

THE ROLE OF THE LAW IN PROMOTING GOOD GOVERNANCE IN SOUTH EASTERN REGION OF NIGERIA

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Abstract

The connection between law and society in every nation is complex and always evolving intricately and almost perpetually as societies advance to idealized forms of government. In the context of development, the function of law that stands out most clearly is its deployment as a conscious instrument of social engineering, i.e. affecting the behaviour of individuals and groups toward planned social, economic and legal ends. This is because it is ultimately to the law that governments are most likely to resort in the creation of institutions needed for development. Emerging trends point to good governance as a conduit towards accelerated development in economic, political and social sectors of any nation. It is however doubtful if the South Eastern part of Nigeria has employed the law towards achieving good governance in Nigeria. It is against this background that this paper seeks to examine the role of the law in promoting good governance in South East Nigeria. To achieve this, this work employed the doctrinal method of study, adopting the analytical as well as the interpretative approaches in analysing the resource materials collected for this study which include statues, books, journal, articles as well as internet publications. It was found, among other things, that regrettably, governance in the South East and indeed 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 good governance and rule of law. This work therefore recommends that the key tenets of rule of law should vigorously be pursued by both the government and the people so as to achieve the legacy of good governance and an enduring democracy.

1.0. Introduction

It is generally accepted that governance encompasses both governmental and nongovernmental participation in collective choice and action (Cosens, 2107). Recent economic and social developments have increased attention given to the role that good governance plays in achieving social and economic development in all nations of the world. Good governance as expressed through factors like reliability, predictability and accountability is increasingly seen as a key factor in ensuring national prosperity. Emerging trends also point to good governance as a platform 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 development, should strive to embrace good governance.

It is however common knowledge that Nigeria is a plural society with a preponderance of arbitrariness of government functionaries in the execution of their duties (Onichakwe, 2016). This preponderance of arbitrariness also extends to the South Eastern region. The situation has given rise to a high wave of corruption, injustice, and inefficiency in government circles which translates to socio-economic instability.

Law on the other hand dictates the structure, boundaries, rules, and processes within which governmental actions take place. Law stipulates the mode of operation of government and regulates the

interaction between the government and the people as well as the people among themselves. Rule of law standardises governance as well as enhances stability, accountability, orderliness and efficiency which are veritable conditions for development to thrive. It is based on the foregoing that it becomes one of the focal points towards attaining good governance in any nation.

Over time, law itself has proven highly adaptive in systems of government, especially in the western systems. It is always evolving to address and even facilitate the emergence of new social norms such as the rights of women and minorities or to provide remedies for emerging problems such as climate change. Thus, it is now settled that law can adapt, evolve, and be reformed to promote good governance. It may also be adjusted to aid in institutionalizing new and emerging approaches to governance. The key is to do so in a way that also enhances legitimacy, accountability, and justice, or else such reforms will never be adopted by democratic societies, or if adopted, will destabilize those societies (Cosen, 2017).

There is a general belief that 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 including the South Eastern region. This has given rise to a near total collapse of every facet of the country as well as the Eastern region. This situation has also 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. For instance, mob justice has become a regular social feature, highlighting the loss of a confidence in the Nigerian Criminal Justice System.

It is against the following background that this paper examines the role of the law as well as its principles in promoting good Governance in the South Eastern Region of Nigeria. It must be observed however that an examination of the role of the law in the South Eastern region of Nigeria cannot effectively be undertaken without first examining the role of the law in Nigeria. Thus this paper will proceed from examining the role of the law in Nigeria and then deal with the peculiarities of South Eastern Nigeria.

2.0. Rule of Law

The Black's Law Dictionary defines law as the aggregate of legislations, judicial precedents and accepted legal principles; the body of authoritative grounds for judicial and administrative actions (Garner, 2006). Law can also be defined as the body of rules or principles that regulate the conduct of persons in a given society.

Law is established to create enabling environment for peaceful co-existence of members of a society by stating the guidelines for acceptable interpersonal relationship. It also moderates people's behaviour to be in conformity with the goal of the society. It codifies 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 (Anyaehe, 2009, 132).

Rule of law means the supremacy of the law in the administration of a society (Dicey, 1885). 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 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 and curbs tendencies to dictatorship and mob rule. It aims at establishing governance that is transparent, just, fair, consistent, orderly and respect for human liberty.

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 (Report of the Secretary-General, 2004).

The rule of law provides that decisions should be made “by the application of known principles of laws without the intervention of discretion in their application” (Anuye, Akombo & Abdulsalami, 2017). 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)*, 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 (1990)* wherein Obaseki JSC postulates that ‘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 concept of rule of law embodies the following;

- (1) the basic principles of equality of all persons 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. The several Constitution (Suspension and Modification) Decrees promulgated to subjugate the provisions of the Constitution to the whims and caprices of the military dictators by the different military regimes in Nigeria underscore this point. 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, the government acts within the confines of the law

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’” (Li, 2000). It is a government run by the discretion of the ruler and there is no limit to the authority of the ruler.

3.0. The Law as an Instrument of Social Engineering

The idea of law as a tool for social engineering was the noble position and idea of a foremost American legal scholar, Roscoe Pound. His position on sociological Jurisprudence was that law should be a viable instrument of social engineering and progressive societal change. The term 'engineering' can be defined as the practical art which seeks to bring into concrete existence a plan which has been conceived and drawn up in detail and in advance (Anderson *et al*, 2011; 455). 'Social Engineering', therefore, translates to the means through which society can be properly planned, set and orchestrated to bring about the necessary and much needed positive change, development, advancement and improvement. Pound viewed law as an ordering of conduct so as to make the goods of existence and the means of satisfying claims flow seamlessly with the least friction and waste (Freeman, 2011; 715).

In summary, Pound's theory is based on the assumption that the protection of interests is the main subject matter of law and it is the duty of Jurists to make a valuation of these interests for social satisfaction and thus striking a balance in conflicting interests. Thus Pound sees social engineering as a means of striking balance between the competing interests in society (Mani, 1988; 49).

Social change leads to economic, social and political developments. Since the attainment of independence in 1960, the law has played a big role in fostering societal progression in Nigeria. Different statutory instruments have laid down a proper legal and regulatory framework for weeding out social ills from our society. Such problems touch on various areas such as education, health, property rights, fundamental rights investment, debt recovery, electronic commerce, to mention a few

The role of the law in social engineering cannot be overemphasized. This is because it is ultimately to the law that governments are most likely to resort in the creation of institutions needed for development. Law is utilised either to lead or to follow the chosen developmental paths. While sociologists and legal theorists recognise the complex interplay between legal and social issues, differences continue to exist over how, in what manner and to what extent the interplay should be assessed when studying the role of law in the development of societies.

Over the centuries, jurists have postulated varied explanations for the existence of law and its relationship to the societies the law seeks to govern; from 19th century analytical positivists' theories of law being a command of the sovereign habitually obeyed by the rulers to sociological and economic theories of law that advocate the study of law in relation to facets of social behaviour itself. A variety of social factors have been emphasised in defining law and its role in society.

Other theories that have emphasized an important aspect of social life in analysing the concept of law, are the legal realist theories that assert the pre-eminence of judicial law-making in understanding the true nature of law (Holmes, 1897; 462). The writings of legal realists such as Oliver Wendell Holmes, John Chipman Gray (Gray, 1931) and Karl Llewellyn (Llewellyn, 1962) call for a pragmatic approach to the study and application of law which is the law in action in society rather than the law on paper. Legal realism is based on the premise that law cannot be understood without reference to the realities of human social life and one of the realities is that it is judges conversant with historical, economic and social aspects of life who define the true state of the law. The task of judges is not only to discover the law but also to formulate it through the exercise of discretion as to principle or policy issues before the court. Actual decisions rendered are based on a particular judge's views of justice, conditioned in part by his personality, background and the values that he holds which then are rationalised into judicial decisions. Such realism is often urged to be a practical assessment of law. Thus, the argument made is that the true state of the law in developing societies is what the judges decide in their adjudicative process.

Another approach to the study of law suggested by Llewellyn and Hoebel is that of viewing law as a tool measured against a body of stated objectives and problems not posed by it but given to it for solutions (Llewellyn & Hoebel, 1941). Thus, the authors urge that maximum utility of law would be achieved by the

use of techniques or processes that would assure the harmonious coexistence of old established customary laws which are predicated on the generally accepted practices that obtain in a particular locality and new statutory ones.

Thus, the true state of law in each society can only be understood by examining how the law functions with reference to a number of factors such as its legitimacy, the nature of its relationship to the political process, the judicial reasoning process, the nature of executive functions such as the exercise of delegation or discretionary authority, the nature of coercive elements and the degree of participation of society itself in the promulgation and execution of laws. It is fair to argue in view of the foregoing, that there is a necessity to strike a balance between the welfare of the society as a corporate unit and the individuals as the constituents of the said corporate unit (Mahajan, 2006).

It is not in doubt that one of the most efficient ways of achieving this balance is through the instrumentality of the law. And while it is the primary responsibility of the legislature to make law, it cannot be disputed that the capacity or otherwise of the law to perform this function satisfactorily and effectively is predominantly dependent on the attitude of lawyers: the Bar and the Bench alike. (Holmes, 1897; 461).

The reliance of law in any society cannot be overemphasised as it serves as a norm of conduct for individuals in their private activities, their relationship with each other and their relationship with the state. It also prescribes the actions which are acceptable in a given society.

3.1. Functions of Law

It is now well established that law is a dynamic concept, which keeps on changing with time and place. It must change with changes in society for it to be able to properly regulate the affairs of men. Bentham gave a very practical version of the purpose of law, which according to him, is the maximization of the happiness of the greatest number of the members of the community (Bentham, 1982). According to Holland & Webb, the function of law is to ensure the well-being of society (Holland & Webb, 2013). Thus it is something more than an institution for the protection of individuals' rights. The Realist view about the purpose and function of law is that it for the pursuit of the highest good of the individuals and the state as such a controlling agency.

The following are generally taken as the basic functions of law.

- a) **Social control** – members of the society may have different social values, various behaviours and interests. It is the role of the law to control those behaviours and to inculcate socially acceptable social norms among the members of the society.
- b) **Dispute settlement**
Disputes are unavoidable in the life of society and it is the role of the law to settle disputes. Thus, disagreements that are justiceable will be resolved by law in court or out of court using alternative dispute settlement mechanisms.
- c) **Social change**
Law enables us to have purposive, planned and directed social change. The flexibility of law provides some measure of discretion to make it adaptable to social conditions. If law is rigid and unalterable, it may not respond to changes spontaneously which may lead to resentment and dissatisfaction among the citizens and may even result in violence or revolution. Therefore, some amount of flexibility is inevitable in law.

4.0 Good Governance

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 (UNESCO, 2023). Governance also represents the norms, values and rules 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 (Anuye, Akombo and Abdulsalami, 2017: 34). In modern nation-states, these processes and systems are typically administered by a government.

Governance is about how power is distributed and shared, how policies are formulated, priorities set and stakeholders made accountable. 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.

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. The good governance agenda stems from the concern with the effectiveness of the development efforts. It is generally accepted that Good governance is expected to be participatory, transparent, accountable, effective and equitable and promotes rule of law (Sheng, 2023).

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. 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.” (World Bank, 1984).

The World Development Report published by World Bank (World Bank, 1997) 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);
3. **Competition** (including competitive social service delivery and private participation in infrastructure).

According to United Nations Economic and Social Commission for Asia and the Pacific, good governance has 8 major characteristics. It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law (Sheng, 2023). Other elements include regular elections to legitimize the exercise of political power or democratic polity, participation by various social, economic, cultural and professional groups, in the process of governance and decentralization of power to local organizations, freedom of information, efficient and effective administrative system, independence of the judiciary and cooperation by government and civil societies

It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society.

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 services 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.

One of the greatest incidents of good governance is public accountability. The concept of public accountability is the hallmark of modern democratic governance (Ferlie, Lynne & Pollitt, 2004, 1). Democracy remains a paper procedure if those in power cannot be held accountable in public for their acts and omissions, for their decisions, their policies, and their expenditures. Public accountability, as an institution, therefore, is the complement of public management. Accountability also refers to the ability of voters to select the most "able" candidate, where ability can be interpreted as integrity, technical expertise, or other intrinsic features valued by voters at large.

Powell argues that electoral accountability exists when there is clarity of responsibility for political outcomes and voters can effectively sanction those responsible for those outcomes. (pp. 50-51). The question that arises is whether there is an adequate legal regime for public accountability in Nigeria and by extension, the South Eastern region.

The readily available example is the constitutional provision on recall of erring legislators as a means of ensuring accountability. The constitutional provisions on recall of erring legislators is enshrined to strike a just balance between immunity, enjoyed by the legislators and abuse of powers or offices held by them. (Nigeria Political Bureau, 1987; 141).

Expectedly the process is very cumbersome, anachronistic and time-consuming. The recall process as contained under the Constitution is practically useless as the preconditions for same may not ever be actualised in any state. The requirement that the petition for recall will be signed by 50 percent of registered voters whose signature must be verified makes the process unrealisable. This is because there are rarely elections conducted in Nigeria where more than 50% of the registered voters vote. There is therefore an urgent need to amend the recall provision in the Constitution.

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

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

(United States Council for International Business, 2015).

The relationship between the rule of law and good governance in any democracy is so intricate and organic as well as so 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 that 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 (Laski, 1982).

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; while Good governance on the other hand sustains both of them.

6.0. Rule of Law, Good Governance and South Eastern Nigeria

It must be observed in the first instance that all the issues identified in this work as being applicable to Nigeria is also applicable to the South Eastern Nigeria. It is also submitted that while the South Eastern region may not be able to deal with these issues on its own, there are a lot it can do.

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 promote peace in the society especially for the South Eastern states. 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 states' policies. The smooth operation of economic and political activities will ensure social order.

Continuity in implementation of government policies and projects, is an element of good governance. However, what is usually experienced in South Easter Nigeria is that rather than

implementing good policies initiated by an opposition party or previous dispensation, political office holders often jettison the implementation and completion of such policies or projects and start new projects which they may not finish. This accounts for a high rate of abandoned projects scattered in all the nooks and crannies of Nigerian. In this wise, it is suggested that the South Eastern states in the enactment of their Appropriation Laws should put measures in place to make sure that projects in respect of which finances have been provided in the Appropriation Laws are completed as well as criminalising the diversion of such funds to other projects or personal pockets without lawful justification.

Again, it must be observed that development is not a linear process that can be reproduced from country to country, region to region or state to state (Mutua, 2016). The South East cannot adopt unevaluated or undigested liberal theories of state reconstruction if it hopes to benefit from some of its most compelling values. It must 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 South Eastern region of Nigeria. Thus the rule of law as applicable in the western world or even in other parts of Africa or even Nigeria cannot be exported to the South East 'ready-made'. The South Easterners 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. That is why one must commend the efforts of the Anambra State Governor in developing the Vision 2070 Committee Report which outlines the long-term developmental vision of the state taking into account the peculiarities of the State.

It is the view of the author 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 in this quest. This is because 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.

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. This is more so for Judiciary of the south Eastern States. Factors that generally militates against the effective dispensation of justice by the courts 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 till the present day (Frohnen, 2023).

In the South East, there is a developing practice where elevation to the Bench is based on reward for political patronage. Most members of the Bench are those who have contributed towards the government in power, persons married to such persons or their children and relatives. The implication for the South East is that we do not have judges who are capable of interpreting the law to achieve the required development as well as withstand executive pressure. In this wise it is recommended that our Governors appoint members of the Bench on the basis of capacity and qualification and not as a means of compensating political interests.

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 sacking of the former Governor of Anambra State, Senator Chris Ngige as Governor was predicated on the order of a High Court sitting in Enugu State without regard to the lack of jurisdiction of the court. This was also the same for the recent decision of a High Court sitting in Kebbi State on the APGA leadership when the facts leading to the order happened in Awka. 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 BasseyIkpeme of the Abuja High Court. The suspension and eventual of the retired former Chief Justice of Nigeria Justice Walter NkanuOnnoghen 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.

It is also submitted that the attitude of the Region to the electoral process has a lot of implications to the development of the region. In the first instance, the persistent issue of some groups distorting the electoral process is an issue of concern and have to be addressed not just by government institutions, but also all socio-cultural groups within the region. There is a need for serious sensitizations of the people to understand the negative implications of these various acts of interference in the electoral process.

It is also necessary that the states making up the south Easter regions look beyond party politics when choosing or deciding persons who represent them at the state Houses of Assembly and the National Assembly. This is because the practice through which we elect incompetent people to represent the masses in the Federal and States legislatures because they are affiliated to a particular political party will lead to a situation where we have persons who cannot represent the interest of the Region.

We cannot deny the fact that most of the development that go to the different region are done on the basis of the law. For instance the allocation of the resources of the Federation in each year is done through the Appropriation Act of every year. And when the region does not have a strong representation in the National Assembly, its implication is that it will be greatly disadvantaged in terms of developmental allocation.

7.0. Conclusion and Recommendations

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 (Kam, 2016). The legal regime obtainable in any nation or region plays an important role in determining how representative and accountable their government is in practice.

It is generally agreed that rule of law 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. Beyond the activities of the judiciary which is primary the determinant of the role of the law in promoting good governance, there are other drivers.

However, despite many years of civil rule, Nigeria is yet to apply the rule of law, for improved good governance and this also goes for the South East. 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 in the South Eastern region, the attachment of good governance will definitely propel it to the forefront. There is the need to apply new public management strategies where the activities of the state governments are predicated on the rule of law. In this wise, there is need for the Eastern states to understand that the law plays an important role in the development of the society and apply it towards the development of the South East.

There is also a need to re-energizethe 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 as identified above 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.

It is also 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 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. will enable Nigeria achieve a development administration arrangement that will propel the realisation of its expectations. The three arms of government within the region 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.

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