NATIONAL SECURITY CONSISTENT WITH, AND NOT EXCLUSIVE OF RULE OF LAW

Access to Justice Media Advisory

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In his speech at the Annual General Conference of the Nigerian Bar Association, President Muhammadu Buhari stated that the **rule of law must be subject to national security**.

Nigeria’s President misses the mark when he gives the impression that “national security” and rule of law are competing or exclusive notions or that a State must prioritize one over the other. This is a mis-representation of the relationship between the rule of law and national security.

National security and the rule of law do not contradict one another, neither are they mutually exclusive concepts. The rule of law embodies the principle of governance that all persons, institutions and entities, including the state itself, are bound by duly made laws, including laws on national security. A state of war or emergency may be legitimate grounds for limiting the exercise of some human rights, but even then, the limitations have to be imposed in accordance with law. There is, therefore, no conflict between the two notions. In any event, no state of emergency has been declared in Nigeria, neither is the country in a state of war with another country.

The President’s remarks come against the background of his government’s persistent disregard of court orders and judgments, repression of media freedom, gross human rights abuses by security and law enforcement agencies, intimidation of, and interference with the functions of other branches of government. National security did not require the government to behave the way it has done in all of these cases, and clearly did not require security forces to commit large scale extrajudicial killings, or for the police to arrest and imprison female protesters for protesting!

The President must also resist the temptation to use rhetoric and euphemisms associated with brutal, despotic, non-democratic governments in eras quite different from now to define what national or state security is. State or National Security ought not to be the parochial interest of any government, or the security, for that matter, of that government; it is not the peculiar interest a government has with respect to specific people or their causes, or its interest of stifling political opposition.

Access to Justice urges President Buhari to respect the limits of executive powers and not misuse those powers on the grounds of “national security”; indeed to recognize that national security is compatible with, and could be better realized by adherence to the rule of law!

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