
Cited as: LL Akanbi, 'An Evaluation of the Rule of Law, Justice and Equity in Community Governance in Nigeria' (2022) 13(1&2) EBSU L.J. 74-82.

An Evaluation of the Rule of Law, Justice and Equity in Community Governance in Nigeria

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Abstract

This paper examines the rule of law, justice, and equity in community governance in Nigeria with a focus on how these principles underpin effective, fair, and inclusive local administration. The first section of the article introduces the rule of law as a fundamental component of democratic governance, highlighting its function in preventing arbitrary power and guaranteeing accountability. In this paper, the doctrinal technique was used. The results indicate that while justice guarantees fairness in decision-making and equal resource distribution, respect to the rule of law fosters transparency and accountability. Equity, on the other hand, bridges social and economic disparities, fostering inclusivity among marginalized groups. However, challenges such as corruption, weak institutions, cultural biases, and lack of civic awareness hinder the realization of these ideals. The study concludes that sustainable community governance and development depend on embedding these principles in local administrative structures. It recommends strengthening legal frameworks, promoting civic education, ensuring transparent dispute resolution, and empowering local institutions to uphold fairness, equity, and accountability. When effectively integrated, these principles can drive peace, stability, and socio-economic progress in Nigerian communities.

Keywords: Rule of Law, Justice, Equity, Community, Governance, and Community Governance

DOI: [10.5281/zenodo.19608843](https://doi.org/10.5281/zenodo.19608843)

1. Introduction

One essential tenet of democratic governance is the rule of law. It keeps power from being used arbitrarily by making sure that every action taken by people and institutions, including the government are conducted within the boundaries set by law that are publicly promulgated. It also ensures these laws are equally enforced and adjudicated upon by an independent judiciary. As a result, the rule of law is necessary to safeguard everyone's rights and to guarantee justice, equality, and fairness in government¹ and community accountability. National and international organizations have rekindled their interest in the potential role community institutions might play

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¹ A L Ibrahim and Others, 'Imperative of Rule of Law for the Enhancement of Good Governance and Attainment of Socio-Economic and Political Stability in Nigeria' [2024] (2)(2) *Journal of Political Discourse*, 21.

in the social and economic advancement of developing nation.² Olowu and others³ outlined how the economic and fiscal crises that most developing countries had been facing since the 1970s was the reason for these newfound interests.

After identifying this environment, structural adjustment programs were conducted in almost two-thirds of African nations.⁴ This can be partially attributed to the dramatic decline in both the quantity and quality of governmental structures left over from colonial governments in Africa, which made it impossible for public institutions to have a comprehensive impact on social service delivery and policy matters.⁵ In the meanwhile, there are well-defined governance options available from community-based organizations or the corporate sector. It has been suggested that private organization are more focused on business and do not receive the high expected social involvement in grassroots governance.⁶ The growing belief that locals are more likely to be logical and have the necessary skills to maintain an indigenous-based development approach makes community institutions the more desirable option.⁷

In Nigeria, community governance is crucial: local governments, traditional institutions (chieftaincy, village councils), community development associations (CDAs), community-based organizations (CBOs), and informal structures all play roles in everyday governance. To be fair, stable, and legitimate, such a government must be deeply rooted in the principles of justice, equity, and the rule of law. The fact that they are more successfully institutionalized and that Africans may be able to rely on them to provide some local services is another factor contributing to the growing interest. The limited socioeconomic functions of the current governance structure are also anticipated to be somewhat supplemented by the meager community services. Therefore, community-level governance is a crucial agenda item in the pursuit of socioeconomic development due to the failure of state-based institutions.⁸ This paper has identified the following research problems associated with the rule of law, justice and fairness in community governance in Nigeria: weak traditional institutions, a general lack of public awareness of fundamental rights and corruption. Whereas, the specific objectives of this paper are to: examine the nature of the traditional institutions in the community, identify the causes of general lack of public awareness of fundamental rights and how corruption can erode the rule of law, fairness and justice. The paper intends to address the forgoing research problems by identifying the factors responsible for weak traditional institutions and make recommendations on how to strengthen these institutions. It will also expose the general lack of public awareness of fundamental rights and the ways to make members of the community know their rights. Finally, the paper will discuss corruption in community governance and its causes with a view to proffering solution to curbing it.

² Ibid.

³ D Olowu and Others, 'Introduction' in D Olowu and others (eds.), *Local Institutions and National Development in Nigeria* (Ile-Ife: Obafemi Awolowo University Press, 1991) 76.

⁴ Ibid.

⁵ Olowu and Others (n 3).

⁶ S Olayiwola and N Okorie, 'Integrated Education: An instrument for resolving Ife- Modakeke Conflict in Osun State, Nigeria' [2010] (2) *Journal of Alternative Perspectives in the Social Sciences*, 953-965.

⁷ C Ake, 'Sustaining Development on the Indigenous' in World Bank (ed), *Background Papers: The Long-Term Perspective Study of Sub-Saharan Africa* (Washington, D. C 1990); D Olowu and J Erero, *Indigenous Governance Systems in Nigeria* (Ile-Ife: Anchor Print Ltd, 1997); A R Asiyanbola, *Urban-ethno Communal Conflict in Africa: Nigeria* (A Paper Submitted for Presentation at the Union for African Population Studies (UAPS), Fifth African Population Conference, Arusha, 2007); S Olayiwola and N Okorie, 'Integrated Education: An Instrument for Resolving Ife- Modakeke Conflict in Osun State, Nigeria' [2010] (2) *Journal of Alternative Perspectives in the Social Sciences*, 953-965.

⁸ K O Lamidi and J M Etebom, 'Community Governance and Socio-Economic Development Realities in Nigeria' [2022] (14)(1&2) *African Journal of Stability and Development (AJSD)*, 169-181.

2. Conceptual Framework

2.1 Rule of Law

Modern democratic governance is thought to include the concept of the rule of law. It protects the rights of every individual and ensures that the government is responsive to the people. It also provides a framework for resolving disputes in a fair and friendly manner.⁹ According to the United Nations,¹⁰ rule of law is a governing principle which all people, groups, and institutions public and private including the state itself are subject to laws that are independently decided, impartially enforced, publicly announced, and in accordance with international human rights protocols. Furthermore, it necessitates actions to guarantee compliance with the following principles: legal clarity, accountability, equality before the law, fairness in the application of the law, avoidance of arbitrariness, separation of powers, involvement in decision-making, and transparency in the legal and procedural processes.

Dicey¹¹ provides the most comprehensive explanation of what a liberal democracy's rule of law means. Dicey asserts that there are three interrelated components that make up the rule of law. First, the rule of law comprises:

absolute dominance or superiority of regular law over the influence of arbitrary power, and it totally disproves the existence of extensive discretionary authority, governmental prerogative, or even arbitrariness. A man may be punished for breaching the law, but not for anything else. Englishmen are governed by the law and the law alone.

This assumes that no one should be punished for breaking a law that has not already been created, and that the courts are the appropriate forum for deciding whether or not such a violation has taken place. The Federal Republic of Nigeria's 1999 Constitution, Section 36(12), guarantees this concept, and the court has long upheld it in the instance of *Aoko v Fagbemi*.¹²

2.2 Justice

The concept of justice is both moral and legal. Because of this, defining it in precise terms is challenging. In general, justice refers to being just, fair, reasonable, or excellent. Various legal experts and theorists have different definitions of justice. According to Wigwe,¹³ Justice is the appropriate and just application of the law, or the state of being just, that is, the application of the law in accordance with established and recognized standards. This is consistent with the naturalist conception of law, which holds that justice ought to be just, equal, moral, and consistent with natural laws and sound reasoning.¹⁴ Anything less than this is corruption of justice, not justice.

The Black's Law Dictionary¹⁵ defines justice this way:

⁹ D Omobola, 'Rule of Law in Nigeria is Weak' Vanguard (2023, October 2). <<https://www.vanguardngr.com/2023/10/rule-of-law-in-nigeria-is-weak-ujukwu/amp/>> accessed 11 October 2025.

¹⁰ United Nations, 'Guidance Note of the Secretary-General: United Nations Approach to Rule of Law Assistance' UN Secretary-General (UNSG) <<https://www.refworld.org/policy/legalguidance/unsecgen/20>> accessed 11 October 2025.

¹¹ A V Dicey, *Introduction to the Study of the Law of the Constitution* (10th edn, Palgrave, 1885).
¹² (1961) ANLR p.400.

¹³ CC Wigwe, *Jurisprudence and Legal Theory* (Pearl Publishers 2011) 52.

¹⁴ Ibid.

¹⁵ BA Garner, *Black's Law Dictionary* (10th edn, Thomson Reuters 2014) 995.

The ability to treat others fairly, the trait of being reasonable or fair, the legal system that judges people and their causes, particularly the system that punishes criminals; the just and appropriate application of the law.

The Chambers Dictionary¹⁶ gives a straightforward and accurate explanation of what justice is “the attribute of justice; honesty; fairness; impartiality; correctness; giving credit where credit is due; the administration of the law; A magistrate or a judge The standard of peace and justice”. This definition illustrates the characteristics of justice and fairness; it discusses integrity and impartiality, which are qualities that all parties to a case value highly. As is always required by the judges' oath of allegiance, the person administering justice must be straightforward, honest, and fearless before proceeding to grant what is right, just, and due to the parties. As a true and law-abiding citizen, a man should also mold his life in a dignified and honorable way. In the same way that what is moral can also be just, it is equally just to treat every man fairly and according to his worth or entitlement.

2.3 Equity

In situations where rigorous legal regulations could produce unfair results, a set of concepts known as the theory of equity which was mainly created in English law complements the Common law to promote justice and fairness.¹⁷ Fairness is what the word "equity" literally means. Rubenstein and others¹⁸ and Nieuwenhuis¹⁹ think of equity as an application that is based on the ideas of fairness, equality, and equal opportunity, regardless of a person's gender, race, ethnicity, religion, or social class. Having equitable access to basic resources and services is necessary for individuals or citizens to participate in social and political processes.²⁰

Furthermore, Arnaud²¹ and Nieuwenhuis,²² assert that the idea of "equity" is more closely related to justice, fairness, and impartiality, and that it has aspects that allow it to be viewed as a tool for fostering concord in progressive communities and a way to resolve disputes in some legal cultures. In the past, the theory of equity was created to guarantee justice in situations where the rigorous enforcement of the law would be unjust.

2.4 Community

A community is a territorially defined social organization where people share common social, economic, and cultural characteristics and live in harmony, love, and intimacy.²³ Another definition is a group of people who live inside legally defined city limits and share certain social and economic

¹⁶ I Brooks, *The Chambers Dictionary* (10th edn, Chambers Harrap Publishers Ltd., 2006) 810.

¹⁷ Wigwe (n 13).

¹⁸ R Rubenstein and others, Rethinking the intra-district distribution of school inputs to disadvantaged students (Rethinking Rodriguez Conference Proceedings, 2006) <<http://nycresearchpartnership.ssrc.org/>> accessed 11 October 2025.

¹⁹ FJ Nieuwenhuis, Social Justice in Education Revisited (Paper presented at Örebro-Unisa International Conference, February 2010) 1-3.

²⁰ S McGrath, 'Equity and Efficiency in Educational Finance: An Operational Conundrum' <<https://www.mun.ca/educ/faculty/mwatch/vol1/mcgrath2.html>> accessed 11 October 2025; R Berne and others, 'Concepts of Equity and Their Relationship to State School Finance Plans' [1979] (5)(2) *Journal of Education Finance*, 109- 132; R Berne and others, *The Measurements of Equity in School Finance* (Baltimore: John Hopkins University Press, 1984) 7.

²¹ AJ Arnaud, 'Equity' in N J Smelser and P B Paultes (eds.), *International Encyclopedia of Social and Behavioral Sciences* (Vol. 7, Amsterdam, Elsevier) 4729-4734.

²² Nieuwenhuis (n 19)

²³ S Bola and I Bello, *Community Development: The Backbone of Promoting Socio-Economic Growth* (Ibadan: University Press, 2003).

traits that enable them to collaborate to achieve common goals.²⁴ Dunham, as cited in Agbalajobi²⁵ wrote that the word 'community' makes reference to "a collection of countries that have a common history, economic characteristics, or political outlook, with an emphasis on long-term transformation through community organization. Inclusion, collaboration, involvement, public education, and direct democracy are frequently used to achieve this".

The community, according to Okegbola,²⁶ consisting of both individuals and families, needs to fulfill four goals: self-fulfillment, love and tolerance, and survival. The fourth is the improvement of human civilization. This implies that the information, insight, and concepts of our ancestors are valuable and need to be passed down to future generations via socialization. A community must be a welcoming space where people may effectively manage physical disabilities, social disorders, and the decline that comes with aging. However, a community needs to be more than just an economic community in order to fulfill these functions. Although it is a significant factor, it is insufficient. The community must have a driving force for development and be a place where favorable lifestyle choices and a high standard of living are encouraged.

2.5 Governance

The World Bank²⁷ defines governance as the process through which power is applied to manage the social and economic resources of a country in order to promote growth. The World Bank identifies three components of governance: the nature of political regimes; the exercise of authority in the management of financial and social resources; and the capacity of the government to formulate and implement policies and fulfill its responsibilities. Owing to its clarity, Moore's definition of governance has been frequently used by other academics. According to this definition, governance is the process by which citizens and state representatives interact to express their preferences, exercise their rights and obligations, resolve conflicts, and cooperate in the provision of public goods and services.²⁸ It is the process of improving society so that it can provide commodities and services that individuals cannot produce on their own. Thus, the term "governance" describes the various methods in which the state pursues public goods and services through its institutional framework.

2.6 Community Governance

Realizing the goals and aspirations of community members and promoting the orderly development of society are the goals of governance.²⁹ Therefore, the fundamental tenet of community governance is that attaining self-determination and socioeconomic growth requires effective local

²⁴ A Ajayi and F Otuya, 'Danger Signposts for the Nigerian State' *Thisday* (11 February, 2006).

²⁵ D T Agbalajobi, 'Women's Participation and the Political Processes in Nigeria: Problems and Prospects' [2010] (4)(2) *African Journal of Political Science and International Relation*, 75 – 82.

²⁶ R Okegbola, *Gender Gaps in Nigeria's Constitution* (Lagos: Gender Training and Development Network, 2010).

²⁷ World Bank, 'Nigeria: Country Brief' <www.google.com/ng/search?q=population+08+nigeria> accessed 11 October 2025.

²⁸ A Adebayo, 'Ethnic Conflicts and Nigerian's Democracy and Development (1999-2004)' in S Hassan (eds), *Democracy and Development in Nigeria (Vol. 3), Social Issues & External Relations* (Lagos: Concept Publication Limited, 2006); P P Enuke, 'Teaching Community Development to Social Work Students: A Critical Reflection' [2008] (10)(2) *Community Development Journal*; T C Ijere, 'The State, Governance and Socioeconomic Development Realities in Nigeria' [2014] (4)(1) *Public Policy and Administration Research*, 46- 49; M O Adeyeye, *Governing the Localities: Lessons (Un)-Learnt* (Being an Inaugural Lecture Delivered at Oduduwa Hall, Obafemi Awolowo University, Ile-Ife, Nigeria, on Tuesday, 22nd March 2016).

²⁹ J Hunt and D Smith, *Governance: A Step towards Advancing Reconciliation in Australia* (Paper presented at Peace, Justice and Reconciliation in the AsiaPacific Region Conference, Queensland University, 2005); J E Duke, 'The Dynamics of Women Participation in Democratic Politics and Sustainable Development in Africa' [2010] (12)(4) *Journal of Sustainable Development in Africa*, 83-95.

community governance. Community governance refers to both formal and informal methods of community organization and management.³⁰ It can be recognized by the structures and procedures of government that the indigenous communities in the area use. According to Hunt and Smith,³¹ there are various approaches to community governance:

How the group's members are found and [how] they organize to negotiate their rights and represent their interests in the larger context of competing communities; how they run their affairs; how they conduct themselves, engage with others, and hold their leaders accountable. The culture, values, ethos, beliefs, attitude, and other institutions of the populace determine or influence community government.

According to Duke,³² Across all of these levels, community governance has intercultural aspects that function as: a network of relationships, rights, and interests; a field of interconnected (and unconnected) participants; layered institutions where distinct entities share economic activity, decision-making, and differential power; Institutional domains (state, market, and customary) are deeply ingrained in communities and are distinguished by conflicting expectations and various languages of governance.

3. The Rule of Law, Justice and Equity in Community Governance

The rule of law, justice, and equity are essential pillars of good government and sustained community development. These guidelines guarantee equity, responsibility, and inclusivity in decision-making in all structured societies. Respect for the law and fair treatment of all participants are essential to community governance, which is the administration of local affairs by institutions, stakeholders, and community leaders. The interaction of these ideas increases democratic involvement and builds confidence between the governed and the governing.³³

One of the most important markers of effective governance is the rule of law.³⁴ Observance of the law, which guarantees that decisions and governance procedures are made in compliance with the law, improves good governance. This commitment guards against the arbitrary use of power, corruption, and the violation of citizens' rights. Regardless of their background or status, it guarantees that all citizens have access to justice and are treated equally before the law. Furthermore, the rule of law is essential to a nation's socioeconomic development. According to Akinola,³⁵ the rule of law implies the supremacy of the law, equality before the law, and the safeguarding of fundamental human rights. In terms of community governance, it guarantees that authorities operate within the bounds of the law and that people can seek justice when their rights are infringed.

In order for every civilization to grow in Nigeria, community governance is essential. Although governance at all levels has a significant impact on socioeconomic development indicators, indigenous channels are the greatest place to find solutions to many sporadic socioeconomic

³⁰ R Okegbola, *Gender Gaps in Nigeria's Constitution* (Lagos: Gender Training and Development Network, 2010).

³¹ Hunt and Smith (n 29) 35

³² Duke (n 29) 21

³³ D Olowu, 'Constitutional Governance, Democratization and Military Legacy in post-Independence Nigeria' in M Mbondenyi and T Ojienda (eds.), *Constitutionalism and Democratic Governance in Africa: Contemporary Perspectives from sub-Saharan Africa* (Pretoria: Pretoria University Law Press, 2013) 315-335.

³⁴ United Nations, 'What is good governance? United Nations Economic and Social Commission for Asia and the Pacific' <<https://www.unescap.org/sites/default/files/good-governance.pdf>> accessed 11 October 2025.

³⁵ B Akinola, *The Rule of Law and Democratic Governance in Africa* (Lagos: Malthouse Press, 2020).

issues.³⁶ In every corner of Nigeria, community institutions are positioned as genuine instruments for implementing development policies. Social stability is thus supported by human rights and other components of the rule of law.³⁷ Community leaders in Nigeria are offered bribes to prevent justice. One of the reasons for this is poverty. However, application of the rule of law encourages social solidarity, guarantees access to necessities, advances equality, and strengthens sound community government.

Fairness in the allocation of resources, opportunities, and duties within a community is referred to as justice in governance. It includes procedural justice, which stresses just procedures in decision-making, as well as distributive justice, which guarantees equal access to social and economic advantages.³⁸ Justice in community governance is demonstrated by fair decision-making, impartial dispute resolution, and minority rights protection. When justice is done, the community is more likely to cooperate with the local government and abide by the law, which promotes peace and harmony.

By addressing inequalities that impede equal participation, equity enhances justice. To guarantee equitable results, it entails acknowledging and adjusting for the variations in people's needs, abilities, and situations.³⁹ According to Okirika,⁴⁰ the development of natural resources raises incomes and creates jobs while attracting investment capital. The communities must therefore be given access to political and economic resources in order to boost their participation in Nigeria's democratic process. To guarantee sound administration and the defense of citizens' fundamental human rights, they must also be actively involved in encouraging community involvement in democratic processes. Women, young people, and marginalized groups must be empowered through inclusive decision-making procedures for equitable community government. In addition to improving social cohesiveness, this inclusive approach guarantees that policies represent the interests of the entire community.

3.1 Interconnection between Rule of Law, Justice, and Equity

Equality, justice, and the rule of law are all interconnected ideas. The rule of law provides the foundation for equality and justice, and justice ensures that the laws are applied impartially and without bias. On the other side, equity makes sure that everyone, regardless of socioeconomic standing, benefits from governance, bridging the gap between formal equality and substantive justice.⁴¹ These ideas support accountability, legitimacy, and long-term peace in communities when they coexist.

4. Challenges to Rule of Law, Justice and Equity in Community Governance

Despite their significance, maintaining these values is difficult in many societies, especially in Nigeria. The rule of law is weakened and injustice is encouraged by elements like corruption,

³⁶ S P I Agi, *An Approach to the Study of Organisation of Government* (Calabar: Wusen Press Ltd 2003); I O Albert, 'Concepts and Methods in Peace and Conflict Studies' in C Bassey and O Oshita (eds.), *Conflict Resolution, Identity Crisis and Development in Africa* (Lagos, Nigeria: Malthouse Press, 2007).

³⁷ ThisDay, 'The Role of Law in Maintaining Sanity and Preventing Impunity in a Democratic Setting (Part 1)' <<https://www.thisdaylive.com/index.php/2024/04/16/the-role-of-law-in-maintaining-sanity-and-preventing-impunity-in-a-democratic-setting-part-1/>> accessed 11 October 2025.

³⁸ J Rawls, *Theory of Justice* (Cambridge, MA: Harvard University Press, 1971).

³⁹ A Sen, *The Idea of Justice* (Cambridge, MA: Harvard University Press, 2009).

⁴⁰ A Okirika, *Adult Education Programmes for Sustainable Peace towards Community Development in Rivers State* (Ignatius Ajuru University Press, 2022).

⁴¹ J Tasioulas, *Justice, Equity and Law* (Routledge Encyclopedia of Philosophy, Taylor and Francis, 1998) <<https://www.rep.routledge.com/articles/thematic/justice-equity-and-law/v-1>> accessed 11 October 2025.

nepotism, shoddy institutions, and a lack of civic education. In certain instances, cultural prejudices and established power structures prevent women and young people from participating fairly. The lack of strong legal frameworks and enforcement tools promotes impunity and damages public confidence in political systems.⁴²

Nigeria's socioeconomic progress has been hindered by a number of issues, including a lack of moral politics and values, responsive administration, and widespread corruption. There are numerous unreported cases where the ostensibly development-oriented community institutions are mobilizing support for indigenous political office holders who have been accused of corrupt, unethical, and anti-governance activities, which prevents the state from effectively utilizing its abundant human and mineral resources. This is to confirm that anti-development movements, unethical value systems, and ethno-religious politics can occasionally taint the effects of community institutions.⁴³ For example, there are cases in Nigerian communities where members of the Community Development Committee (CDC) try cases without upholding the principle of fair hearing, rule of law. They only hear from one party and make pronouncements without recourse to the other party. There are also instances where community leaders impose barbaric customs and traditions on the people, even when such customs cannot pass the repugnancy test. This has continued in rural areas due to the fact that there is no presence of the governance (legal institutions like the courts, Police). Some of the rural areas have only one court and one police station serving about three local government areas. For instance, there is only one Magistrate Court serving the whole of Tai, Andoni and Gokana Local Government Areas in Rivers State. Another challenge is most members of Nigerian communities do not know their basic rights. Some community leaders have continued to have their way because most community members are illiterate and do not know their rights. Rule of law will remain an albatross and will be misapplied if a large number of members and leaders of the community are illiterate.

5. Conclusion

For sustainable growth and efficient community government, the rule of law, justice, and equity are essential cornerstones. Because of their interconnection, governance procedures are guaranteed to be open, inclusive, and based on justice and responsibility. In Nigeria, community governance is still a great way to engineer socioeconomic growth. It is also crucial to remember that, generally speaking, addressing a few of Nigeria's political problems, like state police and federalism would be necessary to achieve long-term socioeconomic progress. In the same way, community governance should go beyond zoning and ethnoreligious thinking and be governed by high standards of decency and integrity. In Nigeria and elsewhere, community governance that is founded on the principles of justice, equity, and the rule of law has the potential to advance peace, stability, and inclusive development.

6. Recommendations

The paper makes the following recommendations:

- i. Strengthening the current institutional and legal structures at the local level is necessary to maintain the rule of law in community government. This entails giving local government organizations, community development associations, and traditional councils the authority

⁴² Strengthening Rule of Law: A Cornerstone of Good Governance in Nigeria <<https://crossrivermove.com/strengthening-rule-of-law-a-cornerstone-of-good-governance-in-nigeria/>> accessed 11 October 2025.

⁴³ Lamidi and Etebom (n 8)

to function within precisely defined legal parameters while maintaining responsibility and openness in their operations.

- ii. People need to be made aware of their rights, obligations, and the value of the rule of law in government. To raise awareness of justice, equity, and active engagement in local governance processes, civic education initiatives ought to be planned. This will lessen political indifference, ignorance, and vulnerability to elite manipulation.
- iii. Leaders in the community and local government should make sure that justice is not only carried out but also perceived as such in all judicial and administrative decisions. Fair, inclusive, and open to everyone, irrespective of gender, race, religion, or social standing, are essential components of community-level conflict resolution procedures.