the state? When they see corruption, when they see elected officials fail to deliver good governance yet they see them ridding big cars; everywhere I hear of N1.1 trillion budget appropriation, but right on ground there are no good roads, and no water. Universities continue to churn out graduates but unemployment continues unabated and you have a youthful population, more than 50 per cent of the country’s population is made up of young people and this same set of people are excluded even from the governance process. Insecurity is capable of shaking the corporate existence of our nation.

Partisan security agencies and electoral agencies; Security agencies are supposed to keep law and order and to remain politically neutral during elections, but here in Nigeria the opposite is the case. There are political officers and men in the Nigerian Military, the Police Force and other security agencies. In most cases, they work for the ruling party. They give cover to thugs when snatching ballot boxes and other voting materials, they unlawfully arrest and detain opposition party chieftains that can mobilize the voters prior to the election, they intimidate the voters sympathetic to the opposition and stuffing of ballot boxes. A typical example is of an interview with Channels TV, The APC national publicity secretary, Lai Mohammed explained how he was arrested along with other party chieftains in Ekiti State by hood-wearing security men who could not be differentiated from armed robbers. This is possible because the ruling party controls the security agencies.

Poor justice delivery; The Nigerian Judiciary is confused and in disarray. It is only the rich that get justice because they can afford it. While the rich are above the law, the poor are below it. Most of the court verdicts are conflicting. This is why some high profile criminals such as corrupt state governors and some petroleum subsidy thieves are freely enjoying their loots. But the poor who cannot afford the services of senior advocates of Nigeria are languishing in jail over minor offenses. The law is interpreted and applied in Nigeria based on status differentials. One can now see the level of debauchery into which the judiciary has sunk. This is anathemic to the rule of law and a negation to democracy.

High cost of governance; One of the cardinal objectives of any serious government is to improve on the living standard of its citizens. This is achieved when capital projects are executed and social amenities are provided. In Nigeria since 1999, the federal and state governments have only improved on the living standard of very few people-the legislators and other appointed public office holders. The Federal Government has not shown interest in the welfare of the common people. If a senator earns over N20 million a month as being reported, then the country is not serious. Ministers are not left out. A former minister was accused of wasting several millions of Naira on bullet proof cars while another was accused of wasting over N10 billion on flights.

Cross carpeting and impeachment; Many politicians in Nigeria are greedy and as such they always want to remain in power at all cost and coupled with the lack of ideological orientation, they see nothing wrong in defecting to other political parties that offer them the opportunity to stand for election. They defect from their parties to the ruling party at the centre. The recent wave of cross carpeting from the People’s Democratic Party (PDP) to the ruling All Progressives Congress (APC) is a good example. Several politicians, used to the spoils of office, defected from PDP to APC as soon as the latter was declared as the winner of the presidential election (Guardian Newspapers, April 10, 2015).

Democracy can only be strengthened if there is a vibrant and credible opposition. But if members of an opposition party defect to the ruling party in droves, the country will gravitate towards a one-party state which is even worse than military regime.

Poverty and Illiteracy/ Electoral inadequacies; The challenges of poverty and illiteracy to Nigeria democracy cannot be over-emphasized. 80% of the population is poor and uneducated. The hungry and uninformed people are easily bought over by irresponsible politicians with ill-gotten wealth. This makes it difficult for good people to win election as we play money politics. This contributes to the nation’s poor leadership recruitment process. Some educated young men who are in the labour market can be easily recruited as thugs during elections. There were many reported cases of electoral violence in Rivers State in the last general elections. People were killed and several houses burnt. So the issue of job creation is important here. Democracy cannot flourish in a docile society. The electorate must be capable of asking questions, taking their representatives to task, criticizing anti-people policies of the government, asking public officials how the resources are being allocated, making demands on the government. By this, the masses partake in the agenda setting and this is what democracy is all about. When we have a vibrant and well informed electorate, job opportunity, the problem of electoral violence will disappear and democracy will become everybody’s bride.

**Solutions**

 Citizenship or civic education is made a compulsory subject in all Nigerian schools and the National Orientation Agency be strengthened to change the avaricious attitude of Nigerians. Nigerian citizens must be properly oriented on the roles they must play and the importance of these roles, during a democratic process. The ordinary citizens must be made to understand that our democracy is solely ours to nurture and protect and not something that should be bought or sold for the next meal

Any person found guilty of corruption, economic sabotage, electoral violence and malpractice, and terrorism be executed without death warrant.

The head of the electoral body be allowed to appoint his commissioners and also be given the power to discipline any of them that commits infractions. This would enable him to pick trusted Nigerians that will not bring shame to the electoral body.

There should be proper execution of opinion polls, which gives a voice to the masses to air their views or concerns toward the operation of activities or governance of the state.

Judges and security agents found guilty of corruption and partisanship be dismissed without gratuity and be prosecuted.

The appointments of all the service chiefs be tenured so that they won’t play partisan politics to keep their jobs.

There should be proper funding of the electoral, INEC must be provided with more funding and legislation to enable it to carry out her duties in a more efficient manner. INEC must also be given the powers to prosecute electoral offenders. This will act as a deterrent to would be offenders.

**Conclusion**

As observed there a lot of loopholes in the operation of democracy affecting its functionality in the Nigerian society, which has led to numerous failures in its governance such as political instability. And also loss of faith in the government by the citizens. This has bred ignorance and nonchalance among the masses towards the activities of the government.

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