RULE OF LAW AND GOOD GOVERNANCE IN NIGERIA: MYTH OR REALITY

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Article

Abstract

Nigeria has suffered a governance crisis in recent times. Inflation is on the high side and the provision of adequate infrastructure and public utilities is in a state of near collapse. The constitution of the Federal Republic of Nigeria, 1999 makes provisions for good governance in sections 4, 5, 6, and Chapter II, IV, in terms of separation of powers, fundamental principles of state objectives, and entrenched inalienable human rights. Nigeria has a plethora of good laws at both Federal and State levels of government. These provisions in the laws barely reflect the quality and standard of living of its citizens. This paper examines the rationale for the failure of rule of law in giving Nigerian citizens good governance. The problem question is how can constitutionalism birth better governance in Nigeria and what factors inhibit the rule of law vis-à-vis constitutionalism toward good governance in Nigeria. The paper adopts the doctrinal methodology by examining statutory provisions, case laws and the opinion of other authors on the subject of discourse. The paper ends with recommendations on how to ensure good governance do not remain a myth but a reality in Nigeria.

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1.0 INTRODUCTION

The rule of law is a concept that describes the supreme authorities of the law over governmental action and individual behaviour.[2] It corresponds to a situation where both the government and individuals are bound by the law and comply with it.[3] It is a principle under which all persons, institutions and entities are acceptable to laws that

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[2] www.humanrightscareers.com>issues. Accessed 1 June 2022

[3] Corperatefinanceinstitute.com>other. Accessed 1 June 2022

are publicly promulgated, equally enforced and independently adjudicated and consistent with international human right principles.[4] No country can maintain a rule of law in society if its people do not respect the laws, everyone must make a commitment to respect laws, legal authorities, legal signage and signals, and pronouncement of the courts of law.[5] Nigeria, as a nation is blessed with laws made from colonial administration and several of these laws, have been amended to reflect the contemporary realities of our nationhood. This paper will examine the concept of rule of law its evolution, various theories of rule of law,

2.0 BRIEF EVOLUTION OF THE CONCEPT OF RULE OF LAW:

The concept of Rule of Law is very old. In the thirteenth century Bracton, a judge in the reign of Henry II in a way introduced the Concept of Rule of Law without naming it as the Rule of Law. He wrote: "The king himself ought to be subject to God and the law, because law makes him king".[6] Edward Coke is said to be the originator of concept of Rule of Law when he said that the king must be under God and law and thus vindicated the supremacy of law over the pretensions of the executives. In India, the concept of Rule of Law can be traced back to the Upanishad. It provides that Law is the King of Kings. It is more powerful and higher than the Kings and there is nothing higher than law. By its powers the weak shall prevail over the strong and justice shall triumph. But the credit for developing the concept of Rule of Law goes to Professor A.V. Dicey who in his classic book. Introduction to the Study of the Law of the Constitution" published in the year 1885 tried developing the concept of Rule of Law. As per Dicey no man is punishable or can be lawfully made to suffer in body or goods except he is breach of law established in the ordinary legal manner before the ordinary Courts of the land. This establishes the fact that law is absolutely supreme and it excludes the existence of arbitrariness in any form. According to Diecy where there is discretion there 1s room for arbitrariness. So Dicey held that every man, whatever be his rank or condition, is subject to the ordinary law of the realm and amenable to the jurisdiction of the ordinary tribunals.[7]

Dicey's theory of the Rule of Law consists of three main principles:

a. Absence of Arbitrary Power or Supremacy of Law: In Dicey's opinion, rule of law means the absolute supremacy of law and 'no man is punishable or can lawfully be made to suffer in body or goods except for a distinct breach of law established in the ordinary legal manner before the courts of the land. Dicey was of the view that all individuals whether if he is common man or government authority is bound to obey the law. Dicey is of the view that no man can be punished for anything else than a breach of law which is already established and also that the alleged offence is required to be proved before the ordinary courts in accordance with ordinary procedure.[8]

b. Equality before Law: As per Dicey Rule of law, in the second principle, means the equality of law or equal subjection of all classes of people to the ordinary law of the land which is administered by the ordinary law courts. In this sense rule of law conveys

[4] www.investopedia.com>sdf-news. Accessed 1 June 2022
[5] www.sdfoundation.org>self-news. Accessed 1 June 2022
[6] ibid
[7] Onlinedegrees.kent.edu>community. Accessed 3 June 2021
[8] Ibid.

that no man is above the law. Even government officials are under a duty to obey the same law and there can be no other special courts for dealing specifically with their matters.[9]

c. Constitution is the result of the ordinary law of the land: Dicey posits that in many countries rights such as right to personal liberty, freedom, arrest, etc are provided by the written Constitution of the country but in England, these rights are a result of the judicial decisions that have arisen due to the conflict between the parties.[10] The constitution is not the source but the consequence of the rights of the individuals. This principle of Dicey is not applicable in India as in India considers the constitution to be the basic groundwork of laws from which all other laws are derived.

3.0 A BRIEF OVERVIEW OF THE CONCEPT OF RULE OF LAW

The basic principles of rule of law are premised on the supremacy of the law, equality before the law, fairness in the application of the law, enforcement of human rights, and viable independence of the judiciary.[11]
The essence of these principles is to ensure participation in decision-making, legal certainty, avoidance of arbitrariness, procedural certainty, and legal transparency. Therefore, the rule of law is the legal principle that law governs a nation, as opposed to being governed by arbitrary decisions of people who held power. Those with power must themselves be constrained by laws in exercising their powers and not act according to their whims and caprices.[12]
Rule of law consists of several basic principles that law and policymakers, judges, and law enforcement agencies should consider while exercising authority in a democratic society. This means all duties, power, and functions of government, including its organs and authorities, are done in accordance with the law.[13]

The concept of "Rule of Law" is the building block on which the modern democratic society is founded. For the successful functioning of the polity, it is imperative that there is enforcement of the law and of all contracts based on the law. Laws are made for the welfare of the people to maintain harmony between the conflicting forces in society. One of the prime objectives of making laws is to maintain law and order in society and develop a peaceful environment for the progress of the people. The concept of Rule of Law plays an important role in this process.[14]

The term "Rule of Law is derived from the French phrase *La Principe de Legality* (the principle of legality) which refers to a government based on principles of law and not of men. In a broader sense, rule of law means that law is supreme and is above every individual. No individual whether he is rich, poor, ruler or the ruled etc is above law but he should obey it. In a narrower sense, the rule of law implies that government authority may only be exercised in accordance with the written laws, which were adopted through an established procedure. The principle of the rule of law is intended to be a safeguard against arbitrary actions of government authorities. The rule of law has been described as a "rare and protean principle of our political tradition". The rule

[9] Ibid.
[10] Ibid.
[11] www.sciencedirect.com>topics>so... Accessed 1 June 2022
[12] www.onlinemsurpprograms.com>th... Accessed 1 June 2022
[13] Ibid.
[14] Ibid.

of law centrally comprises "the values of regularity and restraint, embodied in the slogan of a government of laws, not men". The term Rule of Law does not provide any thing about how the laws are to be made, Or anything specific like the Fundamental Rights or the Directive principles or equality etc. but it provides for two basic concepts that is Law must be obeyed by the people and that the law must be made in such a way that it is able to guide the behaviour of its subjects.

Different legal theorists have different approaches toward the concept of the Rule of Law. Some believe that the rule of law has purely formal characteristics, meaning that the law must be publicly declared, with the prospective application, and possess the characteristics of generality, equality, and certainty, but there are no requirements with regard to the content of the law. While other legal theorists believe that the rule of law necessarily entails the protection of 1ndividual rights. Within the legal theory, these two approaches to the rule of law are seen as the two basic alternatives, respectively labeled the formal and substantive approaches.[15]

4.0 COMPONENTS OF RULE OF LAW

Rule of Law is a dynamic concept but it is somewhat difficult to define. Every person has its own way of defining rule of law some think it to be the supremacy of law; some think it to be the principles like clarity, universality, stability etc. Due to all these reasons, certain ingredients of Rule of Law have been identified and all these need to exist for the concept of the Rule of Law to survive.[16]
Common ingredients of Rule of Law include a government bound by and ruled by law; equality before the law the establishment of law and order; the efficient and predictable application of justice, and the protection of human rights.

4.1 RULE OF LAW IN MODERN TIME

Today, Dicey's theory of rule of law cannot be accepted in its totality. The modern concept of the rule of law is fairly wide and therefore sets up an ideal framework for any government to achieve. This concept was developed by the International Commission of Jurists known as the Delhi Declaration of 1959 which was later on confirmed at Lagos in 1961. According to this formulation:[17]

> The rule of law implies that the functions of the government in a free society should be so exercised as to create conditions in which the dignity of man as an individual is upheld. This dignity requires not only the recognition of certain civil or political rights but also creation of certain political, social, economic, educational, and cultural conditions which are essential to the full development of his personality.[18]

According to Davis, there are seven principal meanings of the term "Rule of law: (1) law and order; (2) fixed rules; (3) elimination of discretion; (4) due process of law or fairness; (5) natural law or observance of the principles of natural justice; (6) preference for judges and ordinary courts of law to executive authorities and administrative tribunals; and (7) Judicial review of administrative actions.

[15] ibid
[16] ibid
[17] ibid
[18] ibid

Above all, it may correctly be said that rule of law does not mean and cannot mean any government under any law. It means the rule by a democratic Law, a law that is passed in a democratically elected parliament after adequate debate and discussion. Likewise, Sir Ivor Jennings opined that 'in the proper sense, rule of law implies a democratic system, a constitutional government where criticism of the government is not only permissible but also, a positive merit and where parties based on competing politics or interests are not only allowed but encouraged.'[19]

4.2 RULE OF LAW AND THE CONSTITUTION OF NIGERIA

The rule of law is defined by A.V Dicey and clarified by the international commission of Jurists in its Lagos and New Delhi conferences, a constitution is said to be based on the rule of law if it makes provisions for the following:
(a) Equality before the laws, all persons and institutions are deemed to be equal before the law, there should therefore be no undue discrimination and unjustifiable privileges for a select few in society.

(b) Government powers should not be exercised arbitrarily. All activities of government must be carried out within the framework of defined rules and regulations, individuals must also be free to sue the government over its actions. (Supremacy of the law).
(c) Independent judiciary to adjudicate on cases and to decide legality of government actions.
(d) Respect for fundamental human rights must be enshrined in the constitution.

a) Equality before the law

Section 17 (1) provide that the state social order is founded on ideals of freedom, equality and justice while section 17 (2) (a) provides that every citizen shall have equality of rights, obligations, and opportunity before the law. This is one of the reasons why federal character is provided for in the constitution and a law passed by the National Assembly establishing the Federal Character Commission to ensure that the commonwealth is redistributed fairly and evenly in terms of political appointments, offices and employment in the public sector.

b) Supremacy of law against the arbitrary exercise of governmental power

Section 1 (2) provides that the Federal Republic of Nigeria shall not be governed, nor shall any person or group of persons take control of the government of Nigeria or any part thereof except in accordance with the provisions of this constitution. Section 1 (1) of the constitution further reinforced this fact by providing that this constitution is supreme and shall have binding force on all authorities and persons throughout the federal republic of Nigeria. Situations, where the head of any government either at the federal of state level finds it difficult to obey court orders after appeal options have been exhausted, becomes an invitation to anarchy and contrary to the oath of allegiance sworn to uphold the constitution. By implication, this is impeachable conduct.

c) Independence of judiciary

The independence of the judiciary is one of the principles for an entrenched egalitarian society. This school of thought posits that in order to have an egalitarian society, the judiciary as a separate arm of government must be independent. Section 17 (2) (c) provide that the independence, impartiality, and integrity of the court of law and easy

[19] Ibid.

accessibility shall be secured and maintained. To safeguard and make the independence of the judiciary certain, sections 230 and 231 of the constitution established the Supreme Court and sets out the conditions and qualifications for the appointment of justices of the court and the Chief Justice of Nigeria. Section 238 sets out the qualifications of the justice of the Court of Appeal and its President. Section 250 sets out the conditions and qualification for the appointment of judges for the Federal High Court and its Chief Judge. Section 256 sets out the conditions and qualifications of judges of High Court FCT and its Chief Judge. Section 261 sets out the qualification of Kadis and Grand Kadi of Sharia Court of Appeal of Federal Capital Territory Abuja, while section 266 sets out the qualifications for appointment of judges and President of Customary of Appeal of Federal Capital Territory. Section 271 of the constitution sets out the qualification of judges and Chief Judge of the High Court of a state while section 276 sets out the qualification for appointment of Kadis and Grand Kadi of Sharia Court of Appeal of a state. Finally, section 281 sets out the qualification of judges and President of the Customary Court of Appeal of a state. Section 254 A-D sets out the qualification for appointment as President and judges of the National Industrial Court Nigeria.

Section 292 of the constitution provides for the removal of judicial officers that is to say judges of all cadres including the Chief Justice of Nigeria, President of Appeal, Chief Justice and Grand Kadis. If these provisions of the constitution are followed in the appointment and removal of judicial officers in Nigeria, the judiciary will have its full independence from the executive and the legislature. The financial autonomy of the Judiciary may also enhance the independence of the judiciary.

d) Provision for and Protection of Human rights

Sections 17, and 33-44 of the constitution are detailed enough on human rights[20]. The constitution contains provisions on these requirements of the concept of the Rule of law. Nigerian governments, the military included, have often been challenged in court by private persons, and indeed in the famous *Lakanmi*'s case,[21] the supreme of a state court even agreed with the contention of the appellant, a person whose properties have been confiscated by the Ironsi Regime for corruption, that the events of 1966 did not constitute a revolution, and that the confiscation of his assets was contrary to the 1963 constitution.

As the judiciary becomes more courageous and independent, it can be expected that the practice of judicial review of executive and legislative action will be carried to new heights to help ensure that governmental actions shall be in accordance with the law, rather than the dictatorial whims and caprices of despots. In the case of *Amakiri v Iwowari*[22], for example, the plaintiff, a journalist, published an article in the newspaper of an impending strike about teachers in his state. The aide de camp of the military government took offence at the publication because it coincided with the governor's birthday. He ordered the head of the plaintiff to be shaved, gave him twenty strokes of a cane, detained him for Over twenty- four hours, and subjected him to generally inhuman and degrading treatment. The plaintiff sued the A.D.C of the governor claiming N10,000 damages for assault and battery. The Ag. Chief Judge of Rivers State found the A.D.C liable.

[21] *Lakanmi vs A. G. (Western Nigeria)* (1971) 1 U.I.L.R. 201
[22] (1973) Suit No. PHC/222/73 of 22-3-74

In the field of human rights too, the constitution contains commendable provisions upholding the rule of law. Chapter IV contains a bill of rights enumerating certain rights which all Nigerians are entitled to enjoy. These include the right to life, fair hearing and private life. The right to dignity of the human person, freedom of thought conscience and religion as well as freedom from discrimination is guaranteed. Every Nigerian is equally entitled to express himself freely. And to ensure that these rights are protected and upheld, the constitution makes provisions for a free press, and gives the right to all persons to associate and assemble peacefully and to form or belong to trade unions, political parties, cultural and socio-cultural associations.

All these rights are meant to be enforceable, and the constitution empowers anyone whose rights is threatened or infringed to apply to the various state high courts for redress or Federal High Courts.

There is a cardinal duty on the government to expand the frontiers of the rule of law to include respect for the laws of other nations and adherence to the provisions of treaties and international covenants, protocols, conventions, and instruments signed and ratified by the National Assembly in line with section 12 of the constitution.

5.0 COURTS PRONOUNCEMENTS ON THE RULE OF LAW

A case in point is Elesho vs Governor of Ogun State[23] where the court opined that: "In exercise of his powers as a matter of order, peace, and good government, the Governor must have recourse to law. The governor is certainly not there to seize the power of other functionaries, nor is he there to rule in dictatorship in disregard of the established laws of the land. That would not bring order, nor peace nor good government. The court continued further: with respect, I find it difficult to accept the submission of Mr Molajo, SAN as attractive as the theories propounded by the submission may be, for the government to step in and approve the appointment of one of the candidates without any backing of the law, when the provisions of the law are there, clear straightforward, and binding, is to introduce arrogance into governance. Per Eso JSC in *Elesho vs Governor of Ogun State*.[24] The rule of law is against executive rascality.

A. Court Pronouncement as a tool for combating Executive lawlessness

It is a very serious matter for anyone to flout a positive order of a court and proceed to taunt the court further by seeking a remedy in a higher court while still in contempt of the lower court. It is more serious when the act of flouting the order of the court, the contempt of the court, is by the executive, under the constitution of the Federal Republic of Nigeria, the Executive, the Legislative (while it lasts) and the judiciary are equal partners in the running of a successful government.[25] The powers granted by the constitution to these organs by S.4 (Legislative powers) S.5 (Executive powers) and S.6 (Judicial powers) are classified under an omnibus umbrella known under Part II to the constitution as "powers of the Federal Republic of Nigeria "The organs wield those powers and one must never exist in the sabotage of the other or else there is chaos. Indeed there will be no federal government. l think, for an organ, and more especially the executive, which holds all the physical powers, to put up itself in sabotage or

[23] (1990) 2 NWLR (Pt 133) 420 at 437
[24] (1990) 2 NWLR (Pt 133) 420 at 437
[25] *Elesho vs Governor of Ogun State* (supra)

deliberate contempt of the other is to stage an executive subversion of the constitution it is to uphold. Executive lawlessness is tantamount to a deliberate violation of the constitution. When the Executive is the Military Government that binds both the Executive and the legislative together which permits the judiciary to co-exist with it in the administration of the country, then it is more serious than imagined.

The essence of rule of law is that it should never operate under the rule of force or fear. To use force to comply with an act and while under the marshal of that force, seek the court's equity, is an attempt to infuse timidity into court and operate sabotage of the cherished rule of law. It must never be" per Eso JSC in Governor of Lagos State vs Ojukwu.[26]

> "What remains now is an example of the act of Respondents in dismissing the Appellant from office during the pendency of the action. Such action, I think is contemptuous of the judiciary, which has been seized with determination of civil rights under the constitution and which has been left unscathed by all military coups. For the judiciary, a powerful arm of government to operate under the rule of law, full confidence and this must be unadulterated, must exist in this institution. It must indeed be demonstrably shown especially if it is the other arms of government that are involved, in civil days both the executive and the legislative must show to the, entire nation their demonstrable confidence in the judiciary. The responsibility is greater during the military rule.

The military in coming to power is usually faced with the question as to whether to establish a rule of law or rule of force. While the latter could be justifiably a rule of terror, once the path of law is chosen the mighty arm of the government, must in humility bow to the rule of law thus permitted to exist.

The rule of law knows no fear, it is never cowed down, it can only be silenced by the only arm that can silence it, it must be accepted in full confidence to be able to justify its existence". Garba vs FCSC at 449: The rule of law, fair hearing and natural justice cannot be separated therefore we are going to look at how the courts in Nigeria have fared. The rule of law is also against legislative rascality or recklessness and judicial recklessness, this provides for appeals and judicial review.

B. Fair Hearing as an Ingredient of the Rule of Law

Natural justice is a rule of justice, fairness and equity which entails hearing the other side in any adjudication. Over the years, the attitude of the court on fair hearing is also not only in accord with the law over the ages but agrees with common sense. Anyway, is there a reason the other side should not be heard before he is condemned? Why should he not enjoy the rights conferred upon him by law as regards his employment? Why should he not be protected by the constitution and have criminal charges against him determined by the courts or tribunals set up by the constitution itself? It is an admission in every reasonable culture, even apart from the decisions of the court, that a judge should hear both sides before determining the guilt or otherwise of a person. In *FCSC*

[26] (1986) 1 NWLR (Pt 18) 633 - 634

v Laoye[27] the concept of natural justice was described as a Siamese twin of the rule of law. Natural justice means the rule against bias and the right to fair hearing. It has two principles namely:

1. *Audi Alteram Partem* rule

Audi *Alteram Partem* means hear the other side, not that the other side had been heard once and not again be heard, especially when the decision taken after that previous hearing was in favour of that party. Akande vs State.[28]

2. *Nemo judex in causa sua*

"It is patent from the action of the Attorney-General in this case that he is not only a judge in his cause in effect he is complainant, prosecutor and judge-but also heavily biased against the respondent whom, though he allowed fourteen days to state his case, he also prevented him from doing so doing with so much swiftness that that it would leave no one in doubt of his bias. Not less are the three members of the Bar Association who have condemned the respondent at their earlier Bar Executive meeting would now sit in judgment over him.

It is a case of "Come here quickly for your assured condemnation. In *LPDC vs Fawehinmi*[29], the rule of natural justice was said to have three requirements namely: give adequate notice to the other side, avail a party fair hearing, and have no bias against any party.

c. Adherence to the Constitution and other Laws in Criminal matters

It is a cardinal rule in the administration of criminal justice that nothing should be a crime except the law makes it a crime in the express and clear letters of the law.

The court in the case of *Garba vs University of Maiduguri*[30] held that the Senate of the University of Maiduguri was not a tribunal or court. The disciplinary body was set up as the Disciplinary arm of the Senate and endorsed the action of the Vice-Chancellor and the Vice-Chancellor decided to take the action "in respect of "Such students identified" by the panel "to have participated in the rampage "to expel those students from the University in other words, here is a trial of very serious criminal charges by a body other than a legal Tribunal or more particularly a "court of law" set up by the constitution where the complaints of these students-accusers could be publicly ventilated, where those accusers could be publicly cross-examined by them in regard to the veracity of their accusations could be sure of getting a fair hearing as required by the constitution. Of course, what happened in this case is a serious breach of section 33 of the constitution.[31]

i. Demands of natural justice

[27] (1989) 2 NWLR (pt 106) at 652
[28] (1988) 3 NWLR (pt 85) at 681
[29] J.O. Akande Introduction to the Constitution of the Federal Republic of Nigeria 1979 Sweet and Maxwell London 1982 p.15
[30] (1981) INCLR 218
[31] (supra)

In Adigun vs A.G. Oyo State[32] the court held that natural justice demands that a party must be heard before the cause against him is determined. The court went further to hold that even God gave Adam an oral hearing despite the evidence supplied by his act of covering his nakedness, before the case against him. "Once an appellant has shown that there is an infringement of the principle of natural justice against him, it is the duty of the court to hear him out. This is not a case where one, after showing injuries would need to proceed further to show *damnum*, the injuries herein, is proof positive of the *damnum*.

ii. Duty of court

In Unongo's case, some specific provisions of the Electoral Act, that is sections 129(3) and 40(2), were for interpretation and were declared unconstitutional, in some strong pronouncement by this court, as an infringement of the rights of fair hearing and the principles of justice and also an unwarranted interference with the absolute prerogative of the judiciary in matters within the competence of that institution. As sound as the reasoning of the court in this wise seems to be, the mere fact that each of the parties are aware and properly served is sufficient in our view. We differ from stand by the principle that any enactment that goes or attempt to regulate the time within which the justice of a case should demand in the hearing and determination of a case is without doubt void. The case of *Akeredolu v Akinremi*[33] offers further areas for research in this respect

It is what an ordinary reasonable by-stander would regard as bias. What reasonable man would watch the trial as I have revealed who would go home and say that justice had been done to the accused? What reasonable man would not wonder what the concern of the judge was is his display of forensic ability against an accused person who seek justice before him? What reasonable man would not wonder which of the two, the state counsel or the judge was the prosecutor in this case? It is with respect, a sham of trial and with respect an immature approach to the administration of justice to set out for a scale against any party that stands in the imaginary scale held by a judge".[34]

iii. The essence of Fair hearing

In lsiyaku Mohammed V. Kano N.A,[35] C.J. delivering the judgment of the Supreme Court held the view that:

> It has been suggested that a fair hearing does not mean a fair trial. We think a fair hearing must involve a fair trial and a fair trial of a case consist of the whole hearing We therefore see no difference between the two. The true test of a fair hearing is the impression of a reasonable man who was at the trial whether from his observation, justice has been done in the case'.

What justice can be done, or seen to be done by a reasonable person, when the litigants have been enjoined by law, even before they start on the preparation of their case that the proceedings shall be completed within 30 days from the date, not even of

[32] (1981) INCLR 218
[33] Akande J. O., *op cit.*
[34] ibid
[35] 1968 I ANLR 42

commencement of their action but of the election concerned S.129(3) of the Electoral Act? Or that the court has only 30 days from the date of the election to dispose of the action S. 140(2) of the Electoral Act? Surely this is not in contravention of 33 of the constitution which provides for fair hearing of a case because the litigants were pre-informed of the duration of the case. The position in *Unongo v Aku*[36] supports this submission

6.0 SUMMARY OF FINDINGS

The whole of Chapter IV of the 1999 constitution which makes elaborate provisions on human rights is also a reflection of the rule of law in the constitution. Chapter two of the constitution is also a reflection of the rule of law but for its non-justiciability. However, treaty provisions to which Nigeria is a signatory and to which the legislature has ratified for domestic use and which fall under Chapter II of the constitution become justiciable.

The entrenchment of the principles of separation of powers- sections 4, 5, and 6 of the constitution is also a reflection of the rule of law in the constitution. It could be deduced that the practice where one arm of the government will either wait for funding or allocation of what is due stifles separation of power and by implication the free operation of the rule of law. The rule of law is a concept that runs through the whole of gamut of our legal system. It is an inevitable panacea to an equitable society where justice, peace, and equality will reign.

In summary, natural justice implies fairness, reasonableness, equity, and equality. Fair and humane enforcement of the law toward the promotion of an egalitarian society will help engender good governance. Rule of law is not limited to Nigerian government and its citizens. It is applicable to treaties, protocols, covenants, conventions, and other international instruments.

7.0 CONCLUSION

In Nigeria today, rule of law is not fully operative there is selective trial of corrupt public officials, life is not safe and people are not secured due to activities of bandits, violent herdsmen, kidnappers for ransom, and inequality of appointments to public offices by the President. It is only the rule of law that can guarantee peace and unity of Nigeria. The federal, state, and local governments are called upon to know and act on the rule of law in all their governmental policies.

[36] 1990 4NWLR part 143 at 254