



Civil Society and the Struggle for Democracy and Human Rights in Nigeria

Nnamdi Azikiwe Journal of
Political Science (NAJOPS).
2002, Vol. 2(2)
ISSN:2992-5924
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INTRODUCTION

For obvious reasons, the concept of civil society has made a very strong re-entry into African political discourses. Civil society together with concepts such as democratic governance or "good governance", to use a phrase which is more appealing to the technocrats of the World Bank, have become such powerful and persuasive discourses forcing die-hard dictators to succumb to the pressures of multiparty, competitive politics and the respect for human rights. And it should be instructive that the re-emergence of the concept has occurred at the time of the so-called "African Renaissance" and the popular agitation for the "second liberation" or the second independence movement have gained tremendous grounds. The civil society is expected to be the vanguard in this new crusade for enduring change, if not transformation in the African political economy. For us in Nigeria, the significance of the concept can be seen in the unprecedented opportunity to redefine the public sphere as we transit from a military. authoritarian dictatorship to civil politics as well as the commitment to respect for human rights and the preservation of civil and political liberties for the citizens.

It is not however correct to suggest that the emergence of civil society as a critical factor in the struggle for democracy and human rights in Nigeria is a new experience. If anything, the country is known to have a tradition of a virile and strong civil society. In particular, her inherently diverse and pluralistic society has made possible the flourishing of a vibrant and dynamic associational life which has often acted as a check on military rulers who on their own, often embark on programmes of transition to civil rule (Young, 1997). Yet, a major paradox of the Nigerian political economy is the prolonged and protracted character of military rule. In other words, this strong tradition of civil society was never enough to checkmate the consistent descent into authoritarianism and praetorianism. While the sustenance of military rule itself can be attributed to the failure of civil society, it has had the adverse consequence of decimating the vestiges of civil society and indeed, undermining the basis of such association life through the militarization of civil life.

However, in the context of a deep economic decline as has been the case since the 1980s and the implementation of the IMF World Bank inspired orthodox adjustment programme, there has been a resurgence of civil society and associational life. Although quite a number of these are not

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necessarily directly related to the democratic project, being thrown up as coping mechanisms in reaction to the hardship occasioned by SAP, some have emerged in response to the increased authoritarian and totalizing tendencies of the state. In other words, they engage in activities that relate to the expansion of the democratic space.

The concept of civil society is a very old one. It received the attention of a number of political philosophers ranging from Plato, Aristotle, and Hegel to Marx, Habermas and Gramsci. Few concepts in the social sciences have such a deep historical and philosophical heritage. Yet, more than any other concept it is deeply immersed in a definitional crisis which is reflected in the diverse usage which the concept is given to. For Gramsci for instance, it refers to "those intermediary and autonomous organizations which function and sometimes flourish in the large and loosely bounded zone between organized sovereign authority and the family unit" (Quoted in Young, 1994). In a more direct effort to give character to the activities of organizations alluded to by Gramsci, Bratton (1994:52) suggests that the concept embodies a core of universal beliefs and practices about the legitimation of, and limits to state power".

Democracy and human rights have been used here in careful ways. For instance, democracy is very difficult to define because it evokes different meanings for different people. That it has no universally accepted of the western liberal democracy as the only model. This model necessarily includes multiparty system, open and competitive elections as well as civil and political liberties. It is even suggested that democracy can take cognizance of existing traditions and values in the discourse of African democracy. Nevertheless, the idea of democracy, irrespective of the type, has universal values and elements. It requires that people are governed on the basis of their consent and mandate which is freely given. It not only located power in the people, but additionally implies a government which is at one elected, responsive and accountable to the people. Human rights on the other hand refers to the inalienable rights of the people, ingrained in the notion of humanity and which cannot be eroded by any government on the ground of ideology or the exigency of development as has been the case in much of post-colonial Africa. They include basic rights such as the right to life, to human dignity, the freedom of speech and associations. The short hand for this is the concept of civil and political liberties. They are rights which men and women have historically fought for, against powerful and autocratic regimes and have become integral element of the human civilization. They are recognized in historic documents such as the United Nations Declaration of Universal Human Rights in 1948 and more recently in the African Charter on Human and Peoples Rights.

Several states including Nigeria have written these rights into their constitutions and are signatories to a number of international conventions on human rights. We are however, not unmindful of what has been described as the 'culturalist' reaction to the western notions of human rights from the Occidental point of view (Howard, 1993; 1995). This rejects the tendency of radical capitalism based on the market to enthrone social minimalism based on a 'night watchman state', obsessive individualism, exhibitionist sexuality, and the tendency to erode and undermine certain traditional values of collectivity and community. Specific provisions of the African Charter on Human and Peoples Rights appear to defend what is perceived as Africa values against the West. While Article 27, Clause 1 of the Charter states that: "Every individual shall have duties towards his family and society..." Article 29 Clause 1 calls on individuals:

"To, preserve the harmonious development of the family and to work for the cohesion and development of the family; to respect his parents at all times, to maintain them in case of need". Democracy and human rights are intricately linked with the process of democratization and attempts to institute democratic governance. For instance, the preservation of the dignity of the human person is directly implied in political liberalisation, an essential element of democratisation which involves breaking the monopoly of the state. They are both implied in the crisis of the African state as well as the solution to the crisis.

The absence of democracy and the respect for human rights are central to the- emergence of the crisis of the post-colonial state as manifested in the 1980s and the 1990s. By the same logic, they are seen as the necessary ingredients for overcoming the crisis. It is no wonder therefore, the World Bank which once bank rolled and supported authoritarian regime has become the apostle of "good governance".

The central concern of this paper is to draw our attention to the central role democratic governance and the expansion of the democratic governance and the expansion of the democratic space through the respect for human rights and the rule of law in Nigeria. This paper suggests that it is the engagements of the civil society with the state that is the key determinant of changes that are currently taking place. It also argues that even the successful transition to civil politics with the elections and institution of multiparty system in May 1999 are not enough guarantee that gains made in the struggle for democracy and human rights can be sustained if the civil society is not strategically repositioned to defend them. In other words, a possibility exists for a relapse into authoritarian rule and the remilitarisation of the polity if the Nigerian civil society fails in its watch dog role.

Interfacing Civil Society with the Struggle for Democracy and Human Rights

The domain of civil society is very crucial in the struggle for democracy and human rights. It is critical both in the sense of an infrastructure of corporate ties that would enable society assume control of its destiny and in manufacturing the moral consent necessary for legitimate government (Bratton, 1994:70).

Despite the definitional crisis surrounding the concept of civil society as widely recognized in the literature (Azarya, 1994: Young, 1994: Bayart, 1986; Harbeson, 1994), a general point of agreement is that the domain of the state is empirically and analytically distinct from that of (civil) society. What emerges is the consensus that the non-state domain and activities, especially of associational life whose goals are either to limit the power of the state or ensure autonomous reproduction of socio-economic and political life constitutes civil society.

The essence of 'civil' as opposed to 'political' society is not to supercede the state. Rather, it is to tame and curb the tendencies of the state which seek to take away the basic freedoms and autonomy of individuals and groups. The mission is to seek a constructive engagement with the state, and to challenge it to curb the excesses that seek to contract the social, political and cultural spaces necessary for the realization of the human essence or the dignity of the human person. As Hirschman (1970) puts it, civil society excels in an environment in which discontented elements vote for the "voice" option rather than "exit". It should be added that in the final analysis, the

relationship between state and civil society is a dialectical and complex one. Indeed, in the Hegelian conception of the civil society, it cannot be fully autonomous of the state. And while on the one hand, it is the "soft under-belly" of a capitalist society, useful for manufacturing consent and legitimacy for the state, on the other, it can provide the basis for a counter-hegemonical and even revolutionary, challenge to the state.

One tendency in the literature is to assume that the existence of civil society necessarily implies that it can serve the cause of democracy and human rights. This view which has a very strong western influence is found particularly in the work of Bayart (1986). For him, it is "society in its relation with the state ... in so far as it is in confrontation with the state ... the process by which society seeks to 'breach' and counteract the simultaneous 'totalisation' unleashed by the state". He would go further to suggest that "civil society exists in so far as there is self consciousness of its existence and of its opposition to the state."

In the sense of our present concern, the work of Bayart is quite instructive. The only caution here is that in Africa, the relationship between civil society and democratization is by no means automatic, making the simple dichotomy between state and civil society superfluous (see for example, (Fatten, 1995); (Beckman, 1993); (Mamdani 1996). Although this self consciousness of civil society and its confrontation with the state is a critical element in its definition. the outcome of the encounter or engagement cannot be determined a priori. Outcomes are ultimately determined by the balance of social forces and other mediatory external factors. And this caution is necessary for two reasons. In one sense the mere existence of associational life and non-state activities would not suggest their relevance to the democratic project as the Nigerian evidence before now strongly suggests. Thus, we are warned that "the idea of civil society may be theoretically significant but empirically meaningless" (Harbeson, 1994:6). In another but yet related sense, civil society can be 'uncivil', a point which has been strongly made by Fatten (1995), especially under conditions of acute crisis and adjustment as found in contemporary Africa (See also Gyimah-Boadi, 1996). This caution is necessary, especially for African societies because of the diverse character of civil society and the different tendencies, divisions and tensions within it. As will be shown later, civil society may be expressed in ethnic and religious particularism.

Another issue which is highlighted by this discussion is that the relationship between the civil society on the one hand, and the state on the other, is never static and is subject to changes and reconstitution. Bratton (1994), thus reminds us that state and civil society maintain constantly shifting boundaries. Abutudu (1995) shares a similar view in drawing a distinction between civil society "in itself and civil society "for itself, while recognizing that under specific conditions civil society can be transformed from one level to another. In pre-revolutionary Russia for example, it used to be said that civil society was "underdeveloped" and "gelatinous", a situation that has now been altered. In a similar vein, the active mobilization of civil society in contemporary Nigeria provides evidence that for civil society, "no condition is permanent".

More often than not, civil society, any-where is a reflection in the political form, of the cleavages and conflicts of the wider society. This explains why in Africa civil society tends re acquire particularistic character (Bratton. 1994). It is even more so in the context of economic crisis and adjustment. Bangura (1992) and Ake (1993) have shown that responses to the authoritarianism of

the state thrown up by this process often take ethnic form. Associational life is thus dominated by traditional, ascriptive and kin-based groups as people attempt to flee from the improvident and increasingly, predatory state and seek refuge in kin-based or religious organisations (Gyimah-Boadi, 1996). Some in fact have argued that we cannot include ethnic and religious associations as a part of civil society because their demands are not only exclusive, but in some instances seek to negate and even annihilate the state itself. This objection is understandable because civil society is expected to lead to the emergence of civility, the notion of a common good on which there is a minimum consensus. The point however, should be noted that the essence of civil society is to checkmate the excesses and totalising claims of the state. Ethnic and religious social movements that have proliferated were necessitated by the need to secure a Social and cultural space from the post-colonial state in decay.

Finally, in the interface between civil society and the state and in advancing the struggle for democracy and human rights there is need to draw attention to the fact that the existence and vibrancy of civic associations that are not primarily concerned with the public space have some relevance. While bearing in mind the caution that the link between civil society and the democratic agenda is not given, their existence provides a useful point of reference because ultimately, civil society has to be nurtured. Azarya's (1994:96) statement on this is quite instructive: "... civil society does not just exist as a natural component of any society. It has to be constructed, tended to, protected, transmitted from generation to generation. Otherwise, it may wither and disappear." This task of nurturing civil society partly lies with the state and elements within the civil society.

The point however, is that people-based and voluntary organisations that have emerged in reaction to the demands of daily existence, either in the form of protecting the members from the totalizing power of the state or to fill the vacuum created by its failure, or even as coping mechanisms to the fall out of the market reform programmes could serve as a school for democracy. They provide the grassroots basis for the recruitment and training of transparent and accountable leadership. For this reason, the question of internal governance of civil society organisations is as important as the objectives they seek to promote. They must therefore be nurtured so cultivate and exhibit democratic values and cultures.

Democracy and Human Rights Struggles in Contemporary Nigeria

The critical emergence of the state in the struggles for democracy and human rights in Nigeria is a part of the upsurge of new social movements and the demand for democratic change across the African continent. It is a result of a combination of external and internal factors. The external factor which is considered by some as the more decisive factor has to do with the collapse of authoritarian regimes and command societies beginning with the Soviet Union and other socialist regimes in Eastern Europe, and their consequent replacement with more open and competitive political arrangement. The second which is internal to Africa, but no less important, relates to pressures and resistance from below against authoritarian regimes (whether military or one-party state) in the context of a massive economic decline and the obvious failure of the modernization project.

Within Nigeria, the reviewed vibrancy of associational life is tied to the fundamental changes that have taken place in the Nigerian political economy. And this has to do with the era of "revisionism" in the political economy, to borrow Timothy Shaw's (1992) phrase. It is defined by the massive decline of the economy, the imposition of neo-liberal market reforms which we all know as the Structural Adjustment Programme (SAP). The economic and political dynamics associated with SAP led to the growing authoritarianism of the state and the shrinking of democratic possibilities.

Although authoritarian rule was inherent in the different models of accumulation which existed prior to the introduction of SAP (Bangura, 1992), the implementation of the market reform programmes which commenced in 1986 increased the authoritarian thrust of the state. This was a result of a number of factors. For example, SAP policies such as, removal of subsidies, currency devaluation and inflation had deleterious impact on various social groups. Accordingly, such policies elicited mass opposition, especially from the most vulnerable social groups such as workers, unemployed urban youths, and students who were most adversely affected. As expected, the state responded with repression and violence. It is worsened by the fact that loyalty of the state implementing market reforms is to the IMF and the World Bank, rather than the people.

Additionally, the authoritarianism that inheres in SAP proved fatal for the political transition programme thus, rubbishing the central neo-liberal assumption that market reforms necessarily promotes political liberal-ization. However, in direct response to increased state repression and violence and the diminishing prospects for democratization was the re-awakening of civil society and associational life. According to Olukoshi (1977), this was responsible for the emergence of a plethora of non-professional, civil associations after 1986, dedicated to the goals of democracy, human rights, the rule of law and public accountability.

The emerging literature on the civil society in Nigeria recognizes the fact that building on the tradition of vibrancy of association life, the authoritarian postures assumed by the state in the wake of the commencement of a market-driven accumulation strategy has led to a massive re-awakening of civil society. While existing ones were sort of re-oriented in challenging the systematic closure of the social and political space, several new ones emerged driven by the same objective (Abutudu, 1995; Olukoshi, 1997; CLO, 1994). Civil society organisations of students, workers, academics and other professional groups such as lawyers, medical doctors and journalists had always existed, and played at different times, the role of watch dog for society, either in the struggle for independence or in the struggles against neo-colonial policies and the basic freedoms and rights of the Nigerian people.

However, the period between 1986 and 1990, barely five years after the commencement of SAP led to the emergence of a number of civic organisations such as the Civil Liberties Organisation (CLCK), the Committee for the Defence of Human Rights (CDHRK), Campaign for Democracy (CD), and the Constitutional Rights Project (CRP). There are new organizations of women, youths and market women committed to diverse ends. While some are involved in the broad issues of women empowerment and mobilization, others are interested in providing coping strategies to the deleterious impact of the adjustment programme. What has happened is a very dramatic situation in which associational life of diverse nature thrive in the different sectors of the Nigerian societies,

urban and rural. This is the sense in which we speak of the re-emergence of civil society. They seek to harness the vast energy of the Nigerian people in seeking an alternative to the inadequacy of the post-colonial state. They represent genuine movement from below, and committed in varying degrees to the reconstitution of the public sphere. And they fit perfectly well into the search for democracy and development from below. The new perspective of participatory development and the bottom-top approach tend to capture the return of associational life. Abutudu (1995) has attempted a typology of existing organisations of civil society that are of relevance in the current debate on democratization and human rights in Nigeria. He identifies five broad categories which are as follows:

- i. Professional associations, labour and students
- ii. primordial groups
- iii. human rights groups
- iv. business class
- v. mutual support and voluntary associations.

It has been suggested with specific reference to human rights and pro-democracy associations for example, that the form of challenge they pose to the state, and the specific interest/positions they push, present alternative to the political transition programme initiated by the state (See Abutudu, 1995 for instance;. Similarly, students and labour movements have played outstanding roles in checkmating unpopular policies of the state, and building coalitions on broad question of democracy and human rights. This was quite evident in their response to the annulment of the June 12 elections.

However, two important issues are raised in the discourse of civil society and it relates to the struggles for democracy and human rights. The first relates to the unevenness in the spread, influence and impact of civil society. While one can see the arrays of associational life in the south-west axis of the country, the influence diminishes as one moves into the hinterland. This may have to do with the uneven access to western education among the various Nigerian communities. This is an issue that has to be confronted in our search for a new regime committed to democracy and human rights.

The second has to do with what is known as the inability of civil society to articulate a common project in relation to the state leading some analysts to conclude that the absence of organisational principle implies the non-existence of civil society (See Abutudu, 1995, for example). Here, we are confronted with the problems of cleavages and contradictory tendencies within the Nigerian social formation. As we can see from the activities of MOSOP, the Ijaw Youth Congress, the Middle Belf Forum, the Committee of Northern Elders, Afenifere and Ndigbo Eze/Ohanaeze, there tend to articulate different interests which are sometimes difficult to harmonize. Or if one were to recall the infamous role of the Association for Better Nigeria led by Arthur Nzeribe and Youth Earnestly Ask for Abacha (YEEA) in mobilizing against the democratic project, you will agree no less with Marx that the sphere of civil society is the sphere of egoism and self-interest. Again, what this calls attention to is the need for those organisations of civil society committed to democracy and human rights to forge a common front and alliance.

As we search for democratic governance and the defence of civic and political liberties, civil society organizations should embark on a definite strategy of co-ordination at national, regional and zonal levels based on the articulation of a uniform and coherent project in terms of how to relate to the state. In doing so, past experiences must be reviewed and the lessons from such experiences must be internalized as the construction of a genuine democratic order will commence at the end of the military-inspired transition programme. There is also need for intensive dialogue and consensus building on basic national issues, especially issues relating to the national question because they have the propensity to ferment divisions and ethnic and regional particularisms.

It should be important agenda for civil society organizations to draw an elaborate programme of mass education of the Nigerian people concerning broad issues of democracy and defence of human rights. Such programmes should target marginalised and excluded social groups such as women and youths who have become apathetic because of previous experiences. Women, youths and workers for instance, should receive particular attention because bringing their issues to the forefront of the political agenda has the immediate effect of raising the democratic content of public discourse. The content should be how they can be mobilised for meaningful participation and as key players, instead of limiting their role to periodic voting and merely conferring legitimacy on the electoral process. It is only these groups that can genuinely defend democracy and human rights if they realise the benefits in concrete terms.

There are specific civil society organisations that are most easily amenable to the struggles for democracy and human rights. Associational life of workers, professionals such as those of lawyers and academics, students and religious organizations are good examples. There is ample evidence of this even though the Churches and Mosques tend to lag behind in the Nigerian case. Church organizations for example, have a strategic position that cannot be ignored as the experiences of Zambia, South Africa and Kenya tend to show. They can sponsor coalition building because they do not only have the resources, but enjoy memberships that cut across class and ethnic identities. They also tend to favour neutral mediation functions among contending factions while avoiding partisan identification for fear of dividing their congregation. Furthermore, several of them have experience in promoting community-based planning based on the ideology of conscientization and popular empowerment (Azarya, 1994).

Concluding Remarks

There are strong indications that we are engaged in a transition from authoritarian rule to one based on democratic governance, commitment to human rights and the rule of law. Without democracy, human rights cannot prosper and blossom, although in the end it is a dialectical relationship between the two. The fundamental question is how the gains of democracy can be sustained and the culture of democratic governance deepened. Here lies the importance of civil society, especially in the context in which we are confronted with a political class that has neither internalised the values of democracy nor has taken the democratic project seriously.

It is a class riddled with internal contradictions and therefore, organizational weak, while opportunism and the desire to win 'power at all cost have remained its hallmark. However, for civil society, it must take the issues of organisation, capacity building and the evolution of a

common project very seriously. In doing so, it must equally seek to come to terms with the challenge of transiting from operating in an environment marked by despotism and authoritarianism to one in which political liberalisation has been enthroned. This necessarily involves a programme of principled and constructive engagement with the state to avoid cooperation into the state project, while building strategic alliance with democratic forces in the political society and the military to defend and sustain democracy.

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