

**Nigeria: Too Rich for Dignity and the Law?
Perspectives after the 2007 elections**

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**In co-operation with Bonn International Center for Conversion (BICC), Church
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**Is Nigeria Democratising?
Issues and Options for Deepening Democracy in Nigeria**

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Introduction

Let me start by thanking the organisers of this conference for extending an invitation to me and for continued interest in the deepening of democracy in Africa's most populous nation. Taking place at this time that Germany is in the leadership of the G-8 group of industrial nations, one should express the hope that whatever we discuss here would constitute a building block of international community's response to Nigeria's quest for democracy.

Nigeria's recent elections have again refocused our energy on the place of elections in a democratising polity. With the widespread condemnation of the electoral process within and outside the country, there are now many who are full of despair for a fundamentally flawed process that seem to produce elected dictatorships with clearly eroded legitimacy from the people. Without discounting the importance of elections in a democratising polity, it is important now to first interrogate the notion of democracy in its variegated and complex forms – especially in the context of transition societies. Any notion of democracy which paints a pre-conceived destination, almost a uni-dimensional focus on elections as democracy: *Have elections, and every other thing shall follow* - is a seriously flawed one.

Need for Constitutional Reform

No matter how critical one is about the Nigerian elections, it is a lot more about the nature and character of the Nigerian state, and it is not one that elections can resolve, no matter how regular, well organized and untainted they are. It is clear to most people in Nigeria, including the political leadership, that the question of the national structure is the central issue that will not go away in Nigeria's quest for democratic development, security and effective governance. The questions that many continue to pose will have to be answered with all its attendant ramifications and we should also pose it here if we are to find answers to our original question: Is Nigeria Democratising? Namely: What is this nation called Nigeria? What does it mean to be a Nigerian citizen? What is the relationship between the citizens and the state? What is the nature of inter-governmental relations?

The electoral episode have made it increasingly clear that the narrowly-formulated Constitution for the transition from military rule is no longer adequate. This was already apparent in 1999 and over the next eight years. It has also become clear that its problems cannot be rectified through addition legislation, as this leads to a situations where one legal provision will directly contradict the other and thus to confusion and challenges over primacy. The Constitution as it is today fails to satisfy at both the micro and macro levels. Without resolving the issue of the national structure via roots and branch constitutional reform, it is difficult to see how Nigerians can attain consolidation and effective governance on the basis of electoral democracy. So, comprehensive constitutional reform agenda offers the best chance of moving from this seemingly permanent transition to a consolidated phase of our democracy.

Electoral Reform

Electoral reform is now at the heart of the political reform agenda for most Nigerians following the disaster witnessed in most parts of the country during the April 14 and 21 elections. . Most discerning observers agree that the electoral process failed Nigerians and that urgent steps must be taken to address the serious flaws in the electoral process in terms of the institutional framework – enabling law, funding, recruitment of its leadership, management of the electoral process, independence of the electoral body, role of security agencies in elections just to name a few. There is palpable fear in the country that if we continue to go down this route, the basis of elections as a means of regulating public officials would have been completely eroded by 2011 given the egregious manner with which

the 2007 elections were rigged. To demonstrate the seriousness of the crisis, many insist on the dismantling of the entire INEC machinery starting with the dismissal of its current leadership. Although President Yar'adua has made electoral reform one of the priority areas of his new administration, presumably to help address its problems of legitimacy, a good place to start would be an independent commission with the mandate to examine what truly transpired in those elections and proffer solutions in the shortest possible time. To increase the legitimacy of the governments produced by those elections though, a lot more would have to come by way of reversal of the blatantly rigged elections especially at the state levels. It is a most commonly held view that the Nigerian judiciary represents the last line of defence for the citizenry. Yesterday's landmark judgment in the Supreme Court reversing the election of Mr Andy Uba of Anambra State in the South East holds out hope for many who are now seeking redress in the various election tribunals currently operating across the country. Even so, one should be circumspect about expectations of complete overhaul of the flawed processes through the election tribunals that are already overwhelmed by the number of cases before it.

Transparency and Accountability

Along with the reform of the constitution and the elections processes, concrete steps must be taken to open out the world of information to the wider Nigerian public. The current situation, where access to information about publicly owned resources is considered a privilege, not a right, is not acceptable or tenable in the long term. The machinery of government must learn to embrace a culture of openness and information-sharing, so that citizens can make properly-informed decisions about their own national resources. The seeds of this have been sown with civil-society initiatives aimed at involving women and other disempowered groups with national budget-making procedures, and with draft legislation put to the National Assembly on freedom of information, but these are exceptions rather than the norm. It is sad to see that Nigerian citizens still have no right in law to see the results of their own National Audit and it would be crucial for this government and legislature to show more seriousness about the Freedom of Information, Fiscal Responsibility as well as the Public Procurement Bills currently before the National Assembly if this democracy is to be deepened. Secrecy as we all know breeds opportunities for corruption: with the anti-corruption agenda of the last administration now widely derided as toothless and politically-motivated, it is imperative to take measures which can restore some level of confidence in public life. One measure which could help to build a more open and equitable national political economy would be that government undertakes to publish and publicise the revenues gained each year from multinational companies working in the oil and mineral sector – trustworthy figures in this area would then give an agreed basis for progress in the many ongoing arguments over the allocation of these revenues in the country and society.

Visible economic progress for ordinary citizens

Democracy is about more than just dividends in terms of material benefits. One of the things we can say for certain is that this election has proved wrong those who thought that Nigeria's people wanted democracy mainly for this reason, and would become disillusioned when it failed to deliver. They clearly value voice, a degree of control over their own government, no matter how restricted, and (the minimal definition of democracy), the ability to kick out incumbents who are behaving in a way of which they disapprove. This even extends to a number of losing incumbents who can be said to have performed reasonably well economically, but who have come across as arrogant or high-handed in their public roles. So the connection is not as direct as 'economic non-improvement equals disillusionment with democracy'. But without economic improvement, meaning not just an increase in revenues or GNP, but also a broadening of the basis of wealth possession and creation, the conditions which threaten democracy and civil peace will continue to worsen. Poverty in Nigeria has bred not radical politics, but radical religious and ethnic agendas. And those people who in the last twenty years would have eked out a living in the informal economy, are beginning to turn to the criminal economy to ef-

fect direct redistribution of wealth; the rising tide of armed robbery, assassinations and kidnappings which form the backdrop to an increasingly brutalised society. Unemployed youths, when they do not become criminals, join vigilante organisations which supplant the job of the security forces by dealing out direct justice – at what point does this threaten the state's supposed monopoly on the legitimate use of force? And beyond this, they become thugs-for-hire, abused in their vulnerability by their scheming elders, who expend them in gang fights over electoral wards, or dispose of them for a few hundred Naira in order to destabilise towns and cities for sectarian advantage, as we saw in Kaduna last year. Nigeria's youth needs gainful employment. And so do its rural and urban poor, its old, its women, and anyone who does not happen to be lucky enough to have connections to persons of influence. It is heartening to hear that economic recovery is at the top of the new Obasanjo administration agenda; we express our fervent hope that this does not just mean the intensified exploitation of sources of 'rent' for the ruling elite.

Women Empowerment and Gender Equality

Most people know that Nigeria is almost evenly divided between its men and women, yet the place of women has been largely consigned to the background in years of involvement in politics. From our experience in a State like Ekiti, women show by far more interest in politics at the local level. They are the ones who attend most ward meetings and political rallies because they have simply defined the crisis of governance as inimical to their future and the future of their children. Given the above, there is clearly a need to increase the number of women in public life not just as a symbolic gesture, but clearly because it's good for governance, for deepening democracy and ensuring a secure future for the populace. Women public officials are also known to have performed better in the last eight years. We have to devise means of ensuring that women from various levels of society get the opportunity to participate in government as there is obviously a concern that only those who are assisted by privileged men – (wives of Ministers, daughters of President and party leaders) are still the prominent ones among women in politics and there is a need to create a more level playing field in this regard as a useful mechanism for building an enduring and sustainable democracy. In Ekiti, our Party pledged fifty per cent of positions in government to women and outlined a programme of expanding girl-child education and a comprehensive healthcare programme focusing largely on reducing maternal and child mortality.

Reform of the Security Sector as an anchor for deepening democracy

A key challenge for the Nigerian government is how to translate the linkage often drawn between security and development, on the one hand rooting insecurity in conditions of underdevelopment, and on the other, the recognition that security is an essential precondition and component of development – as well as a growing tendency to see defence and security as both a public policy and a governance issue (thus broadening the range of constituencies that can participate legitimately in this formally highly restricted arena, into an operational framework for governance in the security sector.

Our argument is that the extent to which a government succeeds in reforming the security sector is dependent on the security context, the level of ownership and control by the people, the power relations in that given context and the comprehensiveness of the vision of transformation. Unfortunately, given Nigeria's experience of prolonged authoritarian rule, a very narrow and traditional definition of security persists and the psyche of militarism remains pervasive in the system. There is therefore the need to re-conceptualise 'security' in a more responsive direction with a move away from the traditional emphasis on national/state security to a focus on 'human security', with an expansion, concomitantly in the scope of the concept from its minimalist meaning (as in physical security) to include access to the means of life, the provision of essential goods, a clean and sustainable environment, as well as to human rights and democratic freedoms. It may well be that as Nigeria purges itself of its

military, authoritarian past, the chance of embracing a more humane perspective of security becomes increasingly realistic but it is an area where more work ought to be done if Nigeria's democracy is to survive. While the new government has embraced the rhetoric of security sector reform, the Niger Delta region exemplifies a systemic breakdown in the understanding of this concept given the almost hopeless collapse of security in the region.

Leadership and Conduct in Public Life

Although the thrust of our argument in this presentation is that the challenge of reforming the State is fundamentally structural, the issue of leadership – particularly how we conceptualise leadership is central to it. For too long, our political culture has perpetuated the myth that strong leaders can bring about change single-handedly – rather than convert the formal authority derived from their electoral mandate into a process of democratic renewal. In my own view, real leadership ought to involve empowering and motivating people to solve problems within their own communities, rather than reinforcing the over-lordship of the state over its citizens and to build and strengthen political institutions that can mediate between individual and group interests. The authoritarian residues of politics over the last seven years have achieved the purpose of turning many away from politics even if they are still active in their neighbourhood associations and their community projects. The main challenge of political leadership therefore is to reconnect democratic choices with people's day-to-day experience and to extend democratic principles to everyday situations in citizens' communities and constituencies.

Understandably, if you make political discourse more negative as some do – you deliberately turn ordinary people off politics; more people grow cynical and stop paying attention to politics. This experience is not unique to us in Nigeria; in fact it is the crisis that democracy is experiencing all over the world, with low turn out at the polls and scant regard for political leaders. Yet, if we as citizens choose not to play a part in this process of activism in our communities and our State, we will get the politicians we deserve, allow the hijack of the political realm by special interests and ethnic jingoists only keen in the promotion of their narrow agendas.

The above has left us with a democracy without democrats and the result is clear before our very eyes. In spite of the President Yar'adua's recognition of the enormity of the problem, the crisis of governance remains deep-seated. Yet, for many of our citizens – democracy was supposed to bring the end of military dictatorship in form and content; they hoped that it would bring greater involvement of ordinary people in politics, whether in state institutions or in civil society ones. They hoped for real and immediate dividends in employment, clean water, better shelter, accessible health care, improved education, reliable and consistent power supply, rehabilitated roads and food on the table. Beyond electoral democracy though, it was also obvious that the nation-state has become a source of unending conflict itself. Many Nigerians of unquestionable nationalist credentials had begun to question the very viability of Nigeria, especially if left in the hands of a centralised state. To our people, the rising disquiet in the Niger Delta and other parts of Nigeria, for example, may not be a sign of a failing democracy but a sign of a maturing democracy that is conflictual and contradictory – which should find its own level through mediation, deliberation and negotiations.

Conclusion

Nigeria is clearly at a critical crossroad. It is not for lack of knowledge as to the direction Nigeria ought to be headed but elite conspiracy and failure of leadership have held the country back for too long and the poverty that the country experiences in spite of its rich potential is the product of this unequal power relations between the broader citizenry and its tiny ruling elite. We all owe it a duty to focus more on the making of leaders and citizens in a good society because without direct citizen participa-

tion, the legitimacy of our political institutions will continue to decline. It is for this reason that I strongly believe that political leaders – be they politicians or civil society leaders should worry because their ability to lead effectively is being seriously undermined by the desertion of average citizens from the public space, deepening the crisis of legitimacy in our State. Yet, this lack of legitimacy cuts both ways. When we the people withdraw our trust in leaders or discountenance politicians, we make our democratic institutions less effective and risk making ourselves ungovernable.

23/07 Nigeria: Too Rich for Dignity and the Law?

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Subject

Nigeria, the demographically largest country with the most extensive oil resources in Africa has become an important power in the region despite its conflict-ridden history. Economic interests dominating the use of resources from outside, large-scale poverty stirring ethnic-religious rivalries about social and political participation, and also disparate structures of government, administration and the security sector have created complex tensions between controversial perspectives of the stakeholders involved.

The ways in which Nigeria will enable itself to deal with the causes of the conflicts make the country an important case of scholarly and political interest far beyond its borders.

Short after the local and federal elections in Nigeria in April 2007, the conference aims at discussing the following issues: How to empower the various segments of the Nigerian population, politically and economically, enhance good governance, fight rampant corruption, conduct appropriate methods of conflict resolution and implement conflict-sensitive codes of conduct for international corporations? How much responsibility, in close cooperation with Nigerian players, for a policy focussed on human security, peace and justice may be assumed by external governmental and non-governmental initiatives?

Our hope is to provide a forum for Nigerian players such as politicians, scholars and analysts along with representatives of civil society to discuss their views with German and international organisations involved in development and conflict resolution. We encourage people with expertise in these fields to share their knowledge and to help identify future areas of cooperation.

Dr. Corinna **Hauswedell**, Director of Studies for International Politics

Program

Friday, June 15, 2007

Welcome and opening of the conference

Dr. Corinna **Hauswedell**, Loccum

Nigeria After the Elections

Introductions to the conference

Prof. Attahiru **Jega**, Präsident, Bayero Universität Kano

Heinrich **Bergstresser**, Journalist, Köln

World Order - Africa - Nigeria

Dr. Denis **Tull**, Stiftung Wissenschaft und Politik, Berlin

Saturday, June 16, 2007

Representative of the Nigerian Embassy in Germany

Introductions to the Workshops

Federalism, Governance and Security

Prof. Dr. J. Isawa **Elaiwu**, Jos

Responsible Use of Resources

Bunu **Lawan**, Principal Accountant, Economic Community of West African States (ECOWAS), Abuja

Ethnic-religious Dimensions of Political Conflicts

Prof. Dr. Klaus **Hock**, University Rostock

Workshop I: Democracy and Security - Issues of Participatory Governance

Chair: Dr. Andreas **Heinemann-Grüder**, BICC, Bonn

Prof. Attahiru **Jega**, Vice Chancellor, Bayero University, Kano

Ibrahim **Biu**, Director Voter Education, Independent National Electoral Commission Headquarters (INEC), Abuja

Heinz **Jockers** / Ralph-Michael **Peters**, Core-Team, European Union Election Observation Mission (EUEOM), Hamburg

Dr. Etham **Mijah**, Nigerian Defense Academy, Kaduna (to be confirmed)

Olufunmi **Olayinka**, Deputy Governor candidate for Ekiti State, Lagos

Dr. Klaus **Pähler**, Representative to Nigeria, Konrad Adenauer Foundation, Abuja

Workshop II: Too Much of Plenty - Too Little to Share?

Issues of Responsible Resource Use and Economic Development

Chair: Kristina **Steenbock**, German Watch, Berlin

Abbia **Udofia**, Chief Legal Officer, Independent Corrupt Practices Commission (ICPC), Abuja

David **Ugolor**, African Network for Environmental and Economic Justice, Lagos

Dr. Rose **Ngomba**, University of Göttingen, Germany

Dr. Stefan **Cramer**, Director, Heinrich Boell Foundation, Lagos

Dr. Andreas **Dally**, Academy Loccum

Yahaya **Ahmed**, Development Association for Renewable Energies Kaduna, Bonn

Workshop III: Beyond North and South - Ethnic, Religious and Social Dimensions of Conflict

Chair: Dr. Lidwina **Meyer**, Academy Loccum

Ms Hauwa **Ibrahim**, Abuja

Rev. Habila **Istifanus**, General Secretary of ACLA; Justice, Peace and Reconciliation Movement, Jos

Rev. Ike **Okorie**, General Secretary, Christian Council of Churches in Nigeria, Lagos

Fr. Dr. George **Ehusani**, former General Secretary, Catholic Secretariat of Nigeria, Lagos

Dr. Nick **Idoko**, Centre for Peace in Africa, Lagos

Future Perspectives I:

How do the different players in Nigeria articulate, position themselves and co-operate on the issues at stake?

Round table feedback from the workshops

Facilitator: Dr. Corinna **Hauswedell**

Sunday, June 17, 2007

Future Perspectives II:

How to address a policy focussed on human security, peace and justice through external initiatives and in close cooperation with Nigerian players?

Panel discussion

Facilitator: Dr. Corinna **Hauswedell**

Dr. Viktor **Matz**, Federal Ministry for Economic Cooperation and Development, Berlin

Gabriele **Groneberg**, MP/Social Democratic Party, Berlin

Hartwig **Fischer**, MP/Christian Democratic Union, Berlin

Bunu **Lawan**, ECOWAS

Dapo **Oyewole**, Centre for African Policy & Peace Strategy (CAPPS), London & Lagos