

**THE INFLUENCE OF COMPLIANCE WITH  
INTERNATIONAL HUMAN RIGHTS OBLIGATIONS ON  
DEMOCRACY AND NATIONAL DEVELOPMENT: A  
NIGERIAN PERSPECTIVE**

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**ABSTRACT**

The Universal Declaration of Human Rights (UDHR) and the International Bill of Human Rights establish global standards for the protection of human dignity and justice. States that ratify these instruments are required not only to prevent human rights violations but also to take proactive measures to protect and fulfil these obligations. Compliance with international human rights obligations is widely linked to democratic governance and national development. This study examines the influence of compliance with international human rights obligations on democracy and national development in Nigeria. The study adopts a doctrinal methodology. It relies on the analysis of international human rights instruments, constitutional provisions, statutes, judicial decisions, and relevant literature. Selected case studies are also used to assess Nigeria's level of compliance and its impact on governance and development outcomes. The findings reveal that although Nigeria has incorporated some international human rights standards into its legal framework, significant challenges remain. While Chapter IV of the *1999* Constitution guarantees fundamental rights, weak enforcement mechanisms limit their effectiveness. In

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addition, the non-justiciability of Chapter II and persistent political and institutional constraints have reduced the positive impact of these obligations on democracy and national development. The study finds that partial compliance has resulted in weak accountability, continuing human rights violations, and uneven development outcomes. It therefore recommends strengthening human rights enforcement mechanisms. It also calls for constitutional reforms to enhance the justiciability of socio-economic rights and greater political commitment to integrating international human rights standards into governance and development policies in Nigeria.

**Keywords:** Influence, Compliance, International, Human, Rights, Obligations, Democracy, National and Development

## 1.0 Introductions

Human rights, as stated in international documents like the Universal Declaration of Human Rights (UDHR), are the foundation of modern governance.<sup>1</sup> These rights protect the dignity, freedom, and well-being of individuals worldwide. Since the UDHR was adopted in 1948, its principles have shaped national laws, international relations, and global governance. They provide a framework for countries to evaluate their progress in promoting human dignity and justice.

The International Bill of Human Rights, which includes the UDHR, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), outlines important guidelines that nations should adopt. Following these instruments is not just a legal duty; it is also a way to achieve broader goals such as democracy and national development.

In many countries, including Nigeria, integrating international human rights obligations into domestic law has been crucial for developing democratic governance and promoting sustainable growth. The

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<sup>1</sup> Galchinsky, M., "The Problem with Human Rights Culture" (2010) Vol. 75(2) South Atlantic Review 5.

principles of equality, justice, and accountability found in these human rights frameworks are essential for building strong democratic institutions. They help create an environment where citizens can participate in governance, where civil liberties are protected, and where economic and social progress is inclusive.

However, Chapter II of the 1999 Constitution of Nigeria poses significant barriers to fully implementing these rights. While it outlines important economic, social, and cultural rights, it also states that these rights are not enforceable in court. This limitation prevents individuals from seeking justice for violations of their rights and hinders the realization of international human rights standards. This article explores the complex relationship between international human rights obligations, democracy, and national development, focusing on Nigeria. It examines how Nigeria's commitment to these obligations has influenced its governance and development outcomes. By looking at Nigeria's experiences, including both successes and challenges, this study aims to provide insights into the broader implications of human rights compliance for national progress. Additionally, it offers recommendations for improving governance and development in Nigeria and other countries facing similar obstacles.

### **1.1 The Evolution of Human Rights in Nigeria**

The arrival of British colonial rule in the 19th century marked a significant shift in the governance and legal systems of Nigeria. The colonial administration imposed Western legal systems that often conflicted with indigenous practices and norms.<sup>2</sup> The British colonial government introduced laws that prioritised the interests of the colonial powers, often at the expense of the rights and freedoms of the indigenous population. During this period, the colonial government also imposed laws that restricted political participation, freedom of expression, and the right to assemble. The colonial legal system was designed to maintain control over the population and suppress any form of resistance.<sup>3</sup> This period was marked by widespread human rights abuses, including forced labor, land dispossession, and suppression of traditional leadership structures. Despite these challenges, the colonial

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<sup>2</sup> DADA J.A., "Human Rights Protection in Nigeria: the Past, the Present and Goals for Role Actors for the Future" (2013) Vol.14, Journal of Law, Policy and Globalization

<sup>3</sup> Ibid

era also laid the foundation for modern human rights discourse in Nigeria.<sup>4</sup> The struggle for independence, which gained momentum in the mid-20th century, was heavily influenced by the global human rights movement. Nigerian nationalists, inspired by the principles of self-determination and human rights, began to demand political freedom and the protection of basic rights for all Nigerians.

Nigeria gained independence from Britain in 1960, and with it came the challenge of establishing a new legal and political order. The post-colonial government faced the task of integrating the diverse ethnic and cultural groups within Nigeria into a unified nation-state. This period also marked the beginning of Nigeria's engagement with international human rights norms. The 1963 Constitution of Nigeria, which followed independence, incorporated several fundamental rights, including the right to life, the right to personal liberty, and the right to fair hearing. However, the post-colonial era was also characterised by political instability, including military coups and civil war, which posed significant challenges to the protection of human rights. During the military regimes that dominated Nigerian politics from the 1960s to the 1990s, human rights violations became widespread.<sup>5</sup> These regimes often suspended constitutional rights, suppressed dissent, and used state power to silence opposition. The period was marked by arbitrary arrests, detention without trial, and extrajudicial killings.<sup>6</sup> The international community frequently criticised Nigeria for its poor human rights record during this time.

## **2.0 Nigeria's Engagement with International Human Rights Instruments**

Nigeria made significant strides in engaging with international human rights instruments. Nigeria became a member of the United Nations shortly after independence and subsequently ratified several key international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social, Cultural and People's Rights

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<sup>4</sup> Ibid

<sup>5</sup> Ibid

<sup>6</sup> Ibid

(ICESCR), and the African Charter on Human and Peoples Rights.<sup>7</sup> These instruments impose obligations on Nigeria to respect, protect, and fulfill the rights enshrined therein. These treaties required Nigeria to align its national laws with international human rights standards and report on its progress to international bodies. In 1983, Nigeria established the National Human Rights Commission (NHRC) to promote and protect human rights within the country. The NHRC was tasked with investigating human rights abuses, educating the public about their rights, and advising the government on human rights issues.<sup>8</sup> While the commission faced challenges, particularly during military rule, it represented a significant step towards institutionalising human rights protection in Nigeria. The return to civilian rule in 1999 marked a new era for human rights in Nigeria. The 1999 Constitution of the Federal Republic of Nigeria includes a comprehensive Bill of Rights, reflecting many principles enshrined in international human rights instruments. During this period, Nigeria also strengthened its engagement with regional human rights bodies, such as the African Commission on Human and Peoples' Rights, further integrating Nigeria into the global human rights system.

While these international human rights instruments hold great promise for addressing violations and fostering both democracy and national development, challenges remain, particularly in implementation. The core issue stems from the attitude of states parties such as Nigeria towards conventions and treaties they have ratified. In some jurisdictions, ratified treaties take precedence over domestic laws. For instance, Article 55 of the French Constitution of 1958 states that:

“Treaties or agreement duly ratified or approved shall upon publication have an authority superior to that of the domestic law”.

Similarly, Article VI, section 2 of the United States Constitution provides that

“All treaties made with the authority of the US shall be the supreme law of the land and all judges shall be bound

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<sup>7</sup> Dankwa, V., “The African Charter on Human and Peoples' Rights: Hopes and Fears” in Human Rights and Development in Africa Welch and Meltzer, (eds) 1984 at 3.

<sup>8</sup> DADA J.A., Op.Cit

thereby, anything in the Constitution or law of any state to the contrary notwithstanding”.

In contrast, in countries like Nigeria, international conventions and treaties are not directly enforceable in National Courts unless they have been incorporated into domestic law through legislation. However, global developments increasingly demonstrate the interdependence between international and National legal systems.<sup>9</sup> This legal integration is critical for enhancing democracy, as the enforcement of human rights law helps uphold democratic principles, including justice, equality and the rule of law. For example, during the Judicial Collegium held in Bangalore, India in February 1988, Helfen C.J of Pakistan remarked that international human rights norms are often reflected in national constitutions, and domestic court can play a role in expanding these rights.<sup>10</sup>

According to the Bangalore principle, Court must interpret domestic laws in a way that avoids violating international law, as legislatures are presumed not to enact laws that breach their state’s treaty obligations. It is a well established judicial function for national courts to consider a country’s international obligations, whether or not these obligations have been incorporated into domestic law.<sup>11</sup>

As a member of the international community, Nigeria, in addition to being a party to the ICCPR, ICESCR and the African Charter on Human and Peoples Rights, is also a party to several other human rights treaties that obligate it to respect, protect, and fulfill the human rights guaranteed within them. These treaties include the Convention on the Rights of the Child (CRC), the International Convention on the Elimination of All Form of Racial Discrimination (ICERD), and the Convention Against Torture (CAT) among others.<sup>12</sup>

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<sup>9</sup> Anyogu, F.A. and Nwosu C.E., “Impact of International and Regional Human Rights Instruments on the Advancement of The Reproductive and Sexual Rights of Women” (2021) Vol. 1, Journal of International Human Rights and Contemporary Legal Issues (JIHRCLI)

<sup>10</sup> Ibid

<sup>11</sup> Between 24 and 26 February 1988, a high level Judicial Colloquium of Commonwealth Judges was held in Bangalore, India on ‘The Domestic Application of International Human Rights Norms’. The Colloquium yielded the Bangalore Principles.

<sup>12</sup> Anyogu F.A. and Nwosu C. E., Op. Cit

These treaties obligate Nigeria to deter and prevent violations of the rights they protect, and to investigate, prosecute, and provide remedies for such violations. For instance, Paragraph 11 of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for victims of Gross Violations of International Humanitarian Law March 21, 2006,<sup>13</sup> states that,

“Remedies for gross violations of international human right law and serious violations of international humanitarian law include the victim’s right to access relevant information concerning violations and reparation mechanisms.”

Additionally, paragraph 24 emphasises that,

“States should develop means of informing the general public and in particular victim of gross violations of international human rights law and serious violations of international humanitarian law of the rights and remedies addressed by these Basic Principles and Guidelines and of all available legal, medical, Psychological, social, administrative and all other services to which victims may have a right of access.”

Effective enforcement of these treaties is essential not only for protecting human rights but also for promoting national development. Respecting human rights creates an environment conducive to sustainable development, as it empowers citizens to participate in democratic governance, foster social stability, and ensures equitable access to resources and opportunities. For instance, Under the International Covenant on Civil and Political Rights (ICCPR), governments are obligated to ensure that any person whose rights or freedom are violated shall have access to an effective remedy, which strengthens public confidence in democratic institutions.<sup>14</sup>

At the regional level, the African Charter on Human and People Rights (the Africa Charter) guarantees every individual the right to be heard.<sup>15</sup> This includes the right to appeal to competent national bodies against

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<sup>13</sup> Adopted by the 60th of the United Nations General Assembly, A/ RES/ 60/ 147.

<sup>14</sup> ICCPR, article 2(3)(a).

<sup>15</sup> ACHPR, article 7

acts that violates fundamental rights as recognised and guaranteed by conventions, laws, regulations and customs in force. The African Charter also guarantees the right to human dignity and prohibits exploitation, slavery, torture and cruel, inhuman and degrading punishment.<sup>16</sup>

Notably, the African Charter has been ratified by Nigeria and incorporated into Nigerian domestic law as the African Charter on Human and People's Rights (Ratification and

Enforcement) Act 1983 (the Africa Charter Act). The domesticating provision of the African Charter Act states as follows:

“As from the commencement of this Act, the provision of the Africa Charter on Human and People's Right which are set out in the schedule to this Act shall, subject as there under provided, have force of law in Nigeria and shall be given full recognition and effect and be applied by all authorities and persons exercising legislative, executives and judicial power in Nigeria”.<sup>17</sup>

This provision demonstrates Nigeria's commitment to being bound by the African Charter.

Moreover, it means that the Charter has the status of domestic law in Nigeria and can be invoked in Nigerian courts to address any violations of the rights and freedoms it guarantees. For example, in *Communication 115/96 SERAC v Nigeria*<sup>18</sup>, the African Commission found Nigeria in breach of its regional and International obligations under

Articles 24 and 16 of the African Charter relating to the right to a satisfactory environment. The Commission ruled that since Nigeria had incorporated the African Charter into its domestic law, all rights contained therein could be invoked in Nigerian Courts.

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<sup>16</sup> Ibid, article 5

<sup>17</sup> African Charter on Human and People's Rights (Ratification and Enforcement) Act 1983, Section 1

<sup>18</sup> Decided at the 30th Ordinary Session of the Africa Commission in Bangul, The Gambia, 13th -27th October 2001.

Nigeria is therefore obligated to respect, protect and fulfill the right guaranteed both under these international legal instruments and the African Charter in line with the principle of *Pacta Sunt Servanda*, which hold that, every treaty in force is binding upon the parties to it and must be performed in good faith.<sup>19</sup> Respecting these obligations plays a vital role in fostering national development, as the protection of human rights strengthens democratic governance, promotes the rule of law, and ensures a stable and just society in which development can thrive.

## 2.1 International Human Rights Obligations and Democracy

Compliance with international human rights obligations is essential for sustaining democracy in Nigeria. Democracy thrives on accountability, transparency, and the protection of individual rights.<sup>20</sup> The Universal Declaration of Human Rights (UDHR) and the two main international covenants (the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR)) provide the legal foundation for these democratic principles. They advocate for the rule of law, freedom of expression, and protection from arbitrary detention. In Nigeria, the incorporation of these international norms into the Constitution is intended to enhance participatory governance, empowering citizens to hold their government accountable.<sup>21</sup> However, the frequent disregard for these rights, evident in unlawful arrests, excessive pretrial detention, and the brutality of law enforcement agencies, undermines democratic values.<sup>22</sup> The EndSARS protests of October 2020 and the recent Endbad governance protest held between 1<sup>st</sup> August to 10 August, 2024 highlighted Nigerians' frustrations with police brutality and the failure of the justice system to protect their rights.<sup>23</sup>

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<sup>19</sup> Vienna Convention on the Law of Treaties, article 26, entered into force on 27 January 1980

<http://www.un-treaty-un.org/ilc/texts/instruments/english/conventions/1/1969.pdf> accessed on 21st August, 2024.

<sup>20</sup> ThankGod. C. A., "Promoting Transparency & Accountability for Sustainable Democracy in Nigeria" (2015) Vol.6, Research Journal of Finance and Accounting

<sup>21</sup> Ibid

<sup>22</sup> JaCob Abiodun Dada J.A., Op.cit

<sup>23</sup> Amnesty International, <http://www.amnesty.org>

Moreover, the state's inability to address human rights violations erodes public trust in government institutions.<sup>24</sup> When the judiciary fails to protect citizens' rights, it weakens democracy, leaving the populace disenfranchised and disillusioned. A notable case, *Shola Abu and 349 Ors v. Commissioner of Police, Lagos State and Ors*,<sup>25</sup> reveals the Nigerian legal system's failure to ensure timely justice, with individuals languishing in detention for years without trial.<sup>26</sup> Such cases demonstrate the dysfunctionality within the justice system and urgent need for reforms to align with international human rights standards.

The International Covenant on Civil and Political Rights (ICCPR) contains a detailed set of civil and political rights that signatory states, as per Article 2(1), are obligated to "respect and ensure."<sup>27</sup> These rights include fundamental freedoms such as the right to life, freedom of speech, peaceful assembly, and participation in public affairs. However, the realisation and enjoyment of these rights largely depend on the measures taken by the state parties to implement them within their domestic legal frameworks. The domestic implementation of these rights is regarded as the primary mechanism for ensuring individuals' access to the rights enshrined in the ICCPR.<sup>28</sup> It requires each state to adopt necessary legislative, judicial, and administrative measures to integrate the rights into its national legal system. This allows citizens to directly benefit from the protections and freedoms provided by the covenant within their own countries, making the state the first line of defense for human rights protection. On the other hand, the international implementation system serves as a secondary means of enforcement, offering a mechanism for monitoring and ensuring compliance.<sup>29</sup> This system consists of reporting requirements where state parties submit regular reports to the Human Rights Committee (the ICCPR's supervisory body), detailing the steps they have taken to implement the covenant's provisions. Furthermore, it includes the inter-

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<sup>24</sup> Anyogu F.A and Nwosu C.E., Op cit

<sup>25</sup> (2013) 16 NWLR (Pt. 1382) 511

<sup>26</sup> Jacob Abiodun Dada, J.A., "Judicial remedies for Human Rights Violations in Nigeria: A Critical Appraisal" (2013) Vol. 10, *Journal of Law, Policy and Globalization*.

<sup>27</sup> "International Covenant on Civil and Political Rights." Adopted by General Assembly resolution 2200A (XXI) of 16 December 1966. URL: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

<sup>28</sup> Ibid

<sup>29</sup> Ibid

state complaint system and individual complaint procedures under the First Optional Protocol, which allow states or individuals to bring violations to the attention of the committee when domestic remedies are ineffective or unavailable.<sup>30</sup> The ICCPR's enforcement relies heavily on the commitment of state parties to integrate these rights domestically, while the international system provides a vital control and accountability mechanism to address violations and promote compliance.

## **2.2 The Role of Human Rights in Strengthening Democracy**

Democracy is fundamentally about the protection and promotion of individual freedoms, equality, and justice, all of which are key elements of human rights. By embracing international human rights obligations, Nigeria can strengthen its democratic framework in the following ways:

### **2.2.1 Enhancing Accountability and the Rule of Law:**

International human rights obligations require states to establish legal and institutional frameworks that uphold the rule of law. This involves creating laws to protect individuals' rights and ensuring that these laws are enforced impartially. The rule of law, as articulated by A.V. Dicey emphasises supremacy of established laws over arbitrary power, ensuring that all individuals are subject to the same legal standards.<sup>31</sup> . This principle is fundamental to democratic governance and is embedded in the basic structure of Nigeria's 1999 constitution which advocates for justice, liberty and equality.<sup>32</sup> The rule of law serves to protect citizens by imposing check on executive powers and administrative authorities, fostering an environment where human rights can be respected and upheld.

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<sup>30</sup> Ibid

<sup>31</sup> Dicey A,V, Introduction to the Study of the Law of the Constitution (London: Macmillan, 1885) cited by See *Agabje v. Commissioner of Police (Western State)* (1969) 1 NMLR 137.

<sup>32</sup> Oni, E.O., 'Democracy and the Challenges of Consolidation in Nigeria's Fourth Republic', *Ibadan Journal of the Social Sciences*, 12(2) (2014), 184.

In a democratic society, the rule of law ensures that no one is above the law, including government officials, which is essential for maintaining public trust in governance.<sup>33</sup>

However, recent studies such as those conducted by the World Justice Project (WJP), indicate concerning trend of non-observance of the rule of law globally, with Nigeria identified as a country with significant deficiencies in this area.<sup>34</sup> Issues such as lawlessness, impunity among government officials, disobedience to court orders and arbitrary arrests undermine public trust in the legal system and erode democratic institution. In Nigeria, the rule of law often appears to apply selectively with elites frequently operating above it while the masses bear the brunt of legal enforcement.<sup>35</sup>

Therefore, for Nigeria, the challenge lies in ensuring that these legal frameworks are not only established but also implemented effectively. Corruption and weak institutions, and political interference have often undermine the rule of law, leading to a lack of accountability and impunity, particularly for those in of power. Strengthening the judiciary and anti-corruption agencies is crucial to addressing these issues and fostering democratic governance.<sup>36</sup>

The relationship between the rule of law and international human rights obligations is critical. States are bound by various international treaties, such as the International Covenant on Civil and Political Rights (ICCPR), to respect, protect, and fulfill human rights.<sup>37</sup> A robust rule of law framework is essential for holding governments accountable to these obligations. When the rule of law is weak, violations of human rights, such as arbitrary detention and discrimination, become rampant, creating an environment where democracy cannot thrive.<sup>38</sup>

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<sup>33</sup> Mbanugo O, And Arinze-Umob CN, “Human Rights and Duties in Nigeria: The Rule of Law” (2019) Vol. 15, Unizik Law Journal 1

<sup>34</sup> See World Justice Project, Rule of Law Index, 2021 Insights.

<sup>35</sup> Charles O. Adekoya, “Entrenching Human Rights and Electoral Culture in Nigeria: What Roles for the Universities” (2023) Vol. 8 Crescent University Law Journal.

<sup>36</sup> Olaniyan, K. Corruption and Human Rights in Africa (Oxford: Hart Publishing, 2014)

<sup>37</sup> Tom Bingham, The Rule of Law (London: Allen Lane, 2010)

<sup>38</sup> Nigeria has consistently been ranked low from 2015 to 2022. Out of 140 countries, Nigeria ranked 118th. . See WJP Rule of Law Index, 2022. See also Human Rights Watch, Criminal Politics: Violence, “Godfathers” and

In summary, reinforcing the rule of law in Nigeria is essential for fulfilling international human rights obligations and fostering a vibrant democracy. A legal system that upholds the rule of law not only protects individual rights but also enhances civic engagement and trust in democratic institutions, paving the way for sustainable national development.

### **2.2.2 Promoting Transparency in Governance:**

Transparency is a cornerstone of democracy, as it allows citizens to hold their government accountable. International human rights obligations often include provisions that require states to operate transparently, particularly in areas such as governance, law enforcement, and the administration of justice.<sup>39</sup> This transparency is essential for preventing abuses of power and ensuring that government actions are subject to public scrutiny. In Nigeria, efforts to promote transparency have been met with mixed success. While there have been notable improvements, such as the implementation of the Freedom of Information Act challenges remain. The Act has allowed for greater external scrutiny of public institutions, enabling citizens and civil society to hold officeholders accountable.<sup>40</sup> This has fostered a degree of openness in governance, promoting transparency.<sup>41</sup> However, despite these gains, persistent issues continue to undermine efforts, particularly in the areas of public finance and anti-corruption.

The establishment of anti-corruption bodies such as the Independent Corrupt Practices and Other Related Offences Commission (ICPC) and the Economic and Financial Crimes Commission (EFCC), alongside the emphasis on due process in governance, has resulted in some successes in curbing corrupt practices.<sup>42</sup> These institutions have been instrumental in investigating and prosecuting corrupt practices,

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Corruption in Nigeria, 11 October, 2007 [www.hrw.org](http://www.hrw.org) last accessed 10 September, 2024.

<sup>39</sup> Akor M. I., "Promoting Transparency and Accountability in Governance in Nigeria Through the Freedom of Information Act" Available at <http://www.africanscholarspublications.com>

<sup>40</sup> Ibid

<sup>41</sup> Ibid

<sup>42</sup> ThankGod, C. A., "Promoting Transparency & Accountability for Sustainable Democracy in Nigeria" (2015) Vol. 6, No. 6 Research Journal of Finance and Accounting.

signaling progress in addressing financial misconduct. Nevertheless, deeper systemic issues remain unresolved.<sup>43</sup> The effectiveness of these commissions has often been called into question due to perceived political influences in their formation and operations.<sup>44</sup> As a result, some critics argue that these bodies lack the independence needed to tackle entrenched corruption effectively.

In summary, while there have been steps toward increasing transparency and accountability through legal frameworks and anti-corruption agencies, Nigeria still faces significant obstacles in rooting out corruption and ensuring robust financial oversight. To achieve long-lasting reform, greater autonomy for these institutions and a commitment to genuine accountability at all levels of government are essential.

### **2.2.3 Political Participation and Civil Liberties in Nigeria and International Human Rights Standards**

Political participation is a cornerstone of democratic governance. It includes the right to vote, run for public office, and engage in civic activities such as public discussions, protests, and other forms of political expression. Civil liberties, on the other hand, encompass freedoms like speech, religion, assembly, and association, which are essential for the protection of individual autonomy and collective political action.<sup>45</sup> International human rights instruments, such as the International Covenant on Civil and Political Rights (ICCPR),<sup>46</sup> emphasise the protection of these rights as foundational to democracy. These instruments mandate that individuals must have the right to participate in public affairs without discrimination and that their civil liberties must be respected by governments. In Nigeria, the influence of these international standards can help guide domestic policy reforms that protect political freedoms.

Notwithstanding these international obligations and standards, their practical implementation in Nigeria remains fraught with several

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<sup>43</sup> Ibid

<sup>44</sup> Ibid

<sup>45</sup> These Rights are provided under chapter II of the 1999 Constitution

<sup>46</sup> "International Covenant on Civil and Political Rights." Adopted by General Assembly resolution 2200A (XXI) of 16 December 1966. URL: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

domestic challenges that continue to restrict effective political participation and enjoyment of civil liberties. These challenges include:

**Election malpractices** such as vote-buying, rigging, and violence during elections undermine citizens' right to freely choose their representatives.<sup>47</sup>

**Government repression** of opposition, activists, and journalists through arbitrary arrests, detentions, and harassment curtails freedom of speech and assembly.

**Constitutional limitations**, such as the non-justiciability of certain rights like education under Chapter II of the 1999 Constitution, weaken the enforcement of political rights and civil liberties.<sup>48</sup>

**Discrimination and exclusion** of marginalised groups, including women, ethnic minorities, and people with disabilities, further limit their ability to participate fully in the political process. These challenges not only hinder democratic governance but also threaten the realisation of civil liberties for all citizens.

### **2.3 Role of International Human Rights in Promoting Political Participation and Civil Liberties**

International human rights mechanisms offer a framework for addressing Nigeria's challenges in political participation and civil liberties. These include:

#### **a) Reforming Domestic Legal Frameworks**

By aligning domestic laws with international standards, Nigeria can ensure stronger protection for political participation and civil liberties. International human rights norms mandate that elections be transparent, free, and fair, and that citizens must be free from intimidation or retaliation for expressing political opinions.<sup>49</sup> Legal

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<sup>47</sup> Oni, E.O., Op.cit

<sup>48</sup> Shehu A.T., *The Enforcement of Social and Economic Rights in Africa: The Nigerian Experience* (2013) Vol. 2 Iss. 1 Afe Babalola University Journal of Sustainable Development Law and Policy 101

<sup>49</sup> Johnson U. Ofoegbu, "The Place Of Human Rights In Nigeria's Democracy" Available at <http://dx.doi.org/10.4314/og.v10i1.4>

reforms to address these areas would enhance Nigeria's democratic system.

#### **b) Civil Society and International Advocacy**

Civil society organizations, human rights defenders, and international bodies like the UN and the African Union (AU) provide platforms for enforcing political rights and civil liberties. These institutions also help to expose rights violations and support campaigns for electoral reforms, freedom of the press, and other critical democratic principles.<sup>50</sup>

### **3.0 The Influence of Human Rights Compliance on National Development**

National development encompasses the social, economic, and political progress of a country, aiming for the well-being and quality of life of its citizens.<sup>51</sup> The concept of development has evolved beyond mere economic growth to include aspects such as human rights, governance, social inclusion, and environmental sustainability. Human rights compliance is integral to national development, as it ensures that development benefits all segments of society, promotes social justice, and enhances the legitimacy and sustainability of development efforts. In the context of Nigeria, compliance with international human rights obligations can significantly impact national development. By protecting civil, political, economic, social, and cultural rights, Nigeria can foster an environment where all citizens have the opportunity to contribute to and benefit from development. This comprehensive approach to development is essential for addressing the multifaceted challenges facing Nigeria, including poverty, inequality, corruption, and insecurity.

#### **3.1 Economic Development and Human Rights**

Economic development and human rights are deeply interconnected. Respecting and protecting human rights can lead to more equitable and sustainable economic growth. Conversely, human rights violations can hinder economic development by creating social unrest, perpetuating inequality, and undermining trust in institutions. Economic rights are essential elements for a life of dignity and freedom. The International Covenant on Economic, Social and Cultural Rights (ICESCR) is the

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<sup>50</sup> *ibid*

<sup>51</sup> *Ibid*

core and foundational treaty on this class of rights, being the very first codification of these rights by the agreement of signatory states.<sup>52</sup>

Human rights compliance can boost inclusive economic growth by giving all citizens access to economic opportunities. These Rights as recognised in the ICESCR include the right to work and favourable conditions of work,<sup>53</sup> form and join trade unions,<sup>16</sup> social security,<sup>54</sup> adequate standard of living, including adequate food, clothing and shelter,<sup>55</sup> the highest attainable level of health and healthcare,<sup>56</sup> education,<sup>57</sup> free and compulsory primary education,<sup>58</sup> and take part in cultural life, benefit from scientific progress; and benefit from the protection of scientific, literary or artistic production of which one is the author.<sup>59</sup> These rights are similar to those proclaimed in the principal UN document i.e. Universal Declaration of Human Rights and other international human rights instruments. The paper seeks to present the meaning and significance of some of the rights outlined in the ICESCR

### **3.1.1. The Right to Work**

The rights of work, as protected under Article 6 of the ICESCR plays an important role in promoting national development. By ensuring access to employment opportunities that individual freely choose, states facilitate not only personal livelihoods but also broader economic and social development. 30 Article 23.1 of the Universal Declaration of Human Rights states:

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. To fully realize the right to work, States are encouraged to develop technical and vocational guidance and training

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<sup>52</sup> Ogugua Vc And Udemezue O. L., “Enforcement of Economic, Social and Cultural Rights in Nigeria – A Slippery Slope?” (2022) Vol. 18, Unizik, Law Journal

<sup>53</sup> Article 6 & 7 International Covenant on Economic, Social and Cultural Rights

<sup>54</sup> Article 9 International Covenant on Economic, Social and Cultural Rights

<sup>55</sup> Article 11 International Covenant on Economic, Social and Cultural Rights

<sup>56</sup> Article 12 International Covenant on Economic, Social and Cultural Rights

<sup>57</sup> Article 13 International Covenant on Economic, Social and Cultural Rights

<sup>58</sup> Article 14 International Covenant on Economic, Social and Cultural Rights

<sup>59</sup> Article 14 International Covenant on Economic, Social and Cultural Rights

programs, along with policies that facilitate access to employment.<sup>60</sup> By ensuring that individuals have access to employment and vocational training States not only enhance individual well-being but also contribute to overall national development.<sup>61</sup> When the right to work is respected, marginalised and disadvantaged groups are empowered, reducing poverty and inequality, which leads to a more distribution of wealth and resources.<sup>62</sup>

The Supreme Court of India's observation in *Olga Tellis & Ors. v Bombay Municipal Corporation & Ors*,<sup>63</sup> Further reinforces the importance of the right to work. The court recognised that the right to livelihood, being integral to the right to life, ensures that citizens have the means to make their lives meaningful. Denying access to employment without just and fair procedures disrupts an individual's ability to contribute to the economy and society, which in turn affect national development.

Therefore compliance with the right to work helps strengthen the economy by creating job opportunities for everyone. This leads to higher productivity, less poverty, and a more inclusive society. Protecting the right is key to achieving long-term national development, as it allows individual to contribute to and benefit from the country's growth and progress.

### **3.1.3. The Right to a Fair Wage and Safe Working Conditions**

This right is essential for ensuring dignity, equality and well-being for workers. The ICESCR, along with other international instruments such as The African Charter on Human and Peoples' Rights, and the European Social Charter, emphasises the need for just and favourable working conditions. This include the right to fair wages and equal pay for equal work, and safe working environments.<sup>64</sup> The African Charter on Human and Peoples' Rights, Protocol of San Salvador, American

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<sup>60</sup> CESCR, *General Comment No. 18, Article 6 of the International Covenant on Economic, Social and Cultural Rights*,

UN Doc. E/C.12/GC/18, 6 February 2006, paras. 27-28.

<sup>61</sup> Ibid

<sup>62</sup> Ibid

<sup>63</sup> AIR 1986 SC 18

<sup>64</sup> ICESCR, art. 7.

Declaration, and the European Social Charter, among others, incorporate related provisions.<sup>65</sup>

Moreover, as highlighted by the inter- the Inter-American Court of Human Rights States are “obliged to respect and ensure the labor rights of all workers, irrespective of their status as nationals or aliens,” and “should not allow private employers to violate the rights of workers, or the contractual relationship to violate minimum international standards.”<sup>66</sup> The Court added that “work should be a means of realization and an opportunity for the worker to develop his aptitudes, capacities and potential, and to realise his ambitions, in order to develop fully as a human being.”<sup>67</sup> Compliance with international standards on fair wages and safe working conditions allows workers to fully realise their potential and contribute meaningfully to the economy which in turn advances national development.

When Nigeria upholds these rights, it supports the development of its workforce, which is essential for long-term progress. Workers with fair wages and safe conditions are more likely to be productive, innovative and committed to their jobs, leading to improved economic outcomes and better living standards. Simply put, respecting these labour rights is key to building a healthy, prosperous nation that can achieve sustainable development.

#### **3.1.4. The Right to Education**

The right to education as outline in Article 13 of the ICESR, requires that everyone has access to education, with goal of fostering personal development, dignity and the ability to actively participate in society. **Education is not only a fundamental right in itself but also a ‘multiplier’ human right, as it influences the enjoyment of other human rights.**

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<sup>65</sup> African Charter on Human and Peoples’ Rights, art. 15; Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights “Protocol of San Salvador”, art. 7; American Declaration on the Rights and Duties of Man, arts. XIV, XV; European Social Charter, arts. 2-4.

<sup>66</sup> *Ogugua Vc And Udemezue O. L., Ogugua Vc And Udemezue O. L., Opcit*

<sup>67</sup> I/A Court H.R., *Juridical Condition and Rights of Undocumented Migrants*, Advisory Opinion OC-18/03, 17 September 2003, para. 148

In the context of Nigeria's national development, compliance with the right to education is crucial. By ensuring that primary education is free and compulsory, Nigeria can eliminate discrimination based on income and improve school attendance, particularly among marginalised and disadvantaged groups. This contributes to reducing poverty, inequality, and unemployment, which are major challenges in the country's path to development.

The availability, accessibility and quality of education, as described by the UN Committee on Economic, Social, and Cultural Rights, are key to national development. When Nigeria ensures that education is accessible to all, especially at the primary level, it builds a more skilled and knowledgeable workforce. This, helps boost the economy and improve social progress. It also encourages more active and informed civic participation, which is essential for building a democratic and stable society.<sup>68</sup> In Nigeria, where educational disparities persist, particularly between urban and rural areas, and among different socio-economic groups, compliance with international human rights obligations in education can help bridge these gaps.

Furthermore, by progressively expanding the educational system to provide free secondary, higher, and vocational education, Nigeria can give people more opportunity to improve their lives and contribute more effectively to national development. Ensuring compliance with the right to education is, therefore, an investment in the future of the country, as it equips the population with the knowledge and skills necessary for sustainable progress and development. In conclusion, Nigeria's focus on education will improve the quality of life for individuals and supports the country's economic, social, and political development.

### **3.1.5 The Right to Health and Healthy Environment**

Article 12 of the ICESCR protects “the enjoyment of the highest attainable standard of physical and mental health.”<sup>69</sup> The European Social Charter, Protocol of San Salvador, American Declaration, and

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<sup>68</sup> Ougua Vc And Udemezue O. L., “Enforcement of Economic, Social and Cultural Rights in Nigeria – A Slippery Slope?” (2022) Vol. 18, Unizik, Law Journal

<sup>69</sup> ICESCR Article 12

the African Charter on Human and Peoples' Rights, among others, contain similar provisions.<sup>70</sup>

The ICESCR identifies the following four steps States should take to fully realize this right: provide for the reduction of the stillbirth-rate and infant mortality and for the healthy development of children; improve all aspects of environmental and industrial hygiene; prevent, treat, and control disease; and create conditions that would provide all with medical attention in the event of sickness.<sup>71</sup> States must realise the right to health through, among other steps, the improvement of all aspects of environmental hygiene and elimination or reduction of the harmful effects of environmental pollution by taking appropriate regulatory or monitoring measures so that its citizens may fully enjoy their right to health.<sup>72</sup>

In Nigeria, where poverty and unemployment are major challenges, respecting these rights can help lift people out of poverty and reduce income inequality. For instance, the right to education is crucial for developing a skilled workforce that can contribute to economic growth. Ensuring that all children, regardless of their background, have access to quality education is a fundamental human rights obligation. By investing in education and vocational training, Nigeria can enhance its human capital and promote economic development. Similarly, protecting workers' rights, including the right to organize and bargain collectively, can lead to fairer labor practices and more stable industrial relations, which are essential for economic productivity.

**3.2 Attracting Foreign Investment:** Compliance with human rights obligations can also enhance Nigeria's attractiveness to foreign investors. Investors are increasingly considering human rights and environmental factors when making investment decisions.<sup>73</sup> Countries

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<sup>70</sup> 12(1).

<sup>80</sup> European Social Charter, art. 11; Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", art. 10; American Declaration on the Rights and Duties of Man, art. XI; African Charter on Human and Peoples' Rights, art. 16.

<sup>71</sup> ICESCR, art. 12(2).

<sup>72</sup> Ogugua VC Ikpeze and Oluchukwu Louis Udemezue O. L., Op.cit

<sup>73</sup> Ozloko and Oraegbunam, "Foreign Investment, Human Rights and National Development: A Jurisprudential Approach" (2019) Vol. 3 (2), AJLHR

that respect human rights and adhere to international standards are often seen as more stable and less risky, making them more attractive destinations for foreign investment.<sup>74</sup> In contrast, countries with poor human rights records may face divestment, sanctions, and negative publicity, which can deter investment and harm economic growth. For Nigeria, improving its human rights record can be a strategic advantage in attracting foreign direct investment (FDI) and accessing international markets.<sup>75</sup> This is particularly important in a global economy where corporate social responsibility (CSR) and environmental, social, and governance (ESG) criteria are becoming increasingly significant in investment decisions.<sup>76</sup>

### **3.3 Reducing Corruption and Promoting Good Governance:**

Corruption is a significant impediment to economic development in Nigeria, diverting resources away from public services and infrastructure and undermining trust in government.<sup>77</sup> Human rights frameworks emphasize transparency, accountability, and the rule of law, which are critical for combating corruption. By adhering to international human rights standards, Nigeria can strengthen its institutions, reduce corruption, and create a more conducive environment for economic development. The link between human rights and good governance is well established. Governments that respect human rights are more likely to be transparent, accountable, and responsive to the needs of their citizens. This, in turn, fosters a stable and predictable environment for economic activities, encouraging both domestic and foreign investment. In Nigeria, tackling corruption and promoting good governance are essential for unlocking the country's economic potential and achieving sustainable development.

### **4.0 Constitutional, Social, and Political Impediments to International Human Rights Promotion in Nigeria**

The impediments to promotion and protection of human rights in Nigeria can be categorised as constitutional, social, and political, among others.<sup>78</sup> Many constitutional provisions, rather than

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<sup>74</sup> Ibid

<sup>75</sup> Ibid

<sup>76</sup> Ibid

<sup>77</sup> Akor, M.I., Op. cit

<sup>78</sup> Jacob Abiodun Dada, Impediments to Human Rights Protection in Nigeria, *Annual Survey of International & Comparative Law*, Vol. 18 [2012], Iss. 1, Art. 6

empowering human rights objectives, serve to limit and undermine them. For instance, numerous derogation clauses are overly broad, vague, and ill-defined, creating a significant obstacles that can gravely undermine human rights promotion and, by extension, democracy and national development.<sup>79</sup>

Likewise, the socio-political environment in Nigeria is not conducive to fostering a robust human rights regime. The government often displays autocratic tendencies and a culture of impunity through regular disobedience to court orders.<sup>80</sup> This creates a situation where even those with the financial means to seek legal remedies are left without remedies. This weaken democratic institutions and hinders the protection of rights essential for national development. It is crucial to examine the various impediments under the following headings:

#### **4.1. The Nigerian Constitution and the Implementation of International Human Rights Treaties**

The implementation of international human rights treaties within a domestic legal framework plays a crucial role in determining a nation's commitment to upholding human rights standards. In Nigeria, the constitution serves as the supreme law of the land, and its provisions significantly affect the incorporation and enforcement of international human rights obligations. While Nigeria has ratified numerous human rights treaties, the process of implementing these treatise into national law is governed by constitutional stipulations, particularly Section 12 of the 1999 constitution. This section establishes a dualist approach, requiring domestication of treatise through legislative action before they become enforceable.<sup>81</sup> Consequently, the relationship between the constitution and international human rights treatise is a critical area that impacts Nigeria's human rights regime, democracy and national development. Understanding the challenges and implications of this relationship is essential to assess the effectiveness of human rights protection in the country. While Nigeria's commitment to international human rights is evident through its participation in various treatise, the Constitution places significant constraints on their application. Section

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<http://digitalcommons.law.ggu.edu/annlsurvey/vol18/iss1/62012> accessed on 22/08/2024

<sup>79</sup> Ibid

<sup>80</sup> Ibid

<sup>81</sup> Ibid

12 of the 1999 Constitution addresses the implementation of treatise, including international human rights instruments, which are multilateral treatise. Section 12 provides that:

(i) No treaty between the Federation and any other country shall have force of law except to the extent to which any such treaty has been enacted into law by the National Assembly.

(ii) The National Assembly may make laws for the Federation or any part thereof with respect to matters not included in the Exclusive Legislative List for the purpose of implementing a treaty.

The implication of this is that human rights treatise entered into by Nigeria will not be binding until passed into law by the National Assembly. In *General Sani Abacha v. Gain Fawehinmi*,<sup>82</sup> the Supreme Court held that an international treaty entered into by the government of Nigeria does not become *ipso facto* binding until enacted into law by the National Assembly and before its enactment, an international treaty has no force of law as to make its provisions actionable in Nigerian courts.”<sup>83</sup> Further, the court unanimously held that “unincorporated treaties cannot change any aspect of Nigerian law even though Nigeria is a party to those treaties” but that they may “however indirectly affect the rightful expectation by the citizen that governmental acts affecting them would observe the terms of the unincorporated treaties.”<sup>84</sup>

This provision significantly impacts the promotion and protection of human rights, as international human rights treatise are not automatically applicable or enforceable in Nigeria unless domesticated. This has direct implications for democracy and national development. Without the domestication of these treatise, the human rights framework remains weak, inhibiting the state's ability to fulfill its

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<sup>82</sup> [2000] 6 NWLR part 228.

<sup>83</sup> The reenactment of international treaties into domestic law is what is referred to as the concept of domestication or transformation of treaties.

<sup>84</sup> *Ibid*

obligations to protect citizen's rights and consequently stunting democratic growth and development.<sup>85</sup>

#### **4.2. The Conflict between International Human Rights Standards and Domestic Legislation**

International human rights agreements can follow either a 'treaty' or 'non-treaty' method. Treaties create legally binding obligations, while non-treaty methods establish non-binding Commitments.<sup>86</sup> Nigeria's human rights obligations are primarily treaty-based. The National Assembly, for instance, incorporated the African Charter on Human and Peoples' Rights, into domestic law in 1983. However, conflicts arise between Nigerian statutes and the African Charter especially concerning the distinction between justiceable and non-justiceable human Rights in the constitution.<sup>87</sup> For example, the Nigerian constitution distinguishes between economic, social, cultural rights and civil, political rights, while the African Charter does not. This raises the issue of primacy between international human rights norms and domestic legislation, especially in the context of promoting democracy and national development.<sup>88</sup>

Theories on the relationship between international human rights instruments and domestic laws- monism, dualism and harmonisation,<sup>89</sup> shed light on how these conflicts are resolved. In Nigeria, the dualist approach applies, meaning treaties must be incorporated into national law before being enforceable. The Supreme Court has held that the

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<sup>85</sup> For more information on human rights treaties within states' legal and political systems, see Henry J. Steiner Et Al., *International Human Rights in Context: Law, Politics, Morals* 725-729 (1st Ed. 1996).

<sup>86</sup> See Fred W. Reinke, *Treaty and Non-Treaty Human Rights Agreements: A Case Study of Freedom of Movement in East Germany*, 24 COLUM. J. TRANSNAT'L L. 647, 647-648 (1986).

<sup>87</sup> While the Provisions of chapter iv dealing with Civil and Political Rights are justiceable, those of Chapter II, encapsulating social, economic and cultural rights are made non-justiceable.

<sup>88</sup> Obiagwu C. E. , "International Human Rights Framework: A Challenge to Nigerian Courts" in *CuRrent Themes In The Domestication Of Human Rights Norms* 51, 58 (C.C. Nweze & Obiageli Nwankwo eds., 2003).

<sup>89</sup> For analysis of these theories, see . HARRIS, D.J *Cases and Materials on International Law* 67 (5th Ed. 1998); H.O. Agarwal, *International Law And Human Rights* 43-45 (17th Ed. 2010).

Nigerian Constitution takes precedence over international treaties in cases of conflict. While this supports the principle of constitutional supremacy, it can weaken Nigeria's international human rights commitments, undermining the democratic process and obstructing sustainable development. The dualist approach differs from monism, which asserts that international and national laws are part of a single legal system, meaning international treaties, including human rights treaties are automatically enforceable once a state ratifies them.<sup>90</sup> The harmonisation theory, on the other hand, suggests that both international and national laws should work together because they both aim to serve humanity. This theory argues that conflicts between the two systems should not exist, as both ultimately seek the same good.<sup>91</sup>

### **4.3. Derogation Clauses in Human Rights Instruments and Their Impact**

Many international human rights instruments contain derogation clauses, allowing states to limit, restrict or suspend certain rights under specific conditions, such as public emergency. For example, article 4 of the International Covenant on Civil and Political Rights (ICCPR) permits derogations in times of public emergency, while the African Charter allows for necessary restrictions under conditions laid down by law.<sup>92</sup>

The African Charter also contains derogation clauses. For instance, Article 6 provides *inter alia* that “no one may be deprived of his freedom except for reasons and conditions previously laid down by law...” while Article 11, in limiting the right to assemble freely, permits “necessary restrictions provided for by law.”<sup>93</sup>

The practical and legal implication of these derogation clauses is simply that a state is permitted to limit, restrict, abridge, or suspend the enjoyment of these rights. While it may be inappropriate to contend that all the rights should be given in absolute terms, it is a matter of grave concern that the instances of permissible derogation are not well-defined and as such, susceptible and amenable to abuse. For instance,

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<sup>90</sup> Ibid

<sup>91</sup> Ibid

<sup>92</sup> Article 4(2) of the International Covenant on Civil and Political Rights prohibits derogation from Articles 6, 7, 8 (paragraphs I and 2), 11, 15, 16 and 18.

<sup>93</sup> Articles 12, 13 and 14 of the African Charter.

no definition is offered by the Convention on Civil, and Political Rights of what constitutes a “public emergency.” Apart from the problem of definition, how do we react to derogations during a state-induced public emergency?<sup>94</sup> It is respectfully submitted that the wide and ill-defined permissible derogations from the enjoyment of the rights guaranteed by some international human rights instruments is a veritable tool to avoidable curtailment of the protection and promotion of human rights at the domestic level; contextually in Nigeria.<sup>95</sup> Democratic institutions thrive on the protection of fundamental rights when these are curtailed under vague derogation clauses national development is directly impacted, as trust in governance and legal systems erodes.

#### **4.4. Constitutional Restriction on the Justiciability of Economic, Social and Cultural Rights**

Despite Chapter II of the Constitution of Nigeria containing provisions on Economic, Social and Cultural Rights, it is evident from the outset that these rights are not justiciable. The Court of Appeal, in the case of *Obu v. SPDC*<sup>96</sup> defined justiciability as the ability to be legally enforced a right based on the existence of reciprocal rights, duties and obligations created by statute." The non-justiciability of the economic, social and cultural rights provisions in the constitution stems from the literal reading of Section 6(6)(c) of the constitution. This section explicitly states that judicial powers shall not extend to questions concerning the conformity of actions or laws with the Fundamental Objectives and Directive Policy outlined in Chapter II of the Constitution.

This provision has clearly made Chapter II of the Constitution non-justiciable. The word justiciable has been defined as “the ability of a court to ‘purposively’ apply legislation or a principle of law to a defined situation; and secondly, the right of a person, whether natural or artificial, to request that the court make such a determination. It is the existence of the capacity to benefit from the provision and

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<sup>94</sup> Jacob Abiodun Dada, Op.cit

<sup>95</sup> Ibid

<sup>96</sup> 2013 LPELR 2124

enforcement of remedies.<sup>97</sup> Justiciability implies access to mechanisms that guarantee recognised rights.<sup>98</sup>

However, the framers of the Constitution treated these rights as goals and objectives rather than enforceable rights as reflected in the designation of Chapter II under the “Fundamental Objectives and Directive Principles of State Policy”<sup>99</sup> The lack of enforceability of these rights poses a major problem to human rights activism in the country especially given the supremacy clause of the constitution is to the effect that all its provisions are supreme, and any law which is inconsistent with any provision of the Constitution shall be null and void to the extent of its consistency.<sup>100</sup> In the case of *Archbishop Anthony Okogie v Attorney General of Lagos State*,<sup>101</sup> the Court of Appeal held that Chapter II rights are progressive and not enforceable in court, leaving compliance to the discretion of the legislature and the electorate.

Chapter II of the Nigerian Constitution, which makes economic, social, and cultural rights non-enforceable, is a major barrier to achieving international economic rights in the country. By preventing these rights from being upheld in court, it weakens the development of a strong framework for socio-economic rights. This limits people's ability to seek justice for violations of their rights and slows down national development. Important aspects like access to education, healthcare, housing, and social security remain goals rather than realities. As a result, Nigeria's progress toward economic growth and sustainable development is delayed. To meet international human rights standards

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<sup>97</sup> Circle rights, economic, social and cultural rights activism: A training resource strategies for enforcing ESC rights through domestic legal system, module 22, section 7 para 4 available at <http://www.unm.edu/humanarts/edumat/HRIP/circle/module222.html> (last accessed on 24th September, 2024)

<sup>98</sup> International Commission for jurist (ICJ) (2008) courts and the legal enforcement of economic, social and cultural rights; Switzerland available at [Http:// www. Icj.org](http://www.icj.org) (last accessed 24th September, 2024)

<sup>99</sup> Ogugua VC Ikpeze and Oluchukwu Louis Udemezue O.L. Op.cit

<sup>100</sup> Godson O.D. "Economic, Social And Cultural Rights Under The 1999 Constitution of the Federal Republic of Nigeria and Enforceability Problem" available at <https://www.google.co.uk/amp/s/africlaw.com/2016/07/08/economic-social-and-cultural-rights-under-the-1999-constitution-of-the-federal-republic-of-nigeria-and-the-enforceability-problem/amp> (last accessed 24th September, 2024)

<sup>101</sup> (1981) 1 NCLR 2181

and boost national development, Nigeria must reconsider these constitutional limits on economic rights.

## **5.0 Conclusion**

Compliance with international human rights obligations is not only a legal and moral imperative for Nigeria but also a key driver of national development. By aligning its national laws, policies, and institutions with international human rights standards, Nigeria can strengthen its democracy, promote social and economic development, and ensure that all citizens enjoy their rights and freedoms. However, achieving this vision requires overcoming significant challenges, including constitutional impediments, weak institutions, political instability, and social inequality. To address these challenges, Nigeria must adopt a comprehensive and coordinated approach that prioritizes human rights, good governance, social inclusion, and environmental sustainability. Through strong legal frameworks, effective institutions, and active civic participation, Nigeria can build a more just, equitable, and sustainable society. By embracing its international human rights obligations, Nigeria can unlock its full potential for national development, contributing to the well-being of its people and the stability and prosperity of the region. The path to full compliance with human rights obligations may be challenging, but it is a necessary journey for building a resilient and inclusive democracy and achieving sustainable development for current and future generations. By committing to this path, Nigeria can become a model for other countries in the region and beyond, demonstrating the transformative power of human rights in driving national development.