

CHAIRPERSON'S SPEECH BEING DELIVERED BY HON. JUSTICE HANSINE NAPWANIYO DONLI (Rtd) * AT THE HOUSE OF JUSTICE SUMMIT & BANQUET AT GYMNASIUM HALL, AHMADU BELLO STADIUM, KADUNA NIGERIA ON 7 DECEMBER, 2018.

THE SPECIAL GUEST OF HONOUR, HIS EXCELLENCY, PROF. OLUYEMI OSINBAJO, SAN, GCON, THE VICE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA.

THE GUEST OF HONOUR, HIS LORDSHIP, HON. JUSTICE KUMMAI AKAHRS OFR, JUSTICE OF THE SUPREME COURT.

THE GUEST OF HONOUR, GENERAL MARTINS LUTHER AGWAI [RETIRED], FORMER CHIEF OF DEFENCE STAFF.

THE KEYNOTE SPEAKER, MOST REVEREND, DR MATTHEW HASSAN KUKAH, BISHOP OF SOKOTO DIOCESE.

THE CHIEF HOST, DISTINGUISHED PROFESSOR, CHIDI ANSELM ODINKALU.

OUR AMENABLE HOST, GLORIA MABEIAM BALLASON ESQ, CEO OF HOUSE OF JUSTICE.

My Lords-Spiritual and Temporal .Distinguished Guests, Members of the Press, Ladies and Gentlemen.

Let me start this important programme by appreciating the organizers of House of Justice and the CEO, for inviting me to chair this occasion. The theme Sustaining Democracy through the Rule of Law is attractive to all lovers of politics, peace and good governance .Where all players play their part according to the rule of law they are enjoined to play; for the

advancement of development, security, peaceful coexistence, health and welfare of the people of Nigeria.

Democracy as defined in the Black's Law Dictionary, Deluxe Ninth Edition by Bryan A. Garner- the Editor-In.Chief - is the Government by the people, either directly or through representantives elected by the people. In common parlance, it is a rule of the people, by the people, for the people. For democracy to succeed as required, all other principles which will sustain it should be adhered to in its material particulars such as the rule of law and good governance. The Rule of law is defined in Black's Law dictionary quoted above, to mean or to result to where the people and the rulers or employers and employees are subject to the Law and all the players before a decision of a judicial arbiter is reached. It is also about giving equal opportunity before the Law without any hindrance whatsoever. Once the Supreme court of the land has decreed on a matter, the decision or verdict is final as the final Arbiter and should be obeyed by all parties .This principle of democracy and the rule of Law go hand in hand with the principal of rule of justice which is virtually a jurisprudential principle that determines the sphere of individuals liberty in the pursuit of individual welfare, so as to confine that liberty within limits that are consistent with the general welfare of

humankind. Here, human right principle is important. The component of Democracy presupposes that democratic rule will abide by the Rule of Law, human rights and the doctrine of Good Governance. Where Democratic norms fail by non-obedience to the essentials above, it will be said that Democracy has failed.

This is the reason that the Economic Community of West African States [ECOWAS] in its protocol A/SP.1/12/01 on Democracy and Good Governance stated in Article 32 of the said protocol as follows :

“Member states agree that good governance and press freedom are essential for preserving social justice, preventing conflict, guaranteeing political stability and peace and for strengthening democracy.”

In furtherance of the noble ideals of democracy , ECOWAS Protocol in Article 33 states that

‘Member states recognize that the rule of Law involve not only the promulgation of good laws that are in conformity with the provision on human rights but also a good judicial system, a good system of administration and good management of the social apparatus ’.

Article 33[2] of the said protocol on good governance states;

‘They are also convinced that a system that guarantees the smooth running of the states and the administrative and judicial services, contribute to the consolidation of the rule of law’.

With this provision in place in all the member states, the different organs of Government, bounded in this principle and law, work better for the good development of the state for the benefit of the people. A place of the final adjudication of disputes is the Court of Justice, ECOWAS; in matters within the region where there are disagreements or conflict regarding Good Governance of a state same lies in the Community court of justice as evidence in Article 39 of the protocol on democracy and Good Governance . Protocol A/P.1/7/91 adopted in Abuja on the 6th of July 1991 relating to the community court of justice shall be reviewed so as to give the court the power to hear, inter alia, cases relating to the violation of human rights, after all attempt to resolve the matter at the national level have failed. The national level in adjudication entails all the organs of the national level including the highest court in the state. In practice, however, the member state still hold unto their sovereignty without relinquishing any part thereof regarding violation of human right to the court of justice.

In conclusion it is my ardent expectation that the decisions today will bring out solutions to the problems regarding good governance, the rule of law, diplomacy and all the areas that relate to the theme of the summit and sub-theme as highlighted and itemized in today's programme. With all the eminent personalities , speakers and participants, the noble objectives of the organizers will no doubt be realized and submitted to the appropriate quarters for improvement in the politics of Africa in general and Nigeria in particular.

Once again, I thank you for the invitation and welcome you all to the 2018 House of Justice summit with the theme sustaining democracy through the Rule of Law.

- Justice Hansine Napwaniyo Donli was the first President of the Economic Community Of West African States Court.