

# Towards sustainable democracy

By **UMARU YAR A'DUA, GCFR**

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**UMARU YAR A'DUA** pursued a career in academia and the private sector before serving as Governor of Katsina State in northern Nigeria. After being chosen as the presidential candidate of the ruling PDP with the support of the incumbent President Olusegun Obasanjo, he was elected the second president of Nigeria's fourth republic in April 2007, after which he proposed a government of national unity. He is the first president to publicly declare his assets and has committed himself to reducing corruption.

In my inaugural address to the nation shortly after swearing the oath of office on 29th May 2007, I pledged to work assiduously for the consolidation of democracy, the deepening of the democratic ethos and the strengthening of democratic institutions in Nigeria. In making that solemn commitment to the nation, I was convinced that our quest for a sustainable democratic society had to be anchored on the rule of law that is respected and observed by both citizens and leaders.

At the commencement of my presidency, the state of our nation, in spite of the euphoria of the historical landmark achievement of the transfer of power from one civilian government to another, suggested that our fragile democracy was seriously challenged. The credibility of the 2007 general elections had come under intense domestic and international scrutiny; the pervasive and endemic state of corruption in all facets of government and society threatened not only our economic welfare but also our national development; the weak democratic institutions and their apparent lack of independence were serious issues no responsible government could simply and justifiably ignore. The most critical challenge faced by my administration at its inception was the restoration of constitutionality and the rule of law. It seems appropriate to set out the essential components which are vital for the rule of law to effectively operate. While I admit that the rule of law has been given wide and varied interpretations, nonetheless, there is near general agreement that the concept embodies four critical components.

The first component is the unequivocal supremacy of the law, which implies that the law is above everyone and it applies to everyone. The strict application of the law ensures that the governors and the governed, the rulers and the ruled, come under the law, and that no one can be granted exemption from the application of the law. The second component is due process in the application of law which ensures that there is no arbitrariness in its application, and that the prescription of the law is fully observed. The third component ensures that the principle of the separation of powers between the three arms of government, the independence of these institutions and the checks and balances implied therein are respected. The fourth component ensures that the constitutionally guaranteed respect for human rights and freedoms of

the citizens are respected and protected.

These arguments become even more persuasive as we approach the end of the first decade of the 21st century and it becomes doubtful that the ambitious goals set out at the dawn of the century in the United Nations Millennium Development Goals (MDGs) to eliminate by half in 2015 the debilitating issues of poverty and hunger, HIV/AIDS, Malaria and Tuberculosis, illiteracy and gender issues, can be attained. The current global economic crisis has added yet another twist to these questions, compelling governments across the globe to evaluate their development strategies.

Each nation has, in its march towards sustainable democracy and development, garnered invaluable experiences which have in turn informed their response to constitutional development and efforts at the consolidation of democracy. Our nation's march towards democracy is by no means different. More than 30 years of military regimes in Nigeria has, if anything, informed our aversion for dictatorships and reinforced our determination to promote and deepen constitutional and democratic governance. The Commonwealth has indeed been a very keen partner in our journey towards a sustainable democracy.

As a nation we also understand that where the supremacy of the law is compromised and/or violated that it would indeed engender corruption and unaccountability, especially on the part of office holders. Corruption is certainly not exclusively a Nigerian vice but it has, however, thrived in our country because of the selective application of the law which has allowed officials to pursue, over the years, narrow personal interests that have undermined the essence for which governments are mandated to rule. Authoritarianism, which prevailed under the military, had inadvertently bred a culture of intolerance to the concept of separation of powers and impinged on the supremacy of the law on which the concept of the rule of law is underpinned.

I have therefore proposed to the legislature, as part of the bold reforms initiated by my administration, that the immunity clause provided in our constitution for elected officials at both the Federal and State levels of government be removed, in order to make government officials, especially political office holders, more accountable for their action while in office.

Another interesting aspect of the rule of law which has evoked a lot of public commentary, particularly

in Nigeria, is its role in the current campaign against corruption. In spite of what can be described as the overriding need to fight corruption, I feel very strongly persuaded by the arguments that this effort has to be situated within the context of the rule of law. Let me quickly reaffirm my government's commitment to the fight against corruption, and the determination to ensure its total eradication. Our commitment to the fight against corruption must, however, recognise the due process of law as well as ensure that the rights of the individual are respected and not trampled upon. It is also our responsibility as a government to ensure that accused persons have fair trials and are only pronounced guilty when that has been proven.

At the heart of the current electoral reforms initiated by my administration is the determination to strengthen the Independent National Electoral Commission (INEC) and to enhance its independence. Also closely related to these efforts is the adherence to the separation of powers enshrined in our constitution. These bold reforms are expected to ensure that the INEC has the capacity to conduct a free and fair election and that the Judiciary is empowered by its independence to adjudicate speedily on the cases brought before it. Pursuant to these, my administration has refrained from interfering in the proceedings of the various electoral tribunals and courts, and I have publicly urged all office holders to uphold and respect the rulings of the court.

Nigeria has indeed recorded great achievements in this area. The electoral tribunals have not only ordered the rerun of gubernatorial elections in some states but have, in major landmark decisions, overturned the elections of some Governors declaring their opponents winners and also ordered that constitutional transfer of power be organised immediately. The decisions of the court in affected states have been complied with and these are indeed quite significant in our march towards sustainable democracy.


To promote and protect the rights and freedoms of the people guaranteed by law is not only a major component of the rule of law but is considered critical to our quest for sustainable democracy and good governance. We have not only reaffirmed the commitment of the administration to the promotion and strengthening of the fundamental rights of the people but have sought to ensure that the freedoms guaranteed by the constitution of the citizens are respected and upheld.

We have enjoyed the support and collaboration of the Commonwealth in initiatives that would make our democracy more people-centered. This is a value shared not only within the Commonwealth but indeed the global humanity. It is this demonstration of our common humanity that people irrespective of creed, race and location respond to human suffering in natural or health

hazards such as HIV/AIDS, Malaria and Tuberculosis, and condemn unequivocally the dehumanising treatment of persons, especially in conflict situations.

In addition to the above, I am equally of the view that for the premium which we have placed on fundamental human rights and freedoms of persons to make reasonable sense, it must also be translated into economic prosperity and material wellbeing of our citizens. For these reasons, my administration has embarked on the Seven Point Agenda, which seeks to place Nigeria on the path of sustainable development and to make Nigeria one of the first 20 economies by the year 2020. The attainment of this objective can only be achieved when the interest of the people is placed above narrow personal or sectional interests. Our efforts must therefore be anchored on accountability to the people and responsiveness to the yearnings of the people.

Our dreams of a strong, economically viable and prosperous country can only be built on institutions of governance that are democratic and responsive to the needs and aspirations of the people. These institutions must ensure that government remains accountable to the people through free, fair and periodic elections. They must also ensure that the rights of the people are guaranteed and respected. Above all, the supremacy of the law must be unquestioned, and the process of the application of the law must be recognised and not applied arbitrarily or selectively. It is equally imperative that the institutions of governance must be separate, independent and capable of checking and balancing each other.

Finally, it is worthy to conclude by reaffirming that Nigeria shares the ideals of a democratic government anchored on the rule of law, and, like the Commonwealth, is enriched and strengthened by our diversity. 

The International Conference Centre in Abuja, Nigeria, venue of the 2003 Commonwealth Heads of Government Meeting



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