

The Path to Good Governance

The election euphoria is gradually slipping away and the reality that lies ahead is slowly coming to light. The process of governing this great nation is now the focus and these are tough times indeed for any incoming government.

True to type or as expected in a new dispensation the rumour mills are in full swing, with curriculum vitae flying about left, right and centre while names of possible ministerial nominees are being bandied about the place. The one thing that is not being discussed at this crucial new beginning is the term 'Good Governance.' Mr. Yap Kioe Sheng of the Poverty Reduction Section of the United Nations Economic and Social Commission for Asia and the Pacific described good governance as having 8 major characteristics. It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimised, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society. Good governance he said requires fair legal frameworks that are enforced impartially. It also requires full protection of human rights, particularly those of minorities and the impartial enforcement of laws, which makes necessary an independent judiciary and an impartial and majorly incorruptible police force. He further added that accountability is a key requirement of good governance and it is not only governmental institutions but also the private sector and civil society organisations that must be accountable to the public and to their institutional stakeholders. Accountability he noted, cannot be enforced without transparency and the rule of law. As we look back at governments gone by one can see that countless efforts have been made over the years towards good governance through the enactment of laws, regulations and guidelines such as the Public Procurement (Due Process) Act, the Anti-Money Laundering Act and the establishment of agencies

such as the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices And Other Related Offences Commission (ICPC) amongst a whole host of other efforts. All regrettably, to little or no avail. More often than not these laws are drafted with loopholes to allow for manipulation and in turn nothing significant is achieved. Transparency and accountability by public office holders then has never been one of our fortes. Corruption has eaten deep into every facet of our society such that as of today Nigeria is the world's 15th most corrupt nation, according to Transparency International and this is no exaggeration as corruption is endemic in our country. Before we talk about good governance we must tackle corruption first.

What are our expectations of our leaders this time around? Looking back at the elections the All Progressives Congress (APC) campaign was hinged on fighting insecurity and corruption and on forging ahead with overdue economic reforms. The APC manifesto states on corruption in Section 2 that the "APC in Government shall muster the political will to wage strident war against corruption; otherwise our post-oil economy will be disastrous. It is our considered view that none of our cardinal programs will succeed if the current level of corruption and looting going on in the land is allowed to continue. We shall strengthen and make independent the EFCC, ICPC and other anti-graft agencies and repeal the laws which inhibit their independence. We shall embark on public sensitisation campaigns and civic education against corruption in schools and town halls. We shall encourage Civil Society Organisations, Advocacy groups and whistleblowers in the anti-graft vanguard. We shall stop the corruption of our electoral process by making the Independent National and State Electoral Commissions truly independent. We shall establish Special Courts for corruption, after due and thorough review of the penal code. To actualise this we shall make the appointment of the chairman and top officials of National and State Electoral Commissions public, as enunciated in the Uwais Electoral Reform Report."

Furthermore Section 24 states that the "APC

government shall address capacity building of law enforcement agents in terms of quality and quantity, establish a well-trained adequately funded, equipped and goals driven Serious Crime Squad to combat terrorism, kidnapping, armed robbery, militancy, ethno-religious and communal clashes nationwide." Section 25 on Politics and Governance goes on to state that they "will initiate action to amend our Constitution with a view to devolving powers, duties and responsibilities to states and local governments in order to entrench Federalism and the federal spirit; strengthen INEC to reduce/eliminate electoral malpractices; attract the best and brightest into our politics and public service by aggressive recruitment of youths, women and private sector operators, academics and professionals within Nigeria and in the Diaspora through internships, fellowships, executive appointments and special nominations to contest elective offices; prevent abuse of executive, legislative and public offices through greater accountability, transparency and strict enforcement of anti-corruption laws whilst strengthening all anti-corruption agencies; amend the Constitution to remove immunity from prosecution for elected officers in criminal cases; review the penal code for better and more equitable administration of justice and strengthen the justice system for efficient administration and dispensation of justice along with the creation of special courts for accelerated hearing of corruption, drug trafficking, terrorism and similar cases of national emergency; ensure full implementation of the Freedom of Information Act so that government held data can be requested and used by the media and the public at large, and then published on a regular basis."

It is hoped therefore that come May 29th the President elect-Muhammadu Buhari will live up to his reputation and tackle corruption head on and without further ado. With the Vice President-elect Professor Yemi Osinbajo SAN we look with great anticipation to the review and strengthening of the enabling laws and regulations, particularly those laws governing anti-corruption. Professional bodies must join this bandwagon to fight corruption. The Nigerian Bar Association (NBA) had early in the year inaugurated its Anti-Corruption



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Commission of which I am a member, with its terms of reference being to 1. Work with the 109 branches of the NBA to set up an Anti-Corruption Commission in each Branch. 2. Set and maintain the highest standards of conduct aimed at avoiding corrupt practices at the Bar and the Bench. 3. Develop and facilitate policy dialogue and anti-corruption training courses/workshops for stakeholders in the fight against corruption. 4. Develop feedback mechanisms from anti-corruption agencies and the general public. 5. Do all things necessary to ensure a corruption free society. Civil Society on its part must also work assiduously to hold all those in leadership positions accountable.

The anti-corruption agencies should be thoroughly reformed so that they can tackle corruption effectively. The agencies should be coordinated in their fight against corruption and persons of proven integrity must be appointed as heads of these agencies. The time we hope has finally come for the abolition of the 'Immunity Clause' which protects people in power from being prosecuted while in office. It has not only hindered effective prosecution of corrupt public officers in Nigeria but also made public office the breeding ground for corruption to thrive in.

We look forward to the day when we can hold our collective head high, with an established societal mentality of zero tolerance of corruption.

