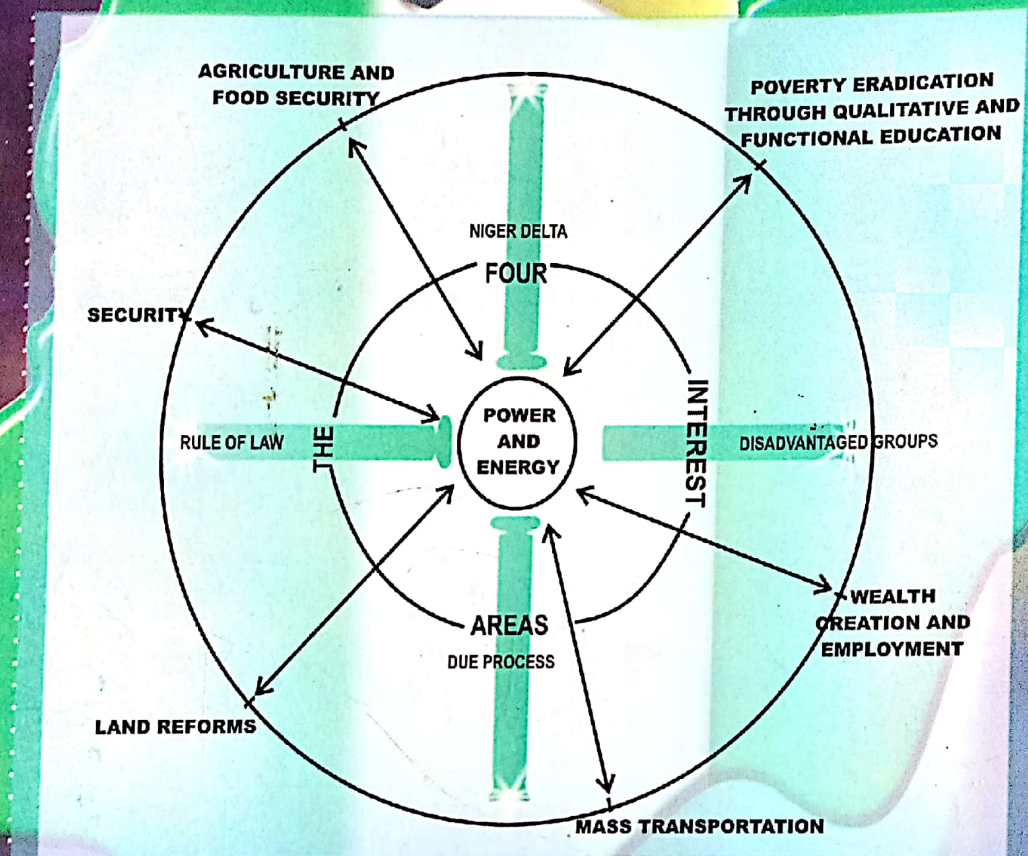


YAR'ADUA'S SEVEN-POINT AGENDA *An Assessment*



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An Assessment

Edited by

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Table of Contents

	Page
Table of contents	iii
List of Tables	v
List of Figures	vii
Preface	viii
Foreword	x
List of Contributors	xii

Chapters

1. Yar'Adua's Seven Point Agenda: An Assessment	1
2. The Power and Energy Conundrum in Nigeria: Which way forward?	20
3. Guaranteeing Food Security in Nigeria via sound Agricultural Policy	50
4. Agriculture and Food Security Agenda of President Umaru Musa Yar'Adua's Administration: How Realistic?	63
5. Food Security Policy and Implementation Strategy of the Musa Yar'Adua.....Administration in Nigeria	81
6. An Evaluation of Yar'Adua's Mass Transportation Policy	99
7. Jobs for Prosperity: An Assessment of Yar'Adua's Agenda for Wealth Creation and Employment Generation	117
8. Yar'Adua's Rule of Law: Conceptualizing reason in a mostly irrational world	128

Chapter Eight

Yar'Adua's Rule of Law: Conceptualizing Reason in a Mostly Irrational World

A. J. Omede

Abstract

The rule of law presupposes that no person or particular branch of government may be above the laws of the land. In Nigeria, the rule of law mantra was regarded as a concept that only existed on the pages of Dicey's book "The Study of the Law of the Constitution". This perception has since changed because when President Yar'Adua assumed office in May of 2007, he directed his energies toward the pursuit of his "famed" seven point agenda, which included among other things, the rule of law. Most Nigerians were at a loss as to what type of rule of law the administration is wont to pursue in a polity where government officials are not only above the law, but, seize every opportunity to make a mockery of the entire judicial process and trample on people's human rights. Essentially, successive administrations in Nigeria have one way or the other, flagrantly disregarded the constitutional laws of the land. Accordingly, this study attempts to understand the relevance of Yar'Adua's rule of law by tracing its origin particularly to the Hammurabi law codes and the Roman (Justinian) laws. In addition to these laws, the study hopes that the impact of Kofi Annan's focus on the rule of law (which he vigorously pursued throughout his tenure as a former Secretary-General of the United Nations) will enable one to appreciate the benefits of a strict adherence to laid down rules in a country (Nigeria) that before now only paid lip service to the supremacy of regular law and where the influence of arbitrary power has produced a polity that can be likened to Thomas Hobbes "State of Nature" where life was nasty, brutish and short.

8:1 Introduction

In an attempt to create order out of our disorderly world, man, has over the years attempted to formulate rules and regulations to guide citizens' behaviour and actions within an organized framework, which can be referred to as the state. It is within this context, that on assumption of office as the president of the Federal Republic of Nigeria in May 2007, that President Umaru Musa Yar'Adua embarked on the pursuit of the rule of law in Nigeria.

When Ya'Ardia came to office as the President of the Federal Republic of Nigeria, he was confronted with a myriad of problems, which he inherited from the Obasanjo administration (1999-2007). Nigeria at the point in time, was riddled with high level of corruption, poverty, blatant disregard for constitutional laws, dependent of the judiciary on the whims and caprices of the executive (President), strained relations between the executive and the legislature, unprecedented disregard for human rights, incessant increases in the prices of goods and services and the accompanying economic hardship on ordinary Nigerians, as well as the disdain of opposing views by President Obasanjo among others.

In order to subject its administration to "government of laws and not of men" as well as to make the law supreme to the capricious authority of any individual, and above all, assuage the fears of opposition and the Nigerian electorates about the controversies surrounding the 2007 general elections, President Yar'Adua, came out with his seven point agenda of which prominently featured the recourse to the rule of law.

Evidently, between May 2007 and the present (2009), happenings within the polity have shown a recourse by the administration to tread the path of honour which is, allowing the "rule of law" to prevail in the legislation of laws by the legislature and the executive and the adjudication of laws by the judiciary within the federation. The dialogue between the government and the various militant groups in the Niger-Delta, the creation of the Niger-Delta ministry, respect for the press and labour unions, coupled with the decisive action by electoral tribunals and law courts culminating in judicial pronouncements favourable to the opposition such as the Action Congress (AC) victory in Edo-state, the Labour party in Ondo State, the call for re-run of election in Ekiti

State, Bayelsa, Kogi and Adamawa states, have really demonstrated the resolve and the administration's quest for the practice of rule of law in Nigeria.

The passion exhibited by President Yar'Adua in his pursuit of the rule of law, in the view of this work, can be predicated on the ideal of the rule of law, which can be traced back to Aristotle, and which is deeply encoded in the public political cultures of most modern democratic societies. In the same vein, one can also note that Yar'Adua's rule of law is also in line with the pronouncement contained in the Universal Declaration of Human Rights of 1948 which declared that "it is essential if man is not to have recourse as a last resort, to rebellion against tyranny and oppression, human rights should be protected by the rule of law" (Legal Theory Lexicon, 2004).

It is however important to observe that the intensity of the practice of the rule of law in Nigeria still leaves many wondering and pondering as to what the concept really entails. Consequently, in order to conceptualise President Yar'Adua's rule of law amidst the inherited chaotic and irrational manner of governance in Nigeria, a thorough analysis of the concept, its various features, the background to its practice by the international community and various countries around the world particularly the USA and Britain is necessary.

This study is therefore an attempt to situate the rule of law in Nigeria within a global framework of effort aimed by man since time immemorial to ensure that laws, rules and regulations that are made by organized state (as enshrined in each nation's constitution), are adhered to as far as humanly possible. In this wise, this chapter will (aside from conceptualising the Rule of Law) examine the impact of the Hammurabbi Code that existed in Iraq in the 17th century and the Roman law, on the practice of rule of law in Nigeria and other countries. In addition, the impact and relevance of Kofi Annan, the former Secretary General of the UN and its emphatic pursuit of the concept in the international system will also be examined.

Hopefully, at the end of our exploration, we will be able to make some sense on the implication of the practice of the rule of law in Nigeria and above all, make some sense on why President Yar'Adua's passion for reasoning and respect for "constitutional provision of rules

and regulations” are so significant in a democratic environment which Nigeria presently operates in.

8:2 Conceptualising the Rule of Law

The rule of law involves certain processes of laws and law, which intervene in order to protect society against disruption and individual against enslavement and extinction (Morgenthau, 1985: 244). The Delhi Declaration (1959 in, http://en.wikipedia.org/wiki/Roman_law of 1/5/2009 which is an outcome of the deliberation of an international committee of Jurists made up of a gathering of 185 judges, lawyers & law professors declared that the rule of law implies certain rights and freedoms, an independent judiciary and social, economic and cultural conditions conducive to human dignity. In fact, one may not be wrong by exposing that the rule of law is a sort of universal guideline of rules and regulations for the conduct of a rational and orderly society through an impartial and well-specified legal system.

To fully understand the rule of law, Morgenthau (1985: 247 - 294) emphasized that: All domestic societies, are regulated by an intricate mace of rule of conduct... These rules of conduct watch over the individual from morning till night, moulding his actions into conformity with the standards of society... Society is the sum total of its rules of conduct imposing patterns of action upon its members... if anarchy and violence are not to be the order of the day, legal rules must determine the mutual right and obligation of each citizen within the state.

The rule of law is indeed an idealist concept enabling everyone to know exactly where he or she legally stands at all time. Theoretically, the rule of law provides one with succour about unwarranted and arbitrary persecution (Kime, A.O. 2009). From the same idealistic perspective, Dicey (1950:194) espouses three ideas, which formed the basic tenet of the rule of law. These ideas are (Dicey, 1950)(<http://www.democracyweb.org/rule/principles.php> of 17-April 2009):

1. The supremacy of regular law as opposed to arbitrary power.

2. Equality before the law of all persons and classes, including government officials; and
3. The incorporation of constitutional law as a binding part of the ordinary law of the land.

It is important to note however, that the rule of law does not have a precise definition and different people have different interpretations about what the rule of law means. In other words, its meaning varies in different nations and legal traditions. In spite of its variegated definitions, the adoption and practice of basic principles of the rule of law are clear barometers for the survival of any democracy. Coupled with this, scholars in the field irrespective of their ideological orientation are all in agreement that the rule of law consists of certain common principles which involves (Belton: 2009 in www.democracyweb.org/rule/principles.php of 17th April, 2009; government bound and ruled by law; equality before the law; the establishment of law and order; the efficient and equitable application of justice and the protection of human rights.

The common principles enumerated in the preceding paragraph, is what gave rise to the exposition of two major views on the concept of the rule of law. Tamanaha (2002) made an explicit distinction between the two views when he opined that:

Most legal theorists (on one hand) believe that the rule of law has purely formal characteristics, meaning that the law must be publicly declared, within prospective application, and possess the characteristics of generality, equality, and certainty, but there are no requirements with regard to the content of the law". Others (on the flip side), including a few legal theorists, believe that the rule of law necessarily entails protection of individual rights. Within legal theory, these two approaches to the rule of law are seen as the two basic alternatives, respectively labelled as the formal and substantive approaches. But there are other views as well. Some believe that democracy is part of the rule of law.

Given the above ideals and principles one can further expound that the rule of law, is a "legal political regime under which the law restrains

the government by promoting certain liberties and creating order and predictability regarding how a country functions (Yu and Guernsey, 2009:1). In a the same vein and flowing from the above, one would not be wrong to assert that the rule of law also known as the supremacy of law, is a general legal maxim according to which decisions should be made by applying known principles or laws without the intervention of discretion in their application (Legal theory lexicon 017: The Rule of Law). The maxim is intended to be a safeguard against arbitrary arrests. Essentially, therefore, the rule of law is a system that attempts to protect the rights of citizens from arbitrary and abusive use of government power.

8:3 Principles of the Rule of Law

An in-depth understanding of the concept of the rule of law can be achieved if one is able to know the essentials/or principles underlying the concept. A prominent scholar of law John Rawls (1999: 206) emphasised that the conception of formal justice, the regular and impartial administration of public rules, becomes the rule of law when applied to the legal system. According to Rawls, the under-listed constitute the major principles of the rule of law (Rawls, 1999:207):

1. A system of rules addressed to rational persons to organise their conduct concerns itself with what they can and cannot do.
2. Good faith: Legislators and judges, and other officials of the system, must believe that laws can be obeyed, and other officials of the system, must believe that the laws can be obeyed; and they are to assume that any order given can be carried out.
3. Similar cases are treated similarly: This precept forces judges to justify the distinction that they make between persons by reference to the relevant legal rules and principles.
4. Laws to be known and expressly promulgated, that their meaning be clearly defined, that statutes be general both in statement and intent and not be used as a way of harming particular individuals... and that penal laws should not be retroactive to the disadvantage of those to whom they apply.
5. A legal system must make provisions for conducting orderly trials and hearings; it must contain rules of evidence that guarantee

rational procedures of inquiry. The rule of law requires some form of "due process" that is, a process reasonably designed to ascertain the truth, in ways consistent with the other ends of the legal system, as to whether a violation has taken place and under what circumstances... The legal will should be impartially and regularly maintained.

To sharpen our knowledge of the rule of law, Rawls (1999) elaboration of the foundations that hold the concept together is useful in this regard. The foundations logically derived from the above listed principles include:

- i) The action which the rules of law require and forbid should be a kind which men can reasonably be expected to do and to avoid,
- ii) Those who enact laws and issue legal orders should do so in good faith, in the sense that they believe "a" with respect to the laws and orders they promulgate.
- iii) The legal system should reflect the precept that similar cases should be treated similarly and judges must justify the distinctions they make between persons by reference to the relevant legal rules and principles and the Requirement of consistency should hold for the interpretation of all rules.
- iv) Laws should be made public that is, the laws should be known and expressly promulgated and its' (law) meaning should be clearly defined.
- v) Statutes and other rules should be general in statement and should not be aimed at particular individuals".
- vi) The legal system should provide fair and orderly procedures for the determination of cases which shall be by public trials, contain rules of evidence that guarantee rational procedures of inquiry... judges should be independent and impartial and no person shall judge his or her own case and lastly, government officials should be subject to general and public rules that is, they should not be above the law (Rawls, 1999 in Legal Lexicon 107).

Rawls (1999) enumeration and exposition of the principles of the rule of law shares common ground with constitutional law theorists, who have written on the concept. For instance, Raz Joseph (1977) and A.V Dicey (1950) both hold firmly that the rule of law is the regular, impartial, and in this sense fair administration of "public rules". It is thus, imperative to conclude that in the contemporary world, particularly in democracies, adherence to the rule of law has become a key feature of democracy. Indeed, the various definitions of the rule of law explored in the study can subsequently be interpreted as (<http://www.democracyweb.org/ruel/principles.php>:

The subjugation of state power to a country's constitution and laws established or adopted through popular consent. The law is the supreme check on political power used against peoples' rights. Consequently, without the regulation of state power by a system of laws, and court procedures, democracy would not stand the test of time.

8:4 The Code of Hammurabi

The code of Hammurabi is the most complete encyclopaedia and perfect extant collection of body of common laws, developed during the reign of Hummurabi (1792-1750 BC) of the 1st dynasty of Babylon. The code contained 282 case laws, which include economic provisions (prices, tariffs trade and commerce, family law that is, marriage and divorce, as well as criminal law assault, theft. Penalties varied according to the status of the offenders and the circumstances of the offences. This period was the first time in history that any law had been categorized into sections. This format of organization has been emulated by civilizations even up to the present.

The Hammurabi law coupled with the Roman law set the precedent for what is now referred to as the rule of law. It has many features, which are still relevant today as they were centuries ago. The major characteristics of the Hammurabi laws, which are still evidently practised, in civilised countries around the world today contain the injunction that the code is intended as a shield so that (Iraq Resource Information Site (IRIS) in <http://www.geocities.com/iraqinfo/index.htm>:

The strong might not injure the weak, in order to protect the widows and orphans justice in the land, to settle disputes and heal all injuries ... To bring down those who are high, to humble the proud, and to expel the insolence.

Other high points of the Hammurabi code/laws include (<http://www.geocities.com/iraqinfo/index.htm>):

- The promotion of order and enforcement of stability and focus more on punishment and social status.
- Set precedent for presuming innocence and for the presentation of evidence in legal trials <http://www.freessays.e/db/2/way.13b:shtml>.
- Hammurabi based his laws on principles like, the strong shall not injure the weak and that punishment should fit the crime. As for punishment, legal actions were initiated under the code by written pleadings, and testimony was taken under oath.
- The Hammurabi Code was maintained by involving the authority of the gods (today Bible or Quor'an or Local deities) and the state.
- Although the punishments were different from those of today, the authority of the state (government) is similar.
- The setting of Hammurabi codes in stone with the expectation that it would endure four centuries and that it would be viewed as immutable.
- The display of Hammurabi's picture in numerous courtrooms around the world due to his fame as a matter of laws [http://wisegeek.com/waht_is the code-of-Hammurabi](http://wisegeek.com/waht_is_the_code-of-Hammurabi). April 18, 2009.

The Hammurabi codes expounded in this work constituted a model set of moral codes for civilisations to duplicate because it is bounded by a strict set of organized civil laws, which can be more easily understood by the people. Thus, it is for this reason that President Yar'Adua's effort to allow reason and rationality to prevail in Nigeria through the pursuit of the rule of law is exceedingly commendable.

8:5 The Roman Law and Its Impact on the Rule of Law

The precursor of the rule of law as it is widely known today, is the Roman law. Roman law is the legal system of ancient Rome. It operated for more than one thousand years and continued to be practiced in the Eastern Roman or Byzantine Empire until its end in 1453. Roman Laws also served as basis for legal practice in continental Europe as well as Ethiopia (http://en.wikipedia.org/wiki/Roman_law of 1/5/2009). Roman law is generally acknowledged as one of the most important developments of the ancient world. It is a systematic, consistent and all-encompassing legal structure, which transcends its cultural idiosyncrasies by articulating what is just for all humanity. The principles and procedures are constantly tested against individual events and reformulated when necessary.

Most European countries, and elsewhere are heavily influenced by the Roman law. In contemporary times however, many rules deriving from the Roman law apply and provisions of Roman law were fitted into a more coherent system and expressed in the national language. For this reason, knowledge of the Roman law is indispensable to understanding the legal systems of today (http://en.wikipedia.org/wiki/Roman_law of 1/5/2009). The first law code in Roman history was the law of the Twelve Tables—the prelude of development of Roman law. The Twelve Tables is a highly elaborate system of laws that has had immeasurable influence on the growth of Western law. It was summarized in the Corpus Juris Civilis- in the time of Justinian (known as the Justinian Code).

It was the Roman law that first brought to the fore the distinction between public law (in which the state is concerned directly e.g. treason) and private law (concerned with disputes between persons e.g. over contracts). Roman law, in conjunction with the Bible, was the basis of canon law, the legal system of the Roman Catholic Church. The study of the Roman law is highly important because it formed the basis of most continental law, as exemplified in the French Code of Napoleon that is, the archetype of codes that govern the jurisdiction of civil law (The Columbia Electronic Encyclopaedia, 6th edition, 2007 in <http://infoplease.com>.) See also <http://darkwing.voregon.edu/wk/10/wc/-19-law.htm> of 1/5/09.

Some general rules and procedures of the Roman law extremely notable for its precision and uniformity (Roskin *et al.*, 2008:323) and,

which can be found in contemporary rule of law are <http://darkwing.voregon.edu/inkiiio/wc/19-law.htm>:

- (i) Justice, freedom
- (ii) Laws are not laid for specific individuals but for general application.
- (iii) That which is faulty at the beginning cannot become valid with the passage of time.
- (iv) Nothing is so contrary to consent as force and fear, to approve which is contrary to morality.
- (v) No one is made the inheritor of guilt of another.
- (vi) The burden of proof is on the party affirming, not on the party denying.
- (vii) It is understood that no one is competent in term of his own care.
- (viii) An adjudicated matter is accepted as truth.
- (ix) No trial is to be conducted on suspicions alone and, it is better for the crime of a guilty person to be left unpunished than for an innocent to be condemned.

The aforementioned rules are indicative of the fact that the Roman law is extremely formalistic and were later expanded until it became the basis of all civilized legal systems. More so, the Roman law and in particular the Byzantine Emperor Justinian's code of Roman Civil law became the dominant source of private law throughout Europe (i.e. France, Germany, Austria-Hungary, the Benelux countries, Italy, Spain and Portugal. This meant that rules of the Roman law governed contract law, property law, tort law and family law throughout Western Europe for a period of some 800 years prior to the writing of the U.S. Constitution (Calabresi, 2004).

Because Roman law became a superior source of authority in private law of either what kings or Popes thought the private law should be, those Kings, Popes and other high government and church officials in the west became subordinate to the law. The tradition of separation of powers adapted from the English (the British) and written constitutions of USA and other Western countries were derived from the Roman law. The respect of the Americans for the rule of law happened spontaneously as the result of many fortuitous and combined historical forces.

The unity of the Roman Common Law throughout western and central Europe became a feature of the general unity of the west, along with the universal catholic church and the, universally spoken Latin language. In cases of conflict, any European could always appeal to Roman law as expounded by scholars in any dispute with another European citizen (Roskin, 2008: 323) and (<http://www.allbusiness.com.legal/3585873-1htm/> of 1/5/09)

One cannot but appreciate that the Roman law is a system based on codes of ancient Rome, which details all aspects of special life based on “right reason”, The Roman Law is universal, flexible and is in use in much of the countries around the world today. Roman law is not only the foundation of most of Europe’s modern legal systems but also the first to embody such tenets (through the Napoleonic code) to discard feudal laws and broke civil law away from religious influence. It consists also of major rules like the elimination of torture and arbitrary arrest and imprisonment, civil liberty and civil equality (Encyclopaedia - Britannica, 2009).

8:6 Kofi Annan on the Rule of Law

Kofi Annan was a former Secretary General of the United Nations. During his tenure, Annan, the United Nations and the entire world witnessed series of crises in different parts of the world. Notable flash points are Darfur, Iraq, Northern Uganda, Somalia, Beslam, and Palestine. In these countries, fallout among erstwhile colleagues resulted in civil wars with its attendant loss of human lives and properties. Some countries blatantly violated the spirit of the rule of law. For instance, the United States unilaterally invaded Iraq in order to enforce international peace and security while, Israel and the Palestinian authorities were locked in a never-ending battle for superiority and survival. The result was an unprecedented and brazen disregard for international humanitarian laws by sovereign nations, the decimation of human lives, chaos and the spiralling of insecurity around the world.

It is within the context of disregard for laid down rules and laws that is, the rule of law at the international level, that Kofi Annan called on national leaders to take actions and implement policies in the interest of their citizens domestically and internationally particularly within an all-important framework of the rule of law which espouses “a government

of laws and not of men". In his analysis, Kofi Annan referred to the historical antecedent of rule of law as embedded in the "Code of laws promulgated by Hammurabi three thousand years ago in the land now known as Iraq. Annan directed his energy on two major tenets of the Hammurabi laws (also stated in preceding paragraphs in this work), and on which the founding documents of the UN itself was structured. The two principles are the legal protection for the poor that is, restraints on the strong so that they cannot oppress the weak; and second, laws publicly enacted and known to all.

In spite of the worldwide impact of these laws, Annan noted grimly that "the rule of law is at risk around the world and fundamental laws (especially laws that ordain respect for innocent life, for civilians, and for the vulnerable-especially children), were being carelessly disregarded. The prevalence of the call for the rule of law according to Kofi Annan "reflects the world's collective failure to uphold law, and to instil respect for it in our fellow men and women. To redress this anomaly, Annan (2004) advised that the starting point for the practice of the rule of law at the international level must:

Start from the principle that no one is above the law, and no one should be denied its protection. Every nation that proclaims the rule of law at home must respect it abroad; and every nation that insists on it abroad must enforce it at home. But in too many places, it remains elusive. Hatred, corruption, violence and exclusion go without redress. The vulnerable lack effective recourse, while the powerful manipulate laws to retain power and accumulate wealth ... At the international level all states strong and weak, big and small-need a framework of fair rules, which each can be confident that others will obey.

The framework of fair rules that Annan amplified is resplendent in the U.N and the various international organisations, which have created an impressive body of norms and laws. Yet, the framework (the UN) in riddled with gaps and weaknesses where laws are applied selectively, and enforced arbitrarily and lacks enforcement capacity. The import of Annan's

message to world leaders can be found in his emphatic message, which noted that (Kofi Annan, 2004):

- Within a country, respect for the law depends on the sense that all have a say in making and implementation of laws.
- Rule of law as a mere concept is not enough. Laws must be put into practice, and permeate the fabric of our lives.
- By reintroducing the rule of law and confidence in its impartial application, leaders around the world can resuscitate societies shattered by conflict.
- The rule of law is the only law, which offers the test foundation for resolving prolonged conflicts.

8:7 Relevance of the Concept of the Rule of Law to President Yar'Adua's Administration

This sub-section examines the values that are served by the rule of law. In other words, it attempts to unwrap the practice of the rule of law around the world. In democracies, the use of arbitrary power and abuse of human rights is considered as an anathema to the rule of law. President Yar'Adua is well aware of this fact. This is why the administration is channelling its energy on the rule of law as a prerequisite for the consolidation and survival of democracy in Nigeria.

One may also contend that President Yar'Adua is well acquainted with the predictability and certainty character of a well-defined system of rules as well as the strict adherence to the rule of law, which espouses equality before the law. Obviously, the message to be learnt here is that "when the law is predictable and certain, it can do a better job of guiding conduct; creates an atmosphere of autonomy within which individuals can act without fear of government interference (Legal Theory Lexicon, 2004). Consequently, when the rule of law is respected, citizens and the various actors within the polity will be able to plan their conduct in conformity with the law.

From the practice of the rule of law in Nigeria, particularly since 2007 when President Yar'Adua assumed the mantle of leadership, one could posit that citizens have come to have "relative confidence" in the judiciary and the system of laws in the country. The rulings by

the various electoral tribunals where judgments were made with respect to the rule of law as was in the case in Edo, Ondo, Bayelsa, Kogi, Adamawa and to a lesser extent Ekiti states, are cases in point. This statement is once more a reaffirmation that the rule of law protects the citizens and the country against tyrannical rules and leaders. Based on the foregoing scenario, one could just imagine if the outcomes of the electoral verdicts were to be completely arbitrary and thus, favourable to the ruling cabal who sees themselves above the laws of the land. The outcome would surely have resulted in impending doom, chaos and injustice of unimaginable proportions.

Another landmark example of the application of the rule of law under the present dispensation is the recent Supreme Court judgement (June 12th 2009), which "declared the dismissal of five of the forty-nine lecturers of the University of Ilorin by the University management as illegal, null and void" hence, they should immediately be reinstated to their former positions. (The Nation, June 13th 2009:1). The decision is coming after a protracted seven-year legal tussle between the affected lecturers and the University authorities. In its unanimous judgement, the Supreme Court emphasised that "there is no iota of truth in the contention that the sacked lecturers were given fair hearing" (The Nation, June 13th 2009:50). Undoubtedly, the judgement is a right step in the right direction (The Punch, June 15th 2009:News 7) and thus, reinforces the administration's commitment to democracy and the rule of law.

- Accordingly, the study holds firmly, that President Yar'Adua's pursuit of the rule of law in Nigeria is an attempt to allow some semblance of reason to prevail in a mostly irrational polity that had hitherto been dogged previous administrations contempt for laid down rules and procedures as well as the disrespect for the judiciary. Based on the foregoing, the study would in its own modest ways contribute to President Yar'Adua's conceptualisation of the rule of law by briefly enumerating some of the most valuable lessons that Nigeria as a nation can learn from our exposition, of the rule of law. In this wise, the study holds strongly, that the rule of law (<http://www.democracyweb.org/rule/principle.php> 17/April/2009):

- Provides the people with the confidence that disputes can be resolved efficiently and fairly. This feeling provides a stabilizing force for any nation.
- Serves as an important assurance of social rights and government accountability. It assures citizens (particularly the opposition and those engaged in conflict with government), that their rights would not be trampled upon and when it does, they can seek redress in the law courts, which is independent and objective.
- Increases accountability and transparency. Following the due process and allowing the courts to adjudicate disputes which is fair and open. Accessibility by the public to courts and official law documents will surely strengthen the public perception of the government and,
- Absence of any of the principles of the rule or law, will ultimately lead to a breakdown of that nation's law and order. "A constitution without legitimacy will not be respected by the people, and thus, its principles cannot be upheld. If there is no constitutional check on the misuse of power, a corrupt judiciary or police force can manipulate the laws to their advantage.

8:8 Concluding Remarks

The rule of law suggests that the law itself is the sovereign, or the final arbiter in any society. As an ideal, the rule of law presupposes that no person or particular branch of government may be above rules made by elected public officials. The laws reflect the morals of society and in contemporary societies are highly formalized, publicly displayed, neutral and objective. Above all, it promotes equality under the law. These few enumerated precepts of the rule of law are components that constitute the essentials of reasoning and rationality in any society. (Appadorai; 1975).

An attempt by any government for whatever purpose to shelve this toga of wisdom into the dust-bin of history will surely spell not only impending doom but, will undoubtedly, drag the society back into the hobbesian irrational state of nature where life was nasty, brutish and short. Perhaps, the hope that the rule of law gives to the common man and which imbibes in each individual and allow reasoning to prevail at all

times, is forever ingrained in the famous saying of Marcus Tullius Cicero (106–438 B.C.), which resounded the message that (<http://darkwing.voregon.edu/wk/10/wc/-19-law.htm>):

If the fortunes of all cannot be equal, if the mental capacities of all cannot be the same, at least, the legal rights of all those who are citizens of the same State ought to be equal.

This proclamation is indeed the foundation of good governance on which democratic principles of all societies and governments are based globally.

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