



NATIONAL OPEN UNIVERSITY OF NIGERIA

SCHOOL OF ARTS AND SOCIAL SCIENCES

COURSE CODE: PCR 112

COURSE TITLE: DEMOCRACY AND GOOD GOVERNANCE

COURSE GUIDE

**PCR 112
DEMOCRACY AND GOOD GOVERNANCE**

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Introduction

Welcome to PCR 112: Democracy and Good Governance.

PCR 104 is a three- unit course that has minimum duration of one semester. It is suitable for all students of Peace Studies and Conflict Resolution. The course consists of twenty units and a course Guide. The course has been developed to suit democracy in the democratic African countries.

The course guide tells you briefly what the course is about, what course materials you will be using, and to work your way through these materials. It suggests some general guidelines for the amount of time you are likely to spend on each study unit of the course. It also gives you some guidance on your Tutor Marked Assignments (TMA). You are advised to attend the tutorial classes to discuss the problems with the Tutorials facilitators at the study centre.

Course Aims

The Aims of this course are to:

- (i) Introduce you to the characteristics of a democratic society.
- (ii) Show how good governance contributes to the building of a peaceful society
- (iii) Identify the operations of a democratic society.
- (iv) Devise mechanism for potential barriers to democracy.

Course Objectives

Democracy and good governance as a course is a crucial precondition for the building of a peaceful society. Consequently the overall objectives of this course include the following:

- (1) Introduce the students to the definition, meaning and characteristics of a democratic society, a peaceful society and their working rules.
- (2) Describe how the key elements of good governance, the rule of law and accountability contribute to the building of a peaceful society.
- (3) Identify the attitudinal, behavioural and institutional obstacles to the operations of a democratic society.
- (4) Devise strategies and mechanism for overcoming those barriers.
- (5) Encourage your active participation in the process of building a democratic and peaceful.

Working through this Course

To complete this course, you are advised to read the study units, read recommended books and other materials provided by NOUN. Each unit contains self assessment Exercises, and at points in the course you are required to submit assignments for assessment purposes. At the end of the course, there is a final examination. The course should take you about twenty weeks to complete. You need to allocate your time in order to complete the course successfully and on time.

Course Materials

The major components of the course are:

1. Course Guide
2. Study units
3. Textbooks and References
4. Assignment File

Study Units

There are twenty study units and a study Guide in this course, and they are as follows:

Module 1: Conceptual Foundations of Democracy and good governance

- Unit 1: Defining democracy and good governance
- Unit 2: Democracy, good governance: the rule of law
- Unit 3: Democracy, good governance: economic development
- Unit 4: Democracy, good governance: building a peaceful society

Module 2: The Institutional Dimensions of Democracy and good Governance

- Unit 1: Constitutionalism as the foundation
- Unit 2: The separation of powers
- Unit 3: The principle of checks and balances
- Unit 4: The multi party system

Module 3: The Attitudinal and Behavioural Ingredients of Democracy and Good Governance

- Unit 1: Tolerance for divergent and opposing views liberalism
- Unit 2: A pluralistic concept of society
- Unit 3: Popular and majority opinions

Unit 4: Peaceful resolution of disputes

Module 4: Key barriers to Democracy and good Governance in African states

Unit 1: Economic underdevelopment and mass poverty.

Unit 2: Centralisation of economic and political power

Unit 3: Corruption in its various ramifications

Unit 4: Negative historical antecedents.

Module 5: Building Democracy and good Governance in Nigeria

Unit 1: A focus on the people

Unit 2: Decentralisation of economic and political power

Unit 3: Ensuring accountability

Unit 4: The application of due process.

Module 1 gives a conceptual foundation of Democracy and good Governance;

Module 2 deals with the institutional of dimension of Democracy and good

Governance; while Module 3 examines the attitudinal and behavioral

ingredients of Democracy and good Governance; Module 4 highlights the key

barriers to Democracy and good Governance in African states; finally Module

5 describes how good Democracy and good Governance can be built up in

Nigeria. Each study unit consists of one week's work and includes specific

objectives; direction for study, reading materials and Self Assessment

Exercises. Together with tutor Marked assignments, these exercises will assist

you in achieving the stated learning objectives of the individual units and of

the course.

Textbooks and References

Some books have been recommended in the course. You may consult them for further reading.

Assessment

There are two aspects of the assessment in this course; the tutor marked assignments, and a written examination. In doing these assignments, you are expected to apply knowledge acquired during the course. The assignment must be submitted to your tutor for formal assessment in accordance with the deadlines stated in the presentation schedule and the assignment file. The work that you submit to your tutor for assessment will count for 30% of your total score.

Tutor Marked Assignments (TMA)

There is a tutor marked assignment at the end of every unit. You are required to attempt all the assignments. You will be assessed on all of them but the best four performances will be used for assessment. Each of the four selected will come from the five areas covered in the course namely: the conceptual conception of Democracy and good Governance, it's behavioral foundation which forms basis for democracy and good governance, the key barriers associated with them and how to overcome them. Finally, some concrete proposals for actualizing a democratic polity based on good governance in Nigeria and other African countries. The assignments carry 10% each.

When you have completed each assignment, send it together with a (Tutor Marked assignment) form to your tutor. Make sure that each assignment reaches your Tutor on or before the deadline. If for any reason, you cannot complete your work on time, contact your tutor before the assignment is due to discuss the possibility of an extension.

Extension will not be granted after the due date unless under exceptional circumstances.

Final Examination and Grading

The final examination for PCR 104: Democracy and good Governance will be for three hours duration and will carry 70% percent of the total course grade. The examination will consist of questions, which reflect the kind of self assessment exercises and the tutor marked problems you have previously encountered. All aspects of the course will be assessed.

You should use the time between completing the last unit, and taking the examination to revise the entire course. You may find it useful to review your self assessment exercises and tutor marked assignments before the examination.

Course Marking Scheme

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

Course Marking Schedule	Assessment		Marks	
	Assignments 1-4		Four assignments, best three marks of the four count at 30% of course marks.	
Unit	Title of Work	Weeks	Assessment	
	Final examination	70% of overall course score	(End of Unit)	
	Total	100%		
Module 1	Course Guide			
Unit 1	Defining Democracy and good Governance	1	Assignment 1	
2	Democracy, good Governance: The rule of Law	1	Assignment 2	
3	Democracy, good Governance: Economic development.	1	Assignment 3	
4	Democracy, good Governance: Building a peaceful society.	1	Assignment 4	
Module 2	The Institutional dimensions of Democracy and good Governance. Constitutionalism as the foundation	1	Assignment 1	
2	The separation of powers	1	Assignment 2	
3	The principle of checks and balances	1	Assignment 3	
4	The multi Party System	1	Assignment 4	
Module 3	The Attitudinal Behavioural ingredients of Democracy and good Governance			
Unit 1	Tolerance for Divergent and opposing views -	1	Assignment 1	

	liberalism		
2	A pluralistic concept of society	1	Assignment 2
3	Popular and majority Opinion	1	Assignment 3
4	Peaceful Resolution of disputes	1	Assignment 4
Module 4			
Unit 1	Economic underdevelopment and mass poverty	1	Assignment 1
2	Centralisation of Economy and political power	1	Assignment 2
3	Corruption in its various Ramification	1	Assignment 3
4	Negative Historical Antecedents	1	Assignment 4
Module 5			
Unit 1	A focus on the people	1	Assignment 1
2	Decentralisation of Economy and Political power	1	Assignment 2
3	Ensuring Accountability	1	Assignment 3
4	The Application of due process	1	Assignment 4
	Revision	1	
	Examination	1	
	Total	22	

How to get the most from this Course

In distance learning, the study units replace the lecturer. The advantage is

that you can read and work through the study materials at your pace, and at a time and place that suits you best. Think of it as reading the lecture instead of listening to a lecturer. Just as a lecturer might give you in-class exercise, your study units provide exercises for you to do at appropriate times. Each of the study units follows the same format. The first item is introduction to the subject matter of the unit and how a particular unit is intergrated with other units and the course as a whole. Next is a set of learning objectives. These objectives, lets you know what you should be able to do, by the time you have completed the unit. You should use these objectives to guide your study. When you have

finished the unit, you should go back and check whether you have achieved the objectives. If you make a habit of doing this, you will significantly improve your chances of passing the course. Self assessment Exercises are interspersed throughout the units and answers are given at the end of the course. Working through these tests will help you to achieve the objectives of the units and prepare you for the assignments and the examination. You should do each Self assessment exercise as you come to it in the study units. Work through these when you have come to them.

Tutors and Tutorials

There are 15 hours of Tutorials provided in support of this course. You will be notified of the dates, times and location of these tutorials, together with the name and phone number of your tutor, as soon as you are allocated a tutorial group. Your tutor will mark and comment on your assignment, keep a close watch on your progress. And on difficulties you might encounter and provide assistance to you during the course. You must send your tutor marked assignment well before the due date. They will be marked by your tutor and returned to you as soon as possible. Do not hesitate, to contact your tutor by telephone or e-mail if you need help. Contact your tutor if:

- a) You do not understand any part of the assigned readings;
- b) You have difficulty with the self assessment exercise;
- c) You have a question or a problem with an assignment, with your tutor's comment or with the grading of an assignment.

You should try your best to attend the tutorials. This is the only way to have face to face contact with your tutor and ask questions which are answered instantly. You can raise any problem encountered in the course of your study. To gain the maximum benefit from course tutorials, prepare a question list before attending them. You will gain a lot from participating actively.

Summary

As a student of the Peace Studies and Conflict Resolution Programme, you can apply the benefits gained from this course in understanding your immediate context. In Nigeria, and in many other countries of Africa the main causes of political, social, and economic crises, that have resulted in a major disturbance of the peace and that have brought about several months and even years of negotiation and other efforts to resolve, have often been set off at their inception by many acts which could collectively be described either as the violation of the basic rules and principles of good governance or of democracy. It thus becomes

clear that this course is essential to be able to make practical contributions to the building and maintenance of peace, and the resolution of conflicts in your home community and in the Nigerian society at large.

We wish you success with the course and hope that you will find it both interesting and useful.

**MAIN
COURSE**

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MODULE 1 CONCEPTUAL FOUNDATION OF DEMOCRACY AND GOOD GOVERNANCE

Unit 1 Defining Democracy and Good Governance

Unit 2 Democracy and Good Governance: The Rule of Law

Unit 3 Democracy, Good Governance and Economic Development

Unit 4 Democracy and Good Governance: Building A Peaceful Society

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1.0 INTRODUCTION

If we go by what we read in the daily press and see on local and international media, one could readily be led to believe that "democracy and good governance" are the most important political concepts in the world today. This is more so that the success of many countries have been attributed to their practice of democracy and good governance while the collapse and failure of several other regimes or governments have been explained mainly in terms of their non practice of democracy and good governance.

In such circumstances many scholars have seen the need to democratise or embrace good governance as a major national priority for some countries especially those under military rule or authoritarian regimes.

In the same vein some countries such as Nigeria have paid an enormous price in terms of both human and material resources as they undertook a long and complicated process of transition from authoritarian to democratic governance.

However, if the need for democracy and good governance is recognised as imperative for most political communities at the beginning of the twenty first century, there is little agreement among scholars and politicians as to what democracy and good governance actually mean. Is democracy really what every one assumes that it is and ought to be? "a government of the people, by the people and for the people"? A related question is "what is good governance"? Does good governance and democracy have recognisable ingredients? Can we itemise and operationalise these ingredients?

2.0 OBJECTIVES

With the above questions in our minds, the objectives of this first unit of the course include the following:

- (i) Define the concepts of democracy and good governance;
- (ii) Specify the major ingredients that distinguish between societies that operate on the basis of democracy and good governance and those that do not;
- (iii) Articulate features of the Nigerian context that promote democracy and good governance on the basis of (i – ii) above; and
- (iv) Highlight contributions to the building of a peaceful society at home and a more peaceful world community.

3.0 MAIN CONTENT

3.1 Definition of Terms

There are two key terms that you need to define, know and employ in your every day discussion as a student of this programme. These are namely "democracy" and "good governance"

3.1.1 Democracy:

In political science, the term "democracy" has often been used in three senses that are fairly distinct, even though they refer to aspects of the same phenomenon. In a general sense "democracy" is used to describe a system of government in which ultimate power (or sovereignty) rests with the people against other forms of government in which the final decision-making power rests with an individual (monarchy) or with a small number (aristocracy). It is really in this sense that the Aristotelian classification of political systems into democracy is based. There is

however a second sense in which the term democracy is used in political science. This is the institutional sense. In this second sense, democracy is used to describe a system of government in which the powers of government are divided amongst different institutions such that some institutions are responsible for making laws, while others are responsible for executing the laws and yet a third institution may be responsible for mediating or adjudicating in disputes between different individual or groups who violate the laws of the land.

In institutional terms, the presence or absence of such separation or distribution of governmental powers is taken as major indicator of the presence or absence of democracy.

Finally democracy can be discussed in terms of the procedures by which a political system is governed. In most democracies, an essential procedure by which most essential decisions are taken is to subject them either to a popular election, a plebiscite or a referendum. The basic rule in all such popular elections or consultations is that the opinion expressed by the majority is the dominant position that needs to be adopted while the minority opinion will be subordinated to the majority position.

These three dimensions of democracy are usually either closely interwoven or not clearly separated in many works on the subject. What we need to emphasize here is the fact that each of these three dimensions is embodied in some of the popular definitions of democracy that we are familiar with such as:

Democracy is the government of the people, by the people and for the people by Abraham Lincoln. Or "Democracy is a system of government where the majority have their way and the minority have their say" or again: "democracy is limited government"

Each of these three definitions of democracy is correct to the extent to which we recognise the aspect of democracy it is highlighting. But to consider any of such definitions as good and complete for all purposes will be incorrect.

3.1.2 Good governance

Is a relatively new concept, having entered the political lexicon in the 1970s and 1980s as a large number of underdeveloped countries were struggling to deal with the political and economic problems which poor political leadership had generated for their countries.

By way of definition, we can say that good governance refers to a system of government based on good leadership, respect for the rule of law and due processes, the accountability of the political leadership to the electorate as well as transparency in the operations of government. Since you will be studying the rule of law in some detail in the next unit, let us now try to elaborate on the other components of the definition of good governance. These are namely good leadership, accountability and transparency.

According to a document prepared by the Administrative Staff College of Nigeria ASCON (1992)"The term leadership has several meanings. First it is designed as an art of influencing the behaviour of a group of people in order to achieve specific objectives and goals" (Module 11, p. 3)

In every society, the need for leadership in all societies cannot be disputed; for it is only with the aid of effective leadership that a society or group of individuals can succeed in attaining their political, economic and social objectives. If you accept the definition of leadership as consisting in the art of motivating people to work together, to attain some agreed objectives, political leadership must be understood in terms of using and controlling public resources towards achieving public goals – be they political, economic or social.

Transparency in the operations of government on the other hand refers to carrying out government business in an open, easy to understand and explicit manner, such that the rules made by government, the policies implemented by the government and the results of governments activities are easy to verify by the ordinary citizen: A very simple illustration will help you to understand the concept of transparency in government: Assume that the Government has decided to build a rail way line from Lagos to Sokoto or Calabar to Maiduguri, or again Yola in Adamawa State to Ibadan in Oyo State. This project needs to be executed in a particular way in order to meet the requirements of transparency.

First of all, the processes of designing the railway line must be open to as many competitors as possible. Once a design has been selected in an open context, the tender for the real construction must be an open one, allowing the best bidder to execute the job.

Finally, the total cost of the project will have to be specified and agreed upon from the beginning such that there will be no behind the scene additions or variations of the project sum. Similarly no individuals or groups will impose their own extra charge on the cost of the project.

You will notice that we have not treated the subject of accountability as a component of good governance. This expression "accountability" simply refers to the fact that those who occupy positions of leadership in the government must give account or subject themselves to the will and desire of the people they lead.

Accountability usually takes three distinct forms: First, the rulers come to their positions of leadership through the express will and mandate of the people. This mandate is usually given in free and fair elections. Secondly, the policies and programmes adopted and implemented by the government are usually those that the majority of the electorate has accepted during popular elections. Finally, the government is accountable when it readily accepts the decision of the majority of the population to transfer their support to another leadership group or party.

A very simple indicator of the accountability of a government is the readiness of a ruling party to transfer power to an opposition party that has won a general election. The cancellation of election results, refusal by a government to accept defeat in an election or the invitation of the army or police to take over the government of a country after an election or the deliberate pursuit of policies that have been popularly condemned by a large section of the population of a country – all represent the absence of accountability on the part of a political leadership.

3.2 Democracy and good governance how do they work in practice?

It is very vital for you to note that in many societies' democracy and good governance work so well that it will be difficult for you to tell where democracy and good governance begin. It is therefore your responsibility to apply some of the criteria and features discussed above in identifying societies that are governed on the principles of democracy and good governance. For example

- (i) In whose name, interest and authority does a ruling group claim to hold and exercise government power?
- (ii) Does the government accept or reject the functional distribution of power among different institutions in the society?
- (iii) How those in authority are selected for their positions? Are they chosen, in free and open elections or are they selected otherwise?
- (iv) Does the government seek to dominate and control the totality of the political, economic and social life of the society or does it

accept the autonomous existence of other groups in the economic, social and political spheres?

- (v) Is there a recognisable link between the political, social and economic programmes pursued by the government and the expressed wishes of the people?
- (vi) Is the business of the government conducted in an open manner or is it operated by some secret ruler?
- (vii) Does the government willingly accept criticism or will it silence all contrary voices?
- (viii) How does the government treat the fundamental rights of its citizens?

It is clear that a positive or negative response to each of these questions will help you to determine in all cases whether or not a given society is governed on the basis of democracy and good governance.

3.3 Good Governance and Bad Governance

Why, for instance, you may ask, the World Bank considers the installation of "good governance" in the States of Sub-Saharan Africa as a pre-condition for the sustainable development of their economies? What in effect is governance, and what distinguishes good governance from bad governance?

These are some of the questions, which Steve Nkom tried to provide answers to in his contribution to the Volume edited by Professor Adedeji and Professor Ayo (2000).

To quote Nkom directly, "the concept of governance refers to the use of political power to manage a nation's public affairs and to shape its economic and social environment in line with perceived notions of public interest and societal progress". (Nkom, 2000:75)

It is precisely from the great impact which the use of political power either positively or negatively leaves on a society that arise both development and progress or stagnation and underdevelopment in the community.

Good governance therefore means the positive exercise of political power to attain positive societal goals and development while bad governance could be taken to be synonymous with the negative exercise

of political power, usually for the private, sectional or group interests of the key political actors.

This quotation from Landell-Mills and Serageldin (1992:310): "good governance depends on the extent to which a government is perceived and accepted as legitimately committed to improving the public welfare and responsive to the needs of its citizens, competent to assure law and order and deliver public services, able to create an enabling environment for productive activities and equitable in its conduct".

It could easily be seen from the ingredients of good governance listed above that very few African States could score very highly on any of these variables particularly in the 1980s, hence the need for the World Bank to prescribe good governance for them.

However, even if it was not clearly stated above, responsible, legitimate and accountable, or good governance would be easier to attain under a democratic regime than in a military autocracy. To that extent the World Bank's call for good governance in Africa was also a clarion call for democratisation of African countries then under the firm grip of military dictators in the 1980s and early 1990s.

4.0 CONCLUSION

This first unit of our course has tried to help you understand the meaning of democracy and good governance, which are two concepts that are very much in political discussions in contemporary times.

Essentially, democracy refers to a political system in which ultimate power or sovereignty rests with the people and the processes of decision-making and implementation in the society are designed to encourage popular participation and dispersal of power and authority in the society.

Good governance on the other hand lays emphasis on the way political power, the authority, and coercive instruments of the society are effectively put to use. Good governance is essentially using political resources of the society to achieve goals and ends that are in the interest of the majority of the people. In addition to this popular test, good governance emphasises the use of open methods to accomplish the goals of the society, the consciousness on the part of those who govern that they hold a stewardship of the mass of the people who can withdraw that stewardship.

5.0 SUMMARY

Perhaps this summary of the meaning and tests of the concept of democracy put forward by an author in political science can help you understand better how a democratic society works under a democratic government. The majority (directly or indirectly) makes or confirms laws and elects or confirms the government its officials, and its policies. But the minority that disagrees today with these policies or laws may become a majority tomorrow. Under a democratic political system therefore a minority must remain free to express its views, to agitate for them, to organise, and to try to win converts to its side. It must have this freedom not only in its own interest, but also of the majority in order to get the chance to get different kinds of information and the right to change one's mind. Thus the minority opinions may serve as listening aids to the community. When minority views are silenced, the majority is crippled in its ability to compare ideas, to learn new ones, and, if so wishes, to change its actions.

If majorities and minorities are to learn from each other, government must be open and secrecy must be restricted to a minimum. The more secrecy there is in government the fewer democratic decisions can be made by voters, interest groups and public opinion on basis of adequate information. (Deutsch, 1980)

Even though the author we have just quoted does not say so explicitly, we need to note that the tests listed above refer both to democracy and good governance. The emphasis on the right of the majority to their own views, the need for the free flow of information and the necessity to limit secrecy is symptomatic not only of a democratic society, but emblems of good governance.

6.0 TUTOR MARKED ASSIGNMENT

List three characteristics, each which can help you, identify a society that is governed on the principles of democratic society and good governance.

7.0 REFERENCES/FURTHER READINGS

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UNIT 2 DEMOCRACY AND GOOD GOVERNANCE: THE RULE OF LAW

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1.0 INTRODUCTION

You have just completed your study of the definition of the two concepts of democracy and good governance. It is now time for you to study and recognise one of the fundamental pillars of democracy and good governance: the rule of law.

In fact you can say that central to the idea of democracy and good governance is the rule of law. For without the rule of law we can neither have a democratic political system nor good governance. Essentially a democratic government is built upon law: the law establishes institutions, specifies how disputes between the institutions of government and differences between those institutions and the citizenry are to be settled. Similarly good governance is essentially a problem of the rule of law in society. Are those who exercise power following the laid down rules and regulations for carrying out their duties? Can their actions be backed by law or is it capricious and self willed? In general, therefore, you can safely conclude that a sure mark of identity of a democratic society that is run on the principle of good governance is that it is a society governed by the rule of law.

Self Assessment Exercise:

Based on this introduction to the rule of law you should name two countries that you consider to be run on the principle of the rule of law and two others that are not. Give an explanation for your answers.

2.0 OBJECTIVES

Given the important role, which the rule of law plays in most democratic and well-governed societies, your objectives in this unit include the following:

- (1) To clearly define the concept of rule of law as it operates in most democratic societies.
- (2) To identify and enumerate the most important characteristics associated with the rule of law.
- (3) To contribute in your own way by promoting the rule of law by the choices that you make and the actions that you take.
- (4) By doing all these, to contribute in your own way to building a more peaceful society.

3.0 MAIN CONTENT

3.1 Definition of Terms

The concept of the rule of law is a vital concept that links political theory, constitutional law and modern government into one integral whole as the search for and characterisation of the rule of law is the main preoccupation of each of these social sciences. As in these branches of knowledge, the rule of law simply refers to the supremacy of the law as opposed to the arbitrary power of government or individual.

According to Professor A. V. Dicey, who was one of the scholars who had done most to popularise the concept of the rule of law, the expression has three clear-cut meanings.

- (a) Absolute supremacy of the law as the basis for measuring the conduct of individuals and groups. For example, in taking public action, the supremacy of the law requires that the government be able to trace its action to a known or existing law. Secondly, if an ordinary citizen were to suffer a loss of goods or property or a deprivation of his liberty, then this could only be justified on the basis of his violation of a known existing law. Such deprivation of liberty or property could not be based on a future law or a retrospective law that makes a former legal act suddenly illegal. Hence the popular saying that where the rule of law reigns the law is supreme, not men. This usually reduces the discretion exercised by those in government.

- (b) Absolute equality before the law. A second characteristic, which Lord Dicey attributed to the rule of law is the absolute equality of all citizens before the law. The central point of this dimension of the rule of law is that all citizens who violate or offend against the law of the land will be subjected to the same treatment before the law: there will be no discrimination as to rank or status before the law. For example government employees and private citizens who violate the law cannot be taken to different courts, but must be tried by the ordinary courts of the land. This formulation of the rule of law by Lord Dicey was designed by him to repudiate the practice in France and many countries of continental Europe where the civil courts used a parallel system of administrative law to try employees of the state, while ordinary citizens were tried.

In the case of other countries such as Nigeria, it is necessary to note that this ideal of the absolute equality of all citizens before the law has often been derogated either as a result of constitutional stipulations or the use of administrative tribunals. The effect of the long-term evolution of the rule of law in the country will be to remove these distortions of the rule of law.

- (c) The final dimension of the rule of law relates to the personal liberty of the citizens as viewed by the ordinary courts of the land. According to this principle, Lord Dicey posited that in England as opposed to many other countries, the liberties of the citizens such as the right to life, to freedom of expression and assembly as well as freedom of movement, are perceived as inherent rights of the citizens that are to be interpreted and protected by independent judges sitting in courts.

This specific feature or quality of the rule of law as it obtains in England or Great Britain needs to be highlighted as it differs very significantly from what obtains in many underdeveloped or new states. In the latter, the personal rights of individual citizens are embodied in a special chapter of fundamental Human Rights in the national constitution. For example, chapter IV of the Nigerian Constitution Articles 33 – 46 outlines the fundamental Rights of Nigerians, that need to be protected by the high courts.

Self Assessment Exercise:

Can you identify and explain the three components of the rule of law identified in this section?

3.2 Other Dimensions of the Rule of Law

You need to bear in mind that in addition to the three basic components of the rule of law discussed above; there are other dimensions of the rule of law. These can be listed as (i) the independence of the judiciary; (ii) the right to be heard and (iii) finally freedom from bias. You should be able to explain how each of these dimensions of the rule of law works.

(a) The independence of the judiciary

The capacity of the courts to ensure that the law reigns supreme in a country, and that all citizens are given equal treatment, demands that the judges who sit in and preside over the courts are independent and impartial. This requires two related processes; first of all the members of the executive and legislative branches of Government will refrain from trying to dictate to or interfere with the work of the courts, as they consider and decide cases. Secondly, the Legislature will not seek to oust the jurisdiction of the courts from examining the legality or otherwise of their enactments. Any interference by the executive or any attempt by the legislature to prevent the courts from considering any matter will negatively affect the independence of the judiciary.

Finally the independence of the judiciary is affected by the capacity of individual judges to resist the temptation to allow their judgements to be influenced by pecuniary or other rewards. Cases of widespread corruption by judges tend to reduce the credibility of the judiciary and their capacity to enforce the rule of law.

(b) The right to be heard is considered a vital element of the rule of law, for it is only after a person has been given an opportunity to state his own side of the story that he can be considered to have been treated with justice. Preemptory judgements or connections before a case is completely tried can be said to violate this important component of the rule of law.

In Nigeria, this principle of fair hearing is considered a fundamental human right of the citizens and it is protected by the 1999 constitution, which states:

In the determination of the civil rights and obligations, including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality.

(Article 36 - (1) of the 1999 Constitution).

For the moment you should ignore the several qualifications to which this provision is subject and emphasize the fact that the right to fair hearing is directly related to the impartiality of the court or tribunal.

- (c) The impartiality of the court or tribunal is obviously necessary if an accused person is to be protected from bias. Here the fundamental principle of the rule of law requires that any person or institution whose interest is directly or indirectly affected in a matter that is subject to determination cannot sit as judge in his own case. For such a judge will be biased and therefore unable to render an impartial or fair judgment. One of the bases upon which superior courts throw out or reverse the decisions of inferior courts is the capacity of any of the parties involved to demonstrate that the judge who gave the decision was biased in one direction or the other.

Self Assessment Exercise:

Can you remember or have you read or heard a story indicating that a superior court acquitted a convicted person because he was not given a fair hearing during his trial?

4.0 CONCLUSION

After reviewing these six elements and dimensions of the rule of law, do you have any doubt why we argued that the rule of law is a major pillar of democracy and good governance? You will agree that each of these components of the rule of law contributes in a very significant way, to the success of democracy and good governance. Our conclusion in this unit is simple: the rule of law is the defining characteristic of all democratic societies that are administered according to the principles of good governance.

5.0 SUMMARY

In this unit you have learnt that the rule of law is a very important defining characteristic of democracy and good governance. You also learnt that the rule of law means a number of important principles such as the absolute supremacy of the law over all individuals and institutions in a country, the absolute equality of every citizen before the law of the land, which means that no group of citizens will be given preferential treatment over another. Thirdly, the rule of law is sometimes used to establish the fact that the liberties of the citizens are inherent in them and not bestowed by the government (as is the case in Britain); therefore these rights are protected by the courts of the land. You have also seen

that the idea of the rule of law presupposes the independence of the judiciary, the right of accused citizens to be given a fair hearing and freedom from bias.

You need to note that while in some economically advanced and industrialised countries the respect for and observance of, the rule of law have become routine administrative matters, in many underdeveloped countries especially in Africa, the components of the rule of law and their observance are often the central focus of national political struggles with attendant violence, bloodshed and instability.

However, the hope of every educated man or woman is to live to see the time when the governance of his/her country and the practice of democracy will be firmly rooted on the principles of the rule of law discussed above.

6.0 TUTOR MARKED ASSIGNMENT

1. Define what the rule of law is and identify the key components of the concept?
2. Why do some countries find it easier than others to operate according to the rule of law?

7.0 REFERENCES/FURTHER EADINGS

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UNIT 3 DEMOCRACY, GOOD GOVERNANCE: ECONOMIC DEVELOPMENT

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Definition of Terms
 - 3.2 What is Economic Development?
 - 3.3 Some major indicators of sustainable Development
 - 3.4 The elements of sustainable Development
 - 3.5 Sustainable Development and Democratic Governance
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Readings

1.0 INTRODUCTION

It is necessary for you to bear in mind the fact that the term democracy is often employed with a primary and some secondary meanings. While the primary meaning of democracy has to do with the fact that legitimate sovereignty rests with the citizens of a country, the secondary meanings relate to the extent of political freedoms and popular participation on the one hand and economic democracy, which refers to the way the economic benefits of a society are shared among the citizens of a country.

The concept of economic democracy therefore makes it abundantly clear that democracy in relation to the political dimension, which we have referred to above, has serious or important economic implications. Now we recognised the fact that there is to some dispute as to whether it is economic prosperity that gives rise to democracy or it is the practice of political democracy that engenders economic development.

The World Bank Report of 1989 on sustainable economic development in Africa tended to have privileged the second by apotheosis in that it suggested that the absence of sustainable economic development could be attributed to the non-practice of democratic governance on the continent.

Thus the World Bank, which could be considered mainly an economic institution, had to go out of its way to prescribe an improvement of the quality of governance of the African States as the precondition for sustainable economic development in Africa in the 1990s.

The recommendations of the Bank in its "good governance" prescription for African States included: the need for the rule of law which we have studied above, the accountability of the government to the governed, a reliable judicial system and the empowerment of civil society organisations. Accountability as a necessary condition for good governance will be treated in module five. The place of the rule of law in a democratic system based on good governance has already been seen. In this unit what you need to explore further is how the various ingredients of democracy that have been recommended by the World Bank can help not only to bring about good governance but also to promote the economic development of a country.

However, you should not forget that the relationship between political democracy and economic development is not a simple straight forward equation and it is very much dependent on the specific circumstances of specific countries.

One benefit of the World Bank Report of 1989 was that it called the attention of the African States to the fact that politics and economics are mutually interdependent and that neither of them can be treated in isolation as their various Structure Adjustment Programmes (SAP) sought to do.

2.0 OBJECTIVES

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

- (i) Define the concept of economic development;
- (ii) Identify some of the major indicators of economic development;
- (iii) Describe how democracy and good governance work to promote economic development; and
- (iv) Identify ways in which the citizens of a country can contribute to the economic development of their country.

3.0 MAIN CONTENTS

3.1 Definition of Terms

As you have in paragraph 2 above, the key terms that need to be defined in this unit include "economic development" and "the indicators of economic development".

3.2 What is Economic Development?

A good starting point is for you to keep in mind the fact that economic development is only a part of the whole social development of a country. By development, most social scientists refer to a process of systematic change in a society that enables the members of that society to improve their production of goods and services, have a greater mastery of their environment, and have an improved quality of life within the community.

In line with this suggested definition development includes economic, technical, political, social and other positive changes within a given society or community.

The economic change that deals mainly with an improvement of the capacity to produce goods and services has to do with economic growth.

However, for economic growth to lead to development in general, it must be accompanied by changes in power relations between groups and classes of people, so that every individual or group benefits from the growth in production.

Similarly, certain social practices and prejudices that have been institutionalised, such as discrimination between sexes and castes for example, need to be abolished if economic growth is to lead to overall societal development.

Thus it is necessary for you to remember that changes in the economy alone do not actually constitute economic development, but relate to economic growth. For societal development to take place, there must be corresponding changes in other sectors of the society to reinforce the economic advancement.

3.3 Some Major Indicators of Economic Development

While various writers may emphasize a given combination of indicators of development, for the purposes of this study we would like to stress the importance of the following indicators:

(i) Economic growth indicators

In this category you should include all those variables that are associated with the normal process of economic growth. These variables include, for example, an improvement in the scientific capacity of the community in such a way that fewer people can produce more goods, or increase the volume of goods and

services produced in a given time frame. An improvement in the scientific and technical skill of members of a society helps them to be able to identify more of the natural resources in their environment so that they can extract them for the use of society. For example, new skills are now being developed in the identification of minerals gases etc.

Secondly, growth can result directly from an improvement in the means of labour employed for exploiting the natural resources in the environment: these will include machines, tractors, factories and specialised means of labour such as marine, supersonic and other planes. These means of production are essential to economic growth as they greatly enhance man's capacity to grow more food, produce more goods and reduce the actual time required to produce goods and services.

The major growth indicator for most societies is the gross GDP per annum. Thus an economy that is growing will register a progressive increase in the volume of goods and services produced from one year to another. For example if the GDP of a country was established to be 1000 units of account in 1990, 2000 units in 1995, and 3000 units in 2000, we can say that economy is growing, other things remaining equal.

- (ii) Changes in income also show that an economy is growing, since the production of more goods and services in the economy automatically results in a larger mass of resources available in the society. However, the impact of growth on incomes might not be completely fool proof. It depends on whether the economy is based on open or free competition or subject to in-built structural or other rigidities. For example where there are strong social, racial or political discriminations in a society, only the privileged groups will see an improvement in their incomes as a result of economic growth. For example, black workers in the colonies were always paid low wages no matter the growth in the economy. By the same policy, miners in South Africa were paid lower wages even though the economy of the country was expanding or growing very fast.

However among the privileged groups economic growth automatically leads to an improvement in the income of various categories of workers and entrepreneurs. This was exactly what happened in Europe, Japan and North America as a result of the industrial revolution.

- (iii) Better incomes for the citizens can be translated into more spending on food and clothing, personal consumption items like furniture and automobiles. Of course, this personal expenditure by a large number of individual income earners creates an additional demand for more goods and services, thus setting off a multiplier effect for more investment and production.
- (iv) A change in income may also affect public expenditure on education and health care. The production of more goods and services in any one society usually provides the government of the State with an opportunity to raise more revenue from taxes and other charges. These taxes and other revenues are usually disposed of in three related ways: public administration to create a peaceful atmosphere for the production of goods and services; funding for education and health care, on the basis of various degrees of public subsidies. All these components of economic growth are typical characteristics of the major industrialised countries, which are known to have the following:
 - (a) A large GDP per annum
 - (b) A high per capita income
 - (c) A high level of literacy and school enrolment,
 - (d) A high number of hospital beds per 1000 people
 - (e) A low incidence of communicable diseases;
 - (f) A high life expectancy figure, usually above 70 years.

3.4 The Elements of Sustainable Development

As you must have noticed earlier on, most of the indicators listed above might readily be indicators of growth but not of real development, which has been described as sustainable development. Now for economic growth to result in real development, it must involve a very large proportion of the total population. The economic changes that take place in the society on the one hand, and the benefits of the economic changes on the other hand must be shared widely among the members of the society. Finally development also requires that many of the growth yielding changes in the economy be internally generated and driven. For example a developed economy is not just highly industrialised; but it is one in which primary production feeds industrial production and some industries provide for the needs of other industries.

The idea of sustainable development however, refers to a process of economic growth that can be sustained over a long term because it does not involve the wanton destruction of the environment.

Under sustainable development, economic growth is managed in such a way that there is both an improvement in the economic conditions of the society and the environment. Typical example of sustainable development practices in agriculture include: the selective logging of mature trees while leaving the younger ones; programmes of forest depletion that are balanced with replanting efforts; the control of the level of gas and air pollution in the process of setting up new factories, and the use of graded fishing nets for different fishing sites.

The main linkage between economic growth, development and sustainable development is the desire to improve the material, emotional, social and spiritual being of man in his natural environment. The greater the total number of beneficiaries of the process of economic change and growth, the more the process approximates with the concept of development.

Similarly the less destructive the human destruction of his environment to meet the needs of economic growth, the more sustainable the development is said to be.

Self Assessment Exercise:

Do you accept the suggestion that every process of economic growth will lead to sustainable development?

3.5 Sustainable Development and Democratic Governance

Does democratic governance really have any thing to do with development, especially sustainable development? The answer is a qualified 'yes' in so far as development has both an internal and external dimension, which need to be considered separately.

Internally, it can be argued that even though democracy is often associated with democratic governance, historical evidence shows that in the very short term non- democratic governments have been able to extract large surpluses from their populations which had been used to finance economic growth and development.

However in the long term it has been shown that it is difficult to sustain sustainable economic development through non-democratic forms of government because of the hostility, crises and conflicts, which are usually associated with various forms of compulsory rule. In many instances the social tensions and conflicts that are associated with authoritarian government usually force the economically well to do to leave their countries or transfer their resources to other countries. Since it is such societal resources that need to be invested in order to improve

the human and technical capital of society, its transfer to other countries becomes a major handicap to investment and development.

Thus democracy is essential as both an assurance of the safety of local investments and a reassurance to indigenes living abroad that their investments at home are safe.

The connection between democracy and development from an external dimension is even more direct. Since many of the essential ingredients of economic development are now derived principally from the major Western countries that are also democratic in their governance, investors in these countries consider the safety of their investments in terms of the practices of formal democracy in the areas where they invest. Therefore the practice of democracy and good governance is considered to be basic requisite for creating investors' confidence in the economy and attracting foreign investment.

It must be emphasised that it was in this conception of economic development as resulting mainly from the injection of foreign capital that the World Bank explained the failure of the Structural Adjustment Programme as not producing any positive results. Even from a domestic point of view, the absence of democratic values such as the rule of law, accountability and a reliable judicial system had a tendency of causing widespread political alienation of the citizens from the State and their flight from home.

Viewed in this perspective, you can argue, with some justification, that democracy is a pre-requisite for sustainable economic development in so far as it takes the legitimacy of a democratic government to be able to deal with the various problems that arise from man's exploitation of his natural environment for his personal well being.

Self Assessment Exercise:

Identify three good reasons why democracy and good governance can be considered as prerequisites of economic development.

4.0 CONCLUSION

In this unit you have studied the concepts of economic growth, development and sustainable development. You saw that while economic growth consists in man's increased capacity to produce more goods and services: a process that results in changes in the aggregate quantity of the society's resources, development refers to the large scale involvement of the people in the processes of economic growth and enjoyment of the benefits. Sustainable development you saw as the

planned use of society's resources in such a way that the environment is not adversely affected.

Due to the large-scale alienation, insecurity and lack of confidence, which accompany non-democratic forms of governance, you saw that democracy and good governance created the most auspicious conditions for sustainable economic development.

5.0 SUMMARY

Democracy and good governance can therefore be described in terms of absolute values in themselves as well as instrumental values.

We had previously emphasised that democracy has become an intrinsic value in the contemporary international system because it is assumed to reflect the fact that sovereignty actually belongs to the people.

However, democracy is also important as an instrumental value. This is so because democratic governance has over the last decades of the twentieth century become the instrumental for attaining economic development. It is not easy to say whether this linkage between democratic government and economic developments is linear and straightforward or the result of the preferences of the major industrialised countries of the West. For here, we come across one of the methodological difficulties of the social sciences: the self-fulfilling nature of social reductions. For example if a scientist makes a prediction concerning the behaviour of some actual gases, soils or stars, such predictions do not automatically alter the actual behaviour of these natural phenomena. However, powerful states suggesting that only countries that adopt a system of democratic governance can attain sustainable economic development and deploying their natural resources in support of such a goal do definitely influence its outcome. There is the current widespread belief that democracy and good governance which is essential for economic development.

This hypothesis is particularly true in the case of many newly independent countries whose financial and technological bases are not adequate to generate sufficient investment resources but have to rely on external inputs. As shown above, even resource-rich poor countries stand in need of democracy not so much to attract foreign resources but to liberate the energies which political repression, autocratic governments and lack of accountability help to suppress.

Thus ultimately, whether the process of economic development is considered from an internal or an external point of view, democratic governance becomes not just a pre-requisite but an important facilitator.

It is only in this term that the current preoccupation with democracy and good governance can be justified and sustained.

6.0 TUTOR MARKED ASSIGNMENT.

In your own words, attempt a definition of societal development. Show how democracy can help in the process of development

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UNIT 4 DEMOCRACY, GOOD GOVERNANCE: BUILDING A PEACEFUL SOCIETY

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Your Background
 - 3.2 Why there is Conflict and lack of Peace
 - 3.3 Definition of Terms
 - 3.4 Democracy, Good Governance, Rule of Law, Economic Development and Peaceful Society
 - 3.5 How Democracy, Good Governance, Rule of Law and Economic Development impact on Peaceful Society
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Readings

1.0 INTRODUCTION

In the first three units of this module you have studied the definition and meaning of the concepts of democracy and good governance and identified the rule of law as the most important practical indicator of democracy and good governance. You should not lose sight of the fact that many social scientists have established a causal linkage between democracy, good governance, the rule of law and the economic development of most societies. This unit of your course will seek to improve your capacity to describe and explain how democracy, good governance, the rule of law and economic development can work together towards the building of a peaceful community and society, both here in Nigeria and in other parts of the world. Once you can clearly identify how democracy and good governance may and do contribute to the building of a peaceful society, you will no doubt become a much more useful citizen of your own community and society.

2.0 OBJECTIVES

At the end of this unit you should be able to

- (i) Identify some of the key characteristics of a peaceful society;
- (ii) Explain the contributions that the concepts of democracy, good governance and the rule of law can make towards the building of a peaceful society;

- (iii) Identify what you as a citizen can do to help build a peaceful society; and
- (iv) Explain the cause(s) of some of the violent events that occur in our society.

3.0 MAIN CONTENTS

3.1 Your Background

As a first year student of the Peace Studies and Conflict Resolution Programme of the National Open University, you might be at a loss when you listen to the radio or watch television and find that there are so many reports of religious, ethnic and other conflicts in different parts of Nigeria and other foreign countries. You might be frustrated trying to make sense out of so many confusing reports of conflict, violence and other activities that often disturb the peace of our communities.

3.2 Why there is so Much Conflict and Lack of Peace

You should not be very disturbed if you cannot immediately explain the reasons why there is so much conflict. This is so because up to this time, you had not been equipped with the necessary concepts that would enable you make much meaning out of the many events that take place around you.

As you have seen in the introduction to this unit, a peaceful society is one where democracy and good governance as well as the rule of law prevail, supported by a reasonable degree of economic development. This also means that peaceful societies do not just emerge from nowhere, but are built gradually through the collective efforts of the citizens as they labour together to promote and strengthen the institutional and behavioural foundations of good governance and economic prosperity.

3.3 Definition of Terms: A Peaceful Society

The first three concepts used in this unit namely democracy, good governance and the rule of law are already familiar to you as we have been dealing with them in the first three units.

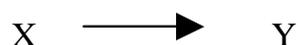
However, the concept of a peaceful society needs to be made clearer. When you think of a peaceful society, do you have in your mind a society that is quiet and peaceful? Where there are no differences of opinion or no conflicts at all? If such is your conception of a peaceful

society, then your view is very far from what most social scientists hold to be the case.

By a peaceful society, you should rather try to picture a society where there is a wide spread acceptance that random violence by individuals and groups is not the principal, and key way of resolving interpersonal and inter group differences. In such a society, those who have differences are more willing to take their differences before appropriate community, political or judicial institutions for resolution. Thus you can take the willingness of citizens to take their differences before approved agencies for settlement, and their willingness to abide by such decisions as the hallmark of a peaceful society. Other indicators of a peaceful society include the absence of random recourse to the use of violence and the capacity of the public authorities to effectively control the use of force and violence in the society.

3.4 Democracy, Good Governance, Rule of Law, Economic Development and Peaceful Society

A causal linkage exists between democracy, good governance, rule of law and economic development as earlier seen. In the same way, there is a causal linkage between democracy, good governance, rule of law and a peaceful society. If we take X to represent democracy and good governance for example, and Y to represent economic development for example, to say that there is a causal linkage between X and Y simply means that



Since we are suggesting that X leads to Y, it then means that if there is alteration in the magnitude of Y, the change will look like this:

$$X_0 \text{-----} Y_0 \quad (\text{i})$$

$$X^1 \text{-----} Y_0 \quad (\text{ii})$$

$$X^0 \text{-----} Y_1 \quad (\text{iii})$$

These three simple equations help you to understand that where the relationship between democracy and good governance and economic development is proportionate, positive changes in the quality of democracy and good governance will lead to improvements in economic development. The opposite situation even though conceptually correct will be false. That is an inverse relationship between democracy and good governance and economic development is not tenable in practice.

3.5 How Good Governance, Democracy, Rule of Law and Economic Development Impact on a Peaceful Society

In what ways do good governance, democracy, the rule of law and economic development contribute to the building of a peaceful society? Without having to go over some of the theories that have been built by different writers to explain the various linkages between democracy, good governance, the rule of law and economic development on the one hand, and a peaceful society on the other, you can take particular note of the following:

A society that is governed on the principles of democracy and the rule of law enjoys a high degree of political stability;

Because the society is politically stable, productive activity whether in agriculture, industry or research, tend to go on in an uninterrupted manner;

Over the long term, major scientific and technological improvements and break through(s) take place in the society.

As society develops economically, individual citizens become more affluent;

Increased affluence enables more citizens to participate in political activities in their society;

As more citizens become participants in the political process, they hold the political leaders accountable for their actions;

Finally, as people become wealthier and more satisfied, the inclination and frustration to engage in prompt acts of violence to settle personal, family and communal disputes will lessen;

The society has become a peaceful society.

Self Assessment Exercise:

Based on what you have just read concerning the relationship between democracy, good governance, the rule of law and economic development on the one hand and a peaceful society on the other, assess the view that the widespread violence in Nigeria is due to the inherent inability, of Nigerians to love one another.

4.0 CONCLUSION

One of the major benefits which the study of democracy and good governance and their relationship to the building of a peaceful society in this unit has provided you is definitely the opportunity to throw overboard the false notion that some nations are prone to violence whilst others are peace loving. The information presented above should prove to you beyond any doubt that the observance of the tenets and behavioural ingredients of democracy and good governance were at the foundation of the economic development of some societies.

5.0 SUMMARY

Democracy and good governance could be considered an important aspect of peace studies; in so far as these two concepts point the way to removing those obstacles that obstruct the building of a peaceful society.

6.0 TUTOR MARKED ASSIGNMENT

Critically assess the statement that an undemocratic society can hardly be a peaceful society

7.0 REFERENCES/FURTHER READINGS

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MODULE 2 THE INSTITUTIONAL DIMENSIONS OF DEMOCRACY AND GOOD GOVERNANCE

- Unit 1 Constitutionalism as the Foundation
- Unit 2 The Separation of Powers
- Unit 3 The Principle of Checks and Balances
- Unit 4 The Multi Party System

UNIT 1 CONSTITUTIONALISM AS THE FOUNDATION

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Definition of Terms
 - 3.2 What really is a Constitution?
 - 3.3 Types of Constitution and differences in Political Terms
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Readings

1.0 INTRODUCTION

In most societies where the rule of law is actually observed, it will be found out that the practice of the rule of law is founded upon and actualised in existence and workings of a number of institutional and operational principles.

In the first unit, we shall concentrate on constitutionalism as the foundation of democracy and good governance; in fact, you will be justified if you assume that it is the constitutional foundation of democracy and good governance that make it possible for the rule of law to operate in some society; the absence of such a constitutional foundation results in the non observance of the rule of law in several other countries.

2.0 OBJECTIVES

Your objectives in this unit therefore will include:

- (i) Definition of the concept of constitutionalism as a principle of democracy and good governance;
- (ii) Examination of the nature and structure of a modern constitution;
- (iii) Identification of some types of constitution and how they relate to democracy and good governance;
- (iv) Determination of some ways that you as a citizen can contribute to the development of the principle of constitutionalism in your own country.

3.0 MAIN CONTENT

3.1 Definition of Terms

There are a number of terms that you need to understand if you are to be in a position to discuss the subject of this unit in an intelligent manner. Examples are constitutionalism, the constitution and types of constitution. Each of these three terms will be developed in the following pages.

Constitutionalism refers to the practice and acceptance of government by means of a constitution. Constitutionalism therefore implies not just the adoption of a document or fundamental principles as the guiding rules by which a given country is governed, but a widespread willingness and readiness on the part of those who govern and those who are governed to abide by both the letter and the spirit of the fundamental laws.

In a constrained way, constitutionalism describes both a political reality of government limited by law, a psychological and social disposition on the part of individual citizens to be limited and bound by law. It is part of the constitutional arrangement that if the government in power loses a confidence vote in the legislature such a government will resign. A mark of constitutionalism in such a society is that a government that loses a confidence vote will resign rather than change the laws in order to avoid having to resign.

3.2 But what really is a constitution?

By a constitution most political scientists usually refer to a number of basic or fundamental rules of law or principles according to which a

given society is governed. These fundamental rules and regulations may be composed of some written convention, some official enactment of a legislature or the product of a constitutional convention.

The basic characteristic of constitutions is determined by their source of origin and the constitutive ingredients, where constitutions have evolved gradually over time and are made up of distinct elements. Acted at different times, you can state that such a constitution is an unwritten constitution.

This designation should however not lead you to the erroneous conclusion that the constitution does not exist in a written form. Rather the description “unwritten constitutions” simply means that the constitution is found in several different legislation concerning a large member of years. For this reason, British constitution is said to be unwritten because it has evolved gradually from the eleventh century to date.

The important thing you need to know about the constitution we have qualified here as unwritten is that it is said to be flexible or easy to amend. Because of this quality of being easy to amend or change you can also say that unwritten constitutions have the main merits of being able to evolve and respond to changing situations and needs; however this advantage has often been exploited by dictators and anti democrats to subvert democracy and good governance.

However, in the vast majority of countries, the fundamental law of the country is usually the result of a constitutional convention, a constituent assembly or a constitutional conference. Consequently, most of the basic constitutional rules, principles and laws are usually contained in one brief or long document referred to as "the constitution". Such a document is usually described as a written constitution, in view of the fact that it contains all the fundamental laws of the country. This written constitution is said to be rigid or difficult to change because it usually stipulates some elaborate procedure for its amendment such as a two-thirds majority of the Legislature or some other special requirement.

If you conclude that this inflexibility or rigidity of the written constitution is a disadvantage when it comes to responding to new developments in the country, then the difficulty of changing the constitution becomes that of hasty attempts to modify the fundamental law of the land.

Beyond this point as to whether the constitution is written or not, let us try to identify some of the important elements that a modern constitution actually contains:

- (a) Constitutional supremacy. Working on the assumption that the constitution of the Federal Republic of Nigeria is the people's constitution, Article (1) of the 1999 Constitution affirms the supremacy of the Constitution and affirms the subordination of all authorities and persons, throughout the nation to its provisions.

What you need to remember always is that in countries that have a written constitution such as Nigeria, the rule of law is assumed to flow directly from the constitution. The actions of the government, its agents and the ordinary citizens are usually scrutinised to determine how much they conform to the provisions of the constitution.

- (b) The Constitution also defines the legislative, executive and judicial powers of the country and vests them in a Legislature or National Assembly, the resident and the Judiciary. In a Federation such as Nigeria, the definition of these powers usually takes place at three different levels: the Federation of Nigeria, the States of the Federation and the Local Government Councils.
- (c) Besides the two items listed above, the constitution of Nigeria contains a chapter, which details the fundamental objectives and directive principles of state Policy. We can regard these directive principles as being one of the major innovations of constitution making in Nigeria; borne out of the need to ensure good governance in the country; even if these directive principles are not often respected the government.
- (d) The Fundamental Rights of the citizens are composed in the next chapter of the Nigerian Constitution. As we have indicated in our discussion on the rule of law, respect for these fundamental rights of the citizens contained in the constitution by the government and their protection by the courts. These constitute the major yardstick for measuring the governance of the rule of law in any country. It is obvious that access to, and enjoyment of the fundamental rights referred to is both totally dependent on one qualifying as a citizen of Nigeria either by birth, registration or naturalisation as specified in articles 25 to 32 of the 1999 constitution.
- (e) The next three chapters of the Nigerian constitution deal respectively with the three key branches of government, namely the legislature (or the law making body), the executive and the judiciary. The general understanding that you can get from

reading the various provisions of the constitution is that the three functions of government are kept disparate one from the other.

3.3. Types of Constitution and Differences in Political Terms

When we discussed the meaning of democracy and good governance; we identified the ultimate deposition or sovereignty as the major distinguishing feature between democratic societies.

However, the geographical location of power in a society as embodied in its constitution can give rise to rule differences among different societies, for example in some countries, the constitution concentrates all effective decision making at the centre, leaving the provinces and localities with no power of their own. Such a constitution is said to be a unitary constitution because it recognises only one centre of power in the country.

This was the case with France and Great Britain before the recent efforts to transfer more power to the regions and provinces in those countries.

In some other countries, such as Nigeria, the United States and Canada, the Constitution expressly recognises two or three levels of government, granting them jurisdiction over different aspects of citizens' life. The description of responsibilities is usually contained in two or three legislative lists that are contained in the constitution, while the exclusive legislative list specifies what the federal or central government alone can do. The concurrent list details where both the central and state or regional governments can act together and finally a residual list may outline matters that are to be left to local initiative. You will need to note that acute social, economic and cultural differences have generally favoured the development of federal constitutions while cultural homogeneity and other similarities have been the background factors in the rise of unitary states. A third constitutional arrangement that we need to note here is the federation or confederal arrangement.

By this arrangement, a number of independent states may agree to cooperate together to solve some defence or other external problems, while retaining their sovereign identities. While in the component unit, a state loses its sovereign identity to a central government, in a confederation; the confederal authority exists on the consensus right to secede from it. If in a federation, the central and provincial authorities act simultaneously on the population of the country, while the action of the confederal authority on the citizens of the member states is mediated by the confederating states.

It's for this reason that a confederation is said to be an unstable political arrangement.

4.0 CONCLUSION

You have seen in this unit that constitutionalism; constitution and the limitation of the power of government constitute central elements in the organisation and working of democracy and good governance. It will be virtually impossible to think of democracy and good governance in the absence of a constitution and the spirit of constitutionalism. Thus, you will be justified to state categorically that constitutionalism is the foundation of democracy and good governance, which are basically the tangible results of the working of a constitution and the respect for the constitution and law.

5.0 SUMMARY

In this unit, you have learnt that whereas constitutionalism refers to the respect for the principle and practice of constitutional government, a constitution on the other hand refers to fundamental customs, norms, rules and principles by which a given society is governed.

As you saw in the definition of terms, a constitution is important in the workings of a democratic government because it results, the supremacy of the fundamental law of the land over individual groups and authorities; it specifies the legislature, executive and judicial powers of government and rest them in different agencies and institutions, outlining the fundamental rights which the citizens are to enjoy as well as share power among different tiers or levels of government.

You also saw that it is by the use of the constitution to geographically distribute power in a country that we have the differences between unitary, federal and confederal states in practice.

You need to bear it in mind that while nearly every modern democratic country can boast of a written or an unwritten constitution, very few of them have a deep foundation of constitutionalism.

For the latter group of countries, their constitutions are either designed to impress their citizens, to satisfy the needs of foreign aid donors who demand these constitutions as evidence of commitment to democracy, or again, just as a means of keeping up with other nations. The tragedy for such countries is that powerful groups in their society often violate their constitutions. The benefit of the study of democracy and good governance you have undertaken is to enable you defend the constitution of your country.

6.0 TUTOR MARKED ASSIGNMENT

What is a constitution?

Discuss some ways by which a constitution contributes to democracy and good governance.

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UNIT 2 THE SEPARATION OF POWERS

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Definition of Terms
 - 3.2 Separation of Powers
- 4.0 Conclusion
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1.0 INTRODUCTION

One way in which democracy and good governance actually work is by the constitution, dividing the powers of government among different branches and institutions so that the same persons do not enact, enforce and interpret the law with the risk that they may abuse their power in their own interest.

You should bear in mind that the notion that the powers of government could be so divided is a relatively recent development dating back only to the 17th century. For before this time, it was traditional and customary for most monarchs to sit down in their courts to make law on a wide ranged subject, send out their officers to apprehend those who violated the king's laws and, finally sit down in the king's court to try the offenders. In the view of Montesquieu, such a system of government could not guarantee or protect the liberties of the citizens. As a modern observer has noted "There can be no liberty where the executive, Legislative, and judicial powers are united in one person or body of person, because such concentration is bound to result in arbitrary despotism". (Ebenstein 1969:426)

Thus the great legacy which Montesquieu has bequeathed to modern government is the great idea that for the liberties of citizens to be guaranteed, the powers of government need to be diffused or separated into different bodies and institutions.

2.0 OBJECTIVES

At the end of this unit you should be able to

- (i) Describe how the three most important powers of government, the Legislative, executive and judicial powers are usually organized;

- (ii) Explain how the separation of powers assist in the operation and functioning of a democracy and good governance; and
- (iii) Determine from an analysis of the distribution of powers within a given government, whether such a government can protect the liberties of its citizens or not.

Such an analysis will also tell you whether such a country or government is democratic or not.

3.0 MAIN CONTENT

3.1 Definition of Terms

It has been the tradition in political science to discuss the principle of separation of powers along side with checks and balances. This unit mainly focuses on the first concept separation of powers, in order to enhance your understanding of the principle.

3.2 Separation of Powers

When the institution of government that performs legislative, executive formally separate, public officials who perform these functions are appointed or elected separately from each other. Their exclusive function is either, to legislate, to administer, or to adjudicate. For you who has grown up in a country that has always had a constitution in which the Legislature, the Executive and the Judiciary have been represented by three tangible symbols such as the National Assembly at the federal as well as the Chief Justice of the federation, the principle of separation of powers might not come as a major political development or innovation. But for people who lived in Europe in the time of Montesquieu, when there were absolute monarchies such as in France, the idea that all the powers of government could be reduced into a Legal format and distributed into three separate groups was the mark of creative thinking.

In many ways you and I are all beneficiaries of this ingenious invention of Baron de Montesquieu. For arising from his work “the spirit of the laws”, most countries that developed their constitutions in the eighteenth and nineteenth centuries have embodied the principle of separation of powers in their constitutions, thereby greatly reducing the risk of arbitrary government which usually follows the concentration of law, making enforcement and arbitration powers in the same institution or body.

Self Assessment Exercise:

With your knowledge of Nigerian government and politics, list five consequences that will follow if the president or state Governors made all the laws, enforced them and prosecuted offenders.

4.0 CONCLUSION

You have seen that the separation of powers is one of the major contributions which modern political theory has made to the practice of democratic government. The major contributor to the development of this principle was the Frenchman, baron de Montesquieu. The main contribution of the separation of powers to good governance and democracy is that it prevents the concentration of powers in one institution or body and thereby protects the liberties of ordinary citizens.

However, you cannot really comprehend the full impact of the separation of powers on modern democratic government, without understanding the principle of checks and balances, which you will study in the next unit.

5.0 SUMMARY

If modern judicial experience is any thing to go by, then you will agree with me that the principle of separation of powers is a vital institutional dimension to the practice of democracy and good governance. In some recent cases the Speaker of the House of Representatives instituted a legal action asking the Supreme Court to declare the decision of the President of the Federal Republic of Nigeria to withhold the recurrent revenue of the House of Representatives as illegal and unconstitutional and at the same time praying the Supreme Court to restrain the president from doing so again in future. Leaving aside the particular merits of the case, its institution alone is a very clear indication that those who exercise political power in Nigeria do not only understand the principle of separation of powers as a cardinal principle of Nigerian democracy, they are willing to use the nation's highest court to enforce its observance.

You can conclude that separation of powers in Nigerian democracy is not just a formality, but an important principle with serious implications on the part of interested parties. This is a very healthy development with regard to the liberties of ordinary Nigerians, because it removes all fears and prospects of collusion between the Legislature and the Executive to trample upon the right of Nigerian citizens.

The appeal to the Supreme Court by the Legislature to intervene in the conflict between the Law Making body and the Executive Branch is also significant in that it testifies that both branches recognise the jurisdiction of the judiciary in resolving conflicts and interpreting the constitution. A development that could have been considered worrisome from the point of view of democracy and good governance would have been a preemptory amendment of the constitution by the Legislature to reduce the control of the President over the finances of the National Assembly. It would have been worrisome in so far as it would have smacked off arrogance on the part of the Legislature, in an attempt to be a judge in its own case. That would have violated the rule of law. As the case stands, the Supreme Court gives will only strengthen the respect of the principle of separation of powers in the Nigerian Constitution.

6.0 TUTOR MARKED ASSIGNMENT

Explain how the principle of separation of powers enhances democracy and good governance.

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UNIT 3 THE PRINCIPLE OF CHECKS AND BALANCES

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Definition of Terms
 - 3.2 Checks and Balances Illustrated
- 4.0 Conclusion
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1.0 INTRODUCTION

You have just seen how the idea of organising the powers of government into three separate branches and having different institutions and actors carry out those functions helps in promoting the ideals of democracy and good governance.

Now you need to learn the fact that what really makes the separation of powers effective is the principle of checks and balances. The basic element of this principle is that in addition to the separation of the powers of government into different branches, these powers are arranged in such a way that each of them will need the assistance of the other to be able to carry out its own responsibilities.

By requiring the co-operation and assistance of the other branches of government to be able to carry out their own responsibilities, each branch of government automatically becomes a check and a balance upon the other branches.

You will never find a more useful device than the principle of checks and balances among the three key institutions of government that can serve as a powerful force in the promotion of democracy and good governance. For, by requiring each branch of government to work in co-operation with the other branches, the principle of checks and balances automatically stops/prevents the tendency for each branch of government to seek to expand its own powers and responsibilities out of proportion to the others. Each branch of government, be it the legislature, the executive or the judiciary automatically becomes the watchdog of the other branches. By so doing, each of them becomes a

major contributor to the growth and prosperity of democracy and good governance in the society.

2.0 OBJECTIVES

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

- (i) Explain how one institution of government can be used to check another institution;
- (ii) Explain why there are sometimes clashes between the legislature and the executive in some countries, while in other countries the executive branch is accused of interfering with the work of the judiciary; and
- (iii) Highlight how to establish good governance of your country by assisting each branch of government to carry out its responsibilities.

3.0 MAIN CONTENT

3.1 Definition of Terms

By now you should have noticed that we have used the expressions "branches of government" "institutions of government" and "the Legislature, the Executive and the Judiciary" interchangeably. This should not disturb you because the expressions mean virtually the same thing and should be understood as such. The general practice is to use either institutions of government or branches of government to refer to any of the three key organs of government namely: the Legislature or law making body the executive or Law enforcement authority and finally the Judiciary or Law interpretation body. The National Assembly or State Assembly represents the Legislature, the President or Governor represents the Executive while the Courts in general and other tribunals constitute the Judiciary.

3.2 Checks and balances illustrated.

If there is any lasting influence which Newtonian mathematics and physics had on modern political theory it was the concept and practice of checks and balances. For in very simple terms, the idea of grouping all the powers of government into three neat packs each perhaps weighing 10 kilogrammes and labelled legislative, executive and judiciary was a far-reaching attempt at reducing complex social, legal and political processes into a simple mathematical or physical reality. To take the imagery further, if we were to place these three packs of 10 kg each on a three-balance scale, we would discover that each will cancel out or balance the other.

Consequently in practical terms, the three institutions because of their equal weight, balance out each other and require the support of each other to succeed. Let us see how this works out in reality.

- (a) In most modern democratic constitutions the power to enact laws for the country are usually vested in the Legislature, irrespective of whether it goes by the name of the parliament, the Congress, the National Assembly, the Duma, the Diet or the Knesset. However if you suppose that the Legislature can proceed to enact laws as they please, then you are mistaken, because; all laws passed by the Legislature will need to be signed or endorsed by the head of the Executive, whether it is a President, a Queen or King or Presidential Commission it makes no material difference.

Even the inaugural meetings of the Legislature must be convened by the President or Queen as the case may be or else they cannot take place.

In many instances, the subject of deliberation and the issues upon which the Legislature passes Laws are usually introduced and presented to them by the Executive Branch. These three instances can help you to appreciate the fact that the Legislature needs the support and active participation of the Executive Branch in order to succeed in carrying out its main function of law making.

- (b) In most democratic countries the president or Head of the Executive Branch is elected by a popular mandate to serve as the chief Executive of the country. In this capacity he has to implement all the laws of the land and formulate public policy.

In order to do so, the President appoints Ministers of his government and other senior officials, he spends public funds and sends out ambassadors and envoys to other countries. But he just cannot do it in the way and manner he pleases. He needs the active support and collaboration of the Legislature. The Law Making Organ of Government, therefore, complements the Executive Branch by: first of all appropriating all the funds needed by the government to carry out the business of administering the country. This is in line with the age old tradition that requires that only the elected representatives of the people can tax them. Secondly, the Senate or upper house of parliament must approve all Ministers, Senior Civil Servants, Ambassadors and key of officials nominated by the president before they can assume their responsibilities.

Finally as the elected representatives of the people, the Legislature can at all times invite the president or any of his officials to give an account of their stewardship to the Legislature. Ultimately the Legislature retains the power to impeach the head of the executive if he is seen to have grossly abused his power in any way. Thus, the executive branch cannot do without the Legislature.

- (c) The Judiciary, which is the Third branch of Government, charged with responsibility for interpreting the constitution and adjudicating in disputes between citizens appears on the surface to be independent of the other two. This appearance quickly changes when we look at the routine way in which the courts function.

In the first place, the head of the Judiciary and other members of the bench are nominated by the Executive and approved by the whole or part of the Legislature. In other words, they (the judges) owe their positions to the first two branches.

Secondly, the funds needed by the Courts for their smooth functioning are usually provided by the legislature.

Finally, the courts are totally dependent upon the executive branch for the enforcement of their decisions, which may just remain dead letters and words unless the executive branch is favourably disposed to implement them.

In this regard, it may be necessary for you to pay attention when you read some spectacular decisions or rulings given by the courts as these are likely to test the will or strength of the Executive to see to their implementation. One fact you may like to know that it is because the Legislature can be used to perform some Executive and Judicial functions on the one hand, and the Executive to perform some Legislative and Judicial functions on the other, while the judiciary performs some Legislative and Legislative functions that you have the following expressions:

- * Quasi executive function: refers to an executive function performed by either the Legislature or the Judiciary or the Judiciary, such as ratifying the appointment of judges or Ministers.
- * Quasi Legislative functions when the Executive or the Courts proceed to make Laws or rules which normally should be made by the Legislature.

- * Quasi judicial functions when the Legislature or the Executive branch try political office holders in tribunals or in Committees of the Legislature.

4.0 CONCLUSION

The principle of checks and balance really works together with the principle of separation of powers to ensure that democracy and good governance function well in most modern societies. Without this effective use of the Legislative power of society to balance the executive and judicial powers, the liberties and freedom of the citizens would have not been effectively protected. It is for this reason that most societies that have adopted a written constitution have also adopted the principles of separation of powers and checks and balances.

5.0 SUMMARY

Checks and balances are a vital component of the institutional framework of democracy and good governance. You may be surprised that this doctrine which was considered to be quite when it was first put forward by Montesquieu has become a prominent feature of many national constitutions. It is perhaps necessary at this point for you to know that the whole functioning of a presidential system of government such as we have in Nigeria is totally dependent on the intricate workings of two related systems of checks and balances.

At a general level the powers of the Legislature, the Executive and the Judiciary are carefully crafted to equalise, check and balance each other as we demonstrated above.

However, even within the Legislature, the Executive and the Judiciary there are internal checks and balances.

For example, the National Assembly is composed of a bicameral legislature made up of a Senate or upper House and a House of Representatives or power House. Elected on two separate principles, the sovereign equality of the federating units for the Senate and the popular majorities for the House of Representatives, these two Houses must work together before any Legislation can be enacted. On the other hand, each of them has some prerogatives that enable it to check and balance the other. For instance while the House of Representatives has preponderant power over financial bills or laws, the Senate has exclusive competence when it comes to confirming the appointment of ministers and other public officers.

Even within the Executive Branch, the Ministers responsible for formulating public policy have to work in collaboration with civil servants who must ensure that the partisan zeal of the politicians does not result in wasteful expenditure of public funds.

Finally, within the judiciary, the hierarchy of the Court system beginning from Customary to Magistrate, High, Appeal Court and the Supreme Court ensures that each superior level of the judiciary serves as a check on the other levels by carefully considering whether the Court has jurisdiction to do what it did or to make the ruling that it made. This is in addition to the function of the whole judiciary in ensuring that the executive and the Legislature stay within the bounds of power allowed them by the law or constitution of the land.

In a real sense, democratic government and good governance really revolve around separation of powers and checks and balances.

6.0 TUTOR MARKED ASSIGNMENT

"The existence of quasi-legislative, quasi-executive and quasi judicial functions is a convincing evidence of the operation of the system of checks and balances in modern government" Evaluate this assertion.

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UNIT 4 THE MULTI PARTY SYSTEM

CONTENTS

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- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Definition of Terms
 - 3.2 Political Parties
 - 3.3 Party Systems and Democracy
 - 3.4 The Two Party System
 - 3.5 The Multi-Party System
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1.0 INTRODUCTION

In your study of the institutions that permit democracy and good governance to be practised in a society, you have so far studied the constitution the separation of powers and the principles of checks and balances.

However, you must have observed that all the three institutions have to do with the operations of the government itself.

An important question that you need to ask your self at this point is this: how does the government maintain an effective linkage with the individual citizens of the country?

In addition to identifying these organisations that enable the government to keep in touch with the citizenry, you will also need to determine the best system of political organisation that will promote the growth of democracy and good governance in society. While many writers have identified a large number of governmental and especially non-governmental bodies as serving as a link between the government and the citizens, some of these need to be singled out for special attention. These are namely; interest groups of various kinds and pressure groups, while interest groups differ only to the extent that some groups are more or less interested in influencing the making and implementation of public policy. Political parties are characterised by a more or less conscious pre occupation with the organisation and presentation of alternative programs and personnel to the public to win the government. Through the political parties preoccupation with winning and retaining political power, they become the veritable instrument of mass education,

political recruitment and training as well as interest aggregation, articulation and social mobilisation. It is in view of these activities of political parties in most, modern societies of political parties that democratic government has been described as party government, it is difficult to conceive a democracy functioning in a smooth way without the active participation of the political parties. If democracy means choice between alternative ways of solving societal problems and alternative individuals to formulate and implement these alternative policies, then the existent operation and mobility of political parties becomes an integral part of the democratic political system.

2.0 OBJECTIVES

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

- (i) Define the concept a party system;
- (ii) Describe the characteristics of different party systems and how they relate to the operations of a democratic government;
- (iii) Explain why a multiparty system is considered a vital institutional arrangement for the support of democracy and good governance;
- (iv) Identify ways of contributing towards building a peaceful society in your own country and the world at large.

3.0 MAIN TERMS

3.1 Definition of Terms

Your discussion so far has made reference to a number of terms such as "political parties, party systems and the multiparty system" It is appropriate for you to now have a clear conception of what each of these terms means and how the institutions they describe work in practice.

3.2 Political Parties

A political party can be described as " a group of individuals who share a common interest and ideology, that engages in political activity mainly with the aim of winning elections and forming the government of a state or country thereby transforming their interest and ideology into the ideology and interest of the whole society " This desire to contest and win elections or to take control of state power through contesting and winning election, puts the political party away from all other groups that may seek to influence government policy and actions but are not ready to actually take over control of the government of the land .

Historically, political parties have emerged and flourished in an attempt to pursue and promote a wide variety of interests and beliefs: the interest of the monarchy against the assaults of parliament; the interests of the church against the anti-clerical; the interests of the workers against the bourgeoisie the interests of the peasants against the feudalistic; etc. Whatever the particular nature, the party can be considered a small fraction of the society, which has or tries to promote a specific or partial union of how the society needs to be organised in order to fulfill the union of society promoted by them. Secondly, the party usually presents a number of its own candidates that it considers competent to fill the key position of government such as President, Governor, Council Chairmen etc at election. Through this process of contesting elections, the modern political parties have come to play a very vital role in the process of democracy and good governance. Voting for or against a party, the citizen can easily reward their leaders or punish them based on the people's assessment of their performance in office.

Self Assessment Exercise:

List four of the most important political parties in your country and identify the key interests each of them is committed to promote.

3.3 Party systems and democracy.

Political scientists speak of a party system in terms of the number of political parties that are legally permitted to operate in a country, or to put the same idea differently, a party system refers to the number of political parties that are officially recognised to present candidates at elections and canvass support for them. In a country where the constitution or the electoral rules allow just one party to organise and participate in elections then we say that such a country is a one party state. The communist party of the Soviet Union and some East European countries as well as single party of several African Countries in the period soon after independence whether in Cameroon, Tanzania or Guinea effectively made these countries one party states. You may like to know that in many of those countries the one party state was nationalised as being in-agreement with the ancient African practice, whereby there was no opposition between the chiefs and his elders, that the artificial unity so constructed was essential to national integration and development, while the pooling of the counting political resources in one political movement prevented the duplication and dissipation of total human and material resources in unnecessary and destructive competitive power. What the proponents of the single party refused to say was that such concentration of power and resources in a single individual or in a small group often bred - personal and family dictatorships, personality cults and a very "sit tight mentality" among

holders of public office, not to talk of the wide spread corruption. From the standpoint of democracy and good governance, the single party system is a totally negative and counter productive institution. No democratic government can be founded on a unique or single party system in so far as it emphasises the fusion and concentration of power, whereas good governance and the rule of law require their separation, diffusion and balancing.

3.4 The Two Party System

This is a political system in which even though there might be more than two political parties actually and legally authorised to contest elections, two of those parties have come to dominate the political landscape that either of them has a very strong probability of forming the government after every general election. Great Britain and the United States of America constitute the classic examples of a two party system because in Britain, every election is really a direct contest between the Labour and the conservative parties even though there are other minority parties.

In the United States, the political contest is usually between the Republican and the Democratic parties even when rich millionaires are ready to spend some of their dollars during the presidential elections. Some writers have emphasised the fact that the two party system is the most adapted party system to democratic governance because it contributes to governmental stability as well as moving the political debate towards the mean of the political spectrum in addition to discouraging the emergence and survival of small and splinter parties. It may be useful for you to note that some of the merits that are often ascribed to the two party systems are actually socio-political antecedents of the party system in those countries. For example, it is not totally correct that the two party system tends to reduce every national problem or debate into two rational policy options in two party system States. Rather it seems most probable that anterior resolution of major and fundamental questions or national questions in those countries tends to promote a more unified or a less divisive approach to national issues. In such countries, it may be true that politics is essentially the authoritative allocation of values. In many new states however, politics is both a battle to resolve vital questions of national coexistence, lay down rules for the allocation of resources as well as generate the resources that need to be authoritatively allocated. A two party system in such a setting would be counterproductive to democracy and good governance.

3.5 The Multiparty System

A multiparty system can be defined as a political System that legally permits the existence of three or more political parties, such that none of

them can at any election win a clear-cut majority. Italy, France and Nigeria in first and second republics are typical examples of a multiparty system.

In addition to this general characteristic of the multiparty system, many multiparty states have rules of proportional representation which relate the total votes won by a party to the number of seats attributed to it in the legislature. Irrespective of the particular form in which the multiparty system operates in, the practices need to be noted in so far as they relate to the functioning of a democratic society.

First of all, if a party is properly understood as representing "a part of the whole" it becomes difficult for you to see how one or two parties can be considered representative of a pluralistic society such as Nigeria. Consequently only a multiparty system ensures that all interests and opinions are effectively represented in the society. Secondly the multiparty system, by affording even small parties an opportunity to be represented in the legislature, makes it possible for them to participate in the various legislative quasi-executive and quasi-judicial functions of society. The multiparty system also protects the society from the over tendency towards the over concentration of power. That is often associated with the single or one party system. Most importantly the abundance of political parties in a multiparty system ensures that the society has a rich variety of political and personnel options to choose from while considering any national issue. Given these considerations, it should not surprise you that many writers in political science consider the existence of multiparty system as one of the key institutions of a democratic society.

4.0 CONCLUSION

Modern political parties have become so much involved in the running of democratic government that many writers have come to define democratic government as government by political parties. Such a conceptual amalgamation between the activities of political parties and democratic government and good government has become so wide spread that it is difficult to imagine a democratic government in the absence of political parties.

Notwithstanding the general importance of political parties in democracies, what is of the greatest import to good governance is the number of political parties legally authorised to operate within any political system.

The trend of the discussion made in this unit is that the multiparty system with its legal tolerance for several parties as well as its tendency

to militate against the over-concentration of power, resources and influence in a few hands is the most appropriate institutional arrangement upon which a democratic government as well as good governance can be built.

5.0 SUMMARY

Perhaps this definition of a political party put forward by Edmund Burke can help us retain a clear picture of what a political party is:

" Party is a body of men united for promoting by their joint endeavours the national interest, upon some particular principles in which they are all agreed. "[Sabine and Thorson 1973: 561] You may find Burkes definition of a party to be gender insensitive in so far as it focuses exclusively on men to the neglect to women. However once you remember that at the time that Burke lived and wrote politics was not just the exclusive reserve of men, it was the pre occupation of a small aristocratic class, the his definition of a party in terms of "a body of men" falls into perspective.

What is useful in his conception of a party was that he saw it as an instrument for promoting the national interest rather than a "faction" or a small "part" of society the interests of which were contrary to or could be opposed to the national interest or the interest of society in general.

It was this positive conception of political parties advanced by Burke that paved the way for the widespread acceptance of political parties as a necessary vital element of democracy.

Since the twentieth century, it has become almost an accepted practice to classify and judge modern political systems in terms of the existence and vitality of political parties operating in them. Of course, if one or two properly organised political parties contributed significantly towards providing the citizenry with basic information and alternative strategies for achieving societal goals, the multiparty proved to be the one where the greatest variety of alternatives and the widest range of choices could be provided the citizens of a country. By so doing the multiparty system becomes a useful instrument for peace building and conflict management in conflict prone countries.

6.0 TUTOR MARKED ASSIGNMENT

Why do you consider the multiparty system as the best for democratic government in a country like Nigeria?

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MODULE 3 THE ATTITUDINAL AND BEHAVIOURAL INGREDIENTS

Unit 1 Tolerance for Divergent and Opposing Views

Unit 2 A Pluralistic Conception of Society

Unit 3 Popular Opinion and Majority Rule

Unit 4 Peaceful Resolution of Conflicts

UNIT 1 TOLERANCE FOR DIVERGENT AND OPPOSING VIEWS

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Definition of Terms
 - 3.2 The Anti-theses of Liberalism
 - 3.3 Features of a Liberal Society
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Readings

1.0 INTRODUCTION

At the beginning of this unit, one vital point that you need to bear in mind is that democracy and good governance are built on certain institutional structures of society, namely: a constitution and constitutionalism, the separation of powers, checks and balances and a multiparty system, all of which not only limit the powers of government, but also ensure the free competition of groups and parties for the control of government. These institutional features of democracy also ensure that governmental power is not concentrated in a few hands or institutions.

Democracy and good governance depend on a lot more than the institutional structure of society and both depend on some attitudinal and behavioural dispositions, without which you cannot have democracy or good governance. In this module, four of these attitudinal and behavioural dimensions will be discussed in some detail. The point to emphasize is that the precise label we use for the behavioural and attitudinal dispositions is not the most significant thing. Rather what is

of crucial significance is that we underscore their significance for democracy and good governance. While a pluralistic conception of society, popular and majority opinion as well as the peaceful resolution of disputes shall be considered in subsequent units, in this unit you will study liberalism as one of the key pillars of democracy and good governance.

2.0 OBJECTIVES

At the end of this unit you should be able

- (i) Define the nature of liberalism;
- (ii) Distinguish liberalism from other contemporary political ideologies;
- (iii) Distinguish features of a liberal society from other types of society; and
- (iv) Highlight ways to build a liberal democratic society.

3.0 MAIN CONTENT

3.1 Definition of Terms

If we leave aside for the moment the debate as to whether liberalism needs to be defined in singular or plural terms, we can hold on to the essential fact that whatever liberalism might mean or imply, "it certainly includes toleration and an antipathy to closing ranks around any system of beliefs" (Ryan 1993:292). In simple terms Alan Ryan here gives us the essence of liberalism or liberal attitude upon which a democratic society and the practice of good governance can be built. First of all the liberal spirit or attitude allows for free expression of different views, no matter how acceptable or unacceptable they may be to some audiences. This in essence, is the meaning of toleration: accommodating, making allowance for and fore-bearing with different ideas even when they are different from others that are widely accepted. An antipathy to the closing of ranks, any system of beliefs constitutes the second most important defining characteristic of liberalism as you can see from the quote.

What you need to bear in mind is the fact that just as toleration is the defining element of democratic governance, the closing of ranks around any system of beliefs has also remained a key ingredient or component of authoritarian, totalitarian or despotic forms of governance; that are usually constructed around one or two simple and sometimes false ideas and assumptions.

You can see from the point just made why the spirit of tolerance, especially with reference to ideas about the nature of man, his role in

society, his relationship to the State and the place of government in the State is considered a vital attitudinal basis for democracy and good governance. For if this were not so, then the multiparty system, the principle of separation of powers, as well as checks and balances will be difficult to implement in practice.

Here it is useful for you to note even in passing that the main difficulty of democratic governance in many underdeveloped countries, especially those of Africa, is that whereas it is easy to borrow the institutions of democracy such as the multiparty system, a written constitution complete with checks and balances among the three organs, the spirit and attitude of toleration upon which the institutional arrangement is founded cannot be copied from the pages of a textbook or news-magazines, from where arise the multiple failures of democratic governance and the many transitions to democracy in Africa.

3.2 The Anti theses of Liberalism.

If the basic thesis or tenet is accepted by proponents of liberalism, it is also necessary to highlight some antipathies or anti theses of liberalism. Some of the ideas and practices that the liberal tradition has sought to fight over the years include the following:

(a) Anti-absolutism

This simply means a continuous protest against all forms of absolute authority. The essential argument of the Liberals against the attribution of absolute power to any individuals or group in society is to devalue the worth of those whose views and positions cannot even be listened to.

(b) Anti-theocracy

Liberals seek to maintain a strict separation between secular and religious authority thereby affording individual's freedom of conscience. The confusion of secular and religious authority was historically associated with the theory of the divine right of kings to impose their religion on their subjects.

(c) Anti - capitalism

A third and final antipathy of liberalism is anti-capitalism. The basic argument in this regard is that capitalism with its serious concentration of the instruments of production and economic resources of society in a few hands does not work in favour of the liberty of individual citizens.

You do not need to worry now as to whether some of these antipathies that form an essential part of liberalism are justified or not. For essentially the material conditions under which key liberals like John Locke, Bentham and Mill lived have changed. It may be difficult for a man living in the twenty-first century to appreciate what monarchical absolutism meant in practice, or the fierce controversies that raged between the pope in Rome and the kings of the various European kingdoms between the fall of the Holy Roman empire and the treaty of Westphalia. Similarly, the human deprivations and the squalour that attended the development of capitalism in the eighteenth and nineteenth century might have gone a long way in uniting both liberals and Marxists in common opposition to capitalism and its evils. It is obviously a different capitalism that we have now compared to what Mill and Marx and Engels wrote against.

3.3 Features of a Liberal Society

A state and government that does not seek to exercise absolute control over the ideas, views and opinions of its citizens but encourages the free expression of opinions, irrespective of the subject matter. For the assumption of a liberal society is that out of the multiplicity of views and opinions expressed, the wise, the discerning and the critical will be able to distil the useful, the relevant and the essential from the useless and irrelevant.

Concretely, this disposition to foster and cultivate the free expression of ideas will be manifested in the strict observance of the freedom of speech and expression in the fundamental rights of citizens, freedom and easy access to information including the activities of government and the existence of a free press of newspapers, magazines, radio, television and other mass media of information. There will be no censorship of the media except as considered necessary for the protection of public morality, the welfare of young children and the fight against criminality and pornography.

This last requirement itself could lead to serious controversy and partisan abuse unless such censorship is carried out by an impartial, non-partisan body composed of men and women of integrity.

Besides these formal aspects of a liberal society that can be verified from an inspection of the records or statutes, the attitudinal dimension of a liberal society is manifested in a way key members of the three branches of government react individually and collectively to negative opinions and criticisms of their actions:

Do they condemn, even before a proper examination of the text of any opinions, views or ideas that are contrary to or opposed to their own views.

Will the law enforcement agencies automatically regard as enemies of the State, those who criticize or hold opinions that are opposed to those of principal offices of the Government?

Will the police cells have as their main occupants individuals whose main offence consists in "speaking out" on burning national political, economic or social issues?

Will the government spend huge sums of tax payers' money in order to ensure that the press reports favourably on its activities?

Answers to these and similar questions will always help you to determine whether any society is a liberal society or not.

Self Assessment Exercise

Can a country whose major newspapers, radio and television stations, (print and electronic media) are owned mainly by the government seriously claim to be liberal?

4.0 CONCLUSION

In this unit you have come to learn one important fact about democracy and good governance: they require in addition to the formal constitutional foundations, a liberal society in order to thrive or function well. This is so because liberalism provides those attitudinal, behavioural and psychological conditions that enable democratic governance work.

For by cultivating the spirit of tolerance for different and opposing ideas, not rejecting any opinions before hand, or refusing to building barriers around any particular idea, a liberal society fosters the articulation of divergent ideas, opinions and programmes for the development of a society.

5.0 SUMMARY

A good way to summarise your discussion of this unit is for you to ask yourself this question: why has it not been possible for all countries that have a democratic constitution to function well as democracies?

This review will help you to answer that question. A good starting point in answering the question: "why has it not been possible for all countries

that have a written constitution based on separation of powers to successfully operate a democratic government on the principles of good governance”, is the fact that while these countries have the outward form of democracy, a written constitution, of powers, checks and balances, etc, they lack the liberal spirit upon which democracy and good governance depend. Very crucial to this spirit of liberalism is tolerance of opposing views and ideas.

A situation in which leaders of opposition parties are branded as enemies of the State, destroyers of their fatherland or saboteurs and quickly sent to prison, a mental asylum or deported to distant lands is a very crude indication of the lack of a liberal psychological atmosphere for the development of democracy and good governance. The more refined and less crude forms of an illiberal political setting is, massive government funding of some mass media to the neglect of others, the attempt to use security men to vet newspapers and magazines or the bribery of journalists.

All such practices that in one way or the other contribute to the mental and psychological attitude that "the leaders are right while all others are wrong" are all part of an illiberal tradition that negates the practice of democracy and good governance.

You can personally contribute to developing a liberal political climate in your country by showing tolerance to the views of others, by refusing to impose your own opinions on others, and always adopting a critical attitude to the information you receive:

Is the information factually correct? How does the information relate to all the other information at your disposal? What is the intent and purpose of this information? Can it help in the effort to build a democratic society on the basis of good governance? Will any action based on this information help to build a peaceful society?

You will agree with me that any action taken upon the basis of the foregoing analysis will surely lead to an improvement in the society.

6.0 TUTOR MARKED ASSIGNMENT

Name three critical indicators that can help you determine whether a given country has a liberal political climate and highlight their contributions to democracy and good governance.

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UNIT 2 A PLURALISTIC CONCEPTION OF SOCIETY.

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Definition of Terms
 - 3.2 Conception
 - 3.3 Actualising the Pluralistic Conception of Democracy
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Readings

1.0 INTRODUCTION

Besides the liberal attitude that you have just discussed, it is necessary for you to know that democracy also thrives or feeds on another psychological and behavioural principle: a pluralist conception of society. In other words, in addition to the fact that democracy works within a liberal society, it also functions in a context where we do not have just one uniform group of citizens, but several different groups having differing interests, ideologies and orientations. As some modern writers have put it: “modern society consists of innumerable groups that share economic, religious, ethnic or cultural interests. Often people with the same interests organise formal groups, usually to promote their interests”. [Janda, Berry and Goldman, 1995:42].

According to these authors, “the pluralist model of democracy interprets government by the people to mean government by people operating through competing interest groups.

According to this model, democracy exists when many plural organisations operate separately from the government, press their interests on the government and even challenge the government. [Ibid p. 42]

This extensive quote simply helps us to understand that democracy in practice means much more than organising elections in which every citizen will have the right to cast a vote in favour of one candidate or another, but the freedom of individuals having similar interests to organise themselves to promote those interests.

For what you have just read you can keep in your mind a firm idea that democracy requires in addition to all other elements discussed above the existence of competing interest groups as well as a decentralised power structure for society. The aim of this unit is to help you increase your knowledge of those intangible ingredients that help in fostering democracy and good governance.

2.0 OBJECTIVES

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

- (1) Explain a pluralist conception of society;
- (2) Describe the mechanisms that operate in a pluralistic society to promote democracy;
- (3) Describe the relationship between the behavioural component to the other ingredients of democracy;
- (4) Identify what can you do to promote the development of a pluralistic society rather than a monolithic society.

3.0 MAIN CONTENT

3.1 Definition of Terms.

What do really understand by the expression of a pluralist conception of society? And which mechanisms allow democracy to flourish in such societies?

A good approach and clear understanding of what a pluralistic conception of society really means is for you to imagine two typical communities: one a simple agricultural community where three quarters of the population are engaged in the production of one or two cash crops.

Such a society can easily be classified as a simple, unified or homogeneous society. On the other hand imagine a typical urban metropolis like Lagos or Calabar. Here some of the inhabitants are professionals, public servants, petty traders, labourers, market women, teachers, etc.

Because of their divergent occupations, incomes, interests and approaches to issues the modern urban centre can best be conceived in terms of a completed or pluralistic society rather than a simple society.

This plural nature of the society means that the government cannot relate to the whole society of an urban centre in a uniform undifferentiated manner but has to respond to their needs and interests in a differentiated manner in order to be able to meet the needs of the citizens.

The central mechanism for ensuring that government effectively reaches out and responds to the needs of different sections of the community is the existence of different interest groups that lobby for their interests with the government or some times even meet some of the needs of the citizens. Thus, we have associations, of market women, motor drivers, poultry farmers, motor mechanics, the labour union, retired Army officers, union of nurses and mid wives, etc. each of these associations serve both as a means of meeting some of the needs of their individual members, and also a group that represents the members' interests before the government canvasses for those interests and helps to align government policy in a favourable attitude towards the group.

However, it is doubtful if such activity on the part of different groups would be possible in a society where the Legislative, Executive and Judicial powers of the Government are concentrated in the same individual or institution. In such a situation it will be difficult for the leaders of the various interest groups to have access to those who make and implement government policy, thus a second mechanism for the effective operation of the pluralistic conception of democracy is a decentralised structure of government such that if the members of an interest group cannot have access to one branch of government to protect their interest they can achieve the same goal through another branch. For example, the best way to have the interest of any particular group in society protected may be first to get the Legislature to pass a law in respect of that subject or get the President or a Governor to issue an executive order to that effect. But such a goal may take a very long time to accomplish if some legislative houses are over crowded with business men and women, the President or Governor might not want to be openly identified with a partisan interest for electoral reasons.

Therefore the parties concerned may resort to the High courts or the Judiciary where remedies such as the writ of Mandamus, certiorari or habeas corpus could be issued to protect the group interest that is threatened or some other remedies It may interest you to know that a writ simply refers to an order issued by a superior or High court commanding a lower court, an administrative agency not to do something.

The writ of mandamus refers to an order by a high court commanding an administrative Agency such as the Police, a Local Government Council

or a Government Ministry to carry out a legitimate duty that has otherwise been overlooked.

The writ of certiorari when issued by a High court commands a lower court to send its record of a particular case to the higher court for verification if the decision could be justified by the particulars of the case. Finally the writ of habeas corpus directs an agency of government detaining a person in an irregular manner to produce the body of the detainee in court to enable the court determine whether his detention was justifiable or not.

The use of all these writs that we have discussed above is a practical demonstration of the fact that the pluralistic conception of democracy functions through the decentralisation of power which enables the Legislature, the Executive and the Judiciary or the courts to act independently, yet cooperatively in promoting the interests of the citizens of a democratic country. From this point of view, the attempt by the State and its government to dominate the political space of the country by trying to control the interest groups that operate in the society or outlawing groups that are inimical to those supported by the government is simply tantamount to totalitarianism rather than democracy.

Self Assessment Exercise:

List two instruments each used by the Legislature, the Executive and the Judiciary to protect the interest of citizens in a democratic society.

3.2 Democratic Governance In A Plural Society: Some Conceptual Problems

As you have seen above the pluralistic conception of democracy presupposes the existence of a large number of groups with different interests that are articulated and promoted by interest groups. Why then did another writer argue that " it is difficult to achieve and maintain stable democratic government in a plural society"?(Lijphart: 1977).

Well it appears that the author we have just quoted was not really about the pluralistic conception of democracy in general but of a particular type of pluralism. According to him, the type of society that makes the achievement of democratic government difficult is one in which pluralism is not based on a difference of interests only but one in which there are deep social divisions and political differences" that tend to divide the society into social, religious, ethnic and religious segments rather than one large group of people. According to the author quoted above, such societies with deeply rooted cleavages practice a form of democracy that can be described as consociation democracy.

In such a democracy, the centrifugal (need divisive) tendencies inherent in a plural society are counter balanced by the co-operative attitudes and behaviour of the leaders of the different segments of the population. It is interesting that it is on the basis of this model of democracy that countries like Nigeria, Belgium, Switzerland and the Netherlands have been able to practice democracy in spite of the various divisions in their countries.

3.3. Actualizing the pluralistic conception of democracy

It appears that different countries have devised different approaches to realising the ideals of the pluralistic conception of democracy. While the written constitutions of most countries contain explicit provisions for respecting the plural nature of the society, many countries also adopt extra-constitutional devices for promoting constitutional constitutionalism.

Even though Nigeria does not practice it officially, there has been an informal rotation of the office of President of the Republic, the President of the Senate, and the Speaker of the House of Representatives.

In the case of Nigeria, the pluralist conception is also constitutionalised in the form of a federal character principle which requires that: "The composition of the Government of the federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty, thereby ensuring that there shall be no preponderance of persons from a few states or from a few ethnic or other sectional groups in that Government or in any of its agencies." Article...14 (3) of the 1999 constitution. See 14 (4) as it applies to the government of a State or a Local Government Council, of this federal character principle was designed to promote democracy in Nigeria's plural political environment, you should also bear in mind that many people have criticised the principle as promoting mediocrity or not encouraging merit in the public service.

Self Assessment Exercise

Assess the merits and demerits of the federal character principle as practiced in Nigeria.

4.0 CONCLUSION

Democracy and good governance require a pluralistic conception of society to function well. A monolithic conception of society where the State seeks to penetrate and control all organisations and institutions in

society leads to a totalitarian not a democratic government. The existence of a large number of social and interest groups as well as a high degree of centralisation of power in the society all work together to the interest groups and organisations to influence government policies in favour of their respective members.

In those societies where the social and other differences are deeply rooted, the practice of democracy requires the elites from different parts of the society in order to off set the negative impact of divisive tendencies.

5.0 SUMMARY

Let us remember that different countries have devised different ways of promoting their pluralistic conception of society. Some of these mechanisms include the written constitution of powers and the use of constitutional provisions requiring the observance of the federal character in the administration of the country, as is the case in Nigeria.

In addition to these mechanisms that are constitutional in nature, let us include some electoral and industrial relations regulations which require that political parties and labour organisations cannot adopt as their symbol or motto a religious, ethnic or other exclusive identity. These regulations can be read simply as trying to enforce a pluralistic conception of society and democracy rather than an exclusive or monolithic view.

You may use your knowledge of this unit to help you evaluate students, social and other organisations that you come into contact with: Do they have a general or particularistic interest to project and protect? Do they have an exclusive ethnic or religious message? Do they restrict their recruitment to people of a particular group or religion? Will your participation in their activities help to build democracy and good governance or hinder them?

6.0 TUTOR MARKED ASSIGNMENT

Discuss some constitutional and extra constitutional devices used by your own country to promote the pluralist concept of democracy.

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UNIT 3 POPULAR OPINION AND MAJORITY RULE

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Definition of Terms
 - 3.2 Popular Opinion
 - 3.3 Majority Rule
 - 3.4 Factors Influencing Public Opinion
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Readings

1.0 INTRODUCTION

You have been studying some of the behavioural and unwritten rules that facilitate the functioning of democratic governance in most of the world's democracies in the last two units. These are namely the principle of toleration for opposing and divergent views or what is generally referred to as liberalism and the pluralist conception of democracy.

In this unit, we are going to add a third of these unwritten rules of democratic government namely: the rule that public policy in a democracy must be tailored to meet the needs of popular opinion and that it is the majority of the group that can claim the support of majority is that qualified to rule or exercise power over the community. These principles whose genesis and origin can be traced to ancient Greece have undergone substantial and significant transformations into the present day practice of democratic governance in several countries.

It is for example part of this principle that we now have highly developed convention in several countries that whenever the government of the day loses a general election or a confidence vote in parliament, the whole government resigns there by making way for the new majority to take over and form the new government. It is very remarkable that this tenet of democratic governance that public policy must conform to the direction of popular opinion and that the majority has a natural right to become so firmly entrenched in some democratic systems that individuals and groups are willing to wait patiently for years or even decades to see their views or position which formerly were considered to be minority positions and views become transformed into the majority views and opinions.

2.0 OBJECTIVES

At the end of this unit, you should be able

- (i) Define the terms, popular opinion and majority rule;
- (ii) Explain how two principles work together for the good of democracy and good governance in many countries; and
- (iii) Identify ways of contributing to the building of a democratic society in your own country.

3.0 MAIN CONTENT

3.1 Definition of Terms

As you have seen in the introduction democracy depends very much on two important concepts: popular opinion and majority rule.

3.2 What Do We Really Mean When We Speak Of Popular Opinion With Regard To Popular Opinion?

We must admit the fact that popular opinion as used here really refers to public opinion. Consequently, rather than answer the question: what is popular opinion, we should try to define and specify what we really mean by public opinion. The authors we have quoted earlier simply define public opinion as "the collected attitudes of citizens on a given issue or question". (Janda, Berry and Goldma, 1995:142). Defined in these terms, you need to remember that democratic government has over the centuries relied on the attitudes of citizens to define and make policy for the public good. According to the work just cited, public opinion has a number of characteristics that are often at play in the formulation of government policies.

The first point or characteristic of public opinion is that public attitudes toward a given government policy can vary over time, often dramatically. Secondly, public opinion places boundaries on allowable types of public policy.

Thirdly, if asked by pollsters, citizens are willing to register opinions on matters outside their expertise. Governments tend to respond to public opinion in their formulation and implementation of public policies.

Finally the government sometimes does not do what the people want. However, you must note the fact that it is the variation of the attitudes of

the citizens on a given policy issues that produces the majority and the minority opinion and position in public policy.

As a result of the desire of most governments to increase their legitimacy, they rarely fail to do what a vast majority or public opinion means them to do. From this perspective the critical test of democratic government in societies that have a large and conscious public opinion is: "how responsive is the government to public opinion"? There are three additional points that you need to bear in mind in any discussion of public opinion and democratic governance. The most important of these is that given the close connection between the responsiveness of government to public opinion and the legitimacy of the government, most government strives constantly to respond to the majority opinion in their domestic environment. However, when the direction of public opinion varies significantly with the predominant opinion in the international political environment, many governments may be restrained from responding to the domestic opinion. However, you need to note also that a government that persistently refuses to respond to public opinion either for domestic or external reasons is likely to lose legitimacy and eventually its hold on power.

It is perhaps for the reasons given above that the political debate in many democratic countries often degenerate into a blatant attempt to influence public opinion in one direction or another by simply manipulating the media appearances of candidates, by harping on a few simplistic issues to the neglect of fundamental questions, etc. It is from such a serious manipulation of the public through symbols, public charisma and the use of epithets that it is often assumed that in a mass democracy, those who win the media contest have already won the electoral contest.

3.3 Majority Rule

If the government must fashion its policies to reflect and respond to the majority of public opinion, democratic theory further assumes that those who are the promoters of the major trend of public opinion must have direct responsibility for implementing that policy. This is what is sometimes referred to as the majoritarian model of democracy. Some writers have argued that: "The majoritarian model of democracy relies on our intuitive elemental notion of what is fair, it interprets government by the people to mean government by the majority of the people. The majoritarian model tries to approximate the people's role in a direct democracy within the limitations of representative government. To force the government to respond to public opinion, the majoritarian model of democracy has developed a number of mechanisms that require the citizens to participate directly in determining what the government does.

One of the most important of these mechanisms of direct citizen participation in government is the popular election of government officials. By exercising their right to choose which leaders represent them in the various branches of government, the citizens end up controlling what the government actually does in terms of public policy. Elections therefore go a long way in helping democratic governments meet the formal requirements of a democracy which include universal participation, political equality of citizens and majority rule.

Beyond the use of elections to choose between candidates for public office, elections are also employed as a means of deciding between two or more public policies. When an election is held exclusively to determine the right policy to be pursued by government, we refer to such an election as a referendum. For example a government may decide to submit its educational or economic policies to the people to see how much they support those policies.

You may be justified to assume that for many developing countries such as Nigeria, the consolidation of democracy may require not just the election of a large number of public officials by the electorate, but also the periodic approval of the major policy programmes of the government through referenda.

Besides the use of referenda as a means of direct political participation, the majoritarian model of democracy also allows the citizens the right to put a policy question on the ballot by circulating petitions and gathering a required minimum number of signatures in what is known as an initiative.

By the use of the initiative ordinary citizens can significantly influence what becomes the issue of national or state policy in many democratic countries. It is significant that a country like the United States and Switzerland allow their citizens to participate in democratic politics either in elections, in referenda or in the initiative.

Of course you need not assume that the majoritarian model of democracy is without its own serious difficulties. As would be expected, the model relies on a number of positive assumptions many of which do not work in practice.

For example the widespread use of elections to select those who occupy important government positions assumes that the vast majority of citizens are actually interested in coming out to vote. Where this assumption does not hold true in practice, majority rule automatically translates into the selection of public office holders by a small fraction of the population.

Similarly the use of referenda and the initiative assume that the citizens are knowledgeable enough in public affairs to be able to make national choices among compelling alternative policies.

3.4 Factors Influencing Public Opinion

If it is true that representative government must reflect the preference of public opinion in its policies and composition, then it becomes necessary for you to know how public opinion is formed and distributed in a society.

As we have seen earlier, (public opinion is simply a reflection of popular preferences on matters of public concern or interest.

You may therefore like to know how members of the public come to acquire their various preferences on public issues. The starting point for understanding how individuals acquire their preferences is to ask what the personality of the individual is, his class or economic foundation, his religion, level of education and ideological dispositions. Each of these factors has become recognised by social scientists as helping to shape the preferences, which individual members of most modern societies manifest in public opinion polls and surveys. It is therefore appropriate for you to understand how each of them comes to influence public opinion.

Let us begin with the economic class of an individual since the 19th century, the basic hypothesis put forward by the German philosopher and political economist, Karl Marx that: "it is not the consciousness of men that determines his existence but man's social existence that determines his consciousness" has become widely accepted as an explanation for the dominant ideas that people hold in society.

According to this line of reasoning, one's economic class position has a major or overriding influence on the type of ideas that the people holds and share with others. Thus, most often workers and peasants, civil servants and industrialists, students and lecturers, unemployed youths and rich businessmen all tend to share and express different opinions on key political issues. For example the opinion of members of each of the groups named above on such critical issues as privatisation of public enterprises, the removal of government subsidies on essential commodities or the dividends of democracy is likely to differ very widely because of the objective economic interests of each group.

You should note however that the relationship between class position and the interest pursued is not always straight forward. For it depends on whether the members of a class have a real consciousness of their class

interest or act on the basis of false consciousness. Where there is widespread false consciousness based on religion or education, then the members of a class might express opinions that are contradictory to their objective or real class interests.

The other two factors that go into the formation of public opinion are religion and education.

Religion has to do with man's fundamental beliefs concerning his Creator and Deity, the purpose of earthly life and the ultimate destiny of man. For example, the role of Jesus as a Mediator and Redeemer of mankind is a case in point.

An important element in determining how religious influences the opinion of the public on key issues and matters of public life is whether the religion subscribes to the teaching of the doctrine of predestination or foreordination. In Christianity for example, an essential part of the doctrine of predestination is the idea that man's personal effort is not a vital element in his salvation since Christ's atonement has paid the ultimate price for sin and all men are saved by grace.

The doctrine of foreordination however advances the hypothesis that man's personal effort is an important element in his salvation, and that "it is by grace that we are saved after all we can do" (Nephi.25:23)

It is on the basis of this difference that Max Weber put forth his theory of how the Protestant ethic of personal accountability gave rise to capitalism, while predominantly Catholic beliefs tended to frown at wealth. Thus in many countries the factor of being Catholic or Protestant; Christian or Moslem is at the basis of the beliefs and opinions many people hold on public issues.

Besides one's economic class and religion, the level and quality of education received by an individual plays a very prominent role in influencing the opinions he/she holds and expresses. A general hypothesis that you can use to guide you is this: "The higher the level of education attained by an individual the more liberal will be his opinion on public issues".

Similarly the lower the level of education attained by an individual the more rigid and fixed will be his/her views on public issues. In this regard, university education tends to play a determinant role in the quality and direction of the opinion held by members of the society.

Finally, membership of specific ethnic or cultural minorities tends to contribute to public opinion on key issues. For example blacks in the U.S. are more favourable to welfare assistance provided by the

Government while they are less favourably disposed to the death penalty. The explanation is simple: more blacks will benefit from public welfare assistance just as well as they are more likely to suffer from the death penalty.

Here in Nigeria, there is always an ethnic dichotomy of public opinion concerning two key issues: Federal character and merit as the basis for appointments and admissions into public institutions. The ethnic groups that have had a longer contact with the West or are considered educationally advantaged usually favour merit' as the basis of admission and recruitment while those groups that are referred to as disadvantaged often prefer "federal character" as the basis of allocation of benefits.

What this discussion means is that whenever you read the results of opinion polls and surveys in the newspapers, you should be conscious that behind the views expressed are hidden economic class interest(s), religious beliefs, educational standards and ethnic values.

Self Assessment Exercise

Identify four important sources of the public opinions that are held by the majority of Nigerians.

4.0 CONCLUSION

Public opinion is one of the key indicators of how people feel about what the government is doing in the public interest. Consequently, one vital means by which democratic governance works is for the government to conform its policies and programmes to the dominant public opinion. In addition to government conforming its actions to the major trend of public opinion, the majoritarian principle or model of democracy requires that the majority actually rule so that they can oversee the translation of their opinions into actual government policy.

5.0 SUMMARY

Given the significant changes that have taken place in the size of territory and total population of modern democracies compared to the compact small city states of ancient Greece, democracy has become more and more associated with representative government, rather than the direct democracy that the ancients practised.

Representative democracy however depends on two very important principles to ensure its success. These principles are the importance which public opinion assumes in determining not just the personnel who man the key offices of government, but also in determining the actual

direction of public policy. Public opinion accomplishes these functions through the participation of the citizens in popular elections where candidates are voted to fill government legislative, executive and judicial offices, through popular ratification of government programmes and policies such as the referendum and the initiative.

In some peculiar instances as contained in the Nigerian constitution (1999), there is provision for the electorate to recall their representatives who are considered as not living up to the mandate bestowed on them. You should remember that each of these instruments is designed to ensure the subordination of those who govern to the sovereignty of the governed. The essence of representative government being basically that the representatives are the agents of, and are accountable to those whom they represent and act on their behalf.

Closely complementing the role of public opinion in determining the direction of public policy and the direction of public policy in general is the principle of "majority rule".

Here is the belief that if the public can choose between alternative visions of the public good presented freely in the market of ideas, the government should not just implement the policy preferred by the majority of public opinion: the promoters and initiators of the ideas supported by the majority of citizens should be encouraged and given an opportunity to implement their vision and ideas of a good society.

Again the essential and underlying rationale for this practice is that the electorate will reserve the right ultimately to sanction those leaders whose performance falls short of popular expectation. The sanction for failure will not just be a replacement of their vision with another vision, but that they will lose their positions of power and authority. Herein is perhaps the grand beauty of representative democracy.

6.0 TUTOR MARKED ASSIGNMENT

What is public opinion and why is it impossible for a modern representative government to totally ignore the views of the public?

7.0 REFERENCES/FURTHER READINGS

Janda, Berry and Goldman (1995) *The Challenge of Democracy: Government in America*, Boston, Toronto, Houghton Mifflin Company.

Roskin, M. G. et. al. (1994), Political Science: An Introduction,

The Holy Bible K. J. V.

The Book of Mormon

UNIT 4 PEACEFUL RESOLUTION OF CONFLICTS

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Definition of Terms
 - 3.2 Conflicts and Disputes
 - 3.3 Peaceful Settlement of Disputes
- 4.0 Conclusion
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1.0 INTRODUCTION

In the second unit of this course you studied the rule of law also a base component of democracy and good governance.

Let us now add a behavioural as an essential support to democratic governance. This is the principle of peaceful resolution of conflicts. This principle and its practice can be stated to distinguish democratic government from all other forms of government. For it is the submission of individual and group differences and disputes to a common sovereign for settlement that is one of the chief characteristics of a State.

Here you need to bear in mind that the State arose initially as a means of maintaining law and order in society as a result of the conflicting claims of different individuals and groups to a share of society's tangible and symbolic resources.

A democratic society can be defined in terms of a society where the majority of individuals and groups renounce their rights to resort to personal violence as a means of setting disputes but are willing to rely on agreed societal arenas for resolving disputes.

2.0 OBJECTIVES

At the end of this unit you should be able

- (i) Explain peaceful settlement of disputes;
- (ii) Identify the key mechanisms for the peaceful resolution of conflicts in a democratic society;

- (iii) Describe how these mechanisms work in practice;
- (iv) Highlight ways you can promote the peaceful settlement of disputes.

3.0 MAIN CONTENT

3.1 Definition Of Terms.

There are a number of terms that are very important for you to understand in this unit of your course. These terms include conflicts, disputes, and peaceful settlement.

3.2 Conflicts and disputes

What do you really understand by conflicts and disputes? Are conflicts so endemic even in democratic societies?

The starting point for any understanding of conflicts and disputes in society is the assertion that all modern societies are made up of a large number of individuals and groups that differ in terms of their personalities, the socialisation or education, their objective economic and social conditions as well as their ideological orientations towards politics and other national issues.

Consequently conflicts which can be conceived either as "a perceived divergence of interest " Gurr 1974:44) or a situation in which " parties disagree about the distribution of material or symbolic resources and acts that be of the incompatibility of goals" (Ross 1993:15). It is evident from these two definitions that given the large number of material and symbolic resources that are allocated in most modern societies, conflicts should be an endemic social fact in most societies.

Such conflicts arise not only from direct disagreements over the allocation of resources but mostly from the tendency towards the concentration of both economic and political power in most societies.

Thus some authors have argued that:

Conflict, though apparently an evil, a condition of freedom, it prevents the concentration of power"[Ashraf and Sharma 1995:3].

This quotation exposes to us the dual quality of any conflict. In the first place a conflict especially when it takes a violent form is a destructive and disruptive phenomenon. However, without conflict the tendency for individuals and groups who have access to economic and political power

to seek to accumulate and concentrate more and more of society's scarce resources to themselves will continue unchecked.

A dispute can be considered to be a mild form of conflict in so far as it usually consists of either the holding of a different opinion on a given subject matter or differences as to the means of attaining an agreed goal. Just like conflicts which are disagreement over fundamental issues of economic, social or political life are part of the daily routine of most communities, disputes which are minor disagreements that may grow into conflicts, disputes are also the natural condition of most societies.

3.3 Peaceful Settlement Of Disputes

If as you have seen above disputes and conflicts are the natural result of man's existence in society, the way each society resolves or settles the disputes and conflicts among its members goes a long way in establishing democratic, authoritarian and totalitarian systems.

In the book of Genesis we read about one of the oldest methods for the resolution of disputes and conflicts among members of society. In Genesis (4:9) we read "And it came to pass, when they were in the field, that Cain rose up against Abel his Brother, and slew him." We know Cain eventually got a very severe sanction for this act of violence against his brother. 4:22 - 14. However, Cain's action in physically eliminating his brother Abel, stands as the most typical example of the non democratic way of resolving personal disputes: the offended party or parties resorting to personal violence to settle their differences either of opinion or of interest.

In traditional African societies the typical manner of settling disputes was to take them to the elders or age grades depending on the issues and interests in dispute.

In most cases differences over land or inheritance would be settled by the family Heads or the village Elders, while matters relating to community service, honesty and integrity were handled by the various age grades.

The hallmark of a democratic society, however, is the essential fact that all individuals and groups explicitly shun the liberty or license to take individual arbitrary actions to settle their disputes and conflicts of personal disputes. Rather, all agree that all disputes and conflicts of interests among them need to be referred to special individuals or institutions specially created to meet that challenge. That institution is the judiciary or the courts. It is the courts that inquire into questions as to whether a matter that is in dispute appertains to the realm of public or

private law, the type of remedy that needs to be applied and the sanction that needs to be imposed on the offender.

It is for this reason that the judiciary and especially an independent judiciary is usually considered one of the most important ingredients of a democracy. In a real or figurative sense, citizens repose on a democratic system depends more or less on the confidence with which they view the courts and justices of the country. The problem of the use of the courts as the principal method of resolving conflicts is that litigation is often a long and tedious process. The technicalities of procedure and language, the costs in money and time as well as the more fundamental cost in terms of polarisation of parties are experiences, which the litigant could avoid. (Guobadia 1998: 137). It is in the light of such costs that the writer we have just quoted proposed the following alternative dispute resolution mechanisms that can be employed in a democratic society.

1. Negotiation
2. Mediation
3. Arbitration.

4.0 CONCLUSION

The hybrid processes are made up of:

- (a) private judging [sometimes called rent a Judge];
- (b) neutral expert fact finding;
- (c) The Mini. (Idem P.139 -140.)

What is significant about each of these five or more alternative mechanisms of dispute resolution is the fact that none of them grants to the parties involved the freedom to resort to individual violence, in the procedures they employ to reach a peaceful settlement of matters in dispute. Herein perhaps lies one of the facts that it essentially forecloses the resort to individual violence as a viable option for resolving interpersonal disputes in the community.

Like all modern societies, democratic societies are characterised by a high degree of conflicts arising from divergent objective social and economic conditions.

However the distinctive feature of a democratic society is the resort to personal violence as a procedure for resolving inter personal and inter group dispute where the process of litigation shows itself too cumbersome or slow to meet all the challenges of a modern society, it has been suggested that at least five additional or alternative members

be employed namely: negotiation, mediation, arbitration conciliation and the hybrid processes of private judging, neutral expert fact finding, and the mini - trial.

It may interest you that the alternative dispute resolution mechanisms list above for the pacific settlement of domestic conflicts or disputes are the same procedures outlined for use in the pacific settlement of international disputes.

5.0 SUMMARY

At the end of this third module of the attitudinal and behavioural characteristics of democracy that are often not written down in various national constitutions but which often underpin any democratic society. These are namely the principle of tolerance for opposing and conflicting views, the pluralistic conception of society, popular opinion and majority rule and finally the pacific settlement of disputes.

As we saw in this last unit, the resort to personal violence is a major feature of non-democratic societies, which in the democratic societies such inter personal and group disputes are usually resolved by litigation in the courts. However, process has increasingly led many democratic societies to adopt some additional or alternative mechanisms for resolving disputes known as negotiation, mediation, arbitration, conciliation and the hybrid processes of private judging neutral expert - trial. It may be useful for you to note that each of these processes or mechanism has a very peculiar feature that sets it apart from the others.

The process of the negotiation can simply be described as a process in which the parties to a dispute engage in a direct communication in which they try to identify their main interests and the various options available for maximizing or (increasing) the doses to each side. Agreement is usually reached when both sides move some distance to meet each other half way.

Mediation, a peaceful means of resolving disputes usually involves the action of a neutral third party who assists the parties in dispute to arrive at a mutually acceptable decision. The essence of mediation is the fact that, both parties cannot on their own reach a decision. The mediator usually serves as a catalyst in the negotiation between the parties in dispute by either encouraging them, providing new information, by helping to explain the views of the parties to each other and carrying out other facilitative actions.

In the case of arbitration, a third party is usually appointed by both parties or is provided for by law so that parties in dispute can present their arguments and proofs, after due examination of which the arbitrator now makes " a decision that is binding on the parties." Conciliation consists in the use of the help parties to a dispute to arrive at an agreement that does not have the binding force of law.

It is important however to emphasise that the rising cost of litigation and the slow process that litigation takes as well as the rising of corruption and disobedience of court orders and corruption may all combine to force the ordinary or common man to prefer these alternative mechanisms of conflict resolution rather than the judicial system, here in Nigeria.

6.0 TUTOR MARK ASSIGNMENT

What do you understand by Peaceful Resolution of Conflicts? List and explain the various mechanisms of dispute resolution.

7.0 REFERENCES/FURTHER READINGS

Ashraf and Sharma, 1995:3

Guobadia 1998: 137

Idem, p. 139 – 140

The Holy Bible, King James Version

MODULE 4 KEY BARRIERS TO DEMOCRACY AND GOOD GOVERNANCE

- Unit 1 Economic Underdevelopment and Mass Poverty
- Unit 2 Centralisation of Economic and Political Power
- Unit 3 Corruption in its Various Ramifications
- Unit 4 Negative Historical Antecedents

UNIT 1 ECONOMIC UNDERDEVELOPMENT AND MASS POVERTY

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Definition of Terms
 - 3.2 Concept of Underdevelopment
 - 3.3 The Language of Political Economy and Underdevelopment
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
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1.0 INTRODUCTION

At this point you may like to ask yourself this question: if democracy means all the theoretical, institutional and behavioural dimensions that we have seen so far, why is it that not very many countries in the world operate successful democratic governments? For many countries of Africa, Asia and Latin America, democratic governance is not a stable feature of their societies, but rather an episodic phenomenon as those countries are always in transition either from democratic to authoritarian rule, or from prolonged military rule to democracy.

There are many reasons why many states in Africa, Asia and Latin America have proved incapable of operating stable democratic governance, namely: economic underdevelopment and mass poverty, centralisation of economic and political power, corruption in its various manifestations and negative historical precedents.

It is necessary for you to remember that these four, for the incapacity of newly independent countries to operate stable democratic government constitute what some scholars refer to as the "conditions for success" of democracy. Thus the presence or absence of a reasonable level of economic development, a widespread diffusion of education in the society, as well as the decentralisation of political and economic power contributed positively to the development of democracy in the older countries, where the absence of large scale corruption and negative historical precedents have worked together to promote the growth of democracy.

In this unit, we shall study one of these conditions for the success of democracy to see how it works in practice. That is the condition of economic underdevelopment. What do we really mean by underdevelopment? and in what ways does it operate to hamper the practice of democratic governance; in the countries of Africa, Asia and Latin America?

2.0 OBJECTIVES

Upon completion of studying this unit, you should be able to

- (i) Explain the close connection between the economic foundation of society and the political structures of the society;
- (ii) Define some of the basic concepts which political scientists use in describing a society and how it functions; and
- (iii) Discuss how economic underdevelopment makes the practice of democracy difficult in many countries.

3.0 MAIN CONTENT

3.1 Definition of Terms

In this unit, we shall be concerned mainly with three main ideas or terms: underdevelopment; the basic terms of political economy and the impact of the economic system on political institutions.

Some people erroneously think of underdevelopment as the lack or absence of development in any given society. Such a conception of underdevelopment does not conform to the laws of history as every society develops over time as a result of the logic of people striving to master their environment for their own wellbeing.

Underdevelopment can best be described in terms of the condition in which the economy of one country or group of countries is structurally tied to other economies, in such a way that what happens in the economy of the weaker society is either totally or to a large extent dependent on what happens in the stronger economies to which the weaker one is tied.

In practical terms, underdevelopment manifests itself at three different levels: what is produced in the underdeveloped economy is usually largely determined by what is needed in the developed economies, and not by the local needs of the people in the underdeveloped countries. Secondly, the pattern of consumption in the underdeveloped countries are usually unable to develop the technology they need for their production processes and therefore depend on the developed countries for technology. One critical way that sets off the process of economic underdevelopment is when an economically developed country (at a high level of industrialisation) imposes itself on countries at a lower level of economic development. Such an imposed relationship, whether it be through what is called free trade, colonial domination or a neo-colonial arrangement, will automatically create a dependency relationship between the underdeveloped country and the advanced country; a relationship which leads to the development of the advanced country and the underdevelopment of the poor country. It is for this reason that the majority of African, Asian and Latin American countries are presently underdeveloped. This is because beginning from the 15th century, they were forced into a systematic relationship with the countries of western Europe (Spain, Portugal, Holland, France, Great Britain, Belgium and Germany) that was motivated mainly by the needs of Western Europe.

3.2 The Language of Political Economy and Underdevelopment

To really understand how the process of underdevelopment actually works, you need to understand some of the language of political economy. In the language of political economy, every society can be described in terms of an economic structure and a superstructure made up of political, legal and other institutions.

The economic structure consists of:

- (a) The labour process,
- (b) The objects of labour, and
- (c) The means of labour.

When (b) and (c) are taken together they constitute the means of production of the society. The combination of the productive process of society and a given relations of production gives rise to a mode of production which is really what we mean by the economic substructure of society.

Given a certain mode of production is considered along side with the political and legal superstructure that corresponds with it, we have a socioeconomic formation.

Most contemporary societies: the United States Russia, Great Britain, France, Nigeria and even Benin Republic, are all socio-economic formations. However the main question is, how do specific socio-economic formations arise develop, decay and get transformed into other socio-economic formations?

(a) **The Labour process as the engine of societal growth:**

Historically man distinguished himself from all other animals by the conscious use of his physical, mental and psychological efforts to appropriate his means of subsistence from nature: he caught fish from rivers, harvested fruits from the forest, hunted wild animals and learnt to cultivate crops for his food. In the most primitive societies, men usually engaged in necessary labour, producing just what is necessary for their own or their family's survival.

As societies developed, many people started engaging in surplus labour, producing more than what is necessary for their survival. The appropriation and use of the surplus thus created was the beginning of class formation in many societies. For the surplus thus appropriated, could be used in several different ways with very serious consequences for the society at large.

(b) **Objects of labour:**

Those natural objects that man transformed through his labour power to satisfy his needs: the soil, rivers forests, mountains, valleys, mineral deposits, etc. The objects of labour upon which man exerted his labour power were mostly given to humans by Divine providence and these largely determined whether humans will be primarily hunters, gatherers, fishermen, cultivators or smiths.

(c) The means of labour:

The means of labour consist of all man made consist of all manmade aids to production such as the club, the sling, the cutting stone, the hammer, the fishing spear, the arrow, the tractor, the modern computers, etc. The importance of the means of labour lies in the fact that their availability and quality in any society go a long way in determining how much man can extract from nature to meet his own and family needs.

(d) The means of production of a society:

That its objects of production taken together with the means of labour are important for a society in so far as they determine what the society can derive from nature and to what extent. We can put forward the hypothesis that any society that has significantly developed its means of labour is in a better position to develop its objects of labour, through better exploitation or more scientific use of existing resources. For example the use of complex technology helps Island countries, such as Japan to build under water or to cultivate marshland.

(e) However, it is the level of development of the productive forces of any society (that is labour power, the objects of labour and the means of labour taken together) that determine the mode of production of the society and the capacity of that society to extract enough surplus from its population to be able to exploit other societies.

Historically, the world has known the primitive society in which the level of development of productive forces was so low that little surplus could be extracted from the population.

When eventually as a result of some development in the productive forces in the society, some powerful individuals could own slaves and beast of burden that could be put to productive use, mankind entered the era of slavery in which the slave owner and the slave stood in an exploitative relationship with the slave owner appropriating all the surplus created by the slave.

Further development of the productive forces and the frequent conflict between slaves and slave owners gave rise to the feudal era or mode of production in which the feudal Lords could only appropriate a part of the surplus produced by the peasants. The class relationship between the peasant and his feudal Lord was different from the one between the slave and slave-owners in that the peasant was not a property of the

feudal Lords who could only appropriate a portion of the surplus created by him. However the relaxed relationship between the peasant and feudal lords soon gave rise to the accumulations of large surpluses by artisans, merchants and rich peasants. With such developments in labour power and accumulation of capital, the feudal order collapsed, giving rise to the capitalist mode of production where:

- The slave/peasant became nominally free from their feudal Lords.
- They could freely offer their labour power to the new capitalist who could appropriate the surplus produced by the workers.
- The means of production of society and the productive forces became concentrated in a few hands.
- For the first time production of goods and services became subject not so much to the use value of the goods as to the exchange value of the goods.

It was under these conditions of capitalist production in Britain and Europe in the 19th century, that much of Africa became structurally tied to Europe in order to enable the European countries resolve the contradictions of capitalism in their own countries. You should bear in mind that the capitalist mode of production with its assumed freedom of the worker to sell his labour power to the capitalist that offers him the most, and the profit motive pushing the capitalist to invest more and more has been the impetus for the rapid growth of productive forces in all the countries where capitalism has taken roots in Europe, North America and Japan. In all these countries capitalism can be rightly said to have produced development: high levels of literacy, long life expectancy of over 70 years, high capacity for new technological and industrial production; the capacity of the society to produce the goods and services needed by the population and generally a high degree of confidence in the society's capacity to meet future challenges.

3.3 How Does Underdevelopment Hampers the Growth of Democracy

The objective features of an underdeveloped society be it in Africa, Asia or Latin America could be stated as the exact opposite of those identified for the developed or industrialised countries. Here there are low incomes per capita; low levels of literacy; agriculture in its peasant form is the main employer of labour, little or no capacity for technological innovation. There is a disfunction between the goods produced in the country and the goods consumed by the population; a low life expectancy; incapacity to respond to natural calamities such as

floods, droughts etc. Generally a very pessimistic world view as to the capacity of the society to meet the challenges of the future. There are four related reasons why Africa's relationship with the West has produced underdevelopment which hinders the growth of democracy and good governance: the economic system introduced in Africa by the Europeans was either extraverted or disarticulated. Extraversion simply refers to a situation where farmers or producers have their attention fixed on the outside rather than on their national markets. Disarticulation refers to a situation where the roads and railways built in Africa were directed more at Europe than on the national territory, for example Nigeria's North - south railways ignore the East - West flow of men and goods in the country.

The uneven nature of British and French activity in Africa produced some core areas of influence and affluence existing in a precarious relationship with a vast periphery of rural areas. The Western education introduced in the country aimed to produce black European gentlemen rather than well-trained engineers and technicians.

Economic underdevelopment also allows the rich countries to impose their own policies on the poor ones by the use of unfound, partial and often misguided policies and theories. For example while devaluation, economic liberalisation, removal of subsidies etc can be shown to promote economic growth and development in some particular countries, their blanket application to underdeveloped countries in general helps to keep them impoverished. Where a large number of people are poor, illiterate, hungry and sick, the practice of democracy is rendered virtually impossible for in such a situation, many people are so concerned with meeting their basic needs for food and shelter that they care more or less nothing about political participation.

Those who are conscious enough to participate in politics then sell their ballots for whatever economic benefits could be offered them rice, common salt, beans, a loaf of bread, or even money.

Thus underdevelopment is really a major barrier to the practice of democracy.

4.0 CONCLUSION

As you have seen in this unit, economic underdevelopment is one of the main obstacles to democracy and good governance in many countries of Africa, Asia and Latin America.

The main feature of underdevelopment that acts as a barrier to democracy and good governance is the fact that the economy of

undeveloped countries are structurally linked with the economies of some advanced capitalist countries in such a way that economic activities in the poorer countries produce beneficial and positive results in the rich or advanced countries while creating poverty, misery and negative results in the poor countries. It is in this sense that some scholars from the Third World speak in terms of "the development of underdevelopment".

This expression simply means that as the poor countries try to improve their economic conditions their situation gets worse, or to use another expression, the very negative indices of development that they seek to improve, become deeper and more far reaching. It is therefore not surprising that such countries can hardly operate stable democratic government but have to move constantly between democracy and authoritarian rule.

5.0 SUMMARY

Economic development and underdevelopment are an essential part of the language of political economy that you studied in this unit.

You started off with the idea that in political economy the basic assumption is that every society is composed of an economic substructure and a politico-legal superstructure, the economic structure is composed of the productive forces of society and the relations of production between classes. The productive forces of a society are composed of the labour power and the means of production of society, made up of the objects of labour and the means or instruments of labour. The productive forces of society always grow constantly through experimentation, experience and research.

As the forces of production of a society grow, the society is able to accumulate more surplus from the labour of its members. This surplus value extracted from labour over time makes some societies to be wealthy, and capable of dominating others. When such domination is directed mainly at acquiring private economic gain, then the relationship so established becomes an imperialistic relationship: creating wealth and prosperity for the rich country and poverty and underdevelopment for the poor country. Since the 19th century, most countries of Africa, Asia and Latin America have been held in a structural relationship to the countries of Europe and North America, which has left them poor and underdeveloped. For this reason, these countries have been unable to practice democracy and good governance because they lack the necessary social prerequisites for democratic governance.

6.0 TUTOR-MARKED ASSIGNMENT

1. Explain the term economic underdevelopment and how it works in practice?
2. Account for at least three ways that under-development makes it difficult to operate democratic government

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UNIT 2 CENTRALISATION OF ECONOMIC AND POLITICAL POWER

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Definition of Terms
 - 3.2 What do we mean by Centralisation?
 - 3.3 Tangible Indicators of Centralisation of Political and Economic Power
 - 3.4 Centralisation of Economic and Political Power and Democracy
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Readings

1.0 INTRODUCTION

One central feature of democracy as a system of good governance is the fact that it can be practised directly or indirectly. In direct democracy, the citizens themselves take a direct and active part in governing themselves by holding positions in the arms of government. This was the typical form of democracy among the Greek city states, where every male citizen was an active participant in the government of his city or state. However, direct democracy also implied a high degree of decentralisation of both economic and political power, since those who participated in the politics of their city or states needed to have the economic freedom from direct participation in the production process on the one hand and their action had a direct impact on political outcomes within their community.

Representative democracy whereby the citizens exercise their political governance through elected representatives developed as a result of the increasing expansion both in the territory of States as well as the complexity of the issues with which modern governments have to deal with.

Given the developments in the last three centuries in terms of means of warfare, the means of transportation and the means of communications, governments have become more and more centralised as they exercised control over wider territories.

The best illustration of this phenomenon can be seen in the post-colonial States that have emerged in tropical Africa. Even though nation building and empire building were in progress in Africa before the advent of colonial rule, in none of these areas did the pre-colonial States approximate the size of modern Nigeria, Ghana, Mali or Niger Republic. These large scale political organisations under British and French colonial rule were the direct result of the superior military, transportation and communication technologies available to the British and the French: whereby from one coastal outpost Lagos, Accra Freetown Dakar, Abidjan, a small group of colonial officers exercised dictation control over hundreds of millions of Africans. This was politically and economically justified in so far as the colonial enterprise was not designed to build democracy or ensure the economic development of the colonies, but to make profits for British and French capitalists.

Thus, from whatever angle one looked at the problem, colonial administration in Africa was over centralised both from an economic and a political point of view. In the case of Nigeria, the country that emerged from British colonial rule in 1960 was a huge territory: with each of the three regions large enough to constitute a country of its own both in terms of population and size of territory. Thus since independence Nigerian politics and government have been dominated more or less by the search for an efficient mechanism of decentralising power from the three big regions to smaller units of political organisation.

Thus the difficulty of operating democratic government in Nigeria since 1960 could be explained largely in terms of over centralisation of economic and political power in the country.

2.0 OBJECTIVES

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

- (i) Define centralisation of economical power;
- (ii) Identify some of the characteristics associated with a centralised political system;
- (iii) Specify how centralisation impacts negatively on the process of democratic and good governance; and
- (iv) Devise some mechanisms for overcoming the negative impact of centralisation on democracy and good governance.

3.0 MAIN CONTENT

3.1 Definition of Terms

In this section your main interest is to define the term centralisation in an intelligent manner and demonstrates how it relates to the process of democratic governance.

3.2 What do we mean by Centralisation?

The word "centralisation" like most of the terms used in the social sciences has a variety of meanings, some of them loose and vague while in other instances the meaning is precise and scientific. It is for this reason that you are counselled to stick to the usage that is prepared by political and other social scientists.

While we shall give a fuller treatment of decentralisation in the next module, you should bear in mind that many writers in the social sciences treat centralisation and decentralisation as two aspects of the same administrative process, which justifies the reference to decentralisation in this unit. "Administrative centralisation and decentralisation principally describe a condition or a trend in a real hierarchy of power. This condition or trend can be visualised in two ways.

One view contrasts the power of administrators whose formal authority extends over a large geographic area (for example, a nation) with the powers of administrators whose formal authority is confined to particular segments or such segments of that area (for example, regions, local communities). Here the important dimensional setting is geographic, and the classic problem is that of the whole and the individual parts. The second view contrasts the powers of area administrators, arranged on a vertical series of "levels" with those at higher levels having correspondingly larger geographical areas (for example, relations between public health's administrators at the national, State and local levels). Here the important dimensional setting is hierarchies and the basic problem is perceived as distribution of authority among the levels." [Fesler 1968:370].

This long extract helps us to see at a glance what centralisation actually amounts to: the large territory covered by political and administrative authorities on the one hand, and the concentration of political and economic power in higher echelons of government compared to the lower levels.

We have already made reference to the colonial States in West Africa, where a handful of British or French officials located in Lagos, Accra or

Abidjan exercised full political and economic domination over a large territory with a large population. In such a setting, centralisation of economic and political power was seen as the only logical thing to do. It may be argued that by adopting a federal as opposed to a unitary system of government, Nigeria since 1954 adopted a logic of decentralisation both of economic and political powers. After nearly five decades of the practice of federalism in Nigeria, any serious observer will come to the sad conclusion that Nigerian federalism is more of a theoretical than practical proposition. In terms of the hierarchy of power between officials at Federal, State and Local Government levels in Nigeria, it is still clear that the scale is still tilted seriously in favour of officials the National and State Levels While those at the local Government or community levels only operate in an epileptic manner ; opening their offices once in a month to be able to receive their salaries and allowances, while little or no services are rendered to the public.

3.3 Tangible indicators of Centralisation of Political and Economic Power

Some tangible indicators of the phenomenon of centralisation include (a)

- the power to take key decisions affecting the lives of the people;
 - (b) the economic resources available to the various levels of government and
 - (c) the process of implementing decisions affecting the economic and political well being of the people.
- (a) Centralisation of political and economic power is first reflected in who holds the power to take key decisions affecting the well being of the people. In a country such as Nigeria, decisions such as the location and construction of roads, dams and higher institutions are often taken by the national government with the local communities knowing little or participating little in such decisions. Consequently, it had been a common practice to find communities benevolently chosen to be the least of Local Government Councils, National Universities or major industries rejecting the offer outright, or taking up arms against such strategic projects. The assumption here is that if these projects were selected and located differently their host communities would be more receptive and sympathetic to them.
- (b) The quantum of resources controlled by the various tiers of government also helps you to determine whether a political system is centralised or decentralised. For example in Nigeria,

the mineral wealth of the country has been put under the exclusive control of the Federal Government which translates into enormous economic resources in the control of central authority. At the same time, States and local Governments complain constantly of either insufficient funding or zero allocation at the end of every month.

This imbalance in the share of economic resources and the political patronage available to each level of government has made "resource control" a matter of intense political debate as well as judicial controversy. As we shall demonstrate later, this phenomenon has far reaching political consequences for Nigeria.

- (c) The decision making processes and the mode of implementing key economic and political decisions have also followed the centralised model with either the federal executive council, the State executive council and the local Government council, or their Chairmen, the President, the Governor or the Chairman of council being responsible for taking most economic and political decisions. This usually reduces the majority of the citizenry to be mere victims or objects of the administration.

Whether you like it or not the three mechanisms of centralisation outlined above translate into very serious consequence for the practice of democracy and good governance.

3.4 Centralisation of Economic and Political Power and Democracy

Most important political and economic decisions affecting the people are taken and implemented by government at various levels. This creates in the vast majority of the population, political culture, whereby they always look up to the politicians and administrators to take key decisions affecting them. This apathy towards government and politics is often accentuated under military regimes that do not hesitate to dismiss legislative institutions while retaining executive authorities that are usually appointive.

Centralised control of economic power further alienates the general public from political participation in so far as it impoverishes the people in general and creates a small number of millionaires who now use their access to public wealth to pre determine the outcome of electoral contests.

Given such a setting, democratic elections are reduced to a ritual with the numbers of elections known long before the actual polling or with

unacceptable results annulled by despotic rulers. Thus you could be justified in arguing that a first pre condition for democratic participation in politics is the decentralisation of economic and political power.

4.0 CONCLUSION

In this unit, you have learnt that centralisation of political and economic power has a direct impact on democratic government because it encourages a subject political culture among the citizens as well as denying the people the economic ability to participate effectively in politics. On the other hand centralisation places too much economic and political power in the hands of a few individuals and thereby increases their capacity to pre determine the out comes of democratic elections.

5.0 SUMMARY

Centralisation as you saw in this unit can be described in terms of the concentration of decision making power over economic and political matters either in a small number of officials or giving the same officials wide powers over a large expanse of territory or a portion of it.

Of the two types of political system that are most common to us, the federal system seeks to solve the problem of centralisation of power by giving some authority to the Federal, State and Local authorities, thereby reducing the geographic scope of authority of some officials, in many countries such as Nigeria, the adoption of a federal constitution does not really solve the problem of centralisation because there is often a huge gap between the theory and practice of federalism.

However, centralisation in the form of hierarchy of powers and control of resources constitutes a more formable difficulty in a country such as Nigeria because there is a disproportionate share of the resources controlled by officers at different levels. Thus while federal officers conclude their financial year with huge unspent surpluses, State level officials barely have funds to operate with, while local Government officials merely receive their salaries because they do not have any operational funds.

The net effect of all these distortion of centralisation of economic and political power is that the citizens feel alienated from policies, distrust politicians and often sell their currency to the highest bidder.

6.0 TUTOR-MARKED ASSIGNMENT

1. What do you understand by centralisation of economic and political power?
2. Show how they affect democracy and good governance.

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UNIT 3 CORRUPTION IN ITS VARIOUS RAMIFICATIONS

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Definition of Terms
 - 3.2 Corruption, Democracy and Good Governance
- 4.0 Conclusion
- 5.0 Summary
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1.0 INTRODUCTION

You have considered two important obstacles to democracy and good governance in many African countries up to this point. These are namely economic underdevelopment and centralisation of economic and political power. You will now study a third barrier to democracy in many underdeveloped countries including Nigeria. This is the problem of corruption in its various ramifications.

Whether rightly or wrongly, many social scientists have argued that one of the main obstacles to economic development in the new States of Africa, Asia and Latin America is widespread corruption in the public and private sectors of these countries. Since we have shown above that economic development enhances the practice of democracy and good governance while economic underdevelopment serves as a limiting factor on democracy, it is easy to see how corruption can act as a barrier or obstacles to the practice of democracy and good governance. It is because corruption and associated crimes are considered to be obstacles to democratic governance that the new civilian government in Nigeria in May 1999, declared the war against corruption and organised crime one of its crucial tasks.

However, the widespread acceptance of the view that corruption is a cankerworm that destroys democracy and the commitment by many concerned parties to eradicate it, do not in any way make it easy for us to define what constitutes corruption, what the major indicators and manifestations of corruption really are, not to mention how to combat them.

For these reasons, this unit will take you through a detailed study of the incidence of corruption governance.

2.0 OBJECTIVES

At the end of this unit, you should be able

- (1) Define the concept of corruption;
- (2) Identify some of the manifestations of corruption in the economic and political life of our country;
- (3) Show how corruption affects the practice of democratic governance
- (5) Identify some ways by which the impact of corruption on the politics of our country can be minimised.

3.0 MAIN CONTENT

3.1 Definition of Terms

The main term that you need to understand in this unit is the word "corruption". The New Webster's Dictionary of the English Language International Edition (1995:219) has several definitions of the word corruption. These meanings comprise the following: "corruption the state of being or becoming decayed, a spoiling, deteriorating, the corruption of taste by cheap journalism corrupt practices perversion, moral decay, a corrupting influence, a debased form of a word".

It is obvious that it is not all these meanings of corruption that are relevant to our discussion of democracy and good governance. However, some of the meanings cited above, are at the root of the inability of some countries to operate successful democratic governments. For example "corrupt practice" "perversion" "moral decay" and a "corrupting influence" are all part of the negative effects which corruption has on any society where widespread corruption is practised. There can be no doubt that a process, phenomenon or institution that suffers from corrupting influences is likely to become decayed or to fall into a state of decay or perversion. Thus in the final analysis, all the meanings given to the word corruption have some relevance in any discussion of economic and political corruption.

However, for the purpose of this unit, one would suggest that you note very carefully this definition of corruption put forward by an Indian Political Scientist:

"corruption is ... the abuse of public office for private gains" (Jain 2001:5)

This definition even though it is very wide helps us to locate corruption in the political process and thus helps us both to appreciate its various ramifications, as well as its devastating consequences both for society as a whole, and sustainable democratic governance in particular. It is perhaps in consequence of its far reaching societal impact that:

- (a) "The privatisation" of the legitimate use of violence by those in power;
- (b) The existence of an occult collegial power structure, which works with or controls those who are the official occupants of power.
- (c) The proliferation of economic activities considered illegal by international law and international morals by the occult illegal power structure
- (d) The insertion of such economic activities in international criminal networks.
- (e) Osmosis between the cultural and historical representation of the African community in question and the transnational system of representation, that is the motor of globalisation and;
- (f) Significant macro-economic and macro political impact of these political practices and modes of accumulation on the society Bayart [et.al.](#) cited by Ibrahim (2001: 82 - 83).

What we can add here to buttress what was summarised above is the fact that for a long period of time the Nigerian State and society were subjected to very severe strains arising from the corrupt abuse of power to enrich and empower private individuals and groups. Three notable illustrations will suffice. State security operatives were used to loot the government treasury and the central Bank of Nigeria of huge sums of money in both local and foreign currencies.

Official procedures for the award of contracts were totally abandoned, while in many instances some prominent Nigerians were shot dead in the streets of Lagos for being critical of the powers that were then in place.

3.2 The Impact of Large-scale Corruption on Democratic and Good Governance.

The implication of corruption for democracy formed the subject of a three-day conference of the International political science association held in Abuja in October 2001.

However, before considering the recommendations of that conference, let us examine some of the implications which widespread corruption has on democratic politics in general and sustainable democracy in particular.

According to Ibrahim (2001:183), "High level corruption transforms the character of the state. The Nigerian state has been transformed into a patrimonial and rentier one in which those who are in control of state power and strategic bureaucratic offices use their positions for private appropriation". There is no better illustration of this reality than the various media reports of various sums of money stashed away in foreign banks. A lot of normal state functions could not be performed in Nigeria as a result of corruption between 1980 and 1999.

The impact of corruption on democratic governance is significant. Given the large-scale use of violence, thuggery and electoral fraud, many citizens are automatically alienated or become cynical of the political process.

More importantly, democratic elections are reduced to a mere charade in which there is little or no correlation between the number of votes cast in favour of candidates at elections and the results actually announced.

This bastardisation of democracy is usually accomplished through a large combination of specific malpractices: manipulation of the registration of voters exercise, such that it is only the supports of one or two parties or candidates have access to voter cards, the practice whereby some specific town such as Modakeke – a small town in Osun State in South Western Nigeria will register more voters than the whole Ife Local Governments Areas, the stuffing of ballot boxes before the commencement of elections, the theft of ballot boxes on their way to counting centres, etc.

It is very interesting that the practices named above usually bedevil elections in the eyes of the public and cause many citizens to become deeply apathetic.

For such alienated citizens only effective measures aimed at curbing corruption and strengthening good governance can rebuild their confidence in elections and their results. It is therefore appropriate that the Abuja conference referred to above had some of the recommendations for fighting corruption in Africa in general and Nigeria in particular:

- (a) Reducing opportunities and incentives for corrupt behaviour and increasing the sense of accountability of public officials and,

- (b) Effective implementation of anti corruption measures. Jain, 2001:8.

4.0 CONCLUSION

It does not matter under what precise name it is identified whether as corruption, abuse of office, misuse of official position, favouritism or personal aggrandisement in office, corruption in its various ramifications is widespread in many African States.

The menace posed by the various manifestations of corruption in Nigeria and many other African countries have had a major negative impact on democratic governance in the countries of Africa in general and Nigeria in particular.

The generally held belief in Nigeria is that one fundamental requirement for the development of democracy and good governance in the country is the need to drastically curb and control corruption in the country's public life.

5.0 SUMMARY

Defined as "the abuse of public office for private gains" Corruption manifests itself in the public and private sectors of many African countries including Nigeria.

While many reasons such as mass poverty, traditional kinship ties as well as the negative impact of western media publicity have been advanced to account for the prevalence of corruption in a country such as Nigeria, there is no gain saying the fact that whether in the economic, political or social realms, corruption acts as a restraining influence on the practice of democracy and good governance. This is seen mostly in the general weakening of the state and rendering it incapable of performing its traditional assignment of protecting the citizens and providing them with the much needed social amenities and infrastructure.

As a result of the conscious use of violence by those who hold official positions to promote their personal interests or the inability of the state to effectively control the use of violence in the society, the mass of the population is seriously alienated from the political process.

Their participation in politics becomes a mere formality, a ritual to satisfy the outward requirement that they be electors of those who rule over them and exploit them

The acts of electoral manipulation, the declaration of false election results all combine to make democracy in many African countries a mere farce.

The Government of President Olusegun Obasanjo of Nigeria considered the difficulties posed by corruption to democratic governance sufficient to make it one of the major policies of his administration.

However, the fact that anti-corruption legislation took a long time to be passed and has since not led to the conviction of any important public officers, shows the difference between the desire to eradicate corruption and the capacity to do so in practice.

6.0 TUTOR-MARKED ASSIGNMENT

Identify four types of action that you will classify as constituting corrupt practices and their effect on democratic governance.

7.0 REFERENCES/FURTHER READINGS

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UNIT 4 NEGATIVE HISTORICAL PRECEDENTS

CONTENTS

- 1.0 Introduction
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1.0 INTRODUCTION

Even though historians themselves do not always agree as to what history really teaches us, political scientists are however united that one cannot satisfactorily account for the current politics of a State without paying due attention to the history of that society.

It is for this reason that part of the introduction to political science takes the student through the relationship between political science and other social sciences such as philosophy, economics, sociology, geography, mathematics and statistics and history.

In the particular instance of democracy and good governance, do African countries such as Nigeria, Ghana, etc. have a sound historical foundation or experience to build upon or are the historical precedents and antecedents mostly negative?

In this unit, you will come to learn that one of the major reasons for the inability of many African countries to operate open, accountable and limited governments has a long historical origin beginning in pre-colonial times, as a result of the authoritarian and dictatorial regimes of the past.

Consequently, given this historical heritage, many observers are hardly surprised that the democratic experiment has taken a much longer time to take roots and mature in Africa. Yet as far as the present rulers of many African States are concerned, there are three immediate historical experiences they can appeal to: the pre-colonial time where the Obas and Emirs combined both spiritual and political authority and therefore equated all opposition to them as sacrilegious; the colonial governors as representatives after majesty held legislative, executive and Judicial authority in the colonies and proceeded to treat as sedition's all opinions

and actions that tended to question colonial domination and exploitation, and finally the post independence politicians, who were so desirous to inherit the privileges of the colonial masters that they did nothing to abolish the dualism of colonial rule: European Quarters versus native quarters European scale versus African scale and the exclusive residence on top of hills.

Beyond these negative examples younger African leaders can only remember young majors and captains who rather defend the sovereignty and integrity of their father land, decided to take upon themselves to ruin it by looting the treasury and arrogating to themselves unwarranted privileges.

With such a background, bad governance and authoritarian rule have been the more visible and enduring precedents that contemporary African leaders can point to.

2.0 OBJECTIVE

At the end of this unit you should be able to

- (i) Outline the importance of history in the evolution and development of human society;
- (ii) Specify some of the relevant historical antecedents of contemporary political institutions in Africa;
- (iii) Highlight the negative impacts which these historical antecedents have on the practice of democracy and good governance; and
- (iv) Discuss the possible effects of the current political practice as the historical example of the future.

3.0 MAIN CONTENT

3.1 Definition of Terms

What is history and how does it relate to politics? According to Appadorai [1968:7], history is a record of past events and movements, their causes and inter relations.

It includes a survey of economic, religious, Intellectual and social developments as well as a study of States, their growth and organisation and their relations with one another.

Politics and history are mutually interdependent. There are at least several different ways in which the mutual interdependence between history and political science can be demonstrated: the first and most direct of these ways is the fact that much of the study of political science consists in an analysis of historical material in order to be able to distil some general principles, laws and theories of political behaviour.

Secondly, much of evidence for testing hypothesis about politics can be derived from a historical study of past political organisations, States and institutions. Ultimately, current political actions and decisions will constitute the foundation of future history.

Self Assessment Exercise:

From Your Study of West African history, how would you react to the statement that Africans had no history before the coming of the white men?

3.2 The Historical antecedents of modern African States.

Your knowledge of the history of West Africa and Nigeria helps to make the following summary of the historical antecedents of the modern African States. The whole area that presently constitutes West Africa has been an area of intense social economic, and political activity dating as far back as 10th century A D. During this long period, different forms of political organisation emerged, survived for some time and collapsed, giving way to new forms of organisation.

Of the most direct importance to your discussion in this unit was the condition of African States at the end of the 19th century, before the British conquest. In the area called Nigeria three fairly distinct patterns of political organisation had emerged and consolidated themselves. In the northern part of Nigeria the Fulani intelligentsia had under the leadership of Othman Dan Fodio succeeded in overthrowing the Hausa dynasties in Sokoto, Gwandu, Kano, Katsina. etc.

In their place, they had instituted a politico-religious regime centered on the Emir who combined both religious and political authority.

The elaborate system of court officials combined with the need to secure the support and approval of the District and village heads as well as the possibility that Ulamaa could declare the conduct of an Emir to be inconsistent with the tenets of Islam ensured that the emirs exercised their theocratic power with the fear of God.

In the western part of Nigeria the Yoruba kingdoms had in spite of their frequent wars and conflicts succeeded in evolving a system of government that was sufficiently centralised to meet the needs of effective administration but not so centralised as to destroy local initiative.

This feat was achieved by an intricate system of checks and balances that was present in most of the Yoruba States, but had its highest development in old Oyo Empire. Here, the Alafin considered as the Ikeji, Orisa, or companion of the gods, shared power with Oyo Mesi or council of Elders whose Chairman was known as the Bashorun .

While the Oyomesi formed the Advisory Council to the Alafin and named a new Alafin on the demise of one their authority was checked by the powerful chief priest as well as the Aare Ona Kankanfo who was the commander in chief of the king's armies. If he lost a war, he was required to go into exile or commit suicide; the Oyomesi could present a dictator with a calabash of parrot eggs, which signified his rejection by the people and the gods. In essence, the system of checks and balances ensured that no Yoruba Oba was actually a despot or a dictator. In the middle belt and most of Eastern Nigeria, the scale of political organisation remained fairly low with most villages and clans being the highest level of political organisation. Here it was usual to find the head of a family exercising the major leadership roles for his own, while the heads of several families making up a village or clan would meet together in a village square to settle matters of common interest to them.

As the need demanded age grades, masquerades and deities played different roles in ensuring the continued existence of the community in peace and harmony.

Here, as in the centralised political institutions already discussed there was no room for personalised authoritarian rule, but leadership was based on restraint, balance and the need not to overstep the bounds.

At least this was the situation until developments in European capitalism and imperialism made the acquisition of colonies necessary and essential for the economic survival of Britain, France, Germany, Holland, Spain, Portugal and Italy. If we focus on Britain and Nigeria for example, we see that from 1900 when Nigeria became a British colony and protectorate, the absence of adequate European officers and the funds to run a direct British administration led to the adoption of indirect rule which for all practical purposes translate into "erecting the existing traditional institutions into absolute political authorities" for the purposes of administering the colony and protectorate. Thus, the

historical heritage of Nigeria as far as the pattern of political authority was concerned as a double heritage of authoritarian rule.

On the one hand, the colonial governor pretended to constitute the absolute repository of legislative, executive and judicial authority at the national level, while at the local level, the Native Authority also arrogated to himself absolute wisdom on how to administer the affairs of the rural dwellers from the British perspective.

I agree with Davidson that this grant of new absolute power to the Native Authorities by the British colonial authorities marked the consolation of the removal of the "rules and regulations for the containment and expression of abusive violence" [Davidson 1992: 247] which became not only very rampant in many African countries, but made the return to democracy difficult.

However what is interesting from this historical background is the fact that neither from the British colonial administration that regularly imprisoned its critics, shot demonstrators such as those at Aba in 1928 and Enugu at local mines, nor from the Negative Authorities could the nationalists learn positive lessons of democracy.

Finally, between 1966 and 1999, a period of nearly thirty three years, Nigeria experienced several military dictatorships, whose performance frequently reinforced the removal of the rules and regulations for the containment and repression of abusive violence rather as we saw in the last unit abusive violence at a point became part of state policy.

Even during the short periods 1960 - 1966 and 1979 - 1983 when we in Nigeria had tried to practice democratic governance, that experience was marked by dominance of the executive and by implication the domination of the legislative or representative institution. According to one Writer: The executive ... is very much the centre of net work of the institution of the State, and the men who hold executive offices are the central and dominant figures of the society. [Bereket 1974: 3]

If these central and dominant figures holding executive positions in national policies had used their dominance in favour of the public good or to promote worthy national objectives and goals, Nigeria would have had worthy examples to follow. But this was hardly the case. The key figures of Nigeria's first republic and those of the second Republic were never certain as to whether they were acting as champions of their various regions and ethnic groups or as leaders of Nigeria. Thus, while each professed democratic inclinations in their speeches, few were willing to respect the opinion of the masses.

Here it is instructive how both the first and second republic collapsed for the self same reason: unwillingness of the leaders to respect the will of the people at national and regional elections; the desire to remain in power in spite of the verdict of the electorate. Yet democratic governance is supposed to be government under the sovereignty of the electorate.

4.0 CONCLUSION

You have just concluded a survey of the historical background from which current attempts to build democracy and good governance in Africa and in Nigeria are taking place.

Two or three essential facts emerge from this survey. First of all, in all West African communities the political institutions functioned in such a way that no single person or institution had absolute power. There were always checks and balances.

However, when these institutions were transformed to serve the needs of colonial rule they were made absolute, thereby creating the preconditions for modern dictatorial governments on the continent in later years.

As would be expected, neither the nationalists who took over from the colonial administrations nor the military officers who took over from were prepared psychologically, politically and economically to promote democracy. Rather they were schooled the authoritarian style of the colonial masters and the Native Authorities.

The main victim of their rule was no other than democracy and good governance.

5.0 SUMMARY

In this unit, you have learnt that political science under which the study of peace and conflict resolution as well as democracy and good governance are undertaken has close relationships with other social sciences and humanities such as economics sociology psychology, ethics and history.

You laid special emphasis on the mutual relationship between political science and history, which can be considered the systematic record and analysis of past events be they economic, social or political this is because history provides part of the raw material which political science uses to construct abstract and general laws and theories of political behaviour. You may wish to conclude that the other part of the raw

material of political science comes from logic and epistemology, in so far as these provide the political scientists with the methodology for constructing valid explanations of political phenomena.

Our examination of the historical background of many African societies revealed that the governments of most African communities whether they were centralised or decentralised had balances, tangible checks and balances on the exercise of power by the Oba, Emir, king or Elders. In such a situation, authoritarian arbitrary and despotic rule were usually the exception rather than the rule.

Things changed very significantly when the British and the French colonised Africa and out of the expediency of inadequate manpower as well as lack of financial resources. The device was to win indigenous political institutions that were based on shared power and authority as well as checks and balances into absolute institutions with the heads being invested with far more power than they ever exercised before the advent of colonial rule.

This negative historical precedent was further reinforced by the administrative style of British and French colonial officials who had absolute powers to make laws, appoint and dismiss members of the legislative councils, as well as deport, imprison or even kill those they considered to be threats to her majesty's colonial administration.

This authoritarian heritage was imbibed and strengthened by the nationalists who fought against the British and the French colonial authorities but were more than willing to inherit their privileges.

When these nationalists alienated themselves from the masses who supported them to force out the colonialists by rigging elections and engaging in widespread corruption, they in turn were officers. But having been schooled in the authoritarian politics of their countries, they were no strangers or novices to the violence, thuggery, corruption, despotism and authoritarian style that they accused the civilians of. Eventually, whether ruled by civilians or the military, most African States became strangers to good governance and democracy.

It was in such circumstances that the politics of transition became a permanent political feature of countries such as Nigeria.

Due to this negative historical background democratisation is not just to civil rule, but a project requiring the attention of all Nigerians.

6.0 TUTOR-MARKED ASSIGNMENT

To what extent can you be justified that the historical experience of many African countries has been a barrier to democracy and good government?

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MODULE 5 OVERCOMING BARRIERS TO DEMOCRACY AND GOOD GOVERNANCE

Unit 1 A Focus on the People

Unit 2 Decentralisation of Economic and Political Power

Unit 3 Ensuring Accountability

Unit 4 The Application of Due Process

UNIT 1 A FOCUS ON THE PEOPLE

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Definition of Terms
 - 3.2 Rediscovering the Nigerian People
 - 3.3 Redefining our Goals and Strategies
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
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1.0 INTRODUCTION

You have now come to the last module of your study of democracy and good governance. In this module, you shall examine some ways in which the project of democracy and good governance in Nigeria can be consolidated or strengthened progressively. The conceptual foundations of democracy and good governance, the institutional dimensions of democracy as well as attitudinal and behavioural ingredients of democracy and good governance in the second and third modules; the fourth module took you through four of the common obstacles to democracy and good governance in Africa. These include economic underdevelopment and mass poverty, over centralisation of economic and political power, corruption in its various ramifications and negative historical precedents.

The question naturally arises as to how we can overcome some of these barriers to democracy and good governance.

In this last module, rather than discuss the building of democracy in general terms, we shall focus particularly on Nigeria hoping that the general principles so distilled could be applied *mutatis mutandis* [meaning necessary adjustments having been made] to other African countries.

Since it is usually not possible to discuss all the variables that may contribute to the development of a phenomenon or process, even if one could actually identify them, we have settled for four key areas, which in our own estimation are central for the success of the democratic agenda. These are namely: a focus on the people; decentralisation of economic and political power, ensuring the accountability of those who govern to the governed and the strict application of due process in the operations of individuals, groups, organisations and governments. Our expectation is that a proper focus on these four areas will greatly enhance the struggle for democracy in Nigeria.

You should never allow your self to be deceived by the sometimes abstract nature that the discussion of democracy and good governance often takes. This abstract debate about democracy and good governance may lead you to think that democracy or good governance are valued or sought after their own sakes instead of emphasising their instrumental value.

The truth of the matter is that both scholars and public policy makers have given so much consideration to a discussion of democracy and good governance because they are an important means of meeting the needs of the people in whose name democracy claims to operate.

Consequently, without a clear and purposeful focus on the real people of Nigeria one can hardly hope to build and consolidate democracy in the Country.

However, given the many years over which Nigeria has been integrated into the British colonial economy, and later on into the international political economy, the question as to who constitutes the Nigerian people upon the construction and consolidation of democracy cannot be answered in any generalised way.

You as we shall see in section 3, the practice of democracy in Nigeria does not apply in any uniform way among the various classes, segment or sectors of the Nigerian population. Rather, democracy has presented different challenges to different groups in Nigeria, depending on their economic class.

2.0 OBJECTIVES

At the end of this unit you should be able to

- (1) Demonstrate that the people who compose Nigeria are made up of a multiplicity of groups;
- (2) Explain how the different groups in Nigeria have a different interest and stake in the democratic project in Nigeria;
- (3) Describe how for democracy to take roots and grow in Nigeria, it must work to attract the support of the largest spectrum of individuals and groups in the country; and
- (4) Determine the extent to which any public policy can be said to be focused on the people or not; and
- (5) Explain how to make the principal agents of natural development.

3.0 MAIN CONTENT

3.1 Definition of Terms

The key term that you will need to define and apply correctly is the concept of the people. It should be clear to you that the expression,

“We the people of the federal Republic of Nigeria” as employed in the preamble to the Nigerian constitution [1999] could be misleading in so far as it assumes both an involvement and participation as well as the general consent and intention of the provisions outlined in that document. Now as you know, the history of constitution making in Nigeria shows clearly that it is only a small minority of professional politicians, army officers, senior civil servants and wealthy business men who have been mostly involved in designing and writing constitutions for Nigeria. This narrow foundation of the various Nigerian constitutions has led the Presidential Committee on the Review of the 1999 Constitution to argue, with some justification that in spite of different approaches to constitution making in the colonial and post colonial years, the various constitutions have not emanated from the full involvement of the Nigerian people. This has, in twin, generated extensive alienation from the various constitutions.

Consequently, they have failed to serve as the basis of democratic governance." (Report of the Presidential Committee on the review of the 1999 Constitution, Vol. 1, p. i). As the authors of the Report rightly appointed out, many of the existing or current crises experience in Nigeria, be they political, social, economic or religious. In brief, the crises of democracy have their roots in this extensive alienation of the people from the constitution. But who then are these Nigerian people who have been alienated from the constitution?

In answer to this question, I would like you to bear in mind that modern social scientists have evolved different ways of classifying people. While some sociologists, ethnographers, anthropologists and historians have favoured a grouping of people according to their, cultural trails, their language and religions to come up with different ethnic groups. It will be necessary for us to keep our focus on economic classes as presented in Imoagene [1983], where he discussed the Nigerian class structure. The main reason why you should stick to the grouping of Nigerians into classes is that the concepts used in this type of analysis has a wider and more global application than the concepts of ethnic and tribal groups. For example, if we follow the classification of Nigerians into ethnic groups, we come up with more than two hundred ethnic groups such as the Hausa, Fulani, Igbo, Yoruba, Ijaw, Idoma, Kanuri, Tiv, Edo, Nupe, Efik, Ekoi etc.

However, if we try to analyse the alienation of Nigerians from the constitution, we discover that it is not entire ethnic groups that are excluded but some parts of them. And those parts of the population that are generally alienated from the politics of constitution making are these classes that do not occupy a prominent position in our economic system. They belong to those categories that in the language of political economy are described as the exploited classes. Unfortunately, those who have come severely alienated from the politics of Nigeria, be it under democratic or military regimes, are the broad masses of the people whose support was fundamental to the victory of the nationalist in their struggle against the colonial administration.

According to one observer, the Nigerian people or the masses are made up of the workers, poor Farmers, street hawkers, vendors, touts, market men and women in retail trade, road side motor mechanics, motor cycle and bicycle repairers, petty crafts men, blacksmiths, welders, carpenters, masons, night soil men, the unemployed beggars, domestic servants and taxi drivers

It is clear that very few members of the groups listed play a major role in designing and approving any of Nigeria's several constitutions. To this extent, Nigerian democracy could be said to have by passed or

sidelined the vast majority of Nigerians who could have been both the beneficiaries and defenders of democracy.

3.2 Rediscovering the Nigerian People

Much of the contemporary literature on development has laid much stress on the economic empowerment of the members of the groups listed above. The basic assumption is that most of the people belonging to these economic groups are economically disempowered and therefore empowering them with the means of economic livelihood is a major step in the right direction. However, evidence from Nigeria's poverty alleviation programmes in the last three years indicates that economic empowerment in a political vacuum does not produce positive results in so far as poverty reduction programmes are designed and implemented by members of the same classes that brought about the disempowerment and alienation of the masses in the first place. However, empowering the Nigerian people goes far beyond helping them earn an income or get a job. It requires a fundamental reordering of our Society in many ways. For example, in so far as the Nigerian Community is an integrated whole, it does not help the underprivileged if they are assisted to buy motor cycles, engine boats or bore hole pumps. If at the same time they cannot find fuel those machines, or are unable to keep their children in school because the primary, secondary school teachers and university lecturers are not paid their salaries, for the simple reason that some politicians are stockpiling funds to contest the next round of elections.

You may like to note that a central issue in the empowerment of the ordinary Nigerian is economic, but not in the sense of giving Nigerians a few thousand naira loans at a time. Rather, the problem lies in redefining the value of the naira to the dollar and other international currencies. With the naira exchanging at more than N 130 to one dollar, and Nigeria operating a liberal import regime, every available naira in Nigeria is deployed to chase the ever-expanding demand for foreign consumer goods. Consequently, the search for economic empowerment will remain a mirage.

Thus, the recommendation by Professor Uya to the Nigerian polity will require "the creation of an appropriate environment that enables the individual to free himself from the constraints of poverty, hunger, ill – health, coercion and control." [Uya 2000:3]. Such ideal environment may however be very difficult to achieve under prevailing conditions of an ever unfavourable falling exchange rate of the naira and the tendency to fuse governmental and party authorities.

While the need to decentralise power from the existing over centralised structures will be the subject of our attention in the next unit, let us

examine here what could be done in order to put the people at the focus of the democratic project in Nigeria.

3.3 Redefining Our Goals and Strategies

You should be aware that some of the major strategies that have been used to sideline the Nigerian people have been the tendency for officials to busy themselves in statistics derived often from the World Bank and other international organisations. While these statistics have been useful in pointing out which groups have been most severely affected in terms of the prolonged economic crisis, they have been used most often for propaganda at international level rather than for concrete remedial action at home.

For example, if it has been known over the past decade that Nigerian workers have earned less than a living wage, the same politicians who do not hesitate to appropriate huge sums of tax payers resources for their own foreign and local travels have been most unwilling to pay their workers a living wage.

This appears to be part of the whole strategy of disempowerment, in so far as workers who spend most of their unpaid wages can hardly be mobilised for effective political action to redress their disempowerment.

In the same way, rather than accept a redistribution of economic power to the States and the local government the central authorities in the Nigerian capital, Abuja have maintained a strong hold on the country's resources thereby making it difficult for these levels of government that are really close to the people to initiate and implement meaningful programmes for the welfare and economic empowerment of the people.

Yet a well-respected Nigerian social scientist has argued that the systems of governance that should attract the searchlight and efforts of Nigerians in the twenty- first century should be based on these fundamental principles:

"first and foremost, governance... must be predicated on the proposition that people do matter. Consequently, politics and economics in any society must be built around the people and there must be priority of the human over the economic and the political." [Adedeji, 2000:2]

It is obvious that such a strategic people centred vision of governance will carry a number of very significant consequences, in terms of both the objectives to be pursued by government at all levels, as well as the methodologies adopted in achieving those objective principles put

forward by Professor Adedeji. To sustain a people centred system of local governance in Nigeria, we can highlight the principle of popular participation, which is both the means and the end of empowerment for excluded and marginalised groups, according to him:

“For democracy to survive, grow and thrive in a society, it must derive from and be inspired by a deeply rooted culture by a particular participation. In essence, the empowerment of the people to involve themselves in designing policies and programmes that all can contribute optionally to the development process”. [Adedeji 2000 p. 3].

Now you cannot imagine what positive effects the widespread practice of popular participation will have on both the people and the process of development itself. For one sure reason the design and implementation of many white elephant projects which are conceived mostly as a means of awarding contracts. In the place of huge foreign debts incurred ostensibly to execute the white elephant projects, small scale projects executed through popular participation are likely to leave the country with a reduced external debt burden.

Finally, through popular participation, those sections of the people who are usually excluded will become active participants in the development process. However, we must recognise that popular participation will be easier to realise in the respect of local development issues than over national political issues such as constitutional review, because of difficulties arising from communication problems. But even in these areas, a creative approach will remove the obstacles to popular participation.

4.0 CONCLUSION

In this unit, you have seen that even though the broad masses of the Nigerian people were instrumental to the success of the nationalist in acquiring independence from the colonial power, they have generally been marginalized and alienated from the country's political and development process.

This alienation of a large section of the Nigerian people, up to 50%, according to some estimates, has been the main obstacle to national democratic governance. Overcoming this deficit requires designing a new system of governance at all levels that will not only focus on the people and their needs, but will empower the people to contribute to the development of their communities through popular participation.

5.0 SUMMARY

In this unit, we have seen that democracy and good governance even if they could be considered intrinsic values in themselves are mainly instrumental.

Consequently, they only have meaning and significance when they really serve the needs of the people. In a country such as Nigeria, with a huge population of over 120 million people, the essence of democracy and good governance can only be seen in the extent to which the people are really at the focus of the political and economic processes of society.

However as a result of the country's historical evolution and the severe crises that the country has endured in the past two decades, large sections of the Nigerian community have become effectively marginalized from the country's political processes. Among these are women, peasants, workers, artisans, craftsmen traders and market women.

A people focused system of democracy will have the privacy of the human resources of the country as its base and through a system of popular participation, the benefits of such a people focused system will include a reduction in the number of failed white elephant projects in the country, the reduction in the cost of project implementation, as well as a greater capacity to meet the actual needs of the people. Above all, through such popular participation, the people will be able to empower themselves to resist their exploitation by Local State and Federal officials, who have often used the design and implementation of poverty reduction and people empowerment programmes to enrich themselves.

6.0 TUTOR-MARKED ASSIGNMENT

Identify three essential features of a people-centered concept of democracy.

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UNIT 2 DECENTRALISATION OF ECONOMIC AND POLITICAL POWER

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Definition of Terms
 - 3.2 Decentralisation
 - 3.3 Characteristics of a Decentralised System
 - 3.4 Decentralisation and Democratic Governance
- 4.0 Conclusion
- 5.0 Summary
- 6.0 Tutor-Marked Assignment
- 7.0 References/Further Readings

1.0 INTRODUCTION

In unit 14 you studied the fact that one of barriers to democracy and good governance in many African countries is the over centralisation of both economic and political power. Perhaps such centralisation of power was most developed in a country such as Nigeria for a number of historical reasons: right from the creation of Nigeria in 1914, the economic expediency of spending as little money as possible on colonial administration in Nigeria, led the British to run the colony and protectorate as a single entity even though the logic of size and geographical expanse would have dictated otherwise.

When from 1939 to 1954, federalism was gradually introduced, the regions that emerged had within themselves the same concentration of economic and political power that prevailed in the central Government. Both at the centre and the regions, a monolithic power structure enabled those who controlled state political power to also monopolise economic power, such that those who had power, had wealth through the marketing Boards for export crops as well as government contracts.

This system of centralised power to take economic and political decisions was further reinforced and ossified by the long period of military rule in the country (1966 - 1999 - 1979 - 83) or twenty nine years. Military rule had a strong centralising influence on Nigerian government and politics for a number of related reasons: the military is a purposive organisation set up to fight and win wars. The political economy of war, the need for coherence, economy and decisiveness impose the following structural features on the military. A centralised and unified command structure, a rigid hierarchy of power and

authority, a highly developed system of communication and a strong esprit de corps or unity. Thus, whenever the military take control of state power, irrespective of the idiosyncrasies of specific military leaders, their presence in government automatically translates into a highly centralised administration. You can also argue that the longer the military stay in power, the greater the entrenchment of the centralising influence of the military on governance. In this instance, it matters very little whether the constitution is formally labelled a federal, unitary or conferral system. The effect is the same, under military rule; there is centralisation of economic and political power

The logic of democracy and democratic institutions are the exact opposite of the centralised features of the military. Political parties are often loose associations and coalitions of several factions; many parties often have various tendencies that often compete one with another. Thus in a democratic dispensation, decentralisation is not just a necessary, but an essential precondition of governance.

2.0 OBJECTIVES

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

- (i) Define the concept and principle of decentralization.
- (ii) Identify some of the characteristics of a decentralised political system.
- (iii) Show how the characteristics of decentralisation work to promote democratic governance.
- (iv) Identify some of the benefits of democratic governance based on a decentralised model.

3.0 MAIN CONTENT

3.1 Definition of Terms

Our main interest in this section is to develop a working definition of decentralisation as a concept of politics and administration, as well as explore its characteristics and relationship to the practice of democratic governance.

3.2 What is Decentralisation?

You should refer to your discussion of centralisation in Module four so as to understand the essence of decentralisation.

Decentralisation can be described as a process of dispersing the powers of government in such a way that the geographic area over which officials exercise political, economic and administrative control is smaller than in a centralised system. On the other hand, decentralisation also refers to the grant of greater decision making powers in terms of choice of area of intervention, the type and extent of means of intervention and finally the involvement of more people in the realisation of the goals so set!

Thus, whether on a horizontal or a vertical basis, decentralisation simply means the dispersal, diffusion and spreading out of the power and authority to take and implement vital political, economic and administrative decisions. A practical illustration of the difference between the centralised approach to economic development and people's welfare and the decentralised model can be seen as follows: A major erosion site has been identified in a local community of any of the thirty six states of the federation.

The minister of Works or Environment is invited by the State Governor to inspect the site of the erosion and assess the grave danger it poses to the community.

The Honourable Minister visits the site with key staff of his Ministry. On their return to Abuja, the National Capital, the Honourable Minister presents a report on the erosion menace to the federal executive council with the following prayer:

- (a) The erosion menace in state X really constitutes a national environmental hazard that requires the intervention of the Federal Government in order to contain the menace;
- (b) In view of the urgency of the threat posed by the erosion site, Contractor Y that has handled similar problems in states A, B and C, should be awarded the contract to execute the project;
- (c) Furthermore, in view of the urgency of this project, a 50% mobilisation fee should be paid out of the contract sum.

A few weeks after the perplexed inhabitants of the village wake up to find a large number of trucks, earth moving equipment and assorted manual workers massed in their village square.

On enquiry, everybody learns to their consternation that a contract has been awarded to rehabilitate the erosion site in their village. The contractor might then book a courtesy call with the Governor of the

State to inform him that he had "won" the contract to execute a project in his home village.

The decentralised model of development might take this form:

A village or community council after observing the negative impact which a spreading erosion site is having the availability of farm lands might hold a long session to assess the available options open to it:

- (i) Abandon the site for now;
- (ii) Embark on some self-help activity in the affected site,
- (iii) Plant some trees, and finally,
- (iv) Call on the Local Government Council
- (v) And the State Governments to assist in the project.

After a series of consultations all parties concerned might agree that the site might require a combination of concrete work and earth filling. Further the State Government might be persuaded to offer at least 200 bags of cement and iron rods for the concrete work while the community will have to provide sand, gravels and boulders for the project. However, it soon dawns on the village or clan head that even though men can readily fetch sand and gravel from the village river, they might not do so well fetching water to mix the cement, sand and gravel. He therefore invites the women leader of the community and relates to her the need for the women to support the erosion control project by providing water. The women leader protests initially that they were left out of the initial planning, but finally relents.

The day for commencing the project finally arrives, and the community gathers at the project site: the village chief and his elders to ensure that all attend; the able bodied men and young men in their prime to fetch sand, gravels and mix the mortar, masons, carpenters and other artisans to direct how the work will be done; the young women and women to fetch water, take care of young children and sing for those who are working. The whole village or clan is mobilised on the erosion site. At the close of work, perhaps only half of the work has been accomplished; but the community is agog. Every villager has something to be happy over. They have at least started solving their own problem. Every body can refer to the work site as "our project". They suddenly realised that they can take action to solve other problems of interest to them.

In other words, the community has become mobilised and empowered.

3.3 Characteristics of a Decentralised system

As shown in the two models just mentioned the main characteristics of a decentralised model or system include the fact that:

- (i) the power to take decisions is not concentrated at one single level or institution, but is dispersed among several individuals and institutions. In the example just given the village community, the Local Government council and the State Government are all involved.
- (ii) The decentralised model involves the participation of large groups of people, even whole communities in the realisation of agreed objectives and plans.
- (iii) The decentralised model automatically leads to social mobilization, as the peculiar resources of each individual and group are called into service for the common good.
- (iv) Providing the masses of the people with an opportunity to mobilise and use their talents and skills in the service of the common good, as in a decentralised model leads to the empowerment of the people.

The question that these identified features of a decentralised model of political economic and administrative organisations can be attained in existing powers, structures or not. A scholar who has given considerable attention these to questions has pointed out that:

There is a consensus that a new wave of decentralization / democratisation which is different in quality and content from earlier programmes of decentralisation is necessary. This new round of decentralisation is to empower ordinary citizens and build a genuine system of local governance, which can serve as the basis of effective systems of local governance. (Olowu 2000:142.).

Admitted that you are not presently to embark on a detailed study of the Local Government system in Nigeria, it may be useful to emphasise the point that the characteristics of a decentralised model of power, whether in political or economic terms can only be realised within the context of well structured and properly functioning Local collectives, whether they are called councils or governments. It is in this context that you may need to note the following characteristics that a decentralised local government need to have:

- (i) A local body should exist which is constitutionally separate from government and is responsible for a significant range of services.
- (ii) Should have own treasury, a separate budget and accounts, and its own taxes to produce a substantial part of its revenue;
- (iii) Should have own political staff, with power to hire and fire, though there can be some officers seconded from government to fill up positions initially.
- (iv) Decision making on policy and procedure in the hands of a council, which genuinely represents and is accountable to all parts of the local community.
- (v) Central government administrators are to serve as external advisers and inspectors, but have no role either as councillors or officers of the local authority. (Olowu 2000:142).

What can be said about these five features of local authorities, is the fact that their full realisation might take a fairly longer time to accomplish, but if eventually accomplished, could go a long way in meeting the triple objectives which local government should meet: help the people to mobilise their own resources to meet their own needs in a sustainable manner.

3.4 Decentralisation and Democratic Governance

If at any time local governments in Nigeria actually live up to the objective of helping the people to mobilise their own resources to meet their own needs in a sustainable manner, then decentralisation becomes synonymous with democratic governance which essentially is to ensure popular control over government as well as obtain the accountability of those who hold and exercise power to the people, besides using the resources of government to promote the welfare of the generality of the people.

However, as far as you are concerned in this unit, it appears to us that the requirements of decentralisation to meet the requirements of democratic participation and control need to extend beyond the reform of the local government councils. Even the State Governments and the federal Government need reforms that will decentralise the decision making power over key issues affecting the welfare of the people in areas such as water supply, road construction and the building and setting up of educational institutions.

Reforms in these areas need to affect both the horizontal and vertical levels. Horizontally there is need to reduce the concentration at the federal level by empowering the six geo political zones to enable them perform a more effective co-ordinating, planning and resource allocation role to the States.

Similarly, the States that have senatorial District Development commissions need to similarly empower them in such a way that they will have sufficient resources to impact on the local governments in their areas.

But decentralisation also needs to be pursued at the vertical level. At present most of the decision making power and the authority to incur expenditure are concentrated at the highest echelons of government with the result that officers at lower levels are permanently on a kind of unofficial vacation. If it is the Local Government councils, the Chairman and his supervisory Councillors usually monopolise council funds and decisions; such that the Councils can hardly render any other services than "revenue generation and collection" to their residents.

Similarly, many State Governments under the democratic dispensation have inherited the military habit whereby the military governor or administrator personally awards all contracts and makes all payments. This practice often leaves the bureaucracy idle and redundant.

Decentralisation would allow the Governors to hand over many of those duties and responsibilities to the Ministries and the civil Service and concentrate on policy formulation and decision-making.

4.0 CONCLUSION

From the foregoing you can conclude that decentralisation (which means the diffusion and dispersal) of political and economic power are a necessary precondition for the growth and development of democratic governance in Nigeria.

As shown in this unit, decentralisation produces three beneficial results which are central to the objective of democratic governance namely: Increasing the number of participants who are involved in identifying and taking decisions concerning the welfare of citizens; mobilising the people to participate and contribute in the implementation of decisions and programmes regarding their welfare; empowering the people as they work collectively to meet their common goals and aspirations. These in essence are the fundamental objectives of democratic governance.

5.0 SUMMARY

It may be useful to recall here for the purpose of emphasis, some of the societal costs which Nigeria and other African States have had to pay as a result of their pursuit of the centralised model of power in order to appreciate the gains of the decentralised model discussed in this unit. Whether in Nigeria or elsewhere, the centralised model has often been accompanied by a bloated state security and defence structure, which naturally leads to the excessive allocation of resources to defence expenditure over and above the health, educational and other social sectors. The expansive state sector necessarily engenders economic mismanagement and state corruption. The attempt by civil society organisations to challenge the excesses of the State gives rise in turn to the abuse and violation of human rights by a ruling elite, often determined to hide its crimes including money laundering and the looting of the treasury.

Against these burdens that accompany centralization, the efficiency, cost saving and greater participation provided by decentralisation cannot be overlooked. Perhaps this is the main reason for which decentralisation and democratisation are sometimes utilised inter-changeable.

If however we recognise the fact that even though these processes describe similar political, economic and administrative processes, democratisation is a more comprehensive term than decentralisation, which is one of the several means available for achieving a democratic political order.

However, from the illustrations given in 3.1 above, it should be clear to us that without the characteristics of a decentralised model identified above, as well as a far reaching reform of the existing local government system along the lines suggested above, it will be difficult to attain democratic governance.

6.0 TUTOR-MARKED ASSIGNMENT

Identify and discuss four ways by which decentralisation of political and economic power can help in the building and consolidation of a system of democratic governance in Nigeria.

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UNIT 3 ENSURING ACCOUNTABILITY

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 - 3.3 The Main Features of Accountability
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- 7.0 References/Further Readings

1.0 INTRODUCTION

The 1989 World Bank Report entitled *Sub Saharan Africa: From Crisis to Sustainable Growth*, has been described by some Nigerian observers as "the political dimension of SAP (structural adjustment programme) as put forward by the Bank;" so far as it tried to provide an "explanation for the failure of SAP in Africa and the way forward" (Ganger and War 1998:92). The central thesis which the Bank sought to defend in this political dimension of SAP was that the structural adjustment programme failed woefully in Africa because of bad governance or to use the exact expression of the Bank, "the crisis of governance" in Africa. This crisis of governance was seen to be embodied in three related maladies or defects of politics and administration in Africa, namely: lack of accountability, transparency and predictability as well as the absence of the rule of law. Having identified the assumed courses of inability of African government and States to impact positively on their populations and thereby promote the growth and development of their economies. The World Bank then put forward its own political prescription that will serve as a complement to the structural adjustment programme to ensure the sustainable development of their economies. Accordingly, the Bank advanced the thesis of "better government" or good governance as the panacea for African economic development. According to the two authors we just quoted, the needed "good" government should have an efficient public service, a reliable judicial system and an administration which is accountable to the people" (Ganger and Umar 1998:93).

Even though this description could be criticised on two important grounds: the fact that they were ideologically motivated to support and shore up capitalist development in Africa on the one hand, and on the

other hand to be hypocritical in the sense that these political manifestations were the natural political consequences of deeply rooted and severe economic crises in Africa, the recommendations soon became the central theme of political discourse and action in Africa in the 1990s.

Admitted that the World Bank prescription included much more than the policy measures highlighted above, it appears to us reasonable to concentrate on the recommendation of "an administration that is accountable to the people", as being of major significance at this point since we have previously highlighted the importance of the rule of law and a reliable judicial system in the first module of this manual.

In other words, what is accountability and how does it relate to good governance and democracy? Perhaps it might be useful to characterise the absence of accountability as synonymous with a situation in which politicians and administrators without any serious deference to the public as to their policy choices and the impact of their administrative actions.

2.0 OBJECTIVE

Your objectives in studying this unit should include the following:

- (1) Define and establish a clear meaning for the term accountability;
- (2) Identify some of the characteristics and features of an accountable system of government;
- (3) Establish the connection between these characteristics of accountability and the practice of democracy and good governance.
- (4) Suggest practical ways that a citizen can contribute to building a system of accountability in our country.

3.0 MAIN CONTENT

3.1 Definition of Terms

The key term that we shall be concerned mainly with in this section is accountability. We shall also examine its major features and characteristics as well as the means of ensuring the evolution or development of an accountable system in Nigeria.

3.2 What is Accountability?

Accountability has been defined as follows by a Nigerian author:

This is the requirement, which subjects public officers to detailed scrutiny by the legislature over objectives, use of resources, and manner of performance. The least act of a public officer can become a momentous political ensue in parliament, where a Minister has to answer for all acts of his officials in the department. Organs of political control like the public accounts Committee (of the National assembly or State Houses of assembly) and ombudsman (Public Complaints commission in Nigeria) are installed into the system to Monitor and report on the activities and performance of public officers. (Adebayo 2001:7)

This definition of accountability given by Adebayo, needs to be commended in so far as it highlights the most important element in the concept of accountability, that is the subjection of the conduct of public officers to the scrutiny or examination of the public either directly or through their elected representatives.

The essential nature of accountability is therefore not really affected whether this process of examination or scrutiny of the conduct of public officers is actually actualised by the "Parliament" or Ombudsman as in Great Britain or by the National Assembly or the State Houses of Assembly and their public accounts Committees and the public complaints commission as in Nigeria. The most important point is that elected representatives of the people or an institution created by them and vested with power so to do, ensures that the conduct of public officers is kept under strict supervision.

From the passage quoted above an important element or feature of accountability stands out. This is the fact that accountability covers the three major phases of policy formulation and implementation namely: the choice of objectives, the use of resources or implementation of the objectives and finally the results of policy implementation.

There can be little doubt that the effective scrutiny and assessment of governmental action at the three levels outlined above will yield far reaching positive results in a country such as Nigeria, where for a long time many institutions, authorities and individuals had often operated on the basis of the concept of impunity.

Impunity simply refers to the attitude of some high government officials that whatever they did with public funds and resources was no man's business.

Against such a feeling of impunity you can contrast the concept of accountability, which simply emphasises that all moral agents account for their conduct in the public realm of the society.

3.3 The Main Features of Accountability

A society in which the principle of accountability reigns supreme has certain basic features. These features include:

If not legislative supremacy, there must be some legislative autonomy in a political system for you to have any amount of accountability. For if there is subjection of the Legislature to the executive branch or the summation of the Legislative branch of Government in the Executive Authority of the State, then it becomes virtually impossible for the Legislature to be able to carry out its watch dog functions effectively. Is there any wonder then that many observers consider military government of any type whatsoever, to be inherently unaccountable, for the simple reason that it does not allow the Legislature or law makers the freedom of both thought and action to examine properly the actions of the executive Branch or public officials.

Another feature which the process of accountability demands and feeds upon is the process of transparency in the operations of government. Transparency can be described as the exact opposite of secrecy and secretiveness. What this dimension of accountability actually demands is that the activities of government be carried out in such a way that interested citizens and other organisations and especially monitoring institutions such as the code of conduct Bureau, the Public Complaints' Commission, can readily have access to required information to carry out their duties of monitoring and supervising the work of administrative agencies. A situation in which simple letters to a Minister or a permanent secretary is classified as "confidential" or "top secret" definitely obviates the necessity of open access and accountability.

A third feature of accountability is the acceptance of responsibility both in a positive and negative sense of the term. Positively, public officers take responsibility for their conduct when they receive commendation for their positive result such as a programme that is well designed and executed and which touches the lives of a large number of citizens. Such officers could be commended, promoted, given a bonus or where they are politicians they could be elected for another term in office.

Public servants account for their conduct in office and take responsibility in a negative sense when they are obliged to resign they are forced to resign from office, are demoted, transferred from one location to the other.

It is important to stress the fact that the common function of all the features of accountability discussed here work together to ensure that on a permanent basis, the executive branch is kept under the surveillance of the Legislature or the elected representatives of the people.

Self Assessment Exercise:

Define the concept of accountability and show how it is realised.

3.4 Accountability and Democratic Government

You are now in no doubt of the fact that the processes of ensuring accountability that we discussed above can best be realised in a democratic political environment than under any other systems of government. This is because only in a democratic political arrangement can the autonomy and independence of the Legislature be guaranteed relative to the Executive Branch and the Bureaucracy. Consequently, in societies where democracy does not operate or where there is an over development of the Executive in relation to the Legislature, it can be hard to practice accountability, in so far as the three processes through which accountability is ensured are themselves either integral parts or the consequences of democratic governance.

Let us take for instance the processes of parliamentary debates, including question time for Ministers. In countries where the cabinet system of government operates as in Great Britain, Cabinet Ministers are primarily members of parliament before becoming Ministers. By virtue of this fact, they are also required to sit in parliament especially when matters affecting their respective Ministries and Departments are debated. In the circumstance, it is a common occurrence that any Minister may be called upon to explain, explicate and clarify certain actions or inactions of his particular Ministry or department.

You should not for any reason suppose that the presidential system of Government as practised in Nigeria and the United States makes accountability in terms of the subjection of the Executive to the Legislature less easy to accomplish. On the contrary, the practice in Nigeria has been that either in executive session or in committee sessions, Ministers, top civil servants and key administrators are often invited to answer questions relating to the activities of their Ministries.

For example, sometime in 2001 the Senate Committee on petroleum Resources carried out an elaborate public investigation of those who were responsible for, and the circumstances that led to the importation and distribution of adulterated petroleum products that led to the death

of several Nigerians. At other times, key issues such as the failure of the economy to respond to policy measures, etc.

Democratic governance also enhances the process of transparency in that each fiscal year, the president or state Governor is required to submit a detailed budget proposal to the National Assembly or state Assembly where he is expected to outline his major proposals of anticipated government revenue for the year, and the proposed items upon which the revenue will be spent. The underlying assumption is that at any point in time, one should be able to identify an agreed upon programme of activity by the government and assess how much of public funds have been expended upon that project.

Even accountability in the form of personal responsibility is fostered in both the Cabinet systems of democratic governance. For example, in parliamentary democracy, the Cabinet is collectively and individually responsible before parliament for its conduct of public affairs. A successful vote of no confidence on the Government passed by the parliament will automatically lead to the resignation of the Cabinet while poor performance by a specific Minister could lead to public or parliamentary demands for his resignation. In Nigeria's fourth Republic, some Ministers have occasionally been dropped on grounds of poor and substandard performance.

It may be useful to note in passing that one of the reasons that makes it virtually impossible to maintain a system of accountability under a military dictatorship is the fact that the key sanction which the electorate as the ultimate repository of sovereignty that a nation uses to sanction erring public officers is either suspension or rendered ineffective: that is the freedom to vote for or against public officers, the Legislators and the chief Executives, solely on the basis of the electorate's assessment of their performance in office. In a political environment, where a few conspiring officers can covertly seize the power and authority of Government, demolish political and representative institutions, whomsoever they put in power consider themselves above the law of the land and seek to rule uniquely to the satisfaction of their bloated egos, or to the profit of the conspirators who put them in power. To this extent, only a democratically elected government on the basis of popular sovereignty can sustain a system of public accountability.

4.0 CONCLUSION

Accountability as you have seen in this unit simply means the responsibility of public office holders to answer before the electorate or their duly elected representatives in parliament or the National Assembly for their conduct in public office.

This responsibility covers the ideas and conceptions upon which the utilisations of society's resources are based as well as the outcomes or results of their actions.

Accountability can take an individual or a collective form: In Cabinet government the whole government is responsible to the parliament for the policy they seen to implement and how well it is implemented. At the same time, individual Ministers could be sanctioned for the extent to which his specific department or Ministry is able to actualise the policy of government in the Department.

In Presidential Government even though the whole government cannot be removed by a vote of no confidence, the President and individual Ministers still have to account to the Legislature and the electorate for their conduct while in office.

We also established the fact that for reasons shown above only democratic governments can ensure the operation of an accountable system of government while military dictatorships are by their inherent natures unable to do so.

5.0 SUMMARY

Given the intricate relation ship between democratic governance and the principle of accountability that we have seen in this unit, the World Bank was probably right in 1989 when it recommended to African Governments that they must establish governments based on accountability, reliable judicial systems and the rule of law if they hoped to attain sustainable economic development in the near future. However, you may like to know why we said that the Bank was probably justified in making the recommendations it made. This is because accountability, the rule of law and a reliable judicial system are both the cause and the effects of given economic and social conditions. The problem will become clearer to us if we recall what we learnt about the political economy approach to the study of society. In that unit we leant that the economic conditions of society play an important part in the development of the society.

So the right question the World Bank would have asked should have been: why did the rule of law, the judicial system and accountability become seriously eroded in most African countries in the late 1970s and the 1980s? Then the answer would have come in this form: the severe deterioration in the economic conditions of many African States in the period under consideration led to an increasing tendency towards lawlessness on the part of the citizens and the leadership in order to overcome the limitations imposed by the economy. Then the solution

would have been sought in the area of extending meaningful economic support in the form of debt cancellation and a kind of Marshal plan programme to the African states to rebuild their economies. The economic prosperity that will follow from such economic revival will gradually make abuse of the rule of law, executive lawlessness and petty corruption more and more anachronistic, while there will be a greater tendency for lawful behaviour.

But you will realise that the World Bank logic went the other way round: from the political to the economic. Thus according to their logic, African States needed to change their political policies and then their economies will automatically improve. This logic was contrary to reality and is largely the reason why democratisation has not uniformly led to economic prosperity in the majority of African State.

However, this is not to underrate the importance of accountability for the working of a democratic system of government. The truth of the matter is that accountability is an essential ingredient of democratic governance in so far as it ensures the subordination of those who govern to those over whom they exercise authority.

6.0 TUTOR-MARKED ASSIGNMENT

Define accountability and show why it is an important element of democratic government.

7.0 REFERENCES/FURTHER READINGS

Adebayo, A. (2001), *Principles and Practice of Public Administration in Nigeria* Second Edition, Ibadan, Spectrum Books.

UNIT 4 THE APPLICATION OF DUE PROCESS

CONTENTS

- 1.0 Introduction
- 2.0 Objectives
- 3.0 Main Content
 - 3.1 Definition of Terms
 - 3.2 Due Process in Political Sphere
 - 3.3 Due Process of Law
 - 3.4 Democratic Governance and the Problem of Due Process
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1.0 INTRODUCTION

As you embark on your study of this last unit of your course on democracy and good government I will like you to pause and reflect for a moment on this question:

In what ways does democratic government really differ from other forms considered to be non democratic?

Could the difference be located at the level of the definition of the systems of governance? Or can we attribute the difference between democracy and non-democratic government functions or still can the difference be explained mainly in terms of the personalities of the key actors in democratic / non-democratic system?

Perhaps you need to admit that you need to admit that democratic governance officers from non-democratic forms of governance in each of these respects: definition, institution and even personalities of key actors.

However, if the differences were limited only to these areas there would not be much to distinguish democratic governance from non-democratic forms. We propose that you assert the fact that the main feature of democratic governance that really separates and sets it apart from other types of government are the processes and procedures by which democratic governance is accomplished.

For whereas non democratic forms of government be they totalitarian or authoritarian, function on assumption that can be summarised in terms of "the end justifies the reign" democracy on the other hand works on

the principle of "due process" but in a political sense and from a legal perspective. As we shall see in this unit, the principle of "due process" in the two dimensions mentioned above is so vital to democratic governance that its observance or non-observance automatically separates the democratic from the non-democratic polity. As will be demonstrated a transition from democratic to authoritarian or totalitarian rule often occurs at the point where the rules and principles of due process begin to be ignored, over looked or out rightly violated by those who hold and exercise power in a polity. The transition back to democratic governance then requires a systematic if but gradual return to the observance of both due political process and due legal process.

It may interest you to note that the history of Nigeria in the period between 1979 and 1999 is quite illustrative of the loss and recovery of due process as the civilian administration of President Shehu Shagari initially tried to confront the growing international economic crises by introducing exceptional economic measures which alienated the civil population and pushed the government to use more and more coercive political instruments to retain political power during the 1983 general elections.

The N.P.N. electoral victory of August 1983, which was seen widely as achieved without observance of due process led the army to intervene in December 1983.

Non-respect of due process by each succeeding military administration was used as an excuse by rivals to seize power from them.

It was the exceptional event of divine intervention in June 1998 that helped to break the vicious circle of lack of respect for due process in Nigeria.

2.0 OBJECTIVES

Upon completion of this unit, you should be able to

- (i) Define the term "due process";
- (ii) Distinguish between due process as it operates in the political and legal spheres of society;
- (iii) Show the relevance of due process in its double signification to the practice of democratic government; and
- (iv) Highlight some ways of contributing to the observance of due process.

3.0 MAIN CONTENT

3.1 Definition of Terms

The key expressions that are relevant to your understanding of this unit are the concepts of due process in its dual signification of due political process and due legal process.

Before taking each of these two dimensions of the term, it will be useful for you to first appreciate in a general way what is meant by due process. The word "due" has several meanings, as given by the New Webster's International Dictionary of the English Language (1995). Among the various meanings of the word given by the dictionary, the one that appears to be the most relevant to our purposes is the idea that due means "proper, fitting, adequate", as for example, when we suggest that a matter, a problem or a situation be treated with due attention. In such a usage to give or treat a matter with due attention means to give a matter or problem the "adequate, proper and fitting attention or consideration that it deserves.

The same dictionary at (p. 777) gives different meanings of the word "process". The meaning that comes closest to what this term is intended to connote in this context is this: "to submit something to a routine handling procedure". For example, a student's application for admission may be quickly processed because the procedure for selection of students has become simplified and made impersonal.

Therefore, when we use the expression "due process" in the context of democratic governance, all governmental activities will be carried out through giving adequate, proper and fitting attention to each laid down procedure such that the outcomes of governmental actions can be anticipated and also predicted by a fair knowledge of the laid down processes. Essential to such predictability is a knowledge that those who actually carry out the various activities of government will actually follow the laid down procedures such that the individual personality, the personal discretion and even the whims and caprices of those who take and implement decisions on behalf of the Government will not be the central elements in determining the outcome of the action being undertaken.

Conceived in these general terms it becomes immediately understandable why the debate on democratisation in Nigeria often revolved around the presence or absence of proper or due process proper, or due process in the operations of government whether at the purely political level of legislation and policy formulation, the administrative level of policy implementation and perhaps at the judicial

level, in terms of the due process of law for the trial of individual citizens.

Let us repeat here that due process is important in that it facilitates the access of citizens to the various institutions of government and makes the operations of government both impersonal and predictable to the citizens.

However, let us try to explore the significance of due process as it manifests itself in both the political administrative and judicial realms of our society.

3.2 Due Process in Political Sphere

Due process in the political sphere of a country such as Nigeria can be observed at three different levels: the level of access to political office, the level of policy formulation and the level of policy implementation.

One of the most significant formal requirements of democratic governance is the necessity for all those who occupy important legislative and executive positions in a country to be popularly elected. This due process for coming to a position of power is considered so vital and critical that its non-observance is usually considered a violation of due process. This requirement of due process is actually the basis for the Legitimacy of most democratic regimes, and the violation of this due process is usually the root cause of the problem of low or lack of legitimacy suffered by military regimes.

Due process at the political level can also be seen in the process of policy formulation and implementation. For example, due process requires that a democratic government present its policy programme (what it intends to do in office to the electorate for the prior ratification of the electorate.

At a second level, the government is required to formulate a budget proposal indicating what amount of taxes it intends to raise from the people in a given fiscal year, the priority items or areas that it intends to spend the taxes so collected on and finally show very clearly the balance between the income of government and its expenditure plan. A Legislative approval of this budget plan provides a second basis of legitimisation of the government and is considered an important part of due process. The budget process may be considered a very important part of due process in so far as it affords interested parties an opportunity to seek to influence government in one way or the other. The net result of such attempts at influencing the government by a

multiplicity of interests could be beneficial to the society at large if the process is not open to the negative impact of corruption.

The third dimension in which due process is considered necessary and useful is the process of policy implementation. According to the norms of democratic governance, accountability requires that societal resources be expended to provide vitally needed social and economic resources for society.

Consequently, the attribution of government contracts must follow a tender's procedure that is open, fair and gives equal opportunities to all participants.

In this process, the use of executive fiat, kinship, religious or other considerations in the attribution of government contracts is automatically tantamount to a violation of due process. In this circumstance, the executive or other extraneous influences to interfere with the award of contracts may lead to the job going to incompetent contractors, thereby not only causing the society to pay more for the contract, but to run an additional risk to human life and property. For example, a building projects awarded to incompetent contractors have collapsed, killing innocent citizens and leading to a double expenditure on the project.

Finally, let us look at due process as it concerns procedures for the disbursement of public funds. The main requirement for the payment of government funds for contracts is that a duly signed certificate of delivery of supplies or completion of a job must be presented to the officer who approves the payment for such jobs.

Here, violation of the due process usually takes the form of authorising payment for a job that was not done or is improperly done. In other instances, more than 50% of the contract fee or sum is usually paid out in advance to the contractor as mobilisation fee. Very often, the contractors use this so-called mobilisation fee to execute every other social project-wedding ceremonies, acquisition of Chieftaincy titles, the importation of state of the art motor vehicles and generous donations at public launching ceremonies - but not the contract for which the advance was given.

It is little wonder that we have in the past twenty three years accumulated so many uncompleted projects, which now stand as rude reminders of our inability to observe due process in the past.

3.3 Due Process of Law

As you saw in the discussion of the rule of law, the legal means of resolving disputes between citizens in a country such as Nigeria, is the process of litigation administered by the courts. Black's Law Dictionary (1979:449) offers us this very useful description of the due process of law:

Due process of law in each particular case, means such an exercise of the powers of the government as the settled maxims of law permit and sanction, and under such safeguards, for the protection of individual rights, as those maxims prescribe for the class of cases to which the one in question belongs."

Obviously the significance of this passage lies in the use of legal maxims and norms to protect the rights of the individual whenever he or she has a legal dispute with the government as the essence of due process.

The dictionary in the passage just quoted, goes on to name some other components of due process which include the trial of a case by a tribunal of competent jurisdiction, proper notification of the accused person to appear before the tribunal, the right of the accused to defend himself before the tribunal or the right to fair hearing and freedom from bias.

A large number of cases tried in Nigeria under the various military regimes that governed Nigeria between 1984 and 1998, have roundly been criticised for not having been carried in conformity with the principles of due process, or for simply violating due process. A few could be mentioned here like the trial and execution of Ken Saro Wiwa and his colleagues in November 1995 by a tribunal that lacked jurisdiction to pass the death sentence, the jailing of several bank executives for the collapse of their banks and the detention and imprisonment of many Nigerians by military tribunals that applied martial law in trying pure civilians or inventing new offences that were not in the country's criminal or penal code such as: accessories to the fact of treason.

In many of these cases, the violation of due process consisted either in the incompetence of the tribunals, the retroactive nature of the offences for which the defenders were tried, their long detention without trial, their invention of new or in existent offences, and finally, the execution of tribunal or court verdict, even before the confirming authority had time to confirm the sentences. It is interesting for you to note, that of the two types of due process: political and legal, the violation of legal due process was considered by the international community as a more

serious threat to international peace and security, than the non observance of political due process. This may explain the wake of international reactions, especially the imposition of economic and other sanctions on Nigeria following the November 1995 execution of the Ogoni Nine.

Perhaps it may be necessary for you to remember that in many respects, the observance of judicial due process is closely related to the whole problem of the independence of the judiciary, such that the independence of the judiciary enhances the observance of legal due process, while the absence or erosion of the independence of the judiciary automatically translates into the incidence of violations of legal due process.

A legal luminary who has given consideration to this matter suggested about six characteristics of the independence of the judiciary, which we also consider fundamental to the observance of due process in a democratic society:

- (1) The decision of important and controversial cases and issues on the basis of merit and principle rather than on the basis of expediency.
- (2) Resisting the pressure of hysteria, fanaticism, tribalism and ethnicity.
- (3) It allows a judge to rise above passion, above the public of the moment.
- (4) It insulates the judge from executive violence legislative violence and mob hysteria and violence.
- (5) It enables judges give full effect the to enduring values enshrined in our constitution.
- (6) An independent Judiciary is an indispensable pre requisite of a free society under the Rule of Law. (Oputa 1998:178)

3.4 Democratic Governance and the Problems of Due Process

Let us focus for the moment on these features of an independent Judiciary as enunciated by Mr. Justice Oputa. One point that is evident from the list is the facts that it is only in a democratic polity that these conditions can be satisfied; for judges to rise up to their duties of using

the law to protect the individual rights of the citizen. This is so mainly because, the very conditions which give rise to regimes are such that oblige the executive branch of government to seek to interfere with the judiciary, since the court's application of due process might prolong or hinder the punishment of political offenders, or slow down the eradication of some newly created offence.

It is interesting to note how the proper constitution of the Supreme Court, the Federal High Court, the Federal Court of Appeal could be used as an instrument of violating the principle of due process of Law.

For example, during a period of the military regime between 1992 and 1999, the Supreme Court could not dispose off some vital and serious cases because the court did not have a full complement of judges, and some Justices disqualified themselves from hearing particular cases because they had a material interest in the case.

It took the return to civil rule in 1999 for the Supreme Court and the Federal Court of Appeal to have their full complement of Justices. It is interesting that the Supreme Court is now deciding even sensitive cases in less than one full year.

4.0 CONCLUSION

If due process means the government following the laid down administrative, political and legal procedures established for the transaction of government business in its various ramifications, you have seen that it is only democratic governments that can ensure the respect of due process by its officials. This is so because the fact that the politicians have come to power through the due process, enhances their capacity to enforce due process among the administrative and judicial officials.

Similarly, a democratic government stands a better chance of respecting the independence of the Judiciary and thus fostering respect for the due process of law, which is fundamental to the protection of the human rights of the citizens.

Military regimes on the other hand arise out of an objective violation of due political or constitutional process and therefore have a strong inclination to reinforce their initial violation of the constitutional due process, by subverting both the administrative and judicial processes in favour of expediency and exigency.

5.0 SUMMARY

Given the objective correlation between democratic governance and the respect for due process in the constitutional, administrative political and legal dimensions as you have seen in this unit, what contributions can an ordinary citizen of Nigeria make towards the promotion of democracy and good governance in his/her own country? There are several different ways in which you as a private citizen can contribute to the growth of democracy and good governance.

The first and most direct way is for one to be conscious that democracy and good governance are built by the right or correct theoretical knowledge that democracy is the only viable system of governance in the world today.

Consequently, no country has an alternative to democracy, but each country has a responsibility to build democracy according to its own unique circumstances, which should not imply that people can run a despotism or an autocracy and "claim to be democracies" (Sartori 1968:112). What the requirement for building really demands of the citizens of a country is a conscious ideological and mental choice in favour of democracy and against the undesirable alternatives.

Secondly, building democracy requires that the individual citizens promote respect for due constitutional, political administrative and legal processes. For example, citizens participating in constitutional debates when they are in a position to do so, by voting in constitutional referenda and finally seeking for public office according to the constitutionally approved due process.

In administrative and political matters, supporting and sustaining the due process requires the citizens not to succumb to pressures to changing the rules of the game half way through a contest, not to base their political actions on any other, but on grounds of equity, fairness and justice.

Similarly, the due judicial process can be strengthened by citizens not taking the law into their own hands by resorting to individual or group violence; by using ethnic, religious or other parochial reasons to interfere with the judicial process.

There are multitudes of other ways in which you as a citizen of Nigeria can contribute to the growth of democracy and good governance in your own country.

6.0 TUTOR-MARKED ASSIGNMENT

Define the concept of "due process" and show how it operates at:

- (a) The political and administrative levels of government;
- (b) The judicial level.

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