



Good Governance and Enforcement of Rules in Nigeria's National Development

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Abstract

This paper examined Good governance and enforcement of Rules in Nigeria's development. Since independence till date, the tempo of democratic governance and nation building has not really shown much change because Nigeria's national development plans and literature have been inundated with ethnic rivalry, civil war, coup d'etat, religious intolerance and gross misappropriation of public fund, thus governance has defied many simplistic solutions considering the gross inconsistency of governance policies and lack of effective implementation of existing ones. The study is exploratory and is analyzed descriptively. The study revealed that the nature of Nigerian State and the status of its institution require a restructuring in order to promote accountability as a necessary conditions for effective public resources management that will enable access for engineering national development. Among other recommendations, the study suggests that government at all times should be prepared to demonstrate the political will to formulate policies, makes rules and also implement them for effective governance.

Keywords: National development, good governance, enforcement of rules.

1. Introduction

Good governance is as old as man itself. The components of it include voice and accountability, absence of political instability and violence, government effectiveness, Rule of Law and control of corruption.

Paradoxically, Nigeria state has been abundantly blessed with awesome potentials of human resources. However, the nation has remained in captivity of unfortunate coincidence of many socio-political problems. Ashby Commission Report of 1969, submitted to the Federal Republic of Nigeria, constituted by extension, the foundation for a sound National Development within the framework of the nation's development needs. The same report examined salient issues that were fundamental to national development.

The emergence of President Goodluck Jonathan as the President of Nigeria, following the April 2011 poll herald in the epochal history of Nigeria nation, a hard promise of transforming Nigeria polity as never before. Indeed, the mandate for a reformed and transformed Nigeria has been most emphatically communicated within the framework of a democratic process. An experiment though on, a lot of process problems. Empirically, since independent till date, the tempo of democratic governance and nation-building has not really shown any much change because our national development plans and literature have been inundated with ethnic rivalry, civil war, coup d'état religious intolerance and gross misappropriation of public fund, thus governance has defiled many simplistic solutions considering the gross inconsistency of government policies and lack of effective implementation of existing ones (Nebo, 2012). The other issues in Nigeria democracy are mere aftermath of mismanagement and maladministration of different regimes in power.

2. Conceptual Clarification

2.1. National Development

The issue of national development began seriously to occupy space as a subject matter of political discourse in the nations of Africa during the immediate years of their political independence, mostly in the first half of the 1960's. This was because the colonial governments were not really interested in matters of national development and did not talk much about them. Rather, they were more conditions for the exploitation of the natural resources of the colonies.

Thus it was really the indigenous political elites who used the issue of national development more or less as an ideology of political mobilization against the colonial authorities at the threshold of independence. The indigenous political elites used the lack of attention of national development as a point against the colonial authorities and as a

justification for their demand for independence. The promise of national development by them became also an incentive for eliciting the support of the mass of the indigenous population against the continued existence of colonialism (Ibodje, 2012).

The failure of the nation's economic planning between 1962 – 1985 to actually translate to national economic development in Nigeria derives largely from the government's misconception of what "Development" really means, the real purpose of development and the appropriate strategies to be employed to achieve development (Ofoeze, 2000).

Scholar again have come to agree that one of the most consistently misused and abused concept in social science leading to some serious confusion as to what it really means and stands for, is the concept of "Development". The concept have been deprived of it real meaning and lacks agreement on its meaning and purpose. However, there exist a common consensus among liberal scholars on "Development" as an all-encompassing multi-dimensional process, involving man in his political, economic, socio-cultural and psychological relation among others, in his effort to master and subjugate nations and natural forces of his environment to ensure improving living.

According to Ofoeze (2000) development simply means:

The attainment and qualitative realization of a state of affairs characterized by adequate and equitable distribution of social services, qualitative human happiness and welfare and mastery of his environment as well as free individual participation in the affairs of the state or simply "the satisfaction of basic needs in an economically, politically and structurally transformed society".

It is our observation that, successive governments in Nigeria since 1960s have made several attempts to implement development programmes and plans with aims of achieving rapid economic growth for functional development. They started with the first development plan, which spanned from 1962 – 1968, the second development plan from 1970 – 1974, third development plan from 1974 – 1980 and the fourth development plan 1981 – 1985. Indeed attempts were made to save the economy from decline following the fall in oil economy, consequent to Structural Adjustment Programme that emanated from the 2003 NEEDS. National development therefore connotes both growth in the economy of a nation, hinged on equitable distribution of resources and human capacity development, aimed at a reduction process in poverty, inequality, unemployment, inflation and a sustainable improve living standard of the entire citizenry, among others.

2.2. Good Governance as a Development Imperative

As a product global interest on the poor countries of the world, anchored by the UN, the MDGs initiated greater premium on good as the cardinal principle of the goal attainment

by member countries. Meanwhile, the term good governance like other concepts, is a value loaded term and a multi-dimensional concept too. According to Habu (2008) three of its dimensions are then provided as security governance, political administrative governance and socio-economic governance. Meanwhile, the determinant of good governance is intrinsically and dialectically determined by those being governed in their own assessment of leadership performance of the state actors.

Good governance has processors as accountability, transparency, public opinion that is enshrined in the rule of law and common good. Approximately good governance is stewardship that derives principally from implicit confidence in the observance of due process in official conduct as well as consciousness of the social contract as implying respect for sanctity of the citizen's sovereignty (Onyishi, 2009).

What then is good governance? The concept of good governance has been treated by some scholar and governments of certain nations with caution because of the way it emerged and used in the international development literature. Generally, it has been used in the development literature to describe the way institutions of governance manage public resources in order to ensure that the general well-being of citizens is guaranteed and with respect for human rights, dignity and rule of law. But also, the concept has been with viable economic profiles and political bodies, treating those of the liberal states of Europe and the Americans as the most successful because they are said to be more effective in promoting viable economics and in ensuring respect for the human rights.

According to Ibodje (2012), good governance is one that is characterized by accountability in the management of public resources, rule of law in the conduct of public affairs, predictability of institutional performance and behavior, justice and equity and effectiveness in the management of economy. These characteristics of good governance are also the elements constituting the environments for economic development. Accountability is near zero, as public resources are steadily stolen by public officials with apparent connivance of top echelon of government. Good governance is a difficult concept, as it is not always easy to define. It is amendable to different definitions depending on the perception of the person. Wikipedia (2013) sees good governance as an indeterminate term used in international development literature to describe how public institutions conduct public affairs and manage public resources. However, when we remember that the modern state is a human creation, according to the social contract theorists, namely, John Locke, Thomas Hobbes and Jean Jacques Rousseau, one can hazard on what constitutes good governance.

Generally, the social contract theory, believes that the terrible, violent, unsecured and unpredictable state of nature compelled men to come together, under a social contract and surrendered their rights to security of personal lives and property of the state. The state is expected to protect the personal lives and property of the citizens, as well as their general welfare. The state, as an amorphous entity, cedes this power to a smaller and proactive agency called the government. Good governance, therefore, includes the processes and products of the government towards the fulfillment of the social contract it has with the people.

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; 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. Triumvirate of Democracy, the rule of Law and Good Governance. The rule of law has become a play for protecting the good boys and children of executives and ruling party leaders. Institutions of government are not predictable as they function only at the pleasure of their principals. Justice is scarce for the ordinary people as the nation's courts are more or less collections of executive instruments without a judiciary as a separate arm of government. In view of all these one begin to question what is the prospect for good governance as a necessary tool for development in Nigeria?

Within the context of development process, governance is therefore more than a two way approach towards the expansion of the resources and potentials of the state through public participation for effective , transparent and accountable leadership aspired by the people (See Honh, 2001 in Hjabu, 2009).

To operationalise the concept of good governance, Onyishi (2009)lists its universal elements viz: respect for rule of law, civil liberties and fundamental human rights, electoral legitimacy, accountability and transparency; development oriented leadership, efficiency of public institutions, decentralization and capacity building ... legal and judicial reforms, demilitarization of political authorities and broad civil society participation in decision making, etc. Good governance whether in public or corporate organizations, further entails cooperative action and integration of all members of the organization in decision making process (Nwagboso, 2009). Good governance conjures the presence of transformation leader orienting transformers in the making, who is genuinely interested in the service of the citizenry, with the ability to create vision, inspire and motivate they led through consistent, persistent and focused guidance, empower individuals to achieve results greater than they ever imagine. A leader who will

fundamentally alter the parameters of the status quo through provision a vision for the future and then investing the time and effort in having others share that vision (Osisioma, 2011).

Leading credence to Onyishi's universal elements of good governance, Osisioma (2012) posits that good governance is a process by which public institutions conduct public affairs, manage public resources and guarantee sustainable human development in an atmosphere of due process and rule of law, free from abuse and corruption. According Osioama, observed that, the true test of "good governance" is the degree to which it delivers on the promises of human rights, civil, cultural, economic, political and social rights.

3. Enforcement of rules and order imperative

Enforcement of laws, rules and regulations in Nigeria has been fraught with serious challenges in the socio-political development of the Nigeria nation. Meanwhile, law enforcement is the process of implementing a body of laws, rules and regulations guiding a given organization or a group of persons bound by certain rules of operation. From the standpoint of Rule of Law and the theory of Separation of Powers, Dicey and Montesquieu the proponents, had in mind of ensuring freedom and liberty of the citizens which again will guarantee equity and fairness in governance. Implicitly therefore, rules or laws are made to ensure liberty, freedom and good governance within a given social existence, has the instinct of domination and the political tendency to exercise power and authority aimed at actualizing his economic and political interest, thus without rules or laws meant to apply break on human instinct, living together in society would have been fraught with social infringements, as Hobbesian inferor would have characterized social-political and economic relations.

Meanwhile, at different times in history, rules are made to guide human conduct in society and a particular arm of government has always been in-charge of enforcing compliance. The challenge always associated with enforcement of these rules is the issue of having the political will to enforce them without partially or bias upon defaulting. Effective law enforcement can be seen as a corollary to good governance because it is tied to the application of rule of law, however, bias, partially, selectivity in law enforcement have undermined the philosophy of rules in the governance of every state.

According to Platonian thesis in his concept of justice, nature has categorized men in, society and if every man accepts and operates at the position of his natural endowments, justice is ensured, as men will enjoy robust living together and law enforcement will not be cumbersome. The problem is therefore that of injustice since no man wants to be

where nature has positioned hi/her hence the problem of instability, insecurity, coup d'état, dispossession and deprivation of lives and property, court litigations, abuse of human rights and dignity etc. in the wake of these social malaise, rules or laws are made to stem the tide of socio-economic and political injustice in political system. In a bid to enforce rules to enhance good living as well as good governance, infringement is likely to occur on the fundamental rights of the citizenry.

Law enforcement is necessary in good governance, without which a given society returns back to the natural state of anarchy, however, the mode of law enforcement in any system, forecloses justice or good governance. The Nigerian society has the problem of law enforcement, and that is why there is no order in our polity and government.

3.1 Case Studies of Law Enforcement in Nigeria: Enforcement of laws in the public sector

Fundamentally, there are rules and regulations guiding the operations of public sector in Nigeria. Although one may be forced to question whether there are clear cut rules of operation generally in Nigeria public organization? The answer is simply yes there are, but enforcement is the bane. The concept of order in the public service, presupposes that there are rules of operation guiding our system and there are financial memoranda and manuals of operations replete in our ministries, agencies, extra-ministerial departments, boards and commissions, yet, enforcement is seriously lacking hence the establishment of such anti-graft institutions like the Independent Corrupt Practice Commission (ICPC) and Economic Financial Crime Commission (EFCC). However, enforcement of the rules by these agencies and even the law enforcement agencies is yet a different ballgame, thus they are all considered as window dressing.

There are lot of infringements of rules, violations of general orders of public servants and top political office holders with impunity and in most cases, without bringing such offenders to face the wrath of the law. Enforcement of laws/rules Nigeria is not all embracive, but partial and selective because some public officers appear to be considered as sacred cows. For examples, sometimes in the 1990s, certain erstwhile military leaders in Nigeria refused to appear before Justice Oputa panel to answer for certain corrupt practices alleged against them during their tenure in their military regimes.

In the recent times, EFCC web has caught up with many public office holders because of fraud and corruption, yet nothing tangible came out of it. Most recently, the amnesty granted to the ex-governor of Bayelsa state is a case of sacred cow syndrome, raising serious dust in the selective enforcement of law and rules in Nigeria. Umaru Dikko, looted Nigeria treasury in the second republic and went away unscorched, when he came

back in the wake of the aborted third republic, he was given a heroic welcome. Some criminals and political bandits, who looted the nation's wealth at various times in this country, were given selective state pardon at different times.

Apart from judicial amnesty granted to prison inmates annually or periodically by the President, Governors and Chief Judges, other indiscriminate pardons granted to some offenders and criminals, call to mind, very serious questions on enforcement of law and order in Nigeria. Today in relation to the amnesty granted to the Niger-Delta militants in 2009, the Emirs in the North and the political big wigs of Northern Nigeria, are on President Goodluck Jonathan to grant same amnesty to the Islamic fundamentalist, called the Boko Haram sect that has been ravaging both the government and the good people of Nigeria, wasting lives in their thousands since 2009.

Law Enforcement in other public institutions and agencies

Public institutions like Nigerian tertiary institutions, local governance councils, public corporations etc are not left out of this mess. Most Chief Executives of these public institutions have been shortlisted at one time or the other for infringing on the rules of their institutions and ministries, and nothing has happened to them. Most local government executives had been caught in the web corrupt practices, yet they became on issues.

In recent times and in Nigeria, students and lecturers are involved in secret cultism, when arrested, top government officials usually go for their bailing/release as they bribe their way through. A case in 2004 in Ebonyi State is worth mentioning in EBSU, where a relation of the Chief Executive was involved in absolute killing but was bailed and freed amidst others.

Traditional institutions and law enforcement in Nigeria.

Bribe and corruption have destroyed our traditional institutions and stool so much so that law enforcement is also blast and very partial in our rural communities by the traditional rulers who are the custodians of the native laws and mores of the communities. Rights land owners and proven husbands have been denied of their lands and legitimate wives by traditional; rulers of autonomous communities, yet there are laws guiding such issues to be enforced.

Finally our democracy is in a cross road because of the problem of rule of law and rule enforcement due to lack of sincerity, political will and impartial enforcers among the law enforcement agencies and organs, as such sacred cows undermine rules while others die very punitively and their rights denied because we want to transform without transformer.

Implications of good governance and enforcement of laws imperative in national development.

The issue of national development cannot be over-emphasized. It is a recurring decimal in understanding the history of development strategies and growth models as it concerns an individual country's history. Hence, commentators on the postulation of western social scientist is have emphasized in different forms that development must be conceived in the context of a particular social system. Amucheazi (1980) maintains that the individual and his quality of life must be the centre of conception of national development. This is in view of the fact that development is all about the people. And so, development should be man-oriented and not institution-oriented.

National development is essentially the overall development or a collective socio-economic, political as well as religious advancement of a country or nations. It is also the ability of a country or countries to improve the social welfare of the people by providing basic infrastructure such as roads, schools, hospitals, recreational facilities, etc. consequently, a country could be considered to be developed to the extent at which every sector of its economy, or national life reflects steady, yet progressive growth. The development process, of course, must be seen in its broadest context if it is to meet the expectation for a more elevated standard of living. Besides, the overall concept and goal of national development is to fulfill the following broad national objectives:

- (i) Rapid growth of the incomes of the population in general
- (ii) Poverty alteration/reduction; rapid growth of the incomes of the poor
- (iii) Satisfaction of basic social and economic needs
- (iv) Sustainable of a democratic and fully participatory society

Fundamentally, national development agenda simply means establishing, a comprehensive transformation plan in all the sector of our national lives to create a socio-economic viable state within the context of our human and material indices with view to meeting up the challenges of the 21st century global development. Okpata (2004) sees development as a widely participatory process of directed social change in a society intended to bring about both social and material environment. The comprehensiveness of the concept that is akin to national development agenda which is very germane to this paper is that given by Ujo (1994;) that development is:

- (i) Progressive and multi-dimension in nature;
- (ii) It is both societal and individual phenomenon;
- (iii) It is generic in approach, encompassing a whole class of elements of change;
- (iv) the objectives of development are concerned with;
 - a) High sustenance
 - b) Self-esteem or respect and

c) Freedom

The implication of good governance to national development brings us to an assessment to governance in Nigeria over the year since 1960s till date. What is our leadership/governance outlook vis-à-vis our national development? Indeed, since independence till date, the tempo of governance and national building has not really changed much. An assessment of Nigerian government over decades is as Nebo (2012:3) observes that Nigeria has:

...a history coloured by ethnic rivalry, civil war, coup d'etats religious intolerance, and gross misappropriation of public funds. The art of governance in a multi-ethnic nation like Nigeria has defiled many simplistic solutions. Many years after other nations have moved on, Nigeria is yet to move on. With each new government, brilliant documents of national development plans written and published, some with World Bank endorsement like the NEEDS... but little is done by way of implementation.

Frankly speaking, the period we are as Nigerians, is a unique time in our history as nation and the promise of a transformation polity had more heady and relevant as it is now. The mandate of a reformed and transformed Nigeria has been most emphatically communicated in the majesty of democratic process.

For Osisioma (2012), good governance has been equated to political and institutional process and outcome that support the exercise of legitimate authority by public institution in the conduct of public affairs and management of resources so as to guarantee the realization of sustainable human development in an development in an atmosphere of due process, rule of law, freedom abuse and corruption.

The Nigerian system over the years has, grappled with so many socio-economic and political issues of governance to include corruption among public office holders and their relations with public affairs and accountability, provision of infrastructural facilities for the well being of the citizens, poverty reduction starting from the introduction of SAP in 1986 to NEEDS in 2003 and to NAPEP in 2010 etc. the rate of unemployment amongst Nigerian youths and graduates has accelerated over the years. Crime wave has continued to sky-rocked in our system. Why you may wonder, should the youth be the first player in crime, when his is a demeaned existence, arising from gross unemployment statistics. Multiple losses of lives from road accidents from dilapidates roads, hospitals that function better as morgues than healing centres and government that has lost credibility before her citizenship.

However, good governance is not without serious challenges which includes greed and avarice amongst the political class, bloated corruption which is seen now to be flowing through the blood veins of every Nigerian, ethnic chauvinism and religious intolerance, insecurity leading to political instability, unabating scourge of bureaucratic corruption, unemployment leading to increase in crime wave, capital flight and brain drain arising from government lack of seriousness to human capital development within the instrumentality of sound education and amongst all, poverty level of the citizenry.

Good governance germinates from two major environmental conditions which are in short supply in Nigeria. The first is the nature of the state to which the government gives expression. Thus the nature of the state largely determines the character of government, which exists to give expression or manifestation to it. The second environmental condition is the realm of institutions of government. The higher the status of institution in realm of institutionalization and internalization, the more autonomous, predictable and effective they become in the conduct of affairs.

The problem with good governance in Nigeria state is not public institution. Rather, the Nigerian is private state. A private state according to him is one that assumes the character of a private estate in which the rules are the landlords and their tenants. That the Nigeria citizens are tenants is seen when Nigerian presidents and state governors expect them to dance and sing praise to them in village square and open field for providing them with infrastructural facilities (bore holes, tarred roads, electricity and hospitals). In normal societies, the provision of such amenities is normal responsibility of government and such, citizens do not have to dance and sing praise to the government. In a private state also, there is no rule of neither law nor its effective enforcement, to accountability, no standard of justice system for all (hence the presence of sacred cows and selective law enforcement). This is because the people do not really constitute serious stakeholders just as tenants are not in private state.

The summary of this is anchored on the statement of American secretary of state Hillary Clinton, when he clearly profiled the nation's dilemma as summarized viz:

... What Nigeria needs is not more strong men, it needs more strong democratic institution that will stand the test of time. Without good government, on amount of oil, amount of aid no amount of effort can stop Nigeria's ...we believe that delivering no roads and no electricity and no education and other point of that agenda will demonstrate the kind of concrete progress that the people of Nigeria are waiting for (Clinton, 2009).

4. Other Socio-Political Challenges of good governance and enforcement to rules in Nigeria.

Security is the essence of life and the foundation of existence amongst men in the state of nature this nation is supported by social contract theorists, since they agree that the state as a creation of men is an instrument for accomplishing its purposes and the greatest of such purpose is to secure the life and liberty of individual citizens. In a multi-ethnic state like Nigeria, with attendant linguistic, cultural and religious group, peace, security and the liberty of its citizens is an imperative in its existence the good and values, upon which lives depend, are limited in supply yet so many interests are involved. The Hobbesian state clearly portrayed this hence the need for so a leviathan who was not only meant to control relationship in the pursuit to the valuables but also to ensure security of life and property against the Hobbesian inferior of brutality. Nigeria nation is still characterized with brutality, man inhumanity to man because of economic and political calculation full grown militants beginning from MASSOP in the South East, Oduduwa Boy in the South West, the militants of the Niger-Delta, the political mafias of the North and the recent insurgence of the Boko Haram sect from the North.

The hope of good governance in a country laden with insecurity and political instability in the polity is indeed, a farce. Current insecurity posed by the Boko Haram sect in the Northern part of this country recently, has dislodged several Nigerians and has occasioned many harm not only to be economy and politics of Nigeria but that thousands of lives and inestimable amount of secured properties have been wasted as many families have been wiped away and few other rendered hopeless and useless in life.

The implication of this is very obvious, the country is indeed ungovernable security wise, because of the lack of political will to enforce the law, hence our corporate existence is now in doubt, and common purpose of state existence is very questionable in recent time, as power balancing has become hopeless and united Nigeria with the hope of transformation, a mirage. The barraging emissary to the Northern elites asking for Amnesty to be Boko Haramists, is another clear demonstration that law enforcement in Nigeria is not faceless. to worsen matters, is the lack of the political will on the part of political leaders to stand in defense of Rule of law because of his selfish political ambition to contest the 2015 Presidential race, is indeed worrisome. Mr. President, who once argued against negotiating with the faceless Boko Haram because of his claimed lack of wizardry to negotiate with ghosts, is seriously contemplating in his double standard, to give in to the pressures of the Northern gladiators to initiate amnesty programme by setting up committees to that effect. The late Sonny Okosun's question "which way Nigeria" is most relevant, imperative and calls for immediate answer.

5. Conclusion and Recommendations

Borrowing from the words of Jimmy carter of America in 1977;

Our nation's birth was a milestone in the long quest for freedom but the old and brilliant dream which excited the founders of the nation still awaits its consummation. I have no new dream to set forth today, but rather urge a fresh faith in the old dream...the American dream endure, we must once again have full faith in our country and in one another...let our recent mistakes bring a resurgent commitment to the basic principles of our nation, for we know that if we despise our own government, for we have no future law (carter, 1977).

The development profile of Nigeria is generally low when matched with social indicators. There is general agreement on the imperative of good governance as a panacea to national development. Indeed, our orientation towards governance as an anchor on democratic values of transparency, institutional development, social welfare and security of life and property, increases food production, poverty reduction as well as commitment to infrastructural facilities in the rural communities and urban centres. The nature of Nigeria state and the status of the nation's institutions require a restructuring in order to promote accountability as a necessary condition for effective public resources management that will navigate national development engineering in Nigeria.

Our quest for wealth at the expense of public good should be de-emphasized, greed and avarice which manifest in bloated corruption of both public and private sector and the modern beatification of wrong value be properly reversed. The flagrant abuse of guiding especially by the sacred cows of Nigeria and the unwarranted appeal for the amnesty of the blood batch Boke Haramists should be discontinued by whosoever is involved and insecurity in our social system in recent times by various ethnic/tribal and regional group be handled with dispatch as genuine issues of marginalization be assuaged in the heart of the affected group (s). Government at all times should be prepared to demonstrate the political will to enforce as well as implement policy reforms and be seen to be justifiable in law enforcement no matter whose ox is got.

Our education system should be revived for quality human capital development in order to ensure skill driven economy against the can match with globalization trend. To achieve these, every Nigeria must show enough patriotism, get involved positively and cherish the clarion call to transform for national development.

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