

Chapter 15

Rule of Law, Governance, and Sustainable Development: The Nigerian Perspective

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ABSTRACT

The chapter is predicated on the premise that strong adherence and commitment to the rule of law and good governance is essential for sustainable development. Using a holistic approach, the study established that Nigerian leaders have consistently disregarded the principles of rule of law and good governance, violating the ideal democratic values and institutions which undermine the country's sustainable development. Over long years of military rule, governance has been badly and negatively impacted because observance of rule of law and democratic tenets are not in consonance with military ethics and rule. Civilian regimes have not fared better. The process leading to non-sustainable development and underdevelopment are mostly accompanied by the subversion of due process, the manipulation of existing laws and regulations to suit parochial interests. The chapter concluded that for sustainable development to take effect, there is need for re-orientation of political leaders towards adherence to the principle of rule of law and good governance as the foundation for sustainable development in Nigeria.

INTRODUCTION

Intellectual discourse and research particularly in respect to rule of law, governance and sustainable development has attracted the interest of the scholars in recent times owing largely to the interlocking relationship among these concepts (as it affects the development of the democratic experience in Nigeria) as it affects the developmental process in Nigeria democratic experience. It is therefore pertinent to state from the beginning that this chapter will adopt a holistic approach in discussing the Rule of Law, Governance and Sustainable Development, with particular focus on Nigeria. In the few decades, rule of law, good governance and sustainable development has been a recurring decimal in the discourse at the international level, and particularly about African States. These concepts are imperative to the development of any human society. There is a nexus between these three concepts as they are indices by which any nation will be measured in terms of development. Rule of law and good governance are essential preconditions to achieving sustainable development in any society. It is widely recognized that good governance is essential to sustainable development, a well-functioning legal institutions and governments bound by the rule of law are in turn vital to good governance. A weak legal and judicial system where laws are not enforced and where corruption is the norm undermine respect for the rule of law engender environmental degradation and undermine progress towards sustainable development. (Tahmineh Rahmani, 2013). They are prerequisite to peace and stability, without which democratic societies can hardly function properly. In other words, they are catalysts for achieving sustainable development in a society.

Law has been widely agreed to be the best method of social control. Rule of law as a concept cuts across boundaries, borders, societies, cultures and history. The rule of law is an enabling factor and an element of the process that affects a wide range of development outcomes. It is an enabler of sustainable development that can only be sustained and given effect to by good governance. The United Nations, defined 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. (Report of the Secretary-General, 2004). Thus, a violation of laws by persons, institutions, public and private entities and even the State undermines sustainable development. The enabling mechanisms of the rule of law includes, a fair legislative framework, accessible grievance and dispute resolution processes, effective enforcement mechanisms and accountability of the people in governance.

Consequent upon the foregoing, it is necessary to note that Nigeria is one of the most populous nations in Africa, particularly in West Africa. Governance is one of the major problems in Africa, and by extension Nigeria. With respect to governance, Nigeria has had a prolonged adventure of the military in governance which has affected in a way, the observance of basic democratic tenets because the constitution and the rule of law practically suspended in a military regime. The relationship between democracy and good governance is a global acclamation borne out of the belief that democracy is founded on the principle of the rule of law and constitutionalism capable of ushering in good governance and societal development. The consequential effect of this is total lack of development, let alone sustainable development. It is only when we attained the development level that one can talk of sustainability.

Against this backdrop, this chapter analyzes the concept of governance which rest basically on three dimensions: authority, decision-making and accountability. In other words, governance determines who has power, who makes decisions, how other players make their voice heard and how accountability is rendered. Good governance is generally characterized by accessibility, accountability, predictability, transparency and the rule of law. Good governance starts from the recognition that a nation, institution

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