



## Supreme Court Interventions and Democratic Governance in Rivers State: A Juristocratic Reading

**Samuel B. Kalagbor, PhD**

Department of Political Science, Rivers State University, Nigeria

ORCID ID: 0009-0005-5044-187X

[samuel.kalagbor@ust.edu.ng](mailto:samuel.kalagbor@ust.edu.ng) ; [drsambkalagbor@yahoo.com](mailto:drsambkalagbor@yahoo.com)

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### **Abstract**

By adopting a juristocratic perspective, this study examines Supreme Court interventions and democratic governance in Rivers State, in consideration of the state's perennial and intense political volatility and contestations, often characterised by struggles for resource control, disputes between the state and the federal government, party factional controversies, legislative–executive disputes, electoral litigations, and legislative legitimacy crises. The study relies on a qualitative research design and secondary sources of data and literature. It combines qualitative content analysis and doctrinal legal analysis of selected landmark decisions of the Supreme Court, generated through purposive sampling, as methods of data analysis. It employs a dual theoretical framework, namely juristocracy theory and democratic governance theory. Findings reveal that the Supreme Court's jurisprudential interventions, rather than constraining democratic governance, have generally strengthened it. They have reinforced the rule of law, separation of powers, constitutional and fiscal federalism, and relations among state actors, reduced and resolved political conflicts and disputes, and promoted democratic local governance in the state. The paper concludes that, although Rivers State is one of the most politically sensitive and volatile states, and an exemplar of judicialised democratic governance in Nigeria, the Supreme Court has resolved major mega-political disputes, constitutional questions, controversies, and crises in the state; restored relative peace, democratic order, and stability; and promoted the security of lives and property as conditions precedent to development, as well as the continuation of democratic governance.

**Keywords:** *Democratic Governance; Juristocracy, Judicialisation of Politics; Mega-Political Disputes; Supreme Court Intervention*

## ***Introduction***

The judiciary is a formal political institution. The Supreme Court of Nigeria is the apex court in Nigeria's judicial system. As the final court, it is vested with both original and appellate jurisdictions. It has the power to adjudicate disputes, interpret ambiguous or contentious constitutional provisions and legislation, and oversee the development of Nigeria's jurisprudence, among others. The Supreme Court equally plays the role of constitutional guardian of the rule of law, including human rights, democratic gatekeeping, and the consolidation and facilitation of democratic governance in Nigeria, including Rivers State. Over the years, particularly beginning from the Fourth Republic in 1999, Rivers State has been confronted with various democratic governance challenges, many of which border on legal and political disputes and conflicts. Attempts and efforts to resolve these political disputes and conflicts have resulted in highly judicialised politics, and either on appeal or in the exercise of its original jurisdiction, the apex court has intervened in such matters brought before it for determination and delivered judgments one way or the other, reflecting judicial restraint or judicial activism and either enhancing or constraining democratic governance in Rivers State. Such judgments have exerted far-reaching implications for constitutional and democratic governance and sustainable development of the people, residents, and the state itself. Against the above background, this paper examines the Supreme Court's jurisprudential interventions and democratic governance in Rivers State during the Fourth Republic.

## ***Statement of the Problem***

Rivers State is one of the 36 states of the Federal Republic of Nigeria, created in May 1967 by the Federal Military Government led by General Yakubu Gowon (rtd.). It is rich in oil and gas resources, among others, economically strategic, strong, and viable; the second largest economy and maritime hub in Nigeria, next only to Lagos State, and contributes significantly to national revenue through oil royalties and taxes, company income tax, petroleum profits tax, and export earnings, etc. (Kalagbor et al., 2024). The strategic economic value and contributions of Rivers State to the national economy also make the state politically relevant in national politics. Thus, the struggle for the “soul of the state” and control of the machinery or apparatus of government, and by extension its resources, at all levels becomes more attractive and competitive among political actors, including political parties. Its political significance and electoral value are enhanced by its relatively high voting population, with over 3.8 million registered voters, the largest voting population in the South-South region and one of the top five voting states in Nigeria. Votes from Rivers State determine and influence presidential and National Assembly electoral outcomes (Business Day Nigeria, 2025; Independent National Electoral Commission, 2023).

Over the years, the struggle for political power, competition, and contestation has often been intense and, in many cases, characterised by a lack of internal democracy and party factional disputes, political thuggery, and violence resulting in wanton destruction of public and private property, necropolitical consequences such as high fatality rates, and various forms of electoral fraud and frequent electoral litigation (Kalagbor & Akani, 2022). This has made the state politically volatile and turbulent, eroded legislative legitimacy, generated executive–legislative conflicts, weakened the capacity of the state government, created uncertainty in governance, governance paralysis, and legitimacy crises which adversely affect the continuity of democratic governance and sustainable development of the state. One of the means of resolving the consistently fierce political contestations in democratic governance in Rivers State, particularly during the Fourth Republic beginning from 1999, has been overly and increasingly judicialised politics, with far-reaching consequences for democratic governance in the state. In this process, the Supreme Court of Nigeria, as a major judicial interventionist and authoritative institution, has often intervened and impacted democratic governance in the state through its judgments, one way or the other. Consequently, the principal focus of this paper is to examine Supreme Court's jurisprudential interventions and democratic governance in Rivers State through a juristocratic lens.

## ***Aim and Objectives***

The aim of this paper is to examine Supreme Court's interventions and democratic governance in Rivers State, a juristicocratic reading. The specific objectives are to:

1. Examine the Supreme Court of Nigeria's jurisprudential interventions in democratic governance in Rivers State, and
2. Assess the democratic governance implications of the Supreme Court of Nigeria's jurisprudential interventions in Rivers State.

## ***Research Questions***

The following research questions are framed to guide the achievement of the aim and objectives of this paper:

1. In what ways have the Supreme Court of Nigeria's jurisprudential interventions shaped democratic governance in Rivers State? and
2. What are the implications of the Supreme Court of Nigeria's jurisprudential interventions for democratic governance in Nigeria?

## ***Methodology and Theoretical Framework***

### **Methodology**

The paper relies on a qualitative research design and secondary literature and data, including primary legal resources such as the 1999 Constitution of the Federal Republic of Nigeria (as amended), the Electoral Act, and selected and notable judgments of the Supreme Court of Nigeria on democratic governance in Rivers State. Other secondary sources of data include peer-reviewed journal articles, law reports, books, encyclopaedias, and online sources. With respect to the method of data analysis, the paper combines qualitative content analysis and doctrinal legal analysis of Supreme Court decisions within the context of political science theory on democratic governance. Textual extractions of relevant constitutional and judicial data specifically related to the topic were generated to reinforce the analysis of the research findings.

### **Theoretical Framework**

This paper adopts a dual theoretical framework, namely, the Juristocracy theory and the Democratic governance theory. Juristocracy is a contemporary theory in political science. It is distilled from both law and politics. The term derives from the Latin word “juris,” meaning law, and the Greek word “kratos,” meaning power to rule, depicting a form of governance by courts or judges, or the exercise of decision-making authority by the courts. The juristocracy theory is mainly associated with Ran Hirschl. Juristocracy emphasises the role of the judiciary or courts in the resolution of mega-political disputes or the interpretation of explosive and contentious political controversies or questions in contemporary constitutional democracies. It is often expressed through and sustained by the judicialisation of mega-politics (Ferejohn, 2002; Fombad, 2010; Hirschl, 2004, 2008; Pokol, 2021; Uwabueze, 1982).

Juristocracy further posits that courts are not only empowered to interpret provisions of the constitution and legislation, but they also determine who governs, including electoral and other political and policy outcomes, as well as governance structures, leading to the sublimation of democracy. Mega-politics, according to Hirschl (2008), is centred on disputes involving issues of the most obvious and

significant political nature, which frequently characterise and split entire polities. These include, among others, critical questions of political leadership succession and authority, constitutionalism, electoral integrity and outcomes, democratic legitimacy and governance, and ethical issues and values capable of threatening or undermining the continuity of democratic governance, order, and stability of political systems. Juristocracy is common in states with established, strong, and active constitutional courts, for example, the United States, India, Israel, Kenya, and South Africa. Juristocracy can be equated with what Nwabueze (2009) referred to as “judicialism”, that is, “the role of the court in ensuring that the business of governance is conducted according to law – the rule of law as it is otherwise called” (p. 84).

Democratic governance theory, like juristocratic theory, is another contemporary theory in political science employed to examine how and whether governance institutions and processes function in line with democratic principles, norms, and benchmarks such as popular consent, popular sovereignty, citizen participation, rule of law, accountability, transparency, responsiveness, and inclusivity, to ensure the legitimate exercise of political power and authority. The theory is linked to both individual scholars and institutional advocates. Its individual proponents include scholars such as Robert Dahl, David Bentham, James March, Johan Olsen, and Mark Bevir, among others. Its institutional advocates comprise the World Bank, the International Institute for Democracy and Electoral Assistance (IDEA), the United Nations Development Programme (UNDP), and the Organisation for Economic Co-operation and Development (OECD) (Bevir, 2012; OECD, 2014; Perre & Peters, 2000; UNDP, 2012). Notwithstanding its strengths, democratic governance theory has been severely criticised for constituting institutional idealism, Western bias, difficulty of implementation, and the possibility of resulting in judicial overreach.

Juristocratic theory is relevant to this paper because it emphasises the dominant and assertive role of courts in determining mega-political disputes, conflicts, and controversies in contemporary democracies. The Supreme Court of Nigeria, fits into this role in examining democratic governance in Rivers State. Similarly, democratic governance theory serves as a reinforcing framework to assess the Supreme Court’s stewardship, jurisprudential intervention, promotion and sustenance of democratic governance in Rivers State. It helps to analyse whether the Court supports or weakens democratic governance in the state, particularly in establishing a balance between judicial protection of democracy and judicial overreach or activism. It is also useful in explaining how the Supreme Court plays the role of democratic gatekeeper, guardian, and regulator of political authority and how its judgments influence democratic accountability, legitimacy, and the rule of law in Rivers State.

## **Conceptual Explication and Clarification**

The conceptual explication and clarification of this paper focus on the concepts of Supreme Court intervention and democratic governance.

## **Supreme Court Interventions**

Under the 1999 Constitution of the Federal Republic of Nigeria (as amended), sections 232 to 235 provide for the establishment, composition, and jurisdiction of the Supreme Court of Nigeria. The Court is headed by the Chief Justice of Nigeria (CJN) and comprises other Justices, often regarded as “supermen” or “wise men”. Sections 232 and 233 of the Constitution provide for the original and appellate jurisdictions of the Court. Jurisdiction refers to the judicial power or legal authority of a court of law to determine or resolve a dispute, conflict, or matter brought before it, with binding authority on the parties. Jurisdiction may be classified into subject-matter jurisdiction, territorial jurisdiction, extraterritorial jurisdiction, concurrent jurisdiction, and inherent jurisdiction.

Generally, an intervention refers to any specific action or act taken to improve or address a process, problem, or given situation. It can be direct or indirect, preventive or therapeutic (Kalagbor et al., 2024). *The International Relations Dictionary* defines intervention in political theory to mean the deliberate or intentional involvement by an institution or authority in a difficult situation with a view to improving or influencing it. Intervention may also take the forms of political intervention, institutional intervention, administrative intervention, legislative intervention, executive intervention, constitutional intervention, international intervention, or legal or judicial intervention.

Judicial intervention is used to designate the involvement of courts of competent jurisdiction to hear and decide matters brought before them for determination, which may border on the resolution of disputes and conflicts, interpretation of the constitution or legislation, or adjudication of other contentious or controversial issues or matters. Garner (2019) has defined judicial intervention as the court's act of becoming involved in a legal proceeding to protect legal rights or ensure justice. This means that judicial intervention must involve the courts and the exercise of judicial powers aimed at adjudicating disputes and resolving questions (Nwabueze, 2007; Tate and Vallinder, 1995). To this end, Hirschl (2004) has defined judicial intervention as the increasing involvement of courts in resolving political and governance questions in line with constitutional and legal principles, reflecting a juristocratic perspective. Judicial intervention is, therefore, critical to analyzing Supreme Court interventions in democratic governance in Rivers State. Consequently, Supreme Court's interventions refer to the deliberate involvement of the Supreme Court of Nigeria, being the apex and final court in Nigeria's judicial system, in the adjudication of disputes and conflicts, interpretation of the Constitution and legislation, and resolution of political, administrative, governance, and policy questions and controversies brought before it for decision-making or determination through the invocation of its original or appellate jurisdictions.

## **Democratic Governance Democracy**

Democracy constitutes one of the fundamental, core, and central concepts in the theory and practice of political science. It can also be seen as an ideology and an ideal sought by individuals, states, political parties, and civil society organisations. Democracy has been subjected to multiple definitional analyses, and characterisations by many scholars and political scientists. According to Beetham, as cited in Grudgel (2002), democracy is a method of making decisions about legally binding laws and policies that the people have control over. The United Nations Development Programme (2002) defines democracy as a system of governance that protects the rule of law, including human rights, guarantees inclusive citizen participation in decision-making processes, and encourages transparency and accountability of political leadership. This means that democracy is substantially concerned with rule by the people, meaning that political power is not only vested in but also directly exercised by the people themselves or indirectly through their representatives (Kalagbor, 2024; Kalagbor & Harry, 2023; Shapiro, 2026). Democracy represents a social contract between the people and their leaders, or the governed and the government, with the overall ambition of improving the quality of life of the people, especially through the provision of and access to basic infrastructure, needs, services, and the legitimate expectations of the citizens. It is also a means, reality, and formidable vehicle for collective progress and sustainable development, where its resources are properly harnessed and constructively applied for the common good of the citizens and society. It primarily aims at the promotion of the public good and the general welfare and well-being of the people or citizens through the enactment and enforcement of good and effective laws, as well as the formulation and implementation of people-centered public policies, projects, and programmes (Przeworski, 2024; Brovarska, 2024). Joseph Schumpeter argues that democracy is basically a mechanism by which political leadership is recruited or elected. Theoretically, Macpherson (1972) identifies three variants of democracy, namely liberal, non-liberal, and communist democracies. Nwabueze (2009) distinguishes between constitutional democracy, which is practiced in line

with constitutionalism, and democratic constitution, being a constitution that derives its legitimacy and powers from the consent and endorsement of the people.

Arguing for the need for a democracy that guarantees the development of Africa and its people, Ake (1996) strongly recommends that democracy must be ingrained in the social conditions and material realities of the people and must have four irreducible characteristics, namely decision-making power and electoral choice; political, social, and economic rights; collective and individual rights; and inclusiveness or a democracy of incorporation. This means that democracy requires political and economic rights and inclusion and enhancement of the welfare of the people.

## **Governance**

Governance is another key concept in political science, which is distinguishable from and broader than government. It connotes how a country is governed, administered, and managed. Heywood (1997) argues that it is possible to have governance without government, government being the institutional machinery of the state through which the purposes and policies of the state are conceived, executed, and actualized (Kalagbor, 2025; 2021). Governance is defined by the United Nations Development Programme (UNDP) (1997; 2012) as the systems, procedures, establishments, and prudent use of political, economic, and administrative power to oversee a nation's resources for development. Democracy makes it possible for people, organisations, and communities to express and formulate their interests, assert their legal rights, and work towards achieving their collective or public good. Governance is fundamentally about power and the exercise of authority, and central to it is decision-making involving multiple actors, state and non-state, including the private sector and civil society organisations. Thus, governance involves the three sectors of society, namely the government or public sector, the private or business sector, and civil society (Kalagbor, 2025; NEDA, 2006). In order to highlight the importance of decision-making as a crucial aspect of governance, Azinge and Adeniran (2013) assert that governance encompasses both the decision-making process and the method by which decisions are carried out or not carried out. Contextually, governance, which can be used interchangeably with administration, can be categorized into political governance, economic governance, administrative governance, and legal governance. Others include local governance, national governance, international governance, good or poor governance, corporate governance, and democratic governance.

## **Conceptualizing Democratic Governance**

Democratic governance is a broad umbrella concept. There are frontline intellectual, scholarly, and institutional definitions of democratic governance. According to Beetham (1991), democratic governance is the exercise of political power based on institutionalized popular consent, accountability, and adherence to democratic norms and procedures. Beetham emphasizes the necessity of procuring the consent of the citizens as well as legitimacy in providing democratic governance in society. Similarly, the World Bank (1993) defines democratic governance to mean the traditions and institutions by which authority in a country is exercised for the common good of the citizens, including participation, accountability, and the rule of law. Ake (2001) corroborates this by arguing that democratic governance is governance that is based on popular participation, accountability, and responsiveness to the needs of the citizens. Democratic governance seeks to guarantee that government is responsive and accountable to the preferences and needs of the citizens. The foundation of democratic governance is democracy. Its focus is on the legitimacy of political authority. Its core concern remains citizen participation and accountability, and the central principle is rooted in popular sovereignty.

Democratic governance is a subset or component of good governance. In an effort to distinguish between the two concepts, Diamond (1999) argues that while democratic governance ensures accountability through democratic institutions and processes, good governance ensures transparent, effective, and efficient public administration and institutional performance or governance outcomes. It

follows logically, therefore, that democracy without good governance, effective, ethical, and transformational political leadership, and active and responsible followership and citizenry cannot be responsive to or satisfy the yearnings and expectations of the citizens.

### Democratic Governance Characteristics

Generally, the underlisted characteristics have been identified with democratic governance:

1. political participation;
2. accountability or answerability;
3. constitutional supremacy and the rule of law;
4. transparency;
5. responsiveness;
6. political equality;
7. free and fair elections;
8. separation of powers;
9. protection of rights and liberties; and
10. institutional accountability (Beetham, 1991; Dahl, 1971; 1989; Diamond, 1999; OECD, 2014; Nwabueze, 2007; UNDP, 1997; 2012).

According to Nwabueze (2009), there are two types of government: democratic and constitutional. A government can be both constitutional and democratic to be a constitutional democracy. It is not necessary for a government to be democratic in order to be constitutional, or for a government to be constitutional to be democratic. Constitutional democracy is the term used to describe the union of the two ideas.

### Supreme Court Jurisprudence and Democratic Governance

In examining the Supreme Court's jurisprudence and democratic governance in Rivers State, the underlisted landmark cases will form the focal point of analysis in order to evaluate the democratic governance implications for the state:

1. *Amaechi v. INEC* (2007) 18 NWLR (Part 1065) 42 (SC)
2. *Attorney General of Rivers State v. Attorney General of Akwa Ibom State* (2011) 8 NWLR (Part 1248) 31 (SC)
3. *Attorney General of Rivers State v. Attorney General of Bayelsa State* (2013) 3 NWLR (Part 1340) 123 (SC)
4. *Attorney General of Rivers State v. Attorney General of Imo State* (2022) 14 NWLR (Part 1639) 1 (SC)
5. *Attorney General of Rivers State v. Attorney General of the Federation* (Suit No. FHC/ABJ/CS/738/2001)
6. *Attorney General of Rivers State v. Attorney General of the Federation* (Suit No. FCH/ABJ/CS/511/2020)
7. *Attorney General of Adamawa State and 19 Ors. v. Attorney General of the Federation and National Assembly* (2025) SC/CV/329/2025 (SC)
8. *All Progressives Congress (APC) v. Rivers State Independent Electoral Commission and 4 Ors.* (2025) 7 NWLR (Part 1990) 425–590 (SC)
9. *Rivers State House of Assembly v. Government of Rivers State* (2025) 7 NWLR (Pt. 1990) 591–684 (SC)

10. *Attorney General of the Federation v. Attorney General of Abia State and 35 Ors. (2024) 17 NWLR (Part 1996)*

**1. *Amaechi v. INEC (2007) 18 NWLR (Part 1065) 42 (SC)***

The Supreme Court's decision in *Amaechi* resulted in the removal of the sitting Governor, Celestine Omehia, from office. The appellant, Rotimi Amaechi, was elected and emerged as the governorship candidate of the People's Democratic Party (PDP) in Rivers State. The party forwarded the appellant's name to the Independent National Electoral Commission (INEC) as its governorship candidate for Rivers State. The name was subsequently published as the party's candidate for Rivers State but was withdrawn and substituted with the name of Celestine Omehia. Omehia ran for office, won, and took the oath of office as governor of Rivers State despite not taking part in the party primary. The appellant filed a lawsuit to contest and prevent the PDP from changing his name or disqualifying him prior to the substitution, unless it was permitted by the Electoral Act of 2006. The matter went from the Federal High Court to the Supreme Court.

The Supreme Court ruled that votes are cast for political parties, not for individual candidates, and that the PDP's substitution of Celestine Omehia for Rotimi Chibuike Amaechi in the gubernatorial election constituted a show of extremely serious political irresponsibility as well as a wilful and wanton disregard for the rule of law. The court ordered that Amaechi, who neither appeared on the ballot nor contested the election, should be sworn in as Governor of Rivers State, having earlier ordered that Omehia, being a butterfly who thinks himself a bird, should vacate the office of the Governor of Rivers State.

### **Democratic Governance Implications**

The decision represents a mixture of democratic governance implications. On the one hand, it constitutes a positive contribution to constitutionalism and the doctrine of judicial restraint by way of protection of constitutional order and prevention of arbitrary political manipulation of nomination and selection of candidate for election. It, therefore, strengthens internal democracy, particularly as it relates to the political leadership recruitment process. The decision forms a landmark precedent reinforcing party supremacy in electoral law.

From a juristocratic perspective and implication, the Supreme Court effectively determined political leadership at the executive level in Rivers State, transferring political decision-making and electoral choice of leaders from the people or electorate to unelected and politically unaccountable justices of the Supreme Court. In fact, the court, by its judgment, may have strengthened legal democracy but ended up weakening electoral democracy. On the other hand, the judgment attracted severe criticisms from diverse sections of the public, including legal and intellectual communities. Specifically, Nwabueze (2009) described the decision as "a case of perverse legalism running riot," "laughable," amounting to "judicial recklessness," "more pernicious and condemnable than executive recklessness," and "an illegitimate and perverse exercise of judicial powers" (pp. 154–156).

**2. *Attorney General of Rivers State v. Attorney General of Akwa Ibom State (2011) 8 NWLR (Part 1248) 31 (SC)***

This case relates to 172 offshore oil-wells ownership and maritime boundary disputes between the government of Rivers State and the government of Akwa Ibom State, the politics of resource control, and fiscal federalism. The Attorney General of Rivers State, on behalf of the government of Rivers State, challenged some boundary adjustments by the federal government through the National Boundary Commission, which ceded certain oil wells to the government of Akwa Ibom State. This was necessitated

by the enactment of the Offshore/Onshore Dichotomy Abrogation Law, 2004. In its majority decision, the Supreme Court sustained the claims and reliefs sought by the government of Rivers State on certain boundary issues with respect to revenue accruable to the government of Rivers State. In particular, it held that the government of Rivers State was entitled to the 86 oil wells (including the revenues derivable therefrom) agreed upon in a political agreement by the two states in 2006, in compliance with the legal principle of "pacta sunt servanda"—agreements must be honoured or fulfilled by parties. The government of Akwa Ibom State cannot renege from or renege on an interstate agreement it voluntarily entered into with the government of Rivers State.

### **Democratic Governance Implications**

The judgement reverberates the original jurisdiction of the Supreme Court in the settlement of disputes between states in Nigeria's constitutional federalism and democratic governance and helped to determine once and for all the offshore oil wells' ownership and maritime tussles between the two littoral states. It equally strengthened intergovernmental relations between the two states and reinforced the fiscal autonomy of Rivers State, enabling it to have access to more financial resources or revenue to execute more people-oriented policies, projects, and programmes, provide essential services, and respond to the needs and expectations of the people, thereby enhancing their welfare and well-being. Additionally, the judgment affirmed the supremacy of Nigeria's Constitution, that legal agreements are binding and enforceable, and the role of the Supreme Court as the ultimate judicial interpreter and enforcer of Nigeria's fiscal federalism, central guardian and protector of derivation revenue rights and entitlements of component units in Nigeria's federation and democratic governance. This shows that democratic governance is guided and regulated by constitutionality and the rule of law in Rivers State in particular and Nigeria in general.

### **3. *Attorney General of Rivers State v. Attorney General of Bayelsa State (2013) 3 NWLR (Part 1340) 123 (SC)***

Before its creation in 1996, Bayelsa State was part of the old Rivers State. However, as a result of its creation from Rivers State, the initial boundaries between the two states were established at River Santa Barbara but, by error, relocated to River St. Bartholomew, as contained in the administrative map of Nigeria (11th edition). This resulted in a boundary dispute between the two states over whether the proper boundary was at Santa Barbara, as claimed by Rivers State, or at River St. Bartholomew, as contained in the administrative map of Nigeria. The suit was instituted at the instance of the government of Rivers State, seeking a declaration by the Supreme Court, amongst others, that the Soku oil fields were located within the boundaries of Rivers State and that Rivers State was entitled to the revenues from the Soku oil fields. In its decision, the Supreme Court exercised judicial restraint by refusing to grant the reliefs sought by Rivers State. It struck out the suit on the ground that the suit was premature for judicial determination and pronouncement because the National Boundary Commission was yet to conclude the boundary delineation between Rivers State and Bayelsa State.

### **Democratic Governance Implications**

By this judgment, the Supreme Court observed the doctrine of judicial restraint, which is necessary for democratic order and stability in constitutional and democratic governance. It demonstrated the Supreme Court's respect for separation of powers, institutional competence, specialisation, and administrative due process as conditions precedent for judicialisation of politics. The decision temporarily doused tensions between the two states and portrayed the Supreme Court as a neutral arbiter in interstate conflict resolution in the politics of resource allocation and fiscal federalism in democratic governance in Nigeria. Specifically, on the part of Rivers State, it denied Rivers State access to revenues accruing from

the Soku oil fields to facilitate the development of the people and state through the provision of infrastructure and other essential services.

**4. *Attorney General of Rivers State v. Attorney General of Imo State (2022) 14 NWLR (Part 1638) 1 (SC)***

The controversy and facts of the matter centred on politics of oil resource control and fiscal federalism. The government of Rivers State instituted an action through its Attorney General against the government of Imo State seeking a declaration by the Supreme Court in respect of the ownership of 17 oil wells (and 100% of the derivation revenue) in Akri and Mbede communities within the territory of Rivers State but wrongly attributed to Imo State by the 10th, 11th, and 12th editions of the administrative maps of Nigeria, respectively. The Supreme Court held, amongst others, that the 17 oil wells were located within the territory of Rivers State and therefore belong to Rivers State and Rivers State was entitled to exclusive revenue from the oil wells.

### **Democratic Governance Implications**

The judgment declared and enforced the oil revenue rights of Rivers State under Nigeria's constitutional federalism and democratic governance and enhanced its financial capacity to improve the existential conditions and standards of living of the people and residents of Rivers State by providing access to basic needs such as health, education, shelter, security, employment, food, and other essential services. The judgment also protected the fiscal autonomy of Rivers State, ensured constitutional and peaceful resolutions of the disputes between the two states, and strengthened interstate relations, emphasising the strong and active role of the Supreme Court in fiscal dispute resolution and the promotion of democratic governance in Rivers State.

**5. *Attorney General of Rivers State v. Attorney General of the Federation (Suit No. FHC/ABJ/CS/511/2020)***

Although this case was decided by the Federal High Court and not the Supreme Court, it is fundamental and relevant to case analysis and democratic governance in Rivers State. The suit was initiated by the Peoples Democratic Party-controlled state, Rivers State, against an All Progressives Congress-controlled federal government. The Rivers State government challenged the power of the Federal government through the Federal Inland Revenue Service (FIRS), now Nigeria Revenue Service (NRS), to collect Value Added Tax (VAT), to impose and exclusively collect Value Added Tax (VAT) in Rivers State. It argued that, since VAT is not listed in the exclusive or concurrent legislative list under the 1999 Constitution as amended, and by virtue of residual powers, only the states are constitutionally empowered to make VAT laws and collect VAT within their respective states. In its judgment, the Supreme Court agreed with the reasoning and claim of the government of Rivers State. It nullified collection of VAT nationwide by the Federal government and ordered that the government of Rivers State has the power to enact VAT laws and collect VAT within its territory.

### **Democratic Governance Implications**

The democratic governance implications and significance of the decision to the Rivers State government cannot be denied. It constitutes an authoritative judicial precedent on the political economy of value-added tax in Nigeria's fiscal federalism and democratic governance, strengthens fiscal federalism and resource autonomy of the states, and in particular, Rivers State, with respect to collection of value-added tax, and enhances the financial capacity of the state. It also highlights the pivotal role of the Supreme Court as a protector of the constitutional rights and entitlements of states and jealous guardian and democratic gatekeeper, thereby reinforcing the rule of law as a key principle of democratic

governance in Nigeria. The judgment is equally capable of enhancing the trust and confidence of the people in political institutions such as the courts and their ability to genuinely mediate and intervene in disputes in democratic governance in the Rivers State.

**6. *Attorney General of Rivers State v. Attorney General of the Federation (Suit No. FHC/ABJ/CF/511/2020)***

The government of Rivers State brought an action before the Federal High Court, Abuja, against the federal government challenging the power of the federal government to directly deduct money from the Federation account to fund the Nigeria Police Trust Fund (NPTF), which is the responsibility of the federal government. It contended that money paid into the Federation Account should be shared among the federal, state, and local governments in line with the provisions of the 1999 Constitution (as amended). It, therefore, prayed the court to declare such deductions unconstitutional, nullify the relevant provisions of the Nigeria Police Trust Fund Act authorising the federal government to make such deductions, and order a refund of the deducted funds to Rivers State. The court delivered judgment substantially in favour of Rivers State in 2022. It held that sections 4(1)(a) and (b) of the NPTF (Establishment) Act 2019, mandating direct deductions from the Federation Account by the federal government to fund the NPTF, were unconstitutional, null, and void, and inconsistent with the provisions of section 162 of the Constitution. The court ordered that funds standing to the credit of the government of Rivers State and deducted by the federal government should be refunded to the Rivers State government and not the 35 other states because they were not parties to the suit.

### **Democratic Governance Implications**

The decision further fortified constitutional supremacy with respect to fiscal federalism, autonomy, and revenue rights of the component units, especially Rivers State, under Nigeria's federal system and democratic governance. This, in turn, helps to boost the quantum of financial resources available to the Rivers State government for development purposes. Similarly, the judgment prevents fiscal imposition and unilateral deductions from the Federation Accounts by the federal government without the consent and concurrence of the states. It portrays the court as a check on legislative overreach by the National Assembly and executive rascality by the executive arm of the federal government through judicial review. That judicial oversight role ensures federal–state balance, promotes peaceful resolution of constitutional disputes, democratic order, stability, and ensures democratic governance both in Rivers State and the entire country.

**7. *Attorney General of Adamawa State and 19 Ors. v. Attorney General of the Federation and National Assembly (2025) SC/CV/329/2025 (SC)***

Following the protracted political disputes and crisis in Rivers State, particularly between the executive and legislature, and after several unsuccessful political interventions and solutions, the President of Nigeria, Bola Ahmed Tinubu, invoked the provisions of Section 305 of the 1999 Constitution by imposing a state of emergency in Rivers State on March 18, 2025. The President also suspended the Governor and Deputy Governor of Rivers State and the Speaker and members of the Rivers State House of Assembly from office during the emergency period of six months. Eleven PDP-controlled states instituted a legal action against the federal government and the National Assembly challenging the constitutionality of a declaration of a state of emergency in Rivers State by the President and interference with the democratic structure of the state by suspending the elected executive and legislative officials. They contended that the suspension was a clear violation of the principles of Nigeria's federalism, separation of powers, and democratic governance. The Supreme Court, in a majority decision of 6 to 1, affirmed the constitutional powers of the President to declare or proclaim a state of emergency in Nigeria or any part thereof, but must comply with the provisions of the Constitution. The Court also held that the

President is empowered by the provisions of Section 305(3)(c) of the 1999 Constitution as amended to deploy extraordinary measures to restore normalcy during an emergency, since the section does not specify the exact scope of such measures, thereby granting the President discretion. The Court struck out the matter on the ground of jurisdiction since there was no direct dispute between the states and the federal government, the Attorney General of Rivers State was not a party to the suit, and there was no evidence before the Court that the eleven states sought or obtained the consent and authority of Rivers State to institute the suit.

### **Democratic Governance Implications**

The Supreme Court affirmed the constitutional powers of the President to declare a state of emergency in Nigeria or any part thereof, subject to compliance with procedural due process as laid down by the Constitution, including the deployment of extraordinary measures. This, however, raises concerns about executive overreach in democratic governance. The judgment also establishes that democratic institutions or structures cannot be dissolved or permanently dislodged in a democracy. This is intended to safeguard and strengthen democratic governance, stability, and order. The judgment constitutes the foremost judicial precedent on the proclamation of emergency rule in democratic governance in Nigeria.

#### **8. *All Progressives Congress (APC) v. Rivers State Independent Electoral Commission and 4 Ors.* (2025) 7 NWLR (Part 1990) 425–590 (SC)**

Upon the expiration of the tenure of the democratically elected local government councils in Rivers State in June 2024, the government of Rivers State inaugurated caretaker committees to run the councils. On October 5, 2024, the Rivers State Independent Electoral Commission (RISIEC) disregarded an order of the Federal High Court restraining it from conducting local government elections to replace the caretaker committees with democratically elected councils in line with Section 7 of the 1999 Constitution, as amended. However, some days after RISIEC announced plans to conduct the elections, the APC filed an action at the Federal High Court against the Commission and four others, amongst others, for non-compliance with the Electoral Act, 2022. The matter proceeded to the Supreme Court. In its judgment, the Supreme Court held that the local government elections held in Rivers State and conducted by RISIEC were conducted in clear violation of and non-compliance with mandatory provisions of the Electoral Act, 2022. As a result, the Court invoked Section 150(3)(a) of the Electoral Act, 2022, which states that any local government election held by the State Commission in contravention of subsection 1 is void and the election as a whole shall be invalid.

### **Democratic Governance Implications**

The decision solidified the role of the rule of law in electoral and constitutional democracy to the effect that mandatory provisions of legislation must be complied with without exception. This is intended to protect democratic procedures and enhance electoral integrity, credibility, and democratic legitimacy. Valid and subsisting court orders must also be obeyed by political institutions and actors in the discharge of their statutory responsibilities in order to drive and entrench democratic culture and governance. The culture of intentional violation of legislation and court orders is a danger to democracy and good governance. The power of judicial review exercised by the Supreme Court is one of the building blocks of democratic governance, capable of fostering institutional discipline and accountability of political institutions in Rivers State.

**9. *Rivers State House of Assembly v. Government of Rivers State (2025) 7 NWLR (Pt. 1990) 591–684 (SC)***

This case involved multiple appeals by the parties bordering mainly on alleged defection of the Speaker and 26 members of the Rivers State House of Assembly from the PDP to the APC, withholding of statutory allocation from the federal government to the government of Rivers State, purported presentation and passage of the 2024 budget (Appropriation Bill) by four members of the Rivers State House of Assembly, impeachment, and disobedience of court orders by the executive arm of government in Rivers State. The Supreme Court, inter alia, observed that the head of the executive arm in Rivers State, “collapsed the legislature (House of Assembly) to enable him govern without the legislature as a despot.” “The effect being that there was effectively no government in Rivers State during this period” (p. 660). His conduct was tantamount to, “executive recklessness,” contemptuous of the order of the trial court. He also demolished the Rivers State House of Assembly and violated section 96 of the Constitution by the use of a “forum of four out of 31 members of the Rivers State House of Assembly to pass the 2024 budget (Appropriation Bill) into law.” “This is a joke taken too far. The situation in Rivers State is that of a dictatorship and has nothing to do with democratic governance,” (p. 657). The Supreme Court held and sustained the status and membership of the Speaker and the 26 members of the Rivers State House of Assembly as having not defected in the eyes of the law. Defection is an active term which cannot be left to conjecture. It must be clear, unambiguous, and must not be inconclusive, according to the Supreme Court. The Supreme Court also held that the federal government and its relevant agencies should forthwith stop releasing funds to the government of Rivers State until an appropriation law is passed by the Rivers State House of Assembly in accordance with the 1999 Constitution.

### **Democratic Governance Implications**

The Supreme Court reaffirmed that autocracy is not allowed in a constitutional democracy, and that democracy is anchored on constitutionalism and the rule of law, and not the rule of man or might. The decision reiterates the importance of separation of powers between the executive and the legislature, and the need to respect institutional boundaries, integrity, and independence in a constitutional democracy. Representative democracy is the cornerstone of democratic governance. By the intervention of the Supreme Court and the resolution of the dispute, the crisis was de-escalated, and democratic order, stability, and peace were restored in Rivers State, confirming the central political decision-making and stabilisation role of the Supreme Court in democratic governance.

**10. *Attorney General of the Federation v. Attorney General of Abia State and 35 Ors. (2024) 17 NWLR (Part 1996)***

The Attorney General of the Federation instituted an action on behalf of the Federal Government against the Attorney General of the 36 states of the Federation to determine, amongst others, the constitutional status of local government councils in the country, whether the federal government can pay allocations directly to local government councils by-passing the State Joint Local Government Account (SJLGA) mechanism, and to determine the constitutionality of state practices of dissolving democratically elected local government councils and operating caretaker committees. Invoking its original jurisdiction, the Court held, inter alia, that there are three tiers of government in Nigeria: the federal, state, and local governments. Local governments can only be governed by democratically elected local government councils in line with Section 7(1) of the 1999 Constitution as amended, and not by caretaker committees, administrators, interim local government councils, head of local government, or by whatever name whatsoever. The state government or the governor of a state has no power to dissolve a democratically elected local government council or constitute, appoint, or determine the tenure of a local government council, except as prescribed by the Constitution. The Court also granted full autonomy to local

government councils and further held that henceforth the Federation can pay local government allocations from the Federation account directly to local government councils.

## **Democratic Governance Implications**

Unlike previous decisions which merely clarified and declared the rights of local governments to autonomy, the instant judgment of the Supreme Court clearly represents the locus classicus and ultimate transformative decision on local government autonomy in the political and legal history of Nigeria. It did not only redefine intergovernmental fiscal relations among the three arms of government under Nigeria's federal structure, it also constitutes the most consequential constitutional decision for the enhancement of democratic governance, especially at the local government level in Nigeria in general and in Rivers State in particular. Political conflict, especially between the state and local governments in the administration and management of local government councils, has been drastically reduced, if not eliminated. The decision further strengthens local governance by allowing local government councils to operate as independent democratic institutions and to completely determine and manage their affairs and resources without interference by state and federal governments by receiving allocations directly from the Federation Account, like the other tiers of government, has the potential to enhance the financial capacity of the local government councils to drive and deepen development, including efficient service delivery at the grassroots level, in the collective interest of and for the benefit of the local population or citizens—developmental governance. To this end, the decision is capable of promoting inclusivity, effective citizen engagement, and active participation in local democratic governance, as well as political and democratic accountability by elected local government officials. Constitutionally, the judgment demonstrates the importance of constitutionalism, the rule of law, separation of powers, and democratic governance, and reinforces the uncompromising and pivotal role of the judiciary in protecting, sustaining, and advancing democratic governance in Nigeria, including Rivers State, through the exercise of judicial powers and jurisprudence.

## **Conclusion**

From the Supreme Court of Nigeria's jurisprudential interventions examined in this paper, it is obvious and inevitable to arrive at the inescapable conclusion that the Supreme Court has impacted democratic governance in Rivers State, especially during the Fourth Republic in Nigeria, in several respects. These include the determination of political leadership, successions (executive and legislative), electoral outcomes, reshaping fiscal democracy and fiscal federalism, and granting fiscal autonomy to collect value-added tax (VAT) to the government of Rivers State. Others are judicial interventions in legislative politics, legislative-executive relations, and disputes to protect the separation of powers, respect for institutional boundaries, and the rule of law, as well as the resolution of impeachment and defection controversies. The Supreme Court also nullified or invalidated local government elections that were conducted in violation of the Constitution and the Electoral Act by the Rivers State Independent Electoral Commission (RSIEC), thereby altering local democratic outcomes and granting full autonomy to democratically elected local government councils. Furthermore, it endorsed and confirmed the constitutionality of the declaration of a state of emergency in Rivers State by the President, including, by necessary implication, the suspension of the Governor and Deputy Governor of Rivers State and the Speaker and members of the Rivers State House of Assembly from office during the period of emergency rule, by relying on the “principle of extraordinary measures,” which grants broad discretion to and invoked by the President of Nigeria as provided in section 305(3)(c) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) to restore normalcy during an emergency.

Above all, the Supreme Court, through the gavel of its judicial powers and authority, and by intervening in various political disputes, conflicts, and crises between and among various political actors

in the state, has often and progressively acted not only as an enforcer of the Constitution and as a democratic gatekeeper and guardian, it has equally strengthened democratic governance, restored relative democratic order and stability, and promoted peace and security of lives and property in Rivers State, which are necessary for continuing democratic governance and sustainable development. At the same time, the Supreme Court has also contributed to reinforcing juristocracy (judicial dominance over political processes) in the state by transferring fundamental decision- and policy-making authority from elected and accountable representatives and institutions to judicial actors, resulting in a democratic deficit. This is a clear confirmation that, empirically, Rivers State constitutes one of the highly and politically sensitive, explosive, and judicialized states in Nigeria and strengthens the juristocratic thesis at the state or subnational level. Ipso facto, Rivers State is an exemplar of judicialized democratic governance in Nigeria's constitutional and democratic trajectory and a confirmed major constitutional and prominent litigant in judicialized politics. This, however, makes political actors in the state to progressively depend on courts for the resolution of political disputes and conflicts instead of democratic processes and principles.

### **Recommendations**

In the light of the democratic governance significance and implications arising from the case analysis of the various Supreme Court's interventions and decisions, the following recommendations are hereby made:

1. An independent and strong judiciary and, in this context, the Supreme Court, is critical to the entrenchment, stability, survival, and sustenance of democratic governance in Rivers State. The Supreme Court should continue to play the role of an unbiased arbiter, constitutional guardian, and democratic gatekeeper in democratic governance in Rivers State whenever it is invited to do so through judicialised politics. In playing this role, there is the need for the Supreme Court to be guided by the doctrine of judicial restraint in order to avoid judicial overreach, which is capable of undermining democratic governance in Rivers State. In fact, the Supreme Court states in *Patrick v. INEC (2024)* that judicial independence is essential for the equitable distribution and administration of justice, addressing the significance of judicial autonomy and integrity. It is without a doubt essential to democratic constitutionality. Democratic values cannot be upheld in the absence of the independence of the judiciary;
2. The judiciary should refrain from usurping the right of the people to make political decisions and electoral choices of leaders, particularly at the executive level, as seen in Amaechi's case. This is antithetical to electoral democracy and democratic governance. At best, it should restrict itself to the determination or resolution of electoral disputes in line with the Constitution, the rule of law, the Electoral Act, and the merits of each case, as demonstrated in *Wike v. Peterside and 3 Ors. (2016)* and *Patrick v. INEC (2024)*, where the Supreme Court upheld the election of Nyesom Ezenwo Wike and Siminalayi Fubara as Governors of Rivers State in 2015 and 2023, respectively, having, among others, been duly elected by the majority or highest number of lawful votes cast at the various elections;
3. Political actors and elected officeholders in the executive and legislative branches of government in Rivers State should imbibe and exhibit high standards of democratic culture, values, and ideals; abide by the rules of democratic engagements and participation. They should also show political maturity, responsibility, tolerance, and understanding; and explore alternative political means of resolving political disputes, such as compromise, dialogue, negotiation, and consensus, rather than constant resort to judicialisation of politics. That way, democratic governance in Rivers State can enhance greater political legitimacy, inclusivity, popular participation and sustainable development of the people and the state; and

4. The wide discretion which the 1999 Constitution (as amended) grants to the President in the application of the “principle of extraordinary measures” in the declaration of the state of emergency creates a major constitutional gap or lacuna which requires to be filled by the amendment of Section 305(3)(c) of the Constitution. In such amendment, the National Assembly should clearly define and specify the extraordinary measures that should be adopted by the President in the event of declaration of a state of emergency to restore peace and security in the affected state(s). This is primarily to avoid creating a constitutional recipe for executive overreach by using it as a political tool to the advantage of the President or ruling party at the centre and at the expense of democratic governance in Rivers State in particular and in other states of the federation in general.

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