

WEEK: FIVE

TOPIC: THE RULE OF LAW



The Rule of law is defined as the supremacy of law over everybody in the political system. Rule of law as stated in the constitution emphasizes supremacy of the law, equality before the law and the presence or inclusion of the principle of individual rights. These laws guide every individual and activities of a state.

Basic Principles Of Rule Of Law.

1. **Equality before the law** : It means that all citizens in a country have equal rights in the state irrespective of their economic and political status. Nobody is above the law.
2. **Impartiality** : This principle states that there should be impartiality in dealing with offenders. No person should be punished for any offence until otherwise proven guilty by the court. An accused person is regarded only as a Suspect and Should not be detained for more than twenty four hours.
3. **fundamental human rights** : All humans are entitled to exercising their fundamental human rights and when these rights are violated, they can seek redress from the courts. These rights include right to life, right to speech, right to private and family life etc.

Limitation Of Rule Of Law.

1. **State of emergency** : If a country is in crisis or in a state of war, a state of emergency can be declared and the people's rights may be affected or denied.
2. **Diplomatic immunity** : Diplomats cannot be prosecuted in a country where they are Staying as representatives of a country.
3. **Types of government** : A Single party system or a dictatorial government can limit the application of rule of law.
4. **Attitude of Government** : Governments that may have leaders with dictatorial traits might refuse to honour the decisions of the law courts.

5. Lack of independence for the judiciary : In cases where the Judiciary is strongly controlled by the executive and government in power, rule of law can easily be abused or even denied. there could be cases of injustice.

WEEK: SIX

TOPIC: FUNDAMENTAL HUMAN RIGHT



Fundamental Human Rights : These are those rights that are considered basic for the realisation of an individual's full human nature. Fundamental human rights enable individuals to live full and complete lives with adequate expression to the person. Fundamental human rights are usually stated in constitutions of the country, and the United Nations Organisation guides to see that rights are respected. Human rights are broadly categorised into;

1. Natural fundamental human rights : These rights includes Right to life, freedom from interference with private and family rights, freedom from Slavery, right to personal liberty, freedom of assembly and association e.t.c

2. Social fundamental human rights :These include the right to own property, the right of every Child to be treated equally whether born in or out of wedlock and not minding the circumstances of his/her birth, right to employment, etc. Fundamental human rights are included in the constitution because;

- a. It makes it hard and almost impossible for any government to make a change in it.
- b. It helps citizens to know if their rights have been violated and to seek redress at the law courts.

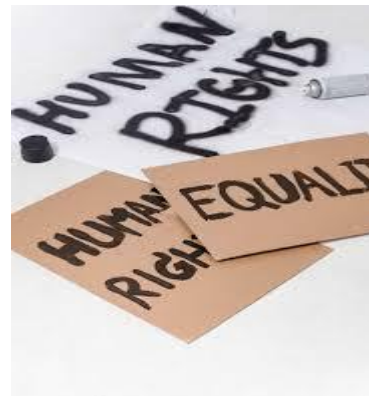
c. It protects citizens rights and prevents dictatorship.

Measures for safeguarding fundamental Human Rights

1. fundamental human rights has to be well stated in the constitution.
2. Various arms of government need to maintain adequate checks and balances.
3. There should be an Independent judiciary that has the full capacity of giving fair and correct judgement.
4. International organisations can gear up governments to respect the citizens rights. These organisations include United Nations (UN), Economic Communities of West African States (ECOWAS) etc.
5. Pressure groups like Bring Back Our Girls (BBOG) Can help in safeguarding fundamental human rights.

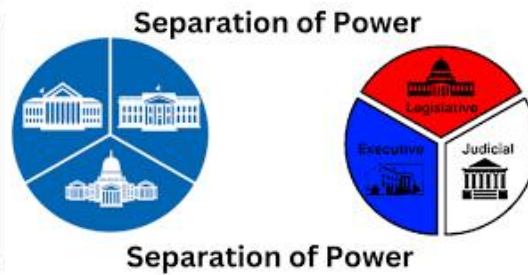
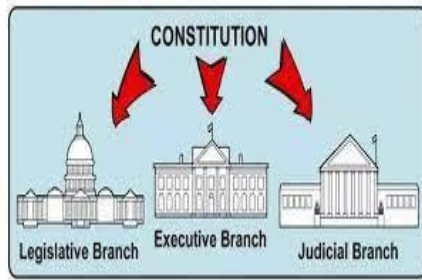
Limitations of fundamental human rights

1. The enjoyment of human rights is subject to obedience of the law by citizens. Any citizen who does not obey the law is expected to suffer for his actions.
2. In situations of economic troubles, depression or recession, the government might be less capable of providing basic amenities which might affect certain rights like right to employment or right to education.
3. During a political crisis, a state of emergency might be declared and this can detract the rights of individuals.
4. Fundamental human rights demand certain obligations from the citizens. If a citizen disobeys the laws he might be arrested or punished.



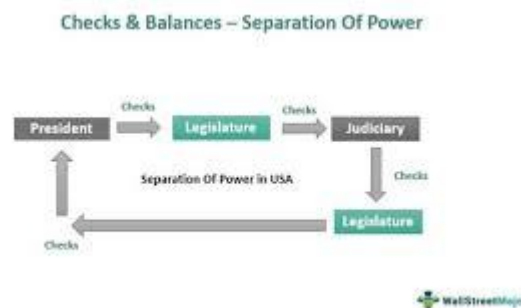
WEEK: SEVEN

TOPIC: SEPERATION OF POWERS



MEANING OF SEPARATION OF POWER : This means division of political powers and functions among three forms of government (executive, legislature and judiciary). Every arm has different roles and constituted authority to do what is expected of them. Lord Acton declared that "Power corrupts, but absolute power Corrupts absolutely". Separation of power prevents absolute power since all powers are shared. It was a French political thinker and jurist Baron de Montesquieu who developed and popularized the principle of separation of powers in his book entitled *Espirit Des Lois* which means *The Spirit of Laws* published in 1748.

Checks And Balances



This is a situation whereby one arm of government checks another arm of government against any possible abuse of power e.g the legislature makes laws but these laws have to be interpreted by Judiciary, and if such law goes against the constitution, the Judiciary will declare them unconstitutional, (null and void). Approval of budgets is another example where the executive have to submit to the legislative and wait for approval.

Purpose/Reasons for Separation of Powers

1. To prevent dictatorship and tyranny in the government
2. To protect and preserve the fundamental human rights of the citizens
3. To promote the application of the rule of law and to ensure political stability.
4. Reduction in the workload of each organ of government
5. Division of labour and specialization among the organs of government which in turn promotes efficiency.

Relationship between Separation Of Powers And Checks and Balances

Separation of powers is different from checks and balances but they complement each other. Separation of powers implies division of political or constitutional powers among the organs of government. On the other hand checks and balances exercises checks on the powers of these organs. The aim of both of them is to; Protect the rights and liberties of individuals

in the course of Government and ensure that each arm of government works within the limits of its powers.

Separation Of Powers In A Cabinet System Of Government

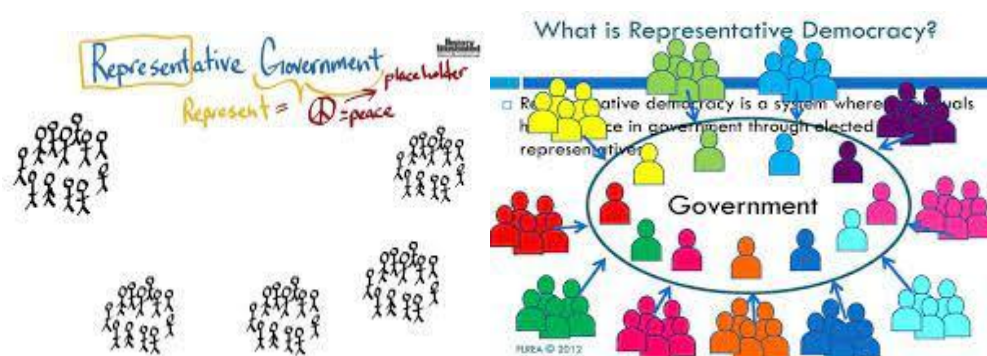
In a cabinet System, separation of power is limited. Various arms of Government in this system are closely linked and there is 'fusion of powers'. In Britain for example, they practise a cabinet system of government and the elected legislators make up the parliament. In this system, members of the executive are also members of the parliament. The prime minister for instance is both a member of parliament and a leader of daily activities of government. The executive arm appoints the Judges who make up the Judiciary. The Lord Chancellor who is like a chief Justice is a member of the cabinet.

Separation Of Powers In a Presidential System Of Government

Separation of powers is very practical. In the presidential system of government in this system, no person can hold positions in both the legislative and executive office at the same time. A member of the Judiciary too cannot at the same time be a member of the executive or the legislature.

TOPIC: REPRESENTATIVE GOVERNMENT

DEFINITION OF REPRESENTATIVE GOVERNMENT



Representative Government

It is also referred to as indirect democracy where the government is made up of elected or appointed individuals. These elected individuals have the responsibility to perform various functions and to take actions on behalf of those they represent. This System is totally based

on responsibility and accountability of political leaders. There are periodic elections, law Courts, free press, periodic elections.

FEATURES OF REPRESENTATIVE GOVERNMENT

1. Existence of free and fair election and Existence of choice of candidates.
2. Elections must be conducted on regular basis at specified period by an Independent electoral commission.
3. Representative government is anchored on the rule of law, Protection of individual liberty and Freedom of the press.
4. An independent judiciary.
5. Responsiveness to public opinion and Universal adult suffrage.

MERITS OF REPRESENTATIVE GOVERNMENT

1. It ensures participation in governance by the people.
2. It makes for accountability on the part of political office holders.
3. The system is simple to operate.
4. The government in place is legitimate and legally constituted.

DEMERITS OF REPRESENTATIVE GOVERNMENT

1. There is no true independence of the judiciary.
2. Rigging of elections.
3. Problem of illiteracy.
4. The representatives may not adequately represent their people or community due to some selfish interest.