

The background of the entire page is a vibrant, abstract illustration of numerous hands reaching upwards from the bottom and sides towards the center. The hands are rendered in a variety of colors including shades of purple, blue, yellow, orange, and pink, with some hands having darker, textured patterns. They are all oriented with fingers spread, creating a sense of collective effort and aspiration.

For the people and of the people

Towards a truly representative and accountable democracy in Nigeria

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Key Recommendations

- Nigeria needs a new political and constitutional settlement: it must restructure and develop a constitution that devolves significant power to its federating units.
- Nigeria's economic future lies in being a robust free-market economy: it must abandon protectionism and embrace a competitive market economic system, including using its membership of AfCFTA to trigger needed reforms.
- To be truly representative, Nigeria's democracy must be credible and accountable. This necessitates changes to electoral laws to guarantee credible elections, and institutional revamps and checks and balances to protect against abuse of power and bad government
- Nigeria must rebuild its institutions of governance to boost state capacity and government effectiveness. A normative agenda that promotes positive values, notably anti-corruption is needed to underpin this.

This analysis explores whether Nigeria is, in the true meaning of the phrase, a “representative and accountable democracy”. The discussion is divided into four parts. The first sets out the context: when is a democracy truly representative and accountable? The next section addresses the question of whether Nigeria meets the standards of a genuinely representative and accountable democracy. The final part develops a theoretical framework for understanding why a democracy may or may not be truly representative and accountable, and applies the framework to explain the nature of Nigeria's democracy. The analysis concludes with recommendations.



DEMOCRACY

What does a representative democracy look like?

Unlike a direct democracy, where elected officials are mere “delegates”, with the people deciding directly what laws and policies they want, in a representative democracy citizens elect others to represent them and govern on their behalf. A representative government is thus based on the consent of the governed, expressed freely by votes in elections. This suggests an agency relationship in which the elected government becomes the agent of the people, working for and being accountable to them.

Several great philosophers have long shown that governments have their roots in an implied social contract. Thomas Hobbes and John Locke, the two greatest social contract theorists, reached the same conclusion, albeit from different premises, on the origins of government. Hobbes argued that humans are, by nature, barbaric, but for the sake of self-preservation men have submitted themselves to a civil government to insulate them from arbitrary violence. For Locke, men are not inherently barbaric, but rather seek perfect liberty. However, as humans cannot guarantee their own safety and protect their own properties themselves, they have surrendered some of their individual freedom to a civil government in return for the state's safeguarding their lives, liberty and property.

It is from the Hobbesian and Lockean formulations of the social contract that we derive the universal credo that the primary duty of a government is to protect the lives, properties and general wellbeing of its citizens. Thus, in assessing whether Nigeria is truly a representative and accountable democracy, one must ask: 1) whether its democracy produces government based on the genuine consent of the people freely expressed in credible elections, and 2) whether the government works as the agent of the people, meeting their basic needs. In other words, is there a meaningful social contract between government and citizens in Nigeria?

How representative and accountable is Nigeria's democracy?

There are two aspects to this question. The first deals with the nature of Nigeria's electoral democracy. To address that question, one must rely on assessments of recent general elections in the country. The second aspect is whether Nigeria's presumed representative government acts as the agent of citizens, serving their best interests. For that, this section draws on Nigeria's performance in global indexes on governance and social progress.

Electoral democracy in Nigeria

Nigeria has held six general elections since the country's return to civil rule in May 1999. Most were marred, to varying degrees, by violence and malpractice. Against the backdrop of the violent 2011 elections, the 2015 presidential election was conducted under intense international scrutiny as the world sought to prevent Nigeria from descending into post-election conflict. In the end, the election was relatively peaceful and, for the first time in Nigeria, an incumbent president was defeated by a challenger when President Goodluck Jonathan lost to Gen. Muhammadu Buhari. To his credit, Jonathan set a precedent by conceding defeat to Buhari, a gesture that helped to avert massive bloodshed and the destabilisation of the country.

The 2019 general election, however, was far less successful. Its credibility was seriously undermined by heavy militarisation, massive violence and intimidation, and widespread vote buying. As the European

Union Election Observer Mission (EOM) said in its final report, “Nigeria's 2019 general elections were marked by severe operational and transparency shortcomings, electoral security problems, and low turnout.” On vote buying and the abuse of incumbency, two factors that could thwart the will of the people in an election, the EOM said, “Instances of the misuse of state resources and vote-buying were evident and remained generally unaddressed.”

The result of the presidential election, in which Buhari was re-elected, was challenged in the election tribunal by his main opponent, former Vice President Atiku Abubakar. Despite the tribunal's finding in favour of Buhari, the truth is that Nigeria's representative democracy has huge credibility and legitimacy problems. The will of the people can hardly be said to be freely expressed in elections marked by militarisation, violence and intimidation – which disenfranchise voters and depress turnouts – as well as the misuse of state resources, vote buying and bribing of polling staff and police, as highlighted in the EOM report.

But if, for analytical purposes, one assumes that elections in Nigeria broadly reflect the will of the people, the next question is: has Nigeria's representative government acted as the agent of citizens, working for and being accountable to them? If the social contract is an implicit agreement between the government and the governed, in which citizens elect a government in return for the government's meeting their basic needs for safety, education, healthcare, etc., is this social contract functioning well in Nigeria?

Measuring governance and social progress in Nigeria

Any assessment of whether a representative government is working for the country's citizens must start with its capacity to manage the economy. This is because the ability of a government to tackle social challenges, such as poverty and insecurity, depends in large part on whether it can run its economy in a way that generates prosperity for all. So, what has been the state of Nigeria's economy over the past five years?



Buhari, in May 2015, inherited an economy that had started to decline in 2014 following the collapse of world oil prices. On assuming power, he failed to appoint a cabinet in his first six months in office and pursued misguided economic policies, including a rigid exchange rate regime that damaged investor confidence, led to capital flight and worsened the economic situation.

For the first time in two decades, Nigeria's economy went into recession, with a negative growth rate of -1.5% in 2016. Growth, at about 2%, has remained anaemic, insufficient to tackle Nigeria's deepening unemployment and grinding poverty. At the same time the country's population is increasing at well over 3% annually, outpacing growth.

High unemployment and poverty are inevitable consequences of low economic growth. Unemployment rose from 8.2% in 2015 to 23% early in 2019. Youth unemployment rose from 3 million in 2015 to 13 million in 2018 (a 263% increase over three-and-a-half years). With such an appalling unemployment situation comes poverty. Indeed, in 2018, according to the Brookings Institution, Nigeria became the “poverty capital of the world”, having overtaken India as the country with the largest number of people living in extreme poverty. According to the World Bank, 92% of Nigerians live on less than \$5.50 a day, while a recent United Nations (UN) report said that two-thirds of the world's hungriest people live in Nigeria and seven other countries. The government's social intervention programmes seem to have had little impact on poverty reduction.

To the grinding poverty, one must add debilitating insecurity. The 2018 Legatum Security Index for Safety and Security ranked Nigeria as the fifth most dangerous (i.e. least safe) country in the world. Boko Haram and the “killer herdsmen” were recently listed on the Global Terror Index as, respectively, the first and fourth most dangerous terrorist organisations in the world. These two violent groups have killed thousands of Nigerians and continue to operate with impunity across the country.



In addition to poverty and insecurity, most Nigerians live in appalling conditions, with no access to basics such as good healthcare, high-quality education and proper sanitation. For instance, according to the World Bank, nearly 50% of Nigerians have no access to electricity, and UN data shows that only 29% have access to sanitation.

A joint study by the London School of Economics and Oxford University titled *Escaping the Fragility Trap* listed the following as “symptoms of state fragility”: 1) a security threat from organised non-state violence; 2) lack of government legitimacy; 3) weak state capacity for essential functions; 4) unattractive investment climate; 5) an economy that is exposed to shocks with little resilience; and 6) deep divisions in society. Looking at these symptoms, it is difficult not to conclude that Nigeria is a fragile state with severely weak capacity.

Nigeria lacks the capacity for essential functions. It ranked 162nd out of 193 on the 2017 Government Effectiveness Index; scored 0.34 on the 2018 Human Capital Index, the 5th worst in the world; and ranked 157th out of 189 on the 2018 Human Development Index. With government revenue at 6% of gross domestic product (GDP) in 2017, Nigeria has the lowest tax/GDP ratio in Africa, and with government spending at 8% of GDP it has one of the lowest government spending/GDP ratios in the world.

Unsurprisingly, the woeful failure to provide basic amenities, coupled with widespread corruption, means that successive Nigerian governments have lacked legitimacy in the eyes of citizens. The World Economic Forum's 2018 Index on "Trust in politicians" ranked Nigeria 130th out of 137. This deep distrust of government undermines respect for state authority, including voluntary tax compliance.

The foregoing suggests that politics and governance in Nigeria are broken and that Nigeria's democracy is not truly representative and accountable, to the extent that it is not working for citizens. Elections in the country are, as Ivan Krastev puts it, "a collective celebration of popular powerlessness" – after elections, elected officials do virtually nothing to improve the lives of citizens, and citizens have no means of controlling or holding them to account between elections. They have to wait until the next elections to make their will felt, but, as shown above, the elections are likely to be marked by vote buying and other malpractices, thereby lacking credibility and, arguably, legitimacy.

But why would a state consistently fail to better the lives of its citizens, and under what conditions would it be able to do so? That brings us to the following analytical framework, drawn from academic research.

Analytical framework: The determinants of effective and inclusive state
Professor Paul Collier of Oxford University made it clear in a seminar titled "From poverty to prosperity: Understanding economic development" that every state had once been fragile, even anarchic. However, some successfully transitioned from anarchy to being an effective state, and from an effective state to being an inclusive one; that is, a state where ordinary people are a lot better off.





For a state to be effective, it must have the following characteristics: a strong army, i.e. a monopoly of violence within its jurisdiction; an effective tax system to raise revenue; the rule of law and a credible regime for contract enforcement to facilitate trade and commerce, which generate more revenue; rudimentary infrastructure and markets, which further increase trade and revenue; and a democracy, to give citizens a voice. For a state to be an inclusive one, it must not just be effective but must also improve the welfare of citizens. Nigeria is not even an effective state, let alone an inclusive one.

Why would a state fail to meet those standards?

Building institutions is key

In their book entitled *Why Nations Fail: The Origins of Power, Prosperity and Poverty*, Daron Acemoglu and James Robinson argue that states fail or succeed because of the nature of their political and economic institutions. They make the same point as Douglas North, the institutional

economist and Nobel Prize winner, namely that different institutions will create different incentives and produce differences in economic prosperity in states.

They stress that political and economic institutions interact in either causing poverty or creating prosperity, but emphasise the primacy of politics and political institutions. For instance, while economic institutions create the incentives that generate prosperity, politics or the political process determines which economic institutions are created, and political institutions determine how the political process works. Specifically, political institutions, such as a constitution, can establish democratic and governance principles, create limitations on the use of political power, ensure the distribution of power broadly in society and enable citizens to control politicians and influence how they behave. All of these, in turn, determine whether politicians act as the agents of citizens and pursue sensible policies that generate prosperity for all.

However, as Collier argues, not every government has the incentive to create or foster the critical institutions of political and economic governance, such as an independent judiciary, an independent electoral body, the rule of law, free market and property rights, a strong and fearless media, a vibrant civil society, etc. This is because such institutions, if they function properly, check the government itself and limit the ability of the elite to misrule and exploit the people. Further, weak states usually follow a path shaped by the status quo, i.e. by existing failed institutions, rather than adopt transformational change.

Yet, it is precisely the existence and the flourishing of such inclusive institutions that determine whether a society is a genuine representative democracy. That said, the nature of representative democracy, which is based on citizens' electing others to govern on their behalf, means that there is a potential for an agency problem, in the sense that an elected government may not, as stated above, willingly create such institutions of governance. It is therefore imperative in a representative democracy that citizens put pressure on the government to provide such public goods. Whether those in authority face such political and societal pressures depends on the existence in a country of a critical mass of well-informed citizens. This, in turn, depends on societal norms and values.

Norms and values matter. As North's work makes clear, any conception of the role of institutions in incentivising behaviour must consider their formal and informal aspects. Formal institutions are tangible rules and structures, such as the constitution and the courts; informal institutions are norms of behaviour and values. Thus, the overarching insight from the above theoretical analysis is that formal and informal institutions, political and economic alike, interact in determining whether a society has a healthy representative democracy that is both effective and inclusive in creating prosperity.

Conclusions and recommendations

The above diagnosis shows that Nigeria is not a genuine representative democracy, let alone an effective and inclusive state. In her book, entitled *Fighting Corruption Is Dangerous*, Dr Ngozi Okonjo-Iweala, Nigeria's former Minister of Finance, lists the following as factors undermining governance in the country: inappropriate policies, inefficient and non-transparent institutions, corruption, capture by leaders and rent-seeking elite. This makes Nigeria what Acemoglu and Robinson call an “extractive” state; that is, a state where a small elite dominates and exploits the people. It also means that Nigeria lacks the ideals of inclusive and representative democracy, which explains why it is struggling to become an effective state that can generate prosperity for its people.

Nigeria needs, among others:

- 1 a robust market economy structure to generate economic prosperity;
- 2 electoral legislation and practices that make its representative democracy credible and legitimate;
- 3 channels for political participation that ensure its citizens can influence the government's policy agenda between elections, which would also help create a critical mass of well-informed citizens;
- 4 checks and balances that limit political power and abuse of office; and
- 5 a normative agenda aimed at engendering the right social attitudes about good governance, unity, the values of public service, etc.



More specifically, the following recommendations are made.

The economy

- I. Nigeria should make a policy shift away from protectionism and adopt free market policies, including a flexible exchange rate, subject to relevant regulatory safeguards, such as a robust trade remedies regime.
- II. Nigeria should, over the next five years, use its membership of the African Continental Free Trade Area (AfCFTA) to transform its economy into an open, competitive and export-oriented one, with particular attention paid to building its productive and trade capacities.

Electoral democracy

- III. Nigeria should amend its Constitution and electoral legislation to promote credible elections, including prohibiting militarisation and misuse of state resources to gain an electoral advantage. Vote buying should be made a criminal offence.
- IV. Where the electoral law already creates electoral offences, they should be strengthened and strictly enforced.

Channels for political participation

- V. Nigeria should consider creating citizens' assemblies at various levels of government to encourage a deliberative democracy, which would strengthen its representative democracy. Citizens' assemblies are one way of diffusing power and ensuring citizens are involved in governance between elections.
- VI. Every major government policy initiative should be accompanied by an Impact Assessment, signed off by the Auditor-General, and subjected to a statutory public consultation that is open and transparent before it is adopted and implemented.

Institutions of checks and balances

- VII. The Constitution should be amended to guarantee the absolute independence of, and non-interference with, institutions of checks and balances such as the judiciary, the central bank, the office of the Auditor-General, the electoral commission and the media. Non-compliance with court rulings should be declared an abuse of office in the Constitution.
- VIII. Independent non-governmental organisations, such as the UK Institute of Fiscal Studies and Institute of Government, should be empowered in Nigeria and encouraged to publish research on governmental practices and policies with reasonable access to official documents.

Normative agenda

- IX. Nigeria should consider creating a national body, consisting of respected elder statesmen, traditional rulers, religious leaders and other civil society leaders, with the moral authority to act as the conscience of the nation and to pronounce on national issues from a values-based perspective. They should lead the agenda, working through social, political and economic networks, to influence social attitudes in a way that engenders a sense of common purpose for the progress of Nigeria.