

## Good governance an integral part of Visit Every Community (VEC)

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### ABSTRACT

The word governance derived ultimately from the great verb govern, meaning to steer. It is the act, process or power of governing. Good Governance is, therefore, "the responsible use of political authority to manage a nation's affairs. It is the key to economic development and its key attributes are accountability, transparency, and participation of the people in the governance process, supremacy of the rule of law, elimination of corruption, democratic decision making, administrative efficiency and responsiveness to the needs of the people. A vivid and clearer understanding of the concept of good governance perhaps, could be made if some of the principles of good governance as mentioned above are briefly examined and explained.

Keywords: Governance, political authority, accountability, transparency and rule of law

### ACCOUNTABILITY

Accountability: Simply defined, means being answerable to another or to other persons [1]. For [2] to account is to give reasons or explanations. According to him, It presupposes a debt or duty or obligation owed whose discharge and explanation of how it was discharged

can acquit the debtor [3,4]. It also implies responsibility as only a responsible person could care to account for a responsibility; cares to discharge an obligation [5,6,7]. Perhaps, Akpan's definition of the concept is more apt. Accountability for him is:

*the firm recognition and acceptance of the fact that all public servants owe and hold their positions and everything associated with their position as trusts for the people, who are their masters. Those who are to render services must account to the people for their successes and failures. Those entrusted with authority and public power must regularly account to the people on the use and exercise of those responsibilities.*

Politically, accountability is one of the pillars of a democrats [8]. A democratic country like Nigeria is

expected to exhibit certain traits to promote the principles of accountability [9,10].

### CONSTITUTIONALISM

Constitutionalism: A constitution is primarily about political authority and power. It confers authority and power on all organs of Government, stipulates how they are to be exercised and their

tenor, extent and limitations [11]. A constitution defines the relationship between citizens and their State. It also states implicitly guaranteed rights and freedoms of individuals and may also

contain not only guiding principles but ends or goals to which the State aspires to attain [12]. Simply put, the constitution of a country is the basic and fundamental law which guides both the State and her citizens for the attainment of her goals, values and ends [13]. It is a social contract binding the rulers and the ruled in a State [4]. It is an embodiment of the common good.

Section one of the Constitution of the Federal Republic of Nigeria, 1999, as amended, makes the Constitution the supreme Law of the land and prohibits all forms of arbitrariness from the governance process [5]. Accountability reigns when governance is carried out in accordance with this fundamental law of the land.

#### SEPARATION OF POWERS

Separation of powers: It was Shakespeare who said that, "the abuse of greatness is when it disjoins remorse from power [6]. The doctrine of separation of powers with its twin concepts of checks and balances was

designed to check arbitrary exercise of power [7]. According to Brandeis J, the aim of the doctrine of Separation of powers adopted by the convention of 1787 was:

*not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction, but by means of inevitable friction incident to the distribution of governmental powers among three different departments, to save the people from autocracy.*

This is the import of sections 4, 5 and 6 of the Constitution of the Federal Republic of Nigeria [5]. To remove, discourage, control or moderate all forms of arbitrariness, or authoritarianism in the governance

process. In the words of Montesquieu, one of the greatest advocates of the theory of separation of power, "political liberty is to be found only when there is no abuse of power [8].

#### THE RULE OF LAW

The Rule of Law: The law rules and no human society can exist without it. A society is a system of inter-dependence and this inter-dependence can only be moderated by rules without which there would be anarchy. Plato in his Republic advocated for a State without laws [7]. He was so frustrated by the incompetence and fractionalization of ignorant and self-seeking politicians in the Greek City States that he advocated philosophic rule as a solution, in which

a philosopher rules only with the aid of wisdom, virtue and self-control to the exclusion of law. His State which was utopian obviously failed and he immediately conceived a brand new State where law was supreme and sovereign and available to a philosophic mind in administering State [6]. Aristotle, his student, refused to follow his master's initial footsteps and did not hesitate to declare that:

*He who commands that law should rule may thus be regarded as commanding that God and reasons alone should rule and he who commands that a man should rule adds the character of a beast.*

For [3], it is the State of being governed by law and not by human beings, that is, a regime or government of law. A. V. Dicey, an English constitutional lawyer, however, popularized the concept in this modern era [5]. For him, it is the absolute supremacy or predominance of regular law as opposed to the influence of arbitrary power [4]. It also means that everyone is equal before the law :

*the Nigerian Constitution is founded on the rule of law the primary meaning of which is that everything must be done according to law. It means also that government should be conducted within the framework of recognized rules and privileges and principles which restrict discretionary power ... The rule of law means that disputes as to the legality of acts of government are to be decided by judges who are wholly independent of the executive ...*

The importance of the rule of law to VEC is that it will open the door for greater participation in the political

irrespective of his ranking, status or position. The third character of the rule of law, according to Dicey, is that every person is entitled to certain liberties like the right to personal liberty. Judicially, the concept was elaborately clarified by the Supreme Court in the case of Lagos State V Odumegwu Ojukwu where it said per Obaseki JSC that

process and create wider political space for greater inclusiveness for which VEC initiative was designed to achieve.

#### HUMAN RIGHTS

Human Rights: Human rights are the freedoms that human beings are deemed to have because they are humans [6]. According to Richard Reoch, "human rights as the term is commonly used are rights

which every human being is entitled to enjoy and to have protected [5]. So, to be human is to have rights. It is not a grant to anybody. It is coeval at birth. In the words of Oruche:

For a right to be called human, it must be possessed by all human beings. Again, because it is the same right that all human beings possess, it must be possessed equally by all human beings. Because human rights are possessed equally by all human beings ... they are the rights that can be claimed equally against any and every other human being

Oruche's position is in tandem with John Locke's liberal philosophy of rights. He

states that human rights are innate and cannot be alienated. In his words:

The State of nature has a law to govern it which obliges everyone; and reason which is that law,

teaches all mankind who will consult it that being all equal and independent, no one ought to harm another in his life, health, liberty and possession

Locke is saying that the law of nature was prior to the State and did not originate from the civil society [5]. The institution of government, by implication is for Locke only a convenience and functions as a delegated body of the people for their mutual preservation of their "lives, estate and liberty" and therefore, government in any way should not be arbitrary [6]. The liberal view of human rights, however, does not provide the entire picture of human rights. To

Hobbes, Bentham and some other scholars of the positive school of law, human rights cannot be a pre-social phenomenon [7]. For them it is a grant or privilege granted by the State to the citizens, which the State can withdraw at its whims. To [6] for instance, the so called human right is only a child of necessity and can only be justified by the extent it generates the greatest happiness of the greatest number [5]. Human right he said:

*That which has no existence cannot be destroyed -that which cannot be destroyed cannot require anything to preserve it from destruction. Natural rights is simple nonsense: natural and imprescriptible rights, rhetorical nonsense, nonsense upon stilts*

What exists, Bentham maintains, are legal rights and legal justice, and that

natural rights are nonexistent. According to him:

*... Right, the substantive right is the child of law: from real laws come real rights; but from imaginary laws, from laws of nature, fancied and invented by poets, rhetoricians and dealers in moral and intellectual poisons, come imaginary rights, a bastard brood of monsters.*

We have labored to provide, for purposes of balanced analysis, the jurisprudential controversy surrounding the issue of human rights, a concept that must be considered in any discussion bothering on Good Governance. However, the controversy surrounding the philosophy

of right notwithstanding, the idea of right has Constitutional and Judicial recognition. Constitutionally, these rights can be found in chapter four of the Constitution of the Federal Republic of Nigeria, 1999, as amended. They are called fundamental human rights. The

rights are fundamental because they are recognized and incorporated in the constitution. The concept of fundamental human rights also received judicial recognition in the case of *Ransome Kuti v AG of the Federation* where the Supreme Court per Eso, JSC seem to have agreed with the postulations of John Locke that rights are not just mere legal rights as they are embedded in nature and "stands above the ordinary law and which is in fact antecedent to the political society itself". While fundamental rights are protected and guaranteed by the constitution as civil and political rights, other species of right found in chapter two of the constitution under Fundamental Objectives

*... If human rights remain cogent in an emerging democracy, such as ours, equal emphasis must be accorded liberty oriented rights and security oriented rights. Thus, the skewed emphasis on the first generation rights to the detriment of second and third generation rights must be discontinued forthwith. Only a holistic approach that views all rights as interdependent and indivisible can adequately sustain the ideals of economic justice, political justice and social justice*

The learned jurist by this assertion established a link between the justifiable rights in of the constitution and the unenforceable rights, but laments that democracy and development

and Directive Principles of State Policy, including the right to food, health, education, social security etc are excluded and not justiciable and enforceable. Nigerian courts have focused its interpretative functions on of the constitution but had not done so much in addressing substantive issues of right that concern basic necessities of life, without which political rights could be empty and cosmetic. VEC initiative represents modern liberalism and is therefore characterized by a sympathetic attitude towards State intervention in alleviating the problems of the greater majority of the people, who are afflicted by the great evils of want, squalor, ignorance, disease, idleness, Simply put; abject poverty. Nweze pointedly explained this thus:

can only work effectively if all the species of right are given prominence. Julius Nyerere pungently raised the same concern in the following words:

*What freedom has a subsistence farmer?.He scratches a bare, living from the soil provided the rains do not fail, his children work at his side*

*without schooling, medical care, or even good feeding.*

Certainly he has the freedom to vote and to speak but these are meaningless. Many Nigerians, had in the recent time expressed a desire for the incorporation of what they called "stomach infrastructure" into the process of governance, an expression that has been interpreted in several ways, including the expectation that government should share its resources

for people to take care of their personal needs, probably to the detriment of infrastructural developments. A thorough study of VEC programme reveals an effort to synthesize liberty and security oriented rights and an appreciation of the fact that democracy, stability and peace cannot be sustained in conditions of poverty.

#### PERIODIC ELECTIONS

Periodic elections: This presupposes that Government is based on the consent of the governed. Periods of elections are, therefore, periods of stocktaking and accounting and afford the people the opportunity requesting for certain explanations from their leaders. Nigeria's democracy is based on the constitutional belief that

Government is a product of social contract. Government, thus, acknowledges the powers transferred to it by people, by reciprocally providing human welfare services and protecting their lives and property. Otherwise, the Government stands the risk of losing its legitimacy.

#### TRANSPARENCY

Transparency: This is a component of good governance. Looking through a glass pane explains immediately the meaning of transparency. Transparency and honesty are twin virtues. A transparent person is honest and upright and does not look for where to hide. As stated by Nnaemeka Agu "a democratic Government is open and not secretive in the Chambers Dictionary (Harrar 1998) as "entireness; wholeness; the unimpaired state of anything; uprightness; honesty; purity." For the Independent Corrupt Practices and other Related Offences Commission (ICPC), "it is the quantum of moral behavior built on self discipline, honesty, transparency, accountability and sound moral principles." A person of integrity

is, therefore, a person of honour who can be trusted with responsibilities. The person is not corrupt and is incorruptible, and a promoter of good governance principles. In the words of Kofi Annan: It is increasingly recognized that integrity and good governance are essential building blocks for meeting the objectives of sustainable development, prosperity and peace ... Good Governance and Integrity require the rule of law, effective State Institutions, transparency and accountability in the management of public affairs, respect for human rights and meaningful participation of all citizens in the political process and decisions affecting their lives.

#### CORRUPTION

Corruption is a word with no precise or universal definition. For Nye, it is a deviation from the "normal duties" of a public role for private, pecuniary or status. Corruption is a dysfunctional phenomenon. Unfortunately, it is the

bane of the Nigerian society. Only good leadership can moderate and control its rampaging menace. If the role of a leader is to lead, to inspire, to direct, to monitor and to motivate, responsible and effective leadership

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presupposes that a leader must cultivate, exhibit and inspire on the

Integrity and incorruptibility without which he cannot "exercise any oversight or judgement of accountability over any lower tier official of government. Unfortunately, such leadership is not common and that is why the late icon, Chinua Achebe, in his seminal work; *The Trouble With Nigeria*, located Nigeria's numerous problems in

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people these attitudes of transparency, accountability.

leadership. In his words: The trouble with Nigeria is simply and squarely a failure of leadership. The Nigerian problem is the unwillingness or inability of the leaders to rise to the responsibility, to the challenge of personal example which is the hallmark of true leadership.

#### CONCLUSION

Good Governance is the use of political authority to manage a nation's affairs. It is the key to economic development and its key attributes are accountability, transparency, and participation of the people in the governance process,

supremacy of the rule of law, elimination of corruption, democratic decision making, administrative efficiency and responsiveness to the needs of the people.

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