

EDUCATED ELITES PARTICIPATION IN LAW MAKING AND ADHERENCE TO RULE OF LAW IN OGUN STATE (2003 – 2011)

Ngozi Nwogwugwu, PhD¹.
Femi Ajayi, PhD².

Correspondence emails: nwogwugwun@babcock.edu.ng

Abstract

The making of laws that meet the needs of citizens, as well as adherence to rule of law have been accepted as pillars of democratic practice as well as necessary ingredients for attaining good governance. Without the participation of citizens in the processes, the law makers may make draconian laws that would be anti people, which was the experience in the various military dictatorships that Nigeria had. Nigeria also has history abuses of rule of law by both military and civilian administrations. The study examined the participation of educated elites in the processes of law making and adherence to rule of law by public officials in Ogun State between 2003 and 2011. The design was descriptive, and 1720 respondents were selected from eight of the twenty local governments of the State. Interviews were conducted with key political functionaries as well as educated elites from different walks of life. Descriptive statistics was used to analyse the quantitative data while the qualitative data was content analysed. There was high level of apathy among the educated elites, as most of them did not participate in the processes of law making as well as efforts requiring adherence to rule of law by public officials.

Keywords: Educated elites, Law making, Participation, Rule of law

Introduction

Law making is necessary in any modern society, as its absence may lead to a return to state of nature of Thomas Hobbes. Etudaiye and Etudaiye (nd) write that the preparation and enacting of laws is a wide term that includes subsidiary legislation and local municipal byelaws as well as rules and regulations of administrative agencies made pursuant to delegated legislation. The legislature is the arm of government with specific responsibility to make laws, though it also receives input from executive and relevant stakeholders at various stages where necessary.

¹ Ngozi Nwogwugwu, PhD is a Lecturer in the Department of Political Science and Public Administration, Babcock Business School, Babcock University, Ilishan-Remo, Ogun State, Nigeria.

² Femi Ajayi, PhD, is Professor of Management and Conflict Resolution, Department of Political Science and Public Administration, Babcock Business School, Babcock University, Ilishan-Remo, Ogun State, Nigeria.

Etudaiye & Etudaiye (nd) write that in Nigeria, as in most federal states, the law making powers of the legislature is operational at two predominant levels, the national and state legislatures. The 1988 reforms of local government conferred the powers of law making at the local government level on the council which comprises the elected councillors who represent the wards in the local government. The effectiveness of the council in terms of law making has been a subject of arguments. However, this paper is restricted to law making at the state level. The arm of government charged with responsibility of making laws at the state level in Nigeria is the state house of assembly. All the thirty six states have their houses of assembly. The 1999 Constitution of the Federal Republic of Nigeria, chapter 5, Part II, Section 106 on qualification for membership of the House of Assembly, provides inter alia,

Subject to the provisions of section 107 of this constitution, a person shall be qualified for election as a member of a House of Assembly if-

- (a) He is a citizen of Nigeria;
- (b) He has attained the age of 30 years;
- (c) He has been educated up at least the school certificate level or its equivalent; and
- (d) He is a member of a political party and is sponsored by that party (FGN, 1999).

The implication of the above provision is where people who have school certificate with practically no knowledge of the technicalities, and intricacies of legal drafting as well as processes of transforming needs and demands of the citizens to bills that are eventually passed to law, the system becomes in grave danger. This brings to the fore the need for the educated members of the society to be active in the processes of law making to ensure democratic sustainability and national development.

The United Nations Organization writes that the modern conception of the rule of law has developed as a concept distinct from the “rule of man” which usually involves arbitrariness and authoritarianism. It involves a system of governance based clearly defined rules as opposed to one based on the power and whim of a dictator. Rule of law is directly linked to the principle of justice, and fairness in the protection of rights of citizens and punishment of those who break the law.

For the UN, the Secretary-General defines the 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. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency. (Report of the Secretary-General: The rule of law and transitional justice in conflict and post-conflict societies” (2004 cited in United Nations Rule of Law, UNROL, nd).

In Nigeria, especially during the era of military dictatorship, there were lots of reports of human rights violations and non adherence to rule of law, by public officials. Even during the fourth republic, there has been issues of brazen abuse of the rule of law by public officials, who carry out their responsibilities with flagrant abuse of the principles of rule of law, as if their official capacities confers on them the status of being above the law. Owoade (nd) writes that for rule of law to be meaningful, the situation where some individuals in the name of who hold power political or military positions would ignore summons by the court

and refuse to put up appearance (personally or via representation) must be stopped completely.

There are several civil societies which are engaged in advocacy activities aimed at ensuring that there is adherence to the rule of law by all citizens of the country regardless of their political or social status. The intricacies of law making in the 21st century world also demands that citizens participate in various activities and processes that would ensure that the right laws are made by the legislature for the proper governing and development of their society.

This paper focused on the participation of the educated elites in the processes of law making and ensuring the adherence to rule of law by public officials, during the fourth republic, with specific focus on Ogun State, one of the 36 states in Nigeria. The educated elites' refers to people who possess minimum of masters degree in their various disciplines. The paper is divided into seven sub-sections; introduction, literature review, methodology, Educated elites understanding of citizens input in law making and ensuring adherence to rule of law as vital characteristics of good governance, educated elites contribution in processes of law making, educated elites involvement in ensuring adherence to rule of law by public officials, implications of educated elites apathy on law making and adherence to rule of law, conclusion and recommendation.

Literature Review

Law Making

A law is a rule or set of rules made by the Parliament (Proposals for new legislation, or amendments to legislation, can come from many different sources, including the Cabinet of the government, members of opposition parties, or through suggested amendments to existing laws received from bodies like the Federal Executive Council or the Federal Civil Service Commission (Mbaya, 2009). Before an item of legislation becomes a law, it exists as a bill proposed to National Assembly (William, 2006). A bill is a proposal for a new law, or a proposal to change an existing law (Hart, 1961).

Mbaya (2009) writes that the processes of law making generally requires a long period of deliberations and considerations of the many interests and implications of the bill. When the public observed that there is a need for a law to regulate a particular institution of government to ensure good governance they can initiate a bill through the Private Member bills.

These are bills that are initiated by an individual or a group of people or an organization. However, this bill can only be introduced in the Senate or House by a member. The electorates could also participate in legislative process through the constituency office (Pound, 1997). They are expected to bring to the notice of their senator or house member their inputs, observations and suggestions on how the community members can be served better in terms of law making and better service delivery through the constituency offices. This pre-supposes that the needs and the problems of the community can be collected in these offices that will help the legislators to make better laws and policies that will facilitate good governance.

The public can also participate in legislative process through the various non-governmental organizations including civil society organizations. The civil society organizations which having various areas of focus, usually serve as pressure group to make advocacy for specific laws that are needed for specific sections of the society or groups. Since, they work directly with specific groups they know the problems of the groups and what can be done to improve their living standards..

Before a bill can become a law, it must pass through four (4) stages and three (3) readings. Though there are circumstances that may warrant not complying with the four stage procedure. The stage at which citizens can actively contribute to the law making process is stage three – committee stage which comes after the second reading. Usually, the different committees of the house of assembly which are considering the bill(s) organize public hearings on such bills.

Any member of the public or expert(s) in the area of focus of the bill, or a person who is interested in the bill may be allowed to attend the public hearing of the committee of the house of assembly and make contributions to its consideration. A member of the public regardless of the person's status can make suggestion (s) on any aspect of the bill under consideration. However, it is only a member of the house of assembly committee that can propose an amendment to the bill under consideration.

What is ultimately important is that the legislature has taken steps to afford the public a reasonable opportunity to participate effectively in the law-making process. Thus- construed, there are at least two aspects of the duty to facilitate public involvement. The first is the duty to provide meaningful opportunities for public participation in the law-making process. The second is the duty to take measures to ensure that people have the ability to take advantage of the opportunities provided. In this sense, public involvement may be seen as "a continuum that ranges from providing information and building awareness, to partnering in decision-making (Eresia-Eke, 2012: 81).

The Rule of Law

The rule of law relates to the supremacy of the laws and their equal application to every person and institution of society, regardless of status, class or circumstance, and to the extent that such laws are fair, just and promoting personal liberties, which are fundamental requirements for a truly democratic and civilized, life and formidable check upon tyranny and arbitrary rule, (Igwe, 2002 cited in Beetseh, 2011). Beetseh (2011) writes that the first modern political philosopher to give an adequate explanation on the principle of the rule of law was A.V. Dicey (1835 - 1922). According to Dicey, the rule of law means "the absolute supremacy of regular law as opposed to the influence of arbitrary power and excludes the existence of arbitrariness, or prerogative or even of wide discretionary authority on the part of government." This conception perceives the rule of law as a principle that seeks to curb governmental powers by insisting that governance should be in accordance with the laws of land and not according to the arbitrary whims and caprices of those in authority.

As a tenet of good governance Rule of Law is based on the principle that every citizen is equal before the law regardless of their social or economic status, as such public officials should not act in such ways that are disobedient to the laws of the land. The history of the doctrine of rule of law can be traced to ancient philosophers including Aristotle, Thomas Hobbes, John Lock and Jean Jacque Rousseau (Okany, 2007: 6). Aristotle stated that "the rule of law is preferable to that of an individual" (Aristotle cited in Omonuwa, 2007: 3, Okany, 2007: 7).

Dicey (cited in Omonuwa, 2007; Okany, 2007) stated that the doctrine of rule of law has three aspects; first the doctrine means the absolute supremacy or predominance of regular law as opposed to the influence of arbitrary power. He maintained that powers, whatever their extent, must be exercised in accordance with the ordinary law of the land. The second aspect means equality before the law, or the equal subjection of all classes to the ordinary law of the land as administered by the ordinary courts. The third aspect views it as a formula for

expressing the fact that in England, the law of the constitution is not the source but the consequence of the rights of individuals as defined by the courts.

This study focuses on the second aspect of Dicey's postulation of the doctrine of Rule of Law. "The rule of law means that a government in all its actions is bound by rules fixed and announced beforehand – rules which make it possible to foresee with fair certainty how the authority will use its coercive powers in given circumstances, and to plan one's individual affairs on the basis of this knowledge" (Hayek, 1994 cited in Omonuwa 2007). "The rule of law is the principle that governmental authority is legitimately exercised only in accordance with written, publicly disclosed laws adopted and enforced in accordance with established procedure" (Mantu, 2006: 73). It follows that there should not be arbitrary use of state power by public officials. Diamond (2004: 223) emphasizes that "all actors, public and private, must have confidence that those rules will be observed, and this requires fair, independent, and predictable means of adjudication and enforcement."

In recent years, four events have emphasized the importance of the Rule of Law: the Universal declaration of Human Rights, 1948; the European Bill of Rights, 1950; International Commission of Jurists, Act of Athens, 1955; and the International Commission of Jurists, Declaration of Delhi, 1959 (Okany, 2007). Writing on the importance of rule of law in a democratic society, Oputa (cited in Okany, 2007: 11) states that it is "a shield and a fortress against tyranny and oppression, the defender and custodian of individual rights and liberties of the citizens, an asylum and comfort to the oppressed and a guarantee of hope for the innocent." "Both effective government and well-functioning markets require that there be clear rules about what constitutes acceptable conduct in all realms of economic, social and political life" (Diamond, 2004, p. 223).

Adherence to the Rule of law in Nigeria

Akanbi (2012) writes that in Nigeria rule of law has been bastardized by governments, both military and civilian. Ironically, on attaining power through the barrel of the gun as against through the ballot box, which is the acceptable mechanism for attaining power in democratic societies, the military junta in their veiled attempt to curry public domestic and international legitimacy, by proclaiming the rule of law as the cornerstone of their administration (Agbaje, 1995). The military governments use ouster clauses to limit the ability of the courts to control the excesses of their officials as they hold the society hostage, not recognising established laws and statutes except those made by contorted by the military junta.

The civilian governments in Nigeria have equally not fared better, in terms of ensuring adherence to rule of law. Nwabueze (1985) writes that during the second republic there was preponderance of instances of breach of the rule of law, ranging from exercise of executive power without constitutional authorizations, to unconstitutional interference with judicial and legislative powers. "In simple term, the rule of law was reduced to rubble during the Shagari tenure as done under the military, except that ouster clauses were unknown to the constitution and there was high level of freedom of the press under Shagari than under the military" (Akanbi 2012: 7).

Alolade (nd) A closer examination of the actions and inactions of the government since 1999 shows that the rule of law has been relegated to a mere declaration in conformity with the ideological smokescreen of the government. Appalling would be the right word to describe the level of adherence to rule of law under the administration of Olusegun Obasanjo between 1999 and 2007. An assessment of that administration reveals that the administration would;

perhaps, go down in constitutional history of Nigeria as the worst in ranking for abuse of the rule of law and constitutionalism. One can really understand Obasanjo's leadership style and high handedness; his military background as a retired army general could not just allow him, as a civilian president, suddenly familiarize himself with democratic norms, including the rule of law, he was only used to command system. This certainly dictated is lack of respect for the rule of law.... and illegal interference in the affairs of the Legislature to masterminding removal of State Governors who were opposed to his leadership style (Shehu, 2009: 175-183 cited in Akanbi 2012: 7).

Recent events in Nigeria, during the Yar Adua – Jonathan era, raise grave concern on the application of rule of law in Nigeria. One was the gruesome mob action in Aluu, in Rivers State jungle justice was administered to four university undergraduates, who lost their lives and had no opportunity to defend themselves for the crime they were alleged to have committed by their attackers, who were never brought to book. The second was the wanton massacre of about thirty Nigerians in Maiduguri by the military in an apparent reprisal attack following the killing of some soldiers (Alolade, nd).

Akomolafe (2012) writes of the clear breach of rule of law by both the executive and legislative arms of government in the handling of the illegal absence from the office by the then President Yar Adua, and the circumstances of the legislative action that translated his then vice Goodluck Jonathan to the status of acting president. According to him:

Firstly, the President refused, failed and or neglected to transmit to the senate President and the Speaker of the House of Representatives a written declaration that he was proceeding on vacation or that he was otherwise unable to discharge the functions of his office as enshrined in section 145 of the 1999 constitution which, he had sworn on oath to protect.

Secondly, the executive council of the Federation failed in their constitutional responsibility to set up a medical panel as stated in section 144 of the 1999 constitution to examine whether or not the ailing president was medically fit to continue in office.

Thirdly in the face of the grave violation of section 145 of the 1999 constitution by President Yar' Adua, the national assembly refused to act in line with section 143 of the 1999 constitution to impeach the then late president.

Fourthly, the resolutions passed by the representative Houses of the National Assembly elevating the Vice President to the position of an Acting President are unknown to our Constitution. By section 1 (2) of the 1999 constitution the country shall not be governed nor "shall any persons or group of persons take control of the Government of Nigeria or any part thereof, except in accordance with the provisions of the constitution." Since the resolutions, no matter how premised, were clear violations of the constitution, they were to the extent of their inconsistencies void (Akomolafe, 2012: 80).

The reality is that Nigeria prides itself as a democratic society, however, governments at various levels show little or no regard to rule of law. This makes imperative that those who are educated and knowledgeable on the principles of democratic governance should be at the fore front of agitations for strict adherence to the rule of law in the country. There is need for greater participation of the public especially the educated ones in the processes of law making and agitations for adherence to rule of law by public officials.

Theoretical Framework

The theoretical construct for the paper is citizen participation approach. Citizens participation approach proposes that the active participation of citizens in formulation of policies, making of laws and other activities needed for attainment of governance of a society are necessary for attainment of national development. When citizens participate they bring their technical competencies to ensure that the best pro-people policies and programmes are

formulated and implemented for the benefit of the society. Irving and Stransbury (2012) write that arguments for enhanced citizen participation most often rely on the merits of the process and the belief that involvement of well informed citizens in the processes of governance is far much better than a passive citizenry (King, Feltey and Susel 1998; Putnam 1995; Arnstein 1969). The major proponents of this approach include, Sherry R. Arnstein (1969), Cogan, A. And Sharpe, S (1986), DeSario, Jack and Langton, Stuart (1987) and Robert Putnam (1995).

Citizen participation, in the formulation of policies ensures that pro-people policies and programmes, as well as laws are based on the needs of the citizens. It ensures that the public having made input to the different processes of governance would be more sympathetic in their evaluation of the tough decisions that government officials may have to make in some circumstances (Irving and Stransbury, 2012). The Citizen participation is a process which provides private individuals an opportunity to influence public decisions and has long been a component of the democratic decisions-making process. Public involvement is a means to ensure that citizens have a direct voice in public decisions. Being used to indicate a process through which citizens have a voice in public policy decisions (Mbaya, 2007).

Ikelegbe (1996) writes that citizens' participation enhances public mobilization and ownership of government projects and programmes. Such acceptance of government programmes will lead to public commitment, support and confidence in such programmes thereby increasing the possibilities of such programmes succeeding. This is of vital importance given the incidences of abandoned uncompleted projects across the country, and the lack of maintenance culture towards public infrastructure and utilities in the country.

In our present context the active participation of the educated elites would ensure that the right laws are made by the legislators in Ogun State, and that there is strict adherence to rule of law by public officials. This would ensure that the ideals of democratic governance are adhered to by all and good governance is attained. In a nation where public officials are known to live and act as if they are above the law, the educated elites participating in the processes of law making and ensuring adherence to the rule of law would keep them in check.

Methodology

The importance of research design as a vital component of modern research "is to develop an overall plan for relating the conceptual research problem, to relevant-and doable-empirical research" (Ghauri, Gronhaug & Kristianslund, 1995, p. 26 cited in Oyelaran-Oyeyinka, 2006, p. 33). In order to achieve an empirical study, the research which adopted historical and descriptive survey designs utilized a mixed model of quantitative and qualitative research.

The study location was Ogun State, one of the thirty six states in Nigeria. Ogun State is located in the South-West geopolitical zone of the country. The State was created on February 3, 1976 by the Murtala/Obasanjo military regime out of the former Western region. The total landmass of the State is 16, 409.26 square kilometres. The State is bounded to the West by the Republic of Benin, East by Ondo state, North by Oyo State and South by Lagos State. (Onakomaiya, et al, 2000; Daniel 2003).

Research instruments were created by the researcher for both the quantitative and the qualitative components of the research. The survey was carried out between September 2011 and May 2012. The questionnaire was structured and pre-coded. They were administered to 1, 960 respondents from eight local governments, Ikenne, Sagamu, Ado-Odo Ota, Yewa South, Odeda, Abeokuta South, Ijebu Ode and Ijebu North Local government areas. The

copies of the questionnaire that were retrieved and completely filled were 1, 720 and these were analysed using count of frequency of occurrence, presented in tables using SPSS software. Among the secondary data collected were relevant books, scholarly peer-reviewed journal articles, institutional papers/reports and relevant materials downloaded from the internet. The content analysis of the qualitative data gathered was carried out and presented integrated into the discussion of the findings generated through the questionnaire.

Educated elites understanding of citizens input in law making and ensuring adherence to rule of law as vital characteristics of good governance

Table 1: Citizens participation in the processes of law making is a major characteristic of good governance.

		Frequency	Percent
Valid	Strongly agree	1274	74.06
	Agree	436	25.34
	Disagree	10	0.60
	Total	1720	100

Source: Field Survey (2012).

Table 1 above shows that majority of the respondents 1710 (99.40%) agreed that citizens participation in the various processes of law making is a major characteristic of good governance, while only 10 (0.6%) of the respondents disagreed. This implies that the educated elites appreciate citizens participation in the various processes of law making, when they are not officially elected as legislators, as being vital to making of the right laws for the proper governing of the state.

Table 2: Adherence to the Rule of Law by public officials is a major characteristic of good governance.

		Frequency	Percent
Valid	Strongly agree	1300	74.06
	Agree	410	25.34
	Disagree	10	0.60
	Total	1720	100

Source: Field Survey (2012).

Table 2 above shows that majority of the sampled respondents 1710 (99.40%) agreed that adherence to Rule of law by public officials is a major characteristic of good governance, while only 10 (0.6%) of the respondents disagreed. The finding above shows that almost all

the respondents understand the importance of adherence to the rule of law by public officials as a characteristic of good governance.

Educated elite contribution to the processes of law making by the state house of assembly during period under review in Ogun State

Table 3: Did you write memo or position paper to either the house of assembly or any of its committees on any bill that was considered by the house during the period under review?

		Frequency	Percent
Valid	Yes	218	12.68%
	No	1502	87.32%
	Total	1720	100

Source: Field Survey (2012)

Table 3 above shows that most of the respondents 1, 502 (87.32%) did not engage in some of the processes available for members of the public to contribute to the law making process such as writing of memos or position papers to specific house of assembly committees during the period under review. This is in spite of the fact that they acknowledged that participation of citizens in law making process is a vital component of achievement of good governance.

Table 4: Did you participate in any of the town hall meetings organized by the representative of your constituency at the State House of Assembly during the period 2003 – 2011?

		Frequency	Percent
Valid	Yes	178	10.35%
	No	1542	89.65%
	Total	1720	100

Source: Field Survey (2012)

Table 4 above show that most of the respondents 1542 (89.65%) did not participate in any of the town hall meetings hosted by their representatives in the state house of assembly during the eight year period being reviewed. This was corroborated by the legislators interviewed, including the former speaker, who stated that most of the elite do not attend town hall meetings when such are organized to make contributions or suggestions on what they consider as being the right laws that should be made or any other suggestions that will help the legislator to represent their constituency effectively in the state house of assembly.

Some of the educated elites interviewed stated that their non participation in town hall meetings is because it is usually arranged like a party funfare where party supporters sing praises of the legislator without allowing for any meaningful deliberations on how to improve the law making functions of the legislature through the representatives of the various

constituencies. This assertion was however denied by the former legislators in separate interviews.

Table 5: Did you participate in public hearing of any committee of the State House of Assembly from 2003 – 2011?

		Frequency	Percent
Valid	Yes	222	12.9
	No	1498	87.1
	Total	1720	100

Source: Field Survey (2012)

Table 5 above shows that majority of the respondents 1498 (87.1%) did not participate in public hearing of any of the committees of the State House of Assembly during period under review. However, 222 (12.9%) of the respondents, participated in public hearing sessions of at least one of the committees of the State House of Assembly during the period (2003 – 2011). Though the educated elites know the importance of participating in public hearings of the various committees where they could have the opportunity of contributing to the debate on the bills before they are passed into law, most of them shunned such public hearings.

Some of the legislators interviewed stated that the elite prefer to sit in the comfort of their homes and read newspapers and pass comments on sensational reports that are written against the legislators without taking part in the processes that could facilitate the making of laws for the state especially the participation in public hearing. According to the former speaker of the state house of assembly, the expectation is that the educated elites being experts in specific fields should actively participate in the public hearing of various committees when laws relating to their professions or field of expertise are being made. That way they would leverage on their wealth of knowledge to enrich the quality of laws that are made in the state.

The findings in tables 3, 4, and 5 above show a high level of apathy by the educated elite in terms of contributions to the processes of law making in the State during the period under review. This is very worrisome as it is expected that citizens should make vital contributions to ensure that appropriate laws that add value to the citizenry are promulgated. Given that the 1999 constitution of Nigeria, section 106 states that the basic academic qualification for the position of legislator is a school certificate, it becomes pertinent that the educated elites who make contributions in various ways to ensure that those who are elected make the right laws utilizing the various opportunities created by the constitution and relevant statutes and rules. As pointed out by some of the personalities interviewed (in separate interviews), where the educated elite fail to make input in the law making process, they will live with the laws made by those of less intellectual capability, who lack a clear understanding of what good governance entails.

Educated elite involvement in ensuring the adherence to rule of law by public officials during the period under review in Ogun State

Table 6: Did you join in the call for adherence to the rule of law by public officials through any of the agencies of the mass media (print or broadcast)?

		Frequency	Percent
Valid	Yes	355	20.6
	No	1365	79.4
Total		1720	100

Source: Field Survey (2012)

Table 6 above, shows that majority of the respondents 1365 (79.4%), did not join in the call for adherence to the rule of law by public officials, while 355 (20.6%) joined in the call for adherence to the rule of law by public officials utilizing any of the available mass media organizations in the country (print or broadcast). This was very unfortunately given that these educated elites acknowledged that it was important to engage in activities that ensure that public officials adhere to rule of law in order to attain good governance. These educated elites could even engage in very passive activities such as making calls during radio programmes to join in ensuring that public officials are kept in check so that they do not engage in the abuse of rule of law, because of their status as public officials.

Table 7: Did you join in the call for adherence to the rule of law by public officials through activities of civil society organizations including peaceful demonstrations and protest marches?

		Frequency	Percent
Valid	Yes	155	09.01%
	No	1565	90.99%
Total		1720	100

Source: Field Survey (2012)

Table 7 above shows that most of the respondents 1565 (90.99%) did not join in the activities of any of the civil society organizations that were involved in seeking for adherence to rule of law by public officials. Advocacy by civil society organizations is a veritable vehicle to keep public officials in check, and ensure that the act in line established rules in their public and private life.

These finding show a high level of apathy by the educated elite towards ensuring adherence to the rule of law by public officials in the State. This position by majority of the respondents is despite a clear understanding of adherence to the rule of law being a major characteristic of good governance. This is a worrisome scenario as NBA (2007), UNECA

(2005) and Owoade (nd), have stated the importance of ensuring adherence to the rule of law by public officials, following their link to fundamental human rights of citizens.

The findings in tables 6 and 7 above show that a large majority of the educated elite did not participate in any activity aimed at ensuring adherence to the rule of law by public officials. The situation becomes more precarious when viewed from the perspective of the importance of the rule of law in the effective functioning of democratic societies. As United Nations Economic Commission for Africa - UNECA (2005) pointed out, the centrality of human rights and rule of law to good governance and the creation of democratically functional society have led to the evolution of universally accepted norms and standards of human rights practices.

In the same vein, the Nigerian Bar Association (2007) write that strict adherence to the rule of law offers a unique opportunity to improve the lot of the nation in that it will enhance good governance, respect for fundamental rights and create an enabling environment for economic development. It also throws up challenges in that “disrespect for human rights and rule of law undermines good governance and signifies the possibility of conflict, disorder and anarchy in society.” (UNECA 2005, P. 171).

Beetseh (2011) captures very lucidly the enormity of the implications of the inactivity of the educated elites to participate in ensuring the adherence to rule of law by public officials. This has resulted in a situation where:

The application of the rule of law in Nigeria has established an unwholesome social and political order in which the rich prey on the poor, the politician prey on the electorate, the government prey on workers and peasants, the police prey on the hapless and defenseless citizenry. The political party in power pounces on the legislature etc. The whole country has become a huge carcass for bite whose flesh tigers and lions, dogs and leopards, crocodiles and maggots engage in a deadly and ceaseless scramble (Beetseh, 2011: 5).

The educated elite must become very active in the process of law making through participation in public hearings of committees of the house, as well as writing memorandum to the committees or leadership of the house. In a country where possession of a school certificate is the minimum qualification for election as a law maker, it is possible that some law makers may not understand the workings of the constitution, not to talk of what it means to make laws for the proper running of government. Leaving the process of law making to such uneducated law makers may not augur well for the development of the state. Active participation of the educated elite would ensure that the law makers discharge their constitutional responsibilities instead of being used by political godfathers to further their interest.

Conclusion

There was a high level of apathy by the educated elite in the processes of law making, as well as ensuring the adherence to rule of law by public officials in Ogun State, between 2003 and 2011. The inability of majority of the elite to participate in the process of law making and in the call for adherence to the rule of law, portends a very grave danger for the society, given the consequences of lack of adherence to the rule of law. Considering the clear awareness of the educated elite on the importance of adherence to the rule of law and its direct link to fundamental human rights, a clear abdication of involvement, leaves the educated elite and the other members of society at the mercy of public office holders.

Even where the government succeeds in putting measures that make the administration of justice efficient in place, citizens' involvement cannot be ignored as it is necessary to avoid abuses of office by public officials. The input of the educated elite in the process of law making is very vital for the achievement of good governance; especially where school certificate holders who know next to nothing about the constitution and its workings, could emerge as law makers. Such, law makers could make laws that would truncate the smooth running of the state, even where the executive succeed in putting forward pro-people policies.

Recommendations

The Independent National Electoral commission and the National Orientation Agency should carry out detailed enlightenment programme aimed at sensitizing the educated elites of the need for them to be actively involved in the processes of law making, as well as joining in ensuring adherence to rule of law by public officials.

Civil Society Organizations should develop programmes that will accommodate the various groups of educated elites such as ASUU and ASUP, and mobilizing them to participate in processes of law making and advocacy on adherence to rule of law by public officials.

House of assembly members should hold special town hall meetings for elites in their constituencies which will not be open to the general membership of the political parties. This way, their supporters will not convert such meetings to political rally, thereby negating the goal of the meeting.

The various committees of the state house assembly should invite the various professional groups affected by proposed bills under consideration to make representations at public hearings, during the process of consideration of bills.

References

- Agbaje, F. (1995), The Rule of Law and the Third Republic, In Fundamental Legal Issues in Nigeria. *N.L.R.ED. P Series* (No. 1), 45.
- Akanbi, M. A. A. (2012). Rule of Law in Nigeria. *Journal of Law, Policy and Globalization*. ISSN 2224-3240 (Paper) ISSN 2224-3259 (Online. Vol 3 (2012). Pp 1 – 8. Retrieved online from www.iiste.org/Journals/index.php/JLPG/article/download/1880/1835.
- Akomolafe, I. T. (2012). Good Governance, Rule of Law and Constitutionalism in Nigeria. *European Journal of Business and Social Sciences*. Vol 1, No 6, pp 69 -85, (September 2012). Retrieved from <http://www.ejbss.com/recent.aspx>. ISSN: 2235-767X.
- Ali, H. L. (2001). Powers and Limits of the three organs of government in Equal Justice: Human rights monitor. *A Quarterly Publication*, 3 (9).
- Almond, G. A., & Powell, G. B. (1966). *Comparative Politics: A Development Approach*. Boston: Little Brown.
- Alolade, S. (nd). The Rule of Law and Good Governance in Nigeria. Retrieved online from <http://thelawyerschronicle.com/the-rule-of-law-and-good-governance-in-nigeria/>
- Arnstein, S. R. (1969). A Ladder of Citizen Participation. *Journal of the American Institute of Planners*, 35 (3): 216-224.
- Beetseh, K. (2011). Rule of Law in Nigeria and Challenges of Good Governance. *Journal of Management and Corporate Governance*. Volume 3, March 2011. Pp 1 – 7.

- Cogan, A. and Sharpe, S. (1986). *The Theory of Citizen Involvement in Planning Analysis: The Theory of Citizen Participation*, University of Oregon. Retrieved online from www.uoregon.edu/~rgp/PPPM613/class10theory.htm
- Daniel, G. (2011). *Daniel in the Lion's Den, Memoirs of Otunba Gbenga Daniel*. Ibadan, Nigeria: Frontline Books.
- Daniel, G. (2003). *The Land of my Dreams*. Abuja: Metro Publishers
- DeSario, J, & Langton, S. (1987). *Citizen participation in Public Decision Making*. Westport, CT: Greenwood.
- Diamond, L. (2004). Building System of Comprehensive Accountability to Control Corruption. In Agbaje, A. A. B., Diamond, L. & Onwudiwe, E. (eds.) (2004). *Nigeria's Struggle for Democracy and Good Governance. A Festschrift for Oyeleye Oyediran*. (Pp. 221 – 240.) Ibadan: Ibadan University Press.
- Eresia-Eke, A. (2012). The Contradictions of Constitution-Making in Nigeria. *African Research Review, An International Multidisciplinary Journal*. Vol. 6 (4), Serial No. 27, (October, 2012), Pp. 76 - 92.
- Etundaiye, M. E. & Etundaiye, M. A. (2007). Legislative Authority in Nigeria between 1999 and 2007: A Critical Appraisal of the Role of the Nigerian Legislature and the Imperative for Change. In Onigbinde, A. & Ajayi, S. (eds). (2007). *Contemporary Issues in the Nigerian legal Landscape. A compendium I Honour of Prince Lateef Fagbemi, SAN*. Pp 280 – 319. Retrieved online from [https://www.unilorin.edu.ng/publications/.../LEGISLATIVE%20AUTHORITY IN NIGERIA.PDF](https://www.unilorin.edu.ng/publications/.../LEGISLATIVE%20AUTHORITY%20IN%20NIGERIA.PDF)
- Hart, H. L. A. (1961). *The Concept of Law*. London: Oxford University Press.
- Ikelegbe, A. O. (1996). *Public Policy Making and Analysis*. Benin City: Uri Publishing Ltd.
- Irvin, R. A. & Stansbury, J. (2012). Citizen Participation in Decision-making: is it worth the effort? Retrieved online from http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/Journal_Issue1_Irvin.pdf
- King, C. S., Feltey, K. M. and Susel, B. O. (1998). The Question of Participation: Toward Authentic Public Participation in Public Administration. *Public Administration Review* 58(4): 317-326
- Mantu, I. N. (2006). *Sustainable Democracy, Good Governance and Reforms in Nigeria*, Lagos: Odia Konsult.
- Mbaya, P. Y. (2009). *Elements of Comparative Government and Administration*. Maiduguri: Mike-B Printing and Publishing.
- Mbaya, P. Y. (2007). *A Handbook of Development Planning Experience and Perspectives in Nigeria*. Maiduguri: Compaq Publishers Limited.
- Nigerian Bar Association (2007). NBA Rule of Law initiative. Retrieved online from http://www.nigeriabar.org/a_Rule_of_Law_initiative.pdf

- Nwabueze, B. (1985). *Nigeria's Presidential Constitution, 1979-1983*. Ibadan: Longman Nigeria Ltd.
- Oditah, F. (2006). Legal Practice and Economic Prosperity. Retrieved online from http://www.nba_slp.org/Legal Practice and Economic Prosperity – Prof. Fidelis Oditah.pdf
- Okany, M. C. (2007). *Nigerian Administrative Law*. Ibadan: Africana-Fep Publishers.
- Omonuwa, O. A. (2007). The Place of Rule of Law in a Democracy. Being a paper presented at the Symposium to mark the 47th Independence anniversary of Nigeria, held at the Oba Akenzua cultural complex, Benin City, on October 1, 2007.
- Onakomaiya, S. O., Odugbemi, O. O., Oyesiku, O. O. & Ademiluyi, I. A. (eds.) (2000). *Ogun State: Local and Regional Perspectives*. Ago-Iwoye: Centre for Sandwich Programmes (CESAP), Olabisi Onabanjo University.
- Owoade, A. A. (nd). Rule of law and Justice system in Nigeria: The Common Law & Islamic Jurisprudential approach, *Confluence Journal of Jurisprudence and International Law*. Retrieved online from <http://www.unilorin.edu.ng/publications/owoade/Rule> of Law and Justice system in Nigeria.pdf
- Oyelaran-Oyeyinka, R. N. I. (2006). *Governance and Bureaucracy: Leadership in Nigeria's Public Service, the Case Study of the Lagos State Civil Service (1967-2005)*. Maastricht, Netherlands: Universitaire pers Maastricht.
- Pound, R. (1997). *Social Control through Law*. New Brunswick, NJ: Transaction Publishers.
- Putnam, R. D. (1995). Bowling Alone: America's Declining Social Capital. *Journal of Democracy* 6 (1): 65-78.
- Shehu, A.T. (2009). Constitutional Crises between the Executive and the Legislature 1999-2003. Unpublished Ph.D. thesis, Faculty of Law, University of Jos, Nigeria
- Ujo, A. A. (2002). *Understanding Administrative Law in Nigeria*. Kaduna: Awoyutu Enterprises & Publishers.
- United Nations Economic Commission for Africa - UNECA (2005). Human Rights and Rule of Law. Retrieved on 18/03/2012 from <http://www.unece.org/agr2005/chap6.pdf>
- United Nations Rule of Law UNROL, (nd). What is Rule of Law? Retrieved online from http://unrol.org/article.aspx?article_id=3.
- William, B. (2006). *Introduction to the Law and Legal System of the United States* (4th ed.). St. Paul, MN: Thomson West.