

# Constitutionalism, Democracy and National Development in Nigeria

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## Abstract

The Constitution of the Federal Republic of Nigeria, 1999 states that the Constitution is supreme and a government can only legitimately come to power in the Federal Republic of Nigeria through democratic means. Democracy which is the popular mandate of the people is therefore the only legitimate means of governance in Nigeria. Unfortunately, the democratic governments in Nigeria just like their military counterparts have failed to deliver the dividends of democracy to the electorates. The common man in Nigeria expects national development, the respect for the rule of law and fundamental rights as enshrined in the Constitution. The question is what is really the cause of the inability of the government to meet up to the aspirations of its people? Corruption and bad governance cannot be ruled out as part of the problem. This paper therefore intends to examine national development in Nigeria in the light of constitutionalism and national development.

## 1. Introduction

Nigeria as a country has reached a stage where it has become necessary for her to have established a system of government through its constitution that will enable her to achieve national development, socio-economically, politically, and technologically<sup>1</sup>. But today it may be very safe to say that every system of the Government is failing or has failed, the government and the governed are all in confusion, deceiving one another. The educational system, the health sector, the economy among other things, and the sense of focus of the Government has failed. The system of the government is no longer in line with the purposes for which it was adopted, despite the fact that the constitution of the Federal Republic of Nigeria 1999 was drafted for the purposes of not only realizing national development but also achieving it. This paper is to look at Constitutionalism in Nigeria and Democracy, with a view to see how it has helped Nigeria to attaining national development.

## 2. Definition of Concepts

Defining democracy has always remained a challenge, this is a concept that has been polemic and diversely understood. Yet, the “veneration” of constitutionalism and democracy is among the most enduring and probably justified vanities of liberal democratic theory.

Looking at the concept constitutionalism in the perspective much closer to the Nigerian situation, we may subscribe to the definition by Ladan, when he viewed constitutionalism as a government limited by the Law. This means (according to him) the constitution is Supreme and it binds every state authority established and exercising power under the constitution including the powers to enact legislations<sup>2</sup>, interpret the law and the enforcement of it.

On the other hand, constitutionalism denotes a much more profound political process that transcends a simple adoption of a constitution by a given country. It essentially entails the existence of a political culture in a given country that translates the constitution into a living and lived experience by both the government and the governed. In a nutshell, therefore constitutionalism is concerned about all the various dimensions of statecraft and governance – from the seemingly mundane, to the great and vexing issues of political and economic management in a world that has increasingly become smaller.<sup>3</sup> Wormuth understands constitutionalism as denoting a kind of government designed to protect the principles of liberty whether or not they are supported by

<sup>1</sup> Matazu. A. S. R.(etl), “Good Governance Corruption, Immunity and Accountability”, in Governance Structure & Development: The Role of Law, Nasir. J.M, Dakas. C.J.D, Angwe. B. (etds), Proceedings of the 41<sup>st</sup> Annual Conference of the Nigerian Association of Law Teachers, University of Jos, Jos- Nigeria, p49

<sup>2</sup> Ladan M.T. (2006), *Introduction to Jurisprudence: Classic and Islamic*, Lagos: Malthouse, 221.

<sup>3</sup> Oloka-Onyango, J. (ed.) (2001), *Constitutionalism in Africa: Creating opportunities, Facing Challenges*. Kampala: Fountain Publishers, 3.

public opinion or elected representatives.<sup>1</sup>

From the above, the following may be said to be the attributes of Constitutionalism:

1. Effective restraints upon the powers of those who govern;
2. The guarantee of the individual fundamental rights;
3. The existence of an independent judiciary to enforce these rights;
4. Genuine periodic elections by universal suffrage;
5. The enthronement of the rule of law as reflected in the absence of arbitrariness and;
6. Equality of all before the law.<sup>2</sup>

As far as democracy is concerned, its different definitions revolve around what Abraham Lincoln referred to as “government of the people, by the people and for the people”. It is a political system characterized by the participation and government of the people through their freely elected representatives, by the recognition and promotion of human and peoples’ rights, including the rights of the opposition and the minorities.<sup>3</sup>

The people are sovereign in any democratic government which is based on the rule of law. Modern constitutionalism is democratic constitutionalism and modern democracy is a constitutional one. Britain has been generally cited as a case of democracy without a constitution, in ignorance of the fact that constitutionalism is as much known in Britain as it is in democratic countries with a supreme constitution. Britain also has a constitution, even if this constitution is a customary or unwritten one. Constitutionalism and democracy are so related that “constitutional democracy” may appear to be a tautology.<sup>4</sup>

From the definitions we may tend to look at the Nigerian Constitution with the view of examining the extent of its power sharing considering how these powers have been exercised vertically and horizontally, and if at all these powers have any limitations.

### 3.0 The Nature of Nigerian Constitution

By the provisions of Section 2 (1) and (2) of the 1999 Constitution Federal Republic of Nigeria, Nigeria is one indivisible and indissoluble Sovereign State to be known by the name of the Federal Republic of Nigeria. The present structure of the Nigerian federation has been described as “unitary-federation”.<sup>5</sup> The military government in 1976 made provision for another tier of government,<sup>6</sup> making Nigeria a federal state with three levels (the Federal government, 36 State governments, and currently 774 Local government areas)<sup>7</sup>.

What this means is that while Nigeria is a single country, its government is diverse. It is not surprising therefore that the same Constitution defines its “government” in the Nigerian context as including “the Government of the Federation, or of any State, or of a local government Council or any person who exercises power or authority on its behalf.”<sup>8</sup> To this end, the Constitution of the Federal Republic of Nigeria is republican and modeled to operate a federal system of three levels of government.

A republican Constitution may be defined in the words of the great American President, Abraham Lincoln, as one which establishes a “government of the people by the people for the people”.<sup>9</sup> In other words a republican constitution implies that the sovereignty of a state is not formally vested in an hereditary Monarch but remains with the people; the government is that of the people and not of a monarch, and since every government must have a head, he is appropriately styled President.<sup>10</sup> This is the kind of republican constitution Nigeria is said to have.

In a republic it is for the people to choose the kind of government they want to have, and the constitution is the means by which they do this.<sup>11</sup> To this effect Nigerians through their representatives choose the kind of government they wanted and this can be inferred from the 1978 Constituent Assembly which saw into being the 1979 Constitution, upon which the 1999 Constitution was largely based, with just little adjustment here and there.<sup>12</sup>

<sup>1</sup> Wormuth. F.D, (1949), *The Origins of Modern Constitutionalism*, 3

<sup>2</sup> Adewoye. O “Constitutionalism and Economic Integration” <http://web.idrc.ca/en/ev-68408-201-1-DO-TOPIC.html> (December 20, 2013)

<sup>3</sup> Mangu. A. M., *Constitutional Democracy and Constitutionalism in Africa*, 3

<sup>4</sup> Ibid 4-5

<sup>5</sup> Udenwa. A, Op Cit. 4.

<sup>6</sup> That is the Local Government Area Under the Leadership of General Murtala Ramat Mohammed.

<sup>7</sup> As it is now, under the 1999 Constitution, Federal Republic of Nigeria, as amended.

<sup>8</sup> Section 318 of the 1999 Constitution, Federal Republic of Nigeria

<sup>9</sup> Nwabueze. B. O, (1964) *Constitutional Law of the Nigerian Republic*, London: Page Bros (Norwich) Ltd., 133.

<sup>10</sup> Ibid

<sup>11</sup> Ibid 102

<sup>12</sup> This is also the view of Professor Aduba in J.N. Aduba,(1999), “Independence of the Judiciary under 1999 Constitution: A Critique”, *CJLJ*, Vol. 5, No. 5, 1- 19, where he compared between the 1979 Constitution, 1995 Drafted Constitution, and the 1999 Constitution Federal Republic of Nigeria.

By nature, the Nigeria constitution is rigid, and a constitution if looked into critically as a result of a combination of many factors (political, social, geographical, and economical) which operate at the time of its adoption, is not static which eventually makes it not only necessary but imperative for a constitution, no matter how rigid it is, to have an amendment process.<sup>1</sup> Amendment is a term tersely defined to mean “to change or modify for better, to alter by modification, deletion or addition.”<sup>2</sup>

The Nigerian Constitution prescribed a special amendment process, and specified the people or authorities competent to initiate or carry out an amendment; it also spells out the details of the process by which the amendment can validly be carried out.<sup>3</sup> By the Constitution, an amendment may be initiated by the legislature and carried out as prescribed by the Constitution.<sup>4</sup> The Constitution Provided that an Act of the National Assembly for the Alteration of this Constitution must be by a vote of at least two – third majority of all the members of that house, and approved by resolution of the houses of assembly, of not less than two – thirds of all the states.<sup>5</sup> Although an Act of the National Assembly altering certain entrenched provision of the Constitution provided the motion for the amendment “shall not be passed by either House of the National Assembly, unless the proposal is approved by the votes of not less than four – fifths of all the States.”<sup>6</sup>

The 1999 Constitution of Nigeria recognized and provided for six types of amendments, which is, the creation of states, the adjustment of states boundaries, the creation of local government areas, the adjustment of local government boundaries, the alteration of the vital or entrenched provisions of the Constitution and the other changes in the Constitution.<sup>7</sup>

### 3.1 The Supremacy of the Constitution

The Constitution of the Federal Republic of Nigeria provided that “this Constitution is supreme and its provisions shall have binding force on all authorities and persons throughout the Federal Republic of Nigeria.”<sup>8</sup> And if any Law is inconsistent with the provisions of the Constitution, this Constitution shall prevail, and that law shall to the extent of the inconsistency be void.<sup>9</sup> The above provision may be considered as the Supreme law clause. It provided that the Constitution is supreme and that the provision of any Law that is inconsistent with the Constitution is void, this provision dose not only make the Constitution the highest law in the country but also the supreme, this clause is very important because Nigeria is a federal state<sup>10</sup> powers are divided both vertically and horizontally, and each arm and or level of the government is limited to the powers apportioned to it by the Constitution.

### 3.2 Human Rights

A lot of factors led to the entrenchment of Human Rights provisions into our constitution, one of which is the heterogeneous nature of the country and the fear of the minorities, that their survival would be threatened in a country dominated by the three major tribes, the Hausa Fulani, the Igbo, and the Yoruba.<sup>11</sup> The Willinks Commission was established to enquire into the fears of the minorities and find a means of allaying their fears. This commission at the end prepared and submitted a report recommending the insertion of Human Rights into the provision of the Constitution. The fact is that the minorities played a very important role at that time to make sure that the provision on human rights are entrenched in the 1960 Independent Constitution of Nigeria. And since then the subsequent Constitutions of Nigeria have retained the provisions on Human Rights with minor alteration in arrangement, nomenclature and amplification here and there, but they still remains civil and political in nature, rather than it being economic and social rights.<sup>12</sup> For instance the Independence Constitution of 1960 and the Republic Constitution of 1963 has the rights summarily referred to as “inhuman treatment” as opposed to the altered version under the 1979 and 1999 Constitutions, which read the “right to dignity of human person”.<sup>13</sup>

<sup>1</sup>Aihe. D. O, and Oluyede. P. A, (1979), *Cases and Materials on Constitution Law in Nigeria*, Ibadan: University Press Ltd., 68- 69

<sup>2</sup>Yadudu. A. H, (2000) *The Amendment Process Under Nigerian Law And Constitutions: Trends, Issues, Dilemmas and Processes in Nigeria Issue in the 1999 Constitution, 2000*, I. A. Ayua, D. A. Guobadia, A. O. Adekunle, (eds.), Ibadan: NIALS, Intac Printers Ltd., 302.

<sup>3</sup>Ewelukwa. D.I.O, “The Amendment Process under the 1999 Constitution”, Op Cit, p 326

<sup>4</sup>Ibid, p 327. See Section 9 of the 1999 Constitution Federal Republic of Nigeria.

<sup>5</sup>Section 9 (2) of the 1999 Constitution Federal Republic of Nigeria

<sup>6</sup>Ewelukwa. D.I.O, *The Amendment Process under the 1999 Constitution*, Op Cit, 328

<sup>7</sup>Ibid, 331

<sup>8</sup>Section 1 (1) of the 1999 Constitution Federal Republic of Nigeria

<sup>9</sup>Section 1 (3) of the 1999 Constitution Federal Republic of Nigeria

<sup>10</sup>Umoh. G, (2005) *Nigeria's Federalism and the Division of Powers under the 1999 Constitution*, Uyo: Modern Business Press Ltd., 15 – 16

<sup>11</sup>Toro. T, (1997), *The Domestic Application of Taxation by Nigeria in Nigeria Legal Rights Monitor, Vol. 3, No. 13*,p22

<sup>12</sup>Aduba. J. N, “Human Rights and Social Justice in Nigeria: Issues, Dilemma and Options”, in *Perspectives on Human Rights*, Vol. 12 Published by federal Ministry of Justice, Lagos p 221

<sup>13</sup>Okoye. F, (1997), *The 1999 Constitution and the Provision of Human Rights in Nigeria, Legal Rights Monitor, Vol. 3, No. 13*, 3-4

On a close examination of the 1999 Constitution, it provides for two regimes of human rights in two ways.<sup>1</sup> The first is that rights under chapter II of the Constitution, which are non-justiciable in character, while the second category is that of justiciable Fundamental Human Rights under chapter IV of the Constitution. The provision in chapter IV of the Constitution are justiciable to the extent that the rights are realized by seeking for a redress from the appropriate authority if there is a breach or likelihood of breach of any of the rights.<sup>2</sup> These rights are right to life,<sup>3</sup> right to dignity of the human person which includes prohibition of torture, inhuman or degrading treatment, slavery, servitude or forced labour,<sup>4</sup> right to personal liberty,<sup>5</sup> rights to protection of privacy and family life.<sup>6</sup> Other rights included the rights to freedom of the thought, conscience and religion,<sup>7</sup> to freedom of expression and press,<sup>8</sup> and right to fair hearing and fair trial.<sup>9</sup> The only rights upon which some limitations are placed is with regard to non – citizens of Nigeria and it relates to rights to freedom of movement,<sup>10</sup> and the right to freedom from discrimination.<sup>11</sup>

The same Constitution in chapter II, provided for another set of rights under the title of Fundamental Objectives and Directive Principles of State Policy. These rights are non-justiciable, and are a significant innovation of the 1979 Constitution based on an idea probably borrowed from India.<sup>12</sup> The important symbolic and ideological innovation represents an explicit acknowledgement of the ends of government and responsibility of the state to the citizens.<sup>13</sup> The ideological significance of the provision lies in the affirmation of the economic stability, social justice, security and the welfare and well being of the citizens as the primary goal of government, thereby portraying government as an agent for attainment of common good, and as being a responsive, responsible and accountable government.<sup>14</sup>

### 3.3 Power Sharing

One of the three main ways in which sectional interests are provided for in the Constitution is by the adoption of a federal system of government for the country and then through the creation of an increasing numbers of states and local governments. The adoption of a federal system for any country therefore is predicated on the desire to protect the interests of different sections of the country.

Nigeria as a country by the provision of Sections 2 and 3 of the 1999 Constitution is a federation, consisting of 36 states and a federal capital territory, together with seven hundred and seventy four local government areas, as shown in the second column of Part I of the first schedule to the 1999 Constitution Federal Republic of Nigeria and six area councils as shown in Part II of that Schedule. All of these divisions are represented, at all federal, state and local government levels.

To start with the 1999 Constitution Federal Republic of Nigeria did not properly separate between the functions, powers and duties of the divides to the extent it would be able to bridge the fact that Nigeria is in reality a federal, indivisible and indissoluble sovereign state. This improper separation of functions, powers, and duties made it very difficult for one to define Nigeria as a federation.

The territorial divisions in Nigeria are made for the purpose of delimiting the areas within which each government is to exercise the powers assign to it by the constitution, irrespective of whether or not the powers are duly divided between the levels of government, properly and equally.

By the provision of Sections 2, 3 and 318 of the Constitution, the structure of the Nigerian federation may be classified into 3 namely:

1. The federal government;
2. The state government and;
3. The local government.

And by this, Nigeria is assumed to be a federation consisting of three tiers of government and three arms of government, largely autonomous, from one another through the principles of federal system of government and

<sup>1</sup>Gye- Wado. O, Fundamental Human Rights and Corresponding Civil Obligations under the 1999 Constitution, in *Nigerian: Issues in the 1999 Constitution*, Op Cit, p 185

<sup>2</sup>Ibid

<sup>3</sup>Section 33 of the 1999 Constitution

<sup>4</sup>Section 34 of the 1999 Constitution

<sup>5</sup>Section 35 of the 1999 Constitution

<sup>6</sup>Section 37 of the 1999 Constitution

<sup>7</sup>Section 38 of the 1999 Constitution

<sup>8</sup>Section 39 of the 1999 Constitution

<sup>9</sup>Section 36 of the 1999 Constitution

<sup>10</sup>Section 41 of the 1999 Constitution

<sup>11</sup>Section 42 of the 1999 Constitution

<sup>12</sup> Akande. J.O, Fundamental Objectives and Directive Principles of State Policy within the frame work of a liberal Economy in *Nigerian: Issues in the 1999 Constitution*, Op Cit, p 220

<sup>13</sup> Alemeka. E.E.O, Fundamental Objectives and Directive Principles of State Policy within the frame work of a liberal Economy in *Nigerian: Issues in the 1999 Constitution*, Op Cit, p 119

<sup>14</sup>Ibid

separation of powers, in relation to presidential system of government which by the constitution, Nigeria practices.

While the Constitution of Nigeria claims to be a federal constitution, the component parts of the country do not possess the minimum autonomy, needed for the operation of a federation. The State and the Local governments, depends on the Federal government, which the constitution ascribed too much powers, even in relation to elections of various representatives at all levels of the government.

Ordinarily, one may think that the creation of local government as a level of government under the 1979 Constitution was to bring about development, and to bring the government to the grass root and serve as avenues through which the people can participate in governance. The desire therefore and agitation for local autonomy is primarily political, they rest on the fundamental desire for the control of local affairs at the local level. The creation and the role of the local government are in real sense tailored towards providing the local government with autonomy and development at the grassroots.

Practically, that is not the case, the local government are now at the mercy of the state governments, the issue of it being an independent level of government, is more theoretical. In practice they are seen as an agency of the state government. Undoubtedly, the operation of a federal system of government is based on the autonomy and the independence of the federating units. Power must not only be shared, but must be given independent of the other to all levels of government.

On the other hand, and by the combined effect of Sections 4, 5 and 6 of the 1999 Constitution, the present Nigerian constitution is premised upon the principles of separation of powers between the three usual arms of the government, namely the executive, the legislature, and the judiciary. By this principle, the legislature is not permitted to exercise executive or judicial power; the executive is also not permitted to exercise legislative or judicial powers; and the judiciary is not allowed to encroach upon the exercise of powers as granted to the other two arms of the government.

### **3.4 Democracy**

Democracy is a single word of two Greek words of Demos and Kratos, meaning people rule. It is used to describe government to mean that form of government in which the sovereign power resides and is exercised by the whole of the citizen directly or indirectly through a system of representation.

It is also used to describe the system through which the representatives of the people are chosen, freely, out of the will of the people.

As a system of government, democracy is a system where people have the opportunity to live based on their own aspirations and programme, not only in relation to their political rights but also in relation to their economic, cultural, religious and sociological life.

Section 14 (1) of the 1999 Constitution, provided that “the Federal Republic of Nigeria shall be a state based on the principle of democracy and social justice”, furthermore, subsection (2) (c) provided for the means through which the country can democratize, which must be in accordance with the provisions of the Constitution.

Constitutionally, there are two main means of selection of representatives, by election and or by nomination.

In relation to the first mean, the Constitution established by the provision of Section 153 of the 1999 Constitution an institution responsible for conduction of election into the offices of the President, Vice President, Governor and Deputy Governor, including Elections into the National and State Houses of Assembly.

To achieve the above, the Constitution in establishing INEC, and empowered it by the combine provisions of Sections 76, 78, 116, 132, 178, as well as the third schedule to the 1999 Constitution. The same constitution made provisions for SIEC.

Despite all these efforts put in place with the aim to achieve good governance through democracy, activities of some Nigerians, have always negated this process, rendering it sometimes meaningless, through fraud, bribery and thuggery.

There is no gainsaying that most of the politicians have been at home converting state resources into personal property from which they dole out money to feather their own nests. The former EFCC chairman, Nuhu Ribadu, once had cause to lament the instinct of corruption possessed by the state governors when he said that an average governor in Nigeria depended on the federal allocations to states, put such in his own custody and then decide what to do alone without involving relevant stakeholders such as the State House of Assembly. Before he left the office, Ribadu had declared openly that the EFCC had not less than 31 state governors under serious investigations. So far some of such politicians have been prosecuted, many of them are enjoying the Constitutional immunity, made to shield them against any kind of disturbances that will made public service difficult for them.

Of recent and in order to have a solution to the problems of corruption in Nigeria the Independent Corrupt Practices and other Related Offences Commission (ICPC) is taking a step towards prosecuting civil servants that are aiding their governors to loot public funds.<sup>1</sup>

<sup>1</sup> Babasola. S, (2007), I.C.P.C to Persecute Civil Servants that Aids their Governors to Loot Public Funds, *ICPC Monitor*; Vol.

In line with the above commitments shown by the ICPC, allot of arrest have been made and some of the people against whom prima facie case is established, have since been arraigned before courts of competent jurisdiction for trial. Among these few is the former Caretaker Chairman of Kala balge Local government Council of Brno State, Mr. Zanna Abubakar Jabu, who was arraigned for misappropriation contrary to Sections 15 and 22 of the Corrupt Practices and Other Related Offences Act 2000.<sup>1</sup>

Investigation of six top government functionaries of Bauchi State government on matter of selling the State government owned shares in Ashaka Cement Company valued at N89 million has been concluded and the said six official have been recommended by the ICPC for prosecution.<sup>2</sup> Among these six officials are Permanent Secretary, Bauchi State Ministry of Finance, Alhaji Ibrahim Muhammed, the Auditor General of the State, Alhaji Abubakar Isa, officer in charge of Investment in the Ministry, Alhaji Ibrahim Aliyu, Mallam Kabiru Makera, Alhaji A. Y. Sulaiman, and Alhaji Haruna Alfa Ahmad.

An Assistant Chief Accountant in the Office of the Accountant General of the federation, Mr. Ekanem David Akpan was arrested and arraigned for alleged corrupt practices, by the ICPC.<sup>3</sup>

A Special Adviser to the Borno State Government, on Poverty and Youth Empowerment was recently imprisoned for seventeen years for misappropriation of public funds, when he was the Chairman of Damboa Local Government Area of the State. Also sentenced was Alhaji Ali Abacha who was the treasurer of the local government<sup>4</sup>.

#### **4. Corruption an Impediment to National Development in Nigeria**

Corruption is so widespread in Nigeria that the process of development has ceased in most states of the federation and all local government areas. In the case of local government, chairmen had been accused of the acts of sharing the allocations due to their local government monthly, generally after managing to pay salaries of workers and doing a few things, what remains is divided among the political office holders.<sup>5</sup> Corruption is therefore one of the greatest challenge to progress in Nigeria. It is rightly observed that between 1960 and 1999, more than \$ 440 billion was stolen from the Nigerian people.<sup>6</sup> Imagine if this huge amount of money is available for the development of a section, if not for the whole of the Country.

The negative impact of corruption on development of this country is no longer questioned. Evidence from across the nation pinpoints that corruption impacts the poor disproportionately; it hinders economic development, reduces social services, and diverts investments in infrastructure, institutions and social services. Moreover, it fosters an anti-democratic environment characterized by uncertainty, unpredictability and declining moral values and disrespect for constitutional institutions and authority. Corruption therefore reflects a democracy, human rights and governance deficit that negatively impacts on human security.

There are several Legal instruments and institutions created by the Government prohibiting various forms of corruption and corrupt practices, but for obvious lack of political will, to get alleged corrupt persons prosecuted. Very few public officers were actually reported, while fewer were prosecuted and an insignificant few were convicted.<sup>7</sup> The Government, it has always been noticed, handles matters of corruption with no sense of care, in their efforts towards fighting corruption and corrupt practices; they are so good in playing lip-service to matters of corruption.<sup>8</sup>

It may therefore be concluded that the problem of National Development in Nigeria in not that of the Constitution or any Law enacted that has the blessing of the Constitution. It is also not the problem of the Democracy in Nigeria, but it is the problem of the Nigerians themselves, particularly, those elected into offices of the Government and public servants.

#### **5. Conclusion**

The Judiciary as an arm of the government cannot alone do the magic, the other democratically elected arms of the government both at Federal, State and Local Government levels are not helping matters, and it is difficult to say, with what is obtainable, that the government in Nigeria, is a government of the people. The Judiciary in Nigeria on its part is ready to ensure that the limitations of the constitution are maintained, and that the people have not only their say, but including their ways. This as it was in the words of Mr. Justice Musdapher J.S.C., in

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*1 Issue 3, 9.*

<sup>1</sup> Ingobro. W, (2008), Ex LG Chairman Docked For Corruption, *ICPC News, Vol. 3 No. 5, 9.*

<sup>2</sup> Ibid

<sup>3</sup> Modu Hauwa, (2009), ICPC Arraigns Accountant, *ICPC News, Vol. 4 No. 2, 8.*

<sup>4</sup> Ibid 8- 9

<sup>5</sup> Ibid

<sup>6</sup> Ribadu. N, (2007), Corruption Fight Back, *Zero Tolerance, Vol. 3 No. 1, 54.*

<sup>7</sup> Odeleye. D. O., (2009), Legal and Constitutional Measures for Curbing Corruption in Nigeria before 2000, *Kogi State University Bi-Annual Journal of Public Law, Vol. 2, 186.*

<sup>8</sup> Ibid

the Case of **A.G. ABIA STATE VS A.G. FEDERATION**<sup>1</sup> on the fundamental role of the judiciary, when he observed that:

*“The judiciary especially the Supreme Court in particular, is an essential integral arm in the governance of this nation; it is the guardian of the Constitution charged with the sacred responsibility of dispensing justice for the purpose of safe guarding and protecting the constitution and its goals. The judiciary when properly invoked, has a fundamental role to play in the structure of governance by checking the activities of other organs of the government and thereby promoting good governance, respect for individual rights and fundamental liberties and also ensuring the achievement of the good goals of the Constitution and not allow the defeat of such good goals and intendments. It is the duty of the courts to keep the government faithful to the goals of democracy, good governance for the benefit of the citizen as demanded by the Constitution”.*

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