

## **STUDY SESSION 1.4**

### **Definition, Principles, Importance and Limitations of Rule of Law**

#### **Introduction:**

I believe by now you should have understood the idea of International Constitution. By now you will be able to describe what International Constitution is all about, even identify and explain some of provisions. Also, by now you would be able to comprehend the effectiveness of international constitution stating their advantages and disadvantages. Today we continue our lesson on the topic we are studying: **Nigerian Constitution. continue....**

#### **1.0 Study Session Learning Outcomes**

After this study session, I expect you to be able to:

1. Describe what Rule of Law is all about.
2. State some of the Principles and Importance of Rule of Law
3. Identify how rule of law can be achieved in a democratic state

### **1. DEFINITION, PRINCIPLES, IMPORTANCE AND LIMITATIONS OF RULE OF LAW**

#### **Rule of Law**

Rule of law is defined as the supremacy and predominance of law over and above each person and authority in a democratic state. It is also defined as the fundamental principle that implies separation of power.

The rule of law is defined in the Oxford English Dictionary as "the authority and influence of law in society, especially when viewed as a constraint on individual and institutional behaviour; (hence) the principle whereby all members of a

society (including those in government) are considered equally subject to publicly disclosed legal codes and processes."

### **Principle of Rule of Law**

A.V Dicey propounded that there are three basic principles of rule of law. These are:

1. Principle of Equality
2. Principle of Impartiality
3. Principle of individual Right

### **Importance of Rule of Law**

1. Rule of law prevents the citizens from arbitrary rules, since they have access to legal facilities and seek redress in the court
2. Rule of law ensures equality among citizens
3. The supremacy of the constitution is enduring over all authorities and persons
4. Rule of law prevents political leader from mismanagement, misappropriation and embezzlement of public resources and funds.
5. It compels wicked leaders to work within the confine of law.
6. It ensures good governance, development or progress of a country.

### **Limitations of Application of Rule of Law**

1. The lawmakers are immune from every welfare or statement made in the parliament.
2. The immunity of the president or governors is not extended to citizens.
3. The Diplomats cannot be prosecuted in the country where they are residing like other citizens of that country.
4. Rich or Wealthy individuals often use their provision to subvert justice in the country.
5. The military in politics, suspension of the constitution and the introduction of decrees are also limitations of the rule of law.

### ***In-text Question***

*Define Rule of Law and identify its three principles*

### **Answer**

*Rule of law is defined as the supremacy and predominance of law over and above each person and authority in a democratic state. The three principles of Rule of Law are:*

- 1. Principle of Equality*
- 2. Principle of Impartiality*
- 3. Principle of individual Right*

### **How to Achieve Rule of Law in Nigeria**

1. **Independent Judiciary:** the judiciary must be truly independent in terms of finance and run by men of proven professional competence and integrity. The present Judiciary organ has nullified the elections of April 14, 2007. The judiciary has offered hope. What happened in Kebbi, Kogi, Adamawa and River states are clear indications that the judiciary is indeed the last hope of common man
2. **Press Freedom:** the press should be objective and constructive in their criticism. They should sift whatever they want to say to avoid unnecessary indictment of the government or any individual. The press should also set an agenda for public discourse, and social development. They are the fourth estate of the realm.
3. **Power Separation:** Powers should be strictly separated and adhered to by the various organs of government. This will no doubt ensure the operation of the concept of the rule of law. President Umaru Musa Yar'adua demonstrated his complete adherence to the principle of separation of powers by not interfering in the judicial verdict of Kebbi state as well as Patricia Etteh's saga. The first female speaker of federal house of representatives was involved in financial scandal of six hundred and thirty-eight million naira (N638,000,000), which eventually led to the forced resignation of the speaker.

4. **Right to Appeal:** in a democratic set-up the citizens should be given the right to appeal when they are not satisfied with the judgment or verdict of the lower court. This can also enhance the rule of law. In addition, the citizens should be allowed to seek redress in court, whenever their rights are violated.
5. **Quick Justice:** the dispensation of justices must not be delayed in order to avoid any doubt from the common man. It is often said that justice delayed is justice denied.
6. **Good Condition of Service:** All public officers working under the dispensation of justices (the judges, the police and other official) should be well paid to avoid bribery and corruption.
7. **The Law to be kept open:** To achieve the rule of law in any organization set-up the law must not be kept secret but open for the people to easily see it and refer to it.
8. **Democratic Rule or Good Governance:** A democratic government accommodates the operation of the rule of law better than a military government. By implication, the rule of law can only be achieved easily in a democratic system.

**Summary:** this chapter has exposed us to the meaning of constitution, difference types of constitution, the effectiveness of the international constitution to other laws. The concept of rule of law, its limitations and importance is examined.

## **TOPIC 2:        FEDERAL SYSTEM OF GOVERNMENT**

### **1.0 Study Session Learning Outcomes**

After this study session, I expect you to be able to:

1. Explain what Federal System of Government is all about.
2. Differentiate between Federation and Confederation types of Constitution

### **1. THE TERM FEDERAL SYSTEM**

A **Federal System** could emerge in two major ways. The first type could evolve through a contract by the constituent units to come together to form a union. Example of this first category includes U.S.A Australia, Sweden and Canada. The second type is where a central government decides to create constituent units (Nigeria and India fall in here) or to observe existing smaller units like the case of former Soviet Union. Whether a federation is tinkered from below or above has its own implications. It appears that type one is associated with greater stability than ‘type two’.

**Federal system** of government presupposes the coming together of different nationalities or independent states under one central authority while still retaining some of their peculiar identities.

**Federal system** of government is defined as the system of government in which power, resources and functions of government are divided and shared among the central government and the other component parts.

## 2. FEDERATION AND CONFEDERATION

**FEDERATION:** Federation is defined as a single state in which functions and purpose of gov't are constitutionally divided among the central authority (standing for the whole country) and the other component parts of government.

Example of federation include – Nigeria, USA, Russia, Canada, India, Australia, South Africa, Brazil, Congo etc.

**CONFEDERATION:** Confederation is defined as a union association, organization or a league of two or more independent sovereign nations that come together in order to promote a common interest.

Example of confederation include – OPEC, UN, AU, ECOWAS, UAE, EU, e.t.c.

### ***In-text Question:***

1. *Distinguish between Federalism and Confederalism*

### ***In-text Answer.***

Federalism is defined as a single state in which functions and purpose of gov't are constitutionally divided among the central authority and the other component parts of government **While** Confederalism is defined as a union association, organization or a league of two or more independent sovereign nations that comes together in order to promote a common interest.

## 3. DIFFERENTIATE BETWEEN FEDERATION AND CONFEDERATION

	<b>FEDERALISM</b>	<b>CONFEDERALISM</b>
1.	Leadership is by election or coup de tat	Leadership is by selection or nomination
2.	The central authority is more powerful than the component parts	The member countries are more powerful than the union or Assoc.
3.		

4.	The component parts depend on the central authority for their survival	Member countries do not depend on the association/union for their survival
5.	The central government deals directly with the people	Central authority deals only with the leaders of the member countries
6.	Constitution is written and rigid	Its written and flexible
	A component part cannot break or secede from the federation.	A member country can break from the union/ association.

### 3.0 Additional Activities

a. Visit U-tube add (<https://www.youtube.com/watch?v=AdysaLZjfl0>)

Watch the video & summarise in 2 paragraph

b. View the animation on add/site on the discussion topic and critique it in the discussion forum

## STUDY SESSION 2.2

### **Introduction:**

I believe by now you should have understood Federal System of Government. It is important that you do so because it will provide a comprehensive outline of our today's topic of discussion: **Federal System of Government**, which now **continues...**

### **1.0 Study Session Learning Outcomes**

After this study session, I expect you to be able to:

1. Describe bases for adoption of Federal system in Nigeria.
2. Point out the Evolution and Structure of Federal system in Nigeria
3. List some of the functions of federal system in Nigeria

### **1.AN OUTLINE OF THE BASES FOR THE ADOPTION OF THE FEDERAL SYSTEM IN NIGERIA**

National or states adopt federalism for various reasons. Leeds (1981) asserts that "a federal system often exists where the people are not ready to surrender all powers to a central government. It is well suited to states embracing wide areas, where there are sectional diversities of race, language, nationality, religion and geography.

Rodee (1983) also argued that: A federal system of government is particularly well suited to states embracing wide geographical areas, and to states with sectional diversities that result from unequal socio-economic conditions and cultural cleavage. We are also likely to find federalism where the territory of a large state has been settled and brought under government control over an extended period of life time.

From the above examples, the bases for the federal system in Nigeria can be attributed to the following factors:



1. **Colonial Factor.** The British, who bequeathed to Nigeria a federal system of government in 1946, wanted to create a big country that would provide a huge market for their industrial products. The subsequent constitutional Conferences; the 1950 central conference in Ibadan, the London constitutional conference of 1953, the Lagos conference of 1954, the London constitutional conference of 1957, the constitutional conference of 1958, the Richard constitution of 1946, the Macpherson constitution of 1951 and Lyttleton constitution of 1954 were all British government contribution to the development of the federal system in Nigeria.

2. **Cultural Difference:** Nigeria is a country made up of different people in terms of language, religion, custom, history and tradition. According to the population headcount of 1991, Nigeria comprises of different ethnic groups numbering over 250, the people thus opted for a federal structure in order to protect and maintain as much as possible their identities and save the minority ethnic groups and their cultures from domination by the majority groups.

3. **The Size of Country:** Nigeria was too large, both in landmass and population, for a unitary system of government. For administrative convenience, federalism became inevitable. the problems that resulted from the unitary system introduced by Lt. General Aguiyi Ironsi in 1966 have proved that only the federal system can survive in Nigeria.

4. Economic reason. Another important factor on the evolution of the Nigerian federation was economic in nature. The resources available in Nigeria are scattered and unequally distributed. Therefore, component parts (states and local government areas) must unite under a single political unity, as a federation, to harness their resources for their overall benefit. Similarly, this would also bring about even and rapid economic development in the country.

5. **Geographical Factor.** Nigeria is made up of different groups located in different parts. The formation of the Nigerian federation is also attributed to

the geographical neighbourhood of the component units and the pre-existing economic and cultural interactions among the sub –groups even before the coming of the Europeans.

**6. Defence and Security of the Country.** The need for defence and internal security of the component parts from external aggression necessitated the coming together of different ethnic groups to form onto a federation, the component parts unites together as a federation because it would be stronger and more stable than individual units.

**7. To Promote Unity in Diversity.** The desire to promote unity in diversity of groups within Nigeria where one group would not be disenchanted with another controlling the centre necessitated the adoption of federalism in the country. Each group would have a sense of belonging and some political and economic autonomy without any form of prejudice or sentiment.

**8. The Desire of the British.** The desire of the British was to preserve the unity of Nigeria. They were not interested in the disintegration of Nigeria and therefore encouraged the division of the country into three regions in 1946, each with some autonomy from the central government. The British felt that if they could bring such diverse groups together under colonial rule they could remain together, even after independence, and contribute to the development of the country.

**(Activity):**In five minutes briefly explain five bases for adoption of Federal System in Nigeria

## **2. THE EVOLUTION, STRUCTURE AND FUNCTION OF THE FEDERAL SYSTEM IN NIGERIA**

The Nigerian federation did not evolve, as a voluntary or contractual union of the originally autonomous entities of what later became Nigeria. Rather, Nigeria, as we have it today and as a political entity, was a creation of the

British. The process of bringing these communities together began in 1861 when Lagos was taken over by British.

Before the commencement of formal colonial rule in 1990, the contemporary Nigerian society was made up of entities known and addressed as empires, kingdoms, republics, emirates and caliphates. Bornu, Oyo and Benin empires and Nupe kingdom. Between 1860 and 1903 these communities were systematically and gradually brought together under the British rule through confrontation, collaboration and co-operation (CCC)

However, colonialism did not destroy completely the pre-colonial socio-political systems. Rather, it forged strong ties between the new territories for the benefit of colonial exploitation. The Nigerian federation is therefore amalgamation of multiple communities by the British as from; 1861 to 1914 (the latter date consolidated the amalgamation). The colonial administration since the amalgamation of the northern and southern protectorates in 1914, under the governor-general, Fredrick Lugard, till the Lyttleton constitution of 1954, treated Nigeria as unitary country. Bernard Bourdillon as governor of Nigerian had, in 1939, divided Nigeria into three: the western, northern and eastern provinces. These provinces became regions under Governor Richards whose constitution (1946) provided a council. He further created the position of lieutenant governor as well as executive councils in the regions.

One of the basic questions discussed during the making of the Macpherson constitution was, “do we wish to see a fully centralized system with the centre, or do we wish to develop a federal system, under which each different region of the country would exercise internal autonomy?”

That question was not fully answered by the working of the constitution of 1951. Between 1951 and 1954, what Nigeria had was a quasi-federal system. Full federalism was established in 1954 with the introduction of Lyttleton constitution. The three regions were given executive powers with a large

measure of autonomy. Legislative powers were shared and distributed between the central and regional government and, therefore, each region had autonomy.

Since the adoption of federalism in Nigeria in 1946, the system has been very beneficial to the Nigerian society. The structure has proved to be an effective method in the political union of the diverse cultural, religious and linguistic groups that make up Nigeria. Available records have shown that secessionist attempts or threat failed because of the benefit derived from federalism.

The only secessionist threat that has been carried out in Nigeria since independence was that of the Eastern region which in May 1967 declared itself as the republic of Biafra, a development which eventually led to the thirty months' civil war which ended in January 1970, with the whole of the former Eastern Region still being part of the federation of Nigeria. Similarly, the Yoruba attempt to form Egbe Omo Oduduwa Republic on 26 August 1993 failed. Another recent case to cite was the attempt made by the governors of the five south eastern states of Nigerian (Anambra, Abia, Ebonyi, Enugu and Imo) on 7 March 2000 to secede from the federal republic of Nigeria (Akinola, 2000). Despite several attempts made by some ethnic groups to break away, Nigeria still remains a united and indivisible country.

### **FUNCTIONS OF FEDERAL SYSTEM IN NIGERIA**

The federal system of government in Nigeria performs many functions. These functions are as follows:

1. The federal system has promoted cultural diffusion and integration amongst the multi-ethnic groups in Nigeria. Every Nigerian sees himself as his brother's keeper despite the glaring difference of religion, history, culture or location. This has been significantly achieved and made people living in

different areas meet, relate, understand and consider one another as brothers and sisters under one political entity.

2. Federalism has ensured even and equal development of the country. The nations resources are used equitably and judiciously to develop every part of the Nigerian federalism.

3. The federal government has also helped in minimizing domination of the minority by the majority ethnic groups. Every group, big or small, minority or majority has a stake in Nigeria's socio-economic and political matters.

4. The federal system has encouraged greater participation of Nigerians in the affairs of their country and has therefore brought the government nearer to the people

5. The system is responsible for regulating, controlling, directing and galvanizing the affairs of the people. For example, the federal government has the constitutional power to pass law to prohibit anti-social behaviour and any person who violates such laws would be made to face the full weight of the law.

6. Law making is another exclusive function of the federal system. The protection of lives and properties of the citizens is the responsibility of the federal system. In spite of the significant role the federal system has played in Nigeria, Nigerians have nonetheless been disenchanted with the operation of the system. In other words, many people have expressed their dismay about the anomalies in the federal system in Nigeria.

***In-text Questions***

*1. State the Function/Importance of federal system in Nigeria*

**Answer:**

1. Federal system has promoted cultural diffusion and integration of the multi- ethnic groups in the country.
2. Federal system has ensured equal and even development if the entire country.
3. Federal system has helped in minimizing the domination of the minority by the majority ethnics groups in the country.

## 1.0 Study Session Learning Outcomes

After this study session, I expect you to be able to:

1. Paraphrase the relationship among the three tiers of government
2. Illustrate how power is legislated in Nigeria

### 1. THE RELATIONSHIP BETWEEN THE THREE TIERS OF GOVERNMENT IN NIGERIA

The Nigerian federation has three tiers of government, namely federal, state and local governments. What is particularly interesting here is that each level has a measure of autonomy in that it has its own apparatus of government like the legislative, executive, judiciary and other government institutions.

The 1989 constitution has clearly spelt out the powers of the federal and state governments

Both have independent legislative power while the local government councils do not have independent legislative powers. However, the constitution also recognizes some area where the local councils could exercise some authority independently. Such areas include the provision and maintenance of markets, shops, parks, public toilets, registration of births and deaths, construction of rural health and dispensaries. All the above functions are contained in the **residual legislative list**. The powers of the federal government are contained in the **exclusive list**. Here, the federal government has powers to legislate on matters that affect the whole. In addition, matters on security, defence, international relations, monetary and international trade falls within exclusive list.

In the **concurrent list**, both the federal and state governments legislate. For example, matters on higher education, health, agriculture, labour, housing, food, transportation, commerce and industrial development are taken care of jointly by the federal and state governments. The constitution has actually

come up with the division of powers between two or more autonomous governments, each of which exercises control within its scope of authority. For example, the entire country is the constituency of the federal government. It has its own government with respect to matter of particular importance to it as a unit. It is important to note that the constitutional provision indicates that the federal government is guaranteed the powers over and above state and local governments.

The authorities and power of federal and state governments sometimes overlap. This brings about uncertainty and confusion in federal-state relation. Under such a situation, the judiciary has the right and responsibility to arbitrate.

### **SELF- ASSESSMENT EXERCISE**

1. Define federation
2. What is the distinction between federation and confederation?
3. Outline the bases for the Nigerian federalism
4. Critically examine the relationship among the three-tiers of government in Nigeria.
5. Revenue allocation in Nigeria has become a controversial issue. Discuss
6. State the Functions of Federal system of government in Nigeria?
7. compare and contrast Nigeria federation with any other federation.

### **3.0 Additional Activities**

- a. Visit U-tube add on the discussion topic.

<https://www.youtube.com/watch?v=7R1JdlJPXZ0>

<https://www.youtube.com/watch?v=us8LMSoB22A>

Watch the each video & summarise in 1 paragraph each

b. View the animation on add/site on the discussion topic and critique it in the discussion forum



## **Introduction:**

I believe by now you should have read about the topic Right and Obligation from your courseware. It is important that you do so because it will provide a comprehensive outline of the materials you will cover on a Session-to-Session basis, starting with the topic you about to study: **Significance of Right and Obligation**

### **1.0 Study Session Learning Outcomes**

After this study session, I expect you to be able to:

1. Draw inference between right and obligation.
2. Differentiate Fundamental Human Right and Other Rights
3. Identify the fundamental Rights and Obligations of Nigerian citizens

### **1. RIGHTS AND OBLIGATION**

These are benefits or prerogatives conferred by law upon a person or group of persons to which they are entitled for being citizens of the country. Individual rights being citizens of the country. Individual rights are the groundwork of the state since it exists to enable men to live and develop fully. In order to let the citizens have share in the running of government, groups of rights are very necessary.

Rights are not absolute. The maximum right that an individual can enjoy is, as the declaration of the rights of man (1789) put it, *the power to do everything that does not injure another*. In other words, rights are special freedom conferred on citizens in the state. These rights are essentially human rights as recognized by the United Nations and embodied in the UN Universal Declaration of Human Rights (1954).

### **TYPES OF RIGHTS**

Rights can be divided into two, namely:

- 1- Fundamental human rights, and
- 2- Other rights

**Fundamental human rights:** these rights are called fundamental because they cannot be taken away from the citizen (i.e inalienable rights) unless under certain specific conditions chapter IV section 33-44 of the 1999 constitution of

the federal republic of Nigeria enumerated the fundamental rights, which every citizen is expected to enjoy. These rights are.

1. Right to life
2. Right to dignity of human person
3. Right to personal liberty
4. Right to fair hearing
5. Right to private and family life
6. Right to freedom of thought, conscience and religion
7. Right to freedom of expression and the press
8. Right to peaceful assembly and association
9. Right to freedom from discrimination
10. right to freedom of movement
11. Right to acquire and own immovable property anywhere in Nigeria, and
12. Compulsory acquisition of property

1. **Right to life:** the first is the right to life. Life is the most precious gift on earth and therefore, it is appropriate that it has been given the first place. Every person has right to life and no one shall be deprived of his life intentionally, unless by a court in respect of a criminal offence of which one has been found guilty. There are five offences at present in Nigeria which are punishable by death. These are murder, treason, treachery, directing and controlling or presiding at an unlawful trial by ordeal from which death results (section 208 of the criminal code) and conviction under the robbery and fire arms (special provisions decree 1974, as amended in 1985). In such cases, taking of one's life is considered justifiable and, therefore, the convicted person cannot plead this right to life.

#### **Other Right:**

These are the types of rights which are not exercised or enjoyed by every citizen in the country. These are grouped as:

a. **Social right:** example

i- Right to Education

ii- Right to health care facilities and medical

iii- Right to shelter/housing or Accommodation

b. **Economic Right:** Example

- i. Right to employment or job opportunities
- ii. Right to provisions of infrastructures
- iii. Right to work and earn salary
- iv. Right to pursue legitimate business
- c. **Political Right:** Example
  - i. Right to vote during election
  - ii. Right to stand as a candidate for election
  - iii. Right to criticize the government
  - iv. Equal eligibility for government office
  - V. right to form a union or political party

### ***In-text Questions***

#### ***1. With relevant examples distinguish between Right and Obligation***

Right are benefits or prerogatives conferred by law upon a person or group of persons to which they are entitled for being citizens of the country **While** Obligation are the duty expected of every citizen to discharge towards the upliftment and development of the machinery of government.

### **THE MEANING OF OBLIGATION**

The term 'obligation' is a word derived from human law. It is the virtue which are tied by necessity to some performance. It is the duty expected of every citizen to discharge towards the upliftment and development of the machinery of government. Such obligations may be either civil or political. For example, every citizen is expected to obey the governing authority, show implicit obedience to the authority and exercise of the legitimate government. Obligations, therefore, are the rights they enjoy.

### **2. THE SIGNIFICANCE OF RIGHTS AND OBLIGATIONS IN NIGERIA**

To discuss the significance of rights and obligations in Nigeria, it is important to understand the meaning of obligation since we have already defined the meaning of rights.

#### **Importance of Rights and Obligations**

The importance of rights and obligations cannot be overemphasized. The two concepts are complementary or reciprocal. The fundamental human rights

enshrined in the Nigerian constitution; just as in that of any other sovereign population, guards against the arbitrary use of the constitution. The importance of right and obligation is hardly a matter for discussion. However, some are discussed below;

- a) Following the modes laid down by the 1948 universal declaration on human rights and the 1950 European convention on human rights, and in compliance with the decision of the 1958 constitutional conference, human rights to the citizens and in Nigeria are no exception.
- b) Secondly, in consonance with democratic principles, the rights of the citizens must be protected and guaranteed in order to win their support and legitimacy.
- c) Through obligations, the citizens contribute towards the upliftment and progress of the country in order to ensure the continued existence of the state.
- d) The fundamental rights in our constitution also prevent the national assembly from passing obvious laws, which can endanger or deprive the citizens of their basic freedom.
- e) Rights also give the citizens the constitutional policy to check the excesses of their leaders and demand explanation on certain matters that seem contradictory to the law.
- f) For any existing government its stay in power and to win the overwhelming support of its citizens, it must respect the supremacy of the constitution and guarantee fundamental human rights
- g) In return for the protection of lives and property that the citizens enjoy they pay back to the state by discharging their duties and responsibilities.

### **3.0 Additional Activities**

- a. Visit U-tube add (<https://www.youtube.com/watch?v=vRuVubz6BOw>)

Watch the video & summarise in 1 paragraph

## **STUDY SESSION 3.2**

### **Introduction:**

I believe by now you should have understood the topic Right and Obligation. You can now define and differentiate between right and obligation, state also the fundamental human rights in Nigeria and also outline the obligations of Nigerian citizens as stated in Nigerian Constitution: **Significance of Right and Obligation continues.....**

### **1.0 Study Session Learning Outcomes**

After this study session, I expect you to be able to:

1. Judge the government ability in protection of fundamental right as contained in the constitution
2. Comprehend the obligations of Nigerian citizen as stated in our constitution

### **1. GOVERNMENT PROTECTION OF FUNDAMENTAL RIGHTS AS CONTAINED IN THE NIGERIA CONSTITUTION**

The issue of right is important in Nigeria. From the independent constitution of 1960 to the 1999 constitution of the federal republic of Nigeria, fundamental human rights are clearly entrenched. The question that might be asked is: how far has government, military or civilian, protected the rights of Nigerian citizens.

Some explanations will be useful. It is important to understand the nature and structure which these rights can be protected or guaranteed to citizens. The structure of Nigeria is federal, which involves the division of governmental power within the nation between one central authority in such a way that the local or state authorities operate without the interference of the central authority.

In order to protect rights in Nigeria the government recognizes that there are some fundamental rights of citizens, which ought to be safeguarded, and ensures that adequate consideration must be taken to achieve these objectives. The government has ensured the supremacy and existence of law by maintaining the rights of individuals and their corresponding obligations. Similarly, the government also ensures the independence of the judiciary. This is achieved by

making the judges to be fair and impartial in protecting individual right against invasion by any individual or the government itself.

As a demonstration of the protection of the right of the citizens, the government has also guaranteed democracy in a modern political system. Every citizen is free to discuss politics and equally free to join any political associations.

Perhaps, this may not be possible under a military rule. In order to protect the rights of the citizens, a complete chapter on fundamental human rights (chapter IV, sec.33 44 of the 1999 Constitution of the Federal Republic of Nigeria), is entrenched in the constitution of the land. It is therefore mandatory for those in government to govern according to the provisions of the constitution. When citizens' rights are violated the courts are there for one to seek redress. In addition, the government also establishes human rights commission, for example, the ombudsman (public complaint commission), parliamentary commissions, etc. Any citizen who is indiscriminately convicted and imprisoned has the right the right to seek reward or compensation.

## **2. THE RESPONSIBILITIES AND DUTIES OF NIGERIAN CITIZENS**

There are certain duties and responsibilities, which the citizens owe their country to fully enjoy their rights. The fact that Nigerian citizens enjoy certain rights from the government, they equally owe the state some duties and obligations. Because of the significance of the duties and obligations citizens owe the state, chapter II sections 24 of the 1999 constitution of the federal republic of Nigeria stipulates that: "It shall be the duty of every citizen to:

**a.** Abide by this constitution, respect its ideals and its institutions, the national flag, the national anthem, the national pledge, and legitimate authorities.

**b.** Help to enhance the power, prestige and good name of Nigeria, defend Nigeria and render such services as may be required;

**c.** Respect the dignity of other citizens and the rights and legitimate interests of other and live-in unity and harmony and in the spirit of common brotherhood.

**d.** Make useful and positive contribution to the advancement, progress, and wellbeing of the community where he resides.

e. Render assistance to appropriate and lawful agencies in the maintenance of law and order; and

f. Declare his income honestly to appropriate and lawful agencies and pay his tax promptly.

### ***In-text Questions***

*1. Identify the duties and responsibilities of Nigerian Citizen.*

a. Abide by this constitution, respect its ideals and its institutions, the national flag, the national anthem, the national pledge, and legitimate authorities;

b. Help to enhance the power, prestige and good name of Nigeria, defend Nigeria and render such nation services as may be required;

c. Respect the dignity of other citizens and the rights and legitimate interests of other and live in unity and harmony and in the spirit of common brotherhood.

### **Some other Obligations of a Nigerian Citizen are:**

a) To participate and defend all the democratic principles, progress, and practices.

b) To work consciously in his lawful and chosen occupation and, to abstain from any activity detrimental to the general welfare of every citizen in the country

c) To provide sound and qualitative education and to ensure the proper upbringing of his children

d) To participate in para-military training and physical fitness to be combat ready to defend the country against any external attack when the need arises.

e) To stigmatize evil doers to the appropriate authorities.

f) Report criminals to the law enforcement agencies.

g) Protect, maintain, and preserve public properties; and

h) Fight against squandering public funds.

In keeping and performing the above duties and obligations, every citizen would be rewarded through the enjoyment of maximum protection and

abundant rights and obligations is guaranteed and enjoyment of rights or pleasure, while for one, who refuses to discharge the punishment but not pleasure.

### **3.0 Additional Activities**

a. Visit U-tube add (<https://www.youtube.com/watch?v=TrTDwedYKmc>)

Watch the video & summarise in 2 paragraph



### **STUDY SESSION 3.3**

#### **Introduction:**

I believe by now you should have understood the topic Right and Obligation. You can define and differentiate among right and obligation, state also the fundamental human right in Nigeria and also outline the obligations of Nigerian citizen as stated in Nigerian Constitution: **Significance of Right and Obligation continues in this Study Session.....**

#### **1.0 Study Session Learning Outcomes**

After this study session, I expect you to be able to:

1. State the responsibilities and duties of constituted authority to the people
2. Illustrate the responsibilities and duties of government to the people

#### **1. THE RESPONSIBILITIES AND DUTIES OF CONSTITUTED AUTHORITY TO THE PEOPLE**

The responsibility and duties of constituted authority to the people in any country cannot be overemphasized. It is these duties and responsibilities to the people that make government relevant in a democratic setting. Chapter II Section 13 clearly stipulates that “It shall be the duty and responsibility of all organs of government, and of all authorities and persons exercising legislative, executive or judicial powers to control, to observe and apply the provisions of this chapter of the constitution. Section 14.

1. Further elaborates that the state (government) shall adopt the principles of democracy and social justice.
2. Secondly, the constituted authority also declares the principles of popular sovereignty that is, people are the ultimate source of political powers, and the government derives its powers from the people.
3. The primary purpose of the government is to provide total security and welfare to its citizens. The protection of the lives and properties of the citizens is the foundation of any good government.
4. It is the duty of the government to ensure the participation of the people in the activities of their government in accordance with the provisions of the constitution.
5. For promoting national integration, the government shall provide adequate facilities and encourage free mobility of people, goods, and services throughout the federation.

**6.** It is the responsibility of the authority to secure full residence rights for every citizen in all parts of the federation and encourage inter-marriage among persons from different places of citizen “Or professing different religions or having ethnic or linguistic association.

**7.** It is also the duty of the constituted authority to promote or encourage the formation of associations of different ethnic, linguistic, religious, or sectional groups.

**8.** it is duty of the government to ensure a feeling of belonging and involvement among the people so that the loyalty to the nation comes first, over and above sectional loyalties. It was lack of national loyalty and a sense of unity that led to the civil war in 1967, which was great calamity for Nigeria.

**9.** It is the duty and responsibility of the government to ensure that the material resources of the community are harnessed, distributed equitably and judiciously for the common good of all the citizens.

**10.** It is the duty and responsibility of the government to eradicate illiteracy and to promote science and technology. Similarly, the government is responsible for the provision of compulsory and universal-free primary, secondary, university and adult education. Unfortunately, at present, the government has introduced a lot of fees in tertiary institutions beyond the reach of the common man.

### ***In-text Questions***

*Identify four Responsibilities and Duties of Government to the people in Nigeria*

*1. Further elaborates that the state (government) shall adopt the principles of democracy and social justice.*

*2. Secondly, the constituted authority also declares the principles of popular sovereignty that is, people are the ultimate source of political powers and the government derives its powers from the people.*

*3. The primary purpose of the government is to provide total security and welfare to its citizens. The protection of the lives and properties of the citizens is the foundation of any good government.*

**11.** It is the responsibility of the government to see to it as to concentration of production and exchange in the hands of a few individuals or a group.

**12.** In addition, the government is responsible to set up a body or an act of the national assembly to review from time to time the ownership and control of business enterprises operating in Nigeria and make recommendations to the president. The system of commercialization and privatization of public

corporations by the Obasanjo administration has completely invalidated this responsibility.

**13.** It is the duty of the government to ensure that suitable and adequate shelter, food, reasonable national minimum living wage, old age care and pensions and unemployment and sickness benefit are provided for all citizens.

**14.** It is the duty of the government to ensure the accessibility, independence, impartiality, and integrity of the law courts in the country.

**15.** It is the duty of the government to ensure that all the citizens have equal right, without any form of discrimination, equal obligations, and opportunity before the law. In addition, the citizens should not be discriminated against, equal obligations and opportunities before the law. In addition, the citizens should not be discriminated against in the areas of security, livelihood, and employment opportunities.

### **Study Summary and Conclusion**

Rights and obligations are popular topic in the Nigerian constitution. The two concepts explain the relationship between individual citizens and the state. The relationship between the modern state and the citizens is based on the contract theory. According to this theory, before the establishment of a state, human being lived in a state of nature. According to Hobbes: *men living without any common power set over them, that is, in a state of nature, every man against every man struggle of all against all law and justice are silent. The life of man is solitary, poor nasty, brutish and short.*

It was to escape from the state of nature that human beings decided to establish a state. Consequently, a contract was made between the people and the state. In the contract, the state and the people were expected to do certain things. It is implied in the contract that the state must guarantee its citizens protection, while the citizens also carry out certain obligations.

### **3.0 Additional Activities**

a. Visit U-tube add on the discussion topic.

[https://www.youtube.com/watch?v=zatST8cw\\_Iw](https://www.youtube.com/watch?v=zatST8cw_Iw)

<https://www.youtube.com/watch?v=R9kLom2DJLM>

Watch each video & summarise in 1 paragraph each

**Introduction:**

Good morning/Afternoon, it was justified that country classifies its citizens, keeping in view its interest and makes rules for citizenship. First and foremost, it is through the process, of citizenship that the individual status is defined in the state. It is evident to see how countries categorise various forms or types of citizenship. For instance, the constitution of many states provides the framework or the processes of acquiring citizenship. So today's topic of discussion is about Nigerian Citizenship

**1.0 Study Session Learning Outcomes**

After this study session, I expect you to be able to:

1. Define and categorise citizenship
2. Identify and explain the types of Citizenship

**1. DEFINITION AND TYPES OF CITIZENSHIP**

**Citizenship** is a category of nationals. Nationality is a wider concept and may include persons who may not be citizens. Generally speaking, the term '**Citizenship**' deals with the relationship between the individuals and the state. Furthermore, '**Citizenship**' is the term by which we express the status of an individual who possesses full legal and political rights in a state. To some, '**Citizenship**' is the process of becoming a permanent member of any country. **Citizenship** is the status enjoyed by the nationals of a country, which entitles them to full legal, economic, social, and political rights. The relationship between the modern state and the citizens is based on the principle of reciprocity that is the principle of mutuality of expectation and element of exchange. In other words, a notion of 'give' and 'take' is implied in this principle.

In a broad term, citizenship implies that the state and the people are expected to vote and be voted for in his country. At the same time, he is obliged to defend the country whenever he is called upon to do so.

Secondly, through citizenship the position of the state as well as the people is known. For instance, the state as a part of the entire social system works for the people. To this end, the state is expected to provide certain securities such as defense of the people against both external aggression and internal dangers. The

state is also expected to provide the people with good life through economic development. In fact, this is the significance of citizenship in its deepest meaning.

It is a special status which is bestowed upon an individual who belongs to a state, country, district, or town, and which allows him to enjoy certain liberties and rights as opposed to others who are not citizens.

### **CITIZEN AND NON-CITIZEN**

- • Citizen is any permanent member of any given state who has full legal rights to enjoy within a given country. Citizen is also defined as a person who is indigenous to a state.
- • Non-citizen is any person who is not a member of a given state or country. Non-citizen is a foreigner.
- 1. Citizenship by birth
- 2. Citizenship by registration
- 3. Citizenship by naturalization
- 4. Citizenship by descent
- 5. Honorary Citizenship etc.
- 

### ***In-text Questions***

*1 Define Citizenship and differentiate between citizen and non-citizen*

**Citizenship** is the term by which we express the status of an individual who possesses full legal and political rights in a state.

• **Citizen** is any permanent member of any given state who has full legal rights to enjoy within a given country While **Non-citizen** is any person who is not a member of a given state or country.

### **2. TYPES OF CITIZENSHIP**

Every country classifies its citizens, keeping in view its interest and makes rules for citizenship. First and foremost, it is through the process of citizenship that the individual status is defined in the state. It is evident to see how countries categorise various forms or types of citizenship. For instance, the constitution of many states provides the framework or the processes of acquiring citizenship. These are as follows:

### 3.0 Additional Activities

- a. Visit U-tube add (<https://www.youtube.com/watch?v=WEaguTA75eY>)

Watch the video & summarise in 1 paragraph

## STUDY SESSION 4.2

### Introduction:

I believe by now you should have understood Nigerian Citizenship and what Citizenship all is about. It is important that you do so because it will provide a comprehensive outline of our today's topic of discussion; **Nigerian Citizenship** which now **continues.....**

### 1.0 Study Session Learning Outcomes

After this study session, I expect you to be able to:

1. Outline the categories of Nigerian Citizenship
2. State the mode of acquiring each of the Nigerian Citizenship
3. Highlight the benefits derived from Nigerian citizenship

### 1. MODES OF ACQUIRING NIGERIAN CIRTIZENSHIP

Every country has a specific method or mode through which its citizens acquire citizenship. There are three major ways in which citizenship could be acquired. The constitution of the federal republic of Nigeria 1999 recognizes three (3) methods by which Nigerian Citizenship can be acquired.

#### 1. NIGERIAN CITIZENSHIP BY BIRTH:

Subject to the provision of chapter 3, section 25 of the 1999 constitution of Nigeria. The following persons are Nigerian citizens by birth.

- a. Every person born in Nigeria before the date of independence, October, 1960, either of whose parents or grandparents belong to a community indigenous to Nigeria.
- b. Every person born in Nigeria after the date in independence (Oct, 1960) and either of whose parents or grandparents are (is) Nigerian citizen.
- c. Every person born outside Nigerian, but either of his parents are (is) Nigerian citizen.

#### 2. NIGERAIAIAN CITIZENSHIP BY REGISTRATION:

Subject to the provisions of section 28 of 1999 constitution of Nigeria, a person is a citizen if he satisfies the Nigerian president that:

- a. He is a person of good character
- b. He has shown a clear intention of his desire to be domiciled in Nigeria.
- c. He has taken the oath of allegiance to the Federal Republic of Nigeria

The provision of the section is available to:

- i i. Any woman from outside, who is or has been married to a citizen of Nigeria and
- ii ii. A person of full age and capacity born outside Nigeria but any of his parents is a Nigerian.

### **DEMERIT of Citizenship by Naturalization**

- 1. Citizenship by registration is not an automatic, the interested person, (s) must apply and fulfil certain conditions or requirements.
- 2. Person whose citizenship is by registration may lose their citizenship for reasons clearly stipulated in the constitution, such as, being imprisoned for a term not less than 7 years or trading with an enemy country in times of war.
- 3. A citizen of Nigeria by registration is supposed to abandon his citizenship of any other country within 12 months from the grant of a certificate of registration and during this time, the certificate of registration is conditional.
- 4. A citizen by registration may be deprived of his citizenship by the president If he is satisfied that such a person is disloyal to the federal republic of Nigeria.
- 5. A citizen by registration may also be deprived of his citizenship if such a person trades unlawfully with an enemy country.

### **3. NIGERIAN CITIZENSHIP BY NATURALIZATION:**

Subject to the provision of Nigerian constitution a person may become a citizen of Nigeria if he/she satisfies the Nigeria president that:

- a. He is of good character
- b. He has shown his intention or his desire to stay in Nig.
- c. He has taken the oath of allegiance
- d. He is of full age and capacity
- e. He is capable or has contributed to the development and wellbeing of Nigeria
- f. Is in the opinion of the government or the people of the area he is to live permanently to accept him.
- g. He has resided in Nigeria for continuous 15 years, or a period of 12 months in an aggregate not less than period of 20 years.

### **Additional Activities**

- a. Visit U-tube add (<https://www.youtube.com/watch?v=gNwnnLDEYbc>)

Watch the video find out four Merits of Citizenship by Registration

### **MERIT of Citizenship by Naturalization**

- 1. Applicable to both foreigners married or single
- 2. Applicants must satisfy the requirements of the provisions of section 28 of the constitution before they can apply to the president for the grant of certificate of naturalization.
- 3. It ensures that a Nigeria citizen by naturalization must have been individual of good character.
- 4. It has the advantage of bringing about the advancement, progress and wellbeing of Nigeria.

### **DEMERITS of Citizenship by Naturalization**

- 1. A naturalized citizen may lose citizenship if the president is satisfied that the person has been sentenced to imprisonment for a term of not



1. Nigeria citizens are entitled to vote or be voted for during elections in the country.
2. Only Nigeria citizens by birth can contest election for the office of president, vice president, governor, deputy governor, in the country.

less than 3 years within a period of 7 years after becoming naturalized.

2. The Nigeria constitution does not adopt double citizenship. Therefore, if a person acquires or retains the citizenship of any other country, he forfeits his Nigeria citizenship
  3. The deprivation of the citizenship not a naturalized citizen follows if such a person trades unlawfully with an enemy country or communication unlawfully or assist an enemy country with which Nigeria may be engaged in war.
  4. Citizenship by naturalization is not contestable. That is, not contestable in the court of law. Such a person may be deprived of his citizenship provided he violates the constitution.
  5. Understand the local language: The individual must have understood the local language of the area he chooses to reside in Nigeria,
  6. Acceptable to the local community: The individual must be acceptable to the local community he chooses to reside in or acceptable to the people in the local community.
  7. Ever ready to contribute: An alien can become a citizen of Nigeria if he has promised to contribute towards the development and progress of Nigeria.
  8. Taking of the oath of allegiance: Before an individual is granted the citizenship of Nigeria, he has to take the oath of allegiance,
- Turned teachers, then to pay for qualified teachers and or to train teachers adequately after they have been employed.

#### **4.5 BENEFITS DERIVED BY NIGERIAN CITIZENS**

Some of the benefits enjoyed by Nigerian citizens over other non-citizens in the country are as follows:

3. Only Nigerian citizens with necessary qualification can hold certain sensitive political or administrative posts in the country.
4. Nigerian citizens in other countries are protected and defended from any form of injustice, harassment, maltreatment, and frustration.
5. Only Nigerian citizens are recruited in the Nigerian army and police forces in the country.
6. Certain business and economic activities within the economic sector of Nigeria are exclusively reserved for Nigerian citizens.
7. It is equally interesting to note that only Nigeria citizens are entitled to enjoy all the right and liberties contained in chapter four (4) sections 33-44 of the 1999 constitution of Nigeria.

### **Summary and Conclusion**

Every country classifies its citizens, keeping in view its interest and makes rules for citizenship. First and foremost, it is through the process of citizenship that the individual status is defined in the state. It is evident to see how countries categorise various forms or types of citizenship. For instance, the constitution of many states provides the framework or the processes of acquiring citizenship.