

THE RULE OF LAW AS A DETERMINANT OF GOOD GOVERNANCE IN NIGERIA'S DEMOCRACY*

Abstract

The basic tenets of the rule of law and good governance such as equality before the law, protection of basic human rights, efficient affordable and an independent judicial system, separation of powers between the various arm of government, observance of internal rules and restraints etc have consistently been eroded in Nigeria giving rise to a near total collapse of every facet of the country. This paper found inter alia that regrettably, governance in Nigeria has over the years been consistently characterised by little or no adherence to the basic tenets of good governance and rule of law. The result is the continued emergence of strong personalities both within and outside the government who live above the law rather than strong institutions that can maintain and maintain good governance and rule of law. The paper equally found that in order to rescue the country from its present chaotic state, there is need to adopt and apply new public management strategies as well as re-energization of the civil society towards a common social motive devoid of ethnic, religious, cultural and other primordial inclinations and divisions. This work therefore recommends that the key tenets of rule of law should vigorously be pursued both by the government and the governed so as to achieve the legacy of good governance and an enduring democracy in Nigeria.

Keywords: Rule of Law, Good Governance, Democracy, Nigeria

1. Introduction

Stability and orderliness are favourable conditions for effective enterprise and national development. Law stipulates the mode of operation of government and regulates the interaction between the government and the people as well as the people inter se. Rule of law on the other hand, simply means supremacy of law in the governance of any society. Rule of law removes arbitrariness in governance that gives room for corruption and abuse of office. It standardises governance and legal procedures, protects peoples' rights and encourages enterprise and investment. Rule of law enhances stability, accountability, orderliness and efficiency which are veritable conditions for development to thrive. Similarly emerging trends point to good governance as a panacea towards accelerated development in economic, political and social sectors of nations. As such, it has been posited that nations wishing to realize, promote or maintain economic, political and social strides, should strive to embrace good governance. Efficient political and economic strands promote social order. Good governance must therefore be present if development administration is to meet the underlying rationale it stands for. Both the leaders and the led have their (individual) roles to play to embrace good governance and strengthen development administration. The developed nations of the world are shining examples of promotion of national development through the application of good governance in their development administration. The experience of these nations attest to the fact that the basic and most fundamental way of achieving good governance in any nation is through adherence to and promotion of the rule of law.

Nigeria is a plural society with a preponderance of arbitrariness of government functionaries in the execution of their duties.¹ The situation has given rise to abuse of office and the use of public office for personal interests. There is a high wave of corruption, injustice, and inefficiency in government circles which translates to socio-economic instability. Laws are twisted and manipulated to satisfy the selfish and personal interest of some individuals thus creating multiple standards in the application of the law. The law is subjugated to the whims and caprices of political leaders. This situation had led to many Nigerians losing interest in the sacredness of the law and its ability to make for a stable and orderly society where people are encouraged to work hard and invest in. Globally, people over the years have been clamouring for the enthronement and application of the rule of law with the call intensifying with the popularity of democracy and global interest on human rights. There have been many discussions on the impact of rule of the law on development. Most stable and developed nations adhere strongly to the tenets or principles of rule of law while most young developing nations have a poor record of observance of these principles. This is predominantly because most people in developing societies like Nigeria do not have confidence that the law will take effective care of the society and enhance its development. They believe more in having charismatic and benevolent leaders who will govern by their good will and not necessarily by the law.

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¹Onichakwe, CC, 'The Role of Good Governance and Development Administration in National Development' (2016) *International Journal of Development and Management Review (INJODEMAR)* Vol. 11 pp 176-186.

It is a common experience that in most developing nations, like Nigeria, government officials and their associates live above the law. The nations are administered by the arbitrary decisions of the officers creating room for abuse of office, corruption, violation of people's rights, injustice, marginalisation of minorities and inconsistency of government policies and actions which are social evils that have become endemic in most developing nations. While it is agreed that observance of the rule of law comes with many challenges, it must be observed that it is a veritable instrument that helps to check arbitrariness in governance and curb most of the excesses of government. It also creates an enabling environment for justice, fairness, liberty and consistent government policy that will enhance enterprise and development. Ideally, government is representative and accountable; representative in the sense that its policies align with citizens' interests, and accountable in the sense that it is answerable to citizens for its conduct and responsive to their demands.² The legal regime obtainable in any nation plays an important role in determining how representative and accountable a government is in practice. The most widely praised as the best system of government in our contemporary world is democracy, which allows for high level of peoples participation in decision-making and policy formulation through representatives. Good governance in development administration is showcased in government's ability to design, formulate and implement policies and programmes which are development oriented and committed to the improvement of the quality of life of the citizens. It is especially accepted, that to promote good governance, the civil society should be obedient to the policies or constitutional dictates expected of them. However, the government through its arms should lead while the citizens follow.

2. Rule of Law

In order to fully appreciate the meaning of the concept of Rule of Law, it is necessary to first examine the meaning of law. Scholars are not agreed on any one conception of law. There are as varied definitions of law as there are different schools of jurisprudence. Austin in his positivist conception of law emphasised the command aspect of the law by defining law as 'the command of the sovereign'. The proponents of the realist school of thought, under the influence of Oliver Wendell Holmes, propound that 'law is a prediction of what the court will enforce,' emphasising the judicial procedure of the law. The continental scholars emphasize the moral and natural law aspect of law and conceive it as what ought to be or what is right.³ The United Nations defines the rule of law as; a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.⁴

However, for the purpose of this discourse, this paper will adopt the views of Anyaehie who posits that in order to have a general picture of what the law is, it is necessary for its characteristics to be described. Anyaehie then proceeded to describe Law as; Institutionalised complex whole of social norms rationally articulated and promulgated by the person who is in charge of the society. It is precise and open to objective interpretation by the courts and has coercive power to regulate human behaviour for maintenance of order in the society. Law is a command that is definite, public, predictable, authoritative, obligatory, sanctionable and universally applicable. Its aim is to create order, establish plan of action, systematise and objectify mode of action. Law is established to create enabling environment for peaceful co-existence of members of a society by stating the guidelines for acceptable interpersonal relationship. Law moderates people's behaviour to be in conformity with the goal of the society. It is codified rationally articulated pragmatic norms aimed at maintaining social justice, harmonious co-existence and progress of the society. Once law is established it has to be obeyed to achieve the desired result in the society.⁵

Rule of law means the supremacy of the law in the administration of a society. It implies that the society is governed according to the dictates of the law and no one, institution or even the government is above the law. Under rule of law, 'the governmental authority is legitimately exercised only in accordance with written publicly disclosed laws adopted and enforced in accordance with established procedural steps that are referred to as due

²C Kam, Representation, Accountability and Electoral Systems' (2016) *Canadian Parliamentary Review*, pp17-21 at 17

³P Bohannon, 'Law and Legal Institutions' *International Encyclopedia of Social Sciences*, David L. Sills (Ed) (New York: The Macmillan Company and The Free Press, 1968, Vol.9)

⁴Report of the Secretary-General, *The rule of law and transitional justice in conflict and post-conflict societies* (2004)

⁵M C Anyaehie, 'Rule of Law Panacea for National Development in Nigeria' (2009) 3 *Nigerian Journal of Humanities and Social Sciences*, p 132

process'. Any governmental action in excess of what the law provides is illegal and should attract sanctions on the officers concerned. It is a check to arbitrary governance. It aims at establishing governance that is transparent, just, fair, consistent, orderly and respect for human liberty. It curbs tendencies to dictatorship and mob rule. The rule of law, sometimes called the supremacy of law, provides that decisions should be made 'by the application of known principles of laws without the intervention of discretion in their application.'⁶As defined above, rule of law means the equality of all persons before the law or equal subjugation of all classes to the ordinary laws of the land, administered by the ordinary courts. This therefore connotes that no man is above the law and that everyman whatever his rank or status or condition, is subject to the law of the land and the jurisdiction of the ordinary courts. In practical parlance, the rule of law presupposes the following as enunciated by the Supreme Court in the case of *Governor of Lagos State vs Ojukwu (1989) 3 NWLR (Pt.18) 621*, per Oputa JSC namely:

1. That the state is subject to the law;
2. That judiciary is a necessary agency of the rule law;
3. That government should respect the right of the individual citizens under the rule of law.
4. The judiciary is assigned both by the rule and by our Constitution, the determination of all actions and proceedings relating to matters in dispute between persons or between government and or authority and any person in Nigeria.

The import and connotation of the term 'rule of law' will equally be better appreciated if recourse is also had to the observation of the Supreme Court in the case of *Registered Trustees of the Apostolic Church v Olowoleni*⁷ wherein Obaseki JSC (as he then) was put the matter in proper perspective in the following eloquent expression: 'The rule of law and the rule of force are mutually exclusive. Law rules by reason and morality, force rules by violence and immorality.'

The above postulation presupposes therefore that law and morality are somewhat integral and indeed inseparable parts of rule of law. It is also inferable from the same passage that rule of law has no place for violence and immorality. The reason for this is not farfetched. Both violence and immorality breed rancour, acrimony and other terrible vices in the society. With this exposition on the doctrine of rule of law, it could be seen that the rule of law and democracy go hand in hand. Thus, where there is true democratic governance, governance must be tailored in its operation in accordance with the rule of law. Where rule of law is absent, it becomes apparent that true democracy is absent in that society. The concept of rule of law embodies the following;

- (1) the basic principles of equality of all before the law irrespective of social standing, belief or birth;
- (2) constitutional and actual guarantee of basic human rights;
- (3) clear definition of laws with fair, affordable, transparent and effective Judicial procedural system; and
- (4) protection of citizens against arbitrary use of state authority and lawless acts of both organisations and individuals. Rule of law also involves separation of legislative, judicial and executive powers to ensure good, just and fair legislation, interpretation and implementation of the law.

'Rule of law' is different from 'rule by law'. Under 'rule by Law' systems, the law is an instrument of the government and the government is above the law. The law is there to assist the government in controlling the people without subjecting the government to it. This is prevalent in dictatorial and developing nations where government officials see the law as a tool which can be manipulated and used as the officials deem fit. Under the 'rule by law' systems the law is perceived as instrument to enhance instead of limit the powers of the government. Military regimes in Nigeria operated 'rule by law' in which laws are promulgated to legitimise arbitrary actions of the regime.⁸ In fact, in view of the current realities of our time, it may be safe to assert that the said system has also permeated the successive civilian regimes in Nigeria. This opinion is predicated on the often arbitrary inclinations of those in the executive arm of the government to subdue and undermine the powers of both the legislature and the judiciary especially through control of the finances and the coercive powers of the State. Some government functionaries operate as though they are immune from the law. In contrast, under rule of law, no one is above the law, not even the government. The law limits the government as the government acts within the confines of the law. Rule of law is more prevalent in the liberal societies of Europe and United State of America than in the developing countries of Africa and some parts of Asia and Latin America.

⁶SP Anuye, EI Akombo & MD Abdulsalami, 'The Doctrine of the Rule of Law; a Necessity to Democratic Governance' (2017) *Global Journal of Human Social Science Volume XVII Issue IV*. pp 29-39

⁷(1990) 6 NWLR (158) 514

⁸The several Constitution (Suspension and Modification) Decrees promulgated by the different military regimes in Nigeria underscore this point. Those Decrees were primarily made to subjugate the provisions of the Constitution to the whims and caprices of the military dictators and obviate the practical implications of those parts of the Constitution that are suspended or modified.

Rule of law is also opposed to rule of person. ‘The common feature of rule of person is the ethos that ‘what pleases the ruler(s) is law’.⁹ The ruler could be one or few persons as in cases of tyranny and oligarchy, or many people as in cases of tyranny of the majority or momentary emotions of the people in form of popular opinion as in ancient Greek democracy. It is a government run by the discretion of the ruler and there is no limit to the authority of the ruler. For instance, the military regimes in Nigeria like the Nazi government in Germany arrogated to themselves the authority to act on their own volition and without being subject to any checks or limitations of the law. They were not accountable to established laws and often engaged in extra judicial activities. But rule of law emphasises that the law should limit the discretionary power of the ruler even on the powers to make or change laws. No matter the popularity or vision of any governmental policy it must be in conformity with the dictates of the law.

3. Good Governance

Generally, the social contract theory, believes that the terrible, violent, unsecured and unpredictable state of nature compelled men to come together, under a social contract, and surrender their rights to security of personal lives and property to the state. The state is expected to protect the personal lives and property of the citizens, as well as their general welfare. The state, as an amorphous entity, cedes this power to a smaller and proactive agency called the government. Good governance, therefore, includes the processes and products of the government towards the fulfilment of the social contract it has with the people. Governance has been defined to refer to structures and processes that are designed to ensure accountability, transparency, responsiveness, rule of law, stability, equity and inclusiveness, empowerment, and broad-based participation.¹⁰ Governance also represents the norms, values and rules of the game through which public affairs are managed in a manner that is transparent, participatory, inclusive and responsive. It relates to decisions that define expectation, grant power, or verify performance. It consists of either a separate process or part of decision making or leadership processes.¹¹ In modern nation-states, these processes and systems are typically administered by a government. In a broad sense, governance is about the culture and institutional environment in which citizens and stakeholders interact among themselves and participate in public affairs. It is more than the organs of the government.

Often, there is a tendency to equate governance with management, the latter primarily referring to the planning, implementation and monitoring functions in order to achieve pre-defined results. Management encompasses processes, structures and arrangements that are designed to mobilize and transform the available physical, human and financial resources to achieve concrete outcomes. Management refers to individuals or groups of people who are given the authority to achieve the desired results. Governance systems set the parameters under which management and administrative systems will operate. Governance is about how power is distributed and shared, how policies are formulated, priorities set and stakeholders made accountable. In the development literature, the term ‘good governance’ is frequently used. In particular, the notion of ‘good governance’ is promoted as a necessary pre-condition for creating an enabling environment for sustainable human development. Good governance has also been accepted as one of the targets of the Millennium Development Goals (MDGs). The good governance agenda stems from the concern with the effectiveness of the development efforts. Good governance is, however, a difficult concept, as it is not always easy to define. It is susceptible to plethora of different definitions depending on the perception of the person considering same. It is however, generally accepted that Good governance is expected to be participatory, transparent, accountable, effective and equitable and promotes rule of law.¹²

Specifically, good governance involves; enthronement of a democratic government, which guarantees equal participation of all citizens in governance; provision, promotion and sustenance of the rule of law; adherence to and protection of the Constitution; promotion and protection of the fundamental human rights of the citizens; provision and sustenance of the freedom of the press; availability of a transparent, accountable and participatory governance at all levels of government; regular, free and fair elections; as well as provision of basic amenities, such as, portable water, electricity, qualitative education, healthcare delivery, good roads, among others. Good governance starts from a recognition that the nation, institution or enterprise is operated for the benefit of others, with an obligation of accountability. Leaders are entrusted with authority to manage in order to deliver benefits to their citizens, but they must have the courage, humility and self-control to put in place checks on their authority.

⁹ Li, Bo, ‘What is Rule of Law?’ *Perspectives* (Vol.1, No.5), <www.doge.us/govecon/what_is_rule_of_law> accessed, August, 2022.

¹⁰ UNESCO International Bureau of Education, ‘Concept of Governance’ <<http://www.ibe.unesco.org/en/geqaf/technical-notes/concept-governance>> accessed on 10/08/2022

¹¹ Anuye, Akombo and Abdulsalami, *op cit*, p.34

¹² YK Sheng, ‘What is Good Governance?’ <<https://www.unescap.org/sites/default/d8files/knowledge-products/good-governance.pdf>> accessed on 09/08/2022

In short, governments must be 'epitomized by predictable, open and enlightened policy making; a bureaucracy imbued with a professional ethos; an executive arm of government accountable for its actions; and a strong civil society participating in public affairs; and all behaving under the rule of law.'¹³ The World Development Report long ago identified the key elements of good governance as follows: (1) **Internal rules and restraints** (including internal accounting and auditing systems, independence of the judiciary and the central bank, civil service and budgeting rules); (2) *'Voice' and partnership* (including mechanisms for public deliberation of proposed laws and the enabling of partnerships among different actors in society); *Competition* (including competitive social service delivery and private participation in infrastructure).¹⁴ These attributes of good governance are ultimately reflected in the extent to which the security and prosperity of individuals are being well-served by their governments. At a bare minimum, good governance with accountability and transparency is a foundation for peace and stability, without which all of societies' greater aims cannot be achieved. Indeed, because public services¹⁵ account for much of a country's economic activity, effective public service delivery is integrally tied to economic growth. Good Governance therefore requires all hands to be on deck. It entails the sum total of the ways in which individuals and government institutions manage their common affairs for the good of the state and the citizens. Elements of good governance include;

- (1) Political accountability
- (2) Regular elections to legitimize the exercise of political power or democratic polity.
- (3) Participation by various social, economic, cultural and professional groups, in the process of governance and decentralization of power to local organizations
- (4) Freedom of information
- (5) Efficient and effective administrative system
- (6) Transparency
- (7) Rule of law
- (8) Independence of the judiciary
- (9) Cooperation by government and civil societies
- (10) Bureaucratic accountability

4. Democracy

Democracy is the government put in place by the people, which upholds the spirit of social contract between the state and the people, ensures equitable distribution of the state resources and equal opportunity for all its citizens, and whose operations are based on the rule of law. Abraham Lincoln in the 1863 Gettysburg Address, borrowing the words of John Wycliffe in his prologue to his translation of the Bible in 1384, defined democracy as 'the government of the people, by the people, for the people'. On attainment of independence on October 1, 1960 the post independent government of Nigeria adopted a democratic rule, which was interrupted by military interregnum from 1966 to 1979. The country was returned to civil rule on October 1, in 1979, which lasted till December 31, 1983 when the military struck again and sacked major democratic structures and institutions. Democratic rule was restored in the country on May 29, 1999, and, since then democracy has been on experimentation in Nigeria. It is generally believed that the return of the country to electoral democracy in 1999 has not made any significant impact on the economy and general wellbeing of the people because of the manipulating nature and character of the political elite. Democracy thrives on enabling practices and institutions that guarantee political growth through fair play, debates, compromise and healthy opposition. The prerequisites for a thriving democracy are conformity with certain normative principles, their internalization and acceptance as doctrines of political participation. The core of such normative principles is the rule of law. Other principles are; a functional legislature; existence of vibrant political parties; periodic elections; independent judiciary; political accountability and legitimacy and; a robust civil society. Democracy ensures meaningful and extensive competition among individuals and organized groups (especially political parties), either directly or indirectly, for the major positions of governmental power it entails a highly inclusive' level of political participation in the selection of leaders and policies, through regular and fair elections, such that no major (adult) social group is excluded, and a level of civil and political liberties, freedom of expression, freedom of the press, freedom to form and join organizations sufficient to ensure the integrity of political competition and participation.¹⁶

5. Relationship between Rule of Law and Good Governance in a Democracy

¹³ World Bank, *Governance: The World Bank's Experience* (1994)

¹⁴ World Development Report (1997).

¹⁵ such as in health, transport, and education

¹⁶ SO Eboh, 'Democratic Culture, The Church and Democratization in (West) Africa', in Nwaigbo, F. et al (Eds.), *Church and Democracy in West Africa*. Port-Harcourt: CIWA Publications, Nigeria, 2003, p. 68.

Good governance and the rule of law are essential preconditions for the sustenance of a democratic government because they are prerequisites for peace and stability, without which societies cannot function, let alone flourish. The commitment to transparency and accountability inherent in good governance promotes the rule of law over corruption, allowing the many benefits of other sustainable development initiatives and economic inputs to reach those in society who most need to benefit from them.¹⁷ The relationship between the rule of law and good governance in any democracy is so intricate and organic. They are also interdependent that none can survive without the other. The rule of law guarantees personal liberty and freedom and a whole gamut of fundamental human rights. It provides the conditions on which government functions, including the qualifications of people who can hold public offices. The law stipulates the type, nature and scope of government, as well as the nature of relationship among the organs of government. It provides equal opportunities for all citizens and makes provisions on how the personal freedom and liberties of the people will be promoted and protected. Commenting on personal liberty, freedom and equality of individuals as the essential elements of the rule of law, Laski posited as follows; A state built upon the condition essential to the full development of our faculties will confer freedom upon its citizens. It will release their individuality. It will enable them to contribute their peculiar and intimate experience to the common stock. It will offer security that the decisions of the government are built upon the widest knowledge open to its members. It will prevent that frustration of creative impulse which destroys the special character of men.¹⁸

For the rule of law to be supreme, the three organs of government should be independent of one another for proper checks and balances to be in place. The judiciary must be vibrant and fearless, otherwise the executive's excesses may go scot free. Democracy will remain an article of faith if the law is not supreme. The constitution guarantees the fundamental human rights, such as right to life, right to dignity of human person, right to personal liberty, right to fair hearing, right to private family life, right to freedom of religion, right to vote and be voted for in elections, right to freedom of expression, among others, yet if the law is not supreme the citizens will not enjoy these rights; at least, not against the government or government institutions and functionaries. Democracy provides all these rights, but if the people cannot enjoy them, then, there is no democracy. If people cannot freely elect their representatives in government, as well as control the government, then that government is not democratic. If people are disenfranchised for no genuine reasons and prevented from active participation in the electoral process, then its product is not democratic. Good governance sustains democracy, which guarantees the fundamental human rights, including freedom of the press. The media are the purveyors of information on both the rule of law and democracy. The mass media inform, educate, entertain and sensitize people on government and private activities as they affect the public, as well as draw the attention of the people to events, environmental issues and other important matters that have consequences on the citizens. The summary of this relationship is that democracy can only exist in a state where there is the rule of law, otherwise the latter will remain an article of faith without democracy. While Good governance on the other hand sustains both of them.

6. Rule of Law and Good Government in Nigeria

The ability of the government to accommodate public opinion in decision making, implement such policies with intermittent evaluations to ensure compliance is vital. It is equally ideal, to guarantee the principle of rule of law objectively as this will, in no doubt, promote peace in the society. Formulation and implementation of friendly policies will attract and encourage the citizens to participate both in economic and political activities freely within the confines of the state's policies. The smooth operation of economic and political activities will ensure social order. Good governance equally accommodates aspects of a civil society inclusion. In this wise, Sharma, Sadana and Kaur observed that, *good* governance establishes the rule of law, enforces contracts and agreement between the individuals, maintains law and order, guarantees security to the people, economizes on cost and resources, protects the government and properly delivers services to the society. It also determines an optimal size of the government and makes best possible use of government resources.¹⁹

Continuity in implementation of government policies and projects, is an element of good governance. However, what is usually experienced in Nigeria is that rather than implementing good policies initiated by an opposition party, political office holders often jettison the implementation and completion of such policies or projects. This accounts for a high rate of abandoned projects scattered in all the nooks and crannies of Nigerian. Again, development is not a linear process that can be reproduced from country to country.²⁰ Nigeria cannot adopt undigested liberal theories of state reconstruction if it hopes to benefit from some of the most compelling values. It must

¹⁷United States Council for International Business. 'Good Governance & the Rule of Law' January 2015 Business Priorities for the U.N. Sustainable Development Goals

¹⁸H J Laski, *Laski on the Communist Manifesto: Mentor Series* (UK: Penguin Books Ltd, 1982)

¹⁹ MP Sharma, BL Sadana, H Kaur, *Public administration, In theory and practice*. (India: Kitab Mahal, 2014) p. 64

²⁰M Mutua, 'Africa and the Rule of Law' (2016) *International Journal off Human Rights Issue* 23, pp 159-173

identify and rethink many normative tenets of liberalism and the rule of law in order to fashion out a workable system that best suits its own local circumstance. This is necessary to respond to the particular historical challenges and cultural context of the African landscape. Thus, the rule of law cannot be exported to Africa ready-made. The rule must be divorced from its imperialist origins and uses. Africans need to identify and isolate those thematic, normative, and sectoral areas most likely to be impacted the most by the language of rights, and use the rule of law to transform them. Many of them are overarching and cross-cutting. The core values are: integrity, transparency, accountability, equity, equality, access, and participation. No sustainable development which gives citizenship meaning and every citizen a sense of belonging and allows a culture of justice is possible without them. Simply put, the rule of law is meaningless without each of these core values which must be addressed

It is the view of the writers that the Judiciary which is the third arm of the government and the last bastion of hope for the common man plays a very important role is this quest. This is because on it is vested the power to adjudicate on all matters between persons or between government or authority and any other person in Nigeria, and all actions for the determination of any matter relating to the civil rights and obligation of the person. This function is discharged through the instrumentality of the courts.²¹ However, it is not possible to administer justice and effectively apply the law to execute its function as an instrument of social engineering under the condition in which the Nigeria Judiciary has found herself. Factors militating against the effective dispensation of justice by the courts are many; they include lack of financial autonomy, executive lawlessness and undue interference, poor infrastructure, inadequate qualified personnel, nepotism, corruption, ineptitude etc. These facts which were prevalent during military era have continued unabated even under the present democratic dispensation strengthening the system of administration of justice among others is necessary to foster social order.²² One major factor affecting the application of the rule of law is executive interference and the activities of the members of the Bench themselves. It seems from recent experience that the elite political class have devised a means of actualising their political interests through the instrumentality of the law courts. It will be recalled in this regard that the annulment of the June 12 election in 1993 was said to be predicated on the judgements of the then Chief Judge of the Federal High Court, Justice Dahiru Saleh (Rtd) and Justice Basseyy Ikpeme of the Abuja High Court. The suspension and eventual of the retired former Chief Justice of Nigeria Justice Walter Nkanu Onnoghen by the President Buhari was based on the order of the Code of Conduct Tribunal presided by Mr Danladi Umar. There have also been numerous conflicting orders of courts relating to electoral matters in recent times. It therefore seems that some members of the bench are often ready to make themselves willing tools for the achievement of private political interests of the politicians. Judges should therefore appreciate their roles as 'social engineers' by their work and seek through the instrumentality of the law to better the society just like the eminent Lord Denning, who through the application of equity, revolutionised the law in many ways not only in the United Kingdom but all over the globe.

7. Conclusion and Recommendations

The rule of law, democracy and good governance are the major features of any civilized society today. The governance of any state where any of them is lacking often degenerates to dictatorship and authoritarianism. The rule of law provides the general framework for good governance. Democracy floats on the rule of law, while good governance promotes and sustains both of them. Nigeria is governed by the rule of law and democratic principles despite some present limitations. Good governance is the destination of both democracy and the rule of the law. The media is also a necessary to sustain both the rule of law and democracy. However, despite many years of civil rule, Nigeria is yet to witness triumvirate of the rule of law, democracy and the media for improved good governance. Except an immediate overhaul of the structural, economic, legal, educational, administrative and other bureaucratic impediments is done, the rule of law and sustainable democracy may remain elusive in Nigeria. As development administration strives to meet with its expectations, the attachment of good governance will definitely propel it to the forefront. There is the need to apply new public management strategies. Good governance entails balanced governance with conducive and uninterrupted relationship between the government and the civil society as active player. The challenge of good governance requires government activities to be reinvented, bureaucracy to be repositioned, civil society activities to be re-energized with a social motive. It is generally agreed that the rule of law is one of the fundamental drivers of good governance; and that good governance culminates in development administration. It is recommended that the application of various streams of elements and components of rule of law and good governance as highlighted by this work will enable Nigeria achieve a development administration arrangement that will propel the realisation of its expectations. The three arms of government should be allowed to efficiently perform their functions within the ambits of the law without external influences. Administrators and government officials should be trained and equipped with the requisite legal, institutional and policy frameworks to realize efficiency, whilst the civil society should also play its complimentary role by living up to the expectation of making the leaders at all levels to be accountable and live up to their respective responsibilities.

²¹ S. 6(6) (b) of 1999 Constitution

²²B P Frohnen, 'The Limits of Law' <<https://isi.org/intercollegiate-review/the-limits-of-law/>> accessed 10/07/2022