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ASSIGNMENT QUESTION
Assignment (10Marks) 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 constitution over the years that have affected democracy in
Nigeria.
ANSWER
ABSTRACT:
The new democratic dispensation in Nigeria was launched again in 1999
leading to the emergence of the fourth republic. It would seem that
democracy has increased the culture of impunity in some people while
political differences are believed to have fueled some of the challenges that
have erupted. Democracy was highly embraced by all with expected hope
that it will deliver good dividends and socio-economic development. But not
far into the fourth republic, the body polity became overheated by lots of
challenges namely: election malpractices, military coups, bad governance,
majority tyranny over minority rights, political party indiscipline, abuse of
power, constitutional breaches etc. These challenges are strongly affecting
democratic stability and consolidation. Adaptation of the liberal democratic
system to suit the country’s cultural values and peculiarities should lay the
basis for people centered development strategies that will empower them
to be active participants in policy making and implementation, under a
political climate characterized by the rule of law and constitutionalism.
Unless these categorical steps are taken, the country may experience
another democratic breakdown that will spell doom for the nation-state. The
analysis of the above challenges is the mainstream of this paper.
INTRODUCTION:
Democracy has been described as the government of the people in which
laws supreme, rulers and subjects’ alike being subject to it. Democracy,
adequately understood, is a theory that sets some basic principles
according to which a good government, whatever its form, must be run.
Such principles include those of justice, equity, freedom, liberty,
accountability, openness and transparency in government. Indeed, effect
democratic forms of governance rely on public participation, accountability
and transparency. In this regard, democracy not only prescribes how
political power should be acquired but also what to do with it or how it
should be exercised. Therefore, democracy specifies who constitutes the
legitimate government and wields the authority inherent in the state (the
elected representatives), how they acquire authority (free and fair elections
,choice between parties) and how they are to exercise it (in broad harmony
with public good) .This makes democracy amenable to moral and ethical
justifications or judgements. Hence, good governance forms the
philosophical foundation upon which democracy and democratic theories
are built .Democracy has thus been recognized as the only moral and
legitimate way through which a society can be administered.
However, the main attributes of democracy is that, those holding
political office do not have automatic security of tenure but can be
challenged and even displaced in accordance with the will of the people
through a wide range of institutional mechanism. Thus, the core ideas and
ingredients defining democracy are participation, accountability and
transparency; that the people determine who govern them, and that those
who govern give account of their stewardship through periodic election is
one of the most important mechanisms for the realization of the objectives
of democratization. It is also important to note that, elections are not only
meant to ensure, confirm or re-affirm the legitimacy of the governors
through a regular consent, but also to provide a fertile ground for
democracy to thrive. This paper will therefore address the challenges of
democracy in Nigeria with key emphases in the ongoing democratic
republic conceptual clarification.

Brife explanation on the keywords in this chapter, Democracy, liberal
democracy, democratic consolidation, Good governance, Fourth
republic
1 Democracy
Apart from being a subject of global concern, the concept democracy in its
modern understanding, is the government of the people by the people and
for the people. It is particularly sensitive to the current socioeconomic and
political circumstances of nations striving for international identity and
development posture as well as liberality and good governance (. As an
over-flogged concept, the idea as enunciated by the ancient Greeks means
“demos Cratos” which is literally translates into “people’s power or rule”.
That goes to show that democracy has its root in Greek where individuals
in a polls have an opportunity of taken part in decision-making. This
position explains democracy as a universal principle of governance that
upholds high moral imperatives, accord the citizenry the right to participate
in decision-making that adheres to their collective will and interest .The
concept can therefore be regarded as a governmental system that involves
the widest spectrum participation, either through elections or through the
administration of the accepted policies. It is a government founded on the
principle of rule of law which is against arbitrariness, highhandedness,
dictatorship and also antithesis to military regime . Moreover, if we go by
St. Augustine’s definition – government that Nigeria ever had could qualify
as “Mafua Government”. The word “Mafua” within the paper’s context
means government infested with power drunken, self seeking, ideologybarren, orientation less operatives; usually selected by their kind and of
course scarcely ever elected by the people. Even in the guise of multi-party
election, those to rule are clearly predetermined and chosen even before
elections takes place. Democracy in Nigeria islamed and in terms of its
conceptual outcome has failed to meet the expectations of the people.
Furthermore, Nigeria’s democracy (if it could be so described) has tended
to promote inequality rather than equity. Arguably once Nigeria’s most
serene city, Yobe State now synonymous with senseless violence, largely
occasioned by misgivings and primordial sentiments and prejudices among
inhabitants. Predictably, the mixtures of ethnicity and faith have taken the
strife to unimaginable, deadly heights. Neighbours who had lived in
harmony for decades have turned on one another with murderous fervor.
That has led to the loss of thousands of lives.Numerous buildings and other
valuables have been razed. Law enforcement agents now comb worship

centres in Yobe State on Fridays and Sundays to safeguard them. For a
nation whose citizens boast of belonging to either Christianity or Islam, two
of the world’s greatest faiths, that indeed is a sad commentary.
2. Theoretical Framework
This paper adopts “Liberal theory of democracy” in examining the
challenges of democracy in Nigeria’s Fourth Republic. The liberal theory of
democracy said to be common among capitalist and peripheral capitalist
nations.This notion of democracy emerged when capitalism became the
dominant mode of production in Europe and North America supported
philosophical writing of John Locke, Rousseau, John Stuart, Montesquieu,
Euripides, and other Liberal writers whose theories advocate private liberty,
social justice, natural rights, majority rule and private property.Based on
this premise, the central idea of the liberal bourgeor theory of democracy is
how to design a political system which encourages individual participation
and enhances moral development of citizens. Liberal democracies usually
have universal suffrage, granting all adult citizens the right to vote
regardless of race, gender or property ownership. Liberal democracy may
take various constitutional forms: it may be a federal republic, as the United
States, Brazil, Indian and Germany, or a constitutional monarchy such as
the United Kingdom, Japan and Spain. It may also be a presidential or a
parliamentary system.This theory is justified due to the fact that, it can help
examine analytically the challenges of democracy in Nigeria’s Fourth
Republic as it designs the systematic structure through which a democratic
political system can effectively function. Liberal theory of democracy is an
interesting theory in this work. Its values lies in the fact that it exposes and
explain the expectation of any political system, especially as it emphasizes
the conduct of credible elections which is one of the factors responsible for
consolidating democracy.
3. Critique
“Liberal Democracy” does not respect the absolute majority rule (except
when electing representatives). The liberty of majority rule is restricted by
the constitution or precedent decided by previous generations. Also, the
real power is actually held by a relatively small representative. The
argument goes thus, “Liberal Democracy” is merely a decoration over an
oligarchy. Some maxists socialists and Left-Wing Anarchists, argued that,
liberal democracy is an integral part of the capitalist system. Therefore, it is
a class-based and not democratic or participatory. The cost of political
campaigning in representatives democracies favours the rich (Morton,
2004).Modern Democracy has also been criticized by non-democratic
socialists as an honest force used to keep the masses from realizing that
there will be irrelevant in the political process. Liberal Democracy not
withstanding the criticisms averred by critique is by and large significant
this work. Although other theories such as liberal Marxists theory, classical
theory of democracy, and political economic theory respectively, have been
used to analyze democracy, none is sufficient to examine democratic
consolidation better than the liberal theory in this study.
4.Democratic Consolidation
Diamond (1999) sees democratic consolidation as the process of achieving
broad and deep legitimation such that all significant political actors believe
that popular rule is better for their society than any other realistic alternative
they can imagine. It also means that act of reducing the probability of the
breakdown of the system to the point where democracy can be said that it
will persist. Some scholars view it as regime maintenance and about
regarding the key political institutions as the only legitimate framework for
political contestation and adherence to the democratic rules of the game.
Democratic consolidation manifest under enhance economic development,
developed democratic culture, stable party system, suffice to assert that
this cannot be attained in Nigeria until stability is attained. This therefore
shows that though under democratic regime, Nigeria is striving for
consolidation. The problem here is that liberal democracy does not evolve,
as it was in the west, with the African societies. The argument here is that
there is a serious need to “domesticate” Western liberal democracies in
order to enhance its benefits in Africa. Therefore, Nigeria and the rest of
Africa should, like has argued, “find indigenous ways and means of
hammering the autochthonous democratic element as well as elements
inherited from alien sources into an acceptable and viable democratic form
in the setting of the modern world.
5. Good Governance
Odock (2006:3 – 5) sees good governance as “a system of government
based on good leadership, respect for the rule of law and due process, the
accountability of the political leadership to the electorate as well as
transparency in the operations of government”. Transparency, Odock
opined that it has to do with the leadership carrying out government
business in an open, easy to understand and explicit manner, such that the
rules made by government, the policies implemented by the government
and the results of government activities are easy to verify by the ordinary

citizens. Accountability as a component of good governance refers to the
fact that thosewho occupy positions of leadership in the government must
give account or subject themselves to the will and desire of the society and
people they lead. Unfortunately, this is lacking in the public domain in
Nigeria political leadership has been one of the main challenges or
obstacles to democracy and development in Africa. Post independence
political leadership has been everything but productive. They have been
distributive rather than productive in orientation, wasteful and corrupt in
political and economic management. The problem with Nigeria has been
described simply as that of leadership (Achebe, 1984). Corruption is a
pernicious phenomenon that plagues all sectors of public and private life in
Africa. Under the Fourth Republic in Nigeria, it has continued unabated.
Governance typically emphasizes leadership which suggests the way
political leaders meaning the apparatus of the state, use or misuse power,
to promote social and economic development or to engage in those
agendas that largely undermine the realization of the good things of life for
the people. Good governance is in tandem with democratic governance
which is largely characterized by high valued principles such as rule of law,
accountability, participation, transparency, human and civil rights. These
governance qualities have the capacity to provide the development process
of a country .In the Nigerian context, good governance calls for
constitutional rule and a true federal system. These are the basic pedestals
on which any vision of development rests on. Therefore, resources of the
state must be managed in such a manner as to achieve the desired level of
socio-economic progress for all members of the political community.
Challenges of Democracy in Nigeria’s Fourth Republic
Nigeria’s democracy landed on a good platform with the existence of
democratic institutions, plural society, vibrant civil society organizations and
critical mass media among others. These ingredients have the structure
and capacity to make democracy strive in Nigeria. But it is germane to note
that, Nigeria’s democracy has remained grossly unstable since the return to
this popular form of governance in 1999. The political terrain has been
home with lots of challenges precipitating against the genuine realization of
the system. In fact the impediments to the nations unending desire for a
true democracy seem to assume a more perilous proportion by the day.
These challenges are:
1 Military Coup

The first major challenge to the survival of democracy in Nigeria has been
and remains military coups, as they always prevented democracy from
rising above the level of a toddler since 1966. Democracy needs to be
nurtured by oiling democratic institutions not by truncating them through
coups and counter coups. Where there are mistakes as there often are,
Nigeria will do better to use all constitutional means to combat gross abuse
of democratic processes, procedures and institutions than allow coups as
the necessary messianic option.
2 Election Malpractices
The next major challenge is the inability to conduct free and fair elections.
Nigeria in 2007 general elections, witnessed a lot of irregularities and
malpractices. The final report of the European Union Election Observer
Mission (EU EOM) led by Mr. Max Van den Berg (Netherlands). Member of
the European Parliament, on Nigeria’s 2007 elections, reveals the extent of
this major challenge when it says: The team under took observation of 33
of the 36 states plus the Federal Capital Territory (FCT)….. The 2007
states and federal elections fell far short of basic international and regional
standards for democratic elections. They were marred by poor
organization, lack of essential transparency, widespread procedural
irregularities, substantial evidence of fraud, widespread voter
disenfranchisement at all different stages of the process, lack of equal
malaise once and for all.
3 Bad Governance
Bad Governance is a major challenge to the survival of democracy. The
widespread back of basic infrastructure and pervasive corruption in the
Nigerian polity pose a serious threat and challenge to democracy. When
citizens feel that appropriated funds are not well managed in the common
interest, it discourages loyalty to the nation and kills the spirit of patriotism.
4 Majoritarian Tyranny over Minority Rights
The issue of majority rule and minority rights is still a challenge as the
ethnic minorities in the oil producing areas of the south-south geopolitical
foreign exchange earnings has consistently cried out against overt and
prolonged neglect of their region by the majority ruling the country over the
years. Some disgruntled elements have even resorted to militancy as a
way to ventilate their grievances thereby threatening the survival of
democracy in Nigeria. Democracy requires a stable political and economic
environment to thrive.

5 Political Party Indiscipline
The activities of political parties are a far cry from the prescriptions of the
constitution and pose a major
challenge. Political parties and their members still breach with impurity the
constitutional provisions that no association should retain, organize, train or
equip any person or group of persons to be employed for the use or display
of physical force or coercion in promoting any political objective in a
manner to arouse apprehension .Political thuggery and even political
assassination are still a prominent feature bedeviling Nigerian politics. For
example, the EU EOM notes thus “violence was a major issue of concern
and incidents increased as the election drew nearer. Credible reports
indicated that at least 200 people including candidates and policemen were
killed in election related incidents. This is unacceptable not only with
respect to the right to life, but also to the democratic process”
6 Abuse of Power
The unrestrained use of power by government against citizens still poses a
challenge. The invasions of Odi and Zaki Biam by the Government forces
which involved serious loss of lives detract from the concept of democracy.
The forceful demolition of houses in the federal capital, Abuja and the
consequential homelessness without compensation or alternative
accommodation in many cases could be seen as extravagant use of power
which reinforces undemocratic norms.
7 Constitutional Breaches
The threat to the fundamental rights of citizens during political campaigns
and after elections is a monumental challenge. The right to life of many
political opponents has been truncated for political reasons. The country is
replete with stories of political assassination that thwart full expression of
people’s democratic will. Any situation that detracts from the fundamental
rights of speech, movement, assembly, life, dignity of the human person
and fair hearing as usually and after elections remain a veritable threat to
democracy.
Prospects
The future of democracy in Nigeria remains bright. Nigerians are beginning
to see the difference between a military regime (no matter how benevolent)
and a democracy. Under the military, the legislative arm does not exist but

they are the true representatives of the people who should act according to
the dictates of their constituents as espoused in radical democratic theory.
If they do not do so at the moment, it should be regarded as a passing
phase from which they will graduate as the dictatorial lessons from the
military will take some time to erode Liberal democracy, qua liberal
democracy, remains the best option for Nigeria and the lessons are fast
being appreciated.
For example, a number of elected persons who purportedly won elections
have been disqualified by the election tribunals. These are lessons from
democracy. Constituents are able to reach their grievances. This was not
possible under the military. The judiciary has been upturning some major
Government decisions, actions and even legislations by their land landmark
decisions to accord with the constitution. This is constitutional government
which is a basic ethos of democracy. The checks and balances and
separation of powers that characterize democracy are becoming evident in
the land. Citizens are able to exercise their freedoms of speech,
movement, assembly, and their rights to fair hearing, personal liberty, etc,
unlike what happened under military regimes. All these are pointers to the
fact that democracy has very bright prospects in Nigeria. The anticorruption
war which could not be fought under the military is ongoing. The articulation
of grievances through the Houses of Assembly and the National Assembly
give room for robust debates before laws are made. No decrees are issued
out without debates as in the military. It can safely therefore be concluded
that Nigeria is on the true path to democracy, the challenges not with
standing. Like a toddler, Nigeria will outgrow the infancy period and its
democracy will take root and mature to an advanced stage. This will come
sooner than later as the present administration has fully embraced the rule
of law and constitutionalism.
References
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