

**Dictators, Democrats, and Government Performance  
In An African Country**

**Chapter 3: Does Democracy Deliver?**

## **INTRODUCTION**

On December 31, 1983, Brigadier Sani Abacha announced the overthrow of Nigeria's Second Republic. Outlining the reasons for the coup on behalf of the new Federal Military Government, he said "Our economy has been hopelessly mismanaged," leading to increased debts and high food prices. Abacha, who would stage his own coup ten years later, added that "Health services are in shambles" and "our educational system is deteriorating at an alarming rate." The FMG dismissed President Shehu Shagari, dissolved the National Assembly, banned political parties, and sealed the borders. The authority of the courts and the police were largely left intact (or so it seemed at the time). The new Head of State, General Muhammadu Buhari, then promised the nation that he would save the nation from "imminent collapse" (Akinola 2000). If democracy was to blame for four disappointing years, did the military have answers?

This chapter argues that regime type provides an inadequate explanation for variation in government performance. Nigeria experienced a variety of dictatorships and democracies since it gained independence in 1960 but there is no consistent correlation between regime type and government performance. Some authoritarian regimes improved delivery of social services, while some democracies allowed them to decline. Nigeria's record therefore seems to present a challenge to the literature arguing for a causal link between democracy and policy performance.

Regime type should affect policy performance because democracy increases political accountability. Open competition for political leadership implies that politicians formulate policies in response to the credible threat of replacement. Yet this is still no guarantee. Leaders concerned about a brief political life may formulate policies that

improve their own chances at survival or they might be tempted to abuse their public office. Additionally, unless political self interest is somehow bound to the broader common good, policy benefits might follow a localized distributional logic rather than one that serves national or shared needs. This chapter formulates a hypothesis to test these intuitions. Using the variables described in the previous chapter, my statistical tests here reveal that democracy in Nigeria does not consistently improve the level of pork, the delivery of public goods, or policy efficiency.

This chapter is divided into five sections: First, a literature review describes how comparative studies explore the relationship between democracy and development. The early research focuses on democracy as an outcome. Later studies grapple with the coexistence of authoritarianism and capitalism in important cases, reframing the central research question in terms of the impact of regime type on development. I suggest that Nigeria provides a good test of these recent theories. Second, I formulate a hypothesis informed by the current literature to test the impact of regime type on government performance. I then classify each regime in my sample as either democratic or authoritarian, based on standard comparative definitions. In the third section I perform three types of tests, predicting that democratic regimes yield more pork, more public goods, and spend money on pork more efficiently. Since statistical tests only illustrate overall correlations, in the fourth section I take the additional step of elaborating on each regime's performance record. This involves an extensive qualitative analysis. The fifth section discusses relevant implications. While the test results seem to suggest that democracy fails to consistently offer a meaningful advantage, I point to a less normatively disturbing interpretation: regime type fails to capture the relevant variation

in policy making processes. Subsequent chapters examine a different dimension of political institutions, which transcends the blunt dichotomy tested here.

## **DICTATORS, DEMOCRATS, AND DEVELOPMENT**

The withdrawal of colonial powers in the 1950's generated hope that independence would fuel political development and economic self-sufficiency in Africa. In most places democratization accompanied decolonization thus binding political changes to the profound economic transformation underway. Offers of assistance from the developed world promised to ease the transition and popular support for new democratic regimes inspired boundless optimism. The coups and corruption that later followed prompted many to wonder: Does democracy deliver?

In this section I summarize how our understanding of the relationship between regimes and government performance has emerged since then. As it turns out, Africans were not alone in their disillusionment. I begin by reviewing variations of modernization theory, which links economic and government performance to political development. Next, I state the basic rationale for superior democratic performance and describe why some authoritarian regimes seem to perform well. I then examine how empirical puzzles from Asia and Latin America inspired scholars to re-think the causal relationship and ask whether regime type really does drive developmental outcomes. Recent research offers hope for democracy's defenders in this regard and guides us to our central predictions. I conclude by describing research that explores the impact of regimes on the measures of performance I utilize throughout this study. I also briefly describe why Nigeria offers a good test of these studies.

## **Modernization Theory and its Critics**

In early modernization theory, we find the first systematic attempt to account for the persistent coincidence of development and democracy throughout the world. It experiments with objective measures of performance such as transportation and communication infrastructure. The casual relationship between development and politics is ultimately unclear, but these studies nevertheless conclude that socioeconomic factors largely explain political outcomes (Lipset 1959; Deutsch 1961, 493-514). Later modernization theory argues that expanding political participation often interferes with economic development. These scholars imply that slower political transitions allow for the gradual institutionalization of democratic institutions, which are otherwise vulnerable to anti-Western policies. Holding down democracy thus serves the dual goals of capitalist economic development and the suppression of communist ambitions (Huntington 1968). These research projects therefore tend to focus on political stability.

The challenges to modernization theory take several forms. Rustow points out an obvious weakness of modernization theory. In a seminal essay, he argues that the theory uncovers a significant correlation between development and democracy but fails to establish causality. He also claims that the features of a stable democracy may be different from the factors that bring about democracy about in the first place (Rustow 1970, 337-63).<sup>1</sup> There are no socioeconomic preconditions as Deutsch and others claim; there are many roads to democracy. The emergence of democracies in poor countries during the “Third Wave” of democratization thus refutes a key presumption of

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<sup>1</sup> For examples of Rustow’s revival, see L. Anderson’s book on democratization (Anderson 1999), M. Anderson’s study of Weimar Germany (Anderson 2000), or Lindberg’s *Democracy and Elections in Africa* (Lindberg 2006).

modernization theory. This transformation in the 1980s and 1990s revealed that other factors explain the democratic deficit in the developing world (Huntington 1991; Wood 2000). While wealthy democracies are more likely to consolidate and survive, dictatorships can die at any level of development (Przeworski, Alvarez and others 2000).

### **Electoral Accountability and Democratic Expectations**

Democracy supposedly offers advantages by rooting public policies in political accountability. Political contestation and repeated elections generate a credible threat of replacement. In this way, democracies create equilibrium between the politicians who supply good governance and citizens who demand it. This self-enforcing bargain binds the short term interests of politicians to the long term process of economic development (North and Weingast 1989; Weingast 1997, 245-63). This bargain also provides efficient protection of property rights. An independent judiciary protects individuals from state encroachment. The courts serve as an engine for economic development by arbitrating property rights disputes and enforcing contracts. By generating public accountability, democracies impose checks on policy makers. This reduces the likelihood of rent extraction or property expropriation (Lake and Baum 2001, 587-621). Under authoritarianism, the absence of an institutionalized, recurring method of leadership selection contributes to uncertainty about the future. Without a credible threat of replacement politicians have fewer incentives to provide public goods and to resist “temptations for political opportunistic behavior that is economically damaging” (Alence 2004, 163-87).

Several circumstances conduce to good performance in non-democratic regimes. To start, stable dictators do encounter incentives to invest in productive policies because

they plan with a longer political time horizon. As Olson explains it, they may behave as “stationary” rather “roving” bandits, protecting property rights and enforcing contracts (Olson 1993, 567-77; Clague, Keefer and others 1997, 67-90). Such regimes often do invest in policies that contribute to human capital (Glaeser et al. 2004, 271-303). This reasoning implies that Lipset and the modernization theorists have it right by claiming that good policies lead to good government institutions. Other dictators may choose to invest in productive policies because asset specificity endows them with rents and relatively reliable government revenue streams (Boix 2003).

Research on the impact of regime type on government performance falls into at least three categories: The first category includes studies from Asia and Latin America which find that dictatorship has a positive impact on performance. In South America, scholars point to countries where authoritarian experiments facilitated high growth rates. When democracies in Argentina and Brazil struggled with economic hardships in the 1960’s, O’Donnell argues these late developing nations opted for “bureaucratic authoritarianism” (O’Donnell 1973). Economic growth in these countries requires economic reform; bureaucratic authoritarianism offers insulation from populist impulses and policies that contribute to irresponsible levels of consumption.<sup>2</sup> Various studies apply the model to other Latin American countries (Collier 1979) and to parts of Europe (Herz 1982).

In Asia, numerous countries adopted components of free market capitalism without democracy. China has achieved tremendous economic growth with limited

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<sup>2</sup> For a contrary view, see Dix (1982) who argues that the case for authoritarian survival is overstated and the success of bureaucratic authoritarianism has been exaggerated (Dix 1982, 554-73).

political liberalization. Countries such as South Korea and Taiwan supposedly use corporatist arrangements (Wade 1992) and “soft authoritarianism” to achieve high growth with limited participation (Johnson 1987, 136-164). Such “intermediate” authoritarian regimes apparently set spending priorities very similar to democracies when confronted with increased global economic competition (Rudra and Haggard 2005, 1015-49).

A second category of research is more agnostic. Regime type in Africa, for example, explains neither patterns of economic performance nor levels of corruption (Olivier de Sardan 1999, 25-52). Cross-national studies of Latin America find little relation between regime type and economic performance (Remmer 1989) but meaningful distinctions when the models include health and education health and education (Sloan and Tedin 1987, 98-124). Przeworski, Alvarez et al. provide one of the most important examinations of these issues. They measure the impact of democracy on development by isolating the effects of regime type from the conditions under which the regime exists. By treating wealth as an exogenous variable, they conclude that dictatorship offers no advantage over democracy in terms of economic growth. They further suggest that poor development stems from the poverty of the state, not the type of regime (Przeworski, Alvarez and others 2000). Other recent studies, covering more years and more countries, share their conclusion that regime type matters little when performance is measured in terms of economic growth (Feng 2003; Bueno de Mesquita et al. 2001, 57-72; Mainwaring and Perez-Linan 2003, 1031-67). In Africa in particular, the Third Wave of democracy had a surprisingly ambiguous impact on budget deficits, inflation, and other macroeconomic measures of performance (van de Walle 2001).

Democracy's most ardent defenders argue that its record of performance empirically justifies the normative demands for it. This third category of research attempts to look beyond the macroeconomic picture to argue for both direct and indirect positive effects of democracy. The evidence for direct effects includes studies of Latin America which suggests that democracy impacts policy inputs and budget priorities (Ames 1987; Looney and Frederiksen 1987, 34-46). Democracy improves performance in terms of the absolute level of resources devoted to social services generally (Brown and Hunter 1999, 779-90; Brown and Hunter 2004, 842-64). Much the same is true in Africa, where democracy increases education spending, (Stasavage 2005, 343-58) and expands access to education generally (Stasavage 2005, 53-73). When performance is measured in terms of welfare spending, democracy improves governance even in the contrarian East Asian cases (Chan 1997, 227-243). All across the world, democratic and authoritarian regimes may spend on pension and welfare at similar overall levels. But welfare spending carries different effects in democracies because the incentives generated by the open competition for leadership improve performance (Mulligan et al. 2004, 51-74).

Democracy also appears to have meaningful indirect effects. These analyses suggest that measuring the impact of democracy on growth requires examination of social policies as intermediate variables. Democracies promote human capital formation through investments in health care and education, which contribute to economic growth as the labor force becomes healthier and more productive (Schultz 1999, 67-88). Democracy's accountability constraints create incentives for governments to adopt policies conducive to growth, as well as procedures that increase the risks of rent seeking

(Lake and Baum 2001, 587-621). Democracies therefore have higher levels of investment in human capital due to the lower costs of exit and participation (Baum and Lake 2003, 333-47; Feng 2003). This is true even for poor countries, where democracy's electoral pressures and the environment emphasizing individual rights stimulate a minimum level of political expectations for social services. The earlier studies of modernization suggest that illiberal governance might help insulate policy makers from public demands. Now the empirical research generally points to the positive effects of such demands since human capital formation requires investments in social services (Brown 1999, 681-707).

Nigeria offers a good case study for the impact of regime type. As Chapter 2 shows, the government performance record reveals tremendous variation. The literature outlined here provides compelling evidence that regime type should account for this variation, especially if we incorporate variables which measure social services and aggregate indicators. Democracy reigned for 15 of Nigeria's 42 post-independence years in my sample, providing a good test for the impact of regime on performance. The next section formulates a hypothesis to test the impact of regime type on performance, controlling for the impact of oil revenues and shifting spending priorities. I then code Nigeria's regimes since independence.

## **REGIME TYPE AND GOVERNMENT PERFORMANCE**

While the world displays a range of regimes now labeled "illiberal" democracies, "hybrid regimes," or "electoral authoritarian" regimes, this chapter focuses on a simple dichotomy between democracy and dictatorship. In the first part of this section I formulate a hypothesis to test whether Nigeria's democratic regimes consistently yield

superior government performance. This formulation generates predictions relating to the level of pork, the efficiency of spending on pork, and the delivery of public goods. In the second part, I establish operational definitions of democracy and authoritarianism. In the third part I classify each of Nigeria's regimes since independence using these definitions, identifying five authoritarian and three democratic regimes over four decades.

### **The Regime Type Hypothesis**

I have discussed numerous studies which claim that democracies perform better in a variety of ways. One claim centers on the benefits that democracy provides in terms of services. This is true, for example, when measured in terms of policy output levels (Sloan and Tedin 1987) (Stasavage 2005, 343-58). Democracy's defenders also claim that it creates particularly strong incentives to invest in human capital formation (Baum and Lake 2003)(Brown and Hunter 2004, 842-64). By forcing politicians to consider the future consequences of their behavior, democracy therefore increases the chances of delivering public goods (Lake and Baum 2001, 587-621). The other intuitions derived from the literature suggest that democracies perform more efficiently than dictatorships. Democracy increases the risks of rent seeking behavior by generating a credible threat of replacement (Lake and Baum 2001, 587-621; Alence 2004, 163-87).

My hypothesis, which states that democratic regimes perform better than dictatorships, captures all of these claims. However the three different intuitions described above require three different tests: First, they need to address the overall "level" of pork. Second, tests should determine if the type of regime influences the likelihood of delivering public goods, and hence the type of policy. Third, a good test of the hypothesis should also see how regimes impact wastefulness in pork spending.

Democracy should reduce opportunities for corruption. Using the operationalizations of government performance from Chapter 2, I expect my three tests to offer only limited support for the regime type hypothesis. This means we will not observe significant improvement in the number of primary schools or the primary student/teacher ratios during democracies. I further anticipate that we will not necessarily observe better provision of public goods in the form of court performance and better fiscal discipline. Finally, I predict that democracy will not improve policy efficiency.

### **What's in a Regime?**

Regime refers to the fundamental distinction between different sets of rules which allocate power. Dahl offers one of the most commonly used definitions based on his ideal type democracy, “polyarchy” as a political system with “contestation and participation” (Dahl 1971). Przeworski, Alvarez et al. define democracy as “a regime in which government offices are filled by contested elections” (p. 19). This necessarily incorporates specific understandings of regime, contestation and government. A regime is “a system of rules and practices that determine who has political rights, how they can be exercised, and with what effects for the control of the state” (Przeworski et al. 2000, p. 18). This definition allows for one dictator to succeed another without inaugurating a new regime. Governments are groups of individuals who exercise power within the boundaries prescribed by the regime’s constitutive rules.<sup>3</sup> Such rules are not merely new policies or portfolios. They are the rules that determine how state power is exercised and

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<sup>3</sup> This distinction between regime, state and government is standard in comparative politics texts (Almond, Powell and others 2005; O’Neil 2003).

the limits on it. These rules are described in constitutions or inaugural military decrees that explicitly nullify the previous regime.

In a widely-cited reference, Linz defines authoritarian regimes as: “Political systems with limited, not responsible, political pluralism, without elaborate and guiding ideology, but with distinctive mentalities, without extensive nor intensive political mobilization, except at some points in their development, and in which a leader or occasionally a small group exercises power within formally ill-defined limits but actually quite predictable ones” (Greenstein and Polsby 1975). I define an authoritarian regime as one in which either the chief executive or the law making body is not chosen through contested elections. Alternation of power is therefore neither institutionalized nor recurring.

Democracies must satisfy two criteria: First, the chief executive and the legislature must both be chosen through contested elections in which political competition guarantees the uncertainty of the winner. Contestation in this sense therefore requires extensive political and civil rights. Second, the rule of law both protects the rights of citizens and imposes limits on the exercise of state power. Many comparative scholars defend the basic dichotomy between democracy and authoritarianism (Brown and Hunter 1999, 779-90; Przeworski, Alvarez and others 2000). Nigerian scholars also accept dichotomous classifications of regimes. One writes, “Military governments are, without exception, authoritarian and undemocratic.” Dictatorship is, in the words of constitutional scholar Ben Nwabueze, “a government not limited by law” (Osaghae 1998, pp. 163-64).

These definitions of authoritarianism and democracy encounter two practical complications. The first complication arises from the frequency of interim governments. How should they be classified? My default solution is to group them with the authoritarian government that created them. Such governments may be set up with the purpose of failing (in order to justify further authoritarian rule) or they might merely be puppets for the government that created them. There is no simple way to code such distinctions. But clearly if such a government extends its life significantly longer than its initially designated tenure, it earns its authoritarian label. More to the point, interim governments by definition are meant to provide *temporary* leadership that facilitates a carefully defined political transition, not to initiate broad new policies. At best they are meant to continue implementation of existing policies.

Grouping interim governments would probably not be necessary with more discrete measures of my dependent variable, along monthly or perhaps quarterly lines. But even then it would not be reasonable to expect a government in power for only two or three months to formulate and implement policies that affect my measures of performance. This problem points to the second complication presented by my definitions: some regimes live very short lives and my dependent variable only captures annual data. I address this issue by grouping regimes that last less than a year with their successor regime. Although this is not an ideal solution it is the most straightforward. Combining this dichotomy with extensive qualitative analysis is intended to capture some of this discrete variation. An alternative solution to these two problems would be to exclude “short-lived” or interim governments. But offering narrowly defined exceptions allows me to conduct an analysis that includes all regimes (and all governments) for all

years in my sample. Applying these definitions, I identify three democratic and five authoritarian regimes in Nigeria since 1960. The exceptions apply in only a few, clearly identified instances.

### **Nigeria's Regimes since Independence**

The first democratic regime I identify is known as the "First Republic," covering the early years of independence from 1960 through 1965. This regime includes two governments under Prime Minister Abubakar Tafawa Balewa. The second democracy is a presidential system in the Second Republic under President Shehu Shagari from 1979 to 1983. The third case covers the first term of President Olusegun Obasanjo from May 1999 to May 2003. Each of these three regimes operated under a different constitution, so they were more than just different governments. The five authoritarian regimes consist of: (1) the governments of Generals Aguiyi-Ironsi and Yakubu Gowon from 1966 to 1975; (2) the governments of Generals Murtala Mohammed and Olusegun Obasanjo; (3) General Muhammadu Buhari from 1983 to 1985; (4) Ibrahim Babangida, from 1985 to 1993; and (5) General Sani Abacha, from 1993 until 1998. Each of these regimes is discussed in detail below.

#### *Case #1: The First Republic*

Prime Minister Balewa's government came to power through federal elections held in 1959. This government took office upon Britain's exit in 1960, amidst much fanfare. Although the government had a nominal president in Nnamdi Azikiwe, it was a parliamentary government in all other respects: the cabinet and the prime minister depended on the confidence of the National Assembly for their collective survival. At this time the country's regional governments enjoyed substantial autonomy; they also

maintained a high level of financial self-sufficiency. Balewa led a coalition to victory again in a highly contested election in December 1964. This first case covers just over five years, from October 1960 to January 1966.

*Case #2: Ironsi and Gowon*

Major Kaduna Nzeogwu's *coup d'état* in January 1966 killed Prime Minister Balewa and the premiers of two of the country's four regions. Though successful in Kaduna and Ibadan, two critical political centers, it failed in Lagos where General Aguiyi Ironsi stamped out the revolutionaries. Ironsi orchestrated an "invitation to govern" from the President of the Senate and cut a deal with Nzeogwu whom he promptly betrayed and threw in prison (Akinola 2000; Ademoyega 1981). Ironsi launched a major ethnic re-composition of the federal government and in May of that year, he abolished federalism in the country.<sup>4</sup> Even though Ironsi's regime possesses its own distinct set of rules, I treat it as one continuous regime based on the coding criteria established above. Ironsi was overthrown and killed only six months after taking power and only six weeks after abolishing federalism, depriving him of much opportunity to reshape the policy making process, much less formulate policies. General Yakubu Gowon led a successful counter-coup to the Ironsi government in July 1966. Gowon restored federalism and created new states. He also had the unfortunate burden of seeing the country through the brutal civil war of secession fought by Igbos from the eastern region. This second case therefore covers just over nine years, from January 1966 up to July 1975.

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<sup>4</sup> Decree No. 34, "The Constitution Suspension (and Modification) Decree," May 24, 1966.

### *Case #3: Generals Mohammed and Obasanjo*

Gowon adopted the now famous post-war policy of “no victors, no vanquished” pledging to re-integrate Igbos back into the government and turn over the reigns of government to a civilian regime (Oyediran 1979). When he backed away from the promised transition and Igbos in the military became frustrated with the pace of re-integration, Colonel Joseph Garba and several officers staged a coup in 1975.<sup>5</sup> They then handed the government over to Murtala Mohammed, who himself was assassinated barely six months later, in February 1976. His successor, General Olsegun Obasanjo made clear that he would stay the course set out by Mohammed. As a leading military expert puts it, “the 1976 putsch altered neither the insiders’ preeminent status nor the direction of overall policy” (Othman 1989). More importantly, Obasanjo did not nullify the constituting rules of the Mohammed regime and kept its underlying institutional framework intact, including the timetable for the transition to democracy.<sup>6</sup> The third case therefore treats the Mohammed and Obasanjo governments as part of a single authoritarian regime.

### *Case #4: The Second Republic*

Nigeria’s second attempt at democracy began with an elaborate constitutional drafting process and a round of federal elections. In October 1979, General Obasanjo stepped aside and a new democratic regime took office. The Second Republic operated under a completely new presidential system of government. President Shehu Shagari was

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<sup>5</sup> The significance of the Igbo grievances in the 1975 coup did not become clear until 1990; the usual story had previously focused on Gowon’s reversal of his commitment to the transition (see Akinnola, pages 38-40).

<sup>6</sup> See “No Policy Change in Nigeria,” *West Africa*, February 23, 1976, p. 233. I present additional evidence of institutional continuity in Chapter 6.

re-elected in highly contested elections in August 1983. Civil violence trailed the election result and the generals struck again, barely four months later. Thus this fourth case incorporates both of Shagari's governments but only one democratic regime, coded as four years.

*Case #5: Buhari*

Mohammadu Buhari's overthrew President Shagari's government on December 31, 1983 and dissolved the parties and institutions of the Second Republic. Although he nominally claimed to maintain the federal structure of the country, Buhari's first decree gave the Federal Military Government nearly unlimited legislative powers and specifically proscribed state legislatures from acting upon policy matters within the purview of the federal government. He also made clear that the executive powers of the governors could be revoked at any time (Akande 1985, 1-26). Buhari's obsession with "indiscipline" weakened civil liberties and judicial independence, and he had few pretenses about institutionalizing any succession mechanism. He prioritized radical economic reform and establishing domestic security. His government, my fifth case, covers slightly less than two years.

*Case #6: Babangida/Shonekan transition*

Ibrahim Babangida staged a palace coup on August 27, 1985 and his eight year reign of power constitutes my sixth case. Much of the public, tired of Buhari's "War on Indiscipline," welcomed the new regime which immediately tried to convey its receptiveness toward political liberalism. Babangida's government embarked on ambitious social projects such as the formation of state mobilization agencies and political experiments supposedly designed to increase public involvement in politics. He

created two political parties by fiat and permitted the election of a national legislature in 1992. Babangida's approach to governance persuaded many elites that his regime represented "guided democracy." At the time, the former governor of Kano State defined democracy as "a political system which respects the rule of law and freedom of choice," suggesting that Babangida's regime is neither democratic nor authoritarian.<sup>7</sup> In 1993 Babangida annulled the results of the 1993 presidential election that would have chosen his successor. He then aborted the transition plan underway and announced a new one.

Babangida finally "stepped aside" on August 27, 1993 after two months of unprecedented domestic and international pressure following the June 12 election annulment. Ernest Shonekan took over as the head of a new Interim National Government, which he called "a child of circumstance...conceived in crisis and born in crisis." I incorporate the ING as part of my sixth case because it lasted less than three months and it failed to lead to a democratic transition.

*Case #7: Abacha and the ING*

Sani Abacha began his tenure with praise from the victims of the June 12 annulment, who lent him support believing that he would honor the election results. In a populist move to further legitimate the regime, he abandoned economic liberalization. He empowered a corruption commission which uncovered over \$12 billion USD that had disappeared between 1988 and June 1994 (Osaghae 1998, pp. 273-279). However he also responded to rising economic frustration with repression. Most infamously, he executed the "Ogoni Nine," a group of minority rights activists of international renown. By June of 1994, tensions with unions and pro-democracy organizations increased and

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<sup>7</sup> "This is No Democracy," *The Nigerian Economist*, January 22, 1993, p. 28.

the government began distancing itself from political transition plans (Edozie 2002). Abacha mentioned the possibility of “self-succession” in a January 1996 interview, infuriating Nigerian civil society who took it as a signal that he had abandoned any democratic pretenses. As one prominent human rights organization phrased it: “The Umpire Seeks to be the Winner.”<sup>8</sup> Abacha died under mysterious circumstances on June 8, 1998 and another interim government took over, this one headed by Abdulsalami Abubakar.

Abubakar’s interim government attempted to distinguish itself from Abacha’s regime. He freed prominent dissidents, set a timetable for elections and significantly, and he stuck to the transition plan. By the end of the year Nigerian citizens elected a new National Assembly and former head of state Obasanjo, recently freed from prison, began campaigning for the presidency. Abubakar’s government was the only interim government to actually relinquish power to an incoming democratic administration. Historians still debate his reasons for doing so. One seasoned politician says Abubakar considered himself “president by accident,” because he sought to relinquish power as quickly as possible, perhaps because Nigerians (as well as the international community) were “tired of transitions.”<sup>9</sup> The transition this time was successful.

#### *Case #8: The Fourth Republic*

The last case is composed of President Obasanjo’s first term, which officially begins May 1999 and ends in May 2003. The Fourth Republic inherited constitution promulgated by the ING under Abubakar but it quickly set out to distinguish itself. For

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<sup>8</sup> *Constitutional Rights Journal*, January/March 1998, p. 22.

<sup>9</sup> The source is a former Senate President, Abuja, May 29, 2004.

the first time since 1983, Nigerians had independently elected governors and legislators along with a new chief executive.

Based on all of this above information, I create a dummy variable coding Nigeria's eight regimes as either 1 for democracy or 0 for dictatorship. By treating each year as a separate value for the *regime* variable, the descriptive statistics show 28 years of dictatorship and 15 years of democracy. The next section uses this variable to test my regime type hypothesis.

### **TESTING REGIME TYPES: DOES DEMOCRACY DELIVER?**

In this section I test my hypothesis with three kinds of statistical tests: First, I examine whether democratic regimes increase the level of pork, measured in terms of schools and student/teacher ratios. Second, I test to see if democracies deliver more public goods, measured in terms of efficient courts and low budget deficits. Third, I test for the impact of regime type on how governments spend money on pork using variables that capture policy inefficiency and wastefulness. For all three tests, I use a variable to control for oil revenue as a share of federal spending. Oil booms and busts occurred under both democracy and dictatorship, and it is possible that lower levels of revenue lead to less pork and fewer public goods. The results of the tests are mixed: Democracies deliver more teachers but not more schools. They do not appear to deliver more public goods in the form of judicial efficiency or fiscal discipline, although these models are poor fits. My final set of tests show that education spending on teachers during democracy appears to be less wasteful than spending on school construction.

## Delivering Pork

Democracy's defenders claim that democracies deliver more pork. Whether it is a direct or an indirect effect, elected politicians see advantages of responding to popular demands for policies such as increased access to education. In the end, an educated workforce is in the self-interest of these politicians (Schultz 1999, 67-88; Stasavage 2005, 53-73). Skeptics counter that dictators sometimes do increase provision of education (Glaeser et al. 2004, 271-303). Cases from Latin America seem to support this claim.

Before testing which of these schools stands on firmer ground, I introduce an additional control for budget priorities. Some studies claim that democracy improves government performance in terms of policy inputs or budget priorities (Ames 1987; Looney and Frederiksen 1987, 34-46). This control is therefore important because a shift in spending priorities could account for changes in the level of pork delivery. Where *ed.budgt* expresses education as a share of the federal budget, this model is expressed as:

$$\text{Equation 1: Pri.s.t.} = \beta_0 + \beta_1(\text{regime}) + \beta_2(\text{ed.budgt}) + \beta_3(\Delta\text{oil}) + \mu$$

**Table 1: Primary Student/Teacher Ratio, 1961 – 2002**

	<i>Pri.s.t.</i>		
	Primary Student/Teacher Ratio		
	(1)	(2)	(3)
<i>Regime</i>	-1.497	-2.501*	-1.873
Regime Dummy	(1.074)	(1.907)	(1.424)
<i>Ed.budgt</i>		.660***	.730***
Ed. as % Budget		(3.038)	(3.175)
$\Delta\text{Oil}$			3.838
Oil Revenue Share			(.518)
<i>N</i>	42	42	42
Adj-R <sup>2</sup>	.004	.174	.171
DW	.674	.994	1.095

Absolute value of *t*-stat in parentheses

\*significant at the .1 level; \*\*significant at the .05 level

\*\*\*significant at the .01 level

The negative coefficients on *regime* displayed in Table 1 suggest that democracy does improve the primary school student/teacher ratio but the Adjusted R<sup>2</sup> is extremely low without our controls. The model captures more variation and becomes statistically significant once we incorporate spending priorities, and this variable captures most of the variation. Oil revenues do not have a statistically significant effect. The Durbin-Watson statistic also suggests some autocorrelation in the error terms.

Our other test for the “level of pork” uses the change from year to year in the number of schools that democratic regimes build with a lead time of one year. Here I introduce change in gross primary enrollment as a control variable, since growing enrollments could impact the pace of school construction. This model is written as:

$$\text{Equation 2: } \Delta \text{Pri.Sch}_{t+1} = \beta_0 + \beta_1(\text{regime}_t) + \beta_2(\Delta \text{pri.enroll}_t) + \beta_3(\text{Ed.budgt}_t) + \beta_4(\Delta \text{oil}_t) + \mu_t$$

**Table 2: Change in Number of Primary Schools, 1962 - 2002**

	<i>ΔPri.sch<sub>t+1</sub></i> Number of Primary Schools (de-trended)			
	(1)	(2)	(3)	(4)
<i>Regime</i> Regime Dummy	-1026.796 (1.529)	-1094.798* (1.706)	-1447.404** (2.547)	-1359.755** (2.409)
<i>ΔPri.enroll</i> Enrollment		.001** (2.164)	.001* (1.640)	.001* (1.664)
<i>Ed.budgt</i> Ed. as % Budget			337.913*** (3.562)	390.712*** (3.870)
<i>ΔOil</i> Oil Revenue Share				4360.948 (1.399)
<i>N</i>	40	40	40	40
Adj-R <sup>2</sup>	.033	.119	.330	.348
DW	.892	1.064	1.233	1.360

Absolute value of *t*-stat in parentheses

\*significant at the .1 level; \*\*significant at the .05 level

\*\*\*significant at the .01 level

The negative coefficients on *regime* in Table 2 indicate that democracies actually build fewer schools. This finding is statistically significant but only after introducing our controls. As we add these controls the Durbin-Watson statistic improves, showing little sign of autocorrelation in the full model. Budget priorities are again important and significant, while oil revenues as a share of the federal budget are not.  $\Delta Pri.enroll$  shows that increases in gross enrolments do positively impact primary school construction. Our first test for the impact of regime on the “level of pork” lends some support to democracy’s defenders. Here however, the results suggest much the opposite.

### **Providing Public Goods**

Our second set of tests considers the impact of regime type on public goods, rather than pork. If dictators have few reasons to support policies beyond their immediate self-interest, then we would expect them to deliver fewer public goods. With a high cost of exit and without a credible threat of replacement, they face few incentives to advocate such policies (Alence 2004, 163-87; Baum and Lake 2003, 333-47). By using a measure of public goods in addition to the measures of pork, these tests allow us to determine whether the type of regime impacts the type of policy. Aside from civil rights, regime type may have little impact the type of policies (Mulligan et al. 2004, 51-74). The model for these tests is represented here as:

$$\text{Equation 3: } \hat{Y} = \beta_0 + \beta_1 (\text{regime}) + \beta_2 (\Delta \text{oil}) + \mu$$

**Table 3: Judicial Efficiency**

	<i>Clearance</i> Observations for 1960 – 1987		<i>Alt-clear</i> Including estimates for 1988 - 2003	
	(1)	(2)	(1)	(2)
<i>Regime</i> Regime dummy	-.068 (.336)	-.091 (.419)	-.030 (.216)	-.039 (.264)
$\Delta$ Oil Oil Revenue Share		.690 (.651)		.752 (.959)
<i>N</i>	28	27	43	41
Adj-R <sup>2</sup>	-.034	-.049	-.023	-.022
DW	1.154	1.094	1.111	1.090

Absolute value of *t*-stat in parentheses

\*significant at the .1 level; \*\*significant at the .05 level

\*\*\*significant at the .01 level

The columns on the left in Table 3 predict *clearance*, my dependent variable based on the observed clearance rates from my case sample through 1987. The columns on the right show predictions for *alt-clear*, the variable that incorporates estimated clearance rate values for 1988 – 2002. Neither democracy nor oil revenues has a significant effect on judicial efficiency, although the models are generally a poor fit. The Durbin-Watson statistics show some evidence of autocorrelation.

**Table 4: Fiscal Discipline, 1961 - 2003**

	<i>Discipline</i> 1961 – 2003	
	(1)	(2)
<i>Regime</i> Regime Dummy	.664 (.351)	1.325 (.676)
$\Delta$ Oil Oil Revenue Share		24.882** (2.360)
<i>N</i>	43	41
Adj-R <sup>2</sup>	-.021	.083
DW	1.266	1.404

Absolute value of *t*-stat in parentheses

\*significant at the .1 level; \*\*significant at the .05 level

\*\*\*significant at the .01 level

Table 4 displays the results of tests considering the impact of regime type on fiscal discipline. The Durbin-Watson statistic in the full model suggests no autocorrelation concerns. Our control for oil as a share of federal revenue actually predicts fiscal discipline better than regime type. But the model on the whole is not very significant and the Adjusted  $R^2$  is very low, meaning that the model is a very poor fit.

### **Pork Spending and Policy Efficiency**

The third test of the regime type hypothesis predicts that democracies spend money on pork more efficiently than authoritarian regimes. This understanding of efficiency implies that naira-for-naira less money is lost to rents, corruption, or bureaucratic waste. Lake and Baum and others expect better performance from democratic regimes because electoral accountability increases the risk of rent seeking behavior by politicians. Rose-Ackerman's widely-cited corruption study argues that this is not necessarily the case; accountability fails in democracy for a variety of reasons (Rose-Ackerman 1999).<sup>10</sup> In the bureaucratic authoritarian cases, various scholars claim that authoritarian regimes contributed to development because they could overcome the cumbersome constraints and petty competition of democratic policy making. One study of Nigeria similarly concludes "the military has performed more efficiently than the party system with respect to economic development" (Odetola 1978, 109).

To test whether elected politicians have fewer opportunities to engage in rent seeking or corrupt behavior, I formulate a test to capture policy inefficiencies. My understanding of efficiency outlined in Chapter 2 implies that naira-for-naira less money

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<sup>10</sup> Voters in democracies also routinely opt to not punish elected leaders for poor economic performance. This may also suggest that accountability requires more than merely elections (Cheibub and Przeworski 1999, 222-249).

is lost to rents, corruption, or waste. In that chapter, I operationalize inefficiency with variables that express the residuals produced by a model that compares the predicted to the observed levels of output. *Teachers1* expresses the residual from my model where federal education spending predicts the student/teacher ratio. *Schools1* similarly measures the efficiency of spending on school infrastructure as a residual.<sup>11</sup> For *Teachers1*, negative residuals indicate that naira-for-naira the student/teacher ratio is lower, and therefore “better” than predicted, given spending levels. For *Schools1*, negative residuals signal much the opposite – that fewer schools were constructed than predicted. Since I expect to find little support for democracy in these tests, I predict we will observe no significant relationship between democracy and my policy efficiency variables. As in the other tests of the hypothesis, I control for the impact of oil revenues with  $\Delta oil$ . The model can be stated as:

$$\text{Equation 4: } \hat{u} = \beta_0 + \beta_1 (\text{regime}) + \beta_2 (\Delta \text{oil}) + \mu.$$

**Table 5: Policy Efficiency of Pork Spending**

	<i>Teachers1</i> 1962 – 2002		<i>Schools1</i> 1962 – 2001	
	(1)	(2)	(1)	(2)
<i>Regime</i> Regime Dummy	-1.910 (1.592)	-1.749 (1.419)	-1333.520** (2.604)	-1269.797** (2.426)
$\Delta Oil$ Oil Revenue Share		4.284 (.660)		1896.256 (.704)
<i>N</i>	41	41	40	40
Adj-R <sup>2</sup>	.037	.023	.129	.117
DW	1.038	1.011	1.615	1.611

Absolute value of *t*-stat in parentheses

\*significant at the .1 level; \*\*significant at the .05 level

\*\*\*significant at the .01 level

<sup>11</sup> The reader should recall that the models generating both of those variables incorporate a variable for education as a proportion of overall federal spending. This provides a control for the priority given education spending in the federal budget, and proxies for the varying degree of the federal government’s involvement in providing education.

Before interpreting the results in Table 5, it bears repeating that the values do not necessarily indicate higher levels of delivery, better “quality” of services, or improved access. Instead, the values estimate whether the policy output was higher or lower than predicted. The tests for *Teachers1* suggest that neither regime type nor oil revenues tell us much about the efficiency of spending on teachers. There is some of autocorrelation and the low Adjusted-R<sup>2</sup> means that the model fits poorly. The results for *Schools1* are quite different. They indicate that democracies waste more money building schools than dictatorships. The model with controls only explains about 12 percent of the variation, but it is significant at the .05-level and the Durbin-Watson statistic shows no autocorrelation. Oil is not significant in any of the tests. While these results cannot be considered definitive, especially given in the absence of additional controls, they do suggest that Nigeria’s democracies have not improved accountability. In fact, when it comes to school construction, they appear to have been more wasteful than their military counterparts.

### **Summary**

The first results, from the “level of pork” tests, do not tell us much about the impact of democracy on the supply of teachers. But the impact on primary school construction is a good deal clearer. These tests show that democracies actually build fewer schools than authoritarian regimes. This provides some fodder for those who claim that authoritarian regimes do sometimes face incentives to provide pork; it also prompts us to explore ways to distinguish among those non-democratic regimes. The second set of tests suggests that democracy has little impact on fiscal discipline, as van de Walle (2001) suggests has been the pattern in Africa. Democracies do not seem to promote

judicial efficiency, although the results from the sample of court cases must be interpreted cautiously. Finally, the third set of tests suggests that democracy does not necessarily reduce corruption, much as Rose-Ackerman (1999) and others claim. In fact when it comes to school construction, Nigeria's democracies have almost certainly been more wasteful than their undemocratic counterparts.

### **REVISITING NIGERIA'S REGIMES: WHICH ONES DELIVERED?**

Since my statistical tests only tell us about correlations between regimes and policy results generally, in this section I extend the analysis by considering the record of each individual regime. The first part of this section discusses the performance of the three democracies in my sample, and the remainder looks at the five authoritarian regimes. This largely qualitative analysis provides additional details about the delivery of pork and public goods. It supports my findings thus far about the inadequacy of the regime type hypothesis. Readers interested in a general overview rather than the vicissitudes of Nigerian politics should feel free to skim this discussion and skip ahead to the summary at the end of this section.

By examining each regime in turn, I am able here to refer to additional data that I could not consistently incorporate in the statistical tests. For the discussion of student/teacher ratios I incorporate enrollment ratios, which unfortunately are not available for many years. These statistics provide a useful control because a sudden surge in enrollment could adversely affect class sizes in the short term. For my analysis of the judiciary I utilize available information about case loads, since an unexpected increase in cases could account for decreased efficiency. I also refer to statistics on ouster clauses which limit jurisdiction, and useful qualitative evidence from human rights

organizations concerning authoritarian regimes' disposition toward the courts. This helps me assess whether weakened judicial independence may have impacted the clearance rate figures. Finally, I attempt to provide a more robust picture of fiscal discipline and the economy by referring to inflation and money supply trends in each regime.

### **Democracy's Promise**

The data for the first democratic case from 1960 to 1966 show steady improvement in education, consistently low deficits, and generally good performance in the courts. Specifically in terms of education, the First Republic had low student/teacher ratios in primary schools. These figures suggest high levels of pork but it is important to qualify them by pointing out the low enrollment ratios throughout the 1960s, and that education was neither guaranteed nor universally accessible.<sup>12</sup> No precise enrollment ratios are available for that era but population data estimates suggest an enrollment rate of approximately .17 for 1960 and .15 for 1965.<sup>13</sup> The two parliamentary governments formed during this regime also managed to avoid letting enrollments outpace school construction.

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<sup>12</sup> These national averages should also be read in light of acute regional disparities. On the eve of independence in 1959, 90 percent of the country's primary and secondary schools were in the south. The area had been exposed to Western education by Christian missions from an early date, whereas in the overwhelmingly Muslim north, Koranic teaching dominated the school curriculum (Forrest 1995). In the prosperous northern city of Kano in 1960, one in 65 children attended primary school and only one in 2,482 attended secondary school ("Educational Revolution in the North," *West Africa*, February 20, 1960, p. 209). By 1972, 70 percent of the southern school age children were in school, while the figure was less than 10 percent in the north ("Schools and States in Nigeria," *West Africa*, April 14, 1972, pp. 437-38).

<sup>13</sup> To arrive at these estimates, I start with figures from the National Population Commission that place the under 15 population in 1960 at 17.8 million, and figures from the Federal Ministry of Education which reports just over 3 million students enrolled in primary and secondary education combined. This is probably a slightly conservative enrollment figure since the government survey required cooperation from schools that were mostly private at the time. This method suggests an estimated enrollment rate of about .17. Using the same formula to estimate the enrollment rate for 1965, I come up with .15, which is based on an under-15 population of 20.8 million at the time.

The courts record high clearance rates during this period, disposing of property rights cases as quickly as new ones were being filed. My data show an increase in the number of cases filed between 1960 and 1965. But the number of cases resolved increases also, reaching 20 in 1965 during a bad year for clearance. Separate statistics from the Supreme Court also show increases in the number of total appeals during this period. There were 136 civil appeals in 1960 and 373 in 1966 (Kasunmu 1977, 1-52). This lends some validation to my sample. In the fiscal sector, the federal government ran low deficits (averaging only 1.37% of GDP), limited the supply of money, and maintained low inflation averaging less than 4 percent.

The second democratic case, the Second Republic from October 1979 through 1983 shows an increase in the primary student/teacher ratio. But this also corresponds with large increases in enrollments (from a rate of 49 percent in 1975 to 91 percent in 1981) and improvements in the accessibility of education. The actual enrollments at the primary level in 1976/77 were 131 percent higher than the projection, and the problem was exacerbated by a teacher shortfall of 42 percent (Federal Ministry of Education 99). In other words, it is likely that the effects of such an increase lasted. School construction occurred at a very modest pace, especially compared to the boom in the mid-1970s.

The courts reached an historic level of inefficiency during this period. Readers knowledgeable about Nigeria might attribute this to controversial changes in property rights instituted by the outgoing military regime in 1978 and the new constitution in 1979. The Land Use Decree of 1978 vested control of all land in trust in the hands of the military governors of the states. The Second Republic's Constitution entrenched these changes. Criticism of "nationalization" and state seizure grew, especially after the

military government stepped aside (Awogu 1984). Since my sample of cases consists of land disputes, this could present a problem by stimulating new complaints. However neither my data set nor statistical information on Supreme Court cases for 1979 – 1983 point to any such increase in case load. In fact, the number of land cases handled by the Supreme Court and the courts in my sample declined after the transition to democracy (Alabi 2002). In other words, the courts experienced no significant increase in the number of cases which might better account for the declining clearance rate.

As for fiscal discipline, President Shagari inherited a huge deficit, reported as over 1.4 billion naira in 1979. But the outgoing military regime's budget for 1980 called for strict budget discipline and remarkably, by July 1980 the government had a surplus of over 2 billion naira. Although increased tax revenue contributed to the surplus, the government also enjoyed substantially increased oil revenues for the year. Unfortunately, the optimism proved to be short lived and fiscal discipline in the Second Republic declined considerably. A strong currency led to wasteful government spending and consumer spending on expensive imports (Lewis 1997, 303-28). President Shagari publicly blamed consumers for the economic decline, pointing to their "insatiable appetite for imported goods."<sup>14</sup> Although the states bore some of the blame for launching overly ambitious projects (which they expected to be financed with the help of the federal government), Shagari's administration clung to economic optimism. In August 1981, a prominent opposition governor accused the president of lying about the economy and complained about cutbacks in his state's share of fiscal allocation from the federal government. Shagari's economic advisor accused him of playing politics and

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<sup>14</sup> Editorial, "Nigerian Turning Point," *West Africa*, May 3, 1982, p. 1179.

blamed any loss on the reckless spending of the states. As late as August of that year, he played down the significance of external factors such as declining oil revenues.<sup>15</sup> Barely a month later, the executive branch reversed itself when the budget director made clear the severity of the situation. He announced hiring and travel freezes and a 30 percent “reservation” on all capital projects until the end of the year.<sup>16</sup>

The government ran deficits of 14.8 percent of GDP in 1981 and 11.8 percent in 1982. The growth of money supply had slowed, but there was nevertheless a general “loss of financial control and discipline in the public economy” (Forrest 1995). Short on revenue, President Shagari borrowed money. All nineteen state governments accumulated huge external debts, totaling \$8 billion US dollars, and pushed the country toward a desperate search for foreign exchange. Shagari’s problems worsened when labor unions, emboldened after years of limitations on organizing under military rule, launched a nationwide strike in 1981 to protest low wages, inadequate pensions and elite corruption. “As far as the NLC [Nigerian Labor Congress] was concerned, and this clearly represented the genuine views of the majority of the workers, the advent of party politics had worsened the conditions of the Nigerian worker.” The number of strikes was not significantly larger than during the mid-1970s but declines in worker participation and productivity damaged the economy significantly (Falola and Ihonvbere 1985). By the time the military staged a coup in December 1983, inflation was over 23 percent.

In the third democratic case, known as the “Fourth Republic,” education started to improve and the government took some steps to reign in deficits while judicial

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<sup>15</sup> “Shagari Accused of Lying” and “Austerity Measure Out,” *Nigerian Tribune*, August 10, 1981, p. 1. Op-ed by Professor E.C. Edozien, “Shagari’s Letter Only a Warning Signal,” *Nigerian Tribune*, August 18, 1981, p. 7.

<sup>16</sup> “Austerity Measures to Save N1 billion,” *West Africa*, September 1981, p 2237-38.

performance declined. The ratio in primary schools was slightly high but it does improve over the five year period due to the hiring of 42,000 new teachers reported by the UBE Programme. The figure of 40.3 also appears to be in line with the Programme's goals for classroom size. Significantly, the primary enrollment rates between this case and the previous democratic case are nearly identical: from 1981 to 1983 the rate was between 91 and 93 percent, whereas from 1999 to 2001 the rate ranged between 92 and 95 percent. This suggests that the comparison between these two regimes in terms of the student/teacher ratios is particularly valid; larger class sizes cannot be blamed on unexpected enrollments.

Despite rising demands for education and huge capital outlays, school construction slowed during the Fourth Republic. The Obasanjo government's classroom construction plan anticipated spending 21 billion naira on the construction of 3096 classroom blocks. Only 280 were completed in the first phase of construction and only 18 in the second phase. Almost two thirds of the money had been released by 2001 but the Universal Basic Education Programme reported in 2003 that only half of the classroom blocks had been constructed. 95 projects had been completely abandoned (Universal Basic Education Programme Abuja; Universal Basic Education Programme 2003). A detailed study of five Local Government Areas in Rivers State uncovered various examples accounting for these kinds of failures, including a local government chair depositing federal revenue disbursements into his personal bank account. Other examples of abandoned projects documented by Human Rights Watch include a "demonstration fish pond" without water or fish. Similarly, the Rivers State government

supposedly spent the equivalent of \$55,000 USD on building a “football academy,” yet nothing had been constructed (Human Rights Watch 2007).

Court performance suffered in the Fourth Republic as well. Since the low clearance rate figures I report for these years are based on predicted values (see Chapter 2), I looked for alternate sources of data that might validate my statistics. I found this in a large, separate sample of court cases gathered by the Rule of Law Assistance Project funded by the U.S. Agency for International Development. These statistics confirm my portrait of low judicial performance. The statistics for the High Court of Justice in Abuja, FCT and Kaduna State are reported in Table 6. Although the pilot studies include only two states, they include all cases and distinguish between civil cases, criminal cases, and motions. Nevertheless, the statistics closely resemble my predicted values for clearance rates in these years.<sup>17</sup>

**Table 6: High Court of Justice Statistics**

	<b>KADUNA</b>			<b>ABUJA</b>		
	<b>1999/00</b>	<b>2000/01</b>	<b>2001/02</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>
Number of civil cases	2129	2261	3096	786	848	929
Total cases and motions filed	2161	2411	3385	1129	1238	1985
Total disposed	870 (40%)	636 (73.6%)	1490 (58%)	577 (51.1%)	479 (38.7%)	492 (24.8%)

**Sources:** National Center for State Courts, Nigeria Rule of Law Assistance Project, *Appendices to the Case Management Assessment, Federal State Judiciary*, Feb. 24-28, 2003 and *Appendices to the Case Management Assessment, Kaduna State Judiciary* (Volume II), Feb. 17 – 19, 2003.

Expressing optimism about democracy’s ability to remedy the defects of the military in 1999, the President’s Chief Economic Advisor said: “Most of the problems of

<sup>17</sup> This model’s predicted value is  $\hat{y}$  based on a linear regression of ATPs on clearance rate in order to determine the relationship between the two variables. See Appendix 2, Chapter 2 for the model’s results.

budget implementation could be attributed largely to the military dictatorship under which the planning and budgeting process operated for over a decade” (Asiodu 2000, 7-10). The administration declared itself determined to maintain single-digit inflation and to keep the budget deficit within the Central Bank of Nigeria’s (CBN) benchmark of less than 3 percent of GDP. Although economic performance was far from the nation’s worst years, the average deficit to GDP ratio was 4.9 percent during the regime and the government failed to meet its goals.

The economic picture did not look rosy in 2000. Inflation climbed to 14.5 percent and the deficit hit 60 billion naira in the first half of the year alone – in spite of a surge in export earnings. Economists complained that compared to the military, there was “no major change in the structure of economic activities” or the spending priorities of the federal government. They identified macroeconomic instability and low growth as serious problems (Taiwo 2001, 19-34; Akpakpan 2000, 11-21). On the one hand, Obasanjo seemed committed to fiscal discipline in his government’s first year with his elimination of a fuel subsidy. On the other hand, these cuts were accompanied by huge increases in capital spending (a 40 percent increase in 2001 alone) and civil service wage increases. The president’s policies on wages and the fuel subsidy and capital spending were announced without consultation with the National Assembly or the governors. This triggered a debilitating national strike by labor and a prolonged standoff with the legislature which had not even seen a minimum wage bill when the president announced the increase.<sup>18</sup>

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<sup>18</sup> Luky Fiakpa, “One Wage, a Thousand Battles,” *TELL*, July 17, 2000, pp. 40-42.

In 2001 high debt payments took their toll and the CBN coped by increasing money supply far in excess of the government's targets. Spending by all three tiers of government grew, contributing to inflation (Iyoha 2002, 27-43). The problems were much the same the following year when money supply rose 27 percent – more than double the CBN's target – and government spending spiraled upward. The National Assembly increased the president's proposed capital spending in the budget from 297 billion naira to 485.7 billion (Nnanna 2002, 45-61; Sanusi 2002, 79-89). The Chairman of the Senate Appropriations Committee expressed his alarm about the increased spending commitments for 2002 in the face of declining revenue estimates, commenting "we cannot allow this trend to continue."<sup>19</sup> Facing re-election in 2003, politicians saw little cause for restraint. In the end, the Fourth Republic delivered few public goods.

### ***Summary***

These three democratic cases tell rather different stories about government performance. Measured in terms of student/teacher ratios, the First Republic performed well. It managed to keep deficit spending to low levels, and the clearance rate shows that the number of cases decided generally kept pace with the number of new cases. In sum it provides support for the hypothesis that democracies provide more public goods and pork, although low enrollment ratios should moderate the latter conclusion. The second democratic case shows generally poor delivery of public goods as the government struggled to reign in deficits, and low clearance rates resulted in huge court backlogs. Even with major deficit spending (averaging nearly 7 percent of GDP), school construction proceeds slowly and primary class sizes remain large, although enrollments

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<sup>19</sup> Ibim Semenitari, "Nigeria is Broke," *TELL*, October 20, 2003, pp. 18-23.

grew considerably at this time. The third democratic case produced double digit inflation and maintained spending deficits well above Central Bank targets. Combined with dangerously inefficient courts, the picture for public goods is weak. School construction does grow and the student/teacher ratios improve, suggesting the regime did a better job supplying pork. In the end, we find only limited support so far for the hypothesis that democracy leads to better performance. How did the authoritarian regimes fare by these same standards?

### **Development without Democracy?**

The first authoritarian regime, spanning 1966 to 1975, is most frequently praised for its post-civil war policy of “no victors, no vanquished” but it is also remembered for its attempts to harness new revenues from oil exports for development.<sup>20</sup> Post-war reconstruction dominated the Second National Development Plan from 1970 to 1974. The federal government explicitly embraced the notion of education as human capital, “which attaches high premium to human skills as a factor of production in the development process.” It committed to training more teachers, increasing primary enrollments, and repairing schools and facilities damaged during the war. Even before Gowon left office in 1975, most of these goals had been met. School enrollment levels and ratios increased well above the targets. The student/teacher ratio at the primary level was largely unaffected by the massive new enrollments, which increased about 10 percent per year starting in 1970.

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<sup>20</sup> Most states in the secessionist Eastern Region did not provide the federal government with statistics during the civil war years that are necessary for a complete picture. But statistics from the time preceding the war and information from the five years afterwards do give a reasonably accurate estimate.

The federal government ran budget deficits of less than 2.5 percent of GDP during the war (June 1967 to January 1970). In 1970 the figure grew to 7.5 percent but this was followed by four optimistic years of budget surpluses. This may paint too optimistic a picture of the economic situation though. In the post-war years, money supply increased nearly five-fold due to vastly increased government fiscal spending and the monetization of substantial export earnings. The government squandered many of these earnings on import-substitution industrialization. This policy neglected agriculture and more sustainable development options. Consumers used the cash to import luxury goods and foods (Iwayemi 1979, 47-72). The cost of food had increased 50 percent since 1964, with the biggest increase in food costs occurring in 1970.<sup>21</sup>

The government recognized the problems posed by rising prices and spending. This prompted the formation of a much ballyhooed Anti-Inflation Task Force. In addition to consumer spending habits, the Task Force attributed the causes to wage increases, and unsustainable spending levels on current and capital projects (which anticipated consistently high oil revenues). Increases in current and capital expenditures averaged 23 percent in the first three years of the regime but rose to over 108 percent between fiscal years 1970/71 and 1973/74 (Federal Government of Nigeria 1975). The Adebo Commission in 1971 pushed up wages in the public and private sector,<sup>22</sup> then the Udoji Commission in 1974 bestowed even further increases on civil servants (Bienen, Henry 1983). By 1975 Gowon's government had lost control over the economy. The

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<sup>21</sup> Editorial, "Who Pays for the War?" *West Africa*, January 9-15, 1971, pp. 29-31.

<sup>22</sup> Government wages rose considerably after the recommendations of the Commission, which called for increases of public wages based on a principle of "fair comparison" with the private sector. Ironically, the Commission hoped that such parity would prevent upward inflationary spirals where pay levels in one sector would simply be pressured upwards by the other. See "Fixing Fair Shares for All," *West Africa*, December 3, 1971, pp. 1421-22.

government recorded a 46 percent increase in money supply, the return of budget deficits, and a 34 percent inflation rate – nearly triple the previous year’s rate.

In the courts, the average clearance rate for the Gowon regime was an impressive 0.9. But there is a clear difference between the war and the post-war years. From 1966 – 1969, the clearance rate stayed above 1.0. While the civil war obviously presents data problem, this comparatively good performance record also probably reflects a relatively tolerant attitude towards the courts. “Generally speaking,” writes the former Chief Justice of Ondo State, “the Courts were permitted to continue to perform their traditional role of adjudication between citizen and citizen, and between the citizen and the State” with certain exceptions (Aguda 1988, 112-138). Even though the government took steps to limit the scope of their jurisdiction, another legal scholar points out that judges mostly kept their jobs and the situation was “comparatively favourable for the operation of the judiciary” (Ezejiolor 1977, 67-89).

The courts adapted by simultaneously recognizing the military’s changes to law as legitimate but then attempting to hold the government to the letter of its law. For example, Ironsi had promulgated limitations on habeas corpus through the Armed Forces and Police (Special Powers) Decree. This was subsequently employed by Gowon, who had otherwise repealed many of his predecessor’s decrees. In court challenges, plaintiffs questioned the legality of special military tribunals and attempted to hold the military to the parameters specified in decrees for detention. Similarly, the courts in the celebrated *Lakanmi* case accepted the legality of the military government, claiming the civilians had

constitutionally handed over power in 1966.<sup>23</sup> This much was consistent with the military's own legal rationale. But the courts then said if the transfer of power was temporary and voluntary, then the 1963 republican constitution was still in effect and the government's legislative powers were not unlimited. The junta responded to both *Lakanmi* and the habeus cases with decrees that declared the supremacy of military law and allowed military tribunals to convict some suspects (Ojo 1987).

The effects of this seemingly arbitrary power of the military would logically be reduced use of the courts, reflecting citizen cynicism towards a judiciary with limited independence. But interestingly, this does not happen. The number of new property rights cases filed between 1970 and 1974 increases compared to the first four years of the regime; the clearance rate declines slightly because the courts actually decided fewer cases during these years. 1975 marks a precipitous decline in performance as the clearance rate suddenly drops from .65 to .26 in one year. By these standards the Gowon regime's judiciary performed comparatively well, especially considering the increase in cases, at least until 1975.

Nigerians remember the second authoritarian regime under Mohammed and Obasanjo (1975 – 1979) for its Universal Primary Education (UPE) program and its role in crafting the 1979 constitution. This document left a lasting mark on constitutional law

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<sup>23</sup> The military had a meeting with the Federal Cabinet to tell them a coup was inevitable, when in fact it was already unfolding. The ministers were unaware that the Prime Minister had been killed and President Nnamdi Azikiwe was overseas. Apparently believing the move would be temporary, the acting president and surviving cabinet members decided to turn over power to the military. On January 16, 1966, Acting President Nwafor Orizu announced that the Council of Ministers "had come to the unanimous decision voluntarily to hand over the administration of the country to the Armed Forces of the Republic with immediate effect" (Achike 1980). The 1963 Constitution made no provision for such a temporary suspension of democracy. However the military subsequently used Orizu's declaration to claim legal legitimacy for the junta, a view the Supreme Court endorsed in *Lakanmi* (1970), which found that the military government nonetheless derived its authority from the Constitution (Ojo 1987, 124-126).

and set a standard for participatory drafting. The UPE legacy is in some ways less impressive, since the average student/teacher ratio of 40 to 1 stands among the worst of any regime. To some extent, this is accounted for by rapid increases in enrollment after UPE made primary school free and compulsory in September 1976. But the government had anticipated the increases, and they were no surprise given post-war enrollment trends. The Third National Development Plan projected an increase in primary enrollment from 4.7 million in 1973 to 11.5 million at the end of the 1975-80 period (Federal Ministry of Economic Development 1975). As a sign of its commitment, the government committed a greater share of its budget to education than at any other time in the country's history. In its final year the government spent 129 million naira, whereas in Fiscal Year 1975/76 the new government spent 295 million. The following year it spent 601 million naira (Bienen 1983, 50).

With the federal government's willingness to spend money on education came its assumption of most financial responsibility for primary education. Yet state and local governments continued to administer the schools. As early as the first year of UPE, the enrollment projections proved to be low and the spending estimates were inadequate, even with large investments in education. Recurrent costs alone were more than double the estimates for the first year and capital spending grew so rapidly that Obasanjo attempted to impose a ceiling on capital allocations for education. The attempt failed due to on-going commitments which continued to drive up capital spending (Bray and Cooper 1979, 33-41). The government did attempt to address teacher shortages before

Obasanjo's exit by increasing teacher recruitment while maintaining the federal commitment to paying teacher salaries in his last budget.<sup>24</sup>

The courts generally record their lowest overall performance during this period compared to other authoritarian regimes. Even though one might expect an increase in land disputes following dramatic new regulations on land sales with the promulgation of the 1978 Land Use Decree, the total number of new cases in my sample remains fairly constant. Supreme Court statistics tend to validate my sample in this regard, since they reveal a decline in land disputes in the years after 1978, both in absolute terms and as a share of cases (Alabi 2002, 176). The numbers for the immediate post-Land Decree years resemble the pre-Decree years, meaning that the decline in performance cannot be attributed to an increase in cases.

The Mohammed/Obasanjo regime ran dangerously high deficits from 1976 to 1979, which were over 10 percent as a share of GDP. The sharp decline in federal revenue in real terms can partly be blamed, alongside federal government commitments to costly spending policies. The statutory revenue disbursement to the states multiplied, the federal government maintained high levels of defense expenditure and it continued to provide large education grants to the states (often above their statutory allocations) for the implementation of UPE. Over the course of this regime spending increased 7 billion naira while revenue increased only 3.4 billion. The Third National Development Plan optimistically – even carelessly – projected generous oil revenues with no end in sight. The government's macroeconomic policies struggled to manage the situation once this optimism proved hollow. For example, money supply increased 75 percent in 1975 and

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<sup>24</sup> See Obasanjo transcript, "A Budget for Civilian Rule," *West Africa*, April 9, 1979, pp. 613-618.

46 percent in 1977. Inflation was over 11 percent when the government stepped aside in 1979. Food prices in particular skyrocketed during the 1970s (Iwayemi 1979, 47-72).

Obasanjo's last budget before the democratic transition put in place many of the reforms necessary to establish fiscal discipline. In his outgoing budget speech he called for "tightening our belts" and won praise for his fiscal restraint. He cut recurrent expenditures by ten percent and nearly halved capital expenditures, supposedly facilitated by the completion of military construction projects. He also imposed new custom duties and import restrictions, hoping to reduce the flood of imports and increase government revenues. "The 1979-80 import and foreign exchange measures may not make this military government immensely popular in the short run," wrote one Nigerian economist in 1979, "but they should prove to be an extremely important legacy to its civilian successor."<sup>25</sup> Obasanjo earned praise for having the wisdom to practice fiscal restraint. But as an outgoing incumbent, his government had the luxury of avoiding its political costs. This burden was passed on to a fragile democratic regime, with a president whose party lacked a majority in the National Assembly and whose election victory was immediately challenged in the Supreme Court.

The failure of the Second Republic to grapple with these issues over the next four years contributed to its unpopularity and decline. On New Year's Eve 1983 the generals struck again, inaugurating the third authoritarian regime in my sample. In his first address to the nation, General Buhari blamed the National Assembly for neglecting its responsibilities. The government failed to "cultivate financial discipline and prudent

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<sup>25</sup> Lawrence A. Rupley, "Why Nigerian Spending has Grown and Grown," *West Africa*, June 4, 1979, pp. 977 – 980. See also editorial, "Still a Need for Tightened Belts," *West Africa*, April 9, 1979, p. 611.

management of the economy,” relying more and more on external borrowing and heavy deficit spending (Akinola 2000). Inheriting a 23 percent inflation rate, Buhari embarked on strategies to increase foreign exchange earnings, reduce inflation, and refinance the debt. The federal government’s debt-to-service ratio at the time was approaching 35 percent.

However Buhari’s efforts to reschedule the debt and secure new lines of credit ran into a wall. The International Monetary Fund and the country’s creditors approved of his austere approach to budgeting, including the introduction of user fees, a wage freeze, and deep cuts to recurrent spending. They were far less comfortable with his reluctance to privatize state industries and the regime’s apparent ideological preference for self-sufficiency through import restriction rather than trade liberalization (Osaghae 1998). Buhari’s government declared its intention to hold the rate of inflation in 1985 to 30 percent, with a one percent GDP growth rate – a realistic target given the economy’s contraction during his first year of tenure.<sup>26</sup>

Buhari reduced federal spending and inflation, while his economic team managed to increase revenue (thanks in part to the recovery of oil prices in 1984). But the social sector bore much of the brunt of the federal government’s austerity measures. Primary student/teacher ratios improved only slightly in 1984, recording a national average of 36.8 to 1. Then in 1985 the ratio rose to 44 to 1. *The Guardian* newspaper observed that education “has received a literal drubbing in the past year.” It editorialized that in the 1985 budget, “Federal policy is still actuated by the false presumption that genuine

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<sup>26</sup> “Government Hopes to Keep Inflation Rate Down,” *The Guardian*, January 3, 1985, p. 1.

industrialization, social harmony and political stability are possible without mass education.”<sup>27</sup>

Judges thought at first that they might survive another military government relatively intact. Buhari dissolved the National Assembly but announced that the judiciary, the police and the National Security Organisation would all continue to exercise their functions, “subject to changes that may be introduced by the Federal Military Government” and certain decreed “exceptions” (cited in Akinnola 2003).

The apparent improvements in case clearance (rising from .50 in 1984 to .62 in 1985) came with noticeable costs. Administrative reforms of the judiciary may have enhanced judicial efficiency but they undermined the authority of the state courts to control judicial appointments. In his first decree, Buhari abolished the Federal Judicial Service and created a judicial committee to advise the Supreme Military Council on appointments. Supposedly this insulated judicial appointments from local politics but it also weakened the country’s federalism (Aguda 1988, 112-138). Most notably, Buhari set up four military tribunals. Buhari’s government relied on these tribunals more heavily than his predecessors, making it clear that these special courts would be a central tool in the fight against what he constantly referred to as “indiscipline.” Among his accomplishments in 1984, he proudly listed “greater security (enhanced by public executions)” and “exemplary punishment for persons responsible for the rot of the nation.”<sup>28</sup>

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<sup>27</sup> Editorial, “1985 Budget: the Beginning of Recovery (3),” *The Guardian*, January 9, 1985, p. 6.

<sup>28</sup> “Nigeria on the Road to Recovery,” *The Guardian*, January 1, 1985, p. 1.

Buhari's special judicial tribunals were notoriously unpopular (Constitutional Rights Project 1993). Arguably he aimed intended to produce a demonstration effect, not necessarily to replace the judicial branch. His reforms of judicial administration did subscribe to certain limits; for example he left the existing qualifications for judicial appointment intact (Ojo 1987, 170-71). However his critics saw his declining human rights record and the misuse of the tribunals as an opportunity and moved with Machiavellian efficiency.

Ibrahim Babangida, one of Buhari's top lieutenants who had helped him plan the overthrow of the democracy government in 1983, staged a successful coup in August 1985. Babangida immediately set out to distinguish himself from his predecessor. Like many of Nigeria's military regimes, this fourth authoritarian regime began hopefully. He announced large increases in education spending, outlined a new plan for the transition to democracy, and created novel governmental organizations to facilitate broad political debates on policy. By the end of his eight years in office, some of the gains in performance suffered sharp reversals. Overall, Babangida's government performed better than most authoritarian regimes in social services but not in terms of public goods.

When Babangida took over in 1985, the new Ministry of Education inherited a primary student/teacher ratio of 44 to 1. For primary schools this was an historic high.<sup>29</sup> Babangida's 1986 budget plan unveiled huge increases in education spending (as a share of the budget), representing the Federal Government's apparent willingness to back its guarantee of free primary education. In his budget speech, he declared "education has

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<sup>29</sup> A possible exception is 1976, the second year of the Mohammed/Obasanjo regime. The figures for this year are only estimates since a few states did not report some of their school statistics.

been so relegated to the background that it is in danger of imminent collapse.”<sup>30</sup> The budget provided relief to cash-strapped states by increasing recurrent spending for teachers’ salaries and administration and inspection of schools. It also included increased capital spending for buildings.<sup>31</sup> By 1987 the primary student/teacher ratio was down to 37 to 1, but primary school construction had hardly budged. Up to this point, the regime therefore had a mixed record concerning the delivery of pork.

In 1987 the picture shifted. There was a slight increase in education spending but as a share of the budget it amounted to a large cut. Babangida said “it has become absolutely necessary for the Federal Government to re-adjust its educational priorities.” Resources were scarce after the government disbanded the Economic Rehabilitation and Recovery Fund (a temporary fund that levied special fees on corporate and property incomes), not to mention lower than expected oil revenues.<sup>32</sup> The teachers’ union complained that they received their salaries irregularly from the states and urged the federal government to completely take over funding and management of these responsibilities (Obidi 1998, 274-80). As a consequence the estimated primary student/teacher ratio suffered again.<sup>33</sup> Education spending recovered in the 1988 budget and the following year primary student/teacher ratios improved. Enrollments had been declining and were now at their lowest level (11.5 million primary school pupils) in a

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<sup>30</sup> Transcript of Babangida’s Speech, “1986 Budget: the Beginning of a New Path,” *The Guardian*, January 6, 1986, p. 33.

<sup>31</sup> Goddy Nnadi, “Education Vote to Aid Implementation of 6-3-3-4 System,” *The Guardian*, January 4, 1986.

<sup>32</sup> Transcript of Babangida’s Speech, “The 1987 Budget,” *The Guardian*, January 6, 1987, p. 11; Goddy, Nnadi, “Education Gets Lowest Budget in Six Years,” *The Guardian*, January 3, 1987.

<sup>33</sup> Since precise data on teachers for 1988 and 1989 are unavailable, I use nearest year averages for these two years.

decade. In 1988 they began a rise that continued for the rest of Babangida's tenure, making the improvements in student/teacher ratio a notable achievement.

In 1991 the federal government embarked on an unusual experiment for an authoritarian regime: true to the 1989 constitution's calls for decentralization of education, it abolished the National Primary Education Commission and turned primary education over to the 453 local governments (LeVan 2005, 207-219; Akinkugbe 1994). To promote compliance with national standards, it established a bureaucracy of federal inspectors who quickly became unpopular with the Nigeria Union of Teachers (NUT). Proponents of free primary education at the time called the reforms "tragic and unfortunate" and a recipe for "chaos."<sup>34</sup> The government undertook the reforms with only modest cuts to the line in the federal budget for education and (significantly) a five percent increase in the general revenue allocation to the states. A year later total primary enrollments reached historic highs for the country while the student/teacher ratios improved again. In 1993, primary enrollments increased even further, surpassing 15 million pupils, while classroom size shrunk yet again. After two years of agitating by the teachers' union, the federal government re-established the NPEC, tasking it with funding and managing primary education and preventing future strikes (Obidi 1998, 274-80). Several years after Babangida left office, a study by the NPEC and the World Bank concluded that the restoration of the federal government's authority over teacher salaries had normalized their payments (National Primary Education Commission ). The administration's performance in the education sector clearly had fits and starts but the

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<sup>34</sup> "Muddling Through Education," *The Nigerian Economist*, January 21, 1991, pp. 23-24.

overall picture, especially when examined in detail, gives it a positive picture in pork compared to most authoritarian regimes.

Despite the rise in social spending under Babangida, economic elites praised his early budgets for their fiscal discipline. The head of a major bank called the 1986 budget “a classic structural readjustment package” and later praised the 1987 budget for staying the course.<sup>35</sup> The 1986 budget balanced spending levels with anticipated revenue and cut civil service wages and the fuel subsidy. That year, the administration achieved its objectives of economic growth with low inflation (5.7 percent) by reigning in an over-valued naira.<sup>36</sup>

In the end, the encomium proved to be misplaced since the government ran huge budget deficits throughout most of his tenure and inflation that surpassed even the worst years of the mid-1970s. The deficit in 1986 amounted to 11.3 percent of GDP. After cutting it in half in 1987, the deficit was at least 6.4 percent for the remainder of his term. Taking heat from unions and other civil society groups for structural adjustment, the government offered a “reflationary budget” in 1988, lifting the freeze on wages, openly anticipating “modest” deficits, and acknowledging that spending ran the risk of stimulating inflation.<sup>37</sup> The gamble failed. Over the next two years, inflation hit historic highs of over 50 percent. The budget for 1990 year made the usual gestures towards high

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<sup>35</sup> Olashore, “1986 Budget Review,” *First Bank Business and Economic Report*, Jan/Feb (1986), pp. 11-15. Olashore, “Implications of the 1987 Budget,” *First Bank Business and Economic Report*, Jan/Feb (1987), pp. 2-9.

<sup>36</sup> Transcript of Babangida’s speech, “1986 Budget: the Beginning of a New Path,” *The Guardian*, January 1, 1986, p. 43. Nkem Ossau, “Naira will Continue on Path of Adjustment,” *The Guardian*, January 1, 1986.

<sup>37</sup> Cover story, “It’s Spending Ease in ’88,” *The Nigerian Economist*, January 6 – 19, pp. 13-16; “Budget (1988),” *Africa Research Bulletin*, January 31, 1988, pp. 8960-62.

growth, balanced budgets and low inflation (education was notably absent from the administration's list of its top five priorities).<sup>38</sup>

Promising to learn from the previous year and to finish the “last lap” of his term on a positive note, in 1992 Babangida said the budget would “enforce financial discipline at all levels.” Whereas his 1986 budget speeches highlighted broad consultative process with stakeholders, fiscal discipline now apparently required centralization of power. He placed the National Planning Commission's authority directly under the presidency and froze those capital projects except for those he deemed “priority.”<sup>39</sup> Instead of praising the budget for discipline, elites this time around openly mocked the administration's commitment to balanced budgets and said the Central Bank of Nigeria must be able to “say no to Federal Government finance excesses.”<sup>40</sup> The CBN went on to allow an unprecedented 63 percent increase in money supply in 1992. The following year, Babangida turned over the reigns of government to a fragile interim government that faced a 100 percent inflation rate,<sup>41</sup> an economy flooded with more currency (a 57 percent increase in money supply) and a budget deficit amounting to over 11 percent of GDP.

Babangida's public finance record contrasts with his legacy in education. To avoid breaking his promises in the social sector, he relied again and again on deficit spending. Whenever federal revenues were lower than expected the government opted

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<sup>38</sup> “Ministerial Breakdown of the 1992 Budget,” *The Guardian*, January 4, 1992, p. 14.

<sup>39</sup> Transcript of Babangida Speech. “Watershed of Our National Evolution,” *The Guardian*, January 2, 1992, p. 14.

<sup>40</sup> Alex Ogundadegbe, “Who Will Keep the Federal Government in Check?” *The Guardian*, January 10, 1992, p. 6.

<sup>41</sup> Bolla Olowo, “Fiscal Reflections,” *West Africa*, January 24 – 30, 1994, p. 122. (Babangida stepped aside in August. The inflation rate for all of 1993 was 57 percent.)

for a combination of spending less than originally budgeted, devaluing the currency, borrowing, and especially printing more money. A month after he stepped aside, the Federal Office of Statistics reported that the 1992 budget had anticipated a 2.1 billion naira surplus. By the end of the year FOS predicted a 44.16 billion naira deficit instead. It observed that the government typically dealt with the deficits by printing more money and limiting spending on goods and services – a combination that contributed to the country’s “runaway inflation” (Federal Office of Statistics 1993).

Buhari’s “War on Indiscipline” and his sweeping detentions of citizens had clogged the courts and earned him notoriety. Babangida knew this presented him with a political opportunity to signal a clear departure from his predecessor to increase his own popularity and credibility (Olanrewaju 1992). In his maiden speech he abrogated the unpopular Decree No. 4 and began releasing prisoners detained under its broad authority. A special panel of judges, dubbed the “Uwaifo Panel,” reviewed the 1,017 persons affected. The federal government released most of the detained politicians and referred the public servants and businesspersons accused of corruption to the judiciary except for a few cases specifically mentioned, which were remitted to a tribunal (Federal Military Government 1986). The government pardoned prominent newspaper editors and others detained under Buhari’s decrees and again legalized civil society organizations such as the National Medical Association and the National Association of Nigerian Students.<sup>42</sup>

The military sustained a provisional attitude towards the judiciary’s independence during the regime’s early years. Although the military retained its prerogative to use

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<sup>42</sup> “President Pardons Thompson, Irabor,” *The Guardian*, January 7, 1986, p. 1. See Osaghae (1998), pp. 190 – 91.

ouster clauses, it respected the Uwaifo panel's findings about the proper role of the judiciary in criminal questions and it allowed the Advisory Judicial Committee to retain its composition and role (Ojo 1987, p. 297). Babangida told the Nigerian Bar Association in 1985 that "the independence of the judiciary is incontrovertible and the powers of the court will remain supreme."<sup>43</sup> Less than six months later the administration started to backtrack when the Information Minister told the Uwaifo panel: "It is the AFRC [Armed Forces Ruling Council] and the AFRC alone that will decide on these matters."<sup>44</sup> The image of political toleration and respect for the judiciary as an independent branch of government did not last long.

The AFRC's gestures of political toleration coincided with implementation of its unpopular structural adjustment program (SAP). At first, unions and the working class protested wage freezes, subsidy cuts and currency devaluation. Babangida saw these not just as complaints against his economic policy but as threats to his political authority. As he threw more and more activists into prison, civil society's economic grievances turned political (Diamond, Kirk-Greene and others 1997).<sup>45</sup> Babangida's tolerance for dissent and the façade of judicial independence faded. Large numbers of journalists and human rights activists were imprisoned and their appeals were stuck under the jurisdiction of tribunals.<sup>46</sup>

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<sup>43</sup> Dateline Africa, *West Africa*, November 18, 1985, p. 2443.

<sup>44</sup> Dateline Africa, *West Africa*, January 27, 1986, p. 212.

<sup>45</sup> Numerous studies of civil society share this narrative describing the transformation of economic grievances to political collective action (Olukoshi 1993; Diamond 1991, 201-31; Kukah 1999; Ihonvbere 1994). Protest against structural adjustment laid the foundation for Nigeria's contemporary human rights organizations as well as the pro-democracy movement of the early 1990s (Edozie 2002).

<sup>46</sup> Although the judiciary was clearly weak from the beginning, the extra-judicial killings and human rights violations escalated after 1987 according to catalogues of such incidents (Nwankwo 1997, 351-362; Olanrewaju 1992; Ogbondah 1994).

The clearance rate in 1986 reached .69, the highest level since 1973. No observed statistics for the clearance rate from my sample are available after 1987; my estimated values report that the regime maintained clearance levels well above .5 until 1990. Again I turn to other available data to validate this general pattern of judicial performance. Table 7 shows the case disposal rate in the Supreme Court over the last five years of Babangida's regime.<sup>47</sup> Compared to my own sample, this data has the advantage of being based on the total population of cases. It also carries the disadvantage of factoring in case backlog since undisposed cases accumulate from one year to the next. Thus the figures do not give an indication of the number of new cases filed.

**Table 7: Supreme Court Case Disposal Rate, 1989 - 1993**

<b>Year</b>	<b>Cases Pending</b>	<b>Cases Disposed</b>	<b>Disposal rate (%)</b>
<b>1989</b>	317	179	56.47
<b>1990</b>	483	250	51.8
<b>1991</b>	572	174	30.42
<b>1992</b>	727	283	38.93
<b>1993</b>	683	187	27.40

**Source:** Alabi (2002, p. 182).

The statistics on disposal rate reveal declining court performance. One detailed study of judicial performance during the year 1993 further confirms this picture. Looking at both the Supreme Court, the Federal Court of Appeals, and the State High Court, cases in these courts add up to a 41.6 percent clearance rate for the year (Obaseki 7-20). Like fiscal discipline, the courts under Babangida clearly show a general decline in the delivery of public goods, especially during his final years.

Babangida's surrender of power in August 1993 came on the heels of two months of political upheaval in which the country became virtually ungovernable. His annulment

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<sup>47</sup> This statistic differs from the clearance rate in that it reflects all cases pending versus all cases disposed, rather than cases disposed compared to cases received (Dakolias 1999).

of the presidential election infuriated and mobilized pro-democracy organizations monitoring the transition and politicized other grassroots organizations. The international community responded with capital flight, sanctions and diplomatic censure. Political constituencies divided sharply into two camps over the “June 12 Crisis” (the date of the election), debating the issue of whether to install the winner or to schedule new elections. The Interim National Government thus inherited an extraordinarily volatile political situation. Ernest Shonekan freed political activists from prison, pardoned politicians and allowed those in exile to return, and lifted restrictions on the press. Less than three months later, the military invited Shonekan to the barracks to express their concern about “the general uneasiness in the country and the apparent lack of stability.” They then informed him of “the restiveness of the rank and file in the military.”<sup>48</sup> Immediately after Shonekan announced his resignation, General Abacha stepped in, promising to restore order and put the transition back on track.

In this new regime’s first months, Abacha gave high priority to building a consensus within the military. Divisions within the military reflected the fractures within political society over the election annulment. This made laying out a new transition plan all the more challenging. His cabinet started meeting immediately after its formation in November. According one member, the next six months were “purposeful and eventful” for the cabinet. The government formed an Economic and Finance Committee to chart an economic course for the nation and it sought the advice of unions and business organizations in preparing the 1994 budget. Unable to resolve the June 12 issue, the cabinet abruptly stopped meeting in mid-1994. Abacha dissolved the Finance Committee

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<sup>48</sup> Transcript of Ernest Shonekan’s Speech, *Newswatch*, November 29, 1993.

later that year (Babatope 2000). The effects on government performance over the next several years were profound as both pork and public goods suffered.

With the exception of a four year decline beginning in 1984 under Buhari, primary enrollments had increased virtually every year since independence. After 1994 this changes. Actual primary enrollments decline from 16.2 million in 1994 to 14.7 million in 1997. This occurs as education supposedly consumes unusually large shares of the total federal budget (as much as 7.7 in 1994 and 7.4 in 1995). By 1997, corruption was so rampant that 25 billion naira was reported missing from various ministries and parastatals, and the Finance Minister refused to disburse money for any capital spending.<sup>49</sup> The impact on schools was apparent in the poor condition in which Abacha's government left them. Less than a year after his death, a government survey found that out of 332,408 classrooms in 44,292 primary schools, only 42 percent were in good condition while the remainder required "massive rehabilitation." The survey further noted that 285,290 additional classrooms were required to accommodate enrollments (Tahir 2001, 1-12). The National Primary Education Commission and the World Bank found that it was common for two classes to be housed in one classroom, "rooms which are, generally, in poor states of repair" (National Primary Education Commission ).

Abacha sustained a high inflation rate of 57 percent through 1994 and ran a budget deficit of over five percent of GDP. Budgets for the next two years enjoyed increased revenues both from the return of high oil high oil prices and supposedly from stricter enforcement of taxes and duties (Okunrounmu 1996, 11-21). Revenue figures in both oil and non-oil revenue more than doubled between 1994 and 1995. Amazingly the

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<sup>49</sup> Chris Ogbonna, "One Step Forward, Two Backward," *TELL*, July 14, 1997, pp. 28 – 29.

government actually ran a small surplus, the first since 1980, in 1995 and again the next year. Abacha correctly calculated that the world would tolerate Nigeria's deteriorating human rights conditions (most notoriously the military execution of minority rights activist Ken Saro-Wiwa and eight others) as long as he kept the country's doors open for business (Sklar 2001, 259-288). The following year, funds for many budgeted projects – including those for education – went unspent. For example, only 35 billion naira of the budgeted 61 billion for such projects from the Petroleum Trust Fund was actually spent. Around this time, the government also ceased publishing audits of most accounts (Olaniyan 1996, 55-69). Although inflation started to drop, it was still high at 29 percent.

The accounting problems with the Petroleum Trust Fund, the missing 25 billion naira, and the dubious freeze in capital spending mid-year are consistent with the well documented corruption of the Abacha era. Deficits were comparatively low, and money supply and inflation were relatively under control by 1997. But compared to previous military regimes under Gowon or Obasanjo, fiscal indiscipline under Abacha meant something altogether different. According to the World Bank, surpluses were actually *under-reported* (meaning the money went unaccounted for). The government commonly reported budgeted figures as actual spending and accurate figures for the Petroleum Special Trust Fund were unknown.<sup>50</sup> Years after Abacha's death, government investigators were still trying to recover literally hundreds of millions of dollars – much of it in cash – from his family. Thus, these surpluses should be interpreted cautiously.

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<sup>50</sup> For several years, Nigeria became one of the few countries omitted from the IMF's Government Finance Yearbook because of such serious accounting discrepancies (Hutchinson and Smith 1994).

Judicial performance (and independence) deteriorated under Abacha. While some judges continued to treat the military's decrees and tribunals as legitimate promulgation of law, many became openly critical of the crisis in the courts. One issue was a near total disregard for judicial opinion by Abacha's administration. In November 1994 the Chief Justice of the Federation expressed his frustration: "Disobedience of an order of court should not be seen as an offence against the personality of the judge but a calculated act of subversion of peace, law and order." His widely publicized comments went on to say that such disobedience "portrays the government in bad light before its citizens...if the order of the court can be treated with disrespect, the whole administration of justice is brought into scorn."<sup>51</sup>

Justice Bello had tolerated and rationalized numerous decrees under Babangida but his opinion changed when the military declared the June 12 election annulment non-judicial. This sharp curtailment was the second issue that alarmed the judges, after the resurgence of ouster clauses. In 1993, the government promulgated 19 new ouster clauses, the largest number (by far) in any single year since Buhari's military government issued 20 in 1984. A third issue was the creation of new tribunals, notably the Failed Banks Tribunal and various Miscellaneous Offences Tribunals established all over the country. Not only did the existence of these tribunals for crimes as petty as minor drug offences offend magistrates, who saw themselves as a last vestige protecting the people from arbitrary authority, they also referred at least 4,500 were cases to the courts, rather than deciding them on their own. Thus instead of potentially lightening the caseload of

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<sup>51</sup> Babatunde Oluogboji, "Nigeria's Judiciary in Distress." *Constitutional Rights Journal* Oct/Dec 1994, pp. 4-10.

judges, the tribunals had the dual effect of undermining the authority of the courts without the benefit of lightening their workload.<sup>52</sup>

### **Summary**

Based on these findings we can reject the regime type hypothesis. Among the authoritarian regimes, Babangida's demonstrated one type of result where education improved during most of his regime but high deficits were the cost of this progress. Abacha's regime generally typifies a second type, with low deficits. Several authoritarian regimes supply conflicting pictures of judicial performance. Buhari attempted fiscal restraint but had little to show for it in terms of public goods or pork; Abacha's delivery of pork deteriorated steadily after 1994. Gowon generally performed better than the other military regimes and better than the two subsequent democracies on a number of counts, especially in terms of the level of pork. Education indicators were rather strong, even with surges in primary enrollment. Among democracies, judicial efficiency under the Second Republic plummeted and the Fourth Republic also produced a low clearance rate.

The evidence shows that Nigeria's democracies have created huge budget deficits and high inflation, just like some of the dictatorships. Nigeria's Second Republic quickly spoils the surplus it inherited in 1980 and the Fourth Republic engaged in fairly high levels of deficit spending, often over 5 percent of GDP. The good performance of the First Republic and the poor performance of Buhari's military regime are the only two cases where each variable illustrates support for the hypothesis. Even so, the former suffers a decline in several measures over its six years.

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<sup>52</sup> "Court Piled with Cases." *Constitutional Rights Journal*, July/Sept. 1999, p. 24.

## CONCLUSION

In this chapter I rejected a hypothesis predicting that democracies perform better than authoritarian regimes. I began by reviewing the academic literature on the relationship between democracy and development. As the research struggled to explain important exceptions from Latin America and elsewhere, it also confronted complex issues of causation and measurement. While much recent research states that democracies offer more public goods and pork, various questions remain about how to demonstrate this. I define democracies in terms of political competition guaranteed through political rights and a rule of law. I then identify five authoritarian and three democratic regimes in Nigeria since independence. Authoritarian regimes generally lack these characteristics but I do not equate this with necessarily vague or ambiguous policy making structures.

I subject my hypothesis to three types of tests: First, I demonstrate that democratic regimes do not appear to yield more pork, at least when we measure it in terms of teachers. The tests, however, cannot be considered conclusive since only one of the models is significant (and barely so). When we consider school construction, elected politicians build fewer primary schools, although the *regime* variable is not significant until the model includes controls. Second, tests for the impact of democracy on the delivery of public goods are inconclusive. Neither type of regime performs better than the other. The clearance rate in the courts improves under democracies, however none of the coefficients are significant and none of the models correlate very well with the dependent variable. After analyzing each regime individually, it is clear that few regimes deliver both public goods and pork effectively. The First Republic, and to some extent

Gowon's regime, appear to be among the few possible success stories. But any account of Gowon cannot discount increases in inflation and fiscal discipline, especially in his final years when the courts started to suffer too. Authoritarian regimes such as Babangida's and democratic regimes such as the Fourth Republic both increased delivery pork. But they did so at the expense of public goods. My third set of tests finds that democracies waste less money than dictatorships when supplying teachers. But policy efficiency disappears on a rather robust level when democracies build schools; qualitative evidence from the Second and Fourth Republics buttresses this finding.

What sort of implications can we draw from these conclusions? The test results seem to suggest that democracy fails to consistently offer a meaningful advantage in Nigeria. It is more accurate though to emphasize a less normatively disturbing interpretation: that regime type fails to capture the relevant variation in policy making. Subsequent chapters examine a different dimension of political institutions, which transcends the blunt dichotomy here. Another implication stems from the operational distinctions I make with my dependent variable. Few regimes perform well in terms of both public goods and pork. For example, regimes such as Mohammed/Obasanjo and Babangida both increase the output of pork and sacrifice public goods. This suggests that these categories of policy outputs serve a useful purpose, as I claimed in Chapter 2. The results here show that my two measures for each type of output do not always behave similarly though, meaning that we should exaggerate neither the implications of the distinction nor the accuracy of my operationalizations. Future research should likely include measures of pork not tied to the concept of human capital, for example.

In *The Social Contract*, Rousseau cautions his compatriots about democracy, noting “so perfect a government is not for men.” Yet it would be a mistake to take him for an enemy of freedom. Rather, he feared that humanity’s entry into society awakened dangerous passions which lead us astray. The next chapter advances a theory of government performance which aims to capture the sources of variation in Nigeria’s many types of regimes. No government is perfect, but those that perform better in terms of the measures I have adopted do share some common characteristics.

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