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Establishing Maritime Diplomacy in Southeast Asia: Balancing ASEAN Regional Interest in the Rise of Competing Great Power Rivalry

By René L Pattiradjawane & Natalia Soebagio

Abstract- The resolution of the geopolitical status of China in the South China Sea becomes more urgent because the South China Sea issue is so closely linked to the geopolitical security interests of China. The longer the South China Sea issue is left unresolved, the greater the geopolitical threat to China. The presence and vicinity of foreign warships, submarines, and aircraft within the same dimensional space are potential hazards in the South China Sea can cause accidents and incidents. A naval armaments program can create unwanted tension making maritime arms control and confidence-building as an important aspects of maritime diplomacy.

Keywords: *asean, indonesia, south china sea, china, geopolitics, gunboat diplomacy, maritime, beijing consensus, peaceful rise, malacca strait.*

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Establishing Maritime Diplomacy in Southeast Asia: Balancing ASEAN Regional Interest in the Rise of Competing Great Power Rivalry

René L Pattiradjawane ^α & Natalia Soebagjo ^σ

Abstract- The resolution of the geopolitical status of China in the South China Sea becomes more urgent because the South China Sea issue is so closely linked to the geopolitical security interests of China. The longer the South China Sea issue is left unresolved, the greater the geopolitical threat to China. The presence and vicinity of foreign warships, submarines, and aircraft within the same dimensional space are potential hazards in the South China Sea can cause accidents and incidents. A naval armaments program can create unwanted tension making maritime arms control and confidence-building as an important aspects of maritime diplomacy. Some intriguing issues appear in this new environment, such as how will Southeast Asia respond to great power rivalry inside and outside the region? Will China's rise be accompanied with increasing fears of a great power's war or will ASEAN as the core regional grouping be an important catalyst in the interaction among nations? Will the great powers' tension be as dangerous as the Cold War or could it be worse as China is going to use its economic power as a strategic tool? How will ASEAN collectively or as individual member countries in Southeast Asia respond to the great power rivalry of China, US, Japan, India, and Russia? Will the arms race among states in the region endanger the balance of power in Southeast Asia region? Will rivalry among great power countries in the East/South China Sea destabilise the sea lanes of communication in the region which has sustained stability in the past several decades?

Keywords: *asean, indonesia, south china sea, china, geopolitics, gunboat diplomacy, maritime, beijing consensus, peaceful rise, malacca strait.*

I. INTRODUCTION

Since its establishment, ASEAN has made remarkable achievements in addressing political, security, socio-cultural issues and the problems of regional economies. This Southeast Asian organisation has been successful in regional politics, particularly in limiting the variety of regional conflicts and in promoting socio-economic development in the region. ASEAN is a regional organization that has the highest and fastest growing economies in the world. ASEAN member countries, particularly the founding countries of Indonesia, Singapore, Malaysia, Thailand and the Philippines, recorded high growth with an average rate

of about 6 percent Gross Domestic Product (GDP) during the last decade.¹ Today, Southeast Asia is entering a new strategic environment and with it comes new challenges.

Due to its geographical location between the Indian Ocean and Pacific Ocean, the area of Southeast Asia is of obvious strategic importance. Given this reality, since 2012 the new strategic environment in Southeast Asia has focussed on maritime issues to establish a new cooperation mechanism, creating a grand concept which can deal with new competing political and securities strategies reflecting the interests of great, medium and small powers. The US is implementing its pivot strategy, China has come up with the new Asian Security Concept, and Japan has a proposal on Contribution for Proactive Security. These new strategies need to be addressed by every country in the region to balance their own national interest vis-à-vis the regional interest to maintain peace and stability. These new security concepts appear at a time when new modalities of cooperation are needed for a 21st century multipolar world which is being driven by greater economic interdependence and trade among nations.

Some intriguing issues appear in this new environment, such as how will Southeast Asia respond to great power rivalry inside and outside the region? Will China's rise be accompanied with increasing fears of a great power's war or will ASEAN as the core regional grouping be an important catalyst in the interaction among nations? Will the great powers' tension be as dangerous as the Cold War or could it be worse as China is going to use its economic power as a strategic tool? How will ASEAN collectively or as individual member countries in Southeast Asia respond to the great power rivalry of China, US, Japan, India, and Russia? Will the arms race among states in the region endanger the balance of power in Southeast Asia region? Will rivalry among great power countries in the East/South China Sea destabilise the sea lanes of communication in the region which has sustained stability in the past several decades?

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¹ Asian Development Bank, Asian development outlook 2014. Fiscal policy for inclusive growth, (Manila: ADB, 2014), p. 3-40

In this new Asian context, the sea and maritime diplomacy become new keywords in bilateral, regional, and multilateral relations. In the 21st century the sea once again dominates in the jargon of international relations, playing an important role in foreign affairs and security. Maritime diplomacy in Asia is different and unprecedented compared to other regions of the world, where the interests of various Asian countries intersect, not only on issues of economic and trade cooperation within the region and beyond, but also in shaping the sphere of political influence, directly challenging national sovereignty and jurisdiction issues in the realm of international law. While countries continue to maintain close cooperation in trade and investments, political and military tensions are rising. The overlapping claims of sovereignty between China-Japan in the East Asia Sea or China and Vietnam, the Philippines and Malaysia in the South China Sea have ushered in a new era of gunboat diplomacy as deterrent through a show of naval power in Asia.

Historically, the use of gunboat diplomacy began along the coast of mainland China in the second half of the 19th century and had imperialistic objectives.² Gunboat diplomacy in the 21st century refers to the use of naval power as symbols of sovereignty and national strength in implementing diplomacy of a country and can be interpreted as “coercive diplomacy.” Gunboat diplomacy is not only intended as a deterrent for overlapping claims of national sovereignty, but also has the function of war. In broader non-traditional security terms it can also be used for combating piracy or dealing with natural disasters. Therefore, the relevance of gunboat diplomacy, depends on its use³ but it is a deterrent for large-scale conflict. The use of gunboat diplomacy in a multipolar world is hence different from the context of the Cold War of previous decades.

This is the context in which ASEAN finds itself. When it was established on 8 August 1967 as a political-security organization for Southeast Asian countries formalized by the Bangkok Declaration, its objective was to preserve peace and stability in the middle of the Cold War which threatened to divide Southeast Asia into ideological power blocs. This regional political-security organization was also meant to diffuse overlapping sovereignty disputes along borders of neighbouring countries. Despite the diversity of its member states, ASEAN has today matured into a credible political, security and economic community, through wider and complex cooperation mechanisms such as the East Asia Summit (EAS), the Regional Comprehensive Economic Partnership, and the Trans-Pacific Partnership, complementing other arrangements such

as the ASEAN Plus mechanism or the Asia-Pacific Economic Partnership (APEC). The establishment of the ASEAN Economic Community which came into force on 1 January 2016 needs to be considered as part of ASEAN's search for regional equilibrium in the middle of the dynamic changes in the political, economic, social, cultural, and military spheres.

The pace of growth in China over the past three decades, the great power rivalry and the rising tension have been the main drivers of the geopolitical reconfiguration in Asia, affecting ASEAN. Using its unique geostrategic location, its economic potential, ASEAN has the ability to manage relations in order to maintain peace and stability in the region.

II. THE GEOPOLITICS OF SOUTHEAST ASIA

According to ancient maps, Southeast Asian nations grew from a small network of prehistoric settlements, a patchy landscape with overlapping rulers, governed by the “mandala” system (circle of the king, Sanskrit term used in the manual of the kingdom government in India).⁴ In each of these mandala, a king was identified by divine rule and had “universal authority,” claiming personal hegemony over the other rulers in the mandala under their control who in theory were allies and obedient followers.⁵ In practice, the mandala represents a particular political situation, often unstable, due to the vaguely defined geographical area without fixed boundaries, creating the insecurity of smaller circles, with its centres looking in all directions for protection. Whenever there was a chance, rulers of these smaller circles would refuse their subordinate status and instead try to build their own sphere of influence. Only mandala rulers have the prerogative of

⁴ Mandala is also understood as a metaphor describing either a sphere of influence, interests or ambitions with recognisable territory but without clear boundaries, or a specific territory, which is then manifested as complex geopolitical relations related to boundaries and connections with foreign countries. This mandala doctrine of a strong centre surrounded by concentric circles of decreasing authority, emphasizes the cult expansion, spurring the need for the struggle for existence, self-assertion and domination of the world. In the mandala doctrine, dynamic factors are taken into account to calculate events that disturb the balance of relations between countries. An aggressive close neighbor would necessitate befriending the state within the next circle, perhaps creating new hostility with other neighbours. So these circles of harmony and alienation continue to expand until universal peace is achieved with the establishment of a world state with a sole and supreme ruler known as “chakravartin.” See, Soemarsaid Moertono, *State and Statecraft in Old Java: A Study of the Later Mataram Period, 16th to 19th Century*, (Singapore: Equinox Publishing Asia, 2009); also Benoy Kumar Sarkar, “Hindu Theory of International Relations,” *The American Political Science Review*, Vol. 13, No. 3 (August, 1919), pp. 400-414

⁵ O.W. Walters, *History Culture, and Religion in Southeast Asian Perspective*, (Ithaca, N.Y.: Southeast Asia Publications, Southeast Asia Program, Cornell University, 1999), p. 27-40

² G.R. Berridge and Lorna Lloyd, *The Palgrave Macmillan Dictionary of Diplomacy*, (Basingstoke: Palgrave Macmillan, 2012), p. 174-175

³ Christian Le Mière, *Maritime Diplomacy in the 21st Century Drivers and Challenges* (London: Routledge, 2014), p. 1

receiving tributary envoys and he himself would dispatch officials representing his superior status.⁶

Wolters noted that the concentric circles of mandala concept was also used to determine limits of one's influence as recognized by others and from it determine the strength of one's power and the reliability of the system itself. This was reflected in two ways, first, for intelligence gathering, so the authorities could understand and monitor the activity around the circle mandala, anticipate emerging threats, and understand the scope of geopolitical developments in a broader trade area. Secondly, it is used to implement "smart diplomacy" and personal relationships as a reflection of the mandala under a successful ruler. This method allowed the ruler to influence his opponents through a personal approach and to build loyalty.⁷ Modern day Southeast Asia still reflects the concentric circles of the mandala in the region's balancing power game albeit within a more complex environment.

Since the ancient times of Srivijaya (650-1377) as the dominant kingdom in Southeast Asia, maritime connections have always been an important geopolitical feature, with the Malacca Straits playing a key role. Southeast Asia under the Srivijaya kingdom had close political relations with imperial China, being the "gatekeeper" of the surrounding regional sea and maintaining stability in the Malacca Straits.⁸ Even then, countries in the region have had to deal with changing geopolitical challenges as countries from inside or outside the region rise. This continues until today and the same geopolitical nuances in maintaining the balance of power still prevail. Only the actors and cargo passing through the waters have changed over time.

Since the end of the Cold War -- marked by US decline after the Vietnam War, China-US rapprochement, the rising of ASEAN--Southeast Asia has contested to accommodate the national interest of other countries due to the maritime linkages facilitating trade with other nations. But ASEAN, as a regional grouping, does not want any dominant country in the region dictating the balance of power. The rise of China and the ongoing overlapping claims in the South China Sea, therefore, is seen as endangering peace and stability in a region where there is a growing trust deficit among nations. Former Indonesian Foreign Minister Marty Natalegawa explained that while the rise of China is being offset by the US and some ASEAN countries establishing alignment to encircle China's growing influence in the region, the trust deficit situation in the

Asia-Pacific region will create tension and regional division.⁹

No one is denying China's ambitions to become a global power. China's national economy is currently the second largest in the world with a GDP of about USD 9.2 trillion (after the US which has a GDP of about USD 16.8 trillion), according to the World Bank's purchasing power parity (PPP).¹⁰ If it makes an annual growth rate of 9 percent, as predicted by Goldman Sachs, China is likely to surpass the US and become the largest economy in the world in 2027, and is expected to be twice as large as the US economy in 2050. If the beginning of the 20th century was considered as the "American century," the next century as of 2041 may be a "Chinese century?"¹¹

In the beginning of the 21st century, the fundamental geopolitical relationship in the Asia-Pacific region concerning many ASEAN countries is US-China rivalry manifested in almost every aspect of international relations.¹² As the overall geopolitical structure evolves, it is no longer just a matter of the ASEAN-US-China triangular relationship, but also the continuous interaction between ASEAN and the US separately and ASEAN-China separately. At the same time, the evolving geopolitical structure in the region is also being interfered by the increasing intensity of overlapping sovereignty claims in the South China Sea, creating the threat perception of China's rising influence in ASEAN.

Theoretically, the geopolitical strength of a nation rests on four pillars, namely great military power and the willingness to use it; surplus economy allowing it to provide assistance and make investments in other countries; ideological leadership as a model for other countries; and a cohesive system of government.¹³

Cohen described the military pillar as a transition from a world dominated by superpowers into a polycentric power system marked by significant changes in the nature of warfare in the 21st century. So far, the US is the largest military power in the world with a military budget of approximately USD 610 billion in 2014, equivalent to 34 percent of total global military spending of USD 1,776 billion.¹⁴ In the fight against

⁹ Interviewed. Foreign Marty Natalegawa, see René L Pattiradjawane, "Wawancara Khusus oleh Rene Pattiradjawane: Menjawab Tantangan Kawasan," (Exclusive Interview with Rene Pattiradjawane: Answering Regional Challenges), Kompas, 6 August 2013, p. 10

¹⁰ World Bank, World Development Indicators 2015, (Washington: World Bank. doi:10.1596/978-1-4648-0440-3, 2015)

¹¹ Hongming Cheng, Financial Crime in China: Developments, Sanctions, and the Systemic Spread of Corruption, (London: Palgrave Macmillan, 2016), p. 156

¹² The term geopolitics used in this paper refers to the combination of geographic and political factors affecting international relations in certain areas in the Asia-Pacific region.

¹³ Saul Bernard Cohen, Geopolitics: The Geography of International Relations, Third Edition, (New York: Rowman & Littlefield Publishers, 2015), p. 2-3

¹⁴ Stockholm International Peace Research Institute, *SIPRI Yearbook 2015 Armaments, Disarmament and International Security*, (Oxford: Oxford University Press, 2015), p. 352

⁶ Ibid.

⁷ Ibid.

⁸ Michael Laffan, Finding Java: Muslim nomenclature of insular Southeast Asia from Śrīvijaya to Snouck Hurgronje, Working Paper Series 5 (Singapore: Asia Research Institute, 2005), p. 12-18

terrorism, the US military has also introduced a change in the nature of warfare, using unmanned aircraft (UAV) known as drones combined with cyberwarfare and special strike force.

The second pillar, discusses economic power which is often more important than military. Since the world financial crisis in 2008, the US, Europe, and Japan have not fully recovered from a deep recession. US economic growth in 2015 reached 2.4 percent, no change from 2014.¹⁵ Japan's economic growth is also unconvincing. Since they initiated the so-called Abenomics in 2012, the 20 years of recession is still hampering Japan economic development. Under the government of Prime Minister Shinzo Abe, Japan's economic growth was minus -1.1 percent, forcing the central bank to enforce policies of negative interest rates.¹⁶ Since the financial crisis in 2008, China is the only country that maintains high growth, with foreign exchange reserves reaching around USD 4 trillion and total trade to the world, according to the French news agency AFP, reaching USD 3.74 trillion in 2015.¹⁷

The third pillar is linked to ideological leadership. After World War II, the US as a superpower has always been proud to develop in their ideals a combination of the principles of freedom of expression and religion, concern for human rights, in exchange for the implementation of a free market system and democratic practices in government. Since the founding of the United States, the principles of US democracy has been copied by many countries in the world. However, much of US foreign policy does not reflect their ideals. The Palestinian problem, the Iraq War, the Afghan War and other international issues, often are contrary to the basic ideals of democracy. Washington has also been inclined to allow the spread of corruption in various countries that are allies with the US, as happened in some Latin American countries.

On the other hand, China is becoming more powerful politically, economically, and militarily. It is offering a new development model, in which the welfare of the people can be implemented without democracy. The way China has overcome its many problems of economic development presents an alternate concept, the so-called Beijing Consensus, that is not as rigid compared to the analysis by US economists who introduced the Washington Consensus. If in the past the Washington Consensus was regarded as the most effective model for developing countries to achieve

growth, today there is the more pragmatic Beijing Consensus. The same as China's pragmatic economic policies after 1979, the Beijing Consensus acknowledges the need for a more flexible approach to resolve the multifarious problems. Inherently, the model of China's development is focused on innovation, as well as emphasizing the ideal balance of equitable development and a "peaceful rise."¹⁸ The idea of China as a new reference in maintaining not only national growth through various bilateral, regional, and multilateral cooperation, but also as an important determinant of economic growth in the world at large, is now evolving.

Lastly, the fourth pillar is political cohesiveness. In the US, the 2015 deadlock due to the two-party system shutdown government activities was a factor in determining the damage to US international leadership. The lack of cohesion in US politics, causing government inability to continue their activities, budget planning that could not be agreed, a proposed health system which was not comprehensive, divided the US nation and became a bad model for US allies and opponents.

These four pillars of geopolitical strength when applied to China's ambition to rise as the world's major power, has some important differences to the US. China lacks the capacity to apply military force outside its contiguous Asian borders which, however, is made up by China's reliance on its economic strength, trade and investments to expand its influence. China uses its sovereign funds, for example, to buy or invest in natural resources around the world and to establish the Asian Infrastructure Investment Bank (AIIB). This economic initiative has attracted many countries but its political impact is that it raises the suspicion of countries who resist in the name of nationalism and the environment.¹⁹ The AIIB, which no doubt is attractive to many countries, is also met with scepticism as the reality is that China has limited capacity to implement foreign aid as it still needs to focus on building its national infrastructure and realign the needs of its rural, agricultural populace towards an urban, industrial and service oriented economy. As for ideology, although a mixture of state and private capitalism as practiced in China has been adapted many countries, the repressive nature of China's communist regime has been widely rejected as a model ideology by those who crave for individual freedom and economic progress as a continuity of the modern, 21st century state.

So far, there is no geopolitical theory which can provide adequate guidance in explaining the interaction of international political events determined by geogra-

¹⁵ Adam Samson and Sam Fleming, "Expansion: Slow US growth underlines choppy recovery," *Financial Times- US Edition*, 30 January 2016, p. 2

¹⁶ Robin Harding, "Japan data revision trims fourth-quarter GDP contraction," *Financial Times- Asia Edition*, 8 March 2016, see also <http://www.ft.com/intl/cms/s/0/9095c1dc-e4ce-11e5-bc31-138df2ae9-ee6.html#axzz43SZRXipk>

¹⁷ See "China trade volume falls 7.0% in 2015: Customs", accessed 20 March 2016, <http://mizzima.com/businessdomestic/china-trade-volume-falls-70-2015-customs>

¹⁸ Joshua Cooper Ramo, *The Beijing Consensus*, (London: The Foreign Policy Centre, 2004), p.4-5

¹⁹ Rex Li, *A Rising China and Security in East Asia: Identity construction and security discourse*, (New York: Routledge, 2009), p. 36-40

phical and political phenomena. In the context of South-East Asia, for example, the behaviour of maritime countries is more focused on geopolitical factors underlying the interests of the governments of littoral states in the region in dealing with the dynamics of strategic changes. Geopolitical factors are more often used as a framework in order to organize the states' understanding of maritime issues that arise based on the empirical evidence.²⁰

The general picture of geopolitics in Asia today not only focuses on the political question of overlapping sovereignty claims which concern the legality of history, international law, and the rise of nations, but also on the dynamic changes caused by the high interdependence of countries bound by economic and trade growth. In this context, maritime diplomacy, is not just manifested as either gunboat diplomacy or coercive diplomacy through the naval arms race between Asian countries and other countries outside the region, but also refers to a new model of cooperation that relies on the ocean as the conduit for dependency in achieving high economic growth.

Maritime cooperation among nations becomes a new reference in the last decade or so outlining the evolution of national security strategy of each country in Asia, including the anticipation of the possibility of future crises. The use of gunboat and maritime diplomacy increases the variety of naval force missions among Asian countries, both traditional and non-traditional, to ensure the stability of the region and the sustainability of national development, particularly between the Indo-Pacific Oceans. This is embodied in the respective policies of Asian countries and other countries outside the region, centred on economic activities. But, at the same time, policies will also have to be determined by the military capacity of its naval forces. Economic strength will be very closely related to military posture conditions and the strength of a country's naval forces. In other words, naval power is not only beneficial to the interests of defense, but also has symbolic values, supportive, or coercion capabilities. Naval activities are not only useful as a means of transport in wartime and peacetime, nor a reflection of modernity, but is a political entity and ambassador representing the interests of a particular country.²¹

There are two principal reasons why the sea has been the scene of disputes and conflicts between states. Firstly, the dramatic increase in the realization of the economic value of the oceans; and secondly, the rapid spread of sovereign states covering almost all

areas of land on earth. The increasing use of oceans is a spill-over result of the general phenomenon of rising populations seeking higher living standards and mastering the use of more sophisticated and powerful technology.²²

III. MARITIME GEOPOLITICS OF ASEAN

The Southeast Asian countries and China are both continental and maritime countries and China-ASEAN maritime cooperation has had a long history, beginning around the later half of the 7th century during the rule of Srivijaya. During its heyday, the main commercial centres were in Palembang, southeast Sumatra, dominating the Malacca Straits and the Sunda Straits, and various additional marine areas. The Srivijaya kingdom played a very dominant role in trade in Southeast Asia for half a millennium or more.²³

Before the 15th century, the Chinese conducted maritime operations in the region and entered into peaceful and friendly trade activities with neighbouring countries. After the voyages of Admiral Zheng He, however, the Ming dynasty turned inward and ended their sea voyages. During the 16th century, the acceleration of trade, monetization of transactions, urban growth, capital accumulation, and specialization of function that became part of the formation of capitalist transition in Europe had a profound impact on Southeast Asia during the period. As global commerce grew and the region was discovered as a source of spices in high demand internationally, Southeast Asia became an important maritime trade route.²⁴

In modern times, China-ASEAN maritime cooperation started around the early 1990s after the restoration of diplomatic relations between China and some Southeast Asian countries. The highlight of ASEAN-China cooperation in developing maritime diplomacy began when President Xi Jinping delivered a speech in the Indonesian parliament during his bilateral state visit in April 2013, stating that:

²² Barry Buzan, *A Sea Of Troubles? Sources of Dispute in the New Ocean Regime*, *Adelphi Paper no. 143*, (London : International Institute for Strategic Studies, 1978), p. 1

²³ George W. Spencer, *The Politics of Expansion: The Chola Conquest of Sri Lanka and Sri Vijaya*, (Madras: New Era, 1983), p. 100-137

²⁴ Anthony Reid, *Charting the Shape of Early Modern Southeast Asia*, (Chiang Mai: Silkworm Books, 1993), p. 43-61

²⁰ S.D. Brunn and K.A. Mingst, "Geopolitics" in Michael Pacione (ed), *Progress in Political Geography*, (London: Croom Helm Ltd, 1985), p. 57

²¹ J.J. Widen, "Naval Diplomacy—A Theoretical Approach," *Diplomacy & Statecraft*, 22:4 (2011): 715-733

东南亚地区自古以来就是“海上丝绸之路”的重要枢纽，中国愿同东盟国家加强海上合作，使用好中国政府设立的中国东盟海上合作基金，发展好海洋合作伙伴关系，共同建设 21 世纪“海上丝绸之路”

Since ancient times, the “Maritime Silk Road” was an important hub in Southeast Asia and China is willing to strengthen maritime cooperation with ASEAN countries, by utilizing the Chinese government’s establishment of a China-ASEAN maritime cooperation fund, together develop the maritime partnerships to build the 21st century “Maritime Silk Road.”²⁵

Maritime cooperation will become an important feature of ASEAN-China relations and will be a new reference for 21st century international relations. During the last decade we have seen the evolution of national security strategies of each Asian country, including the anticipation of possible future crises. The challenge faced by many Asian countries is how to design a maritime power structure that has the potential to embody a robust and effective maritime diplomacy. Maritime diplomacy will play an important role in the global calculus but it is unpredictable and multidimensional as it involves balancing the political interests of national sovereignty with economic and trade interests. Mistakes in maritime diplomacy could threaten peace and stability in the region and therefore its implementation for peace should be a responsibility of building strategic trust among nations.

India, for example, is a major power in Asia and considers the Indian Ocean as its sphere of influence. As such, it needs to control, monitor, and secure the ocean as one of its major strategic objectives. Over the past few years, this is reflected in distant operations and naval exercises spanning the Arabian Sea to the South China Sea. At the same time, China is concerned about the Indian Ocean as its economic lifeline and therefore needs to consolidate China’s influence in the Indian Ocean. In this context, the Indian Ocean and Pacific Ocean have emerged as competitive sea space for China and India.²⁶

The maritime environment becomes an important factor for Southeast Asian countries and in relations between ASEAN and China as the oceans are the conduit for trade and investments. ASEAN-China trade statistics (Table 1) show that total trade interaction

in 2014 is more than half of total intra-ASEAN trade which reached more than USD 600 billion. Total trade between ASEAN and China by the end of 2015 is targeted to reach approximately USD 500 billion. This growing ASEAN-China trade requires each party to develop a maritime strategy and maintain peace and stability of the strategic sea lanes of communications in the surrounding seas between the East/South China Sea to the Strait of Malacca.

Asia is now facing the dilemma of heightened national, regional, and international interests in dealing with maritime issues in Southeast Asia. These interests create different perceptions in viewing matters of maritime security. For ASEAN, geopolitical and geostrategic changes in the Asian region suggest that its biggest challenge is to “remain relevant and self-confident and resilient in the unfolding power game in the wider region of East Asia.” In accordance with the ASEAN Charter, the association needs to “maintain the centrality and proactive role of ASEAN as the primary driving force in its relations and cooperation with its external partners in a regional architecture that is open, transparent and inclusive.”²⁷

For China, massive development with high growth of the past three decades has led to growing dependence on foreign trade. This dependency spurred the strategic thinking of maritime force to ensure the continuity of China’s external trade by leaning to the ocean as a crucial lifeline and essential infrastructure. The perspective of the sea is driving the need for China to build a strong naval power to maintain the sustainability of its future economic development and reliance on the outward market.²⁸ The 21st Century Maritime Silk Road initiatives proposed by President Xi Jinping, is an important strategy for China to build connectivity and link various coastal cities of mainland China to the coastal cities in Southeast Asia (see Table 2), South Asia, the coast of eastern Africa, the Middle East, to the edge of West Asia, and reaching the southern European region.

China’s strategic need also has to consider energy security (see Table 3) to fuel its domestic industrial growth and also to consider food security, particularly fisheries (see Table 4) that could be a source of dispute in the future. President Xi Jinping’s proposal is not just about financing and rearranging the strategy for economic growth and geopolitics in the region, but also gives an insight into the expansion of mutually beneficial cooperation in the face of changing globalization. Building a naval force, although it has aroused suspicions of other major countries such as the

²⁵ 习近平：“携手建设中国—东盟命运共同体——在印度尼西亚国会的演讲” 2013 年 10 月 03 日，雅加达，(北 京：人民日报，04 日 10 月 2013

2013 年)，第 02 版 (Xi Jinping, “*Together Building China - ASEAN community of destiny*,” speech at the Indonesian parliament 3 October 2013 in Jakarta, (Beijing: People’s Daily, 4 October 2013) p. 2

²⁶ Vijay Sakhuja, *Asia Maritime Power in the 21st century: Strategic Transactions China, India and Southeast Asia*, (Singapore: Institute of Southeast Asian Studies, 2011), p. 308-312

²⁷ ASEAN Charter, Chapter 1, Article 1.15

²⁸ 倪樂雄，“海權與中國的發展”，(北京：解放日報，17 日 4 月 2005 年)，版 4 (Ni Lexiong, “Sea Power and China’s Development,” *The Liberation Daily*, 17 April 2005, p. 4

US, Japan and India, is to secure China's future and for China, regional and international conditions should not inhibit China's national security, much less render it powerless.²⁹

For ASEAN, however, it is not only a matter of economics and trade because at the same time China is also projecting its military force through the transformation of its naval strength. China's military spending is second in the world after the US, and China is also pushing its ability to produce and improve its weapons capabilities. The combination of economic strength, the expansion of trade, and military power is not only shaking the world but at the same time is spreading fears that through its modernization, China is threatening the global balance. China clearly emphasizes the concept of peaceful coexistence as part of a national security strategy with national sovereignty and non-interference as the basic principles of the world order, but at the same time it behaves in a flexible manner and cooperates with countries in the region and beyond that intersect directly with China national interests.³⁰

The question is whether ASEAN's existing mechanisms of political and security arrangements such as the ASEAN Regional Forum (ARF), East Asia Summit (EAS), or the ASEAN Defense Minister's Meeting Plus (ADMM-Plus), are able to deal with the rise of China (including organize and manage the strategic triangle of China-US-Japan) without impeding the economic realities? How can ASEAN play a role in maintaining the equilibrium between China, India, the US, and Japan in an East Asian region to ensure that it continues to stable and peaceful, when rising China and India have to also deal with the superpower United States and Japan? Former Indonesia Foreign Minister Ali Alatas had once reminded us that: "regional security requires an equilibrium between the major powers, and between them and Southeast Asia."³¹ But these ideals become different when China becomes powerful economically, politically and militarily. President Xi Jinping in his speech at the summit of the 4th Conference on Interaction and Confidence-Building Measures in Asia (CICA) entitled "Conference on Interaction and the Formation of Mutual Trust in Asia" in Shanghai, referred to "the concept of new form of security" in Asia. Xi Jinping's speech should be understood as a projection of the "rise of China" in the era of globalization and also

the formulation to realise a comprehensive maritime ambition. President Xi said,

亚洲的事情归根结底要靠亚洲人民来办，亚洲的问题归根结底要靠亚洲人民来处理，亚洲的安全归根结底要靠亚洲人民来维护。亚洲人民有能力、有智慧通过加强合作来实现亚洲和平稳定。

In the final analysis, it is for the people of Asia to run the affairs of Asia, solve the problems of Asia and uphold the security of Asia. The people of Asia have the capability and wisdom to achieve peace and stability in the region through enhanced cooperation.³²

What President Xi Jinping is proposing is a similar situation to when the leaders of Malaysia, the Philippines, and Indonesia agreed to form a federation known as Maphilindo in August 1963 as a forerunner of ASEAN. When the Cold War began spreading into Southeast Asia, the plan to form what was called the Monroe Doctrine for Asia was to create a channel for US intervention in Indonesia outside the field of economics and to include Indonesia in the crusade against communism and against China.³³ This idea then produced the Macapagal-Soekarno Doctrine agreement which stated "Asians solving Asian problems in the Asian way." This idea eventually failed because the Southeast Asian strategic cultures emphasise the conception that national security has an impact on regional resilience which then became the rationale for ASEAN countries to place the issue of regional security as a common effort rather than favouring help from outside power.³⁴

There are other strategic considerations in ASEAN-China relations which move towards multipolarity in the region. Some strategic thinkers consider it important for China to strengthen ties with neighbouring countries in the region to strengthen its global posture. China still sees itself as a major regional power that has been pressured to manage its rise and deal with neighbouring countries to solve its territorial problems, especially in the South China Sea. The problems in the Southeast Asian region so far focus around the issue of the South China Sea. ASEAN has

³² 习近平，积极树立亚洲安全观 共创安全合作新局面 ——在亚洲相互协作与信任措施会议第四次峰会上的讲话——上海2014年5月21日，（北京：人民日报，22日05月2014年），第02（Xi Jinping, "New Asian security concept for new progress in security cooperation," remarks at the Fourth Summit of the Conference on Interaction and Confidence Building Measures in Asia—Shanghai 21 May 2014, (Beijing: *People's Daily*, 22 May 2013) p. 2

³³ Jose Maria Sison, *Maphilindo: Afro-Asian or Anglo-American?* (New York: Far East Reporter, 1964), p. 1-8

³⁴ Chin Kin Wah, "Reflections on the Shaping of Strategic Cultures in Southeast Asia," in Derek da Cunha, ed., *Southeast Asian Perspectives on Security*, (Singapore: Institute of Southeast Asian Studies, 2000), p. 1-19

²⁹ 刘中民，“关于海权与大国崛起问题的若干思考”，《世界经济与政治》2007年12期，版6-12, (Liu Zhong-min, Reflections on Seapower and the Rise of Great Powers, *World Economics and Politics*, No. 12, 2007, p. 6-14)

³⁰ Zheng Bijian, *China's Peaceful Rise: Speeches of Zheng Bijian 1997-2005* (Washington: The Brookings Institution Press, 2005)

³¹ Ali Alatas, "Live and let live," (Hongkong: *Far Eastern Economic Review*, 11 July 1991, p. 13

the potential to make a major contribution in creating a region of peace, freedom, and neutrality.³⁵

IV. THE GEOPOLITICS OF SOUTH CHINA SEA

Disputes in the South China Sea are among the most complex issues to resolve involving many countries in Southeast Asia with China as the greatest claimant in the area. Tensions over overlapping claims on islands or sea waters not only entangle ASEAN-China relations but also ASEAN member countries such as Indonesia-Malaysia, Malaysia-Singapore or the Philippines-Malaysia over Sabah in East Malaysia.

Unlike many countries with other regional organizations in the world, ASEAN has an interesting precedent in resolving the issue of overlapping claims among its member states. Although ASEAN has a dispute resolution mechanisms through the High Council by the Treaty of Amity and Cooperation, it has never been in force since the establishment of this regional organization. This mechanism was virtually never used for a variety of reasons. One of them is a belief among ASEAN countries that the settlement among fellow members never produces a concrete and comprehensive deal. Another reason is the principle of "consensus" among ASEAN members in solving issues regarding the regional affairs.

Historically, conflicts that occurred among Southeast Asian countries has always been at the cusp of armed conflicts, such as the conflict between Indonesia and Malaysia in 1965; the Philippines-Malaysia on the issue of Sabah; or Malaysia-Singapore during the establishment of the founding of the city-state in 1967. Therefore, all disputes related to the sovereignty, politics, and culture were always settled by a third party outside ASEAN, such as the International Court of Justice to resolve the disputed claims of sovereignty of Pulau Ligitan and Sipadan between Indonesia and Malaysia, of Pulau Batu Puteh (Pedra Blanca) located in the Singapore Strait between Malaysia and Singapore.

The overlapping claims in the South China Sea, however, is different. First, the South China Sea conflict is not a contestation between ASEAN and China, but of ASEAN member countries (Malaysia, the Philippines, Brunei, and Vietnam) who need to settle their differences with China. Second, the conflict situation in the South China Sea is a competition between a rising China and an existing power, the United States. And third, the

insisting to solve problems one by one on a bilateral basis with respective member states of ASEAN and with those wanting the issue to be resolved through ASEAN.

Meanwhile, through the initiative of Indonesia, a binding legal force is being sought among countries with overlapping claims through more comprehensive codes of conduct as a continuation of the ASEAN-China Declaration on the Conduct of Parties in the South China Sea (DoC) achieved in 2002. In September 2012, Indonesia proposed a paper entitled "Zero Draft A Regional Code of Conduct in the South China Sea" to engage China in the process of managing overlapping claims in the South China Sea. According to the Indonesian Foreign Minister Marty Natalegawa, the "Zero Draft Code of Conduct" should provide more concrete guidance in implementing security and order in the South China Sea, and not just be a political document.³⁶

At the moment, the issue of the South China Sea has evolved into increasingly complex traditional and non-traditional security issues, no longer just a matter between ASEAN-China in finding an adequate resolution. The problems in the South China Sea has also developed into widespread competition among US-China-Japan who see the region as a strategic global trade infrastructure that cannot be controlled by a single country. Simultaneously, ASEAN is urging China to resolve the Code of Conduct and ask for an explanation of what it means by being only willing to negotiate if the situation is "ripe."³⁷

Because of the complexity of the problems faced by ASEAN in the South China Sea, there are fears of a "balkanization"³⁸ of Southeast Asia with the emergence of signs which has never been seen in ASEAN's history. For the first time in its 45-year history, ASEAN foreign ministers failed to issue a joint communiqué at the ASEAN Ministerial Meeting in Phnom Penh, Cambodia in July 2012.³⁹ The Phnom Penh "incident" clearly reflected the pressure on ASEAN, especially Indonesia, to maintain the continuity of the dynamics in the region. This "incident" implied two things: first, the approach of ASEAN as a whole will always be contested and debated by China, and

³⁶ Discussion with Foreign Minister Marty Natalegawa August 2013; see also René L Pattiradjawane, "Wawancara Khusus: Menjawab Tantangan Kawasan," (Exclusive Interview: Answering Regional Challenges), *Kompas*, 6 August 2013, p. 10

³⁷ Mark Valencia, "China influences Cambodia as ASEAN host; other members, caught in middle of China-US power struggle, ponder loyalties," *The Japan Times*, 14 August 2012

³⁸ Disclosed in a roundtable discussion with Dr. CPF Luhulima and Dr Riefqi Muna of Indonesian Institute of Science (LIPI), 1 September 2014

³⁹ Ernest Z. Bower, China Reveals Its Hand on ASEAN in Phnom Penh, *CSIC Commentary*, Volume III, Issue 14, 19th July, 2012, <http://csis.org/publication/china-reveals-its-hand-asean-phnom-penh>

³⁵ Conversation with Dr. Yan Xuetong in Beijing, Dean of the Institute of Modern International Relations at Qinghua University, during Xiangshan Forum October 2015. See also, 阎学通, "中国外交需立足周边," 《瞭望新闻周刊》2000年3月13日第11期, 版 49-50 (Yan Xuetong, "China's Foreign Affairs Should be based on the periphery," *Outlook News Weekly*, 13 March 2000, p. 49-50

secondly, Indonesia should have the initiative to start building ASEAN's stance on the issue in the South China Sea. It was inevitable that Cambodia's dependence on China for economic assistance forced Phnom Penh to continue to succumb to Chinese pressure.

There are several aspects concerning the growing complexity of the problems in the region. First, in the area of economics and trade, there has been an increase in maritime trade in Southeast Asia, as a result of the economic growth in many ASEAN countries amid weakening global trade due to the 2008 global financial which led to a world recession.⁴⁰ Second, in the political and security field, drastic changes caused by the development of large-scale "fake island"⁴¹ in the Spratlys and the heightened arms race due to increased military spending among Asian countries.⁴² And third, the issue of international law, in January 2013 the Philippines filed an arbitration case to the International Tribunal Law for the Sea (ITLOS) in which the Permanent Court of Arbitration (PCA) will issue its decision, including whether the status of the 9-dash line is in accordance with UNCLOS provisions.

The increase in maritime trade and merchant shipping in Southeast Asia has been due to rapid industrialization, changing dietary needs of food (in the form of increased demand for fish), and the impressive year-to-year growth rate of southeast Asian countries, making the South China Sea the busiest sea lanes of communication in the world. Some of the biggest and busiest container ports in the world, from Singapore to Hong Kong, is located around the South China Sea. Some countries in the region emerged as a leading

maritime nation with a growing fleet of merchant and a world class port.⁴³

In maintaining the dynamics of economic and trade growth, as well as to ensure security along the sea lanes of communication in the South China Sea, there are two tugs of war in Southeast Asia that influence geopolitical cooperation. First, China as the largest political and economic power in Asia, is trying to increase its influence in the Malacca Strait, a traffic choke-point important for their trade ships and for shipping energy supplies for their domestic needs. Second, the US as a major and influential power in Asia, is seeking to ensure the freedom of access by sea and air in the Asian region including the strategic Malacca Straits.⁴⁴

In the political and security field, global security and prosperity increasingly depend on the free flow of goods shipped by air or sea. The dynamics of economic and trade growth in the region provide a strategic advantage for many countries of Asia if all states interested in the South China Sea understand that freedom of access is a vital connective tissue of the international system.⁴⁵ Geopolitics in the South China Sea can be a countervailing force of globalization between the various national interests in the world and is not just between great powers only.⁴⁶ The issue is a critical point when US-China interests not only threaten the sea lanes of communication but also encourage an intensified arms race among Asian countries. To resolve issues of overlapping sovereignty claims ASEAN should be able to show leadership of a strong community. Otherwise, ASEAN may lose its direction and purpose confined by the interests of major powers inside and outside the region.

The presence of major power country naval vessels like those of China, the US, Japan, Russia, and India in the South China Sea, does not change the fact that the US Navy is still the largest and strongest in the region. The nature of the US Navy was proven in various HA/DR (humanitarian assistance disaster relief) incidents that have occurred in this region. When Typhoon Haiyan struck the Leyte Islands in the

⁴⁰ Atif Mian and Amir Sufi, *House of Debt: How They (and You) Caused the Great Recession, and How We Can Prevent It from Happening Again*, (Chicago: The University of Chicago Press, 2014), p. 1-30

⁴¹ The term "fake island" is to distinguish the differences with reclamation activities that was built on an island as a land-based extension. Within two years time, China created "fake islands" in the Spratly Islands, involving Mischief Reef (the Chinese name is Meiji Jiao (美济礁), the Philippine name it Panganiban Reef, and the Vietnam called it Đá Vĩnh Khãn), Gaven Reef (Chinese Nanxun Jiao (南薰礁), Philippine Burgos Reefs, and Vietnam Đá Ga Ven), Subi Reef (Chinese Zhubi Dao (渚碧礁), Philippine Zamora, Vietnam Đá Xu Bi), Johnson Reef (Chinese Chigua Jiao (赤瓜礁), Philippine Mabini Reef, Vietnam Đá Gạc Ma), Cuarteron Reef (Chinese Huayang Jiao (华阳礁), Philippine Calderon Reef, Vietnam Bãi Châu Viên), Fiery Cross Reef (Chinese Yongshu Jiao (永暑礁), Philippine Kagitingan Reef, Vietnam Đá Chữ Thập), Hughes Reef (Chinese Dongmen Jiao (东门礁), Philippine McKenna and Vietnam Đá Tư Nghĩa).

⁴² Siemon T. Wezeman dan Pieter D. Wezeman, "Trends in International Arms Transfer, 2013" *SIPRI Fact Sheet*, March 2014: 6-7; see also Sam Perlo-Freeman and Carina Solmirano, "Military spending and regional security in the Asia-Pacific," in *SIPRI Yearbook 2014: Armaments, Disarmament and International Security*, (Oxford: Oxford University Press, 2014), p. 188-201

⁴³ Sarah Raine and Christian Le Mièrre, *Regional Disorder: The South China Sea Disputes*, (London: The International Institute for Strategic Studies, 2013), p. 11-28

⁴⁴ Justin V. Hastings, "China and the Strait of Malacca," in Andrew T. H. Tan (ed.), *Security and Conflict in East Asia*, (Oxon: Routledge, 2015), p. 171-186

⁴⁵ U.S. Department of Defense, *Sustaining US Global Leadership Priorities for the 21st Century Defence* (January 2012), p. 3, see http://archive.defense.gov/news/Defense_Strategic_Guidance.pdf

⁴⁶ Patrick M. Cronin (ed.), *Cooperation from Strength: The United States, China and the South China Sea*, (Washington: Center for a New American Security, 2012)

Philippines in early November 2013, the first naval ship to arrive in the disaster area to provide relief was a US Navy ship. The same thing happened in the case of the missing Malaysia Airlines flight MH-370 in March 2014. When it was first reported that the missing airliner was around the Gulf of Thailand, it was US warships, the USS Kidd and USS Pinckney, who first arrived at the site of the disappearance of MH-370. It was also the USS Kidd that carried two MH-60R helicopters which first arrived in the Andaman Sea when it was reported that the MH-370 was missing in that area.

The other issue of using international arbitration court in the treatment of the 9-dash line this year, the overall geopolitical order in the South China Sea will change drastically. The problem is rooted in the long history of this region and many believe it is too difficult to solve solely based on international law. Instead a more practical, comprehensive and diverse approach is required. The Chinese side has always maintained that the 9-dash line is the sovereign right of China in the South China Sea which has evolved through time and Chinese history. Thus, the Chinese side remains of the view that the lines are China's ancient heritage jurisdictions with maritime rights and interests which cannot be contested. With a clear historical basis, China claims to have unquestionable legitimacy and legal status about the location of the 9-dash line.⁴⁷ Over the last 20 years, many ASEAN countries, including countries from outside the region consider the claims policy based on the 9-dash line as being contrary to the United Nations Convention on the Law of the Sea (UNCLOS). From the beginning, China's stance has never changed, stating that the overlapping claims in the South China Sea can only be resolved on a bilateral basis and not on the basis of the collective attitude of ASEAN. The PCA decision will create a new atmosphere which could become more tense if China rejects the ruling and is criticized by the international community for not complying with the court's decision as has been China's position since the beginning of the arbitration trial.⁴⁸

ASEAN is capable of playing a vital role in reducing internal and regional conflicts to maintain regional stability in the region but it should be noted that its ability to avoid various bilateral and regional conflicts in the entire region of Southeast Asia was undermined

by the interventions of the big powers.⁴⁹ The presence of ASEAN in maintaining regional security while supporting economic development has improved the image of this regional organization and is regarded as the most successful regional organization in the world after the European Union.⁵⁰

Managing maritime diplomacy, however, will become increasingly difficult, due to the developments in the Paracel and the Spratly Islands as well as the tension caused by a variety of defense treaty commitments among claimant countries.

V. CONCLUSION

Deft maritime diplomacy must be conducted by ASEAN and its members in order to maintain peace and security in the region. The resolution of the geopolitical status of China in the South China Sea becomes more urgent because the South China Sea issue is so closely linked to the geopolitical security interests of China. The longer the South China Sea issue is left unresolved, the greater the geopolitical threat to China. Beijing has consistently maintained that the dispute in the South China Sea should be resolved bilaterally and not through multilateral negotiation or international adjudication, while the US argues, "freedom of navigation" as an issue of "national interest" to Washington. Beijing has repeatedly emphasised this particular issue of freedom of navigation in the South China Sea be addressed in multilateral discussions with the United States as a participant.

At the same time, resolving the "Malacca dilemma" ⁵¹ is a matter of survival for China, requiring deft diplomacy and an expensive arms race that could end in disaster. Thus, the "Malacca dilemma" increased China's awareness that regionalism and cooperation of many parties is a necessity that cannot be avoided.⁵² To realize this, however, depends on trust and establishing norms through multilateral organizations. China has been an ASEAN dialogue partner since 1996 and has been involved in all the multilateral dialogue mechanisms such as the "ASEAN+3" (ASEAN plus

⁴⁷ 李国强, "关于南海问题的若干理论思考," 《外交评论(外交学院学报)》2012年第4期,版1-9, (Li Guojiang, "About Certain Theoretical Thoughts on the South China Sea Dispute," *Foreign Affairs Review* (Beijing: Journal of China Foreign Affairs University, 2012) Vol. 4, p. 1-9, see also <http://niis.cssn.cn/webpic/web/niis/upload/2012/12/d20121207203250625.pdf>

⁴⁸ Stefan Talmon and Bing Bing Jia (eds.), *The South China Sea Arbitration: A Chinese Perspective*, (Oxford: Hart Publishing Ltd, 2014)

⁴⁹ Tobias Ingo Nischalke, "Insights from ASEAN's Foreign Policy Cooperation: The 'ASEAN Way,' a Real Spirit or a Phantom?" *Contemporary Southeast Asia*, 22(1) (April 2000): 89-112

⁵⁰ Boyka Stefanova, "The European Union as a security Actor: security provision through enlargement," *World Affairs*, Vol. 168, No. 2 (FALL 2005): 51-66

⁵¹ 80% of China's energy imports pass through the Malacca Straits. At the moment, China has little control over these Straits, leaving the country's energy sources vulnerable. This vulnerability was referred to as the "Malacca Dilemma" by former President Hu Jintao in 2005.

⁵² Rosita Dellios and R. James Ferguson, *Thinking through Srivijaya: Polycentric networks in traditional Southeast Asia*, paper presented at the 2nd Global South International Studies Conference - Voices from Outside: Re-shaping International Relations Theory and Practice in an Era of Global Transformation (GSCIS). 8-10 January 2015. Singapore

China, Japan, and South Korea), ASEAN Regional Forum, ASEAN Free Trade Agreement, and the East Asia Summit in which all the major countries are involved and interact with each other.

Meanwhile, the international arbitration court in the case of the Philippines vs. China should also not be understood as an attempt to counter against China but as part of the ASEAN approach to resolving territorial boundaries disputes which ASEAN considers an essential element of the enforcement of the principles of international law and order, enforcing the trends in international conflict resolution mechanisms. The international court of arbitration is part of the internal arrangement of a state based on the rule of law and not through violence. Because this involves the interests of the international community, all the parties concerned directly and indirectly in the South China Sea conflict must ensure the functions, roles, norms, and values of international law are supported, including the resulting decisions. As expressed by Professor Ikeshima:

“the solution to the dispute over the South China Sea is not confined to the argument regarding a judgment on the legal meaning of the dashed line that is issued within the framework of international law, but also entails a plan for to maintaining peace and stability in the maritime area by eradicating the fundamental confrontational factors I including the territorial dispute through peaceful means and cooperation among all the states concerned.”⁵³

Under international law, each country is free to choose the means of dispute resolution. The jurisdiction of the judiciary or the international arbitration of disputes among States depends on the prior consent of the parties to the dispute and is known as the principle of consent in international law.

Two additional factors are also taken into consideration in the thinking of ASEAN leaders. First, as stated by Indonesian Foreign Minister Marty Natalegawa, increased friction between US-China in the South China Sea risks pushing the region into a “Cold War environment” and forcing many parties to take sides.⁵⁴ Singapore Deputy Prime Minister and Defense Minister Teo Chee Hean added that ASEAN is looking for stable cooperative relations between the US and China. Teo reiterated Southeast Asia does not want to go back to the Cold War when the region was contested and fragmented.⁵⁵

Secondly, the presence and vicinity of foreign warships, submarines, and aircraft within the same dimensional space are potential hazards that can cause accidents and incidents. A naval armaments program can create unwanted tension making maritime arms control and confidence-building important aspects of maritime diplomacy.

To conclude, for centuries sea vessels have been an integral part of life of states in the Southeast Asian region. When the reach of many countries, either through their navies, coast guards, and commercial fleets, seeks to build influence and power, through cooperation, persuasion and coercion, maritime diplomacy is an asset and a critical investment for any country, including Southeast Asia. Maintaining ASEAN's regional equilibrium by managing its maritime diplomacy becomes necessary to deal with a situation of rising great powers' competition.

⁵³ Taisaku Ikeshima, “China’s Dashed Line in the South China Sea: Legal Limits and Future Prospects,” *World Global Forum* No.10, 2013, p.37

⁵⁴ “Cold War climate must be avoided in Asia-Pacific,” *Jakarta Post*, 21 September 2010

⁵⁵ Teo Chee Hean, “ASEAN has key role in boosting US-China ties,” *Straits Times*, 17 March 2010, p. A22, speech at the Centre for Strategic and International Studies in Washington on 15 March 2010

Table 1: Top ten ASEAN trade partner countries/ regions, 2014

as of 21 Dec 2015 value in US\$ million; share in percent

Trade partner country/region	Value			Share to total ASEAN trade		
	Exports	Imports	Total trade	Exports	Imports	Total trade
ASEAN	329,642.08	278,564.88	608,207.0	25.5	22.5	24.1
China	150,406.55	216,119.36	366,525.9	11.6	17.5	14.5
EU-28	132,483.98	115,823.62	248,307.6	10.3	9.4	9.8
Japan	120,224.15	108,817.69	229,041.8	9.3	8.8	9.1
USA	122,374.70	90,053.87	212,428.6	9.5	7.3	8.4
Korea, Republic of	51,624.21	79,814.82	131,439.0	4.0	6.5	5.2
Taiwan	39,472.10	68,841.39	108,313.5	3.1	5.6	4.3
Hong Kong	85,275.45	14,096.87	99,372.3	6.6	1.1	3.9
Australia	45,344.61	25,028.54	70,373.1	3.5	2.0	2.8
India	43,325.81	24,381.97	67,707.8	3.4	2.0	2.7
Total top ten trade partner countries	1,120,173.6	1,021,543.0	2,141,716.6	86.7	82.6	84.7
Others	172,226.1	214,673.2	386,899.3	13.3	17.4	15.3
Total	1,292,399.8	1,236,216.2	2,528,615.9	100.0	100.0	100.0

Source: ASEAN Merchandise Trade Statistics Database (compiled/computed from data submission, publications and/or websites of ASEAN Member States' national ASEAN Free Trade Area (AFTA) units, national statistics offices, customs departments/agencies, or central banks) http://www.asean.org/storage/2015/12/table20_asof21Dec2015.pdf



Table 2: Top 20 World Container Ports

(Million TEU)

Rank	Port	Volume 2013	Volume 2012	Volume 2011
1	Shanghai, China	33.62	32.53	31.74
2	Singapore	32.6	31.65	29.94
3	Shenzhen, China	23.28	22.94	22.57
4	Hong Kong, S.A.R., China	22.35	23.12	24.38
5	Busan, South Korea	17.69	17.04	16.18
6	Ningbo-Zhoushan, China	17.33	16.83	14.72
7	Qingdao, China	15.52	14.50	13.02
8	Guangzhou Harbor, China	15.31	14.74	14.42
9	Jebel Ali, Dubai, United Arab Emirates	13.64	13.30	13.00
10	Tianjin, China	13.01	12.30	11.59
11	Rotterdam	11.62	11.87	11.88
12	Dalian, China	10.86	8.92	6.40
13	Port Kelang, Malaysia	10.35	10.00	9.60
14	Kaohsiung, Taiwan	9.94	9.78	9.64
15	Hamburg, Germany	9.30	8.89	9.01
16	Antwerp, Belgium	8.59	8.64	8.66
17	Keihin ports*, Japan	8.37	7.85	7.64
18	Xiamen, China	8.01	7.20	6.47
19	Los Angeles, USA	7.87	8.08	7.94
20	Tanjung Pelepas, Malaysia	7.63	7.70	7.50

Keihin Ports is Japan's superport hub on the Tokyo Bay and includes Yokohama, Kawasaki, and Tokyo

Note : Represents total port throughput, included loaded and empty TEU (Twenty Foot Equivalent Unit)

Source data: The Journal of Commerce annual top 50 World Container Ports, Lloyd's List annual Top 100 Ports, AAPA World Port Rankings, see <http://www.worldshipping.org/about-the-industry/global-trade/top-50-world-container-ports>

Table 3: Strait of Malacca oil and liquefied natural gas (LNG) flows

Million barrels per day	2009	2010	2011	2012	2013
Crude Oil	11.9	12.8	12.9	13.3	13.4
Refined Products	1.6	1.7	1.7	1.8	1.8
Total oil flows through Strait of Malacca	13.5	14.5	14.6	15.1	15.2
LNG (Tcf per year)	1.6	1.9	2.5	3.2	4.2

Notes : Tcf = Trillion cubic feet. 2013 LNG is a preliminary estimate

Sources: U.S. Energy Information Administration analysis based on Lloyd's List Intelligence, Cedigaz, BP (Lloyd's List Intelligence, Analysis of Petroleum Exports (APEX) database; Cedigaz, Statistical Database (August 29, 2013); BP, Statistical Review of World Energy 2014 (June 2014), accessible at <https://www.eia.gov/beta/international/regions-topics.cfm?RegionTopicID=WOTC>

Table 4: Major Marine Catch Producers in the World

Rank	Country	Continent	2003	2011	2012	Variation		% of the world
						2003–2012	2011–2012	
			(Tonnes)			(Percentage)		
1	China	Asia	12 212 188	13 536 409	13 869 604	13.6	2.4	17.40
2	Indonesia	Asia	4 275 115	5 332 862	5 420 247	27.0	1.7	6.80
3	United States of Americas	Americas	4 912 627	5 131 087	5 107 559	4.0	-0.5	6.41
4	Peru	Americas	6 053 120	8 211 716	4 807 923	-20.6	-41.5	6.03
5	Russian/Federation	Asia/Europe	3 090 798	4 005 737	4 068 850	31.6	1.6	5.10
6	Japan	Asia	4 626 904	3 741 222	3 611 384	-21.9	-3.5	4.53
7	India	Asia	2 954 796	3 250 099	3 402 405	15.1	4.7	4.27
8	Chile	Americas	3 612 048	3 063 467	2 572 881	-28.8	-16.0	3.23
9	Viet Nam	Asia	1 647 133	2 308 200	2 418 700	46.8	4.8	3.03
10	Myanmar	Asia	1 053 720	2 169 820	2 332 790	121.4	7.5	2.93
11	Norway	Europe	2 548 353	2 281 856	2 149 802	-15.6	-5.8	2.70
12	Philippines	Asia	2 033 325	2 171 327	2 127 046	4.6	-2.0	2.67
13	Republic of Korea	Asia	1 649 061	1 737 870	1 660 165	0.7	-4.5	2.08
14	Thailand	Asia	2 651 223	1 610 418	1 612 073	-39.2	0.1	2.02
15	Malaysia	Asia	1 283 256	1 373 105	1 472 239	14.7	7.2	1.85

Source: Food and Agriculture Organization of the United Nations, The State of World Fisheries and Aquaculture: Opportunities and Challenges (Rome: FAO, 2014). Total ASEAN countries (in bold) in 2012: **15,383,095** tonnes or **19.29%** of total world fishing catch producers. Total Asia minus China in 2012: **24,057,049** tonnes or **30.18%** of total world fishing catch producers.





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Political Parties and Election/Campaign Financing in Nigeria: Interrogating the 2015 General Elections

By Patrick I. Ukase

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Abstract- It is a truism that funds are very critical to the proper and effective functioning of democratic political process and politics. Without funds, it would be absolutely difficult for political parties to articulate their ideas and visions to the public and, without which the electorates cannot make informed choices during elections. Unfortunately, party campaigns in most African countries are fraught with despicable levels of corruption. Granted that some efforts have been made to reform laws regulating political campaigns and party funding, campaign financing and their abuses thereof remain shrouded in mystery. It is in this connection that this essay critically interrogates political parties and election/campaign financing in Nigeria, with specific emphasis on the 2015 general elections. The chapter demonstrates that despite the existence of an enabling Act to sanitize campaign financing in Nigeria, the suspicious manner in which the presidential candidates of the two major political parties mobilized huge campaign funds in the wake of the 2015 general elections, reveals not just the contempt with which they hold this law, but also exposes the blatant corruption and commercialization of the electioneering process.

Keywords: *political parties, campaign finance, political finance, constitution, electoral act.*

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Keywords: *political parties, campaign finance, political finance, constitution, electoral act.*

1. INTRODUCTION AND FOCUS OF PAPER

Unarguably, political parties have come to play significant and fundamental roles in most democracies. In spite these fundamental roles, the activities and operations of political parties, and of course their significant roles are sometimes taken for granted. As political machines established to contest for, win elections, and wield governmental power, they are critical link between the state and civil society, between the institutions of government and the groups and interest that operate within the society (Heywood, 2007: 271). Although political parties often come under

severe attacks by civil society for failing to substantially address society's variegated challenges, we can certainly not afford to lose sight of the roles they play in a political and democratic process. Elsewhere, Ukase (2006: 184) has underscored the importance of political parties thus:

Party system and party politics constitute the sub-structure or foundation of any viable and durable democratic order, for this provides insight into how programmes of actions are articulated and how interests are formed and aggregated in the society. Given these enormous responsibilities, the success or failure of any political arrangement depends to a large extent on the nature and character of its political parties and party system.

The functions of political parties have already been explicated elsewhere by scholars and, therefore, need no replication here (Ukase, 2006; Heywood, 2007; Salih, 2003; Randall, 1988; Clapham, 1985 and Kura, 2011). Be that as it may, Heywood (2007: 276) has listed the broad functions of political parties to include the following: representation, elite formation and recruitment, goal formation, interest formation and aggregation, socialization and mobilization and organization of government. Granted that political parties are often defined by a central function – that of filling political offices and the wielding of governmental power, their impact on the political system is substantially broader and more complex. In this connection, there are dangers in sweepingly generalizing about the functions of parties. For instance, while political parties open to electoral contests and competitions are perceived as bastions of democracy, regime parties that enjoy a monopoly of the political and democratic process are seen as instruments of manipulation and control.

That said, money is critical if political parties must be seen to be performing their statutory obligations within their respective spaces. Without the necessary funds, it would be certainly difficult for politicians and political parties to articulate and showcase their ideas and visions to the electorate. Political parties, therefore, require funds to be able to sell their programmes and manifestoes to the public. It is only by so doing that the electorate can make

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informed choices about which political party to support or not. Underscoring the importance of funding, Doorenspleet (2003: 182) states that, "funding determines the number of campaign staff, the number of vehicles to reach voters in the country, the amount of advertising on radio and television, and so on." In a nutshell, funding can substantially aid party institutionalization. Unfortunately, party funding, especially campaign financing globally but particularly in most African countries is fraught with despicable levels of corruption. For example, Hopkin (cited in Kura, 2011: 271-272) argues that the manner in which parties fund their activities has been quite embarrassing. He stressed that series of corruption scandals have affected parties and their leaders. He pointed out that in Italy, France, Belgium, Spain, Germany and the United Kingdom (UK), parties have been involved in funding scandals and violation of funding regulations. Similarly, studies have evidently documented the growing increase in corruption through political party funding (Hopkin cited in Kura: 272).

In Africa, the issue of party/ campaign financing is also fraught with a lot of controversies and scandals. For example, studies have shown that in some countries such as South Africa and Botswana, where private and foreign donations to political parties are not subject to any regulations, the dominant (ruling) parties have continued to attract substantial domestic and foreign donations to the detriment of the opposition parties (Doorenspleet; 182). Apart from the fact that these ruling parties have better access to public and private funding, they also have better access to state resources, thereby increasing their opportunity for further electoral success. Nigeria has had its own fair share of campaign funding palaver. For instance, since the return of democratic governance in 1999, party/campaign financing have remained an issue of conjecture. Granted that some efforts have been made to reform laws regulating political campaigns and party funding, campaign financing and their abuses thereof have remained a recurring decimal.

It is against this background that this essay critically interrogates political parties and election/campaign financing in Nigeria, with specific emphasis on the two main presidential candidates (President Goodluck Jonathan of the People's Democratic Party [PDP] and General Muhammadu Buhari of the All Progressive Congress [APC]) in the 2015 general elections. This essay also provides answers to the following questions: what are the constitutional and statutory limits of political parties with respect to campaign financing? Have political parties kept faith with these regulations? What institution(s) are charged with the responsibility of monitoring the compliance of political parties with these regulations and have they been able to effectively carry out these statutory obligations? What can be done to strengthen

institutional checks on campaign financing in Nigeria? These and other variegated issues are the main thrust of this paper. For the purpose of achieving the above, this essay is divided into seven sections. Following the introduction, section two treats conceptual issues, while chapter three examines the constitutional and statutory limits/restraints to campaign financing. Section four analyses the historical trajectory of campaign financing in Nigeria since 1999, while section five specifically x-rays the experience in 2015. Section six provides realistic policy options and recommendations that would help in checking and monitoring campaign financing. Section seven concludes the essay.

II. POLITICAL PARTIES AND CAMPAIGN FINANCING: SOME CONCEPTUAL NOTES

Concepts in the humanities and social sciences are often subject to a variety of definitions. Thus, concepts perceived to be very simple and also complex oftentimes elicit varying meanings and interpretations. It is, therefore, important to conceptualize three key concepts – *political parties*, *campaign finance* and *corrupt campaign finance*, so as to appreciate the context in which the researcher has applied same in the research.

a) *Political Parties*

In defining political parties, Mohammed Salih has distinguished between the formalist and substantive definitions of the concept. According to him, while the formalist definition of political parties allows us to generalize about some universally assumed functions of political parties, the substantive approach allows us to tease out the peculiarity of African political parties as products of the socio-economic and political culture of their respective countries (Salih: 3). Relying on Weiner (1967: 1-2), Salih espouses the formalist definition thus:

Parties are instruments of collective human action and creatures of political elite – either politicians trying to control governments or government elites trying to control the masses. In competitive systems, parties are organized by politicians to wins elections; in authoritarian systems, parties are organized to affect the attitudes and behaviour of the population. In both instances, an organizational structure must be forged. Money must be raised, cadres recruited, officers elected or selected and procedures for internal governing established and agreed upon. In fact party building has a logic of its own.

Although the substantive approach brings out the peculiarity of African political parties, the formalist approach cited above is generic and captures much about Western and African political parties. However, our point of departure is that there is no basis isolating African political parties from the broader

conceptualization of the term. This is because, Weiner's contention that "political parties are organized for the deliberate purpose of controlling state power and that they have specific organizational structure, procedures, leadership, members, ideology, finance, etc. is true for all political parties, Western and non-Western" (Cited in Salih: 3).

Heywood (2003: 272); Leacock (cited in Agarwal, 2008: 389); The African Leadership Forum (2001: 3), Kura (2011), Ukase, P.I. and Geri, T.G. (2012: 33-33), and a host of many other scholars view political parties more within the context of controlling governmental power. For instance, Heywood (2003: 272) view a political party as a group of people that are organized for the purpose of winning governmental power, by electoral means. He is, however, quick to caution that political parties should not be confused with pressure groups as it is often the case. This is because the functions of a political party is entirely different from that of pressure groups. Political parties are also organizations whose members have values, ideals and aspirations in common and at least participate in the organized contests/struggles for political power (Kura: 268).

Coleman and Roseberg defined political parties as associations formally organized with the explicit and declared purpose of acquiring and to some extent maintaining legal control, either singly or in coalition or electoral competition with other associations over the personnel and the policy of the government of an actual or perspective sovereign state (cited in Kura:268). The definition of the African Leadership Forum is also apt. According to them:

A political party is defined as an aggregate of people united by a common and collective desire to capture political power and authority within a legitimate and legal political framework by canvassing for votes in a democratic polity (African Leadership Forum, 2000:3).

However one views it, there are certain common denominators in all these definitions elucidated above; that of acquiring power and maintaining legal control of their respective spaces.

b) Campaign Financing

It is important to stress from the onset that there is a hiatus in research on issues of campaign and party funding generally but particularly in Nigeria. Despite extensive studies on virtually all aspects of political parties, researchers appear to have paid little or no attention on financial issues, especially campaign finances (Fisher and Eisenstadt, 2004). In fact, studies hardly exist on our shelves on campaign/election financing of political parties and their implications for our political and democratic trajectory. That said, what then is party or campaign finance? The narrowest meaning of the term is "money for electioneering" (Duschinsky,

2006: 189). However, because political parties play a crucial role in election campaign in many parts of the world and because it is hard to sometimes draw a distinct line between the campaign costs of party organizations and their routine expenses, party funds are sometimes considered as "campaign finance" too. According to this perspective, party funds go beyond campaign expenses but also involve the cost of maintaining permanent offices, payment of salaries of staff, carrying out policy research; and engaging in political education, voter registration, and other regular functions of parties (Duschinsky, 2006: 189). Besides, it is also felt that beyond campaigns and parties, money is spent on direct political purposes such as political foundations and other organizations. These organizations, though legally distinct from parties, are allied to them and advance their interests. They are responsible for the costs of political lobbying, newspapers and media expenses advertisements that are created and paid for to promote a partisan line. They also take care of the costs of litigation in politically relevant cases involving their parties.

Be that as it may, generalizing and/ or merging campaign and political financing as Duschinsky has done, especially in our context, is likely to create some confusion for us. This is because why some countries have separate laws for both campaign and political finance, other countries have unified laws for them. In Nigeria, for example, there are separate laws which delineates campaign and political finances, and merging them would, therefore, create some ambiguities in our analysis.

c) Corrupt Campaign/Political Finance

The meaning of *corrupt campaign/political finance* is often unclear, eliciting conflicting and varying explanations from scholars and politicians, therefore needs some clarification. It must be noted that conventional definitions of political corruption (such as the use of public offices for unauthorized private gains) often do not apply to corrupt political financing. It has been argued albeit successfully that the use of public office for private gain does not apply to all forms of political fund raising (Duschinsky: 190). It is felt that, challengers to respective political offices are by definition outside of public office, but may still accept money in exchange for promise to misuse public office or grant special offers or assistance to those who supposedly assisted them during electioneering campaigns, at the detriment of the community or state after they emerged victorious at the polls or during electoral contests. This in itself poses a serious problem in the polity especially during the post-election period. For instance, Duschinsky differentiates between ordinary political corruption and corruption in the field of political financing thus: "the difference between ordinary political corruption and corruption in the field of political

financing is that, in the latter case, money is not necessarily used for private gain, but rather for the gain of a political party or of a candidate" (Duschinsky: 190).

Generally speaking, references in common parlance to "corrupt" political financing could be categorized into the following:

- i. *Political contributions that are inconsistent or contravene existing and extant laws on political financing:* This include illegal donations which are often regarded as scandalous, even if there is no suggestion that the donors obtained any improper benefit in return for their contributions.
- ii. *The use for campaign or party objectives of money that a political office holder has received from a corrupt transaction:* Here, all that differentiates corrupt political funding from other forms of political corruption is the use to which the bribe is put by the bribe taker. For instance, instead of taking corrupt money for personal uses, the bribe taker gives part or all the proceeds to his her party or campaign chest.
- iii. *Unauthorized use of state resources for partisan political purposes:* This is a common noticeable feature of ruling parties' campaigns in established and developing democracies alike. For example, in parts of Africa and Soviet Union, long term victory allows a dominant party better access to state resources available to office holders at the national and state levels. Such funds are blatantly used for electioneering purposes.
- iv. *Acceptance of money in return for an unauthorized favour or the promise of a favour in the event of election to an office:* Here, the bribe giver provides some funds to the contestant during the electioneering period with the extraction of a promise from the latter he would use his/her privileged position, after emerging victorious at the polls, to grant him/her undue financial favour or privileges.
- v. *Contributions from disreputable sources:* It is a general presumption that tainted sources are likely to have tainted motives. Grants/financial assistance received from disreputable sources by political parties during electioneering periods create the impression that such assistance was granted in exchange of favour or promises of future favour (See Duschinsky: 190-191 and Doorenspleet; 182).

All the forms of corrupt political funding described above have to do with parties and election campaigns and are certainly of interest to us in this paper. Nigeria, particularly, has had its own fair share of the challenges of handling the various ramifications of campaign financing since the return of democratic governance in 1999. Despite available extant laws on campaign and political financing, the State has not been able to grapple with the antics of politicians and this

should not only worry us but should also be of interest to all and sundry.

III. CONSTITUTIONAL AND STATUTORY LIMITS/ RESTRAINTS TO CAMPAIGN/POLITICAL FINANCING IN NIGERIA

Globally, there are no shortages of regulations governing campaign money. It must interest us to note that most of these regulations were introduced as responses to the dimensions and magnitude of scandals witnessed in the countries concerned. The frequency with which new laws regulating the injection of money into politics are introduced are a clear indications of the challenges of making workable and implementable laws by various countries. It should also be noted, however, that the range of issues relating to aspects of campaign and party financing are so variegated that some of the provisions relating to same are contained in broader laws about elections such as the constitution or electoral laws. Sometimes, they are also included in anti-corruption legislations or media laws. Laws about voluntary associations and organizations may also contain provisions containing aspects of political financing. Given that there are plethora of laws on political financing, there are usually many laws in various countries that deals with this subject. The existence of multiplicity of separate laws often complicate the task of regulatory body or bodies responsible for enforcing these laws. Essentially, the main provisions of political/campaign financing are centered on the following areas:

- i. Prohibition against corrupt and illegal practices (such as vote buying).
- ii. Financial deposits for candidates for public office
- iii. Disclosure rules
- iv. Spending limits
- v. Contribution limits
- vi. Bans on certain types of contributions (such as foreign contributions, anonymous contributions, or contributions from business corporations).
- vii. Political broadcasting rules
- viii. Rules concerning the funding of internal party contest.
- ix. Rules concerning the declaration of assets by candidates for public office
- x. Measures to control the use of public resources for campaign purposes

In Nigeria, there are various constitutional and other legal instruments guiding the operation of political parties, especially as it relates to campaign financing. These include the 1999 Constitution of the Federal Republic of Nigeria as amended, the 2002 and 2006 Electoral Acts, and 2010 Electoral Act as amended. Others include the statutory rules of the Independent National Electoral Commission (INEC) and other

informal rules. These laws provide copious provisions of the extent and limitation of political parties with respect to campaign/political financing. The constitution, for instance, is the first grund-norm governing the activities of political parties in the country. Some studies have already made available detailed provisions of the rules and regulations governing the internal and external operations of political parties derived from the 1999 Constitution, therefore, we shall not allow that detain us here (See section 222-229 of the 1999 Constitution as amended). What is of utmost interest is the limitations placed on political parties especially with respect to their funding activities by the 1999 Constitution.

For instance, section 225 sub section 2 of the 1999 Constitution is unambiguous on the finances of political parties. It states that:

Every political party shall submit to the Independent National Electoral Commission a detailed annual statement and analysis of its sources of funds and other assets together with a similar statement of its expenditure in such form as the commission may require.

Sub sections 3, 4, 5 and 6 of the same provision are even more forthcoming on the roles of INEC in checking the financial dealings and status of political parties. For instance, sub-section 3 states that no political party shall -

- a) Hold or possess any funds or other assets outside Nigeria; or
- b) Be entitled to retain any funds or assets remitted or sent to it from outside Nigeria.

Sub-section 4 states that:

Any funds or other assets remitted or sent to a political party from outside Nigeria shall be paid over or transferred to the commission within twenty-one days of its receipt with such information as the commission may require.

Sub-section 5 further states that:

The Commission shall have power to give directions to political parties regarding the books or records of financial transactions which they shall keep and, to examine all such books and records.

Significantly, section 226 sub-section 1 permits INEC to mandatorily prepare and submit annually to the National Assembly a report of the accounts and balance sheet of every political party. In preparing its report, sub-section 2 of the same provision empowers INEC to:

Carry out investigations as will enable it form an opinion as to whether proper books of account and proper records have been kept by any political party, and if the Commission is of the opinion that proper books and accounts have not been kept by a political party, the Commission shall so report.

It is also important to examine the provisions of section 228 of the 1999 Constitution, especially as it deals with public funding of political parties and punishment for those that contravene sections 221, 225 (3) and 227 of this constitution. To be specific section 228 states inter-alia:

The National Assembly may by law provide-

- a) for the punishment of any person involved in the management or control of any political party found after due inquiry to have contravened any of the provisions of sections 221, 225 (3) and 227;
- b) for the disqualification of any person from holding public office on the ground that he knowingly aids or abets a political party in contravening section 225 (3) of this constitution;
- c) for an annual grant to the Independent National Electoral Commission for disbursement to political parties on a fair and equitable basis to assist them in the discharge of their functions; and
- d) for the conferment on the Commission of other powers as may appear to the National Assembly to be necessary or desirable for the purpose of enabling the commission more effectively ensure that political parties observe the provisions of this part of the chapter.

These are constitutional instruments aimed at closely monitoring and supervising the activities of the income and expenditure of political parties. There are, however, some gaps, especially in the implementation of these provisions. Looking at the provision of section 228, it is clear that the framers of the 1999 Constitution bestowed on the National Assembly the powers to make laws to provide for the type of punishment that should be imposed on politicians and political parties that contravene the aforementioned provisions, but it has been difficult for INEC to enforce this law. Similarly, section 228 (c) is unambiguous on the provision of public funding to political parties on equitable basis, to assist them in the discharge of their functions. Also, the National Assembly has enacted relevant laws to give effect to this provision but the extent of implementation is difficult to ascertain. In the same vein, section 226 (1) requires INEC so report to the National Assembly when political parties fail to keep proper books and accounts. The fundamental question is, what is the National Assembly expected to do when a political party contravene this provision? Does the Commission or National Assembly have the powers to punish erring political parties? Truth of the matter is that INEC has not been performing this constitutional functions since the return of democratic governance in 1999 as checks would indicate; neither has the National Assembly been proactive in putting the Commission on its toes to comply with these provisions.

The provision of public funds (sometimes referred to as subsidies) to political parties as provided for in section 228(c) of the 1999 Constitution is very important in this analysis. This is because it is not only aimed at assisting political parties in carrying out their activities, but also an attempt at preventing them from getting funding from questionable and suspicious sources. The introduction of public subsidies to political parties and individual candidates commenced in the late 1950s and has been sustained by many countries, despite few efforts by countries such as Italy and Venezuela to abolish or limit existing subsidies (Duschinsky: 192). Research conducted reveals that by 2002, 59 percent of countries had laws providing for some direct public funding of parties and their candidates (see www.moneyandpolitics.net/research-pubs/pdf/financing_politics.pdf, p.72).

State subsidy or aid is especially common in Western Europe and in countries that emerged from the Soviet bloc. It is less common in Asia, the Caribbean, and the Pacific. Examples of countries that provide state subsidies to political parties in Africa include: Nigeria, Benin, Malawi, Mozambique, Namibia and South Africa. Those that do not provide subsidies include Botswana, Ghana, Madagascar, Mali, Mauritius and Senegal (Doorenspleet, 2003: 182). The type and scale of funding also varies from country to country. For example, in some countries these subsidies are limited to election campaign activities, while in others it extends to other activities between and beyond elections. In some African countries, cash-strapped governments have completely eliminated subsidies to political parties, despite providing for it in their laws.

Perhaps, one area where the National Assembly has given effect to the 1999 Constitution is in the area of the enactment of Electoral Acts. It is a statutory requirement in regulating the activities of political parties in Nigeria, particularly during general elections. The Electoral Act is enacted by the National Assembly based on recommendations of INEC. It is usually enacted before any general elections and provisions of the Electoral Act guide the conduct of such an election. Since the return of democratic governance in 1999, the National Assembly has passed several Electoral Acts. These includes the 2002, 2006 and 2010 (and some amendments) which guided the conduct of the 2003, 2007, 2011 and the 2015 general elections. It is important to note that there was no Electoral Act for the 2015 general elections, as INEC relied on the 2010 Electoral Act as amended to guide and regulate the conduct of that election. In this entire process, INEC is key because it is empowered by the 1999 Constitution to implement provisions of the Electoral Act. Let us briefly examine some of the provisions of these Electoral Act, particularly the 2010 Act as amended, which guided and regulated the conduct of the 2015 elections, especially as it affected campaign financing.

For example, the 2002 Electoral Act, which guided the conduct of the 2003 general elections had an ambiguous provision, especially as it relates to election expenses. For instance, section 84(2) stated that:

Election expenses incurred by a Political Party for the management or the conduct of an election shall not exceed in the aggregate the sum determined by multiplying 20 naira by the number of names appearing in the final voters' list for each constituency where there is a candidate sponsored by the political party.

This provision was not just ambiguous but also very confusing. For instance, it attempted to address campaign financing within respective constituencies but failed to address the finances for presidential and gubernatorial candidates. This is because presidential and gubernatorial candidates have the entire country or state as their constituencies. Besides, a cursory interpretation of that provision would suggest that for constituency elections, candidates were not expected to spend monies in excess of the number of people registered by INEC within that constituency. What this meant is that if a state constituency had fifty thousand voters, this would be multiplied by N20, which would amount to N1 million only. Most state and federal constituencies did not have up to that number of voters in their registers. In addition, section 79(2) required political parties to submit all campaign expenses to INEC, not later than 90 days from the date of the elections. More worrisome was the penalty to be imposed on political parties that flouted that provision. For example, political parties in breach of this provision were liable upon conviction to a fine of N100, 000, payable jointly or severally by the leaders of the political party. This penalty was so mild that it would have been more profitable to breach this provision, all things being equal.

To make the electioneering process relatively transparent, the 2006 Electoral Act tried to address the ambiguity in the 2002 Electoral Act by clearly stipulating the maximum limits of campaign expenses by candidates for respective political offices. For instance, section 93(1-12) of the 2006 Electoral Act clearly stipulates the ceiling of elections expenses. This is intended to curtail the influence of money in electioneering process. Also, table 1 reveals that presidential candidates had the highest spending limit of N500 million during electioneering campaigns, while governorship candidates had a ceiling of N100 million. Next in that order were candidates for Senate and House of Representatives who could not spend more than N20 million and N10 million respectively. Contestants into State Houses of Assembly had N5 million spending limits, while Local Government chairmanship and councillorship position spending

ceiling were put at N5 million and N500, 000.00 respectively. The same Act (section 93(9)) also limited individual and corporate donations to any contestant to N1 million. A novelty in this law is the limit of individual

and corporate donations to any candidates put at not more than N1 million [see Section 93(9) of the 2006 Electoral Act].

Table 1: Spending Limits by Candidates during the 2007 General Election

Position	Spending Limits in Naira
Presidential candidate	N500 million
Governorship candidate	N100 million
Senatorial candidate	N20 million
House of Representative candidate	N10 million
House of Assembly candidate	N5 million
LG Chairmanship candidate	N5 million
LG Councillorship candidate	N500,000.00

Source: Federal Republic of Nigeria, Electoral Act 2006

In the same vein, the 2010 Electoral Act as amended has similar provisions to that of 2006. The major difference being that the spending limits during electioneering campaigns was reviewed upward in the Act. The 2010 Act does not only grant INEC the power to place a limit on the amount of money or other assets, which an individual or group of persons can contribute to a political party, it also stipulates spending limits to candidates [See section 90(1)]. For instance, section 91(2) of the same Act puts the spending limits for

Presidential candidates at N1 billion, while candidates for Governorship election are required not to spend more than N200 million as shown in table 2 [section 91(3)]. Similarly, the maximum elections expenses to be incurred in respect of Senatorial and House of Representatives seat are N40 million and N20 million respectively [See section 91(4)] as captured in table 2. Furthermore, "in the case of State Assembly election, the maximum amount of election expenses to be incurred shall be N10 million" [See section 91(5)].

Table 2: Spending Limits by Candidates during the 2010 General Election

Position	Spending Limits in Naira
Presidential candidate	N1 billion
Governorship candidate	N200 million
Senatorial candidate	N40 million
House of Representative candidate	N20 million
House of Assembly candidate	N10 million

Source: Federal Republic of Nigeria, Electoral Act 2010 (Amended)

The Act also requires all political parties to separately submit audited election expenses to INEC within 6 months after an election [section 92(3)]. A political party which contravenes the provisions of section 92(3) commits an offence and is liable on conviction to a maximum fine of N1 million. In the case of failure to submit an accurate audited report within the stipulated period, the court may impose a maximum penalty of N200, 000. 00 per day on any party for the period after the return was due until it is submitted to the commission. Specifically, section 92(7) clearly stipulates the penalty political parties shall face when they contravene section 93 (2-5) thus:

A political party that incurs election expenses beyond the limit stipulated in this Act commits an offence and is liable on conviction to maximum of N1, 000,000.00 and forfeiture to the Commission of the amount by which the expenses exceed the limits set by the Commission.

To further check the fund-raising activities of political parties, section 93 (3) of the 2010 Electoral Act stipulates that:

A political party shall not accept any monetary contribution exceeding N1, 000,000.00 unless it can identify the source of the money or other contribution to the Commission.

The extent to which candidates of political parties, donors and INEC complied with these extant laws would be the focus of our analysis in the next segment of this paper.

IV. INTERROGATING NIGERIA'S ELECTION/CAMPAIGN FINANCING TRAJECTORY SINCE 2003

What we have attempted to do, hitherto, is to bring to the fore the constitutional and statutory issues/framework as a basis for analyzing our subject matter. We have already demonstrated that there are extant laws governing campaign financing during successive elections in Nigeria since 1999, but the snag which we shall determine in this section is first, whether political parties in the country and their candidates have worked within the maximum financial limits set by the

Electoral Act. Second, whether INEC has been able to implement appropriate penalties when political parties failed to comply with these limits.

a) *The Experience during the 2003 Election*

We have already stated that sources for finances elections in Nigeria are very scanty, but available information particularly for the 2003 general elections, are revealing and tells much about the extent to which political parties flagrantly abused the 2002 Electoral Act. For instance, in the run off to the 2003 elections, the People's Democratic Party (PDP) presidential candidate, President Olusegun Obasanjo and his running mate, Vice President Atiku Abubakar, raised over N5.5 billion naira as campaign finances as shown in tables 3 and 4. This amount overwhelmingly exceeded the maximum limits fixed by the 2002 Electoral Act. Similarly, former governors of Delta and

Lagos states, James Ibori (PDP) and Bola Tinubu of the Alliance for Democracy (AD), who were the governorship candidates in that same election raised N2.3 billion and N1.3 billion respectively as campaign funds during the 2003 governorship election as captured in tables 3, 5 and 6. Also, table 3 indicates that Bukola Saraki (PDP), governorship candidate in Kwara State raised N160 million, while Lucky Igbinedion (PDP) Edo state raised N500 million. Others include the former Speaker of the House of Representatives, Ghali Na' Abba (PDP) and his deputy, Chibodom Nwuche (PDP), who raised N150 million and N500 million respectively. Great Ogboru (AD), governorship candidate in Edo state raised N200 million. It should be noted that apart from Saraki and Ogboru, all the other candidates were holding public offices and contesting gubernatorial elections for a second tenure.

Table 3: Selected Donations to Individual Party Candidates

Candidate	Position	Political Party	Amount (N)
Obasanjo/Atiku	President	PDP	N5.5 billion
Governor James Ibori	Governor	PDP	N2.3 billion
Governor Bola Tinubu	Governor	AD	N1.3 billion
Bukola Saraki	Governor	PDP	N160 million
Great Ugboru	Governor	AD	N200 million
Lucky Igbenedion	Governor	PDP	N500 million
Ghali Na'Abba	House of Rep	PDP	N150 million
Chibodum Nwuche	House of Rep	PDP	N500 million

Source: Adopted and modified from Kura, S.Y.B (2011), "Political Parties and Democracy in Nigeria: Candidate Selection, Campaign and Party Financing in People's Democratic Party" in *Journal of Sustainable Development in Africa*, Vol. 13, No. 6.

Table 4: List of Contributors to Obasanjo/Atiku Presidential Campaign

Contributors	Amount (N)
Friends of Atiku	N1 billion
Aliko Dangote	N250 million
Emeka Offor	N200 million
21 PDP Governors	N210 million
Group from Europe	N144 million
Rivers friends of Obasanjo/Atiku	N150 million
Construction Companies in the Country	N200 million
Dr. Samuel Uche (Businessman)	N50 million
PDP Caucus in the Senate	N12 million
Principal Staff of the Villa (Aso Rock)	N10.6 million
AVM Shekari	N10 million
First Atlantic Bank	N10 million
Ministers	N10 million
Otunba Fasawe	N6.5 million
PDP National Working Committee	N3.6 million
Dr. Ngozi Anyaegbunam	N500,000.00
Dr. Gamaliel Onosode	N100,000.00
Corporate Nigeria (Pledges)	N2 billion
Grand Alliance	Boeing 727 & 2 Luxury Buses for campaign
Another Group	Two Luxury Buses
Total (Cash)	

Source: Adopted and modified from Kura, S.Y.B (2011), "Political Parties and Democracy in Nigeria."

Table 5: List of Contributors to James Ibori Governorship Campaign

Contributors	Amount
Vice President Atiku Abubakar	N34 million
Michael Ibru (On behalf of Ibru family and friends)	N250 million
Mr. Peter Okocha (on behalf of Delta North Professionals)	N200 million
Chief Michael Oki	N200 million
Olorugun John Oguma	N120 million
Chief Mike Omeruah	N120 million
Chief Newton Jibunor	N100 million
Chief Nam Okechukwu	N100 million
Alhaji Inuwa Umoru	N100 million
Bube Okorodudu	N10 million
Mr. Tony Anenih Jnr on behalf of friends of Ibori	N50 million
Chief Emeka Offor	N5 million
Anonymous Donor	N35 million
Mr. Terry Wayas	N35 million
Austin Odili	N30 million
Chief Tony Anenih, Chief Lucky Igbiniedion and others	N26 million
Zenith Bank	N25 million
Mr Wale Tinubu	N20 million
Alhaji Abdulrazaq Abdulraham	N10 million
Chief Diepreye Alamieyesiegha	N10 million
Akintola Williams	N10 million
Core Group	N10 million
Chief Tom Ikimi boat worth	N7 million
Chief Edwin Clarke on behalf of Ijaws of Delta	N5 million
Delta State House of Assembly	N6 million

Source: Adopted and modified from Kura, S.Y.B (2011), "Political Parties and Democracy in Nigeria

Table 6: List of Contributors to Bola Tinubu Governorship Campaign

Contributors	Amount
Mr. Wale Tinubu	N100 million
The Governor's friend	N150 million
The Deputy Governor's friends	N76 million
Femi Otedola, M.D of Zenon Oil & Gas	N10 million
Prince Albert Awofisayo, Continental Pharmaceutical Ltd	N10 million
Chief Remi Adiakwu Bakare	N10 million
Chief Ayoku, the Babalaje of Lagos	N10 million
Alhaji and Alhaji K.O Tinubu and children	N10 million
Friends of the Lagos State Executive Secretaries	N10 million
Senator Tokunbo Afikoyumi	N5 million
Mrs. Stela Okoli	N5 million
Lady Joy Udensi	N10 million
Friends of Lagos State Permanent Secretaries	N2 million
The Tinubu family	N1 million
Chief Abiodun Kasamu	N1 million

Source: Adopted and modified from Kura, S.Y.B (2011), "Political Parties and Democracy in Nigeria."

A critical look at tables 3, 4, 5, and 6 clearly indicates that the laws governing campaign financing as encapsulated in the 2002 Electoral Act were flagrantly and recklessly abused by political parties and their candidates without any form of accompanying punishment as provided for in section 84(6) of the Act. The campaign funds raised by these candidates in the 2003 elections raises other fundamental questions. First,

there were also no indication that political parties who failed to submit their election expenses to INEC were punished as provided for in section 79(1-2) of the same Act. The second issue is moral and ethical: what were the sources of these individual contributions? How did political office holders such as the Vice President, Atiku Abubakar, governors, ministers, legislators, etc in tables 3, 4, 5 and 6, whose monthly emoluments were in the

full glare of the public raise such huge sums of money to contribute to election campaign finances of candidates? What were the philanthropic posture of some of the companies that donated to these campaigns? We shall return to these issues later in our analysis.

b) *The Experience during the 2015 General Elections*

Like the previous general elections, tracking campaign expenses in the 2015 general elections is very difficult. A financial adviser for the International Foundation on Electoral Systems confirmed this when he explained that no reliable information exists for how much money was spent during the 2011 elections (<http://edition.cnn.com/2012/01/24/world/global-campaign-finance>). The situation was not in any way different in 2015. Quite often, much of the donations that candidates and political parties receive are classified, while it is also difficult to track and quantify those that come in kind. For example, it is difficult to quantify the amount of money expended on media advertorials, which consumes a chunk of campaign finances. This is largely attributed to the haphazard nature the adverts were given out by political parties and the respective candidates (<http://www.politcoscope.com/2015-money-race-nigeria-election>).

The 2010 Electoral Act (amended) requires political parties not only to submit their campaign expenses to INEC within six months after an election but shall ensure that same is published in at least two national newspapers [section 92(6)]. Regrettably, this is hardly the case. As one commentator puts it: "it is a fact that Nigeria has a history of not coming out with election spending figures, and data are equally unavailable on the actual spending of politicians on campaigns" (<http://www.politcoscope.com/2015-money-race-nigeria-election>). In this connection, much of what is available is derived from newspaper reportage. Against this background, our analysis here would be

restricted to campaign finances of the two major political parties - the People's Democratic Party (PDP) and the All Progressive Congress (APC), especially as it had to do with the presidential election. For instance, as soon as INEC gave the nod to political parties to commence electioneering activities, candidates commenced the process of raising funds and expending for their campaigns. For instance, the PDP organized a fund raising dinner for its presidential candidate, President Goodluck Jonathan, at which it raised more than N22 billion, as shown in table 7. From just one fund raising dinner, Jonathan breached the maximum limits prescribed by the 2010 Electoral Act.

Though the donors attempted to dodge these laws claiming their donations were made on behalf of groups, the Nigerian electoral law in section 91 (2) and 91 (9) clearly stipulate that neither individual nor group/entity may donate over N1 million (<http://www.thenigerianvoice.com/news>). After condemnation from a cross section of Nigerians, some of who called for police investigation over the frivolous amount raised at the fund raising dinner, it took the Chairman of the organizing committee, Professor Jerry Gana, about two weeks to come up with a skewed defense. According to him, the money realized from the dinner was not meant for Jonathan's campaign alone but that part of the money would also be used for building the party secretariat (<http://www.thenigerianvoice.com/news>). The money raised at this launch justified President Jonathan's earlier rejection of the recommendations of electoral reforms headed by Senator Ken Nnamani, to strictly monitor/regulate election expenses, for the obvious reason that "it will be a booby trap for him" (<http://www.thenigerianvoice.com/news>). The truth of the matter is that the invitation to the campaign fund raising dinner which was publicized by the media did not indicate that it was a twin event - campaign and building of the party's secretariat as Gana would want Nigerians to believe.

Table 7: List of Donors to President Goodluck Jonathan 2015 Campaign

Contributors	Amount
Tunde Ayeni	N1 billion
Tunde and Group of friends	N2.6 billion
Jerry Gana and friends	N5 billion
National Automotive Council	N450 million
PDP Governors Forum (N50 million each x 21 governors)	NN1.05 billion
Bala Shagaya Representing the Oil and Gas sector	N5 billion
Construction Sector	N310 million
Transport and Aviation Sector represented by Didi Ndimou	N1 billion
The Real Estate Sector represented by Oluchi Okoye	N4 billion
Food and Agric Sector represented by Chief Ominife Uzeogbu	N500 million
Cizally Limited	N250 million
Power sector represented by Tunde ayeni	N500 million
National association of Stevedores	N25 million
Mr. Sam Egwu	N1 million

Halima Jibril	N5 million
Ajuji Best Hotel	N1 million
TOTAL	N22.442 Billion

Source: Adopted and modified from *ThisDayLive*, 21st December, 2014

The campaign finances of the APC presidential candidate, Muhammed Buhari are sketchy, but as at January 2015, the Buhari Support Group (BSO) claimed that it raised N54 million from Nigerians in support of his campaign (www.naij.com/348842-nigerians-donate-money-to-support-buhari-campaign-html). However, a study of the campaign expenditure of both Jonathan and Buhari indicated that they breached the maximum limits encapsulated in the Act. For instance, a coalition of Civil Society Organizations (CSOs) under the aegis of the Centre for Social Justice (CSJ) in conjunction with United States Agency for International Development (USAID), and the International Foundation for Electoral Systems (IFES), raised an alarm over the threats posed to the growth of the Nigerian economy by election spending, contending that there is an inextricable link between election spending and the health of the economy. According to the consortium of CSOs: With attention shifted from governance and a lot of expenditure on campaign, the state of the economy in terms of depreciating exchange, inflation and reduced economic growth rate were bound to occur (Guardian, March 12, 2015).

The report put the total amount spent so far by the two major political parties - PDP and APC on advertisements in the print media alone at N1.382 billion. Specifically, the group said "the total up to February 14, 2015 for the APC presidential candidate is N332.583 million, while the total up to February 14, 2015 for the PDP presidential candidate is N1.049 billion." (Guardian, March 12, 2015). The group went further to list other campaign expenses of both candidates to

justify the breach of the Act. As shown in Table 8, the PDP spent N1.057 billion on campaign rallies while the APC spent N595.082 million. On bill boards, the PDP expended N155.13 million as against the APCs N99.23 million. Others are electronic media campaign coverage which catted N508.35 million from the PDP and N391.05 million from the APC; while electronic media advert gulped N7.399 million and N5.556 million for the PDP and APC respectively as revealed in table 8. In all the PDP expended N2.5 billion while the APC spent N1.091 billion as captured in table 8. When you add this amount to the expenditure incurred in the print media, you will arrive at a total of N3.882 billion for the PDP and N1.433 billion for the APC. All these are conservative figures since they have not taken into account other expenditures like hotel accommodation, transportation cost (air, sea and road), security, feeding, to mention but a few.

The point being established here is that by our estimation, both candidates breached the income and expenditure limits set up in the 2010 Electoral Act. Despite spirited efforts by the PDP to cover up for the campaign funds it raised, their expenditure profile clearly shows that the two main political parties flagrantly flouted laid down laws on campaign financing since they both raised and spent more than N1 billion. The donation of N21 billion to the PDP during its fund raising dinner violated Nigeria's electoral laws. The individuals and groups who donated also breached the Act since it stipulates that neither individuals nor groups/entity may donate more than N1 million.

Table 8: Aspects of Campaign Expenditure by Presidential Candidates of the PDP and APC

Purpose of Expenditure	PDP	APC
Campaign Rallies	N1.057 billion	N595,082 million
Bill Boards	N155.13 million	N99.23 million
Electronic Media Campaign Coverage	N508.35 million	N391.05 million
Electronic Media Advert	N7.399 million	N5.556 million
TOTAL	N2.5 billion	N1.091 billion

Source: *Guardian*, March 12, 2015

V. IMPLICATIONS ON THE NATION'S DEMOCRATIC PROCESS

The way and manner political parties and their candidates went about generating funds during the previous general elections, but specifically during the 2015 general elections raised a lot of worrisome questions. Corruption of the electioneering process was

exemplified by political parties' mobilization of huge campaign funds, to run campaigns – funds, which to say the least, were fraudulent. Granted that campaigns come with reasonable cost-implications, but the commercialization of the electoral process reminiscent in the way and manner political parties and their candidates raised funds calls to question the legal and moral standing of those seeking to lead the nation (The

Guardian, 2015). The Guardian newspaper was even more forthcoming on this issue. In one of its editorials, it stated *inter alia*:

That business, interest groups and sundry individuals raised within a few hours, for instance, the billions of naira to support campaign for elective office of an individual in a clime where millions of people are unemployed, is a tragic drama..... Glaringly, the donors to all parties have sent a strong message that they have only played their cards face-up for selfish interests, the implication being that such donors would be key actors in the control of the nation's economic levers upon a successful run of their beneficiaries in the election (The Guardian, 2015).

First, there were indications that contributions from individual party members came from those who were privileged to have access to plump government offices, while the other bulk came from businessmen and contractors who enjoyed patronages from the government (Kura: 286). Regrettably, this pattern of donation has untoward far-reaching implications for the nation's political and democratic trajectory. For instance, this donations reflect the nature and character of African politics, which elevates patron-client networks and neo-patrimonialism in an unprecedented fashion. Okpeh Okpeh was more forthcoming on this issue:

Neo-patrimonialism also relates to the tendency whereby members of the ruling class patronize each other with favours (both in cash and in kind) in order to remain relevant in the power game. By this logic, an upstart in politics must first and foremost find a powerful patron (usually called Godfather) from within the power elite bracket to market him to those that matter. This negotiation is usually conducted on the basis of all kinds of dubious agreements between the would-be politician and his/her patron and has nothing to do with genuinely serving the people. In the final analysis, the mandate of the electorate is abused in the interest of the patron and his allies and the political process is jeopardized (Okpeh, 2013: 440-441).

Isaac Asabor argues in the same vein that:

Many Nigerians have witnessed how monies contributed for the purposes of political campaigns have brought the once rosy relationship between politicians and their "godfathers" to an abrupt end. Worse still, in this context, many godfathers as individuals, companies and parastatals are involved. How many of them would he "compensate" when the time for repayment comes? (<http://www.news-24.com.ng/elections/MyNews24/The-moral-burden>).

Ostensibly, money has the instrumental capacity to determine a lot of things. For instance, money determines elections results, influences the

choice of the electorates, it can make or mar people's mandate. In fact, as Okpeh (2013:462) has rightly explained, money is a strong factor in the way and manner politics is played in Nigeria. Money has made it possible for the ruling elites to dominate the nation's politics at the detriment of the collective interest of the masses. Moreover, one of the baneful consequences of money is that it has led to the disconnection between the leadership and followership in the political process. Worse still, money has not only contributed to the enthronement and consolidation of class rule, it has truncated our political culture and created a political process devoid of idealism. The multiplier effect of these is crass opportunism, corruption, and mediocrity (Okpeh, 2013: 464); Oyovbaire, 1999 and Lawrence, 2003). This system of funding noticed during the 2015 elections does not only exacerbate corruption, it also undermines transparency, accountability and responsiveness of the government to the yearnings and aspirations of the generality of the masses.

Secondly, those who donate funds control the beneficiaries, and politicians become more accountable to their sponsors than to their constituents and this have serious implications for governance in the post-election period. It is a truism that most of the donations were made by individuals who enjoy or potentially want to enjoy patronage from the government. For instance, since these donors are not "father Christmas," they take control of governance structures as soon as elections are completed, recommend their own friends and "godsons" for plump political appointments so as to recoup their donations, and also make reasonable profit out of it. For the corporate donors, they would always look up to the government they installed for policies that would be favourable to their respective sectors, even when such policies are highly detrimental to the general well-being of the entire society. This is not only antithetical to the logic of democracy and good governance but also have the cumulous effect of entrenching massive corruption within the polity.

Thirdly, the preponderance of money in the polity tends to disempower well-meaning Nigerians and deny them the opportunity of using politics as an instrument of change. In a country with a wide gap between the haves and have not, the financial needs of a campaign automatically isolate many who may have good ideas. This is because they lack the support from godfathers that many incumbents and older Nigerians have. As a consequence, the poor and the young are overwhelmingly excluded by default from using politics as a platform to effect fundamental changes in their society (<http://www.nigeriancuriosity.com/2010/06/financing-political-campaign>).

VI. TOWARDS REFORMING ELECTION/ CAMPAIGN FINANCING IN NIGERIA

To strengthen existing mechanisms on campaign finances, certain measures must necessarily be put in place. First, legislators have a critical role to play in this whole process, especially in strengthening existing legislations where some gaps exist. For instance, in strengthening existing laws, legislators should ensure that candidates that have exceeded their spending limits during campaign are prosecuted and upon conviction, are disqualified from contesting in future elections. Such a stiff penalty would dissuade politicians from flouting laws on campaign financing.

Second, legislators are frequently able to play a useful role in the formulation of political/campaign finance laws. Such laws are complex and technical, yet they are often enacted in haste and without sufficient detailed information. Unclear definitions of terms such as "election campaign," "party finance," "political finance," "expenditure" frequently make laws complex and unenforceable (Duschinsky, 2006:195-196). In this connection, legislators may play a more positive role if they closely study legislations introduced or passed in other countries, and also critically examine the loopholes and the disadvantages encountered by such legislation.

Third, we need to reiterate once again that much of the challenges we face have to do with that of law enforcement. Here also legislators may help to ensure that the campaign finance law is workable and enforceable by exerting considerable amount of pressure on the government to make financial provisions to allow the enforcement of the law by relevant authorities. This is very important because quite often, new laws are accompanied with heavy administrative expenses on enforcement bodies without the same time providing the resources needed by the authority to permit it to carry out its new work (Duschinsky, 2006:196).

Fourth, legislators must necessarily have to strengthen their oversight duties by ensuring that regulatory and enforcement agencies carry out their constitutional functions and responsibilities. If laws are passed by legislators, it is their constitutional responsibility to call the government and its relevant agencies to account for any failure to implement campaign finance laws. For example, laws requiring the submission and publication of financial statements by parties and candidates are simply ignored with impunity. It is felt that legislators' ability to ask enforcement agencies critical and probing questions, especially on the extent of compliance of political parties with the law may exert the necessary pressure on the government to ensure that relevant agencies are keeping up to speed with their responsibilities.

In addition, INEC must see its role beyond that of organizing elections after every four years. Its roles also include enforcing regulatory laws on political party and campaign financing. It is true that it might be difficult for INEC to enforce provisions of section 91(2) of the 2010 Electoral Act as amended, which deals with the maximum election expenses to be incurred by a political party. That does not mean that efforts should not be made by the appropriate authorities. Where a public travesty has been made, offenders should be punished (Utomi, 2015). The commission should ensure that political parties submit their audited campaign expenses as prescribed by law and same analyzed with a view to exposing and punishing those donors and candidates that have flouted the law. It is also necessary to make the penalty stiffer on those candidates that are in breach of this law.

Furthermore, the media and civil society organization (CSOs) have a key role to play in sanitizing and closing loopholes in campaign finance legislations. There is need to adequately train media practitioners in the provisions of the electoral act so that they can appropriately enlighten the public and also expose erring political parties and their candidates who violate the Act. CSOs are also in a better position to monitor political/campaign financing of respective political parties and their candidates and bring same to public knowledge. For example, CSOs and the media can carry out detailed investigations on individual and corporate donors during fund raising, taking into cognizance their previous philanthropic posture *vis a vis* their support to these candidates. They can also interrogate the tax return of these donors with a view to revealing whether they own such amount of money. Both the media and CSOs are also well positioned to put legislators and INEC on their toes when they fail to perform their oversight duties and also enforce campaign finance legislations.

VII. CONCLUSION

We have amply demonstrated in this paper that campaign finances in Nigeria have been fraught with various levels of corruption, and this that often puts the credibility of our elections to question. Apart from disempowering a lot of people it also raises a lot of moral issues relating to the sources of these funds. We have also contended that although laws exist on political parties and campaign financing since the return of democratic governance in 1999, the challenge has constantly remained that of enforcement. The 1999 constitution and other regulatory laws such as the 2002, 2006, and 2010 Electoral Acts, all have explicit provisions which guide not just the funding of political parties, but clearly espouse the maximum spending limits of campaign finances for candidates for every political office. Besides, the Act also specifies the limits

of contributions individuals and corporate organizations could make to a candidate. Additionally, the Act also requires political parties to submit separate audited reports of campaign expenses to INEC six months after an election. However, these provisions have constantly been contravened to the consternation of INEC by individuals, parties, etc. To strengthen existing mechanisms on campaign financing, the essay stresses the need for the commission to enforce the law against these laws appropriately. The essay also stress the need for legislators to make adequate budgetary provisions for enforcement agencies, and strengthen its oversight responsibilities to same and by extension, the government. Moreover, there is need for the media and CSOs to strengthen themselves so as to expose fraudulent and corrupt donations. They should also act as watch dogs over the legislature, law enforcement agencies and the government.

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The Critique of the Communitarians Arguments from an African Perspective

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Aborisade Olasunkanmi

Abstract- The communitarians claim that the individual is a natural member of the human society, but that he needs the society and all the opportunities it makes available for the realization of his potential for living a life that is meaningful. This claim is synonymous to African conception of individual and the community. Thus this work set out to carry out the critique of some notable communitarians such as: John Dewey, Fredrick Hegel and Michael Sandel, Macinyre Alasdair, Charles Taylor. We discovered in the work that the claim of these theorists on individual and community is identical to African ideal. And the critique exposes the inadequacies in their claim as well as the African ideal because development today is beyond the narrow context of communal life which puts African under the illusion that communities constitute a "paradise lost". As such there is the need for African to seek their rights; this will enable them to function properly in the global scheme of things.

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I. INTRODUCTION

Communitarianism emerged as a response to the limit of liberal theory and practice. While Liberalism affirms belief in individual freedom or liberty, it also believes that it is desirable to maximize the amount of liberty in the state. Communitarian advocates for equal placement of individual rights with social responsibilities, and the autonomous selves should not exist in isolation, but shaped by the values and culture of communities. Communitarians suggest that unless we begin to redress the imbalance towards the pole of community, our society will continue to be norm less, self cantered, and driven by special interests and power seeking. Invariably these facts instigate the search for communitarian society where there will be a correct balance between individual autonomy and social cohesion.

In this paper, we shall cursorily examine the works of communitarian scholars such as John Dewey, Fredrick Hegel and Michael Sandel, Macinyre Alasdair, Charles Taylor. Their contributions shall be considered in turns.

II. THEIR COMMUNITARIANS THEORIES

Communitarians emphasize the fact that an individual needs the society and all the available opportunities to realize his aims. This literally suggests

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that the community should be the main stay of the individual. As such, Dewey believes that the community needs the individual in order to perform the numerous functions before it. His philosophy is greatly influenced by Darwin's theory of evolution. Through the Darwin's theory, he acquired the notion that a human being is like a complex natural organism that functions within its environment. To function successfully, the organism must adapt itself either passively to its environment in order to meet its needs and desires or actively to transform its environment.

Dewey further believes that for the community to progress, it needs individuals to perform a large array of functions. One of which is, a healthy relationship. Dewey described the healthy community as "one in which the individual is neither boss over other nor bullied by others" (Alfred, D.1985). This invariably suggest that the individual shares similar aspirations and responsibilities, which enables him to take decisions that enhance the development of the community. As a neo Darwinian, Dewey knew the key to survival is diversity not homogeneity. As such, the idea of segregation may not produce the cooperation that is expected to move the community forward. Observation reveals that Dewey's ideal community is a society where the ever-expanding and intricately ramifying consequences of associated activities is seen in the full sense of that word, so that an organized articulate public is realized.

Dewey thought that the best kind of community for social self-realization is a participatory democracy, where every individual have a stake. In this system of governance, public spiritedness, productive of an organized self-conscious community of individuals responding to society's need, will be inculcated in the individuals in the society.

Hegel in his phenomenology of spirit shows how rationally self-conscious individuals must interact with one another to raise their subjective reasons to a universal, transpersonal level. Only then will individuals be able to act freely, since the spiritual essence or substance of their common ethical life is the means by which they can escape mere conformity to custom as well as their own subjective prejudices. By ethical life, Hegel means the most fully and immediate identification with the community. That is, ethical life must be 'based on or identification with others in a particular common enterprise" (Taylor, C.1989).

Hegel claims that strong identification is the appropriate orientation towards one's ethical tradition. It was his attempt to portray the state as an inherently rational entity that made him to suggest that a community's ethical tradition must be rational in order to satisfy the needs and desires of its members" (Hegel, G.W.F.1981). In addition, the individual must learn how to recognize precisely, what right is and evaluate the rationality of their ethical tradition. He rejects the authority of the abstract to undermine the validity of tradition. For example, he rejects Kant's notion of abstract rational principle or "universal fixed rule" (Hegel, G.W.F.1979), such as the law of non-contradiction. Hegel did not argue that individuals should simply identify with the positive contents of their legal tradition but he requires the individual to assess the rationality of this tradition and in the process, such a tradition should not be compared with any abstract principle or any set of principles. He maintains that philosophy must recover the sense of "solid and substantial being" (Hegel, G.W.F.1979) that the modern spirit has lost. In order to achieve "substantial being", the individual must identify with the ethical judgments of their community as embodied in laws and customs. Hegel sees the community as something that is good for the individual because, according to him, it is only by virtue of this that we can find a deep meaning and substance to our moral beliefs. And since the individual;

can only maintain his identity within a society/culture of a certain kind, he is concerned with this society and interested in having certain activities, institutions, and even some norms in the society flourish (Pitkin, H. 1967).

Michael Sandel in his own case holds the view that, an individual cannot be described independently of his life goal and the values which determine them. He argues that every person has been shaped by some life goals, constitutively to the extent that a person cannot adopt a distant attitude towards all possible life goals. So, it is not possible to talk of a subject that is situated and ethically neutral; we can only talk of a radically situated person. Thus, our social circumstances are part of the meaning of our lives. It is not possible to understand the individual apart from the particular social contexts in which he is inevitably embedded.

So, the identity generating life goal, can only be acquired inter-subjectively through cultural socialization. The idea of independent subjects who are isolated from another person is untenable because no matter how distinct a person may be, he must draw the understanding of him from inter-subjective cultural values and orientation. It is not possible to conceive of the human subject as a pre-societal being.

However, what is crucial for the communitarian is that these features of our lives are not chosen by us

nor can we detach them from us. They are there already. MacIntyre puts it in this way:

We all approach our circumstances as bearers of a particular social identity. I am someone's son or daughter, someone else's causing or uncle; I am a citizen of this or that city, a member of this or that guild or profession; I belong to this clan, this tribe, this nation. Hence what is good for me has to be good for one who inhabits these roles. These relations thus provide a sort of moral compass; we inherit from our social and traditional context a variety of debts, inheritances, rightful expectations and obligations which constitute the given of my life, my moral starting point (Axel, H. 1995).

Our language, heritage, ethnicity and our locality thus encumber us. Our community is part of our life. What is good for my community is good for me. What is good for me has to be good for another person who inhabits these roles; the people in my town are all part of who I am.

In his communitarian discourse, MacIntyre has tended to argue against both liberalism's method-logical individualism and the priority it places on individual rights over public goods. MacIntyre argues that an individual could not be understood apart from his particular social context "the identities and attributes with which she finds herself encumbered her language, her ethnicity, her locality" (Avineru S. and De Shalit. 1996). All the features of our lives are not chosen by us or detachable from us, instead, they are already there, we cannot do without them. But modern liberal life puts that claim under threat, in fact it has led to an erosion of the fact that, we may have unchosen or chosen responsibilities or that we may even 'owe' the community whose tradition and resources have helped make us what we are anything. MacIntyre tends to overthrow the liberal capitalist ideology that has dominated the world, both in the realm of ideas and in its manifestations in political and social institutions. He intends to do this by changing the way people think, the way they understand and act in the world. In his effort to show that the changes he wants are possible and desirable he returns to an older conception of morality.

MacIntyre built his moral theory around Aristotle. Aristotle claims that;

the basic harmony exists in nature and that species are fixed. An individual human's purpose is attached in achieving or fulfilling the telos or purpose of the species (MacIntyre, A.1985).

He revises Aristotle's claims and holds that conflict, not harmony, is inevitable in life and the rules of morality emanated from it. In addition, species do not have a fixed, identifiable nature or purpose, each human person engaged in a quest for meaning in life. According to MacIntyre, the life of human person;

is a narrative quest for the meaning of his or her life. To engage in the quest is to place oneself within a practice. Purpose in life is not created in a void. To enter a game, an art, a science or to engage in making and sustaining a community is to enter a practice (Alasdair 2005.).

Morality according to him sprang up from practices, individual action are performed on a particular occasion, but are judged in relation to standard. In the process of practice, a situation of teacher and learner exist. MacIntyre, notes that when a learner first start to engage in a practice, he must accept external standards for the evaluation of his performances "a practice involves standards of excellence and obedience to rules as well as the achievements of goods" (Alasdair 2005). An individual become an apprentice/ learner and with the development of skills, he will be able to locate his place. MacIntyre makes a distinction between the "goods external to and goods internal to a practice" (MacIntyre, A.1985). The external goods include, fame, power and wealth. The internal goods also include, the accusation of a specific skill necessary for a particular practices and the development of those skills. The internal goods are goods for those who are engaged in a practice in a particular country, while the external goods are privately own goods. The more an individual acquire, the less will be left for others. MacIntyre gave a central place to the internal goods and link it with virtue.

Furthermore, MacIntyre believes that politics can only be played effectively in a small community, because politics is more healthy there, that is the reason why he advice us to focus our energies on building and maintaining small communities, where practices and virtue have a place, and also to protect them from deprecation of modern state and modern capitalism. "Small communities will also make it possible for people to evaluate political candidates in varieties of setting and judge them on the basis of integrity rather than adaptability" (MacIntyre, A.1999).

In his hermeneutic epistemology, Taylor claims that; man as the self- possessed interpretative capacities assume the centre stage. He holds the view that human beings are self- interpreting animals, which understand and reflect upon the meaning of their lives as well as their relationship with others.

This kind of self-interpretive activity is not based on priori epistemological principles, but on practical knowledge and everyday encounters with cultural framework (MacIntyre, A.1999).

Taylor marks himself as a philosopher of morality by arguing that, interpretation necessarily involves evaluation of moral worth. According to him, "Human beings are not simply self interpreters, but they are the kind of interpreters for whom things matter" (Taylor, C. 1985). Precisely, what matter is worked out

as individuals articulate their position within the moral spaces of the society.

Taylor believes in the community, because whatever a man wishes to be can only be accomplished within the community. He sees the community as good because only by virtue of our being members in communities can we find a deep meaning and sustenance to our moral belief. He talks on ethical life and by ethical life, he means, the most fully and immediate identification with the community. That is, ethical life must be "based on or identification with others in a particular common enterprise" (Taylor, C. 1985). It is only through our identification with others within the community that the desired objectives can be attained. That has been the reason why Taylor was against Rawlsian liberalism, because, it rested on an overtly individualistic conception of the self. Rawls argues that, we have a supreme interest in shaping, pursuing, and revising our own life plans, he neglected the fact that the human being is constituted by various command attachments such as a tie to the family and a tie to religious tradition which are so close to the extent that they are only set aside at a great cost.

Furthermore, Taylor attacks the liberal self. In an influential essay entitled 'Atomism', Charles Taylor objected to the liberal view that men are self sufficient outside the society. Instead, Taylor defended the Aristotelian view that "man is a social animals, indeed a political animal because he is not self sufficient alone and in an important sense, he is not self-sufficient outside a polis" (Taylor, C. 1989). To Taylor, people depended on each other as well as on the community in which they live in order to live a fulfilling life. Even in choice making, it can only develop in society. Choice becomes empty thing if there is no valuable thing to choose or no way to evaluate it. According to Taylor;

rights are instituted to protect individual choices, but a valuable capacity for choices can only be developed in society. So no sense to liberal claim that rights bind unconditionally, while a principle of belonging or obligation doesn't (Taylor, C.1991).

What makes human beings a social animal is the ability to make choice. Rights are meant to protect the individual choices, but this choice can only develop in the society, because it is in the community of men that principle of belonging or obligation bind unconditionally. I think what is really important is autonomy in one's commitments, and this can only develop in society. According to Taylor "the free individual of the west is only what he is by virtue of the whole society and civilization, which brought him to be and which nourishes him" (Avineru S. and De Shalit. 1996). So, a more realistic understanding of the 'self' is what Taylor called 'horizon's of meaning' which is the important background of social and dialogical relations with others against which life choices gain importance

and meaning, without this background and meaning, life choices are vulnerable to a nietzschean reduction.

Taylor, in the *Source of the Self*, eloquently attacks the cult of the self that arose during the sixties, and he explores the illusion that human beings can 'choose' their values, or find their fulfilments simply by enhancing the means of self-expression. Yet the community that he wishes to recommend in place of the old liberal has a decidedly liberal aspect. For example, he defends 'multiculturalism' against the tyranny of majority values, the welfare state against the 'selfishness' of unbridled capitalism, and participatory democracy against the shadow machination of institutional power.

However, Taylor put forward the following proposal. He imagines a cross-cultural dialogue between representatives of various traditions. Instead of arguing for the universal validity of their views, he suggests that the participants should allow for the possibility that their own belief may be mistaken. In this way, according to Taylor, the participants will be able to learn from each others, 'moral universe'. Along the line there will definitely come a point when differences will not be reconciled. Again Taylor himself recognizes the fact that, different groups, countries, religious communities, and civilizations hold incompatible fundamental views on theology, metaphysics, and human nature.

Taylor argues that a 'genuine unforced consensus' on human rights norms is possible, if only we allow for disagreement on the ultimate justifications of those norms. Instead of defending contested fundamental values when point of resistance is encountered and started condemning those values we do not like in other societies, Taylor said we should try to abstract those beliefs for the purpose of working out an overlapping consensus of human rights norms. As Taylor puts it, "we would agree on the norms while disagreeing on why they were the right norms, and we would be content to live in this consensus undisturbed by the differences of profound underlying belief" (Avineru S. and De Shalit. 1996).

III. THE CRITIQUE OF THE COMMUNITARIANS THEORIST

In our discussion so far, we have carried out a critical analysis of some communitarian Philosophers such as John Dewey, Fredrick Hegel, Michael Sandel and Macintyre Alasdair, Charles Margrave Taylor. We found out that communitarianism is synonymous with African ways of life because an authentic African is known and identified through his community. We shall now pick them one by one.

It should be noted that Dewey's formula is most difficult to apply to the great community because the self-governing and tightly knit localities of those days are

gone. Today, the population is so large that many people may not be ready to participate in the building of any community. Our society is decaying, and our education is not well organized. People think more of themselves than of the community. Furthermore, Dewey fails to recognize the threat that unplanned technological, economic and political development may pose to the future of democracy both in the developed and developing worlds.

It is necessary to note that Hegel's account of trust seems to be inconsistent with his theory of strong identification because individual members of an ethical community do not identify themselves spontaneously with their ethical tradition nor do they necessarily identify with the content of that tradition. It should also be noted that the consequences of accepting any community as constitutive of the self is odd. Members of the community have conflicting desires and ends that can change. And even identifying the boundaries of the community is also difficult. If my talents are to be used for the good of the community because the community is part of me, it remains to be determined how far reaching the community is. In any case, membership in the community changes through death and procreations. On inter subjective view; we are frequently changing and potentially different from moment to moment.

Furthermore, Sandel fails to tell us why it is important that these particular aspects of our identity are inter subjective rather than random. If occupying a given social role can be morally obligatory for me simply because it is an overriding desire of mine, then the question is, could not other fail to give us an account of why these convictions have moral force? The only thing I think is that such convictions can only have psychological force given the fact that human psychology is profoundly shaped by experience. We do not need any moral theory to explain our feelings of attachment to a family or community; what we need is an explanation of why or whether the action we take based on those feelings will be morally acceptable. If no such explanation can be provided, or if the acts are not morally acceptable, then Sandel cannot possibly be advancing a non-liberal theory of rightness.

However, the claims of the communitarians that the features of our lives are not chosen by us or detachable from that and us they are always already there in the individual person may not be attainable because modern life has put that significance under threat. The liberal approach to issues now permeates contemporary civil society to the extent that it has led to an erosion of the sense that we might have unchosen responsibilities and that we might 'owe' something to the community whose traditions and resources have helped make us what we are. People tend to be more individualistic. Today we think of the self-first before other.

Philips(1993) in his appraisal of communitarian position criticizes Macintyre for “ascribing supreme value to the community itself rather than to its individual members” because the community placed constrain on individual, since the community believe that individual rights are better protected within the community. This constrains has been responsible for a lot of noticeable inadequacies in African societies. But what we are saying is that the individual and the community are very important, there should be a solid band between the individual and the community, all member will have the same basic moral, social and political standing, value and policies will be formulated in a free give and take; it is then that the individual rights can be guaranteed in the community.

Moreso, Macintyre, places more emphasis on the establishment of small communities, because he thought that, it is the only place where practices and virtue have a place. Beside this, there is more intimate in the communities which truly define human fulfilment and individuality. But there is the possibility that small communities may not be compatible with human fulfilment, that has been the reason why many seek protection from constrains of the small communities in large communities. Even in today’s world many find it more convenient to stay put in the large cities no matter their condition, than coming back to small communities (villages).

Macintyre also faces difficulty with relativism, we find out that he cannot distinguish between evil and good practices; he failed to specify the different categories of standard. In other words, he seems to be giving them same moral footing, for example, the standard that arises from a charitable organization and the standard that arise from a criminal organization. But the fact is that, not all practices have the same moral footing, Macintyre needs to differentiate the different categories of practices, and the idea of classifying all practices as one delimits his theory.

Taylor’s proposal on the universal human rights faces certain difficulties, because it may not be realistic to expect that people will be willing to abstract from the values they care deeply about during the dialogue on human rights. Even when people agree to abstract from culturally specific ways of justifying and implementing norms, the likely outcome is a withdrawal to a highly general abstract realm of agreement that fails to resolve actual disputes over contested rights, for example, the participant in a cross- cultural dialogue can agree on the right not to be subject to cruel and unusual punishment. But a committed Muslim can argue that theft can justifiably be punished by amputation of the right hand while a non Muslim will definitely label this as an example of cruel and unusual punishment.

Taylor is associated with other communitarian political theorists like Michael Walzer and Micheal Sandel, most especially in their critique of liberal

theory’s of the self. To them, “communitarianism is said to emphasize the importance of social and communal arrangements and institutions to the development of individual meaning and identity” (Taylor, C.1999). The individual need the society and all the opportunities that are available for the realization of his goals. In his 1991 Massey lectures “The malaise of modernity” (Taylor, C.2007). Taylor addressed what he saw as the central problems or “malaises” plaguing modern societies. He argues that traditional liberal theory’s conceptualization of individual identity is too abstract, instrumentalist, and one dimensional. For Taylor, theorists like John Locke, Thomas Hobbes, John Rawls and Ronald Dworkin have neglected the individual’s ties to the community, because they assigned more value to the individual in the society than the community itself. That is the reason why, Darek Philips in his appraisal of the communitarian position criticizes Charles Taylor for “ascribing supreme value to the community itself rather than to its individual members” (Taylor, C. 1991).

With all the sort comings of communitarian as attested to the critique above, one would have thought that probably liberalism would have being the next option. But to an African, the community is the custodian of the individual; hence, he must go where the community goes in spite of his material acquisition. Africans believe that every normal individual has three levels of existence as an individual, as a member of a group and as a member of the community. These three levels are fused together through the belief that all forces are perpetually interacting with one another and inter- penetrating each other. So there is nothing like solitary individual in African society. This is simply because the life of the individual is the life of the whole society, whatever an individual does affects the whole web of social, moral and ontological lives. Anyanwu and Omi have opined that;

while the individual strives to satisfy his personal desires, and to develop his abilities he must see all his efforts and aspiration in the light of the whole (Omi, R; and Anyawu, K.C1984).

Mbiti (1970) has classically proverbialized the community determining role of the individual when he wrote, “I am because we are and since we are, therefore I am” (p. 108). The community, according to Pantaleon (1994), therefore gives the individual his existence and education. That existence is not only meaningful, but also possible only in a community. Thus in the Yoruba land (a tribe in Nigeria-Africa), no one can stand in an isolation, all are members of a community; to be is to belong, and when one ceases to belong, the path towards annihilation is opened wide. According to Azeez (2005), “When the sense of belonging is lost, mutual trust betrayed, we-feeling is destroyed and kinship bond broken, then the individual sees no meaning in living. In the Yoruba society, everybody is somebody; everyone

has commitment towards the other, and shares in the experience of the other. Yoruba community is so personate with the issue of the source (*Orirun eni*); the community gives each person belongingness and cultural identity for self-fulfillment and social security. That is why individualism as an ideology and principle may not succeed in Africa. In the words of Steve Biko;

We regard our living together not as an unfortunate mishap warranting endless competition among us but as a deliberate act of God to make us a community of brothers and sisters jointly involved in the quest for a composite answer to the varied problems of life. Hence, in all we do always place men first and hence all our action is usually community-oriented action rather than the individualism (Onwubiko, O. A.1988).

At this stage what can one say is the way out? Liberalism cannot work, and the communitarian nature that African is well known of fail to work. The African situation is palpable; the continent of Africa is confronted with numerous challenges which impede their development socially, politically, technologically and economically. These have resulted into; an unending circle of violence with its attendant destruction of lives and properties, abject poverty, devastating diseases, a troop of corrupt leaders as well as a citizenry that has lost total confidence in them. Surely African needs a way out.

IV. CONCLUSION

Therefore, there is the need for African to discard those constrains that have been imprisoned them. To do this, Africans should no longer confine themselves to the narrow context of communal life which puts them under the illusion that communities constitute a "paradise lost". As such there is the need for them to seek their rights; this will enable them to function properly in the global scheme of things. There is also the need for the state as an institution to provide the essential foundation for the pursuit of such public benefits as peace, welfare, and the opportunity for the individual to pursue their own happiness. Africans should stop living in the shadow of the past and move with the world in the new millennium.

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A Critical Analysis of the Debate on State Failure in Africa

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Abstract- The focus of this study is to critically examine the Western debate on State failure in Africa. Western research Institutes and Agencies such as the Freedom House Annual Survey, the Fund for Peace Index and the World Bank Governance Matters have come to the conclusion that most African States have failed in the discharge of their statutory responsibilities. This is because they are unable and incapable of sustaining democratic institutions and protecting the lives and property of their citizens. As a qualitative research, data collected was through primary and secondary sources. The primary sources included discussions and interviews, while the secondary sources was literature review, Newspapers, official Bulletins and magazines It was discovered that the State failure debate did not take into consideration Africa's Colonial and neo- Colonial experiences. Also the policy implication of this project is to ensure that the continent's political economy is within the control of the global capitalist system. We, therefore, recommend that African leaders should not be bothered about this development, but be concerned about the provision of good governance and human security.

Keywords: *human security, state failure, global capitalist system, colonialism, prebendalism.*

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I. INTRODUCTION

Africa's contact with the West indubitably created a condition of permanent contradictions and crises. The Atlantic slave trade of the fifteenth century and the epoch of colonialism did not lay a foundation for development. Rather, it precipitated a lingering bloody conflict, exploitation without redress and unrestrained appropriation of resources. This ignoble situation was ardently justified with a pseudo-scientific ideology of racism (Yeboah, 1997). Colonial incursion into Africa is the root of the continent's underdevelopment. The abolition of the Atlantic slave trade in the late nineteenth century coincided with the peak of European industrial revolution. The industries needed raw materials for the production of goods and foreign market. Following the industrial revolution in Europe, the needs of Europeans for regular external sources of agricultural and mineral materials for the new industries became acute.

The European states also desired foreign sources of food for feeding their increasing population and foreign markets; for the sake of their new industrial products, and the investment of their increasingly industrialized capital (Nnoli, 1978: xii). Lenin (1975)

noted that colonial imperialist penetration and destruction of African political economy was in accordance with the exploitative and aggressive logic of expansion of capitalist production. Therefore, African experience was inevitable. The contradictions of capitalist production in Europe reflected in mass unemployment, desire for raw materials, under consumption and market to sell the industrial goods led to the scramble for Africa. This was moderated by the historic Berlin conference of November, 1884-1885 convened by Otto Von Bismarck of Germany. The General Act of the Powers of Berlin called for free trade and navigation rights for the merchants of all the powers (Okolo, 1987:15). It is against this backdrop that we can summarize that, the reason for the European scramble cannot be found in Africa and South East Asia but rather in the combination of the economic, social and political forces operating in Europe... (Uweche, 1991:170). Extant literature such as Nkrumah (1963), Ake (1981), Lenin (1975), Aboribo (2012) and Rodney (1972) point to the common conclusion that *colonialism in Africa*, was to all intents and purposes not for the socio-political empowerment and benefit of Africans, but solely to tap the continent's natural wealth. The main colonizing powers such as Britain, Belgium, France, Germany and Portugal ensured a system of administration which facilitated the achievement of their colonial mission and vision. This was through a colonial psychology that subjected Africans to ignoble status. The French policies of Assimilation and Association, and the Paternalistic programmes of Belgium and Spain were all geared towards the psychological humiliation and debasement of anything African. Africa was seen as a continent endowed with pre-logical mentality (Diop, 1974:24). These assumptions did not reflect African reality nor a result of objective study, but a

...process by which the colonizers attempted to create colonized societies and peoples who were politically disempowered, culturally defeated and programmed to feel inferior and deserving of domination (Falola, 2002:465).

The logic of psychological colonization was to defeat the self-pride and esteem of the African and this ultimately hastened the internalization of an inferiority complex. This socialization process upheld western contributions to knowledge as incontrovertible and absolute. Therefore, they have the manifest destiny to

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extend their skills and epistemological success to the backward races of the world. This was the alibi for the mindless disarticulation of Africa's pre-colonial and social formations. Marx (1986) noted that, the history of this disarticulation is written in the letters of 'blood and fire'. The advancement and expansion of the colonial agenda was through the colonial state. The colonial state was overtly interventionist, monopolized extra-legislative, judicial and executive authority. Whatever populist policy and programmes that were introduced was to cushion the environment for the acceptance of capitalist ethic and build an 'outwardly oriented economy' (Ekekwe, 186:32). The aftermath was that African economy acquired a dependent and an incoherent character. Ake(1981:38) noted that:

...colonialism brought about development; it was a very haphazard development, the development of enclaves which bore little relation to the other areas of the economy. The African economies became incoherent, incapable of auto centric growth, and dependent. The net effect of all this was that the escape route of the African economy from primary production was blocked.

With the forceful introduction of cash crops and western mannerism in all spheres of life, particularly in trade and commerce, taxation, education and marketing boards, Africa became a victim of imperialist contraption, responding to the dictates and whims of metropolitan Europe. Thus:

the capitalist penetration of African economies created some fundamental affinities between the African economy and that of the colonizing power. The controlled development in the interest of the metropole, which along with the expansion of colonial trade, meant structural links and structural interdependence (Ake, 1981:36).

This merciless exploitation of Africans should not be a source of worry because 'the origin of colonization is nothing else than enterprise of industrial interests, a one-sided and egoistic imposition of the strong upon the locale' (Nkrumah, 1973:19). One important instrument through which colonialism firmly entrenched itself in Africa, was through western education. It was also the ideological arsenal of the colonial state that greatly facilitated the acceptance of the capitalist assumption as natural and infallible. In all honesty, it was not programmed for any mental emancipation, self-assertiveness, but alienated the recipients from their immediate environment. This hastened the quick emulation of western capitalist ethic anchored on possessive individualism. While colonial education was preparing Africans to display 'upright characters' and unquestionably internalize western philosophy of life, it was unwittingly laying a foundation for its extinction. It was the forces unleashed on the colonies that galvanized Africans to a common action. This was the

genesis of the nationalist movements in the 1940s. It emerged to assert African dignity, demand for self-rule, and out rightly debunk western superiority. In fact, this was taken for granted as it was assumed that with the granting of political independence all things would automatically take shape. By the 1940s, when nationalist activities reached an appreciable crescendo, European colonialists decided to incubate a class that will protect their imperial interest and legitimize their colonial continuity. This was the beginning of neo-colonialism. As Nkrumah (1973:316) opined, 'neo-colonialism is the worst form of imperialism. For those who practice it, it means power without responsibility and for those who suffer it, it means exploitation without redress'.

Through a neo-colonialist strategy, an effective penetration and control of African political economy was guaranteed. After all 'imperialism knows no law beyond its own interests' (Nkrumah, 1973:15). The 1960s heralded the emergence of African states into statehood. It was a symbolic victory of the nationalist movement directed by the nascent bourgeois class. It was this class that inherited the paraphernalia of governance from the departing colonialists. But by the late twentieth and early twenty-first centuries, African States were adjudged to have failed, collapsed or weak by Western Agencies and Institutes.

a) *Statement of the Problem*

Since the failure of the United States of America military adventure in Iraq, Somali and the September 11, 2001 terrorist attack, there has been a heightened academic interest on the state failure debate. Interestingly, Africa is the focus of this project. It cannot be disputed that some socio-political problems do not flourish in the continent, but one is greatly apprehensive about the imperialist and policy implications of this project. Therefore,

- i. Why are the African States adjudged to have failed in the late twentieth and early twenty-first centuries?
- ii. Why is the interest on State failure debate prominent after the incident of September 11, 2001 in the USA.
- iii. Why are Western Agencies and Research Institutes mainly concerned about State failure in Africa?

b) *Objective of the Study*

The main objective of this study is to critically examine the Western debate on State failure in Africa. The specific objectives are to;

- i. examine the objectivity of the state failure debate in Africa
- ii. examine its policy implications in Africa.
- iii. Show that it is part of the neo-colonial strategy to keep the continent in perpetual bondage.

c) *Significance of the Study*

The study is significant because of the following reasons,

- i. African crises cannot be understood without a comprehension of the continent's historical experience.
- ii. The policy implication of the State debate project is to deepen the continent's political economy into the global capitalist orbit;
- iii. The state failure debate is aimed at strengthening the firm grip of the industrialized countries on the global political economy which is part of their manifest destiny to rule the world.

II. LITERATURE REVIEW.

There is a burgeoning interest in State failure, State collapse and weakness. This has given rise to a legion of literature. In fact, it is gradually becoming one of the 'urgent questions of the twenty-first century' (Rotberg, 2003:1). In this paper, we shall be concerned with State failure. Since the post WWII, States have increased tremendously in dimension and responsibility. They now constitute the building blocks of global stability. In 1914, in the wake of the decline of the Ottoman and Austro-Hungarian empires, there were fifty-five recognized nation polities. In 1919, John (2008:2) noted that there were.

were fifty-nine nations. In 1950, those number reached sixty-nine. Ten years later, after the attainment of independence in much of Africa, ninety were nations. After many more African, Asian and oceanic territories had become independent and after the demise of the Soviet Union, the number of nations increased dramatically to 191. East Timor's independence in 2002 brought that total to 192 .

The independence of South Sudan in 2011 brought the community of States to 193. States share equal status and saddled with onerous responsibility to protect their territory and the wellbeing of their citizens. Social contract theorists like Thomas Hobbes (1588-1679), John Locke (1632-1704) and J.J. Rousseau (1712-78), among others agreed that the civil society (state) had the capacity to make people freely pursue their affairs without any social encumbrance. According to Locke (1924)

the great and chief end of men's uniting to commonwealth and putting themselves under government is the preservation and protection of their property. The purpose of government was to secure human entitlements and ensure lives, liberties and the material possessions of all human beings .

Locke (2004) also posited that any government that derails in the performance of these social obligations should be dissolved and new one set up. In

this case, popular welfare becomes a necessary condition that must be pursued by all governments. It was the Treaty of Westphalia of 1648 and the Montevideo Convention on the Rights and Duties of States of December 26, 1933 signed in Uruguay that further strengthened the powers and duties of the state. The state assumed an international personality with powers and sovereignty to protect its people and territorial boundaries. Article 1 states that the state as a person of international law should possess the following qualifications; (a) a permanent population, (b) a defined territory, (c) government; and (d) capacity to enter into relations with other states, government, constitution. These international Instruments gave the state the absolute right of self-determination, equality and the right of non-interference into their affairs. Marxist scholars are in agreement that the State is a historical creation mainly for the protection of private property. Hence, it will 'wither away'.

the state ... is in fact, the supreme coercive power in any given political society, but it is in fact used to protect those who own its instruments of production. The state expresses a will to maintain a given system of class-relations (Laski, 2004:111).

State power is important because of its influential utility. It has the capacity to influence people's behaviour through the authoritative allocation of values. As a goal-oriented institution, it is the basis of all the security, all rights and privileges in a society. State power, therefore, is the basis of all livelihoods. Thus state power must be greater than other powers if it is to be effective otherwise, other competing forces of power may severally interfere with its usefulness (Dukor, 2003:17). The all-powerful nature of the state has made it a prized institution in the society, and it is not uncommon that every political player wants to identify with it.

III. WHAT IS STATE FAILURE?

From the above we can see that a State as a political institution was not created to perform some very essential duties in the society, mainly the protection of life and property. State failure, therefore, is the inability of a State to fulfil its historical responsibilities. It is failure to promote human flourishing, reflected in a lack of capacity or a lack of political will, failure to provide public goods to their entire population rather than favouring one or other particular segment of it (Williams, 2000:3). It is an abdication of the responsibilities to promote and protect the Westphalian principles. Among others, these principles include,

- The right to monopolize control of the instruments of violence,
- The sole right to tax citizens
- The prerogative of ordering the political allegiances of citizens and enlisting their support in war.

A failed state, therefore, connotes a demonstration of incompetence and weakness to promote a good life arising from non-provision of the basic needs, and the fundamental tasks of a nation-state in a modern community. The aftermath, is State susceptibility to a high degree of dysfunction and vulnerability to competing and centripetal forces. In this situation, the State gradually degenerates and clings to primordial parochialism of ethnicity and other sectional interest for survival. Therefore, a failed state is a state under duress, incapable of performing the core functions with a 'development in reverse'. Some of the salient factors responsible for state failure included, but not limited to inability to control their borders, 'regimes prey on their own constituents, 'the growth of criminal violence', 'flawed institutions', and 'limited quantities of other essential political goods'(Rotberg,2003). 'The official authorities in a failed state face two or more insurgencies, varieties of civil unrest, different degrees of criminal discontent, and a plethora of dissent directed at the State and at groups within the state' (Rotberg,2003:). Wolff (2005) opined that it is 'the process of the gradual loss of de jury sovereignty, implies an inability of State institution to enforce a monopoly on the legitimate use of force visa-vis an existing population and across the entire territory within the internally recognized boundaries of a State. In a nutshell, a State can be said to have failed when it is utterly incapable of sustaining itself as a member of the international community. In the same vein, Zartman(1995) also stated that State failure 'occurs when the basic functions of the State are no longer performed as well as referring to a situation where the structure, authority (legitimate power), law and political order have fallen apart'. When a state is incapable of sustaining itself, it becomes a threat to international public stability. As the Political Instability Task Force stated 'state failure is an instance where central State authority collapsed for several years' (John, 2008:6). Based on the above definitions, African States were adjudged to have failed because they lost the capacity to fulfil the essential functions of a Westphalian State. While it may be true that Africans states have shown signs of State failure, nevertheless there is a lacuna in this assertion. This is because the State failure debate did not address the colonial distortions and the imperialist domination in the continent. It also did not examine the effect of globalization on African political economy.

IV. THEORETICAL FRAMEWORK

The appropriate theory for this paper is Marxist Political Economy. This is has the, 'vital and important *tool* for understanding African politics and society(Shraeder,2004:112). Ake (1981) noted that the theory gives insight into the dynamics of the social world

and treat problems concretely rather than abstractly. Radical or Marxist political economy is built on the foundation of dialectical and historical materialism. Dialectical materialism is hinged on the fact that the dialectical process in the material conditions of life gives rise to development. Therefore, development is a precipitate of social relations in the production process. This is not abstractly or metaphysically determined. After all, life is not determined by consciousness, but consciousness by life (Peek and Hartwick,1999:92). This is the essence of political economy which deals with the development of production relations in the interconnection with productive forces and the superstructure (Avsenev,et al 1985:15). An important aspect of this method is the historical materialism. History is made not through the manipulation and influence of some unseen forces, but through a dialectical process of production of material values. It is this process that explains the laws of the society's transition from one form of production to the other (Ilyin and Molyer, 1986:115). The materialist conception of history is anchored on the fact that the determining fact in history is the production and reproduction of real life. We make history, but in the first place, under very definite assumption. Among them the economic ones are ultimately decisive (Tucker, 1978:761). It is against this backdrop that Engels(1978:180-1) opined that 'political economy is essentially a historical science. It deals with a material which is historical that is, constantly changing; it must investigate the special laws of each individual stage in the evolution of production and exchange'. Political economy also studies and uncovers the impact of the productive system and economic structure on the social, cultural, political and other activities within the society (Thomas, 2010:23). The holistic foundation of this theory prompted Marx(1984:20) to declare that:

My enquiry led me to the conclusion that neither legal rules nor political forms could be comprehended whether by themselves or on the basis of a so-called general development of the mind, but that on the contrary they originate in the material condition ...that the anatomy of this civil society, has to be sought in political economy.

In this scenario, economic categories such as wage, price, and profit are treated as theoretical expression of historical relations of production, corresponding to a particular stage of development in material production (McClellan, 1980:184). The relevance of this theory to the study is that it exposes the imperialist undertone of the State failure debate. It will also expose the ardent desire by western countries, particularly the United States of America to protect their capitalist interest in Africa. More important is the fact that the theory lays emphasis on the historical foundation of a social phenomenon for an objective comprehension. Therefore, Africa's historical past will

objectively examined to understand its present epoch.

a) *The Nature and Structure of States in Africa*

The United Nations Development Programme (UNDP), World Bank Governance Matters, the Freedom House Annual Survey and the Fund for Peace Index all declared that Africa is on the path of State failure. The 2008 World Bank Governance Matters which measured six governing dimensions between 1996 and 2007 noted that Africa is at the global centre of state failure. This is largely because it accommodated eight of the world's 20 least accountable territories, nine of the 20 most politically unstable and potentially violent territories, 13 of the least effective governments, eight of the 20 territories with the worst regulatory quality, 12 of the 20 territories where the rule of law was weakest and 11 of the 20 territories least able to control corruption (Williams, 2005:8). According to Lund (2009:14):

...using the criterion of being in the most failed group on at least two indexes, thirty-nine countries in the world are failed or at the risk of failure, or about twenty percent of the world's recognized States. Africa has the highest concentration by far with twenty-eight followed by Asia with six, Middle East three, and Caribbean with one.

This pale performance was re-enacted in the 2008 failed state index; computed by the Foreign Policy Magazine, and the Fund for Peace (FFF). Among others, it noted that 'Africa was home to 22 of the world's 40 most failing states'. It is also important to mention that between 2005 and 2012 when FFF started publishing its failed state index; African countries have consistently occupied the topmost positions with Somalia coming tops in five years - 2008 to 2012. Ivory Coast came tops in 2006 out of 78 countries, and in 2007 Sudan took over. Surprisingly, Nigeria noted for its petrodollars from oil and gas occupied the 19th position in 2008, 15th position in 2009 and 14th position from 2010 to 2012. The conclusion of Western based Agencies to the effect that Africa contains the incubus of failure is based on infectious corruption, and loss of Statehood. This suggests an inability to

...provide that political good Security-to prevent cross-border invasion and infiltrations, and any loss of territory, to eliminate domestic threats, to or attacks upon national order and Social structure, to prevent crime and related dangers to domestic human security, and to enable citizens to resolve their disputes with the State and with their fellow inhabitants without recourse to arms or other forms of physical coercion (Rotberg, 2003:3).

While it is indubitable that State failure is not peculiar to Africa it '... is arguably more widespread, deeply rooted and pressing here than any other continent' (Williams, 2010:7). This accounts for its

'politics of belly' (Bayart, 1989), 'politics of Chaos' (Kaplan, 1994), 'disorder as political instrument' (Chabal and Daloz, 1999), prebendalism, neo-patrimonialism, and home to the world's most repressive regimes. Consequently, the continent is now portrayed as the most single risk in the global political order. Nigeria considered as the Giant of Africa was on the cusp of failure from the 1990s. This was because of its socio-political crises and insurgencies reflected in the activities of Niger Delta Militants and Boko Haram. According to Rotberg(2003:17).

Nigeria is a democracy under President Olusegun Obasanjo, but the historic rivalries between the east and west, south and north oil states and non-oil provinces, Christian and Muslim Communities, democracies and autocrats, and soldiers and citizens that bedevilled Africa's most populous State Since independence in 1960... are still there, seething below a surface calmed or smoothed by the presence of Obasanjo. Military dictators could re-emerge, inter-communal conflict could readily reoccur, and the north-south divide could once again become an obstacle to strengthening a State already softened by economic confusion, continued Corruption, and mismanagement... competition during the national election in 2003 could readily loosen the already faltered ties that keep Nigeria whole.

By 2013, Boko Haram has killed more than 12,000 people in Nigeria. According to the Global Terrorism Index of 2015, it was the deadliest terrorist group, killing more than 6,400 people in 2014 Apart from Nigeria, the political activities of President Robert Mugabe and Siaka Stevens of Sierra Leone have placed their countries on the precipice of failure. Mugabe's governance antics is characterized by official high-handedness '... seriously corrupt rule having bled the resources of the state into his own pocket, squandered foreign exchange, discouraged domestic and international investment, subverted the courts, and driven his country to the very brink of starvation'(Rotberg,2003:23). In Sierra Leone, Stevens put his country into a grave circumstance where the law of the jungles became dominant and 'Institutions of Government were broken or corrupted. The State became illegitimate, and a civil war over the spoils, encouraged and assisted from outside, turned failure into a collapse' (Rotberg, 2003:12). Today, almost all African Countries are on the abyss of State failure. According to Williams(2010:8) during the early stages of the 21st Century, Africa has provided many of the usual suspects on the lists of the world's failure States. The legendary corruption and misrule that have dotted the political landscape of Africa confirms Fanon's (1980:141) assertion that in underdeveloped countries no true bourgeoisie exists, there is only a sort of little

greedy caste, avid and voracious, with the mind of huckster, only too glad to accept the dividends that the formal colonial power hands out to it. This get-rich-quick middle class shows itself incapable of great ideas or of inventiveness. It is important to note that in December 1998, the Central Intelligence Agency's Directorate of Intelligence in 2000 declared China, Egypt, India, Israel, Philippines and Sierra Leone as failed States.

b) *A Critical Analysis of The State Failure Debate*

It is glaring that from the perspective of Western-oriented Scholars and Agencies, African States have failed because of their inability to fulfil the essential requirements of a State. While it cannot be doubted that Africa is facing some profound socio-economic and political crises. Nevertheless, they are not enough to determine the failure of a State. As we noted earlier, Western liberal scholars have in the Westphalia Treaty of 1648 and the Montevideo Convention of 1933 stated the attributes of a State. Interestingly, the States that were seen to have failed by Western Institutes and Agencies like Sudan, Nigeria, Somalia Angola and Mozambique and others still retain their attributes of statehood. They still have their government in place, not annexed by any state for losing their territorial jurisdiction. They still possess a constitution which regulate their internal and external affairs, and most importantly they are still invited to global meetings and their pronouncements are recognised under international law and the Charter of the United Nations Organizations.. Some of the crises plaguing Africa can be located in the colonial past. Mommsen(1977; 124) opined that the colonial relationship persisted after the establishment of formal political independence. We, therefore, contend that the State failure index does not objectively mirror the reality on ground. They are largely 'based on state-centric, a historical and de-contextualized perspective' (Nay, 2013:338). As Iniesta(2012:1), noted 'our ideas of the African States which gained independence in the 60s is a very distorted one...' . A thorough examination of the literature will reveal that they are addicted to this epistemological distortion, whose analytical lens is focused on the Weberian and Westphalia conception of absolute State authority. This conception paid;

too much attention to national state entities compared with globalized interests, cross-border dynamics, local state holders and a wide array of (potentially conflicting) social structures, such as traditional authorities, community based groups and informal economy networks (Nay, 2013:337).

The discourse on State failure in the continent is not historically correct, because it completely ignored the inherent link between Africa's colonial experience and the present epoch of neo-colonialism. The

systematic disarticulation and externalization of pre-capitalist social formations have combined to suffocate the continent's economic development, yet; the role played by western colonial powers, Bretton woods institutions and development agencies, all of which should also be held accountable for the challenges currently facing poor and unstable countries were down played (Nay, 2013:336). This is extremely important because Marxist political economy is hinged on the fact that the objectivity of any phenomenon is assured when its historical foundation is examined. This is because the nature and character of social production of goods and services overtime affect that society. In this scenario, those who own and control the means of production use it to advance and consolidate a favourable status quo. It is not amazing therefore that Western Powers hiding under the State failure debate have want to achieve their ultimate agenda which is the control of the productive activity of the world, particularly Africa. Within the prism of Marxist political economy, to control African economy is to dominate its political economy.

Therefore, State failure debate becomes a veritable means to an end. This explains why Western position is not holistic, peripheral and one-sided. Mobutu Sese Seko of Zaire and Siad Barre of Somalia distinguished themselves in their dictatorial tendencies. They had a quantum leap in the control of their country's resources and building a personality cult. Interestingly, these rulers were products of Western incubation and 'development assistance' in Africa. Mobutu became '...the personalist embodiment of natural leadership during the cold war, he deployed the largess of his American and other western patrons to enhance his personal wealth, his heighten statue over his countrymen' (Rotberg,2003:12). In Angola Jonas Savimbi UNITA's factional leader became USA's cornerstone to an anti-communist strategy in Southern Africa, and he fabulously benefited from Western arms and sale of illicit diamonds. This seamless relationship between African dictators and the West was justified because of the exigency of the Cold War. Somalia was colonized by four powers; Italy, Britain, France and Ethiopia with varying colonial experiences. At independence, it was pellucid that the 'Nine million people with a strongly cohesive cultural tradition, a common language, a common religion, and a shared history of nationalism...' (Rotberg,2003:11), was yet to dismantle its colonial hangover. This led to the emergence of Barre in 1969, but the contradictions consumed him in 1991. Barre was backed by the Soviet Union and then the United states in the destruction of government and democracy, abused his citizen's human rights...(Rotberg, 2003:11). Therefore, to talk of state failure in Somalia without the evolution of its political economy is to look at appearances and not

reality. Mommsen (1977:134) noted that 'the confusion in Somali and other African countries is a direct consequence of the forced integration of the third-world economies with those of the metropolis, which took place in colonial and imperial times, and the policy of establishing metropolitan bridgeheads in the peripheral countries'. There is a poor appreciation of the continent's political economy, myriad variations such as natural endowment, population size, capacity, and the need to satisfy donor agenda. After all, he who pays the piper must dictate the tune. Somali state failed in the 1980s and collapsed, while Nigeria, Sierra Leone collapsed in the 1990s. This is not only a fallacy but a hyperbolic presentation. Nigeria cannot be on the same development pedestal with other countries because of obvious differing strength, challenges and experience. Nigeria has consistently occupied the position of state failure index from 2010, 2012 and 2013. This is in spite of its resilience and noticeable achievements like the recent Food and Agriculture (FAO) Award for its commitment to the Millennium Development Goals (MDGs), and efforts to tackle the terrorist menace. The blame for Somalia's failure or any African State should be laid on the door step of Western imperialist agenda.

It is worth reminding ourselves that it was the big NGO's who called for military intervention on Somalia in 1991, in order to facilitate their humanitarian work, the result was twenty years of war... and mismanagement in the central, Southern region of the country making Somalia the official one and only truly 'failed state' (Iniesta, 2012:8).

Nay (2013:329) opined that 'their research agenda is policy-oriented. It is primarily responding to the donor community's desire...'. In essence, a failed state will attract less attention from donor agencies, and Western support, while sustenance of State will enjoy unlimited global aid. This lies the ideological underpinning of the whole exercise. It is, therefore, not out of place that many scholars see the emphasis on state failure as the resurgence of the theory of modernization, and a clarion call for 'a textbook application of western democracy...' (Iniesta, 2012:8). Africa must pass through the critical epoch threaded by the West to be considered a member of the modern community as in Rostow's The Stages of Economic Growth. A Non-Communist Manifesto (1991) and Fukuyama's End of History and the Last Man (1992). Today, 'Africa is constructed or reconstructed as a representation of the West's negative image, a discourse that simultaneously, valorises and affirms Western superiority and absolves it from its existential and epistemological violence against Africa' (Babawale, et al, 2011:264). This Eurocentric approach which denies the historical trajectories and cultural distinctiveness of Africa prompted Chandler (2006) to aver that, it has legitimized western policy options,

standards and normative goals such as... security sector reform as the model of liberal market democracies (Nay, 2013:333), and given the impression that Africa's priorities and salvation lies in conforming with the conditions of capitalist globalization. Marx, K. et al (1961:18) stated that:

the bourgeoisie, by the rapid improvement of all instrument of production, by the immensely facilitated means of communication draws all, even the most barbarian nation into civilization... It compels all nations, on pain of extinction; to adopt the bourgeoisie mode of production it compels them to introduce what is civilization into their midst ... to become bourgeoisie themselves in one word, it creates a world after its own image.

The reliance on market democracies and openness to international trade is reminiscent of the World Bank and International Monetary Fund (WB/IMF) dictated Structural Adjustment Programme (SAP). The cardinal policy of SAP is the unreserved adherence to free market orthodoxy. It is a known fact that the introduction of SAP in more than 33 African countries including Nigeria asphyxiated the continent's socio-economic vein in all ramifications. But this externally induced pressure was not considered in state failure analysis. Apart from the above, the activities of transnational organizations, especially those in arms trade and precious minerals were ignored. The criminal activities of warlords in the wars of Liberia (1989-2003), Sierra Leone (1990-2001) and Guinea Bissau was sustained because of what Michael Ross called 'booty futures'. The sale of 'Bloody diamond' and other minerals to Western countries earned the Revolutionary United Front (RUF) of Sierra Leone, and the Armed Forces Revolutionary Council (AFRC) the sum of \$25-75 million per annum, the Jonas Savimbi's National Union for the Total Liberation of Angola (UNITA) whose internal war 1991-2001 led to the death of 700.00 people also earned the sum of \$200-600 million per annum (Williams, 2012:83). Between 1992 and 1998 alone UNITA, was estimated to have acquired cumulative revenue of about. \$2-3.5 billion'(Williams, 2012:84). In fact, President Ronald Reagan gave Savambi a Presidential treat each time he visited the United States. It was his death in 2002 that brought some relative peace in Angola. The incidence of warlordism, drug and human trafficking and illicit trade, which are hallmarks of state failure do not occur in a vacuum. Rather, they are financed and propped through a covert network of transnational actors that are residing in strong States.

Therefore, in a globalized world, it would be wrong to assume that the factors causing political instability and extreme poverty in so-called (failed) countries are confined to their national boundaries (Nay 2013:334).

It is imperative to state that the current research upsurge on State failure in Africa is not reflective of the altruistic effusion of the United States of America (USA). Indeed, it is just to enhance and solidify their policy of adventurism and manifest destiny to dominate the world. Right from the Simnoli war of 1918, successive governments in the USA have come to the conclusion that they must lead the world, because as James Madison averred 'the United States was not the workshop of the world, but the workshop of liberty' (Coker, 1989:20). Standing on a Pax Americana platform, President Reagan in 1980 declared that 'our nation ... was commissioned by history to be either an observer of freedoms failure or the cause of its success. We in this country, in this generation ... are by destiny rather than choice the watchman on the walls of world freedom'(Coker, 1919:28). This explains to a large extent the reason behind the much advertised war on terror. After all,

...the Americans have remained convinced that they are responsible for what happens in the world at large, that their country has the inherent right, a sort of modern Manifest Destiny to intervene in other countries internal matter(Coker, 1989:18).

This lies the capitalist-imperialist undertone of state failure project. Mommsen (1977:42) asserted that capital needs the means of production and the labour power of the whole globe for untrammelled accumulation. It cannot manage without the national resources and the labour power of all territories. It is, therefore, not surprising that the September 11, 2001 attack on USA which took them unawares was linked to state failure, and as an emerging threat to their global hegemony. State failure, became '... a major enabler of international terrorist networks and therefore became a key focus of both scholarly analysis' (Wolff, 2005:3). In the eyes of USA and European Policy makers, state failure is a security threat that must be nipped in the bud because of its capacity to be used to attack and undermine Western interest. According to Jack Straw, British Secretary of State for Foreign and Commonwealth Affairs, 'we cannot but be concerned of the implication of the human rights and freedom of those who are forced to live in such anarchic and chaotic conditions'. In 1995, the Central Intelligence Agency (CIA) created the State Failure Task Force which noted that state failure is a type of serious political crisis exemplified by events that occurred in the 1990s in Somalia, Bosnia, Liberia, Herzegovina and Afghanistan. For the European Union's 2003 European Society Strategy, it is 'an alarming phenomenon'.

The National Security Strategy of the USA observed that 'it poses as great danger to our national interests as strong states' (Albert, et al 2011:9). The National Security Paper in 2002 stated that 'America is now threatened less by conquering States than (it is) by

failing states'. It must be emphasized that the urgent need to protect the national interest of the West presided over by USA necessitated the 'global concern' and publicity on State failure. Why was the same level of concern not demonstrated in Rwanda, Samuel Doe's Liberia, Mobutu's Zaire and Barre's Somalia? The only plausible alibi is that the anarchic rule of these leaders did not threaten the entrenched interest of the world's hegemon. It is against this backdrop that Chomsky (2006;10) noted that the debate on State failure is an 'ideological invention' used to legitimize intrusive US foreign interventions and strengthen American supremacy in the world'. This can be gleaned from the President Clinton's unequivocal assertion that the USA can resort to 'unlimited use of military power' to ensure 'unlimited access to key markets, energy supplies and strategic resource'. This should not surprise anyone because Frank(1975:70) stated that, militarism thus far from being a 'domestic measure', is a global capitalist system-wide one. Lenin (1975:88) also declared that the capitalist divide the world, not out of any particular malice, but because the degree of concentration which has been reached forces them to adopt this method in order to obtain profits. It was this desire to control key markets of the world that precipitated the attack on Iraq, neo-colonial manipulation of the third world countries. It is important at this juncture to note that the September 11, 2001 terrorist attack on the USA has become a justification to bring the world within the political orbit of the United States and its allies. Through the instrumentality of the Patriot Act of 2001, War on terror and its Intelligence units, the USA has asserted its dominance on the world. In fact, General Carter Ham, Commander of the United States African Command, has consistently harped on the fact that a 'network of Al Qaeda and its affiliates' may increase threats to States and regional stability, and 'as each day goes by, Al Qaeda and other organizations are strengthening their hold in Northern Mali' (Campbell,2012). While this revelation may not be disputed, but the imperialist and expansionist undertone of this cannot be wished away.

The commitment to good governance and security in Africa is only a euphemism to save 'capitalists everywhere', and as David Rumsfeld and Paul Wolfowitz noted '...maintaining the dominance of US armed forces was necessary to prevent the emergence of a rival power' (Campbell, 2012:5). After all, it was the US in the 1980s that supported Osama Bin Laden and his allies to fight against the Soviet Union. Once the Soviet Union was down out of Afghanistan, the US Intelligence services formed against their allies'(Campbell, 2012:10). Indeed, 'US government channelled to the Afghan rebels over the next decade between \$3billion to \$6billion' to fight the defunct Soviet Union. (Gasper, 2001:1). In fact, President Ronald Reagan proudly called the Mujahedeen freedom fighters. Curiously, one of those non- Afghans recruited

to fight was Osama bin Laden. It is against this backdrop that we can discern the 'concern' of US and its allies on African failed States. It is a mission to create a political condition that would facilitate resource exploitation and imperial expansion considering the fact that 25 percent of oil consumed in the US comes from the continent. Finally, the concept presupposes a terminal point of development; an end state which all States must arrive at. This conception negates the principle of continuum in State formation. Therefore; state failure in Africa can be seen as the manifestation of the twists and turns of State building. The fall of the Roman Empire, European revolutions and industrialization where all phases of State formation over long period of time. Africa cannot be an exception, especially with the unassailable forces of globalization frontally confronting it. According to John(2008:10),

rather than insist that States need to be pigeon-holed as successful or failed, this framework allows for an assortment of state effectiveness along a continuum where conflict and violence, far from an aberration of State formation and development are an integral part of these processes. In this perspective, it is possible to process violence, war and non-state challenge not only as both 'development in reverse'... but as both reflective of the political economy of State formation in less developed economies and as history attests, the extent to which such contestations have potential to be developmental.

V. CONCLUSION AND RECOMMENDATIONS

Africa has suffered untold excruciating pain for many centuries. Colonial imperialism consolidated at the Berlin conference was expressly for the unmindful exploitation of the continent's natural resources. Little or no attempt was made to lay a foundation for sustainable development, and the training of people who will ensure its socio-economic and political efflorescence. Whatever was African was vilified, derogated and destroyed. At independence in the 1960s, the educated elite that took over from the colonialists also inherited the contradictions of the colonial order. But by 1990s and the beginning of the twenty-first century, many Western Agencies and Research Institutes declared most African States as failed. While it is a truism that African leaders are yet to fulfil the expectations of independence, it must be stated that the present crises plaguing the continent cannot be divorced from its exogenous connections. The fratricidal conflicts which cost the continent well over \$700 billion in damages since 2000 alone (Williams 2012:1), must be located within the matrix of global capitalist contradictions. Therefore, state failure without an examination of the continent's political history cannot be objective. The variations in colonial experience, natural endowment and political resilience

directly define the character of political economy today. Unfortunately, those who pontificate on state failure in Africa have refused to advert their mind to these facts. They have dogmatically accepted the conclusion that unless the continent adopts a state centric developments approach, failure will become imminent. It is against this backdrop that we can surmise that the state failure project lacks an empirical validity, and cannot be relied upon. It is deceptive, misleading and a sophistry calculated to create a niche for unwanted meddlesomeness in the guise of official assistance. According to John, (2008:24):

the criminalization of the state and its associated corruption at all levels in Africa 'is less a sign of state failure' than a mechanism of social organization that has to be related to the specific historical experiences, cultural repertoires and political trajectories of the sub-continent through which political power is disseminated and wealth re-distributed.

This is why Iniesta (2012:11) opined that 'we need more information' less sensationalism and more confidence in Africa's resurgence'. Since the 'US security is threatened by 'failed states' (Chomsky, 2006:90), it connotes that Africa must conform to Western prescriptions or be attacked.

Nevertheless, African leaders must be pragmatic and resourceful in their efforts to erase the stigma of criminality, neo-patrimonialism and backwardness in the governance of their continent. We, therefore, suggest that they should ensure the promotion of human security by strengthening democratic institutions, and deepen good governance in the continent.

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Executive Presidency and Intra-Institutional Crisis in Nigeria, 1999 - 2015

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Executive Presidency and Intra-Institutional Crisis in Nigeria, 1999 - 2015

Ibraheem Oladipo Muheeb

Abstract- Many federal systems incorporate presidential system with individual or dual executive. Such executive presidencies are imbued with substantial powers, dominating politics and government with far-reaching implications. The potential advantage of presidential system is 'often challenged by the occurrence of divided governments' capable of thwarting executive's potential successes. Recurring intra-institutional leadership crisis borne out of high-wired politics, personal and political differences negating the spirit of the Constitution and threatening democratic consolidation suffice. Such crisis underlines the limitations of individual and dual executives amidst agitations for amendment to perceived flaws in constitutional provisions in emerging democracies. The Nigeria's 1999 Constitution provides for dual executive presidency comprising a President and a Vice-President jointly elected for a renewable four-year term of office. The predominance of viable governing institutions, as opposed to personal leadership was an aberration prior to the embrace of popular government. The vices of authoritarian rule and crises-infested states informed a consideration for an executive presidency that could muster the requisite leadership and political will to offer a rallying point for diverse interests to act with dispatch and stabilize the polity. This paper interrogates a crisis-ridden executive presidency whose background and internal contradictions tainted its leadership content and political character that threatened its institutional viability. Dictatorial tendencies vis-à-vis personality politics manifest in the intra-institutional and power relation dynamics to undermine cohesion. Richard Joseph's conceptual notion of the Nigeria State and politics, prebendalism vis-à-vis the Nigerian experience in military rule constitute the theoretical and contextual framework for interrogating the institutional inadequacies under reference.

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1. INTRODUCTION

Presidential, parliamentary, dictatorship and autocracy are four-fold popular division of polities in the literature. The common distinguishing features include the degree of intra and inter-institutional control, actual exercise of power and value preferences (Alvarez, 1996). These categories are defined by how the executive operates. In many established democracies, executives fall into parliamentary, presidential or semi-presidential system of government (Hague and Harrop, 2004). Although the role and position of the Head of State is crucial to each of these categories, the most prominent of these is the presidential system of

government, which has remained a major feature of most democratic federal system including Nigeria (Hans, 2000). Political executives are the locus of leadership that provides stabilizing and adaptive capacities to the political system (Almond et al., 1996). The conduct of the political executive affects the trust and confidence a government enjoys from the public. Political executives are source of ideas, imaginations, honours and distinctions to members of government and the entire citizenry home and abroad and whatever dynamism a political system has tends to be focused in the executive (Almond, et al., 1996). Executives have large and important appointive powers, not only of cabinet and government ministers, but also of judges. Political executive plays crucial role in political communication through press conferences and speeches (Almond, et al., 1996). The executive is accountable for all the activities of government and it is where the buck stops (Hague and Harrop, 2004). Effective executives are common to countries that have executive presidencies with substantial powers affecting the entire governmental process. These include the US, France, Russia and Nigeria among others (Almond, et al., 1996).

Following Almond et al. (1996), political executive have many names and titles, and their duties and powers also vary significantly. Some are referred to as prime ministers, chancellors, premiers, Kings, Queen, chairmen or chairs. Others could be called president who could be the supreme arbiter without reference to formal offices. According to Hans (2000), while most countries have a President as Head of State, in a number of cases the presidency is merely symbolic and its main function is to represent the sovereignty of the nation and government. In this sense presidents are comparable to most constitutional monarchs. Conversely, most federal systems incorporate the presidential system of government with a political executive that centralizes both political power and symbolic authority in one independent individual or group of individuals, usually the president and the vice-president. The president performs both governmental and ceremonial functions and symbolizes the nation at the international stage as well (Mahler, 2003). The political power and symbolic authority are almost always separated in parliamentary systems, where a distinction is made between the "Head of state", who is primarily a ceremonial official, and the "Head of government", who

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exercises actual political power including making and implementing policy decisions in public interest. All executives have many members comprising elective and appointive officials with policymaking power. As Hague and Harrop posits, 'the political executive is the core of government, consisting of political leaders who form the top echelon of administration often comprising presidents and ministers, prime ministers and cabinets.

The executive is the energizing force, setting priorities, making decisions and supervising their implementation. Governing without an assembly or judiciary is perfectly feasible but ruling without an executive is impossible (Hague and Harrop, 2004). Whether individual or collective, the distribution of power and authority in a political executive varies from one system to another (Almond, et al., 1996). While titles and configuration may be misleading as regards the actual number of members, powers and functions executives officials perform; political executives are effective only if they have genuine powers in the enactment and implementation of laws and regulations. Otherwise, they are symbolic or ceremonial (Almond, et al., 1996). On political executive in presidential government, again, Hague and Harrop observation suffices to the effect that, there are many presidents but few examples of presidential governments and the preponderance of self-styled presidents is an inadequate sign of a presidential system. A properly conceived presidential government entails the preeminence of a constitutional rule in which the chief executive governs on the authority derived from direct election, with an independent legislature (Hague and Harrop, 2004). In most federal systems like Nigeria, the president is conferred with executive powers and assigned executive responsibilities separate from the legislative and the judicial powers. This formal separation of powers defines the relationship between the presidency and the other arms of government. The executive dominates the politics of government and in emerging democracies like Nigeria; both formal and informal rules affect the style of leadership.

Common to most presidential governments is the institution of the vice presidency, which has few constitutional duties and the primary significance of which is not in what it is but in what it might become, as second in command to the president and prospective president in the event of an unforeseen circumstances. Presidential candidates select their own running mate for election and voters express support for a vice-presidential candidate in the same way as they choose between the candidates for the senior post (Hague and Harrop, 2004). On a joint ticket, the electorate votes for the president and the vice-president both of who should equally be accessible to the electorate on whose mandate the executive presides and whose legitimacy it governs and represents national government at home and abroad (Hans, 2000). As shall be discussed further

in subsequent section of this paper, a vice-president serves as stand-by co-elected official with the president, and more or less a president-in-waiting, as the vice-president has a chance of becoming the president if and when circumstances permit (Hague and Harrop, 2004). It is however important to stress that the vice-president is often assigned ceremonial responsibilities while the president assumes power over important decision-making responsibilities (Mahler, 2003).

Executive presidency is considered to be beneficial in presidential government particularly in moment of crisis, as Hans Keman noted that the one-person executive could redirect government action in the desired course at a short notice in such circumstances. However, this potential advantage can and is often counteracted by the occurrence of 'divided governments' (Hans, 2000). While Keman's argument appears to be hinged on a situation where the majority of a legislative assembly or members of the president's political party are not supporting the president, cases abound of intra-institutional crisis of confidence and lack of cohesion within executive presidencies that thwarted collective executive successes. For example, The Guardian recalls that the Mbeki-Zuma face-off left the ANC deeply divided that the public was inundated with discordant tunes amidst accusations and counter-accusations from the South African presidency. Thabo Mbeki appointed Jacob Zuma Executive Deputy President of South Africa in 1999, after winning the presidency. In 1999, Mbeki's special unit, "the Scorpions" investigated Zuma and he was indicted in financial irregularities over a deal involving 29 million rand worth of strategic arms purchase. Initially cleared in 2001, Zuma faced corruption charges thereafter, but had those charges dropped in 2003. Zuma was again charged in 2005 with corruption for taking a bribe in connection with the 1999 deal after his financial advisor was convicted of corruption and fraud. President Mbeki subsequently fired him, though he was cleared of corruption charges again in late 2006.

Lindow (2008) reported that Mbeki's autocratic management style and ruthlessness in dealing with his opponents has angered many. While Zuma's supporters have long claimed that their leader is the victim of a political conspiracy orchestrated by Mbeki, Zuma had alleged that Mbeki and members of his cabinet improperly intervened in his trials to ensure that Zuma was prosecuted. Mbeki's supporters decried the party's harsh treatment of the departing leader. "This has been a brutal internal coup, almost," Mbeki biographer William Gumede told a South African radio station. The crisis has had everything to do with settling scores and taking revenge. Although Zuma was averse to Mbeki's disgraceful exit but to ensure a smooth political transition instead; rather than a dignified exit from office Mbeki contended with a string of humiliating defeats, and left office much diminished. Lindow (2008) reported

further that the African National Congress (ANC) party leaders unanimously decided to remove Mbeki from office on allegations that he had used the country's law-enforcement system to undermine Zuma's chances of succeeding him. This was meant to "heal the rifts" internal caused by the bruising power struggle between Mbeki and Zuma. The ANC's action opened the way for Jacob Zuma, to be voted in as President. Mbeki stepped down in what amounted capitulation to avert political crisis ahead of 2009 general elections. He was to later contest the presidency of the ANC against Mbeki.

The Burundian Vice-President, Alice Nzomukunda, resigned from office with strong remarks about the president's importance in the face of gross human rights abuses. President Domitien Ndayizeye and Vice-President Alice Nzomukunda were elected in 2005 on a joint ticket under Hutu Forces for the Defence of Democracy (FDD) party. Alice Nzomukunda resigned over corruption and human rights abuses she claimed to be hampering her nation's progress. Nzomukunda claimed to have quit the government after enduring a year of humiliating interference in her work by party chairman Radjab Hussein, which she claimed to have complained to both the President and to the party's chairman himself, to no avail. Andrew Jackson became President of the United States in March of 1829 and not long after he had to deal with a split that developed between himself and Vice-President John Caldwell Calhoun. The split between Jackson and Calhoun deepened over series of issues and the irreconcilable personal and official differences including contestation over the status of the rights of the states and the rights of the federal government pushed the two men apart. The Andrew Jackson-John Caldwell Calhoun ticket was so bitterly divided that Calhoun quit the position of Vice-President to contest for the Senate in 1832.

By and large, presidential system offers the stability required for a new administration in post-authoritarian and post-conflict systems with pronounced diversity. The president's fixed term of office ensures continuity in the executive, as apposed to the frequent collapse of governing coalitions arising from crisis of confidence typical of parliamentary governments. Presidential hopefuls are often required to build bridges across diverse sections, groups, and interests to win presidential election. Presidents so elected with broad-based support could project national image and take a national view by rising above sentiments, petty squabbles between minority groups and interests (Hague and Harrop, 2004). Conversely, Hans Keman observation suffices, to the effect that in countries with the preponderance of weak institutions, and less developed civil and political rights or where rules of civic engagement are observed in breach, presidentialism portends grave danger as a system of power concentration (Hans, 2000), in a single or group of

individuals subject to arbitrary deployment and abuse. Hence, the deployment of presidential authority to enhance political power or advance politics hampers presidential performance of the unifying role among other stabilizing responsibilities envisaged above (Almond et. el., 1996). In addition to constitutional powers granted occupants of presidential and vice-presidential offices are other social cultural factors that facilitate arbitrary deployment of presidential powers to the detriment of the system of rule.

Again, Hague and Harrop (2004) observation suffices, that president soften grow too big for their boots acting in manner, often inconsistent with constitutional provisions. In Africa, as the case in Latin America, presidents sometimes seek to amend the constitution to enable them continue in office beyond their term limits. In the ensuing scenario, a frustrated or ambitious president may turn into a dictator either through self-derived emergency powers or sought from collaborative legislative assemblies thereby laying the ground for systemic collapse (Cheibub, 2002). Unlike parliamentary systems, presidential systems lack strong cabinet that could offer a counterbalance to presidents' network of personal support staff, advisers and technocrats. This is more so the composition and functioning of cabinet are at discretion of the president in presidential systems and cabinet meetings are often at the pleasure of the presidents. Section 147, which authorizes the President to appoint ministers and Section 148, which empowers the president to exercise his discretion in assigning executive responsibilities to ministers so appointed or Vice-President as the case may be attest to this as subsequent sections shall attest. Personal aides and administrative staff sometimes shield presidents from cabinet members and the Nigerian Yar' Adua-Jonathan presidencies, 2007-2009 and 2010-2015 offer some cases of situations where and when cabinet members experience difficulty in gaining access to presidents through layers of assistants and advisers (Hague and Harrop, 2004). As the Nigerian experience shall reveal, the cumulative risks of betting systems on an individual or dual executives are altogether too grave, thereby inhibiting the development of the rule of law in new democracies, affirming Lijphart's (2000) submission on presidentialism 'as a strongly negative feature for the future of democracy' (Hague and Harrop, 2004).

II. THEORETICAL AND CONTEXTUAL FRAMEWORK

Democratic rule thrives on the pre-eminence of viable institutions, an essential feature that was elusive during the period under reference. Thus, Richard Joseph's (1987) conceptual notion of the Nigeria State and politics christened prebendalism, and the Nigerian experience in military rule are crucial theoretical and

contextual framework for interrogating the institutional inadequacies under reference. Joseph's (1987) conception of the Nigeria state and Politics suffices to the extent that any meaningful discussion on Nigeria depends upon a prior understanding of the nature, extent and persistence of a certain mode of political behavior and its social and economic ramifications. This entails an understanding of the extant state system, perceived as a magnet for all facets of political and economic life, consuming the attention of individuals with personal or group agenda to promote outdoing one another in desperate bids to gain access to the control of the levers of the nation's political economy. Joseph's conceptual notion, prebendalism, seems most appropriate for explaining the centrality of the intensity and persistent struggle to control and exploit the offices of the state. Prebendalism implies that the Nigerian state and politics are concerned with 'how interests are represented and benefits distributed'. Politicians and public officials exploited the system to further individual or group interests. This explains the keen and fierce contest for, and retention of power and access to the distribution of resources in a context of scarcity, insecurity and disregard for official norms and regulations. The state thus becomes an entity composed of strategic offices, which can be captured as the outcome of a competitive process, including fair electoral contest or extra-legal compromises (Siollun 2013, Joseph 1987).

Military rule that was the hallmark of Nigeria's socio-political and economic landscape from the late 60s to the late 90s complements Joseph prebendal notion of the Nigeria state and politics. The military institution and its civilian collaborators used their access to power and state resources to exploit the state in a predatory fashion. A fraction of the ethics of the military profession - command structure, loyalty, and obedience - penetrated politics, and the ethics of politics - contest for power and influence for access to, and distribution of state resources - penetrated the military institution. In the ensuing politics, the state was alienated from the generality of the people. Joseph's conception thus captures the nature and essence of the immediate post-authoritarian regimes in Nigeria beginning from 1999 during which representative politics and Joseph's prebendal politics were two sides of the same coin.

In Nigeria as in elsewhere of its kind, party system defines the institutional basis of representative government. Joseph (1987) noted that Nigeria's political party formation and party politics have also been rooted in the dynamics of the Nigerian society, culture, ethnicity, and religion, motivated by the exploitation of these dynamics to limited ends. The fundamental understanding of this political process holds useful insights into the behavior of political actors and yields reasonable expectations concerning their actions. Claude Ake identifies observes that the over

politicization of social type increases the degree of intensity of political competition. Ake observes and rightly too that: 'the premium on political power is so high that political actors were prone to take the most extreme measures to win and to maintain political power. The Nigerian state appears to intervene everywhere and to own virtually everything including access to status and wealth. Inevitably, a desperate struggle to win control of state power ensues since this control means for all practical purposes being all-powerful and owning everything. Politics became warfare, a matter of life or death' (Joseph, 1987) Ake's submission captures the successive rivalries and desperation often characteristic of party politics in Nigeria. The ensuing battle for supremacy essentially brought about unhealthy intra-, and inter-party and inter-institutional competitions.

The struggle for power accounts for the attendant chaos, violence, and eventual collapse of governments. The struggle for power could also be held responsible for failure of the political class to incorporate self-correcting mechanism into the conduct of political activities at virtually every leadership transition. The bitterness and uncompromising disposition of major actors often gives way to politics of exclusion, mutual suspicion, tension, and institutional instability. Similarly, given that there is a nexus between ideology and political reality, the relative fragmentation, internal crisis of confidence could fester on the dearth of credible ideas, desirable ideals and guiding set of belief or ideology. It is for the dearth of good ideas that politicians are preoccupied with how to grab power largely to selfish ends rather than promote the general good and guarantee a 'civil minimum'. The pre-eminence of ideological colouration of party politics rather than primordial consideration is the hallmark of institutional viability.

a) *The Nigeria's Executive Presidency (1999-2015)*

Nigeria was among many countries that emerged from military rule to embrace representative government in the final decades of the twentieth century. The immediate post-authoritarian period required a presidency that could stabilize the polity, in the extraordinary moment of political and economic turbulence. There was also the need for a respected national figure that could be leveraged upon to effectively project the country positively on the global stage (Hague and Harrop, 2004). The military to civilian transition ushered an elected president in the person of Olusegun Obasanjo and a vice-president, Atiku Abubakar into office for a renewable term of four years under the provisions of the 1999 presidential federal Constitution. The 1999 Constitution provides for an executive presidency. Section 130 clearly establishes the office of President and subsection 1 and 2 state that there shall be for the federation a president who shall be the Head of State,

the Chief Executive of the Federation and Commander-in-Chief of the Armed Forces of the Federation. Section 141 provides for the federation a Vice-President. Section 142 subsection 1 on the nomination and election of Vice-President runs thus: "In any election to which the foregoing provisions of this Part of this Chapter relate, a candidate for an election to the office of President shall not be deemed to be validly nominated unless he nominates another candidate as his associate from the same political party for his running for the office of President, who is to occupy the office of Vice-President and that candidate shall be deemed to have been duly elected to the office of Vice-President if the candidate for an election to the office of President who nominated him as such associate is duly elected as President in accordance with the provisions aforesaid."

Subsection 2 states that: "The provisions of this Part of this Chapter relating to qualification for election, tenure of office, disqualification, declaration of assets and liabilities and oaths of President shall apply in relation to the office of Vice-President as if references to President were references to Vice-President." Section 143, subsections 1-11 outlines the procedure for the removal of president from office, which is applicable to the Vice-President as well. Subsection 11 entails "gross misconduct", which it defines as a grave violation or breach of the provision of the constitution or a misconduct of such nature as amounts in the opinion of the National Assembly to gross misconduct. Section 145 outlines provisions for acting President during temporary absence of the President. It states provides that: "Whenever the President transmits to the President of the Senate and the Speaker of the House of Representatives a written declaration that he is proceeding on vacation or that he is otherwise unable to discharge the functions of his office, until he transmits to them a written declaration to the contrary such functions shall be discharged by the Vice-President as Acting President." Section 146, subsection 1 contains provisions on discharge of functions of president and it provides that the Vice-president shall hold the office of President if the office of President becomes vacant by reason of death or resignation, impeachment, permanent incapacitation or the removal of the President from office for any reason in accordance with section 143 or 144 of the constitution. Section 147, subsection 1 authorizes the President to appoint ministers to work with him or her as ministers of federal government. It provides that there shall be offices of Ministers of Government of the Federation as may be established by the President. Section 148, subsection 1 empowers the president to exercise his discretion in assigning executive responsibilities to ministers so appointed or vice-president as the case may be. It provides that the president may, in his discretion, assign to the Vice-President or any Minister of the Government of the Federation responsibility for any business of the

government of the Federation, including the administration of any department of government. Section 151, subsection 1 provides that the President may appoint any person as Special Adviser to assist him in the performance of his functions.

Like the US Constitution it borrowed extensively from, Nigeria's 1999 Constitution also grants the President extensive powers including the command of the nation's military forces; the power to conduct foreign affairs; the power to appoint the cabinet and other executive officers including heads of government establishments like Chairman or member of the Independent National Electoral Commission, National Judicial Council, the Federal Judicial Service Commission or the National Population Commission as well as judges; and the legislative veto power (Ritchie, 1997). Political executive in liberal democracies are accountable for their conduct. Constitutional and electoral controls are acknowledged as effective and the scope of the executive powers and authority is not limited by political realities but by the constitution (Hague and Harrop, 2004). For example, the 1999 Constitution requires that in exercising his powers to appoint a person as Chairman or member of any of the above-named agencies and Commissions, the President should consult the Council of State. There are a number of such constitutional restraints on executive powers (Hans, 2000) and established democracies have succeeded in the delicate task of subjecting executive power to similar constitutional limits. 'President Kennedy summarized the peculiar ambivalence of the office when he reiterated that the President is rightly described as a man of extraordinary powers that must be wielded under extraordinary limitations' (Hague and Harrop, 2004: 270).

History has shown, however, that transplanting political institutions does not always work very effectively (Muheeb, 2016a, 2016b, 2015, and Mahler, 2003). In spite of the political and constitutional similarities between Nigeria and the United States of America (USA) for example, the observable systemic inadequacies that undermine institution building in Nigerian are in sharp contrast to the American system. For example, the Nigeria's 1999 Constitution did not foresee the successive intra-institutional crisis of confidence recorded during the Obasanjo-Atiku Presidency, 2003 - 2007 and the Yar'Adua-Jonathan Presidency, 2007 - 2010 respectively. Following Ritchie (1997), the Nigerian presidency has evolved overtime to dominate many processes of allocating, and re-allocating government's revenue resources and spoils of office. Friction arises as Vice-Presidents often contest been confined to less important and ceremonial functions, a situation not helped by the public and vested interests. The widespread view among the public is that the Vice-President is no more than second-in-command, next only to the president, not the first, and the public wants

to see the President and are less satisfied when such is desirable (Mahler, 2003). Bolstered by the prevalence of distributive politics, the establishment of the EFCC and the ICPC among other executive instruments, whose headships are appointed by the President and under whose supervision they operate, heralded the consolidation of discretionary powers of the President.

Nigeria, among other post-colonial African states projected weak governing institutions and the predominance of personal leadership until the era of democratization in the late 1990s (Hague and Harrop, 2004). Political leaders favour prebendal politics involving the appropriation of state institutions and the military background of the political actors and governmental structure tainted the understanding and essence of the extant political system and institutions. While the constitution vested the presidency with wide-ranging powers, the exercise of such presidential powers, much more than what the constitution envisages, have occasionally been counterproductive. As Ade-Adeleye's (2014) observes, successive occupant of the office of the President since the commencement of the Fourth Republic has wielded enormous powers, deploying such powers at will. In addition to constitutional provisions that nourish the president's appetite to deploy power arbitrarily are other psychosocial factors including those demanding subservience to authority. The personality, professional background, experience and influence of both Obasanjo and Atiku and intra-party wrangling were evident in the institutional and power relation dynamics that bedeviled the Obasanjo-Atiku presidency, 1999 - 2007.

b) *The Obasanjo-Atiku Presidency's Intra-institutional Crisis of Confidence*

Following *The Guardian's* extensive report, the feud between President Olusegun Obasanjo and his Vice-President, Atiku Abubakar could be traced to sometimes in December 2002. The protracted crisis of confidence allegedly had its root in a 'conspiracy' at the Eagles Square, Abuja on the night of the convention of the Peoples Democratic Party (PDP) where a certain plot was hatched to convince Obasanjo not to run for a second term of office to commence May 29 2003 but to instead hand-over power to Atiku. Two major camps had emerged in that conspiracy. The first comprised offthose seeking to convince Obasanjo to jettison his re-election bid to pave the way for Atiku's emergence. The second preferred that Atiku dump the Obasanjo-Atiku ticket and contest for the Presidency instead. This conflict of interest at the presidential primaries culminated in mutual suspension, distrust and anxiety. While Obasanjo was unsure of the position of his Vice-President on the joint ticket, Atiku was faced with the options of either to contest the 2003 election against his boss or stick with him on a joint ticket. His supposed supporters including some State Governors favoured

the former option. Their disposition was hinged on the premise that Atiku had obliged Obasanjo of his formidable presidential platform, the Peoples Democratic Movement (PDM), which was his support base within the Peoples Democratic Party (PDP) during the 1999 general elections. Obasanjo was presented with what was termed the "Mandela option", which the former President spurned. The option would have involved Obasanjo running a single term and handing over to Abubakar. Although Atiku was persuaded and he later succumbed to stick with Obasanjo after intense entreaties; but it was much after Obasanjo's ego had been bruised, the damage was already done, as the President felt betrayed by his Vice-President. The relationship between the duos subsequently deteriorated. The PDP's eventually recorded a resounding victory at the polls albeit rather controversially paving the way for Obasanjo to consolidate his political structure. Obasanjo reportedly moved swiftly to build a separate political base within the PDP in an attempt 'castrate' and neutralize the influence of Atiku-PDM within the PDP.

Thus, a number of frontline sympathizers of Atiku reportedly had their image dimmed within the PDP. For example, the travails and eventual ouster of a former governor of Anambra State, was traced to the presidential-vice-presidential power play. A former national chairman of the PDP, was equally relived of his office for his contrary views on the Anambra saga. Obasanjo reportedly replaced the chairman with a longstanding ally, and a retired Army Colonel. The National Secretariat of the PDP was noticeably filled with persons largely considered as Obasanjo's loyalists. There was progressive whittling down of Atiku's influence within the Presidency. The President curtailed his Vice-President's foreign travels, reduced official duties assigned to his office, hired and fired Atiku's aides and declared that it was his prerogative as the presiding officer to appoint and dismiss officials of the Presidency. Political appointees nominated by the Vice-President also lost their positions to the power politics. These and subsequent developments attested to the view that Obasanjo was on a collision course with Atiku and that the former was not keen on relinquishing power to the latter in the near future. For example, Obasanjo forwarded a terse reply to Atiku's letter seeking the former's official blessings of the latter's presidential ambition in 2007. Obasanjo replied that his presidential ineligibility was already public knowledge and that the choice of his successor was a party affair but he nevertheless wish Atiku good luck in his quest.

The second strand of friction revolved around accusations and counteraccusations of disloyalty, which were launched in the media in the heat of a clandestine campaign for tenure extension. Atiku had reportedly confided in a newspaper that Obasanjo had earlier sworn in his presence to vacate office at the expiration

of their second term in office in 2007 as constitutionally stipulated. This revelation was made in response to a widespread debate and growing suspicion of Obasanjo's secret moves to extend his tenure beyond 2007 through an alleged "third term" plot. In a Presidential media chart, a furious Obasanjo accused Atiku of disloyalty and loss of memory. The President countered that there was no way he could have sworn to anyone as alleged after he had taken an oath to protect the Constitution. Some Obasanjo's supporters like the former military administrator of Lagos State, retired Brigadier-General Buba Marwa, who was also nursing a presidential ambition, called for Atiku's resignation. The Atiku's camp replied in the like manner, demanding that Obasanjo take the lead in resignation for allegedly plotting to subvert the constitution. Atiku further argued that he swore allegiance to the constitution and not to any individual.

The purported tenure elongation or third-term agenda and the controversies it generated viciously pitted Atiku against Obasanjo and the PDP, which surreptitiously caved-in to Obasanjo's quest. Atiku reportedly claimed that 90% of Nigerians were against Obasanjo's third-term agenda. He declared his resolve to take a principled stand against the bid, sustain the anti-third-term campaign and face the consequences having survived the worst of treatment from the presidency in the three years preceding 2007. In his words, "From now on, I don't care what happens, but we must step up the campaign to stop this evil agenda" Atiku told a patronizing group of anti-third term politicians and legislators while urging the National Assembly to step-in and halt the tenure elongation campaign, a call the National Assembly eventually heeded. While further accusing Obasanjo of running a one-man show and pursuing reforms without "a human face", Atiku advance his stance by publicly declaring his determination to contest in the 2007 presidential election. Obasanjo's media aide, Femi Fani-Kayode, reacted to Atiku's lamentations while deploring the statement credited to the Vice-President. Fani-Kayode countered that: 'if it is true that he has been suffering for the last few years and that nothing good has happened and he's been persecuted... the logical and rational thing for him to do, if he sincerely feels like that, was for him to resign'. The PDP also turned the heat on Atiku.

The party reportedly decried the utterances credited to the Vice-President. Atiku was practically denied registration by the Adamawa State chapter of the PDP during the membership validation exercise. Atiku floated the Advanced Congress of Democrats (ACD), an alternative platform where most of his supporters in the PDP found refuge, and on which plank it was suspected he would contest for President if he loses the PDP nomination. The grandstanding lingered from one outing and event to another. The strain relationship manifested

at the International Conference Centre, venue of the Commonwealth Parliamentarians' Conference in Abuja, where both Obasanjo and Atiku who were on the high table, visibly did not exchange the usual greetings and banter they were both known for. While Obasanjo ignored the Vice President and instead engaged in conversation with the Speaker, Aminu Bello Masari, the Vice President also maintained a straight face. The bad blood expectedly culminated in a major political crisis, as Obasanjo reportedly sought the impeachment of Atiku by the National Assembly.

While the face-off was ongoing, the United States Federal Bureau of Investigation (FBI) reportedly raided the Potomac, Maryland USA residence of Atiku. The FBI's action was linked to raids on the same day, on homes belonging to a Louisianan congressman, William Jefferson who was being investigated over the financing of a high-tech company. Jefferson, a Democrat who had served eight terms in the House of Representatives, came under scrutiny as the FBI investigated an international telecommunications deal. Investigators were purportedly interested in Jefferson's links with Atiku Abubakar and Ghanaian Vice-President, Aliu Mahama. Atiku expressed his readiness for probe while denying involvement in any shady deal. Atiku reiterated his resolve to fight on at the expense of his presidential ambition and in spite of pressure from political quarters. This and similar development bolstered Atiku's press statement that he was ready to face the FBI and the EFCC to clear his name of any charges.

Perhaps, relying on Jefferson's case and report of investigations on Atiku by the EFCC, Obasanjo had asked Atiku to excuse himself from the Federal Executive Council (FEC) Chambers after the EFCC had submitted a report on Atiku to the FEC. Atiku, before his exit from the FEC, through a memo to the President protested that he was not obliged a copy of the EFCC report to be deliberated upon by the FEC. Atiku alleged that Obasanjo had forwarded a letter to the Senate calling for his impeachment as Vice-President. He also alleged that the President had earlier written a letter calling for his resignation, failure, which would prompt the National Assembly to commence impeachment process. Obasanjo's memo to Senate President, Ken Nnamani harped on the purported report by the EFCC on sundry wrong doings by the Vice-President. The EFCC, ostensibly acting on a request by the FBI to question a number of individuals connected with the investigation of Jefferson over a Halliburton bribery scandal, had sought Atiku's clarifications on his relationship with Jefferson. Atiku in his response maintained that the Congressman had written through the Nigerian Embassy in Washington DC seeking a meeting with the Vice-President concerning a communication business in Nigeria. Atiku in-turn forwarded the letter to the Ministry of Communication for necessary action. Although he granted the

Congressman an audience at his residence in Maryland in 2005, he categorically denied any untoward business with Jefferson.

In furtherance of his anticorruption campaigns, the EFCC queried the fund placements in Equatorial Trust Bank (ETB) and Trans-International Banks (TIB) by the Petroleum Technology Development Fund (PTDF), a federal government agency under the supervision of the Vice-President's Office. Although the PTDF had deposited funds in 14 banks including the above-named ones, the EFCC sought clarifications on the rationale behind the \$110 million deposit in ETB owned by Mike Adenuga and another \$20 million deposit in TIB, substantially owned by Oyo and Osun States. In response, Atiku recalled that the Executive Secretary of the PTDF had recommended the placement of the deposits in the local banks, as they would attract far higher interests than they could in overseas banks. In fact, while foreign banks were dangling 3% to 4%, their Nigeria counterparts offered more than 10% returns on the deposits. On the basis of this informed business judgment, the Vice-President forwarded the PTDF's recommendations to the President who expressly approved of the transaction. The PTDF subsequently earned handsomely from the transaction raking-in over N1 billion in accruable interests from its deposit at ETB alone.

The EFCC and the administrative panel set up by the President under the leadership of the Attorney-General and Minister of Justice again raised issues over what they called "coincidences". These were that: Mike Adenuga was able to pay the 10% deposit for the Globacom telecommunication license his company bid for and won shortly after ETB received the PTDF deposit, and that Oyewole Fashawe was only able to secure over N700 million loan from TIB shortly after the PTDF deposit. Atiku's response to the EFCC and the Administrative Panel was to the effect that his main consideration was the safety of the deposits, and he had no way of knowing or determining how the banks used deposited funds. The duo also raised issue of Fashawe's donation of a building to ABTI Academy, Yola owned by Atiku (Fashawe had also donated a building to Africa Leadership Forum, an NGO owned by Obasanjo and Mike Adenuga constructed a library worth over N1 billion at the Obasanjo-owned, The Bells University); and that Fashawe gave N3 million cheque to one of the Vice-President's aides (Fashawe similarly gave cheques to one of the President's aides). The tit-for-tat dovetailed into legal tussle as both parties sought judicial intervention on their respective claims in desperate bids to undo each other.

III. CRITICAL APPRECIATION AND ANALYSIS

Thus far, as a multi-ethnic society, the presidency is expected to serve as the rallying point for

diverse interest and to effectively stabilize the polity. The constitutional requirement of winning at least 25% in two-thirds of the thirty-six states of the federation was to guarantee the emergence of a pan-Nigeria president with a broad support across the country to enable the president take a national position on issues of importance to the overall interest of the country. The president's renewable term of four years was to guarantee stability and continuity. However, the preponderance of weak institutions, less than satisfactory adherence to the rule of law and the preeminence of strong personalities consistently aided the primitive disposition of government business by elected executive officials. In 2006/2007, president Obasanjo clandestinely sought amendment of the 1999 Constitution to enable him continue in office beyond the constitutionally stipulated four-year term limit. The National Assembly rose to the occasion and rejected the Third Term Bill. There were insinuations that, a frustrated Obasanjo consequently foisted his successor, Umar Yar'Adua willy-nilly on Nigerians in spite of the latter's limitations, thereby laid the groundwork for systemic collapse (Hague and Harrop, 2004).

Given the extensive constitutional provisions, power dynamics, the extant state system and the political context, the Nigerian presidency is a 'strong governing position amidst trappings of omnipotence' reflected in the extensive discretionary powers, enormous resources at the disposal of the President vis-à-vis the network of support staff to meet presidential needs (Hague and Harrop, 2004). This supposed support structure has often proved to be a weakness. For example, many advisers and assistants who worked with Obasanjo-Atiku and Yar'Adua-Jonathan were political outsiders, appointed by Presidents who sometimes ended up caging their benefactors, undermining their positions and advanced selfish personal causes rather than assisting in the onerous tasks of stabilizing the polity and consolidating representative government. Understandably, the third-term agenda robbed the Obasanjo-Atiku presidency of considerable goodwill; and the succession crisis that followed the demise of Yar'Adua in 2009/2010 tainted the reputation, cast doubt on the sincerity of, and exposed the crack in Yar'Adua-Jonathan presidency. It did expose the lacuna in the 1999 Constitution and upset the stability of the polity (Hague and Harrop, 2004).

By his reported pronouncements and actions, Obasanjo usurped the powers of the Court of Appeal by virtue of Section 239(1a-c) which provides that, the Court of Appeal shall, to the exclusion of any other court of Law in Nigeria, have original jurisdiction to hear and determine any question as to whether (a) any person has been validly elected to the office of President or Vice-President under this Constitution; or (b) the term of office of the President or Vice-President has ceased; or

(c) the office of President or Vice-President has become vacant, and National Assembly by virtue of Section 143(1-11) to declared vacant the office of Vice-President, Atiku following AC's 2006 public adoption of Atiku as its presidential candidate for the subsequent election. This observation is without prejudice to section 142(1), which presumes that the President and Vice-President are together in a union, in which the Vice-President stands or falls with the President both at the polls and while in office. The Constitution provides that the President and the Vice-President shall be removed from office if found guilty of "gross misconduct" in the performance of the functions of their offices. Section 143 (11) merely defines "gross misconduct," as a grave violation or breach of provisions of the constitution or a misconduct of such nature as amounts in the opinion of the National Assembly to gross misconduct. The presidency acted in questionable circumstances with intra-institutional impeachment campaigns against Atiku on the one hand, and the wilful attempt to appropriate other arms of government to political ends on the other hand. Given that the electorate directly elect the leadership of the executive, the power to remove such elected officials must not be trivialised or exercised on the basis of subjectivity or against the popular interest.

President Obasanjo attempted usurping of the powers of the Court of Appeal by his illegal action of declaring vacant, without prior recourse to the court, attests to the pervasive tendency to deploy presidential authority to manipulate governmental institutions to enhance political power or advance politics in manners that could hamper the presidential performance of the unifying role among other stabilizing responsibilities (Almond et. al., 1996). Again, as *The Guardian* noted, it may be conceded that a Vice-President in an opposing political party or in a different faction of the same political party is incompatible with the constitutional union between the President and the Vice-President, much the same with the unity of the Executives. Hence, Atiku's defection from the PDP to the AC largely for selfish political consideration was a violation of Section 142 (1) amounting to misconduct. The misconduct may well imply impropriety, regarded as a "gross" one, which is defined in Section 143(1) above. A violation of the constitution, however grave, does not, on its own come into force to warrant the vacation of office of the person who committed the violation. Grave as the violation of Section 142(1) by Vice-President Atiku might be, the sanction provided for it by the Constitution was not for President Obasanjo's arbitration to summarily declare his office vacant.

Atiku's recourse to vituperation through public statements and press releases constituted avoidable distractions to the more serious business of governance for which the Nigerian electorate put them into office. The duo could be said to have recorded collective successes during their first term in office between 1999

and 2003. Therefore, Atiku's purported intransigence and complicity in an earlier plot to deny Obasanjo the benefit of a second term in office through the 2003 election of which Obasanjo was supposedly sure of victory was, supposedly, against the spirit of the subsisting unity of purpose. The cold war, thus, manifested the prevalent preeminence of politics over governance and underscores the understanding that trust and confidence are essentials in intra-institution relations, as their deficit is to the peril of institutional harmony and cohesion.

The accusations and counteraccusations of corrupt practices gave vent to the insinuations of Obasanjo's use of the EFCC to silence dissenting views. This attests to the fact that the presidential system lacks a strong in-cabinet force that could offer a counterbalance to president's personal positions on crucial issues more so that the President exercises his discretion and cabinet members are at the president's mercies. While President Obasanjo larger-than-life image rubbed-off on his administration's reform initiatives, Atiku's public denouncement of the purported tenure elongation bid complemented the attendant legislative action on the proposal, as he was vindicated by the Assembly's rejection of the Bill. It was to the credit of the Vice-President that he waived his immunity and cooperated with both the EFCC and the Administrative panel in spite of the clear breaches of protocol and procedure going beyond provisions under Section 308 of the Constitution. Atiku's success at the judiciary in his strive to serve out his tenure of office rather succumb to pressure to resign from office bolstered the supremacy of the constitution and integrity of the system of rule in the face of arbitrariness and intolerance of opposition that are antithetical to democracy. The politically motivated malice and bitter contest constituted a clog in the wheel of progress in institution building and democratisation.

IV. CONCLUDING REMARKS

The desire for unity in diversity, the identifiable inadequacies of parliamentary system and the institutional requirements of modern state favoured a consideration for a presidential government with an executive presidency that could muster the requisite political will, offer a rallying point for diverse interests and stabilize the polity. However, intra-institutional relations within the Nigerian presidency have had both conflictual elements. This paper highlights another testimony to the fact that the authoritarian background of the system of rule cannot be wished away in analysing and appreciating the development trajectory of Nigeria's executive presidency in the Fourth Republic. It examines how intra-institutional crisis of confidence undermines institutional efficiency and stultifies government. The recurring bickering and impunity

amidst arbitrary deployment of executive powers evident in the successive presidencies negates the spirit of the constitution (Muheeb, 2016a, 2016b and 2016d). The administration of former President Olusegun Obasanjo and Vice-President Atiku Abubakar exhibited such conflictual disposition that stalled harmony, institutional efficiency and democratic stability. In the ensuing crisis, the legislative and the judicial arms of government marginally neutralized the intervening dictatorial tendencies. The paper reiterates the view that the winner-takes-all politics underlines political actors' penchant for military ethics of command, unquestionable obedience and absolute loyalty as opposed to civilian ethos of cordiality, mutuality, tolerance, bargaining and compromise required to enhance institutional cohesion. Elections and election related issues imbued with the spirit of conquest became do-or-die affairs in the ensuing scenarios, engendering the survival of the fittest. The attendant politics of personality has had damnable consequences for institution building, institutional harmony and quality governance.

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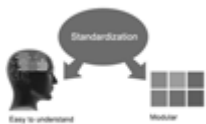
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3. Submission of Manuscripts,
4. Manuscript's Category,
5. Structure and Format of Manuscript,
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- Very for a short time explain the tentative propose and how it skilled the declared objectives.

Approach:

- Use past tense except for when referring to recognized facts. After all, the manuscript will be submitted after the entire job is done.
- Sort out your thoughts; manufacture one key point with every section. If you make the four points listed above, you will need a least of four paragraphs.



- Present surroundings information only as desirable in order hold up a situation. The reviewer does not desire to read the whole thing you know about a topic.
- Shape the theory/purpose specifically - do not take a broad view.
- As always, give awareness to spelling, simplicity and correctness of sentences and phrases.

Procedures (Methods and Materials):

This part is supposed to be the easiest to carve if you have good skills. A sound written Procedures segment allows a capable scientist to replacement your results. Present precise information about your supplies. The suppliers and clarity of reagents can be helpful bits of information. Present methods in sequential order but linked methodologies can be grouped as a segment. Be concise when relating the protocols. Attempt for the least amount of information that would permit another capable scientist to spare your outcome but be cautious that vital information is integrated. The use of subheadings is suggested and ought to be synchronized with the results section. When a technique is used that has been well described in another object, mention the specific item describing a way but draw the basic principle while stating the situation. The purpose is to text all particular resources and broad procedures, so that another person may use some or all of the methods in one more study or referee the scientific value of your work. It is not to be a step by step report of the whole thing you did, nor is a methods section a set of orders.

Materials:

- Explain materials individually only if the study is so complex that it saves liberty this way.
- Embrace particular materials, and any tools or provisions that are not frequently found in laboratories.
- Do not take in frequently found.
- If use of a definite type of tools.
- Materials may be reported in a part section or else they may be recognized along with your measures.

Methods:

- Report the method (not particulars of each process that engaged the same methodology)
- Describe the method entirely
- To be succinct, present methods under headings dedicated to specific dealings or groups of measures
- Simplify - details how procedures were completed not how they were exclusively performed on a particular day.
- If well known procedures were used, account the procedure by name, possibly with reference, and that's all.

Approach:

- It is embarrassed or not possible to use vigorous voice when documenting methods with no using first person, which would focus the reviewer's interest on the researcher rather than the job. As a result when script up the methods most authors use third person passive voice.
- Use standard style in this and in every other part of the paper - avoid familiar lists, and use full sentences.

What to keep away from

- Resources and methods are not a set of information.
- Skip all descriptive information and surroundings - save it for the argument.
- Leave out information that is immaterial to a third party.

Results:

The principle of a results segment is to present and demonstrate your conclusion. Create this part a entirely objective details of the outcome, and save all understanding for the discussion.

The page length of this segment is set by the sum and types of data to be reported. Carry on to be to the point, by means of statistics and tables, if suitable, to present consequences most efficiently. You must obviously differentiate material that would usually be incorporated in a study editorial from any unprocessed data or additional appendix matter that would not be available. In fact, such matter should not be submitted at all except requested by the instructor.



Content

- Sum up your conclusion in text and demonstrate them, if suitable, with figures and tables.
- In manuscript, explain each of your consequences, point the reader to remarks that are most appropriate.
- Present a background, such as by describing the question that was addressed by creation an exacting study.
- Explain results of control experiments and comprise remarks that are not accessible in a prescribed figure or table, if appropriate.
- Examine your data, then prepare the analyzed (transformed) data in the form of a figure (graph), table, or in manuscript form.

What to stay away from

- Do not discuss or infer your outcome, report surroundings information, or try to explain anything.
- Not at all, take in raw data or intermediate calculations in a research manuscript.
- Do not present the similar data more than once.
- Manuscript should complement any figures or tables, not duplicate the identical information.
- Never confuse figures with tables - there is a difference.

Approach

- As forever, use past tense when you submit to your results, and put the whole thing in a reasonable order.
- Put figures and tables, appropriately numbered, in order at the end of the report
- If you desire, you may place your figures and tables properly within the text of your results part.

Figures and tables

- If you put figures and tables at the end of the details, make certain that they are visibly distinguished from any attach appendix materials, such as raw facts
- Despite of position, each figure must be numbered one after the other and complete with subtitle
- In spite of position, each table must be titled, numbered one after the other and complete with heading
- All figure and table must be adequately complete that it could situate on its own, divide from text

Discussion:

The Discussion is expected the trickiest segment to write and describe. A lot of papers submitted for journal are discarded based on problems with the Discussion. There is no head of state for how long a argument should be. Position your understanding of the outcome visibly to lead the reviewer through your conclusions, and then finish the paper with a summing up of the implication of the study. The purpose here is to offer an understanding of your results and hold up for all of your conclusions, using facts from your research and generally accepted information, if suitable. The implication of result should be visibly described. Infer your data in the conversation in suitable depth. This means that when you clarify an observable fact you must explain mechanisms that may account for the observation. If your results vary from your prospect, make clear why that may have happened. If your results agree, then explain the theory that the proof supported. It is never suitable to just state that the data approved with prospect, and let it drop at that.

- Make a decision if each premise is supported, discarded, or if you cannot make a conclusion with assurance. Do not just dismiss a study or part of a study as "uncertain."
- Research papers are not acknowledged if the work is imperfect. Draw what conclusions you can based upon the results that you have, and take care of the study as a finished work
- You may propose future guidelines, such as how the experiment might be personalized to accomplish a new idea.
- Give details all of your remarks as much as possible, focus on mechanisms.
- Make a decision if the tentative design sufficiently addressed the theory, and whether or not it was correctly restricted.
- Try to present substitute explanations if sensible alternatives be present.
- One research will not counter an overall question, so maintain the large picture in mind, where do you go next? The best studies unlock new avenues of study. What questions remain?
- Recommendations for detailed papers will offer supplementary suggestions.

Approach:

- When you refer to information, differentiate data generated by your own studies from available information
- Submit to work done by specific persons (including you) in past tense.
- Submit to generally acknowledged facts and main beliefs in present tense.



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<i>References</i>	Complete and correct format, well organized	Beside the point, Incomplete	Wrong format and structuring



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