

WEEK 2

TOPIC : CONSTITUTIONAL DEVELOPMENT IN NIGERIA

What is a Constitution?

Constitution can be defined as a body of rules and principles according to which a country is governed. It is the basic law by which a political system operates. A Constitution is a fundamental and entrenched rules governing the conduct of an organization or nation state, and establishing its concept, character, and structure. It is usually a short document, general in nature and embodying the aspirations and values of its writers and subjects. The constitution can also be defined as the organic and fundamental law of a nation or state, which may be written or unwritten, establishing the character and conception of its government, laying the basic principles to which its internal life is to be conformed, organizing the government, and regulating, distributing, and limiting the functions of its different departments, and prescribing the extent and manner of the exercise of sovereign powers. The constitution expresses the powers exercised by the various levels of government. It limits the power of the government. Constitution can be defined as a body of agreed rules and principles according to which a country is governed. It is the basic law to which a political system operates.

THE TYPES OF CONSTITUTION

1. **Written Constitution:** It is a body of rules and regulations of a country that are written in a single document. Examples of country that operate written constitutions are America, Nigeria etc.
2. **Unwritten Constitution:** It is defined as a body of rules and regulations of a country that are not written in a single document. An unwritten constitution is usually based on the cultures, traditions, conventions and beliefs of the people. Britain is a good example of a country that operates an unwritten constitution.
3. **Rigid Constitution:** Rigid Constitution is defined as one that is very difficult to amend or change. Most written constitutions are rigid. America, Ghana and Nigeria have written and rigid constitution.
4. **Flexible Constitution:** It is defined as the type of constitution that is easy to amend. Most unwritten constitutions are flexible. Britain, Italy etc have unwritten and flexible constitution.
5. **Federal Constitution:** A federal constitution is one which divides the powers of government between the central, states and local government. Nigeria and America are good examples of countries that operate a federal constitution.
6. **Unitary Constitution:** A unitary constitution is one in which there is only one central government. States and local governments do not exist in a unitary constitution. Britain, Italy and France are good examples of country with unitary constitutions.

Sources of a Constitution

1. **Convention:** This refers to the customs and traditions of a people which over time becomes generally acceptable norm in the society. In general, the constitution of a

state is a summation of the totality of the custom and tradition of people in that state.

2. **Act of Parliament** :This is a very important source of constitution of a state. Parliament in any state is the legal body can make and alter the laws of the state.
3. **The People**: The singular fact that laws are made to suit people within a particular state presupposes that inputs of the people, via their representatives in parliament to the amendment of a constitution or in drafting new ones, need to be taken seriously.
4. **Precedence**: This implies the ways and manners a particular thing is done over time within a period and which becomes widely accepted with time. This ultimately becomes part of the constitution.
5. **Constitutional Conferences/Constituent Assemblies**: This is an assembly convened for the purpose of drafting new constitution or altering the existing one.

Importance of the Nigerian Constitution

- It is the legal document from which every institution in the country gets its validity.
- It contains all the fundamental rights of every Nigerian citizen (more of this below).
- The Constitution is supreme – this means that any law or any action which is inconsistent or incompatible with any of the provisions contained in the Constitution is null, void and of no effect.
- The Constitution sets out the powers of the 3 arms of Government – the Executive, the Legislature, and the Judiciary.
- The Constitution states the procedure that must be followed for the creation of a new State or for the boundary adjustment of an existing State (and Local Governments as well)
- The Constitution provides that before any international Treaty can be effective in Nigeria, it must be enacted into law by the National Assembly
- It provides that composition of the Government or any of its agencies must reflect the federal character of Nigeria and there should be no predominance of persons from a few State or from a few ethnic or other sectional groups in that Government.
- The Constitution states that the procedure through which an individual can become a Nigerian citizen.
- It also states the procedure through which a Nigerian Citizen can renounce his/her citizenship. (Yes, you can decide that you do not want to be a Nigerian citizen anymore- but the Government has to confirm this)
- It provides for the fundamental rights of all Nigerian citizens.

Assessment

- State four importance of Nigeria constitution
 - sName four sources of a constitution
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