

CHAPTER 2

DEMOCRATIC GOVERNANCE AND HUMAN RIGHTS PROTECTION FROM 1999-2019: OBASANJO, YAR'ADUA, JONATHAN AND BUHARI'S NIGERIA

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1 Introduction

When the military handed over power on 29 May 1999, the promise of righting the wrongs of the past and forging a strong national discourse rang notably in the speech of President Olusegun Obasanjo as the first President of the Fourth Republic.¹ There was general optimism that the end of military rule and the start of a new democratic phase meant that Nigeria was on course to civil liberties and socio-economic prosperity.² It signalled a new era of political participation, press freedom and the emergence of good governance in every facet of the Nigerian political system. There was also a prevalent impression that the new democratic era would usher in a significant boost for the economy and pave the way for solutions to some of the difficult issues that had characterised governance in Nigeria.³ The optimism was across a broad spectrum: domestic, regional and on the global front. The metaphor of a regional giant taking its place on the global democratic map rang heavy in the political analysis of Africa's future in the wake of the twenty-first century. But whether this giant has taken its place evokes critical ponderings. On many levels, there are now mixed perceptions about the promise of the new dawn, 20 years down the line. Some argue that Nigeria, as an emerging state,

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1 Inaugural speech by His Excellency, President Olusegun Obasanjo (29 May 1999); T Dagne 'Nigeria in political transition' in MP Matthews (ed) *Nigeria: Current issues and historical background* (2002) 10; I Azikwe *Echoes of a century: Volume two: 1999-2014* (2013) 167.

2 T Olori & R Oyo 'Politics-Nigeria: General Obasanjo sworn in as President' *Inter Press Service* 29 May 1999; N Onishi 'Nigeria's military turns over power to elected leader' *The New York Times* 30 May 1999; J Iliffe *Obasanjo, Nigeria and the world* (2011) 183.

3 In a 1999 editorial piece in *The Economist*, three pertinent issues that were outlined which the Obasanjo administration was implored to tackle were 'corruption, weaning the economy off its dependency on oil, and finding a more democratic federal system that spreads power and money more evenly through the country'. Post-2019, these issues remain relevant because successive administrations have not effectively addressed them. See 'Can Obasanjo save Nigeria?' *The Economist* 4 March 1999.

is democratically regressing.⁴ Others point to the lukewarm nature of Nigeria's democracy motioned on the wings of ethnicity, identity politics and power relations.⁵

While there is a discernible continuum on which to scale reactions from cautious optimism to pessimism, these varied views prompt a pertinent question: Are there definite signs of democratic governance and human rights protection in Nigeria? There are five main reasons why this question is important which briefly need to be summarised. The first is that it capsulises an issue that needs to be interrogated – integral to the core values upon which the Nigerian state, in principle, thrives. Answering this question critiques the validity of the rhetoric of Nigeria as a democratic state committed to human rights protection. Also, this question raises an inquiry into the constitutive elements of democratic organisation within the state in order to understand how, if at all, governance has progressed. This question further reflects the need for an introspection on Nigeria's past – over the last 20 years, during which time there should have been a significant accrual of democratic and human rights return following consistent investments. Understanding this past is imperative in knowing what issues need to be resolved and the modalities necessary for redress. Moreover, this question further raises an inquiry into the future and how the political landscape of Nigeria should appear in the coming decades. In engaging the discussion, this chapter presents an analysis across the four democratic epochs post-1999 until 2019: Obasanjo, Yar'Adua, Jonathan and Buhari's Nigeria.

2 Democratic governance and human rights protection during the Obasanjo era

The democratic scene in Nigeria in 1999 was significantly defined by the rhetoric of 12 June: the annulment of an election which was generally considered 'free and fair' in favour of Moshood Abiola by the

4 See DA Yagboyaju 'Nigeria's Fourth Republic and the challenge of a faltering democratization' (2011) 12 *African Studies Quarterly* 93; A Odukoya 'Party system and political conflicts in Nigeria's Fourth Republic' in AS Obiyan & K Amuwo (eds) *Nigeria's democratic experience in the Fourth Republic since 1999: Policies and politics* (2013) 127 144; L Amusan & S Oyewole 'Boko Haram terrorism in Nigeria: A reflection on the failure of democratic containment' (2014) 33 *Politeia* 35; NI Eramah 'From high expectations to mass disillusionment: The travails of democracy in Nigeria since 1999' *Democracy in Africa* 24 September 2018; J Campbell 'Democracy in Nigeria has stalled' *Council on Foreign Relations* 7 March 2019.

5 V Ojokorotu 'From 'authoritarian rule' to 'democracy' in Nigeria: Citizens' welfare a myth or reality' (2009) 1 *Journal of Alternative Perspectives in the Social Sciences* 152; A Fasakin 'State and democratisation in Nigeria' (2015) 11 *Democracy and Security* 298; OD Egbefo 'Fifteen years of democracy, 1999-2014: Reflections on Nigeria's quest for national integration' (2015) 9 *African Research Review* 59.

former military head of state, General Ibrahim Babangida.⁶ Given that the narrative pitched the dominant North against a repressed South, it was clear that power relations and ethnicity were issues that had to be managed in any political negotiation for a democratic future post-1999.⁷ The northern elites clearly were mindful of this. And indeed, the choice to refrain from fielding a candidate for the presidential elections was borne out of a desire to right the wrong mostly felt by the south-western region whose grievance – it seemed – had to be assuaged in the furtherance of the national project.⁸

As such, two principal southern candidates emerged for the February 1999 elections – Chief Olusegun Obasanjo of the Peoples' Democratic Party (PDP) and Chief Olu Falae of the Alliance for Democracy (AD) and the All Peoples' Party (APP). However, the very issues for which negotiations had occurred structured the support base of both candidates. The dominant north had a general preference for the PDP candidate who could guarantee the furtherance of their interests. According to Ihonvbere 'the campaign against Falae was essentially driven by the rationale that he was an AD Yoruba irredentist, and Obasanjo could be trusted to preserve if not enhance the interest of the north'.⁹ While some have argued that the support from the north, orchestrated in part through the military-led government, sealed the fortune of the PDP,¹⁰ There were also differences within the AD and APP that divided support for the union. Obasanjo secured the presidential seat against Falae by a significant margin. Though competitive and generally peaceful,¹¹ issues that have become prominent challenges in the Nigerian electoral space were rife in this period including voting irregularities and vote buying. Voting irregularities marred processes in some regions where stuffed ballot boxes were found,¹² notably in the oil-rich Niger-Delta.¹³ There were also clear patterns of vote buying, which in more recent times has gained conscious prominence on the electoral scene

6 On the 12 June 1993 election, see Human Rights Watch *Nigeria: Democracy derailed: Hundreds arrested and press muzzled in aftermath of election annulment* 27 August 1993; AO Rotimi & JO Ihonvbere 'Democratic impasse: Remilitarisation in Nigeria' (1994) 15 *Third World Quarterly* 669; BN Opara *June 12, 1993 presidential election* (2007); T Opeibi *Discourse, politics and the 1993 presidential election campaign in Nigeria: A re-invention of June 12 legacy* (2009); HN Nwosu *Laying the foundation for Nigeria's democracy: My account of the June 12, 1993 presidential election and its annulment* (2017).

7 VA Isumonah 'Planned and unplanned outcomes: Uneven and unsteady pathways to democratisation in Nigeria' in JO Ihonvbere & JM Mbaku (eds) *Political liberalisation and democratisation in Africa: Lessons from country experiences* (2003) 113 120.

8 See Isumonah (n 7) 120; 'Obasanjo candidacy in 1998 was Yoruba's compensation for June 12' *The Nation* 25 March 2014; C Ojukwu & OE Oluwole 'June 12 saga and the re-visitation of Igbo-Yoruba cold war in Nigeria' (2016) 2/3 *Ubuntu: Journal of Conflict and Social Transformation* 11-26.

9 JO Ihonvbere 'The 1999 presidential elections in Nigeria: The unresolved issues' (1999) 27 *Issue: A Journal of Opinion* 59.

10 N Odesola & T Aworinde 'Abdulsalami, IBB, Danjuma, Gusau made Obasanjo president in 1999 – Bama' *Punch* 2 April 2017.

11 The Carter Center and National Democratic Institute for International Affairs *Observing the 1998-99 Nigerian elections* (Final Report, 1999).

12 AD Smith 'Obasanjo's party sweeps elections' *Independent* 23 February 1999.

13 'Nigerian elections "rigged"' *BBC* 28 February 1999.

with the aphorism 'stomach infrastructure'.¹⁴ This rhetoric, particularly the issue of vote buying and political fixes, was replicated in the 2003 elections. Although polls generally were in favour of the ruling party, the massive rigging of the 2003 elections is symptomatic of the mindset that has characterised electoral processes over the last two decades. In the 2003 elections, which saw the return of Obasanjo following the defeat of General Muhammadu Buhari, the prevalence of voting irregularities and political fixes affected the legitimacy of the electoral process.¹⁵ Obasanjo's second term began with a 'damaging burden of mistrust'.¹⁶

However, while the electoral process was fraught with its challenges, there is something to be said about some of the democratic achievements in his era. During the Obasanjo administration, the Niger Delta Development Commission (NDDC) was instituted, the Universal Basic Education (UBE) programme was launched and the telecommunication industry was privatised. Moreover, at the time of his coming into power, Obasanjo inherited a presidency that was neither enviable nor viable.¹⁷ Massive corruption and depletion of foreign reserves made the furtherance of socio-economic development difficult. At the time of his exit from power, however, Nigeria's foreign reserve was in excess of \$40 billion,¹⁸ from a significantly low amount of \$3.7 billion.¹⁹ The national minimum wage was also increased from ₦250 to ₦5500.²⁰ However, this came at the expense of the pump price which was fiercely contested. In this contestation, the limitations of a democratically-elected president were notably advanced by the rights movements engineered by the Nigerian

- 14 C Gabriel 'Stomach infrastructure: The newest vocabulary in Nigeria's political dictionary' *Vanguard* 27 March 2015; EO Stober 'Stomach infrastructure: Lessons for democracy and good governance' (2016) 4 *Management Dynamics in the Knowledge Economy* 449; J Adibe *Debating Nigeria: A collection of essays* (2017) 314; TL Ariyomo 'What is stomach infrastructure?' *Premium Times* 20 August 2017; JS Ojo 'Weep for the one who descends? African democracies, politics of stomach infrastructure, and homology of corruption' (2019) 42 *International Journal of Public Administration* 240; M Omilusi 'Electoral behaviour and politics of stomach infrastructure in Ekiti state (Nigeria)' (2019) <https://www.intechopen.com/books/elections-a-global-perspective/electoral-behavior-and-politics-of-stomach-infrastructure-in-ekiti-state-nigeria-> (accessed 30 April 2019).
- 15 J Ibrahim & S Egbu 'Citizen action and the consolidation of democracy in Nigeria: A study of the 2007 movement' in VS Coelho & B von Liers (eds) *Mobilising for democracy: Citizen action and the politics of public participation* (2010) 120 124.
- 16 Iliffe (n 2) 247.
- 17 See A Amuwo & AS Obiyan 'Introduction: Understanding Nigeria's Fourth Republic: The Obasanjo years, 1999-2007' in Obiyan & Amuwo (n 4) xiii.
- 18 F Larr *Nigeria's journalistic militantism: Putting the facts in perspective on how the press failed Nigeria setting the wrong agenda and excessively attacking ex-President Olusegun Obasanjo!* (2011) 152; NC Ochanja et al 'Personality and Nigeria's foreign policy: A comparative analysis of Obasanjo's foreign policy as military head of state and civilian president' (2013) 3 *International Journal of Humanities and Social Science* 74 78; I Chidebell *Homelessness in Nigeria: Investigating Africa's housing crisis* (2013) 295.
- 19 O Obasanjo & AO Obe *A new dawn: A collection of speeches of President Olusegun Obasanjo* (2004).
- 20 'Obasanjo gives workers a 'living wage'' *IOL* 1 May 2000; FC Ejim et al 'Nigeria: Minimum wage now ₦5,500' *This Day* 2 May 2000; 'Nigeria: Government raises minimum wage' *IRIN* 3 May 2000; J Okafor & E Anichie 'The 2011 National Minimum Wage Act controversy and trade dispute in Nigeria: Problematising Nigeria's fiscal federalism' (2015) 5 *Public Policy Administration Research* 111 112.

Labour Congress (NLC).²¹ However, there were times when democratic limitations did not impede controversial executive decisions such as the invasion of the Odi community which led to a massacre and, consequently, gross human rights violations. More than 2 000 people were killed in what was a 'brazen violation of the fundamental human right of the victims to movement, life and to own property and live peacefully in their ancestral home'.²²

The treatment of the Bakassi issue was also controversially received with many concluding that had the President taken a more reasoned decision, he would not have ceded the expanse of land without citizen participation in the decision-making process.²³ Some argue that the decision was motivated by personal interest such as a desire to win the Nobel prize.²⁴ But whatever the motivation might be, the decision to comply with the ruling of the International Court of Justice (ICJ) gave a boost to the nation's image on the international front.²⁵ Edet observes that supporters of the decision 'praised President Obasanjo's action claiming it was driven by the desire to prove to the world that Nigeria was a responsible member of the international community'.²⁶ While the initiation of anti-corruption measures such as the Economic and Financial Crimes Commission (EFCC) also gave a significant boost to Obasanjo's global image, his third term bid affected this image given that it played to the gallery of the third termism prevalent in some parts of Africa. However, it was on this issue that the democratic dividend of a new dawn was mostly experienced because, in the past, it would have been probable that, in Nigeria, 'anything goes'.

3 Democratic governance and human rights protection during the Yar'Adua era

Although President Umaru Musa Yar'Adua was president for less than three years, his devotion to the rule of law was an obvious virtue of his administration.²⁷ There is much to be said about the situation of democracy and human rights in this period. Accepting that the process that brought him into power was fraught with electoral malpractices, Yar'Adua commenced an electoral reform process following his assumption of

21 R Bourne *Nigeria: A new history of a turbulent century* (2015) 209.

22 OJ Onabu 'Nigeria: 2,483 died in Odi massacre, says Era' *This Day* 21 November 2002; H Murdock 'Nigeria government ordered to pay for human rights violations' *VOA* 20 February 2013; T Falola & BA Oyeniyi *Nigeria* (2015) 99-100; 'Odi massacre: Anyone with tribal marks on their chest was slaughtered, corpses littered everywhere – Bolou, former Bayelsa commissioner' *Punch* 16 December 2017.

23 O Edet *Bakassi peninsula: The untold story of a people betrayed* (2015).

24 'Kalu demands Obasanjo's probe over Bakassi peninsula' *The Sun* 11 June 2018; O Ige 'Oshiomhole reveals why Obasanjo ceded Bakassi' *Concise News* 31 January 2019.

25 Edet (n 23).

26 As above.

27 M Green 'Umaru Yar'Adua: In pursuit of respect for the rule of law' *Financial Times* 23 June 2008; I Aremu 'Rule of law: In praise of late Umaru Yar'Adua' *Daily Trust* 3 September 2018.

duties as President. Executive compliance with judicial decisions – including daunting decisions – was also a notable feature of his term. Notable among these was compliance with the Supreme Court decision which sacked Andy Uba as Governor of Anambra, reinstating Peter Obi and in Rivers State, Celestine Omehia was sacked by the Supreme Court installing Rotimi Amaechi. Moreover, during his term in office Yar'Adua also publicly declared his asset and instituted a seven-point agenda in the pursuit of transformation.

On asset declaration, Yar'Adua set the precedence within 30 days of his assumption of duties. An aristocrat from the northern part of Nigeria with a significant family fortune, his wealth was estimated at ₦856 452 892 in asset value and ₦88 793 269,77 in liabilities.²⁸ This singular act, the first of its kind since Nigeria's independence in 1960, spurned mixed reactions, in part due to the pressure it mounted on other public servants including the Vice-President, Goodluck Jonathan.²⁹ While his action 'attracted commendation and a considerable dose of cynicism and scepticism',³⁰ it notably laid the ground for asset declaration in subsequent eras, becoming a standard against which the transparency of subsequent leaders were adjudged.

Yar'Adua also instituted a seven-point agenda as the strategy for governance.³¹ The strategy was premised on reforms in the areas of transportation, energy, land, food security, wealth generation, security and education. On the issue of transportation, the Yar'Adua administration sought to create an inter-modal transport system where air, sea and land capacities would be utilised in delivering efficient economic services. This strategy was aimed at building on existing structures such as the expansion of the Itakpe – Ajaokuta – Warri rail line, while developing new networks. Energy and power were an imperative for Yar'Adua and at the core of his seven-point agenda. The ideology for creating efficient power was premised on the realisation that development could efficiently be propelled on the wheels of power generation.³² Seeking to tackle the challenge, President Yar'Adua held the power portfolio, suggesting that he would declare a state of emergency on the sector. Moreover, a National Energy Council was constituted for the furtherance of reforms in the energy sector. With regard to land, an amendment of the 1978 Land Use Act was initiated with an executive Bill sent to the National Assembly for the commencement of the land reform process which sought to limit the

28 'Nigeria: President Yar'Adua publishes personal asset declaration' *Nigeria First* 29 June 2007; B Agande 'Nigeria: President's public assets declaration: Yar'Adua worth ₦856m' *Vanguard* 29 June 2007.

29 IB Lawal 'Public declaration of assets in Nigeria: Conflict or synergy between law and morality?' (2009) 9 *African Human Rights Law Journal* 224 225.

30 As above.

31 'The 7-point agenda: Driving Nigeria's transformation: by Tanimu Yakubu' *The Nigerian Voice* 4 June 2009; IU Gadzama 'Effects of President Umaru Musa Yar'Adua's 7-point agenda on agricultural development and food security in Nigeria' (2013) 9 *European Scientific Journal* 448.

32 'Yar'Adua sets up National Energy Council – says Nigeria's woes caused by abysmal power situation' *Nigerian Muse* 5 September 2007.

scope of the requirement of Governor's consent and also propose viable land administration processes.³³ On the issue of food security, the aim of the administration was to enhance agricultural productivity by employing modernised farming mechanisms and providing adequate infrastructure. Premised on the need to tackle poverty, wealth generation was to be achieved through private sector initiatives, vocational training and credit facilities. On security, building lasting solutions to the Niger Delta crisis was at the fore. On this issue, the Yar'Adua administration made significant progress granting amnesty to freedom fighters in exchange for rehabilitation and skills development.³⁴ On education, the Yar'Adua administration sought to address illiteracy rates, to promote UBE while enhancing secondary education and raising the standard at the tertiary level.

While the seven-point agenda was largely unfulfilled, in part due to the health and eventual demise of President Yar'Adua, the fact that notable strides were taken towards the realisation of some of these goals is telling of the importance of the Yar'Adua era. However, it was during this period that the Boko Haram insurgency also emerged as a retort against Western civilisation and all forms of education – a problem that would shape the landscape of human rights and democratic governance in Nigeria.

4 Democratic governance and human rights protection during the Jonathan era

Yar'Adua's demise marked the commencement of the five-year period of President Goodluck Jonathan. The elections that saw Jonathan emerge as President were fraught with a plethora of challenges, including ethnic and religious tensions.³⁵ While Jonathan inherited goodwill from the masses, he also inherited the challenge of governing as a newcomer on Nigeria's political scene in relative terms to the erstwhile leaders of the first few years of the Fourth Republic: President Obasanjo, who had been a former military head of state in the 1970s, and President Yar'Adua who, while having a family pedigree, also was a member of the 1988 Constituent Assembly and the former Governor of Katsina State.³⁶ Much to his credit, freedom of expression, women's participation and agricultural transformation were significantly driven under the Jonathan administration. Under Jonathan

33 'Nigeria: As Land Use Act undergoes amendment' *This Day* 26 April 2009; 'Why Nigeria must revisit land reforms, by Nasir Ahmad El-Rufai' *Premium Times* 21 December 2012; 'Overview of President Yar'Adua's seven point agenda: Issues and policy challenges' 29 May 2007, http://www.nigeriahc.org.uk/pdf/seven_point_agenda.pdf (accessed 30 April 2019).

34 This was premised on sec 175 of the 1999 Nigerian Constitution. See Constitution of the Federal Republic of Nigeria (1999) sec 175.

35 A Nossiter 'Election fuels deadly clashes in Nigeria' *The New York Times* 24 April 2011.

36 B Ogunmupe *Nigerian politics in the age of Yar'Adua* (2011) 31; JO Aka *Great presidents of Nigerian 4th republic: Democratic Nigeria from 1999* (2012) 97.

Nigeria became the largest economy in Africa.³⁷ The railways were revived and by the end of 2013, proceeds from non-oil produce rose to 2,97 billion from 2,3 billion in 2010. Moreover, the Jonathan administration was committed to empowering the youth population. Education was a notable priority. Eight universities were built during the administration. In the north, Almajiri schools were built to cater for street children who were made to roam the street in search of a livelihood. There was also the notable completion of projects, including major federal roads. During this administration, Ebola was rapidly controlled in partnership with the Lagos and Rivers State governments.³⁸ Nigeria became the premier African destination for foreign direct investment. Nigeria also became the largest producer of cassava globally and there was a notable 40 per cent reduction in food imports by 2013. However, the challenges of this era paled much in comparison to its success. While issues such as the fuel subsidy protests and same-sex marriage prohibition bred challenges for the Jonathan administration, there were two pertinent issues that triggered the ills of the administration: the prevalence of corruption and the Boko Haram insurgency.

The prevalence of corruption in this era was notably manifest in the mismanagement of proceeds from petroleum. Also, the activities of the Minister of Petroleum Resources (Diezani Alison-Madueke), the National Security Adviser (Sambo Dasuki) and Minister for Aviation (Stella Oduah-Ogiamwonyi) were telling.³⁹ Moreover, the disappearance of \$20 billion of crude earning flagged by the Central Bank Governor (Sanusi Lamido Sanusi),⁴⁰ the diversion of \$2,2 million meant for medical vaccination and misappropriation of funds meant for military weapons in the fight against Boko Haram undermined democratic governance in this era.⁴¹ The suspension of the Central Bank governor in what was perceived as ‘further evidence of the Nigerian government’s weakening resolve in

37 ‘Nigeria becomes Africa’s largest economy’ *AlJazeera* 6 April 2014; U Friedman ‘How Nigeria became Africa’s largest economy overnight: Does the continent’s most populous country deserve its new title?’ *The Atlantic* 7 April 2014; ‘Nigeria: Africa’s new number one’ *The Economist* 12 April 2014.

38 F Shuaib et al ‘Ebola virus disease outbreak – Nigeria, July–September 2014’ (2014) 63 *Morbidity and Mortality Weekly Report* 867; OO Oleribe et al ‘Nigerian response to the 2014 Ebola viral disease outbreak: Lessons and cautions’ (2015) 22 *The Pan African Medical Journal* 13; AM George ‘Nigeria: Containing Ebola in Nigeria: Lessons in effective risk and crisis communication’ in AM George & K Kwansah-Aidoo (eds) *Culture and crisis communication: Transboundary cases from non-Western perspectives* (2017) 57 70–71; A Otu et al ‘An account of the Ebola virus disease outbreak in Nigeria: Implications and lessons learnt’ (2018) 18 *BMC Public Health* 3.

39 ‘Corruption: 25 Jonathan’s ex-ministers, aides under probe’ *Punch* 5 November 2016.

40 N Chiejina ‘\$20b oil money missing, Sanusi alleges’ *The Nation* 5 February 2014; ‘Nigeria faces questions over “missing” oil money’ *News24* 9 February 2014; ‘Nigeria’s orders probe into “missing \$20bn” of oil money’ *BBC* 12 March 2014.

41 ‘Nigeria’s ministry of health, others mismanage \$2.2 million meant for vaccination of children – auditors’ *Sahara Reporters* 30 October 2014; ‘Nigeria’s former security chief accused of stealing \$2bn from Boko Haram fight’ *The Telegraph* 18 November 2015.

tackling widespread corruption⁴² dented the administration's image.⁴³

Another pertinent issue that marked the Jonathan administration was the Boko Haram crisis and the attendant consequences of the series of attacks orchestrated by the sectarian group. The abduction of the Chibok girls sparked global outrage and was ventilated through the Bring Back Our Girls campaign that received notable international attention from the White House to Downing Street. Moreover, the fact that massive displacement of populations was occurring in the north-east created a humanitarian crisis. By 2015 over two million people had been displaced from their homes creating an internal displacement situation in the north and precipitating a refugee crisis in the Lake Chad region.⁴⁴

In spite of these challenges, however, one of the pertinent successes of the Jonathan's administration was the convening of a national conference in 2014 which served as a notable platform for a national dialogue on democratic governance addressing issues that had remained unresolved since independence and charting a plan forward in the furtherance of sustainable solutions.⁴⁵ However, Jonathan's second term agenda fell through to the mantra of 'change' sung by the All Progressive Congress.⁴⁶ The proposed change was primarily in three main areas: corruption, economic revival and security (due to Boko Haram).

5 Democratic governance and human rights protection during the Buhari era

Securing more than 2,5 million votes over Jonathan, retired General Muhammadu Buhari emerged as winner of the 2015 general elections.⁴⁷ Although the election equally was marked by electoral fraud and irregularities, there was a peaceful transition of power from Jonathan to

42 A Nossiter 'Governor of Nigeria's central bank is fired after warning of missing oil revenue' *The New York Times* 20 February 2014.

43 R Minto 'Nigeria: Central bank governor suspended for 'recklessness'' *Financial Times* 20 February 2014; 'Nigeria fires official who uncovered billions in missing oil money' *AlJazeera America* 20 February 2014; E Ujah & D Eteghie 'Nigeria: Naira fluctuated, depreciated over Sanusi's suspension – Okonjo-Iweala' *Vanguard* 21 February 2014; J Schneider & L Akinloye 'Nigeria: 'You can't suspend the truth' – Worries for Nigeria over Sanusi's ouster' *Think Africa Press* 21 February 2014; A Sy 'How much will it cost to sack Nigeria's central bank governor Sanusi?' *Brookings* 24 February 2014; J Bright '\$20 billion and an ousted whistleblower threaten Nigeria's fragile, carefully crafted success story' *Quartz* 28 February 2014; 'Lamido Sanusi: Sacking without sacking' *New African* 2 May 2014; B Udo 'Sanusi's sack as CBN governor still affecting Nigeria's economy, ex-bank chief' *Premium Times* 2 August 2015.

44 R Adeola 'Boko Haram-induced displacement: A critique of Nigeria's implementation of the African Union Internally Displaced Persons Convention' (2017) 50 *Comparative and International Law Journal of Southern Africa* 41 42.

45 'Analysis: What did Nigeria's National Conference achieve?' *BBC News (Africa)* 26 August 2014.

46 'AfricaCheck: Is the APC really the face of "change" in Nigeria?' *Daily Maverick* 12 March 2015.

47 S O'Grady 'Fourth time's the charm: Buhari ousts Jonathan in Nigerian election' *Foreign Policy* 31 March 2015.

the President-elect in the 2015 general elections.⁴⁸ The transfer of power also marked the first time an opposition party would win major political offices since the start of the Fourth Republic, marking the end to the rule of the incumbent party for the past 15 years. While early signs of governance challenges began to emerge with the late appointment of ministers and much later with the failing health of the President,⁴⁹ true to its promise, the Buhari-led government commenced a campaign against corruption. One notable initiative that was put in place was the establishment of the Treasury Single Account to ensure that all government revenues were received into a single account. Although proposed by the Jonathan-led administration, this initiative was implemented by the Buhari-led government to ensure effective management of government revenue and enhance fiscal accountability. Moreover, a Presidential Advisory Committee against Corruption was established and a Whistleblower Policy.⁵⁰

Further, the Buhari-led administration conducted inquiries into alleged financial mismanagement conducted under the Jonathan-led administration. While there were no formal indictments against President Jonathan, former top officials in his cabinet, notably the National Security Adviser (NSA) and the Minister of Petroleum Resources, were indicted on corruption charges. However, the administration was soon to be accused of being one-sided in the fight against corruption given the fact that prominent officials within the ruling party were not also indicted. However, to the administration's credit, the accusation was partly counteracted by the indictment of officials within the Buhari-led administration, notably, the Secretary-General of the Federation and the Director-General of the National Intelligence Agency, both of whom were suspended upon allegations of corruption.⁵¹

However, from a rights-based perspective the fight against corruption was marred by arbitrary detention and non-adherence to judicial

48 M Mark & D Smith 'Nigeria elections: Muhammadu Buhari hails peaceful handover of power' *The Guardian (UK)* 1 April 2015; 'Buhari praises Jonathan for peaceful handover' *News24* 1 April 2015; 'How Nigeria won its first democratic power transfer' *The Economist* 7 April 2015; D Hinshaw 'Nigeria's Buhari sworn in as president in historic transfer of power' *Wall Street Journal* 29 May 2015.

49 'Baba go slow – Nigeria's government' *The Economist* 8 October 2015; 'Muhammadu Buhari extends medical leave in UK' *Aljazeera* 6 February 2017.

50 Federal Government of Nigeria 'FMF – Whistle blowing: frequently asked questions (FAQs)' http://whistle.finance.gov.ng/_catalogs/masterpage/MOFWhistle/assets/FMF%20WHISTLEBLOWING%20FREQUENTLY%20ASKED%20QUESTIONS.pdf (accessed 5 May 2019); T Soniyi 'Nigeria: Buhari constitutes advisory committee on anti-corruption' *This Day* 10 August 2015; 'Nigeria president appoints anti-corruption advisers' *BBC* 11 August 2015; N Akinnaso 'Nigeria's whistle-blower policy' *Punch* 27 December 2016; MC Onuegbulam 'Whistle blowing policy and the fight against corruption in Nigeria: Implications for criminal justice and the due process' (2017) 8 *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 174; I Hassan 'Mr clean vs mr not-so-clean? Corruption in Nigeria's elections' *African Arguments* 12 February 2019.

51 E Akinwotu 'Nigerian president sacks senior official amid claims of corruption' *The Guardian (UK)* 8 November 2017; J Campbell 'Former Director General of Nigeria's National Intelligence Agency arrested' *Council on Foreign Relations* 4 April 2019.

pronouncements primarily with the detention of the former NSA on charges of misappropriating more than \$2 billion meant for arms procurement.⁵² But it was not only with the detention of the NSA chief that the rule of law became a pertinent concern. There was also the arbitrary exercise of executive power, sometimes through the Department of State Services (DSS), in the illegal detention of Nnamdi Kanu, the leader of the Indigenous People of Biafra (IPOB) and a foremost Shi'a Muslim cleric (Ibrahim El Zakzaky).⁵³ Moreover, towards the 2019 general elections, the suspension of the Chief Justice of Nigeria (Walter Onnoghen) based on an *ex parte* order issued by the Code of Conduct Tribunal (CCT) also raised concerns on the adherence by the government to the rule of law.⁵⁴ The security challenges that plagued the Jonathan administration with the abduction of the Chibok girls emerged in the Buhari-led administration with the sporadic attacks of Boko Haram on military instalments and the abduction of the girls from Dapchi.⁵⁵ However, it is pertinent to state that under the Buhari-led administration, there was improvement with security in the north-east, particularly with regard to reclaiming erstwhile

52 BC Onochie 'ECOWAS Court declares Dasuki's re-arrest, detention illegal' *The Guardian* 5 October 2016; 'Court admits Dasuki to N200m bail, declares his detention illegal' *Nigerian Tribune* 2 July 2018.

53 'How DSS disobeyed court order and continued to keep Nnamdi Kanu's assistant in detention' *Sahara Reporters* 18 December 2017; 'Illegal detention: No respite for El-Zakzaky, Dasuki yet' *Punch* 3 June 2017.

54 Constitutionally, the Chief Justice of Nigeria may only be removed from office by the President with support of a two-thirds senate majority, although the argument of the President was to the effect that Onnoghen had been suspended and not removed. This power is not constitutionally assigned. Moreover, a Court of Appeal decision had earlier established that no serving member of the bench may be arraigned on corruption charges without due process handled by the National Judicial Council (NJC). Only the NJC by virtue of para 21 Part 1 of the Third Schedule may recommend removal from office of the judicial officers. While there is no clear distinction between removal and suspension, it is imperative to underscore that the Chief Justice cannot be arbitrarily subjected to such charges without compliance with due process. Moreover, there were court orders for the stay of proceedings in the CCT by two Federal High Courts, a Court of Appeal and the National Industrial Court. Also, the order on which the suspension of CJN was based was issued *ex parte*, whereas the day before (which was a Tuesday) the CCT had adjourned a preliminary objection filed by the Chief Justice challenging its jurisdiction to try him (without recourse to the NJC) to the following Monday. See *Nganjiwa v Federal Republic of Nigeria* CA/L/969/2017; AD Sani 'Nganjiwa vs FRN: The limits of judicial precedence' *The Cable* 17 January 2019; 'Charges against CJN Onnoghen not tenable, says lawyer' *Punch* 18 January 2019; S Tukur 'Why I suspended CJN Onnoghen – Buhari' *Premium Times* 25 January 2019; T Ogunye 'Analysis: suspension of CJN Onnoghen: An illegal executive coup against a recalcitrant chief judicial officer' *Premium Times* 26 January 2019; 'Illegal suspension of Chief Justice Walter Onnoghen by Femi Falana' *Vanguard* 26 January 2019; I Effiong 'Illegality of the 'suspension' of Onnoghen: 20 points to note' *The Cable* 26 January 2019; 'Nigeria chief justice's suspension raises international concerns' *BBC* 26 January 2019; A Abiodun 'Nigeria: The suspension of Chief Justice Onnoghen – Is it constitutional for the President?' *The African Progressive Economist* 26 January 2019; 'Onnoghen: Decision to suspend, remove judge should be by independent authority – UN' *Punch* 11 February 2019; A Adesomoju 'Onnoghen was suspended as CJN, not removed – FG' *Punch* 28 February 2019; 1999 Nigerian Constitution (n 34) secs 292(1), 158(1), para 21, Part I of the Third Schedule.

55 M Amaza 'A new schoolgirls kidnapping by Boko Haram shows Nigeria hasn't learned its lesson' *Quartz Africa* 25 February 2018; 'Boko Haram attacks on military bases' *Punch* 1 August 2018; 'Boko Haram attacks military base in Nigeria' *Times Live* 15 January 2019.

Boko Haram-controlled areas and protecting displaced populations.⁵⁶ The North-East Development Commission (NEDC) was established and 82 Chibok girls were released.⁵⁷ Although the counter-insurgency measures against Boko Haram did not deter sporadic attacks from the sect, it countered some of the sect's notable gains.

Although, in comparative terms with the Jonathan administration, the Buhari-led government did not prominently feature women in his cabinet, the Buhari-led administration gave a notable boost to youth participation in governance through the Not Too Young to Run Act.⁵⁸ The establishment of the Nigerian Diaspora Commission (NDC) was also a notable move towards enhancing the participation of the diaspora in governance.⁵⁹ However, the refusal to sign the Digital Rights and Freedom Bill was perceived as an affront on human rights in the digital age due to the role digital technologies play in fostering participatory politics.⁶⁰

Moreover, the military invasion of the south-east following fresh agitations for Biafra after the arrest and arbitration detention of the IPOB leader by the Buhari-led administration while fuelling questions on democratic governance, raised human rights concerns.⁶¹ The crisis between farmer and herdsmen communities raised similar questions and drew agitations from ethnic groups within states in the north-central and southern region, where the Buhari-led administration was sometimes accused of ethnic bias.⁶² The proposal of cattle colonies was also perceived as a means of ethnic domination by the Hausa/Fulani population and

56 J Borger 'Nigerian election: Muhammadu Buhari pledges to defeat Boko Haram' *The Guardian* 26 February 2015; 'Boko Haram technically defeated, Buhari insists' *Punch* 6 February 2016; 'Buhari inaugurates Presidential Committee on North East Initiative [full speech]' *Punch* 26 October 2016.

57 F Onuah 'Welcome our dear girls', Nigeria' Buhari tells freed Chibok girls' *Reuters* 7 May 2017; 'Nigeria Chibok girls: 82 released after three years' *BBC* 9 May 2017; 'Buhari assents to North-East Development Commission Bill' *Premium Times* 25 October 2017; J Ojo 'The birth of North East Development Commission' *Punch* 1 November 2017; J Campbell 'Nigeria unveils North East Development Commission' *Council on Foreign Relations* 6 February 2018.

58 S Tukur 'Buhari signs 'Not Too Young To Run Bill' *Premium Times* 31 May 2018; A Babalola 'The Not Too Young to Run Bill: A welcome development' *Vanguard* 13 June 2018.

59 'Osinbajo signs Diaspora Commission Bill' *Vanguard* 3 July 2017; 'Diaspora Commission Law recognises role of Nigerians abroad – stakeholders' *Punch* 10 July 2017; D Erezi 'Buhari appoints Abike Dabiri-Erewa as National Diaspora Commission chairman' *The Guardian* 6 November 2018.

60 K Busari 'Buhari declines assent to digital rights bill, four others' *Premium Times* 20 March 2019; V Ekwealor 'Nigeria's president refused to sign its digital rights bill, what happens now' *Techpoint Africa* 27 March 2019; E Aginam 'Review decision on digital rights and freedom bill, group urges Buhari' *Vanguard* 14 April 2019.

61 E Egbejule & O Anyadike 'Nigeria fails to come to grips with separatist 'New Biafra'' *The New Humanitarian* 16 December 2016.

62 O Adunbi 'How did Fulani herdsmen become such bogeymen in Nigeria' *Africa is a Country* 1 February 2018; M Amaza 'A widening conflict between herdsmen and farmers is redefining Nigeria's geopolitics' *Quartz Africa* 12 February 2018; Y Ibukun & R Oluronbi 'Farmer-herder violence in central Nigeria challenges Buhari' *Bloomberg* 16 January 2018; 'How Nigeria's cattle war is fuelling religious tension' *BBC* 9 May 2018; J Alagbe 'Persistent killings, a big blot on Buhari govt' *Punch* 30 June 2018; International Crisis Group Stopping Nigeria's spiralling farmer-herder violence *Africa Report* 262, 26 July 2018.

heavily resisted in some states, mostly in the north-central and south-eastern region.⁶³ On the economic front, the removal of the fuel subsidy in 2016, although beneficial to national income,⁶⁴ was telling on household incomes with the attendant consequence of increase in the prices of local transportation and food items. Moreover, the removal of the currency peg by the Central Bank of Nigeria saw the Naira plunge 30 per cent against the dollar.⁶⁵ The multiplier effect of this decision was a series of economic challenges particularly for business owners and private individuals. However, there are benefits to this for which the actions of the Buhari-led administration are justifiable, given the prospect that it will stimulate capital inflows from investment.⁶⁶

Whether the administration will lead Nigeria forward and leave an indelible mark on Nigeria's future post-2019 requires judicious observation.⁶⁷ However, there are pertinent lessons to be gleaned from the four epochs. The next part discusses these pertinent lessons.

6 The future ahead from the past

That the Fourth Republic has outlived the initial three republics is a commendable progress in Nigeria's democratic pursuit. However, to conclude this implies a consistent growth in democratic governance and human rights protection in Nigeria is presumptive.

Yet, this is not to suggest that there are no democratic and human rights progress in the political landscape of Nigeria. Indeed, it is progress

63 'FG gives reason for proposing cattle colonies' *Vanguard* 11 January 2018; 'Southern govts, Afenifere, Ohanaeze, others reject cattle colonies' *Punch* 14 January 2018; S Tukur 'No land for cattle colonies in our state, Benue leaders tell Buhari' *Premium Times* 15 January 2018; B Adelaja et al 'Are govts right in rejecting cattle colonies?' *Vanguard* 22 January 2018; I Chiedozie 'Cattle colonies: Buhari pursuing Fulani supremacy agenda, says Nwabueze' *Punch* 24 January 2018; 'Igbo elders reject cattle colony' *The Sun* 26 January 2018; 'Assembly rejects establishment of cattle colony in Anambra' *Vanguard* 30 January 2018; 'Nigeria's president denies cattle grazing plan is 'colonization'' *Reuters* 8 February 2018; 'Buhari: Govt aims to create grazing locations for cattle rearers' *Eyewitness News* 9 February 2018; O Ogunmade et al 'Buhari: Cattle colonies not meant to colonise any state' *This Day* 9 February 2018; J Eze 'Ebonyi rejects cattle colonies proposal by Nigerian govt' *Premium Times* 10 February 2018; J Campbell 'Perceptions of tribalism and the farmer-herder conflict in Nigeria' *Council on Foreign Relations* 6 April 2018; 'We don't want cattle colony – Ikoni/Ini Fed constituency writes Buhari ... advises Buhari to be cautious of Akpabio' *The Pioneer* 25 February 2019.

64 'Fuel subsidy removal: Nigeria saves N15.4bn monthly' *Punch* 15 December 2016.

65 C Ohuocha & O Mayowa 'Nigerian naira tumbles 30 percent after peg removed' *Reuters* 20 June 2016; E Holodny 'Nigeria's currency isn't as 'free' as we thought it would be' *Business Insider* 21 July 2016.

66 Y Ono & L Elliott 'Nigeria's currency tanks against dollar on float' *Financial Times* 20 June 2016.

67 'Buhari opens campaign with 'Next Level' presentation' *The Eagle Online* 18 November 2018; TH Adebayo 'Next level': Buhari's five key campaign promises for 2019' *Premium Times* 22 November 2018; T Ajaja '2019 campaigns: Between beautiful manifestos and Nigeria's 'long' journey to greatness' *Punch* 24 November 2018; E Gabriel 'Between Buhari's next level and Atiku's making Nigeria work again' *Leadership* 25 November 2018; L Salaudeen 'Knocks, kudos for Buhari, Atiku manifestos' *The Nation* 3 December 2018.

that regular elections are held; that legal structures exist for contesting electoral results; that human rights are codified in the 1999 Nigerian Constitution; and that there is an enforcement procedure rule for the furtherance of fundamental human rights litigation. Without doubt, it is also progress that the government is taking steps towards the protection of specific groups such as women, children and internally-displaced persons through norms and institutional mechanisms.

Much remains to be done in building political conscientiousness. Democratic venalities and human rights violations are still rife. Under the Obasanjo regime, for instance, electoral irregularities questioned the legitimacy of the democratic process. Acknowledging the irregularities in the electoral process, the Yar'Adua-led administration initiated an electoral reform process. However, this did not fully address electoral irregularities that have continued to plague elections. Moreover, while adherence to the rule of law was an evident feature of the Yar'Adua administration, the Jonathan and Buhari-led administration recorded deficits.

However, the Jonathan government left an indelible democratic footprint in peacefully transferring power upon the outcome of the 2015 election. Likewise, the Buhari administration has demonstrated commitment in the fight against corruption. However, as with the Jonathan administration, the Buhari administration has wrestled to control the insurgency in the north-eastern region.⁶⁸ Overall, the various epochs have failed particularly in the efficient delivery of electoral promises.

While time will tell whether democratic governance will be improved through accountability, what is pertinent to applaud is the survival of Nigeria's democracy over two decades. If the gains of democratic rule will be consolidated, it is imperative that governance deficits are addressed through a conscious political decision to build conscientiousness among citizens as the means and end of Nigeria's democracy.

7 Conclusion

The years 1999 to 2019 have brought 20 years of hope – the future of which, from the past, has raised optimism, scepticism and pessimism. While there are good arguments in support of any angle of discourse chosen from which to engage the discussion on the Nigerian state, what is telling is that the Fourth Republic indeed has outlived the preceding era of military dictatorship and short-lived democratic governance. What this, in principle, exemplifies is that there is a sustained commitment towards maintaining democracy as the structure through which the governance is

68 S Tisdall 'Buhari's crackdown in Nigeria fails to stamp out Boko Haram' *The Guardian* 31 May 2016; N Munshi 'Under fire: Why Nigeria is struggling to defeat Boko Haram' *Financial Times* 6 December 2018; 'Nigeria's Buhari accepts setbacks in Boko Haram fight' *Eyewitness News* 8 January 2019; M Durmaz 'Making sense of Boko Haram's comeback in Nigeria' *TRT World* 9 January 2019; C Giles 'Nigerian elections: Has Boko Haram been defeated?' *BBC* 8 February 2019.

advanced. There is also a commitment towards ensuring that the democratic landscape is not compromised through electoral dissatisfactions. As to the effective functioning of this landscape, there are of course challenges. However, through the four epochs, there are pertinent lessons that need to be curated for democratic governance to move forward. These lessons are three-fold. The first relates to elections in which there is a need for reforms that protect people power and address venalities and astroturfing. The second relates to ethnic and religious tensions that have fuelled violent extremism and built resentments. If the future of democratic governance in Nigeria is to be sustained, it is imperative for these challenges to be decisively addressed beyond the rhetoric of political promises. Third, there is a need to rebuild a unified national identity that is sustained on the wheels of unity, faith, peace and progress.