LAWYER

TUESDAY, OCTOBER 24, 2023

A THISDAY WEEKLY PULLOUT

TRUTH & REASON

Let There Be Peace in the Middle East!

IN THIS EDITION

QUOTABLES

'The only war Nigeria needs now, is war against insecurity and war in the economy. We should employ every tool available to ensure that we win them, as that is the core of our problems.'***- Peter Obi, CON, 2023 Labour Party Presidential Candidate***

'Some of the things that the PEPT pronounced upon, if I were to explain the reasoning, you will see that the hands of the Justices were tied, not by man, but by the law and lawyering.' ***- Ikeazor Akaraiwe, SAN***

COLUMNIST

PROF MIKE OZEKHOME, CON, SAN, FCIArb,, PH.D. LLD

Constitutional Democracy, means a system of government, in which political and governmental power, is defined, limited and shared by a grundnorm called the Constitution, which provides inbuilt checks and balances.

This column seeks to fiercely discuss constitutional, legal and political issues, with a view to strengthening, deepening and widening the plenitude and amplitude of democracy and good governance, without fear or favour.

The writer of this column, Prof Mike Ozekhome, SAN, is a Constitutional Lawyer, Human Rights Activist, Pro-Democracy Campaigner, Notary Public and Motivational Speaker. He co-founded the Civil Liberties Organisation (CLO), Nigeria's pioneer human rights league, on October 15, 1987, the Universal defenders of Democracy (UDD), in 1992, and with Chief Gani Fawehinmi and others in 1998, the Joint Action Committee of Nigeria (JACON), to push out the military. In his early days, he lectured at the University of Ife. Prof Ozekhome is an author of many books. He is also a Special Counsel at the International Criminal Court (ICC), at The Hague.

Propriety of Charging Loanee with Fraudulent Conversion or Diversion of Loan

Page IV

Court Declares Awujale of Ijebu-Land, Oloja of Epe as Rightful Owners of Land in Epe

Page V

Boy with Missing Intestine: 'We Need Independent Autopsy Experts', Adegboruwa, SAN

Page V

Professional Misconduct: Bank to Pay FAAN N2.9bn

Page V

THISDAY LAWYER

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The Limits of the Sub Judice Rule

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The Advocate

"The purport of this is that, fair comments by all, including trial Counsel, are allowed on an ongoing case, and what is not permitted is when trial Counsel make prejudicial or harmful extra-judicial statements, or those that can interfere with the fair trial of the matter, or are untoward…."

Definition of Sub Judice

Lately, the term 'Sub judice' has been flying around. It is actually pronounced 'sub-joo-di- see', and not 'sub-joo-diss' as Nigerians love to mispronounce it! It's a Latin term which simply means, 'under judgement'. Black's Law Dictionary defines the term as, "Before the Court or Judge for determination".

The First Leg of the Definition

The concept of sub judice has at least two legs to it (possibly more). Firstly, it prohibits the filing of a multiplicity of suits between the same parties on the same subject-matter - aka Forum Shopping! That is, when a matter is already before a court, the same matter should not be filed in another court, since it's already sub judice. For one, it could result in conflicting decisions, which will do nothing more than cause confusion. This is an abuse of court process. In **Okorodudu v Okoromadu 1977 3 S.C. 21,** the Supreme Court cited the institution of a multiplicity of actions on the same subject-matter, against the same opponents on the same issues before one or more courts of competent jurisdiction, as an abuse of court process. Also see the case of **Minister for Works v Tomas (Nigeria) Ltd 2002 2 N.W.L.R. Part 752 Page 740.** Since the clamp down on forum shopping closer to the end of the tenure of the former Chief Justice of Nigeria, Hon. Justice Ibrahim Tanko Muhammad, GCON, the incidence of forum shopping seems to have reduced. The LPPC also sanctioned some Senior Lawyers, for partaking in forum shopping. During the season of the last general elections in 2019, the sub judice rule in that regard was breached with reckless abandon, as forum shopping was the order of the day.

The Second Leg of the Definition

Another leg of the concept of sub judice has to do with commenting on a case in court, in a manner that will either bring the court into disrepute or prejudice or undermine the court proceedings. See the case of **Bello v AG Lagos State & Ors (2006) LPELR-7585(CA) per Clara Bata Ogunbiyi, JCA (as she then was).** This other concept of the sub judice rule was formulated in 1742 by **Lord Chancellor Hardwicke in the St James's Evening Post case,** in which two newspapers that published libellous articles claiming that a witness in an active case committed perjury, their action was described as a contempt of court ***"in prejudicing mankind against persons before the cause is heard".***

Our Own Sub Judice Rule: Section 33 of the Rules of Professional Conduct

Last week, we published a news story in which learned Senior Advocate and former NBA President, Dr Olisa Agbakoba, urged Lawyers to refrain from conducting media trials on ongoing cases, particularly President Bola Tinubu's CSU matter which is now before the Supreme Court. However, contrary to Dr Agbakoba's admonition, it appears that our own sub judice rule which is covered by Section 33 of the **Rules of Professional Conduct for Legal Practitioners 2023 (RPC),** is only directed at restricting Counsel who are trial Lawyers in the matter being publicised, and not all Lawyers or the general public, and prohibiting them from making extra-judicial statements ***"calculated to prejudice or interfere with, or is reasonably capable of prejudicing or interfering with the fair trial of the matter or the judgement or sentence".*** The purport of this is that, fair comments by all, including trial Counsel, are allowed on an ongoing case, and what is not permitted is when trial Counsel make prejudicial or harmful extra-judicial statements, or those that can interfere with the fair trial of the matter, or are untoward like in the **St James's Evening Post case** or in the current case of **Atiku Abubakar, Peter Obi & Ors v Bola Ahmed Tinubu & Ors. In Akomolafe v Guardian Press Ltd 2004 1 N.W.L.R. Part 853 Page 1 at 17-18 per Aderemi, JCA,** the Court of Appeal stated that fair comments are simply opinions on matters of public interest, but for it to be a viable defence they must be correctly and fairly stated, based on truth. If we were in the UK, Commentators would possibly have faced ex facie curiae contempt charges, while many Lawyers would have faced sanctions from their Disciplinary bodies for many of their unacceptable extra-judicial statements bringing the courts into disrepute, as well as contempt charges. In Nigeria, aside from trial counsel, there doesn't seem to be much control on extra-judicial statements made by others, whether prejudicial, damaging (to the Judiciary) or even false.

The case of **Atiku Abubakar, Peter Obi & Ors v Bola Ahmed Tinubu & Ors,** is obviously a matter of serious public interest, and if my memory serves me right, the Petitioners' Counsel had applied that the court proceedings be broadcasted live, an application which was refused by the PEPT. Nevertheless, the Petitioners' Counsel still held press conferences after every Tribunal sitting, publicising the court proceedings, and also those pertaining to the CSU matter in USA even before any documents were obtained, thereby inviting Lawyers and the public to open debates and discussions on the case, and at the same time heating up the polity. One doesn't have to be Einstein to conclude that, all this was orchestrated to prejudice and prejudge the matter, and put the Judiciary under pressure. For good measure, one of the authorities stating the conditions under which fresh evidence can be introduced on appeal, to create the wrong impression in the public eye that a court 'has to' admit fresh evidence (to obviously aid the Petitioner's position in the CSU matter) was also circulated, that is, the case of **Uzodinma v Izunaso (No. 2) 2011 17 N.W.L.R. Part 1275 Page 37.** The actions of the Petitioners' Counsel appear to be a breach of Section 33 of RPC, and by virtue of Section 74(1) thereof, amounts to professional misconduct punishable under Section 11 of the **Legal Practitioner's Act (LPA)** (also see Sections 12 & 13 of the LPA). Additionally, the Petitioners' legal team, even if it's indirectly, have in more ways than one, facilitated the undermining of the PEPT proceedings, by enabling supporters and even the Petitioners themselves in making prejudicial statements and inciting the public against the Judiciary, as if to constrain the PEPT and now the Supreme Court to find for them, whether or not there are grounds to do so, now using this new American angle which appears to have no leg to stand on in our own jurisprudence as their weapon, and seems to be more like a tool of scandal and spreading odium and opprobrium instead. They really opened the doors, to the desecration of the Judiciary. Last Friday, former USA President, Donald Trump, in his civil fraud case, was held in contempt and fined $5,000 for violating a gag order by insulting a court staff on social media. In his upcoming trial for conspiracy to upturn the 2020 election, the trial Judge in that case has also placed gag order on Trump, ordering him not to publicly attack Prosecutors, court staff or potential witnesses ahead of the trial. We have had many attacks on the credibility of our Judiciary, since the inception of the Presidential Election Petitions case.

Alhaji Atiku Abubakar President Bola Ahmed Tinubu Peter Obi

Our own sub judice rule appears to be a derogation provided for in Section 45 of the **1999 Constitution of Federal Republic of Nigeria (as amended in 2023)(the Constitution),** from the right to freedom of expression (Section 39(1) of the Constitution), but only pertaining to trial Lawyers handling the cases making prejudicial extra-judicial statements. Also see Section 39(3) of the Constitution.

How Necessary is the Second Leg of the Sub Judice Rule in Nigeria?

How necessary is the sub judice rule pertaining to comments on an ongoing case, in a country like ours where we have trained judicial officers to hear and determine cases, as opposed to countries that have Jurors who are laymen untrained in the law, and can easily be swayed by public opinion? The fact that laymen make judicial decisions as Jurors, may be the reason why the sub judice rules in those climes are more expansive than ours. One definition of sub judice which I found in the **Oxford Reference** seems to point to the fact that the sub judice rule may be more geared towards a jurisdiction with a jury setting, as it states thus: ***"A rule limiting comment and disclosure relating to judicial proceedings, in order not to prejudge the issue or influence the jury".*** In Nigeria the words from trial Counsel have to be prejudicial, that is, harmful, in other climes, even if it is the correct position, as long as it prejudges the matter or influences the Jury, it appears that it is not permitted. In fact, in USA, sometimes Juries are sequestered during the trial, and not allowed access to any form of media.

Some may also argue that the rule is unnecessary, because any judicial officer worth his/her salt knows that there are laid down rules for delivering a good judgement; and so, whatever the public or even Lawyers who make a habit of conducting media trials on matters of public interest say, or even extra-judicial statements by trial Lawyers doubling as media trial Lawyers, should not matter. Truth be told, only a Lawyer having a bad day in court, particularly in a public interest case, would probably want to make harmful extra-judicial statements, to try to garner support from the unknowing public, knowing that they do not have the support of the law. It s trite law that a court can only decide a matter based on the admissible evidence placed before it, and not what media trial Lawyers or others say. In **Mbani v Bosi & Ors (2006) LPELR-1853 (SC) per Walter Samuel Nkanu Onnoghen, JSC (later CJN),** the Supreme Court held that ***the important element of a good judgement, is that it is a correct judgement based on the law and fact.*** Issues must be well distilled, evidence adduced properly evaluated, clear findings of facts made, and the law properly applied to arrive at the correct decision. See the case of **NEPA v Ososanya 2004 5 N.W.L.R. Part 867 Page 601.** Pleadings, and not the half truths that the public, including media Lawyers run with, should be the first port of call for a judicial officer on the road to handing down a good decision. The principle of 'Stare Decisis' is also there, as a guide.

Conclusion

My point? A good Judge who follows the laid down rules for delivering a good judgement, would not let external media trials prejudge a matter he/she is adjudicating upon or prejudice the judgement. However, I am sure that many of us will agree with that, in the present case of **Atiku Abubakar, Peter Obi & Ors v Bola Ahmed Tinubu & Ors,** whether the 1748 British sub judice rule or our own Section 33 of the RPC version, the rule has been breached in all its ramifications - with gusto, aplomb and relish. Caution has been thrown to the wind, and all kinds of comments, whether from the Petitioners' Counsel or their proxies, or other Lawyers or the general public, or even the Petitioners themselves, whether appropriate and inappropriate, have been made concerning this matter that is now before the Supreme Court or under judgement.

LAW REPORT

Propriety of Charging Loanee with Fraudulent Conversion or Diversion of Loan

Facts
The 3rd Respondent, via a letter dated 17th December, 2013, applied to the Nigerian Export-Import Bank (the "NEXIM Bank") for a long-term loan to finance the importation of machineries for the PVC, cables and wires, and plastics manufacturing lines from China and short-term working capital loan in the sum of N1.2 billion (the "loan sum"). The 3rd Respondent's application was approved by the NEXIM Bank via a letter dated 5th February, 2014 at the interest rate of 14% per annum. Now, while the above-mentioned banker-customer relationship was being effectuated, the Appellant was at the time a majority shareholder and sole signatory of 3rd Respondent's Zenith Bank Plc account wherein the loan sum was paid.

Meanwhile, the 3rd Respondent paid the sum of N322 million out of the loan sum, to the Sterling Bank Plc account of Delta State Government as part-payment for the purchase of Guinea House, Marine Road, Apapa sold by the Delta State Government to the 2nd Respondent. During execution of the transaction with the Delta State Government, the Appellant was also the alter ego of the 2nd Respondent and sole signatory of its bank account.

Further to the foregoing and acting on a petition dated 22nd February, 2016 ***(written by a certain Comrade Prince Kpokpogri on behalf of the Anti-Corruption and Integrity Forum)*** the EFCC investigated the allegations of money laundering, and commenced a criminal case against the Appellant, the 2nd and 3rd Respondent. The two-count Charge against the Appellant, 2nd and 3rd Respondent centred on - (i) money laundering contrary to Section 15(2)(d) of the Money Laundering (Prohibition) Act, 2011 (as amended) (the "MLPA 2011"); and (ii) 3rd Respondent aiding commission of offence of money laundering by the Appellant and 2nd Respondent, contrary to Section 18(a) of the Act.

The trial court delivered its judgement, wherein it found the Appellant, 2nd and 3rd Respondents, not guilty of the offences with which they were charged. The court, therefore, discharged and acquitted them. Dissatisfied with the judgement of the trial court, the 1st Respondent appealed to the Court of Appeal (the "lower court"). At the lower court, the judgement of the trial court was upturned on the basis that the 1st Respondent, with aid of overwhelming credible evidence, proved the ingredients of money laundering. The lower court convicted the Appellant and 2nd Respondent for the offence of money laundering and sentenced the Appellant to seven years imprisonment, while ordering that the 2nd Respondent be wound up. The 3rd Respondent was found culpable for conspiracy to commit money laundering, and ordered to be wound up, as well. Expectedly, the Appellant was displeased with the decision and thus, appealed to the Supreme Court.

Issues for Determination
The issues considered by the Apex Court in determining the appeal are:

1. Whether the Court of Appeal misapprehended the provisions of the Money Laundering (Prohibition) Act 2011 when it convicted and sentenced the Appellant to seven years imprisonment for Money Laundering?

2. Whether the court below was in error to hold, contrary to the decision of the trial court, that there was credible and overwhelming evidence in proof of the essential ingredients of the charge of money laundering to warrant the Appellant's conviction and sentence for money laundering?

Arguments
The Appellant submitted that the prosecution failed to prove the essential ingredients of the offence of money laundering, and that the court below in reaching its decision, did not allude to the provisions of Section 15(6) of the MLPA which qualifies the entirety of Section 15(2) of the Act. He argued that the money in question, was from a loan transaction which was almost liquidated. The 1st Respondent, on its part, argued that the Appellant reasonably ought to have known that the sum of N322 million transferred to the Delta State Government on the instruction of the 3rd Respondent, being part payment for the purchase of Guinea House, Marina Road, Apapa, formed part of the proceed of an unlawful act.

Honourable Emmanuel Akomaye Agim, JSC

In the Supreme Court of Nigeria
Holden at Abuja
On Friday, the 7th day of July, 2023

Before Their Lordships
John Inyang Okoro
Uwani Musa Abba Aji
Ibrahim Musa Muhammed Saulawa
Adamu Jauro
Emmanuel Akomaye Agim
Justices, Supreme Court

SC/CR/900/2022

Between
Peter Nwaoboshi — Appellant

And
1. Federal Republic of Nigeria
2. Golden Touch Construction Project Ltd.
3. Suiming Electrical Limited — Respondents

(Lead Judgement delivered by Honourable Emmanuel Akomaye Agim, JSC)

Court's Judgement and Rationale
Deciding the appeal, the Apex Court considered the two issues above together. Here, Their Lordships visited the particulars of offence with which the Appellant was charged. The court observed that the determination of the identified issues rests on whether the loan sum from which N322 million was paid, was the proceed of fraud or any other unlawful act. To this end, the Apex Court reasoned that if the answer to such was in the negative, the Court of Appeal would have had no basis for upturning the decision of the trial court. Also, where the answer was in the positive, then the lower court would be correct in its decision.

From the record of court and findings of the courts below, the loan sum from which the N322 million was paid, was the loan given to the 3rd Respondent by the NEXIM Bank, and not proceed of fraud or any other crime. *By Section 5(2)(d) of the MLPA, for one to be culpable for the offence of money laundering, the source of fund must be probed and found dirty* - **DAUDU v FRN (2018) 10 NWLR (PT. 1626) 169.** The primary fund from which other seemingly legitimate transactions breed must be dirty money, or proceeds of a criminal act. The prosecution, in this case, failed to show that the loan granted to the 3rd Respondent from which the sum of N322 million was transferred, was dirty money. Further, *where an application for a loan facility has been granted, the money granted becomes the property of the loanee and he reserves the right to appropriate it howsoever he desires, as long as he keeps to terms with the repayment clause. It is not within our jurisprudence, that a vendor should remote control on how he appropriates the fund secured in a loan agreement. Even where he defaults in satisfying the loan as and when due, the vendor would only be within his right to commence civil proceedings to recover the principal sum plus interest, or outrightly confiscate the collateral provided to secure the loan.*

Further, there is no law in Nigeria stating that a recipient of a loan from a bank or other person, commits an offence when the recipient uses/diverts the loan sum in whole or part, other than as conceived in the loan agreement. It is the Supreme Court's reasoning that the diversion of part of the loan sum to purchase a house in breach of a term in the loan agreement to use the loan exclusively for carrying out the project approved by NEXIM Bank is not a crime known to law, and is therefore, not a money laundering crime as created vide Sections 14(1)(a), 15(2)(d) and (6) of the MLPA 2011. On further dissection and evaluation of evidence, the Apex Court held that *the Appellant will still walk free if it was the case that the Appellant was charged for fraudulent conversion or division of the whole or part of the loan sum. The rationale was that there was no evidence to establish fraud against the Appellant, 2nd and 3rd Respondent, as evidence shows the loan sum had been repaid with over N700 million as well. Even, should there have been default in payment of principal and part of interest, the Apex Court held that the Appellant, 2nd and 3rd Respondent will not be criminally culpable particularly as the failure to repay a loan or any part of it contrary to a loan agreement creates a debt recoverable by civil proceedings and not criminal trial* – reliance was placed on **ONAGORUWA v THE STATE (1993) 7 NWLR (PT. 303) 49.** In effect, the arrest, detention, prosecution and trial of a debtor for breach of a loan agreement under any guise is illegal.

Their Lordships also found that, the lower court erroneously convicted the Appellant for an offence he was not charged with. For context, the Appellant was not charged with unlawful acquisition of Guinea House or fraudulent conversion or diversion of part of the loan sum (that is, using the funds for purposes other than as contained in the loan agreement). Rather, the Appellant was arraigned for unlawful or fraudulent nature of the source of the N322 million used to purchase the Guinea House. The offence is that the Appellant ought to have reasonably known that the money was part of the proceeds of fraud, or other unlawful activity. The Apex Court found that ***the lower court breached the Appellant's right to fair hearing, having convicted and sentenced him for an offence that he was not charged with, especially as the conviction for an offence not charged with did not come under the exceptions imposed by statute. The court, therefore, held that the conviction was unconstitutional, illegal and void*** - **ABBAS JIBRIN v THE STATE (SC.1311/2018).**

The Apex Court gave a bird-eye's view to the ratio in the decision of the lower court, on NEXIM Bank being in ownership of the loan sum. The Apex Court disagreed and held instead, that upon payment of the loan sum into the 3rd Respondent's account, the money became the property of the 3rd Respondent and not NEXIM Bank. ***An owner of money or any property, cannot be validly accused of fraudulently converting or diverting the money or part of it.***

Given the above, the Apex Court set aside the judgement of the lower court. The Appellant's acquittal and discharge, as read by the trial court, was forthwith restored.

(Dissenting Opinion of Honourable Ibrahim Mohammed Musa Saulawa, JSC)

In His Lordship's dissenting opinion, it was remarked that since "fraud" means a reckless misrepresentation devoid of justification in believing in its truth, it amounts to fraudulent conversion of N322 million out of the loan sum, having purchased the Guinea House outside the terms of the loan agreement. The Honourable Justice added that although fraud is generally a tort, in exceptional cases where the fraudulent conduct is wilful, fraud may amount to a crime. It was therefore, reasoned that the loan sum belonged to NEXIM Bank, and not the Appellant, 2nd and 3rd Respondent ***(who had mere temporary rights to the money)***, and that the Appellant was criminally liable for the offence of money laundering under Section 15 of the MLPA 2011, having converted the said loan sum. His Lordship resolved all the issues against the Appellant, and upheld the decision of the lower court.

Appeal Allowed on a Majority Decision of 4:1

Representation
Chief Kanu Agabi, SAN; Ahmed Raji, SAN; Dr Mrs Valerie Azinge, SAN; Robert Emukpoeruo, SAN with Uchenna Ede, Esq for the Appellant. Abba Muhammed Asst. Comm. EFCC for the 1st Respondent.

K.O. Balogun, Esq. with Favour Ofuneye for the 2nd Respondent.

Ejetareme Otuoniyo, Esq. with Ifeoluwa Ojediran, Esq; Sonia Ernest Egbuna, Esq and O. Femi, Esq. for the 3rd Respondent.

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"Further, there is no law in Nigeria stating that a recipient of a loan from a bank or other person, commits an offence when the recipient uses/diverts the loan sum in whole or part, other than as conceived in the loan agreement"

NEWS

Oba Sikiru Kayode Adetona, Awujale of Ijebu-Land

Late Adebola Akin-Bright

FAAN Managing Director, Kabir Mohammed

Court Declares Awujale of Ijebu-Land, Oloja of Epe as Rightful Owners of Land in Epe

Stories by Steve Aya

Justice Sharafa Abioye Olaitan of the Lagos State High Court sitting in Epe Division, has declared that Iposu Chieftaincy Family is not rightful owners of the 1168.141 hectares (2886.534 acres) of land situated at Epe Communal land.

The land includes the large expanse of land at Akesan and Papa, alleged to be bounded by Epe Lagoon, Santos Family land, Lupotoro Family land, Odofin Compound, Jubulu Family land and Itemu River measuring 1168.141 hectares (2886.534 acres), more particularly shown on Composite Plan No: ASC/050°/LA/2020 drawn by Surveyor F. A. Ogunbadejo dated 10th of August, 2020.

In a judgement delivered on Friday, September 29, 2023 Justice Olaitan ruled that the large expanse of land are fully owned by the Oloja of Epe, Oba Kamoru Animashaun and the Awujale of Ijebu-land, Oba Sikiru Adetona.

The court verdict was delivered after eight years of legal tussle between Professor Sulaiman Owolabi Talabi, Chief Olayiwola Alade Oladunjoye and Chief Wale Mogaji, who sued for themselves and on behalf of Iposu Chieftaincy Family as Defendants in Suit No: EPD/131LMW/2016 against the Counter-Claimants, Mr Bayo Rasaq, Mr Ahmed Rasaq, the Oloja of Epe, the Awujale of Ijebu Land, and Rivebond Nigeria Limited.

Justice Olaitan ruled that the Defendants failed to tender the survey plan used in the Supreme Court case, upon which judgment was based.

The court noted that if the Defendants had done that, in giving judgement to the Counter-Claimants in the case, she would have directed that the extent of the land covered by the survey plan in Solomon v Solomon be removed from Ijebu land (that is, from Exhibit FOA 2) for the benefit of the Defendants, since the matter was a judgement upheld by the Supreme Court.

"In conclusion, after weighing the evidence of each of the Counter-Claimants and the evidence of the Defendants on the imaginary scale of justice, I find on a balance of probabilities, that the scale of justice tilts in favour of the Counter-Claimants."

Boy with Missing Intestine: 'We Need Independent Autopsy Experts', Adegboruwa, SAN

The Coroner's Inquest into the circumstances surrounding the death of Master Adebola Akin-Bright, the boy with the missing intestine who died at LASUTH, began fact-finding proceedings on Friday, October 20, with Ebun-Olu Adegboruwa, SAN calling for an independent body of experts to be allowed to conduct the autopsy on the body of the late Adebola Akin-Bright.

The late Adebola Akin-Bright was a 12-year-old boy, whose small intestine went missing following surgery at LASUTH, Ikeja recently.

Adegboruwa, SAN who said experts from independent bodies such as the Nigerian Medical Association (NMA) should be allowed to examine the corpse of the deceased, maintained that this has become necessary in order to avoid the likelihood of bias and conflict of interest, since the deceased's death at Lagos State University Teaching Hospital (LASUTH), Ikeja.

The Coroner's Court is presided over by the District Coroner, Magistrate Mrs Bola Folarin-Williams, sitting at Magistrate Court 4, Botanical Gardens, Ebute-Metta.

During proceedings, Ebun-Olu Adegboruwa, SAN, led Mr Aramide Adeogun and Mr Ezekiel Nnadi, for the father of the deceased, Olumuyiwa Akin-Bright, the Complainant.

Abiodun Kolawole represented the African Women Lawyers Association, while Mr O.A. Akinde, State Counsel from the Ministry of Justice represented the Lagos State Government, as an interested party.

When the case was called, Akinde informed the court that necessary tests and examinations had been conducted on the corpse, whereby there was a post-mortem report.

He said the office of the Attorney- General is aware of letters from Solicitor to the Father of the deceased, seeking to preserve the corpse while his Mother seeks the release of the corpse to her for burial.

He said the State is not against any of the requests, as the court may decide.

Adegboruwa, on his part, informed the Coroner that the Complainant would love to call the Medical Director of Hobitox Medical Centre where the deceased was first admitted and treated, and the Doctors that treated the deceased in LASUTH, including all the Policemen involved in the investigation. He said this was necessary, in order to have a proper understanding of what actually happened to the deceased.

At this point, the Coroner informed the court that she got information that the autopsy report was ready, and would soon get to the court.

Consequently, Adegboruwa applied that it be made available to all the parties in the case.

Professional Misconduct: Bank to Pay FAAN N2.9bn

The Federal High Court sitting in Lagos has ordered First Bank to pay the sum of N2, 937, 925,388.52 billion to the Federal Airports Authority of Nigeria (FAAN), for not disclosing under-payment of credit interest on deposits in 14 different Current accounts domiciled with the Bank.

Justice Ayokunle Faji, made the above order and declaration on the 9th of October, while delivering Judgment in suit numbered FHC/L/CS/67/2021 filed by FAAN, also held that First Bank breached its own professional Code of Ethics, by not disclosing all information on goods and services offered, including the interest rate payable by the Bank.

The Plaintiff (FAAN) had in its Originating Summons dated and filed on January 13, 2021, urged the Court to determine whether First Bank is entitled to pay interest on the Applicant's (FAAN) current deposits, in line with the Central Bank of Nigeria Monetary, Credit Foreign Trade and Exchange Policy Guideline of 2004/2005 No 37, Section 3, Sub-Section 3.2.4(a) Interest Policy, which states that "Banks shall continue to pay interest on current account deposits at rates negotiated between them and their customers".

Consequently, the Applicant sought the following reliefs: "An order for the payment of interest on the underpayment of interest on the current account deposits of the Applicant at the Respondent's maximum lending rate from 1st September, 2018 up to the date of refund.

"An Order for the payment of the sum of N2,117,955, 865.01 billion, being interest on underpayment of credit interest on deposits in the Applicant's current account numbers.

"An Order for the payment of the sum of N819, 969, 523.51 million, being credit interest payable on the Applicant's current account deposits in account numbers:

"A declaration that in pursuance of the Central Bank of Nigeria Monetary, Credit, Foreign Trade and Exchange Policy Guidelines (Monetary Policy Circular), the Applicant is entitled to receive interest on the credit interest the Respondent failed to pay on the current account deposits of the Applicant."

But, in response to the Originating Summons, First Bank in its 32-paragraph counter-affidavit, raised two issues for determination to wit: "Whether having regard to the absence of any negotiation and/or agreement between the Applicant and the Respondent for payment of interest on the Applicant's current account with the Respondent, the Applicant is entitled to the reliefs sought on the face of the Originating Summons?"

"Whether in view of the Central Bank of Nigeria's Circular "Time Bar for Resolution of Customer's Complaint" dated 21st August, 2015, this suit is statute-barred and constitutes an abuse of court process?"

First Bank stated that by virtue of Section 3.2.10(a) of the Central Bank of Nigeria Monetary, Credit, Foreign Trade and Exchange Policy Guidelines, the words used in the said Section 3.2.10. (a) are clear and plain, and should be given their literal or ordinary meaning. It follows, therefore, that before interest can be paid on a current account, the interest rate should have been negotiated and agreed upon between the customer and the Bank.

It also stated that the Applicant had failed to discharge the burden placed on it, by placing sufficient materials before the court, therefore, the reliefs sought could not be granted.

The trial judge further held that in line with paragraph 2 of the Bank Customer Bill of Rights and Duties and paragraph 3.5(b) of Nigerian Banking Industry (Professional Code of Ethics and Business Conduct), First Bank is duty bound to disclose to the Applicant all information on goods and services offered.

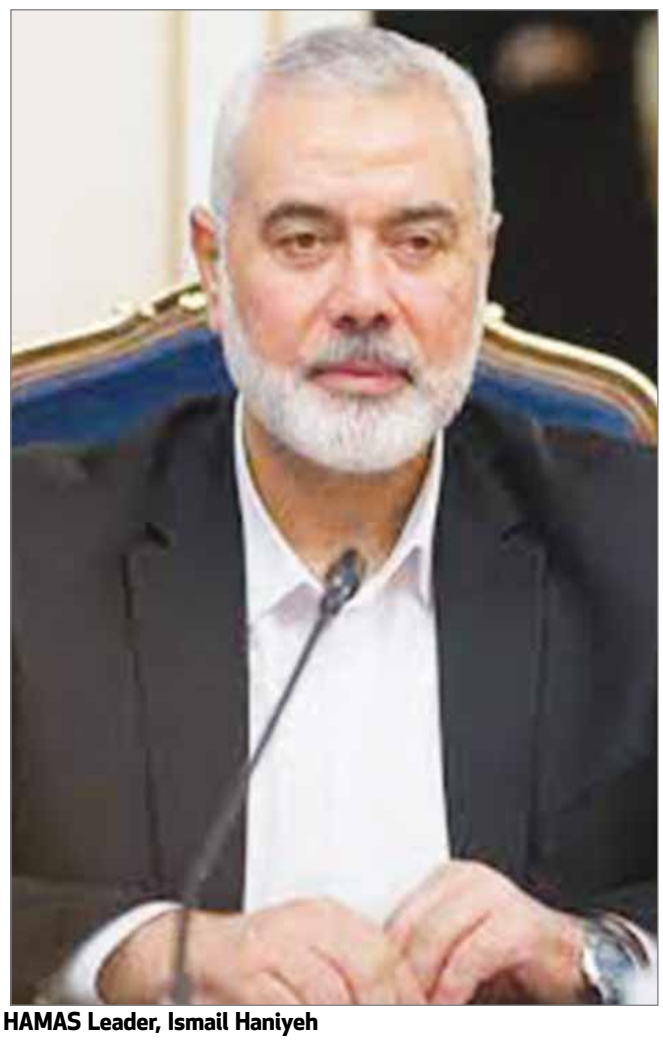
"In any event, it is apparent that a banker owes its customer a fiduciary duty, and in view of the rules guiding the ethics of the banking industry, it seems to me that there was a duty on the Defendant to inform the Plaintiff of its right to negotiate interest. That duty is imposed by the Code of Ethics aforesaid, which is obviously binding on all Banks in Nigeria, the Defendant inclusive.

"That is, in my view, the basis for the fiduciary duty owed the Plaintiff by the Defendant. It is a Code of Ethics that the Defendant ought to have followed, and by which it is bound. By not disclosing such information to the Plaintiff, the – Defendant had breached its own professional Code of Ethics, and that, in my view, was done to gain an unfair advantage over the Plaintiff as regards the payment of interest on current accounts. By those rules, the Plaintiff is entitled to information upon which to have a basis to negotiate interest, which was not availed it by the Defendant.

"Furthermore, and by virtue of paragraph 3.5(b) of Nigerian Banking Industry (Professional Code of Ethics and Business Conduct) 2014, banks are under an obligation to inform their customers about the interest rates applicable to/payable on their deposit, fixed, savings and other accounts.

"This action therefore, succeeds. I answer the four questions for determination in the affirmative, and in favour of the Plaintiff. I grant the declarations sought in reliefs 1 and 3 and make the orders sought in reliefs 2, 4, and 5", the Judge held.


Israeli Prime Minister, Benjamin Netanyahu


HAMAS Leader, Ismail Haniyeh


Palestinian President, Mahmoud Abbas

Let There Be Peace in the Middle East!

For the past two and half weeks, the world has known no peace, as **HAMAS** and **Israel** have unleashed unprecedented violence against each other, costing colossal loses on both sides, including thousands of human lives. The conflict which was precipitated by an unprovoked surprise attack by the Islamic fundamentalist group, Hamas, on October 7, giving rise to revenge action by the Israel Defence Forces (IDF) has, within a matter of days, resulted in at least 1,400 Israelis and over 4,000 Palestinians killed, and about 2,000 people being treated in hospitals in critical condition, and the count is on the rise. Undoubtedly, the consequences of this belligerence and its global implications can only be imagined. **Chukwuemeka Eze, Gozie Francis Moneke, Felix Eghie Sugaba and Jefferson Uwoghiren** give their perspectives on the potentially volatile situation in the Middle East, and the possible impact on Nigeria

Israel-Hamas Conflict, Its Global Implications Under International Law and Fallouts on Nigeria

Chukwuemeka Eze

Introduction

Israel is a tiny country in the Middle East with a chequered history of wars in 1948, 1956, 1967, 1973, 2006, 2021 and 2023. Israel has had intermittent skirmishes with Hamas in Gaza and Hezbollah in Lebanon, beyond the years listed. Hamas is a Palestinian liberation organisation founded in 1987, with the purpose to destroy Israel. It was an offshoot of the Muslim Brotherhood, an organisation with its roots in Egypt. It should be recalled that Gaza Strip was part of Egyptian territory until the 1967 Six-Day War between Israel and its Arab neighbours, in which Israel was decisively victorious.

In 2007, Hamas seized governmental administration in Gaza from the Fatah Party of Mahmud Abbas, and has since then been the de facto governmental authority in Gaza. Israel, which vacated its occupation of Gaza in 2005, has fought at least two wars with Hamas before the surprise attack of Israel by Hamas militants on October 7, 2023. During the attack, which took Israel unawares, more than 1,400 Israeli civzilians and soldiers were killed, while at least 203 of them were taken hostage.

On October 8, Israel declared war on Hamas, and as a result, announced that Gazans residing in the South should relocate to the Northern part of Gaza to avoid civilian casualties. As a follow-up, Israel has prevented the supply of energy, foods and medicines to Gaza, a measure that has alarmed the United Nations, due to the expectant humanitarian crisis for the two million population of Gaza. On the other hand, Egypt has stationed military personnel at Rafah Crossing to prevent refugees from Gaza flooding its country. Serious negotiations have been going on to persuade Israel and Egypt to open Humanitarian corridors to Gaza, in order to reduce the suffering of the civilians. A controversial bombing of a hospital in Gaza, during which a disputed figure of five hundred persons lost their lives, has made this war one of the most brutal confrontations between Israel and Hamas. More than 4,000 Palestinians are said to have lost their lives through aerial bombings by Israel, before an expected ground attack by Israel to eliminate Hamas. On the other hand, Hezbollah, from Lebanon, has started attacking Northern Israel in support of Hamas. Iran has threatened to join the war, in favour of Hamas. Militant groups in Syria, have been reported of attacking Israel through the Golan Heights.

The United States of America, in support of Israel and to ensure deterrence, has positioned two nuclear-powered aircraft carriers at the Eastern Mediterranean. Missiles and drones destined for Israel from the Yemen-based and Iranian-sponsored Houthi rebels, have been intercepted by American fighter planes forming part of these aircraft carriers. The fear of escalation is palpable, and a meeting of the UN Security Council to discuss the developments did not yield enforceable resolution of the war.

From this introduction, certain issues under international law and international humanitarian law have come to the fore. Such issues include the use of force, self-defence, laws of war, and rules of international humanitarian law.

Use of Force

There is prohibition against the use of force, in international law. This prohibition is not absolute because self-defence is an exception. However, whether the use of force will be considered legitimate, and without adverse consequences, is dependent on whether the use of force is necessary and proportional to the purpose. The customary international law position has been codified in Article 2 of the UN Charter. Israel will certainly justify its current use of force, as self-defence under international law.

The use of force rule is codified is in Article 2(4) of the United Nations Charter. Article 2(4) provides that a UN member State, of which Israel is one, cannot threaten or use force against the territorial integrity or political independence of another State, or in any way that diverges from the purposes of the UN. Although, Palestine is not an independent State, it is treated as such by the United Nations.

Article 2(4) does not use "armed" or a similar word, it is believed that it only prohibits military force, excluding non-military forms of coercion such as economic sanctions. A sovereign State can use force within its territory, because States have substantial discretion in managing their internal affairs.

A State may be able to use force outside its territory, in situations that do not violate the territorial integrity of other States. However, a State might use force for humanitarian purposes or to protect citizens of the intervening State who are living abroad. The UN Charter does not, in the main, acknowledge these situations as exceptions to the prohibition against the use of force. Many members of the international community feel that, States cite these justifications to hide improper motives.

Use of Force for the Purpose of Self-Defence

Article 51 of the UN Charter acknowledges self-defence, as an exception to the prohibition against the use of force. This provision explicitly allows a State to use force, in response to an armed attack by another State. UN members must report actions taken in self-defence, to the UN Security Council. Article 51 has been interpreted to incorporate the inherent rules of self-defence under customary international law, which provide that self-defence must be necessary and proportionate to the aggression.

When a State faces an imminent attack, as is the current case involving Israel, it may have a right to act in anticipatory self defence. Article 51 and other provisions of the UN Charter, do not address this situation. However, customary international law recognises the right of anticipatory self-defence, when an armed attack is imminent and inevitable. If an attack is possible but not

"It all began in the early hours of October 7th, 2023, when Hamas masterminded and perpetrated coordinated a surprise offensive on Israel, launching thousands of rockets from its subterranean enclaves in Gaza into Israel, with thousands of Palestinian militants simultaneously breaking the Gaza-Israeli borders to attack civilians and the bases of Israel Defence Forces (IDF). No fewer than 1400 Israelis were massacred in that singular surprise attack by Hamas"

COVER

Let There Be Peace in the Middle East!

imminent, a State probably cannot launch a pre-emptive strike.

The UN Security Council sometimes has authorised the use of force, in humanitarian missions that do not involve overtly taking sides between States. For example, it mobilised a United Nations Protection Force (UNPROFOR) for a peacekeeping operation during the turmoil that resulted from the breakdown of the former Yugoslavia. At various points during the operation, UNPROFOR was authorised to use force for humanitarian purposes.

Principle of Proportionality

Prior to determining whether the force used by a State is proportional (unreasonable and excessive) to the imminent attack against it, it is important to assess whether the use of force is necessary in the first place.

The condition of the necessity requires the presence of conclusions, which are based on the proved facts, that an armed attack is imminent and requires the response. Thus, the use of force for self-defence, should be a response to the real threat to the survival of a State.

Under customary international law, the **"Caroline Case"** laid down conditions that will be present before a State can resort to use of force in anticipatory self-defence. The Caroline incident was used to establish the principle of "anticipatory self-defence" in international relations, which holds that it may be justified only in cases in which the **"necessity of that self-defence is instant, overwhelming, and leaving no choice of means, and no moment for deliberation".**

Upon conclusion that the use of force is necessary, the next consideration will be whether the force used is proportional to the imminent danger it is facing or it was faced. The principle of proportionality was stated to require "nothing unreasonable or excessive, since the act, justified by the necessity of self-defence, must be limited by that necessity, and kept clearly within it."

In **Nicaragua v United States,** the ICJ stated that ***"self-defence warrant(s) only measures which are proportional to the armed attack and necessary to respond to it, a rule well established in customary international law".***

In the ICJ judgment of 1996 on "The Legality of the Use of Nuclear Weapons", the Court held that ***"the principle of proportionality, even if finding no specific mention, is reflected in many provisions of Additional Protocol I to the Geneva Conventions of 1949. Thus, even a legitimate target may not be attacked, if the collateral civilian casualties would be disproportionate to the specific military gain from the attack".***

According to the International Criminal Tribunal for the Former Yugoslavia (ICTY), the principle of proportionality means that incidental and involuntary damages caused to the civilian population during a military attack shall not be excessive in comparison to the direct military advantage obtained.

International law contains a general principle prescribing that reasonable care must be taken in attacking military objectives, so that civilians are not needlessly injured through carelessness. Attacks, even when they are directed against legitimate military targets, are unlawful if conducted using indiscriminate means or methods of warfare, or in such a way as to cause indiscriminate damage to civilians. In the Kupreskic Case decided by the ICTY, the Trial Chamber considered that it was beyond dispute that, at a minimum, large numbers of civilian casualties would have been interspersed among the combatants. It continued: ***"The point which needs to be emphasised is the sacrosanct character of the duty to protect civilians, which entails, amongst other things, the absolute character of the prohibition of reprisals against civilian populations".***

The principle of proportionality in self-defence becomes more topical in the current Israel-Palestine War, which erupted on October 7, 2023 after Hamas militants in Gaza invaded Israel and bombarded it with more than 5,000 rockets and artillery. More than 1,400 Israelis and 4,000 Palestinians, including civilians - women, children, and men - and soldiers, have been killed. more than 6,000 injured on both sides, and at least 203 Israelis taken hostage. So far in the war, Israel has carried out a siege on Gaza, denying the entry of materials necessary for the elongation of civilian life. The UN Secretary-General, Antonio Guterres, has called on Israel to allow for humanitarian materials to be transported to Gaza. Among the dead in Palestine, are about

War-torn Gaza

500 persons arguably killed by Hamas rockets in a hospital in Gaza.

The obvious implication of refusal by Israel to open a humanitarian corridor to Gaza, is that the International Criminal Court (ICC) may indict its Commanders for war crimes and crimes against humanity sequel to the 1998 Rome Statute of the ICC. Although Israel is not a party to the ICC, the Rome Statute provides for a situation where the offenders from a non-State party can be indicted if the crime has a deleterious effect on a State party, or where the offender is found within the jurisdiction of a State party. It was on this basis that President Vladimir Putin of Russia was indicted, even though that Russia is not a State party to the ICC Statute.

Law of War

The law of war is the component of international law that regulates the conditions for initiating war (jus ad bellum), and the conduct of warring parties (jus in bello). Laws of war define sovereignty and nationhood, States and territories, occupation, and other critical terms of law.

Among other issues, modern laws of war address the declarations of war, acceptance of surrender and the treatment of prisoners of war; military necessity, along with distinction and proportionality; and the prohibition of certain weapons that may cause unnecessary suffering.

The law of war is considered distinct from other bodies of law — such as the domestic law of a particular belligerent to a conflict — which may provide additional legal limits to the conduct or justification of war.

According to **Chancellor Kent in Griswold v Waddington (16 Johns. 438, 448),** stating: ***"A war on the part of the government, is a war on the part of all individuals of which that government is composed".*** In a war, the whole nation embarks in one common bottom, and must be reconciled to one common fate. Every individual of the one nation must acknowledge every individual of the other nation as his own enemy, and the enemy of his country.

In **Techt v Hughes, 128 N. E. 185, Cardozo, J.,** stated: ***"It is not a question of personal sentiments or friendship. It is a question of the allegiance due, from the subject of the sovereign. I do not stop to inquire whether international law should put aside this conception of war as involving a relation between individuals, and substitute Rousseau's conception of a relation solely between States… .".***

L. Oppenheim, International Law, London, 1940 (6th ed., by Lauterpacht) states that the distinction between non-combatants and civilians, has been deeply affected by developments which appeared during and since the First World War. In the bombardment of places, it is difficult to save any particular structure. Every siege gives evidence of this. To destroy a Gaza with all it contains, is indeed, an extreme measure, not to be resorted to by Israel.

Common Article 3 of the Geneva Conventions, which has attained the status of jus cogens under Article 53 of the Vienna Convention on Law of Treaties, provides that in the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed 'hors de combat' by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever, with respect to the above-mentioned persons:

(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(b) taking of hostages;

(c) outrages upon personal dignity, in particular humiliating and degrading treatment;

(d) the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court affording all the judicial guarantees, which are recognised as indispensable by civilised peoples.

The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions, shall not affect the legal status of the Parties to the conflict.

The concern of the international community, is centred on preventing or managing the untoward suffering of the civilians in Gaza. The United States has pledged $100 million, for Humanitarian purpose in Gaza. Egypt has accepted to allow delivery of Humanitarian materials, through its border.

Global Implication of the War

It is feared that if Iran joins the war, the United States, Russia, and China might be drawn into the war, and this will be a precursor for World War III. Combined with the Russia-Ukraine War, the conflagration will have lethal and economic consequences of immense proportions. Energy prices will rise and food security, which has already taken a bash, will be further threatened. Already, there was 4% increase of world energy prices, as soon as Israel declared war on Hamas.

Impact on Nigeria

A continued warfare between Israel and Hamas, will increase the restiveness of the Nigerian Muslim population. Besides, increasing oil prices in the international market will cause the Nigerian government to restore fuel subsidy. A publication of BarristerNG.com on October 9, 2023 reports that:

"If the ongoing conflict between Israel and Palestine escalates further, setting off a chain reaction, Nigeria, yet to recover from the economic crisis that followed the invasion of Ukraine by Russia, may have to deal with another energy crisis that may force the government to spend N644.8 billion subsidising Premium Motor Spirit (PMS) alone monthly. Just as diesel price is already rising above N1,100 per litre, with the National Bureau of Statistics (NBS) stating that price of Kerosene surged by 57.18 per cent, reaching N1,272.40 per litre in August, manufacturers and households in the face of poor electricity supply are set to face fresh hurdles over the development. With the Dollar already exchanging for over N1,000 at the parallel market while Nigeria's refineries remain dormant, there are indications that the foreign exchange crisis may worsen as the Nigerian National Petroleum Company Limited may spend the Federation's earnings on importing fuel, while other marketers scramble for available Dollars to import diesel and aviation fuel."

As at the date of doing this paper, the exchange rate at the parallel market was N1,115 to $1. The obvious outcome of the war on Nigeria will shatter the economic reforms of the President Tinubu administration, and send his economic planners to the drawing board. Moreover, the conflict will increase the cost of production astronomically, leading to lay-off of workers and worsen the unemployment rate in the country. Consequently, the emigration syndrome known in local parlance as "Japa" will get worse, and the crime rate will increase in geometric progression.

Conclusion

It is evident that the war will have global and local implications, militarily and economically. It may also result in a new world order, in which the power of the US is weakened if Israel loses the war. The processes of normalisation of relations between Israel and Saudi Arabia, has already been halted because of the conflict.

All in all, the ICC may have a job to do during and after the conflict, because all the rules of combat are being tested in this war. Where war crimes, crimes against humanity or genocide are committed, the ICJ will not hesitate to invoke its jurisdiction under the Rome Statute of the ICJ, 1998, to punish offenders.

On the part of Nigeria, our borrowing will increase, budget deficit will grow, the Medium-Term Expenditure Framework (MREF), 2024-2026 will be affected, and the monetary and fiscal policies will be affected in great proportions.

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"Experts hazard and opine that unbridled rise in the price of crude oil that may result as a consequence of the Israel-Hamas conflict, will inevitably cause a giant leap in the pump price of PMS in Nigeria, thus, further aggravating the human suffering that is now pervasive in the country"

COVER

Let There Be Peace in the Middle East!

Cont'd from page VII

Chukwuemeka Eze, Lawyer; former Lecturer of Diplomatic and Consular Relations Law, Faculty of Law, Nasarawa State University, Keffi

The Darker Path of Israel-HAMAS Conflict and a World Order in Disarray

Gozie Francis Moneke

Introduction

There is no end in sight to the egregious war raging between Israel and Hamas – the notorious Palestinian militant group. The ferocity or brutality of this armed conflict has left the world agape with consternation and perturbation on the toll of brutal casualisation, especially of innocent and unarmed civilians including women, children, the elderly and the infirm. It all began in the early hours of October 7th, 2023, when Hamas masterminded and perpetrated coordinated a surprise offensive on Israel, launching thousands of rockets from its subterranean enclaves in Gaza into Israel, with thousands of Palestinian militants simultaneously breaking the Gaza-Israeli borders to attack civilians and the bases of Israel Defence Forces (IDF). No fewer than 1400 Israelis were massacred in that singular surprise attack by Hamas, including hundreds of civilians attending a music festival. Hamas carted away hundreds of hostages, including civilians and captured soldiers.

This unanticipated attack by Hamas, seemed to demystify and demean the hitherto redoubtable Israeli intelligence community. Out of sheer indignation for that shocking, humiliating and devastating attack, Israel unequivocally declared military action against Hamas, with a vow to exterminate the militant group to the very last man. The ongoing retaliatory attacks launched by Israel on Gaza Strip, justifiably in self defence, unfortunately continue to wreak colossal devastation and catastrophic consequences not only amongst the Hamas militant community, but more so on the larger civilian population within the narrow strip of Gaza.

Risk of Escalation

Several nations including the United States, the United Kingdom, France, Italy and Germany have denounced Hamas for the unprovoked attack on Israel, and described same as an act of terrorism. On the other hand, countries across the Middle East have called for de-escalation and blamed Israel's long occupation of the Palestinian Territories, as the provocation for the attack by Hamas. Iran has also expressed condemnation of Israel for the retaliatory attacks on Gaza, threatening to intervene should IDF launch a ground invasion of Gaza. There is palpable apprehension that, the Israel-Hamas war could spill over into a regional conflict. Shelling has intensified in recent days between Northern Israel and Southern Lebanon, a stronghold of the Iran-backed militant group, Hezbollah. The outcome of the war remains uncertain, but, as it is, Russia and China are aligning with the Palestinian cause, in opposition to America's support for Israel. Russia meanwhile, revels at the conflict by pointing to what it sees as the hypocrisy of the West.

Humanitarian Crisis

As the war escalates, it further aggravates the already dire humanitarian crisis it has occasioned. The war is obviously being carried on by both sides with little regard for the principles of International Humanitarian Law (IHL), which is the law regulating armed conflict. IHL is designed to constrain how wars are fought, and further aims at protecting noncombatant civilians, and regulating the means of warfare. Thus, IHL does not discount the happenstance or eventuality of war, but recognising the inevitability warfare or armed conflict, it aims at mitigating the depredations of war on people. The IHL is not concerned with the justifications for engaging in war, but, applies even in situations where a party is entitled to act in self-defence under broader international law, like Israel purports to be entitled to self-defence in this instance.

Ongoing bombing in Palestine

A draft resolution by the UN Security Council calling for a humanitarian pause in the besieged Gaza was recently vetoed by the United States of America, sparking more criticism of the political paralysis of that powerful global body. The draft resolution, proposed by Brazil, condemned the October 7 terror attacks in Israel by Hamas, and urged the immediate release of Israeli hostages being held by the militant group. It further called on all parties to comply with international law, and protect civilian lives in Hamas-controlled Gaza amid the ferocious retaliatory attacks by Israel. The draft resolution finally urged the international community to engineer humanitarian pauses in the fighting, to allow for aid delivery. 12 of the Security Council's 15 members approved the draft, with United Kingdom and Russia abstaining, but, the draft was moribund ***in limine*** with a veto by the United States, condemning the draft for failing to recognise the right of Israel to self-defence.

Disruption of Global Power Balance

The Israeli-Hamas war is not only a giant risk to regional conflagration, it is also disruptive of the global power balance, stretching the American and European resources, while relieving pressure on Russia and providing new vistas of political and economic opportunities for China. Inevitably, Russia, Iran and China would expectedly take full advantage of any emerging opportunity, to undermine or supplant the United States hegemony on the global political and economic stage. As the US juggles pressures on multiple diplomatic and war fronts, those distractions will definitely create a vacuum that needs to be filled. Commenting recently on the likely implications of the pending war in Ukraine and the emerging Israel-Hamas war, the Finnish Prime Minister, Alexander Stubb, had this to say: ***"What we are seeing, is part of a shifting and moving world order. When the U.S. leaves power vacuums, someone is going to fill those vacuums".***

Impact on Global Economy

The Israel-Hamas war, like the previous wars in the Middle East bears the potential of disrupting the global economy, which may plummet into recession if more countries are conscripted, as it were, into the war. As Israel continues to bombard Gaza relentlessly with increasing death toll, there is a real risk of militias in Lebanon and Syria tagging along in the war in solidarity with Hamas. The devastation of the war is raising emotional temperatures, and makes escalation of the war more likely. Iran is already spoiling for war, threatening to intervene if IDF march into Gaza for a ground operation. If the scenario continues unabated or even worsens as suspected, the Bloomberg Economics estimates oil prices could soar to $150 per a barrel, and global growth drop to 1.7% - a recession that would take about $1 trillion off world output.

Any conflict in the Middle East would invariably trigger economic tremors around the world, given the region's crucial position as the major supplier of energy and a key shipping passageway. The Israeli-Arab war of 1973 is a classical example, which resulted in oil embargo and many years of economic stagnation, global inflation and crisis of unemployment. As it is, the world economy remains vulnerable, still recovering from the bout of inflation exacerbated by Russia's invasion of Ukraine last year. This new war in a key energy-producing region, could rekindle that evanescent inflation.

Impact on Nigerian Economy

It is highly likely that Nigeria will experience some economic resonance, flowing from the Israeli-Hamas war. Albeit the two warring parties are not major oil producers; but, the likelihood of the war escalating and destabilising the Middle East, which is home to the world biggest oil producers, has in itself thrown some tremors in the global oil market causing a hike in prices. Here in Nigeria, as the price of crude oil increases coupled with the depreciation of the Naira against the Dollar, the cost of imported petroleum products will naturally rise, against the backdrop of our unfortunate plight of perennial inability to make local refineries operational. Experts hazard and opine that unbridled rise in the price of crude oil that may result as a consequence of the Israel-Hamas conflict, will inevitably cause a giant leap in the pump price of PMS in Nigeria, thus, further aggravating the human suffering that is now pervasive in the country. According to Professor Sheriffdeen Tella, a renowned economist, ***"If the price is going up in the international market, it will affect the pump price, since we are importing. If the war lingers, it will affect us shortly, not in the long run, because those who are selling to us will sell at whatever price the international market dictates. The Government will have to look for a way to cushion the effects. We should pray for the war to end in time. Neither of the two (Israel and Palestine) are producing oil, but they have a role to play, because all these things are linked together as they are supply routes. The price has been rising, partly due to that war. If the NNPC has some reserve, that could assist, but if it doesn't it will affect us in the short-run. It is either the domestic price (pump price) will rise, or the Government will have to pay some subsidy".***

The Israel-Hamas war therefore, bodes a bleaker future for millions of Nigerians already suffering from the ripple effect of high price of petroleum products, especially PMS, that was triggered by sudden removal of subsidy in the advent of Tinubu administration. Cost of goods and services that doubled or tripled with the removal of subsidy could possibly quadruple, if the Israel-Hamas war lingers and escalates.

Conclusion

The United Nations has come to a point in its checkered history, where it must negotiate the democratisation of its most powerful arm, to wit, the Security Council, or risk falling into the redundancy of ineffectiveness that could turn the world into a large field of festering conflicts. A situation where the Security Council cannot act because of a dissenting vote of one of the permanent members vetoing the votes of all 14 other members, does not augur well for world peace and security, and indeed, makes nonsense of the cardinal role of the Security Council. Veto power may only be justified in cases where a permanent member is directly involved in a conflict, on the premise that world peace is better safeguarded when the five permanent members are working in tandem. In conflicts where a permanent member is not directly involved, it would be more conducive to global peace and security, if the Security Council were to act by a majority vote to intervene and prevent humanitarian crisis and war crimes. The veto by United States foiling the salutary draft resolution calling for humanitarian pause in Gaza, is clearly preposterous in the face of monumental affliction of scandalous humanitarian crisis and war crimes. International humanitarian law must be upheld at all times as sacrosanct, otherwise the atrocities of unguarded and unregulated warfare will continue to gnaw at the conscience of our common humanity, and indict as hollow and hypocritical the gamut of the international order.

Failure to contain humanitarian crisis in warfare such as what is playing out in the Israel-Hamas war, is what causes sudden rise in emotional temperatures that instigates escalation of war by enlistment of hitherto unaffected nations into the conflict. As a conflict broadens in that manner, the ripple effects impact negatively on the political and economic balance of the globe, and the worst hit in the melee turn out always to be the impoverished countries of the world – the ignominious association that Nigeria conspicuously, though unfittingly, continues to identify with.

Gozie Francis Moneke, Esq. LLM (London); Executive Director, Human Rights and Empowerment Project Ltd/Gte

"In effect, Hamas has succeeded in redirecting the world's attention to the plight of Gaza residents, where it is emboldened by the enormous support it has amongst the poverty-stricken populace, and to the Palestinian cause in general"

The Middle East Erupts Again

Felix Eghie Sugaba

In my piece titled "Palestinian/Israeli Conflict: Reality on Ground" published on Tuesday, August 31, 2021 in Thisday Newspaper, I opined that ***"The sentiment and anger that boil over in the later generations of Palestinians come more from their poverty condition, immediate environment and the general circumstances of deprivation they***

cont'd on page IX

COVER

Let There Be Peace in the Middle East!

Cont'd from page VIII

live under, than from the ejection and injustice their ancestors suffered in the hands of Israel some decades ago". I added, "Israel needs to reverse its course to bring prosperity to Palestine, and dispel this present despair that contributes an existential threat to Its security". Many people might disagree with the above summation.

This time, regrettably, Hamas did cross the line. The annihilation of so many Jews in such a gory manner in their enclave, is obviously unacceptable. It is of course expected, that Israel would go on a revenge mission. As at the last count, over four thousand Palestinians have died from Israeli bombardment, while the number of casualties on the Israeli side stood at 1,400. This number does not include the hostages, that are being held in the dudgeons of Gaza.

Most commentators are either pro-Israel, or in sympathy with the Palestinians. This approach underlines the enormous sentiments the situation has galvanised. As it is expected, majority of Christians give their tacit support to Israel. while the Palestinians have the backing of virtually every Muslim.

Unfortunately, these sentiments serve only one purpose, widening the dichotomy, and driving a wedge in every pontification aimed at peace in the region. They are based mainly on emotion, instead of reason.

Anger in the Land

There is indeed, anger in the land of Israel. The government is threatening fire and brimstone. The Prime Minister of Israel, can be likened to a man with the proverbial nine lives. His obsession with power, is unarguably rooted in his undying love for his country. Seen by Palestinians as a merchant of hate, Netanyahu's political life seems predicated on the biblical Mosaic law of an "eye for an eye and a tooth for a tooth", a political mantra that seems to guide his leadership principles. Others see him on a vengeance mission to avenge the death of his senior brother Yonathan Netanyahu, who was the Commander of Operation Thunderbolt. That counter-terrorism mission that rescued the Jewish hostages at Entebbe Airport in Uganda on July 4, 1976 produced one fatality: Yonathan Netanyahu, the senior brother of Benjamin Netanyahu.

Apparently, his navigation appears to have taken the man who is the Prime Minister of Israel for the 3rd time, off course. His strategy of constructing more houses and expanding Jewish settlements in the occupied West Bank, simply fulfils his aim to deny the Palestinians a State. However, that strategy does not provide an alternative political path for the Palestinians. It only serves to put an end to the two-State solution, which the global community proclaims as the only solution to the imbroglio.

Not even the normalisation of relations with other Arab States, known as the Abraham Accord, has produced the desired results. It does explain the political structures, in these Arab States. That the monarchical authorities in these States, derive their powers from the loyalty of the populace. The immediate casualty of the war, is the ongoing talk aimed at normalising relations between Israel and Saudi Arabia.

HAMAS

Let us sit back and take a deep breath. Does anybody sincerely believe Hamas can be "wiped out" as threatened by the Israeli government? Have we given a thought to other Armed Palestinian groups? History is not on the side of anyone that assumes so. The reason is simple: resistance groups are trans-generational. The Israeli/Palestinian conflict has spanned over 70 years. For anyone to think that decimating Hamas brings it to conclusion, is share self-deceit.

The BBC has a policy of not labelling groups like Hamas, Terrorists organisations. The policy takes cognisance of the history of resistance movements, and the necessity to scrutinise and engage the issues behind their agitations. To do otherwise is counterproductive. Try as we may, to condemn wanton killings of civilians and the entire Hamas strategy, what we have not properly labelled lies at the causes. For instance, the attack on the Twin Towers on 9/11 may well have been described as a "clash of civilisation" by Samuel Huntington in his book, but it equally underscores the zeal, desperation and ruthlessness of non-State actors in their quest to humiliate giant States, in order to draw attention to their agitations. A case of dwarfs bringing down giants. This is exactly what Hamas has enacted. In effect, Hamas has succeeded in redirecting the world's attention to the plight of Gaza residents, where it is emboldened by the enormous support it has amongst the poverty-stricken populace, and to the Palestinian cause in general.

Ground Zero in the disputed region

The US Factor

Much as the people's anger against Hamas is justified, US politicians have stepped up their antics. They are all over the country, marshalling every opportunity to overdo each other in their support for Israel. They are scampering to every available News channel, to showcase their newly found love for the Jewish State. The same goes for President Biden, who is preparing for a rerun in 2024. In my opinion, if there is any move that has exacerbated the current situation, it is Biden's decision to dispatch an aircraft carrier to the Mediterranean, and supply weapons to Israel to booster the Jewish State's arsenal, ostensibly to defend itself. This is happening, in the midst of the massive military built up along the Gaza border. If the US thinks the Arab States will look the other way and commend its move, your guess is as good as mine. It is a mistake for the US to think that the Arab States would be deterred by its posture. Instead, it risks escalating the war. The Arab governments are under tremendous pressure to intervene, should the present carnage continue in Gaza. Prime Minister Netanyahu obviously embraces the dictum that, there is "no quota in war". But, this continuing infrastructural and human wreckage in Gaza, is already tipping world sympathy towards the Palestinians. Iran has pointedly stated that the Axis of Resistance, namely Lebanon, Syria and Iran will not remain passive in the unfolding war.

There is palpable fear that the situation might escalate. If the war does escalate, it will have multiple implications across the globe. The least of which is the price of crude oil. It is public knowledge, that there is no love lost between the Crown Prince of Saudi Arabia and President Biden. Given the situation on ground, Saudi Arabia and Iran might seize this opportunity to teach the US a bitter lesson, by cutting oil production. Of course, such scenario would spell economic doom for other countries like Nigeria that are already reeling from high inflation, post Covid-19 years. On the other hand, the conflict might induce another oil windfall reminiscent of the 2nd Gulf war. Unfortunately, Nigeria does not have a history of proper utilisation of such opportunities.

Lesson for Nigeria

What is happening in the middle East has a profound lesson for Nigeria too, over the Biafra issue. A famous philosopher, Tawakkol Karman said "Peace does not mean just to stop wars, but also to stop oppression and injustice".

The marginalisation of the Ibos and the consequent agitation for a separate State in Nigeria, needs to be addressed. To proscribe IPOB and swarm the entire Eastern Nigeria with soldiers and Police, is not the answer. To muzzle a resistance movement is to create in it, other avenues to exhale. Nigeria must not wait for its own "Hamas" to strike, before it embraces dialogue to find a solution to this problem that began in 1966. It is time to release Nnamdi Kanu, to prepare the stage for realistic discussions.

Finally, as Israel prepares its forces for a possible ground invasion of Gaza, we can only hope that common sense will prevail to limit the number of casualties on both sides. Perhaps, the aftermath of the invasion might present the catalyst that would precipitate a new beginning at finding an enduring solution to this endless conflict. We hope.

Felix Eghie Sugaba, Zurich, Switzerland

"Yet, in the maelstrom of all these conflictional relations, are the Israelis violently holding on to land and cities they claim is the biblical Promised Land, now flowing with sweat, tears and blood instead of milk and honey"

Israeli-Palestinian Conflict and its Dire Global Consequences

Jefferson Uwoghiren

Introduction

Very few conflicts in history have had the kind of complexities, mixed elements and sustained destructions as the Israeli-Palestinian problems, now under a new wave of violent bloodletting and bestialities. The reason is simple, but

the solutions aren't simple. It's deeper than divers with ancient animosities, ingrained hatred, and deadly consequences. While the physical conflicts seem to be located in a tiny strip of land called the Gaza Strip, the consequences and victims of these conflicts are in many far flung North African, European and Middle-East capitals and refugees camps. This conflict is at the heart of Arab-American foreign policy disagreement from the Persian Gulf to the South China Sea on one side, and North Africa to the Middle East on another front. Yet, in the maelstrom of all these conflictional relations, are the Israelis violently holding on to land and cities they claim is the biblical Promised Land, now flowing with sweat, tears and blood, instead of milk and honey.

Origin of HAMAS

Gaza, the epicentre of conflicts has always been a brutal and brutalised city long before the Israeli war of 1967, when it was seized from Egypt, where it served as a command and control centre for the Muslim Brotherhood. With the fiery wheelchair bound Shiekh Ahmad Yassin as an ideological guide, Palestinian members of the Brotherhood, over the years, systematically formed a violent bulwark and ideological gulf between the Yasser Arafat's Palestinian Liberation Organisation and the Israeli Government's attempt at peaceful resolutions.

Unfortunately, the Israeli Government misread the deep divisions and supremacy battles between the Palestinians, and wrongfully took sides with the Islamists, who later in 1987 formed what is now known as the Islamic Resistance Movement or Harakat Al- Mugawamah Al-Islamiyah. The acronym for which is HAMAS, an Arabic word meaning "Zeal" with a military wing called Qassam Brigade, known for its ferocious urban violence.

The Israeli Government's deadly gambits of divide and conquer, which were designed to undermine the near monolithic support for the secular and nationalistic credo of the PLO and the subsequent Fatah movement, have since backfired in smokescreens, with HAMAS becoming the singular most important existential threat since the Nazis.

HAMAS' Unprecedented Attack: An Intelligence Embarrassment

Hamas' recent unprecedented and unsurprising cross- border attacks in the Israeli territory, killing hundreds of innocent and defenceless civilians and taking of hostages, is the boldest attempt in decades to carry out its violent mandate of seeking the destruction of the State of Israel and the mass murder of the Jewish people. The scale and tactics of the invasion rubbished in a few hours, the famed invisibility of Israelis, exposing the failure of its intelligence community and its early warning detection processes. It's elaborate infrastructure of early warning- radar stations, space satellites systems, radio interactions, human intelligence, upon which its Iron Dome is anchored, failed to prevent one of the biggest intelligence embarrassments in the modern history.

Conclusion

With its pride wounded and tattered integrity, Israeli Prime Minister, Benjamin Netanyahu's counter offensives should be of interest to all that may appear concerned, because of the Israeli Defence Force's (IDF) well documented lack of proportionality in revenge. In the next few days and weeks, the world will witness spiralling military responses that will lead to new flakes of deaths and revenges, on a scale and ferocity not seen in a long time.

Jefferson Uwoghiren, Lawyer, Journalist and Public Affairs Analyst

TALKING CONSTITUTIONAL DEMOCRACY

PROF MIKE OZEKHOME, SAN

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Law as a Vehicle for Good Governance and National Integration in Nigeria (Part 5)

Introduction

In last week's instalment, we x-rayed the features of good governance, including participation, rule of law, transparency, responsiveness, focus, equity, inclusiveness, effectiveness/efficiency, accountability and strategic vision. In today's episode, we shall focus on five key themes which are constitutionally further aspects or dimensions of good governance, vis: nation building, citizenship, leadership and national disintegration, as the inevitable result of lack of good governance and the anti-thesis of national integration, using Nigeria as a case study. Come with me.

Nation Building

Being a pivotal concept in this discourse, there can be no understanding of National Integration and Good Governance without Nation Building. Nation building is a generic term, and encompasses many variables to achieve same. A general definition of Nation building is impossible, as attempts have been made to no avail. Therefore, a glance proffered by some writers would be appreciated.

Erondu and Obasi, have posited that nation building is a process of mobilising available resources, human, materials and financial, for socio-economic and political developments of a given Nation State. It was the desire to establish and build the Nigerian nation, that led to the nationalist struggle. Nation building, simply involves the transformation of existing structures, through the collective efforts of the citizens of State (country).

Citizenship

Citizenship is determined by parental affiliation, birth within a country, marriage to a citizen, and naturalisation.

It is the relationship, or status of a person with a State. It is determined by law (McLean, lain (Ed.): The Concise Oxford Dictionary of Politics. Oxford: Oxford University Press). A person with no citizenship is said to be Stateless. Citizenship is synonymous with the term nationality, but same bears ethnic colouration when used.

In Nigeria a person is deemed to be a citizen of the country if he/she was born in Nigeria to Nigerian parents or grandparents, if he/she was born outside Nigeria to Nigerian parents or grandparents and registers to that effect, and if he/she naturalises in the absence of prior parental affiliation (The 1999 Constitution of the Federal Republic of Nigeria) (as Amended) Sections 25 – 27.

At the level of the State, citizenship is synonymous with Indigeneship. Therefore, a citizen (indigene) from Nasarawa State, may be referred to as non-indigene in Oyo State. The question that begs for answer is, where is this restrictive meaning of citizenship contained in the Constitution? Or did the meaning evolve conventionally, through daily practices?.

Leadership

According to a document prepared by the Administrative Staff College of Nigeria **ASCON (1992**)"The term leadership has several meanings.

First it is designed as an art of influencing the behaviour of a group of people, in order to achieve specific objectives and goals" (Module 11, p. 3).

In every society, the need for leadership cannot be disputed; for it is only with the aid of effective leadership that a society or group of individuals can succeed in attaining their political, economic and social objectives. If you accept the definition of leadership as consisting in the art of motivating people to work together to attain some agreed objectives, political leadership must be understood in terms of using and controlling public resources towards achieving public goals – be they political, economic or social (Odock C.N. Op. cit. p. 4).

National Disintegration

National Disintegration is the antithesis of National Integration. Where there is no integration, then, there is disintegration. As noted above, the Nigerian story of integration tends to be the persistent battle and survival from disintegration. There is a precious - thin - line keeping the nation, and that line may be the fear of the unknown. Integration has been bullied since the ages, but the urge, determination and endurance to live as one is the cord that binds us as a nation.

The Odyssey of Good Governance and National Integration in Nigeria

Nigeria was made up of a group of people with sharp and striking ethnic, religious and lingual differences, that existed with no government other than the exercise of rights and living - not to overstep each other bounds. There were empires and kingdoms - Benin, Oyo, Fulani, Kanem Bornu, Itsekiri, Opobo, Nri etc. Upon the incursion of the British colonialists into Nigeria - largely due to the wake of civilisation, there was need to cede territories for their sustenance. The city of Lagos was ceded to her Majesty, and subsequently in 1900, Nigeria was annexed as a Protectorate to Britain. On **1st January, 1914,** without paying attention to the diversity and multi-nature of the contraption, the Northern and Southern Protectorates were amalgamated by Sir Lord Federick Lugard, and named by his mistress, Lady Flora Louis Shaw - as Nigeria (This was without due consideration of the challenges engulfed in nationhood. No forecast).

Thereafter, successive governments were established by the Crown, and the struggle for independence gained traction through - Africanisation, Nigerianisation, Indigenisation, Nationalisation etc. In 1960, Nigeria gained her independence, and became totally severed off the umbilical cord of the British in 1963 as a Republic. Nigeria later experienced Military interregnums, due to poor and bad leadership. The break of a Civil War from 1967 to 1970 - the military regimes - through the attempt of democracy from 1979 to 1983, to the 1998/99 transition to democracy, the internal issues have been thorny and can make a man grab his jugular in utter disappointment.

The 1999 Constitution of the Federal Republic of Nigeria, as altered, has been the pillar of our existence, albeit - criticised for it's chequered formative antecedent as not being people-centric. The Constitution contains some provisions that uphold Good Governance and National Integration, and since the acting wheels of leadership has failed to utilise same, the law has at least - held the Nation through the decades.

The Preamble to the Constitution, is an opening to the recognition of National Integration in Nigeria. It provides thus: **"We the people of the Federal Republic of Nigeria: Having firmly and solemnly resolve: To live in unity and harmony as one indivisible and indissoluble sovereign nation under God, dedicated to the promotion of inter-African solidarity, world peace, international co-operation and understanding: And to provide for a Constitution for the purpose of promoting the good government and welfare of all persons in our country, on the principles of freedom, equality and justice, and for the purpose of consolidating the unity of our people: Do hereby make, enact and give to ourselves the following Constitution.** I need not elaborate on the importance of the preamble in the realm of constitutional sacrosanctity - for it is the fall back of any uncertainty, as regards the living tree.

By virtue of the 1999 Constitution, (Section 2(1), Nigeria is one indivisible and indissoluble sovereign State to be known by the name of the Federal Republic of Nigeria. Sub-section 2 provides that, Nigeria shall be a Federation consisting of States and a Federal Capital Territory.

The above section reinforces the declaration of unity and national integration, in the preamble above. I would not say much on this. The Constitution further provides for the **Fundamental Objectives and Directive Principles of State Policy** (Chapter 2, Sections 13 - 24). The Constitution makes provisions for acquisition of citizenship in Sections 25 to 32. So many issues abound, in this discourse. There is also the principles of separation of powers in Sections 4, 5 and 6 of the Constitution. The principles have been one of the pillars of democratic governance. Nigeria is also a signatory to so many international Charters, Conventions, Declarations, Protocols etc.

The fundamental human rights, including freedom of the Press are elaborately provided in the Constitution. But, how far have we gone in governance?. This largely accounts for the low score or outright negative index of Nigeria and other African democracies in the benchmark of good governance, as corruption, election irregularities, poverty, unemployment, maladministration, gagging of the press, muzzling of political opponents, emerging one party State, declining per capita income and gross national product, GNP, among other negative signals, have been a bane.

Rousseau equated democracy with the general will of the people, and argued that, inequitable distribution of wealth in any society is counterproductive to good governance. He further argued that democracy will only thrive if the government provides for the material welfare of the people, as well as remove gross inequality in the distribution of wealth in the society.

Karl Marx argued that those who control the means of production, distribution and exchange in every State, equally control the political power with which they reinforce and sustain their hold on the economy. **Chinweizu** [1981] shares the above view when he argues that before handing over to the post-independent African leaders, the former colonial masters carefully selected those who were sympathetic to the interests of the departing colonial masters, and foisted them over the rest as the leaders. These leaders, he argues, are accountable to their paid masters; hence, good governance may remain a scarce commodity to them.

For the mass media, they have been active in promoting and sustaining both the rule of law and good governance in Nigeria. The Nigerian journalists have been fearless, consistent and forthright in exposing the ills of both the government and the society.

But, despite all this legal machinery put in place, the unity of Nigeria is being cocooned by ethnicity, ethnocentrism, sectionalism, religion, corruption, insecurity etc.

Kola Olufemi captured the enigma thus:

"While the geo-political divide and mutual suspicion between the North and the South have been resilient factors in Nigeria's political life, at no other time had the structural contradictions in the polity degenerated into multiple fratricidal and seemingly irreconcilable conflicts, than in the period of the Fourth Republic since 1999. The depth and dimension of this development, are reflected in the rise and popularity of ethnic militias such as the Oodua People's Congress (OPC), Arewa Peoples Congress (APC), Egbesu Boys, Ijaw Youths Congress, Bakassi Boys and sundry militant organisations canvassing competing ethnic claims. It goes without saying that this spectre of ethnic militias, is a poignant indicator of the level of discontent with the governing formula that many perceive to have worked to their disadvantage" (Olu femi, Kola (2005). "The Quest for 'True Federalism' and Political Restructuring: Prospects and Constraints). (To be continued).

"At the level of the State, citizenship is synonymous with Indigeneship. Therefore, a citizen (indigene) from Nasarawa State, may be referred to as non-indigene in Oyo State. The question that begs for answer is, where is this restrictive meaning of citizenship contained in the Constitution?"