



**NATIONAL OPEN UNIVERSITY OF NIGERIA**

**SCHOOL OF ARTS AND SOCIAL SCIENCES**

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3 CREDIT UNITS

**COURSE TITLE: ORGANISATION OF  
GOVERNMENT**

**Course Code: POL124**

**Course Title: Organisation of Government**

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## **COURSE DESCRIPTION**

### **POL124: Organization of Government (3 Credit Units)**

This course examines the meaning and nature of the concept of government. It also examines the basic organs of government: the legislature, executive and judiciary; the operations and regulation of government: the theory of separation of powers, the doctrine of checks and balance and the rule of law; types of political/administrative systems: presidential and parliamentary system; structures of government: unitarism, federalism and confederation; and the instrumentalities of political interaction: political party, pressure groups and interest groups. To this end, this course will examine in the first module, the meaning of government, its origin and necessity, the basic functions it performs.

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## **INTRODUCTION**

POL 124 Organization of Government is a one semester course in the first year of B.sc (Hons.) degree in Political Science. It is a three-unit credit course designed to give you an overview of the nature, scope and functions of government of modern states. This is important given the essential role and place of government as the most important institutions of the state. The course begins with a brief introductory module, which will enable you have a deeper understanding of the structure and features of government of modern states. Such features include: Meaning and Organs of Government, Operations and Regulation of Government, Types of Political/Administrative Systems, and Instrumentalities of Political Interaction. The study units are structured into modules. Each module is structured into not more than 5 units. A unit guide comprises instructional material. It gives you a brief of the course content, course guidelines and suggestions and steps to take while studying. You can also find self-assessment exercises for your study.

## **COURSE AIM AND OBJECTIVES**

The primary aim of this course is to provide students of Political Science with a comprehensive knowledge on the nature and scope of government of modern states. However, the course specific objectives include enabling you:

- (i) understand the meaning, origin and functions of government;
- (ii) have an in-depth knowledge of the basic structures and organs of government such as the executive, legislature and judiciary and their functions; and
- (iii) be familiar with the levels and systems of government and how they operate.

The specific objectives of each study unit can be found at the beginning and you can make references to them in the course of your study. It is necessary and helpful for you to check at the end of the unit, if your progress is in tandem with the stated objectives and whether you can conveniently answer the self-assessment exercises. The overall objectives of the course will be achieved, if you diligently study and complete all the units in this course.

## **WORKING THROUGH THE COURSE**

To complete the course, you are required to thoroughly read the study units and other related materials. You will also need to undertake practical exercises for which you need a pen, a note-book, and other materials that will be listed in this guide. The exercises are to facilitate your understanding of the concepts and issues being presented. At the end of each unit, you will be required to submit written assignment for assessment purposes.

At the end of the course, you will be expected to write a final examination.

### **THE COURSE MATERIAL**

In this course, as in all other courses, the major components you will find are as follows:

1. Course guide
2. Study Units
3. Textbooks
4. Assignment

### **STUDY UNITS**

There are 22 study units in this course. They are:

#### **MODULE 1: Understanding the Concept of Government**

- Unit 1: Meaning and Functions of Government
- Unit 2: Origin and Necessity of Government
- Unit 3: Forms of Government
- Unit 4: Basis of Classification of Governments

#### **MODULE 2: Organs of Government**

- Unit 1: The Legislature
- Unit 2: Law-Making Process
- Unit 3: Delegated Legislation
- Unit 4: The Executive
- Unit 5: The Judiciary

#### **MODULE 3: Operations and Regulation of Government**

- Unit 1: The Theory of Separation of Powers
- Unit 2: The Doctrine of Checks and Balance
- Unit 3: Rule of Law
- Unit 4: Evaluation of Rule of Law in Nigeria

#### **MODULE 4: Types of Political/Administrative Systems**

- Unit 1: Presidential System of Government
- Unit 2: Parliamentary System of Government
- Unit 3: Unitary Administrative System
- Unit 4: Federal Administrative System
- Unit 5: Confederal Administrative System

#### **Module 5: Instrumentalities of Political Interaction**

- Unit 1: Political Parties/Pressure Groups
- Unit 2: Political Parties as Instruments of Political Interaction in Nigeria
- Unit 3: The Political Roles of Pressure Groups in Nigeria
- Unit 4: Elections and Electoral Process in Nigeria

As can be seen, the course starts with the basics and proceeds to a more complex and detailed explanations. All you need to do is to follow strictly the instructions as provided in each unit. In addition, some self-assessment exercises have been provided with which you can test your progress with the text and determine if your study is fulfilling the stated objectives. Tutor-marked assignments have equally been provided to aid your study. All these will assist you to have comprehensive knowledge of organization of government.

### **TEXTBOOKS AND REFERENCES**

At the end of each unit, a list of relevant materials is provided for your further study so as to deepen your understanding of the subject matter, even though efforts have been made to furnish you with the most essential information you need to pass this course. As a first-year student, you are advised to cultivate the habit of sourcing and reading as many relevant materials as possible within the time available to you to enhance your understanding of the course content.

### **ASSESSMENT Exercises**

Two types of assessment are involved in the course: the Self-Assessment Exercises (SAEs), and the Tutor-Marked Assessment (TMA) questions. Your answers to the SAEs are not meant to be submitted, but they are also important since they give you an opportunity to assess your own understanding of the course content. Tutor-Marked Assignments (TMAs) on the other hand are to be carefully answered and kept in your assignment file for submission and marking. This will count for 30% of your total score in the course.

### **TUTOR-MARKED ASSIGNMENT**

At the end of each unit, you will find tutor-marked assignments. There is an average of two tutor-marked assignments per unit. This will allow you to engage the course as robustly as possible. You need to submit at least four assignments of which the three with the highest marks will be recorded as part of your total course grade. This will account for 10 percent each, making a total of 30 percent. When you complete your assignments, send them including your form to your tutor for formal assessment on or before the deadline.

Self-assessment exercises are also provided in each unit. The exercises should help you to evaluate your understanding of the material so far. These are not to be submitted. You will find all answers to these within the units they are intended for.



## FINAL EXAMINATION AND GRADING

There will be a final examination at the end of the course. The examination carries a total of 70 percent of the total course grade. The examination will reflect the contents of what you have learnt and the self-assessments and tutor-marked assignments you have previously encountered. You therefore need to thoroughly read and revise your course materials in preparation for your final examination.

## COURSE MARKING SCHEME

The following table sets out how the actual course marking is broken down.

ASSESSMENT	MARKS
Four assignments (the best four of all the assignments submitted for marking)	Four assignments, each marked out of 10%, but highest scoring three selected, thus totalling 30%
Final Examination	70% of overall course score
<b>Total</b>	<b>100% of course score</b>

## COURSE OVERVIEW AND PRESENTATION SCHEDULE

Units	Title of work	Weeks Activity	Assignment (End-of-Unit)
<b>Course Guide</b>	<b>Organization of Government</b>		
<b>Module 1</b>	<b>Understanding the Concept of Government</b>		
Unit 1	Meaning and Functions of Government	Week 1	Assignment 1
Unit 2	Origin and Necessity of Government	Week 2	Assignment 1
Unit 3	Forms of Government	Week 3	Assignment 1
Unit 4	Basis of Classification of Governments	Week 4	Assignment 1
<b>Module 2</b>	<b>Organs of Government</b>		
Unit 1	The Legislature	Week 6	Assignment 1
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Unit 3	Delegated Legislation	Week 8	Assignment 1
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<b>Module 3</b>	<b>Operations and Regulation of Government</b>		
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Unit 2	The Doctrine of Checks and Balances	Week 12	Assignment 1
Unit 3	Rule of law	Week 13	Assignment 1
Unit 4	Evaluation of Rule of Law in Nigeria	Week 14	Assignment 1
<b>Module 4</b>	<b>Types of Political/Administrative Systems</b>		
Unit 1	Presidential System of Government	Week 15	Assignment 1

Unit 2	Parliamentary System of Government	Week 16	Assignment 1
Unit 3	Unitary Administrative System	Week 17	Assignment 1
Unit 4	Federal Administrative System	Week 18	Assignment 1
Unit 5	Confederal Administrative System	Week 19	Assignment 1
<b>Module 5</b>	<b>Instrumentalities of Political Interaction</b>		
Unit 1	Political Parties/Pressure Groups	Week 20	Assignment 1
Unit 2	Political Parties as Instruments of Political Interaction in Nigeria	Week 21	Assignment 1
Unit 3	The Political Roles of Pressure Groups in Nigeria	Week 22	Assignment 1
Unit 4	Elections and Electoral Process in Nigeria	Week 23	Assignment 1

## **WHAT YOU WILL NEED FOR THE COURSE**

This course provides you with a comprehensive knowledge on the nature and scope of government of modern states. It will be helpful if you try to review what you studied earlier. Second, you may need to purchase one or two recommended texts to aid your mastery of the course content. You need quality time in a study friendly environment every week. If you are computer-literate (which ideally you should be), endeavour to visit recommended websites regularly. Also, endeavour to visit reputable physical libraries accessible to you.

## **TUTORS AND TUTORIALS**

No fewer than 15 hours of tutorials are provided in support of the course. You will be notified of the dates and location of these tutorials, together with the name and phone number of your tutor as soon as you are allocated a tutorial group. Your tutor will mark and comment on your assignments, and keep a close watch on your progress. Be sure to send in your tutor marked assignments promptly, and feel free to contact your tutor in case of any difficulty with your self-assessment exercise, tutor-marked assignment or the grading of an assignment. In any case, you are advised to attend the tutorials regularly and punctually. Always take a list of such prepared questions to the tutorials and participate actively in the discussions.

## **ASSESSMENT EXERCISES**

There are two aspects to the assessment of this course. First is the Tutor-Marked Assignments; second is a written examination. In handling these assignments, you are expected to apply the information, knowledge and experience acquired during the course. The tutor-marked assignments are now being done online. Ensure that you register all your courses so that you can have easy access to the online assignments. Your score in the online assignments will account for 30 per cent of your total coursework. At the end of the course, you will need to sit for a final examination. This examination will account for the other 70 per cent of your total course mark.

## **TUTOR-MARKED ASSIGNMENTS (TMAs)**

Usually, there are four online tutor-marked assignments in this course. Each assignment will be marked over ten percent. The best three (that is, the highest three of the 10 marks) will be selected. This implies that the total mark for the best three assignments will constitute 30% of your total course work. You will be able to complete your online assignments successfully from the information and materials contained in your references, reading and study units.

## **FINAL EXAMINATION AND GRADING**

The final examination for POL124: Organization of Government will be of two hours duration and have a value of 70% of the total course grade. The examination will consist of multiple choice and fill-in-the-gaps questions which will reflect the practice exercises and tutor-marked assignments you have previously encountered. All areas of the course will be assessed. It is important that you devote adequate time to revise and internalize the entire course. You may find it useful to review your tutor-marked assignments before the examination. The final examination covers information from all aspects of the course.

## **HOW TO GET THE MOST FROM THIS COURSE**

1. There are 22 units in this course. You are to spend one week in each unit. In distance learning, the study units replace the university lecture. This is one of the great advantages of distance learning; you can read and work through specially designed study materials at your own pace, and at a time and place that suits you best. Think of it as reading the lecture instead of listening to the lecturer. In the same way a lecturer might give you some reading to do. The study units tell you when to read and which are your text materials or recommended books. You are provided exercises to do at appropriate points, just as a lecturer might give you in a class exercise.
2. Each of the study units follows a common format. The first item is an introduction to the subject matter of the unit, and how a particular unit is integrated with other units and the course as a whole. Next to this is a set of learning objectives. These objectives let you know what you should be able to do, by the time you have completed the unit. These learning objectives are meant to guide your study. The moment a unit is finished, you must go back and check whether you have achieved the objectives. If this is made a habit, then you will significantly improve your chance of passing the course.
3. The main body of the unit guides you through the required reading from other sources. This will usually be either from your reference or from a reading section.
4. The following is a practical strategy for working through the course. If you encounter any challenge, telephone your tutor or visit the study centre nearest to

you. Remember that your tutor's job is to help you. When you need assistance, do not hesitate to call and ask your tutor to provide it.

5. Read this course guide thoroughly. It is your first assignment.
6. Organize a study schedule – Design a 'Course Overview' to guide you through the course. Note the time you are expected to spend on each unit and how the assignments relate to the units.
7. Important information; e.g. details of your tutorials and the date of the first day of the semester is available at the study centre.
8. You need to gather all the information into one place, such as your diary or a wall calendar. Whatever method you choose to use, you should decide on and write in your own dates and schedule of work for each unit.
9. Once you have created your own study schedule, do everything to stay faithful to it.
10. The major reason that students fail is that they get behind in their coursework. If you get into difficulties with your schedule, please let your tutor or course coordinator know before it is too late for help.
11. Turn to Unit 1, and read the introduction and the objectives for the unit.
12. Assemble the study materials. You will need your references for the unit you are studying at any point in time.
13. As you work through the unit, you will know what sources to consult for further information.
14. Visit your study centre whenever you need up-to-date information.
15. Well before the relevant online TMA due dates, visit your study centre for relevant information and updates. Keep in mind that you will learn a lot by doing the assignment carefully. They have been designed to help you meet the objectives of the course and, therefore, will help you pass the examination.
16. Review the objectives for each study unit to ensure that you have achieved them. If you feel unsure about any of the objectives, review the study materials or consult your tutor. When you are confident that you have achieved a unit's objectives, you can start on the next unit. Proceed unit by unit through the course and try to space your study so that you can keep yourself on schedule.
17. After completing the last unit, review the course and prepare yourself for the final examination. Check that you have achieved the unit objectives (listed at the beginning of each unit) and the course objectives (listed in the course guide).

## **CONCLUSION**

This is a theory course but you will get the best out of it if you cultivate the habit of

relating it to political issues in domestic and international arenas.

## **SUMMARY**

‘Organization of Government’ exposes and acquits you to general features, structure, functions and operations of government of modern states. All the basic course materials that you need to successfully complete the course are provided. At the end, you will be able to:

- explain the concept of Government;
- discuss the organs of government and how they operate;
- have an understanding of types of political/administrative Systems; and
- Familiarize with the instrumentalities of political interaction.

## **List of Acronyms**

AG	Action Group
APC	Arewa Peoples ‘Congress
APP	All People’s Party
APGA	All Progressive Grand Alliance
AD	Alliance for Democracy
CNC	Congress of National Consensus
DPN	Democratic Party of Nigeria
WWI	First World War
GDM	Grassroots Democratic Movement
GNPP	Great Nigeria Peoples’ Party
INEC	Independent National Electoral Commission
LAUTECH	Ladoke Akintola University of Technology
LYM	Lagos Youth Movement
MDF	Mid-West Democratic Front
NCPN	National Congress Party of Nigeria
NCP	National Conscience Party
NCNC	National Council of Nigeria and Cameroon
NEC	National Electoral Commission
NPN	National Party of Nigeria
NRC	National Republican Convention
NBA	Nigeria Bar Association
NLC	Nigeria Labour Congress
NMA	Nigeria Medical Association
NNA	Nigeria National Alliance
NPP	Nigeria Peoples’ Party
NNDP	Nigerian National Democratic Party (NNDP)
NUJ	Nigerian Union of Journalists (NUJ)
NEPU	Northern Element Progressive Union (NEPU)
NPC	Northern People’s Congress (NPC)

OATU	Organisation of African Trade Union
OPC	Odua Peoples' Congress
PDP	People's Democratic Party
PRP	Peoples Redemption Party
SDP	Social Democratic Party
SAP	Structural Adjustment Programme
UBA	United Bank Africa
UMBC	United Middle Belt Congress
UNCP	United Nigeria Congress Party
UPGA	United Progressive Grand Alliance
UPN	Unity Party of Nigeria

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## **MODULE 1: Understanding the Concept of Government**

### **Introduction**

This module will examine the meaning of Government, which is one the cardinal institutions of the state. Furthermore, the module will explain the origin and necessity of Government as well as the fundamental functions it performs. Finally, various tiers and forms at which Government exists and operates shall be studied in order to understand the essence of government in the society. This module is made up of five units, the framework upon which we would base our further explanations of the concept of government.

- Unit 1    Meaning and Functions of Government
- Unit 2    Origin and Necessity of Government
- Unit 3    Forms of Government
- Unit 4    Basis of Classification of Governments

## **UNIT 1: Meaning and Functions of Government**

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### **1.0 INTRODUCTION**

The agency through which the purpose and cardinal objectives of a state are achieved is called government. Government, whose organization could be seen either through the territorial structure or by functionality, carries out the day-to-day activities of the state. Government is a creation of a state and could be geographically structured at three-tier as the case in Nigeria, thus: federal, states and Local Government Councils with distinct organ and other functionaries. You will learn more about the meaning, functions, origin, necessity as well as tiers and forms of government this in this unit as we progress.

### **2.1 OBJECTIVES**

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

- (i) Explain the concept of government
- (ii) Distinguish between government and the State
- (iii) Explain the basic functions of government

### **3.1 MAINCONTENT**

#### **3.2 Meaning of Government**

The Merriam-Webster Dictionary offers three definitions of government:

- (i) 'The group of people who control and make decisions for a country, state, etc.'
- (ii) 'A particular system used for controlling a country, state, etc.'
- (iii) 'The process or manner of controlling a country, state, etc.'

Evident from the foregoing is the fact that government can be defined by the people involved, the system in place, or the process in use. Thus, government is defined as the vehicle for governance of society, which is the establishment and enforcement of rules and provisioning of basic services which society requires but which would otherwise not be available or might be in conflict between individuals and the various subdivisions within society (Bealey, 1999). Similar to the foregoing,

Black's Law Dictionary posits that institutions of the government regulate the relationships among members of a society and between the society and outsiders and that they have the authority to make decisions for the society to meet goals and maintain order.

Government plays a fundamental role in the economic development process. Market rules and operating procedures are set and enforced by government. Government plays a role in the economy through the provision of public goods that are collective in nature and through efforts to counter market imperfections such as externalities or poor information. For example, government provides the public infrastructure that services economic activities. It also provides public services to both business and households. Again, government decides what is best for the individuals and groups and how to utilise available resources to provide the best living standard for the citizenry. Can you imagine living in a society without transportation, water supply, road network and without other social infrastructural facilities? How it would be like if nobody was charged with the responsibility to make sure laws are made and respected or to provide plan where buildings should go and keep our environment clean and safe? We need government to take care of many of these things. Government operations are those activities involved in the running of a state for the purpose of producing value for the citizens. The significant feature of modern (liberal) government is democracy, and two major attributes of democracy found in most writings on liberal democracy are: the principle of rule of law and the theory of separation of powers.

Scholars have argued that government can be explained and understood along three broad interpretations. These include:

- i) Government as a process of governing
- ii) Government as an institution of the State
- iii) Government as a field of study

### **Government as a Process of Governing**

As a process of governing, government refers to how a particular state is being governed. It also means the entire processes, operations and activities that are involved in the governing of a state. In the course of governing a state, government is divided into different organs and tiers, which include the legislature, judiciary and executive organs, and the federal, state and local governments respectively. The legislative arm is responsible for law making; such laws must not be arbitrary but should be based on critical assessment of collection of relevant information. The executive arm performs the activity of implementation of these laws made by legislature. The executive mobilizes all the necessary machinery to ensure the implementation of adequate policies and laws made by the legislature. More often than not, problems arise while implementing government policies; such problems are resolved by the judiciary. The judiciary performs a crucial role in explaining or interpreting the laws properly. It is therefore seen that both the organs and tiers of government are all effectively involved in the effective running of the affairs of a

state. Hence, we can posit that government as an art or process of governing refers to the process through which the legislature, executive and judicial organs of government variously carry out their assigned functions and responsibilities at federal, state and local governments.

### **Government as an Institution of the State**

This refers to the mechanism that guides the control and direction of a state. These are the institutions, Ministries, parastatals and Agencies (MDAs) of state responsible for the administration of the state. The institutions of a state are broadly categorized into formal and informal institutions. The formal institutions are legislature, executive and judiciary; while the informal institutions comprise of the pressure groups, political parties and trade unions. Government in this context refers to the institution of a State because it is formed and established for the common good of the people who chose to come together and have a common destiny. Government is therefore necessary as an institution of the state because it is through the government that will of the state, which is an abstract entity, is realized. Government transforms the abstractness of the state into a concrete reality that can be seen and recognized. It is government as an institution that governs, and this entails regulating individual's relationship and providing for the fundamental human rights of the people as well as the protection of citizens from internal insecurity and external aggression.

### **Government as a Field of Study**

As a field of study, government is seen as a branch of human endeavor that studies agencies, institutions and the forces that operate in the state. It is studied as Government in post primary schools, and Political Science or Politics in higher institutions. Government as an academic field of study also has sub-disciplines or fields such as Political Theory, Political Economy, Comparative Government, International Relations, Public Administration, Public Policy, Local Government Studies, among others. As a field of study, Government imbues an individual with logical reasoning. It prepares citizens for active and meaningful participation in the art of governing. More fundamentally, it not only enlightens citizen of their fundamental human rights and obligations, but also creates a deep sense national consciousness, cohesion and patriotism in them.

### **3.2 State and Government compared**

A state is a geographical entity made up of people who have or believe they have the followings in common: culture, language, history, tradition, and religion in a fixed territory(boundary). The term state can be used to mean a country. A State is an independent and sovereign entity with a system of law and an organized government, which has certain administrative tasks to be carried out for its proper functioning. The government carries out these administrative tasks. It has the right to exercise power over the territory and the people. State is the territory in which the government can practice its authority. A state is like an organization and the

government is like the management team. A state has the following characteristics: sovereignty; population; territory and government, which distinguish it from any other union or association.

Government, on the other hand, is a political or the ruling administrative means that serves as the agent or machinery through which the purpose or goals for which the state or country is established are achieved. However, while state exists in perpetuity except in the event of its collapses, governments the world over change by elections or by other means. Another difference is that while government functionaries are visible, State exists in a 'spiritual realm', you only hear references made to the state but you cannot see the entity called the state physically even though the day to day activities of the government are done in her name. Below is the summary of important distinctions between the state and government.

- (i) The state has four basic elements or characteristics, viz: population; territory; government and sovereignty. Government is a narrow concept and it is an element or characteristic of the state.
- (ii) The state is regarded as an organic concept, which the government is a part thereof.
- (iii) The state is more or less permanent and continues from time immemorial. But the government is temporary. It changes frequently. A government may come and go, but the State continues forever.
- (iv) It is a known fact that citizens are members of the state in entirety but not all of them are members of the government. The government consists of only a few selected citizens. The organs of the government consist of only a few elected or selected citizens.
- (v) The state possesses sovereignty. Its authority is absolute and unlimited. Any other institution cannot take its power away. Government possesses no sovereignty, no original authority, but only derivative powers delegated by the state through its constitution. Powers of government are delegated and limited. Government safeguards the sovereignty of the state.
- (vi) The state is an abstract concept whereas government is a concrete one. Nobody sees the state and the state never acts. The government is a physical manifestation and it acts for the state. For instance, while Nigeria is the state, Buhari's administration is the government of the Nigerian state.
- (vii) All states are identical in character and nature. Whether big or small, the characteristics of the State do not undergo changes. But governments are of different types and they may vary from state to state. Government may be based on democracy, monarchy, theocracy, or oligarchy. Various political scientists have given different classifications of government.
- (viii) Lastly, the citizens have a right to go against government and not against the state. The state only acts through the government and the government may make mistakes and may be sanctioned for it but not the state. The state can do no wrong or make mistake, therefore, the citizens only have rights to go against the government and not the state.

### **3.3 Functions of Government**

Government is a sufficient condition for peaceful and prosperous existence. Thus, functions of government can simply be outline as follows: defense and security functions; regulation of social life; maintenance of unity in society; provision of infrastructures, political, economic and social functions; international relations. To understand the basis for the fore-going functions, it is pertinent to explain the ‘state of nature’, the hypothetical condition of humanity before the evolution of modern states, and the consequent ‘Social Contract’, as articulated by Thomas Hobbes. In his book, Leviathan (1651, Ch.13), Hobbes describes man as selfish, pursuing his own interest at the expense of others in a condition he hypothetically explains as “kill whom you can and take away what you can and from this spring all possibilities of internecine warfare.” He concludes, “the state of nature is the ill, unhappy and intolerable condition of life. The life of man is solitary, nasty, poor, brutish and short.” It is against the background of the above scenario that there is the need for a central authority called “government” to be saddled with the primary responsibility of maintaining law and order in order to ensure peace and tranquility in the society.

However, because of certain changes in the development of society in modern times – socio-cultural, technological advancements, political changes etc., as well as the type of political system, the functions of government now extend beyond protection and security of lives and properties into broader areas. These include:

- (i) Interpersonal and intergroup relationship. This is necessary to maintain order and stability,
- (ii) Government is expected to mobilize all the human and material resources within and even outside its confiners (territories) for the promotion of the welfare of the citizens.
- (iii) Government is expected not only to mobilize resource; it also should distribute them fairly to its members.
- (iv) All these activities involve greater regulation of the activities and relationships of people.

By and large, in democratic nations, the roles, powers and responsibilities of the government are set out in the constitution of such states.

#### **SELF ASSESSMENT EXERCISE**

- (i) Identify and explain the concept of government from various perspectives
- (ii) Distinguish between the State and government.

### **4.0 SUMMARY**

The state and government are like semen’s twins because without a State, there cannot be a government and a government cannot operate except on the authority



of the State. The State has set objectives, which can only be accomplished through the machinery of the government that holds power in trust for the people based on the authority of the State.

## **5.0 CONCLUSION**

The evolution theories of State make the need for a government imperative in human society for without government humanity may not live in peace and harmony, which are the important elements for development and growth. The relationship between the State and government is that of a principal and an agent.

## **6.0 TUTOR MARKED ASSIGNMENTS**

- (i) Define government from different perspectives
- (ii) Differentiate between the State and government
- (iii) Mention important duties of the government of the Federal Republic of Nigeria

## **7.0 REFERENCES/FURTHER READING**

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## **UNIT 2: Origin and Necessity of Government**

### **CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Contents
  - 3.1 Major Theories of the Origins of Government
  - 3.2 Necessity of Government
- 4.0 Summary
- 5.0 Conclusion
- 6.0 Tutor-Marked Assignments
- 7.0 References/Further Reading

### **1.0 INTRODUCTION**

The previous unit examined the meaning of government and how it differs from the concept of the state. It also examined the basic functions performed by government. In this unit we shall examine the origin and necessity of government. The major theories of the origins of government include: the evolutionary theory, force theory, divine theory and social contract theory. These theories, in their explanations of the origins of government harp variously on family or clan-bound structure, force, supernatural being and the contract between the govern and the governed respectively. Be that as it may, man generally accepts government as a necessary, if not sufficient condition, for peaceful and prosperous existence, and for the interest of all in society.

### **2.1 OBJECTIVES**

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

- (iv) Identify and explain the major theories of the origin of government
- (v) Discuss the necessity of Government

### **3.0 MAIN CONTENTS**

#### **3.1 Major Theories of the Origin of Government**

##### **Evolutionary Theory**

The evolutionary theory posits that government originates from a family or clan-bound structure. This explains the formation of the world's first political structures. These earliest and very loosely formed governments were the result of a shift from hunter-gatherer societies (otherwise called the wandering band) to

more settled agricultural societies. As families joined to form clans and clans joined to form villages, the need for leaders and a central organizational structure developed. These leaders helped determine how to address unfamiliar issues, such as water rights for crop irrigation and the distribution of other resources. They also provided an increased sense of safety and security for the society. In many early societies, these first states developed monarchies, with rule based on membership in a ruling family. In modern times, some governments continue to be led by a succession of members from the same family. For example, in the monarchy of Saudi Arabia, the king has been descended from the Āl Sa‘ūd family since 1744.

### **Force Theory**

The force theory espouses the idea that government originates from taking control of the state by force and is often found in a dictatorship—a type of government characterized by one-person or one-party authoritarian rule. Historically, this has been achieved in some cases through forcible invasion or occupation when a more dominant people or state takes control of the political system of a less powerful people or state, imposing its governmental system on that group. New governments can also be formed by force during revolutions or coups within a country. A coup is the overthrow of an established government, and the resulting leader or dictator is most often a military figure. An example of the force theory occurred in Cuba in 1959, when revolutionary Fidel Castro and a small force of guerrilla soldiers defeated the national army and took control of the government.

### **Divine Right Theory**

For the divine right theory, government originates with power vested in an individual by God or gods. Generally, monarchs lead governments of this type. This theory was followed in ancient times, including by the ancient Egyptians and Maya. The idea of divine right experienced a resurgence in western Europe in the 16th to the 18th centuries, when King James I of England, several French monarchs, and other rulers asserted that their authority came directly from God—and thus could not be challenged. Russian czars, such as Peter the Great, believed their autocratic rule was God-given, and they used their power to gain territory, wage war, and impose taxation on their subjects.

### **Social Contract Theory**

The social contract theory of government was the result of centuries of frustration with the unchecked power of monarchs. Under this theory, government is a kind of contract in which those in power have responsibilities toward those they govern and the governed respect the power of the governing individuals. There are various versions of the social contract theory, ranging from an emphasis on maintaining a peaceful social order to a focus on using individual free will to determine what is best for the public good, or that which benefits all people in a society. Although the social contract theory has numerous variations, at its core is the idea that government is an agreement between those who govern and those

who are governed. This theory was developed in the 17th and 18th centuries by philosophers such as Thomas Hobbes, John Locke and Jean Jacques Rousseau. The founders of the United States drew heavily on social contract theory in the construction of both the Declaration of Independence and the U.S. Constitution.

### **3.3 Necessity of Government**

The idea of government, its origin and necessity has had both bourgeois and revolutionary approaches. However, bourgeois writings and discourses on government has pre-dominated political science literature in particular and social science literature in general. Thus, political thinkers and writers have varied views on the idea and purpose of government in society. Aristotle expressed the view that government exist for man in society and it exists for the sake of the best life. John Locke maintains that the purpose of the government is the preservation of man's lives, liberties and property. Adam Smith in his wealth of Nations (1776) sees the purpose of government in terms of three fold duties, namely, (i) protection of the society from foreign aggression; (ii) establishment of an exact administration of justice to ever member of the society; (iii) establishment of certain public works and certain public institution for the general welfare of the people.

According to Herbert Spencer, government exists to prevent an individual from infringing the rights of another. Government is therefore "a joint-stock protection company for mutual assurance". To the utilitarian school, of which Jeremy Bentham and John Stuart Mill the well-known exponents, the primary purpose of government is to ensure the greatest happiness of the greatest number of people. Harold Laski's view which represents the modern view on the purposes of government cannot be said to be fundamentally different from the views the state as an "organization or enabling the mass of men to realize social good on the largest possible scale". Laski sees the primary purpose of the state as the maintenance of citizen's inalienable rights. Again, that government exists to control the levels at which men are to live as men to protect the interests of men as citizens.

From the above, man generally accept government (following the bourgeois logic) as a necessary, if not sufficient condition, for peaceful and prosperous existence, for the interest of all in society. It is in this context that government is defined as the highest institution of every state, an impartial arbiter with a central authority which claims allegiance from all members of the state, capable of imposing its will on all members of the state if need be by means of force, and which is ready to protect the lives and properties of all members within its confines.

### **SELF ASSESSMENT EXERCISE**

Identify and explain the four theories of the origin of government

### **4.0 CONCLUSION**

The question about the origin of organized government has been discussed for centuries. Although there are four theories that have been accepted as to how the first governments were established, there is no concrete evidence to support any of the proposed theories. Irrespective of its origin, type or form, government is necessary for peaceful co-existence of all in society.

## **5.0 SUMMARY**

This unit has examined the origin and necessity of government. The major theories of the origins of government include: the evolutionary theory, force theory, divine theory and social contract theory. The evolutionary and force theories, in their explanations of the origins of government, harp on family or clan-bound structure and force. We also saw that divine theory and social contract theory based their explanations on the existence of a supernatural being and the contract between the govern and the governed respectively. The unit also noted that man generally accept government as a necessity for peaceful and prosperous existence of all in society.

## **6.0 TUTOR MARKED ASSIGNMENTS**

Which of the theories of the origins of government best explain the origin of the Nigerian government and why?

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## **UNIT 4 Forms of Government**

### **CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.1 Main Content
  - 3.2 Monarchy
  - 3.3 Aristocracy
  - 3.4 Theocracy
  - 3.5 Oligarchy
  - 3.6 Gerontocracy
  - 3.7 Plutocracy
  - 3.8 Dictatorship
  - 3.9 Democracy
- 4.0 Conclusion
- 5.0 Summary
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### **1.0 INTRODUCTION**

In any state, the rights and liberties of the citizens as well as the quality of governance are affected by the form of government in practice. These forms of government such as aristocracy, monarchy, theocracy, gerontocracy, plutocracy, oligarchy, dictatorship and democracy are variously adopted and adapted by states in the contemporary international system. Therefore, an attempt will be made in this unit to provide the reader with an insight into the aforementioned forms of government.

### **2.1 OBJECTIVES**

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

- (i) State and explain the different forms of government
- (ii) Compare and contrast the different forms of government

### **3.1 MAINCONTENT**

#### **3.2 Monarchy**

This is the oldest type of government in which a King or Queen exercise the ruling powers of the State. In an absolute monarchy, the King or Queen has unlimited powers to rule the country and his/her authority is not subject to any legal limitations and cannot be challenged because he/she is sovereign and it is believed that he/she does no wrong, especially when it is primogenital. Perhaps to emphasize the powerful nature the position of a monarch, King James I of England

in his book 'The Trew Law of Free Monarchies (1603)' has this to say:

Even if the King is wicked, it means God has sent him as a punishment for people's sins, and it is unlawful to shake off the burden that God has laid upon them. Patience, earnest prayer and amendment of their lives are the only lawful means to move God to relieve them of that heavy curse! (Appadorai, A.,1975, p.230)

However, in a constitutional monarchy, the King or Queen reigns but does not rule. The monarch has his/her powers regulated by the constitution; he/she is a titular Head of State and simply performs ceremonial functions while a Prime Minister who is appointed amongst the elected Parliament, exercises effective powers of the State as the Head government. This is the practice in Britain, and most Commonwealth Nations. It was practiced in Nigeria's First Republic (1960 - 1966).

### **Merits**

- As the oldest form of government, monarchy is seen as the most stable since the succession is by hereditary and once the successor attains the position, he/she cannot be removed from office by impeachment or a vote of no confidence. The system thus provides for less rancor and animosity in the decision-making process since the final say belongs to the monarch who is supreme.
- The policy formulation and implementation is easier and quicker under a monarchy than in any other systems of government. Hence, the state is saved of the trouble of time wasting on debates and lengthy discussions on public issues.
- With the longevity of the position of a monarch, there is consistency and continuity on both domestic and foreign policies that makes for sustainable development.

### **Demerits**

- Monarchical system of government is undemocratic in nature and in practice. The process of ascension to office is not through popular elections or any democratic norms other than by 'divine right' as the only qualification, which cannot be challenged by anybody. Under this system, there are no citizens but subjects of the monarch who has no right to any freedom except as granted by the monarch.
- Monarchs usually become despots and tyrants because the system does not accommodate the doctrine of checks and balances. This explains why King Charles I of England was beheaded in a revolution led by Oliver Cromwell in 1625.
- Absolute monarchy is associated with inefficiency, corruption, nepotism, and high-handedness.



### **3.3 Aristocracy**

This is a form of government in which a few wealthy, gifted or the noble rule. Rousseau literally describes aristocracy as 'government by the best citizens' (Appadorai, 1975 p.134). In an aristocratic government, a few persons distinguished by their superiority, ability and merit exercises of power. The followings are some of the distinctions of aristocracy:

- Circumstances of birth (aristocratic family)
- Culture and education (aristocracy of intellectuals)
- Military prowess or talent
- Property or wealth (aristocracy of landowners)
- Charismatic potentialities
- Religious position

#### **Merits**

- Aristocratic government is conservative, which is an element necessary for political stability and socio-economic development. Aristocracy is averse to irrational political experimentation but rather advance slowly but steadily.
- Aristocrats are moderates for the sake of their security as they are always aware that the citizens are greater in number, therefore, excessive use of power may lead to insurgence and instability in the polity.
- Finally, aristocracy gives premium to merit and quality because political power is given to people who deserve it because they are chosen few by virtue of their blood, wisdom, wealth, physical strength and skill.

#### **Demerits**

- Aristocratic governments degenerate quickly into oligarchy and dictatorship.
- It is anti-democracy because it does not allow for mass participation by the people in the decision-making process of their affairs.
- The ruling class often treats the lower class in the society with disdain because the system is anti-democratic.

### **3.4 Theocracy**

This is a form of government in which a religious or spiritual leader is the Head of State or Head of Government or both combined. According to Merriam-Webster online dictionary, 'it is a system in which a state is understood as governed by immediate divine guidance especially a state ruled by clergy, or by officials who are regarded as divinely guided.'

A theocracy has the administrative hierarchy of the government, which is identical with the administrative hierarchy of the religion, or it may have two

'arms,' but with the state administrative hierarchy subordinate to the religious hierarchy. This system of government is clearly different from other secular forms of government that have state religion, or are merely influenced by theological or moral concepts. An example of a Theocratic government is that of the Vatican City in Rome where the Pope is both the Head of State and Head of government. The system has similar characteristic with monarchy except that the source of authority of a Theocrat is not by hereditary succession like that of the King or Queen. Another example of Theocracy was Iran under Ayatollah Khomeini.

### **3.5 Oligarchy**

This is a form of government in which power structure effectively rests with a small number of people, distinguished by such attributes as royalty, wealth, family ties, corporate and military control, among others. Throughout history, most oligarchies have been tyrannical, relying on public servitude to exist, although others have been relatively benign. Aristotle pioneered the use of the term as a synonym for rule by the rich, for which the exact term is plutocracy, but oligarchy is not always a rule by wealth, as oligarchs can simply be a privileged group, and do not have to be connected by bloodlines as in a monarchy. Some city-states from ancient Greece were oligarchies.

#### **Iron Law of Oligarchy**

The iron law of oligarchy is a political theory, first developed by the German Sociologist, Robert Michels in his book, *Political Parties* (1911). Michels posited that all forms of organization, regardless of how democratic or autocratic they may be at the start, will eventually develop into oligarchies. Following are the reasons for this process:

- The indispensability of leadership;
- The tendency of all groups, including the organization leadership, to defend their interests; and
- The passivity of the led individuals, more often than not taking the form of actual gratitude towards the leaders.

He concluded that formal organization of bureaucracies inevitably leads to oligarchy, under which organizations originally idealistic and democratic eventually become dominated by a small, self-serving clique who pervert the positions of power and responsibility. This can occur in large organizations because it becomes physically impossible for everyone to get together every time a decision has to be made. According to Mitchel, 'who says organization, says oligarchy' (Michels 1911, p. 401). Imaging the trouble and rowdiness it would create, bringing all the Ordinary Shareholders of a reputable Commercial Bank e.g. United Bank Africa (UBA), or a bottling company(Coca-Cola) etc. together for the day-to-day running of the company. Therefore, a small group is given the responsibility of making such decisions.

### **3.6 Gerontocracy**

This is a form of government in which a polity is ruled by leaders who are regarded as senior citizens because they are significantly older than most of the adult population. Often the political structure is such that political power within the ruling class accumulates with age. Those holding the most powerful positions may not be occupying formal leadership positions, but they often dominate those who are. An example of this was the pre-colonial Ibadan confederacy where the position of the leader was (and still is) never open for contest. Such a system of government is also common in communist states where the length of one's service to the party is held to be the main criteria for leadership. The greatest advantage of the form of government is that it provides for stability, which is seen as its strength and could be better for countries that teach principles that do not vary over time. However, gerontocracy may not provide effective administration to cope with rapid changes that characterize modern states because of antiquated ideas and decreased faculties associated with old age.

### **3.7 Plutocracy**

Plutocracy is a system of government in which the wealthy in the society have a great influence on the political process. The wealthy minority exerts influence over the political arena via many methods. Most western democracies permit partisan organization to raise funds for politicians, and political parties frequently accept significant donations from various individuals either directly or through corporations or advocacy groups. These donations may be part of a patronage system, in which major contributors and fund-raisers are rewarded with high-ranking government appointments. In some instances, extremely wealthy individuals have financed their own political campaigns. Many corporations and business interest groups pay lobbyists to maintain constant contact with elected officials, and press them for favorable legislation. Owners of mass media outlets, and the advertisement buyers, which financially support them, can shape public perception of political issues by controlling the information available to the population and the manner in which it is presented.

### **3.8 Dictatorship**

Dictatorship is a form of government where one person or political party has the power to do whatever they want. The ruler is called a dictator. In a dictatorship, the individual's rights are, generally speaking, suppressed. In this form of government, the power rests entirely on the person or group of people, and can be obtained by force or by inheritance. This system of government became popular shortly after the First World War (WWI), when its manifestation became noticeable in Turkey under Kamal Ataturk and in Russia under Joseph Stalin, among others. An extreme form of dictatorship is called fascism, which is a far-right, authoritarian ultra-nationalism, characterized by dictatorial power, forcible suppression of opposition,

and strong regimentation of society and of the economy. Fascism came to prominence in early 20th-century in Italy under Benito Mussolini, in Germany under Adolf Hitler, and in Spain under General Francisco. A dictator is usually not elected or appointed by the people but emerges in a particular circumstance, and once he gets to office, he sits tight until he dies in office or he is forced to step down. A dictator has enormous power and he brooks no opposition to his authority. He gives an ideological colouration to the character of his autocratic position. Dictatorship is anti-democracy as the powers of the government are not regulated by the constitution; therefore, the government is not accountable to the people. Three different types of dictatorship are autocracy, authoritarian oligarchy, and absolute democracy. Late General Sani Abacha of Nigeria and Field Marshall Dada Idi Amin of Uganda are good examples of modern dictators in Africa.

### **3.8 Democracy**

Democracy has generally and simplistically defined as government of the people, for the people and by the people; implying a situation in government where the will of the majority in the society prevails. The concept has its origin far back to the development of Greek city states where all members of the society often gathered together to take decisions of issues affecting the society by physical presence. From its very origins in the Greek city states, it has therefore had a single, simple connotation: “popular power actualized through political structures that are based on mass participation and popular participation, and undergirded by such cardinal norms as liberty, equality and unity” (Ibeanu, 1998, p. 1). For our purpose, democracy may be defined as a form of government where the society acquires and enjoys all attributes of democratic form of rule manifested in increase in the quantity and quality of people’s right and freedom, particularly the right to participate in taking decisions that govern their lives.

The practice of democracy has changed with the development of society, especially with the evolution of modern state and civil society. Consequently, two kinds of democracy can be identified – Direct and Indirect democracy. Direct democracy, belonging to the ancient Greek period, is where the decisions relating to government policies, laws and other issues, are taken by the people, while the indirect democracy, which belongs to modern state system, is when the people choose their representatives to take decisions relating to government policies, laws and other issues on their behalf.

Like other concepts in political science, Liberal or Western view on the nature, form and dimensions of democracy has predominated social science literature. The result is that the liberal view of democracy or more specifically liberal democracy was (and is) the general view of democracy. However, one could still talk of institutionalization of democracy outside multipartism. This is true because the existence of so many parties within a particular society does not correspond or mean the existence of democracy in the society. Consequently, democracy as a form of government may be classified into two broad categories in modern times:

western liberal or capitalist democracy and socialist democracy. Examples of capitalist democracies include USA, Britain, France, Germany, Japan, Nigeria, South Africa etc., while socialist democracies include; former Soviet Union (Russia), China, Cuba, Tanzania, former Yugoslavia, Czechoslovakia etc.

### **Conditions for Effective Operation of Democracy**

For any society to be regarded as democratic, the following elements must not only feature in the settings but must be cultivated by the people:

#### **Regular and Periodic Multi-Party Elections base on Equality of Electors**

Free, fair and credible elections conducted periodically, say, every three or four years in which all adults of voting age not only participate to elect their leaders, but also have freedom of choice in doing so, and the result of such election should reflect the wishes of the people.

#### **An Independent Judiciary**

The courts must not only be free from the control of the executive or any other arm of government but the judicial officers must be above board in the dispensation of justice.

#### **A Free Press**

The press and mass media should be free to disseminate information to the public without fear of being arrested or molested by the authority. The media practitioners should be free to have access to information to inform the members of the public about government policies and also give the government a feedback on the feelings and aspirations of the people.

#### **A Virile Civil Society**

A virile civil society composed of independent association and groups capable of putting those who exercise political power under check is required for effective operation of democracy.

### **Merits of Democracy**

- It affords the people the opportunity to choose their leaders and to them change periodically, through the ballot box.
- Democracy gives the people a sense of belonging and satisfaction because they know that the power to elect and remove their leaders belongs to them. Even if the leadership and the governance is bad, they would rather exercise patience until election period to effect a change.
- Democracy is unique because ideally it recognizes and respects the fundamental human rights of the citizens, and as well as the decision of courts on any issue.

### **Demerits of Democracy**

- It breeds mediocrity because in democratic contests, it is not always the 'best' among the candidates that wins either the primary or general elections to represent

the people.

- Another drawback of democracy is the attendant high cost of governance. It requires a huge amount of national income to maintain the national and state assemblies and the executives with the retinue of personal assistants. Enormous wealth is needed for elections and electioneering campaigns periodically, which could have been avoided under a non-democratic government.
- Democracy is also criticized because it encourages slow progress of development. If leadership changes hands too often through elections, the tendency is that the new leadership may abandon the on-going policies and programmes to start afresh in order to impress the electorates. It also takes a lot of time and resources to take a decision in a democracy because issues are to be well articulated and widely debated before taking a popular decision.

### **SELF ASSESSMENT EXERCISE**

- (i) Examine the merits and demerits of monarchy as a form of government
- (ii) Discuss gerontocracy as a form of government, explaining its advantages and disadvantages
- (iii) Explain this statement fully “who says organization says oligarchy”
- (iv) Identify and explain the attributes of a dictatorial government.
- (v) Critically assess democracy as a popular form of government.

### **4.0 CONCLUSION**

There are no fewer than eight forms of government in the contemporary international system. These forms of government, depending on the prevailing power structure, affect the rights and liberties of the citizens, as well as the quality of governance. At present, democracy, especially liberal democracy, appears to enjoy popular appeal because of the emphasis it places on liberty and freedom that the people enjoy under it. The fact that the government and the governed are conscious of the ‘Social Contract’ that is binding on both sides, makes the system to be more preferable to any other forms of government.

### **5.0 SUMMARY**

Discussions in this unit have centred on forms of government adopted and adapted by states in the contemporary international system. Monarchy is the type of government in which a King or Queen rules. Aristocracy is one in which a few wealthy, gifted or the noble rule. In theocracy, a religious or spiritual leader is either the head of state or head of government. Oligarchy is one in which power structure rests with a small number of people distinguished by royalty, wealth, family ties, among others; in gerontocracy, leaders who are regarded as senior citizens rule. Plutocracy is a system of government in which the wealthy in the society hold sway. Dictatorship is one in which one person or political party has unlimited powers to do whatever it wants. Democracy refers to a government

where the will of the majority in the society prevails.

## 6.1 TUTORMARKED ASSIGNMENTS

1. Identify and explain the attributes and types of dictatorship
2. Compare democracy with monarchy and recommend one for your country
3. Describe the conditions necessary for the practice of democracy

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## **UNIT 5: Basis for Classifications of Government**

1.0 Introduction

2.0 Objectives

3.0 Main Content

3.1 Classification of Governments by Political Philosophers

3.2 Factors that Determine Types of Government

3.3 Institutional Differentiation of Government

4.0 Conclusion

5.0 Summary

6.0 Tutor-Marked Assignments

7.0 References/Further Reading

### **1.0 INTRODUCTION**

When a term is used to describe a State or her agent (government) in comparison with others, it simply refers to certain features and characteristics they either have in common or differences. It is a terminology used by the political scientist concerning certain selected items from tradition, customs, institutions and the system of laws guiding the administrative system of a society or organization. A government reflects one of the institutional forms depending on the specific functions the government and the governed play in the system. This unit examines classification of governments by political philosophers and factors that determine the types of government. It also x-rays institutional differentiation of government.

### **2.0 OBJECTIVES**

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

- (i) Explain various classifications of government
- (ii) Discuss different types of government
- (iii) Differentiate between different governments

### **3.0 MAIN CONTENT**

#### **3.1 Classification of Governments by Political Philosophers**

##### **Aristotle**

In ancient time, Aristotle classified government based on two principles viz: number of persons in whose hands the authority of state is vested and the purpose of the state. He postulates that the government is of two types – normal and the perverted forms of government. He further explains the former as one when the ultimate aim of the government is the welfare of the people while the perverted form is one where the government machineries are used in promoting personal or group interest of the functionaries or a select few in the society. The real purpose of Aristotle's classification is to justify the excellence of a particular form of rule – mixed government - called 'polity'. As regards the number of persons holding power, he says that the ruling power may reside in



the hands of one, a few, or many persons while the nature of the exercise of their authority may be either good or bad. He makes use of the grounds of quality and quantity of the ruling persons that eventually enables him to justify 'polity' as the best form of an attainable or a practicable government (Johari, 2009, 2019).

### **Thomas Hobbes**

Hobbes was aware of other forms of government such as tyranny, oligarchy and anarchy but he refused to consider them as other forms of government. According to him, those who were discontented under monarchy called it tyranny; those who were displeased with aristocracy called it oligarchy; and those who nursed some grudges against democracy called it anarchy (see *Leviathan*, p. 96-7).

### **John Locke**

John Locke substantially follows Hobbes in his classification, with some differences of detail, he says, 'according as the power of making laws is placed, such is the form of the commonwealth'. If the majority, in whom the whole power of the community is placed at the dawn of civil society, retains the legislative power in their own hands and executes those laws by officers of their own appointing, the form of the government is a perfect democracy. If they put the power of making laws into the hands of a few select men and their heirs or successors, then it is an oligarchy but if into the hands of one man, then, it is a monarchy either hereditary or elective.

### **Baron de Montesquieu**

Montesquieu, a French political philosopher, held that states are of three types, the republican, the monarchic and the despotic. If all or part of the people has the sovereign power, the state is a republic, a democratic or an aristocratic one. A monarchy is the rule of a single person according to law; a despotism, the rule of a single person arbitrarily. Montesquieu indicates the various principles animating the various forms of government, the sustaining and driving powers behind them. In a democracy, the citizens' principle of a republic takes the shape of love of country and desire for equality. That the members of a ruling class will be moderate towards the people, maintain equality among themselves and enforce the laws against persons of rank - this is the virtue of an aristocracy. The mainspring of monarchy is honour: the confidence or conceit of the individual and of the governing classes concerning their own special importance, a confidence that spurs men to accomplish things quite as much as virtue itself. Despotism requires neither virtue nor honour, but fear that suppresses both courage and ambition among subjects. States or governments could be classified according to the type of political system in the country, with respect to who exercises the effective or nominal political powers.

## **3.2 Factors that Determine Types of Government**

Political scientists have created numerous typologies for classifying political

systems and forms of government. Nonetheless, there is no consensus on one best or the ideal method because the one chosen depends on the aspect of politics that interests the people most (Leeds, 1981). Some of the factors are as follow:

**(i) Modernity**

Countries of the world differ from one another in terms of per capita income, level of education, technological development, industrialization, urbanization and availability of infrastructural facilities. However, such factors tend to be highly inter-correlated because a country lacking in one respect is most likely to be less developed in other respects.

**(ii) Location of Authority**

Under a federal system for instance, the powers for making important decisions are shared between the central, the component units and local authorities and in most cases, such are explained by the constitution. In a unitary system, the right to make decisions on all political matters rests with the national government while the component units exist at the mercy of the central authority.

**(iii) Integration**

This refers to the extent to which the state's apparatus are linked with the activities of individuals and groups in society. In some cases, the exercise of state powers is total while in some other climes, it is liberal or egalitarian. At one end of the spectrum is anarchism or belief in limited or no government, which is a utopian but on the other edge is laissez-fair rule in which the government limits itself to limited obligatory functions that are considered necessary for the survival of the state. The next stage involves the 'mixed economy' where the government undertakes extensive political and economic functions under the influence of state socialism. At the far end of the spectrum is totalitarianism.

### **3.3 Institutional Differentiation of Government**

Ordinarily, it appears easy to identify a form of government through institutions. For example, many people would infer that the United States of America is a federal republic while the defunct Soviet Union was a totalitarian state. However, defining a form of government is especially problematic when trying to identify those elements that are peculiar to that form. There is a world of difference between the ability to identify a form of government and identifying the necessary characteristics of that form of government. For example, in trying to identify the essential characteristics of a democracy, one might say "elections", "party system", "judicial independence", etc. However, it may be noted that the authorities in both the former Soviet Union of the United States of America lay claims to some of these elements because citizens voted for candidates to public offices in their respective states. The problem with such a comparison is that most people are not likely to accept it because it does not conform to their sense of reality. Since most people are not going to accept an evaluation that makes the

former Soviet Union as democratic as the United States, the usefulness of the concept is undermined. Therefore, in Political Science, it has long been a goal to create a typology or nomenclature of polities, as typologies of political systems are not obvious, especially in the comparative politics and international relations (Lewellen, 2003). One approach is to elaborate on the nature of the characteristics found within each regime. In the example of the United States and the Soviet Union, both did conduct elections, and yet one important difference between these two regimes is that the USSR had a single-party system, with all other parties being outlawed. In contrast, the United States effectively has a bipartisan system with political parties being regulated, but not forbidden. In addition, most Westminster democracies such as the United Kingdom or countries in the Commonwealth of Nations usually have at least three major parties. A system generally seen as a representative democracy (for instance Canada, India and the United States) may also include measures providing for a degree of direct democracy in the form of referenda and for deliberative democracy in the form of the extensive processes required for constitutional amendment. Another complication is that a huge number of political systems originate as socio-economic movements and are then carried into governments by specific parties naming themselves after those movements. Experience with those movements in power, and the strong ties they may have to particular forms of government, can cause them to be considered as forms of government in themselves.

### **SELFASSESSMENT EXERCISE**

Critically examine various views of classification of government.

### **4.0 CONCLUSION**

A political system is a system of politics and government that could be compared to the legal system, economic system, cultural system, and other social systems but it is different from them in some respects. Political system could be defined on a spectrum from left, e.g. communism and to the right, e.g. capitalism. However, this is a very simplified view of a much more complex system of categories involving the views about who should have authority, how religious questions should be handled and what the government's control should be on its people and economy.

### **5.0 SUMMARY**

Our discussions in this unit have focused on the basis for classifying governments. From the study of the present and past governments in a society, we can explain, through inductive process, principles regarding the organization of government, its structure and workings in different states or societies, especially after careful study of differences and similarities between them. Some scholars prefer the term 'classification of the forms of government' on the ground that the 'form of States' is same as the form of government. We noted however that states differ not only in their forms of government but in their stated goals (e.g. totalitarian vs. democratic States) and in their very nature (e.g. unitary vs.

federal States).

## **6.0 TUTORMARKED ASSIGNMENTS**

1. Critically examine various views of classification of government.
2. Examine the factors determining typologies of government

## **7.0 REFERENCES/FURTHER READING**

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## **MODULE 2: Organs of Government**

### **INTRODUCTION**

Government is one of the cardinal institutions of the state. There is no State without a government, which provides the basic needs of the people. Modern governments operate on three pillars called organs (or branches or arms), which work concurrently and separately to achieve the purpose of government. This module, which is sub-divided into five units, will examine the basic features and functions of the three organs of government.

Unit 1    The Legislature

Unit 2:    Law-Making Process

Unit 3    Delegated Legislation

Unit 4:    The Executive

Unit 5:    The Judiciary

## **UNIT I The Legislature**

### **CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.1 Main Contents
  - 3.2 Origin of the Legislature
  - 3.3 Types of the Legislature
  - 3.4 Functions of the Legislature
  - 3.5 Importance of the Legislature
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignments
- 7.0 References/Further Reading

### **1.0 INTRODUCTION**

The legislature is perhaps the most important organ of government in the sense that no society can exist without law. It is also believed that an elected legislature is a major distinguishing feature between a democratic and a military government, since all forms of government do law making. This unit examines the place and role of the legislature as a major institution of government. It also discusses the different types of legislature and the reasons why some countries prefer one to the other.

### **2.1 OBJECTIVES**

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

- (i) Know the origin and development of the legislative arm of government
- (ii) Understand the functions of the legislature in the process of governance
- (iii) Explain the reasons why countries operate different legislative structures

### **3.1 MAINCONTENT**

#### **3.2 Origin of the Legislature**

As the earliest organ of government, the history of legislature can be traced to the classical days of the Greece and Roman Empire. Both countries had legislative bodies. Indeed, the idea of the senate as the upper house had its origin in Rome. The Roman's Senate was exclusively composed of the leading aristocrats in the country and thus, members were proudly referred to as the "Fathers of Rome". The term senate has since struck and many have copied it into their constitutional framework, as the upper house. The equivalent of the senate in the British system

is the House of Lords, which is the oldest second chamber in modern world, and the largest.

In order to capture the interest of the vast majority of the citizenry, Rome also created the popular assemblies. This is the precursor of the modern-day representative legislature, which has increasingly assumed more prominence since it conforms to the democratic principle of popular sovereignty or the mandate theory of representation. The struggle between the then pliant or rubber stamp parliament and the absolute monarchy, popularly known as the Puritan “Revolt” which later culminated in what is today known in Britain as the concept of parliamentary supremacy is a major event in the evolution of today’s legislature. It was meant to underscore the fact that the legislature should occupy a pre-eminent position in its relation with the executive. Since then, other countries have accepted the legislative institution as the bedrock of democracy.

### **3.3 Types of the Legislature**

There are two types of legislature: the unicameral and the bicameral legislatures.

#### **Unicameral Legislature**

A unicameral legislature refers to a legislature which consists of one chamber or house. Countries with unicameral governments include Armenia, Bulgaria, Turkey, Sweden, among others. Unicameral systems became more popular during the 20th century and some countries, including Greece, New Zealand, and Peru, switched from a bicameral to a unicameral system

#### **Merits of Unicameral Legislature**

- A Unicameral legislature is less expensive to run. The salaries and allowances that would have been paid to the members of the second chamber can be easily spent on other facilities and infrastructures.
- The passage of bill can also be done without delays that are associated with another round of scrutiny in the second chamber. This has the advantage of making government business easier, less cumbersome as well as making the response of government to challenges quicker, especially in situations of emergency.
- In a unicameral legislature, the state is spared of the internal rivalry and conflict that are associated with a bicameral structure where the two houses often disagree on supremacy claims. This was witnessed in Nigeria when the Joint Committee of the Senate and House of Representatives on Constitutional Amendments openly disagreed over which of the two houses would produce the chairman.

#### **Demerits of Unicameral Legislature**

- It is possible in a unicameral legislature for hasty laws to be passed since the opportunity of a second look by the other chamber is not available.

- Since the second chamber is usually composed of matured, seasoned and distinguished citizens in a country, a country operating a unicameral legislature is denied the benefit of wisdom, experience and partisan detachment that are usually associated with people who had previously served the country in many capacities in the past, and who see service at the upper chamber as unique recognition of their abilities and a call to higher national service.
- A unicameral structure is not suitable for large and heterogeneous federal states like the United States of America and Nigeria, where the second chamber is usually designed to allay the fears of the minorities and promote their interests.

### **Bicameral Legislature**

Bicameral legislature is a reference to a government with two legislative houses or chambers. Countries with bicameral legislature are: the United States (U.S.), Britain, Nigeria etc. In Nigeria, the two legislative houses are: the Senate and the House of Representatives. The Senate consists of 107 senators elected based on three Senators to represent each of the country's thirty-six states and one senator to represent Abuja, the Federal Capital Territory. There are also 360 members in the nation's House of Representatives elected on the basis of population, like its equivalent in U.S.A. The equal representation in the U.S. and Nigerian Senate seeks to balance bigness and smallness, majority rule and majority rules, centripetal and centrifugal forces that are typical of most federal systems. The two legislative houses of the British Parliament are the Upper House (the House of Lords), which has about 900 members, and Lower House (the House of Commons), which is composed of 650 elected members.

### **Merits of Bicameral Legislature**

- Bicameral legislature has the advantage of wider representation, including those of minorities and special interests. It enables the countries operating it to cope with, and manage the pull of centrifugal forces.
- The second chamber can also help in checking hasty legislations since bills emanating from the first chamber can always go to the second for fresh considerations.
- Bicameralism can also guard against the potential despotism of a single chamber. A second chamber therefore serves as guarantee of liberty and safeguard against legislative tyranny of a single house.

### **Demerits of Bicameral Legislature**

- A two-chamber legislature is very expensive to operate. Financial outlay.
- The second chamber is a duplication of effort, and a waste of material, financial and human resources.
- The establishment of two legislative houses can also create conditions for avoidable conflict between the two chambers. This conflict usually emanates



during the passage of bills, and which under the law must involve the two houses.

- It is also possible in countries where membership of the second chamber is not by election for the executive to convert it to an avenue for political patronage. This was the case in Nigeria in the First Republic.

### **3.4 Functions of the Legislature**

Basically, the legislature performs the following functions:

#### **Law-Making**

The primary function of the legislature is to make laws for the good and well-being of the people as well as for the order and security of the state. Such laws are made in accordance with the state's constitution and in line with the standing laws and procedure that the assembly has stipulated.

#### **Representative Function**

Legislature as a body composed of elected representatives of the people. Individual members of the legislature in a democracy are elected to represent their constituencies. They are thus expected to visit and consult their constituencies regularly in order to feel their pulse for better representation.

#### **Deliberative Function**

Essentially, the legislature is an arena for keen deliberations; and for this reason, it has been correctly described as a deliberative body. It deliberates on a wide range of issues bordering on welfare, economy, security, among others.

#### **Approval of Annual Budgets**

In most countries, the legislature is always known to possess what is called the power of the purse. This implies that the executive cannot legally make any spending without the approval of the legislature. For this reason, the law requires the executive to lay before the legislature its annual spending proposals and its sectoral break down for consideration, vetting and possible approval. It is through this power that the legislature, on behalf of the electorate, can hold the government and its officials accountable either for misuse of public funds.

#### **Confirmation of Nominations made by the Executive**

Under the constitution, the executive can only make nominations to major government positions as ministers, judges and ambassadors. Until these nominees are screened and confirmed by the legislature they remain only designates into positions. They can be deemed to have been validly appointed only after the approval of the legislature.

#### **Oversight Functions**

It is also the responsibility of the legislature (usually through a standing committee) to conduct investigations into the activities of government ministries, departments and agencies with a view to oversee, monitor and if need be,

scrutinize the accounts and documents of government agencies in relation to the enabling legislations. A standing committee can also organize public hearings or summon government officials to clarify certain issues or defend decisions already made, or proposals under consideration by the agency concerned.

### **Impeachment of the Executive**

The legislature also reserves the power to invoke the extreme step of censoring and impeaching the President or vice-president in a presidential system or forcing the resignation of a Prime Minister and the government he presides over, if the parliament passes a vote of no confidence on it. In the United States President Richard Nixon resigned from office on August 9, 1974 to escape his impeachment process, which had already commenced in the congress. At the state level, the House of Assembly can also remove a Governor or Deputy Governor from office.

### **Ratification of Treaties/Agreements**

The constitution of most countries stipulates that for a treaty or agreement between one country and another to have a full force of the law, and have a binding effect on the peoples of both countries, it must be ratified by the legislature.

### **Constitutional Amendments**

Another important function of the legislature is the power to amend the nation's constitution. It may modify sections of the constitution or replace it in its entirety. In a federal system, this power is shared between the inclusive government and the government of the component states. Under the Nigerian constitution, a bill for the amendment of the constitution must receive the support of two-thirds of members of both houses of the National assembly as well as 24 out of the 36 of the states presently in the country. Without meeting these stringent requirements, the bill cannot receive presidential assent.

## **3.5 Importance of the Legislature**

From what we have discussed so far, it is obvious that the legislature is a very important organ of government. Indeed, in any reference to democratic governance, whether parliamentary or presidential, the organ that captures the mind of many citizens as a symbol of democracy is the legislature. The Legislative assembly is the place where the public sees democracy in action, in form of debates and consideration of motions and passage of resolutions and bills. Indeed, the closest politician to the voter is the representative of his constituency in the legislature, like the councilor in a local government council.

## **SELF ASSESSMENT EXERCISE**

- (i) Identify and explain the functions of the legislature
- (ii) Explain the two types of legislature citing their basic characteristics

## **4.0 CONCLUSION**

Legislature is an important organ of government. In fact, it is the distinctive mark of both democracy and a state's sovereignty. However, over time in many countries, and for different reasons the legislature is losing ground to the executive. This problem is more acute in emerging democracies where the legislators are still struggling to win their independence from the over-bearing influence of the executives.

### **5.0 SUMMARY**

This unit has succinctly examined the origin, types, functions and importance of the legislature. We saw that the history of legislature is traceable to the classical days of the Greece and Roman Empire, and that there are two types of legislature: the unicameral and the bicameral legislatures, with peculiar attributes. The unit has equally identified law-making, representation and oversight functions, among others as the basic functions of legislature. It is the performance of these functions that distinguishes legislature as the symbol of democracy

### **6.0 TUTOR MARKED ASSIGNMENTS**

1. Explain the major functions of the legislative arm of government
2. Mention some advantages and disadvantages of unicameral legislature
3. List conditions that can make a country adopt a bicameral legislature

### **7.0 REFERENCES/FURTHER READING**

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## **UNIT 2 The Law-Making Process**

### **CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.1 Main Contents
  - 3.2 The Stages involved in Law making in a Parliament
  - 3.3 Law-Making at the Local Government Level
  - 3.4 Law-Making under a Military Rule
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor Marked Assignment
- 7.0 References/Further Reading

### **1.0 INTRODUCTION**

Law, as the overt expression of the general will of the society, is significant for the peace, order and good governance of any society. But laws must be made first before they can be enforced, or their principles form the basis of interpretation. Law-making is cumbersome and procedural. Thus, law-making is the most important function of the legislature since its success or failure is measured by the numbers and types of bills it passed, motions it moved and resolutions it adopted. To be effective, every legislative assembly should have established procedure for the orderly conduct of its proceedings. The procedures are usually derived from the standing rules/Orders, and rulings by the presiding officer and guided by the relevant constitutional provisions. This unit therefore examines the law-making procedure usually followed by the parliament or legislature of any country.

### **2.1 OBJECTIVES**

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

- (i) Explain the major stages of law making in a parliament
- (ii) Identify the law-making process at the local government level
- (iii) Differentiate the law-making process between an elected parliament and a military government.

### **3.1MAINCONTENT**

#### **3.2The Process of Law-Making in a Parliament**

A bill normally passes through many stages before it becomes an Act or Law. In most cases, modifications are made in the original bill during its consideration by the legislature before it becomes law. The process involved in law making in a democratic system of government include the stages stated below:

##### **First Reading**

A printed copy of the proposed bill is presented to the House through the clerk. The Clerk reads the short-title of the bill to let lawmakers know it was received. This stage involves the introduction of the bill with a title and no discussion on it. The order of business for the day will give the name of the Minister responsible for the bill. Members are also given copies of the document to enable them to begin private or party discussion on it. The Rules and Business Committee will then fix a convenient date for the second reading. Usually members are given sufficient time to fully study and digest the bill before the appointed date when a detailed consideration of the bill is carried out. It is important to stress that the first reading is a mere formality for the purposes of notification since no discussion of bill is done.

##### **Second Reading**

At this point, a full parliamentary debate on the content of the bill is allowed. The sponsor of the bill will introduce and explain the bill. He will then move a motion that the bill be read the second time. This must be duly seconded. Members are then allowed to robustly debate the bill at plenary, that is the entire membership of a Legislative House. This is a critical stage when a bill may survive, be killed or amended. After a thorough debate of the bill has been done, the presiding officer, either the President of the Senate in the Upper House or the Speaker of the House of Representatives will call for a vote on whether the bill should be read. If it succeeds, that is if majority of the members supports the bill, it is then read for the second time and referred to a committee of the House responsible for the subject matter of the bill for further consideration. The Rules Committee will then refer the bill to the Committee for further consideration.

##### **Committee Stage**

Committee Stage is the next after the Second Reading. There are two types of committees in most parliaments i.e. a Standing Committee and a Committee of the Whole House. Bills of technical or specialized nature are referred to Standing Committees. Usually there are committees constituted to handle technical subjects like aviation, education, foreign affairs etc. and members are often assigned into committees where they have specialties, which they can bring to bear on deliberations at the committee stage. There are other situations when the committee of the whole house will sit to consider a bill of special significance. To

indicate that the house is at the committee of the whole stage, the mace, which is the symbol of authority of the house, is lowered or placed under the table. At this stage, members of the house are also free to speak more than once, since enforcement of the standing rules, which guide deliberations at plenary are relaxed. It should be noted that the bulk of work on a bill is done at this stage when it is considered clause by clause. The bill is given special attention at this stage. The job of the Committee in law making process is to examine the bill in detail, hold public hearing, receive and consider memoranda from the public and propose amendments, if and where necessary.

### **Report Stage**

The Standing Committee then report back to the House the outcome of its deliberations. The bill, as amended at the Committee stage, will be circulated to all members and then thoroughly debated upon by the House. If necessary, there may be further modifications of the Committee's recommendation. A motion will be raised for adoption of the bill and thereafter it is ready for third reading.

### **Third Reading**

The third reading is a formality because it is minor changes in the wording that is allowed, and the substance (bill) cannot be amended again. Any amendment is usually of a formal nature. After the third reading, a copy of the bill endorsed by the Speaker is forwarded to the Second House. If the bill is pass without amendments, the originating house is accordingly informed, but if amendments are proposed, the bill together with such amendments are sent back to the First House.

### **Joint Session**

A Joint Session of the two houses will be convened to debate and reconcile the differences if any, between the two legislative houses in a bicameral legislature such as the United States of America or Nigeria. The harmonized version is then re-presented to the chambers for their respective adoption before the bill is sent to the President in Nigeria and USA or the Queen in the United Kingdom for assent.

### **Presidential Assent or Veto**

If both houses accept the report, a clean copy, signed by the clerks of the two houses and endorsed by the Speaker of the House of Representatives and the President of the Senate, is submitted to the President for his assent. In Nigeria, after passing of the bill by both houses, the Assembly Clerk sends it to the President for assent within 30 days. If the President withholds assent at the expiration of the 30 days, the bill, on the support of a two-thirds majority of the members of the two houses automatically becomes law. In Britain, the Queen of England does not have the power to deny assent to bills already passed by the two houses of parliament.

## **3.3 Law-Making at the Local Government Level**

In Nigeria, the local government constitutes the third-tier level of government and usually described as the closest to the grassroots. The local government performs numerous functions and they are specified in the fourth schedule of the 1999 constitution, as amended. In order to discharge their functions effectively, the local government councils are expected to make bye-laws. There are three types of draft bye-laws viz: Executive draft bye-law; Member draft bye-law and Private bye-law.

#### **Executive Draft Bye-Law**

This is a draft bye-law proposed by the Chairman of the Local Government and forwarded the Legislative arm for consideration and if passed becomes an executive bye-law.

#### **Member Draft By-Law**

Member Draft Bye-Law is a draft bye-law initiated by member or group of Members of the Council as legislative proposals of the Members.

#### **Private Draft Bye-Law**

A Private Draft bye-law is a draft bye-law other than the ones mentioned above. It could be sponsored by pressure groups like the labour unions, teachers or private individuals, but introduced in council by a member or group of members. With the adoption of the presidential system of government at that level, the law-making process at the local government level in Nigeria is similar to what obtains at both the federal and state levels, except minor differences and emphasis that are introduced at the local level to take account of its specific needs and challenges. First, after a draft bye-law has been introduced into a local government council, any member who wishes to introduce a substantive motion on it shall give notice of such motion by sending a copy of the provisions proposed to be embodied on the bye-law to the clerk in advance. The clerk shall cause them to be published for at least 45 days calling for representations from the public. A copy of the draft bye-law shall be pasted on the Council's Notice Board at the Local Government Headquarters and at the Local Government Area Offices and District Offices.

### **3.4 Law-Making under a Military Rule**

The presence of the legislature is one of the major features that distinguish a democratic government from other forms of governance (including the military rule). The legislature in a democratic society exists as an independent institution with its unique system, life and process. Unfortunately, this is not so in a military regime where there is centralized system of administration based on the unified command structure of the military such as the Supreme Military Council, the Armed Forces Ruling Council, and the Provisional Ruling Council under General Gowon, General Babangida and General Abacha in Nigeria respectively, which had unlimited powers to make laws, which were called decrees at the federal level, and edicts at the state level. In addition, military government usually suspend the constitution in part, or in whole, oust the jurisdiction of the courts to entertain

certain cases, and make laws to have retroactive effect or to abridge the fundamental human rights of the citizens. All these are possible because military rule is an aberration. In a democratic society the existence and active involvement of political parties, organs of government and pressure groups allow for more diversified participation and inputs into the law-making process. The realization that the day of reckoning will certainly come when elected representatives will be required to render account of their stewardship usually make government officials take the opinion of their constituents and the larger public opinion into account in deciding the type and quality of laws they make.

### **SELF-ASSESSMENT EXERCISE**

Explain the three major stages of the law-making process in Nigeria

### **4.0 CONCLUSION**

Law is useful to any society because it is said to embody the societal reason and value as well as its general ends or purpose. Law in any given society is the expression of the push and pull of social forces in that society; and we cannot explain its substance or its operation without regard to those forces. The role of the legislators is, no doubt, crucial in molding the law and its essence, strictly in accordance with the nation's Constitution.

### **5.0 SUMMARY**

Our discussions in this unit have focused on law-making which is the core function of the legislature. The unit noted that a bill normally passes through seven stages before it becomes an Act or Law. These stages are crucial because failure to comply with them will render the law a nullity, no matter its intrinsic merit. The procedure is common to all the tiers of government in a democracy, contrary to military regimes, where the whims of the ruler constitute the law.

### **6.0 TUTOR MARKED ASSIGNMENTS**

1. Evaluate the significance of the structure of the legislature in the law-making process.
2. Explain how law-making process under a military regime could lead to dictatorship.

### **7.0 REFERENCES/FURTHER READING**

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## UNIT 3 Delegated Legislation

### CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.1 Main Contents
  - 3.2 The Concept of Delegated Legislation
  - 3.3 Types of Delegated legislation
  - 3.4 Arguments for and against Delegated Legislation
  - 3.5 Control of Delegated Legislation
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor Marked Assignment
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### 1.0 INTRODUCTION

Ideally, law making is the exclusive responsibility of the legislature. However, due to several reasons this function may be performed by other organs of government, particularly the executive. This process, which is borne out of expediency or necessity, is known as delegated legislation. In this Unit, the concept will be exhaustively discussed and explanations provided why it has become imperative in modern government.

### 2.1 OBJECTIVES

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

- (i) Define the concept and types of delegated legislation
- (ii) Explain reasons for the transfer of power to make laws to another organ of government
- (iii) Argue for and against the practice of delegated legislation
- (iv) Understand how to safeguard against the abuse of delegated legislative

powers

### **3.1 MAINCONTENT**

#### **3.2 The Concept of Delegated Legislation**

Delegated legislation is a system whereby Acts of Parliament delegate legislative powers to government Ministries, Departments and Agencies (MDAs), Local Government Authorities (LGAs) and public corporations. The legislative function is expected to be performed by the legislature in line with the stipulations of the constitution. But, the custom of delegating legislative function to other bodies or institutions other than the parliament has, for many reasons become imperative. Thus, delegated legislations are laws made by bodies other than the legislature and they include bye-laws and regulations made by ministers, commissioners, etc. They form part of Nigeria legislation.

The Acts of Parliament in most countries usually lay down general guidelines to guide ministers and other bodies' authority to make rules, orders, and regulations. In other words, the right to legislate in detailed matters, within the limits prescribed by the law has been given by Acts to other bodies such as companies and local government. Similarly, powers of issuing detailed orders, rules and regulations are given to government departments and to the public corporations.

Aside Britain where it originated, delegated legislation is now a common feature in every modern system of government. This is because the volume of legislation required nowadays is so great that parliament finds it impossible to do all detailed work involved in law making. Therefore, Parliament finds it more convenient to lay down the general or broad principles of laws and allowing technical and administrative details to be carried out by extra- legislative bodies. Thus, delegated legislation can be described as a system whereby non-legislative bodies are authorized by Acts of Parliament to make rules, orders, and regulations(which are laws) as directed by such Acts and having legal backing. These rules, orders, and regulations made by the executive are referred to as 'Statutory Instruments' to distinguish them from Acts of Parliament.

#### **3.2Types of Delegated Legislation**

Delegated legislation has taken various forms in modern system of government. We shall examine three broad categories of delegated legislation, as practised in the United Kingdom.

##### **Order-in-Council**

These are the orders made by the Privy Council. The Sovereign-the Queen- usually presides over the Privy Council, or in her absence, the Lord President of the Council. The Privy Council includes all Cabinet ministers as confidential advisers of the Crown. It meets as the situation arises to carry out formal acts of state such as the admission of a minister into office; and particularly to transact business like

the issuing of proclamations and the submission of Order-in-Council to the Queen, after whose assent the Order is confirmed by the signature of the Clerk of the Privy Council.

### **Statutory Instruments (by Ministers)**

These are the orders, rules and regulations emanating from ministers. These statutory instruments came into use by the Statutory Instruments Act 1946, and they are of three types:

#### **Provisional Orders**

These are the Orders conferred mostly upon government departments. When a minister is authorized to make a provisional order the normal procedure is for the promoters to apply to the appropriate government department concerned. The minister as the head of government department shall consider any objection to the application, which may be made by any person affected. The person concerned shall cause a local inquiry to be held, of which a notice shall be given in such a manner as the minister may direct and at which all persons interested shall be permitted to attend and make objections. After the inquiry, if the minister is satisfied that there is a genuine reason for the cause to be laid before the parliament, the order is then scheduled to a Provisional Orders Confirmation Bill which is then introduced to the Parliament by the appropriate minister as a Public Bill. The order will not take effect until it has been confirmed by the Parliament.

#### **Statutory Instruments (Departmental Orders)**

These are rules, orders and regulations issued by government departments under statutory powers. In Great Britain, for example, these types of statutory instruments are usually made in accordance with the Statutory Instrument Act of 1946. This Act provides that all delegate legislation should be known as Statutory Instruments.

#### **Special Orders**

These are orders usually presented or laid in draft before the House of Lords in Britain and where an affirmative resolution is required before the Orders or any part of it can become effective. Such 'Special Orders' are now included in Statutory Instruments Act 1946 in Britain, but it should be noted that its definition here is expansive since it embraces what were formerly known as rules regulations and orders. Before 'Special Order' could be issued notice of the proposal must be made, objections, if any considered, and if the objections are not withdrawn, a local inquiry is instituted.

### **Statutory Orders (Special Procedure)**

These are orders made through special parliamentary procedure. The parliament is empowered to entertain petitions against these orders but it can also amend or annul or permit such orders to take effect.

### **3.1 Arguments for and against Delegated Legislation**

#### **Arguments for Delegated Legislation**

- Parliament finds it impossible to do all detailed work involved in law making. Therefore, it is more convenient to lay down the guidelines that allow technical and administrative details to be carried out by extra- legislative bodies.
- Delegated legislation is valuable because it does not only make bills easy to draft but also it makes act of parliament more flexible and capable of being adapted to changing condition or circumstances without necessarily making regular recourse to parliament when the need for prompt action arises. Without the practice of delegated legislation, matters of urgency would have been delayed until such a time that the Act of Parliament would have been amended, or a new one enacted.
- The method of delegated legislation can also be considered as unavoidable because of great deal and scale of legislations, which are necessary in modern states. It is therefore more advantageous for the parliament to devote itself to the consideration of essential of principles of legislation rather than involving itself in the detail of parliamentary legislations that could be better handled by functionaries of the executive, especially the professional cadre in the civil service.

#### **Arguments against Delegated Legislation**

- Although in theory, the laws guiding delegated power require parliament to exercise some forms of control over the rules, orders and regulations made by the executive, the practice violates the essential principles of the rule of law-the separation of powers- in the sense that the citizens are not subject only to the laws made by regularly constituted legislature but also to the dictates and discretion of the executive. The rule of law actually implies that laws are made by a body of representatives chosen by the people and not to lie at the whims and caprice of the executive arm.
- Delegated legislation has also been viewed with inherent dangers of promoting executive tyranny because of a situation whereby the executive combines law-making functions with its primary responsibility of implementation of policies. It was this fear, which made Montesquieu in his theory of separations of powers to warn about the consequences of combining different powers of government in a single person or body of persons.

### **3.4 Control of Delegated Legislation**

Although the practice of delegated legislation has its advantages, there are steps that are usually put in place by most governments to guide against its possible abuse. First, the legislature can control delegated legislation through a number of ways, though the executive may circumvent or abuse them. Second, the judicial

can control delegated legislation. Based on the theory of separation of powers, the function of the judicial arm of government is to interpret and apply the law to individual cases brought before it. Nevertheless, the judges possess the power over delegated legislation. The specific power of the judiciary over delegated legislation is the power to determine whether any particular delegated legislation has the force of law. In other words, judges are expected to determine whether such subordinate legislation has been made in accordance with the Parent Act that delegates such power. If such legislation has been legally made, its validity cannot be questioned in the law courts. But if on the other hand, it breaches the Parent Act the court has the power to declare such rule, order or regulation null and void, i.e. it is beyond the powers of the Executive to make, and therefore illegal.

### **SELF ASSESSMENT EXERCISE**

Explain the meaning and relevance of delegated legislation in modern system of governance.

### **4.0 CONCLUSION**

Although law making is constitutionally assigned, and usually carried out by the legislature; delegated legislation has become an accepted practice in most countries due to the volume of work before the legislature as well as the technical nature of some legislations. While the arguments for this practice appears convincing, the challenge is how to ensure that what has been accepted as an expedient is not used as ploy to take away from the elected representatives of the people the critical business of law making.

### **5.0 SUMMARY**

In this unit, our discussions have focused on delegated legislation. The practice of delegating legislative powers to government ministries, departments, local government authorities and public corporations has become imperative at present. Delegated legislation makes law-making more detailed, flexible and capable of being adapted to changing condition or circumstances, even though it has inherent dangers of promoting executive tyranny. As a result, steps are usually put in place by most governments to guide against its possible abuse.

### **7.0 TUTOR-MARKED ASSIGNMENT**

- (i) Articulate reasons for the practice of delegated legislation
- (ii) Critically assess different types of delegated legislation with explanation
- (iii) Explain how the practice of delegated legislation rob the Legislature of its primary responsibilities

### **7.0 REFERENCES/FURTHER READING**

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## **UNIT 4 The Executive**

### **CONTENTS**

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- 2.0 Objectives
- 3.0 Main Content
  - 3.1 Meaning and Composition of the Executive Organ
  - 3.2 Structure of the Executive Organ
  - 3.3 Types of the Executive Organ
  - 3.4 Functions of the Executive Organ
- 4.0 Summary
- 5.0 Conclusion
- 6.0 Tutor Marked Assignment
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### **1.0 INTRODUCTION**

This unit will examine the executive, which is the organ of government responsible for the implementation of public policies and decisions. Involved in this analysis is description of the meaning and composition of the executive organ. The unit will also examine the structure, types and functions of the executive as one of the essential organs of government.

### **2.1 OBJECTIVES**

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

- (i) Explain the meaning of the executive, as an organ of government
- (ii) Discuss the composition and types of executive organ of government
- (iii) Mention the basic functions of the executive organ of government

### **3.0 MAIN CONTENT**

#### **1.1. Meaning and Composition of the Executive Organ**

The executive is the organ of government responsible for the governance of a state. It enforces the law as written by the legislature and interpreted by the judiciary. It also formulates and implements public policies in the best interests of its citizens; maintains law and order; promotes social services; and initiates legislation, among others. It encompasses all agencies and officials of government that get involved in the day-to-day running of the business of government.

The executive is often described as the most powerful, not necessarily the most important organ of government. For this reason, those who occupy executive positions may be tempted to be authoritarian, or at times, predatory simply because they control and deploy state funds and coercive forces. In many countries, the head and members of the executive arm of government are increasingly assuming importance. In the first place, the head of executive at all level is often regarded as the head, symbol and personification of government.

The executive is composed of the followings: The President/Head of State or Head of government; Vice President; Ministers; Civil Servants; Police and the Armed Forces. In Nigeria where there are three levels of government, the Chief Executive at the level of state and local government, are the Governor (assisted by Commissioners) and the Council Chairman (assisted by Supervisory Councilors) respectively. In a democracy, the head of the Executive are elected by popular votes and they, in turn, appoint the Ministers, the Commissioners or the Supervisory Councilors, as the case may be, with the approval of the legislature.

### **3.3 Structure of the Executive Organ**

The executive branch of government is broadly divided into two: the members of the cabinet and other political office holders who hold temporary or tenure appointments, and career civil or public servants who hold permanent and pensionable positions. While the former are in charge of initiating government policies, or deciding the direction of the government of the day, the latter concern themselves with the implementation of such approved policies. In the parlance of public administration, while the political head is the master of policy, the administrators are the instruments of policy. Therefore, the executive arm can only function effectively if there is cooperation and mutual understanding between its two segments.

### **3.4 Types of the Executive Organ**

#### **Nominal and Real Executives**

In a nominal executive, the Monarch or the Head of the State has nominal powers; the powers are exercised by his ministers, as in England, Sweden, Norway, Belgium and Holland, among others. In these countries, for the executive, the constitution assigns many powers to the President and he himself exercises these powers. There are real executives in Nigeria and the United States of America.



### **Single and Plural Executives**

In a single executive, all executive powers are vested in one individual, e.g., the President of Nigeria exercises all executive powers. In a plural executive, the executive powers are in the hands of more than one individual. In Switzerland, for instance, the executive powers are vested in the Council of seven members. The Chairman of this Council has no additional powers. Thus, all the seven members are equally responsible for the administration in that country.

### **Parliamentary and Presidential Executives**

In a parliamentary executive, the Cabinet is responsible to the legislature. This system functions in England, Belgium and Holland, among others. In a presidential executive, the President has real executive powers and is not responsible to the Parliament. He is elected for a fixed term and can only be removed through an impeachment. Presidential executive operates in the United States of America, Nigeria, Brazil, among others. However, in between these two models, there is French executive model, which can be called a quasi-parliamentary or quasi-presidential. In the French model of executive, the President is the real executive but the Prime Minister and the cabinet are under his control and, at the same time, they are accountable to the Parliament. So, the French model imbibes some features of both parliamentary and presidential executives.

### **Hereditary and Elective Executives**

When a king or queen is the Head of the State and when after his or her death, his son or daughter or, in a case where he or she is issueless, some of his or her near relative occupies the throne, the system is referred to a hereditary executive. This type of executive functions in England, Belgium, Holland, etc. On the contrary, in countries where the Head of State is elected either by the people or by their representatives, the system is referred to as elective executive. We find this system in Nigeria, the United States of America, Austria, Egypt, etc.

### **3.4 Functions of the Executive Organ**

The functions of the executive are not the same everywhere. The functions of the executive depend on the form of the government. In a democracy, the functions of the executive devolve primarily in the office of the president in a presidential system, or the office of the prime minister in a parliamentary system. In Nigeria, for example, apart from expressly stating the functions of the President who is the chief executive of the country, and his vice, the 1999 Constitution did not elaborate on the functions of the executive as an organ of government. The President is to, among other functions determine the general direction of domestic and foreign policies of the government of the federation and co-ordinate the activities of the vice president, ministers and the agencies of government in the discharge of their executive responsibilities. From this brief explanation, we can distil the functions of the executive arm of government to include:

### **Policy Making and Implementation**

The primary function of the executive is to formulate and decide the policy direction for the state. In a democratic system, such policies are usually derived from the manifesto presented to the citizens during the elections and upon which the power was voted into office. While in office, it is the responsibility of the party in government to translate this blue print into concrete policies and programmes of the government of the day.

### **Administrative Functions**

In every country, the Head of the State and the Council of Ministers are responsible for law enforcement and the maintenance of law and order. The Head of the State, on the recommendation of the Council of Ministers, makes many important political appointments. The administrators are generally recruited on the basis of competitive examinations. They are promoted, demoted and dismissed under the Civil Service Rules.

### **Legislative Functions**

Although law making is the responsibility of the legislature, but in every state, the executive plays an important role in law making. The executive prepares bills for this purpose and introduces them in the legislature. In parliamentary government the leader of the majority party becomes the Prime Minister. He has influence on both the organs of the government i.e., Legislature and Executive.

### **Foreign Relations**

The executive establishes political relations with foreign countries. Our government has established political or commercial relations with almost all big countries. The President appoints diplomatic representatives in other countries and receives those of foreign countries.

## **SELF ASSESSMENT EXERCISE**

Examine the composition, types and functions of the Executive

## **4.0 CONCLUSION**

Although popular sovereignty which primarily inheres in the elected representatives of the people who sit in the legislative council, the executive organ of government in many countries today has become the most powerful organ of government, largely because it implements policies, and controls the power of the purse and sword. Hence, as the process and activities of government become much more complex and sophisticated, those who control the executive arm have devised numerous ways by which they circumvent legislative scrutiny or even subvert its oversight functions.

## **5.0 SUMMARY**

In this Unit, we have primarily examined the structure, types and functions of the

executive organ of government. The unit also noted that though the function of the executive is primarily the implementation of government policies and programmes, it has become increasingly involved in certain activities that were previously the exclusive preserve of the two other organs. This intrusion by the executive has become imperative for the purposes of the organic working of government, and prompt response to situations that could not be readily or immediately foreseen.

## **6.0 TUTOR MARKED ASSIGNMENT**

- (i) Mention major functions of the Executive organ of government
- (ii) Explain why the Executive arm is increasingly becoming more important in relation to the Legislature
- (iii) Explain various types of the Executive organ of government

## **7.0 REFERENCES/FURTHER READING**

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## **UNIT 5: The Judiciary**

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- 3.0 Main Content
  - 3.1 Meaning of the Judiciary
  - 3.2 Hierarchy of Courts
  - 3.3 Functions of Judiciary
  - 3.4 Judicial Independence
- 4.0 Summary
- 5.0 Conclusion
- 6.0 Tutor-Marked Assignments
- 7.0 References/Further Reading

### **1.0 INTRODUCTION**

The previous unit examined the structure and types of the executive organ of government. It also highlighted the basic functions of the executive. In this unit, we shall examine the functions of the judiciary, as an important organ of the government, entrusted with the responsibility of interpreting the laws made by the Legislature and implemented by the Executive. However, for the judiciary to effectively discharge its basic functions of interpreting the laws and promoting justice, equity and fair-play, both the court and judges must be free from the influence of the government and powerful individuals.

### **2.0 OBJECTIVES**

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

- (i) Know the meaning and functions of the Judiciary as an organ of government.

- (ii) Understand the hierarchy of courts in Nigeria
- (iii) Explain the concept and ingredients of the independence of the Judiciary.

### **3.0 MAINCONTENT**

#### **3.1Meaning of the Judiciary**

The Black's Law Dictionary defines judiciary as the branch of government responsible for interpreting the laws and administering justice. The foregoing definitions highlight certain essential attributes of the judiciary to include: Judges, courts of law and administration of justice. Therefore, the judiciary is the arm of government that is vested with the judicial power - the power to construe and apply the law. Functionally, the judiciary is a mechanism for the resolution of disputes and balancing of conflict of interests. By judiciary, we mean the court system of a country. The law-making power of the judiciary through the interpretation of the law and the principle of stare decisis is also note-worthy (Johari, 2009, 2019). In sum, the judiciary by the nature of powers vested in courts by the constitution stands between the government and the citizens. It is the last hope of the common man, the hope of the hopeless, the defender of the defenceless and upholder of the rule of law.

#### **3.2 The Hierarchy of Courts in Nigeria**

In Nigeria, a settled hierarchy of courts exists. Section 6 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) provides for the Nigerian judicial system as follows:

- (i) The Supreme Court (highest Court in Nigeria).
- (ii) The Court of Appeal, having as at present 17 Divisions in some States of the Federation.
- (iii) Below the Court of Appeal are the following courts of co-ordinate jurisdiction: Federal High Court; High Court of the Federal Capital Territory, Abuja; National Industrial Court, Customary Court of Appeal and Sharia Court of Appeal of the Federal Capital Territory, Abuja; High Court of a State; Customary Court of Appeal and Sharia Court of Appeal of a State.
- (iv) Below these courts are the Magistrates' Courts and District Courts.
- (v) The lowest courts are Customary and Area Courts. All the courts listed above are the regular courts.

There are also special courts like Courts-martial, Tribunals of Inquiry, Rent Tribunals, Coroners' Courts, Juvenile Courts, etc. whose jurisdiction, rules, and operation are specially regulated by the laws establishing them.

#### **3.3 Functions of the Judiciary**

Important functions of the judiciary are contained in its definition i.e. justice administration and dispensation - being a minimum requirement of any government in maintaining law and order, peace and tranquility in the society.

However, depending on political system, the followings could be itemized as the functions of the judiciary:

### **Adjudication**

The judiciary adjudicates on disputes between states, between the state and individuals, between individuals and corporations or corporate entities, among others.

### **Interpretation of the Constitution**

The judiciary is constituted as the ultimate interpreter of the constitution and to it is assigned to delicate task of determining what is the extent and scope of the power conferred on each branch of government, what the limits on the exercise of such power under the constitution are and the determination of the question whether any action of any branch transgresses such limits. Precisely, the judiciary acts as the custodian of the constitution and of the democratic process.

### **Judicial Review**

Judiciary acts as checks on both executive and legislative arms of government in their actions/inactions of government or laws that are not consistent with the constitution to be declared as null and void. For instance, President Olusegun Obasanjo signed into law a bill, which extended the tenure of Elected Local Government Councils, by one year, with retroactive effect. But the Supreme Court later annulled the Electoral Act with the effect that local councils were dissolved after the expiration of the statutory three-year tenure, as contained in the electoral Decree promulgated by the military, under which councils' elections were conducted in 1999.

### **3.4 Judicial Independence**

The independence of the judiciary means that the court and judges must be free from the influence of both the government and individuals in the discharge of their functions, if justice is to be obtained. However, in a state where judicial decisions are subject to the dictates of either the executive or legislative arms of government or both, there can hardly be justice. Under this condition, it becomes difficult if not impossible for the citizens and non-citizens of the state to obtain justice. Therefore, only courts, which are not tied to the whims and caprices of the executive; courts that are free from legislative pressure, political pressure, and even mob pressure can guarantee judicial independence. Judicial independence, deducing from the preceding explanation, is when the judiciary is separated from the other arms of government and immune from partisanship or undue pressure from external bodies to impartially and expeditiously discharge, without fear or favour, its constitutional responsibilities. To achieve this, the following conditions should prevail in the polity:

#### **Security of Job**

A secured and fixed tenure is very important for judges to make their appointment

secured and free from unnecessary manipulation or intimidation by the Executive. In Nigeria, a judge retires on the attainment of 65 years of age and their appointment is made on permanent basis after meeting certain requirements.

### **Mode of Appointment**

In some countries, judges are elected but this might make them liable to political pressures whimsicalities. But, in Nigeria and some other countries in the world, judicial officers are appointed by the President/Governors on the recommendation of major stakeholders in the judiciary - National Judicial Council, and subject to ratification by the Legislature.

### **Better Salaries/Emoluments**

To ensure the independence of the judiciary, judges should be paid better salaries and allowances. This is not only to attract brilliant lawyers to the bench but also to distract them away from corruption and unethical practices. In addition to this, salaries of judiciary are to be charged on the first line i.e. consolidated fund, which no other arm of government could selfishly manipulate.

### **SELF ASSESSMENT EXERCISE**

Discuss the relevance of the court hierarchy to the judiciary in the performance of its functions in Nigeria.

## **4.0 CONCLUSION**

The performance of justice administration and dispensation has rendered the judiciary an important organ in the organization of government. The courts of law have become the instruments through which the judiciary discharges its functions. But for the judiciary to acquit itself creditably, the political environment within which it operates must be readily supportive, by providing the needed administrative and legal frameworks, as well as the requisite resources, without which the judiciary will suffer deficit in both performance and credibility.

## **5.0 SUMMARY**

This unit has examined the judiciary as a vital organ of government. We have in addition explained its role as an essential component in the organization of government, as well as the basic functions it variously performs. The basic functions of the judiciary are justice administration and dispensation, which are the minimum requirements of any government in maintaining law and order, peace and security in the society. Nonetheless, for the judiciary to perform its functions fairly and impartially, it must retain its independence from the other organs of government, although it is impossible to fully have it in absolute terms.

## **6.0 TUTOR-MARKED ASSIGNMENTS**

Explain the basic functions of the judiciary

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## **MODULE 3: Operations and Regulations of Government**

### **INTRODUCTION**

Modern governments operate on tripod pillars called organs. These organs, namely: the legislature, executive and judiciary, form the fulcrum through which government carries out its operations. All constitutional democracies are based on some form of division of powers and responsibilities among these distinct organs. The division is to limit any one organ from exercising the core functions of another. The intent is to forestall the concentration of governmental powers on one organ and to provide for checks and balances. This module, which is sub-divided into four units, will succinctly attempt to X-ray the operations and regulations of modern government.

Unit 1: The Theory of Separation of Powers

Unit 2: The Doctrine of Checks and Balance

Unit 3: Rule of Law: Meaning, Application and Limitations

Unit 4: Evaluation of Rule of Law in Nigeria

## **UNIT 1 The Theory of Separation of Powers**

### **CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.1 Main Contents
  - 3.2 Meaning of Separation of Powers
  - 3.3 Origin of Separation of Powers
  - 3.4 Merits and Demerits of Separation of Powers
  - 3.5 Applications of Separation of Powers
- 4.0 Summary
- 5.0 Conclusion
- 6.0 Tutor-Marked Assignments
- 7.0 References/Further Reading

### **1.0 INTRODUCTION**

Separation of powers and responsibilities is an important principle in the organization of modern government. In this Unit, we shall examine the principle behind the theory of separation of powers, its objectives and applications in selected countries, as well as its merits and demerits. Whereas separation of powers and responsibilities is key to the workings of modern government, no democratic system, in practice, exists with an absolute separation of powers or an absolute lack of it. Governmental powers and responsibilities essentially overlap because they are too complex and interrelated to be neatly compartmentalized.

### **3.0 OBJECTIVES**

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

- (i) Define the theory of separation of power and explain its objectives
- (ii) Understand the limitations of the theory of separation of power when applied to the organization of modern government
- (iii) Know why some countries operate separation of powers while others prefer fusion of powers

### **3.0 MAIN CONTENT**

#### **3.1. Meaning of Separation of Powers**

Separation of powers is the division of government responsibilities into distinct organs to limit any one organ from usurping and exercising the core functions of another organ. The purpose is to prevent the concentration of power and provide for checks and balances. The theory simply enjoys that the same body or person should not be in control of more than one arm of government. Power must not only be separated but must also be exercised by different persons or body of persons. According to a French Political Jurist – Baron de Montesquieu (1748), concentration of the legislative, executive and judicial functions in the same person or body of persons would be dangerous and would cause authoritarianism and despotism. Hence, the need to separate these powers to provide a system of checks and balances to ensure that no one power became too strong and thus absorb the functions of the other (Babalola, 2019; Farrugia, 2018; Reader, 2017).

However, while separation of powers is fundamental to the operational effectiveness of the modern government, there is no democratic system where separation of powers is absolute or completely absent. In practice, governmental powers and responsibilities, rather than neat compartmentalization, intentionally overlap. As a result, there is an inherent measure of competition and conflict among the organs of government. The doctrine of separation of powers is more pronounced in a presidential democracy than in a parliamentary democracy, where there is ‘fusion of powers’.

The practice of using power to check power, which is known as ‘checks and balances’, is not necessarily a violation of the theory of separation of powers; it merely seeks to promote some interrelationships among the organs in order to check abuse of government powers. For example, the laws made by the Legislature are interpreted by the Judiciary and could be declared void if found not to be consistent with the provisions of the extant laws. The Executive also initiates laws and presents budgets for the approval of the Legislature; otherwise such budgets could not be spent by the Executive. In the same vein, laws made by the Legislature cannot become operative until it given assent by Mr. President. The president can however withhold his assent which amount to an exercise of veto power. The Legislature can similarly decide to overturn the veto of Mr. President by the use of two-thirds majority. The Executive makes the appointment of senior judicial officers but it has to be ratified by the Legislature to take effect.

### **3.2 Origin of Separation of Powers**

The doctrine of separation of powers is associated with earlier political philosophers. It first originated in ancient Greece and became widespread in the Roman Republic as part of the initial Constitution of the Roman Republic. The Aristotle (384-322 BC) in his book "The Politics" stated that: "There are three elements in each constitution in respect of which every serious lawgiver must look for what is advantageous to it....The three are, first, the deliberative, which discusses everything of common importance; second, the official; and third the judicial element." At the time of Edward I reign (1272-1307), however, the separation of powers emerged in England, with the appearance of Parliament, the Council of King and the courts.

The doctrine of separation of powers, however, received its finest formulation by a French political thinker and jurist, Montesquieu who coined the term "trias politica" or "separation of powers". His book, "*Esprit des lois*" "The Spirit of the Laws" published in 1748, is considered one of the great works in the history of political theory and jurisprudence, and it inspired the Declaration of the Rights of Man and the Constitution of the United States (Ojo, 1973).

### **3.3 Merits and Demerits of Separation of Powers**

#### **Demerits**

The theory of separation of powers has been instituted to fulfill certain objectives. These objectives can be regarded as its advantages. They include the following:

#### **Prevention of Tyranny**

It reduces the abuse of power because power is not concentrated in one arm of government but rather separated among the three arms. By so doing, the tendency of having arbitrary rule is very low.

#### **Specialization and Efficiency**

The theory of separation of powers, which is the political application of economic theory of division of labour, makes for specialization and efficiency in governance. By concentrating on the same job in routine-like manner, the maxim 'practice makes perfect' becomes the order of the day. For instance, by concentrating on law-making, the legislators will gain expertise in it while the executive also becomes more adept in the task of policy formulation and its execution. Similarly, the judiciary acquires better erudition and distinction in its duty of interpretation of the law and settlement of disputes.

#### **Preservation of Liberty**

The theory of separation of power also guarantees the rights and liberty of the citizens. If the powers of the three organs of government are placed under one authority there is the likelihood that tyranny and arbitrariness may ensue. According to Lord Acton, "Power intoxicates and absolute, power intoxicates

absolutely”.

### **Safeguards Independence of Each Organ**

Separation of powers also ensures the independence of each of the organs of government in the functions and also recognizes that the function assigned to each organ by the constitution requires distinct specialties. For example, a judge must possess the qualities of impartiality and detachment combined with brilliance and erudition for him to succeed. A legislator must not only be able to connect with his constituents, he must also possess the power of communication. Similarly, a chief executive must have the capacity to rank his priorities among many competing issues within the policy agenda. Given the different qualities that are required by those that will occupy these different positions, it is most unlikely that these attributes can be found in one person. Therefore, it is only through separation of powers that individuals with these different but complimentary attributes can be assembled to discharge the three functions of government.

### **Demerits of Separation of Powers**

The theory of separation of powers has the following demerits:

- (i) A rigid separation of powers may produce negative consequences because it can make it difficult for the legislature and executive, in particular, to cooperate. In the event of lack of cooperation between the law makers and those who enforce these laws the machinery of government may be at best, be impeded, or at worse, grind to a halt.
- (ii) The theory of separation of powers as propounded by Montesquieu has been criticised for been too idealistic and mechanistic, and therefore not realistic. The reason is that given the nature and process of government, it is impossible to keep the three organs of government in separate watertight compartments.
- (iii) Although the idea of checks and balances is meant to introduce some level of flexibility, the mechanism of separation of powers can produce the unintended consequences of preventing government functionaries from taking quick decisions.
- (iv) Critics of separation of powers argue that complete separation of powers and functions is impossible in reality. They argue that it is not possible to define the area of concern of each organ in such a manner that each is independent and supreme in its area without the other having a role to play. For instance, the process of law-making is incomplete until the executive gives its assent.

## **3.5 Applications of Separation of Powers**

### **Separation of Powers in the United States of America**

The principle of separation of powers is clearly incorporated in the constitution of the United States. The American constitution was consciously and elaborately made an essay in the separation of powers and is today “the most important polity

in the world which operates upon the principle (Finer, 1949). The constitution of the United States divides the Congress into two bodies: the Senate and the House of Representatives; and the two legislative chambers are primarily and exclusively vested with the law making powers. The executive powers also solely lie with the executive arm, while the judicial functions are handled by independent courts. Through the mechanism of checks and balances, the needed flexibility is introduced into the operations of separation of powers in the United States (Duignan& Decarlo, 2018).

### **Fusion of Powers in Britain**

The British constitution does not provide for the principle of separation of powers. Rather what obtains in Britain is what is popularly known as fusion of powers. This is manifested in different ways. First, the members of the legislature and the executive are brought into their different offices through the same election. Put differently, the Prime Minister, who is the head of the executive and his ministers who with him forms the cabinet must have been elected into the parliament before they can qualify to serve in the executive arm. Second, the parliament in Britain comprises the House of Commons, House of Lords, and the Queen, and interestingly the monarch is the head of state in Britain, which makes him or her ceremonial head of the executive. Third, the Lord Chancellor is not only the head of the House of Lords, the upper house in Britain, he is also the minister of justice, and the head of the Privy Council, the equivalent of U.S.' Supreme Court. The implication of the examples cited above is that strictly speaking, there is no separation of powers in the operations of the British government.

### **SELFASSESSMENT EXERCISE**

Distinguish between the idea of fusion of power in Britain and separation of powers in the United States.

## **4.0 CONCLUSION**

The principle behind the idea of separation of power is unassailable, since it can help safeguard the liberty of the citizens by preventing accumulation and possible abuse of power. However, in reality, it is impossible to have absolute separation of powers and responsibilities among organs of government. This is why the practice of checks and balances, which we will discuss in the next unit, has become inevitable. In actual practice, the three organs of government function by mutual cooperation.

## **5.0 SUMMARY**

In this Unit, we have discussed the doctrine of separation of powers, highlighting its origin, merits and demerits. The unit also posited that the doctrine of separation of powers is more pronounced in a presidential democracy than in a parliamentary democracy, where there is 'fusion of powers.

## 6.0TUTORMARKED ASSIGNMENTS

- (i) Discuss the merits and demerits of separation of powers
- (ii) Explain the nature and pattern of separation of powers under the American presidential system of government
- (iii) Justify the adoption of fusion of powers under the British parliamentary system of government.

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## **UNIT 2: The Doctrine of Checks and Balances**

### **CONTENTS**

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- 2.0 Objectives
- 3.1 Main Contents
  - 3.2 Meaning of Checks and Balances
  - 3.3 Application of Checks and Balances
  - 3.4 The Relevance of Checks and Balances
- 4.0 Summary
- 5.0 Conclusion
- 6.0 Tutor Marked Assignments
- 7.0 References/Further Reading

### **1.0 INTRODUCTION**

The three arms of government appear to be in different compartments in line with the theory of the separation of powers but there is interrelationship between them in order to check excesses, abuse of powers or dictatorship, which is inimical to the survival of democracy. The doctrine of checks and balances is therefore to ensure that the process of governance is devoid of the gridlock that would have occurred if the theory of separation of powers is strictly followed. This unit examines the doctrine of checks and balances, its relevance and applications in the governance of modern states.

### **2.0 OBJECTIVES**



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

- (i) Know the meaning of checks and balances
- (ii) Explain its relevance to the organization and operation of modern government.
- (iii) Understand its application, especially in countries practicing the presidential system of government

### **3.1 MAINCONTENT**

#### **3.2 Meaning of Checks and Balances**

The doctrine of Checks and Balances is associated with separation of powers because it deals with the process whereby the organs of government control the affairs and activities of one another to ensure that governmental functions are properly performed. It is only when the powers of each organ of government are separated from the powers of others that one can check and correct the mistakes made by the other organs. The doctrine of checks and balances recognizes that for effective operation of government, powers must not only coordinate, they must also overlap. Thus, the legislature looks into the activities of both executive and judiciary. The executive looks into the activities of both legislature and judiciary while the judiciary looks into the activities of the legislature and the executive. The American system of government presents a perfect example of separation of powers. The 1787 American constitution specifically provides for the principle of division of power and checks and balances. American is widely known as a model of the presidential system because it is the first country in the world to practice it.

#### **3.3 Application of Checks and Balances**

The doctrine of Checks and Balance is a mechanism through which each branch of government is able to participate in and influence the activities of the other branches. In the United States of America and Nigeria, which are perfect models of presidential system, division of powers and checks and balances, the Legislature at the National level is bicameral and Unicameral at the sub-National or state level. Law making is the primary function of the members of the Legislature who are elected directly by the electorate. The executive functions are vested in the president who is equally elected by the people. The Supreme Court exercises judicial powers together with other courts. This indicates that the powers of the three organs of government are clearly delineated and separated. Checks and balances ensures that the president can only appoint ministers, judges, ambassadors with the approval of the Senate, even though these appointees are answerable to him in the discharge of their functions. The President also presents annual budgets to the legislature for approval; this serve as checks by the legislature on the executive. The president and his cabinet members are neither members of the Legislature nor are they members of the judiciary.

The Legislature has no power to remove the president except through the process

of impeachment, while the president cannot dissolve the congress. The bills passed into laws by the legislature can also not become laws until the executive gives them assent. The judiciary checks the legislature by interpreting its laws. The judiciary checks the executive policies by declaring its actions unconstitutional to the point of inconsistency. The control, which the executive has over the judiciary, is that the executive nominates the judges to the various courts (Duignan& Decarlo,2018; Fombad, 2016).

### **3.4 The Relevance of Checks and Balances**

The relevance of checks and balances are as follows:

#### **Accountability**

It makes accountability possible due to the fact that powers are separated and it becomes easy to assess the performance of any organ of government. Through this mechanism, the three organs of government are accountable to one another and to the people.

#### **Rule of Law**

Through checks and balances and separation of powers, the rule of law is encouraged. The principle is introduced to encourage government of law and not government of men. That is, to ensure that those who govern, do so according to the laid down rules and regulations, and not based on their whims and caprices. The constitution stipulates the various functions of the organs of government and how they are controlled. Due to the existence of checks and balances, the principle of the rule of law is strictly observed because everybody, both the government and the governed, are equal before the law, and no one must infringe on each other's right.

#### **Good Governance**

Mindful of the fact that there is a form of peer mechanism, government officials are careful with their activities so as not to be checked, and possibly embarrassed. For instance, the legislature would be meticulous in its law-making function to avoid incurring the wrath of both the executive and the judiciary. As a result, laws made by the legislature are bound to be good since it would not want a situation of it becoming a laughing stock in the eyes of the executive or the judiciary, if its laws are regularly vetoed by the former or constantly annulled by the latter. The same thing applies to the executive and the judiciary. By so-doing, good governance is guaranteed

### **SELF ASSESSMENT EXERCISE**

Explain the extent to which the idea of checks and balances could reduce the rigidity of the theory of separation of power.

### **4.0 CONCLUSION**

Organs of government control the affairs and activities of one another to ensure

that governmental functions are properly performed. The operations of checks and balances in countries like the United States and Nigeria are meant to ensure a good and accountable government. This is not to say that the mechanism does not have its inherent complications, such as creating delays, power tussles, among others. Yet it remains a very important means of putting breaks, where necessary, on legislative rashness, executive recklessness and judicial arrogance.

#### **4.0 SUMMARY**

Our discussions in this unit have centered on the doctrine of checks and balances which is imperative in the operation and governance of modern states to promote accountability and good governance. The United States of America and Nigeria, among others, are perfect models of division of powers and checks and balances.

#### **6.0 TUTORMARKED ASSIGNMENTS**

- (i) Explain the application of checks and balances under the American/Nigerian presidential system of government
- (ii) Describe how the doctrine of checks and balances constitutes a corollary to the theory of Separation of Powers.

#### **7.0 REFERENCES/FURTHER READING**

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- The 1999 Constitution of Federal Republic of Nigeria

## **UNIT 3: The Rule of Law**

### **CONTENTS**

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  - 3.3 Rule of law and Democracy
  - 3.4 Limitations of Rule of Law
- 4.0 Summary
- 5.0 Conclusion
- 6.0 Tutor-Marked Assignments
- 7.0 References/Further Reading

### **1.0 INTRODUCTION**

The concept of the rule of law has become a popular mantra in the lexicon of political science and government. It is used to distinguish a government that is guided by laws from one that is dictated by the whims and caprices of the leaders. This unit examines the concept of rule of law, its principles and limitations. The unit in addition examines the observance of rule of law in democratic and military or dictatorial governments.

### **2.0 OBJECTIVES**

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

- (i) Deduce the concept of rule of law and its principles
- (ii) Know the limitations to the concept of rule of law in practice
- (iii) Explain the application of rule of law between a democracy.

### **3.1 MAINCONTENT**

#### **3.2The Concept of Rule of Law**

The rule of law, also called supremacy of law, is a general legal maxim according to which decisions should be made by applying known principles of laws, without the intervention of discretion in their application. The intent is to guard against tyranny and arbitrary governance (Rawls, 2003). Generally speaking, law is a body of rules prescribed by the state subject to sanctions or consequences. The predominant view is that the concept of "rule of law" *per se* says nothing about the "justness" of the laws themselves, but simply how the legal system operates. As a consequence of this, a very undemocratic nation or one without respect for human rights can exist with a rule of law - a situation which may be occurring in several modern dictatorships.

The classical definition of the concept of rule of law was given by A.V. Dicey (1958). In his conception, the rule of law means: "the absolute supremacy of

regular law as opposed to the influence of arbitrary power, and exclude the existence of arbitrariness or prerogative or even of wide discretionary authority on the part of government". This definition means that the rule of law is a principle that seeks to curb government powers by insisting that governance should be in accordance with the laws of the land and not according to the arbitrary rule of office holders. It also implies that no man can be punished except for a proven breach of law. The other major element of the rule of law is the equality of all classes of people before the law as administered by the ordinary courts.

At present, the concept of rule of law has been expanded beyond the classic formulation provided by Dicey. The doctrine is now recognised to include:

- i. the supremacy of the law including judicial authority over all persons and authority in a state;
- ii. the supremacy of the constitution;
- iii. the independence of the judiciary;
- iv. the right to personal liberty; and
- v. observance of democratic practices including conduct of regular, free and
- vi. fair elections as a basis for assuming political power (Anifowose & Enemuo, 2005, pp.151- 152).

In short, the rule of law stipulates that government is instituted and limited to its power according to the extant laws, and should be devoted to the preservation of the liberties of individual citizens, all of whom are deemed to be equal before the law. By guaranteeing civil rights, the rule of law also creates the basic conditions in which individuals can pursue their own personal development as they choose. The fundamental human rights of the citizens are defined and enforced by the law of the land. One of the main purposes of the rule of law is to ensure that the civil liberties of the citizens are safeguarded from the arbitrary interference of those in authority.

### **3.3 Rule of Law and Democracy**

The rule of law is better realized under a democracy than a dictatorship (Alonge, 2005). Democratic governance is based on the will of the people and is the form of governance best suited to allowing all people to live in dignity and freedom. Democracy requires a "rule of law" framework in order to govern the interaction and co-existence of all citizens. The doctrine of rule of law is intimately bound with the practice of democracy. As Sagay (1996, p.13) rightly observed, 'there can be no democracy without the rule of law and vice versa'. The rule of law may be a necessary condition for democracy but it is not a sufficient condition. For much of human history, rulers and laws were synonymous -- law was simply the will of the ruler. A first step away from such tyranny was the notion of rule by law, including the notion that even a ruler is under the law and should rule by virtue of legal means.

Although no society or government system is problem-free, rule of law protects fundamental political, social, and economic rights of the citizens.

The basic thrust of the three branches of government is the search for justice through the law. Justice is the end, the *terminus adquem* towards which all the laws passed by the legislator, all the executive function of government, and the administration of law in our courts, naturally end. It is to be emphasized that any power given to the judiciary is not for the gratification of the judge but rather to enable him more effectively administer justice, to enable him protect innocent citizens from power and its abuse by the various concentrations of power. Protection from power is thus the necessary roles of the courts and the citizens' last line of defence in their unequal combat with power. The independence of the judiciary is thus the citizens' bulwark against oppression, their charter of liberties and a force for stability, peace and progress in the society.

### **3.4 Limitations of Rule of Law**

Although in a democracy, all men are equal before the law, in reality; these precepts are usually observed in breach. In totalitarian states, there is no pretence about rule of law, because in those states, the law and the courts are regarded as instruments of state policy. In other words, the law exists to foster and advance the interests of the strong to the detriment of the weak. Thus, violation of laws or denial of rights for political ends is an attribute of both developed and emerging democracies. The only difference is that while the abuse and violations are gross in the emerging democracies, in the developed democracies, there are subtle ways to dress up or mitigate these denials, where they cannot be avoided.

The principle of equality before the law therefore has some limitations. The modern state maintains vast paraphernalia for the prosecution of alleged offenders, there is no such organisation for their adequate defence. Worse still, the Legal Aid Council of Nigeria that is supposed to come to the assistance of the poor does not enjoy the required support from the government to enable it discharge its functions effectively. More fundamentally, the enjoyment of human rights such as rights to life, freedoms of expression, among others is not absolute. They can be denied, suspended or abridged if the need arises. For instance:

#### **Right to Life**

Government can deny or deprive a citizen right to life under the following conditions: For the defence of any person from unlawful violence or for the defence of property in order to effect arrest or to prevent the escape of person lawfully detained and for the purpose of suppressing a riot.

### **SELF ASSESSMENT EXERCISE**

Define the concept and principles of rule of law

### **4.0 CONCLUSION**

Organs of government control the affairs and activities of one another to ensure that governmental functions are properly performed. The operations of checks and balances are meant to ensure accountability and good governance. This is not to

say that the mechanism does not have inherent limitations, such as creating delays, power tussles, among others. Nonetheless, it remains a very important means of checkmating abuses, arbitrariness, rashness, arrogance and recklessness associated with the legislative, executive and judicial organs of government.

## **5.0 SUMMARY**

In this unit, we have seen that applying the principles of laws, without the intervention of discretion, is a necessary precondition to guard against tyranny and arbitrary governance. We also noted that though in a democracy, the rule of law is required to govern the interaction and co-existence of all citizens, particularly the preservation of their inalienable rights, the enjoyment of such rights is not absolute. They can be denied, suspended or a bridged by the government on certain conditions.

## **6.0 TUTOR MARKED ASSIGNMENTS**

- (i) Outline the relationship between the concept of democracy and the principles inherent in rule of law.
- (ii) Explain the limitations to the concept of rule of law in practice.

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## **UNIT 4: Evaluation of Rule of Law in Nigeria**

### **CONTENTS**

1.0 Introduction

2.0 Objectives

3.1 Main Contents

3.2 Rule of law under Military administrations in Nigeria

3.3 Rule of Law under Democratic Governments in Nigeria

4.0 Summary

5.0 Conclusion

6.0 Tutor-Marked Assignment

7.0 References/Further Reading

### **1.0 INTRODUCTION**

After our discussions on the concept and principles of the rule of law, it is imperative to carry out its evaluation. This will enable us know the extent to which the activities of the Nigerian government are keeping with the basic principles of the rule of law. This unit will therefore focus on some pertinent issues evident in contemporary Nigeria such as: the electoral process and democratization, human rights and good governance.

### **2.0 OBJECTIVES**

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

1. understand the application of the concept of rule of law in Nigeria
2. Know how rule of law can be employed to promote democracy and good governance.
3. Appreciate that without a free press, a vigilant citizenry and an independent judiciary, government alone cannot guarantee strict adherence to rule of law.

### **3.1 MAINCONTENT**

#### **3.2 Rule of Law under Military Administrations in Nigeria**

The antecedents of military governments in Nigeria, despite all pretences, reveal non-adherence to the principle of rule of law. Indeed, by definition a military regime is equated to a dictatorship and is always regarded as an aberration. Therefore, for almost three decades in Nigeria, the military relegated the rule of law to the background. For example, the Buhari military regime promulgated Decree No.2 under which many Nigerians were detained without trial. The same government enacted Decree No. 4, which criminalized free speech and opinion directed against those in authority. Two journalists of the *Guardian Newspaper*, Nduka Irabor and Tunde Thompson were jailed by the Buhari regime for contravening the Decree number 4. Three cocaine pushers were also publicly



executed by the Buhari regime, under a decree that was applied in a retroactive manner, contrary to practice within a society/state governed by rule of law.

Although the succeeding government of Ibrahim Babangida revoked Decree number 4, it however retained the more obnoxious Decree No. 2, under which his predecessor, Buhari, and his deputy, Tunde Idiagbon were clamped into detention. To placate the political class, Babangida released several politicians jailed by Buhari in a gesture meant to promote a new image for the military as a responsive government, but not as a country within the ambit of the rule of law. Under the pretext of what was called “guided democracy”, the government of Babangida experimented with all sorts of political contrivances. He severally extended his tenure in office, which ended in the annulment of June 12, 1993 presidential election. The government of Abacha was more notorious in its disregard of the principles of rule of law and respect for human rights. During his era, political activists were either summarily executed (eg, Ken Saro-Wiwa) or forced into exile because the political environment was not made conducive for an open and contested terrain which democracy demanded. The government of Abdulsalam was too short to merit any significant analysis except that in 1999, his administration re-enacted the Obasanjo’s record of 1979, when it midwife another successful transition programme, which was concluded within a comparatively shorter period of ten months. His military dis-engagement brought Obasanjo into power again as a democratically elected President.

### **3.3 Rule of Law under Democratic Governments in Nigeria**

In the First Republic in Nigeria, there were several political crises, which put the observance of rule of law to test. A prominent case was the declaration of a state of public emergency in the then western region of the country in 1962. This was over a fracas, which broke out on the floor of the House of Assembly of the region. A legal suite was then instituted by the Action Group, which sought for the declaration that the action taken by the Federal Government was illegal and unconstitutional, and for its reversal. In its ruling the Supreme Court refused to rule on the legality or otherwise of the action, but merely affirmed that there was a proper resolution passed by the Parliament. When the Privy Council in London in an appeal brought before it later declared the action null and void, the Balewa-led Federal Government promptly ended the jurisdiction of the Privy Council from entertaining cases that emanated from Nigeria.

Another case in which the observance of the rule was put to question was over the creation of Mid-western state from the then Western region in 1963. The crux of the debate was on whether the action was right when it was done without the concurrence of the state from which the new region was to be carved out. Many insinuated that the action was politically motivated to whittle down the influence of Chief Obafemi Awolowo and his party, the Action Group, in the minority areas

of Western region. This view sound plausible, especially when the same Federal Government refused to accede to state creation exercise in the then Northern region which was the biggest in both size and population in the country, and in which agitations for more regions/states were most rife.

During the administration of President Shehu Shagari between 1979 and 1983, there were also test cases for the rule of law. A major one was the deportation of Alhaji Shugaba Abdul Rhaman, the then minority leader of the old Borno State House of Assembly on the order of the then Minister of Internal Affairs, Alhaji Maitama Yusuf. Like that of the two cases cited in the First Republic partisan political motives were also insinuated, given the objective of the ruling party in the country then being to silence the voices of opposition as then symbolized in the personality of Alhaji Shugaba. However, a Supreme Court judgment later quashed the deportation order. Similarly, a Revenue Allocation Act already signed into law by President Shehu Shagari was annulled by the Supreme Court in a case brought against the Federal Government by the then Bendel State government on the ground that proper procedures were not followed by the National Assembly in the enactment of the Act.

The democratic governance of President Olusegun Obasanjo elevated constitutional abuses and executive indiscretions into a virtue. The list is endless. For example, in Odi, Rivers state a whole community was razed down by the Nigerian military acting on the President's fiat. Secondly, in a flagrant disobedience of the Supreme Court's judgment, Obasanjo refused to release the statutory allocations meant for the local governments in Lagos. Under Obasanjo, the country also witnessed unresolved murder cases; prominent among which are those of Chief Bola Ige, Chief Dekibo, Engineer Funsho Williams, among others. President Obasanjo also sought to elongate the tenure of elected local government councils from three to four years, which was aborted midstream. This, he did by rushing to assent a bill which emanated from a joint sitting of the National Assembly, without recourse to the two houses which appointed the body. The move was however invalidated by a Supreme Court judgment. Obasanjo also severally violated appropriation laws by either exceeding, or spending on unauthorized projects, in acts of questionable constitutional breaches, which led to the several moves by the National Assembly to impeach him in 2002. In sum, the democratic government of President operated outside the framework of rule of law in the reign of arbitrariness and impunity under his watch in Aso Rock. The scenario has virtually remained unchanged till date. Therefore, what has become evident is that the phrase rule of law has become a mantra that is being selectively used in the country to suit particular situations or circumstances depending on what is at stake or the matrix of political interests.

### **SELF-ASSESSMENT EXERCISE**

Examine why military decrees are superior to a Constitution under military regime

#### **4.0 CONCLUSION**

Democratic governance is based on the consent of the people. It is therefore the form of governance that best guarantees people's dignity and freedom. Democracy and rule of law *are sine qua non* to good governance worldwide. Democracy requires a "rule of law" framework to thrive and to deliver its dividends to the citizens. It is only those governments that guarantee human rights, a major component of the rule of law, which can create the basic conditions in which individuals can pursue their own personal development as they choose.

#### **5.0 SUMMARY**

This unit has appraised the observance of rule of law during military and civilian administrations in Nigeria. The rule of law was observed in breach by both military and civilian administrations. The concept, no doubt, has become a mantra that is selectively used to suit particular situations or circumstances, depending on what is at stake or the matrix of political interests.

#### **8.0 TUTOR MARKED ASSIGNMENTS**

- (i) Justify the saying that the operation of rule of law in any country is not without some limitations.
- (ii) Examine how the concept of rule of law could guard against the violation of human rights.
- (iii) Discuss how a democratic government could enhance the respect for the principles of rule of law

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## **MODULE 4: Types of Political/Administrative Systems**

### **INTRODUCTION**

The structure of governments is of crucial importance for their overall functioning. Aside the structure, the geographic distribution of power also plays a crucial role in the effective function of a government. In every system of government, the power to govern is located in one or more places geographically. There are, of course, a variety of constitutional structures of national government throughout the world. This module, which is sub-divided into five units, will examine the meaning and basic features of the five structures of national government.

- Unit 1: Presidential System of Government
- Unit 2: Parliamentary System of Government
- Unit 3: Unitary System of Government
- Unit 4: Federal System of Government
- Unit 5: Confederal System of Government

## **UNIT 1:Presidential System of Government**

### **CONTENTS**

- 1.0Introduction
- 2.0 Objectives
- 3.1 Main Contents
  - 3.2 The Meaning of Presidential System of Government
  - 3.3 Features of a Presidential System of Government
  - 3.4 Merits and Demerits of Presidential System of Government
  - 3.5 Application of the Presidential System of Government
- 4.0 Summary
- 5.0 Conclusion
- 6.0 Tutor-Marked Assignments
- 7.0 References/Further Reading

### **1.0 INTRODUCTION**

The presidential system government is a model of political and administrative governance in operation in many countries, developed and developing, in which both the executive and ceremonial powers are exercised by a single person who is also addressed as the Commander in Chief of the armed forces. This unit takes a look at this system of government by first defining it and identifying its major characteristics. It also examines its merits and demerits as well as its practice in specific countries such as the United States and Nigeria.

### **2.0 OBJECTIVES**

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

- (i) Know the meaning and basic features of the presidential system of government.
- (ii) Identify the benefits as well as the danger that can accrue to a country where the system of government is in practice
- (iii) Understand the practical application of the presidential system of government.

### **3.1 MAINCONTENT**

#### **3.2 The Meaning of Presidential System of Government**

The institution of a single man and non-parliamentary executive chiefly characterizes the presidential system of government. The same person who holds the title of head of state is also head of government. The real political or executive power is combined with the ceremonial powers and are both exercised by a single

man who is also addressed as the Commander in Chief of the armed forces. The executive headed by him is the government and it is headed by the president who is also the head of the executive. The president is normally elected directly through popular votes or, indirectly via the collegiate system, otherwise known as the Electoral College and he is directly accountable to the electorate. The election to the office of the president is independent of the election to the legislature. The whole country constitutes a single constituency to the president. On assumption of office, the president is seen as the symbol of national unity and chief administrator for the nation. Agarwal *et al* (1994) define the presidential system as that type of government in which the three organs of government, that is the legislature, the executive and the judiciary are separated and co-ordinate in power, each of them acting independently within its own sphere. The President does not share his power with any other person, unlike the Prime Minister who is first among equals in a parliamentary system. The holder of the office of president is often called executive president, because he is solely responsible for the implementation of legislative decisions. He is the chief security officer of the whole country, and in exercise of this power he sees to the maintenance of law and order in the country. He is also the commander-in-chief of the armed forces, which confers on the occupant of that office the power to declare war to defend the independence, sovereignty and territorial integrity of his country. Examples of countries in the world that practice this system of government are U.S.A, Spain, France, and Nigeria. The tenure office of the president is fixed; he stays in office for a specific tenure and he can be re-elected for a second term. The number of years a president stays in office depends on the constitution of the country concerned. In Nigeria the fixed tenure for any president is four years (Omololu& Suzanne, 2016).

### **3.3 Features of Presidential System of Government**

- i) **Combination of Two Offices in One:** The combination of the office of head of state and head of government makes for quick and prompt decisions, especially on rare occasions when delays or vacillations may be dangerous for the corporate existence of a nation. To facilitate this, the American presidential system, for instance, allows the president the power to issue executive orders without recourse to the congress, while the Nigerian system also permits a president to take steps in exceptional circumstances, before seeking the approval of the National Assembly.
- ii) **Presidential Discretion in Appointments:** The President also has a free hand in appointing his ministers and other government appointees. It is possible for ministers to be chosen from outside the president's party. This is due to the insulation of the president from party politics under the presidential system of government.

- iii) **A Single Countrywide Constituency:** The whole country constitutes a single constituency for the president in a presidential system of government and he is elected for a fixed term of four years, and separately from members of the parliament.
- iv) **Separation of Powers and Checks and Balances:** The presidential system of government is anchored on the twin mechanisms of separation of power and checks and balances. This is not the case in the parliamentary system where there is a fusion of power among the three organs of government.
- v) **Fixed Tenure of Office:** The President under the presidential system has a fixed tenure in office, usually a four-year period before another election is due, when he can seek for a re-election for another term in office. In Nigeria and the United States, no president can serve in office for more than two terms.
- vi) **Veto Power:** In the presidential system of government, the president is constitutionally empowered to refuse to assent any bill passed by the legislature that he considers to be against public interest, but it isn't a feature in the parliamentary system of government.
- vii) **Primacy is accorded to the Constitution**  
The constitution is the supreme law in the presidential system. This is unlike most parliamentary system where supremacy lies with the parliament.

### **3.4 Merits and Demerits of Presidential System of Government**

#### **Merits**

##### **i) Promptness in Decision-making**

The presidential system of government makes for decisive actions because the president knows that 'the buck stops on his desk', a phrase popularised by the late Harry Truman, when he decided to use nuclear weapons against two Japanese cities in order to bring about a decisive end to World War II. In America and Nigeria, the constitution did not even make it mandatory for the president to call a meeting of the executive council before he can take action on any issue. The president is at liberty to either consult his ministers or any of them, or refuse to seek their opinion in taking decisions. This promptness in decision-making therefore makes the response of government to issues quick and decisive, especially in situations where any delay in taking action may be dangerous.

##### **ii) Presidential Discretion in Appointments**

In the presidential system of government, the president uses his discretion to appoint his ministers and other government appointees. Ministers could be chosen from outside the president's party. This confers high degree of latitude on the president to select the best materials from any part of the country. Since the buck stops at his desk, the president can easily replace or fire any of his appointees

because they are directly responsible to him.

**iii) A Single Country wide Constituency**

The fact that the electorate popularly elects the president makes the whole country a single constituency for him, and as such, the party does not have an overbearing control over him, beyond offering him advice at party caucuses. He, rather than his party or his appointees, bear responsibilities for his actions and inactions. This constitutes a consistent source of pressure on him to perform since he cannot shift blame to any other person.

**iv) Separation of Powers and Checks and Balances**

The mechanism of separation of power enhances the effective performance of each organ of government in its functions, while checks and balances also ensure that a president who is dictatorial can be brought under constitutional checks. The combination of the two devices will obviously improve the performance of government.

**v) Fixed Tenure of Office**

The fixed tenure in office enjoyed by the president under the presidential system makes for the stability of the government and the continuity of policies. A stable government allows for both medium- and long-term planning, rather than the instability that characterises a parliamentary system of government. A new general election can be called in a parliamentary system any time a vote of no confidence is passed on the government

**vi) Individual Ministerial Responsibility**

Ministers take responsibilities for their actions individually not collectively. Thus, unlike the parliamentary system which allows a non-performing minister to shelter under the concept of collective responsibility, the presidential system makes it easier for an ineffective minister to be identified and singled out for blame or even dismissal. His dismissal will not affect other ministers or even, in the extreme make a government to collapse.

**Demerits**

- i) **Prone to Dictatorship:** The presidential system is prone to dictatorship or abuse of office, which is dangerous to the democratic process. This is a result of enormous power that is constitutionally allotted to the office of the president. Presidentialism focuses too much on the personality of the president and his capacity; and when the individual is undermined the office is undermined and the system may even be threatened. The disposition of president to be autocratic can also be attributed to the cumbersome process that is required before a sitting president can be impeached.
- ii) **Friction among Government Organs:** Separation of powers can cause delays in the execution of government policies and programmes, especially in situations where executive- legislative relations are not properly managed. In less matured democracies of the developing world, this problem is more acute when different



political parties are in control of the executive and the legislature. A watertight separation of power often inhibits the smooth running of government, especially if attempt by one organ to moderate the activities of the other through the mechanism of checks and balances is being resisted

- iii) **Expensive to Operate:** Another demerit of the presidential system is that it is very expensive to run. In the presidential system, elected members of the legislature are required to resign before they can be appointed as ministers, unlike in the parliamentary system which selected cabinet members from the elected members of the parliament. This arrangement is economically more efficient than that the presidential system.
- iv) **Absence of Party Discipline:** Unlike the parliamentary system where party discipline is very strong and which fuses the cabinet and the parliament into one like a 'Siamese twin' which must swim and sink together, this is not the case in a presidential model.

### **3.4. Application of the Presidential System of Government**

The Presidential system of government is operation in many countries. The countries include the United States, a country that is unarguably the model for that system of government. Indeed Nigeria, with minor modifications, adopted the American type of presidential system of government in 1979. The United States' constitution under Article II provided for the establishment of the office of a strong president. As pointed out by Alexander Hamilton, a popular delegate to the 1787 Constitutional Convention, Article II was aimed towards "energy in the Executive". The constitution did so in an effort to overcome the natural stalemate that was built into the bicameral legislature as well as into the separation of powers among the three organs of government.

The President of the United States exercises Executive powers as the Head of State; Head of government and Commander-in-Chief of the Armed forces. The arrangement almost equally applies to Nigeria. One major difference is that the Vice President in the United States is also the President of the Senate, a position he occupies by the fact of his being the incumbent Vice President. He seldom attends the sittings of the upper house except on the rare occasion when he is expected to use his casting vote to break a tie in voting in the Senate. In Nigerian, the President of the Senate is first and foremost an elected member of the Senate before he is elected from among his colleagues as the presiding officer of the Senate.

### **SELFASSESSMENT EXERCISE**

- (i) List factors responsible for success of presidential system
- (ii) Enumerate some advantages and drawbacks of presidential system of government

### **4.0 CONCLUSION**

The American experience of over two hundred years has shown that the presidential system of government can be a success story. It is unique because

political and administrative powers are divided among the executive, legislative and judicial organs. In spite of its many advantages, however, it is claimed by the opponents of the model that the presidential system of government is too expensive to maintain, especially by less developed countries and that it cannot readily guarantee a responsive, or provide responsible government.

## **5.0 SUMMARY**

In this unit we began with the treatment of the presidential system of government by defining it and stating its basic features. We also discussed the merits and the demerits of presidential system of government, citing the United States and Nigeria as case studies to illustrate the practice.

## **6.0 TUTOR MARKED ASSIGNMENTS**

- i) Identify the specific features of presidential system that could lead to dictatorship.
- ii) Explain how the doctrine of checks and balances guides the operations of the presidential system from the excesses of an overbearing president.

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## **UNIT 2: The Parliamentary System of Government**

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  - 3.3 Features of a Parliamentary System of Government
  - 3.4 Applications of the Parliamentary System of Government
  - 3.5 Merits and Demerits of the Parliamentary System of Government
- 4.0 Summary
- 5.0 Conclusion
- 6.0 Tutor-Marked Assignments
- 7.0 References/Further Readings

### **1.0 INTRODUCTION**

The previous unit examined the meaning and features of the presidential system of government. It also elucidated its merits and demerits. In this unit, our discussions shall focus on the parliamentary system of government. We shall clearly highlight its major characteristics, including its merits and demerits, as well as the dual nature of its executive and the balancing role it is meant to serve.

### **2.0 OBJECTIVES**

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

- i) Know the basic features of the parliamentary system of government
- ii) Know the advantages and the advantages of the Parliamentary system of government.
- iii) Use Britain as one model to demonstrate the success of the parliamentary system of government

### **3.1 MAINCONTENT**

#### **3.2 The Meaning of Parliamentary System of Government**

Parliamentary system of government is a system of democratic governance of a country, wherein the executive branch is derived from the legislative body, i.e. the Parliament. Here, the executive is divided into two parts, the Head of the State, i.e. President, who is only the nominal executive and the Head of the Government, i.e. Prime Minister, who is the real executive, performs the real and executive functions.

In parliamentary system, the political party that wins the maximum number of seats during federal elections, in the Parliament, forms the government. The party elects a member, as a leader, who is appointed as the Prime Minister by the President. After the appointment of the Prime Minister, the Cabinet is formed by him, whose

members should be out of the Parliament. The executive body, i.e. the Cabinet is accountable to the legislative body, i.e. Parliament. In Britain, a good example of a country operating the parliamentary system of government, the Prime Minister, who is the head of government, performs the substantive executive functions. The Prime Minister is usually appointed by the head of state from the party that controls majority seats in the legislature. The head of state, like the Queen in Great Britain performs ceremonial duties like welcoming foreign dignitaries, presiding over important national functions or ceremonies, signing bills into law in the parliament and addressing the parliament at the beginning and the end of parliamentary life. Nigeria practised the parliamentary system of government in the First Republic (1960-1966)

### **Collective Responsibility**

In the parliamentary system of government, members of the government are collectively responsible for the successes/failures of the government and all ministers, not just departmental ministers concerned, must collectively share moral responsibility for its policies. Implicit in this is the notion that all ministers are bound to support government decisions before the public, parliament and the party, and at the very least, must refrain from openly criticising government policy. This doctrine also implies that a minister who dislikes a particular government policy must reconcile his differences or resign from the government. Sometimes resignation comes immediately, as Mr. Christopher Mayhew did when he resigned over defence policy in 1966. Alternatively, the ministers may remain for a time in the cabinet hoping to convert its views as with Mr. Frank Cousins who was known to be hostile to the prices and incomes policy of the then Labour government long before he eventually resigned in 1966.

A similar lack of cabinet solidarity on a fundamental issue was revealed in 1974 when both Michael Foot (Secretary of State for Employment) and Eric Heffer (Minister of State for Industry) openly disagreed with the Labour Government's decision to supply arms to the then new anti-Communist regime in Chile. The maintenance of a united government front is an essential prerequisite for the preservation of party discipline in the Commons, and to the answering of opposition and public criticism of government policy. In this respect collective responsibility also serves as a means of suppressing differences of opinion within the government itself. The doctrine applies to all ministers, from senior cabinet ministers to junior ministers.

### **3.3 Features of Parliamentary System of Government**

The major features of the parliamentary system of government, which markedly differ from the features of the presidential system discussed in the preceding unit, include:

#### **i) Dual Executive**

In the cabinet system of government, the head of state is different from the head of

government; the Queen performs the ceremonial functions while the Prime Minister performs the executive functions (as it operates in Great Britain).

#### **ii) Fusion of Powers**

The theory of separation of power is not strictly observed in the cabinet system of government, since there is no separation of powers between the executive and legislature, the cabinet members are also members of the legislature; they both take part in drafting bills (The minister in Britain is also a member of the legislature which makes it possible for him to combine an executive and legislature functions). In the cabinet system of government, the executive depends on the legislature for its existence since there is fusion of power.

#### **iii) Tenure not Guaranteed**

In the cabinet system of government, the head of government, Prime Minister will lose his position while the government he heads will resign when a vote of no confidence is passed against him in parliament. This implies that the Prime Minister can only remain in office for as long as his party still control majority of seats in parliament.

#### **iv) Power of Attainment**

Another difference between these two systems of government is the power of attainment, which can throw up an elected member of the legislature into the position of a prime minister, on the strength of his ability to command the loyalty of his former colleagues. In Britain, the then Prime Minister, Mr. David Cameron was initially an elected member of House of Commons on the ticket of the Conservative Party before he rose to become the British Prime Minister. His party then led a coalition government with the Liberal Democratic Party while the Labour Party was the official opposition party.

#### **v) Official Opposition**

In the parliamentary system of government, the opposition party is officially recognized, i.e. the party that is strongly recognized with the majority seats in the legislature forms the government while the other party constitutes the opposition. The leader of the opposition party forms the shadow cabinet and is ever ready to form a new government on the collapse of the ruling party.

#### **vi) Parliamentary Supremacy**

The parliamentary system of government is characterized by parliamentary supremacy. The constitution is not supreme, rather the primacy lies with the legislature, or the parliament as it is called in Britain. The legislature can re-write or edit the written parts of the constitution and also dissolve the cabinet at any time. In Great Britain, the Queen can dissolve the parliament when advised to do so by the Prime Minister.

#### **vii) Party Discipline**

In the parliamentary system of government there is existence of party discipline

(adherence to party ideals and proposal) if the party discipline is weak the party in power would find it difficult to maintain a majority in the legislature and so some of its policies may be defeated. It is also essential that ministers must come from the same party with the prime minister in the cabinet.

### **3.3 Applications of the Parliamentary System of Government**

Britain is one country in the world that is foremost in its adoption and practice of the parliamentary system of government. In Britain, there is separation between the head of state (the Queen) and the head of government (the Prime Minister). Under this system which is also referred to as cabinet government the parliament is the supreme legislative body in Britain. The parliamentary system after centuries of its operation in Britain has remained, to a reasonable extent, a success story.

Nigeria operated the parliamentary system of government in the First Republic, and like Britain, its Parliament was bicameral (the Senate and House of Representatives). But unlike the British model, Nigeria had a written constitution. Before Nigeria became a republic in 1963, the head of state was designated a Governor-General, then a titular head just like the Queen he represented. But after 1963 when Nigeria became a republic the post of head of state was renamed the President. The title of Prime Minister for the head of government was retained in 1963, as it was in 1960 when Nigeria became independent. Nigeria however discarded the parliamentary system in 1979 after the return to democratic government, because the ills and consequent failure of the First Republic was partly blamed on the parliamentary system of government.

### **3.4 Merits and Demerits of the Parliamentary System of**

#### **Government Merits**

- i) The parliamentary system of government curbs autocracy and dictatorship in government. It is very difficult for the system to breed or produce dictators since the government is always conscious of the fact that if it does, it will incur the wrath of members of parliament which may lead to the passing of a vote of no confidence on it. The notion of party discipline which requires that both the government in power and members of parliament follow the laid down policies and programmes of the party as contained in its manifestoes usually ensure that neither the government nor the parliament crosses the line.
- ii) Parliamentary system promotes dedication and efficiency in government. The ministers at party caucus must have thoroughly discussed proposals/bills before bringing them to the parliament for consideration. This ensures quick approval of policies and enacted of laws since members of the cabinet also sit in parliament where they see to their passage. In addition, in order to avoid criticisms and the possibility of vote of no confidence on his government, the Prime Minister is always conscious of putting in the best. This is done through regular check on the activities of his ministers. The efficiency of ministers is

further open to closer scrutiny during Question Time.

- iii) There is a lot of merit in the concept of collective responsibility which requires all members of the cabinet to be united in all its decisions. This makes the cabinet as a body to be careful about its conduct in office because it may have far reaching implications on the stability and survival of the government. The parliamentary system is equally responsive to public opinion. This is because the cabinet is not responsible to the Prime Minister who appoints them, but to the parliament.
- iv) The presence of an officially recognized opposition party in a parliamentary system of government makes the ruling party or the governing coalition to be conscious of its responsibilities to the electorate. For this reason, the government is always alert to alternative views that may be canvassed by the opposition so as to know where to improve its performance. The role of the opposition party therefore is not only to constructively criticize the government as an effective watchdog, but also to see itself as the government in waiting or as an alternative government, that is ready to take over the government should the situation arises.
- v) The fusion of power which ensures that cabinet members are also parliamentarians promotes mutual understanding between the legislative and the executive branches of government. The fact that members of the executive also sit in the legislature as law- makers ensures that process of decision making is faster. It does not require further elaboration to know that consensus on major issues can be easily reached since the cabinet usually operates as a committee of the parliament.
- vi) The parliamentary system is less expensive to run because ministers are chosen from elected members of parliament. This is not the case under the presidential system of government where ministers are chosen from outside the parliament. Thus, the additional money that will be required to hire more hands outside the legislature is saved in a parliamentary system of government.
- vii) In spite of changes of government at regular intervals the non-partisan but largely ceremonial and symbolic role of the monarch or head of state in a parliamentary system contributes to continuity and sustenance of state institutions. For example, in Britain because the Queen has been in office since 1953, she has remained the anchor of stability of the British institutions and values, despite changes in governments in the country in the past 53 years now.

### **Demerits**

- i) The best people may not be in government since the Prime Minister is restricted to appoint ministers into his cabinet from members of his party. This is not the case in the presidential system of government where even the non-card-carrying party members are appointed to serve in the cabinet and other key positions in

government.

- ii) Parliamentary system violates the principle of separation of powers and the expectations that liberty of the citizens and rule of law will be guaranteed. A major disadvantage of fusion of powers is that it may lead to needless bottleneck in the relationships among the organs of government and complexity in administration of government.
- iii) There is also the danger of personality clash or conflict of interest between the head of state and head of government in a parliamentary system of government. This type of conflict of interest manifested in the First Republic in Nigeria when Dr. Azikiwe, then President and Alhaji Tafawa Balewa, then Prime Minister disagreed over the conduct and outcome of the December 30, 1964 federal elections. In September 2010, the Somalia Prime Minister, Omar Abdirashid Ali Sharmarke resigned from office due to personal disagreement between him and president Sheik Sharif Ahmed. Thus, Nigeria opted for the presidential system of government in 1979 partly to avoid a possible repeat of the constitutional crisis, which enveloped the country in the aftermath of the disagreement between the two leaders.
- iv) Another demerit of the parliamentary system of government is that it can also throw up a person who is not countrywide popular or known as a Prime Minister. Unlike the presidential system, which requires the president to have a countrywide appeal before he can be elected, the requirements for the office of a Prime Minister are less stringent. Any elected member of House of Commons from a single member constituency who is believed to have the majority support of other members can become the leader of government in Britain. This was exploited in Nigeria during the First Republic when the leaders of the Northern People's Congress did not bother to campaign in the other regions because they were confident that votes from the Northern region alone were sufficient to earn them the prestigious post of Prime Minister.

### **SELFASSESSMENT EXERCISE**

- (i) Analyse the major characteristics of the parliamentary system of government
- (ii) Examine the relevance of collective responsibility as practiced in the parliamentary system of government

### **4.0 CONCLUSION**

The parliamentary system of government is one of the democratic ways for organizing a government. Its practice in Britain has been so successful that countries outside the Commonwealth of Nations are craving to adopt it. Indeed Canada, despite its proximity to the United States and its readiness to always collaborate with the latter in other areas continues to retain its parliamentary system while its leaders regard it as near sacrosanct. Although the parliamentary



system is not without its drawbacks, but when compared with the presidential model, on balance, it is seen by some as a preferable system of government.

## **5.0 SUMMARY**

Our discussions in this Unit have focused on the meaning and features of the parliamentary system of government. We noted that the Parliament is the hub of the parliamentary system while the cabinet is its caucus, where the operators of the system regularly meet to shape public policies. We also identified the merits and demerits of this system of government and cited the example of Britain as one country in which the culture of Westminster parliamentary system is fully developed and thriving.

## **6.0 TUTORMARKED ASSIGNMENTS**

- (i) Identify the factors that accounts for the success of parliamentary system of government.
- (ii) Explain the extent to which parliamentary system of government provides for a more accountable and responsive government.
- (iii) Compare and contrast the role of the Prime Minister and the President in a parliamentary system of government.

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## **UNIT 3: Unitary System of Government**

### **CONTENTS**

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### **1.0 INTRODUCTION**

No modern state can be effectively governed from a single location only. The distribution of powers between or among different levels of government is therefore an important aspect of the constitutional arrangement at present. All states have at least two levels of government: central and local. A number of countries also contain a third level of government, which is responsible for the interests of more or less large regions. This unit will examine the meaning, characteristics and the merits and demerits of a unitary system of government. It will also use the examples of some countries in the world to illustrate the application of unitarism.

### **2.0 OBJECTIVES**

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

- (i) Define the unitary system of government, in addition to knowing its major features.
- (ii) Use the examples of countries practicing unitary government to have a deeper understanding of this form of government.
- (iii) Explain the benefits as well as the weaknesses that are inherent in the practice of unitary form of government.

### **3.1 MAINCONTENT**

#### **3.2Meaning of Unitary System of Government**

A government is regarded as unitary when the national or central government is supreme over other levels of government that might exist in a given state. Other levels of government referred to in the above definition are the local governments or units. The central government enjoys almost complete control over their smaller local government entities. In a unitary system, almost all power and responsibility

is vested in the central government. Local governments may only exercise power through the central government. The central government has full legal right to over-rule such Local governments. They are not only created by the center, they owe their existence to the center and are subordinate to the national government. The principle that governs a unitary constitution is Unitarianism. The word 'Unitarianism' means the concentration of political power in the hands of one visible sovereign power; be it that of a parliament or a legitimate dictator. In short, a unitary constitution means that sovereignty is exercised from one source rather than from many sources. It is a unit centre of power, meaning that power emanates from one source only.

We must note that the terms unitarism and federalism are contradictory and mutually exclusive. To put it differently, while there are different types of unitary or federal constitution, we cannot, strictly speaking have a constitution which is, at the same time, unitary and federal. The phrase quasi federal or quasi unitary is a hybrid, which merely seeks to derive the best from both ends, and is therefore unrealistic. Though a full discussion of the federal form of government in the next unit, but it will be of benefit to you here if we enrich this discourse by introducing what the late Chief Awolowo once popularized and described as the linguistic principles. Although the first and fourth of these four principles are particularly relevant to our discussion on the unitary form of government, it will be more illuminating to mention the other two:

- i) If a country is unilingual and uni-national, the constitution must be unitary.
- ii) If a country is unilingual or bilingual or multilingual, and also consists of communities which, over a period of years, have developed divergent nationalities, the constitution must be federal, and the constituent states must be organized on the dual basis of language and nationality.
- iii) If a country is bilingual or multilingual, the constitution must be federal and the constituent states must be organized on a linguistic basis.
- iv) Any experiment with a unitary constitution in a bilingual or multilingual or multinational country is bound to fail, in the long run.

### **3.3 Characteristics of a Unitary System of Government**

The following are the major characteristics or features of a unitary system of government:

- i) There is only one center of power from which authority flows to subordinate levels that are created by the centre.
- ii) The central government not only has the power to dissolve the subordinate levels it has created; it can equally modify or reduce the powers given to them.
- iii) The subordinate levels are created as agents of the center to administer the local areas on behalf of the centre and to also convey the wishes of the people in the local areas to the center where real power lies.

- iv) A unitary government may either operate a unicameral or bicameral legislature. For example, Ghana and Britain are unitary states, with the former operating a unicameral while the latter a bicameral legislature.

### **3.4 Applications of Unitary System of Government**

Britain operates a unitary system of government. Under this arrangement, all governmental powers are concentrated at the central level. Any local level of government that exists are created and allocated powers by the central government. This is unlike the United States and Nigeria where the states as federating units derive their powers from the constitution, and are equal, exercising co-ordinate authority with the federal government in those powers allotted to them.

### **3.5 Merits and Demerits of Unitary System of Government**

#### **Merits**

- i) Since the logic and mechanism of a unitary government avoids the division of a country into autonomous regions or states, it can help to preserve and promote national unity. Unlike a federal system that promotes regionalism and tribalism, which further engender dual citizenship and double allegiance, one supreme central government under a unitary framework will put an end to all these divisive and centrifugal forces.
- ii) In the unitary system there is the absence of duplication of centre powers as it is in the federal states. Since decisions on all-important issues are made at the centre, it reduces the cost of governance.
- iii) Concentration of power rather than its dispersion ensures a strong government. This is because there is minimal diversity in a unitary state. In a unitary system of government due to much identical culture, economic and social composition of the people in the state, there is usually the absence of friction, tension or rancour, that often characterise the federal system in the struggle for “unity in diversity.”
- iv) The principle ensures that even development is realized in a state that operates a unitary system of government.
- v) There is uniformity of laws and administration in a unitary state. This ensures that there is no overlapping or conflict of jurisdiction throughout the state. This makes the allegiance of the citizens remain undivided. Unlike in the federal system of government where citizens owe allegiance both to the centre and the region to which they belong, such a situation that can breed separatist tendencies is avoided in a unitary state.

#### **Demerits**

- i) In a unitary system of government, power is highly centralized and

concentrated in one sovereign. This can lead to totalitarianism, oligarchy or even autocracy in the running of the affairs of the state. The unitary system as a result of the point mentioned above often makes it difficult for the masses to take active part in civic affairs of their state.

- ii) There is also no local initiative in a unitary system of government. This is because the little or residual power delegated to the local authorities can be taken away from them at the whims and caprices of the centre. In France, for example, 'the Minister of Interior presses the button and the prefects, the sub- prefects, the Mayors and the Deputy Mayors do the rest.'
- iii) The central government is not always aware of local problems since it is not closer to the grassroot.
- iv) The unitary system can also easily collapse. Single central authority may easily collapse under stress from within and without. Multiplication of centres of power serves as a safeguard against such a danger.

### **SELF ASSESSMENT EXERCISE**

- i) List the main features of a unitary system of government
- ii) Explain why unitary system of government is a better option for small and homogenous states
- iii) Enumerate the demerits of unitary system of government

### **4.0 CONCLUSION**

Unitary system of administration is popular among states. Its major attraction is the simplicity of its structure and organization. It is also not open to contestation that may arise due to disagreement over sharing of powers because it provides for one level of authority thereby removing the danger of dual allegiance. Nonetheless, a unitary system of government is not applicable to the circumstances of every state.

### **5.0 SUMMARY**

In this unit we began with the examination of unitary form of administrative system, by giving its definition, meaning and characteristics. We also observed that a unitary system is most suitable for smaller states with less diversities of population, and for this reason, it enjoys wider acceptance in today's world of mini, or even in certain cases, miniature states. Lastly, we discussed the advantages and disadvantages of a unitary system of government

### **6.0 TUTOR MARKED ASSIGNMENTS**

- i) Explain the major features of a unitary system of government.
- ii) Analyse the major factors that encourage a country to adopt a unitary system of government.

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## **UNIT 4: Federal Administrative System**

### **CONTENTS**

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3.3 Factors that influence the choice of Federalism

3.4 Merits and Demerits of Federalism

3.5 Tiers of Government in Nigeria's Federal Structure

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5.0 Conclusion

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### **1.0 INTRODUCTION**

Federalism is a very complex political system that requires tolerance, compromise and accommodation from its operators before it can succeed. This unit takes a closer look at the federal system by first defining it and stating its features. The unit also examines the factors that can predispose a country in the direction of federalism as a system of government, as well the different types of federal systems that are being practiced across the world. The unit finally discusses the merits and demerits of the federal system of government.

### **2.1 OBJECTIVES**

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

- i) Know the meaning and features of federalism
- ii) Understand conditions necessary for a federal structure in a state.
- iii) Identify forms of federal systems and reasons for different variants in different countries.

### **3.1 MAINCONTENT**

#### **3.2 Meaning of Federalism**

Federalism is a type of political system in which the powers of government are divided between self-governing parts and the national or central government. Each of these parts operates within its own jurisdiction or sphere as defined or specified in the constitution. Put differently, in a federation the distribution of powers between the inclusive government and the federating units are guaranteed by the constitution of the country. Kenneth Wheare (1963), a foremost authority on federalism defined it as a constitutional arrangement in which "neither the central nor regional governments are subordinate to each other, but rather the two levels of government are coordinate and equal." Wheare also set out conditions that can make a federal constitution/system succeed. According to him, the component

units must be fairly equal in size and population so as to prevent one unit from dominating the other or a combination of two or more units, from dominating the entire federation.

Furthermore, in a federal system the constituent units have some rights of existence which empower them to perform certain functions which are guaranteed by a constitution. This means in effect that the powers being exercised by these component states are distributed along what is known in America as reserved or shared powers, or in Nigeria as Exclusive, Concurrent and Residual powers. Indeed, in most federations the constituent units often predated the central government. The United States of America (the oldest federation), Canada, Russia, and the Peoples Republic of China, India, Pakistan and Nigeria are good examples of federations. From the above examples of federal states, we must note that a federation is either a union of autonomous states that have come together to become a larger political entity as in USA (Aggregative federation) or a federation where a large country is broken into smaller units, as it is the case in Nigeria (Dis-aggregative federation) (Ayoade,1980).

We should also note that in a federation, two governments control the same group of people but with each level handling different political matters. The allocation of responsibilities to the component parts by the constitution, and respect of their competence in those areas is vital to the survival of federations. The reason for this is that most federations are often the result of a political compromise by which reluctant member-states were induced to come together in a larger union with a promise that their desire for autonomy in certain areas will be respected. This was the case with the United States when the original 13 states, after the collapse of the Confederal structure saw in a federal arrangement a more realistic structure that could make them cooperate in a union, without the federating units losing their autonomy to handle matters that were of local concern, or specific to them.

Federalism can also be viewed either as a process or condition and that is why federations operate in a variety of different political contexts and is associated with a variety of different political outcomes. In other words, there is no distinctively federal pattern of relations between the national and regional level of government. This further implies that no two federations are structured alike since the nature of communities that come together to form a nation differ (Inman& Rubinfeld, 2020).

### **3.3 Factors that Influence the Choice of Federalism**

The following factors influence the choice of federalism:

#### **i) Historical Factor**

The most fundamental reason why states decide to federate is historical. This reflects the fact of common association and similarity of political institutions that had existed between the federating units that made formerly independent states to agree at a point in their history to form a common union. This was the case with the United States of America after its war of independence with Britain in 1776 and the failure of the Articles of Confederation. It is similar with the



Nigerian Federation after the historical factor of the amalgamation of the Northern and Southern protectorates in 1914, British colonial rule as well as the adoption of common political institutions by the North and South during this period eventually led to the adoption of the federal system in 1954.

**ii) Geographical Contiguity**

The nearness of states to one another in geographical term is usually a major factor that can induce them to form a federation. It is inconceivable to have states widely separated by land or sea forming a federation. It can be plausibly argued that one of the reasons why Nigeria adopted a federal structure is because the various ethnic groups in the country are geographically contiguous. The fact of this proximity among the different nationalities in Nigeria, a similar feature of other federal states such as the United States, the old Soviet Union and the present Russian federation, makes communication a major step in deciding to form a federation. On the other hand, the absence of this factor largely accounted for the disintegration in 1971 of the union between West and East Pakistan to form Pakistan after the Partition of India by the British in 1947.

**iii) Ethnic and Cultural Diversities**

Some states may decide to federate in recognition of the fact that their peoples are so diverse in culture, language and interests and for this reason, the unitary option may provide a ready answer for such social heterogeneity. For example, the Nigerian and Indian Unions recognised that federalism is the most effective way of allaying the fears of these groups against one another in order to forge unity in diversity. Unity in diversity is achieved in federations because peoples with different cultural backgrounds are allowed to develop along the lines that interest them.

**iv) Economic and Administrative Advantages**

The need to create large internal market and to pool human and material resources together can lead to the formation of union of states. This factor, which is similar to what economists call the drive for large economic of scale, has made the United States of America today to become a continental size country. The present over 9 million sq kilometer territory of USA came about due to accretion in size, or what federalists call aggregation. Indeed Louisiana, now a state in USA was purchased from France in 1803 while President Andrew Jackson forcefully acquired East Florida from Spain. The notion 'the bigger the better' syndrome also fits into the economic calculations of the former colonial masters in working out the amalgamation policy for the north and south of Nigeria, which assisted them to utilise the available few British administrators in the most economic and efficient manner. Nigeria with a territory of 923,766 square km. and a population (as at 2010) of about 150 million has huge economic potentials and offers tremendous opportunities, all consequent to its large market.

**V. Fear of Domination**

Insecurity and fear of domination by external power or possible rebellion by a

disaffected element (s) within a country can also encourage the formation of a federation. According to Awa (1976), in the Nigerian case it was lack of trust among the ethnic groups that led to the forging of the Nigerian federation, a political arrangement they saw as a more effective device that can safeguard and guarantee their separate local autonomy and independence.

### **3.5 Merits and Demerits of Federalism**

#### **Merits a Federal System**

- i) A Federal system encourages unity in diversity and is a very potent instrument for national integration in plural societies. One major advantage of the federal arrangement is that it ensures unity under conditions of diversity. In a federation, diversity like ethnic differences, religion, language, economic structure, education, social welfare, etc. usually exists among the component units. Federal arrangements therefore are attempts at bridging these gaps or divide in order to bring about political and social unity without destroying the identity of the federating units. Thus, the federating units are able to retain their separate peculiar identities and are not completely submerged in it.
- ii) Federalism is an ideal system of government for countries like the United States, China, Russia, India and Nigeria with huge population and territorial size. It is not an accident that Russia, the largest country in the world with a territory of over 17 million square kilometers, covering eleven time zones and China with over 1.3 billion population, the highest in the world are federal states.
- iii) Another merit of adopting a federal system of government is that it promotes economic advantages by facilitating greater economic of scale. This is because of a big home market for the purchase of raw materials and the sale of manufactured goods as well as in the easy mobility of labour. Federalism also encourages the possibility that what is available in one part can be of benefits to the other parts of the country. In Nigeria today the non-oil producing parts of the country can equally gain from the petroleum deposits that are in abundance in the Niger Delta area. Similarly, the land-locked inter-land of the country can also benefit from access to the sea via the Lagos ports without the additional burden of paying custom duty. This is in addition to the benefit of sharing from the proceeds of the value added tax. Furthermore, subjects of common interests are administered by the center with the result that the individual states do not have to border with the administrative structures to support such matters.
- iv) Federalism prevents the dangers inherent in a despotic central government which absorb the powers of the other units in the federation, since the division of powers is constitutionally guaranteed. More so, in a federal system the powers of each level of government are clearly defined and delineated in a written constitution. This helps to curb the centre from exceeding its authority or become autocratic.
- v) Federalism facilitates the establishment of democratic institutions and wider

political participation by the citizens. In other words, more people are able to take part in the government of the federation either at the state, region or at the local or grass root levels of governance. This encourages the development of local talents, which are nurtured to become national leaders in future.

- vi) A Federal system of government leads to efficient administration, because the allocation and dispersal of power to the various tiers of government help to reduce the work load at the disposal of the inclusive government, without at the same time over loading the federating units. By preventing administrative overstretch, federalism is thus a deterrent against an unwieldy and complicated administrative structure which may lead to inertia and possible collapse of government apparatus.
- vii) In a federal system, local affairs are well looked after by the government. This is made possible by the fact that local matters are assigned to the government at the grass root. Within a federal arrangement, local people are able to attend to matters like chieftaincy and other traditional and customary issues which are peculiar to them. For example, Sec. 7 of the 1999 constitution of the Federal Republic of Nigeria assigned a wide range of local affairs to each local government council in the fourth schedule.
- viii) A federal system of government encourages healthy rivalry among the component units, which in turn breeds varied social and economic developments. The Nigerian federation of the first republic is a good example of this point, because during this period, with good and high level of leadership, the various regional governments were competing among themselves in the provision of infrastructures and welfare facilities to their people. This brought about development of the regional level of governance.
- ix) A federal system promotes international prestige for countries that practice it. The components parts of a federation or the smaller federating units if left to exist alone as autonomous states could hardly command international prestige. Though federating units lose their individual sovereignty by coming together under one central government, they nevertheless, stand to gain by becoming part of a larger federation. The strength of Nigeria in Africa today, and countries like India, Pakistan in Asia, and perhaps in the world, lies partly in their huge sizes, which came about due to their federal structure. Indeed, the United States, China and the former Soviet Union have been variously described as a continental size country, a colossus and, a behemoth in the world, respectively, as a result of huge accretion in their sizes, consequent to their federal structure.

### **Demerits of a Federal System**

- i) The first demerit of a federal system is that it involves high cost in running the administrative structures (i.e. government ministries departments and agencies) that are duplicated or multiplied at all levels. This duplication is typical of countries like the United States with 50 states and Nigeria with 36 states at

present. Indeed, most of these structures are replicated in all the 774 local government areas in the country, with the consequent increase in recurrent spending to service these needs.

- ii) The diversity of groups in a federation along ethnic, language and religious lines, if not well managed, may create problems for a federal system. While the United States has succeeded in forging one nation out of many, Nigeria is yet to come to term with her diversity. The salience of ethnic solidarity groups and militias such as the Odua Peoples' Congress (OPC), Arewa Peoples 'Congress (APC) and Egbesu and Bakassi Boys in Nigeria are indicative that the country's federal system is still being threatened by these divisive and disruptive centrifugal forces.
- iii) By the nature and dynamics of a federal system it is also blamed for not being able to take quick decisions. The need to strike a workable balance and compromise among the different groups that usually inhabit a federation may impair the capacity of the state to take quick decisions or respond promptly to issues that demand urgent attention of the government. This problem is further worsened by the bicameral structure of the legislature in most federal states where the concurrence of both chambers is normally the requirement before a major legislation can be passed. Added to this is the often-rigid nature of the constitution of most federal states in which the advantage of flexibility is lost.
- iv) A federal system may also engender uneven development of its component parts. This may come about due to differences in resource endowments, or access to it; inequality in educational opportunities. Because of this, states have no alternative than to pursue different socio-economic policies and programmes which may further intensify the differences among them. The designation of certain states as viable or oil rich states, or educational advantaged and others as less endowed or disadvantaged in a federal setting like Nigeria is to underscore the unevenness in the development pattern among them. It is not even unusual to have indigenes of states with surplus skilled manpower to work in other states as contract staff, thereby exacerbating the problem of indigenes-settlers dichotomy.
- v) Despite the provision for division of powers among the different levels of government, there are cases where conflict of jurisdiction may also hamper harmonious relationships, particularly between the central government and the state, on one hand, or between one state and the other, on the other hand. A case in point in Nigeria, in the first instance, was the conflict of jurisdiction between the federal government and Lagos State government over the creation of additional local government by the latter. The other instance was the strain in inter-government relations between the governments of Oyo and Osun states over the ownership of Ladoke Akintola University of Technology (LAUTECH).
- vi) Federal arrangement also faces the possible danger of secessions because of some in-built mechanisms to guarantee the autonomy of the states. At times, some of these provisions may be interpreted by overzealous leaders to pursue the agenda

of self-determination. This was the experience of Nigeria during the civil war (1967-70) and between the North and South Sudan.

- vii) In the final analysis, federalism is a delicate arrangement that requires mutual tolerance. This is why the role of the judiciary or the court is vital in a federal system to ensure that no level encroaches on the other, and if it happens the judiciary comes in as an arbiter.

### **3.6 Tiers of Government in Nigeria's Federal Structure**

Nigeria is a federation with three tiers of government. These include: the federal, state and local governments. The Federal Government has powers over matters that affect the whole country, while the powers of state and local government are limited to the boundaries of their respective states and local government areas respectively. The three tiers of government derive their powers from the constitution which spells out their functions also. They also have legislative powers and areas of control as stipulated by the constitution. Although the three tiers of government have distinct roles to play as entities and areas of administrative control, they complement one another in many respects. This ensures improvement in performance and accountability. In the Nigerian federation, therefore, every citizen lives under these three tiers of governments i.e. federal, state and local.

The most powerful tier is the federal government which consists of three organs, namely legislative, executive, and judicial. The legislative branch is represented by the bicameral National Assembly, executive power is held by the president, and judicial arm is the Supreme Court of Nigeria.

State government is the middle tier of government in Nigeria's federal structure. There are 36 states in Nigeria, as well as 36 state governments. As for the Federal Capital Territory, it has a ministry instead of a government. Like the federal government, state governments have legislative, executive and judiciary branches. Legislative branch is the unicameral state House of Assembly, executive arm is the Governor who is the head of the State Executive Council, and the judiciary power is held by the state's High Court and Chief Justice. State governments are responsible for everything that is not the federal government's responsibility, even though sometimes both of these tiers are involved.

Local government is the lowest tier of government in Nigeria's federal structure. It became the third tier from 1976. In 1979, it was included in the Constitution and ipso facto granted a constitutional status. There are 774 local government areas (LGAs) in Nigeria. They all vary in character and size. Every LGA is further divided into wards. Local governments are responsible for small local matters, such as public health, waste disposal and so on. When it comes to larger projects, the local governments work with their state government to achieve results. This tier of government is meant to bring power closer to the people. Unfortunately, in Nigeria, local governments struggle from the lack of autonomy from the state governments, as well as from the lack of funds (Babalola, 2019; Ibeanu & Kuna, 2016).

The Nigerian Constitution, for instance, evolved three categories of power and functions

to be exercised by the three tiers of government, viz:

- (i) the Exclusive Legislative List,
- (ii) the Concurrent Legislative List and,
- (iii) the Residual powers.

The Exclusive Legislative List is assigned to the Federal Government. While the Concurrent List contained matters on which both the Federal and State Governments can legislate. The Constitution goes further to set out ways of resolving conflicts that may arise in the process of exercising such functions and powers. On the other hand, Residual powers are those not included in either the Exclusive or Concurrent Lists. Local Governments are empowered to make laws on residual powers.

### **SELF ASSESSMENT EXERCISE**

- i) Identify and discuss the major features of any federal state
- ii) Discuss the merits and demerits of federal system of government.

### **4.0 CONCLUSION**

Federal solution to the problem of diversity has become a popular response among nations since 1787, when states with similar challenges like the United States followed the lead of the American founding fathers to surmount their own problems. It is not that a federal system offers remedies to the ills that normally face heterogeneous and complex societies, but from the experience of those countries that have adopted the model, it has proven to be a more successful system. Federalism is equally flexible in adapting to the specific needs of each society and more effective in managing the challenges thrown up by groups' diversity in a country.

### **5.0 SUMMARY**

In this unit we have examined federalism as an administrative system and observed that it is more suitable to govern large and heterogeneous societies. Citing relevant examples from different countries in the world we identified the factors that can make a state opt for the federal system of administration, and noted that there are different types of federal systems around the world. We also stated that the federal system which offers many advantages, is equally characterized by some inherent weaknesses, which can make its management both complex and challenging.

### **6.0 TUTOR-MARKED ASSIGNMENTS**

- i) Explain the factors that influence the choice of federalism
- ii) Discuss the major differences between federal and unitary systems of government
- iii) Discuss the powers and functions of the three tiers of government in Nigeria

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## **UNIT 5: Confederal Administrative System**

### **CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.1 Main Contents
  - 3.2 Meaning of Confederation
  - 3.3 Features of Confederation
  - 3.4 Merits and Demerits of Confederation
  - 3.5 Selected Case Studies of Attempts at Confederation
- 4.0 Summary
- 5.0 Conclusion
- 6.0 Tutor-Marked Assignments
- 7.0 References/Further Reading

### **1.0 INTRODUCTION**

In the preceding units, we saw that power distribution is a sine qua non for effective operation of modern states. Power is usually distributed among different parts and levels of the state. The amount of power held by the central government determines the system of government a state has. In this unit we will consider the meaning and characteristics of confederation as another form of political or administrative system. We will also discuss the factors that may encourage a country to take the path of confederation, including its advantages and disadvantages. We will then wrap up the discussion with case studies of some states that have either tried the con-federal option, or where the model has been suggested or contemplated, at one time or the other.

### **2.0 OBJECTIVES**

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

- (i) Know the meaning of confederation as an administrative system
- (ii) Explain its major features as well as the reasons why confederation is suitable for the administration of certain states.
- (iii) Understand why the attempts by some countries to adopt confederation ended in failure.

### **3.1 MAINCONTENT**

#### **3.2 Meaning of Confederation**

A confederation has been defined as an administrative cum constitutional arrangement in which two or more sovereign and independent states agree to come together to have a central but weak government. Put differently, the term confederation applies to union of states, which is less binding in its character than



a federation. A confederation is a union of states with a common recognized authority in certain matters affecting the whole, and in respect of external relations. Confederation is a league or union of many sovereign states for a common purpose. In principle, the states in a confederal structure would not lose their separate identities but would retain the right of secession. In practice, though this right might be difficult to exercise and the constituent units of a confederation might appear to be little different from those of any other federal states. But confederation differs essentially from a federation in that it is a league of sovereign states, unlike the latter (federation) where the component states give up their sovereignty in favour of the new state, or even where the centre can create more states, as it has been from the example of the Nigerian federation.

In a confederation power resides more with the component states rather than the centre. In other words, there is a weak center and strong component parts. The United States adopted a confederal structure in her early years of her independence. But the structure was later rejected by the conferees at the Philadelphia Constitutional Convention on the ground that it was “weak at the centre and strong at the circumference”. Other examples of confederal states apart from the failed United States’ experience include the United Netherlands in 1579, the German constitutions of 1815 to 1867 and 1867 to 1871 (before and after the unification of Prussia with other German states).

### **3.3 Features of Confederation**

#### **i) Right to Secede**

In a confederation, the component units have the right to secede from the arrangement. This is not the case in a federation where any attempt by any or a combination of the federating states to secede is met with resistance. This was the case in the United States between 1861 and 1865, when the attempt by 13 southern states was militarily resisted by Abraham Lincoln. A similar case occurred in Nigeria when Yakubu Gowon, then Nigeria’s Military Head of State forced the then Eastern Region of the country back into the federation.

#### **ii) Autonomy of Federating States**

Another feature of a confederation is that the states within the confederal structure would not lose their separate identities through the political arrangement but will still retain their distinct separate independence. In other words, the component units are autonomous in all spheres of influence except in defence, external relations, currency and a few other subjects conceded to the central authority.

#### **iii) Supremacy lies with the confederates**

The supreme power belongs to the co-ordinate states. Therefore, the coordinate States dominate the central government as the constitution is usually not rigid since most confederations are run on the basis of agreements reached by the states.

#### **iv) Weak Central Authority**

The central authority is usually weak in a confederation while the units are stronger and more powerful. The experience of countries like the United States, Senegal and Gambia under confederation, and Nigeria where the model was also suggested, will be used to illustrate this point in the subsequent units.

### **3.3. Merits and Demerits of Confederation**

#### **Merits**

- i) Confederation protects countries that shelter under the arrangement from foreign invasion. Weak States are able to enjoy better defence militarily against foreign powers or aggression from neighbouring States. This consideration was uppermost in the mind of Dauda Jawara of the Gambia in the early 1980s when he forged a confederal arrangement with Senegal, then known as Sene- Gambia. But the confederation did not last long.
- ii) Confederation has economic utility. The case of Hanseatic League which was established in Europe during the Middle Ages to promote greater commercial interactions among the states concerned is a good example.
- iii) In large countries, it saves minority nationalities from domination by majority ethnic groups since each state in a confederation is sovereign. This was the major reason why the former Eastern region of Nigeria then under Col. Emeka Odumegwu-Ojukwu spoke in favour of confederation at the Aburi meeting in Ghana. His preference was predicated on the belief that confederation would give the Igbo nation more freedom to maneuver in a country where they felt threatened.

#### **Demerits**

- i) Confederation is a very loose and fragile system of government. This is in view of the fact that each state that makes up the confederation is autonomous with its governmental machinery. This gives the liberty to any member state to pull out any time it so desires.
- ii) Confederation has been criticized for serving as a breeding ground of intrigues and centres of rivalries. This is because, as Argawal (1994) pointed out, a strong and powerful member state often establishes its hegemony over others and exploits them to further its own ends. This was true of Prussia before the unification of Germany. Prussia then, the biggest and most powerful of German states exploited others that were weak and unviable.
- iii) The relationship between the central and confederal government is not usually well defined. This has often led to disagreement between member states of the confederacy.
- iv) Despite its theoretical attraction to leaders of a few states, in reality confederation has often proven a difficult and cumbersome political system

to manage. This is why it has not endured for long in the few countries where it was practised. Indeed, the experience has shown that confederation has either failed in a few states that practiced it, while the authorities in other states like Nigeria, where suggestions were made in that direction spurned it. General Gowon flatly rejected confederation as an option for Nigeria in 1967.

### **3.4 Selected Case Studies of Attempts at Confederation**

#### **United States' Articles of Confederation**

After it had recorded victory in the War of Independence with Britain the United States began self-government with the adoption of the Articles of Confederation by the Congress on 15th November 1777. The Articles were actually written between 1776 and 1777, and was not actually ratified by all the 13 states until 1781. The Articles of Confederation established the Congress as the only central political institution for what was then called 'Association of States', but the congress was limited in its power since it lacked any binding or enforcement powers in its relations with the states. The Articles did not even make any provision for the office of the president or an executive organ of any hue. It would appear that Americans opted for a confederation because of the bitter experience they had with Britain, a country they believed was suffocating under the weight of an overbearing central government.

In theory, the Articles of Confederation gave the Congress the powers to conduct foreign policy, appoint military officers and declare war, borrow money from the states, without the power to tax and regulate postal services. But in reality, the Articles of Confederation did not give the Congress the power to enforce its requests to the states for money or troops. The first sign of trouble with the U.S. Confederal structure after the American War of Independence was that Congress could not pay back the states the debts it had accumulated to prosecute the war campaigns. Quite unfortunate for the new American nation the ineffectiveness of the congress continued in the face of growing assertions by the 13 that were insisting on their rights to take independent decisions and actions.

By the end of 1786, the Articles of confederation in the United States eventually collapsed due to the failure and incapacity of the Congress to keep the states together. Despite its failure, the confederal framework gave the then newly independent American nation an unforgettable instructional experience in peaceful, self-government after the turbulence of the war period. The American experience with confederation and especially its operation in the country for about close to twelve years revealed major lessons about the inherent weaknesses in confederation. These were taken into account by the American founding fathers when they met at the Philadelphia Constitutional Convention in 1787 and decided in favour of federalism as the most suitable model of political administration for

their country.

### **Suggestions of Confederation in Nigeria**

The former British colonial power seemed to have settled the controversy over the appropriate constitutional structure for Nigeria when it introduced the federal system of government for the country in 1954. However, when the collapse of parliamentary democracy in the First Republic was partly blamed on excessive regionalism in the country, there was a renewed call that Nigerians should take a second look at the issue of appropriate administrative structure for the country. This was the major reason why Maj. Gen J.T.U. Aguiyi Ironsi promulgated the unification decree in 1966 which abolished the then four regions in the country and replaced them with group of provinces. His action effectively transformed Nigeria from a federal to a unitary state. But what Ironsi thought would provide a solution to the developing constitutional crisis in the country further fueled it, and degenerated into worse political stalemate, which later engulfed the whole nation in a civil war. Before the outbreak of the war attempts were made from within and outside the country to find a more acceptable model of government for the country. The views among prominent leaders who spoke under the auspices of the 'leaders of thought' or consultative assemblies ranged from outright dissolution of the country, a strong federal structure to a confederation.

The main thrust of the disagreement between Gowon and Ojukwu on the correct interpretation of the Aburi Accord, the outcome of a meeting of the Nigeria's Supreme Military Council, called at the instance of General Ankara, the then Ghanaian Military Head of State, was on whether the meeting agreed to a federal or a Confederal structure for Nigeria. Indeed, the Nigerian civil war which lasted for thirty months was fought largely to determine whether or not the country would remain a federation with a twelve-state structure as Col. Gowon wanted, or would be organised along the old regional, but under a new confederal arrangement, as advocated by Col Ojukwu, then military governor of Eastern State.

Since the end of the civil war in 1970, political leaders in Nigeria, military and civilian alike, seem to be more favourably disposed to the country remaining a federal state. The only sticky point where opinions differ is on the nature and character of Nigerian federal system. The desire to return the country to what has been variously described as 'true federalism', 'fiscal federalism' or 'resource control' appears to be more popular than the isolated calls that Nigeria should try or experiment with the confederal idea, or the strident agitations for self-determination by some social movements within the minority ethnic groups in the country. Understandably, the long decades of military rule in the country can easily be identified and blamed for the centralized character of Nigeria's federal structure. Yet, there is optimism that the democratic system which is now being consolidated offers the best opportunity for the political leadership in Nigeria to restructure the country's federal system to a more acceptable form.

### **Senegambia Confederation**

Sir Dauda Jawara, then president of the Gambia was in Britain in late 1981 attending the wedding ceremony of Prince Charles, heir to the British throne to Diana, Princess of Wales, when the soldiers struck in Banjul, the country's seat of power in an attempt to topple his government. With the help of Senegalese troops, the military insurrection was put down. The urge for personal interest of self-preservation for himself, and his government, and the larger interest of defence for his country forced Jawara to forge a confederation tie between the smaller Gambia and relatively bigger Senegal. Thus, the agreement of what became known as Senegambia Confederation was reached in November 1981, and it came into force three months later in 1982.

Under the terms of the confederation agreement each country was to retain its independence, but they were required to take central steps towards a union with the objectives of integrating their military and security forces; form an economic and monetary bloc; co-ordinate their foreign policies and communications and establish confederal institutions. Implementation of the confederal agreements began in July 1982 when a Senegambia executive and legislature were established. But before long Senegal began to dominate the major political institutions, since it controlled the confederal presidency, in addition to having two-thirds representation in the joint parliament. The growing concern in Gambia about its marginalization, coupled with the domineering position of Senegal in the confederation, led to cracks which eventually led to dissolution of the Senegambia confederation in 1989.

This form of disagreement is not uncommon in most attempts to form a union among former sovereign states, including those who styled their own as federation of states. Similar fate befell the Ghana-Guinea-Mali Union in the early sixties, the East African Federation that was formed between Tanzania, Uganda and Kenya in the seventies, as well as the United Arab Republic, a union of Egypt, Libya and Sudan. Other factors that usually work against former sovereign states coming together include the divisive impact of their colonial background, ideological differences among the leaders and states and neo-colonial intrigues.

### **SELF ASSESSMENT EXERCISE**

- i) Explain essential features of a confederal Constitution
- ii) Explain the main features distinguishing a federation from a confederation

### **4.0 CONCLUSION**

In spite of many instances of its failure to become an enduring form of political administration in those states that have experimented it, in any discourse of models of government, the confederal form of government is and will continue to be mentioned. It still holds attraction among leaders of states who are willing to come together but are still suspicious of the prospects of a stronger bond in future. In this

type of situation, confederation seems to have more appeal since its constitution usually gives room for peaceful break up or outright secession.

### **5.0 SUMMARY**

In this unit, we have examined the confederal form of political administration, its major features and the factors that can make a country adopt the confederal political structure. After examining its major advantages and disadvantages, we finally noted that history has painfully recorded that confederation has not particularly been a popular or successful model of political administration in the few countries that we used in this unit as case studies.

### **6.0 TUTOR MARKED ASSIGNMENTS**

- i) Identify the major characteristics of a confederation
- ii) Examine the factors that can make a country prefer a confederation as a constitutional arrangement.
- iii) Explain citing appropriate examples the reasons responsible for the consistent failures of confederal states.

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## **MODULE 5: Instrumentalities of Political Interaction**

### **INTRODUCTION**

In any political system, whether democratic or not, people develop and express their opinions on a wide range of issues. They also try to take part in and shape the decisions that affect their lives. An increase in citizen participation is therefore a hallmark of political development. This module, which is sub-divided into four units, will examine the instrumentalities of political interaction.

Unit 1: Political Parties/Pressure Groups

Unit 2: Political Parties as Instruments of Political Interaction in Nigeria

Unit 3: The Political Roles of Pressure Groups in Nigeria

Unit 4: Elections and Electoral Process in Nigeria

## **UNIT 1: Political Parties/Pressure Groups**

### **CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Contents
  - 3.1 Meaning, types and Functions of Political Parties
  - 3.2 Meaning, types and Functions of Pressure Group
- 4.0 Summary
- 5.0 Conclusion
- 6.0 Tutor-Marked Assignments
- 7.0 References/Further Reading

### **1.0 INTRODUCTION**

Political parties and pressure groups are very important in the contemporary state system because they give meaning to democratic process as important institutional components of liberal democracy. Thus, this unit will examine the meaning and types of political parties and pressure groups. Involved in this analysis is the explanation of the primary functions of political parties and pressure groups as instruments of political interaction and participation.

### **2.0 OBJECTIVES**

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

- (i) Discuss the meaning and types of political parties in any democratic system.
- (ii) Discuss the meaning and types of pressure groups.
- (iii) Compare and contrast the functions of political parties and pressure groups.
- (iv) Outline the strategies used by pressure groups to actualise its objectives

### **3.0 MAINCONTENT**

#### **3.1 Meaning, Types and Functions of Political Parties**

##### **Meaning of a Political Party**

A political party is an organized group of people with at least roughly similar political aims and opinions, that seeks to influence public policy by getting its candidates elected to public office. The purpose of the political party is to get candidates elected to public office. In a sustainable and well-functioning democracy, political parties are deeply and durably rooted in specific substructures of society. To this end, they can link the governmental institutions to the elements of the civil society in a free and fair society and are regarded as necessary for the effective functioning of democratic political system. The presence of the political party is actually a healthy situation for a democratic society since it gives people an opportunity to make a more evolved and effective decision. In a broader perspective, a political party is a means through which the people can speak to the government and have a say in the process of governance (Singh, 2014).



## **Types of Party System**

There are three types of party systems:

- i) One-Party System
- ii) Two-Party System
- iii) Multi-Party System

### **One-Party System**

In a one-party system, there is no competition in this system. Here, the lone party nominates the candidates and the voters have only two choices, that is, either not to vote at all or to write 'yes' or 'no' against the name of the candidates nominated by the party. Such a political system was prominent in authoritarian regimes and communist countries such as North Korea and Cuba. Before the collapse of communism, this system was also prevalent in USSR.

### **Two-Party System**

In a two-party system, the power alternate between two major dominant parties. So, for winning the elections, the winner will have to get the maximum number of votes. So, the smaller parties tend to merge with the bigger parties or they drop out of elections. Such a system prevails in Canada and Great Britain, in which there are two parties holding the maximum numbers of seats. Nigeria experimented a two-party system in the botched Third Republic when the military regime of General Ibrahim Babangida created two political parties: The Social Democratic Party (SDP) and the National Republican Convention (NRC).

### **Multi-Party System**

The most common type is the multi-party system. In such a system, there are three or more parties which have the capacity to gain control of the government separately or in a coalition. If no party achieves a clear majority of the legislative seats, then several parties join forces and form a coalition government. Countries like India and Nigeria follow a multi-party system. Some people are of the view that a multi-party system often leads to political instability in a country.

## **Functions of Political Parties**

In a democratic society, political parties perform the following key roles, among others:

- (i) Soliciting and articulating public policy priorities and civic needs and problems as identified by members and supporters
- (ii) Recruiting and training candidates for public office;
- (iii) Socializing and educating voters and citizens in the functioning of the political and electoral system and the general political values
- (iv) Balancing opposing demands and converting into general policies
- (v) Channelling public opinion from citizens to government

It is noteworthy; however, that though political parties fulfill many vital roles and perform several functions in a democratic society, recruiting candidates for public office is one of the most important functions that political parties perform. An important goal of political parties is to gain control of the government, and to do

this, parties must work to recruit candidates for all elected offices.

### **3.2 Meaning, Types and Functions of Pressure Group**

#### **Meaning of Pressure Groups**

Pressure groups are informal political institutions which seek to influence decision-making. They neither stand for elective positions nor aim to capture political to form government. They differ from parties because they are not entirely political even though they are organisations which are to a certain degree concerned with politics. Put differently, although they share some characteristics with political parties, pressure groups are not aiming to exercise political power directly. They are agencies of representation and participation as well as mechanisms for the expression of interest and opinion(Singh, 2014). They facilitate popular involvement in politics. Some of the active pressure groups in Nigeria include: the Academic Staff Union of Universities (ASUU), Nigeria Labour Congress(NLC), Nigeria Bar Association (NBA), Nigerian Union of Journalists (NUJ) among others.

#### **Types of Pressure Groups**

There are two types of pressure groups:

- (i) Sectional Pressure Groups
- (ii) Promotional Pressure Groups

Sectional lobby groups include self-interest groups such as trade unions; business and farming associations; churches; ethnic associations; pensioner groups; and returned service personnel. On the other hand, promotional lobby groups promote particular causes, beliefs or values such as: conservation; women's issues; Aboriginal; civil; or moral rights.

#### **Functions of Pressure Groups**

Pressure groups are groups of like-minded people who seek to influence government on a particular issue. The primary functions of pressure groups include:

- i) Pressure groups try to make the government more attentive to the needs of the people. This is because as groups with many members sometimes nationally spread, they command more respect than individuals who may be fighting for similar causes.
- ii) Pressure groups provide specialised and expert information to the government on their interests and explain government policies to their members and the general public. Thus, they are an important link between the government and the people.
- iii) They help to educate their members and the whole society on their fundamental human and political rights, and on some government policies.
- iv) The political education and consciousness of citizens are promoted through the activities of pressure groups.
- v) They promote economic stability of the country through their useful advice to government on economic policies. Example is the Nigerian Association of Chambers of Commerce, Industry, Mines and Agriculture (NACCIMA).

- vi) They promote certain general welfare services.
- vii) They promote and protect the interest of their members. For example, the Academic Staff Union of Universities (ASUU) got a special salary scale approved for its members.

### **Importance of Pressure Groups**

Active and well-oriented pressure groups are an asset in a democratic society because they influence government policy in the right circumstances. In ideal political setting, pressure groups are important for the following reasons:

- i) They promote discussion and debate and mobilise public opinion on key issues
- ii) They perform a role in educating citizens about specific issues
- iii) Pressure groups can enhance democratic participation, pluralism and diversity
- iv) They provide an important access point for those seeking redress of grievance
- v) They represent minorities who cannot represent themselves
- vi) Pressure groups are important and valuable source of specialist information/expertise for an overloaded legislature and civil service
- vii) They act as a check and balance to the power of executive government

### **Strategies Used by Pressure Groups to achieve their Objectives**

Pressure groups may use a variety of methods to pursue their requirements. These include –

- (i) Lobbying state members and the Parliament via petitions, letters and deputations;
- (ii) Consulting with ministers or senior public servants;
- (iii) Hiring professional lobbyists;
- (iv) Taking legal action through injunctions or appeals to higher courts;
- (v) Campaigning for, or opposing, certain candidates at elections;
- (vi) Demonstrating outside Parliament and government offices or marching in the streets; and
- (vii) Using the industrial muscle of strikes for political purposes.

### **SELFASSESSMENT EXERCISE**

Discuss the meaning and functions of political parties.

## **4.0 CONCLUSION**

Political parties and pressure groups are two principal pillars of any democratic system. They provide opportunity for citizens to make political decisions either by influencing government policies or voting for the competing candidates in elections. By so doing, they not only serve as intermediaries between government and civil society, but also offer citizens a choice in governance. All these are central to the wider consolidation of democracy.

## **5.0 SUMMARY**

In this unit, we have examined the meaning, types and functions of political parties

as instruments of political interaction. The unit also examined the meaning, types and functions of pressure groups. Involved this analysis is the functions of pressure groups and strategies they deploy in achieving their objectives.

#### **6.0 TUTOR MARKED ASSIGNMENTS**

- (i) Compare and contrast the functions of political parties and pressure groups.
- (ii) Outline the strategies used by pressure groups in Nigeria to achieve their objectives

#### **7.0 REFERENCES/FURTHER READING**

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## **UNIT 2: Political Parties as Instruments of Political Interaction in Nigeria**

### **CONTENTS**

1.0 Introduction

3.0 Objectives

4.0 Main Contents

4.1 Political Parties in the Colonial Era

4.2 Political Parties in the First Republic

4.3 Political Parties in the Second Republic

4.4 Political Parties in the Botched Third Republic

4.5 Political Parties in the Fourth Republic

4.0 Summary

5.0 Conclusion

6.0 Tutor-Marked Assignments

7.0 References/Further Reading

### **1.0 INTRODUCTION**

Elections guarantee political participation and competition. They also provide opportunity for citizens to make a political decision by voting for the competing candidates fielded by various political parties. This implies that election which is one of the critical anchors of democracy requires the existence of political parties. In Nigeria, political parties offer citizens a choice in governance, and while in opposition they can hold governments accountable. All these are central to the wider consolidation of democracy. This unit examines roles of political parties as instruments of political interaction in Nigeria. It traces the history and activities of political parties from the colonial era through the First Republic up to the Fourth Republic.

### **2.0 OBJECTIVES**

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

1. Know the history and evolution of Political Parties in Nigeria
2. Understand how Political Parties transformed in structure and organization from one Republic to another.
3. Explain the state and operations of Political Parties in Nigeria today.

### **3.1 MAINCONTENT**

#### **3.2 Political Parties in the Colonial Era**

The 1914 amalgamation of the Northern and Southern protectorates of Nigeria marked the beginning of a stupendous effort in socio-political engineering. That is a creation of a modern state out of a collection of a number of independent nation-states and nationalities. If this is added to the diversities in religion, culture,

tradition, language and geography, one would have a better understanding of the character of political parties in the period preceding Nigeria's independence later assumed.

Political parties in the colonial era in Nigeria had its origin in the Clifford constitution of 1922, which introduced the elective principle. The constitution encouraged the creation of political parties in order that Nigerians would be able to secure the available seats in the Legislative Council. The elective principle therefore represents, the first step in Nigeria's electoral journey and Herbert Macaulay followed up with the Nigerian National Democratic Party (NNDP) which contested and won all three seats allocated to Lagos in the 1992 Legislative Councils elections, one could say that the experiment was off to a good and promising start. The stated aims of the NNDP includes the attainment of municipal status and local self-government for Lagos, the provision of facilities for higher education in Nigeria, the introduction of compulsory education at the primary school level, the encouragement of non-discriminatory, private economic enterprise, and the Africanisation of the civil service (Sklar, 1983).

The Lagos Youth Movement (LYM) was also formed in 1934. The movement was formed by graduates of Nigeria's premier institution, King's College, Lagos. The founding members were Ernest Ikoli, H. O. Davies and Samuel Akinsaya. The objectives of the LYM were limited and provincial in nature and included making demands about improving the living conditions under the colonial environment. In 1936 LYM transformed into the Nigerian Youth Movement (NYM) which was a bigger, pan Nigeria political organization. The membership of the NYM was strengthened in 1937 with the return of Dr. Nnamdi Azikiwe to Nigeria from Ghana. The movement immediately opened branches in several cities in the country, and followed up with the publication of its *Youth Charter and Constitution* in 1938.

However, ethnic parochialism was introduced into the movement during an election held to fill the seat vacated by Dr. Kofo Abayomi who was appointed into the Executive council. Ernest Ikoli who was then the President of NYM wanted to replace Kofo Abayomi in the legislative council, but he was opposed by Samuel Akinsanya who aspired to the same vacant seat. The party eventually selected Ikoli for the post and this led to the allegation by a group led by Dr. Azikiwe that Samuel Akinsanya was not favoured by the dominant Yoruba group within the party because he was from the minority Ijebu stock. The Nigerian Youth Movement was not able to manage this internal bickering and it eventual led to the breakup of what could have been the first nationwide political party in Nigeria.

The National Council of Nigeria and Cameroon (NCNC) was the next national political party that emerged in 1944 on the ruins of the Nigerian Youth movement. The party was formed from a conglomeration of various groups and associations among which was the Ibo State Union. It was led by Sir Herbert Macaulay while

Dr. Nnamdi Azikiwe served as the national secretary. After the death of Herbert Macaulay in 1946, Dr. Nnamdi Azikiwe became the leader of the party. The party was very outspoken against the colonial authorities and was reputed to have sent a powerful delegation to London in 1946 to express the grievances of the nationalists against the Richards' constitution. The next party was the Action Group (AG) of Nigeria.

Action Group which was formed by Chief Obafemi Awolowo from a Yoruba socio-cultural group, the Egbe Omo Oduduwa. Awolowo in a book written in 1947, *Path to Nigerian Freedom* admitted that given the ethnic plurality it was only natural for political parties to start off from their ethnic base before aspiring to become a national platform. The Northern People's Congress (NPC), like the AG was also formed in 1951 from the Hausa cultural group, Jammiyyar Mutane Arewa. Therefore, before the attainment of independence in 1960, Nigeria had three major political parties i.e. the Northern People's Congress (NPC), the National Council of Nigeria Citizens (NCNC) formerly, the National Council for Nigeria and the Cameroon, and the Action Group of Nigeria (AG), with each of them dominant and exercise control over the regional governments in the North, East and West, respectively.

### **3.3 Political Parties in the First Republic**

During the first republic in Nigeria, while the three major parties NPC, NCNC and AG controlled the affairs of the three regions, North, East and West respectively, the NCNC joined the NPC to form a coalition government at the very level since none of the party was strong to singularly form the federal government. This arrangement gave the post of the Prime Minister to Tafawa Balewa of NPC while Dr Nnamdi Azikiwe assumed the position of the Governor-General. Chief Obafemi Awolowo of the AG became the leader of the opposition.

It is instructive to note that the major political parties at Nigeria's independence were majorly ethnically based. While the NPC was seen as a party of the Hausa-Fulani group, the NCNC was a party of the Igbo and the AG was considered as a party of the Yoruba. These parties therefore lacked nationwide appeal. Yet, there were other minority political parties such as the Northern Element Progressive Union (NEPU) led by Aminu Kano and the United Middle Belt Congress (UMBC) led by Joseph Tarka which were in opposition to the NPC in the North; the Mid-West Democratic Front (MDF) for the Mid-western region, the Nigeria National Democratic Party (NNDP) formed by Chief S.L. Akintola and was in opposition to the AG in the West. The party was formed by Chief Akintola after he was forced out of the mainstream party in the West, the AG sequel to a protracted crisis which rocked the party. Akintola was joined by the remnants of NCNC members, notably Fani Kayode to form the new, NNDP, distinguished from the one formed by Herbert Macaulay in 1922.

Before the 1964 Federal Election political parties of the First Republic also

teamed up to form grand coalitions to compete for seats. The NPC joined the NNDP to form the Nigeria National Alliance (NNA) while the AG teamed up with the NCNC to form the United Progressive Grand Alliance (UPGA). The outcome of the 1964 Federal Election was stalemated and led to a constitutional crisis when the then Nigeria's President, Dr. Nnamdi Azikwe refused to call on Tafawa Balewa, then Prime Minister, to form a new government. The eventual chain of events in the aftermath of the election disputes can be remotely linked to the collapse of the First Republic, and the intervention of the military, for the first time in Nigerian politics. In the final analysis, it is safe to say that the defective nature of political parties in Nigeria during the First Republic, especially their primordial base contributed to the political and legitimacy crises in the First Republic, and the failure of Nigeria to sustain and consolidate her first attempt at democratic government within a federal framework.

### **3.4 Political Parties in the Second Republic**

The form and character as well as the nature of the political parties of Nigeria's Second Republic did not change much compared to those of the First Republic. Five political Parties were registered by the Federal Electoral Commission to contest the 1979 general elections. The sixth National Advance Party was registered in 1983 and it contested that year's General Elections. Almost all the registered parties had roots in the First Republic. The Unity Party of Nigeria's (UPN), is to all intents and purposes, a re-incarnation of the AG, and was led by Chief Obafemi Awolowo, who was also the party's presidential candidate in both the 1979 and 1983 presidential elections. The National Party of Nigeria (NPN) was also an offshoot of the old, except that it had a slightly national outlook which made the party to adopt zoning policy for its appointive and elective offices. The party's membership was largely drawn from the old Northern aristocracy and the Southern bourgeoisie. Although the NPN was a conservative party compared to the more progressive UPN, and the more liberal or republican NCNC, its twin policy of zoning, which was anchored on the imperatives of national unity, assisted the party to have more electoral support than the other four parties.

The Nigeria Peoples' Party (NPP) was the NCNC re-incarnate with the Igbo heartland as its base, but it extended outside the Igbo enclave by capturing Plateau State. Nnamdi Azikwe who had led the NCNC, also led the NPP. The birth of the Great Nigeria Peoples' Party (GNPP) was the aftermath of the quarrel of the Kanuri born Alhaji Waziri who wanted to double as NPP chairman and presidential candidate. This party can also be said to be a carry-over of the resentment of the pro-kanuri's Bornu Youth Movement (BYM) that, in the first republic resented the political hegemony of the Hausa-Fulani group. The Peoples Redemption Party (PRP) was a NEPU of sorts, and it carried on with the protestant philosophy of Mallam Aminu Kano. But the party's influence was restricted to only Kano and Kaduna states.



One major feature of the political parties of the Second Republic is that most of them could be identified with specific programme of action, something close to an ideological orientation. For example, the Unity Party of Nigeria was popular with its four cardinal programme of Free Education at all levels, Free Health Services, Full Employment and Integrated Rural Development. It was this welfarist programme of the UPN that attracted to the party support of students and progressive minded Nigerians, especially in the Northern part of the country. The National Party of Nigeria was also known for its agriculture and housing policy which later found expression in the Green Revolution Programme and the Popular Shagari Low Cost Housing Scheme of the NPN controlled federal government.

### **3.3 Political Parties in the Botched Third Republic**

The military coup of December 31, 1983 ended the hope of the political parties that competed for power during the Second Republic. Of special interest to political scientist, has been how to break the tendency of the country's main political parties clinging to the tripodal division of East, West and North, or ethnic divide of Hausa- Fulani, Igbo and Yoruba. This was a major charge to the Political Bureau set up by military president Ibrahim Babangida who urged members of the Bureau to fashion out a new way forward for Nigeria. The report of the panel and government white paper provided the background for the emergence of the two-party systems in the country during the aborted Third Republic.

On May 3, 1989 when the ban on political was lifted not less than 30 political associations surfaced. However, only 13 of them applied for registration because of the stringent guidelines issued by the defunct National Electoral Commission (NEC). The parties that emerged were centrist parties. The military regime of General Ibrahim Babangida rejected all for failing to reach the pass mark of 50%. It went ahead and created two political parties. The Social Democratic Party (SDP) and the National Republican Convention (NRC) formulated on the assumption (ideology) of a little to the left and a little to the right.

The NEC chairman, Professor, Humphrey Nwosu, claimed and rightly too, that the manifestoes of all political associations studied clustered around the centre of ideological spectrum, "a little, to the left and a little to the right". NEC was then mandated by the federal government to use the manifestoes already submitted by the associations to synthesize the manifestoes for the SDP and NRC. In retrospect one can say that this observation was a serious error of judgment on the part of the military. There were indeed political forces within the country that were neither progressive nor conservative, not to mention the fact that the government ought not to have created the parties by military fiat in the first place. An ideal two-party system ought to have been allowed to evolve naturally. To make matters worse these two parties were treated as government parastatals. The Federal government not only funded the parties, allocated them secretariats at the federal, state and local government levels, but also wrote their manifestoes and constitutions.

The rationale which Babangida said to Nigeria and the wider international community was that with only two parties to choose from, the ethnic majority groups would have no option other than to work together for better or for worse. It is now common knowledge that Babangida's political experiment, involving the imposition not just of political parties but of their manifestoes and ideologies as well turned out to be a farce and failed woefully. For the fact the parties emerged like government parastatals, while members were strange bed fellows too and worst still Babangida himself who superintended over the conduct of the elections eventually annulled the election results, at its climax with the June 12 1993 presidential election. The resignation of Ernest Shonekan led Interim National Government and the emergence of General Sanni Abacha as head of state marked the second attempt in the formation of political parties in the Third Republic.

Five political parties were registered during the Gen. Sanni Abacha's transition programme. They are, the United Nigeria Congress Party (UNCP), National Congress Party of Nigeria, (NCPN), Congress of National Consensus, (CNC), Democratic Party of Nigeria (DPN) and Grassroots Democratic Movement (GDM). These parties like those under the Babangida's supervised transition programme were not too distant from the government of the day. They were rightly described by the late Bola Ige as the "five fingers of a leprous hand". The climax of their unorthodox character was demonstrated as these five parties jointly nominated and adopted Gen Sanni Abacha, then a sitting head of state who was not a registered member of any of these parties as their consensus presidential candidate. However, this contrived and staged managed transition programme collapsed like a pack of cards when Gen Abacha dropped dead on 8<sup>th</sup> June, 1998.

### **3.5 Political Parties in the Fourth Republic**

On assumption of office as head of state, Gen. Abubakar dissolved all the political structures including the political parties that operated during the Abacha's era. His military administration also hurriedly put together three political parties: The People's Democratic Party (PDP), the All People's Party (APP) and the Alliance for Democracy (AD) were registered under the newly reconstituted Independent National Electoral Commission (INEC). These three parties contested the 1999 General Elections that ushered in the Fourth Republic. Before the 2003 General Elections the APP transformed to All Nigerian Peoples Party in order to make the party have a more national outlook. Similarly, before the 2007 General Elections majority of those elected on the platform of AD became members of the enlarged and newly formed Action Congress of Nigeria. This new party also involved those who were dissatisfied with the mainstream PDP, including one of the party's former National Chairman, Chief Audu Ogbe.

Consequent upon the success recorded in the suit instituted by the late legal luminary, Chief Gani Fawehimi, more political parties, including the National Conscience Party NCP, Labour Party, All Progressive Grand Alliance (APGA),

the Peoples Redemption Party (PRP) among others were registered by the Independent National Electoral Commission (INEC). The number of registered political parties thus moved from 28 in 2003 to about 54 in 2007, as parties were formed majorly for pecuniary interests, with politicians interested only in the subvention doled out by INEC (Olorunmola, 2017). However, despite the increase in the number of political parties, the People's Democratic Party (PDP) still dominated the political space. The dominance was such that members of the opposition parties were then crossing to the ruling party both at the federal and states levels. Despite the threat by the Independent National Electoral Commission (INEC), after the 2011 general elections, to de-register political parties that failed to win any seat in the general elections, in strict compliance with the provisions of the 2010 Electoral Act and the 1999 Constitution, there were palpable fears that Nigeria then was drifting towards a one-party state, notwithstanding the emergence of many political parties. It was the emergence of the All Progressives Congress (APC) on 6<sup>th</sup> February, 2013 by a coalition of opposition political parties and the defeat of the People's Democratic Party (PDP) by the APC in the 2015 general election and consequent alternation of political power that put an end to the fears.

### **SELFASSESSMENT EXERCISE**

Examine the contribution of political parties' crises in the collapse of Nigeria's First Republic

### **4.0 CONCLUSION**

The nature and character of political parties in Nigeria is largely a reflection of the level of political development in that country. It is therefore not surprising that the influence of the defunct three regions as well as the three dominant ethnic groups were largely reflected in the origin and development of political parties in Nigeria. It is only now that efforts are being made through constitutional engineering to ensure that the parties in the country reflect national character. The extent to which this effort will succeed will depend on how leaders and managers of these parties see them as a veritable vehicle for the sustenance and consolidation of democracy in the country.

### **5.0 SUMMARY**

In this unit, we have discussed political parties as instruments of political interaction in Nigeria. The unit began with the examination of the origin and development of political parties along regional and ethnic lines during the pre-independence and post-independence eras. The unit also examined the role of the military in Nigeria in bringing about political parties with nation-wide appeal in Second Republic. It ended with a discussion of the state and operations of political parties in the present Fourth Republic.

## 6.0 TUTOR MARKED ASSIGNMENTS

- i) Examine the role of the military government in the emergence of Two-Party System in Nigeria's ill-fated Third Republic
- ii) Explain whether multi-party structure is appropriate for Nigeria in the Fourth Republic.

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## **UNIT 3: The Political Roles of Pressure Groups in Nigeria**

### **CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.1 Main Contents
  - 3.2 Origin and Development of Pressure Groups in Nigeria
  - 3.3 Pressure Groups during Military Administrations in Nigeria
  - 3.4 Pressure Groups during Civil Rule in Nigeria
- 4.0 Summary
- 5.0 Conclusion
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Reading

### **1.0 INTRODUCTION**

Although pressure groups do not aim to exercise power directly, however, they do share some characteristics with parties. In particular, they are agencies of representation and participation. They are mechanisms for the expression of interest and opinion and they facilitate popular involvement in politics. In both these ways, alongside parties, they contribute to the successful working of liberal democracy. In this unit, we shall evaluate the political roles of pressure groups in Nigeria as well as the obstacles that confront them in fulfilling this role.

### **2.1 OBJECTIVES**

At the end of this unit you are expected to:

- (i) Know the origin and evolution of pressure groups in Nigeria
- (ii) Understand the role pressure groups play in promoting good governance.
- (iii) Know the obstacles pressure groups face in the course of fulfilling their engaging activities with the government.

### **3.0 MAINCONTENT**

#### **3.1 Origin and Development of Pressure Groups in Nigeria**

The formation of pressure groups in Nigeria can be traced to the colonial era. The West African Students Union (WASU) was a major platform used by Nigerians studying abroad to agitate for constitutional reforms. Reverend I. O. Ransome Kuti was instrumental to the formation of the Nigerian Union of Students in 1940, which was inaugurated by students of Abeokuta Grammar School as well as the Nigerian Union of Teachers. The primary objective of the students' union was to oppose tribal separatism among students. The union in addition set up committees to look into general problems facing Nigeria at the time in order to find solutions to them. In March 1944, students of Kings College, including Emeka Odumegwu Ojukwu (later a Military Governor of Eastern Region) and Ola Oni (later an

academic and a socialist comrade) protested against poor accommodation when they were displaced from their original hostels to provide accommodation for soldiers. Seventy-five of the students were later apprehended, tried for disorderly behaviour and expelled by the school authorities.

The Railways Workers Union led by Micheal Imoudu was a major vanguard of the agitations against colonial rule in Nigeria. As its president, Imoudu led a successful campaign of the railways workers for increase in the cost of living allowances, which were granted in 1942. Subsequently, the government invoked the Emergency Defence Regulations against Imoudu, and he was deported from Lagos to Auchi, in the then Benin province on the ground that he was a potential threat to public safety. Unrepentant after his release, Imoudu later played a major role in the 1945 general strike, which almost paralysed the economic activities of the colonial power in Nigeria. The militant leadership provided by the late Imoudu in successfully coordinating the strike action earned him the name Nigeria Labour leader No.1.

After the granting of independence to Nigeria in 1960, the pressure groups did not relent in their activities. During the First Republic, pressure groups also allied themselves with the socialist movements in the country to help diversify the ideological straitjacket of the Balewa's era from its conservative to a more progressive posture. Apart from their notable involvement in the opposition against the Anglo Nigerian Defence Pact pressure groups in the country, especially the labour segment organised a general strike in 1964 to protest the manipulation of the Federal Elections of that year. Their action forced the government to bring in the military to maintain the essential services in the country that were disrupted as a result of the strike. There are those who hold the view that the decisions of the Balewa government to involve the military in purely civil works during the strike, in addition to the use of soldiers to suppress the Tiv riots were some of the remote causes of the belief held by the military that it had a guardian role to play in the country.

### **3.2 Pressure Groups during Military Administrations in Nigeria**

Many pressure groups (professional associations and trade unions) operated in Nigeria under the different military administrations in the country. But as it is generally known it is in the character of a military government to abridge the space of engagement for other groups that may be competing for influence in the country. This is why in the early years of military regime in Nigeria when the major preoccupation of government was the preservation of the unity of the country, little or no opportunity was given for any that could claim competing allegiance of the citizens with the government, or distract its leaders from the pursuit of the national interest. This was why apart from many professional groups that were mainly concerned with the immediate business and pecuniary interests of their members there was no central labour union with the bark and bite that could

make it confront the military on political issues, such as the character and timing of the transition to civil rule programme. However, in the spirit of the plan to return power to the civilians the Obasanjo military administration lifted the ban placed on labour unions and their leaders in the country, and centralized their organisation under one umbrella body, the Nigeria Labour Congress(NLC).

During the Buhari's regime the Nigeria Bar Association (NBA), the Nigeria Medical Association (NMA) and the Nigerian Union of Journalists (NUJ) found their voices against the collapse of public services, neglect of due process and repression and violation of human rights committed by agents of the regime. The Nigeria Bar Association barred its members from appearing before the Military Tribunals for the Recovery of Public Assets set up by the government to try public officials who ran the affairs of the country during the Second Republic. NBA's position was that it was impossible to obtain justice in tribunals headed by military officers. However, the late Gani Fawehimi dissented from the mainstream position of the lawyers when he argued that the primary duty of a legal practitioner was to defend his client, no matter the circumstances.

The late Dr. Beko Ransome Kuti also gave bite to the Nigeria NMA when the association organized a strike action to press their demands, which included implementation of various agreements reached with the government on conditions of service and the reconstitution of the Nigerian Medical Council, among others. The government tried to break the strike action through propaganda but NMA's leaders defied all threats by the government to ban it, or blandishments to divide its rank. The government responded to this defiance by proscribing the association, sacked the resident doctors from their jobs and detained its leaders, notably Thompson Akpabio, the President and Beko Ransome Kuti, its General Secretary. Buhari's Employment, Labour and Productivity Minister, Solomon Omojokun accused the NMA of disruptive tendencies, and added that its leadership has been hijacked by the 'younger radicals' while the older ones are on the sidelines. Indeed, we should add that Beko Ransome Kuti cut his teeth as a social crusader and human rights activist during this period, an engagement which he later pursued for the rest of his life, during which he engaged and confronted virtually all the subsequent governments in Nigeria, since 1985. The NUJ was equally vociferous in its condemnation of the government over the conviction of two Guardian journalists under Decree No. 4 of 1984.

The military administration of Ibrahim Babangida was also not comfortable with the idea of a militant pressure groups or trade unionists. For this reason, journalists were cowed and newspapers and broadcasting houses were shut down to stifle the voices through which pressure groups ventilated their grievances against the policies of the administration, especially the Structural Adjustment Programme (SAP).

Until the NLC, NUPENG and PENGASSAN were banned by the Abacha military

administration the three bodies along with other pro-democracy and civil society groups constituted themselves as the major opposition to the then military regime. Their leaders organized the various protests, civil disobedience public and demonstrations and mobilized the Nigerian peoples against the Abacha' government. While the labour union pivoted the struggle at the home front the National Democratic Coalition led the agitations for the actualization of the June 12 mandate abroad. For their effrontery in challenging the Abacha's government Comrade Frank Kokori of NUPENG and Milton Dabibi of PENGASSAN spent four and two years in detention respectively The NLC remained banned for over four years and was able to find its voice after the election in February 1999 of Comrade Adams Oshiomhole.

### **3.4 Pressure Groups during Civil Rule Nigeria**

The leadership of Comrade Hassan Sumonu was also significant in the chronicle of the political activities of the Labour Union in the country, especially during the Second Republic. To press its demand for a minimum wage for workers in the country, the NLC organized a national strike. It was a successful outing for the Nigerian workers because the action forced the hands of the Shagari's government to approve a minimum wage of ₦125 for workers in the country, the first of such concession to workers in the history of the country. In line with the practice in most countries the government also proclaimed 1<sup>st</sup> of May every year as Workers Day or May Day in the country. Comrade Hassan Sumonu's achievements as NLC president were so outstanding such that after his tenure in office he was later elected to the continental labour union, the Organisation of African Trade Union(OATU).

The tenure of Adam Oshiomole as NLC president also coincided with the period when a former military head of state, Olusegun Obasanjo presided over the affairs of Nigeria as a democratically elected president. It is not an overstatement to describe the period as one of epic confrontation between the NLC and the Nigerian government for the soul of Nigeria. The Union had earlier successfully negotiated an enhanced minimum wage with the Abdulsalam administration, but the burden of implementation fell on the lap of the Obasanjo's government. The first point of disagreements between the government and the NLC was the former reluctance to honour the implementation of the minimum wage, the NLC had agreed with the former administration, citing limited budgetary capacity. The other issue of disagreement was the hike in the prices of petroleum products, consequent to government's decision to withdraw subsidies. For almost half a dozen times the NLC in an attempt to force the government to change its policy called the Nigerian workers on strike against their employers, which in several cases led to office and factory closures, and near paralysis of the nation's economy.

But unlike the previous military setting in Nigeria where the head of state was a dictator, under a civilian dispensation there are other stake-holders such as the



National Assembly in the resolution of industrial disputes, when they arose. There were public hearings at the National Assembly which gave the leadership of the NLC the opportunity to bring the issues in dispute into the public domain. Since National Assembly members are conscious of the fact that they have a date to keep with the electorate to account for their stewardships at the end of their tenure, they are seen to be more likely, than the previous military leaders who have no electoral constituencies, to align themselves to the popular aspirations of their constituents. This factor makes a democratic environment more amenable to the interests of pressure groups, in addition to providing more space for them to operate. Similarly, unlike under the military regimes that were in the habit of using ouster clauses inserted in decrees to deny the judiciary of a say in industrial disputes, the industrial arbitration tribunals and courts are usually being put into maximum use, as it has been in Nigeria since the restoration of democratic government in 1999.

### **SELF ASSESSMENT EXERCISE**

- (i) Evaluate the role of pressure groups in Nigeria during the military era.
- (ii) Assess the effectiveness of pressure groups in Nigeria's Fourth Republic.

### **4.0 CONCLUSION**

Pressure groups play significant roles in the promotion of good governance and sustenance of democracy cannot be over emphasized. The history of Nigeria from colonial era till date is replete with the political and engaging activities of pressure group, along with other civil society organizations which perform related functions. It is not an overstatement to say that the history of Nigeria will be incomplete until a deserving place is allotted to pressure groups and their activities. If different governments in the country had been pre-occupied with destabilizing pressure groups, or suppressing their activities it is only because they are yet to appreciate the complementary role these groups play in shaping people's oriented public policies.

### **5.0 SUMMARY**

Our discussions in this unit have centered on the political roles of pressure groups in Nigeria and their relevance as linkage device between the masses and the government. It was revealed in this unit that the organized labour, a major pressure group in Nigeria, was a platform used by the nationalists to engage and confront the colonial regime. After independence they continued with this political role by agitating against a plethora of issues such as electoral malpractices, unpopular public policies and misrule by different governments' in Nigeria.

### **6.0 TUTOR MARKED ASSIGNMENTS**

- (i) Assess the methods by which pressure groups could successfully play the role of the opposition movements under a military regime

- (ii) Mention the measures available to the Pressure Groups in influencing public policies that is considered most impressive
- (iii) Examine the relationship between the Nigerian Labour Congress (NLC) and the Nigeria Labour Party (NLP)

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## **UNIT 4: Elections and Electoral Process in Nigeria**

### **CONTENTS**

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Contents
  - 3.1 Major Pre-requisites of an Electoral System
    - 3.2 Colonial Period
    - 3.3 First Republic
    - 3.4 Second Republic
  - 3.5 Aborted Third Republic
  - 3.6 Fourth Republic
- 4.0 Summary
- 5.0 Conclusion
- 6.0 Tutor Marked Assignments
- 7.0 References/Further Reading

### **1.0 INTRODUCTION**

All modern democratic nations in the world have evolved a system by which their citizens participate in the process of electing their leaders. Perhaps, nothing is more important in a democratic system than its electoral process. It affords the citizens an opportunity to both interact and participate in political process. This unit examines the history of elections in Nigeria, from the colonial era till date. It also examines current challenges facing the country in the task of conducting free, fair, transparent, credible elections.

### **2.0 OBJECTIVES**

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

1. Appraise the history of electoral administration in Nigeria and its impacts on electoral behavior in the country
2. Know the impediments facing the conduct of credible elections in Nigeria

### **3.0 MAIN CONTENT**

#### **3.1 Major Pre-requisites of an Electoral System**

The electoral system is a process or the machinery through which citizens in any given democratic state elect their representative in competitive elections that are held at periodic intervals. While the casting of vote is the highest point of an electoral process, other activities include the division of a country into electoral units known as constituencies, existence of political parties, registration and periodic revision of the list of registered voters, or revalidation of voters register, nomination of candidates for the election, political neutrality on the part of the electoral commission, opportunities for parties and candidates to campaign; equal

access to government media; avenue for legal redress for the defeated and power of recall, if the electorates are dissatisfied with the performance of their representatives before the expiration of his tenure.

### **3.2 Colonial Period**

The electoral system was first introduced in Nigeria in 1923, with provision under the Clifford constitution for the election of three unofficial members from Lagos and Calabar into the Legislative Council with a minimum income requirement of 50 pounds per annum (Sklar, 1963). The introduction of the elective principle brought about unprecedented political awakenings, and the emergence of political parties, notably the Nigerian National Democratic Party (NNDP), led by Herbert Macaulay in Lagos, and Calabar National League, in the South Eastern Calabar Municipality (Okoye, 1964). The first sign of electoral bickering in Nigerian politics occurred in 1941 over the nomination of a candidate that was to represent Lagos municipality in the legislative council between Samuel Akinsanya, an Ijebu Yoruba, and Ernest Ikoli, an Ijaw. The controversy subsequently assumed ethnic colouration and eventually led to the split of the Lagos Youth Movement, (Sklar, 1963:54).

Under the 1946 Richards' constitution, no extension of elective principle to other parts of the country was allowed, other than the reduction of income requirements to 50 pounds per annum. With the creation of regional assemblies in the North, East and West, however, a system of Electoral College was introduced to elect indirectly members into regional legislative assemblies. Since the hallmark of colonial administration was", the elective principle was grudgingly conceded by the colonial powers, while franchise requirements differed from one region to another, in the line with the British policy of 'Divide and Rule'. For example, universal adult suffrage was introduced in the eastern region in 1954, but in the north, adult male suffrage was allowed for both the regional, and the 1959 federal elections.

### **3.3 First Republic**

The first republic was ushered in with a federal government and three regional governments formed on the basis of elections held under the colonial period. At the 1959 Constitutional Conference Nigerian political leaders resolved that post independent Nigeria's Federal House of Representative would be composed of 312 members, elected from a single member constituency, of approximately 100,000 people per constituency. The ratio of regional representatives clearly shows the lopsided nature, and far reaching and decisive electoral implications of the constituency delimitation exercise, which clearly favoured the old northern region.

Out of the 312 seats, the north was allocated 167 seats, Western 57, Mid-Western 14, Eastern 70, and federal territory of Lagos, 4 seats. With the clear majority of

the seats allocated to the North, and considering the regional character of the major political parties. Northern People's Congress (NPC), National Convention of Nigeria and Cameroon (later National Convention of Nigerian Citizens) (NCNC) and Action Group (AG), it was obvious that the North would always have the majority of votes in any election. In the 1959 election, for instance, the NPC won 77% of the seats in the North; the NCNC/Northern Element Progressive Union (NEPU) won 79% in the East, While the A.G won 53 percent of the seats in the West (Kriele, 1979). An analysis of the 1959 federal elections shows that 16 out of an aggregate total of 321 successful candidates were independent, or members of minority parties. Their total electoral poll was a marginal 578, 893 votes or 8.1 percent of an aggregate total of 7,185,555 votes (Awolowo, 1966:88). In the end, in order to become relevant, most successful independent candidates crossed carpets to the major parties, and this largely account for why the provision for independent candidate was expunged from the electoral laws of the subsequent republics in Nigeria.

The victory by the northern region-based NPC was repeated in 1964 when the Nigerian National Alliance (NNA) alliance, with NPC as the senior partner, won 198 seats in the federal elections, the bulk of the votes coming from the North. The defeat of the All Progressive Grand Alliance (APGA) an alliance of the major political parties in the south created a feeling of hopelessness among Yoruba and Igbo that the majority lead of the Hausa-Fulani led NPC may be perpetual, and would never be changed through a parliamentary electoral process (Kriele, 1979). Indeed, the failure of party politics in the First Republic can be remotely traced to the controversial 1964 Federal Elections. Perhaps the most contentious issue in the 1964 elections and the controversial October 1965 regional election in the West was the alleged partisan disposition of the Electoral Commission of Nigeria (ECN). The commission was reported to have returned candidates of the favoured party (notably NPC and NNDP) unopposed, even where others parties (notably AG and NCNC) fielded candidates for the election. Curiously, the commission did neither recognised the partial boycott in the West, or total boycott in the East of the 1964 elections, nor acknowledged or reflected this in its returns of the elections. In spite of the desperate action to form a broad-based national government after the disputed 1964 elections, the chain of crises which the two elections generated remained unresolved and generated into in civil disorder in the West, and the subsequent coup d'état of 15th Jan.1966 (Luckham, 1975).

### **3.4 Second Republic**

In devising the electoral system for the Second Republic, the military, which organized the first transition to civil rule programme in Nigeria between 1975 and 1979, learnt from the experience of the failure of the First Republic. First, the electoral laws required political associations, to reflect federal character in

membership, executive and territorial spread before they could be qualified for registration. Only five political associations scaled these hurdles, and were registered as Unity Party of Nigeria (UPN), National Party of Nigeria (NPN), People's Redemption Party (PRP) and Great Nigeria's People's Party (GNPP) to contest the 1979 General Elections, with the sixth-Nigeria Advance Party (NAP) joining others to contest the 1983 general elections. The 1979 elections were however marred by constitutional controversies over the legal propriety of declaring Alhaji Shehu Shagari, winner of the presidential election, without a second ballot in an electoral college. The legal dispute on the constitutional interpretation of 2/3 of 19 states in the federation was finally resolved at the Supreme Court in favour of the NPN's flag bearer, Alhaji Shehu Shagari, who though, scored the highest number of votes, but according to the petitioner, Chief Obafemi Awolowo, of the U.P.N. failed to meet the second element of the mandatory constitutional requirement, of geographical spread. Commenting on this legal controversy in his memoirs, Justice Kayode Eso, who delivered the minority judgment in the landmark case averred, "the electoral decrees used both the words 'votes' and 'states' in a manner that they would not be synonymous but contra-distinctive" (Eso 2000:296). In other words, the requirement of 2/3 of the states in the federation was cumulative to that of simple majority. The intention was to ensure that an elected president does not merely enjoy a narrow support base, but a countrywide electoral appeal. This, no doubt, was a significant electoral innovation in a plural society like Nigeria. The fact that the 1979 presidential Election result had to be resolved in a court of law imposed a legitimacy crisis on Shagari's government, from its inception and this crisis of governance dogged his administration until the 1983 General election, which was also alleged to have been brazenly rigged. One of the presidential election contestants Tunji Braithwaite of NAP described the 1983 elections as an 'electoral coup'. (Babarinsa, 2003).

### **3.5 Aborted Third Republic**

The main plank of the electoral system, which ushered in the Third Republic in Nigeria, was predicated on a gradual process, re-orientation of political culture, and institutional adjustment which characterised the Babangida transition programme. In line with the recommendations of the Political Bureau, two political parties-Social Democratic Party (SDP) and National Republican Convention (NRC) were registered by the National Electoral Commission, (NEC), initially headed by Professor Eme Awa, before he was replaced by Professor Humphrey Nwosu. Apart from promoting the concept of 'new breed politics for the first time in Nigerian electoral history, grass root-oriented politics was also encouraged by Professor Nwosu INEC because it gave prime recognition to the ward, as the primary, but the most significant unit or level of representation. Indeed, the novel idea of option 'A4' method of election was the most politically decisive stage for the nomination of candidates for elections, rather than the state

or national convention of a party. In spite of the introduction of this apparently new electoral arrangement such as staggered elections; government's involvement in the registration of political parties, along not so clear ideological poles and the open ballot system, which denied voters' confidently in the polls, the transition programme, eventually collapsed due to manifest, but often denied, insincerity and inconsistency on the part of the government. It is worthy of note that the electoral arrangement under Babangida, in addition to its prolonged duration is, arguably, the most convulsive and chaotic in Nigerian electoral history.

Under Babangida, and in the name of political re-engineering Nigeria was converted into a laboratory for experimentation. Two government-sponsored political parties were established by fiat (SDP and NRC); the government wrote their manifestoes and constitution; a novel open or modified open ballot system was introduced; nomination of party's candidates was done through option A4, while the whole electoral process was completely monetised. However, because Nigerians were no longer willing to tolerate a military dictatorship the June 12 1993 presidential election, which was the climax of the staggered elections turned out to be free and fair. To the astonishment of every one, General Babangida annulled the election on 23 June 1993 for reasons, which up till today, remain unconvincing. The annulment of the 1993 presidential election and its aftermath forced Babangida to step aside. But in order not to allow a power vacuum a contraption unknown to Nigerian law, christened the Interim National Government (ING) was contrived by Babangida until November 17, 1993 when Abacha forcefully set aside the Chief Ernest Shonekan led ING and dismantled all democratic structures that were already put in place. Under Abacha's transition programme only political associations promoted by military protégés were registered; a candidate already on a party's ticket could be disqualified on security grounds even on the eve, or Election Day. The climax was reached when the five registered political parties viz UNCP, NCPN, CNC, DPN, and GDM adopted Gen Abacha, then a serving military head of state, as their consensus candidate (Babatope, 2000).

### **3.6 Fourth Republic**

The transition programme for the Fourth Republic commenced following the death of Gen Abacha. Several political associations were allowed to contest the 1999 General Elections with the proviso that only those associations who were able to satisfy electoral requirements of geographical spread, would be qualified for registration by the Independent National Electoral Commission (INEC). Eventually, three political parties: People Democratic Party (PDP), APP (later renamed ANPP) and Alliance for Democracy (AD) were registered, with the latter allowed due to a concession given by INEC. President Olusegun Obasanjo of the P.D.P. won the presidential election and assumed office on 29th May 1999 with a lot of goodwill, given his background as a former military ruler who voluntarily

handed over power to a democratic government in 1979. However, after some years in office, particularly during his second term, the former military ruler lost this goodwill including international acclaim when he dissipated his energy to promote undemocratic policies. The first major electoral debacle of his administration was when he covertly inserted some provisions into the Electoral Act without the approval of the National Assembly. Added to this was the legislative indiscretion by members of the National Assembly who acted under President Obasanjo's surreptitious prompting to extend the tenure of elected local government councils, by one year, with retroactive effect. But the Supreme Court later annulled the Electoral Act, with the effect that local councils were dissolved after the expiration of their statutory three-year tenure, as contained in the electoral Decree promulgated by the military, under which councils elections were conducted in 1999.

Another major political development, which largely influenced the electoral process, was the expansion of the political space after a Supreme Court judgment, which liberalised the process of party registration and led to the participation of thirty political parties in the 2003 General elections. But due to a number of factors, only one of the then newly registered parties, the All Progressive Grand Alliance (APGA) could make some marginal impacts during the elections. Others, like the National Democratic Party (NDP) and United Nigeria Democratic Party (UNDP) that showed some promise, given the political antecedents of some their leaders and candidates, could not rise to the occasion. The General Elections in 2007 also brought in new parties like the Labour Party and the All Progressive People's Alliance (APPA) into offices in Ondo and Anambra states, respectively. In spite of this, the People's Democratic Party (PDP) retained its dominance of the country's electoral space both at the centre and at the state levels. Indeed, the governors elected on the tickets of the Progressive Peoples Parties (PPA), in Abia and Imo States including that of Ekiti state were former members of the PDP, who only defected from the party on the ground that the party lacked internal democracy in the manner it conducted its gubernatorial primary elections. The infamous third term agenda of former president Olusegun Obasanjo not only divided the ruling party, but also the presidency during which the president and his vice, Atiku Abubakar took opposing positions. Most of the woes and crises that bedeviled the country's electoral system during the 2007 general elections- manipulated party primaries, cross carpeting among party members, endless litigations and judicial reversal of results- were all linked, one way or the other, to the distrust and acrimony generated among politicians when the third term bid was finally defeated.

Not surprisingly, the dismal electoral performance of the newly registered political parties in 2003 and 2007 led to clamour by many for the reduction in the number of political parties in the country. The proponents of this view argue that these



parties lack physical electoral presence in the country and that they merely exist to collect subventions from the electoral commission. Their continued existence, it is argued, will also contribute to the continued dominance of the PDP and the potential danger of turning Nigeria into a one-party state. Presently, there are 62 political parties in the country, with only a few of them electorally potent or relevant, and others barely visible on the pages of newspapers. However, the other side of the coin however is that, in spite of the foregoing argument; a multi-party system seems to be the most compatible with Nigeria's ethnic and linguistic mix. The appointment of Professor Attahiru Jega in 2010 as the new Chairman of INEC seems to have signaled a wave of optimism in the country. This is largely due to the widely acclaimed radical antecedents and personal integrity of the political science scholar and the fact that he was a member of retired Justice Uwais led Electoral Reforms Panel. INEC under Attahiru Jega recognized the huge expectations of Nigerians from him to deliver credible elections in 2011. To realize this and work around the limited timelines, INEC in late September 2010 finally admitted that time constraints would make it impossible for it to deliver credible elections, and it therefore suggested a postponement of the elections it had already slated for January, to April 2011. This new position of INEC seems to be popular with most political parties and some of their leaders who previously had been warning INEC against shoddy preparation for the crucial 2011 polls. Nonetheless, INEC under the chairmanship of Professor Attahiru Jega witnessed significant improvement in the conduct of elections in Nigeria, in terms of fairness, credibility and acceptance, especially with the introduction and use of biometrics in the accreditation of voters during the 2011 and 2015 general elections. However, although the conduct of the 2015 general elections, witnessed the defeat of an incumbent, Goodluck Jonathan of the People's Democratic Party (PDP) by an opposition, Muhammad Buhari of the All Progressives Congress (APC) and consequent alternation of political powers, (the first in the annals of elections in Nigeria) it is not yet *Uhuru* in the conduct of free, fair and credible elections in Nigeria. More worrisome in recent times are the frequency of 'inconclusive elections' and the ignoble roles of security agencies in the conduct of elections in Nigeria by INEC under the chairmanship of Professor Mahmood Yakubu. All these appear to have cast a long shadow of doubts on the ability of INEC, as an unbiased umpire, to conduct, free, fair and credible elections in Nigeria.

### **SELF ASSESSMENT EXERCISE**

- (i) Enumerate the limitations of the electoral system handed over to Nigeria at independence in 1960.
- (ii) Evaluate the role of the 1964 federal elections and 1965 west regional elections in the electoral crises that faced Nigeria in the First Republic.
- (iii) Assess the role of incumbency power in the determining the outcomes of electoral results in Nigeria's Fourth Republic.

#### **4.0 CONCLUSION**

The problems confronting administration of elections in Nigeria include lack of capacity and shoddy preparation by the electoral commission, inadequate logistics, government's interference in the electoral process and the monetisation of the political space. The way out of Nigeria's electoral debacle, therefore, is for the government and other relevant stake-holders to partner with a view to proffering appropriate remedies that can help to address these obstacles. This is the only recipe to free and fair elections and an enduring political stability in the country.

#### **5.0 SUMMARY**

In this unit we have looked into the history of elections and electoral process in Nigeria dating from the colonial era. We observed that the colonial period was a form of tutelage that was meant to prepare Nigerians for a representative democracy under a parliamentary system of government. We also noted that after the failure of the First Republic the military organised its first transition programme with the hope that the loopholes of the past would have been plugged. However, we observed that the return of the military into politics in 1983 after a short period of civilian rule shows that politicians in the country have learned no lesson. The current attempts at electoral democracy and the uncertainties surrounding the conduct of credible elections since 1999 underscored the fact many problems and challenges still confront both the electoral system and electoral administration in Nigeria.

#### **6.0 TUTOR MARKED ASSIGNMENTS**

- (i) Examine the major impediments to free and fair elections in Nigeria.
- (ii) Evaluate the role of the judiciary in the sustenance and consolidation of democracy in Nigeria.
- (iii) Explain the role of an Independent Electoral Commission in the conduct of credible elections in Nigeria.

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