

# Rule of Law as a Veritable Tool for Achieving Self-Sufficiency in Nigeria: A Review of Literature

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#### **Abstract**

This paper explores the indispensable role of the rule of law in fostering self-sufficiency in Nigeria. It argues that while economic development, political will, and social cohesion are vital, sustainable progress cannot be achieved in the absence of a functional legal system that ensures equality, justice, and accountability. Drawing from historical and contemporary political contexts—from the First Republic to the Buhari administration—the study highlights how repeated violations of the rule of law have undermined Nigeria's developmental goals. The paper also refutes claims that development precedes legal order, instead positioning the rule of law as a catalyst for transparent governance, civic participation, and equitable resource distribution. Ultimately, it contends that the institutionalization of the rule of law will stabilize governance, enhance productivity, and pave the way for national self-reliance. The study concludes with practical recommendations for judicial independence, civic education, and legal reforms essential for national development.

**Keywords:** Rule of Law, Veritable Tool, Self-Sufficiency, Governance, Development, Nigeria

#### Introduction

Over the past several decades, the global embrace of the rule of law and democratic governance has deepened, with many of the world's most stable and developed nations demonstrating how robust institutions underpin social order, economic growth, and self-sufficiency. However, in many young and developing democracies—including Nigeria—entrenching the rule of law remains an ongoing struggle. In these contexts, public confidence in legal institutions is often weak; people tend to place greater faith in charismatic, benevolent leadership than in formal legal processes perceived as rigid, impersonal, or ill-suited to local realities (Brown & Folarin, 2022; Murphy, 2023).

In Nigeria, the perception that justice is accessible only through discretionary leadership rather than through predictable legal frameworks reflects deep-seated skepticism. Critics argue that the rule of law can be cumbersome, general, and unsympathetic to the lived experiences of citizens, particularly in addressing socio-



economic inequality, corruption, and ethnic marginalization (Adetona, 2021; Okoye, 2024). As such, the law is widely regarded as a theoretical ideal rather than an effective mechanism for concrete change.

This skepticism is not unfounded. Powerful individuals and political elites in Nigeria frequently act with impunity, often circumventing legal accountability (Ojo, 2020; Suleiman & Nwosu, 2022). A striking illustration occurred during the controversial "cash swap" or naira redesign policy in 2023. Despite the Supreme Court's intervention—which temporarily halted implementation—the federal government proceeded with measures contrary to judicial orders, triggering nationwide hardship and controversy (Centre for Democracy and Development [CDD], 2023; Chukwuemeka, 2023). The apex court ultimately declared the policy unconstitutional, reaffirming the supremacy of the judiciary (Supreme Court of Nigeria, 2023; Emefiele v. CBN, 2023). Yet the government's initial non-compliance further eroded public trust in legal institutions.

The prevalence of arbitrary governance in such contexts fosters systemic issues: corruption, human rights violations, political marginalization of minorities, policy inconsistency, and abuse of office (Transparency International, 2024; Usman, 2023). These challenges are endemic across many developing nations, inhibiting sustainable growth and undermining public entitlement to justice and liberty.

Against this backdrop, the rule of law—though not a panacea—remains a vital instrument. It provides a framework through which arbitrariness can be checked, government excesses curtailed, and citizens' rights safeguarded. The consistent application of laws promotes fairness, encourages civic and economic enterprise, and reinforces institutional stability (Banerjee et al., 2020; Adebayo & Oladipo, 2022). Through transparent, predictable, and impartial legal processes, societies can cultivate public confidence, empower marginalized voices, and foster self-reliance.

While the rule of law may seem slow or impersonal, particularly when compared to decisive leadership in crisis contexts, it delivers systemic benefits that transcend individual charisma. Strengthening legal institutions in Nigeria and similar nations is essential—not only to constrain arbitrary power and corruption—but also to establish consistent policies that promote justice, liberty, and socio-economic progress.



By deepening rule-of-law cultures, developing societies can lay the foundations for broader self-sufficiency and democratic maturation.

#### Concept of the Rule of Law

The meaning of "rule of law" has varied across eras and societies. Aristotle, in his *Politics*, famously argued that governance by law is superior to governance by individuals: "It is more proper that law should govern than any one of the citizens" (trans. Rackham, 2020). By the thirteenth century, medieval scholar William Bracton asserted that even kings were subordinate not to men, but to God and the law, for it is law that inspires and legitimates royal authority (Akanbi, 2012).

Anthony Mathew (1988) later clarified the doctrine in two distinct components: first, laws concerning citizens' fundamental rights must be precisely framed to guide conduct and official decision-making; second, such laws must be interpreted and enforced by impartial tribunals applying established procedures.

At its core, the rule of law demands supremacy of law over individuals—that in a society, governance must align with legal norms, and no one, including the state or its officials, is above the law. Thomas Paine (1776/2021) expressed this powerfully: "in free countries the law should be king; and there should be no other." In modern terms, state authority is legitimate only when exercised under publicly disclosed laws, enacted through due process. Any act exceeding legal authority is illegal and must attract sanctions (Wikipedia, 2025).

#### **Foundational Elements**

Contemporary legal thought and institutional frameworks formalize four essential features of the rule of law:

- 1. **equality before the law**: All individuals—regardless of status, wealth, or power—must be subject to the same legal framework (Raz, 2025; Stanford Encyclopedia, 2023).
- 2. **guarantee of human rights**: Constitutions and statutes must safeguard basic freedoms and provide effective mechanisms for enforcement (UN Secretariat, 2025; World Justice Project, 2022).
- 3. **clear, accessible legal provisions and procedures**: Laws need to be publicly available, precise, stable, and enforceable by affordable, transparent, and effective judicial systems (Finnis, 2025; Wikipedia, 2025).



4. **protection from arbitrary power**: The law must prevent misuse of authority by individuals or the state, ensuring separation of powers and judicial independence (EU Commission, 2020; ICJ, 1959/2025).

These principles reinforce judicial independence, prevent executive overreach, and uphold the integrity of governance through legal constraint.

## **Dicey's Triadic Definition**

A V Dicey (1885/2023) famously reduced the rule of law to three core tenets:

- 1. **supremacy of regular law**: No one should face punishment or penalty except under ordinary laws administered by ordinary courts—rejecting arbitrary authority.
- 2. **equality before the law**: All classes and citizens are subject to the same legal rules, without privileges.
- 3. **rights grounded in law**: Fundamental rights evolve from court judgments rather than constitutional prescriptions, embedding rights within the common law tradition.

Though highly influential, Dicey's emphasis on procedural uniformity and aversion to discretion sparked criticism, especially regarding its neglect of substantive justice and modern administrative realities (Sriram et al., 2024; L&S Academy, 2025).

#### **Critiques and Modern Enrichment**

Critics accuse Dicey's version of being overly formalistic and insufficiently attuned to socio-economic inequalities and administrative complexities:

- Formalism and proceduralism: Focusing narrowly on procedure, his approach may overlook injustice that emerges from impartial but rigid adherence to flawed laws (L&S Academy, 2025; Stanford Encyclopedia, 2023).
- Socio-economic disparities: Treating all equally under law disregards that those with greater means secure better outcomes—such inequality thwarts equitable access to justice (L&S Academy, 2025).
- Need for discretion: Modern governance often requires administrative discretion; Dicey's rejection of discretion overlooks practical necessities of public administration (L&S Academy, 2025; Sriram et al., 2024).
- **Ignoring constitutional safeguards**: Dicey underestimated the value of codified constitutions and judicial review mechanisms now central to rights protection (L&S Academy, 2025).

In response, reformers have advanced more *thick* conceptions of the rule of law—integrating procedural fairness with substantive justice, human dignity, and democratic values. For instance, Jeremy Waldron (2024) emphasizes the role of legal



standards, institutional values, and human dignity beyond mere procedural compliance.

#### **International Standards and Institutional Developments**

International bodies have formalized broader standards:

- The International Commission of Jurists, in the Athens (1955) and Delhi (1959) Declarations, affirmed the rule of law as binding law on the state, respect for rights, independent judiciary, and professional legal conduct (ICJ, 1955/2025).
- The European Union (2020) linked adherence to rule-of-law principles—including legality, judicial independence, rights protection, and checks on power—to funding mechanisms across member states.
- The United Nations defines the concept to encompass: public promulgation of laws; equal application; independent adjudication; accountability; separation of powers; legal certainty; non-arbitrariness; and transparency (UN Secretariat, 2025).

Each framework extends Dicey's procedural baseline into a comprehensive system ensuring that law is both fair in form and humane in effect.

# Formal vs. Substantive Conceptions

The distinction between procedural (thin) and substantive (thick) definitions remains central:

- Thin conceptions focus on legality, publicity, predictability, and equal enforcement (Raz, 2025; Stanford Encyclopedia, 2023).
- **Thick models** incorporate normative content such as human rights, moral legitimacy, and democratic accountability. Bingham (2011) and Waldron (2024) stress that law must not merely be neutral in form but just in substance.

These debates reflect enduring tension: can strict procedural systems alone guarantee justice, or must the rule of law promote broader social values?

## **Contemporary Challenges**

Several modern developments challenge traditional notions:

- 1. **National security and emergency powers**: Crisis legislation can test rule-of-law principles by granting expansive executive discretion, prompting debates about limits (Sriram et al., 2024; TheLaw.Institute, 2024).
- 2. **Digital governance and AI**: Algorithmic decision-making, automated surveillance, and data collection introduce new dimensions of state power—necessitating legal frameworks to ensure transparency, accountability, and rights protection (TheLaw.Institute, 2024; Council of Europe CAHAI, 2022).



3. Global rule-of-law regression: The World Justice Project reported a sixth consecutive decline in global rule-of-law standards by 2022, affecting half the world population (WJP, 2022; Reddit discussion, 2022). Weak rule-of-law correlates with increased corruption, rights violations, and political instability.

These pressures underscore the need to integrate contemporary challenges into ruleof-law frameworks that balance flexibility, accountability, and substantive fairness.

# **Implications for Governance and Society**

While the rule of law is not a cure-all, it provides the foundation for accountable governance, rights protection, and societal development. Without it, arbitrary power, corruption, and policy inconsistencies undermine public trust and social stability (UN Secretariat, 2025; EU Commission, 2020). Conversely, robust rule-of-law institutions promote economic opportunity, civic participation, and resilience in democracy.

The rule of law remains a multifaceted and evolving concept. Historically rooted in ideals from Aristotle, Paine, and Dicey, it has transformed through critical reflection and institutional reform. Its core principles—legality, equality, accountability, and procedural fairness—are now enshrined alongside broader demands for justice, human rights, and institutional integrity. In a digital, globalized, and often crisis-prone world, the rule of law must adapt, integrating procedural certainty with substantive safeguards to remain a cornerstone of democratic and just societies.

The concept of self-sufficiency, often equated with self-reliance, has both philosophical and socio-political significance, particularly in the context of national development. The term "self-reliance" was popularized by the American transcendentalist philosopher Ralph Waldo Emerson (1803–1883) in his seminal essay *Self-Reliance*, published in 1841. Emerson emphasized the importance of personal independence, creativity, and the belief in one's innate abilities. He advocated for individuals to trust their instincts, pursue originality, and resist societal pressures toward conformity. Notable expressions from his work include: "To be yourself in a world that is constantly trying to make you something else is the greatest accomplishment," and "The only person you are destined to become is the person you decide to be" (Emerson, 1841/2021).



Emerson's philosophical articulation of self-reliance is deeply rooted in the idea of moral and intellectual independence. It promotes the power of the individual to determine their own fate without undue reliance on external authorities. Although primarily an individualistic concept, Emerson's vision has strong implications for national and communal development in societies struggling with dependency and underdevelopment.

This philosophy gained further traction and was recontextualized in the anticolonial and sustainability discourse by Mahatma Gandhi (1869–1948), who advanced the idea of economic and spiritual independence through simplicity, nonviolence, and local productivity. Gandhi famously stated that "Nature produces enough to satisfy every man's needs, but not every man's greed," emphasizing the principle of sufficiency rather than accumulation (as cited in Marinova & Hossain, 2006). In this sense, self-reliance is not only about independence but also about ethical consumption, equity, and sustainability.

In Africa, and particularly Nigeria, the idea of self-sufficiency is relevant in the ongoing struggle to break free from economic dependency, foreign aid reliance, political manipulation, and governance instability. Uwem (2016) defines self-reliance as the capacity to think and act independently without external interference, a necessary precondition for true development. This includes the ability of citizens and governments to chart their own course, meet basic needs, and foster homegrown solutions to national challenges.

#### **Core Characteristics of Self-Sufficiency**

Marinova and Hossain (2006) identified five interrelated characteristics of self-reliance that align closely with the principles of sustainability. These traits—simplicity, responsibility, respect, commitment, and creativity—not only define self-sufficiency but also reflect its underlying moral and practical dimensions. Each of these characteristics has implications for governance and the rule of law in the Nigerian context.

1. Simplicity: Simplicity refers to finding value and pride in what is available, rather than aspiring to over-consumption or technological excess. While on the surface,



simplicity may appear to contradict modern development paradigms, it actually reinforces sustainability by encouraging societies to protect the natural environment and reduce technological dependence. In Nigeria, development policies that prioritize complex, externally driven technological solutions over local innovations often fail due to lack of compatibility, maintenance, or cultural fit. The rule of law, through environmental regulations and development planning, must ensure that simplicity—meaning practical, culturally appropriate, and ecologically sound development—is protected and promoted.

- 2. Responsibility: Responsibility involves a society's commitment to its own development and its obligation to future generations. This includes taking ownership of the environmental and social impacts of current decisions. In a self-reliant society, development is carried out thoughtfully, and consequences—intended or otherwise—are accepted and addressed. In Nigeria, poor policy execution, corruption, and a lack of institutional accountability have often resulted in environmental degradation, failed infrastructure, and economic inequality. A strong legal system is necessary to ensure that public officials and institutions act responsibly and are held accountable when they do not. Rule of law is thus an essential mechanism for institutionalizing responsibility.
- 3. Respect: Respect in the context of self-reliance includes not only respect for fellow humans but also for the rule of law and the environment. Marinova and Hossain (2006) point out that many traditional societies express respect through knowledge transmission and cultural norms. In Nigeria, ethnic and religious tensions, marginalization of minority groups, and disregard for environmental and human rights laws are symptoms of a deficit in this form of respect. The rule of law plays a critical role in enforcing equality, ensuring fair treatment under the law, and protecting both cultural identities and natural resources. Without legal enforcement of respect for rights and environmental stewardship, true self-sufficiency is not achievable.
- 4. Commitment: Commitment is about maintaining a long-term dedication to meeting basic needs, achieving economic stability, and managing natural resources wisely. It requires intentional efforts to renew and sustain the resources upon which development depends. In Nigeria, this means policies and practices that go beyond short-term political cycles and focus on long-term economic transformation—



especially in agriculture, renewable energy, and human capital development. However, lack of continuity and legal enforcement undermines such commitment. A functional legal system ensures policy implementation, continuity across administrations, and a stable environment where citizens and investors can plan and thrive.

5. Creativity: Creativity involves finding innovative and people-centered solutions to development challenges. As Marinova and Hossain (2006) emphasize, sustainable development cannot be imposed—it must emerge from the people who live with its consequences. In Nigeria, despite widespread youth innovation, particularly in technology, agriculture, and the informal economy, many face legal and institutional barriers. Weak enforcement of property rights, bureaucratic red tape, and an unpredictable legal environment stifle creativity and discourage local entrepreneurship. When properly upheld, the rule of law protects intellectual property, ensures equal access to opportunities, and fosters a culture of innovation.

## Linking Rule of Law and Self-Sufficiency in Nigeria

In the Nigerian context, the quest for self-sufficiency is hindered not by a lack of resources or talent, but by systemic governance failures and a persistent erosion of the rule of law. Policies aimed at fostering local enterprise, food security, and technological independence often falter because of legal uncertainties, corruption, and non-compliance with constitutional principles.

The **rule of law** is thus not merely a theoretical concept but a *practical necessity* for achieving self-sufficiency. It ensures that all citizens, regardless of status, are equally subject to the law and can depend on institutions for redress, protection, and economic opportunity. Moreover, it creates a stable policy environment that encourages domestic investment, resource management, and civic responsibility.

Without a legal framework that upholds the values embedded in self-sufficiency—such as fairness, equity, and sustainability—Nigeria's developmental efforts will remain vulnerable to elite capture, foreign manipulation, and environmental collapse.

Self-sufficiency, as a developmental ideal, extends beyond economic production to encompass a moral, cultural, and ecological framework rooted in autonomy and sustainability. Its core characteristics—simplicity, responsibility,



respect, commitment, and creativity—can only thrive in an environment governed by the rule of law. For Nigeria, restoring the rule of law is therefore not an abstract goal but an essential strategy for fostering national resilience, reducing dependency, and unlocking the full potential of its people. The path to sustainable self-sufficiency must be paved with legal certainty, institutional accountability, and the deliberate empowerment of citizens through justice and equitable governance.

The rule of law serves as a cornerstone for modern governance, with its primary objective being the regulation and rationalization of power. As Boli (2008) notes, the rule of law fulfils two essential functions: it limits governmental arbitrariness and abuse of power, and it compels authorities to operate within a rational and coherent policy framework. In societies governed by the rule of law, actions are guided by pre-established and universally accepted legal standards, rather than by the discretionary whims of leaders or the fluctuating sentiments of the populace. This system ensures that decision-making is consistent, predictable, and aligned with societal norms.

Unfortunately, the Nigerian experience has revealed a persistent tension between democratic expectations and the actualization of rule of law. While democracy was expected to enhance respect for constitutionalism and the rule of law, successive civilian governments have often mirrored the authoritarian tendencies of past military regimes. Both constitutional provisions and democratic structures exist in Nigeria, but the culture of *constitutionalism*—that is, the faithful application and respect for the constitution—remains weak. In practice, even democratic governments have displayed blatant disregard for judicial orders, legislative oversight, and administrative accountability, raising concerns about the erosion of legal institutions and processes (Onuoha, 2022).

A key misconception in democratic governance is the notion that the majority's desire automatically equates to legitimacy. However, not every populist impulse aligns with the general will or the broader interest of the society. This is where the rule of law becomes indispensable. It functions as a moderating force to ensure that even popular democratic expressions are subject to legal scrutiny. By demanding that leaders justify their actions in line with the law, the rule of law compels rational policy articulation, fosters disciplined governance, and reinforces



strategic planning. In turn, this creates a conducive environment for long-term national development and self-sufficiency.

Another critical function of the rule of law is its role in curbing corruption and administrative arbitrariness. In environments where legal norms are weak or ignored, public officials tend to operate without accountability, leading to widespread abuse of office. Nigeria's struggle with systemic corruption is largely attributable to the failure of legal institutions to enforce accountability and transparency. As Transparency International (2023) reports, Nigeria continues to rank poorly on global corruption indices, reflecting the absence of consistent legal enforcement. When laws governing procurement, public finance, and ethics are either bypassed or selectively applied, corruption thrives, and public trust diminishes. Thus, strengthening the rule of law is essential to promoting integrity in public service and eliminating inefficiencies that undermine national productivity and economic independence.

Equally significant is the rule of law's role in safeguarding human rights and promoting a free society. Where legal systems function properly, citizens understand their rights and obligations and are confident in the protections afforded them under the law. Rule of law guarantees that no person—regardless of social, political, or institutional affiliation—is above the law. This legal equality enhances trust in governance, discourages authoritarian behaviour, and promotes civic participation. Moreover, it provides a framework for the enforcement of contracts, which is fundamental for economic development. In an environment where contractual obligations are reliably enforced, individuals and businesses are more likely to invest, innovate, and engage in long-term planning. These are key drivers of a self-sufficient economy.

Furthermore, the rule of law underpins social order, transparency, and predictability in governance. Government policies, when anchored in law, become transparent and foreseeable. This allows citizens and businesses to make informed decisions, align their activities with state policies, and contribute more effectively to national development. The absence of legal certainty—as often seen in Nigeria with sudden policy reversals or disregard for court rulings—undermines economic planning and disrupts social cohesion (Okonkwo & Adebayo, 2021). In contrast, when legal norms are respected and institutional processes are transparent, people



develop a sense of security, belonging, and confidence in state structures. These are necessary for nation-building and for fostering self-sufficiency.

An efficiently functioning legal system also promotes the development of civic virtues and law-abiding behaviour among the populace. When the rule of law is visibly enforced, it sends a clear message about the state's commitment to fairness and justice. Citizens learn not only to comply with laws but also to value them. This civic education, embedded in legal practice, gradually moulds a population that is self-disciplined, productive, and accountable. In the long term, the legal environment influences cultural attitudes toward hard work, responsibility, and community engagement—all of which are crucial for achieving national self-sufficiency.

Finally, the effectiveness of the rule of law in Nigeria will depend on a genuine political will to strengthen institutions and uphold legal norms. It requires that all arms of government—executive, legislative, and judicial—operate independently but collaboratively in line with constitutional mandates. Civil society, the media, and citizens also have critical roles to play in demanding legal accountability and resisting impunity. Without a functional rule of law, efforts at economic diversification, youth empowerment, technological innovation, and local enterprise development will remain constrained by weak governance structures.

In conclusion, the values of the rule of law—rational governance, anticorruption, human rights protection, policy predictability, and civic accountability are not only democratic ideals but also strategic levers for national self-sufficiency. For Nigeria, the pursuit of self-reliance in the face of economic and governance challenges must begin with a firm commitment to the rule of law. It is only within a lawful, predictable, and just environment that the energies of the people can be mobilized toward sustained national development.

# Travesty of the Rule of Law in Nigeria: 1979–2023

The history of civilian administration in Nigeria is replete with instances of the undermining and outright abuse of the rule of law. From the inception of constitutional governance in 1960 to the most recent administration under President Muhammadu Buhari, successive Nigerian leaders have, to varying degrees, trampled on legal norms, undermined judicial authority, and disregarded constitutional



provisions. This section provides a historical and critical review of the travesties committed against the rule of law from the administration of President Shehu Shagari (1979–1983) to that of President Buhari (2015–2023), with a focus on how these violations continue to hinder Nigeria's democratic consolidation and its aspiration toward self-sufficiency.

# Shagari's Administration (1979–1983)

After over a decade of military rule, Nigeria returned to democratic governance in 1979 with the election of President Shehu Shagari. However, hopes for a government guided by the rule of law were quickly dashed. One of the most glaring infractions occurred on January 24, 1980, when Alhaji Shugaba Abdulrahman Darma, a Nigerian and Majority Leader of the Borno State House of Assembly, was illegally deported to Chad by the Ministry of Internal Affairs under the pretext that he posed a threat to public order and national security (Nwabueze, 1985). Despite his insistence on being a Nigerian citizen and the lack of judicial authorization for such a grave measure, the federal authorities acted arbitrarily.

This abuse of executive power was eventually quashed by the judiciary in *Shugaba Darma v. Federal Minister of Internal Affairs* (1982), where both the Borno State High Court and the Court of Appeal ruled the deportation illegal. The case exposed how partisan politics—Shugaba belonged to the opposition Great Nigerian People's Party (GNPP)—was used to justify an egregious assault on human rights and constitutionalism (Akanbi, 2012). It exemplified how executive lawlessness continued to plague Nigeria's nascent democracy.

# Obasanjo's Civilian Presidency (1999–2007)

Perhaps no administration demonstrated such open disdain for the rule of law in the Fourth Republic as that of President Olusegun Obasanjo. A former military head of state, Obasanjo's military background influenced his high-handed civilian leadership style. According to Shehu (2009), Obasanjo frequently violated constitutional provisions, interfered with legislative and judicial independence, and refused to comply with court judgments.



A prominent case was the federal government's refusal to release ₹38 billion in local government funds due to the Lagos State Government following a Supreme Court judgment in 2004. Despite the court's clear ruling, the administration withheld the funds, a decision condemned as a dangerous precedent for judicial disobedience (Nwabueze, 2007). Similarly, Obasanjo frequently authorized large withdrawals from the Consolidated Revenue Fund without the approval of the National Assembly, in contravention of Section 80 of the 1999 Constitution.

Obasanjo's administration also manipulated state institutions, notably the Independent National Electoral Commission (INEC), to rig the 2007 general elections. These elections were widely described as the worst in Nigeria's history, marred by vote manipulation, voter suppression, and the imposition of candidates—particularly within the ruling People's Democratic Party (PDP) (Ayodele, 2007; European Union Election Observation Mission, 2007). The Court of Appeal subsequently nullified results in several states, underscoring the systemic electoral fraud.

# Yar'Adua's Administration (2007–2010)

President Umaru Musa Yar'Adua ascended to power through the disputed 2007 elections but publicly admitted the flawed nature of his election and pledged electoral reform. However, his ill health severely curtailed his presidency, and a cabal of unelected aides began to exercise executive powers in his name. His failure to officially transmit power to Vice President Goodluck Jonathan while away on a prolonged medical trip to Saudi Arabia in 2009 created a constitutional crisis (Falana, 2019). The secrecy surrounding his illness and the illegal exercise of power by proxies blatantly violated Section 145 of the 1999 Constitution.

Yar'Adua's failure to uphold constitutional order—albeit exacerbated by his health—created governance uncertainty, delayed policy implementation, and undermined institutional integrity. It was only through the invocation of the "doctrine of necessity" by the National Assembly that Vice President Jonathan was empowered to act as President in 2010.

## Jonathan's Administration (2010–2015)



While President Goodluck Jonathan inherited a deeply fractured polity, his tenure was also marked by troubling disregard for legal procedures. One of the most infamous instances was the suspension of Justice Ayo Salami, President of the Court of Appeal, in 2011. Salami had overseen decisions that reversed controversial PDP election victories in states like Ekiti and Osun. His suspension, viewed by many as a political witch-hunt, was widely condemned by the Nigerian Bar Association and other legal bodies as an assault on judicial independence (Okocha, 2012).

The Jonathan administration also demonstrated intolerance toward opposition figures. In 2014, Governor Rotimi Amaechi of Rivers State had his security details withdrawn without justification, while a private aircraft owned by the state was grounded arbitrarily by the Nigerian Civil Aviation Authority. These actions followed political clashes between Amaechi and the First Lady, Patience Jonathan. Similarly, when Speaker of the House of Representatives, Aminu Tambuwal, defected from the PDP to the opposition, the government responded by withdrawing his official security—a move deemed unconstitutional and vindictive (Nnodim, 2014).

Moreover, the administration's mismanagement of public funds and defense of corrupt practices further undermined the rule of law. President Jonathan publicly argued that "stealing is not corruption," a statement that drew global rebuke. According to the Thabo Mbeki-led panel on illicit financial flows from Africa, Nigeria accounted for 68.1% of Africa's revenue loss through illegal transfers between 2001 and 2010 (UNECA, 2015). The operation of the Excess Crude Account, without full National Assembly approval, also violated Section 162 of the Constitution and opened up avenues for unaccountable expenditure (Etebefia & Ojikutu, 2020).

## **Buhari's Administration (2015–2023)**

When President Muhammadu Buhari assumed office in 2015, he promised to restore discipline, integrity, and adherence to the rule of law. However, his tenure was widely criticized for selective application of justice, clampdowns on dissent, and disregard for court orders. Notably, in the cases of Sheikh Ibraheem El-Zakzaky and former National Security Adviser Sambo Dasuki, federal authorities repeatedly defied valid court orders granting bail, citing "national security" as justification.



Buhari's administration also oversaw the controversial removal of Chief Justice Walter Onnoghen in 2019. The suspension, which occurred just weeks before the general elections, was criticized as an attack on judicial independence, especially given that due process under the National Judicial Council (NJC) was bypassed (Igbokwe, 2020). Many interpreted the move as politically motivated, given the CJN's potential role in adjudicating post-election disputes.

In terms of public policy, the most glaring travesty occurred during the Central Bank of Nigeria's (CBN) naira redesign policy in 2023. Despite a Supreme Court ruling that the old naira notes should remain legal tender until December 31, 2023, the federal government initially refused to comply, creating widespread hardship for Nigerians (Channels TV, 2023). The blatant refusal to obey the apex court's decision triggered condemnation from civil society, legal practitioners, and international observers, underscoring the government's cavalier approach to the rule of law.

From Shagari to Buhari, Nigeria's successive civilian administrations have repeatedly compromised the rule of law, often for political expediency. The undermining of judicial decisions, the abuse of constitutional procedures, and the politicization of law enforcement agencies have severely weakened institutional integrity. These breaches have not only stifled democratic growth but also impeded Nigeria's quest for self-sufficiency, as weak rule of law discourages investment, fosters corruption, and erodes public trust in governance. For Nigeria to achieve stable and sustainable development, it must commit to strengthening legal institutions, upholding judicial independence, and ensuring that no individual—regardless of status—is above the law.

# Rule of Law and the Quest for Self-Sufficiency in Nigeria

The nexus between the rule of law and national development, particularly self-sufficiency, has long been a subject of scholarly debate. Critics of the rule of law's primacy in development often cite examples like China—a country that has achieved sustained economic growth and industrial transformation over the past three decades despite a relatively poor record of judicial independence and civil liberties. Carothers (2003) famously argued that it is not the rule of law that necessarily causes



development, but rather development that fosters demand for rule of law, as citizens become empowered and demand better governance.

While this argument is not entirely without merit, it does not negate the importance of the rule of law in the broader pursuit of self-sufficiency, especially within democratic contexts like Nigeria's. Instead, it highlights the fact that the rule of law, while crucial, is not a standalone solution. It must be integrated with sound economic policy, equitable resource management, and inclusive governance to yield sustainable self-sufficiency.

#### Rule of Law as a Foundation for Good Governance and Economic Sustainability

The rule of law plays an instrumental role in creating an enabling environment for development by promoting transparency, accountability, and participatory governance. According to Morita and Zaelke (2008), effective rule of law ensures that laws are clear, publicized, stable, and applied evenly, while also guaranteeing the protection of fundamental rights. These are essential pillars for encouraging local entrepreneurship, attracting both domestic and foreign investment, and ensuring prudent management of national resources.

In a rule-based system, government decisions are made through rational processes and within established legal frameworks. This provides the predictability and security that businesses and individuals require to innovate, invest, and contribute productively to the economy. Moreover, it enhances institutional efficiency and reduces opportunities for corruption—a key inhibitor to self-sufficiency in Nigeria.

# The Case of Nigeria: From Promise to Reversal under Buhari's Regime

Nigeria's return to democratic governance in 1999 raised hopes for a renewed commitment to constitutionalism, but those hopes were consistently undermined by successive administrations. Under President Muhammadu Buhari's administration (2015–2023), many observers noted a sharp regression in the adherence to the rule of law, with far-reaching implications for national development.

Buhari's government was marked by several constitutional crises and actions that undermined the judiciary and legislative branches of government. The administration's leadership style—a product of Buhari's military background—



manifested in authoritarian tendencies that clashed with democratic principles (Yagboyaju, 2009). Political commentators often referred to Buhari's rule as a form of "garrison democracy," where hierarchical, militaristic control overrides institutional collaboration and constitutional restraint.

## **Executive Lawlessness and Institutional Capture**

Perhaps the most emblematic case of executive overreach was the suspension of the Chief Justice of Nigeria (CJN), Justice Walter Onnoghen, in January 2019. In a move widely condemned by legal practitioners and international observers, President Buhari unilaterally suspended the CJN based on allegations of false asset declarations and immediately swore in Justice Ibrahim Tanko Muhammad as acting CJN. This action was taken without the due involvement of the National Judicial Council (NJC), as required under Section 292 of the 1999 Constitution (as amended), nor was there legislative ratification. Legal experts argue that this amounted to a frontal assault on the principle of separation of powers and judicial independence (Eneasato & Okibe, 2020).

Beyond this, the Buhari administration exhibited a pattern of defying court orders, especially in politically sensitive cases. Individuals such as Sheikh Ibraheem El-Zakzaky and former National Security Adviser Sambo Dasuki remained in prolonged detention despite being granted bail by competent courts. Such disregard for judicial authority not only eroded public confidence in the legal system but also discouraged civic participation and foreign direct investment.

# Fiscal Irregularities and Constitutional Violations

Another glaring violation of constitutional procedures occurred in 2018, when President Buhari approved the purchase of 12 Tucano fighter aircraft from the United States at the cost of \$496 million, without securing prior approval from the National Assembly. This expenditure clearly contravened Sections 80(3) and (4) of the Constitution, which mandate legislative authorization for all public spending. While the executive claimed the urgency of national security needs as justification, legal scholars warned that circumventing legislative oversight sets a dangerous precedent for unilateral fiscal actions (Falana, 2019).



This type of fiscal impunity weakens the principles of accountability and checks and balances, essential for responsible economic planning and the achievement of national self-sufficiency. It also breeds a culture of executive recklessness, further disenfranchising citizens from the governance process.

## **Neglect of Federal Character and Aggravation of Regional Tensions**

President Buhari's political appointments were widely criticized for defying the federal character principle enshrined in Section 14(3) of the Constitution. The lopsided appointments—especially in key security and economic portfolios—were viewed as favoring one region and religious group over others, leading to increased regional mistrust and agitation (Sahara Reporters, 2020). In a diverse and multi-ethnic country like Nigeria, equitable representation is critical for social cohesion and national stability, both of which are necessary for self-sufficiency.

The concentration of power and privilege in a single group or region not only alienates others but undermines the principle of fairness that is foundational to both democracy and development. Without equity, citizens are less likely to engage in nation-building efforts, and national resources are less likely to be managed effectively or sustainably.

## Self-Sufficiency Beyond Economics: Institutional Strength and Civic Trust

Self-sufficiency should not be seen solely in economic terms, such as food security or industrial output. It also encompasses institutional strength, civic autonomy, and the capacity of citizens to rely on domestic systems for justice, opportunity, and prosperity. A rule-of-law culture trains both the government and the governed to operate within agreed-upon parameters, thereby ensuring consistency in development policies and resistance to arbitrariness.

In environments where the law is supreme and fairly enforced, citizens are more likely to innovate, invest, and participate in nation-building activities. Conversely, in contexts where legal protections are arbitrary, contracts are unenforceable, and court orders are ignored, self-reliance becomes unattainable as people turn to informal systems or foreign dependencies to meet their needs.



While development may, in some cases, catalyze demand for rule of law, the foundational role of legal institutions in ensuring good governance, equity, and stability cannot be overstated—especially in a democracy. Nigeria's experience under the Buhari administration demonstrates how the erosion of the rule of law undermines efforts at achieving self-sufficiency. Executive excesses, judicial suppression, disregard for federal character, and fiscal lawlessness create an unstable environment that discourages productivity, alienates citizens, and stifles national growth.

Therefore, for Nigeria to actualize its goal of becoming self-sufficient, it must recommit to the principles of the rule of law. This includes respecting judicial decisions, upholding constitutional checks and balances, and ensuring that government actions are transparent, inclusive, and accountable. Without these, economic strategies and political declarations of self-reliance will remain hollow aspirations.

## **Disregard for Orders of Courts**

The Muhammadu Buhari administration has seriously violated court orders, going against the rule of law especially in the following known cases:

# Col. Sambo Dasuki (former National Security Adviser)

Various courts have granted Col. Dasuki bail on at least six different occasions, the Buhari led administration has persistently refused to comply with the orders. The Federal High Court in Abuja presided by Justice Adeniyi Ademola in 2015 ordered the release of Col. Dasuki's passport and granted him permission to travel abroad for three weeks on medical grounds. Despite the order made on November 3, the Department of State Security Services (DSS) refused to release Col. Dasuki.

Again, the former NSA and four others were granted bail on December 18, 2015 on a similar condition with a N250 million bond by Justice Hussein-Baba Yusuf. Similarly, the former NSA, a former Minister of State for Finance, Bashir Yuguda, former Sokoto Governor, Attahiru Bafarawa and three others were granted bail by Justice Peter Affem on December 21, 2015 by the Federal Capital Territory High Court in the sum of N250 million each and two sureties in like sum. The Federal Government cherry-picked the court order whilst disobeying the part that concerned former NSA.



The ECWAS Court presided over by Honourable Justice F. C. Nwoke on October 4, 2016 granted the former NSA bail and ordered the Nigerian Government to pay N15 million to the defendant as damages for his "illegal and arbitrary detention". On 17 January 2018, a Federal High Court sitting in Abuja reaffirmed previous court orders granting Col. Sambo Dasuki bail.

Also on April 6, 2018, the Abuja Division of the Federal High Court affirmed for the umpteenth time, its decision for the release of Col. Dasuki. This action of the Buhari administration has been criticized by many Nigerians and the international community as rather vindictive and amounts to gross abuse of rule of law (Eneasoto&Okibe, 2020).

## **Ibraheem El-Zakzaky** (Leader of Shiite Group IMN)

Sheikh El-Zakzaky has been in detention without trial for about 4 years after his followers were massacred in broad daylight; his wife and family killed and his home burnt, in a gory and shameful show of brute force by the Nigerian Army. This particular state violence is nothing short of genocide.

On December 2, 2016 the Abuja Division of the Federal High Court presided by Justice Kolawole ordered the release of Sheikh El-Zakzaky and berated the Nigerian Government for violating his rights; the government of Muhammadu Buhari has paid deaf ears to all orders of court relating to this matter.

More so, the case of Omoleye Sowore the convener of the Revolution Now Movement still remains fresh in the minds of Nigerians. This case clearly depicted the illegality and impunity of the Buhari administration epitomized in the invasion of court by officials of the DSS. Not until the international community intervened did the president deemed it fit to order the release of these illegally detained Nigerians.

The Approval of \$1 Billion for Military Expenditure before Approaching the National Assembly

The Nigerian government through the National Economic Council (NEC) again in contravention of Section 80(3) and (4) of the 1999 Constitution of Nigeria (as amended), granted approval for the release of \$1 billion from the Excess Crude Account (ECA) for the procurement of military hardware and other equipment to fight



insecurity in the country ahead of the 2019 general elections without recourse to the National Assembly.

Executive Order No. 006 (On Preservation of Suspicious Assets and Related Schedules)

The enactment of the controversial Executive Order No. 006 as an executive legislation which permits security agencies to freeze the assets of persons standing trial or undergoing investigation without recourse to court orders. This is a usurpation of legislative and judicial powers of the National Assembly and the judiciary as enshrined respectively under Sections 4 and 6 of the Constitution of the Federal Republic of Nigeria and reminiscent of the military era of decrees (Eneasato&Okibe, 2020).

Disobedience to Supreme Court's Judgment on Naira Redesign Policy

Recently, the Central Bank of Nigeria (CBN) issued a statement that it has concluded plans to redesign the Naira. The Central Bank of Nigeria Governor cited money hoarding, inflation and counterfeiting as major reasons for its unusual decision. The CBN claims that about N2.73 trillion of the N3.23 trillion currency in circulation in Nigeria is outside the bank vaults. This is about 85% of the total money in circulation. Also, the Naira is not as secured as it ought to be, as it is easier to counterfeit the N200, N500 and N1,000 denominations.

This policy has elicited serious debate amongst economists, lawyers and other policy experts. Many of them hold the view that this policy change holds no significant economic benefits for the people, and is a distraction in the midst of serious economic crises buffeting. The Minister of Finance appearing before the National Assembly disowned the policy and slammed it as valueless in fiscal and monetary terms. But the President has reaffirmed his approval of the policy and its benefits as a tool to control inflation and fight corruption (Amadi & Opatola, 2023).

With the introduction of the new Naira notes, the numbers of queuing Nigerians were subjected to became unprecedented because of the scarcity of the new naira notes. It is equally unbecoming. It's almost like the country had gone back four decades. Fights have broken out in queues at bank facilities, filing stations and INEC



and local government areas offices across the country. There are trending videos of people stripping naked in protest inside banking halls, others hitting each other with queue dividers and one person has been confirmed dead inside a banking hall somewhere in Asaba. Nigerians born in the 2000s, Genzs should be forgiven for thinking the end of the world is here.

On a typical day, a person will queue to collect new currency notes at the bank, rush to queue at the filling station to buy supposedly subsidized petrol at exorbitant prices and then drive to the closest INEC office to queue for Permanent Voter Cards (PVCs). This is not sustainable (Elvis, 2023).

The terrible suffering and economic loss Nigerians have experienced as a result of the faulty implementation of the Central Bank of Nigeria's Naira redesign policy made some Governors through their Attorney-General to institute an action against the Federal Government in Suit No. SC/CV/162/2023 to compel the Federal Government to order the Central Bank of Nigeria to reverse its decision on the Naira redesign. The Supreme Court ruled that old bank notes remain legal tender until the end of the year, thereby bringing relief to millions affected by a chaotic redesign of the naira notes. The Supreme Court held that not enough of the new notes were released leading to widespread anger and frustration and many people were unable to get cash to pay for food and slept outside banks.

The court also berated President Muhammadu Buhari for not obeying a previous provisional order to halt the policy until it decided the case. It said there was nothing to show that President Buhari's directive for the release of old N200 naira notes until 10 April was implemented. The court further held that "disobedience of order of court shows the country's democracy is a mere pretension, and now replaced by autocracy", it said in a scatting verdict.

#### Conclusion

Law is a rational instrument designed to maintain social order, foster harmonious coexistence, and ensure societal progress, human development, and self-sufficiency. The rule of law, as the embodiment of reason in governance, provides a framework within which the actions of both citizens and public officials are guided by established legal principles rather than by personal discretion or arbitrary authority. Under a



system governed by the rule of law, governance becomes standardized, reducing the prevalence of corruption, impunity, and executive overreach.

Transparent, accountable, and participatory governance—hallmarks of the rule of law—mitigate the risk of injustice, inequality, and marginalization. Moreover, the rule of law eliminates the fear of rights violations and the unpredictability that arises when government decisions are arbitrary or inconsistent. In a society governed by law, individuals are not only aware of their rights and responsibilities, but also of the mechanisms through which governance operates.

Such a system fosters trust in institutions, strengthens civic engagement, and provides a stable and secure environment conducive to enterprise and investment. Ultimately, the rule of law is fundamental to establishing a self-sufficient nation—it enables good governance, empowers citizens, and lays the foundation for sustainable development.

#### Recommendation

To truly achieve self-sufficiency, Nigeria must move beyond rhetoric and embrace concrete structural reforms that prioritize the rule of law as a non-negotiable pillar of governance. While your conclusion and recommendations are sound, the way out demands coordinated and intentional efforts across five core areas: The following have been recommended:

- 1. Institutional Reforms for Legal Supremacy: Nigeria must strengthen the autonomy, integrity, and functionality of its democratic institutions—especially the judiciary. Laws must be supreme and uniformly applied irrespective of status, region, or political power. Executive non-compliance with court orders must attract legal consequences, and judicial appointments should be shielded from political influence through independent legal service commissions.
- 2. Civic Education and Rule of Law Culture: There must be massive investment in civic education to cultivate public consciousness on legal rights, civic duties, and mechanisms for legal redress. Citizens must demand accountability through peaceful and lawful means. Without a culture that values the law, reforms will remain elite-driven and unsustainable.
- 3. Enforcement of Federal Character and Equity
  Adherence to the federal character principle should be legally enforced and
  monitored. National appointments, resource distribution, and policymaking must
  reflect Nigeria's plural identity to prevent discontent and foster unity—key for
  national productivity and self-reliance.
- 4. Political Will and Leadership Integrity
  Self-sufficiency cannot be achieved in a climate of executive impunity. Nigeria



- needs visionary leaders who are willing to submit themselves to the rule of law and who understand that governance is not personal rule but stewardship of constitutional mandates.
- 5. Economic Justice Through Legal Safeguards
  Laws regulating procurement, public finance, resource control, and anti-corruption
  must be strictly enforced and periodically updated. This will ensure that national
  wealth is used productively and equitably, supporting innovation, agriculture,
  education, and infrastructure—all key pillars of self-sufficiency.

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