

GOVERNMENT

CONSTITUTIONAL DEVELOPMENT IN NIGERIA

Historical Background

On becoming the Governor of Nigeria after amalgamation of the North and Southern protectorate in 1914, Lord Lugard established the Nigerian Legislative Council of the colony of Lagos. The establishment of the council marked a milestone in the Constitutional development in Nigeria. The council consisted of 36 members made up of 23 European officials and 13 non-official members which 7 of them were Europeans and 6 Nigerian. The council which acted as advisory body had no executive authority and its resolution had no force of law. Its meetings were irregular and attendance poor. The chiefs appointed by Lugard were illiterates and show no interest in the affairs of the council- it is possible say that the council spearheaded Nationalism in Nigeria.

CLIFFORD CONSTITUTION 1922

The Clifford constitution adopted in 1922 was named after the then governor of Nigeria, Sir Hugh Clifford, who succeeded Lord Lugard. The constitution was the first constitution in the history of Nigeria political development. The constitution has its features, strength, and weakness, which formed the basis for continuous agitation by the nationalist for more acceptable constitution,

FEATURES OF CLIFFORD CONSTITUTION

- Secretary of state for colonies. ii)
- The Executive council.
- iii) The Legislative council.
- iv) Proclamation.

MERITS OF CLIFFORD CONSTITUTION

- Political activities.
- Newspapers.
- Elective principle.
- New legislative council

DEMERITS OF CLIFFORD CONSTITUTION

- Disenfranchisement. ii)
- Legislative council iii)
- Executive Council
- iv) Dominated by illiterates
- v) Veto power.

THE RICHARD'S CONSTITUTION OF 1946

The Governor of Nigeria at the outbreak of the Second World War (1939-45) was Sir Bernard Bourdillon who was in office between 1935 and 1943, laid the groundwork for the 1946 constitution. He persuaded the leaders of Northern Region to realise the benefit of unifying with the southern leaders in the legislative council in Lagos. His proposal could not be implemented before he left in 1943. The main objectives of the Richard Constitution were:

- a) To promote the unity of Nigeria

To provide for the diverse people of Nigeria (unity in diversity)
To ensure greater participation by Africans in the discussion of their affairs.

FEATURES OF RICHARD'S CONSTITUTION

The Executive Council.
The Nigerian Legislative Council.
Creation of House of Assembly.
Bicameral legislature.
Legislative powers.

ACHIEVEMENT OF RICHARDS CONSTITUTION

Introduction of regionalism.
A broad based constitution.
Creation of opportunities.
The legislative council.

WEAKNESS OF RICHARDS CONSTITUTION

The Executive council.
ii) Elective principle.
iii) Division of the country into unequal parts
iv) Limited power to legislate.

INDEPENDENCE AND POST-INDEPENDENCE

The Independence Constitution 1960

The independence constitution of 1960, which came into force on October 1, 1960, made Nigeria a full-fledged sovereign state within the Commonwealth.

FEATURES OF INDEPENDENCE CONSTITUTION

Parliamentary system.
Federal System.
Head of state.
Head of government.
Regional legislature

ACHIEVEMENT OF INDEPENDENCE CONSTITUTION

Independence for the country
ii) Bicameral legislature.
iii) Human rights.
iv) Membership of U.N.

WEAKNESS OF THE CONSTITUTION

Partial independence.
Final court of appeal.
Appointment of judges.

REPUBLICAN CONSTITUTION OF 1963

The criticism against the 1960 Constitution led to the passage of the Constitution of the Federal Act 1963 to replace the Nigeria Independence Act, 1960. Nigeria became a Republican in 1963.

FEATURES OF THE FIRST REPUBLICAN CONSTITUTION

Republican form of government.

Type of system.

Head of state

Election of the president.

MERITS OF THE FIRST REPUBLICAN CONSTITUTION

Republican form of government.

ii) An elected president.

iii) Home made constitution

iv) Final court of appeal.

DEMERITS OF THE FIRST REPUBLICAN CONSTITUTION

No supremacy of the constitution.

Accountable to the parliament.

Abuse of power.

The election of the President.

1999 NIGERIAN CONSTITUTION

In 1994, the Late General Sani Abacha inaugurated a Constitutional Conference headed by Justice Kariby Whyte. The 369-member Constitutional Conference was charged with the responsibility of drafting a new constitution for Nigeria. The recommendations of the conference were further reviewed by a 40-man Constitutional Review Committee and the Late General Sani Abacha's Advisory body. As a result of the death of General Sank Abacha on June 8, 1998, the 1999 Constitution was promulgated into law by General Abdulsalami Abubakar through the provisional Ruling Council. The basic features of the constitution are similar to that of the 1979 and 1989.

FEATURES OF 1999 CONSTITUTION

Qualification age for the office of the President is 40 years and governor is 35 years.

State religion was prohibited.

The official voting age is 18 years.

The governor is the chief executive of states.

MERITS OF 1999 CONSTITUTION

There is separation of power.

The Constitution is supreme.

Multi party democracy is recognized.

- There is bicameral legislature at the federal level.

Demerits of 1999 Constitution

The Local Government lack financial autonomy.

There is lack of fiscal federalism.

The president has too much power and may be authoritarian.

Impeachment is used as a weapon to intimidate the Executive.

Areas Needing Amendment in 1999 Constitution.

Some of the few significant aspect that came under amendment are found in section 1, subsection (a) and (b) of the 1999 Constitution. The subsection simply explain the power of the independent National Electoral Commission (INEC)

To divide each state of the federalism into three senatorial districts for the purpose of election to house of representatives whereas the 1979 Constitution recommended division of each state into (5) senatorial districts

Subject to the provision of section 49 of the 1999 Constitution which divided the federation into three hundred and sixty (360) federal constituencies for purpose of election to house of representative whereas the 1979 Constitution recommended division into (450) federal constituencies.

Another aspect of new development in the 1999 constitution is the issue on environment section (20) which provides the need to protect and improve on the environment.