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Editorial

This issue of KIU *Journal of Humanities* touches on development administration, educational administration, judicial administration entrepreneurship studies, human rights and gender studies, peace and conflict studies, extra-curricular activities as well as teaching and learning skills.

The first part of the Journal addresses issues in Development Administration such as Infrastructural Development, Fund Management, Taxation and Foreign Investments' Framework. It is argued in one of the papers that social infrastructure development is capable of sustaining both social and economic growth and improved quality and living conditions of the society. Social infrastructures remain the core element of social welfare. Thus efforts to raise social or public welfare must necessarily go beyond the traditional and limited approved of raising per capita income through agricultural development projects to the provision of social basic needs in term of health and medical facilities, potable water and education**.** Governments are therefore advised to create a secure and enabling environment, free from corruption and undue interference, for the social infrastructures to thrive and contribute positively towards improving the welfare of the citizens.

In part two, the importance of school development planning and job ethics in the educational sector are emphasized. It is suggested that workshops and seminars should be re-introduced to the teachers on the areas of teachers' specializations and pedagogy in order to improve on the current effectiveness of the teachers. This would go a long way for the teachers to be more effective. It is also recommended that public and private universities should design and circulate code of conduct as well work ethics policy to cover senior and junior staff so as to enhance productivity among their staff.

It has been observed that the administration of justice, in all countries and at all times is a subject broad and difficult, both in its operation and its influence. It is perhaps more indicative, a truer test, of the real temper and spirit, both of the government and the people of the state or country, than any other thing. This is why the papers in part three of this edition examine the role of the judiciary as the guardian or protector and the fundamental human rights of the citizens.

It must also be mentioned that in the search for an economic development agenda/program that empowers people, entrepreneurial education is very important in order to achieve a sustainable development. Against this backdrop, the papers in part four amplify that central tenet. Theoretical, methodological and practical implications are discussed in the papers. In particular, the results recommended that entrepreneurship skills acquired through the mandatory entrepreneurship education programme for undergraduate students of tertiary institutions in Nigeria are an important consideration in helping self-employed graduates to enhance their career performance.

In the Section on Peace and Conflict Studies, it is recommended that true federalism and genuine war against poverty and unemployment as well as massive infrastructural development as components of war for peace. In addition, government should embark on early monitoring of conflicts, probe the remote causes and be fair and just in transforming conflicts. This is drawn from the conclusion that the war for peace is insurmountable given that the right institutional and attitudinal framework is judiciously put in place and executed.

It has been discovered that extra-curricular activities have the efficacy of creating positive social behavior, and given the finding that the pupils who highly participated in extra-curricular activities highly felt the confidence to perform well academically, and those who participated less in extra-curricular activities felt that they would not perform well academically, there is need for the two groups of pupils, the higher and lower participants in extra-curricular activities both to develop a feeling and confidence that they can perform very well academically, and hence work hard to achieve it. This is the argument of one the papers in the sections that focus on extra-curricular and social psychology.

A few papers in this issue highlight ideas on how students can acquire teaching and learning skills. Based on the their findings, the papers in this section recommend among others that teachers should teach using video based instruction so as to encourage individualized learning. Also, the construction of 'Integrated Classrooms' that can house almost all teaching activities under one big roof is recommended.

On the whole, this edition of *KIU Journal of Humanities* features many thought provoking articles. Some of these articles are empirical in nature while others have theoretical base. Each of them focuses on one specific social and management problem or the other; trying to proffer solutions to them. Readers are therefore advised to make proper use of the ideas presented by the various authors.

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Part One
Development Administration

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Power Infrastructure and Electricity in Nigeria: Policy Considerations for Economic Welfare

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Abstract. Regular, adequate and affordable power supply, which are key indicators of improvements in economic welfare and by extension economic growth, are missing from Nigeria's clime hence the country faces a lot of developmental challenges including the risk of losing potential investors. This paper examined power infrastructure and electricity in Nigeria using descriptive demonstrations. Tables, charts and figures were used to provide evidences which support the huge gulf between electricity produced by the various power infrastructures and electricity demand in Nigeria. Electric power production, transmission and distribution capacities of 3,600MW, 5,838MW and 8,425MVA respectively are grossly inadequate to meet power demand of 10,000MW in Nigeria. This leaves estimated power generation, transmission and distribution deficits of 6,400MW, 3,502MVA and 6,740MW respectively. This study emphasizes that the infrastructure deficits requires about 8.1 trillion naira to finance and therefore recommends that the Nigerian government, the generating companies and the distribution companies should all make concerted efforts towards growing and developing the power infrastructure in the country. The government should also create a secure and enabling environment, free from corruption and undue interference, for the power sector to thrive and contribute positively towards improving the welfare of electricity consumers in the country.

Key words: economic welfare, electricity demand, electricity supply, Nigeria, power infrastructure

1. Introduction

Electricity is a cornerstone on which Nigeria and the welfare of its people depend and this essential commodity has no substitute. Unlike most commodities, electricity cannot easily be stored, so it must be produced (by the generating plants using any of the available energy resources - coal, gas, oil, hydro, solar, wind or nuclear) and consumed at the same time. It plays a very important role in the socio-economic and technological development of every nation as it is a sine qua non for the operation of production processes from designing to manufacturing of goods, distribution and services. Thus electricity affects every sphere of a nation's economy. Bearing this in mind, both developed and developing nations aim towards establishing an efficient electricity sector. Nigeria's population is the seventh largest in the world, with over 180 million people and largest economy in Africa. It accounts for nearly half of the total population of West Africa and more than 15% of the total population of the entire African continent

(Fernstrom, 2011). But Nigeria still faces formidable economic, social, industrial, and human development challenges, and because of all these challenges, the country is seen as one of the poorest countries in the world despite the huge resources from crude oil export (Nwankwo & Njogo, 2013). Electricity shortages constitute one of the main challenges facing the Nigerian nation. This situation is as a result of the inability of electricity supply to meet the consumers' demand as electricity supply in the country has been erratic and epileptic, thus resulting in frequent power outages that have impaired economic growth and development of the Nigerian state (Nwachukwu, Ezedinma, & Jiburum, 2014).

For any meaningful economic progress to take place, electricity supply and demand must remain uncompromising elements of the process because they accelerate the pace of structural transformation and diversification of the Nigerian economy (Olayemi, 2012). The electricity sector in Nigeria has been constrained by many factors, among which are regeneration deficits, weak transmission and distribution infrastructures, poor utility performances, and a long period of investment and maintenance neglect. Nigeria is blessed with an array of conventional energy-resources, prominent among which are crude oil, tar sands, natural gas and coal. In addition, there are substantive potentials for renewable energy-resources such as hydro, solar, wind, biomass, wave and tidal, and some geothermal (Adebanjo, 2012). Despite these resources, the country is still unable to generate enough electricity to meet its demand because poor infrastructure leading to load shedding and frequent power-outages.

Poor access to electricity in Nigeria has been a major impediment to Nigeria's economic growth as a nations' readiness to ensure adequate and regular power supply reveals how well it is ready for developmental take-off. It equally represents a crucial factor that supports economic growth in developing countries (Morimoto & Hope, 2001). Nigeria is presently faced with the challenge of providing sustainable, adequate, reliable and efficient electricity supply to residential, commercial and industrial consumers. This situation has adversely affected the social and economic life of the citizenry as it is widely accepted that there is a strong correlation between socio-economic development and the availability of electricity (Sambo, Garba, Zarma, & Gaji, 2012). Apparently, there are links between a sustained power supply and electricity in any developmental state. There is no doubt that expensive and unreliable power remains a major concern to Nigeria's industrial sector and household consumers. Multiple and unpredictable power cuts which have become a daily occurrence in Nigeria often result in equipment malfunctioning of all the sectors of the economy and make it difficult to produce goods and provide services efficiently (Ezenwe, (2001) as cited in Adebanjo 2012). Despite the attempts by private firms to supplement power supply, electricity demand by consumers' particularly domestic users has continued to increase.

In the view of Iwayemi (2008), Nigeria's electricity crisis is striking for a variety of reasons: First is its occurrence despite the enormous endowments of non-renewable and renewable primary energy resources. The resource endowments of crude oil and natural gas currently estimated at 35 billion barrels and 185 trillion cubic feet, respectively, are more than adequate to fuel much of Sub-Saharan Africa energy demand for several decades. Second is that coal reserves are also substantial at 2.75 billion metric tons. Also, large amount of renewable energy resources including hydroelectricity, solar, wind and biomass energy are present. One of the many paradoxes in Nigeria is energy/electricity poverty amid plenty. Third, despite being a world ranking exporter of liquefied natural gas (LNG), Nigeria's gas-dominated electric grid experienced frequent collapse linked largely to inadequate gas supply. Gas pipeline vandalization associated with resource control-linked militancy in the oil producing Niger Delta has compounded the supply problem. Huge gas flaring has been a regular feature of the Nigerian oil industry since production began in 1958. This wasteful gas flaring has consistently ranked Nigeria among the world's largest source of carbon emissions, a major factor in global

warming. Fourth, the several billion dollars of public investment that went into generation and transmission capacity expansion in the past decades contrast sharply with the extremely poor supply of electricity. Lastly, there are the high social, economic and environmental effects of poor public power supply and its extensive substitution with highly polluting generators. Overtime, the Nigerian economy has been described, by commentators on the power sector, as a power-generating set economy because of the enormous amount of off-grid electricity being generated to satisfy its power requirements (Onochie, Obanor, & Aliu, 2015).

The historic gap between the demand for power in Nigeria and the electricity available from the grid has led to widespread self-generating sets of power in the commercial, industrial and residential sectors; many individuals and businesses own their generators to compensate for lack of access to and supply of energy. Business reliance on self-generation via diesel-powered generators has environmental impacts which using cleaner fuels could reduce. This is because, typically, self-electricity-generation accounts for a significant portion of most business recurrent expenditure in Nigeria; such significant overhead costs are clearly being passed onto consumers. The historically low level of investment in Nigeria's power sector has been a significant barrier to private investment in the country (Idemudia & Nordstrom, 2016).

This paper sets out to examine the power infrastructure and electricity in Nigeria across a five-section arrangement by focusing on the status of the generating, transmission and distribution companies and the implications on economic welfare. In a bid to achieve its aim, the paper is organized thus: Following the introduction is Section two which provides a historic overview of Nigeria's power sector. Section three looks at the various power infrastructures in Nigeria. Section four examines electricity demand and supply in Nigeria while Section five concludes the paper and proffers solutions on the ways to bridge the Nigeria's electricity infrastructure gap.

2. The Literature

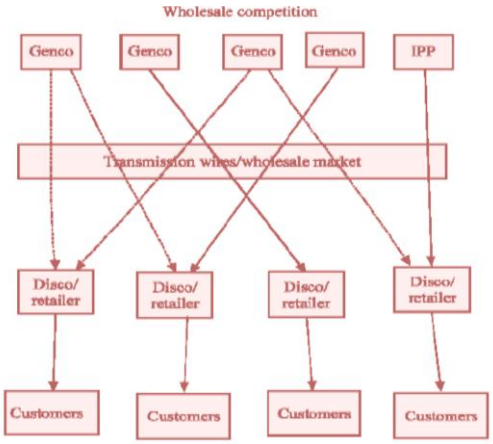
2.1 Historical Overview of Nigeria's Power Sector

Nigeria, with a total landmass of 923,768 sq. km, has a population of about 160 million people. The Electricity Corporation of Nigeria (ECN) was incorporated in 1950 via an Ordinance Act, for the purpose of controlling and regulating the electricity business in Nigeria (Eke, 2014). This paved the way for the development of power generation, transmission and distribution infrastructure in Nigeria. Prior to 1950, the electricity infrastructure in Nigeria comprised of two small generators installed by the British colonial masters in Lagos and other small domestic generators installed in some homes for purely domestic consumption. Electricity Corporation of Nigeria and the Niger Dam Authority were merged in 1972 to form the National Electric Power Authority (NEPA) (Nwabude, 2008). In 2005, NEPA was renamed Power Holding Company of Nigeria (PHCN) with the signing of the Electric Power Sector Act. ECN, NEPA and PHCN were 100 per cent owned and managed by the Federal Government of Nigeria. The existing power generation, transmission and distribution infrastructure was constructed at various times between 1950 till date largely through ECN, NEPA and PHCN. This infrastructure includes hydro and thermal power stations, a transmission grid and several distribution infrastructures (Eke, 2014).

Over the years, the power infrastructure was poorly managed; the industry was characterized by frequent equipment breakdown and very low system availability and reliability. It also became a financial drain on the country's treasury as government monopoly of the industry eliminated competition and encouraged corrupt practices (Eke, 2014). Network capacity expansion was very slow and could not keep pace with the growing demand for power supply. Thus, power generation, transmission and distribution infrastructure became over-loaded and load-shedding became characteristic. This informed the reason for the privatization of the power sector. In 2013, the federal government handed over power generation and distribution

infrastructures to the successful private investors after a competitive bidding exercise. However, power transmission infrastructure is still owned solely by the federal government via the Transmission Company of Nigeria (TCN). TCN has entered into a third party contract with a private equity investor, Manitoba Hydro International Ltd for the purpose of managing and operating the transmission network on its behalf (Eke, 2014).

Figure 2.1: The Expected Goal of the Unbundling Process



Source: Maduekwe (2011)

The operating environment as shown in Figure 2.1 is such that the distribution companies (DisCOs) can purchase power from generating companies (GenCOs) of their choice while GenCOs are allowed to optimize production cost and hence make competitive offers for sale of power. The TransCO on the other hand is an independent power operator (IPO), as well as an energy carrier with the responsibility of ensuring bilateral contracts exist between DisCOs and GenCOs with additional responsibility of issuing operational guidelines for efficiency of the system.

The drawbacks of this arrangement, as observed by Okolobah & Ismail (2013), are that the TransCO is government-owned and the inefficiencies inherent in government owned enterprises in Nigeria could still be found in it (one of the reasons given for the unbundling of NEPA); over concentration of generation sources will definitely give rise to heavy losses, which at present is between 30-35%compared with 3% in the United State and 0.5% in Japan (Babalola, 2009 as cited in Okolobah & Ismail, 2013); non-optimal load flow and a weak grid; and the grid control ties the whole of Nigeria together as a single unit.

3. Power Generation Infrastructures in Nigeria

Since the commencement of electricity production, the country has developed various power stations including gas-fired, oil-fired, hydro-electric and coal- fired stations owing to the availability of energy sources (water, oil, coal and gas) in the country. Nigeria is endowed with natural resources for power generation but this sector is still plagued by problems. The Nigerian power sub-sector is characterized by epileptic supply, improper pricing of power, energy theft and non-settlement of tariffs (Nwabude, 2008). Although concerted efforts are being made to address these issues, the situation is not expected to change in the immediate future.

Table 3.1 shows at a glance the rankings of about twenty countries based on their gross domestic product, population and power generation. Nigeria, which is the key interest, is ranked 31st with a GDP of 377.9 (billions of dollars), power generation of 20.13 (billions kWh) and a population size of 155,215,573. By way of comparison with Russia which has similar population (138,739,892), there is a stark difference between power generated in Nigeria and power generated in Russia.

Table 3.1 Rankings of some countries based on their GDP, Population and Power Generation

Country	Ranking	GDP (Billions of Dollars)	Power Generation (Billions kwh)	Size of Population
USA	1	14,660	3,953	313,232,044
China	2	10,090	3,446	1,336,718,015
Japan	3	4,310	982.3	126,475,664
India	4	4,060	835.3	1,189,172,906
Germany	5	2,940	556.4	81,471,834
Russia	6	2,223	925.9	138,739,892
United Kingdom	7	2,173	346	62,698,362
Spain	13	1,369	275.1	46,754,784
Indonesia	15	1,030	141.2	245,613,043
Taiwan	18	821.8	229.1	23,071,779
Poland	20	721.3	141.8	38,441,588
Saudi Arabia	22	622	194.4	26,131,703
Thailand	24	586.9	139	66,720153
South Africa	25	524	238.3	49,004,031
Malaysia	29	414.4	101.1	28,728,607
Nigeria	**31**	**377.9**	**20.13**	**155,215,573**
Sweden	32	354.7	129.4	9,088,728
Philippines	33	351.7	59.19	101,838,938
Switzerland	37	324.5	64.08	7,639,961
Ghana	85	61.97	8.167	24,791,073

NOTE: All population size estimates are as at July, 2011.
Source: Adapted from Okolobah and Ismail (2013)

Nigeria currently generates about 3.5GW of electricity out of an installed capacity of 7.59GW. However, current total estimated demand is 10GW. Thus Nigeria is only able to produce 35% of her electricity demand (Eke, 2014). The power generation infrastructure in Nigeria comprises three major infrastructure groups which are:

3.1 Generation Companies (GENCOs)

The electricity generating companies which consist of six recently privatized power stations known as GENCOs and are previously owned by the federal government are shown on Table 3.2.

Table 3.2 Generating Companies and their Capacities

Generation Company	Plant Type	Capacity (MW)
Afam Power Plc (1-V)	Thermal	987.2
Egbin Power Plc	Thermal	1,320
Kainji/ Jebba Hydro Electric Plc	Hydro	1,330
Sapele Power Plc	Thermal	1,020
Shiroro Hydro Electric Plc	Hydro	600
Ughelli Power Plc	Thermal	942

***Source**: KPMG Advisory Services (2013)*

The total installed capacity of these six GENCOS is 6.20GW. The six GENCOS and their installed capacities are shown on Table 3.2 which reveals that apart from the Kainji/Jebba which is a hydroelectric plant; most of all others which generate higher megawatts of electricity are thermal plants.

3.2 National Integrated Power Projects (NIPP)

The National Integrated Power Project (NIPP) is an integral part of federal government's efforts to combat the power shortages in the country. There are ten NIPPs owned by government and aimed specifically at improving power generation output in order to bridge the gap between power demand and supply. These projects are at various stages of execution. However the combined capacity of the present NIPPs is 5.46GW.

Table 3.3 NIPPs in Nigeria with their Capacities and Locations

NIPPs	Capacity (MW)	Location/State
Alaoji Generation	1,131	ABIA

Company Nigeria Limited		
Benin Generation Company Limited	508	EDO
Calabar Generation Company Limited	634	CROSS RIVER
Egbema Generation Company Limited	381	IMO
Gbarain Generation Company Limited	254	BAYELSA
Geregu Generation Company Limited	506	KOGI
Ogorode Generation Company Limited	508	DELTA
Olorunsogo Generation Company Limited	754	OGUN
Omoku Generation Company Limited	265	RIVERS
Omotosho Generation Company Limited	513	ONDO

***Source**: KPMG Advisory Services (2013)*

3.3 Independent Power Producers (IPPs)

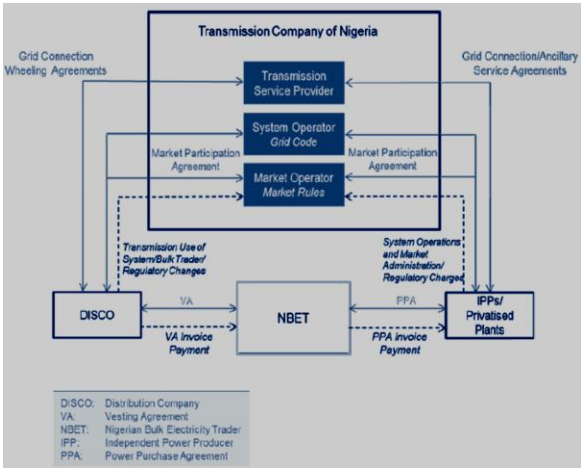
These are power plants owned and managed by the private sector. More than sixty five licenses have been issued by the Nigerian Electricity Regulatory Commission (NERC) to Independent Power Producers in order to improve the deplorable power situation in the country. The existing IPPs include Afam Power Station (Train VI) – operated by SPDC: 642MW; Okpai Power Station – operated by NAOL: 480MW and AES Power Station - operated by NAOL: 270MW. These three combined capacity of the IPPs that have been constructed is 1.39GW.

3.4 Power Transmission Infrastructure in Nigeria

Transmission network is the 'life-blood' of the entire electricity sub system. The Transmission Company of Nigeria (TCN) is being managed by a Management Contractor, Manitoba Hydro International (Canada). Manitoba is responsible for revamping TCN to achieve technical and financial adequacy in addition to providing stable transmission of power without system failure. The National Grid operates at 330 KV and 132 KV high voltage level (HV). The transmission capacity of the Nigerian Electricity Transmission system is made up of about 5,523.8 km of 330 KV lines and 6,801.49 km of 132 KV lines. The TCN is made up of two major departments: System Operator and Market Operator. The Market Operations (MO) is a department under TCN charged with the responsibility of administering the wholesale electricity market, promoting efficiency and where possible, competition. The system operator is focused on system planning, administration and grid discipline. In addition, it is expected that Manitoba Hydro International will re-organize TCN and ensure that the Market Operator and the System Operator become autonomous (KPMG Advisory services, 2013).

Figure 3.2 shows the responsibilities of the TCN.

Figure 3.2 Responsibilities of TCN



***Source:** Nigerian Energy Sector (2015)*

Nigeria has one of the highest transmission losses in the world; this is partly because the average age of the transmission equipment is 30 years, the consequence of long neglect (Ola, 2013). The network is also mostly radial. The existing transmission system is not sufficient to transfer the additional power injected to the grid by the new power plants (Omobobola 2012 as cited in Utazi & Ujam, 2014). The transmission system in Nigeria does not cover every part of the country. Currently it has the capacity to transmit a maximum of about 4,000 MW and it is technically weak, therefore very sensitive to major disturbances (Sambo, 2009). The Transmission Company of Nigeria (TCN), projected to have the capacity to deliver about 12,500 MW in 2013, has the capacity of delivering 4800 MW of electricity. Nigeria has a

generating capacity of 5,228 MW but with peak production of 4500 MW against a peak demand forecast of 10,200MW. This shows that if the generation sector is to run at full production, the transmission grid will not have the capacity to handle the produced power reliably (Utazi & Ujam, 2014). Therefore, there is urgent need to expand and modernize the electricity transmission infrastructure, in order to enjoy expected gains from the privatization of the power sector. Some of the major problems associated with the transmission system in Nigeria as observed by Emodi & Yusuf (2015) includes poor funding by the federal government, limited national coverage; it's current maximum electricity wheeling capacity is 6,056 MW which is below the required national need; frequent vandalization of the lines associated with low level of surveillance and security on all electrical infrastructure; inadequate of spare parts for urgent maintenance and poor technical staff recruitment, capacity building and training programme.

3.5 Power Distribution Infrastructure in Nigeria

For the market to operate freely, the generating companies must be able to sell their electricity to distribution companies who then sell it to the end consumers (Nigerian Electricity Sector, 2015). The Nigerian power distribution infrastructure is divided into eleven zones. These zones are grouped with the main purpose of distribution of power to the consumers. Table 3.4 shows at a glance the various DisCos, their areas of operation and average allocation of power from the National Grid.

As indicated on Table 3.4, Ikeja Distribution Company has the highest number with 15 percent load allocation, followed by Ibadan Distribution Company with 13 percent load allocation. Abuja Distribution Company and Yola Distribution Company are tied with the same number of load allocation of 11.5 percent each.

Table 3.4: The DisCos in Nigeria (Areas of Operation and Average Allocation of Power from the National Grid)

S/N	Name of DISCO	Areas of Operation	Percentage Load Allocation (%)
1	Abuja Distribution Company	FCT, Kogi, Niger	11.5
2	Benin Distribution Company	Edo, Delta, Ekiti, Ondo	9
3	Eko Distribution Company	Lagos (Island, Victoria Island, Lekki to Epe)	11
4	Enugu Distribution Company	Abia, Anambra, Ebonyi, Enugu and Imo	9
5	Ibadan Distribution Company	Kwara, Ogun, Osun and Oyo	13
6	Ikeja Distribution Company	Lagos (All of mainland, Ikeja to Badagry)	15
7	Jos Distribution Company	Bauchi, Benue, Gombe, Nassarawa, Pleteau	5.5
8	Kaduna Distribution Company	Kaduna, Kebbi, Sokotoand Zamfara	8
9	Kano Distribution Company	Jigawa, Kano and Kastina	8
10	Port Harcourt Distribution Company	AkwaIbom, Bayelsa, Cross River and Rivers	6.5
11	Yola Distribution Company	Adamawa, Borno, Taraba and Yobe	11.5

Source: KPMG Advisory Services (2013)

However in most locations in Nigeria, the distribution network is poor, the voltage profile is poor and the billing system is inaccurate. As the department, which inter-faces with the public, the need to ensure adequate network coverage and provision of quality power supply in addition to efficient marketing and customer service delivery cannot be over emphasized. Some of the major problems of DISCOs in Nigeria as identified by (Sambo, et al, 2012) are: weak and inadequate network coverage, overloaded transformers and bad feeder pillars, substandard distribution lines, poor billing system, unwholesome practices by staff and very poor customer relations, inadequate logistic facilities such as tools and working vehicles, poor and obsolete communication equipment, low staff morale and lack of regular training, and insufficient funds for maintenance activities.

Table 3.5 shows the tariff class descriptions of customers across the various Discos in Nigeria. Consequently, the distribution system like all other parts of the sector also plays its role in the

incessant power interruptions experienced by customers. This is evidenced by the under-equipped state of most of the distribution substations in dire need of urgent upgrades and expansion. This also adversely limits the number of customers connected to the distribution networks.

Table 3.5 Tariff Class Descriptions

S/N	**Customer Classification**	Description	Remarks
1	**Residential**		A consumer who uses his premises exclusively as a residence - house, flat or multi-storeyed house where people reside.
	R1	Life-line (50kwh)	
	R2	(1 and 3-phase)	
	R3	LV Maximum Demand	
	R4	HV Maximum Demand (11/33KV)	
2	**Commercial**		A consumer who uses his premises for any purpose other than exclusively as a residence or as a factory for manufacturing goods.
	C1	Single and 3-phase	
	C2	LV Maximum Demand	
	C3	HV Maximum Demand (11/33KV)	
3	**Industrial**		A consumer who uses his premises for manufacturing goods including welding and ironmongery.
	D1	Single and 3-phase	
	D2	LV Maximum Demand	
	D3	HV Maximum Demand (11/33KV)	
4	**Special**		Customers such as agriculture (agro-allied enterprises involving processing are excluded), water boards, religious houses, Government and teaching hospitals, Government research institutes and educational establishments.
	A1	Single and 3-phase	
	A2	LV Maximum Demand	
	A3	HV Maximum Demand (11/33KV)	
5	**Street Lighting**		
	S1	Single and 3-phase	

Source: Nigerian Electricity Regulatory Commission, Multi-Year Tariff Order (2012)

For a country with a then population of over 160 million people, only an approximate 65 million people (that is 36.5%) have access to electricity of which less than 5% are legally-connected to the distribution companies (Ekpo, 2012; Oseni, 2012). Further compounding this issue is the fact that only about 65% of these customers are metered while the remaining 35% are still billed on a monthly-estimated sum, creating a tremendous scope for electricity theft. These all combine to make the collection of electricity revenue inefficient & ineffective. This further shows that the proportion of illegally-connected electricity consumers (approximately 96.5%) far-outstrips the legally connected customers and the need for distribution companies to expand their networks into rural areas in other to accommodate customers in the hinterlands (Etukudor, Abdulkareem & Ayo, 2015).

The absence of a cost-reflective tariff is one of the reasons for the failure of the power sector to serve Nigerians well. Fully efficient cost recovery is mandated by S.76, EPSR Act, 2005. The NERC drafted the Multi Year Tariff Order (MYTO) as shown in Table 3.5 which envisages an efficient tariff system that gives the consumer right to a reliable electric service and transparent billing at the same time ensuring that the investor has reasonable return on investments (Usman & Abbasoglu, 2014).

In Nigeria, majority of the electricity consumers are unmetered. This situation has continued despite attempts by the Nigerian Electricity Regulatory Commission (NERC) to reduce the metering gap in recent years. The problem of billing without meter is that it gives room for information asymmetries which consumers who are on direct connection and get estimated bills. Billing by estimate has been observed to be excessive, thus provoking payment apathy. It is worthy to note that over eighty percent complaints received by NERC from electricity consumers in Nigeria are centered on issues such as estimated metering, excessive tariff in the

estimated metering methodology and poor metering infrastructure (Akah 2013, as cited in Okafor 2013). Available evidence suggests that electricity billing in Nigeria is asymmetric (Ofonyelu & Eguabor, 2014). Amadi (2013) as cited in Ofonyelu & Eguabor (2014) also observed that the issuance of estimated bills by the DISCOs gives room for cheating the consumers. He opined that metering all electricity consumers would assist the customer to effectively monitor their electricity usage, as well as enable the DISCOs to determine their revenue. The rising economic hardships tend to increase asymmetries in all sectors of the economy (Ogun & Ofonyelu, 2013). However from the view of the DISCOs, some electricity consumers indulge in varied forms of illegal connections and reconnections on its appliances. These activities distort correct mapping of electricity supplied to the feeder with revenue projection, as many of the unauthorized consumers tap into the supply (Ofonyelu & Eguabor, 2014).

4. Electricity Demand and Supply in Nigeria

Electric demand refers to the maximum amount of electrical energy that is being consumed at a given time. It is measured in both kilowatts and kilovolt amperes, depending on the rate tariff. The difference between the two terms is power factor. Another related term is kilowatt hours, which is a measurement of total electricity used for a period of time. A 1000 watt electrical load used for one hour consumes one kiloWatt hour (kWh).

Table 4.1 Electricity Demand Projections per Scenario, MW.

Scenario	2005	2010	2015	2020	2025	2030
Reference (7%)	5,746	15,730	28,360	50,820	77,450	119,200
High Growth (10%)	5,746	15,920	30,210	58,180	107,220	192,000
Optimistic I (11.5%)	5,746	16,000	31,240	70,760	137,370	250,000
Optimistic II (13%)	5,746	33,250	64,200	107,600	172,900	297,900

Source: Sambo, et al (2012).

Table 4.1 shows the electricity demand projections for various growth scenarios. It must be emphasized that the demand indicated for 2005 represents suppressed demand, due to inadequate generation, transmission, distribution and retail facilities. Suppressed demand is expected to be non-existent by 2010.For the 13% GDP growth rate, the demand projections rose from 5,746 MW in the base year of 2005 to 297,900 MW in the year 2030 which translates to construction of 11,686 MW every year to meet the demand. The corresponding cumulative investment (investment & operations) cost for the 25-year period is US$484.62 billion, which means investing US$80.77 billion every five years within the period (Sambo, et al, 2012). Similarly Table 4.2 looks at the total predicted demand in Nigeria.

The total predicted demand is derived by summing the individual demand forecast of residential, commercial and industrial. From the table, it is observed that the demand for electricity is increasing continuously, hence the need to make adequate infrastructural provisions for the future.

Table 4.2 Total Predicted Load Demand

Year	Predicted Load Demand (MW)	Year	Predicted Load Demand (MW)
2013	14812.99	2022	17334.61
2014	15093.17	2023	17614.79
2015	15373.35	2024	17894.97
2016	15653.53	2025	18175.15
2017	15933.71	2026	18455.33
2018	16213.89	2027	18735.51
2019	16494.07	2028	19015.69
2020	16774.25	2029	19295.87
2021	17054.43	2030	19576.05

Source: Adapted from Ezennaya, Isaac, Okolie & Ezeanyim, (2014)

Table 4.3 Demand and Supply Gap of Electricity around the Globe

Countries	Population of the countries	Demand (GW)	Supply (GW)	Excess DD (GW)
Germany	80	80	120	40
UK	60	60	80	20

South Africa	50	50	40	(10)
Egypt	80.5	80.5	24	(56.5)
Algeria	40	40	11	(29)
Brazil	200	200	100	(100)
Nigeria	160	150	3	(147)

Source: Adapted from Abubakar and Abdussalam, (2013)

Table 4.3 shows the demand and supply of electricity around the world. Out of the seven countries considered, only Germany and United Kingdom have an excess supply of electricity with 40GW and 20GW respectively. South Africa, Egypt, Algeria, Brazil and Nigeria all have deficit in electricity supply.

Table 4.4 Demand and Supply Gap of Electricity in Nigeria

Year	Demand (GW)	Supply (GW)	Excess Demand (GW)
2005	19.85	4	(15.85)
2006	15.59	7	(8.59)
2007	19.06	13	(6.06)
2008	22.11	8	(13.11)
2009	22.11	5	(17.11)
2010	21.92	3	(18.92)
2011	21.92	3.5	(18.42)
2012	20.13	4	(16.13)

Source: Adapted from Abubakar and Abdussalam, (2013)

Table 4.4 presents the demand and supply gap of electricity in Nigeria from 2005 to 2012. Evidence from Table 4.3 show that Nigeria has seriously been experiencing excess demand for electricity since 2005 and that excessive demand was at its peak in 2010 and 2011 with 18.92GW and 18.42GW respectively.

5. Bridging the Infrastructure Gap in the Nigeria Power Sector

The power sector is a capital intensive sector but the allocation of the federal budget for the development of the power sector is low compared to the potential of the sector. As noted by Emodi and Yusuf (2015), the Ministry of Power and Steel projected the amount of investment to meet domestic power system expansion in 2030 at an estimated US$262 Billion. To increase transmission capacity from 5800MW to over 13000MW in 2013 cost the government US$1.4 billion while increasing generation capacity from 4200MW to 13000MW in the same year cost the government another US$3.5 billion. Table 5.1 shows the power infrastructure capacity and demand in Nigeria.

Table 5.1 Power Infrastructure Capacities and Demand in Nigeria as at 2011

Infrastructure	Available	Need	Difference
Generation	3,600MW	10,000MW	6,400MW
Transmission capacity	5,838MVA	9,340MVA	3,502MVA
Distribution capacity	8,425MVA	15,165MVA	6,740MVA
Tariff collection efficiency	70%	95%	25%
Transmission losses	Over 40%	Less than 15%	-25%

Source: Adapted from Tinubu (2011).

Table 5.1 provides evidences that the Nigerian power sector suffers low generating capacity relative to installed capacity causing many of the country's citizens not to have access to uninterrupted supplies of electricity. On the average, electricity generation in Nigeria ranges between 2500 megawatts to about 3600 megawatts, while estimated national consumption is in excess of 10,000 megawatts. Potential demand in the next few years is approximated to about 15,000 megawatts. This gap is regrettable as Nigeria is endowed with massive reserves of hydro-energy, petroleum reserves and is one of the largest gas reserves in the world. Government policy for the sector during the 1980s and the 1990s and until recently did not properly foresee the national needs. Before 1999, the power sector neither witnessed improvements in infrastructural development nor the existing ones properly maintained and this has brought the power sector to a deplorable state. In 2001, generation went down from the installed capacity of about 5,600MW to an average of about 1,750MW, as compared to a load demand of 6,000MW. Also, only nineteen out of the seventy-nine installed generating units were in operation (Sambo, 2008). As at 2008 electricity generation ranged was from 2500Mv-3500Mv out of installed capacity of 5963 MW even with the three new gas powered independent power projects in the

Niger Delta region (Bolaji, 2008). In 2010 the power holding company of Nigeria could only supply 4,320mw of electricity while demand was 10,500MW, leaving an excess demand of 6180MW (Odiaka, 2006). Demand for electricity has grown at a rate of 8.2% per annum since 1984 against GDP growth of about 3.5% and per-capita generation relative to other countries is extremely low (Garba, 2002 cited in Adebanjo, 2012). It is estimated that an additional 10,000MW in capacity is required to meet the current demand which continues to grow in response to increasing population, urbanization, improved standard of living and economic development (Sambo, 2008).

The estimated costs of providing 1MVA of power generation, transmission and distribution capacity in Nigeria are US$2.3m, US$1.2m (assumed less than 15km of transmission distance) and US$0.3m (assumed radial distance of 20km) respectively. From this estimate, it can be deduced that the cost of providing the additional 6,400MW of power generation as US$18.4b, while the estimated cost of upgrading the transmission capacity from 5,838MVA to the required 9,340MVA is US$4.2b (Eke, 2014). Similarly, the cost of increasing power distribution infrastructure to 15,165MVA is US$2.0b. This gives a total cost of US$24.6b (N8.1 trillion based on US$1: N330) as the cost of increasing the power generation, transmission and distribution infrastructure to meet the current power demand in the country only.

In conclusion, electricity is essential for economic development. The reason for such necessity lies in the fact that electricity affects every sphere of a nation's economy, little wonder both developed and developing nations aim towards establishing an efficient and effective electricity sector. This paper has examined the power infrastructure and electricity in Nigeria using descriptive statistics and the findings reveals that there is a huge gulf between electricity produced in Nigeria by the various power infrastructures and the present demand by the electricity consumers in Nigeria.

To bridge this gap of power infrastructure capacity and electricity demand in Nigeria, the following policy options are recommended: The Nigerian government, the generating, transmitting and distributing companies should make concerted effort to grow and develop the power infrastructure by through improved investment and expansion programme. The Government should also create the enabling environment, free from corruption and undue interference, for enterprises in the power sector to thrive. Also, various improvements are needed in the Nigerian electricity value chain as a whole. The improvement includes proper maintenance of the transmission and distribution network, security of the grid and its components which should be vested on the benefiting communities. Human capacity development should be improved through regular training programs for the staff and engineers in the electricity sector to ensure excellent service delivery.

The paper recommends that government should intensify security measures in place to protect electricity generation, transmission and distribution equipments from being vandalized. This is because the vandalization of power infrastructure has a negative impact on electricity consumers at large. Government should also make a concerted effort in diversifying the sources of electricity in Nigeria if the nation is to be considered a major player in the global economy come 2020.

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Treasury Single Account and Fund Management in Nigeria: A Perception of Accounting Practitioners in Ado-Ekiti Metropolis

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Abstract. Treasury Single Account (TSA) is a constitutional tool that facilitates collection of all government incoming cash in one account through transferring of the open account balances that hold names of the ministries and government departments existed in the Central Bank and the commercial banks into one consolidated account (CRF) while all approved expenditures and trusts are implemented through this account. The high rate of corruption bedeviling Nigeria economy coupled with the recent financial crunch have necessitated operationalization of the constitutional tool (TSA) across government ministries, parastatals, and extra ministerial departments with the sole aims of reducing siphoning of public fund, boosting revenue collection, and ensuring effective fund management. This study investigates the role of operationalized TSA in fund management by eliciting the opinion of accounting practitioners in Ado-Ekiti metropolis. Descriptive and inferential statistics were used in analyzing the data for the study. The study revealed that operationalized TSA reduces mismanagement of public fund and boost government revenues. It therefore recommended that the government political will in enforcing the TSA operation be sustained to fully harness its benefits.

Keywords: TSA, Fund Management, Accountability, & Transparency

1. Introduction

The Treasury Single Account (TSA) is not just assumed individual concept but a constitutional tool, which is backed with a particular section in the constitution of the nation (Nigeria). Section 80 (1) of the 1999 of the Nigeria Constitution as amended described TSA as all revenues, or other monies raised or received by the Federation (not being revenues or other monies payable under this Constitution or any Act of the National Assembly into any other public fund of the Federation TSA established for a specific purpose) shall be paid into and form one Consolidated Revenue Fund of the Federation"; successive governments have continued to operate multiple accounts for the collection and spending of government revenue in flagrant disregard to the provision of the constitution which requires that all government revenues be remitted into a single account. It was not until 2012 that government ran a pilot scheme for a single account using 217 ministries, department and agencies as a case study. This scheme saved the country about ₦500 billion in frivolous spending. The success of the scheme motivated the government to fully implement TSA, leading

the Federal government given a directive to banks to implement the technology platform that will help accommodate all MDA's in the TSA scheme. The recent directives of the President Mohammed Buhari led administration that all government revenues be remitted to a Treasury Single Account is not only in consonance with this programme but also in compliance with the provisions of the 1999 constitution (as amended).

In February, 2015, the Central Bank of Nigeria issued a circular directing all deposit money banks to implement the Remita e-Collection Platform. The Remita e-Collection is a technology platform deployed by the Federal Government to support the collection and remittance of all government revenue to a Consolidated Account domiciled with the CBN. This marked the beginning of the full implementation of Treasury Single Account (TSA) system in Nigeria. The circular also ordered all revenue-generating agencies to close their accounts with commercial banks and transfer same into a Consolidated Revenue Fund of the Federation and Treasury Single Account as a new electronic revenue collecting platform.

According to the Accountant General of the Federation (AGF), Mr. Jonah Otunla, the new Electronic Revenue Collection (ERC) platform is aimed at improving internally generated revenue in the face of declining oil prices. This, he said, was in line with a series of treasury reforms, which began in 2012, aimed at ensuring transparency and accountability in the management of the nation's finances. It was observed that there are leakages of government receipts and government funds been idle in unidentified accounts that have been the bane of the economy growth (Otunla, 2015). The Treasury Single Account introduced and enforced by the Federal Government of Nigeria will enable government Ministries, Departments and Agencies to device means of ensuring proper cash management of funds in their custody. This policy is a critical step towards curbing corruption in the public funds management. The TSA as a constitutional tool will be used to reduce indiscipline among public sector workers, non-challant attitude of public sector officers on government idle funds and to ensure adequate fund flow that will be channeled to critical sectors of the economy to speed up development. The implementation of this policy will also reduce mismanagement of funds in the public institution such as Federal Universities where different fees are demanded from the students but application of same not transparent. It is against this background that the study examines the role of TSA on fund management in the public sector.

2. Objectives of the Study

This study generally aims at examining the role of consolidation of all government funds in a single account (SA) on fund management. To achieve this, the specific objectives were:

(i) to examine the role of Treasury Single Account on Effective fund Management.
(ii) to assess the role of the Treasury Single Account on government transparency.

3. Statement of Hypotheses

The following hypotheses were formulated as guide to the study:

H_{01}: Treasury Single Account does not facilitate effective fund management
H_{02}: Treasury Single Account does not improve government transparency and accountability

4. Literature Review

4.1 Conceptual Clarification and a Look back to TSA in Nigeria

Treasury Single Account is a public accounting system under which all government revenue, receipts and income are collected into one single account, usually maintained by the country's Central Bank and all payments done through this account as well. The purpose is primarily to ensure accountability of government revenue, enhance transparency and avoid misapplication of public funds. The maintenance of a Treasury Single Account will help to ensure proper cash management by eliminating idle funds usually

left with different commercial banks and in a way enhance reconciliation of revenue collection and payment (Adeolu, 2015). It is a single pool for harvesting revenue inflows of MDAs and was not President Buhari's idea. It was conceived by the immediate administration of President Goodluck Jonathan, but it remained a mere policy on paper due to lack of political will to enforce it (Otunla, 2015).

It is globally recommended that no other government agency should operate bank accounts outside the oversight of the treasury. Institutional structures and transaction processing arrangements determine how a TSA is accessed and operated. The treasury, as the chief financial agent of the government, should manage the government's cash (and debt) positions to ensure that sufficient funds are available to meet financial obligations, idle cash is efficiently invested, and debt is optimally issued according to the appropriate statutes. In some cases, debt management including issuance of debt is done by a Debt Management Office (DMO). Judging by the provisions of the Financial Regulations (FR) and the 1999 Constitution of the Federal Republic of Nigeria, some Ministries/Extra-Ministerial Offices, Agencies and other arms of Government collecting revenue (such as Value Added Tax (VAT),Withholding Tax (WHT), fees, fines and interest) are expected to remit same into the Consolidated Revenue Fund (CRF).

In line with Section 16 of the Finance (Control and Management) Act, LFN, 2004 and the Financial Regulation No. 413, all unexpended recurrent votes for a financial year shall lapse at the expiration of the year. Consequently, all unspent balances in the Recurrent Expenditure Cash Books at the end of 2012 financial year must be paid back to the Consolidated Revenue Fund Account No 0020054141107 with the CBN by issuing mandate in favour of "Sub-Treasury of the Federation" latest by the close of work on the last Friday of every December.

It should be noted that all MDAs, including Universities, Polytechnics, Federal Medical Centres, Teaching Hospitals, Research Institutes and River Basin Development Authorities and FPO's were ordered to adhere strictly to this law. All Accounting Officers are required to make a return of unspent balances on the recurrent expenditure Cash Books, along with copies of treasury Receipts, to reach the Office of the Accountant-General of the Federation latest by close of business on Monday, 31st December, 2012. It is obligatory to comply with this regulation in order to avoid the imposition of stiff penalties against defaulters. The irony, however, is that some parastatals did not remit their operating surpluses into the CRF as provided by the FRA 2007 (sections 22 and 23) while most MDAs engage in acts that result into loss of government revenue.

The FRA (2007) equally made arrangements for closing the year accounts. According to the Act, all the Departmental Vote Expenditure Allocation (DVEA) Books, Ledgers, Mandate Summary Registers and Imprest Accounts shall be concluded on the last Friday of December, every year by 12 noon to rule-off all cash Books and extract the Cash Book balances. Also all MDA on GIFMIS/TSA will have their accounts closed automatically real time basis by the Treasury. In October 2012, President Goodluck Jonathan had stated that by introducing the TSA, his administration had not only brought down the fiscal deficit, but has enhanced the predictability of public expenditures. Although, the Integrated Payroll and Personnel Information System (IPPIS), Government Integrated Financial Management Information System (GIFMIS), and other non-financial Reforms, have greatly improved the Nation's Financial Management System and accountability (Yusuf & Chiejina, 2015). More improvement in Cash Management System through Treasury Single Account (TSA) is still desired.

Bearing this in mind, in 2013, the federal government began the mop up of funds released under the 2013 budget that were yet to be spent by Ministries, Department and Agencies of government. The development was confirmed by the then Accountant General of the Federation, Mr. Jonah Otunla. Otunla while addressing journalists in company of the then Director General, Budget Office of the Federation, Dr Bright Okogu, however, noted

that funds for constituency projects would not be among the funds that would be returned to the treasury. He said officials of the ministry of finance and the OAGF would ensure that funds that have not been used by agencies were returned before midnight of December 31. According to him, people are on the field in the various ministries, and usually officials from the ministry of finance do not sleep on the last day of the year.

4.2 Essential Features of Treasury Single Account

Pattanayak and Fainboim, (2010) and Karen (2006) suggested three essential features of a full-fledge Treasury Single Account.

Firstly, the government banking arrangement should be unified, to enable ministry of finance (Mof) (or treasury) oversight of government cash flows in and out of these bank accounts. A unified structure of government bank accounts allows complete exchangeability of all cash resources, including on a real-time basis if electronic banking is in place. The TSA structure can contain ledger sub-accounts in a single banking institution (not necessarily a central bank), and can accommodate external zero-balance accounts (ZBAs) in a number of commercial banks.

Second, no other government agency operates bank accounts outside the oversight of the treasury. Options for accessing and operating the TSA are mainly dependent upon institutional structures and payment settlement systems (see the section on Transaction Processing under a TSA System).

Third, the consolidation of government cash resources should be comprehensive and encompass all government cash resources, both budgetary and extra-budgetary. This means that all public monies irrespective of whether the corresponding cash flows are subject to budgetary control or not (e.g., in the case of reserve funds, earmarked funds and other off-budget/extra-budgetary funds) should be brought under the control of the TSA. The cash balance in the TSA main account is maintained at a level sufficient to meet the daily operational requirements of the government (sometimes together with an optional contingency, or buffer/reserve to meet unexpected fiscal volatility).

However, establishing a TSA usually requires a legal basis to ensure its robustness and stability. Being legally recognized is thus a precondition that is particularly important in those countries where the "presumed" autonomy of some institutions is an obstacle to the implementation of a TSA.

4.3 Transaction Processing Under a Treasury Single Account System

Cem (2010) explained that there are two primary transaction processing models, each of which could be associated with either the Centralized or Decentralized TSA architecture.

4.4 Centralized Model

The model is based on Centralized Transaction Processing. This implies a concentration of authority at the treasury to process transactions, access and operate the TSA. The treasury (supplemented in some countries by a network of regional treasuries) provides payment services for spending agencies and has the exclusive authority to operate the TSA, which includes regional treasury subaccounts. The budget institutions submit their payment requests to the centralized authority/treasury before making payments. Such a transaction processing model could be associated with either the centralized (e.g., Brazil and France) or the distributed TSA structure (e.g., the United Kingdom). In these cases, only the centralized authority/treasury operates the TSA main account and transaction accounts. A separate transaction accounts for each regional treasury unit and/or individual budget institutions could exist. This is illustrated appropriately in the figure below:

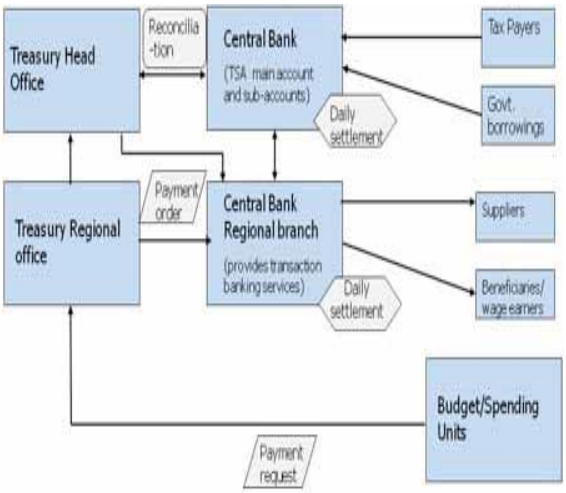

Figure I: A Typical Centralized Transaction Processing System (Adapted from Pattanayak & Fainboim, 2010)

4.5 Decentralized Model

The second model is associated with decentralized payment and accounting systems. Here, each budget institution processes its own transactions during budget execution and operates the respective bank account under a TSA system. This transaction processing model could be associated with either the centralized (e.g., India, where a single bank account at the Reserve Bank of India, the central bank, is supplemented by subsidiary ledger accounts to record and control payments attributable to individual line ministries) or the distributed TSA structure (e.g. Sweden, where each decentralized budget institution has one or more transactions accounts at one or more banks). Combination of the options (of the decentralized TSA structure and the decentralized transaction processing model) require an efficient and reliable communication network and interbank settlement system for netting of balances of several transaction accounts with the TSA main account. See the figure below:

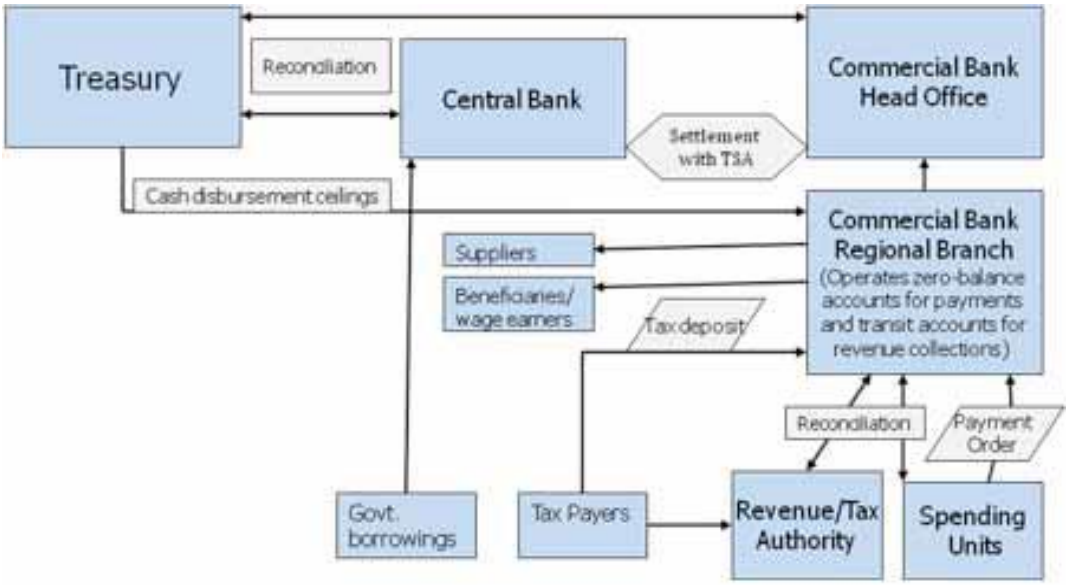

Figure II: A Typical Decentralized Transaction Processing System (Adapted from Pattanayak & Fainboim, 2010)

4.6 Preconditions for Setting up a TSA

Teresa and Pedro (1995), Khan and Pessoa(2010) and Pattanayak and Cooper (2011) stated that there is a need to address some important issues upfront before key decisions are taken on design options and the strategy to establish a TSA. Unless these issues are addressed, the TSA implementation is unlikely to be successful, as the experience of many

countries demonstrates. Successful implementation of a TSA also requires sound treasury systems and processes. Therefore, TSA and treasury reforms should be viewed as one integrated package.

A complete inventory of existing bank accounts is required. As a key precondition, the government should have full information about the bank accounts opened/operated by various agencies under its control. In some countries, an unknown number of government bank accounts are opened by line ministries/agencies, sometimes outside the treasury's control. It may, therefore, be necessary to conduct a census of the bank accounts of all government agencies, asking each agency to provide information on the number and type of accounts held at commercial banks and the amounts deposited in them and explain the reasons for holding them. Even this simple task may prove difficult to achieve in the face of resistance from government agencies and their respective bankers. Following the census, a complete inventory of government accounts should be prepared (including their nature, type, and cash balances).

Also, The need for political support for reform of government banking arrangements-establishing a TSA may require hard decisions, such as closing the existing bank accounts of spending units (outside treasury control), that can provoke powerful opposition. For success, a TSA reform must be explicitly and strongly supported by the highest levels of government. Cabinet decisions to initiate and reinforce the reform are helpful. In addition, banking network and technology-the technological feasibility and capacity of the banking system to participate in the operation of a TSA, and to report on TSA transactions, should be established. This includes the existence of an interbank settlement system, a small payments clearing system, a Real Time Gross Settlements System (RTGS) at the central bank for high value transactions, and the connection of major commercial banks to the RTGS. This requirement is especially important in the case of a distributed government bank accounts structure.

Furthermore, the need to review legal/regulatory framework is necessary. Sometimes the existing legal and regulatory frameworks may allow spending units to have independent bank accounts. These need to be amended and good international practice is to vest the ministry of finance/treasury with the sole legal authority for opening government bank accounts. To make the TSA a stable feature of treasury management, it is good practice to include it (in related laws such as a treasury law or an overarching PFM law) as a fundamental feature of the respective country's PFM system.

4.7 Key Implementation Steps

Pattanayak and Fainboim, (2010), suggested that the implementation of a TSA would typically involve the following steps:

(i) The census of government bank accounts should be reviewed to identify bank accounts for closure. In particular, those bank accounts that have outlived their utility (and are not required) should be closed and their balances should be transferred to the TSA.

(ii) Some existing cash-holding bank accounts at commercial banks could be converted to zero-balance accounts (ZBAs) for transaction banking purposes.

(iii) The treasury/technical committee should prepare a functional and technical requirements document, including a clear identification of changes to business processes and any required amendments to the financial regulations and any other law/regulation to support the budget execution and accounting procedures under the TSA system.

(iv) The IFMIS design should provide for the required interface between the TSA and the transaction processing and accounting systems, whether centralized or decentralised. With the introduction of electronic fund transfer (EFT) in the banking sector, it would be possible to move towards direct payments from the TSA main account, especially for large value payments to suppliers, or

regular large quantity transactions (such as wages).

(v) An orderly and gradual transfer of cash balances from the existing commercial bank accounts(that are either to be closed or converted to ZBAs) to the TSA should be implemented, with a view to ensuring minimal disruption to banking system liquidity and monetary policy (this activity needs to be coordinated with the central bank).

(vi) Taxes are now collected in most countries by the commercial banks and an efficient TSA system will require that the revenues collected are remitted to the TSA at the end of each business day. Banks should be able to report to the treasury the amounts collected on a daily basis, for cash management purposes. Participation of respective commercial banks will be required to introduce electronic collection of taxes. The revenue collection and remittance services should be remunerated on a fee-per-transaction basis. Usually these banking services are contracted by an autonomous tax agency.

(vii) In order to procure services from the commercial banks in an efficient and cost-effective manner, the following factors, among others, should be taken into consideration during the procurement process: (a) designing the bid selection criteria to avoid contracting the services to only one bank, in circumstances where this could generate systemic risks, given that the treasury is likely to be the largest client of the banking system; (b) ensuring adequate geographical coverage of the bank branches; and (c) making sure that the banks comply with minimum service standards and provide for effective mechanisms for enforcing these standards (e.g., penalties for deviation from standards).

(viii) There may be a need for special arrangements—e.g., cash safes and imprests-for remotely located agencies/spending units without access to the banking network. Mobile banking options may also be considered, if available. However, the need for imprest accounts should be carefully reviewed, and as the banking sector develops, these accounts should be progressively closed.

(ix) The users of the TSA system, within the ministry of finance/treasury and line ministries/agencies, should be trained to build their comprehensive understanding of the new banking, payment, and accounting arrangements, including under the IFMIS. A user manual on receipt and payment procedures should also be developed.

(x) For accounting purposes, it may be preferable for the introduction of the new banking arrangements to coincide with the beginning of the fiscal year.

4.8 Key Reconciliation Procedures

Cem (2010) highlighted procedures for reconciliation of implemented TSA as stated below:

Step1: Check previous Bank Reconciliation Statement. Confirm that outstanding items and errors included in the last Bank Reconciliation Statement now appear on the bank statement for the current period. Any items still outstanding from the previous reconciliation and carried forward to the current Bank Reconciliation Statement should be explained and follow-up action noted.

Step 2: Compare the ledger and the bank statement. Compare the ledger entries for receipts with the deposit transactions on the bank statement, and the ledger entries for payments with the payment transactions on the

bank statement. Entries that appear in both the cash-at-bank ledger account and the bank statement should be marked off. The remaining items, where the ledger and bank statement vary, may be due to: (i) outstanding or late deposits that appear in the cash-at-bank ledger account and not on the bank statement;(ii) checks not presented or electronic funds transfers (EFT) that appear in the cash at-bank ledger account and not on the bank statement; (iii) items appearing only on the bank statement that do not appear in the cash-at-bank ledger account, for example fees, charges and electronic deposits; or (iv) errors made in entering items in the cash-at-bank ledger account and/or errors made by the bank (providing the transaction banking services)on the bank statement.

Step 3: Prepare journals for entries in the ledger. Prepare journals for those transactions appearing only on the bank statement that are confirmed as being legitimate transactions. When these items have been recorded in the cash-at-bank ledger account they can be marked off, since they are now common to both sets of records.

Step 4: Prepare adjusting journals for any corrections to the ledger. Prepare adjusting journals for any errors identified in the cash-at-bank account. When these errors have been adjusted in the cash-at-bank ledger account, the entries should match the bank statement transactions and they can also be marked off.

Step 5: Advice the bank of any errors in the bank statement. The bank (providing the transaction banking services) should be notified of any errors appearing on the bank statement. These items will appear on the Bank Reconciliation Statement. The errors should be corrected by the bank and should be recorded on the subsequent bank statement.

Step 6: Prepare the new Bank Reconciliation Statement. The remaining differences that are included on the Bank Reconciliation Statement are those items that appear in the cash-at-bank ledger but not on the bank statement, i.e., outstanding deposits and unpresented cheques or EFTs. Errors made on the bank statement and any items still outstanding from the last Bank Reconciliation Statement also need to be included on the new Bank Reconciliation Statement.

4.9 An Overview TSA and Government's Cash Management-The Possible Gains

The implementation of a Treasury Single Account will pave the way for efficient government cash management (Lienert, 2007; & Williams, 2010). Some of the major benefits include:

(i) Minimum idle cash: implementation of the TSA will help in minimizing idle cash held by government institutions outside the Consolidated Fund. As of end May 2015, various government bodies held over N35.billion in current deposits with scheduled banks, which are largely non remunerative and primarily used for transactional purposes. This amount is likely to reduce as a large number of financial transactions among government bodies will be settled within the consolidated account, and there wouldn't be any need to hold transactional balances by each government institution. The overall amount of cash balances to be held for transactional purposes in TSA will be decided according to the government policy for cash management.

(ii) Direct Savings: There is an element of direct savings for the government as short term government borrowing to cater for revenue and payment mismatches is likely to reduce. Idle cash balances in sub-accounts can be for replenishing sub accounts in need of cash balance. Moreover, the amount in transit or waiting for clearance especially for inter-government institutions will substantially reduce as transactions are settled within the account.

(iii) Contain financial risk: The active management of TSA is expected to mitigate financial risks. Credit risk will reduce due to limited government exposure towards

private sector commercial banks. Similarly, TSA will reduce operational risk by minimizing the scope of mismanagement or fraud.

It may be added here that these benefits will not be realized until the existing arrangements for cash handling and control are improved. This will require efficient cash management to be identified as a specific objective of government entities. Also, operational procedures may be refined in light of TSA implementation.

On a similar note, the Federal Government officially commenced the operation of a Treasury Single Account on Monday, 17th of September 2015. This effectively moved about N1.2 trillion from Nigerian Banks to the Central Bank of Nigeria. For most Nigerians, this decision is a bold attempt at stifling corruption and ensuring government revenue is effectively mobilized and monitored. However, the TSA does have well documented advantages and have been implemented in so many countries around the world.

Pattanayak and Fainboim (2010) in manual prepared for International Monetary Fund in 2010 titled Treasury Single Account: Concept, Design, and Implementation Issues outlined the benefits of operating a Treasury Single Account. They started by explaining that the primary objective of a TSA is to ensure effective aggregate control over government cash balances. The following are the eight major advantages of TSA:

(i) Allows complete and timely information on government cash resources. In countries with advanced payment and settlement systems and an Integrated Financial Management Information System (IFMIS) with adequate interfaces with the banking system, this information will be available in real time. As a minimum, complete updated balances should be available daily.

(ii) Improves appropriation control. The TSA ensures that the MoF has full control over budget allocations, and strengthens the authority of the budget appropriation. When separate bank accounts are maintained, the result is often a fragmented system, where funds provided for budgetary appropriations are augmented by additional cash resources that become available through various creative, often extra-budgetary, measures.

(iii) Improves operational control during budget execution. When the treasury has full information about cash resources, it can plan and implement budget execution in an efficient, transparent, and reliable manner. The existence of uncertainty regarding whether the treasury will have sufficient funds to finance programmed expenditures may lead to sub-optimal behavior by budget entities, such as exaggerating their estimates for cash needs or channeling expenditures through off-budget arrangements.

(iv) Enables efficient cash management. A TSA facilitates regular monitoring of government cash balances. It also enables higher quality cash outturn analysis to be undertaken (e.g., identifying causal factors of variances and distinguishing causal factors from random variations in cash balances).

(v) Reduces bank fees and transaction costs. Reducing the number of bank accounts results in lower administrative cost for the government for maintaining these accounts, including the cost associated with bank reconciliation, and reduced banking fees.

(vi) Facilitates efficient payment mechanisms. A TSA ensures that there is no ambiguity regarding the volume or the location of the government funds, and makes it possible to monitor payment mechanisms precisely. It can result in substantially lower transaction costs because of economies of scale

in processing payments. The establishment of a TSA is usually combined with elimination of the "float" in the banking and the payment systems, and the introduction of transparent fee and penalty structures for payment services. Many governments have achieved substantial reductions in their real cost of banking services by introducing a TSA.

(vii) Improves bank reconciliation and quality of fiscal data. A TSA allows for effective reconciliation between the government accounting systems and cash flow statements from the banking system. This reduces the risk of errors in reconciliation processes, and improves the timeliness and quality of the fiscal accounts.

(viii) Lowers liquidity reserve needs**.** A TSA reduces the volatility of cash flows through the treasury, thus allowing it to maintain a lower cash reserve/buffer to meet unexpected fiscal volatility.

4.10 Underpinning Theories

Williams (2010) defined Cash Management as the corporate process of collecting, managing and (short-term) investing cash. It is a key component of ensuring a government's financial stability and solvency. In public policy, instrumentalism refers to the method of change by which many small policy changes are enacted over time in order to create a larger broad based policy change (Adeolu, 2015). Therefore, in order to critically explain what TSA and Cash management are in the government setting, the study considers the theory of accountability and fund theory.

Theory of Accountability-these are policies used to enforce authorization policies by controls imposed before shared resources are accessed. Recently, there has been great interest in accountability mechanisms that rely on after-the-fact verification. An auditor uses audit logs, record vital systems information and identify dishonest principals and to assign blame when there has been a violation of security policy. The fear of being "caught" helps to achieve security by deterrence, in the spirit of traditional law enforcement and organizational security. Accountability plays a critical role in the development of trust during human interaction.

Thus, accountability is viewed both as a tool to achieve practical security and as a first-class design goal of services in federated distributed systems. While designing for accountability is subtle in general, mechanisms to instrument systems to support accountability have been explored in several specific applications: determinate distributed systems, network storage, validating ISP quality of service claims. The accountability approach to security lack general foundations for models and programming. Therefore, for proper accountability and close monitoring of the government funds, the TSA policy will be implemented and accountable for by the Central Bank of Nigeria.

Fund theory, however, was developed by William J. Vatter, backs away from both the entity and proprietary theories because of the inherent weaknesses and inconsistencies of both. A fund is simply a group of assets and related obligations devoted to a particular purpose, which may or may not be that of generating income. The financial position (balance sheet) equation would be

ΣAssets = ΣRestrictions on Assets

The restrictions on the assets arise from both liabilities and invested capital. The invested capital must be maintained intact unless specific authority for partial or total liquidation is given. The restriction on assets also includes the specific purposes for their use mandated by law or contract. Fund theory, therefore, is most applicable to the governmental and not-for profit areas where endowment funds, encumbrances, and special-asset groups often devoted to specific and separate purposes prevail.

4.11 Empirical Framework

Kanu (2016) assessed the positive effect of implementation of TSA on the Economy, the public accounting system and the undesired consequences on the liquidity base and performance of banking sector in Nigeria. The study administered questionnaire to the Management staff of the ten banks selected for

the study and employed Chi-square as a statistical tool for analysis of the data. The results obtained confirmed that the implementation of Treasury Single Account in the public accounting system impacted negatively on the liquidity base and the performance of banking sector in Nigeria. The study therefore recommended that the CBN and the Government should come up with an arrangement to address the issue of TSA considering the impact of the activities as the important factor for efficient management, control of government's cash resources as well as sustainability of banks. According to the study, the CBN should go beyond the guidelines and put in place measures to correct any lapses or negative impact of the policy both in the banking sector and the economy at large. The implication of the study is that banks should avoid Arm chair activities and go to other source of funds in the economy. Many people that are denied access to credit facilities, investments and savings opportunity should be encouraged as this will improve the economy and result in sustainable banking sector in the country.

Tari, Myatafadi and Kibikiwa (2016) attempted to look at the contributions of reviving the Treasury Single Account. The study relied on secondary methodology to effectively examine the fiscal impact of reviving the TSA policy and anchored on incremental model as a framework of analysis. It suggested better ways of making the policy effective amidst the dwindling oil price and the superiority of Dollar against the Naira. Hence, the study concluded that TSA will be a failure in Nigeria, except proper monitoring of government account is carried out, in all government institutions and strong punitive measure applied against defaulters and corrupt officers,. The study recommended that, the financial institutions and their supervisors, that is, Central Bank of Nigeria, be proactive and instate measures to ensure full compliance to TSA and correct any lapses or negative impact of the policy on the affected financial institutions among others.

Bashir (2016) examined the extent to which Treasury Single Account can block financial leakages, promotes transparency and accountability in the public financial management. Both primary and secondary data had been employed. The study populations were Ministries, Department and Agencies (MDAs) within Bauchi metropolis using a sample of 72 respondents through judgment sampling. The data were analyzed using the Pearson Correlation techniques. The result showed that adoption of a Treasury Single Account (TSA) is capable of plugging financial loopholes, promoting transparency and accountability in the public Financial System. It was recommended that for the success of this policy, government should promulgate more legislation to make it mandatory for all the three tiers of government in Nigeria.

Pattanayak and Fainboim (2010) in their work titled Treasury Single Account: Concept, Design and Implementation Issues explained its concept, essential features, and potential benefits. It also presents alternative models and approaches for designing a TSA that take into account specific country contexts as well as the preconditions and desirable sequencing for its successful implementation.

5. Methodology

This study adopted a survey design, 'a research technique in which information is gathered from sampled respondents using a questionnaire' (Tariq, 2009). In this study, the researchers' interest is in studying the opinions of respondents through the distribution of self-administered copies of questionnaire on a cross-sectional basis to the selected samples in order to harness information for the purpose of analysis and making deductions there from. The study focused on accounting practitioners in Ado-Ekiti metropolis, and a total of sixty (60) copies of questionnaire were administered to elicit the opinion of accounting practitioners on the role of TSA in fund management of public entities and transparency of government activities with fifty (50) returned completed. It used both descriptive and inferential statistics for the analysis of data gathered through the questionnaire. The descriptive statistics in this study include the summarised frequencies and percentages table, while chi-square test was used for inferential statistical analysis.

6. Results and Discussion

Table 1: Respondents' Profile

Details	Characteristics	N	%
Gender	Male	41	82
	Female	9	8
	Total	50	100
Age	21-35 Years	2	4
	36-50 Years	21	42
	51-65 Years	26	52
	66years and above	1	2
	Total	50	100
Education	B.Sc./HND	27	54
	M.Sc./Ph.D	23	46
	Total	50	100
Professional Qualification	ACA	34	68
	ACCA	6	12
	CNA	10	20
	Total	50	100

Source: Authors' computation, 2016

Table 1 above shows the background information of the respondents. On gender classification, 82% (41) were males while 9% were females. Also, 52% of the respondents falls 51-65 age bracket, 42% are between 36-50 years, 4% were within 21-35 years while 2% were 66years and above. On education, 54% were holders of B.Sc./HND while 46% were M.Sc./Ph.D holders. Finally, as for the respondents' professional affiliation, 34% were ACA, 6% were ACCA while 10% were CAN.

7. Testing of Hypotheses

H_{01}: Treasury Single Account does not facilitate effective fund management

Table 2: Chi-Square (X^2) contingency table on Treasury Single Account and effective fund management

			RESPONSE				
			SD	D	A	SA	Total
QUESTION	Question one	Count	9	1	15	25	50
		Expected Count	4.8	5.8	16.8	22.8	50.0
	Question two	Count	3	2	24	21	50
		Expected Count	4.8	5.8	16.8	22.8	50.0
	Question three	Count	4	8	14	24	50
		Expected Count	4.8	5.8	16.8	22.8	50.0
	Question four	Count	3	12	14	21	50
		Expected Count	4.8	5.8	16.8	22.8	50.0
Total		Count	19	23	67	91	200
		Expected Count	19.0	23.0	67.0	91.0	200.0

Source: Authors' computation. 2016

Table 3: Chi-Square(X^2) Tests on Treasury Single Account and effective fund management

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	24.038[a]	9	.004
Likelihood Ratio	24.302	9	.004
Linear-by-Linear Association	.210	1	.647
N of Valid Cases	200		

Source: Authors' computation, 2016

Table 3 depicts the results of the chi-square used to test null hypothesis 1; from the computation, the result showed that the chi-square value is 24.038 with an asymptotic significance of 0.004 This implies that χ^2_{calc} **= 24.038 >** χ^2_{tab} **=3.3251** at 5% level of significance and degree of freedom of 9. Based on the paradigm, the study failed to accept the null hypothesis and concludes that operationalisation of the treasury single account brings about effective fund management in public sector.

H_{02}: Treasury Single Account does not improve government transparency and accountability

Table 4: Chi-Square (X^2) contingency table on Treasury Single Account and Government Transparency

			RESPONSE				
			SD	D	A	SA	Total
QUESTION	Question one	Count	10	11	12	17	50
		Expected Count	5.0	8.0	16.0	20.8	50.0
	Question two	Count	3	2	24	21	50
		Expected Count	5.0	8.0	16.0	20.8	50.0
	Question three	Count	4	8	14	24	50
		Expected Count	5.0	8.0	16.0	20.8	50.0
	Question four	Count	3	12	14	21	50
		Expected Count	5.0	8.0	16.0	20.8	50.0
Total		Count	21	32	64	83	200
		Expected Count	20.0	32.0	64.0	83.0	200.0

Source: Authors' computation, 2016

Table 5: Chi-Square(X^2) Tests on Treasury Single Account and Government Transparency

	Value	Df	Asymp. Sig. (2-sided)
Pearson Chi-Square	23.493[a]	9	.024
Likelihood Ratio	23.663	9	.023
Linear-by-Linear Association	1.375	1	.241
N of Valid Cases	200		

Source: Authors' computation, 2015

Table 5 depicts the results of the chi-square used to test null hypothesis 2; from the computation, the result showed that the chi-square value is 23.493 with an asymptotic significance of 0.024. This implies that χ^2_{calc} **= 23.493 >** χ^2_{tab} **=3.3251** at 5% level of significance and degree of freedom of 9. Based on the decision rule, the study failed to accept the null hypothesis and concludes that operationalisation of treasury single account facilitates accountability and transparency of government activities.

8. Conclusions and Recommendations

This paper analyses the responsibilities taken by the executive arm of the Nigerian government

through the operationalisation of the treasury single account to ensure effective treasury management. It sought to empirically elicit opinions of accounting practitioners in Ado-Ekiti metropolis on the role of treasury single account in facilitating effective fund management and ensuring government transparency and accountability. Copies of Structured questionnaire were administered to 60 randomly selected qualified accountants in the study area with 50 copies returned completed.

The study found respondents positive view of the significance of treasury management and specifically opined that operationalisation of treasury single account facilitates effective fund management in forms of management of government receipts and payments, short-term treasury forecasts, management of treasury deficit funding, management of treasury peaks, reduced idle fund as well as interest and exchange rates risks management. It was also found that treasury single account brings about more transparency and accountability for government activities. The study recommends that the political will of government in enforcing fully operational treasury single account be sustained to better harness enormous benefits accruing from it.

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The State of Social Infrastructure in Rural Areas of Katsina State, Northern Nigeria

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Abstract. Social infrastructure support sustained both social and economic growth and improved quality and living conditions of the community. Social infrastructures remain the core element of rural welfare. Thus efforts to raise rural welfare must necessarily go beyond the traditional and limited approved of raising per capita income through agricultural development projects to the provision of rural basic needs in term of health and medical facilities, potable water and schools**.** The objective of the research study was to assess the state of social infrastructure (health facilities in particular) in rural areas of Katsina State, Northern Nigeria. The methodology employed by the research is triangulation method in which quantitative and qualitative instruments were used. Data collected was mainly based on primary and secondary sources. The findings of the research study indicate that social infrastructure has an overall average mean of (2.4531) which is low on Likert scale. Social infrastructure (health facilities in particular) in Katsina state, Northern Nigeria is ironically meagre and efforts made to improve them have not yielded desired results. Some of the recommendations of the research study include increase in funding by the government, donor organization and nongovernmental organizations, involvement of the rural populace in the decision making, involvement of the populace in the provision of social infrastructures itself in rural Katsina state, Northern Nigeria.

Keywords: Rural Areas, Social Infrastructure.

1. Introduction

Social infrastructure support sustains both social and economic growth and improves quality and living condition of the community. Social infrastructures remain the core element of rural welfare. Thus efforts to raise rural welfare must necessarily go beyond the traditional and limited approved of raising per capita income through agricultural development projects to the provision of rural basic needs in term of health and medical facilities, potable water and schools. If developments are to be viable in the long term they need to create places where people want to live and work. Larger scale schemes are likely to require the provision of a wide range of social infrastructure (including health, educational, recreational and other facilities) which is needed to serve the community, thereby enhancing the quality, image and desirability of a new place as well as its commercial value. According to Johnson et al (2005) infrastructure is seen as the productive capital structures that underpin. The economy and society contribute over time to the achievement of its economic and social goals. While Teriman (2011) emphasised that infrastructures are broadly related to basic structures that flow the goods and services between different people and places. In this regard, economic infrastructure and social infrastructure have consequently emerged. Although both economic and social infrastructures have significant social impacts on individuals, communities, and the general public at large in terms of practicality, a distinction between both infrastructures based on their

social impact is ambiguous and difficult to establish (Gilmour et al. 2010).

Duffield (2001) was of the view that the notion of social infrastructure has emerged over the last decade. Heaps of researches have been conducted in India, Australia, Britain, and Hong Kong, China. The domain has emerged mainly due to the fact that public infrastructure is the most apparent form of construction which interests the society at large. Therefore, this subsection thoroughly reviewed the social infrastructure across the literature. Social infrastructure provisions are services delivered by welfare agencies, more commonly known as "human services". The outcome of human service is more difficult to predict as it is dependent on the way staff interpret policies (a factor less significant in economic infrastructure projects) as well as how recipients react to them (Hasenfield 1992). As a result, social infrastructure provision domain expands rapidly, the need to differentiate both infrastructures increases. Fourie, (2006) observed that economists and urban planners distinguish two types of infrastructure, economic infrastructure and social infrastructure. Economic infrastructure are infrastructure that promotes economic activity, such as roads, highways, railroads, airports, sea ports, electricity, telecommunications, water supply and sanitation. Social infrastructure (such as schools, libraries, universities, clinics, hospitals, courts, museums, theatres, playgrounds, parks, fountains and statues) are infrastructure that promotes the health, education and cultural standards of the population activities that have both direct and indirect impact on the welfare. All of these institutions entail capital goods that have some public use. The research study is more concerned with the social infrastructure (health infrastructure in particular).

2. Literature Review

Wasley (2009) asserted that social infrastructure are those community facilities, services and networks that help individuals, families, groups and communities meet their social needs, maximise their potential for development, and enhance community wellbeing. Social infrastructure includes, universal facilities and services such as education, training, health, welfare, social services, open space, recreation and sport, safety and emergency services, learning, religious, arts and cultural facilities, civic and democratic institutions, and community meeting places, lifecycle-targeted facilities and services, such as those for children, young people and older people e.g. early childhood centres and retirement villages, targeted facilities and services for groups with special needs, such as families, people with disabilities and people from culturally diverse backgrounds. Just as economic infrastructure, such as roads, energy and ports supports the economy; social infrastructure supports the wellbeing of families and communities especially in terms of health facilities. The construct under health facilities include dispensary, clinic, general hospital, drugs and health employees.

Collins (2001) dispensary is an office in a hospital, school or other institution from which medical supplies, preparations and treatment are dispensed. Oxford dictionary (2003) explains that dispensary is a room where medicines are prepared and provided. Macmillan (2004) viewed dispensary as a place in a hospital where you can get medicines and drugs. In his words, Willey (2010) maintained that it is a room or place in a school, summer camp or factory, where medicine and first aid treatment are available. Houghton (2011) asserted that dispensary is an office in a school hospital or other institution from which medicine supplies, preparations and treatments are dispensed. While Macmillan dictionary (2004) asserted that a clinic is a place where people receive a particular type of medical treatment or advice. American Heritage Dictionary observed that clinic is a facility often associated with a hospital or medical school that is devoted to the diagnosis of one patient. On the other hand Oxford (2003) maintained that clinic is an establishment or hospital department where outpatients are given medical treatment or advice especially of a specialist nature. According to Advanced Learners dictionary (2003) a clinic is a building often part of a hospital to which people can go for medical care or advice relating to a particular condition. Lastly a clinic can be viewed as health care facility that is primarily devoted to the care of

outpatient. It is important to note that clinic can said to be a building or a shop within an organization where people do receive particular type of medical treatment or advice.

General Hospital are regarded as the one having facilities such as medical staff and all necessary personnel to provide diagnosis, care and treatment of a wide range of acute conditions, including injuries, children's general hospital is a short-term hospital having facilities, medical staff and all necessary personnel to provide diagnosis, care and treatment of a wide range of acute conditions among children, including injuries. According to Badru (2003) general hospital include facility that made provisions for accident and emergency unit and diagnosis unit including X-ray, scan machines and other pathological services among other services. The status of being a second layer of health institutions imposes certain acceptable standards and level of infrastructure. According to Medical and Dental Council of Nigeria, there should be a minimum of three doctors who are to provide medical, surgical, paediatric and obstetric care in any general hospital. While Mufflin (2004) asserted that a drug is a substance used in the diagnosis, treatment or prevention of a disease or as a component of medication. According to Dictionary reference.com (2003) a drug is a chemical substance used in the treatment, cure, prevention or diagnosis of disease or used to other wise enhance physical or mental wellbeing. In his contribution Mosby (2009) drugs are any substance taken by mouth, injected into a muscle, the skin, blood vessel or a cavity of the body, or applied topically to treat or prevent a disease or condition. Falex (2012) maintained that drug is an article other than food that is intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or is intended to affect the structure or function of the body. This term does not include a device or a component part or accessory of a device. Cambridge dictionary (2003) state that a drug is any natural or artificially made chemical that is used as a medicine. A drug is a medicine or other substance which has a physiological effect when ingested or otherwise introduced into the body (Oxford 2003).

While health employees as all people engaged in the promotion, protection or improvement of the health of the population (Adams et al., 2003: Diallo et al. 2003). This is consistent with the WHO (2006) definition of health systems as comprising all activities with the primary goal of improving health. This means that family members looking after the sick and other unpaid caregivers and volunteers who contribute to the improvement of health should also be counted as part of the health workforce, but these are not considered here or in the global database not only for lack of information, but also because of the difficulty it poses with regard to establishing the boundaries of what constitutes a health system.

3. Objective of the Study

To determine the state of social infrastructure (health facilities) in rural areas of Katsina State, Northern Nigeria.

4. Methodology

The research study employed triangulation research approaches (quantitative and qualitative) in nature. 'This is a technique involved in collecting and analysing data from both quantitative and qualitative strategies (Amin, 2005). It is quantitative because of independent variable are numerical in nature (variable are measured in number). It is Qualitative because it has employed interview as an option of collecting data. The research population, Ary, Jacobs and Razavieh (1972) asserted that a "population" consist of all the subjects you want to study. A population comprises all the possible cases (persons, objects, events) that constitute a known whole. However, a population can be seen as the total of all the individuals who have certain characteristics and are of interest to a researcher. The research population are all rural people in the nine (9) local government areas of the state consisting of 1,517,781 million people (FGNOG 2009). The research study adopts Krejcie and Morgan formula which states that for any sample size of a population greater than 10000 Morgan formula be adopted. The sample size was drawn from a table developed by Krejcie and Morgan, (1970) in Amin (2005).

Table 1: Respondents of the Study

Local Government Areas	Total Target population		Sample Size	
	Target Population	Sample Size	Rural Households	Government Officials
Bakori	149,516	38	27	11
Faskari	194,400	49	34	15
Jibiya	167,435	42	29	13
Kaita	182,405	46	32	14
Kankara	243,259	62	43	19
Kurfi	116,700	30	21	09
Mashi	171,070	43	30	13
Sandamu	136,944	35	25	10
Zango	156,052	39	27	12
Total	1,517,781	384	268	116
Target Population	1,517,781		Sample Size 384	

Source: Researchers' Sample Computation (2015).

Table 2: Percentages Distribution of Respondents:

Respondent Gender	Items	Frequency	Percentage (%)
	Male	237	61.7
	Female	147	38.3
	Total	384	100.0
Respondents Age	20 - 25years	106	27.6
	26 - 30 years	70	18.2
	31 - 35years	86	22.4
	36 - 40years	68	17.7
	41 - 45 years	54	14.1
	Total	**384**	**100.0**
House hold Size	0 – 5	252	65.6
	6 – 10	86	22.4
	11 -15	24	6.2
	16 – 20	22	5.7
	Total	384	100.0
Marital Status	Single	138	35.9
	Married	246	64.1
	Total	**384**	**100.0**
Educational Qualification	Primary Education	1	.3
	Secondary Education	104	27.1
	Tertiary Education	279	72.7
	Total	**384**	**100.0**
Occupation	Farming	73	19.0
	Civil Servant	207	53.9
	Trading	104	27.1
	Total	384	100.0
Nationality	Nigerian	384	100.0
	Total	**384**	**100.0**

Source: Field study, 2015

Findings from the bio data of the respondents indicate that majority of the respondents are males, also majority of the respondents are middle aged and household heads. Similarly, majority of the respondents are literate, civil servants and farmers respectively.

Table 3: Interpretation of the Level of variables using Likert Scale

Mean Range	Response Mode	Interpretation
3.27 - 4.00	Strongly Agree (SA)	Very High
2.50 - 3.26	Agree (A)	High
1.76 – 2.49	Disagree (D)	Low
1.00 - 1.75	Strongly Disagree (SD)	Very Low

5. Data Analysis

Table 4: Descriptive Statistics of the variables

Dispensary			
Items	**Means**	**Rank**	**Interpretation**
Immunization services are available	2.8698	1	High
Dispensaries are available in each village	2.6068	2	High
Health workers are available to attend to patients	2.5573	3	High
Dispensaries are generally sufficient	2.5234	4	High
Clean and hygienic environment are also available	2.4818	5	Low
Size of the dispensaries tallies with the population of the area	2.4010	6	Low
Average mean	**2.5733**		**High**
Clinic			
Immunization services are available	2.8359	1	High
Equipment such as bed, testing aids are available	2.6198	2	High
Clinics are provided at each ward in rural Katsina State	2.5911	3	High
Clinics are generally sufficient	2.5807	4	High
Cases of maternal and child care are treated regularly	2.5755	5	High
Health workers are available to attend to patients	2.5130	6	High
Adequate testing aids are also provided	2.4375	7	Low
Size of the clinic tallies with the population of the area	2.4297	8	Low
Average Mean	**2.5729**		**High**
General Hospital			
General hospitals are provided in each local govt.	2.7370	1	High
Immunization services are available	2.6849	2	High
Doctors are provided in each hospital	2.5547	3	High
Equipment such as bed, testing aids, are available	2.4505	4	Low
Free drugs for treatment are available	2.4479	5	Low
Drugs are also available	2.4427	6	Low
Size of the hospital tallies with the population of the area	2.3802	7	Low
General Hospitals are generally sufficient in number in rural Katsina State.	2.3333	8	Low
Average Mean	**2.4039**		**Low**
Drugs			
Sufficient drugs are available in all government health centres	2.3307	1	Low
Drugs are available at all public health care centres	2.2630	2	Low
The quality of the drugs are efficient and effective	2.2318	3	Low
Drugs are given freely in all government hospitals	2.1849	4	Low
Average Mean	**2.2526**		**Low**

Health Employees			
They provide efficient and effective services	2.4583	1	Low
Doctors, Nurses, Midwives and attendants are sufficient in number in all government hospitals	2.4453	2	Low
Trained and responsible in discharging their duties	2.4036	3	Low
Doctors, Nurses, Midwives and other attendants are not sufficient in number in rural Katsina State.	2.2552	4	Low
Capacity of govt health employees tallies with the population of the rural areas	2.2526	5	Low
Average Mean	**2.3630**		**Low**

Source: Field Study, 2015

Results from table 4 indicate clearly that under the first construct provision of dispensary in the research study area has an average (mean = 2.5733) which is high on Likert scaling. Likewise the second construct clinic has an average (mean = 2.5729) which is also high on Likert Scaling. This was supported by an interview Musa (2015) *'the present governments do construct clinics in the rural areas of the state'*. The third construct was general hospital which recorded an average (mean = 2.4039) which is low on Likert Scaling. These was supported by an interview Ladan (2015) maintained that *'most of the general hospital didn't have enough doctors and other health personnel'*. The fourth construct was provision of drugs which has recorded an overall (mean = 2.2526) which is low. These were also supported by an interview. Maigoro (2015) maintained *'that government has only one medicine for the eradication of polio and other child killer disease, common paracetamol cannot be found in the government controlled clinics'. 'We make contribution to buy drugs for our dispensary (Liman 2015). 'Drugs were regularly purchased for our village clinic' (Bello, 2015).* The last construct is health employees which recorded an overall average of (mean = 2.3630) which is low on Likert Scaling. These was supported by an interview Zaharadeen (2015) a household head *'an average household in the area opt for private clinics than government owned centres due to the nature of the health employees; they are too harsh to patients'.* Overall average of social infrastructure (health facilities in particular) in the research study has an average (mean = 2.4331).

6. Discussion of Research findings

Generally the research study found that social infrastructure (health facilities in particular) was low in the area. To support the findings of the research study Dandago (2003) maintained that couple with the fact that health services (social infrastructural facilities in particular) in the zone are so weak, should be enough for observers to understand why poor social infrastructure in the zone is on the low side. According a technical report by FMOH (2011), maintained that since 2007 government budgetary allocation for health of 6.5% was still far below the target set in the Abuja Declaration of 2001. Three quarters of total health expenditure is borne by households throughout of pocket payments for healthcare. The cost of health care, particularly in the case of obstetric emergency, is one of the most important barriers to healthcare use. Local and state governments also demonstrate a critical lack of accountability, as local governments allocate resources with little influence and oversight from the state. From documented evidence obtained show that Katsina State government has only 150 Doctors, 480 Midwives, 981 Nurses for a population of almost 6 million people (Katsina State Ministry of Health, 2010). Attitudes of health officials towards patients, most health employees or officials engaged in attitudes that drive away patients from government health centres especially in the rural areas of the state.

To further the support the findings of the research study Doctor *et al* (2011) maintained that Katsina which borders the Niger Republic and the Sahara to the north is in this regard typical of states within the zone. Indicators of service access are particularly low with, in 2009, less than 40% of women reporting access to ANC for their last delivery, fewer than 3% of children receiving full immunization by the age of one, and fewer than 15% of women reporting delivery of their last child at a facility under the supervision of a skilled birth attendant. Some international agencies and other internal health institutions maintained that poor health outcomes across the states of Northern Nigeria are, in these terms, unsurprising. The maternal mortality ratio (MMR) for the North-West zone of Nigeria is estimated at over 1,000 per 100,000 live births Centre for Reproductive Rights and Women Advocates Research and Documentation Centre (2008); Federal Ministry of Health of Nigeria et al. (2009). Most recent estimates of infant mortality and under-five mortality rates for the zone are 91 deaths per 1,000 live births and 139 deaths per 1,000 children age 12 - 59 months respectively (NPC [Nigeria] and ICF Macro 2009).

Although it is generally acknowledged health delivery and range of health services, studies suggest they can provide necessary health services with reasonable efficacy in areas that lack the infrastructure for permanent health centres. Although improved health outcomes may be reported, impact is dependent upon the completeness of clinic services and the regularity of their availability (Fox-Rushby and Foord 2006). Onokerhoraye (2006) rightly noted, one of the most significant development problems in Nigeria as in other parts of the developing world is the lack of adequate health facilities in various parts of the country. However, the problem of inadequate health facilities is aggravated by the persistence of regional inequalities in the distribution of the available health institutions. The geographical disparity in the provision of health facilities is most severe between urban and rural areas. Although, the vast proportion of the population of Nigeria still lives in the rural communities, yet in terms of health facilities, these are the most neglected segments of the population. According to the National Bureau of Statistics, (2005) very few members of households cared to consult any health provider in a two week period. Only 7.64 percent made any formal consultation.

7. Conclusion

Social infrastructure (health facilities in particular) in Katsina state, Northern Nigeria is ironically meagre and efforts made to improve them have not yielded desired results. This is as a result of many factors such as poor funding on the part of the government to controlled health centres. Another reason is attitudes of the community's, towards provision of such facilities, households, associations, practitioners and other development partners in the area are not fully mobilise and engaged in the provisions of such facilities. It was also established that there is inefficient drugs, poor administration of the drugs and so on. The research study would stress the value of genuine community health sector partnerships to develop health services for rural communities in Katsina State, Northern Nigeria in collaboration with rural community development associations. However, governments, practitioners, rural community development associations and health systems in the area must recognise and accept that provision social infrastructure (health facilities) in particular requires a long-term and consistent investment.

8. Recommendations

Provision of adequate dispensaries at all levels should be improved especially in the rural areas of the state. These would along way to provide a healthy society; a healthy society equally means a healthy nation with economic prosperity. This can be done through the use of government agencies like Ministry of Health, Rural Community Development Associations, and community groups and so on in rural areas of the state.

Provision of adequate clinics should be made possible by both government and nongovernmental organizations and other development partners especially by engaging the locals. This can be achieve by involving locals like rural community development associations in projects initiation, implementation and even evaluation. It is only through engaging locals that the programme can achieve its objectives.

Drugs should be provided at all governmental and nongovernmental health centres. Through government agencies, rural community development associations, drugs can be provided (contribution by the local people, supplying the drugs and even distribution). These would no doubt promote a healthier society which means a productive society. Increase funding of governmental and nongovernmental health centres these would go a long way in producing in healthy environment. No nation or community can survive without a healthy environment. Increase in funding would equally boost the availability of social infrastructure (health infrastructure) in the rural area of Katsina state, northern Nigeria. Increase investment in social infrastructure at all levels especially health infrastructure such as dispensaries, clinics, general hospital, drugs and so on. These can be achieved through collaboration between government and local or

rural community development associations, groups, religious bodies in the area.

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Foreign Investment in Nigeria: Institutional and Legal Framework.

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Abstract. The Article chronicles the concept, evolution and theories underlining foreign investment in Nigeria with an over view of its legal control. Notable classical economic theories of Karl Max, Mills and Malthus governed the discussion which centred on the Nigerian struggle to attain the contemporary demands of the United Nations Economic Commission on foreign investment. Far-reaching recommendations to attract and sustain foreign investments were offered.

1. Introduction

Foreign Investment is sine qua non for true economic development in a developing country like Nigeria. This is because the globalization has widened the fund-raising horizon of many nations' corporate entities which now look beyond their borders for funds, machinery and skills. Today, nations, corporations, companies can issue stocks or bonds in several jurisdictions and in the international currency. There are several asset/fund managers with millions of dollars under management and whose perspective is the globe or specific regions such as emerging markets , Africa, or Europe. Nations can therefore no longer afford to build walls around their economics as in the 1960s.

2. Concept of Foreign Investment

Foreign Investment may be defined as the acquisition of physical asset and or securities by companies or nationals of one country in another. It is a cross border acquisition of financial or physical assets. According to Akoh, there are basically two forms of Foreign Investment, Direct Investment and the Portfolio Investment. Direct Investment involves the acquisition of physical items such as machineries, plants, factories buildings etc for use in production process and this inevitably entails the participation of foreign investor (be it foreign company or national) in the control and management of a domestic company usually a subsidiary). The ownership of Direct Investment may be wholly by the foreign investor or jointly with local companies or nationals. The level of control by the foreign investor will then be determined by the proportion of its/his holdings. This form of investment does not necessary involve capital market.

The second form of investment, he further stated "is the Portfolio Investment. This is the acquisition of Securities by foreign companies or nationals in a domestic Stock Market. More often than not the foreign investor is concerned more with the returns to capital gains and diversification than with the actual control of management of the company whose stock he has acquired". The investor is therefore more likely to be attracted to the securities of well-managed companies where he acquired certain percentage of its equities. Portfolio investor may acquire securities either the primary or the secondary segment of the capital market.

Foreign investment will be half –way explained unless viewed from underlying political and economic perspectives which moldes it since its meaning and scope transit with a particular government , the economic system and political imperatives of the country where the investment will take place. Of this Andem said: *Investment of foreign capital (especially private) in any country today has*

three principle aspect, viz, economic, political and legal.....

Law and economics are interdependent instruments of social control. The extent of their interaction varies with the type of government , but in no country are the two kept in water tight compartments. This relationship between the two is of special significance in a developing country like Nigeria.

Since the emergent of Africa countries from colonial hegemony, economic development had been one of struggle, replication of emparialist capitalists and exploitation of the natives by the indigenous sit-tight leaders who abhor opposition and chalk out policies that tied their freed colonies to their western economies. Claude Ake argues that: "What needs to be noted is the nature of the colonial monetary system as a cause, as well as an effect, of the integration of African economies into western section capitalism. The process of monetization went hand in hand with the spread of capitalist relations of production, particularly because it led to the protetarianisation of the African peasant as well as some African entrepreneurs. The monetary system not only helped to create a capitalist economy but also a capitalist economy structurally dependent on foreign economy."

Consequently, the issue of foreign capital or foreign investment is a serious political and economic concern to the developing nations because it comes in various disguise. The problem is more pronounced in the current political problem in Cote ' Ivoire where president Lotterent Gbagbo is crying out to the world that he is not fighting his opponent Alassance Quattara but the country's former Colonial master, France. It is the Colonial Pact that demands that France has the first right to buy or reject any natural resource found in the land of francophone countries . So even if the African countries could get better prices elsewhere, they cannot sell to anybody until France says it does not want to buy those natural resources.

Cote d' Ivoires former ambassador to the United Nations, UN, Koffi Charles, while commenting on the Ivoirean crises has this to say:

The core of the problem in Cote d'Ivoire is a conspiracy by the French government to use any means necessary to remove Gbagbo from power because they think he is dangerous and inimical to their interests in Francophone

Africa. But Gbagbo will not allow the French control and run Cote d' Ivoire on their terms. Unfortunately for Koffi Charles and Laurent Gbagbo the French and the United Nations forces had their way and gbagbo kissed the Ivorian sand. Foreign Investment is ultimately defined by the developed colonial hegemony who still rules the ex-colonies through their capital.

3. Evolution of Foreign Investment in Nigeria

The Nigeria problem of foreign investment is rooted in the past activities of British Government that colonized and impoverished the country and laid the foundation of antagonism between the Northern and Southern Nigeria through its lopsided federal structure ,the bane of instability, suspicious and intense struggle for power at the centre.

It pursued a policy of maintaining law and order while extracting raw materials for home market and creating demands of goods made in Britain. Thus, export crops such as groundnuts, cocoa, palm oil, cotton, timber, coal and tin were exploited and slaves made out of them.

As soon as the Royal Niger Company discovered in 1880s that there were tin and bauxite in the North, it formulated and promulgated regulations the effect of which was to reserve a total monopoly over mining rights in Northern Nigeria. This continued till 1900 when British government officially revoked the charter of the Royal Niger Company, paying a compensation of $300,000 for the mineral land in addition to a continuing right to receive half the proceeds from royalties on minerals worked in the area for ninety –nine years.

Three major foreign companies dominated Nigeria economy up to independence. They are United African Company, UAC, John Holt and

Paterson Zachonic. The three accounted for more than 60% of all traded commodities between 1949 and 1963. Nigeria floated the Investment Company of Nigeria in 1959 with an initial capital of 5 million pounds of which 1 million pound was issued in pound shares subscribed by Nigerian, British and other foreign companies for the main purpose of financing development projects and boost foreign investment. Nigeria government embarked on both legal and extra-legal methods, to regulate the foreign economic dominations some of which were Industrial Development Act of 1970-1974 Development Plans. The government set up Expatriate Quota Committee to oversee the administration of the regulation in respect of foreign companies doing business in the country.

The Nigeria civil war in no uncertain terms gravely affected foreign investment in the country . Only ten foreign companies compared with forty five pre-war period were engaged in economic activities during the period.

In regards to foreign investment in Nigeria reference must be made to the Fourth National Development plan of 1981 -1985 initiated under general Ibrahim Babagida regime. The plan gave more impetus to indigenization policy and aspired to make the local economy less foreign based. It increased citizens' participation in ownership and management of production ventures. It further sought to achieve technologically oriented enterprises which undermined imperial hegemony. Till this 2011, the Nigerian government is still struggling to wrest more economic opportunities from the foreigners.

4. Constitutional and Legal Control of Foreign Investment In Nigeria

4.1 1999 Constitutional Provisions

The most relevant sections of the 1999 constitution are sections 16, 30 and 40. The Nigeria government under the 1999 constitution made a far-reaching provision to regulate the foreign participation in the domestic economy. Under section 16 thereof it provides:

The State shall within the context of the ideals and Objectives for which provisions are made in this constitution

b. Control the national economy in such a manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity.

Express mention of one is the implied exclusion of the other. If Nigerians can take control of their economy, definitely it will affect foreign participation to the benefit of the indigenous enterprises. The constitution consolidated on the above provision by providing for future management and control of Nigeria economy. It states:

A body shall be set up by an Act of the National Assembly which shall have power

(i) To review from time to time the ownership and control of business enterprises operating in Nigeria and make recommendations to the president on same; and

(ii) To administer any law for the regulation of the ownership and control of such enterprises.

The provisions of the constitution on the management and control of business is of great significance. It first notifies the foreign investors that it is not going to be business as usual as witnessed during the colonial era and secondly for such policy to be entrenched in the constitution underscores the political will of the government to take extra step to have a grip on the economy.

The constitutional provision had already given birth to the Privatization Act which extensively tamed the excesses of foreign investors. There was in existence the Nigerian Enterprises promotion Board under the Federal Ministry of Industries to strengthen the drive of the government to take control of the economy.

Further, the 1999 Constitution under section 44 (1) re-assures the foreign investors of the safety of the invested properties as well as unhindered access to Court to determine their interest. The constitution provided that compensations shall be paid for any property compulsorily acquired, although adequate

compensation as provided under the 1963 constitution was omitted under aforesaid section 44 (1) (a) of the 1999 constitution.

4.2 Immigration ACT, CAP 11 Laws of the Federation 2004

Foreign nationals or companies coming to do business in Nigeria must be persons or companies who satisfy the immigration and other domestic laws of the country. Consequently Nigerian borders are policed and guarded against prohibited immigrants under section 18 of the Immigration Act, irrespective of their good will in coming to Nigeria. In Awolowo v Minister of internal affairs, Chief Obafemi Awolowo hired a British lawyer, Mr Gratiaen to defend him purporting to be acting on his fundamental right as provided under section 21 (5) (c) of the 1960 Constitution which provided that any citizen charged with criminal offence has right to choose any counsel of his choice to defend him in court.

On arrival at the Ikeja Airport, Mr. Gratiaen was stopped from entering the country under section 13 of the Immigration Act, 1960. The Act provides as follows:

Notwithstanding anything in this Ordinance contained, the Governor-General may - in his absolute discretion, prohibit the entry into Nigeria of any person not being a native of Nigeria.

Chief Awolowo who defended himself in court argued that the act of the minister was a breach of his fundamental right to choose a counsel of his choice. The court held that foreigners, whether British or otherwise cannot enter into Nigeria as of right. The court further stated that they all have conditional right of entry which is at the present regulated by section 13, 20, 21 and 23 of the Immigration Act, 1960.

Under the present Immigration Act, the prospective investor must satisfy the visa requirements which are in three categories namely, Ordinary visa, Diplomatic visa and Gratis Courtesy visa.

The ordinary visa is further broken into transit, single journey and multiple journeys visa. The foreign investor is advised to pick up multiple journeys visa which is most suitable for business engagements.

Multiple journeys visa is issued without reference to the Controller - General of immigration by the Nigeria mission abroad for a period not exceeding 12 months and may be for a specified number of journeys.

The foreign investor must register his presence in the country using the Prescribed form A, B, C and D whichever is applicable to him.

The registration will be done at the immigration office closest to his place of residence or occupation. Subsequently residence permit will be issued to the foreigner. The residence permit is subject to the following conditions:

(i) the area in which the holder of such permit shall reside;
(ii) The occupation or business (if any) in which the person may engage, and the restrictions, prohibitions or limitation subject to which he may engage therein.
(iii) The duration of the persons stay in Nigeria;
(iv) The control of any activities which may offend the religious beliefs of any member of the community; and
(v) Any provision for security, as the director of immigration may direct or require to be endorsed on such permit.

4.3 Foreign Exchange (Monitoring and Miscellaneous) ACT CAP. F. 34 Laws of the Federation, 2004.

A foreign investor normally comes into the country with money from his country which inevitably entails compliance with the Nigeria regulation on foreign capital . The Act defines Foreign Capital to mean: *Convertible currency, plant, machinery, equipment, spare parts, raw materials and other business assets other than good will brought into Nigeria with no initial disbursement of foreign exchange and intended for the production of goods and services related to an enterprise as applicable.*

The Act provides that transaction in the market shall be conducted in any convertible foreign currency. These include usual money market instruments such as Foreign Notes, Foreign Coins, Travelers Cheques, Bank Draft, Mail or

letegraphic transfers and such other money market instruments as the Central Bank of Nigeria, C .B. N may approve from time to time with the approval of the Minister of Finance. The Act repealed the Exchange Control (Anti-sabotage Act) Cap. 114 Laws of the Federation, 1990; Foreign Currency (Domiciliary Account) Act Cap 151, Laws of the Federation 1990; and Second Tier Foreign Exchange Market Act.

Section 1 of the Act establishes the Foreign Exchange Market where foreign exchange can be bought at Market price. It further provides that the Central Bank of Nigeria may with the approval of the Finance Minister issue from time to time guidelines to regulate the procedure for transactions in the market and for other measures appropriate for the effective operation of the market.

Foreign currency under the Act means any currency other than Nigerian currency and includes any note which is or has at any time been legal tender in any country outside Nigeria and where reference is made to foreign currency, the reference includes the right to receive foreign currency in respect of any credit or balance at a bank.

While in the country, foreign investors cannot engage in any business ventures particularly production of military, police or para-military wears, arms and ammunition. Foreign investors participation in petroleum industry is further restricted to the popular refinery products.

4.4 Nigerian Investment Promotion Commission ACT CAP N117, Laws Of The Federation, 2004.

Specifically the thrust of the Act is to encourage, promote, and co-ordinate the foreign investment in Nigeria. The Act provides that a non-Nigeria may invest and participate in the operation of any enterprise in Nigeria and that a foreign enterprise may buy shares of any Nigerian enterprise in convertible foreign currency through the Nigerian Stock Exchange. Thus the law provides the frame work for encouraging the foreign investor to invest in Nigeria by providing a deregulated and de-bureaucratized atmosphere for investment .

Foreign investors who wish to trade with non-juristic persons like companies are enjoined by the Act to first incorporate their companies with the Corporate Affairs Commission here in Nigeria and further to proceed to register same with the Investment Promotion Commission. Foreign investors are further encouraged to transfer their dividends to their country from the investment including payments for servicing loans obtained abroad. They can as well remit the proceeds in event of sale, divestment or liquidation of the enterprise or any interest attributable to the investment. It guarantees any foreign investment against nationalization by the government and no person who owns whether wholly or in part the capital of any enterprise shall be compelled by law to surrender his interest in the capital to any other person. The companies and investments of foreign investor shall not be acquired by the Federal Government unless the acquisition is in the national interest or for the public purpose and when acquired adequate compensation shall be made to the affected investor.

Where a dispute arises between an investor and Government of the Federation in respect of an enterprise all efforts shall be made through mutual discussion to reach an amicable settlement, submitted at the option of the agreed party to arbitration in case of a Nigerian investor in accordance with the rules of procedure for arbitration as specified in the Arbitration and Conciliation Act or the case of a foreign investor, within the framework in the case of any bilateral or multilateral agreement on investment protection to which the Federal Government and the country of which the investor is a national are parties or in accordance with any other national or international machinery for the settlement of investment dispute agreed on by the parties.

The Nigerian Investment Promotion Commission Act more importantly saved any approval granted any investor under the repealed Industrial Development Co-ordination Committee Act. It provides: *Any approval granted under the enactment repealed under*

sub-section (1) of this section, shall continue to be in force notwithstanding the repeal of the enactment.

4.5 Companies and Allied Matters ACT CAP (20) Laws of the Federation of Nigeria 2004.

The Companies and Allied Matters Act provides a broad legal framework which enables the Corporate Affairs Commission created under section 1 thereof to among other functions to approve and regulate every matter regarding Companies Securities, Unit Trust, Reconstructions, Mergers and Take–Over bids from registration of Securities to final allotment.

Foreign investors are required by the various bodies concerned with the regulation, supervision and co-ordination to document securities transactions.

Depending on the nature of the investment, a foreign investor wishing to establish securities business in Nigeria is required by the " Guidelines on Foreign Investment issued by the Securities and Exchange Commission to submit the following documents to the Securities and Exchange Commission created under the Investment and Security Act.

The documents are as follows:

(i) Certificate of incorporation issued by the Corporate Affairs Commission.
(ii) Proof of registration from Securities Commission or regulatory authority of its country of domicile.
(iii) Latest audited accounts of the applicant company in its country of domicile.
(iv) Management/promoters profile
(v) Memorandum and articles of association or equivalent.
(vi) Certificate of incorporation in the country of domicile.
(vii) Any other information considered by the Securities and Exchange Commission.

Under the Companies and Allied Matters Act any foreign company wishing to do business in Nigeria "shall take all steps necessary to obtain incorporation as a separate entity in Nigeria for that purpose, but until so incorporated, the foreign company shall not carry on business in Nigeria or exercise any of the powers of a registered company and shall not have a place of business or an address for service of documents or processes in Nigeria for any purpose other than the receipt of notices and other documents as matters preliminary to incorporation under this Decree.

Although there are exceptions to the above provisions it is ridiculous for the Supreme Court to hold in the case of Agro Allied Ltd v MV Northern Reefer that MV Northern Reefer being a foreign company not contemplated under section 264(1) of the Companies and Allied Matters Act is not regulated by the said Act. The provisions of the Act under section 54 are clear that some foreign companies must incorporate in Nigeria before assumption of business.

However, a further look at section 650 of CAMA makes the provisions of the Act contradictory in regards to status of some foreign companies. There it defines "company or "existing company" to mean '... or company formed and registered under this Act or as the case may be formed and registered in Nigeria before and in existence on the commencement of this Act." Foreign companies , notwithstanding their legal status can sue or be sued and invariably can held or divest itself of assets.

4.6 Investment And Securities ACT, 2007

Investment and Securities Act of 2007 in line with Decree 29 of 1988 and 1958 Act established Securities and Exchange Commission whose thrust is to regulate and supervise all matters relating to Capital Market in Nigeria. Every foreign investor therefore is subject to the commissions' authorities and control. The Act specifically mandated the Commission among others to:

(a) regulate Investments and Securities as defined in this Act
(b) register and regulate Securities Exchanges Capital Trade Points, Futures, Options and Derivatives Exchanges, Commodity Exchanges and any other recognized Investment Exchanges.

(c) register all offers of Securities by Public Companies and Entities.
(d) register securities of Public Companies.
(e) Authorizes and regulate Cross–Border Securities Transactions
(f) Prevent fraudulent and unfair trade practice, relating to the Securities Industry and disqualify persons considered unfit from being employed in any arm of the securities industry.

The Act equally empowers the Securities and Exchange Commission to regulate and approve the terms of all Merges, Acquisitions and Combinations between or among companies involving acquisition of shares or operating assets of another.
The Act and regulation made under it are aimed at establishing the standard of ethical behaviour of the market operators in order to protect the integrity of the Nigerian Securities Market against abuses, promoting the effective functioning of the market and safe guarding the interest of investors both local and foreign in securities business.

4.7 Trustee Investment ACT. CAP. T22 Laws of The Federation; 2004

The Act principally specifies the type of investment avenues into which public invisible funds can be subscribed. It provides for the investment of trust funds in Government Securities and Securities of public quoted Companies. Trustees play an important role in the protection of investors especially with respect to debts, securities, unit trust schemes and investment fund operations in the capital market.
Under the Trustee Act, every share "shall include stock" and "debenture" include "debenture stock". The Act exempts trustee from liability for breach of trust where a held investment " has at any time ceased to be an investment authorized by the provision of the Act. A foreign company in which the federal or state governments have equity can therefore come under the search light of the Trustee Investment Act and to certain extent supersedes every immunity available to an alien company as the case may be.

5. Foreign Investment and Nigerian Economic Development

5.1 Theories of Economic Development

The economists of the late eighteenth and early nineteenth centuries were very much concerned with the conditions for economic progress. This was the period of the "Industrial Revolution" in Europe. The classical economists and Karl Marx lived through the period of take off into the sustained growth.
Marx and Mill saw the peak rates of growth attained in Europe. The observations of these economists regarding the nature and causes of economic development are therefore of considerable interest.
For the classical economists, the development of Capitalist economies was a race between technological progress and population growth, a race in which technological progress in term, depended on capital accumulation ,which would permit increasing mechanization and greater division of labour and the rate of capital accumulation depended on the level and trend of profits.
As significance as the above theory is, Malthus made an enriching contributions in his book II, "The Progress of Wealth" where the wrote thus:
There is scarcely any inquiry more curious or from its importance more worthy of our attention, than that which traces the causes which practically check the progress of wealth in different countries and stop it or make it proceed very slowly while the power of production remains comparatively undiminished, or at least would furnish the means at a great and abundant increase of produce and population.

Theories of sociological dualism, geographical determinism and partial theories among others all canvass and appraise the facts of Eastern phenomenon and rise in capitalism. The classical theorist of which Marx, Mill and Malthus represent appear to depict the development situation in Nigeria and other developing nations hence the drive to engage the foreign investors for capital and technical assistance necessary for the economic

development. The Mellenium Development Goal attainment is heavily dependent on foreign investment and should therefore be the thrust of the government.

5.2 International Index for Encouraging Foreign Investment

Apart from friendly legislations and economic policies that tend to promote foreign investment has Nigeria lived up to the expectations of the United Nation Economic Commission requirements for foreign investment? The commission summarized requirements regarding investment in less developed countries including Nigeria as follows:

(i) Political stability and freedom from external aggression.
(ii) Security of life and property
(iii) Availability of opportunities for earning profits.
(iv) Prompt payment of fair compensation and its remittance to the country of origin in the event of compulsory acquisition of a foreign enterprise.
(v) Facilities for the remittance of profits, dividends, interest etc .
(vi) Facilities for the immigration and employment of foreign technical and administrative personnel.
(vii) A system of taxation that does not impulse a crushing burden on private enterprise.
(viii) Freedom from double taxation
(ix) Absence of vexatious taxation
(x) Non- discriminatory treatment of foreigners in the administration controls
(xi) Absence of competition of state – owned enterprises with private control.

Of all the demands of the Commission, Nigeria is far from securing the life and properties of the citizens and foreigners alike. The spate of kidnapping, robbery and of recent bomb induced terrorism is enough to keep the foreign investors outside our borders.

Corruption in the public life is another- cancer that constitutes a big threat to foreign investment and the development drive of the government. Infrastructural decay and outdated African based foreign policy all conspire to keep foreigners out of our reach. Further, incredible elections and faulty electoral process also contribute to stall foreign participation in our development initiative. But hope is not lost.

6. Recommendations

(i) It is high time Nigeria repositions its archaic foreign policy which is Africa centred to the modern reality. The Nigerian foreign policy should be Eastern and western prone to convince the advanced industrial nations that their interest is our concern. This effort should be complimented by diversifying our economy which is presently rooted in oil .
(ii) Better foreign investment climate complimented with an investment insurance scheme should be in place.
(iii) The inter-religeous Dialogue set up by the federal government should rise to the occasion and address the phenomenal killings and violence prevalent in the Northern part of the country which easily give the country away as insecure and unsafe place for business.
(iv) Epileptic electricity supply and aggressive upliftment of our infrastructure like roads, sea port and safety air travel should take the attention of our government at all levels.
(v) Open Pioneer Incentive Approach should be one of the new packages for new foreign investors.
(vi) Above all, Nigeria should aspire to be a permanent member of the Security Council where profound economic and diplomatic decisions are taken.

7. Conclusions

Foreign investment is one of the fundamental economic indices that can enliven and situate a

developing economy like ours and should therefore take the centre stage in the Nigerian economic and diplomatic agenda. In doing this however, the Nigerian borders including air and sea should not be thrown open to all and sundry. Consequently the provisions of section 52 of the Immigration Act which among others provides that immigrants should be properly screened and made to conform with the legal demands of the country should be religiously implemented.

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Peace, Security and other Developmental Problems in Nigeria: Taxation as the Light at the End of the Tunnel

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Abstract. The elusive and precarious nature of peace, security and development in Nigeria today is at an alarming rate. Series of criminality and criminal tendencies in form of religious, economic as well as socio-political upheavals now takes the central stage in the Nigerian polity devoid of any known common solutions. Using doctrinal research method, this paper examines the issue of peace, security and developmental problems in Nigeria. The paper posits and argues that using and applying functional as well as equitable tax on the derivative revenue foundation and sharing formula by Nigerian government, most of the associated problems with peace, security and development in Nigeria will be a thing of the past. To actualise this position, the paper proffers some practical solutions in form of recommendations.

1. Introduction

Before the discovery of oil in Nigeria, the country was basically an agrarian society. Revenue generated from Agriculture coupled with some traditional taxes and levies accounted for 100% of her GDP. In the Northern part of the country, we had Islamic based types of taxation like *Zakat*, *Sadakat*, *Jangali*, *Kudin n Kasa* etc. While in the South, we had taxes and levies in form of tribute to land and farm owners and community leaders such as the Obas, the Obis and the Baales. The cumulative addition of all these revenues was what sustained the pre-colonial economy of Nigeria. That was situation before the coming of the white colonialist and that was the foundation on which Lordlugard built upon. The only modification made was to collect those taxes and levies from the subjects through the traditional rulers. The system was then known as indirect rule system. The system was successful largely in the North but not so successful in the south due to series of resistance by the people in the South and the Western part of Nigeria. The Aba Women Riot and the popular Agbekoya saga was a clear reference point.

Despite the unwillingness of southerners to pay tax to the colonialist, the resistance did not extended to the traditional tribute. Any attempt to halt the traditional tax or tribute payment by any subject normally resulted to severe punishment or war. The kings and the Obas therefore by force continued the collection of various traditional levies otherwise known as Isakole among the Yorubas. The supreme king Alafin and some high chiefs largely relied on tax and levies to sustained their community and domain. If taxation could be so important even at the pre-colonial as well as early colonial era, what cant the same have the same effect and

impact on the peace, security and developmental problems in the cotemporary Nigeria? This is the jurisprudence of this paper.

This article, structured into five sections is based on review of published literatures and other media sources. Conceptual frame work and definition of key terms are in part two, while part three discusses the way and manner Nigerian walked herself in to the present precarious situations and the contemporary situations with regards to peace, security in Nigeria. How to source for solution on all these and the jurisprudential reasons attached thereto constitute the forth part. The fifth and final part concludes the paper with some recommendations.

2. Conceptual Framework and Definition of Key Terms

Our pre occupation in this paper is how tax could be used to serve as panacea for peace, security and developmental problems in Nigeria. In appreciating this topic, there are some key terms that need to be defined. The terms are Peace, Security, Developmental Problems and Light at the end of the Tunnel.

Peace in this study is used in conventional term to mean a situation where anarchy or conflict is abated. Peace herein is a situation where rule of law is jurisprudentially achieved in Nigeria there by paving way for series of economic as well as socio-political development.

Security in this paper is a situation where the populace and the citizenry are protected against attack or danger in Nigeria.

Developmental Problems in this paper are series of other socio-political and religious inclined conflicts facing Nigeria as a country.

Light at the end of the Tunnel refers to possible cure; simply a solution.

3. Walking in to the Dark

The stumbling on black diamond otherwise known as oil marked the walking in to the dark for Nigeria as a country. The discovery of oil in Nigeria though beneficial initially, later turned to a curse and now accounted for her precarious situation. Since the discovery of oil at Olobiri all other revenue generating sources especially tax were jettison, abandoned, and neglected. They onetime historical Kano groundnut pyramid became a things of the past, the booming cocoa business in the west was terminated and all eyes directed to crude oil in the south.

Unfortunately despite getting high revenue from oil, Nigeria failed to safe for the raining day. FESTAC and some unmeritorious increment of worker salaries inform of Ndoji and other allowance as well as un-planned spending of revenue from oil now turned the table against Nigeria. The results are disappearance of peace, security and development in the country. Thus, the journey in the dark became a reality and the reality is what we are witnessing today in terms of social, political, religious as well as economic upheaval in Nigeria. Due to free flow of revenue from oil from government stopped looking the way of tax. The result of this action was the relegation of tax to the background.

Oil that supposes to be a blessing is now a curse for Nigeria. To make the matter worst, the price of oil continue falling in the world market and more country have also discovered oil thereby, dethroning Nigeria as a major oil producing country in Africa. In some years to come according to a World Bank report Nigerian oil may dry off soon! If this happens, what next? If exports in Cotton, Cocoa, groundnut oil etc that used to be the pride of Nigeria in the past could "dry up" what assurance do we have to proof the World Bank latest prediction on Nigerian economy wrong? If there is none, then what preparation are we making towards any eventuality?

Even before the fearful prediction of ends to Nigeria oil, the mono-cultural dependent on a single export commodity in this case, crude oil, has made the economy of this nation to be vulnerable to fluctuations. The resultant effect was that whenever global prices fell, the economy also shakes. It is a clear fact that, the structural problem that hindered the economic growth of Nigeria starting from the 20th Century was the over-reliance on the mono-cultural export commodity.

3.1 Peace, Security and Developmental Problems in Nigeria: The Contemporary Situation

Today in Nigeria, ethnic, religious, geo-ethnic, youth violent acts and other challenges have punctuated the political process and rendered extremely fragile the security of persons, groups and their properties. Increasingly, violence is becoming a characteristic hallmark of group relations in the country (John, 2010). Formation of militias became the order of the day, and the unemployed and underemployed youth embarked on range of violent activities in search for livelihood (Olokooba, 2013:275). This situation has produced heroes in the context of political thug, assassination, militancy, and ethnic massacre (Akeem, 2010). Some relatively impoverished youth have gravitated into religious fundamentalism with networks stretching across Africa and Saudi Arabia in case of Islam and to England and the US in the case of Patencostal Christianity (Akeem, 2010).

Nigeria's enormous endowments of natural and human resources are never being doubted but the challenges confronting her economy today are diverse and enormous. While in fact Asian countries, such as Singapore and Malaysia, with similar colonial heritage, attributes and natural resource endowments, have recorded significant successes in the development of their economies since 1965 when they were at par or even behind Nigeria, (Daniel, 2014) Nigeria is yet to stand their level of development. Due to un-even distribution of oil revenue, the south-south part of Nigeria is constantly facing chaos. Cases of Oil pipe vandals, kidnapping and arm robberies carries the day. In the North, the Islamic fundamentalists' - Bokko Harram sect continuously attacking and killing people. Up till now, the actual location where the Chibok Girls kidnapped from their school in Chibok Local Government of Borno State are hidden remain un-known. In the West, the Oodua People's Congress (OPC) is tormenting the populace under the pretence of securing the people. Though there may be other reason for all these conflicts, but the common reason usually given by the militias for taking up arms in Nigeria is bad economic management by Nigerian leaders (Olokooba, 2013:276). The latest in line of insurgency is the Niger Avengers that are asking the government to stop the probing of the corrupt politicians.

Since the discovery of oil, Nigerian economy relied heavily on the revenue derived from petroleum products, as it provide 70% of government revenue and about 95% of foreign exchange earnings (Onyemaechi, 2012:61). However, despite the economic significance of petroleum products, it has had so many problematic issues which now aggravate peace process, security and other developmental problems in Nigeria. The magnitude of problems associated with overreliance on crude oil economy is unimaginable because, it breeds corruption, tribalism, nepotism and series of economically-induced conflicts. The resultant effects of conflicts are not only in terms of alarming rate of casualties and refugees but also contribute vastly to socio-political problems like the spread of disease, coup d'etat, malnutrition, starvation, economic upheaval and decline in moral decadence.(Olokooba and Suliat, 2015).

Amongst the major security and other developmental problems Nigeria is facing as a nation are: Political Conflicts, Economically-Induced Conflicts, Reliance on mono-cultural economy and environmental challenges. (Olokoba and Suliat, supra). Despite being one time Africa's largest oil producer, contributing to 40% of all of Nigeria's revenue locals are angry that they do not receive enough money from the oil resources of their own country, thus, methods of which they demonstrate their anger are quite extreme, ranging from oil theft to sabotage and even kidnapping (Olokooba, 2012) and in effect many people died; thousands of homes destroyed; tens of thousands of men, women, and children displaced. It was not a civil war, but a bloody battle over the use and control of resources, a battle that ultimately is about property rights (Leekahhow, 2008). The latest in line of developmental problems facing the Nigerian Nationhood is terrorism and problem of insurgency.

4. Peace, Security and Developmental Problems in Nigeria: Sourcing Solution through Effective Tax System

4.1 Historical Background of Tax Reforms in Nigeria

Song (2002) described tax as a compulsory levy imposed by the government authority through its agents on income, consumption and production of goods and services to achieve some developmental goals. Tax reform is therefore the process of changing the way taxes are collected or managed by the government (Helms, 1985). Taxation has always been a means by which communities provided themselves with common social and economic facilities such as roads, water, security, markets and recreation centers even in pre-colonial times. Nigeria officially became a British colony in 1861 and with colonialism came a formal imposition of taxation as an instrument for organized development. Expectedly, there was intense resistance to taxation in pre-independent Nigeria resulting in riots and massacre in several parts of the country.

Nigeria became independent in 1960. With impending independence, the colonial authorities had to prepare the ground for fiscal policies that would address post-colonial developmental challenges. In 1958, the Raisman Fiscal Commission was set up to look into fiscal issues in the country to solve problems of inconsistency and confusion inherent in the existing laws. It was also to examine the jurisdiction and powers of the various tiers of government in Nigeria's post-independence. The Commission came up with a recommendation that there should be harmonization of taxation principles throughout the country. This report according to Taiwo *et al* (*supra*:87) formed the basis of the tax system in Nigeria to the present day.

According to Alli (2009,Taiwo,2015:87), the objectives of tax reforms in Nigeria include but not limited to the bridging of the gap between the National Development needs and the funding of the needs; to ensure taxation, as a fiscal policy instrument, to achieving improved service delivery to the public; to improve on the level of tax derivable from non-oil activities, *vis-à-vis* revenue from oil activities; efforts at constantly reviewing the tax laws to reduce/ manage tax evasion and avoidance; and to improve the tax administration to make it more responsive, reliable, skillful and taxpayers friendly and to achieve other fiscal objectives as well as to cure other developmental problems in Nigeria.

4.2 Peace, Security and Other Developmental Problems: Sourcing Solution through Taxation

The world is recently focusing on employing taxation not only as modifier in an inflation-ridden economy but also a measure of access and control of informal businesses that dominate developing economies of the world. (Usman, Bilyaminu and Modibbo: 113) The fact is that these informal activities collectively have a large share of gross national product sprayed in piece-meal manner in the streets, market places and some times, even in our houses. The process of Nation-building is slow and complex but is now increasingly recognized as the necessary condition for effective socio-economic development. An effective state requires a social contract between a ruling elite and its population, based on a political settlement that allows the elite to collect taxes without excessive coercion in return for delivering basic security and essential public goods. The state-building approach to taxation, therefore, recognizes tax as one of the few core capabilities that any state needs in order to function effectively. (Usman *et al*. *supra*)

The more effective the tax system, the stronger the capability, prosperity and legitimacy of the state, (Everest-Phillips 2008). This insight according to Usman et al *supra*, is not new: Aristotle and Confucius both noted that a prosperous and politically stable society required a political leadership and administration funded through fair and effective tax systems. In a lecture in 1755, Adam Smith as cited in Fjeldstad and Moore (2007:11) and Adam et al.*supra* famously observed that little else was required to 'carry a state to the highest degree of opulence from the lowest barbarism but peace easy taxes, and a tolerable administration of justice.' This is easily said, but the strategy of delivering the result in practice remains a major obstacle to development. A tax system should aspire to this virtuous circle of societal

development. The 'fiscal social contract is a key factor in delivering both political legitimacy and sustainable economic growth a stable, transparent, even-handed tax system is perceived by investors as a sign of established 'rule of law'. In other words, tax is a key indicator of an institutionalized framework of political stability and fairness (Bird, Martinez-Vasquez, and Torgler 2006, Usman et al, *supra*). Governments should concentrate on establishing simple, predictable, neutral tax systems as analyzed by Adam Smith. In Nigeria, at the Federal level, the tax reform is spear headed by the Federal Inland Revenue Service in its quest to achieve greater revenue Collection, encourage voluntary and willing compliance, while at the state level, different state Inland or Internal revenue Services are striving to break the long piercing phobia between taxpayers and tax collectors.

Governments require revenue to augment the spending needs to maintain an adequate level of public investment and social services. Taxes are the main source of raising revenue in both developed and developing countries (Aizenman and Jinjarak, 2008; Saeed and Sheikh, 2011, Taiwo et al, 2015: 85). As observed by Aregbeyen and Fasanya, 2013 as cited in Taiwo et al, *supra:* Nigeria just like other developing countries has a very low tax to GDP ratio which is attributable to tax criminality in form of evasion, narrow tax base, inelastic tax system, complex tax laws, complex network of exemption, ambiguity in tax languages, and weak tax administration. This situation is being strained by the oil revenue which accounts for about 80 percent of government revenue. The large size of Nigeria's tax gap suggests that increasing the country's tax effort in an equitable and efficient way requires reforms of both tax policy and tax administration (Taiwo, Samson, Dopemu, and Unam:85, Olokooba 2013:67).

The categorization of a functional tax system may be in two ways-the income theory as well as the incidence theory. The major characteristic of the former is that such tax is levied on the basis of percentage of percentage of income of the taxpayer. The type of taxes we have here are:

(a) progressive tax system;
(b) regressive tax system, and
(c) proportional tax system
(d) Under the incidence theory categorization, the major focus is lies the incidence of such taxes. Here we have:
(e) direct tax system
(f) indirect tax system.

Apart from the fact that taxes provide the money that makes it possible for government to function, it also has some other economic significances to wit, the provision of employment, satisfactory rates of economic growth, and stability of money supply in any economy. The economic goals of taxation are achieved by raising or lowering tax rates. The fewer taxes people pay, the more they have for their personal use. Conversely, the more taxes they pay, the less money they have available for themselves. All these have a direct impact on economy of a Nation.

Furthermore, tax can serve as a regulatory mechanism to control and regulate various forms of business activities. For instance, alcoholic beverages and tobacco may be taxed heavily on the grounds that their use is hazardous to the health of individuals. Such revenue, often called a "sin tax", is in fact a penalty paid by the users of the substance. Similarly, Government can control private consumption, especially of imported goods, by increasing customs tariffs but where there is an increase in taxation on personal income, it may result in a decrease in private savings without affecting the level of consumption.

Tax can also be used for redistribution of wealth. The purpose of income redistribution is to lessen the inequalities of wealth in society. This is done through what is called a system of transfer payments. The effect of the system is to transfer money from those who have a good deal of it to those who have very little.

5. Conclusion and Recommendations

From all the aforesaid, it could be gleaned that uneven distribution of state wealth caries higher percentage of the causes of absence of peace, insecurity and other developmental problems in

Nigeria. However, the point of emphasis and argument in this paper is that, with good taxing system and effective use of same, tax can serve as the saving grace therefore, to achieve and actualise the practicability of using tax to achieve peace and curb insecurity and other developmental problems in Nigeria, the followings are recommended:

(i) Nigerian Economic growth to be tied to good taxing system

Economic growth should be tied to activities in the non-oil sectors, especially, tax. Nigeria can no longer rely solely on resources from the oil sector because this has failed the nation but if more money is sourced from tax it can be used to advance other sectors and better the nation's growth.

(ii) The revenue collection system should be restructured to realize the essence of taxation

The revenue collection system should be restructured to realize the essence of taxation. Most of the systems are not known to the majority of the populace. If people are aware of the system and they realize the essence, it would be easier to administer.

(iii) Need for continuation in the Nigerian tax reformative policy

There should be continuity in any kind of reformative policy to restructure and coordinate the tax system in order to achieve the motives of taxation. There are numbers of countries that are not endowed with natural resources and they have grown in National development solely on tax administration. Nigeria can copy good samples to better her tax system from such countries.

(iv) Transparency in the use of the revenue generated from tax

There should be transparency in the use of the revenue generated from tax and tax payers' right should be guaranteed and made justiceable in the case the tax collected is not adequately used.

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Assessment of School Development Planning on the Implementation of Universal Basic Education Programme in Kwara State, Nigeria.

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Abstract. The study assessed school development planning on the implementation of universal basic education programme in Kwara State. School development planning is a part of school-based management committee aimed at making schools better places for pupils' to learn by changing the way that schools work with their communities, the staff and the Local Government Education Authority (LGEA). The study covers the three senatorial district of Kwara State which comprises of Kwara Central, North and South. The study used descriptive survey method while stratified random sampling technique was used to select 150 out of 328 basic schools representing 45.7%. 150 Principals, 450 Vice Principals and 900 Teachers were used as subjects. One research instrument was used titled "Questionnaire on Implementation of School Development Planning in UBE Programme (QISDPUBE). The instrument was validated through face and content validities and 0.78 was obtained for its reliability. The five research questions raised in the study were analysed with percentage and average total counts. The findings of the study revealed that 64.8% of the respondents agreed that school environment was secure for pupils in the implementation of UBE programme. 59.8% of the participants also agreed that the classrooms are conducive for pupils learning for the implementation of UBE programme in the State. Finding also revealed that 66% of the respondents agreed that the school authority shared school management to achieve school goals in the implementation of UBE programme in Kwara State, while 64.1% of the respondents disagreed that teaching and learning resources are adequate for the pupils' in the implementation of UBE programme in Kwara State and 67.3% agreed that teachers' teaching effectiveness enhance pupils' learning in the implementation of UBE programme in Kwara State. Based on the findings, it was recommended among others that no matter how small it is, a room should be located to serve as a library where teachers and pupils can have private reading and study, while relevant textbooks be provided to improve teaching and learning of teachers and pupils.

Keywords*:* School Development Planning, School Environment, School Management, Teaching and Learning Resources, Universal Basic Education Programme.

1. Introduction

School Development Programme (SDP) is about making schools better places for children to learn by changing the way schools work with their communities, with staff and with the Local Government Education Authority (LGEA). The schools work with their communities through the School-Based Management Committees (SBMC) representing the community taking the lead in building development plans based on the school's own analysis of its needs. School Development Planning according to Education Sector Support Programme in Nigeria (ESSPIN) (2009) requires the support and commitment of all stakeholders in the school community. Plans developed in this way lead to solutions which are relevant and realistic for the local community and help to bring the school closer to its stakeholders. Ezeali (2012) believes that SBMC is a system of administration in which the school is the primary unit of educational decision-making. It is through the planning process, SBMC will be able to reach a recommended set of yearly activities based on needs expressed by the children and adults for whom the school is important.

It is believed also that through this SDP the school heads are encouraged to develop a more open and participatory management style which is about better coordination of school activities to achieve optimum

results. Alabi (2002) stressed that participation leads to improved decisions, because where knowledge, experiences and broader perspectives are made available resulting in more alternatives. Decisions are made by people, thus at the school level, a school head must frequently make decisions regarding the appropriate steps to take in achieving the stated educational objectives.

The Local Government Education Authority (LGEA) is the supervisory agent of the school system at the local level. This body deals directly with all the schools under States Universal Basic Education Boards in each state of the federation. With the LGEA current status in SDP, the planning is done 'by' the schools and communities rather than 'for' them. Although the local Supervisors play a key support role, and this leads to better communications between the schools and the LGEAs. The strength of this approach is that although the activities cover a range of school development areas, they all relate to the primary goal of improving teaching and learning and participation especially for girls and the poorest which were the basis for the establishment of Universal Basic Education (UBE) programme in Nigeria.

School development planning as a widely adopted approach to the management of planned change, advocated as a facilitating mechanism to aid the implementation of multiple innovations introduced in the educational system. School development planning can best be understood within the framework of the school as a system in which change of any part affects all the other parts (Haynes, Emmons, Gebreyesus & Ben-Avie, 1996). School development planning is a systematic, collaborative and inclusive, ongoing and progressive process undertaken by the school to promote whole school effectiveness, school improvement, quality enhancement, staff development, partnerships, effective resource deployment, change management and the furtherance of arms and priorities of the national education system (SDPI, 1999). School development planning is undertaken to give direction to the work of the whole school in order to ensure that learners receive quality education in terms of both their holistic development and their academic achievement. Accordingly, the process is sharply of focused on the educational needs and achievements of the students and concomitantly on the professional development and empowerment of the teachers.

Every school is unique the operation of the planning process will vary considerably from school to school. The school development planning process is flexible. It is not a set of rules to be followed blindly but a framework for collaborative creativity (Pashiardis, 2000). In schools, the school heads can be thought of as a project manager, one expected to plan, implement, manage, maintain and evaluate the entire education system like physical facilities, human resources, students, financial inputs and the curriculum development. The school heads are responsible for school development planning. Effective development planning influences the success of a school, and therefore there is need for adequate preparation of school heads in development planning.

Specifically, researchers differentiated effective schools from ineffective ones by considering certain factors. For instance, Lezotte and Jacoby (1990). Researchers have consistently identified those factors as the characteristics of effective schools, namely; instructional leadership, teacher behaviour, parental or community involvement, and continuous assessment on student progress, and so on

Successful school development planning efforts produce many benefits. Bryson (1995) identified several benefits:

(i) the promotion of strategic thought and action. Strategic thought is based upon data gathered about the institution. Systematic information gathering will result as a benefit of planning;
(ii) improved decision-making; and
(iii) improved organizational responsiveness and improved performance. Members of the institution will respond positively to an administration that works toward resolution of the issues facing it.

Schraeder (2002) argued that planning can help an organization to clarify future direction, to establish priorities, to diversity its products or services and to deal effectively with rapidly changing circumstances. In this era of globalization, school development planning requires knowledge in project management processes, which are normally divided into initiating, planning, execution, controlling and closing processes.

Olembo (1992) and Okumbe (1998) noted that the complex work of school heads is categorized into the following areas: planning, staffing, organizing and controlling, co-ordination, influencing and motivating consulting and communicating, and evaluating. Effective execution of these tasks

requires that head teachers be adequately trained. However, secondary school head-teachers are appointed from serving teachers and ensure that the school is developed educationally in order to accomplish the set goals of educational system. It is view of this, the present study intends to assess the school development planning on the implementation of UBE programme in Kwara State, Nigeria.

2. Statement of the Problem

Available literature shows that no studies have been conducted on the assessment of school development planning on the implementation of UBE programme in Kwara state, Nigeria to the best of researcher's knowledge. For example, Macharia (2012) carried out research on the impact of in-service training of head teachers on their effectiveness in school development planning in Gatundu district. Nwachukuwu (2006) carried out research on academic and professional qualification of teachers' and job effectiveness in secondary schools in the south-eastern states of Nigeria. Ezeali (2012) studied school-based management, teacher efficiency and effectiveness in secondary schools in the south-eastern states of Nigeria. Also, Eric (2013) centred his study on professional development of teachers' and academic performance of students' in secondary schools in Etche local Government Area of Port-Harcourt, Rivers state, Nigeria. While, Omosidi (2016) carried out a study on school development planning and its effectiveness in UBE public secondary schools of Kwara state, Nigeria.

It is however noted, that all these studies were correlational studies in the sense that school development planning was correlated with variables, such as, students' academic performance, teachers' and school effectiveness. While present study is on the assessment of the UBE programme in Kwara state, Nigeria. These were the missing gaps of the present study intends to fill.

3. Objectives of the Study

The main purpose of this study is to assess and examine the school development planning in the implementation of Universal Basic Education programme in Kwara State, Nigeria. Specifically, the study set to assess:

(i) to what extent does the school environment secure for pupils under the implementation of UBE programme in Kwara State;

(ii) to determine the extent to which the classrooms are conducive for pupils in the implementation of UBE programme in Kwara State;

(iii) to determine how authority shared school management to achieve the school goals in the implementation of UBE programme in Kwara State;

(iv) to determine how does teaching and learning resources adequate to the pupils in the implementation of UBE programme in Kwara State;

(v) to determine how the teachers' job effectiveness improves the pupils learning in the implementation of UBE programme in Kwara State.

4. Research Questions

The following research questions were raised to guide this study:

RQ_1: What extent does the school environment secure for pupils under the implementation of UBE programme in Kwara state?

RQ_2: What are the extent to which the classrooms are conducive for pupils' learning in the implementation of UBE programme in Kwara State?

RQ_3: Does the school authority shared school management to achieve the school goals in the implementation of UBE programme in Kwara State?

RQ_4: What extent does the teaching and learning resources adequate for the pupils in the implementation of UBE programme in Kwara State?

RQ_5: What extent does teachers' teaching effectiveness enhance pupils learning in the implementation of UBE programme in Kwara State?

5. Scope and Delimitation of the Study

The study covered the three senatorial districts of Kwara State which comprises of Kwara Central, North and South. There are three hundred and twenty-eight UBE schools in the State. However, the study was limited to only one hundred and fifty UBE schools.

The measure used for school development planning were secure environment for pupils, conducive classroom, shared school management, adequate teaching and learning resources and effective teaching of teachers. These were related to the implementation of UBE programme in Kwara State basic schools.

6. Materials and Methods

The study is a descriptive survey. It is a survey method that attempt to describe the characteristics of a given population or area of interest factually. The population for this study comprises all the 328 basic public schools as at the time of study, spread across the three senatorial district of Kwara State (Central,

North and South). Stratified random sampling technique was used to select 150 (45.73%) out of the 328 schools. In addition, stratified random sampling technique was used to select 1,500 (42.00%) participants out of the 3585(150principals, 450 vice principals, and 900 teachers).

Only one research instrument was used to collect information titled "Questionnaire on Implementation of School Development planning in the UBE Programme" (QISDPUBEP). The questionnaire was in two sections A and B. Section A was used to collect the respondents' personal data while section B was used to collect data on the assessment of school development planning on the implementation of UBE programmes in Kwara state. The questionnaire comprised of 7 item questions for secured environment, 5 item questions for conducive classrooms, 6 item questions for shared school management, 7 item questions for adequate teaching and learning resources and 8 items questions for effective teaching, totalling 33 item questions. Likert four scale was used with SA means Strongly Agreed, A means Agreed, D means Disagreed and SD means Strongly Disagreed. Each of these responses were analysed into Frequency (F) and Percentage (%). In the discussion of results, attempts were made to merge strongly agreed and agreed to 'Agreed' while disagreed and strongly disagreed were also merged to 'Disagreed' only.

The questionnaire was validated for face and content validities. A test re-tests reliability technique yielded co-efficient of 0.76. The data collected were analysed with the use of mean and percentage count.

7. Results and Discussion

The results of the study were presented in a tabular form. There were five tables each corresponding to the research questions developed to analysis data from the respondents.

Research Question 1

What extent does the school environment secure for pupils in the implementation of UBE programme in Kwara State?

Table 1: Analysis of the extent of school environment secure for pupils in the implementation of UBE

		A		D		TOTAL	
S/N	**ITEMS**	**F**	**%**	**F**	**%**	**F**	**%**
1	The school environment and the surroundings secured and safe for pupils	1194	79.6	306	20.4	1500	100
2	Is there positive behaviour among the pupils in the class and towards each other	1170	73.8	330	26.2	1500	100
3	The school environment is a suitable place for children to play and learn	1060	70.7	440	29.3	1500	100
4	There is good relationship between the teachers and the pupils	1185	79.0	315	21.0	1500	100
5	The teachers treat all the pupils in the same way	828	55.2	672	44.8	1500	100
6	Does the school encourage children who are orphans. or very poor	1048	69.9	452	30.1	1500	100
7	Is the environment of girls less than boys in your school	327	21.8	1173	78.2	1500	100
	Average Total	**972**	**64.8**	**528**	**35.2**	**1500**	**100**

Table 1 shows the responses on the extent to which the school environment secure for pupils in the implementation of UBE programme in Kwara State. On the average, 972 (64.8%) agreed that school environment was secured for pupils in the implementation of UBE programme in the state. The implication of this is that the school environment and the surrounding were secured and safe for pupils, while at the same time, there were positive behaviors among the pupils in the class and towards each other. The school environment was a suitable place for children to play and learn which translated to good

relationship between the teachers and pupils. This finding was in line with what Weihrich and Koontz (1999) believed that a good school environment allow individual to work together as a group and encourages efficiency in accomplishing selected aims. Hagman (1956) also stressed that the school plant is used not only to provide conducive environment for both teaching and learning, but also to ensure a safe, secure, hygienic and comfortable shelter for students, teachers and other staff as teaching, learning and other activities of the school take place.

Research Question 2

What are the extent to which the classrooms are conducive for pupils learning in the implementation of UBE programme in Kwara State?

Table 2: Analysis of the extent to which the classrooms are conducive for pupils learning

S/N	ITEMS	A		D		TOTAL	
		F	%	F	%	F	%
8	The condition of the classroom is suitable for teaching and learning for pupils	1286	85.7	214	14.3	1500	100
9	The security and cleanliness of the classroom is conducive for learning	1023	68.2	477	31.8	1500	100
10	The teaching aids and pupils work are displayed in the classrooms	731	48.7	769	51.3	1500	100
11	The classroom facilities are design and constructed to address the future development of the school	497	33.1	1003	66.9	1500	100
12	There are absence of dust and mould in ceilings and walls which can lead to respiratory in the classroom	948	63.2	552	36.8	1500	100
	Average Total	**897**	**59.8**	**603**	**40.2**	**1500**	**100**

Table 2 revealed the extent to which the classrooms are conducive for pupils' learning in the implementation of UBE programme in Kwara State. The response shows that 897 (59.8%) of the respondents agreed that the classrooms are conducive for pupils learning in the implementation of UBE programme in the state. This finding is contrary to the finding of Jimoh (2003) and Ogonor, & Sanni (2001) that classrooms in Kwara State primary schools were not conducive for learning. This implies that the condition of the classroom is suitable for teaching and learning for pupils, while the classroom facilities are designed and constructed to address the future development of the school. The finding also implies that there was absence of dust and mold in ceilings and walls which can lead to respiratory infections in the classrooms.

Research Question 3

Does the authority shared school management to achieve school goals in the implementation of UBE programme in Kwara State?

Table 3: Analysis of shared school management to achieve school goals

S/N	ITEMS	A		D		TOTAL	
		F	%	F	%	F	%
13	Parent Follow-up their children's progress and activities	725	48.3	775	51.7	1500	100
14	Meetings between parent and teachers' take place frequently in the school	1089	72.6	411	27.4	1500	100
15	Notices of the meetings are sent to the parents a week before the meeting in the school	993	66.2	507	33.8	1500	100
16	The entire community supports the school activities	1143	76.2	357	23.8	1500	100
17	The school helps the community where necessary	1004	66.9	496	33.1	1500	100

Table 3 shows how the authority shared school management to achieve school goals in the implementation of UBE programme in Kwara State. The responses revealed that 509 (33.9%) strongly agreed and 481 (32.1%) agreed that the authority shared school management to achieve school goals in the implementation of UBE programme in Kwara State. However, it was discovered that 289 (19.3%) and 221 (14.7%) disagreed and strongly disagreed that authority does not shared school management to achieve school goals in the implementation of UBE programme in Kwara State.

The finding revealed that 990 (66%) of the respondents agreed that the authority shared school management to achieve school goals in the implementation of UBE programme in the state. The implication of this is that meetings between parent and teachers take place frequently in the school, while the entire community supports the school activities. Parents do follow-up their children's progress and activities in the school. The findings also shows that the school helps the community where necessary and with Head-teacher helping the new teachers to settle down in the school.

This finding collaborate with the findings of Omosidi (2006) and Oloyede (2008) that leadership behavior influence subordinates attitudes and subsequently affect performance in achieving organizational goals. This is also in line with Marzano, Water and Ma Nuty (2005) who had earlier established that leadership strategies central to organizational goals.

Research Question 4

What extent does the teaching and learning resources adequate for the pupils in the implementation of UBE programme in Kwara State?

Table 4: Analysis of adequacy of teaching and learning resources for pupils

S/N	ITEMS	A		D		TOTAL	
		F	%	F	%	F	%
19	There are enough textbooks and guides to pupils	734	48.9	766	51.1	1500	100
20	Parents do buy textbooks for their children	485	32.3	1015	67.7	1500	100
21	The school has a library where pupils or teachers can read	276	18.4	1224	81.6	1500	100
22	There are rules on how textbooks are looked after	327	21.8	1173	78.2	1500	100
23	All pupils have access to basic stationery and writing materials	770	51.3	730	48.7	1500	100
24	The school has resources to enable teachers to prepare teaching aids	836	55.7	664	44.3	1500	100
25	The school makes use of the skills, expertise or resources from the community in teaching	336	22.4	1164	77.6	1500	100
	Average Total	**538**	**35.9**	**962**	**64.1**	**1500**	**100**

Table 4 shows the responses on the extent to which the teaching and learning resources adequate for the pupils in the implementation of UBE Programme in Kwara State. The finding revealed that 962 (64.1%) of the respondents disagreed with the statement. This shows that teaching and learning resources are not adequate for the pupils in the implementation of UBE programme in Kwara State. The implication of this finding is that there were not enough textbooks and guides to pupils and parents did not buy textbooks for their children. It was also discovered that the schools has no library where pupils or teachers can read and most of the school has no resources to enable teachers to prepare teaching aids.

Abolade (2001) believes that teachers need leaning and instructional materials that will facilitate and dissemination of information to the learners. The more creative teacher is the more resourceful and effective teaching would be which adversely promote the leaning of the pupils.

Research Question 5

What extent does teachers' teaching effectiveness enhance pupils learning in the implementation of UBE programme in Kwara State?

Table 5: Analysis of Teachers' Teaching Effectiveness in enhancing pupils' learning

S/N	ITEMS	A		D		TOTAL	
		F	%	F	%	F	%
26	Some Subjects are harder to teach or learn than others	852	56.8	648	43.2	1500	100
27	The teachers try to make the lesson interesting	1172	78.1	328	21.9	1500	100
28	The teacher know enough about their subjects	1062	70.8	438	29.2	1500	100
29	The school lessons start on time	1101	73.4	399	26.6	1500	100
30	The teachers encourage pupils' to learn	1007	67.1	493	32.9	1500	100
31	The teachers encourage clever children to learn	1016	70.7	439	29.3	1500	100
32	The teachers help slow learners to learn	933	62.2	567	37.8	1500	100
33	The methods of assessment of pupils promote learning among pupils	884	58.9	616	41.1	1500	100
	Average Total	**1009**	**67.3**	**491**	**32.7**	**1500**	**100**

Table 5 reveals the extent to which teachers teaching effectiveness enhance pupils learning in the implementation of UBE programme in Kwara State. It was revealed that 1009 (67.3%) of the respondents agreed that teachers' teaching effectiveness enhance pupils, learning in the implementation of UBE programme in Kwara State. This implies that the teachers try to make the lessons interesting to the pupils, and most of the teachers encourage pupils' to learn. It was also discovered that the teachers encourage clever and show learners to learn.

Adaralegbe (2009) submits that teachers' performance and effectiveness are functions not only of initial academic and professional preparation but also the result of insights, concepts and personality trails of the individual. The finding collaborates with the findings of Ezeali (2012) who discovered that school-based management was a strong predictor of teachers' effectiveness in Secondary Schools in the South-Eastern States of Nigeria.

8. Conclusion and Recommendations

The study x-rayed the assessment of school development planning on the implementation of Universal Basic Education Programme in Kwara State, Nigeria. The findings revealed that the respondents opined that there were remarkable improvements in the practices of school development planning which were reflected in the implementation of UBE programme in the state. The result of the finding obviates the need to provide enough teaching and learning resources for teachers and pupils for more effective and efficient academic performance to achieve the target goals.

Based on the findings of the study, the following recommendations were made:

(i) In conjunction with State Universal Basic Education Board (SUBEB) the Principals/Head-teacher should improve on the present practices of security in the school environment to be more secure and safe for the pupils. In doing this, it will go a long way in improving the existing positive behavior among the pupils in the class and toward each other.

(ii) Under the supervision of SUBEB the current maintenance of the condition of the classrooms which were suitable for teaching and learning for pupils needs to be maintained and be improved upon. The present classrooms facilities designed and construction need to be redesigned to address the future development of schools.

(iii) Parents should be encourage to improve on the fellow-up of their children progress and activities of the schools. This would let parents discover areas where they can assist the schools. The entire community should also be more involved in activities of the schools since the schools are sub-set of the community in which the schools were located.

(iv) No matter how small it is, a room should be created to serve as a library where pupils and teachers can have private reading and study, while relevant textbooks be provided to improve teaching and learning of teachers and pupils.

(v) To improve on the current effectiveness of the teachers, workshops and seminars should be re-introduced to the teachers on the areas teachers of specialization and pedagogy. This would go a long way for the teachers to be more effective.

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Work Ethics and Productivity of University Workers in South West, Nigeria

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Abstract. There have been a lot of complaints by students, parents, visitors and academic staff about the productivity of universities workers is generally low with debilitating consequences on their service delivery. There is therefore the need to investigate the predictive process of work ethics as determinant of productivity of staff of universities in South-West, Nigeria.
This study adopted the descriptive survey research method. The population for the study comprised all staff of universities in South-West, Nigeria. The sample consisted of 1558 non-teaching staff (734 senior and 824 junior). This was selected through the multi-stage proportional stratified random sampling technique for the Multidimensional Work Ethic Profile (r = 0.86). Two null hypotheses were tested in the study while two research instruments were used for data collection. Analysis of data was done using Multiple Regression Analysis. Results were tested for significance at 0.05 levels.
Findings revealed that work ethics jointly and individually predicted productivity ($F_{3,1501=355.402;\ p<.05}$). Work ethics (Beta=-0.016; t=-.573; p>.05) was not a potent predictor of organizational productivity. Work ethic (Beta=-0.271; t=10.341; p<0.05) as independent variable were however not the most potent predictors of the productivity. It was also observed that, ownership type and staff cadre had no significant moderating influence on the joint and individual contributions of work ethics to the prediction of organizational productivity of staff of the universities in South-West, Nigeria. Therefore, the conclusion was reached and it was recommended that universities should always strive to establish strong work ethics for their staff. More so, public and private universities should design and circulate code of conduct as well work ethics policy to cover senior and junior staff so as to enhance productivity among their staff.

Keywords: Work Ethics, University senior/junior staff and Productivity

1. Introduction

In today's global economy, organisations incorporate programmes like total quality management, employee involvement, job enrichment, skill-based pay, gain sharing, welfare packages, and training facilities to gain a competitive edge. The objective of such intervention is to increase the firms' productivity by controlling employees' behaviour on the job and active contribution towards achieving organisational objectives, and thus, building strong productivity (Sumita: 2004). Casual observations show that students are always complained about the uncooperative attitudes of non-teaching staff of universities in South-West, Nigeria. Students often queue for several hours at the doors of Faculty Officers and Administrative Officers thus wasting man-hour that could have been used for learning. Further observations show that official records are not well kept, and minutes are often poorly written. Staff members come late to work while some of them leave their office desks to hawk materials around the campus. Others do not show up in their offices, and those who do neglect students when they request for their administrative

support. Some of them are not student- friendly. Upon this background, their productivity is jeopardized. The focus of this research is on staff of universities. However, this is not to say that academic staff are faring better.

In organisations, management of people at work is an integral part of the management process which should be focused upon. Tella, Ayeni and Popoola (2007) posited that an average worker is the source of quality and productivity gain which does not hinge on capital investment but on employees who are a fundamental source of improvement. Thus work ethics carries a chunk of the percentage when productivity is discussed.

An organisation is considered effective based on the degree to which it achieves its goals. The achievement of organisational goals is through engendering the spirit of cooperation and sense of commitment and satisfaction among employees. In order to get employees committed and productive in their jobs, there is need for a friendly work environment that would take care of the needs of the employees in terms of work ethics, the issue that work ethics is demonstrated by the worker to positively influence productive in order to achieve the goal of the organisation. The provision of a friendly work environment would go a long way in influencing employees' behaviour and motivating them to be active in order to achieve the desired goals of their organisations.

2. Review of Related Literature

2.1 Concept of Productivity

The belief that individual employee's performance has implications for organisational productivity has been prevalent among researchers, academics and practitioners. The interest in this area has recently been intensified. However, Wright and McMahan (2002) have argued that, collectively, employees in an organisation can also provide a unique source of competitive advantage that is difficult for competitors to replicate.

In all organisations, emphasis is being placed on productivity and this explains the great attention paid to it and the concern always expressed by various administrators about improving productivity. The chief executive of organisations and all those in authority continue to buoy up workers to put in their best so as to increase productivity. Consequently, managers are motivating their workers and this will translate the organisational plan into practical reality. The main focus of management is what to do to enhance optimal efficiency thereby increasing productivity. Output can be increased by maximal combination of resources; both human and material resources can be combined maximally by effectively performing and managing functions that motivate workers. The sole aim of any organisation is to attain optimal efficiency; hence, the Chief executive and supervisors of organisations strive towards the attainment of optimal efficiency.

Garret and Poole (2005) and further re-echored by Ojeniyi (2015) described productivity as a volume measure of output to a volume measure of input. They further said that measuring productivity in schools requires a measure of both efficiency and effectiveness. In the educational system, productivity refers to the ratio between the total educational outputs and the resource input utilised in the production process. Productivity must be applied to all facets of the organisation including services, and information technology is giving new insights into productivity concepts and measurements. The effectiveness of an organisation (schools for example) can be determined by the extent to which their goals are achieved. Productivity can be viewed in terms of how the schools meet their objectives or the extent to which their objectives are achieved.

Aboyade (1980) explained that productivity is the hallmark of development and economic prosperity while low productivity is the bane of underdeveloped nations. Many organisational variables and practices could influence productivity. These may include effective leadership, effective motivational strategies, effective delegation, effective conflict management strategies, effective teaming etc. Productivity is the key factor in the development of a nation, and the welfare of its people. It is

also the parameter for measuring organisational efficiency and effectiveness. Productivity is the relationship between the amount of one or more inputs and the amount of outputs from a clearly identified process. The most common measure is labour productivity, which is the amount of labour input (such as labour hours or employees) per physical unit of measured outputs. Another measure is materials productivity, in which the amount of output is measured against the amount of physical material input (Osterman, 2010).Yet, another measure of productivity is termed "total productivity".

There have been complaints by students, parents, visitors and academic staff about the level of productivity of non-teaching staff of Universities. For instance, official records are not well kept, minutes are often poorly written, some of non-teaching staff leave their office desks to hawk materials around the campus. Others do not come to their offices. For those who do, when students request for their administrative support, they tend to neglect them, and some of them are not student-friendly. Upon this background, their organisational productivity is jeopardised.

One of the core objectives of management is to increase staff efficiency by getting maximum productivity at the minimum cost. Productivity is a key issue in organisational management and administration. It is one of the parameters used in measuring the growth of an organisation. Organisational productivity is therefore, a function of staff productivity, which in turn is a function of staff commitment to the growth of the organisation. Different researchers have laid emphasis on different factors as correlate of productivity.

According to Pogoson (2002), the provision of adequate welfare package and comfortable work environment with commendable work ethics are major organisational factors that would enhance staff commitment to organisational productivity. Productivity in an organisation can be, in principle, influenced by a wide range of internal and external variables which may be categorised as general factors; organisational and technical factors; and human factors.

In line with the assertion of Taiwo (2010), human factors were adjudged to comprise social and psychological conditions of work, physical fatigue, wage incentives, trade union and labour management relations, among others. The human factors take into consideration the fact that the work environment must be safe and healthy, with no hazards and undue risks; that the opportunity to use talents effectively to acquire new skills and knowledge for advancement must be present; that employees at all levels have occasions to develop their capabilities through problem solving and planning. Also, the social climate of the organisation is free from prejudice and rigid classifications, and job does not take excess time and energy from other aspects of human life.

Ethics is the philosophical study of the moral value of human conduct and of the roles and principles that ought to govern it moral philosophy. Although, the terms ethics and morality may sometimes be used interchangeably, philosophical ethicists often distinguish them using ethics to refer to theories and conceptual studies relating to good and evil, and right and wrong, and using morality and its related terms to refer to actual, real-world beliefs and practices concerning proper conduct. In general usage, ethics is used to describe standards of behaviour between individuals, while the term moral or immoral can describe any behaviour. Work ethnics pertain to a person's attitudes, feelings and beliefs about work. The state of a person's work ethics determines how that person relates to occupational responsibilities and the degree of his or her positive and productive approach to work.

Furthermore, work ethics and have also been identified as major concept that apply to productivity and determine the level of productivity in an organisation. Ford (2010) emphasised that the application of work ethics and welfare package concepts can be influenced by several variables such as age, culture, emotions, personality traits, desires, and individual differences among other factors.

The concept of work ethics was first defined in 1904 by a German sociologist, Max Weber who argued that the protestant characterisation of work values supported the spirit of capitalism by emphasising the importance of continuance, and hard work and by providing moral justification for the accumulation of wealth. In his work on work ethics, Pogoson (2002) sought to explain the fact that people pursue wealth and material gain (the achievement of profit) for its own sake not because of necessity.

The influence of work ethics on productivity cannot be over emphasised as it determines the degree to which individual staff places organisational activities and work at or near the centre of their lives (Mudrack, 1997). Work ethics can be seen as an attitudinal construct that reflects deeply- held values regarding the fundamental place of work in one's life. Accordingly, people who possess these values will have a strong work ethics (Pogoson, 2002). Some of the values connected to the concept of work ethics include hard work, autonomy, fairness, wise and efficient use of time, delay of gratification and the intrinsic value of work.

Miller, Woehr and Huchpeth (2002) further described work ethics as a constellation of attitudes and beliefs pertaining to work behaviour just as they emphasised the work ethics variable as a motivational construct reflecting in behaviour. Work ethics vary from individual to individual and has great implication on the way individuals/employees behave in a work environment or an organisational set-up. Several studies, one of which is by Redmond (2010) indicated a link between work ethics and work-related outcomes productivity. While Cortezee (2005) indicated that those with strong work ethics may tend to have negative attitudes towards the poor and unemployed, Pogoson (2002) suggested that those with strong work ethics work harder, persist longer, and produce more of repetitive, monotonous tasks than others and are highly competitive.

There is no doubt that both the public and the private Universities in Nigeria, no less than the other countries, are committed to staff development. However, studies on productivity and productivity have not yet resolved the identified problems. Therefore, this study focuses on the extent to which work ethics jointly and individually predict productivity of staff of Universities in South-West, Nigeria. It is the quest of this researcher to find out the level at which these interactions happen in Universities in the South-West, Nigeria.

3. Hypotheses

The following hypotheses were formulated to guide the study:

HO1: There is no significant contribution of work ethics to the prediction of the productivity of non-teaching staff of Universities in South-West, Nigeria.

HO3 There is no significant moderating influence of ownership on the contribution of work ethics, to the prediction of the productivity of non-teaching staff of Universities in South-West, Nigeria.

4. Methodology

Research Design: This study adopted the descriptive survey of ex-post – facto type

Population: The population of the study comprised all the 28,506 senior and junior staff of universities in South-West, Nigeria.

Sample and Sampling Technique: The sample consisted of One thousand five hundred and fifty-eight (1558) non-teaching staff – seven hundred and thirty-four senior staff (734), and eight hundred and twenty-four junior staff (824). These were selected through the multi-stage proportional stratified random sampling technique. At the first stage, three States were randomly selected from the six States in the South-West. The three states that emerged were Oyo, Osun and Ogun States.

Instrumentation: For the purpose of this study, the researcher made use of two (2) instruments for data collection. Respondents completed the work ethics questionnaire. Productivity instrument was completed by their boss.Productivity in this study was measured by a Productivity Scale (OCS) adopted from Allen and Meyer (1990) and reworked with inputs from the Annual Appraisal Form for Non-

teaching staff of Olabisi Onabanjo University. It has validity of 0.8542 and a reliability index of 0.7654. Work Ethics was measured using the adopted Multidimensional Work Ethic Profile (MWEP) developed by Miller, Woeher, and Hudspeth (2001).It has a revalidated validity value of 0.7864 and a test-retest reliability measure of two weeks interval with PPMC which yielded a co-efficient of 0.8623.

Method of Data Collection

For the purpose of administering the instruments in order to collect data for this study, the services of two (2) research assistants were employed, the respondents were given twenty four (24) hours to complete the instrument. The researcher and the two research assistants went back to collect them the following day. After collecting the filled protocol by the respondents, the staff productivity forms were given to the bosses/heads of departments (HOD) of the concerned staff to assess their productivity. These were retrieved after two days.

Methods of Data Analysis: A general description of data was undertaken using mean, and standard deviation while the hypotheses were analysed with the Multiple Regression Analysis. Results were tested for significance at 0.05levels.

5. Results

Hypothesis One: There is no significant contribution of work ethics to the prediction of the productivity of non-teaching staff of Universities in South-West, Nigeria.

Table 1. Descriptive Statistics of the Responses to the Variables in Hypothesis One.

Descriptive Statistics of the responses

	Mean	Std. Deviation	N
Productivity	96.0892	35.47538	1502
Work ethics	237.0413	47.77639	1502

Table 1 revealed the mean scores and standard deviations of the responses to the variables measured in hypothesis one. For productivity, the mean score = 96.0892; standard deviation = 35.47538 while for each of the dependent variables the following mean scores and standard deviations were observed: work ethics mean = 237.0413; standard deviation = 47.77639; training policy mean = 52.7557; standard deviation = 10.88879; welfare package mean = 41.7663; standard deviation = 10.82090

Table 2: Model Summary of the Contribution of Work Ethics, to Productivity

Multiple R = 0.577[a]
R-Square = 0.333
Adjusted R-Square = 0.331
Standard Error = 29.00955

Source of variation	Sum of squares	Df	Mean squares	F	Sig.	Remarks
Regression	628364.4	1	209454.789	248.891	.000[a]	Reject HO
Residual	1260648.0	1498	841.554			
Total	1889012.4	1501				

a. Predictors: (Constant) work ethics.
b. Dependent Variable: productivity

Table 2 reveals significant composite contribution of the independent variables; work ethics, to the prediction of the dependent variable, productivity ($F_{1,1501}$ = 248.891; p < .05). This means that work ethics, predicted the productivity of the non-teaching staff of Universities in South-West, Nigeria. The analysis also yielded a co-efficient of multiple regression of 0.577[a] and multiple R-square of 0.333 and adjusted R-square = 0.331 indicating that all the independent variables (work ethics, training policy and welfare package) accounted for 33.1 % of the variance in the productivity of non-teaching staff of universities in South-west, Nigeria.

Hypothesis Two: There is no significant moderating influence of ownership on the contribution of work ethics, in the prediction of the productivity of non-teaching staff of Universities in South-West, Nigeria.

Table 3 Descriptive Statistics of Public Universities Staff's Responses to the Variables in Hypothesis Three

	Mean	Std. Deviation	N
Productivity	96.0140	35.51305	1210
Work ethics	237.0702	47.73395	1210

a. Selecting only cases for which ownership of institution is public university

Table 3 reveals descriptive statistics of responses to the variables measured in public universities. For productivity, the mean score = 96.0140; standard deviation = 35.51305 while for each of the independent variables ,the following mean scores and standard deviations were observed; work ethics mean = 237.0702; standard deviation = 47.73395;

Table 4: Descriptive Statistics of Private Universities Staff's Responses tothe Variables in Hypothesis two

	Mean	Std. Deviation	N
Productivity	96.4007	35.37789	292
Work ethics	236.9212	48.03383	292

a. Selecting only cases for which ownership of institution is private university

Table 4 revealed descriptive statistics of responses to the variables measured in private universities. For productivity, the mean score = 96.4007; standard deviation = 35.37789 while for each of the dependent variables, the following mean scores and standard deviations were observed; work ethics mean = 236.9212; standard deviation = 48.03382

Table 5: Moderating Influence of Ownership on the Contribution of Work Ethics to Productivity

Public universities						
Model	Source of variation	Sum of squares	Df	Mean square	F	P
R = .576[a]	Regression	505998.0	1	168666.002	199.665	.000[a]
	Residual	1018765	1206	844.747		
R^2 = .332	Total	1524763	1209			
Adj. R^2 = .330						
Private universities						
Model	Source of variation	Sum of squares	Df	Mean square	F	P
R = 580[a]	Regression	122351.9	1	40783.958	48.564	.000[a]
	Residual	241862.2	288	839.799		
R^2= .336						
Adj. R^2= .329	Total	364214.1	291			

a. Predictor: (Constant), work ethics,
b. Dependent variable: productivity

Table 5 revealed no significant moderating influence of ownership on the contribution of work ethics, to the prediction of the productivity of of staff of Universities in South-West, Nigeria. When type of ownership was introduced as a moderating variable, the independent variable (work ethics) still significantly predicted the productivity of non-teaching staff in public universities ($F_{1,1209}$ = 199.665; $p < .05$) and private universities ($F_{1,291}$ = 48.564; $p < .05$). Therefore, the postulated null hypothesis which stated that there will be no significant moderating influence of ownership of work ethics, to the prediction of the productivity of non-teaching staff of Universities in South-West, Nigeria is accepted. This means that the independent variable (work ethics) made significant composite contribution to the prediction of the productivity of the non-teaching staff in both public and private universities.

6. Summary of Findings

The major findings of this study are summarised below:

(i) Work ethics predicted the productivity of the non-teaching staff of Universities in South-West, Nigeria.

(ii) Ownership type, that is, a university being public or private had no significant moderating influence on the composite contribution of work ethics to the prediction of the productivity of the non-teaching staff of Universities in South-West, Nigeria.

7. Discussion of Findings

The first hypothesis which stated that "There is no significant contributions of work ethics, to the prediction of the productivity of the non-teaching staff of Universities in South-West, Nigeria" was rejected. This means that work ethics significantly predicted the productivity of the non-teaching staff of Universities in South-West, Nigeria. The implication is that productivity of non-teaching staff of universities would be enhanced when adequate attention is paid to workers' work ethics. The reason for this finding may not be farfetched. This is because issues of ethics, are germane in many organisations and the level to which an organisation attends to such issues may impact on the productivity of workers. Therefore, to ensure greater productivity, adherence to work ethics, should be encouraged for workers, especially in universities. This finding is in accordance with Fiorito (2007) who concluded that work ethics had significant impact on workers' productivity in a service organisation. Key to the future success of any company lies in the work ethics of its workers and its ability to manage, train, develop, and reward a satisfied, and motivated workforce at all levels of its organisation (Miller, 2002). This cannot be accomplished unless changes in work-related values are understood. Interestingly, while most organisations have human resource management policies and procedures that mirror the company's culture and are influenced by the root national culture, they are not always attuned to the values of the changing workforce (Simola & Sutton, 2002). Work ethics exhibits itself in the approach of workers in any organisation to her customers. The idea is that as people exert their effort to getting things done in an organisation, they also expect in equal proportion welfare services that may compensate for efforts exerted (Yesufu, 1962; Fashoyin, 1982; Ordia, 1989).

The third hypothesis stated that, "There is no significant moderating influence of ownership on the contribution of work ethics to the prediction of the productivity of the non-teaching staff of Universities in South-West, Nigeria". This hypothesis was accepted because the independent variable predicted the productivity in both public and private universities.

The finding on the third hypothesis revealed that there is significant contribution of work ethics to the prediction of productivity of non-teaching staff of public and private universities in South-West, Nigeria. This implies that when ownership type was introduced as a moderating variable, there was still a significant composite contribution of work ethics to the prediction of the productivity of the non-teaching staff of both public and private Universities in South-West, Nigeria. The variables (work ethics) significantly made contributions to workers' productivity in both public and private universities. This shows that irrespective of ownership type (public or private), committed employees will remain with the organisation. Through the years, numerous research studies have been conducted to determine the accuracy of this statement. In the end many have concluded that committed employees remain with the organisation for longer periods of time than those who are less committed. Brown (2003) hypothesised and found it to be true that the more committed an employee is, the less of a desire he or she has to leave the organisation. These "highly committed" employees were found to have a higher intent to remain with the company, a stronger desire to attend work, and a more positive attitude about their employment. He concluded that "commitment was significantly and inversely related to employee turnover." Also, Brown (2003) in his study established productivity and business advantages to the company that had a commitment strategy. The study concluded that employees that had a higher level of commitment would also have a higher level of "turnover cognitions".

8. Conclusion

Based on the findings of this study, it is concluded that work ethics predicted the productivity of staff of Universities in South-West, Nigeria. Work ethics is a potent predictors of staff productivity in both public and private universities. This factor also predicted the productivity of staff irrespective of their cadre. Intervention strategies to promoting staff productivity must target the independent variables in order to ensure that the deficiencies

are addressed. Thus, every resource should be directed to the welfare of staff, enhance training opportunities and facilitate proper work ethics. It is therefore incontrovertible that improvement in work ethics of both junior and senior non-teaching staff will lead to improve commitment and higher productivity.

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Part Three
Judicial Administration

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The Offences of Stealing, Robbery and Armed Robbery Distinguished

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Abstract. This work examined the property related offences of stealing (theft), robbery and armed robbery and draws a dividing line between them as legal concepts. It is observed that persons accused of committing any or all of these offences have common state of mind, which is to fraudulently or dishonestly deprive the owners or persons in possession of the subject matters of these offences permanently of their rights or interest in them under different circumstances or modes of operation. In the case of stealing or theft, no harm or threat is posed to the life and limb of the victim as the accused simply takes his victim's property without his knowledge, consent or authorization. But in the case of robbery and armed robbery, there is threat and even application of force and sometimes the possession and use of dangerous weapons by the accused in actualizing his intention. It is not therefore surprising that legal consequences, sanction or punishment accruing to the accused in each case is a measure of the physical element of the offence, otherwise called the actus reus.

1. Introduction

Law students and indeed, legal practitioners interested in criminal law would appreciate the nature and substance of real and personal property laws as forming the background for understanding criminal property laws deeply. In discussions relating to the offence of stealing (also called theft), two important rights are found to dominate, namely, the right of ownership and the right of possession of the property.

In reaction to the confinement of property related offences to the concept of *possession*, Glanville Williams said:

The common law got itself into a tangle over theft, or larceny as it was called. Basically, this crime was confined to the taking of a thing from the possession of another without his consent. It did not cover misappropriation by a possessor of the thing (he could not take what he already possessed), and it did not (at least in its original form) cover the theft of a notional balance of account. However, the proposition that possessors could not steal what they possessed was eroded by subtle rules. For example, a servant (employee) was said not to possess his master's article, although he held it in his hands. He only had custody of it, his master retained possession; so a dishonest appropriation by the servant was taking from his master's possession and therefore larceny.

It would nonetheless, seem that *possession*, though a fundamental ingredient of the offence of stealing, may require other factors to complement its hold thereon. The terms *stealing* and *theft* as used by most common law criminal statutes mean the same thing and are therefore, words of convenience or choice. Under the Common Law:

A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it and theft and stealing shall be construed accordingly.

The Nigerian Criminal statutes created the offence of stealing or theft. Under the Criminal Code, any person who steals anything capable of being stolen is guilty of a felony, and is liable, if no other punishment is provided, to imprisonment for three years. The Penal Code provides that whoever commits theft shall be punished with imprisonment for a term which may extend to five years with or without fine. Robbery and armed robbery are species of stealing or theft, with violence and without arms or weapons in cases of robbery and with arms or weapons in cases of armed robbery.

2. Stealing/Theft Defined

Stealing and theft are statutorily defined. Accordingly:

A person who fraudulently takes anything capable of being stolen or fraudulently converts to his own use or to the use of any other person, anything capable of being stolen, is said to steal that thing.

The law further explains what it means to *fraudulently* take or convert another person's property for the purposes of the law of stealing. Thus, a person who takes or converts anything capable of being stolen is deemed to do so *fraudulently*, if he does so with any of the following intents:

(i) An intent permanently to deprive the owner of the thing of it;
(ii) An intent permanently to deprive any person who has any *special property* in the thing of such property;
(iii) an intent to use the thing as a pledge or security;
(iv) an intent to part with it on a condition as to its return which the person taking or converting it may be unable to perform or fulfill;
(v) an intent to deal with it in such a manner that it cannot be returned in the condition in which it was, at the time of the taking or conversion; and
(vi) in the case of money, an intent to use it at the will of the person who takes or converts it, although he may intend afterwards to repay the amount to the owner.

Under the penal code, whoever, intending to take dishonestly, any moveable property out of the possession of a person without that person's consent, moves that property in order to take it, is said to commit theft. In *State v. Ajuluchukwu,* the Court of Appeal, held that it is sufficient to establish the offence of stealing where the accused person has fraudulently taken money or has fraudulently converted it to his own use or to the use of another person, especially where there is evidence on record that the accused had either the intention permanently to deprive the owner of its use or an intention to use it at the will of the person who takes or converts it, although he may intend afterwards to repay the amount to the owner.

In this case, the respondents conspired to steal the sum of N6.2 million, property of Motor and Motorcycles Spare Parts Association of Nigeria, Calabar. The 1st and 2nd respondents, with intent to defraud, obtained the sum of N6.2 million from the Association by falsely pretending that they had two hectres of land at Ikot Eneobong in Calabar to sell to the Association. The respondents did not procure any land or document until the Association mounted pressure and the respondents then tendered documents that did not bear the name of the Association and there was no accurate description of the land. The police were invited and the respondents did not deny the receipt of N6.2 million from the Association, but rather opted to refund the money. Though the High court exonerated the accused persons pursuant to a no case submission by their counsel, the Court of Appeal held otherwise and convicted them of the offence of stealing.

3. Analysis of Actus Reus of Stealing

The *actus reus* of the offence of stealing has three components, namely (a) appropriation of (b) property and (c) belonging to another. Each of these components may be analysed as hereunder:

(a) Appropriation

This word means *taking*, or *asportation* and these words can be used interchangeably. To constitute *taking, asportation* or *appropriation,* the thief need not necessarily and completely take the thing into his physical possession. Taking, therefore is a continuous process. It suffices if the accused starts to move or grab hold of the thing in the possession of another and it must not be understood as *taking away*. In the S*tate v. Anyadiegwu,* the accused moved some money from one safe to another in the same room but both safes belonged to his employer. He was not convicted of stealing since he did not put the money into his pocket. In the law of stealing, the accused can steal even though the victim consents to the taking. What is material is that such taking was done fraudulently or dishonestly. Thus, in *Lawrence v. MPC*, an Italian student handed over extra money to a taxi driver who had deceived him as to the exact taxi-fare, the House of Lords held that the accused can steal even though the victim consents to the taking. In *R v. Morris*, the accused took goods from the shelves of a supermarket and substituted lower price tags to those on the goods. He paid the lower price at the counter but was then arrested and charged with stealing. The House of Lords was faced with the question as to whether the swapping of the price tags amounted to an appropriation. Lord Roskill, who delivered the lead judgment, held that the accused was guilty of stealing. Jefferson sums it up thus:
Under the present law, an article can be stolen without being taken away. For example, if the accused puts his hand into the victim's pocket and grabs hold of a watch, there is an appropriation because … any assumption by a person of the rights of an owner amounts to an appropriation.

(b) Property

The second element of the *actus reus* of the offence of stealing is property which has been defined to include:
Money and all other property, real or personal, including things in action and other intangible property. Intangible property means property that does not exist in a physical sense, and a thing in action (also called choses in action) is a technical term to describe property that does not exist physically but which gives the own legal rights that are enforceable by a court action. For example, when a bank account is in credit, the bank owes the customer money, and if the bank refuses to pay the customer that money when asked, the customer can sue the bank for the amount in the account. This right is the thing in action. Other examples of things in action are shares in a company and copyright.

One of the requirements of the law is that the property, in respect of which the accused is charged with stealing, must be something which is capable of being stolen. In *R v. Marshall*, the English Court of Appeal, held that a transport Company which has the exclusive right to sell tickets, also has a right of action over its tickets to prevent them being used by persons who did not purchase or pay for them. Intangible property which by their nature and definition, cannot be touched, can be taken or appropriated by accused assuming any of the owner's right.

Nonetheless, services are not property, therefore a ride in a taxi cannot be stolen. In *Low v. Polease* the accused was held not guilty when he used another's telephone. But in *R. v. Kohn*, the accused, an accountant, drew a cheque on his employer's account and was held guilty of stealing because, causing the bank account to be reduced was taking or appropriation, while the account itself was property.

It may be further buttressed that for anything or property to be larcenable (i.e., capable of being stolen), it must be tangible, it must be moveable, it must have some value and it must have an owner. It has been opined that:
Nothing is larcenable at common law unless it can be perceived by the sense of touch. One cannot be guilty of larceny of an idea, or of value, or a balance of accounts, or of a debt, or of copyright, or of any other notional, incorporeal thing. But it has been held that gas is larcenable at common law.

This statement appears oversweeping as it is now trite that intangible things such as choses in

action are larcenable, more so as copyright laws are there to protect ideas from being stolen in the technical sense.

It is nonetheless agreeable that today, the word "movable" means entirely disconnected from the land and there can be no larceny of land in its usual legal connotations. This is usually expressed by saying that, at common law, larceny cannot be committed of things real, or which savour of the reality.

As to the requirement of *value,* it would seem to mean economic value, capable of being expressed in monetary terms. Though the common law was not precise on the quantum or measure of value, it required that the thing could reasonably be held to be of some value to somebody without any sentimental attachment. As earlier pointed out, the relationship or the alliance between the offence of stealing and the concept of ownership and possession has been discredited and may no longer hold water. Originally, the owner needed to have actual physical possession of the thing, and larceny was conceived as fundamentally taking of the thing *viet arms* out of its owner's control. Nonetheless, with the passage of time, the conception of *legal possession* as distinct from mere physical control was developed, with all its complications, by the courts, the offence of larceny became less associated with force, and the scope of the term *owner* progressively widened.

As a basic rule, land or anything forming part of it, which is severed therefrom by the accused or at his direction cannot be stolen except:

(i) where accused is a trustee or personal representative or is authorized by power of attorney, or as liquidator of a company or otherwise, to sell or dispose of land belonging to another, and appropriates the land or anything forming part thereof by dealing with it in breach of the trust or confidence reposed in him;

(ii) where accused is not in possession of the land but appropriates anything forming part of the land by severing it or causing it to be severed or after it has been severed; or

(iii) where accused, being in possession of the land under a tenancy agreement, appropriates or takes the whole or part of any fixture or structure let to him to be used with the land.

It would seem that grazing cattles on the land will cause the grass which forms part of the land to be severed and this amount to taking while the land is the property. A person who picks mushroom growing wild on the land or who picks flowers, fruits or foliage from a plant growing wild on land does not steal what he picks, unless he does so for reward or for sale or other commercial purposes.

(c) Belonging to Another

This is the third component of the *actus reus* of the offence of stealing. A thing or property is said to belong to another when that other has possession or control of it, or has in it, a proprietary right or interests. Equitable interest may not suffice. A thief may steal from several persons, namely, the owner, the possessor and the person in physical control. It then follows that even the owner of a property may be guilty of stealing it if he tries to regain the possession of his property from another without the other's consent. This is because the phrase "*belong to"* refers not just to ownership as is normally assumed but extends to possession and control. Thus in *R v. Woodman*, a company sold off all the scrap on the site of its disused factory, but retained control of the site. It did not know that the purchaser of the scrap had left some behind. The accused removed some of the metals and was convicted for stealing from the company because a person or company in control of the site is deemed *prima facie* to have control over things on the land. This case demonstrates the legal position to the effect that the owner of a property need not know or recall that he owns or possesses it before he could be convicted for stealing. What is important is that the property was in possession or control of another at the time of *taking* or *asportation*.

4. Analysis of the Mens Rea of Stealing

The *mens rea* of stealing has two elements, namely: (a) Fraud/dishonesty and (b) intention to permanently deprive/convert.

(a) Fraud/Dishonesty

It is not every *taking* or *conversion* that would support or substantiate a charge of stealing. To constitute stealing, there must be an element of fraud or dishonesty or *animus furandi*
Most of the offences under the law of stealing (such as, robbery, armed robbery, burglary and housebreaking etc), require fraud or dishonesty and where dishonesty or fraud is not expressly mentioned in the statute creating the offence, it may be implied as a rule of statutory construction. For instance, robbery requires stealing, which in turn requires fraud. Burglary consists of entering a building as a trespasser with intent to steal.

It is immaterial whether the *taking* is made with intent to gain or for the accused's benefit, more so as the accused steals property by destroying or with the intent to destroy it and it is irrelevant that the item is of no use to the accused. Thus, in *R v. Welsh*, the accused poured a sample of his urine down a sink, the sample was for testing. He was held guilty of stealing by pouring his urine away though without any benefit to himself.In *R v. Ghosh*, the test for fraud or dishonesty was laid thus:
An accused is dishonest if his conduct is dishonest according to current standards of ordinary decent people and if the accused knows that his conduct is regarded as dishonest according to those standards.

This test is both *objective* and *subjective* and it would seem that the accused may be exonerated from liability where he does not know that his conduct is dishonest. In that case, the accused, a surgeon, acting *in locum* (assistant or deputy) in a hospital, claimed fees for performing operations. Those fees were not owed to him (i.e. do not belong to him). He was charged with dishonestly obtaining money by deception, contrary to the English Theft Act. He was found guilty of stealing or theft. In dismissing his appeal, the Court of Appeal laid a twofold test thus:

(i) The Courts are to apply the *ordinary* standards of reasonable and honest people and if the accused is not dishonest by those standards, he is not guilty;
(ii) If the accused is dishonest by the first test, the court must consider whether the accused himself must have realized that what he was doing was by those standards dishonest. The accused is dishonest if he acts in a way which he knows ordinary people would regard as dishonest;

The *Ghosh rules* were criticized, on grounds, inter alia, that they might be quite difficult to explain to the court, coupled with the fact that they were subjective than objective thereby creating an escape route for the accused.

(b) Intention to Permanently Deprive

The second element of the *mens rea* of stealing is the intention permanently to deprive the owner of the property of his rights therein. The law of theft or stealing preserves the common law rule to the effect that appropriation of the property of another with intention of depriving him only temporarily of it is not stealing. An intention to return sooner or later does not constitute the *mens rea* of stealing. Thus, if 'A' takes 'B's horse without authority or consent and rides it for an afternoon, a week or a month, he commits no offence under the law if he intends to return the horse at the end of this period. But an afterthought will not suffice.

The word *permanently* prevents most unauthorized borrowings from amounting to stealing. Even prolonged dishonest borrowing, though morally wrong, cannot constitute the offence of stealing because, a borrowing does not amount to permanent taking. Such

borrowings are not common and criminalizing them would amount to trivializing the offence of stealing. But:

A person appropriating property belonging to another without meaning the other permanently to lose the thing itself is nevertheless to be regarded as having the intention of permanently depriving the other of it if his intention is to treat the thing as his own to depose of regardless of the other's rights and the borrowing or lending of it may amount to so treating or lending it for a period and in circumstances making it equivalent to an outright taking or disposal.

This provision of the English Theft Act has been interpreted inter alia, to the effect that it speaks of intention permanently to deprive and that it deals with the *mens rea* of the offence of stealing rather than its *actus reus*. The accused having formed the intention to permanently deprive, it does not matter that the owner of the property got it back after some time. Moreover the offence of stealing is one that requires specific intent to deprive the owner of permanent possession of the property and this may be proved by direct or circumstantial evidence. This may be inferred by the court from the conducts of the accused and once this is the case, subsequent neutralizing or exonerating acts of the accused may not be entertained by the court.

5. Conversion of Property

Some Penal statutes make *conversion* part and parcel of fraudulent or dishonest taking which is one of the components of the *men rea* of stealing. It would, nonetheless seem that no penal statute has so far attempted a definition of *conversion* for the purposes of the offence of stealing. The Nigerian legal writers, were compelled by this situation to opine that "*unlike taking, the code does not say what constitutes a conversion"*and therefore suggested that the word *conversion* in section 383 of the Nigeria Criminal Code, be ascribed the same meaning it bears at common law. The writers then adopted the views of Atkin J (as he then was) in *Lancashire and Yorkshire Railway Company v. MacNicol* thus:

Dealing with goods in a manner inconsistent with the right of the true owner amounts to a conversion, provided that it is also established that there is also an intention on the part of the defendant in so doing to deny the owner's right or to assert a right which is inconsistent with the owner's right.

It may recalled that under the law of torts, to destroy, alter, pledge, or use property belonging to another is to convert it. Nonetheless, it must be noted that unlike in torts law, which is a civil matter, the conversion under the offence of stealing, must be accompanied with a fraudulent or dishonest state of mind.

6. Lost But Found Items

Under the Nigerian Law:

When a thing converted has been lost by the owner and found by the person who converts it, the conversion is not deemed to be fraudulent or dishonest, if at the time of the conversion, the person taking or converting the thing does not know who is the owner and believes on reasonable grounds that the owner cannot be discovered.

If the property has been abandoned or if the owner of the property cannot be located, stealing cannot be proved. Abandonment occurs where the rights to property has been surrendered or relinquished. A finder who appropriates property commits the *actus reus* of theft but is not dishonest unless he believes that the owner can be discovered by taking reasonable steps and fails to take such steps.

7. Robbery

Under the Nigerian Law, robbery is committed when any person steals anything, and at or immediately before or after the time of stealing it, uses or threatens to use actual violence on any person or property in order to obtain or retain the thing stolen or to prevent or overcome resistance to its being stolen or retained. In *Shurumo v. The State*, the Nigerian Court of Appeal held that:

Any person who with intent to steal, anything, assaults any other person and at or immediately after the time of the assault, uses or threatens to use actual violence or force on any other person or any property in order to obtain the thing intended to be stolen, shall upon conviction be

sentenced to imprisonment for not less than 14 years but not more than 20 years.

The Court in *Shurumo case*, went further to hold that if the accused is armed with any firearms or any offensive weapon or is in company of any other person so armed, or at or immediately before or after the time of the assault, the said offender wounds or uses any other personal violence on any person, the accused shall upon conviction be sentenced to imprisonment for life. In England, a person is guilty of robbery, if he steals, and immediately before or at the time of doing so, and in order to do so, he uses force on any person or puts or seeks to put any person in fear or being then and there subjected to force.

Robbery as defined is essentially an aggravated form of stealing and there can be no robbery without stealing. Thus, there is no robbery where "A", by force takes a car from "B" not intending to permanently deprive him of it. The offence of robbery is complete when the stealing is complete, that is when the appropriation is complete. Any use or threat of force, against the person suffices and under the law, robbery is nothing but stealing accompanied by force against the person. Force is used to overpower the victim's resistance and not merely to seize the property and it is not necessary that the force used or threatened should amount to an assault. What is important is that the victim's resistance to the taking of the property is weakened by force. The crime of robbery creates a great deal of anxiety because, the victim is threatened not only with the use of force and violence, but also with the loss of his property.

8. Armed Robbery

This has been defined as an aggravated form of robbery in which the accused is armed with a dangerous weapon, though it is not necessary to prove that he used the weapon to effectuate the robbery It is also the taking of property from a person or presence of another by use of force or by threatening use of force while armed with a dangerous weapon.

In the *Shurumo case*, the Nigerian Court of Appeal defined *armed Robbery* as stealing plus the use of violence or threat of violence. The Supreme Court agreed with or adopted same definition in *Eke v. The State*, and also outlined the ingredients of the offence of armed robbery thus:

(a) that there was a robbery or series of robbery;
(b) that the robbery or each of the robberies was an armed robbery; and
(c) that the accused was one of those who robbed;.

In *Ebeinwe v. The State*, the Supreme Court held that:

Theft in all its ramifications is robbery if, in order to commit it, or in committing it, or in carrying away or attempting to carry away property belonging to another, the accused for that purpose, voluntarily causes or attempts to cause any person's death, or hurt or wrongful restraint or fear of instant death or hurt or of instant wrongful restraint.

The Court also listed the essential ingredients of the offence of armed robbery as follows:

(a) that robbery took place;
(b) that the robbers were armed; and
(c) that accused participated in the robbery.

9. Conclusion

Apart from the distinguishing factors, one common thread that runs through the offences of stealing, robbery and armed robbery is *mens rea*. The mode of *appropriation, taking* or *asportation* may be different, but there must be fraudulent or dishonest taking with intention to permanently deprive. Again, *stealing* as a legal concept runs through the concepts of *robbery* and *armed robbery* as there can neither be robbery nor armed robbery without stealing. Robbery may be distinguished from stealing by the extraction of certain factors such as the property being taken from the victim or taken from the presence of the victim, and that the use of force or the threat of the use of force was used in the taking. If there is no force or fear of the use of force, then the crime of robbery has not been committed and as a general rule, the force or threat of force must occur before or during the taking of the property. Armed robbery involves the possession or use of dangerous weapons in the act of taking. Stealing involves neither force,

threat of force nor possession or use of dangerous weapons.

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An Expository Discourse on Discretionary Punishment and its Application in Theft Cases Under the Islamic Law

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Introduction

Islam has conferred and granted the right of security of ownership of property and emphasized on respect therein to take good care of every item owned by someone.
It is further recognized by the *Shari'ah* that it is the duty of every rich Muslim to pay out a certain amount from his/her wealth as charity to the poor and needy Muslims. Likewise Islam gives the latitude of acquiring the use of one's property through mutual consultation and agreement by (borrowing or loan) and the rich Muslims should not deny their brother Muslims from benefitting from his wealth or properties. Thus, these are the rights that Islam gives to Muslim brothers among themselves, but these right could not be misused by taking things of another without his/her consent, if so, it amounts to theft. In view of the above, it is my humble opinion that if all the Muslim community and the government have fulfilled their obligation towards their brother Muslims, and went ahead to take someone's property, it amounts to theft under *Shari'ah* Law.

Therefore, Muslims are enjoined to keep aloof from such actions and alike, the Holy Qur'an in Surat al-Baqarah verse 188 provides as follows:
"And do not eat up your property among yourselves for vanities, nor use it as bait for the judges, with intent that ye may eat up wrongfully and knowingly a little of (other) people's property".

As to the above quotation, Muslims are enjoyed to move away from committing the offence of theft, for it is a great offence under Islamic Law. One should not by all means apply or attempt eating up someone's wealth wrongfully. Thus, robberies, embezzlement, using someone's property to corrupt others directly or indirectly amount to atrocity and abominable tasks prohibited by Allah. These also apply to public properties under the control and management of the rulers to take good care in order to avoid converting them into their personal use.

Therefore, one can realize that the prohibition of this offence through the sever punishment prescribed for it, (i.e. amputation of the theft's hand) would not allow a man of piety to engage in such an evil deed.

2. Definition of Theft (Sariqah)

According to Ibn Rushd, theft which warrant their *hadd* penalty is:
"The taking away of property belonging to another, stealthily and without permission."

This definition is what appears to Ibn Rushd to be the generally accepted definition of the term Sariqah. Professor Abdul-QadirZubair also gave a similar definition to that of Ibn Rushd in his book Al-Hudud, Book One, as:-*"taking away of protected property secretly."* It should be noted that this is a general statement which will be broken down in the course of the paper. The jurists have divergent views over the essential elements of the offence of sariqah, but before then let us highlight the verse dealing with the punishment of the offence of theft (*as-Sariqah*). The Glorious Qur'an provides that:
"[As for] the thief, the male and the female, amputate their hands in recompense for what they committed as a deterrent [punishment] from Allah. And Allah is Exalted in Might and Wise."

Majority of the jurists agreed that the following are the major essential elements of the offence. They further agreed that only where all the essential elements are established that hadd punishment shall be applied otherwise *ta'azir*penalty is adopted. The essential elements are:

(i) The act must have been done stealthily,
(ii) The property taken must belong to someone other than the thief, and
(iii) The property taken away must be worth the minimum standard required (*Nisab*),
(iv) The property stolen must be valuable,
(v) Property stolen must be from a place of custody (*Hirz*).

These elements are unanimously agreed by all the jurists. There are several other elements, depending upon the legal theories of particular schools, which must be established before the *hadd* penalty may be meted out. Therefore, where anyone of these fails to be established the *ta'zir* penalty will have to be resorted to. Most of these cases are discussed below:

3. Where the Theft is not done Stealthily

The *Shari*'ah Law requires that where the property is taken openly, either by force or usurpation, the penalty of *ta'zir* will be enforced. The reason for this distinction is that theft done secretly signify that he appropriator has no intention whatsoever of returning the property which is not the case as in borrowing or seizing of property done openly. Secondly, there is apparent lack of consent and approval of the true owner. Where one is entrusted with some property, there is undeniable presence of some type of approval that the appropriator is given if this is incomplete. This element is what qualifies *shubhah* or doubt to apply under this heading. This is the opinion of almost all the jurists. In fact, according to Ibn Rushd, in his *Bidayah*, only a few, such as IyasbnMuawiyah opposed this view. According to him, the borrower who subsequently denies receiving the property is also qualified for the *hadd* penalty just as the BanuMakhzum lady, Fatimah Bint Aswad Al-Makhzumiyyah was.

The majority of the jurists, according to Ibn Rushd, reject the famous Makhzumiyyah tradition said to be narrated by A'isha (RA) because it runs contrary to legal principles (*usul*). It is clear that the borrower does take the property with the consent of the owner and by that very even, the condition *hirz* or custody is lost and the *hadd* should not apply in that case. Moreover, Ibn Rushd claims that there is a missing link within the text of the report. This is that the Makhumiyyah lady is guilty of both conversion (*ikhtilas*) and theft (*sariqah*) because the Prophet (SAW) had said *"what destroyed people before you was that if (a noble one stole they used to leave him…"*). Laith bin Sa'ad had also reported a version of the tradition in this way: *"verily the woman from Makhzumiyyah stole."*
From the above discussion, the view of the majority is the sounder and more preponderant.

4. The Article Stolen is Valuable Property

The jurists agreed that for an article to be 'stolen' it must be inviolable: i.e. valuable and corporeal. Ibn Rushd has added that the jurists agreed that any article that is subject to ownership, disposition and consideration (*iwad*) may be stolen except humans. The Maliki and Zahiri jurists presuppose that children are

subject to theft just like other articles that may be lifeless.

There is also difference of opinion over perishables and objects that are basically lawful for everyone. The majority of the jurists hold that all articles that are subject of ownership and transaction may be subject matter of theft. Abu Hanifah also goes further to exempt things such as musical instruments, copies of the Qur'an, books of hadith, grammar and poetry. His reason for this opinion is that such books are kept for meditation, study and recitation only and not as property. However, Abu Yusuf holds that theft of books of hadith, grammar and poetry are subject to the *hadd* penalty and not *ta'zir*, if they value up to the *nisab*. However, there is no difference among the Hanafis that theft of books of other import such as books of accounts sand bank sheets are subject to the amputation if they value up to the *Nisab*. Imam Hanafi further brings crops on the field before harvest under the exemption. Surprisingly, Abu Hanifah considers the theft of harmful objects such as poison, chess sets made of gold or silver and crosses to fall under the rule. He opined that there is the *shubhah* that the thief took them to destroy them because of their unlawfulness. He also includes the theft of birds.

The majority of the jurists have not provided exceptions to the *hadd* penalty of theft as does by Abu Hanifah. Imams Malik, Shafi'i and Abu Yusuf are of the opinion that the *hadd* will be applied for the theft of musical instruments, bound books and vessels of wine fi their ornamentation amounts to the *nisab*.

Majority of the jurists rely upon the general import and significance of the texts that cover theft. They also rely upon the various authorities that specify the minimum value of stolen articles (*nisab)*. The argument of the majority is that if a minimum value can be made a condition for stolen articles before the *hadd* may be applied, the other consideration of *shubhah* advanced by Abu Hanifah are not relevant.

Consequently, Imam Abu Hanifah relies upon strings of authorities such as mentioned below:

(i) That the Prophet (SAW) had said: "there shall be no amputation for fruits and pith or cerebrum (kathar) of palm trees."According to Imam Abu Hanifah this tradition is a proof that theft of what lies abundantly and what is paltry, or of trifling value, is an exception to the law of amputation;

(ii) That the Prophet (SAW) said: "there is no amputation for the theft of birds"; and

(iii) That A'isha (RA) is reported to have said: "during the lifetime of the Holy Prophet (SAW), the hand was not cut off for trifles."

The position taken by Hanafi above is not entirely exclusive to them. It seems that the principle of *shubhah* is extremely vast and that our writers of contemporary world seem to mention only general and block issues. This approach is not correct because investigation into the opinions of the non-Hanafi jurists proves that they also gave the doctrine of *shubhah* prominence especially in the cases of theft. For instance, Imam Shafi'i, in his book titled *Kitab al-Umm*, clearly stated that the theft of musical instruments will not attract the *hadd* penalty for theft.

It can clearly be seen from the works of Malikis that they give recognition to the doctrine of *shubhah*. In the *Muwatta* of Imam Malik, a case is mention of Marwan bin al-Hakam being reminded of the tradition "*la qat'a fi Thamar wa la kathar*" by Rafi bin Khadij (RA) and, based on the exception, Marwan let the thief go. It is also mentioned in the *Hashiya of al-Dasuki* that the theft of some types of birds will not draw liability for amputation.

From the above discussion, it is safe supposition to conclude that the concept of *shubhah* is a very much connected with practical cases of doubt, uncertainty and circumstances which are reasonable enough to spend the *hudud* and, in its place, impose the *ta'zir*. Perhaps this is why the jurists appear at times to contradict themselves. But it is logical that what it may qualify as *shubhah* in one case may not be in another.

5. The stolen property must belong to some other person other than the thief

Under this heading we shall see, among others that the father is not to be subjected to the amputation if he steals something belonging to the descendants. This is because he has some constructive rights in the property of his offspring. The position is similar where the property stolen does not belong to anyone or where the thief actually owns an interest in the subject matter.

5.1 The case of a father stealing from his offspring

The majority of the jurists including Abu Hanifah, Malik, Ash-Shafi'i, Ahmad, Sufyan al-Thawriy and Ishaq hold the opinion that the amputation shall not apply and only the *ta'zir* penalty shall be given. According to Ibn Rushd, these scholars rely upon a tradition of the Prophet (SAW) which says:-*"anta wa maluka li abik".* They also hold the view that the spirit of the Qur'an reveals this trend. For example Qur'an Chapter 17 verse 23 provides, thus:
"And your Lord has decreed that you not worship except Him, and to parents, good treatment. Whether one or both of them reach old age [while] with you, say not to them [so much as], "uff" and do not repel them but speak to them a noble word."

But Zahiris reject this argument and maintain that there is no concession available to relations whether or not they are parents. Ibn Hazim, a disciple of Zahirischool, in his *Muhalla*, supposes that the position of the majority is apparently correct but that the verse quoted above do not actually reflect their arguments. Furthermore, he argues that the verses do not exempt the father from *hadd* if he copulates with a slave maid of his son, nor does it avoid the *hadd* of *qadhaf* if a father defames his son. As to the verse *"wa bil walidayniihsana"*, Allah (SWT) also exhorts the doing of good to relatives, orphans, the poor, the wayfarer and neigbours. Why not, says Ibn Hazim, does the exemption/concession not apply to the others? He goes on to write that Allah (SWT) has instructed us to stand firm in the doing of justice even if it is against ourselves or our parents.

As to the tradition of the Prophet (SAW), *"anta wa maluka li abik,* Ibn Hazim asserts that this tradition has been abrogated and, therefore, the Hanafis, Malikis and Shafi'is do not have justification for their propositions.

It appears that Zahiri jurists, such as Ibn Hazm depends on, it is still clear that there is a sort of 'ownership' or possessiveness that the father enjoys over not only the property of the descendant but also over the latter's person. The child bears the father's name, culture, traits genes and features. All these considerations tend to create *shubhah* which should be weighty enough to avoid, not only punishments but the maximum penalty.

5.2 Theft by Descendants

In this case, Hanafi, Shafi'i and Hanbali jurists are of the opinion that the *ta'zir* will apply where a descendant steals from an ascendant. Maliki, however, allow the application of *hadd*.

5.3 Theft by Relatives

According to the Hanafi School, a person who steal from close relatives (*muharrim)* are not to be subjected to the *hadd* penalty because they have a presumed license of ingress and egress. They also stress that the application of the *hadd* penalty will lead to the cutting off of the family ties (*qat' al-rahim*).

But those who steal from distant relatives do not fall under the exception because there is no clear-cut license to entry as is presumed in the case of close relatives.
On the other hand, Imam Maliki, Shafi'i and Ahmad are of the view that all relatives who are not ascendants or descendants of the victim of the theft are subject to the amputation. The opinion of the majority seems a little out of place. In spite of the fact that the relative who are not direct ascendants appear to be distant, they are, nonetheless, relatives who will, in most cases, be allowed free access to homes and rooms of the relatives. This freedom is especially true of people of West Africa and particularly Nigerian society. By this access, and *shubhah*, they should not be condemned to the amputation even under the principles and

standards of majority. Therefore, this view must only be received with due emphasis and regard to local circumstances, attitudes and behaviour. To insist on the majority view in full access will be to cut off family ties, thereby, breaking up on the entire social fabrics of our people, which go against the *maqasid al-Shari'ah*, the ultimate purpose of the law. Allah (SWT) knows best.

5.4 Theft between Spouses

In case one of the spouse steal from the other, Imam Malik hold that the amputation will apply if the thief steals from a place where he/she is not allowed access. This is regardless of whether the place is within or outside the matrimonial home and must be protected under lock and key and not by mere verbal prohibitions. The Malikis are in consensus as regards theft committed outside the matrimonial home. However, as regards the position of theft committed within the home, there are differences of opinion. Al-Dasuki is of the view that avoiding the *hadd*, where the locking up is meant for others and not the spouse, is a better option.

Abu Hanifah holds that theft of property belong to a spouse should not draw the *hadd* penalty whether or not the theft is done in the matrimonial home.

Among the Shafi'i School, there are three opinions which are prominent. One group follow the views of Imam Malik, and is the most predominant; the second group follows that of the Hanafi, and the third, which is held by the disciples of Shafi'i, is that the husband is subject to the amputation if he steals from his wife's property from which he has been barred. To this group the wife, however, is not subjected to the amputation if she steals from her husband's property which is under lock and key. They rely upon the fact that there is a right of the wife to maintenance in the property of the husband and the husband did not enjoy this advantage.

Under the Hanbali School there are two views. One group follow that of Maliki and the other follow that of Abu Hanifah.

The Zahiri jurists hold that in whatever case the amputation will apply because of their refusal to recognise the concept of *shubhah*.

Among the various views put forward, the views of the Hanafi are more convincing. Spouses are supposed to be sources of peace and security for each other. The Qur'an even addresses spouses as '*libas*', which may mean protection, covering or security. Wives have been instructed to guard the home of the husband when he is not around. It is also a common knowledge that marriage is a means to enjoy, in a constructive and reasonable way, the property of the spouse. The Prophet (SAW) is reported to have permitted Hind, the wife of Abu Sufyan, to take, even without the consent of the husband, foodstuff sufficient for herself and her children. The jurists of Malikis even give the husband the right to veto any disposition of the wife that exceeds one third of her wealth. In the *Mukhtasar*of *Khalil*, the husband is allowed to use the wife's bed and even use clothing of the wife that is unisex. All these circumstances mentioned above are serious points of *shubhah* that cannot be overlookded.

6. Property Stolen must be from a Place of Safe Keeping (*Hirz*)

The majority of the jurists recognise the concept of *hirz*. That means the stolen article must have been taken from a place that is secure. Where this condition is not satisfied, the *ta'azir* penalty will be inflicted. The only opponents of this view are the Zahiris and the group that Ibn Rushd refers to as '*ahl al-Hadith*'.

The majority of the jurists rely on the Prophetic tradition narrated by Amr bin Shu'aib which says that the Prophet (SAW) was asked concerning fruits hanging on trees and he said:
"Whoever is wronged (suffers theft) by one in dire need and who removes it without being stealthy will not be punished. But whoever takes anything out will be penalized by being fined twice the price of the fruits and he shall be chastised. And whoever steals anything after it has undergone harvestation and the amount stolen values up to the price of a shield he shall suffer the amputation."

Majority of the jurists rely on the word *jarrayn*, used by the Prophet (SAW) in the above hadith, which implies a store for crops harvested. This, then, proves that the *hirz* is a condition necessary for the penalty of amputation. Other conclusions drawn by the majority of the jurists

are that taking away property secretly is a condition for the execution of the *hadd* penalty. Stealing from an open place cannot be said to be done "stealthily".

6.1 Types of Custody or Safe Keeping (*Hirz*)

All the jurists who make *hirz* as a condition unanimously agree that there are two types of *hirz*, that is, *hirz* by virtue of the place of custody; and *hirz* by virtue of a guard.

6.1.1 Safe Keeping (*Hirz*) by Virtue of the Place of Custody

Imam Abu Hanifah, is of the view that, this type of *hirz* is any place that is traditionally understood as a place for safe keeping and which is not accessible to the public except by permission. Therefore, houses, tents stores, huts etc. may constitute a *hirz*according to Abu Hanifah. It is also a condition under Hanafi School that the *hirz* must be an erected structure, but it is not a condition that it be possessed of doors, or that it be locked up.

Imam Malik does not insist that the place be locked up, he considers *hirz* to be any place reserved for keeping wealth and other valuables. According to Ibn Rushd, the determination of what is *hirz* depends on local custom and convention.

Imams Shafi'i and Hanbali considers this type of *hirz* to be a place that is known and reserved as a place of custody and should also be under lock and key. However, these two jurists attached certain conditions to the *hirz*:

(i) It must be within inhabited place. A farm is not a safe place for custody to them; and

(ii) That the *hirz* must be fully locked-up or fully sealed.

6.1.2 Safe Keeping (*Hirz*) by Virtue of Guard

According to Abu Hanifah, it is not a place which is not a *hirz* by itself, because it is a place accessible to the public such as mosques, roads or halls. The place, therefore, becomes *hirz* by virtue of presence of a guard. This opinion implies that in modern times, if someone were to leave his vehicle parked along the roadside, theft of the vehicle will not draw the penalty of amputation and the state will have to resort to the *ta'zir* unless it is locked up. However, if the owner hadd left a guard over the vehicle the thief will be subjected to the amputation. This opinion is based on the reason that roads are not places meant for safe keeping or custody. The position is the same if someone leaves his property in the mosque.

Ibn Rushd, in his exposition about the *hirz*, does not seem to differentiate between the two types of *hirz*, except that he refers to Maliki's opinion that one who steals property in the possession of a child will not be subjected to the *hadd* penalty except where the child is accompanied by a grown up. He also said that if someone steals in the mosque, he will escape the amputation except if the theft is done during the night. But this opinion, even within the Maliki School, is subject of debate.

It is further agreed among all the jurists who insist on the *hirz* that whoever can be said to remove property worth the *nisab*is to suffer amputation. This is regardless of whether he does it from within or outside the house.

In case the offence of theft is committed by two or more persons, some are within, while others are outside collecting the stolen items from outside. Some Maliki jurists hold that amputation will apply against the one outside, while some others are of the opinion that ta'zir will be applicable to all involved. Some of the jurists further said that amputation will be executed to those who hands down/out the goods from inside. According to Ibn Rushd, this difference of opinion is based upon whether the actors can be referred to as removers of property from the *hirz* or not.

7. The Value of the Property stolen must reach *Nisab*

The overwhelming majority of jurists stress that where a thief steals property that does not amount to the minimum value *nisab*, the *hadd* penalty shall not be applied. The *ta'azir* will apply instead. They rely upon several traditions

reported in the books of *hadith* that indicate the fact.
Ibn Umar reported that the Prophet (SAW) amputated (someone's hand) for the theft of a shield that was valued for three dirhams.
A'isha (RA) reported that the Prophet (SAW) use to amputate the hand of thief for (property) worth a quarter of a dinar or more.
It is also reported that "the Prophet (SAW) applied the amputation for (property worth) a quarter of a dinar".
It is also reported that the Prophet (SAW) ordered: "Amputate for one quarter of a dinar and avoid the amputation in cases where the article is worth lesser than that."The narrator also added that 'a quarter of a dinar at that time is equivalent to three dirhams and one dinar was worth twelve dirhams'.
The Prophet (SAW) is also reported to have said:
"Do not amputate the hand of a thief for property lesser than the value of a shield."
"Aisha (RA) was asked, what is the value of a shield? And she answered: a quarter of a dinar."

On the other hand, Hassan al-Basariy, Dawud, and the Khawarij insist on carrying out the execution of the penalty of amputation for all property whether of little or great value. They rely upon the fact that the verse of amputation does not make any exception. It simply says:
"Now, as for the man who steals, and the woman who steals, cut off the hand of either of them in requital for what they have wrought, as a deterrent ordained by God…"I
They also rely on the tradition narrated by Abu Hurairah which says:
"*May Allah curse the thief who steals an egg and get his hand cut off, or who steals a rope and gets his hand cut off."*

The majority of the jurists reply that the verse of amputation has been specified by the various traditions of the Prophet (SAW) that mention the *nisab* as a necessary condition.
Despite the fact that the majority of the jurists have accepted the *nisab* as a condition necessary for application of the *hadd* of amputation, they have differed over what constitutes the *nisab*. According to Ibn Rushd, in his *Bidayah*, the difference of opinion have been drawn along the line of the jurists of *Hijaz* comprise of Malik, Shafi'i and others on the one hand, and the Iraqi jurists on the other.

Hijaz jurists fix the *nisab* at three *dirhams* (silver coins) and a quarter of a *dinar* (gold coins). But they differ between themselves when the stolen property cannot be valued in gold or silver. Among the two views of *Hijazis*, that of Imam Malik should be preferred because the Prophet (SAW) did not identify either of the two standards of gold and silver as stronger. The two were used interchangeably.
The general opinion of the Iraqis is that the minimum amount is ten *dirhams*. According to Ibn Rushd, some of them, such as Ibn Abi Layla, and Ibn Shubrimah hold that it is five *dirhams.* Some hold four *dirhams* and Uthman al-Battiy holds for two *dirhams*.

8. Theft from the Public Treasury

According to majority of the jurists such as Abu Hanifah, Shafi'i , and Ahmad Hanbal, only the *ta'zir*will be enforced where the thief takes anything from the public treasury. The justification for this, according to the Hanafi jurists is that the thief shares, in a way, ownership of the public. This constitutes the *shubhah* and the *hadd* penalty should not be applied.
According to majority of the jurists such as Abu Hanifah, Shafi'i , and Ahmad Hanbal, only the *ta'zir* will be enforced where the thief takes anything from the public treasury. .the justification for this, according to the Hanafi jurists is that the thief shares, in a way, ownership of the public wealth. This constitutes the *shubhah* and the *hadd* penalty should not be applied.
According to Imam Malik, however, such a thief is subject to the *hadd* penalty because the right of the thief to receive from the public purse is dependent upon his becoming entitled to the grant.
The opinion of Imam Malik seems to be inferior in this particular case because of the presence of *shubhah*. Many are tempted to follow the views of Hanafi, especially; that the property in the public purse belongs to the Muslims and the thief is a Muslim. He does enjoy a kind of

interest in the property. One cannot be said to steal from his own his property and therefore the *shubhah* is not only present but significant.

9. Conclusion

A general test of *shubhah, i.e.* doubt or uncertainty as regards the subject matter or proof of the offence, may be presumed and wherever anyone of the two raises *shubhah* considerations, many of the jurists will put off the *hudud.*

It appears that he Hanafi jurists are most disposed to apply the notion of *shubhah*, which require the enforcement of the *ta'azir*. But on a general note, it seems that most jurists recognise the matter as necessary part of legal reasoning under the matter of *istihsan*. This display the overall presence of concession and mercy which is predominant and ever present in the Islamic Criminal Justice System so that only those who are brazen and wicked get to suffer the maimum penalty; and at the same time, the judge finds a way of giving out a lesser penalty to culprits and thereby ensuring due requital.

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An Examination of Transfer of Prisoner Treaty/Agreement: A Benchmark in the Reform of the Criminal Justice System.

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Abstract. The consensus of opinion in international law is that a state does not have any obligation to surrender an alleged criminal to a foreign state, because one principle of sovereignty is that every state has legal authority over the people within its borders. Such absence of international obligation and the desire for the right to demand such criminals from other countries have caused a web of extradition treaties or agreements to evolve. When no applicable extradition agreement is in place, a sovereign may still request the expulsion or lawful return of an individual pursuant to the requested state's domestic law. This can be accomplished through the immigration laws of the requested state in some cases or other facets of the requested state's domestic law. Similarly, the codes of penal procedure in many countries contain provisions allowing for extradition to take place in the absence of an extradition agreement. Sovereign may, therefore, still request the expulsion or lawful return of a fugitive from the territory of a requested state in the absence of an extradition treaty, hence the focus of this paper to elucidate on the rights of prisoners, the transfer of prisoners, an examination of key international transfer of prisoners agreement/treaties/bills, and the procedure for transfer of extradition, and concludes with an advocacy of how transfer/extradition of prisoners can help improve the administration of the criminal justice system particularly in the area of prisoner decongestion, long period of awaiting trial, and the overall welfare of prisoners during the period of incarceration.

Keywords: Extradition, Prisoner, Rights, Transfer, Sentence, Administering, State.

1. Introduction

Transfer of prisoners or extradition as it synonymously called, is the official process whereby one country transfers a suspected or convicted criminal to another. Between countries, extradition is normally regulated by treaties. Where extradition is compelled by law, such as among sub-national jurisdiction, the concept may be known generally as rendition. Extradition is an ancient mechanism dating back to at least the 13th century BC when the Egyptians Pharaohs Ramessess II negotiated an extradition treaty with a Hattusili King III.

Through extradition process, a sovereign requesting state typically makes a formal request to another sovereign the requested state. If the fugitive is found within the territory of the requested state, then the requested state may arrest the fugitive and subject him or her to its extradition process. The extradition procedures to which the fugitive will be subjected are dependent on the law and practice of the requested state.

The issue is whether due process requires a hearing before a prisoner is transferred from one

institution to another. A close analysis of the applicable statutes and regulations as well as a consideration of the particular harm suffered by the transferee ought to be considered. Essentially, no hearing need be held prior to the transfer from one prison to another in which the conditions were substantially the same or less favourable.

The state had not conferred any right to remain in the facility to which the prisoner was first assigned, defeasible upon the commission of acts for which transfer would now become a punishment, but may be under prison regulations. The prison officials had unfettered discretion to transfer any prisoner for any reason or for no reason at all; consequently, there was nothing to hold a hearing about. In most cases transfer hinges on medical grounds or trial convenience.

In some instances, transfer of a prisoner to a high security facility may be based on political status or the gravity of the offence committed by him. A mentally impaired prisoner may be transferred to a mental hospital pursuant to a statute authorizing the transfer if the prisoner suffers from mental disease or defect.

The international prisoner transfer is generally justified on humanitarian, rehabilitative and financial bases, thus enabling persons to be returned to their country of origin to serve their sentence, to further assist the reintegration into the community of prisoners participating in the transfer scheme. It also has positive benefits for the families of those prisoners. The re-absorption into the community of the prisoners is likely to be much more difficult if they served their sentences in a foreign community without the opportunity to obtain skills that may assist them to re-integrate into the community and without contact with their families.

2. Rights of Prisoners

Until recently, the view prevailed that a prisoner has as a result or consequence of his crime, not only forfeited his liberty, but all his personal rights except those which the law in its humanity accords to him. The prisoner for the time being becomes the slave of the state, in the case of PRICE VS. JOHNSTON, the court declared that lawful incarceration brings about the necessary withdrawal or limitation of many privileges and rights, it was indicated that less than all and it was clear that the due process and equal protection clauses to some extent do apply to prisoners.

The analysis of these rights stemmed from the fact that in as much as the prison officials must be accorded latitude in the administration of prison affairs and that prisoner necessarily are subject to appropriate rules and regulations and therefore have the right to petition the government for redress of grievances.

Generally, the courts in America have treated challenges to prison conditions of confinement and pre-trial detainees as cruel and against the punishment clause of the Eight Amendment to the American Constitution. Thus in the American case of LEE Vs. WASHINGTON the court recognized the several rights of prisoners to include right to be free of racial segregation in prisons except for the necessity of prison security and discipline. They have the right to petition for the redress of grievances which is suggestive of access to courts for the purpose of presenting their complaints; and to bring actions in courts to recover for damages wrongfully done to them by prison administrator. Equally, they have a right, circumscribed by legitimate prison administration considerations to fair and regular treatment during their incarceration. Also, in the case of WASHINGTON Vs. HARPER, the United States Supreme Court held further that; prison inmate has liberty interests in avoiding the unwanted administration of antipsychotic drugs.

Furthermore, prisoners must have reasonable access to a law library or to persons trained in law. Establishing a right of access to law materials however requires an individualized demonstration of an inmate having been hindered in efforts to purse a legal claim. This will also facilitate prisoners' efforts in discovering grievances and to litigate effectively.

The problem in most cases is how to measure the level of deprivation of a prisoner's constitutional rights. When a regulation impinges on inmates constitutional rights, the regulation is valid only to the extent that it reasonably related to legitimate penological interest. Several factors must however, be taken into consideration in determining the reasonableness of a prison regulation. First, the must be a rational relating to a legitimate, content neutral objective, such as prison security, broadly defined that would warrant such an infringement. Secondly, are there other avenues for the exercise of the inmate rights?

For instance, a prisoner has no reasonable expectation of privacy in his prison cell protecting him from shakedown, searches designed to root out weapons, drugs, and other contraband. Also is limiting who may visit a prisoner for security reasons. What is paramount here is how to balance the prisoner's interest against the valid interest of the prison administration in maintaining security and order in the institution, and in protecting guards and prisoners against retaliation by fellow prisoners and in reducing prison tensions.

The prisoners must also be afforded the right to a counsel of his own choice, an advance notice of the claimed violation by him, and a written statement of the fact findings as to the evidence relied upon and the reasons for action taken; also the prisoner should be allowed to call witnesses and present documentary evidence in his defence.

Other identifiable rights of prisoners include the right to be housed in humane facilities. Prisoners must be free from inhuman conditions because they constitute cruel and unusual punishment which include drawing and quartering, emboweling alive, beheading, public dissecting, and burning alive among other things. Any punishment that can be considered inhumane treatment or that violates the basic concept of a person's dignity may be found to be cruel and unusual.

Furthermore, prisoners have the right to be free from sexual crimes, including sexual harassment. For example, a Federal Court in the District of Columbia found prison officials liable of the systematic sexual harassment, rape, sodomy, assault, and other abuses of female inmates by prison staff members. In addition, the court found that the prison facilities were dilapidated, that there was a lack of proper medical care available, and that the female inmates were provided with inferior programs as compared to male inmates within the same system.

Also, prisoners have the right to complain about prison conditions and voice their concerns about the treatment they receive. They should also have a right of access to the courts to air these complaints. Equally, prisoners are entitled to medical care and attention as needed to treat both short term conditions and long term illness. The medical care provided must be adequate.

Under the American Constitution First Amendment, prisoners can retain those rights such as freedom of speech which are not inconsistent with their status as inmates and which are in keeping with legitimate objectives of the penal corrections system, for instance preservation of order, discipline and security. In this regard, prison officials are entitled to open mail directly to inmates to ensure that it does not contain any illegal items or weapons, but may not censor portions of correspondence which they find merely inflammatory or rude.
Equally, prisoners should have the right to be free from racial segregation in prisons, except where necessary for preserving discipline and prison custody. Reasonable expectations of privacy in their prison cells are minimally guaranteed except in cases of search for weapons, drugs, or other contraband. Under the Due Process Clause to the American Constitution First Amendment, prisoners are entitled free and unauthorized and intentional derivation of their personal property by prison officials.

3. Why Do Prisoners Get Transferred?

It is curious to ask why some prisoners get transferred. Though, it is realisable that some

prisoners have to move due to request from their countries or on account of questionable behaviour. In some cases too, others might be moved for no particular reason, in most of these instances, it has to do security issues where the security category has changed.

Prisoners may be transferred because of overcrowding, threat to institution, threat to inmate, 'swap' with other prisoners. Occasionally, a prisoner may be transfer closer home for instance if he/she is serving the final weeks of his/her sentence or to a more appropriate prison to handle any special needs he has, or to complete a course which is not available at the prison they are in.

Another reason might be to keep inmates from being too complacent. For instance, if an inmate is at camp too long, and he isn't really doing anything, no job, not earning gain time, the feeling is that he/she will get too complacent and start trouble, or he/she is behaving in a disruptive way. Also inmates are transferred time to time to get things mix up, i. e to drugs program, or to avoid bulling from fellow inmates.

A times transfer might be influenced due to logistic problems. For instance, availability of bed space, security programming, health care facilities, mental health care needs, sufficiency of prison supporting staff. Others may include the desire to facilitate visitation with family and friends.

The English Prison Act of 1952 provides that a prisoner can be held in any prison. Usually it is up to the Governor whether they are transferred. The Prison service does have a location policy stating that contact between a prisoner and his/her family should be encouraged and that harmful effects of being removed from normal life are minimized, this may not be available in case of hardened prisoners or those being kept on account of capital offences. The prison also has an obligation to take reasonable steps to keep a prisoner safe, which may include a transfer if they are being bullied.

Equally, a prisoner can request a transfer through the request/complaint system, or on a special form provided by the prison for requesting transfer. Transfer will normally only be considered after the prisoner has served a few months at the prison they wish to leave. In addition to this, though the initial request must come from the prisoner, families can write to the Governor outlining why it is difficult for them to maintain contact, but only once an application for transfer has already been made by the prisoner. Supporting letters from social worker or other professional in support of the application can also be sent.

Where an application is refused, the prisoner can make an appeal through the same request/complaints system again and is entitled to a reply from Prison Service Headquarters within six weeks. If the prison authority is not still not yet satisfied with the reasons given, the can be referred to the Prison Ombudsman for a final decision. If this avenue fails, the only option left would be a judicial review which allows the High Court to deal with unlawful decisions by Prison Service, but then the prisoner must establish exceptional circumstances.

Worthy of examination is the celebrated English case of IAN BRADY'S who was convicted for the murder of Moors, be transferred from hospital to jail. The application was rejected for his own health and safety. Brady, 76, was told last June that he is to remain a patient at maximum security Ashworth hospital, Merseyside, after a week-long metal health tribunal hearing.

Brady, who murdered five children in the 1960's with his lover Myra Hindley, was jailed for life. Brady and Hindley lured children and teenagers to their deaths, before burying four youngsters on Saddleworth moor above Manchester The child-killer's £250,000 taxpayer –funded legal aid bid to be transferred was the first time he had been seen in public for decades by victims' families who said it was a circus and a complete waste of taxpayer's money.

At the end of the hearing, the panel said Brady should remain in Ashworth on the grounds that he is insane and hospital staff is best placed to treat his psychosis. According to the trial Judge, the tribunal concluded that it has been demonstrated by evidence that it is necessary in the interest of his own health and safety that he be detained in the hospital for treatment.

The 116 page ruling must be taken into consideration, this is important because he will spend the rest of his life either in hospital or in prison. There is no possibility of him being discharged into the community. According to appeal tribunal, the benefit of retrospection Brady should have been transferred to hospital for treatment before he had served 19 years in various prisons.

According to the appeal tribunal, Brady is now a 75 year's old man. When he was in prison he was much younger, now he is now physically much weaker, but his notoriety has not diminished. Further that the inmates of a prison would not be selected as the other patients on the ward are, that would create a significant risk to his safety, even though the prison officers are acknowledged to have the skill to deal with such issues. The appeal tribunal accepted that Brady is suffering from chronic psychotic illness but there were differences in eminent medical opinion demonstrating the complexity of his condition.

According to his medical history as quoted by a senior physician, he described Brady to a ruthless individual, cold and unemotional, without conscience or remorse; he showed a pathological admiration of power and unscrupulousness.

Brady told the hearing that he was merely a petty criminal and described his crimes as recreational killings which were part of an existential experience. Brady's legal team argued that despite his severe personality disorder, he is not mentally ill and therefore no longer fulfils the legal criteria for detention in hospital. Brady suggested that if he is allowed to go back to jail he would be free to end his own life by starving himself to death.

Last year's tribunal heard that Brady, who claim to have been on a hunger strike since 1999 and is fed through a tube in his nose, in fact eats toast and soup and that this is simply a protest rather than suicidal. It was suggested that Brady legal aid showed his pathological need for control and to challenge authority and a craving for the public spotlight.

Hospital records showed that Brady has hallucination, talks to himself while alone, he has been violent and abusive to other patients and staff, and leads a largely nocturnal existence, leaving his room at night only, and shunning other patients and staff he regards as beneath him.

Hindley died in jail in November, 2002, aged 60.

4. Bars To Transfer Of Prisoners

By enacting laws or in concluding treaties or agreements, countries determine the conditions under which they may entertain or deny extradition request. The common bars to extradition include:

i) failure to fulfil dual criminality requirement. Generally the act for which extradition is sought must constitute a crime punishable by some minimum penalty in both the requesting and requested states;

ii) political nature of the alleged crime. Most countries refuse to extradite suspects of political crimes. For instance, Section 3 of the Nigerian Extradition Act, provides that a fugitive criminal shall not be surrendered if the Attorney General or a court dealing with the case is satisfied that the offence in respect of which his surrender is sought is an offence of a political nature. A case in point is the case of ATTORNEY GENERAL OF EGYPT VS. AHMED MANSOURwhere the Attorney General demanded for the extradition of Aljazeera staff Ahmed Mansour for extradition to Egypt for torture charges. The INTERPOL turned down the request because it was politically motivated even though Mansour was detained at a prison in Berlin, Germany for two days, but has since been released.

iii) the possibility of certain forms of punishment. Some countries refuse extradition on grounds that the person, if extradited, may receive capital punishment or face torture, this may cover all punishment that the requested state themselves would not administer. Section 3(2) of the Nigerian Act, went further to state that, a fugitive shall not be surrendered if it appears to the Attorney General or a court dealing with the case that the request for his surrender, although purporting to be made in respect of an extradition crime, was in fact made for the purpose of prosecuting or punishing him on account of his race, religion, nationality or political consideration or was otherwise not made in good faith or in the interest of justice; or he is likely to be prejudiced at his trial;

iv) furthermore, where the nature of the offence is so trivial, or the passage of time since the commission of the offence, the Attorney General shall refused to surrender a fugitive criminal. In the same vein, subsection 4 of section 3 provides that a fugitive shall equally not being surrendered if the Attorney General or a court dealing with the case is satisfied that, whether in Nigeria or elsewhere, he has been convicted of the offence for which his surrender is sought; or has been acquitted thereof and he is not unlawfully at large. This is in line with international human rights best practices.

v) in line with the principle of criminality too, a fugitive who has been charged with an offence under the law of Nigeria or any part thereof, not being an offence for which his surrender is sought; or who is serving a sentence imposed in respect of any such offence by a court in Nigeria, shall not be surrendered until such time as he has been discharged whether by acquittal or on the expiration of his sentence or otherwise;

vi) death penalty. For countries that have abolished capital punishment, will not allow extradition if the death penalty would be imposed on the prisoner unless they are assured that the death sentence will not be passed or carried out. i. e countries like Australia, Canada, New Zealand and most European countries who have abolished capital punishment in the penal system.

It should be note that these general provisions above does not apply to cases where the fugitive criminal has committed an offence under the military law or relating to military obligations.

vii) torture, inhuman, or degrading treatment. Many countries would refuse extradition if there is risk that a requested prisoner will be subjected to torture, inhuman, or degrading treatment or punishment. Thus in the case of SOERING VS. UNITED KINGDOM, in this case, the European Court of Human Rights held that it would violate Article 3 of the European Convention on Human Rights to extradite a person to the United States from United Kingdom in a capital case. This was due to the harsh conditions on death row and the uncertain time scale within which the sentence would be carried out;

viii) lastly, but not the least is the issue of jurisdiction. Jurisdiction over crime can be invoked to refuse extradition, in particular, the fact that the person in question is a nation's own citizen. For instance, countries like Brazil, France, Germany, china, to mention a few, forbid extradition of their own nationals because they often have laws in place that give them jurisdiction over crimes committed abroad by or against citizens. By virtue of such jurisdiction, they prosecute and try citizens accused of crimes committed abroad as if the crime had occurred within the country's borders.

5. An Examination of International Transfer of Prisoners Bill

As a reference point, the Writer in the discourse here will examine in point the Australia International Transfer of Prisoners Amendment Bill 2004 (hereinafter referred to as the 'Bill') which amended the International Transfer of Prisoner Act, 1997. The amendment was in response to the situation of two Australian prisoners David Hicks and Mamdouh Habib, who are being held at Guantanamo Bay by the United States and who may be tried by a United

States Military Commission. The Bill outlines the international prisoner transfer scheme.

For any country to participate in this transfer it must have keyed into the scheme of transfer. The International Transfer of Prisoner Act, 1997 contains the Commonwealth Legislative Framework for participation in the international transfer scheme. It enables prisoners convicted by the international war crimes tribunal to participate in the scheme. In addition the states and territories concerned must have also passed legislation to give effect to the transfer scheme allowing the commonwealth law to operate in their jurisdiction. A large number of countries including the United States of America, Canada, and the United Kingdom are very supportive of this international prisoner transfers and have been participating in the scheme for a number of years.

The principal Act i. e the International Transfer of Prisoners Act, 1997 enables foreign nationals imprisoned in overseas to be returned to their home countries to complete their sentences. The basis for the transfer is mainly on constitutional affairs i. e to promote their better rehabilitation.

There are certain eligibility requirements that must be satisfied before a prisoner can be transferred. Firstly, the prisoner must be a citizen of the recipient country of the country in which transfers is being sought or permanently resident there. Also neither the sentence nor the conviction can be subject to appeal under the law of the transfer country. There is addition the requirement of dual criminality; thus the offence for which a prisoner has been sentenced in the transfer country must have been an offence in the recipient country. If the sentence is for a fixed length, there must be at least six months of the sentence still to be served, but this requirement may be waived by the Attorney General.

Secondly, the possibility of enforcement of sentence in the receiving country is yet another factor. Hereunder, there are two methods sentence enforcement. The first method is called continued enforcement, this is done without any adaptation of the sentence of imprisonment or with only such adaptations to the duration of the sentence, or its legal nature as the Attorney General of the receiving country may consider necessary to ensure that enforcement of the sentence is consistent with laws of the receiving country.

The second method is the converted enforcement in which are different sentence is substituted for the sentence of imprisonment. This would involve the prisoner being bound so far as possible by the legal nature and the duration of the sentence determined by the other country such that a prisoner would bring with him or her, the sentence from the sending country minus the any time served or remissions earned in the sending country, up to the date of transfer. Note however, that the Attorney General can only give limited directions in ordering a sentence to be served under either method.

An area worthy of examination too, is the issue of whether a prisoner transferred can have his/her sentence reviewed or quashed by the receiving country? Section 45 of the International Transfer of Prisoners Act, provides that a transferred prisoner cannot appeal either against the sentence handed down by the court of the transfer country or against the decision of the Attorney General concerning the enforcement of the sentence. However, under Section 49 of the Act, provisions are made for pardons, amnesties, and commutation of sentences when a prisoner is transferred. The caveat is that a prisoner may be pardoned or granted any amnesty or commutation of sentence of imprisonment only if there exist such provision in the law of the receiving country as if the particular offence had been committed there.

Note however that, there is no express provision in the Act for the review of convictions if fresh evidence emerges or bias is shown to have affected the sentencing court.

6. Procedure for Transfer (the case of David Hicks and Mamdouh Habib examined)

The Writer's discussion here will focus on the Guantanamo Bay's episode as a locus-classicus

example. Two Australian, David Hicks and Mamdouh Habib are being detained by the United States at Guantanamo Bay. Detainees held by United States during and after the war in Afghanistan as Taliban fighters or members of al-Qaeda were first housed at Guantanamo Bay in a temporary detention centre called Camp x-Ray constructed in 2002.

Recent reports are that around 640-650 people detained in Guantanamo Bay under United States President's Military Order. The Detainees came from over 40 countries, are being held on suspicion of links to the Taliban regime or al-Qaeda terror network and, at least at one stage, included 3 teenage boys ages 13-15.

The two detainees have been charged each with a single count of conspiracy to commit war crimes and will face a US Military Commission. The two have been described by the Pentagon as personal bodyguards to Osama Bin Laden. Some countries negotiated or are in the process of negotiating the release of their nationals from Guantanamo Bay. 100 prisoners have either been moved out of Guantanamo Bay facility since it opened in January 2002, with 88 sent back to their home countries for release and 12 transferred for continued detention in Saudi Arabia, Spain and Russia.

One time British Foreign Minister jack Straw had said at all times the Government had insisted that the Americans should either try the detainees in accordance with international standards or send them to the United Kingdom.

David Hicks was captured by coalition forces in Afghanistan in early December 2001. He apparently has no known criminal record and has not been previously come to notice in a security context. He appears to have travelled to Europe in mid-1990 to join the Kosovo Liberation Army, then returned to Australia after a couple of months and commenced studying Islam. He left Australia in November 1999. In January 2002, Australia was advised that he had been transferred to the US Military facility at Guantanamo Bay in Cuba.

In the case of Habib, he was reportedly arrested by Pakistani authorities on 5 October 2001 before the US aerial bombing of Afghanistan commenced on 7 October 2001. Later that year he was transferred to Egypt, but by April 2002 he was in the custody of coalition forces in Afghanistan. In May, 2002 Australia was advised that Mr Habib had been transferred to Guantanamo Bay too.

Various allegation have been made about the activities of Messrs Hicks and Habib, for instance, in November 2003, Foreign Minister Downer said:

"Our intelligence services have advised us that both these people, Hicks and habib, participated in training with al-Qaeda. Al-Qaeda is the world's most egregious terrorist organization. We are at war with al-Qaeda, and these people have been detained in that manner that you would detain prisoners, you would detain combatants at war".

According to Hicks lawyer Stephen Kenny; in early 2001 after pursuing his interest in the Islamic religion at an Islamic College in Pakistan, he entered Afghanistan and his family believes associated with the Taliban Army, that he trained with the Pakistan based Islamic group Lashkare-Taliban. Also according to a report, David was detained at a Northern alliance roadblock in Northern Afghanistan on December 9, 2001. He was not armed at the time and nor was he captured on a battlefield. None of the approximately 9 people training with him at that time was detained.

The family of Habib said he had gone to Pakistan to search for a school for his two teenage sons; the family wanted to give their children an experience for a year or two in an Islamic environment. The fate of these two men remain unresolved as they remained in custody in Guantanamo Bay without yet being charged, brought to trial or convicted. The Government advice is that neither man has committed an offence against Australian law and so neither can be returned to Australia to be tried there. In coming to this conclusion, the Government's legal adviser considered a number of commonwealth statutes including Geneva Convention Act, 1957, the Crimes Biological Weapon Act, 1976, the Chemical Weapon

Prohibition Act, 1976, the Crimes Foreign Incursion and Recruitment Act, 1978, and the recently enacted Commonwealth Terrorism Offences Act.

In the interim, the United States Centre for Constitutional Rights, filed two habeas corpus petitions which challenged the indefinite detention of foreign nationals at Guantanamo Bay by the United States Government without due legal process as unconstitutional and a violation of international law. A number of Lower Courts decision rejected the petition on the ground that habeas corpus is not available for non-united states citizen detained outside United States.

The International Transfer of Prisoners Amendment Bill, 2004 ensures that international transfer of prisoner arrangements can be executed in relation to colonies and protectorate as well. It also enables prisoners convicted and sentenced by a United State Military Commission to be transferred to Australia, in particular to facilitate the transfer of David Hicks and Mamdouh Habib, if they are convicted and if they consent, from Guantanamo Bay to serve their sentences in Australia. The essence is to serve the purposes of rehabilitation and humanitarian aspect of punishment.

The principal Act, requires the prisoner to consent to his transfer, and stipulates that he or she must be informed of the legal consequences of the transfer before consenting to the transfer. Illustrative is the case of *The St. Albans Raid* in this case, the prisoner's counsel had endeavour to procure a removal of the place of the proceedings to Montreal and this was opposed by the counsel to the Federal authority. The as far as the preliminary proceedings were concerned, was denied by the Judge. The next day preliminary hearing was proceeded with, and testimony was heard relative to the murder of one Morrison, the assault with intent to kill, the robbery and horse stealing.

Upon due consultation, it was decided for reasons satisfactory to all interested on behalf of the Federal authority, that the prisoner be removed to Montreal, and that further proceedings in the case should take place in that city. As soon it was decided to remove the prisoners, the Judge telegraphed for a special train; and they, with the counsel and witnesses were quickly carried to station, from whence they were transferred. The removal was conducted so noiselessly and they were well confined. The prisoners initially did not seem at all concerned at the aspect of their affairs.

Down home, Section 6 of the Extradition Act, provides for the procedure for transfer of prisoners through a request procedure. It provides that a request for surrender of a fugitive criminal of any country shall be made in writing to the Attorney General by a diplomatic representative or consular officer of that country and shall be accompanied by a duly authenticated warrant of arrest or certificate of conviction issued in that country.

Where such a request is made to him, the Attorney General may by an order under his hand signify to a magistrate that such a request has been made and require the magistrate to deal with the case accordingly. The Attorney General shall however, may refused to make an order in respect of any request if he decides on the basis of information then available to him that the surrender of the fugitive falls under any the provisions of section 3 of the Act i. e on bars to surrender of fugitive criminal.

The Act also contains a sweeping provision when it provides that except in so far as an extradition agreement in force between Nigeria and the requesting country, the Attorney General may refuse to make an order in respect of any fugitive criminal who is a Nigerian.

An illustrative case on the Nigerian Extradition Act is most recent case of BURUJI KASHAMU VS. NDLEA, in this case, the operatives of the NDLEA agency had on Saturday, May 23, 2015 besiege Kashamu's home in lekki area of Lagos-State, placing the newly Senator elected representing Ogun East Senatorial District under house arrest.

The agency said it only withdrew from Kashamu's house when it officially received a

copy of the order from the court on Thursday May 28, 2015. According to a statement signed by the NDLEA spokesperson, Mr. Mitchell Ofoyeju, on Friday, Kashamu's attorney signed an undertaking to produce him in court for hearing. The NDLEA said this is not the end of the case as the NDLEA has filed a formal extradition process at the Federal High Court. The agency is following the due process of law and will ensure that national interest is balanced against the constitutional rights of Kashamu.

An approval had been given by the Attorney General of the Federation on the 25th May, 2015 to NDLEA to extradite the Ogun State East Senatorial District senator elect to the United States of America over narcotic related issues. The request for extradition of the senator elect was made by the United States Authorities following new evidence made available to it by a Nigerian national leader. The approval was given because Nigeria had a treaty with the United States on extradition.

The agency went further to state that its mission is not and has never been to abduct him, but to engage the extradition process to ensure that he Kashamu is available to stand trial as required by law. To this end, the agency has obtained a provisional warrant of arrest on him as well as a formal request for his extradition. The honourable thing for him Kashamu to do is to submit to the due process of the law as pledged. The agency further reiterated that it will comply with all court orders and not forcefully abduct and take him to the United States for trial, and that the court had not prevented it from embarking on an extradition process against Kashamu.

However, the a Federal High Court in Lagos State had on Wednesday 27th May, 2015 restrained the Inspector General of Police (IGP), Attorney General of the Federation and Nine others from arresting him for an onward extradition to the United States of America over alleged drug related offences. In a related development, the NDLEA had on the 2nd May, 2015 went before the Federal High Court, Abuja to commence an extradition process on the Senator elect. A notice of application for the extradition of the Senator elect to the United States and he was officially served in line with the Extradition Act.

7. Main Convention on the Transfer of Sentenced Persons.

At the 11th conference of the European Ministers of Justice held at Copenhagen, 21-22 June, 1978, the problems posed by prisoners of foreign nationality, including the question of providing procedures for their transfer so that they may serve their sentence in their home country. This discussion eventually resulted in the adoption of Resolution 1, by which the Council of Ministers of the Council of Europe is invited to ask the European Committee on Crime Problem (CDPC, to consider the possibility of drawing up a model agreement providing for a simple procedure for the transfer of prisoners which could be used between member states and in their relation with non-member states too.

At the 350th meeting of their Deputies in September 1982, the Committee of Ministers approved the text of the convention. At the 354th meeting in December 1982, the Ministers Deputies decided to open it for signature on 21st March 1983. This Convention was aimed at facilitating and ensuring the rapid transfer of foreign prisoners. The Convention was also informed by the desire to do away with the inevitable administrative complexities of the defunct European Convention on the International Validity of Criminal Judgment of 1970. The Convention provides a simple, speedy and flexible mechanism for the repatriation of prisoners.

It worthy of note that the Convention in its bid to facilitate the easy transfer of foreign prisoners, took into consideration the modern trend in crime and penal policy. For instance, the Convention reckoned with the fact that an improved means of transportation and communication have led to a greater mobility of persons, and in consequence an increased internationalization of crime. Furthermore, modern penal policy now focused on social rehabilitation of offenders as opposed to the retributive or punitive theory. In this regard, it is

of better importance that the sanction imposed on the offender is better enforced in his home country rather than in the state where the offence was committed and the judgment rendered.

This approach was also buttressed by humanitarian considerations, i. e. language barriers, alienation from culture and customs, and the absence of contacts with relatives which may have detrimental effects on the prisoner.
This Convention has made some major departure from the administrative difficulties associated with the defunct European Convention on the International Validity of Criminal Judgment in four principal respects: a) in its practical application, it provides a more simplified procedure for transfer of foreign prisoners in that the procedures therein are less cumbersome than that laid down in European Convention on the International Validity of Criminal Judgement; b) a transfer may be requested for not only by the sentencing state i. e the state which imposed the sentence on the offender, but also by the state of which the sentenced/offender is a national i. e administering state, thus facilitating the administering state to repatriate its own national; c) the transfer is subject to the consent of the offender/sentenced person; d) the Convention provides the procedural frame work for transfer only, devoid of any obligation on the sentencing to comply with a request for transfer, neither was it necessary too to list any grounds for refusal nor to require the requested sate to give reason(s) for its refusal to agree to a requested transfer, under the European Convention on the International Validity of Criminal Judgment only the sentencing state is entitled to make the request.

Also under the Convention, certain conditions must be fulfilled before a transfer could be effected; a) the person to be transferred must be a national of the administering state. However reference to national of the administering state also include national of the contracting or signatory states who may decide to apply the convention when appropriate; b) the judgment must be final and enforceable, i. e all available remedies must have been exhausted or the time limit for lodging a remedy has expired without the parties having availed themselves of it; c) the length of sentence still to be served must be of a duration of at least six months at the time of receipt of the request for transfer or indeterminable. The rational for this is derived from the fact that since the Convention is conceived as an instrument to further the offender's social rehabilitation; this objective can usefully be pursued only where the length of sentence still to be served is sufficiently long. In addition to, is the system's cost-effectiveness? The transfer of a prisoner is costly, and considerable expenses incurred by the state concerned, hence this may not be proportionately achieved where the prisoner concerned has only a short sentence to serve.

d) The transfer must be consented to by the prisoner concerned, thus transfer of prisoner without his consent would be counter-productive in terms of rehabilitation. Equally, consent may be given by the sentenced prisoner's legal representative and also where necessary in view of the age, physical or mental condition of the sentenced person. The sentenced person's consent to his transfer is one of the basic elements of the transfer mechanism established by the Convention. It was therefore deemed necessary to impose an obligation on the sentencing state to ensure that the consent is given voluntarily and with the full knowledge of the legal consequences which the transfer would entail for the person concerned, and to give the administering state an opportunity to verify that consent has been given in accordance with these conditions.

e) Also, the principle of dual criminal liability must be complied with. i. e the act which give rise to the judgment in the sentencing state would have equally be punishable if committed in the administering state, and if the person who performed the act could under the law of the administering state have had a sanction imposed on him. Note that for the condition of dual criminal liability to be fulfilled, it is not necessary that the criminal offence be precisely be the same under both law of the administering and sentencing states. It would suffice only, if the essential constituent elements of the offence should be comparable under the law of both

states regardless of differences in the wordings and legal classification.

Lastly but not the least, the transfer must conform with the basic principles of transfer agreement between the states concerned. For instance, Article 9 of the Convention which grants the administering state a choice between two enforcement procedures: it may either continue enforcement or convert the sentence. If requested, it must inform the sentencing state as to which of these two procedures it will follow. The general rule is therefore, that the administering state may choose between the two enforcement procedures in each individual case.

The Convention specifies the form and the channels of transmission to be used for requests for transfers and replies thereto. Both the requests and replies must be in writing, be transmitted between respective Ministries of Justice, but signatory state may declare that they will use other ways of transmission as for instance, the diplomatic channel. In line with the Convention's aim to provide a procedure for the speedy transfer of sentenced persons, it requires the requested state promptly to inform the requesting state whether it agrees to the requested transfer.

To avoid the sentenced person's serving a sentence for the same acts or omission more than once, the enforcement in the sentencing state is suspended at the moment when the authorities of the administering state take the sentenced person into charge and that the sentencing state may no longer enforce the sentence once the administering state considers enforcement to have been completed.

Concerning the enforcement of the sentence in the administering state, the general principles are concerned in Articles 10 and 11. The administering state may choose between two ways of enforcing the sentence: it may either continue the enforcement immediately or through a court or administrative order, or convert the sentence through a judicial or administrative procedure into a decision which substitutes a sanction prescribed by its own law for the sanction imposed in the sentencing state. Signatory states may however in a general way, exclude the application of these procedures. If requested, the administering state must inform the sentencing state as to which of these two procedures it intends to apply. This obligation has been imposed on the administering state because the information may have a bearing on the sentencing's state decision on whether or not to agree to a requested transfer.

The basic difference between the continued enforcement and conversion of sentence (commonly called 'exequatur') procedures is that, in the case of continued sentence, the administering state continues to enforce the sanction imposed in the sentencing state, whereas, in the second case, the sanction is converted into a sanction of the administering state, with the result that the sentence enforced is no longer directly based on the sanction imposed in the sentencing state. Note that, though, the administering state solely is responsible for the enforcement of sentence including any decision related to it, suspended sentence, pardon, amnesty or commutation of the sentence may be granted by either the sentencing or administering state, in accordance with its constitution or other laws.

On this aspect, by way of concluding note, the sentencing state has the right to take decision on application for review of the judgment. The exclusive competence of the sentencing state to review the judgment is justified by the fact that, technically speaking, review proceedings are not part of enforcement. The object of an application for review is to obtain the re-examination of the final sentence in the light of any new element of fact. As the sentencing state alone is competent to re-examine the material facts, it follows necessarily that only that state has jurisdiction to examine such an application, especially as it is better placed to obtain new evidence on the point at issues.

The sentencing state's competence to decide on any application for review should not be interpreted as discharging the administering state from the duty to enable the sentenced person to seek a review of the judgment. Both states must, in fact, take all appropriate steps to guarantee the

effective exercise of the sentenced person's right to apply for a review.

Other conventions on transfer of foreign prisoners or sentenced prisoners are:- i) the International Prisoner Transfer Program 1977 of the United States wherein the U.S Government negotiated the first in a series of treaties to permit the transfer of prisoners from countries in which they had been convicted of crimes to their home countries. The program is designed to relieve some of the special hardships that fall upon offenders incarcerated far from home, and to facilitate the rehabilitation of these offenders. Prisoners may be transferred to and from those countries with which the United States has a treaty.

Others by way of passing remarks, to mention just a few include; ii) European Convention on the Punishment of Road Traffic Offences; iii) European Convention on the Transfer of Proceedings in Criminal Matters; iv) European Convention on Extradition; v) European Convention on Mutual Assistance in Criminal Matters; vi) European Convention on the Suppression of Terrorism.

At our local/national level here in Nigeria, where the author had first information report, we have the Extradition Act, which was made applicable to Nigeria by virtue of Section 12 of the Constitution, which provides that no treaty between Nigeria and any other country shall have the force of law except to the extent to which such treaty has been domesticated enacted into law by the National Assembly. The Act provides in its Section 1 that shall apply to any agreement made by Nigeria with any other country for the surrender of persons wanted for prosecution or punishment.

The Act is also applicable to every separate country within the Commonwealth i. e each sovereign and independent country within the commonwealth together with such country's dependent territories as the President may by Order published.

8. **The Principle of Aut Dedere Aut Judicare**

This principle is of great importance and implication in international law especially in transnational criminal law. This principle is to the fact that states must either surrender a criminal within their jurisdiction to a state that wishes to prosecute the criminal or the offender in its own courts. Many international agreements contain provisions for this principle which comprised of four conventions namely: a) the 1949 Geneva Convention; b) the United Nations Convention for the Suppression of Terrorist Bombings, c) the United Nations Convention Against Corruption, d) the Convention on the Suspension of the Seizure of Aircraft, e) the Convention Against Torture and Other Cruel and Inhuman or Degrading Treatment or Punishment, f) the Convention for the Protection of Cultural Property in the Event of Armed Conflict, and g) the International Convention for the Suppression and Punishment of the Crime of Apartheid.

Some contemporary scholars have opined that this principle is not an obligation under customary international law, but rather a specific conventional clause relating to specific crimes and accordingly an obligation that only exists when a state has voluntarily assumed the obligation. The refusal of a country to extradite suspects or criminals to another country may lead international relations being strained. Often the country to which extradition is refused will accuse the other country of refusing extradition for political reasons regardless of whether it is justified or not. For instance, the case of IRA EINHORN, in which some United States commentators pressured President Jacques Chirac of France, who does not intervene in legal cases, to permit extradition when the case was held up due to differences between French and American Human Rights Law.

Under extradition too, the question involved may be complex especially when the country from which suspects are to be extradited is a democratic republic with a rule of law. Typically, in such countries, the final decision to extradite lies with the national executive. However, such countries typically allow extradition defendants recourse to the law with multiple appeals. These may significantly slow down procedures. On the other hand this may lead to unwarranted international difficulties, as the public, politicians and journalists from the requesting state will ask their executive to put

pressure on the executive of the country from which extradition is to take place, while that executive may not in fact have the authority to deport the suspect or criminal on their own. On the other hand, certain delays or unwillingness of the local prosecution authorities to present a good extradition case before the court on behalf of the requesting state, may possibly result from the unwillingness of the country's executive to extradite.

For instance, even though the United States has an extradition treaty with Japan, most extraditions are not successful due to Japan's domestic law. In order for the United States to be successful, they must present their case for extradition to the Japanese National. However, certain evidence is barred from being in these proceedings such as the use of confession, searches, or electronic surveillance. In most cases involving international drug trafficking, this is the bulk of the evidence gathered in the investigation on a suspect for a drug related charge; therefore, this usually hinders the United States from moving forward with the extradition of a criminal. For instance, in 2013, the United States submitted extradition request to many nations from the National Security Agency employee Edward Snowden, it criticized Hong Kong for allowing him Snowden to leave despite an extradition request. Nevertheless, the United States impeded Snowden's travel by cancelling his passport.

Issues of international law relating to extradition have proven controversial in cases where a state has abducted and removed an individual from the territory of another state without previously requesting permission, or following normal extradition procedures. Such abductions are usually in violation of the domestic law of the country in which they occur, as an infringement of laws forbidding kidnapping. Many also regard abduction as violation of international law in particular of a prohibiting or arbitrary detention. Kidnapping usually circumvent the normal formal process of extradition.

9. Conclusion

It is evident that most of the underlying considerations in prisoners/ criminal fugitives or sentenced persons transfer, apart from the political consideration, have to do with the entire welfare of the prisoners while in custody in other countries. It is also revealing that prisoners undergo a lot of challenges ranging from physical, mental illness, psychological torture, social degradation, risk of contracting communicable diseases.

These factors were known to have taken a toll on prisoners' population in the past. Long period of expected of a prisoner to serve as sentence is yet another incarceration in foreign countries. It means each year in year out prisoners are been released back into their community after being on exile prisoner with pangs of separation from loved ones.

The aim of transfer of prisoner among others is to facilitate the social rehabilitation of convicted persons by ensuring that they serve their sentences in their home country. This has led to development of a system for transferring of prisoners back to their country of nationality, habitual residence or another country with which they have close ties. This has equally led to the application of the principle of mutual recognition for judgments imposing custodial sentences or measures involving deprivation of liberty.

Against these backdrops it is recommended as follows:

(i) That the transfer of prisoners' treaties or agreements could be used as a yardstick in the introduction of a limit sentencing practice. This suggests that when prisoners are transferred to their home country, the overall cost of sentencing is reduced, especially when one compared the cost of probation and community treatment of prisoners. The transfer agreement could be used to scrutinize carefully what offences result in prison terms and the length of sentences that are imposed for violations of crimes in both the transfer and the administering states. This would avoid situations for prosecuting people for obscure offences

especially those that lack adequate mens rea requirement i e. conducts that are not morally blameworthy; for instance a low level drug user to support his own habits.

(ii) Another reform likely to be brought about by the transfer of prisoners agreement is through the introduction of an expanded earned time credit. Under this head, a prisoner must serve certain number of years in prison before he/she could be eligible for transfer. This will provide an opportunity for inmates to shave off a small amount of time from their sentences through good time credits by following prison rules and behaving themselves well while being incarcerated with a view to reduce the risk of recidivism upon transfer.

(iii) Imprisonment could also prove counterproductive since most offenders leave prisons far more dangerous than ever before. Through a transfer of prisoners' agreement, a kind of community corrections programme could be drawn up between the transfer and the administering states by introducing a pre-trial diversion in which an alleged offender can get pending charges dismissed upon the completion of a community based programme in the transferring state by diverting then away from prison cells, which are therefore kept for violent and repeat offenders; thus providing conditions of release and suitable re-entry for those leaving the transferring state to administering state.

(iv) Specialized courts is yet another area of criminal justice reform where transfer of prisoners agreement need to focus on. The function of the specialized courts is to focus on targeted groups of offenders sharing certain common characteristics in ensuring that the offenders comply with community corrections programmes before their extradition. Specialized courts have shown great promise in addressing offenders who suffer from mental illness or dependency issues or both. Specialized courts can be utilized as an alternative or adjunct court to more traditional court process at any point in the criminal justice process through a pre-trial diversion, at the pre-trial or pre-sentence stage or following a parole. The goal of the specialized is to reduce criminal recidivism among offenders who suffer in particular from substance abuse dependency through risk and needs assessment.

(v) Lastly, but not the least is collateral consequences. There are some lasting disabilities that accompany a criminal conviction, these are referred to as collateral consequences. Collateral consequences of conviction have steadily increased over the years. Collateral consequences may be imposed on offenders and ex-offenders as well, which may be legitimate or to serve public interests, such as prohibition against violent felons possessing guns or prohibition against drug dealers from becoming licensed pharmacists. It is difficult for ex-offenders who are indigent to make it in the outside world. Many offenders who are transferred owed fines to the transferring state and restitution to their victims, not to mention family obligations. So, collateral consequences can be in-built into transfer agreement so much so that offenders either before their transfer to the administering state would have remained in a stable environment with less likelihood of re-offending again, through social safety net. Ex-offenders assimilation and reintegration ought to be a principal goal of the justice system. those

who have committed a crime and paid their debts to the society should be given a second chance to become productive, law abiding citizens.

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Alternative Construction Jurisprudence of Plain Language: A Deliberation on the Synchronisation of the Nigerian Legal Framework

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Abstract. One of the greatest problems for obedience to laws is the comprehension of laws by ordinary citizens. As a consequence of this, laws are generally obeyed by default in an unconscious manner. This is more so in a country such as Nigeria where literacy is very low and the standard of education has been acknowledged to have fallen in standard over the years. This article emphasizes the need for a tilt towards plain language lawmaking as an alternative jurisprudence for the legal draftsman. It addresses the challenges that the draftsman has to surmount and arrives at the conclusion that legalese is not necessarily more compact with respect to wastage of words than plain language. In view of the findings, the article, using doctrinal and analytical methods, made some recommendations with a view to addressing and improving comprehension of legal texts by ordinary people.

Keywords: Deliberation, Synchronisation, Nigeria, Legal, Framework, Alternative, Construction, Jurisprudence, Plain, Language.

1. Introduction

The language of Nigerian statutes continue to be bedeviled by tedious legal terms, terminologies and word constructions that make meaning and comprehension an endeavour only for the initiated. In this regard, Nigeria appears to be lagging behind as many jurisdictions have turned to plain English or plain language for easier comprehension of statutory language. In America, there is a Plain English movement, which is said to have started officially on March 23, 1978. (Flesch, 1979) On that date, then President of the United States signed an Executive Order 12044 to ensure that regulations are "written in plain English and understandable to those who must comply with" them. According to him, there has been some concerted activity in enacting statutes in plain English and cites examples such as the 1974 Pension Reform Act. The Australian Parliament explored and recommended its use in 1993. (Asprey, 1996) Several other jurisdictions have followed suit. (Asprey, 1996, 31-51) such jurisdictions include Canada, New Zealand, South Africa, Sweden, Denmark and India, amongst others.

Although the Supreme Court has complained aloud about the rather unwieldy nature of Nigerian statutory language, the legislature and its draftsmen have lacked the will to put an end to decades of tradition founded on centuries of English precedent. This article assesses, amongst others, how far away Nigeria is from plain English in its adoption of a statutory language and how much further away she could be from the adoption of plain *language*.

In section II therefore, and given the need to appreciate the concept of plain language, the article embarks on the definition of relevant terminologies and a general description of plain language. Section III discusses the general principles of the technique of plain English,

particularly citing a relevant and illustrative *locus classicus*. In section IV, the article examines the pros and cons of plain English while section V discusses the current state of statutory language and the judicial reaction to it. In the next section, the credentials and potential of the Nigerian legislature both to draft law in plain English and/or do the same in plain language is examined against the background of relevant constitutional provisions. The article ends by recommending the undeniable need for the adopting of plain language in statutory drafting in Nigeria.

2. Definitions and Conceptuals

The words "clear", "plain", "unambiguous" on which the literal canon is dependent are often used together as a phrase and sometimes interchangeably by the courts. (Williams, 1129) This would appear justifiable going by the ordinary dictionary meaning of these words. "Clear" is defined as "easy to understand and not causing any confusion or doubt".(Oxford Advanced Learner's Dictionary, 2000, 200) "Unambiguous" is defined as "clear in meaning; that can only be understood in one way". (Oxford Advanced Learner's Dictionary, 2000, 1296) While "plain" is also defined as "easy to see or understand", it also means "not decorated or complicated". ".(Oxford Advanced Learner's Dictionary, 2000, 886) The latter part of that definition, it is submitted, is very important in that a second, metaphoric meaning of the term "plain" is introduced. This is instructive in that it tends to corroborate Flesch (Flesch, 1979, 115) who set out to prove not only that virtually all traditional legalisms are unnecessary" but that "any kind of legalese can be translated into Plain English" and that "the superiority of "clear, unambiguous" legal language is sheer myth. He appears to mean by this that there is a distinction between "clear and unambiguous" and "plain" in that legalese may be clear and unambiguous and yet not be plain. With this background, the import of plain language would appear easier to comprehend. In other words, plain language is not only clear and unambiguous, it is also *plain*; it is unburnished and unembellished. The distinction is that legalese may yet be clear and unambiguous and yet not be comprehensible to the ordinary 'unlearned" man. But when it is plain, then it is clear to both the legal technicians and the uninitiated.

Plain language has been defined as the ordinary, everyday language. (Flesch, 1979) This would appear to be wider in scope than plain English. The description "plain English" may be appropriate for a monolithic society, in which case the terms "plain English" and "plain language" tend to be employed interchangeably. However, in a society such as Nigeria with English as the official language and three other main languages, the term "plain language" begins to assume some relevance. In order words, there is such as plain French, plain Ebira and plain Yoruba, to mention a few. An example of convoluted Yoruba, for instance, would be one laden with *owe* or proverbs i.e. one in which logic is concealed in proverbs. The dictionary then defines plain English as "simple and clearly expressed, without using technical language". (Oxford Learner's Dictionary, 886)

3. The Technique of Plain English

The idea of plain language is canvassed in order that legal documents are drafted in the same style as in regular speech and letter writing.(Asprey, 1996, 2) The idea is to meet the requirements of "the poor, semiliterate and not very bright". (Flesch, 1979, 9) He admonishes that legal documents be written in conversational English, contractions, sentences without verbs, colloquial expressions and calls it "the kind of style that looks spoken on the printed page". Plain language is commended therefore for speaking clearly to all classes of people. (Flesch, 1979, 10) Flesch conceded that for actual legal documents, this conversational style might not be appropriate because they may be mistaken for explanatory brochure. (Flesch, 1979, 15) In addition, such words as "don't do so and so" tends to remove the legal effect of the terms. Instead, he recommends that instead of "don't" the draftsman may say "do not" and, instead of "it is illegal" he may use, "it is unlawful". As for the argument that plain language cannot be used to express complex ideas, Flesch disagrees and submits that only more hard work is needed in such circumstances. For complex subjects like math,

he illustrates with section 3(24) of the 1974 United States Pension Reform Act, which reads:

The term 'normal retirement age' means the earlier of – (A) the time a plan participant attains normal retirement age under the plan, or (B) the later of – (i) The time a plan participant attains age 65, or (ii) the 10th anniversary of the time a plan participant commenced participation in the plan.

Flesch's plain English version would read:

Your plan must fix a normal retirement age. That age must not be over 65, except for those who joined when they were over 55. For them, the normal retirement age must be fixed at 10 years after they joined. If your plan fixes an earlier normal retirement age – say 60 or 62 – it must make the same exception for those who joined less than 10 years before.

One technique Flesch advocates for the expression of complex ideas is the use of illustrations or examples. (Flesch, 1979, 71-73) One Nigerian Supreme Court decision clearly illustrates what might be the benefits of this technique of plain language. That is *the locus classicus* of *Awolowo v. Shagari & 2 Ors. (Awolowo v. Shagari & 2 Ors.,* 1979*).* In August 1979, the Federal Electoral Commission charged with conducting elections for Nigeria conducted an election into the office of the President of the Federal Republic of Nigeria. The Petitioner was the candidate for the said election under the banner of the Unity Party of Nigeria. The 1st Respondent was the candidate put up by the National Party of Nigeria. The 1st Respondent scored the highest number of votes cast in the election throughout the country while the Petitioner scored the second highest. The 1st Respondent scored at least 25% of the total votes cast in each of twelve of the nineteen states and 19.94% of the votes cast in the thirteenth state (Kano). The Petitioner scored at least 25% of the total votes cast in six of the nineteen states. The 1st Respondent was declared the winner of the elections by the electoral commission. The Petitioner petitioned to the Election Tribunal in Lagos. In issue was whether the 1st Respondent had met the requirements of section 34A(1)(c)(ii) of the Electoral Decree, 1977, which provided:

a candidate for an election to the office of president shall be deemed to have been duly elected to such office where… (c) there had been more than two candidates – (ii) he has not less than one – quarter of the votes cast at the election in each of at least two-third of all the states in the Federation

The Petitioner sought the relief that "the 1st respondent, Alhaji Shehu Shagari was at the time of the election not duly elected by a majority of lawful votes at the election as he has not satisfied section 34(A) subsection (1)(c)(ii) of the Electoral Decree, 1977". The petition was dismissed.

On appeal to the Supreme Court, as to the correct interpretation to be given to the section, the issue was whether a state as a geographical entity could be fractionalised such that two-thirds of nineteen States would be twelve two-thirds rather than thirteen States. The Supreme Court held that the 1st Respondent had fulfilled the requirements of section 34A(1)(c)(ii) of the Electoral Decree in that the provision referred to the *votes* cast at the election in a State and not a State as a geographical land mass. Given that interpretation, the Court held, two-thirds of nineteen amounted to twelve two-thirds and that the winner was only required to score one-quarter of two-thirds of the votes in the thirteenth State.

Having noted that the words of the subsection were "clumsily drafted" Fatai-Williams CJN also came to the conclusion that the words were "plain enough".(*Awolowo v. Shagari & 2 Ors*, 1979, 101) This latter phrase would appear to be relative. This raises the question whether those words, drafted in legalese as they were, could be plain. Admittedly, the concept which is the subject matter of that subsection is indeed a difficult concept to draft because it attempts to legislate a formula that will endure even in the face of an increase in the number of States. It is no wonder then that the legislator has had two subsequent opportunities to amend it but has failed to. The provision was retained in the 1989

Constitution but fortuitously this coincided with a period when the number of States in the Federation was twenty one, two-thirds of which was the round figure of 14. But with the further creation of States, which brings the Federation to thirty six States in addition to the Federal Capital Territory, which, for the purpose of the election, also counts as a State, the problem of fractionalisation remains with the retention of the provision in the 1999 Constitution. The provision is now reproduced in sections 133(b), 134(1)(b) and 134(2)(b) of the 1999 Constitution. The implication is that this issue will continue to rear its head. It appears, however, that the solution may lie in this technique. As a solution, Fatai-Williams C.J.N suggested that a clause might be added clarifying the provision. He distinguished the provision in issue from paragraph 39 of Table C of Schedule 1 of the Companies Decree No. 51 of 1968 as follows, "After providing in the said paragraph that one-third of all the directors for the time being shall retire from office at the first annual general meeting of the company, the paragraph went on to say that – "if their number is not three or a multiple of three, *then the number nearest to one-third shall retire from office*" (italics mine). (*Awolowo v. Shagari*, 1979, 101-102) There is no evidence that this option was ever subsequently considered. It appears however that a more pragmatic solution is for the legislator to consider redrafting the provision in plain English. While accomplishing this in plain English is equally difficult (in the sense that since a formula is involved, one cannot state categorically 13 or 122/3 – the benchmark may shift with the creation of more or reduction of states) the use of illustrations should permanently resolve the problem. The legislator is at liberty to use examples such as indicating expressly what two-thirds of particular numbers in the context is in each case.

4. Further Benefits of and the Case Against Plain Language

There are further advantages in drafting legislation in plain language. It is said that it improves comprehension while making communication more effective. (Asprey, 1996, 58) He adds at page 19, that from his experience, it is apparent that "there is not only a difference in style but there are also many minor changes that clarify what is said, make it sharper, more specific and – a point lawyers are interested in – more enforceable". The implication of this is that it saves the time it would have required to read, assimilate and apply the law. (Asprey, Plain Language for Lawyers, 55) It is submitted that a necessary by-product of this is that it should minimise litigation. It appears that lack of clarity in statutory language encourages litigation although some might equally argue that lack of clarity discourages litigation. In other words, that when legislative language is muddled, litigation becomes even more a gamble that the aggrieved would not take a risk on. In addition, the courts have been enjoined to interpret statutory words in their plain, natural, ordinary, unambiguous meaning. (Ogbu, 2002) Perhaps in realisation that the language of a statute must correspondingly be plain and ordinary (i.e. this is meant to be complimentary of the requirement that words be construed in their plain, ordinary meanings), other jurisdictions (examples of which are given in Section I of this work) have begun to explore and apply the use of plain language in drafting legislation.

One of the problems usually raised is that the piece of legislation becomes longer. Asprey argues that sometimes plain language can be longer than a document written in what he calls "legalese" but that it is often due to additional explanation in order to convey complex and technical concepts. (Asprey, 1996, 14) Because if we consider that "spouse" is not plain enough and should be replaced by "wife or husband"(Flesch, 1979, 55-56.) in plain English, that should make legislation longer. While it is suggested that the word "spouse" is plain *enough*, (although the advent of homosexuality, bi-sexuality, transexuality and same sex marriage, may require the word "spouse" to be adapted to context, the same fate appears to befall the descriptions "husband" and "wife"). Flesch nevertheless demonstrates that verbosity, wordiness and long-windedness is not necessarily the consequence of plain speaking, and that in many cases, drafts in plain language are actually shorter than drafts in legalese. He

makes an example of a one hundred and thirty-seven (137) worded legalese laden clause, which he translates into the following twenty seven plainly worded one:

"If you miss even a single payment, we can cancel this contract and keep all the money you've paid us. You'll lose all your rights".

The most valid argument against plain language, it would appear, is that it does not have the appearance of the force that the law should have. (Flesch, 1979, 32) When a law is phrased in terms such as "A person should not …", it carries the appearance of an advisory comment, not a punishable lapse when breached. The answers to this, it is submitted are: First, the argument belies the whole essence of plain language: that every concept be explained in language that is understandable by its recipients. If the legislator intends that a particular clause drafted in permissive words are mandatory, he is at liberty to expressly state the fact in clear words without reference to "shall". Secondly, the general principles of interpretation have evolved over a period of time. For instance, the principle by which certain words and phrases came to be regarded as conjunctive and others disjunctive evolved over a period of time. Section 18(1)(3) of the Interpretation Act, Cap. 123 Laws of the Federation of Nigeria 2004, for instance, prescribes that the words "or" and "other" in a statute must be read disjunctively. There is, of course, the golden canon principle that word such as "or" that is clearly disjunctive, may be read as conjunctive and *vice versa*.(*Ohanyere & Ors. v. I. G. P*., 1957, 216-217) The implication is that there may be a need to usher in a revision of these principles in line with the newer reality of plain language. In this exercise, therefore, caution is an imperative in order that revision does not result in taking plainness away from plain words and actually result in a return to legalese because hitherto plain words begin to require interpretation and hitherto plain sentences begin to require construction Third, a purposive approach to interpretation of statute drafted in plain language would negate this argument.

The issue is, what the implications are for a country like Nigeria?

5. The Antiquity of Nigerian Legislative Language

English is a second language yet it is the official language in Nigeria (Aito, 2008) and therefore the language of the law. Wagner states that as such, "all statutes, agreements, bills, and bye-laws are written and interpreted in English" (Wagner A, 2008, 225). However, section 55 of the 1999 Constitution now provides that the language of the National Assembly shall be English, and when adequate arrangements have been made, Hausa, Ibo and Yoruba languages. Under section 97, the language of a State House of Assembly shall be English but the House may by resolution adopt any language in use in the State in addition.

The main languages are Hausa, Igbo and Yoruba while there are all about two hundred and fifty other languages. (Languages and Intro, 2008). It adds that "there are however, over 300 dialects, both within the main languages, and across them" Nigeria was colonised by the British, for whom English language is the official language and which was passed down to Nigeria on attainment of independence on October 1, 1960. This fact means that the understanding of English language is different from English as spoken in England. (Awobuluyi, 2009). It refers to this as recurrent, "mostly mother-tongue induced kind of … error . This is quite apart from the fact that the English language is sometimes a complex language in which the plural of the word "goose" is "geese", while the *pervasive* plural of the word "mongoose" is "mongooses". In rare use, the plural is "mongeese". Worse still, the plural of the word "moose" is not "meese" but … "moose". In many indigenous Nigerian languages, it is impossible to find this singular-word plural. "Ducks" would interpret as "pepeye oruru" i.e. many *pepeye* or many *duck* in Ebira language, for instance. To emphasise that the ducks are many in the extreme, the speaker might say "pepeye *tuturutu*". If ducks were grains, he might say "pepeye *daudau*".

Being a second language has many implications for the English language in Nigeria. One is the corrupted English language version spoken by many called "pidgin" or "broken" English.

Another is the tendency for Nigerian English speakers to directly translate their dialects into the English language and speak them as such. One good example is the Ebira sentence "Maa ve", the Yoruba sentence "Mo mbo", the Igbo sentence "Inna bia" or the Hausa sentence "Inna zuwa" which all translate to "I am coming" in English language. In pidgin this would be "I dey come". In each instance these words are actually spoken by persons who are departing a place rather than arriving it perhaps to indicate the English "Just a minute". If these words were uttered on phone to someone, it would probably mean "wait for me; I am on my way" but when uttered to someone right in front of one, it actually means "I am leaving". The Ebira words Jeezimi" or the Yoruba "Duro de mi" which both mean "Wait for me" might have been more appropriate and are in use but the former group appear to be in even more popular use. An Englishman would not say "I am coming" unless he was coming.

A second example is imperative. There is no difference between the words "borrow" and lend in the local languages as we know it in the English language the Yorubas say "E ya mi ni …" and the Ebiras say "Rere mi". The words "rere" and "ya" mean both "borrow" and "lend". Thus a substantial percentage of the population finds it convenient to say "Borrow me your book" when an Englishman would have said "Lend me your book" or "May I borrow your book?" Every Nigerian, even those who appreciate that it is grammatically incorrect, understand that "Borrow me…" means "Lend me…". It is submitted that these become the common public understanding of these words in Nigeria. A not too dissimilar example is the decision of the Supreme Court (*Paterson Zochonis & Co. Ltd v. Gusau & Anor*.,1962) relying on the dictionary meaning of the word "illiterate" to mean a person who neither reads nor writes in any language. The common public understanding of the word in Nigeria would appear to be of one who neither reads nor writes in English language. It is suggested that these peculiar differences ought to be factored in statutory drafting and construction in Nigeria. It is also suggested that the word "illiterate" for instance could have been replaced with the plain language equivalent, "persons who cannot read or write in any language" in order that the law is effectively communicated.

However there is a peculiar problem in other countries such as Nigeria where the courts are still required to construe words in their plain, natural and ordinary meaning, but where there is no corresponding requirement for the legislature to enact legislation in plain language as distinct from legalese. As such, Nigerian statutes are still laden with legalese. The latest compendium of the Laws of the Federation of Nigeria 2004 has retained the old statutes all drafted almost entirely in legalese. The Corrupt Practices and Other Related Offences Act 2000, the Pension Reform Act 2004 and the Public Procurement Act 2007 all also show that legislation in Nigeria is still largely drafted in legalese. For instance, section 4 of the Pension Reform Act 2004 contains such language, amongst others, as "A holder of a retirement savings account upon retirement or attaining the age of 50 years, whichever is later", "the balance standing to the credit of his retirement savings account", "programmed monthly or quarterly withdrawals calculated on the basis of an expected life span", "annuity for life purchased from a life insurance company", "a lump sum from the balance standing to the credit of his …", and "the amount left after that sum withdrawal shall be sufficient to procure an annuity or fund programmed withdrawals that will produce an amount not less than 50% of his annual remunerations as at the date of his retirement".

The Supreme Court has acknowledged that such antique and complex language results in problems during the course of interpretation. This difficulty has been highlighted by the Court (*Associated Discount House Limited v. Amalgamated Trustees Ltd*., 2006) where the Court was confronted with construing section 22(3) of the Federal High Court Act "notwithstanding anything to the contrary in any law, no cause or matter shall be struck out by the High Court of a State or of the Federal Capital Territory, Abuja on the ground that such cause or matter was taken in the High Court instead of the Court, and the judge before whom such cause or matter was brought may cause such cause or matter to be transferred to the appropriate judicial division of the Court in accordance with such rules of court as may be in

force in that High Court or made under any enactment or law empowering the making of rules of court generally which enactment or law shall by virtue of this subsection be deemed also to include power to make rules of court for the purpose of this subsection". Acholonu JSC observed with reference to the above:

"… the wordings (sic) of this subsection is suffused with alliterations, use of cryptic words which concealed and veiled the meaning intended thereby making it seemingly difficult to decipher. I would here refer to what Thomas Jefferson said of boundless tautology in the wordings of statutes generally, 'statutes which from their verbosity, their endless tautologies, their involution of case within parenthesis, and their multiplied efforts at certainty by saids, afore-saids, by or and, and to make them more plain do really render them incomprehensible not only to common readers but to the lawyers themselves".

It is submitted that the risk of ambiguity and lack of clarity is higher when the language is not plain.

Unlike in other jurisdictions, however, there appears to be little or no writing of a legal nature on the subject of plain English or language in Nigeria.

Though plain language has not yet been adopted in our legislations, it is not a concept that is entirely absent in Nigeria. While the illustrations that accompany Richardson (Richardson, 1963) do not come within the legislation and are offered only as guides by the author, it is a good instance of use of illustrations as suggested by Flesch. (Flesch,1979, 73) It is suggested that Nigerian legislatures may take a hint from this example in enacting statutes. Plain language is also already frequently adopted in flyers used by corporate bodies such as banks to advertise their products. The Ecobank leaflet advertising its Debit Card facility is done mostly in plain language. But some have been more successful than others. The Apt Pension Funds Managers Limited leaflet on Frequently Asked Questions on the new Pension arrangement while plain enough is not helped by the legalese adopted by the Pension Reform Act 2004.

A pertinent issue is why the Nigerian legislature has refrained from adopting the principles of plain language in enacting legislation. It is true that statutory words are eventually crafted by legislative aids. It is also true, however, that no legislation eventually becomes operative without the stamp of approval of the legislature. Bearing this in mind, the question arises whether the legislature has the capacity as separate individuals but eventually as a group to *approve* legislation. Given the educational qualifications required of a legislator, what chance does he have to sufficiently scrutinise enactments before approval? Would the educational requirements synchronise better with legalese or with plain language?

6. The Nigerian Legislature as Lawmaker: Legalese or Plain Language?

The competence of a legislature to adequately discharge the responsibility of lawmaking is invariably a germane issue in a situation in which its laws are to be interpreted, not only in the light of parliamentary intention,(Doherty, 2003) but also in the light of the language employed by it. (*Cotecna v. Ivory Bank*, 2006) The question is – given the constitutional provisions setting out the educational requirements which are a pre-requisite for vying for seats in the legislature and, given the complex and technical subjects over which legislatures exercise jurisdiction, can it be argued that they are educationally equipped for the function? Under the 1999 Constitution of the Federal Republic of Nigeria, the only educational requirement for election into the Senate, the House of Representatives and the Houses of Assembly of the States is that the candidate "has been educated up to at least the School Certificate level or the equivalent". Section 65(2)(a) in the case of the National Assembly and section 106(c) in the case of the State legislatures. Interestingly the Constitution o the United States makes no provisions relating to the educational qualifications of its Senators and Congressmen. However given the high level of literacy and of technological development and the fact that English language is the original language of the United States, the same standards may not be applied to Nigeria whose people speak indigenous languages other than English language. Secondly, if section 318(1)(d)

gives the Independent National Electoral Commission unfettered powers, what is the logic in laying down a qualification at all? The dimensions and implications of these provisions are many. In the first place, there is no requirement that the candidate has passed his School Certificate examinations. This is against the background that the standard of education in Nigeria has fallen to very low levels. (Olorode, 2007). Olorode based his conclusion on government policy, grossly inadequate funding, charging of fees, privatization, deregulation of educational facilities and corruption amongst others sums up, "Even in the specific case of public education, the primary and secondary Departments are virtually demolished…" The Constitution proceeds to define the words "School Certificate or its equivalent" (Section 318(1) thereof) to mean:

(a) a Secondary School Certificate or its equivalent, or Grade II Teacher's Certificate, the City and Guilds Certificate; or
(b) education up to Secondary School Certificate level; or
(c) Primary Six School Leaving Certificate or its equivalent and –
(i) service in the public or private sector in the Federation in any capacity acceptable to the Independent National Electoral Commission for a minimum of ten years; and
(ii) attendance at courses and training in such institutions as may be acceptable to the Independent National Electoral Commission for periods totaling up to a minimum of one year; and
(iii) the ability to read, write, understand and communicate in the English language to the satisfaction of the Independent National Electoral Commission; and
(d) any other qualification acceptable by the Independent National Electoral Commission. Flesch, (Flesch, 1979, 105) calls the language used in the section "shredded English".

The above definition has raised several issues. The first relates to the shortfall in the above definition with particular reference to the precision of the term "Secondary School Certificate". Nigeria's secondary school system is run in two tiers – the Junior Secondary School tier and the Senior Secondary School tier. (Federal Government of Nigeria Country Report to UNESCO, 2001) It raises the question to which does the term "Secondary School Certificate" refer? It is submitted however that the issue would appear to require the application of the *ejusdem generis* rule by reference to the status of the Grade II Teacher's Certificate and the City and Guilds Certificate both of which certificates were hitherto the equivalent of the West African School Certificate in that they qualified the holder to proceed to tertiary institutions. In the light of conferring capacity to proceed to tertiary institutions, the present Senior Secondary School Certificate, rather than the Junior Secondary School Certificate, would appear to be the equivalent of the Grade II Teacher's Certificate and the City of Guilds Certificate. Also instructive is the fact that paragraph (d) appears to give the Independent National Electoral Commission absolute discretion to accept any other qualification it deems fit. It is submitted that because it is clumsily drafted, it is unclear whether paragraph (d) is an additional requirement to those set down in paragraphs (a), (b) and (c) or whether it empowers the Commission to gloss over those other requirements and recognise any certificate it deems fit. This is premised on the function or status of the word "and" at the end of paragraph c(iii). It is submitted that it is another instance of bad drafting in that it is difficult to determine whether it should be read conjunctively or disjunctively. Read disjunctively it appears to give the Independent National Electoral Commission unfettered powers. Read conjunctively, it would appear that (d) was misnumbered and should have been numbered c(iv) to make it additional to c(i), (ii) and (iii). It appears that the latter results in internal disharmony within the provision.(*Ebiri v. Board of Customs and Excise*, 1967, 35) It would appear therefore that the most reasonable way to carry out the legislative intention would be to read it as "or" to give the Commission

unfettered powers. This, it is submitted, is the purport of the golden canon, which may be employed to straighten out cases of internal disharmony. (*Ebiri v. Board of Customs and Excise*, 1967, 35) Given the loose nature of the drafting, there can be little doubt that the intent of the draftsman was to give the Commission wide discretionary powers.

Furthermore, there is no specification in the Constitution that legislators must pass English language, the language in which they make legislation neither is there any specification that they be experts in the English language, much less in plain English. The only requirement that the candidate should have the ability to read, write, communicate and understand the English language to the subjective satisfaction of the Independent National Electoral Commission relates only to those persons who hold only a Primary Six School Leaving Certificate or its equivalent (see section 318(1)). There is no requirement of specific technical skills before election into legislatures. In the composition of committees, this is also not a requirement. Ahmadu says (Ahmadu, & Ajiboye, 2004, 28) lawmaking requires expertise and professionalism. For this reason, a Committee is better equipped to scrutinize the technical details of a legislation. While this may be so, it is dependent on whether membership of the Committee has been carefully selected. As such, besides the fact that educational requirements may be low, there is also the question of a lack of expertise on the part of the legislators in many instances. This perhaps is one of several reasons why legislative draftsmen are so indispensable to legislative work (*The Legislative Draftsman in a Small Jurisdiction'* ,1993) and why it is said that arriving at parliamentary intention is difficult because legislators often pay little attention to the details of legislation and are rather satisfied with the general frame of statutes. (Doherty, 2003) It is submitted, however, that the issues that arise in court are usually specific ones between two or more sides rather than general issues. (Doherty, 2003)

Appropriately, section 55 of the Constitution, yet another less than plainly worded provision, provides that the "business of the National Assembly shall be conducted in English, and in Hausa, Ibo and Yoruba when adequate arrangements have been made therefor". The question is – what do the words "when adequate arrangements have been made therefor" regulate? Is it English language? Or each of Hausa, Ibo and Yoruba? Or do they regulate each of all the four aforementioned languages? It is easy to say the use of the comma after the word "English" and the use the word "and" after the aforesaid comma *implies* that the words defines when only the three indigenous languages may be put in use. The question is – would it not have simply made more sense to have simply relocated the aforesaid words i.e. "when adequate arrangements have been made therefor" to the space between the words "and" and "in Hausa…" so that the words would simply have read, "business of the National Assembly shall be conducted in English, and, when adequate arrangements have been made therefor, in Hausa, Ibo and Yoruba". It is clear that those words were meant to regulate the three indigenous languages. This is because all it requires, in the information and communication technology realm, amongst others, to employ the use of the English language appear to be already in place.

More importantly, however, Nigeria's constitution makers, in their commendable wisdom and coherence, coterminous with the aforestated provisions for low minimum educational requirements for membership of the National Assembly, also enacted the aforesaid section 55. Unfortunately, it does not appear that any measure has been undertaken to realise this provision. These measures may involve the design of whole new computer programmes and application, not to mention the employment of expert interpreters in a setting in which many Nigerians (including the legislators themselves) are not competent speakers of their mother tongues. This means that until what is required to put the indigenous language clause into effect is done, the language of the Legislature would appear to continue to be the English language.

Against the foregoing background and also the fact that law making constitutes a part of the "business", it is instructive to scrutinise the law making powers of the Nigerian legislature. The functions of the National Assembly are enumerated in the sixty-eight items of Part I of

the Second Schedule and include, amongst others accounts of the Government of the Federation (Item 1), arms, ammunitions and explosives (Item 2), awards of national honours, decorations and other dignities (Item 4), banks and banking, (Item 6) creation of states (Item 14), defence (Item 17), all elections under the Constitution save elections to the local government councils,(Item 22) external affairs (Item 26), implementation of treaties relating to any matter under the List (Item 31), legal proceedings between governments (Item 35), the military (army, navy and air force), (Item 38) mines and minerals, including oil fields, oil mining, geological surveys and natural gas (Item 39), the police and other government security agencies established by law (Item 45), regulation of political parties (Item 56), stamp duties (Item 58), taxation of incomes, profits and capital gains (Item 59), the establishment and regulation of agencies to promote the attainment of the fundamental objectives and directive principles of state policy(Item 60), the establishment of political divisions of the country and municipal organisations; the powers of the National Assembly itself (Item 47), amongst others. The National Assembly, under Item 66, also has legislative authority over "any other matter with respect to which the National Assembly has power to make laws in accordance with the provisions of" the Constitution. Looking at the other parts of the Constitution this would include the annual enactment of the national budget (section 59(1) and (2) and 80 of the Constitution); the registration of voters and the procedure regulating elections to a local government council, (Item 11 on the Concurrent Legislative List as disclosed in Part II of the Second Schedule) regarding certain questions as to persons who may apply to an election tribunal for the determination of any question as to the validity of a person's election to the National Assembly, whether the tenure of a person has ceased, whether the seat has become vacant and the practice and procedure of the election tribunals (section 79). Item 68 gives it authority over "any matter incidental or supplementary to any matter mentioned elsewhere" in the list. Both provisions are referred to as "the omnibus provisions" by Niki Tobi J.S.C. (*Federal Republic of Nigeria v. Anache & Ors.* 2004, 140, 198). The Concurrent Legislative List contains subject matters such as allocation of revenue (Item A), antiquities and monuments (Item B), collection of taxes (Item D), electoral law (Item E), electric power (Item F), industrial, commercial or agricultural development (Item H), scientific and technological research (Item I), trigonometrical, cadastral and topographical surveys (Item K) and university, technological and post-primary education (Item L), amongst others. The imperative issues are many. Two will be addressed. The first may be presented in the form of a question - does a School Certificate, though the minimum requirement, prepare a lawmaker sufficiently for comprehending these complex subject matters,(Motiwal, 1979) let alone ascertaining that the plain English draft confronting them is representative of their comprehension and resolutions of these subject matters? This requires a little exposition.

The impact of this seeming deficiency in our constitutional provisions regarding low qualification requirements may be assessed by reference to certain parameters. One of the parameters for adhering to an authority's direction, according to one jurist (Marmor, 1994), is the "normal justification process", the presumption that the authority "is likely to have better access to the right reasons bearing on the issue than its alleged subjects" (Marmor. 1994). Marmor calls this calls this the "the expertise normal justification process". There is the question whether the legislators can be presumed to have better access if they lack the capacity to appreciate the issues better than their constituency. He adds however that sometimes it is enough to show only that the authority is "better placed than its subjects to make the pertinent decision" and that this latter one is the typical one available for solving coordination problems. Marmor call this the "co-ordination justification thesis" In his view, no expertise is required here. But he adds:

When one's reasons for acknowledging the authority of another are based on the assumption that the authority is more likely to have a better access to the right reasons bearing on the pertinent issue, it would typically be most sensible to take the authority's intentions into account when his directives require

interpretation…On the other hand, if one's reason's for complying with an authority's directives are based on the co-ordination thesis, there is no need to presume the person in authority to be an expert in the pertinent field. Hence there does not seem to be any particular reason to defer to the authority's intentions in order to solve interpretative questions as *ex hypothesi*, the person in authority was not presumed to have a better access than the subjects themselves to the reasons on which they should act. (Marmor, 1994, 178)

Thus, though a legislature may take umbrage in the fact that it requires no expertise or peculiar knowledge for its work, the implication of that is that there should be no necessity to refer to its intention in interpreting its statutes.

The second issue may also be expressed in the form of questions – of what use is the indigenous languages clause contained in section 55 in the face of the complex matters contained in the legislative lists? What are the chances at all that they can be expressed in plain *language* e.g. Ibo given the earlier intimated difficulties with converting from and into the various indigenous languages? If legislators, owing to possible low educational standards and a lack of expertise, may not comprehend legislative drafts because of legalese, would it not be easier for them to comprehend drafts prepared in plain English? Would their better comprehension of legislation not better aid conveyance of legislative purpose? Would the people not stand a better chance of benefiting from social engineering if the peoples' representatives understood better the complexities contained in executive bills drafted in legalese?

Based on the foregoing, it may rationally be submitted that Nigerian legislatures, as configured by the Constitution, are peculiarly ill equipped for the task of law making and that its language, plain or legalese, may not rationally be trusted as the fulcrum of the interpretation exercise. The foregoing arguments form the premise on which one may suggest that intentionalism may not be a viable approach to statutory construction and that a more functional option may be a more rational approach, perhaps purposivism.

7. Concluding Remarks

There would appear to be a need to draft laws in plain English particularly in Nigeria (see section 4 of this article) where the level of literacy is low (Igbuzor, 2006) because it is more likely to communicate the requirements of the law to the citizen more effectively. This appears to be a neglected aspect of Nigerian law at the moment considering that it raises the question of the citizen's right to know the law to which he is subject. On the one hand, ignorance of the law is not an excuse. On the other hand, there is no constitutional requirement under sections 58, 59 and 100 of the 1999 Constitution for laws to be published before they are effective. In this regard, it appears that it helps foster the new ideal of the right to know. The September 23, 2006 Lagos Declaration on the Right of Access to Information arose from the Regional Workshop on Freedom of Information in Africa, which was organised by Media Rights Agenda (MRA) in collaboration with the Open Society Justice Initiative (OSJI) admonishes public bodies to maintain and manage records and that the "information should be current, clear, and *in plain language*" (emphasis added). The interconnection could not be more plain. Secondly, though plain English may not be effective enough to recommend the literal canon, it makes legislative purpose more easily discernible. This is important because the need to discern legislative purpose is not singularly for the courts. If there is to be public order, it will be better to facilitate the means of discerning intent for the ordinary citizen. (Wagner, 2008, 225) This is evidently more attractive than for a party to arrive in court to belatedly find out that, contrary to his premeditation, he has not acted within his entitlement or, to adopt a cliché, his stable door was slammed shut after his horse had bolted.

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The Importance of "Corpus Delicti" in Proving "Causation" in Homicide Cases.

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Abstract. In homicide cases, it may be difficult to prove the cause of death if the body of the victim of an alleged murderous attack is not made available for medical examination. It is therefore obvious that there are instances and circumstances where persons accused of committing the offence of culpable homicide punishable with death take steps to destroy the body of their victims in order to avoid prosecution or conviction and punishment if prosecuted. It would seem that the legal perception and meaning of the body of the deceased in homicide cases otherwise called "corpus delicti" is largely misconstrued by lawyers and laymen alike. This paper examined this identified problem and attempted to correct same and also considered the importance of "corpus delicti" in criminal trials generally and in homicide cases in particular. It also considered the importance and relevance of the legal presumption of death which isof evidential value in both civil and criminal proceedings in bridging the gap that may be created by the absence of corpus delicti. The views of the courts in some decided cases to the effect that it is not in all homicide cases that the prosecution case may fail simply because the body of the deceased was not produced or medically examined, was challenged and it was argued that conviction in homicide cases in the absence of the corpus delicti can only be sustained where evidence of its destruction by the accused is established and this may also require the production of some parts or pieces of what was destroyed. It was observed that corpus delicti and causation are twin legal concepts in criminal law constituting the physical element (octus reus) of result offences, such as culpable homicide punishable with death, with the result that one cannot exist in isolation from the other without a resultant miscarriage of justice. The courts were urged to sparingly and cautiously convict persons alleged to have committed culpable homicide punishable with death in the absence of the corpus delicti upon which medical examination may be carried to determine the actual cause of death.

1. Introduction

The traditional way of analyzing criminal offences is to divide a crime into the conduct of the accused (known as the *actus reus* or conduct element) and the state of mind of the accused (the *mens rea* or mental element). For some crimes, it is necessary to show not only that the accused performed an act, but that that act caused a particular consequence. For example, in murder cases, it must be proved that the accused caused the death of the victim. In many cases, causation will be straightforward. If the accused chops off the victim's head and the victim dies, it will be hard to deny that the accused caused the victim's death. It is only where thereis a rather unusual set of facts that disputes over causation may arise. The most difficult cases are those where it is not clear which of two or more acts caused the forbidden result. You may imagine a scenario such as where:

Okon, who was abused by his father as a child, has recently been made redundant by his employer and turned to drinking. After a heavy drinking session, Bassey hurls a tribal insult at Okon who flies into a rage and stabs Bassey. A passer-by phones for ambulance, which takes a long time to arrive because of traffic jams and bad weather. When Bassey arrives at the Hospital, there is a long delay before he is seen by a doctorbecause of staff shortage in the Hospital. Bassey died before he could be treated.

Who or what caused Bassey's death? It would be possible to blame Okon, Okon's father, Okon's employer, the brewery which produced the alcohol which he drank or the pub which sold it to him, Bassey for the tribal insult, the government for failing to prevent traffic congestion or fund the Hospital adequately or even God for the bad weather. Indeed, it would not be surprising if a doctor, a sociologist, a lawyer, a politician, a theologian, even a member of the public answer questions relating to the cause of Bassey's death in different ways. Nonetheless and importantly, the point is that there is no magic formular for answering the question correctly, rather, the law must decide which of the many possible answers or approaches to take or follow in tackling the problem of causation herein created by this scenario is appropriate.

The courts have consistently stated that causation is simply a matter of common sense and not a question of philosophical analysis. Shutes, had explained that:

The law tends to regard causation in terms of broad generalizations based on common sense principles, rather than attempting to mimic the more obscure approach to causation often taken by philosophers or scientists.

Therefore, the courts tend to see causation as a question of fact, though it is not always that straight forward and the courts have also realized that sometimes it is necessary for the judge to apply special legal rules and not to leave the *causal question* to common sense and logic. Although the issue of causation is a legal one, the judiciary appears to apply the rules flexibly. A strict application of the causation rules may occasion a miscarriage of justice.

2. Research Methodology

The study adopted the conceptual and doctrinal approach whereby various legal doctrines, concepts, scholarly opinions, textbooks and precedents were gathered, examined and analyzed with a view to discussing the topic extensively and highlighting the problem areas. Observations, conclusions and recommendations were made for possible reforms.

3. Meaning and Scope of Subject Matter Of Discourse

Causation, in some sense, is a difficult area of the law and there is no more intractable problems in the law than causation. Questions of causation arise in many different legal contexts and no single theory of causation will provide a ready made answer to the question whether the accused's conduct is to be treated as the cause or a cause of some ensuing event. Suffice it to say that "to cause" is to bring about a desirable, abhorrable or forbidden result or consequence.

But the term or phrase, "*Corpus Delicti*" as a legal concept or doctrine has been misconceived or misunderstood and instead of being generalized, has been tied to culpable homicide cases as meaning "the body of the deceased" or "corpse"as generally used. But the law and its practitioners and indeed, eminent jurists seem to have put the term or concept in its proper meaning and scope. According to Henry Campbell Black, "*Corpus Delicti*" is:

The body of a crime. The body (material substance) upon which a crime has been committed, e.g. the corpse of a murdered man, the charred remains of a house burned down. In a derivative sense, the objective proof or substantial fact that a crime has been committed. The "corpus delicti" of a crime is the body, foundation or substance of the crime, which ordinarily includes two elements: the act and the criminal agency of the act.

The American Legal Writers, agree with the above position onthe meaning and scope of the concept. They are accordingly of the view that "*corpusdelicti*" means the body or substance of the alleged crime and therefore not synonymous

with the body or corpse of the victim of crime. The Indian legal writers, are more pungent and emphatic on the matter therebymaking the term clearer and free from any formof ambiguity. According to them:

"Corpus delicti" has no reference to corpses. It means that before seeking to prove that the accused is the author of the crime it must be established that the crime charged has been committed. In theft that the property has been stolen, in murder that somebody has been killed. The strongest proof of corpus delicti in murder is the body of the victim or a vital part of the body by which he could be identified. In the absence of any such evidence, direct evidence may also come from a person who saw the killing, or the murderer may confess to the crime.

Though the term or phrase "*Corpus Delicti*" is mostly applied to cases of culpable homicide, it means anything or substance that could be used by the prosecution to satisfy the courts that an alleged offence was actually committed. Its scope is therefore wider than its meaning and applicationto homicide cases.

4. Corpus Delicti Rule in Homicide Cases in Nigeria

Our case-law is replete with principles relating to the "*corpus delicti*" rule, concept or doctrine. But His Lordship, Niki Tobi JSC (as he then was) stated the rule with pungency and clarity when he held that:

It is not in all cases where the corpus delicti is produced to secure conviction of an accused person. It is not the law that an accused person must be discharged and acquitted if the body is not produced for medical examination. The law knows that there are instances and circumstances where an accused person takes measures to destroy the body in order to avoid prosecution or conviction if prosecuted.

Accordingly, where there is evidence that a human being was killed, by another human being; the latter can be convicted when the body of the former is not found. The important consideration is whether there is a nexus between the accused and the killing of the victim to the extent that the law comes to the conclusion that it is the accused person who killed the deceased.

The *corpus delicti* rule has some inherent problems, just like any other principle or doctrine founded on presumptions and circumstantial evidence wherein the law steps intofill the gap created by unavailability of positively direct evidence. But direct evidence to the effect that a human being has died and the cause of his death are issues of substantive law which cannot be established by presumption and circumstantial evidence.Statutoryprovisions, have with the aid of case-law, clearly stated the ingredients of the offence of murder or culpable homicide punishable with death which are as follows: (a) that the deceased, a human being had died, (b) that the death of the deceased was caused by the accused and (c) that the act or omission of the accused which caused the death of the deceased was intentional with the knowledge that death or grievous bodily harm was its probable consequence.

Again, it is very difficult to establish that the accused took steps to destroy the body of the deceased without producing the body itself or any part thereof. In the same vein, establishing a nexus between the act of the accused and the death of the deceased may not be achieved without the body of the deceased. It is therefore not proper for the law to step in to fill the gap in these difficult areas and that is why other common law jurisdictions apply the rule with caution and flexibility. Accordingly, Sir Mathew Hale was quoted as saying:

I would never convict a person of murder or manslaughter unless the facts were proved to be done or at least the body found dead.

Nonetheless, cases old and recent, have established that circumstances may be sufficiently strong to prove *corpus delicti* in murder cases though the body has not been found. Hale's statement must therefore be interpreted as requiring either the body or satisfactory proof of death in its absence and such proof includes circumstantial evidence. Absolute certainty is seldom reached in human affairs. The fact of death should be proved by such circumstances as render the commission of

the crime certain and leave no ground for reasonable doubt.

In the *Moses Jua Case*, a motor cycle was stolen. Appellant was suspected of having stolen same. Police constable, Rotimi Jeremiah took the appellant to IpeeTown to produce the particulars of the motor cycle. That was the last time Rotimi Jeremiah was seen alive. In the course of the investigation, the appellant made both oral and written confession and statements that he, together withthe other accused persons, killed the deceased. Appellant was arrested and led to the scene of the crime by the police. The clothes last worn by the deceased, four (4) teeth and some strands were not recovered at the scene but the deceased nor was his body (corpse) found or recovered. The court convicted the accused for the murder of the deceased even though the corpse or body was not found. It may be argued and so we do that, the *corpus delicti* rule was wrongly applied in this case as the clothes last worn by the deceased, his four(4) teeth and the strands constitutes the "*corpus delicti*" upon which medical examination could becarried to determine the cause of death.

5. A Look at Other Supreme Court of Nigeria Decisions in This Area of the Law.

The facts in *Idemudia v. The State* appears gruesome and ostensibly constitute a display of premeditated wickedness on the part of the accused. The prosecution's case is that on the 19th day of November, 1985, the appellant and four other police officers were on duty at a police check point at Onu Imo along Etiti-Umuahia Road, in Imo state. At about 9am, PW1 drove up in a Hiace Bus. He was carrying his church members to a graduation ceremony and the group was singing and praising God. The appellant stopped the vehicle and questioned PW1 as to their destination and PW1 told him their destination,upon which appellant asked PW1 to alight from the vehicle and he did. Appellant then demanded for some gratification in reactionto which PW1 told him that the persons he was carrying were not fare-paying passengers. The appellant began to delay the vehicle unnecessarily only to release it on the intervention of PW5, the Inspector in charge of the check point. On their way back, PW1 met the same officers at the check point and the appellant waved them down and as the PW1 was ascending the Umungwa village Hill, the appellant overtook them with a 504 taxi cab and block the road compelling PW1 to stop. Appellant then broke the front windscreen of the Bus with the butt of his gun and put the nozzle of his gun (Exhibit 'D') inside the Bus and opened fire instantly, killing the deceased (Ngozi Okpara) and injuring others, though PW1 managed to escape and reported the incident to Umuopara Police Station. Appellant was arrested and charged with the murder of the deceased before a High Court in Imo State.

Appellant's defence was that he was on a road block with PW5 and PW7 when the Bus driven by PW1 approached the checkpoint and his colleague, P.C. Alphonsus waved the Bus to stop but it did not and Alphonsus pursued it and when he could not come back, PW5 ordered appellant to go and find out what happened. On arrival at the scene, he saw people beating up PW7 (Alphonsus) and he tried to stop the fight but the people turned on him, beat him up and tried to snatch his gun from him and while they were struggling for the rifle, it accidentally went off. The court convicted the appellant of murder as charged and sentenced him to death. Appellant appealed to the court of Appeal which confirmed his conviction and further appealed to the Supreme Court. The counsel to the appellant framed three (3) issues for determination, by the apex court, issue (ii) is most relevant to the subject matter of this discourse and runs thus:
Whether the prosecution proved beyond reasonable doubt the identity of the body of the deceased notwithstanding its failure to call as witness the person who identified the body of the deceased to the doctor who performed the autopsy not fatal to the case of the prosecution.

Though, Dr. Nwosu (PW4) who performed the post-mortem examination on the body of the deceased testified, Mr. John Egwim who identified the body of the deceased to PW4 was not called to testify as a witness and this created a lacuna in the evidence of the prosecution as to whether the body on which PW4 carried out his

medical examination was actually the body (*corpus delicti*) of the victim (Ngozi Okpara).Learned counsel to the appellant had argued that in a trial where the prosecution intends to establish the cause of death by relying on a medical report, it is necessary to call evidence which will establish that the body examined by the medical officer concerned, was definitely and exactly that of the deceased.

6. Lead Judgment (Katsina-Alu JSC)

In answer to the issue for determination, His Lordship had this to say:
This was a criminal trial and in all criminal trials, the onus is on the prosecution to establish its case beyond reasonable doubt. In a murder trial, the prosecution must show conclusively that death was caused by the act of the accused. In other words, there must be a nexus between the act of the accused and the death of the victim. It is now settled that medical evidence though desirable in establishing the cause of death in a case of murder, is not always essential. Where the victim dies in circumstances in which there is abundant evidence of the manner of death, medical evidence can be dispensed with. That is the situation inthe instant appeal. There is abundant evidence from eye-witnesses that the appellant shot and killed Ngozi Okpara instantly. Medical evidence on the circumstances of her death was clearly not essential. In the light of what I have said, I am unable to accept the submission that the person that identifies the body of a deceased to a doctor must be called as a witness. The desirability to call a person is only in circumstances where the identity of the body examined by the doctor is shrouded in doubt. Where the identity of the deceased can be inferred from the circumstances of the case, then such direct evidence is not essential

With due respect to His Lordship, PW4, the medical doctor who carried out the post-mortem examination of the body of the deceased (*corpus delicti*) was not present at the scene of crime and there is no evidence that the body or corpse was medically examined at the scene of crime. The practical implication or factual situation here, is that there must have been lapse of time between the alleged killing and the post-mortem examination. Again, there may have been movement of the corpse from the scene of crime to wherever the post-mortem examination was carried outby PW4 and in order to avoid a mix-up, someone who monitored the movement of the corpse from the scene of crime to the place of medical examination must have identified the corpse to PW4 and that was John Egwim. His absence in court tobridge the gap betweenthe time of the alleged killing and the conduct of medical examination by identifying the body of the deceased to the medical examiner created some doubt in favour of the appellant capable of entitling him to acquittal. A better way for the court to riggle out of this obvious situation is to hold that medical examination was not necessary to determine the cause of death in the instant case, but having allowed medical report on the cause of death to be tendered and relied upon, there is the need for the court to ensure that the examination was carried out on the actual or exact body of the deceased.

Finally, much as the court can infer the cause of death from the prevailing circumstances, it would amount to absurdity to establish the *corpus delicti* on mere inferences, presumptions and circumstantial evidence. The reason being that the cause of death (causation) may be abstract and non-tangible while *corpus delicti* is tangible, substantive and materialistic.

His Lordship went further (with due respect) to blow hot and cold when he held that:
Ngozi, Okpara was the only person that died on the spot. Surely, there is direct and positive evidence of the killing of young Ngozi Okpara. She met a violent death at the hands of the appellant. As I have said earlier, in the circumstances of her death, medical evidence was clearly unnecessary. That notwithstanding, the medical evidence presented by the prosecution unequivocally established the cause of death and also provided the necessary nexus between the death of the victim and the act of the appellant. The doctor, PW4, Dr. Nwosu testified and said the cause of death was haemorhage from multiple gun shot wounds. He also said the deceased was shot at least three times. I have no

doubt whatsoever in my mind that the evidence presented by the prosecution shows plainly that the body on which PW4 performed the autopsy was the body of the deceased-Ngozi Okpara.

With due respect to His Lordship, it is only John Egwim who identified the body of the deceased to PW4 that can confidently and credibly inform the court in his oral testimony that the body on which PW4 carried out the post-mortem examination is that of the deceased and it does not lie in the mouth of the court which has no power or right to give evidence. Again, once medical evidence as to the cause of death is unnecessary, the contents or effect of the relevant medical report also becomes unnecessary. The failure of the person who identified the body of the deceased to the medical examiner to lead evidence as to the exact body of the deceased for the purposes of such medical examination, to our mind, breaks the nexus or chain of causation between the act of the accused and the death of his alleged victim. These are serious complications capable of tilting the pendulum of doubt in favour of the accused and that is our position. In *Oregon v. Watts* the court held that:

No universal and invariable rule can be laid down in regard to the proof of the corpus delicti. Each case depends upon its own peculiar circumstances. The body of the crime may be proved by the best evidence which is capable of being adduced, if it is sufficient for the purpose. Such an account of accompanying or relative facts, whether direct or circumstantial, must be produced as establishing the facts beyond a moral certainty, and to the exclusion of every other reasonable hypothesis.

7. The Concurring Judgments (Ogwuegbu JSC &Mohammed JSC)

Their Lordships, Karibi-Whyte JSC and Ejiwunmi JSC did not address issues relating to the *corpus delicti*, but their Lordships, Ogwuegbu and Mohammed played safe and tactically refused to entangle themselves with the controversy created by the absence of John Egwim's testimony onthe identity of the body examined by PW4 and we commend them for taking a neater and more legal route out. According to Ogwuegbu JSC:

On a charge of murder, proof that the deceased died and that it was in respect of his body *that an autopsy was performed is a legal requirement. Where the identification of the body is in issue, absence of evidence direct or circumstantial of the identification of the corpse examined is fatal where medical evidence of cause of death is vital. There is no doubt that absence of evidence of identification of the body is in issue in this appeal but there is overwhelming evidence of eye-witnesses tothe effect that the deceased met her brutal death at the lands of the appellant and their evidence was believed by the learned trial judge to be true. It is settled law that medical evidence is not always essential to prove the cause of death where the victim died on the spot as in this case. There is abundant evidence of the manner of her death.*

Suffice it that the deceased died on the spot thereby dispensing with medical proof of cause of death and not that proper identification of the body upon which autopsy is conducted is not necessary to create a nexus between the act of the accused and the cause of death of the victim of minder.

His Lordship, Mohammed JSC, agreed with our contention that the body of the deceased was not properly identified but held that the issue of proper or improper identification of the *corpus dilicti* was of no legal consequence in the instant case. According to him:

Even if Ngozi Okpara had not been identified properly before the doctor who performed autopsy on her body, the conviction against the appellant would still stand because Ngozi Okpara died on the spot from the bullets of the appellant's gun. In this case, it is not necessary to produce medical evidence since the evidence is overwhelming that the appellant, a police officer used his official gun to shoot in a crowd in a bus during which Ngozi Okpara died on the spot

Yet other factors could operate to cause the death of the deceased in addition to the gun-shot wounds and this calls for medical evidence in proof of the actual cause of death or the degree of impact or contribution made by the act of the

accused. This cannot be determined without a proper identification of the corpus delicti upon which such determination could be arrived at.

8. Corpus Delicti and Causation

These are two, out of the three ingredients of the offence of culpable homicide and they constitute the *actus reus* of the offence. In murder trials, the prosecution must prove that, the deceased, a human being died (*corpus delicti*) and that the cause of his death is traceable to the act of the accused (causation). It then follows that it would be difficult and sometimes, impossible to determine the cause of death or link the act of the accused with the death of the deceased without the *corpus delicti*. According to Ogwuegbu JSC:

On a charge of murder, proof that the deceased died and that it was in respect of his body that an autopsy was performed is a legal requirement. Where the identification of the body is in issue, absence of evidence (direct or circumstantial) of the identification of the corpse examined is fatal where medical evidence of cause of death is vital.

This is the importance of the *corpus delicti* in establishing causation in homicide cases. In *Omonga v. The State*, the Court of Appeal held that:

In a murder trial, medical evidence, although desirable, is not essential in all cases where the cause of death can be inferred from the circumstances of the case. However, in the instant case, where it was alleged that the appellant poisoned the deceased, it was necessary and obligatory for the prosecution to produce evidence that the deceased died of the poison and that can only be done by a medical report from the doctor who performed the autopsy or by the report of the pathologist.

Since homicide is the unlawful killing of a living human being, the prosecution has the burden to show that the victim was alive at the time of the unlawful act. Though body of the deceased is available in most criminal homicide cases, if doctors are not able to testify specifically that the cause of death was due to an unlawful act, *corpus delicti* has not been proved. Unexplained deaths are not unusual but not rare in medical history. The mere fact that the deceased died instantly upon pain of gun shots inflicted on him by the accused does not eliminate completely the possibility of other factors contributing substantially to the cause of death and this makes it mandatory to medically examine the c*orpus delicti* which must be produced for that purpose.

9. Corpus Delicti and The Evidential Presumption of Death

There is a statutory provision to the effect that a person who has not been heard of for seven years by those who, if he had been alive, would be likely to have heard of him is presumed to be dead. But the courts seem to ignore, refuse or fail to apply this presumption in favour of persons accused of murder by presuming in the absence of the *corpus delicti* that the victim of an alleged murderous attack or person last seen with the accused without waiting for the expiration of seven years. The principle is to the effect that once a state of things is shown to exist, there is in law a presumption of its continuance for a period for which such state of things ordinarily lasts. In homicide cases, this presumption imposes a burden on the prosecution to prove that the victim of an alleged murderous attack is dead within a period of seven years from the date of such attack and this is difficult to do without the *corpus delicti*. The presumption also imposes a *reverse burden* on the party claiming that the person is still alive after the expiration of seven years to so prove, though this does not require proof of the *corpus delicti*. But the courts, in their quest to bring criminal trials to an end have ignored this evidential presumption to the detriment of persons accused of the offence of murder and this is not supposed to be so. We are humbly of the view that fair trial or hearing demands that sufficient time be allowed for the manifestation of all facts relevant to the complete and just determination of all issues in controversy.

10. Concluding Remarks

Corpus delicti and causation are twin legal concepts in criminal law which metamorphose

into the physical element (*actus reus*) of result offences, such as culpable homicide. Without *corpus delicti*, there will be no substance upon which causation could operate or be determined and dispensing with proof of *corpus delicti* means dispensing with proof of causation. By holding that proof of *corpus delicti* is not necessary in certain factual situations in homicide cases, the courts create doubts as tothe proof of causation though this doubt is unfortunately not resolved in favour of the accused. Nonetheless, much as causation may be inferred in deserving circumstances, *corpus delicti* being a tangible object of proof cannot safely be inferred or presumed. This practice of rushing justice in homicide cases at the expense of the statutory and evidential presumption of death needs much tobe desired.

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Part Four
Entrepreneurship Studies

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Determinants of Entrepreneurial Skill Acquisition among Agricultural Students in Nigeria Universities in Ogun State, Nigeria.

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Abstract. Entrepreneurial skill acquisition among agricultural students in Nigeria Universities has been of major concern due to explosion rate of unemployment in the country and this formed the basis for the study in Ogun State. Forty (40) students were purposefully selected University of Agriculture, Tai Solarin University of Education and Olabisi Onabanjo University making a total of 120 students as the study sample. The findings revealed that majority of the students were in the age grade of 21 – 24 years (63.1%), male (71.7%), Christian (52.5%) and from Department of Agricultural Economics, Agricultural Extension, Home and Hotel Management, Animal Production, Crop production, Soil Science and Farm Mechanization and Renewable Resources. Majority of the respondents posited that they had acquired entrepreneurial skills in animal and crop production among others. Also, the students posited that they have leadership skill, self confidence, ability to organize resources to achieve goals, innovate and speculate, have need for achievement and success in skill acquired and lastly possess strong desire for responsibility and independence respectively. The study concludes that 70.8% of the students agreed that the level of the skill acquired determined their efficiency as entrepreneur. The study therefore recommended that economic policy and programs that are geared towards self reliance for individuals such as Open Apprenticeship Scheme, Graduate Employment Programs etc and other policies that encourage or make it easy for entrepreneurs to acquire the needed funds especially graduates from Universities.

Keywords: Entrepreneur, Skill acquisition, Agriculture, Students, Universities

1. Introduction

Entrepreneurs have many of the same character traits as leaders, similar to the early great man theories of leadership; however trait-based theories of entrepreneurship are increasingly being called into question. Entrepreneurs are often contrasted with managers and administrators who are said to be more methodical and less prone to risk-taking. Such person-centric models of entrepreneurship have shown to be of questionable validity, not least as many real-life entrepreneurs operate in teams rather than as single individuals. Successful enterprising does not just come. It is the result of strong mental effort of thinking clearly, confidently, courageously and proactively. Entrepreneurs are people who won the battle of mind and have made right thinking away of life. Entrepreneur is an important figure in capitalist. A key element in capitalism is the undertaking of activities in the expectation that it will yield gain in the future. Because the future is unknown, the risk of loss or gain abound. This assumption of risk is a special activities of the

entrepreneur (Schumpeter, 1950; Pinchot, 1985; Awe, 2005).

Every successful entrepreneur brings about benefits not only for himself/ herself but for the municipality, region or country as a whole. The benefits derivable from entrepreneurial activities include enormous personal financial gain, self-employment, offering more job satisfaction and flexibility of the work force, employment for others, often in better jobs, development of more industries, especially in rural areas or regions disadvantaged by economic changes, for example due to globalisation effects, encouragement of the processing of local materials into finished goods for domestic consumption as well as for export, income generation and increased economic growth, healthy competition thus encourages higher quality products, more goods and services availability, development of new markets, promotion of the use of modern technology in small-scale manufacturing to enhance higher productivity, encouragement of more researches/ studies and development of modern machines and equipment for domestic consumption, development of entrepreneurial qualities and attitudes among potential entrepreneurs to bring about significant changes in the rural areas, freedom from the dependency on the jobs offered by others, the ability to have great accomplishments, reduction of the informal economy and emigration of talent may be stopped by a better domestic entrepreneurship climate (Zoltan and Audretsch, 2003; Bird, 1992).

The history of entrepreneurship development cannot be discussed without considering the evolution of small and medium scale industrialist in Nigeria, the development of small scale industries in Nigeria began in 1946 when the seasonal paper No 24 of 1945 was issued A Ten year of development and welfare for Nigeria in 1946 was presented to the legislative council on 18th December 1945 by the appointed committee of development plan (Awe, 2005).

Prior and up to 1960's entrepreneurship business became popular among the mercantilist who own, manage and run business themselves. Many people rush to small scale business which they are sure of managing and directing. The economy that time is accommodative i.e. business can be managed by only one person. According to Jhingan (2000), the pace for economic development of indigenous creation of both small scale and large scale firm came into existence when government begins to see industrialization as the only means through which a nation can be developed. Individual as an administrator were given conducive environment to establish moré industries (Kirzner, 1997). In early 70's government owned business continued to multiply with huge profit realized from it as government companies increases, private establishment were given free hand to operate depending on their level of financial backup. This is prominent around middle 70's when the increment in salary as a result of oil boom, this money was judiciously used by many Nigerians for the establishment of small scale industries.

In 1980's, the concept of entrepreneur and their functions became popular as a result of the state of unemployment in Nigeria; people were encourage to organize businesses that would accommodate more of the employed youth; This prominent predicament in the country prompted the government to recognize the impact of entrepreneur in developing countries. Unlike in Nigeria, various predicaments occur to entrepreneurship because business and companies are sometimes controlled by only one person. The reason for the entrepreneurship organization in Nigeria is the style of economy that paves for both capitalist and mixed system (Ale 2001; Gold, 2005).

Over the years, entrepreneur had undergo many changes from one refurbishment to another transformation, change from one hands of economists to another. The mixed economists give room for intervention of both government and private individuals. Therefore, in any advanced country that operates capitalist economy; private entrepreneurs have played a crucial role in economic development, even for a country to attain a stage of development, entrepreneur should be given a free hand with the government assistance. The genesis of

entrepreneurship arises as a result of effort of people to be more skillful in their business. The practice of entrepreneur brings out potential people and enable them to acquire skill in trading and other businesses and improve characteristics (Stevenson and Jarillo, 1990; Shane, 2003).

Anyakoha (1997) referred to these characteristics as "occupational survival skills" which relates to problems solving, human relations, decision-making, ability to take reasonable risk, self confidence, hard work, ability to set goals, innovative and effective communication. Also, the advent of improved technology that paved the way for entrepreneur to increase its ability to spread according to its usefulness in economic development is of great value that cannot be under estimated in any developing economy. Hence the need to investigate problems associated with entrepreneurial skills acquisition among Nigerian youths.

In Nigeria, there is high rate of unemployment in the country which is due to lack of job opportunities in the country on the part of the government and private entrepreneurs. Nevertheless, on the part of the graduate produced majority of which are being qualified has a half back graduate due to poor curriculum in the university level. It is often seen that most of what is being taught in the school are theoretical without an opportunities for practical application while in school and also there has not be more emphasis on entrepreneur acquisition at this level.

Recently, some state government has taken a step in order to reduce this incompetence of graduate in entrepreneur skill acquisition. A very good example is that of Ogun State government which has put in place some agency which includes; OGEGEP, OSAMCA, FADAMA etc, in order to complement the university graduate in the area of being acquire the necessary skill to be self employed by providing low interest rate credit to agricultural and non-agricultural entrepreneur, satisfy the loan demands of genuine entrepreneurs in need of fund, enhance income level of entrepreneurs and farmers and make farming more attractive and generation of employment, reduce poverty and rural-urban migration resulting from unemployment and underdevelopment (Afolabi, 2013). Despite all this attempts, changes are yet to be seen, instead of more jobs being created, the results is more graduates without jobs. The question then is " are the university students exposed to entrepreneurial skill acquisition? If yes why the surplus labour without work to do" this formed the basis for this study to investigate the entrepreneurial skill acquisition among agricultural students in Nigeria Universities in Ogun State.

2. Study Objectives

The study therefore assessed the determinants of entrepreneurial skill acquisition among agricultural students in Nigeria Universities in Ogun State. specifically, the study identified the socio-economic characteristics of the selected students, ascertained the entrepreneurial skill acquire in the course of their studies in the universities selected, determined the extent to which the students are expose to entrepreneurial skill acquisition, determined the perception about the skills provided to them as given in relation to becoming an entrepreneur and identify factors hindering their choice of becoming an entrepreneur to the choosing career.

3. Methodology

Area of the Study

Ogun state otherwise known as gateway state was located in the south west of Nigeria and was created on February 3rd 1976. The state lies within the tropics. It is bounded to the west by Benin Republic, to the south by Lagos State and Atlantic Ocean, to the East by Ondo State, and to the North by Oyo and Osun State. The land area was 16,409-26 square kilometers while, population projected estimation was 3,214,161 people. The people of Ogun State belong to Yoruba Ethnic group of south west Nigeria and also live in the parts of Benin Republic and Togo, with substantial Diaspora elements in Brazil, Cuba and Sierra Leone. The sub groups are mainly the Egba, Yewa, Awori, Egun, Ijebu, Remo, Ikale and others.

The major language in Ogun State is Yoruba and English (official language) and several dialects of the sub groups. In terms of climatic condition tropical pattern with raining season started from March and ending in November to be followed by dry season. The natural resources involve fertile soil suitable for Agriculture with savanna belt in North western part suitable for cattle rearing.

The state consists of twenty (20) local government councils with three public Universities namely:

(i) University of Agriculture, Abeokuta;
(ii) Olabisi Onabanjo University, College of Agricultural Sciences, Ayetoro.
(iii) Tai Solarin University of Education, Ijebu-Ode.

Population of the Study

The population of the study will be made of Agricultural students in selected Universities in Ogun State.

Sampling Techniques and Sampling Size

The sample of the study was drawn from the three higher institutions in Ogun State. These are University of Agriculture, Abeokuta; Tai Solarin University of Education, Ijebu Ode and Olabisi Onabanjo University, Yewa Campus, Ayetoro. From each of the institutions, 40 students were purposefully selected making a total of 120 students using simple random technique (see Table 1). Data obtained from the selected students with the use of a well structured questionnaire were subjected to frequency, means and chi-square analysis for the purpose of the study.

TABLE 1: Summary of Sampling Procedure and Sample size

University	Department	No of respondent
TASUED	Crop Production	10
	Animal Production	10
	Agric extension	10
OOU	Animal production	10
	Home and Hotel Magt	10
	Crop production	10
	Agric economics	10
	Soil Science and Farm mechanization	10
	Renewable Resource	10
UNAAB	Crop Production	10
	Agric ext. and rural development	10
	Soil science and farm mechanization	10

Source: Field Survey, 2014

Measurement of Variables

The level of entrepreneurial and skill acquisition by the students was measured on five cardinal points as follows:

(i) **Self-confidence**: - Respondents were asked about the degree of boldness or outcome in setting the business.

(ii) **Task-result oriented**:- Respondents were asked about the outcome of business based on input and output relationship

(iii) **Leadership**:- Respondents were asked on the level of his acquaintance with the managerial function to others

(iv) **Originality**:- Respondents were asked about his ability to bring about innovation or new ideas

(v) **Future-oriented**: - Respondents were asked about his future obligation or task so as to achieve his future returns.

4. Result and Discussion

Socio-Economic Characteristics of the Selected Students

TABLE 2: Distribution of the Socio-Economic Characteristics of the Selected Students (n = 120)

Socio-economic Characteristics	Frequency	Percentage
Age		
Up to 20 years	8	6.7
21-22years	34	28.4
23-24 years	44	36.6
Above 24 years	34	28.3
Sex		
Male	86	71.7
Female	34	28.3
Religion		
Christianity	63	52.5
Islam	57	47.5
Department		
AEC	10	8.3
AXR	20	16.7
HHM	10	8.3
ANP	20	16.7
CRP	25	20.8
SOM	15	12.5
RRS	20	16.7
Level		
100	4	3.3
200	44	40.2
300	53	44.2
400	13	10.8
500	1	8
Marital Status		
Single	119	99.2
Married	1	8
Total	**120**	**100.0**

Source: *Field Survey, 2014*

Table 2 revealed the frequency distribution of some selected socio-economic characteristics of students in the study area. The table shows that 6.7 percent of respondents were up to 20 years while 28.4 percent of the students were between 21-22 years, 36.7 percent of the students falls between 23-24 years of age and 28.3 percent of students were above 24 years of Age. Also, it was shown that most of the students were male with 71.7 percent and 28.3 were female.

Furthermore, the table indicates that 52.5 percent of the students were Christians while 47.5 were Muslims. Which means that, majority of respondents were Muslims. The table indicated that 8.3 percent of the students were in the Department of Agricultural Economics, 16.7 percent were in Agricultural Extension and Rural Sociology, 8.3 percent were in Home and Hotel Management Department, 16.7 percent were in Department of Animal Production, 20.8 percent were in Department of Crop production and 12.5 percent were in Department of Soil Science and Farm Mechanization and 16.7 percent in Department of Renewable Resources. This indicates that the students were studying vocational-based programmes in their different Universities. Hence they are expected to be employer of labour and not seeker of labour.

Another important characteristic considered is the level of the students in the Departments. The table revealed that, 3.3 percent of the students are in 100 levels, 40.8 percent of the students are in 200 levels, 44.2 percent falls in 300 levels while only 8 percent of students were in 500 levels.

Majority of the respondents were single with 99.2 percent while only 8 percent of the respondents were married.

Entrepreneurial skill acquisition and relevancy

TABLE 3: Distribution of the Students by type of Entrepreneurial Skills Acquired and Relevancy

Techniques Practices	Types		Relevance of the techniques			
	YES	NO	Not Rel Freg (%)	Low Rel Freg (%)	Rel Freg (%)	Very Rel Freg (%)
Fish production techniques	120(100.0)	-	-	-	38(31.7)	82(68.3)
Pig production techniques	116(96.7)	4(3.3)	4(3.3)	40(33.3)	72(60.0)	4(3.3)
Crop production techniques	120(100.0)	-	-	2(1.7)	19(15.8)	99(82.5)
Poultry production techniques	118(98.3)	2(1.7)	2(1.7)	15(12.5)	28(23.3)	75(62.5)
Rabbit production techniques	89(74.2)	31(25.8)	30(25.0)	59(49.2)	26(21.7)	5(4.2)
Cattle production techniques	88(74.2)	32(26.7)	32(26.7)	63(52.5)	18(15.0)	7(5.8)
Snail production techniques	106(88.3)	4(11.7)	9(7.5)	41(34.2)	46(38.3)	24(20.0)
Grass cutter production techniques	112(93.3)	8(6.7)	3(2.5)	43(35.8)	49(40.8)	25(20.8)

Source: *Field Survey, 2014*

The table 3 above shows various entrepreneurial skills acquired by the respondents. On the part of fish production techniques 100.0 percent of the respondents opined that they were exposed to fish production techniques, while 31.7 percent of the respondents agreed that the techniques have relevant while 68.3percent were of the opinion that they are very relevant techniques. Hence, it is expected that the students should be able to put to use fish production techniques acquired to improve and meet the nations demand for fish. Also, 96.7 percent of the respondents were exposed to pig production techniques, however, 60.0 percent of the students posited that the techniques were relevant to those that may want to embark on it as a business. Furthermore, the table indicated that all the students (100.0%) were exposed to various techniques in crop production and were of the opinion that the techniques were very relevant. In the same vein, 98.3 percent of the students posited that they acquired poultry production techniques which 62.5 percent believed to be very relevant to their needs. For skills in rabbit, cattle, snail and grass-cutter production, majority (74.2%, 74.2%, 88.3% and 93.3%) of the students were exposed and believed to be relevant.

Determinants of Entrepreneurial Skills Acquisition

TABLE 4: Determinants of Entrepreneurial Skills Acquisition

Determinants	SA Freq (%)	A Freq (%)	U Freq (%)	D Freq (%)	SD Freq (%)
I have leadership skill	75(62.5)	45(37.5)	-	-	-
I have goal oriented	24(20.0)	96(80.0)	-	-	-
I have self confidence	85(70.8)	35(29.2)	-	-	-
I am task oriented					
11(9.2)	109(90.8)	-	-	-	
I have the capacity to adapt to changing condition	54(45.0)	64(53.3)	2(1.7)	-	-

I have the ability to take risk	34(28.3)	72(60.0)	10(8.3)	2(1.7)	2(1.7)
I have profit oriented	29(24.2)	90(75.0)	1(8)	-	-
I have ability to organize resources to achieves goal	72(60.0)	48(40.00)	-	-	-
I have the ability to innovate and speculate	71(59.2)	46(38.3)	-	3(2.5)	-
I have high need for achievement and success	86(71.7)	33(27.5)	-	-	-
I posses strong desire for responsibility and independence	69(57.5)	50(41.7)	-	1(8)	-

Source: *Field Survey, 2014*

Table 4 above represents the responses of the respondents on the determinant of skills acquired. Majority of the students strongly agreed that they have leadership skill (62.5%) and self confident in the skills acquired (70.8%). Also 60.0 percent, 59.2 percent, 71.7 percent and 57.5 percent of the students strongly agreed that they have ability to organize resources to achieve goals, innovate and speculate, have need for achievement and success in skill acquired and lastly possess strong desire for responsibility and independence respectively.

Also the respondents agreed that; they are goal oriented (80.0%) and task oriented (90.8%). About 53.3% agreed that they have capacity to adapt to changing condition while 75.0 percent of respondents agreed that they profit oriented. However, 1.7 percent of the respondent disagree that they capacity to adapt to changing condition and 2.5% have ability to innovate and speculate and 1.7% of the respondents disagreed that they have ability to risk while 8% disagreed that, they posses strong desire for responsibility and independence.

Students' Perception of the Entrepreneurial Skills they have Acquired

TABLE 5: Students' Perception of the Entrepreneurial Skills they have Acquired

Perception of Entrepreneurial Skills acquired	**SA Freq(%)**	**A Freq(%)**	**U Freq(%)**	**D Freq(%)**	**SD Freq(%)**
Skill acquired from entrepreneurial has help the student to posses necessary ability to establish.	38(31.7)	82(68.3)	-	-	-
I have good relationship with the skill acquired to future problem.	23(19.2)	96(80.0)	1(8)	-	-
I have acquired the basic knowledge to become an entrepreneurial in agricultural alone.	21(17.5)	48(40.0)	1(8)	4(3.3)	46(38.3)
I can fully participate in entrepreneurial activities with out fear of being able to meet up with future challenges	14(11.7)	106(88.3)	-	-	-
The level of the skill I acquired determined efficiency in entrepreneur	35(29.2)	85(70.8)	-	-	-
I have deep perception to solve entrepreneurial problem in another aspect apart from agriculture.	82(68.3)	26(21.7)	-	-	12(10.0)
I can gather experiences through industrial training in government establishment farm	16(13.3)	98(81.7)	1(8)	-	5(4.2)
I can gather enough capital through the experiences gained in an entrepreneurial skill to establish business	3(2.5)	114(95.0)	2(1.7)	-	1 (8)
I have theoretical experiences of entrepreneurial job through lectures.	21(17.5)	99(82.5)	-	-	-
I can handle business effectively	71(59.2)	44(40.8)	-	-	-

Source: *Field Survey, 2014*

Table 5 shows the responses of the students on their perception of skills they acquired. The table indicates a strong and positive perception about the entrepreneurial skills they were made to posses in the university. It shows that the students strongly agreed that skills acquired

from entrepreneurial training has help them to posses necessary ability to establish on their own (100.0%), have good relationship with the skill acquired to future problem (99.2%), acquired the basic knowledge to become an entrepreneurial in agricultural alone (57.5%), can fully participate in entrepreneurial activities with out fear of being able to meet up with future challenges (100.0%), the level of the skills acquired determined efficiency in entrepreneur (100.0%), have deep perception to solve entrepreneurial problem in another aspect apart from agriculture (90.0%), can gather experiences through industrial training in government establishment farm (95.0%), can gather enough capital through the experiences gained in an entrepreneurial skill to establish business (97.5%), have theoretical experiences of entrepreneurial job through lectures (100.0%) and can handle business effectively (100.0%).

5. Conclusion and Recommendation

The study concludes that over 70.8% of the students were of the opinion that the level of the skill acquired determined their efficiency as entrepreneur. Hence, it was recommended that economic policy and programs that are geared towards self reliance for individuals such as Open Apprenticeship Scheme, Graduate Employment Programs etc and other policies that encourage or make it easy for entrepreneurs to acquire the needed funds e.g.; Peoples Bank of Nigeria, Funds for Small-Scale Industries (FUSSI), co-operative societies etc must be established throughout the nation and also empowered by the Government to assist entrepreneurs in Nigeria especially graduates from Universities.

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Planning Skills and Career Performance among Self-Employed University Graduates in North-West Geo-Political Zone of Nigeria

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Abstract. Drawing upon human capital theory, this study examined the effect of entrepreneurship skills on career performance. A total of 319 self-employed university graduates in the northwest geopolitical zone of Nigeria participated in the study. The present study also employed a cross sectional research design in which data was collected and analysed within a short period of time. Results using partial least squares structural equation modeling (PLS-SEM) supported the hypothesized direct effect of entrepreneurship skills on career performance. Specifically, there was a positive relationship between planning skills and career performance.. Theoretical, methodological and practical implications are discussed. In particular, the results recommended that entrepreneurship skills acquired through the mandatory entrepreneurship education programme for undergraduate students of tertiary institutions in Nigeria are an important consideration in helping self-employed graduates to enhance their career performance.

Keywords: Entrepreneurship skills, planning skills, career performance

1. Background

The issue of entrepreneurship skills has been a common topic in many countries for a long time. The concern of entrepreneurial skills is rooted from the desire to have students who are job makers than job seekers. This need was emphasized by the drive to have university students introduced to entrepreneurship studies. According to Andrea (2010), the concept of formal entrepreneurship education at the university level is a relatively new one. Citing the works of Volkmann (2004), Andrea (2010) reveals that the first courses that specifically addressed entrepreneurship took place at the Harvard Business School in 1947. In other countries like UK, the original entrepreneurial courses were launched in 1980s together with the UKs first initiative for Enterprise in Higher Education (Elton 1991, Kirby, 2005). From that time, high education programs focusing on the teaching of entrepreneurship have gone global. According to Volkmann (2004) it had been predicted that imparting entrepreneurship skills among higher education students would become a major academic discipline for university education in the 21st century.

Enu (2012) recognized that the entrepreneurs' business management skills must be given primary attention in handling issues of employment creation and survival of enterprises. Ahmad, Basir & Kitchen (2010) reiterate that if the owner-manager lacks the necessary skills, the business is doomed to fail.

Moreover, the issue of efficiency in career performance and or firm performance is a global

one (Msoka, 2013). Developed countries focussed on building the capacities of their work force, when they wanted to deal with problems of low levels of productivity at either individual, firm or national levels. It has long been believed that a competent and efficient workforce is the spring board for economic growth and development of any nation, as it is for the growth and success of any company. The need for improved career performance was the force behind the great global inventions and innovations such as the scientific management approach, the skills approach and so on. With the exception of the less developed countries, efficiency in career performance or the performance/productivity of individual employees is well trucked in most organisations of the developed world, and its contribution to the growth or otherwise of the firms and nations has always been recognised. The focus of employers has for a long time shifted from academic paper qualifications to the generic or soft skills, which are social and personal skills, expected to accomplish the various multifaceted requirements of work.

There are different reports about the inadequacy of the graduates to perform as expected from various countries in the past; but most of these reports are attributing these inadequacies to the low levels of soft skills possessed by these graduates. Graduate entrepreneurs, in whatever field they are, require skills in the field of management and these skills, have been to a great extent lacking over the long term (Msoka, 2013). This inadequacy has been attributed to lack of entrepreneurship education and training in entrepreneurial skills, which according to Lorraine & Peter (2007) reduced management capacity and performance in new firms in South Africa and has been given as the major reason behind levels of entrepreneurial creation and the high failure rate of new ventures.. According to Lorraine & Peter (2007) most higher education institutions have been focusing on academic quality and qualifications other than quality of entrepreneurship training and so the performance of local and graduate entrepreneurs has been poor but employers and other stakeholders have not been able to identify the key factors majorly responsible for this.

In this 21st century, almost all countries globally have recognised the need for enhancing the performance of higher education graduates, by uplifting their entrepreneurial skills through quality entrepreneurship education and training. It has also been accepted that entrepreneurship education and entrepreneurship skills are intertwined and as a result, most countries have established entrepreneurship education centres in many higher institutions of learning, with a goal of imparting entrepreneurial skills among their graduates so as to improve their enterprising attitudes, intentions and capabilities, as well as their employability (Lorraine & Peter, 2007).

Despite such undisputed recognition and policy support, no study has been conducted to specifically establish whether the entrepreneurship education centres have imparted the required entrepreneurial skills and whether those skills have enhanced/ boosted the performance of the graduates as employers and employees in the case of Nigeria

Another important gap identified by the researcher in this study is that, no study has examined the impact of entrepreneurial skills on career performance of graduates in Nigeria, within the perspectives of the Human Capital Theory of Entrepreneurship theory. This study intends cover all these gaps and come up with conclusions concerning the identified gaps.

The career performance of university graduates in Nigeria has been reported to be low in recent years (Pitan & Adedeji, 2012). It has been observed that majority of the graduates still find it very difficult and impracticable to find their feet on ground as business founders or as employees managing entities to a strong better position (Adeshina, 2014). The levels of creativity, team performance, social networking, tolerance and accountability have been reported to be inadequate. And yet the general performance of entities, including those started by graduates and the none-graduates has also been reported to be poor, as many are not able to survive for longer years (Mohammed, 2014). The continued high unemployed levels (Ibrahim, 2010) is also another sign that the graduates are not doing a good job in the field of job creation and expansion. The continued incompetence of the graduates in Nigeria go with several

unfavourable consequences to the country and its nationals, some of which are already being experienced while others may show up if the problem persists.

The persistent low performance level of graduates has been blamed on many factors by different stakeholders and academicians. Two most prominent articles on this issue, have attributed the problem to the inadequate and irrelevant education contents in the curriculum of most programs of study in the country. Among these, Pitan & Adedeji (2012) have attributed it to the big mismatch between the skills imparted among the graduates vis-as-vis those required in the job market, indicating that university graduates in Nigeria have been poorly prepared for work in recent years. Adenike (2016) has attributed it to inability of the entrepreneurship education curriculum to meet its introduction objectives, which has resulted into many uncoordinated revisions and changes in the pedagogical structure of the curricula over the years. Other factors blamed include irrelevancy of the content and inadequate funding of the education institutions which see them produce half-baked graduates, who are inadequate in skills

This study was conducted to fit into this gap, to document evidences on the effect of entrepreneurship skills on career performance among self employed university graduates in North-west Geo-political Zone of Nigeria.

2. Hypothesis

H_1: Planning skills relate positively and significantly with career performance among self-employed university graduates in North - west Geo-political Zone of Nigeria.

3. Planning Skills

Traditionally, planning was the first stage within the four stages of management process (planning, scheduling, directing and controlling). Planning skills are skills that allow an individual to look ahead, accomplish goals and avoid emotional, financial, physical or social hardships (Kibuuka, 2011). These skills allow an individual to make or implement decisions. The Employee Development Systems, Inc. (EDSI) (nd) has called planning skills survival skills, implying that for a manager or entrepreneur to survive in today's changing business world, he/she must engage in effective planning. Planning helps managers to use less resources than they would use if they had not planned. And it helps them to do more with fewer resources. In perspectives of an entrepreneur and in business sense, planning involves developing a business plan. George & Johns (2001) and Mullins (2002) explained that planning has to do with setting goals, mobilising and allocating resources. In this review section, we discuss planning skills of the graduates with respect to five elements of planning namely; goal setting skills, business plan development skills, resource mobilisation skills, marketing skills and customer service skills.

4. Planning Skills and Career Performance

Previous researches support theoretical assertions of a positive relationship between planning skills and career performance. For example, Hayton (2015) identified a positive relationship between entrepreneurship skills and some measures of business performance. In line with these authors, Hayton (2015) indicated that leadership skills and entrepreneurship skills combine to influence strategy formalization and responsiveness; factors that are positively associated with performance and growth. One potential implication of Hayton's findings contained in Lorraine & Peter (2007) report is that successful interventions to improve entrepreneurship skills are likely to result in improved graduate's performance, not only among the graduates but also among a wider group of entrepreneurs for whom entrepreneurship skills might be improved as employees as well as entrepreneurs.

In a related study, Qureshi, Saeed & Wasti (2016) reported that planning skills result in enhanced career performance of entrepreneurs. In the same vein, Etonyeaku *et al.* (2014) found results similar to the study conducted by Qureshi *et al.* (2016) that planning skills, such as those related to co-ordinating business resources significantly and positively influence career performance of Secretarial Education Graduates of Colleges of Education in Enugu State, Nigeria.

5. Methodology

5.1 Research Design

The study adopted a descriptive correlational and a cross-sectional survey research design

5.2 Population of the Study

The study targeted all university graduates from both federaland state universities, who graduated between 2010 to 2015, who were currently self-employed and registered within the seven states of North-west Geo-political Zone of Nigeria. According to the State Ministries of Commerce and Industry (2015), there are 24000 students who have graduated from these universities for the period of five years and are registered with the state ministries of commerce and industry as entrepreneurs. Table 1 shows a distribution of study population.

Using this criterion, the researcher marked all those respondents who qualified and then generated a list of those who qualify. Using the list of qualifying graduate entrepreneurs, selected using the inclusion/exclusion criterion listed above, the researcher applied systematic random sampling to finally select respondents from each state.

Table 1: Sampling procedure

State	Target Population	Sample Size	Qualified population	Interval
Kaduna	6100	100	4000	40
Kano	4200	69	3200	46
Sokoto	3850	63	3250	51
Zamfara	2600	43	1500	35
Katsina	2500	41	1458	36
Jigawa	2350	38	2100	55
Kebbi	2400	39	2150	55
Total	24000	393		

Source: Computed by Researcher *State Ministries of Commerce and Industries and Establishment Offices (2015)*

6. Data Analysis

The present study assessed the theoretical model using PLS path modeling in conjunction with Smart PLS 2.0 software (Ringle, Wende, & Becker, 2015). In the present study, the PLS path modeling is considered appropriate technique of data analysis for several reasons

This section presents the results of the data analysis performed using both the Statistical Package for the Social Sciences (SPSS) and Smart PLS software. The first analysis undertaken was the data screening and cleaning using SPSS before conducting the main analyses to ensure that the statistical assumptions necessary for multivariate analysis are not violated. Firstly, the chapter presents the response rate reported in section 4.1. Next, the results of data screening and diagnostic tests are presented in Section 4.2. The results of profile characteristics of respondents are then presented in section 4.3. Section 4.4 presents the findings of the study on each of the three study objectives and finally section 4.5 presents the results of PLS path modeling estimation and structural model generated from the study. Also in the final section, a summary drawing together the results of the afore-mentioned analyses was provided, which serves as basis for the discussion of findings

Table 2.
Demographic Profile of the Respondents Surveyed

Profile Characteristics	Frequency	Percentage
Gender		
Male	203	63.6
Female	116	36.4
Age		
20-30 years	151	47.3
31-40 years	82	25.7
41-50 years	37	11.6
50 years and above	49	15.4
Education		
Bachelor Degree	155	48.6
Masters	98	30.7
PhD	35	11.0
Others	31	9.7
Specialization		
Sciences	47	14.7
Social Sciences	210	65.8
Engineering	40	12.5
Others	22	6.9
Business Type		
Sole proprietorship	36	11.3
Partnership	111	34.8
Limited Liability Company	172	53.9
Number of workers employed		
Less than 50 employees	14	4.4
50-99 employees	163	51.1
100-249 employees	73	22.9
250-499 employees	37	11.6
500 or more employees	32	10.0
Industry		
Food and beverages	79	24.8
Packaging/containers	26	8.2
Metal and metal products	32	10
Printing and publishing	138	43.3
Agro-allied, furniture	23	7.2
Building materials	5	1.6
Others	16	5
Business Age		
Less than 3 years	170	53.3
3 – 6 years	32	10.0
7 – 9 years	61	19.1
10 – 12 years	56	17.6

Source: *Researcher's Computation from Primary data (2016)*

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Table 2 further indicates that 47 of the participants, representing 14.7 percent were sciences graduates and majority, which is 210 or 65.8 percent were Social Sciences graduates. Furthermore, Table 2 showed that 40 participants or 12.5 percent belong to Engineering discipline. More so, of the sampled respondents, 22, representing 6.9 percent were falling in other educational disciplines, other than those mentioned above.

In terms of number of workers employed, Table 4.7 further revealed that 14 (4.4 percent) of the participants' firms employed less than 50 workers. One hundred and sixty three participants (51.1 percent) reported that they employ between 50 and 99 employees and only 73 of the participating firms, representing 22.9 percent employ between 100 and249 employees. Thirty seven of the participants' firms, representing 11.6 percent employ between 250 and 499 employees and only 32 of the

participating firms, representing 10 percent employ 500 or more employees.

In terms of industry in which the participants operate, Table 2 further indicated that 79 or 24.8 percent were operating in Food and beverages industry. Relatedly, 26 (8.2 percent) operates in packaging/containers industry, 32 (10 percent operates in metal and metal products industry. Additionally, 138 or 43.3 percent were into in printing and publishing industry. Furthermore, 23 of firms surveyed, representing 7.2 percent were into agro-allied business, 5 or 1.6 percent operate in building materials, while 16 or 5 percent were who operated in other industries not indicated above.

Finally, in terms of business age, most of the participants' firms had stayed in business for less than 3 years and this represented 170 (53.3%) of the total sample. In addition, 32 firms (10%) were reported to have stayed for 3 – 6 years, while 61 firms (19.1%) had stayed for 7 – 9 years and only 56 (17.6 %) had been in business for 10 – 12 years. This complies with the fact that most of the respondents had just graduated in at most five years back, so it is no wonder that majority of their enterprises were relatively young. However, there were some whose firms seem to have existed even before they graduated. This would have been to cases of those who inherited businesses or those who started before they entered university.

Table 3

Means and standard deviations on Extent of Career performance Among self employed University graduates in North-West Geo-political Zone, Nigeria

Career Performance	**Mean**	**SD**	**Interpretation**	**Rank**
General management quality	2.20	0.979	Moderate performance	1
Ability to stand in competition	2.19	0.984	Moderate performance	2
Sales volume	2.18	0.949	Moderate performance	3
Speed in decision making	2.17	0.988	Moderate performance	4
Customer satisfaction	2.16	0.953	Moderate performance	5
Competitive strength of your business	2.15	0.972	Moderate performance	6
Confidence of other staff	2.15	0.991	Moderate performance	6
Number of customers served	2.14	1.002	Moderate performance	8
General business improvement	2.13	0.936	Moderate performance	9
Application of modern technology in business	2.11	0.973	Moderate performance	10
Clarity of management systems	2.08	0.972	Moderate performance	11
Your confidence in business	2.07	0.983	Moderate performance	12
Number of people employed	2.03	0.973	Moderate performance	13
Chances of your business survival	2.06	0.955	Moderate performance	14
Increase in number of high class customers	1.91	0.926	Moderate performance	15
General business profits	1.89	0.963	Moderate performance	16
General business revenue	1.87	0.979	Moderate performance	17
Contribution to community welfare	1.82	0.889	Moderate performance	18
Flexibility in business dealings	1.72	0.871	Moderate performance	19
Innovations into the business	1.69	0.825	Low performance	20
Overall Mean	**2.04**	**0.36**	Moderate performance	

Source: *Primary data (2016)*

The following mean ranges and interpretations were used to interpret the means:

Mean range	*Response range*	*Interpretation*
3.26 - 4.00	Very big increase	Very high performance
2.51 - 3.25	Big increase	High performance
1.76 - 2.50	Small increase	Moderate performance
1.00-1.75	Very small or no increase	Low performance

Results in Table 3 further indicated that career performance was rated lowest on one aspect and that was innovations into the business, with a mean of 1.69 and a standard deviation of 0.825, suggesting low dispersion. The overall picture on career performance suggest that the self-employed graduates were not very satisfied with the current level of their performance, since they were not able to rate any aspect high or very high. It was also important that the graduates were able to identify what is not doing well in their enterprises, an indication that they can struggle to improve.

Relationship between planning skills and career performance among self-employed university graduates in North-west Geo-political Zone of Nigeria

This study intended to establish whether there is a significant relationship between planning skills and career performance among self-employed university graduates in North-west Geo-political Zone of Nigeria.

Table 4: Means and standard deviations on Planning Skills Possessed by self-employed university graduates in North-west Geo-political Zone of Nigeria

Goal setting skills	**Mean**	**SD**	**Interpretation**	**Rank**
Resource mobilization	3.44	0.907	Very high	1
Stating clear vision and mission of a company	3.33	0.924	Very high	2
Setting priorities	3.33	0.907	Very high	3
Making quick and clear business decisions	3.33	0.938	Very high	4
Identifying clear and achievable business targets	3.29	1.011	Very high	5
valuating task performance	3.29	1.03	Very high	6
Sub-Total	**3.29**	**1.030**	Very high	
Business plan Development skills				
Making a budge	3.53	0.789	Very high	1
Evaluating business plans	3.32	0.948	Very high	2
Making a feasibility study	3.07	0.973	High	3
Writing a clear business plan	3.03	0.989	High	4
Sub-Total	**3.05**	**0.981**	High	
Resource mobilization skills				
Mobilizing the best human resources	3.51	0.827	Very high	1
Identifying the resources needed to a business task	3.44	0.802	Very high	2
Organizing resources in the different ways	3.39	0.806	Very high	3
Mobilizing financial resources	3.28	0.847	Very high	4
Sub-Total	**3.36**	**0.824**	Very high	
Marketing skills				
Identifying new markets	3.42	0.879	Very high	1
Designing products in attractive ways	3.41	0.853	Very high	2
Identifying customer needs	3.33	0.872	Very high	3
Identifying & implementing winning/competitive strategies	3.15	1.014	High	4
Making favourable price negotiations with customers	3.03	1.032	High	5
Making demand and sales forecasts	2.76	0.929	High	6
Identifying competitors' strength & weakness(competitive intelligence	2.72	0.889	High	7
Keeping record of sales, stocks, etc.	2.55	0.979	High	8
Sub-Total	**3.37**	**0.875**	Very high	
Customer service skills				
Conducting customer satisfaction surveys	3.56	0.806	Very high	1
Identifying changes in customer needs	3.53	0.823	Very high	2
Identifying customer complaints	3.53	0.808	Very high	3
Customer care skills	3.52	0.823	Very high	4
Customer relationship management	3.51	0.865	Very high	5
Identifying customer attitude/moods before answering their requests	3.50	0.907	Very high	6
Sub-Total	**3.51**	**0.865**	Very high	
Overall Mean	**3.32**	**0.915**	Very high	

Source: Primary data (2016

The following mean ranges and response modes were used to interpret the means in Table 6:

Mean range	*Response range*	*Interpretation*
3.26 - 4.00	Very much skills	Very high
2.51 - 3.25	Adequate skills	High
1.76 - 2.50	Inadequate skills	Low
1.00 - 1.75	Very inadequate or no skills at all	Very low

Considering the mean responses in Table 4, it is indicated that respondents rated their planning skills to be generally very high. This indicated by an overall mean index for planning skills, which happened to 3.32, falling under very high on the interpretation scale. The very high ratings in Table 4 suggested that respondents were much contented with the skills they have, more especially on four elements of planning skills whose mean scores fall under very high and these include goal setting skills (average mean = 3.29), resource mobilization skills (average mean = 3.36), marketing skills (average mean =3.37) and customer service skills (average mean =3.51). The high level of confidence these self-employed entrepreneurs showed, indicated that, it may be possible that the training in entrepreneurship acquired from universities is felt by these graduates.

7. Testing Hypothesis

In line with this objective of the study, the researcher hypothesized that; planning skills relate positively and significantly with career performance among self-employed university graduates in North-west Geo-political Zone of Nigeria. This hypothesis was tested at two levels, first using Pearson's Linear Correlation Coefficient (Table 4) and then using Multiple Linear Regression (Table 5). The results of the correlation as indicated in Table 6, suggest that some aspects of planning skills have a negative relationship with career performance, while others have a positive relationship.

Table 5

Pearson Correlations for Planning Skills and Career performance

Variables correlated	**r-value**	**Sig.**	**Interpretation**	**Decision on Ho**
GSS Vs Career performance	.224**	.000	Significant correlation	Rejected
BDS Vs Career performance	.280**	.000	Significant correlation	Rejected
RMS Vs Career performance	-.024	.671	Insignificant correlation	Accepted
MKS Vs Career performance	-.570**	.000	Significant correlation	Rejected
CSS Vs Career performance	-.503**	.000	Significant correlation	Rejected
Overall PS Vs Career performance	-.247**	.000	Significant correlation	Rejected

Source: *Primary Data, 2016*

Legend: GSS= Goal setting skills BDS = Business plan Development skills
RMS = Resource Mobilisation Skills MKS = Marketing Skills
CSS = Customer Service Skills PS = Planning Skills

However, the hypothesized positive correlation was not confirmed by the results as it is indicated that the planning skills possessed by the responding graduates negatively correlate with their current level of career performance

To further ascertain the results of the Pearson's correlation, multiple linear regression was applied to help the researcher determine and confirm the direction of the predictive strength of the planning skills constructs on career performance of the graduates. Results are indicated in Table 6.

Regression analysis for Planning Skills and Career Performance

Table 6
Regression Analysis for Planning Skills and Career Performance

Variables Regressed	**Adjusted r^2**	**F-value**	**Sig.**	**Interpretation**	**Decision on Ho**
Planning Skills vs. CRF	.346	33.734	.000	Significant effect	Rejected
Coefficients	**Beta**	**T**			
(Constant)	3.195	16.281	.000	Significant effect	Rejected
Goal setting skills	.038	1.152	.250	No significant effect	Accepted
Business Plan Dev't Skills	.020	.519	.604	Insignificant effect	Accepted
Resource Mobilization Skills	-.020	-.755	.451	No significant effect	Accepted
Marketing Skills	-.322	-6.796	.000	Significant effect	Rejected
Customer Service Skills	-.086	-2.607	.010	Significant effect	Rejected

The results from Table 6 suggest that all the elements of planning skills taken together positively and significantly affect career performance of the graduates (F=33.734, sig. = 0.000). These results indicate that all the five elements of planning skills taken together account for over 34.6% towards variances in career performance of the graduates (adjusted R^2=0.346). This means that the remaining 65.4% is the contribution of other factors not included in this study.

8. Discussion

However, the postulations of the theory suggest positive relationship other than a negative one as results of this study reveal. This defeat to theory and common sense can be attributed to the type of the skills given to the graduates and their relevance vis-avis what is needed in the market. As found out by Pitan & Adedeji (2012), it seems that there is a big difference between the skills graduates give and what the employers want. This mismatch may not only affect the employers who employ those graduates, but it also affects the graduates when they establish their own ventures. This may therefore explain the unexpected negative relationship between some elements of planning skills and career performance of the graduates, suggesting that some of the skills given in this line are not necessary.

The research question intended to establish whether planning skills can significantly explain career performance among university graduates in North -west Geo-political Zone of Nigeria. The hypothesis derived from this research question tested using PLS path modelling, revealed a significant positive relationship between planning skill and career performance among the self-employed university graduates in North-west Geo-political Zone of Nigeria. This finding is not surprising because it is consistent with prior empirical studies. Specifically, the positive relationship between planning skills and career performance is consistent with the findings from Qureshi *et al*. (2016) who indicated that possession of adequate planning skills results into enhanced career performance of entrepreneurs. Likewise, Etonyeaku *et al*. (2014) found results similar to this study. They reported that planning skills, such as those related to co-ordinating business resources, significantly and positively influence career performance of Secretarial Education Graduates of Colleges of Education in Enugu State, Nigeria.

9. Conclusion

Taken together, the present study has provided additional evidence to the growing body of knowledge concerning the effect of planning skills on career performance among self-employed university graduates of north-west geo-political zone of Nigeria. Results from this

study lend support to the key theoretical propositions. however, there is paucity of empirical studies drawing from human capital development perspective to establish the link between planning skills on career performance in Nigerian context. Hence, theoretical framework of this study has also added to the domain of human capital theory (Becker, 1964; Schultz, 1959; Sweetland, 1996). Further to the theoretical contributions, the results from this study provide some important practical implications to policy makers in Nigeria. In conclusion, the present study has added valuable theoretical, practical, and methodological ramifications to the growing body of knowledge in the field of entrepreneurship development.

10. Recommendations

This study was based on the prior empirical evidences and theoretical gaps identified in the literature. It was also supported and explained from human capital theory (Becker, 1964; Schultz, 1959; Sweetland, 1996), which postulates that knowledge and skills as indispensable tools of transformation. Accordingly, it is a general belief that educational and training is capable of inculcating competencies, skills and values that can stimulate performance of graduates as employers and employees and enables them to transform these organisations. Based on the research findings and discussions, the current study has made several theoretical contributions in the research linking planning skills to career performance.

This study has provided a theoretical implication by giving additional empirical evidence in the domain of human capital theory (Becker, 1964; Schultz, 1959; Sweetland, 1996). Instead of focusing other extant theories explain the antecedents of career performance, the present study drew from human capital theory to argued that knowledge and skills as indispensable tools of transformation. Thus, this study has extended the human capital theory by examining the impact of planning skills on career performance of self-employed graduates in the Nigerian context.

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Incubator Based Activities and Technology Entrepreneurship Growth in North Western Nigeria

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Abstract. Business Basics, Technology Transfer, Mentoring and Technology Commercialization are a segment of the mandate given to Technology Incubation Centers by the Federal Government of Nigeria through the National Board for Technology Incubation (NBTI) in order to assist technology startups to overcome the challenges of newness. This paper attempted to empirically assess the contributions of these activities, which are incubator based, to Technology Entrepreneurship Growth in North Western Nigeria. Positivist epistemology with objective ontology together with interpretive epistemology with subjective ontology was employed. The study used cross-sectional, descriptive and correlational designs, employing quantitative and qualitative approaches. The data were collected using non standardized instruments (Questionnaires and Interview Guide), with items on Technology Incubator Based Activities and Technology Entrepreneurship Growth, with a sample size of 86. The instruments were tested for their validity and reliability. The data were analyzed at univariate, bivariate and multivariate levels using frequency, percentages, mean, correlation and regression. The results showed that incubator based activities correlates and contribute to growth at 5% level of significance with $P<0.007$ and $R^2 =0.162$ implying that the variable explains 16.2% of the variation growth. The study found out that total absence of succession planning and exit strategy, apathy towards partnership were some of the major causes of technology incubated enterprises failure in North Western Nigeria. Incubation centers should therefore enrich their curriculum to include modules on succession planning and exit strategies. Incubatees should also be exposed to the benefits of partnership and be encouraged to partner.

Keywords: Technology Incubation, Incubator, Incubatees, Technology Entrepreneurship Growth.

1. Introduction

The survival and ensuing growth of new technology enterprises is largely contingent on their capacity to overcome three forms of novelty: Market, Production and Management. Newness to market, to production processes and to management can thwart a firm's survival and growth until it establishes legitimacy, efficiencies and organizational systems that empowers it to sustain a flow of diverse resources precarious for production and exchange. Technology Incubation began in the 1960s as support for these start-up enterprises that needed advice and venture capital to get their ideas off the ground. Incubation has been viewed as a tool for urban renewal, a community development program, a means of technology transfer, a commercialization mechanism and an enabler for technology entrepreneurship. It is an economic platform designed to help technology startup enterprises by providing them with the necessary resources and support that they need to evolve and grow

into more mature businesses. Incubators nurture young firms during their formative years when they are most vulnerable, helping them to survive and grow into viable commercial enterprises.

2. Statement of the Problem

Literature abounds on the belief amongst scholars that the new possibilities for growth, innovation and job creation will come from Small and Medium Enterprises (Thurik & Weneker, 1999). They are key players in achieving economic growth of developing countries like Nigeria (Mohammed et al., 2013). However, in the early days of their growth period, these firms face difficulties that may lead to their failure (Mutambi et al., 2010). This disturbing trend necessitated the Nigerian government to initiate deliberate policies targeted at reducing this high mortality. Few among include provision of Small and Medium Enterprises financing (at single digit interest rates), engaging business development consultants to help in developing bankable business plans, simplifying business registration procedures, providing tax breaks or holidays, establishing incubation centers etc. (Ayodeji & Balcioglu, 2010).

Despite these efforts however, there is evidence that a significant number of incubated businesses in Nigeria fail within the first three years of leaving incubation, while some could not even make it through the first year (Evelyn & Eno, 2014). In addition, Innocent et al. (2014) observed that the Technology Incubation Centers in Nigeria have very weak socio-economic impact on job creation, wealth creation and industrial development. The situation was even gloomier in North Western Nigeria, where a preliminary enquiry by the researcher revealed that post incubation mortality was over fifty percent. This study assessed the contributions of incubator based activities, comprising services delivered within the incubators, to the growth of technology entrepreneurship in North Western Nigeria. The aim was to find the causes of high post-incubation failure rate in North Western Nigeria.

3. Objectives of the Study

(i) To establish the effect of business basics on technology entrepreneurship growth in north western Nigeria.
(ii) To assess the contribution of technology transfer on technology entrepreneurship growth in north western Nigeria.
(iii) To determine the relationship between mentoring and technology entrepreneurship growth in north western Nigeria.
(iv) To establish the relationship between technology commercialization and technology entrepreneurship growth in north western Nigeria.
(v) To assess the contributions of incubator based activities to technology entrepreneurship growth in north western Nigeria.

4. Hypothesis

There is no significant relationship between incubators based activities and technology entrepreneurship growth in north western Nigeria.

5. Review of Related Literature

5.1 Theoretical Review

Organizational Evolutionary Theory (Aldrich, 1999).

Aldrich's evolutionary model asserts that organizations flourish or fail because they are more or less fit for the particular selection environment in which they operate. Schumpeter was the most prominent advocate of the position that economic change needed to be conceptualized as an evolutionary process. The theory describes four processes—variation, selection, retention, and struggle—to describe how populations of organizations emerge and vanish (Aldrich, 1999). The longitudinal perspective of the theory makes its application to assessing the emergence, survival, and growth of new ventures relevant. Variation occurs when individuals and organizations change their routines,

competencies, or structural form. The utility of a variation to an organization depends highly on selection processes that grant certain variations legitimacy and resources for adoption. Hence, selection in the context of incubation occurs in three sequential stages. First, incubators and prospective tenants must select one another; second, incubators offer advice and help tenants select routines, competencies, and structures to improve their performance and odds of survival; third, selection outside the safe confines of the incubator when the process of organizational retention determines its outcome. According to evolutionary theory, retention occurs when organizations are allowed to capture value from their selected variations (Aldrich, 1999). When environments retain organizations and allow them to secure resources and enact transactions with other individuals and organizations, the process of evolution has effectively made a choice in preserving, duplicating, and reproducing a specific set of routines, competencies, and organizational structures. Thus, evolutionary theory says, tenants will fail if there is a strong misalignment between the routines, competencies, and processes they develop in the incubator and those that un-incubated ventures develop on their own.

5.2 Incubator Based Activities

Several studies are indeed convincing about the role of Managerial skills on new venture performance (Lumpkin & Ireland, 1988; Delmar & Shane, 2003; Haber & Reichel, 2007). Technology incubators enhance the survival and subsequent growth of technology entrepreneurship by providing trainings on these skills to incubatees. Similarly, Pakrad et al. (2012) in their study of Iranian Nano technology SME found that not only technical skill (nanotechnology expertise) but also entrepreneurial and business skills are required to achieve the goals of Technology Incubation. Dew et al., (2004); and Fang et al., (2010), posited in their studies that incubators that have effective technology transfer program with more skillful business developers, with different backgrounds, specializations and experiences, dedicated to the graduation process have a greater propensity to create new ventures. Inanga, Azih (2014) however found that, Technology transfer program measured by the quality of human resource and expertise does not seem to impact much on the effectiveness of incubation. Garvey and Garrett-Harris (2008) carried out a systematic review of over 100 studies and evaluations of mentoring schemes across a range of industry sectors; they concluded that both the mentors and mentees benefits immensely from the mentoring sessions. Noe (1998) however, argue for caution in assessing the impact of mentoring. He found that mentors tend to overestimate the value and impact of their support and attributed a greater proportion of the business success to the mentoring, than protégés did. Numerous scholars have alluded to the fact that commercialization is accelerated and influenced by incubators (Al-Mubaraki & Busler, 2010; Chandra et al., 2012; Tamásy, 2007) in the shape of spinoffs (Lee & Osteryoung, 2004; Mian, 1996; Palumbo & Dominici, 2013). However, Phillips (2002) did not find a strong relationship between commercialization and incubation.

5.3 Technology Entrepreneurship Growth

A study conducted by Vernet Lasrado et al., (2015) amongst university incubators revealed that incubators have a significant effect on job and sales growth. The study by DiGiovanna, S., and Lewis, D.A. (1998) at New Brunswick, New Jersey found that the direct jobs created by incubator clients cost significantly less than those created through other types of economic development capital projects. In a study on the impact of incubation on firm performance during post-graduation period in Turkey, Yasin Sehitoglu and Omer C.O. (2013) found out that incubated firms outperform the non-incubated firms both in employment and sales growth, showing a positive impact. Similarly, Allen, D., and Bazan, E. (1990) while comparing incubated and non-incubated firms in Pennsylvania found that incubator clients had

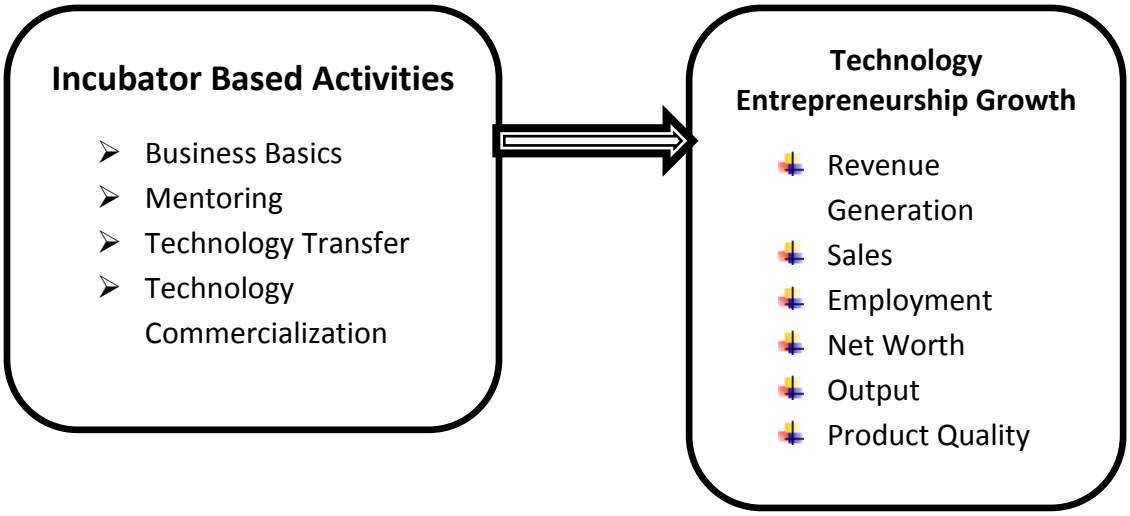
statistically better performance in sales and employment.

5.4 Incubator Based Activities and Technology Entrepreneurship Growth

Inanga EL, Azih E (2014), while measuring the performance effectiveness of entrepreneurs with some performance indicators from the demographics- Number of Employees, Sales Turn Over, Output and Net Worth suggest that Technology Incubation has a positive effect on the development of Small and Medium Scale Enterprises. National Technology Incubator's Network of Australia (2009) noted that incubators supported the development of technology based companies in the country, thereby acting as catalyst for the refocusing of Australia's economy towards knowledge-based industrialization. However, Chen's (2009) study of Taiwanese incubators found no direct effect on new venture performance as a result of incubation. Rothaermel and Thursby (2005) on the other hand showed that incubated firms were significantly less likely to experience outright failure. Allen, D., and Bazan, E. (1990) while comparing incubated and non-incubated firms in Pennsylvania found that the failure rate for incubator graduates was lower than that of non-incubator firms. Massimo G. Colombo and Marco Delmastro in 2002 conducted a study composed of a sample of 45 Italian technology startups which at the beginning of 2000 were located in an incubator within a park. Their findings indicate that on-incubator firms show higher growth rates than their off-incubator counterparts. They also perform better in terms of adoption of advanced technologies, aptitude to participating in international R&D programs, and establishment of collaborative arrangements, especially with universities. However despite the popularity of incubators as a means of improving the fates of new business ventures, some scholars asserts that there is limited evidence that they improve firms' performance or viability (Aernoudt 2004; Amezcua et al. 2011; Amezcua 2010; Peters et al. 2004; Rothaermel and Thursby 2005; Scillitoe and Chakrabarti 2010). Some researchers are even of the view that the incubation process can weaken a firm's ability to compete and survive after graduation (Amezcua, 2010a).

6. Conceptual Framework

Figure 1: Conceptual Framework Relating Incubator Based Activities and Technology Entrepreneurship Growth.



Source: (Adopted by researcher using ideas of Barret (2004), Schumpeter (1934), Kruger (2004), Churchill and Lewis (1983) and Casson (1982).

7. Methodology

Based on the mixed nature of the study, the study used positivist epistemology with objective ontology together with interpretive epistemology and subjective ontology. Non-experimental, descriptive, correlative and cross-sectional designs were adopted for this study.

Response Rate

Table 1 Response Rate

Categories	Number of Enterprises	Percentage (%)
Population	86	100
Total responses	84	97.7

Source: *Results of data analysis (2016)*

8. Testing for Statistical Assumptions

In order to conduct further parametric statistical tests, the appropriateness of the data has to be ascertained, this study therefore subjected the data to normality test, linearity test, no multicollinearity test and homogeneity test. The result showed that the data was normally distributed. Similarly, the components under the study variables were highly correlated and there was no multicollinearity among the components under incubator based activities and the Levene's test statistic reveals that the data was homogeneous and therefore appropriate for the conduct of parametric analysis.

Descriptive Statistics of the Respondents (Table 2)

Variable	Category	frequency	Percentage
Gender	Male	66	78.6
	Female	18	21.4
	Total	84	100.0
Age	Below 30 years	3	3.6
	30 – 39 years	43	51.2
	40 – 49 years	31	36.9
	50 – 59 years	6	7.1
	60 and above	1	1.2
	Total	84	100.0
Service	6 – 7 years	67	79.8
	8 – 9 years	10	11.9
	10 – 11 years	6	7.1
	12 years & above	1	1.2
	Total	84	100.0
Educational qualification	Elementary	2	2.4
	Secondary	4	4.8
	Tertiary	19	22.6
	Graduate	48	57.1
	Post Graduate	11	13.1
	Total	84	100.0
Marital	Single	10	11.9
	Married	74	88.1
	Total	84	100.0
Location	Kebbi	13	15.5
	Kano	29	34.5
	Sokoto	25	29.8
	Gusau	17	20.2
	Total	84	100.0
Position/Status	Owner/entrepreneur	45	53.6
	Management staff	38	45.2
	Intermediate	1	1.2
	Total	84	100.0

Source: Results of data analysis (2016)

The findings in table 2 above shows that majority of the entrepreneurs were male (78.6%). The female constitute 21.4%. The findings also revealed that the majority of the entrepreneurs fall between the ages of 30-39 (43%) and 40-49 (31%) years respectively. Entrepreneurs with ages below 30 were only 3, while those between 50-59 years, and 60 and above years were 6 (7.1%) and 1 (1.2%), respectively. Furthermore, the findings depicted that majority of the enterprises have existed for 6 to 7 years (67), followed by those that existed for 8 – 9 years (10). Six (6) enterprises existed for between 10 to 11 years, while only one (1) existed for over 12 years. From the results depicted above also, majority of the entrepreneurs have bachelor's degree (57.1%), followed by those with tertiary education (19.0%). Those with Post Graduate qualifications constituted 13.1% while those with secondary and elementary education were 4.8% and 2.4% respectively. As indicated in table 4.2 also, majority of the entrepreneurs were married (88.1%), followed by those that were single (11.9%). None of the entrepreneurs was either a widow or a widower. The findings also indicated that Kano Technology Incubation Center had the highest number of entrepreneurs that participated in the survey (34.5%), followed by Sokoto (29.8%), Zamfara (20.2%) and Kebbi (15.5%). The findings ascribed that 53.1% of the respondents were the owners themselves, 45.1% were management staff of the enterprises, while 1.2% were intermediate/junior staff.

9. Summary of the Results from Interview

With the mixed method adopted by the study, the obtained quantitative result was supported with qualitative responses. To achieve this, the study interviewed selected entrepreneurs that went through the incubation process from the four locations covered. The locations were Kano, Sokoto, Kebbi and Zamfara (Gusau). Their views on the contributions of the incubator based activities towards the growth of technology entrepreneurship in North Western Nigeria were recorded. These views provided, in more details, information about the study variables.

10. Findings based on the objective of the Study

10.1 Hypothesis Testing

Objective: To assess the contribution of Incubator Based Activities to Technology Entrepreneurships Growth in North Western Nigeria.

The null hypothesis that incubator based activities have no significant contribution to technology entrepreneurship growth in North Western Nigeria was tested using regression analysis at 5% level of significance.

Relationship between Incubator Based Activities and Technology Entrepreneurship Growth (Table 3)

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	2.347	.603		3.890	.000
	Incubator Based Activities	.295	.185	.174	0.599	.007
R = .403 R Square = .162 Adjusted R Square = .120 Dependent Variable: Growth						

Source: Results of data analysis (2016)

Table 3 above presents the analysis of variance on the regression model, the p-value of the analysis (<0.007) is less than 0.05, we therefore reject the null hypothesis and conclude that the contribution of incubator based activities to technology entrepreneurship growth in North Western Nigeria is significant. Furthermore, correlation between the incubator

based activities and technology entrepreneurship growth is 0.403, implying that there is 40.3% relationship between Incubator Based Activities (Business Basics, Technology Transfer, Mentoring and Technology Commercialization) and technology entrepreneurship growth in North Western Nigeria. The value of the R-square (coefficient of determination) is 0.162 indicating that 16.2% of the variation growth is explained by the Incubator Based Activities.

Relationship between Incubator Based Activities components and Technology Entrepreneurship Growth (Table 4)

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	2.094	.586		3.575	.001
	Business Basics (IBB)	.170	.278	.121	.610	.543
	Technology Transfer (ITT)	1.010	.366	.672	2.764	.007
	Mentoring (IME)	-1.085	.382	-.745	-2.838	.006
	Technology Comm. (ITC)	.275	.166	.193	1.660	.101
R Square = .167 Adjusted R Square = .152 Sig F Change = 0.000 Dependent Variable: Growth						

Source: Results of data analysis (2016)

Table 4 depicted that the model was significant (Sig F Change < 0.05).The table also shows that components of Incubator Based Activities explain about 16.7% of variations in Technology Entrepreneurship Growth in North Western Nigeria. Furthermore, only mentoring and technology transfer have significant contribution to technology entrepreneurship growth at 5% level of significance among the incubator based activities, while other activities do not have significant effect on the growth. The results of the linear regression shown in table 4 were associated with the following equation for the significant model:

$Y_{IBA} = 2.094 + 0.170X_{IBB} + 1.070X_{ITT} - 1.085X_{IME} + 0.275X_{ITC}$

Additionally, from the 13 informants interviewed in this study, 11 agreed that technology incubation centers provide adequate trainings on managerial skills. Similarly, the quality of their business development teams was high, resulting to effective technology transfer and effective mentoring. Only six out of the 13 however agreed that incubation centers provide the synergy required towards commercialization of incubatees products. They concur on the need for the technology incubation centers in North Western Nigeria to put additional efforts in ensuring that innovations are speedily commercialized in order to encourage the new firms to do more.

10.2 Background information

The results ascribed that majority of the respondents were male. This shows that male were more willing to undertake entrepreneurial activities than their female counterpart. This finding concurs with Bosma, Acs, Autio&Levie (2009); Coven, Green &Slevin (2007); Kimuli (2011) and Shehu(2014). The observed male dominant entrepreneurial landscape may probably be due to the nature of the environment (culture, beliefs system etc.). The culture in North Western Nigeria is largely Islamic, and in an Islamic culture, males are considered the sole providers of provisions required for sustenance. Females therefore do not largely engage in activities outside the home. Their primary responsibility is proper upbringing and other domestic activities. This finding is in tandem with Cliff (1998), Nathaly Riverin (2005). The results also found that majority of the respondents were between the ages of 30 and 49. This may be as a result of the demanding nature of nurturing a business start-up. The physical and mental capacity of the undertaker is a major success factor.

Moreover, empirical research highlights this as the "peak age" for entrepreneurship. This finding is consistent with Dane Stangler et al., (2013), G. Tamizharati et al., (2010), and Julian Lange et al., (2014). Furthermore, the study depicted that the businesses that formed the sample of the survey were largely between 6 to 7 years in operation. This may probably be due to the ability of the incubators to graduate more incubatees of recent due to gained experiences and increased capacity; and their increase in number in the region. This is consistent with the findings of Ratinho, (2011). Similarly, the results found out that majority of the respondents had attained a bachelor degree or a higher national diploma (HND). This is probably due to the high rate of unemployment. Graduates do not easily get the much desired white collar jobs, and therefore resort to entrepreneurial undertakings. The requirements for admission into the incubation centers may equally give the graduates an edge over the less educated. This finding concurs with Kimuli (2011) and Shehu (2014). The results however contradict the findings of Ekpenyong, and Nyong (1992). Furthermore, the results showed that majority of the respondents were from Kano followed by Sokoto. This may probably be because Kano and Sokoto incubators were established much earlier (1994 & 1999) than the others. This gives the two centers the opportunity to graduate more incubatees being more experienced in the incubation process. This is in tandem with the findings of Sherman and Chappel (1998), Sean M Hackett and David M Dilts (2004a).The results also depicted that majority of the responses were given by the entrepreneurs/owners themselves. This may probably be connected with the fact that majority of the enterprises were one-man-biz. The owners keep all the records and take all the decisions; as such the owner was the only person in a better position to give the required information.

10.3 Relationship between Incubator Based Activities and Technology Entrepreneurship Growth

Table 4 indicated the existence of a positive correlation between Incubator Based Activities and Technology Entrepreneurship Growth in North Western Nigeria. Business Basics, Technology Transfer, Mentoring and Technology Commercialization are the components of Incubator Based Activities. This means that technology incubation centers should give additional attention to imparting these skills to incubatees. This will greatly enhance their chances of survival and subsequent growth after graduation. This finding is in line with the findings of Smilor and Gill (1986), Lumpkin and Ireland (1988), Lyons (2000), Delmar and Shane (2003), Haber and Reichel (2007) and Pakrad et al. (2012), who also found positive association between the components of Incubator Based Activities and Technology Entrepreneurship Growth in their studies. This adds to the growing empirical literature that suggests the existence of a positive association between Incubators Based Activities and Technology Entrepreneurship Growth. By assisting incubatees to acquire adequate managerial skills, a lot of the difficulties they face in their efforts to access finance, network, meet regulatory requirements, marketing, planning and organizing etc. will be remedied. An analysis of the effect of individual dimensions of Incubator Based Activities from the results showed that mentoring and technology transfer were found to predict Technology Entrepreneurship Growth significantly. This significant association found between mentoring and technology transfer with Technology Entrepreneurship Growth allude to the earlier findings of Hofer and Sandberg (1987), Ibrahim and Godwin (1986), Surbauer and Baker (1989), Al-Mubaraki and Busler (2010), Chandra et al. (2012) and Palumbo and Dominici (2013). However it was found that business basics and technology commercialization were not significant predictors of Technology Entrepreneurship Growth in North Western Nigeria. This result concurs with the findings of Chan and Lau (2005), Tamasy (2007), Inanga EL and Azih E (2014). It implies that all dimensions of Incubator Based Activities do not necessarily contribute to Technology Entrepreneurship Growth in every situation and setting. By and large however, the result of this study indicates

that Incubator Based Activities is a precursor of Technology Entrepreneurship Growth in North Western Nigeria. Technology Incubation Centers should therefore intensify their efforts in giving incubatees adequate trainings on business basics which will lead to the acquisition of excellent managerial skills that would certainly give them a competitive advantage, enabling them to strategically position themselves to exploit opportunities in turbulent situations. Collaboration with relevant government agencies, the academia and the private sector should be given top priority to facilitate speedy commercialization of incubatees' products.

11. Study Hypothesis and Decision

Hypothesis

There is no significant relationship between Incubators Based Activities and Technology Entrepreneurship Growth in North Western Nigeria.

Therefore the null hypothesis was rejected.

12. Conclusions

The main objective of this study was to explore the relationship between Incubator Based Activities and Technology Entrepreneurship Growth in North Western Nigeria. Based on the findings and discussions from the study, a number of conclusions were drawn.

The study concluded that Incubator Based Activities is a significant predictor of Technology Entrepreneurship Growth. This means that incubated enterprises stand a better chance of survival and experiencing higher growth than the un-incubated enterprises. The study also concluded that the training courses offered to incubatees under incubation are somewhat deficient. These are likely to affect survival rate, project management in terms of time to market, national and international market penetration and sales. Incubation centers that have a holistic approach to management skills training may have more prospects in producing firms that will stand the test of time. Incubatees have strong apathy to partnership, this hampers their efforts in having access to finance.

13. Summary of the Major Findings

The study found linear, positive and significant relationship between Incubator Based Activities and Technology Entrepreneurship Growth in North Western Nigeria.

14. Recommendations

A succession planning and exit strategy ensures continuity and subsequent survival of businesses. In business basics trainings therefore, incubation centers should ensure that incubatees are tutored adequately on succession planning and exit strategies. This is because the study found out that almost all the graduated enterprises that the owner/manager died did not survive after their demise. This is an ugly trend as businesses are supposed to outlive their founders/owners. According to Scholes, Westhead and Burrows (2008) transfer of ownership is very important to the continuity and success of small business. The inability of small business owners to transfer the business successfully to another person may lead to closure. It is therefore paramount for the incubation centers to include, amongst others, extensive trainings on succession planning and exit strategies. This will ensure successful successions or exits that may not result in the dissolution of the businesses.

The study also discovered that because North Western Nigeria is largely Muslim, Islamic Jurisprudence and Law is always applied in sharing the assets of a deceased, including his businesses. Properties belonging to businesses are therefore sold prematurely and the businesses wound-up to allow for the sharing of the proceeds to the beneficiaries. The staunch apathy towards partnership by most business owners in North Western Nigeria has contributed greatly to the prevalence of this predicament. Joint businesses in most cases survive the demise of a partner. This is because there are clear guidelines for either withdrawing from the partnership or liquidation of the business concern. The one-man-biz mentality is equally responsible for the preference to debt financing instead of equity financing. This has also made access to finance more difficult as most small businesses

cannot satisfy the stringent conditions attached to the financing. Technology Incubation Centers should therefore sensitize incubatees on the advantages of partnerships in their business skills trainings. The government should also encourage entrepreneurs to partner by giving some incentives. This will hopefully bring to an end these failures due to the demise of the owner/manager in North Western Nigeria.

Literature has shown that the Nigerian model was adapted from the USA in 1993; however, the success story as a consequence of the implementation strategy has fallen short of expectation. The challenges Nigerian policy makers encountered in the implementation of the incubation model could largely be traced to concerns and issues encompassing the adaptation of the incubation policy to a non-Western local environment. Policy makers should therefore endeavor to largely localize the adaptation strategy to suit the local environment. An incubation program which value-add most effectively will be one that adopt a pro-active business development stance based on a sound appreciation of the business needs of its local clients

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Entrepreneurship Education as a Panacea to a Depressed Economy: Nigeria in Perspective

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Abstract. It is evidently clear that entrepreneurship education involves the process of acquisition of knowledge and skills by both students and trainees on how to develop ideas that would be transformed into business venture. People and nations are what they are today because of the nature and type of education they are exposed to as Entrepreneurship education makes it possible for a country to have highly intelligent and creative citizens who always keep improving the living conditions of the general citizenry and solve problem that may emanate from society. No wonder entrepreneurship education has been embraced by almost all the developed and developing countries. Nigeria today is passing through a lot of changes in virtually every field of her citizens' endeavour. These changes are no doubt, more on economic development. It is understandable that even some developed states of the world had experienced economic depression in the past and applied entrepreneurship as a catalyst for reviving the economy. So, entrepreneurship can be seen as a tool that facilitates economic, social, political and technological advancement and diversification in all human societies. This therefore places heavy responsibilities on managers of educational institutions in Nigeria as this objective can only be realized and sustained through an efficient educational system that could impart the relevant skills, knowledge, attitudes and values to the students. It is evidently clear today that virtually almost all graduates of tertiary institutions are not gainfully employed either by sells or government. This ugly situation can be addressed by adequate entrepreneurship education by reducing the number of unemployed in the societies. To critically understand the phenomenon of entrepreneurship, this paper takes a general global look at the nature of entrepreneurship, entrepreneurship education and discusses the role it plays, problem of entrepreneurship with particular references to the role of the government and educational institutions in Nigeria. In so doing, the author employs secondary method of generating data. In precise, the paper establishes the link between entrepreneurship education and sustainable development.

Keywords: entrepreneur, entrepreneurship education depressed economy

1. Introduction

The concept of entrepreneurship refers to the process of creating something new with value by devoting the necessary time and effort, assuming accompany financial, psychic, and social risks and receiving the rewards of monetary and personal satisfaction and independence Hisrich (2002). Entrepreneurship, from the perspective of this paper is understood as a specialized training given to the students or trainees to acquire skills, ideas and managerial abilities and capabilities for self employment than being employed for pay.

Adebayo (2013) argued that despite the persistent and cry for the introduction of entrepreneurship skills training programme into the university and other tertiary institutions curriculum, nevertheless, majority of our graduates and especially those that had gone through little skills training and those that

were expected to have acquired the skills for self reliance and join the pool of entrepreneurs find it very difficult and impracticable to find their feet on ground as business owners.

Why so? the reason for this is not far fetched as they are confronted with many challenges among which are: improper and half baked skill training known as instructional series of skills training at our tertiary institutions, lack of financial resources, managerial inability, Lack of marketing experience, lack of entrepreneur pedagogy and tertiary institution authority for the skills training programme.

Therefore the planning, management and administration of education should refocus on deliberate process of using formal and informal education to make it relevant, lifelong and functional by embracing entrepreneurship education to address the challenges of unemployment and underdevelopment with its multi variant and national consequences of poverty, insecurity, social unrest and school drop–out, indiscipline in the society and schools, destruction and vandalization of public and private properties.

Entrepreneurs are essential to economic development because entrepreneurs are self employed and create new businesses, stimulate the local economy in many ways. For instance, their new businesses create jobs that were not there before which invariably reduce the unemployment rate and increase money in circulations. Besides, they also help improve living standards with locally sourced options that offer lower prices, help form a sense of community due to the localization of the products and encourage people to seek out new types

Today we recognize that the agent of change in human history has been and most likely will continue to be the entrepreneur. Whether the specific activities they engage in, entrepreneurs today are considered the heroes of free enterprise. Many of them used innovation and creativity to build multimillion-dollar enterprises from fledging businesses- some in less than a decade

These individuals have created new products and services and have assumed the risks associated with these ventures. Many people now regard entrepreneurship as "pioneership" on the frontier of business.

Therefore, it is important to note that entrepreneurial efforts encourage local development, and the collective force of entrepreneurs has an impact on the overall economy of the country. So the present cry for the social economic development for the country through ensuring both qualitative and quantitative education for the people has been a serious issue of concern to the citizens. Perhaps the issue seems most relevant nowadays in the skills training and entrepreneurship education.

2. Conceptual Clarification

Entrepreneurs are the people who look for ideas and put them into effect in fostering economic growth and development. Entrepreneurs are involved in creating new value, devotion of necessary time and effort, assumption of risks and rewards of independence and personal satisfaction.

The word entrepreneur is derived from the French entrepreneur, meaning "to undertake". The entrepreneur is one who undertakes to organize, manage, and assume the risk of a business (Ronstadt (1984). In recent years entrepreneurs have been doing so many things that necessitate the broading of the definition.

Kurotko & Hodgelts (1998) see entrepreneur as an innovator or developer who recognizes and seizes opportunities, converts those opportunities into workable/ marketable ideas: add value through time, effort, money, or skills: assumes the risks of the competitive market place to implement these ideas, and realizes the rewards from these efforts

Kert etal (1982) defines entrepreneur as the aggressive catalyst for change in the world of business. He or she is an independent thinker who dares to be different in a background of common events.

The literature of entrepreneurial research reveals some similarities, as well as a great many differences in the characteristics of entrepreneur.

According to Montagno & Kuratko (1986). They positioned that chief among these characteristics are personal initiative, the ability to consolidate resources, management skills, a desire for autonomy, and risks taking. Other characteristics according to the scholars include aggressiveness, competitiveness, goal oriented behaviours, confidence, opportunistic bahaviour, intuitiveness, reality based actions, the ability to learn from mistakes, and the ability to employ human relations skills.

Although no single definition of entrepreneur exists and no one profile can represent today's entrepreneur. Research is providing an increasingly sharper focus on the subject as the review of the history of entrepreneurship illustrates this.

Kuratko & hodgetts (1998) maintained that America currently is in the midst of a new wave of business and economic development, and entrepreneurship is the catalyst for this. The duo went further to say that the social and economic forces of entrepreneurial activity existed long before the 1990s. Today we recognize that the agent of change in human history

has been the entrepreneurs. The recognition of entrepreneur dates back to eighteenth century France when economist Richard Cantillon associated the "risk bearing" activity in the economy with the entrepreneur. In England during the same period, the Industrial Revolution was evolving, with the entrepreneur playing a visible role in risks taking and the transformation of resources.

The scholars maintained that the association of entrepreneurship and economics has long been the accepted norm that until the 1950s the majority of definitions and references to entrepreneurship had come from economists. For example. Cantillon a French economist who associated the "risk bearing" activity in the economy with the entrepreneur?

Jean Babtiste (1803) as quoted by kuratko and Hodgetts that the renowned economist Cantillon and Joseph Schumpeter (1934), a twentieth century economic genius, wrote about entrepreneurship and its impact on economic development.

Over the decades writers have continued to try to describe or define what entrepreneurship is all about – writers like Joseph Schumpeter (1951) and Author Cole say entrepreneurship consists in doing things that are not generally done in the ordinary course of business routine; it is essentially a phenomenon that comes under the wider aspect of leadership. While Joseph Schumpeter sees entrepreneurship in all non-authorization societies as constituting a bridge between society as a whole, especially the non economic aspects of that society, and the profit-oriented institutions established to take advantage of its economic endowments and to satisfy, as best they can, its economic desires.

In entrepreneurship, there is agreement on a particular kind of behavior that includes. (1)Initiative taking, (2) the organizing or re-organizing of social economic mechanism to turn resources to practical account, and (3) the acceptance of risks of failure

Ronstadt put together the summary of the reviews and definitions given by different scholars as stated above thus:

Entrepreneurship is the dynamic process of creating incremental wealth. This wealth is created by individuals who assume the major risks in terms of equity, time, and or carrier commitment of providing value for some product or services

The product or service itself may or may not be new or unique but value must somehow be infused by the entrepreneur by securing and allocating the necessary skills and resources flowing from the above conceptual explication, one can deduce the fact that entrepreneurship is the ability to create and build a vision from practically nothing: Fundamentally it is a human, creative act, it is the application of energy to initiating and building an enterprise or organization, rather than just watching or analyzing. This vision requires a willingness to take calculated risks both personal and financial- and then to do everything possible to reduce the chances of failure. It is the evidently clear that creativity and innovation are instrumental to economic development and sustainably and the focus of entrepreneurship should be on school age youths to whom the future belongs. Therefore all the tertiary institutions should be organized towards building entrepreneurial mind set in the youths. Today entrepreneurship is becoming a focal point for the various economies of the world as a result of its potency to greatly influence economic growth and development through entrepreneurial drive and persistence Kuratko(2009).

Entrepreneurship education is a form of education which makes humans to be responsive to their personal families and national needs and aspirations Efe (2014)

Hanlon & king (1997) see entrepreneurship education as an educational programme that focuses on impacting students with issues on entrepreneurship

Paul (2005) sees entrepreneurship education as offering functional education to the youths that will make them to be self-employed and self-reliant; provide the youths or graduates with adequate training that will enable them to be creative and innovative in identifying novel business opportunities, serve as a catalyst for economic growth and development; offer tertiary institution graduates adequate training in risk management, reduce high rate of poverty: create employment opportunities, reduce rural- urban drift, provide the young graduates with enough training and support that will enable them to establish career in small and medium sized businesses; inculcate the spirit of perseverance in the youth and adults which will enable them to persist in any business venture they embark on and create smooth transition from traditional to a modern industrial economy.

3. Role of Entrepreneur in Economic Development

Entrepreneur which has been defined in various ways by different scholars plays crucial roles in fostering economic growth and development. The following are some of the roles played by entrepreneur in a depressed economy as given by Inegbenebor & Igbinomwanhia (2010) and quoted by Ogedengbe (2015).

(i) Employment generation; unemployment is a major problem facing all nations of the world and solving this problem that has become endemic, is the quest of all nations. Entrepreneurship has remained the most important tool for solving them. Those who take to entrepreneurship immediately, succeed in providing jobs for themselves, as well as others. Many Nigerians are very resilient in this regard in establishing and managing business profitably.

(ii) Increase in productivity through innovation: Innovation which has been described as a process by which entrepreneur convert opportunities (ideas) into marketable solution (Kuratko, 2009) is crucial in raising productivity Kuratko (2009). Innovation is a key aspect in entrepreneurship .because of the resourcefulness and ingenuity of entrepreneurs, they are able to contribute innovatively through productivity. Nigeria can become a producing nation instead of the present situation of being a consuming nation

(iii) Facilitation of technological transfer/ adaptation; Opportunities for developing and adapting appropriate technological approaches are provided by entrepreneurs. This facilitates the absorption of all kinds of workers- skilled, semi- skilled and unskilled.

(iv) Increase in resources utilization: In many nations, resources could be left fallow but entrepreneurs harness these resources, which might otherwise remain idle, and put them into productive and profitable use. They contribute to the mobilization of domestic savings and utilization of local resources including human resources.

(v) Stimulation of growth in the sector which supply it with input: Generally, entrepreneurship is a tool for the stimulation of growth in the factor market- This is more apt in its factor supply market for a particular business / venture. The greater the number of small- sale entrepreneurs that exist in the downside of a particular sector, the greater the market, and by extension, the greater the capacity utilization

(vi) Reinforcement of large-scale enterprises and public enterprises: Entrepreneurs principally produce raw materials in the form of semi-processed goods for the use of bigger enterprises. This is clearly depicted by the synergized relationship existing between them and large scale enterprises, in terms of supply of inputs and assistance in the distribution of the finished goods to the final consumers.

(vii) Encouragement and sustenance of economic dynamism that enables an economy to adjust successfully in a rapidly changing global economy. Due to their nature, small scale entrepreneurial ventures are usually flexible and capable of responding quickly to global economic changes. Entrepreneurial ventures have, thus, accounted for a large percentage of all businesses and a favorable percentage of gross national product of many countries.

(viii) It enhances effective and efficient use of individuals potentials and energies. Entrepreneurship is making individuals to use their potentials and energies to create wealth, independence and status in the society. Most successful businesses in Nigeria today started small. As a result of opportunity to display potentiality and independence, some entrepreneurs are able to work on their ventures and growing them to become big businesses that bring them fulfillment for the growth and ability to create jobs for others.

4. Challenges of Entrepreneurship in Nigeria

Entrepreneurship is not free from challenges. It is faced with so many and some of them are highlighted below according to Ogedengbe et al (2015).

(i) Students' orientation: The place of passion is critical in cultivating and promoting entrepreneurial spirit in students. This follows that a passionate and committed student of entrepreneurship may end up taking the course as a career goal. Entrepreneurship, as it is today, is not taken by many as vocational course or study in Nigeria rather wage earning is favoured. This is a challenge to the field. But to stimulate students' interest in this line, a design of entrepreneurship education with significant promotional content as well as an enabling environment is needed for that purpose.

(ii) Orientation of schools administration: At present, many schools' administrators are yet to appreciate the value and potential of entrepreneurship education in the development of the nation, hence, no real support is articulated by them. There is, therefore, a need for the leadership of schools to reorient themselves towards entrepreneurship development. Practical steps towards result oriented entrepreneurship can only be achieved in schools only when school administrators themselves know and promote activities of entrepreneurial development. The national universities

commission (NUC) and national board for technical education (NBTE) should go beyond prescribing the minimum academic standards with respect to entrepreneurship education to organizing seminars and workshops with the aim of enhancing the knowledge of school administrators in this area.

The fundamental question of who to be target in entrepreneurship education is another fascinating aspect of polytechnic and university administration orientation. Should entrepreneurship be an elective or a compulsory course? Should students be allowed to self-select themselves for entrepreneurship education? Whatever the answer to these questions may be, it is important that entrepreneurship is promoted heavily among young people. Special effort should be made to promote entrepreneurship education among students in sciences, engineering and agriculture where the potential for growing innovative, high growth firms is high.

(iii) What to teach: What to teach depends on the overall aim that a given entrepreneurship education programme seeks to achieve. As the initial stage of entrepreneurship education, it was believed that the best that can be achieved by educators was to seek to change the perception of students by making them aware of the nature and scope of entrepreneurship, the characteristics and the role demand of entrepreneurs and the impact of social, economic and political environment on new ventures creation. Entrepreneurship education includes skill building in negotiation, leadership, new product development, creative thinking and exposure to technological innovation. Other areas considered to be important for entrepreneurial education are sources of venture capital, idea protection, characteristics of entrepreneurs, challenges of each stage of venture development and awareness of entrepreneurial career options. In spite of this, there is need for entrepreneurship teachers, educators and practitioners to brainstorm for the purpose of generating ideas about what to teach given the social economic peculiarity of Nigeria.

(iv) How to teach: How to teach entrepreneurship addresses the issues of how best to stimulate students' interest in entrepreneurship, how best to transfer information, skill and attitudes relevant for successful venture creation and sustenance. Researchers have found widespread use of experiential learning in entrepreneurial education in most school. Experiential learning is an effort to integrate real world experiences with conceptual learning. It involves various techniques as case analysis, business plans, consulting with practicing entrepreneurs as guest speakers, internship in entrepreneurially – run businesses, student involvement in product development teams simulation, field trips, use of video and films and so on. The major advantage of this method is that the students are actively involved in the leaning process. Also, the lecture method which is suitable for providing information, explaining concepts and theories is widely used where necessary.

(v) Who is to teach entrepreneurship? No doubt, special training and experience are enquired for the purpose of teaching entrepreneurship. Entrepreneurship teachers and facilitators should, as a matter of policy, be made to acquire the requisite knowledge, skills and expertise for this purpose.

One technique that can be used in improving the teaching of entrepreneurship is to encourage the educational institutions involved to share resources, knowledge and experience in this area through seminars, conferences and workshops. Also, business experts and practitioners should be invited as speakers to share their practical experiences in the course of managing their businesses or rendering consultancy services.

(vi) Teaching facilities: Materials to aid the learning process of entrepreneurship has to this day remained largely the same as other subjects in terms of delivery. They should be hand- on teaching materials and equipment to aid learning process in the various institutions

(vii) Capacity building centers: As alluded to in the point above, centers for capacity building where the intending entrepreneur is made to have hand-on experience are not adequate, if they ever exist in Nigeria. Incidentally, entrepreneurship is better appreciated in practical experiences than in being theoretical. It is important, therefore, that the knowledge gathered in theory be backed by real life practical experiences in laboratories, workshops and business incubation sites.

5. Expected Role of Government and Recommendations

Government has a crucial role to play to ensure sustainable economic growth through recognition given to entrepreneurship in the societies. It is sad that some government in the developing countries have not taken cognizance of these immense benefits. Today it is recognized that the agent of change in human history has been the entrepreneur.
That is the reason it is important for nations or the world to spend huge sums of money to provide entrepreneurship education for their citizens as this education invariably becomes a veritable platform for addressing social cultural, economic, political, scientific and technological challenges.

The entrepreneurship education should be given a pride in our educational institutions. Both the government and the educational institutions have the vital have vital roles to play in this regards. While the government is expected to provide the enabling environment that would enhance learning, educational managers should focus on recruiting the right categories of staff that would impact entrepreneurship knowledge and skills to the students.

It should be expected of government to increase the budget for education ministry in order to embark on aggressive teaching of entrepreneurship in tertiary institutions even this position is recognized by UNESCO that recommended 26% of a country's budget to educational sector.

Government should intensify efforts to motivate the agencies established for orientation programmes in the country such as National Orientation Agency to sensitize the youths the benefit of entrepreneurship education to nations. Besides, there should be government directives to make entrepreneurship a compulsory course for all students of tertiary institutions in Nigeria, irrespective of their areas of specialization.

It should be noted that entrepreneurship education should be taken beyond training and education to involve human capacity building though formal and informal training imbeded in the entrepreneur basic skills such as financial skills, technical skills. Creative skills, managerial skills, intellectual skills marketing skills, communication skills and technological skills (Antu 2011).
Entrepreneurship education is a new discipline that needs to be accorded wider acceptance by all the higher institutions in Nigeria. Meanwhile entrepreneurship discipline is a multi-disciplinary in nature that covers so many other disciplines such as psychology, marketing, management, sociology, anthropology, business studies etc. If this discipline is given a total acceptance by the tertiary institution, there will be great hope that entrepreneurship will be instrumental or become a viable vehicle for Nigerian economic growth and development.

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Employment Creation and Poverty Reduction in Nigeria: A Case of Farmers' Cooperative Societies in Kano State, Nigeria.

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Abstract. This study examines the role of employment creation on poverty reduction among members of farmers' cooperative societies in Kano State Nigeria. A cross-sectional survey research design was adopted. Primary data collection method was used in which self-administered questionnaire were distributed to a total sample of 217 respondents selected from the target population of 498 members of farmers' multi-purpose cooperative societies. Pearson correlation and binary logistic regression model were used to determine the influence of employment creation on poverty reduction among the respondents. The mean per capita expenditure was used as a dependent variable, while employment creation as the independent variable.

The findings indicated that female were more affected by poverty than their male counterparts. Gender was not a significant factor that determined poverty level in this research. Young and middle age were the majority of the respondents and these age groups were more affected by poverty. Age was found as a significant factor that determined poverty level in this research. Majority of the respondents had household size of 7 to above 12, and the respondents with large family size were more affected by poverty than those with small ones. The household size was found as a significant factor that determined poverty level in this research. Majority of the respondents had low educational qualifications, and the respondents with low educational qualifications were more affected by poverty than those with higher educational qualifications. The educational qualification was found as a significant factor that determined poverty level in this research.

The results further showed that employment was found as statistically significant factors that contributed towards poverty reduction among members of farmers' cooperative societies in this study, and the study recommended that age, family size, educational qualifications, and given adequate soft loans should be considered when designing employment creation programmes for poverty reduction.

Key Words: Employment Creation, poverty, Farmers' cooperative societies.

1. Introduction

This study examines the role of employment creation on poverty reduction among members of farmers' cooperative societies in Kano State Nigeria. The employment creation is one the objectives of Farmers Empowerment Programme (FEP) which was designed and implemented under National Poverty Eradication Programme (NAPEP) in 2007 with the sole purpose and mandate of fighting or alleviating poverty levels among members of farmers' cooperative societies in Kano State, Nigeria.

In spite of the above mandate, there are several concerns (complaints) about the persistent increase of poverty level among farmers in Kano State in particular and Nigeria in general (Garba, 2006; National Bureau of Statistics, NBS, 2010; Okpe and Abu, 2009; World Bank, 2015).

In 2004, the national statistics showed that 68.9 million (54.89%) people were affected by poverty in Nigeria, but this problem has continued to get degenerated as the number of people living in poverty increased from 112.47 million (69%) in 2010 to 119 million (70%) in 2015 (National Bureau

of Statistics, NBS, 2004; 2010; World Bank, 2015). While, in the geo-political zones/regions National Bureau of Statistics (NBS, 2012), reported that the poverty level in Nigeria was lowest in the South-West geo-political zone (59.1%) and that the North-West geo-political zone had recorded the highest poverty rates in the country with 77.7% and 62% of the farmers are poor. Hence, Kano State was chosen for this research because it is the most populated state in the North-Western Nigeria and the poverty rate in the state is 72.3% which is greater than the national level of 70%.

Therefore in the in the light of the above situation, it was necessary to carry out this study in order to examine the role of employment creation on poverty reduction among members of farmers' cooperative societies in Kano State Nigeria.

2. Literature Review

Poverty is defined as lack of income or consumption level beyond which a person is classified as poor or non-poor. This is narrow definition of poverty but the broader definition goes beyond the level of income or consumption to include lack of capability such as employment, education, shelter etc. to live a decent live. For poverty reduction or alleviation three dimensions of have been explained which include (a) poverty alleviation which means alleviating the symptoms of poverty and/or reducing the severity of poverty without transforming the poor people into non-poor people; (b) lifting people out of poverty which means poverty reduction in the true sense which has to do with reducing the number of poor people and/or transforming the poor people into non-poor people; (c) poverty prevention which means enabling the people to avoid falling into poverty by reducing their vulnerability. Therefore, there are numerous empirical studies which decompose the key determinants of poverty reduction in which employment creation is consistently identified as one of the major factors (Leibbrandt and woolard, 2001).

The important of employment creation is informed by a prevalent assumption that employment has a positive impact on poverty reduction. It is assumed that employment creation reduces poverty directly by increasing households' incomes, and indirectly by stimulating the economy through the creation of demand thereby promoting increased economic activities and further employment growth (ILO, 2009; World Bank, 2011).

Scholars such as Gutierrez, Orecchia, Paci, and Serneels, (2007); Cristescu, Stanila, and Ecaterina, (2013); Bereck, Costello, Fortmann, and Hoffman, (2000); Dalis (2014); UK National Statistics (2015) were interested in relationship between employment creation and poverty reduction. Gutierrez et al (2007) studied how employment/productivity profile of growth and its sectoral pattern were correlated with poverty reduction. Their analysis covered the period between 1980 and 2004, and used a sample of 39 developing countries in which regression model was adopted. They established that in the short run, the aggregate employment-rate intensity of growth did not significantly impact on poverty reduction but what is importance was the sectoral pattern of employment growth. Employment-intensive growth in the secondary sector was associated with decreases in poverty, while employment-intensive growth in agriculture was correlated with poverty increases. Their study also revealed that some conditions of labour market and economic environment were associated with employment-intensive growth or specific sectoral growth, for example, the labour market is divided into two segments, a bad jobs sector and a good jobs sector. In the good jobs sector productivity is higher and so wages are higher and poverty level is low, while in the bad jobs sector productivity is low and income from self- employment/wages is low thereby poverty level is high.

However, a similar finding was obtained by Cristescu et al (2013), as they examined the relationship between the employment rate, social benefits, real GDP and poverty rate in 27 European Countries, using panel data. In their study, they adopted regression model, where they established that increase in employment generation had negatively and statistically insignificant impact on poverty reduction. Their study also revealed that the lower impact of employment on reducing poverty level was due the fact that many European Countries economic growth was not distributed across all social categories and there were many people with low incomes even though they had a job.

UK National Statistics (2015) studied the impact of employment on poverty reduction in UK where it established that employment had a significant impact on poverty level, for example, majority of people (70%) who got jobs exit poverty and only few (30%) who still remained in poverty after getting jobs. The study also found that there were a number of employment-related factors which had affected how likely it was people would move out of poverty after getting a job. This included the level of pay, as well as whether the job was full-time or part-time. Other factors such as the composition of the household people lived in might also have an impact. The

majority of the employed as full-time worker got a chance of pulling out of poverty while majority of the people who got employment as part-time workers remained as working poor.

Bereck et al (2000) studied the long run impact of change in timber-related employment and poverty level in rural California. Using Vector Autoregressive (VAR) Model, they found mixed evidence that changes in timber employment had a long run significant impact on poverty reduction while employment in non-timber sectors had a weak impact on poverty reduction. Hence, the reason behind this mixed evidence is that in rural California counties timber is the major exporting goods which employed large number of people and at least offers adequate income for people employed in the sector to escape poverty.

Dalis (2014) studied the links between employment and poverty in Cambodia. Using probit model, they established that employment creation in services was found to help the poor to have a better chance of overcoming poverty, but this was not the case in agriculture and industry. The empirical results showed that households employed in agriculture had a higher chance of being poor than those employed in industry. The important factors determining the household escaping poverty were land and education.

3. Research Methodology

This study adopted a cross-sectional research design because necessary information about the role of employment creation on poverty reduction among different members of farmers' multi-purpose cooperative societies was gathered through the use of self-administered questionnaire and interview at a go. This choice of the research design is supported by the statement of Sekaran (2003) that when a researcher is faced with a situation where he/she will gather data just once from a cross-section of different respondents for the purpose of answering research questions the appropriate research design for him/her is cross-sectional research design. On the other hand, Amin (2005) contended that a cross-sectional survey is the most commonly used research method in social science research. The cross-sectional research design required one to use a number of data collection methods and collect information from a cross-section of respondents (Sekaran, 2003). This study also employed a mixed methodology approach which involves using quantitative and qualitative approach.

3.1 Study Population

The target population of this study consists of 498 members of 18 different farmers' multi-purpose cooperative societies. Sampling strategies used in this study was random sampling technique and specifically stratified random sampling technique was chosen because the cooperative societies were heterogeneous in their activities (Amin, 2005; Bogere and Gesa, 2015; Kothari and Garg, 2014; and Odiya, 2009).

Sample Size Determination

217 sample size was selected from the target population of 498 using Krecie and Morgan (1967)'s formula as can be seen below;

$$s = \frac{x^2\, Np\,(1-p)}{d^2\,(N-1) + x^2\, p(1-p)}$$

$$= \frac{3.841 \times 498 \times 0.50(1-0.50)}{(0.05)^2(498-1) + 3.841 \times 0.50(1-0.50)}$$

= 217

3.2 Sample Size Distribution

For proper distribution of these 217 sample size the proportional stratified random sampling technique was used under which the sizes of the samples from the different strata were kept proportional to the sizes of the strata (Kothari and Garg, 2014). This can be shown in table 1 below:

Table 1 Allocation of 217 Sample Size to Three Different Strata

S/N	Stratified Cooperative Societies	Population	Sample Size
1	Crop Production Cooperative Societies	106	46
2	Agro-processing Cooperative Societies	173	75
3	Livestock Production Cooperative Societies	219	96
TOTAL		**498**	**217**

Source: Researcher's calculation from NAPEP, 2007

Table 1 shows how 217 sample sizes were distributed using proportional stratified random sampling formula to three different strata of farmers' multi-purpose cooperative societies.

3.3 Data Collection Method

This study used primary data collection method which involved survey/questionnaire and personal interview. The data collection instruments used in this study were questionnaire and interview guide.

3.4 Validity of the Research Instruments:

It is observed that validity of the research instrument is concerned with the idea that research design fully addressed the research objectives. The validity of a research instrument is the degree to which the instrument actually measures or collects data on what it is really intended to measure (Kakinda-Mbaga, 1990). In this current study, the validity of the research instrument was established through a validity test using face validity, content validity and construct validity.

Face Validity

This is where the supervisors were provided with the draft of the research instrument (questionnaire) to check for its validity. Face validity is important because it provides an Idea about the validity of the instruments used (questionnaire). Therefore, the supervisors were provided with the draft of the questionnaire for their inputs. Hence their inputs were used to improve the instrument.

Content Validity

To ascertain the content validity, content validity index (CVI) was computed from the responses of 10 specialists or experts in the field of study in which they assessed the questionnaire items' suitability and relevance vis-à-vis to the objectives of the study. Therefore, these assessors or experts were asked to rate the validity of all the items on the questionnaire using the scale of: not relevant (NR) = 1; somewhat relevant (SR) = 2; quite relevant (QR) = 3; relevant (R) = 4; and very relevant (VR) = 5. The relevant and very relevant were summed up and divided by the sum of all items as can be seen using content validity index formula and the result was shown below:

$$\text{CVI} = \frac{Number\ of\ questions\ ticked\ relevant\ (R\ \&\ VR)}{Total\ number\ of\ questions}$$

$$= 0.9222$$

Therefore, comparing this result with the conventional research wisdom which requires that a credible research instrument should have validity score from 0.7 and above shows that the questionnaire items and the whole questionnaire is credible and valid for use in this research (Amin, 2005; Sekaran, 2003; Sullivan, 2001).

3.5 Construct Validity

The questionnaire was subjected to the factor analysis (Exploratory Factor Analysis, EFA) to determine its validity using construct validity (convergent) test. The convergent validity test was shown in table 2

Table 2: Convergent Validity Results of the Employment Creation

KMO and Bartlett's Test		
Kaiser-Meyer-Olkin Measure of Sampling Adequacy.		.733
Bartlett's Test of Sphericity	Approx. Chi-Square	192.062
	Df	6
	Sig.	.000

Source: primary data (2016)

The table 2 shows Exploratory Factor Analysis (EFA) results of the study variable (employment creation). The KMO value (0.733) shows that the variable was acceptable as it had a value greater than 0.5, the Bartlett's test of sphericity Sig. value was 0.000. The rule of thumb states that KMO should be greater or equal to 0.5 to show sample adequacy, while Bartlett's test of sphericity Sig. value should be less than 0.05 (Field, 2009). Based on this assumption it implies that the study sample was adequate enough to continue with factor analysis.

Reliability of the research instruments

The importance of research reliability calls for concern to ensure that the data collection instrument should be able to yield the same results when repeated tests are conducted on the same respondents under the same conditions (Koul, 2004). Therefore, the data obtained from the pilot study were subjected to reliability test through the use of the Cronbach's (1964) alpha ($\propto$) test so as to ascertain the internal consistency of the study variables or questionnaire items. Therefore, reliability tests using Cronbach alpha are shown on the table 3:

Table 3: Reliability Tests Results

Cronbach Alpha	Number of items
0.794	9

Sources: Field Research, 2016

The reliability test of the questionnaire items from the table 3 using Cronbach alpha test shows that employment creation scored 0.794; Classification on quality of Cronbach's Alpha value by George and Mallery (2003), state that value of 0.9 to 1 is excellent, between 0.8 and 0.899 is good, 0.7 to 0.799 is acceptable, 0.6 to 0.699 is questionable and 0.5 to 0.599 is poor, and below 0.5 as unacceptable. The result obtained from this analysis as depicted from 3 shows that Cronbach's Alpha value was high, indicating a high reliability of the research instrument. Therefore, this implies that the questionnaire items and the whole questionnaire are reliable, credible and consistent for use in this research (Amin, 2005; Sekaran, 2003; Sullivan, 2001).

4. Findings Presentation, Interpretation and Discussion

In this section of the paper, findings, interpretation and discussion are all handled at the same time. First the cross-tabulation of demographic characteristics of the respondents and poverty were presented and thereafter the correlation and regression of the study objective was presented.

4.1 Cross Tabulation of Demographic characteristics of the respondents and Poverty

The demographic characteristics of the respondents were cross-tabulated with poverty in order to examine their association with the poverty level among members of farmers' cooperative societies, and the results were as follows:

Table 4: Cross-tabulation of Gender and Poverty

Gender	**Count**	**Poverty Level**		**Total**
		Non-poor	**Poor**	
Male	Count	60	118	178
	% within Gender	33.7%	66.3%	100%
Female	Count	9	26	35
	% within Gender	25.7%	74.3%	100%
Total	**Count**	**69**	**144**	**213**
	% within Gender	**32.4%**	**67.6%**	**100%**
x^2 = 0.853, df = 1, Sig = 0.356				

Sources: *Primary field data (2016)*

Table 4 shows that majority of the female (74.3%) were affected by poverty compared to their male counterparts (66.3%). This study confirmed the feminization of poverty among members of farmers' cooperative societies in this research. This finding is in agreement with authours like Dreze and Sen 1995; Buvinic and Gupta, 1997; Dunlop and Velkoff 1999; Senada and Sergio (2007); and Oyekale, Adepoju and Balogun (2012).

In many developing countries social and cultural motives restrict women's access to work and education, and hence women do not participate in labour market as freely as men do (Dreze and Sen 1995, Dunlop and Velkoff 1999) and thus, the female headed households regarded to be poor compared with male headed household. Several reasons are attributed to cause this situation. First, female headed households in general have more dependents and thus have higher non-workers to workers ratio compared to other households. Second, female heads typically work for lower wages and have less access to assets and productive resources compared to men owing to gender bias against women. Third, women typically bear the burden of household chores that result in time and mobility constraints compared to male-heads (Buvinic and Gupta, 1997).

However, the chi-square test showed that there was no significant relationship between gender and poverty (x^2 = 0.853, df = 1, Sig = 0.356). The implication is that gender is not a significant factor that contributed to the poverty level among members of farmers' cooperative societies in this research. This finding is in agreement with authours like Senada and Sergio (2007); Oyekale, Adepoju and Balogun (2012); and Makame and Mzee (2014) where they all found that gender was not a statistically significant factor in determining poverty level in their study areas.

Table 5: Cross-tabulation of Age Group and poverty

Age Group	Count	Poverty Level		Total
		Non-poor	Poor	
Young (20-39 Years)	Count	10	41	51
	% within Age Group	19.6%	80.4%	100%
Middle age (40-49 Years)	Count	38	79	117
	% within Age Group	32.5%	67.5%	100%
Old age (50 Years and above)	Count	21	24	45
	% within Age Group	46.7%	53.3%	100%
Total	**Count**	**69**	**144**	**213**
	% within Age Group	**32.4%**	**67.6%**	**100%**
x^2 = 7.993, df = 2, Sig = 0.018				

Sources: *Primary field data (2016)*

Table 5 reveals that young (80.4%) and middle age (67.5%) respondents were more affected by poverty than the old (53.3%) respondents. However, the chi-square test showed that there was a significant relationship between age and poverty level (x^2 = 7.993, df = 2, Sig = 0.018) among members of farmers' cooperative societies in this study. This implies that the more members of farmers' cooperative societies increase age the less he/she is affected by poverty. This finding is also in relation to the findings of Achia, Wangombe, and Khadioli (2010).

Table 6: Cross-tabulation of Household Size and poverty

Household Size	Count	Poverty Level		Total
		Non-poor	Poor	
1-3	Count	11	14	25
	% within Household Size	44%	56%	100%
4-6	Count	14	21	35
	% within Household Size	40%	60%	100%
7-9	Count	16	31	47
	% within Household Size	34%	66%	100%
10-12	Count	14	36	50
	% within Household Size	28%	72%	100%
Above 12	Count	14	42	56
	% within Household Size	25%	75%	100%
Total	**Count**	**69**	**144**	**213**
	% within Household Size	**32.4%**	**67.6%**	**100%**
x^2 = 7.328, df = 4, Sig = 0.036				

Sources: *Primary field data (2016)*

Table 6 shows that households with more members 7 to above 12 were more affected by poverty than the households with small members 1 -3. This finding implies that the households with small members are less affected by poverty whereas the households with large members are more affected by poverty. This finding is in agreement with the findings of Achia, Wangombe, and Khadioli (2010); Abdul-Hakim, Ismail, and Abdul-Razak, (2010); and Makame and Mzee (2014).

The large family size which characterized with larger number of dependents against few bread earners, and also the increase of family size which is not in line with the increase of income that resulting in increasing the chance of the family entering into poverty status (Abdul-Hakim, et.al. 2010; and Makame and Mzee,2014).

However, the chi-square test showed that there was a significant relationship between household size and poverty level (x^2 = 7.328, df = 4, Sig = 0.036) among members of farmers' cooperative societies in this study. The implication of this is that the larger the number of the household size of members of farmers' cooperative societies the more likely they will be affected by poverty and vice versa. This finding is also in relation to the findings of Abdul-Hakim, et.al. 2010; and Makame and Mzee, 2014, where they found that household size had a positive effect on household being poor. For every one member increase in the household the probability of household being poor will increase.

Table 7: Cross-tabulation of Educational Qualification and poverty

Highest Educational Qualification	Count	Poverty Level		Total
		Non-poor	Poor	
Informal Education	Count	11	42	53
	% within Highest Educational Qualification	20.8%	79.2%	100%
Primary Education	Count	7	20	27
	% within Highest Educational Qualification	25.9%	74.1%	100%
Secondary Education	Count	13	30	43
	% within Highest Educational Qualification	30.2%	69.8%	100%
OND/NCE	Count	20	38	58
	% within Highest Educational Qualification	34.5%	65.5%	100%
Degree/HND	Count	10	10	20
	% within Highest Educational Qualification	50%	50%	100%
Postgraduate	Count	8	4	12
	% within Highest Educational Qualification	66.7%	33.3%	100%
Total	**Count**	**69**	**144**	**213**
	% within Highest Educational Qualification	**32.4%**	**67.6%**	**100%**
x^2 **= 13.268, df = 5, Sig = 0.021**				

Sources: *Primary field data (2016)*

Table 7 reveals that majority of the respondents with lower educational qualifications (informal 79.2%, primary 74.1%, etc) were more affected by poverty than those with higher educational qualifications (Degree 50%, Postgraduate 33.3%). This finding implies that the higher the educational qualification of the members of farmers' cooperative societies the less their chances of being affected by poverty. This finding concurs with Achia, Wangombe, and Khadioli, 2010; Geda et al., 2005; Maitra, 2002; Makame and Mzee 2014 where they all found that the likelihood of being poor is decreased when house head attained higher education. This implies that, education is the important factors in reducing the impact of poverty among members of farmers' cooperative societies in this study.

However, the chi-square test showed that there was a significant relationship between educational qualification and poverty level (x^2 = 13.268, df = 5, Sig = 0.021) among members of farmers' cooperative societies in this study. The implication of this is that higher the educational qualification significantly reduces poverty level among the members of farmers' cooperative societies in this research and vice versa. This finding is also in relation to the findings of Achia, Wangombe, and Khadioli, 2010; Geda et al., 2005; Maitra, 2002; Makame and Mzee 2014 where they all established that education was statistically related to the poverty reduction. For example, Geda et al., (2005) established that poverty was strongly associated with the level of education; Maitra (2002) also found that that the education attainment of the household head had a significant impact in poverty status and standard of living of the household; and Achia, Wangombe, and Khadioli, 2010 further showed that increases in educational attainment had an important impact on reducing the probability that a household would be poor.

Relationship between Employment Creation and Poverty Reduction

In this section, analysis of relationships between employment creation and poverty reduction was under taken in order to establish their relationship. Pearson correlation was first executed to determine their relationship and thereafter the binary logistic regression was also performed to find out by how much percentage the employment creation contributed to the alleviation of poverty level among members of farmers' cooperative societies in this research. This was intended to provide support or otherwise of the null hypothesis which states that "employment creation does not significantly reduce poverty level among members of farmers' multi-purpose cooperative societies in Kano State, Nigeria".

As indicated, the hypothesis was first tested using bivariate correlation which yielded the results that proved the existence of moderate negative significant relationship between employment creation and poverty reduction among members of farmers' cooperative societies in this study [r (213) = -0.505, $p<0.01$] it is easy to understand that employment creation is a significant factor that influences poverty reduction among members of farmers' cooperative societies in this study. The relationship being negative implies that the more employment is created, the less members of farmers'

cooperative societies being affected by poverty or the more poverty is likely to be reduced or alleviated among members of farmers' cooperative societies in Kano State, Nigeria.

Furthermore, to get the more details or general picture on the overall influence of employment creation on poverty reduction among members of farmers' cooperative societies in this research the binary logistic regression was performed.

Table 8: Logistic Regression Results for Employment Creation and Poverty

		B	S.E.	Wald	Df	Sig.	Exp(B)	95.0% C.I. for EXP(B)	
								Lower	Upper
Step 1[a]	**Employment Creation**	-2.161	.340	40.472	1	.000	.115	.059	.224
	Constant	8.097	1.204	45.228	1	.000	3.283E3		
a. Variable(s) entered on step 1: Employment Creation.									

Source: *Primary Data (2016)*

The results of logistic regression on table 8 further reveals that employment creation was negatively statistically significant (beta = -2.161, $p < 0.01$) in reducing poverty level among members of farmers' cooperative societies in this research. The results also showed that increasing employment creation by 1 unit, the probability or likelihood of members of farmers' cooperative societies falling into poverty or being affected by poverty decreased by 2.161. The results further shows that increasing employment creation by 1 unit the odd ratio or probability of the poverty levels among members of farmers' cooperative societies will reduce by 0.115 time.

It is therefore, clearly shown that based on the findings the null hypothesis (H^1_O) which states that; "employment creation does not significantly reduce poverty level among members of farmers' multi-purpose cooperative societies in Kano State, Nigeria" was rejected and the alternate hypothesis (H^2_O) which states that; "employment creation does significantly reduce poverty level among members of farmers' multi-purpose cooperative societies in Kano State, Nigeria" was accepted.

This finding is in agreement with the scholars such as Bereck, Costello, Fortmann, and Hoffman, 2000; De Vries and Specker 2009; Ellis, Harvey, Lemma, and Higgins, 2010; and Islam, 2004. Bereck et al (2000) evidenced that changes in timber employment had a long run significant impact on poverty reduction. They also established that rural California counties timber was the major exporting goods which employed large number of people and at least offered adequate income for people employed in the sector to escape poverty.

Islam (2004) established that access to resources and markets, and the distribution of assets were critical determinants of the extent to which employment were contributing to poverty reduction. This study also provides support to the findings of Bereck, Costello, Fortmann, and Hoffman, 2000; Dalis 2014; De Vries and Specker 2009 who established the importance of the accessibility of jobs by the poor, and the sectors (which employ large number of poor people) in which employment is created for poverty reduction among poor farmers.

However, this study is found to be in disagreement with Gutierrez, Orecchia, Paci, and Serneels, (2007) who established that employment creation in agriculture was correlated with poverty increases. The findings of this research also negated the finding of Cristescu et al (2013) who established in their research that increasing employment creation had negatively and statistically insignificant impact on poverty reduction. This study is also in disagreement with the finding of Dalis (2014) who established that employment creation in agriculture was not significant in reducing poverty level in Cambodia.

5. Conclusion and Recommendation

This study examined the role of employment creation on poverty reduction among members of farmers' cooperative societies in Kano State, Nigeria. The study found that female members of farmers' cooperative societies were more affected by poverty than their male counterparts. Gender was not a significant factor that determined poverty level among members of farmers' cooperative societies in this research. Young and middle age respondents were more affected by poverty and age was found as a significant factor that determined poverty level among members of farmers' cooperative societies in this research.

Majority of the members of farmers' cooperative societies with large family size were more affected by poverty than those with small ones. The household size was found as a significant factor that determined poverty level among the respondents. The members of farmers' cooperative societies with low educational qualifications were more affected by poverty than those with higher educational qualifications. The educational qualification was

found as a significant factor that determined poverty level among the respondents.
Employment creation through given soft loans to the poor farmers; assisting poor farmers to satisfy their basic needs; creating an enabling environment where poor people get employment; and assisting poor farmers to start their own business was found as statistically significant factor that contributed towards poverty reduction among members of farmers' cooperative societies in this study.

Based on the findings in this study the followings were recommended:

- Government and other stakeholders should consider age, family size, and educational qualification of the respondents when designing employment creation programmes that aims to reduce or alleviate poverty among members of farmers' cooperative societies.
- Government and other stakeholders should give adequate soft loans to the poor farmers, assist poor farmers to satisfy their basic needs, create an enabling environment where poor people get employment, and assist poor farmers to start their own business as these factors were found statistically significant towards alleviating poverty among members of farmers' cooperative societies.

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Part Five

Human Rights and Gender Studies

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Feminists' Body Sensitivity: An Overview of the Western and Nigerian Perspectives

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Abstract. Feminism is the bedrock of the campaign for the guarantee of women's right to choose abortion. Consequently, the radical feminists continuously canvassed for equality between men and women and felt that in order for women to be able to stand on equal footing with their male counter parts, women should be given the right to choose whatever they want to do with her body. Women, the so-called radical feminists, want to possess the right to determine whether or not to carry a pregnancy to term. A right which they claim ought to be free from any intervention. Radical feminists, since the 1960s have fought vigorously to ensure that, the right to choose whether or not to have an abortion, is left to the women, and they are sensitizing women all around the globe to be aware of the existence of such right. This research therefore set out to know whether this idea of western notion of body sensitivity fit into the Nigerian notion of body sensitivity. Consequently, a case study was carried out in Nigeria, wherein interview and focus group discussion was carried out in order to know the exact meaning of body sensitivity as it applies to women in Nigeria. The result shows that, body sensitivity to Nigerian women does not extend to abortion.

Keywords: Feminism, body sensitivity, abortion, autonomous, culture

1. Introduction

Feminism was (and still is) a western perception. The movement for gender equality emerges from the enlightenment ideas of freedom, equality and dignity of human person. In the laudable works of John Stuart Mills and Mary Wollstonecraft, two of the earliest and the most influential feminists, we constantly see references to reason, rationality and objectivity. Unfortunately, with these apparently lofty thoughts and ideals, came western exceptionalism and its negative aspects- ethnocentrism, racism and imperialism.

Through the colonialist prospects and projects, western modern thoughts were introduced to the future nations of the third world. And since then, we have witnessed the uneasy relationship between feminism-with all its western intellectual and philosophical baggage.

The second-wave feminism which gained much ground in the 1960s, 70s and early 80s was very much a product of enlightenment thoughts with its almost messianic belief in unlimited progress. Feminists, at this point, had a less nuanced vision of the world. They emphasize universality of their mission. It did not cross their minds for once that, women in other parts of the world had their own rooted culturally specific notion of 'women's right'. Western feminism did not avert their minds to the well nurtured notion of rights as perceived by other women in other part of the world.

Second-wave feminists all over were supposed to come together as women and not as anything else- not as Black women, not as Arab women and not as Catholic women. The common and over-riding denominator was supposed to be the oppression at the hands of men that each and every woman experienced. This feminism is often equated and linked with radical feminism and hatred for men, the rejection of African traditions and fundamental rejection of marriage and motherhood, and an endeavor to invert the power relationship of genders.

It is here asserted that, there are different values and concerns raised by both Western feminism and feminism in other parts of the world. It is based on this contention that the authors have put forth the arguments that western notion of body sensitivity is different from the Nigerian conception of body sensitivity.

2. Methodology

Qualitative research is very labor intensive. Analyzing a large sample can be time consuming and most often impractical. Thus, '15' has been said to be the smallest acceptable sample for all qualitative research. However, Charmaz has suggested that '25' participants are adequate for small project and according to Ritchie et al, qualitative samples often lie under '50'. 'Experience of most qualitative researchers (emphasis added) is that, in interview studies, little that is 'new' comes out of transcripts after you have interviewed 20 or so people'.

A non-probabilistic sampling was favored as statistical generalization is not within the purview of this study. The non-probabilistic sampling employed in this study is the purposeful or judgment sampling, wherein the authors' uses their judgment as to who can provide the best information needed to buttress the fact that, Western notion of body sensitivity is quite different from the Nigerian notion of body sensitivity. In a purposeful sampling, random sampling makes little sense. The author therefore selects samples from which the most can be learned.

In the light of the above, '31' samples were selected for the purpose of this study, '10' out of which were participants from the '2' focus group sessions. Samples were not selected at once. The authors picked a sample representing each unit of analysis one at a time, until the whole unit of analysis was exhausted. Initial contacts were made via telephone calls to the selected samples. If he or she agrees to participate, a meeting was then fixed.

Data was collected through structured interview and unstructured interviews relating to how the participants perceived the idea of a woman being sensitive to her body in order to determine whether or not to carry her pregnancy to term. Focus group discussion, as a form of participant observation was also employed in this study in order to elicit views from these groups. The views of these participants will be analyzed to see whether the western idea of body sensitivity is the same with the Nigerian perception of body sensitivity.

An interview guide (pre-drafted questions) was used in order to avoid losing focus and to ensure that relevant questions are asked. Questions asked were both closed and open-ended. While some indicators require a brief and precise answer, it is also desirable to let information emerge from the field. Participants were given opportunity to express their thoughts on the topic as freely as possible. Participants serving as interviewee for this study are non-governmental organizations, league of Muslim and Christian women, African traditionalists, doctors as well as married and unmarried men and women.

Engaging various participants was essential as this study seeks to analyze their views to know the different perceptions attributed to body sensitivity of women, which will aid the study in realizing its objective of distinguishing between western perceived notion of body sensitivity and Nigerians' perceived notion.

During the data collection, the researcher secured 21 Key informants and 2 focus group sessions (the focus group '1' comprised of four participants, while the focus group '2' comprise of six participants) consisting of both Christians and Moslems. They came from various backgrounds and professions, had varying qualifications and worked in both government as well as non-government organizations.

The participants that took part in the study lived across eight towns within Nigeria namely, Ilorin, Ile-Ife, Osogbo, Ilesha, Lokoja, Ajaokuta, Lagos and the Federal Capital Territory, Abuja. These towns can conveniently be distributed within five different States within the country namely, Kwara State (Ilorin), Osun State (Ile-Ife, Osogbo and Ilesha), Kogi State (Lokoja and Ajaokuta), Lagos State (Lagos) and FCT (Abuja). The choice of location is further to ensure heterogeneity of views.

TABLE I. Background information of focus group session '1'

	Study Area	Occupation	Education	Religion	Sex	Unit of Analysis
FGS1a	Ilorin	Nurse	School of Nursing Certificate	Christianity	F	Women Wing of Christian Association of Nigeria (CAN)
FGS1b	Ilorin	Headmistress of Public School	National Certificate of Education	Christianity	F	Women Wing of Christian Association of Nigeria (CAN)
FGS1c	Ilorin	Trader	Secondary School Certificate	Christianity	F	Women Wing of Christian Association of Nigeria (CAN)
FGS1d	Ilorin	Secretary Women Wing of Christian Association of Nigeria	B.sc	Christianity	F	Women Wing of Christian Association of Nigeria (CAN)

Source: Field study 2012.

TABLE II Background information of focus group session '2'

	Study Area	Occupation	Education	Religion	Sex	Unit of Analysis
FGS2a	Ilorin	National Trustee of FOMWAN and Proprietor of Secondary School	BA	Islam	F	Federation of Muslim Women Organization of Nigeria (FOMWAN)
FGS2b	Ilorin	Teacher	National Certificate of Education	Islam	F	Federation of Muslim Women Organization of Nigeria (FOMWAN)
FGS2c	Ilorin	Business Woman	Secondary School certificate	Islam	F	Federation of Muslim Women Organization of Nigeria (FOMWAN)
FGS2d	Ilorin	Civil Servant	B.sc	Islam	F	Federation of Muslim Women Organization of Nigeria (FOMWAN)
FGS2e	Ilorin	Civil Servant	B.sc	Islam	F	Federation of Muslim Women Organization of Nigeria (FOMWAN)
FGS2f	Ilorin	Trader	Primary School Certificate	Islam	F	Federation of Muslim Women Organization (FOMWAN)

C. Source: Field study 2012

FGS: Focus Group Session

3. Results

It was the belief of the majority of the participants that sensitivity to the body of a woman to the extent that the woman will want to do away with the baby inside her is quite foreign to Nigeria. The participants will want to believe that, no woman in Nigeria will ever take that as an opportunity. Taking that as an opportunity, they say, will mean the woman is sidelining her husband. The view expressed by the participants is illustrated in the table below:

TABLE III Subtheme of Body Sensitivity by interviewed participants

Western Idea	1	2	3	4	5	6	10	16	17	18	19	21
Spiritual Idea	4	9	-	-	-	-	-	-	-	-	-	-
Cosmetology	10	11	12	13	14	-	-	-	-	-	-	-
Procreation	7	8	16	18	19	20	21	-	-	-	-	-

d. Source: Field study 2012.
e Numbering in the table represents key informants (KI)

TABLE IV: Subtheme of Body Sensitivity of Focus Group Sessions

Western Idea	FGS1	FGS2
Spiritual Idea	FGS1	-
Cosmetology	-	FGS 2

Source: Field Work 2012

This table reveals that the majority of the participants view the issue of body sensitivity as a western phenomenon which does not fit into the Nigerian set up in terms of spiritual idea, cosmetological idea as well as the Procreation role expected of women in Nigeria generally. The emerging themes from the multiple group sessions are similar to one another. The subthemes that emerged from the study are discussed hereunder.

4. Discussion of Findings

a. Western Idea of Body Sensitivity

Most of the participants' interviewed said that being sensitive to what happens to a woman's body in Nigeria is a new phenomenon which cannot be viewed as an opportunity for women in Nigeria. Viewing it as an opportunity will be tantamount to going radical and western.

The Western notion of body sensitivity has been linked to female inequality brought about by female biology. The 'Dialectic of Sex', written by Shulamith Firestone, in 1970 was one of the first studies to outline a radical feminist explanation of female inequality. According to her, it is the system of reproduction within the biological family which is the fundamental cause of gender inequality. Women are dominated primarily by men because of female biology; menstruation, childbirth and the menopause, all created physical difficulties. Women are particularly dependent upon men when they are pregnant or are breastfeeding and the long period of human infant dependency created further dependency for women since they are obliged to care for these infants.

This being the case, if women are to achieve gender equality, they must first achieve biological equality via elimination of their biological disadvantages. The way suggested by Firestone is the technological separation of reproduction from the female body, which is a necessary condition for women's liberation.

The feminist truism that, 'the personal is political' may never be more apt than in body politics. 'Body Politics', the dispute over the degree of individual (female) and social (male) control of the body, eventually became a driving force behind the campaign for reproductive right for women. The right for women to make decision about their own bodies was a sine qua non for women's liberation. Feminists believe that, they will never be free and healthy if they did not have the right to reclaim their bodies from the sexual slavery of pregnancy. Hence, the focus on sexual liberation and reproductive right, particularly the right to abort an unplanned or unwanted fetus.

In a related work by Frances Olsen, it has been observed that women should have a voice of their own. They should have autonomy so as to be able to decide what to do with their bodies. To her, any regulation by the state to prevent women from doing whatever she wants is a form of patriarchy.

Gaining the access to safe and legal abortion finally allowed women to have the basic right of controlling their own bodies. Right to abortion has equalized women by giving them the right to determine whether or not to carry a pregnancy to term. This is equivalent to giving them the right

to manage their own bodies. Without abortion, women would be unjustly forced into motherhood. Denying women this right will also force them into submissive role in society.

b. Nigerian Idea of Body Sensitivity

While the western idea of body sensitivity has been linked to women's inequality as a result of her biology, and consequently, the hatred for pregnancy, Nigerian woman idea of body sensitivity is in the opposite direction of the westerns'. This is because, in Nigeria, pregnancy is loved, not hated, because, it constitutes power. Motherhood is often defined as an automatic set of feeling and behavior that is switched on by pregnancy and the birth of a baby. It is an experience that is said to be profoundly shaped by social context and culture. Motherhood is seen as a moral and psychological transformation whereby a woman comes to terms with being different in that she ceases to be an autonomous individual because she is in one way or the other connected to another- her baby.

Motherhood is a joyful and privileged state for a woman because in pregnancy, the woman is said to 'glow and shine' and she receives special attention especially from her husband and mother-in-law. No matter the skills, the desires and the talents of a woman, her primary function is that of motherhood.

Motherhood is considered to be very paramount in Yoruba culture as the preservation of the entire humanity depends on the role of mothers in the society. This is another reason why some of the participants interviewed viewed that, the western perception of body sensitivity is quite different from the Nigerians' perception of body sensitivity. The view was that, procreation is an important aspect of Nigerian women.

Other reasons that distinguishes western body sensitivity from the Nigerian women's notion, is that, while some of the participants talked about body sensitivity in line with their spiritual beliefs, some linked body sensitivity to cosmetics. The former held the view that, they cannot unilaterally take decisions as regards their bodies since their bodies; do not belong to them exclusively. This category of participants emphatically places the authority of decision making over their bodies on God, followed by their husbands. They said that, their bodies are the temple of God.

Our bodies would be in God's image. Our bodies would be the house of our spirit. We came to this earth that we might have a body and present it pure before God in the Celestial Kingdom. The great principle of happiness consists in having a body. The devil has no body, and here in, is his punishment.

Satan learned about this truth about our body. Therefore, he tries to do everything he can to get people to abuse or misuse this precious gift- the body. He has filled the world with lies and deceit about the body. He tempts many to defile this great gift of the body through unchastity, immodesty, self-indulgence and addiction. He seduces some to despise their bodies; others, he tempts to worship their bodies. In either case, he entices the world to regard the body as an object.

It is the contentions of the participants that, sensitivity about the body to the extent of wanting to do away with a pregnancy is a satanic idea. They feel that, it is because the devil has no body that is why he has filled the heart of people with such an idea so that, the people will do something which is against their body as the temple of God.

If the body is treated like a temple, there would be a dramatic increase in chastity, modesty, observance of the words of wisdom and similar decrease in the problems of pornography and abuse. This is because the body, like the temple, will be regarded as a sacred sanctuary of the spirit. Just as no unclean thing may enter the temple, people will be vigilant to keep impurity of any sort from entering the temple of their bodies. Likewise, people will also keep the outside of their bodily temples looking clean and beautiful to reflect the sacred and holy nature of what is inside; just like the church does to the temple.

While trying to keep the outside of bodily temples clean, the contention linking body sensitivity to 'body being the temple of God' has also gone in line with cosmetics and appearances because, people have been urged to appear in dresses and act in ways that reflect the sacred spirit inside them. Hence, the body is

God's sacred creation. People should respect it as a gift from God, and should not defile it in any way. Through the way you dress, you can show the Lord that you know how precious your body is. The way you dress is a reflection of what you are on the inside.

The latter group of participants linked their being sensitive about what happens to their bodies, to cosmetics. These set of participants viewed body sensitivity in the way they look, their appearances as well as their attractiveness. In short, they went cosmetological.

Dressings are meant to serve some definite purposes. They are part of people's culture and they define their tribal or ethnic identity. Apart from dresses being a means of cultural identity, they are for ornamental or aesthetic purposes, for protection of the body against harsh weather conditions as well as covering the intimate parts of the body.

5. Conclusion

In the light of realizing the fact that, African feminism as a body and movement is shaped by African contexts and experiences, it is clear from the facts above that body sensitivity as perceived and believed by the western feminists is very different from the way body sensitivity is perceived by Nigerians. The problem that most African female scholars have with western feminism is its failure to consider the historical and social specificities in which African women struggle to determine their individual and collective destinies.

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An Analysis of the Principles of Human Rights in Islam

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Abstract. The concept of human rights in Islam presupposes that the purpose of existence under Islamic law is basically to serve Allah. Hence the duty of man towards his creator embraces both his duty to the society and to his fellow human beings. The relationship between the concept of human rights in Islam and that of the West has been a very controversial one. It is the belief of the West that non-Western cultures, including Islam did not possess the notion of human right before it was conceptualized by them. While not denying the fact that contemporary human rights law are basically products of Western civilization, this paper argues that human right is not an exclusive idea of the West as the idea was first conceived in Islam some fourteen centuries ago and that the principles which were enshrined in the contemporary human right instruments were originally conceptualized by Islam from its cradle. This paper therefore analyses the principles of human rights in Islam with a view to ascertaining its existence in Islamic culture before the Western conception. The paper intends to argue further that since Islam predates the Western notion of human rights, it then means that genuine human rights are contained in Islam. It will at the end concludes that Islam is a complete way of life and has left no stone unturned, including the concept of human rights.

1. Introduction

The concept of human right in Islam is regarded as fundamental basic rights for all mankind without exception. These rights are ordained by Almighty Allah, as such, they are divine and obligatory on all Muslims to protect and restore them whenever they are violated. This assertion goes to show that individual rights in Islam are adequately catered for and protected, and an Islamic state being subject to the divine law is compelled to protect the rights of every individual living in the state, whether they are Muslims or non- Muslims. The rights are to be observed and respected under all circumstances. Hence, human rights in Islam are based on the idea that all human beings, irrespective of circumstances of their birth , religion, creed or other differences have the same rights which must be protected at all time and under any circumstances by an Islamic state. The rights are comprehensive and applicable to all situation and circumstances regardless of any consideration as to race, religion, colour or any other consideration. They can neither be amended nor suspended and their violation warrant divine punishment in this world and in the hereafter, unless the offender is forgiven by the offended. This paper therefore analyses the basic principle of human right in Islam with a view to ascertaining its existence in Islamic culture before the Western conception. It will at the end concludes that Islam is a complete way of life and has left no stone unturned, including the concept of human rights.

2. Notion of Human Rights

The relationship between the concept of human rights in Islam and that of the West has been a

very controversial one. This is because the West, due to her economic power, has always dominated human right discourse and forced her ideas on other parts of the world, especially the third world countries such as Africa which is noted for her economic weakness. Many Western scholars are of the view that human right is a Western concept and that non-Western culture did not have the notion of human rights before it was conceptualized by them. They argued that, at best, other cultures only possess the notion of human dignity and not genuine human rights. It was particularly argued that human rights in Islam are only duties of rulers and individuals and not a right by anyone. It was further argued that the Islamic injunctions often cited by Muslims as establishing a right to protection of life are in fact divine injunctions not to kill and to consider life as inviolable. In the same vein, it was argued that the right to justice proves to be a duty to the ruler to establish justice only and not even an obligation to others but an obligation of the alleged right holder. Further in the argument, it was stated that although Muslims are regularly and forcefully enjoined to treat their fellow men with respect and dignity but that the basis for these injunctions are not human rights but divine commands which establish duties. It can therefore be seen that the contemporary global world is dominated by a Western attitude of cultural superiority, which views the concept of human right as its own ideological context alone and as such treats the concept as exclusive of cultural relativism. Some Muslims followed the terrain of argument of the West in believing that the contemporary human rights laws, are basically the products of the Western civilization. Their argument is premised on the language used by various treaties and conventions being English, which is the language of the West and claimed that the equivalent of such may not be found in the non-Western cultures, including Islam. This position could be said to be incorrect, as evidence are abound in the Qur'an and *Sunnah* of the Prophet (SAW) showing clearly a more concrete and robust human rights in Islam which uncontrovertibly predates the Western notion of the concept.

Apart from the above argument, it is further submitted that the concept of human right in the contemporary sense is alien even to the Medieval England. At this period, all men and women were subject to the will of Almighty God and under him, to his worldly 'agents', primarily, the King and the higher Clergy. At this period the people could only do or practice what they wish with the consent or tacit approval of the Worldly authorities. However, the development which led to the modern notion of human rights started with the recognition of the rights of the lesser individual which began in 1215 with the issue of Magna Carter, which in English language means the "Great Charter." The Charter only granted the Baron and the freemen in England certain specific rights, primarily, freedom from imprisonment without trial. Arguably, the document later serves as the foundation for many European Constitutions and the contemporary human rights which was finally embodied in the Universal Declaration of Human Rights in 1946.

Although the Universal Declaration of Human Rights was adopted and approved by all nations, with a vote of forty eight to zero and eight absentisions, happened to be the first proclamation on the rights and freedom of man, the document is not legally binding or enforceable but serves as the bedrock of human rights under English law. Some Muslim scholars have postulated and persistently argued that human rights as it is laid down today is not an exclusive idea of the West as claimed by some Western scholars. According to them, the idea was first conceived in Islam some Fourteen Centuries ago and that the principles which were enshrined in the Universal Declaration of Human Rights were originally conceptualized by Islam from its cradle. Hence, they belief that the basic provisions contained in the Universal Declaration of Human Rights are consistent with the basic ideals of Islamic law and not vice-versa. On the other hand, some other Muslim Scholars have argued that since Islam predates the Western notion of human rights, it then means that genuine human rights are contained in Islam. They argued further that Western human right is incomplete because it left out certain basic ideals which according to Muslims, are human rights within Islamic parlance.

In the contemporary world, it is obvious that many Muslim states have adopted and ratified some international and regional human rights Conventions but without domesticating them. The bone of contention, however, remains that there are certain principles in the various Conventions which are not in conformity with the Islamic principles.

i. Western Concept of Rights

The Word 'right' under English law is the singular form of rights derived from the Latin word 'rectus', which means something to which a person has a total and valid claim, be it land, a thing, or other privilege of doing something or saying something. Right under English law is a word derived from the language of lawyers and it is solidly influenced by their origin. Similarly, some Western scholars consider rights to be a special entitlement of an individual. This view has however warned that it is not just any benefit that qualifies to be a right but only those ones to which an individual is entitled to claim. This view also postulates that not even all benefits that one is obliged to render to another will qualify as a right. Thus human rights according to the West, connotes the rights which a person has for being a human being or rights that are derived from the inherent dignity of human person. To have a human right under the Western law, one does not need to do anything other than being born as a human being. Thus the rights are inalienable because they are attached to human personality and can neither be renounced nor transferred, to do this will be tantamount to destroying one's humanity and become something less than human being which is not morally recognized.

ii. Concept of Rights in Islam

The Arabic word for 'right' under Islamic law is called *haqq*, which is the singular form of rights known in Arabic as *huquq*. The word literally means truth, correctness, rightness, rightful possession, and property, one's due, duty, true, authentic, real, right, fair and reasonable etc. The term, technically, can be defined as the ways human beings make use of, and benefit from, what God has created for them in the world in which He has placed them. Islam clearly specifies to the Muslims that Almighty Allah makes the bounties of the world as the right of mankind. Nonetheless, it has been a major objective of Sharia to specify different kinds of rights according to the categories of people entitled to them.

Rights in Islam apart from being divine in nature are irrevocable and immutable. Thus both the state and its subject are bound divinely to follow and observe the individual rights unless otherwise provided by due process of law. The notion of right under Islamic law could be classified into two: Right of Allah (Huquq-Allah) and right of Man (Huquq Al-Ibadat).

a. Huquq-Allah (Right of Allah). The *Usulists* refereed to this right as acts which are solemnly due to Allah. This right must not be construed to mean the right attached to Almighty Allah in His Majesty as His personal right but relates to the realm of faith (*Iman*) and devotional act of worship. For instance, Fasting, Jihad, Hajj, Zaka'at and acts of rituals like Zaka'atul-fitr and ordained punishments. These are basically rights which are due to Almighty Allah from man. The right of Allah includes acts which are duties to Allah and man but that of Allah prevails. This refers to a set of rights belonging to the community as whole by means of which, a universal benefit is realized. These acts and duties are ordained by Allah for the societal benefit alone and in which case, individual benefit is not considered as the rights are generally attached to public interest. The rights are attached to Allah because they emanated from Him for the betterment of the public. For instance, the right embodied in public treasury, the punishment for slander (qadhf) and rape. Similarly, the right of Allah includes rights which are duties to Allah and man but that of man prevails. For instance, the right of Victim of a murderer to forgive his killer before his death. This is because, the right to life for the purpose of which killing is prohibited can no longer be rectified, hence priority is given to the right of the man over that of Allah. One point of caution in this case is that, regardless of the fact that priority is given to the right of man over that of Allah does not totally ignore the right of Allah over the murderer, as he is still expected to be punished by an Islamic state. Hence observing the right of Allah. Also, the

right of Allah includes specific cases, such as the right of people who are incapable of self-protection. For instance, the right of women and children and custody of children without guardians.

It must be noted that an individual or the Islamic state does not have any power or option over rights which are due to Allah or on rights where that of Allah and man interlock but that of Allah prevails, however, where that of man prevails, an individual has the veto power to do as he wishes on the rights.

b. Huquq Al-Ibadat (Right of Man). This refers to acts which are strictly due to man. They are acts and duties due to man and ordained by Allah for the benefit of respective individuals and not for public interest. It refers to the action that people perform to acquire what is suitable and useful for them. It includes prevention of what is harmful, that is provided but which does not result in the undermining of public interest and which does not cause general harm or the undermining of an individual's interest or the causing of harm to him or her. In this case, an individual who is the possessor of the right can claim the right or may decide to forgo it. .For instance, tortious liability due from the damage incurred on one's property, recovery loan or debt and retaining mortgaged property.

It must be stated that right of Allah is inseparable from right of man as both are ordained by Allah. Hence, it will be an affront to observe the right of man without having first obey Allah from Whom the commandments originated. This is because, obedience to Allah in itself is a right of Allah, which must be observed, hence, the classification of right into that of Allah and that of man is just an academic exercise which can be discountenanced with, as all rights emanate and belong to Allah. Thus the cumulative right of Allah consist of those rights which Allah has prescribed as obligatory and the protection of which, people are compelled to observe.

As stated earlier, one very important nature of this right which is necessary to be reiterated is that no one is allowed to ignore them because they serve as a means of preserving the universal and ultimate objective of the Sharia, which is going to be the subject of the next segment of this work. They also serve to prevent the people's action in pursuit of their personal or public interest from leading to the undermining of those objectives of Sharia. In the like manner, they serves to safe guard the rights of the weak who might not be able to protect their rights.

3. Muqasid-Al- Sharia (Objectives of Sharia)

Objective of Sharia consists of the methods intended by law giver for realizing the useful purpose of human beings or preserving their public interest relating to their private conduct. The aim of Islam is to prevent people's pursuit of the personal interests from leading to the undermining of their established public interests. Before engaging into an in-depth discussion on principles of human rights in Islam, it is pertinent to discuss in brief the state of human rights which are basically the content of the Sharia objectives, in Arabia before Islam.

In pre-Islamic Arabia, which is usually referred to in Islam as *Jahiliyyah* period, chaos, anarchy, bloodshed and insecurity characterized the days. Killings of the fellow human beings were common occurrence as there was no respect for sanctity of human life. Aside this, property right was not recognized, the strongest among them usually take over the property of the weak. Thus, the issue of human rights was not a recognized concept since there was no means through which individuals could claim and attain their dignity. The concept was only known in Islam at the advent of the message of Islam to the entire mankind through the medium of the holy Prophet (SAW). It will therefore be right to say that the concept of human right in Islam was not as a result of any evolution of any human thought but by the divine revelation which was conveyed to the whole world through Prophet Muhammad. Having laid down this background, it is pertinent to discuss the basic human rights in Islam as contained in various objectives of Sharia since the basic objective of Sharia is to protect the interest of the public from being undermined in the course of pursuit of individual interests.

Basic objective of Sharia

The basic objective of Sharia can be classified into three major division:

(i) Daruriyyah (The Essential)
(ii) Hajiyyat (The Complementary)
(iii) Tahsiniyyah (The Embelishment)

The author of this classification Posits that the above classification is not mentioned in the Holy Qur'an and *Sunnah,* he however, suggests that Scholars of Islamic Jurisprudence have come up with this classification based on their readings and understanding of the general objectives of Sharia mentioned in the various text. It must be noted that all the various injunctions of Sharia aim at realization of one objective or the other. For the purpose of this work, however, focus shall be on the first classification, Daruriyyah (The Essential) as it forms the central theme of this work.

Daruriyyah (The Essential) are the matters on which religion and the worldly affairs of the people rest. The neglect of it may lead to total disruption and disorder of the society. As such, Islam makes it an obligation on the individual, the rulers and the entire society to take all necessary measures to safeguard them. Daruriyyah (The Essential) is further divided into five fundamental values, these values are necessary and basic to human life and existence. Hence, Islam makes it a duty on all Muslims to protect these values and remove all impediments which may inhibit the full application of the values. Based on this fact, Islam has decreed certain guiding principles to ensure the full and effective application and protection of the values. This guiding principles are what is referred to in the modern sense as the principles of human rights in Islam. Some of these principles are therefore discussed under these various fundamental values as follows:

i. Protection of al adin (Religion)

The phrase 'protection of religion' in this case is not used in its narrow sense to restrict it to rituals but in its wider application to include a total way of life which is guided by the Qur'an and *Sunnah.* Islam makes it compulsory for every Muslim to protect his religion at both personal and general levels. This can be achieved at personal level through performance of various acts of *Ibadah* such as praying, fasting, performing hajj and payment of zaka'at. Performance of this acts will guide a Muslim and prevent him from engaging in evil or sinful acts. The protection of religion can be viewed from two dimensions, protection from aggression and right to justice.

Protection from Aggression

The protection of *al din* at the general level and in its wider application extends to defending an Islamic state when it is attacked by enemy or external aggressors. This can be achieved by means of writing, spoken words and even by physical means. In fact Islam grants Muslim permission to wage war against aggressors if the situation warrants, however, it must be done for the sole purpose of protecting an Islamic state from destruction and extinction. This obligation is part of the means to prevent evil. Thus, if the *din* is not protected, it may lead to an evil. To prevent such, Muslims have been commanded by Almighty Allah to defend their faith when the need arises.

Right to Justice

In Islam, upholding Justice ('adl) is another basic objective of Sharia in social sphere. It is the supreme goal and objectives of Islam and Allah has sent messengers to establish justice on earth. It is another way of protecting of *al din* and preventing evil in the society. Justice literally means placing things in their right place where they belong. It is a way of establishing a balance by way of fulfilling rights and obligations and by eliminating excess and disparity in all sphere of life. The concept of justice in Islam is not confined to the judicial aspect but covers all areas of life including individual justice, social justice and international justice. Islam obliged Muslims to be upright in character and deal justly with all manner of people without any discrimination. This obligation on government or other public agencies translate to the citizen's right to be treated fairly. In this respect, the Qur'an provides that:

O you who believe! Stand out firmly for Allah as just witnesses, and let not the enmity and hatred of others make you avoid justice. Be just: that is nearer to piety; and fear Allah. Verily, Allah is well acquainted with what you do.

The fact that somebody is not a Muslim should not preclude him or her from getting justice

from a Muslim leader. In another verse, the Qur'an says:
O you who believe! Stand out firmly for justice, as witnesses to Allah, even though it be against yourselves, or your parents, or your kin, be he rich or poor, Allah is a better protector to both (than you). So follow not the lusts (of your hearts), lest you avoid justice; and if you distant your witness or refuse to give it, verily, Allah is ever well – acquainted with what you do.

Thus, Muslims are enjoined to oppose injustice of any kind and be just in all circumstances whether personal or public, in words and in conduct, irrespective of whether the victim is your friend or foe, relative or not or whether the victim is a rich or poor member of the society. Thus, for justice to prevail in the society, Ash-Sha'biy while giving his opinion on this verse expressed certain attributes which a Muslim Judge or leader must possess. According to him, a Muslim Judge should dispense justice without fear or favour, abstain from personal volition and refrain from trading the commandments of Allah with worldly material. These attributes, if strictly complied with, will assist the Judge to arrive at a just conclusion of any matter that comes before him. The hadith of the Prophet attested to this when he was quoted as follows:
The nations that lived before you were destroyed by God because they punished the common man for their offences and let their dignitaries go unpunished for their crimes. I swear by Him Who holds my life in His hand that even if Fatima, the daughter of Muhammad, had committed this crime, I would have amputated her hand.

Notwithstanding the above however, Islam prefers a sinner to escape than to punish the innocent in error. On this note, Aisha, (May Allah be pleased with her) said that the Apostle of Allah (May peace and blessings of Allah be with him) said:
Relax (drop) punishment for the Muslim as much as possible. If he (the suspect) has an escape route, leave him. Verily, for the Imam to err on the part of pardon and forgive a sinner is better than Imam's mistake on the path of punishment, by punishing the innocent.

ii. Protection of Life (Al Nafs)

The first and the most important value granted by Islam and which is expected to be protected is the right to life and sanctity of human life. In Islam, life of every citizen, Muslims or not is essential and sacred. Every Muslim is expected to protect and respect the sanctity of human life at all circumstances, and makes no distinction between the life of Muslim and non-Muslim, Rich and poor, noble or common. Protection of life or right to life as popularly referred to in modern term could come in different forms, these forms will therefore be examined one after the other.

a. Prohibition of Murder

Murder is the greatest sin that can be committed on earth. As such, Islam prohibits taking of another's life except under due process of law. The Qur'an confirms:
And do not kill anyone whose killing has forbidden except for a just cause. And whoever is killed wrongfully (intentionally with hostility and oppression and not by mistake), We have given his heirs authority (to demand Qisas or to forgive): but let him not exceed limits in the matter of taking life. Verily he is helped by Law

According to Ad-Dahak, the above verse was the first revelation on prohibition of murder. From this verse, it is obvious that Allah does not permit the killing of another person save by due process of law or by mistake. Scholars have expressed their opinions in respect of intentional killing. Ad-Dahak, Ibn Abbas, Ash-Hab and Shafi' while commenting on the verse stated that the heirs of the deceased of an intentional killing are left with two options. The first option is to have the killer of the deceased killed in retaliation or to forgive him in return for Diyyah (blood-money). The second option opens to the heirs is to forgive the killer with no payment if they so wish. However, the Qur'an specifically warns the heirs if they decides to retaliate, not to exceed their limit by not mutilating the body or by taking the revenge of the killing of another person other than the killer. The rational for this protection is to safe other lives.
It must however be noted that whatever decision taking by the heir of the deceased can only be implemented by the Islamic state and not by the

heirs themselves. This assertion further justifies the position of the Qur'an that life is sacred in Islam and cannot be taken by anyone save the constituted authority. This position is shared by many modern constitutions. The Qur'an further buttressed the above point when it provides that:
It is not for a believer to kill a believer except (that it be) by mistake, and whosoever kills a believer by mistake (it is ordained that) he must set free a believing slave and compensation (blood-money) be given to the deceased's family.

From the above verse, it is clear that Allah condemns the killing of a believer by a believer under any circumstances except by mistake. Thus, when it is done by mistake, it is incumbent upon the person to free a Muslim slave as fine and pay compensation to the heirs of the deceased.
In similar term, the immediate following verse provides as follows:
And whoever kills a believer intentionally, his recompense is Hell to abide therein, and the wrath and the curse of Allah are upon him, and a great punishment is prepared for him.

In another verse, the Qur'an provides
Say O Muhammad "Come, I will recite what your Lord has prohibited you from: join not anything in worship with Him, be good and dutiful to your parents, kill not your children because of poverty. We provide sustenance for you and for them; come not near shameful and sins (illegal sexual intercourse) whether committed openly or secretly, and kill not anyone whom Allah has forbidden except for a just cause (according to Islamic law). This He has commanded you that you may understand.
The Prophet (SAW) in his last sermon at the Farewell Pilgrimage said:
O! You people, your lives, your properties and your honour are as sacred upon you until you meet your Lord as this day.

Based on the above facts Islam regards murder as a major criminal offence except when it is committed mistakenly. The Qur'an supports this assertion when it provides as follows:
…We ordained for the children of Israel that if anyone killed a person not in retaliation of murder or (and) to spread mischief in the land – it would be as if he killed all mankind, and if anyone saved a life, it would be as if he saved the life of all mankind.

Ibn Abbas, commenting on this verse stated that whoever kills any messenger of Allah or a just leader of Muslim community has killed the entire human race. In a similar opinion supporting Ibn Abbas, Mujahid in Quritubiy is of the opinion that if any one destroys the entire human race, his punishment will not be greater than the punishment of taking one life in accordance with the law of retribution. He further opined that whoever kills a Muslim intentionally and not by mistake will face the wrath of Allah and above all get his abode in the hell-fire. In a similar opinion, Hasan in the same book is of the opinion that the entire Muslim community should wage war against the killer of a Muslim. According to him, the killer has by his action reduced the population of the Muslim in the world, whereas, if he saves the life of a Muslim, he is deemed to have increased the population of the Muslim in the whole world. As such the entire Muslim community should express gratitude to him.
Similarly, Anas bn Malik narrated that the prophet (peace be upon him) said:
The greatest sins are to associate anything in worship with God and to kill human beings
In another tradition it was reported that:
Anas narrated from the Apostle (May peace and blessing be upon him) about the major sins. He (the Holy Prophet) observed: Associating anyone with Allah, disobedience to parents, killing a person and false utterance.
In fact, Islam abhors the taking of life of another in retaliation of anything or for causing any mischief on earth. Thus, the killing of a human being in Islam is tantamount to the killing of the entire human race. This is supported by the Qur'an that:
…if anyone killed a person not in retaliation of murder or (and) to spread mischief in the land – it would be as if he killed all mankind, and if anyone saved a life, it would be as if he saved the life of all mankind.

b. Prohibition of Suicide

Apart from the fact that Islam prohibits the killing of a fellow being, it in the same manner

frowns at taking one's life. The Qur'an Provides:
O you who believe! Eat not up your property among yourselves unjustly except it be a trade amongst you, by mutual consent. And do not kill yourselves (nor kill one another) surely, Allah is most merciful to you.

Scholars while commenting on the above verse in Quritubiy are unanimous in their opinions that Islam prohibits the taking of one's or another's life through obsession with worldly materials or greed. The provision for the protection of life or the right to life under Islamic law is couched in both positive and negative term. Thus, much as it does not permit Muslims to take the life of another or to eat up the property of another in an unjust manner, it in like manner, specifically prohibits suicide be it as a result of poverty, hardship or even in the course of acquiring material wealth or in any other course. Islam is emphatic on the fact that life does not belong to anyone but to Almighty Allah. It is only He who has the power to give and take life at wills. Anyone who arrogates such power to himself by mistakenly believing that he is taking his own life will face the wrath of Allah.
In further support of the above verse, the Prophet is quoted as follows:
And whoever commits suicide with a piece of iron will be punished with the same piece of iron in the Hell fire

In another tradition, Abu Hurairah reported the Prophet saying:
He who commits suicide by throttling shall keep on throttling himself in the Hell-fire (forever) and he who commits suicide by stabbing himself shall keep on stabbing himself in the Hell fire (forever).

Similarly, it is narrated on the authority of Abu Hurairah that:
The Messenger of Allah (May peace be upon him) observed: He who killed himself with steel (weapon) would be the eternal denizen of the fire of Hell and he would have that weapon in his hand and would be thrusting that in his stomach forever and ever, he who drink poison and killed himself would sip that in the hell fire where he is doomed forever and ever, and he who killed himself by falling from (the top of) a mountain would constantly fall in the fire of hell and would live there forever and ever.

In the same vein, Thabit b. Dahhak reported that:
He pledged allegiance to the Messenger of Allah (May peace be upon Him) under the tree, and verily the messenger of Allah (May peace be upon him) observed: He who took an oath of a religion other than Islam, in the state of being a liar, would become so, as he professed. He who killed himself with a thing would be tormented on the day of resurrection with the very thing. One is not obliged to offer votive offering of a thing which is not in his possession.

c. Prohibition of Infanticide

In further protection of human life, Islam condemns the killing of one's children for the fear of poverty. The Qur'an provides:
And kill not your children for the fear of Poverty. We shall provide for them as well as for you. Surely the killing of them is a great sin

And when the female (infant) buried alive is questioned. For what sin was she killed?"
The prohibition of murder in Islam extends to the prohibition of killing of one's children or the killing of the female children for the fear of poverty or shame, as practiced by the Arabs before the arrival of Islam. Similarly, when Abdullah bn Mas'ud, a Companion of the Prophet (SAW), was asked about the grievous sin a man can commit, he answered grading them as follows:
To associate partner with Allah, to kill one's children for the fear of poverty and to commit ` Zina (adultery).

In a similar manner, Islam prohibits the killing of foetus in the womb save when it is done in good faith as to protect the life of the mother. In this case, Islam opted for a lesser loss between the mother and the foetus based on the principle of necessity. This position therefore intensifies the sacredness of life in Islam. The Qur'an supported this position when Allah speaks as follows:
He has made unlawful to you only which dies of itself, and blood and flesh of swine, and that on

which the name of Allah has been invoked. But he who is driven by necessity, being neither disobedient nor exceeding the limit, it shall not constitute sin

d. Avoidance of Genocide

Islam in its bit to further protect life mandates Muslims to avoid genocide by prescribing an acceptable code of conduct during the period of war. It enjoins Muslims to deal nobly with the opposing side at the battle field and abhors torture and mutilation of enemy soldiers. Allah (SWA) says in the Qur'an that:

And fight in the way of Allah those who fight you, but transgress not the limits. Truly, Allah likes not the transgressors"

This particular verse confirms that in period of war, life is still held sacred and Muslims have been enjoined not to kill unjustifiably. It is important to note that the right is extended to an unborn child in the womb, to the extent that the Prophet was reported to have postponed the capital punishment against a pregnant woman for the protection of the right to life of the child in her womb.

Similarly, Islam condemns the killing of women, the elderly person and the children during the period of war. The Prophet in this regard was quoted to have said:

..I instruct you in ten matters: Do not kill women or children, nor the old and infirm, do not cut fruit bearing trees; do not destroy any town, do not cut the gums of sheep or camels except for the purposes of eating, do not burn date trees or submerge them, do not steal from booty and do not be cowardly.

In another tradition, the Prophet was quoted saying:

The Apostle of Allah (May peace be upon him) prohibited those people who killed Ibn Abi al-Huqaiq from killing women and children. One of them said: The wife of Ibn Abi al-Huqaiq shouted out and disclosed our presence and I raised my sword, but, remembering the command of the Apostle of Allah (May peace be upon him) restrained myself. Had it not been so, we would have rid of her also.

In the same vein, the Apostle of Allah, (May peace be upon him) found women killed in some battles and he condemned such act and prohibited the killing of women and children." Furthermore, a Muslim is not permitted to kill a non-Muslim who have a treaty of peace with Muslims. Islam specifically protect the right to life of the Jews, the Christian and all those with whom Muslims have entered into a covenant to regulate their religions and civil life according to their own laws. In this wise, the Prophet was quoted to have said that:

One who kills a man under covenant will not even smell the fragrance of paradise.

It can therefore be summarily stated that right to life under Islamic law is most sacred and it is the most important of all value and cannot be denied unjustifiably except under due process of law. Otherwise, the law of retaliation will take its due course against the violator(s) of such right, no matter the status and the number of culprits. In this regard, the Qur'an provides as follows:

And we ordained therein for them: life for life, eye for eye, nose for nose, ear for ear, tooth for tooth and wounds equal for equal.…"

It is worthy of note that before the advent of Islam, punishment for murder were awarded by the rulers based on various consideration raging from wealth, nobility of birth, race and so on. With the advent of Islam however, the above verse emphasized the need to apportion punishment in equal proportion with the offence committed regardless of any consideration. This punishment is expected to serve as deterrent to others. It must also be note that the penalty stated in the above verse cannot be implemented by an ordinary citizen, the implementation must be left in the hand of the Muslim ruler (Khalifah) or the Islamic state. This position goes further to justify that a Muslim is not allowed to kill a Muslim brother. Thus, the position of *Boko Haram,* an acclaimed Islamic sect operating in the North- Central part of the Nigeria is contrary to the stance of Islamic law.

Although it is sacred and essential to safe life, Islam on the other hand withdraws the protection giving to life when it will be done at the cost of another life. For instance, Islam makes it obligatory to save the life of drowning person, however, if that will lead to loss of another's life in an attempt to save the life of a drowning person, then life is not expected to be protected in that circumstance. This is following the

tradition of the Prophet which says: "A particular harm shall not be removed by inflicting another harm"

iii. Protection of Dignity or lineage (Al 'Irid)

Having protected the life of a person in Islam, one other essential value of life is the protection of human dignity. This segment of the work comprises of the rights to human dignity and honour, equality, privacy and personal freedom against arbitrary imprisonment. These rights will therefore be discussed one after the other.

Right to Dignity and Honour.

Islam recognizes the dignity of all human beings without any qualification or consideration. It feels so much concern about it and was emphatic on its protection. Thus, human beings are endowed with dignity, nobility and honour which cannot be detached from them at any time. The protection of dignity includes the protection of individual rights to privacy and not exposing or accusing others of misbehavior. Islam has laid down a number of guidelines to protect the dignity of mankind.

Allah (SWA) states that:

And indeed we have honoured the children of Adam, and we have carried them on land, on sea, and provided them with At- Tayyibat (lawful good things); and we have preferred them above many of those who We have created with a marked preferment.

From the above verse, it must be mentioned that, the fact that Allah has honoured the children of Adam was not as a result of any personal attributes or special status they have acquired in the society but for the fact of being human being and being born alive. Thus, Islam has endorsed the right to human dignity and honour as a fundamental principle and an absolute right which must be enforced by an Islamic state and the entire Muslim community when violated. Similarly, Muhammad bn Ka'b while commenting on the above Verse and the right in Quritubiy, stated that, the fact that the Prophet is created from among us is enough dignity. As such, every human being is entitled to his integrity, honour and reputation during his life time and even after his death. The Prophet is reported to have said:

It was reported by Abdur-Rahman bin Abi laila: Sahil bin Hunaif and Qais bin Sa'ad were sitting in the city of Al-Qadisiya – a funeral procession passed in front of them and they stood up. They were told that that funeral procession was of one of the inhabitants of the land i.e. of a non-believer, under the protection of Muslim. They said "a funeral procession passed in front of the Prophet and he stood up. When he was told that it was the coffin of a Jew, he said; "Is it not a living being (soul)?

The above hadith indicates that Islam accords highest respect for all souls, notwithstanding their faith and race. However, it must be noted that human dignity is not attained by any estimable act from the society, it is just an expression of Allah's favour and grace on His creatures. It is a natural and confirmed right which is established at the moment of birth of every human being. The protection should be done without discrimination to race, colour, religion, sex or even between the rich and the poor members of the society to the extent that even a criminal is entitled to a dignified treatment as punishment in Islam is meant for reformation and not for humiliation. The Prophet (SAW) explained this position in the following hadith:

Allah defined good and bad deeds and then He explained their clarification: He Who aims at a good deed but did not do it, Allah will regard it as a complete good deed. If he intends to do and carries it out, He records it as ten good deeds (and a times), multiply it up to 700 and even to several multiplications. If a man aims to do an evil deed and does not carry it out, Allah records it as good deed. If he thinks of one evil deed and does it Allah records it against him as only one evil deed".

Similarly, Islam prohibits Muslims from attacking each other's honour, rather, it recognizes and encourages the protection of human honour and dignity. The Prophet (SAW) in his last sermon at the Farewell Pilgrimage said:

Narrated Ikrima: Ibn Abbas said: "Allah's Apostle delivered a sermon on the Day of Nahr,

and said "O people! (Tell me) what is the day today?" The people replied: 'it is the forbidden (sacred) day. He asked again: 'what town is this?' They replied: it is the forbidden (sacred) town. He asked: 'which month is this?' They replied: it is the forbidden (sacred) month. He said: 'No doubt! Your blood, your properties and your honour are sacred to one another like the sanctity of this day of yours, in this (sacred) town (Makkah) of yours, in this month of yours. The Prophet repeated his statement again and again. After that, he raised his head and said 'O Allah! Haven't I conveyed (Your Message) to them? ……"

Apart from this, the Qur'an seriously frowns at any attack on the honour and good name of a righteous member of the society, be it a Muslim or not. It particularly expects an Islamic society to be one whose affairs are administered and directed by an upright person. It regards them as the vicegerent of Allah on earth as well as the custodians of justice. These duties can only be performed by honourable members of the society. To safe guard this right, Islam therefore prohibits attack on human personality which may emerge from defamation of character, insult and calling of one another by offensive names. The Qur'an specifically prohibits individual honour to be abused when it provides that:
The believers are nothing else than brothers (in Islamic religion). So make reconciliation between your brothers, and fear Allah, that you may receive mercy. O you who believe! Let not a group scoff at another group, it may be that the latter are better than the former; nor let (some) women scoff at other women, it may be that the latter are better than the former, nor defame one another, nor insult one another by nicknames. How bad is it, to insult one's brother after having Faith [i.e. to call your Muslim brother (a faithful believer) as: "O sinner", or "O wicked", etc.]. And whosoever does not repent, then such are indeed Zalimun (wrong-doers, etc.). O you who believe! Avoid much suspicion, indeed some suspicions are sins. And spy not, neither backbite one another. Would one of you like to eat the flesh of his dead brother? You would hate it (so hate backbiting). And fear Allah. Verily, Allah is the One Who accepts repentance, Most Merciful.

Scholars, while commenting on this verse in Quritubiy are of unanimous opinion that to scoff at fellow Muslim, insult or calling him by nicknames (bad names) is rebellious and disobedience to Almighty Allah. The Prophet in addition to the above verse is quoted to have said:
Abusing a Muslim is an outrage and fighting against him is unbelief.

Therefore, respect for dignity and honour of fellow human beings is a fundamental right which is encouraged and sanctioned by Islam when violated. In this wise the Prophet says:
Whoever saves the honour of his brother, God will save his countenance against the blaze of fire on the Day of Judgment.

To this end, Muslims are obliged to protect the honour and dignity of other human beings, to the extent that a person who attacks the honour of another can be punished by an Islamic court when his guilt is established.
In addition, the right to human dignity and honour is not limited to free born citizens in Islam, it extends to slaves, whether Muslims or not. Islam prescribes humane and fair treatments for slaves. It specifically directs Muslims to treat their slaves with honour and dignity. It abhors hitting, insulting and even killing of slaves except under the circumstances explained earlier. The Prophet is quoted to have stated:
These (slaves) are your brothers and uncles that Allah put under your control. So the one who had his brother under his control shall feed him from his food, give him clothes from his own; and does not assign him of something he cannot do. If you assign him of a task, you shall support him.

In another tradition, the Prophet said:
The one who strikes (the face) or hits his slave shall emancipate him as atonement.

Above all, Islam generally call for emancipation of slaves in order to increase the number of free born Muslim. In fact Islam has the best treatment for slaves no matter the level of criticism against it.
Right to Equality

Islam recognizes absolute equality of human race irrespective of sex, tribe, or colour. The Qur'an says:
O mankind! We have created you from a male and a female, and made you into nations and tribes, that you may know one another. Verily, the most honourable of you with Allah is that (believer) who is pious. Verily Allah is All-knowing- All-Aware.

The above Qur'anic verse shows that the division of man into races, and nations is by Allah's wish and not on the basis of any superiority of one nation or tribe over another. The essence of this is to enable human beings recognize themselves, cooperate and render necessary assistance to each other whenever the need arises. The Qur'an and the hadith emphatically stated that the division is neither in any way meant for one nation to discriminate against other nations as it is the case with the Western nations over the third world countries in the world today, nor is it for any tribe to humiliate or disregard another tribe. Rather, the superiority is simply on the basis of piety and not on any other consideration. It however, declares that the noblest of them will be that who is pious. In fact, an Islamic scholar, Mawdudi argued that, even the superiority based on piety is not a justifiable reason for a group of people or nation to claim superiority over others, since piety does not confer more privileges over others, except as stated in the Qur'an and *Sunnah* of the Prophet. Furthermore, no one can claim to be pious than the other, as only Allah has the knowledge of those who are pious. Therefore, Islam prohibits any racial superiority or any form of discrimination whatsoever. The Prophet during his last sermon to the Muslim emphasized in clear terms, the issue of right to equality when he stated that:
…No one is superior to another except by virtue of faith and piety. All men descended from Adam and Adam was made of clay. An Arab has no superiority over a non-Arab or non-Arab over an Arab; neither does a white man possess any superiority over a black man nor black man over a white one, except by virtue of piety

Similarly, Islam guarantees the equality of all before the law. To this extent, it declares all persons in terms of human value as equal before the law, it gives all citizens the right to absolute and complete equality before the law. As such judgments and penalties are prescribed to be applicable to all in equal proportion without any discrimination, immunity or any other privileges.
In the same vein, Islam upholds in similar manner economic equality of men and women. This in essence signifies that the two genders are treated equal economically without discrimination. The Qur'an supported this assertion when it provides that:
…for men there is reward for what they have earned, (and likewise) for women there is a reward for what they have earned

Islam guarantees spiritual equality of the two genders. Hence, whatever is applicable to a man is applicable in the like manner to the women in equal basis. The Qur'an provides that:
For Muslim men and women, for believing men and women, for devout men and women, for true men and women, for men and women who are patient and constant, for men and women who humble themselves, for men and women who give in charity, for men and women who fast (and deny themselves), for men and women who guard their chastity, and for men and women who engage much in God's praise, for them has God prepared forgiveness and great reward.

In another verse, the Qur'an while emphasizing the spiritual equality of the two genders provides in another chapter as follows:
…Never will I allow to be lost the work of any of you, be it male or female.
The Prophet during his last sermon emphasized further in the following language:
…Do treat your women well and be kind to them for they are your partners and your committed helpers. No one is superior to another …

It has however been argued that, although, the Western concept of human rights in their various international, regional and national human rights instruments contained provisions relating to equality of human race irrespective of sex, race, colour or any other consideration. Yet ethnic inequality however pervades and constitutes one

of the major problems in the contemporary world, especially, in the West.

iv. Right to Privacy

Islam guarantees the privacy of life of everyman, and prohibit unnecessary interference with a person's personal life. In fact. Islam prohibits a man from entering his own house unannounced but enjoins him to inform members of his family of his arrival from any journey. In this respect the Qur'an says:

O you who believe! Enter not houses other than your own, until you have asked permission and granted those in them; that is better for you, in order that you may remember.

The Qur'an went further to say in the immediate following verse that:

And if you find no one therein, still enter not until permission has been given. And if you are asked to go back, go back, for it is purer for you. And Allah is All-Knower of what you do.

Similarly, Sahl bn Sa'ad reported that a person peeped through the hole of the door of Allah's Messenger (May peace be upon him) and at that time, Allah's Messenger (May peace be upon him had with him a scratching instrument with which he had been scratching his head. When Allah's Messenger (May peace be upon him) saw him, he said:

If I were to know that you had been peeping through the door, I would have thrust that into your eyes, and Allah's Messenger (peace be upon him) said: permission is needed as a protection against glance.

In another tradition, Abu Hurairah reported Allah's messenger (May peace be upon him) as saying:

If a person were to cast a glance in your (house) without permission, and you had in your hand a staff and you would have thrust that in his eyes, there is no harm on for you.

It was reported that the Messenger of Allah asked "Ali and Fatimah:

Do you not pray (during the night) Ali said "O Messenger of Allah, we are in Allah's hands if He wishes to make us get up, we get up. The Prophet turned away when he said that. Then, they could hear him striking his thing and saying "But men is ever more quarrelsome than anything" (Q. 18: 54).

However, the right is accorded to owners of occupied houses and not unoccupied houses or apartment. In this wise, the Qur'an says:

There is no sin on you that you enter (without taking permission) houses uninhabited (i.e. not possessed by anybody), (when) you have any interest in them. And Allah has knowledge of what you reveal and what you conceal.

Also in a bid to further protect the privacy of an individual in Islam, the Prophet was quoted to have disapproved the Saying of 'It is I' when a person is seeking permission to get into an occupied house. Jabir Ibn Abdullahi reported that:

He came to Allah's Apostle (May peace be upon him) and called him with a view to seeking permission) whereupon Allah's Apostle (May peace be upon him) said: "Who is it? I said: it is I. Thereupon he (the Holy prophet) came out saying it is I, it is I.

In another version, Jabir bn. Abdullah reported that:

I sought permission from Allah's messenger (May peace be upon him) to see him. He said: Who is it? I said: It is I. Thereupon Allah's Messenger (May peace upon him) said. It is I, it is I (these words lead me to no conclusion).

In the same vein, Abd Ar-Rahman, the son of Abu Sai'd Al-Khudri reported from his father:

The Messenger of Allah (May be peace be upon him) said: "A man should not see the private parts of another man, and a woman should not see the private parts of another woman, and a man should not lie with another man under one covering, and a woman should not lie with another woman under one covering.

Similarly, Islam frowns at a person reading another person's letter without consent and outside one official assignment. Doing this amounts to suspicion. The Qur'an has this to say:

O you who believe! Avoid much suspicion; Indeed some suspicious are sins. And spy not, neither backbite one another. Would one of you like to eat the flesh of his dead brothers? You

would hate it. And fear Allah. Verily, Allah is the one who forgives and accepts repentance, Most Merciful.

The Prophet was quoted to have said:
Beware of suspicion, for suspicion is the worst of false tales; and do not look for others fault, and do not spy on one another, and do not practice Najsh and do not be jealous of one another and do not hate one another and do not desert (stop talking to) one another. And O Allah's worshippers! Be brothers!

With the above injunctions from the Qur'an and Hadith, it is crystal clear that the contemporary method of bugging a private house to acquire information which is being held in a private manner is highly forbidden in Islam and the Islamic state is mandatory to punish the perpetrator.

Right to Personal Freedom and against Arbitrary Imprisonment
Islam guarantees this right to all human beings. It prohibits the imprisonment of a suspect until his guilt is proven in an open court. An Islamic state cannot arrest an offender until his guilt is proven. Even when an offender is kept in detention, an Islamic state must proof the ground of detention in an open court.
The Qur'an says:
O you who believe! If a fasiq (liar – evil person) comes to you with any news, verify it, lest you should harm people in ignorance, and afterwards you become regretful for what you have done.
In the same vein, Islam abhors the arrest or imprisonment of an individual for the offence of others as everyone is expected to be responsible for his own action. Islam prohibits the arrest or imprisonment of the relatives of the offender for his wrong doings.
The Qur'an says:
No person earns any (sin) except against himself (only) and no bearer of burdens shall bear the burden of another.

v. **Protection of Intellect (Al 'Aql)**
This is another major essential of life which distinguish mankind from animals. Almighty Allah commanded every individual to protect this precious gift for the benefit of all and not to perpetrate evil or destruction of humanity. Protection of intellect includes the right to freedom of conscience and assertion and the right to freedom of expression.

Right to Freedom of Conscience and Assertion
This right is guaranteed to all mankind, whether Muslim or non-Muslim, and no one is expected to compel another to accept his or her own faith. Hence, non-Muslims living in an Islamic state are free to practice their religion in their own way. The Prophet in many ways exemplified respect for this right during his life time. The Qur'an has this to say:
There is no compulsion in religion. Verily the right path has become distinct from the wrong path.

The above verse clearly elucidates that this right is a fundamental one without any distinction and that no one should be compelled to accept the religion of Islam or any other religion. As evidence to the above verse, it was on record that *Khalifah* Umar, approached an aged Christian woman to accept Islam. The woman was said to have replied Umar that: "I am an old woman and death is fast approaching me." Umar said: "God be my witness, I have done my own." Umar repeated "No compulsion in religion."
In another verse, the Qur'an speaks:
Had Allah willed, they would not have taken others besides Him in worship. And We have not made you a watcher over them nor are you a Wakil (disposer of affairs, guardian or trustee) over them
This verse evidenced the fact that the duty of Muslims is to establish the proof of Islam to people, so that they may distinguish the truth from falsehood. Aside this duty, no one is expected to force anyone to accept the religion. Whoever wishes to join the folk may do so at his own wish and whoever wishes not to do so is also free to continue to live in an Islamic state without been intimidated and with their full rights granted to them as ordained by Almighty Allah.
In addition Islam abhors and warned the believers from insulting other people's gods and ways of life. The Qur'an says:

And insult not those whom they (the disbelievers) worship besides Allah, lest they insult Allah wrongfully without knowledge…

The Islamic position is therefore contrary to the contemporary sayings and happenings in Nigeria, especially, in the North-East area of the county where *Boko-Haram* sect is perpetuating its havocs claiming to be acting under the guise of Islam. A genuine Islamic state is expected to respect the belief of other members of the society and must not only permit but equally respect the cultural and religious diversity.

vi. Right to Freedom of Expression

The right to freedom of expression is guaranteed to all mankind without discrimination of any kind. Muslims and non- Muslims are free to hold a different opinion in respect of a particular issue. However, this right must be exercised in conformity with the ethics and values of Islam as to bring virtues to Islamic state and not to spread vices and evils to other individuals or the state at large. As such, the use of abusive or offensive language in the name of criticism is prohibited in Islam. The Prophet is the best example in allowing his companions to express their views and will always accept the best view. It was on record that during the battle of Badr, the Prophet (SAW) suggested that the Muslims army should be camped at a particular place. Khabab b. al Mundhir inquired from the Prophet whether the place was ordered by Allah or that it was just a matter of opinion and military tactics. When the Prophet replied that it was just a matter of opinion and military tactics, he suggested another place nearer to the well of Badr which was more suitable for engaging the enemy. The Prophet agreed and ordered his men to move immediately.

In the same vein, the right was also exemplified by the Prophet (SAW) during the battle of *Uhud*. It was reported that when the Prophet asked his companions to resist the enemy's attack from the town, the companions asked the Prophet of the capacity under which he was given his directive, but when the Prophet replied that he did so as an ordinary human being and not by a divine guidance, the companions gave their opinion to fight the battle of *Uhud* and the Prophet accepted their opinion. These two scenarios can be seen as the ultimate manifestation of freedom of expression that was practiced during the life of the Prophet.

Also, the Prophet encouraged Muslims to make *Ijtihad* in resolving matters arising from the Islamic society, which are not covered by the Qur'an and Hadith. He however warned that the person must always strive to reach the best opinion by referring to the available Islamic injunctions. Thus encouraging Muslims to make their views in resolving matters is another opportunity granted to Muslims to express their views.

vii. Protection of Property (Al Mal)

Another major value in Islam is the protection of property. Property and wealth have an impact status in Islam. Acquiring property is one of the necessities of man in life. Islam guarantees the right of ownership of property to every individual, male and female alike and ordered that no one should be deprived of its property unjustifiably and no one shall transgress and acquire the properties of others without legitimate reason and without proper contract.

The Qur'an in testimony to this says:

…for men there is reward for what they have earned, (and likewise) for women there is a reward for what they have earned

In a similar provision, the Prophet categorically lay much emphasis on this right during his last sermon at the Farewell Pilgrimage where he stated that:

Your lives, your properties and your honour are as sacred as this day…

Violation of this right is a great sin and warrants penalty and Allah has provided a severe punishment in the Day of Judgment for those who acquire property of others unlawfully. Instances of acquiring other people's property illegitimately includes usury (ribah), cheating in transaction and stealing the properties of others. It must however be noted that this right is only guaranteed to a person who has lawfully acquired a property. To this end, an Islamic state is forbidden from taking over or converting the property of an individual without the person being adequately compensated.

4. Conclusion

This paper discussed principle of human rights in Islam from the perspective of objectives of Sharia. It pointed out that the duty of man towards his creator comprises of his duty to the society and the duty to his fellow human beings, since the faith of every Muslim will be assessed by his compliance with these duties. It was also discovered that Islam lays down certain divine and compulsory fundamental basic rights for all mankind without exception. These rights are applicable to all situations and circumstances regardless of any consideration. They can neither be amended nor suspended and their violation warrants the prescribed punishment in this life and in the hereafter unless waived by the victims in the cases of offenses against fellow beings or pardoned by Allah in other cases. It has also shown that some Western scholars view the concept of human rights as their exclusive idea arguing that other cultures simply possess the notion of human dignity and not genuine human rights. It will be incorrect to consider the concept as an exclusive idea of the West. It has been the established fact that Islam predates the English concept of human rights and some of the provisions contained in the Universal Declaration of Human Rights have been the objective of Sharia and basic ideals and fundamental values which has been in existence from the inception of Islam. Thus, whether human rights in Islam are duties of the rulers or individual, what is paramount is that it stashed a right for the individual and the public, and expects the rights to be protected under all circumstance. It will therefore be wrong for the West to base its consideration on the terminologies used rather the goals. As such, it is apposite to conclude that genuine human rights are as provided in the Islamic injunctions.

It may also be concluded that it is a well-known fact that many contemporary constitutions and other human rights instruments are subject to modifications, suspension or even total abrogation as situation demands from time to time. On the other hand, the right conferred on mankind in Islam are divine, eternal, universal and not subject to any form of modification let alone of abrogation by any true servant of Allah. It must be reinstated here that Islam is a complete way of life which has left no stone unturned, including the concept of human rights. If there is anything that is paramount to Islam, it is the rights and dignity accorded to mankind. It has been clearly shown that the Prophet illustrated this point and was emphatic on this subject during his Farewell Message to the Muslim community.

Notwithstanding the above however, Islam enjoins an Islamic state to maintain a balance between the individual rights and the rights due to the society from individuals. It mandates the state not to be autocratic as to render the individual helpless to claim his rights, at the same time, it should not grant an absolute rights or freedom to an individual in order to protect the right of other members of the state as well as not causing injury or harm to the entire state.

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Nigerian Feminism: A Typology of African Feminism

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Abstract. Severally, European and North American feminists have often been blamed for imposing the historical and cultural experiences of North America and Europe on African women, and Nigerian women in particular. It is a fact as well as a truism that African and Western societies have different historical antecedents. Historical differences like colonialism and neo-colonialism have grave effects and consequences for the role, position and status of women. Like women all over the world, African women haveobstacles and challenges and they are the only one who can set right their priorities and agendas. It is in this vein that, the author carried out a case study in eight different states in Nigeria asking question relating to feminism awareness in Nigeria. The result shows that, all the participants had some ideas of what is meant by feminism. In all their responses, the sensitivity of their positions culturally and traditionally was a re-echoed stance. Hence, the author, going in line with Catherine Acholonu's Motherism, Obioma Nmaemeka's Negofeminism and Chikwenye Okonjo-Ogunyemi's African Womanism has coined out what she termed, *"Naijafeminism"* (an acronym for Nigerian feminism), a paradigm and movement which is shaped by Nigerian contexts and experiences.

Keywords: Nigeria, Feminism, Women, Tradition, Motherhood

1. Introduction

African feminists' draw attention to the unique and wonderful experiences of women on the continent as well as the obstacle they face and the agency they exhibit in their lives. It is important to note right from the start that, most African feminists, and indeed Nigerian feminists are critical of being subsumed and submerged under a global North definition of feminism that has often not represented their concerns and even marginalized or excluded their voices. They use the term, 'feminism' sparingly or with reservations.

Furthermore, most women in Nigeria find the tag, 'feminism' too strong a label to bear. Most of the women in Nigeria, even the notable 'feminist writers' (Zaynab Alkali, Flora Nwapa, BuchiEmecheta, to mention a few.) will not allow themselves to be referred to, or called feminists. Hence, the use of the term 'feminism' is just for the sake of convenience to identify women who still portrays the characteristics and features of Nigerian women. Nigerian women have detected a huge dose of racist arrogance which characterizes western feminism.

Nigerian feminism should be defined in its own terms, not by western feminists' terms. Professor Bolanle Awe, a Nigerian, a female and the director of the Institute of African Studies has retreated the fact that anyone who wishes to take part in African women's struggle must do so according to theirown context and agenda. Emphasizing plurality, Nnaemeka maintains that, 'to meaningfully explain the phenomenon called African feminism, it is not to western feminism, but rather to African environment that one must refer'. African feminism is not a reactive one; it is proactive in nature. It has a

different life of its own rooted in African environment.

Hence, in providing a justification for *Nijafeminism*, the National Council of Women societies in Nigeria, the government-recognized umbrella body under which all women NGOs in Nigeria operates, has declared that, it is a non-political and non-religious organization devoted to the promotion of education, welfare and improved status of Nigerian women. Its agenda has broadened to include, women's legal and political rights and demanding a change in some laws that dehumanize womanhood.

On the other hand, western feminism is alien to Nigeria. This feminism is often considered to be the same with radical feminism, men hatred, total rejection of African traditions and fundamental opposition of marriage and motherhood, and an endeavour, as well as constant attempt to disrupt the power relationship of genders.

This so-called western type of feminism focuses on three important areas. The first is the reality of oppression continuously legitimated by legal rules and regulations, the second is the all-important issue of patriarchy, or the system of masculine authority and the third is the real question of women's sense of justice.

These feminists, over the years have call for vigilance where in, it is important for jurisprudence to tap the power of the more radical versions of feminism. According to them, an effective contemporary feminist critique must be radical in the literal sense and must go to the very root of inequality.

This type of feminism is believed to be a western idea, and Nigeria women don't want to be a party to it.

2. African Theories of Feminism

Although the term feminism is of western origin, and it has been expressed that African women do not wish to be subsumed under the name feminism, it has become imperative to use this term loosely in order to explain certain happenings within the African settings as they relate to women. The two types of feminists' theories in Africa are explained below:

2.1 Intellectual and Popular Feminism

There are two separate feminism in Africa namely, intellectual and popular feminism. The intellectual feminism is loved and promoted by the urban and educated women. They condemn aspects relating to African culture, and they tend towards western form of radical feminism.

Popular feminism on the other hand, is rooted in culture and lived experiences of African women. Here, the foundation of feminism lies in the importance of women in traditional African society in terms of food production as well as women's role in the liberation struggle against colonialism. Popular feminism appeals to African women who consider their culture and tradition vital to their identity. It also endeavours to find practical solutions rooted in the lived experience of African women, many of whom have skills and talents that can economically empower them. This popular movement of feminism caters for the majority of African women, some of whom are not necessarily literate.

It will be reasonable to assume that, the large majority of Nigerian women subscribe to popular feminism even, amidst their differences. The country, Nigeria, is a nation with ethnic, religious and economic diversity. Nigeria is said to be characterized by lots of socio-economic inequalities among their regions, ethnic groups and religions. Nigeria is made up of 374 ethnic groups.

Despite these differences, Nigerian women are united as *"Naijafeminists"*; a paradigm and movement shaped by Nigerian contexts and experiences. This is evidenced in the views expressed by participants in this study.

3. Methodology

The systematic gathering of data for a particular reason and purpose from various sources is known as data collection. The most popular methods of data collection in a qualitative research, like the one going on are interview, observation, documents, audio-visual materials and focus group discussion. In order to collect data, this study employs the use of two approaches:

3.1 Interview

This study employs the use of both structured and unstructured interview model to elicit views and opinions of major social actors on feminism awareness in Nigeria. The use of this interview model will enable the participants to talk freely without being restricted to only the questions prepared by the researcher. This will further enhance the quality of the responses from the participants.

The use of interview in this work also suggests that the views and interpretations of certain social actors are necessary to be looked into in order to answer the questions raised in this research. It further suggests that the knowledge of these social actors, their specified social context as well as their account of that social arena is significant to this research.

3.2 Focus Group Discussion (Participant Observation)

In a way, focus group looks like interviews, but focus group transcripts can be analysed so as to explore the ways in which the participants interact with each other and influence each other's expressed ideas, which obviously cannot happen with one-on-one interview.

In this wise, focus group can be likened with or compared to participant observation, which is another method of data collection in a qualitative research. The main advantage of focus group in comparison to participant observation is the opportunity to observe a large amount of interaction on a topic in a limited period of time based on the researcher's ability to assemble and direct the focus group sessions.

Participants' observation helps researchers to know the perspective held by study participants. Participants' observation usually takes place in community settings i.e., in locations believed to have some relevance to the research questions. Generally, the researcher engaged in participant's observation tries to learn and observe what life is like for an 'insider' while remaining, inevitably, an 'outsider'. While within this community, the researcher makes careful and objective notes about what they see, recording all accounts and observations.

In other words, participants' observation, more often than not occurs in a naturalistic setting. Participants' observation in a naturalistic setting can only occur in settings where there is something immediately available to see or observe. Participants' observation in a non-naturalistic setting (like the one going on) can be made possible through the use of a focus group discussion, where more social psychological topics such as attitudes and decision making are paramount. In this wise, focus group method creates access to participant interaction on topics that are either difficult to observe naturally or rare in occurrence.

Focus group and participant observation share an overlapping interest in group interaction. While participants' observation is a research that involves social interaction between the researcher and the informants in the milieu of the latter, during which data are systematically and collected, focus groups are a form of group interview that concentrates on communications between research participants in order to generate data. Focus groups encourage research participants to explore the issue that are importance to them in their own words and vocabulary, generating their own inquiries and questions, and pursuing their own agendas and priorities.

This study intends to utilize the contributions of a group as clearly specified above. To contribute to this study are; Non-Governmental Organizations concerning women, League of Moslem and Christian Women, African Traditionalists, Married and Unmarried men and women.

4. Discussions of findings

While the western radical feminism is all against men and African traditional set up, it was the view by the participants that, there was, and still in existence a form of feminism rooted in culture and tradition of Nigerian women.

It was the view of the participants interviewed that, women in Nigeria are still mindful of the role bestowed on them by culture and tradition. These roles are said to be, roles relating to motherhood.

Nigerian Catherine Acholonu introduced the concept of 'Motherism'. She argues that, women

are supposed to be perfect nurturers. Her concept of 'Motherism' denotes motherhood. She vehemently opposes the doctrine of white radical feminism which she considers to be anti-mother, anti-child, anti-nature and anti-culture. She considers the tasks of being a mother to include the nurturing of a child, protecting the home as well as the environment.

The views and aspirations of western cultural feminists can be likened to what obtains in Africa, generally, and in particular, Nigeria. According to cultural feminists, women are more nurturant, caring, loving and responsible to others than men. The ability to nurture and care dictates the moral terms in which women distinctively, construct social relations. Cultural feminism does not only identify women's differences; - patriarchy, to insist on women's differences, it celebrates them. Women's connectedness to, as well as attachment with others, according to cultural feminists is the source, the heart, the root, the foundation, and the cause of women's different morality, different voice, different ways of knowing, different ways of thinking, different genius, different capacity for care, and different ability to nurture- all worth celebrating.

To cultural feminists, mothering and caring are closely related. Women, having given birth to an offspring, and having entered lactation of the same offspring, are naturally nurturing towards their infants. The socialization views and thinking deny argument for nature, instinct and natural nurturance and insist that mothering is a role- something learned. The views of western cultural feminists, it must be stressed, is in line with the Nigerian views of the role of women.

In the same vein, Chikwenye Okonjo-Ogunyemi believed that, motherhood is part of African culture. She therefore, coined out African Womanism which is deeply rooted in traditional African customs and beleifs.

Remi Akujobi, another Nigerian, expresses the view that motherhood is so crucial, so important in most traditional societies. To her, feminists in Africa read meanings and symbols that are authoritative and empowering to motherhood. The validity as well as substance of womanhood is defined basically by the success of the children. Success of a woman is seen in success as a mother. It is no longer a secret that the Nigerian woman considers herself a real and accomplished woman only when she proved herself to be capable of producing children. This is so in the sense that, motherhood is a basic condition for social acceptance. Many childless women experience feelings of rejection, castigation and low esteem. Examples abound in many African literatures, especially those written by women. For instance, 'Nnego', in Emechata's 'Joy of Motherhood' never considers or classifies herself a woman until she starts giving birth, 'Efuru' in Nwapa's 'Efuru', is frustrated by her inability to procreate and as such became a priestess. In life, as in literature, motherhood is the only thing in which a woman's worth and importance is determined and measured.

Also, it has been viewed by the participants of the study that Nigerian women have been known to have always fought and struggle against local oppressive conditions. Nigerian women throughout history have responded both individually and collectively to issues they face in an effort to negotiate their lives within difficult and compelling circumstances. There are many ways throughout history in which Nigerian women have exhibited their autonomy. In 1946, a notable feminist in Nigeria, Funmilayo Ransome Kuti, (FRK) led the fight on hearing the way in which market women were heavily and indiscriminately taxedby the local ruler (the then Alake). She, as the leader of the Nigerian Women Union, together with her members, fought the oppression and petition for the Alake's (a king) business to be brought under control. A vigil by a very large group of women led to a demonstration, and as a result, the taxation was abolished in 1949.

FRK, together with another notable feminist of that era, Margaret Ekpo, raised women's consciousness and struggled for female suffrage and political representation. They can be said to be on the same footing with Mary Wollstonecraft, the English philosopher and Elizabeth Cady Stanton, the notable abolitionist, in their fight to liberate English women politically by asserting the fundamental rights of

women including right to vote. There have also been a number of recent examples of women struggle. Community Women's Organizations have organized and carried out a protest in the oil producing region of the Niger Delta. These were well organized protest for the exclusion of their sons from employment in the oil companies, as well as protest resisting the alienation of forest by logging, which threatens their forest dependent livelihood.

Also, prominent among various struggles put up by women in Nigeria, is the fight resisting colonialism. Nigerian women have gear up in their struggle and fight against contemporary feminism which is relatively new and has its foundation in Europe. They do not believe women should be central political leaders. They felt that educated women should assist their husbands in power.

Nigeria therefore, can be said to have developed her own contemporary indigenous feminism which struggles against fundamentalist and oppressive conditions such as female genital mutilation, which is one of the issue affecting Nigerian women and it has affected close to 50% of the female population. The most dangerous form, infibulations, is still being practiced in some areas in Nigeria.

Another oppressive,and indeed a sad condition being struggled against by Nigerian women is forced marriage, which is a marriage, conducted without the consent of one or both parties. It is a marriage in which duress, in whatever form, whether physical or emotional is a factor. FORWARD believes that any child marriage constitutes a forced marriage, because any one less than 18 years of age is incapable of giving a valid consent Child marriage or early marriage is notorious in the Northern Nigeria where girls marry at the age of 12 or 13. This can lead to serious health hazard, especially VVF and other social deprivations, mostly educational in nature. The mean age at marriage for female children was put at 16.7 years in Nigeria. For North Eastern Nigeria, marriage age was put at 15.2, and for North Western Nigeria, the age was put at 14.2 years. This shows the prevalence of child marriage in Nigeria.

According to FORWARD, poverty and economic transaction has been given as the main reason for child marriage. Parents often derive economic gains in giving out their daughters (who they consider as an economic burden) to much older and rich men. Some poor families are currently still confronted with the difficult option of selling their daughters into marriage as a means to supplement their income and guarantee their livelihood.

The way widows are maltreated by men in many parts of South-East Nigeria is alarming. As stated by Folarin, there is a particular section of the Nigerian community that takes delight and pleasure in seeing women suffer after the demise of their husbands as if they are the cause of his death. Some wicked acts, amongst others against widows in Nigeria are; a) she can be sent packing out of her husband's house, b) she can be denied inheritance right to his property whether she has children or not, c) she can be made to mourn him for long period of time, d) she can be restricted from moving about, e) she can be given condition that she must not laugh. She must be seen to be in a mournful mood, f) while mourning, she can be made to stay in the front of the house from morning till night time. It should be recalled that, men who lost their wives are not made to go through similar inhuman treatments. Hence, another important area of struggle by Nigerian women is the widowhood rites.

Education and empowerment of womenis another struggle which majority of women in Nigeria have embarked upon.Gender bias against women ranges from labour market to the total exclusion from policy making. According to Mamman, this discrimination exacerbates poverty by preventing the majority of women from obtaining the credit, education, training, health services, child care and legal status needed to improve their status and prospects. One clear area of noted imbalance against women has been in the area of education. It is therefore not surprising that women's inadequate access to education has been seen as the source of the various discrimination that they suffer. As a result, there has been a groundswell of agreement that women's lot and general socio-economic improvement of nations can be achieved through the acquisition of sound education and broad empowerment of women.

These views and aspirations of all the participants in this study have further created a concrete stand on which *Nijafeminism* stands.

5. Conclusion

The point being raised by Nigerian women in the guise of *Nijafeminism* is not just about women. It is about creating a brand-new form of social relationships based on equality, mutual respect and justice. Nigerian women have taken action towards achieving this justice, social, economic, environmental and political change. These Nigerian women can be tagged as the progressives. They have challenged and resisted oppressive conditions of the laws by taking action either individually or collectively.

It is clear from the facts given above that there are different issues as well as different values and concerns raised by both Western feminism and Nigerian feminism. In other words, and as rightly pointed out by an author, "It did not occur to the western feminists that, women in other parts of the world had their own culturally specific notion of 'women's right and concerns".

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Part Six

Peace and Conflict Studies

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When Will War For Peace Begin in Nigeria?

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Abstract. Nigeria since independence in 1960 has not witness an enduring peace as conflicts, crises, militancy and terrorism complicated the task of nation building. Many policies by past governments ranging from state and local creation and federal character policy as well as declaration of unlimited wars against hunger, poverty and indiscipline have not guaranteed lasting peace. The scenario informed the study to examine when war for peace will genuinely commence and the preconditions enduring peace. The paper was descriptive and made use of secondary sources of data inclusive of text books, journal, Internet materials and official documents from government circle. The study argued that there has been too much rhetoric on modalities for peace without the required political will. The study found that poor governance has made political religious and ethnicity thrives while corruption robs the citizenry of dividend of democracy. It recommended true federalism and genuine war against poverty and unemployment as well as massive infrastructural development as components of war for peace. In addition, government should embark on early monitoring of conflicts, probe the remote causes and be fair and just in transforming conflicts. The study concluded that the war for peace is insurmountable given that the right institutional and attitudinal framework is judiciously put in place and executed.

Keywords: War for peace, conflict, poverty, true federalism and good governance

1. Introduction

The saying that if you want peace, be prepared for war is a popular statement but the war with respect to this study is that of war for peace. Enduring peace is elusive globally while the case of Africa is pathetic, hence the continent is often described as the theater of war. It is however sad that war for peace has found no bearing in Africa but wars of monumental destruction are being waged at regular interval. The War in the World (2016) revealed that there were sixty seven hotspots of conflict globally as at September 2016, out of which 29 were located in Africa as shown on table 1 below.

Table 1. Hotspots of Conflicts globally

Continent	No of conflicts	No of Militias/Terrorists Groups	Autonomous Groups seeking for independence
Africa	29	211	3
Asia	16	167	8
Europe	10	80	20
Middle East	7	237	12
Americas	6	26	-
Total	**67**	**722**	**43**

Source: *Wars in the World (2016)*

It could be inferred from table 1 above that no continent if free from ravaging conflicts globally but more than half of the fifty four nations in Africa are undergoing various challenges associated with violence and destructive conflicts. Albert (2005) demonstrated that of the 53 African nations between1960-2005, 47 had tasted war and other form of direct violence. Table 2 in effect presents the hotspots of conflict in Africa in relation to the intensity of the conflicts.

Table 2: Hotspots in Africa

Country	**NO. of conflicts**	**Nature of conflict**
Nigeria	10	War against Islamist militants, militancy and other sectarian conflicts
Libya	29	Civil War
Egypt	9	War against Islamic militants of Islamic State branch
Central African Rep.	10	Armed clashes between Muslims and Christians
Mali	17	War between national army and rebel groups
Congo (DRC)	36	War against rebel forces
Somalia	13	War against al-Shabaab Islamic militants
Sudan	19	Prolonged conflict against rebel groups in Darfur
South Sudan	25	War with rebel groups
Total	**169**	

Source: *Wars in the World (2016)*

Of the countries with more than ten incidences of conflicts extracted from Wars in the World in Africa, the DRC had recorded thirty six incidences followed by Libya. The intensity of violent conflict in Egypt as an off shoot of unending revolution made it to fall into hotspots of conflict in Africa why Nigeria has not enjoyed enduring peace since independence in 1960.

Though Boko Haram alone has claimed more than 23, 000 lives since 2010, de Villiers, (2016) and Africacheck.org observed that "within January and February 2015 close to 8,300 people lost their lives due to direct violence in sub-Saharan Africa and just five countries, Nigeria, Cameroon, Sudan, Somalia and Niger" and this constituted about 90 per cent of these deaths. Nigeria recorded 4,600, Cameroon 930, Sudan 700 and Somalia 630 and Niger 500. The data extracted from IDMC (2014) as presented on table 3 reveal the number internally displaced persons.

Table 3. Figure of Internally Displaced Persons in Five Countries.

Countries	Internally Displaced Persons
Nigeria	3,300,000
Democratic Republic of Congo	2963700
Sudan	2426700
Somalia	1,100,000
South Sudan	1,000,000
Central African Republic	935,000

Source: *IDMC (2014)*

The avoidable death and traumatic experiences to which hapless people were subjected on account of war and conflicts in a continent blessed with very good climate and abundance of natural resources are worrisome. This motivated this study to raise the question of when the war for peace will begin in Africa and specially Nigeria by considering the nature of wars, why the failure to overcome the factors occasioning conflicts. A descriptive research was adopted for the paper while materials from secondary sources were used.

2. Theoretical Framework

From war to peace particularly in a badly divided nation like Nigeria is a herculean task. Many theories like frustration aggression, needs, structural functionalism and chaotic theories might attempt to provide explanation for causative factors. This leaves a search for theories to overcome the identified factors. Transcend model propounded by Galtung (2010) connected causative factors of war and conflicts with ways of overcome them and that makes it ideal for this work. Transcend model according

to Galtung (2010) has contributed significantly into indebt analysis in peace and conflict studies as also found in Tanabe (2010:2), by connecting what happened before the conflict to conflict situation and the needed procedure to adopt to achieve peace. This position is further supported by Multi-Tracks Diplomacy based on the works of Notter (1996) and McDonald and Diamond (1996).

Emphasizing on the relationship before violence, Galtung (2000) adopted the use of conflict triangle consisting of behaviours, attitudes and contradictions. When attitude manifesting tolerance and understanding and the contradiction is manageable, the behavior will be non-violent. Contrary is the situation if attitudes manifest intolerance and contradiction is unmanageable. According to Nicolaides, (2008.12) the formula for conflict is "Conflict ═ A (Attitudes) + (Behaviours) + C (Contradictions)".

Before violent conflict, Galtung (2010) notes that there must be polarization and this could lead to some forms of aggression on account of blocked goals as analyzed in Anifowose (2006) based on initial works of Gurr et al (1939) among others. This is why Galtung notes that there is no conflict without its causative factors that could be identified. In the case of Nigeria, these might include colonial and neocolonial manipulation, ethnic nationalism, politics of exclusion, religious intolerance among others. Issues in conflicts construct their pillars while to maintain peace, the pillars must be kept as low as possible.

Transcend model therefore focuses on peace and sees peace by adopting peace approach as a relations between parties that could be transformed and not security approach. The security approach sees the other party as enemies that must be destroyed. Hence, governments often adopt security approach in stemming the tide of violence believing that with the stop of physical violence the crisis is over. They implement their own set agenda in an exclusive manner without taking the feelings of the conflicting parties into deeper consideration. The security approach in its application to conflicts in Nigeria manifested in military deployment to conflict zone to quell violence, set panels or commission of inquiry with funfair and receive reports that may not be implemented in a celebrated manner. This leaves the situation dicey, while creating the impression that the violence is over but it is waiting for the slightest provocation for resurgence of violence (Bogoro, 2009)..

The peace approach is expected to produce security through emphatic and creative-nonviolence. In addition, Peace approach calls for transformation of relationship and not merely resolution which could not accomplish lasting peace. In addition, Alao and Nwogwgwu (2015) noted that "the approach goes beyond the goals of the parties by creating a new reality while it does not view conflict as totally bad since it can positively enhance the quality of relationship when carefully managed and create a new opportunities". The transcend approach therefore is an inclusive approach that get all the parties to the conflict involved in the peace process to reach an agreement through the mediators that will largely meet the aspiration of the two parties.

The model was criticized by Cox and Kay (2009), Bawer (2007) and Boulding (1997) that Galtung didn't "produce a practical guide for managing conflict globally and that the scholarship exists to put a respectable face on Western self-loathing". Others like Morris, Hoffman and Peachey (2009), Doyle and Sambanis (2006) and Krasner (2004) drew attention to the invaluable attributes of the model which led to international organizations adopting it to resolve conflict and in rendering assistance. The implication of this theory therefore is that if governments in Nigeria adopt peace approach to resolving conflict rather than security approach, there is hope of winning the war against violence.

3. Conceptual Review

3.1 Peace

Peace is often linked to an atmosphere of tranquility, harmony or security. It is intricately linked to a state of prosperity or well-being, hence most people are desirous of it but the path it takes to achieve might calls for personal sacrifice, tolerance and discipline. The action or inaction of individuals or groups is directly or indirectly related to the state of peace

experience. This explains why Oyesola (2005) in Albert (2005) sees peace (pas Romania) as the "absence of war" (absentia bellum) governed with the assumption of a set of binding obligation that are to be observed (pacta sunt servanda).

On the other hand, Ibeanu cited in Best (2011:3) observes that defining peace as absence of war is "tautological and circular in logic" as there can be "peace" even where there is war particularly in a situation of structural or cultural violence. To underpin the meaning of peace, he observes that it would be wrong to classify a country experiencing pervasive structural violence as peaceful as what they enjoy at best could be described as "negative peace or graveyard peace". This agrees with the position of Aquina in Wiberg (1988: 106) that "absence of war does not equate peace in the absence of justice". Hence, Galtung notes that war is only one form of violence, which is physical, open and direct.

From philosophical perspective that took its root from Biblical and Islamic perspectives, it is seen as a gift of God subject to obedience to the injunctions (Sabine and Thorson 1973 and (Isaiah 32:17). Peace is therefore viewed as the absence of direct violence or war. Peace therefore carries with it the notion of equity, justice, fairness and freedom. The peace that is enduring in line with the Chinese perception has to do with harmony and order in the world and in social and personal organization as well as in nature. On the other hand, the Jew uses the term Shalom for peace. Form political perspective, Miller (1968) views peace as a political condition that makes justice possible which is made possible by institutionalized political process, while according to Huntington (1968) the institutionalization means that the political structures acquire value and stability through tolerance, bargaining and negotiation.

The World Justice School of Thought Oyesola (2005) presents "peace" as "creative and constructive interpersonal and intergroup situation". This notion canvasses the removal of all form of structural injustice that is perceived as the root causes of violence. They further advocated the regulation of large scale violence and improving world's capacity to deal with problems of justice, welfare, pollution and ecology. With specific reference to Nigeria, injustice is manifesting in all sphere of our national life, while the welfare of the citizenry is secondary in government agenda. This might have led Vice president Osinbajo to observe that more that 110 million are poor and the poverty rate stands at 70% based on 2016 National Bureau of Statistics (2015) release.

3.2 War/direct violence

War occurs when conflict could not be productively managed and it is allowed to assume violent dimension. Kegley and Blanton (2011: 231) define conflict as "discord, often arising in international relations over perceived incompatibilities". Though they view conflict from international dimension, the discord could also emerge from interaction domestically. War, according to them (Kegley and Blanton) is "a condition arising with states (civil war) or between states (interstate war) when actors use violent means to destroy their opponents or coerce them into submission". Cicero therefore views "war" as "a contention by force". Clausewitz (1832) views "war as the "continuation of politics by other means". In effect, the definition of war is a function of the perspective an individual chooses to view it but it must be acknowledged as the deadliest means of resolving conflict.

Nigeria was engaged in civil war between 1967 - 1970 and it could be rightly stated that it has not known enduring peace since then. Various form of direct violence experienced in Nigeria range from Boko Haram, herdsmen/indigene, crime, political violence, ethnic and religious intolerance that have significantly bastardized the image of the nation and had left millions of citizenry in abject poverty, health challenges and the belief that the government is incapable of restoring order. Corroborating the state of insecurity in Nigeria, the Nigeria Watch Project Fifth Report on violence (2015) noted that the Boko haram attacks and military operations accounted for about 50% of the total 17,024 death reported in 2015. The report of War in the World presented a higher figure and this explains the classification of Nigeria among the 65 hot spots of war in the world. On the other hand, the Movement against Fulani Occupation (2016) reported that the Herdsmen/indigene violence in Benue State alone caused 1252 death

between 2013 to July 2016. These figures are exclusive of other death occasioned by religious, ethnic and political violence.

The Nigeria Watch, Fifth Report on Violence in Nigeria (2015) revealed incidences of death on account of violence in Nigeria as tabulated between July 2006 and May 2015 as tabulated below on table 4.

Table 4: Death as a Result of Violence in Nigeria between July 2006 and May 2015

YEAR	NUMBER OF RECORDED DEATH
2006	4443
2007	6520
2008	6627
2009	6639
2010	5806
2011	6717
2012	7908
2013	12435
2014	22544
2015	17031

Source: *The Nigeria Watch, Fifth Report on violence in Nigeria (2015)*

A critical analysis of Table 4 revealed that death on account of violence has generally been on increase and a reflection of inability of government to curtail the ugly development. Hence, Galtung (2000) view violence as consisting of so many facets such as structural, cultural and direct. For the purpose of this paper direct violence is interchangeably used as war or violent conflicts. Regardless of the challenges associated with war and conflict, as Coser (1956) observed, it promotes social solidarity, creative thinking and communication. In addition, if these advantages are pursued sincerely, they can contribute positively to the resolution of disputes and the cultivation of cooperation.

3.3 Human Security

The human rights and developmental challenges after the Cold War directly and indirectly led to increasing concern about human security. According to Rugumamu, (2001:2) and Alao & Iyanda (2015), "national sovereignty will be meaningful to the extent that a nation deliberately meets basic minimum standards in good governance". This can be measured in terms of ensuring the security of its citizens and provision or creating a suitable environment for the provision of basic human needs thereby guaranteeing their general welfare. The traditional understanding of the concept "human security" focuses on state centric approach and emphasizing the importance of military empowerment to wade off possible danger thereby guaranteeing security.

The new understanding of the concept emerges with the UNDP Human Development Reports that observes that "Human security is not a concern with weapons – it is a concern with human life and dignity (UNDP, 1994:229). This moved the focus of human security to individuals as the heart of security concerns and identified the key components as economic, food, health, personal, community, environmental and political security. This also informed Skons (2007:243) to put up the argument that "If the ultimate objective of security is to save human beings from preventable premature death and disability, then the appropriate security policy would focus on prevention instruments and risk reduction strategies for their causes".

The causes of human insecurity such as hunger, poverty diseases, war, unemployment, and environmental degradation among others are therefore regarded as threats. The prevention strategy in this instance cannot but include government deliberate and concerted effort to meet the basic needs of the citizenry while loopholes that encourage human insecurity are minimized or removed. Therefore, Alkire (2003:2) viewed human security as "safeguarding vital core of all human lives from critical pervasive threats, without impeding long-term human fulfillment". In addition, Keizo (1998:12) notes that "…. human beings should be able to lead lives of creativity, without having their survival threatened or their dignity impaired."

Human security does not and cannot therefore end in huge spending with military hard ware but in meeting the basic needs of the citizenry and enlarging human choices (Stewart, 2004). Conversely, insecurity cuts life short and thwarts the use of human potential.

The implication of human security on the commencement of war for peace is that if the basic human needs are met, the tendency of

curbing or minimizing prevailing direct violence will be higher. The paper argues like Miguel (2004) and Ciccone, (2008) that there is positive relationship between income and emergence of conflict. In the same sense, Collier and Hoeffler (2002) have observed that economic variables play significant role as a trigger factor for civil conflicts than political and social issues.

4. Why War, Conflict and Crisis in Nigeria?

A critical analysis of war, conflict or crisis in Nigeria has mostly been focused on the effect rather than factors responsible for it. Hence, analysts were fast at presenting the human and material casualties. The precipitants factors for wars and conflicts are often situated in internal issues and predicated upon socio-economic and political injustices arranged as well as perpetrated to keep one group at advantageous position and the other disadvantaged.

Many scholars such as Lehmann (2011), Shah, (2010), Hawkins (2008) and Schraaeder (2004: 57-69) attributed the precipitant factors to traces of wars and division exiting among various entities in Nigeria before colonialism. Indeed, the colonial and neocolonial neo-colonial models of subversion blew these conflicts out of proportion. Lehmann (2011) noted that hardly could any conflict in Africa escape the subversive action of the colonialists and observed that the colonialist method was divide and rule by:

"… directing and co-opting local instruments, such as opposition parties, human rights organizations, an ongoing internal low intensity conflict, as well as expatriate communities, expatriates sponsored and with ties to i.e. the National Endowment for Democracy, and other Institutes, NGO´s and Organizations that are notorical for their involvement in subversions".

The implication of this arrangement was that the colonialist didn't create institutions that could mobilize the divided entities in Nigeria towards national integration but preferred to further sow seed of discord. This in effect make the post-colonial arrangement to be erected on faulty colonial foundation in every sphere of life and provided a channel for analyzing the multi-dimensional and protracted conflicts in Nigeria such as Tiv/Jukun, Jos crisis, Zango/Kataf among others. While other scholars would argue that over fifty six years of independence should be enough to overcome the challenges of colonialism, but a faulty foundation could not sustain a beautiful structure.

In addition, Mavalla and Adesina (2015) in Alao (2015) argued that between 1980 and 2000, the combination of three factors, politics, ethnicity and religion helped in developing the conflict into more frequent and complex clashes, especially since 1987. Many of such crises are the aborted 1993 presidential elections, pre and post-election violence in 2011, Bauchi, Kafancha, Kaduna, Zaria and Kano imbroglios. The rising violent transformation of ethno-religious identities in Nigeria has constituted a challenge to peaceful coexistence in Nigeria. Enloe (1973:3) was right to observe that of all the groups that man attaches himself, ethnic groups seem the most encompassing and enduring and followed by religion. The convergence of both for political gain contributed in no small way to prevalence of protracted conflicts. Bamigbose (2011) noted that Nigeria had witnessed not less that forty major civil disturbances closely connected to ethno-religious and communal clashes between1999-2002 while Groupson-paul (2003: 24-27) observed that fifty three of such occurrences were recorded between May 1999 – May 2003. By implication, the number between 2003 to date could have tripled.

Oyeniyi (2011) attributed some of the violent conflict to boundary issue. Such boundary disputes included Offa/Erinle, Ife/Modakeke, Saare/Tsaragi and though right particularly with the context of colonial manipulation and as observed by Gausset Whyte and Birch-Thomsen, (2005:8) that the analysis:

"must go beyond Malthusian and Neo-Malthusian conceptions of population growth and increasing scarcity as the primary driver of land and other resource conflicts, and instead examine the "social, cultural and political construction of the territories through which competition occurs and livelihoods operate".

This line of argument is right in the sense that the land space in Nigeria is not fully occupied while the resources are abundant, hence the need to focus on the structure of governance that

created a fertile ground for conflicts to germinate and fester and the role of ego in these instances. The inability to evolve an inclusive allocation of resources

Though Oyeniyi (2011) among others opined that most of the conflicts could be traced to economic development challenges, over politicization of every aspect of societal life, foreign intervention and militarization of civil populace, but this study argues that they were resultant effect of poor governance. It festers because the institutional mechanisms to address such were weak or non existing, making crime to be a profitable business in the face of corrupt judiciary where criminals were rather not prosecuted or poorly done and some were of the opinion that they could escape punishment.

Ibeanu (1997) presents series of conflicts partly associated with poor governance in Nigeria's developmental strike as updated by the researcher as tabulated below on table 5.

Table 5 – Local Political and Ethnic Motivated Conflicts in Nigeria

STATE	COMMUNITIES	REASON	EFFECTS
Ondo	Oba Akoko/Oka in Akoko South L.G	Relocation of L.G HQ.	Social disorganization without turning violent.
Delta	Ijaw/Itsekiri	Relocation of HQ from OgbaIjoh to Ogidigda in Warri.	Claimed about 1000 lives and massive destruction of property.
Osun	Ife/Modakeke	Creation of Ife East L.G with HQ at Enuwa, close to Oni of Ife Palace	500 lives and destruction of over 100 houses
Kwara	Kaima / Baruten axis	Creation of Kaima L.G to comprise thickly populated Baruten axis with Kaima town as HQ	A case of non-violent civil disobedience, until the Government created Baruten L.G with HQ at Kosobosu.
Benue State,	Mbagwaza and Utange communities in Ushongo L.G.	L.G Election	The two communities nearly wiped off
Jos	Natives /Hausa	Political contest	Destruction/disruption of a community that was once regarded as the most peaceful city in Nigeria that claimed thousands of lives and led to massive migration to other areas.
Benue and Plateau	Tiv/Jukun	Colonial manipulation,	
Benue	Tiv and Jukun/Hausa in colonial period	Fight against oppression by colonial master arrogating more power to Hausa	Unending conflicts occasioning loss of lies and property
Nigeria	Ibos/Nigeria	Political contest revolving around identity politics	Massive destruction of lives and property
South/ South Nigeria	Niger/Delta crisis	Resource allocation	Destruction of Lives and properties and attack on Oil installations
South South Nigeria	The Avengers	Resource based conflict over identity issues	Attack on oil installations in the South South
South /East	IPOB	Identity issues	Disruption of socio- economic life in the region.
Kaduna	Zango/kataf	Identity issues over access to resources and power	Direct violence on many instances
Bauchi	Inter-ethnic conflict	Indigene/settler issues and political dominance	Loss of lives and properties
Nigeria	Fulani herdsmen versus the rest of Nigeria	Land for grazing	Many communeties in Benue, Plateau, Adamawa, Kogi, Kwara, Oyo, Ekiti and Enugu states attacked and hundreds of lives lost.

Source: *Ibeanu (1997), Updated by Alao, D.O (2016)*

It is essential to note as tabulated above that the boundary of political, ethnic and religious conflict is nebulous as one could easily metamorphose into the other. Where ever there is convergence of these three elements, the loss in terms of human and material resources coud not but be monumental like in Kaduna, Kano and Zango/Kataf conflicts. Osinubi & Osinubi (2006), Irobi (2005) and Nnoli (1978.11) add that religion and ethnicity are often deployed for psychological safety and as a weapon for manipulation by the state particularly when good governance is deficient. Osaghae (1998) therefore note that these factors were adopted as political behavior in Nigeria to achieve group interest at the expense of national integration.

In addition, concentrating on ethno-religious and political violence might not convey sufficient insight as the socio and economics environment in which they are situated. For instance, the crude oil from the Niger Delta region contributed more that 80 per cent to the gross domestic product. Ogege (2011) and Ekpo (2004) among others alluded to wide spread criminal neglect, marginalization and environmental degradation of the region that eventually culminated in youth adopting violent means to direct the attention of the government to the challenges. Nwogwugwu, Alao, and Egwuonwu (2012) further demonstrated that the effect of the restiveness led Hell Petroleum Company to retrench 3,500 workers in September 2007 while Indoroma Petrochemical Company shut down with about 3000 youth becoming jobless. The jobless hands to a large extent particularly youth would always be ready made vanguards for prosecuting violence.

Leadership (2014) reported that "the number of poor Nigerian has remained 58 million, more than half of which live in the North East and North West". Based on 2016 report by the Vice president Osinbajo, the figure is put at more than 110 million while poverty rate stood at 70% based on 2016 National Bureau of Statistics (2015). In effect, the nature of socio-economic and political system encourage violence as significant majority of poor were wallowing in poverty in the face of extreme minority lavishly living in opulence.

Stemming from above is the poor governance in the midst of abundance of resources leading to extreme poverty and disgruntlement across the country. The socio-economic system that gave birth to violence was often sustained by war economy. For instance with specific reference to Boko Haram, Ajani (2014) noted that the group got over $70million between 2006 and 2011 for its insurgent activities in Nigeria, quoting retired Major Chris Moghalu of the United States of America's military. A breakdown of this huge amount according Ezigbo (2014), Stewart and Wroughton (2014) and Ogundipe (2012) could be traced to its links with Al-Qaeda through which readymade revenue without much struggle came in through the porous financial and security network effortlessly from groups in Saudi Arabia and the UK. War economy, with respect to government circle, the study found that a total sum of N19.53 trillion was allocated for defense from 2011-2114. As a tip in the ice bag, The Guardian (2015) quoting the reports of the Federal Government Investigation reports on Arms Deal noted that:

"513 contracts awarded at $8,356,525,184.32; N2, 189,265,724,404.55 and €54,000.00, fifty-three (53) were failed contracts amounting to $2,378,939,066.27 and N13, 729,342,329.87 respectively. The report further noted that payments to the tune of N3, 850,000,000.00 (Three Billion, Eight Hundred and Fifty Million Naira) were made to a single company without documented evidence of contractual agreements or fulfillment of tax obligations to the Federal Government of Nigeria.

The on-going EFCC interrogation of Dasuki, revealed that he gave $2 Billion to the big wigs in the PDP, National Working Committee and members of the kitchen cabinet of President Jonathan to pacify them. Such personalities included Governor, Bafarawa who admitted receiving N4.6 billions for spiritual purposes. Peter Odili, N100 Million, Dopesi N2.1Billion, Yaguda took N3.2 billion, Olabode George and Falae got N100 Million each. This above led" Umeagbalasi. & Ijeoma (2014) to conclude that "the country's insecurity is deliberately being sustained by relevant public security managers, who have become "merchants of death" by living far above their statutory incomes or earnings".

The spate of corruption and poor governance have led to systemic failure whereby no identifiable structure such as Security, Executive, Legislature and Judiciary among others could be adjudged as failure in terms of performing their statutory functions. Hence, crime and violence became profitable and when the police and judiciary could easily be compromised, seasons criminals go unpunished while the minors receive huge jail terms. Crime and violence may continue to reign supreme as long as the institutional mechanism to checkmate such remain weak or none existing.

5. War for Peace in Nigeria

Nigeria is replete of war against many things ranging from corruption, indiscipline, militancy, Armed robbery and Ebola among others. Except for war against Ebola that was fought and won with a precision, most others remain a mere rhetorical analysis. With specific reference to war for peace, no nation will readily admit that concerted efforts were not in place to curb protracted conflicts, but the prevalence of violent conflicts is a manifestation that most, if not all, approaches and remedies adopted were cosmetic and symptomatic in nature rather than addressing the remote, catalytic and immediate causes of such sorry state of affairs.

The study argues that to commence the war for peace, it has to be fought at least from two major perspectives. First, is the preventive war for peace in relatively peaceful societies and second, the transformation of conflict in violent zones.

5.1 Preventive war for peace in relatively peaceful societies

In security parlance, regardless of the prevailing peaceful coexistence, it is often describe as relatively peaceful. Chaotic theory of conflict explains no society is completely free from seeds of discord that may generate unexpected violence. War for peace calls for eternal vigilance particularly in security monitoring referred to as early warning signal of potential outbreak of violence or breach of peace as demonstrated in Best, Nwolise, and Albert (2005). The identification of warning must be backed up with immediate appropriate response rather than waiting for it to assume violent dimension.

Previous experiences have revealed that the weak government response to potential outbreak of violence by glaringly disregarding early warning signal as demonstrated by Mavalla (2015), Polit (2008), Akpuru-Aja, (2007) and Alex (2004) in respect of Jos, Zango/Kataf, Kaduna, Tiv/Jukun, Nasarawa, Offa/Erinle and Ife/ Modakeke were responsible for explosive situation. This careless posture might find explanation in Galtung (2010) that government intervention in conflict situation was not on account of institutionalizing a regime of lasting peace but the need to curb violence.

War for peace can be fought with greater assurance of winning if there is social justice in a situation where significant majority of the citizenry perceive government actions and inactions as fair and just. This, as rightly noted by Alao (2012), Galtung (2010), Adekanye (2009) and Albert (2005) revolves around inclusive arrangement in sharing the commonwealth without compromising needs. The belief that one section of the nation or society as the case may be is taking more that necessary share of the national wealth bred discontentment. This has manifested in the President Buari meeting with the representatives of the Niger Delta Region of November 1, 2016 where the representatives of the region advocated for fair share of the common wealth while there were allegation of disproportionate allocation of oil well in favour of Northerners.

Human being is at the heart of security provisioning as demonstrated in the UNDP (1994) Reports. In effect, war for peace must be fought with citizen effective mobilization to see peace as non- negotiable. This calls for citizenship education by drawing out elements that unites the nation rather than divisive elements. This education should be multi-dimensional covering schools right from cradle and entire member of civil society. Though the Civil Society groups have their own challenges but could be mobilized for peace education. For instance, Polit (2008:54) noted that since September 1, 2001, the Civil Liberties Organization (CLO), Community Action for

Popular Participation (CAPP) and Christian Foundation for Social Justice and Equity personally called the State Police Commissioner's attention and the Government authorities to what they perceived as imminent threats to peace, but unfortunately, the authorities failed to respond. These groups in addition to other governmental channels and traditional platforms could be mobilize for effective peace education so also the churches and Mosques. This is particularly important as observed by Volkan cited in Yuksel, (2006) that the real concerns of neighbouring communities in protracted conflict are ofthe contaminated with psychological issues of their inner world and they are ill framed. To demystify the wrong perception require civic education.

The war for peace could not be effectively fought and won without addressing the issues associated with hunger, poverty and unemployment. Governments must increasing and honestly invest in socio economic programmes that could be catalyst for development. Nigerians were noted to be hard working and the inducement required was that of creating a suitable environment for this to be achieved. Indeed, investment in agriculture could be the best way of solving the problem of unemployment particularly if backed up with industrialization as demonstrated in Alao (2010). This will provide employment, food for local consumption and surplus processed industrial products for exportation thereby generating foreign earning.

Furthermore to sustain prevailing relative peace, government must evolve as advocated by Adekanye (2007:46), 'consociational arrangement' in allocation of resources to take care of prevailing exclusive arrangement. This was practiced in Ife/Modakeke conflict and was able to institutionalize relative peace. When fairness and justice is seen to be in existence, it has the tendency to minimize discontentment.

In effect the war for peace must address the causative factors to prevent outbreak of new violence and peace by peaceful means often referred to as peace approach and to maintain relative peace in locations without violence.

In addition, the press is required to undergo training in handling sensitive information that has the tendency to exuberate violence. Though our press is a reflection of our religious, ethnic and political divide, if need be it could be regulated in such a way that the publications will not compromise peace and stability in Nigeria while it must not be done to compromise press freedom.

5.2 The Transformation of conflict in violent zones

In order to deal with the on-going violent conflicts, the underlisted steps might be instructive.

Protracted and deep rooted conflicts cannot be easily resolved but transformed. The transformation in line with Galtung (2010) involve a closer examination of what went wrong, parties involved, goals of the parties and how through compromise truce could be achieved. In doing this, parties goals must be addressed and not government set agenda which to a large extent may favour only one of the parties or none.

In addition, government's neutrality is inevitable in transformation of conflicts in Nigeria. Evidences abound that government often directly or indirectly became a party to conflict as found in Zango/Kataf among others. In Zango/Kataf violence, the government was alleged to have developed more than official interest in the conflict and this manifested the jailing of retired Major General Zamani Lekwot, a Sango- Kataf leader, without a similar treatment for the Hausa/Fulani leaders. This had the tendency of increasing the magnitude of conflicts in Nigeria and the preference of conflicting parties to engage in greater violence in future conflicts as a retaliatory measure.

The government must shift from pacification of conflicting parties to conciliatory moves. With the setting of Commission of Inquiry after military quelling of violence and report submitted, and followed with compensations paid to victims of violence, government often wrongly assumed that violence is over. In addition, the report of the committee or commission often died with the celebration that went with it as no further action might be taken due to vested interest as also observed by Bogoro (2009).

In addition, the government should review its policies towards payment of cash as

compensations as huge sum of compensation after each of the direct violence could be an invitation to further violence believing that government will always come to their assistance.

Furthermore, the sum paid as compensation could be partly deployed to procurement of arms and ammunition in anticipation of resurgence of direct violence. Compensation could be made through provision of good and consumable item. For boundary dispute, governments particularly the States should be guided by the provision of the 1999 Constitution. For instance, Alao (2012) demonstrated the way Kwara State government was not consistent in his policy on resolving Saare/Tsaragi conflict as extraneous forces and factors influenced policy direction. This was further manifested in respect of government's view as contained in the Gazette No. 7, Vol. 43, section 8 (111) by assigning disputed territories to the two communities which didn't meet the aspirations of either forgetting that inter-local government boundary adjustment is the duty of the National boundary Commission. The statements need be reminded that the creation of Local Government and its adjourning boundaries was a matter guided by the 1999 Constitution.

Also, agents of conflict must be prosecuted in line with the law without undue political intervention. Though it was recognized that most of the agents of conflicts could have served as thugs to highly placed personalities during elections but government must be seen to be above all. In addition, this will serve as deterrent to others

Lastly, to make the war for peace meaningful, the governments must develop a strong political will to confront the issues of conflict without fear or favour in an inclusive manner. In addition, previous relevant recommendation for peace must be implemented in line with Roosevelt (1944) position that "Peace, like war, can succeed only where there is a will to enforce it and where there is available power to enforce it". The danger of not fighting the war for peace is succinctly presented by Kennedy (1961) that "Mankind must put an end to war or war will put an end to mankind "

6. Conclusion

The war for peace is inevitable while government and citizenry must see it as such. The task is enormous but not insurmountable as there is no substitute for an enduring peace in a nation desirous of socio-economic transformation and political stability. The study concludes that this feat cannot be achieved by accident or chance but a deliberate and sustained effort by government and citizenry to overcome threats to human security. Therefore, efforts must be directed to sustain peace in areas enjoying relative peace in Nigeria. In addition, inclusive governance based on consociational arrangement must be adopted in governance specifically in allocation of resources. Also, government must demonstrate political will to redress previous injustices and in addressing on-going conflicts, the causes must be addressed rather than symptoms. Failure to do this, the "Almangiri" beggars in North will likely be the Boko Harm of tomorrow, while the hope for development frustrated in the South South and South East will make Nigeria ungovernanable. The previous suffering and injury could be healed if there is fairness and justice. This can enable Nigerians to embrace, in the word of Ali Mazrui in Albert (2005), "A short memory of hate" which William (2005) noted to include demonstrating love, forgiveness, forgetting the past and magnanimity as these are symbols of African jurisprudence. To this end, as Maiese (2003) observed, the conflicting parties across political, ethnic and religious divides must appreciate and embrace those characteristics they have in common and project them into the future relations than divisive elements.

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Terrorism and Human Rights: The Nigerian Experience

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Abstract. Terrorism is a trend that violators worldwide have used to settle scores with nations over supposed grievances. Each act of terrorism comes with attendant human and property losses, intimidations, threats and crimes of all sorts which may sometimes be regretted after so many terrorist attacks and losses.

Terrorism clearly has a very real and direct impact on human rights, with devastating consequences for the enjoyment of the very rights which the government seeks to protect, such as, the right to life, liberty and physical integrity of victims. In addition to these individual costs, terrorism can destabilize Governments, undermine civil society, jeopardize peace and security, and threaten social and economic development. All of these also have serious impacts on the enjoyment of human rights. Terrorism is therefore a global threat to democracy, rule of law, human rights and stability, and since these stand against everything the United Nations stand for, they have since the 11 September, 2001 terrorist attacks in New York and Washington made counter terrorism a way forward in fighting against unnecessary display of anger or grievances. In a bid to fight terrorist attacks by individuals, the State could also indulge in human right breaches which can amount to terrorism.

The need for a proactive approach by the state in the protection of human rights against terrorist acts as well as state counter-insurgency expedition is what this work seeks to pinpoint as human right breaches.

Keywords: Human Rights, Boko Haram, Terrorism, Terrorist Act

1. Introduction

The impact of terrorism is quite enormous, especially as it relates to the real and direct effect on human rights. It has devastating consequences on the enjoyment of the rights which nations deem to be fundamental to the very existence of man such as the right to life, liberty and physical integrity of victims. In addition to these individual costs, terrorism can destabilize Governments, undermine civil society, jeopardize peace and security, and threaten social and economic development. All of these also have a real impact on the enjoyment of human rights. Nigeria has had its fair share of experience in the area of terrorism from the time of Usman Dan Fodio's jihad, the Maitasine uprising in the North, Niger Delta Militancy, to the present day Boko Haram.

These uprisings in Nigeria have been done for various reasons ranging from religious, ethnic or political reasons. After independence in 1960, the country operated a regional and quasi-parliamentary system before the civil war in 1967 which almost tore the country apart. Thereafter, crisis witnessed in the country include the Maitatsine crisis of 1981 in Borno State and Kano State, the Tiv and Jukun communal clashes in 1991, the Zango kataf and the Hausa-Fulani in the 1990s, the Kafanchan riot of 1987 where mosques and churches were burnt and lives were lost. In 1990 the city of Kano burst into sectarian violence following the visitation of the German Christian preacher Reinhard Bonnke where the Muslim community opposed the mission of the preacher owing to previous denial of Uztas Ahmed Deebat, a Muslim cleric from South Africa from coming to

the country for the same purpose. In 2001 a serious crisis broke out in Jos, Plateau State which hitherto used to be one of the most peaceful cities in the country. The Ife-Modakeke conflict of January 2000 in the Western part of the country which led to wanton destruction of properties and loss of human lives was also one of numerous crises witnessed. BEGE Ministries an NGO which specializes in Muslim/Christian community relations in West African-Sub-region estimates that, between 1976 and 2009 Nigeria lost over 100,000 of its citizens to religious crises and properties worth billions were destroyed. The Washington Post estimates that since the onslaught of Boko Haram in 2009, over 11,000 lives have been further destroyed.

Between 1980 and 2009 over fifty acute religious crises occurred, but Maitatsine and Boko Haram cases are so fanatic and magnanimous that they deserve mention as special cases resulting in economical, political and social implications. The recent blood bath in Zaria, Kaduna State tagged the Shi'ite crisis was as a result of a clash between the military and the muslim Shi'ite religious sect. While the military claims that the sect tried to assassinate its leader, by barricading the road where he was to pass to pay homage to the Emir, while carrying dangerous weapon and setting up bonfires, the Islamic movement maintains that the military merely attacked defenceless people. According to Sahara Reporters, over 100 lives were lost in the process. This is clearly an addition to cases of terrorism.

2. History of Boko Haram

The origin of *Boko Haram* which in Hausa language means, Western education is forbidden, is traceable to the blistering preaching of Mallam Abubakar Kilakam, an indigene of Niger Republic resident in Maiduguri, Borno State. He propagated the anti-government message under a radical Islamic agenda that led to his arrest and eventual deportation from Nigeria to Niger Republic. The Boko Haram idea or activity continued operating covertly for several years before the emergence of Mohammed Yusuf, through whom it seemed to have met a fertile ground and he capitalized on it to spread his gospel. He was reportedly killed extra judicially while in police detention. Towards the end of 2008, Borno State Government banned the sect from preaching anti-government messages under a radical Islamic agenda. Boko Haram sect derives its message largely from the ideology of one of the world's terrorist groups Al-qaida. The agitation by Boko Haram for the imposition of Shariah Penal code in the 36 States of the federation and the Federal Capital Territory is primitive and unconstitutional as Nigeria is a secular State that guarantees freedom of religion. The sect strongly advocates for the abrogation of any form of Western education and culture generally. The group which has remained faceless, first clashed with government security forces in a sectarian violence which started up in Wadil, Maiduguri, Potiskum and Bauchi, all in the North Eastern Nigeria. No fewer than 700 lives were lost in the clash in July 2009. Muslims in Nigeria have used every opportunity to either disown or dissociate themselves from Boko Haram insurgents who have also launched attacks on them.

Boko Haram targets include prisons, police stations and military formations, government buildings, newspapers, banks, churches, mosques, politicians and schools. The sect has continued to claim responsibility for the multiple bombings and some kidnappings going on in the country, such as, the Christmas bombing of a Catholic Church in Madala, Niger State in 2011 and the bombing of the United Nations headquarters in Abuja. Other examples include, the murder of 24 secondary school students and a teacher in Yobe, attacks of military base and formations, killings in Brama, abduction of over 200 girls of Government secondary school, Chibok in Borno State, the kidnapping of French family of seven, the Shettima of Borno and a host of others too numerous to mention. All these have brought socio-economic activities almost to a halt in the region and have worsened the already weakened economy of the North. These have brought psychological trauma to the people in the region. The nefarious activities of Boko Haram have received both local and international condemnation. The mention of loss of 11,000 lives since the Boko Haram onslaught

in 2009, is far cry from the number that the media continues to declare till today. The Nigerian government, no doubt treated the cases in the past with kid's gloves as most of the culprits caught, which include high profile personalities connected to the dreadful sect were left off the hook or allowed to escape or to continue roaming the streets as though they were dealing with issues of domestic politics. In spite of the Amnesty Committee set up by government, the activities of Boko Haram continue to grow in lips and bounds from mere sectarian activism to full scale terrorism. The refusal of the faceless group to embrace dialogue with government necessitated the declaration of states of emergency in May 2013 in the three North Eastern States of Adamawa, Borno and Yobe without altering the States' democratic institutions. The emergency rule which was elongated three times under President Goodluck Jonathan's regime did not really address the situation as there are still a number of attacks and abductions now and then. Even the movement of the seat of Nigerian defence from Abuja to Maiduguri by the current administration does not seem to have solved the issue of Boko-Haram in Nigeria. In reaction to this movement of the Defence Head Quarters (DHQ), many Nigerians have asked why Nigeria should rather than protect its DHQ, carry it to a war zone.

Despite the relocation of the Defence Headquarters Abuja to Maiduguri, the presence of the forces have not made any remarkable difference. Killings, maiming and suicide bombings are still the order of the day. This unpleasant trend has sent countless human beings from various geographical locations out of their original abode, thereby, turning them to displaced persons seeking asylum not only to other parts of Nigeria but sometimes across the larger part of the globe. Human displacement has now become unprecedented across the world since most nations now seem to be plagued with one form of crisis or the other.

According to the United Nations' Statistics on displaced persons, over sixty million people are currently refugees seeking asylum in one part of the world or the other. For example from Africa to Middle East, Europe and America. Not since the world war II has there been a history of such migration. The adventure of such migrants through the Sahara desert or across the Mediterranean Sea have often led them to another death net thereby turning the whole thing to a race from frying pan to fire. This adventure challenge to security is quite alarming and seems to defy both local and international efforts to stem the tides. Although the 1999 Constitution of the Federal Republic of Nigeria guarantees freedom of movement in Nigeria, the new trend is for some states within Nigeria to get rid of people they term to be 'strangers' from their midst. For example, Lagos State gave a matching deportation order to the Ibos, while Edo State sought to evacuate certain internally displaced persons (IDP) to Kano and Jigawa in about 40 buses but for the intervention of their Governor. Even in the northern states of Kaduna and Kano where the culture of begging had been accepted as an Almajiri custom founded on religion, they now seek to evacuate the beggars from their streets to unknown destinations. This is not a good trend for a country that has through its amalgamation of 1914 purportedly agreed to live as one indissoluble country. If this trend is allowed to persist, very soon some States will require persons to possess some form of Visa or Pass to enter into their territory.

Security of the individual is a basic human right and the protection of individuals is, accordingly, a fundamental obligation of Government. States therefore have the obligation to ensure the human rights of their nationals and others living within its territory, by taking positive measures to protect them against the threats of terrorist acts and bringing the perpetrators of such acts to justice.

The human cost of terrorism has been felt in virtually every corner of the globe especially among the member States of the United Nations which Nigeria is one of. The festivals of violent terrorist acts have also been meted out on the United Nations itself which has suffered tragic human losses as a result of these acts. The attack on its office in Baghdad on 19th August 2003 claimed the lives of the Special Representative of the Secretary-General, Sergio Vieira de Mello, and 21 other men and women, and injured over 150 others, some very seriously.

3. Definition of Key Terms:

3.1 Human rights

Human rights are universal values and legal guarantees that protect individuals and groups against actions and omissions primarily by State agents that interfere with fundamental freedoms, entitlements and human dignity. The full spectrum of human rights involve respect for, and protection and fulfillment of, civil, cultural, economic, political and social rights, as well as the right to development. Human rights are universal – in other words, they belong inherently to all human beings – and are interdependent and indivisible. These are moral principles or norms, that describe certain standards of human behavior, and are regularly protected as legal rights in municipal and international law. They are commonly understood as inalienable fundamental rights "to which a person is inherently entitled simply because she or he is a human being. The rights are inherent in all human beings regardless of their nation, location, language, religion, ethnic origin, gender or any other status. They are universal and are therefore applicable everywhere and at every time, and are egalitarian in the sense that they are the same for everyone. They require empathy and the rule of law and impose an obligation on persons to respect the human rights of others. A person cannot be seen to trample on another person's human right because he seeks to enforce his own rights. They should not be taken away except as a result of due process based on specific circumstances permitted by law. For example, human rights include freedom from unlawful imprisonment, torture, and execution.

The doctrine of human right has been highly influential within international law, global and regional institutions. Actions by states and non-governmental organizations form a basis of public policy worldwide. The basic human rights that cannot be violated under any circumstances are set forth in international human rights documents such as the Universal Declaration of Human Rights, the International Covenant on Economics, Social and Cultural Rights, and the International Covenant on Civil and Political Rights. These documents have established economic, social, cultural, political and civil rights.

In Nigeria, such rights are termed Fundamental Human Rights and are covered by sections 33-42 of the Constitution of the Federal Republic of Nigeria and they protect the right to life, liberty, speech, dignity, free assembly, religion, gender among others. The idea of human rights suggests that "if the public discourse of peacetime global society can be said to have a common moral language, it is that of human rights." The strong claims made by the doctrine of human rights continue to provoke considerable skepticism and debates about the content, nature and justifications of human rights to this day.

3.2 What is terrorism?

The term terrorism acquired its name from the French word *terrorisme* derived from the Latin word *'terrere'* which both mean great fear, or *terreo* meaning I frighten. The term terrorism is very difficult to define because one man's terrorism can be another man's freedom struggle. It was estimated that between 1936 and 1985 at least 115 different definitions were given of the word, "Terrorism". According to Webster's dictionary,

Terrorism is the use of violent acts to frighten the people in an area as a way of trying to achieve a political goal.

It is also defined as

The act or practice of terrorizing especially by violence for political purposes by a Government seeking to intimidate a population or by revolutionary seeking to overthrow government or compel the release of prisoners etc.

It has also been defined as

The use of violence against random civilian targets in order to intimate or create generalized pervasive fear for the purpose of achieving political goals.

Terrorism is commonly understood to refer to acts of violence that target civilians in the pursuit of political or ideological aims. In legal terms, although the international community has yet to adopt a comprehensive definition of terrorism, existing declarations, resolutions and universal sectoral treaties relating to specific aspects of it define certain acts and core elements. In 1994, the General Assembly's Declaration on Measures to Eliminate International Terrorism, set out in its resolution 49/60 that terrorism includes

Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes.

and that such acts

are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them.

Ten years later, the Security Council, in its resolution 1566 (2004), referred to terrorism as

Criminal acts, including those against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a Government or an international organization to do or to abstain from doing any act.

Later that year, the Secretary-General's High-level Panel on Threats, Challenges and Change, described terrorism as

Any action that is "intended to cause death or serious bodily harm to civilians or non-combatants, when the purpose of such an act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act.

States have failed to frame any agreed and exhaustive definition of terrorism, although the term has been used at various occasions governing international law since 1937.

After September 11, 2001, UN Security Council passed various resolutions regarding terrorism, and it was agreed that States shall prevent and suppress the financing of terrorist acts, and shall take necessary steps to prevent the commission of terrorist acts.

But the term has not been defined either in this resolution or in any other document of the Security Council. Some of the acts have been included in terrorism by some of these documents. For instance Article 2(1) of the Draft of the United Nations on a Comprehensive Convention on International Terrorism provides that:

"Any person commits an offence within the meaning of this Convention if that person, by any means, unlawfully and intentionally, causes:

(a) Death or serious bodily injury to any person; or

(b) Serious damage to public or private property, including a place of public use, a State or government facility, a public transportation system, an infrastructure facility or the environment; or

(c) Damage to property, places, facilities, or systems referred to in paragraph

By Article 1(b) of this document, terrorism is any act resulting or likely to result in major economic loss, when the purpose of the conduct, by its nature or context, is to intimidate a population or to compel a Government or an international organization to do or abstain from doing an act.

3.3 What is a terrorist act?

A terrorist act has been defined in the following terms:

(i) A person is said to commit a terrorist act if;

(ii) the effect of his actions will be, to strike terror or create a sense of fear and insecurity in the people, or any section of the people; does any act or thing by using bombs, dynamite or other explosive or inflammable substances; or uses such fire-arms or other lethal weapons as may be notified; or poisons using noxious gases or chemicals, in such a manner as to cause, or be likely to cause, the death of, or injury to, any person or persons, or the people; or cause damage to, or destruction of, property on a large scale, or a widespread disruption of supplies or services essential to the life of the community; or threatens with the use of force public servants in order to prevent them from discharging their lawful duties; or

(iii) commits a scheduled offence, the effect of which will be, or likely to be, to strike terror, or create a sense of fear and insecurity in the people,

or any section of the people, or to adversely affect harmony among different sections of the people; or

(iv) commits an act of gang rape, child molestation, or robbery coupled with rape as specified in the Schedule to this Act; or

(v) commits an act of civil commotion as specified in section 7A.

4. Nigerian Legal Framework for Combating Terrorism

In response to global terrorism, Nigeria has enacted its own legislation to curb terrorism. The Principal legislation is the Terrorism (Prevention) Act, 2011. Section 1(1) provides for what constitutes terrorism. It provides that terrorism occurs when;

A person who knowingly:

(a) does, attempts, or threatens to do an act preparatory to, or in furtherance of an act of terrorism;

(b) commits to do anything that is reasonably necessary to promote an act of terrorism; or

(c) assists or facilitates the activities of persons engaged in an act of terrorism;

(d) commits an offence under this Act.

The Terrorism (Prevention) Act, 2011 (As amended) prescribes various degree of punishment for terrorist act ranging from death sentence to life imprisonment. Other degrees of punishments range from 20 years.

Section 15(1) (2) and (3) of the Economic and Financial Crimes Commission, Establishment Act, 2004 provides as follows:

(i) A person who willfully provides or collects by any means, directly or indirectly, any money from any person with intent or knowledge that the money shall be used for any act of terrorism, commits an offence under this Act and is liable on conviction to imprisonment for life.

(ii) Any person who commits or attempts to commit a terrorist act or participates in or facilitates the commission of a terrorist act, commits an offence under this Act and is liable on conviction to imprisonment for life.

(iii) Any person who makes funds or financial assets available for use of a terrorist, commits an offence.

The Nigerian Criminal Code treats acts of terrorism as treasonable felony under section 40. Other Acts which deal with acts of terrorism include the Penal Code and the Administration of Justice Act.

It is important to state that there is dearth of cases by Nigerian courts on the issue of terrorism. The three (3) cases that were decided by the Federal High Court, from November 2012 to July 2013 were in respect of EFCC Act 2004 and Criminal Code respectively. The Terrorism Prevention Act 2011 (As amended), is yet to have any decision arising from the Act, though some high profile trials are at the advanced stage at the Federal High Court.

There are two major other convictions to wit: ***Federal Republic of Nigeria v. Charles Tombra Okah and three others***. Edmond Ebiware the third accused person was convicted pursuant to Section 40(b) of the Criminal Code for failure to disclose an act of treasonable felony in respect of October 1st 2010 bombing, while the trial of other three persons is ongoing as they have an interlocutory appeal is pending at the Court of Appeal.

Another landmark decision that centered on terrorism was ***Federal Republic of Nigeria v. Shuaibu Abubakar and five others***. Five were convicted pursuant to Section 15(2) of EFCC Act 2004. First to fourth accused convicts were sentenced to life imprisonment; the fifth was discharged and acquitted for want of evidence linking him to any of the charges while the sixth convict was sentenced to ten (10) years imprisonment. The judgement reads thus:

I take into consideration all the evidence that were presented against the 1st to 4th and 6th convicts. These convicts were using explosive devices meant for blasting of rocks for mining on their fellow human beings who have done nothing them. Human life, of any human is sacred. There is no one human life that is more

sacred than the other. These convicts have shown utmost disregard for the human in the most cruel manner. They deserve to be removed from the public if only to save one or two lives. Therefore I sentence the 1st – 4th convicts to life imprisonment. On the 6th convict, Umar Ibrahim, I sentenced him to just 10 years imprisonment for knowingly aiding his brothers for the terrorist activities.

5. The Impact of Terrorism on Human Rights

There is no doubt that terrorism is a great violation and threat to human rights. It violates all the provisions of the international human rights instruments. Most importantly it directly deprives a person of the right of enjoyment of fundamental human rights, especially the right to life, which is the supreme human right as defined in the international convention on civil and political rights and other human rights instruments, relating to freedom, and rule of law. Moreover it destabilizes the states and could cause anarchy and spread of chaos in the society. All the states are therefore obliged to protect these human rights of the individuals from every danger and acts of terrorism by taking appropriate measures in this regard. In addressing the problem of terrorism states are enjoined to distinguish between acts of terrorism and general criminal acts without which it is difficult to address the problem of terrorism. To this end, Nigeria has in addition to the Criminal Code, the Penal Code and the Administration of Justice Act, also enacted the Terrorism (Prevention) Act of 2011.

Every human being is entitled on the basis of being so, to enjoy human rights and concepts recognized under the framework of international law in the shape of major human rights law instruments.

There are ten core international human rights instruments, nine of which are in the form of treaties while one is an optional protocol consisting of other protocols. There is also the Charter of the United Nations and the Universal Declaration of Human Rights. Terrorism is a great threat and a veritable ground for the violation of human rights.

The sole aim of terrorism is the very destruction of human rights, democracy and the rule of law. It attacks the values that lie at the heart of the Charter of the United Nations and other international instruments as they relate to respect for human rights, the rule of law, rules governing armed conflict and the protection of civilians, tolerance among people and nations, and the peaceful resolution of conflict.

The direct, negative impact of terrorism is its infringement on the enjoyment of a number of human rights, as they relate to the rights to life, liberty and physical integrity. Terrorist acts can destabilize Governments, undermine civil society, jeopardize peace and security, threaten social and economic development, and may negatively affect certain groups. All of these have a direct impact on the enjoyment of fundamental human rights.

The impact of terrorism on human rights and security has been recognized at the highest level of the United Nations, notably by the Security Council, the General Assembly, the Commission on Human Rights and the new Human Rights Council. Specifically, Member States have set out that terrorism affects human rights in the following ways:

(a) Threatens the dignity and security of human beings everywhere, endangers or takes innocent lives, creates an environment that destroys the freedom from fear of the people, jeopardizes fundamental freedoms, and aims at the destruction of human rights;
(b) Has an adverse effect on the establishment of the rule of law, undermines pluralistic civil society, aims at the destruction of the democratic basis of society, and destabilizes legitimately constituted Governments;
(c) Has links with transnational organized crime, drug trafficking, money-laundering and trafficking in arms, as well as illegal transfers of nuclear, chemical and biological materials, and is linked to the consequent commission of serious crimes such as murder, extortion, kidnapping, assault, hostage-taking and robbery;

(d) Has adverse consequences for the economic and social development of States, jeopardizes friendly relations among States, and has a pernicious impact on relations or cooperation among States, including cooperation for development; and
(e) Threatens the territorial integrity and security of States, constitutes a grave violation of the purpose and principles of the United Nations, is a threat to international peace and security, and must be suppressed as an essential element for the maintenance of international peace and security.

International and regional human rights law accordingly makes clear that States have both a right and a duty to protect individuals under their jurisdiction from terrorist attacks. This stems from the general duty of States to protect individuals under their jurisdiction against interference in the enjoyment of human rights. More specifically, this duty is recognized as part of States' obligations to ensure respect for the right to life and the right to security.

The very sacrosanct right to life, which is protected under international and regional human rights treaties, such as the International Covenant on Civil and Political Rights, has been described as "the supreme right" because, without its effective guarantee, all other human rights will be without meaning. As such, there is an onus on the part of the State to protect the right to life of every person within its territory and no derogation from this right is permitted, even in times of public emergency. The protection of the right to life includes an obligation on States to take all appropriate and necessary steps to safeguard the lives of those within their jurisdiction. As part of this obligation, States must put in place effective criminal justice and law enforcement systems, such as measures to deter the commission of offences and investigate violations where they occur; ensure that those suspected of criminal acts are prosecuted; provide victims with effective remedies; and take other necessary steps to prevent a recurrence of violations. In addition, international and regional human rights law has recognized that, in specific circumstances, States have a positive obligation to take preventive operational measures to protect an individual or individuals whose lives are known or suspected to be at risk from the criminal acts of another individual, which certainly includes terrorists. Also important to highlight is the obligation on States to ensure the personal security of individuals under their jurisdiction where a threat is known or suspected to exist. This, of course, includes terrorist threats.

In a bid to perform their obligations under human rights law to protect the life and security of individuals under their jurisdiction, States have a right and a duty to take effective counter-terrorism measures, to prevent and deter future terrorist attacks and to prosecute those that are responsible for carrying out such acts. Nigeria seems to have failed in its bid to offer such protection in the face of abduction of 276 school girls from Chibok in the North East by Boko Haram, who are yet to be found after almost two years, the kidnappings of nationals, bomb blasts at Madala in Niger State, the Nyanya and Kuje blasts of FCT, Abuja, UN building to mention a few. Some of the victims have ended up being used as wives, converts, suicide bombers and so on. At the same time, the countering of terrorism poses grave challenges to the protection and promotion of human rights of violators. As part of States' duty to protect individuals within their jurisdiction, all measures taken to combat terrorism must themselves also comply with States' obligations under international law, in particular, international human rights, refugee and humanitarian laws.

6. The Relationship between Terrorism and International Humanitarian Law vis-à-vis Human Rights.

International humanitarian law contains a set of rules on the protection of persons in "armed conflict", as that term is understood in the relevant treaties, as well as on the conduct of hostilities. These rules are reflected in a number of treaties, including the four Geneva Conventions and their two Additional Protocols, as well as a number of other international

instruments aimed at reducing human suffering in armed conflict. Many of their provisions are now also recognized as customary international law.

There is no explicit definition of "terrorism" as such in international humanitarian law. However, international humanitarian law prohibits many acts committed in armed conflict which would be considered terrorist acts if they were committed in times of peace. For example, deliberate acts of violence against civilians and civilian objects constitute war crimes under international law, for which individuals may be prosecuted. This rule derives from the fundamental principle of international humanitarian law related to the protection of civilians in armed conflict, namely the principle of distinction. According to this principle, all parties to a conflict must at all times distinguish between civilians and combatants. In essence, this means that attacks may be directed only at military objectives, that is, those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances applicable at the time, offer a definite military advantage. Civilians lose their protection as civilians for such time as they participate directly in the hostilities.

Furthermore, indiscriminate attacks are strictly prohibited according to international humanitarian law. This includes:

(i) where attacks are not directed at a specific military objective;
(ii) where you employ a method or means of combat which cannot be directed at a specific military objective, or
(iii) where you employ a method or means of combat, the effects of which cannot be limited as required by international humanitarian law, and consequently,
(iv) where attacks are of a nature to strike military objectives and civilians or civilian objects without distinction.

Indiscriminate attacks include disproportionate attacks, which are also prohibited.

International humanitarian law also specifically prohibits "measures of terrorism" or "acts of terrorism." These prohibitions aim to highlight individual criminal accountability and protect against collective punishment and "all measures of intimidation or terrorism." Furthermore, "acts or threats of violence, the primary purpose of which is to spread terror among the civilian population" are also strictly prohibited under international humanitarian law. According to the International Committee of the Red Cross, while even a lawful attack on a military objective may spread fear among civilians, these provisions, related to the conduct of hostilities, seek to prohibit "attacks that specifically aim to terrorize civilians, for example campaigns of shelling or sniping of civilians in urban areas."

7. Some Human Rights Challenges in the Context of Terrorism and Counter-Terrorism

Both terrorism and counter-terrorism affect the enjoyment of human rights. While it is not possible to provide an in-depth analysis of all human rights concerns in the context of terrorism and counter-terrorism measures, a quick identification of some selected human rights challenges will suffice.

7.1 The right to life

Both international and regional human right laws recognize the right and duty of States to protect those individuals subject to their jurisdiction. In practice, however, some of the measures that States have adopted to protect individuals from acts of terrorism have themselves posed grave challenges to the right to life. They include "deliberate" or "targeted killings" to eliminate specific individuals as an alternative to arresting them and bringing them to justice. The Human Rights Committee has stated that targeted killings should not be used as a deterrence or punishment and that the utmost consideration should be given to the principle of proportionality. State policies should be spelt out clearly in guidelines to military commanders and complaints about the disproportionate use of

force should be investigated promptly by an independent body. Before any contemplation of resort to the use of deadly force, all measures to arrest a person suspected of being in the process of committing acts of terror must be exhausted.
In other cases, States have adopted "shoot-to-kill" law enforcement policies in response to perceived terrorist threats. In the context of counterterrorism, the High Commissioner for Human Rights has emphasized the importance of ensuring that the entire law enforcement machinery, from police officers to prosecutors and officers operating detention and prison facilities, operate within the law. She has cautioned that, in the fight against terrorism, extreme vigilance should be applied by those in a position of authority against all forms of abuse of power, and that they should instill a culture of respect for the law above all by those entrusted with its application.

As noted by the Special Rapporteur on extrajudicial, summary or arbitrary executions, the rhetoric of "shoot-to-kill" and its equivalents pose a deep and enduring threat to human rights-based law enforcement approaches. Despite the atrocities of the Boko Haram, Amnesty International could not resist the temptation of asking Nigeria to treat the terrorists with dignity and decency. They published a damning report against the Nigerian Military and its fight against the Boko Haram which has left Nigerians with mixed reactions. Among the charges laid against the Nigerian military are:
Torture and ill-treatment of detainees; failure to investigate allegations of torture, denying the National Human Rights Commission (NHRC) access to military detention facilities, extra judicial executions of hundreds of detainees, death of hundreds of detainees through starvation, suffocation and sundry ill treatment.

7.2 Challenges to the absolute prohibition against torture

The prohibition of torture and other cruel, inhuman or degrading treatment or punishment is absolute under international law. It is a peremptory norm (or a norm of *jus cogens)* and is non-derogable even in states of emergency threatening the life of the nation under international and regional human rights treaties.
The prohibition of torture and other cruel, inhuman or degrading treatment does not yield to the threat posed by terrorism or to the alleged danger posed by an individual to the security of a State. In practice, however, States have often adopted policies and methods to confront terrorism that, in effect, circumvent and undermine this absolute prohibition. For example, the use of torture and other cruel, inhuman or degrading treatment to elicit information from terrorist suspects is absolutely prohibited. In the same way, the use in legal proceedings of evidence obtained by torture, whether at home or abroad, and of "secret evidence" put forward by prosecuting other authorities in judicial proceedings, in violation of the principle of non-admissibility of evidence extracted by torture, is prohibited as contained inter alia in Article 15 of the Convention against Torture.

7.3 Transfer of individuals suspected of terrorist activity

States have an obligation to conduct any transfer of detainees in a manner which is transparent and consistent with human rights and the rule of law, including the right to respect for a person's inherent dignity, the right of everyone to recognition before the law and the right to due process. The international human rights legal framework requires that any deprivation of liberty should be based on grounds and procedures established by law, that detainees should be informed of the reasons for their detention and promptly notified of the charges against them, and that they should be provided with access to legal counsel. In addition, prompt and effective oversight of detention by a judicial officer must be ensured to verify the legality of the detention and to protect other fundamental rights of the detainee. Even in a state of emergency, minimum access to legal counsel and prescribed reasonable limits on the length of preventive detention remain mandatory. Moreover, national authorities have an obligation to prevent human rights abuses and to actively investigate and prosecute any allegation of practices which may involve the transfer or detention of individuals in a manner inconsistent with their obligations under international law. Section 35(3) of the Constitution of the Federal

Republic of Nigeria provides that, any person whose liberty is curtailed shall be told within 24 hours, the reason for his arrest or detention and shall be taken before a court within a reasonable time which is assessed by subsection 4 to be two months from date of arrest where the person is not entitled to bail or 3 months where the person has been released on bail.

7.4 Liberty and security of the person

All persons are protected against the unlawful or arbitrary interference with their liberty. This protection is applicable in the context of criminal proceedings, as well as other areas in which the State might affect the liberty of persons. In practice, as part of their efforts to counter terrorism, States have adopted measures which have an impact on the liberty of persons, such as: pretrial procedures for terrorism offences, including provisions concerning bail and the remand of persons in custody awaiting trial; pretrial detention (detention before laying a criminal charge against a person for the purpose of further investigating whether that person was involved in the commission, or assisted in the commission, of a terrorist offence); administrative detention (detention to prevent a person from committing, or assisting in the commission of, a terrorist offence); control orders (imposing conditions on a person, short of detention, to prevent that person from committing, or assisting in the commission of, a terrorist offence, including the detention of a person awaiting determination of immigration or refugee status); and compulsory hearings (detention and compulsory questioning of a terrorist suspect, or non-suspect, to gather intelligence about terrorist activities).

7.5 Due process and the right to a fair trial

Guaranteeing due process rights, including for individuals suspected of terrorist activity, is critical for ensuring that anti-terrorism measures are effective and respect the rule of law. The human rights protections for all persons charged with criminal offences, including terrorism-related crimes, include the right to be presumed innocent, the right to a hearing with due guarantees and within a reasonable time, by a competent, independent and impartial tribunal, and the right to have a conviction and sentence reviewed by a higher tribunal satisfying the same standards. International humanitarian law provides for substantially similar protections for the trial of persons in the context of armed conflicts. Nigeria guarantees the right to fair hearing under section 36 of the Constitution. This presupposes the right to be informed of the charge against him within a reasonable time and be afforded the opportunity to defend himself personally or through a legal practitioner of his own choice. While all these are going on, he is presumed by section 36(5) to be innocent until he is proven guilty. It will therefore amount to an extra-judicial treatment for any person to be tortured or killed before he is adjudged guilty by a court of law in Nigeria. With all these rules in place, one begins to wonder why a place like Uganda would choose to act in flagrant disobedience and violation of human rights to dignity by resorting to degrading treatments such as stripping a woman leader, Zaina Fatuma, naked as a prelude for her arrest. It was reported that Uganda's State security forces had routinely stripped naked, women involved in peaceful protests against President Yoweri Museveni's increasingly intolerant approach to dissenting voices after 30 years of oppressive reign.

The women's movement, civil associations and women leagues and other citizens have condemned this trend which the government continues to adopt despite warnings from other world leaders like Barack Obama that he should resist clinging to power and stop degrading repressions. It is expected that in their forthcoming election on 28th February, 2016, he would still be seeking to reinstall himself. One wonders why he does not also undress men. This barbaric culture must stop.

8. Terrorism and Care for Victims of Human Rights Violation.

Looking at it from a human rights angle, support for victims in the context of terrorism is a paramount concern. While efforts immediately following the events of 11 September 2001 largely failed to give due consideration to the human rights of victims, there is increasing recognition of the need for the international community to take into account the human rights

of all victims of terrorism. In the 2005 World Summit Outcome, for example, Member States stressed the importance of assisting victims of terrorism and of providing them and their families with support to cope with their loss and their grief.

Similarly, the United Nations Global Counter-Terrorism Strategy reflects the pledge by Member States to

promote international solidarity in support of victims and foster the involvement of civil society in a global campaign against terrorism and for its condemnation.

In addressing the needs of victims of terrorism, consideration must be given to the distinction between victims of crime, on the one hand, and victims of human rights violations, on the other. While this distinction is not always clear-cut, it is important to note that, in most cases, terrorist-related acts will be addressed as criminal offences committed by individuals and a State will not, in principle, be responsible for the illegal conduct itself. Acts constituting human rights violations are committed primarily by organs or persons in the name of, or on behalf of, the State. In some circumstances, however, the State may be responsible for the acts of private individuals that may constitute a violation of international human rights law. International and regional standards with regard to victims of crime and victims of gross violations of international human rights law and serious violations of international humanitarian law may be instructive in addressing the needs of victims of terrorism. Certain provisions of the universal treaties relating to specific aspects of terrorism are also relevant to addressing the situations of victims of terrorism.

According to the Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power, victims include *persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.*

Importantly, the Declaration notes that an individual may be considered a victim "regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familiar relationship between the perpetrator and the victim". The term *victim* may include "the immediate family or dependants of the direct victim, as well as persons who have suffered harm in intervening to assist victims in distress or to prevent victimization."

The Declaration further outlines the minimum standards for the treatment of these victims according to several basic principles of justice. These require that victims should:

(i) Be treated with compassion and respect for their dignity;
(ii) Be informed about, and have their views and concerns presented at, legal proceedings;
(iii) Be entitled to proper assistance throughout the legal process;
(iv) Be protected against intimidation and retaliation;
(v) Have their privacy protected;
(vi) Be offered the opportunity to participate in informal mechanisms for the resolution of disputes, including mediation;
(vii) Enjoy restitution and compensation, as appropriate; and
(viii) Receive the necessary material, medical, psychological and social assistance.

9. Conclusion

While urging adherence to existing human rights and humanitarian standards in the fight against terrorism and raising the alarm about how the "war on terrorism" is being waged, one should not ignore the challenges posed by transnational networks of persons willing to engage in acts of mass destruction. Nor is it suggested that any adjustment of the existing normative structure is inappropriate. There are opportunities for cooperative, multilateral approaches to this challenge. For example, expanding the jurisdiction of the International Criminal Court to cover a broader range of attacks on civilians

would be a positive development and one fully consistent with the rule of law. Of utmost concern is the fundamental challenge to the rule of law and to the relevance of international human rights and humanitarian law standards posed by the "war of terrorism" as it has been waged to date. The "war on terrorism" need not be conducted a way that would stampede human rights or humanitarian law. Existing standards can accommodate the appropriate balance between liberty, dignity and security, taking into account new realities without abandoning core human rights principle.

Beyond terrorism, Nigeria should provide adequate medical and mental health services to all victims of abduction and other violations. They must provide adequate security and respond spontaneously to issues of abuses. They must also observe the rule of law while dealing with terrorist suspects or detainees. The constitution guarantees that they are innocent until proven guilty. There is no rationale for such detainees to be tortured or killed extra judicially before they exercise their constitutional right to be heard.

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Influence of Social Media and Graffiti on Behaviours of Secondary School Students as expressed by Teachers in Osun State, Nigeria

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Abstract. Social media are platforms which students use for online interactions, while graffiti is an act of painting or writing on a surface illicitly. This research study investigated influence of social media and graffiti on behaviours of secondary school students as expressed by teachers in Osun State, Nigeria. Descriptive survey design was adopted for the study, while random and stratified sampling technique ware adopted to draw a total sample of 375 secondary school teachers in the three senatorial districts in Osun State. A self-developed instrument entitled "Influence of Social Media and Graffiti on Behaviour Questionnaire" was used to collect relevant data. The instrument has a co-efficient of 0.65 using test re-test reliability method. The major findings of the study revealed that social media has more negative influence on adolescents' behaviour than the positive side of it because adolescents' involvement in the use of social media usually result to wastage of time through chatting, pinging, making false statements, watching pornographic films/videos and involvement in cyber terrorism. The study also revealed that students' involvement in graffiti influence their behaviours negatively as it encourages them to harass their colleagues, vandalize public and private properties, and form bad gangs. In line with findings of this study, it is recommended that counsellors should educate parents on the necessity of discussing internet and cell phone safety with their children, parents should provide information specifically on safe and respectful uses of technology, students should be well informed of the dangers and the devastating effects of social media and graffiti abuse, school teachers should expose students to the danger inherent in negative uses of social media and graffiti and they should also relate with the school counsellors and parents on ways by which social media and graffiti could be used to channel the behaviours of adolescents towards positive activities.

Keywords: social media, graffiti, behavior, secondary school students

1. Introduction

Social Media is a topic that divides peoples' opinion, some people think it is an amazing tool while others are worried about the impact it has on peoples' lives. Dourish (2001) stated that the rapid growth of social media usage that has been observed over the last two to three years indicated its entry into mainstream culture and its integration into the daily lives of many people. Also, there has been considerable media coverage of the growth of social media usage, its potential positive outcomes and concerns about the way some individuals are engaging in it.

Social media sites offer people new and various ways to communicate via the internet, whether through their computer system or mobile phone. They allow people to easily and simply create their online page or profile and to construct and display an online network of contacts, often called 'friends'. Users of these sites can communicate via their profile both with their 'friends' and with people outside their list of

contacts (Nicole, Lampe & Steinfied, 2009). This can be on a one-to-one basis (much like an e-mail), or in a more public way such as a comment posted for all to see.

Social media sites such as Facebook, 2go, Twitter, Skype, Viber, WhatsApp and MySpace are the primary focus of this study. The influence of social media on adolescents and teenagers is of particular importance, not only because this group of children are developmentally vulnerable but also because they are among the heaviest users of social networking. The PEW Internet and American Life Project in 2014 reported that 75 percent of teenagers in America currently have profiles on social networking sites, of which 68 percent use "Facebook" as their main social networking tool. Also the Nigeria Communications Commission (NCC) in the Punch Newspapers of 2nd November, 2015 reported that 95million people in Nigeria are using internet and these people are mostly youth.

Of recent, social media has become a way for people to communicate in society and build relationships with others. With the increase in the level of technology, communication has become a way of life on internet. Daily interaction is now an activity that is done primarily on the Internet, with sites like MySpace, Facebook, Twitter, 2go, Africhat, Tango, Viber Bebo, WhatsApp, Mozat, Friendster, BBM and Xanga (Nicole & Boyd, 2008). Lampe and Wash (2012) stated that secondary school students have always paid a lot of attention to the presentation of self on social media sites. It seems that for most secondary school students, creating networks and online content is an integral mode for the management of identity, lifestyle, and social relations. Secondary school students point at the opportunities for self-expression, sociability, creativity and group belongingness.

There have been a plethora of arguments on the assumed benefits of social media usage. Social media use web-based technologies to transform and broadcast media monologues into social dialogues and such are Facebook, Twitter, Eskimi and 2go social networking. Facebook now has 1.44billion active monthly users (Mangalida, 2015). As social media has to do with communication, Katz (2009) opined that information that usually takes many days or weeks to disseminate now takes seconds or minutes. It is now possible for people to make interpersonal communication with others to get desired information as quickly as possible from other areas of the country or from other countries with the use of social media without leaving their immediate environment. Also, social media is a form of electronic communication which facilitates interaction based on certain interests and characteristics.

Dourish (2001) had argued that web and software are always social because they incorporate certain meanings and understanding of society. Boyd and Ellison (2007) defined social network sites as web-based services that allow individuals to construct a public or semi-public profile within a bounded system; articulate a list of other users with whom they share a connection; and view and traverse their list of connection and those made by others within the system. Lampe and Wash (2012) stressed that the tendency of a student to join a social media community is influenced by both the number of friends he or she has within the community and more crucially how those friends are connected to one another. Members of a smaller, private group usually have higher engagement than members of a large, public one. The more groups a person belongs to the less likely they would be heavily involved in all of them (Maeve, 2014).

Computer access and use among Nigerian secondary school students have grown exponentially over the past decade (Becker, 2000). More than 48% of Nigerian youth 12 to 17 years of age use the Internet and nearly half log on it daily (Lenhart, Madden & Hitlin, 2005). Once connected, adolescents engage in a wide variety of social media behaviours, including doing schoolwork, playing games, shopping, downloading music, text messaging and chatting and so forth. Secondary school students use the Internet primarily for social reasons (Gross, 2004; Roberts, Foehr & Rideout, 2005) since the Internet has become a virtual meeting place where secondary school students can hang out with their peers to pass time and this step take them to socialization.

Socialization is a lifelong process which continues as people change jobs or roles and as

society itself changes. It is an age long human activity which entails the relationship between individuals in the environment in which they live (Haralambos, Holborn & Heald, 2008). Socialization has been long before the invention of new technologies and the development of new technologies transformed socialization into a new system in the society. The transition to technological era saw or brought about the advent of the Internet as well as social networking; the advancement in technology has made it easier for people especially the young people to have access to Internet and thus social networking which they join in with friends (Ibrahim, 2012).

There are no limitations or restriction as to which social networking sites one can belong, one can be a member of as many as possible, the age restrictions does not necessarily have effect because one can easily lie on age. Duggan, Nicole, Lampe, Lenhart and Madden (2015) mentioned that while the social networking sites have the same key aspects, the cultures and responses around them that become apparent are varied. Most sites help strangers connect with others based on shared personal interests, political and economic views, or simply recreational activities, some sites accommodate distinct viewers, while others attract people based on similarities such as common language or shared racial, sexual, religious, or nationality-based identities. Nonetheless, social networking sites have only one common goal of encouraging new ways to communicate and share information (Ibrahim, 2012). It also provides great opportunities for members including secondary school students and librarians who use it to promote the services of the library and also get first class information about their users through interacting with them (Maeve, 2014).

Students, on the other hand, benefit from some of the postings in some sites because such postings can be informative and educative and the students after reading such posts can comment on them (Lampe & Wash, 2012). Maeve (2014) asserted that most students join group on social media in order to reduce the insecurity that they face in real world, they feel stronger, have fewer self-doubts and are more resistant to threats when they are part of a group. There are times when it takes more than one person to accomplish a particular task; there is a need to pool talents, knowledge, or power in order to complete a job, secondary school students spend much of their hours hanging out with friends on social media sites and spend less time studying, thus explaining their lower performance in their academics, this idea is called the displacement hypothesis, and has been examined by early television researchers who posited that television took away students' study time (Hornik, 1999).

Studies of students' extracurricular activities instead suggested that new media such as Facebook, a social networking website with more than 500 million registered users worldwide in which majority of these users are adolescents or young people, labeled the "Millennial Generation" by the PEW Internet and American Life Project (Pew, 2014), have replaced or enhanced other leisure activities, but do not take away time from students (Roberts & Foehr, 2006). In contrast, the 2010-2013 WAEC and NECO results of the senior secondary school students have shown that social media is influencing them negatively in their academic performance. Since the advent of the social media on mobile phones, blackberry messenger, Facebook, twitter, the Nigerian youths have become so addicted to these gadgets that they no longer have time for reading and preparing for their examinations (Maeve, 2014). Maeve stated further that the use of the social media, short messaging system or texting language which permits all kinds of acronyms or abbreviated words has corrupted many that they sometimes assume that it is normal to use such forms of expression in real situations like examination.

Ibrahim (2012) pointed out that social networking sites are seen as beneficial socializing tools especially among young people in today's global village. However, students most times abuse it by neglecting the informative and educating benefits they offer. Ibrahim (2012) explained further that the neglect of educational benefits has endangered students to becoming victims of sexual predators, cyber bullying and harassment, posting or downloading of inappropriate pictures and other materials which have affected them negatively in their reading habits and social life due to the amount of time dedicated to the social world.

Another factor that has formed part of anti-social behaviours of youngsters but which has not received much recognition by research scholars, most especially in Nigeria, is graffiti. Graffiti, the plural form of graffito is derived from an Italian word which means 'scratched.' It is the name given to an indecent, often disgusting writings or sketches found on the walls and doors of public buildings and places (Olofin, 2013).

Olofin (2013) said graffiti have existed since ancient times, with examples dating back to ancient Greece and the Roman empire, when graffiti were made by incising or cutting through stones or scratches on walls.

Graffiti is like a signature, it is an attempt to have a presence in society, graffiti art-form exist in Nigeria, but mainly with the use of chalks and charcoals instead of the spray paints but it all boils down to artistic expression. In this modern era, with the advent of trains, cars computers and more people still scribble their graffiti onto surfaces they see (Achi, 2010). (Drax, 2002) said that students majorly employ graffiti on classroom walls, toilets and bathrooms as outlets for otherwise repressed feelings, opinions and thoughts which are meant to inform the reader, affect his opinions by persuading him towards a particular point of view, influence and orient him morally towards more beneficial and positive goals, warn about impending danger and generally integrate everyone for mass participation in developmental efforts.

Graffiti is a form of art or act of vandalism involving painting text or images in public places. It is an informal inscription, figure drawing, cave painting and defacement as opposed to official inscriptions. It is also referred to as street art or art through vandalism. The concept of vandalism is defined as a conscious act directed towards the destruction or damage of object belonging to another person (Moser, 1992). In the context of law, vandalism is intentionally or recklessly destroying or damaging any property belonging to another without lawful excuse (Crime Concern, 1999). The Crime Concern (1999) maintained that vandalism can range from scribbling on a wall, the daubing of political slogans or the destruction of graves in a cemetery to endangering life with a concrete post deliberately placed in the path of a train, smashing the glass of bus shelter windows or the burning of a school through an arson attack.

According to Mwangi, Gathumbi and Adelheid (2015), graffiti takes the form of written language whose authorship always remains anonymous. It precisely refers to any wall writing, pictures and symbols or markings of any kind on any surface anywhere no matter what motivates the writer. Most graffiti are viewed as illegal or vandalism of property by those in authority. Graffiti would be qualified as vandalism only if they appeared on private or public property without permission. Graffiti behaviour is categorised in the DSM-IV (2002) as 'adolescent antisocial behaviour' but with other antisocial behaviours such as aggression towards people and animals, fire setting, and theft, 'conduct disorder' may be diagnosed. Secondary school students use graffiti as a form of communication when they feel other channels to express themselves have been blocked by those in authority (Mwangi, Gathumbi & Adelheid, 2015).

Research by Northumberland University (2003) drew on the views of young people and suggested that using the single term 'graffiti' fails to convey the diversity of an activity which runs from art at one end to vandalism at the other, from aerosol users to bombers. The Newcastle University (2003) study suggested that only a minority of those engaged in graffiti deliberately set out to annoy authority. The key motivation is said to be seen and gain respect, with tagging the start of a career which may develop into more creative or elaborate forms of expression.

According to Nwoye (1993), wall writings and drawings have been used for a long time by various groups of people in the society who in one way or another feel oppressed. Such groups of people who are prohibited from or denied avenues of public space for expression seek other avenues and often graffiti on the walls of public places becomes a favoured option. Nwoye (1993) pointed out that student population in most parts of the world is one such group that feels it does not enjoy the privilege of public self-expression. Many students opposing the school system may not come out openly but

may express their anger in graffiti for fear of the consequences. In writing graffiti, students may use codes that are uniquely understood by the writer and the targeted audience. Ferrell (1993) claimed that graffiti can naturally be viewed as a contemporary type of expressive opposition to authority; though each graffito contains a complex message of its own, there is the simple implicit assumption that every graffito opposes authority.

Rothman (2002) opined that adolescence is the stage of growth and development that most of the secondary schools students are in, and is mostly a time of resistance to authority. In their effort to express their wishes, the students are generally misunderstood and dismissed. The adults dominate the scene and the adolescents feel oppressed when they lack chances to express their opinion. This brings discontent to the adolescents who try to look for other ways to make themselves be heard. Andrew (2005) claimed that graffiti is viewed traditionally as the product of people who have little representation within the traditional mass media. This is also supported by Nwoye (1993) who posited that graffiti is perceived as sheer expression of youthful exuberance, a manifestation of vandalism. Most students use their energies to make sure that they are heard through the use of graffiti because of hidden identity of the graffiti author.

Bartolomeo (2001) argued that the use of publicly owned space is undoubtedly recorded as deviant, and yet the use of private space for public consumption, like graffiti will also be considered deviant by the general public. Private space becomes public when the public disapproves of how an individual uses the space privately. Thus, society often determines both public and private dimensions, leaving little room for self-expression of individuals. This in turn affects the efficacy of accessibility; a graffitist's primary objective is always to communicate to others; his/her message will not be known to the public if it is concealed behind the walls (Bartolomeo, 2001). Teeyan and Dryburgh (2000) attempted to find the causes of graffiti or vandalism in general by interviewing fifty-six adolescents. The main reason for delinquency was peer influence while for property crimes, the motives included self-gratification and practical uses. A general theory proposed by Gottfredson and Hirshei (1990) stated that delinquency comes from a "need for excitement and risk-taking". According to Horowitz and Tobaly (2003), school vandalism can be viewed as "a voluntary degradation of the environment with no profit motive whatsoever" (pg. 27). They viewed people who engage in vandalism as those who experience social, moral and value inconsistencies.

In surveys undertaken for a DTLR study, Crime Concern explored the attitudes of young people towards graffiti in particular (Crime Concern, 1999). In contrast to adult perceptions, the study identified that the presence of graffiti did not appear to make most young people feel unsafe. However, in the discussions with young people that were also part of the study, some participants did express negative feelings about graffiti and the way it made them feel threatened and vulnerable. The national study for the DTLR on young people and crime on public transport where most of the young people were regular or frequent bus users (Crime Concern, 1999), it was revealed that two thirds of those aged 13 and 14 years and three quarters of those aged 15 or 16 years said they often or sometimes saw other young people writing graffiti on a bus shelter or at a station.

The research also identified a low awareness amongst children and young people about the impact of graffiti on other passengers. In fact, since some young people feel aggrieved by the perceived negative attitudes of older people and transport staff towards them, the thought that their actions might be upsetting or make these people fearful may not act as a deterrent. Awareness is also low among young people about the cost of cleaning graffiti or repairing criminal damage. Towards this end, this study aims at investigating the influence of social media and graffiti on the behaviour of secondary school students as expressed by teachers in Osun State, Nigeria.

2. Statement of the Problem

The world has become a global village where the use of computer and internet facilities is indispensable to the extent of young children involving in its use. Boyd (2007) found that 31

percent of 10-year-old, 44 percent of 11-year-old and 55 percent of 12-year-old reported using a social network site. Many sites are filled with pornographic pictures, horror films, crime related videos, girl/boy-friends search and other forms of immorality that are in contrast with the African societal norms and beliefs in which their viewing (these sites) could be detrimental to moral upbringing of the children. Many sites are filled with pornographic pictures, horror films, crime related videos, girl/boy-friends search and other forms of immorality that are in contrast with the African societal norms and beliefs in which their viewing (these sites) could be detrimental to moral upbringing of the children.

Since the advent of social media sites in the 1990's, the academic performance of students is facing a lot of neglect and challenges. There is a deviation, distraction and divided attention between their social networking activities and their academic work. It is observed that students devote more attention to social media than they do to their studies. Nowadays, the advent of technology is quickly emerging and undeniably, it takes a vital part in people's lives today because social networking provides instantaneous access to information at all times (Sum, Mark, Hughes & Campbell, 2008).

With the evolution of social networking, it changes the way one communicates and how one finds and shares personal information, exchanges ideas, feelings, photos and videos at a very overwhelming rate. Social networking has brought many positive implications to human life such as making the connection of millions of people from all over the world possible. Perhaps, this ubiquitous presence may appear innocent at the surface, however, there may be some sinister or evil characteristics within this medium that require further study (Boyd, 2007). One of the issues that exist may be the influence of social media on secondary school students.

These increasing links and networks online are setting back the real values of life especially students who accept some adverse impacts from using these sites as they form the major group of social networking sites users. Out of the total social networking users, 70% are students (Ahmed & Qazi, 2011). These students become distracted because of the amount of time and attention being devoted to these social networking. Often times, they are observed using their mobile phones to communicate and do other social activities even during school hours when they are expected to be engaged in meaningful activities. Thus, this valuable time is fritted away (Sofela, 2012).

Seyi (2012), in a paper published in Blue Print Newspaper of December 17, 2012 titled "social media and Nigeria youth burden", stressed the negative effect of giving too much time and undue attention to online socialization to the detriment of academics. He criticized seriously the obsessive attitude of Nigeria youths towards social media and pointed out that the rate at which youths devote their quality time in chit chatting and propagating harmful schemes calls for urgent attention. The paper also, traced the incessant incidents of murders and gang-raping of girls by guys whom they interacted with through social media. There was a case of a girl who paid a visit to her Facebook friend in Lagos and based on their arrangement; she logged and waited for his arrival. On his arrival, he asked her for sex and she refused and out of annoyance, he plugged off one of her eyes, sliced her nipple and escaped. Every effort made to get him has proved abortive because he had a fake identity.

Several studies have been carried out on social media, graffiti and their influence on adolescents' behaviour. For instance, Mwangi, Gathumbi and Adelheid (2015) conducted a study to identify the communicative strategies employed in graffiti writing and the influence of graffiti on learning of English language and classroom learning environment in schools. The findings of the study revealed that students used varied communicative strategies like humour, symbolism, irony, short forms, acronyms and abbreviations in their graffiti writings. It was also established that teachers expressed varied opinions that graffiti influenced learning of English language and classroom learning environment in secondary schools.

Plenty and Sundell's (2015) study was on "graffiti: A precursor to future behaviour during adolescence?" The study examined if graffiti initiation leads to greater deviant behaviour. The findings revealed that students who initiated tagging or graffiti art in grade 8 consistently reported higher rates of deviant behaviour 12

months later. However, graffiti initiation did not increase the likelihood of most behaviours after effect of confounding factors from the individual, peer and family domains were accounted for.

All these previous studies are foreign based and they did not consider the influence of social media on students' performance. No local study was found to have examined the influence of both social media and graffiti on adolescents' behaviour. This study, therefore, is an effort to bridge the gap left by previous studies by investigating the influence of social media and graffiti on behaviours of secondary school students as expressed by their teachers in Osun State, Nigeria.

3. Research Questions

The following research questions were posed to guide the conduct of the study:

(i) What is the influence of social media on behaviours of secondary school students as expressed by teachers in Osun-State, Nigeria?

(ii) What is the influence of graffiti on behaviours of secondary school students as expressed by teachers in Osun State, Nigeria?

4. Methodology

Design: The design that was adopted for this study is the descriptive survey research method. The researchers considered the descriptive survey design method most appropriate because it entailed the use of direct observation in the collection of data used in investigating the influence of social media and graffiti on secondary school students' behaviours as expressed by their teachers in Osun State, Nigeria.

Population, Sample and Sampling Procedure: The population consists of 6,012 secondary school teachers in Osun State (Osun State Ministry of Education, 2014), while the target population consists of all teachers in 15 secondary schools in the three senatorial districts of Osun State. The sample for this study consisted of 365 teachers as determined by the Research Advisor (2006) against population size of 7,500, under 95% confidence level and at 5.0% error margin. For the purpose of this research, a two-stage sampling procedure was adopted for selection. At the first stage, the researchers made use of random sampling technique to select 5 Local Government Areas from each of the three senatorial districts in Osun State. Random sampling was used to select one secondary school from each selected Local Government Area, making a total of 15 schools. Twenty-five (25) teachers were randomly selected from each of the 15 selected schools. Overall, 375 respondents eventually participated in the study.

Instrument: The instrument that was employed for this study is a self-developed instrument titled "Influence of Social Media and Graffiti on Behaviour Questionnaire". The instrument is divided into three sections (A, B & C). The first section A elicits information on the personal data of respondents. Section B contains twenty (20) items on the influence of social media on secondary school students' behaviour while section C also consists of twenty (20) items on influence of graffiti on secondary school students' behaviour. The instrument is patterned in line with a four point Likert-type rating scale of SA (Strongly Agree); A (Agree); D (Disagree) and SD (Strongly Disagree). The instrument was content validated by experts in related field of study. The test-retest method for estimating reliability was adopted to determine the reliability of the questionnaire. The coefficient obtained was 0.65. This is adjudged by experts to be fairly high and acceptable for an instrument of this nature.

Method of Data Analysis: Mean and Rank Order were employed for the data analysis.

5. Results

Research Question 1: What is the influence of social media on behaviours of secondary school students as expressed by teachers in Osun-State, Nigeria?

Table 1: Mean and rank order of the influence of social media on behaviours of secondary school students

Item No	The use of social media could lead students into:	Mean	Rank
13	wastage of time through chatting, pinging etc	3.18	1st
7	making false statements	3.18	1st
2	watching pornographic films/videos	3.15	3rd
4	involvement in cyber terrorism	3.15	3rd
10	risky sexual behaviour	3.12	5th
3	alleviating boredom in school activities	3.12	5th
1	involvement in computer hacking	3.09	7th
12	involvement in drug abuse	3.09	7th
18	playing of games at the expense of their studies	3.06	9th
17	skills they will need to survive in the business world	3.04	10th
15	high level of thinking and creativity	2.99	11th
5	learning of social skills (e.g. human relations)	2.95	12th
16	increase in the rate of their collaboration	2.93	13th
9	positive attitude towards learning	2.92	14th
6	a platform for the achievement of some specific objectives	2.90	15th
19	acquisition of lectures	2.88	16th
14	increase in healthy rivalry and competitiveness among them	2.87	7th
11	disobedience to parents	2.81	18th
20	effective communication	2.76	19th
8	improvement in their academic performance	2.76	19th

Table 1 shows that all the items have mean scores greater than the average mean score of 2.50. This implies that social media has more negative influence on adolescents' than the positive side of it because adolescents' involvement in the use of social media usually result in waste of time through chatting, pinging etc, making false statements, watching pornographic films/videos and involvement in cyber terrorism.

Research Question 2: What is the influence of graffiti on behaviours of secondary school students as expressed by teachers in Osun State, Nigeria?

Table 2: Mean and rank order of influence of graffiti on behaviours of secondary school students

Item No	Students' involvement in graffiti leads them to:	Mean	Rank
10	harass their colleagues	3.04	1st
3	vandalize public and private properties	3.02	2nd
6	form bad gangs	2.96	3rd
19	expose their hidden talents	2.93	4th
2	deface the environment	2.90	5th
16	challenge existing policies to achieve their goals	2.90	5th
1	break school rules	2.90	5th
12	get extra income through exhibitions	2.87	8th
7	make use of abusive languages	2.81	9th
18	set the tone for public discourse	2.76	10th
15	display anti-religious postures	2.76	10th
4	engage in violent acts (e.g. riots)	2.72	12th
8	vent their feelings/thoughts	2.71	13th
11	increase their level of creativity	2.70	14th
17	develop their sense of art	2.69	15th
14	become rebellious	2.69	15th

13	catharsis	2.68	17th
9	show positive attitude to their study	2.63	18th
5	engage in criminal acts (e.g. cultism)	2.63	18th
20	harass their teachers	2.50	20th

Table 2 shows that all the 20 items have average mean scores of 2.50 and above; which means that the respondents agreed that graffiti could influence behaviours of students in both ways. However, items 10, 3 and 6 took precedence over others with mean scores 3.04, 3.02 and 2.96 and were ranked 1st, 2nd and 3rd respectively. The items stated that students' involvement in graffiti encourages them to "harass their colleagues", "vandalize public and private properties" and "form bad gangs". This follows that the students' involvement in graffiti encourages mostly negative behaviours such as harassment their colleagues, vandalization of public and private properties as well as membership of bad gangs.

6. Discussion

The findings of this study revealed that students' involvement in the use of social media lead to waste of time through chatting, pinging etc at the expense of their studies, making false statements, watching pornographic films/videos and involvement in cyber terrorism. This implies that many students are making use of social media negatively at the expense of a lot of benefits they could derive from positive usage of it. It is not new to have found youths fondling with their cell phones and iPad by chatting while on motorcycle or in a vehicle; some will even make use of earpiece which would prevent them from hearing what others are saying. The social media also has some positive impacts, it enhances learning and education. Students can now have access to all forms of information they want, the internet serves as search lights to them. Even some information that cannot be found in the libraries and research centers can now be found online. Some schools now teach over the internet, distance learning is now possible by the use of social media. Some lecturers now prefer assignments and projects to be submitted to the emails. Most jobs are being sought and applied for online.

According to Sofela (2012), students are often times, observed using their mobile phones to communicate and do other social activities during school hours when they are expected to be engaged in meaningful activities. Thus, this valuable time is fritted away. Similarly, Bonds-Raacke (2008) noted that so many students are using these friend-networking sites and spending a significant amount of their time on them. The study by Kirshner and Karpinski (2010) on Facebook and students' academic performance revealed that social media is commonly used among youth/students who exhibits care free attitude, luxurious living and generally flout laws, easily copy bad attitude, are disrespectful to parents and teachers, not serious with their academic works/studies.

More than 48% of Nigerian youth 12 to 17 years of age use the Internet and nearly half log on it daily (Lenhart, Madden & Hitlin, 2005). The yearly public out-cry of woeful performance of students Senior School Certificate examinations students seems to show that social media is influencing them negatively. Maeve (2014) reiterated that the advent of the social media on mobile phones, blackberry messenger, facebook, twitter has made Nigerian youths addicted to these gadgets that they no longer have time for reading and preparing for their examinations. Ibrahim (2012) explained that the neglect of educational benefits has endangered students to becoming victims of sexual predators, cyber bullying and harassment, posting or downloading of inappropriate pictures and other materials which have affected them negatively in their reading habits and social life due to the amount of time dedicated to the social world.

The finding of the study also revealed that students' involvement in graffiti encourages them to negative as well as positive behaviours such as to harass their colleagues, vandalize public and private properties, form bad gangs and expose their hidden talents. Adolescents' usage of abusive language and vandalizing

public and private properties could be considered as anti-social behaviour as it constitutes rejection or unconformity with societal moral norms. A behaviour is antisocial when it involves the misuse of public space, a disregard for community safety or personal wellbeing or behaviour that has the potential to harm others or damage the environment. The study suggested that graffiti encourages them to harass their colleagues, vandalize public and private properties, form bad gangs and expose their hidden talents. According to Young (2008), disorder breeds more disorder, hence, the mere presence of graffiti can double the number of people who litter and steal. Even the most trivial of transgressions can spread because their very presence stimulates more of the same behaviour. The finding is in line with that of Hailemariam (2008) who found large number of students in Addis Ababa University fixated with abusive and stereotypical words toward the Amhara, Oromo and Tigrie ethnic groups through the use of graffiti.

The finding shows that graffiti use among the students could also expose their hidden talents. This is because they are at adolescence stage where the search for identity is one of their prior features. Kan (2001) posited that adolescents use graffiti in this day, aid to proclaim their identity, to bridge the gap between childhood compliance and the relative freedom of adulthood. This implies that adolescents' enhancement of talents through the usage of graffiti would depend on how and for what purpose it is being used for. When graffiti is used, for example, in the context of Arts (academic subject), such graffiti activity can evoke strong feelings of self-esteem, satisfaction and pleasure. The finding of this study corresponds with the assertion of Peter, Schouten and Valkenburg (2006) that social network sites may be predictors of hidden talents and well-being in adolescence and they have become a fundamental role in adolescent life.

7. Recommendations

Based on the findings of this study, it is recommended that:

Counsellors should educate parents on the necessity of discussing internet and cell phone safety with their children.

The school teachers should expose students to the danger inherent in negative uses of social media and graffiti and how positive they could use them to improve upon their academic performance and social relations.

Teachers should also relate with the school counsellors and parents on ways by which social media and graffiti could be used to channel the behaviours of adolescents towards positive activities.

The counsellor should work with the students on using graffiti to enhance self-esteem and social skills rather than for abusive purposes.

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Towards the Curtailment of the Baby Factory Syndrome in Nigeria

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Abstract. This paper examines the "Baby Factory" Syndrome in Nigeria, a country already plagued by several cases of human rights violations especially in the area of human trafficking. It evaluates the nature and *modus operandi* of the baby factories operative in Nigeria. The paper examines the motivations and causes of the illicit trade in children, the fate of children from baby factories and the different forms of abuse that children born in the baby factories suffer. An analysis of the legal implication of operating a baby factory in Nigeria is carried out and the paper makes several far reaching recommendations that include reworking the legal framework of child-related issues, alleviating poverty and orientating the masses as ways through which the operation of baby factories in Nigeria can be drastically reduced and eventually eliminated.

Keywords: Baby Factories, Child Abuse, Child Right, Human Trafficking, Nigeria.

1. Introduction

The term "Baby Factory" has no precise definition and it is impossible to pinpoint the exact time when the practice started in Nigeria. Huntley, asserts that term baby factory was coined by Journalists to describe criminal activities involving the restriction of a person's movement against his/her will, forced impregnations, sale of babies and illegal adoption.

Makinde considers a baby factory as an 'illegal shelter that harbours young women who produce children for trafficking and illegal adoption either at their will or under slavery-like conditions.' The term is often used interchangeably with 'baby farms' or 'baby harvesting.'

Onuoha defined the term as 'all acts involved in the transfer, sale or receipt baby/babies within national or across international borders through the stealing or false adoption, fraud or deception to be used for satisfying social, material and ritual purpose among others.' The term was first used by a 2006 report of the United Nations Organisation for Education, Science and Culture (UNESCO).

Thus as the name implies, a baby factory is actually a "factory" for organized crimes and its machinery is manned by professionals, semi-professionals and even quacks who have little or no knowledge at all about the reproductive system. In practice they are usually disguised as hospitals, maternity homes, social welfare homes or orphanages.

The *modus operandi* of these baby factories is to recruit young teenagers, impregnate them, keep them in seclusion till they give birth and eventually sell the child to willing buyers, who are not in any way biologically connected to the child.

For a baby factory to operate, there are many participants in the crime ring that carry out one function or the other. Onuoha categorized the principal actors who perform the basic roles in the baby factory as including the following;

(i) Doctors that are responsible for maintaining the baby farms, ensuring that the pregnant girls reproduce as at when due,
(ii) Nurses/ midwives that provide antenatal support/care for the pregnant girls
(iii) Male syndicate employees primarily responsible for impregnating the girls
(iv) Corrupt security agents that are bribed to overlook the operation of the illicit trade
(v) Young girls who are the primary agent in the factory as they are responsible for carrying the pregnancy and delivering the babies.
(vi) Scouts/facilitators that are responsible for recruiting young girls and able-bodied men into the illicit business.
(vii) Document forgers who procure fake or forged legal documents with which they sell babies
(viii) Clients that patronize the baby factories and buy the babies

It is imperative to note that the sophistication of baby factories differs based on the exposure of the operators as it is possible for an operator to combine multiple functions such as a Doctor who facilitates the recruitments of young girls into the trade, impregnates them, provide medical care for them and also liaise with buyers who are interested in acquiring the babies that are produced at the factory. Notwithstanding the fact that some of the teenagers who are involved in the baby factory, go there willingly, others are kidnapped and impregnated, then kept in seclusion till they give birth to the child that is subsequently sold.

Baby factory is a form of infant trafficking which amounts to child abuse. It is a menace that is unfortunately growing rapidly in Nigeria despite efforts that have been made to curb the societal malaise.
It is noteworthy that human trafficking especially child abuse is not a problem bedevilling Africa or developing countries alone as there reported cases even in the United states of America, France, Denmark, United Kingdom, Malaysia, Rwanda, China, Sao Tome, Russia, Romania, Indonesia, Nigeria etc.

It has been noted that the booming trade is more pronounced in the South East geopolitical zone of Nigeria. There are several reports that the baby factories are more prevalent in Cross Rivers, Akwa Ibom, Anambra, Abia, Rivers and Imo States. Other states such as Benue, Lagos, Borno, Ogun and Ondo have also witnessed some cases where baby factories were busted and some operators arrested.
In a recent research study carried out by Makinde et al, it was reported that
"Seven baby factories were identified and reported by the media where women were found pregnant and awaiting delivery, for the babies to be subsequently trafficked in 2015 across Nigeria. This was a 14% reduction in the number of identified in 2015 against 2014. These are beside another 23 illegal orphanages identified and shut in a state for being involved in infant trafficking. Thus, concern on the number of illegal orphanages selling babies shows the practice might be becoming more elusive. Baby factories remain concentrated in the South- East harboring 86 percent (6/7) of such discoveries in 2015."
Makinde also notes that more than 290 pregnant or recently delivered women were found within 20 baby factories that were discovered by law enforcement agents between 2008 and 2014.

2. Causes of Baby Factory

It is imperative to interrogate the reasons why the baby factory trade started and why it is being patronized in Nigeria. The basic questions to ask at this stage are as follows; why are the operators engage in the production and sales of young babies? Why are the young girls allowing their children to be sold and inversely, why are the clients patronizing the baby factories?
While Onouha submitted that baby factories are caused by **e**scalating poverty, decaying moral and social values in contemporary society, poor regulation of orphanage homes and the complicity of state actors, Huntley incorporated gender discrimination and societal stigma as part of the causes of the incidences of baby factories

in the country. Interestingly, Eseadi added other factors such as lack of ethical behaviour of medical professionals and greed.

According to UNESCO, the factors that lead to baby factories are poverty, perversion of cultural traditions, manipulation of religious rituals, harmful cultural and social realities. Huntley listed low levels of education, illiteracy and lack of information on human trafficking as some factors. She argued that although poverty is a major cause of baby factories yet there are at least two other factors that make these victims of baby factories vulnerable: being children (most victims are still teenagers) or being pregnant out of wedlock, which carries a social stigma in Nigeria.

It must also be added that the absence of education about sex, reproductive health and family-planning which will enable adolescents prevent unwanted pregnancies and sexually transmitted infections coupled with the illegality of abortion and its attendant consequences also contributed to increase in the operation of baby factories.

Hence, this paper will embark on a brief analysis of some of the various causes of baby factories in Nigeria.

Societal stigma and its attendant discrimination has led to the emergence of several social phenomenon including baby factories. The established norm in the African society is for a young woman to be lawfully wedded to a man and thereafter produce offspring from the wedlock. Anything that departs from this recognized procedure is generally frowned at as irregular and unacceptable. Thus the stigma that lead to baby factories are in different dimensions.

Firstly, unmarried young girls who get pregnant as a result of illicit sexual affairs are considered to be a shame to their family, especially as it might not be possible to for the young girl to subsequently have an elaborate wedding celebration. She is considered to have reduced her values before potential suitors and it is not uncommon for her to be cited as a bad example and a wayward girl when mothers are advising their daughters. Thus in order to avoid this societal scrutiny, to prevent discrimination or loss of status in the society, the teenager begins to consider her options, one is abortion and the other is to carry the child in secrecy. This explains why they usually succumb to the baby factories operators who promise them secrecy and undertakes to be responsible for their welfare during the pregnancy and even to assist them to dispose of the child in a mutually economical beneficial manner.

Obaji recounted an experience with a lady who had sold her baby through the baby factories operators. In his words;

"I remember how one girl told me that, she does not regret her actions that it was better she didn't abort the baby and destroy lives. And I wonder the irony to her action. Another with tears said, that she was stigmatized, castigated and pressured by her family, friends, and society as wayward and hopeless and that forced her into hiding for delivery. That she would have abandoned the baby at road side after delivery if the home was not there for her. .. She went on to tell me that she charges 400,000 naira ($2,000) for a girl and 500,000 naira ($2,500) for a boy."

This stigma leads to a high rate in the supply curve of the baby factory graph. An analysis of the fertility structure of Nigeria shows that the total fertility rate in Nigeria is still very high, namely 5.19, ranking number 12 out of 224 countries (2015 estimate). Correspondingly, the contraceptive prevalence rate was only 15.1% in 2013 (CIA, 2015). Thus leading to many unwanted pregnancy.

On the demand side, there are societal stigmas that also lead people to demand to buy children from the baby factories operators. This is inherent in the traditional value system and the premium that is placed on having children as fruits of a marriage.

Alichie summed it up perfectly when she concluded that:

Thus, there is need for preventing and responding to violence, exploitation and social stigma placed on unmarried teenagers/women with unwanted pregnancies, stigma placed on children born outside wedlock, stigma placed on infertility among couples or couple with only girl child/children etc are the manifest factors influencing this criminal enterprise-buying and selling of babies (www.againstbabyfactories.com accessed 20th December, 2014; Vanguard, 2014).

These stigmas are interrelated, while the first two promotes the supply of the women and the babies, the last two ensure that there is high demand for such babies, the end product.

There is also social stigma related to the issue of adoption, so people prefer to buy babies when they are born in order to deceive people in the society that they are the ones that gave birth to the children. Moreover, the adoption procedure is usually hectic, cumbersome and tedious.

It is noteworthy that it is not only poor teenage girls that have unwanted pregnancy, as children of the rich and affluent people in the society are more adverse to the stigma that can be generated from unwanted pregnancy. Moreso, considering the amount at which the children are sold and the calibre of people who categorize them, it becomes evident that poverty is not the primary motivator for the owners and operators of the Baby Factories. Hence, stigmatization rather than poverty will be the major cause of baby factories in Nigeria.

Another thing to consider is the fact that it takes nine months for a lady to carry a pregnancy and give birth to a child, thus the owners of the baby factory, will keep taking care of the woman and the baby within her pending when she gives birth, thus expending high cost of money on her welfare and upkeep. Hence, poverty cannot be the main reason as there are other get-rich-quick-schemes that they could have ventured into. Some of the owners of the Baby Factories consider themselves as solution providers in that they take in the teenage girls, ensure her welfare and medical needs are met, ensure the safe delivery of the child, and sell the child in order to solve the need(s) of the client who wants the child for varying purposes. For instance, serving as an intermediary who solves the problem of the teenage girl who doesn't want the pregnancy and on the other hand, solving the problem of another childless woman through this procedure of illegal adoption.

Agbonkhese et al also put forward the cost of adoption, in terms of responsibility requirement, duration of process and subsequent checks on the child and also the fact that the family might get the baby on the same day they made payment as reason some families might want to patronise black market babies otherwise known as factory babies. According to them;

"The procedure is energy, money and time consuming and most of the couples are disqualified eventually. In Lagos State for example, the procedure is also very strict and you can't travel with the child, at least for the next five years. This is because social workers will need to keep checking on the child. Sadly, that's why some couples eventually go to baby factories. However, these are no excuses because it takes nine months to deliver a baby and such effort should not be wasted by handing over such baby to anyone without thorough investigation."

Alichie submitted that there is a link between the reduction in cases of baby dumping and the increase in the trend of baby factories in Nigeria. Rather than dump babies as was the usual custom, people have decided to make economic gains out of the situation. According to her;

"The rates of baby dumping or abandonment of unwanted babies has reduced drastically posing a major challenge to the scarcity of babies in orphanages for legal adoption. By implication, baby dumping reduced while the business of baby factories replaced it and boomed to a point where the International Crime Database report describes the new baby factory phenomenon as a widespread crime which is systematic in nature, since some of the operators are allegedly to be part of human trafficking networks".

3. Consequencial Effects on Children from Baby Factory

According to earlier studies, women in baby factories suffer physical, psychological and sexual violence in these places. Apart from the basic fact that the operation of baby factories is a form of human trafficking which is contrary to international standards, there are different forms of child abuse that take place in these baby factories, such as the following:

the underage girls that are kept in seclusion and impregnated are themselves being abused as they are subjected to the whims and caprices of the operators of the baby factories. They are forced to have sex without their consent, and purely for economic purpose.

The children that are produced at the baby factories also suffer numerous forms of child abuse. Their births are not registered contrary to

the extant national and regional laws on registration and status of children at birth. They are also denied the right of knowing their biological parents, while they may subsequently locate their mother, it becomes almost impossible to locate the professional syndicate who was employed to impregnate the women. The children do not receive proper care and there are inadequate health facilities or professional to attend to their medical emergency. These can lead to the neglect and eventual death of the infants.

Some of the children are sold in a form of illegal adoption while others are sold to politicians and ritualists who use them for sacrifice and rituals, thus leading to murder, an offence punishable under the law. The children can also be killed in order to harvest their organs which are subsequently sold to people who have health challenges. This shows that the purpose for which people patronize the baby factories are different. It is proper to note that the children from these baby factories could subsequently be used as Child Soldiers or sold into prostitution rings.

4. The Legal Position on Operating a Baby Factory in Nigeria

The Nigeria government has enacted, signed and ratified several treaties and policies for fighting human trafficking and for the protection of women and children. While some of the laws are national, some are regional and others are international treaties.

The National Assembly enacted the Child Rights Act in 2003 and several states in the country have also domesticated the law. Some of the agencies charged with regulations of child issues include the Federal Ministry of Women Affairs and Social Development and Nigerian Federal Ministry of Employment, Labour and Productivity (Child Labour Unit), The National Agency for Prohibition of Traffic in Persons and other Related Matters (NAPTIP).

At the regional level, Nigeria has ratified the African Charter on Human and Peoples' Rights (1982), the African Charter on the Rights and Welfare of the Child (1990), and the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (2003).

On the international front, Nigeria is a signatory to the United Nations Convention on the Rights of the Child (1989) and the Optional Protocol to it on the Sale of Children, Child Prostitution, and Child Pornography (2000), the United Nations Convention Against Transnational Organised Crime (2000), Convention on the Elimination of All Forms of Discrimination Against Women (1979) and the Optional Protocol to it (1999), the ICC Statute (2002), the International Labour Organisation Convention No. 182 on the Worst Forms of Child Labour (1999) *inter alia*.

The National Assembly has enacted and even amended the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act so as to end the growing incidences of baby production for business purposes. The House of Representative has described the incident as a serious crime, which deserves to be punished by the law and proposed a 10-year jail term for baby factory operators.

The NAPTIP Act proceeded to establish four departments, to wit; Investigation Department, Legal Department, Public Enlightenment Department and the Counselling and Rehabilitation Department in order to enable the agency discharge its functions effectively and efficiently.

Furthermore, the NAPTIP Act also criminalizes the buying and selling of any person under the age of eighteen, section 21 of the Act provides that:

"Any person who buys, sells, hires, lets or otherwise obtains possession or disposes of any person under the age of eighteen years with intent that such person be employed or used for immoral purposes or knowing it to be likely that such person will be employed or used for any such purposes, commits an offence and is liable on conviction to imprisonment for fourteen years without the option of a fine."

The Child Rights Act, which is a national law that has been domesticated in most of the states in Nigeria also provides in section 30 as follows:

(i) No person shall buy, sell, hire, let on hire, dispose of or obtain possession of or otherwise deal in a child.

(ii) …….A person who contravenes the provisions of subsection (1) of this section commits an offence and is liable on conviction to imprisonment for a term of ten years.

(iii) The Act also created the National, State and Local Government Child Rights Implementation Committees National Child Rights Implementation Committee to monitor and regulate issues relating to children in order to prevent them from being abused or trafficked.

In the same vein, the Penal Code Act also criminalizes the buying and selling of a person under the age of eighteen. Section 278 is to the effect that;

"Whoever buys, sells, hires, lets to hire or otherwise obtains possession or disposes of a person under the age of eighteen years with intent that the person shall be employed or used for the purpose of prostitution or for an unlawful or immoral purpose or knowing it to be likely that such minor will be employed or used for any such purpose, shall be punished with imprisonment for a term which may extend to ten years and shall also be liable to fine."

In spite of the above, these treaties and policies are basically on paper without corresponding enforcement and execution by the government. If the laws are properly enforced, the issue of baby factories will have no place in our society. This assertion is in line with the submission of Huntley that government's actions have proved ineffective because the current policies on child right and social protection by the Federal, State and Local Governments are far below the level needed to enforce such strict measures or as a result of either too weak, loose policies lacking the institutional framework that would make them viable.

It has been reported that part of the virtual impunity under which the baby-sellers operate is their seeming invulnerability before the law. It is rare for a case of baby-trafficking to appear in Nigeria's courts; it is even rarer for those involved to be sentenced and jailed. When culprits are allowed to get away with their crimes in this manner, it only goes to substantiate rumours of complicity at the highest levels of society.

5. Any Way Out

A country's greatest investment is in its citizens, especially children as they are the future of the country. Thus, the negative trend of child abuse and trafficking cannot be allowed to continue as it will diminish the Nigeria's invaluable human resources. Hence a tripartite approach is recommended to lift Nigeria out of the doldrums and restore its pride of place among the comity of nations as far as child abuse and child trafficking is concerned.

6. Restructuring of the Legal Framework

Kaka Lawan, the Attorney General and Commissioner for Justice, Borno State recently reported that the Borno State Government has apprehended and is prosecuting some baby factory operators. According to him:

"A lady was delivered of a baby, but did not return home with the baby. When investigation was conducted, it was discovered that the woman sold the baby. She was arrested by the Gwange Police Station in Maiduguri for selling her baby. "The two babies delivered by Kaltume Mohammed and Aisha Bukar were actually sold by one Zaria Haruna to Ngozi Nwokocha for N100,000 each."

For there to be a reduction in the trend of baby factories operation and eventual eradication of the system, the illegality of baby factories in Nigeria must be obvious and clearly spelt out in the operative laws in the country.

The government must ensure that the policies on child welfare obtainable in Nigeria are updated to meet international standards. Since the holistic operations of baby factories is not directly criminalize under our penal laws, it is recommended that the National and State Houses of Assemblies should amend the penal laws to make specific acts of baby factories

illegal, it should not only be limited to the buyer and seller alone but also to the operators and all participants in the baby factory scheme.

The medical practitioners caught in the operation of baby factories should be prosecuted and have their licenses revoked by the appropriate authority. There should also be proper registration, accreditation and monitoring of fertility clinics, surrogacy and orphanage homes and their owners and operators across the country. The government should start considering steps towards the legalization of surrogacy as it has been recommended as out of the ways through which baby factories can be reduced.

The NAPTIP Act is in need of urgent amendment in order to incorporate clear cut provisions on specific issues of baby factories operation. The Act should also clearly spell out the agency's power to investigate and prosecute this specialized crime, this will ensure that they do not conflict but work in harmony with the police in the discharge of their duty.

There should be optimal enforcement of the laws that are currently in force in the country. It is more disappointing when it is noted that Nigeria is a signatory and has ratified the United Nations Convention on the Right of the Child, the African Charter on the Right and Welfare of the Child, the Child Rights Act, the Children and Young Persons Act and other incidental laws that are operative in Nigeria yet there are still numerous reported and unreported cases of baby factories and its attendant child abuse.

In prosecuting those apprehended operating baby factories, one key factor to consider in punishing this type of crime is that the innocent babies are incapable of giving consent to be trafficked, hence they are subjected to these debasing child abuse at a very tender age without their consent, involvement or acquiescence. Therefore there should be greater sense of professionalism on the part of the prosecutor as a way of protecting and preserving the fundamental rights of the child.

Additionally, the girls rescued from these baby factories should be oriented to make sure that they agree to testify as witnesses in the trial of the apprehended operators of the baby factories. The investigative and prosecuting authorities must also be alive to their responsibilities to avoid bribery and corruption, settlement out of court or the compounding of the offence to a lesser one. Furthermore, there must be a stem in the tide of corruption that is prevalent in all spheres of Nigeria's public service including the police and the judiciary in order to avoid interference by some influential people in the society and also to avoid complicity of some state actors.

7. Orientation

Apart from rejigging the legal framework, it is imperative for the government to embark on a multifaceted process of mass orientation, awareness and literacy campaign in all nooks and crannies of the country, especially in the rural areas where there exist many people who do not have access to current information and thus remain naïve and gullible to misinformation by traffickers who easily convince them to engage in the operation of a baby factory.

One of the primary cause for the operation and patronization of baby factories that has been identified in the course of this paper is stigmatization, which is a social phenomenon. Thus efforts must be made to destigmatized adoption and the premium that is usually placed on a particular gender of children, especially the male child in the society. If people are properly oriented through sex education and introduction to some pregnancy prevention techniques, there will be a reduction in teenage pregnancy and the supply of children to baby factories.

This orientation should also incorporate the social workers who should be trained and equipped to deal with this ugly societal menace known as baby factory. Civil societies should also collaborate with the government to raise awareness and also in orientating vulnerable adolescent girls across the country.

The officials of the National Agency for the Prevention of Trafficking in Persons are enjoined to carry out its dutiful roles as stipulated in the NAPTIP ACT as follows:

(3) The Public Enlightenment Department shall, in collaboration with the Federal Ministries of Information and National Orientation Agency, Women and Youth Development, Employment, Labour and Productivity and Federal Ministry of

Education be responsible for campaigns, seminars and workshops aimed at educating the public on the problem of trafficking in any person, thereby stimulating interest in and awareness about the problem.

(4) The Counselling and Rehabilitation Department shall, in collaboration with the Federal Ministries of Women and Youth Development, Employment, Labour and Productivity, Culture and Tourism, Nigerian Police Service be responsible for- *(a)* counselling, after-care rehabilitation, social reintegration and education of trafficked persons; and *(b)* counselling and the promotion of the welfare of convicts.

8. Poverty Alleviation

The level of poverty in the country is alarming and it leads many people to commit atrocities and illegal acts, all in a bid to feed themselves and their families. Therefore, since the emergence of baby factories in Nigeria has been linked to the high rate of poverty, it becomes imperative that when looking for a way out of the logjam, efforts must be concentrated in reducing the rate of poverty in the country. The government is advised to ensure the implementation of robust poverty alleviation programmes and ensure that there is empowerment of the citizens, especially those in the rural communities.

There should be accessible and affordable reproductive health facilities to ensure that people can make germane decisions on childbirth and thus avoid unwanted pregnancy. Moreso, those who do not have children should be able to get subsidized treatments at fertility clinics in order to increase their chances of giving birth either through treatment or recognized and regulated surrogacy. There should also be family counselling centres for childless couples. This will greatly reduce the number of those that patronize the baby factories and once the demands reduces, the supply will also inversely reduce.

The Government, the private sector and international donor agencies must ensure that Nigeria has a viable economy and the tide of poverty is rapidly reduced. The minimum wage of workers should be increased, there should be more money in circulation and thus many citizens will be lifted out of the cyclic strata of poverty.

There must be empowerment for the personnel in the Child Health and Care Sector. Government at all levels must ensure that issues relating to children are given paramount attention as they are the leaders of tomorrow. Hence, there should be capacity development training organized by the government, donor agencies, Non-Governmental Organizations for community health care provides, social workers, health personnel, officers of NAPTIP and other child issue-related agencies, the police and judges on the menace of baby factories and how all hands must be on deck to stem the ugly tide.

Apart from making the legal framework available for these agencies to perform their functions, they should also be optimally equipped with manpower, funds and other required equipment's in order to assist them in unearthing baby factories, investigating reported cases and prosecuting suspected offenders.

Additionally, it is recommended that there should be Creation of more Orphanage Homes by the

Government, NGO's and Religious Bodies to ensure that people who want to adopt babies can go to these lawful establishments rather than patronize baby factories. The orphanages in existence should also be optimally managed in such a way that it will be easier to convince someone who has an unwanted pregnancy to give the baby to the orphanage than sell the child through a baby factory.

Government should provide accommodation for the pregnant girls rescued from Baby Factories where they will be given training that will empower them to be self-sufficient after the delivery of their babies; and where they will receive proper medical care till delivery. The babies delivered in such accommodation should be taken to government orphanages where proper adoption procedure is available.

9. Conclusion

This paper has traced the background of the emerging menace of baby factories in Nigeria. It has examined the factors that contribute to the

growth of the trade in the country, particularly societal stigma and poverty. One of the factors identified is that young teenagers who get pregnant through questionable means and cannot afford to commit abortion, kill their baby or dump them in open spaces, decide to sell them off to barren families thereby satisfying their conscience that they have done something right by helping the family to have a child, helping the child to have a family where he can grow and also making economic gain in the process.

This paper examined the legality of the baby trade and concluded that it is illegal based on the extant laws in the country. The paper has recommended a reworking of the legal framework of child trafficking legislation and policies in the country. It has also suggested the introduction of optimal orientation, reproductive health education, family counselling and poverty alleviation schemes in the country as ways through which the baby factory syndrome in Nigeria can be totally eradicated.

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Parenting Practices and Pupils' Academic Achievement in Primary School of Dawakin Kudu Local Government Area, Kano State of Nigeria

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Abstract. This study was carried out in 14 primary schools of Dawakin kudu Local Government Area in the Kano State of Nigeria, with the aim finding out if there is there a relationship between parenting practices and primary pupils' academic achievement in Dawakin kudu local government area. A total of 300 primary Four and Primary Five pupils selected randomly participated in the study which took a cross-sectional survey design using quantitative approach. The learners' academic achievement was based on end of term, December 2016 Results in eight subjects namely; English, Mathematics, Primary Science, Social Studies, Writing, Hausa (a local language), Physical Education, as well as Art and Craft. The finding indicates that there is a significant relationship between parenting practices and primary school pupils' academic achievement. The conclusion made was that the academic achievement of the learners depends on many factors. Parenting practices are among those factors. The higher the parenting practices are rightly used or applied, the higher the possibility of the learners getting good results, and vice-versa. The study also recommended that parents should give adequate time for their children to get highly involved with them, monitor them , and communicate goals, values and aspirations to them; there is need for the parents in rural areas to try their best to close that gap so that all parents wherever they are can properly fulfill their parental roles towards their children; children should also be guided by the teachers to stop perceiving Mathematics as a hard subject, yet actually it is not different from other subjects; and there is need for parents to get involved more in their children's education, highly monitor their children and highly communicate to them the goals, values and aspirations.

Keywords: parenting practices, primary pupils, and academic achievement

1. Introduction

1.1 Historical Perspective

Parenting is as old as man. The holy writings such as the Quran stated that the first parents Adam and Eve were commanded by God to produce, multiply and fill the world, as well as to have dominion over the world. Proper dominion of the world requires among other things, proper upbringing of the children to make the world a happy place to live in.

Probably with this in mind, all societies of the world have throughout the ages attempted to bring up their children in a way perceived by the members of that society to be appropriate. In African traditional society for example, children

belonged to the whole society, thus everybody was involved in the upbringing of the children of the society, irrespective of whether the children were his/hers or not (Mbiti, 1988). Thus, everybody has a duty to guide any child he or she found anywhere. A person could for instance punish a child he or she found misbehaving, such as playing around dangerous places, abusing people, fighting, using vulgar words, among others. Punishing such a child is done with good intentions of promoting that child's moral fibers to fit well in society. Therefore in Africa, parenting was a collective effort, done by all members of society (Mbiti, 1988; Sifuna and Otiende, 1994). Emphasis was also placed on children's good performance of the various tasks given to them.

In Nigeria, there existed different ethnic groups and in all of them, responsible child upbringing was emphasized. The children were nurtured to become heroes, brave, hardworking, disciplined, and in many cases parents especially the men used a dictatorial/autocratic approach in nurturing children, as the word of the head of a family, such as among the Ibo, was not debatable (Ngugi Wa Thiongo, 1987). Children's attainment in all aspects of life was emphasized. Nigeria gained her political independence from the British in 1960. For quite many years, it has been under military rule. During this period, many social, political, economic, scientific and technological changes have taken place which has impacted on the parenting practices in homes. As for the educational institutions some of them especially in the North of the country have been plagued with a decline in quality of the educational system due to political instability. Educational institutions are still in the process of recuperating from the neglect of the former governments.

1.2 Theoretical Perspective

This study was based on the Decay theory and the Repressive theory, both of which were propounded by Sigmund Freud. According to the Decay theory, learning leaves a trace on the brain and if that trace is not actively utilized it can fade away with time. The implication in parenting and academic achievement is that if a Parent does not from time to time emphasize the good aspects he or she wants the children to acquire; the learners can forget them and may in the end take up the bad practices. The same is true with learning. If the learners fail to revise from time to time what they are taught, they can easily forget them. As for the Repressive theory, the factors within an individual such as anxiety and frustrations can cause a person to either deliberately not wanting to think of the past experience or to forget it totally. Thus as applied to parenting, the approach the parents usually use or the environment the learners are in can make them not wanting to remember the past events or what their parents told them, and in learning, the learners may fail to remember what they were taught by teachers due to factors such as frustrations or lack of interest.

Another theory of relevance to this study was the behaviorist theory propounded by Skinner. The theory states that human and animal behaviors are determined by learning and reinforcement. Whether by classical conditioning or operant conditioning, species acquire new skills, deepening on the effects these skills have on the specie's environment. If an action proves to have a positive outcome (e.g., if by pressing a button, a rat receives food), the organism is more likely to continue to repeat this behavior. However, if the outcome is negative (e.g., if by pressing a button, a rat receives a shock), the organism is less likely to repeat the behavior.

1.3 Conceptual Perspective

Parenting practices are defined as specific behaviors that parents use to socialize their children (Darling and Steinberg, 1993). For example, when socializing their children to succeed in school, parents might enact certain practices such as doing homework with their children, providing their children with time to read, and attending their children's school functions. In contrast, Darling and Steinberg (1993) define a parenting style as the emotional climate in which parents raise their children. Parenting practices have been characterized by dimensions of parental responsiveness and demandingness (Baumrind, 1991). The parenting practices this study addressed were: Parental Involvement, Parental Monitoring, Parental Goals, Values, and Aspirations, as well

as love-Oriented and Object-Oriented Styles. The dependent variable of this study is academic achievement of the pupils. This means the pupils' performance as reflected in, among other things, the scores they get in the examinations and tests given to them.

1.4 Contextual Perspective

In many nations of the world, education has been universally acknowledged as an instrument for national development. Economist and educationists alike have for long held the view that education is a prerequisite for economic growth and a master determination of all aspects of change. Right from the time of Plato it has been the view that "what you want in the state you must put into the school." Consequently education has come to occupy a central position in the economic, political and cultural development of most developing countries: most of which have for the past decades invested heavily in education in the hope of realizing heavy returns in terms of qualified and skilled manpower needed for their over-all development.

The Federal Republic of Nigeria is located on the West Coast of Africa with 36 states and a recorded population of over 120 million people. Of this population, 30 million are students. The country is rich in petroleum and many other natural resources. The three dominant tribes are Yoruba in the southwest, Ibo in the eastern region and Hausa in the north. Although people speak their native languages, the official language is English. The dominant two religions are Islam and Christianity.

The Federal Government of Nigeria regards education as an instrument for effecting national development. Her philosophy on education is based on the development of the individual into a sound and effective citizen and the provision of equal educational opportunities for all citizens of the nation at the primary, secondary and tertiary levels both inside and outside the formal school system. The language of instruction in Nigerian institutions is English. The Ministry of Education is the government body charged with the duty of regulating procedures and maintaining standards.

Education in Nigeria is overseen by the Ministry of Education. Local authorities take responsibility for implementing policy for state-controlled public education and state schools at a regional level. The education system is divided into Kindergarten, primary education, secondary education and tertiary education.

At primary education level, A maximum of four subjects are registered for the examination by each pupil, namely Mathematics, English, Primary Science, and Social Studies. There are other subjects taught though they are not assessed at the national level, such as a local language mainly used in a given local government area, Islamic religious studies and Home Economics.

Nigeria is one of the countries that have adopted education as an instrument par excellence for national development. Consequently Nigeria has for decades invested in education in the hope of generating qualified and skilled manpower for developing her abundant natural resources. Despite the abundant resources invested in Nigeria's education system, forces such as urbanization, educational liberalization, family factors, technology, and economy, among others seem to have impacted on parenting practices and children's academic achievement (Moody, 2003).

2. Statement of the Problem

With the introduction of 6-3-3-4 system of education in Nigeria, the recipient of the education would spend six years in primary school, three years in junior secondary school, three years in senior secondary school, and four years in tertiary institution. The six years spent in primary school and the three years spent in junior secondary school are merged to form the nine in the 9-3-4 system. Altogether in public primary schools education is free, there is a general outcry that some parents, because of social, technological, political and economic factors that have plunged society, some parents seem to be reluctant to bring up their children, thinking that it is the role of the teachers to do that, and the resultant thing is a challenge in the pupils' academic achievement (Moody, 2003). This research was carried out to assess the accuracy of such and related claims.

3. Objectives of the study

This study was carried out to find out the relationship between parenting practice and the level of pupils' academic achievement in Dawakin kudu Local Government Area, Kano State, Nigeria.

4. Hypotheses

The researchers tested the following hypothesis:

There is a significant relationship between the dominant parenting practice and the level of primary school pupils 'academic achievement in Dawakin kudu Local Government Area, Kano State of Nigeria.

5. Scope of study

Geographically, this study was carried out in primary schools of Dawakin kudu Local Government Area of Kano State of Nigeria. Dawakin kudu local government area is located in the south of Kano Metropolitan Area, it boarders with Warawa local government in the East, Kumbotso local government in the north, Kura local government in the West, and Bunkure local government in the south. The occupational activities of the people in the area include among others, weaving, fishing, smeething, and farming. The dominant religion in the area is Islam .This area was chosen for being rural, as well as the widespread claims of pupils' un-seriousness in studying.

Theoretically, the study centered on the behaviorist theory, repressive theory and the decay theory of forgetting, with a view of assessing their applicability in Dawakin kudu local government primary school pupils.

6. Literature Review

6.1 Theoretical Review

Theories about how parental values, goals, skills, and attitudes are passed from one generation to the next have been debated by philosophers dating back to the 7th century. John Locke (1689) posited that children were born with a "tabula rasa" or a blank slate by which parents and society could easily transmit their values and beliefs to their children. In contrast, Jean Jacques Rousseau (1762) believed that children were born "innately good" and that it is up to parents and society to uphold and further teach the values inherent in children. Similar to the philosophers from centuries ago, educational and developmental psychologists of today are interested in gaining a better understanding of the interactive socialization process by which parents attempt to transmit their values, goals, skills, and attitudes to their children (Grusec, 1997; Parke and Buriel, 1998).

In line with the above, this study was based on the Decay theory and the Repressive theory, both of which were propounded by Sigmund Freud. According to the Decay theory, learning leaves a trace on the brain and if that trace is not actively utilized it can fade away with time. The implication in parenting and academic achievement is that if a Parent does not from time to time emphasize the good aspects he or she wants the children to acquire; the learners can forget them and may in the end take up the bad practices. The same is true with learning. If the learners fail to revise from time to time what they are taught, they can easily forget them. As for the Repressive theory, the factors within an individual such as anxiety and frustrations can cause a person to either deliberately not wanting to think of the past experience or to forget it totally. Thus as applied to parenting, the approach the parents usually use or the environment the learners are in can make them not wanting to remember the past events or what their parents told them, and in learning, the learners may fail to remember what they were taught by teachers due to factors such as frustrations or lack of interest.

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negative (e.g., if by pressing a button, a rat receives a shock), the organism is less likely to repeat the behavior.

Skinner, and Stimulus-Response (S-R) adherents, believed that behaviorist theory could be used to infer a learning history they held that one could take an animal or person, observe its/his/her behavior, and figure out what had been reinforced previously. Behaviorist reduced all responses to associations, to a pattern of positive and negative reinforcement that establishes links between stimuli and their environmental antecedents and consequences. Responses that were reinforced would be repeated, and those that were punished would not. Therefore what teachers and pupils do in classrooms have effects on pupils learning, the language, methods used by teachers, evaluation procedures, feedback given to pupils in form of rewards and punishments play a big role in leaning and assessment of pupils.

2.2 Related Literature

2.2.1 Parenting practices

Many studies on the family–school connection have examined the influence of distinct types of parenting styles (e.g., typologies characterized by responsiveness and demandingness) and specific parental practices (e.g., monitoring of after school activities, helping with homework, attending parent–teacher conferences) on student school-based outcomes (Scott-Jones, 1995). In describing their studies, researchers have often used the labels parenting styles and parenting practices interchangeably (Maccoby and Martin, 1983); however, Darling and Steinberg (1993) suggest that to better understand the socialization process it is important to distinguish between parenting practices and parenting styles.

The research on parenting practices as they relate to adolescent school outcomes has focused on several important parenting constructs. These constructs include parental involvement; parental monitoring; and parental goals, values, and aspirations. A review of the research on each of these parenting constructs is presented below. The review focuses on adolescence and, where applicable, on preadolescent children to point out differences in the research findings for adolescent versus preadolescent children.

2.2.2 Parental Involvement

Interacting and becoming involved with their children's life on a daily basis is a way parents can socialize their children. With respect to the socialization of school achievement, parental involvement consists of attending parent–teacher conferences, helping children with homework, volunteering for leadership roles within the school, and attending children's extracurricular activities. Epstein and colleagues have distinguished between parental involvement practices that are initiated by parents and parental involvement practices that are initiated by schools (Epstein, 1996; Epstei and Connors, 1994; Epstein and Dauber, 1991; Epstein and Lee, 1995).

Involvement practices initiated by parents represent parental efforts to become directly involved with school decisions and activities. For example, parent-initiated involvement practices include parents serving on school boards or parent organizations. They also include ways parents get involved with their children's school-related activities within the home, such as helping their children with homework. On the other hand, school-initiated involvement practices represent efforts by the school to provide parents with routine information about school policies, procedures, and events, as well as their children's progress. School-initiated involvement practices also include efforts by the school to announce parent opportunities to participate on school boards, committees, and parent organizations.

Research has demonstrated the value of parental involvement. For example, Okpala et al (2001) investigated the relationship between parents involvement (in terms of hours of volunteered in-school help), school spend (in terms of dollars per child spent on instructional supplies). Neither dollars spent nor, less yet, parental hours spent helping in the school, were related to pupil achievement. Similar results were found by Zellman and Waterman (1998) in a study of 193 2^{nd} and 5^{th} grade children. An important attribute of this study was that it contained, amongst other data collection techniques, a direct observation component so that parental

involvement was indexed not only by various reports and ratings but by observations made by independent researchers. Amongst many findings (which will be reported later) it was evident that in-school manifestations of parental involvement were not related to school improvement. There are many possible reasons for having parents working in schools. It might be very good for the parents. It has the potential to help schools link better with the community. It could contribute to the openness and accountability of the school.

Izzo et al (1999) studied four forms of involvement; frequency of parent-teacher contact; quality of parent-teacher interaction; participation in educational activities in the home; and participation in school activities. These factors, as well as family background variables were examined to find any relationship they might have with school improvement as indexed by school grades. Consistent with other studies, Izzo et al showed that all forms of parental involvement declined with child's age and that involvement in the home 'predicted the widest range of improvement variance'.

In another longitudinal study Dubois et al (1994) showed that family support and the quality of parent-child relationships significantly predicted school adjustment in a sample of 159 young US adolescents (aged 10 –12) followed in a two year longitudinal study. At-home parental involvement clearly and consistently has significant effects on pupil achievement and adjustment which far outweigh other forms of involvement. Why is 'at-home' involvement so significant? How does it work in promoting school improvement?

Zellman and Waterman (1998) observed the interactions between 193 mothers and their children who were in 2nd to 5th grade at school. Children's achievements were measured using school grades for maths. Their adjustment to schooling was assessed using a behavior rating schedule completed by their teachers. Parenting style was rated following the analysis of a video recording of a Parent-child discussion of an issue they both agreed was 'problematic'. Four dimensions were rated; clarity of communication, warmth, negative communication and emotionality. Parental enthusiasm was rated from responses to questions asked in an interview in which the mother was asked to discuss, amongst other things, the rewards of being a parent and self rating of effectiveness as a parent. Parental involvement was self-assessed by parents in two components; what did they do on the school site and what did they do at home to support educational progress? Several findings were consistent with most studies in the field.

Henderson and Mapp (2002) reviewed a wide range of studies on parent involvement (more than 51 research studies and literature reviews). They found that "students with involved parents, no matter what their income or background, were more likely to earn higher grades and test scores and enroll in higher-level programs; be promoted, pass their classes, and earn credits; attend school regularly; have better social skills, show improved behavior, and adapt well to school; and graduate and go on to postsecondary education.

Many research studies indicate the positive relationship between parent involvement and student academic achievement (Grolnick, Benjet, Kurowski, &Apostoleris, 1997; Gutman and Midgley 2000; Shaver and Walls 1998; Epstein & Sanders, 2000). Another study found a strong positive effect on student achievement when parents work with students on homework (Van Voorhis, 2003).

In a research on the effects of parent involvement in homework, a meta-analysis of 14 studies showed that training parents to be involved in their child's homework results in (a) elevated rates of homework completion, (b) fewer homework problems, and (c) possibly, enhanced academic performance among elementary school children (Patall, Cooper, & Robinson, 2008). However, several studies (Cooper, Robinson, &Patall, 2006; Haas & Riley, 2008) have found that such results were not obtained at the middle school level where an inverse relationship between parental involvement and homework completion was recorded. A recent meta-analysis by Cooper, Robinson, and Patall (2006) indicated, in general, a positive relationship between educational outcomes and homework; but, the

strength of the relationship depended on some factors such as the student's grade level and the amount of time that student was committed to homework submission.

Monadjem (2003) found that a positive parenting style was more important for children's reading achievement reduced learning difficulties than the extent to which parents were involved at school. She adds that parenting moderates the impact of parent involvement by influencing the extent of the parent-child interaction. England and Collins (2008) also observed that the expected graduates had higher levels of parent involvement in middle childhood, more supportive parent/child relationships in early adolescence and higher levels of social competence with adults than unexpected dropouts.

Georgiou (2008) found that anxious parental pressure on the child relates negatively to children's achievement, while pupils whose parents adopt an authoritative parenting style, accept, nurture, encourage, and are emotionally responsive to their children had positive achievements. Children whose parents attribute their achievement to the child's own effort have been found to have better academic results than those whose parents attribute the achievement to luck, ability or other people (Georgiou, 2008).

Researchers have found a strong positive relationship between parent initiated involvement practices and school outcomes (Epstein and Sanders, 2002; Hess and Holloway, 1984; Hill *et al.,* in press). For example, researchers have found that higher levels of parent-initiated involvement, such as parent attendance of school activities, open-school nights, and parent–teacher conferences, are related positively to elementary school-aged children's school performance (e.g., Becker and Epstein, 1982; Stevenson and Baker, 1987). Moreover, studies with adolescents have found that parental assistance with homework is positively related to the amount of time adolescents spend on their homework (Hewison, 1988; Keith *et al.,* 1986; Muller and Kerbow, 1993). Similarly, researchers have found a strong positive relationship between school-initiated parental involvement practices and children's school outcomes (see Greenwood and Hickman, 1991). For example, Hoover-Dempsey *et al.* (1987) found that higher levels of teacher communication with parents of middle school children were positively related to parents' attendance of parent–teacher conferences and school activities.

Despite these positive relations between parental involvement practices and school-related outcomes, researchers have found that parental involvement declines in adolescence (Milgram and Toubiana, 1999; Muller, 1998). For example, Epstein and Dauber (1991) found that the level of parental involvement with school activities was stronger in elementary school than middle school. Similarly, a recent National Household Education Survey conducted by the U.S. Department of Education (1998) found that the provision of opportunities by schools for parents to participate in school activities declined in middle school.

2.2.3 Parental Monitoring

Another way for parents to be involved in the education of their children is to monitor their after-school activities, such as monitoring the completion of homework, supervising activities with peers, and checking on school progress. Researchers have found that parental involvement with and monitoring of homework is related to adolescents' completion of homework (e.g., Muller and Kerbow, 1993). Analyses of the NELS: 1988 database indicated, however, that less than half (45%) of parents of adolescents checked homework often (Epstein and Lee, 1995).

2.2.4 Parental Goals, Values, and Aspirations

A primary way parents socialize their children is by communicating the goals they want their children to attain, the aspirations they want their children to fulfill, and the values they want their children to internalize.

Parental goals and aspirations are best described as internal representations of desired states or outcomes that parents hold for their children. These, in turn, organize and direct parents' behaviors toward their children (Austin and Vancouver, 1996; Wentzel, 1998). Parental values toward education represent the importance parents place on their children's

educational achievement (Bandura, 1989; Eccles and Wigfield, 1995; Ford, 1992). With respect to school achievement, parents might set certain goals and hold certain aspirations for their children, such as doing well in math class, graduating high school, and attending college. Similarly, parents might communicate to their children their values with respect to school (i.e., importance of education), intending for their children to adopt these values and beliefs.

Socio-economic status (SES) might, however, influence parents' ability to enact parental practices consistent with their goals. For example, it is possible that parents from low SES backgrounds have achievement goals for their children similar to parents from high SES backgrounds; however, low SES parents might be faced with juggling multiple jobs and therefore might not have the time or resources to enact parenting practices that correspond to their socialization goals. Should future empirical research support this hypothesis, expanding the contextual model of parenting to include the larger socioeconomic context seems warranted.

3. Relationship between Parenting Styles and Academic Achievement

Parents through their parenting styles have crucial effects on the academic achievement of their children at different levels of education. To be successful in their higher education and life, adolescents and young adults need trusting, supporting, and caring relationships with their families, especially with their parents. This is the reason whysomeresearchershavesuggestedthatthefamily supporttheadolescentscanobtainfrom their parents is an important safe guard throughout their lives, particularly during their transition to ,1 university(Henton,Lamke,Murphy,&Haynes,1980;Hoffman&Weiss,1987;Rice,Cole,&Lapsley 990).In fact, other socialization agents (e.g., communities, peers, and schools) also play a substantial role in influencing the academic achievement of students at different levels ofeducation.

In many empirical studies researchers haveattempted to explain theeffects of parenting styles on children ‟sand adolescents‟ different developmental outcomes, in general ,and their academic achievement, in particular (Baumrind,1967,1973,1989,1991; Baumrind&Black, 1967;Cohen& Rice,1997;Darling &Steinberg, 1993; Dornbusch, et al., 1987; Ingoldby, Schvaneveldt, Supple, &Bush, 2004; Lambornetal.,1991; Radziszewskaetal.,1996;Spera,2005,2006;Steinberg,1990,2001;Steinbergetal.,1989,1991,1992a,1992b, 1994).These studies have consistently documented that children and adolescents who are raised in families which practice the authoritative parenting style perform better in school compared to those who are raised in families in which other types of parenting styles (i.e., authoritarian, indulgent, and neglecting parenting styles) are adopted.

Most notably, the effects of parenting styles on academic achievement have been studied in elementary and high school students intensively but recently this has been extended to college/university students (Abar, Carter, &Winsler,2009; Chandler,2006;Hickman, Bartholomae, &McKenry, 2000;Joshi, Ferris, Otto, & Regan, 2003; Kim&Chung,2003;Strage, 1998, 2000; Strage&Brandt;1999;Turner,Chandler,&Heffer 2009; Turner &Heffer,2005;Weiss&Schwartz,1996).These studies, with the exception of Hickman, Bartholomae, and McKenry(2000) and Joshi, Ferris, Otto, and Regan(2003), found that parenting styles were significant predictors of the academic performance of college/university students(i.e., authoritative parenting style had a significant and positive effect on academic achievement).

More specifically, Abar, Carter, and Winsler‟s(2009) studywithasampleof85 college students from an historically black college in the Southern United States found that the authoritative parenting style was positively and significantly related to high levels of academic performance.

4. Methodology

4.1 Research design

This study employed the descriptive survey design, using the quantitative approach. It was survey since it involved a large sample. This

descriptive survey enabled the researcher to collect data from a cross-section of a given population that was used in determining the dominant parenting practice and the level of pupils' academic achievement. The study also used the descriptive correlation design to establish what kind of relationship exists between the parents' dominant parenting practice and their children's academic achievement. The qualitative approach was used to gather detailed information on the parenting practices and academic achievement with regard to what it is, how and why.

4.2 Target Population

The target population of this study was all primary four and primary five pupils in primary schools in Dawakin kudu Local Government Area which is 1,436 according to the records in the Department of Education, Dawakin kudu Local Government Area. After ascertaining the pupils' population, the researchers selected fourteen primary schools, some of which were from far rural areas and seven schools were in the towns within Dawakin kudu. This was done deliberately with a perception that the parenting practices at times differ due to the locality or geographical area. From these schools, the children exposed to different parenting practices were expected to be found.

4.3 Data collection Instruments

The data about parenting practices was collected using standardized questionnaires. The data about pupils' academic achievement was collected using end of term results for one term, term of December, 2016 in the two classes, primary four and five.

The 4-Likert scale grading of 1=strongly disagree; 2-Agree; 3-Disagree; and 4=strongly agree will be adopted in this study. The response modes, scoring and interpretation of scores were as indicated below:

Table 1: Showing Mean Range, Response Mode and Its Interpretation

Scale	Mean range	Response mode	Description	Interpretation
4	3.26-4.00	Strong Agree	You agree with no doubt at all	Very high
3	2.51-3.25	Agree	You agree with some doubt	High
2	1.76-2.50	Disagree	You disagree with no doubt at all	Low
1	1.00-1.75	Strongly Disagree	You disagree with no doubt at all	Very low

Table 2: Profile of respondents

Profile	**Frequency**	**Percent**
Gender		
Male	138	46.0
Female	162	54.0
Total	**300**	**100.0**
Age		
7-8	92	31.29
9-10	139	47.28
11 years and above	63	21.43

Table 1 indicates that a total of 300 pupils participated in the study. Of these, the majority of the respondents were aged between 9-10 years (47.3%). This shows that on average children in Nigeria start studying at an early age. The second in rank of pupils' age were those aged 7-8 years. The least number was that of the children aged 11 years and above (21.4%).

As for gender, the majority was male (54%). Girls were only 46%. This shows that gender imbalance still exists in Nigeria with regard to girls' and boys' access to education. However, the difference between boys and girls is not so large which reveals that parents in Nigeria have been sensitized about the importance of educating girls, thus the relatively large number of girls.

5. Findings

After collecting the required data from the respondents, it was analyzed and the following findings were made**:**

Research objective: To assess the relationship between parenting practices and pupils'

academic achievement in Dawakin kudu Local Government Area, Kano State of Nigeria
On this research objective, the findings indicated that there is a relationship between the parenting practices and the pupils' academic achievement in Dawakin kudu, and that relationship is significant, as shown in table 1.

Table 3: parenting practices and pupils' academic achievement

Variables correlated value	r-value Sig-	Interpretation
Parenting practices Vs	.192	Significant relationship
Pupils' performance	.04	

Table 3 reveals that the parenting practices which parents and guardians mainly use do influence the learners' (children's) academic performance was very much. The influence they pose is big enough. The findings mean that the higher the usage of the different parenting practices, the higher the likelihood of pupils performing well in academics.

6. Discussion

Research objective: To assess the relationship between parenting practices and children's academic achievement. The finding on this research objective indicated a significant relationship between parenting practices and children's academic achievement. The findings of this study are in line with the previous researchers' findings. For example, studies have found a positive relationship between authoritative parenting styles and student achievement (e.g., Baumrind, 1967; Dornbusch*et al.*, 1987; Lamborn*et al.*, 1991; Steinberg *et al.*, 1989; Steinberg *et al.*, 1991). One of the first studies to report this relationship was conducted by Baumrind (1967). Following a longitudinal sample of children from preschool through adolescence, Baumrind found that preschool children of authoritative parents were more mature, independent, prosocial, active, and achievement-oriented than children of non-authoritative parents. On the other hand, preschool children of permissive parents scored lowest on measures of self-reliance, self-control, and competence. To examine whether these findings were stable across time, Baumrind again examined the relationship between parenting styles and school achievement during adolescence. She found that parenting styles and their relationship to school outcomes was consistent with the earlier preschool findings (Baumrind, 1989).
Following Baumrind's early work, Dornbusch, Steinberg, and their colleagues conducted a series of studies to explore the influence of parenting styles on adolescent achievement. These studies used data from large-scale surveys of over 6000 adolescents in Wisconsin and California. One of the first studies in this series found that parents who displayed higher levels of authoritative parenting by providing their children with warmth, autonomy, and high maturity demands had children with higher achievement levels (Steinberg *et al.*, 1989). In another study, Steinberg *et al.* (1992) found that authoritative parenting was related to adolescent grade point average (GPA) and school engagement.

These findings have led researchers to ask why authoritative parenting styles are associated with positive school outcomes. In a review of these findings, Durkin (1995) cites three reasons why authoritative parenting might be related to positive child outcomes. First, he suggests that authoritative parents provide a high level of emotional security that provides their children with a sense of comfort and independence and helps them succeed in school. Second, he suggests that authoritative parents provide their children with explanations for their actions. Explanations provide children with a sense of awareness and understanding of their parents' values, morals, and goals. The transmission of these goals and values equips these students with the tools needed to perform well in school. Third, he suggests that authoritative parents engage in bidirectional communication with their children. This communication style nurtures skills in interpersonal relations and produces better adjusted and more popular children. These interpersonal skills, he suggests,

helps children succeed in school, both socially and academically.

As earlier noted, Dawakin kudu Local Government Area is one of the West African areas in Nigeria with people some of whom, despite being educated, still have strong roots in their African values. Based on Kiiza (1995) and Mbiti (1978)'s assertions that some African peoples despite the influence of Western education and the new religions still have love for their traditions. in Africa, child rearing, guidance and counseling of children is emphasized. The issue of culture could therefore be determining. This is in line with the research which has un-covered that culture plays a role in the relationship between parenting styles and adolescent achievement. For example, Leung *et al.* (1998) examined the influence of parenting styles on children's academic achievement in four countries (United States, Hong Kong, China, and Australia). To measure parenting styles, Leung et al. adapted the survey items used to measure parenting styles by Dornusch and his colleagues (1987). They found that authoritarian parenting was negatively related to academic achievement in all countries except Hong Kong. There, authoritarian parenting was related positively to academic achievement. The researchers also found differences in the relationship between authoritarian parenting and adolescent academic achievement for parents with little education. Specifically, for low educated parents in the United States and Australia, authoritarian parenting was positively related to academic achievement.

In response to the literature suggesting that parenting styles are related to varied school-related outcomes in children, depending on the particular culture and context in which the family resides, Darling and Steinberg (1993) proposed the contextual model of parenting. The contextual model of parenting suggests that the socialization goals parents hold for their

Children (e.g., to attend college) lead to different types of parenting practices (e.g., parents helping with homework, parents monitoring after-school activities), which in turn facilitate adaptive adolescent school outcomes (e.g., high levels of school motivation, grade point average). For example, the model contends that parents who have aspirations for their children to perform well in school are more likely than parents who do not have these aspirations to monitor their children's after-school activities and get involved with their children's educational experiences. Furthermore, the model advocates viewing parenting style as a context (i.e., emotional climate) in which parental socialization goals are emphasized and parenting practices are exhibited. Therefore, the model suggests that parenting styles moderate the relationship between parenting practices and adolescent outcomes such that parents exhibiting a warm versus critical style while doing homework with their child would yield different outcomes.

There are at least three ways that the contextual model of parenting can be used as a framework to generate hypotheses about why authoritative parenting has not been related to high levels of adolescent academic achievement across all families. The first possibility is that parents of different ethnicities hold unique educational aspirations, goals, and values for their children, and therefore enact distinct parenting practices. A second possibility is that socioeconomic status (SES) moderates the relationship between parental socialization goals for their children and parental practices. For example, low SES parents, who might have similar school-related goals, aspirations, and values for their children as high SES parents, might lack the educational resources and the time (i.e., due to long work hours and higher prevalence of single parent families) to get involved with and monitor their child's school-related activities and progress. If so, parental practices would affect adolescent outcomes differentially as a function of SES. A third possibility is that parenting styles serve as a moderator between parenting practices and adolescent outcomes, resulting in distinct outcomes depending upon the combinations of parenting styles and practices. A review of the empirical research to support each of these potential mechanisms for explaining the discrepancies in the literature is presented below.

The contextual model of parenting uses parental socialization goals and values as the point of departure in the parental socialization system (Darling and Steinberg, 1993). A key tenet of the contextual model is that parents' socialization goals influence their parenting practices. This tenet suggests, for example, that parents who prioritize their children's school achievement are more likely to enact practices (e.g., helping with homework, attending parent–teacher conferences) that correspond to this socialization goal than parents who do not prioritize their children's school achievement. Should this tenet hold true, parents with the same parenting style but different socialization goals will enact unique parenting practices that yield distinct outcomes in their children. As a result, this tenet could provide a possible explanation for the discrepant findings in the parenting styles and adolescent achievement literature.

If variations in parental socialization goals provide an explanation for the discrepancies in the literature, an important next step is to determine the parental and family characteristics associated with different socialization goals. Ogbu (1981) suggests that parental socialization goals might vary due to different societal demands faced by families. Specifically, he contends that parents define competence and socialize their children differently depending on the culture in which the family resides. Similarly, Bronfenbrenner's Ecological Systems Theory (1989) suggests that the larger cultural context, which he calls the macro system, influences the interface of the adolescent's family and school contexts (i.e., mesosystem). Should particular characteristics such as family ethnicity play a role in the formation of parental socialization goals, or play a role elsewhere in the model, the contextual model of parenting would benefit from expanding its notion of context to include the larger cultural context.

A review of the research on parental socialization goals with respect to academic achievement, however, suggests that these goals do not vary dramatically by ethnicity (De La Rosa and Maw, 1990; Muller and Kerbow, 1993; Stevenson *et al.*, 1990; Spera and Wentzel, in press; Wentzel, 1998). For example, Stevenson *et al.* (1990) found that both nonminority and minority parents highly value school and have high aspirations for their children. In fact, Wentzel (1998) found that African American parents reported stronger achievement values and educational aspirations for their children than Caucasian parents. These findings do not support a hypothesis that parental socialization goals vary by ethnicity (cited in Webb, 2006).

The findings of the current study have revealed that parenting practices in Dawakin kudu are related to children's academic achievement. This relates to previous research which has suggested that some of the parenting behaviors can improve or exacerbate children's behavior problems. Studies have reported a significant relationship between high levels of parental warmth and lower levels of externalizing behavior problems in children (Garber, Robinson, & Valentiner,1997). Research also suggests that a lack of involvement, as well as poor monitoring and supervision of children's activities, strongly predicts anti social behavior and poor children's performance in various aspects(Loeber&Stouthamer-Loeber1986).Parents of children with anti social behavior are likely to be less positive, more permissive and inconsistent, and use more violent and critical discipline(Reid, Webster-Stratton &Baydar 2004). In an influential review Rutter, Giller&Hagell (1998) concluded that antisocial behavior and poor child performance are associated with hostile, critical, punitive and coercive parenting.

7. Conclusions

Based on the findings of the study, the following conclusions were made. Despite the social, political and economic changes in almost all African societies, in some parts of Africa some parents have not yet abandoned their roles towards their children; some of them are highly involved with their children, they highly monitor their children, highly communicate goals, values and aspirations to their children, and use love-oriented and object-oriented styles.

The parents in both urban areas and rural areas almost equally have love for their children; they thus almost equally use the same parenting practices to bring up their children.

In some parts of African countries it is interesting to note that the learners generally perform well academically almost in all subjects, as the case is in Dawakin kudu.

Academic achievement of the learners depends on many factors. Parenting practices are among those factors. The higher the parenting practices are rightly used or applied, the higher the possibility of the learners getting good results, and vice-versa.

8. Recommendations

The researcher recommends the following based on what was found out:

(i) There is need for parents not only in other parts of the world to borrow a leaf from the parents of Dawakin kudu and give enough time for their children to get highly involved with them, monitor them , and communicate goals, values and aspirations to them.

(ii) A slight difference was noted on all the four parenting practices between rural and urban areas with regard to the extent of using those practices. There is need for the parents in rural areas to try their best to close that gap so that all parents wherever they are can properly fulfill their parental roles towards their children.

(iii) Given the not so good performance of the learners in Mathematics, the pupils should put in more effort. They should also be guided by the teachers to stop perceiving Mathematics as a hard subject, yet actually it is not different from other subjects.

(iv) Since the parenting practices can influence the children's learning outcomes significantly, there is need for parents to get involved more in their children's education highly monitor their children and highly communicate to them the goals, values and aspirations.

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Part Eight
Extra-Curricular Activities

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An Assessement Extra-Curricular Activities and Primary School Pupils' Academic Self-Efficacy in Gwale Local Government Area, Kano State of Nigeria

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Abstract. This paper attempted to look at the level of primary school pupils' participation in extra-curricular activities; to find out the level of primary school pupils' self-efficacy; and to assess the relationship between extra-curricular activities and primary school pupils' self-efficacy in Gwale Local Government Area in the Kano State of Nigeria. It employed a cross sectional survey design, using quantitative approach. A sample of 400 pupils was taken from ten primary schools. To get the data, the researcher used self-administered questionnaire on extra-curricular activities and a standardized questionnaire of likert scale type, the *Morgan-Jinks Students Efficacy Scale (MJSES).* The collected data were analyzed using the arithmetic mean and the Pearson's Linear Correlation Coefficient. The findings were that the level of the pupils' participation in extra-curricular activities was high, given the arithmetic mean of 2.8; pupils' level of self-efficacy was high, given the grand arithmetic mean of 2.55. Based on these findings, the pupils' participation in extra-curricular activities was found to be high, there is need to make it higher due to the need of balancing studies with leisure, as well as the many advantages of extra-curricular activities. In doing this however, academics need not be compromised. Given the pupils' high level of self-efficacy, there is need for them to be more confident and have very high self-efficacy because the more one feels the ability to do something, the more one is likely to do it; and given the finding that the pupils who highly participated in extra-curricular activities highly felt the confidence to perform well academically , and those who participated less in extra-curricular activities felt that they would not perform well academically, there is need for the two groups of pupils, the higher and lower participants in extra-curricular activities both to develop a feeling and confidence that they can perform very well academically, and hence work hard to achieve it.

Keywords: Extracurricular activities, self-efficacy, primary education.

1. Introduction/ Background

Primary education is free and compulsory in Nigeria, thus academic self-efficacy and academic achievement are emphasized by parents and schools. Primary education begins at the age of 4 for the majority of Nigerians. Students spend six years in primary school and graduate with a school-leaving certificate. Subjects taught at the primary level include mathematics, English language, Christian Religious Knowledge, Islamic knowledge

studies, science and one of the three main indigenous languages and cultures, Hausa-Fulani, Yoruba, and Igbo. Private schools often also offer computer science, French, and Fine Arts. Primary school students are required to take a Common Entrance Examination to qualify for admission into the Federal and State Government Secondary schools, as well as private ones.

The Universal Basic Education, *UBE*, came as a replacement of the Universal Primary Education and an innovation to enhance the success of the first nine years of schooling The *UBE* involves 6 years of Primary School education and 3 years of Junior Secondary School education, culminating in 9 years of uninterrupted schooling, and transition from one class to another is automatic but determined through continuous assessment. This scheme is monitored by the Universal Basic Education Commission, UBEC, and has made it "free", "compulsory" and a right of every child. Therefore, the *UBEC* law section 15 defines UBE as early childhood care and education. The law stipulates a 9-year formal schooling, adult literacy and non-formal education, skill acquisition programs and the education of special groups such as nomads and migrants, girl child and women, Al-majiri, street children and disabled people (Aderinoye, 2007).

In a bid to promote the learners' feeling of the ability to perform well academically (academic self-efficacy), corporal punishments are discouraged, teacher-pupil good relationship is encouraged, guidance and counseling as well as academic debates in schools are encouraged. In addition, extracurricular activities in the education system of Nigeria have been given much prominence of recent. A section of Nigerians have benefited from extracurricular activities which they started developing when they were still in primary schools (Aginam, 2006). Today, the advances in communication and computer technologies have culminated in the supplementation and near phase-out of traditional educational system. These new technologies allow for more flexibility in learning. For example, some of the extracurricular activities such as games are played using computers or smart phones (Salawudeen, 2010). In recent times, the issue of mobile learning which means the use of wireless electronic technology to deliver and receive knowledge and skill has been raised and is practiced in the developed nations of the world (Ayodele, 2010). Nigerian primary educational institutions however can be said to be behind in the adoption of these technologies as there is evidently an extremely low rate of diffusion of e-learning and as a consequence, a low rate of usage. The reasons for this are that Nigeria, apart from being a developing country and having inadequate education finance policy, is also highly deficient in the area of engineering and technological development (Salawudeen, 2010).

Surprisingly, even the extracurricular activities which learners could do physically such as football, netball, jumping, music, dance and drama are at times ignored by some schools or by some learners, as emphasis is on the passing of the national examinations. Some parents also discourage their children from engaging in them claiming that it will make them concentrate less on academics, that they may become physically injured, among others (Ayodele, 2010). The current study was thus carried out to establish the level of pupils' involvement in extracurricular activities, their perceived academic self-efficacy, and whether or not the pupils' level of participation in extracurricular activities is correlated with their academic self-efficacy. This study addressed two variables namely, extracurricular activities and perceived Self-efficacy.

Extracurricular activities are the non-academic tasks the learners usually engage in outside the classroom for various reasons such as reducing boredom, for physical fitness, for general health purposes, for socialization, for encouraging a spirit of good competition among the learners, for forgetting stressful situations, as well as for enhancing learning. These activities include among others football, netball, volleyball, athletics, jumping, singing/music, dance and drama.

Perceived academic self-efficacy is a person's belief about his capabilities to achieve a certain level of performance in a given academic field of learning. This belief can influence events that affect a person's life. Perceived self-efficacy determined and show how people feel, think,

motivate themselves, and behave towards a phenomena. It influences the choices they make, the effort they put forth, how persistent they are when confronted by obstacles, and how they feel. A strong sense of self-efficacy can enhance a person's accomplishments in many ways.

2. Statement of the Problem

Extracurricular activities have for long been known to reduce the learners' stress and to enhance learning. Games such as volley ball, netball, football; as well as the sports such as high jump, long jump, cross-country (running) among others, do a lot in not only reducing stress but also to improve the participants' health. Because of this, it is a requirement by the Ministry of Education in Nigeria for each school to have space for such activities, or some of them. Unfortunately however, some schools especially the private ones do not have space for such activities and some which have the space such as football or netball pitches do not optimally utilize them, thus the level of pupils' involvement in extracurricular activities while at school seems to be low. In addition, in urban areas such as Gwale, the influence of cosmopolitanism has seemingly made some pupils have high and others low level of academic self-efficacy as some of them see well educated people in a miserable state due to being un employed (Ayodele, 2010).The study was therefore carried out to ascertain the level of pupils' involvement in extracurricular activities and the resultant perception of their academic self-efficacy.

3. Research Objectives

This study was carried out to:

(i) Establish the level of primary school pupils' participation in extra-curricular activities in Gwale Local Government Area, Kano State, Nigeria.

(ii) To assess the level of primary school pupils' self-efficacy in Gwale Local Government Area, Kano State, Nigeria.

(iii) To assess the relationship between the level of pupils' participation in extra-curricular activities and their academic self-efficacy in Gwale Local Government Area, Kano State of Nigeria.

4. Research Questions

This study was carried out to answer the following questions:

(i) What is the level of primary school pupils' participation in extra-curricular activities in Gwale Local Government Area, Kano State, Nigeria?

(ii) What is the level of primary school pupils' self-efficacy in primary schools in Gwale Local Government Area, Kano State, Nigeria?

(iii) Is there a relationship between difference in the level of primary pupils' participation in extracurricular activities and their academic efficacy in Gwale Local Government Area, Kano State, Nigeria?

5. Research Hypotheses

(i) The level of primary school pupils' participation in extra activities in Gwale Local Government Area, Kano State, Nigeria is low.

(ii) The level of primary school pupils' self-efficacy in primary schools in Gwale Local Government Area, Kano State, Nigeria is low.

(iii) There is no relationship between the level of primary pupils' participation in extracurricular activities and their academic efficacy in Gwale Local Government Area, Kano State, Nigeria.

6. Geographical scope

Geographically, the study was conducted in Gwale Local Government Area, Kano State, Nigeria. Gwale is one of the six local government areas in Kano State of Nigeria. The

area is urban and the population is generally literate. There are many civil servants in the area, business men and a few farmers who grow on a small scale beans, rice, maize, millet, ground nuts, and also do poultry farming. This area was chosen because of its metropolitan nature. With metropolitanism, all categories of people are found, which translates in schooling. Therefore, different categories of pupils from different backgrounds are usually found in urban schools. Whereas many schools in Gwale local government area are well equipped with facilities such as football and netball pitches, it was not clear whether or not the learners participate much or less in the extra-curricular activities, as there is a tendency among the literate parents to urge their children to concentrate more on academics than on extra-curricular activities.

Content wise, the study was limited to the extra-curricular activities the learners usually do at school (not outside school) such as football, netball, one-legged sport, sack race, middle race, high jump and egg race.

7. Literature

7.1 Theoretical Review

This study was based on Spearman's two-factor theory of intelligence, developed in 1927. Charles Spearman, a British psychologist gave various tests to children and in the end he concluded that different individuals have different abilities, thus they can perform well in some areas and perform poorly in other areas. He postulated that intelligence is composed of a general factor "g" and at the same time individuals have specific abilities "s". This theory is relevant to this study in the sense that it is perceived that all pupils have the capacity to do certain academic tasks such as in subjects like Mathematics, English, science, language and social studies. However, they have different talents when it comes to games and sport, whereas some students are well talented in games and sports, others are less talented or not talented at all in them. Despite this however, if they are given chance to practice them and are properly trained in a conducive environment, they can perform well, but if they fail to properly utilize the time, they may fail to balance academics and extracurricular activities.

This study was also based on Piaget's theory of constructivism which argues that people produce knowledge and form meaning based upon their experiences. Piaget's theory covered learning theories, teaching methods, and education reform. Two of the key components which create the construction of an individual's new knowledge are accommodation and assimilation. In this aspect students must be serious in both curricular and extra-curricular activities in order to accommodate the information. Assimilating causes an individual to incorporate new experiences into the old experiences. This causes the individual to develop new outlooks, rethink what were once misunderstandings, and evaluate what is important, ultimately altering their perceptions. A healthy reading culture in students helps the individual to develop new outlook and alter their perception of different ideas. Accommodation, on the other hand, is reframing the world and new experiences into the mental capacity already present. Individuals conceive a particular fashion in which the world operates. When things do not operate within that context, they must accommodate and reframing the expectations with the outcomes and this goes together with a healthy reading culture.

One way for students to promote and practice their pro-social and interpersonal relationships is to be involved in extracurricular activities outside of school. Additionally, the involvement of extracurricular activities has other benefits. In a study of academically successful urban high school males, Hibert (2000) found that involvement in youth organizations after school gave students the awareness that they had options in their lives outside of their urban environments. These organizations were perceived by these young men as "safe places where they could be with their peers and engage in activities centered on cooperatives am building and reinforced with consistent adult support" (Hibert,2000). These organizations provided opportunities for these students to build a sense of self-efficacy in addition to providing success in different types of activities. McLaughlin (cited in Hibert, 2000) found that urban teenagers who participated in

extracurricular activities built appositive sense of self through their accomplishments and successes with in the program.

Perry-Burney and Takyi (2002) found that girls who are involved in team sports tend to have a higher sense of self- confidence while playing. These feelings resulted in higher grades academically, increased participation in extracurricular activities in school, and more involvement at home. It was found that these behaviors were demonstrated because of their high level of self-efficacy. These girls were also found to have a clearer and more consistent view of their long- term goals. It was also found in Perry-Burney and Takyi's study that not only did these girls have higher grades, they also scored higher on standardized tests when compared to their non -athletic peers.

Hibert (2000) found that young urban males in his study who were involved in extracurricular activities felt that their involvement allowed them to develop their talents and exposed them to another world outside of their urban community. Furthermore, they began to see themselves as valued individuals. This perception enabled their belief in self to become stronger. This in turn led them to believe they were better prepared to succeed. It was concluded by Hibert (2000) that the most important factor influencing the success of the urban males in his study was a strong belief in self. The students that participated in this study claimed that it was in fact their membership in the schools swim team that fostered their strong sense of self and had a powerful impaction shaping their belief in self. In addition, Perry-Burney and Takyi (2002) concluded from their survey that teenage girls from suburban schools who participated in team sports have a higher sense of self-confidence; they also observed improvement in GPA and the desire to attend college.

Barber, E. band Stone as well as other researchers (as cited in Martin and Dowson 2009) found that extracurricular activities such as sports, music, dance, clubs, and church groups are positive influences in a child's life. This positive influence affects their educational, social and emotional lives. This sense of belonging is a key factor that helps create positive effects in a child's life. The adults involved in these extracurricular activities model effective behaviors, and help develop social skills that in turn build a student's sense of control (Martin& Dowson, 2009).

A strong sense of self-efficacy can influence a person's aspirations; increase his level of motivation and his perseverance in the face of difficulties and setbacks (Bandura, etal. 1996). He argued that unless a person believes that he can produce a desired effect by his actions, he have little incentive to act. A child's self-efficacy can affect the different aspects of his life as well. However, it is believed that, in his efficacy to regulate his own learning activities and to master difficult subject matters affect his academic motivation, interest, and scholastic achievement. A child's perceived self-efficacy affects adaptation and can influence perseverance and resilience to adversity (Bandura, Barbaranelli, Caprara , &Pastorelli,2001).

As adolescents move from family as the primary social influence to a broader array of influences such as peers and significant others, they learn that differing levels of people's competencies exist and they become aware of their own competency levels. Parents who are supportive and remain active in their children's' education by helping them with homework and engaging in direct academic matters tend to have adolescents who have academic self-efficacy (Wentzel, 1994). As children become adolescents, a crucial step in social learning occurs as the adolescent moves to include peers and other in situations such as schools into their primary influence of the self. The external world becomes increasingly important to developing self-awareness of capabilities. As children move into the larger community, peer relationships expand the ability to test capabilities. A large amount of social learning is done in the context of peer relationships.

The benefits of having an increased level of self-efficacy many benefit a child's life in many ways. Help in create this better sense of self-efficacy may be achieved in numerous ways. A supportive and encouraging social network positively influences a child's sense of self-efficacy. The benefits of high quality interpersonal relationships are important in a

child's capacity to function effectively including their academic lives (Martin & Dowson, 2009). Equally as important is the child's pro-social behavior. Pro-social nesses portrayed in cooperativeness, helpfulness, ability to share, and empathy (Caprara, Barbaranelli, Pastorelli, Bandura, & Zimbardo, 2000) . Individuals learn about themselves during social interactions with others. They learn what is needed to fit into a group. They found that early pro-social behavior strongly predicted levels of academic achievement. He found that prosocialness fosters mutually supportive social and intellectual relationships. It also reduces vulnerability to depression and other problem behaviors, which undermine the pursuit of academic activities. Martin and Dowson (2009) further state that related less affects a child's motivation by creating positive feelings of self-worth and self-esteem, which are related. A child's academic achievement is shaped by their perceived academic ability, social and self-regulatory efficacy and academic aspirations.

Self-efficacy beliefs have been shown to affect educational performance through their effects on motivation, achievement and self-regulation. Motivation studies have found that three indicators of motivation (choice of activities, persistence and level of effort) are influenced by self-efficacy beliefs. For example, Bandura and Schunk,(1981) found that children with a high sense of perceived self-efficacy were more likely to choose to continue with a task than children with low self-efficacy, Schunk (1981) found that children with a high sense of self-efficacy persisted longer and were more successful on difficult arithmetic tasks than children with low self-efficacy.

8. Methodology

The study employed a cross sectional survey design. It was a survey design because of the relatively large number of respondents who participated in the study. It was cross sectional because the researcher got data from the respondents once at a time. The study took a quantitative approach. The quantitative approach was adopted in quantifying the responses of the respondents to get the mean and percentage distribution. The target population of 2,000 constituted the pupils of ten primary schools from Gwale local government area.

Sampling Strategies

The researcher first clustered the schools according to the foundation body, namely Public primary schools and private primary schools. After that, random sampling was used to select five public primary schools and to select five private primary schools. Those were the ones that participated in the study. Private and public schools were both chosen so as not to get biased data regarding participation in extra-curricular activities and academic self-efficacy of the learners. As for the respondents, random sampling wasalso used in the sense that the researcher went to the respective schools under study and just picked the pupils of primary five and primary six at random. The research instruments were administered to those very pupils.

8.1 Research Instruments

Pupils were administered with a researcher-made questionnaire, a student survey which asked for their gender, age, grade/class and if they participate in extracurricular activities. They were then. The respondents were also administered with a standardized questionnaire of likert scale type, the *Morgan-Jinks Students Efficacy Scale (MJSES)*(Jinks&Morgan,1999). *The* MJSES is an inventory designed for middle school students to gain information about student efficacy beliefs that are related to school success. The MJSES is comprised of 30 items to which participants respond using a Likert scale ranging from "strongly agree to "strongly disagree.".The MJSES yields an overall Academic Self-Efficacy score as well as scores on three sub-scales. The sub-scales measure a student's self-efficacy with respect to context, talent, and effort. Context refers to how the students feel about school in general. Talent refers to how they feel about their academic performance. Effort refers to how they feel about their work ethic in school.

9. Findings

The details of the findings are presented in tables that follow

Table. 1
Profile of Respondents (Item of Analysis) n = 300

Category	Frequency	Percent
Gender Male	250	62.5
Female	150	37.5
Total	**400**	**100**
Age 10 years and below	50	12.5
11-12 years	270	67.5
13 Years and above	80	15

In terms of gender, table.1 shows that male respondents were the majority of the respondents 62.5% followed female respondents represented by 37.5%. This reveals gender imbalance in primary schools. Whereas the Government has tried to sensitize the public about educating the girl child, schools have more male pupils than female pupils.

In regard to respondents' age, 67.5%of the respondents were in the age bracket of 11-12years; 15% in the age bracket of 13 years and above. Very few pupils, 12.5% were in the age bracket of ten years and below. The study indicated therefore that majority of the respondents were pupils start schooling at an early age, probably because Gwale local government area is an urban locality where many people are more likely to be well informed than their counterparts in the rural areas.

Table 4.2 showing the level of primary school pupils' participation in extra-curricular activities in Gwale Local Government Area.

Item	Mean	Interpretation
Football/ netball	2.64	High
Volleyball	2.41	Low
Basketball	2.43	Low
Lawn tennis	1.74	Very low
Table tennis	1.73	Very low
Singing/music	3.36	Very high
Dance	3.21	High
Drama	3.20	High
One-legged sport	3.28	Very high
Sack race	3.31	Very high
Niddle race	3.26	Very high
High jump	. 2.48	Low
Egg race	3.34	Very high
Grand Mean	2.80	High

The above table shows that the level of primary school pupils; involvement in extra-curricular activities is high, the meaning here is that the learners in the primary schools of Gwale local government area highly participate in extracurricular activities at their respective schools, and balance academics with play in form of games and sports. By policy, all primary schools must have atheist a play- ground. Break time, usually from 10.30 am- 11am is meant for games and sports for the learners to relax, as well as after taking lunch, 1:00-2:00 pm, and after classes, 4:30pm onwards are sometimes used for games and sports. The schools in Gwale local government area are generally well facilitated with such. The findings thus prove that the facilities for games and sports are used.

Table 3 shows the level of pupils' academic self –efficacy

Item	Mean	Interpretation
I work hard in school	2.61	High
I could get the best grades in class if I tried enough.	2.59	High
Most of my classmates like to do math because it is easy.	2.41	Low
I will get better grades in the national examinations	2.82	High
i work harder on the homework than many of my colleagues in class do.	2.62	High
I am a good science student.	3.02	High
I will graduate from primary school.	3.34	Very high
I go to a good school.	2.52	High
I always get good grades when I try hard.	2.42	Low
Sometimes I think an assignment is easy when the other kids in class think it is hard.	2.39	Low
I am a good social studies student.	2.52	High
i perform well in Islamic religious knowledge	3.27	Very high

When I am old enough I will go to college.	3.28	Very high
I am one of the best students in my class.	2.39	Low
I perform well in Hausa Language subject	2.49	Low
My teacher thinks I am smart	2.47	Low
It is important to go to high school	3.17	High
I am a good pupil in English	2.43	Low
My classmates usually get better grades than I do.	3.17	High
What I learn in school is important.	3.32	Very high
I usually understand my homework assignments.	2.59	High
I usually get good grades in Maths	1.73	Very low
It does not matter if I do well in school	2.47	low
Kids who get better grades than I do get more help from the teachers than I do.	2.48	Low
I am a good reading student.	2.49	Low
It is not hard for me to get good grades in school.	2.53	High
I read very well	2.67	High
I avoid being friendly to dull pupils	1.88	Low
Teachers like kids even if they do not always make good grades.	2.38	Low
I perform well in Agricultural Science	2.43	Low
Grand Mean	**2.55**	**High**

Table 3 shows the results gathered from the respondents about the pupils' perceived academic self-efficacy. The finding that their perceived academic self-efficacy is high means that the learners, on average perceive themselves to be capable of doing well in academic-related circles.

The items where the learners rated themselves very highly were that they will graduate from primary school level that they will go to College when they are old and that what they learn in school is important (mean, 3.34, 3.28 and 3.32 respectively). All this reveals the learners' determination and self-confidence they have. Indeed, they feel that they have the capacity to make their dreams come true, that they will make it. In other items the learners rated themselves highly for example they perceived themselves to be working hard in school (mean, 2.61), they perceive themselves to be capable of getting good grades in the national examinations (mean, 2.82), they perceive themselves to be doing well in Science, English, Social Studies and Primary Science. By implication, the learners feel that those subjects are not hard, that they can manage them very well.

However, they perceived themselves to be very poor in Mathematics (mean, 1.73). It seems to be a general problem countrywide that Mathematics is perceived to be a very hard subject. This could reveal that many children prefer the subjects where they can gamble around, such that even if they had not revised they can use common sense, gamble and pas, something which cannot work in Mathematics.

Surprisingly, the learners perceived themselves to be poor in Hausa Language subject and Agricultural Science (mean, 2.49 and 2.43) respectively. Probably Gwale being an urban area many of the learners seem to be having a negative attitude towards local languages and Agriculture, perceiving them to be for the rural semi-illiterate people.

Table 4 showing relationship between extra-curricular activities and pupils' self-efficacy in primary schools in Gwale Local Government Area in the Kano State of Nigeria.

	Items correlated	r-value	P=value	Type of relationship
	Extra-curricular activities Vs children's self-efficacy	0.43	0.003	Significant

10. Conclusions

Based on the findings of the study the following conclusions were made:

(i) Schools and pupils of Gwale Local Government Area take extra-curricular activities seriously, thus highly engaging /participating in them.

(ii) The majority of the primary school pupils in Gwale Local Government Area have a strong sense of feeling that they can perform well in academic-related areas.

(iii) Pupils' level of participation in extra-curricular activities can predict their level of self-efficacy, such that the more they participate in extra-curricular activities' the more they perceive themselves to be capable of producing good results in academics and vice-versa.

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Factors Determining Choice of Sporting Activities Among Undergraduates in University of Ilorin, Nigeria

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Abstract. Participating in sports is expected of everyone both male and female, this study examined factors determining choice of sporting activities among undergraduate in University of Ilorin. Students' choice of sporting activities is predetermined by availability of facilities, peer group, religion and cultural belief, injury, gender, interest among others. The research adopted descriptive survey method. The population of the study comprised all undergraduate in University of Ilorin. Multi-stage sampling technique was used to select 234 respondents. The research instrument used was a researcher's developed Questionnaire. Chi-square (χ^2) was used to test the postulated hypotheses at 0.05 level of significance. The result of the study showed that: Availability of facilities, gender, body somatotype, religious belief determining choice of sporting activities among undergraduate in University of Ilorin. It was recommended that: All sport facilities should be made available and accessible to students, coaches and other related agencies through motivation and regular training should make sure that female students are encourage to participate in sports, students should be trained to have the skill related fitness component such as agility, power, speed, balance, coordination and so on in order to augment their physical characteristics in any sporting activities of their choice. Religious leaders should encourage participation in all sporting activities either team or individual sports.

Keywords: facilities, peer group, religion and Injury

1. Introduction

In today's world, the number of people who involve and benefit from sporting activities are numerous all across the globe. In Nigeria, sport is becoming popular among people especially youths and it's also a tool for promoting unity and peace. This is buttressed by Surman (2009) who defined sports as a game with rules which puts individual in a contesting situation i.e competitive in nature. Australian Sports Commission (2012) reported that Sport is a human activity of achieving a result requiring physical exertion and skill which by its nature and organization is competitive. Competition is a key part of these definitions and involves situations where "an individual's performance is compared with some standard of excellence, in the presence of at least one other person who is aware of the criterion for comparison".

According to the World Health Organization (2013) regular participation in sport provides people of both sexes and all ages, including persons with disabilities, with a wide range of physical, social and mental health benefits. Sport is not just a demonstration of great skill but also an avenue for social interaction, personal enjoyment or improving one's health and fitness. Sport create economic benefit in the form of jobs income, taxation revenue, improves

people's health and wellbeing which reduces cost of health care and increase labour productivity, contributes to tourism and entertainment, helps to expend energy positively and learn skills and values thereby reduce crime rate among youths (Surman, 2009). Participation in organized school sports offers opportunities for students of all ages to be physically active and has been shown to help improve students' self-esteem and psychological well-being, participation in sports can play an important role in increasing physical activity levels of students (Pate, 2011).

Sport improves health of students both mind and body, it teaches important life lessons about respect, leadership and cooperation, it also promote equality for all and bridge gaps between students of different level. Organized sport provides opportunities for self-expression, it helps to develop skills in communication, negotiation and leadership and to test and improve abilities which increase confidence. Sport helps students with special needs gain confidence they can make use of in another aspect of their lives, sport can be used to educate communities on ways to prevent disabilities and to stress the importance of staying healthy (Surman, 2009).

According to Thomas (2008) institution all over the world function to promote the social objectives of sports, this is because it enables the young stars to acquire a socially acceptable behavioural pattern that would afford the opportunity to live a useful, rewarding and enriched life. It is important to note that one of the significant integral parts of general education programme in institutions is sports and this has been widely recognized and accepted as a social activity and an indispensable part of the students. A holistic approach to sport can further enhance the student experience and provide evidence of achievement that supports the development of student physical ability, a student can demonstrate many valued skills and attributes from communication, leadership and team working, self - management and problem solving through sport (Ruhanen & Whitford, 2011).

According to Fasan (2010) many students like to engage in some sport as their age group, they feel relaxed and well understood among their peers and their interest is aroused by the success of their friend in a particular sport. Religious belief about sport especially in terms of clothing restriction makes it difficult to participate in some sporting activities (Asagba, 2008). Having the right somatotype to suit a particular sport can make the difference between success and failure, top marathon runners tend to be lean and light, gold medal weightlifters are solid blocks of muscle with short arms and legs, physique and the way the body works fit for each sport (Australian Sports Commission, 2012).

The provision of facilities in all sports is one of the major priorities in the promotion and development of sports, responsibility for the provision of the facilities shall be shared by government, individuals and private organizations. Shortages of facilities create challenges in participating in sport (Akeredolu & Adefuye, 2008). According to Awosika (2009) sports has become a unifying factor in the country and it has become an essential ingredient toward nation building.

2. Research Questions

(i) Will availability of facilities influence the choice of sporting activities among undergraduate in University of Ilorin?
(ii) Will gender influence the choice of sporting activities among undergraduate in University of Ilorin?
(iii) Will somatotype influence the choice of sporting activities among undergraduate in University of Ilorin?
(iv) Will religious belief influence the choice of sporting activities among undergraduates in University of Ilorin?

3. Hypotheses

The following research hypotheses were tested:

(i) Availability of facilities will not have significant influence on the choice of sporting activities among undergraduate in University of Ilorin.
(ii) Gender will not have significant influence on the choice of sporting activities among undergraduate in University of Ilorin.
(iii) Somatotype will not have significant influence on the choice of sporting activities among undergraduate in University of Ilorin.
(iv) Religious belief will not have significant influence on the choice of sporting activities among undergraduate in University of Ilorin.

4. Methodology

The design that was adopted for this study is descriptive research design of the survey type. This research design is considered appropriate for this study because it will allow the researcher to collect personal and general information for the purpose of explaining factors determining the choice of sport activities among undergraduate in University of Ilorin.

The population of this study comprised all undergraduate in University of Ilorin as at the time of this study. Stratified sampling technique was used to classify the students in Human Kinetics Education to 4 levels (100 level, 200 level, 300 level and 400 level). Secondly, proportionate sampling technique was used to select 70% from each level. The percentage of the respondents used as sample was determined with sample proportionate to the size of each level selected, this method is adopted because the levels do not have equal number of students. Systematic sampling technique was used to select respondents each from the sampled levels.100 level (65), 200 level (53), 300 level (27) and 400 level (89). In total, two hundred and thirty four (234) respondents were used as sample for this study which is 70% of the population.

The Instrument that was used for this study is a researcher developed Questionnaire consisting of structured items, eliciting information from respondents on factors determining the choice of sport activities undergraduate in University of Ilorin. The Questionnaire comprises two sections A and B. Section "A" focuses on demographic data of the respondents while Section "B" consists of items on factors determining the choice of sporting activities among undergraduate in University of Ilorin.
The Instrument was administered to the respondents with the help of research assistants and prompt retrieval of the completed Questionnaire was ensured. The data collected for this study was subjected to appropriate statistical analysis. Section A which entails the demographic data of respondents was analyze using descriptive statistics of frequency counts and percentage, while inferential statistics of Chi - square was used to test the postulated hypotheses at 0.05 level of significance.

5. Results

Ho1: Availability of facilities will not have significant influence on the choice of sporting activities among undergraduate in University of Ilorin.

Table 1: Chi-square analysis showing the influence of Availability of facilities and choice of sporting activities among undergraduate in University of Ilorin.

S/N	ITEMS	SA	A	D	SD	ROW TOTAL	df	CAL. VALUE	TABLE VALUE	REMARK
1	Facilities for some sporting activities are almost inadequate and in some cases not in existence in university of Ilorin	51 (21.8%)	138 (59.0%)	37 (15.8%)	8 (3.4%)	234				
2	Not all facilities available for some sporting activities are accessible to students in university of Ilorin	23 (9.8%)	119 (50.9%)	77 (32.9%)	15 (6.4%)	234				
3	Facilities available for some sporting activities in university of Ilorin are not maintained properly	74 (31.6%)	141 (60.3%)	12 (5.1%)	7 (3.0%)	234	6	313.14	12.59	Ho Rejected
	Column Total	**148**	**398**	**126**	**30**	**702**				

P < 0.05 alpha level

The findings from the analysis in the table 2 indicated that calculated Chi-square value of 313.14 and the table value of 12.59 with the degree of freedom of 6 at 0.05 alpha level. Since the calculated value is greater than the table value, the null hypothesis is rejected. This implies that Availability of facilities determined choice of sporting activities among undergraduate in University of Ilorin.

Ho2: Gender will not have significant influence on the choice of sporting activities among undergraduate in University of Ilorin.

Table 2: Chi-square analysis showing the influence of Gender and choice of sporting activities among undergraduate in University of Ilorin.

S/N	ITEMS	SA	A	D	SD	ROW TOTAL	df	CAL. VALUE	TABLE VALUE	REMARK
1	Most male and female students choose sporting activities that are vigorous	18 (7.6%)	68 (29.1%)	115 (49.2%)	33 (14.1%)	234				
2	Most female students engage in sporting activities that are less strenuous	31 (13.2%)	141 (60.3%)	50 (21.4%)	12 (5.1%)	234				
3	Majority of male students prefers sporting activities that require more strength and power (Athletics, soccer, weightlifting etc)	34 (14.5%)	135 (57.7%)	55 (23.5%)	10 (4.3%)	234	9	541.20	16.92	Ho Rejected
4	Most sporting activities allow more male participation than female	42 (17.9%)	97 (41.5%)	71 (30.3%)	24 (10.3%)	234				
	Column Total	**125**	**441**	**291**	**79**	**936**				

P < 0.05 alpha level

The findings from the analysis in the table 3 indicated that calculated Chi-square value of 541.20 and the table value of 16.92 with the degree of freedom of 9 at 0.05 alpha level. Since the calculated value is greater than the table value, the null hypothesis is rejected. This implies that Gender determined choice of sporting activities among undergraduate in University of Ilorin.

Ho3: Somatotype will not have significant influence on the choice of sporting activities among undergraduate in University of Ilorin.

Table 3: Chi-square analysis showing the influence of Somatotype and choice of sporting activities among undergraduate in University of Ilorin.

S/N	ITEMS	SA	A	D	SD	ROW TOTAL	df	CAL. VALUE	TABLE VALUE	REMARK
1	Height discourage most students in choosing some sporting activities in school such as basketball, volleyball etc.	47 (20.1%)	164 (70.1%)	16 (6.8%)	7 (3.0%)	234				
2	Weight discourage most students in choosing some sporting activities in school such as gymnastics	44 (18.8%)	127 (54.3%)	51 (21.8%)	12 (5.1%)	234				
3	Each sporting activities require different body composition in order to perform well	65 (27.8%)	144 (61.5%)	19 (8.1%)	6 (2.6%)	234	6	400.72	12.59	Ho Rejected
	Column Total	**156**	**435**	**86**	**25**	**702**				

P < 0.05 alpha level

The findings from the analysis in the table 4 indicated that calculated Chi-square value of 400.72 and the table value of 12.59 with the degree of freedom of 6 at 0.05 alpha level. Since the calculated value is greater than the table value, the null hypothesis is rejected. This implies that Somatotype determined the choice of sporting activities among undergraduate in University of Ilorin.

Ho4: Religious belief will not have significant influence on the choice of sporting activities among undergraduate in University of Ilorin.

Table 4: Chi-square analysis showing the influence of Religious belief and choice of sporting activities among undergraduate in University of Ilorin.

S/N	ITEMS	SA	A	D	SD	ROW TOTAL	df	CAL. VALUE	TABLE VALUE	REMARK
1	All religion permit participation in sporting activities in school	58 (24.8%)	155 (66.2%)	16 (6.8%)	5 (2.1%)	234				
2	Churches or Mosque organizes some sporting activities for everybody and this determine the choice of sport in school.	18 (7.7%)	114 (48.7%)	79 (33.8%)	23 (9.8%)	234				
3	All religion encourage participation in sporting	20 (8.6%)	47 (20.1%)	129 (55.1%)	38 (16.2%)	234	9	436.30	16.92	Ho Rejecte

	activities that involve mixing with the opposite sex						d
4	All religion encourage participation in sporting activities that require exposing sensitive body parts such as swimming and gymnastics	21 (8.9%)	48 (20.5%)	130 (55.6%)	35 (15.0%)	234	
	Column Total	**117**	**364**	**354**	**101**	**936**	

P < 0.05 alpha level

The findings from the analysis in the table 5 indicated that calculated Chi-square value of 436.30 and the table value of 16.92 with the degree of freedom of 9 at 0.05 alpha level. Since the calculated value is greater than the table value, the null hypothesis is rejected. This implies that Religious belief has great effect on choice of sporting activities among undergraduate in University of Ilorin.

6. Discussion of Findings

The result of this study is aligned with Nwadiani and Nwabuwe (2008) who emphasized that facilities are as important to the athletes as the laboratories are to the scientists. Without facilities sport cannot take place, the availability, adequacy, standard, funding, maintenance, supervision, safety, location and accessibility of sport facilities deserve adequate attention for sport facilities to contribute to excellence in sport choice. Ekpe (2011) asserted that, it is difficult to separate the standard of sports in a particular country from the standard of facilities available. In Nigeria tertiary institutions it is easy to see that the level of facilities available cannot cope with the number of participant, facilities and equipment occupy such available place in all the ramifications of sport (Ekpe, 2011).

The result of this finding supports Slater and Tiggemann (2011) who postulated that the type of activities engaged in at the gym differed between the genders, for example boys were more likely to use weights whereas girls were more likely to participate in aerobic classes and use cardiovascular machines (e.g. bikes, treadmills). Wilson and Spink (2009) further indicate that adolescent girls participate more often in individual or noncontact sport activities such as swimming, volleyball, aerobics, gymnastics, and jumping rope, while boys more often choose contact or power sports such as working out, hockey, or soccer. Most boys prefer to participate in sporting activities that give them the opportunity to experience competition, while girls focus more on social parameters of physical activities (Pate, Sallis, Ward, Stevens & Young, 2010).

This finding corroborates the assertion of (Rosemann, 2010) Mesomorphic component is linked to individual sports which require muscular strength and this makes students that are muscular choose individual sporting activities such as sprint race, swimming among others . Ectomorphic is associated with precision and skill, students classified under this category choose team sport such as football, basketball among others (Rosemann, 2010). Mesomorphic component is associated with muscle strength, which is essential for top performance in students that run, jump and throw (Marta, 2011)

The finding is in accordance with (Jawad, 2009) that some students may choose to participate in sport activities when the dress code is not outside the religious belief, but can be excluded when it is outside the religious belief, these positions remove individuals' freedom of choice because most students who have embodied their faith in ways that lead them to prefer participation in sporting activities in more private ways choose to participate in events organised to provide a more religious appropriate environment that manages their faith need for body modesty and women - only or men-only environments. In some sports, such as kickboxing, it is necessary to train with men at the higher levels and this involves physical contact, which Muslim females feel

uncomfortable about, swimming is sometimes problematic because of the mixed-sex public nature of swimming baths (Jawad, 2009).

7. Conclusion

Based on the finding of this study, the following conclusion was drawn:

(i) Availability of facilities has significant influence on the choice of sporting activities among undergraduate in University of Ilorin.
(ii) Gender has significant influence on the choice of sporting activities among undergraduate in University of Ilorin.
(iii) Somatotype has significant influence on the choice of sport activities among undergraduate in University of Ilorin.
(iv) Religious belief has significant influence on the choice of sport activities among undergraduate in University of Ilorin.

8. Recommendations

Based on the findings of this study, the following are recommended:

(i) All sport facilities should be made available and accessible to all undergraduate in University of Ilorin as this will promote the choice of sporting activities.
(ii) The coaches and other related agencies through motivation and regular training should make sure that female students participate in all sporting activities with male students irrespective of the type either contact or non-contact sporting activities.
(iii) Students should be trained to have the skill related fitness component such as agility, power, speed, balance, coordination and so on in order to augment their physical characteristics in any sporting activities of their choice.
(iv) All religious body/institution should encourage participation in all sporting activities either team or individual sport.

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Part Nine
Teaching and Learning Skills

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Effect of Developed Captioned-Video in English on the Performance of Hearing-Impaired Students in Upper Basic School, Kaduna.

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Abstract. This study examined the effect of a developed Captioned-video in English on the performance of hearing-impaired students in upper basic school, Kaduna, Nigeria. The study combined qualitative and quantitative research methods, involving one group pretest-posttest experimental research design. Three research questions and three hypotheses were raised and formulated respectively. The population for this study comprised all hearing-impaired students in Kaduna State, Nigeria. The target population were all JSS 1 upper basic students in Kaduna State Special Education School (KASSES). Twenty-nine (29) of these students were selected as the sample for this study. Three research instruments were used in this study. They include: Captioned-video to Teach English Language (CVTEL), Student's Performance Test in English Language (SPTEL), and Student's Attitudinal Questionnaire (SAQ). A total of fourteen (14) experts were engaged in validating the three research instruments to ensure suitability and content appropriateness. The experimental group was initially pre-tested using Student's Performance Test in English Language (SPTEL), then exposed to the Captioned-video and a post-test after. An attitudinal questionnaire was given to the students to elicit responses on their reaction to the Captioned-video. All instruments were field validated. The findings revealed amongst others that; significant difference existed between the performances of hearing-impaired students taught English language before and after exposure to the Captioned-video. The students performed better in the post-test than in the pre-test and no significant difference existed in the performance of male and female hearing-impaired students that were exposed to the Captioned-video. The study concluded that the Captioned-video improved hearing-impaired students' performance in English language, irrespective of gender and the students also expressed positive attitude to the use of the Captioned-video. It was therefore recommended that teachers develop Captioned-videos to meet educational standards and maximize their use for educating hearing-impaired students.

Keywords: Captioned-video, Hearing-Impaired, Performance, Attitude, Gender.

1. Introduction

Doorn (2010) expressly stated that our ability to hear is what keeps us in touch with the world we are in. The inability to hear by the hearing-impaired student can cause huge communication, social and educational problems (Hall, Oyer, & Haas, 2001) It is therefore imperative that intervention strategies be implemented to enhance the productivity of the hearing-impaired student. Quite a number of multimedia products have been made available for learning. The design of these tools for teaching and learning has however been drafted from teachers to businesses, making them more technology-centered than learner-centered. The

commercially designed instructional materials are not tailored in line with the contents of the curriculum. As a result of this, the quality of instructional materials produced and used is grossly undermined. This is consequently not suitable for the hearing-impaired students, as it has the potential to disrupt the educational process (Bull, 2013).

This study is therefore geared towards developing a Captioned-video to supplement conventional classes for the hearing-impaired students and went ahead to examine the effect of the Captioned-video on the students' performance. It also examined the influence of gender on their performance, as well as their attitude towards the use of Captioned-video.

2. Literature Reviewed

The quest for finding more effective and efficient ways of passing knowledge, and creating solutions to problems has governed various spheres of human existence. This also applies in the field of education; as various methods have been employed overtime to create solutions to educational problems. Technology can be credited to have greatly advanced these methods. These methods have been tremendously useful in the field of education as a whole and also special education in facilitating learning. Learning refers to a relatively permanent change in behaviour brought about by practice or experience (Lachman, 2010). Learning is seen as a product of interaction, and in the learning design, this interaction of learners may be with teachers, instructors, other people or content of what is to be learnt (Elias, 2011). Learning could be said to be one of the major goals of education.

Amaele (2003) defined education as the total development of the individual child, through acceptable methods and techniques, according to his abilities and interests, as well as the needs of the society to take his rightful place and contribute adequately to the advancement of his society. The quality of life of individuals in a society depends on their collective capacity and ability to continuously learn and change. For sustainable development of a nation, it is imperative for its citizens to embrace lifelong learning and its government to provide what is needful for development in the area of education. Education can greatly enhance the effectiveness of every member of society and build lasting change (Sterling, 2014).

The goals of education according to the National Policy on Education (FRN, 2013) includes amongst others: development of the individual into a morally sound, patriotic and effective citizen, provision of equal access to qualitative educational opportunities for all citizens at all levels of education, within and outside the formal school system. These goals are non-restrictive to the types of students; special needs students or regular students. In order to fully realize the goals of education in Nigeria, educational activities shall be learner centered for maximum self-development and self-fulfillment- both for the regular schools and the schools for special education.

The field of special education has come a long way in Nigeria, from when handicaps were totally neglected, and stigmatized, to the periods where missionaries and other non-governmental bodies created an avenue to cater for people with special needs (Ajavon, 2006). These individuals with special needs are very much a part of our society, and according to the National Policy on Education (FRN, 2013), have equal rights to education as every other Nigerian. As a result of their unique needs however, they require differentiated teaching and learning methods, as the traditional formal setting is usually unsuitable for them (Adebisi, Jerry, & Rasaki, 2014). These methods vary widely because the different requirements of different special needs individuals vary. A wide range of disabilities faced by them include: autism, blindness, deafness, emotional disturbance, visual impairment, intellectual disability, multiple disabilities, other health impairments, specific learning disability, speech of language impairment, traumatic brain injury, and hearing impairment (Hallahan & Sayeski, 2010).

Hearing impairment is a broad term referring to hearing losses of varying degrees, ranging from hard-of-hearing to total deafness (Shemesh, 2010). Hearing impairment is a less-than-normal hearing condition, which can range from minor impairment easily compensated for with electronic amplification, to profound deafness for which there is no remedy. It can be present at

birth, caused by an illness or injury, or developed with advanced age (Adekunle, Bakare, & James, 2013). The type of hearing loss experienced by an individual determines the kind of intervention that will be recommended.

The interventions that exist for the various categories of hearing loss include: hearing aids, loops, assistive listening devices, captioning, cochlea implants and tactile aids (Aboud, 2008). Most of these interventions are technological devices that enhance communication abilities for the hearing-impaired individual. A lot of these technologies have been introduced into the classrooms, making teaching and learning more effective and efficient. The integration of media tools in special education has significantly affected its teaching and learning (Balmeo, et al., 2014). Media tools are used for instructional purposes to facilitate communication and learning (Smaldino, Russell, Heinich, & Molenda, 2009).

Brown (2011) and Parton (2006) clearly highlighted the positive role incorporating technology in the various multimedia forms can play in helping hearing-impaired students absorb more information, and generally promote learning. Some of these positive roles of incorporating technology include; creating channels for communication, stimulating improvement of various skills, making distance education possible, and creating enabling environment for discovery of new learning experiences. Exposure to video instructional package such as captioned video and printed materials by the hearing-impaired learners has been found to result in positive outcomes including not only reading skills but also other cognitive abilities (Stanovich, 1993; Marschark, et al., 2012).

Video instructional package illustrates all forms of video technology, which provides opportunity to students to have numerous levels of interaction between the package and students. Thus, the benefits of video instructional package are the ability for the students to play, replay, pause and rewind to any precise segment of the tape (Amosa, 2016). Audio-visual such as captioned-video in teaching and learning would assist the hearing impaired students to have the necessary and quality learning experiences that will bring about meaningful and productive learning.

Thus, it will guarantee greatest value and effectiveness in teaching-learning. Captioned-video is a video that contains text that transcribes the narration and provides the description of sounds and music present (Cornell University, 2014). Captioned-video was brought to deliver enriched educational and cultural experiences for the hearing-impaired child to bring them into better touch with their environment and people around them (Itighise, 2012). For this to be possible, the hearing-impaired student needs to be communicated with in the primary language of communication in their environment.

The lingua franca in Nigeria is English language, and emphasis is placed from the lowest level of education on a child's ability to adequately comprehend the language at home and school level (Danladi, 2013). It is one of the core subjects offered in all Nigerian schools. The English studies curriculum is designed to help both the learners and teachers. It not only integrates contemporary national issues, but also emerging global issues, to ensure the emergence of well-rounded citizens who can be relevant globally. The activities provided are practical for both the teacher and student, which ensures the actualization of the set performance objectives and reinforcement of lessons. One way to teach effectively is to develop locally made captioned video.

Gender has been identified as one of the factors that affect academic achievement of students. Studies by Omoniyi and Oluniyi (2014) and Bain and Rice (2010) on gender effect on hearing-impaired students' performance show no significant difference in the achievement level of male and female students. Itighise (2014) and Abdullahi and Bichi (2015) from their study also reveal no significant difference in the performance of male from female students. The female child possesses the potential to achieve as much as her male counterpart if granted similar privileges, and vice-versa. Abdullahi and Bichi (2015) opined that there are other factors alongside gender that could affect students' academic performance. One of such is attitude. Attitude is a huge

determinant as to how well a technology is embraced by the users. No matter how highly efficient, effective or fantastic an instructional tool is, if negatively perceived by the potential user, it may hinder the user from deriving the benefits the instructional package has to offer. Students have however been found to express high interest levels in using media technology tools in learning (Jurich, 1999).

3. Purpose of the Study

The study sought to examine the effect of a developed Captioned-video in English on the performance of hearing-impaired students in upper basic school, Kaduna, Nigeria. Specifically, the study investigated:

(i) The performance of hearing-impaired students' pre-test and post-test.
(ii) The performance of male and female hearing-impaired students that used the captioned-video.
(iii) The attitude of male and female hearing-impaired students to the use of captioned-video.

4. Research Questions

Answers were sought for the following research questions:

(i) What is the performance of hearing-impaired students' pre-test and post-test?
(ii) What is the performance of male and female hearing-impaired students that used the captioned-video?
(iii) What is the attitude of male and female hearing-impaired students to the use of captioned-video?

5. Research Hypotheses

The following hypotheses were tested for the purpose of this study:

Ho_1: There is no significant difference in the performance of hearing-impaired students' pre-test and post-test.

Ho_2: There is no significant difference in the performance of male and female hearing-impaired students that used the captioned-video.

Ho_3: There is no significant difference in the attitude of male and female hearing-impaired students to the use of captioned-video.

6. Methodology

6.1 Research Design

This study adopted a mixed method research combining both quantitative and qualitative research methods. The qualitative part involved the design and development process of the Captioned-video, while the quantitative entailed the assessment of the effectiveness of the Captioned-video. Using a pre-experimental design of one group pretest-posttest, an experimental group was given a pre-test and then administered with the Captioned-video, and thereafter post tested. Descriptive research of the survey type using questionnaire (students' attitudinal questionnaire) was used to elicit responses about students' attitude towards the use of the Captioned-video. The results from the pre-test and post-test were then analyzed using t-test to determine how effective the Captioned-video was.

6.2 Participants

The population for this study comprised all hearing-impaired students in Kaduna State, Nigeria. The target population were all JSS 1 upper basic students in Kaduna State Special Education School (KASSES). Twenty-nine (29) of these students were selected as the sample for this study.

6.3 Instruments

Three research instruments were used in this study. They include: Captioned-video to Teach English Language (CVTEL), Student's Performance Test in English Language (SPTEL), and Student's Attitudinal Questionnaire (SAQ).

6.4 Reliability and Validity

A total of fourteen (14) experts were engaged in validating the three research instruments to ensure suitability and content appropriateness. To determine the reliability of the instrument,

the test-retest reliability method was obtained by administering the instrument twice over a period of two weeks interval on the sampled respondents. The instruments yielded reliability values of 0.81 for Captioned-video in English Language, 0.76 for students' performance test in English Language (SPTEL), and 0.84 for student's attitudinal questionnaire using the Pearson product moment correlation statistics.

6.5 Data Analysis

The three research questions were answered through their corresponding hypotheses. Moreover, the three hypotheses were tested using paired sample t-test and independent sample t-test statistical tools

Results

Hypotheses Testing

Hypothesis One: There is no significant difference in the performance of hearing-impaired students' pre-test and post-test.

To determine whether there is a significant difference in the performance of students before and after using the Captioned-video, they were subjected to a pre-test and a post-test. A mean gain of 7.66 was recorded from the pre-test and post-test, which indicates an improvement in the students' performance on exposure to the Captioned-video. These scores were further subjected to paired sample t-test statistical tool and the results are presented in Table 1.

Table 1: t-test Result of Pre-test, Post-test

	N	X	SD	T	Df	Sig (2-tailed)
Pretest-Posttest	29	7.655	4.04	10.209	28	0.000

From Table 1, t (28) = 10.209, p = 0.000. The p-value < 0.05 alpha value, hence the null hypothesis is rejected. Hence, there is a significant difference in hearing-impaired students' pre-test and post-test.

Hypothesis Two: There is no significant difference in the performance of male and female hearing-impaired students that used the Captioned-video.

To determine if there was significant difference in the post-test scores of male and female students exposed to the Captioned-video, the null hypothesis was tested using independent sample t-test at 0.05 level of significance as shown in Table 2.

Table 2: t-test Result on Male and Female Post-test Performance

Gender	N	X	SD	Df	T	Sig (2-tailed)
Male	17	10.35	6.10	27	0.454	0.653
Female	12	11.33	5.12			

Furthermore, in Table 2, the t-test result shows t (27) = 0.454 and p = 0.653. p > 0.05 alpha value, hence the null hypothesis is not rejected and it can be concluded that there is no significant difference in the performance of male and female hearing-impaired students that used the Captioned-video.

Hypothesis Three: There is no significant difference in the attitude of male and female hearing-impaired students to the use of Captioned-video.

To determine if there was significant difference in the attitude of male and female students toward the use of the Captioned-video, the null hypothesis was tested using t-test as shown in Table 3.

Table 3: t-test Result on Attitude of Male and Female Students Towards the Use of Captioned-video

Gender	N	X	SD	Df	T	Sig (2-tailed)
Male	17	3.55	0.309	27	0.676	0.505
Female	12	3.63	0.328			

Table 3 shows no significant difference between male and female students' attitude towards the use of Captioned-video. The result further reveals t (27) = 0.676, p = 0.505. The null hypothesis is hence not rejected because the p-value > 0.05 alpha value. Hence, a conclusion can be drawn that there is no significant difference in the attitude of male and female hearing-impaired students to the use of Captioned-video. Both male and female students had a positive attitude to the use of Captioned-video.

7. Discussions

The study revealed significant difference between the performances of hearing-impaired students taught English language before and after exposure to the Captioned-video. The students performed better in the post-test than in the pre-test. The finding is in accordance with the findings of Madhubala, Alavi, & Letchumanan (2014) which revealed that Captioned instructional videos had positive effect on students' performance. The study also agrees with the findings of Omoniyi and Oluniyi (2014) which revealed that hearing-impaired students taught with captioned-video performed better than those taught without it. Furthermore, the study by Itighise (2014) puts the use of captioned-video ahead of the conventional sign method based on the study to find the difference in the academic performance of the groups taught with captioned-video and those taught with conventional sign method.

The study further revealed no significant difference in the performance of male and female hearing-impaired students that were exposed to the Captioned-video. Thus, the treatment improved the performance of hearing-impaired students regardless of gender. This closely aligns with the study by Omoniyi and Oluniyi (2014), which revealed no significant difference in the performance of male from female students. Itighise (2014) and Mihladiz, Duran and Yildirim (2011) also made similar observations, that gender does not have an effect on the performance of students. It has been established that captioned-video enhanced the performance of both male and female students to the same degree.

8. Conclusion

Hearing-impaired students' attitude towards the use of captioned-video was also examined and found to be positive. This aligns with the studies of Madhubala, Alavi and Letchumanan (2014) and Weasenforth (1994), where students expressed positive attitudes towards the use of any form of technology. The findings indicate that adopting Captioned-video as a supplementary tool to conventional sign method would be a welcome idea by a majority of hearing-impaired students.

Captioned-video brings a fresh and exciting way to learn, which is equally effective as it improves the performance of students. This is indicative of the Captioned-video being an effective intervention to supplement teaching and learning. The use of conventional methods for instruction among the students with hearing-impairment is largely calling for strategies that can better supplement the sign language mode of instruction. More so, because their sense of sight is their major mode of receiving instruction, Captioned-video is highly effective in engaging them maximally.

9. Recommendations

Based on the findings of this study, the following recommendations were made:

(i) Captioned-videos are highly effective to supplement conventional sign language methods for the hearing-impaired students. They should therefore be developed for subjects in schools to help hearing-impaired students boost their academic performance and make them more enthusiastic about

learning, with easy-to-grasp concepts.

(ii) Captioned-video is also not gender biased, hence very appropriate for the co-educational classroom environment.

(iii) All stakeholders in the special schools should encourage and assist in funding the development of indigenous learning media that greatly meets the teaching and learning.

(iv) Educational technologists and teachers should be encouraged to develop Captioned-videos to meet prime educational standards.

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School Plant Organization, Instructional Efficiency and Academic Performance of Senior Secondary School Students In Osun State, Nigeria.

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Abstract. One of the considerations for granting permit for public schools location is abundant space and land availability. Where these are met, efforts are geared towards maximum use of school space when plants and facilities are located distances away from each other. Good as the intentions were (adequate use of school space and promoting aesthetic values of schools), recent experiences have shown that, such arrangement gave room for lapses in efficient delivery of instruction and subsequent low school achievement in academics. This study observed the effects of school plant organization on instructional efficiency and performance of students in Osun State pubic secondary schools.

The study sampled 100 (about 31.5%) public secondary schools in the three senatorial districts of the state using systematic random sampling method. A researcher- designed questionnaire titled 'School Plant Organization and Instructional Efficiency Questionnaire"(SPOIEQ) was used to collect data on relative location of school plant facilities in the schools. The distance of each school plant facilities was measured and transformed to mean time covered when moving from them to classes where normal lessons hold. The study found out that most specialized school plant facilities (laboratories, libraries ,playgrounds, workshops, hostels and staff offices) were located considerable distance from the classrooms thus requiring longer mean time for teachers and students to move into or from them for teaching and learning. Also a significant relationship was established between location of the school plant facilities and effective delivery of lessons.

The study concluded that school plant location have a role to play on the effectiveness of instruction and the ultimate performance of students in their examinations. It thus recommended the construction of 'Integrated Classrooms' that can house almost all teaching activities under one big roof.

Keywords: School Plant, Instructional Efficiency, Specialized School Rooms, Integrated Classroom.

1. Introduction

One of the objectives of educational institutions in Nigeria is to produce the required manpower for all sectors of the economy . In order to actualize this objective, school plant plays an important role in our educational system. Adeboyeje (2000) describes school plants as the school site, buildings, classrooms,corridors, playgrounds, sanitary facilities, furniture and other equipment minus the consumable materials. It is the space interpretation of the school curriculum, the ways in which curriculum finds its physical expression. The school administrator should consider not the staff and students alone but the suitability of the site, situation, organization and location of the school itself. The appropriate location of the classrooms, laboratories, conveniences, playground etc; in relation to one another and with consideration for easy access and co-

ordination of all school activities should be the concern of all school administrators. School plant organization involves the arrangement and location of classroom blocks, organization of school, hostel blocks, kitchen and dining hall, science laboratories and agricultural science block, technology workshop, arts and typing rooms assembly hall, students' common room, staff offices with administrative and teachers office, water supply, power supply , adequate supply of furniture and equipment to include seats and desks, laboratory equipment and audio-visual aids and as well as books on every subjects and toilets(Oladejo,2004). School plant is an integral part of the learning environment which constitute major determinant towards ensuring quality educational system. The planning, organization, and location could be a decisive factor in achieving the goals of education. School plant is considered as the most prominent indicator of shelter that protect school administrators, teachers, students from rain, sun, hot/cold weather and destruction, it represents the location of school environment, educational facilities, organizing blocks and equipment in the proper position which has a tremendous positive impact on the comfort, safety and academic performance of the students.

Theodore (2010) carried out a study on managing school facilities and students' academic performance in which facilities organization is embedded, he was of the view that availability of facilities is one thing and another thing is their arrangement to suit the purpose for which they are designed. Theodore (2010) found school facilities organization as having impact on the academic performance of students, either positively or otherwise. According to him, school building organization accounted for 3.7 percent to 6.3 percent of the variance on 5 of the 9 subject of the learning when facilities arrangement is correlated with the composite score of the students in lower test of basic skills. In other words, these percentages represent how many the facilities arrangement accounted for the difference between the score of students in modern and traditional schools. Owoeye (2011) found that a difference between the mean test scores of students in traditional and modern school facilities arrangement to be 2.55 point from reaching 7.67 point for mathematics. All things being equal, students in modern schools perform better on achievement test than students in traditional schools. He developed an instrument to measure the arrangement of school facilities. The instrument had components of school facilities with measurable influence upon students' academic performance. He found that performance scores of students in sub- standard school facilities to be from 3 to 7 percent points below the scores of students in above standard school facilities.

Akinsolu (2004) was of the opinion that, educational curriculum cannot be sound and well with poor and badly organized school facilities. Provision of safe and adequate facilities with balanced visual environment and sufficient shelter space for work and play ensures emotional needs of students are met and could create an inspiring learning environment (Knezevich, 2001). Conducive school physical environment could enhance students' school enrolment, school attendance and involvement in academic activities which could boost academic performance positively (Burkett and Bowers, 1997). Adeboyeje (2000) observed that, schools with well-coordinated plant planning and maintenance practices recorded better student performance, Chan (1999) found a positive correlation between student scores in standardized tests and newness of school buildings. Burkett and Bowers (1997) again observed that students in newer and adequate school facilities outperformed students in older and inadequate school facilities

2. Statement of the problem

The organization of the school building and facilities raised serious concerns and go a long way in determining students' academic performance. The school programmers (curricular and co-curricular) are time mindful and specific. The average time for students to cover curriculum of studies and for them to attempt various evaluation and performance tests by examining bodies is also not variable. There is thus the need to maximize school time effectively and efficiently by reducing time wastage to its barest minimum. Much of students and staff time in school is wasted in

between lesson periods as well as in between different break times and the commencement of the next lessons.

Most literature on school plant spent e lot of efforts connecting school plant provision with academic performance; Owoeye(2008), Martin, Yin & Mayall (2006), Owuamanam (2005) and Emetaron (2004), while many others harps on importance of school plant utilization in enhancing student achievement; Ashioya (2012), Akinsanya (2010), Abiola (2008) and Aguolu & Aguolu (2002). Some other scholars were concerned with school facilities maintenance as it affects student learning outcomes. Works of Akinsolu (2004), Chan(2003), Knezevich (2001) and Adeboyeje (2000) shows that school facilities maintenance were the most potent determinant of academic achievement. However, where school facilities were provided and utilized and regularly maintained, and students learning outcomes are still below expectations, research efforts must be geared towards other aspects of school facilities that have not been fully explored and could significantly influence schools, teachers and students teaching and learning efforts.

Where school plants are disproportionately oriented and connected, much needed time is consumed when teachers and students moved from one lesson period to another especially lesson that requires students leaving their classes to take lessons in specialized rooms (laboratories, workshops, art studio, gymnasium and playing grounds) same is the experience of teachers who take different classes and have to switch lessons between various arms of the school. With classes and staff common room located distances away from each other, teachers do experience lateness to their classes and lessons may commence late leading to inefficiencies in the delivery of instruction. The study is concerned with the problems of instructional efficiency due to inappropriate organization of school plants which often time lead to poor lesson delivery, poor student and teacher attendance at lessons, non-completion of lessons due to lateness and inadequate time for lesson evaluation. All of these may attribute to poor student learning and understanding and the result will most times manifest in poor student achievement.

It is in this regard that the researcher examined the relationship between school plant organization and students' academic performance in Senior Secondary Schools in Osun State.

3. Purpose of the study

The study investigated the relationship among school plant organization, instructional efficiency and students' academic performance in Osun State Senior Secondary Schools. Specifically, the study sought to:

(i) examine the influence of classroom, laboratory and school playgrounds organization has on student academic performances

(ii) investigate whether organization of school plant has influence on students' punctuality and attendance of lessons.

(iii) determine the extent to which organization of school plants affects teachers' lesson commencement time and completion rates, and

(iv) determine which of the variables has the greatest influence of students' academic performance.

4. Research Question

What are the combined effects of school plants organization and instructional efficiency on students' academic performance in Osun State Public Secondary Schools?

5. Research Hypotheses

Ho1: There is no significant relationship among school plant organization, instructional efficiency and Students' Academic Performance in Osun State Senior Secondary Schools.

Ho2: There is no significant relationship between school plant organization and student attendance/ punctuality at lessons in Osun State Senior Secondary Schools

Ho3: There is no significant relationship between school plant organization and teachers

lesson attendance/completion time in Osun State Senior Secondary Schools

6. Methodology

The research design adopted for this study was descriptive design, using survey approach. This design was considered appropriate taking into consideration the focus of the study. Random sampling technique was used to select proportionally, 100 secondary schools in the three senatorial zones of the state. Data were obtained through the use of the questionnaire named School Plant Organization and Instructional Efficiency Questionnaire(SPOIEQ) and a checklist titled ''Students' Academic Performance Checklist'' (SAPC) which was used to collect information on the performance of students in Senior Secondary Certificate Examination (SSCE) conducted by the West African Examination Council(WAEC) between 2013 and 2016 when Osun State's(O' Schools) project has fully commenced and results of this effort must have begun to manifest on student learning outcomes. The data collected were analyzed using multiple regression analysis where the construct of the two variables were regressed against academic performance.

Research Question: What are the contributions of school plant organization and instructional efficiency variables on Students' Academic Performance?

Table 1: Analysis of the contributions of school plant and instructional efficiency variables on students' academic performance.

Coefficients

Variables	Beta	Standard error	t cal	t tab	Remark
X_1	0.7701	0.1307	5.8921	1.65	$X_{1\ is}$ significant
X_2	0,05600	0.0378	14.8148	1.65	$X_{2\ is}$ significant
X_3	3 0.6100	0.0132	46.2121	1.65	$X_{3\ is}$ significant
X_4	0.7501	0.2039	3.6787	1.65	$X_{4\ is\ S}$ignificant
X_5	0.6392	0.03414	20.3566	1.65	$X_{5\ is\ S}$ignificant
Constant	7.668113	5.5717			

Table 1 shows the relative contributions of variables X_1, X_2, X_3, X_4 and X_5 on the dependent variable academic performance. The regression equation is

$Y^1 = a+b_1X_1+b_2X_2+b_3X_3+b_4X_4+b_5X_5+e$

Where :

X_1 means school plant organization

X_2 means instructional efficiency

X_3 means specialized rooms location

X_4 means playgrounds location

X_5 means lesson attendance/ completion time

a means constant;

β means beta and

e means standard error.

Substituting the values of constant (a), beta (β) and standard error (e) from the table in the regression equation gives:

$Y^1 = 7.668113+0.7701X_1+0.5600X_2+0.6100X_3+0.7501X_4+0.6392X_5+57171.$

That is for every point increase in the prediction variables (X_1, X_2, X_3, X_4 and X_5),there will be a corresponding increase of 77.01%, 56.6%, 61.0%, 75.01% and 63.9% in the predicted variables (Y^1) respectively.

The significant test of variables (X_1, X_2, X_3, X_4 and X_5) shows that they all have a significant impact on academic performance because the calculated t (5.8921 is greater than table t(1.65) for school plant organization and calculated t(14.8148), is greater than table t(1.65) for instructional efficiency. Also calculated t (46.2121) is greater than table t (1.65) for location of specialized instructional rooms while calculated t(3.6787) is greater than table t(1.65) for playgrounds location and calculated t(20.3566) is greater than table t(1.65) for lesson attendances and completion time respectively.

The implication of this is that if specialized instructional rooms like laboratories and

workshops are organized and located close to normal classrooms where students conventionally resides, the time required by students to get to these rooms for lessons will reduce considerably making attendance and punctuality at lessons very easy this will in turn help teachers complete planned instructional contents promptly and have time for evaluation and feedbacks. Also in situation where school playgrounds were located at considerable distance way from classrooms and administrative offices, the tendency for students to overstay on the field and playgrounds is very high with many missing lessons that follows breaks and activities observed on school recreation grounds. Therefore school plants must be located in a close knitted way that will reduce time required to move from one specialized instructional room to the other and as well make it easier for teachers on duty to closely monitor compliance with school rules and regulations concerning observation of break times and return to normal lessons after playground activates Hypotheses testing

The research hypothesis states that, "there is no significant relationship among school plant organization, instructional efficiency and students' academic performance in Osun State public secondary schools" the hypothesis was tested using multiple regression statistical analysis the results are shown below.

Table 2: Matrix coefficient of relationship among school plant organization, instructional efficiency and academic performance in Osun State public secondary schools

X_1	1.000					
X_2	0.4312	1.000				
X_3	0.3480	0.5160	1.000			
X_4	0.6851	0.4872	0.5521	1.000		
X_5	0.5693	0.3211	0.3927	0.2891	1.000	
Y^1	0.8261	0.7558	0.5811	0.3837	0.4381	1.000

Where:
X_1 means school plant organization
X_2 means instructional efficiency
X_3 means specialized rooms location
X_4 means playgrounds location
X_5 means lesson attendance/ completion time
Y^1 means academic performance

Table 2 shows the zero order correlation coefficient matrix of the relationship among all the components of the independent variables and the dependent variable. School plant organization(X_1) had the highest correlation of (.8261) with academic performance (Y^1), while instructional efficiency ranked second (.7558). Specialized instructional rooms ranked third (.5811), play grounds location ranked fourth (.4381), and lesson completion by teachers ranked fifth (.3839) . Both X_4 and X_5 have low but positive correlation with academic performance. The result indicates that school plant organization and instructional efficiency had strong and positive relationship with academic performance with r =.8261 and r = .7558 respectively. Furthermore, specialized instructional rooms had moderate positive relationship with academic performance with r = .5811, while location of play grounds and lesson attendance and completion rate premised on school plant organization had weak positive relationship with academic performance with r =.3837 and r =.4381 respectively

Table3: Regression analysis of school plant organization, instructional efficiency and students' academic performance in Osun State public secondary schools

Source	Df	Sum of square	Mean of square	Calculated F-value	Table F-value	Decision
Regression	2	75191.67	37595.84	0.36	0.19	H_O Rejected
Residual	100	692517.7	6925.18			

R^2 =0.4692

The calculated F- value (0.36) is greater than the critical F- value (0.19) at .05 level of significance. The hypothesis is therefore rejected. This implies that, there is a significant relationship among school plant organization, instructional efficiency and student academic performance.

The R^2 of 0.4692 measures the variability in the dependent variable that can be explained by the influences of the two independent variable X_1 and X_2. The R^2 of 0.4692 means that 46.9% of the variability of academic performance can be explained by the combine influence of school plant organization and instructional efficiency. Since 46.9% is moderately high, then the influences of the two independent variables on academic performance are significant

Table 4: Regression analysis of school plant organization, and students' attendance/ punctuality at lessons in Osun State public secondary schools

Source	Df	Sum of square	Mean of square	Calculated F-value	Table F-value	Decision
Regression	1	35.07467	35.07467	0.7921	0.16	H_O Rejected
Residual	100	4457.12217	44.57			

R^2 =0.5926

The result of the significant test between school plant organization and student attendance and punctuality in the class as shown by table 4 indicates a positive significant relationship between the two variables. The calculated F-value (0.7921) is greater than the critical F- value (0.16) at .05 level of significance.

The R^2 of 0.5926 shows that 59% of the variability in instructional efficiency can be explained by the influence of student attendance and punctuality at lessons.

Table 5: Regression analysis of school plant organization, and teachers' attendance/ lesson completion rate in Osun State public secondary schools

Source	Df	Sum of square	Mean of square	Calculated F-value	Table F-value	Decision
Regression	1	34.734	34.734	0.5500	0.16	H_O Rejected
Residual	100	6302.34083	63.0211			

R^2= 0.7427

Table 5 shows the result of regression analysis testing the relationship between school plantt organization and teachers' attendance/ lesson completion rates in Osun state public secondary schools. The calculated F-value (0, 5500) is greater than the critical F-value (0.16) at .05 level of significance. The null hypothesis is therefore rejected.

The R^2 of 0.7427 shows that the variability in instructional efficiency can be explained with 74,2% of the influence of teachers' punctuality at lessons and lesson completion rates by teachers. Since 74.2% is high, hence the model is adequate enough.

7. Findings

1. The study found a significant contribution of school plant organization and instructional efficiency to academic performance of students in Osun State secondary schools.
2. The coefficient of relationship foe all the variables were found to be positive on academic performance with location of playgrounds and specialized rooms having high positive relationship with academic performance while lesson attendance and completion time has highest positive coefficient with performance.
3. The result of the hypotheses testing shows a significant relationship among school plant organization, instructional efficiency and academic performance.
4. There is a significant relationship between school plant organization and student lesson attendance and punctuality
5. There was a significant relationship between school plant organization and teachers' lesson attendance and completion time.

The findings shows that a well arranged and structured school plant will enhance increased academic performance of the students, since efficiency and effectiveness of school time may be guaranteed and enhanced by both students and teachers. Prompt and efficient instructional delivery may lead to curriculum content coverage and allows for regular evaluation of student achievement and provide for revision noticeable deficiencies before students sits for their examinations.

8. Recommendations

The study results showed a positive relationship between how school plants are arranged and how teachers and students goes about teaching and learning in school especially how instructional time wastage can be reduced when school plants are well articulated and linked with each other. Based on these findings, the study is making the following recommendations.

(i) Adequate effort should be made to re-design most public schools in the state in a way that all school teaching/learning activities could be centralized/housed within a school building as currently been done in "Osun Millenuim Schools".

(ii) School recreations/playgrounds should also be re-designed in a way that all sporting activities are centralized. It will be easier for teachers and students officers on duty to promptly direct students to their classes after break periods or at the end of school activities that have to be done on the playgrounds.

(iii) Specialized school buildings, rooms and workshops location should also take into consideration, distances and time required for teachers and students to shift from them to regular classes or vice-versa.

(iv) Administrative offices, staff rooms and counseling room should be located within minimum trekking distance between students classes for prompt lesson attendance and attention of teachers on issues/situations where their prompt intervention may be required.

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Effect of Video Based Instruction for Teaching Mathematics in Primary Schools in Ifelodun Local Government Area, Lagos State

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Abstract. Mathematics is a core subject, which is confronted with inadequacy in quality and quantity of instructional materials. Video based instruction enhances meaningful and productive learning. Thus, the video instructional package is a possible solution to the problem of inadequacy of instructional materials. Therefore, the main purpose of this study was to investigate the effects of video based instruction in teaching mathematics in primary schools, Lagos State. Specifically, the study investigated the difference between pupils' performance taught using video based instruction and their counterparts taught using expository method. A pre-test, post-test quasi-experimental design was adopted for the study. The two sampled schools comprised 40 pupils who were randomly assigned to treatment (20 pupils) and control (20 pupils). The research hypotheses were tested using Analysis of Co-variance (ANCOVA). The findings revealed that at significant level, the value produced F (1, 39) = 17.917, the significance of F, alpha = .000 < 0.05 alpha level of significance. Therefore, hypothesis was rejected. This implies that the significance difference exists between the performance of pupils taught with video based instruction and their counterparts taught using expository method. Also, at 0.05 significant level, the value produced F (1, 39) = 0.280, the significance F, alpha = 0.600 > 0.05. Therefore, hypothesis two was accepted. This implies that the performance of male and female pupils showed no significant difference when taught using video based instruction. Based on the findings of the study, it was recommended that teachers should teach using video based instruction so as to encourage individualized learning. Also, teacher should put more efforts on equal distribution of attention to both male and female pupils.

Keywords: Mathematics, video based instruction, pupils and gender

1. Introduction

Education remains an instrument of change and national development. It is a social process and the medium for the acquisition of relevant knowledge, skills and attitudes for survival in a changing world. In the Nigeria education continuum, basic education as the foundation requires a sound knowledge of science and technology. The National Policy on Education (FRN, 2013) maintains that primary education is one given in institutions for which children of age range 6 to 11 plus are enrolled. It indicates a nine-year basic education for pupils in segments of 6 years of primary education and 3 years of junior secondary education. Curriculum planners would have to acquire some satisfactory means for deciding and selecting which objectives would need to be achieved by an educational program. As a result, curriculum workers would have to work with criteria that are understood and used the same way by everyone involved in structuring mathematics curriculum with the use relevant instructional materials such as video based instruction. Therefore, instructional materials for teaching mathematics can provide

the teacher with means of extending the students perspective of knowledge.

2. Literature Reviewed

The objectives of primary education are all embracing. They reveal an all-round up bringing that makes a child good citizen of Nigeria. The objectives as outlined in NPE (FRN, 2013) among others include:

(a) Inculcation of permanent literacy, numeracy and the ability to communicate effectively.
(b) Laying a sound basis for scientific, critical and reflective thinking.
(c) Instilling morals and values in the child.
(d) Providing opportunities for Nigerian child to develop life manipulative skills that will enable the child function effectively in the society within the limits of the child's capacity.

In order to actualize the overall objectives of primary education as stated above, the primary mathematics curriculum was developed. Thus, the primary school mathematics curriculum has its objectives tailored in line with those overall objectives. For simplicity there are separate curricula for two levels of primary (1-3 and primary 4-6) education. The objectives of learning mathematics are documented in the 9-year basic education mathematics curriculum for primary 1-3 and 4-6 respectively (NERDC, 2007).

According to National Policy on Education (FRN, 2013), a nation cannot achieve greatness unless she directs her efforts in technology to develop the resources in the country. Because of its importance, many nations of the world introduce media tools early to children in developing countries such as Nigeria. Science and technology is taught in schools for general literacy and as preparation for future activities in related fields. Technology is the application of knowledge to the practical aims of human life or to changing and manipulating the human environment. Technologies in teaching and learning mathematics include the use of instructional materials, tools, techniques, and sources of power to achieve meaningful and productive learning.

Amosa (2013) pointed out that instructional material helps in arresting the attention and motivation of learners if it is judiciously used in the course teaching and learning processes. Thus, teaching and learning of mathematics with instructional resources help the teacher and students to achieve meaningful and productive learning. Onasanya and Adegbija (2007) opined that communication media (also referred to as instructional materials) have made specific as well as broad contributions to learning activities, if it is not an exaggeration to say that successful teaching and learning depend largely on the instructional resources. Most of the instructional resources are set of tools ranging from home-made device like bamboo, microscopes to sophisticated machines like film projectors, each assisting the teacher in disseminating knowledge.

Abolade (2009) defined instructional material as careers of information that that the teacher needs to encourage effective learning. Moreover, instructional materials are materials and equipment that serve as vehicles with which instructions are channeled with ease to their destination. Generally, instructional materials are classified into three broad areas; audio; visual and audio-visual materials. Thus, this is in line with the report of Amosa (2013) that the three categories are all suitable for achieving meaningful and productive teaching and learning. In view of this, video based instruction constitutes a very important audio-visual material and could be used for effective teaching and learning of mathematics in the classroom.

Mathematics as a subject is one of the key predictors of a nation's long term economic determinant. It was further argued that to continue to improve in mathematics performance, there must be improvement in the quality of mathematics instruction received by the students of all levels of education (Friedman, 2005). The quality of mathematics instructions can be improved through video based instruction. Thus, there is a need to properly cater for effective and efficient meaningful learning materials for teaching pupils. This topic is premised on the current world trend and research emphasis on students' achievement in

mathematics which gender cannot be left out. Therefore, teaching and learning of mathematics should not be gender bias.

Several studies have reported poor pupils' academic performance in mathematics despite the importance attached to the subject in the National Policy on Education. The leaners' performances continue to deteriorate year after year. This has become a source of concern to all stakeholders in education in Lagos State. Those who teach subjects requiring the application of mathematics complained of the challenges they face, such as lack of interest in the subject, poorly equipped mathematics laboratory, non-availability of facilities to aid teaching of the subject and relevant resources.

Furthermore, mathematics teaching in some schools in Lagos State today still follows the traditional pattern such as lecture method which has been identified as being ineffective method in ensuring students participation in the lesson. Non-utilization of necessary techniques in teaching mathematics is another contributing factor. Video based instruction could be used as a means to provide additional support for learners who are otherwise completely reliant on asynchronous delivery (Amosa, 2016). In situations where a student needs continual feedback to acquire the refinement of a physical task, video is far superior to text or graphics. Also, video based instruction provides the opportunity for clearer communication between pupils and instructor and/or between pupils and pupils.

The factors influencing pupils' performance in the teaching and learning of mathematics are inappropriate method of teach a particular topic, non-availability of facilities to aid teaching of mathematics, lack of orientation by teachers, insufficient qualified teachers teach mathematics, teachers are not technically oriented and due to this, they will not be able to teach the subject technologically so as to impact the skills of technology to pupils. A critical look at the National Policy on Education (FGN, 2013) showed that the Federal Republic of Nigeria intend that the basic school curriculum in Nigeria provides adequate skill on numeracy. The subject designed to provide such skill is mathematics.

A versatile teacher of mathematics must have adequate knowledge of basic essential facilities and needed methods or strategies to provide adequate numeracy skills in the teaching and learning of mathematics (Kolawole, 2007). It was stressed further that teacher should be skillful in the utilization of instructional materials for teaching mathematics. Video based instruction enables teachers and pupils to explore the practical knowledge of the subject matter. Mathematics education requires highly motivated students because it requires reasoning, making interpretations, and solving problems, mathematical issues, and concepts. The challenge of mathematics learning for today's education is that it requires disciplined study, concentration and motivation.

Teaching and learning process becomes boring when learners are taught with conventional method, but students might become excited to create meaningful attitudes towards learning when they are taught using interactive video-based instruction. Clothier (2013) reported that in teaching and learning, learners have unique opportunities to interact with varieties of interactive media to acquire learning experiences. Video based instruction is one of the interesting inducements, which bring about formation of positive attitudes of students towards learning. Therefore, teachers' adoption and use of innovative technologies in teaching and learning process might become imperative. Irrespective of gender, pupils' attitude toward learning mathematics relies on the use of stimulating learning materials such as video based instruction, which is one of the prominent learning packages that encourage individualized learning.

In the beginning of one's life, the interaction between the parents and the child determines his or her position in all facets of life. This can also be noticed when the child is at the point of getting toy to play with, noticeably, the inferiority will be there for the kind made available for female child. Therefore, educational imbalance between male and female

in Nigeria is also due to societal traditions and myths, which relegate females' education to the background.

Amosa (2013) reported that female students are as brilliant as male students are, thus, they only require being given equal chance and in case of practical oriented courses, preferential treatment should be disallowed. Bello (2003) noted that female characterizes gender differences in school sciences by under representation and underachievement in science. Evidence abounds in science education literature that female enrolment in science subjects is very low. In addition, some parents do not show any positive attitude towards their female children education, believing that it is a waste of resources. Some even doubts the ability of their girl child when compared to the boy child in education matters.

3. Purpose of the Study

The study sought to examine the effect of video based instruction for teaching mathematics in primary schools in Ifelodun Local Government Area, Lagos State. Specifically, the study found out:

(i) The difference between pupils' performance taught using video based instruction and their counterparts taught with expository method.
(ii) The difference between male and female pupils' performance taught using video based instruction in teaching mathematics.

4. Research Questions

The following research questions were answered in this study:

(i) What is the difference between pupils' performance taught using video based instruction and their counterparts taught with expository method?
(ii) Is there any difference between male and female pupils' performance taught using video based instruction in mathematics?

5. Research Hypotheses

Bases on the research questions, the following hypotheses were tested in this study:

Ho_1: There is no significant difference in the academic performance of pupils taught using video based instruction and those taught with expository teaching method.
Ho_2: There is no significant difference in the performance of males and females pupils taught mathematics using video based instruction.

6. Methodology

All primary schools in Lagos State constituted the population of the study while the target population was pupils from two primary schools in Ifelodun Local Government of Lagos State. Twenty (20) pupils from each of the two intact classes constituted male and female were purposively selected from the sampled schools. These schools are; Ekum Nursery and Primary Schools, Amukoko, Lagos (control group) and Resourceful Schools, Iganmu, Lagos (experimental group). The two sampled schools were randomly assigned to experimental (20 - male and female pupils) and control groups (20 – male and female pupils). Two instruments were used to gather the relevant data for this study: video instructional package (treatment) and Mathematics Achievement Test. The quasi-experimental, non-equivalent, non-randomized, pre-test, post-test control group design was adopted for the study.

In the design, pre-test served as a measure of students' background knowledge for the two groups. The experimental group received the treatment using the video based instruction (treatment) alongside expository method while the control group was taught using expository method only. After the treatment, all the groups were post-tested using mathematics achievement test. All research questions were answered using mean and standard deviation while all the hypotheses were tested through analysis of co-

variance (ANCOVA) to ascertain whether any significant difference exists at 0.05 significant levels.

Table 1: Experimental Designs

Group	Pre-Test	Treatment	Post-Test
Experimental	0_1	X	0_2
Control	0_3		0_4

Where: 0_1 = Pre-test scores of the experimental group.
02 = Post-test scores of the experimental group.
03 = Pre-test scores of the control group.
04 = Post-test scores of the control group.
X= the treatment for the experimental group.

7. Results

This section presents the analysis and interpretation of data collected for this study. Data obtained in respect to research questions were analyzed using mean and standard deviation and ANCOVA was used for the hypotheses.

Research Question 1: What is the difference between pupils' performance taught using video based instruction and their counterparts taught with expository method?

Table 2: Mean and Standard Deviation on Research Question One

Group	N	Mean	Std. Deviation
Control	20	4.80	1.281
Experimental	20	7.65	1.226

As shown in table 2, teaching of mathematics using video based instruction has a positive influence on performance of pupils. As the mean score (7.65) of the pupils taught using video based instruction was higher than the mean score (4.80) of the pupils taught using expository method. It can be deduced that the teaching of mathematics using video based instruction enhances pupils' academic performance in mathematics.

Table 3: Analysis of Co-variance (ANCOVA) on the performance of both experimental and control groups

Hypothesis One: There is no significant difference in the academic performance of pupils taught using video based instruction and those taught with expository teaching method

Source	Type III Sum of Squares	df	Mean Square	F	Sig.
Corrected Model	117.345[a]	2	58.672	91.869	.000
Intercept	68.938	1	68.938	107.943	.000
Pretest	36.120	1	36.120	56.556	.000
Group	11.443	1	11.443	17.917	.000
Error	23.630	37	.639		
Total	1691.000	40			
Corrected Total	140.975	39			

denotes F is significant at 0.05 alpha level

Table 3 shows that an F (1, 39) = 17.917, and the alpha = .000 for the group was significant at 0.05 alpha level. This is because the significance of F, alpha = .000 is less than 0.05 alpha level of significance. This result showed that video based instruction method and the expository method of instruction produced significant difference on the post-test performance of pupils when the covariate (pretest) was statistically controlled. The result showed that significance difference exists between the performance of pupils taught with video based instruction and their counterparts taught using expository method of instruction in favour of experimental group.

Research Question 2: Is there any difference between male and female pupils' performance taught using video based instruction in mathematics?

Table 4: Mean and Standard Deviation on Research Question Two

GENDER	N	Mean	Std. Deviation
Male	8	7.65	1.512
Female	12	7.75	1.055

As shown in table 4. The performance of male and female pupils when taught using video based instruction proved a minor difference. The table reveals that male and female pupils had a close range of (7.65) and (7.75) respectively.

Hypothesis 2: There is no significant difference in the performance of males and females pupils taught mathematics using video based instruction.

Table 5: Analysis of Co-variance (ANCOVA) on the Performance of both Males and Females Pupils taught using Video Based Instruction.

Source	Type III Sum of Squares	Df	Mean Square	F	Sig.
Corrected Model	117.805[a]	4	29.451	44.488	.000
Intercept	67.400	1	67.400	101.811	.000
PRETEST	35.989	1	35.989	54.363	.000
GENDER	.185	1	.185	.280	.600
Error	23.170	35	.662		
Total	1691.000	40			
Corrected Total	140.975	39			

F is not significant at 0.05 alpha level

Table 5 shows that an F (1, 39) = .280, and the alpha = .600 for the influence of gender was not statistically significant at 0.05 alpha level. This is because the significance of F, alpha = .600 is greater than 0.05 alpha level of significance. This study therefore accepts the hypothesis 2. The result shows that the gender did affect the performance of the group of pupils taught with video based instruction as the performance of male pupils showed no significant difference from their female counterparts when both were taught using video based instruction

8. Summary of Major Findings

The following are the summary of major findings:

(i) The pupils taught using video based instruction performed significantly better than those taught using expository method.

(ii) There was not a significant difference in the performance of male and female pupils taught using video based instruction in teaching mathematics.

9. Discussion

The use of video based instruction in teaching has great effect on the performance of primary school mathematics pupils in Ifelodun local government area of Lagos State. It was found

that pupils are more fascinated and prepared to learn when they are taught with video. Their performance greatly improved, assimilation and reminiscence of concepts becomes easier as they learn by exercising various senses.

The findings indicated that the pupils using video based instruction performed better than their counterparts taught using expository method. This finding corroborated with the findings of Amosa (2016), which states that students taught using interactive video based instruction performed better than their counterparts taught using expository method. Also, Amosa (2013) affirmed that the gender of the learners is not a factor in teaching and learning of basic technology, male students taught using community resources did not perform better than female students that were also exposed to the community resources.

10. Recommendations

The following recommendations were made based on the findings of the study:

(i) Video based instruction should be integrated into the teaching and learning of pupils. Thus, teachers should teach using video based instruction so as to encourage individualized learning.

(ii) Video based instruction should be incorporated into the teaching-learning process in order to solve the problem of gender learning imbalance. Also, teacher should put more efforts on equal distribution of attention to both male and female pupils.

(iii) Government and private school administrators should ensure that equipment for video based instruction are made available for all teachers in their respective schools for the benefit of teaching and learning.

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Effect of Differentiated Phonics Instructional Strategy on Primary School Pupil's Learning Outcomes in English Literacy Skills in Ikere - Ekiti

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Abstract. The study examined the effect of differentiated phonics instructional strategy on primary school pupils' leaning outcomes in English literacy skills in Ikere Ekiti metropolis. One hundred and twenty (120) pupils were sampled and participated in English Language achievement test. The study adopted an experimental research design. The study revealed that differentiated phonics instructional strategy has an effect on pupils literacy skills, it was therefore recommended that effective use of differentiated phonics instructional strategy should be adopted in teaching and learning of literacy skills.

Keywords: Differentiated Phonics, Instructional Strategy

1. Introduction

The importance of acquisition of English Language Skills in the economic, political, academic and social lives of Nigerians cannot be overstressed. Besides being the recognized medium of communication in the administration of government business in a country with over four hundred indigenous Languages like Nigeria. English language is the medium for teaching and learning through which learners acquire knowledge and skills at all levels of education (FGN 2004 revised). To the average Nigeria, therefore, proficiency in English language skills especially in reading and writing in todays' diverse society is the key to the world's proof of knowledge and universal culture Mgbodile, (1999) and a gateway to success in the global economy Carl, (2003). However, in spite of the vital roles that the English language plays in Nigeria, most Nigerian pupils are unable to acquire proficiency in the skills of the English Language especially reading and writing which is literacy skill. The importance of children's early literacy development cannot be overstated. Children's success in school and later in life is a great extent dependent upon their ability to read and write. One of the best predictors of whether a child will function competently in school and go on to contribute actively in an increasingly literate society is the level at which the child progress in reading and writing (NAEYC, 1998) The ability to read is one determinant of student's success or failure. Students must form the habit of reading to perform well in all subjects. Some primary school pupils find it difficult to read and understand due to their attitude to it despite the facts that reading is indispensable. Some show a carefree attitude towards reading. The problem is not peculiar to primary schools, but pertains to all categories of readers. Ajibola (2006) asked a fundamental question on what books Nigerians read. His questions included whether political office holders in the country read. It is clear from the tone of the question that he feels that reading is not part of the culture of the people that control Nigerian destiny.

Reading is the recognition of printed on written symbols which serve as stimuli for the recall of meanings built up through the reader's past experience Adewole (2001). (Lawal, Adebola and Adebileye 2005) described reading as a process of translating alphabetical symbols into a form of Language from which the native speaker has already derived the meaning.

There are various factors militating against the effective teaching and learning of reading in primary schools. Oyetunde and Unoh (1986) listed various impediments to negative reading habits and attitude. These include lack of materials, poor preparation of teachers, lack of interest, poor libraries or none at all, home background, and lack of adults readers as model. They concluded that teachers of English language must take responsibility for solving these problems. The foregoing, points to the fact that reading skill, which is an important literacy skill of Nigerian Students, is poor. The situation with writing skill is not anything better.

Writing is a foundational to success in academics in the work place and in global economy. In an increasingly demanding world of, literacy, the importance of ensuring students proficiency in writing cannot be over emphasized. The ability to write well, hitherto a luxury is now a dire necessity (Gallagher, 2006). Writing is a vital to students' developing literacy skills. In the light of this, teaching learners to write well should be a top priority of a worthwhile education system.

Many reasons have been advanced for learners in ability to write but teacher related factors prominent among which is the methodology appear to be the most reverberating (Rog, 2007), Boscolo&Gelati, 2007, Muodumogu&Odey 2006; Uzoegwu 2005; Obi – okoye 2004) Oyetunde and Muodumogu (1999) explain that teachers do not teach writing skill well at primary schools because they do not know how to teach it. Writing, as a result, is the most neglected of language skills at this important level education and this has continued to have a disastrous effect on pupils' achievement as proficiency in writing is crucial to excellent in academics and in the work place. Teachers, therefore should take the teaching of writing seriously to enable the pupils to, master the fundamentals of effective writing

The conventional method of teaching has not given students much assistance and part of the reasons for this, according to Obi- 0koye (2004) is that writing is one of the skills that are not amenable to mere memorization of a set of rules because it calls for development and application of composite skills in the writing process until teachers start teaching pupils to see writing as a process of discovering, exploring ideas and constructing frameworks with which to present ideas, there will be little or no improvement in pupils writing.

From the various concepts, definitions research referred to about reading and writing skills, there is no gain saying the fact that the foundation to effective reading and writing start by building the culture from the primary education. This therefore informed the choice of this researcher to examine the effectiveness of explicit phonics instructional strategy for teaching these skills of reading and writing at the primary school level. Effective teaching of literacy skills should establish the connection between language skills, especially the reading and writing influence each other and when writing is used as a follow – up to reading; the relations between the two skills will create a synergy.

Therefore the use of learner-centred strategy which systematically combines language skills in the teaching of literacy has been suggested such strategy is differentiated phonics instructional strategy. Differentiated phonics instruction, according to Walpole and Mckenna (2007), is an instructional approach that targets a particular group of leaners' needs directly and temporarily and helps leaners to accomplish challenging tasks that are just out of their reach. In this case, the group is the ESL leaners at primary school who have acquired the literacy skills of Yoruba Language which is their mother tongue.

Phonics is the teaching of the relationship between letters and sounds. The fact that a letter "t" (which is really just a symbol) signifies the first letter sounds in "train" track is an example of phonics instruction. This is second nature to adults, but children need to be taught this relationship. Differentiated instruction takes place when children are taught in relation to their ability rather than from one-size-fits all points of view, and it is therefore extremely

helpful for phonics as different students learn phonics at different rates.

Differentiated Phonics instruction benefits all students in the classroom and is vital for the struggling readers. Differentiating phonics instruction enables teachers to plan strategically so that they can meet the needs of both weaker and stranger students,Tyner (2004). Differentiation strategies applied to reading can be designed to help students learn a range of skills including phonics, comprehension, fluency, word predictions and story prediction.

Differentiated instruction also called differentiation, is a process through which teachers enhance learning by matching students characteristics to instruction and assessment, Differentiated instruction allows all students to access the same classroom curriculum by providing entry pints, learning tasks and outcomes that are tailored to students' needs (Hall, Stragman and Meyer, 2003). Differentiate rated instruction is not a single strategy but rather an approach to instruction that incorporates a variety of strategies.

When teacher differentiate, they do so in response to a student's readiness, interest and learning profile. Readiness refers to the skill level and background knowledge of the child, interest refers to topics that the student may want to explore or that will motivate the student. This can include interests relevant to the content area as well as outside interests of the student.

Finally, a student's learning profile includes learning style (i.e. a visual, auditory, tactile or kinesthetic leaner). Grouping preferences (i.e. individual, small group or large group) and environmental preferences (i.e. lot of space or a quiet area to work). A teachers may differentiates based on anyone of these factors or any combination of factors (Tomlinson, 1999)

Similarly, Martin (2011) examined the effect of differentiated phonics instruction on literacy skills for EFL students and found that differentiated phonics instruction have a positive effect for EFL learners in literacy skills. However, most of these studies were conducted outside the shores of Nigeria and with EFL students as participants.

The scarcity of research works that are of Nigeria based and the fact that not much has been done to examine the effects of phonics instruction on ESL learners are precise indicators of the urgent need of conducting more research to conclude whether differentiated phonics instruction is an important area to develop to strengthen ESL pupils' literacy skills in primary schools in Ikere Metropolis, Ekiti State, Nigeria.

2. Statement of the Problem

Studies have shown that literacy skills which are the foundations of success in educational and career pursuits are not being properly taught in ESL classrooms especially at primary schools in Nigeria, the outcome of these are poor attitude to literacy skills and low literacy rates arising from wrong transfer of Linguistic elements from the pupils' mother tongue to the target language especially among pupils in the primary school system. Research efforts aimed at improving ESL pupils' literacy skills had examined the effects of different strategies for teaching, reading and writing,

As effective as the strategies were, they could not stem the tide of low literacy rates especially at primary schools. This is because most of the strategies adopted focused on direct teaching ignoring the phonics properties of the English Language, thus, there is the need to adopt strategies that will teach reading and writing through phonics instruction and differentiate the instruction to meet every learner's need. Such strategies are differentiated instructions.

3. Hypothesis

Based on the stated problems, the following null hypothesis will be tested at 0.05 level of significance.

H0: There is no significant main effect of treatment on ESL pupil's achievement in literacy skills.

4. Methodology

The researchers adopted an experimental research design. The population consisted of ESL pupils in the fourth year of primary education from the selected primary schools in Ikere metropolis pupils in the fourth year were

considered for the study because this is a critical stage in primary education where English is taught as a school subject. The stratified random sampling technique was used to select four primary schools in Ikere metropolis. Two schools were randomly selected and assigned to experimental group. The sets of instrument were used for data collection. They are; Literacy Skills Achievement Test (LSAT) and Instructional Guide on Differentiated Phonics Instructional Strategy (IGDIS). The instruments were trial-tested on a small sample of pupils drawn from two primary schools that shared similar characteristics with the target samples. The reliabilities of the three instruments were estimated using Cronbach Alpha to ensure internal consistency. The reliability coefficients obtained were TSRI = 0.88 and TEQ = 0.92. Data were analysed using Chi Square statistic.

5. Results

There is no significant effect of differentiated phonics instructional strategy on ESL pupils' achievement in literacy skills.

O	E	o - e	$o - e^2$	$(o - E)^2 / E$
16	15.1	0.9	0.81	0.0536
24	22.5	1.8	3.24	0.1460
6	10.6	-4.6	21.16	1.9762
83	78.1	-4.9	24.01	0.3074
28	31.1	-3.1	9.61	0.3090
1	1.9	-0.9	0.81	0.4263
1	2.8	-1.8	3.24	1.1571
6	1.4	4.6	21.16	15.1143
5	9.9	-4.9	24.01	2.2500
7	4.0	3.0	9.00	241.852

The above table depicts that the calculated Chi Square of 24.19 was greater than Critical Chi Square of 5.99. This was significant at 95%. The null hypothesis is therefore rejected, in other word, differentiated phonics instructional strategy had an effect on ESL pupils' achievement in literacy skills.

6. Discussion and Conclusion

It was revealed from the analysis that the pupils that were taught with differentiated phonics instructional strategy performed excellently in ESL achievement test. This indicates that differentiated phonics instructional strategy had a positive relationship with the pupils learning outcome in English literacy skills in Ikere metropolis. This agreed with the submission of Martinez (2011) that differentiated phonics instruction had a positive effect on EFL leaners in literacy skills.

The reason was as aresult of the fact that the pupils that were exposed to differentiated phonics instructional strategy were from different educational, social and economic background.

Based on this finding, seminars and workshop should be organized where primary school teachers in Ekiti – State will be trained in differentiated phonics instructional strategy as method of teaching English Language Skills at the elementary schools.

This is expected to improve their teaching skills acquisition and eventually improve ESL pupils' learning outcomes in literacy skills in particular and English Language in general.

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English Newspapers Availability and Promotion of Literacy in Ugandan Primary Schools

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Abstract. The use of the mass media as a teaching instrument in the classroom has increased considerably at all levels in the past few years. Therefore, this study was conducted on English newspapers availability and promotion of literacy in Ugandan primary schools. The objective of the study was to determine the level of English newspapers availability in Ugandan primary schools. When conducting the study, the sample size selected is 93 out of 209 target population of primary five pupils and English teachers of selected primary schools. Therefore, two sets of questionnaires (one for the teachers and the other for the pupils) where administered during the data collection.

As a result, the study established that English newspapers meant for younger children are not adequately available in Ugandan primary schools. Therefore, recommendations were made based on the finding that enough English newspapers meant for younger children should be provided in enough quantity in primary schools. However, newspapers should be included among the recommended texts for teaching reading in primary schools.

Keywords: Newspapers, availability and literacy promotion.

1. Introduction

The importance of maintaining a very good reading culture by pupils cannot be over emphasized as it has direct connection with performance of an individual learner in other subjects of the curriculum. They should leave the school as lifelong readers, writers and learners. Over many decades, educators have been drawing attention to the need for effective reading programmes. Nnamdi, (2005), stated that the purpose of an effective reading programme is to develop the child's ability to grasp the meaning of what is read, by teaching him or her how to analyze a sequence of ideas and make logical conclusions. The programme should appeal to every child, meeting his or her needs, abilities and interests by constructing a positive attitude towards reading. Teachers should be able to develop clear learning objectives, and the scope and sequence of a reading programme that should lead to achieving them. This can be done by the use of appropriate learning activities, motivational materials and a variety of teaching approaches in which the children are actively involved.

Being able to read is important, not only for academic success, but a general life skill that is necessary in a literate society. So, identifying ways to improve children's reading through engagement in reading activities is crucial.

This research work focuses on how English Newspapers promote literacy in primary schools in Uganda. The study investigated the extent to which the English teachers are utilizing newspapers in teaching reading, how available the newspapers are and their effectiveness in promoting the reading culture of the younger ones.

2. Objective of the study

The objective of the study is:

To determine the level of availability of English newspapers in literacy promotion in Ugandan primary schools

3. Hypothesis

The study tested the following null hypothesis:
English newspapers are not adequately available in literacy promotion in Ugandan primary schools

4. Literature Review

The availability of English newspapers and literacy promotion in primary schools
Instruction of reading skills depends on the availability, quality and utilization of relevant instructional resources and the skill of the teacher. This is because instructional resources facilitate the understanding of difficult concepts as well as the teaching and learning of the reading skills. Onchera, (2013) conducted a study on the pedagogical hindrances to oral communication skills in English in Kenya and found out that many schools are not able to provide variety of instructional resources needed for English instruction. However, availability of essential instructional resources is a condition for effective teaching of reading skills. Another study by Nalusiba, (2010) investigated the strategies for the development of reading culture in Uganda primary schools and revealed that inadequate reading resources inhibited the reading culture among the pupils. Similarly, Wangui, (2012) found that instructional materials are inadequate in most schools both in terms of quantity and variety. Similarly, Omuse, Onchera and Kimutai, (2016) carried out a research titled availability and use of instructional resources for teaching and learning of English reading skills and found that the instructional resources are not adequately provided in the schools. According to Newspapers Association of America Foundation (2007), Newspapers exposed the curriculum with an unlimited amount of information to use as background for reading activities. News develops every day. The beauty of the newspaper in the classroom is that it is fresh each day. It comes to you with the latest news and information and unlike other media comes beautifully written with lots of detail. Stories unfold as reporters unearth more information to reconstruct what happened. There is truly no better record of the world's happenings than a newspaper. Yet, Headlam, (2005) talked about the effort of some newspapers in making available specialized materials for use in schools and briefly present their format consisting shorter stories, more illustrations, larger print size, and localized stories. Walter, (1996) opined that in much of Africa, as in other developing areas of the world, where textbooks may be the only reading materials found in classroom, children often miss the opportunity to read for enjoyment, which results in their reading skills being severely under-developed. Nonetheless, Namata, (2010) revealed that NIE is a strategy in which a teacher uses all kinds of newspapers content as the raw material to help teach lessons in all kinds of subjects. In addition, NIE is the use of newspaper as educational resources for any subject.

A wide variety of resources for purposeful language activities communicates the importance of literacy and places materials in English language learners' hands so they can practice and develop their new language. In stocking a classroom, teachers might include: children's and young adult literature, books on tape, textbooks, business, pamphlet, magazines, newspapers, cookbooks, telephone books, cards, posters, maps, story objects etc. Muwanga, et al, (2007) asserted that majority of primary school pupils highly focused on the need to pass examinations read little else besides the prescribed textbooks (where the books are

available). Therefore, unless pupils are given access to a variety of reading materials (non-textbooks reading materials) and unless NTBRMs are both accompanied by and reinforced through appropriate policies and practices, poor reading habits and low levels of literacy among Uganda's school children are likely to persist.

Kortner, (1988) opined that the use of the mass media as a teaching instrument in the classroom has increased considerably at all grade levels in the past few years. The journal of reading carried a regular series "use the News" on integrating the reading of Newspapers into the most widely used of the media, the direct result of a national campaign by publishers, known as "Newspapers in Education" (NIE). Therefore, according to Newton, (1985) this initiative encourages the use of newspapers as an educational tool both to complement and supplement traditional classroom texts and resource materials. Similarly, Namata, (2010) states that it is clear that children participating in NIE programme are enthusiastic about the newspaper and are actually relating well to it. Therefore, the myth that newspapers are considered an adult medium does not seem to hold because children seem to relate positively to the newspapers.

Ajuna, (2016) stated that, with the discovery of children as ardent readers, New Vision came up with a number of children-friendly sections and pullouts to meet their needs. With the challenge of many schools not being able to purchase teaching aids like textbooks, New Vision started the publication of weekly pullouts of questions and answers, which were set by some of the best teachers in Uganda. However, in promoting the reading culture among the children New Vision started the children's vision which was first published on 15th April, 1989 in Saturday Vision, the four page pullout was the first of its kind in Uganda. It is meant to address the reading and writing skills of the younger children. Similarly, Toto magazine has become of late a household name for children. This magazine was well-received and it has played an important role in providing reading content for the children. It is a magazine for the children and by the children, hence promoting children journalism.

Adeniji and Omale, (2010) conducted a study on teaching reading comprehension in selected primary school in Oyo State, Nigeria where they stated that reading is indispensable to primary school pupils. With the appropriate reading materials, conducive environment and teachers with adequate educational qualifications, good reading skills will help produce pupils who perform well in English as well as other subjects.

However, American Newspapers Publisher Association Foundation (ANPAF), (1981) explained the intent of the program and provides a variety of classroom activities using newspapers. At the present time, about 600 newspapers in the United States and Canada participate in the NIE program which involves approximately three million students, 90,000 teachers and 16,000 schools each year. Before the advent of NIE, Newspapers tended to be used only by secondary school Social Studies teachers in two-week units or for Friday current events sessions. Now, Newspapers are used throughout the school year in every area of the curriculum, (Kossack, 1987).

Thus, the success of this broad initiative is evident in programs such as "Newspapers are for kids, TOO!" This was designed for young children and their parents. It contains creative ideas to help children improve reading, writing, Social Studies, Math and science skills. It can easily be modified for classroom use in the elementary grades (Hermann, 1981)

5. Methodology

5.1 Research design

The study used quantitative approach. The quantitative approach was based on variables measured with numbers and analyzed with statistical procedures (Amin, 2005). Therefore, mean and standard deviation were used in describing the level of availability of English newspapers in literacy promotion in Ugandan primary schools.

5.2 Population/sample of the study

The target population of the study is 209 primary five pupils, and 13 English teachers of the Children Railway Primary School and Kansanga Hill Primary School. Therefore, the

sample size of the study is 93 respondents; this comprised 83 primary five pupils and 13 English teachers of the selected primary schools.

Table 1: Target population/ sample size of pupils

School	Target population	Sample size
Children Railway Primary School, Kampala, Uganda	161	64
Kansanga Hill Primary School, Kampala, Uganda	48	19
Total	209	83

Table 2: Target population/sample size of English teachers

School	Target population	Sample size
Children Railway Primary School, Kampala, Uganda	7	7
Kansanga Hill primary school, Kampala, Uganda	6	6
Total	13	13

5.3 Research Instruments

The researcher administered two sets of questionnaires; one for the pupils and the other for the English teachers. The content of the questionnaire was divided into two parts (A and B). Section A is the profile of the respondents, and section B tested the variables of the study. The instrument is rated on a four Likert scale. It is an instrument for data analysis where the mean in the analysis was divided and graded into four categories as follow:

3.21	-	4.00	highly sufficient
2.61	-	3.20	sufficient
1.81	-	2.60	low sufficient
1.00	-	1.80	insufficient

6. Findings

Table 3: Descriptive statistics of mean showing the level of availability of English newspapers in primary schools based on the teachers responses

Newspapers	N	Minimum	Maximum	Mean	Std. Deviation
Availability	13	1.40	2.60	2.0462	.37553
Valid N (listwise)	13				

The above table presents the teachers responses on the level of the newspapers availability in literacy promotion in Ugandan primary schools. The number of teachers participated in this study is thirteen (13) from the selected primary schools. The statistical mean is 2.046, while the standard deviation is 0.37553.

Table 4: Descriptive Statistics of mean showing the level of newspapers availability in primary schools based on the pupils response

Newspapers	N	Minimum	Maximum	Mean	Std. Deviation
Availability	83	1.80	3.20	2.3807	.43349
Valid N (listwise)	83				

The above table presents the pupils responses on the level of the newspapers availability in literacy promotion in Ugandan primary schools. The number of pupils participated in this study

is eighty three (83) from the selected primary schools. The statistical mean is 2.38, while the standard deviation is 0.43349.

7. Discussions

Availability of English newspapers in primary schools

The objective of the study is to find out the level of English newspapers availability in literacy promotion in Ugandan primary schools. According to the finding of the study the mean of the teachers' response is 2.0462, while, in the pupils responses, the mean is 2.3807. Therefore, both teachers and pupils' responses revealed that the provision of English newspapers in Ugandan Primary schools is low sufficient being that both statistical means of the two response categories (teachers and pupils responses) were interpreted as low sufficient. As a result, the null hypothesis which states that English newspapers are not adequately available in literacy promotion in Ugandan primary schools is hereby accepted.

The findings here agree with Omuse, Onchera and Kimutai, (2016), Wangui, (2012) whose study on the availability and use of instructional resources for teaching and learning of English reading skills revealed that the instructional resources are not adequately provided in the schools.

8. Conclusion

In conclusion, this study was conducted with a view of finding out the level of newspapers availability in literacy promotion in Ugandan primary schools. Consequently, the study established that English newspapers are not adequately provided for proper nurturing of the primary school pupils reading culture.

9. Recommendations

Based on the findings of the study and discussion of the findings, the following recommendation were made by the researcher:

(i) Enough newspapers should be provided in Ugandan primary schools. This can be done by the education ministry in collaboration with Parent Teachers Association (P.T.A.) of the respective primary schools.

(ii) Policy makers such as the education ministry should include English newspapers (pullout) among the recommended texts to be used in primary schools. This will encourage both parents and school authorities in providing enough English newspapers in literacy promotion in their respective primary schools.

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The Influence of Mother Tongue on Communication Skills of Media Practitioners in Kano State, Nigeria.

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Abstract. This work provides handful themes on areas where attention should be given in other to curtail the transference of phonological attributes of the broadcaster's mother tongue to that of English language during programmes broadcast in Radio. The population of the study was the ensemble of Radio Broadcasters in Kano state, which were 73. A census of the population served as respondents upon whom the research instrument (questionnaire) was administered. Simple percentages and frequency distribution tables were employed in analysing the data. The studies revealed that majority of the respondents were of the opinion that Nigerian radio broadcasters were affected by mother tongue interference in the course of their programmes. Analysis from the study further revealed that majority of the respondents agree that most Nigerian radio broadcasters are not grounded in the phonological structures of English language, hence cannot pronounce most words properly. The study concluded that this mother tongue interference has hindered many radio broadcasters from external exposure. They should take some extra training in the phonological structures of English language and learn the act of proper pronunciation in order to boost the credibility of the profession.

Keywords: Mother Tongue, Broadcasting, Radio.

1. Introduction/ Background

Language is the most important form of human communication which has served as the most efficient and versatile means of everyday interaction. Moreover, it is mainly a human activity. It is also important to note that language is not just a systematic symbolism but makes use of verbal elements and structures in brief, of what we commonly call words. Language grows as an oral phenomenon before it becomes written and standardized after which it becomes a toll through which we organize our thoughts into meaningful symbols.

Language is complete, not because every human language has a word for everything but because human language is so elaborate that its speakers can make a linguistic response to any experience that they may undergo. It is something that we habitually take for granted even though it is of great importance. It is quite natural to expect that the concern for language will remain central to the study of human nature as it has been in the past. Marshall McLuhan's assertion that the medium is the message is in consonance with the view that any distortion in language during broadcast bred lapses in communication more than written communication. It is pertinent therefore to make use of well-articulated speech sound to attain required standards in broadcasting.

Language has common characteristics and unique differences. These differences in structures often give rise to substitutions of non-existing phonemes and other forms of interferences. Nigeria is a multilingual society with about 250 different languages accompanied by many dialects. Such a situation makes for a comfortable adoption of the English language as the official language of government and as the language of instruction in schools. Internal politics apart, the English language affords Nigerians easy communication among the many linguistic groups in the country and with other English speaking peoples all over the world.

As the bedrock of the broadcast media considering the fact that it is the eye of any society. The relevance of language to radio broadcasting cannot be overemphasized, which is of great interest to any member of the society. According to Sanusi (1996), "Language is a medium of thought" (p. 8). It is a means of expressing of intentions and emotions, reacting to human beings at different times and situation, influencing people at different circumstances and so on through the mass media. In programme radio broadcast, proper manipulation of phonemes of English will purposefully promote excellence. On the other hand improper and inaccurate manipulation of the grammatical structure of English has affected adversely the output of programmes. In the broadcast media messages or information are distorted when there is semantic noise which is as a result of irregularities in the language structure of the radio broadcaster's mother tongue and the second language (English) that is being used.

Nowadays English learning is essential because English is the international communication medium. The language is necessary for different activities, including education, politics, communication and socio-economics (Medgyes, 1994; Mckay, 2002). English language therefore, has stream of sounds (speech sounds) which are produced during speech. The unique phonemes in the structures of English make the acquisition difficult because of the irregularities. With discrepancies in phonetic structures of languages, the broadcaster if not well informed and guided on the demands of job becomes a square peg in a round hole and invariably impedes communication.

Sookchotirat (2005) suggested that reading skill is the most important skill as it is the basis of all the success in one's life. Good readers can gain more knowledge of any kind from reading. Reading makes the reader more knowledgeable, have wider perspectives and vision. Reading helps the reader get new ideas leading to cognitive development. When the readers transfer what they read to apply with their own idea a new perspective or idea is created.

The introduction of sophisticated ideologies such as wire broadcasting also known as "radio distribution service" or radio diffusion was a mind-blowing experience to Nigerians. And as Hiebert and Gibbsons put it, "radio and sound recording changed the entire aural of the environment in which we live" (p. 206). After the introduction of radio, television broadcast followed suit.

Communication is a way of sharing information. There are three main types of communication: written, verbal and nonverbal. Each form has its benefits and drawbacks. In radio broadcasting, effective communication is of great importance. However, noise, either in grammatical structure or external interference, hindered effective communication. The effects of mother tongue on English Language cannot be overlooked. It goes further in causing phonetic problems to the second language speaker/leaner. In most cases, every second language user tends to bring elements or structures of his/her native language in speaking a second language. Despite efforts made to promote the effective learning of English as the mainstay of communication in Nigeria, many people including radio broadcasters still find difficult to effectively manipulate the phonological features. This is because, English language has some characteristics features such as stress rhythm and intonation which affect the qualities of individual sound segments. They are used differently from the way they are used in most Nigerian Languages and so become problematic to the speaker/leaner of English.

2. Literature Review

Every language has peculiar sounds with which the language is produced and communicated. English language as a lingua franca and

mainstay of communication in a multilingual society like Nigeria has its peculiar sounds with which it is identified, produced and communicated. It enhances human communication and serves as an important key to verbal/human communication. The English Language has been very significant segment of the communication network in the Nigerian multilingual society.

Many factors contributed to the acceptance of the English language as Nigeria's national language, one of them being that Nigeria has many languages and different cultures. Anyanwu and Otagburagu (2002) observed that the colonization of Nigeria led to the adoption of the language of the colonial masters. They further explained that the attitude of the colonial masters towards the use of the indigenous language for official purposes was negative. This kind of attitude prevented the colonial masters to use one of the local languages for official functions. These made way for the acceptance of English language as the best and Nigeria's national language and lingua franca.

Today English language is the chief medium of instruction in Nigerian schools. Mgbodile (1999) agreed that the English language is one of the most important subjects both in internal and external communications and for gaining admission into institutions of higher learning. He observed that parents encourage the use of English language and wanted their children to learn and speak the white man's language. This is why the teaching of English language should be given adequate encouragement to make the future Nigerians fluent in both spoken and written English.

The English language is made up of four skills: listening, reading and writing. Reading is a complex skill which is expressive in nature; it plays a very vital role in the educational life of an individual. Thus Ekpunobi (1991) stated that the ability to read is necessary for success in life and it is a sign of literacy. It follows then that as student who cannot read efficiently has failed to acquire the skill that will enable him/her to become a literate person in the society. Therefore, reading is an important activity in a child's education because it is a major process towards success in his/her educational pursuit.

After the child has acquired his first language, he must learn to read the second language under the guidance of the school or other external body. He must learn to develop skills in reading; such as intensive/extensive, critical/pleasure reading. Otagburuagu and Igbokwe (2001) agreed that reading is the key to the most advanced stages. In other words, reading is very crucial to learning because reading exposes a child to a wide range of information and knowledge.

Reading, therefore, is an act of decoding printed matter which involved the association of sounds and symbols. Nwadike (2001) suggested that reading is an act of deciphering what is written. It is a receptive form of communication and differs from speaking and writing in being a comprehensive activity. It is a thinking process, which involves making sounds and interpreting symbols. Acquiring reading skills implies not only the ability to recognize and say aloud the printed words on a page but also what they mean. Reading involves a combination of activities of the eye, which is perceives and explores the verbal symbols and sounds, which discovers and interprets the thought that lie beneath them.

Enumerating the use of English as a communication tool in Nigeria, Eyisi (2007) states that, "The English language occupies a pride of position in the Nigerian society. It can be perceived as the most important legacy from the British to Nigeria" (p. 19). Whenever we speak, we consciously produce a chain of speech sounds which are sequentially arranged to form syllables and words that will generate precise meaning to our listeners. Some languages have limited number of phonemes while other appears to possess extremely complete phonologies. English language therefore, has stream of sounds (speech sounds) which are produced during speech. The unique phonemes in the structures of English make the acquisition difficult because of the irregularities. With discrepancies in phonetic structures of languages, the broadcaster if not well informed and guided on the demands of job becomes a square peg in a round hole and invariably impedes communication.

In spite of the status enjoyed by English as a language that occupies a pride of place in Nigeria, and despite the effort put to promote it

effective communication, many radio broadcasters still find it difficult to effectively manipulate the phonological features of the language. This is as a result of the irregularities stemming from both languages- the new and old languages. This has been attributed to the fact that more attention was paid in the past on the written form of language at the expense of the spoken form. This has gone a long way in promoting a negative effect of the influence of the mother tongue (MT) on the target language (TL) or second language (Eyisi ,2007.p. 12). Unfortunately, in ordinary conversation, an interference of any type especially phonological interference goes unnoticed and is particularly ignored because most users in the country use English as their second languages as well as their target language. Though interference may be ignored in ordinary conversation, it is a serious problem in radio broadcasting as it can breed semantic noise and affects communication process. In programme dissemination in the English language, international acceptability of pronunciation called Received Pronunciation (RP) should be used, except otherwise where other varieties of English is to be used. This makes the broadcast media uphold their credibility and excellence. Folarin (2001) is of the opinion that: Everyday language of ordinary discourse and language of the news casting significantly differ due to the differences in expected roles. The language of broadcasting or journalism is to facilitate affective communication between the (encoder) and the listener (audience/decoder (p. 37). The broadcaster is a communicator whose duty is very important in information dissemination. It is possible for any Nigerian bilingual (speaking his mother tongue and English) to speak English as a British national. This is however not necessary because language has been proven to be dynamic.

The use of English language in the Nigerian broadcast media is an indispensable tool for effective communication. Broadcast messages are communicated through the language that is understood by the users. To this end, Okunna (2002, p. 163) states that: The very role of language in broadcasting and consequently the great impact of those two variables to human communication make the study of language and its relationship to better communication a sine qua non. Both language and broadcasting serve as means to communication end. Language serves as means of broadcasting just as both radio and television serve as a media of mass communication. If communication is the bedrock and mainstay of the broadcast media, the language used in the disseminating programmes, must therefore be used with great proficiency.

3. Theoretical Framework

This study is built on a theoretical foundation known as communication process. In communication process, information travels from the speaker/source (encoder) via the channel to the receiver (decoder). Communication does not exist without mutual understanding between the encoder and the decoder. Information is very powerful ammunition the media provide which enables the people to prevent irregular interposition of methods that affect their lives, wants and the environment. In fact no society survives without adequate, constant and up-to-date information. Since language in human communication is necessary for society's survival and growth, Dominick (2005, p. 5) believes that the following events are necessary for the communication process to take place.

The source which is the initiator of the process passes an idea or a thought which he or she wishes to transmit to some other entity.

The process of encoding refers to the activities that the source goes through to translate thoughts and ideas into a form that may be perceived by the senses.

The message is the actual physical product that the source encodes.

Channels are the ways the message travel to the receiver which are the basically through sound waves and light waves depending on what is being transmitted.

The decoding of the message is different from the encoding. It consists of activities that translate or interpret physical messages into a form that has eventual meaning to the receiver.

After the message has been decoded by the receiver, there is a feedback which is the

response of the receiver that shapes and alters the subsequent messages of the source. Dominick also discusses the noise factor as an event that might take place in the communication process. Noise has been defined as anything that interferes with the delivery of the message. This noise could be semantic, environmental and mechanical. The core of communication is the performance and proficiency in the language of communication. Every human relationship is hinged on communication process of exchanging mutually understood symbols of a language. Any fault in the language definitely leads to a breakdown in communication. This theory is relevant to the study under investigation because it established the bases upon which effective communication should flourish. For communication to be effective, it needs to eliminate or minimise to a large extent the prevalence of noise. In the case of this study, noise might be in form of mother tongue interference in communication, which must be addressed carefully.

4. Methodology

The research design for this study is the qualitative method design. The population of this study was the ensemble of radio broadcasters in the five selected radio stations in Kano state. The figure of the broadcasters' as presented was 73 persons. The choice of broadcasters' as the study population is because they are the ones that can really tell how they are been affected by mother- tongue interference in the course of their duties.

The table below shows the contribution of the various media organisations to the population of the study.

Table 1: Population of Study Media Organisations

S/N	Contribution of Population	Figure
1.	Arewa Radio	20
2.	Bello dandago Radio	16
3.	Freedom Radio	18
4.	Pyramid Radio	12
5.	Rahama Radio	7
	Total	**73**

This study used two instruments namely; questionnaire and document review. The questionnaire was drafted in simple sentences consisting of 15 questions. It made use of close and open ended techniques in order to give the respondents enough room to field in responses to the questions. The document review, on the other hand, was a painstaking act aimed at collecting only relevant information that would help explain the quantitative data. The validity of the instruments was done using face validity technique. The instruments were given to two research experts' for validation. First it was tested if the questions in the questionnaire are related to the topic under consideration and whether they actually provide answer to the questions raised in the study. It was also tested for clarity and ambiguity. In checking for the reliability of the study instrument, a pre-test was conducted to ascertain the reliability of the research instrument (questionnaire). A total of 15 respondents were drawn for this purpose. The reason was to determine whether the responses would be in line with the required result expected from the instrument. The pilot study was done after the questionnaire had been validated by the experts earlier mentioned. To this end, Asika (2006: 73) opined that reliability is "the accuracy on precision of a measuring instrument".

The data generated were analysed qualitatively. By this, data analysis was presented in textual forms separately.

5. Data Analysis: (Qualitative Approach)

Data was analysed using qualitative approach. By this, data were presented in textual forms separately. The study gathered qualitative data by reviewing literature from different sources that would help in explaining the quantitative data collected and analysed above. Although broadcasting in the native tongue is increasingly viewed as a communication right of every individual. Linguistics interference has been a topic of concern in a multilingual country like Nigeria. Linguistics interference is a phenomenon TRANSFER explained by psychologists as the influence of present learning by the past learning. This transfer

occurs in language learning when the learners of the new language designated in this situation rightly or wrongly establish analogy between same elements of the target language (TL) and the elements of an early acquired language known as the source language (TL) and mother tongue (MT). The language of broadcasting is expected to conform to the norms of the Standard English and Received Pronunciation (RP). Phenomenological deviation as Folarin (2001) explains, "… is often a conscious stylistic device and may be contrived in various ways. They include consonant and vowel dropping, tonal manipulation all of which may lead to a creating of unusual words and phrase" (p. 74). This impedes communication and does the media no good. The English Language has its set of sound system which is different from the set used in most Nigerian Languages and any other language.

The English sound system is peculiar just to the English Language and not to any other language. The English makes use of more sounds than some Nigerian indigenous languages. Studies have shown that diligent learning of English sounds that do not exist in one's mother tongue and effective application of the sound will promote communication process. Onuigbo (2001) clearly states that, "efforts made in the teaching and learning of these features are not commensurate with their importance in intelligible communication" (p. 5). In learning new sounds of language, learners tend to be discouraged by the number of strange sounds they have to learn especially in the articulation of homonyms where two words sound alike but with different meanings. Most times the variations in the production of these sounds are not noticed by the speaker but the listener or hearer. For instance in media broadcast, when the broadcaster fails to make a distinction between words like "live and leave," "bird and bed," "hat and heart," "hear and here," "sit and seat," "sheep and ship," "did and deed," and many other homonyms. Sentences like "he lost his hear will be misunderstood to mean "he lost his hat." Same goes for "he sold the sheep" and "he sold the ship." Christopherson (1976) comments that "… even if you do manage to make yourself understood, you will not express yourself well. Justice will not be done without proper pronunciation" (p. 3). The international acceptability and intelligibility of pronunciation is an essential requirement for broadcast media to upload its credibility and excellence. It is assumed that Nigerians have thicker tongues than the Europeans do. Notwithstanding, this should not affect our pronunciation of English words. With proper learning and adequate manipulations any language can be spoken to a good and acceptable extent. This has been proven in cases of Nigerians who grew in English-speaking environments, who in addition to their mother tongue have a good command of the pronunciation of English Language. Many prodigious writers and living legends such as Wole Soyinka, Chinua Achebe and many others had no better exposure than many Nigerians of today, yet they managed to excel proficiently in the field of English language despite the presence of their mother tongue. Nigerian broadcasters should learn the proper pronunciation of English words, by the conscious positioning of their organs of speech to avoid slow and laborious process. Ibagere (2001, p.83) explains that "difficulty in acquisition of the target language or second language breeds wrong pronunciation of words". This situation distracts the viewer of a media programme and from the content of such programmes. Ibagere further argues that "wrong meaning will be ascribed to a particular signal which in turn will result in the wrong response being given" (2001, p.149). A distortion in the message content of media programmes is called semantic noise in the broadcast media. Semantic noise is concerned with distortion of meaning: it is more identified with speech and more acute when it comes to broadcasting, because articulatory problems and slurring of sound promote distortion in meaning.

Speech organs remain the same in any speech production, but the manner of articulation, place of articulation and state of the glottis differ. The tongue, teeth and lips used for articulation are not the only organs of speech. The process of speech starts from the lungs which is the power house, form which air is inhaled. The phonological features of sound system are divided into segmental and supra segmental feature. The phonological features of our local languages have some similarities with English

but with unique difference. These differences pose articulation problems of interferences of the first language to the second language. To this end, Eyisi (2007, p.10) states, "as a result of these differences, the Nigerian learner of oral English is bound to encounter almost inseparable Linguistic phenomena in his journey to better English pronunciation." These difficulties occur at different levels.

6. Conclusion

From the foregoing, it is obvious that the implications of phonological problems and deviations in radio broadcasting as it affects communication effectiveness emanate mostly from the effect of the mother tongue phonological system on the phonology system of English. There are transfers from the native language of most radio broadcasters which affect their pronunciation in the cause of duties. This interference has hindered many broadcasters from external exposure. It becomes imperative, therefore, for broadcasters to follow-up their grammatical and phonological constructions with constant learning for better practice. This practice and constant learning might likely help the radio broadcaster to overcome all forms of irregularities inherent in his/her usage of English Language.

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A Critique of the Sophists' and Socrates' Positions on Teaching

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Abstract. One can justifiably with little or no problem say that in Western civilization, there are two lines of teachers from whom modern teaching originates: These are the Greek philosophers and the Hebrew prophets. Outside the Jewish community, the influence of the Greeks is far wider, stronger and more varied with the exception of the teaching of Jesus Himself. The Sophists claimed to possess all knowledge and questioned the foundations of most things that were previously taken for granted. While Socrates being a simple man believed that nobody on earth is intelligently empty, the ideas, according to Socrates are in every individual that these only required to be brought to consciousness in individual by the competent teachers. It is on this note that this paper examines the positions of the Sophists and Socrates on teaching. In this paper, we are not concerned with what is taught, but with how teaching should be done and finally make a critique of their positions on teaching.

Keywords: Critique, The Sophists, Socrates and Teaching.

1. Introduction

The Sophists were among the first professionals teachers that provided instructions in several higher levels of learning. Men like Protagoras, Gorgias, Hippias of Elis, Thracymacus of Abdera and Prodicus of Ceos became popular in Greece during the 5th Century BC. Most of them were not Greeks but aliens from Asia Minor. We are today heirs of the many of the ideas, which the sophists worked out. For instance, it was they who first discussed whether there were any absolute standards of morality, or merely conventions, either justice is constant, or simply the means of the will of the ruling class. As critics – they were dazzling, even overwhelming as teachers. The Sophists claimed to be following the movement of Reason and enlightenment. They went on public lecture to enlighten their students through the use of logic and oral presentation of facts and ideas.

Socrates in his own case was a Greek philosopher and teacher who profoundly affected western thought through the influence on his pupil called Plato. He is believed to be among the greatest teachers down the ages. Socrates believed in the superiority of argument over writing and therefore spent the greater part of the adult life in the marketplace and public places of Athens, engaging in dialogue and arguments with anyone who would listen or who would submit to interrogation.

2. The Sophists and Teaching

The Sophists were exclusively lecturers (Gibert,1963). All that we heard of them showed them as strikingly graceful and subtle talkers, who were highly sought by students. They said they could lecture on any subject. Often they were challenged to speak on odd and difficult topics, and they accepted the challenges. However, they did not usually pretend to know more facts than others. They went on public lecture from one place to place. The practice of the sophists can be liken to the modern days experience of the conferences or lectures in which we have a group of tutors often refer to as lecturers who teach through rhetoric and oral presentation of ideas. They argued

systematically and fairly, but painted over the gaps in their reasoning with glossy rhetoric. The sophists were known for constructive ideas and this they did through the use of logic (Ntui,2009). They believed that traditional notions were based on convention rather than logic. They demonstrated that a smooth talker – could prove almost anything sometimes, as a stunt, they made a powerful speech on one side of a question in the morning and an equally powerful speech on the opposite side in the afternoon.

The sophists' method of teaching could be seen as carrying positive and negative dimension in the sense that they could argue for and against a certain issue at the same time. They were a strong distruptive force in civilization, for they helped to blow up many sound traditional values, and often blinded their pupils by the temporary brilliance of the explosion, leaving them no help in rebuilding their individual and social lives. Yet they taught the Greeks what no other Mediterranean nation ever learnt, that, *thought alone is one of the strongest forces in human life*. The respect for the critical thinking, which they created, has lasted, even till the present days. The researcher may say that the sophists did not have an organised educational institution in their time but they qualified in their time to be seen as higher education teachers because their students were mostly matured or young adults like the ones in present day universities, who sought after them because of their desire for specialised knowledge. They claimed to know *"the science of life and living"* and concluded in their teaching that truth and morality were essentially matters of opinion. Thus, in their teaching, they tended to emphasise forms of persuasive expression, such as the art of rhetoric, which provided their students with skills useful for achieving success in life, particularly public life. This is seen in today's practice of law, political discussions among others.

Although they were the ones that blazed the trail in teaching for a fee as it is done today and The Sophists were of minor importance in the development of western philosophical thought. According to Redmond (2008) the sophists were accused by the state of lacking in morality. They were seen as radicals and revolutionaries who questioned the foundations of most things, that were previously taken for granted. They cast serious doubts on things previously believed, and raised a number of problems. They demolished the sanctity of tradition with their severe criticism and instilled the spirit of criticism and skepticism in the minds of the youths and adults whom they instructed. It was not surprising that they soon became unpopular among the Greeks. The fact that they demanded money from those they taught added to their unpopularity. As a result, the word sophist acquired a derogatory meaning, as does the modern term *sophistry*, which can be defined as deceptive or false argumentation or reasoning.

One can say that the sophists prepared the ground for the modern days lecture method of teaching in our universities. The lecture method is good since through it, information is passed from the lecturers to the students. However, the method is deficient because it does not give room for students to freely contribute their ideas to the teaching and learning process. It is teacher centred.

The students merely take down note. In some instances, students' note may not be the same. Teacher's delivery of message through lecture method could be likened to the experience of rain falling from the sky whereby people run around to collect water but the people may not collect the same quality and quantity of water. In the sense that, some may collect water at the early hours of the rainfall when the water is dirty and some may collect at the middle of the rainfall or much later. This marks the quality of the water they collect and could even determine quantity. In the same matter, when students attend lectures, some take down irrelevant information from the lecturers while some take down some useful information during the lectures. Also, some students may take down enough information while some may not take down enough. Irregularities that accomplished the lecture method make it insufficient method of teaching.

3. Socrates (469 – 399 BC) and Teaching

Socrates, the Great Greek Philosopher and Educationist is said to have written nothing.

Some of his works and personal history could be retrieved from the works of Plato and Xenophon. His contributions to knowledge were at once metaphysical, epistemological and ethical. Belief in a purely objective understanding of such concepts as justice, love, and virtue and the self-knowledge that he inculcated, were the core of his teachings.

Socrates believed that all vice is the result of ignorance, and that no person is willingly bad. It appears that Socrates thought that every person had full knowledge of ultimate truth contained within the soul and needs only to be spurred to conscious reflection in order to become aware of it. Correspondingly, virtue is knowledge, and those who know the right will act rightly. His logic placed particular emphasis on rational argument and the quest for general definitions, as evidenced in the writings of his pupil, Plato. Through the writings of these philosophers, Socrates profoundly affected the entire subsequent course of western speculative thought and teaching. Socrates to very many appeared as the very embodiment and guide of the higher life. Cicero once said that Socrates was the first to call philosophy down from the heavens and to place it in cities, and even to introduce it into homes and compel it to enquire about life, standards, good and ill.

Gutek (1974) contended that Socrates' method has been described as a kind of 'shock treatment' since it jolts the learners into anxiety about his on condition as human being. Socrates compared the acquisition of knowledge to 'healing' since it cured one of the sicknesses of ignorance thus restoring one to order and form. Through the process of education, Socrates felt that an intense human relationship is built between the teacher and the learner. Education should also assist the mind in building a set of value predilections and moral dispositions. When man is governed by reason, Socrates conjectured, he would subordinate appitite of reason(Aladejana 2009). Apart from Plato, another philosopher that was taught by Socrates was *Antisthenes*. He was the founder of the Syndic school of Aristippus who founded the Cyrenaic philosophy of experience and pleasure Socrates appeared as the greatest teacher of all times.

As a teacher, Socrates was greatly concerned with the problem of getting competent men into positions of power. He would ask such questions as; *"If I wanted a shoe mended, whom should I employ"?* To which some ingenious youths would answer: "*A shoemaker, O Socrates".* He would go on to carpenters, coppersmiths, among others, and finally ask some such question as "who should mend the ship of state"? He taught his students that a moral life leads to tranquility and that moderation and acceptance improve the quality of one's life. Socrates' method of teaching according to Reich (2003) was dialectic, the method of seeking knowledge by questions and answers. Socrates' scope of teaching was fraught with underlying emphasis on moral philosophy. His *Apology* gives a clear picture of a just man as one who is sure of himself, high-minded, indifferent to worldly success, believing that he is guided by a divine voice, and persuaded that clear thinking is the most important requirement for right living. In the final passage, where he considers what happens after death, it is impossible not to think that he firmly believes in immortality. He is not troubled, like the Christians, and later days teachers by fears of poverty, material acquisition and eternal torment after death.

Like the sophists, he was also an itinerant teacher. But he distrusted and opposed the sophists wherever possible. They toured the whole Greek world: Socrates stayed in Athens, talking to his fellow citizens. The sophists made carefully prepared continuous speeches but in his case, Socrates only asked questions. The Sophists took rich fees for their teaching; Socrates refused regular payment, lived and died poor. The Sophists were elegantly dressed, turned out like contemporary film stars on a personal-appearance tour, with secretaries and personal servants and elaborate advertising. Socrates wore the working – man's clothes, bare footed and a smock. In fact, according to Bertrand Russell, he has been a stonemason and carver by trade, and came from a working-class family. He talked to people at street-corners and

in the gymnasium (like public baths and parks nowadays), where every afternoon the young men exercised, and the old men talked, while they all sunbathed. He fitted in so well there that he sometimes compared himself to the athletic trainer, who does not run or wrestle, but teaches others how to run and wrestle better: Socrates said he trained people to think. Lastly, the sophists said they knew everything on earth and were ready to explain it. Socrates said he knew nothing and was only trying to find out knowledge.

The Sophists were the first lecturers while Socrates was the first teacher. His invention was more radical than that of the Sophists. Speeches such as they delivered could be heard elsewhere – in the new democratic law-courts, where clever orators tried to sway large juries by dozens of newly developed oratorical tricks, and in the theatres, where tragic kings, queens, gods, and heroes accused and defined one another in immortal tirades, and in the assemblies of the people, where any citizen could speak on the destinies of Athens. The innovations Socrates made were to use ordinary conversation as a method of teaching, and to act on one society only, his own city of Athens, instead of detaching himself and traveling. His talk was not "*fill of flowers and stars"*. He made the other fellow do most of the talking. He merely asked questions.

According to Bertrand Russell quoted in Ozumba(1998), Socrates questioned all sorts and conditions, from schoolboys to elderly capitalists, from orthodox middle-of-the road citizens to extremists, friends and enemies, critics and admirers, the famous and the obscure, prostitutes and politicians, artists, soldiers among others. It was incredibly difficult for him to adapt himself to so many different characters and outlooks, and yet we are told that he did. Socrates looked ugly. He had good manners, but no aristocratic polish. Yet he was able to talk to the cleverest and the toughest minds of his age and to convince them that they knew more than he did. We can say that his methods were first, the modest declaration of his own ignorance- which imperceptibly flattered the other man and made him eager to explain to such an intelligent but '*naive*' inquirer; second, his adaptability which showed him the side on which each man could be best approached; and third, his unfailing good humour at crises, when the other lost his temper, to dominate it. Some of the most delightful dramatic scenes in literature are those dialogues in which we see him confronted by a brilliant fanatic and drenched with a shower of words that would have silenced most other, and then emerging, with a humorous pretence of timidity, to shake off the rhetoric and pursue the truth, until at last, under his gently persistent questions, his opponent is – not forced, but led, to admit that he was wrong, and to fall into helpless silence.

He is considered a great teacher who is worthy of mention in this study because his greatness rests primarily in his personal character, since this personal character that had considerable influence both on his contemporaries and subsequent generations. There is no doubt that a teacher's personality teaches along with his words, as was very glaring in Socrates, who left no writing but taught through his personal interaction. Our concern in this study is to see how teaching can practically ensure sound character and moral training which cannot be taught alone through oral communication but also with the personality of the teacher. This is because the greatest need of the world today is men and women of sound moral character, and integrity, who are humble in both teaching and learning without seeing teaching as a '*means to an end*' but as an '*end in itself*'. Learning makes a man humble because the more one knows, the more he knows that he does not know. This calls for humility, modesty and true intellectual commitment. Socrates was primarily a moralist in his personal life and teachings. And as one who lived by principles and died in these convictions, he has not ceased to command the respect and admiration of people all over the world.

4. Evaluation and Conclusion

This paper submitted that the sophists prepared the ground for the modern days lecture method of teaching in our universities. The lecture method is good since through it, information is

passed from the lecturers to the students. However, the method is deficient because it does not give room for students to freely contribute their ideas to the teaching and learning process. The Sophists, it can be said, took interest in behaviourist and information processing perspective approach. It is the view of many educational philosophers that the behaviourist approach to education is too narrow, specialized, isolated and interpersonal in stand point. In the same vein, information processing approach of the Sophists was criticized as being evenly reductionism in its analogy of computer and mind (Adeniyi,2005). These two approaches of the Sophists are teacher-centred rather than being student-centred. Thus, the Sophists failed to reflect either the active role of the learning agent or the influence of the social interactive contexts in every day to day educational setting. Phillips(2003), for instance, holds that their mechanistic underpinning by an orderly, predictable and controllable view of the universe proved inadequate to capture the active and social characteristic of learners.

Socrates approach is different from those of the Sophists. Socrates can be viewed as a constructivist and his approach is child centred and not teacher-centred. Constructivism as an educational theory is the view that learners construct meaning as he or she learns.

Constructing meaning is learning and for him there is no other kind. This view has consequences that are of two-fold. (1) We have to focus on the learners in thinking about learning (not on the subject matter). (2) There is no knowledge independent of the meaning attributed to experience constructed by the learners or community of the learners.

Thus, Socrates as a constructivist, holds that knowledge is not mechanically acquired but actively constructed within the constraints and offerings of the learning environment. The mechanistic positivist accounts of learners as recipients of hard wired knowledge were supplemented by accounts of learners as situated active knowledge constructors. In this way, Socrates brings back human subjectivity excluded by the Sophists, behaviourist and information processing accounts.

However, Socrates approach has certain radical epistemic implications. All knowledge is viewed as human knowledge and, that there can be no warrant for claiming access to knowledge that either is not, or has not been mediated through subjective or inter- subjective human experience of some kind.

By emphasizing individual or social community construction of learning, the conclusion of individual or community idiosyncrasy follows. This, infact leads to epistemological relativism and it raises the question of how we can know others and what is objectivity. It also has radical ontological implications. The universe is no longer a mind- independent existence of any real objective world. These claims lead to epistemological relativism where there exists no absolute truth and truth is as good as any other.

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