

THE INTERPLAY OF LAW, SECURITY AND DEVELOPMENT IN HART

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Abstract

Essential laws and effective security are two elements crucial to the development of any society. A positive interplay of these elements will guarantee that societies project towards developmental goals and manage envisaged and unexpected challenges. This paper takes a look at the important roles played by laws and security in the development of a society. The paper argues that meaningful development is hinged on the availability of worthy laws and reliable security in the environment. It further avers that development cannot take place in a society without the enactment and enforcement of veridical laws on the one hand and the provision of security which guarantee the lives and properties of citizens and visitors, as well as enable a favourable environment for investment on the other hand. These contentions will then be analyzed through HLA Hart's conception of law.

Keywords: Law, Security, Development, Hart

Introduction

Development is always a central aim of any society. Whether it is towing paths that lead to development or not, societies always base their programme of action on the need to provide an environment that can engender development. It is undeniable that development dimension include Human Rights, access to justice, good governance, economic growth, valuable education, human capital development, Rule of Law and Security among others. In this wise, laws and security are seen as essential for the full realization of national development.

Looking at law, it can be safely said that there is a symbiosis between law and justice. Justice translates into the existence of legal frameworks, enforced in a predictable and transparent manner, that ensure that 'all persons, institutions and entities, public and private, including the State itself, are accountable to just, fair and equitable laws and are entitled without any discrimination to equal protection of the law. Ineffective criminal justice systems which cannot protect citizens and allow crime and violence to prevail and encourage corrupt practices, in the end hamper social and economic development. Similarly, justice systems

with well-planned crime prevention strategies are not only better at preventing crime and victimization, but also promote community safety and contribute to sustainable development of the society.

The *World Development Report 2011* equally links development and justice, arguing that threats to development stemming from organized violence, conflict, and fragility, cannot be resolved by short-term or partial solutions without legitimate institutions that provide all citizens equal access to security, justice, and jobs. As such, efforts to strengthen justice systems through effective laws, manage and reduce vulnerabilities, and legally empower even the poor, are not only crucial for dealing with crime effectively, but are also key for national development.

This thus puts law and security in the driver seat of development. Providing for the security of citizens is an important responsibility of the State and is indeed the very basis for development of any kind. However, every day, violence destroys lives and livelihoods, breeds fear and terror, and has a profoundly negative impact on human development.

To appreciate the essence of laws and security in national development this paper is divided into three parts. The first part focuses on a clarification of the concepts of law, security, development and in the light of contemporary discuss, sustainable development. The second part will analyze how and interplay of these elements will positively affect national development while the third part uses Harts conception of law (specifically his primary and secondary rules) to further analyze the need for laws and security in the development of the nation.

On Laws and its Role in Ensuring Justice

Benson McLaren eases us into some basic understanding of law when he notes that: law affects every aspect of our lives; it governs our conduct from the cradle to the grave and its influence even extends from before our birth to after our death. We live in a society which has developed a complex body of rules to control the activities of its members. There are laws which govern working conditions, laws which regulate leisure pursuits and laws which control personal relationships.¹ Andrei Marmor also tows this line of thought when he asserts that: law is one of the most complex, intricate and sophisticated creations of human societies. Modern legal systems regulate almost every aspect of our lives—from individual conduct in our everyday interactions with other individuals to systems of government,

commerce and economy, and even relations between nations in the international sphere. It is difficult to imagine human existence in a society without law, and certainly difficult to think of such an existence as anything that would resemble human society as we know it.² These notations on laws in human society underscores its essence. It underpins the view that man is a law giving being, more so, cordial social interactions require laws the individuals and the state will all look up to in the course of their daily activities. *Black's Law Dictionary* further cites in its preamble that: the continued existence of a free and democratic society depends upon recognition of the concept that justice is based upon the rule of law grounded in respect for the dignity of the individual and his capacity through reason for enlightened self-government. Law so grounded makes justice possible, for only through such law does the dignity of the individual attain respect and protection. Without it, individual rights become subject to unrestrained power, respect for law is destroyed, and rational self-government is impossible.³

Law is believed to be a concept not easily defined but many attempts have been made to define it. McLaren, for instance, simply defines law a set of rules, enforceable by the courts, which regulate the government of the state and govern the relationship between the state and its citizens and between one citizen and another.⁴ John Humphrey also contends that law may be defined as a rule of human conduct that emanates from a source recognized as competent by the legal order and which prescribes the imposition of a sanction or penalty in the event of disobedience.⁵ On the sources of law Humphrey takes identifies primitive and modern sources. He writes that:

In primitive communities, and to some degree indeveloped societies also, the laws emanate directly from the people, i.e. from the undifferentiated mass of the subjects governed by them. It follows that no particular person or organ can be identified as their source. Such laws are called customs. In the modern State, nearly all laws emanate from some organized body or authority having competence, either directly or indirectly, under the constitution. Thus the laws may be enacted by some such specialized legislative organ as a parliament or by some organ which is primarily concerned with some other governmental function, e.g. a law court. Or they may be enacted by some subordinate body or authority to which an authority which itself possesses competence under the constitution has delegated legislative powers. Such laws are usually called statutes (when

they emanate from a specialized legislative organ), judgments (when they emanate from a court), and regulations, by-laws, orders or decrees (when they emanate from some other organ). Unlike customary laws all of them emanate only indirectly from the people or subjects that they govern.⁶

Humphrey's identification of the sources of laws makes us understand the importance of how the law of any society came to being. This element is important because every member of the society is expected to accept and obey the laws. Defaulters against the law are equally expected to accept punishment meted out for their offences. This gives the law the power to be accepted as law. Essentially, there are two main philosophical schools of thought in legal theory namely; natural law and legal positivism.

Natural Law

In natural law the concepts of law, morality and reason are interrelated. It is accepted that what forms the basis of natural law is evident in nature and every moral agent is believed to have the ability to discover these laws from nature hence moral agents are expected to (ought to) adhere to these laws. Keith Culver sums this view up thus: So the natural law is in each person and is discovered by applying reason to general principles whose truth is self-evidently clear. This process results in practical rules for living that best fit our nature as rational persons who are generally good.⁷ Citing Aquinas Culver writes further that: wherefore it [the rational creature] has a share of the Eternal Reason, whereby it has a natural inclination to its proper act and end: and this participation of the eternal law in the rational creature is called the natural law.⁸ Citing the notable Roman Lawyer, Cicero, Wacks identified the components of natural. He writes that "true law is right reason in agreement with Nature; it is of universal application, unchanging and everlasting. . . It is a sin to try to alter this law, nor is it allowable to attempt to repeal any part of it, and it is impossible to abolish it entirely. . . . [God] is the author of this law, its promulgator, and its enforcing judge.⁹ Cicero's understanding of natural law is mostly taken to be a classical view. A more modern account of natural is given by John Finnis. Finnis first clarifies the meaning of law and nature in the concept of natural law. He writes of law that: ... though it certainly has other meanings, 'law' can be used to refer to any criteria of right judgment in matters of practice (conduct, action), any standards for assessing options for human conduct as good or bad, right or wrong, desirable or undesirable, decent or unworthy. That is how the

word is used in the term 'natural law'.¹⁰ Similarly, concerning nature he writes that:

Though it too has a range of meanings, 'natural' can be used to signify that some of those criteria or standards are somehow normative prior to any human choices. On this conception, these prior standards are not the product of either individual or collective choosing or positing, and cannot be repealed, however much they may be violated, defied, or ignored. The idea is that acknowledging these standards in one's deliberations is part of what it is to be reasonable...¹¹

The theses of natural law can thus be understood under four propositions as outlined by Patrick Hopkins. These include:

(1) morality is ultimately real and objective and is not relative in its primary truths to culture, subjective taste, or social agreement; (2) morality is somehow grounded in human nature, which is a specific part of the general order of nature, and is crucial for human happiness and flourishing; (3) the normative force and obligatoriness of morality is somehow the result of this grounding and may be understood using the terminology associated with a legal code; (4) the application of reason in examining human nature, and to some extent general nature, provides evidence for the specific content of our moral obligations.¹²

Legal Positivism

Legal positivism is mostly discussed in contrast to natural law in philosophical jurisprudence. Basically, positivists are of the opinion that the laws of a society are always products of the society overtime. Also, they deny a moral basis of such laws. Coleman and Leiter call this the 'social thesis' and the 'separability thesis.' According to these scholars: all positivists share two central beliefs: first, that what counts as law in any particular society is fundamentally a matter of social fact or convention (the social thesis); second, that there is no necessary connection between law and morality (the separability thesis).¹³ Simply put the argument of legal positivism holds that "there is no other law but positive law: the existence or - more technically - the validity of law rests upon the mere fact of its being enacted by a historically determined human legislator (or norm-issuer in a broad sense): *ius quia iussum*.¹⁴ Whereas natural law derives from nature and is expected to be understood through reason, legal positivism derives from social conventions, they can be modified or changed depending on prevailing circumstances. Julie Dickson contends that:

Legal positivists understand law as having a fundamentally social nature: it is a human artifact which has been socially constructed. As the term legal positivism itself connotes, law exists in virtue of the fact that it has been posited: because human beings, and the social institutions they create—such as legislatures, courts and legal officials—have decreed or decided or recognized or practiced or enforced or interacted in some way with a given set of norms. Those human social processes bring legal norms into existence, and are also the means by which they are modified and/or extinguished.¹⁵

Legal positivism does not imply an ethical justification for the content of the law, nor a decision for or against the obedience to law. Positivists do not judge laws by questions of justice or humanity, but merely by the ways in which the laws have been created. This includes the view that judges make new law in deciding cases not falling clearly under a legal rule. Practicing, deciding or tolerating certain practices of law can each be considered a way of creating law.¹⁶

The Concept of Development

Any talk about development is better understood in the context of human social situations. That is why the concept is better appreciated in contemporary phrases like national development, social development or sustainable development. Moreso, there is always the perception according to Gilbert Rist that “its actual meaning is still elusive, since it depends on where and by whom it is used.”¹⁷ Several issues come to the fore when the word development is conceptualized but understanding it from a human angle gives better meaning. According to Deneuline and Alkine:

The word development has as many meanings as there are listeners. For some, development means more material prosperity: owning money, land and a house. For others, development concerns liberation from oppression. Some see development as a new word for neo-colonialism, and despise it. For still others, development is a holistic project of personal social and spiritual progress. In many contexts we speak of the development of a child or the development of new software as if development completes something as yet unfinished. But this too is simplistic, for in certain ways developing countries are more mature than developed. So the term is ambiguous and value laden.¹⁸

But irrespective of these perceived ambiguity of development Deneuline and Alkine contend that regardless of any particular

normative framework, many would view 'development' "as a multi-dimensional and multi-sectoral process, involving social, economic and political change aimed at improving people's lives. Development processes use and manage natural resources to satisfy human needs and improve people's quality of life."¹⁹ Thus we can say that the focus of development is to improve the condition of human existence. Such improvement could be of the individual, a nation or the society. Walter Rodney also contributes to the discussion on development. Perceiving it from the perspective of the influence of European encounter with Africa, writes that: development in human society is a many-sided process. At the level of the individual, it implies increased skill and capacity, greater freedom, creativity, self-discipline, responsibility, and material well-being... At the level of social groups, therefore, development implies an increasing capacity to regulate both internal and external relationships.²⁰

Activities that bring about development in the society are tailored around economic, cultural, education and technological improvements. The United Nations Research Institute for Social Development (UNRISD) adopts a broad perspective by defining social development as "one that is concerned with processes of change that lead to improvements in human well-being, social relations and social institutions, and that are equitable, sustainable, and compatible with principles of democratic governance and social justice."²¹ More light is thrown on this definition:

The definition emphasizes social relations, institutional arrangements and political processes that are central to efforts to achieve desirable development outcomes. It includes material achievements, such as good health and education, and access to the goods and services necessary for decent living; and social, cultural and political achievements, such as a sense of security, dignity, the ability to be part of a community through social and cultural recognition, and political representation.²²

Social development is not a haphazard activity, depending on the requirements of the society, goals are set and a process is followed in the achievement of these goals with the aim of improving human existential conditions. J. F. X. Paiva opines that the goal and substance of social development is the welfare of the people, as determined by the people themselves, and the consequent creation or alteration of institutions (including people's values, individual behavior, and motivation) so as to create a capacity for meeting human needs at all levels (especially those at the lower levels) and for improving the

quality of human relationships and relationships between people and societal institutions.²³

George Davidson further describes a broad and narrow perspective of understanding the idea of social development. Generally speaking he sees social development as “movement and progress-a dynamic process of evolution and growth -directed towards the achievement of desirable social goals...”²⁴ Writing further Davidson asserts that:

In its broadest sense, it may be described as including every action, governmental or voluntary, which contributes to building up the structure, both infrastructure and super-structure, of social policies and programs which alone can assure the maintenance and improvement of family and community levels of living and lead to social progress. Broken down into its component parts, social development embraces everything that is done in the field of health-both preventive and curative-education, labor standards and employment practices, housing, nutrition, child and family welfare, and protection from economic insecurity, whether through provision of help in kind or through income maintenance payments of various kinds provided on a taxation or insurance basis.²⁵ When all these issues are judiciously managed a nation can be said to be developed. As Victor Lukpata cites that national development is used to refer to a state of maturity which characterizes a nation-state.

This maturity results from the interplay of modern political, economic and social forces and processes which transform diverse people, shaping a common geographical area, from acceptance and allegiance to and participation in a transitional policy to the acceptance and creations of and participation in a modern nation-state. The later is characterized by governmental machinery capable of commanding loyalty, keeping order, eliciting legitimacy, fostering integration, permitting mass participation; and satisfying popular wants and expectations. It also has a skilled citizenry which exercises its capacity to create a highly industrial society and manipulates its environment to obtain a high quality of life for the generality of the population.²⁶

The Concept of Security

It is only rational to accede to the truth that no meaningful progress can occur in an insecure environment. Whether an individual, group, society or nation, security is a basis which cannot be compromised or handled with levity. Progress happens based on the activities of the different sectors of a society or nation but when these sectors are not

safe enough to go about and carry out their activities then the society or nation is negatively affected.

Academic and non-academic discussion of security has moved from its understanding within the purview of state or sovereignty protection to the individual, economy and or the environment. Claudia Ramirez warns that security is a word used every day but its meaning is more ambiguous than is often realized. In most definitions ...security is related to the protection against threats of fundamental values. Furthermore, where conflict is an empirical and observable phenomenon, security is a socially constructed perception. Hence in a world with several different societies and cultures, security cannot have a universal meaning.²⁷ Identifying the traditional understanding of security, Ramirez writes that: traditionally, security has been concerned with the understanding of the causes of war and conversely, the conditions for peace... in this view, security was based on the capacity of states to defend their sovereignty and integrity from other states.²⁸ But in more contemporary times, the understanding of security has gone beyond this. Emil Kirchner states that:

The concept of security can be defined in different ways, ranging from relatively restrictive definitions building on military defence (security from war and conquest) to more inclusive definitions of security that consider a wider range of threats against human life. The latter category includes political security (security from extreme political oppression and persecution), economic security (security from hunger and deprivation), social and cultural security (cultural survival and minority rights), and environmental security (security from environmental degradation and disasters).²⁹

This is a wider understanding of security because more variables like political, economic, social and cultural have been included. While some scholars see this as a development of an understanding of security, other scholars criticize this sort of extension. For instance, Mohammed Ayooob argues that:

...the concept of security should not be unduly broadened and made so elastic as to lose all analytical utility. Security is a concept that addresses issues of order and authority and is, therefore, preeminently political in its connotation. The state, as the primary political institution, must, therefore, form the primary point of reference for any security paradigm. Variables from the ecological to the economic may impinge on the security arena, but their influence must be filtered through the political arena in order to become a part of the security calculus. Delinking

security from the political realm and from the state does no service either to the concept of security or to other values that particular analysts would like to preserve and promote.³⁰

This is an ongoing debate on the concept of security just as Peter Hough opines that: the root of the problem with the traditional approaches to security politics is what Wyn-Jones... describes as the 'fetishization of the state.'³¹Fetish because the state is primarily saddled with the responsibility of securing its citizens, individuals cannot take laws into their hands in the name of protecting themselves hence the domiciling of security with the state. But even within the paradigm of the state security can be agreed to have defending sovereignty. Social circumstances and human need now characterize security. Anthony McGrew writes that:

Orthodox interpretations of human security principally understand it as 'the absence of threats to core human values, including the most basic human value, the physical safety of the individual. In contrast to the traditional security paradigm, the referent of security is the individual (or community) rather than the state. However, this somewhat narrow or thin interpretation is the source of much debate within the literature. For many have argued that authentic human security involves much more than simply the individualization of security or the absence of overt violence. Human security, it is argued, must also involve the progressive idea of human flourishing and the advancement of the conditions which make this possible.'³²

National Development: On the Interplay of Laws and Security

Continuous development is the reasonable goal of a nation or society. This development requires an interplay of economic laws (essentially, economic policies), democratic laws, socio-cultural laws, educational laws, and other policies or laws. A secure environment which will guarantee human and economic flourishing is also a requirement for national development. More so, national development is today primarily dependent on economic development hence there must a conducive environment for economic development. For instance, no investor will invest in an insurgent environment or a nation whose democratic environment is erratic. This underpins the essence of laws and security to development.

On the consequence of insecurity caused by violence, it is noted in the Geneva Declaration: the international community has stated that living free from the threat of armed violence is a basic human need and a precondition for human development, dignity, and well-being.³³ Also,

the UN System Task Team on the Post-2015 UN Development Agenda, point out that: the prevention and reduction of all forms of violence and abuse should be at the heart of any agenda which fully recognizes the centrality of human security, both as a human rights imperative and as being integral to development.³⁴ When people are unsafe they are reluctant or unable to participate fully in processes of governance and development. Furthermore, the social space that they vacate while seeking a more secure space may well lead to corrupt forces and vested criminal interests occupying power positions. This consequently leads to a decline in inflows of investment, and as a further consequence, productive capacities suffer. This ultimately engenders poverty and sustained underdevelopment.

Stanford Gaines contends that: a threat to national security exists once an action or sequence of events threatens... to degrade the quality of life for the inhabitants of a state or... threatens significantly to narrow the range of policy choices available to the government of a state or to private nongovernmental entities within the state.³⁵ This statement focusing on the range of policy choices available to governments and private actors alike, pulls thinking about environmental security back into the orbit of sustainable development, which also is concerned with maintaining options for future generations. Gaines further avers that with an appropriately broad conception of security, the link between sustainable development and security thus becomes inescapable.³⁶ A point here is that it is difficult to proceed on the path of national development in an insecure environment. He thus submits that:

A broad conception of security, consistent with sustainable development would include an extension of a right of access and an equality of opportunity to all essential environmental resources and offer opportunities for personal and national development. Pursuit of this goal would simultaneously mitigate the social sources of environmental violence, which so frequently involve control of or restrictions on access to vital resources.³⁷

Security policy is supposed to address insecurity,³⁸ in other words security laws are expected to address insecurities in the society. These laws beyond being enacted must be enforced without fear or favour. Such enforcement engenders a sense of justice which further clears the path to development. Security, therefore, is what Ken Boot citing Philippa Foot might have called a fact of human existence, namely a value that is rational for humans to pursue because we cannot sustain social life in its absence, whether this involves attending to the needs of

babies, developing communities, or exploring what it might mean to be human.³⁹

In advancing a nexus between security and development, Briscoe and Ginkel cite the European Union example, they write that the European Union (EU), with the adoption of the Council Conclusions on Security and Development in 2007, and its *Agenda for Change* in the field of development policy in 2011, asserted that the objectives of development, democracy, human rights, good governance and security are intertwined; and called for a stronger focus on these objectives as well as on the rule of law, anti-corruption, civil society and economic growth. The ambition is to link the EU's development, foreign and security policy initiatives so as to create a more coherent approach to peace, state-building, poverty reduction and the underlying causes of conflict.⁴⁰

As noted in the *World Development Report 2011* by the World Bank:

The costs of violence for citizens, communities, countries, and the world are enormous, both in terms of human suffering and social and economic consequences. The costs are both direct (loss of life, disability, and destruction) and indirect (prevention, instability, and displacement). While some of these losses can be directly measured and quantified in economic terms, others are not easily measured (trauma, loss of social capital and trust, prevention cost, and forgone investment and trade).⁴¹

The World Bank further contends that: the arrested social development in countries affected by violence is evident in the poor showing in human development indicators. Development in these countries is lagging on nearly every indicator associated with the MDGs...One reason for the persistence of low growth in conflict-affected countries may be the difficulty of reassuring investors, both domestic and foreign.⁴² These submissions attest to the fact that security and rule of law are essential in the development of the nation. In the same vein, the World Economic forum asserts that:

The practice of inclusive growth and development therefore requires widening the lens through which priorities are set in national economic strategies. Macroeconomic, trade and financial stability policies remain critically important as they establish the conditions necessary for improvements in productivity that help drive growth. But institutional development in other areas is just as vital to broad-based progress in living standards and consequently deserves equal emphasis in national economic policy.⁴³

What can be gleaned from this assertion is that national development requires policies and an enabling environment for the implementation of such policies. Policies come in form of laws in the society. Such laws which include economic laws, educational laws, social laws, democratic laws in a democratic environment, judicial system etc. and essentially the rule of law that allows the effective functioning of all other laws are important in the development of the nation.

Analysis through HLA Hart's Primary and Secondary Rules

Rules are conceived and spoken of as imposing obligations when the general demand for conformity is insistent and the social pressure brought to bear upon those who deviate or threaten to deviate is great. Such rules are necessary to ensure a secure environment on the one hand and to guarantee development on the other. Giving a general overview of both primary and secondary rules, Hart writes that:

Under rules of the one type, which may well be considered the basic or primary type, human beings are required to do or abstain from certain actions, whether they wish to or not. Rules of the other type are in a sense parasitic upon or secondary to the first; for they provide that human beings may by doing or saying certain things introduce new rules of the primary type, extinguish or modify old ones, or in various ways determine their incidence or control their operations. Rules of the first type impose duties; rules of the second type confer powers, public or private. Rules of the first type concern actions involving physical movement or changes; rules of the second type provide for operations which lead not merely to physical movement or change, but to the creation or variation of duties or obligations.⁴⁴

In other words primary rules are: duty imposing rules. They impose certain specific duties upon the citizens of a state to act in a certain manner, or they may be subject to certain legal sanctions. Hart characterizes primary rules as basic rules. They tell the citizen what one can and cannot do under the law.⁴⁵ In essence, primary rules tell us what to do and what not to do. Furthermore, primary rules outline sanctions that will be meted when primary rules are contravened, as Starr puts it "primary rules are generally what the ordinary citizen means when he refers to something as the law."⁴⁶

Secondary rules are according to Hart on a different level with primary rules, they are parasitic on primary rules. According to Hart:

...they may all be said to be on a different level from the primary rules, for they are all *about* such rules; in the sense that while primary rules are concerned with the actions that individuals must or must not do, these secondary rules are all concerned with

the primary rules themselves. They specify the ways in which the primary rules may be conclusively ascertained, introduced, eliminated, varied, and the fact of their violation conclusively determined.⁴⁷

Accordingly, Hart categorizes secondary rules as either rules of recognition, rules of change, or rules of adjudication. Rules of recognition say Starr provide a mechanism for discovering just what is or is not a legitimate primary rule.⁴⁸ According to Hart:

Wherever such a rule of recognition is accepted, both private persons and officials are provided with authoritative criteria for identifying primary rules of obligation. The criteria so provided may... take any one or more of a variety of forms: these include reference to an authoritative text; to legislative enactment; to customary practice; to general declarations of specified persons, or to past judicial decisions in particular cases.⁴⁹

This is how the rule of recognition is identified in a simple society but in a modern one Hart notes that the situation is more complex because of the nature of the society. In a modern legal system where there are a variety of 'sources' of law, says Hart, the rule of recognition is correspondingly more complex: the criteria for identifying the law are multiple and commonly include a written constitution, enactment by a legislature, and judicial precedents. In most cases, provision is made for possible conflict by ranking these criteria in an order of relative subordination and primacy.⁵⁰

The second rule is the rule of change. These are necessary to efficiently allow primary rules to be amended. They specify how primary rules may be changed. For instance, the United States Constitution can be amended, and statutes can be repealed or modified by later statutes."⁵¹ The dynamic nature of human society necessitates the amendment or outright change of certain rules, this rule of change gives room for such changes. It empowers the legislators or even judges to, based on contemporary realities, adjust rules. Developmental strides sometimes requires laws to be amenable to contemporary needs, a rigid system of laws which does not give room for changes will here defeat the purpose of such developmental needs. Hence, this provision in Hart's rules will have a positive effect in issues of law and security for national development. For instance, the introduction of the amnesty programme for militants by the Nigerian government instead of the continuous use of force in the Niger Delta stemmed the tide of insecurity in the environment thereby allowing for development.

The last of the rules proposed by Hart is the rule of adjudication. Of this rule Starr writes:

These rules are essential to a legal system of a complex society and are intended to remedy the inefficiency of a legal system with just primary rules. Rules of adjudication set criteria for determining when a primary rule has been broken and what procedure is to be followed when the primary violation has been established. Judges, commissions, and regulatory agencies are given authority when the occasion is appropriate to apply secondary rules of adjudication.⁵²

This is where the rule of law is most effective. It guarantees a just society that allows for development and security. Dispensing justice fairly ensures a humane environment which is secure and favourable for investment. This brings about development. It can thus be said that the combination of the primary rules and the secondary rules which form the core of Hart's conception of law are equally termed the heart of any legal system. Constitutions or other laws of a society have sections that deal with basic laws and the punishments for their violation; the constitution equally gives powers to these laws to be able to be obeyed as laws just as it provide processes of how laws can be changed.

Conclusion

This paper has argued that laws, security and national development are interconnected. Essentially, laws and security are indispensable element in the development of any nation. Development primarily is dependent on economic growth and economic growth cannot be thought of in an insecure environment. Also the availability and implementation of meaningful policies are at the heart of any developmental effort. Having set the basis of the interconnectedness of law security and development, this paper used Hart's conception of law to appreciate how laws can best be tuned to contemporary developmental needs. Using his analysis of the secondary rules of recognition, change and adjudication, we analyzed how the adaptability of laws to situations can engender development. Development is a continual process in any society and the efficaciousness of laws in a secure environment will always aid developmental efforts.

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