

**THE RULE OF LAW IN A DEMOCRACY:
RECIPE FOR PEACE IN NIGERIA**

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Abstract

The rule of law, democracy, and respect for fundamental rights are interlinked, interdependent and mutually reinforcing. These principles ensure peaceful and harmonious co-existence among persons in a society. The Nigerian laws provide for the existence and sustenance of these socio-political virtues. Yet in Nigeria, these principles of humanity are mostly honoured in breach. Nigeria is a country in search of peace. This study examines the features of these indices and relates them to what obtains in Nigeria today. It concludes with the fact that working for peace is a task for all.

Keywords: Peace, Rule of Law, Democracy, Fundamental Rights, Nigeria

1. Introduction

The rule of law, democracy, peace and respect for fundamental rights lie at the heart of any society whose aim is to promote the well-being of its citizens. They are essential building blocks of modern societies. As important as they are, however, their realization cannot be taken for granted. They have to be sought and worked for. In a constantly changing political and societal landscape like Nigeria, these values and principles should not be taken as settled. Nigeria is currently passing through a phase that is marked by tension, injustice, inequity, corruption, impunity, and general sense of hopelessness and dissatisfaction. There are agitations against lopsided appointments, marginalization and unfair

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distribution of resources and amenities. There are also cases of selective application of the rule of law by which, for instance, the government choose particular court orders to obey and which one to disobey. These inequitable situations have often led to calls that are detrimental to the unity of the country. The result is lack of peace and much suffering in the country in the form of poverty, hunger, joblessness, insecurity, violence, fear... the list is endless. Nigeria appears to be under siege. Many negative forces seem to be keeping a stranglehold on the population, especially the weak and defenseless. The youths are restive and many of them have taken to hard drugs, cultism and other forms of violent crime, while many have become victims of human trafficking. The Nation is nervous. Yet, unarguably, peace is the fulcrum on which development stands. The gist of this paper is centred on the necessity of observing the rule of law as a factor for peaceful co-existence in Nigeria.

2. Clarification of Terms

For a good understanding of this study, it may be appropriate to indicate the connotations of the concepts of the rule of law, democracy, fundamental rights, and peace.

Rule of law is the cornerstone of all democratic societies. The Black Law Dictionary defines the term ‘Rule of Law’ as follows:

Rule of law is a substantive legal principle, the supremacy of regular as opposed to arbitrary power, which is also termed supremacy of the law, the doctrine that every person is subject to the ordinary law within the jurisdiction, the doctrine that general constitutional principles are the result of judicial decisions determining the rights of private individuals in the court².

The rule of law connotes equality of all under the law, seeks for the protection of fundamental rights of citizens, and guards against abuse of power. Accordingly, rule of law requires individuals, persons and governments to submit to, obey and be regulated by law, and not by any

² B. A. Garner (ed), *Black Laws Dictionary* (9th edn, Thompson Reuters USA, 2009)1448.

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arbitrary action of a person or group of persons. In a rule of law, a proper system of checks and balances maintains the separation of powers, ensures accountability and enhances stability. In order to maintain trust in public institutions, the principles of legality, legal certainty, prohibition of arbitrariness of the executive powers, judicial independence, impartiality, and equality before the law need to be respected. In a regime where there is a rule of law, the role of national courts is crucial for ensuring effective judicial protection.

Democracy entails the right of individuals to participate in and influence the development of society, with free and fair elections at its core. Without an active turnout in elections and proper mechanisms for participation, the essence of democracy can be lost. Democracy is at risk from threats such as disinformation, facilitated by technological developments. Disinformation is countered by consolidating democracy, protecting democratic institutions, civic education and media pluralism, as well as by ensuring that objective and reliable information is available for all. However, countering falsehood must not endanger the freedoms and rights of citizens.

Fundamental rights are universal and inalienable rights inuring in human beings for the fact that they are human. These rights can only be ensured in a democratic society that respects the rule of law. By promoting and protecting equal rights and the right to participate for all, one can create inclusive and robust societies where everyone's voice is heard. The Constitution of the Federal Republic of Nigeria 1999 (as amended) guarantees 'fundamental rights'³ which are understood as basic and considered higher than other rights. The fundamental rights are the right to life; right to dignity of the human person; right to personal liberty; right to fair hearing; right to private and family life; right to freedom of thought, conscience and religion; right to freedom of expression and the press, right to peaceful assembly and association, right to freedom of movement, right to freedom from discrimination, and right to acquire and own property.

³ Constitution of the Federal Republic of Nigeria 1999 (as amended), Sections 33 to 44.

Peace is a global concept that lends itself subject to wide range of definitions. Many scholars view ‘Peace’ as freedom from disturbance, tranquility, or a state or period in which there is no war or ceasure of wars.⁴ According to Steward, peace exists when people are able to resolve their conflicts without violence and can work together to improve the quality of their lives.⁵ In other words, peace is assured when everyone lives in harmony, safety, absence of fear or without threat of violence, and there is a system of fair and effective laws protecting peoples’ rights and there exists complete absence of violence in a country or area.⁶ Hence, peace is not just absence of war.

3. Challenges Facing Nigeria Today

For a good understanding of how observance of the rule of law can engender peace and harmony in Nigeria a brief relay of the state of Nigeria may be necessary.

Nigeria today experiences upsurge in killings due to cases of banditry, kidnapping, armed robbery, assassinations, and activities of terrorists, insurgents, militias and the so-called ‘unknown gunmen’. In addition, there are reckless use of force and extra-judicial killings by some overzealous security agents. All these have led to incessant loss of lives and destruction of property of innocent people. The activities of armed herdsmen, kidnapping, human trafficking, and natural disasters such as flood which destroy lives and property add to the people’s hardship. The dark tunnel of excessive inflexion causes untold hardship to families and individuals, violent attacks by unscrupulous persons, among whom are terrorists masquerading as herdsmen, have led to a near civil war situation in many parts of the country. Repeatedly innocent citizens in different communities across the nation are brutally attacked and their sources of livelihood mindlessly destroyed. Property, worth billions of

⁴ D. H. Balami, F. Ahmed & A. B. Yusuf, ‘The Imperative of Peace and Security for the Attainment of Inclusive Growth in Nigeria’ *European Journal of Research in Social Sciences*. Vol. 4, No.2, 2016

⁵ F. Steward, ‘Development and Security’ Centre for Research on inequality, Human Security and Ethnicity (CRISE), 2015.

⁶ *Oxford Dictionary of English*, Oxford University Press, 2003. Ed. Catherine Soanes, Angus Stevenson. ISBN 0-19-861347-4, ISBN 978-0-19-861347-3.

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Naira, including places of worship, schools, hospitals and business enterprises are torched and turned to ashes. What is even more distressful is that the government, whose responsibility it is to protect the life and property of every citizen seems either incapable or unwilling to do this. The silence of the federal government in the wake of these horrifying attacks is, to say the least, shocking. There is utter helplessness and hopelessness among the people which results to many taking laws into their hands, for instance in many cases of jungle justice.

This perilous situation leaves the citizenry jittery, frightened and traumatized. Many parts of our nation are still in disarray. The country is badly divided. This is evident in appointments to positions of national importance, sharing of resources, and distribution of social amenities. In Nigeria today, qualities of accountability, transparency, independence of the judiciary, respect for human rights, observance of the rule of law, to mention only these, are still deficient. On the other hand, the cankerworm of corruption, nepotism, insincerity, borrowing for mere consumption, recklessness, intimidation and so on is the order of the day. All these point to the urgent need for fair and credible electoral process through which our political leaders emerge. Majority of Nigerian citizens wallow in abject poverty in the midst of plenty. Prices of goods are high. There are no good and sufficient health facilities. Many people are not employed, and those who lost their jobs have not regained them; and some employees and retirees are still owed their salaries and benefits respectively. These have led many of Nigerian human resources to flee the nation in search of greener pastures.

4. The Rule of Law: Its Role for Unity, Justice, Development and Peace in Nigeria

All forms of pursuit of national interest and peace should be guided by the rule of law which demands obedience to law, and respect for human dignity and rights. This is on the heels of the legislature enacting good laws and abrogating bad ones to ensure order, safety, morality and common good. It is also on the supposition that the judiciary does not allow itself to be used as an instrument of subjugation, oppression, discrimination, and injustice.

It is observed that sundry agitations and struggle for self-determination in Nigeria today are mainly as a result of bad governance, injustice, imbalance, inequity, and unfairness in appointments and distribution of resources to parts of the country in defiance to the federal character principle. While the right of peoples to self-determination is duly recognized, it should be noted that the exercise of such right must be within the confines of the rule of law. The rule of law entails that both government and citizens should work for a nation in which everyone and every part, irrespective of differences of tribe or religion or political affiliation, will have a sense of belonging. Certainly, where there is no justice, there cannot be peace, unity and development. Government and all Nigerians should toe the path of justice and conciliatory dialogue and see themselves as agents of peace and development in order to ensure a harmonious and peacefully united nation. The implementation of any law should however be in the interest of the common good.

No doubt, political office holders have an indispensable role in providing good governance. While political parties are the platforms through which people seek for political offices, those who are eventually elected should know that they are leaders to all irrespective of creed, ethnic group, sex, and political opinion. What Nigerians want are security of life and property; improved economy and quality standard of living; justice and fairness in the distribution of natural resources/social amenities; functional educational system that is stable, qualitative and affordable; employment and equal opportunity; truth, equity and good moral standards; good justice system; transparency and accountability. Most Nigerians do not care about who provides all these. Governments should respect and protect peoples' fundamental rights and eschew all forms of ethno-religious favouritism. There is need to avoid acts of religious fanaticism in order to promote peaceful co-existence and harmony.

It is necessary for the government and private sector to take proactive and practical steps towards reducing hardships and advancing the socio-economic welfare of citizens. Other avenues should be explored such as agriculture, industrialization, and exploitation of other natural resources (in addition to petroleum) in order to diversify and improve the economy. Part of the requirements of the rule of law is for government to ensure

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that the system of Local Government provided for in Nigerian Constitution⁷ is allowed to work. Efficient and responsible running of this level of government leads to political participation of people at the grass root and thus results to immediate enjoyment of the dividends of good governance. There is equally need to quickly fix the health sector so that the sick need not go abroad for medical treatment.

5. Peace: A Task for All

We reiterate the incisive statement of Saint Pope John XXIII to the effect that ‘there can be no peace between people unless there is peace within each one of them, unless, that is, each one builds up within oneself the order wished by God’.⁸ The human family is fundamental in attaining peace in the society. With a renewed urgency, both government and citizens are to live up to their expectations as harbingers of peace by shunning violence, building tolerance, creating an atmosphere of love, harmony, and mutual affection among their members. The government should take very seriously its primary responsibility of protecting the lives and property of its citizens and ensure that such mindless killings do not reoccur. Herdsmen may be under pressure to save their livestock and economy but this is never to be done at the expense of other people’s lives and means of livelihood. Surely, a better alternative to open grazing should be sought rather than introducing ‘cattle colonies’ in the country. While thinking of how best to help cattle owners establish ranches, government should equally have plans to help the other farmers whose produce is essential for our survival as a nation. In a similar vein, daredevil kidnapers, who at present are having a field day, with a feeling of invincibility, must be made to understand that there is a government in the country. Government should invest more in equipping the Police Force with modern high-tech devices that will help them track down and arrest these criminals and make them face the wrath of the law.

The Federal Character Principle is enshrined in the 1999 Constitution of the Federal Republic of Nigeria: ‘The government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria and the need

⁷ 1999 Constitution, section 7

⁸ Pope John XXIII, *Pacem in Terris*, 165

to promote national unity and also to command national loyalty, thereby ensuring that there shall be no predominance of persons from a few states or from a few ethnic or other sectional groups in that government or in any of its agencies”⁹. Disregard for this Principle in some government appointments as well as perceptible imbalance in the distribution of amenities has created the loss of a sense of belonging in many parts of the country, hence the constant cries of marginalization, agitation for secession and calls for restructuring.

There is need for all citizens to be law-abiding, vigilant, and live by the rule of law. All should shun violence and criminality. Governments at all levels have to carry out their duty of providing the enabling environment that would make it possible for both the government and the private sector to create job opportunities for our teeming youth population. This would surely reduce the danger of insecurity and unrest in our land. Government should ensure that it does not allow ethnic or religious hegemony to prevail in the multi-religious and secular state. No one religion should be favoured over another. There should be fairness, justice and neutrality in relation to all religions and ethnic groups, for where there is no justice, there can be no unity, development and peace.

6. Conclusion

Politics and governance in Nigeria should aim at peace and harmony. Nigerian citizens should be keenly interested in the political situation in the country. People of goodwill praise every government that prioritizes the welfare of the citizens and condemn vehemently any government policies that do not promote development. It appears that the recent voting by the National Assembly against electronic transmission of results of elections will create opening for further manipulation of electoral votes and lay the foundation for bloody conflicts in future elections. The National Assembly is craved to reconsider its position in the light of best practices as in more developed democracies. Good politics engenders good socio-economic and peaceful living.

⁹ Constitution of the Federal Republic of Nigeria 1999 (as amended), (Section 14, Sub-sections 3-4)

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The rule of law, democracy, and respect for fundamental rights are interlinked, interdependent and mutually reinforcing. One cannot exist without the others. For peace to emerge, the trio should be promoted in a horizontal, integrated and comprehensive manner. Different tools should be further developed in order to prevent possible deficits and tackle current and emerging challenges. A proactive and interdisciplinary approach is needed, based on objective and verifiable data. In order to make these values and principles more visible and enhance accountability, transparency and access to information need to be ensured. Communication should be open, active and clear.