



Law As An Effective Safeguard To Good Governance And Socioeconomic Development In Nigeria

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ABSTRACT

Human beings by nature live in groups as a community, state or country and their affairs are superintended by a few selected, nominated or appointed by the group. It is thus imperative, that this few should effectively address the group interests. Proper organization, laws, rules and regulations are inevitable for the optimal administration of the affairs of the group as a community, state or country. The body of persons or group who administer the affairs of others in a community, state or country is known as government. The government should as of necessity discharge the duties of governance as desired by the people being governed, and this can best be achieved if it keeps and acts within the dictates and provisions of the law, rules and or regulations. Governance plays a vital role in the process of development. Thus, at the heart of every development is the quality of governance. Good governance is the desire of every community, state or country, for human beings by nature always seek the good and avoid the evil – **bonum faciedum malunqu vitandum**

Keywords: Law, Good Governance, Leader, People, Socioeconomic Development.

INTRODUCTION

It is in the nature of human beings to live in groups, to live together in association with one another and not alone in isolation. Human beings are gregarious, always desiring and seeking the company of one another. They live and interact with one another in small or large groups as communities, states and or countries. As people live together in communities as societies they entrust their affairs on some persons to superintend on their behalf and for the collective good of all. To do this effectively, laws, rules and regulations are established. Without organization, laws and regulations the normal existence and proper functioning of human society will be extremely difficult, if not impossible.

The body of persons or group of people on whose shoulders the affairs of all are entrusted is literally referred to as a government. Anybody, group of persons, or institution entrusted with the regulation and conduct of public affairs of the whole community in accordance with laid down laws, rules and regulations for the interests of that community is regarded as government. Also government could be properly viewed as a process. In this regard, government represents the complex networking of systems for purposes of law (rules and regulations) making, law implementation, and law adjudication or interpretation. These processes constitute the three basic functions of government. These functions are carried out by the different structures or institutions of government namely the Legislature, Executive and Judiciary, respectively.

A government can be constituted depending on the choice or historical imperatives of a given people. Democracy appears the most preferred form of government, the world over today.

Democracy, which has quite a long history, is derived from two Greek words – **Demos** meaning **People**, and **Kratis**, meaning **Government**.

Democracy, though conjures a general or common idea to many, has been defined in different ways by several persons, practitioners and scholars. **Aristotle** (384 – 322BC) was probably the first to attempt a systematic definition of the concept, democracy, when he classified governments and constitutions. He defined democracy as a “government in which the whole body of citizens share power, but in which the power holders used it for selfish purposes”¹. **Abraham Lincoln**, whose populist definition of democracy seems to have remained popular overtime, defined democracy as, “government of the people by the people, and for the people”². For **Laski**, democracy is a “government which ensures social, political and economic equality”³. To **Bryce**, democracy is a “government in which the majority will prevails”⁴. Then to **Hallmark**, democracy is “a form of government which is exercised by the whole body of free citizens directly or indirectly through a system of representation as distinguished from a monarchy, aristocracy or oligarchy”⁵.

However, a view and conception of democracy rooted in the 17th Century Enlightenment period in Europe and the United States of America which has since metamorphosed into ‘liberal democracy’ and other subsequent models of democracy have evolved over time. These models of democracy make provisions for fundamental rights, free and fair choice of political leaders (selection of political office holders through free and fair elections) and governance as provided for and guided by the constitution and laws of the land (Constitutionalism and the Rule of Law). This conception of democracy is captured in the definition of **Okafor (1999)** thus:

*That democracy is a form of government and way of political life in which the ruling power of state is constitutionally vested not in any particular class/or classes, but in the members of the state as a whole and the people exercise the power through their representatives periodically elected by themselves in free and fair elections*⁶

GOVERNANCE

Governance, simply is, the activity of governing a people (state or country) (**Oxford Advanced Learners Dictionary, New 8th Edition**). It is the act or state of governing. Governance is system of government authority or control (**Chambers 21st Century Dictionary, Revised Edition**). The **Black’s Law Dictionary** ‘defines governance as the regulation of a state or country or organization. Regulation or administering of the sovereign power in a nation or state, **de facto or de jure** (**Black’s Law Dictionary, Delux Ninth Edition**).

Governance as a concept has been variously conceived and viewed by theorists, scholars and practitioners. American public management scholars, **Laurence E. Lynn, Jr. Carolyn J. Heinrich and Carolyn J. Hill**, broadly defined governance as “regimes of laws, administrative rules, judicial rulings, and practices that constrain, prescribe and enable government activity”⁷. In their thinking, therefore governance is an “arrangement of distinct, but interrelated elements, statutes, including policy mandates, organizational, financial and programmatic structure, resource levels, administrative rules and guidelines and institutionalized rules and norms; that constrains and enables the tasks, priorities and values that are incorporated into regulatory service production and service delivery process.

¹ Lifted from J.C Okafor (2002), Political theories and Ideologies, In Introduction to Political Science (Chikendu, P.N (E.d) Academic Publishing Company, Enugu, P. 224

² ibid

³ ibid

⁴ ibid

⁵ ibid

⁶ ibid

⁷ Lawrence E. Lyn, Jr. Carolyn J. Heinrich, Carolyn J. Hill (2000), Studying Governance and Public Management: Why? How? In Lawrence E. Lyn, Jr., Carolyn J. Henrich, and Carolyn J. Hill (Eds), Governance and Performance; New Perspective, Georgetown University Press: Washington D.C., P. 3

Economists **Jeff Huther and Anwar Shah** defined governance as “a multifaceted concept encompassing all aspects of the exercise of authority through formal and informal institutions in the management of the resource endowment of a state”.⁸ This line of thought is shared by a recent **World Bank** study that argues that “governance is the manner in which public officials and public institutions acquire and exercise the authority to provide goods and services including the delivery of basic services, infrastructure, and a sound investment climate”⁹

Government involves a systematic range of formal and information institutions, structures, organizations and stakeholders and their interdependent relationships and linkages in the context of public policy making and their implementation as well as service delivery. Governance plays an instrumental role in the process of development. It is in fact fundamental to development. Thus, at the heart of any development is the quality of governance.

GOOD GOVERNANCE/GOVERNMENT

Good governance is merely putting governance or government in perspective of being either good or otherwise not being bad, desirable or not being undesirable. Good governance or government therefore, simply put, is the act of governing a people (state or country) or otherwise regulating or administering of the sovereign power in a state or country, in a good or desirable way or manner. It is governance in a way beneficial or good to the people being governed. Good governance is the desire of every community, state or country, for human beings by nature always seek the good and avoid the evil - **bonum faciedum malunque vitandum**.

ESSENTIAL INGREDIENTS OF GOOD GOVERNANCE/GOVERNMENT

There are as of necessity some ingredients or elements that should be manifest in good governance or government. These are accountability, transparency, participation, social equity and the rule of law.

Accountability

A good government must be accountable to the people. Accountability refers to a government’s responsibility to explain its actions to the people. It entails making available and accessible record of stewardship to the people appropriately. Accountability implies probity, efficiency and effectiveness in resource management of public goods and property and service delivery. It requires a government’s responsiveness to the needs and values of its citizens.

Transparency

Transparency is as important, as it is, inevitable for good governance. A good government must therefore, as a matter of necessity be transparent. Transparency is simply being open. Transparency in governance is about openness to public scrutiny and clarity in the decision making process and execution of projects in a community, state or country by the government. Transparency is key and a cornerstone of good governance. It enhances the confidence and trust of the people in government. It keeps governance in the public purview. It is ‘government in the sunshine’ and not ‘government in the cloud’ or even in the ‘moonlight’. It is the best way to show and promote accountability of government.

Participation

A good government must be participatory. In fact, participation is another key element of good governance. It implies citizens’ engagement and empowerment in the decision making process of the government, directly or indirectly. Often, in a democracy, which is a representative government, it is by representation of the elected members that the government is run, and **qui facit per alium facit per se** – He who does a thing by (through) another does it himself/herself.

⁸ Jeff Huther and Anwar Sheh (2005), A simple measure of good governance, In Anwar Sheh (Ed.), Public Services Delivery, Public Sector, Governance, and Accountability Series World Bank; Washington DC, P. 40

⁹ World Bank (2007), Strengthening World Bank Group Engagement on Governance and Anticorruption, World Bank, Washington DC.

Participation underscores the fact and truism that everyone, indeed every member of the society has the fundamental right to be recognized, and his/her voice, as a member of that society, heard in policy making and implementation processes in the affairs of that society. Participation of the people in their government is critical to improving efficiency, effectiveness and sustainability of public service delivery and development of projects.

Social Equity

Good governance must as of necessity ensure social equity. The members of the society should be equitably treated by the government. Social equity implies the fair, just and equitable management and distribution of public goods and services. In the recruitment of staff, allocation of resources and siting and provision of infrastructure and public utilities, the government must ensure that equitable principles are the essential and predominant guiding forces. A diverse and well balanced (across age, sex, geographical, religious, etc) workforce in the public sector which broadly represents the population increases organizational production and performance and the legitimacy of government in the society, state or country.

Rule of Law

Good governance presupposes that the government is based on, and guided by the rule of law. Understandably, law is the most objective basis of good governance. It is only fair that people are governed by the law put in place by them, and nobody will grudge or feel cheated. When the activities of government are entirely based on, and guided by the laws of the land, the people would have no justification to complain, after all **volenti non fit injuria** – none is heard to complain about that which he/she consents to. Rule of law concerns the consistency, predictability and transparency of the law. It means that a country's formal rules and regulations are known to the public and equally applied to all citizens, and enforced in a predictable manner through transparent procedures. It entails that everybody and all organizations and institutions in the state are subject to the laws of the land. It also ensures that everybody is equal before the law. Very importantly, the rule of law emphasizes the necessity of government subordination to the law. It ensures that the constitution of the country is supreme and that all persons, agencies and institutions derive their powers from the constitution. The rule of law ensures that the courts are allowed unfettered powers in the determination of any question as to the civil right and or obligation of any person, group, body or institution in accordance with the laws of the land. It is only through law that justice can be dispensed to the members of a community, State or country, for the law cannot fail in dispensing justice – **lex deficere non potest in justitia exhibenda**. Law is the dictate of reason. In fact law is the highest reason – **lex est summa ratio**.

From the foregoing it is obvious that there is synergy among these essential elements and principles of good governance as they are interdependent. This creates a virtuous cycle of governance that is good governance. Transparency enhances participation which subsequently assures accountability. Similarly, with social equity comes an improvement in citizens' participation, while transparency is more or less a precondition for addressing social equity issues more effectively. The rule of law ensures transparency, enables participation, and enhances accountability, while ensuring social equity by the dispensation of justice. This set of principles provides an analytical framework and programming tool for needs assessment, design and development of government programmes and projects as well as monitoring and evaluation. These principles can also be translated into specific policy and programme objectives to improve the quality of overall governance in a state or country.

It is imperative to see and understand good governance, not only as a means to enhance existing approaches to development and poverty reduction in the country, but also as the engine and vision of development itself. Economic arguments for good governance confirm positive correlations between good governance on one hand and economic growth and poverty reduction on the other hand. Good governance entails that the government must ensure that public officials in discharging their responsibilities do not use such powers of state entrusted in their care for purposes other than the collective good of the people.

SELECTION/ELECTION AND QUALITIES OF A GOOD GOVERNOR/LEADER

A polity and environment that allow for the emergence of individuals with a proven record of integrity and passion for service to uplift the common and collective good of the people to emerge as flag bearers, is therefore fundamental and imperative in enthroning principles of good governance. We need good leaders (governors/president, legislators etc) to provide good governance. One can only give what he has or possesses – no one can give what he does not have – **nemo dat quod non habet**. Only good leaders can provide good leadership. Leadership is important in any social grouping, but far more important in Africa to the overall success and wealth generation and management or actions, than anywhere else in the world because we happen to have weak institutions in the continent. **Chinua Achebe**, rightly and aptly observed in his short but seminal book, “**The Trouble with Nigeria**”, that the problem of our Country is fully and squarely the failure of leadership. The cure to Nigeria’s problem, especially political, is good political leadership; a focused leadership that is disciplined and prudent, if not frugal in the management, allocation and spending of public funds and resources; a leadership that is visionary, transformational and goal oriented.

A visionary, transformational and goal-oriented leader is bold, courageous, selfless and altruistic; he envisions and sees what appears impossible to others and persuades the followers that it is not only possible but attainable; he outlines practical steps to realize the vision; his intellectual capacity and curiosity, persuasive skills and inspirational qualities galvanize followers to perform at unexpected levels to achieve what hitherto seemed impossible.

Good educational background and qualification, experience and pedigree are necessary, but not sufficient prerequisites for good leadership. The schools a person attended, the old boys/alumni network he can tap on demand, his family and friends that can look him straight in the eye and say, “do not let us down because you represent us”, all contribute to the pressure needed to make a leader perform with integrity. Experience that is relevant to governance in managing resources, in administering large complex society, and mobilizing our diversity into inclusive strength and focus also matter a lot. A good leader should be steadfast in his words, actions and practices. There should be no disconnect among the three. A good leader should always consider, appreciate and take into cognizance the diversity of his society in the recruitment of his staff, team and advisers, siting of projects and provision of infrastructure. A strong, dedicated and passionate advisers and a considerate inner circle to assist the leader fill the gap is a necessity for good governance. A leader, however brilliant, that is surrounded by advisers and an inner circle of insecure, incompetent, mediocre and selfish people, always comes to grief. A bad, clueless, selfish and greedy inner circle of family members and advisers are most destructive of leaders. Leadership requires team play. A leader requires team players, not ‘Lone rangers’ to work with. The burden of governance requires more than one good person, however intelligent, competent and well-meaning. A strong competent and cohesive team, not a single “strongman” is needed to transform a society.

DEVELOPMENT

Development as a concept and process is a human created change and improvement in the state of affairs in the lives and environments of the people. This is as opposed to, and more complex, than growth which merely entails increase in size, and often is entirely dependent on nature, regardless of the efforts of the human beings themselves. Development entails concerted efforts of human beings to bring about growth and improvement in their lives and environments of the people. Development brings about a more advanced, improved, and better living conditions of the people. Very importantly it is not a consequence of nature, per se, it results from the concerted efforts of the government and people.

POWERS/FUNCTIONS/RESPONSIBILITIES OF GOVERNMENT AS PER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (CFRN) 1999

The Constitution of the Federal Republic of Nigeria (CFRN), 1999 is the extant ground norm – the supreme law of the land. It clearly provides for the allocation and sharing of State powers among the three organs of government. These powers are as to the three main functions or otherwise responsibilities of government, viz, power to make laws or otherwise the function or responsibility to make laws (Legislative). Power to implement these laws or otherwise the function or responsibility to implement Laws (Executive), and then the power to interpret the laws or otherwise the function or responsibility to interpret or adjudicate the laws (Judicial).

Legislative Powers – The Legislature

The legislative power of the Federal Republic of Nigeria is vested in the National Assembly of the federation which consists of a Senate and a House of Representatives.¹⁰

The National Assembly has power to make **laws** for the **peace, order and good government** of the Federation or any part thereof with respect to any matter included in the Exclusive Legislative List,¹¹ and the exercise of this power shall be to the exclusion of the House of Assembly of States, save as otherwise provided in this Constitution.¹²

The legislative powers of a State of the Federation is vested in the House of Assembly of that State.¹³ The House of Assembly of a State shall have power to make laws for the **peace, order and good government of the State**, or any part thereof with respect to (a) any matter not included in the Exclusive Legislative List, (b) any matter included in the Concurrent Legislative List, and (c) any other matter with respect to which it is empowered to make laws in accordance with the provisions of this Constitution.¹⁴

However, if any law enacted by the House of Assembly of a State is inconsistent with any law validly made by the National Assembly, the law made by the National Assembly shall prevail and that other Law by the State House of Assembly shall to the extent of the inconsistency be void.¹⁵

It is important to point out that the exercise of Legislative power by the National Assembly or by a State House of Assembly shall be subject to the jurisdiction of Courts of Law and of Judicial tribunals established by Law, and accordingly the National Assembly or a State House of Assembly shall not enact any law that ousts or purports to oust the jurisdiction (power) of a court of law or of a judicial tribunal established, except as otherwise provided by this constitution.¹⁶

Furthermore, the National Assembly or a State House of Assembly shall not have power (does not have power) to make any law which shall have retrospective effect, in relation to any criminal offence (crime or offence) whatsoever.¹⁷

Executive Power – The Executive

The executive power of the Federation (a) is vested in the President and may subject as aforesaid and to the provisions of any law made by the National Assembly be exercised by him, either directly or through the Vice-President (the Vice-President of the country and not just for the President) and Ministers of the Government of the Federation or officers in the public service of the Federation and (b) shall extend to the execution and maintenance of this constitution, all laws made by the National Assembly and to all matters with respect to which the National Assembly has for the time being power to make laws.¹⁸

¹⁰ See S. 4(1) CFRN, 1999 with amendments 2011

¹¹ *ibid*; S. 4(2)

¹² *ibid*; S. 4(3)

¹³ *ibid*; S. 4(6)

¹⁴ *ibid*; S. 4(7)

¹⁵ *ibid*; S. 4(5)

¹⁶ *ibid*; S. 4(8)

¹⁷ *ibid*; S. 4(9)

¹⁸ *ibid*; S. 5(1)

The executive power of a State (a) is vested in the Governor of that State and may subject as aforesaid and to the provisions of any law made by a State House of Assembly, be exercised by him either directly or through the Deputy Governor (the Deputy Governor of the State and not just for the Governor) and Commissioners of the Government of that State or officers in the public service of the State and (b) Shall extend to the execution and maintenance of this constitution, all laws made by the House of Assembly of the State and to all matters with respect to which the State House of Assembly has for the time being power to make laws.¹⁹

The executive power vested in a State Governor shall be so exercised as not to (a) impede or prejudice the exercise of the executive power of the President of the Federation (b) endanger any asset or investment of the Government of the Federation in that State; or (c) endanger the continuance of a Federal Government in Nigeria.²⁰

Judicial Power – The Judiciary

The judicial power of the Federation and or of a State is vested in the courts established by the Constitution or by laws enacted by the National Assembly or State Houses of Assembly for the Federation and or for the States.²¹ The judicial power vested in the courts, (a) shall extend notwithstanding anything to the contrary in the Constitution to all inherent powers and sanctions of a court of law (b) shall extend to all matters between persons or between government or authority and to any person in Nigeria, and to all actions and proceedings relating thereto, for the determination of any question as to the civil rights and obligations of that person.²²

It is important to point out that as is evident in the foregoing constitutional provisions, that the powers, functions and or responsibilities of the different organs of government (legislative, executive and judicial) are clearly and distinctly delineated between the Federal and State Governments, and also within the respective organs of both the Federal and State governments.

FUNDAMENTAL OBLIGATIONS OF THE GOVERNMENT TO THE PEOPLE

The Constitution also in very clear and unambiguous terms set out what the fundamental obligations of the government to the people as the fundamental objectives and directive principles of State policy are. These are to mandatorily guide in the formulation and execution of State or otherwise government policies and programmes.

*It shall be the duty and responsibility of all organs of government, and of all authorities and persons, exercising legislative, executive or judicial powers (in the country) to conform, to observe and apply the provisions of this Chapter of the Constitution.*²³

For the type quality and powers of the people and government, the Constitution provides in very clear and mandatory terms that the Federal Republic of Nigeria shall be a state based (a) on the principles of democracy and social justice, and that sovereignty otherwise state power belongs to the people from whom government through the Constitution derives all its powers and authority. That the security and welfare of the people shall be the primary purpose of government, after all **salus populi supreme lex** – the supreme law is that which addresses the welfare of the people), and the participation by the people in their government shall be ensured in accordance with the provisions of the Constitution.²⁴

¹⁹ *ibid*; S. 5(2)

²⁰ *ibid*; S. 5(3)

²¹ *ibid*; S. 6(1)(2)

²² *ibid*; S. 6(6)

²³ *ibid*; S. 13

²⁴ *ibid*; S. 14(1)(2)

To ensure social justice, equity and fair play, the Constitution provides that the composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such manner as to reflect the federal character of Nigeria and the need to promote national unity and also to command national loyalty, therefore ensuring that there shall be no predominance of persons from a few states or from few ethnic or other sectional groups in that Government or in any of its agencies.²⁵ In the same vein, the composition of the Government of a State, Local Government Council, or any of the agencies of such Government or Council or such agencies shall be carried out in such manner as to recognize in the conduct of the affairs of the Government or Council the diversity of the people within its area of authority and the need to promote a sense of belonging and loyalty among all the peoples of the State or Local Government Council.²⁶

POLITICAL OBLIGATIONS/OBJECTIVES

The Constitution of the Federal Republic of Nigeria enjoins the Government in very clear and strong terms to actively encourage national integration, whilst discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited.²⁷

The Constitution through the motto of the country admonishes the citizens to have faith in the country, as we remain united in peace for the progress of the country.²⁸ In pursuit and promotion of national integration, the country or state, shall (a) provide adequate facilities for and encourage free mobility of people, goods, and service throughout the Federation (State), (b) secure full residence rights for every citizen in all parts of the Federation (State) (c) encourage inter-marriage among persons from different places of origin, or of different religious, ethnic or linguistic association or ties and (d) promote or encourage the formation of associations that cut across ethnic, linguistic, religious or other sectional barriers.²⁹

The Government at the various levels are admonished to foster a feeling of belonging and of involvement among the various people of the Federation (State) so that loyalty to the nation (State) shall override sectional loyalties.³⁰

ECONOMIC OBLIGATIONS/OBJECTIVES

The Constitution mandatorily enjoins the government, within the context of the ideals and objectives for which provisions are made in the Constitution to (a) harness the resources of the nation and promote national prosperity, an efficient, a dynamic and a self-reliant economy, (b) control the national economy in such a manner as to secure the maximum welfare, freedom, and happiness of every citizen on the basis of social justice and equality of status and opportunity (c) manage and operate the major sectors of the economy, (d) protect the right of every citizen to engage in any economic activities outside the major sectors of the economy.³¹

The State shall direct its policy towards ensuring (a) the promotion of a planned and balanced economic development (b) that the material resources of the nation are harnessed and distributed as best as possible to serve the common good, (c) that the economic system is not operated in such a manner as to permit the concentration of wealth or the means of production and exchange in the hands of a few individuals or a group, and (d) that suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, old age care, and pensions and unemployment, sick benefits and welfare of the disabled are provided for all citizens.³²

²⁵ *ibid*; S. 14(3)

²⁶ *ibid*; S. 14(4)

²⁷ *ibid*; S. 15(2)

²⁸ *ibid*; S. 15(1)

²⁹ *ibid*; S. 15(3)

³⁰ *ibid*; S. 15(4)

³¹ *ibid*; S. 16(1)

³² *ibid*; S. 16(2)

SOCIAL OBLIGATIONS/OBJECTIVES

The State social order is founded on ideals of freedom, equality and justice. In furtherance of the social order, (a) Every citizen shall have equality of rights, obligations and opportunities before the law (b) the sanctity of the human person shall be recognized and human dignity shall be maintained and enhanced (c) governmental action shall be humane (have human face) (d) Exploitation of human or natural resources in any form whatsoever for reasons other than the good of the community shall be prevented and (e) the independence, impartiality and integrity of courts of law, and easy accessibility thereto shall be secured and maintained.³³

The State shall direct its policy towards ensuring that, (a) all citizens, without discrimination against any group or person whatsoever have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment (b) conditions of work are just and humane, and that there are adequate facilities for leisure and for social religious and cultural life (c) the health, safety and welfare of old persons in employment are safe guarded and not endangered or abused, (d) there are adequate medical and health facilities for all persons, (e) there is equal pay for equal work without discrimination on account of sex, or on any other ground whatsoever, (f) children, young persons and the aged are protected against any exploitation whatsoever and against moral and material neglect; (g) provision is made for public assistance in deserving cases or other conditions of needs, and (h) the evaluation and promotion of family life is encouraged.³⁴

EDUCATIONAL OBLIGATIONS/OBJECTIVES

Education is key to the socioeconomic development of any nation and the constitution accordingly accords the provision and promotion of education for the citizens' high priority. It provides that Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels. Government shall promote science and technology. Government shall strive to eradicate illiteracy and to this end Government shall as and when practicable provide (a) free compulsory and universal primary education, (b) free university education, and (f) free adult literacy programme.³⁵

CONCLUSION

The Constitution of the Federal Republic of Nigeria, 1999 clearly stipulates the powers, functions and or obligations of government. It unequivocally locates sovereignty in the people. In a democracy, which in common parlance is government of the people by the people and for the people, it is law that guides both the government and the governed. Democracy is a government and way of political life in which the ruling power of state is constitutionally vested in the members of the state as a whole, and the people exercise the power through their representatives, periodically, elected by themselves in free and fair elections.

The powers to make, administer/execute and adjudicate/interpret laws in the country are constitutionally entrusted on the Legislative, Executive and Judicial arms/organs of government respectively. The overall intention of these laws is for the peace, order and good government, of the people of the Federal Republic of Nigeria. Laws and the activities of government are meant to address and advance the common good of the people. Every group, community, state or country desires good governance. The institution of good government is thus imperative and inevitable to address the common good of the people. Good governance is consequent upon good government. It is only a good government that can give the people good governance. A community, state or country needs a government that is accountable and transparent, a government that allows and permits the participation of the people, a government that as of necessity ensures social equity, and is predicated on the rule of law.

³³ *ibid*; S. 17(1)(2)

³⁴ *ibid*; S. 17(3)

³⁵ *ibid*; S. 18

We must build a polity and environment that allows for the emergence of leaders with a proven record of integrity. Good leaders are those who have passion to serve and uplift the common and collective good of the people. The Nigeria problem is that of leadership. We need a focused leadership. Nigeria needs a disciplined leadership. The country needs leaders who are prudent in the allocation and management of our abundant human and natural resources. Nigeria needs a leadership that is honest and dispassionate in the application of public funds; a leadership that is visionary, transformational, bold, courageous, selfless, altruistic and goal oriented; a leadership whose thoughts and actions are predicated on the laws of the land; a leadership whose activities are guided by the rule of law and not by the whims, caprices and idiosyncrasies of the leaders. It is only this kind of leadership that can give the country good governance which is the desire of all of us.

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