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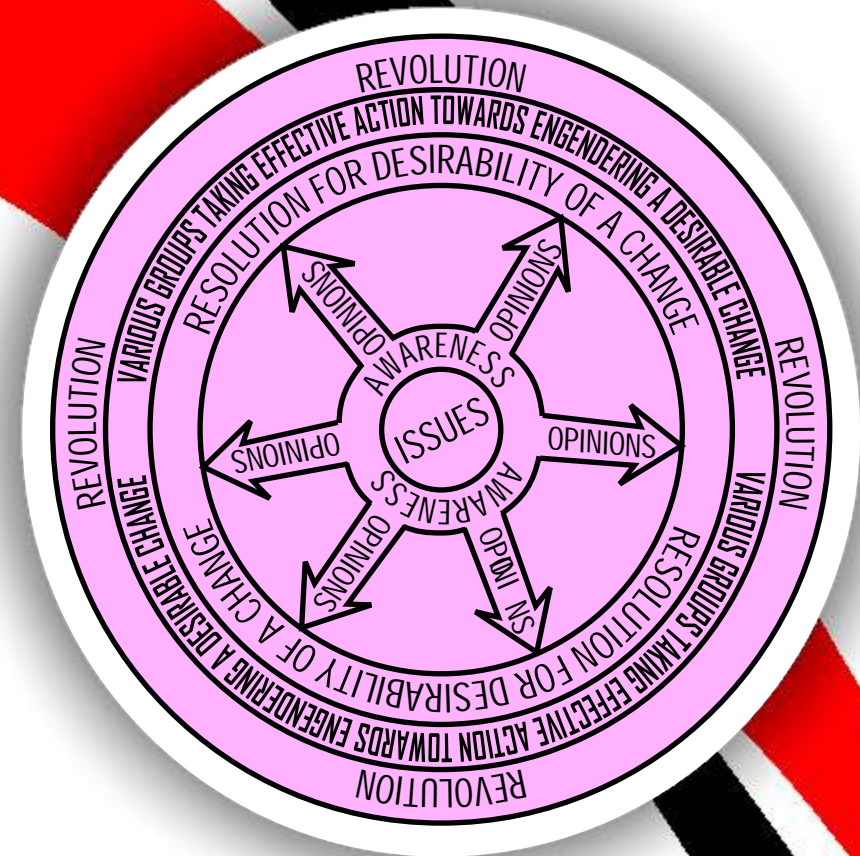


FIRST FACULTY VENTURES



The PEOPLE'S THRUST

► DEBO ADENIRAN



The PEOPLE'S THRUST

*Illustrated Discussions on The People,
Democracy, and Good Governance*

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DEBO ADENIRAN

Dedication

To Late Dr. Bekolari Ransome-Kuti,
my mentor, a rare humanist
and inspiration to dare the odds

Acknowledgment

The People's Thrust is a product a number of our collective efforts at re-defining our intellectual arsenals for social and political leadership of our society as well as to maximize the deployment of innate, human and natural resources. This book would not have been feasible without the compassionate, patient guardian of the Late Dr. Beko Ransome-Kuti, Centre for Constitutional Governance (CCG) that gave me the prior opportunity to do the papers. BRK was also instrumental to my various intellectual and political relationships with wide, broad layers of Civil Society Organizations.

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Preface

“Democracy” is a word that is oftentimes being misinterpreted by the majority of its users.

Fundamentally, many base their perception on the popular but defective definition of democracy culled out of the classic two-minute speech made by the sixteenth American President, Abraham Lincoln, at the dedication of the graveyard of the victims of July 1863 Battle of Gettysburg during the American Civil War on November 19. At that historic event, Lincoln concluded his speech by saying that, “this nation of God shall have a new birth of freedom, and that government of the people, by the people and for the people, shall not perish from the earth”.

Most writers on democracy never bother to define their terms to help their readers understand the limitation of their assertions. They rather leave them guessing and assuming in ignorance. Hence, most people interpret that statement literally and in their own way. This leads an average disciple of that expression to assume that once a flurry of political

activities culminates in peasants queuing up to vote, which leads to a name being mentioned as the winner of the election and the bearer of that name is sworn-in to govern on their behalf, everybody should go to sleep. "After all, the government was a culmination of activities of the people that produced some people that are sworn to govern the rest of the people", they are wont to assume.

Alas, in most cases, especially in Africa, such a people are usually jolted awake by the choking effect of mal-governance that such unwholesome process engenders. They only realize the folly of their gullibility when their rights and freedoms are curtailed, prices of goods and services become sky-bound while every essential service is commercialized and taxes, levies, rates, etc are imposed on them with reckless abandon. It is usually not until then that it dawns on them that a civilian government with a claim to 'popular' election can be tyrannical too.

A deeper reflection on how various aberrations find their ways into governance in many third world countries, with Nigeria as a good example of a civilian tyranny, will reveal the import of appropriateness of critically examining Democracy, Good Governance and the place of the people.

Paper One

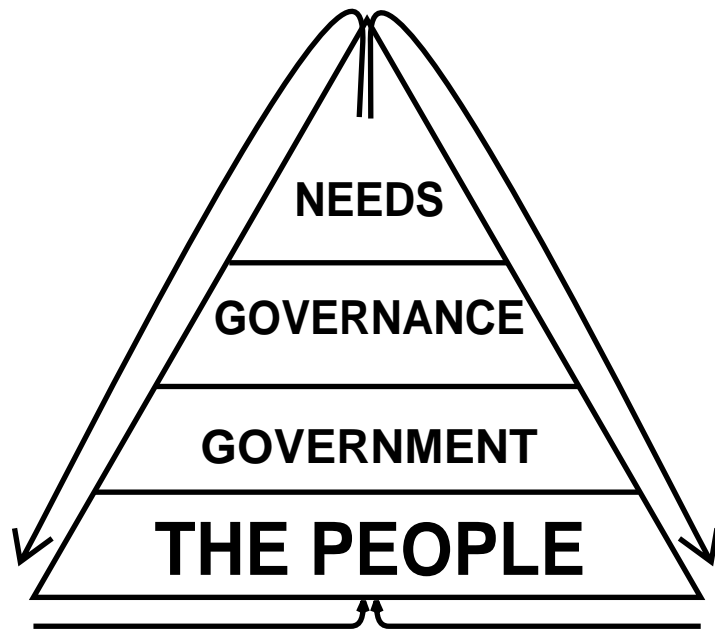
DEMOCRACY AND GOOD GOVERNANCE UNDER PRESIDENTIAL SYSTEM OF GOVERNMENT: PROBLEMS AND PROSPECTS

1.1 INTRODUCTION

This paper was originally prepared for a Training Workshop. Having this at the back of my mind had informed me that my job is to lead a discussion with researched materials on the various aspects of the issues at stake rather than give a lecture while leaving my audience to research for more information. Our illustrations would be tailored towards making the application of the theoretical framework practicable, for the participants wherever they find themselves be it as players, umpires, spectators or even as passers-by. In doing the paper also, we have put into consideration the purpose of the workshop. This informs the aim and objectives on which we

base our assumptions and propositions.

This presentation aims to excite the minds of participants with adequate theoretical capacity with a view to engendering in them, new visions of leaving their footprints in the sands of time by



contributing their sincere quota and making their various communities better than they met them.

It is meant to explain popular definitions of political and sociological terminologies and nomenclatures with a view to giving participants adequate background information with which they would develop their personal realizable

goals, purposes, objectives and activities for the individual and collective roles expected of them within the Nigerian political system.

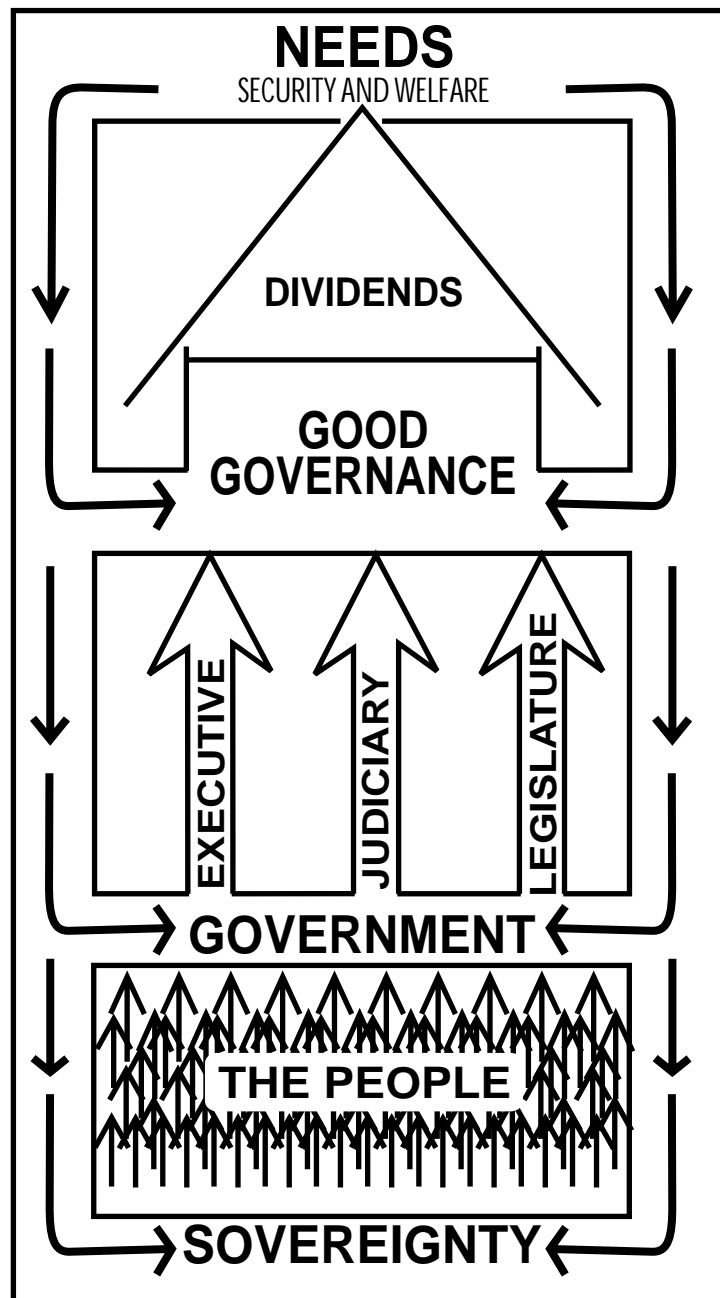
To lead discussions on how the presidential system of government works and how various contending forces can limit it. This is to set every political activist and active politicians thinking on how best to reduce the abrasion between the government and the governed with a view to preventing a political cataclysm in Nigeria.

1.2. WHAT IS DEMOCRACY?

When Abraham Lincoln made the famous speech from where the popular definition of democracy quoted above was taken, he did not make any direct allusion to democracy. What he did was more of a statement of resolve on the form of government that he wanted preserved than a definition of “a system of government” or “a government” in itself. Let us therefore examine some definitions of democracy to determine whether or not they reflect the context of our contemporary political experiences

According to the Longman Dictionary of

DEMOCRACY DEFINED



Contemporary English, "Democracy is a system of government in which everyone in the country can vote to elect its members". This shows that the system of government that could be described as democratic should be such that allows everyone male, female, young, old, able, disabled, rich, poor, natives, settlers, e.t.c. to vote to elect members of the government.

Longman also defines democracy as "a country that has a government which has been elected by the people of the country". This definition gives an insight into the kind of a country that could be seen as a democracy. This is to the extent that it is the people, not the nobles, of that country that elect its government. Furthermore, the same dictionary defines democracy as "a situation or system in which everyone is equal and has the right to vote, make decisions, etc". This definition sees democracy as a combination of several activities in, and condition of a country at a particular time. These activities include social, political, financial and economic position of the country.

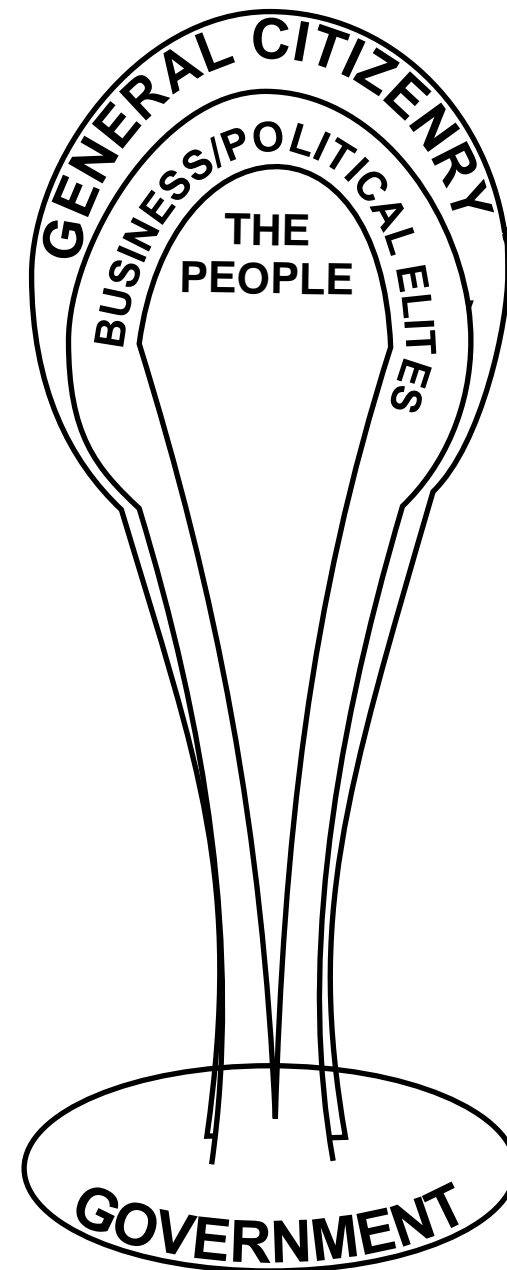
The Webster's Ninth New Collegiate dictionary defines democracy as "a government in which the

supreme power is vested in the people and exercised by them directly or indirectly through a system of representation usually involving periodically held free election". This definition equally sees democracy as a government in itself but which has no power of its own, except those it derives from the people who own the available supreme authority. It defines democracy further as "the common people especially when constituting political authority". In this case, it is the people themselves that are exercising political authority that constitute a democracy. Maybe this is why some people say, "Everybody is the government".

Lastly, and still quoting the Webster's dictionary, democracy is "the absence of hereditary or arbitrary class distinctions or privileges". Here we are; this lexicologist believes that those who are born free or as slaves, with silver spoon or by the hewers of wood and fetchers of water are entitled to equal stake in the scheme of things in their country. (All emphases in quotations are mine).

If all these definitions are analysed, one will discover that certain words and phrases keep recurring. The words and phrases represent the

RELATIONSHIP OF THE PEOPLE TO THE GOVERNMENT



value of democratic wisdom and therefore serve as the meeting points of different views on democracy and it is with those words that the views should be synthesized. For example, the Longman's definition defines democracy as a system where everyone can vote to elect the members of government. It then follows that it is only a country where everyone has equal rights to perform civic functions like voting and decision-making that can be called a democracy. It also means that there is no democracy where any part of the people is marginalized. But is it possible for babies and underage toddlers to vote because they are part of the population?

This is slightly different from Webster's where democracy is seen as the common people that constitute the political authority where no one takes advantage on and over the other. In other words, the sovereignty of a country resides with the people. This is more like it, as the common people, usually from the demographic majority, in any country and they could be perceived as the mass of the people.

At this juncture one may ask, "Who or what is this "the people" that is being so repeatedly used in

any discourse that has to do with democracy? Aren't every citizen in a country whether privileged or disadvantaged, affluent or peasant, free or slave, parts of the people that constitute the citizenry of a country?"

Again, let us consult the Longman's Dictionary where "the people" is defined as "all the ordinary people in a country or a state, who do not have special rank or position". According to the Webster's, it is "the mass of a community as distinguished from a special class". This special class belongs to the highest social group with titles such as a Chief who have socio-political ranks or positions. In our contemporary understanding, they are the political class, captains of industry as well as serving and retired military and para-military officers. We may also include traditional titleholders. They constitute the dominant economic class of the country. They control cultural institutions and political structures.

It is against this backdrop we dare insist that it would be rather confusing to say that democracy is the government of the people, by the people and for the people. Rather, democracy, beyond being 'a government' has been variously defined

as 'a system', with many parts working together; 'a country' with its own structures, organs, and institutions; 'a situation', that is a combination of all that is happening within a society as agreed to by the people therein; as well as 'the people', those with whom the governing authority resides. Hence, the Lincolnian definition of democracy becomes too restrictive and contextually misleading. The statement could confuse the uninformed that 'the people' are torn between 'the electors', 'the elected' and 'the governed'.

What is common to all available definitions is the people and the power or authority to govern the people, which flows from the same people. This is the reason why I take better interest in the definition of the leader of the Islamic Republic of Libya, Muammar Al Qadhafi who in his Green Book 1 defines "Democracy" as the "authority of the people". When a people truly possess the authority, they are not likely to use it against themselves. This is in tandem with an Ethiopian saying that, "when one sets a portion for oneself, it is usually not too small". Once everyone has it at the back of his mind that the decision of the majority of the people should hold sway, it then follows that there will always be a prick of mind

that understands this truism whenever he is tempted to use his privileged position or influence to bend the decision of the majority in favour of the minority.

Within the context of this discourse therefore, we would not want our audience to see "democracy" as a government in itself but rather as 'a system of government", which offers and protects everyone with the necessary authority and opportunity to participate in the political process and governance of his country. Simply put, "democracy" should be seen as "the authority of the people to govern themselves". This portrays "the people" as one united and indivisible force that cannot be ignored by any custodian of power.

1.3. WHAT IS GOVERNMENT?

Simply put, government is the group of people who implement the principle of governance. It is the sum total of organs, machinery or agency through which a political unit exercises authority and performs functions of controlling itself and its activities. The business of a government therefore has to do with the structures and organs which ensure that the complexities of political

institutions, laws and customs through which the function of a political unit is carried out are made useful to every person and institution that makes up the unit. Government should therefore be seen as the working together of people in an organized setting for the good of everyone. In our own case therefore, we should situate the government within the context of a political institution that is saddled with the control of the public affairs of a country. This is why it is usually said that the aim of any government is to ensure justice, fair play, and public good.

It should be noted that no group of persons could govern themselves without authority or power to do so. Often, the power, especially in a democracy, derives from the people themselves that is, the generality of the citizens of the country or members of an organisation. Where the power to govern flows from a few it is Plutocracy; if such individuals are the wealthy within the society, it is Oligarchy. If it is from a single person or a 'king', it is called Monarchy. When a government derives its authority to govern from the military hierarchy, it is called Military Government.

1.4. ROLE OF GOVERNMENT IN A DEMOCRACY

Contrary to many beliefs that military governments are lawless and despotic, they are not so seen by the international law. As an aberration, they need to be authoritarian to carry out the necessary reforms and transition from a fascistic government they help the people to defeat to a popular government. A military government becomes autocratic when it abandons the path of establishing a government according to the law and seeks to perpetuate and consolidate its hold on power to reach a workable compromise amongst themselves. The only way to avoid military authoritarianism is to avoid creating an interregnum by ensuring that the country's leadership remains perpetually popular. And there is no way a leadership can be popular if it does not enjoy the true mandate of the people which is only available in free and fair elections.

In many countries people have individual and collective freedoms in many aspects of their lives. For example, they choose where to live, what work to do, how to dress, and how to spend their money. But at the same time, laws which protect other people against crime limit their freedoms. The government is responsible for making such

laws, and for enforcing them. But the people have the supervisory roles of ensuring that such laws are fair and just.

The government is also in charge of public affairs, which are the matters that affect the whole country and are too complicated and expensive for any individual person or group of people to control, for example, the military, the police and foreign policies. Furthermore, the government has certain powers to change from a unitary state to a federation. It can also change from parliamentary (Cabinet System) to Presidential System of government etc. or amend the structure of the governments. All these functions are expected to be performed in accordance with the laws of the land, which are usually enshrined within the constitution.

Generally, the function of any government, apart from making laws and constitutions include the provision of public services such as the military and Para-military services such as the army, police, customs etc; collection of revenues, control the civil service i.e. government agencies, ministries, departments at state and local government levels. The government is also

saddled with the conduct of periodic elections and referendum or plebiscites, as the case may be, to authenticate the popular acceptance or otherwise of its policies and actions.

1.5. WHAT IS GOVERNANCE?

Governance is simply the act, process, ways and manners of governing. It is the combination of all methods, strategies and tactics employed in making the machinery of government work. It is the business of governance to see that all the arms and tiers of government work for the common good of the people. Governance is a social function within a polity that makes sure that the members of a government fulfil its own sides of the Social Contract they entered into with the people through their election. This includes all those functions that affect all sectors of human endeavour such as health, education, economic development, finance, agriculture, public work, housing, transport, provision of infrastructures, public welfare, job creation and general social integration.

Our major concern here is the ability of a government to engage in governance that is geared towards meeting the socio-economic

needs of the people without being told. This ability forms the basic tenet of good governance. But it is not limited there, because people's wants, needs and requirements are unlimited.

A mere fulfilment of campaign promises may be insignificant in relation to the available resources and possibilities. Good governance requires a deep knowledge of political Economy of the nation. This is the interrelationship between political and economic processes, which could enhance the socio-economic status of the people. Therefore, there is the need for the government to find out whether its plans tally with the people's wants and needs. This is called Needs Assessment exercise. There is also the need for the government to convince the people that this can only be done in terms financial and political accountability. These are manifest in the primacy of laws, order and due process, independence of the judiciary, true separation of powers and potency of checks and balances. Good governance therefore is one that promotes popular participation, respect for human rights, human dignity, transparency, effectiveness, efficiency and accountability.

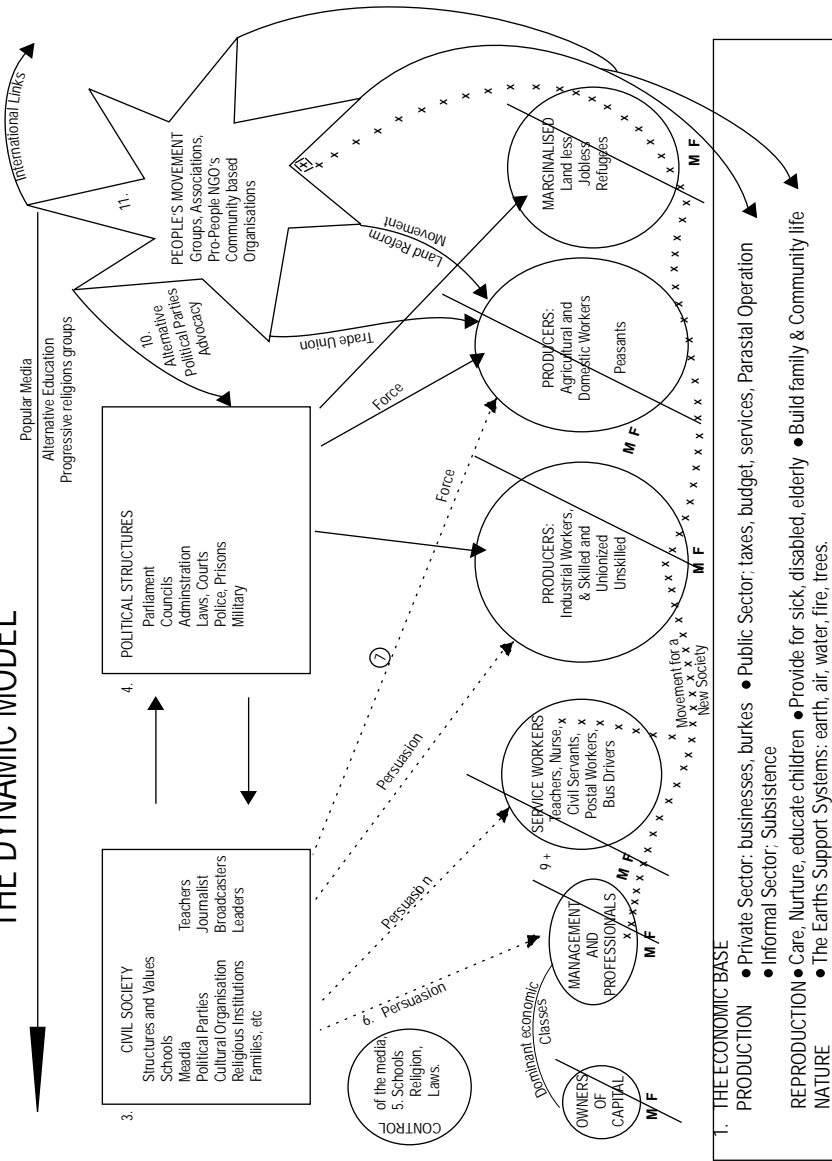
1.6. ORGANISING FOR DEMOCRATIC GOVERNANCE

The essence of any government is decision-making on matters that affect the people. The essence of democratic governance is to make decisions along with the wish or approval of the majority of the people. Furthermore, the essence of enthroning good governance is to ensure democratic decision that will positively impact on the lives of people.

To this end, there is the need to adopt the machinery for decision-making. It could be argued that no matter how perfect a democracy is, even where voting is adjudged by all to be free and fair there are still forces that influence or control the decision, which should be understood. These forces are captured in a model of political Analysis based on the ideas of Antonio Gramsci. The model is explained with a diagram, which is explained step-by-step below:

1. The economic base of the society: This is concerned with the survival of the society, which has to do with its economic production and reproduction. To understand the situation

THE DYNAMIC MODEL



*Originally developed by INODEP and was based on ideas of Antonio Gramsci but modified by Debo Adeniran

in any country, one asks questions.

- What is produced?
- How is it produced?
- Who owns the means of production?
- Who works?
- Who makes decisions?
- Who benefits?

2. The economic base develops to bring about different classes of people.

1) The owners, the service class, and the producers, (industrial and agricultural workers).

2) The management and professional class:

- Service Workers: Nurses, teachers, civil servants,
- Agricultural and domestic workers and peasants Skilled and unionized
- The marginalized landless, jobless and refugees that are prevalent in Africa.

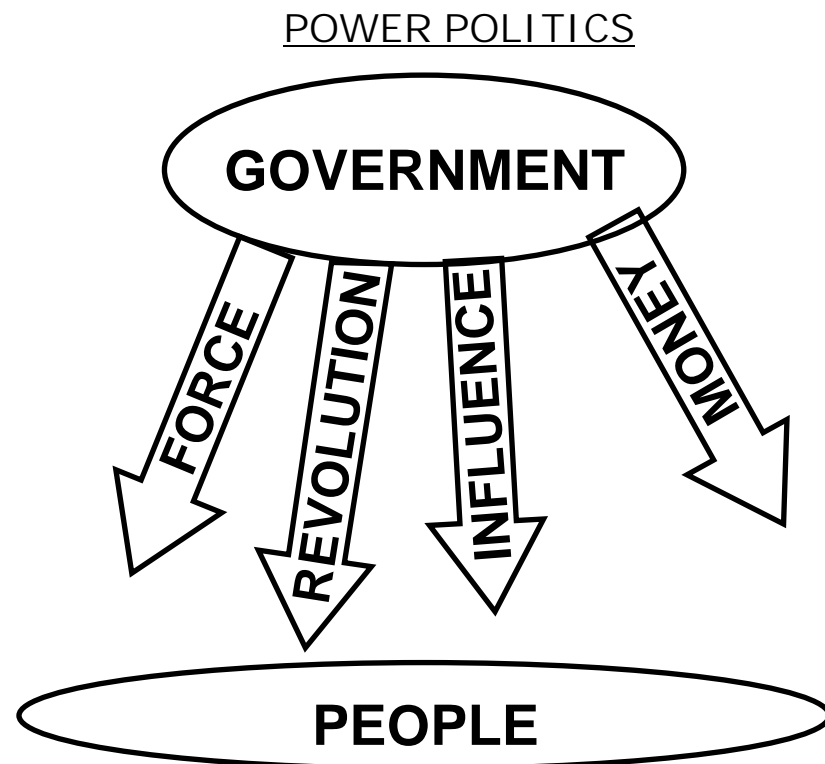
3) The civil society- these are cultural structures which transmit values of the society to the people trade unions, associations, NGOs etc.

4) The political structures which organize the society Parliament, councils, Police etc

5) The owners and managers, which control the cultural institutions and political structures. They are the dominant class. They control

the media, schools, the laws etc.

- 6) The method of transmission is persuasion and force
- 7) Education and Information leading to awareness of injustices.
- 8) Leaders of the people those who have acquired certain privileges through education and ability
- 9) People's Movements NGOs, Unions, Groups, and CBOs etc.
- 10) Liberated Society.



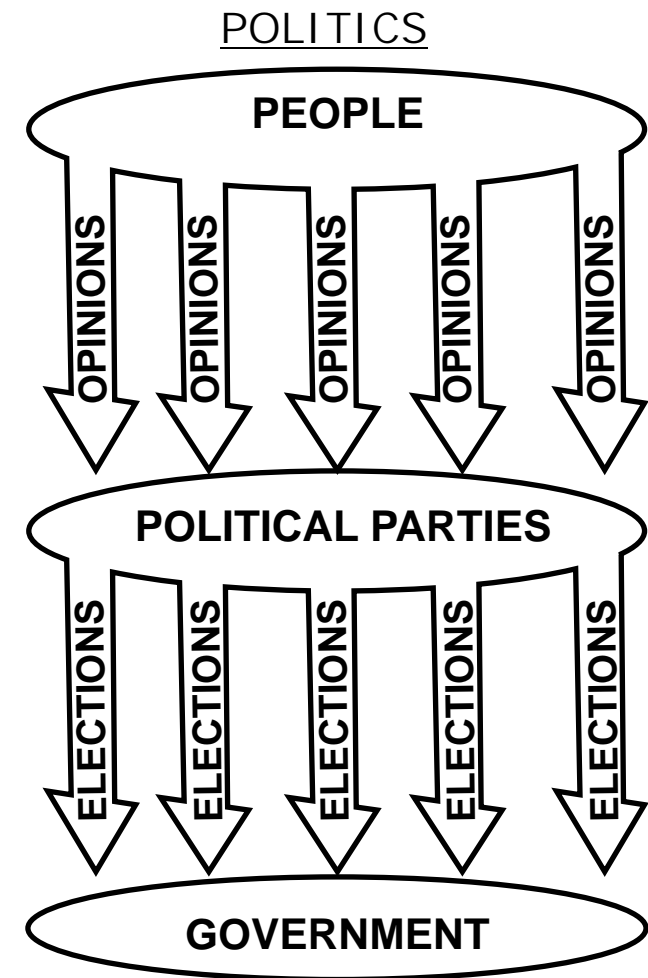
1.7. WHAT IS PRESIDENTIALISM?

Presidentialism is the systematic concentration of political power in the hands of an individual called the president. The president exercises the executive power of governance. He has the power to appoint his deputy who functions only as a "spare tyre". He is at liberty to appoint his friends and family members as members of his cabinet or boards of government parastatals. In which case he dictates what his all appointees do and they dare not look at him in the face lest they lose their jobs. The late Nigerian Minister of Internal Affairs once described ministerial appointment as a call, rather than to service, but to chop. This means the President may decide to look elsewhere while his men plunder the nation's treasury or assume or give 'dog a bad name to nail it'. From the United States of America to Spain, France and Ghana, the president behaves more like a Monarchical ruler: they possess the almighty power to hire and fire those who 'serve' the people.

The president is also the Commander-in-Chief of Armed Forces. By this he can declare a war and conclude peace treaties. He can manoeuvre the parliament to make unjust laws or abrogate just

ones. The president is highly protected by the end of his term of office. Despite the fact that the president is not a member of the legislature or the judiciary, he controls the budget of the other arms and tiers of government, arm-twists or blackmails them into submission. When these 'others' become submissive to the president, he becomes tyrannical by muffling the principles of separation of powers, which automatically means the end of checks and balances, nay, democracy!

According to Ozonnia Ojielo in his paper titled Elections and Conflict: A Nigerian Historical Overview, "Dictators in this country have emerged by asserting total personal control over formal political structures. As a result, on consideration, presidentialism contributed to the weakening of already frail structures" within the executive, the judiciary, the legislature and the civil service. "Ironically", Ojielo continued, "the disempowerment of formal institutions vis-à-vis the presidency is accompanied by the multiplication of public offices and the increasing size of the government (expenses and structure). Political life of the nation therefore becomes structured around dyadic exchanges between a 'strongman' and his acolytes, which together



comprise clientist pyramids and factional networks".

The main advantages of the presidential system a government are that the making and execution of decisions are relatively faster than in other forms of government and the principles of "collective

responsibility" makes whatever is done or left undone easily located and the president takes praises or blames for them.

1.8. POLITICS IN GOVERNANCE

As espoused above, democracy is the supreme authority of the people to rule themselves. However, the people do not exist in isolation of an association, be it family, organisation, community state or a country. Whichever structure brings the people together throws up the need for a government. And government, as we have defined, is the working together of the people in an organized setting. Equally, the methods, strategies, tactics, ways and means of working together are all agreed to be governance just as application of the principles and practice of democracy in governance is called good governance. However, "democracy" and "government" are socio-political terms that have a lot to do with politics. The people so chosen are the representatives of the people who will speak and act for them in the government of their country at different levels.

Whoever wants to be elected as a representative

of the people (aspirants) must take part in active politics. Politics itself is the sum total of all activities a person engages in in company of others who have similar aims and objectives to guide or influence governmental policies. These activities could also be meant to fight for the authority to contest to be elected in an election for the control of the government of his country. If a person has the authority of his associates, or Political Party, to contest an election he becomes a candidate. There are usually several candidates in any democratic setting who wish to become political representatives of the people. They ask (campaign to) voters for their support and explain their political plans and ideas (manifestoes). After voting, the candidates who have most votes become representatives of their political area. Such could be Local, State or Central Government.

On election, the mandate given to the winner is the power to be either the head or member of the legislative body of the tier of the government involved. Should the latter be the case, the elected person joins representatives from other parts of the political unit to form the parliament. The parliament is called the Council at the Local Government level, House of Assembly at the State

and House of Parliament or National Assembly at the central (federal) government level.

In Nigeria, the national parliament operates a bi-cameral system of two legislative chambers made up of the upper and the lower houses. The upper house is called House of the Senate while the lower is called the House of Representatives. The parliament is vested with the legislative powers to make laws for the whole country, the House of Assembly for the State and the Council for the Local Government. They also decide or approve decisions on all political plans of the government. However, there are occasions when members of the parliament become so petty and gluttonous. Although it is uncharitable of any honourable or distinguished member of the house to resort to blackmail and sabotage of national assignment to press home their demands from the other arms of government, they do it. They also, sometimes, arm-twist the executive to do their bidding. A case in point is the recent suspension of national assignment and a blackmail threat not to support an executive bill by the Senate, not on the demerit of the bill, but on the ground that an appointee of the president offended their persons. They thereby visited the sins of a non-elected leader on

the entire nation. What a national shame!

The decisions of the parliament are taken by votes of majority of the members. However, those who disagree can also make their points of view known for record purposes. But then, if the minority can only have their say while majority have their way, what happens in the case of 51/49% victory? Should 49% of the population be subjected to a policy they do not subscribe to? How about the case of multi-party democracy where out of 30 political parties the winning party scored 10% of the votes cast? What manner of democracy is that? This is what the late Muammar Al Quadhafi called "false democracy".

1.9. A CASE FOR POPULAR DEMOCRACY

In the Nigerian democracy, according to the Electoral Act and section 134 of the constitution, "a candidate for an election into the office of the president shall be deemed to have been duly elected, where, there being more than two candidates for the election:

- (a) He has the highest number of votes cast at the election; and
- (b) He has not less than one-quarter of the votes

cast at the election in each of at least two-thirds of all the states in the Federation and the Federal Capital Territory, Abuja.

In other words, a candidate who has one-quarter of the votes cast in two-thirds of 36 states would have got only six complete states and will be free to impose his party's and personal agenda on all others who make 30 states!

It would be more democratic if a process of elimination and substitution is adopted in electing the head of government at any tier of government. Any candidate who fails to secure at least a fraction of the number of federating units of the tier is eliminated; in a situation where two candidates emerge, the scorer of the higher votes would be the winner while the first runners up will be the deputy. This will be a clear departure from the current situation in Nigeria where 'the winner takes all'.

In this case, the party that comes second in any election will provide the deputy to the head of the government. In the same vein, each party will have the number of representatives that is equal to the percentage of votes won, supplied to

represent them as ministers or special advisers at the executive arm of the government as well as board appointments. At other levels i.e. the various parliaments, the winner at the last leg of the eliminative elections will be declared as overall winner. The manifestoes of opposition parties should also be adopted wherever such differ from the ruling party's. Where the manifestoes cannot be synthesized they should be implemented at the ratio equal to the percentage of votes won during the general elections. This is the only way to make policy implementation popular among the citizenry.

In general, whenever a democracy is newly installed, there is usually the need for the amendment of the existing laws such that the afore-stated process of popular democracy would be accommodated. This amendment will make provision for what could be called "Legislative referendum" where every law or decision of the Federal Parliament must be subjected to the approval of at least 2/3 of the states' Houses of Assembly. In the same vein, laws and decisions from the states Houses of Assembly should enjoy the support of 2/3 of the Wards within it who will support such policies before implementation.

Notwithstanding this process, all bills that seek to amend the constitution must pass through popular referendum or plebiscite in which not less than 2/3 of all eligible voters of 2/3 of states of the federation would vote "yes" for such amendment to make it binding.

1.10. ASSERTING PEOPLE'S AUTHORITY IN GOVERNANCE

How, one may ask, could the people assert their rights in a tyranny or military autocracy? Professor Akin Oyeboade, it was, who said in a lecture on Tyranny "a people united can never be defeated". The truism of this assertion lies in the inherent authority in the ability of the mass of the people getting their acts together to take their destinies in their individual and collective hands. A people's pride lies in their ability to mould their destiny to suit their needs.

It is only with this ability imbued with conviction that the people can hold a successful Sovereign National Conference (SNC) which we would tag "Parliament of All Citizens". The holding of an SNC is the beginning of a true nationhood. Without it people can only exist in a political contraption

called country, operating under farcical unity. The SNC is necessary to discuss issues that bother on the limit and extent of the people's relationship within the political structure that binds them together. Let no one be deceived, a true SNC could not accommodate any government in power while it lasts. It is the Sovereignty defined at the Conference that will be given in trust to the incoming government after it. The present effort where SNC proponents are saying that the government will exist side by side with the SNC is nothing but a waste of time. We need not cajole, deceive or lure anybody to agree to the principle behind the SNC. If it fails to hold during this generation, there is no basis for any hurry. If the need matures by the next generation it will certainly hold. It will be defeatist to say "any Conference will do", whether sovereign or not. Such an effort will be a nullity since its outcome will not be binding on anyone. We have always been having that.

The first precondition for revolution is awareness, which is obtainable through education. The people must be aware that they have a right before they can demand for and assert it. They must know that they are born with most of these

rights and nobody should take the rights away from them unjustly. They should resolve that, at whatever cost, whatever is worth living for is worth dying for. They must know that death will come when it will and resolve to conquer the fear of death and de-emphasize the power of wealth. These are twin tools tyrants employ in cowing their captives. They (the tyrants are therefore softened on realizing that the people are truly daring. The people must know that it is heroic for one to die for what is legitimately one's.

It is better to die while fighting for one's liberty even when one has to strike a blow and die, than to get killed like a game that got shot while running from death! But fight alone die alone it is. The people must organize themselves into formidable groups that will be guided by democratic principles. These groups of associations, societies, unions, NGOs, socio-cultural clubs, religious fellowships, etc will then establish links with one another as coalitions and networks. There must be regular meetings to discuss matters of common interest as well as meticulous record keeping and information management. And, all coalitions and networks must resolve that an injustice to one is an injustice

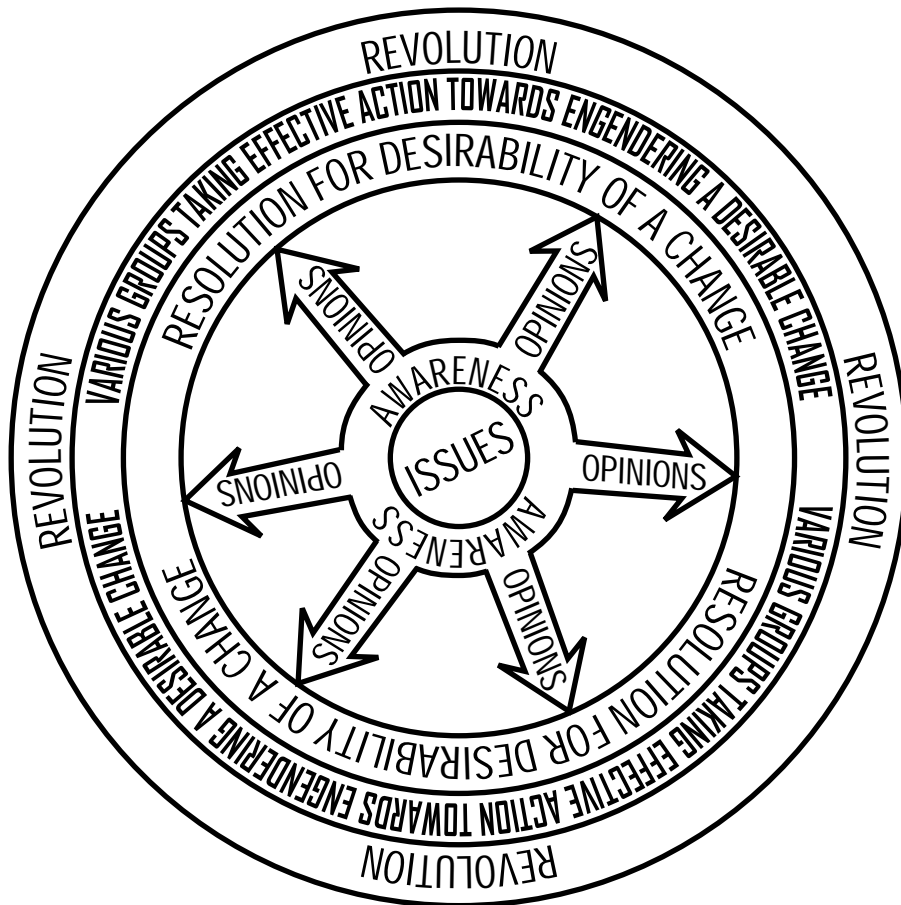
to all, where anybody's fight is everybody's battle. There, of course must be a unity of purpose before such a people can fight a winning battle.

1.11. CONCLUSION

With reference to the socio-political understanding as we have analysed above, it is evident that the least expectation of the citizenry of any country from any government whether democratic or not is good governance. The people want to enjoy maximum comfort, security, freedom, liberty and dignity. These are inherent in free and fair elections, majority rule, protection of minority, equality before the law and general welfare.

The presence of all the aforementioned is evident in the quality of life of the people, which encompasses their real pains, aspirations and wishes. Since government is held in trust for the people, the guiding principle of governance must be that the people are the source of the national sovereignty. It is also to them that all the holders of ruling instruments will be held accountable before or after their tenures of office. Therefore, for history or posterity to consider any political

PEOPLE'S POWER IN A DEMOCRACY



leader worthy of vindication he must have been seen to have played his own roles in accordance with the principles of good governance. The principles have to do with participatory democracy, which is guaranteed by the rule of law where effective political institutions can exercise influence on decisions affecting their lives.

In all, for a democracy to work and be effective, people should all have informed opinions so that they can make a good choice from several alternatives that are available to them, People must be given adequate political education so that they can be free to hold, express and discuss different ideas; government must be open and transparent to the extent that people will always be kept informed of all public affairs. The fourth estate of the realm, the press, should all be free to give full reports of political affairs without fear of harassment or intimidation from any quarter.

There is nothing basically wrong with any system of government as long as it operates true democracy. No tyranny can survive in any state without the approval of its people. While it is evident that rule of force can suppress the rule of reason sometimes, experience has shown that no

rule of force can last for long. The tyranny of any military rule can be a necessary tool of liberation but should not endure beyond the limit required for setting the captives free. Good governance requires good planning which carries with it popular and dynamic decision-making strategy for the good of man. However, no decision can be for the good of man when it excludes or relegates the dignity or relevance of the same man in any manner.

Paper Two

EFFECTIVE PUBLIC ADVOCACY FOR DEMOCRACY AND GOOD GOVERNANCE

2.1. INTRODUCTION

Advocacy is a concept that is often taken for granted by an average activist as the defence of the weak. Even when he engages in policy monitoring and other socio-political activism, he calls it advocacy. Of course his engagement of the authorities on matters that bother on the defence of popular issues of public interest takes him through advocacy process but such advocacy is often not predetermined, and could therefore be incidental advocacy.

However, for an advocacy to be effective it needs to be planned through well thought-out methods, tactics and strategies suitable for the kind one wants to engage in. Such parameters need to take

EFFECTIVE PUBLIC ADVOCACY FOR DEMOCRACY AND GOOD GOVERNANCE

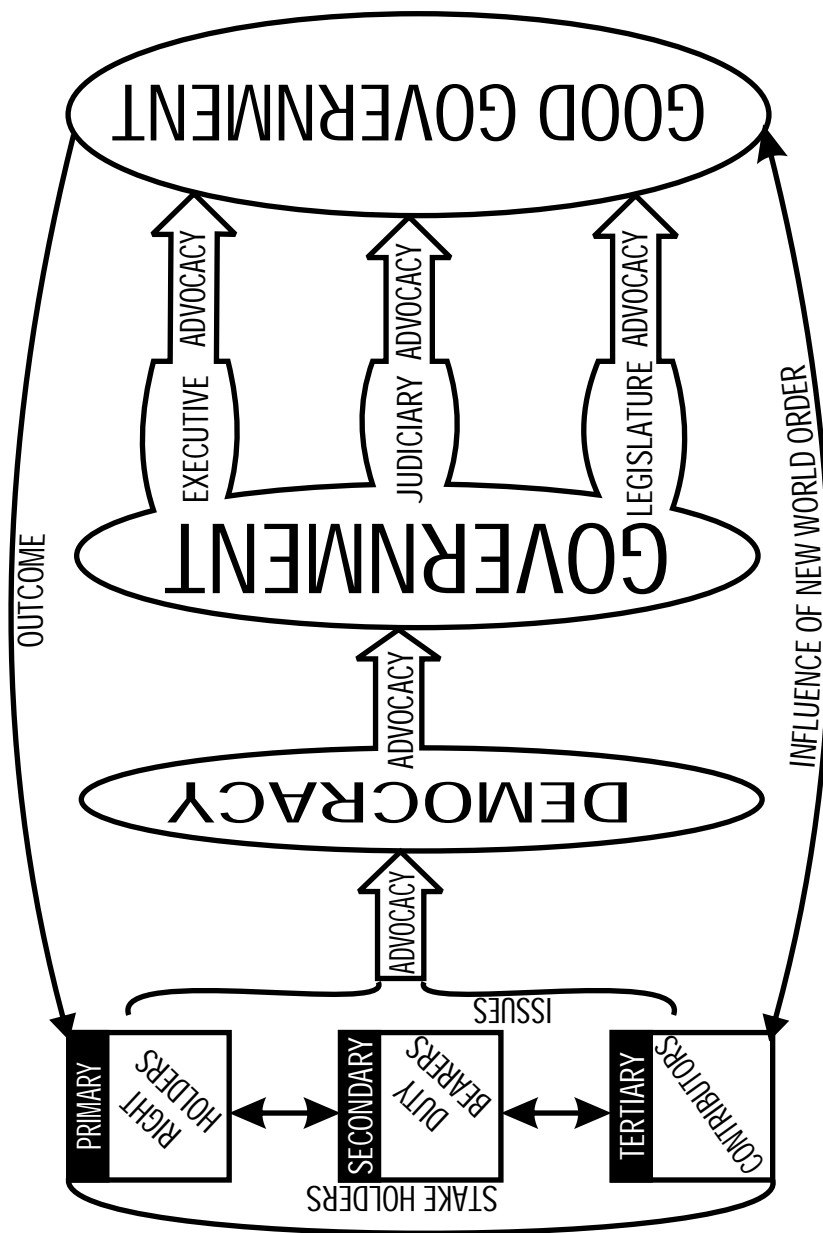
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However, for an advocacy to be effective it needs to be planned through well thought-out methods, tactics and strategies suitable for the kind one wants to engage in. Such parameters need to take all the stakeholders into consideration with a view to ensuring that no important sector of the target participant or beneficiary is left out, thus making the end result efficient and popular.

Our assignment in this forum, therefore, is to determine who the stakeholders are in public

STRUCTURE OF EFFECTIVE ADVOCACY



advocacy and explain some strategies that could make their advocacy efforts effective in their bid to promote democracy and good governance. To do this, we need to understand the basic concepts involved in the process by asking ourselves a couple of questions and attempt to provide answers to them. Some of these questions are:

- i. Who is a stakeholder in Public Advocacy?
- ii. What is Democracy?
- iii. What is Good Governance?
- iv. What is Advocacy?
- v. What strategies are available for Public Advocacy?

2.2. DEMOCRACY

Democracy is the authority of the people to govern themselves. "The people", in this context, is portrayed as one united and indivisible force that cannot be ignored by any custodians of power. The power custodians of a country are those who constitute the government of that country. A government is made up a group of people who implement the principles of governance. It is the sum total of organs, machinery or agency through which a political unit exercises authority and

performs functions of controlling itself and its activities. The business of a government therefore has to do with the structures and organs which ensure that the complexities of political institutions, laws and customs through which the functions of a political unit are carried out are made useful to every person and institution that makes up the unit. Government should, therefore, be seen as the working together of people in an organized setting for the good of everyone. The aim of any government is therefore to ensure justice, fair play and public good.

2.3. ADVOCACY

Advocacy is the process of amplifying the 'voice of the voiceless' or marginalized. It is a Systematic Process of influencing public policies. Advocacy is therefore a communicative act designed to promote social action geared towards rallying public support for a course of action that will motivate the government to engage in policies and actions that will engender justice, fair play and public good.

This 'process' is based on the fact that human beings have rights that must be attained. And

normally rights are not attained on a platter of gold but must be demanded for. According to Mikhail Bakumin in Statism and Anarchy in 1873, "No State, however democratic is capable of giving the people what they need: the free organization of their own interest from below upwards, without any interference, tutelage or coercion from above. Because no state, in essence represents anything but government constituted by the educated (elites), and thereby privileged minority which supposedly understands the real interest of the people better than the people themselves".

2.4. ISSUES FOR ADVOCACY

While policy change is necessary, it is not sufficient to redress faulty structures, attitudes and values that are the causes of societal inequalities and injustices, instead, a more people-centred approach focused on social transformation is needed. The following are some current issues for public advocacy for Democracy and Good governance in Nigeria:

1. Acceptable federal structures i.e. allocation of sovereignty and values between the

Central government and Federating Nationalities.

2. Religious Freedom
3. Religious tolerance and harmony
4. Secularity of the Nigerian State
5. Underdevelopment
6. Corruption
7. Poverty
8. Equity and Social Justice
9. Resource Allocation
10. Resource Generation
11. Resource Control
12. Inter-Ethnic harmony
13. Resolution of Boundary disputes
14. A viable system of Government
15. Citizenship rights
16. Rights of Children
17. Fundamental Human Rights
18. Labour
19. Privatisation
20. Women's Rights
21. Military Coup de'tat
22. Deregulation of security services
23. Speedy dispensation of justice
24. Decentralisation of the Supreme Court
25. Industrialisation:
 - a) Oil production

b) Energy Generation

c) Steel Development

26. Conflict Resolution
27. Land
28. The Civil Service

2.5. ADVOCACY STRATEGIES

A strategy is a well-planned series of actions for achieving an aim, especially victory against an opponent. In this case, advocacy is embarked upon with a view to achieving success in the demand for democracy and good governance from the government of the day. With this at the back of our mind, we shall examine the following approaches:

- I. People Centred Approach (PCA): PCA is a set of organized actions aimed at influencing public policies, social attitudes and socio-political processes that enable and empower the marginalized to speak for themselves. The purpose of PCA is social transformation through realization of human rights (civil, political, socio-economic, and culture). Democracy is at the heart of PCA. It is therefore about

mobilizing the politics of the people to ensure that the politics of the state is accountable, transparent, ethical and democratic. People Centred Advocacy to a very large extent, encompasses a rights-based approach to social change and transformations.

- II. Rights-Based Approach (RBA): RBA operates on the premises that the people are not passive beneficiaries or charity seekers of the state where the state's political and moral responsibility is to guarantee human rights. Furthermore, RBA assumes that people have the right to demand that the state ensures equitable social change and distributive justice where citizens are treated as the owners of the state. The state is therefore obliged to be transparent and accountable to citizens thereby respecting their human rights.

On the whole RBA seeks to achieve the following:

- I. Micro-level activism and macro-level policy change;
- II. Stress a bottom-up approach to social change rather than a top-down approach through macro-lever policy change.

- III. To strengthen people's participation in the process of policy making and implementation
- IV. To enable and empower the marginalized to speak for themselves, and
- V. To challenge and to change unjust and unequal power relations e.g. patriarchy at every levels.

Rights-Based Approach operates under principles of participation, Communication and Legitimacy.

- I. Participation: This is based on inclusive moral choices, power sharing, legitimacy, freedom, responsibilities and accountability. It is built on deep respect for transparency, plurality, tolerance and dissent i.e. ability to understand and respect differences. Participation is a crucial means to initiate, inform and inspire change in all areas of advocacy and helps to promote solidarity among the citizenry.
- ii. Communication: This is an attitude, a wiliness to share and to learn, to reach out, to speak out; it involves the creative use of language, information, knowledge,

poetry, prose and politics. Advocacy itself is a form of communication and needs to be consistent, continuous, creative, compelling and convincing to effect desirable changes.

- iii. Legitimacy: Legitimacy is a deep sense of commitment, accountability, communicability and actions that help to derive self-fulfilment. It is both relative and dynamic and it fosters credibility. It is acquired, not assumed as it is not just legality but includes ethics and politics.

2.6. STAKEHOLDERS

Stakeholders are persons, groups or institutions within a policy, programme or project. There are Primary Stakeholders who are immediate communities of interest. Secondary Stakeholders are the intermediaries in the process, and may include government agencies and other institutional bodies. Often these groups do not think of themselves as stakeholders, because they feel they own the process. A rule of ensuring that the key stakeholders have been included in the process is to question whose support or lack of it might significantly influence the success of the project. This is a particularly good test for experts

STAKE HOLDERS

*Primary

-Immediate Communities

*Secondary

-Intermediaries (MDA, PsPs, NGOs, etc)

*Tertiary

-External Contributors, IDPs, Foundations

and activist groups, both of whom commonly claim to speak for a wider representation than may be the case, and whose capacity to articulate their concerns might easily cause other groups to be overlooked.

Stakeholders' Analysis is the identification of a project's key stakeholders, an assessment of their interests, and the ways in which those interests affect project friskiness and viability. It contributes to project design by identifying the goals and roles of different groups, and by helping to formulate appropriate forms of engagement with these groups.

In analysis, we look at the stakeholders and their relationship. Different types of relationship need

different kinds of processes and some need more input to maintain. Stakeholders similarly can be quite specific, such as individuals geographically identifiable and maintain a relationship with them.

2.7. INVOLVING STAKEHOLDERS IN ADVOCACY STRATEGIES

Strategies must be planned for approaching and involving each person or group. How to do this will usually depend on the result of the previous analysis. Involvement of each stakeholder depends on the appropriate type and level of participation. There is no need to involve reluctant or disinterested stakeholders. Some stakeholders may change their level of involvement as the process continues. Thus, partnerships should be flexible and designed to grow. Where the stakeholder is a group rather than an individual, you may need to decide whether all in the group or only representatives of the group participate.

2.8. MAKING ADVOCACY STRATEGY WORK

In public advocacy there is the need to identify and list stakeholders for the specific project. Often, it is better to do this with the help of a small group of people. Stakeholders can be individuals groups, communities, organizations, etc. also

breaking stakeholder groups into smaller units (e.g. men and women, ethnic groups, locality, organizational departments) will often assist in identifying important groups who may otherwise be overlooked.

The next step is to draw out key interests for each stakeholder group in the initial list. Key questions could include:

- i. What are the likely expectations of the project by the stakeholders?
- ii. What benefits are likely to be for the stakeholders?
- iii. What resources are the stakeholders likely to commit (or avoid committing) to the project?
- iv. What other interests does the stakeholder have that may conflict with the project?
- v. How does the stakeholder regard others on the list?

Lastly, assess the influence and importance of each stakeholder on the project. Influence refers to how powerful a stakeholder is; importance refers to these stakeholders whose problems, needs and interests coincide with that of the project. If these important stakeholders are

involved or assisted then the project cannot be a success.

2.9. ADVOCACY STAKEHOLDERS

To engage in a public advocacy with a view to bringing about social changes that will engender democracy and good governance there are four main stakeholders that must be put into consideration and worked with: the people, the public, Network/Alliance and Decision Makers.

- i. The People: Those who are directly involved by the issue. Advocacy in this regards will include and involve education, mobilization and organization of groups or community for long-term social transaction.
- ii. The Public: As the middle class, opinion makers, intellectuals and the media. Effective advocacy needs to tap a critical mass of the public, create news through building collective action and articulating views through the media.
- iii. Networking and Alliance Building: important for sharing resources, coordinating multiple

strategies and involving large number of actors in the advocacy. This seeks to bridge the gap between micro-level activism and macro-level policy initiative, developing multiple voices and diverse efforts in favour of the advocacy causes

- iv. Decision Makers: Those who have authority to make decisions and influence power relations. This includes not only policy makers but also those who have the power to make decision in socio-cultural institutions, corporations, religions institutions etc.

2.10. CONCLUSION

With reference to the socio-political understanding as we have analysed above, it is evident that the least expectation of the citizenry of any country from any government whether democratic or not is good governance. The people want to enjoy maximum comfort, security, freedom, liberty and dignity. These are inherent in free and fair elections, majority rule, protection of the minority, equality before the law and general welfare.

The presence of all the aforementioned is evident in the quality of life of the people, which encompasses their real pains, aspirations and wishes. Since government is held in trust for the people, the guiding principle of governance must be that the people are the source of the national sovereignty. It is also to them that all the holders of ruling instruments will be held accountable before or after tenures of office. Therefore, for history or posterity to consider any political leader worthy of vindication, he must have been seen to have played his own roles in accordance with the

CURRENT STRUCTURE IN NIGERIA



Paper Three

APPRECIATING THE CONCEPTS OF FEDERALISM, DEMOCRACY AND GOOD GOVERNANCE

3.1. WHAT IS FEDERALISM?

Federalism, according to K.C where in his publication said, Federalism Government, is the method of dividing power so that general and regional governments are each, within a sphere, coordinate and independent. In other words federalism should be a means by which the independent constituents of an entity relates to each other as individuals and, as well, collective.

This can be situated in the mould of a family where the father, the mother and their children constitutes an entity but each has economic engagement wherein they contribute certain

percentage of their earning to maintain the family. Even when any member of the family does not have a direct means of income, he contributes his own quota in kind, i.e. using physical or intellectual ability or capability to help make progress within the family.

The practice of federalism is essentially a system of compromise. It is the institutionalization of compromise relations. This is however only obtainable where true (ideal) democracy works. In such a case, the federating units (states) will have a free choice whether to belong to the entity (country) or not. Such units will have liberty to evolve their own constitution, which will have equal, if not superior order of precedence. This means the federating units will have a body of laws (rules and regulations), which when it comes in conflict with the central laws will prevail. Equally, the central government will be at liberty to continue to expel any federating unit where the principles and practice of the unit come in conflict with the generally agreed principles and practice of the federation.

This also could be likened to the family units where any erring member could be sanctioned, if

his lifestyle becomes intolerable to the majority of member. It is also true that any child in a family, just like a state, who feels he can stay alone will be free to establish his own nuclear family with a wife or husband and children as no parent would compel such a new family to be part of larger extended family, so is a federation can't compel its constituents to remain with it.

Federal government need not subsume the structure and interests of other tiers of government in Nigeria where the local government is at the mercy of the state and the state at the mercy of the federal government. Such a structure does not allow for freedom for lower tiers of government to express their wishes the way they want it. This thus prevents their growth, development and progress. The model of federal system of government as it exists in the United States of America is an association of equal partners. Rather than concentric circle structure we have in Nigeria where local government is the least funded and recognized, the USA structure is lateral where each tier of government is proportionately funded according to its requirement.

On the whole, a federal government should be such where each state within the federation must have its non constitution, which can be shaped to fit the particular state or local government as long as they are consistent with the principle of the federal republic. It must be able to bind the country's external unity with its internal diversity. It must preserve regional/ ethnic nationality and diversity.

There must be a mechanism that safeguard individual freedom and ethnic nationality freedom and must enhance the democratic principles. Federal government must allow for experiment on a smaller scale and for competition among the states and must allow for equal partnership between the federal, state or local government authorities.

Although it should be recognized that no man, just like a nation, is an island to itself, it is also difficult to see a sea without an island. As everyman needs others to fulfil its social obligation, so is the truism that a tree does not have to be or make a forest to survive or whither. Most parents don't determine their children's spouses or the number of children they are

supposed to raise. Parents, sibling and acquaintances could only advise the children on their domestic affairs while the children are at liberty to take or reject such pieces of advice in same vein, the central government in a federation is not in a position to force its decision down the throat of the federating units. A situation where the federal government in Nigeria withholds statutory allocation to a state because such a state exercises its constitutional powers to create local government is but a strange federalism. If the ground rule of the federating units is that the federal legislature must assent to such creation, we don't think that such assent is meant to be sought before the creation. A child needs to be born before the head of the family formally recognizes it through christening. It is unacceptable that already born children should be killed before the family head was not informed of their conception.

Again in a normal federal democracy, the practice is that an offence is never corrected by committing another offence. If it is really an offence for a state to create new local governments for itself, is it not another offence for the federal government to laterally and extra judicially hold back the

constitutionally guaranteed federal allocation to the state? This is a case of two wrong not making a right.

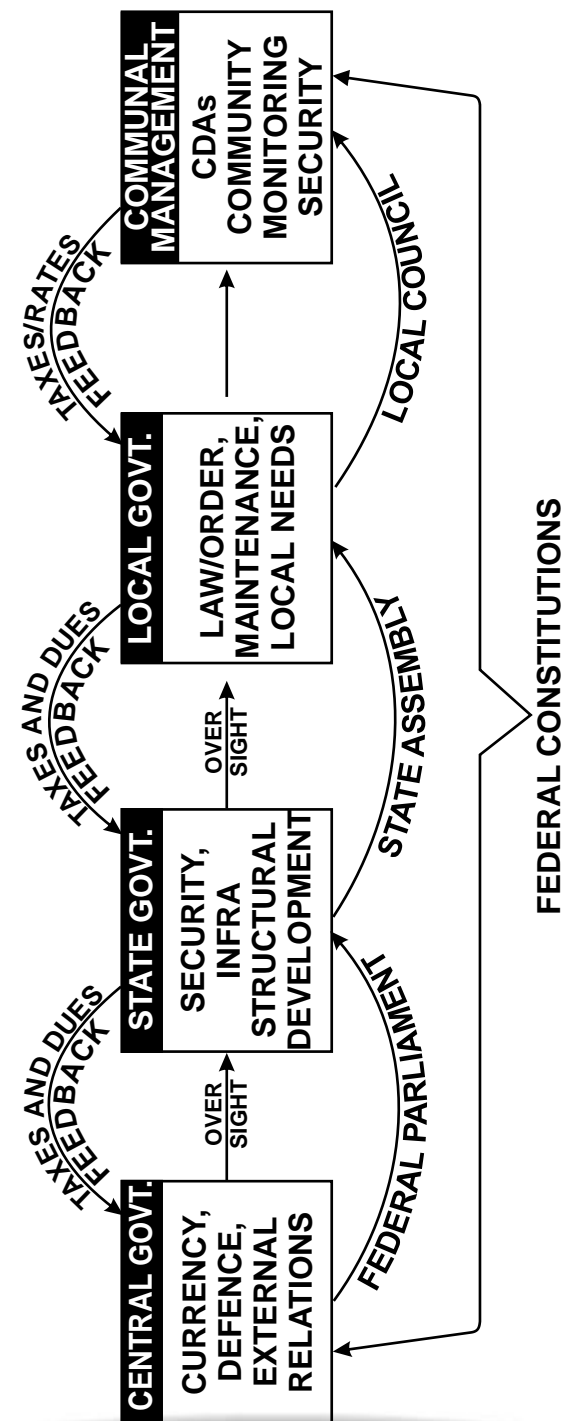
Putting it into proper perspective therefore, the antecedents of the nationalities constituting Nigeria with special focus on the political histories of these entities; it becomes an indisputable fact that the only viable form of association between these entities was federal or confederate.

3.2. DEMOCRACY

This Chapter is not to define democracy as that job has been done to other chapters but in a nutshell, for the purpose of this discourse, democracy shall be viewed within the context of the authority of the people to govern themselves.

Democracy recognizes the people as being central to the principles and practice of governance. And who are the people? The people are not the privileged few in the society who hold the political economic and coercive power of the nation. These are the oppressors who use such powers to implement unjust policies such as the levelling of Odi and Zakin Biam in Bayelsa and Plateau States

IDEAL STRUCTURE OF FEDERALISM



respectively. Those who use their enormous power of money to kidnap a state governor while the law enforcement agencies are watching or those who by the grace of the power that could flow through the barrel of the gun constitute a threat to an organised society of people. But they are the oppressed, the downtrodden and the voiceless people whose views do not count unless they are to serve as witnesses to disasters.

But how democratic is the people themselves naturally? Every human being is born greedy, selfish, even bestial and animalistic. It is the society that tames him to be sociable. However, acquisition of power often brings out the animalistic tendencies in us. How? The father, being the head of the family in a patrilineal society like Nigeria never bother to consider what opinions of other members in the family could be before he implements an action that affects the whole members of the family. The same happens where the mother is the bread winner for the family.

This trait is what accompanies people into the government houses. Hence, when such a person becomes the head of state, he could condescend

to the level of domestic politics in his homestead and try to annul the election of the traditional ruler of his village because the election did not favour his candidate. And not stopping at that, but ordering the governor of his state to dissolve the traditional electoral body of the village. What an absurdity? What a shame?

Generally, whoever that is not democratic in his home cannot be democratic anywhere else. And unless the society rise up to the occasion and decisively tame the monster in the animal called man, a nation may never witness democracy for life. This is because birds of the same feather flock together. Whoever is a democrat will not work with a dictator. In the same vein, a corrupt leader will not appoint an honest person to work with him. Reasons for these are obvious.

Democracy is only possible where the people are free to determine their destinies by choosing the basis of their relationship with one another. They should be given their fundamental freedom to contribute to the debate on issues that touch their lives and livelihood. People should be free to choose their representatives through free and fair elections. The minorities should be protected

while everybody should be equal before the law. Therefore, democracy should be a participatory exercise in which citizens operate under the rule of law and are protected by the law.

3.3. GOOD GOVERNANCE

Governance is the act, ways and manners of governing, while good governance is the ability of holders of the instrument of governing to allow the tenets of true democracy to hold sway. These tenets include the primacy of laws and due process, the independence of the judiciary, the separation of power between various arms of government, and political accountability.

Good governance starts from the home. The father and the mother who hold positions of domestic political leadership should always treat the views of their children and others who stay with them with respect. Everybody must contribute to the matters of running the home. No matter how strongly the father or the mother feels, a familial issue should be subjected to a debate or discussion that will allow everybody contributes his or her opinions on it. Everybody wants freedom. If such freedom needs to be

curtailed, there should be a discussion and compromise on it. Principle of fair hearing should start from home just like charity is said to begin from home but does not end there.

3.4. CONCLUSION

The pillars of any democratic governance reside in the ability of a government to recognize that their job is to ensure that all they do centre on equity, justice and public good. Nobody should be treated as nobody while everybody should be seen as somebody. Every opinion should count to the extent that freedom, justice, privileges laws and order shall at all times be guaranteed by whoever found his or her way into government.

Paper Four

LEGISLATIVE FUNCTIONS OF OVERSIGHT AND ACCOUNTABILITY

4.1. PREAMBLE

Except for those who are privy to the purpose of this paper, the title of this paper may not make complete meaning. The question wouldn't arise: where? And, for who? This is because the act of legislation does not have limitation, delimitation or universal definition. It therefore follows that any claim to complete understanding of the subject matter without the benefit of what it sets out to achieve and or for which person or body it is meant may only end up a delusion.

However, our understanding of the instructions for the paper and background to the workshop as well as its purpose convinces us that the whole

Nigerian nation is our constituency where particular attention would be focused on the six south-western states of Lagos, Ogun, Oyo, Osun, Ondo and Ekiti. Therefore, in discussing legislature or its variants we will pick the State House of Assembly as our point of reference. We also deduced that our audience consists of members of the Community development Committees and those of various State House of Assembly otherwise known as State Legislative House or State Parliaments.

We are equally mindful of the one-hour time frame allowed for the paper presentation. We shall strive to keep within the rules. Notwithstanding these specifications, the scope of the paper would be extended to cover the roles of checks and balances to be played by the members of various communities on various arms and tiers of government in Nigeria. To this and therefore, the title of the paper would be slightly adjusted to read: Imperative of Legislative Oversight Functions control Mechanisms for Accountability within a Constituency.

4.2. INTRODUCTION

If the amended topic is couched in a simpler language it will read, "The use of power of representation of a lawmaker as a very important tool to oversee and check corruption in government in collaboration with members of the community".

What does this mean? Whoever the members of the communities vote for to represent them in the House of Assembly of a government is usually those they trust will protect their rights, interests and aspirations therein. The business of the House of Assembly is far more than that of lawmaking, law amendment or law repealing. It consists of using its own rules to check itself and other arms of government against arbitrariness and misrule, and balancing the use of power between arms and tiers of government to avoid unnecessary intrusion, role usurpation or unwarranted interference. But the ultimate sovereignty of a state rest in the electorates. They therefore have significant roles to play in guarding the people's sovereignty by making sure that their representatives in the House do not act contrary to the mandate the people provided the

representatives.

This paper will therefore attempt to define some of the common terms that are usually taken for granted. It will examine, as they are provided for in the Constitution, some of the most important Legislative Oversight Functions. And finally we shall discuss how the functions are to be used as control mechanisms for accountability. We shall also suggest some steps that could be taken to carry out the monitoring roles of the constituents on the members of the House.

4.3. DEFINITIONS ATTEMPTED

A House of Assembly is the assemblage of the people voted in by the people of different communities in a state for the purpose of representing each community when the needs to speak or vote on their behalf arise.

The term 'House' in this case is merely the hood, which does not make the monk. The building where members of the House hold their meeting plays no significant role in the business of the House than providing them with shelter from harsh weather conditions. Put differently

therefore, the real House is the assemblage of the representatives of the people who have the electorate mandate to debate and vote on behalf of the people. Please note that it is not House of Legislature. This might not be unconnected with the fact that the House has more business to deal with more than that of legislating i.e. law-making.

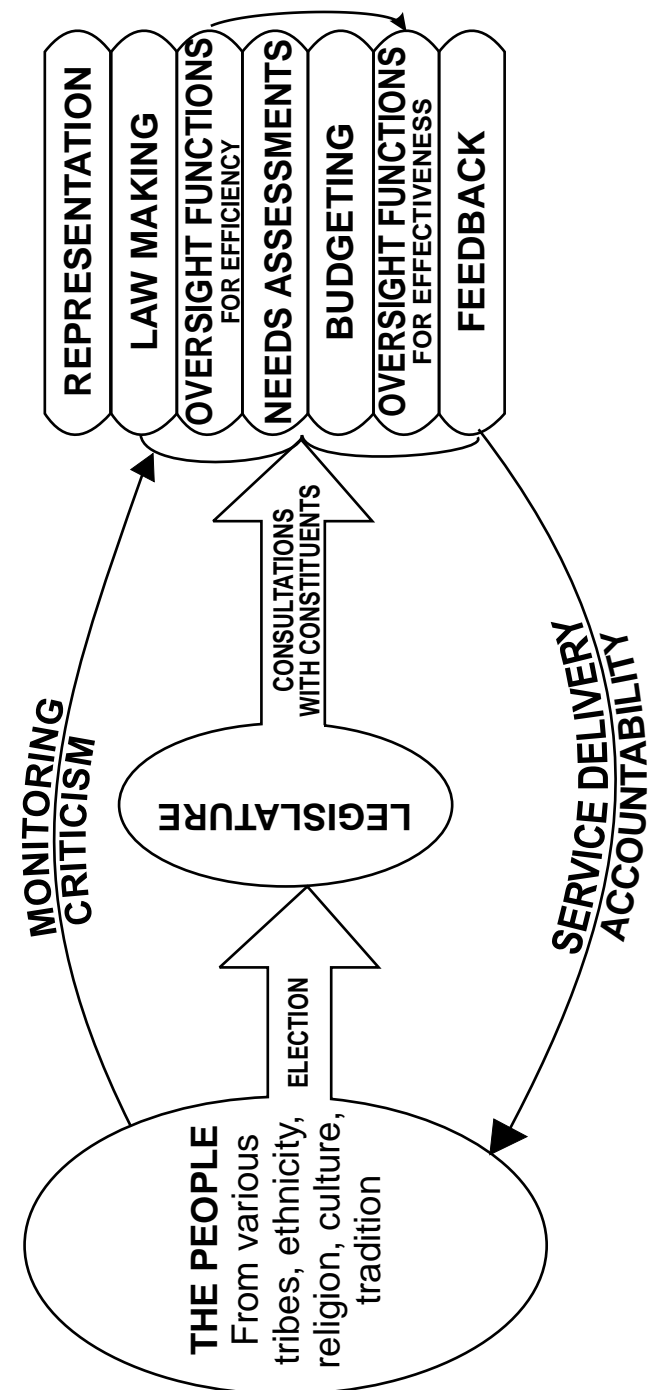
4.4. LEGISLATIVE POWERS:

These are the powers vested in a State House of Assembly by the Constitution to make laws for the peace, order and good government of the state or any part of it with respect to matters on concurrent legislative list. The National Assembly legislates on matters on Exclusive legislative list. The exercise of these powers is however subject to the jurisdiction of course of law or judicial tribunals established by law. These powers are therefore not extended to those that oust the jurisdiction of the courts of laws or of judicial tribunals.

4.5. CONSTITUENCY:

This means the sum total of the people who live and vote in a particular area. It could also mean

LEGISLATIVE FUNCTIONS OF OVERSIGHT AND ACCOUNTABILITY



the area that people live and vote during general election. This is different from a Ward, which means the smaller division of a town or city for the purpose of local elections. The powers to divide every state in the federation into constituencies are vested in the Independent National Electoral Commission (INEC). The number of state constituencies is prescribed by the Constitution to be equal to three or four times the number of federal constituency within the state.

4.6. ACCOUNTABILITY:

This means the ability of an individual or body responsible for an assignment to explain to the conviction of the subject of the assignment, in this case the people, how time, energy and financial expenditure were made in proportion to the extent or limit of the result achieved in terms of effectiveness, efficiency and profitability.

4.7. OVERSIGHT FUNCTIONS:

These are the aspects of regular duty of an individual or body that are not pre-determined within the regular schedule of assignments. They are attended to as other issues or matters throw

them up. Specifically, the Oversight Legislative Functions makes legislators a watchdog for areas of omission or commission by themselves or other tiers and arms of government to ensure check and balances. It is the legislative oversight function to supervise the use of executive, judicial and administrative powers that is conferred on the National or State Assemblies that determines their responsibility, responsiveness and legitimacy.

4.8. THE MAKING OF A LEGISLATURE

Democracy is the supreme authority of the people to rule themselves. However, the people do not exist in isolation of an association, be it family, organization, community, state or a country. Whichever structure brings the people together throws up the need for a government. And government is the working together of the people in an organized setting. Equally, the methods, strategies, tactics, ways and means of working together are referred to as governance. When the desired result favourable to the people is achieved through this effort, we have good governance. It is the application of democracy in politics that guarantees the participation of all voters in an election of members of their own government.

In Nigeria, the Constitution provides for the establishment of a Parliament (legislative body) for different tiers of government. This is referred to as Council for Local Government, House of Assembly for the State and a bicameral arrangement of the Senate and House of Representatives for the Federal government. The constitution also specifies the composition, officers and staff of the House of parliament. Each of the Parliaments operates similar procedure however the following apply more to the State parliament:

1. The Speaker and Deputy Speaker of the House are elected by the members of the House. Every member of a House is required to declare his/her assets and liabilities to the taking of his/her seat in the House. The person will thereafter take and subscribe to the Oath of Allegiance and Oath of Membership prescribed by the constitution before the Speaker of the House who with his Deputy would have done the same before the Clerk of the House who is the administrative head of the parliament. Each member will vacate his/her office if he ceases

to be member of the House by dissolution of the House, impeachment or death.

2. The business of the House is conducted in English or one or more other language spoken in the state or as the House may resolve: Decisions of the House is determined by a simple majority of the members present and voting; and the Speaker shall cast a vote whenever necessary to avoid a tie.
3. Usually, a House by its rules provides for matter pertaining to those that will aid smooth running of its business like asking each member should declare any pecuniary interest he/she may have in any matter coming before it for deliberation. The House will then decide by resolution if such a member may vote or participate in its deliberations on the matter. The House may impose penalty on any member who fails to declare such pecuniary interest.
4. Member of the public may be allowed to observe the proceeding in the House but are not entitled to vote or present bills except

through the representative of his/her constituency. If any non-member should vote during the sitting of the House, he is liable to punishment prescribed by the law of the House.

5. The power of a House to make laws is exercised by bills passed by the House and approved by the Governor. If the Governor fails to assent to a bill, he shall within 30 days or the bill shall be deemed to have been withheld by the Governor. The members of the House may thereafter pass the bill by two-thirds majority without the assent of the Governor.
6. A House is mandated to sit for a period of not less than one hundred and eighty-one days in a year. It shall stand dissolved at the expiration of four years commencing from the date of its first sitting. An exception to this is when the country is at war, which may prevent it to hold elections. The National Assembly may in such case, by resolution extends the period by six months at a time. The governor who has the power to proclaim for holding the first sitting of the House also

has the power to proclaim its dissolution at the end of its term.

7. Elections to the House of Assembly are held on date appointed by the Independent National Electoral Commission. The date so appointed shall not be earlier than sixty days before or later than the date of the dissolution of the House. Every citizen of Nigeria, who has attained the age of 18 years and residing in Nigeria at the time of the registration of voters for purposes of election to any legislative House, shall be entitled to be registered as a voter for the election that is supervised by INEC. Such a person is equally qualified to be elected into the House except that he has to be a member of a registered political party, be thirty years of age and educated up to school certificate level.

The people so chosen in an election are the representatives of the people who will speak and act for them in government of their country at different levels. The mandate given to such winner in an election is the power to either be the head or member of the legislative body of the tier of the

government involved. Should the later be the case, the elected person joins the elected representatives from other parts of the political unit to form the parliament.

4.9. LEGISLATIVE OVERSIGHT FUNCTION OF THE PARLIAMENT

The primary assignment of the parliament at every level is to make, (amend or repeal) laws or their respective level of government. They also decide or approve decisions on all political plans of the government. The powers to the parliament to perform the latter function are the legislative powers of oversight of other arms of the government. In other words, the power of oversight functions is the power to oversee and supervise the functioning of all governmental machineries including ministries, parastatals and agencies vested in the parliament.

There are several Legislative Oversight Functions expected to be performed by the Parliament but only a few important ones will be discussed.

1. Powers and Control over Public Funds: This power specifies that all revenues or other

monies raised or received by a state, apart from the regular expected incomes shall be paid into Consolidated Revenue Fund. This money or any other public fund cannot be withdrawn for whatever reason except as approved by the Parliament.

This is done by debating and passing of appropriation or supplementary appropriation act often referred to as budget estimates. It is this power to authorize or refuse government expenditure of public funds that gives the legislature control over the acts of the other arms of government who depend on the Parliament for money to perform their functions.

While appropriation bills are being passed, the legislature has the power to increase or reduce the estimated placed before it. This is the area that often proven a channel for legislative corruption. Consider Mallam El-Rufai's allegation of bribe demanding and Prof. Fabian Osuji's bribe-giving sagas in the National Assembly. Equally some members of the parliament however often support the increase or reduction of budgetary estimates

for selfish reasons.

2. The Parliament may also make provisions for the establishment of a Contingency Fund for the use of the Executive in emergency situation where a supplementary budget would be made as soon as possible to replace the amount taken the contingency fund. Furthermore, the Legislature oversees the adherence to the appropriation law as it has passed it by the other arms with a view to calling such to order if anything is suspected to be capable of offsetting the approved budget estimates.
3. The Parliament fixes remuneration, salaries, allowances, pensions and gratuities payable to its members and other political office holders, in accordance to the prescription of the Revenue Mobilization Allocation and Fiscal Commission. The House confirms the appointment of all public servants including Commissioners, Special Advisers and the Auditor-General.
4. The Auditor-General is empowered to audit all public accounts, and conducts periodic

checks of all government statutory corporations, commissions, authorities, agencies, including all persons and bodies established by law of the House of the State and submit his reports to the House. The House receives and considers the Auditor-General's financial statement and annual accounts of the state and the House shall cause the report to be considered by the Committee of the House on Public Accounts.

5. The House is vested with the powers to conduct investigations. It can use the power by resolution to public in his journal or in the Official Gazette of the Government to direct or cause an inquiry or investigation into any matter or thing with respect to which it has power to make laws such as conduct of affairs of any person, authority, ministry or government department charged, or intended to be charged with the duty of responsibility for executing or administering laws enacted by the House and disbursing or administering money appropriated laws or to be appropriated by the House. These powers enable the House to make laws with respect to any matter within its legislative competence

and correct any defects in existing laws. They also expose corruption, inefficiency or waste in the execution or administration of funds appropriated by it.

6. The House also possesses the powers as to matters of evidence. The House or its Committee has the power to procure all such evidence, written or oral, direct or circumstantial as it may think necessary or desirable, and examine all persons as witnesses whose evidence may be material or relevant to the subject-matter. The House can ask the evidence to be given on oath. It can summon any person in Nigeria to give evidence at any place or produce any document or other thing in his possession or under his control.
7. The House of Assembly of a State has the powers to confirm boundary adjustment or creation of new Local Government Areas. There is a need to discuss this aspect of function of State Parliament in a greater detail given the controversy being experienced in Lagos State on the issue.

The process for boundary adjustment on the creation of a new Local Government Area begins with a request supported by at least two-thirds majority of members representing the area demanding the creation of the Local Government Area in the House of Assembly or Local Government Council in respect of the area is received by the House. This will be followed by a proposal for the creation of the local government area, which is approved in a referendum by at least two-thirds majority of the people of the local government area where the demand for the proposal local government area originated.

The result of the referendum will then be approved by a simple majority of the members in each local government council in a majority of all the Local Government Council in the State. Thereafter the result of the referendum will be approved by a resolution passed by two-thirds majority of members of the House. Boundary adjustment bill may however not require a referendum to get passed.

It is after the aforementioned processes are concluded at the state level that the House of Assembly is required to “make adequate returns to each House of the National Assembly”. This is done for the purpose of enabling the National Assembly to exercise the powers conferred upon it by section 8 sub-section 5 of the Constitution. This requires the National Assembly to pass an Act that will make consequential provisions with respect to the names and headquarters of local governments provided in the Constitution and in parts I and II of the First Schedule to the Constitution.

It should therefore be noted here that there is nothing in the Constitution that says that the National Assembly should first authorize the creation of Local Government Areas before they are created. It is therefore oppressive, preposterous and vexatious for any tier of government to punish other tiers for exercising their Constitutional functions of acceding to the requests of their constituents.

Equally, there is nowhere in the Constitution

where the federal government is provided the powers to withhold statutory revenue allocation to any state for whatever reason. Rather, section 164 (I) of the Constitution provides that the federal government may make grants available to a state to supplement the revenue of that state in such sum and subject to conditions and terms as many be prescribed by the National Assembly.

8. The House possesses the power to impeach any of its own members and officers. It can evoke its powers to impeach the Governor or Deputy Governor where allegations of gross misconduct in the performance of the functions of his office are proved and their detailed particulars are specified. This shall be contained in a notice signed and presented to the Speaker by at least, one third of members of the House.
9. Finally, the house can, through members of the Nigeria Police Force or by any person authorized by the Speaker issue a warrant to compel the attendance of any person who after having been summoned to attend, fails,

refuses or neglects to do so and does not excuse such failure, refusal or neglects to the satisfaction of the House or its authorized committee.

The House can then order him/her to pay all costs which may have been occasioned in compelling his attendance or by reason of his failure, refusal or neglect to obey the summons and also to impose such fine as may be prescribed for any such failure, refusal or neglect and fine so imposed shall be recoverable in the same manner as a fine imposed by a court of law.

4.10. LEGISLATIVE OVERSIGHT FUNCTION AS CONTROL MECHANISM FOR ACCOUNTABILITY

The main essence of power of oversight functions vested in the Parliament is to ensure checks and balances within and among the various tiers and arms of government. This will ensure accountability in public service and enhance the people's trust and belief in democracy, which in turn ensure the sustenance of good governance based on constitutionalism.

It is only unfortunate that very many members of parliaments in Nigeria have lost their senses of decency and dignity. They are in the House only to feather their selfish gluttonous nest at the expense of their constituencies and constituents. Some are so kleptomaniac to the extent that legislative functions are secondary to them and would not attend House sessions that would not involved loot disbursements. Otherwise, the Nigeria constitution is replete with several provisions that make corruption impossible if each of government performs its duty.

For example, the parliament reserves the right to refuse the passage of any bill, be it appropriation or others, if it is found to be contrary to what will ensure public good. Where there are genuine suspicions that some misdemeanours have occurred, the House possesses the power to investigate anybody or group, and or order an audit of accounts of such person or agency with a view to ascertaining the veracity of the suspicion. Where the fears are confirmed, the House has the powers to prosecute the culprits within or without the parliament. Thus, bringing such a bad egg to book.

4.11. NATIONAL TRAGEDY

What do we have in Nigeria? While a speaker of the House may be impeached for non-possession of genuine requisite certificate, members who demand and collect huge sums of money as kickbacks are jealously protected while the whistle blower is made to face the music. Sometimes members of the parliament become so petty and resort to blackmail and sabotage of national assignment to press home their selfish demands from other arms of government. Remember when the late Dr. Chuba Okadigbo, as the Senate President with his cohorts in the first term of this regime was accused of corruption, he put up a face-saving fight and being protected by a section of the House until Senator Idris Kuta's Panel confirmed their culpability before the house knew that the game was up for them and impeached him. He was never tried for the crime neither was the loot recovered from him.

Sometimes, the greedy and selfish members of the House arm-twist the executive to play their bidding. A case in point is the suspension of sitting by the Senate last year which was laced with the threat not to support the request for a new aircraft

for the presidential fleet unless the president punished a minister who offended their persons by pouring invectives, which majority of Nigerians agreed with, on them. They thereby visited the sin of a non-elected member on the entire nation. What a national tragedy!

When our parliamentarians physically assault themselves, it usually is not because of disagreement on the business of the House, it often bothers on the inequitable sharing of loot. This is usually proceeds from bribes they collect from members of the Executive Council to ensure that favourable bills are passed for their ministry or department, or contractors to ensure that the House approved of their contractual proposals and job done even when such are fraught with fraudulent practices, inadequacies and other irregularities.

Such loots are termed 'banana'. Inequitable sharing of bananas is termed 'banana peel' and the impeached or expelled lopsided sharer is said to have stepped on banana peels and slipped. The latest victim of this is likely to be the Senate President who once boasted he knew where banana peels were kept in the Senate and how to

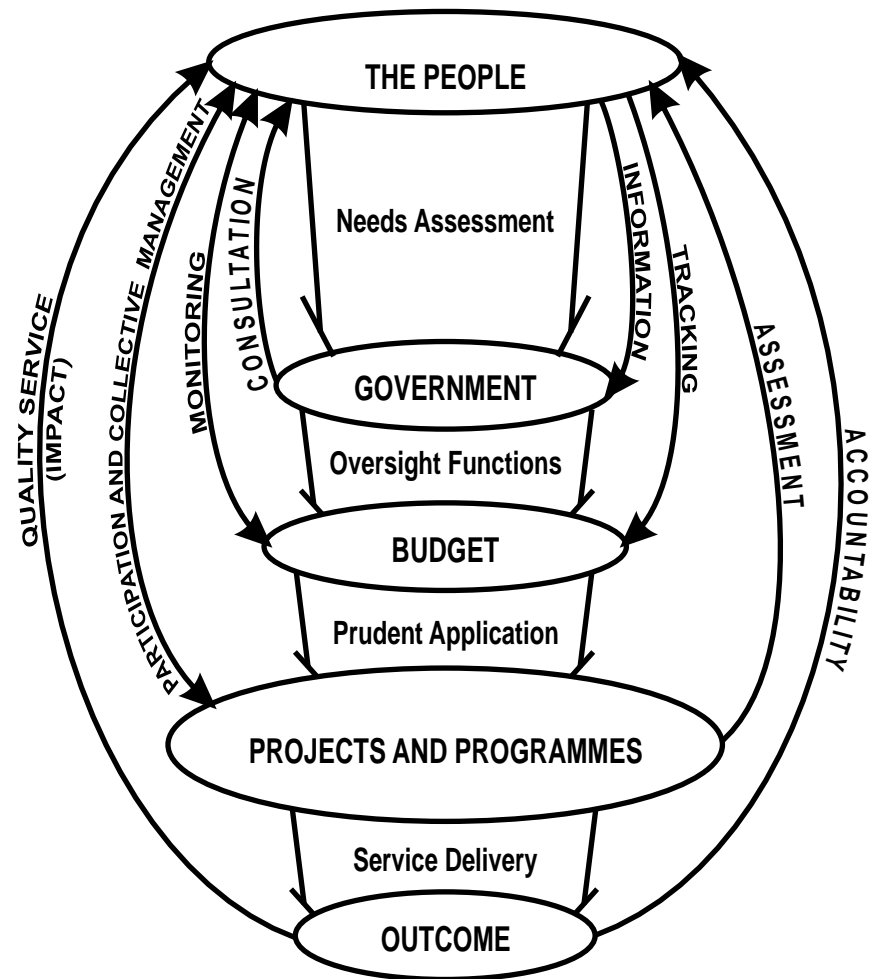
avoid them. He and his cohorts might have stepped on the fabled banana peels and may be on their steady way down the abyss of infamy.

And what is more? A chief law enforcer in the country is currently enmeshed in the controversy of several criminal activities raging from aiding and abetting illegal oil bunkering and money laundering to diversion of public funds to private accounts for private use. The National Assembly that would come to the rescue is hand in gloves with criminals.

It would have been gratifying if the House sees corruption generally as banana peel and whoever indulges in it as having stepped on the peel for a smooth glide into prison. This would have been an effective way of checks and balances, thereby lowering the rating of Nigeria on corruption scale.

Another area where the Legislators would have enhanced the fight against corruption would have been the passage of the original Freedom of Information Bill (FOIB). This bill would have gone a long way in ensuring transparency and accountability in public life. Oath of secrecy is anti-democratic and antithetical for the social right of

PARTICIPATION, TRANSPARENCY, PROBITY AND ACCOUNTABILITY IN GOVERNANCE



individual to know, freedom of expression and of opinion. As at now, civil servants are like robots, to be seen but not to be heard. What manner of oppressive life is that?

4.12. ROLES OF THE CONSTITUENCY ON THEIR REPRESENTATIVES

When a people are united, they can never be defeated. The people in a constituency must decide to get their acts together to take their destinies in their hands. They should hold regular meetings for the purpose of exchanging ideals and educating one another as groups. These groups, associations, societies, unions, NGOs, socio-cultural clubs, religion fellowships etc will establish links with each other as networks or coalitions. These networks or coalitions should resolve that an injury to one, is an injury to all and fight as such under the principle that anybody's fight is everybody's battle.

Once there is unity of purpose among the constituents, they should then control their representatives along the following step:

- Insist that all political parties existing in your constituency present candidates residing in that constituency and whose antecedents as well as present economic activities are enhanced and contributory to the communal development.

- Campaign against impostors who want to bribe his/her way through to the government of your state. Remember, whoever got elected through corruption will rule by corruption. Such will not work successfully with incorruptible colleagues or subordinates.
- Insist that your elected representative establishes functional Constituency Office and hold regular meetings with him where you will assist him with cogent ideas of what to present in the House that will meet the needs, aspirations and desires of the people.
- Sit in the House gallery and have eye contact with him while debates and voting progresses. If possible, prompt him to speak in a desirable way through physical contact, a note or text message;
- Avoid material demand from him as such will lower your integrity and trivialize your intention.
- Recall passive and ineffective representative with a view to electing a better one in his place;
- Ostracize recalcitrant representative from your community through collective efforts of the community, documentation and circulation of his wrong doings in leaflets,

handbills, posters, press releases, statements and articles, text and e-mail message etc.

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Paper Five

MAKING PROBITY AND ACCOUNTABILITY IN GOVERNANCE OBLIGATORY: WAYS, MEANS, STRATEGIES AND TACTICS

5.1. INTRODUCTION

In any democratic setting, government derives its existence, authorities and powers from the people. It is therefore presupposed to be answerable to these same people who, through their votes, had put it in charge of the affairs of the state or nation. That inherently implies that the people are the custodians of the mandate which they have voluntarily given to all those elected/appointed into the government to lead and rule over them. By this same powerful instrument of voting, it goes without saying that the people possess the supreme authority to make and unmake their leaders. Here lies then the paradox: the people playing the masters and subjects at the same time.

5.2. DEMYSTIFYING PROBITY AND ACCOUNTABILITY IN GOVERNANCE

Governance, as we all know, encompasses the general administration of the affairs of the state which includes controlling and regulating, through legislations and policies; all geared towards ensuring meaningful developments through the provision of infrastructures and facilities of consequential benefits to the people as well enacting laws for the purpose of regulating and controlling activities and interactions amongst the people and the various organs of governance.

If the afore-stated analysis appropriately defines governance in the concept of democracy, then the issue of probity and accountability must be seen as obligatory and non-negotiable. Having acknowledged the supremacy of the people in the affairs of governance, it will not be out of place to posit that the government has actually been assigned its numerous roles by the people. Isn't it simply obligatory therefore on the part of the assignee to render stewardship and account to the assignor? Isn't it equally obligatory too that the assignee makes such assignment freely accessible for inspection or assessment (as the

case may be) by the assignor? For the purpose of this postulation, we may apply the analogy of a contractor being assigned to carry out a construction project. Should the assignor not be free to visit the construction site at any time he so desires, to assess the level of progress made or/and the quality of work done OR could there be any tenable excuse for denying him that right? It is however regrettable that what is a commonplace in our various public offices today, is the habit of labelling every official information as classified and so should not be accessible to the same people whose mandate they enjoy and whose interest they claim to be serving.

Ideally, the essence of probity and accountability in governance cannot be overemphasized as it helps to promote and facilitate the needed cooperation and understanding between the government and the people. Any government that operates on absolute transparency in every sector of its activity, naturally, leaves little or no room for speculations and insinuations as the true intentions behind every action or decision taken by it is easily comprehended by the people since they are never kept in the dark. If, as it were, the wealth of the state is kept and managed in trust by

the government for the people, why should the records of the revenue and expenditure become a no-go-area for the 'owners'? Why should the people not be able to know how much money is in the public coffers at any point in time and how such money is being spent? I am of the belief that, if things were done the way it ought to be done, there ought not to have been any need for legislative exercises on the Freedom of Information (FOI) bill as such freedom should naturally be recognized and embraced by all as a vital organ of any democratic arrangement. The FOI bill therefore, as far as I am concerned, is a child of circumstance, born out the habitually recalcitrant attitude of the public institutions and functionaries to the issue of transparency and accountability as they will always want to hide their incurably corrupt tendencies from public scrutiny. Do I necessarily need a law to expressly spell out my right to demand information relevant to my belonging from the person I have appointed to manage it on my behalf? Do permit me at this juncture to bring to the fore, my experience with the Lagos State government as a case study in this instance:

Having noticed that the Lagos State Government

appeared not to have had a budget and that, if it did at all, it had not been made public, my organization, CACOL, wrote to the state government, on the strength of the FOI right, demanding for the budgetary reports detailing income and expenditure for the period of 2009 to 2011 but what did we get in reply? The state government responded by saying it couldn't accede to our demand on the claim that it had not domesticated the FOI bill; whatever that connotes. We went further by reporting this rather unethical development to the state's Attorney-General/Justice Commissioner but he too corroborated the earlier position of the state government on the same issue of domestication of the bill. He however referred us to the state Ministry of Economic Planning which we have since written to but which, up till this moment of speaking to you, is yet to reply. I want to assure you, however, that CACOL will not relent until we have this information because we have a right under the law to ask and to be given. This development, you will agree with me, has again opened up another dimension to the issue of transparency in governance: Domesticating the laws of the Federal Republic of Nigeria. I am not a lawyer but I do know that any law passed at the

federal level supersedes any other law on the same subject by any other federating unit, person or group in Nigeria. I therefore would like to seize this opportunity to appeal to the authorities concerned to urgently see to it that whatever holes in the statute that tend to provide room for any form of manipulation in the effectiveness of the bill is plugged so as to ensure that the FOI bill does not become a mere paper tiger. Democracy is all about the people's participation in government and so, in any situation whereby the same people are shut out of their government's activities in any sector for that matter; we will only be making a sheer mockery of the system.

For years now, Nigerians have been demanding what ordinarily should be simple information from our government and which, by all reasoning, should have been provided without much ado because the facts and figures are readily there. I am talking about the demand for making public the remuneration package of the individual law-maker in the National Assembly but what have we got in response? Despite the existence of the FOI bill, those in authority have bluntly refused to oblige and flagrantly disregarded all the noise coming from all fronts over this issue. Not even

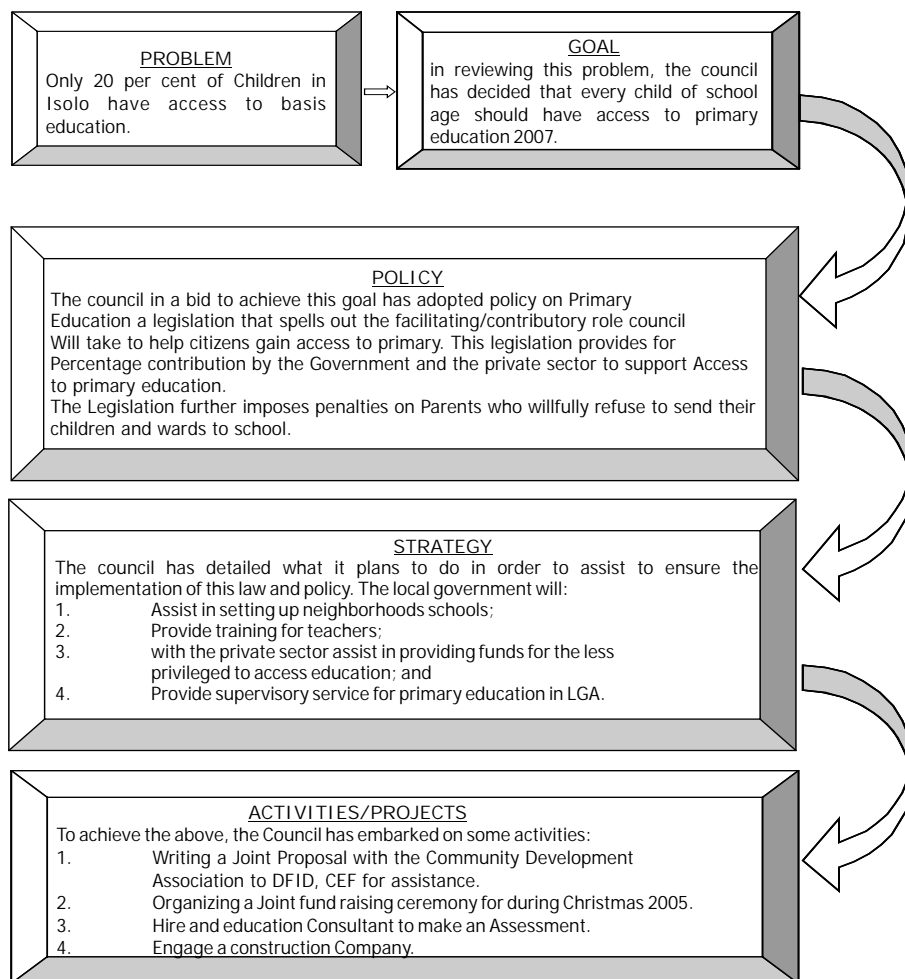
the amazing claim from certain informed quarters that our federal legislators are the highest paid in the whole world appeared to move them.

It is undoubtedly a great accomplishment on the part of our legislature and I salute them for mustering the courage to have this bill in place but beyond that, we need to realize too that any unenforceable law is just like no law at all. Therefore, we can only contribute our quota to strengthening this bill by remaining persistent in your legitimate demand for any official information from our public institutions. When you request informally and such request is not entertained, then request formally; keep requesting through every legitimate means available and do not back out because it is your right. We can not afford to just sit down, raise our hands in utter resignation and allow this aberration to continue. Docility certainly won't help. I am sure, your persistence, at the end of the day, would pay off.

5.3. CONCLUSION

Let me conclude by reminding all those in authority, once again, that in democracy, sovereignty belongs to the people and whatever

position you occupy, you do so on behalf of the people. It therefore behoves you to avail them with whatever they demand to know about what you're doing. I advise that you shun corruption so as to enable you stand before them with clear conscience. Governance isn't an occultism. Make probity and accountability your watchword.



(Adapted from Agbakoba and Ogbonna: Local Government Administration and Development in Nigeria. (2004) Human Rights Law Service Publication)

Paper Six

ENHANCING LEGISLATORS AS PEOPLE'S ADVOCATES

6.1. INTRODUCTION

It is clear from the title of this paper that it intends to achieve two things with it. One, help the legislators with tips to analyse their extra-legislative function for the purpose of accounting for their tenure and two, provide information on how to use their past record for future benefits. It is therefore, more or less an unsolicited working paper for elected government officials, especially the legislators who intend to sustain their political career by building a credible profile for themselves. Nonetheless, it will also prove useful to all, as stakeholders in governance, constituents and electorates. To achieve this feat therefore we need to provide meaning for the

topic in order to put it in the right respective and explicable contextual framework to avoid any ambiguity or contradiction.

Anyone who takes politics as career is a professional politician. He or she is therefore expected to have been well grounded in the rudiment-theory and practice-of politics. Notwithstanding, there are some professionals in politics. Whose involvement is basically interventionist and not to eke a living. No matter which side a politician finds himself he is first and foremost an aspiring representative of the people in the government of their community. They are therefore expected to be responsible to the people in the terms of service delivery and accountability.

This is because it is the people that will provide the politician with the mandate to represent them in government. The surrendering of this mandate to him is an attestation of the confidence they repose in his ability to hold their sovereignty in the trust for a definite period of time. This is what sociologist call social contract between the government and the governed.

However, there are occasions when such political

mandates are confiscated. This is done either by the politician through electoral malpractices or by the military, militants or revolutionaries through the force of arm, mass insurrections or revolutions. No confiscation of mandate is legitimate unless however it is approved, still by the people. This approval can be implied through complacency, or authoritative through referendum or plebiscite. This is based on the principle that no people can be oppressed without their approval.

Our discussion herein is therefore based on legitimate governance through conventional politics and in conformity with standardized national and international instruments of governing. Any mention of unconventional means of governing is merely illustrative rather than being constructed as acceptable convention. Since our focus is mainly on the legislative arm of government our reference government and governance is primarily legislature and legislative duties.

6.2. UNDERSTANDING THE PEOPLE

At this juncture one may ask, who or what is this “the people” that is being so repeatedly used in any discourse that has to do with democracy? Aren't every citizen in a country whether privileged or disadvantaged, affluent, or peasant, freeborn or slave, part of the people that constitutes the citizenry of a country?”

Again, let us consult the Longman's dictionary where the people”, is defined as, all the ordinary people in a country or a state, who do not have special rank or position”. According to the Webster's, it is “the mass of the community, as distinguished from a special class” that constitutes the people. This special class belongs to the highest group with titles such as Chief who have socio political ranks or positions. In our contemporary understanding, they are the political class, captains of industry as well as serving and retired military and para-military officers. We may also include traditional titleholders.

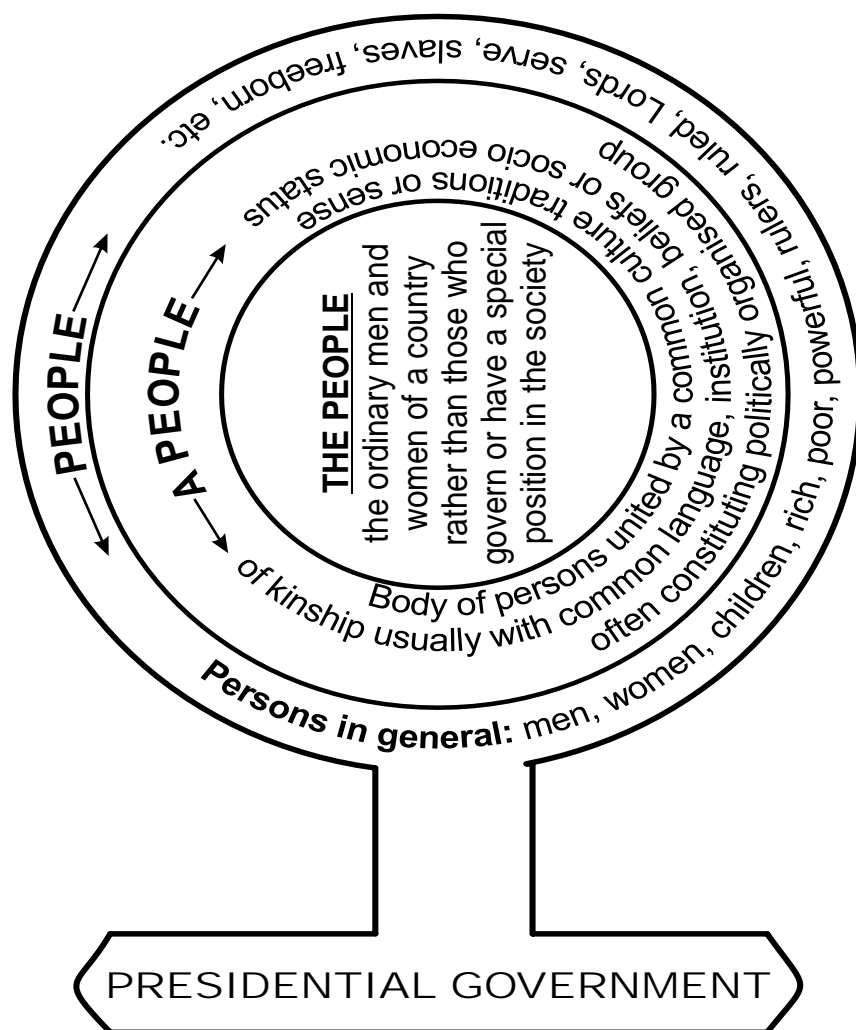
They constitute the dominant economic class of the country. They possess the moral and material wherewithal with which they control culture institution and political structures.

What are common to all the available definitions of democracy are the people and the power or authority to govern the people, which flow from the same people. This is the reason why we take better interest in the definition of the leader of Islamic Republic of Libya, Muammar Al Qadhafi who in his Green book 1 defines “Democracy” as the “authority of the people”. When a people truly possess the authority, they are not likely to use it against their own interests and aspirations. This is in tandem with an Ethiopian saying that, when one sets a portion for oneself, it is usually not too small”. Once everyone has it at the back of his mind that the decision of the majority of the people should hold sway, it then follows that there will always be a prick of the mind that understands this truism whenever he is tempted to use his privileged position or influence to sway the decision of the majority in favour of the few.

Within the context of this discourse therefore, we would not want our audience to see “democracy” as a government in itself but rather as “a system of government”. Which offers and protects everyone with the necessary authority and opportunity to participate in the political process and governance

of his country? Simply put, "democracy" should be seen as "the authority of the people to govern themselves". This portrays "the people" as one united and indivisible force that cannot be ignored by any custodian of power.

THE PLACE OF 'THE PEOPLE' IN A PRESIDENTIALIST COUNTRY



6.3. WHY DO PEOPLE VOTE?

Democracy has been severally described as the best form of government, yet recognized anywhere in the world. This is because it is in a democracy that the people possess the supreme authorities to formulate principles, rules, laws and conventions with which they want to govern and be governed. By this, we mean that the people participate either directly or through their elected representative to determine who governs them, how they are governed and for what they are being governed

It is however impossible to have the whole eligible population of a country, state or community participates in the process of governing, they therefore more often than not to determine who their representatives are, this they do in general elections where they votes as the statement of the authority to representatives are chosen to represent them. The representatives are chosen by different constituencies to protect their human, socio-political and economic rights, interest and aspirations in government.

The legislators are particularly elected to speak

and act on behalf of the people. This means that they are to make, amend and repeal laws with a view to making governance pro-people by working towards their common good. Beyond this, the legislators are responsible for oversight on the other two arms of government, that is, the executive and judiciary.

For the purpose of this discussion therefore, oversight functions are the aspect of regular duty of the legislators outside the law-making process. It is these functions that make legislators the watchdog for areas of omission or commission by themselves or other arms and tiers of government to ensure checks and balances in governing. It is the legislative oversight functions to surprise the use of executive, judicial and administrative power that is conferred on the national or state assemblies by the constitution that determines their legitimacy, responsibilities and responsiveness. These also constitute the quality of and expectations from the people's representatives for voting them into power.

6.4. THE LEGISLATORS AND GOOD GOVERNANCE

Governance is a social function within a policy that makes sure that the members of a government fulfil their own side of the Social Contract; they entered into with people through their election. This includes all those functions that affect all sectors of human Endeavour such as health, education, economic development, finance, agriculture, public work, and housing transport, provision of infrastructures, public welfare, job creation and general social integration.

Our major concern here is the ability of a government to engage in governance that is geared towards meeting the socio-economic needs of the people without being told. This ability forms the basic tenet of good governance. But it is not limited there, because people's wants, needs and requirements are unlimited.

As stated above the ability of a legislature to exercise its powers of oversight functions effectively on itself and other arms and tiers of government enhances its status as being legitimate, responsive and responsible. When

these functions are performed in such a way that engenders the achievement of desires, which is, interest, and aspirations of the citizenry, we have good governance.

However, no government is complete without the legislature. The legislature symbol of democracy, this is because its members are the true representatives of the people. It is unlike the executive where only the head of the government is elected and he, in turn appoints members of his cabinet. This is also different from the judiciary where judges and justices are appointed rather than being elected. It is from this reason that the dissolution of the parliament is usually the target of coup makers before they entrench themselves in government.

It is also the oversight function that the legislators perform that makes them so important to good governance. Some of these functions will therefore be examined in tandem with the expectations of the constituents. This is with a view to making accountability on them reference points with which the performance of each representative can be harnessed for the determination of suitability or otherwise for higher

political responsibility.

6.5. WHAT MAKES A LEGISLATURE LEGITIMATE?

1. The constitution of the federal republic of Nigeria provides the conditions and procedure for the setting up of a legislative for each tier of government. This is called National Assembly (the Senate and the House of Representatives) for the federal government, House Of Assembly for the state and the Council for the local government. If any tier of government fails to comply with the provisions of the constitution to set up its legislative body, such body would be deemed illegal and its product null, and of no effect whatsoever. Also, whosoever participates in the establishment and running of a such illegal arm of government is himself a criminal who does not deserve the mandate of the people.
2. Equally, the constitution makes adequate provisions for the procedures for operations and guidelines for conduct of legislative business by the respective and legislative

bodies. This includes election and function of all officials of such bodies and control measures for the conduct of the business of the house, including the making of its own rules. This makes it criminal for anyone to circumvent the legitimate means of getting to internal office within legislature under the laid down procedures for carrying out any of its functions.

3. The legislature provides a set of rules for itself to be regulating its conduct and aid the smooth running of its business. One of such rules required the speaker to ask that each member should declare any pecuniary interest he/she may have in any matter coming before it for deliberation. Whosoever fails to declare such pecuniary interest is fraudulent and does not worth the confidence the people reposed in him
4. Members of the public are supposed to be allowed to observe proceedings in the house. If the house or any of its members opposes allowing members of the public to enjoy this privilege, then it has something to hide from those who put the house in place. All of those

who participated in such criminal denial are unworthy of the people's confidence. It is in this light that we criticized the reluctance of the National Assembly to pass the Freedom of Information Bill (FOIB).

5. The power of a house to make laws is exercised by bills passed by the house members and assented to the head of the executive arm. Anyone who participates in making a law out of a bill that fails to pass through the legislative process of law making is a criminal that does not deserve the mandate of the people.
6. A house is mandated to sit for a period not less than one hundred and eighty-one days in a year. Any legislator who is absent at sittings for more than seven days is lazy and lethargic and his constituency should recall him.
7. The legislature has the powers to control public funds. This is done through the debating and passing of the appropriation or supplementary appropriation bills often referred to as budget estimates, which can

be increased or reduced by the house. Whoever member of the house that engage in or condone corrupt practices before appropriation bills are passed has committed a sacrilegious criminal offence and deserves to be recalled by his/her constituency.

8. The house is vested with the powers to conduct investigations on any matter or thing with respect to which it has power to make laws. Such matters include conduct of affairs of any person, authority, ministry or government department charged, or intended to be charged with the duty of responsibility for executing or administering money appropriated or to be appropriated by the house. This enables the house to expose corruption, inefficiency or waste in the execution or administration of funds appropriated by it. Whosoever engages in, condones or compromises corrupt practices is a criminal that does not deserve any respect or mandate from the people.
9. The house possesses the power as to matters of evidence. The house can summon any person in Nigeria to give evidence at any

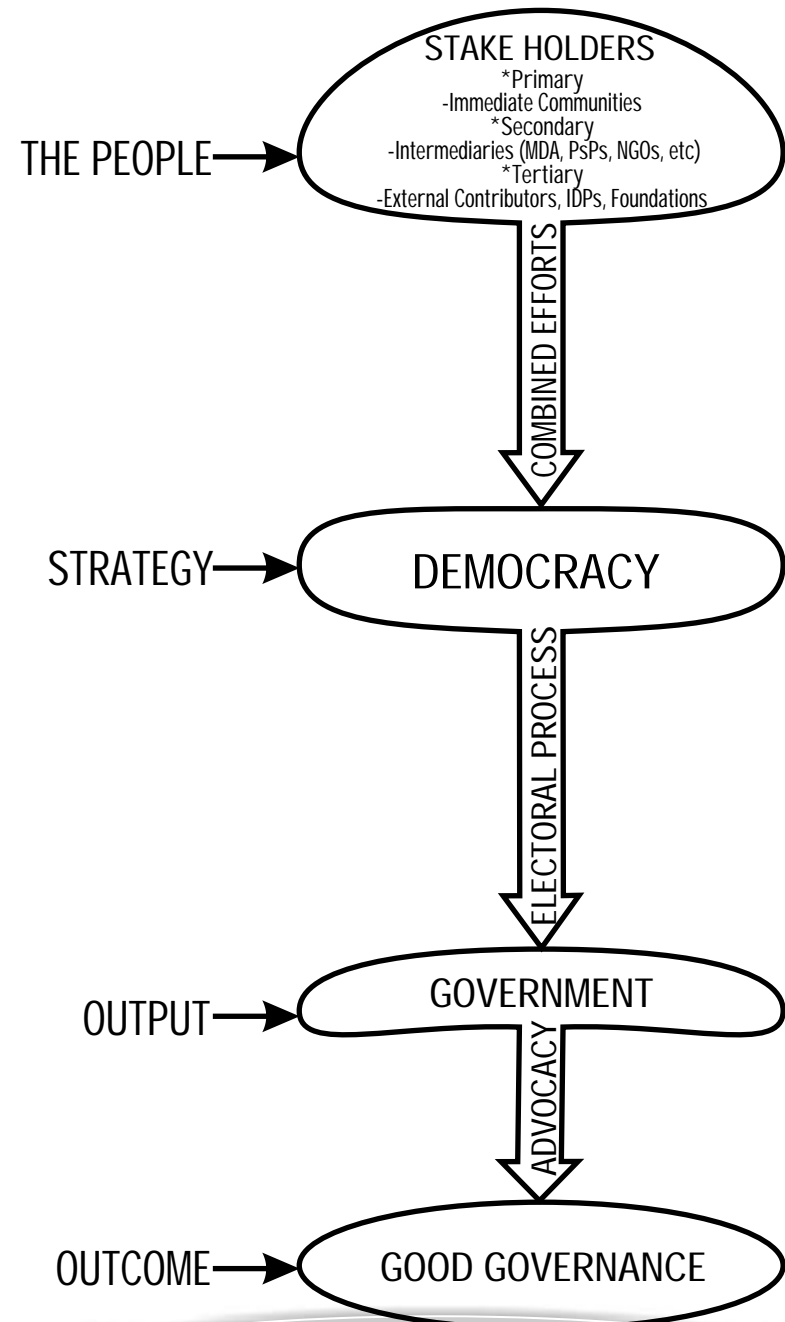
place or produce any document or other thing is his possession or under his control. Whosoever refuses or prevents the legislature the performance of these functions lacks the prerequisite courage to represent the people effectively and should be appropriately sanctioned.

10. The house assembly in particular has the powers to confirm boundary adjustment or creations of new local government areas as requested by the people. Once the necessary conditions are fulfilled and procedures followed, whosoever prevents, or uses his position to frustrate the will of the people to hold is a sabot and deserves neither respect nor the mandate of the people.
11. The house possesses the powers to impeach any of its own members or officers as well as those of the executive for acts of gross misconduct. Whosoever prevents the exercises of these powers is a sycophant or scoundrel who deserves neither the respect nor the mandate of the people.
12. The house has the powers to issue a warrant

through the Nigeria police or any other person to compel the attendance of any person who, having been summoned to attend, fails, refuses or neglects to do so without legitimate excuses and impose fines on such person. Whosoever prevents the exercise of this power is a saboteur and or a conspirator who does not deserve the mandate of the people.

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STRUCTURE OF GOVERNANCE



6.6. ENHANCING POLITICAL CAREERS OF LEGISLATORS

It has been stated that the primary assignment of the parliament is to make, amend or repeal laws for the common good of the people; they also use their powers of oversight functions to control, decide or approve decisions on all political plans of the government. This latter function gives the legislature the authority to oversee and supervise the functioning of all governmental machineries including ministries, parastatals and other government agencies.

It is this function that gives the legislature the necessary opportunities to write their history on the side of the people. It also affords individual legislator the opportunity to be part of pro-people governing. Most of the popular politicians of the old are those who govern on the side of the people. Those who govern on the other side at any point of their political career often have good deeds obliterated by their misdeeds. And their progeny inherit the repercussions of such acts of omission, commission or negligence.

6.7. CONCLUSION

Governance is simply the act, process, ways and

Paper Seven

THE IMPERATIVENESS OF REDEFINING DEMOCRACY TO REFLECT THE NEED OF THE PEOPLE

7.1. PREAMBLE

In many parts of Nigeria, politicking seems to have taken over governance making the need of the citizenry secondary to the interest of individuals that constitute the government. Oftentimes the people are hoodwinked into believing that democracy is all that is needed to live safe and comfortable lives that the resources of their land could offer. Yet oftentimes too, the people have neither any say nor benefit from their naturally endowed and collectively generated resources because those who constitute their government are too greedy, egocentric or simply carefree to consider the actual need of the people

while they politick. So when there is a conflict of interests amongst such ruling elites, they inert governance and subject the people who are the owner of their mandate to harrowing lives of infrastructural decay, plummeting economic well-being and crushing poverty.

In many of the states and even at the federal level, executive–legislative feud lasts almost three out of the four years that the government has to rule in their tenure, the people have been at the receiving end of its devastating effect. Each arm of the same government blames the other for its inability to deliver the goods for the people. While the executive claims that the legislature are uncooperative to its financial policy direction, the latter claims lack of probity and accountability of the former account for its withholding of its assent to the executive proposals. Yet a curious examination of all issues raised by both parties reveals the sadistic fangs of bitter politics among the dramatis personae involved and so compelling the people to lick their wounds of infrastructural decay and personal socio-economic degeneracy.

However many people tend to allow sentiments to becloud their sense of judgment when intervening

in the lingering feud in some states by defining democracy to suit their parochial views. Instead of dousing the embers of flaming discord in the affected states, they keep stoking it by their words and deeds. We don't believe such has any potentiality of growing the states; either now or in another tenure. Each side to the feud usually have their allies waiting in the wings; hence the seed of discord not eliminated now will only become monstrous in the near future thus extending the glooming days in the states. It is our belief that democracy cannot be portrayed as an instrument, rather than a product of politicking.

It should be noted that 'Democracy' has never been defined; only described. Sometimes the Lincolnian assertion of "government of the people, by the people and for the people" on issues of governing is interpreted as meaning the rule of the majority of voters or their representatives, even when such might be minority of the entire citizenry. Sometimes also such number might be contrived and presented on behalf of the apathetic majority. Sometimes unpopular decisions are forced on the majority by the minority representatives that misapply the people's mandate in their custody.

Questions should be asked: Should the interest of the people suffer perpetual jeopardy while executive-legislative feud based on less than altruistic reasons lasts? Should a tyrannical numerical 'majority' rule in a democracy even when the 'authority of the people' is in abeyance? Do different arms of the government allow true separation of powers to operate or allow checks and balances to hold sway? Could it be possible for the executive to be reckless in spending if the legislature had performed its oversight functions effectively? Why should the people be made to suffer the triple jeopardy of losing their right to governance, contributing their hard earned resources as taxes and rates, yet be victims of inter-organic feud in their governments? Are the people helpless in protecting their rights to good governance, when different arms of their government disagree between themselves?

Further questions: Are there constitutional protection and safeguards for the people when such situations arise so that the need of the people will be perpetually met by their government no matter what political relationship exists among the arms and tiers of government?

How can we salvage the states affected by this quagmire so that governance can truly proceed and the need of the people will be continually addressed? These questions and others like them are what must be addressed if the states and even the country at large must progress.

7.2. THE PEOPLE VERSUS THE GOVERNMENT IN A DEMOCRACY: A CONTEST OF AUTHORITY?

All lot of people seems not to understand what the concept of democracy is all about. Basically, it is the authority of the people to govern themselves. And like that age long proverb that says: "He who has the choice to make a portion for himself, is not likely to make it small." This implies that when a people have the opportunity to govern themselves, they are not likely to govern themselves badly.

If in Nigeria today, we are governing ourselves, it is not likely that anybody would want to make inadequate provision for infrastructural development, energy, health care delivery, security, welfare, good homes, safe roads and highways, airways and water ways. They would

not want their children not to have good education; they wouldn't want their children to be kidnapped. They would do everything to protect their wards.

But there are two set of people in Nigeria; the ruler that have confiscated the authority of the people to govern themselves and the governed who are victims of the robbery or confiscation. Despite the fact that the ordinary members of the society have been robbed of everything that he needs to live full, adequate and successful life, they are still being extorted through taxes, rates, levies and charges that are inconsistent with true democratic values whereby the decision of the majority or the need of majority is supposed to be served. There is no need of majority that would allow the exploitation of the poor for the rich.

Basically, the relationship between the people and the government is not supposed to be exclusive but mutually inclusive. If the people surrender their sovereignty to the government in trust, the government should reciprocate by ensuring that they give necessary feedback to the people in terms of good services, accountability, probity and transparency, equitable distribution of work and

wealth. The government is expected to subject itself to the authority of the people by going back to the people for further instruction after completion of each aspect of public-interest project. And they are supposed to give an account of their stewardship at the end of every tenure or at every term during the tenure of the particular regime to the extent that the people would be able to criticize their power either to retain or recall their elected officials.

Where such power is lacking or comes into contest, it turns democratic process awry or into an anathema. So, there is no basis for contest for the authority to govern. People are supposed to be the custodian of the authority while the government is supposed to be under the obligation to subject itself under the obligation of adequate, effective and efficient service delivery.

7.3. TYRANNY IN DEMOCRACY: MYTH, REALITY OR CONJECTURE?

A tyrant, according to Wikipedia, is a ruler of a horrible and oppressive character who is an absolute ruler unrestrained by law or constitution,

and/or one who has usurped legitimate sovereignty. A tyrant usually controls almost everything. The original Greek term merely meant an authoritarian sovereign without reference to character.

Plato and Aristotle define a tyrant as, "one who rules without law, looks to his own advantage rather than that of his subjects, and uses extreme and cruel tactics—against his own people as well as others". During the seventh and sixth centuries BC, tyranny was often looked upon as an intermediate stage between narrow oligarchy and more democratic forms of polity. However, in the late fifth and fourth centuries, a new kind of tyrant, the military dictator, arose, specifically in Sicily.

In the ancient Greece, tyrants were influential opportunists that came to power by securing the support of different factions of a deme. The word "tyrannos", possibly pre-Greek Pelasgian or eastern in origin, then carried no ethical censure; it simply referred to anyone, good or bad, who obtained executive power in a polis by unconventional means. Support for the tyrants came from the growing middle class and from the

peasants who had no land or were in debt to the wealthy landowners. It is true that they had no legal right to rule, but the people preferred them over kings or the aristocracy. The Greek tyrants stayed in power by using mercenary soldiers from outside of their respective city-state. To mock tyranny, Thales of Miletus wrote that the strangest thing to see is "an aged tyrant" meaning that tyrants do not have the public support to survive for long. (Wikipedia)

Simply put, democracy is synonymous with liberty and according to Thomas Jefferson, "When the people fear the government there is tyranny, the government fears the people when there is liberty." Where the government usurps the power of the people to determine who governs them or how they are governed, by force of arms or crookedness, then a tyranny has been foisted. A situation where the people will not have a say, the opportunity to complain when they are dissatisfied with the way they are being governed, it is tyrannical. A situation whereby the people cannot see the judiciary as the last hope of common man makes mess of the democratic process within the geographical expression. So it is possible even when a government is

legitimately elected, they can become so power drunk to the extent of subjecting the people who have elected them into harrowing experience of tyrannical rule.

7.4. MAKING THE PEOPLE THE SUBJECT, OBJECT AND ULTIMATE AUTHORITY IN A DEMOCRACY: WAYS AND MEANS

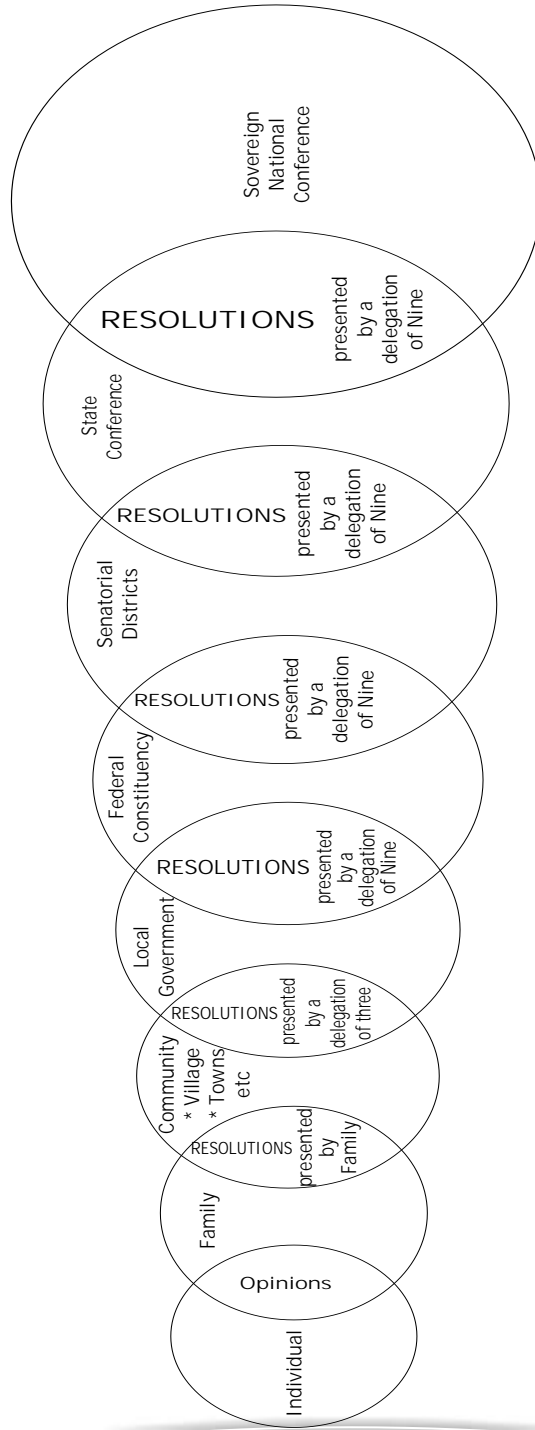
The constitution is the gun norm of the democratic process which guides the activities of the government and enumerates the roles expected of the governed and streamlines the role and obligations of the people in a democratic process. The way to achieve this is situated within the context of participatory democracy whereby the people are accorded constitutional role of control mechanism on the elected people in government. The constitution will not only make it easy for government to defer to the people, but also to punish governmental default. The people are empowered to recall any erring public official and the rules also include indices for non-performance of tyrannical rule by an elected government. Non-performance would include refusal to consult the people to develop budgetary content or edict and the refusal of the government to implement to the

letter the budget except under a situation of natural calamity or economic circumstances that reduces the governmental revenue during the period under review, refuses to be accountable and be transparent and engaging in secrecy governance. Once all of these and other necessary defaults have been ascertained, then the people would, through a referendum to be conducted by a standing ombudsman decide to recall any or all of its elected officials and new electoral process could be put in place.

However, such recalled officers, if the grounds are good, could be returned by court objection which will give allowances for appeal to different levels of judicial interventions. And where it so happens that the judicial officials are compromised by anyone that is involved in such intervention, such judicial officials would be made to spend the rest of their lives behind the bars. Every property that he or she must have put together would be confiscated by government and the dependants of such public official being confined will become responsibility of the government.

So, the true principle of checks and balances would be seen to have been applicable while

ROUTE TO SOVEREIGN NATIONAL CONFERENCE



PROCEDURE

- The existing Structure transmute or Elections will hold to choose people into administrative offices for the conference. More people will be elected into each offices constitute governing bodies
- Administrative offices will run the affairs at different as directed by the conference till the final resolutions that will determine how government will run

usurpation of power would be difficult to sabotage. There would be reform whereby the punishment meted out on any individual will not go beyond the confinement and every other rights and privileges will be accorded the prisoner inside the prison except if he has committed murder, armed robbery or other related vices.

7.5. CAUSES, EFFECTS AND ANTIDOTES TO EXECUTIVE-LEGISLATIVE FEUD IN A DEMOCRACY

Often times, the Executive and the legislature go into conflict only when impunity is allowed at either level. Occasions are when the legislature would be highhanded in performing its legislative duties holding the executive to ransom by refusing to allow government to legislature, either their vacillation on appropriation laws or unnecessary interference in the process of governance while performing their oversight functions. Sometimes, some sections of legislature especially committee on particular areas, finance, from executive before they pass necessary laws; and there are occasions also when the executive would not want their projects and performance overseen by the legislature.

They want to be the embodiment of governance without control. Sometimes, they deny the legislature their salaries and emoluments with a view to armstronging them into passing laws and turning blind eyes into the areas of manifest mal-governance. Definitely, the legislature that knows its onus would not want to go down in annals of history as saying that he was in place when such tyranny was being foisted on the people, except sometimes through external reflex where bribery and corruption is possible.

Generally, the way to contain the feud should be determined through a national ideology in limit and extent of material acquisition that any citizen, not only public official can acquire or enjoy. By so doing, it will be difficult to bribe people when most of the needs of the people would have been provided by the government itself as would be inherent in the national ideology.

Strategies and tactics for a people to assert their authority in the face of inter-organic feud in a government

It has earlier been said that it is only when

government fears the people on whose mandate it rode to power that there can be liberty. True democracy is such that empowers the people to assert their authority in the face of inter-organic feud in a government. It has been said that the people are usually at the receiving end of whatever feud the executive and legislature engage in, hence the need to apply their rights as the primary custodian of the sovereignty the government enjoys. For the people to take interest in the process of governing, to the extent that they would turn themselves into social grouping that would raise questions and insist on getting responses and engaging in advocacy that has been premised on their rights. In as much as the people are the owner of the authority, the constitution has made it easier for them to assert that authority, especially the authority to recall which will make it easier for them to check the excesses of the government.

Postscript

A RIGHT STEP IN A WRONG DIRECTION CANNOT BE RIGHT!

Bases:

1. Collective responsibility for an error or triumph are accentuated by records of or recorded joint roles played, un-played, omitted or neglected
2. Truth is limited by the amount of empirical evidence available for it.

Team Spirit:

1. Treats everybody as somebody and nobody as nobody;
2. Shares ideas and ideals as endeavour of common concern;
3. Thrives where there is mutual trust and respect;
4. Festers where opinions are rendered freely

- and considered by all without reservation;
5. Works where activities are systematized and all parts work toward achieving a desirable goal;
6. Employs openness on transactions and accountable for actions, inactions, oversights and neglects;

What Ought to Be:

1. Every team is within and without limited by number of time
2. Every development work is geared towards achieving a pre-determined but SMART objectives;
3. Objectives are directed towards achieving predetermined goals;
4. Goals are set to help a project team focus their activities correctly;
5. Activities are actions taken with SWOT analysis of an organizational mission;
6. Missions are statements of commitment towards fulfilling an organizational vision;
7. A vision is easier achieved where there is a plan for it;
8. Planning makes wrong moves minimal and failure difficult

What is Not:

1. Development work is no recreation that is geared towards satisfying personal pleasure;
2. Time is not excusable or reversible in need or in deed;
3. Right problems cannot be solved with wrong or defective knowledge;
4. Knowledge cannot be wrong unless it is not useful at its time;
5. A wrong substructure cannot sustain a right superstructure;
6. An end does not justifies the means where the costs outweighs the profits;
7. Respect is not earned when it is imbued with threats or engenders fear;

What Is:

1. Development work is treated like the legendary elephant being felt blindly at convenient parts;
2. Collectivity is being treated like a chess game where deference to leadership sets the pawns towards precipice of self destruct;
3. Opportunities are treated as opportunism and manifest problems are allowed to become emergency;
4. Strengths are being treated as threats and

concerns are treated as combat;

What Should Be:

1. Just like in a football team, there should always be a coach, a technical adviser and a players' captain;
2. Performance should only be measured as a measure of competent moves that aids success;
3. There is no need to wonder in a maze where there available a proven lead ; a dog that knows to how smell its path never gets lost.

