

*“Democracy is a process... Elections are just an important event in that process... Under my leadership, we shall strengthen democracy by deepening and widening the democratisation process through dialogue...” (President-Elect General Olusegun Obasanjo, “My Pact with Nigerians”, March 1999)*

Nigeria’s successful transition from military rule to an elected civilian government in 1999 has placed democracy on the country’s agenda as an agreed target by all, including the military. Today, there is a general consensus articulated by most leading opinion makers, including the president, that Nigerians should focus on deepening democracy through dialogue and on addressing some of the structural causes of poverty and political alienation.

The initiatives of the newly-elected government of Olusegun Obasanjo to establish a democratic system of governance and to introduce the practice of constitutional democracy are expected to create the necessary policy environment to revive social-economic development and improve the quality of life of the Nigerian people.

The International Institute for Democracy and Electoral Assistance (International IDEA) is committed to supporting the people of Nigeria in their quest for democracy. This conviction has led the Institute to develop a comprehensive programme in Nigeria, aimed at strengthening democratic institutions and processes in the country. The Institute’s objective is to serve as an independent and impartial resource to assist the development of democracy in Nigeria.

## **INTERNATIONAL IDEA’S PROGRAMME IN NIGERIA**

International IDEA, in partnership with Nigerians, has developed a programme to help build the foundations of sustainable democracy in Nigeria. The programme is founded on International IDEA’s guiding principle: that there is no one model of democracy that suits all situations, and that democracy building is a long-term process requiring ongoing commitment. International IDEA’s approach to democracy building is non-prescriptive. It is based on providing comparative analysis and tools with the aim of promoting dialogue.

International IDEA’s Nigeria programme covers three main areas:

- 1. Democracy Assessment**
- 2. Support for the Truth Commission**
- 3. Support for the Constitutional Reform Process**

At a later stage, assistance to the Independent National Electoral Commission may also be included.

*International IDEA’s initial programme in Nigeria in 1997 aimed at assisting the Nigerian pro-democracy movement in exile during the term of General Sani Abacha. Following the death of General Sani Abacha in June 1998 and the democratic transition initiated by General Abdusalam Abubakar, International IDEA began to explore the possibility of providing long-term support for Nigeria’s democratization process.*

*In April 1999, International IDEA's Secretary-General honoured President-Elect General Obasanjo's invitation to address a workshop that he had organized for his prospective cabinet. On the theme "Democracy, Myths and Realities", this occasion provided a unique opportunity for the Institute to meet some of the country's future political actors, as well as to have an "insider" view of the challenges and opportunities of the unfolding democratic agenda.*

## DEMOCRACY ASSESSMENT

The main focus of International IDEA's programme in Nigeria is to conduct a comprehensive assessment of the state of democracy in Nigeria, identifying the main challenges and the pace with which democratization is proceeding. The assessment will result in a report, designed and developed through a consultative and participatory process, aimed at helping to set the agenda for democratic reforms.

The democracy assessment in Nigeria is scheduled to take place from 27 January – 16 February 2000. It will be presided by Sir Shridath Ramphal, former Secretary-General of the Commonwealth and Chairman of the Board of International IDEA.

### Why Another Study on Nigeria?

A substantial body of research and knowledge has been produced on Nigeria already, so why another investigation? The simple answer lies in International IDEA's methodology. The Institute's approach to assessing democracy in Nigeria, as in any country in which it works, is based on a process of dialogue and consultation with the people who are most involved – the Nigerians themselves. Its approach is inclusive and comprehensive. The Institute seeks to bring together different, often polarized, groups in Nigeria – from the military to civil society, from government officials to opposition parties, from ethnic groups to traditional leaders, so they can discuss how to consolidate democracy in their country. The methodology is designed to bridge the gap between academia, political activists, practitioners and the political class.

This participatory and inclusive methodology is a fundamental component of the Institute's approach to secure local ownership, thereby maximizing the prospect of long-term sustainability. This approach has been used successfully in other countries where International IDEA has worked.

The issues to be discussed through this dialogue process cover the range of topics necessary for a thorough understanding of Nigeria's political, cultural and social environment. The assessment will cover a range of topics, in three main areas:

- **Priority issues**, such as ethnicity, gender and religion;
- **Thematic issues**, such as democracy and civil society; democracy, economy and poverty; democracy and constitutional governance; and civil-military relations;
- **Regional case studies**, to take into account local and regional dynamics.

Through such a process of dialogue, a democracy assessment report will be produced that will help to identify Nigeria's main democratic challenges. It is hoped that this report will provide guidance both to national policy makers, in terms of setting priorities for the democratic reform

agenda, as well as assist international donors in better targeting their international assistance and democracy support policies for Nigeria.

## **A. MAJOR CROSS-CUTTING ISSUES AND PRIORITY AREAS**

Three key issues – ethnicity, gender and religion – form an overarching triad that impact on Nigerians’ quality of life, on the distribution of resources and opportunities, and on citizens’ participation in matters that affect their lives. Each factor constitutes a threat to sustainable democracy in the country and needs to be thoroughly examined.

### **Ethnicity**

Nigeria is a myriad of complex identities. Political exclusion, controlled access to resources and political power, as well as overt manipulation of ethnicity have characterized relations in both colonial and post-independence Nigeria. This manifests itself at all levels of society and touches on issues of co-existence amongst the Nigerian people. What has been characterized as “ethnic rivalry” between the three major groups of Hausa-Fulani, Yoruba and Igbo as well as within these groups and amongst other minority groups, constitutes the historical basis of mistrust and conflict in Nigeria. In fact, this rivalry is the manifestation of what has been generally referred to as “unfinished business” (the fact that relations between different groups in Nigeria still needs to find a more balanced expression in the constitution). A clear understanding of the sources, magnitude and impact of ethnic diversity must inform a true democracy agenda in Nigeria. The failure to deal with this issue will result in a superficial agenda for democratic reform. Thus a paper summarizing the dimensions, manifestations and consequences of ethnic conflict must be undertaken.

*Nigeria has approximately 250 ethnic groups. The three majority groups – Yoruba, Igbo and Hausa-Fulani – together comprise about two-thirds of the population.*

### **Gender**

From the anti-colonial struggle to the present, Nigerian women have been engaged in efforts to build an equal and just society. Yet despite a comparatively large pool of well-trained and able women, their absence in major institutions of power and decision-making processes is particularly striking.

Years of male-dominated military regimes coupled with an unusually complex patriarchal-religious culture help to explain the prevailing gender inequalities in Nigeria. Gender inequality at all levels must be addressed as part of the process of creating a just and free society.

*There are only 12 women in the 360-member House of Representatives, and three in the Senate of 109 members. There are proportionately even fewer women in executive positions in the public and private sectors.*

## Religion

Nigeria is a multi-religious society that has managed to survive as a secular state for decades. However, religion has long been used as a political tool. Nigeria's Constitution provides for freedom of worship for Christians, Muslims and for traditional African religions. The unfolding debate on this question offers an illuminating example of the challenges of building a secular nation in a multi-religious and multi-ethnic society.

*Nigeria is a secular state with Islam and Christianity as its main religions alongside a strong presence of African religions.*

## B. THEMATIC ISSUES

### Democracy and Civil Society – Building a Culture of Democracy

The existing relationship between the state and civil society in Nigeria can be characterized as strained. In general, the situation appears to be that of confrontation rather than accommodation, of competition rather than partnership. The media for example, is largely perceived as an enemy rather than a socially responsive watchdog. The rule of law has not taken hold yet and trust in the courts is limited. These and other issues of governance, such as the protection of human rights and transparency, are central to the democracy agenda.

As in many African countries and in the developing world in general, civil society is growing in Nigeria. The struggle against military dictatorship has given rise to a large, complex and advocacy oriented civil society in the country. In different ways, organs of civil society as well as the vibrant media have constituted a loud and effective anti-military pro-democracy voice in the country. The new challenge for civil society is to adjust to the changed political climate.

Key questions include:

- How can civil society best co-ordinate its activities and demonstrate a common purpose for development and democratic partnership in the new era?
- How can civil society develop transparency and good governance internally and thus contribute to good governance in public life?

These and related questions constitute a “grey” area on the issue of state-civil society relations, which at present are tense and unclear.

### Democracy, the Economy and Poverty

Nigerians, in general, are sceptical about the ability of structural adjustment programmes to transform the declining economy, develop investor confidence and increase economic growth. Yet, the need to improve the quality of life for the majority of Nigerians is considered urgent. There is a need to institutionalize transparency. There is consensus in discussions of economic issues between the public sector and international financial institutions, that the burden of debt servicing needs to be addressed together with the return of enormous private resources banked outside the country. In the midst of this there is the public concern that the new government has

not formulated a clear-cut economic policy. Issues of equity, employment creation, better salaries and wages, compensation to communities affected by environmental degradation resulting from oil mining, rural revitalization and the “brain drain” are other issues high on the agenda in discussions on economic reform and development in the country.

For its part, the government says it is focusing on developing programmes for the rapid alleviation of poverty, special initiatives for the most disadvantaged regions such as the Niger Delta, adhering to structural adjustment programmes, while at the same time promoting economic growth through investment policy, privatization of parastatals and development of physical infrastructure. Central to the government’s economic programme is the fight against corruption and general mismanagement of the economy.

### **Democracy and Constitutional Governance**

The debate on the character of the Nigerian state is reflected in the current lively dialogue on the recently adopted constitution. The debate revolves around the legitimacy of the constitution. President Obasanjo referred to this issue on 19 October 1999 when he inaugurated the Multi-Party Technical Committee on the Review of the Constitution, stating that “The constitution is a gift from the military”. The Committee is charged with advising the President on preparing a constitution that will reflect the aspirations of the Nigerian people.

The constitution’s deficiencies include: unequal separation of powers, inadequate devolution of power and ambiguous definition of roles and duties of states and local councils, concentration of resources on the federal government, conflict on social and religious rights, not addressing the role of traditional leaders and the redefinition of citizenship. Minority voices are still heard calling for a “sovereign national conference” to debate the constitution. Almost everyone agrees that there is a need to review the constitution within the framework of current representative institutions.

Several Nigerian scholars argue that elections within the framework of an undemocratic centralized state mean very little, particularly to the country’s impoverished citizens. Thus, they call for the separation of powers and for the devolution of power and resources to the states and local councils. Furthermore, the emphasis is placed on participatory democracy, in which citizens operating under the rule of law and effective political institutions can exercise influence on decisions affecting their lives.

Issues relating to the corporate image of the present government, the state of political institutions, and state-society relations are part of a wide discourse in the country. Regarding the image of the government, the tendency is to be suspicious of the leadership – the militaristic, self-serving and “re-cycled” politicians who do not have the interest of the electorate at heart. The “baggage” of past activities of some of the present leaders combined with recent discoveries of corrupt behavior and the subsequent dismissal of some from the National Assembly does not help the image of the government. Similarly, institutions of governance – the courts, electoral bodies, political parties, the military, and the police are shrouded with controversy, and are seen as ineffective and lacking the capacity to deliver. Therefore, citizens and political representatives have called for strengthening these institutions.

### **Civil – Military Relations**

The first coup, in 1966, changed the political landscape of Nigeria. For the first time, the military entered and dominated political centre-stage. After almost 30 years, the current govern-

ment's efforts to build a democratic civilian government occurs against the backdrop of a society committed to seeing the military's "final exit" from politics. However, a number of issues need to be examined to ensure that relations between civilians and the military are consolidated and that the military assumes its role as protector of the sovereignty of Nigeria, its constitution and its people.

The impact of almost 30 years of a military regime can be seen at all levels of Nigeria's political and daily life. Nigerians aptly describe its impact as the "militarization of the Nigerian psyche". The violence and insecurity, which is widespread in the country, is to a large extent the result of the development of a military culture. Physical confrontation, the preserve of the military and police forces, is extensively resorted to by citizens as a consequence of the structural violence brought about by the military. Demilitarizing Nigerian social life is therefore a prerequisite for the democratic development of the country.

### **Democracy Support from the International Community**

The international community has a specific role to play in the unfolding democratization process in Nigeria. The role of the international community falls into three areas in the view of most Nigerians consulted:

**Capacity-Building** – Providing technical expertise for capacity-building in government, governance institutions, private sector, and civil society. This involves information exchange, training in some areas, computerization of information systems, and bridge-building between different groups.

**Financial Support** – Continued financial support for programmes and activities related to poverty alleviation, economic reforms, and investment.

**Creation of a Conducive Climate** – Assistance in the easing or removal of external factors that constrain the government's capacity to deliver, such as the debt burden, internationally induced crime, and so on.

The search for international partners in democracy and economic development is high on the country's agenda. In this context the positive sub-regional and international climate will be an important factor in helping consolidate democracy in the country.

## **C. REGIONAL CASE STUDIES**

Since Nigeria is a large, complex and diverse society with a unique history and political economy, a democracy assessment will remain inadequate if it only examines trends at the national level. Some parts of the country require in-depth analysis in order to capture the regional and local dynamics of economic development and political liberalization and the impact of new programmes. Three regions have been suggested for further study:

- the Niger Delta
- Middle Belt
- North East



State	City	State	City	State	City
Abia	Umahia	Ekiti	Ado Ekiti	Nasarawa	Lafia
Adamawa	Yola	Enugu	Enugu	Niger	Minna
Akwa Ibom	Uyo	Gombe	Gombe	Ogun	Abeokuta
Anambra	Awka	Imo	Owerri	Ondo	Akure
Bauchi	Bauchi	Jigawa	Dutse	Osun	Osogbo
Bayelsa	Yenagoa	Kaduna	Kaduna	Oyo	Ibadan
Benue	Makurdi	Kano	Kano	Plateau	Jos
Borno	Maiduguri	Katsina	Katsina	Rivers	Port-Harcourt
Cross River	Calabar	Kebbi	Birnin Kebbi	Sokoto	Sokoto
Delta	Asaba	Kogi	Lokoja	Taraba	Jalingo
Ebonyi	Abakaliki	Kwara	Ilorin	Yobe	Damaturu
Edo	Benin	Lagos	Ikeja	Zamfara	Gusau



### **Capturing Diversity**

*International IDEA's methodology takes into account the need to ensure that the teams conducting the democracy assessment are representative of Nigeria's diverse regions and sub-regions. Each team will consist of at least four Nigerians and one international resource person. Due to this composition*, Nigerians from different geographical, cultural and political background will have an opportunity to work together. In fact, it can be said that the "dialogue process" will start amongst the consultative teams themselves; they, in turn, will conduct consultations with different groups around the country.

### **Integrating Creativity**

A number of lead writers (all Nigerians) have been identified. From the start, there has been a deliberate attempt to integrate the cultural and creative movements of the country into the overall programme, to ensure that the dynamism and vibrancy of Nigerian society is captured.

In Nigeria, artists have played a central role in the movements that spearheaded public debates on human rights, democracy and struggles for change. The Institute believes that integrating creative work in the assessment report will not only make the report more reflective of Nigerian thought and creative processes, but also will help to capture the "soul and consciousness" of Nigerian society.

International IDEA aims to produce a dynamic document that contains the "flesh, blood and spirit" of the Nigerian people.

All these factors have been taken into account, because the Institute believes that democracy is not just about voting and about the actions of politicians. Democracy is a "living" concept; it is about the quality of life of people and it encompasses people's real pains, aspirations and wishes.

### **Increasing the Depth of Analysis**

As has been outlined, the focus of the programme is an in-depth analysis of the issues relating to democratic transition, economic reforms, the role of civil society, the extent of poverty and its implications on the quality of life, gender inequality and several other aspects of the democratic development agenda. Case studies are expected to capture the role of different institutions such as the traditional and religious leaders, constitutional issues and inter- and intra-ethnic relations.

### **Outcomes and Follow-up**

The democracy assessment report is expected to be published in 2000. The report will be widely disseminated to political actors and the population at large to enhance the national reform agenda. It will also be disseminated to the international community for use as a policy analysis tool in assigning resources to support the democratic development process in Nigeria.

## THE JUDICIAL COMMISSION FOR THE INVESTIGATION OF HUMAN RIGHTS VIOLATIONS

As part of its efforts to build people's confidence and to reassure them the new democratic government will not be "business as usual", the Obasanjo government inaugurated a seven-member Human Rights Violations Investigations Committee (popularly known as the Nigerian truth commission).

The setting up of a panel (subsequently elevated to a "commission") to investigate human rights abuses since 1986 (later extended to 1966), has been regarded widely as a welcome development.<sup>1</sup> It is seen as the beginning of a process to develop a society in which the respect for human rights and the rule of law is the norm.

Any meaningful and legitimate attempt towards coming to terms with past atrocities does not necessarily have to be an exercise in revenge seeking. The revelation of what happened must be an essential ingredient of any approach towards healing deep-seated wounds and dealing with the past. The notion of seeking the truth must not only reveal what happened but also provide a normative blueprint for the organization of the society and the state in future.

### Roundtable on Comparative Experiences

In the context of International IDEA's ongoing activities in Nigeria, the commission asked the Institute to assist in providing international and comparative experience to enable it to set up its structures and begin its work.

As part of this process International IDEA organized a round table in September 1999 in Abuja to initiate a discussion on the processes and mechanisms through which the commission's work could be enhanced, drawing not only on Nigeria's own experience but also that of other countries. The objective of this discussion was in no way to suggest that the panel should adopt wholesale other countries' experiences. Rather, it was to emphasize the universality of fundamental freedoms and human rights, while recognizing the uniqueness of Nigeria's situation.

Although experts were drawn from around the world, and diverse experiences were presented, including that of Chile, Guatemala, South Africa, Argentina (as well as a comparative analysis of 20 similar international situations), Nigerian participants felt that the South African process – despite overwhelming dissimilarities between the two countries' histories – required further careful study. President Obasanjo reiterated this in a meeting with roundtable participants.

During the 1990s South Africa has made a relatively smooth transition from its apartheid past to a more open and democratic system of government, notwithstanding some of the critical challenges that still face South Africa today.

An important aspect of this transition has been the establishment of procedures for greater democratic accountability, transparency and control over the armed forces and security bureaucracies – by the government, by parliament and by political and civil society alike. A key feature of these structures was the creation of the Truth and Reconciliation Commission, which

<sup>1</sup> The panel was set up pursuant to the powers conferred on the President by Section 1 of the Tribunals of Inquiry Act CAP 447 L.F.N 1990

sought to heal the wounds of the past by striking a balance between truth telling and amnesty. Nigerians in the commission believe that it would be useful to examine the reasons for South Africa's successes (and difficulties), both in achieving democratic control and in promoting broad public debate of defense and security questions. In November 1999 International IDEA facilitated a visit to the South African Truth and Reconciliation Commission.

However, it must be emphasized again that no one model is sacrosanct; the complexities of the issue defies any attempt to subject it to any universally accepted set of rules. Nevertheless, there are important lessons that can be learned from the experiences of others, particularly those in the region. This insight undoubtedly will help in designing a more effective truth telling project.

### **Outcomes and Follow up**

The round table, as the Nigerian participants strongly articulated, helped to clarify the scope and mandate of the commission's work. In fact, the Nigerian government has responded positively to some of the resolutions taken at the round table. A detailed report of the round table is available from the Institute.

Following the round table International IDEA committed itself to working with the Nigerians in this process, by serving as an impartial facilitator for comparative analyses as well as by providing access to international expertise.

The next step is for the Institute to facilitate experts who can work closely with the Nigerian truth commission as it sets up its structures. (Another feature of this work is to facilitate the visit of the Nigerian Commission to South Africa.)

In the medium term, International IDEA will establish a team of international resource persons with conceptual and hands-on experience in reconciliation processes. Members of this team will be available in a responsive and flexible manner to provide policy and/or technical advice when required.

Depending on the requirements of the international donor community, International IDEA is willing to function as a lead-agency within the international donor community to facilitate an efficient system in channelling donor resource for the work of the Human Rights Violations Investigations Committee. The lessons learned from the Nigerian experience will be valuable in similar processes elsewhere.

## THE CONSTITUTION

*“A constitution is an autobiography of a nation” (Justice Albie Sachs, South Africa)*

The many decades of military autocracy in Nigeria undermined the rule of law and interfered with judicial autonomy. The current government has identified the constitutional reform process and the development of and relationship between the different arms of government as priority issues. There is wide-ranging consensus in Nigeria that the constitution needs to be reviewed and strengthened.

The constitution is often cited as one of the significant manifestations of Nigeria’s “unfinished business”. This refers to some of the foundations of the Nigerian state, i.e., the unequal power relations between the different federal units. Although Nigeria is a federal state according to the constitution, under previous governments it has evolved into a centralized state. This unfinished business is the result of a very complex history and a failure by the previous governments to create an environment in which Nigeria as an entity could mature and evolve as a truly federal nation.

### Assistance to the Constitutional Reform Process

One of the objectives of International IDEA’s programme is to provide comparative analysis of how other countries have reformed their constitutions, both in terms of process and content.

In July 1999, following extensive preparatory work and ongoing efforts to assist the Nigerian pro-democracy movement, International IDEA met with President Obasanjo to offer support in this arena. The high-level delegation, headed by Dr Adama Dieng and including Justice Albie Sachs, assured President Obasanjo of International IDEA’s commitment to this process.

These consultations led to mutual understanding and appreciation for the fact that the Nigerian government would use the National Assembly and a public and transparent process to review and strengthen the constitution.

### Expected Outcomes

The Minister of Justice and Attorney General of Nigeria has approached the Institute to facilitate comparative analysis and experience on how other countries have designed and implemented their constitutional reform processes. The Institute shares the conviction of the government and people of Nigeria that the constitutional reform process is critical and as such plans are now underway to design, together with Nigerian political actors, the most effective support that International IDEA can offer in this area.

Depending on the outcome of the discussions with the Minister of Justice and the Multi-Party Constitutional Review Committee, International IDEA will facilitate comparative international experience and expertise for the constitutional review process and important aspects of the constitution. The Institute will also provide a link to the international community interested in supporting the constitutional reform process.

As with the truth commission process, International will facilitate the setting up of a team of experts and resource persons who are available to support the constitution reform process whenever necessary.

In the implementation of its programme in Nigeria, International IDEA will work closely with its members and with other multi-lateral and bi-lateral partners of Nigeria such as the

United Nations Development Programme, the European Union and others. In particular, the Canadian International Development Agency has supported International IDEA's Nigeria programme.