

NIGERIA'S CRISIS OF A SOCIALLY JUST POLITICAL REPRESENTATION AND THE NEED FOR STABLE DEMOCRACY AND NATIONAL DEVELOPMENT: A PHILOSOPHICAL REFLECTION

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Abstract

This paper focuses on Nigeria's problem of political representation as a threat to development and democracy. The problem is that in the Nigerian democracy with its version of political representation, we easily notice the unacceptable difficulty and inability to provide adequate dividends of democracy to the citizens, properly discharge of constitutional responsibilities and to put the national interest ahead of all other parochial interests. A warped political representation displays insensitivity and unresponsiveness to the needs of constituents, corruption, violence, abuse of human rights, marginalization bad governance, lack of social justice, disobedience to the rule of law, insecurity of lives and properties, inability to stem the tide of negative uses of ethnicity and religion, formation of cabals, cult of personality and siege mentality of the rulers and the ruled, ignorance, anachronism and other social vices. Therefore, the society, government and citizens are threatened by the instability, disorder and disruption unleashed on the populace due to poor representation on the political landscape. This is worrisome. There is thus an endemic mistrust between the rulers and the ruled as well as lack of synergy among major groups and institutions. There is an inability to perform highly among some basic custodians or institutions of political representation and social justice; for example, the Police, Legislature, appointed Ministers, Court system, among others. These agencies are compromised by inefficiency and politicization. So it is clear that Nigeria in its present constitutional and political form has not addressed the fears and interests of the constituent social groups yearning for national development. In order to define and facilitate the sustenance of a stable, viable and humane inclusive democratic society by, and for Nigerians, we suggest democratic and human values for promoting political representation and strengthening of Nigeria's democratic development; the rule of law, justice, compassion, tolerance that can help solve these problems of poor representation and institutionalization of democracy. Democratic development may be sustained by adopting some values of Ubuntu; reciprocity, common good, tolerance and social justice for inclusive politics for a better society.

Keywords: Representation, Development, Democracy, Human Values, Nigeria, Ubuntu, Politics

Introducing the Problem

The problem is that in the Nigerian version of representative democracy, there are some serious problems with political representation. There is a problem of creating African societies where equity, fair play and justice will be a reality for all, especially the vulnerable and marginal peoples, is currently a priority concern. The political elites who are more interested in their quest for power have found a dubious way of weakening and destroying institutions of government for their personal benefit. Because of this, individuals are perceived as bigger than institutions- cult of personality. Politics is no longer about bringing hope and succor to those they represent but for the personal gains. Thus, with the political institutions weakened, there cannot be any meaningful development. What is the way out? The above is a serious issue, when seen in the

context of the deterioration of various basic instruments of political representation and social justice, such as the police, national assembly, appointed ministers, law courts, prisons, etc. the operations of these institutions have been defeated largely by inefficiency, under-funding, incompetence, ethnicity, politicization and social dissatisfaction.

Representation in democracy is about a representative or a person (publicly elected official) legally standing in for, or acting by proxy, or on behalf of another or others, with specific regard to political decision making by taking the place of another with his consent. For example, a law maker or legislative body can politically represent the constituents or grassroots. Democracy is about the people or members of the society having the chance to politically exercise their voice and choice in the affairs that affect their lives and well-being in the society; voting for who should lead politically from time to time, expressing political views on public opinion on important matters, contesting matters of public policy through public debate in the political arena (in the parliament, party system, courts, civil society), public use of the Courts of Primary Jurisdiction and the country's Constitution in order to determine what is lawful and legitimate, public holding of town hall meetings, lobbying and media discussions on public issues, among others. So the representative in a democracy is the person who is elected publicly (president, governor, house of assembly member, national assembly member, local government chairman, law enforcers, law adjudicators, etc.) or perhaps selected (commissioner, minister, board member, etc.) to officially stand in for the rest of the citizens or a segment of the society or the entire society in some respect (ward, senatorial district, constituency, region, geopolitical zone, etc.).

To put it more theoretically, representative democracy is designed to embrace various interests through a concept of trusteeship.¹ There seems to be a need for elected representatives to possess requisite academic and social knowledge as well as the virtuous character to make sound political judgments. The representatives are qualified to take political decisions they are grounded in grassroots politics and community affairs. The point must be made that the constituents or constituency remains the primary priority or interest of a representative. Another form of representation, known as the mirror form, was later advocated by J.S. Mill who argued that the electoral system should make it possible for minority interests and opinions to be represented or mirrored on a proportional basis according to their numbers within an electorate. Mill's intention was to encourage a 'politics of ideas', where those with high intellectual capacities and independent modes of thinking would become elected representatives.²

Parliament, in Mill's view, should be a vigorous debating forum with various competing ideas. In defending this form of representation, the governing body is likened to a company board of directors, there was an attempt to ensure that those elected would not

¹ Baron de Montesquieu, *The Spirit of the Laws*. New York and London, 1949; Ezra Taft Benson, *The Constitution: A Heavenly Banner*. Speech given at Brigham Young University on 16 September 1986. <http://speeches.byu.edu/reader/reader.php?id=6985>; Ezra Taft Benson, *The Proper Role of Government in God, Family, Country: Our Three Great Loyalties*, 2001 <http://www.latterdayconservative.com/articles/ezra-taft-benson/the-proper-role-of-government/>

² John Stuart Mill, *On Liberty Representative Government Utilitarianism Great Books of The Western World*, Vol. 40, M.J Alder (ed). (Chicago: Encyclopedia Britannica Inc., 1990); John Stuart Mill, *Utilitarianism in Great Books of the Western World*, vol. 40. Alder M. (ed). (Chicago: Encyclopedia Britannica Inc., 1990); John Stuart Mill, *Utilitarianism – Liberty – Representative Government*. London: J. M. Dent & Sons Ltd, 1962.

simply be mouthpieces for particular interest groups or local parochial concerns. Yet those defending this interest form of representation, also known as populism, generally stand opposed to what they consider the educational elitism inherent in the idea of corporate trusteeship. They place great value on personal contact with the elected representative and the direct accountability of a member of parliament/legislature to those he or she represents rather than to any political party with which the representative may be aligned.³

A prevalent problem adversely affecting democracy or specifically representative democracy in the country Nigeria, is the character and consequences of a gap in our nation building aspiration. There is an absence of a formed mindset towards mutual respect and cooperation among the different groups in the society, especially the rulers and the ruled. The spirit of nationalism seems not to be well developed in the thoughts and conduct of the members of the society. This gap has threatened the very fabric that keeps our society hanging together by the thread. There is little or no loyalty to the country poor sense of shared values, a sense of belonging and a purpose of mutual cooperation and reciprocity for the common good. One reason for poor cohesion in Nigeria is the parochial and egoistic interest arising from ethnicity, class, politics, avarice, corruption, patrimonialism, impunity, prebendalism and religion, thus triggering the tendency for people to create primordial and syndicated empires for themselves. This ethnic proclivity or inclination makes building social action for a cohesive and public morality quite difficult to attain in a society that suffers from social and ethical shortfalls. Due to these challenges of differentiation and disconnection, the people are unable to feel and act in ways that promote the common interest. This is especially true of those marginalized groups in the society who by virtue of their varied historically significant plight cannot basically speak with one voice. They are not able to make a distinct or decisive choice to pursue harmony, cohesion and cooperation for the common good. The other side of this coin is the problem of leadership action and vision which seems to pursue crass discrimination or a selective humanism whereby some persons are seen as superior to others at the level of human wellbeing and social justice, obedience to the rule of law and adherence to the dictates or axioms of procedural justice.

Interestingly, a number of Nigerian interest groups have proposed some wide range of solutions to the problem of misrepresentation, insensitivity of political office holders. Deficits in political representation lead to marginality and social injustice due to the pervasive effects of corruption inequity and disunity. These strategies include: The pursuit of a Sovereign National Conference to renegotiate the basis of the commonwealth by Pro-Democracy/civil society groups in the south west; The pursuit of political party instigated regional development master plans by Action Congress Party now APC in the south west; The pursuit of regional social movements and militia groups for the protection of ethno-cultural interests such as *Oodua* Peoples' Congress, OPC factions in the south west and *Arewa* Youth in the north; The pursuit of violent secession and destabilization of the existing social order by violent groups such as *Ombatse*, *Boko Haram*, *Ansaru*, *Yobe* Taliban and other insurgents in the middle belt, north central and north east; The pursuit of a peaceful secession by the Movement for the Actualization of the Sovereign State of Biafra, (MASSOB) Biafra Independence Movement (BIM), Indigenous Peoples of Biafra (IPOB), in the south east; The pursuit of a reworking of the federal revenue generation and allocation principles by

³ Mill, *On Liberty Representative Government*, vol. 40; Mill, *Utilitarianism in Great Books*, vol. 40; Mill, *Utilitarianism*.

governments, communities and tribal youth movements of the Niger Delta in the oil producing south-south, such as the Movement for the Survival of the *Ogoni* People (MOSOP), *Ijaw* Youth Congress (IYC) and so many other groups in that region.

This variety of options shows that Nigeria in its present constitutional and political form has not addressed the fears and interests of the constituent social groups and other civil formations and hence justifies a concern for the fundamental problem of the lack of social justice unity and security as issues of urgent national importance today. The current configuration of the Nigerian state is not socially just, politically equitable and humane to all concerned⁴. Hence something should be done about this. This situation has consequences for social stability, economic progress and human character formation towards lawful behavior and compassion among the rulers.⁵ Most of Nigeria's rulers exhibit dictatorial tendencies such as irresponsibility, insensitivity and selfishness. Dictators succeed in removing or ignoring the checks and balances, that exists pre-independence, because they prefer to rule not through constitutions or through state institutions like parliament but by exercising vast systems of patronage; and in the process, they wield enormous power and authority which allow them to subjugate all relevant institutions and prevent the necessary checks and balances common to good governance leading to needless aggression, ignorance, impunity, anachronism, intolerance, hate speech, xenophobia, oppression, alienation, sectarianism, jungle justice, rabble rousing and demagoguery.

The questions this study seeks answers to are:

- i. What is representative democracy and political representation?
- ii. Does a lack of human and democratic values pose a threat to political representation in Nigeria's democratic system?
- iii. How can democratic and human values promote Nigeria's democratic development?
- iv. How democratic development can be sustained in Nigeria using *Ubuntu* ethical human values of reciprocity, common good, tolerance and social justice.

Issues in Nigeria's Quest for Stable and Viable Representative Democracy

The nature of the relationship between government and the governed has always been in a constant state of re-negotiation. The nature of representative democracy recognizes the impossibility of all citizens being involved in every decision-making process, thus necessitating the election of representatives of the people to government.⁶ Constitutionally, it is politicians that have the ultimate say in policy development and decision making through the power vested in them as elected representatives of the people. In reality however, these decisions are not made alone. The nature of our democracy and pluralist society demands that the views and values of a wide variety of stakeholders are taken into account.⁷

The idea is that "the people are the source of governmental power. The power of the governed is also supported by the Constitution. The legality and power of the constitution is ordained and established by its being supported by the people. It is "what

⁴ Philip Ogo Ujomu, "Nigeria's National Security Problematic and the Reinvention of Social Order: Some Aesthetic Considerations", *The Constitution*, 9(1), 2009. 21-23

⁵ Wilcox, Clair, *Towards Social Welfare*. Illinois, Richard D. Irwin, 1969: 40-49

⁶ Ezra Tاتف Benson, *The Proper Role of Government in God*, 281-303; Ezra Tاتف Benson, *The Constitution*.

⁷ Ezra Tاتف Benson, *The Proper Role of Government in God*, 281-303; Ezra Tاتف Benson, *The Constitution*.

powers properly belong to each and every person in the absence of and prior to the establishment of any organized governmental form?"⁸ The role of government is to protect rights, which are summarized as life, liberty and property, there may be situations where there seem to be a conflict of rights. How do we know the limits of each right, or under which circumstances one right violates another? We resolve this by applying the principle that Government power is derived from the power of the governed, is also supported by the Constitution. According to Benson, the two Principles discussed are "basic, eternal principles."⁹

We are compelled to ask: How may we devise a social order aimed at the harmonization of interests in view of the common good, public interest and national development? How do the citizens become truly republican in the sense of pursuing the public good and showing interest to serve the collective interest of the Nigerian society? How do we build a social system whereby individuals can make their primary contributions to the society in their defined roles and functions as citizens of Nigeria rather than pursue a tribal or ethnic inclination or vision? So the question is to look for ways by which members of the Nigerian society can move beyond the strictures of ethnicity towards membership of a socially just, economically viable and equitable and politically responsive and culturally reconciliatory humane society.

Is the Constitution of the Federal Republic of Nigeria, 1999 (As Amended), Developmental?

The search for the parameters of constitutional government was the focus of the political philosophies of Kant, Locke and Mill. The essence of the discourse was to search for a human society based on commonly agreed laws of the common wealth, rather than on brute force, fear or conquest. This is the way that a constitutional government can be distinguished from a dictatorship or monarchy. The constitution is important in a democracy because it is a document or charter that defines and limits the authority and power of government. The aim of the constitution is to assure the separation of powers and ensures that political authority is restrained by a system of checks and balances. So it reduces the fear and possibility of arbitrary and absolute power being concentrated in the hands of any one person or group. A constitution in itself, no matter how well written, cannot by itself establish a humane democratic order. What is the situation of the constitution in Nigeria?

The popularly held notion that the constitution of Nigeria is the nation's *ground norm*, despite its massive criticism by legal scholars, stems from the theory of law as postulated by Hans Kelson, who is of the view that law is a system of norms accepted by the society to be binding and that each of these norms trace their validity to a higher norm until it gets to the *ground norm*; that the *ground norm* is the norm from which other norms get their validity.¹⁰ In discussing the various relevant pieces of legislations in Nigeria, it is considered necessary to give the Constitution a primacy of position under the scheme of things because of its watershed effect on all other laws enacted and targeted towards the establishment of a stable and viable social and political order.

⁸ Ezra Tatf Benson, *The Proper Role of Government in God*, 281-303; Ezra Tatf Benson, *The Constitution*.

⁹ Ezra Tatf Benson, *The Proper Role of Government in God*, 281-303; Ezra Tatf Benson, *The Constitution*, 105

¹⁰ Nnabue, U.S.F., *Understanding Jurisprudence and Legal Theory*, Bon Publications, Owerri, Revised Ed, 2016, 120

Let us have a brief in-depth analysis of this Charter or Document. The most relevant of these Chapters, is Chapter 2 of the Constitution of the Federal Republic of Nigeria, 1999, which deals with the Fundamental Objectives and Directive Principles of State Policy. Some of the cardinal features of the Nigerian polity are heterogeneity of the Nigerian society; the increasing gap between the rich and the poor; the growing cleavage between the social groupings, which combine to confuse the nation and bedevil the concerted march to orderly progress. With scant regard for political ideals as to how society can be best organized and ruled to the best advantage of all, contemptuous disregard of the Federal structure and flagrant violations of the Fundamental guarantees resulted in the civil war barely ten years after independence. Subsequently, there were military coups and counter coups, which ousted democratic civilian administration for another sixteen years.

The inclusion, therefore of a Chapter on Fundamental Objectives and Directive Principles of State Policy in the Nigerian Constitution, is considered expedient if a definition of the terms; "fundamental objectives" and "directive principles" can best be translated into good governance laid down by the policies, which are expected to be pursued in the efforts of the nation to realize national ideals.¹¹

Section 16 deals with the on Economic Objectives of the Constitution and it provides thus:

16(1) States: The State shall, within the context of the ideals and objectives for which provisions are made in this Constitution¹² –

- a. Harness the resources of the nation and promote national prosperity and an efficient, dynamic and self-reliant economy for every citizen on the basis of social justice and equality of status and opportunity;
- b. Control the national economy in such a manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity;¹³
- c. Without prejudice to its right to operate or participate in areas of the economy, other than the major sectors of the economy, manage and operate the major sectors of the economy;
- d. Without prejudice to the right of any person to participate in areas of the economy within the major sector of the economy, protect the right of every citizen to engage in any economic activities outside the major sectors of the economy¹⁴

16 (2) The State shall direct its policy towards ensuring –

- a. The promotion of a planned and balanced economic development.
- b. That the material resources of the nation are harnessed and distributed as best as possible to serve the common good;¹⁵
- c. That the economic system is not operated in such a manner as to permit the concentration of wealth or the means of production and exchange in the hands of few individuals or of a group; and
- b. That suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, old age care and pensions, and unemployment, sick benefits and welfare of the disabled are provided for all citizens.¹⁶

¹¹ *Section 16(1)(a)* of the 1999 Constitution of Nigeria, (As Amended).

¹² *Section 16(1)(a)* of the 1999 Constitution of Nigeria, (As Amended).

¹³ *Section 16(1)(a)* of the 1999 Constitution of Nigeria, (As Amended).

¹⁴ *Section 16(1)(a)* of the 1999 Constitution of Nigeria, (As Amended).

¹⁵ *Section 16(1)(a)* of the 1999 Constitution of Nigeria, (As Amended).

¹⁶ *Section 16(1)(a)* of the 1999 Constitution of Nigeria, (As Amended).

This provision seeks to promote the economic well-being of the citizens¹⁷ by making sure that suitable and adequate shelter, adequate food, reasonable national minimum living wage, old age care and pensions and unemployment, sick benefits and welfare of the disabled are provided for all citizens.¹⁸ The position is that the economic well-being of the people is an appropriate antidote to conflicts, crime, terrorism, poverty, social injustice and the restiveness in the youth. So to push the analysis further, a key way of defining and sustaining political representation is for Nigeria to reform and strengthen its constitution as a foundational document or charter that defines and limits the authority and power of government. The aim of the constitution is to assure the separation of powers and ensure that political authority is restrained by a system of checks and balances. This reduces the fear and possibility of arbitrary and absolute power being concentrated in the hands of any one person or group in a way that breeds instability, disorder and terror in the system. A dominant feature of the country is that it continually faces problems in creating constitutional societies where the observance of law and justice will underwrite human and social development.

One main problem with Nigeria's constitution is that some important economic rights of the citizens are not "justiciable" meaning that they are not backed up by constitutional law or the rule of law. Also, the constitution appears to grant so many "soft landings" and immunities from prosecution by the law, thus creating gaps in the social and legal system exploited by actual and potential law breakers. In Nigeria constitutionalism is threatened by politics, ethnicity, religion, corruption, abusive power and insecurity among other dangers. Thus, the constitution in its present form seems unfair to some social members such that security, peace, freedom and justice are no longer assured. It means that the government needs to rethink Nigeria's elite political economy, and the country's legal system needs to go after the ethnic, political and religious elites that sponsor violence and terrorism in Nigeria. The idea is to cut off the head of the snake and it dies. Foot soldiers of terrorism can always be replaced and recruited. Immunities should be reduced across the political spectrum so that criminals and their sponsors can be tracked and apprehended swiftly.

Legislative Powers in the 1999 Constitution of Nigeria and the Issue of Democratic Consolidation for National development

The constitutional role of the Legislature is chiefly to make laws for the citizens. This role is only possible in a democratic setting where there are unhindered discussions which can only give way to such conclusions that lead to credible laws. A properly constituted legislature is made up of people who are duly elected by citizens (electorate) for the purpose of deliberating on issues of public interest. The legislature also performs the traditional role of acting as checks and balance of power over the executive and judiciary arms of government. The legislature is also saddled with the responsibility of ratifying and approving or otherwise of appointments of ministerial cabinets as well as those of the Judiciary.

Nigeria operates under a Constitutional democracy and the rule of law. This presupposes the existence of a written Constitution which is the supreme overriding law.¹⁹ Subparagraph 3 of paragraph 1 of the Constitution also puts this supremacy beyond any doubt: If any other law is inconsistent with the provisions of the Constitution, this

¹⁷ Section 16(1)(a) of the 1999 Constitution of Nigeria, (As Amended).

¹⁸ Section 16(1)(a) of the 1999 Constitution of Nigeria, (As Amended).

¹⁹ Subparagraph 3 of paragraph 1 of the Constitution of the 1999 Constitution of Nigeria, (As Amended).

Constitution shall prevail, and the other law shall to the extent of the inconsistency be void.²⁰ Nigeria as a system of Government based on the Rule of Law and Democracy must consist of three great arms, the Legislature, the Executive and the Judiciary. This division of labor is a condition precedent for the supremacy of the Rule of Law in any society. The doctrine of Separation of Powers advocates the independent exercise of these three governmental or constitutional functions, by different bodies of persons, without interference or control or domination, by one on the other or others. The Legislative Powers of the Federal Republic of Nigeria are to be found in section 4, chapter 5, and the legislative lists contained in the second schedule of the 1999 Constitution.²¹

There are of course many other provisions giving specific powers to the Legislatures of the country in relation to specific subject matter. For example, in relation to the National Assembly alone, new States and Local government areas cannot be created without appropriate Acts being passed by it.²² By section 252(2) the National Assembly has the power to make provisions conferring more power on the Federal High Court, than it already has. Ministers, Ambassadors, the Chief Justice and Justices of the Supreme Court, cannot be appointed without the approval of Senate. Treaties cannot come into force without an Act of ratification by the Senate.²³ These are but a sample of the specific powers of the National Assembly outside its plenary powers in Section 4, chapter 5, and the two legislative lists.²⁴

Section 4(1) specifically confers on the National Assembly, the legislative Powers of the Federal Republic of Nigeria.²⁵ Section 4(2) then goes on to declare that the National Assembly shall have power to make laws for the peace, order and good government of the Federation, or any part thereof with respect to any matter included in the exclusive legislative list.²⁶ Section 4(7) confers the same power on State Houses of Assembly with regard to any matter in the prescribed column of the concurrent list, any subject matter specifically assigned to States in the Constitution and any matter not listed in the Constitution, i.e., the residual list.²⁷

Some basic functions of the Legislature include; The Legislature's Oversight Powers are contained in Section 82-89 with regard to the National Assembly, and 120-128 with regard to the State Houses of Assembly. The following discussion applies equally to the National Assembly and State Houses of Assembly. Under section 88 of the Constitution, each House of the National Assembly is empowered to direct or cause to be directed, an investigation into any matter in respect to which it has power to make laws.²⁸ This

²⁰ *Subparagraph 3 of paragraph 1* of the Constitution of the 1999 Constitution of Nigeria, (As Amended).

²¹ section 4, chapter 5, and the legislative lists contained in the second schedule of the 1999 Constitution of Nigeria, (As Amended).

²² section 4, chapter 5, and the legislative lists contained in the second schedule of the 1999 Constitution of Nigeria, (As Amended).

²³ By section 252(2) schedule of the 1999 Constitution of Nigeria, (As Amended).

²⁴ section 4, chapter 5, and the legislative lists contained in the second schedule of the 1999 Constitution of Nigeria, (As Amended).

²⁵ section 4, chapter 1, and the legislative lists contained in the second schedule of the 1999 Constitution of Nigeria, (As Amended).

²⁶ section 4, chapter 2, and the legislative lists contained in the second schedule of the 1999 Constitution of Nigeria, (As Amended).

²⁷ section 4, chapter 7, and the legislative lists contained in the second schedule of the 1999 Constitution of Nigeria, (As Amended).

²⁸ Section 82-89 with regard to the National Assembly, and 120-128 with regard to the State Houses of Assembly schedule of the 1999 Constitution of Nigeria, (As Amended).

means that it has the general power to cause an investigation or enquiry into any of the 68 subject in part 1 of the second Schedule, i.e., the Executive Legislative List. In addition to this general power, it can investigate the conduct of any person, authority, ministry, or government department, charged or intended to be charged with the duty or responsibility for (i) executing or administering laws enacted by the National Assembly and (ii) disbursing or administering moneys appropriated or to be appropriated by the National Assembly.²⁹

The budget approval process is also another major source and basis for the oversight functions of the legislature. Thus sections 80 and 81 (National Assembly) and 120 121 (State House of Assembly) provide as follows:

“80. (1) All revenues or other moneys raised or received by the Federation (not being revenues or other moneys payable under this Constitution or any Act of the National Assembly into any other public fund of the Federation established for specific purpose) shall be paid into and form one Consolidated Revenue Fund of the Federation.³⁰

(2) No moneys shall be withdrawn from the Consolidated Revenue Fund of the Federation except to meet expenditure that is charged upon the fund by this Constitution or where the issue of those moneys had been authorized by an Appropriation Act, Supplementary Appropriation Act an Act passed in pursuance of section 81 of this Constitution.

(3) No moneys shall be withdrawn from any fund of the Federation, other than the Consolidated Revenue Fund of the Federation, unless the issue of those moneys has been authorized by an Act of the National Assembly.³¹

(4) No moneys shall be withdrawn from the Consolidated Revenue Fund or any other public fund of the Federation, except in the manner prescribed by the National Assembly.

81(1) The President shall cause to be prepared and laid before each House of the National Assembly at any time in each financial year estimates of the revenues and expenditure of the Federation for the next following financial year.

(2) The heads of expenditure contained in the estimates (other than expenditure charged upon the Consolidated Revenue Fund of the Federation by this Constitution) shall be included in a bill, to be known as an Appropriation Bill, providing for the issue from the Consolidated Revenue Fund of the sums necessary to meet that expenditure and the appropriation of those sums for the purpose specified therein”.³² The power and authority of the Legislature in the approval and control of the budget is very clear in these passages. No money can be withdrawn from the Consolidated Revenue Fund of the Federation or of a State without the approval of the relevant House.

The legislature in any democratic system of government is supposed to be the watch dog of the people against the authoritarian and indeed predatory tendencies of the executive, which is the most powerful arm of government, given its capacity to control and deploy state funds and coercive forces. The legislature is supposed to check these tendencies and to generally operate to protect the interest of the people. They are supposed to be the

²⁹ 68 subject in part 1 of the second Schedule, i.e., the Executive Legislative List schedule of the 1999 Constitution of Nigeria, (As Amended).

³⁰ Sections 80 and 81 (National Assembly) and 120 121 (State House of Assembly) of the 1999 Constitution of Nigeria, (As Amended).

³¹ Sections 80 and 81 (National Assembly) and 120 121 (State House of Assembly) of the 1999 Constitution of Nigeria, (As Amended).

³² Sections 80 and 81 (National Assembly) and 120 121 (State House of Assembly) of the 1999 Constitution of Nigeria, (As Amended).

grass-roots arm of government. But this has not been the case in recent times. On the contrary, at least at the national level, the legislature has jettisoned the interest of the nation for self-interest. Instead of serving the people of this country, they are engaged in the pursuit of self-interest, to a degree that can only be regarded as shocking. This can be demonstrated by a quick examination of legislative activity at the national level with regard to self-awarded salaries and allowances. However, like in so many other areas of the Nigeria nation, a new crop of leadership is taking over one with the dire interest of the people at heart. This is evident in the various projects and issues considered germane by the present legislative house.

Constitutional amendments are also needed: provision is made under section 9 of the Constitution for the alteration or amendment of the constitution.³³ For example, the Amendment of section 121 (3) to give State Houses of Assembly financial independence from the executive arm of government, by making the funds of the Houses of Assembly a first line charge on the consolidated revenue. Surprisingly, this provision was rejected by 16 State Houses of Assembly who apparently, rejected financial independence, thereby undermining the doctrine of the separation of powers. It is no surprise that Lagos is not one of them.³⁴ Curiously, the State Houses of Assembly approved the amendment of section 81 (3) of the Constitution to grant financial autonomy (which they had rejected for themselves) to the national Assembly.³⁵

Another example is a proposed amendment of section 65 seeking to raise the relevant legislature. These are but a mere sample out of about 41 amendments. Obviously, some of these proposed amendments or alterations of the Constitution are beneficial to the health of the polity, whilst others are either irrelevant or even toxic. But main grievance with the whole constitutional amendment exercise is the glaring failure to address the crucial issue of true federalism. Our National Assembly has not deemed it fit, to transfer the establishment of Police forces, Census, Electricity generation, Labour Matters, Minimum wage, establishing transport by rail, etc, to the concurrent least to enable State establish police forces generate electricity, conduct State census for their domestic purposes, determine a minimum wage for workers based on their resources, etc.

Marginality and Political, Ethnic and Religious Marginalization as a Threat to Political Representation

Another major source of poor political representation leading to disruption and disintegration in diverse societies is political marginalization. The term marginalization can be described as a “persistent inequality and adversity resulting from discrimination, social stigma and stereotypes.”³⁶ Political marginalization can be on the basis of gender, race, ethnicity, age, disability, religion and even sexual orientation. In other words, political marginalization can be seen as not allowing individuals, groups, or particular section(s) of the society to have the freedom to participate in political processes of that

³³ Section 121 (3) to give State Houses of Assembly financial independence from the Executive arm of the 1999 Constitution of Nigeria, (As Amended).

³⁴ Section 121 (3) to give State Houses of Assembly financial independence from the Executive arm of the 1999 Constitution of Nigeria, (As Amended).

³⁵ Section 81 (3) of the Constitution to grant financial autonomy of the 1999 Constitution of Nigeria, (As Amended).

³⁶ National Democratic Institute, “Political Inclusion of Marginalized People,” <https://www.ndi.org/political-inclusion-of-marginalized-groups>

society.³⁷ Marginalization is seen as the basis for crisis and violence such as, “ethnic, class, political and religious conflicts” in the society.³⁸

According to Aristotle, every state is a community of some kind, and every community is established with a view to achieve some good; because human beings always act in order to obtain that which they think is good. If all communities aim at some good, then the state as a political community, which is the highest of all forms of community, aims at the highest good.³⁹ Thus, a society is established to protect the rights of its citizens including political rights that give every member the opportunity to take part in the democratic self-government of that society.⁴⁰ Based on this, the citizens are expected to have the freedom to exercise their rights to vote in an election or aspire to occupy a public office through a democratic means. However, when a section of the society or an individual member feels politically marginalized, either on the basis of racial, ethnical, gender, or religious identity, such a society is prone to disintegration.

In order to have an enduring national unity there is the need for a framework for a free society, equal rights for members, and a social system that has justice and mutual cooperation as the basis.⁴¹ It follows that a society cannot be said to be free when some section(s) or individuals members are been treated as second class citizens by depriving them of their rights as members of the society through marginalization. Nigeria’s colonial experience triggered ethnicity and ethnic based conflicts by bringing together different groups with different historical development, culture and tradition.⁴² It can be observed that most of the national policies such as federal character, state and local government creation, etc., seem not working due to poor implementation, while sharing of national resources are not fully done on the basis of equity. Another challenge is that the country’s constitution is not meeting the expectations of the citizens, in addressing those problems militating against the attainment of a community, as it was alleged to be drafted by the military without the input of the citizens, and as a result of this most of the interventions ended up creating more problems.⁴³ There will be less tension if the basic needs of the people are met and when there is equity in sharing of resources so as to reduce the agitation for restructuring⁴⁴ and other forms of unrest such as militancy and calls for secession, etc.

God-Fatherism and Political Instability

Corruptive influences by political ‘god-fatherism’ deserve a special mention here. This phenomenon also lies at the heart of much of the poor representation and political violence in Nigeria, as politicians use stolen public funds to sponsor criminal gangs to rig elections, which often marked by violence. Corruption fuels and reward such

³⁷ Will Kymlicka, *Liberalism, Community, and Culture*. Oxford: Clarendon Press, 1989: 245-258.

³⁸ Philip Ogo Ujomu, “Institutional Marginality, Social Conflicts and the Quest for National Unity in an African Nation-State: A Theoretical Exploration”, *African Development*, 28(3&4), 2003: 24.

³⁹ Aristotle, *Politics*. Benjamin Jowett (trans). Kitchener: Batoche Books, 1999, 12

⁴⁰ Daniel M. Weinstock, “Citizenship and Pluralism”, *The Blackwell Guide to Social and Political Philosophy*, Robert L. Simon (ed). Oxford: Blackwell Publishers, 2002, 244-245.

⁴¹ Philip Ogo Ujomu, “Institutional Marginality”, 23.

⁴² Patrick A. Edewor, Yetunde A. Aluko, and Sherif F. Folarin, “Managing Ethnicity and Cultural Diversity for National Integration in Nigeria”, *Journal Developing Country Series*, 4(6), 2014: 72

⁴³ Patrick A. Edewor, Yetunde A. Aluko, and Sherif F. Folarin, “Managing Ethnicity and Cultural Diversity”, 74.

⁴⁴ Osimen Goddy Uwa, Balogun Akinyemi, and Adenagan T. Samuel, “Ethnicity and Identity Crisis: Challenge to National Integration in Nigerian”, *African Journal of Stability and Development*, 16(4), 2013: 79

misbehavior and contributes to the impunity enjoyed those responsible for such abuses. Ogundiya asserts that godfatherism is both a symptom and at the same time the cause of violence and corruption that collectively permeates the Nigerian political process. He adds that public officers who are clothed with these positions of authority through the effort of their political godfathers incur debts which are often paid throughout their tenure.

Political instability is one of the negative effects of god-fatherism and is a factor that threatens political representation. It put fear into the hearts of those who genuinely desire to serve the people. It can be seen as political crisis which include assassinations, demonstration, civil disobedience, etc.⁴⁵ Social divides or divisions can be seen as a situation where members of the society, either as individual or group, decide to cling to their primordial ties and other forms of identities, such as religious, ethnic, racial, and cultural identities, due to marginalization or domination.⁴⁶ Hence, political instability and division are parts of the negative outcome of weak and unfinished nation-state project such that it will be extremely difficult to achieve community and nation- development in a society where there is political instability and divisions among its members. This is because a conducive political environment is vital to achieving development. Electoral violence in Nigeria is caused by electoral fraud and manipulation of figures and data to deny the rightful winners their popular mandates given to them and certified by the electoral process. It is an attempt to willfully compromise the integrity of the electoral process or system to achieve unmerited individual win for a political party candidate through the falsification of the electoral figures, numbers, data or process by hook or crook. The issue of electoral fraud and violence without doubt has remained a threat to Nigeria's democratic existence.

Secession and Insurgency

Secession and insurgency pose a threat to effective political representation and also poor democratic representation can trigger rebellions and revolts. Secession is basically aiming at protecting or preserving cultural identity.⁴⁷ In other words, secession is a situation where a group which is concentrated in a territory within a state is agitating to leave such state in order to have its own government. It is also a situation where "a group in a portion of the territory of a state attempts to create a new state there."⁴⁸ It can be deduced that secession always occur in a diverse society when a group of people who share the same cultural identity feel marginalized, either politically or economically. This can be as a result of disintegration or lack of unity of purpose among the different groups in that society. This does not come cheap because oftentimes secession always come with prolonged civil war. The Biafra case is a clear example. On the other hand, insurgency is a form of rebellious activity and arm uprising by group of people against

⁴⁵ Ivar Kolstad, "Political Instability, Indices of", *International Encyclopedia of Social Sciences*, <https://www.encyclopedia.com/social-sciences/applied-and-social-sciences-magazines/political-instability-indices> (Accessed on September 16, 2023)

⁴⁶ Ilufeye Sarafa Ogundiya, "Democracy and Good Governance: Nigeria's Dilemmas", *African Journal of Political Science and International Relations*, 4(6), 2010: 201-208; Ilufeye Sarafa Ogundiya, "Corruption: The Bane of Democratic Stability in Nigeria", *Current Research Journal of Social Sciences*, 2(4), 2010: 233-241.

⁴⁷ Keith Dowding, "Secession and Isolation," *Theories of Secession*, Percy N. Lehning (ed). London: Routledge, 1998, 71.

⁴⁸ Allen Buchanan, "Secession," *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed). Winter 2021 Edition, <https://plato.stanford.edu/archives/win2021/entries/secession/> (Accessed February 16, 2023)

an established government of a country.⁴⁹ This is often due to divisions in the society when some sections or groups felt sidelined or deprived of their legitimate rights as members of the society thereby taking arms against the government as a way of drawing the attentions of the society to their plights. An example is the issue of militancy-AVENGERS in the Niger-Delta area of Nigeria, the activities of Indigenous People of Biafra IPOB in South East and the clamour for Oduduwa Republic in the South West. This act of insurgency, for many years, has been a threat to the cooperate existence of the country. In other words, if there is no form of disunity in the society it will be hard to have a situation where some group of people will take arms against an established government or the state. There is also a huge problem of sectarianism and irredentists in northwestern and northeastern Nigeria which has compromised key traditional and political institutions. This situation leads to the elite sponsorship of religious extremism, terrorism, banditry, militias and insurgency by ISWAP, Ansaru, IMNL, Ombatse, Bassa, Shi'ites IMNL, Nigerian Taleban and boko haram among others. Boko Haram and bandits have been destroying the lives and properties of hapless northerners for over a decade, turning many people into refugees in their own country.

Corruption

Political representation is threatened by corruption that has negative effects on the country. Together Nigeria faces the problem of poor social and economic management of its resources and citizens,⁵⁰ by political leaders. In Nigeria some people in positions of political and social power have failed to manage public affairs properly, responsibly and accountably. This raises the corruption issue. Basically, corruption has to do with some sort of illegal, arbitrary and unauthorized use of financial and material resources of a person or group or country. Corruption comes in the various forms of bribery, graft, nepotism among others, and ultimately leads to the abuse of power, deteriorating fiscal and economic management, arbitrary policy change, deficit financing, and a chronic, unrecorded leakage of funds, blurs of the line between private and state property, erodes public trust, invites incompetence and violates the laws and rules that stabilizes the state and society. The Nigerian state in its present configuration is a patrimonial and rentier one in which those who are in control of state power and strategic bureaucratic offices use their positions for private appropriation. In the patrimonial administration, there is an amalgamation of the private and public domains. Political administration is treated as a purely personal affair of the ruler, and political power is considered part of his personal property. The patrimonial state does not feel the need to promote the common good and its logic is essentially limited to the distribution of prebendal offices and to the reduction of the access of the people to power wielders.

Conclusion: Towards sustainable Moral and Democratic Values for National Development

A solution to the problem of poor political representation involves the development of a system of values or value system encompassing elements such as consensus, respect for others, dialogue, negotiation, inclusion, transparency and fair treatment. These elements contribute to peaceful and cohesive living together for the common good through mutual cooperation and partnership. Sowe seek an alternative to authoritarianism and anachronism that characterize better representative ideas and results among political

⁴⁹Britannica, "Insurgency," *Encyclopedia Britannica*, November 15, 2021. www.britannica.com/topic/insurgency. (Accessed February 20, 2023).

⁵⁰ Toba Agboola, *The Nation Newspaper*, Monday December 23, 2013: 36; Olukorede Yishau, *The Nation Newspaper*, Wednesday December 17, 2013: 3; Barnabas Manyam, *The Nation Newspaper*, Friday December 27, 2013: 6.

leaders in Nigeria.⁵¹ One way to understand the argument is to refer to political education or establishment of political culture. Nigeria's democracy requires an effective holistic civic education more than is currently being taught as a subject in our primary and secondary schools. Perhaps, democracy should be emphatically taught as a distinct subject or course in our tertiary institutions. Will this yield the desired result? Indeed, before the periods of election, sensitization and awareness programmes should be regularly embarked upon to educate the Nigerian citizens on democratic values and principles. While some non-governmental organizations and media channels are already involved in this process, more needs to be done as many Nigerian are not educated on how democracy ought to be practiced and their role in that practice.

Certain positive moral and democratic values are aimed at promoting peace, justice, harmony, co-operation, honesty and transparency among human beings. Morality is essentially about the harmonization of interests among conflicting social members. Moral values that drive this persuasive or prescriptive way of managing human beings include justice, purity, temperance, fortitude, compassion or generosity. All of these are needed in a stable, viable and progressive society. The three moral values crucial to the establishment of democracy are the respect for human dignity, compassion and justice. The value of human life is the more appreciated and regarded when human beings show humaneness and compassion to one another as members of a species or mankind. Compassion is a moral virtue and a moral value. Respect for others and compassion to them combine together to foster consensus. Consent and consensus form the core of democratic values.

Consensus is important because it fosters interaction and reconciliation. Consensus is based on recognition and consultation. These values emphasize the need to ask and receive the consent of others. We get peoples' consents, not merely out of courtesy, but because such consents understood as choice and voice are required for inclusive and socially responsible and responsive decision making. When we have the urge to seek consensus or mutual accord then we are more disposed to pursue dialogue construed as conversation, negotiation or reconciliation. The end result of dialogue is to have an agreement or settlement. As such dialogue presupposes some sort of positive communication, sincerity, openness and accommodation of others. These values are the bedrock of what is referred to as tolerance.

How do we establish ethics as a philosophical foundation for political representation in a representative democracy in Africa? A model of Ubuntu (cooperation for the common good, interconnectedness, compassion, etc.) may be seen as a pragmatic instrument of development and peace in a conflict-ridden, multi-religious, multi-ethnic society.⁵² Can we formulate an endogenous African contribution to a theory of political representation

⁵¹ John Dewey, *Democracy and Education*. New York: The Free Press, 1916; John Dewey, "The Child and the Curriculum", *Classic and Contemporary Readings in the Philosophy of Education*, Steven M Cahn (ed). New York: The McGraw Hill, 276-297; John Dewey, "Democracy and Education", *Classic and Contemporary Readings in the Philosophy of Education*, Steven M Cahn (ed). New York: The McGraw Hill, 288-301, 301-309-322; John Dewey, "Experience and Education", *Classic and Contemporary Readings in the Philosophy of Education*, Steven M Cahn (ed). New York: The McGraw Hill, 325-333-354; John Dewey, "My Pedagogic Creed", *The School Journal*, 3(2), 1897: 77-80; John Dewey, *Philosophy of Education*. Pennsylvania: The Pennsylvania State University Press, 1994: 107.

⁵² Philip Ogo Ujomu, "Cultural Relations, Human Communication and the Conditions for Intercultural Relations: A Critique of Anta Diop and Kwasi Wiredu", *Language Attitude and Language Conflict in West Africa*, H. Igboanusi (ed). Ibadan: Enicrownfit, 2001, 165-188; Ujomu, "Nigeria's national security problematic", 21-23.

and social justice? We attempt to build a theory of human nature as a foundation for clarifying humans living together: Human beings are higher rational creatures because they are required to (but they may not sometimes) exercise freedom and responsibility as morally sensible and autonomous agents in private and public life. This is the basis of human dignity and moral sense.⁵³ The endless tussle between life-promoting values and life-threatening values pushes people to live a communally based life in which there is interdependency and cooperation between them in a bid to achieve common good. It is from the foregoing that Ubuntu can be described as the basis of an African existence,⁵⁴ which implies that in the absence of Ubuntu the essence of the existence of such an individual becomes meaningless. Ubuntu emphasizes the kinship or family affinity that permeates or common among the indigenous people of Africa, though there is the possibility of variation from one community to another. However, Ubuntu is entrenched in the ideal of oneness and indivisible wholeness of 'being.'⁵⁵ This is an indication that one's existence is dependent on the existence of fellow human. Can this be applied politically?

At a practical level, the government needs to increase its interest and commitment to do its primary task of statecraft; protect its territory, govern the society responsibly and fairly. Efforts need to be made to deal with social and economic causal factors especially poverty, inequality, discrimination and marginalization among others.³² The media needs to team up with the key Muslim and Christian religious bodies to pursue dialogue and tolerance. The media have become more powerful than ever, technologically, financially and politically, their global reach and networking allow them to escape from strict political control. The media as a power institution with a core value must promote tolerance as a virtue in operation. The media also requires tolerance as an ideal umpire in the democratic dispensation. It should refuse to be willfully used as an instrument in the hands of some intolerant, individuals, groups or institutions. The failure of the media to effectively rise up to the task of promoting tolerance is a phenomenon that threatens the social order, the destruction of which will equally consume or incapacitate the media institution. The media in a democracy must earnestly ensure the need to move in defense of public trust.

A way of fighting poor representation and related tendencies is for Nigeria to reform and strengthen the National Constitution as a foundational document or charter that defines and limits the authority and power of government. A problem with Nigeria's constitution is that some important economic rights of the citizens are not "justiciable" meaning that they are not backed up by constitutional law or the rule of law. Also the constitution appears to grant so many "soft landings" and immunities from prosecution by the law, thus creating gaps in the social and legal system exploited by actual and potential law breakers. In Nigeria constitutionalism is threatened by politics, ethnicity, religion, corruption, abusive power and insecurity among other dangers. Thus the constitution in its present form seems unfair to some social members such that security, peace, freedom and justice are no longer assured. It means that the government needs to rethink Nigeria's elite political economy.

⁵³ Philip Ogo Ujomudike, "Ubuntu Ethics", *Encyclopedia of Global Bioethics*. H. Ten Have (ed). Switzerland: Springer International, 2016, 2869-2881.

⁵⁴ Mogobe B. Ramose, "The Philosophy of Ubuntu and Ubuntu as a Philosophy", *The African Philosophy Reader*, second edition, Coetzee, P.H and Roux, A.P.J, (eds). New York: Routledge, 2003: 270

⁵⁵ Mogobe B. Ramose, "The Philosophy of Ubuntu and Ubuntu as a Philosophy," 271.

We also recommend reciprocal relations as a core value for national development in Nigeria. Reciprocity is a key concept for understanding social behaviour generally. “It involves complex interactions of giving and returning”.⁵⁶ Reciprocity is important because it aims at developing a just society with reasonable persons retaining feelings that reinforce interrelated actions among persons. The synchronization of interests as the central focus of justice and order predicates itself on a concept of mutuality or the appreciation of reciprocal obligations. According to Bellamy and Hollis

Reciprocity is the ingredient of society. It aims at populating the just society with reasonable persons retaining feelings of neighbourliness with others. The reciprocal nature of life in a social order depends on the definition of roles into a set of obligations and expectations. For life in social context to have meaning, the activities or roles of each person must in some way be related to those of every other person.⁵⁷

Accordingly we are looking at the establishment and sustenance of a driving force of social and political order in Africa that is based on the practice of mutual respect, cooperative activities, civility and obedience to the rule of law. Also we are recommending a critical, constructive, compassionate and scientific outlook to life as the parameters that can foster peace and development on the continent currently plagued by crisis.

Closely related to reciprocity is the doctrine of the common good. It is the duty of the government and citizens of a nation to work for the common good of such a state. According to Brugger, there are different ways of conceptualizing the common good. But the two major ways of doing this are as follows. The common good may be understood primarily as the perfection of the members through the existence of the society. Perfection here means enrichment with all the human values that make for a full life. It is in this sense that the common good is conceived for the society and its members. The common good is, in a sense, an organizing value, which requires two things. First is that the society should have a way of endowing its members with the means necessary for the attainment of its goal. Secondly, the society should also have a way of influencing its members so that they could attain effective cooperation⁵⁸. The central value of the common good is that it presupposes some shared understanding of the requirements of justice and human rights which are necessary for proper living. It is difficult to have a viable society if there is no conception of common good. Many writers have affirmed the state's duty to ensure common justice and fairness⁵⁹.

There needs to be more attention given to employment, and the manner at which society's wealth is been distributed in order to enhance growth. Thus, the core tenet of human development “is about expanding the richness of human life, rather than simply the richness of the economy in which human beings live,” while the focus is on how to

⁵⁶ Alvin Ward Gouldner, “The Norm of Reciprocity: A Preliminary Statement,” *American Sociological Review*, vol. 25(2), 2018: 168.

⁵⁷ Richard Bellamy, and Martin Hollis, “Liberal Justice: Political and Metaphysical,” *The Philosophical Quarterly*, 45(178), 1995: 5.

⁵⁸ Brugger Walter, *Philosophical Dictionary*, K. Baker (trans). Washington: Gonzaga, 1972: 62–63

⁵⁹ Philip Ogo Ujomu, *Nigeria's Problem of Human Nature and the Quest for Reciprocity and the Common Good as Developmental Values: A Philosophical Reflection*, *Journal of Globalization Studies*, 12, 9(1), 2018: 72

create impartial opportunities and choices for everyone in the community.⁶⁰ Social development on its part, encapsulates planned process for the purpose of achieving social change that is intended to stimulate people's well-being. It is an effort which involves putting in place social institutions and frameworks that are in tune with democratic values and social justice.⁶¹ Shared values are required by political representatives for effective action. Such values include, equity, fairness, toleration, principle of participation, dialogue, respect for the constitution and the rule of law, mutual respect, liberty and equal opportunity, among others.

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⁶⁰ What Is Human Development? *United Nations Development Programmes - Human Development Report* (February 19, 2015) <https://hdr.undp.org/content/what-human-development>. (Accessed on April 25, 2023).

⁶¹ Ndongwa Noyoo, "Introduction to the Concept of Social Development", *Development and Social Work: Social Work of the South*, L. Calvelo, R. Lutz, and A. Stauss (eds). Research Gate: Paulo Verlag, 2015, 37-38. <http://www.researchgate.net/publication/291832115>. (Accessed 2024)

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