

The Challenges of Democratisation in Africa: Evidence and the Way Forward for Nigeria

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Abstract

Democracy is perhaps the most popular political norm in modern discourse. For most sovereign states in Africa however, democratisation and its challenges have for long remained daunting. Even though described as 'false start', independence presented most African states with the opportunity of transforming colonial structure to democratic hegemony. Regrettably however, post-independence efforts aimed at achieving this have largely remained unimpressive. Till date, when assessed in the light of the pretensions in present times by most African states, one can safely state that democratisation is the most threatened political project in Africa. Suffice to state that this 'struggle' underlies the challenges to democratisation in Africa which is well typified by the Nigerian experience. This paper discussed colonialism, sovereignty, globalisation, military coup, ethnicity, poverty and political leadership as the broad challenges confronting democratisation in Africa within the context of Nigeria.

Keywords: Democracy, Democratisation, Africa, Nigeria, Ethnicity, Federalism

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Introduction

The democratic revival witnessed across Africa after the fall of the Berlin Wall in the late 1980s raised hope and expectation as it relates to democratic resurgence on the continent.¹ The resurgence often dubbed as the second independence, saw the enactment of some measure of political liberalisation the highlight of which was the conduct of multi-party elections in states across the continent.² Although the wave of political liberalisation and its accompanied transformation was pushed by the relentless campaign of pro-democracy groups and activists, yet three factors external to the continent were highly instrumental to the liberalisation measure embarked upon by different shades of autocratic regimes across Africa as at that point in time. These factors are; the fiscal crisis and attendant weakening of the states on the continent, the influence of the International Monetary Fund (IMF) and other international financial institutions on the economic policy choice of African states and the shift in the tolerance for and alliance with authoritarian regimes in Africa to call for political liberalisation by western powers notably the United States.³

Notwithstanding the noticeable progress, the task of strengthening democratic values, practices and advancing the democratic project in Africa remains daunting. This is because there remains strong impediments that continue to undermine the democratisation drive on the continent. These impediments have eroded the gains that have been recorded in some countries and the most important manifestation of the erosion was in the manner and nature of the management and conduct of elections and attendant violence arising therefrom.⁴ Indeed, instances of the gravity of the challenge confronting the democratisation project in Africa have crystallised in the sudden and lamentable disintegration of states such as Ivory Coast and great political crisis in Kenya⁵, states which for long have been adjudged as politically stable. There certainly exists a strong reason to be fearful for other African states.

In spite of the abundant human and natural resources that can make a positive difference to a democracy, Nigeria sadly mirrors the challenges which confront democratisation in Africa. Since independence, it has wobbled from one republic to the other, and for the most part interjected by military regimes. A semblance of its simulations at democratisation manifested again in 2007 when it conducted an election whose result is the most criticised in her national history. What can explain this intractable state of affairs? What are the inherent effects of the challenges on democ-

1 R Joseph, 'Democratization in Africa after 1989: Comparative and theoretical perspectives, *Comparative Politics*, (1997) 29 (3) 3.

2 See R Joseph, 'Africa: the Rebirth of Political Freedom', *Journal of Democracy* 2 (Fall 1991), 11-24.

3 S Adejumbi, 'Elections in Africa: A fading shadow of Democracy? *International Political Science Review* 21, 1 (2000): 64-65; Joseph, 'Democratization in Africa after 1989, *Comparative Politics* (1997) 368-369; K, Amuwo, the International (and Domestic) Context of Democratic Transition in Africa: Roadblocks to Democracy', in Caron, B; Gboyega, A and Osaghae, E.E (Edited) *Democratic Transition in Africa*, Ibadan: Centre for Research, Documentation and University Exchange, CREDEU (1992) 9-13.

4 S Adejumbi, 'Elections in Africa: A fading shadow of Democracy? *International Political Science Review* 21, 1 (2000): 59-73.

5 The Demons that Still haunt Africa' *TIME* 21 January 2008 35.

ratification? What needs to be done to take positive advantage of the present political opening to launch Nigeria on the path of a flourishing democracy? Attempt is made in this paper to contextualise these issues by analysing the challenges posed by colonialisation, ethnic plurality, poverty, military coups, sovereignty, globalisation and political leadership to the Nigerian democratic quest. The recommendations adduced in the paper include having in place a virile civil society and responsive regional body without which the attainment of the goal of democracy may remain illusory.

On Democracy and Democratisation

Literally, the word democracy has its root in the Greek word '*demokratia*', which connote power of the people.' However, academic discourse on the theory and practice of the concept reveals an interesting lesson that democracy is not as straightforward as its etymological connotation. Serious writers have always engaged one another on the salient features which should define democracy in its operation. Sartori opines that in a democracy, the political system is characterised by an absence of personal power, hinged on the principle that no one can proclaim himself ruler, that no one can hold power irrevocably in his own name. In his view, the fundamental difference between what democracy is and what it is not is explained in the fact that in a democracy, power is scattered, limited, controlled, and exercised in rotation.⁶ Dahl's idea is that responsive governance is crucial to democracy and it is only achievable through citizen opportunity to (1) formulate preferences; (2) signify their preferences to their fellow citizens and the government by individual and collective action' and (3) have those preferences 'weighed equally in the conduct of government.'⁷

In attempt at providing clearer insight into the concept of democracy, Dahl noted that certain 'institutional guarantees' are not only imperative for the empirical realisation of democratic responsiveness but are essential indicators of democracy. These are: (1) freedom to form and join organisations; (2) freedom of expression; (3) universal adult suffrage; (4) the eligibility, in principle, of any citizen to seek public office (5) the right of political leaders to compete freely for votes and support; (6) the existence of alternative source of information (7) free and fair elections and (8) electorally accountable governmental policy making institutions.⁸ In disagreeing with Dahl's postulation, Schmitter and Karl aver that to adopt these institutional guarantees is to '...mistake the American polity for the universal model of democratic governance.'⁹ They added two more criteria: freedom of elected officials from 'overriding' opposition from unelected officials; and a polity that is self-governing, whose decisions do not require approval by extra territorial actors.¹⁰

6 G Sartori 'What democracy is not' in Cnudde & Neubauer (eds) *Empirical Democratic Theory* (1969) 36.

7 P Schmitter & TL Karl 'What democracy is...and is not?' (1991) 2 *Journal of Democracy* 76.

8 R Dahl *Polyarchy: Participation and Opposition* (1971) 3. R Dahl *Dilemmas of Pluralist Democracy* (1982) 11.

9 Schmitter & Karl (n 4 above) 84.

10 As above.

In discussing the concept of democracy within the context of democratisation process in Africa, Amuwo notes that three major pillars are central to the democratic agenda: clear division of the public and private realm, ability of the people to partake in the management of the affairs of their society and inclusion of all major political forces in the governance process.¹¹ Capturing these elements, Chomsky notes that an important characterisation of a democratic society hinges on the capacity of the public to play a meaningful part in the management of the affairs of the community'.¹² Przeworski in his input opines that:

'at the least democracy entails the putting in place of avenue to achieve the representation of varied interests in government and the entrenchment of mechanisms to hold political leaders accountable to the public will (including procedures that guarantee peaceful removal of governments from power) speaks to the second elements highlighted by Amuwo.¹³

The view by Schmitter and Karl, that democracy entails 'a system of governance in which leaders are held accountable for their actions in the public sphere by citizens, acting indirectly through competition and cooperation of their elected representatives' denotes the last element.¹⁴

One key issue tying the above mentioned elements together is the concept of accountability. Indeed, democracy becomes a mockery in the absence of modalities for citizens to hold political leaders accountable for their actions (and inactions) in the public realm. The notion of accountability entails that democracy is governance hinged on institutionalised rules and procedures. View within the precept of accountability, Whitehead's definition merits a citation:

'(Democratisation is) a complex, long-term, dynamic, and open-ended process. It consists of progress towards a more rule-based, more consensual and more participatory type of politics. Like 'democracy' it necessarily involves a combination of fact and value, and so contains internal tensions.'¹⁵

According to Adejumobi, 'democratisation in Africa is a struggle by the people for civil, political, and social rights, which are substantive social values embodied in citizenship.'¹⁶ Suffice to state that this 'struggle' underlies the challenges to democratisation in Africa which is well typified by the Nigerian experience.

11 Amuwo, the International (and Domestic) Context of Democratic Transition in Africa, Ibadan: Centre for Research, Documentation and University Exchange, CREDU (1992) 6

12 N Chomsky, 'the Struggle for Democracy in a changed World', *Review of African Political Economy* 50 (1991) 12.

13 A Przeworski, 'Democracy as a Contingent Outcome of Conflict', in Elster J and Slagstad, R (Edited) *Constitutionalism and Democracy*, Cambridge: Cambridge University Press (1988) 61-62.

14 Schmitter & Karl (n 4 above) 76.

15 L Whitehead *Democratisation-Theory and Experience* (2002) 27.

16 S Adejumobi 'Citizenship, Rights, and The Problem of Conflicts and Civil Wars in Africa' in C Heyns & K Stefiszyn (eds) *Human Rights, Peace and Justice in Africa: A READER* (2006) 251

Much as Africa has recorded progress in efforts at evolving a stable democratic societies, there remains daunting challenges. One of the impediment to the democratisation process and the institution of democratic governance on the continent, of which the case of Nigeria aptly captures, is the failure to separate the public realm from the private realm and the attendant negative consequences of this dilemma on democratisation and good governance. The discussion of this problem and how colonialism aided its emergence and nurtured it in the postcolonial context in Africa anchored on the seminal work of Ekeh's Colonialism and the two publics in Africa theory, which this piece approaches the challenges of democratisation in the continent.

As Ekeh argues, the experiences of colonialism in Africa gave rise to the emergence of a special historical configuration in modern post-colonial Africa. That is, the existence of two publics instead of one public as is the case in Western society. Ekeh notes that many of the political challenges confronting contemporary states in Africa result from the dialectical relationships between the two publics.¹⁷ In laying foundation for Ekeh's exposition on the two publics in Africa, attention is drawn to the notion of politics and its relationship to what is 'public'. Quoting Wolin, it is noted that the distinction between the private realm and the public realm delimits the confine of politics. This is because not everyday activities of an individual are political.¹⁸ It is however important to note that the distinction between the public and private realms used over-time acquires a distinctive Western connotation. Therefore, an underlying feature is the fact that the private realm and public realm have a common moral foundation. Thus, generalised morality in society underpinned both the private and public realms. In essence, what is accepted as morally wrong in the private realm is also taken as morally wrong in the public realm and vice versa. While there are few exception that breach the norm, however, the exception proves the rule as it relates to Western society.¹⁹

On the contrary, when one moves from Western society to Africa, it will be observed that the extension of the Western notion of politics in terms of a monolithic public realm morally bound to the private realm becomes a mirage. Indeed, while there is a private realm in Africa, unlike in Western society, it is differentially associated with the public realm as it relates to morality. As Ekeh argues, there are two public realms in post-colonial Africa with differing forms of moral relationships with the private realm. At one end is the public realm where primordial groupings, ties and sentiment hold sway, inform and influence individual's public behaviour and attitude. Ekeh characterised this as the *Primordial Public*, which is bound by moral and operates on the same moral imperatives as the private realm. On another end is the public realm that is historically associated with colonial administration, which has become the face of popular politics in post-colonial Africa.

17 Ekeh, P. Peter, Colonialism and the two publics in Africa: A theoretical statement, *Comparative Studies in Society and History*, (1975) 17, 1: 91-112, 91.

18 Wolin, Sheldon, *Politics and vision: Continuity and innovation in Western political thought*. Boston: Little, Brown and Co, (1960): 2-3.

19 Ekeh, Colonialism and the two publics, (1975), 92.

This public is based on civil structures: the military, civil service, the police and other apparatchik of the post-colonial state. Ekeh characterised this as the *civic public*. One major feature of the civic public as Ekeh states is that it has no moral linkages with the private realm. In categorical term, Ekeh, notes that the civic public in Africa is amoral and lacks the generalised moral imperatives operative in the private realm and in the primordial public. In Africa, the same political actors concurrently operate in the primordial and civic publics and the dialectical relationship between the two publics inform the unique political issues and challenges that bedevilled politics in Africa.²⁰

Much as colonial experiences informed the nature and dynamics of politics in post-colonial Africa, it is apropos to aver that the emergence of two public (primordial and civic) with differential moral relationship with the private realm account for the shortcomings that have become the hallmarks of politics in post-colonial Africa states, which Nigeria exemplify. In essence, the challenges of ethnicity, nepotism, patronage, corruption, non-accountability, lack of transparency and failing governance among other malaises that constitute the underlying elements of politics in Africa can be traced to the nature of social formation in Africa under colonial rule (the publics). As Osaghae notes, Ekeh's position was that colonialism turned African society upside down and inside out. More than being a passing issue, colonialism is an epochal event and one of its most enduring legacies is that it marked a re-invention of social formations that have endured in various ways till date.²¹ It is in relating with colonialism in this epochal manner that one will be able to appreciate its enduring legacy on the nature, trends and dynamics of politics and governance in post-colonial Africa of which the challenges confronting the continent drives at instituting stable democratic agenda is a part-of.

Democratisation- the Challenges and Nigerian experience

The literature on the Nigerian State and its democratic challenges has tended to agree with the view of Larry Diamond that democratisation in Africa is '... gradual, messy, fitful and slow, with many imperfections along the way.'²² This sad, albeit correct comment of Diamond, is perhaps a conceivable outcome of the challenges of colonialism, sovereignty, military coups, poverty, globalisation, ethnic plurality and political leadership, which remain critical to democratisation in Africa as mirrored by evidence from Nigeria.

Colonialism: The role played by colonialism in the African economic and political situation has engaged the interests of writers for long. According to Clapham, in spite of independence, most African states are colonial construction characterised by the imposition of artificially created nation-states and imperial structure.²³

20 Ibid, 92-93.

21 Osaghae, E. Eghosa (2006) Colonialism and civil society in Africa: The perspective of Ekeh's two publics, *Voluntas*, 17: 233-245.

22 L Diamond 'Deepening Democracy?' (1996) 328 4089 *West Africa* 702.

23 C Clapham 'Rethinking African states' (2001) 10 3 *African Security Review*
Available at <www.issafrica.org/Pubs/ASR/10No3/Clapham.html> Accessed on 19 April 2008.

The consequence of this is the emergence of post-independence political culture and leadership based on ethnicity and authoritarian patterns of governance. Controlling the state and its resources thus became the primary purpose of political contestation.²⁴ In the words of Green and Luehrmann, 'colonialism ...wrecked indigenous economies, ruined local industries, and replaced traditional networks of trade with a world system in which Europeans dominated and the rest of the world served.'²⁵ Also, Rodney argued that colonial exploitation contributed to the capitalist development of Europe, while leaving Africa underdeveloped.²⁶ Certainly, colonialism has significant negative impact on African democratic foundation.

Nigeria had its fair share of unimpressive colonial legacy. Colonial occupation started in 1861 with the declaration of Lagos as a crown colony. Rather significant for the Nigerian state was 1914 when the Colony and Protectorate of Southern Nigeria was merged with the Protectorate of Northern Nigeria to create the colonial Nigerian state. Eleazu described the amalgamation of 1914 as 'a farce' in that it was calculated only at relieving 'the British Treasury of the onus of having to finance the administration of Northern Nigeria.'²⁷ The act of amalgamation is not so much the problem as the lack of genuine efforts to bridge the political and administrative gulf that had already opened up between the Southern and Northern parts of colonial Nigeria as a result of colonial perception and experience. Most African States are artificial, the patterns of commerce, of population movements and mingling, of religious and political communities, of cultural and ideological networks, and of different patterns of inter-dependence, evidenced in linguistic and archaeological data from ancient times- 15,000 years ago- suggest that all the peoples in the current Nigerian political space share the same cultural tradition and 'collective heritage.'²⁸

However, Eleazu rightly contended that fundamental differences were deepened by the divide and rule tactics of the colonialist, which assured the difference between the Northern and Southern regions in terms of governance, legal and land tenure system.²⁹ With the creation of the Western and Eastern regions to make the administrative regions three in number together with the already created Northern region, the politics of ethnic differences soon became central to the party formation processes, the nature of the party programmes, and the style of political leadership.³⁰ The regions produced three 'different nationalist movements' with no unifying symbol. Each ethno-regional bloc produced its own cultural hero. The result of this was that communalism and clientelism became the major levers of the political process, with the majority ethno-regional blocs the main beneficiaries.

24 D Kew 'Building democracy in 21st century Africa: Two Africas, one solution' (2005), *The Whitehead Journal of Diplomacy and International Relations*, Winter/Spring 149-161.

25 D Green & L Luehrmann *Comparative Politics of the Third World* (2003) 45-46.

26 W Rodney *How Europe underdeveloped Africa* (1972) 162. F Fanon *The Wretched of the Earth* (1963).

27 UO Eleazu *Federalism and Nation-building: The Nigerian Experience, 1954-1964* (1977) 77

28 A Obayemi 'The Recurring Preamble: Cultural Historical Foundations and the Modern State of Nigeria' in A Mahadi, GA Kwanashie & M Yakubu, (eds) *Nigeria: The State of the Nation and the Way Forward* (1994).

29 Eleazu *Federalism and Nation-building*, (1977) 77

30 As above

It was this trend that rocked the nation from one crisis to another between independence in 1960 and 1966 when the military intervened in the political process.³¹

It was therefore not surprising that the observable differences between the political communities that make up Nigeria was latched onto by leading political leaders to further the advancement of personal and sectional economic and political interests and gains. The apparent over politicisation of difference further deepened the socio-political cleavages that underlying the structure of the State crafted by the British colonial fiat. The social schism implanted under colonial rule and entrenched by post-colonial political leaders in the immediate period after independence continue to inform political positions and choices and accentuate political crisis in Nigeria decades after. It was within this context that one can better understand and appreciate the veracity of the argument that colonialism and in specific term, British policies in colonial Nigeria foisted a divisive political structure, accentuate sense of mutual suspicion among Nigeria's diverse ethno-national groups and thus laid a weak foundation necessary for the maturing of a virile democratic political structures, institutions and society.

Sovereignty

Upon the attainment of independence, the 54 states of Africa acquired sovereignty.³² Under international law, no one state is allowed to exercise its governmental functions in another state as article 2(7) of the Charter of the United Nations generally prohibits foreign intervention in matters that are essentially within the domestic jurisdiction of any state. The UN Charter allows for only two exceptions to the rule of non-intervention namely; as response to an armed attack (article 51) and when the use of force is authorised by the UN Security Council to maintain or restore international peace (article 42). For long, the UN has failed Africa in refraining from intervening or intervening too late in grave crises in Rwanda, Burundi, Democratic Republic of Congo, Liberia, Sierra Leone to mention a few.

With the establishment of the African Union (AU), article 4(h) of the Constitutive Act of the AU, which allows interference in respect of grave circumstances namely war crimes, genocide and crimes against humanity appears to limit the concept of sovereignty in its operation while article 4(g) retains the conventional view on sovereignty when it declares that there shall be non-interference by any member state in the internal affairs of another. The African Charter on Democracy, Elections and Governance ratified by the majority of the African states, but hardly subscribe to the spirit of the same concerning good governance.

31 A Mustapha 'Coping with Diversity: The Nigerian State in Historical Perspective' in Abdi Ismail Samatar & Ahmed Samatar (eds) *The African State: Reconsiderations* (2002) 161.

32 The meaning of the term was described by Max Huber in the Island of Palmas Case- 'Sovereignty in the relations between states signifies independence. Independence in regard to a portion of the globe is a right to exercise therein, to the exclusion of any other state, the function of a state' (2 RIAA 829 (1928) at 838)

The forgoing perhaps explains the reluctance of the AU leaders to take urgent steps or initiate regional solution to address the grave election crisis that rocked Nigeria at least in 2003 and 2007. In the 2003 Election, incidents of connivance of electoral officials with partisans to hijack ballot boxes were reported.³³ Even so were the elections of 2007 which the National Democratic Institute rightly described as 'a significant step backward in the conduct of elections in Nigeria.'³⁴ The existing mechanisms of the AU without genuine political commitment remain a big challenge to democratisation in Nigeria.

Military Coup

Reeve has argued that the political arena of most African states has been undoubtedly over militarised.³⁵ According to Tordoff, the military has supplemented civilian governments in Africa for several reasons; it has intervened to save, or has claimed to save the country from corrupt and inefficient politicians who had brought the country to the verge of bankruptcy. This was the claim made by the military junta that truncated the democratic process in Ghana in 1966. Sometimes, it has intervened to safeguard its own interest against a rival force being created by the President; a motive (among others) in Ghana and Uganda. Sometimes element of the military has political objectives.³⁶ For a long time before now, absence of an international position that treated the supplanting of the civilian government by the military as opprobrious is a major platform on which usurpation of power by the Military had thrived.

The Nigerian Military particularly while in government has for long behaved, according to Basil Davidson 'like pirates in power.'³⁷ It was on 15th January, 1966 that Nigeria experienced its first military coup and since that period there had been series other coups. Starting from the second military coup of July 1966, military coups and takeovers in Nigeria has been orchestrated and led by military officers of Northern Nigeria extraction; Muritala/Obasanjo (1976-1979); Mohammadu Buhari (1983-1985); Ibrahim Babangida (1985-1993); Sani Abacha (1993-1998); Abdulsalam Abubakar (since 1998-1999). This has been as a breeding ground for the view among other ethnic groups that government was being dominated by the northern ethnic group(s).³⁸

33 United Nations Electoral Assistance Project Reports on local and foreign election monitors www.uninigeriaelections.org/observer_reports/april/23/ (accessed 10 March 2008)

34 NDI Remarks by J Clarke on the 2007 Election at the 'All Nigeria Civil Society Conference on the April 2007 Elections' http://www.accessdemocracy.org/library/2172_ng_remarks_JoeClark_072407.pdf

35 R Reeve 'Inadequate military funding puts African countries at risk of coup' (2006) *Jane's Intelligence Review* April 6-7.

36 W Tordoff *Government and Politics in Africa* (1984) 10.

37 Quoted in K Maier *This House Has Fallen: Nigeria in Crisis*. London: Penguin Books (2000) xxi.

38 'Nwabueze's Interview' *TELL Magazine* 27 November 2000, 18. Professor Ben Nwabueze admonished that the South must come together to protest the more than 40 years rule by one ethnic group.

Further reinforcing the above is the annulment in 1993 of Moshood Abiola's victory (a candidate from the south) at the poll, which is a sad commentary on the politics in Nigeria in that, according to Joseph, it showed that even when the Nigerian people were prepared to take a step outside 'the ethnic trap', the social forces in command of state refused to allow such as evolution to occur.³⁹ The annulment, it is believed, marked the end of the long-held hope that Nigeria would establish a state structure that enjoyed legitimacy and authority and that would, in turn enhance the sense of nationhood.⁴⁰ Ethnic consciousness remains a dominant issue in Nigeria; democratisation cannot survive its being ignored or thrive on its being manipulated.

Most of the military regimes in Nigeria were simply motivated by love for power without more. From the benefit of hindsight, it can be safely argued that Nigeria's past military juntas had deployed their control of political power to engage in unbridled misappropriation of the nation's commonwealth and a banal form of primitive accumulation of wealth. Mindless corruption and corrupt enrichment by military leaders, their cronies and relatives was elevated to the status of statecraft and becomes a defining hallmark of the nation's governance process.⁴¹ Corruption reached the highest peak in Nigeria during the Babangida and Abacha regimes. A lot of state resources were wasted in various simulations made at democratisation by these two regimes. These regimes engineered divisiveness and manifested the triumph of unconstitutionality using coercion to sustain themselves in power while almost completely rooted out the voice of oppositions.⁴² The gulf created generally by military regimes in Nigeria remains a major threat to democratisation.

Poverty

Przeworski and Limongi, have argued that democratisation can survive even in the poorest of nations.⁴³ However, the writers were also quick to point out that the chances of survival of democracy are greater when the country is richer.⁴⁴ Most African states are poor; standards of living measured with its various indicators of health and welfare, life expectancy are generally low. Lofchie pointed out that in the west, industrialisation occurred before full democratic practices were introduced into the political process, and this meant that resources were available to meet the most pressing demands of the enfranchised workers.⁴⁵

39 R Joseph 'Ethnic Trap': Notes on the Nigerian Campaign and Elections, 1978-79' (1981) 11 1-2 *Issue: A Journal of Opinion* 17-23.

40 L Peter 'Endgame in Nigeria: The Politics of a failed Transition' (1996) 93 *African Affairs* 323-340.

41 CC Ojukwu and JO Shopeju, 'Elie Corruption and the Culture of Primitive Accumulation in the 21st Century Nigeria', *International Journal of Peace and Development Studies*, 1: 2 (2010) 18-20.

42 O Mimiko (1998) 'The Political Economy of Human Rights Violations and the Imperative of Democratisation in Contemporary Africa' in Yomi Dinakin et al (eds) *ADO READINGS IN LAW* Volume 1 ARL 53

43 A Przeworski & F Limongi *Democracy and Development* (2000) 273

44 As above.

45 MF Lofchie (ed) (1971) *The State of Nations: Constraints on Development in independent Africa* Berkeley: University of California Press 12-13

In Africa, he argued, there was no such time-lag: universal franchise was granted just before, at, or immediately after independence before economic policies could even be formulated.⁴⁶ Thus, poverty remains the dominant context in which most African states are 'democratising'.

Although, Nigeria has an economic resource (rich oil deposit) which should make a great difference on the economic and social life of its people, poverty persists as a result of corruption and weak political stewardship. The implication of poverty on democratisation in Nigeria for instance is twofold. First, poverty provides a unique leverage for political elites to trigger and monetise politics into a huge determinant of governance.⁴⁷ For instance, in some of the political parties that contested for the 2007 elections, about 10,000 USD is required to pick a nomination form into an electoral office. The implication of this is that competent and qualified persons who could not afford the price are prevented from political participation. Adetula, alluded to the perverse implications of the use of money and material inducements in Nigeria's electoral process when he notes that, 'money politics is constricting the opportunity for political participation'. Indeed money and material wealth has become a key indicators in determining who participates in electoral politics and how. As such poverty has made the use of money to entice and induce citizens an important tool in electoral process in Nigeria.⁴⁸

The second, implication becomes glaring if one consider the pathetic statistics that population living below 2 dollars per day is 92.4% in Nigeria.⁴⁹ Therefore, political choice becomes rather limited to the vast majority of the populace, particularly in the face of temptation of bribery and enticements which are aimed at beclouding their sense of political judgment. Poverty is a major constraint that prevents the citizens from a conscientious exercise of civil and political rights.

Globalisation

It has been argued that contemporary waves of democratisation are one of the several consequences of globalisation.⁵⁰ Apart from being the spread of capitalism worldwide,⁵¹ Jeffrey Sachs and Andrew Warner have postulated that 'globalisation promises to lead

46 As above

47 A Butler (ed.). (2010). *Paying for Politics: Party Politics Funding and Political Change in South Africa and the Global South*. Johannesburg: Jacana: 1-19; Also see M Basedau, G Erdmann and A Mehler (eds.). (2007). *Votes, Money and Violence: Political Parties and Elections in Sub-Sahara Africa*. Uppsala: Nordiska Afrikainstitutet.

48 VOA Adetula, 'Money and Politics in Nigeria: An Overview', in Adetula VOA Edited, *Money and Politics in Nigeria*, Abuja: IFES (2008) xxviii

49 Human Development Report 2007/2008-Nigeria

50 Y Kura, Globalisation and Democracy- A dialectical framework for understanding democratisation in Nigeria

51 D Green & L Luehrmann *Comparative Politics of the Third World: Linking Concepts and Cases* (2003) 117. Also see L. Amusan "Social Sciences as Imperialism: Analysis of the Global Economic Crisis of 2008 and Development Gaps in the Third World States." *Journal of Administrative Sciences* (2016) 14(27): 7-26.

to economic convergence for the countries that join the system.⁵² The contribution of globalisation to democratic experience in Africa has been explained in terms of the growth, policy reforms, trade liberalisation and the attraction of foreign private capital that it will engender.⁵³ Thus, democratisation and globalisation have been considered as mutually reinforcing.⁵⁴ However, some political scientists have contended this position. Henry Biennen and Jeffrey Herbst maintained that although globalisation is crucial to economic growth, pursuing economic and political liberalisation at the same time makes both more difficult to achieve.⁵⁵ Richard Sandbrook argued that democracy and 'neoliberal' integration into the global economy are not jointly sustainable in the long run.⁵⁶ Ake was of the view that globalisation undermines the sovereignty of African governments as to make democracy essentially 'irrelevant'.⁵⁷

The above argument is not strange in view of the fact that the nature of the world economy is to take away the decision making discretion of African government leaving same to the control of international market forces. This, as it is correctly argued, violates the ability of national governments to pursue socially-valued objectives such as growth and equity,⁵⁸ which constitute the very basis on which democratic goal should rest. An ancillary to this shortcoming of globalisation, as argued by Nicholas and Timothy, is the donor conditionality which is corrosive of democratic values and practices in that; it empowers international technocrats who are not accountable to the local electorate.⁵⁹

In Nigeria, globalisation began on a woeful note when in the mid-1980s, the then military ruler, General Babangida, introduced and implemented Structural Adjustment Programme (SAP) as pre-condition for lending.⁶⁰ According to Onyeonoru, the woeful failure of the globalisation inspired economic reforms was because of the inherent contradictions in the project's policy formulation and execution. The programmes were introduced as a 'debt settling projects rather than development programmes'.⁶¹ Ijeoma argued that as part of impacts of globalisation, Nigeria is currently caught in sharing her decision-making powers with international forces of production and finance.⁶²

52 J Sachs & A Warner 'Economic Reform and the Process of Globalisation' (1995) 1 1-198 *Brookings Papers on Economic Activity* 61-63.

53 World Bank *Adjustment in Africa: Reforms, Results and the Road ahead* (1994).

54 L Chalker *Good Governance and the Aid Programme* (1991) London: The Overseas Development Administration.

55 H Biennen & J Herbst 'The Relationship between Political and Economic Reform in Africa' (1996) 29 1 23-24 *Comparative Politics*.

56 R Sandbrook *The Politics of Africa's Economic Recovery* (1993).

57 C Ake 'Globalisation, Multilateralism and the Shrinking Democratic Space' in M Schecter (ed) *Future Multilateralism: The Political and Social Framework* (1998).

58 M Thandika 'Economic Policy- Making and the Consolidation of Democratic Institutions in Africa' in Havnevik & van Arkadie (eds) *Domination or Dialogue?* (1997) 35.

59 Van de Walle Nicholas & T Johnston *Improving Aid to Africa* (1996)

60 A Jega 'The State and Identity Transformation under Structural Adjustment in Nigeria' in Jega, A. (Eds.) *Identity Transformation and Identity Politics under Structural Adjustment in Nigeria* (2000) 29.

61 I Onyeonoru (2003) 'Globalisation and Industrial Performance in Nigeria', *Africa Development* 58.

62 EOC Ijeoma 'Policy and Governance Issues Impacting on Nigeria's Globalisation Initiatives',

The privatisation initiatives are not any different in their implementation. Since 2003 the exercise has been characterised by high level of corruption involving a number of mostly international businesses and their national networks.⁶³ Privatisation has reinforced a culture of rentierism and created an army of followership whose interest is in ensuring that the patrimonial alliance from which they profit is not disrupted.⁶⁴

The effects of the foregoing in Nigeria are the continuous weakening of the economic potentials of the vast majority of the populace and most particularly their political spirit. Thus, as the exclusion of the poor from economic participation increases, even so is their impotence in the democratisation process. For now, the vast majority of Nigerians are simply being consumed by globalisation and this is rapidly affecting its democratisation processes.⁶⁵

Ethnic Plurality

The politics of ethnicity undermines the process of democratisation and has contributed in no small means to conflict and violence in Africa.⁶⁶ The perverse politicisation of ethnicity and ethnicisation of politics remains a defining hallmark of the political process in most African states and a strategy use by political leaders to acquire and maintain their hold on power. Indeed, the instrumentality of ethnicity and ethnic discourse are often deployed by political leaders who are in themselves 'ethnic entrepreneurs' for political mobilization whether in the course of electoral process or to spark post-election violence.⁶⁷ Horowitz has argued that ethnic, religious or racial difference in most African States poses challenges to sustainable democratisation in that ample evidence in many world regions suggests that cultural pluralism needs to be acknowledged rather than ignored.⁶⁸

It has been noted that ethnicity plays a central role in the contestation to determine who is to be included and/or excluded from gaining access to the commonwealth, position of political power and representation across many African states in the immediate period after independence and after the return to multiparty politics in the late 1980s and early 1990s. The risk of charges of ethnic domination, marginalisation and exclusion and the possibilities of such generating political violence especially in the aftermath of highly contested elections and electoral outcomes remains a greater

Unpublished PhD Thesis, Faculty of Economic and Management Sciences, University of Pretoria, South Africa (2002) 138

63 <http://5ccpress.wordpress.com/2007/11/21/hello-world-2/> (accessed 3 April 2008)

64 T Oyedele Privatisation and Economic Reform, The text of the paper delivered on October 16, 2002 at a three-day Communication Workshop organized by the International Republican Institute, Nigeria, for the Leaders of Political Parties in Nigeria at NICON Hotel, Abuja. 6

65 Kura (no 39 above).

66 DT Osabu-Kle *Compatible Cultural Democracy: The Key to Development in Africa* (2000) 37.

67 U Ukiwo, 'On the Study of Ethnicity in Nigeria', Centre for Research on Inequality, Human Security and Ethnicity (CRISE), Working Paper No. 12 (2005) 8-9.

68 D Horowitz *A Democratic South Africa? Constitutional Engineering in a Divided Society* (1991) Berkeley: University of California Press.

challenge for democratisation process in Africa as incidences of post-election violence in Kenya, Cote d'Ivoire and Nigeria have shown.⁶⁹

Evidence in modern day Nigeria suggests that there have been colossal tension, violence and conflicts around the questions of cultural pluralism and politics. Political manipulations have occasioned many of these tensions which were not pronounced in pre-colonial time. Ethnic distrust was created and is being exacerbated by lack of popular democratic political order; colonialism has played an insignificant role if any at all. Since 1966 when the first military coup was staged, it is beyond questioning that military interventions have encouraged ethnic divisiveness in Nigeria.⁷⁰

Political leadership

The most daunting challenge for the African continent has been described as 'leadership'.⁷¹ For a long time since attaining independence, African governments have placed much emphasis on political control and resources than on political participation.⁷² African politics "is increasingly patrimonial and spoils-orientated."⁷³ Immediately after independence, most African nations moved away from pluralism towards centralisation of power in the hands of a single party.⁷⁴ An offshoot of this is a political leadership which has become characterised by personalisation of power in most African states.⁷⁵ 'Stayism'⁷⁶, patronage, rentierism and corruption are all too common features of political leadership in Africa which undermine democratisation. Indeed rent wealth, Herb argued, makes countries less democratic than they would have without a windfall wealth.⁷⁷

69 D Bekoe, 'Trends in Electoral Violence in Sub-Saharan Africa', United States Institute for Peace, Peace Brief No. 13 (2010), 2; J Goldstein and J Rotich, 'Digitally Networked Technology in Kenya's 2007-2008 Post-Election Crisis', Internet and Democracy Case Study Series, Berkman Center Research Publication, No 9 (2008) 3-5; Krieglner and Waki Reports on 2007 Elections, p. 2.

70 L Diamond, A Kirk-Greene & O Oyediran (eds) *Transition without end: Nigerian Politics and Civil Society Under Babangida*. (1997).

71 'What Africa needs now' *Finweek*, 25 May 2006 100. Mbeki T (2006), Address at the launch of the Africa Leadership Initiative, The Presidency, 13 July 2006, Available at www.dfa.gov/docs/speeches/mbeki0713.html Accessed on 16 April 2008.

72 D Kew 'Building democracy in 21st century Africa: Two Africas, one solution' (2005) *The Whitehead Journal of Diplomacy and International Relations*, Winter/Spring, 149-161. See also N Kasfir *The Shrinking Political Arena* (1976).

73 S R Dorman 'Post-liberation politics in Africa: Examining the political legacy of struggle' (2006) 27 *Third World Quarterly* 1085-1101.

74 Tordoff (n 31 above) 4.

75 JK Van Wyk 'Political leaders in Africa: Presidents, patrons or Profiteers?' (2007) 21 *The African Centre for the Constructive Resolution of Disputes (ACCORD) Occasional Paper Series*. 2(1). Durban

76 The term is used by Oloko-Onyango and quoted in J Okuko 'Beyond 'third term' politics in Uganda: The implications of proposed constitutional reforms for democratic governance' (2006) 36 *1 Africa Insight* 22.

77 M Herb 'Does rentierism protect Democracy?' (2000) Paper delivered at the Annual Meeting of the American Political Science Association 22.

Governance, Corruption, Rents and Patronage in Nigeria

Sklar sees politics in Nigeria as a personalised one, dominated by a powerful “godfather” at the apex of a vast patronage network at federal, state and local levels. Political outcomes are therefore the function of intense competition between these godfathers, often at the expense of the population.⁷⁸ Among other, control of government in Nigeria often represents virtually unaudited control over resources.⁷⁹

Over politicisation of the Nigerian state is well captured by Ake as he noted that ‘the salient feature of the state of the nation and the crux of the problem is the over politicisation of social life. The Nigerian state appears to intervene everywhere and to own virtually everything including access to status and wealth’.⁸⁰ Hardly can this assessment be well understood without considering the determining role of oil on the Nigerian state since the 1970s. Those in control of power amass enormous fortunes from the country’s fossil fuel to the extent that Nigerian political culture has been described as ‘prebendal’ based on the systematic abuse of state office and resources for individual and group gain.⁸¹ It is within the context of the perverse use of instruments of state power for the accumulation of wealth and undermining of institutions of the state in ways as to aid patronage that one can understand better of Joseph’s exposition on how the prebendal nature of politics in Nigeria contributed to the demise of the nation’s second republic, thus stalling the second attempt at democratisation.⁸²

However, the elevation of rentier mentality, entrenchment of patronage culture and glorification of prebendal characters in Nigeria’s politics and governance process predate the Second Republic. As Graf notes, the astronomical rise in oil revenue accruable to the federation account after the end of the civil war, the exigencies of the prosecution of the war and the centralized nature of military authority were instrumental in the effective transformation of Nigeria into a centralized rentier state with detrimental effects on the erstwhile agrarian bases of the state anchored on semi-autonomous regional production.⁸³ The fundamental implication of this development, Graf argued, is what he referred to as ‘rentier psychology/mentality’, which has become a defining hallmark of politics and governance process in Nigeria. This has grave implication for the nature of politics, governance and state-civil society relations. First, rentier psychology has increased the communal and clientelistic struggle for access to resources; the division of the proverbial ‘national cake’ has monetised the electoral process, turning politics into a business for politicians and their clients.⁸⁴ Second, with the emergence of this phenomenon, the need for

78 R Sklar ‘Nigeria: Completing Obasanjo’s legacy’ (2006) 17 3 *Journal of Democracy* 100-115.

79 Human Rights Watch, *The Warri Crisis: Fuelling violence* (2003) Human Rights Watch, New York.

80 C Ake ‘The State of the Nation’ C. Edogun (ed) (1981) Address at the 8th NPSA Conference, Proceedings (NPSA) iv.

81 Green & Laura (n xyz) 348

82 RA Joseph, *Democracy and Prebendal Politics in Nigeria: the Rise and Fall of the Second Republic*, (Cambridge: Cambridge University Press, 1987).

83 W Graf *The Nigerian State* (London: James Currey, 1988)

84 Mustapha (n 21 above) 168

rural taxation has virtually disappeared. The non-reliance of the Nigerian state on citizens' taxation for running the daily activities of government has serious implication. The most important been that it undermines the enthronement of democratic culture of accountability and transparency in governance giving that there cannot be the development of robust democratic culture without strong emphasis on rural taxation, leading to the 'no representation without taxation' syndrome.⁸⁵ The third implication of 'rentier psychology' is that it frees the Nigerian state from any need to justify itself to the populace except to the brokers who funded it.⁸⁶ Till date, rentier psychology has exacerbated corruption involving a web of patron-client relationships, tying individuals and whole communities to particular politicians or political parties.⁸⁷ It underlies infrastructural decay and weakness of other vital institutions around which development of democracy would have been built.

Addressing the Challenges of Democratisation in Nigeria

While reflecting on the Nigerian project, commentators such as Wole Soyinka pointed out that 'we may actually be witnessing a nation at the verge of extinction.'⁸⁸ On similar note of caution Maier observed that, Nigeria cannot be ignored because if Nigeria falls, it will shake the rest of Africa.⁸⁹ So far, this study have addressed the challenges faced by democratisation in Africa, as mirrored by illustration from Nigeria. In this connection therefore, it is worth drawing attention to some measures that can be employed in addressing these challenges:

National Reconstruction

Nigeria requires an all involving national dialogue that will sincerely address its knotty federal questions. An opportunity for this was offered after the impasse and uncertainty that followed the annulment of June 12, 1993 election. Calls were unsuccessfully made for a Sovereign National Conference to chart a path forward for the nation. The same was mooted by the Goodluck Jonathan government (2009-2015), but was aborted by 'pirates in power'.⁹⁰ The fear, as recorded by Suberu who quoted Bolaji Akinyemi, a former Nigerian Minister of External Affairs was that if a sovereign national conference (SNC) had been convened in the mid-1990s, it would have voted for the dissolution of the Nigerian entity.⁹¹

85 M Herb, 'No Representation without Taxation? Rents, Development and Democracy', *Comparative Politics*, 37: 3 (2005) 297-316.

86 Mustapha (n 21 above) 169

87 Mustapha (n 21 above) 166xyz

88 W Soyinka *The Open Sore of a Continent: A Personal Narrative of the Nigerian Crisis* (1996) 18.

89 Maier (n 32 above)xyz

90 Ibid., p xxi.

91 R Suberu, 'Federalism, Ethnicity, and Regionalism' unpublished paper presented at the Conference on Dilemmas of Democracy, University of Wisconsin-Madison, and November 10-12 1995 24.

In response to persistent call for SNC, the Obasanjo's government reluctantly set up Tobi's Panel but with a restricted agenda and participation. It is viewed that the project called Nigeria deserves much more than a political panel that the Tobi's panel was. A genuine initiative such as Conference for a Democratic South Africa (CODESA) ended with the adoption of a negotiated constitution for South Africa.⁹² The Tobi's Panel has produced no concrete result known to the country. In similar vein, the report of the National Political Reform Conference called by the regime of former President Obasanjo in 2005 to discuss the knotty issues that constitute the national question in Nigeria has not been officially acted upon. Thus, efforts at engaging in a holistic and comprehensive discussion of the national question has been an exercise in futility.⁹³ The result is that in spite of massive human and natural resources that can make a great difference to its future, Nigeria remains a broken house on a broken foundation. We argue that national conference or a similar platform of debate of knotty issues of the nation is required if the Nigerian project will thrive.

Civil Society

Constraint of the civil society has been a major bane of African political system.⁹⁴ In the African context, authors such as Naomi Chazan and Claude Ake have expressed reservations about the expansion of associational life, fearing that such groups 'far from supporting democratic tendencies, foment particularism, fundamentalism and ethnic nationalism.'⁹⁵ To the writers, a strong civil society necessarily means a weak state. Longman has however correctly suggested that the challenge confronting democratisation in Africa is to strike a balance whereby social groups can force accountability on the state without undermining state centrality.⁹⁶ A daring civil society in Nigeria will serve as a priceless resource for the promotion of democratisation and help drive electoral reforms and awareness of civil and political rights. As Hearn argued, civil society has the potential to foster societal consensus;⁹⁷ and contribute meaningfully in other regards to strengthen democratisation process, particularly, their well-designed program of public education and economic empowerment will contribute in no small measures to the process.

92 A Sparks *Tomorrow is Another Country: The Inside Story of South Africa's Negotiated Revolution* (1994)

93 HA Saliu and JS Omotola, 'the National Political Reform Conference and the Future of Nigeria's Democracy', in Saliu, HA; Jimoh IH; Yusuf, N and EO Ojo Edited, *Perspectives on Nation-Building and Development in Nigeria: Political and Legal Issues*, Ilorin: Faculty of Business and Social Sciences (2008): 168-196.

94 A Wenger & D Zimmerman *International Relations: From the Cold War to the Globalized World* (2003) 247-250.

95 C Ake 'Rethinking African Democracy' (1991) 2 *Journal of Democracy* 239-244. C Naomi 'Africa's Democratic Challenge' (1991) 9 2 279-307 *World Policy Journal* 283.

96 T Longman 'State, Civil Society and Genocide in Rwanda' in R Joseph(ed) *State, Conflict, and Democracy in A-frica* (1999) 340.

97 J Hearn *Foreign Aid, Democratisation, and civil society in Africa: A study of South Africa, Ghana and Uganda* (2000) 19.

Professionalising the Military and the Police

Due to its inroad into the Nigerian political landscape, the Military has become heavily politicised. There is the need to continually re-orientate the military to make it become a guardian of constitutional governance. Military leadership should note that their allegiance is to defend the constitution and be loyal to the state, and not to individual. To drive this home better, the sickness of Umaru Yar'adua, the former president of Nigeria and the resultant swearing in of his vice president as the acting president reportedly came to an interesting point when the Chief of Army Staff said that his loyalty was to President Yar'adua and not to anyone else. Although he later denied saying so, such comment falls short of an attitude expected of professional military leadership.

Also, since independence, the Nigerian Police have been unable to shake off its colonial mentality when it was used as an instrument of coercion against the citizenry. This was exacerbated during the military regimes when police were literally used as an agent of human rights violation. The police remains an instrument of political oppression and manipulation of electoral process. Allegations exist that most rigging implicate the Nigerian police.⁹⁸ Consequently, training courses must be intensified to enable the Nigerian police work within a democracy. Democratisation project will be strengthened in Nigeria, nay Africa when the military and police live up to the expectation of their constitutional role.

The ethnic question

Nigeria and indeed every other nation in Africa will have to admit at some point that no amount of constitutional engineering can neutralise the ethnic question. In 1973, Ken Post and Michael Vickers posited that Nigeria could best exist as a 'conglomerate society' in which 'the basic conflict was the mobilisation of people not towards some transcending national loyalty but rather towards identification with an intermediate cultural section.'⁹⁹ John Paden has continued such explorations in his discussion of a 'six zone model of political culture in Nigeria': northern emirate states: Borno and its environs in the northeast; middle belt minorities (between north and south); Yoruba States in the South West; Igbo States in the south east; and southern minorities.¹⁰⁰ Turi Muhammadu noted that more fundamental than the political federation is the 'cultural federation' of Nigeria, that is, the accommodation that are needed to sustain consensual governance among Nigeria's diverse peoples.¹⁰¹ It is submitted that Post and Vickers are correct in their views. Considering the tension and conflict often associated with its cultural diversity and pluralism, Nigeria is at best preserved as a 'conglomerate society' with little or no power at the centre.

⁹⁸ D Agbese 'One Man's Burden' *Newswatch* July 12 2010 5

⁹⁹ K W J Post & M Vickers *Structure and Conflict in Nigeria, 1960-1966* (1973) 58.

¹⁰⁰ P John 'Nigeria Unity and the Tensions of Democracy: Geo-cultural Zones and the North-South Legacies' in Beckett & Young (eds) *Dilemmas of Democracy* (1997) 91-112.

¹⁰¹ Cited in R Joseph *Democracy and Prebendal Politics: The Rise and fall of the second republic* (1987) 184

Responsive and Responsible Political leadership

According to Nicholas, 'states represent the main mediating set of institutions between the local and global economies. They condition access to the local economy by international capital, and they shape the circumstances in which local economy confronts global market forces. States provide the key public goods without which no economy can prosper: stable macro-economic conditions, an effective legal system, a reasonable infrastructure, and an education system that produces high labour force.'¹⁰² It is important that political offices are occupied by those who know what such offices entail and demand. In Nigeria, the salary and the emoluments of the politicians are too outrageously high for a country still struggling on its feet.¹⁰³ The result of this has been a political class which views cash as the organising and governing principle of politics. It is recommended that there is the need to moderate the remunerations in politics with the view of making it more selfless. Most importantly, selfless character and leadership building training should be at the heart of the Nigerian political education.

Federal Constitution and Constitutionalism

All post-independence constitutions were a compromise between major political actors and their interests.¹⁰⁴ The Ethiopian Constitution reflects this trend when it provides for a comprehensive ethnic self-determination, including the right to secession.¹⁰⁵ To a large extent, the South African Constitution also reflects the aggregate wishes of the people. The foregoing cannot however be said about the Nigerian 1999 Constitution. According to Adedeji, the earlier constitutions such as the 1954 (Lyttleton Constitution) emerged as a federal structure as a consensus which recognised each set of authorities as coordinate with the centre and not subordinates.¹⁰⁶ However, it is not presently so in Nigeria. Even though plan is on the way to amend the Nigerian 1999 Constitution, there appears to be a consensus among the Nigerian politicians not to touch any matter relating to Nigerian federation. This is reinforced considering that nothing about it seems to form any part of the amendment being proposed.¹⁰⁷

For Nigeria to suggest as a political project, there is the need to revisit the Lyttleton Constitution with a view of expanding its principles on federalism. This appears as an appropriate constitutional formula for Nigeria that will diminish the mistrust which surround ethnic, religious and resource control among the federating units. There cannot be true federalism without considerable control of natural resources by the federating units.

102 Van de Walle Nicholas 'Globalisation and African Democracy' in R Joseph(ed) *State, Conflict, and Democracy in Africa* (1999) 115

103 D Abimboye 'Anation's Unbearable Burden' *Newswatch* July 12 2010 12 -21

104 Van Wyk (n 64 above) 8.

105 Young (n 13 above) 31

106 *The Punch Newspaper* 16 April 2001

107 The Newswatch Magazine of 5 July 2010 published the sections of the proposed ammendment, see pages 34-35. None of these sections touch on the sensitive issues of federalism.

AU, Election matters and Sovereignty

AU can make a great impact on governance in Africa if it arises to perform. It remains a source of political concern that although signed, Nigeria has ratified the African Charter on Democracy, Elections and Governance as the 14th state to ratify it, but fails to abide the principles and rules of the charter especially in relation to setting examples in good governance. Although ensuring good governance transcends the ratification of charters and adoption of declarations on democracy, the fact that the document remained unratified speaks volume about the commitment of Africa's political elite to the democratisation project.

The AU leadership owes the continent the duty to ensure as a matter of priority, provided the institution is a supranational entity, that independent electoral commissions are created. According to Hammerstad, building a democratic culture in the African continent will require the AU commitment to ensuring independent electoral commissions that allow for: constitutional and legal guarantees respected by all parties, including the government; robust hiring and firing procedures that cannot be tampered with for political reasons; sufficient human and financial resources to enable the commissions carry out their mandate in practice; and the independence and courage of the commission and election officials to protect the principles of free and fair elections are all crucial if electoral commissions are to do their jobs properly.¹⁰⁸

Indeed, if the AU will retain significance to African, nay Nigerian democratic future, the concept of sovereignty must be circumscribed again and again. It is only in being willing to do this, that the AU can more effectively act true to the terms of the Declarations signed by its members which are of significance to democracy, namely: The New Partnership for Africa's Development (NEPAD), Declaration on Democracy, Political, Economic and Corporate Governance of 2002, The CSSDCA Solemn Declaration of 12 July 2000 and Lome Declaration on the framework for an AU Response to Unconstitutional Changes of Government 10-12 July 2000. **UN Security Council, African Union and Sub-regional Organisations Response to Conflicts in Africa**

A new Security Council that accommodates an African nation as a permanent member is an imperative.¹⁰⁹ Democratisation can only thrive in an atmosphere of peace. The issue of peace and security has not been more threatened in any other part of the world as in Africa in the last four decades. In 1996 alone, 14 out of 53 (now 54 with admission of South Sudan in 2011) countries in Africa were afflicted by armed conflicts resulting in more than 8 million refugees, returnees and displaced persons.¹¹⁰ The Security Council enjoys primary responsibility for the maintenance

108 Hammerstad (n 25 above) 40

109 L. Amusan. 2006. Nigeria's Bid for Permanent Representative of the United Nations Security Council: Options and Possibilities. *Politeia*, 25(2): 183-200.

110 K Annan 'Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa' C Heyns & K Stefiszyn, K (eds) *Human Rights, Peace and Justice in Africa: A READER* (2006) 239

of international peace. Most importantly, article 11(2) of the Charter of the UN stipulates that any question on which enforcement action is required shall be referred to the Security Council.

It is crucial that an African state become a permanent member of the Security Council in order to allow Africa a voice in the decision on issues affecting the continent for a further motivation for the nurturing of democratisation in Africa. Nigeria for instance has spent more on international peacekeeping operations in Africa than United States, Britain or France. It has been able to do what the world leaders have shied away from¹¹¹ and thus deserve a consideration with other nations that have shown interest.

One of the strong basis for canvassing for an African permanent member seat at the UN Security Council relates to the organisation's inability to and/or lack of will to respond quickly to simmering crises in Africa and thus prevent outbreak of violent conflicts on the continent. Instances of foot dragging to intervene and mediate political crises abound, but the case of Rwanda, Darfur, South Sudan, Burundi and the Gambia of recent provide vivid illustrations of perceive neglect of incidence of conflicts in Africa by the United Nations and the permanent Security Council members that control the world body, the most important decision making organ. The slow and inadequate responses of the UN to help mediate and curtail the outbreak of violent conflicts in Africa elicits harsh condemnation from leading countries on the continent, Nigeria and South Africa. This has strengthened the call for reform of the UN Security Council and the inclusion of, at least, a state from the sub-Saharan Africa as a permanent member of the council, which Nigeria aspire to fill.¹¹² Thus, without an African state as a permanent member of the Security Council, the argument that the developed world is and would sincerely be committed to strengthening democratisation in Africa and indeed Nigeria will ever remain unconvincing.

The call for the reform of the UN and in particular the need for enlargement of the Security Council to include emerging economies/powers with an African representative is an agenda that is worth pursuing. However, there is an increasing need to strengthen Africa's regional and sub-regional organisations institutions, structures and capacities to respond in meaningful ways to curtail the incidence of crises and violent conflicts on the continent. To this end, the importance of the African Union, AU and the organisation's Peace and Security Council, PSC becomes important.

The AU Peace and Security Council, a 15 nations member institution is designed to be a collective security and early warning structure that will facilitate prompt and proactive response to incidences of conflict and crisis in Africa. Informed by the responsibilities that the PSC is saddled, it has emerged as the single most impor-

111 Leonard H Robinson, Clinton visit Raises hopes for Nigeria' *Chicago Sun-Times*, August 27, 2000

112 Saliu, A. Hassan and Omotola, J. Shola, Can Nigeria get a UN Security Council Seat? *South African Journal of International Affairs*, (2008) 15(1): 71-85, p. 74; and Amusan, L. Nigeria's Bid for Permanent Representative of the United Nations Security Council: Options and Possibilities. *Politeia*, (2006) 25(2): 183-200.

tant institution within the AU peace and security architecture.¹¹³ To aid the effective performance of the functions for which the PSC was established, the institution is complemented by the Commission of the Africa Union, the 5-member Panel of the Wise, the Continental Early Warning System, and the African Standby Force.¹¹⁴ These institutions constitute the building blocks of Africa's emerging Peace and Security Architecture that is anchored by the African Union. Since it comes into effect in March 2004, the AU Peace and Security Council (AUPSC) has strived to promote, project and advance the course of peace, stability and security in Africa. It is worth noting that the AU PSC membership is rotational and distributed among the sub-regional blocs that the continent is divided into. This implies that the membership structure failed to take into consideration of the significant roles and contributions of pivotal states, Nigeria and South Africa, to the course of peace, security and stability in Africa.

It is also important to note that the AU has evolved a robust working relationship with the UN on the issue of peace and security as it relates to Africa. This has enhanced the pre-eminence of the AU in the deliberation of security issues on Africa at the UN Security Council. However, more important than the AU collaboration with the UN has been the organisation strong collaboration with sub-regional regimes on the continent in efforts directed at enhancing peace, security, stability and development. Indeed, given the progress that has been achieved by some of the continent's sub-regional organisations in the area of conflict prevention, mediation, and peace enforcement/peacekeeping, notably ECOWAS and SADC, their collaboration with the AU and AUPSC becomes not only essential but compulsory for the realisation of peaceful, stable and secure Africa. The commendable efforts of ECOWAS in Liberia, Sierra Leone, Guinea, Guinea Bissau, Mali and the Gambia as well as SADC roles in Lesotho, Burundi, Congo DR are all pointer to the importance of Africa's regional organisations efforts in the course of peace and security in their respective sub-regions. Informed by this, the AU has invested efforts at promoting improved harmonisation, collaboration, and coordination with Regional Economic Communities (RECs) and Regional Mechanisms for Conflict Prevention, Management and Resolution (RMs) as part of effort at aiding the full operationalisation of African Peace and Security Architecture APSA.¹¹⁵

Conclusion

Thus far, there can be little doubt that democratisation is confronted by many challenges in Africa, and particularly in Nigeria. This paper discussed colonialism, sovereignty, globalisation, military coup, ethnicity, poverty and political leadership as the broad challenges confronting democratisation in Africa within the context of

113 For details on the functions, responsibilities and power of the PSC See Article 3 of the Protocol relating to the establishment of the Peace and Security Council of the African Union.

114 Aning, E. Kwesi (2008). The African Union's Peace and Security Architecture: Defining emerging response mechanism, *Nordic Africa Institute Lecture Series on African Security*, No. 3, p. 4-5.

115 African Union, (2015) African Peace and Security Architecture. APSA Roadmap 2016-2020. Addis Ababa: African Union Commission, Peace and Security Department, p.10.

Nigeria. Can we rise above these challenges to nurture and consolidate democratisation in Africa, nay Nigeria? The answer is in the affirmative, human experience has shown that strength can be found in weakness and amazing opportunities in difficult situations. Addressing these challenges will require initiatives that encourage both institutional and attitudinal change. Critical steps to be taken in the circumstance shall therefore involve national reconstruction, responsive civil society, political leadership, African Union system, constitutionalism and Security Council.

The fact that Nigeria remains as one nation in spite of its civil war and the oppressive years under military regimes is nothing short of an act of providence. Democratisation will either thrive or fail in Nigeria depending on the quality of leadership being demonstrated by political actors in the field. A virile civil society however appears to be the connecting thread that will help ensure that citizens become observant, leadership in every vital institution of government becomes more accountable and regional organisations such as the AU become more responsive in their commitment to democratic values and processes in Nigeria and indeed every other nation of Africa.

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