

## GOVERNMENT

3<sup>RD</sup> TERM

S.S.2

WEEK 2

**Topic: Constitutional Development in Nigeria Pre-independence  
Constitutions and Their Features.**

### **Constitutional Development in Nigeria Pre-independence Constitutions**

Historical Background: Nigeria has been described among other things by many people as not a nation but a more geographical expression. This is as a result of the fact that what we now call Nigeria was formally a conglomeration of many scattered ethnic groups each occupying a geographical area with different historical background, cultures, religion, etc. Infact, Nigeria was the making of the British.

The making of Nigeria started with the annexation OF Lagos by the British in 1861. The British used the Crown Colony of Lagos as a base from where they spread their occupation to hither - land of what later became known as Nigeria. As a result of the 1884/85 Berlin conference, the coastal areas where British had major influence were proclaimed as the oil Rivers Protectorate (Niger Delta) which laid the foundation for Colonialism.

On January 1, 1890, the Northern Areas of the Territories were constituted and named Protectorate of Northern Nigeria did the remaining areas in the Southern Nigeria. This was after all the whole areas were lumped together in 1898 and christened "NIGERIA" by PLORA SHAW.

Lord Lugard who was a former agent of the Royal Niger company was a former agent of the Royal Niger was appropriated the first Niger

Commissioner of the Northern Protectorate. As a first step to unity the three administrations. The British Government on 1<sup>st</sup> May, 1906 merged the colony of Lagos with the Southern protectorate and became known as the colony and protectorate of Lagos and with Lagos as the headquarter.

On January 1, 1914, the Colony and protectorate of Southern Nigeria and the Protectorate of Northern Nigeria were amalgamated as the colony and protectorate of Nigeria. Sir Lord Fedrick Luggard was made the first Governor General of Nigeria.

After the amalgamation of 1914, Lord Luggard established the Nigerian Council which existed side by side with the small Legislature Council of Lagos. The establishment of the council marked a milestone in the constitutional development of Nigeria.

The council which had the main significance of being the first body that brought Nigerian from different parts together to discuss the affairs of a united Nigeria, gingered the spirit of Nationalism.

## **THE CLIFFORD CONSTITUTION OF 1922**

**BACKGROUND:** The 1922 Constitution was named after the Governor General of Nigeria, Sir Higer Clifford. It seemed to be as elective principles in West Africa. The constitution introduced elective which increased political agitation and awakened the spirit of Nationalism in Nigeria.

The constitution gave rise to the formation of political parties and establishment of newspaper. As a result, the Nigerian National Democratic Party (NNDP) founded by a Nigerian Engineer - Herbert

Macaulay in 1923 became the first political party in Nigeria. The party in Nigeria. The party had a Newspaper called the Lagos Daily News

### **FEATURES**

1. The constitution had an executive council for the whole colony
2. It had a legislature council composed by 4 members, with 27 of them (including the Governor) being British and regarded as official member 19 others, non-official.
3. Only male adults who earn up to £100 per annum and had lived up to one year in the area could vote during elections.
4. Except on finance, the jurisdiction of the new legislative council was limited to the Southern Provinces, including the Colony of Lagos.

### **ARTHUR RICHARD CONSTITUTION OF 1946**

**BACKGROUND** - Arthur Richard Constitution of 1946 replaced the defective Clifford Constitution of 1922. It was as a result of the weakness observed in the Clifford Constitution that made the Nigeria Nationals to pressurize Sir Benar Bouroitions, the Governor General - 1935 - 1943, to give them a new befitting constitution. Under his government, Nigeria was splitted into West.

The memorandum he issued on the future political development of Nigeria served as a proposal in which formed the basis of Richard's Constitution of 1946. The drafted constitution was presented to the Legislative Council on March 6, 1946 became a new constitution on August 2, 1946 and came into force on January 1, 1947.

### **FEATURES**

1. The Central Executive Council was dominated by the British
2. The Constitution became operational from January 1947.
3. It created a central legislative council for Nigeria.

4. The constitution provided for regional assemblies in the North, East and West.
5. It provided/introduced bi-cameral legislature of two chambers of a House Chiefs and House Assembly in the North. While the East and West had a Uni-cameral Legislature of House of Assembly.
6. It created regions out of the former three province - Northern, Eastern and Western Regions.
7. The constitutions retained the elective principle with limited practices.
8. Nigerians were in the minority in the Nigerian or Central Executive Council.

**Topic: Macpherson Constitution of 1951 and Oliver Lyttleton Constitution of 1954**

### **Content of the Lesson**

#### **Macpherson Constitution of 1951**

**Background:** The criticism levelled against Richards Constitutions and the events after the 2<sup>nd</sup> World War (1939 - 1945) which weakened imperial powers, led to growth of anti-colonial activities and demystification of white superiority and made it imperative for a new constitution to be introduced in Nigeria.

When Sir John Macpherson became Governor of Nigeria in 1948, he took immediate steps to review the 1946 constitutions and fashion a new constitution which came into being in 1951 to be known as Macpherson Constitution in 1951. To avoid the mistakes of his predecessor on the issue of the non-constitution, he embarked on wide constitutions at various levels of village, town, principal, regional and held in many parts of the country (especially the Ibadan Constitutional conference of

1950) in which the people discussed about the new constitution. The outcome formed the basis of 1951 constitution.

### **FEATURES**

1. The central legislative council was renamed the House of Representatives with 149 members.
2. The Central Executive renamed Council of Ministers.
3. There was a bicameral legislative in the Northern and Western regions while the Eastern region was uni-cameral legislative.
4. Each region was provided with an executive council with the lieutenant governor as the president.
5. In the North, only male tax-payers voted while in the East and West, both sexes voted.
6. The colony of Lagos was made part of western region
7. The 3 chief commissioner for each province were renamed Lieutenant - Governors.
8. Each region were given more powers and made autonomous.
9. The motion for independence was moved in 1953 by Anthony Enahan.

### **OLIVER LYTTLETON CONSTITUTION OF 1954**

**BACKGROUND:** The Lyttleton Constitution emerged from the decisions taken at the 1953 London on 1954 Lagos Constitution Conferences. The decisions of these conferences made up the basis for the new constitution which came into effect in October 1954.

### **FEATURES**

1. There was a central Legislative with 184 representatives. Northern regions had 92 while the Eastern and Western regions had 42 members each.
2. The constitutions retained bicameral legislature for the North and West while the East maintained unicameral legislature.

3. Revenue allocations focused on derivations rather than need and national interest.
4. Lagos formerly became Federal Capital/(Separated from the West).
5. It introduced a federal system of government.
6. The lieutenant governors in the regions became known as governors while the governor of the country became known as Governor General.
7. The post of premier was provided from the constitution as leaders of government in the regions. The leader of the political party was a majority in the regional assembly became premier - Nnamdi Azikiwe - premier of the east, Obafemi Awolowo - of the west and Ahmadu Bello of the north.
8. Ministers at both the regional and central levels of government control the department within their ministers.
9. The regions had civil service and the judiciary.
10. It also established a federal supreme court for the country
11. Members of the House of Representatives were chosen via direct elections instead of through electoral colleges of the regional legislatures.

### WEEK 3

**Topic: Independence and Post-Independence Constitutions and their features.**

#### **Content of the Lesson**

##### **The Independence Constitution of 1960**

**Background:** From 23<sup>rd</sup> May to 26<sup>th</sup> June 1957, there was a constitutional conference in London emerged mainly to correct the deficiencies of Lyttleton Constitution of 1954

However, on 8<sup>th</sup> August 1957, the eastern and western regions began self-government while the north came into effect in 1959. A nationwide general elections was held to the Federal House of Representatives in December 1959. No party won an overall majority, so the NPC - Northern Peoples' Congress and NCNC - National Council of Nigerian and Cameroon agreed to form a coalition government (government of more than one political party). While the AG - Action Group became the opposition party.

Besides, Alhaji Abubakar Tafewa Balewa of NPC was appointed Nigerian's first prime minister by the Governor General because his party NPC had the majority members in the House of Representative.

The Independence Constitution of 1960 which came into effect on October 1<sup>st</sup> 1960, made Nigeria a full-fledged sovereign state within the Common Wealth of Nations.

## **FEATURES**

1. **Parliamentary System:** The constitution provided for a democratic parliamentary system of government.
2. **Federal System:** It retained a Federal System or government.
3. **Head of State:** The Governor - General was the ceremonial Head of State, representing the queen.
4. **Head of Government:** The Head of Government and Administration was the Prime Minister
5. **National Parliament:** The constitution provided for a bi-cameral Legislature at the centre, namely the senate, and House of Representatives.
6. **Regional Legislature:** Each of the three regions had a House of Assembly and a House of Chiefs.

7. Regional Head of Government: This constitution provide for a premier as the Head of the Executive for each of the regions. Also, provisions were made for a ceremonial governor for each of the regions.
8. Fundamental Human Rights: The Fundamental Human Rights of the citizens were extreccred in the constitution.
9. The Privy Council: The final Court of Appeal was the Privy Council in London.
10. Citizenship: The constitution defined who a citizen was and how to acquire it.
11. Procedure for Amendment: It contained the procedure for amendment, hence, the constitution was rigid.
12. Creation of Regions: It laid down the procedure for creating new regions e.g Mid-western region was created in 1963.
13. State of Emergency: The Federal Government was given the power to declare a state of emergency in any part of the country. If there were crisis or war. However, resolution would be passed by the House of Representatives with a two - third (2/3) majority supporting.
14. Division of Powers: The constitution divided the legislative powers of government into three: Exclusive, Concurrent and Residual lists. E.g only the central government could make laws (Through the parliament on issues listed under exclusive legislative list (currency, power, defence, external affairs etc).
15. Appointment of Judges: Judges: Judges of the Supreme and High Courts were appointed in the advice of a judicial service commission. Insisting of judges.

### **The Republican Constitution of 1963.**

**Background:** On 19<sup>th</sup> September, 1963, the Republican Constitutions was passed into law by the Federal Parliament and became operational on 1<sup>st</sup>

October, 1963. It was a follow-up to the constitutional conference held in Lagos on 25 and 26 July, 1963, designed to resolve some issues like – Nigeria should become a Republic. The functions either to council novel perform by the Governor General should be transferred to the president of the country.

The Prime Minister should assume full responsibilities over organs and administration of government and the need to increase the number of seats in the Federal Legislatures.

### **FEATURES**

1. **Republican form of Government:** A change to a republican form of government.
2. **System of Government:** The constitution retained the parliamentary system of government.
3. **Head of State:** The president is the constitutional Head of State and commander –in-chief of the armed forces replaced the queens of England.
4. **Election of President:** The president of Nigeria was to be indirectly elected through the secret ballot period of five years by the senate and House of Representatives sitting together.
5. **Powers of the President:** He was a ceremonial head; he had no real power.
6. **Head of Government:** The head of government was the prime minister.
7. **National Assembly (Parliament):** The state is the senate and House of Representatives were increased from 44 to 56 and 305 to 312 respectively.
8. **Judicial Service Commission was Abolished:** Appointment of Judges were to be made by the president on the advice of the Prime Minister.

9. Appeals to the Judicial Committee of the Privy Council: This was abolished and the supreme court of Nigeria became the highest and final court in the federation.
10. Office of the Prime Minister: The office of the prime minister was strengthened but retained answerable and accountable to the parliament.
11. Removal of Judges: A federal judge could only be removed by a two-third (2/3) majority of both houses - Senate and Representatives.
12. Removal of the Prime Minister: The Prime Minister could only be removed through passing of vote of no confidence by the house but, if he refused to resign, the parliament would be dissolved.

### WEEK 2 & 3

**Topic: The Second Republican Constitution of 1979**

**Sub-Topic: Difference between 1963 and 1979 Constitution.**

#### **Content of the Lesson**

##### **The Second Republican Constitution of 1979**

**Background:** It was the assassinated Head of State - General Muritala Mohammed on coming to power in 1975 who made a firm promise to return the country to a civil rule after many years of military. (State of having no leader that started on January 15<sup>th</sup> 1960.)

Though Muritala was killed, his successor, General Ousegun Obasanjo who made the promise a reality. It started with the establishment in 1975 of the Constitution Drafting Committee (CDC) the committee comprised

of 49 members and was chaired by chief Rotimi Williams, Aguru in Constitutional law.

However, this was followed with the establishment of a constituent Assembly in 1976. The 230 member assembly under the chairmanship of Justice Udo Ufoma was made up of 190 indirect elected and 40 federal military government appointed members. This assembly was mainly to examine and ratify the draft constitution by the CDC. The constitution was finally promulgated after some amendments were made and it came into effect on October 1, 1979.

## **FEATURES**

1. The Constitution introduced the presidential system of government similar to that of the USA.
2. The Presidential System was led by an executive, president who was with the Head of State and Head of Government.
3. The president was also made the commander-in-chief of the Armed Forces.
4. The president was directly elected by the electorate in a general election.
5. He appointed his ministers outside the legislature subject to the confirmation by the senate and they were responsible to him.
6. At least one minister must come from each of the states of the federation.
7. The president had the power to nominate his second in command the vice-president from the same party with the president.
8. The president and his vice can be removed from office by impeachment.
9. There was the principle of separation of powers among the three organs of government.

10. There was a constitutional provision for institutionalized opposition as was done in parliamentary system.
11. A Governor who acted as the chief executive with a Deputy Governor and other members of the executive appointed by the governor called Commission.
12. The president and the Governor were to hold office for four years of not more than two terms if are elected.
13. Lobbying was allowed while carpet crossing was disallowed by the constitution.
14. The constitution made provisions for a democratically elected Local Government Council.
15. The constitution entrenched a comprehensive provisions for fundamental human rights of the citizens.  
Examples: Right to life, dignity of human person, etc.

#### **Difference between 1963 and 1979 Constitution**

S/N	1963 Constitution - 1 <sup>st</sup> Republic	1979 Constitution - 2 <sup>nd</sup> Republic
1	It was a replica of the British type of parliamentary or cabinet system	It was based on the American type of presidential system of government.
2	The Prime Minister was the Head of Government and the Presidential, ceremonial Head of State	The Executive President was both the Head of State and Government.
3	The Prime Minister was the leader of the party that won majority of seat in parliament.	The President might not be from the party that won the majority of seats in parliamentary.
4	The Prime Minister was not directly elected but was	The president was elected through direct election by the

	chosen from the elected legislatures in parliament	electorates in a general election.
5	The Prime Minister appointed his minister from his party members in the parliamentary	The Executive President appointed his ministers outside the parliament. He was not restricted to his party only for the appointment.
6	A Minister was a member of the parliament as well as the Executive	A minister was not a member of parliament. He belonged only to the executive arm of government
7	There was a fusion of power. The legislatures and executives were fused.	There was a clear separations of powers. Each organ exercised its function distinctly.
8	There was officially a legally recognised opposition party	There was no such recognition in the 1979 constitution.
9	There was collective responsibility of minister	There was individual responsibility of the minister
10	The Prime Minister could be removed from office if vote of no confidence was passed on him	The executive president could be removed from office through impeachment.
11	There was parliamentary supremacy	There was supremacy of the constitution.

## WEEK 4 & 5

**Topic: The 1999 Nigerian Constitution.**

### Content of the Lesson

#### The 1999 Nigerian Constitution

**Background:** The 1999 constitution starts as the 1979 constitution as amended by the highest military ruling body known as the provisional ruling council and it became operational May 29, 1999. All the main features of the 1979 constitution are maintained by the 1999 constitution.

#### FEATURES

1. It maintains the federal system of government in which powers of government are shared between the federal government and the component 36 states.
2. The federal government possess the exclusive legislative list which contains item which include - Defence external affair, customs and exercise duties, insurance etc.  
The concurrent legislative list belongs to both the federal and state governments. They include - Industrial, commercial or Agricultural Development, Education, Allocation of Revenues, Archives, Electricity, and Collection of Taxes etc. It has 30 items, out in case of contradiction, the federal laws prevail over that of any state.
3. It maintained the executive presidential system of government in which the president is the Head of State, Head of Government and Commander-in-chief of the Armed Forces.
4. It provides for a clear separations of powers in which members of the executive are not members of the legislature.

5. Executive members are appointed by the president from outside the parliament on their merits, though with the approval of senate.
6. The executive (ministers) are individually responsible to the president who has the power to remove any of them at will.
7. The president is elected directly by the electorates and one is responsible to the electorates as well.
8. The executive powers of a state was vested in the governors of the state and may be exercised by him either directly or through the Deputy Governor and Commissioners of the government of that state or officers in the public service of the state.
9. The Judicial powers of the federation and the state are vested on the courts established for the federation and the state.
10. The Supreme Court of Nigeria remains the Highest Court of Appeal for Nigeria.
11. The National Assembly remains bi-cameral in nature with 109 members in the House of Senate (3 senators per state and 1 for Abuja) while the House of Representatives has 360 members each representing 360 Federal Constituencies.
12. The State Legislature remains uni-cameral and is known as the State House of Assembly.
13. The senate shall be headed by a president and a deputy president of the senate, the House of Representatives by a speaker and a deputy speaker, while the State House of Assembly shall be led by a speaker and a deputy speaker.
14. The constitutions contains fundamental human right and constitutional amendment procedure as well as, impeachment causes for the members of the executive.
15. It contains the list of local government functions etc.

## WEEK 4 & 5

**Topic: Federalism**

### **Content of the Lesson**

#### **Nigerian Federalism**

**Origin of Federalism in Nigeria:** Federalism is a system of government in which power is constitutionally shared between the central government and the division of the country which in Nigeria are – state and Local Government Areas. Each level of government enjoys some autonomy (independence).

Nigerian Federalism started during her colonial experience with the British. The colonial administration since the amalgamation of Northern and Southern protectorates in 1914, Under a Governor General – Federick Lugard till the Oliver Lyttleton constitution of 1954 treated Nigeria as a unitary country.

Benard Bourdillin as Governor of Nigeria had in 1939, divided Nigeria into 3 provinces. The Eastern, Western and Northern provinces. These provinces became region under Governor Richards whose constitution of 1946 created a council for each region. The succeeding Macpherson constitution of 1951 further created the position of a lieutenant Governor, as well as an executive council in the regions.

In all these, ultimate power still resided in the central government and the regional council – legislative and executives still remained largely advisory bodies to the central administration.

It was the Oliver Lyttleton constitution of 1954 that fully introduced a federal system into the administration of Nigeria by developing considerable power in the regional administration who could formulate policies and execute programmes of their own.

The central government then focused on an exclusive list of nationally important matters like defence, external affairs, customs and currency.

The independence constitution of 1960 worked on this federal structure with more power to the regional government. The military government leader - General Yakubu Gowon in 1967 created twelve (12) states shifting the forms on divisions from regions to states. This continued under 1979 constitution with (19) nineteen states and subsequently further creation of states that brought the number to thirty six (36) in 1996, gave greater autonomy and convenience to local government.

## **Period 2**

**Topic: Factors that necessitates the Adoption of Federalism in Nigeria**

### **Content of the Lesson**

**Factors that necessitates the Adoption formation of Federalism in Nigeria.**

1. **Cultural Diversity:** The cultural diversity among ethnic groups in Nigeria makes the operation of a federal system possible (over 250 ethnic groups are in Nigeria).
2. **British Colonial Policy:** British imposed a federal structure by dividing the territory. It was the Lyttelton constitution that formerly introduced a federal system to Nigeria in 1954.
3. **Size of the Country:** Nigeria is a large country both in population and territory, so federalism is a better option.
4. **Availability of Human and Natural Resources.** Nigeria has enough of these resources to run a federal system.
5. **Geographical Factor:** Different component states are geographically near to each other, making it easier for the adoption of a federal system.
6. **For Effective Administration:** Federalism created an enduring atmosphere and effective administration.
7. **Bringing Government to the Grassroots:** Federalism makes the people to be involved in governance and also be involved in the policy making of their country.
8. **The rights of the Ministries and other Interest Group:** Ministry rights are recognised and protected in a federal states.

## **Period 2**

**Topic: Conference Organised by the Council Powers**

### **Content of the Lesson**

#### **Conferences Organised by the Colonial Powers.**

Some of the constitutional conference that led to the adoption of federalism in Nigeria were:

1. The London Constitutional Conferences of 1953
2. The Lagos Constitutional Conference of 1954.

#### **The London Constitutional Conference of 1953.**

The colonial secretary, Mr. Oliver Lyttlton informed the British House of Commons on May 20, 1953 about the situation in Nigeria. He maintained that events had shown that the three regions could not work effectively in a federation as was structured.

He suggested that the British government should write representative of the regions to London to discuss a redrafting of the Nigerian Constitution and in it, a greater regional autonomy and issues within the jurisdiction of the regions should not be subject to the central government control.

A new constitution drafting conference as recommended by the colonial secretary was then constituted in July 1953 to fashion out a new constitution for Nigeria. Each region had to send six representatives and one representative from the Cameroon, the conference met between July and August 1953.

The Agreement Reached were:

1. The establishment of a Federal System of Government: There was to be a federal system of government in which powers had to be shared with residual powers vested in the regions.
2. Legislative Powers: Legislative powers should be shared between the central assembly and regional legislatures.
3. The Governor of Nigeria: This would be designated "Governor General" while regional - "Lieutenant - Governor" world.
4. Federal Capital Territory: Lagos should be separated from the western region and be made a federal capital
5. Cameroon to be a separate Regional Administration: Subject to ritifration by a conference to be held in Lagos in 1954, a separate regional administration would be established in the Cameroon, if the inhabitants of the territory would support the proposal through a referendum.
6. Self-Government for the Regions: The British government would in 1956 grant internal self-government to those regions which wanted it.
7. Electoral College: The regional legislature would no longer act as electoral colleges for the central legislature.

### **The Lagos Constitutional Conference of 1954**

On January 19, 1954, the constitutional conference re-conversed in Lagos to discuss some issues that were not attended to at the previous constitutional conference. They were also to look into the report of Sir Louis Chick's fiscal commission of December 1953 and they made the following submissions.

1. Allocation of Financial Resources: Resources to be made (given to federal and regional governments and to be based on the principle of derivation.

2. Recognition of the Public Service: Inline with the principle of federalism, public service as well as the judiciary was to be regionalised.
3. Autonomy to Southern Cameroon. The commission recommended that autonomy should be given to the southern Cameroon.
4. Quasi-Federal Territory: Northern Cameroon remained with the Northern region while Southern Cameroon remained parts of the federation but separated from the eastern region and be made a quasi-federal territory with a legislature of its own.

### WEEK 8, 9 & 10

**Topic: Problem of Nigerian Federation**

#### **Content of the Lesson**

##### **Problems of the Nigerian Federalism**

1. Revenue Allocation: This has been a problem in Nigeria. Government at different periods, have set up commissions to advice on the acceptable revenue sharing formula, especially as it affect the three tiers of government between 1946 to 1988.

The formula in use:

Federal government - 50%

State government - 30%

Local government - 15%

Special fund - 5%

2. The Problem of Ministries: In Nigeria, there are majority groups and minority groups. The fears of domination have always been

there on the part of the minorities and also of not being fairly treated within the federation. This was one of the reasons why the Willerks commission was set up in 1957, to look into the problems of the ministries and recommend measures aimed at ameliorating such problem.

3. **Regional Political Parties:** The genesis of the problems of regional based political parties e.g NPC (Northern People Congress) for the west and NCNC (National Council for Nigeria and Cameroon) for the East could be traced to the colonial period such enragement could not bring about a truly national political parties.
4. **The Problem of Federal Character:** Appointments into federal establishment in the country are not always based on merits because the issue of federal character has to be addressed this may not go down well with some ethnic or interest groups in the country.
5. **The Problem of State Creation:** Almost every interest group in the country wants a state. This may not be possible in a country with were 250 different ethnic groups.
6. **Fear of Secession:** A wilt or segment may threaten to break away from the federation e.g the Northern threats to secede after the 1953 self-government motion by Anthony Enahon. The west tried to secede were Lagos was carved out for the western region seceded is 1967 of the Aburi Accord, resulting in the civil war.
7. **The Military in Nigerian Politics:** The Military was continued to dominate the politics of the country, total derivation from its constitutional role, which is to deford the country from external

aggression, usually the military is a highly centralised institutions were as Nigeria is a federation.

8. Ethnic Disharmony: There is distrust among the various ethnic groups in the country. This affects the unity and the very corporate existence of the country.
9. Comiption, Favouritism and Nepotism: There are problem of Nigerian federation whereby people is authority (power) try to favour their won to the detriment of others.
10. Boundary Disputes: This has been a continues problem between states or local governments and has the capacity to threaten the corporate existence of the nation state.
11. Power Sharing: Power-sharing among the component wilts poses a problem to the Nigerian Federalism because it is not always properly defined.
12. Census: For sometimes in the affairs of this country, there has been the problems of conducting reliable and acceptable census.