JUDICIAL INDEPENDENCE IN AFRICA

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Wahab Egbewole

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AN ASSESSMENT OF JUDICIAL INDEPENDENCE, RESPONSIBILITY AND INTEGRITY IN NIGERIA

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Abstract

The judiciary is often referred to as the last hope of the ordinary man and the guardian of the constitution that ensures that other organs or arms of government do not march into the spheres or boundaries of one another or abuse their powers against the ordinary citizen. These judicial powers and authority are usually exercised within prescribed constitutional boundaries to ensure that the judiciary does not descend into the arena, ensure fidelity among the organs of government, as well as checks itself within the doctrine of separation of power and relinquish utmost supremacy to the Constitution as opposed to the supremacy of either arms of government including itself. Its basic constitutional responsibility is to uphold the rule of law, administer justice and serve as the custodian of the constitution. Sometimes decisions are given by the courts or patterns emerge from certain decisions tending to suggest the influence of extraneous forces. Sometimes too, judicial officers are humiliated following certain decisions which suggest that some other arm intimidates the judicial arm. The focus of this chapter is to examine the extent to which the judiciary as a constitutionally established arm of government is independent of other organs of government i.e the executive and the legislature in the quest of discharging her constitutional mandate.

Introduction

The Constitution of the Federal Republic of Nigeria[1] recognises the concept that governmental powers should be separated and divided among the three arms of government (legislative, executive and judicial arms). It has however been argued that a total separation of these powers without a level of amiable inter-relationship may in itself lead to a greater friction

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[1] Constitution of the Federal Republic of Nigeria 1999 (as amended), Cap C23 LFN 2010