



# **The Politics Of Good Governance And The Rule Of Law**

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## **ABSTRACT**

Good governance is characteristically a participatory, consensus, oriented, accountable, transparent, responsive, effective and efficient equitable and inclusive and follows the rule of Law. Its responsiveness is both to the present and future needs as well as socio-economic, political stability of any given state or country. The rational incremental manner in exercising prudence in policy – setting and decision making backed by established Laws as gerund norms. Good governance goes paripasu with natural logical sequence since public power must be authorized by Law before it can function. The politics of good governance and rule of law aims at justice based on the full acceptance of human dignity. In view of the earliest philosophers' notion, it is universally accepted that the rule of law and not rule of man that can guarantee good governance as this can guarantee efficient and effective public participation being regulated by law to maintain social order.

**Keyword:** Politics, Governance, Rule of Law, Human Dignity

## **INTRODUCTION**

Politics provides a means by which the governance process operates. It involves processes by which a group of people with initial divergent opinions and interests reach collective decisions generally regarded as binding and enforced as common policy. In other words, politics is all about conflict of interest and its resolution which occur at every level of the society (Heywood, 2004). Conceptualizing over the “power to” and the “power over” viz a viz governance and government, governance becomes a process by which government manages the resources of a society to address socio-economic and political challenges in the polity (Natufe, 2006).

The features of governance in the use of institutions, structures of authority, co-ordinations, rule of law and efficiency and even collaboration to allocate resources and control activities in the society or economy brings about good governance. Specifically Lynn, Heinrich and Hill (2001) views governance as the regimes, laws, rules, judicial decisions and administrative practices that constrain, prescribe and enable the provision of publicly supported goals and services. As a centered constitutional concept, the rule of law stipulates that everything must be done in accordance with the law since it encapsulates ideals as government according to the Law, equality before the Law and the independence and autonomy of the Judiciary among others.

In view of the forgoing, the rule of law thus becomes a prerequisite for good governance as it serves as a blueprint for designing an ideal legal system. This concept among others entails fairness, equality before the law, respect for human rights, life and personal property, just and equitable treatment of all as opposed to the arbitrary treatment of the masses by the leaders, government and government officials. To this end, the key to good governance and overall development and stability lies in respect for the rule of law (Kura, 2009).

In spite of the fact that the need for accelerated human development and improved economic opportunities are tied to good governance, the rule of law as a fundamental principle has deteriorated. According to the Ibrahim Index of African Governance (IIAG) Nigeria is being governed under a democratic good legislative Laws on enormous subject matter; it is however unfortunate that incidences of dictatorship, autocratic tendencies, mismanagement and abuse of public office are still evident the result of which includes the overall socio-economic and political stagnation, political instability, inequality, poverty, human, mass unemployment and repressive development which is been felt all across the length and breadth of the country.

### **Conceptual Framework**

**Rule of law:** In the words of the 19<sup>th</sup> century constitution expert A. V Dicey, the rule of law ensures a government of law and not a government of man. The rule of law establishes and binds the relationship between government and the people. As Lock (1632 – 1704) puts it, “wherever law end tyranny beings”. For a law to be respected and obeyed; it must reflect the spirit of the people. The rule of law protects the fundamental rights of the people it governs and be able to meet their changing needs.

**Governance:** Governance within the conceptual framework is the act, process or power of governing. The institution of government is developed within the social contract philosophy.

**Good Governance** Good governance is predicated in a society where leadership and followership adhere to due process, rule of law and act responsible and responsive to set objectives (either at societal governance or corporate governance). Thus, a socially irresponsible and unresponsive state or leadership that can settle good governance simply creates the atmosphere for social disobedience, instability, up – rising and revolution.

### **Theoretical Framework**

The theoretical framework adopted for the purpose of a vivified exposition of the aggregated concepts of this paper is the pure theory of law as propounded by the formidable Austrian jurist and philosopher Hans Kelsen (1881 – 1973).

The law postulates that there are factors that are legal in nature but instead belong to a different discipline called legal politics. It seeks to provide an explanation and the normativity of law without an attempt to reduce jurisprudence or legal science to other domains. The theory is basically a scheme of interpretation. Its reality or objectivity resides in the sphere of meaning; by attaching a legal normative meaning to certain actions and events.

In relation to good governance, the theory maintains that laws are norms handed down by the state. Laws are not defining in terms of history, ethics sociology or other external factor but an interconnection of system of norms in which coercive technologies are used to secure compliance. The validity of each law or legal norm is traced to another legal norm. Ultimately, all laws must find their validity in the society’s basic norm known as groundnorms.

### **Literature Review**

Governance deals with political freedom, equal rights and justices as main focus, good governance seeks to promote efficiency and effectiveness as well as stable and predictable economic growth through public service institutions (Merrien, 1999). As an intermediate term, it is used in the international development literature to describe how public institutions conduct public affairs and manage public resources. Sustainable development and economic progress through good governance is catalyzed by set of laws for all organization, social groups and citizens to follow in their economic, political and social activities (Asobie, 2007).

In other words, laws must be good rather than malignant as they must reflect society demands, uphold fairness and justices and efficiently protect citizens legitimates rights and interest. Hence, laws must not only derive their legality from their role as embodiment of the people’s will but should also be reasonable and scientific as good governance seeks to promote effectiveness and

efficiency as well as stable and predictable economic growth through public service institutions (Mohammed, 2009).

#### **Constitution and Law**

Good governance requires fair legal framework that are enforced by an impartial regulatory body for the full protection of stakeholders (Gaudin, 1999). Constitution and laws are the supreme authority in the state (Dicey, 1959). Institutions and individuals must conduct their activities within the framework of constitution and laws. This becomes the true meaning of rule of law which distinguishes it from governance by man (Carothers, 1998). The constitution of the Federal Republic of Nigeria as amended in 1999 upholds the written constitution as the supreme documents wherein all must abide by (Constitution of the Federal Republic of Nigeria, 1999).

#### **Transparency and Accountability**

Good governance policies and practices as well as the outcomes resulting therefore and decisions taken and their enforcement should be in compliance with established rules and regulation and information's provided in easily understandable form and accessible. Transparency breeds accountability which is a key tenet of good governance. Who is accountable for what should be document in policy statement.

In general, a government is accountable to those who will be affected by its decisions or actions as well as the applicable rules and law when establishing a nexus between the principles of the rule of law of good governance (Jega, 2007.)

#### **Efficiency and Effectiveness**

Good governance and the rule of law implies that the processes implemented to produced favorable result must meet the needs of its stakeholders while making the best use its resources – human, technological, natural and environment at its disposal. To this end, either directly or through legitimate representative provides the opportunity for its stakeholders to maintain, enhance or generally enhance performance and value to society. According to Stoker (1999) governance recognizes the capacity to get things done without relying on the power of the government to command or us its authority to steer and guides public affairs.

#### **Public participation**

Participation in state affairs is the basic way for the public to exercise their right. Public participation can effectively prevent the public power being abused and make public policies more reasonable (Yu keping, 2015).

However, large scale public participation may also lead to disorder even triggering social or political crises. International experience and lessons indicate that to prevent a consequent crisis, it is incumbent to have a legal channel to ensure orderly participation and laws to regulate public participation in politics (Yu Keping, 2015). Thus, it can be seen that by only exercising rule of the law can the public right to participation in politics can be guaranteed while the social order is maintained and bring about a scenario in which the government and the public jointly run state affairs.

#### **Empirical Framework**

The British council recently in awarding a new EU-funded contract to manage the rule of law and anti- corruption (ROLAC) project in Nigeria. The four year project will run till 2023 and aims to enhance good governance by contributing and strengthening the rule of law curbing corruptionand reducing impunity. Administrative law is used to review the decisions of government agencies in activities ranging from trade to environmental regulations. The legal response to a given social or technological problem is therefore in itself a major social action which may aggravate a given problem or alleviates and helps to solve it.

As a system of rules and guideline to enforce social institutions to govern behavior wherever possible. It shapes politics, economics and society in numerous ways and serves as a social mediator of relations between people. The study of Nigeria governance shows that the country has exerted efforts in promoting the rule of law (Natufe,2006 ). The series of cases field against

high ranking officials, previous government members of the parliament, the judiciary and high profile persons for graft and corrupt practices proves clearly the readiness to promote good governance through the rule of law.

In addition, legislation is made which established agencies to help promote good governance. Agencies as the code of conduct bureau, the economic and financial crimes commission and SERVICOM to enhance efficient and effective service delivery. In addition also is legislation to hasten legal processes and principle of due process to safeguard public trust.

## **CONCLUSION**

It is obvious that without basic rules and regulation, every element of good governance may change its nature to the detriment of the public order and even lead to malignant governance and finally harm the public interest. Rule of law therefore becomes the pre requisite of good governance. Without rule of law there will neither be good governance nor modernization of state governance.

The higher the degree of legitimacy, the higher the degree of good governance will be. The principal approach to achieving and improving good governance and legitimacy is to maximize the consensus and political identity shared by citizens. In view of the above therefore, good governance requires relevant administrative bodies and relevant administrators. It implies that social order and authority should be voluntarily recognized and obeyed. Thus, the immediate goal of the rule of law is to regulate the citizen behavior and maintain a normal order while its ultimate goal is to the basic political rights.

Rules of law which is a basic requirement of good governance would be impossible without a sound legal system or a social order based on the law. Governance therefore has to be based on legal system which has articulate certain essential qualities as the country's law which embodies the will of its naturals which basic function is to guarantee the peoples status as a national masters. The legal system thus firmly represents the peoples will which determines the legality of a country's governance that guarantees sustainable development.

## **RECOMMENDATION**

The Royal commonwealth society advocates that good governance and the rule of law are fundamental values that acknowledge the importance of a free and active civil society as key in building, supporting and strengthening the legal system to support good governance and the rule of law. This aim is pursued by strengthening election bodies, institutions and processes.

Institutions that strengthen oversight functions and accountability, government, legislators, governance systems, citizens' participation and the meaningful role of locals in local governance should engages in public dialogue as a means of strengthening public participation.

Beyond elected representatives, civil society organization national and internationally should contribute more to upholding the tenants of good governance and the rule of law (The Royal Commonwealth Society, 2018).

Finally, professional bodies can act as agents in strengthening the politics of good governance and the rule of law across the country as they facilitate exchange between professional academia and students to drive improvement in legal practice and education. Furthermore, regularly organized projects, seminars, conferences, working group and workshop that strengthen legal system and the role of the judiciary in promoting good governance should aim in promoting the practicality of legal education and to make it socially relevant through the development and facilitation of continued legal education and awareness of civic rights and duties.

## REFERENCES

- Anne, MelleKjar (2004) *Governance*. Cambridge: Polity Press
- Asobie A. H (2007): *Nigeria's National Interest in a Globalising World*. Ibadan Spectrum Books.
- Carothers (1998): The Rule of Law. *Revival Journal of Democracy* Vol. 77
- Dicey V (1959): *An Introduction to the Study of the Law of the Constitution*. Palgrave Macmillan
- Gaudin, Jean - Pierre (1999) Modern Governance, Yesterday and Today: Some Clarifications to be gained from French Government Policies. *International Social Science Journal* 50: The Royal Commonwealth Society (2018) February 27.
- Haywood, A (2004) *Political Theory: An Introduction*. 3rd Edition, New York. Palfrey Macmillan
- Jaga A (2007): *Democracy: Good Governance and Development in Nigeria* Ibadan Spectrum Books
- Kura, S (2009) Nigeria – India Economic Political and Socio – Cultural Relations: Critical Reflection for Continuous Mutual Co-operation. *International Journal of Asia Pacific Studies*. Vols. No 1
- Knights, M (1967) *Pure Theory of Law* Berkeley: University of California Press
- Lynn, E, Heinrich, C and Hill, J (2001): *Improving Governance: A New Logic for Empirical Research*, Washington D. C. George Town University press
- Merrien, F.X (1999): Governance and Modern Welfare States: *International Social Science journal* 50.
- Mohammed (2009): *Essentials of Business Law*. Ile Ife Jade Publishers
- Natufe, I (2006): *Governance and Politics in Nigeria*. A Lecturer Delivered at the Department of Political Science and Public Administration, University of Benin on November 21<sup>st</sup>
- Stoker, G. (1999) Governance as Theory: Five Propositions: *International Social Science journal* 50.
- The Royal Commonwealth Society (2018): February 27<sup>th</sup>.
- Olona, Victoria (2017) *Employing the Rule of Law to Advance Liberty and Good Governance*. [http://www. students.fliberty.org](http://www.students.fliberty.org)
- Yu keeping (2015): *Rule of law crucial to Good Governance*. China-USfocus. May12<sup>th</sup>.