

# DEMOCRACY BRIEF



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**CONSOLIDATING ON  
“NOT TOO YOUNG TO RUN”  
THROUGH DEMOCRATIC LEADERSHIP  
PROGRAMS FOR YOUNG PEOPLE IN NIGERIA.**

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**YOUTH POLITICAL VIOLENCE AND  
EXTREMISM: IMPLICATIONS FOR  
NIGERIA'S FUTURE ELECTORAL PROCESS**

**Gulleng, Daskyes Yohanna**

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**UNDERSTANDING THE  
CONSTITUTIONAL POWERS  
OF STATE LEGISLATURES IN NIGERIA**

**Patrick I. Ukase, PhD**

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### Abstract

The “Not too young to run” law being appraised as laudable by many Nigerians cannot be left to implement itself. Concerted efforts should be made to consolidate on the law to bring in meaningful youth political leadership participation in Nigeria. This paper examines the leadership challenges faced by youth and the strategies to increase youth participation in political leadership in Nigeria. Challenges faced by youth in leadership include youth's poor socio-economic status, the menace of political godfatherism, manipulations in political parties that lead to defection and violence during elections contributing to youth apathy towards political leadership participation.

Although, the African continent is termed youthful with over 65 percent of her population below the age of 35, the youth are not seen to be part of the decision-making process in the continent. With the United Nations Department for Economic and Social Affairs projections of increase in African youth population by 42 percent in 2030, an urgent need therefore, exists to strategize on the ways to increase youth participation in political leadership in the continent. Therefore, this paper outlines strategies to increase youth political leadership participation in Nigeria including Capacity building, networking and mentoring.

**Keywords:** Youth, Political participation, Leadership

# Introduction

In recent times in Nigeria, there has been a call for the transmission of leadership to the younger generation. This call led to the “Not Too Young To Run bill” which centered on constitutional amendment movement led by young Nigerians. The bill aimed to reduce the age into elective offices in Nigeria and was conceived and pushed by several civil society groups including YIAGA Africa, which began in May 2016. The bill altered sections 65, 106, 131, 177 of the 1999 Constitution of the Federal Republic of Nigeria, which reduced the age of running for elective positions for House of Assembly and House of Representatives from 30 years old to 25 years old, Senate and Governorship from 35 years old to 30 years old and office of the president from 40 to 30 years old for independent candidates in Nigeria. The bill was eventually signed into law by President Muhammadu Buhari on 31<sup>st</sup> of May, 2018. Despite the signed bill, not much has been seen in the youth taking over leadership in Nigeria especially from the results of the just concluded 2019 general elections.

Youth are the most valuable asset of a nation, especially with regards to leadership that leads to development that can be replicated from generation to generation (Dokubo and Igwe, 2018). Engaging young people in democratic leadership programme in Nigeria is an important tool for promoting the “Not too young to run” campaign. Young people who will later transform into democratic leaders need to be exposed to the practical rudiments of democratic governance in preparation for the daunting leadership tasks ahead of them. The “Not too young to run bill has been signed into law however, the readiness of youth to step into the shoes of democratic leadership is in question. Nigeria is the most populated country in Africa with over 65 percent of her population being youth. Harnessing the leadership potentials of this population requires much more than a signed bill. The quality of democratic governance in many African Countries including Nigeria is negatively imparted by young people being inactive in most formal political processes (UNDP 2012).

## 1.2 YOUTH LEADERSHIP CHALLENGES IN NIGERIA

In Nigeria, youth are seen as problems to be solved, they are seen as contributors to social disorder (Adisa, 2013). This can be explained by the numerous activities of civil society organisations comprised mostly of youth who engage in the fight against bad leadership style of those who hold positions in government. Civil Society Organisations engage in such fights to call for a change in the rearrangement of society.

The poor social and economic status of youth in Nigeria emanating from illiteracy, unemployment and the lack or inadequate entrepreneurial skills dampens the confidence of the Nigerian youth in participating in democratic leadership activities. In a country like Nigeria where emphasis is placed on materialism, where the respect an individual commands is commensurate to the wealth that such individual holds, the youth who is struggling to make ends meet considers him/herself not suitable for democratic leadership positions.

Political elites take advantage of youth who are illiterate and unemployed capitalizing on their vulnerability and frustrations and use them for unwholesome activities such as political thuggery (Adisa, 2013; Luqman, 2013; Njoku, 2015; Samuel 2017). Since the first republic (1960-1966) and down to the return to civilian rule in 1999 youth have been manipulated and used by political elites for political thuggery. Thuggery among youth over the years have escalated to the establishment of militant groups in various parts of the country such as the Bakasi Boys in Eastern Nigeria, Niger Delta Defense Force in the Niger-Delta, Yan Gumuzu in Kano and Area boys in Lagos (Haruna and Jumba, 2011; Abubakar, 2015). Sadly, youth have increasingly turned thuggery into a profession in order to have a means of survival, instigating and participating in election violence. According to Mbaya (2013), youth who are thugs get employed by political elites as special advisers, special assistants and contractors and are placed on salaries and allowances.

Political elites seeing themselves as 'godfathers' continue to use the strength and activeness of the youth for selfish reasons. This has resulted in political elites retaining leadership powers with no intention to relinquish leadership powers to the youth. The involvement of youth in thuggery and 'godfatherism' hold strong consequence as it prevents the youth from taking over the political affairs of the country (Esiri, 2016).

Happenings in the political landscape of the country lead to youth distrust towards political parties. Political parties are characterized by manipulations that lead to a merger with the sole aim of unseating the party in power in order to control allocation of resources in the nation (Nwankwo, 2015). The Nigerian political class is said to be fragmented and full of contentions leading to a weak and dysfunctional political institution (Egbefo, 2015). Therefore, young people in Nigeria can only build confidence in a political structure that is strong and with prospect for sustainability allowing for youth participation. According to Liebowitz and Ibrahim (2013), improving the quality of active participation in politics particularly among young people, political parties in Nigeria should pursue deepening democracy through attitudes and aptitude that make for trust from citizens. Research findings show that young people in Africa are frustrated with politics and have lost confidence in the political structure and its electoral processes leading to youth taking to disruptive and destructive behaviour in a bid to challenge the political system thereby causing social disorder (MINDS, 2016).

Running for a political office in Nigeria is cost intensive. Beginning from picking of nomination forms, proceeding to campaign for primaries and to the main elections involves spending of money. Young people with low financial status are intimidated by the financial commitment that follow the process. Taking the 2015 general elections for example, candidates in the People's Democratic Party (PDP) bought nomination forms for State Houses of Assembly for one million Naira, House of Representatives forms were sold for N2.5m, Senate forms were sold for N3m, governorship forms went for N5m and presidency forms were sold for N10m.

This is aside other fees and charges including expression of interest, formalization of intent and administration charges (Oji, 2014). Funding such political interest would require the youth to rely on the same political elites who do not want to relinquish powers to them. According to Uzonwanne, Ezenekwe and Iregbenu (2016), the cost of electioneering campaigns are so huge that candidates expressing interest into elective offices cannot undertake it alone. Electioneering campaigns are opportunities used by wealthy political powers as they are seen to fund election campaigns only to have their money recovered through corrupt means leaving the masses to bear the consequences. Olalekan (2014), stated that at a fund-raising dinner for the re-election of Dr Goodluck Jonathan, an unnamed oil and gas sector players donated N5billion to the campaign. This is aside the N1billion donated by 21 PDP- controlled states as well as billions of Naira that came from other sectors in the country.

Meanwhile, the amended Electoral Act of 2010 stipulates that the maximum election expenses by a candidate in the presidential elections should not exceed N1billion. Political parties flout the electoral Act regarding campaign spending and get away with it as penalties for breaching such laws are not implemented (Ukase, 2015). Meanwhile, the All Progressive Congress (APC) proposed N14billion budget in 2018 to be used as election campaign for the 2019 general elections (Alechenu, 2018).

### **1.3 Youth Participation in Democratic Process in Africa**

In a press statement made by the commissioner for political Affairs of the African Union, His Excellency Dr. Aisha L. Abdullahi on Thursday, 26 January, 2017 at the African Union Headquarters in Addis Ababa, Ethiopia, it was stated that one of the seven key aspirations of the African peoples for Africans by 2063 was "An African whose development is people-driven, relying on the potential of the African people, especially its women and youth and caring for the children" (African Union, 2017). This indicates a clear-cut dream of the African continent to have leadership that is youth and women inclusive. However, there is a big gap between this dream and its reality as many African leaders' desire to remain in power for life. According to Maphunye, (2018) African leaders do not want to be weaned from political powers drawing a list of Africa's longest serving presidents and their consecutive years in power.

|                               |                   |          |
|-------------------------------|-------------------|----------|
| Teodoro Obiang Nguema Mbasogo | Equatorial Guinea | 38 years |
| Paul Biya                     | Cameroon          | 35 years |
| Yoweri Museveni               | Uganda            | 31 years |
| Omar Al-Bashir                | Sudan             | 28 years |
| Idriss Deby                   | Chad              | 27 years |
| Idriss Deby                   | Eritrea           | 24 years |
| Abdelaziz Bouteflika          | Algeria           | 18 years |
| Ismail Omar Guelleh           | Djibouti          | 18 years |
| Paul Kagame                   | Rwanda            | 17 years |
| Joseph Kabila                 | DRC               | 16 years |

The African continent has 65 percent of her over one billion population below the age of 35 years. Where two fifths of her population are in the ages 0-14 and one fifth are in the ages of 15-24 (United Nations Economic Commission for Africa, 2016). These statistics have much to say about the future of the continent. The youth inclusion in the leadership space of Africa is paramount at this time as the demographics show that the population is increasingly youthful.

The United Nations Department of Economic and Social Affairs has indicated that the number of youths in Africa is projected to increase by 42 percent by 2030 where the current demographic data of youth are expected to double by 2055. This increase in the number of youths is expected to see over ten million young Africans entering into the labour market each year (African Union, 2017). However, the big question is, how ready is the African continent to maximize the potentials as well as handle the attending challenges associated with such growth particularly in the areas of leadership.

The youth charter of the African Union has 70 percent ratification by member states representing 54 out of 92 countries. The challenge remains the domestication of the youth charter in home countries. The African Union having done a lot in investing into youth participation in democratic leadership by developing the youth Charter of 2006 and encouraging member states to domesticate the charter in their home countries through developing national youth policy, the African Union still identified the challenges below as militating against their efforts.

*a) discriminatory cultural practices and norms that affect young people particularly young women's meaningful participation and representation in democratic and governance processes;*

*b) marginalization and systematic exclusion of youth from governance and decision making processes through restrictive and prohibitive rules and criteria;*

*c) limited access to quality education and decent job opportunities resulting in high youth unemployment rate estimated at over 12% by the International Labour Organisation; and*

*d) huge gap between norm setting and implementation of international, continental, regional and national laws and normative instruments.  
(African Union, 2017:3)*

Therefore, democracies in Africa require the contributions and participation of the youth especially in the areas of creativity, innovation and new ways of thinking and solving problems (Commonwealth Women Parliamentarians, 2016).

Several beautiful and well-articulated policies, charters and conventions that are geared towards the youth leadership inclusion exist both at national and international levels. For example, one of the core guiding principles of the second national youth policy of Nigeria which is backed by the constitution of the federal republic of Nigeria states that "Young people are the most important and valuable resource of the nation. Government shall recognize, discover and understand their conditions, needs, interests, issues, aspirations, ideas and capacities and make appropriate provision for their growth and development" (Second National Youth Policy Document of the Federal Republic of Nigeria 2009). The goal of the policy is geared towards promoting the wellbeing of the youth in order to enhance their participation in the developmental process of the country. However, not much is seen to be done with regards to the implementation of the core values and the goal of the national youth policy as youth still grapple with inadequacies in basic necessities in the areas of education, health, employment, social welfare etc.

## **1.4 Methodology**

Documentary research method was adopted in this study. In this research method, data were collected through reading existing documents such as: newspapers, textbooks, government publications, published research articles and internet PDF materials among others.



## 1.5 Theoretical Framework

This study is anchored on political participation theory. Political participation theory is anchored on the work of Verba and Nie (1972). They are of the view that pro institutional behaviour that allows for citizens to elect society members to become policy makers to influence decision making process is political participation. Weiner (1971) included all volunteer actions that influence public policy, administration, and policy makers themselves, to be part of political participation as well as other behaviour that are outside of the political makeup of the society. Verba et al (1978), stated that political participation could be a vote, a campaign, a contact with decision-makers, a civic engagement, the extent of conflict, political efforts, and collaboration with other people in the society with like minds. Studies on the causes of political participation can be categorized into three themes including Socio- psychological approach, resource mobilization approach and political opportunity approach (Tarrow 1998 and Dalton et al. 2009). The socio-psychological approach sees society as a group of people having satisfied or unsatisfied desires and expectations.

The resource mobilization approach takes into consideration the 'instrumental rationality model' that resources such as capital and manpower controls political participation. The political opportunity structure approach (POS) is an approach which states that the political context of the country shapes political participation (McAdam et al. 1996). The political opportunity structure approach (POS) is further divided into five areas: a division within elites, a regime change, an available opportunity for political organizations in institutional politics, the existence of influential patrons, and the state's repression and attitude toward political participation (Tarrow 1998).

Scholars have stressed that this approach has tendencies that allows for political participation including; political openness, individuals' ability to engage in political issues without the risk of retaliation, appropriate methods for a political approach, elites' readiness to listen to opinions of civic organizations and the public in open POS (Dalton et al. 2009; Kriesi 1995; Tarrow 1998). Whereas a closed system eliminates actors from conventional political behavior, which results in members of the society engaging in non-institutional political movement (Kitschelt 1986; Cuzan 1991).

Relating this theory to youth participation in political leadership in Nigeria, political elites should acknowledge that the youth have expectations from leadership that must be met to spur them into leadership. Political leadership position involves show of capacity to handle it and the accompanying financial where withal which the Nigerian youth still grapples with, there should be the availability of political opportunities for youth and mentoring for the youth to take on political leadership while being unselfishly guided by the ruling political elites.

## 1.6 Program Strategies for Increased Youth Participation in Political Leadership in Nigeria

1. Increased investment in young people to take on representative leadership roles. There should be capacity building on the different careers in representative leadership as existing curriculum and extra-curricular activities in Nigerian secondary schools are inadequately equipped to teach students leadership skills (Ekpoh, Edet and Uko, 2013).
2. Advocacies to politically experienced elites to make them see the leadership potentials that are in young people and to open the space for increased youth participation in political leadership.
3. Nigerian government should practically implement the “not too young to run” law by supporting young people financially and technically to take up leadership roles in the country. The government can collaborate with corporate organisations to support young people to participate in political leadership space.
4. The challenge of lack of quality civic and political education can be handled by a communication campaign to education stakeholders on increased teaching of civic and political education to young people which can help develop interest in careers in politics.
5. Young people usually state that they do not have enough experience to actively take part in politics. Therefore, it is important to begin to support children and teenagers to participate in democratic leadership by practically guiding them to contest for leadership positions in their schools, for example, students should be made to contest for the positions of class and school prefects rather than appointing them. Students can be made to understand that leaders who don't serve very well could be impeached and replaced by another student through a process. Serving student leaders will sit up and work and other students will act as check on the serving students. Engaging young people in active political leadership will start them up and help them gain experience in political leadership as well as prepare them for future political leadership offices.
6. The role of the media cannot be undermined in facilitating youth's active participation in political leadership. Media houses like the radio and television stations should support live phone-in programs anchored by young people. This will create an opportunity for young people to call in to ask questions and to make contributions on political leadership topics. The media should also showcase young people who are making impact in political leadership space. Doing this will spur other young people to actively participate in leadership roles.
7. Nigeria should work on having elections that are void of violence. Young people draw back in participating in politics due to the fear of being killed in the process. Parents discourage and deter their children from participating in politics as they view it as a game of violence.

8. Political parties can establish a quota system to allow full participation of youth and women. Political parties should have youth and women departments where they fully support their interest into elective offices. Doing this will attract more young people to actively participate in political leadership roles.
9. Leadership and mentoring programs for young people can also facilitate youth participation in political leadership roles. Politically experienced men and women as a way of giving back to the society can create platforms that will allow young people access them for mentoring and coaching. Paid internship opportunities in political parties can be given to young people to help them get experience on how political parties are run at a young age. Political parties, the State and National Houses of Assembly can take leadership campaign to schools to let young people know that their voices can be heard and that their leadership opinions can be respected.
10. Youth fora that are regularly held both physically and virtually where experienced political elites are present to answer questions and to support young people take leadership roles can facilitate youth participation in politics. Youth are the highest users of social media platforms. Taking political and leadership information to such platforms will see great results in facilitating youth's participation in political leadership. Therefore, it is important to make the internet more accessible and affordable to young people.
11. Young people should be supported to attend paid leadership training programs during holidays. Such programs help to expose young people to value based leadership skills. Through leadership and mentoring programs, young people are taught leadership topics and how they can be implemented both at community and national levels. Through this kind of program, young people are made to undertake leadership project where they can gain practical leadership experience that will prepare them for future leadership roles. Alumni/Alumnae community of this kind of leadership and mentoring programs can help to provide mentoring for younger ones undergoing the training. Networking opportunities would be created for young people to continue to get information and mentoring from the community of alumni/alumnae which they will eventually become and continue the cycle.
12. The poor socio-economic status of the youth has been identified to be a reason that deter young people from participating in active political leadership. Therefore, scholarships and grants should be made available for young people who have interest in elective offices. Interested youth can be made to write proposals stating their intents for election into political offices. Where proposals are reviewed and passes for funding, youth can have their political campaign fully funded. In order to achieve the "not too young to run" law, corporate donor organisations should consider funding political campaigns for the youth. Where such organisations exist, the best and most intelligent of youth who are able to demonstrate leadership qualities would be the ones to receive such funding. This will also help the youth in articulating their manifesto in the writing of such proposals.

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## YOUTH POLITICAL VIOLENCE AND EXTREMISM: IMPLICATIONS FOR NIGERIA'S FUTURE ELECTORAL PROCESS

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### Introduction

The practice of modern democracy has helped in redefining the essence and existence of humanity. It is one of the means through which humans exercise their freedom of choice and the right to demand for accountability, justice, good governance and socioeconomic development (Maltherner, 2017). The youth are a critical component of politics and democracy. In the words of Robert F Kennedy, the world cannot be moved by actions initiated by any other group or category of individuals than the youth who are the answers to the world's hope. In his words, the world,

“cannot be moved by those who cling to a present which is already dying, who prefer the illusion of security to the excitement of danger. This world demands the qualities of youth; not a time of life, but a state of mind, a temper of the will, a quality of the imagination, a predominance of courage over timidity” ( Robert F. Kennedy, 1966).

The roles that young people play in politics in any society have been recognized to be indispensable. Apart from the fact that they constitute the majority of the world's population today, they are very dynamic and energetic such, that their involvement in politics widens the scope of policies that will benefit largely the youth bulge in Africa (Paalo, 2017). The United Nations (UN, 2017) further reported that by 2030, the target date for the Sustainable Development Goals, the number of youth is projected to have grown by 7 per cent, to nearly 1.3 billion. This is indeed the largest youth cohort the world has ever seen.

In Nigeria and other parts of Africa, democracy has become more complex than expected such that young people do not have the opportunity to participate effectively. The process is fraught with difficulties ranging from deliberate policies aimed at youth exclusion such as the general hike in candidates' nomination fees by political parties and expanded expenditure during campaigns which are often times above the reach of young people. These challenges put together place the youth in a precarious situation where they become tools in the hands of politicians for any act of political violence (Jega, 2018). Many young people look for opportunities or try to create

opportunities for participation, only to find their ideas resisted or rejected. In the absence of such opportunities, they are more likely to find other avenues of expression and alternative groups in which to feel a sense of belonging. This is in line with the submission of the Woodrow Wilson International Center for Scholars (2007) that when young people are not given viable means of participation, they can be engaged by anybody who will make them feel valued and appreciated, including extremist groups. In his analysis of the role of youth in political violence, Goldstone (2001) argued that the youth have played a prominent role in political violence throughout recorded history and the existence of a 'youth bulge' has historically been associated with times of political crisis.

Historically, literature is replete with evidences of revolutionary struggles linked to the youth. For example, the role played by the youth during the French revolution of 1789 and the rise of Nazism in Germany in the 1930s are reference points (Urdal, 2004). In Africa, the realization of independence in most countries including Ghana, Kenya and Nigeria is credited to the struggle of the youth. This paper therefore seeks to provide an analysis of the relationship that exists between the youth, political violence and extremism and how such behaviours can be regulated for peaceful elections in future.

## **The Youth, Radicalisation, Violent Extremism and Political Violence: Connecting the Variables**

The concept of youth is viewed from different dimensions depending on which perspective one is coming from. The United Nations General Assembly for example has defined youth as anybody that falls within the age between 15 and 24. This definition fails to acknowledge the fact that the youth is better understood as a transitional stage in life between childhood and adulthood, rather than as a rigid construct based on age (Hilker and Fraser, 2009). It is a stage that is characterized by a period of semi-autonomy when young people experiment with adult roles but do not fully commit to them (World Bank, 2007). Whichever direction the concept is viewed from, it is not a homogenous construct, but encapsulates several different experiences and diversities such as gender, class, disability, ethnicity, education and provenance. This paper In the context of this paper, a youth is any young person who has attained the age of 18 as provided for in Nigeria's constitution and can vote and be voted for regardless of ethnicity, religion, gender and social class.

Radicalization does not have a universally adopted definition. However, the Centre for the Prevention of Radicalisation Leading to Violence (2016) frames it as a process whereby people adopt an extremist belief system including the intent to use, encourage or facilitate violence in order to promote an ideology, a political project or a cause as a means of social transformation. In other words, radicalization is both the expression of extreme views as well as the actual exercise of violence. The US Agency for International Development (USAID, 2012) has further conceptualized radicalisation as the act of "advocating, engaging in, preparing or otherwise supporting ideologically motivated or justified violence to further social, economic and political objectives". As



a process leading to violence, radicalisation is the belief in the use of violent means to promote or achieve political, ideological or religious goals, including violent extremism and terrorism (European Union 2017).

Violent extremism is similar to radicalisation. It refers to the process of advocating, engaging in, preparing, or otherwise supporting ideologically motivated or justified violence to further social, economic and political objectives. Violent extremism, for example, often manifests itself at the individual level and in highly informal, diffuse networks. Such networks are often transnational in character. It can also exist in quite stable environments, as well as in semi permissive and non-permissive contexts associated with insurgencies. The pathways to violent extremism are multiple. Some may be longstanding grievances, while others can be more recent developments. The USAID (2011) has categorized these factors into push and Pull. The Push factors are rooted in socioeconomic, political and cultural forces while the pull factors are associated with the personal rewards which membership in a group or movement, and participation in its activities, may confer. Such potential benefits include:

- i. Access to material resources, social status and respect from peers;
- ii. A sense of belonging, adventure, and self esteem or personal empowerment that individuals and groups that have long viewed themselves as victimized and marginalized can derive from the feeling that they are making history; and,
- iii. The prospect of achieving glory and fame. ( USAID, 2011)

Political violence on the other hand is the use or threat of violence aimed at influencing an impending electoral contest or an announced electoral result. It encompasses direct physical violence, harassment and the destruction of property (e.g. polling stations) by state actors as well as non-state actors, with the purpose of influencing the electoral process, either in the pre-election period, during polling day, or in the post-election period (Dunaiki, 2015). Political violence takes different forms depending on the motive of actors. First, actors might use violence in opposition to elections of any sorts; second, actors might violently oppose only specific electoral contests, but not democracy. Third, actors might accept electoral competition, but resort to violence as a means to influence the election results in their favour. Finally, actors might use violence in the aftermath of elections to overturn or defend the proclaimed results (Hoglund, 2009).

## **Contextualising Youth Political Violence in Africa**

Political violence manifest in many ways, ranging from intimidation of both candidates and voters, physical harassment, assault on journalists, imprisonment and assassinations, confrontations with security forces and attacks on local party headquarters. At the centre of political violence at all levels are the youth. Many youth in Africa are exploited by the political class who use them to attain their own political ambitions. They use the youth in most instances as mobilisers partly because of their population and the fact that they are energetic and have the ability to prevail in the midst of

difficulties. On the other hand, young people see political violence as a last resort to create their own spaces within the political arena where they are excluded. Young women and men have the capacity to create their own space for action in which they try to subvert authority, bypass the encumbrances created by the state, and fashion new ways of functioning and maneuvering on their own (Ojok & Acol, 2017). In Nigeria and the whole of Africa, history is replete with countless examples of how young people played critical roles in either establishing or overthrowing political structures perceived not to be working in meeting the need of citizens.

The formation of the Pan African Movement in the early 20th Century gave young people the impetus and consciousness to work hard to liberate their people from all forms of dictatorship including democratic dictatorship. Today, there is increasing evidence that young people's contribution towards dismantling exploitative power structures in Africa is on the rise. From the uprising that led to the burning down of the Gabonese parliament, the coup that brought down Blaise Compoare's government in Burkina Faso, to the famous Arab Spring in Libya, Egypt and Tunisia (Ojok & Acol, 2017), and the recent event in Sudan which led to the removal of Umar Albashir, there is a clear signal that young people have undoubtedly been actively involved in Africa's governance landscape.

In Africa, youth political activists inject enormous energy into supporting politicians through massive mobilization in expectation of opportunities such as jobs and contracts as rewards for their contributions. However, when none seem forth coming, they (youth) use electoral violence to respond. More importantly, as the gap between them and the political elites widens in terms of their flamboyant life and material accumulation, the consciousness of the youth is offended such that any round of political process may likely turn aggressive and violent (Ojok & Acol, 2017). To a typical youth activist who has been involved in politics, deprivation of opportunities and neglect after elections is an invitation to violence which is often times perceived to be legitimate and justified. Manuel Eisner and Amy Nivette (2013) are scholars of violence research who reported about the legitimacy of violence when they cited Nelson Mandela who wrote a memorandum in preparation for a meeting with the then President of South Africa, P.A. Botha where he outlined the view of the ANC on violence as thus:

“The organisation has no vested interest in violence. It abhors any action which may cause loss of life, destruction of property and misery to the people. It has worked long and patiently for a South Africa of common values and for an undivided and peaceful non-racial state. But we consider the armed struggle a legitimate form of self-defence against a morally repugnant system of government which will not allow even peaceful form of protest” (Eisner and Nivette, 2013.p.1).

The quote underscores the fact that the youth are not inherently violent or have any intension to use violence but it becomes inevitable when they are excluded from the process either through neglect, repression, corruption and lack of moral authority by the incumbent government or any attempt to use any form of physical force through the instrumentality of the state to crush

opposing voices against them. For Africa, the social circumstances which place youths at the receiving end of governance ultimately generate the kind of responses being experienced today. Increasingly, academic debates have continued to view decision to engage in political violence as the interplay of push and pull factors. While armed groups offer opportunities for young people to escape or avenge their frustrations of normal society, they also offer purpose, dignity, a sense of belonging and prestige.

## Theoretical Explanations of Youth Political Violence and Extremism in Nigeria

There are diverse theoretical propositions on youth participation in violence and extremism. Scholars have articulated issues ranging from religious, social, economic, biological, cultural and political. This paper has found three perspectives relevant in explaining youth political violence and extremism. They are the grievance perspective, blocked transition to adulthood and Murphy's four models.

**The Grievance Perspective:** The grievance perspective argues that relative deprivation or exclusion fuels conflict and that violence is a rational means to address grievances. Most of the grievances expressed by young people are rooted in issues relating to poverty, economic recession or inequality; lack of democracy, lack of minority rights or political participation and other socio-cultural factors such as lack of language rights, destruction of cultural tradition etc. According to Stewart (2008), where inequalities exist in relation to economic, social or political dimensions or cultural status between culturally defined groups, they serve as important causes of extremism and violent conflict. Moser and Rodgers (2005) further supported this argument by reporting that widespread inequality heightens the potential for alienated, frustrated and excluded populations (particularly younger men) to engage in different forms of violence, including economic-related gang violence, politically motivated identity conflict and domestic violence. Most of the literature on youth bulges and political violence takes this grievance perspective arguing that large youth cohorts facing unemployment, lack of political participation and urban crowding may become aggrieved, increasing the likelihood that they engage in violence.

### The Blocked transition to Adulthood

The transition to adulthood perspective is largely linked to culturally defined norms and can vary greatly between cultures and between men and women. The central argument of the perspective is that the period of transition involves a complex interplay of personal, institutional and macroeconomic changes that most young people have to negotiate. A young person is faced with four distinct transition processes such as;

- (1) Leaving the parental home and setting up new living arrangements;
- (2) Finishing full-time education;
- (3) Forming close stable personal relationships, often resulting in marriage and children; and
- (4) Settling into a more or less stable source of livelihood (Hilker & Fraser, 2009).

In Africa, for example, it has been argued that the common requirements for achieving socially respected manhood are: (a) achieving a level of financial independence, employment or income (and being able to become a provider); and (b) starting a family or being sexually active because in most parts of Africa, marriage and family formation are directly tied to having income or property (Hilker & Fraser, 2009). However, when there is a challenge in the life of any youth in meeting these transitional stages or when he or she experiences stalled transition to adulthood, it fosters widespread frustration and discontent among young people and may lead to all kinds of violence. In the face of difficult economic situations where job opportunities are in limited supply, the chances of achieving sustainable livelihood diminishes and hence, the resort to violence (Hilker & Fraser 2009).

### **Murphy's Models of Youth Participation in Political Violence**

Murphy (2003) identified four dimensions to youth participation in violence. The first is the 'coerced youth model' which views youth as being brutally coerced into violence and thus becoming passive victims. The second is the 'revolutionary youth model' which views youth as rebelling against political and economic marginalisation. This suggests that the proliferation of youth groups in the build up to any election does not reflect the collective willingness of the group to better the process but are examples of the revolutionary youth mode. This type of approach is motivated by propositions like that of Lindberg (2010), who argues that the use of violence and exclusionary tactics against an obviously flawed electoral processes have in many cases stimulated increased vigilance and unity among reformers, as well as increased determination by international actors to have an impact on the nature of the regime.

The third is the 'delinquent youth model' which views youth participants in violent conflicts not as revolutionary idealists but as alienated and economically dispossessed opportunists exploiting the economic and social realities and political turmoil being faced by the society at the moment. In this case, young people engage in violence in defence of no higher ideal, but rather for the adventure of violence itself. The fourth is the 'youth clientelism model' which emphasises how youths manage their dependency and agency within an institutional structure of repressive patrimonialism in which their subordination to adults is based on a cruel mixture of brutality, personal benevolence and reciprocity. This model uses institutions built through client-patron relations to explain youth agency in violence.

These perspectives are indicative of the fact that violence, political, ethnic or religious related to the youth are a function of a number of factors which requires broad-based approach in tackling them. It calls for authorities at all levels to address the fundamental reasons that give young people the legitimate right of expression of grievances which most times end in violence. The perspectives are also relevant in explaining the extent to which young people are manipulated by political elites in to continue to depend on them for all kinds of patronage.

## **Factors influencing Extremism and Youth Political Violence in Nigeria**

Researches on drivers of extremism, radicalisation and violence have provided more insights into factors that could influence youth extremist behaviour that could lead to political violence. These factors can be categorized as follows:

### **i. Relational Factors**

Relational factors are influential through a wide range of mechanisms either as peers or through membership of a radicalized peer group. The power of peer pressure is multi-faceted and can be expressed through fear of victimisation, where individuals dread repercussions if they do not join an extremist group, either by the group itself or by peer groups that might judge them. This is often fueled by shared identity, including a religious identity which has the capacity for actual violence itself. Boko Haram is able to attract huge followership among the youth because those who assume leadership positions in the group were seen to be having a mentor-like capacity. The nature of influential social relationships is often depicted as manipulation of beliefs, identity, interpretations of history or choice of violent methods. This manipulation happens in a complex interplay of identity formation and other enabling factors, and exploitation of both by extremist groups.

### **ii. Social Networks and Networks of beliefs**

The advent of social network provides a platform for young people to congregate as it provides different levels of opportunities and spaces which may facilitate the radicalisation process and use of violence. Some of these opportunities and spaces are found on the internet which is partially uncontrolled and provides anonymity or false identity, for spreading propaganda and violent interaction. The internet also provides the space for the spread of hate speech as extremist groups manipulate young people to begin to see themselves in relation to others as “us” versus “them”. Such platforms serve as breeding grounds for the processes of violent radicalization and extremism. Social connections determine or shape individual beliefs, values, morals or spiritual leadership or what Atran (2010) refers to as sacred values. These can be religious or spiritual, moral, or political beliefs and can be expressed through the conviction that a group, a way of life or a political system needs to be destroyed. Identity often draws heavily on these beliefs. They are linked

to an understanding of dignity, recognition and respect (not only for oneself, but also for one's community and one's culture). The perception that one is being denied recognition at a collective and personal level often is considered a critical driver of violent extremism (Schomerus, 2015).

### **iii. Poverty and Unemployment**

Poverty in Africa is skyrocketing at an alarming rate. The Institute for Security Studies (ISS, 2018) reported that the countries with the highest poverty burden in Africa are Burundi, Madagascar, the DRC, Liberia, Somalia, the Central African Republic (CAR), Mozambique, Malawi, Zambia, South Sudan, Guinea Bissau, Nigeria and Togo. In those countries, more than 50% of the total population lives in extreme poverty. The report further projected the likelihood of an increase in the poverty level to around 535 million by 2030. The implication is that 32% of the continent's population would still be living in extreme poverty. This comes with lots of frustration which is easily translated into violence during election seasons. The general feeling of 'nothing to lose' and 'perhaps something to gain' tends to incentivise energetic young people to discount the risk of engaging in electoral violence (Ojok & Acol, 2017). It is therefore logical to argue that when prevailing economic constraints that underpin the feeling of a hopeless future remain unaddressed, political violence, and especially that related to elections, will never cease as a feature of African politics.

Unemployment and has further compounded the problem of peaceful politics as it fuels clientelism and weakens the ability of youth groups to organise effectively to elect leaders and subsequently hold them accountable ( Hilker and Fraser, 2009 ). The crisis of youth in Nigeria and other parts of Africa is often depicted as a crisis of unemployment. An idle youth, lacking licit opportunities to earn a living, are a ready pool of recruits for violence as it is another form of job seeking. It is a narrative that has gained prominence at global levels. The United Nations Office for West Africa (UNOWA, 2005) observed that poverty, as a driver of conflict, combined with the booming population of young people in poor states, animates anxieties about the youth bulge, for which the guiding metaphor is, usually, the “ticking bomb.” In a 2014 address to the U.N. former President Barack Obama cited the jobless young as vulnerable to extremist ideology, saying “We will expand our programs to support entrepreneurship and civil society, education and youth because, ultimately, these investments are the best antidote to violence(Mercy Corps, 2017).

### **iv. Youth Bulge**

A youth bulge is defined as a large population between 15 and 29 years of age relative to the total adult population. The growing number of youth cohorts in this category in the midst of dwindling resources has high implication for violence. They are often associated with increased risk of conflict and high rates of violence especially in countries where opportunities like education, training and employment are in limited supply and they have no sense of voice and participation (Urdal, 2004). Although different sociocultural and religious factors could be linked to this, Huntington (1996, p.117) argues that “young people are the protagonists of protests, instability, reform, and revolution”. Goldstone (2001) further supported this argument by saying that large youth groups can cause

conflict because they are more easily attracted toward new ideas and religions and thereby challenge traditional forms of authority. In economic terms, the cost of recruiting young people for any extremist activity or rebel movements is relatively low since the opportunity cost for them is generally low (Collier, 2000). Youth bulge therefore constitutes a major risk factor when it comes to violence and extremism of any sort; whether political, religious or ethnic.

**v. Godfatherism and Money Politics**

Godfatherism and money politics in African politics have continued to surface as leading causes of political violence. It is linked to the desperate attitude towards politics by politicians and party members who manipulate political activities and the youth in their favour. In Africa, most youth are submerged in drug addicts and are school dropouts, boys and girls from broken homes or societal outcast who are willing and able to cause trouble (Samuel, 2017). By implication, youth who are socially downcast and are from broken homes become cheap articles for politicians who are looking for them to sing their own songs. In the context of most African politics, the godfather is the man or woman who has enormous goodwill and respect of the people, so much that his belief system represents those of his people. Godfathers maintain army of thugs who intimidate political opponents, snatch ballot boxes during elections and play other key roles in manipulating election result in accordance with the wishes of the godfather. As a factor in perpetuating political violence, it manifest in different ways. First, godfathers provide money for youth wings of political parties or ethnic groups as direct contracts to those who are capable of causing violence to execute certain missions. Second, it may surface in form of indirect donation from a wealthy politician usually to the youth wing of the party or the ethnic group or even the mere youth wing of a local community. This now become a motivating factor to them during election, to do anything possible in securing the interest of the donor (Samuel, 2017).

Money politics on the other hand is connected to the level of poverty in the society. Because majority of young people are unemployed and jobless, they are exposed to so much poverty such that when the opportunity for violence presents itself, they easily succumb with little stipend. There is the argument that politician's horde money to deliberately starve the electorate only to release it during electioneering campaign in form of gifts to the poor. In situations like this, young people demonstrate their loyalty in their willingness to snatch ballot boxes and cause violence (Samuel, 2017).

**vi. Illegitimate/Non-transparent Electoral Processes**

Most elections that are non-transparent and lack legitimacy have high tendencies of plunging opposing parties into violence. Nigeria's elections have over the years generated all kinds of controversies and uncertainties that are rooted in mistrust of the entire process leading to youth groups challenging its legitimacy. The tacit quest for manipulation of electoral results by political parties especially incumbents to monopolize political power across Africa results in the youth mobilizing for violence. Lindberg (2009) christens such polities as hegemonic electoral authoritarians. Thus, opposition parties are welcome into the competition but the incumbent

dictates the pace of the competition and ultimately the results. This condition is the bane of most democracies in Africa (Kofi Annan, 2015) as suspicious electoral processes have due to youth reactions wrecked states from decades of attempted democratization (Paalo,2017).

**vii. Weak State Capacity**

Limited state capacity or structural weakness also breeds unguarded actions of youth political violence. Uncontrolled exhibition of violence by partisan youth indicates weak organizational/state capacities, hence limited capacity/quality of state monopoly over the use of violence. Most emerging Sub-Saharan Africa polities exhibit symptoms of weak statehood. Their capabilities to design and implement rigorous political institutions backed by professional security to exercise their imperative of containing such nascent activities by youths fall short of international standard practice (Mehler, 2007). There is another dimension to the weakened state capacity to manage violence as reported by ACLED (2015b). according to the report, state failure to control youth violence during elections are deliberate moves by mostly incumbents to manipulate crucial state agents like the security to politicians advantage. This is corroborated by previous indications that electoral violence in countries such as Ghana, Kenya and Zimbabwe have not been traced to institutional weaknesses, but largely due to attempted (manipulations), which mostly goes with impunity(Paalo,2017). In summary, youth political violence thrive on weak institutionalized polities or non-cohesive political institutions which just be a source of agency for hegemonic democratic rulers to weaken opponents and entrench their position.

**viii.Pluralisation of Ethnic, Religious and Social Cleavages**

Nigeria and most countries in Africa are pluralistic in nature in terms of ethnicity, religion and other social cleavages. The failure of governments to give a general sense of belonging to these groups could be a tool by majority ethnic groups to dominate the political field. For decades, some African political elites have taken advantage of this plural setting for their own selfish gains. The reported dominance of ethnic narrative in Nigeria, Ghana and Kenya alongside several other countries in the region confirms how ethnic identities can be used as a weapon by elites and their foot soldiers to destabilize peace and democratic advancement for that matter (Kagwanja, 2005; Kanyinga and Murimi, 2002). Since the reintroduction democracy in Nigeria in 1999, politically instigated ethnic violence has resulted in considerable deaths, injury, human displacement, and the destruction of public and private property. This conforms to Frances Stewart's development research, which reveals that horizontal inequalities had a huge impact on electoral violence that brought untold pain on the populace (Stewart, 2010).



## Setting the Agenda for De-radicalisation and Peaceful Youth Participation in Politics

The UN (2017) defined culture of peace as a set of values, principles, attitudes and behaviour, underpinned by respect for others, tolerance of opposing views, and preference for non-violent resolution of disputes and conflicts. Peace, in this sense, and a culture of peace for that matter, is not a condition or an event, but rather a way of life. To paraphrase the great American civil rights leader, Dr. Martin Luther King, Jr., peace is after all not just the absence of war but also the prevalence of justice (UN, 2017). In other words, building an inclusive and peaceful society requires uprooting all structural factors that cause violence such as inequalities so prevalent within and among different cultural, social and ethnic groups. At a time when the world is faced with major challenges of security, with the youth caught in the might, imbibing the culture of peace is even more relevant now. Setting the agenda for youth peaceful elections in Nigeria therefore requires deliberate efforts of governments, individuals and related organisations to nib in the bud all tendencies that could give young people to begin to justify why they are involved in violence. The following suggestions may not be exhaustive but are significant in addressing most of the violent experiences caused by young people before, during and after elections.

- i. Political Socialisation.** Political socialisation is the transmission of political culture to new generations of citizens in a given society (Almond and Verba, 1963) within a given political, social, and economic context. It is concerned with the means through which polities and other political societies inculcate appropriate norms and practices in citizens, residents, and members (Owen, 2009). In political socialisation, young people would have the opportunity to develop the kinds of political culture, orientations and practices that conforms to democratic ideals and constitutions for a peaceful process regardless of the varying interest of parties involved. This is very crucial because young people are often stereotyped as self-interested, spoiled, greedy, and disrespectful category of individuals who are not to be trusted with any political responsibility. Through socialisation, these tendencies are likely to be discarded. Currently, global trends point in a positive direction that young people are participating in mainstream politics and voting in higher numbers. They participate in campaigns and are involved in attending town meetings, joining political parties, contacting public officials, keeping informed about government and current affairs, engaging in discussions of politics, and running for office. This momentum can only be sustained through political socialisation.
- ii. Inclusive Governance:** In a world where narratives on youth, and around issues related to youth, are increasingly associated with negative phenomena such as violent extremism, radicalization, rebellion and so forth, it is quite easy to see why many would conclude that they have nothing positive to contribute to the development of their respective communities. Put differently, it is more difficult these days for society to

recognize that, in fact, the vast majority of young people can, and are, indeed major agents of change and social transformation by virtue of their daily activities in the civic spaces where they operate, with tremendous positive impact on peace building and social cohesion in their communities and localities. Inclusive governance in this context means that all closed spaces and platforms for political participation, civic engagement and decision-making processes are made opened for the youth ( both women and men) to strengthen their capacity of involvement in public life, with a special focus on groups experiencing discrimination and marginalization. Genuine participation in, or access to, decision-making generates a strong sense of inclusion and tolerance, and hence decreases alienation. When more young people are involved in the governance process, it builds public trust and state legitimacy that are at the root of just and peaceful societies. It also fosters transparency, accountability and the general sense of being part of the governance process. This has a way of combating exclusion and reverses long-held perceptions of economic and social injustice.

**iii. Education:** Education is a major force in empowering young people to have greater degree of autonomy, self-determination and control over their lives in order to enable them represent their interests in a responsible way. It is one of the critical means through which young people can be supported to deal with the challenges they. Through education, young people who are easily brainwashed to believe in the false teachings of extremists would be liberated. In a study conducted in Indonesia by the International Republican Institute (2018), it was reported that terrorism is linked to poor religious training and general education. The report revealed that terrorist recruiters infiltrate common society people who don't understand religious teachings and push their doctrine because they have a “narrow understandings” of religion. For example, the narrowness of the term 'infidel' is actually being used by radicals to influence younger generations and low educated people. Education in this context is the basis through which radicalised minds would be deradicalised

**iv. Strengthening the role of Civil Society Organisations:** Globally, civil society organisations have contributed significantly to the development of democracy and in addressing violent related behaviours associated with the youth in many ways. CSOs and NGOs are known for providing opportunities for young people to learn more about politics and political leadership. In Europe, there is in existence a CSO based organization known as Radicalization Awareness Network (RAN) which collaborates with diverse stakeholders across Europe working on the prevention of radicalization leading to violent extremism. They pool knowledge, exchange experiences, develop new initiatives and especially highlight best practices to prevent radicalization. The RAN suggests the following working fields: training support for practitioners who are dealing with people at risk for radicalization; exit strategies for those who have already radicalized and even committed violent acts; community work; education for youth; family support; alternative narratives to counter recruitment strategies; multi-agency approaches

involving a great variety of social actors; and prison and probation measures. Several of these fields include practices targeted at youth as a vulnerable group to radicalization. For instance, young people should be educated 'on citizenship, political, religious and ethnic tolerance, non-prejudiced thinking, extremism, democratic values, cultural diversity, and the historical consequences of ethnically and politically motivated violence' (Aiello, Puigvert and Schubert, 2018). Conceived as an evolving tool for the prevention of violent radicalization, the RAN gathers a great variety of practices developed across Europe in the diverse fields to provide stakeholders with useful information on prevention efforts. Government and funding agencies should consider funding more programmes and initiatives by the myriad of CSOs and NGOs we have in Nigeria to respond to the growing challenges faced by the youth. Special attention should be paid on addressing the issue of youth radicalization and extremism by focusing on increasing young people's resilience to radical influences which may bring harm to them and society, through various youth work activities. Evidences exist of talented youths who are already transforming their communities through countering violent extremism and other peace building approaches. However, their efforts remain largely invisible due to lack of adequate mechanisms for participation, and lack of opportunities to partner with decision-making bodies. Civil Society Organisations can leverage on the potentials in them to promote social cohesion in their communities and as actors for early warning and re-integration.

### **Conclusion**

Young people all over the world are embodiments of talents. They need opportunities to make positive contributions to the society they belong. However, when they are denied or rejected, they are more likely to find satisfaction in alternative groups whose values are in conflict with the dominant cultural norms of the society. Although the United Nations and other international organizations have long been talking about the importance of young people's participation, only now are we beginning to see the momentum to create new and more effective opportunities for young people. In order to sustain this momentum, it is important that youth are not generally viewed as security threat. The majority of young people do not get involved in violence and governments need to acknowledge the huge potential in them that would contribute to peacebuilding and development and promote policies of inclusion and development rather than containment. Addressing key factors driving youth involvement in violence such as structural exclusion and lack of opportunities which blocks or prolong their transition to adulthood should be the priority of any government at the local, state and national levels. Failure to do so would lead to frustration and disillusionment which further contributes to their participation in violence.

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Patrick I. Ukase, PhD

## UNDERSTANDING THE CONSTITUTIONAL POWERS OF STATE LEGISLATURES IN NIGERIA

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### Introduction

Nigeria's presidential system of government is modelled after the America-type which recognizes three separate arms of government with specific constitutionally defined functions and responsibilities. These arms of government are the legislature, the executive and the judiciary. This is in line with the theory of separation of powers propounded by Baron de' Montesquieu; and the principle of checks and balances. It should be noted that the theory of separation of powers as adopted by its foremost exponent serves as antidote to the anomaly of over-concentration of functions or powers of a State in the hands of one person.<sup>2</sup> The doctrine calls for the dispersal and sharing of functions among the three branches of government. In a nutshell, this principle is not intended to disconnect the Executive and the Legislative arms from the logic of good governance; rather, it is an attempt to promote good governance.

The doctrine of separation of powers doctrine is clearly reflected in chapter one of the 1999 constitution. For instance, section 4, 5 and 6 is very clear in the allocation of Legislative, Executive and Judicial powers to legislature, the executive and the judiciary respectively. The separation of these three branches of government is a clear manifestation of the determination of the framers of these constitutions to create independent branches of government that would act as counterpoise to the over concentration of powers of the state in the hands of a single individual.

In Nigeria, Legislative functions are constitutionally reserved for and performed by elected legislators otherwise referred to as "Honourable Members"<sup>3</sup> at the federal and state legislature. The Federal functions are performed by the Senate and the House of Representatives while the state functions, which are our concern here, are performed by State Houses of Assembly.

A democratic government essentially owes its powers to the electorate and it is in recognition of this fact that lawmakers are elected to represent the people, since it is not possible for the entire electorates to sit in the Legislative House. The electoral process is, therefore, intended to select the best from among the population.<sup>4</sup> The Honourable Members-elect gathered here, are the

outcome of an election process to satisfy this democratic requirement. Your election into the State House of Assembly has, therefore, elevated you to the status of public figures. As elected legislators, all eyes are on you. You will henceforth come under serious public scrutiny. Also, the success or failure of the governments in your States in the next four (4) years would depend on the quality or otherwise of your inputs; so also is the welfare of your constituents. What are the powers conferred on the legislature and how can they use same to improve the quality of life of the people? This would form the crux of the matter in the next segment of our presentation.

### **Legislative Powers of Members of the State House of Assembly**

The word “legislature” refers to a “predominantly elected body of people that act collegially and have at least the formal but, not necessarily the exclusive powers to enact laws binding on all members of a specific geo-political entity.”<sup>5</sup> The word “legislative” relates to law making and or power to enact, while “power” on the other hand, connotes “the legal right or authority to act.”<sup>6</sup>

Legislative powers' means the authority vested in the legislature to enact laws and take other actions permitted by law. The Constitution of the Federal Republic of Nigeria, 1999 (as amended) (CFRN) provides for a bicameral federal legislature which comprises the Senate and the House of Representatives and a unicameral legislature in the federating units called State Houses of Assembly.

To achieve its mandate, the legislature draws its powers and authority from the following:

- i. The CFRN, 1999
- ii. The Legislative Houses (Powers and Privileges) Act, Cap. 208, 1990, and
- iii. The Standing Rules (SR) of the House, which are made pursuant to section 101 of the Constitution, which empowers State Houses of Assembly to make laws necessary for the regulation of its proceedings.

These laws have given members of the State House of Assembly the legal backing and teeth to perform their functions as elected representatives of the people in their respective legislatures. However, in this paper we are more concerned with the constitutional powers State Houses of Assembly. Let us proceed to examine the powers of State Houses of Assembly as enshrined in the 1999 CFRN.

For instance, Section 4 of the CFRN deals with the source and scope of legislative powers as follows:

S.4 (1) “The legislative powers of the Federal Republic of Nigeria shall be vested in the National Assembly of the Federation which shall consist of a Senate and House of Representatives.

S.4 (2) The National Assembly shall have power to make laws for the peace, order and good government of the federation or any part thereof with respect to any matter in the Exclusive Legislative List set out in part 1 of the Second Schedule to this Constitution.



S.4(3) The power of the National Assembly to make laws for peace, order and good government of the Federation with respect to any matter included in the Exclusive Legislative List shall, save as otherwise provided in this Constitution, be to the exclusion of the Houses of Assembly of States.

5(4) In addition and without prejudice to the power conferred by sub-section 2 of this section; the National Assembly shall have powers to make laws with respect to the following matters:

(a) any matter in the Concurrent Legislative List set out in the first column of part II of the Second Schedule to this Constitution opposite thereto; and

(b) any matter with respect to which it is empowered to make laws in accordance with the provisions of this Constitution.

S.4(5) If any law enacted by the House of Assembly of any State is inconsistent with any law validly made by the National assembly, the law made by the National Assembly shall prevail, and that other law shall to the extent of the inconsistency be void.

S.4 (6) states that: “The legislative powers of a state of the Federation shall be vested in the House of Assembly of the State.”

S.4 (7) The House of Assembly of a State shall have the power to make laws for the peace, order and good government of the State or any part thereof with respect to the following matters, that is to say –

a) Any matter not included in the Exclusive Legislative List set out in Part I of the Second Schedule to this Constitution;

b) Any matter included in the Concurrent Legislative List set out in the first column of Part II of the Second Schedule to this Constitution to the extent prescribed in the second column opposite thereto; and

c) Any other matter with respect to which it is empowered to make laws in accordance with the provisions of this Constitution.

S.4 (8) Save otherwise provided by this Constitution, the exercise of legislative powers by the National or by a House of Assembly shall be subject to the jurisdiction of Courts of law and judicial tribunals established by law, and accordingly, the National Assembly or a House of Assembly shall not enact any law, that oust or purports to oust the jurisdiction of a court of law, or of a judicial tribunal.

S.4 (9) Notwithstanding the foregoing provisions of this section, the National Assembly or a House of Assembly shall not, in relation to any criminal offence whatsoever, have power to make any law which shall have retrospective effect.

The combine effect of S.4 (7) is that the powers of the State House of Assembly are specifically granted, given, governed and limited by the Constitution. Taking a holistic look at the 1999 CFRN, the following would emerge as the legislative powers of state legislatures:

- Law making and policy formulation
- Investigative powers and Oversight powers
- Approval of Appointments
- Powers over public finance

## 1. Lawmaking Functions and Powers

Lawmaking is the primary responsibility of the legislature. It is the duty of the legislature to debate and pass bills into laws. The power to make laws include the power to repeal any law enacted if found to have some defects in the course of implementation. For instance,

S.4 (5) CFRN limits the state legislature to making laws on matters contained in the Concurrent Legislative List found in part 11 of the Second Schedule to the Constitution only where same has not been previously legislated upon by the National Assembly.

S.4 (7) completely excludes State legislatures from making laws in matters found in the Exclusive Legislative List set out in Part 1 of the Second Schedule to the Constitution.

S.4 (8) has subjected the legislature to judicial review, meaning that the judiciary has the power to inquire into and set aside an enacted law on grounds that it is ultra vires to that particular legislature.

S.4 (9) forbids the legislature from making laws retrospectively in relation to any criminal offence whatsoever.

S.100 (1) stipulates the mode of exercising legislative power of a State.

S.100 (2) states that: "A bill shall not become law unless it has been duly passed and....assented to in accordance with the provisions of this Constitution."

S.100 (3) where a bill has been passed by the House of Assembly it shall be presented to the Governor for assent.

S.100 (4) Where a bill is presented to the Governor for assent he shall within thirty days thereof signify that he assents or that he withholds assent.

S.100 (5) where the Governor withholds assent and the bill is again passed by the House of Assembly by two-thirds majority, the bill shall become law and the assent of the Governor shall not be required.

The other processes involved in the passage of bills are contained in the Standing rules (SR) of respective State Houses of Assembly.

## **2. Investigative and Oversight Functions/Powers**

Legislative oversight encompasses the monitoring, overseeing, supervising and investigating the activities of the executive arm of government. It particularly afford the legislature the opportunity to supervise the activities of the executive branch with a view to ensuring that they are following due process in the execution of projects, implementation of laws, and spending within the limits of the appropriated expenditure. Sections 128 and 129 of the CFRN extend the power to conduct oversight on the state legislature in the following ways:

S.128 (1) Powers to investigate, by resolution published in its journal or in the official Gazette of the State,

- a) Any matter or thing with respect to which it has power to make laws; and
- b) The conduct of affairs of any person, authority, Ministry or government department charged, or intended to be charged, with the duty of or responsibility for –
  - (i) executing or administering laws enacted by that House of Assembly, and
  - (ii) disbursing or administering moneys appropriated or to be appropriated by such House

However, S.18 (2) clearly states that “The powers conferred on a House of Assembly under the provisions of this section are exercisable only for the purpose of enabling the House to –

- (a) make laws with respect to any matter within its legislative competence and correct any defects in existing laws; and
- (b) expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it.

S.1291(a) gives the House power to procure evidence relevant to the subject matter.

1(b) requires such evidence to be given on oath;

1© Give the House the power to summon any person in Nigeria to give evidence or produce any document incidental to the matter;

1(d) issue a warrant to compel the attendance of any person who, after having being summoned to attend, fails, refuses or neglects to do so and does not excuse such failure.

In addition, and as part of its oversight, State Houses of Assembly have the power to remove the Governor or the Deputy Governor. This is also called impeachment. S.188 and S.189 of the CFRN are the relevant sections that empower the legislature to remove the Governor or his Deputy as the case may be.

### **3. Approval of Appointments**

The legislature has the power under the constitution to approve or reject any person nominated for appointment into certain position thus:

- i) S.192: Power to confirm the appointments of Commissioners of the State Government.
- ii) S.197: Power to confirm the appointments of Chairmen and Members of the State Civil Service Commission, State Independent Electoral Commission and State Judicial Service Commission.
- iii) S.201: Power to remove from office members of the Bodies in (vi) above.
- iv) S.196 (sub 1 and 2): the Governor may appoint any person as Special Adviser to assist him in the performance of his functions; however, the number of such Advisers and their remuneration and allowances shall be as prescribed by a law or by resolution of the House of Assembly of the State.
- v) S.271: Power to confirm the appointment of the Chief Judge of the State.
- vi) S.276: Power to confirm the appointment of a person to the office of the Grand Kadi of the Sharia court of Appeal of a State.
- vii) S.281: Power to confirm the appointment of a person to the office of President of a Customary Court of Appeal.
- viii) S.291 (1b): Power to remove the Chief Judge of the State, Grand Kadi of a Sharia Court of Appeal or a President of the Customary Court of Appeal of a State.

### **4. Power Over Public Finance**

The Constitution has also assigned to the legislature the role of “watch dog” over public funds. Put differently, the CFRN 1999 vests the power over public funds (power of the purse) in the legislature. The House of Assembly is, therefore, saddled with the responsibility of approving public funds before expenditure can be carried out. For instance, the combine provisions of sections 120, 121, 122, 128 of the CFRN entails the power of appropriation, audit of public finances, as well as power of

investigations into the affairs of government departments and officers in order to scrutinize the use of such funds. To be specific, it states:

S.120 (1): All revenues or other moneys raised or received by a State shall be paid into and form one Consolidated Revenue Fund of the State.

(2) No moneys shall be withdrawn from the Consolidated Revenue Fund of the State except to meet expenditure that is charged upon the Fund by this Constitution or where the issues of those moneys has been authorized by an Appropriation Law, Supplementary Appropriation Law or Law passed in pursuance of section 121 of this Constitution.

(3) No money shall be withdrawn from any public fund of the State, unless the issue of those moneys has been authorized by a Law of the State House of Assembly.

(4) No moneys shall be withdrawn from the Consolidated Revenue Fund of the State or any other public fund of the state except in a manner prescribed by the House of Assembly.

S.121 (1): The Governor shall cause to be prepared and laid before the House of Assembly at any time before the commencement of each financial year estimates of the revenues and expenditure of the State for the next following financial year.

(2) The heads of expenditure ... shall be included in a bill to be known as an  
Appropriation Bill...

(4) If in respect of any financial year, it is found that -

(a) the amount appropriated by the Appropriation Law for any purpose is insufficient; or

(b) a need has arisen for expenditure for a purpose for which no amount has been appropriated by the Law, a supplementary estimate showing the sums required shall be laid before the House of Assembly and the heads of any such expenditure shall be included in a Supplementary Appropriation Bill.

## Conclusion

Given the enormous constitutional responsibilities vested on the State Legislature by the CFRN, 1999, the general public expectation as regards how this arm of government should discharge this onerous responsibility is often very high. Apart from acting as checks on the executive arm of government, it is also required to enact high-impact legislation, and also educate the public on various government policies. For the legislature to be able to check the executive arm it will need to substantially advance the principle of transparency and accountability in the conduct of its affairs; only then can it act as “watch dog” to the latter. It is imperative that those who go to equity should do so with clean hands. The legislature must realize that as it checks the activities of the executive arm, its activities are frequently being checked by the electorates, the press and civil society. It is only when the legislature is open, transparent and accountable that it would have the moral high-grounds to check the executive arm of Government. In the recent past, some legislators in the country have exhibited despicable attitudes, which could be termed uncivilized and unbecoming of modern lawmakers.

## Footnotes

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2. See P.I. Ukase, *A History of Executive-Legislative Relations, 1914-2007* (Ibadan: University Press, 2014), 4. Also read A. Akinbobola, “Trends of Democratization in Africa: An Analysis of the Challenges of Political Institutionalization” in *Journal of Constitutional Development*. Vol.3, No. 2, December, 2002. This position is also echoed by R. Joseph, “Democratization in Africa After 1989: Comparative and Theoretical perspectives” in *Comparative Politics* London. 1979, pp.363-382; and S. Huntington, *The Third Wave: Democratization in Latin Twentieth Century*, (London: University of Oklahoma Press), 1991, p105.

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