

## **Constitutional Conferences And Political Issues From Military To Constitutional Democracy: Nigerian Experience**

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### **ABSTRACT**

*This paper focuses on nearly all of the African countries that were formerly under imperial rule achieved independent statehood under one system of constitutional democracy or the other. The Westminster export model. The American structure, the French system, with modifications as deemed appropriate, were the systems applied to independence in the constitutions of former British and French protectorates. Other systems of constitutional democracy as inspired by the Constitutions of Italy and Belgium were adopted by their former colonies. The Westminster model, in the modified form, was the system adopted in the Constitution of Nigeria and sixteen other) countries of former British African n at independence. Nigeria attained independent statehood under the 1960 Independence Constitution of Nigeria. The Westminster export styled Constitution, marked the beginning of Nigeria's First Republic.*

*Keywords: Constitutional Conferences and political bureaus: revisiting transition from military to constitutional democracy*

## INTRODUCTION

First republic laboured under enormous structural strains mainly induced by the British colonial legacy. This legacy, which started with the occupation of the port city of Lagos in 1861, involved three key aspects. First, was the arbitrary fusion of the three major ethnic nationalities and about two hundred smaller minority groups into a single state in 1914. Second, was the difference in the administration and modernization of the Northern and Southern Protectorates; a disparity which created an enormous historic geopolitical gap between the political hegemony of the North and the socioeconomic ascendancy of the South. Third, was the formation in 1954, of a three-part federal structure that reserved political autonomy for the three major ethnicities. This ethno regionalism had a significant impact on Nigerian politics<sup>9</sup> as it led to the abuse of the liberal political game by competing sectional political coalitions and thereby, gave rise to the series of conflicts and crises that culminated in the first military coup of January 1966 and the end of the Westminster export model of government in Nigeria.

It is instructive that as at 1966, when Nigeria experienced her first coup, most of the other former British Africa colonies had already experienced military coups

and in most cases, the interventions happened immediately after attainment of independence. From Ghana to Nigeria to Sierra Leone to Pakistan to Zimbabwe to Uganda, to the Fiji islands these are just a few examples.” The causative factors adduced for the 1966 military intervention in Nigeria could also be used to explain the failure of political democracy in most of these ‘former British colonies. However, in most cases, the military in Africa have been motivated by their selfish ambition for state power and its benefits to intervene and take over government.

Prior to the entrenchment of constitutional democracy in Nigeria in 1999, two “fully-fledged” democratic governments had already been terminated by military interventions and having reigned for a better part of our sovereign existence, the military was described as the impediment to the consolidation of democracy in Nigeria. With each successive military governments there was an expression of a commitment to a new political dispensation as a precondition for the return of government to civilian politicians.

The military administration of Gowon demonstrated this commitment in its nine-point programme for a return to civil rule, which it issued in the seventies as a broad ideological statement of its political objectives. The urtala-Obasanj0 government renewed that commitment and proceeded to execute it in practical

terms when Gowon seemed to have reneged on it. In line with the tradition of military.

Intervention in Nigerian politics being “temporary” the same promise was echoed by the Babangida and-ibäuta military administrations, both of which threw the country into severe socio-economic and political crises having failed to deliver on their promise. But fortunately, the democratization process as initiated by the Abubakar military regime finally placed the lid on the. Scourge of “transition without end” with which Nigeria had become synonymous.

Because successive military regimes have been characterized by transition to civilian rule programmes and the development and implementation of new constitutions, it could be said, that the Nigerian military has been driving force behind the countries past constitutional design efforts. So, with the military as the primary instigators of the post - 1963 constitution building processes in the country, have these military engineered constitutions mirrored the ethos of the people which is a key attribute of a people oriented constitution? In other words, have the people been part of the deliberation, formulation and adoption of the constitution, given the heterogeneous nature of Nigeria as is reflected in her multi-ethnic, multi-lingual and multi-religious character.

In an attempt to tackle these questions, this discourse has been divided into six parts. In the first leg, the pre-independence and civilian independence constitution making experience of Nigeria shall briefly be examined. A detailed scrutiny of the 1979 and 1999 constitutional design efforts, against the background of the different transition to civil rule programmes the country has experienced, shall form the focal point of the second and third parts. The fourth section of the chapter shall, with specific reference to the Babangida and Abacha transition programmes, centre around the political and socio-economic effects of the prolonged transitions which the country has witnessed. In the fifth and concluding parts, it will be argued that the past constitutions and the currently practiced 1999 Constitution are not totally reflective of the ethos of the people owing to flaws in the processes through which they came into being.

### **Constitution Building Process: The Early Years**

#### ***Pre - Independence Constitutions***

The series of Constitutions that were enacted at the early stages of Nigerian history were aimed at consolidating British imperial strategies. They were more or less, imposed on Nigeria as the people were not allowed to determine the nature of the constitutional documents or to participate in the process of bringing them into being. Interestingly, the very first of these

Constitutions, which is a product of Sir Frederick Lugard's Amalgamation Report of 1914, legally created what we have come to know as Nigeria.<sup>23</sup> The enactment process involved the submission of the Amalgamation Report to the Colonial Office in Britain and as soon as the report received the approval of the Parliament of Great Britain, it became law. The question of Nigerians contributing to the making of the Constitution which transformed their former Protectorates into one nation never arose.

The position was no different with the 1922 Clifford Constitution and the 1946 Richard Constitution that followed. On neither of these two Constitutions was public opinion solicited and again, Nigerians were denied the opportunity to tape their future. Also, the Constitutions made no provisions for the training of Nigerians in their gradual march towards self-rule and predictably, the documents drew serious criticisms and opposition from Nigerian nationalists who viewed them as purely, governors' rather than the people's constitutions.

The clamour and agitations for a Constitution which was reflective of the ethos of the Nigerian people continued and gained momentum with each passing year. This culminated in the 1951 Macpherson Constitution which reversed the trend as the people were allowed a say in decisions affecting their lives. Particularly noteworthy is Sir John Macpherson's first address to the Legislative Council, during the constitution drafting process, when he said, "...I

propose that if it is the *yjgo the* constitutional changes should be made not at the end of nine years but in the second three year period which will start at the beginning of 1950.. •“27 (emphasis added).

Essentially, there was a particular acceptance of the “people’s wish” as a crucial element in the constitution building process. So, based on the recommendation of a Select Committee of the Legislative Council, the widest spectrum of public opinion was consulted at every level of society. Notwithstanding the fact the Macpherson Constitution represented a major constitutional break through, it was unsatisfactory to nationalists who vehemently kicked against it. 29Thus, the Macpherson Constitution was repealed and replaced by the Littleton Constitution, which laid the foundations for a classical Federation for Nigeria.

### ***The Civilian Independence Experience***

The constitutional evolution of Nigeria climaxed with the promulgation of the 1960 Independence Constitution. The Constitution, as expected, was fashioned after the British Westminster model. By virtue of this Constitution, the powers of the British Parliament to legislate for Nigeria were terminated and the responsibility of the British Government for the administration of Nigeria came to an end.<sup>32</sup> However, notwithstanding the fact that Nigeria had attained

independent statehood, she was still a Monarchy as the Queen of England was still the Queen of Nigeria and internally, the government was still Her Majesty's Government. Though recognized as a mere legal fiction, it was found unacceptable for the international image of Africa's most populated nation.

Therefore a new Constitution to cut the constitutional umbilical cord and so clothe the country with a republican status was proposed.<sup>33</sup> A conference of representatives of all political parties was then summoned to debate the changes necessary in the existing Constitution for the purpose of breaking the country's subjection to the Queen. The outcome was the enactment of the Constitution of the Federation Act 1963 which repealed and replaced the Nigerian Independence Act of 1960 and the Order in Council as they applied to the Federation?

The attainment of a republican status did not change the dual executive style of government which Nigeria had adopted at independence in 1960. The President, who was constitutionally, the chief executive continued to exercise his powers on the advice of the Prime Minister and his Cabinet. Before long, cracks began to appear as the Westminster model was not quite suited to the African scenario where restraint in the exercise of authority by a leader is never welcome. Naturally, there were clashes between the President and the Prime Minister, the climax of which was the federal elections crisis of 1964.



## **The 1979 Constitution Building Process**

### ***The Murtala-Obafemi Transition Programme***

The chaos that trailed the 1964 elections culminated in the intervention of the Nigerian Army in the country's political scene on 15th of January 1966. This coup ultimately ushered in General J.T.U. Aguiyi-Ironsi as the first Military Head of State of Nigeria and barely six months after, a Northern organised counter-coup threw up Lieutenant Colonel (later General) Yakubu Gowon as the new Head of State. At the end of the Nigerian Civil War in 1970, Gowon promised the withdrawal of the Nigerian Armed Forces from active politics.

To this end, a committee to work out the modalities for the hand over was established in 1973.<sup>38</sup> But much unexpectedly, the General in his 1974 Independence Day speech to the nation broke this promise and postponed the return to civilian democracy indefinitely, on the pretext that the politicians had not learnt their lessons<sup>39</sup> and so, handing over at that time, would be tantamount to a betrayal of trust. This announcement drew a lot of criticism from civil society, the political class, and even within the military, particularly from those who believed that Gowon should have kept to his word of honour as a soldier, for the sake of safeguarding military professionalism.

As generally flowledged as it was, that the General Gowon led government prevented the disintegration of the country and laid the foundation for its economic development and political stability, the unexpected renegeing on his promise was a key factor that lead to the 29th July 1975 coup by middle ranking officers that overthrew his administration In his maiden broadcast to the nation, the new Head of State, General Murtala Mohammed stated with clarity, the reasons for the overthrow of the GOWON administration.

In the endeavour to build a strong, united and virile nation, Nigerians have shed much blood; the thought of further bloodshed, for whatever reasons muse I am sure, be revolting to our people. The Armed Forces, having examined the situation, came to the conclusion. that certain changes were inevitable. After the civil war, the affairs of State, hitherto. a collective responsible became characterised by lack of constitutional, indecision, indiscipline and even neglect. Indeed, the public at large became disillusioned and disappointed by these developments. This trend was clearly incompatible with the philosophy and image of a corrective regime.

The Mohammed regime appreciated the fact that Gowon's failure to keep his handover promise was a key factor that had brought about a great credibility gap and loss of confidence in the military and so, if their administration was to rebuild confidence in the military, they had to initiate a transition to civil rule

programme that would work, and which would have to be pursued, undeterred and without distraction. With this in mind, General Mohammed in his maiden broadcast further stated that:

The ultimate aim is to forge a viable political system which will be stable and responsive enough to the needs and realities of this country. This is not an exercise that begins and ends in - the mere drafting of a constitution. Viable political institutions only emerge from hard experience and practise and the corporate experience of all is what matters.

Consequently, the administration approved a five phase programme designed to guarantee a hitch-free transition to civilian rule. The first stage would be aimed at creation of additional states. In addition, the government would empanel a Constitution Drafting Committee to produce an initial version of a new constitution. In the second stage, local government structures would be reorganized and new elections would be held at the local level. These new local governments would then act as electoral colleges in the selection of a constitution Assembly. As the Constitution Assembly debated the CDC'S draft, the state would lift the ban on political activity and new parties would be formed. This would form the third stage. In accordance with the provisions of the new constitution, stages four and five would be for the state and federal elections, including those to elect a president and vice president.

The military administration almost immediately, matched its pronouncements with tangible action. In October 1975, the regime appointed a 50-man Constitution Drafting Committee. The Committee which comprised of two representative from each of the 12 state, and learned persons in areas deemed - relevant to the drafting enterprise was led by respected scholar, Chief Rotimi Williams addressing the inaugural meeting of the Committee on 18 October 1975, Mohammed outlined the general processes involved in the making of the constitution and these included the production of a draft constitution publication of the draft for wide public comment and discussion and; the setting up of a Constituent Assembly. The outlined programme was strictly adhered to. Even when General Murtala Mohammed was assassinated in the putsch of *13th* February 1976, the administration now led by General Obasanjo was undeterred in its resolve to execute the transition programme to its logical conclusion. In a speech, following the demise of his predecessor Obasanjo stated:

I can pay him no better tribute than to continue in the spirit with which he led this country, that of complete dedication. All policies of the Federal Military Government continue as before and all ministries should continue their duties. This tragic incident can only lead to greater dedication to the upliftment and progress of this nation.

The *constitution drafting committee* continued with the work of soliciting input from Nigerians throughout the country. The Committee submitted its report in September 1976 the contents of which provoked intense public debate and discussion from different groups in various areas all over the country.

It is noteworthy that substantive input came almost exclusively from the Constitution drafting Committee and the Supreme Military Council. While public debate continued on the draft, the first nationwide local government elections were conducted in December 1976 and in line with General Mohammed's plan the new local government councils serving as electoral colleges, selected 203 of the 230 members of the Constituent Assembly. An additional 27 members who included the Chairman and 6 sub- committee heads were appointed by the Federal Government, through the Supreme Military Council. The Constituent Assembly met from October 1977 to June 1978 at which time a complete document representing the final draft of the 1979 Constitution was submitted.

The administration remained faithful to the agreed agenda because the coup that brought the General Mohammed regime into power was planned and executed by middle ranking officers with the principal aim of restoring the dignity of the armed forces through exclusion from active politics and

governance. These Officers could have taken over power for themselves but instead they chose to entrust their revered senior officers with the responsibility of steering the country back to civilian democracy. Further, the burden to return the country to democratic rule as was placed on Obasanjo was made lighter by the fact that the late General's government now Obasanjo administration consisted of honourable officers and gentlemen who had the best interests of the country at heart — people with a vision and a mission for the country. So, With the same zeal with which they started, Obasanjo and his team pursued the rest of the transition Programme to the end and transferred power to the elected government of Alhaji Shehu Shagari on 1 October 1979, signalling the commencement of Nigeria's Second Republic.

### **The 1999 Constitution building Process**

#### ***Babangida: The Political Bureau and Aborted Transition to Civil Rule Programme***

The Alhaji Shehu Shagari led civilian regime lasted barely four years before it was terminated in yet another coup effectively marking the end of the Second Republic. Generals Muhammadu Buhari and Tunde Idiagbon, the new officers at the helm of affairs made no promises about transition. According to Obi;

They seemed to be more concerned with the “hard” corrective approach towards resolving the Nigerian crisis. This included halting the economic slide, injecting a sense of patriotism and discipline into Nigerians, and punishing economic saboteurs and those who had looted the nation’s treasury during the Second Republic. The regime’s highhandedness, coupled with its repressive brand of nationalism alienated organized groups, the press and ordinary people...

In fact, the duo’s iron-fisted approach to political governance had generated so much tension that a palace coup by General Babangida on 27 August 1985, although received with scepticism, was what was needed to restore confidence among an embattled citizenry

One of the earliest promises of the ensuing military government was a political transition to civilian democracy within four years. Following closely behind, were related pledges, the two most noteworthy of which were that the administration “would not remain in power a day longer than necessary”, and that the government would be “the last military regime in Nigeria”

According to General Babangida the army was committed to laying such foundations for political stability as would render unnecessary, military intervention as vehicle for internal or changing government. On the basis of

these promises, a 17-man Political Bureau was set up immediately and mandated, amongst other terms of reference to:

(a) Review Nigeria's political history and identify the basic problems which have led to our failure in the past and suggest ways of resolving and coping with those problems ... (d) Gather, collate and evaluate the contributions of Nigerians to the search for a viable political future and provide guidelines for the attainment of the consensus objective.

Following deliberations by the Bureau, they came up with policies, which would form the yard sticks for the conduct of politics particularly, for the transition period. The Bureau was of the opinion that:

what we [Nigeria] need[sl is not a hand- over programme of the 1979 experience but a broadly spaced transition in which democratic government can proceed with political learning, institutional adjustment and a reorientation of political culture at sequential levels of politics and governance beginning with the local government and ending at federal level..

Accordingly, a training process which would assist with the eradication of the ills of the past grafted for the first time in a transition programme. But regrettably, despite the high hopes it inspired at the beginning, the Babangida transition met a tragic end. This was as a result of the constant shifting back of



the hand over date, the banning and lifting of ban on political activities, interference in the official political parties, exclusion of radicals (tagged extremists) and corruption. The final straw which sealed the fate of babangida's transition was the cancellation of the **12th** June 1993 presidential election popularly won by Chief Moshood Abiola and adjudged by local monitors and international observers alike to be one of the fairest in Nigeria's political history.

### ***Abacha Transition to Civilian Rule Programme***

After the annulment of the 12 June elections, babangida remained in power until he appointed an Interim National Government on *26th* August 1993. Following a ruling by the Lagos High Court that the interim government was illegal, the Minister of Defence, and General Sani Abacha seized power on *17th* November, reinstating military rule. Distancing his regime from that of babangida, Abacha attempted to justify his coup by describing his government as a "child of necessity". He claimed that the *12th* June elections had been overtaken by events and promised like others before him, a completely new transition in spite of the non-conclusion of the one the Interim National Government had supplanted. The logic behind the presentation of Abacha as a hero who had stepped in to avoid national chaos fell flat on its face when he did very little to show that he was indeed serious about giving up power himself. He

had no intention of addressing the injustice perpetuated through the annulment of the June 1993 elections. He did not also feel compelled to address issues revolving around demands for a power-shift (*from* North to the South), and the restructuring of the federation.

Following the inauguration of a Constitutions Conference in 1994 and the submission of the report of a Constitutional Review Committee and then a Constitutions Analysis Committee a year later, Abacha mapped out a three-year transition to civil rule plan but the three years following this announcement was marked by increasingly brutal government efforts to suppress dissent. So it became clear that the Nigerian people were mere spectators, excluded from the “new” transition, and that the Constitution in the offing, was being tailored to suit his self-succession agenda. As a result of his efforts to eliminate all Opposition, it was no surprise that Abacha Succeeded in gaining the nomination of all recognized political parties for the presidential elections to be held in the later part of 1998. However, he was not able to reap the benefits of his manoeuvring, as he passed on in June 1998, before the elections were held.

### ***Abubakar: Transition to Civil Rule Programme***

Within a month of mounting the saddle as the new military Head of state; Abubakar, moved quickly releasing political detainees, granting amnesty to

those convicted of plotting to overthrow Abacha, and called on political exiles to return home. Abubakar got the constitution building process back on track but contrary to popular demand, he announced that his administration was willing to review Abacha's 1995 draft constitution with a view to its possible adoption. Political analysts and critics insisted that the late General's attempts at constitution building be discountenanced. However, the Abubakar administration was not receptive to this radical posture and as there was no time for a Constituent Assembly, it raised a committee to organize a debate on the draft. The committee studied the 1979 Constitution and the 1995 draft Constitution and made recommendations, and yet another committee collated the views of Nigerians in the draft before submitting it to the Provisional Ruling Council (PRC) which approved a draft. On 5th May 1999, Abubakar signed the 1999 Constitution into law and transferred power to Olusegun Obasanjo, now retired and who twenty years before, as a military head of state, had similarly handed over power to the elected civilian government of Shehu Shagari.

a breakdown of some of the spending during this period shows that the Constituent Assembly and the Constitution Review Committee spent N320 million naira. Political party offices in 21 states cost the Federal Government N210 million naira; over N100 million naira was spent in logistics. When the National Assembly was inaugurated in December 1992, it passed a motion that

each member be paid N5, 000 daily to cover feeding and accommodation. Overall, by the end of the transition program the Federal Government had incurred a budget deficit of N46 billion.

Like the one before it, the Abacha regime was neither committed to fostering political integration nor the viability of civil society as he came into power to fulfil a personal leadership ambition. Following agitations and pressure from pro-democracy organisations and the International community, the administration promised a transitional program towards a civilian government. The Abacha administration's approach for moving Nigeria toward a civilian government was questionable because the process, just like his predecessor's, was militarized. For instance, the National Constitutional Conference that was charged with the drafting of a new political blue- print for Nigeria consisted of 96 delegates that were hand-picked by the Abacha regime.

Furthermore, a resolution adopted by the conferees calling for transition to civilian government no later than January 1,1996, was rejected by the Provisional Ruling Council (PRC) which was not surprising because the membership of the Provisional Council included chosen members of the political elite and the Nigerian militia. In the words of Obi:

Abacha's regime turned out to be the most brutal in its repression of democratic opposition, and the most total in its personalization of power. Worse, power and resistance took the form of geo-strategic and political cleavages, which widened into two dangerous chasms: the north versus the south west, and the north versus the southern minorities (particularly the oil minorities of the Niger delta). The chasms became battle-lines, with the state firmly in Abacha's grip targeting the base of opposition in the South-West.

The General's actions arose from the fear that allowing any power—shift could destroy its power base and consequently, loss of access to state resources and public humiliation by an incoming government intent on punishing corruption and the violation of human rights.

The autocratic nature of these two military governments and the apparent refusal to return the country to civilian rule meant that they had to contend with political and economic sanctions from the West in the bid to force a return to civilian rule. The Abacha regime faced serious condemnation almost throughout the world after the execution, of the environmentalist, Ken Saro-Wiwa and his colleagues.

Suspensions and sanctions followed from the Commonwealth of Nations, European Union, United States of America. Opposition groups in and outside of

Nigeria called for a sanction of Nigeria's oil exports by the United States and the United Kingdom. In the face of the economic crisis that befell Nigeria at that time, her external debt was estimated at about \$30 billion and the military regimes of Babangida and Abacha continued to use the national treasury to support their personal agenda during their respective transition programs.

### **The Nigerian Military as Primary Instigators of the Constitution Building Process**

As seen above, a key feature of military regimes in Nigeria has been the promise of a return to constitutional democracy. Central to these pledges have been the initiation of transition programs and the development and implementation of a new constitution, as was apparent in the Second and Third Republics. The processes described have more often than not, been punctuated in the course of events with successful coups, aborted coups and derailed transitions.

Simpkins opines that a probable interpretation upon being confronted with these series of coups and breached promises to return to civil rule are that, they are designed to buy time for the new regime and dissuade others intending to continue the cycle of rule through coup, so that while the unending transition lasts there will be more than enough time to engage in the kleptocratic looting of government funds which has become a conspicuous feature of Nigerian

governance.

More optimistically the military's attempts to facilitate the return of civilian rule could be viewed from the perspective that the military understands that it is ill-suited to governance and simply wants to vacate the political scene as soon as it is practicably possible. Whatever the explanation military regimes in Nigeria have been the primary instigators of the post-colonial constitution building processes in the country.

The 1979 Constitution building process was closely monitored by the Murtala/Obasanjo military administration from the very start. This was the case because the junta had the political will to carry out the programme and after all, the process was a government initiative and so it was closely scrutinized by the military regime in order to secure its success. Again, past coups and interventions had been justified by the perception that civilian regimes had failed to carry out their mandate or were not up to the task of governance and so the military did not want to be seen as incapable of delivering on their promise. Even though the 1979 constitution building process was dominated by the Murtala-obasanjo administration and designed towards achieving an outcome that the outgoing regime would find acceptable, it was like a breath of fresh air as it differed significantly from the British governmental systems previously adopted in the two post-colonial constitutions before it. It established a

bicameral— presidential system and by the inclusion of local government officials, it provided an opportunity to establish indigenous governance traditions. The document was considered Nigeria's *first* autochthonous constitution because it gained legitimacy through measures that were more inclusive than the past *democratization* efforts.

Babangida's efforts at constitutional engineering were given life in the form of the draft 1989 Constitution. A critical look at the modalities for drafting the 1989 Constitution suggested that there was sufficient consultation and some semblance of popular participation but in reality, the outcome of the process turned out to be highly influenced and manipulated. It was more of political engineering than of popular consultation and participation. However, the Constitution was never practiced because the transition process was derailed and this resulted in Abacha's 1994/95 Constitutional Conference, which laid the foundations for the 1999 Constitution, as signed into law by the Abubakar administration.

Although it was styled after the 1979 Constitution, the reception given to the 1999 Constitution was manifestly different from twenty years earlier because there was little genuine public dialogue and consultation in its making. The situation was such that Chief Rotimi Williams, who sat as chairman of the



Constitution Drafting Committee for the 1979 Constitution, described the 1999 model as a “fraudulent document”.

According to Williams, the new constitution was telling a lie about itself by the use of the phrase, “*We the people...*”, in the preamble even though there was no genuine public input in the drafting of the document. Also, at the time of promulgation, the document had not been translated into the Igbo, Hausa and Yoruba, three main indigenous languages in the country. And so, for the new Obasanjo led civilian government, the responsibility for implementation also came with the responsibility of responding to the new document’s critics. The Obasanjo civilian administration responded to calls for greater inclusion by setting up the Presidential Constitutional Review committee (PCRC) in October 1999 to begin the process of amendment of the Constitution. However, the promise to deliver a fully amended constitution by August 2004 never saw the light of day. The 1999 Constitution was finally amended in 2011 by the present administration of Dr. Goodluck Jonathan but even so, the yearning for a truly autochthonous constitution remains.

## **Conclusion**

As already pointed out, Nigerians were barely carried along in the early stages of the country’s constitution building processes. This was because the colonial state employed these processes as a means to consolidate its imperialist

strategies.

Unfortunately, the post —colonial scenario has been no different because a better part of Nigeria’s sovereign existence has been, until recently, dominated by the military that in an attempt to earn legitimacy have made one form of ill-suited constitution or the other. So, the struggle to achieve constitutional legitimacy is on-going today as the 1999 Constitution remains unreflective of the ethos of the people, the recent amendments’22 notwithstanding. Amongst other things, the Constitution fails to provide for enforceable socio-economic and cultural rights and centralises authority on the federal government. The clamour and agitation for an autochthonous continues and in the quest to gain credibility, the Dr Goodluck Jonathan civilian government has embarked on another round of constitutional amendment using the amendment procedure as contained in the 1999 Constitution. It has been submitted that this procedure forms part of a constitution that is unreflective of the will of Nigerians. And because it is substantially a product of Abacha’s dictatorship, it is unsuitable as a tool for achieving constitution legitimacy.

This chapter adopts this position and argues that, in order to pride ourselves in a constitution which originates from the organic will of the people whom it governs, certainly, a people-focused process which is supposed to address the lack of substantive public involvement in the nations constitution. Building

process a Sovereign National Conference - would be a step in the right direction.

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