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Towards Revival of Natural Law Philosophy: Containing Riddles of International Restiveness in the C21st

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Abstract:

In contemporary world, streets of various countries are littered with all forms of peaceful and violent protests with virtually the same demand, against pain, indignity, employment, corruption and bad governance all of which sum up in the people's quest for change. At international level is the quest of various States to assert their superiority over one another, including all kinds of religious and ideological movements, some of which have set the world on similar path with those that culminated in the Second World War. From the perspective of the volatile nature of the world restiveness in this behalf, the paper by doctrinal approach examined the strategic place of natural law philosophy as a more effective instrument in redirecting the world to the path of sanity. The paper thus recommended the rebirth of natural law, not necessarily as a body of actual law enacted or interpreted and enforced by Courts but as a humanistic scale upon which legitimacy of acts of the legislature, Judges and Jurists must be judged, as an embodiment of several inherent values of morality, justice, equality, ethical thoughts and reasoning, with characteristic adaptability to novel challenges of each dispensation.

Keywords: *Natural law, revival, riddles, and international restiveness*

1. Introduction

Several events that culminated in the Second World War, no doubt, were avoidable if stake holders within the then International Community had adopted appropriate measures to handle some of the misgivings.¹ But the world powers either shrugged in indifference or looked away, unconcerned, until the regrettable catastrophe of the greatest man's inhumanity to man overtook the world. From recent happenings within the International Community, it appears that similar indices that generated outbreak of the Second World War have already taken vantage place, at the door-step of the International Community which the world seems helpless to contain.²

The significance of this paper is therefore emphasized by the fact that the world having advanced more technologically than the era leading to the Second World War, indifference to the danger of history repeating itself in a more catastrophic nature is fast becoming a reality that the world cannot afford. For this reason, this paper aims at drawing attention of International Community, led by the United Nations to the need for a more pro-active measure towards sensitizing all member states of the union to allow sanity to reign, by exercising restraint in asserting their respective national interest over and above the collective dreams of International Community, for peace and good neighbourliness, in a world that has fast evolved into a global village.

In the light of these, the paper employed doctrinal approach to examine import of natural law philosophy with a view to calling for revival of natural law as panacea for containing the restiveness that has become the bane of various member states of the United Nations in asserting their respective national interest over collective philosophy underlining the birth of the United Nations. In the end, recommendations are made on the nature of rebirth of natural law, away from its inherent weaknesses that have been subject of criticisms by positivists, over the years.

2. Conceptual Clarification

For proper perception of some of the concepts employed in this paper, the perspective from which some of them are used is clarified here, while the rest are discussed in the main body of the paper, to avoid boredom. Thus, here, natural law and international restiveness are clarified while the issue of revival of natural law is discussed along with how to solve riddles of International restiveness, in the main body of the paper.

¹ J.A. Vasquez, 'Causes of the Second World War in Europe: A New Scientific Explanation' Vol.17, No.2 'International Political Science Review' Sourced at <<https://www.jstor.org/stable/1601301>> accessed on 17-12-2020 at 4.12am; Lumen History of World Civilization, 'Causes of World War II' <courses.lumenlearning.com/chapter/...> accessed on 17-12-2020 at 4.05am.

² Several of them will be highlighted as main thrust of this paper.

3. Natural Law

Natural law has been accorded different meaning and interpretations according to each dispensation, thus explaining its characteristically pliable disposition to exploitation by monarchs, rulers and governments at various times, to justify their actions even where such actions were in fact, unjust.³ Even revolutionists have been known to exploit natural law as instrument of change, through revolts. No wonder, Ross described it as a harlot that is at the disposal of every quest.⁴ It was used in challenging the divine right of kings for the establishment of social contract and positivist law.⁵ This was why natural law was attributed as key component of the United States Declaration of independence in 1776; the French Declaration of the Rights of Man and the Citizen, 1789; the Universal Declaration of Human Rights in 1948; the Convention on Human Rights by the Council of Europe in 1953, and African Charter on Human and People's Rights, 1981.⁶

From ancient Greece era through Aristotle, Plato, Stoic, Carlyle and major religions of the world, steered by philosophers like Saint Paul, Cicero, Thomas Aquino and Abu Rayhan Al-Biruni, Natural law has always been given a superior pedestal to positivist or man-made laws.⁷ Although Plato hardly used the phrase 'natural law' but his concepts contained some of the elements found in many natural law theories, where he saw the ideal community as 'a city which would be established in accordance with nature'.⁸ Emphasizing superiority of natural law over all man-made laws, Aristotle canvassed that what the law commanded vary from place to place but what was 'by nature' should be the same everywhere, stressing that natural law's kind of justice is a specie of political justice, especially the scheme of distributive and corrective justice under the best political community.⁹ This explains why Aristotle said, aside from the 'particular' laws that each people have set up for themselves, there is a 'common' law that is according to nature which he classified as the Universal Law of Nature.¹⁰

From this perspective, natural law has been perceived by some religious scholars and historians like Carlyle, Cicero, Augustine and several others to amplify Saint Paul's Epistle to the Romans in which he stressed existence of superior law of reason over and above human made laws.¹¹ As he put it:

*For when the Gentiles which have not the Law do by nature the things contained in the law, these, having not the law, are a law unto themselves which show the work of the law written in their hearts, their conscience also bearing witness, and their thoughts are meanwhile accusing or else excusing one another.*¹²

Placing interpretation on this letter of St. Paul, Carlyle, an intellectual historian said:

*There can be little doubt that St. Paul's words imply some conception analogous to the 'natural law' in Cicero, a law written in man's heart, recognized by man's reason; a law distinct from the positive law of any State, or form, which St. Paul recognized as the revealed law of God.*¹³

That is what the Stoics refer to as 'divine spark' dwelling within humans which helps them to live according to nature.¹⁴ As Coke put it, it is the law of nature by 'which God at the time of creation of the nature of man infused into his heart, for his preservation and direction' by which he suggested that law of nature was before any judicial or municipal law.¹⁵ This is why Cicero opined that both justice and law originate from what nature has given to humanity, the embrace of human mind which obliges every human to contribute to the general good of the larger society.¹⁶ This seemed to influence Fortescue's definition of law as 'a sacred sanction commanding what is virtue (honestia) and forbidding the contrary'.¹⁷ It is for this reason Cicero adopted the view that law 'ought to be a reformer of vice and an incentive to virtue... which we ought to cultivate for mutual benefits'.¹⁸ As he asserted:

*There is indeed a law, right reason, which is in accordance with nature, existing in all, unchangeable, eternal, commanding us to do what is right, forbidding us to do what is wrong. It has dominion over good men, but possessed no influence over bad ones. No other law can be substituted for it, no part of it can be taken away, nor can it be abrogated altogether. Neither the people or the senate can absolve it. It is not one thing at Rome and another thing at Athens; one thing today and another tomorrow, but it is eternal, immutable for all nations and for all time.*¹⁹

This, no doubt is why philosophers like Augustine of Hippo took a view that upon the superiority of natural law above human law, the primary place of a State is to be bound to natural law as an institution whose purpose is to assist in bringing its subjects to true happiness.²⁰ It is from the foregoing that various scholars present natural law as higher law to which every other law must conform to be valid;²¹ as a norm which limits the authority of the political order to make law

³ J.M. Elegido, *Jurisprudence* (Spectrum Books Limited, 2002)19

⁴ A. Ross, 'Natural Law Forum' American Journal of Jurisprudence, <academic.oup>article-pdf>ajj-5-160> accessed on 15-10-2020.

⁵ Ibid.

⁶ Wikipedia, 'Natural Law' <en.m.wikipedia.org>wiki>NaturalLaw-BrehonLaw>accessed on 15-10-2020; Samba, J.N. *Fundamental Concept of Jurisprudence* (Bookmakers publishing, 2007)

⁷ Samba, *op.cit*

⁸ Ibid.

⁹ Stanford Encyclopedia of Philosophy, 'Aristotle's Political Theory' <plato.stanford.edu>Aristotle-politics> accessed on 15-10-2020

¹⁰ Wikipedia, 'What is Rhetoric?' <en.m.wikipedia.org>wiki>Rhetoric>accessed on 15-10-2020.

¹¹ The Holy Bible, Romans Chapter 2 verses 14-15.

¹² Ibid.

¹³ Carlyle T. and R. Owen, 'Natural Supernaturalism' <www.cambridge.org>core>books>nat...>accessed on 15-10-2020.

¹⁴ P.A. Vander-Waerdt, 'The Stoic Theory of Natural Law' <Philpapers.org>rec>WAESTST>accessed on 15-10-2020.

¹⁵ E. Coke, 'Sir Edward Coke on the Natural Law' <Calvinistinternational.com>2016/08/30> accessed on 15-10-2020; <casetext.com>...>D.MD>2020>March>accessed on 15-10-2020.

¹⁶ P. Meany, Cicero's Natural Law and Political Philosophy/Libertarianism <www.libertarianism.org.columns>cice...>accessed on 15-10-2020.

¹⁷ E.F. Jacob, 'Sir John Fortescue and the Law of Nature' <medium.com>atAMLALawyerNow>w...>accessed on 15-10-2020.

¹⁸ M.T. Cicero, 'De re Publica' <www.gutenberg.org>ebooks...> also in <en.m.wikipedia.org>wiki>De-re-publica>accessed on 15-10-2020.

¹⁹ Ibid.

²⁰ St. Augustine, 'St. Augustine of Hippo: The Natural Law as the Eternal Law of Man' <Lexchristianorum.blogspot.com>2010/03> accessed on 15-10-2020.

²¹ Samba, *op.cit* at 45.

because all law making must conform to it to be valid;²² ideal values which mankind strives or aspires to attain;²³ as the laws of God and therefore of divine origin.²⁴ Natural law philosophy therefore asserts that there is an essential connection between law and morality and that it is 'superior to man-made laws because it represents God's will, supremely good and providing a touchstone for determining the justness of man-made law.'²⁵

Natural law equates law with morality and everything good as 'principle of human conduct.... by which man-made or positivist law must conform if it is to be obeyed by the people'.²⁶ It insists that its principles do not only prescribe how men ought to behave but also lay down that men have certain imprescriptible rights, morally entrenched by nature.²⁷ The positivists on the other hand insist that there is no connection between law and the tenets of natural law because they exist only in the realm of metaphysics, not scientifically verifiable to form the basis for validity of man-made laws; which they argue are self-sustaining once they pass through due legislative process.²⁸ But seeing morality as a constituent of natural law, Ladan asserted that:

*Laws do not exist in a vacuum, but are found side by side with moral codes of greater or less complexity in all definiteness. The relationship of law to moral rules and standard is obviously one of great and abiding importance in every human society.*²⁹

Approaching natural law as one indispensable scale upon which all positivist laws must be tested, Del-Vechio canvassed that:

*Neither the customs of the society nor the command of the rulers could be accepted as the ultimate justification or reason for law to merit obedience; rather, there should be an extra-legal element to which law must conform if it will be accepted as just and good.*³⁰

And that position is pivotal to this paper, seeking to show how ineffectual State legislations have become in contemporary times in handling corruption, violent crimes and myriad of vices that now seek to cripple the principle of social contract, especially in an economically disadvantaged nation like Nigeria. Subscribing to the need to import such 'extra-legal element' as an inevitable part of law to ensure effect, Omereghe maintained that:

*Laws are not always right or is it always right to obey law. Laws based on racial discrimination for example are wrong; any oppressive law or unjust law is morally wrong. Law can therefore not be taken as a moral standard since some laws do conflict with morality.*³¹

In the end, the major question this paper seeks to answer is how a rebirth of natural law could transform the state of the rule of law in the face of break-down of law and order, coupled with the barrage of corruption and social vices that have defied all legislative and administrative measures the world over, and in the Nigerian special situation.

4. International Restiveness

The word 'restiveness' is employed to explain different unsettled situations in human organization in various societies, amongst employees, students, the oppressed of the society and in recent times, regarding fallout of efforts of various nation states to assert their superiority over one another. It is from these perspectives the word is presented as the quality of being unwilling to be controlled or be patient³²; uneasily impatient or hard to control under restriction, opposition, criticism, or delay³³; impatient, bored, dissatisfied³⁴; a state of being nervous, unquiet, recalcitrant, disobedient and obstinate.³⁵

In contemporary world, the tendency has been to allude this word to youth unrest arising from lack of social welfare services, corruption, misinformation, lack of humanitarian activities, poverty, unemployment, gross marginalization, poor child upbringing and several other social malaise connected to bad governance³⁶ but in this paper, the focus is more on instances of global unrest both at intra and inter-state levels, threatening the original dreams of the founding fathers of the United Nations. Internally, streets of various countries are littered with all forms of peaceful and violent demonstrations, with almost the same demand, against pain, indignity, unemployment, all of which sum up in the people's avowed commitment towards change of government.³⁷ Alas, respective governments are known to daub such protests as terrorism that must be crushed; a wrongful christening from the post 9/11 terrorist attack on America in 2001.

²² Elegido, *op.cit.*

²³ M.T. Ladan, *Introduction to Jurisprudence* (Malthouse Press Limited, 2009) 42

²⁴ Samba, *op.cit.*

²⁵ Beredugo, A.J., *Nigerian Legal System* (Malthouse Press Limited, 2009) 3

²⁶ M.T. Ladan, *op.cit* at 42

²⁷ Del-Vecchio, G., 'Idea of Natural Law'. In: Augustus M.K (ed) *The Formal Basis of Law, Modern Legal Series* (New York: M.K. Publishers, 1969) 15. See also Del-Vecchio, G., 'Philosophy of Law' <scholarship.law.edu/.../viewcontent.cig?> accessed on 10-06-2016

²⁸ Samba, *op.cit* at 54

²⁹ Ladan, *op.cit*

³⁰ Del-Vechio, *op.cit*

³¹ J.J. Omereghe, *An Introduction to Philosophical Jurisprudence* (Joja-Educational Research and Publishers Limited, 1994)

³² Cambridge Dictionary <dictionary.cambridge.org> accessed on 17-12-2020 at 4.37am

³³ The Free Dictionary <www.thefreedictionary.com> accessed on 17-12-2020 at 4.40am

³⁴ C. Collins; *Collins English Dictionary* <www.collinsdictionary.com> accessed on 17-12-2020 at 4.45am

³⁵ *Ibid.*

³⁶ E.N. Eze-Michael 'Youth Restiveness and Economic Development in Nigeria: A Study of Niger Delta' <www.sciencepublishingroup.com> accessed on 17-12-2020 at 4.50am.

³⁷ J.E. Maciver; P. Chukwuemeka 'The Causes and Effects of Youth Restiveness, Terrorism and Militancy in the Niger Delta Region of Nigeria as perceived by the Niger Delta University, Bayelsa State's undergraduates: Implication for Counseling' <<https://doi.org/10.5281/zenodo.3234705>> accessed on 17-12-2020 at 4.48am.

At International level, various member states seek to assert their superiority over one another, resulting in members of the Security Council of the United Nations constituting themselves into safe haven to brutally oppressive government, giving rise to avoidable crisis, violent fundamentalism and civil wars.³⁸ In some situations, several proxy wars have resulted with complicity of the United Nations and its security Council, as if to assert that nations now prefer a claw back to the era of 'power is right' because the powerful nations usually have a way of picking holes in existing International laws however they wish, provided they have the endorsement of the superior *club-houses* of the United Nations.³⁹

This is the scenario that this paper seeks solution to, in form of the need to reawake natural law philosophy, not necessarily representing a body of law but as the benchmark upon which legitimacy of laws and governmental policies at all levels must be assessed.

5. Natural law Revival and International Restiveness

Looking at the way the world has handled some restive situations in this century, it is apparent that whatever the philosophy of the United Nations represent, including her Organs and Agencies, it is apparent that the world is fast gravitating towards another world war, with a more devastating effect.⁴⁰ Indeed, by the way various organs of the United Nations, including the Security Council have rubbished various Covenants, Treaties and Customary Laws of the United Nations, it is apparent that they have now been down-graded to the state of mere aspirations rather than enforceable laws. As it is, the world seems to be yearning for another scale of reference for decisions of all member states of the United Nations and that is where natural law philosophy comes handy.

For clarity, it may be helpful to refer to specific national, regional and International crisis within recent history to show-case world mismanagement of such crisis, despite the gamut of International Laws dealing with how to handle such issues and in that lineage, emphasize the need for a recloined from of natural law, to buttress the already faulted system. For instance, what plays out at the United Nations level is that the big five powers with vetoing mandate create themselves into such power blocs that redefine what actually constitutes human rights when their national interests and those of their cronies are involved.⁴¹ The effect of this is that the surrogate nations take refuge in the big five nations so that even where they trample upon human rights of their citizens, the Security Council looks away as if nothing happens. But when national interests of these powers are not involved, they pretend to seek enforcement of the so-called human-rights. This is the scenario that has played out in Syria,⁴² Turkey,⁴³ Iraq,⁴⁴ Iran,⁴⁵ Yemen,⁴⁶ Libya⁴⁷ and recently, in Saudi Arabia⁴⁸ and Myanmar.⁴⁹ In the bid to protect their national interest, the five Nations on the permanent seat of the Security Council have trampled underfoot and desecrated whatever human rights represent in the contemporary world. Let us look at each of the powers either as principal actors or accessories in this regard as follows:

For close to a decade now, there has been Civil war that tore Syria into fragments, creating the largest volume of treachery, amounting to crime against humanity. Civilians, innocent civilians, including women and children have been killed by the national army of Bashar Al-Assad with full backing of Russia.⁵⁰ The war has not only created the largest Internally Displaced people but created Refugees to Europe, America and all-over Middle East. Having boxed the rebels to Idlib province as the last stronghold, Russia defied international outcry to halt bombardment of the province to save the vulnerable population starved up in the province.⁵¹ Women and children were inhumanely maimed and killed by Russian bombardment; the weak and the feeble have been exterminated in their numbers without a voice because efforts to condemn impunity of Al-Assad and his Russian ally have been severally rebuffed by the Russian Veto power in the chambers of the Security Council.⁵² Such policy, no doubt is contrary to the principles of natural law and its core values.

Over the years, the principle of State sovereignty seems to have been enthroned over *humane* regime of natural law, as if to put politics and political maneuvers above nature-endowed principles. As it turned out, only the scourge of Covid-19 that engulfed the world in the last quarter of 2019 into the second quarter of 2020 has been the relative reprieve of the Syrian people thus far. The fact that Covid-19 scourge slowed down the horrendous quest for war shows that the world must look for another philosophy that could appeal more to the conscience of State actors for a better world; and natural law philosophy seems to be the better alternative in the present circumstance.

³⁸ M. Kalaycio, 'Rat Race for power and prestige' <<https://www.frontlinemedium.com>> accessed on 17/12-2020 at 5.05am; G. Akerlof, 'The Economic of Cat and of the Rat Race and Other Woeful Tales' <<https://www.jstor.org/stable/1885324>> accessed on 17-12-2020 at 5.10am.

³⁹ B. Ivankovic, 'The Challenge of Great Power Politics within the United Nations' <m.grin.com/document> accessed on 17/12/2020 at 5.20am

⁴⁰ K.W. Eikenberry and S.D. Krasner, 'Civil War and Global Disorder: Threats and Opportunities' <<https://www.amacad.org>> accessed 17/12/2020 at 5.25am.

⁴¹ The 'Big Five' members of the Security Council, Britain, France, U.S.A, USSR and China.

⁴² H. Sinan, *Russia and Iran: Economic Influence in Syria* (Chatham House, 2019) Sourced at Contract at Chatham House.org. <www.chathamhouse.org> accessed on 12-01-2020.

⁴³ United Nations Meeting Coverage; 'Concerns raised on Rights Violation in Syria, Myanmar, Crimea', <<https://www.un.org/press/en/2018/sc13344.doc.htm>> accessed on 18-11-2019.

⁴⁴ United Nations Security Council and the Iraq War. <<https://en.m.wikipedia.org/wiki/unite>> accessed on 11/1/2020.

⁴⁵ C. Coughlin, 'Lessons from Death of Soleimani' <www.telegraph.co.uk> accessed on 11-01-2020.

⁴⁶ S. Boholiss, 'Nowhere is safe to hide in war-turn Yemen, says UN-appointed Rights Experts' <news.un.org> accessed on 14-01-2020.

⁴⁷ A. Ramy, 'Libya's War: Who is Supporting Who?' <www.aljazeera.com> accessed on 14-01-2020.

⁴⁸ Jon S, 'Trump Discusses UN Request for FBI To Investigate Jamal Khashoggi's Murder' <www.theguardian.com> accessed on 11-01-2020.

⁴⁹ S. Tisdal, 'World's Awkward Silence over Rohingya Genocide Warnings' <www.theguardianwarnings> also at <www.theguardian.com> accessed on 11-01-2020.

⁵⁰ The Cipher Brief, 'The Plight of Syrian Refugee' <<https://www.thecipherbrief.com/column.article>> accessed on 17-12-2020 at 3.40am.

⁵¹ H. Sinan, *op.cit.*

⁵² Nebahay, 'Deadly Syrian, Russian Air Strikes in Idlib Amount to War Crimes, U.N. says' <<https://www.reuters.com/article/us-syrian-secu...>> accessed on 17-12-2020 at 5.48am.

When Iraq, under Saddam Hussein attacked and annexed Kuwait in 1999, the unanimity of International Community, led by the Security Council was not farfetched in condemning that act of aggression as a breach of international law and human rights of Kuwaitis⁵³ but when Russia attacked and annexed Crimea in 2014, killing several citizens of Ukraine and sponsoring civil war in that country, the veto power of Russia readily absolved this world power from any blame⁵⁴ as if to point the world to the inadequacy of whatever the philosophy of the United Nations and all International Customary Law stand for.

When the Saudi State sponsored killer- squad killed, dismembered and dematerialized the body of Khassoggi, a Saudi dissident, the world's condemnation of that nation didn't make any difference because as Trump, the then President of the United States put it, American business interest could not be sacrificed on the altar of any outright confrontation with the Saudi Prince and his government.⁵⁵ Even when the United Nations fact-finding team, chaired by Irene indicted the Saudi Prince for his complexity in such heinous breach of human rights, yet the Security Council could not make an emphatic condemnation of the act⁵⁶ because the world already jettisoned any philosophy that could checkmate world conscience.

In 2017, when Myanmar persecuted the Rohingya Muslims out of their only known home-land in a manner that suggested ethnic cleansing, the world adopted a docile posture because of Myanmar's proxy relationship with Russia and China through India. Apart from setting houses of the Rohingyas ablaze, the act created close to one million refugees that have remained in some uninhabitable Island in Bangladesh till date; and yet, without the international community flexing muscle because there exists no superior law to the codes of United Nations which are essentially positivist in their philosophy.⁵⁷

In the Libyan civil war, the Big Five powers on the Security Council have shown more clearly that where their national interests are involved, not even their endorsement of any Council resolution would make the difference. In the last four months of the year 2019 into the second quarter of year 2020, the Libyan war took an altogether different turn when General Haliffa attacked the Security Council- backed national government with the backing of France, Russia and Britain, three permanent members of the Security Council in conjunction with several other European Union Nations.⁵⁸ In the war, Haliffa was reported to deliberately and inhumanely target civilian residences and yet, the International Community was grounded by acts of its own member states, in pursuit of their national interest.⁵⁹ Looking at statistics of those killed in the Liberian and Congolese wars for which their war lords have been tried and convicted for breach of all forms of human rights, including rape and crime against humanity, it is obvious that the number of death in those countries is infinitesimally incomparable to the death in the Syrian and Yemeni wars for which no finger has been lifted because the philosophy upon which Internal laws of member states of the United Nations and the United Nations itself are run, are susceptible to compromise.⁶⁰

When, in a State-sponsored terrorism, the North Korean leader's death-squad traced his dissident brother, Kim Jong-Nam to Kuala Lumpur, Malaysia and murdered him, the voice of international community was inaudible because the Russia- China bloc on the Security Council would block any such resolution for which the world could do little or nothing because of the principle of national sovereignty that override natural law philosophy, to which affairs of all States ought to be made subject.⁶¹

The high-handedness of Iran against her protesting citizens in December 2019 in which several Iranians were killed with a solo voice of condemnation from US alone, because of her strained relationship with Iran,⁶² as if no law exists upon which the world could challenge such impunity should be cause for concern for International Community but not much could be achieved beyond cause for concern because the world is driven by non-natural law philosophy. Even Turkey's impunity in pursuing Kurds into the Syrian territory for indiscriminate killing of innocent citizens in the name of creating free zone for the Syrian Refugees in Turkey, with tacit under-cover nod of Russia as long as it afforded Russia opportunity to win the Syrian war, after all was nothing but an affront to natural law philosophy.⁶³ And for America, it did not matter how Turkey trampled upon Kurdish human rights because, as long as her tenure in the oil-rich North East-Syria was secured, whatever natural law stands for in the affairs of men no longer matter.⁶⁴

Indeed, as a matter of practice, the UNSC inhumanely looks away when events leading to break dawn of law and order are brewing in a particular country, and when it happens, the Council begins to seek scape goat for the occurrence

⁵³A. Ibrahim, 'Thirty years of Iraq's oinKuwait' <<https://www.aljazeera.com/news/thirty-years>> accessed on 17-12-2020 at 5.53am; History, 'Iraq invades Kuwait' <<https://www.history.com>> accessed on 17/12-2020 at 6.52am.

⁵⁴V. Kurt; 'Where's NATO's Strong Response to Russia's Invasion of Crimea' <<https://foreignpolicy.com>> accessed on 14-06-2020.

⁵⁵BBC; 'Jamal Khashoggi: All you need to know about Saudi Journalist Death' <www.bbc.com> accessed on 12-01-2020.

⁵⁶A. France-Press; 'Myanmar still using same tactics of oppression: UN Envoy' <<https://news.abs-cbn.com/overseas/07/21/17/myanmar-still-using-same-tactics-of-persecution-un-envoy>> accessed on 09-01-2020; France-Press, *op.cit*; M. Aama; 'A Brief History of the Word 'Rohingya' at the Heart of a Humanitarian Crisis' <<https://qz.com>> accessed on 14-04-2019.

⁵⁷A. France-Press, *op.cit*.

⁵⁸R. Allahoum; 'Libya's War: who is supporting who?' <www.aljazeera.com> accessed on 09-12-2020.

⁵⁹*Ibid*.

⁶⁰Omar-Sanadiki; '560, 000 Killed in Syria's War According to updated Death Toll' as at Dec.10, 2018 <www.haaretz.com> accessed on 03-01-2020. Compare with the Liberian estimated figure of between 20-30,000 or more death in World Peace Foundation on 'Mass Antrocity Endings' sizes.tufts.edu posted on 07-08-2015 accessed on 07-01-2020.

⁶¹Y. Leslie; and Eileen E; 'Kim Jong UN's half Brother was killed by Nerve poison, Malaysian Court Told' <[Global News and the Asocial Press at globalnews.ca](https://globalnews.ca)> accessed on 09-01-2020

⁶²New York Times, 'With Brutal Crackdown, Iran is Convulsed by Worst Unrest in 40 years' <<https://www.nytimes.com/middleeast>> accessed on 14-06-2020.

⁶³Umat-Uras; 'Turkey, Russia reach deal for YPG move out of Syria Boarder Area' <www.aljazeera.com> accessed on 5/1/2020.

⁶⁴S. Lara; J. Seligman; 'US Plan to Guard Syrian oil Field Sows Confusion' <foreignpolicy.com> accessed on 02-01-2020.

by talking of breach of human rights. But when there is any attack on countries that surrogate themselves to the 'big five', they threaten fire and brimstone. That was the trend observable in the events leading to the crisis in Central African Republic; in Guinea and more recently, through Nigerian government's open doors to the Fulani stocks from all over Africa whose flocking has always resulted in civil war and ethnic cleansing in several African countries.⁶⁵ But to the industrialized countries, and the big five in particular, such development calls for celebration because it does not only open economies of such countries to them but it affords them opportunity to boost their countries' massive arm-sales. But the other side of the ball game is that this attitude of the International Community tends aggrieved parties toward violent reaction as in the American assassination of Qasem Soleimani, the Iranian General in January 2020.⁶⁶ While world powers were not in doubt that this invincible Iranian General had been engaged in State sponsored maiming and killing of several Americans and other Nationals but they condemned a resort to assassination, instead of dialogue. This, they said as if they forgot how Russia and China used their veto powers, against all-natural law principles to insulate Iran against any form of blame in all its dastardly recalcitrance, in the past

The list of impunity of the world, arising from non-availability of a philosophy of law that could realign the world with good reasoning in each ugly situation may be endless but one inevitable reality is that if the world's acquiescence of such show of impunity continues to trample underfoot the philosophy of universality and indestructibility of humanity, then the world should take responsibility for a Third World War in no distant future. As participants of a debate hosted by representatives of a fifteen-member body of the United Nations emphasized recently, 'the Security Council as the gate-keeper and upholder of International Law for the United Nations 193 member States.... must quickly rectify failures in discharging its mandated duties of prohibiting the use of force and maintaining global peace and security' or risk catastrophic consequence.⁶⁷ But such debates only make caricature of the real facts on ground that show members of the Council as master-minding wars, violence and breach of global peace directly or indirectly, through proxy wars, in pursuit of their respective national interest because of lack of a philosophy with superior values to which actions could be judged. For instance, it is no longer a secret that Russia's inhumane impunity in the Syrian war is informed by her interest to access the Syrian economy with particular interest to obtain reconstruction contracts for her major conglomerates.⁶⁸ In addition to lines of credit and supply of vital strategic products, Russia and Iran are pursuing a larger role in the Syrian war as opportunity-based approach to the Syrian market. That is why even in the face of the fiercest of war in the last eight years, these two countries have established their respective countries' Business Council to boost relationship with Syria, towards their quest to access oil and gas, electricity, agriculture, tourism and real estate, even if inhumanely, at the cost of the blood of innocent Syrians.⁶⁹ This is because, contracting Russian private companies comes at a lower political cost to Russia than allowing Iran and any other country to further expand in key sectors of the Syrian economy.⁷⁰ With such dynamics, it is obvious that whatever the United Nations stands for must play secondary role to Russia that has done everything possible to frustrate any useful resolution against Assad's government, in the last decade.

With the Syrian conflict raging on after nine years, annexation of Crimea and wide spread violence against the vulnerable minorities all over the world without any remarkable intervention by the International Community; and with the inhumane way various nations prosecuted their fight against Covid-19 Pandemic, it is obvious that the credibility of various covenants, Treaties and Protocols of the United Nations is being called to question, at all levels. For this cause, there is a reason for a paradigm-shift by which the world should look elsewhere for a philosophy that must be resorted to, as a scale upon which legitimacy of all laws of States and of the United Nations must be assessed. This is the only way the world can re-enact relevance for itself in the quagmire that is not only making a mockery of whatever humanity and humanness import but is taking the world hostage by events, similar to those that midwife the first and second world wars.

6. Re-birth of Natural Law

Natural Law philosophy has had several revival eras with the last major one arising from the fall-out of the social problems created by the Second World War. It has been resorted to in England by the teachings of Hobbes as a shield and later, by John Locke as a weapon to counter perceived failures of those in power, towards change of *statusquo*.⁷¹ It has been exploited as humankind's instrument of reaction to man's inhumanity, in the manner the Second World War was prosecuted, which eventually resulted in the birth of United Nations through its Charter; the crafting of Universal Declaration of Human Rights and all other Conventions within the Bill of Rights.⁷² In Nigeria, relics of natural law are enshrined in her Constitution both as Fundamental Human Rights⁷³ and as Fundamental Objectives and Directive Principles of State policy;⁷⁴ as a measure towards improving the wellbeing of the citizenry. The philosophy of natural law

⁶⁵International Crisis Group; 'Central African Republic: The Roots of Violence' <www.crisisgroup.org> accessed on 04-001-2020 and S. Siphew; 'Nigeria Eases Visa Rules for African Passport Holders' posted on 12-12-2019 <www.aljazeera.com> accessed on 07-01-2020.

⁶⁶Aljazeera; 'What is behind the Qassan Soleimani's Assassination?' <www.aljazeera.com> accessed on 09-01-2020.

⁶⁷United Nations Meeting Coverage; 'Security Must Redify Failure to prohibit use of Force, Maintain International Peace, Speakers Stress Day-Long Debate' <<https://www.un.org/press/en/2018/sc13344.doc.htm>> accessed on 09-01-2020.

⁶⁸H. Sinan; 'Russia and Iran: Economic Influence in Syria' in Chatham House (ed) The Royal Institute of International Affairs <www.chathamhouse.org> accessed on 02-01-2020.

⁶⁹*Ibid.*

⁷⁰*Ibid.*

⁷¹H. Ramsay, 'Revival of Natural Law Theory' <<https://onlinelibrary.wiley.com/doi/j.1468-0...>> accessed on 16-10-2020.

⁷²D.P. Prabhu, 'The Revival of Natural Law and Value oriented Jurisprudence' <<https://www.grkarlawlibrary.yolasite.com>>... accessed on 12-10-2020; D. Mirabella, 'The Death and Resurrection of Natural Law' <www.murdoch.edu.au/documents> accessed on 16-10-2020.

⁷³Constitution of the Federal Republic of Nigeria, 1999 as chapter two

⁷⁴*Ibid* at chapter Two

is equally evident as the pivot upon which the concept of Rule of Law in England,⁷⁵ due process in the United States⁷⁶ and the framework of Nigerian Constitution limiting exercise of powers of each arm of government within the framework of the grundnorm, are all built.

One argument of the positivists against a holistic adaptation of natural law philosophy over the years is its flexibility that makes it susceptible to manipulation by those who steer affairs of State at each given time.⁷⁷ Positivists who confer upon the political order the totality of authority to make law insist that there shouldn't be any connection between law and constituents of natural law because, they are too metaphysical and scientifically untestable in their *aproiri* form.⁷⁸ But that, in the view of this paper amounts to looking at natural law from only one perspective. Marriage for instance has several negative sides but its place as a strategic social institution is never in doubt when viewed from its strongest points. Natural law's strongest point is that it has always been used as a catalyst, both for facilitating quest for change and for transformation of every legal system over the years.⁷⁹ From the old Roman Law of the Justinian era, to the reaction of human kind to the inhumanity of man to man in the prosecution of various wars, it has always been obvious that total avoidance of the tenets of natural law theory in any legal system, be it capitalist or free-economy regime or even the socialist ideology has never done humanity any good.⁸⁰

This is why it is counseled that the other side of natural law philosophy must be explored by positivists, sociological and even Marxist theorists who have the penchant to react against natural law philosophy in view of the repeat of factors that endeared its revival in the past in the present dispensation. They need to see natural law, not necessarily as a body of actual law enacted or interpreted and enforced by Courts but a humanistic spectacle from which Legislatures, Judges and Jurists must look at the validity and performance of all laws. It should be viewed as an embodiment of several inherent values of morality, justice, equality, ethical thoughts and reasoning with its characteristic adaptability to novel challenges of each dispensation.⁸¹ This is one aspect of natural law that endears it to customary law pundits, making it a more adaptable system than laws arising under conventional Jurisprudence. In a typical African society as exist in Nigeria, the people's notion of law is dictated by their values per time per time, a notion that is antithetical to positivist philosophy which insists that every law, including bad laws remain valid law until they are reversed by a duly constituted legislative process.⁸² This is what marks African Jurisprudence peculiar to African setting, which is commendable as a philosophical platform for solving the riddles of contemporary world.

Indeed, attempt to side-line natural law in a system which adopts the principle of Equity as part of her legal system as it is in several nations of the world is to say the least, a structural hypocrisy in the constituents of law of such system.⁸³ As far back as 1066, through the era of chancellorship of Lord Nottingham in 1673, to the Judicature Act of the 1870s, into the post Second World War era, it was obvious that abiding by the stringent and stark rules of common law worked injustice between parties before the Court.⁸⁴ That accounted for why aggrieved parties appealed to the king for his intervention, giving rise to the Court of Exchequer, manned by the Secretary of State, as Chancery of prerogative Court, with prerogative jurisdiction under the king.⁸⁵ This branch of the law, rooted in natural law, emphasized fairness and justness as objective of the law by which element, distinctive ethical values were injected into legal norms. It represented the moral standard of the society, seeing morality as essential part of legal norms.⁸⁶

Thus, till date, equity, which is part and parcel of laws of various jurisdictions all over the world, including Nigeria, continues to concern itself with the observance of conscience, fairness, equality and the protection of relationship of trust and confidence.⁸⁷ In Nigeria, there is a place accorded morality and religion within its grundnorm, but these concepts operate, or so they seem, to operate parallel to positivist laws, with positivism taking precedence over morality and all religious principles from where *justice*, *justness* and fairness have their domicile. But this ought not to be so because, whatever equity, the handmaid of natural law philosophy imports should form the bedrock of each nation's laws. Indeed, a situation where State laws, in what the Marxist theory describes as engendering for the rich getting so stupendously rich, while the poor remain hopelessly poorer is against natural law principle and a *fortiori*, inequitable.⁸⁸ For such reasoning, it follows that corruption, kidnapping, cultism and all other restive indices of contemporary world in all their ramifications are antithetical to natural law philosophy.

7. Summary and Recommendation

This paper on natural law and the riddles of International restiveness of the C21st examined the volatility of International and domestic crisis that seem to put International Community at a loss on how to arrest the ugly trend that

⁷⁵R.P. George, 'Natural Law, The Constitution, and the Theory and Practice of Judicial Review' <ir.lawnet.fordham.edu/viewcontent> accessed on 16-10-2020.

⁷⁶J.A.C Grant, 'Natural Law Background of Due Process' <www.jstor.org/stable>pdf> accessed on 16-10-2020.

⁷⁷Samba, *op.cit* at p.45.

⁷⁸*Ibid.*

⁷⁹L.I. Shodhganga, 'Natural Law Philosophy' <shodhganga.inflibnet.ac.in/bitstress> accessed on 16-10-2020.

⁸⁰*Ibid.*

⁸¹R.W.M. Dias, *Jurisprudence*, 5th edn. (Butterworths, 1985)65.

⁸²Samba, *op.cit* at 45.

⁸³S. Petch, 'Equity and Natural Law in the Ring and the Book' <<https://www.org/stable/40003669>>accessed on 20-11-2020 at 6.18am.

⁸⁴R.W.M. Dias, *Jurisprudence*, *op.cit*

⁸⁵J.O. Fabunmi, *Equity and Trusts in Nigeria*, 2nd edn (OAU Press Ltd)2.

⁸⁶S. Kumar, 'Equality, Equity and Justice' <<https://medium.com/equality-equality-and-justice...>>accessed on 20-11-2020 at 6.28am.

⁸⁷L. Erikson; S. Isemo; H. Abrahamson; 'On Justice, Fairness and Equality in Gothenburg' <<https://www.mistrarbanfutures.org/files>>accesses on 20-11-2020 at 6.36am.

⁸⁸S. Mwanzia, 'Marxist Perspectives of Law in Capitalist Society: A Reflection, Inequality and Ideology?' <<https://www.ssm.com>>...>accessed on 20-11-2020.

culminated in global crisis of the past. Looking at the characteristic flexibility of natural law, including its emphasis on justice, justness and humanness and adoption of principles of equity as part of laws of various countries, the paper found these virtues as the missing link in laws of various nations and even at the International level, predicated on positivist philosophy, which account for their inability to meet contemporary challenges. The paper thus recommends as follows:

- That laws of various countries of the world should re-strategize on the platform of natural law philosophy that could blend with a more adaptable form of positivist philosophy.
- That the rebirth of natural law should not necessarily be as a body of laws enacted and enforced by Courts but a humanistic spectacle from which legitimacy of all acts of governmental apparatus must be judged.
- That no matter the cost of such structural redirection in the world legal order, it is worth it, considering the catastrophic cost of another world war in a world that is more scientifically and technologically advanced than the scenario of the First and Second World War.

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