Constitutional Development and the Challenges of Good Governance in Nigeria

By

Eze Chris Akani, PhD
Political Science Department,
Ignatius Ajuru University of Education,
Rumuorlumeni, Port Harcourt
E-mail: cherukei.akani@yahoo.com

Abstract

There is no doubt that Nigeria is a British creation to satisfy its imperial interest. Interestingly, after long years of brutal domination and economic strangulation, it was granted what appear to be a hollow independence, full of hope and expectations, but economically externalized. This externalization was superimposed with a political superstructure that placed the Nigerian state in a quandary, to redirect and focus towards the pedestal of good governance. The aftermath was that in spite of the exalted constitutional efforts for many decades, the mission to better the life of the people is still a pipe dream. The aim of this paper is to examine why in spite of series of constitutional developments and amendments in Nigeria, the challenges of good governance seem not to have been surmounted. This is a qualitative study, and data collection was solely on secondary sources. These include review of existing literature, magazines, browsing of internet and a visit to some research institutes such as the Claude Ake's School of Government in the University of Port Harcourt, Choba, and the Nigerian Institute of International Affairs, Lagos. It was discovered that the non-adherence to rules, and pliable institutions for retribution have contributed immensely to privatization of the Nigerian state by the ruling class. In this process, satisfaction of the basic needs of the people which is a prerequisite of good governance becomes an illusory. We therefore, recommend that the rule of law should be preeminent in all official activities, and our prosecutory process should be above the manipulation of those who think they are above the tentacles of law.

Keywords; Good Governance, Constitution, Development, Externalization, Political, Superstructure.

Introduction

Nigeria is indubitably a British colonial contraption. It arose out of multifarious ethnic groups ostensibly to satisfy an economic agenda. Many scholars are in agreement that British colonialism in Africa (Nigeria) was not for altruistic mission, but to enhance and perpetuate their industrial capacity through the exploitation of raw materials from the colonies. Therefore, British colonization of Nigeria may best be described as a unifying element which although provided by an external factor, nevertheless, had the result of welding the people of Nigeria into a single political unit (Balogun, 1973:11).

Reducing the vast territory into a political administrative unit made it possible for the country to be manipulated and subsequently, incorporated into the global political economy. This incorporation which took many processes has been described as brutal and asphyxiated pre-colonial cultural and economic institutions. The aftermath was that African economy, nay Nigeria was disarticulated, disjointed and lost its entrepreneurial vigour. Indeed, the African economies became incoherent, incapable of auto-centric growth, and dependent. The net effect of all this was that the escape route of the African economy from primary production was blocked (Ake, 1981:38). This disarticulation and disjointedness was predicated on the following assumptions by Euro-centric fundamentalists Africa was inherently backward, with a historical void. Development can only be witnessed in the continent only by copying and imitating Western model of development. This is the core of the ideologically – laden modernization theory which states that Africa cannot attain its destiny of greatness unless it parrots and copy without limitation Western capitalist path of development. This warped mindset conditioned British administration in Nigeria. The various legislations of the colonial state

ostensibly established a legal framework that facilitated the colonial economic calculus in Nigeria. As Akani (2000:26) in Osoba stated,

> This blunt truth about colonial economic policy in Nigeria and other underdeveloped countries that have had colonial experience is that it was designed to make the colonies producers of agriculture and mineral raw materials for the industries of the metro pole.

This paper seeks to examine why the series of constitutional endeavours in Nigeria have not been able to overcome the challenges of good governance almost six decades after political independent.

Colonial Administration in Nigeria

British administration in Nigeria lasted many years of brutality and exploitation. Within this period, the administering power established and consolidated a socio-political order that enabled it to achieve a maximum appropriation of surplus value. The foundation for this was laid in 1849 when John Beecroft was appointed a Consul for the Bight of Benin and Bonny. Under the pretext of abolishing slave trade, on December 25, 1851, Lagos was bombarded under the command of Beecroft. On December 28, Akitoye was replaced Kosoko as the King of Lagos

The total British casualties amounted to two officers, and thirteen Africans men killed and seventy men wounded. A thousand warriors sent by the King of Dahomey (Benin) to assist Kosoko did not arrive in time, and returned quietly when they found that they were too late (Burns, 1981:126). Through threats and coercion, Lagos was proclaimed a colony of the British on August 6, 1861, after a treaty signed by King Dosumu and four of his principal Chiefs. By June 1885, the Oil Rivers Protectorate was proclaimed (later Niger Coast) and together with the territories bordering the Niger, they were brought under the Royal Niger Company (RNC). This company

was given a Royal Charter to administer the territories, advance free trade on behalf of Britain and respect the traditions of the people.

It was after the Berlin Conference of 1884-1885 that Britain advanced its policy of exercising effective possession of Nigeria. With the revocation of the Royal Charter on December 31, 1899, on January 1, 1900, Britain took direct administration of the country for a smooth administration. This was after it had dislodged the traditional potentates through false treaties, outright gunboat diplomacy and brute force. The exile of King Jaja of Opobo to West Indies in 1886, the Benin Massacre from February 10 to 17 1897, and the exile of Oba Ovonramwen Nogbaisi, the Akassa raid of 1895 and the Nikki expedition of 1903 vividly reminds us of the brigandage visited on Nigerians in order for colonialism to establish a foot hold in the hinterlands. Oba Ovonramwen Nogbaisi died on January 13, 1914 while in exile at Calabar.

In 1906, the colony of Lagos and the Southern protectorates were amalgamated, while in 1914, these areas were further amalgamated into what became the colony, Southern and Northern Protectorates of Nigeria. The so called amalgamation was nothing but an imperial attempt to discontinue British economic assistance to Northern Nigeria. Lewis Harcourt, Secretary of State for the Colonies unequivocally argued that by uniting the two Nigerians, the British Treasury would be relieved of a financial burden. Surpluses from the South could be used to subsidize the North (Okafor, 1981:43). Since Northern Nigeria was economically weak, it depended on Grant-in-Aid from Britain and Southern Nigeria. In fact, between 1900 to 1913, total Grant-in-Aid to Northern Nigeria from Southern Nigeria was £55,750,00., while £3,574,684.00 came from the Imperial Treasury, and £25,000.00 from Lagos. In other words, total Grant-in-Aid to Northern Nigeria within the period under review was £4,157,434.00 (Niger Delta, The Economic Life of Nigeria).

It is important to note that the series of unifications to bring Nigeria under the control of Britain was a reflection of the Selbourne committee of 1898. Sir Fredrick Lord Lugard later Lord Lugard of Abinger who was the High Commissioner of Northern Protectorate from 1900-1906 became the Governor-General from 1914-1919. From 1900 to October 1, 1960, British administration gradually ensured the entrenchment of a dependent economic foundation that was completely externally-oriented and paying obeisance to the vicissitudes of colonial capitalist economy. Cash crops were introduced such as rubber, palm, oil, cocoa and groundnut which satisfied the industrial needs of British political economy, and efforts were administratively made to de-emphasize indigenous entrepreneurship and a productive base.

Indeed, whatever that was indigenous was officially treated with scorn and prejudiced assessment. They claimed that they have the manifest destiny to introduce the black race to a world of modernity.

> They served to legitimize a political system which confined African participation to a limited range of subordinate tasks, and a social system stratified by race which assured the inherent superiority of the imported culture over all indigenous forms (Brett, 1973:43).

Whatever policy palliatives that the colonial state introduced was not to enhance good governance, but intrinsically linked to the advancement of the frontiers of colonialism. In cases where the palliatives could not achieve its purpose, force was unleashed. By the time Nigeria had her fragile independence, it was pellucid that the economy was operating at a rudimentary level, occupying a satellite position in the global economic division of labour, and a nascent bourgeoisie that was not united, unfocused, and propelled to action by the logic of property acquisition. The result was the development of an economic relationship of inequality

between Nigeria and Britain. It was this weak economic base that the unproductive bourgeois class inherited.

Conceptual Review

This paper cannot be comprehended without the explanation of some of the key concepts. They include constitution and good governance.

Constitution

Constitution is a fundamental body of rules with a legal sanctity that governs a given people. The document succinctly encapsulates the rights, obligations of the governed, and the responsibilities of the rulers, even its relationship with the global environment. As a body of rules, it regulates the ends and the organs through which governmental power is exercised (Kapur, 2000:486). It is the grundnorm of the society from which other laws emerge. It provides the framework of governance, as well as prescribes the limits of powers of the organs of government and public officials. The deep-rooted values and traditions of a constitution ensure and uphold the social fabric of the society. Without this fundamental task, a society would easily slide into a jungle of war of all against all.

It is important to note that a constitution is not drawn to enslave and bondage a people, but to create a congenial atmosphere for capacity building and enjoyment of their basic rights. It is not to be given a blind worship, because constitutions are meant to serve men rather than to master them (Anifowose and Enemuo, 1999:159). The existence of a constitution written or not is an evidential proof of the social contract between the ruled and the rulers. It is therefore, not amazing that any contravention of this fundamental document is challenged by people, and the courts have the responsibility to adjudicate cases and interpret the law passed by the parliament. The discharge and acquittal of Senator Orji Uzor Kalu in Kalu Vs EFCC attest to the sanctity of the constitution. The Nigerian Supreme Court held that the conviction of senator Kalu by a Federal High

Judge that has been elevated to the Bench of Court of Appeal was contrary to the 1999 constitution as amended despite the provisions of section 396(7) of the Administration of Criminal Justice Act 2005, upon which Senator Kalu was given a verdict of guilty. It provides that,

> Notwithstanding the provision of any other law to the country, a Judge of the High Court who has been elevated to the Court of Appeal shall have dispensation to continue to sit as a High Court Judge only for the purpose of concluding any part-heard criminal matter pending before him at the time of his elevation and shall conclude the same within a reasonable time.

The Action of the Supreme Court vividly portrays the axiomatic fact that, the court is not only the protector of the constitution, but the watchdog of the people. Since it is a superior document of record, that cannot be amenable and subjected to random manipulation, its making process is rigorous, painstaking and popular in character. Jega (2007:66) noted that constitution making is inclusive in character, accommodates various shades of interests and opinions, consultation and consensus building, enlightened debates and discussions and active involvement of civil society. Apart from the above, a constitution does not emerge from the blue, but from myriad sources. In the case of Nigeria, they include customary law, the common law of England, International Bill of Rights and Judicial Precedents as established by the Supreme Court and other superior courts of record. According to Anifowose and Enemuo (1999:159),

> the British constitution contains outstanding landmarks such as the Magna Carta of 1215 which provided for trial by jury and due process of law, the Habeas Corpus Acts of1679 which confirmed the citizens' right to protection against imprisonment without any cause of being shown, the Bill of

> Rights of 1689 and the Act of Settlement of 1710 which established the supremacy of parliament and the independence of the Judges and the Parliament Acts of 1911 and 1949 which limited the powers of the House of Lords.

We can summarize some of the essential ingredients include:

(1) Historical foundation: A constitution mirrors the historical struggles of the people over time.
(2) It is people-oriented: This is why its preamble starts with 'we the people… enact and give ourselves…'
(3) Cumbersome amendment processes to circumvent destruction of its spirit and sanctity.
(4) Clearly spells out the rights and privileges of the people, the responsibilities of the rulers and sanctions against deviants and violators.
(5) An upright and uncompromisable judiciary to adjudicate cases and interpret the constitution in matters of conflict and ambiguity.

The important role a constitution plays in the development of the society has made people to clamour for constitutional governance. This is rulership in accordance with the tenets of the constitution. Therefore, constitutional development here refers to the series of struggles and agitations which have led to the promulgation of many constitutions from 1922 to the 1999 constitution as amended.

Good Governance

Governance is a process for managing state affairs to enhance the quality of life and happiness of the people. Its goal is people-centered and aims at improving the potentials of the populace. As an exercise of political power to manage a nation's affairs (Anyanwu, 1998:364), it involves the responsibility and responsiveness of public officials (Jega, 2007:158), and

the contribution (participation) of the followers. In other words, good governance involves a synergistic social engagement between the rulership and the followership to achieve its goals. It entails the exercise of state authority in accordance with the constitution, impartial process of conflict resolution, equitable management of the commonwealth and non-interference in the judicial process. All these would elicit a sense of legitimacy and responsiveness from the people. It is against this backdrop that Nkom (2000:75) stated that,

> Good governance depends on the extent to which a government is perceived and accepted as legitimate, committed to improving the public welfare and responsive to the needs of its citizens, competent to assure law and order and deliver public services, able to create an enabling environment for productive activities, and equitable in its conduct.

Good governance cannot blossom with a leadership that possesses the disturbing propensity to privatize the resources of the governed with impunity, and a development process that is anti-people and inherently defeatist. It lays the foundation for sustainable development and the potentials of the human personality (Olaniyi, 2017:397).According to Adedeji and Ayo (2000:174),

> Good governance is expected to build an effective relationship between the people and their governments. Good governance is also essential for creating an enabling environment for sustainable development. Wherever good governance prevails, the government is responsive for popular demand. Government is therefore, put in a position to mobilize the people to participate effectively in the implementation of government's programmes.

It is an ideal every society cherish in order to maximize the goal for which government was instituted. Some of its characteristics include:

(1) A foresighted leadership
(2) Equitable distribution of state resources
(3) Respect for democratic tenets
(4) A vibrant civil society.

It will not be out of place to conclude that good governance is an ideal process of governance that is aimed at improving the quality of life of the people through the respect of constitutional provisions, equitable distribution of state resources and a clement environment for capacity building. Such a society would not witness the emergence of predators in power, grinding poverty and chaotic moments.

Constitutional Development from 1922-1999

As we stated in the previous section, the multitude of mini-nations that constituted Nigeria were brought under one political sphere. With Federick Lugard as the Governor-General, the burden of administrating the vast territory fell on him. To accomplish the task before him, he set up an advisory body known as the Nigerian Council. The Council was made up of 36 officials and unofficial members. The official members were the Governor-General who presided over the affairs of the Council; members of the Executive Council included first class residents, Political Secretaries of the two protectorates. The unofficial members consisted of seven (7) members appointed by the Governor to represent various interests such as shipping, banking, and mining and commerce. Two members to represent Lagos and Calabar chambers of commerce, and six Nigerians to represent the interest of the Africans both of the coast and of the hinterland. Every unofficial was appointed by the Governor, and to hold office for four years. They are eligible for reappointment by the Governor (Okafor, 1981:58). The

six Nigerians were the Emirs of Sokoto and Kano, Alafin of Oyo, Chief Dore Numa, Richard Henshaw and C. A. Sapara-Williams.

The Executive Council had no Nigerian member, but served the entire country. The jurisdiction of the Legislative Council was limited to Lagos. As the nationalistic ferment rose to a high crescendo, the increase of education and the need to demystify the racial arrogance of Lord Lugard, in 1920, the National Council of British West Africa was formed (NNBWA). Among other things, they demanded for a West African House of Assembly, a Legislative Council composed of representatives of whom one-half shall be nominated by the Crown and the other half elected by the people to deal with legislation gradually (Okafor, 1981:75).Although the demand of this organization led by Casely Heyford was turned down because as Lord Milner, Secretary of State for the colonies said, "… the claim of this Congress to represent native opinion in West Africa is expressly repudiated by those best qualified to speak on their behalf, and the policy advocated by the Congress is regarded by them as inimical to native interests (Okafor, 1981:77). Nevertheless, when Sir Hugh Clifford became the Governor from 1919-1925, he promulgated a constitution which met part of the demands of NCBWA. The 1922 Clifford Constitution as it was called had a Legislative Council of 46 members. Of this number, 27 members were officials including the Governor while 19 members were unofficial. Out of this number, 15 members were nominated by the Governor and the rest four members were elected – 3 to represent Lagos and one for Calabar. This constitution laid the foundation for further electoral and constitutional changes in the country. Unfortunately, electoral participation was limited to certain propertied category of people.

> The electoral principle introduced in 1922 was dubious since it presented a greater obstacle to qualifications and universal adult suffrage. Of the three seats allotted to Lagos, only one was by a pure Nigerian. The other two were secured by

> nations of Gambia and Sierra Leone resident in Nigeria and who have satisfied the one hundred annual income qualification. The seat allocated to Calabar was won by Ata Amonu, a Ghanian (Nwankwo, 2010:5).

The legislative jurisdiction of the constitution was limited to the Southern Protectorate. The Northern Protectorate was represented by their Lieutenant Governor in all matters. The non-representation of the Northern section of the country in the council compounded the crisis of alienation between the two discrete protectorates of the country. It also incubated some inherent distrust and contradictions which inhibited the political welding of the country in spite of the 1914 experiment. The North was ruled by proclamation, Sklar (1983:18) declared that for a period of two years after amalgamation, the Northern and Southern Provinces were linked tenuously in law and through the person of the Governor, their destructive political identities were preserved by the maintenance of administrative establishment. The apocryphal nature of the amalgamation, and the imperial reluctance to build a united Nigeria, paved the way for a false start and a fleeting attempt at good governance. Alhaji Tafawa Belewa, Nigeria's first Prime Minister (1957-1966) echoed this fact when he stated that, since the amalgamation of Southern and Northern Provinces in 1914, Nigeria had existed as one country on paper… it is still far from being united. Nigerian unity is only a British intention for the country (The Hansard of the Legislative Council). By the 1940s, it was clear that the Clifford's constitution had outlived its usefulness and needed urgent reform. There was a groundswell of rising consciousness as a result of the expansion of the rank of the educated elites. It was within this milieu that Sir Arthur Richard was appointed as Governor from 1943-1947. Based on the prevailing political discussion and suggestions, Richard presented a constitutional proposal in London in 1946. He stated that the underlying principle of the constitution was predicated on three main pillars:

(1) To promote the unity of the country.
(2) To provide for the diverse people that makes up the country.
(3) To ensure greater participation by Africans in the discussion of their own affairs.

On January 1, 1947 the constitution became operative having been debated for 29 minutes in the British House of Lords. The main provision of the constitution included a 44 member Legislative Council out of which 28 members was unofficial members, including the elected 4 members from Lagos and Calabar. The Constitution also provided for Regional Assemblies with unofficial majority. In addition, Northern Nigeria had a House of Chiefs. This Constitution is significant in many respects. Apart from the introduction of Regionalism and Unofficial Majority, for the first time Northern Protectorate came under a single political administration with their Southern counterparts. In spite of the salient innovations of the Constitution, it contained some objectionable features. The promulgation of the Richard's constitution angered many Nigerians because the Governor did not consult with the people before it was enacted. In fact, the Governor justified the exclusion of Nigerians in the constitution-making process by claiming ignorance of visible and vocal African educated elite.

It is interesting to state that the Regional Assemblies had no power for absolute legislation. The Governor had overriding powers in all their proceedings, which reduced them to mere advisory bodies. The rejection of the Constitution was heightened by the enactment of colonial ordinances which placed the ownership and control of Nigeria's minerals on the Crown. The popular criticism and need for change prompted the National Council of Nigerian Citizen to organize a nationwide tour to sensitize Nigerians why it should be jettisoned. It was during this touch that Herbert Macaulay, the doyen of Nigerian nationalism died in 1946.The aftermath of this was that, the Richard's constitution which was billed to last for nine years, was subjected to critical scrutiny within three years. When John

McPherson became Governor from 1948-1956, he did not want to make the mistake of the past. This was because,

> The evidence of those who carry responsibility and the burden of decision indicate that things in Nigeria cannot remain as visualized in the existing constitution without grave frustration and discontent. The signs of uneasiness are not just superficial and even of the rumbles come from the small groups, they are sufficiently widespread for Government to regard it as its business to prevent the political strains and stress from increasing (Okafor, 1981:161).

It was on this premise that McPherson set up a Committee chaired by Sir Hugh Foot, Chief Secretary (1947-1950) to plan modalities for a new constitution. This eventually led to the convocation of the First All Nigeria Constitutional Conference in Ibadan in January 1950. Popular opinions were solicited from the Village, District, Provincial and the Regional levels. The conference was confronted with some constitutional options. Among them was the plausibility of a centralized system of governance with all legislative and executive powers concentrated at the center, a federal system with each region exercising some level of autonomy. It also looked at the Region having full legislative and financial powers instead of being advisory as in the 1947 constitution, and what function and powers should be reserved to the central legislative council in order to achieve overriding objective of maintaining and strengthening the unity of Nigeria (Okafor, 1981:162).At the end of the deliberation, the Macpherson's Constitution of 1951 was promulgated. It provided for 148 members including officials and Regional Assemblies. Only taxable male adult voted in the Northern Region, but in the Eastern and Western Regions popular franchise was exercised.

The Central Government had an executive council made up of four ministers from each Region that constituted the Central Executive Council. Each of the regions also had their own Executive Council. For the first time in Nigeria, the Regions were granted some residual powers to legitimate over a variety of subjects within the Region. Apart from the elected members of the central legislature known as the House of Representatives, there was six officials and six others nominated by the Governor to represent special interests. While the North and West had a bicameral legislature – House of Assembly and House of Chiefs. The East only had House of Assembly. Apart from its short comings, the Macpherson's Constitution made some slight breakthrough. It granted autonomy to the regions to legislate on local affairs. It can be said that this constitution marked the starting point of the country's federal experiment. Unfortunately, the Electoral College provision made it possible for some people to be manipulated out of the electoral struggle. Most importantly, in the Northern Region women were apparently disenfranchised. In the House of Representatives, the Northern Region was allocated more seats than the other regions combined. This obviously planted a seed of mutual distrust, inherent instability and stultified the creation of a pan-Nigerian vision. Lastly, the Governor had his overriding powers and can disregard the advice of the Council of Ministers. The objectionable sections of the constitution was emotionally politicized and condemned. This made it unworkable. By mid 1950s, there were noticeable signals which sounded the death knell of the Constitution.

The internal crisis within the NCNC was an insurmountable challenge. It blocked Dr. Azikiwe's membership of the Federal House of Representatives. Instead of Dr. Azikiwe and Prince Adeleke Adedoyin standing for the Federal election as directed by their Party (NCNC), Dr. A. B. Olrun-Numbe became a third candidate. Members of the Western House of Assembly had to elect Dr. Olorun-Numbe and Prince Adedoyin contrary to the directive of NCNC. It was the emergence of Dr. Olorun-Numbe, one

of the five NCNC members from the Lagos colony in the Western Region House of Assembly that destroyed the electoral chances of Dr. Azikiwe on January 7, 1952. Dr. Nnamdi Azikiwe and his NCNC felt betrayed by this act. The only option for him was to serve as the opposition leader in the Regional Assembly or resign. He took the latter option.

> As a result of this bizarre episode, the National President of NCNC was pigeon-holed as unofficial leader of the opposition in the Western House of Assembly. But the real victim of circumstance was the constitution, for it was covered with ridicule by NCNC militants who resolved with greater determination than ever to break it. The Macpherson Constitution of 1951 was the kind that invites trouble and is virtually made to collapse (Sklar, 1983:118).

The decision to dissolve the Eastern Region House of Assembly was to find a political niche for Dr. Azikiwe in the unfolding political drama. Regrettably, this did not go down well with some of the Regional ministers, and they refused to resign as directed by the Party. Influenced by Dr. Azikiwe, the Party expelled them with the Leader of Business in the Region, Prof. Eyo Eta. In his letter of expulsion, it noted that:

> Your behavior on the question of your resignation is a shame to your face. It is obvious that no self-respecting party can associate with a person like you. You are hereby informed that you have been expelled from the Party with the ignominy and for life (Sklar, 1983:123.

As intense efforts were made to settle the Eastern Region crisis, Nigeria fell into yet another devastating but profound political crisis. This was triggered by the 1953 motion for self-government moved by Hon. Anthony Enahoro in the House of Representatives. The motion requested the House,

> To accept, as a primary political objective the attainment of self-government for Nigeria in 1956… This motion is an invitation to the Honourable members of this House to associate the highest legislative of our land with the expressed desire of the people of this country, whose views we all represent for political autonomy in 1956. It seeks to provide representatives from all parts of the country with an opportunity to exchange views on the most burning question of our time. It is an invitation to the House to make a declaration of objective with regard to Nigerian freedom (Okafor, 1981:168).

Regrettably, the motion evoked an uncontrolled outburst of parochial sensitivities because the nascent Northern bourgeoisie felt that with independence for Nigeria in 1956, and their glaring unpreparedness in all ramifications would place their interest on a political precipice. In their estimation, acquiescing to independence might well lead to their political suicide. Their rejection of this motion made them colonial stooges and political do-gooders in the estimation of their Southern counterparts. It was within this volatile political milieu that the Action Group Party (AG) fixed a rally in Kano. This was the needed alibi to pay back. On May 21, 1953, riots broke out in Kano and 36 people were killed and more than 250 people injured. It was this development that necessitated the presentation of the secessionist document known as the Eight Points Programme which would have reduced the country to confederalism. Among other things, the Programme demanded for regional autonomy in all matters except, Defense, External Affairs, Customs and West African Research Institutions, no Central Legislative body or executive or policy-making body for the whole Nigeria, and each Region to have separate Public Service (Ikejiani and Ikejiani, 1986:71-72).This development made the promulgation of a new constitution a desideratum. It was pioneered by Oliver Lyttleton, Secretary of State for the colonies. Lyttleton convened a

constitutional conference in London from July 30 to August 22, 1953 and 1954 in Lagos. Among other things, the conference discussed the defects of the Macpherson constitution, the necessary changes required to remedy the defects and steps to be taken to put changes into effect (Okafor, 1981:170).

At the end of the conferences, the Lyttleton constitution of 1954 was promulgated. Its main features included the division of powers between the federal government and the regions into three legislative lists; Exclusive, Concurrent and Residual. While the first can only be legislated upon by Federal Government, the Regions and the center can legislate on the Concurrent list to the extent that there is no inconsistency. In such a case, the Regional law would be null and void to the extent of its inconsistency. The Regions could legislate excursively on the Residual powers. Apart from the Regional self-government, there were separate elections for the Federal and Regional Legislatures. The House of Representatives was enlarged to 184 members: 3 ex-officio, a Council of Ministers made up of 3 elected members from each Region. Lagos became a Federal Capital Territory. The capital elected two members to the center and no more part of Western House of Assembly. The Eastern House of Chiefs was created.

The 1954 constitution advanced the development of Nigerian federalism. In spite of the hallowed achievement of the constitution, especially in the adoption of a federal principle and derivation as a basis for sharing, political allegiance of politicians was with their Regions. In fact, the Regions operated as semi-autonomous entities with their own constitution and diplomatic vision. As a prelude to independence, two constitutional conferences took place in 1957 and 1958. Some of the fallout of these conferences led to the Sir Henry Willink Commission to look into the fears of the Minorities in 1958. Like the 1954 constitution, the 1957 and 1958 constitutional conferences snowballed into Nigeria's independence constitution on October 1, 1960. With independence, no Act of Parliament

of the United Kingdom passed on or after 1st October 1960 shall extend or be deemed to extend to Nigeria or any part thereof. The Independence Act also abolished the application in Nigeria of the colonial laws Validity Act of 1865, under any imperial statute would automatically be void to the extent of the inconsistency (Oluyede, 1992:182).The independence constitution provided for a West-minister type of governance. There was provision for a Governor-General and a Prime Minister. The House of Representatives was enlarged to 320 members. There was also provision for a House of Senate. The post of Prime Minister was created in 1957 and on September 1957, Sir Tafawa Balewa became the first Prime Minister of Nigeria because his party, Northern Peoples' Congress (NPC) commanded the majority of members in the House of Representatives. On October 1, 1963, Nigeria became a Republic and the Constitution witnessed minor changes to reflect the new reality. The office of Governor-General was scrapped and supplanted with President, and the Supreme Court became the Court of Last Resort instead of the Privy Council in London. Dr. Azikiwe who represented the Queen as Governor-General became the first President. But this office was primarily symbolic.

The Prime Minister was saddled with the responsibilities of governance and decision-making. Sadly, as the challenges of nation-building started unfolding, the Nigerian bourgeois class failed to rise to the call for responsive governance. They were overwhelmed by the dance of political jingoism and politics of the belly. Consequently, politics degenerated to a normless political jungle mediated by vendetta. The negative fallout of this was the January 15, 1966 coup d'etat and counter- coup on July 29, 1968.

The eventual civil war (1967-1970) demonstrated the weakness and limitations of the rulers to assiduously place the country on the path of development. The military interregnum from 1966-1979 obviously laid the framework for deepening corruption and adrift of the country. One of the legacies of the military is the 1979 constitution which resorted to a

Presidential system of government. The system was chosen by the Constitution Drafting Committee (CDC) made up of 50 members headed by Chief Rotimi Williams and accepted by a 230 Constituent Assembly headed by Justice Udo Udoma. A Presidential system became fashionable in order to circumvent the harrows and the divisive tendencies of the past, and the need for quick decision without unnecessary constitutionalism. The 1979 constitution provided for a federal principle, with a bicameral legislature. House of Representatives and Senate made up of five senators (later reduced to three) from each of the then nineteen states. There was also a provision for fundamental human rights. In spite of the innovation of this constitution, the center exercised an overbearing political influence on the component units because of its control of sixty-five items on the exclusive list, and getting a greater chunk of the national revenue. It was this constitution that the civilian government of Alhaji Shehu Shagari inherited.One of the unforgettable crises that rocked the election of Alhaji Shagari as the Second Republic President was the interpretation of section 34(1) C(11) of the Electoral Decree 173 of 1977. The section stated that a President must be elected after securing one-quarter votes in 2/3 of each of the nineteen states of the Federation. But in its verdict, the Supreme Court made up of five Justices upheld the judgment of Justice B. O. Kazeem Tribunal which stated inter alia, that

> having interpreted the expression "two-third of all the states of the federation" used in section 34(1) C(11) of the decree to mean nothing more than two-thirds of the nineteen states, that is, twelve two-thirds, it is now left to relate this to the votes secured by the 1st Respondent in Exhibit 11, that he was duly elected as President was justified …. As the dominant requirement in the election is the number of votes cast, in each of the states, 'two-thirds state' would be synonymous with two-thirds of the total votes cast, in the state, and not the physical or territorial area of such state. It is not disputed that

> the 1st Respondent, Alhaji Shehu Shagari scored 25% of the total votes cast in twelve states…. (Agedah, 1993:56).

But in a dissenting judgment, by Justice Kayode Eso declared that:

> …it is for these reasons that I come to the inevitable conclusion that when the subsection provides not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the states in the federation, it requires not less than one-quarter of the votes cast at the election in each of at least thirteen states in the Federation… (Agedah, 1993:57).

This monumental judgment was considered warped and partisan by many people. The civilian administration of President Shagari never learnt any lesson from the country's political history. The administration demonstrated a lackluster style, and even exacerbated the structural autonomy it inherited from its predecessor through impulsive extravagance and banalization of democratic etiquette. According to Agedah (1993:18),

> The period also witnessed the build-up of the nation's foreign debt from a lowly N3billion in 1979 to a substantial and staggering N21billion by the fall of 1983, even though it was during the civilian regime that the country earned its highest revenue from the sales of crude oil. A barrel of crude oil which used to sell for between $14 and $20 before and during 1979, jumped dramatically to an all-time $41 per barrel in 1980.

The anguishing effect of unsustainable debt led to the introduction of the Economic Stabilization Act of 1982. As Nigerians found themselves under the suffocating effect of poor macroeconomic management, the country experienced intense pressure from the World Bank and the International

Monetary Fund to introduce neo-orthodox economic policies hinged on structural adjustment. This was a necessary condition for the issuance of economic credit facility. It was these excruciating economic conditions that prompted the 1983 coup headed by General Muhammadu Buhari. The new regime decided not to take any foreign loan, engaged in debt equity conversion, and debt securitization and seeking new sources of loan. According to Alli (2010:26),

> Rather than reduce the debt problem, all these efforts complicated the problem and increased borrowing became inevitable. However, attempts to raise loans from Saudi Arabia were frustrated by the USA on behalf of the I.M.F. The regime also raised debt service ratio to 44 percent in 1985, a development that generated the resentment which provoked, according to Olukoshi, the palace coup of August, 27 1985.

It was the regime of General Abubakar that promulgated the 1999 constitution after series of adjustments through Decree 24 of 1999. The constitution has 320 sections, reflects the spirit of the 1979 constitution, and has undergone series of amendment since it came into force.

Challenges of Good Governance

We noted that good governance is a conscious effort of a foresighted leadership to legitimize itself through the equitable distribution of state resources, and providing a congenial environment for the efflorescence of the freedom and potentials of the governed. It is not amazing that this type of governance is seen as a necessary condition for sustainable development. Unfortunately, Nigerian constitutional development efforts have not been able to lay a framework for leaders to evoke an unlimited triumph of good governance. The concept has almost become a fleeting illusion, at most a sanctimonious assertion, empty and signifying nothing. The aftermath is that the Nigerian state in the 21st century has not been able to rise steadily

beyond the challenges of good governance. It has been heavily burdened by in officious and odious governance. Nwankwo (1999:164) noted that between 1960 and today, a clear pattern emerged of the systematic plunder and pillage of resources of the state. As we are dragged into the dark depths of corruption, this maleficence would tarnish and compromise our humanity. Some of the challenges responsible for this lackluster performance include leadership myopia, corruption and insecurity among others. Let us briefly summarize them.

Leadership is central in governance because it is the indispensable catalyst for social mobilization. From the 1960s to the 21st century, the Nigerian state has had myriad leadership, but they have not been able to legitimize their governance through pro-people, and genuinely committed to democratic ideas. Instead of using election as an opportunity to ensuring continuity in democratic governance, and a process to demonstrate service to the people, it's been systematically subjected to substantial breaches and impulsive violence. In other words, the more crude and violent you are, the greater your chances of winning an election. Karum and Albert (2011:226) pointed out that:

> The most obvious consequence of electoral violence is the wanton destruction of properties and threats to human lives. Innocent citizens are in most cases the victims of violence. Apart from the egregious termination of human lives, electoral violence has caused much destruction to both private and public properties. It is estimated that over 10,000 Nigerians have lost their lives in electoral violence after the return to civil rule.

Akani (2015:2) also stated that more than 80 people were killed during the March 8 and April 11, 2015 elections. Unfortunately, those who emerged from this blood-stained electoral process now constitute the Nigerian

leadership at the local government, state and federal levels. Their primary duty on assumption of office is to recoup the money they have lost or borrowed during election, sustain their army of recalcitrant youth, maintain an aura of infallibility and an ostentatious existence hinged on public property. This lays the genesis of recurring corruption in Nigeria. Nwankwo (1999) asserted that, since 1960 to the end of the twentieth century, Nigeria has been neck-deep into pervasive corruption. This is in spite of the establishment of the Corrupt Practices and Other Related Offences Act, 2000 and The Economic and Financial Crime Commission (Establishment) Act, 2004. Since 2000, successive governments have not relented in expressing their abhorrence to corruption. But these have not been able to serve as a serious deterrence to people. Mohammed (2020) revealed that the Federal Government recovered the sum of ₦800 billion stolen and made 1,400 convictions because of its anti-corruption crusade.

Falana (2019) also noted that between 2014 to 2019, Nigeria wasted N1.5 trillion under the guise of solving the power situation in the country. Yet electricity supply in the country is below the minimum acceptable standard. Since its establishment in 2002 to attend to the basic needs of the Niger Delta Region, the Niger Delta Development Commission (NDDC) has received huge sum of money, yet the region is still economically asphyxiated, backward and wallowing in extreme poverty. The probe of the National Assembly attests to the huge and mindboggling corruption that is going on with regard to public property.

This is in contract to the humongous salary package and allowances of 469 members of Nigerian parliament (109 Senators and 360 Representatives). The Senators earn more than N15.2 million and Representatives N10.6 million per month respectively. As at 2010, the annual recurrent expenditure for the 109 Senators and 360 House of Representatives members of the National Assembly is N67.32 billion which is 25.4 percent of the 2010 recurrent budget for the country (Revenue Mobilization and

Fiscal Commission, 2010). Twenty years into 21st century Nigerian Assembly members earn N25million (Representatives) and N36 million (Senators) per month. This is a country with deficit infrastructure, N30,000 per month minimum wage and more than ten million out of school children. The National Bureau of Statistics (NBS) noted that the population of Nigerians within the firm grip of poverty increased from 17.1 million in 1980 to 112.47 million in 2010, and 87% of Nigeria's poverty rate is in Northern Nigeria, especially the North West and North East (Punch Newspaper, 2020).

This horrible situation is exacerbated by the state of human insecurity in the country. Wanton killings have become a normal pastime orchestrated by Boko Haram and Fulani herdsmen. The people of Southern Kaduna and North East of Nigeria have almost been condemned to a state of nature characterized by hopelessness, fear, brutish death and displacement. Boko Haram, one of the least understood jihadist group and ferocious in the world is led by Abubakar Shekaru. They are committed to the establishment of an Islamic caliphate in West Africa. It is believed that they have some affinity with IS. A BBC report noted that the organization has killed more than 20,000 people and displaced 2 million mostly from the North East of Nigeria (Wilson, 2018). The former President Goodluck Jonathan at a UN Security Council meeting in New York stated that 'over the past 5 years, we have been and are still confronting threats posed by Boko Haram to peace and stability. The costs are high, over 13,000 people have been killed, whole communities razed and hundreds of persons kidnapped (Oguniesi, 2018).

All these anti-human challenges have made life despondent and meaningless to the people. The State has become irrelevant to their existence, just as unemployment keep rising uncontrollably. NBS stated that national unemployment increased from 11.9 percent in 2015 to 14.9 percent in March, 2008, 19.7 percent in 2009 and 21.7 percent in 2010; the

highest since 2000 (Ani, 2011:61). Juvenile delinquency, crime, kidnapping, human trafficking, migration to Europe and North America by youth through a dead-trap like the desert and Atlantic attest to the ever-looming challenges of good governance which have placed Nigerian leaders in a quandary . They have only demonstrated a minimalist sense of governance, characterized by more governance than leadership, more verbosity and less vision, governing without leading and maintenance without motion (Uchendu, Okpoko and Anugwom, 2010: 35). As they remain self-absorbed in what they can extract from governance, they perpetually remain self-serving and self-indulgent. It is this crop of leadership that has failed in their historical responsibility and trivialized, commoditized, contaminated and corrupted the followership (Ojukwu and Olaifa, 2011:255).

Conclusion

Nigerian constitutional endeavour since the colonial to the post-colonial state has brought some significant innovations in the process of governance. This painstaking effort had a mission to accomplish. This was to ensure a framework that would facilitate the process of governance so that the basic needs of Nigerians can be provided without stress. Unfortunately, the leadership that emerged at each epoch has performed below expectation, engulfed by the virus of ethno-centricism and engendered a rising frustration of the people.

The non-adherence to the ethics, rule of governance and privatization of the state by the Nigerian class are responsible for the inability of the Nigerian state to surmount the challenges of good governance. A situation where institutions of governance respond to the behest of some political 'gladiators, laws snubbed with brazen impunity and where political power is everything, can only lead to a dead end.. Just as poverty disempowers and subverts democracy (Ake, 1996:10), electoral violence suffocates good governance and hinders the emergence of leaders with a

humane vision. This is the trouble with Nigeria. The negative multiplier effect is that elections which ordinarily would have been a market place for the production of responsible leaders who know the meaning and value of development, who understand and appreciate good governance as the foundation of social justice, rule of law, equity and popular participation (Ihonvbere, 2011:59), has become a fierce fight for the survival of the deadliest. Nigeria has become the global capital of poverty and pre-eminent in insecurity index that signpost the character of leaders whose mental greed and rapacious mindset to milk the country to extinction have blocked all efforts to human flourishing and good governance.

Recommendations

The problems plaguing the Nigerian state are not insurmountable. This is by implementing the following recommendations:

(i) The official expenditure on public office holders should be reduced. It is the munificence and ostentation of the office that lures people to aspire to occupy public office, and not the desire for service.

(ii) When the above is done, election would not become expensive and extraordinarily high. When people consider their gain after election and electoral expenses, only those with the philosophic vision and determined to serve the people would venture into election.

(iii) Corruption should not be politicized and limited. The tentacles of anti-corruption agencies should mirror down to the local government areas. Public officers who live above their official earnings should be audited and prosecuted.

(iv) The Court, the Police and other security agencies should be trained and retrained to handle the intricacies and complexities of corrupt cases. A situation why corrupt public officials escape the arm of justice on the grounds of technicalities is a dent to good governance.

References

Agedah, D. (1993). *Corruption and the stability of the third republic.* Lagos: Perception Communication Limited.

Administration of Criminal Justice Act,2015. Abuja, Federal Republic of Nigeria.

Agedah, D. (1993). *The military in politics: from Ironsi to Ibrahim Babangida.* Lagos: Perception Communication Limited.

Akani, C. (2000). *My ordeal: A prison memoir of a student activist.* Port Harcourt: Paragraphics.

Akani, C. (2015). *Nigeria and its challenges.* Port Harcourt: Paragraphics.

Ake, C. (1981). *The political economy of Africa.* England: Longman Group Limited.

Ake, C. (1996). *Is Africa democratizing?* Lagos: Malthouse Press Limited.

Alli, W. O. (2010). The challenges of a debt relief campaign for Nigeria. In Ogwu, J. and Alli, W. O. (Eds). *Debt relief and Nigeria's diplomacy.* Lagos: Nigerian Institute of International Affairs.

Ani, E. (2011). Unemployment in Nigeria: What measure in 2011. In Agbu, O. (Ed). *Survey of Nigerian affairs.* Lagos: Nigerian Institute of International Affairs.

Anifowose, R. & Enemuo, F. (1999). *Elements of politics.* Lagos: Malthouse Press Ltd.

Balogun, O. (1973). *The tragic years: Nigeria in crisis, 1966-1970.* Benin City: Ethiope Publishing Corporation.

Brett, E. A. (1973). *Colonialism and underdevelopment in East Africa: The politics of change, 1919-1939.* Lagos: Nok Publishers.

Burns, A. (1972). *History of Nigeria.* Boston: George Allen & Unwin.

Falana, F. (2019). *This Day Newspaper*, December 10, 2019.

Federal Republic of Nigeria (2015). *Administration of Criminal Justice Act, 2015.* Abuja: Federal Government Press.

Ihonvbere, J. (2011). Leadership and good governance in Nigeria. In Wkekwe, E. (Ed). *Nigeria, leadership and development: Essays in honour of Chibuike Rotimi Amaechi.*

Ikejiani, O. & Ikejiani, M. O. (1986). *Nigeria political imperative: Desiderata for nationhood and stability.* Enugu: Fourth Dimension Publishers.

Kapur, A. C. (2006). *Principles of political science.* New Delhi: S. Chand & Company Limited.

Mohammed, L. (2020). *This Day Newspaper,* July 29.

Niger Delta (2015). *The economic life of Nigeria.* Port Harcourt: Niger Delta Self-Determination Movement.

Nkom, S. A. (2000). Culture, empowerment and local government with reference to North-Western Nigeria. In Adedeji, A. and Ayo, B. (Eds). *People-centered democracy in Nigeria: The search for alternative systems of governance at the grassroots.* Ibadan: Heinemann Educational Books (Nigeria) Plc.

Nwankwo, A. N. (1999). *Nigeria: The stolen billions.* Enugu: Fourth Dimension Publishers.

Oguniesi, T. (2018). *Africa check,* February 18.

Ojukwu, G. C. & Olaifa, T. (2011). Challenges of internal democracy in Nigeria's political parties: The bane of intra-party conflicts in the People Democratic Party. In Albert, O. I., Danjibo, N. L., Isola, O. O. and Faleti, S. A. (Eds). *Democratic elections and Nigeria's national security.* Ibadan: John Archers (Publishers) Limited.

Okafor, S. O. (1981). *Indirect rule: The development of central legislature in Nigeria.* Lagos: Thomas Nelson (Nigeria) Ltd.

Olaniyi, J. O. (2017). African political parties and the question of development and underdevelopment: Insights from Nigeria. In Mawere, M. (Ed). *Underdevelopment and development, and the future of Africa.* Bamenda: Langa RPCIG.

Oluyede, P. O. (1992). *Constitutional law in Nigeria.* 1st edition. Ibadan: Evans Brothers (Nigeria Publishers) Limited.

Punch Newspaper, February 11, 2020.

Rarim, A. A. & Albert, O. (2011). Electoral violence and its implications for national security in Nigeria's fourth republic. In Albert, O., Danjibo,

N. L., Isola, O. O. and Faleti, S. A. (Eds). *Democratic elections and Nigeria's national security.* Ibadan: John Archers (Publishers) Limited.

Revenue Mobilization and Fiscal Commission Report, 2010, Abuja.

Sklar, R. L. (1983). *Nigerian political parties: power in an emergent African nation.* New York: Nok Publishers.

The Hansard of the Nigerian Legislative Council, 1947.

The Nigerian Constitution (1963, 1979 and 1999) with 2011 amendments. 4th edition. 2012. Abuja: Lawlords Publications.

Uchendu,E,Okpoko,P,A and Anugwom,E(2010) *Perspective on Leadership in Africa.* Enugu, Afro-Obits Publishing Co Ltd

Wilson, M. (2018). *B.B.C. news report,* January 25.