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The Dynamics of Civil Society and the Democratization Process in Nigeria

E. Remi Aiyede

Résumé

On a représenté les sociétés civiles africaines "à l'état naissant" comme les initiatrices principales du processus de démocratisation des années 1990. Mais, suite à l'instauration de gouvernements démocratiques en Afrique, les grands espoirs investis dans le rôle et la capacité des organisations de ces sociétés civiles à promouvoir les réformes de gouvernance et à favoriser l'approfondissement de la démocratie ont été fortement exagérés. Si l'autorité démocratique a permis un plus grand espace favorable à l'expression politique au Nigéria, les acteurs non-démocratiques sont devenus très visibles et les chasseurs de pouvoir ont dominé l'espace politique parce qu'un secteur substantiel des organisations des sociétés civiles est tellement détaché de l'état et leur orientation vers le désengagement est tel que les conditions ne sont guère propices à la construction d'un état ou à la démocratisation. Les associations professionnelles ou celles de la classe moyenne, initialement au premier rang du mouvement démocratique ont tendance à se séparer du mouvement populaire. Les organisations civiques pro-démocratie au Nigéria ont été en grande partie modelées par la nécessité de confronter des régimes autoritaires et de ce fait, ont été limitées dans leur capacité à promouvoir une consolidation de la démocratie. Ces organisations doivent subir un processus de renouvellement démocratique interne, se rapprocher davantage du mouvement populaire et construire des structures capables de faire face aux institutions étatiques.

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Introduction

The relations between state and society under authoritarian rule in Africa has been described as a case of states without citizens (Ayoade 1988). The consolidation of single parties, president-for-life, extensive security establishments, widespread inequalities, and personal rule has involved the denial of the peoples' right to participate in the decision-making process and sometimes the suspension of the constitution which defined those rights. Governance has often been reduced to the practical expression of the wishes, whims, and caprice of dictators and their cabal. Within this context, the democratic struggles of the 1990s led by Africa's "nascent" civil societies can be described as the consummation of "a second independence." Their activities held the promise of democratic expansion and the end of authoritarianism. However, as democratic governments began to be established in Africa, high expectations about the role and capacity of these civil society organizations to promote governance reform and foster democratic deepening were exaggerated. The illiberal character of elected governments in most of the new democracies is a source of worry, which suggests that the celebration of the triumph of democracy was hasty (Zakaria 1997).

In Nigeria, there is enough reason for worry as M.J. Balogun illustrates:

Up to the end of Babangida's rule in August 1993, the initiative on the shape, size, and powers of political units was taken by the military. If the military felt like creating new states or additional local governments, it simply issued a press release communicating the decision. Under Babangida, the hitherto subtle imposition of military wishes turned into direct promulgation of executive orders and decrees (1997, 251).

Democratic openings have provided space for political expression but non-democratic actors have become more visible. Extremist movements have grown by leaps and bounds. Confrontations between the executive and the legislature have slowed down the process of governance reform while ethnic and religious violence is on the ascendance. In the midst of these challenges, the pro-democracy NGOs and other civil society organizations appear to have lost steam or are ill-prepared for engaging the new democratic institutions and their challenges. The power seekers have dominated the

political space. Civic engagement has been very low. Why have organizations that fought so gallantly against the military ceased to be important under democratic rule? To what extent has the experience of military rule structured their internal processes and the strategies they employ? What are the characteristics of these civil society organizations and how do they relate to the state? Are the weaknesses of civil society to be located in the relationship between disengagement and democratization?

Focusing on Nigeria, this article argues that civil society organizations that are shaped and largely controlled by authoritarian regimes will be constricted in their capacity to promote democratization. Many of the civil society organizations in Nigeria are so alienated from the state and so oriented towards disengagement that they hardly contribute to state building or democratization. The middle class or professional associations that were at the forefront of the democracy movement tend to be divorced from the grassroots. In general, the military governments have shaped civil society more than civil society has shaped political events. That might change, but it would be difficult to achieve. These organizations have to undergo a process of internal democratic renewal, expand their reach to the grassroots, and build structures that can respond to the state's institutions. Their success in achieving this transformation will influence their relevance and effectiveness in the second transition to a democratic consolidation.

Civil Society and Democratization

Although there is no general consensus on the definition of civil society, Larry Diamond sees it as,

... the realm of organized social life that is voluntary, self-generating, largely self supporting, autonomous from the state, and bound by a legal order or set of rules. It is distinct from society in general in that it involves citizens acting collectively in a public sphere to express their interests, passions and ideas, exchange information, achieve mutual goals, make demands on the state, and hold state officials accountable (1994, 5).

Civil society applies to a vast array of organizations created by private individuals in pursuance of public ends in relation to the state. Diamond includes both formal and informal organizations, including groups that are economic, cultural, informational and

educational, interest-based, developmental and issue-oriented, or civic in aim. Finally, "civil" dimension is considered as an irreducible constituent element. Even in situations where the state is lawless and contemptuous of individual and group freedoms, civility requires that organizations remain committed to particular values: agreement to operate by some shared rules which at a minimum include respect for pluralism and rejection of violence (Diamond 1994, 5-6).

Emerging as a very important concept in the democratic transition literature, civil society has been defined not only as the engine of the transition to democracy in Africa and elsewhere but also as equally crucial to the vitality of democracy. According to Naomi Chazan (1996, 282), the nurturing of civil society is widely perceived as the most effective means of controlling repeated abuses of state power, holding rulers accountable to their citizens and establishing the foundations for durable democratic government. Proposing that "a vibrant civil society is probably more essential for consolidating and maintaining democracy than for initiating it," Diamond defines the role of civil society as that of "containing the power of democratic governments, checking their potential for abuse and violation of the law, and subjecting them to public scrutiny." He believes that civil society organizations supplement political parties as schools for leadership training and fostering the development of democratic culture. Citizens learn political advocacy and contestation from participating in such organizations. As avenues for interest aggregation and representation, they serve to mitigate political conflicts (Diamond 1994, 7). The theory of social capital also underscores the importance of civil society to the democratization process. According to Robert Putnam,

... participation in civic organisations inculcates skills of cooperation as well as a sense of shared responsibility for collective endeavours. Moreover, when individuals belong to "cross-cutting" groups with diverse goals and members, their attitudes will tend to moderate as a result of group interaction and cross pressures (1993, 90).

However, developments since the 1990s in Africa and elsewhere have vitiated faith in the capacity of civil society organizations to deepen and sustain democracy because civil society

organizations have not lived up to expectations. O.G. Encarnacion (2000) has challenged the notion that civil society could serve as the engine of the democratic transformation of formerly authoritarian and totalitarian societies. Regarding the idea that strong civil society is a requirement for democratic deepening as empirically flawed, he argues that to apply a Tocquevillian interpretation that is clearly American in character to developments in most democratizing countries is improper. The concept is lifted and applied without contemplating its compatibility with the socio-economic context of most of these transiting countries to which the term is applied. Encarnacion maintains that in the context of "undeveloped political systems overburdened newly democratic governments and highly politicised populations" a vibrant civil society might supersede the ability of the government to respond to social demand, and thus lead to "a crisis of governability and democracy" (2000, 13).

Drawing on contrasting experiences from Brazil and Spain and alluding to other countries in the process of democratization, Encarnacion (2000) argues that the vibrancy of civil society has not been linked to widespread support for democracy. The proliferation of civil society organizations may in fact be inimical to democratic deepening. In some instances, civil society organizations have become alternatives to strong political institutions (political parties) atomizing society, dispersing political power and thereby complicating democratic consolidation. Thus, as far as new democracies are concerned optimism about the role of civil society is gradually giving way to pessimism or doubts.

Nelson Kasfir (1998) questions the usefulness of the Tocquevillian approach to actual realities even in the first transition from authoritarian to democratic rule. He notes rightly that some of the organizations that have been very crucial to the democratization process do not seem to possess the "civic / civil" character that supposedly differentiates civil society organizations from other organizations in society.¹ He argues that the importance of new civil society organizations to the democratization project has been exaggerated and that the conventional view idealizes the western practices from which elements of civil society are borrowed. He sees these problems as tied to the prescriptive nature of the definition such that it precludes most of the organizations

that have been crucial to the democratic transition process.² He therefore calls for the widening of the universe of organizations that can potentially contribute to democracy, while recognizing the challenges that it poses for state's effectiveness and capacity to listen, balance, and respond to issues.

Civil society organizations do not generally observe democratic principles in their own internal processes, and the leaders of such organizations do not always uphold democratic principles in engaging the state because the systems and processes of control employed by authoritarian regimes affect the strategies civil society organizations adopt in carrying on their agenda. These processes and their consequences also reflect the character of civil society organizations, their relations to the mass populations, and thus their capacity to fulfil their role. Even at the level of individual actors, some are democratically inclined at some points and in certain contexts, while others are less so.

The dynamic nature of the transition itself must not be lost. As pro-democracy movements press for democratic reforms, authoritarian regimes work to weaken such movement by undermining their cohesion and ability to mobilize the populace against the state. Besides, the struggles of the 1990s were as much a protest against economic mismanagement as they are a rejection of tyranny and dictatorship. More than this, democratic struggles are a part of the struggle for survival. These struggles are in some measure about people turning away from the state and assuming greater control over their destiny in the context of a state that is disintegrating under self-inflicted fiscal crisis and weakened national institutions. Thus, an understanding of the role of civil society must involve an empirical analysis of the history and character of civil society organizations within the context of society-state relations over time. Organizations are not divided between being civil and non-civil in relation to the democratization agenda. They are found at different levels of the spectrum. Some have had to forge alliances with a variety of other organizations in order to improve their impact. A detailed analysis of society and of the sorts of organizations within it which may further the process of democratization is needed. Organizations must face social challenges according to the structural constraints and opportunities available to them. This point is well emphasized by Graeme Gill:

... actors do not play out their roles in a vacuum, but in a context consisting of the structures from the past and continuing into the present. They must deal with the legacy of what has gone before rather than create their own environment *de novo* (2000, 89).

State-Society Relations and the Political Economy of Democratic Struggles

The economic crisis of the 1980s rendered the Nigerian state incapable of meeting the financial demands of the many programmes with which it had sought to subordinate non-state centres of power and maintain some measure of legitimacy. The state had to introduce austerity measures to improve its balance of payments. But the persisting economic crisis provided the justification for a coup that brought Nigeria's second republic to an end. For most of the 1980s and 1990s, economic crisis management was supported by repressive measures.

Under the Buhari regime (1983-85), indiscipline was considered to be a crucial factor responsible for the Nigerian crisis. In the thinking of the regime, indiscipline manifested itself in unpatriotic disruptions and strikes as well as lateness, absenteeism at work, embezzlement, and corruption. The government proscribed several civil society organizations, mostly labour unions and professional associations, that dared to criticize its policies or embarked on public demonstrations and strikes or called for an announcement of the date of return to civil rule. Many individuals were harassed and detained by legal and extra-legal processes. Even the press was muzzled.

In this connection, four decrees (numbers 2, 4, 13 and 17) issued by the government were particularly worthy of note because of their import for civil society. The first (Decree 2) empowered the Chief of Staff Supreme Headquarters to detain persons for a period of three months without trial for any act prejudicial to state security. The second (Decree 4) enabled the government to jail journalists for publishing "false accusations" against public officials.³ The third (Decree 13) placed the government above the law by removing all actions of the government from the jurisdiction of the courts.⁴ The fourth (Decree 17) removed the rights of workers in the work place and sought to protect the government against court

proceedings by public sector workers dismissed by the government. In the end, public outcry against these repressive measures and unabating economic crisis became the cover for another coup by other members of the same military government.

The Babangida regime, which came into office in this palace coup, began with a pretence at openness and respect for human rights in an apparent move to win public support. Labour unions and professional associations, which were banned by the Buhari government, were legalized. Babangida also quickly declared his intention to hand power over to civilians. For this purpose, he set up a political bureau to chart a new philosophy of government that was to provide the blue print for transition to democratic rule. The transition programme was executed side by side with an economic structural adjustment programme (SAP). The government exhibited a strong commitment to revamping the economy by first declaring an eighteen-month state of economic emergency before it began full structural adjustment in 1986.

As the hardships of SAP began to be felt, hostility to the regime, disillusionment with its policies, and public protest against SAP began to gather pace. In the years that followed, the contest over SAP intensified just as the living standards of workers, the professionals, and the masses fell dramatically. But Babangida's effort at personal rule and his determination to prolong his regime's life only began to be felt when his strategies of control became increasingly authoritarian. He cramped several activities, including state and local government reorganization, into the programme to provide him room for manipulations. These and the poor performance of the economy in years that followed heightened social tension (Aiyede 2000, chapter 2). According to Peter Lewis, the government diversified its strategies of control to include:

... political manipulation, populist side-payments, elite dispensations, expansion of the parallel economy and overt repression.... Others include guile at critical moments, diversionary tactics, frequent alterations of the transition timetable" (1996, 88).

Responses from society were very creative and diversified: spontaneous, organized, collective, and individualistic. There were public demonstrations, strikes, sit-ins, and a proliferation of civil rights and pro-democracy protests. The period witnessed the flour-

ishing of grassroots organizations for the purposes of self-help in order to improve the material well-being of their members and to reduce their vulnerability to a state that now appeared to be on rampage.⁵ Moonlighting, corruption, and brain drain became common features of the public sector.

While pro-democracy demonstrations pushed for more democracy, coping strategies by individuals undermined collective action and the capacity of the state. Widespread discontent among the population provided fertile ground for pro-democracy organizations to mobilize, reaching a high point in the demonstrations and strikes that attended the annulment of the 12 June 1993 presidential elections. But the state's ability to co-opt and to buy some segments of the civic organizations created distrust within such organizations. Indeed, the state built a wide network of spies and secret agents to undermine these organizations. The penetration of these organizations by state intelligence agents coupled with massive repression and assassinations led to a guerrilla type of organization in which leaders projected organizational objectives at the risk of their lives. As leaders of such organizations became cautious and secretive or went underground, the management of social activism became secretive. Writing about the press, Adigun Agbaje refers to the flourishing of "what has come to be known as 'guerrilla' or 'suicide' journalism or media terrorism depending on the person making the description" (1999, 119). The leading pro-democracy independent media, *Tell* and *The News*, had to publish from unknown locations to avoid copies being seized by security agents and to prevent their staff from being arrested. This type of environment hardly fostered democratic culture within pro-democracy organizations as it engendered personal politics. This, coupled with the heroic performance of some individuals, led to personality cults within the pro-democracy movement, so that the return of the military to the barracks and the subsequent expansion of the democratic space witnessed a series of succession crises in virtually all the leading pro-democracy organizations. Popular leaders of these organizations, like Beko Ransome Kuti and Olisa Agbakoba, preferred running their own organizations to working under new leadership in frontline organizations that they once led.

The regime bankrolled several NGOs to canvass openly for the prolongation of military rule and counter the democratization pres-

tures. Worse still, different popular struggles between the generally closed north and an open south created the impression that pro-democracy NGOs largely concentrated in the south, particularly in Lagos, were pursuing a largely southern agenda. In any case, the government manipulated ethnicity in an effort to consolidate power and tried to create a division between urban and rural segments of society. In 1990 the government reorganized the community development associations and subsumed them under the state's ministry of community development, undermining their effectiveness and affecting their focus.⁶ Many of these organizations began to enjoy some measure of state patronage under the government's supposedly renewed drive to develop the rural areas.

A Directorate of Food, Roads and Rural Infrastructure (DFRRI) was established to provide basic infrastructure for rural communities. Several women's cooperatives were also promoted to access soft loans under the Better Life for Rural Women Programme initiated by the wife of the military president. The government also set up the People's Bank to provide soft loans for small farmers and small enterprises. Of course, the government provided regulations for the formation of cooperatives and other organizations that could benefit from these programmes. All of these initiatives were put directly under the presidency. Some community organizations sprang up and got registered at local and state government levels for the purpose of accessing loans provided by government.⁷ Needless to say, these were programmes designed to distribute patronage as the regime explored new areas of support.

Under the Abacha government, a full-fledged Ministry of Women Affairs was set up and the Family Advancement Programme (FEAP) replaced the Better life for Rural Women Programme. Moreover, the Abacha government granted five percent of the federal fiscal allocation to local governments to be paid to traditional rulers who were never assigned any specific governmental roles but whose support the regime desperately required for its self-perpetuating agenda.

The government succeeded in promoting divisions among various groups in competition under changing rules and spaces constructed and reconstructed by the state. Political discourse and exchanges became increasingly undemocratic in a context devoid of stable rules, seething with intrigues, manipulations, and

massive erosion of social trust. Prolonged military rule infused militarized attitudes and authoritarian practices into not only the processes of governance but also all aspects of civic life and civil society. Cruel tyranny and dictatorship and debilitating economic crisis were the two crucial forces that drove the transformation of state-society relations in Nigeria's multi-ethnic country. The nature of the struggles and the opportunities and constraints thrown up had consequences for the methods and strategies adopted by organizations opposed to the autocracy of state institutions.

Political disengagement was a significant response to political repression and economic decline with severe implications for the democratic possibilities of civil society organizations. Disengagement has had consequences for the capacity of civic organizations to deepen democracy. The high degree of activism experienced during the hay day of anti-military protests benefited from the presence of a large army of those discontented with the system, especially the unemployed youths in urban centres, especially Lagos, who were available to be mobilized for demonstrations and sit-ins. The successful mobilization of this large army belies the strength of pro-democracy civic associations. In the context of pervasive social dislocations, deep distrust of government and massive erosion of the state's legitimacy, it was easy to call people to the streets under the ideals of democracy and human rights. But success in calling people to the street does not imply a strong link between these organizations and the grassroots and much less does it reflect their credibility and commitment to these ideals as ways of resolving deep-seated national problems. This conclusion is borne out by the fact that many pro-democracy civil society organizations have had internal squabbles over autocratic leadership styles and poor accountability in the management of funds. Schism was common. Some leaders of the pro-democracy movement even acclaimed General Abacha's overthrow of the Interim National Government in November 1993.

Moreover, the inability of these organizations to determine the direction of political change, which was the case in Nigeria, provided room for the flourishing of violent and militant groups to confront the dictators and to call for a more equitable and just state structure. Again, the latter found the youths easy recruits in a

context of rising unemployment. Interestingly, pro-democracy actors had to work with such groups, which have strong grassroots followings, thereby aggravating the road to consolidation.⁸ Militant groups like the Oodua Peoples Congress (OPC) have become more visible under a democratically-elected government because of the expanded space for political expression and the reduced use of the military and its intelligence network to clamp down on opposition groups.

Civic associations had to compete or cooperate with other more militant organizations in challenging military autocracy and repression. Therefore, "civil" society was in fact located in the contested space between the authoritarian state, which suffered from a legitimacy deficit, and a public that was largely disengaged and traumatized. So, the question of civil society's role in the democratization process must take into account the objective conditions under which these civil society organizations operated. Those conditions pose specific policy challenges on the part of those who see civil society organizations as engines of democratization or would want them to be. As Claude Ake has noted,

All too often well wishers of African Democracy in the West have been led astray by insensitivity to local conditions and erroneous theories... Misguided support, however, sincere is bound to be counter productive (1996, 75).

In sum, these exchanges between state and society, at both the collective and individual level, have several consequences for the transition to democratic rule. They affect the tone of civic engagement as well as the chances of civil society being prime actors in determining the details of the democratization agenda. For instance, even though civic associations succeed in galvanizing the population against authoritarian rule and force through democratic reforms, they do not necessarily hold the initiative during the negotiations. They may become immersed in the same credibility problems that the state faces because of their involvement in the negotiation process, especially when they participate as individuals rather than as representatives of these organizations, which was often the case in Nigeria. Under such circumstances, the role that they play during the negotiation becomes ambiguous, sometimes questionable.

Pro-democracy organizations often fail to reach agreement on

critical issues in the democratization process, with severe consequences for their ability to act in concert. While they may have been deceived into taking certain stands by covert manoeuvres of the military, their otherwise well-meaning involvement with the dictators during critical moments often discredit them in the eyes of the larger population whose interests they claim to represent. A few members of these organizations who stridently called for an end to military rule and installation of a popularly-elected government eventually became supporters of the undemocratic Interim National Government (ING) left by Babangida. A few others joined the cabinet of the Abacha military government that overthrew the ING.⁹ Thus, civil society suggests Agbaje was "constrained by the sweeping expansion of state power as employer, consumer, manipulator, and by the attractions of the state as resources that could be appropriated through corruption" (1990, 35). For instance, with the onset of economic crisis in the 1980s and 1990s, corporatism collapsed into containment and exclusion for state-labour relations. Government contained labour by hijacking the unions, undermining the influence and power of union leadership and making union activism difficult, risky, and costly at the shop floor and the centre. State sponsorship led to unaccountability to the rank-and-file and made the labour centre a veritable channel of patronage. Moreover, the unions became havens for opportunists and careerist unionists more concerned about their job security and bureaucratic interests than the challenges of the risky calling of worker representation in Nigeria's precarious labour relations environment. Private economic pressures rendered trade union leaders easy victims of state co-optation. Unionists were known to connive with state agents to subvert democratic processes within the labour movement (Aiyede 2000).¹⁰ Writing on the labour movement in Nigeria, Oyerinde notes:

Trade unions in Nigeria all have constitutions, structures and apparently sound procedures for checks and balances. The problem, however, is precisely that this amalgam of documents and procedures are observed, as is commonly said, only in the breach. Presidents or chairmen see themselves as godheads who must always be appeased rather than challenged or asked to account for their deeds.... There is also the settler-colonialist control which many general secretaries exercise over their

unions. Through a combination of subterfuge, cronyism, incentive, intimidation, and sheer criminality, these union sheiks have reduced unions to their personal empires undercutting all rules and procedures (1998, 18).

As far as Nigeria is concerned, democratic rule occurred without a dense and strong civil society and with issues of state-building largely unfronted and unresolved. Nigeria can best be defined as having the form of democracy but without the content and thus is far from attaining the second independence. The limited democratic achievements in Nigeria are very clear from the character of the transition itself. The Babangida government had made a commitment to return to civil rule and actually embarked on a transition, which as it turned out was the major programme of perpetuating personal rule. Described as "transition without end," the regime took the country through eight long tortuous years of social engineering that left a majority of the population bewildered, demoralized, and confused (Diamond, Kirk-Greene and Oyediran 1997).

Under the Abacha self-succession programme, the emasculation of political and civil societies was dramatic. Political parties were founded and financed by Government; candidates for elections were banned at will without explanation by the Government; human rights abuses became the rule rather than exception; military officers influenced the selection of candidates for elective office; at a point the existing five political parties nominated the Military Head of State as the sole presidential candidate in violation of their own constitutions, electoral laws, and the constitution of the country. The transition from 1998 to 1999 was guided and conducted by a military cabal that emerged in an environment where dictatorship had ended abruptly following the death of a military dictator who had embarked on a programmed transition to transform himself into a civilian leader.

Although the Abubakar regime freed all political detainees and thereby expanded the democratic space, the military and their apologists largely dictated the form and pace of the programme that eventually led to the installation of the current elected government. The military regime had great leverage in determining a political outcome in terms contrary to the expectations of the pro-democracy and other civil society organizations. The pro-democ-

racy civic associations were not prime actors in the transition to civil rule that ushered in the current regime except as election monitors.¹¹ They made no significant input in the transition process. Thus, the road to democratic consolidation was destined to be very stormy.¹²

A Spectrum of Tendencies in Civil Society in the Transition

Economic crisis and state crisis are interwoven and the responses to these crises can best be understood in the context of engagement and disengagement. These terms capture the various responses either individually or collectively to the crisis and the potential of particular civil society organizations to foster or be indifferent to the building of a democratic culture both in themselves as organizations and in the wider society.

Engagement refers to situations in which a clear awareness exists of the problems posed by authoritarian regimes to the crisis and a positive move to engage the regime in the hope of changing it. Engagement can be civil or uncivil and violent. It involves people mobilizing against the state and its agencies. Engagement may be in the form of national or sectional movements for structural / political changes in the state system or limited democratic reforms. Civil society can be divided into two broad groups. The first group is comprised of pro-democracy civic associations such as civil rights organizations and political reforms movements.¹³ They emerged in opposition to the increasing authoritarianism and arbitrariness of the military junta and a growing dissatisfaction among the elites over the character of the various re-organizational and redistributive measures put in place by the military regimes, which worsened social conditions and aggravated ethnic conflicts within the country. The second group consists of students' movement, labour unions, and various professional associations, which include more narrow self-interest groups that find themselves increasingly in opposition to the state because they oppose economic restructuring measures which have hurt the economic position of their members. Their opposition to economic reform measures also made them prime targets of the state control measures.¹⁴ Some members of these groups found their way into civil rights and political reform movements when their organiza-

tions were either massively infiltrated and/or taken over by the state.

The human rights NGOs were in the forefront of the pro-democracy movement. They emerged to assist individuals who were victims of state power abuses during this period. Comprised largely of lawyers, they initially set out to promote respect for the rule of law and due process, to reawaken people to their social and political rights, and to improve prison conditions. Their activities were carried out in the context of an increasing tendency of state agents to infringe the rights of individuals publicly critical of state policies and actions. Some of these organizations even started as committees to press for the release of friends and colleagues who were detained without trial by military regimes for their activism. These committees transformed themselves into broader associations for the defence of human rights as the number of detainees grew. They turned to pro-democracy activism when the transition-to-democracy process became over-regimented and the government became very increasingly arbitrary.

Apparently, they soon realized that respect for the rule of law only makes sense when the state itself is not lawless and contemptuous of individual and group freedoms. Moreover, the failure of the two political parties founded and funded by the government to represent the aspirations of the people by challenging the excesses of the regime made them more visible and popular. The ability of the organizations to source funds especially from international agencies reinforced their independence and capacity. They were able to raise the awareness of the public about human rights and the abuses of such rights by the state and soon became the major propagators of liberal democracy as a way to resolving socio-economic problems.

Within this period, political reform movements constituted by members of the political elites to press for a reconstruction of the Nigerian state through a national conference of nationalities and the writing of a new constitution also emerged. These groups combined to form more encompassing ad hoc pro-democracy organizations like the Campaign for Democracy (CD), National Democratic Coalition (NADECO), and the Joint Action Committee (JACON) that challenged the annulment of the presidential elections and mobilized the populace against military rule.

These groups were mainly urban-based and were led by members of the Nigerian elite, concerned professionals, and eminent Nigerians who had served in various capacities in the nation's public and private spheres. They had no close connections with the grassroots and were most active and visible in the western part of the country (Enemuo and Momoh 1999).¹⁵

A more extreme form of engagement was that of militant movements which strove to make the country ungovernable in order to force the resolution of the national question through state restructuring. The demands by this group did not markedly differ from those of the pro-democracy organizations or the political reform movements, as they more or less agreed on the need for similar democratic and political reforms. The difference is that, while the more civic associations carried on the struggle by civil disobedience and non-violence, the latter did not completely abhor violence. They were quite willing and did in fact join in mobilizing the population for civil disobedience when the more civic associations made such moves.

The significance of these less civic forms of organizations was their grassroots followings, being ethnically based, and their ability to counter state violence with violence. In some instances, key leading figures of the civic pro-democracy association were also members or active supporters of the militia. They remained significant in the second transition as politicians recognized the value of their support to their political fortune at the grassroots and as a minimum never openly spoke against such movements in their constituencies. They remained very crucial in the second transition and have been very visible in politics under democratic rule. In fact, in November 2000 after violent conflicts spearheaded by the OPC, the Federal Government placed a ban on all ethnic militia across the country. The Delta State Government in the same month also placed a ban on all youth organizations in the state for their involvement in various violent activities in the state.¹⁶

The other end of the spectrum is marked by disengagement. Disengagement refers to "withdrawal from social power wherever it is exercised without consent and against one's best interest"; it involves:

... an escape from, or at least a mitigation of, unacceptable domination, largely without recourse to violence, and often

without the need for organizing collective action. Those who disengage do not have within their sights the change of the system or the overthrow of the oppressors; rather they seek a readily available alleviation, or at least a means of protest that is invisible enough to avoid the wrath of authorities (Baker 1997, 54).

Disengagement is a withdrawal from the state, away from its channels as a hedge against its instability and dwindling resources.

People disengage from the state in different ways. Typical forms of disengagement include moving away from the formal economy into the informal economy. Economic activities turn to outlets outside the purview or control of the state. State laws, ordinances, judicial processes, and the judicial system lose their credibility and non-compliance with laws becomes commonplace. Popular religion and a whole array of popular art forms are also important outlets for disengagement. Traditional structures of authority regain force as narrower bases of communal solidarity (including village, family, ethnic, and religious) are reinvigorated leading to greater fragmentation of sub-sectors. In some cases, people leave the country in search of greener pastures. The path of disengagement depends on the religion, ethnicity, education, or occupation of the people involved (Azarya 1988, 7-8).

The point, however, is that disengagement taxes the entrepreneurial ability of individuals and largely constitutes a turn away from the state. For the middle class, civil society organizations may provide alternative sources of subsistence, wage employment, and social advancement when public sector wages fall below subsistence level. Thus, as development aid was increasingly channelled to non-state actors, NGOs became part of survival strategies of people faced by authoritarianism and a protracted economic crisis, which has virtually choked the Nigerian middle class. It is probably the significance of disengagement that made Ake (1992) write about the democratization process as an "expression of the will to survive" rather than a conscious effort to open up the political space for liberal democracy. In such situations, NGOs can only become agents of democratization through decentralization. This is not to detract from their socio-economic developmental value but to emphasize their limited potential for democratization. Indeed, in such contexts, they may incarnate a profit-driven kind of

organization with limited room for democratic expression in management and operations.

The same tendency applies to cooperatives and community development associations. These organizations do not have a history of democratic commitment as far as the state is concerned. For instance, Onibokun and Faniran (1995) in a study of community-based organizations (CBOs) note that there are hundreds of such organizations in Nigerian cities and that they operate on quasi-formal democratic principles, have constitutions and are based mainly on the voluntary involvement of members. They further note that these were registered with state government ministries, the federal government or with a national and/or parent body. Most of the organizations were locally-based or neighbourhood organizations. Their most prevalent objectives were to foster unity and provide financial assistance to their members.¹⁷ Only 1.6 percent of them had an interest in governance. Hence, Onibokun and Faniran remark that "governance and political development related objectives were very insignificant" (1995, 44).¹⁸ Southern towns have more CBOs of all types than the north. Most of the young CBOs are to be found in the north, the older ones in the south. The oldest associations are in the southwest and the youngest in the north. Ninety percent of the CBOs are less than twenty years old. Most of them were post civil war. They tended to return the same set of officers year in and year out, except in cases of death, disability, non-availability, or misconduct (Onibokun and Faniran 1995, 31). CBOs proliferated in the period 1986-92 when the Babangida government promoted the growth of grassroots organizations and their empowerment for self-sufficiency. Most CBOs interact in a very limited way with local governments and even less with state and central government. Seventy-one percent of the CBOs did not interact with any NGO, government and other CBOs (Onibokun and Faniran 1995, 86-87). They were increasingly brought under government influence. They seldom criticized government policies for fear of being branded anti-government, and thereby losing their freedom and government grants. Many of the leaders of CBOs are civil servants, who under a repressive military government, were not in a position to oppose government policies. Even social clubs whose leadership was relatively independent of government influence thrived on government patronage and could

not afford to attract its disfavour (Onibokun and Faniran 1995, 137).

Disengagement explains why although associational life in Nigeria is very vibrant, civic engagement has been circumscribed. The mediative role of civil society has not developed as expected. The massive growth of grassroots associational life is more an expression of disdain, disengagement, and retreat from the state than new forms of civic engagement with it. Yet, as Diamond emphasized, "civil society must be autonomous from the state, but not alienated from it.... It must be watchful but respectful of state authority" if it is to be effective in democratic consolidation (1994, 15). Civil society organizations marked by alienation and disengagement from the state will be feeble "building blocks" for democracy.

Civil Society and the Unfolding Fourth Republic

Considering the strategies and instruments of control by successive military regimes, democratic consolidation inevitably involves a restructuring of the state. An effective and trim state remains a central aspect of the democratization agenda. Democratic struggles are presently as much about citizenship and quality of life issues as they are about restraining the state and securing civil and political rights. The removal of dictatorship is only the gateway towards dealing with concrete political and economic issues. Under the current elected government all ethnic groups complain of marginalization. State and local governments complain of limited revenue powers. Federal institutions have largely lost their value and justification to most Nigerians. The state has been so thoroughly delegitimized that the redefinition of citizenship, which was eroded under dictatorship is now a major issue. Issues of federalism, revenue powers / allocation and quality of citizenship have become very salient issues in Nigeria's fourth republic. The country is in a process of coming to terms with itself after false starts and misguided social engineering that pushed the country to the precipice. Democratic institutions must function within specific national arrangements. And within these arrangements, democratic consolidation makes sense.

No doubt, ethnic and regional orientations among members of the pro-democracy organizations on these matters have made it difficult for civic associations to play leading roles in their resolu-

tion. The pro-democracy movement has not been able to command a grassroots following nor has it been able to construct a strong national network for the promotion of liberal democratic values in governance. This weakness of pro-democracy civil society organizations is further aggravated by the multiple governmental structures thrown up by democratic rule. Although the Nigerian federal system of three tiers of government was maintained under the military, the conduct of government business came to reflect the command structure of the army. Military administrators who headed state and local governments were appointed and accountable to the Head of State. Under civil rule, state governors were elected by their state population and enjoyed some measure of autonomy in their relations with the Head of State. In some states, the ruling party at the federal level is not the party in government. The country has 774 local councils that in most cases have little or no tradition of popular participation in the delivery of services. Thus, civil society organizations have diminished in prominence as the size and number of governmental institutions requiring policy input, influence, and checks has multiplied.

Now, the pro-democracy organizations are not even visible in the budgetary process. Nor have they been able to play a leading role in the debates on key issues and challenges in the public arena. Issues of constitutional review, the introduction of Sharia legal system in some parts of the country, the explosion of ethnic and religious conflicts, the predatory disposition of politicians who continue to allocate to themselves revenue from the public purse, and corruption, although publicized by the press, have not been inhibited by civil society activism to any remarkable extent.

Only after the presidential committee on the review of the 1999 Constitution submitted its report did some thirty-three pro-democracy civil society organizations, with support of the Open Society Institute for West Africa (OSIWA), form the Citizens Forum for Constitutional Reform (CFCR) to call for a more democratic process of constitution making. Even so, it is yet to be seen how it hopes to push this through. The movement lacks a substantial and stable constituency, and it is notorious for being unable to sustain networking for any significant length of time because of leadership tussles. At the grassroots, some community-based organizations have started questioning the actions of local governments. But

these remain exceptions to the rule.

Civil society organizations can be more effective in the democratization process only when they form structures that correspond to the state's institutions and can therefore better respond to their challenges. Perhaps that is why only the labour movement has been able to remain in the national limelight in the current democratic era. It remains the only truly national organization in civil society in active engagement with the highly centralized Nigerian state.¹⁹ This is significant for the democratization process and seems to buttress the findings in the American case that the key institutional supports of voluntarism were multi-tiered national federations that simultaneously sustained intimate solidarities and connections to the wider world (Skocpol, Ganz and Munson 2000, 541).

Although pro-democracy associations in Nigeria put national questions at the heart of their democratization agenda in calling for a sovereign national conference, they were not able to ensure that such a conference was convened. Since the country's return to democratic rule, the call for a sovereign national conference has faced even more stringent opposition because elected officials in government lay claim to legitimacy. Political interest groups and ethnic militia have become major agencies of political pressures as each seize the space opened up by democratic rule to question the institutional arrangements left by the departing military government and strive to expand their spheres of influence and control.

Conclusion

The role of civil society should always be defined beyond its engagement of the state in order to prevent it from overwhelming society and trampling on individual rights because democracy is not just about rights. It is equally about participation, interest representation, and contestation. If this is the case, civil society's role and performance must properly be viewed in the context of state-society relations, which means that society-civil society relations becomes the other side of state-civil society relations. The strength of civil society relations will then be in its ability to improve on the interaction between state and society. This perspective also calls for more attention to the relations between civil society organizations and the communities or people (the poor and the

voiceless) that they often claim to represent. This call is important because, as we have noted in the Nigerian context, the pro-democracy (civil society) organizations not only find it difficult to muster and sustain credibility, they have not been able to break away from geographical divide and are elitist in character. Other forms of associational life especially at the grassroots are often isolated and are not usually aggregated at the national level. These have severe implications for democratic consolidation.

Also, the democratic challenges for civil society under a brutal dictatorship differ from those under an elected government because of their peculiarities. Thus, the methods and strategies of civic engagement under a military dictatorship should differ significantly from those under a democratically-elected government. That is why after the introduction of democratic government, civil society organizations themselves may have to pass through a process of renewal in which organization structure and operations have to be redefined in the light of the new challenges under a democratic dispensation. This necessary redefinition of organizational structure and operations is no easy task. Their success in achieving this re-definition and transformation will influence their relevance and effectiveness in the second transition to a consolidated democracy.

Notes

¹ Ndegwa (1996) suggests a reconceptualization of civil society by combining it with insights from social movement theory.

² Kasfir (1998, 10-13) explores the implication of defining civiness into civil society.

³ Two journalists from The *Guardian* media chain were jailed. They were to be amongst those released by the Babangida government.

⁴ Although Decree No.2 carried an ouster clause preventing the courts from reviewing cases of those detained under it, this became necessary to protect the government against challenges to its other actions outside the purview of Decree No.2.

⁵ This period also witnessed the emergence of private educational institutions (as public schools were under funded and suffered a drastic fall in standards) founded and run by some of these re-assertive organizations and individuals. Some state governments have returned schools to their original owners.

⁶ Not all of these organizations became totally dependent on the state.

Some continue to contribute to the development of their hometowns and localities.

⁷ A common opinion, however, is that the organizations were actually outlets for government to buy support from key individuals in the rural communities in a context of rising public challenge in the urban centres.

⁸ In fact, a few key actors in pro-democracy civic organizations are either supporters or members of militant movements. Beko Ransome Kuti who was the leader of the Campaign for Democracy (CD) is the National Treasurer of the Oodua Peoples Congress (OPC). Prominent political figures are patrons to some of these organizations.

⁹ Disagreements among the leadership of these organizations over disbursement of funds led to the formation of splinter groups (see Enemu and Momoh 1999, 101).

¹⁰ Over bureaucratization and elaborate hierarchical structures have also limited control over the unions by their rank-and-file.

¹¹ Under the ad hoc umbrella body, the Transition Monitoring Group. Ihonvbere (2000) describes this absence of civil society participation in relation to the process of making the 1999 Constitution.

¹² A fuller discussion of the transition process and its aftermath is in Williams (1999) and Aiyede (2001). Of course, President Obasanjo made overtures to the pro-democracy groups, but it is clear that the problem of state restructuring on which he does not agree with them has made any meaningful cooperation difficult. He has also been having difficulties with some of his sponsors in the conservative group, comprised by members of the old Northern Peoples Congress / National Party of Nigeria (NPC / NPN) and some powerful retired military millionaires that together dominate politics in the north.

¹³ Prominent among the human rights groups are the Civil Liberties Organization (CLO), the Committee for Defence of Human Rights (CDHR), Constitutional Rights Project (CRP), National Association of Democratic Lawyers (NADL), and the Human Rights Africa (HRA). The political reform movements included the Movement for National Reformation (MNR), Association for Democracy and Good Governance in Nigeria, and the pro-government Association for Better Nigeria that secured a court injunction to prevent the holding of the 1993 presidential elections and set the stage for its eventual annulment.

¹⁴ These include the Nigeria Medical Association (NMA), the National Association of Resident Doctors (NARD), Nigeria Bar Association (NBA), and the Academic Staff Union of Universities (ASUU).

¹⁵ Enemu and Momoh conclude:

Notwithstanding these organizational defects, most of the groups made sterling contribution to the struggle for democracy during the

period ... through their activities, the human rights groups succeeded in raising public awareness of human rights issues and abuses. They were instrumental in securing the release of some innocent detainees, in facilitating prison reforms and in instigating the amendment of some obnoxious decrees. More dramatically they spearheaded the mass protest and civil disobedience that hounded General Babangida out of office (1999, 99).

¹⁶ Experience from the past does not give much hope that this will solve the problem. In fact, the OPC responded that it was never registered with the government and so cannot be banned by it.

¹⁷ Community development associations, cooperative associations, youth associations, religious based associations, town unions, age grades, international associations, occupational groups commercial / trade associations, social clubs, landlord / tenant associations are the CBOs identified and studied.

¹⁸ Out of 535 that responded to the question of political development as one of their objectives only 5 or less that one percent identified democratic transition as one of their objectives (Onibokun and Faniran 1995, 226). Onibokun and Faniran (1995, 213) use political development to mean democratic transition, change from military to civilian regime; it involves increasing the capacity and capability of the people for participation, flexibility of the governmental structure and democratic institutions; participation and empowerment of the masses through decentralization of power and authority to the level of the masses.

¹⁹ The government of General Abdul Salami Abubakar released detained labour leaders and repealed draconian labour decrees thereby paving the way for workers to take back their union. While the transition to democratic rule progressed, labour had its own election and now has a legitimate labour leader who has been able to reorganize the movement and return it to reckoning under the current civilian dispensation.

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