

THE CRISIS OF GOVERNANCE IN NIGERIA

CONVOCATION LECTURE

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By

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Preliminary Remarks

It is great honour and privilege to have been invited to deliver this lecture. I was as surprised as I was concerned by the invitation. Although the Vice Chancellor Prof. Don Baridam, some of the other principal officers and many high ranking faculty members of this university have been my friends, colleagues and acquaintances for many years, I was not expecting the rare privilege of this invitation. Convocation lectures are serious matters. They can even be more serious and intimidating for those in the social sciences when invited to deliver such lectures, particularly when they are tempted to interrogate the broader compass of contemporary statecraft and the human condition.

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When therefore, the Vice Chancellor called me up and virtually demanded that I deliver this lecture, I felt a sense of great concern. At a time like the current season of trepidation over feverish transition elections in Nigeria, I really felt a deep sense of worry to deliver any public lectures. I had nurtured the seemly leisure of closed door discourses and counselling unattributed; and although I do not have the immunity clothing of the Senate President, Mr. Ken Nnamani, I subscribe to his fearless and courageous postulation that in a season of moral crisis such as the one in Nigeria presently, we need to be counted on the side of democracy and history.

My worry was compounded by the freedom accorded me by the Vice Chancellor to decide on the topic of my choice. With a background of study, teaching and research in political science coupled with being also, in recent years, a collaborative member of the political class, it became less easy to settle the focus and the handling of the lecture. What should a student or scholar of political science talk about other than about power and authority, or about politics and governance? It is for this boggle of mind that I thought I could plead with my friend, the Vice Chancellor, to let me off, using the perfect excuse of the coincidence of my earlier settled plan to be out of the country with the dates which the University of Port Harcourt had scheduled for its 23rd Convocation ceremony.

But I also deeply acknowledged the honour and privilege of being at this great podium of the University of Port Harcourt. It is not often the case to be considered worthy and fit to address a distinguished audience such as the one which a University Convocation pools together. I also felt deeply in me that I should not give up the opportunity of sharing openly with others some of my thoughts about the state of the nation or of governance at this historic juncture in our country. In all that I have said in these opening remarks, I have only been wanting to appropriately express immense gratitude to the Vice Chancellor, the other principal officers and the Senate of the University of Port-Harcourt for considering me worthy and fit for the privilege and honour of delivering the University's 23rd Convocation Lecture today 15th March 2007. Thank you, Mr. Vice Chancellor; and thank all of you for the honour of your being my audience.

I had said earlier that these are not the best of times in Nigeria to deliver a lecture such as the one I am about to do. (And not that I know of anytime in Nigeria that is good and safe to deliver this kind of public lecture). Consider the following recent observation by a veteran, perceptive and highly respectable columnist:

We are eight years away from (Sani) Abacha but still nowhere out of the national traumas that marked that regime. It is not Abacha that is putting the nation on edge again. It is a "democratic" government! We are again showing signs of fatigue, crying on petrol queues, speculating over petrol price increase, groping in darkness after billions

of dollars have been poured into Power Holding Company of Nigeria, the successor of NEPA, watching the vulgar (division) in the presidency between the President and the Vice President and wondering what will become of the forthcoming election that ought to see the back of (the President). We are again being woken up with alerts... of plots to destabilise the nation;...(and) the international community is again concerned about the nation's survival.... There is a state of civil war in the Niger Delta. Believe me, it was not this bad in 1998!

The author of the above quote can be accused of undue focus upon the difficulties which the country is passing through. Yet, it is such a reflection of the state of the nation as it is about the limitations of progress and of the growth and consolidation of democratic governance.

The country is currently gripped with deep-seated motion about transition elections yet there is hardly credible movement towards transition, if by transition we mean qualitative movement away from an unwarranted state of affairs. Although, short and chequered as it was, the country moved with some measure of credibility from military dictatorship to civil rule by mid-1999. But both the 1999 and the self-to-self 2003 elections did not prove very much, least of all the democratic possibilities of our country. The 1999 elections were conducted under the auspices of a retreating military regime which was eager to exit from the fatigue of a very long jam of military dictatorship. The 2003 elections were conducted by the same political leaders for the same political leaders. The latter elections did not move to different sets of leaders let alone to the leaders of a different political party. Very flawed as the 2003 elections were, their outcome was nevertheless forced down the legitimising sinews of the country.

Now, in about a month from the date of this University's Convocation event, the country would be gravely confronted by an historic test of **real democratic change and governance elections** – whether the country would experience change of leaders, and more testful still, whether there can be change of the ruling political party through peaceful, free, fair and credible elections!

You can therefore see my perturbation and concern in delivering this lecture. But let it be said that to talk about the crisis of governance is not necessarily to engage only in political negativity. It is about the difficulties and limitations of progress. As Professor Billy Dudley of blessed memory was wont to postulate, it is about the virtues of political scepticism.

Introduction

That there is crisis of governance in Nigeria is real and tangible. It is obvious and clear, even to the deaf and blind as it is to the common and uncommon Nigerians. Governance is about the proper use of legitimate power and authority in the affairs of a nation or the people. The state is the primary structure of governance. The nature and character of the state and of its operators, actors and agencies determine the trajectory and quality of governance. Where and when there are negative turning points in the sequences of the use of power and authority, the nation experiences alienation and instability, and sometimes it experiences extreme trouble and grave danger.

In the broader context of a developing country – sadly, even in 2007 Nigeria remains a developing country – scholarship of development or of modernisation has long ago established five crises in the development process. These are **legitimacy crisis**, meaning the consequences of the proper or improper use of power and authority; **participation crisis**, meaning the trouble involved in the peoples' quest to own and be acknowledged that authority derives from them; the **crisis of penetration**, which means the breadth and depth, or the absence of both in governance as it affects the various segments and classes of the nation; the **crisis of integration or of identity**, which means the degree of attachment to or of withdrawal, alienation and detachment from the state and to, or from one another as citizens of the state, communities and classes of people; and finally, the **crisis of distribution**, which means the feeling of social justice or injustice, equity or inequity, and inclusiveness or exclusiveness in the way governance allocates resources including the dispensation of law and justice, to all the peoples of the state.

Where these crises in the development process emerge in sequences and segments, the historical path or development trajectories may cope creditably with them in a manner or manners that progress is experienced as the crises are managed overtime. Where, however - and this is the interesting experience of most developing countries – the five crises well up and are cumulatively experienced together the overall consequences tend to create inevitable breakdown not only for the rulers or power elite, the government, and the regime, but also for the state and the nation. This is the intellectual appreciation of the inevitability of instability or of total collapse of developing states and nations. In the 1940s through 1960s to the 1980s, countries of Latin America, South East Asia and Africa were traumatised by the crises of development; but at the dawn of the 21st century, the scourge of these crises appears to have become more or less a phenomenon only of the African states and of the “new states” of Eastern Europe which emerged from the collapse of the Soviet Union.

Only last month (February 2007), the World Bank re-enacted the long standing classification of Nigeria along with over 50 other countries like Sao Tome, Papua New Guinea, Djoubti and Uzbekistan as a **fragile state**. Much earlier, it was more bleakly classified as a **failed state**. These are states which lack the will and capacity to engage productively with their own citizens so as to ensure security of life and property; safeguard of human rights; provide basically minimum institutions and infrastructure for development; confront development challenges of weak governance, administrative capacity, chronic humanitarian crises, persistent or endemic social tensions, violence, threats of institutional breakdown and civil war. In fact, it is a telling index of **fragile states** that elections are conducted, that is, when they are conducted at all, in the self indictive profiling by President Obasanjo, as war or “a do-or-die” affair.

Governance involves structures and processes as well as the proceedings of the structures and processes. We have cause and evidence to believe that the knowledge of the potentials for a crisis of governance such as the country is combating today, was manifestly available to the leadership of the country in 1999 when the military was forced to abandon its self imposed adventurism in governance, and the country re-established

constitutional government in the form of a civil regime and democracy. Between, for example, November 1998 and June 1999 Gen. Olusegun Obasanjo, as he was officially named and known then, initially as a party presidential candidate and subsequently as the elected President of the country, massively exhibited firm knowledge and appreciation of the potential crisis which governance in the country faced, and which under his inheritance, superintendence and legitimate leadership, the country would need to overcome. Indeed, he was so cocksure of his faith and capability to deal with the crisis of governance as inherited by him when, on May 29 1999 on assumption of office as President, he said “I am determined to make significant changes within a year of my administration”. The challenges which he identified and advocated included, among many serious others:

- “The fire of leadership insensitivity”
- “Executive arrogance”
- “Institutional lawlessness”
- “Perceived imbalance and lopsided composition of public institutions and appointment of public officers in order to reflect true federal character”
- “The over-concentration of powers at the centre”
- “Repudiation of tyranny or dictatorship of the political class”
- “Eradication of pessimism, muffled optimism and crisis of confidence”
- Reconstruction of Nigeria such as to erect “in the next four years strong bridges that will bind our greatness and diversity”
- “Nigerians to be assured, in the next four years at least, of the basic necessities of life”
- “Reversal of the decay in infrastructure”, especially in “NEPA, NITEL, roads, railways, education, petroleum products, housing, other social services which our country have experienced in its past darkest periods”
- “Reversal of the crisis in the oil producing areas”

To say that governance in Nigeria in the past eight years has not impacted positively on the dimensions of life listed above is not to engage in undue criticism of events and leadership in the country. As will be indicated in the course of this lecture, the crisis of governance has indeed, engulfed virtually every department and dimension of the

Nigerian state and society. But how has all of this come about? Having granted that the leadership possessed good quantum of knowledge about the governance crisis, is it then a case of sheer leadership wickedness? Is it a case of a lack of focus, determination or political will to overcome the crisis and its sequences? Do we rest the problem with the historically inexorable law of inevitable instability? Couldn't the human will, or better still the political will, have trimmed down the excessive edges of the crisis of governance? Is it the case that Nigerians have not prayed enough to God to forgive them of any collective sins, produce more pastors, imams, and miracle workers? Has the Good Lord abandoned the Nigerian project? God forbid!

It is upon the political frame of the crisis of governance that we are about to conduct the critically historic elections of the year of Our Lord 2007. Some well meaning persons have already expressed fear that the elections are an event of keeping "a date with the destiny" of Nigeria; they are Nigeria's "rendezvous with history"; and that they have been "programmed to fail". These forthcoming elections are the most important in the history of this country. For the first time, one democratically elected government would, hopefully, be stepping down – very reluctantly as we now know – so that another democratically elected government could, hopefully, take over the reins of governance. If successful, the conduct of the elections will certainly far outweigh all other elections in the history of Nigeria in terms of significance and in consolidation of Nigeria's democracy. It is the first time a third consecutive set of general elections would hold since the country's independence from colonial rule 47 years ago.

As we have already fingered, President Obasanjo has himself said and insisted that the April 2007 elections are a matter of life and death for the ruling Peoples Democratic Party, for democracy and for Nigeria. Some discerning observers think that the hype about the do-or-die elections is primarily for the person of the President since only candidates adjudged by him and his conclave of disciples as possessing reformative purity to sustain his highfalutin reform agenda, and not the Nigerian people, would be elected to succeed the presidential regiment. It means too that only the President's

political party would win the elections. In all of these, the elections, democracy and governance are in grave danger!

The Framework and the Context of the Crisis of Governance

The current problem of governance in Nigeria is located and rooted in a context of four contemporary social forces. The first is the continuing force of prolonged dictatorship or sustained authoritarian rule by the military. Having become trapped in a **praetorian order** in which social structures and values have been moulded in the fashion of authoritarianism, governance continues to be conducted in that fashion. Hence, the executive branch is seen, and behaves as both dominant and domineering. **The executive alone, to the exclusion of the legislature and even the judiciary, is the government;** and in this faulty perception and proceeding, democracy becomes an instrument to bewitch and blackmail society.

As a consequence – and this is the second factor – constitutional institutions such as the legislature, the judiciary, political parties and executive bodies are made to stunt and retard in growth or they are gravely weakened. In the case of the legislature, there was no space previously to experience the value of law making derived from a representative social order because there was no legislature distinct from the executive in politics and governance. Indeed, many Nigerians who have been elected into the legislative arm in the period since 1999 know only little or even nothing about legislation and the legislative process outside of the idea and provisions of the constitution.

The third social force is the proceeding of the country's political economy inherited by the 4th Republic. The class character of the economy in which unearned wealth in the form of corrupt accumulation of state funds and resources by a few individuals has tended to skew power relations away from the majority of the people. The role of money in elections has also made it difficult if not impossible for a large segment of the political class to participate effectively in competing for power. The element of predation in the social relations of power has saddled the legislature and other activity sectors with persons who have more consciousness and drive for self service rather than the concern

for public service, their constituents and the common good. As the site and theatre of material and generally unearned accumulation is the executive branch, the drive for money, favours and contracts has logically converted the executive into the epicentre of power relations.

The fourth factor is that of **personal rule** by the President, Governors and others in leadership structures. **Personal rule** is a fundamental anti-thesis of constitutional and democratic government. As it is well expatiated by scholars many years ago, in a regime of **personal rule**,

Persons take precedence over rules, the office holder is not efficiently bound by his office and is able therefore to change its authority and powers to suit his own personal rule; the rulers and their appointed leaders take precedence over the formal rules of the political game; the rules do not efficiently regulate political behaviour; and the people therefore cannot predict or anticipate conduct from the knowledge of the rules. The state is government of men and not of laws.

It is the combination of the above four social forces that constitute the framework of contemporary politics and governance in Nigeria. These forces embolden, bloat and energise the executive branch; and hence it is at the centre of the governance crisis. But these social forces derive nurture and value from four other elements. These are the constitution; the mandate, sovereignty or will of the people; federalism; and the character of the political process.

Nigeria operates a presidential constitution and system of government. One cardinal feature of the constitution is the separation of powers among the three arms of government – executive, legislature and judiciary. This feature, principle or doctrine provides an arrangement of checks and balance in the exercise of separate yet co-operative and wholesome constitutional powers and authority. While specific functions and roles of government are assigned to the separate branches such that they do not exceed their powers and authority arbitrarily, governance – especially good governance – is nevertheless wholesome or ought to be wholesome in effect and environment.

Constitutional powers and authority are hardly separated both in theory and practice, yet deriving from the long history of constitutional and political development, there are no doubts about the value and benefit of the separation of powers in the presidential and modern system of government. This is all the more necessary and justifiable in the chequered experience of democratic government resulting from the long period of military dictatorship.

The presidential system vests the people's mandate, will or sovereignty through an unfettered electoral process in the two branches of the executive and legislature. Both bodies are popularly elected. The National Assembly is an embodiment of the people's will. It is a constitutional assumption that the National Assembly will guide and provide legislation, regulate its own proceedings democratically, and guard against arbitrariness and violations of the freedoms and liberties of the people. The National Assembly ensures that the welfare of the Nigerian people is the primary objective of governance. It provides oversight or checks over performance by the executive and, indeed, also by the judiciary. Similarly, executive powers and authority as embodied in the elected presidency in the country and in the office of the governor of a state, are entrusted with the people's will or mandate by the electorate. Within the parameters of the constitution, the executive is expected to lead the people in the path of good governance, and to ensure that security of life and property, and defence against external aggression are provided. It is the assumption of the constitution that the executive by itself cannot legislate or make laws for the people.

The judiciary constitutes the third arm of government. It provides the critical oversight to governance especially over the activities of the executive and legislative branches. In particular, the judiciary jealously guards the conduct of government such that actors observe the provisions of the constitution, the rule of law and any other behaviour patterns that do not conduce to, or detract from good governance.

It is the interlocking and dialectical relationship in the responsibilities of the three arms that provide the environment and the context of governance. The theory of the dual

mandate in the presidential system is objectified in good governance. Rather than an exclusive insistence upon, or a monopolistic claim to the people's will, the theory presupposes co-operative competition for, mutually inclusive insistence upon, and a meaningful claim to the mandate of the people.

The relationship among the three arms of government is an important dimension of the political process. The structures of this relationship are largely provided in the constitution and other institutions and processes such as the party system, civil society organisations, management of the economy and the global setting of governance. The conduct of the relationship manifests in institutional behaviour of officials of government who are members of the political class. Where the behaviour patterns of the political class conform with the structural imperatives of the constitutive and regulatory rules of politics, good governance is highly likely to manifest and be experienced. Where, however, the behaviour of the political class manifests non-conformity with, or deviance from the structures, there is high likelihood of the relations negating good governance. Constitutional democracy is obviously a complex arrangement. The conduct of the political class is critical to governance.

The 4th element in the context of governance is federalism. Nigeria is the only country in Africa that has preserved its foundations on the basis of communities or groups of people who, while acknowledging the sovereignty of the Nigerian state also preserves internal autonomy within the federated units of communities. In the period since 1976 the Nigerian experience with federalism has acquired an additionally new dimension by constituting the local government system as the third tier of Nigerian federalism. Nigeria is the only federal system which operates a constitutional arrangement of federal, state and local governments. Governance therefore should conduce to this arrangement. Where and when governance deviates from, or unduly undermines this constitutional structure of federalism, conflicts and crisis are cultivated.

Elements of the Crisis of Governance

Although, for analytical convenience, we can comment only upon a limited number of elements in the current governance crisis, it should be appreciated that singly and in isolation from one another, these elements tell a little of the crisis. It is when the elements are compacted and conceptually assembled together that their cumulative effects upon the Nigerian state, upon governance and upon the citizenry bear full meaning and significance. Similarly, we cannot exhaust the scope of these matters, yet the issues identified for discourse are adequate to justify the widespread perception and deep-seated concerns that Nigeria is presently challenged by, and engulfed in a crisis of governance. Accordingly, we proceed to comment on four dimensions of the governance crisis. These are certain structures and institutions of governance; the crisis of infrastructure; the economic dimension of the crisis; and the dimension of political morality.

Structures and Institutions

The first observable structure which bears very strong element of crisis of governance is the relationship between the executive and legislative arms of government. It is common knowledge that in a fundamental sense, the return to democracy or constitutional government from military dictatorship is essentially the return of the legislature. This arm of government was the primary institutional casualty of military rule as law making and implementation were undistinguishable, and the doctrine of the separation of powers was a non matter of serious discourse and practice. However, in the past eight years of civil rule and constitutional regime, the relationship between these two arms has been one of creative confusion rather than of development. Constitutional government expects the legislature to grow and develop in autonomy and independence as a counterpoise to the executive.

We had earlier observed that the executive was bloated in power under the military. It was indeed an over developed institution in terms of power accumulation, which, in turn, was aided and abetted by the phenomenon of personal rule. Civil rule and constitutional government inherited this institutional aberration in 1999; and the result has been an executive exhibition of undue appetite and tendency to control and direct the legislative arm. There has also not been enough investment in the legislature in terms of adequate

budgetary appropriation, provision of infrastructure for legislative welfare, and autonomy for constitutional activism, especially in the exercise of oversight powers built into the structure of the separation of powers between them. The tension between the two arms has grown worse in recent years because of orchestrated pressures for a recourse to impeachment of state governors by state legislatures. On a rough count, fifteen of the thirty-six states have demonstrated undue brickmanship as aided by external (read, federal) pressures to impeach state governors. Similarly, the arms-twisting strategy against the National Assembly by the Presidency provided a source of uneasy relation which in turn, fuelled the crisis of governance particularly in the period 2001 to 2006.

For reasons of time and space, we are restrained from dwelling on the causes and politics of legislative impeachment and of executive arms-twisting. It is, however, our intellectual counsel that to tone down the crisis of governance from the structure of executive-legislature relations, the executive branch should learn to see itself less as **alone the government**; and the legislative arm should learn more to struggle for its autonomy and independence and not to be perceived as, in the cynical words of the quintessential maverick, Senator Arthur Nzeribe “a department of the executive or an executive handbag”.

The second structure of crisis is intra-executive relations or the crisis of divided executive. Our presidential system establishes a semi-single institutional authority, consisting of president and vice president in the case of the federal government, governor and deputy governor in the states, and chairman and deputy for the local government. As a developmental democracy, the executive branch, like the other arms of government, is expected to grow and develop. We had earlier mentioned that the executive was overdeveloped under military dictatorship, but this is in-so-far as it is compared with the other two arms, and particularly as compared with the legislature. Interestingly, the executive in the context of constitutional government and presidential democracy, is itself highly underdeveloped as an institution for modern governance. The relation between the principal and vice principal officers of the executive branch of government has been a phenomenon of monumental failure and even ridicule in the past eight years.

During the Second Republic, there was very limited experience of intra-structural fissure and disconnection between the principals and their deputies. Notable arenas of executive disharmony included old Bendel state, old Rivers state and old Kano state. Relations between the president and the vice president was remarkable and excellent under the leadership of President Shehu Shagari and Vice President Alex Ekwueme. The majority of the states enjoyed similar experience of structural stability.

In the past eight years however, we have had experience more of institutional degradation than one of institution-building. Abia, Enugu, Cross River, Akwa Ibom, Lagos, Oyo, Ekiti, Osun and Plateau, among other states, exhibited negative record of divided executives. The height of this negativity has been the naked dance of instability in the relation between the president and the vice president. We are not concerned about the merits and demerits of each of the cases of this intra-executive crisis. We have only drawn attention to this new index of the fragility of the Nigerian governance regime. It is indeed, a showcase of governance crisis. It does not represent any form of claim to political development. On the contrary, the phenomenon of divided executives portends danger to governance, let alone to good governance and legitimacy of state structures and institutions.

The third structure in the pool of the crisis has been the system of political parties. The Nigerian constitution is one of the few in the world that makes provision for the existence of the party system and of political parties in a democratic regime. In Europe and North America, parties grow and develop as autonomous political institutions for the articulation and aggregation of common interests, ideas, values and challenges of governance to those who subscribe to them. They are organised and structured for the purpose of competing for, and possibly winning, power.

We are not engaged by discourse of the history and process which led to the constitutional provisions for the registration of political parties and the party system. As we observed in the case of the legislature, the return to civil rule and constitutional

government envisages the growth and consolidation of political parties and the party system.

From only three registered political parties which contested the 1999 elections, the number rose curiously to fifty by 2005. But these political parties are known largely for their barrenness in ideas and ideological dispositions, and owned by a handful of persons with which to trade and bargain for material benefits. The original three, namely PDP, AD and ANPP (previously APP) have all fallen into disorganisation and total loss of their foundations. Apart from the PDP which is held together by undue access to public funds and government resources, all the others operate emergency structures with barely articulated purposes and resources to compete for power. Worse still, and in consonance with the inheritance of dictatorship, contemporary political parties operate without regard to the demands of federalism. They are established and controlled unitarily and hierarchically by their head offices and central leaderships. We are under civil rule and aspire to democracy, yet the constitutional structure of political parties and the party system are devoid of the essential elements of internal democracy. They are also devoid of the lessons which society and the larger political process are expected to draw from the machinery of political parties. From the discipline of political science, we do not have political parties in present day governance. They are all assortment of political vehicles with all manner of mechanical and electrical debilities. We do not have a party system in aid of governance and political development.

The governance crisis is an index of failure of the party system. Political parties have tended to cause more damage to governance in the past eight years than, if we may assert a comparison, the political parties of the collapsed First Republic and Second Republic, and of the aborted third Republic.

The fourth element is the structure of federalism and local government. The role of federalism for the political development of Nigeria has been critical not only to governance but even more so to the continued existence and sustenance of the Nigerian state and the Nigerian nation. This structure of crisis was there in the constitutional

conferences of the terminal decade of colonial rule leading to independence in 1960. The character and political economy of federalism contributed to the collapse of the First Republic and massively engineered the civil war. While federalism has been transformed in the country's governance, it has in turn, transformed the Nigerian landscape. Yet, as a structure for the nurture of the Nigerian social formation, it has remained resilient and persistent in the crisis of governance.

Although structurally, the country has advanced from the dominance of the three founding regions to a thirty-six state structure by 1996, the necessity for a further restructuring of the country has remained in the front burner of governance. Whether in academic or intellectual discourses, in the activism of organisations such as NADECO, National Reformation Movement and PRONACO, there has been no doubt that the structure of federalism is critical to the resolution of the crisis of governance.

The immediate context of contemporary resilience of the federalist structure is the 1999 constitution. The making of this fundamental law does not belong to this discourse. The important point is that as a body of the ground rules for holding together the multiplicity of ethnic nationalities, communities and religious faiths of the country, the 1999 constitution and the proceedings of the country's political economy have conjointly skewed powers terribly against the federating communities or units of the country. Powers and responsibility are over-centralised and concentrated in the federal government. There is a threatening resurgence of agitation to re-define and re-classify the balance of powers and authority between the constituted units of the aggregating communities and the present awesome and suffocating centre. The agitation is further assisted by the official philosophy and regime of unbridled privatisation of socio-economic and utility agents and of liberalisation of the economy. This philosophy contrasts blandly with the personalisation of governance and political process.

It was the acknowledgement of the urgency posed by the general and popular demands to reform the contemporary structures and politics of federalism that the country appeared to sigh some relief in late 2004 and early 2005 when government convened the National

Political Reform Conference. The various positions taken by communities such as those in the south-south zone are well known. Rather than proceed with the emerging consensus on political restructuring, the conveners of the conference turned around to exhibit a completely new agenda in the manner of strategies to amend the tenureship of executive power holders. It was the fears and concerns over this alleged hidden agenda that sparked off the process of break-up of that conference. At the end, the anticipated restructuring of the Nigerian federation in terms of ownership and control of natural resources and allocation of federally collected revenues was aborted.

Yet the burden of over-concentration of powers coupled with the personalisation of the governance regime and indeed of federalism increasingly became unbearable. Experiences of these suffocating phenomena are many. They include the establishment and composition of the NDDC; the new Revenue Allocation Act with reference to funds derived from onshore-off shore petroleum; political and constitutional resistance to the creation of new local governments; the undue extension of the powers of certain reform bodies and institutions such as the EFCC and ICPC Acts which tend to blur the federalist jurisdictions between the federal government and the states, between the states and local governments; and between the federal government and the local governments. All of these matters have tended to stunt the growth and development of good governance in the past eight years.

Although more in the domain of morality rather than as a structure of governance, the rule of law and constitutionalism have become structural problems in politics and governance. Proper governance presupposes that persons and corporate actors in authority not only perform according to the constitution, laws, laid down rules and procedures, and judgments of appropriate courts, they must also perform properly as perceived by the people. Where and when those in authority choose to do only things and act only in their interest to disregard laws and public sensibilities, then distrust and dissonance begin to rear up in the process of governance. Under dictatorship, it is easy and convenient to ignore the rule of law and proper constitutional behaviour by people in

authority. In a civil regime and constitutional government, the people expect that those in authority do things and act in accordance with the laws and due process.

In the past eight years, there has been experiences bordering on official lawlessness, arbitrariness and flagrant abuse of the laws, laid down rules, and public feelings, expectations and sensibilities. There have also been disregard for certain judgements of the courts by governments in choosing which judgments to obey or to ignore. The Supreme Court has had occasions to react against official conduct on this matter. There are even very many glaring cases, often not reported or under-reported where persons in authority in the states and local governments have conducted themselves as if they are the law unto themselves. This conduct includes blatant abuse of the rights of citizens, the use of government to undermine perceived opponents or political enemies and above all the use of public funds without regard to the legislated budgets. There have also been cases of high ranking murders or political assassinations unresolved by the police and security agencies, yet perceived by the public, rightly or wrongly, as deliberate cover-ups. The effect of the absence of the rule of law and constitutionalism is the fostering of alienation from authority by the people and the cultivation of governance crisis.

Strictly speaking, the problem of the Niger Delta belongs to the subject matter of federalism and local government. It has, however, been elevated into a structure in historical placement. In the context of this discourse, we identify the crisis as one that has become rooted in a long history of failure of politics and governance to allocate authority, and use authority to achieve the needs and fulfilments of the people and communities indigenous to the Niger Delta political economy and space. It is common knowledge that although the crisis has expanded and deepened in recent times, it has been in the region from the periods of colonial rule to the regimes of military dictatorship and civil rule. It has also grown in dimension in response to the forces of the global market economy and the interests of the industrialised countries, particularly American interests, in the oil and gas industry.

It is an irony that this crisis has worsened much more than when it was under colonialism and military regimes. We never had the present level and depth of the public dramatisation of resistance to officialdom and industry operation by transnational actors; militancy and hostage taking by active, youthful, energetic and well informed citizens of the Niger Delta. The challenge today are largely four, namely: the way in which resistance, violence and militancy can be reduced; assurance of purposeful inclusiveness of the region within the federal system; assurance that structures of political participation, including those of self determination are made available to the people and communities; and policies, programmes and projects that can urgently resolve the offensive poverty and impoverisation, and of underdevelopment of the area.

What however, has dominated statecraft in the past eight years has been in the arid colonial tradition of institutional arrogance and suppression and of seeing the crisis as mechanistic and merely developmentalist. It is true that the crisis derives from and feeds upon gross poverty and underdevelopment arising from decades of crass neglect by governments. But there is, also a very serious political dimension to the Niger Delta crisis. It is, in our view, wrong perception, as generally associated with recurrent officialdom that the crisis is “not a political problem (but) a criminality problem borne out of lawlessness and rascality”. Hence, official response has been either the use of traditional carrots and thereafter traditional sticks.

It is our view that the structures of political participation should be cultivated and enhanced in the Niger Delta. We have in mind, the establishment or creation of at least, one new state together with a number of local governments as units and platforms of political inclusiveness. The area deserves to have adequate units for meaningful participation in politics and governance. There is of course the need to review the critical contents of fiscal federalism so as to assuage the deep sense of injustice. Ownership and control of natural resources and of public finance should be re-defined and restructured. There has been heightened articulation of demands yet without appropriate response to eliminate existing laws and regulations which are detrimental to

the regulation of the oil and gas industry including such laws as the Land Use Act and Revenue Allocation Act.

The political value in all of this is a definitive attempt to institute a sense of self determination for the Niger Delta people without undermining the framework of the Nigerian federation. Effective participation in the country's political process, economy and governance will diffuse the Niger Delta crisis, and other issues of fiscal federalism and development such as employment, security, health, restoration of the ecological system, etc, would fall appropriately in the country's governance regime. In the meantime, the problem of the Niger Delta region remains an open sore in a crisis ridden and tottering regime.

Crisis of Infrastructure

Governance is about the use of power and authority to affect the human condition. It enables society to maintain, sustain and improve upon the quality of life. Law and order, security and defense, continuous transformation of the physical environment, and the provision of quantitative and qualitative facilities for knowledge, science and technology are basic to the existence and celebration of government and of governance.

We drew attention earlier to the state of the country's political economy as could be appreciated in 1998 and 1999. It was common belief and feeling that the return to civil rule and democracy would create the basis and environment for positive change in various infrastructure of the human person, society and communities in the country. Eight years on, not much has been experienced. Indeed, a lot is in disarray. We will not engage in an exercise of a catalogue of commonly observed shortfalls and dilapidation in human and physical infrastructure. Generally, there is heightened and expanded insecurity to life, property, family, community, business and industry than it was eight to ten years ago. Accidents of public nature, murders, assassinations, access to arms in private use, unemployment and idleness, etc are everywhere a scourge of monumental proportion; and their impact on the political process is anything but negative.

The much advertised turn-around of the country's rail system is yet to be seen. The roads, and we mean the existing roads and not new ones, in spite of trillions of money supposedly expended on them by the three tiers of government, have remained a caricature. The ordinary person is not impressed by announced budgets and advertorials of government claims on this matter. Citizens are better fulfilled when what is claimed by governments is life experience. As with the road networks so with the waterways.

The subject matter of electric power supply to household, business, even to government and especially to the huge informal sector of our society and economy is a disaster and shame. Instructively, candidates campaigning presently to succeed the Presidency by May 2007 have announced their intended declaration of **a state of emergency on the electric power sector**. The people continue to express frustration, wonder and anger over claims of monumental expenditures on this sector by the Federal Government.

As with electricity so it is with petroleum products. While the public refineries remain in coma about ten years since the "Sani Abacha locust", not one private refinery has been established in spite of alleged inducements to investors and the deregulation and liberalisation of the down-stream sector of the petroleum economy. Here, public policy is the private policy of a clique in officialdom and foreign collaboration. Imports of products have been undertaken as if the country never had refineries; and the economy and society groan in structural haemorrhage with attendant losses to business, employment and to development.

It is true that telecommunication has improved by way of access to the global system of mobile communication and to internet technology. But with the epilepsy of power supply, Nigeria's outreach is conditioned more by witchcraft than by modern technology. The use of these scientific and technological facilities in Nigeria is worse than in the Republic of Benin and Ghana let alone in the Republic of South Africa, by way of little comparative experience. Good governance is not propaganda. It does not require unconvincing advertorials and pastorisation. It is either available and experienced and

thereby enhances legitimacy of government or it is not; and its absence ultimately breeds a crisis of confidence and probable collapse of government or regime.

Economic Dimension

The economy has, understandably, received well deserved attention by government since the country's return to civil rule in 1999. There was focus on infrastructural reforms in the 1999-2003 tenure, largely on electricity, roads, the petroleum downstream and telecommunication subsectors, and on poverty alleviation. Following the adoption of the IMF/World Bank support economic reform agenda of NEEDS in 2003, the issues of Foreign Debt Relief, Reform of the financial sector (Banks and Insurance Institutions), and the creation of private domestic business corporations by government, became the highlights.

We have already mentioned the disastrous conditions of the major institutional and utility infrastructure like roads, electric power supply, petroleum products and refineries. They remain so till date (March 2007). The expenditures on poverty alleviation programme constitute the most outstanding policy failures of the past eight years. Indeed, what we have experienced has been poverty elevation and poverty expansionism. Incidentally, the state and local governments have hardly taken part in whatever the Federal Government has been doing on this front. No visible evidence exists in terms of the generation of middle level manpower for employment in the public and private sectors, or of trained persons with capital to start up their own businesses; and if there are any, the impact is far less than the number of persons from schools and universities searching for productive engagements.

Foreign Debt Relief has been a major achievement of government which commands celebration. The negotiations with the two major creditor bodies- the Paris Club and the London Club as well as the timely availability of funds from the recent windfalls from the sale of oil to pay off these debts have been well managed by government. As was recently adverted by the Minister for Finance, "by May this year, Nigeria will be virtually free of the London Club and Paris Club debts for the first time in living memory. The

only debts that will remain would be those owed to multilateral institutions and a few bilateral loans, most of which have been contracted under very reasonable terms, and which cumulatively have been kept at sustainable levels.” But the massive build-up of the country’s foreign reserves while human, social and physical infrastructure are defective, grossly inadequate and not properly supportive of the development process calls for a realignment of the country’s external status with its national imperatives.

As with the foreign debt relief efforts of government so it is with the reform of the financial sector. But the gains from the reforms need to be seen against the massive loss in jobs, not only in this area of the economy but in the public sector generally – loss of public service jobs through down-sizing or right-sizing and contracting out such jobs. There are larger issues of disempowerment and impoverisation of those affected by the reforms as well as the swelling of discontent and loss of confidence in governance.

Finally on the economic dimensions, the country is contending with the phenomenon of a new economic hegemony being erected by the government in the guise of the direction of economic liberalism and privatisation. Devoid of nationalistic contents, the establishment of **transcorpism** as the building blocks of domestic capitalism through the privatisation of the commonwealth of the Nigerian people contains potentials for future conflicts and political discontents. It is in this sense that we need to hear out persons who have drawn attention to the need for public debate about various aspects of the direction of the reforms.

Morality in the Governance Crisis

Nigeria has, since independence, faced the crisis of values or of morality in politics and governance. Obtained “on a platter of gold”, as the late statesman Nnamdi Azikiwe observed, independence and struggle for it did not challenge the critical and fundamental issues of modern governance – issues such as freedom, liberty, democracy, representative government, the vote and the mandate, accountability, human rights, rule of law, tolerance and toleration of opposition in government, succession, compromise and the scientific temper, etc. The notions of federalism and minority rights cropped up in the

exigency of pre-independence constitutional conferences and during the civil war, and they were debated feebly but they never struck any moral watershed.

Like culture in the life of people or nation, morality and values provide the foundations for institutions, structures and processes. It is they that regulate and under-gird the performance of political actors, and govern the distribution of authority and exercise of power. They provide the under currency and enabling arena for governance.

There is an absence of a value network and moral fabric in Nigerian politics and governance. This contrasts blandly with the traditional communities or nationalities that compose the federated units of the country. The high ranking political sociologist, Professor Peter Ekeh long ago offered a classification of the country's politico-cultural landscape as **amoral** and **civic publics or societies**. It is the amorality and lack of civility in the various public domains and theatres that have made it extremely difficult for the rulers and the ruled, the elected and the electorate, the governors and the governed, and the leadership and society to observe the boundaries of tolerable conduct and behaviour, to restrain from and to sanction political excesses and enforce rules and codes without undue drama. Hence, leaders take oath of office, swear before God and the people whose mandate they assume, to uphold, preserve and enforce the constitution without fear, let or favour, yet they proceed recklessly and without qualm to arrogantly break the oath, trample on the constitution, and select which laws, court judgements and rules to obey and enforce, or to ignore.

The crisis of governance since 1999 has been manured and nurtured by the amorality of the country's proceedings. We wish to illustrate this negative phenomenon briefly.

We drew attention earlier to the non-observance of elements of the rule of law and constitutionalism. The demonstration effects percolate the political and governance processes dangerously and imperceptibly. As it was under military rule when ordinary soldiers conduct themselves as if they too were in power, so it has been with the leadership cadres of the governing political party. Officials in government and in the

party talk down on the citizens with arrogance and brigandage, and thereby pollute the moral terrain of governance.

The country has been putting up with the amorality of the politics of leadership succession since 2004. The self-to-self election of 2003 was justified by the provisions of the constitution, but faced with the constitutional reality of real succession in 2007, both the Presidency and the ruling political party have inaugurated amoral processes, first, to amend the tenureship provisions of the constitution to accommodate an elastic elongation of the terms of office of the executive branch, and secondly, the allegedly manipulative management of the forthcoming elections. There are widespread and deep-seated fears over a programmed failure, real or imagined, of the elections. The amorality of this whole scenario in a regime of democratic governance is clear and dangerous as it does not foster political growth let alone development.

At his inauguration in May 1999, President Obasanjo swore to mount a national fight against corruption, and he commendably proceeded to institute legally approved structures like the EFCC, the Due Process regime and ICPC for what has popularly become **the war against corruption**. Although generally perceived as undue material acquisitions and excesses in the proceedings of the public domain, corruption has been taken to include all fraudulent excesses in politics and governance including selective administration of justice, selective targeting of anti-corrupt practices, and as one major stakeholder puts it, “of electoral fraud in party primaries or general elections”. Generally applauded at home and abroad for its success in the country’s image restoration, yet rather than advance the moral fabric of governance, the war against corruption is increasingly and unfortunately being turned into, and perceived by observers and the general public as, one of the many instruments and devices to perpetuate the President’s personal agenda for his continued role and relevance in the country’s political development. Indeed, it has become a factor in the crisis of governance.

Finally, we had earlier mentioned the new hegemony epitomised by **Nigerian Transcorporation Plc** or **transcorpism**. This phenomenon presents a moral burden for

the Nigerian political economy and governance regime which cannot be dealt with at this lecture. For a quick recap: we recall the social and moral conscience and consciousness which informed and powered the anti-colonial nationalist struggle, the civil war, and the political economy of the regimes of indigenisation of major enterprises of the 1970s and even the structural adjustment programme of the 1980s and early 1990s. All through the economic history of these periods, there were always elements of pro-people and pre-masses dimensions in the adjoining policies and projects. The present phase of globalising economy, liberalism and privatisation contains the deliberate erection and fostering of domestic transcorporate economic or business enterprises by government padded with undue favours of the Nigerian commonwealth yet owned ostensibly by private and non-so-private Nigerians. This poses a huge array of moral and social issues. As a fundamental reconstruction and reconstitution of the national political economy with vast consequences for the tone and direction of future governance of a large country under federalism, why has there not been an open and real debate on this subject matter? We debated in the 1970s the policy of indigenisation, and in the 1980s the structural adjustment programme. Why not organise an open national debate on transcorpism and the emergent domestic capitalism? What is the relationship between transcorpism and the present officials of the governance regime? What are the characteristics and implications of the contemporary phase of socio-economic class formation or class consolidation in our country? What are the links and linkages between selective capital empowerment and economic disempowerment, and between the build-up of domestic capitalism and regionalism, ethnicity and even religionism? These and many more are the grave issues of governance of our time.

Conclusion

There is a governance crisis in Nigeria, and we have attempted, in the proceeding discourse, to understand the nature and character of the crisis. Built or woven into the discourse, particularly in the section on **Elements of the Crisis of Governance**, are our viewpoints about the possible resolution of the crisis. We do not, therefore, feel that we have any further intellectual burden to proffer, in the Nigerian manner of analysis, the way forward! We need however, to repeat the core of our analysis, namely: the danger

which is posed to the legitimacy of the government, the legitimacy of the regime, and the legitimacy of the Nigerian state by the conjoint and cumulative consequences of the five crises in the Nigerian development process. With these crises, our country stands at a crossroads of governance; and the immediate steps about which direction to move are present in the 2007 critically transition elections of less than 30 days away from today.

Bibliography

Ake, Claude, **The Feasibility of Democracy in Africa**, Ibadan: CREDEU, 1992.

Ake, Claude, **Democracy and Development in Africa**, Ibadan: Spectrum Books, 1996.

Binder L, et al (ed), **Crisis and Sequences in Political Development**, Princeton, Princeton University Press, 1971.

Black C. E. (ed), **Comparative Modernization: A Reader**, NY, The Free Press, 1976.

Black C.E., **The Dynamics of Modernization**, NY, Harper & Row, 1967.

Dudley B.J., "Scepticism As Political Virtue", **Ibadan, University of Ibadan Inaugural Lecture**, 1973.

Dudley B.J., **Instability and Political Order: Politics and Crisis in Nigeria**, Ibadan, University of Ibadan Press, 1973

Ekeh Peter, "Colonialism and the Two Publics in Africa: A Theoretical Statement", **Comparative Studies in Society and History**, Vol. 17, No. 1, Jan. 1975, pp 91-112.

FRN, **Constitution of the Federal Republic of Nigeria, 1999.**

FRN, **National Political Reform Conference, Main Reports, Volume One and Volume Two**, Abuja, July 2005.

FRN, **Report of the Political Bureau**, Lagos, 1987.

Federalism & Resource Control: Memorandum of Delta State to the National Political Reform Conference, Abuja, 2005.

Guobadia D.A. & Azinge E. (eds), **Current Themes in the 1999 Constitution: A Tribute to Hon. Justice S.M.A. Belgore**, Lagos, NIALS, 2007.

Huntington S.P., “Will More Countries Become Democratic?”, **Political Science Quarterly**, **Volume 29, October 1987**.

Ibrahim, Jibrin, “Nigeria’s 2007 Elections: The Fitful Path to Democratic Citizenship”, Washington: **US Institute of Peace**, (Special Report 182), January 2007.

IDEA, **Democracy in Nigeria**, Stockholm, 2000.

Jason Pini, “We are Back Where We Were in 1998”, **Vanguard** newspaper, Lagos, February 13, 2007.

Maeir Karl, **This House Has Fallen**, NY BBS Public Affairs, 2000.

Nnamani, Ken, “Text of Remarks on Economic and Financial Crimes Commission, EFCC”, **Senate Chamber, The National Assembly Complex**, Abuja, February 20, 2007.

Nwabueze B., **Constitutional Democracy in Abuja**, Volumes One, Two, Three, Four, Ibadan, Spectrum Books, 2005.

Nwabueze B., “Ecohoes on the 1999 Constitution: Who is to Blame – the Razor or the Barber?”, **University of Nigeria Nsukka 32nd Convocation Lecture**, October 04, 2002.

Obasanjo O., **A New Dawn: Selected Speeches**, Volume One, Abuja: 2000.

O’Connell J., “The Inevitability of Instability”, **Journal of Modern African Studies**, Volume 5, 1967.

O’Connell J., “Reflections on the Nature of the State”, Zaria: **Ahmedu Bello University Public Lecture Series**, 1974-1976.

O’Neil Tom, “Curse of the Black Gold: Hope and Betrayal in the Niger Delta”, **National Geographic**, Vol 211, February 2007, pp 88-117.

Oyovbaire S.E., “The Context of Democracy in Nigeria”, in S.E. Oyovbaire (ed), **Democratic Experiment in Nigeria**, Benin: Omega Publishers, 1987.

Oyovbaire S.E., “Structural Change and Political Processes in Nigeria”, **African Affairs**, No. 326, 1983.

Sklar Richard, “Developmental Democracy”, **Comparative Studies in Society and History**, Vol. 99, 1984.

Tinubu Bola Ahmed, “That This House May Not Fall”, Lagos, **Annual Zik Lecture**, April 2004.

UNDP (Nigeria), **Niger Delta Human Development Report**, Abuja 2006.