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MAIN COURSE

PAD 403- DEMOCRATIC STUDIES

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TABLE OF CONTENT

MODULE ONE: DEMOCRACY

UNIT 1: The Meaning and Features of Democracy

UNIT 2: The Process of Democracy

UNIT 3: The Criticisms and Limitations of Democracy

MODULE TWO: ELECTORAL PROCESS

UNIT 4: The History of Electoral process in Nigeria

UNIT 5: Pre-requisites for free and fair Elections

UNIT 6: Definition of Political Parties

UNIT 7: Organization and Structure of Party System

UNIT 8: Types of Party System

UNIT 9: Functions of Political Parties

MODULE THREE: ELECTORAL REFORMS

UNIT 10: Electoral Reforms in Nigeria

UNIT 11: The Importance of Electoral Reforms

UNIT 12: Definition and Types of an Electoral System

UNIT 13: Uwais Electoral Reforms Committee's Recommendations

MODULE FOUR: POLITICAL SYSTEM

UNIT 14: Political institutions

UNIT 15: Political Elites

UNIT 16: Masses

UNIT 17: Political Culture

UNIT 18: Political Linkage

MODULE FIVE: HUMAN RIGHTS

UNIT 19: Definitions and Limitations to Human Rights

UNIT 20: The State and protection of Human Rights

UNIT 21: Importance of Human Rights to Citizenship

UNIT 22: Citizenship, Duties and Obligations

MODULE ONE: DEMOCRACY

UNIT 1: The Meaning and Features of Democracy

1.0 Introduction

2.0 Objectives

3.0 Main Contents

3.1 **The Meaning and Features of Democracy**

4.0 Summary

5.0 Conclusion

6.0 Tutor-Marked Assignments

7.0 References/Further Reading

1.0 INTRODUCTION

This unit believed that democracy had its origin in the Greek-city states, but it has become an acceptable form of government in other parts of the world, and has been adapted by many societies to suit their different peculiarities. This unit examines the meaning and features of democracy as a philosophical and political concept.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Explain in details, features of democracy as a system of government.

3.0 MAIN CONTENT

3.1 The Meaning and Features of Democracy

The term democracy comes from the Greek word for “rule of the people.” The Greek’s idea of democracy was based on the full participation of all people in every aspect of government.

The Greek system of democratic government is the model of “pure” or “consensus” democracy, though in the case of Greek pure democracy did not last long.

However, the idea of government by the people survived the decline of the Greek city-state to become one of the basic ideals of political thought.

There are two broad categories of scholars on the concept of democracy: the process and principle democrats. Process scholars see democracy as a way of making decisions, but principle democrats’ argue that democracy has a very important theoretical base (Baradat, 2000).

The principle democrats’ states that, although the procedure of democracy is important, according to them it is secondary to the basic intents and objectives of democracy as expressed in democratic theory. For this reason, we will focus in this unit on the principle or theory of democracy.

The principle democrats contend that the basic principle of modern liberal democracy include that the individual is of major importance in the society, that each individual is basically equal to all other individuals, and that each has certain inalienable rights.

Central to democracy is also the assumption of the freedom of choice that the individual has from form fear or coercion and any other disabilities. Central to democracy is liberty to make choice and equality of choice.

Democracy, according to John Dewey is much more than a form of government or a set of legal arrangement, but should be seen as a way of life that requires faith in the capacity of human beings for intelligent judgment and action, if proper conditions are provided.

He argues further that democracy requires faith in the possibility of resolving disputes through un- coerced deliberations.

Democracy, according to Dewey, should not be viewed as “something institutional and external” but should been seen as “a way of personal life.”

Democracy not only requires institutional guarantees of rights but also faith in the possibility of resolving disputes through un-coerced deliberation.

In other words, un-hindered communication should be put in place in a democratic setting in which there is a “cooperative undertaking”, instead of having one group suppress the other through either subtle or overt violence or through intimidation.

Democracy does not impose authority from above but instead relies on the dialogue as the source of authority and the means of choosing among competing alternatives.

A democratic system flourishes in a setting where there is unlimited participation of all citizens in a free and rational public debate.

For Emile Durkheim, the basic hallmark of democracy is the citizens' capacity to participate in the state's judgment. To him, the state's legitimacy springs from its collective conscience.

In other words, the citizens should be able to contribute to the natural reasoning and deliberations of the society.

In Durkheim's view, if we want to have a viable democracy then we must have a vibrant public sphere where issues of common concern could be debated in a rational manner.

Similarly, intolerance, abuse, calling of names because of differences of opinion about religion or politics including differences of race, color or wealth are treason to the democratic way of life.

Despite this seeming agreement by most scholars on its principle, democracy, especially its process, which we shall discuss in the next unit, is, essentially, a largely contested concept.

Robert Dahl (1989) sees it as a concept that defies definition in the sense that the way one defines it would betray one's beliefs, personal outlook, political experience and ideological preference.

There are differences for example between the United States' and the Soviet Union's conception of democracy.

A major difference between USA and the former Soviet Union is that US emphasizes political freedom as basic to democracy while USSR focuses on economic rights and its leaders are even prepared to suppress or deny individual rights for the sake of the survival of the system.

On the other hand, democracy in the USA does not place high premium on economic needs, in spite of President Franklin Delano Roosevelt's New Deal program.

In retrospect, one can argue that that one of the reasons why the Soviet Union collapsed is that the system could no longer fulfill the basic economic needs of its people despite the lid the system placed on human (political) rights.

This is why Baradat(2000:66) argued that the Soviet Union and the United States differed as to which procedures best defines democracy".

Self-Assessment Exercise (SAE)

Define the concept of Democracy and outline its main features

4.0 SUMMARY

We have discussed in this unit the origins, meaning and features of democracy. We observed that democracy in its classical conception has intrinsic value, yet we recognized that in the modern world of large nation-states it is no longer practicable to have the benefits of direct democracy.

5.0 CONCLUSION

Democracy has often been described as the best form of government. One major reason for the popularity of democracy as a form of government is that it rests on the consent of the people.

Finally, there is no country in the world today in which the political system approximates what is known as the classical conception of democratic principle.

6.0 TUTOR-MARKED ASSIGNMENT (TMA)

1. Explain the difference between Democracy and Dictatorship.

7.0 REFERENCES/FURTHER READING

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UNIT 2: The Process of Democracy

1.0 Introduction

2.0 Objectives

3.0 Main Contents

3.1 **The Process of Democracy**

4.0 Summary

5.0 Conclusion

6.0 Tutor-Marked Assignments

7.0 References/Further Reading

1.0 INTRODUCTION

This unit examines the process of democracy as a philosophical and political concept. It also discusses the established process of democracy, otherwise called Western liberal democracy through which nations seek to realize the goal of a democratic system.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Discuss how a state can realize the goals of a democratic government.

3.0 MAIN CONTENT

3.1 The process of democracy

The popular definition of democracy offered by Abraham Lincoln gives the impression that all the citizens have the opportunities of participating in government.

However, this is no longer possible in the modern world because of the size of sovereign states today.

Since the world has advanced beyond the Greek city-states participatory democracy is no longer practicable, hence the necessity for indirect or representative democracy.

Through this process, given that all necessary conditions are in place, it is quite possible to achieve the ideals of democracy.

Political power comes from the people and that a government is only legally constituted and run when the people gives their consent.

The democratic process is therefore the institutional arrangements for arriving at political decisions in which individual acquires and retain the power to rule by means of a competitive struggle for the people's vote.

The success of any democratic political system is largely, determined by the willingness on the part of the political actors to comply with the rules of the game.

A democratic political system will therefore be stable if the process of leadership recruitment is legitimate and majority of the citizens accept the electoral system as fair and just.

Presently, the United States and most European countries have succeeded in meeting most conditions for the sustenance of democracy, while most third world countries are still struggling to lay the foundation or rudiments, in order to begin the democratic journey.

Democracy goes beyond mere putting in place political structures and institutions, but also involves meaningful participation of the peoples in the affairs of the state.

The key words therefore are participation, transparency and accountability.

As aptly argued by Samuel P. Huntington (Huntington, 1991), democracy has advanced in waves since the early nineteenth Century, with each wave giving way to partial reversals followed by new gains. The current wave, which is the third one, according to him, commenced in the mid-seventies.

Thus, contemporary views on democracy see it as the exercise of state power with the consent of the people either directly or indirectly through their elected representatives.

Within democratic governance there is provision for state institutions to express the will of the state and ultimately for the supremacy of that expression on all basic questions of socio-economic direction and policy.

Under democratic governance, factors such as economic equality, fraternal feeling and political liberty within a defined territory are indispensable pre-requisites.

The institutional expression within democratic governance in contemporary times are equal rights for all normal adults to vote and to stand as candidates for election; periodic elections; equal eligibility for executive and judicial offices (provided the essential qualifications for the performance of the assigned duties are

satisfied) and freedom of speech, publication and association (Appaduria, 2004:137).

These rights in themselves provide opportunities for the entire citizenry to participate in choosing their rulers and in deciding the general lines of their policy via their political manifestos presented before elections.

However, a number of factors, most significant of which are the social environment, economic resource of the citizens and their natural endowment decide the extent to which these essential democratic sine qua non rights can be met.

Nonetheless, in most democratic states in spite of their imperfections, even the poor are given minimal equality of voting during elections since votes are counted, not weighed, regardless of the social or economic status of the voters.

Among such rights that can promote the cause of democracy are freedoms of speech, press and association.

These rights are integral to democratic governance because they make possible free discussion and the continuous participation of the citizenry in government, overtime and not only during the time of general elections.

Free discussion is necessary because democratic governance is based on the belief in the value of individual personality.

This implies the obligation to respect the other man, to listen to his views and to take into account his point of argument.

In addition, the process of law making should allow full scope for the consideration of different and opposing viewpoints.

Those who are inevitably affected by a law must be content that their case has been properly heard in a properly constituted court of law in the land (Nwabueze; 2003: 214-5).

This makes the 'Rule of Law' a cardinal element of democracy (Dicey 1963).

Equality before the law, impartiality in the dispensation of justice and periodic elections are also important in promoting hitch-free democratic process.

There is also the possibility of an alternative government in democratic governance.

This is in sharp contrast to a situation where power is conferred permanently, or where people do not feel free or safe to discuss or vote according to the dictates of their conscience.

Where this is the case then democracy cannot be said to exist even if the people continue to enjoy the other political rights enumerated above.

Finally, democratic governance requires proper organization and dynamic leadership. Political parties carry out organization within democratic governance.

Despite their limitations or weaknesses, political parties are indispensable to the successful operation of a democratic society (Bello-Imam, 2002:14-16).

Little wonder political parties are regarded as the fulcrum of democracy.

Lastly, we must point out that it is not possible to isolate the principle of democracy from its process because one needs to reconcile the two in such a way that a state should use the right method or process to achieve the objectives of democracy.

Self-Assessment Exercise (SAE)

Explain how the process of democracy helps to realize its underlying principles.

4.0 SUMMARY

In this unit we discussed the idea of representative government has the only way by which political leadership can be recruited on a regular basis, and they will retain their positions as long as they continue to enjoy the support of the people.

5.0 CONCLUSION

One major reason for the popularity of democracy as a form of government is that it rests on the consent of the people. Invariably, it is popular support that makes a government laying claims to democratic values to earn legitimacy.

Democracy is also seen as form of government that maximizes participation; promotes accountability in government and make conditions for the realization of social justice possible.

But for most societies especially in the developing world, democracy is a journey or dream, not a destination since there is no perfect democracy anywhere in the world.

6.0 TUTOR-MARKED ASSIGNMENT (TMA)

1. Give reasons why democracy is no longer practicable in its classical and direct form in the modern world.

7.0 REFERENCES/FURTHER READING

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UNIT 3: The Criticisms and Limitations of Democracy

1.0 Introduction

2.0 Objectives

3.0 Main Contents

3.1 The Criticisms and Limitations of Democracy

4.0 Summary

5.0 Conclusion

6.0 Tutor-Marked Assignments

7.0 References/Further Reading

1.0 INTRODUCTION

This unit examines the criticisms and limitations of democracy in details. It also discusses the established process of democracy, otherwise called Western liberal democracy through which nations seek to realize the goal of a democratic system.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Analyse why democracy is not a perfect form of government from its theoretical and practical perspectives.

3.0 MAIN CONTENT

3.1 Criticisms and Limitations of Democracy

Democracy as a philosophical and political process has been subjected to a number criticisms.

Joseph Schumpeter for example argued that liberty and equality are not part of democracy and that in all democratic systems; there are necessarily limitations with respect to the qualifications and circumstances of voters.

The franchise is often qualified and the qualifications exclude significant section of the population from the voting process.

As for equality, the scholar argued that the relationship between the voter and the candidate is that people who are slightly affluent in the society are more able to make claims or enjoy democratic dividends.

Besides, disparities in educational, economic or other social conditions limit the real opportunities for the voters to exercise their franchise in spite of apparent equality.

Another criticism of democracy derives from elite theories best associated with Mosca and Pareto.

According to these theorists, in most societies, past and present, there is the distinction between the ruler and the ruled.

Indeed, the Platonic idea of philosopher king is considered a tacit legitimization of elitist rule.

The processes and conditions of governance also have their own internal dynamics and logic, which gradually create a distinction in outlook and opportunities between those who govern and those who are governed.

Both Michel Aaron J. and J. Rousseau had argued that democracy necessarily involves representation in which some interest may not receive adequate attention of the elected representatives.

Harold Laski (1982:319) shares this sentiment when he advised that an elected representative is “not entitled to get elected as a free trader and to vote (in Parliament) for a protective tariff”.

By virtue of their positions, the representatives possess greater political power than the average citizens do. This is because they meet and operate on a regular basis and are better informed about the technicalities of the law and of socio-political relations than the larger society they represent.

Although the majority has the power of ejection and rejection, the power is exercised irregularly, i.e. at long intervals during elections. Consequently, Michel Aaron argued that government by the people is an illusion since the great majority of people are uneducated or uninformed and therefore cannot participate effectively, or at all, in the process of government.

Democracy is also attacked as slow and inefficient. The mechanism for decision-making is long and tortuous, unable to make speedy decision in an emergency.

While democracy might have been possible in the past, technology has complicated society to such an extent that popular government is no longer possible.

In developing societies, according to Lucien Pye, democracy has also been criticized for being inefficient: "To a disturbing degree the strange idea has been spread within many transitional societies that democracy is linked with inefficiency, muddled actions and corrupt practices while authoritarian ways are identified with clear thinking, purposeful action and firm dedication."

This essentially constituted the rationale put forward by African leaders in the first decade of independence for their preference, for one party democracy, which in reality was a euphemism for dictatorship.

Finally, democracy is also fraught with the problem of illogicality because it tends to promote mediocrity at the expense of merit.

In political contests, winners are not always the best candidate in terms of intellect, education or competency.

Rather, the criteria for determining electoral victory are popularity, financial wherewithal and other factors.

Nevertheless, democracy is still the most popular and rational form of government.

According to Obafemi Awolowo (1981), "There is indeed no substitute to democracy as a form of government. It is most certainly the best form of government, which mankind in its long, painful and heroic search, has evolved."

Democracy is so popular that most countries, even those that are clearly undemocratic like the Peoples Democratic Republic in Korea, or China, or the former German Democratic Republic (GDR) prefer to preface their names or pretend to practice democracy.

However, in reality, these are states which operate authoritarian form of government, and are/or one party based, a factor which explains the potential for authoritarianism in such states.

In the Western liberal tradition of Europe and North America, and those areas of the world that emulate them, the tendency is towards multi-party democracy.

The preference for the multi party system is because it allows for competition between parties, sometimes of different ideological persuasions, with an inherent likelihood of transfer of power from one party to another, in accordance with the wishes of the electoral majority, if the ruling party is defeated.

For the less developed countries, a lot still need to be done to institute the practice of democracy.

As the Jacobins of France once said, “The transition of an oppressed people to democracy is like the effort by which nature arose from nothingness to existence”

Self-Assessment Exercise (SAE)

Discuss the major criticisms and limitations of democracy?

4.0 SUMMARY

In this unit, we noted that the process of enthroning a democratic government may not be perfect. Consequently, the reality today is that democracy as a form of government has been subjected to a lot of abuses, principal of which is the substitution of elite or minority for majority rule, in many countries.

5.0 CONCLUSION

Democracy is seen as form of government that maximizes participation; promotes accountability in government and make conditions for the realization of social justice possible.

But for most societies especially in the developing world, democracy is a journey or dream, not a destination since there is no perfect democracy anywhere in the world.

Indeed, there is no country in the world today in which the political system approximates what is known as the classical conception of democratic principle.

6.0 TUTOR-MARKED ASSIGNMENT (TMA)

1. Discuss features of a political system that promotes the attainment of the principles and objectives of a democratic order.

7.0 REFERENCES/FURTHER READING

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Laski H. (1982) Grammar of Politics, George Allen and Unwin, Publisher Ltd., London.

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Schumpeter, J. (1943) Capitalism, Capitalism and Democracy, Harper & Row, New York.

MODULE TWO: ELECTORAL PROCESS

UNIT 4: The History of Electoral Process in Nigeria

1.0 Introduction

2.0 Objectives

3.0 Main Contents

3.1 The History of Electoral Process in Nigeria

4.0 Summary

5.0 Conclusion

6.0 Tutor-Marked Assignments

7.0 References/Further Reading

1.0 INTRODUCTION

This unit begins with the history of electoral process in Nigeria.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Discuss the history of the electoral systems/administration in Nigeria.

3.0 MAIN CONTENT

3.1 History of the electoral in Nigeria

The history of elections in Nigeria began in 1923 following the promulgation of the Clifford's constitution of 1922; an electoral system was introduced to regulate the elections into three legislative seats in Lagos and one in Calabar. It was based on a restricted franchise of 100 pounds per annum.

In 1946, no major change was made in the electoral requirements, except the reduction in income requirement to 50 pounds.

The major landmark in the history of electioneering in Nigeria was the introduction of party politics by the Macpherson's constitution of 1951, which led to the evolution of the political parties that contested elections into the regional Assemblies.

The parties were: The Action Group (AG), led by Chief Obafemi Awolowo and was in control of the Western Region; The Northern Peoples' Congress (NPC), led by Sir Ahmadu Bello and was in control of the Northern Region while the National Convention of Nigerians and Cameroons (later National Convention of Nigerian Citizens) (NCNC), which controlled the Eastern Region.

During the 1954 and 1959 regional elections in the East and West, universal adult suffrage was used, but it was modified during the 1959 Federal elections when the East and West adopted universal adult suffrage, and only the North used male adult suffrage.

The above is to show you that the history of electoral process and institutions, as well as their administration in Nigeria dated back to the colonial era.

The first electoral institution established to manage the administration and conduct of elections in Nigeria was the Electoral Commission of Nigeria. The ECN administered and managed the conduct of the 1959 pre-independence general elections that heralded Nigeria's first republic.

In the First Republic the body was renamed the Federal Electoral Commission (FEC) by the administration of late Sir Abubakar Tafawa-Balewa.

The Commission conducted the controversial General Elections of 1964 and the West Regional election of 1965. The manner the two elections were conducted and the crises they triggered combined to cause the collapse of the First Republic.

In preparation for the 1979 elections, the General Olusegun Obasanjo's regime established the Federal Election Commission (FEDECO).

The commission established in 1978 was disbanded in 1983 by the military because of its glaring partiality and culpability in the massively rigged 1983 elections, which returned then incumbent President Shehu Shagari to power in what was then described as "a land slide victory".

This shoddy performance was in spite of the setting up of the Justice Ovie Whiskey Panel by the administration of Alhaji Shehu Shagari to probe into allegations of electoral fraud in the 1979 elections, and to make recommendations to guard against same in future elections.

The consequence of the 1983 electoral debacle is that the military terminated the second term administration of Alhaji Shagari on December 31st 1983.

Given its interpretation of the state of the nation and its leaders' disdain for politicians the Muhammadu Buhari's administration did not bother itself with a political transition program. However, on assumption of office on 27th August 1985, General Babangida committed his administration to a program of transition to civil rule.

In 1987, following the report of the Political Bureau, he established the Electoral Commission (NEC) initially headed by Professor Eme Awa and later by Professor Humphrey Nwosu.

The commission was charged with the responsibility of managing the electoral process during General Babangida's staggered and flamboyant transition process.

Though NEC managed to conduct local, state and national assembly elections, the annulment of the presidential election in June 1993 called to question the integrity of the whole transition program.

Though, Chief Abiola was denied his victory, but Professor Nwosu in a book published in 2008, fifteen years after the 1993 presidential election confirmed that Chief Abiola actually won the election, an information known, though unofficially, to most Nigerians.

The regime of General Sani Abacha in November 1993 succeeded the lame duck Interim National Government led by Chief Ernest Shonekan and established the National Electoral Commission of Nigeria (NECON).

Abacha also preoccupied himself with an unpopular self-succession program, which alienated the vast majority of Nigerians, transformed the country into a pariah state and alienated her from the mainstream of civilized world community.

After the demise of General Sani Abacha, his successor, General Abdusalami Abubakar overhauled the electoral commission, and renamed it the Independent National Electoral Commission (INEC).

The commission came into being via the enactment of Decree No 17; of 1998 (now Act of Parliament). INEC's responsibility as contained in the Third Schedule of the 1999 constitution of Federal Republic of Nigeria is the conduct and management of the electoral process in the country.

INEC successfully conducted the series of elections, which ushered in the nation's Fourth Republic in 1999. The commission also conducted the second general elections of 2003, which did not go without criticisms. Predictably, in the conduct of the 2007/2011 General Elections INEC seemed to have perfected the art and science of rigging.

In 2003, what mattered was the disposition of election officials to the candidate. Indeed in 2003,2007 and in 2011, the cliché “those who vote decide nothing but those who count decide everything” became a popular way for describing the farce in the electoral process.

In 2007, the former president described the election as a “do or die affair” and little wonder, the opposition parties were almost wiped off from the political scene when the results were announced.

Almost three years after the 2011 General Elections were lost and won; the litigations arising there from have not been completely disposed of at election tribunals. This is not good enough for the survival of democracy.

What is obvious from the history of elections in Nigeria from the First Republic till date is that Nigeria politicians have not imbibed the appropriate political culture that will ensure a dispute and rancor-free electoral process, and in turn assure the stability of the polity.

Both the government and opposition parties are guilty of electoral malfeasance. It is true that the factor of incumbency is potent everywhere including the established Western democracies.

But in Nigeria, the incumbency factor has been extended to include public fund to finance the ruling party to the detriment of the opposition parties.

Opposition parties are also prevented from having equal access to government-owned media outfits. In some cases, Security Agencies are used to intimidate opposition groups.

You need to note that a typical Nigerian politician has not imbibed the culture of accepting the result of an election even where has been squarely defeated in a free contest.

This is unlike the practice in advanced democracies where losers willingly accept defeat and immediately plan for the next election.

In Nigeria, a clear loser not only engages himself in needless litigations but may also engage in subversive activities or openly call for a military coup. The reason is obvious.

It is not in the character of a Nigerian politician to contemplate life outside government because of the power of patronage political power confers. Little wonder, he is always ready to put the rule of the game in abeyance, in pursuit of power at all costs.

Until recently in Nigeria, people seem to look forward unto a military intervention - an illegal and illegitimate government - as the only available option because people have lost faith in the ballot box as the only peaceful means of changing a bad government.

Thus, this lends credence to the axiom: “those who make peaceful change impossible makes violent change inevitable.

The consequence, as a retired Supreme Court in Nigeria, Late Justice Kayode Eso puts it that, “military dictatorship rather than being a temporary expedient became the rule, civil rule, the exception, serving only as an interregnum to the military regnum”(Eso 2000;258). Experience has however shown worldwide that military regime is never an alternative to a democratic government.

Writing on the Oliver Cromwellian’s regime, Henry Hallam (cited in Williams, 1982:xviii) also wrote: “It is not in general difficult for an armed force to destroy a government but something else than the sword is required to create one.

Therefore, it is only when an appropriate electoral system is put in place that the goal of an enduring political stability can be realized in any democratic system.

Self-Assessment Exercise (SAE)

List the reasons for electoral malpractices in Nigerian politics.

4.0 SUMMARY

In this unit, we took a look on the history of the conduct of elections in the country and submitted that the record, so far, has been abysmally poor.

5.0 CONCLUSION

The ultimate goal of the analysis we have carried out in this unit is not to paint a picture of gloom about the poor character of electoral process competitions in Nigeria, or to go away with the impression that the Nigeria's case is hopeless.

Rather, it is to attempt at finding appropriate solutions to the problems of electoral malpractices in Nigeria.

6.0 TUTOR-MARKED ASSIGNMENT (TMA)

1. With sufficient reasons recommend the most appropriate electoral system that can stem the spate of electoral malpractices in Nigeria

7.0 REFERENCES/FURTHER READING

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UNIT 5: Pre-requisites for Free and Fair Elections

1.0 Introduction

2.0 Objectives

3.0 Main Contents

3.1 Pre-requisites for Free and Fair Elections

4.0 Summary

5.0 Conclusion

6.0 Tutor-Marked Assignments

7.0 References/Further Reading

1.0 INTRODUCTION

This unit begins with what are the conditions that are to be met to achieve free and fair elections in any given political system.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Analyse the conditions that are necessary to achieve free and fair elections.

3.0 MAIN CONTENT

3.1 Pre-requisites for a good electoral system

The electoral system differs from one country to another. However, some features are common to all types of democratic systems regardless of their level of political development. Scholars have given conditions that can make an electoral system or election a worthy exercise.

In Robert Dahl's opinion, three conditions are essential to achieve a credible election.

These are meaningful and extensive competition among individuals and organized groups for public positions; a highly inclusive level of political participation in the selection of leaders and policies, at least through regular, free and fair elections, such that no significant group of adults is excluded; civil and political liberties sufficient to ensure the integrity of political competition and participation.

In S. P. Huntington's view, an electoral system is democratic "to the extent that its most powerful collective decision makers are selected through periodic elections in which candidates freely compete for roles and in which virtually all the adult population is eligible to vote."

To be able to achieve the conditions stipulated by these two scholars, most democratic states have put in place some electoral requirements.

These include the division of a country into electoral districts known as constituencies. Population is the most common criterion used for the delimitation of the country into electoral units of roughly equal sizes, with each constituency being entitled to one representative in a single member constituency, or more than one representative in multi-member constituency.

Another is the registration of voters and its periodic revision especially before a major election.

The exercise will ensure that every citizen who is eligible to vote on account of age, residential qualification, property educational or any other eligibility criteria is registered by the electoral body, and

issued with a valid voter's card, without which he cannot exercise his franchise.

The third essential element of an electoral system is the nomination of candidates for the election.

In a democratic setting, candidates contest election on party's platforms. Members of a party who wish to contest usually go through either a convention or primary election where party members are delegates, or are handpicked by a select committee.

There are however, rare cases when elections are conducted on a zero-party basis.

Political neutrality on the part of the authorities responsible for the conduct of elections is another pre-requisite for a sustainable democracy.

The electoral umpire must be neutral and financially independent of other organs of government otherwise, electoral officials will always be suspected of manipulating the electoral process in favor of the incumbents.

There must be level playing ground for all the contestants; the electoral boundaries should be delimited in such a way that no particular candidate or party should be favored; electoral materials should be evenly distributed across all the polling units and voters' list should be compiled and reviewed periodically to accommodate every citizen of voting age.

Another requirement is that an electoral system should also ensure that parties and their candidates are given enough opportunities to articulate their positions on various issues at electioneering campaign.

This is can also be done through mass media when all parties/candidates are expected to be given equal prime airtime, especially in government owned media houses.

Perhaps, the most important aspect of an election is voting itself.

This is where voters express preference for parties or candidates of their choice. One man, one vote and secret balloting is the universally accepted standard practice in order to guarantee that voters cast their votes without any fear of intimidation.

It is also important for counting, collation and declaration of election results to be done in the full glare of the public, and in the presence of accredited agents of the parties or candidates.

Avenue for legal redress for a defected candidate should also be provided in an electoral law.

Where a loser in an election has reasonable grounds to challenge a declared result, the instrumentality of an election tribunal is usually provided to enable him legal action to upturn results that, in his opinion, does not reflect the popular voters' will.

It is also very important to dispose of election petitions within a reasonable time in order not to confer undue legitimacy to

a winner, who may have manipulated the electoral process to his own advantage.

Power of recall is another feature of an electoral system in some countries, and it is applied sparingly, only in few cases when voters are convinced that it will be dangerous for the polity to retain, until the next election, the services of a representative who has been found to be unworthy of the people's mandate. There are stringent requirements before a constituency can invoke the power of recall.

However, it was successfully applied in U.S.A's electoral history while in Nigeria; all attempts to apply in the past were stalled.

But Harold Laski (1982:320) has warned of the danger of converting the power of recall to a weapon of "easy use" in order to prevent representatives living under the shadow of "a particularly ugly Sword of Damocles".

In summary, the electoral system has many implications for the political culture in any given country. Indeed it could be reasonably argued that the political culture to a large extent is a function of the electoral system. Therefore a political system will remain stable only when it has the broadest possible and legitimate basis for leadership recruitment and rejection, and majority of the citizens accept the electoral machinery as fair and just.

Self-Assessment Exercise (SAE)

Explain how the power of recall can become a 'Sword of Damocles' in the hands of a political godfather.

4.0 SUMMARY

The unit elaborated on the conditions that can ensure the conduct of a credible election in any democratic society.

5.0 CONCLUSION

This unit discussed at length on the criteria to put in place in order to achieve free and fair elections in any given political system especially in the developing countries like Nigeria.

6.0 TUTOR-MARKED ASSIGNMENT (TMA)

1. How can the system of proportional representation eliminate the drawbacks or inadequacies inherent in the majority rule system?

7.0 REFERENCES/FURTHER READING

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The Encyclopedia Britannica (1980 Electoral Processes.

UNIT 6: Definition of Political Parties

1.0 Introduction

2.0 Objectives

3.0 Main Contents

3.1 Definition of Political Parties

4.0 Summary

5.0 Conclusion

6.0 Tutor-Marked Assignments

7.0 References/Further Reading

1.0 INTRODUCTION

In this unit, you will be introduced to political parties, the definitions given to them by scholars as well their classifications by using their number, among other criteria, as a basis or the most popular criterion for this classification.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Define political parties and classify them into different types.

3.0 MAIN CONTENT

3.1 Definition and origins of political parties

Scholars and political philosophers have defined political parties in several ways.

Edmund Burke defined a political party as “a body of men united for promoting by their joint endeavors the national interest upon some political principle in which they are agreed.”

In Joseph Schesinger's conceptualization, parties are political organizations, which actively and effectively engage in a competition for elective office.

According to Joseph LaPalombara (1974:323), a political party is "a formal organization whose self-conscious, primary purpose is to place and maintain in public office persons who will control alone or in coalition, the machinery of government".

In the view of Joseph Schumpeter (1943:279) "The first and foremost aim of each political party is to prevail over the others in order to get into power or to say in it"

Thus, Political parties, like interest groups are organizations seeking influence over government; they can be distinguished from interest groups on the basis of their primary political orientation.

Political parties developed along with the expansion of suffrage- the right to vote- and can be understood only in the context of elections.

In Nigeria for example, the first political party in the country was the National Democratic Party (NNDP) that was formed by Hebert Macaulay in 1922 to contest the Lagos Town Council election created when the elective principle was introduced under the Clifford Constitution.

A party seeks to control the entire government by electing its members to office thereby controlling the government personnel.

Interest groups through campaign contributions and other forms of electoral assistance are also interested in getting politicians-especially those who are inclined in their policy direction elected.

But interest groups are not interested in directly sponsoring candidates for elections, and in between elections they usually accept government and its personnel as given and try to influence government policies through them. While interest groups are benefit seekers, political parties are office-seekers.

In an elaborate and expansive definition, Leslie Lipson (1964:120) defines a political party thus: Whenever sufficient diversity of interests occurs among those who compose a society and the political system gives these interests an opportunity to combine, men will cluster into groupings, which may be more or less formal, and closely or loosely organized.

They do this in order better to protect what they may possess and extend their influence to wider spheres.

In simple language, a political party is a group of persons bonded in policy and opinion in support of a general political cause, which essentially is the pursuit, and retention for as long as democratically feasible, of government and its offices.

In other words, a political party is a group that seeks to elect candidates to public offices by supplying them with a label - a party identification - by which they are known to the electorate. Therefore, a political party is composed of a group of people like any other groups or organizations, except that it is distinguished by its unique objective, which, in a democratic setting, is seeking control of government through nominating its candidates and presenting programs for endorsement via the electoral process in competition with other parties.

Self-Assessment Exercise (SAE)

Describe in your own words a political party.

4.0 SUMMARY

In this unit, we have defined political parties according to scholars and we noted that political parties are indispensable in a democracy, because without it meaningful representation is not possible.

5.0 CONCLUSION

Political parties remain the only agency for obtaining and maintaining political power. As such, they must gain popular support, provide political leadership and respond to society's interests.

6.0 TUTOR-Marked ASSIGNMENT (TMA)

1. Discuss the vital definitions of political parties in a political system

7.0 REFERENCES/FURTHER READING

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UNIT 7: Organization and Structure of Party System

1.0 Introduction

2.0 Objectives

3.0 Main Contents

3.1 Organization and Structure of Party System

4.0 Summary

5.0 Conclusion

6.0 Tutor-Marked Assignments

7.0 References/Further Reading

1.0 INTRODUCTION

In this unit, you will be introduced to the structure and organization of party system with a view to bringing out the difference between parties in the developed and developing countries.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Explain the structures, organization and operations of party systems.

3.0 MAIN CONTENT

3.1 Organization and Structure of Party Systems

Party organization is the internal arrangement by which parties are structured in such a way that it is better able to fulfill its mission.

It is possible that we may have one or few parties that know their limitations, and may not pretend to cover the whole country; but most parties prefer to have presence in every part of a country.

The advantage of this is that the more widespread the party support base is, the better the prospects of it winning an election, if the right conditions are in place.

Indeed, in Nigeria since 1979, until the liberalization of conditions for the operations of political parties under the Obasanjo's civilian administration, political parties were required to have membership and offices in at least two thirds of the states in the federation, before they could qualify for registration.

In most countries, parties are organized in such a way that they have branches at every tier or level of government: National, State and Local levels. In addition, taken a cue from the United States, Nigeria since the Babangida's transition program, has promoted the grassroots politics by making the ward level the centre piece of political activities through to the national level of party organization.

The ward level is so important today that a presidential aspirant may have his national ambition truncated, no matter how popular he may be elsewhere, if he is unable to be selected as a delegate from his own ward.

This is why most aspirants for political offices are always interested in having their men constituting the majority in the party executives at all levels.

Beyond the party's official executive organs, there are other levels of party organization.

These include the Central Working Committee (CWC), Board of Trustees (BOT), the Elders' Council, the Parliamentary or Legislative Caucus, the Party's Governors' Forum, the Women and Youth Wing.

Experience has shown that in most states, including advanced democracies, only aspirants who can get the nod from these unofficial levels can hope to become a party's candidate or flag-bearers during general elections.

In Nigeria, for example, given the electoral dominance that the Peoples Democratic Party (PDP) has enjoyed in the last fourteen years, the competition within the party has always been the keenest in the country.

This is because of the plausible assumption by most aspirants that whoever becomes the Party candidate is almost certain of winning the elections in most states, including the presidency.

In recent times, the Governors Forum, or more appropriately, PDP Governors' Forum has proved to be the most decisive platform of taking crucial decisions, for the party, and indeed, for the nation as shown in the elevation of Jonathan Goodluck as Nigeria's Acting President then.

The implication of the new found powers of these unofficial organs of political parties is that party's primaries and conventions have been turned into a mere ritual only to decorate those that have been anointed by the dominant groups within the party.

Self-Assessment Exercise (SAE)

Compare a party's structure and organization in a developed with that of a developing country.

4.0 SUMMARY

In this unit, we discussed at length the structure and organization of party system with a view to bringing out the difference between parties in the developed and developing countries.

5.0 CONCLUSION

Parties organize (or aggregate and articulate) public opinions and popular demand and communicate these to the decision making centers of government. Parties are therefore indispensable in a democratic political system.

6.0 TUTOR-Marked ASSIGNMENT (TMA)

1. Discuss the vital functions political parties perform in a political system based on their structure.

7.0 REFERENCES/FURTHER READING

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UNIT 8: Types of Party System

1.0 Introduction

2.0 Objectives

3.0 Main Contents

3.1 Types of Party System

4.0 Summary

5.0 Conclusion

6.0 Tutor-Marked Assignments

7.0 References/Further Reading

1.0 INTRODUCTION

In this unit, you will be introduced to the existing different types of party system in the political system or within the political system.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Define party system and classify them into different types.

3.0 MAIN CONTENT

3.1 Types of Party System

A party system is a network of relationships through which parties interact and influence the political process.

The most popular way of distinguishing between different types of party system is the reference to the number of parties competing for power.

The French political scientist, Maurice Durverger in his popular work Political Parties classified parties in to three types:

The single or one party system, the two party systems and the multiple party systems.

3.1.1 Single or one-party system

A one party is a system in which only one party is legal recognized in the country. Therefore, it is illegal for any organization to operate as a political party in such country. It is a common feature of communist and socialist countries like North Korea, Cuba etc.

In the immediate post independent period, one party was a feature of scores of African countries such as Ghana under Kwame Nkrumah where the Convention Peoples Party (CPP) held sway and Tanzania under Julius Nyerere where the Tanzanian African National Union (TANU) was the only officially recognized party.

The position of the PDP as the party controlling the federal government in Nigeria does not make the country a one party state; it only represents a case of one party dominant regime.

You should note the following as important characteristics of a one party state: no opposition party is legally recognized, there is usually only one ideology for the whole country, and it is the ideology of the party in government.

There is also either no private control of mass media or very stringent requirements before private individuals can be allowed to own or publish a newspaper or magazine, in addition to close censorship of their activities. Those who promote one party system advance the following advantages:

- One party prevents economic waste in the sense that elections are not held among numerous parties most of which are not viable or strong enough to win a single seat. The resources to provide logistics and security during elections are channel to other uses.
- One party also promotes unity since the only recognized party must of necessity cuts across ethnic or religious divides in a country it therefore has the advantage of promoting national unity.
- It ensures stability in the sense that there is no opposition party that may overheat the polity through acrimonious competitions for power during elections. Unhealthy rivalry for political power may evoke unpatriotic sentiments by bad losers.
- In a one-party system, decision-making process is prompt since the dilatory tactics of the opposition parties in government or filibustering of opposition members in parliament are avoided.
- There is also absence of political vendetta against political opponents.

Good as one-party system appears to be, one of its greatest drawbacks is that it may develop into a dictatorship.

Other disadvantages to note include: Individual rights are usually trampled upon.

This is common in most one-party system whether in developed or developing societies.

The human rights abuse under Joseph Stalin era in the former Soviet Union, the 1989 massacre at the Tiananmen Square in China and the Kwame Nkrumah's Preventive Detention Act are vivid examples.

The implication of this is that the principle of rule of law and provisions of the constitution on fundamental human rights may not be followed or guaranteed.

The constitution may be silent on the need for periodic elections, and where such provisions are made, elections are only held to confirm the same party in power, or a mere ritual for public relation exercise.

3.1.2 Two party systems

A two party system operates in a country where only two parties have reasonable chances of winning elections, forming or controlling the government. This does not however suggest that only two parties exist in a country. But among the multitude of parties that participate in the electoral process only two of them are strong enough to win elections.

In the United States and Great Britain, where two party systems operates, the two parties, the Democratic and Republican Parties in the former, and the Conservative and the Labor Parties in the latter, are products of historical evolution.

The Nigerian example when President Babangida decreed into existence the Social Democratic Party and the Republican Convention during the Nigeria's ill-fated Third Republic was a clear aberration.

In U.S.A. and Britain, the two parties have been alternating, sometimes in succession, in forming the governments in their countries.

In Britain, for example, during the World War II era, the Conservative Party was the ruling party, but Winston Churchill's gallantry, as a wartime political leader did not stop the British voters from voting in Clement Atlee in 1945.

This led to the saying "The electors cheered Churchill but voted against him." But in the United States the American rewarded the Commander of the Allied Forces during the same war, Dwight Eisenhower of the Republican Party with victory in spite of the fact that Franklin Delano Roosevelt took U S to the war, and Harry Truman also of the Democratic Party won the war, which stamped American leadership of the world.

The greatest advantage of two party systems is that it promotes political stability by providing for the possibility of alternative governments.

There is also room and opportunity for choice of candidates and parties' manifestos. It is democratic because it accommodates democratic principle and allows the operation of rule of law.

Regular alternation or change of government is possible because there is the provision for periodic elections.

This gives the electorates the power to change a government that is not responsive or accountable.

Two party-systems also provides for stronger opposition, which makes for a better government since the ruling party is always cautious of the policies it is pursuing.

The opposition is therefore seen as a corrective party government; since it watches over and offer criticisms of the ruling party.

This promotes stability unlike in a multi-party system where multiplicity of parties encourages proliferation of, sometimes conflicting, ideas, and formation of coalition governments.

From the experience of both matured and developing societies such coalition arrangements usually an alliance of strange bedfellows, more often than not, produce weak and unstable governments.

The following are the disadvantages of a two party system. There is the danger that the two party systems may divide the country into two opposing factions.

This can polarize a country along religious and ethnic divides, and may thereby negatively affect or endanger national unity.

It may also lead to one party state if one of two parties retains power for a disproportionately long period; this may tempt the other parties to dissolve into the ruling party

3.1.3 Multi party system

A multi party system exists in a country where there are several parties, and there is the possibility that each of them has reasonable chance of winning seats in the legislature.

This model is suitable in a country where there is multiplicity of, sometimes minority, interests in which case each of these parties will represent such interests.

Germany offers a good example of a multi-party system where the parties in the country represent diverse interests such as religion, gender and environmental.

Nigeria is also a good example of a multi-party system with parties such as the Action Congress (AC/CAN now APC), All Nigerian Peoples Party (ANPP), and Labor Party (LP) etc struggling to wrestle power at the centre from the Peoples Democratic Party (PDP) that has been in power at the federal level since 1999.

Multi party system can also be defined as a system with more than two political parties are contesting for political power in a country.

All the parties are duly registered and recognized by law. Nigeria in the Second Republic with six political parties: NPN UPN NPP GNPP PRP and NAP Babarinsa (2003), and Fourth Republic with more than sixty parties is a multi party state. Other countries in the same group include France, Italy and Germany.

In a multi-party system a coalition government may be formed among political parties with reasonable number of seats in parliament.

The greatest advantage of multi-party systems is that individuals can easily make free choice of parties and program. There is also absence of dictatorship, due to multiplicity of parties that are always ready to put the leadership of the ruling party on its toes.

Fundamental human rights of the citizens are also better guaranteed and protected by the government, which also make for wider representation of peoples of different interests and opinion in the decision making process. Multi party system also presents its own drawbacks.

They include the following: Too many political programs are offered to the voters, which may confuse them and make electoral choice difficult to make; it is also very expensive to manage because of the huge costs involved in party organization, voters' mobilization and campaigns as well as the conduct of the elections.

It is also possible that if these parties are formed on ethnic and sectional lines they will operate in such a manner as to jeopardize national interest.

Multi party system may also make the formation of a new government very difficult.

This is because a coalition government that assumes office after a multi party electoral contest lacks a common policy or platform before coming into power.

It therefore forces on those parties in a coalition arrangement a lot of unhealthy compromises, horse-trading, concessions during which vital principles are abandoned, and ideological positions discarded for the sake of political patronage in a situation where merits are sacrificed on the altar of partisan gains that the system suffers.

It may encourage bribery and corruption within the legislative arm due to the number of members from different parties to be lobbied before government programs and important legislations are passed in the parliament.

The net effect of the combinations of this is to lower the quality of public policies and standard of public life. Most coalition governments that normally arise from multi party systems are often weak and unstable.

3.1.4 Zero-Party option

In very rare occasions, there are talks about a Zero or non-party system. This is one of the options that Gen. Murtala Muhammed (1938-1976), gave to the Constitution Drafting Committee (CDC) in Nigeria in 1975 when he charged the 50 'wise men' not to hesitate, during the course of their deliberation they found the means by which government can be formed without political parties, to recommend that alternative.

The CDC members, however, did not found the Zero party option attractive as it dismissed it, in the following words, among others: "To accept a no-party system and yet accept some form of representative government would amount to accepting a syndicalist or corporatist political system.

Were this even practicable, under modern conditions, it would not unlikely lead ultimately to a fascist system of government" (Graf, 1979:52).

Notwithstanding, in 1987, former President Babangida found it expedient to adopt the novel idea in the elections to the local government held during the year.

However, it was not long before he discarded the idea and embraced that of party politics, in spite of its imperfections.

One need to point out that it due to the problems associated with party politics that have made political leaders and politicians to, at one time or the other toy with novel idea of Zero party.

Beyond this, we do not consider a Zero party system a conventional model in an ideal democratic system.

What is acceptable in some matured democracies like the United States is idea of independent candidates.

This idea also found favor with the Muhammed Uwais panel on electoral reforms in Nigeria. One may also add that the difference between the Zero party option and Independent candidacy is more of semantics than of substance.

Self-Assessment Exercise (SAE)

Discuss which of the party system you think is the most suitable for the sustenance of democracy.

4.0 SUMMARY

In this unit, we have classified the party system into different types and explaining each of them with a given examples.

5.0 CONCLUSION

In the advanced countries of the world such as the United States and Britain, the peoples have made a success of party systems.

But in the developing climes such as Nigeria, party politics seem to have been fostering the cleavages and divisions within the society; hence the clamor by the citizens out of exasperation, especially in trouble periods, for the no party option, or even the extreme option of military intervention.

6.0 TUTOR-Marked ASSIGNMENT (TMA)

1. Evaluate the role of two party systems to the success of the British parliamentary and the American presidential systems.

7.0 REFERENCES/FURTHER READING

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UNIT 9: Functions of Political Parties

1.0 Introduction

2.0 Objectives

3.0 Main Contents

3.1 Functions of Political Parties

4.0 Summary

5.0 Conclusion

6.0 Tutor-Marked Assignments

7.0 References/Further Reading

1.0 INTRODUCTION

In this unit, you will be introduced to the different functions that are performed by the political parties.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Discuss the functions they perform and why they are indispensable in a democracy

3.0 MAIN CONTENT

3.1 Functions of Political Parties

Worldwide political parties have been accepted as indispensable in a democratic political system.

It is therefore important that we discuss their functions:

3.1.1 Popular Participation

Political parties promote popular political participation, make effective political choices in elections possible and facilitate the flow of public business in the legislature.

Parties always state their positions on issues thereby arousing public sentiments and involvements. They also make candidates standing for elections on their tickets to identify with their platforms, and as result holding them accountable for their actions and inactions in government. (Baradat, 2000:133)

3.1.2 Representation

Political parties provide opportunities for representation.

This refers to the capacity of parties to respond to and articulate the view of both members and the voters.

In the language of system theory, political parties are major “inputting” devices that ensure that policies pursued by the government reflect the wishes of larger society.

Since every society is composed of individuals and groups, not all of whom can participate directly in politics, political parties therefore provide these people, in varying combinations, avenue to participate indirectly in government.

As the Italian Political Scientist, Giovanni Sartori has stated; parties are the central intermediate and intermediary structures between society and government”

3.1.3 Elite Formation and Leadership Recruitment

Parties of all kinds are responsible for providing democratic states with their political leaders.

In most cases, parties provides a training ground for politicians, equipping them with skills, knowledge and experience, which may be found useful in governance and goal formulation.

Parties have traditionally been one of the means through which societies set collective goals. They play this role, because, in the process of seeking power, they help in formulating government policies and programs through their election manifestoes, campaigns, public debates, conferences, conventions, with a view to attracting popular support.

The goal of a political party is to gain control of the government to enable it implement its electoral promises. In a democracy political parties desire to gain and keep control of the government through the electoral process. It is therefore a misuse of the term to say political parties seek to capture power.

That terminology crept into the Nigerian political lexicon due to the many years of military rule that has foisted a siege mentality on the psyche of Nigerian citizens.

3.1.4 Interest Articulation and Aggregation

In the process of developing collective goals, parties also help to articulate (express) and aggregate (combine) the various interests found in society.

Parties, indeed, often develop as vehicle through which business; labor, religious, ethnic or other groups advance or defend their various interests.

The fact that national parties invariably articulate the demands of a multitude of group forces them to aggregate these interests by drawing them together into a coherent whole, thereby balancing competing interests against each other.

3.1.5 Socialization and Mobilization

Through internal debates and discussions, as well as electoral campaigns and competitions, parties engage in political education and socialization.

The issues they raise and articulate as well as the attitudes that are generated around them become part of the larger political culture of a country.

3.1.6 Organization of Government

It is often argued that complex modern societies would be ungovernable without political parties. Parties help in the formation of government.

This is why we refer to the parliamentary system in Britain as party government because the policies and programs of the British government at any point in time are wholly based on the manifesto of the party that is power in the country.

Parties give government a degree of stability and coherence especially if the members of the government are drawn from a single party. Parties also facilitate cooperation between the two major branches of government, the legislature and executive.

3.1.7 Avenue for Criticisms of Government policies

In the competitive environment of politics, political parties also serve as vital sources of opposition and criticisms, both inside and outside government.

By broadening the space for political debates, they help in educating the electorates and ensure that government policies are more thoroughly scrutinized.

Self-Assessment Exercise

Explain the roles of political parties in a democracy.

4.0 SUMMARY

In this unit, we have explained in details the different functions perform by the political parties in any given society.

5.0 CONCLUSION

Political parties remain the only agency for obtaining and maintaining political power. As such, they must gain popular support, provide political leadership and respond to society's interests.

Parties organize (or aggregate and articulate) public opinions and popular demand and communicate these to the decision making centers of government. Parties are therefore indispensable in a democratic political system.

In the advanced countries of the world such as the United States and Britain, the peoples have made a success of party systems.

6.0 TUTOR-Marked ASSIGNMENT (TMA)

1. Discuss the vital functions political parties perform in a political system

7.0 REFERENCES/FURTHER READING

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MODULE THREE: ELECTORAL REFORMS

UNIT 10: Electoral Reforms in Nigeria

1.0 Introduction

2.0 Objectives

3.0 Main Contents

3.1 **Electoral Reforms in Nigeria**

4.0 Summary

5.0 Conclusion

6.0 Tutor Marked Assignments

7.0 References/Further Reading

1.0 INTRODUCTION

Due to the problems associated with the conduct of elections in Nigeria, governments, at different times, have taken steps to reform the electoral system, in order to ensure that the ends of democracy are met.

This unit takes a general look at the subject of electoral reforms, examines the problems that have confronted the electoral process in Nigeria.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Explain the problems associated with the electoral process.

3.0 MAIN CONTENT

3.1 Electoral Reforms in Nigeria

The problems confronting elections and electoral process in the nation's democratic history can be linked to behavioral and attitudinal dispositions of the political elite (Almond; 2005).

Part of the blame can also be placed at the door-step of institutions that have being saddled with the responsibilities for the conduct of the elections.

Experiences have shown that rather than being independent of the executive and non-partisan, electoral commissions for the greater part of Nigeria's political history have been tied to the apron string of the incumbent executives.

They not only lack independence and transparency in their dealings with politicians, and in the discharge of their functions, they are also far from being accountable and responsive to other stake-holders involved in the electoral process.

The history of election in Nigeria's efforts at democratization has not been an impressive one since independence. This is because electoral conduct in the nation political history has been marred by fraudulent practices, corruption and violence.

It is therefore of little surprise that past efforts at democratization has collapsed at the altar of perverted elections and electoral process. So bad was the situation that elections period has come to be associated with violence and politically motivated crises.

That politics has been converted into a money-making venture, has reinforced the notion of election as a contest that is meant to be won at whatever cost possible (Gboyega, 1997). This has turned electoral conduct in Nigeria to a war-like situation.

From the Electoral Commission of Nigeria (ECRT) of the First Republic to the Independent National Electoral Commission (INEC), of today, electoral commissions in Nigeria have not demonstrated the detachment, including competence that are required in the discharge of their functions.

Their inability to effectively manage the conduct and administration of elections and electoral process has consistently frustrated the nation's efforts aimed at instituting a credible and virile democratic system.

It is significant that on assumption of office, former President Musa Yar'Adua recognized the flawed nature of the election that brought him into office. He therefore promised to set up a panel to review the electoral laws in the country. On August 28, 2007 former President Umar Musa Yar'Adua announced the setting up of electoral reform panel headed by the former Chief Justice of Nigeria, Muhammed Uwais.

The Uwais' committee made far-reaching recommendations that bordered on constitutional amendments, institutional strengthening and value reorientation, including the granting of more autonomy to the Independent National Electoral Commission (TELL, January, 26 2009: 19-23).

The President later inaugurated a three-man panel headed by the then Justice Minister, Chief Aondoaka. The Aondoaka's panel tampered heavily with the recommendations of the Electoral Reform Committee (ERC). For example, it submitted that the appointment of Chairman of the National Electoral Commission (INEC) should not be made by the President (Vanguard, December 12, 2008: 19).

The government in its white paper, which was in line with Aondoaka's review, seriously tinkered with the Uwais' report, and came out with positions that were at variance with the aspirations of most Nigerians.

The government's argument is that the involvement of the National Judicial Commission in the appointment of INEC chairman would violate the principle of Separation of Powers.

The National Assembly however rejected a proposed bill from the Presidency, which sought to set up another commission that was to handle party registration.

In the wise opinion of the lawmakers, that proposal was considered an unnecessary duplication of the functions of INEC and an unjustified waste of government resources.

Accomplishing far reaching electoral reforms for Nigeria is no doubt a major challenge that confronts the present administration in Nigeria. Obviously, in the 1999 General Elections there were allegations of electoral manipulations.

However, the scale was not as massive as that of 2003 or unavailingly sweeping as that of the 2007 and 2011. Worse still, the manner the re-run Governorship election in Ekiti state was conducted in April 2009 by INEC under Yar'Adua's watch shows that no lessons were learnt by the politicians, or remorse shown by the electoral umpire that had been severally indicted by the electoral tribunals, including the Supreme Court (Nurudeen, 2009:301).

The continuous nullifications of election results in many states of the federations are confirmations that what passed for elections in 2007 and other re-runs since 2008, were, at best selections, or at worst, charades, in spite of INEC's verdicts.

Only the recently conducted Governorship election in Anambra State on November 16th 2013 gives a ray of hope about future elections in Nigeria.

There is no doubt, the reason for the choice of Ghana as the first African country to be visited in July 2009 by the United States' President; Barrack Obama was a subtle indictment of Nigeria's electoral process.

According to the United States' "Ghana has now undergone a couple of successive election in which power was transferred peacefully, even in a very close election...President Mills has shown commitment to the rule of law' (Guardian, July 7, 2009: back page).

Self-Assessment Exercise (SAE)

Classify the problem of electoral malpractices as attitudinal or systemic challenges.

4.0 SUMMARY

We have established a case for electoral reforms in Nigeria where we examined the problems that have confronted elections in Nigeria in this unit.

5.0 CONCLUSION

A more transparent electoral process in Nigeria is the only step that can enhance the credibility of the electoral system and the legitimacy of government in Nigeria.

6.0 TUTOR-Marked ASSIGNMENT (TMA)

1. Discuss the significance of electoral reforms in Nigeria before the next General Elections.

7.0 REFERENCES/FURTHER READING

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TELL. January 26, 2009

The Guardian, July 7 2009

Vanguard, Friday, December 12, 2008.

UNIT 11: The Importance of Electoral Reforms

1.0 Introduction

2.0 Objectives

3.0 Main Contents

3.1 The Importance of Electoral Reforms

4.0 Summary

5.0 Conclusion

6.0 Tutor Marked Assignments

7.0 References/Further Reading

1.0 INTRODUCTION

This unit takes a general look at the importance of electoral reforms and concluded that regular reforms of the electoral system is a major pre-requisite for a free and fair elections in any given political system.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Analyse the importance of regular reforms of the electoral system as a major prerequisite for free and fair elections.

3.0 MAIN CONTENT

3.1 The Importance of Electoral Reforms

The importance of an efficient electoral system cannot be overemphasized in any democratic political system.

A good electoral system delicately balances the politics of participation with the politics of representation and ultimately contributes to the building of a viable and sustainable political culture. The act of participation in the electoral process in a country not only vests legitimacy on the decision makers, it also makes the voters conscious that they are active and effective participants, though in an indirect sense, in the decision making process of their country.

In a country where a good electoral system is in place voting becomes much more than a ritual or a mechanical function but an important instrument of citizen-participation in the selection of their leaders.

After five decades of political independence and the fourth attempt at democratic government, Nigeria cannot be described, yet as a stable political system.

No country, including the advanced democracies has yet devised a perfect process of electoral administration.

But the difference between those countries and most developing states, including Nigeria is that they have subjected their electoral procedure to an uninterrupted practice, and over the years their electoral systems have not only matured but have also endured.

It is for this reason that an electoral reform becomes the most significant step towards realizing the goal of free and fair elections and sustainable democracy in the country.

A closer look at the Uwais Panel's report will reveal that it is a summary of the major problems confronting electoral administration in Nigeria which, include lack of capacity and shoddy preparation by the electoral commission, inadequate logistics and irregular electoral outcomes that have severally been confirmed by the courts.

While most of the election results have been upheld on ground of substantial compliance, this has not removed the odious stigma or lack of credibility or legitimacy on the beneficiaries of such controversial judicial decisions.

Using the language of system analyst, these electoral related problems in Nigeria can be broadly categorized as system, process and policy inadequacies, and will continue to haunt the conduct of elections in the country unless they are addressed at their roots.

But unfortunately, the attitude of the National Assembly towards electoral reforms in Nigeria conveys the impression that the laws makers are not enthusiastic about the reforms since.

According to Late Ume Ezeoke, the then All Nigerian People's Party's (ANPP) National Chairman, the present political leadership in the country is loath, and apprehensive of any constitutional review, or electoral reform because as the major beneficiaries of the present unfair system, they are deliberately thwarting any move that may likely endanger their vested interests (Guardian, July 1, 2009:8).

The legislators' attitude is a desire for self-preservation, and to expect them to proceed in the urgent manner that most Nigerians desire is to make them embark on an exercise in self-destruction or immolation.

The Peoples Democratic Party (PDP), the ruling party in the country, and with a comfortable majority in the two Houses of the National Assembly and its control of more than two thirds of the states in the federation, has been identified as the biggest culprit in the conspiracy to frustrate the implementation of the recommendations of the Uwais Panel's report.

One would also expect President Yar'Adua, with his well publicized Seven-point Agenda, if he is willing, to use his clout as the leader of the ruling party, to push his party members, to act swiftly, without further delays in (re)commencing the process of amending the relevant sections of the constitution and the electoral laws.

Apart from the Uwais's report, there are many sources where the government can get inputs on the right thing to do.

On February, 23, 2010, the then former U.S.'s Ambassador to Nigeria, Mr. Walter Carrington delivered a lecture titled "Electoral Reform, Good Governance and Democracy: Lessons for Nigeria" where he stated that "the enormous powers wielded by the Independent National Electoral Commission were responsible for the flawed electoral process in Nigeria since return to democracy in 1999".

He suggested that INEC should be a "mostly administrative body" to stem the controversy over elections in Nigeria (The Guardian, February, 24, 2010).

With all these interventions, the federal government cannot claim not to have sufficient push that will make it take the much-needed urgent step to carry out the reform of the electoral system in the country.

Any further delay, in about more than a year before the next General Elections in 2015, may cast doubts on the prospects of conducting free and fair elections in the country in future.

Self-Assessment Exercise (SAE)

Give reasons for the delay by the National assembly in considering the report of the Uwais' panel on electoral reforms.

4.0 SUMMARY

This unit takes a critical look at the importance of electoral reforms in details and concluded that regular reforms of the electoral system is a major pre-requisite for a free and fair elections in any given political system.

5.0 CONCLUSION

A country like Nigeria where the electoral process is riddled with disputes and rancor will not only defeat the goal of achieving a sustainable democracy in Nigeria, it will also do a great deal of havoc to the country's image among the comity of nations.

6.0 TUTOR-Marked ASSIGNMENT (TMA)

1. Discuss the significance of electoral reforms in Nigeria before the next General Elections.

7.0 REFERENCES/FURTHER READING

Jega, A. (2007) "Democracy, Good Government and Development in Nigeria": Critical Essays, Spectrum Books Ltd Ibadan.

Nurudeen, S. L. (2009) "An Evaluation of Yar'Adua' Rule of Law in Nigeria", in Yar'Adua's Seven-Point Agenda-An Assessment, ed. by Bello Imam I. B. and Abubakar R. D., Al-Hikmah University Ilorin, Nigeria.

The Guardian, July 7 2009.

The Guardian, February, 24, 2010.

UNIT 12: Definition and Types of an Electoral System

1.0 Introduction

2.0 Objectives

3.0 Main Contents

3.1 Definition and Types of an Electoral System

3.1.2 Majority Rule system

3.1.3 Proportional Representation

3.1.4 Mixed-Quorum system

4.0 Summary

5.0 Conclusion

6.0 Tutor-Marked Assignments

7.0 References/Further Reading

1.0 INTRODUCTION

The electoral system is the heart of any democratic system. For this reason most democratic states are conscious of the imperative to put in place a good electoral system that will ensure free and fair elections .

This unit begins with what is meant by an electoral system as well as the different types of electoral systems.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Explain the meaning and types of electoral system.

3.0 MAIN CONTENT

3.1 Definition and types of an electoral system

All modern democratic nations in the world have evolved a system by which their citizens participate in the process of electing their leaders.

It is through elections that people express their views on issues and accord legitimacy to, or withdraws it from, political leadership.

J. J. Rousseau, who popularized the doctrine of the “general will” preferred direct democracy to representative government, since according to him, “individuals will could not be transferred because it is inalienable, and that no one can adequately represent another individual (Baradat, 2000:82).

But today direct democracy is no longer realistic because the world has advanced beyond the Greek city states.

Therefore, what is now popularly referred to as liberal democracy rest on the pillars of representative government, universal suffrage and unrestricted franchise or voters’ eligibility.

The electoral system is a process or the machinery through which citizens in any given democratic state elect their representatives in competitive elections that are held at periodic intervals.

While the casting of vote is the highest point of an electoral process, other activities are involved before the process can said to be complete.

An essential task of an electoral system is to provide opportunity for a broad spectrum of the citizens to participate in the political process.

This is very significant in any type of government, unitary or federal, but more so, in the latter, because a good electoral system help to foster national integration.

Broadly, an electoral system may either be based on the majority rule or Proportional Representation system.

3.1.1 Majority Rule System

In a majority rule system that is practiced in Nigeria at present, the party or candidate with the majority of votes cast in an election is declared the winner.

But a major disadvantage of majority rule system is that a party may win a minority of votes, and nevertheless command majority of seats in parliaments, and thus form a government.

Another party may win less than half of the seats, but with disproportionately high margin of votes.

This oddity of the majority-rule variant of an electoral system may be tolerated where it occurs occasionally, but where it occurs more frequently, it certainly poses grave danger to the polity.

Also in a majority rule system, the minority parties that are constantly defeated at elections may either lose interest in politics, or develop radical or subversive ideas.

It may also encourage the fragmentation of Political parties along regional or ethnic lines. This scenario is true of Nigerian politics in the defunct first republic (Sklar; 1963).

In a single member constituency as long as there are more than one candidate for a single seat in an election, the seats will always be distributed among political parties disproportionately to the votes cast.

Two illustrative cases are relevant here.

In the 1992 general election in Britain, the Conservative Party led by John Major secured a majority of seats in the parliament, but the party failed to win a majority of popular votes (Baradat,2000:132).

Also, if we use a simulative scenario of an election involving three parties, and in which the distribution of votes is as follows: Party A, 41%; Party B, 39% and Party C, 29%, it is obvious that Party A, with 41 percent has won. Yet majority of voters (59 percent) voted against party A, and therefore that huge percentage of voters are unrepresented. In quantitative terms, 41 percent of the voters won 100 percent of representation.

The implication therefore is that all those who voted for party B or C might as well have stayed away from the election since their votes do not count. This is why the majority rule system, is generally criticized for promoting the winner takes all, or zero-sum syndrome.

3.1.2 Proportional Representation

Under the system of proportional representation, however elections are not decided at constituency level. The country as a whole is considered as one single constituency and the various parties present candidates to the entire electorate on lists, and voters are expected to choose from those lists.

A party will therefore be allotted in parliament as many seats as correspond to the percentage of votes scored in the entire country. The parliament is, therefore, a reflection of the strength of each party based on the number of votes. Under this variant, government is usually, if not always, by a coalition of several parties.

Its major advantage is that it is evidently more just than majority system, because it provides room for more parties to participate in government, and thus preclude the possibility of instability arising from the injustice because of consistent exclusion of minority parties from government.

Its major defect is that it encourages the proliferation of small parties that may eventually win not so significant number of seats in parliament, and may make the process of forming a stable government difficult.

A case in point is the German (1919) constitution where not less than forty-two parties contested for elections and in the election not more than fourteen of those parties, managed to win seats in parliament (Kriele 1979:357).

Also, the Salvador Allende government of 1970 was a coalition of the major political parties in Chile.

But when the controversies over redistribution of farmlands and their nationalization assumed irreconcilable level among the coalition partners, the various parties withdrew their support.

To avert a deadlock, Allende abandoned all democratic pretences and became dictatorial; the army intervened, and he was subsequently murdered in 1973 (Baradat2000:135).

It is the realization that none of these two variants is perfect that led some scholars to suggest a modification of the two, to achieve what has been called a “mixed-system,” such as the tripe mandate system or the minority-quorum system (Kriele, 1979:359).

Whether in a majority rule or proportional system, representation is another complicated subject in democratic government.

The complication arose from what should be the criterion or basis of representation, an issue on which opinion is divided among scholars. Population, territorial and functional criteria are either used selectively, or in combinations.

In Nigeria and USA both population and territorial criteria are employed in the elections to the two chambers of the National Assembly, and the Congress respectively.

In the former Soviet Union, the functional criterion was added in the election to the 2,250 strong Congress of the People Deputies.

On whether public officials should represent national or constituent interest, there is also no unanimity among scholars on whether public officials should represent the people's will or their interests, technically known as the mandate or independent theory of representation.

While Thomas Hobbes and Alexander Hamilton preferred the reactionary theory, John Locke and Thomas Jefferson favored the Liberal theory and J. J Rousseau endorsed the radical theory of representation (Baradat 2000:139).

Self-Assessment Exercise (SAE)

Outline the difference between majority rule and proportional representation systems.

4.0 SUMMARY

In this unit, we identified two types of electoral systems: the majority rule and proportional representations models and explained that each of them has its own merits and disadvantages.

5.0 CONCLUSION

The conclusion is now left for the policy makers or political actors to choose in between the two types of the electoral system and enforce it into the political system.

6.0 TUTOR-MARKED ASSIGNMENT (TMA)

1. How can the system of proportional representation eliminate the draw backs or inadequacies inherent in the majority rule system?

7.0 REFERENCES/FURTHER READING

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Sklar R. (1963) Nigerian Political Parties Power in an Emergent African Nation, Nok Publishers, International New York

UNIT 13: Uwais Electoral Reforms Committee's Recommendations

1.0 Introduction

2.0 Objectives

3.0 Main Contents

3.1 Uwais Electoral Reforms Committee's Recommendations

4.0 Summary

5.0 Conclusion

6.0 Tutor Marked Assignments

7.0 References/Further Reading

1.0 INTRODUCTION

The need for electoral reforms has been a recurring staple or element of the country's democratic process. This unit takes a general look at the Muhammed Uwais Panel's report as a reference point aimed at establishing the right conditions for sustainable democracy in Nigeria.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Discuss the recommendations of the Justice Muhammed Uwais' Panel.

3.0 MAIN CONTENT

3.1 Uwais Electoral Reforms Committee's Recommendations

In view of the far reaching recommendations of the Uwais' committee on electoral reforms, it is imperative that we examine in greater details the committee's understanding of Nigeria's

electoral problems and how it proposes that they could be addressed.

In carrying out its assignment, the committee reviewed the country's electoral history and established that "the lack of independence by the electoral commissions at both federal and state levels is a key deficiency of Nigeria's electoral process."

In the committee's review of 91-year history of elections in Nigeria since 1922, it observed a "progressive degeneration" of outcomes with the 2007/2011 election believed to be the worst.

The panel in its report affirms further that the major problem with the nation's electoral system is the lack of credible elections.

The committee noted that the perceptions of the people about election are part of the critical elements that determine the success of electoral practices and regretted "the elections mind set of Nigerians as not only largely negative; they are also largely irrational".

The committee's recommendations are therefore, aimed at achieving the desired positive mind set in the electorate so as to minimize violence and rigging in elections, including building lasting democratic institutions and cultures.

Mohammad Uwais, a former Chief Justice of Nigeria, who headed the 22- member committee noted: The committee is firmly convinced that the acceptance and implementation of the recommendations contained in this report will significantly restore confidence in the electoral process and usher in an era of free, fair and credible elections in the country. (Vanguard, Friday, December 12, 2008)

Some of the committee's recommendations require changes in the existing electoral procedures, reallocation of electoral functions or creation of new institutions. Some of them require new legislations, while others require amendments of existing laws.

Leaving nothing to chance to quickening the implementation process, the committee prepared draft of three bills: Act to Amend 1999 constitution; Act to Amend 2006 Electoral Act; and Act to establish Electoral Offences Commission.

Highlights of the Panel's Recommendations

3.1.1 A genuinely Independence National Electoral Commission.

The committee recommends that the Independence National Election Commission (INEC) should be massively re-organized and repositioned to ensure its independence and professionalism.

It therefore recommends that the 1999 constitution be amended to ensure that INEC becomes truly independent, non-partisan, impartial, professional, transparent and reliable as an institution and in the performance of its constitutional functions.

For INEC to be truly independent, it is recommended that Section 84 of the 1999 Constitution be amended by adding sub-section (8) to read: “The election expenditure of the independent electoral commissioners offices (addition to salaries and allowances of the chairman and members) shall be first charge on the Consolidated Revenue Fund of the Federation” (TELL, January 26, 2009).

The committee also recommends that INEC be split into two bodies: a board that formulates broad electoral policy and direction, and a professional/technical election management agency to handle the actual conduct of the elections.

The INEC board shall be composed of 13 members as follows: a Chairman and deputy chairman who must not be the same gender; six persons representing the six geo-political zones of the country two of whom must be female; and five nominees representing the civil service organizations, labor organizations, the Nigerian Bar Association, NBA, women organizations and the media. Once appointed, a nominee cannot be recalled by any organization.

The chairman and the deputy shall be persons of integrity, non-partisan, possess vast professional/administrative/academic experience and must not be less than 50 years old.

The other 11 members shall also have the same qualifications but must not be less than 40 years of age.

The nomination process, as suggested is to be no less rigorous. For the positions of chairman and the six geo-political zones, the National Justice Council NJC, shall advertise all the positions; receive applications/nominations from the general public and shortlist three persons for each position.

These shall be forwarded to the National Council of State to select one and forward to the Senate for confirmation.

For the other five members, each professional body shall forward three nominees to the NJC for screening, after which it shall make appropriate recommendations to the National Council of State, which would, after further screening, recommend one each to the Senate for confirmation.

The tenure of office of the members shall be five years, subject to renewal for another five years.

3.1.2 Unbundling of Independence National Electoral Commission

One of the most radical, though contentious, reforms suggested is the unbundling of INEC. The committee stated that for INEC to function efficiently, some of the functions it presently performs should be assigned to other agencies.

Consequently, it recommended the creation of three new agencies. These are: Political Parties Registration Council, PPRC; the Electoral Offences Commission; and the Constituency Delimitation Commissions. The PPRC would, among other things, register political parties in accordance with the 2006 Electoral Act and monitor the organization and operation of the political parties, including their finances.

It shall be made up of a chairman and deputy who must be of different gender and six national commissioners representing the six geo-political zones, two of whom must be women.

The procedure of appointment and tenure are the same as that of the INEC board and the technical management team. Members can be removed by the President on the recommendation of the NJC (TELL. January 26, 2009)

A new autonomous and constitutionally recognized body called the Electoral Offences Commission has been recommended to be established through a bill of the National Assembly and empowered to perform functions, which include: investigation of all electoral frauds and offences; co-ordination, enforcement and prosecution of offences and the enforcement of the Electoral Act 2006, the constitutions of registered political parties and any other Acts or enactments.

It shall be the chief executive officer; a deputy Chairman; six representatives of the six geo-political zones; the Attorney-General of the federation or his nominee, not below the rank of an assistant Inspector-General; and a Secretary who shall be the head of administration.

The Chairman and members shall be non-partisan and appointed by the President subject to the confirmation of the Senate.

The third agency is the Constituency Delimitation Commission. This would be established with institutional representation from INEC, the National Population Commission, the National Boundary Commission, office of the Surveyor-General of the federation, the National Bureau of Statistics and the National Identity Management Commission.

A fourth body, Centre for Democratic Studies, CDS, is recommended to be established to undertake broad civic education for legislators, political offices holders, security agencies, politicians, political parties and the general public.

3.1.3 Scrapping of State Independence National Electoral Commission.

The committee recommends that the State Independent Electoral Commissions, SIECs, should be reorganized and structured into INEC to form a single election management body for the country.

At the state level, INEC will have 37 directors, one for each of the 36 states and the Federal Capital Territory (FCT), appointed by INEC and to trained and posted to states other than their states of origin. At the local government level, INEC shall employ 774 full-time electoral officers, after public advertisement, and post them outside their local government areas. At least one-third of the numbers shall be women.

Similarly, 8814 full-time career assistant electoral officers should be employed by INEC by the same process and posted within their wards.

To give this a legal backing Section 153 of the 1999 Constitution, which lists INEC as a Federal Executive Body would be amended by deleting Sub-Section 1 (f).

Consequently, INEC should be deleted anywhere it appears in Sections 153 to 158.

3.1.4 Voting Process

On the voting process and procedure, the committee recommends the gradual introduction of electronic machines in future elections after a period of limited testing and experimentation. In future elections, accreditation and voting are to take place within a defined period.

Agents of political parties are to be given copies of results and they have the rights to demand a recount on the spot, should the need arise.

All election results duly signed and copies given to the party agents, the Police and the State Security Service should be announced at the polling stations by the presiding officer.

INEC is expected “swiftly and publicly” to display detailed results of the elections, including all polling station results and collated information on the number of voters, vote cast, invalid votes and others.

Emphasis is on the transparency of the result process to assure all stakeholders that the election is free, fair and credible.

To enhance this, results broken down at polling stations should be provided at each superior level and the result should be more comprehensive in details.

For the presidential election, INEC is to publish the results down to the lowest level prior to declare a winner to demonstrate that the results are accurate and within expectation.

The committee says that this is very important because without vote analysis, at least at the state level, it would be impossible to determine if all constitutional requirements for the election have been met.

3.1.5 Party Agents

Unlike the present practice where party agents are accredited on elections day, the committee recommends that the accreditation be done 14 days to the election.

However, fears have been expressed about this recommendation that such a long space may make it easier for a switch of the accredited agents, reveal the identities of the non-aligned ones and expose them to danger or business deals to rig the elections (TELL. January 26, 2009)

3.1.6 Independent Candidacy

A novel introduction is the recommendation for independent candidates. If accepted, some credible persons would be allowed to contest elections, provided they meet two conditions, in addition to the provisions of the 2006 Electoral Law.

It shall be a constituency-backed nomination by verifiable signatures of 10 registered voters in each ward of the constituency and on the payment of a financial deposit which is refundable if the candidate scores up to 10 per cent of the valid votes cast in the constituency.

3.1.7 Funding of Political Parties

The committee recommends that the government should continue to fund political parties either directly or through INEC.

This will however be based on the performance of parties at any election.

Parties are also encouraged to raise funds through other means such as sale of forms to candidates, fund-raising, individual and corporate donations and through commercial activities.

However, there are ceilings to how much an individual can donate to a political party as follows; President, N20 million; Governor, N15 million; Senate, N10 million; House of Representatives, N5 million; Chairman of local governments, N3 million and councilor, N500, 000.

This is to check the influence of godfathers who buy over candidates through large donations for which they later demand even larger returns.

3.1.8 A Mixed-Electoral System

The committee recommends a mixed electoral system, which is a combination of the majority rule system or first-past-the-post system and modified proportional representation for legislative elections at the federal, state and local government levels, except the Senate.

For the House of Representatives, in the existing 360 constituencies would be filled by the first-past-the-post system, while for the Senate the committee recommends a mixed electoral system for the 108 seats. This will be replicated at the state and local government levels.

3.1.9 Disposal of Electoral Petitions before Swearing-in

Another recommendation is the conclusion of election disputes before the swearing in of elected officials. Unlike now when election disputes could last as long as the judges please, a time limit of six months has been set for the resolution of all disputes arising from an election.

In this regard, a maximum of four months would be spent at the tribunal stage, while the appeals resulting from the tribunal stage should take a maximum of two months. The election will, therefore, be conducted six months ahead of handing over (TELL, January 26, 2009)

3.1.10 Rejection of zero-sum politics

Furthermore, the committee rejects what it calls the zero-sum approach to politics, more popularly known as winner-takes-all. Henceforth, political parties that win at least 2.5 per cent of the National Assembly seats shall be qualified for cabinet appointments.

It is the considered view of the committee that this would reduce tension in the polity and give all stakeholders a voice in the governance of the country.

This will also discourage smaller parties and less electorally influential politicians to embrace the attitude of joining 'Any Government In Power' (AGIP).

Self-Assessment Exercise (SAE)

Explain the most important recommendations of the Muhammed Uwais' Panel on electoral reforms.

4.0 SUMMARY

In this unit we highlighted the major recommendations of the Muhammed Uwais' panel on electoral reforms and stressed why it is important for the present administration to address the issues raised in the report with dispatch.

This, in our view, is the only way the government can convince Nigerians that it has the intention to conduct credible elections in the country in 2015 and afterwards.

5.0 CONCLUSION

We believed that if the Federal Government in collaboration with the National Assembly produce a white paper based on the recommendations of the Muhammed Uwais panel on electoral reforms.

Based on that, the citizens will believe that Nigerian Government under the leadership of President Goodluck Jonathan has the intention to conduct credible, free and free elections in the in 2015 general elections and afterwards, unlike the Anambra State Gubernatorial Elections that for days after the election no full declaration of results of the election.

6.0 TUTOR-Marked ASSIGNMENT (TMA)

Evaluate the role of the National Assembly and the Presidency in the task of enacting a new electoral law for Nigeria.

7.0 REFERENCES/FURTHER READING

TELL. January 26, 2009

Vanguard, Friday, December 12, 2008.

MODULE FOUR: POLITICAL SYSTEM

UNIT 14: Political institutions

1.0 Introduction

2.0 Objectives

3.0 Main Contents

3.1 **Political institutions**

4.0 Summary

5.0 Conclusion

6.0 Tutor Marked Assignments

7.0 References/Further Reading

1.0 INTRODUCTION

In any political system, there are basic components that must work in a state of harmony before the system can be said to be stable or in a state of equilibrium. In this Unit we shall look at the political institution in details and relate to the political system.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Articulate the meaning and relevance of political institution to the political system.

3.0 MAIN CONTENT

3.1 Political Institutions

Perhaps the most important and visible foundations of the political system or process are the formal institutions of government such as: the Constitutions, Parliaments, Court, Bureaucracies, and Executive structure.

These political institutions serve as the focal points for deciding, “Who get what, when and how.”

They also serve as the arena of the political process, the structure of a nation’s political system undoubtedly influence and shapes its policy-making processes.

The questions could be asked: to what extent can the political stability in USA and Britain be attributed to the specific structure of their political institutions?

Could the political instability that besets third world countries be remedied by changing their political system to make them more like that of the Americans or English?

Providing answers to these questions was a major challenge and pre-occupation of Political Scientists, until the advent of the Behavioral Revolution.

One of the most significant contributions of the Behavioral Revolution to the development of political science is to stress the importance of the human element over and above institutions, systems, and structure and the realization that they cannot be understood in isolation.

They can only be meaningful, and be better appreciated within the context of the operators, and cannot work if the human behavioral element is not conducive to the systemic or institutional requirements.

In other words, no political structure can endure in the absence of corresponding values.

The character of Nigerian politics in the First Republic when the parliamentary system was used, and the second when the presidential model was adopted as a possible, better alternative goes to show that explanations for the success and failure of political systems are located beyond a system or its structure.

Self-Assessment Exercise (SAE)

Assess the importance of political institutions in a political system.

4.0 SUMMARY

In this Unit we have discussed the relevant of political institutions in details and how they are related to the existence of any given political system.

5.0 CONCLUSION

Political Systems tends to reflect the interests of those who have created them, and in most instances, it is the powerful actors within a society that creates its political institutions.

6.0 TUTOR-Marked ASSIGNMENT (TMA)

1. Explain the roles played by the Behavioral Revolution in the analysis of a political system.

7.0 REFERENCES/FURTHER READING

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UNIT 15: Political Elites

1.0 Introduction

2.0 Objectives

3.0 Main Contents

3.1 **Political Elites**

4.0 Summary

5.0 Conclusion

6.0 Tutor Marked Assignments

7.0 References/Further Reading

1.0 INTRODUCTION

In this Unit we shall look at the political elite in details for being a component of a political system and how they interact and are related to one another contributing

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Discuss the relationship between each of the component (political elite and elite theory) and their impacts on the political system.

3.0 MAIN CONTENT

3.1 Political Elites

The formal structures of the government are central in explaining the three basic questions posed by Harold Lasswell: “who get what, when and how?”

However, the study and the understanding of the primacy of the elites are more important in analyzing the relationships among the other components, especially the masses.

Elites dominate formal institutions of government, they get most of what is available to be shared or allocated authoritatively.

Indeed, a significant school of political scientists suggests that elites, defined as decision makers, are perhaps the single most important elements in the political process.

In their view, the American and British political systems are stable because of high level of consensus among the elites as to the rules of the game.

The dominant elites always stick together; they are conscious of their enlightened self-interest and know how to use their privileged positions, in addition to the dominated or weakened status of the masses to advance these interests.

On the other hand, the chaos and the mounting violence in the politics of third world countries can also be attributed to the lack of consensus among competing political elites.

3.1.1 Elite theory

Geraint Parry in his Political Elites stress that elites are the “decision makers of the society whose power is not subject to control by any other body in the society”.

He then defined Elite as the small minority who appear to play an exceptionally influential part in political and social affairs of that group which appears to wield control over crucial policies. In political science, elite theory is class approach to the understanding of political process. The elite can be divided into governed elite and non-governed elite. The assumptions underlying the elite theory are:

- That in every society there is always a minority of the population which takes major decisions. Such decisions are usually referred to as political decisions.
- That elites include those who occupy political power or seek to influence government decisions.
- That there is circulation of elites
- That there are no changes in society about the composition or structure of the elites Robert Michell in 1942 formulated the famous “Iron Law of Oligarchy”: “He who says organization says Oligarchy”. According to the elite theorists, “government by the people for the people” is a farce.

On their part, the ruling elites always self-righteously argue that they are not anti-masses, but they as the leaders of their various factions have the right to determine the orientation of policy to be pursued by the government in power.

Self-Assessment Exercise (SAE)

Analyse the relevance of elite theory to mass participation in politics.

4.0 SUMMARY

In this unit, we have examined the political elite component of a political system.

We identified the elites, who in spite of their limited number occupy a dominant position in any political system.

We also explained that, on the other hand, the masses do not enjoy a decisive influence that is commensurate to their numerical strength.

5.0 CONCLUSION

The political elite component of a political system argued that the ruling elites always self-righteously and they are not anti-masses, but they as the leaders of their various factions have the right to determine the orientation of policy to be pursued by the government in power.

6.0 TUTOR-Marked ASSIGNMENT (TMA)

1. Discuss why the impact of the masses in a political system is disproportionate to their number

7.0 REFERENCES/FURTHER READING

Anifowose, R. (1999), Element of Politics, Malthouse Press, Lagos

Michels, R. (1942) Political Parties, Glencoe, III, The Free Press, England.

UNIT 16: Masses

1.0 Introduction

2.0 Objectives

3.0 Main Contents

3.1 **Masses**

4.0 Summary

5.0 Conclusion

6.0 Tutor Marked Assignments

7.0 References/Further Reading

1.0 INTRODUCTION

In this Unit we shall look at the masses as among the various component of a political system and how they interact and related to the existences of a political system.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Articulate the meaning and relevance of the masses in a political system.

3.0 MAIN CONTENT

3.1 The Masses

The Microsoft Encarta dictionary 2008 defines the word masses (a plural form of mass) as a body of matter that forms a whole but has no definable shape.

Therefore, the downtrodden, ordinary citizens (known as the average person) who are pliable to manipulations by the elites in the society could be defined as the masses.

Unlike the formal institutions or the Elites, the influence of the masses upon policy is usually indirect and difficult to measure.

Rather than the movers and shakers of society, the masses tend to be the moved and the shaken.

The masses do influence policy, because it is the masses that the elites must control if they are to remain in power and it is the masses that must be mobilized if the elites are to achieve their goals.

As an illustration, although elites make the formal decision on whether to declare wars, it is the masses that fight wars.

The motivation and skill of the masses do make a difference in the outcome of war. Indeed, the profound willingness of the masses in advanced countries to play by the rules and support their respective systems offers at least a partial explanation for their stability. The reverse is also true for African states.

How readily the masses can be mobilized to support elite goals, then, depends, in large measure upon their perception and evaluation of the political system. The more that the masses are deeply committed to the political system, the more stable a regime is likely to be.

The less committed the masses, the less stable the political system is likely to be. The overall assessment of the manner in which the masses perceive and evaluate the political system is often referred to as political culture.

The process by which individuals learn or otherwise acquire their political culture is often referred to as process of political socialization.

Self-Assessment Exercise (SAE)

Explain why the impact of the masses in the political process is disproportionate to their number.

4.0 SUMMARY

In this Unit we look at the masses as among the various component of a political system in details and how they interact and related to the existences of a political system. We explained that, the masses do not enjoy a decisive influence that is commensurate to their numerical strength.

5.0 CONCLUSION

This unit argued that unlike the formal institutions or the Elites, the influence of the masses upon policy is usually indirect and difficult to measure. Rather than the movers and shakers of society, the masses tend to be the moved and the shaken.

The masses do influence policy, because it is the masses that the elites must control if they are to remain in power and it is the masses that must be mobilized if the elites are to achieve their goals.

6.0 TUTOR-Marked ASSIGNMENT (TMA)

1. Discuss why the impact of the masses in a political system is disproportionate to their number

7.0 REFERENCES/FURTHER READING

[http/ www](http://www), Microsoft Encarta dictionary (2008)

Anifowose, R. (1999), Element of Politics, Malthouse Press, Lagos.

Mbah, M. (2007) Foundations of Political Science, Rex Charles & Patrick Publication, Enugu.

Sartori, G. (1977) Parties and Party Systems: A Framework of Analysis, Cambridge University Press, London

Gboyega, A. (1997) Corruption and Democracy in Nigeria's Political Stability, The Herald, December 15, 1997

Michels, R. (1942) Political Parties, Glencoe, III, The Free Press, England.

UNIT 17: Political Culture

1.0 Introduction

2.0 Objectives

3.0 Main Contents

3.4 **Political Culture**

4.0 Summary

5.0 Conclusion

6.0 Tutor Marked Assignments

7.0 References/Further Reading

1.0 INTRODUCTION

In this Unit we shall look at the political culture component of a political system and how they are related to the survival of political society or political system.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Articulate the meaning and relevance of political culture within the political system.

3.0 MAIN CONTENT

3.1 Political Culture

A political culture according to Allan Ball (1979:56) is composed of the attitudes, beliefs emotions and values of society that relates to the political system and to political issues.

In short, it is the study of a people's orientation to politics or what people think about it, as distinct from the actual political behaviour.

Two components are critical in understanding political culture: the attitude to the political institutions of the state, and the degree to which citizens feel they can influence and participate in the decision making process. The latter is otherwise called the degree or level of political efficacy.

In liberal democracies, political culture is transmitted from one generation to another, through established societal institutions. This is achieved through the process of political socialization.

What is relevant to a democratic system is what has been called “the civic culture” which is most likely to ensure political stability. In a parochial political culture, citizens are dimly aware of the existence of a central government.

In a subject political culture, citizens see themselves as subjects of a government, and not a participant, while in the participant political culture citizens are keenly involved in political activities, contribute to it, and are affected by it.

Self-Assessment Exercise (SAE)

Discuss the relevance of political culture to the problem of political instability.

4.0 SUMMARY

In this Unit we look at the political culture component of a political system in details and how they are related to the survival of political society or political system.

5.0 CONCLUSION

This unit argued that two components are critical in the understanding of political culture: the attitude to the political institutions of the state, and the degree to which citizens feel they can influence and participate in the decision making process. The latter is otherwise called the degree or level of political efficacy.

6.0 TUTOR-Marked ASSIGNMENT (TMA)

1. Explain the roles played by the political culture mechanisms in a political system.

7.0 REFERENCES/FURTHER READING

Anifowose, R. (1999) Element of Politics, Malthouse Press, Lagos.

Ball, R.A (1979) Modern Politics and Government, Macmillan Publishers, England.

UNIT 18: Political Linkage

1.0 Introduction

2.0 Objectives

3.0 Main Contents

3.1 **Political Linkage**

4.0 Summary

5.0 Conclusion

6.0 Tutor Marked Assignments

7.0 References/Further Reading

1.0 INTRODUCTION

In this Unit we shall look at the political linkage component of a political system and how they are contributing to the maintenance of political equilibrium.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Explain the optimal functionality of a political system given a properly integrated component parts with interdependence as well as their respective equilibrium.

3.0 MAIN CONTENT

3.1 Political Linkage

The ability of the elites to control and mobilize the masses, including their ability to socialize the masses to believe in the political system, depends in large measure upon the elites who dominate those instructions.

The more that the political system penetrates the masses, the more readily the elite can communicate its wishes and co-ordinate the mobilization of the masses in fulfillment of these wishes.

The more that the political system can penetrate the masses, the more readily the elite can assess mass demand and either take steps to meet them: thereby building supports for the system, or take defensive action.

The more that the political system penetrates the masses, the more difficult it is for opposition to the system to develop un-noticed by the dominant elite. The linkage mechanisms that link the masses and elites include political parties, pressure groups such as labor unions and professional organizations. In less developed societies, the linkage process often relies on kinship and religious networks.

Through public opinion, the citizens of a country can also influence the conduct of government officials. It is a popular axiom that the glory of the king or government must find its expression in the welfare of the people.

Self-Assessment Exercise (SAE)

Explain how developed the linkage mechanisms or devices in your country are.

4.0 SUMMARY

In this Unit we look at the political linkage component of a political system in details and how they are contributing to the maintenance of political equilibrium.

5.0 CONCLUSION

The unit argued that the more that the political system penetrates the masses, the more difficult it is for opposition to the system to develop un-noticed by the dominant elite.

The linkage mechanisms that link the masses and elites include political parties, pressure groups such as labor unions and professional organizations.

In less developed societies, the linkage process often relies on kinship and religious networks.

6.0 TUTOR-Marked ASSIGNMENT (TMA)

1. Analyse the roles played by the linkage mechanisms in a political system.

7.0 REFERENCES/FURTHER READING

Anifowose, R. (1999) Element of Politics, Malthouse Press, Lagos.

Ball, R.A (1979) Modern Politics and Government, Macmillan Publishers, England.

MODULE FIVE: HUMAN RIGHTS.

UNIT 19: Definitions and Limitations to Human Rights

1.0 Introduction

2.0 Objectives

3.0 Main Contents

3.1 **Definitions and Limitations to Human Rights**

4.0 Summary

5.0 Conclusion

6.0 Tutor-Marked Assignments

7.0 References/Further Reading

1.0 INTRODUCTION

The unit begins with the discussion on the origins, definitions and limitations to human rights.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Explain the origins meaning, categories and limitations of fundamental human rights.

3.0 MAIN CONTENT

3.1 Definition and Limitations of Human Rights

Human rights can be defined as those privileges enjoyed by the citizens of a given states. The privileges are usually defined and enjoyed within the bounds of the law i.e. the law of the country.

In written constitutions these rights, the limits to such rights and the protection accorded them by the government are specified.

In other words, human rights are spelt out in written a constitution of modern democracies and protected by the government being a charter of the United Nations.

The protection of these rights calls for two forms of action on the part of the government.

Government is forbidden to do a series of things to the individual in order to preserve his/her rights and the government is obliged to perform certain obligations to the individual purposely to preserve his/her liberties against which the citizen can enforce the rights through judicial process.

Historically, the origins of human rights can be traced to the American Declaration of Independence of 1776, which proclaimed right to life, liberty and pursuit of happiness, the French Declaration of the Rights of man in 1789, the European Convention of Human Rights and the 1948 Universal Declaration of Rights.

Many political scientists have written and said a lot on fundamental human rights. Its most influential exponent perhaps was the English political philosopher John Locke, who wrote that the obedience to the commands of a given government is for only one reason, and that is to secure the personal rights to life, liberty, and property that naturally belong to all men equally, simply because they are all human beings.

In the Nigerian constitutions since 1963 Republican Constitution, there has been a Chapter devoted exclusively to the provisions on Fundamental Human Rights.

Chapter IV of the Constitution of the Federal Republic of Nigeria, 1999 guarantees the citizens' Fundamental Human Rights in the following section of the document thus:

Sec. 33: Right to life

Sec. 34: Right to dignity of human person

Sec. 35: Right to personal liberty

Sec. 36: Right to fair hearing

Sec. 37: Right to private and family life

Sec. 38: Right to freedom of thought, conscience and religion

Sec. 39: Right to freedom of expression and the press

Sec. 40: Right to peaceful assembly and association

Sec. 41: Right to freedom of movement

Sec. 42: Right to freedom from discrimination

Sec. 43: Right to acquire and own immovable property anywhere in Nigeria

The First amendment to the American constitution also lawfully secures freedom of speech and of peaceful assembly. The Fourth secures the citizen that his house shall not be searched except upon a warrant while the Eight legally secures citizens against excessive bail (Laski; 1982:103).

In the unwritten British Constitution, however, there has been no general proclamation of rights but each of a series of important rights has been achieved because of a particular struggle in history, and its maintenance today depends on the working of the law.

In short, whether a country operates a written or an unwritten constitution, there are Fundamental Human Rights guaranteed for the individual citizen and protected by law.

These Rights include right to life, freedom of association, freedom of speech, freedom from slavery, freedom of religion, freedom of assembly, freedom from unlawful imprisonment and right to private life and property.

Right to life, for instance is the foundation on which other rights are based. This is why murder and suicide are punishable under the law by capital punishment, even when sanctioned by the state, for many reasons, including the sanctity of human life remains a controversial subject.

However, when we say human rights are inalienable it does not imply that they are not without qualifications. This means in effect that there are some rules guiding these various rights or liberties.

Limitations to Human Rights

Fundamental Human Rights are not without limitations since it is obvious that absolute right is as good as no right at all. A Citizen should know that his/her rights ends where that of others begins.

For example, you have a right to stress your hands the way you like but you should not box or hit anybody with your hands in the process, otherwise you may be charged to Court with assault and battery by the aggrieved person. Law of libel is a limitation to the freedom of speech and writing if it defames or impugns the integrity of another person.

The freedom of assembly could be lawfully curtailed in order to prevent a breakdown or law and order.

Freedom of movement could be withdrawn by the state during emergency period, people may be asked to stay indoor from dusk until dawn to observe a curfew.

A citizen who is mentally challenged could be 'arrested' and 'detained' in a psychiatric hospital for treatment, against his/her wish to roam the street.

Citizens could also be conscripted into the Army and sent to the war front to defend the state, which may serve as a limitation to his/her freedom to life (Sec. 33).

Restrictions on and derogation from fundamental rights are contained in Secs. 45(1)(a)(b)(2)&(3) of the 1999 constitution of the Federal Republic of Nigeria.

Human rights are said to be inalienable, yet without detracting from this view it is still a fact that the only part of the conduct of any one, for which he is amenable to society, is that which concern others.

Liberty and Equality

Liberty does not mean freedom to do one's will. This is a negative conception, which suggests absence of restraint, which the rich prefer.

The presence of government will make this definition of liberty impossible. Liberty means the maintenance of equal opportunities for all citizens. Liberty therefore is a positive thing. It does not merely mean absence of restraint. Regulation is required since citizens cannot live together without common rules.

For example, a citizen's liberty is not endangered if he is refused permission to commit murder. So also is observing traffic regulation. To compel obedience to them is not to make a man un-free.

Where restraint becomes an invasion of liberty is where the given prohibition acts to destroy productive endeavors (Laski; 1982).

Liberty, therefore, is never real unless the government can be called to account, especially when it invades rights.

In his Essay on Liberty, John Stuart Mill wrote: "That government is best which governs least." There are three aspects of liberty.

The first is private liberty. This means the opportunity to exercise freedom of choice in personal life, like in religious beliefs.

The second is political liberty. This is the citizens right to participate in the political activities of his country-right to vote and to stand for elections and to criticize the government- A citizen must find no barriers that are not general barriers in the way of access to position of authority.

The educational system must not be structured such that children of rich or well-born men are trained to imbibe habit of authority while the children of the poor are trained to habits of deference.

The third is economic liberty. This means security and the opportunity to find reasonable means of livelihood.

As argued by Laski (1982) where there are rich and poor, educated and uneducated, we find always masters and servants. Therefore, liberty cannot exist without equality.

Economic liberty also means democracy in industry or what is called equal economic opportunities.

Freedom can therefore not exist in the presence of special privilege, since there is no liberty where the rights of some depend upon the pleasure of others.

Equality does not mean identity of treatment. There can be no ultimate identity of treatment so long as men are different in want, capacity and need. It implies, fundamentally a certain leveling process, and the provision of equal opportunities for all, which also depends on the training we offer to citizens.

For the power that ultimately counts in society is power to utilize knowledge; and disparities in the ability to use that power. In the final analysis, political equality is never real unless it is accompanied by economic equality since political power is the handmaid of economic power.

Self-Assessment Exercise (SAE)

List and explain different types of liberty and equality you know

4.0 SUMMARY

In this unit, we take a general look at the various definitions from scholars and limitations of human rights in details. We observed that in spite of their character as inalienable; these rights are not without qualifications or limitations.

5.0 CONCLUSION

Human rights are assumed to be within the sovereignty of every state. This unit argued that in written constitutions these rights, the limits to such rights and the protection accorded them by the government are specified.

In other words, human rights are spelt out in written a constitution of modern democracies and protected by the government being a charter of the United Nations.

6.0 TUTOR-MARKED ASSIGNMENT (TMA)

1. Describe the constitutional and institutional safeguards available in your country for the protection and enforcement of fundamental rights.

7.0 REFERENCES/FURTHER READING

Constitution of Federal Republic of Nigeria, 1999

Laski H. (1982) Grammar of Politics, George Allen and Unwin, Publisher Ltd., London.

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Nwabueze B. (2004) Constitutional Democracy in Africa Volume3, Spectrum Books, Ibadan Ltd.

UNIT 20: The State and protection of Human Rights

1.0 Introduction

2.0 Objectives

3.0 Main Contents

3.1 The State and protection of Human Rights

4.0 Summary

5.0 Conclusion

6.0 Tutor-Marked Assignments

7.0 References/Further Reading

1.0 INTRODUCTION

In this unit, we will examine the state and protection of human rights. The unit continues with a discussion on other measures to protect Human Rights from encroachments.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Discuss ways by which rights can be fully enjoyed and protected.

3.0 MAIN CONTENT

3.1 The State and protection of liberties

Every state is measured by the amount of liberties and rights that it obliges her citizens.

The state is not simply a sovereign organization with the power to get its will obeyed, it must safeguard rights by preventing unlawful invasion of rights and ensuring that a citizen's right stops where another's begins.

Harold Laski (1982:131) made this delicate balance clear: “It is a state, for instance which can prevent the Roman Catholic Church putting a man to death for heresy; but it cannot force the Roman Catholic Church to surrender the dogma of Papal infallibility.”

Also a state cannot demand allegiance from its subjects, except in terms of what that allegiance is to serve.

Indeed, the state character will be apparent from the rights that, at any given period, secure recognition. Any given state is therefore torn between rights that have been recognized and rights, which demand recognition.

Rights, in fact, are those conditions of social life without which no man can seek, in general, to fulfill himself. Since, the state exists to make possible that achievement, it is by maintaining rights that its purpose may be served.

For example, rights such as freedoms of speech, association assembly, religion are rights either equally applicable to all citizens without distinction or not applicable at all. Freedom of speech is only limited by the law of libel, or slander, as a constraint on the freedom of the press.

Opinion, in the view of Harold Laski (1982:119) may be penalized if it is held to involve disorder. But in order to ensure that rights are respected by the state authorities, it is imperative to ensure in the constitution the principle of separation of powers, and the system of checks and balances.

In the opinion of Harold Laski (1982:104) the more independent a judiciary, the more adequate are the safeguard of rights.

However, he added a caveat that since the executive ultimately appoints the judiciary, its independence is rarely final.

Indeed, separation of powers merely acts as checks upon the expansion of each authority's allotted sphere into another; it does not determine the quality and the extent of the power that are allotted (Nurudeen, 2009: 300).

It is therefore not enough for a state to make verbal commitments to respect human rights; statutory and institutional frameworks are required to back or safeguard them.

In the United Kingdom, for example, there is a special precaution against unlawful imprisonment.

A citizen unlawfully imprisoned can proceed against whoever imprisoned him through the writ of Habeas Corpus. This is an order from a judge of a Law Court requiring whoever is being detained to be produced before the court on a given date.

The effect is that any person unlawfully detained, can obtain his release or trial at the earliest time possible.

In Nigeria, if a citizen is unlawfully arrested, he is entitled to receive compensation; and if lawfully arrested, he enjoys the right to defend himself accordingly (Ojo, 1973:47).

In a similar manner, a citizen can bring a writ of Mandamus from a Law Court to compel any level of government to perform its constitutional responsibility.

A citizen can also protect his/her liberties by seeking either interlocutory or perpetual injunctions from a Law Court, to compel a stay of action that may violate his/her rights.

The essence of safeguards of human rights is to prevent governments from invading citizens' rights or the latter from engaging in acts of lawlessness, which are capable of throwing the state into chaos.

It is also to ensure that individuals can perform their lawful duties without fear of oppression and victimization.

A government, which deprives its citizens of these fundamental rights, would have lost its legitimacy to remain in office.

Hence, John Locke's remark that: The great and chief end... of men uniting into commonwealths, and putting themselves under government, is the preservation of their property (i.e. their natural right); and when a government fails to preserve these rights and thereby cease to serve the end for which it was created, the citizens have the right – indeed, the duty, to overthrow it.

Law is therefore an important condition of rights. But laws can either help or destroy liberty because laws can positively provide equal opportunities or negatively curtail freedom.

A. V. Dicey once argued that the more there is one (law) the less there is the other (rights).

The independence of the judiciary is achieved by providing for appointment or removal of judicial officers through a due process to ensure job security; and payment of their salaries/allowances from the Consolidated Revenue Fund.

Other measures to protect Human Rights from encroachments are:

1) A written constitution in which the rights and obligations of citizens are set out in a lucid and unambiguous language. Citizens are aware of these liberties and measure of defending them if violated.

ii) Existence of Ombudsman - a Public Complaints Commission, through which any aggrieved citizen, can seek a redress against the state or any of her agencies.

iii) A free press that will report and disseminate information, as well as educating the citizenry about government policies and its implications on their rights and liberties.

iv) A democratic government also helps to safeguard human rights, because democratic institutions such as the Senate, House of Representatives and State Assemblies are composed of elected people who are representing different constituencies in the federation.

They protect members of their constituents through public hearing, motions and bills to protect citizens' rights.

v) Quick dispensation of justice is another element in protecting rights and liberties of citizens.

As the saying goes, "justice delayed is justice denied," the judicial process should not only be fast but should also be accessible to the poor through a reasonable cost of litigation.

Self-Assessment Exercise (SAE)

Enumerate ways of protecting your liberties in your country.

4.0 SUMMARY

In this unit, we have examined the state and protection of human rights. The unit continues with a discussion on other measures to protect Human Rights from encroachments.

5.0 CONCLUSION

The unit argued that a citizen can bring a writ of Mandamus from a Law Court to compel any level of government to perform its constitutional responsibility.

A citizen can also protect his/her liberties by seeking either interlocutory or perpetual injunctions from a Law Court, to compel a stay of action that may violate his/her rights.

The essence of safeguards of human rights is to prevent governments from invading citizens' rights or the latter from engaging in acts of lawlessness, which are capable of throwing the state into chaos.

6.0 TUTOR-MARKED ASSIGNMENT (TMA)

1. Explain the relationships and differences between fundamental human rights and the fundamental objectives and directive principle of state policies.

7.0 REFERENCES/FURTHER READING

Constitution of Federal Republic of Nigeria, 1999

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UNIT 21: Importance of Human Rights to Citizenship

1.0 Introduction

2.0 Objectives

3.0 Main Contents

3.1 Importance of Human Rights to Citizenship

4.0 Summary

5.0 Conclusion

6.0 Tutor-Marked Assignments

7.0 References/Further Reading

1.0 INTRODUCTION

The unit begins with the discussion on the importance of human rights in details and look at other important point for deliberation.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Enumerate the importance of these rights as reciprocal to the performance of the duties of the citizens to the state.

3.0 MAIN CONTENT

3.1 Importance of Human Rights to Citizenship

In any given state citizens are endowed with rights because without them they may not be able to function optimally, or perform their civic obligation to the state.

Put differently, rights are corollaries to duties. For example, a man has not only the right to work; he has the right also to be paid an adequate wages for his labor.

To live citizen without access to the means of existence is to deprive him of that which makes him perform his basic civic obligations, or function in the interest of the larger society.

As Laski put it; “there must be sufficiency for all before there is superfluity for some”.

The state also provides for the right to property if what a citizen owns is commensurate to his efforts, or can be shown to be related to the common welfare.

However, a citizen cannot justifiably own directly because of the efforts of others; or if the effect of such ownership is a power over the life of other.

Indeed, there is an income below which no man can be allowed to fall if he is to be himself as a decent citizen.

The state in civilized modern state accords right to education top priority, since the citizen who lacks it is bound to be the slave of others.

He will not only live a stunted being, but also fails to rise to the full heights of his personality.

If citizenship means the contribution of one’s instructed judgment to the public good, a citizen without basic education will not be able to make informed choices.

Related to this is a right to political power. Every adult citizen has the right to indicate the person he desires should be elected. If the body of voters is limited, the welfare realized usually excludes that of the persons excluded. But just as those who choose cannot be drawn from any special class in a state so also, those who are chosen cannot be members of a limited section only.

Self-Assessment Exercise (SAE)

Outline the benefits that citizens can derive from respect for human rights in a country

4.0 SUMMARY

In this unit, we discussed at length on the general overview of the importance of human rights and look at other important point for deliberation.

5.0 CONCLUSION

The unit argued that in any every given political system or sovereign state, citizens are endowed with fundamental human rights because without them they may not be able to function optimally, or perform their civic obligation to the state.

6.0 TUTOR-MARKED ASSIGNMENT (TMA)

1. Explain the relationships and differences between fundamental human rights and the fundamental objectives and directive principle of state policies.

7.0 REFERENCES/FURTHER READING

Laski H. (1982) Grammar of Politics, George Allen and Unwin, Publisher Ltd., London.

Nurudeen, S. L. (2009) "An Evaluation of Yar'Adua' Rule of Law in Nigeria", in Yar'Adua's Seven-Point Agenda-An Assessment, ed. by Bello Imam I. B. and Abubakar R. D., Al-Hikmah University Ilorin, Nigeria

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UNIT 22: Citizenship, Duties and Obligations

1.0 Introduction

2.0 Objectives

3.0 Main Contents

3.1 Citizenship, Duties and Obligations

4.0 Summary

5.0 Conclusion

6.0 Tutor-Marked Assignments

7.0 References/Further Reading

1.0 INTRODUCTION

The unit begins with the discussion on citizenship, duties and obligation in details in details. The unit continues with the definition of the citizenship in relations to the understanding of human rights.

2.0 OBJECTIVES

At the end of this unit, you should be able to:

- Explain the citizenship meaning, duties and obligations

3.0 MAIN CONTENT

3.1 Citizenship, Duties and Obligations

Just as every citizen has rights which are entrenched in the constitution and are to be protected by the state, so also the constitution requires of every citizen certain duties and obligations. This implies that for every privilege there is corresponding responsibility.

3.1.1 Definition of citizenship

Citizenship means membership of a given state.

A citizen is a person who is a freeborn of a state. Put briefly, a citizen is an individual who has full political and legal rights in a state.

Under international law, every nation has the right to determine how a person can acquire her citizenship. Chapter III of the Constitution of the Federal Republic of Nigeria, 1999 stipulates ways by which a person could acquire citizenship of Nigeria.

Aristotle defines citizenship as the rights to rule and be rule. Ways of acquiring Citizenship may be by birth; place of birth blood/descent, by marriage, registration, naturalization or by conquest.

3.1.2 Duties of a citizen

Duties are the responsibilities the citizens owe not only to the state but also to themselves for effective functioning of the state as well as the harmonious relationships between the individuals and the social groups within the state.

If it is responsibility of the state to protect the rights of the individual citizen, the citizens also have some duties to perform in reciprocity.

The organic theory of the state states that without the individual performing its functions, (duties) the state cannot function.

The duties that citizens owe to the state include, but not limited to: Obedience and unalloyed loyalty to the state - this encompasses respect to the national flag and national anthem; Payment of tax as and when due; Obedience to traffic laws and highway codes; Serving in the military if required during emergency period; Non-interference with other citizens' right.

3.1.3 Obligations of a citizen

These are civic responsibilities that directly or indirectly contribute to an effective government and the avoidance of those acts, which may tamper with the rights of others.

Good citizens, for example, are expected to exercise their voting rights during elections and citizens or voters who decide not to vote on the day of election are actually contributing to the election of an unpopular government.

Therefore, it is politically obligatory for every citizen having the right to vote to exercise his voting right during elections and it is equally necessary to resist the reign or the ruling of an unpopular government by constitutional means i.e. by removing such a government through the exercise of his/her voting right.

Every citizen owes it an obligation to obey the government provided the government is good, and not to deprive others of their rights. It is also obligatory on a citizen to assist the law enforcement agencies in the detection and prevention of crimes in the society.

Self-Assessment Exercise (SAE)

Explain the relationship between citizenship, rights, duties and obligations.

4.0 SUMMARY

In this unit, we have defined citizenship in details and examined the relationship between rights, duties and obligations of the citizens of any given society.

We stated that a citizen could only enjoy his rights fully on the condition that he knows his limits under the law and perform his duties.

Where this is the case, the state acting through the government is to ensure that a citizen's rights are fully guaranteed, protected and safeguarded.

5.0 CONCLUSION

This unit argued that just as every citizen has rights which are entrenched in the constitution and are to be protected by the state, so also the constitution requires of every citizen certain duties and obligations. This implies that for every privilege there is corresponding responsibility.

In the world today, because of the danger that the poverty gap poses to order and security, it appears there is more emphasis on promoting economic rights, rather than pre-occupation with political rights, even though the two are related.

6.0 TUTOR-MARKED ASSIGNMENT (TMA)

1. Describe the relationship between the citizenship, duties and obligations.

7.0 REFERENCES/FURTHER READING

Laski H. (1982) Grammar of Politics, George Allen and Unwin, Publisher Ltd., London.

Nurudeen, S. L. (2009) "An Evaluation of Yar'Adua' Rule of Law in Nigeria", in Yar'Adua's Seven-Point Agenda-An Assessment, ed. by Bello Imam I. B. and Abubakar R. D., Al-Hikmah University Ilorin, Nigeria

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