

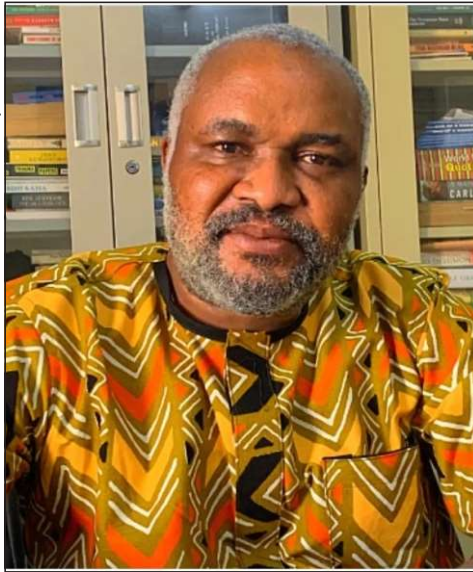
WHAT ARE THE PRIMARY DUTIES OF GOVERNMENT AND THE PENALTIES FOR FAILURE?

Fundamentally, man originally existed in what philosophers and historians termed the state of nature, in which survival of the fittest was the order of the day. In any particular environment, there was always the strongman who magisterially dictates what happens to everyone. In other words, the word of the strongman is the law which must be observed by everyone at the pain of severe physical punishments and torture and sometimes even death. This strong man continues to hold sway over his territory, until he is overawed and toppled by a stronger man. This rather sordid state of affairs led the English philosopher of that era to describe the erstwhile State of Nature as a place, where life is short, nasty and brutish. Obviously, this unnatural state of affairs curiously and ironically christened the State of Nature, cannot in any way be sustainable in the long term. The Concept of Social Contract and the Emergence of modern-day Government. The concept of Social Contract, pioneered and propounded by two English philosophers, John Locke and Thomas Hobbes as well as French philosopher, Jean Jacques Rousseau, provided a means of escape by man from the brutish and nasty State of Nature. It did this basically in two ways namely;

1) A Contract that led to the emergence of a modern State or Sovereign in the first instance signifying the willingness of the people, some of their basic freedoms to a Sovereign or the State.

2) Thereafter, to spell out the terms and conditions of the relationship between the people and the new State or Sovereign. In its simplest terms, the people Pledge their allegiance and obedience, in exchange for protection of the life and property of the people and the promotion of their basic human right, including the provisions of good governance.

Let us spend a little more time to look at different dimensions of Social Contract and Modern-day government, given its criticality to the topic being X-rayed by



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this brief treatise. Social Contract connotes a hypothetical agreement, used to explain the origins of Society and the State, implying of course the progression from the State of Nature, which Hobbes had described as short, nasty and brutish to a modern-day State or government, where relationships, procedures and processes are clearly anticipated and defined. Social Contract can be viewed as an actual or hypothetical agreement between the ruled and the ruler, defining the duties and rights of each party. In other words, an implicit agreement between the people and their government, (that is the State or Sovereign) and what each side expects from the other and vice-versa. To summarize the concept of Social Contract and Modern-day government, the people willingly give up some of their rights and freedoms which they had hitherto enjoyed in a raw state of nature, in exchange for protection of their remaining rights and maintenance of social order.

Brief Description and Definition of Modern-Day Government.

A government can be described as a group of people with authority to govern a State or a Country. It can also be described as an exercise of political authority over the actions and affairs of a political unit or group of persons, within

a defined and properly delineated political space, as well as certain functions of the said unit or group of persons. It can however never be overemphasized that that it is a Social Contract, willingly entered into by the people, whereby they surrender their basic individual rights and freedom to a Sovereign or State, subject of course, to terms and conditions, clearly spelt out as is the case with Nigeria, the United States of America and some other jurisdictions, in the form of a written Constitution. Before we delve into the primary duties of government, let us briefly mention some of the types of modern-day government presently in existence in various parts of the world today. They are principally the following; Monarchies. Oligarchies Dictatorships and Totalitarianism. Democracy.

Primary Duties of Modern-Day Government.

Out of the four forms of governments mentioned in the above paragraph, our major interest in this paper is the fourth type known as democracy, which is commonly defined as Government of the people, for the people and by the people. The primary duties and purpose of government generally and a democratic government in particular are principally the protection of lives and property of the citizenry. Governments have the moral and legal obligation to protect and promote human rights of the people, as well as ensure that people can realize their rights without discrimination, fear or favour. In broader terms however, the primary duties of government can be expanded to include the following;

1) Foreign policy. 2) Military defense. 3) Maintenance of domestic order. 4) Administration of Justice. 5) Protection of civil liberties. 6) Conduct of periodic democratic elections. 7) Provision of public goods and services. 8) Promotion of economic growth and development. 9) Social Insurance. 10) Provision of Social welfare. Other sundry duties of government that are equally key to assessing the performance

of any government in office also include, police and fire services, roads, electrification, social services and environmental protection.

The Constitution of the Federal Republic of Nigeria and the Primary Duties of Government.

The Constitution of the Federal Republic of Nigeria copiously provided under Chapter 2 titled fundamental Objectives and Directives of State Policy, for the duty of the government to the Nigerian people a few of which include the following;

Section 14 (b). "The security and welfare of the people shall be the primary purpose of government..."

Section 16(b). "The State shall control the national economy in such a manner as to secure the maximum welfare, freedom and happiness of every citizen..."

Government Duty to Protect Fundamental Human Rights.

The government is also obliged under Chapter IV of the Constitution of the Federal Republic of Nigeria, to guarantee and protect the following rights of the citizens, two of which I shall mention here, namely;

Section 39(1). "Every person shall be entitled to freedom of expression..."

Section 41. (1). "Every citizen of Nigeria is entitled to move freely throughout Nigeria..."

Possible Penalties for Officials of Government who fails to carry out His Duties.

Every government official is legally obligated to carry out his duties whilst in government without fear or favour and without asking for gratification. There are laws which ensures that any government official that fails or is negligent in carrying out his duty shall face the full weight of the Law. Beginning from the president and the Vice President to the Governor and Deputy Governor, although the Constitution provides them with immunity from arrest and prosecution whilst in office, in order to avoid impunity by these high officials, the same Constitution makes unambiguous and clear provisions for their impeachment and removal if they are



found guilty of gross incompetence or negligence.

Other elected officials such as the members of the legislature are subject to be recalled by their constituents, if they are found wanting in the execution of their constitutional duties. Other officials such as the Ministers and members of board of parastatals, apart from the possibility of their removal by the president or the governor as the case may be, can be arrested and prosecuted under the Economic and Financial Crimes Commission, EFCC, Independent Corrupt Practices Commission, ICPC, Code of Conduct Tribunal, etc.

For example, a number of former governors and other high government officials have received various jail terms, some have forfeited properties and cash under plea bargain etc.

Conclusion.

Government and their officials are responsible to the people to perform their duties under the law and are equally answerable to the Law in the event of their failure to do so. President Muhammadu Buhari is a failure in the conduct of elections. In 2023, he conducted the most fantastically ethically challenged election through his crony Mahmood Yakubu. We will examine the ingredients of credible elections.

Credible Election Defined: - Collins English dictionary defines election as the act or instance of choosing. It is the selection by vote of a person or persons from among candidates for a position, especially a political office. Webb (2019) in Political science Britannica describes

election as the formal process of selecting a person for public office or accepting or rejecting a political proposition by voting. It distinguishes between the form and substance of election. In some cases, electoral forms are present but the substance of election is missing, as when voters do not have a free and genuine choice between at least two alternatives. Most countries hold elections in at least the formal sense, but in many of the countries, elections are not competitive (e.g., all but one party may be forbidden to contest) or the electoral situation is in other respects highly compromised.

Merloe (2009) in American Bar Association Journal argues that inclusiveness, are characterized by credible elections transparency, accountability and competitiveness. Inclusive elections provide equal opportunity for all eligible citizens to participate as voters in selecting their representatives and as candidates for election into government. Transparent elections exist when each step is open to scrutiny and stakeholders can independently verify whether the process is conducted honestly and accurately. Accountability in elections refers to the rights of all citizens with respect to the conduct of other electoral stakeholders, including the government, Election Management Body (EMB), political parties, candidates and security forces. Elections are mechanism through which citizens hold their government accountable but there must be accountability within the election process itself. (from the new book "CREDIBLE ELECTIONS IN UNITED STATES AND GHANA: LESSONS FOR NIGERIA", written by EZIOKWU SAMUEL ANAYOCHUKWU). President Muhammadu Buhari from all available data and empirical evidence is a colossal failure.

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