
FUNDAMENTAL HUMAN RIGHTS AND SUSTAINABLE NATIONAL DEVELOPMENT IN NIGERIA (1999-2015): AN OVERVIEW.

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ABSTRACT

The continuing interest in Human Rights is an indication of the premium placed by governmental and non-governmental actors and individuals on the need for safeguarding citizens' liberty. This paper believes that Human Rights are those rights to which an individual is entitled to by virtue of his status as a human being. The paper however, contended that bad leadership, lack of respect for rule of law, long years of military rule, poverty, illiteracy and high cost of filing, litigations, e.t.c., are among the factors undermining the entrenchment of Human Rights in Nigeria. The paper concludes that good leadership that is responsive and responsible, a well-informed civil society, independence of the judiciary and respect for rule of law will guarantee Human Rights and sustainable development in Nigeria.

Keywords: *Nigeria, Human Rights, Sustainable Development*

INTRODUCTION

Since Nigeria's independence in October 1, 1960 there had been provisions specifically made in the 1960, 1963, 1979, 1999 and 2011 amended constitutions for the protection of Fundamental Human Rights of Nigerian Citizens. For instance, under section II and IV of the constitution of Federal Republic of Nigeria 1999 certain rights described as fundamental specifically guaranteed and these include right of life, right to human dignity, to personal liberty, right to hold freedom of expression, freedom to hold opinions, right to peaceful assembly and association and right to freedom from discrimination and so on. Nigeria has also subscribed to the African charter on Human and People's Rights which the Court of Appeal Lagos Division in the case of Chief Gani Fawehinmi Vs Abacha (Nigerian law report 1996: 746-747) held to be an integral part of Nigerian legal system but of a higher and more forceful implication by virtue of its international status and which in international law is more

superior to local or municipal legislation. Impact decision in this case has turned out to be the saving grace for the Nigerian citizens whose rights have been the subject of constant and often brutal infringement by various governments. The idea of rights provides for an essential tool of analysis of the relations between the individual and the state. The scope of Human Rights is very wide. They set the standards for the provision and expansion of civil, political and socio-economic rights (Gauga, 1981). The centrality of Human Rights in the scheme of things is self-evident. Any system of government that is not founded on the protection of civil liberties and the public good is quite simply untenable in today's realities. If humanity is to make any progress, the world has come to the realization that rights have to be taken seriously. (Rapheal, 1967).

Nigeria as a country was the creation of British imperialism. Although several parts of what is today called Nigeria have been separately ruled by the British imperialism as colonies and protectorates until January, 1, 1914 when entire geographical area now called Nigeria by virtue of a British imperial act became a single political entity. After series of political processes and constitutional development, Nigeria attained political independence on October 1, 1960 and enrolled as a Member of the United Nations, and by implication. Nigeria had signed on to the universal declaration of Human Rights. Nigeria has also endorsed and domesticated several other Human Rights, instruments, treaties, conventions and resolutions that embody Fundamental Human Rights provisions. In addition, as a founding member of the Organization of the African Union, Nigeria is a major signatory and proponent of the Africans and Human Rights Charter which indeed has been domesticated and automatically transmitted to a local meaning that the provisions are legally binding on all persons and authorities (Onwubiko, 2009).

It is against this background that this paper examines Human Rights and Sustainable Development: The Nigerian Experience; the paper seeks to find out the history of Human Rights development in Nigeria, factors undermining Human Rights in Nigeria and recommend ways of enhancing Human Rights and Sustainable Development in Nigeria.

Research Questions:

The following research questions are therefore going to guide our study;

- i. What has been the condition of human rights in Nigeria from 1999-2010?

- ii. Have citizen's rights being guaranteed as provided by the constitution of the Federal Republic of Nigeria from 1999-2010?
- iii. How can problems related to the observance of human rights be managed for the effective realisation of Nigeria's political objectives

LITERATURE REVIEW

In this section, attempt was made to review some of the key concepts in the research topic. This include the following;

i.. Fundamental Human Rights: These are legally sanctioned claims which the citizens makes on government. This includes political, economic and social rights. The second concept that worth explaining is development, Todaro; (1989) identified three core values of development. These include,

- a. The ability to provide as many people as possible with their basic needs and the ability to acquire adequate good shelter, health care and protection.
- b. The perception by individuals or group of self-worth and esteem as a respected member of society.
- c. Freedom in the sense that individuals and society at large have an expected range of choice not only with respect to the material necessities for self production but also in their ability to have say if not to determine the method and process by which values are allocated in society.

ii.. Sustainable development on the other hand is a term commonly defined as economic and social development that meets the needs of the current generation without undermining the ability of future generations to meet their own needs (World Commission on Environment and Development; 1987).

iii.. Development of Human Rights

An important development in the a of Human Rights is the effort to integrate the protection of Human Rights into international laws as opposed to domestic law. This implies that Human Rights as an aspect of the domestic politics antedates the international concern with a legally enforceable code of Human Rights (Adele, 1980 and Barry, 1989).

The international concern with Human Rights can be viewed as a reaction to some of the atrocities of domestic politics and the gross violations of

constitutionally guaranteed rights in domestic laws. However, contemporary international concern with the Human Rights particularly at the level of the United Nations has been built on an attempt to reconcile the liberal individualist bourgeois emphasis of Rousseau and Marx on economic and socio-cultural rights as a pre-conditions for the enjoyment of civil and political rights (Barry, 1989).

The United Nations Declaration of Human Rights can be considered to be the first generation in the development of modern Human Rights law, the adoption in 1966 of the two Human Rights covenants. The United Nations covenant of social, economic and cultural rights is considered as constituting the second generation of Human Rights. The third generation of rights is traceable to collective rights like that of self-determination.

Moreover, in line with the heightened consciousness across the world regarding conservation of resources and environmental protection or what has generally passed for sustainable development. It has been suggested that there is now a fourth generation of rights. The pre-occupation of the West with democracy would seem to have given rise to a fifth generation of rights of democracy and good governance. While the sixth generation of rights arisen out of the women's movement (Akin. 2007). The United Nations established the Economic and Social Council which under the authority of the General Assembly is to promote higher standard of living, full employment and conditions of economic and social progress and development, the council is also to promote universal respect for and observance of Human Rights and fundamental freedoms without distinction as to race, sex, language or religion.

Moreover, further elaboration of the Universal Declaration has given rise to several other international Human Rights instruments which deal in greater details with specific aspects of the Declaration, these include International Declaration in Civil and Political Rights 1966, Convention on the Elimination of Determination against Women (CEDAW), Convention on the Rights the Child, convention against torture.

Human Rights therefore include right to life, liberty, freedom of expression, freedom from degrading and inhuman treatment, political, social and economic rights and pursuit of happiness (Bayeshea, 1999). The principle of Universality of Human Rights is predicated on the

globalization of standards for measuring compliance with the provisions and prescriptions of the Universal declaration of Human Rights promulgated by the United Nations General Assembly on 10th December, 1948, it also emphasize global concern for Human Rights.

iv.. The Concept Human Rights

Human Rights have become a global concept since 1945 to date. It is therefore not possible for any country to live or act in isolation. Infact, no country of the World can treat its citizens in an unjust manner and expect other nations of the world to just watch because the spill-over effect of carnage and human tragedy/catastrophe which Human Rights 'violation normally bring will disturb world peace and security. Refugee problem would have to be shared by other countries of the world, this will cause socio-economic disequilibrium. It is for the reason for the global nature of Human Rights that the often touted sovereignty of state has been whittled down. Infact country will be able to rely sovereignty to shield itself from world attention, concern and intervention where such countries engage gross Human Rights violations.

The United Nations through the Security Council and various other United Nations agencies such as the United Nations Human Rights situations all over the world. The Human Rights concept has acquired a global status that the international community is able to intervene in countries such as Rwanda where terrible genocide committed Hutus against the Tutsis in 1994. Similarly in Burundi, Bosnia in Cambodia where Polpot leader of Kahmer Rouge Rebel got over 2 million killed. (Bayeshea, 1999).

The international community have also been involved in stopping the civil war in Liberia and Sierra Leone and helping to restore democracy in those countries. Recently, in Ivory Coast same was done to restore Lauren Gbabo. In Libya, Iraq, Darfur, Sudan, Egypt and so on, the International Community also involved in the restoration of peace.

v.. Theories on the Origin of Human Rights

The theories of the origin of Human Rights have agitated mankind throughout the ages. Scholars such Bayeshea (1999), Akinlaja (2000) and Esho (2008) contended that it passes through the following phases.

a. Frenidian -The Ape Theory:

Anthropologists have argued that man descended from the Ape. It was in consequence that it was in the exercise of freedom of choice that is animal rights that the ape which has developed from the four

legged animal to the two legged man, reserves the right to entertain not. Man reserves the right to entertain or not, man from its cage in the zoo. However, far-fetched the theory remains extant.

- b. **Judicial -Religion:** This is related the event that happen in the Garden of Eden Adam and Eve were given the opportunity of witness the snake (right to fair hearing) before that condemnation. It was also an open hearing, an important essence of Human Rights. The rule-Audi alteram parterm a consonant of fair hearing had thus been established.
- c. **Morality:** The religious theory received a very critical examination by jurists, not only of this country but other countries.
- d. **Divinity:** It implies that Human Rights are not just mere rights of the Citizens. They are however rights that existed even before orderliness prescribed rules for the manner they are to be sought. They come from human nature and are intrinsic to the personality of the human individual. The constitution is a mere regulator of what divinity has granted man then they must stand above the ordinary laws of the land antecedent to the political society itself.

METHODOLOGY

The method of analysis used in this paper is non-statistical in nature and character. As a matter of fact, an annotated review of extant literature is undertaken with a view to identifying themes and issues relevant to the subject matter. After critical review of theories on the origin of human right and empirical evidence, inferences are drawn to highlight implications for the observance of fundamental human rights in Nigeria

The study also, is situated within the theoretica¹ framework of Locke's (1690) social contract theory of a modern state. Where he argued that, the state of implies the absence of a common to keep man and their desires in check. Because of the absence of on power and because all men are by nature power equal and desirous of the same ends, there is considerable opportunity for each man to pursue his ends without consideration for the interest of other men. The consequence of this state of affairs is constant friction, conflicts and wars. He also argued that, man in the state of nature has some obligations and duties which are to be discharged and to claim rights when threatened. For Locke, state was founded by a contract and the ruler was a party to the contract, people would promise to obey him in expectation that he would not merely keep domestic peace but would protect property and maintain the of the land.

Such of a fundamental let binding on the ruler is in effect constitution. He advocated for a limited government.

Factors Undermining the Observance of Human Rights in Nigeria:

- ❖ **Poverty:** Poverty is a condition which exists when a person lacks the means to satisfy the necessities of life. The practical actualization of most of the fundamental rights cannot be achieved in a country where millions are wallowing in abject poverty. In the circumstances of this nature, fundamental Human Rights provisions enshrined in the constitution are nothing but meaningless to the poor:
- ❖ **Unemployment:** The dignity of the human person is not enhanced where able bodied citizens are unemployed. An unemployed person may not be able to contest his fundamental rights because he has no job to take care of himself even when his right is blatantly violated, he prefer to deploy the little resources at his disposal to feeding himself.
- ❖ **Unequal access to court:** Access to the courts is a necessary adjunct of the rules of law and the effectuation of his rights by the citizens. It underlines and emphasises that justice should not be the privileges of the few who are rich hut available to all the citizens of the country, this include the payment of summon fees, the payment of lawyers fees, the payment for record of proceedings in the case of an appeal. All these are far beyond the reach of the poor and unemployed who find justice system too expensive.
- ❖ **Lack of basic infrastructure:** The absence of good roads and water ways where the majority of Nigerians live make movement and association difficult. Rights has a meaning and application only to those of us who indeed can move.
- ❖ **Inadequate Physical security:** With villages scattered without adequate means of communication, theft of livestock and food stuff go unchallenged in most rural areas Because of this insecurity, walls of houses are raised to the extent that the beauty of the building is lost. The right to personal liberty is therefore not guaranteed under such circumstances.
- ❖ **Adjournment of cases:** Arbitrary adjournment of cases by the judiciary and long detention of suspects on trial in prison is also an impediment to Fundamental Human Rights in Nigeria. This is attributed to judicial inadequacies coupled with inefficiency and corruption that has led to a situation where more than 60 percent

of the total prison inmates are waiting trial or being remanded in custody.

- ❖ **Cultural restraints:** In Nigeria, for cultural reasons, Women and daughters in some tribes are discriminated against when it comes to inheritance of landed properties. There is also Widowhood rites which are degrading to the woman hood which some have to go through during the funeral of their deceased husbands. In addition female circumcision is still carried out in some communities together with tribal marks.

An Overview of Fundamental Human Rights in Nigeria:

Indeed, there have been a lot of provisions in our legal system for the promotion, protection, observance and enforcement of Human Rights such provisions are observed in disobedience by the various Governments we have had in this Country. The people in authority lack the will to respect, obey and enforce the citizen's Human Rights.

Since 1966, various Nigerian governments in particular the Military have been paying lip-service to Human Rights of citizens. During the Murtala/Obasanjo's regime, thousands of Persons were unjustly retired from Civil Service without any fair hearing. Similarly, during the Shagari regime, there was a serious breach of Human Rights being the illegal deportation of Alhaji Shugaba Ahdul Rahman to Chad Republic (Nigerian Law Report (1981). The Plaintiff's passport was seized and was denied the citizenship of this country.

Under the Buhari/Idiagbon regime of 31st December 1983 to August 1985. In the process of sanitizing Nigeria genuine Human Rights suffered a great deal. Many people were detained in prisons for a long time, many died in prison and some who survived died shortly after being released from prison. Such persons were Late Chief Bisi Onabanjo, former Governor of Ogun State, Late Chief Ambrose Ali former Governor of Old Bendel State and Late Alhaji Sabo Barkizuwo, former Governor of Kano State. Some people were even arrested for drug trafficking and sentenced to death by Military Tribunal without opportunity of appeal to superior Courts and committed death by firing squad.

Under General Babangida, Human Rights also suffered a great set back, the Prisons became full with People detained without trial. So many Military Officers were framed up alleged coup plot, tried by military tribunals, convicted and sentenced to death secretly executed. Again in

1987, police entered the main campus of Ahmadu Bello University and gunned down six defenceless Students under the guise of quelling a riot. Finally, the annulment of June 12, 1993 presidential election which almost led to the disintegration of the country.

Late General Sani Abacha became the Head of State on 17th November, 1993. Under his regime, right to life became meaningless and liberty/freedom of citizens became a mirage. The prisons and the police cells were packed full of detainees including around tunnel at the military intelligence Apapa Lagos. Opposition leaders died under suspicious circumstances during the dark days of Abacha's reign. This includes chief Alfred Revane, General Shehu Musa Yar'adua and Alhaja Kudirat Abiola and so on. In the Fourth Republic of Chief Olusegun Obasanjo there were pockets of Human Rights abuses and lack of respect for the rule of law between 1999-2007.

Finally, Late Umaru Musa Yar'adua administration worked tirelessly towards the protection and respect for Human Rights in Nigeria though there were so many abuses here and there. His successor, GoodLuck Jonathan, according to Umaru (2012) abused human rights more than his successor. Such cases include the killings of political opponents in the name of Boko Haram, social insecurity, poor and dangerous conditions of about 80% of Nigerian populace as a result of artificial poverty as well as corruption.

CONCLUDING REMARKS

The relevance of Human Rights in a modern society and in bringing about sustainable development cannot be overemphasized. This underscores the fact that Human Rights protection and guarantee can bring about peaceful, orderly, prosperous and progressive development. Similarly, the paper noted that Human Right is an essential component of development which is aim at the constant improvement of the well-being of the entire population. The paper also believes that Human Rights are interdependent, universal and inalienable. However, the paper observes that one major obstacle to the enforcement and implementation of the Fundamental human Rights provision for most significant period since Nigeria's independence was prolong period of military rule. The paper therefore recommends the need for the independence of the judiciary, adequate funding and staffing of the National Human Rights Commission, aggressive Human Rights education and provision of the

socio-economic wellbeing of Nigerian citizens. There is also the need to deepen democracy and improving political and economic governance to enhance Fundamental Human Rights in Nigeria. There is also the need for adequate structures such as Ombudsman or Public Complaint Commission, Legal Aid Alternatives, Available Resolution Mechanisms with adequate autonomy and strengths to check abuses of Human Rights.

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