

Illiberal Governance And Human Rights Situation In Africa's Democracies

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Abstract: *Despite improved democratic legislations and media successes in information and communication, successive regimes in Africa continue to surpass constitutional limits of their powers. Extant literature has identified colonial hangover as a factor perpetuating arbitrary use of state power, yet recurrent experiences seem to point at new realities. The situation in Nigeria is typical of political actions that jeopardize freedom, liberty and human rights necessary for fulfilment of life targets. This study used viable indicators in Nigeria to argue that despite imperial influences, illiberal governance abounds in most democracies across Africa with high abuse of human rights and repressions. It examined political actions that constitute illiberal governance in Nigeria as epitomes of what traverses across Africa. The paper relied on documented evidence as source of data while Mosca ruling class strand of the elite theory served as a framework for explanation. Findings showed that abusive use of state power in Nigeria has immensely starved citizens of their rights, liberties, and freedoms essential for citizens' group and individual fulfilment of life targets. The situation in Nigeria represents a typical example of what obtains in most African democracies. It is an upshot of the combination of imperial influences and the inordinate quest for power, wealth and self-esteem among African political, economic and executive oligarchs. Solution to this predicament lies on re-writing national constitutions of these polities to restructure them along major socio-ethnic divides for greater autonomy to guarantee their self-developments.*

Keywords: *Illiberal, Governance, Illiberal Governance, Human Rights, Democracy*

I. INTRODUCTION

Historically, crisis of governance in Africa is deep-rooted and endemic, especially when one recalls tales of political experiences across the continent. Despite early Africa's civilization in what was known as Egyptian development, subsequent European incursion into the region engendered infectious relations that later metamorphosed into slave trading with the Atlantic Slave Trade being the hallmark of that ugly experience. The practice sapped, to a great extent, the social fabrics of the continent in terms of human resources. In the events that followed, imperial invasion and imposition of alien leaderships across Africa battered traditional institutions and systems that sustained the indigenous leadership of the people. Though independence became the outcome of prolonged struggles for self-rule across the

continent, neo-colonialism was seen as an indirect method that renewed colonial exploitation – using colonial structures as functional tools. Extant literature blames imperialism (colonialism and neocolonialism) for challenges of governance and development in Africa. Nnoli (2008) posited that British colonialists sponsored ethnic sentiments and sectionalism in Nigeria through indirect and divide and rule tactics to serve colonial purpose. Thus, most Nigerian leaders who inherited leadership saw ethnicity as critical factor for politics and ethnic politics became entrenched and a major problem to governance. In Nigeria, as well as in many African countries, existing texts contend that colonial and neo-colonial characters were inherited by the indigenous elites. Libyan experience described the situation where British and French occupation of Tripolitania and Cyrenaica/Fezzan regions left political rivalry that resulted in contestations of power and

marginalization between the two political zones. Mohamed Idris was said to have favoured Cyrenaica region at the expense of Tripolitania. When Muammar Gaddafi took over in 1969 the trend reversed. Muammar Gaddafi was accused of marginalizing Cyrenaica. This eventually contributed largely to the 2011 Libyan Crisis that resulted in the murder of Gaddafi with Britain and France playing major roles in supporting National Transitional Council (NTC)-led rebel forces that ousted Gaddafi regime (Agbaenyi, 2016).

In Rwanda, East Africa, authoritarianism and sit-tight syndrome defined the political order. While pre-Kagame era witnessed repressive disposition of President Pasteur Bizimungu who was later charged and jailed-15-year term for embezzlement and inciting genocide. His successor, Paul Kagame, has possessive grip on the country's state power since year 2000 representing a sit tight syndrome with tight political space for opposition and those who have reservations about his leadership style. Somalia, in East Africa, is just re-establishing itself after decades of conflicts and devastations triggered by dictatorship, bad economy and territorial problems. In Southern Africa, Zimbabwe experienced Robert Mugabe's dictatorship from 1980-2017 and is now making attempt to open the political space for political participation. Monopoly of power and resources and marginalization of social groups on the basis of differences in political affiliation, religion, class and sex have been the roots of conflict in the continent of Africa. Ethnic marginalization is most pronounced and intensively agitated.

The situation in Nigeria is worrisome when one considers high scale of failure of governance and development despite enormous human and material resources credited to the country. Ake (2003) revealed that Nigerian indigenous political elites inherited totalistic, absolute and arbitrary use of state power and exploitation from the colonial masters without corresponding economic policies for development. Hence, the struggle to acquire, consolidate and use state power to acquire and accumulate private wealth became commonplace. At independence, Tafewa Belewa regime battled largely with the inherited colonial political order with the ruling Northern People's Congress (NPC) exercising dominance and unholy hegemony over the country. Unable to tolerate the situation, Major Chukwuma Kaduna Nzeogwu-led January 1966 Military Coup dismantled the regime and ran into succession problems. When the military eventually reconciled itself, Major General Aguyi Ironsi emerged as the military Head of State and, subsequently reduced the political system to a unitary government. His regime lasted for six months and was succeeded by General Yakubu Gowon's junta following a counter coup in August, 1966. Gowon's deficient management of the nation's affairs led to wanton killings of innocent civilians in the North and, subsequently, the Civil War in 1967. A more radical officer, General Murtala Mohamed, overthrew Gowon's administration in July, 1975 and was assassinated in February 1976. His second in command, Major General Olusegun Obasanjo took over power and in October, 1979, handed over to civilian government of Alhaji Shehu Shagari. Shagari's government was overthrown in December 1983 by Major General Muhammadu Buhari. General Ibrahim Babangida overthrew Buhari in August 1985. He resigned in August 1993 and handed over power to Mr. Ernest Shonekan.

General Sani Abacha forced Mr. Shonekan's government to resign and reigned as Head of State from November 1993 till he died in June 1998. General Abdulsalami Abubakar took over as military Head of State till May, 1999 when he handed over to Retired General Olusegun Obasanjo as elected civilian President. 2007 Presidential election ushered in Alhaji Umaru Musa Yar'adua. He died in May 2010 and his Vice President, Dr. Goodluck Jonatan took over. Retired General Muhammadu Buhari took over from Jonathan following 2015 Presidential electoral victory and remains the civilian president till date.

The above sequence of events was characterized by intense political intrigues for power, position and wealth- a process that failed to see rule of law as the only means of acquisition and exercise of state power. Driven by the desire to protect group and personal interests, regimes in the power game neglected and abused the rights of other members of the society and engaged in marginalization, politics of exclusion, intimidation, suppression and killing of innocent Nigerians. Nigerian political process since 1963 has been a struggle for power between military warlords and civilian political elites with the former taking the upper hand. Such struggle is typical of many African democracies that had colonial experiences.

II. METHODOLOGY

The study was qualitative as well as descriptive in nature. It relied on published evidence as source of data. The paper used eight indicators to demonstrate the existence and nature of illiberal governance in Nigeria. Vilfredo Pareto, Gaetano Mosca and Robbert Michels elite theory was adopted and applied as theoretical framework for explanation. Elite theory is a theory of the state that explains power relations between two categories: the elite and the masses. The scholars believe that the elites control economic and political powers due to positions they hold, resources they control and their intelligence and skills. They control and dominate the majority (the masses) because of their weakness and inability to challenge them. Resistance or conflict among the elites can cause a change in the membership of the elite class and an elite can lose his powers and a member of the masses can gain power and join the elite class.

Members of the elite class in Nigeria comprise captains of major industries like Shell Petroleum, Mobil, Total, Dangote; political elites occupying elective and appointive positions in government like the President, Senate President, Speaker of House of Representatives, Ministers and those who influence their decisions; and executive power holders in different corporations, government ministries, parastatals and agencies like Managing Directors, General Managers and Directors have dominated economic and political arenas and perpetuated their interests over decades. They have held the majority (the masses) down with supper exploitation, intimidation, suppression and dominating their character.

III. ILLIBERAL GOVERNANCE

The term 'illiberal' explains a character that does not allow individual's liberty and freedom of behaviour. It is a

condition that does not allow a system the openness for plurality of participation. It extends to intolerance and practices that stifle desired conducts backed by law. Hence, illiberal governance describes regime's act of exceeding its constitutional limits of state powers by denying citizens of their basic rights, liberties and freedoms granted by law. In other words, illiberal governance occurs when a government, contrary to constitutional provisions, abuses citizens' rights in such a way that citizens' liberties and freedom are suppressed. The act depicts regimes' unlawful restrictions and close-marking of the people in ways that hinder their freedom. Such governments may improve on legislations toward more political pluralism, yet, governments' covert and overt actions undermine the basic essence of such democratic legislations. In other words, democratic legislations may improve but the government uses illegal tactics to undermine implementation of policies and achievement of democratic goals. This takes the nature of contrast between existing laws and government's political rhetorics and actions. It tames the individual from achieving targets and creates contradiction and conflict between democratic laws and government actions.

Illiberal governance undermines and makes democracies fake, low, perverted and deficient. Democracy is a system of governance; a process as well as an embodiment of principles that offer the individual the freedom to explore his capacity toward the achievement of his goals. These rights are only regulated by law to enable others enjoy their own rights. It holds, therefore, that attempt by the government to rob the individual of this freedom without recourse to legal process amounts to illiberal act. Fareed (1997) held the view that regimes, particularly, those who achieved re-election, neglect constitutional procedures and provisions restricting their powers and also divest the citizens of their rights and freedoms. The paper cited Boris Yeltsin and Carlos Menem of Russia and Argentina, who applied executive decrees in ruling their countries in violation of individual's freedoms and rights. A democratic state ought to offer socio-cultural, economic and political spaces to social elements of its population. Thus, governance becomes illiberal when government's violation of human rights put citizens in a tight corner. The violation is more serious when existing system of law provides these rights but in the course of governance, the government prevents the people from enjoying them.

Illiberality occurs in governance where democratic laws are negated by regime's autocratic policies and actions. Such regime is usually characterized by dogmatism, bigotry, intolerance and narrow-mindedness and is unfree to allow group progress due to fear of loss of state power. De Oliveira (2011) looked at illiberal governance from peace building perspective. The study contended that Angolan post-war reconstruction was a clear deviation from what used to be the western liberal peace building since post-cold war era. The paper saw illiberal peace building in Angola as an attempt by local elites in post-war reconstruction to deviate from historical tradition of liberal peace legislations which allow civil liberties, economic freedoms, poverty reliefs and rule of law in an attempt to create an elitist hegemonic dominion over Angola's economy and politics.

This practice includes manipulation of the state institution saddled with the responsibility to protect human rights. It

involves intimidation of opposition groups, civil society and holders of views opposed to government policies and actions. Typical of it is regime's use of security, anti-graft and anti-corruption agencies to tame constructive opposition and abuse fundamental rights of citizens who are indisposed with regime's leadership style. In most cases, individuals' awareness of the existence of democratic laws guaranteeing their rights makes them resistant to regime's attempt to deprive them of what the law permits. Illiberal regime responds to such agitation with repression. Persistent resistance is met with force.

Efanador (2018), while assessing political governance in Africa submitted that authoritarianism and democratic governance have, over the decades, appeared to be in crisis in Africa, depicting a contest between rule of law and autocratic rule. The paper stated further that Africa's political governance in the present era is characterized by democratic deficit. Though Efanador started with the identification of a contest between authoritarianism and democratic governance, he ended up with the affirmation that political governance in Africa is characterized by democratic deficit. This is a typical identification of failure of government to abide by the rule of law. Similarly, Okereke (2018) emphatically explained that since the collapse of the Soviet Union and Communism in 1991 and the resultant emergence of one party authoritarianism and military rule in Africa, political discourses on the continent have shifted from a debate on the enthronement of democratic rule to the impact of democratic governance on the people. When in a democracy, the people find themselves surrounded by stringent socio-economic and political conditions created by the government, the effect of democratic governance is questioned.

The situation in Nigeria is not encouraging with the manner government uses official machinery to bulldoze itself through the acquisition and consolidation of state power at the detriment of the people's rights. Eyiuche (2005) identified poverty of leadership as the bane of successive regimes over the past four decades and the situation has resulted in chronic lack of vision as well as collapse of hope for Nigerians. To further the view, Nnoli (2003) saw ruling class in Nigeria as a complex system of diverse and competing interest of industrialists, bankers and other financiers, merchants; senior administrator, capitalist and big contractors. Competition among such interests might perhaps be the scenario that occupies government's attention consequent upon neglect and suppression of the people's interests, Nnoli added. The above scenario does not create room for good governance and respect for human rights. It is purely oligarchic and suffocating to the average citizen outside elitist circle.

From Kolawole, (2018)'s point of view the Legislature as an indispensable political institution in a democratic government, but Nigeria's National Assembly is ineffective in its functions. One can therefore, imagine where the legislature is ineffective what would be the scale of executive recklessness.

Looking at governance deficit and human right abuse, Agbo (2018) asserted that throughout human history, man was innately desirous of freedom in all its ramifications. State according to the study remained the instrument for the actualization of human rights using governance as the

process/instrument. Going by this line of thought, it is clear that humans are desirous of freedom for their development and the state has a responsibility in making this come true. Attempt to undermine this essence is tantamount to crisis.

IV. HUMAN RIGHTS

Aggressive and selfish nature of man is one that need be checked at all times, otherwise, the Hobbesian “state of nature” and the resultant poverty, brutish, solitary, nasty and shortness of life would be the undesirable conditions of mankind even in this present age. To buttress this standpoint, the Italian political philosopher, Niccolo Machiavelli had earlier maintained that man is by nature greedy and selfish. Karl Marx, the German philosopher, asserted that the *bourgeoisie* exploited the *proletariat* and that irreconcilable antagonism exists among humans. These viewpoints are clear pointers at man’s evil tendencies over his fellow man. Hence, without a regulatory mechanism in place, human life would be a miserable phenomenon. Universal Declaration of Human Rights proclaimed by the United Nations’ General Assembly (General Assembly Resolution 217 A) recognized the inherent dignity of all members of human family. It declared among others, the right to your own things, freedom of thought, expression; right to public assembly, democracy, social security, workers’ rights; food and shelter for all, the right to education and importantly, that no one can take away another person’s rights. <https://www.youthforhumanrights.org/what-are-human-rights/universal-declaration-of-human-rights/articles-16-30.html>

Concomitant with this background, Suleiman (2015) believed that people have human rights notwithstanding their religious, professional, national, social or income status and affiliations; and as such human rights have international application and implications. The paper maintained that for Nigeria to measure with western democratic standards, it had to resolve human rights violation challenges in the country. The above two statements are indications of a case of ideal and reality differentiation in Nigerian State system. In other words, the ideal situation is that human rights should internationally exist and be observed regardless of cleavages and affiliations. Yet, the situation in Nigeria differs with abuses and violations of such rights. The difference is the problem glaring at the government of Nigerian federation. Still in the same line of thought, Adenrele and Olugbenga (2014) was of the views that despite the adoption of the Universal Declaration of Human Rights by the United Nations in 1948 and inclusion of same in National constitutions of the United Nations’ member states, physical and mental torture of citizens abounds in Nigeria and Africa. The paper cited detention without trial, police brutality and accidental discharge as some of such incidents of abuse of such rights. For Ezeani (2010), rights precede the state because recognized or not, validity of the state derives from rights. Rights, the paper argued, were not the creators of law. They are that which law seeks to realize. Emphasizes is made here on the importance of rights and its relationship with law and any government that fails to allow or cause law to realize human rights is in violation of such rights. To stress this further,

Abiodun (2012) contended that human rights have enjoyed remarkable attention and expansion at the global level to concretize and invigorate human rights protection at the national level, almost all national constitutions contained human rights either in their preamble or substantive contents. The paper, however, observed that wide-ranging deficiencies in Nigerian constitution is prone to manipulation by public officials that may sponsor laws and policies designed to jeopardize human rights under the guise of protection of national security or public order.

Onwuazombe (2017) concurred that human rights are that which all human beings have by the virtue of their humanity. Human rights according to the article provide a common standard of behavior among the international community. The rights, it argued are natural, rational, inviolable and unalterable, the deprivation of which constitutes a great affront to one’s sense of justice. Despite this position, Nwachukwu, Aghamelo and Nwaneri (2014) regretted that both at the levels of civilian and military governments, the post-colonial state in Nigeria has steadily presented authoritarian and repressive character of its colonial predecessors. More so, the state has not achieved normative legitimacy from its citizens due to its recourse to forceful extraction of resources without attending to the existential realities of most citizens. At the inception of Fourth Republic in 1999, the paper lamented, Nigerians had a sigh of relief that democracy and rule of law, the bases for the protection of human rights would come to stay. Unfortunately, everybody was amazed and disappointed at the level of human rights violation that followed.

Stressing this ugly situation, Abiodun (2012) expressed displeasure over the extent human rights provisions in the Nigerian Constitution is inconsistent with the contemporary conception, global goals and aspirations of human rights. The paper anchored its position on the belief that the place of national constitution in human rights protection cannot be overemphasized, especially when it is appreciated that ultimately, effective protection will come from the within the state. Though, Nzarga (2014) observed that human rights violation cut across all spheres of human existence, Nigeria Security Services have been accused of being one of the greatest violator of human rights.

For Coker and Obo (2012), human rights are those liberties, freedoms and other entitlements which accrue to a human being because of his human nature. These rights, according to the paper, are meaningless, unfulfilled and mere wishes if the ruler of the society do not create the conditions which are congenial for their realization. Regrettably, this conducive environment is absent in Nigeria, the article concluded. It was on the basis of this form of human rights’ hostility in Turkey that Professor Wole Soyinka of Nigeria and thirty eight other Nobel Laureates wrote an open letter to President Erdogan of Turkey demanding for the abrogation of state of emergency in Turkey, full freedom of speech and a quick return to the rule of law. The call became necessary following the increased judicial harassment of journalists, members of parliament, academics and other citizens of Turkey, Ojeme (2018) revealed.

V. DEMOCRACIES IN AFRICA

Democracy is a system, a set of principles, as well as a process in which members of a society determine, the way they run their collective life as a people. As a result, democracy has political, social, economic and cultural dimensions. Political dimension of democracy involves decisions and activities that determine the way society is organized and governed. Economic aspect of this deals with decisions and actions on production, distribution and consumption of the wealth of the nation. In the social sphere, democracy entails freedom to organize, mobilize and use different social groups to make demands and support to the political system as ways to achieve desired goals. Similarly, culture is the general way of life of a people chosen by them and, therefore, it is the acceptable behaviours by which a society lives, survives and sustains itself. Cultural democracy is, therefore, the freedom and ability to do the above processes. Thus, when the people are no longer in control of any of the above dimensions, democracy is said to be diluted. Democracy is undermined when a society is no longer in charge of production and distribution of wealth in its territory. Democracy dies in that society where the people lose control of their socio-cultural, economic and political activities. When exogenous forces control any of the above aspects of the societal sub-systems, such forces use that opportunity to manipulate, exploit and dictate for the citizens. Hence, the people lose the capacity to do their will.

In the case of Africa, the European balkanization of Africa in the 1885 Berlin Conference and the attendant conquest and rule of autonomous communities and kingdoms of the continent through colonialism, abolished self-rule systems long established by the people of those kingdoms. The replacement of pre-colonial indigenous value systems with European socio-economic, political and cultural models in African colonies further implanted foreign ways of life that were out of grip and control of the colonized. Subsequently, the integration of African colonies into colonial economies of European states aggravated their vulnerability to exogenous exploitation. Such maltreatment later created economic cartels that influenced government policies and actions. In the post-independence era, exploitation and corruption were entrenched by close collaboration between the colonial masters and succeeding indigenous political elites who required their support to win election and remain in power. With the collaboration of foreign captains of major multinational corporations and willing indigenous political elites the interplay between politics and economy in Africa became solely elitist. Such foundation affected many African states. It has taken governments away from the people and thus, undermined democracy in the continent.

The system has developed to a level that so many politicians got entangled with stringent conditions in the hands of financial sponsors and king makers who have party machinery at their hands. This is because they determine who get tickets of the front runner political parties for elections. Attempt by party members or the general populace to participate in elections becomes a mere ratification of what the party leadership had decided. Powerful captains of industries sponsor different candidates in major political parties with the

hope that any of them who eventually emerges as winner of the election becomes their agents for economic and political exploitation and control of public affairs. The financiers help to resolve the after election inter-elite squabbles to ensure peace in this system that sustain their businesses.

In a democracy, the people should be able to determine their socio-economic, political and cultural destinies. As such, when culture, production and distribution of wealth, politics or social groupings are determined and controlled by few members of the elite class in a society that has a democratic constitution, it is either a weak, half, perverted, low or diluted democracy or something else. Democracy in Africa is experiencing serious challenges bothering on the gap between democratic principles and the manner by which the system is practiced in the continent. There is a conflict among indigenous culture, private interests, constitutional provisions and government actions. Attempts to blend them remains ineffective in successive administrations found wanton in most African democracies. One would, therefore, wonder why such states are called democracies. The answer is not far-fetched. Africa's 'victory' over slavery, colonialism and military rules are seen as victories for self-rule. This is supported by periodic elections taking place across the continent. At least, it is believed that the process of democracy is on course because majority of Africans have accepted the system for their societies and the situation today is better than the days of slavery and colonialism, yet the practice does not meet constitutional provisions and people's expectations; not to talk of international standards.

Available literature is in dispute over the direction the democracy in Africa is going. While one school of thought believed that democracy in Africa is in retrogressive direction, the other believed that the system is growing. Socio-economic and political experiences of the people of Africa seem to support the former. One common agreement between the two schools is the fact that democracy in Africa is facing serious challenges. Again, they are in dispute over its prospects or otherwise as a system that would lead the continent to developmental greatness.

For instance, Kura (2018) claimed that a wave of change began in the last quarter of 20th century political processes in Europe and extended to Africa, Eastern Europe, Latin America and Asia and many states metamorphosed from dictatorship, authoritarianism and military regimes to democracies. However, the wave, according to the paper, was in its retrogressive direction in Africa, Latin America and Asia because the bridge of democratization in these areas was floating due to failure to expand the horizon of governance to the people. The study opined that centrifugal and centripetal forces were threatening political processes and existence of these states. Kura's position is an identification of regressive movement of democracy in Africa and other mentioned regions. In line with this view, Basiru, (2018) reasoned that neo-liberal literature of the Post-Keynesian period held the view that liberal democracy was a sure enabler of development, particularly in states transiting from authoritarianism but empirical realities in Africa today seem to have refuted the thesis. This, the paper said, is because the appropriateness of liberal democracy for the development of Africa and other illiberal democracies in the Global South has

generated a serious debate. Basiru's assertion has casted doubt over the workability of liberal democracy for Africa's development. This doubt anchored on the failure of liberal democracy to meet people's expectations on development of the continent.

Nnoli (2011) traced Nigeria's anti-democratic and pro-democratic forces back to colonialism. Colonialism, the book argued, was motivated by the need to force Nigerians to adopt new socio, economic, political and cultural ways of life. Colonial origin of Nigerian state, the paper further said, ensured that power was the defining attribute of the statehood. Non-coercive elements such as morality, norms, values, customs and other historical checks and balances that controlled power in pre-colonial era were evidently absent. The colonial state structure, according to the writer, was authoritarian, anti-democratic, domineering, exploitative, repressive and unjust.

VI. INDICATORS OF ILLIBERAL GOVERNANCE IN NIGERIA

Here, the discourse presented and analyzed concrete issues in their contextual perspectives so as to narrow down the scope and bring home the basic theses of the study on issues under investigation using Nigerian experiences as anchor points.

A. THE JULY, 2018 EKITI ELECTORAL SAGA

The 1999 Constitution of Federal Republic of Nigeria sections 34(1) and 41(1), grants every Nigerian the rights to dignity of human person and right to freedom of movement respectively. The episode that played out in Ekiti State-Nigeria during the July, 2018 governorship election was a clear case of official dehumanization of persons, restriction of freedom of movement and, indeed police invasion and intimidation of Ekiti State amounting to illiberal acts in the side of the government. Print and electronic media reported and showed the incidence where the Governor of Ekiti State, Mr. Peter Ayodele Fayose, painfully narrated his ordeal in the hands of Nigerian security personnel. Channel Television (2018, July 11) showed where the governor was crying and alleging that policemen sent by the Inspector General of Police manhandled him. He wore neck support and hand bandage, was screaming that he was in pain as a result of police assault of his person. He told viewers that if anything happened to him, the Inspector General of Police should be held responsible. Fayose lamented that he was no longer in control as the Chief Security Officer of Ekiti State because the police cordoned off Ekiti State Government House and arrested most of his security aids and party members. He decided to notify and alert the public about this ugly incidence that befell his state. He, emphatically, made it known to the world that the ruling party, All Progressive Congress (APC) was bent on rigging Ekiti State governorship election.

Police spokesman, Jimoh Moshood, explained that Fayose was dramatic as no police manhandled him. According to Moshood, the governor's security aids were not withdrawn. He said that after the incidence, the security aids were

summoned to headquarters to know why they allowed the governor to be manhandled but they responded that there was no such incidence. (Opejobi, 2018) Police was unable to prove, whether police outing to Ekiti was anything less than an invasion, and why thirty thousand policemen were deployed to Ekiti for electoral security while massive killings in Benue, Nasarawa, Plateau States and some other parts of the country did not record prompt police intervention and not to talk of such huge number.

If the governor's claims are anything to go by, the way and manner he was treated was an indication that an average Nigerian on the street is not safe if a powerful governor of his status could be treated in that manner. It showed how insecure Nigerians are, particularly when issues of interest to the ruling party, APC, are involved. On the other hand, if police defence should be relied on, then governor Fayose has taken politics to a new deceptive dimension. What is, however certain is the fact that the governor, as the Chief Security Officer of the state, found himself in a situation he felt his life, that of his supporters and a free governorship contest were not guaranteed. This is obvious judging from account that his security aids were withdrawn and his political associates arrested.

B. GOVERNMENT INACTION TO HERDSMEN'S KILLINGS OF INNOCENT AND ARMLESS NIGERIANS

Illiberal governance extends to government's inaction while a part of its population suffers repeated pogroms. Yes, actions and inactions constitute government behavior in positive and negative directions. Federal Government of Nigeria remained motionless while killing of innocent and armless civilians by AK47 terrorists, called herdsmen, raged on. Benue, Nasarawa and Plateau States, for instance, experienced a measure of what Biafrans experienced during the Nigerian Civil War. Nigerians were astounded the way and manner the Federal Government of Nigeria neglected Benue State Governor and people when they were crying for government's intervention while the massacre continued. There were no military or police physical attempts to stop the AK 47 terrorists, disguised as herdsmen, from the genocidal onslaught on the sport of the attacks. In Nasarawa State, the massacre became a routine by the way people were killed at regular intervals. The situation in Plateau state remains a case of ethnic cleansing to gain political control of the states by ethnic hegemonists bent on forceful religious and political expansion. It occurred in different dimensions while the underlying intent (political control) remains the same all this while.

In reciprocation of the citizen's loyalty, patriotism and obedience to the nation, 1999 Constitution of the Federal Republic of Nigeria, Section 14 (2b) states "the security and welfare of the people shall be the primary purpose of government" Accordingly, Nigerian government owes its citizens the primary obligation to protect their lives against armed attacks. Hence, it was astonishing that such high level of killings of members of different communities across different states were going on without government's resistance. Government's inaction raised more suspicion when

General Theophilus Danjuma, (Rtd) opined that the military was colluding with the killers to facilitate their offensive. Ekiti episode was an evidence that Nigerian Government did not lack capacity to fight the killers. This manifested in its ability to mobilize thirty thousand policemen just for Ekiti governorship election.

Thus, when government's inaction leads to such loss of lives and property, citizens are denied their rights to life, free movement, freedom, liberty and are gripped with fear in such a way that pursuance of life targets are relegated to the background in the presence of horrifying political environment. Such inaction constitutes illiberal act on the part of the government.

C. ILLEGAL DETENTION OF FORMER NIGERIAN NATIONAL SECURITY ADVISER, COL. SAMBO DASUKI (RTD)

The National Security Adviser to President Goodluck Jonathan, Sambo Dasuki, was arrested and detained by the Nigeria's Economic and Financial Crimes Commission (EFCC) for misappropriation of fund meant for arms procurement. In the course of the case, Dasuki was granted bail by four national courts and ECOWAS Court. Abuja High Court granted him 15 million Naira compensation, yet Nigerian government refused to implement the release (EricMeya, 2017). The call was made by his relatives in a press conference under the aegis of Sultan Ibrahim Dasuki Association in Sokoto through the Secretary General, Kabir T. Auwal. The call became necessary following prolonged detention of Dasuki. This is another aspect of illiberal governance. Disobedience of court orders are major government undoing that deprives the individual his fundamental rights. By continuous detention, Dasuki remains deprived of his freedom of movement, association, expression and family life. It is illiberal to continue to keep Dasuki in prison when courts granted him bails. His bail does not stop prosecution, rather it is an aspect of court processes in the prosecution of suspects. Democratic constitution grants the individual such bail to enable him prepare his defense and obtain fair hearing. He needs to speak to the public about the arrays of allegations and charges levelled against him, associate with people and unite with his family to be able to face the challenges before him. This does not prevent the government from proceeding with prosecution. This is because the courts have in their wisdom considered it necessary to grant him bail. Any attempt to deny such bails backed by law and granted by a courts of competent jurisdiction is impunity and illiberal on the part of government.

D. DSS SIEGE OF THE NIGERIAN NATIONAL ASSEMBLY

Blockade of the legislative arm of Nigerian Government by officials the of Department of State Security Service (DSS) is an effrontery on the law making organ. It was an assault on democracy and senses of official responsibilities of the legislators who wanted to use the Assembly for the legitimate responsibilities. Although that action led to the dismissal of

the Director General of State Security Service, Mr. Lawal Musa Daura by the then Acting President, Mr. Yemi Osinbajo, it was a clear indication of the level of arbitrariness, insensitivity and lack of consultation and due process in the act of governance. Illiberality got to the extent that such director did not know the limit of his powers. Daura claimed DSS received intelligence report that some unauthorized persons planned to smuggle dangerous weapons and incriminating items into the complex. The Inspector General of Police, Ibrahim Kpotun Idris, revealed that the former DSS boss did not report to the Acting President neither did he share his intelligence report with the police or other security agencies (Odunsi, 2018). A situation where the Director General of such government department can unilaterally invade the legislative arm of government, intimidated members and staff of the assembly without invitation by the leadership of National Assembly is evident of illiberal state of affairs in Nigeria. Acting President of Nigeria, Mr. Yemi Osinbajo described the takeover of the National Assembly by the DSS as a gross violation of constitutional order (Odunsi, 2018). Even if such directive was given by the Presidency, it was an illegal assault on the Assembly by the executive arm of government, and to that extent it was a violation of the independence of the legislature.

Hence, one can imagine: in a society where heavy weights as Senators, members of House of Representatives, Administrative Staff of National Assembly, the assembly itself, constituents and of course the system of democracy were assaulted in that manner, what is the fate of an average Nigerian on the street? This explains why victims of herdsmen's attack in Benue State lamented, cried and groaned as they were being massacred without official intervention while the attacks lasted.

E. HARASSMENTS OF NIGERIA'S SENATE LEADERSHIP BY THE POLICE

Whether it is called intra-elite political conflict or not, the truth is that acts of illiberality in Nigeria cut across political, economic and ethnic divides, tormenting the big and the small, man and woman, rich and poor. When killings of innocent civilians across the country were going on, members of the National Assembly condemned the attack, without knowing they were going to have their own share of the offensive from within the government. Executive harassment of leaders of the legislature showed that no citizen is free from executive recklessness. President of the Nigerian Senate, Bukola Saraki, and his Deputy, Ike Ekweremadu, had been on regular surveillance by Nigerian Police. The situation took a worse dimension with incessant defection of members of the ruling All Progressive Congress (APC) to the main opposition party, the People's Democratic Party, PDP. It again took a new, and now more intense, dimension when the Senate President himself and 14 other senators defected to the opposition party. Efforts by President Buhari and National Leadership of APC to stop his move to PDP failed. The police hunted the Deputy Senate President for arrest.

On the day an alleged plan to impeach the Senate President was to be executed by members of the APC in the National Assembly, the police waged a siege on the Senate

President's residence but unfortunately for them the senator slept in his office at the National Assembly from where he appeared at the Senate Chambers the following morning to receive APC defectors to PDP.

Objectively, the authors agree that the police can invite and investigate officials of government for interrogation on their actions or inactions in the discharge of their duties. Yet, the way and manner this is done is important as it ought to follow due process, and be done in good intention not to victimize or intimidate the official due to his different political affiliation or varying political stand from that of the government. Assault on such official of government is an assault on the office he occupies, and an assault on his office is an assault on the institution of governance and the people he serves.

F. MISUSE OF OPERATION PYTHON DANCE II IN THE FIVE SOUTH EAST STATES OF NIGERIA

Operation Python Dance in the South East was a legal military exercise that began on September 15 and which was slated to stop on October 15, 2017. Its lawful objectives were to check criminal activities ranging from kidnapping, armed robbery and threat to national security of the nation. However, the implementation took a different dimension. The exercise recorded serious abuse of human rights, particularly as it affected members of the Indigenous People of Biafra (IPOB), a freedom fighting movement declared a terrorist and criminal group by Nigerian Government. The act of declaring the organization a terrorist group amounted to breach of fundamental rights of the members and supporters of the group. The group is worried over Nigeria's marginalization of the people of the Biafra area of Nigeria (South East and South South) since the end of the Nigerian Civil War. Its leadership led by Mazi Nnamdi Kanu believes that Nigeria is determined to perpetuate this marginalization and to that end demands separate State of Biafra from Nigeria. The marginalization is clear in federal appointments, national leadership and general treatment of the people of the area in federal government establishments. President Buhari's appointment of Nigeria's Service Chiefs without a person from the South East zone is a typical example of such marginalization. Again, after the Nigerian Civil War, no person from the South East has headed Nigerian Government. These situations are not in line with the Federal Character Principles. Operation Python dance should not have been an instrument for addressing IPOB agitation. Diplomacy and commitment in resolving issues of marginalization raised by the group would have been best options. United States of America passed through a civil war like the United Kingdom and some other world powers but they reintegrated and united their people to be able to forge ahead. Nigeria should have followed that approach.

On the contrary, the arrest, torture, detention and killing of members of IPOB amounted to illiberal dimension of the use of the military and the police by Nigerian government to abuse human rights. This is so because in the course of carrying out official functions, Operation Python Dance II, for instance, should have taken cognizance of freedom of association, expression, and assembly and importantly, right to self-determination of members of IPOB as provided by the

United Nations Universal Human Rights and 1999 Constitution of Federal Republic of Nigeria. Some members of IPOB were reported to have been rough handled and pictures shown where they were being tortured by Nigerian soldiers. Some were said to be forced to dip themselves inside muddy dirty water (Inyang, 2017, September 13) Amnesty International in its recent report, alleged that Nigerian military has killed 177 IPOB members in the South East (Omonobi, Eboh and Ajayi, 2017, February 23). Though, Military Defense Headquarters denied the allegation, pictorial evidence online speaks volumes. See (Inyang 2017, September 13).

G. HARASSMENT OF MEMBERS OF THE APC THAT DEFECTED TO THE PDP

Defection or change of membership by members of the APC to the PDP has heated the already charged Nigerian political environment the more. Though relatively, few members of the PDP also moved to the APC with the defection of Godswill Akpabio as the most remarkable; movement to the PDP has been increasingly unbelievable. The Senate President, Bukola Saraki; Governor of Sokoto State, Tambuwal, Kwankwaso of Kano State, Orthom of Benue State; Dino Meleye of Kogi State; 14 Senator and 37 Members of the House of Representatives were received into the PDP. The defectors moved with their followers to the major opposition party. Of utmost concern here are federal government's reactions to the mass movement from its ruling political party to the opposition party, the PDP. President Buhari held a closed-door meeting with the Senate President as a way of making him change his mind, yet such meeting could not stop his movement to the PDP.

Of illiberal character were ways and manner the federal government of Nigeria hunted defectors from the APC to the PDP with the instrumentality of the Economic and Financial Crimes Commission (EFCC), the Police and Department of State Security Service (DSS). The EFCC has the constitutional right to carry out its responsibilities against crimes, but then, the way and manner on which attention is focused on political opponents of government is questionable. This is especially so when one looks at the fact that the pressure from Nigerians and the press for the government of Mohamadu Buhari to probe Hon. Rotimi Amaechi and other APC officials believed to have corrupt activities hanging over their necks, yielded no success. Prosecution does not penetrate the social fabrics of the All Progressive Congress (APC). This has motivated some corrupt politicians to pitch their tents with the APC to avoid probe. Some found their solace in opposition parties and damned the consequences. The embattled Senate President, Bukola Saraki became a victim of intimidation, harassment and illegal conspiracy by APC and government of Mohamadu Buhari to terminate his position as the Senate president. Yet, after rigorous tribunal/court processes, Mr. Saraki was discharged and acquitted by the Supreme Court. Government should be sure of any allegation before prosecution and must not use prosecution as an instrument of vendetta.

H. INTIMIDATION, ARREST AND DETENTION OF SENATOR DINO MELAYE

The Representative of Kogi State West Senatorial District and Chairman, Senate Committee on the Federal Capital Territory, Senator Dino Meleye, gave account of how he was arrested on April 23, 2018 at the Nnamdi Azikiwe International Airport, Abuja by Immigration Officials based on police request. He was shown police instruction for his arrest and subsequently detained at the international wing of the airport for about three hours. The Senator was on his way to Morocco on official engagement sponsored by federal government when Immigration Officials called his attention (Mudashi, 2018). After the incidence, the Senator headed for his Abuja residence. About eighty policemen besieged his house until the early hour of the next day when he surrendered himself to them (Umoru, 2018). Umaru reported that Senator Melaye was arrested without arrest warrant or court order by the Special Anti-Robbery Squad (SARS) operatives and taken to SARS detention facility opposite the old Central Bank of Nigeria, CBN junction along Area 1 expressway, Abuja.

Police-Melaye face-off took a dramatic dimension the day police vehicle taking him to court diverted to a road leading to Kogi State. The Senator, Umoru, Obahopo, Nwafor and Erunke (2018) reported was informed that he would be taken to court in Abuja but when the vehicle diverted to Kogi road, he attempted jumping out of the vehicle shouting for passersby to defend him. Melaye had alleged that his life was not safe in Kogi where political environment was very hostile for him. He had, therefore, successfully requested the court to try him in Abuja. As he was struggling with the police, his call for help attracted a passerby who recognized him as the politician he read on news that defends public interest. He called other persons walking by and they kept gathering until the crowd became uncontrollable by the police. The police, therefore, left him to avoid lynched by the crowd. Dino Melaye was taken to Zankli Hospital for treatment but was later traced to the hospital by the police. The Senator was being charged of conspiracy and unlawful possession of prohibited firearm.

The police claimed that Senator Melaye refused summons and that was why the force arrested him (Umoru, Obahopo, Nwafor & Erunke, 2018).

The primary concern of this paper here is not on the case between the police and the Senator. Actually, Nigerian Police has the right to arrest and arraign anybody suspected to have committed an offence. Concern here is on the manner in which the police did its job. To this end, the argument here is that the way and manner in which the Nigerian Police treated Senator Dino Meleye was harassing and an abuse of his fundamental rights. Reports showed that Meleye had, on different occasions, submitted himself to the police and what was leveled against him was still at allegation level, and as such, he was still a suspect and an innocent Nigerian until proven guilty of the offences.

The question that agitates the authors' minds is "why Senator Meleye should be chased around to the extent of arresting, re-arresting and attempting to take him to Kogi Magistrate Court when he had expressed fear over his safety there?" As seen above, his screaming for help attracted passersby who rescued him from police maltreatment. The

alleged charges should undergo court process and the Senator be allowed to be himself and arrange for his defense. This is because, if the police handle every suspect this way, one wonders the number of policemen required to cover such case across the country. One can imagine Meleye's state of mind while all these drama went on. What if such a person has any health challenge like high blood pressure? His health condition could have escalated in the course of enormous threat and pressure.

VII. CONCLUSION

Having gone this far, this paper submits that, though democratic legislations in Africa generally, and Nigeria, in particular, may have improved and enhanced by media disseminative roles, governments' policies and actions still lag behind in meeting up with such improvement. The situation across Africa's democracies and that of Nigeria in particular, is an epitome of what is here termed as illiberal governance, representing government's misuse of its constitutional powers and abuse of human rights. Such government dispositions restrain the individual from exercising his rights, close his freedom space, restrict his liberty and repress him as a social element of the society. This condition is detrimental to the achievement of individual life targets. Crisis of democratic development of Nigerians finds its explanation in such government actions and inactions that abuse or deny human rights. Such actions have trickled down to socio-economic and political structures of the society and entrenched corrupt practices and crimes among individuals and groups; it caused major decays in Nigerian social systems and values. Illiberal leadership has attracted illiberal followership and illiberal citizen-to-citizen relations leading to illiberal democracies.

Illiberal governance is, therefore a contributive factor to social misbehaviors and vices among citizens who find government as a model in their social relations with fellow humans. Impunity from such regimes spread to the people and reach a level where privileged individuals see themselves as small governments. It explains the indiscriminate use of siren in Nigeria without recourse to law. With government at the peak of abuse of laws and rights, citizens, particularly those in, at and close to the corridors of state power, find it easy to follow suit. Those who have no link with the government are left to the evolving developments and conditions to determine their fates.

Illiberal practice has affected adversely sub-social systems and individuals that were hitherto custodians and embodiments of adorable social values and this has resulted in social decay. As in Nigeria, so it is evident in most Africa's democracies. The root is found in the unholy amalgamation of hitherto independent kingdoms and communities into European colonies and the post-colonial imitation of colonial characters by indigenous political and economic elites leading to mismanagement, bad leadership and, at best description, illiberal governance.

Continuation with the existing inimical political and economic structures in African democracies will only delay development and happiness for the people. The authors are convinced that restructuring of these polities, particularly

Nigeria to allow ethnic nationalities self-development will address the crisis of governance and entrench positive competitive relations needed for fast development of the continent.

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