

DEMOCRACY UNDER ATTACK

COVER

DEMOCRACY IN PERIL

Democracies have delivered more stability, safety, and prosperity to their citizens than any other governmental form in modern history, but we are now seeing how vulnerable extremists' fear and greed can make them.

Here in the USA, but also in Hong Kong, Hungary, India, Russia, Belarus, South Africa, Turkey and Afghanistan, violent moves to destroy democratic institutions have done serious damage. Non-state actors like Boko Haram in the Sahel and ISIS in West Asia seek to carve out new territories dismembering existing nation-states. Religious zealots and white supremacists have challenged the legitimacy of established constitutions and boundaries, with resulting chaos and suffering. Some have advocated secession of US states.

"Consent of the governed" has been replaced by "consent of some of the governed," as those who claim majority status have crushed minority rights in country after country. The current voter suppression laws in many US states are blatant examples of the attempt to destroy minorities' access to the ballot, and thus to constitutional guarantees. Hong Kong's recent civil liberties' collapse is another example of powerful elites, both political and economic, demanding the silence of opposition figures and movements.

Why is this happening? There are different reasons in different parts of the world. In the American and European contexts, constitutions have protected minority rights, but groups who have been powerful majorities – older white men in the US -- see their power slipping away. Both large-scale migration and better organization by minority groups have made it clear that the only way existing dominant populations can maintain their advantage is by manipulating the levers of government to deny others' established rights.

The events of January 6 in Washington, D. C. may or may not have been an organized attempt to overthrow the American government. Who knows what the invaders would have done if they reached the congressional chambers before the legislators escaped? Would they have hung Vice-President Mike Pence? But the fact that there were enough angry disaffected people with the intent of subverting the election is a marker of how badly those losing power want to reverse that situation. Democracies have



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been the guarantor of the rights and safety of minorities, which infuriates those who fear losing their power and privilege.

In India, Modi's followers have seen that their power can be elevated above the parity the Gandhian democratic constitution established. Their Hindu Nationalism has produced constriction of press freedom and violent attacks on Muslims, Christians and Sikhs. The proclamation that India is a Hindu nation has echoes with American Evangelical Christianity's demand that the US be a particular kind of Christian nation, and with Hitler's Aryan majority. Erdogan has made the same appeal to Turkey's islamists, Netanyahu and his successors have done as much with their Orthodox countrymen.

The response of leaders like Trump, Modi, Orban, Erdogan, Assad, Netanyahu and Xi Jinping has been to pander to constituencies who see their established privilege as more important than the rights of the newly arrived or newly empowered.

Climate change has fueled this unrest by forcing migration on many, and corrupt governments (especially in Central America, Syria and Myanmar) have made people run for their lives. There are more refugees in the world right now than at any time in history. Migrants are uniquely vulnerable. Through no fault of their own they create enormous challenges for the countries to which they've moved or are trying to move. Established local populations don't want to be taxed to support them or to be crowded by them, where the new arrivals understand and organize life differently than the locals. They don't want to be surrounded by poor people of color who often don't have legal means to support themselves.

These are real challenges, and create a breeding ground for demagogic leadership. The rise of Trump's political fortunes in the US closely parallels the rise in Adolf Hitler's political power in the Germany of the 1930s, where he was legally elected as Chancellor. Trump's followers, like Hitler's, know that the increasing power of minorities (in his case, Eastern European Jews) means that existing norms and structures will have to be changed unless the newcomers and newly empowered can be suppressed. Many conservatives among us believe that they have more of a right to power and wealth than do interlopers from another caste or country.



Vladimir Putin

Xi Jinping



If their fears and losses are not softened by civic or governmental action, they will continue to obstruct, and try to crush, the needed changes.

Shifts in national boundaries similarly threaten democracy. The very act of a non-state actor seeking to take over territory within an existing country is illegal, and flatly declares that the existing government stands illegitimate in the eyes of the attackers. The ensuing disruptions almost always generate unaccountable authoritarian structures, leading to death and pain for those who oppose the new elite. The national boundaries don't make sense in many areas, but there seems to be no way to change them without producing mass carnage. Strong nation-states, with strong civil societies, are indispensable for "the least of these."

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What Else If Not Democracy?

Democracy is defined and popularly known as the government of the people, for the people, and by the people. This definition is suggestive of democracy as a system of government that has its foundation on the people but is undergoing serious attacks from the enemies of the people. Therefore, this has no respect for nationality, race and even religion. For as it is in the developing countries, so it is also in the advanced countries of the world, especially America which is the beacon of light and a stronghold of democracy.

The January 6th insurrection against Capitol Hill, which is a symbol of democracy, is one historical event that can never be erased as long as the earth remains. One begins to wonder if there is any particular system of government in the world that fits in for description as perfect. The truth that must be told is that there is no such system that is perfect and that is because as long as humans remain as operators of any system, perfection will always remain elusive.

This situation brings to mind an understanding gained from discoveries made in the medical field in relation to what wellness actually means. It was believed initially that wellness connotes the absence of a disease but as the span of human life increased, new discoveries were made with regards to what wellness actually means.

Wellness, therefore, is not the absence of a disease but living well with a disease. With the imperfection that characterizes the makeup of humans, it will be completely out of place to believe that one particular system of government has to be in place for people not to be out of place and living well. The problem with democracy as a system of government cannot be surmounted without the will by the people to make the most out of it at all times and regardless of the differences in geographical locations.

The hypocrisy of the international community in relation to the lackadaisical attitude shown to events in the African continent is becoming obvious and finding itself on the front burner. It is not enough to introduce a system of government to a people as the best while the real power to follow through by monitoring how the actors in each of the countries that claim to be in democracy are performing. Most of the countries, especially in Africa, who claim to be in democracy only practice it in theory. For of what use is a system of government that promises to give equality, liberty and freedom to the people without justice. So it is not enough to claim to be in democracy. It is important to live by the principles which guarantee for the people's freedom of speech, association and the right to serve determination.

What the leaders in Nigeria are practicing as a system of government is far from democracy because democracy has its essence in the people. Here in this part of the world that is called Nigeria, people have been dehumanized, demoralized and reduced to the level of animals, and that is why the life of a cow is of much value to the Buhari-led government than that of a human being.

Nigeria is a breeding place for all forms of terrorism acts, and if nothing is done to checkmate what is currently on-going, the world will pay dearly for it. To avoid a recurrence of the 9/11 attack on the American state, the Biden administration is called upon as a matter of urgency to appoint a special envoy who will be saddled with the responsibility of curtailing the excesses of the Buhari-led government and bring an end to the Fulani agenda of ethnic and religious cleansing in Nigeria.

Nigeria is nothing but a shadow of its original self. The glory of God has departed and this makes the country fit in for description as "Ichabod". Self agitations going on in different parts of the country called Nigeria today



The politicians, as we know, are only concerned with winning an election, while the statesman is concerned with the present and the future development of the country that has given the opportunity to serve. Leaders with the statesman's mindset are true representatives of the people and not just a party, and to this end they always mean well for their people and behave in ways that will not put the country they serve in jeopardy by acts of commission or omission.

It is also important to look at the significance of the role that responsible policing plays in a democracy. To get this done, there is need to take cognizance of what the roles of the police are as provided for in the Constitution. The police is an agency of government that was created by the Constitution to enforce laws in a country, and this takes us also to the judiciary, which is one of the three arms of government that is responsible for interpreting the laws. It is clear that the law enforcement agents are to complement the good works of the judiciary, and this gives the police the right to prevent the breakdown of order in the society. They also have the power to arrest offenders or lawbreakers where necessary.

The problem today in major countries of the world who claim to be in democracy is the abuse of powers by the law enforcement agents, and the reasons are not far-fetched. The caliber of people that are enlisted into the police force, more often than not are

itive or the negative ways. Politicians occupy both the executive and the legislative seats of government in a democratic setting. Politicians are perceived as true representatives of the people who elected them into offices, and to this end much is expected of them under the social contract arrangement. Unfortunately, today, the politicians on getting to elected offices betray the confidence that the people that elected them into offices have reposed in them. They turn out to be exploitative, manipulative, and selfish.

Rather than represent the people who elected them under an oath, they turn out to be not just betrayers of the people but of the Constitution which serves as a legal platform on which their activities become legitimate. It is notable also that these politicians give their loyalty more to their parties as opposed to the nation that has given them the opportunity to serve. Let's look at the office of the President of a nation as an example.

The President, by reason of the office he or she occupies, is expected to be a true representative of all the people regardless of party, race, ethnicity, gender, and religion by the oath sworn. He, the President, is first and foremost a symbol of unity and progress. More often than not, Presidents turn out to be autocratic, even though elected through a democratic process. The only explanation that can be given for this kind of situation is probably that the President has refused to graduate from a politician into a statesman.



are just a peak of the iceberg and a wake up call to America and all the superpowers to rush in and save the harvest of the world from decadence. A stitch in time saves nine, and a word is enough for the wise.

It is time to sanction Nigeria, for in doing so lies not only the peace of Nigerians in particular but that of the world at large.

It is time to rescue the soul of not only Nigeria or Africa but the world in general. The world should have learned a lesson from the COVID-19 pandemic which almost led the world into extinction. One nation as well as one man can make a difference either for good or for bad.

Three major institutions have been identified by their activities as capable of strengthening or undermining democracy. Through observation, this belief has been tested and found to be logically correct. The institutions include the executive and legislative arms of government, the judiciary and the clergy. Since democracy is the government of the people, by the people and for the people, there is no way by which democracy as a system of government can be in operation without actors and stakeholders.

A politician is an actor and someone who has taken politics as a career and to this end they exert enormous influence on the people they govern in the pos-

people of questionable characters. Some even have mental health issues that have not been taken care of. These irregularities in the employment process have, to a great extent, turned out personnel of the police force whose behavior is far from depicting professionalism and leaving much to be desired.

It is not uncommon also to find judges who in themselves are corrupt, therefore constituting a clog in the wheels of progressive law enforcement. In a situation like this, where the judiciary and the law enforcement agents are found wanting, the end result is always the loss of confidence of the people in the judiciary and the police. This situation does not augur well for democracy.

Furthermore, the clergy, who in other words are referred to as ministers of God, have also played their parts. Ordinarily, this institution is viewed and believed by adherents of most of the religions that we have be it Christianity or Islam as the custodian of

both moral and spiritual ethics. The clergy is revered and treated with great respect. They are therefore the source of anything that is truth and nothing else, and therefore expected to maintain a God-fearing neutrality in politics. This does not exclude them from performing their civic responsibility by electing officers into various political offices, but can better perform and preserve their integrity by not being partisan.

What we have today is the desecration of the sacred places of worship in the forms of churches, mosques and shrines just because so-called ministers of God have not gauged their conscience and surrendered their integrity to the politicians all in the name of amassing wealth.

We have seen situations where some ministers of God threw integrity into the trash can, and displayed a high level of spiritual insensitivity by prophesying falsehood to the politicians who look unto them as demigods. Most of the time the false prophecies have led to chaotic situations that most countries get dragged into. A good example is the January 6, 2021 insurrection against the Capitol Hill and masterminded by the former President of the United States of America, Donald Trump.

These kinds of situations are retrogressive and constitute an attack against democracy. Where do we go from here? Any nation that is bedeviled by political instability and unpleasant reactions by the people who ordinarily are supposed to be enjoying the dividends of democracy fits in for description as the epitome of the three BADs, which are bad teachers, bad students, and bad questions. When a teacher is bad, the right thing to do is to look for his own teacher and when a student is bad, the right thing to do also is to look for his teachers. But in respect of questions, questions can only be bad when not asked. In solving the problems we have in our hands, knowledge is key but is not an end in itself. A key is relevant only when there is a door and the door that needs to be unlocked is that of wisdom.

We have so many elites who are a product of formal education with so many accomplishments made by most of them by reason of the application of the acquired knowledge. However, where the exploit of knowledge ends is where that of wisdom begins. That is why wisdom is the principal thing. So many questions have been allowed to go unasked and such careless attitudes led us into the mess where we find ourselves submerged.

Leadership in its original form is traceable to different sources that can be regarded as schools of thought. Some emanate from religious beliefs of the major religions that we have prominent among which are Christianity and Islam. Leadership from this school of thought is limited and bound to meet with chaos as religion only points to one leader and that is God.

Some leadership styles also are connected to education and philosophies of great leaders of history and this kind of leadership also because of the differences in individuals, cultures, race, place of birth and what have you cannot potentially serve in the universal capacity.

Democracy as a system of government has so many attractive benefits that are to accrue to the adherence. Does it matter if the leaders who emerged from a democratic process in these countries are democrats themselves deep down? This is food for thought



for the United States of America who is globally recognized as the beacon of democracy.

Bear in mind that the world has become a village by reason of technological advancements and the scramble for the allegiance of nations, especially in the African continent by rival countries to America, is on the increase. The so-called sovereignty of some of the African countries, which makes democracy worth its price, has gradually been taken away from these countries by countries like China and Russia through the instrument of indebtedness.

This is when the true teachers of old need to work with the new ones in order to produce a new generation of students who will not only conceive in them questions but who will go ahead and ask the questions that agitate their minds, for the best questions are those that are asked.

We are actually far from where we need to get to, especially with the system of government called democracy.

These problems highlighted are not a peculiarity of only the African nations whose democracies are nascent and evolving. They are also issues that the developing countries are contending with, and something urgent has to be done to save democracy from extinction.

Samuel T. Adeyanju




JUDICIARY: The Last Hope of the Common Man in a Democracy



Most nations of the world have gravitated towards democratic governance as it is believed that an ideal democracy fosters citizens' participation in decision making, promotes rule of law and guarantees human rights. In an ideal democracy, the autochthonous law which is often perceived to be the grundnorm is the constitution which limits the majority and protects the minority by recognizing some basic inalienable human rights such as right to life, right to dignity of human person, freedom of speech, freedom of association and so on. At the center of democracy is the core principle of the rule of law. The judiciary, in a democracy, has the task of enforcing the rule of law by ensuring that the state actors who govern the people abide by the ordinary law of the land. It stands as a counter-weight and a watchdog to the legislature and the executive and ensures that they confine themselves to their constitutional roles.

However, given the enormous role of the judiciary in strengthening the democratic process, can it be said it has lived up to its mandate in most countries of the world currently practicing democracy, especially in most African countries? Africa, for example, is characterized by a very weak democratic culture and institutions where virtually the very tenets of democracy are a mirage. Many African nations still struggle to deepen and institutionalize democracy and deal effectively with government impunity. There is prevalence of human rights abuses, electoral fraud, subversion of the will of the people, abuse of executive power, malfeasance and electoral violence usually orchestrated by politicians. A cursory glance at some democracies in Africa will establish this fact.



In Nigeria, for example, the court sank low when it subverted the will of the people when it was used as a tool by the military regime of General Ibrahim Babangida to truncate the June 12 1993 Presidential Election. The regime procured kangaroo injunctive orders from the duo of Hon Justice Bassey Ikpeme and Hon. Justice Dahiru Saleh of the Abuja High Court to respectively stop the holding of the election and when the election was held, to stop the counting and release of the results. The court became a willing handmaid to destroy the democratic development of the country by truncating the June 12 Presidential Election judged to be the freest and fairest election in Nigeria.

Since Nigeria returned to democracy in 1999, there have also been numerous cases of human rights abuses, controversial judicial pronouncements and anti-democratic injunctive orders given by the courts. In most cases the electorates have been left disappointed and many are raising the question whether the court is actually the last hope of the common man. The current administration of Major General Muhammadu Buhari has done everything to undermine and subdue the judiciary. On October 7 and 8, 2016, the DSS, a special security force under the presidency carried out what it called a sting operation on the home of some defenseless and unarmed superior court judges at the dead of the night. The arbitrary, distressing and unfortunate incident occurred without any consequence. Also, towards the build up to the 2019 general election, the executive arm of government used a quasi-judicial body to almost destroy the very fabric of the judiciary when it sacked the head of the apex court of the land, the Chief Justice of Nigeria, Justice Wal-

ter Nkannu Onnoghen on the basis of an order given pursuant to an *ex parte* application which clearly violated his fundamental right to a fair hearing. Despite the shenanigans, it was obvious that the arbitrary removal of the Chief Justice was an attempt to solidify the ruling party's hold on to power as the party had lost relevance in the eye of the people having failed woefully in its first tenure.

In the same vein, the administration has, on several occasions, flagrantly violated the fundamental rights of the citizens with impunity and often treated with disdain orders of courts by refusing to honor them while the Courts seemed helpless and resigned to fate. For example, El-Zakzaky, the leader of Islamic Movement of Nigeria (IMN) and his wife were arrested by the military on December 14, 2015. Scores of the members were extra judicially killed with no army officer charged for the crime ever since. But El-Zakzaky and his wife were detained and the Federal High Court ordered their release from detention but the order was never obeyed. Similarly, Government disobeyed several orders of court for the release of Sambo Dasuki, a former National Security Adviser (NSA) arraigned for alleged diversion of \$2.1 billion of state funds and the illegal possession of firearms. Omoyele Sowore, the leader of the #RevolutionNow movement, was arrested and arraigned for planning to lead a protest against the government on the basis of bad governance.

Other anti-democratic moves in Nigeria are the government attempt to gag the press, stifle freedom of speech, and ban protests as was seen recently with the

sponsor of the Anti-social Media Bill, Twitter ban in June, 2021, extra judicial killing of Endasar protesters in October, 2020, banning of protest by secession agitators and many other human right abuses.

In Cote d'Ivoire, we saw the manifestation of the crises created by the partisan ruling given by the Ivorian Constitutional Court in the 2010 general election. The Ivorian Commission Electorale Indépendante had announced provisional results declaring Alassane Ouattara winner of the second round of the 2010 election against sitting President Laurent Gbagbo. The Court held the Commission had no authority to announce any results and consequently declared the results invalid. The unguarded ruling of the Court resulted in two presidents and the country descended into unending constitutional and political crises.

The Judiciary has, on many occasions failed to exercise its power of judicial review to strike down some anti-democratic moves. For example, President Gnassingbé Eyadema was president of Togo from 1969 to 2005 when he died and his son, Faure Gnassingbe took over against the provisions of the Constitution which mandate the deputy, Fambare Ouattarra Natchaba to become the president and this was despite the criticism that trailed the change both from the international community and the citizens who resorted to riot where many scores died. In Uganda, Yoweri Museveni had ruled the country since 1986 with the Constitution altered to elongate his tenure. The citizens' attempt to remove the dictator was resisted with scores arbitrarily arrested and jailed. The main opposition leader, Kyagulanyi Ssentamu popularly called Bobi Wine attempted to challenge the election in court but later withdrew same as he sensed that Uganda's courts are filled with "yes-men" appointed by Museveni and that he did not expect a fair decision from the court. This exemplifies a clear case where the citizens have completely lost faith in the court which is supposed to be the last hope of the common man.

In Cameroon, Paul Biya has ruled the country since 1982. The authoritarian President has overwhelming power and influence over the executive and the legislature. The Judiciary is not spared as the court can only carry out judicial review of any law at his

request. In Equatorial Guinea, democracy has been paralyzed and made almost non-existent. The country's President, Obiang Mbasogo has been in power since 1979. His authoritarian regime has severely impeded democratic development in the country. Basic fundamental rights of the people are abused with impunity. Arbitrary detention of any opposition, lack of freedom of the press and association, intimidation and harassment and sham election characterize the country's nominal democracy. The court is lame while impunity reigns.

However, the court had at some point worn the toga of judicial activism in some cases in the democratic journey of Africa. In 2017 and 2020, the Kenyan and Malawian courts respectively nullified the victory of incumbent the president and ordered a re-run. In 2019, the court in Guinea-Bissau also boldly decided against the incumbent president and affirmed the people's will.

Therefore, to navigate the nations of Africa away from the various current pseudo democracy currently being practiced in most countries to an ideal democracy, the place of virile, bold, credible, corruption free and truly independent judiciary cannot be over emphasized. The court must assert itself in defense of the rule of law and protection of the fundamental rights of the people. The court must not allow its sacred temple of justice to be desecrated by political urchins and hawks who are bent on undermining or manipulating the electoral process, claim 'electoral victory' and then ask aggrieved opponents to go to court to seek redress, knowing that they have designed the court system to favour them.

Democratic governance will make more meaning if the will of the people, rule of law, respect for fundamental rights and judicial independence are clearly observed and practiced.

Roland Aibangbee