Chapter Ten
Enter the Fourth Republic: Another Shot at Dynamic Engagement or a Return to Neo-military Governorship?

Introduction
Abacha’s sudden death in the middle of 1998 offered both the military and the civilian leaders another opportunity—the former, the opportunity to redeem its image, and the latter, to “associate together” with the aim of seeking, as well as earning, the people’s mandate.

Wondering whether the “new-breed” leaders who inherited the power vacated by the military on May 29, 1999 have learnt any lessons, this chapter begins by examining the constitutional and legal antecedents to leadership selection in post-military Nigeria. The chapter also recalls the experience of the Second and the abortive Third Republics in leadership selection and compares this with the pattern emerging in the Fourth Republic. It argues that until the country finds a permanent solution to the challenge posed by the triad of money, violence, and godfatherism, leadership selection and retrenchment would remain problematic.

Political Leadership Aspirations and the “Rules of the Game”
Ever since Nigeria became independent, a number of systems and practices have evolved in confirming or withdrawing the mandates of political leaders, including incumbents of, and aspirants to, political offices. While the systems were originally underpinned by laws and rules, practices soon developed which were not provided in the nation’s fundamental law or subsidiary legislation. For a very long time, the “military way” was the one that the civilian leaders were familiar with—the one which they saw work in practice—not the art of “associating together” under competitive political arrangements. In effect, the civilians’ relatively short experience in party formation and in the conduct of democratic elections has
particularly impaired their capacity to follow constitutional routes in obtaining the people's mandate and confirming their legitimacy.

In theory, the sovereign powers of the state cannot be exercised without the express will of the people. The military might have selected candidates for leadership positions based on a combination of hierarchy, loyalty, and evidence of ability to accomplish fairly well-defined objectives. Its civilian counterpart is, by contrast, obliged to meet fairly rigorous eligibility requirements set out in the constitution, the electoral laws, and other legal texts.

The constitution of Nigeria, for instance, contains elaborate guidelines on the selection of leaders, particularly, the president, head of state, and Commander of the Armed Forces, state governors, senators, members of House of Representatives and of State Houses of Assembly, Supreme and High Court judges as well as judges of the Court of Appeal, members of the Council of State and other statutory bodies. With regard to the office of President, Head of State, and Commander-in-Chief of the Army Forces, Chapter VI, Section 131 of the 1999 Constitution stipulates that a person shall not be eligible to present his candidature unless:

a. he is a citizen of Nigeria by birth;
b. he has attained the age of forty years;
c. he is a member of a political party and is sponsored by that political party; and
d. he has been educated up to at least School Certificate level or its equivalent.

The Constitution forbids lunatics and persons of unsound mind, as well as criminals sentenced to death or imprisonment, from contesting the post. Also disqualified are candidates with dual citizenship, persons declared bankrupt, members of secret societies, currently serving public officials, and candidates that presented forged certificates to the Independent National Electoral Commission. Presidents that have served two terms could not run for a third term.

The disbarment of "members of secret societies" is likely to be problematic if not comical—since whoever fingers a secret society member must himself be one. Equally controversial is the provision on the disqualification of persons "indicted for embezzlement or fraud." As stipulated in Section 137 (1) (i) of the Constitution, a candidate stands disqualified if he:

has been indicted for embezzlement or fraud by a Judicial Commission of Inquiry or an Administrative Panel of Inquiry or a Tribunal set up under the Tribunals of Inquiry Act, a Tribunals of Inquiry Law or any other law by the Federal or State Government which indictment has been accepted by the Federal or State Government, respectively.