

THE IMPACT OF HUMAN RIGHTS ON GOOD GOVERNANCE AND SUSTAINABLE DEVELOPMENT IN NIGERIA

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ABSTRACT: *Human rights and good governance are the salient elements of a well-functioning state and society. They are also mutually reinforced; for human rights principles provide a set of values to guide the work of government and other political and social actors. Good governance on the other hand is a key to sustainable development and without good governance human rights cannot be respected in a sustainable manner. The three concepts thus work hand in hand. However in countries like Nigeria where democracy and rule of law have not been fully nurtured the move towards implementing human rights and good governance principles into the daily functioning of state institutions can be a huge challenge. The probability that a nation will achieve the aims of sustainable development and participative democracy are all the greater if human rights are respected. The aim of this article is to ascertain the level of observance of respect of the human rights in Nigeria by the government authorities and other social actors and the impact such observance or otherwise has on governance and development in Nigeria. It is observed that though the Constitution of the Federal Republic of Nigeria, 1999 (as amended) makes an elaborate provision on human right, and that Nigeria has acceded to numerous international instruments on human rights, the problem of bad governance with the resultant inadequate development has a link with failure of the authorities that be, to adequately appreciate the requirements of human rights and apply them in governance. Furthermore a lot of the basic human rights as contained in Chapter II of the Nigerian Constitution are not enforceable, thus failure of the authorities to observe them cannot be questioned. It is advocated.*

KEYWORDS: human rights, good governance, government, sustainable development, democracy

INTRODUCTION

In contemporary times countries the world over adhere to the view that respect for human rights within their societies is compulsory. This is so for all systems of government; for even in authoritative regimes they claim to adhere to the human rights in arriving at and implementing government policies. Both at universal and regional levels, countries have all in one way or another manifested their support for the Universal Declaration of Human Rights (UNDHR)¹,

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¹ Universal Declaration of Human Rights (UNDHR), 1948

the International Covenant on Civil and Political Rights (ICCPR)², the International Covenant on Economic, Social and Cultural Rights (ICESR)³ etc. Countries in Africa are all parties to the African system of human rights which is built on the African Charter on Human and Peoples' Rights (ACHPR). The extant Constitution of the Federal Republic of Nigeria,⁴ like the immediate past one⁵ is replete with provisions on human rights. The human rights, referred to as fundamental rights are provided in Chapter IV of the Constitution, while some other rights termed Fundamental Objectives and Directive Principles of State Policy are provided for in Chapter II. All these provisions are rights contained in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR).

The concept of good governance in international law has also been well received under the rubric of human rights. Increasingly in international development literature, the concept of good governance parallels a normative (rule-setting) formulation, which reflects the degree to which it promulgates the universality of civil, cultural, economic, political and social rights.⁶ The United Nations High Commissioner for Human Rights (OHCHR) Resolution 2000/64 distinctly links good governance with an enabling environment that promotes the enjoyment of human rights and “prompt(s) growth and sustainable human development.”⁷

Human Rights – Definition and Classification

Human rights have been variously defined, but are commonly understood as being those rights which are inherent to the human being.⁸ They are ‘rights derived from the inherent dignity of the human person. They are universal rights of enabling qualities of human beings or individuals of human race, attaching to the human being wherever he appears without regard to time, place, colour, sex, parentage, or environment.’⁹ They are more than mere rights, thus in the case of *Saude v Abdullahi*¹⁰ (1989) the Nigerian Supreme Court declared of them thus: “fundamental rights are important and they are not just mere rights they are fundamental. They belong to the citizen. These rights have always existed even before underlines prescribed rules for the manner they are sought. In *Ransome Kuti & Ors. v A.G. of the Federation & Ors.*,¹¹ they were described as rights which stand above the ordinary laws of the land and which in fact is antecedent to the political society itself. It is a primary condition to a civilized existence. They are thus, rights naturally accruable to every person by virtue of his/her existence as a human being, rights which by their nature have become fundamental to existence. Those rights which are innate in man as given by God and which cannot be removed from him: male or

² International Covenant on Civil and Political Rights (ICCPR), 1966

³ International Covenant on Economic, Social and Cultural Rights (ICESR), 1966

⁴ The Constitution of the Federal Republic of Nigeria 1999 (as amended), Cap C. 23 Laws of the Federal of Nigeria 2004. Hereafter referred to as the 1999 Constitution

⁵ Constitution of The Federal Republic of Nigeria, 1979

⁶ Office of the High Commissioner for Human Rights (OHCHR), ‘Development-Good Governance retrieved from ><http://www.ohchr.org/english/issues/development/governance/on...>

⁷ *Ibid.*

⁸ Office of the High Commissioner for Human Rights United Nations Staff College Project, Human Rights A Basic Handbook for UN Staff, <https://www.ohchr.org/Documents/Publications/HRhandbooken.pdf> accessed on 20th February, 2019

⁹ *Ibid*

¹⁰ 1989 4 NWLR (Pt. 116) 387

¹¹ 1985 7 NWLR (Pt. 6) 211

female. The term 'human rights' is used to denote a broad spectrum of rights ranging from right to life to the right to a cultural identity. They involve all elementary preconditions for a dignified human existence. These rights can be ordered and specified in different ways.¹²

The concept of human rights is based on the belief that every human being is entitled to enjoy his/her rights without discrimination. Human rights differ from other rights in two aspects. Firstly, they are inherent in all human beings by virtue of their humanity alone.¹³ They are inalienable, and equally applicable to all.

Secondly, the main duties deriving from human rights fall on the states and their authorities or agents, not on individuals. This characterization implies that human rights must themselves be protected by the law and disputes with regards to these rights should be submitted for adjudication through a competent, impartial and independent tribunal applying procedures which ensure full equality and fairness to all the parties, and determining the question in accordance with clear and pre-existing laws, known to the public and openly declared.¹⁴

Human rights can be classified in a number of different ways. Some rights may fall into more than one of the available categories as the various categorizations overlap to a considerable extent. However although human rights have been classified in a number of different manners it is important to note that international human rights law stresses that all human rights are universal, indivisible and interrelated.¹⁵ The indivisibility of human rights implies that no right is more important than any other.

At the international level the most common categorization of human rights is to split them into civil and political rights. Civil and political rights are enshrined in Articles 3 to 21 of the Universal Declaration of Human Rights (UDHR) and in the International Covenant on Civil and Political Rights (ICCPR). Economic, social and cultural rights are enshrined in Articles 22 to 28 of the Universal Declaration of Human Right (UDHR) and in the International Covenant on Economic, Social and Cultural Rights (ICESCR). The essence of including both economic, social and cultural rights and civil and political rights stems from the principle that the different rights could only successfully exist in combination. In this vein the International Covenant on Civil and Political Rights and the International Covenant on Economic Social and Cultural Rights, 1966 state that:

The ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his social, economic and cultural rights. The above assertion is sustainable for without civil and political rights the public cannot assert their economic, social and cultural rights. Similarly, without livelihood and a working society, the public cannot assert or make use of civil or political rights. This indivisibility and interdependence of all human rights was confirmed by the 1993 Vienna Declaration and Programme of Action thus: "All human rights are universal, indivisible and interdependent and related. The international

¹² Iceland Human Rights Centre, 'Definitions and Classifications' <http://www.humanrights.is/en/human-rights-education-project/human...> Accessed on 12th November, 2018

¹³ *ibid*

¹⁴ Iceland Human Rights Centre, *op. cit*

¹⁵ See for example, Vienna Declaration and Programme of Action (1993) para 5.

community must treat human rights globally in a fair and equal manner, or the same footing, and with the same emphasis.”¹⁶ The above statement was again endorsed at the 2005 World Summit in New York.¹⁷

Interestingly however in spite of being accepted by the signatories of the UDHR most of them do not give equal weight to the different types of rights. Another categorization of human rights is one given by Karel Vasak.¹⁸ He categorises human rights into three generations which align with the three tenets of the French Revolution; liberty, equality and fraternity. First generation, “civil-political rights deal with liberty and participation in political life. They are strongly individualistic and negatively constructed to protect the individual from the state. These rights draw from ideas articulated in the United States Bill of Rights and the Declaration of the Rights of Man and Citizen in the 18th Century. These rights have been legitimized and given status in international law by Articles 3-21 of the Universal Declaration of Human Rights (UDHR).

Second-generation socio economic human rights guarantee conditions and treatment. They are not rights directly possessed by individuals but constitute positive duties upon the government to respect and fulfill them. Socio-economic rights began to be recognized by the government after World War II, and like first generation rights, are embodied in Articles 22 to 27 UDHR. They are also in the International Covenant on Economic, Social and Cultural Rights (ICESCR). Third-generation, “collective-development” rights of peoples and groups held against their respective states aligns with the final tenet of “fraternity.” They constitute broad class of rights that have gained acknowledgement in international agreements and treaties but are more contested than the first and second generation rights. They have been expressed largely in documents advancing aspirational “soft law” such as the 1992 Rio Declaration on Economic and Development, and the 1994 Draft Declaration of Indigenous Peoples Rights.¹⁹

Human Rights under the Nigerian Constitution

The 1999 Constitution is replete with provisions on human rights. Chapter IV of the 1999 Constitution contains some basic human rights referred to as fundamental rights from section 33 to section 46. The rights provided for in this chapter are similar to the civil-political rights or the first generation rights contained in Articles 3 – 21 of the Universal Declaration of Human Rights and the 1966 International Covenant on Civil and Political Rights (ICCPR). These rights as contained in the 1999 Constitution are Right to Life, Right to Dignity of Human Persons, Right to Personal Liberty, Right to Fair Hearing, Right to Private and Family Life, Right to Freedom of Conscience and Religion, Right to Freedom of Expression, Right to Freedom of Association Right to Freedom of movement, Right to Freedom from Discrimination, Right to Compensation for compulsory acquisition and Right to Seek Redress in a Court.²⁰ These rights are said to be justiciable so that at the breach of these rights the person affected may seek

¹⁶ Vienna Declaration and Programme of Action, World Conference on Human Rights, 1993.

¹⁷ (para. 121)

¹⁸ In his inaugural lecture to the tenth study session of the International Institute of Human Rights in 1979, Karel Vasak presented a brief but systematic theory of what he called “the third generation of human rights.” K Vasak, ‘A 30 year struggle’, UNESCO Courier, November 1977, 29.

¹⁹ Globalization101, ‘Three Generations of Human Rights’ <https://www.globalization101.org/three-generations-of-rights/> accessed 20th November, 2018

²⁰ See section 33 – 46 of the 1999 Constitution

redress from the ordinary courts of the land. To this effect the 1999 Constitution grants special jurisdiction to the State High Courts to exercise original jurisdiction to hear and determine any application made to it in pursuance of the provisions under this chapter.²¹ The section further gives powers to the National Assembly to confer additional powers when necessary or desirable for the purpose of enabling the High Court more effectively to exercise the jurisdiction conferred upon it by this provision. The National Assembly may also make provisions for the rendering of financial assistance to any indigent citizen of Nigeria where his right under this chapter has been infringed or with a view to enabling him to engage the services of a legal practitioner to prosecute his claim...²²

The 1999 Constitution, outside the fundamental rights provided for in Chapter IV also provides for other human rights in its Chapter II. The rights contained in that chapter belong to those categorized as economic, social and cultural rights as enshrined in articles 22 to 28 of the UDHR and ICESCR, or the second generation rights as well as the third generation rights. These are referred to as the Fundamental Objectives and Directives Principles of State Policy in Sections 13 to 24 as follows:

Fundamental Obligations of the Government; The Government and the People; Political Objectives; Economic Objectives; Social Objectives; Educational Objectives; Foreign Policy Objectives; Environmental Objectives; Directives on Nigerian Cultures; Obligations of the Mass Media; National Ethics and Duties of the Citizens. Sections 20, and 24, which is to the effect that the state shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigerian – S. 20 and that it shall be the duty of every citizen to make positive and useful contribution to the advancement, progress and well being of the community where he resides – S 24(d) are specifically under the third generation rights categorization.

Unfortunately all the rights contained in Chapter II of the 1999 Constitution are not justifiable. Section 13 provides that it shall be the duty and responsibility of all organs of government, and all authorities and persons, exercising legislative, executive and judicial powers, to conform to, observe and apply the provisions of this chapter (Chapter II) of this Constitution. However section 6 providing for judicial powers specifically states that the judicial powers vested in the courts in Nigeria shall not except as otherwise provided by the Constitution extend to any issue or question as to whether any act or omission by any authority or person or as to whether any law or any judicial decision is in conformity with the Fundamental Objectives and Directive Principles of State Policy set out in Chapter II of this Constitution.²³

The Importance of Good Governance and Sustainable Development in Nigeria

What is Good Governance?

Literally good governance can be said to be a valid, responsible and unobjectionable way to direct and control actions or conducts by established law. Furthermore, good governance is perceived as a normative principle of administrative law which obliges the state to perform its functions in a manner that promotes the values of efficiency, non-corruptibility, and

²¹ See section 46 of the 1999 Constitution

²² 1999, Constitution, section 46 (4)(b)(i)-(ii)

²³ S. 6 (6) (c)

responsiveness of civil society.²⁴ Depending on the context and the overriding objective sought, good governance has been said at various times to encompass: full respect of human rights, the rule of law, effective participation, multi-actor partnerships, political pluralism, transparent and accountable processes and institutions, an efficient and effective public sector, legitimacy, access to knowledge, information and education, political empowerment of people, equity, sustainability, attitudes and values that foster responsibility, solidarity and tolerance.

It is the component management of a country's resources and affairs in a manner that is open, transparent, accountable equitable, and responsive to people's needs;²⁵ A fair and equitable allocation of resources for the achievement of the end purpose of the state which is the promotion of common good of the citizens. It provides opportunity for popular participation in decisions that affect the life of people, access to power and transparency as well as accountability of those in power.²⁶ A system of good governance would consist of a set of rules and institutions, a legal framework for development and a system of public administration which is open, transparent, efficient and accountable. It is devoid of corruption, nepotism, and discrimination. Good governance is measured by the level of its performance, its ability to effectively deliver most crucial socio-political goods, beginning with security to citizens, especially human security within which people are able to resolve and manage their differences without resorting to arms or other forms of aggression. It can be measured through provision of political and civil freedom i.e. the right to compete for political office, tolerance of dissent and difference and fundamental rights. These in turn create a conducive environment for sustainable development.

The Economic and Social Commission for Asia and Pacific (ESCAP), note that good governance has eight core characteristics which include participation, rule of law, transparency, responsiveness, consensus oriented, equity and inclusiveness, effectiveness and efficiency, and accountability.²⁷

- Participation of all is a key cornerstone of good governance. Everyone should have a voice in decision making either directly or through lawful intermediate institution or as an agent Participation should be organized and well-informed.
- Rule of law: Good governance requires legal framework that are enforced impartially. Also there is need for full protection of human rights, especially those of the minorities, free and independent judiciary, as well as impartial and incorruptible police force.
- Transparency implies that decisions taken and their enforcement follow rules and regulations. It also means that information is freely available and easily accessible to those who will be affected by the decisions and their enforcement. The information is also provided in easily understandable forms.
- Responsiveness: This entails that institutions and processes will respond to the needs of all stake-holders and serve them within reasonable time-frame.

²⁴ JN Rosenau, *Along the Domestic-Foreign Frontier: Exploring Governance in a Turbulent World* (Cambridge: Cambridge University Press, 1977) p. 1

²⁵ <http://www.usaid.govr.au>

²⁶ TC Adebata & A Rahim, 'Good Governance and Sustainable Socio-Political Development Research in Nigeria{ A Discourse,' *Research on Humanities and Social Sciences* ISSN 2222-1719 (Paper) ISSN 2222-2863 (Online) Vol 2, No.10, 2012.

²⁷ A Guga 'Good Governance, a Key Driver to Sustainable Development in Nigeria,' *International Journal of Education and Research* Vol. 2 No. 1 January 2014 ISSN: 2201-6333(Print) ISSN: 2201-6740 (Online)

- **Consensus Oriented:** Involvement of the different interest groups in the society to reach a broad consensus on what is the best interest of the community and how it can be achieved. It also requires a broad and long term outlook on what is needed by the society for sustainable human development and how to achieve the goals of such development.
- **Equity and Inclusiveness:** This implies that no member of the society must feel excluded, but all must feel that they have a stake in the society. Where all the groups particularly the most vulnerable have equal opportunities to improve and maintain their well-being.
- **Effectiveness and Efficiency:** This obtains when processes and institutions decisions while making the best use of society's resources produce results that meet the needs of the society. It also entails the sustainable use of the natural resources and protection of the environment.
- **Accountability:** This is key to good governance, as a body must be accountable to those who will be affected by its decisions or actions. The governmental institutions and private sector and civil society organizations must be accountable to the public and to their institutional stake holders.

Sustainable Development

Development literally means to cause to grow or expand,²⁸ an idea which embodies all attempts to improve the coordination of the human existence in all ramifications.²⁹ It involves economic growth, some notion of equitable distribution, provision of health care, education, housing and other essential services.³⁰ A process of societal advancement, where improvements in the wellbeing of people are generated through strong partnerships between all sectors, corporate bodies and other groups in the society; involving economic, socio-economic and political issues and pervades all aspects of social life.³¹

Sustainable, the adjective of sustain is to prevent from falling, collapsing or giving way; to keep going; to provide with nourishment; to support, to endure.³² Sustainable development connotes a situation where basic operating structures and processes that would ensure the continuous development of a nation have been established and are working efficiently; keeping the environment going, protecting it, grooming it and upholding it for the growth of the present and future generations. Though there is a near universal agreement on sustainable development being the appropriate framework for environmental and developments decision making, there is much less agreement on its precise meaning. In the words of Desta; As a result of the increasing importance and acceptability of the concept of sustainable development in national, international and cooperate policies there have arisen political, institutional, economic and ideological battles as to the meaning of sustainable development. This has resulted in a

²⁸ *The New Webster's Dictionary of English Language* (International edn. New York: Lexicon International Guild Group, 1995) p. 261

²⁹ A Gboyega, (2002) 'Democracy and Development; The Imperative of Local Government' An Inaugural Lecture, University of Ibadan pp 6 – 7 cited in T Lawal & A Oluwatoyin, 'National Development in Nigeria; Issues, Challenges and Prospects,' *Journal of Public Administration and Policy Research* 3(9) Nov 2011 pp. 237 – 341

³⁰ O Naomi, 'Towards Integrated View of Human Rights Hunger' *Teach Met*, 6(3), 1995 pp. 6 - 7

³¹ A Gugu, *op. cit.*

³² *The New Webster's Dictionary of English Language, op. cit.* p. 997

multiplicity of definitions and interpretations that are tailored towards a political institutional, economic, ideologically and group prerogatives.³³ This concept is described as being cloaked with various interpretative definitional and terminological mists.³⁴ The World Commission on Environment and Development (WCED),³⁵ in its report titled 'Our Common Future' defined the concept of sustainable development as the development that meets the needs of the present without compromising the ability of future generations to meet their own needs.³⁶ This definition implies a process of change in which the exploitation of resources, the direction of investments, the orientation of technology development and institutional change are all in harmony and enhance both current and future potential to meet human needs and aspirations.³⁷ According to the International Conservation of Nature (IUCN) sustainable development is about preservation of the environment and promotion of economic and social development for generations unborn.³⁸ The position of the IUCN on sustainable development shows that it seeks to fight five critical requirements that include the integration of conservation and development, satisfaction of basic human's needs, achievement of equity and social justice, provision of self-determination and the maintenance of ecology integrity for both present and future generations.³⁹

Derbach holds that the basic components of the traditional development model peace and security, economic development, social development and proper governance require integration of environmental protection for total development to be achieved. Social development suffers when people can no longer earn a living by farming, fishing or similar activities because of environmental degradation. In his view sustainable development is:

A new way of approaching the environment and its relationship to everything else we care about as a society. It is not about more economic growth or less economic growth, but growth in things we value including jobs, productivity and profits and reduction or elimination of things we do not value such as waste, pollution and poverty. It is based on a vision of society directed at human quality of life, opportunity and freedom. It is based on an understanding that the economic, social, environmental and security goals of society together provide a foundation for realizing that vision; these goals in term can be realized completely and coherently only if they are achieved at the same time.⁴⁰

In all, the concept of sustainable development focuses on the following three non-hierarchical interdependent and mutually reinforcing aspects:

³³ M Desta, 'Sustainability and Sustainable Development: Historical and Conceptual Review,' *Environmental Impact Assessment Review* Vol. 18, 1998. p. 493.

³⁴ D Vanderzwaag, *Canada and Marine Environmental Protection: Charting a Legal Course towards Sustainable Development* (London: Kluwer Law International 1995) p. 3.

³⁵ also called the Brundtland Commission

³⁶ World Commission on Environment and Development, *Our Common Future* (New York: Oxford University Press 1987).

³⁷ *Our Common Future*, p. 46

³⁸ Article 1, IUCN Draft Covenant

³⁹ SL Smith, 'Ecologically Sustainable Development: Integrating Economic, Ecology and Law,' *Willamette Law Review* 1995 pp. 266 - 280

⁴⁰ JC Derbach, 'Sustainable Development: Now more than Ever,' *Environmental Law Reporter*, Vol. 31, 2002pp. 1003 – 1004.

Firstly, that economic development should be specified to giving priority to the needs of the world particularly the poor as emphasized in Principle 1 of the Rio Declaration.⁴¹

Second, that the pursuit of economic development and poverty eradication by the current generation should not be to the detriment of the environment in which the future generation will depend on, for their needs. Third that sustainable development thus implies social development.⁴²

In Nigeria the quest for good governance has from Nigeria's independence in 1960 been the desire of successive regimes; government based on the principles of rule of law and democracy. In the present Nigeria's democracy there are ample provisions on the key indices of good governance. In line with this the preamble of the 1999 Constitution provides:

We the people of the Federal Republic of Nigerian have firmly adopted this document for the purpose of promoting the good government and welfare of all persons in our country on the principles of freedom, equality and justice, and for the purpose of consolidating the unity of our people.⁴³

Furthermore there are lots of constitutional provisions on good governance in line with the eight principles of good governance on the Nigerian Constitution, as well as setting up the necessary structures to ensure implementation. For instance on the principle of participation among others the Constitution provides that the Federal Republic of Nigeria shall be a state based on the principles of democracy and social justice;⁴⁴ The participation of people in the government shall be ensured in accordance with the provision of the Constitution;⁴⁵ National integration shall be encouraged whilst discrimination on the grounds of place of origin, sex, religion, status, ethnic or injustice association shall be prohibited.⁴⁶

Part of the structures aimed in actualization that support the principle of participation is the provision of political parties where all citizens can freely belong and context for the various positions; federal government institutions, parastatals etc. are established in various states where citizens from various parts of the country are employed to work in; the policy that the appointment of ministers and other government functionaries shall ensure equal representation from the various states of the country etc.

There are other constitutional provisions on the other principles of good governance as well as structures set up to ensure implementation. However in spite of this awareness of the need for good governance manifested in the constitutional provisions and the efforts at implementation, how far has good governance really been ensured in Nigeria?

⁴¹ Principle 1 provides that human beings are at the center of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.

⁴² A Ajogwu & O Nliam, *Petroleum Law and Sustainable Development* (Lagos: Ceenai Multimedia Ltd, 2004) p. 100

⁴³ Preamble to the 1999 Constitution

⁴⁴ See section 14(1)

⁴⁵ See section 14(1)

⁴⁶ Section 15(2); Other provisions on good governance can be seen in sections 17, 15(5), 22, 16, 47, 17, 153, 24, 85, etc.

Relationship between Human Rights and Good Governance

Good governance and human rights are mutually reinforcing. Observance of human rights is closely connected with other good governance intervention sectors, including democratization, the role of civil society and the rule of law. Human rights principles provide a set of values to guide the work of governments and other political and social actors. They provide a set of performance standards against which these actors can be held accountable. Furthermore, human rights principles inform the content of good governance efforts. They may inform the development of legislative frameworks, policies programmes, budgetary allocations and other measures.

Human rights are indisputable rights of every human being which enable one to both live and live with dignity. Human rights however especially at the domestic level require some preconditions for their realization, one of which is good governance since good governance can help in the realization of different human rights from the right to life to environmental rights and other economic, political and social rights.⁴⁷

Within the context of human rights, good governance is critical and is one of the preconditions for the realization of human rights. Indeed without good governance human rights cannot be respected and protected in a sustainable manner, for the implementation of human rights relies on a conducive and enabling environment. This includes appropriate legal frame works and institutions as well as political, managerial and administrative processes responsible for responding to the rights and needs of the people.⁴⁸

The United Nations High Commission for Human Rights expressly links good governance to the realization of human rights in their definition of governance and good governance thus; Governance is the process whereby public institutions conduct public affairs, manage public resources and guarantee the realization of human rights. Good governance accomplishes this in a manner essentially free of abuse and corruption and with due regard for the rule of law. The true test of 'good' governance is the degree to which it delivers on the promise of human rights: civil, cultural, economic, political and social rights.⁴⁹

From the various definitions of human right and good governance it can be said that it is not clear whether human rights and good governance exist separately, are inherent in each other or whether there is a hierarchy between. It may be argued that the full enjoyment of human rights relies on good governance, thus, the focus should be on promoting good governance in the assumption that respect for and enjoyment of human rights will follow more readily. It therefore follows that without good governance, human rights are at risk of remaining a theoretical and idealistic concept, never to be realized at a practical level.⁵⁰

⁴⁷ IK Saikai, 'Good Governance and Human Rights: International and National Perspective,' *International Journal of Advancements in Research & Technology*, Vol. 2 Issue 2, 7, July 2013, p.124

⁴⁸ S Hashin 'Good Governance and Human Rights in Nigeria: Ingredients of Democracy,' online on <http://cislacnigeria.net/index.php/2014/02/05/good-governance-and-human-rights-in-nigeria-ingredients-of-democracy/> accessed on 20th November, 2019

⁴⁹ 'What is Good Governance', UNHCHR (www.unhcr.ch/development/governance-oi.html) copyright 1996 – 2002, office of the United Nations High Commissioner for Human Rights – Geneva, Switzerland.

⁵⁰ 'The Role of Human Rights and Good Governance Education,' http://www.aphref.aph.gov.au_house-committee-ifaadt-hrgoodgov-report_chapter2pdf

The links between good governance and human rights can be organized around four areas, as follows:

- i. **Democratic Institutions:** When led by human rights values, good governance reforms of democratic institutions create avenues for the public to participate in policy making either through formal institutions or informal consultations. They also establish mechanism for the inclusion of multiple social groups in decision-making processes, especially locally. Finally they may encourage civil society and local communities to formulate and express their positions on issues of importance to them.
- ii. **Service delivery:** In the realm of delivering State services to the public, good governance reforms advance human rights when they improve the State's capacity to fulfill its responsibility to provide public goods which are essential for the protection of a number of human rights, such as the right to education, health and food. Reform initiatives may include mechanisms of accountability and transparency, culturally sensitive policy tools to ensure that services are accessible and acceptable to all, and paths for public participation in decision-making.
- iii. **Rule of law:** When it comes to the rule of law, human rights-sensitive good governance initiatives reform legislation and assist institutions ranging from penal systems to courts and parliaments to better implement legislations. Good governance initiatives may include advocacy for legal reform, public awareness-raising on the national and international legal framework and capacity-building or reform of institutions.
- iv. **Anti-Corruption:** In fighting corruption, good governance efforts rely on principles such as accountability, transparency and participation to shape anti-corruption measures. Initiatives may include establishing institutions such as anti-corruption commissions, creating mechanisms of information sharing, and monitoring governance use of public funds and implementation of policies.⁵¹

The concept of good governance can be further linked to principles and rights set out in the main international human rights instruments. For instance, Article 21 of the Universal Declaration of Human Rights of 1948 recognizes the importance of a participatory government, and Article 28 states that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized. The two International Covenants on Human Rights contain language that is more specific about the duties and role of governments in securing the respect for and realization of all human rights. Article 2 of the International Covenant on Civil and Political Rights requires States parties to respect and ensure the rights recognized in the Covenant and to take the necessary steps to give effect to those rights. In particular, States should provide an effective remedy to individuals when their rights are violated, and provide a fair and effective judicial or administrative mechanism for the determination of individual rights or the violation thereof. Under the International Covenant on Economic, Social and Cultural Rights, States are obliged to take steps with a view to achieving progressively the full realization of the rights recognized in the Covenant by all appropriate means.

⁵¹ Tom, 'Good Governance and Human Rights' retrieved from: http://www.onchr.org/en/issues/development/governance/pages/good_governance/index.aspx p.2 on 12/08/2015.

One can surmise the link between human rights and good governance thus: Good governance strengthens human rights and good human rights condition helps in achieving the main goal of good governance that is development.

The relationship between human rights and good governance need not be seen as only a conflicting one, in which human rights are seen as legal corrective to good governance policies. On the contrary, the relationship between good governance and human rights may also be seen as one affording mutual interests, where, on one hand governance policies may benefit from legal human rights obligations, on the other hand good governance measures strengthen the protection and fulfillment of human rights.

Good Governance and Sustainable Development

Development has been defined as an idea which embodies all attempts to improve the coordination of the human existence in all ramifications. This implies improvement in material well-being of all citizens in a sustainable way such that today's consumption does not imperil the future. It also demands that poverty and inequality of access to the good things of life be removed or drastically reduced.⁵² Development can also be the process of societal advancement, where improvements in the wellbeing of people are generated through strong partnership between all sectors, corporate bodies and other groups in the society. It involves economic, socio-economic and political issues and pervades all aspects of social life.⁵³

Sustainable development is a situation where basic operation structures and processes that would ensure the continuous development of a nation have been established and are working efficiently. It has been established that good governance is the foundation of national development. Good governance helps a country to gain maximum utility from its resources in a manner which is economically, environmentally, and socially sustainable. It ensures that the political and economic activities benefit the whole society rather than a few individuals. Where good governance is lacking, progress be it economic, social or ecological will not take place, while stagnation will pervade. Poor governance generates a social environment detrimental to development while good governance puts people in the centre of development where people grow as well as profits grow.⁵⁴

Good governance yield major developmental benefits in vast areas, including the protection of human rights, as good governance guarantees the basic need of the citizens such as the right to life good health, shelter, effective justice system and access to justice; effective participation in governance by citizens etc.

The Nigerian Experience

There are ample provisions on human rights both in the 1999 Constitution and international instruments some of which have been domesticated in Nigeria. However although Nigeria has been active in signing international human rights treaties, there are lots of challenges when trying to implement these treaties domestically. This is because as Nigeria practices dualist

⁵² A Gboyega 'Democracy and Development: The Imperative of Local Government.' An Inaugural Lecture, University of Ibadan, (2003) pp. 6 – 7.

⁵³ Chavismen (1984) in A Guya, *op. cit.*

⁵⁴ A Arviden and V Chandram, (2007) 'Can Good Governance Contribute to National Development?' www.siv-g.org in A Gugu *ibid.*

system international treaties cannot be applied unless they are enacted into law by the National Assembly in Nigeria.⁵⁵ Furthermore, the Nigerian Constitution protects civil and political rights under its fundamental rights provisions, but international treaties, like the African Charter on Human and Peoples' Rights, also expand protection for cultural, socioeconomic and group rights. These rights are provided for in Chapter II of the 1999 Constitution and are classed as unenforceable rights. Being that the Nigerian Constitution is Supreme; the Nigerian Courts often resolve conflicts in favour of potential human rights. Thus rights to education, improved environment, adequate and health facilities and other similar rights are not enforced in Nigeria resulting in millions of people living in deplorable conditions.

Also, as for the fundamental rights which are clearly stated in Chapter IV of the 1999 Constitution, it is one thing to have the law and yet another to observe and implement them. In Nigeria today the situation of human rights is still very critical, as there are festering human rights abuses. The right to life, a substantive right and about the most important of the rights is guaranteed and protected by contemporary municipal as well as international laws and indeed without it no other right would make sense. The Nigeria Constitution provides that 'every person has a right to life and no one shall be deprived intentionally of his life, save in execution of the sentence of a Court in respect of a criminal offence of which he has been found guilty in Nigeria.'⁵⁶ All international instruments are united in their proclamations of the right to life; the UDHR, the ICCPR, the African Charter on Human and Peoples' Rights among others provide that "everyone has the right to life, liberty and security of person,"⁵⁷ "every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life,"⁵⁸ "Every person has the right to have his life respected. This right shall be protected by law, in general, from the moment of conception. No one shall be arbitrarily deprived of his life"⁵⁹

All these notwithstanding, the right to life in Nigeria from time immemorial has been constantly blatantly abused; ranging from the program of 1966/67, the mindless killing of millions of civilians during the Nigerian Civil War in 1967, the Boko Haram killings of millions of Nigerians and the most recent massacre by herdsmen/military officers of Christians in North east and South east Nigeria.

Extrajudicial killings/murder by the police, military and other security agencies is another major threat to the right to life in Nigeria. Indeed the sanctity and sacredness of human life has almost lost its real meaning. Millions of citizens have been deprived their fundamental and inalienable right to life outside the prescription of the constitution and other applicable international instruments. Unfortunately the government through its inaction and complicity encourages and aids these violations of the right to life. In this vein the US Department of State in its Country Reports on Human Rights Practices for 2017 blamed the reluctance of the Buhari

⁵⁵ Section 12 of the 1999 Constitution

⁵⁶ 1999 Constitution section 33

⁵⁷ Universal Declaration of Human Rights, 1948, Article 3

⁵⁸ International Convention of Civil and Political Rights 1966, Article 6 (1)

⁵⁹ African Charter on Human and Peoples' Right, 1981, Article 4. See also the American Convention on Human Rights 1978, Article 4, The European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950, Article 3.

administration to properly investigate allegations of abuses especially by members of the armed forces and top officials and prosecute those indicated, as the main impediment to fighting rights violation.⁶⁰

As of November, the government has not adequately investigated or held police or military personnel accountable for extrajudicial killings of IPOB⁶¹ movement in 2016. Amnesty International (AI) reported that security forces killed at least 150 IPOB members or supporters and arbitrarily arrested hundreds from August 2015 to August 2016... There have been no reports of discipline or prosecution of police or military personnel.⁶²

In the same vein, as of November, there were no reports of the federal government further investigating or holding individuals accountable for the 2015 killing and subsequent mass burial of members of the Shia group Islamic Movement of Nigeria (IMN) and other civilians by NA forces in Zaria, Kaduna State...⁶³ The near similar incident in Odi cannot easily be forgotten by Nigerians. In the Niger Delta in November 1999 during the regime of President Obasanjo “soldiers and mobile policemen invaded Odi Community in Bayelsa State, killed up to 2000 innocent civilians and razed the community to the ground. This was in retaliation for the killing by militants in the area of 12 policemen deployed to protect oil facilities in the area. The Odi invasion “was premeditated and carefully planned to annihilate the people in order to make things smooth and easy for oil companies” in the area.⁶⁴ Indeed, it was reported that the presidential spokesman described the Odi massacre as “a carefully planned and cautiously executed exercise to rid the society of these criminals”⁶⁵

These police/military actions not only violate sections of the 1999 Constitution, but are also inconsistent with the UDHR and other international instruments as well as the United Nations Code of Conduct for Law Enforcement Officers.⁶⁶

The list of extrajudicial killings/murder in Nigeria is almost endless as it is a recurring event. What is reported in the media is actually the conservative official figure as many incidents take place especially in remote areas that are not reported.

⁶⁰ N Ibekwe, ‘How Buhari Administration Encourages Human Rights Abuses – U.S. Government (2018), <https://www.premiumtimesng.com/news/headlines/266159-how-buhari-administration-encourages-human-rights-abuses-U-S-government.html>.

⁶¹ Indigenous People of Biafra

⁶² *ibid*

⁶³ *ibid*

⁶⁴ Nigeria: Genocide, AFR Focus Bulletin (Dec. 8, 1999) <http://africanfocus.org>, in 1.1 Onwuazombe ‘Human Rights Abuse and Violations in Nigeria: A Case Study of the Oil-Producing Communities in the Niger Delta Region’ *Annual Survey of International Comparative Law*: Vol. 22: 155.1, Article 8, 2017. P.127. Available at: <http://digitalcommons.law.ggu.edu/annlsurvey/vol22./133/8> accessed on 15 March, 2019

⁶⁵ Update on Human Rights Violation in the Niger Delta, Human Rights Watch (Dec. 14, 2000), <https://www.hrw.org/legacy/backgrounder/africa/nigeria/hkg1214.htm> in II Onwuazombe *op.cit.p.127*. Similar occurrence also took place in Zaki-Biam, Benue State in October 12, 2001, where over 100 unarmed civilians were killed and the entire town razed.

⁶⁶ United Nations Code of Conduct for Law Enforcement Officers, Section 5.

The right to dignity of the human person is secured under the Nigerian Constitution⁶⁷ and all the international instruments earlier stated. Section 34 (1) of the 1999 Constitution specifically states that:

Every individual is entitled to respect for the dignity of his person, and accordingly –

- (a) no person shall be subjected to torture or to inhuman or degrading treatment;
- (b) no person shall be held in slavery or servitude; and
- (c) no person shall be required to perform forced or compulsory labour.

Furthermore, Article 5 of the ACHPR provides that:

Every individual shall have the right to respect of the dignity inherent in a human being and the recognition of the legal status. All form of exploitation and degradation of men particularly slavery, slave trade, torture, and treatment shall be prohibited. Yet in all these reports of attacks on civilians by the police and military men they have carried out extrajudicial execution, torture and other ill treatments and destruction of peoples, homes. Security service personnel brutalize people at will, mistreat civilians to extort money, beat up, abuse and torture demonstrators, criminal suspects, detainees and convicted prisoners.⁶⁸ There are arbitrary arrests detention and false imprisonments. Women and girls are usually the prime targets of abuse by members of the security agencies, who use force of arms to intimidate, defile and rape many of them. In Nigeria this is very common in the Niger Delta communities. In some other cases women and young under-aged girls were reported to have been gang raped by security personnel. Some cases of mass rape of women and young girls were reported in some of the Niger Delta Communities. A group of Ogoni women and rape victims from Niger Delta region testified against the military and police before the Oputa Commission on Human Rights Violation by the Nigerian military during the 19990s in Nigeria, known as the “Oputa Panel”⁶⁹ Ratification of necessary international instruments to which the country is signatory by the National Assembly.

The 1999 Constitution and the various international human rights instruments have made a lot of impact on the observance of human rights in Nigeria. With the plethora of cases that have been decided by the courts, one can say that though Nigeria is not yet there, she is striving to get there. In the case of *Ababcha & Others v. Fawehinmi*⁷⁰ for instance, the Supreme Court while interpreting the status of the African Charter on Human and People’s Rights as a treaty incorporated into a domestic law, declared the arrest and detention of the Respondent, Gani Fawehinmi, unlawful and an infringement of his fundamental right to human dignity.

In *Mojekwu v. Mojekwu*,⁷¹ the Court of Appeal held that the *Oliekpe* custom which discriminated against women was repugnant to natural justice, equity and good conscience. The Court, per Tobi JCA stated:

⁶⁷ 1999 Constitution Section 34

⁶⁸ *II Onwuazombe, op.cit.*, p 130

⁶⁹ Ed Kashi, *Curse of the Black Gold: 50 Years of Oil in the Niger Delta* (1st ed. 2006), Human Rights Violations Investigations Commission, The Oputa Panel, (Nigeria), in *Encyclopedia of Transitional Justice* 160 – 65 (Cambridge Uni. Press 2013) referred to in *II Onwuazombe op. cit.* p. 131.

⁷⁰ (1996)9 NWLR (Pt. 475) 710

⁷¹ (1997)7 NWLR (Pt. 512) 283

Is such a custom consistent with equality and fair play in a egalitarian society such as ours where the civilized sociology does not discriminate against women! Day after Day, month after month and year after year, we hear of and read about customs which discriminate against the women folk in this country. They are regarded as inferior to the men folk. Why should it be so! All humans, males and females are born into a free world and are expected to participate freely without any inhibition on grounds of sex. Thus, any form of societal discrimination on ground of sex, apart from being unconstitutional, is antithesis to a civil society built on the tenets of democracy which we have freely chosen as a people. We need not to travel all the way to Beijing to know that some of our customs, including the Nnewi *oli-ekpe* customs relied upon by the appellant are not consistent with our civilized world in which we all live today, including the appellant.

On sustainable development of the Nigerian environment, several judicial decisions in Nigeria are relevant. In *SERAP v Federal Republic of Nigeria*,⁷² following crude oil spill which contaminated the waterways of the people and the attendant health hazards, the plaintiff sued for damages alleging violation by the defendants of the rights to health, adequate standard of living and rights to economic and social development of the people of Niger Delta and the failure of the defendants to enforce laws and regulations to protect the environment and prevent pollution. The court held that the Federal Government of Nigeria has violated Articles 1 and 24 of the Human and People's Rights and ordered that it is the responsibility of a holder of a license to take all reasonable steps to avoid damages and to pay compensation to victims of oil pollution and oil spills. It further ordered the Federal Government to: take all measures that are necessary to prevent the occurrence of damage to the environment; and to hold the perpetrators of the environmental damage accountable to pay damages.

Also in *Socio-Economic Rights and Accountability Project (SERAP) v. Federal Government of Nigeria (FGN) & Others*,⁷³ the court upheld the right of every Nigerian to education, economic and social development. In that case, the plaintiff/claimant (SERAP) had sued to compel the defendant (FGN) to enforce the right of every Nigerian to education, economic and social development as guaranteed under the African Charter.⁷⁴ Challenging the suit, the defendant contended that such was not enforceable⁷⁵ since the provisions of the Nigerian Constitution (particularly Chapter II) dealing with such rights are non-justiciable. The ECOWAS Court held that though the Directive Principles in Chapter II were not justiciable, the rights recognized under Articles 17 and 24 of the African Charter on Human and Peoples Rights were independent of that under the Nigerian Constitution and could thus be enforceable.

⁷² Unreported, GENERAL LIST N ECW/CCJ/APP/08/09

⁷³ Suit No: ECW/CCJ/APP/08/09 (unreported) retrieved 20 September 2015 from <http://www.right-to-education.org/node/717>.

⁷⁴ Article 17 provides: (1) Every individual shall have the right to education. (2) Every individual may freely, take part in the cultural life of his community. (3) The promotion and protection of morals and traditional values recognized by the community shall be the duty of the State. Article 22 provides (1) All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind. Articles 24 provide: All peoples shall have the right to a general satisfactory environment favourable to their development.

⁷⁵ This argument was based on section 6, sub-section, paragraph c

In *Mobil Producing Nigeria Limited v Monokpo*⁷⁶ the Supreme Court awarded substantial damage to an oil community because of oil spills that resulted in the death of aquatic life and the contamination of drinking water. Also, in *SPDC v Amaro*⁷⁷ there was oil spillage on the land which spilled into the river and resulted in the death of fishes and contamination of drinking water, the court relied on the principle in Ryland's case and held the oil prospecting company liable for the spillage. Similarly, in *Jonah Gbemre v Shell*⁷⁸ the Federal High Court held that gas flaring and oil spillage by Shell in the course of their exploration and production activities in the applicant's community were violations of the fundamental right to a healthy environment and dignity of human persons as guaranteed by the Constitution of the Federal Republic of Nigeria and the African Charter on Human and Peoples Rights.

In 2015 the Federal High Court, in the case of *Women Empowerment and Legal Aid v Attorney General of the Federation*⁷⁹ held that regulation 124 made pursuant to the Police Act should be abrogated. The said regulation prohibited female police personnel from getting married for three years and where she is fit to marry, must obtain the consent of the Commissioner of police in charge of where she serves. Also on the right of female children to inheritance the Supreme Court in *Ukeje v Ukeje*⁸⁰ where an only surviving female child of the deceased laid claim to her right to inherit her late father's estate, affirmed the Claimant's claim and the decisions of the High Court and the Court of Appeal. In and held that the Igbo native law and custom which disentitles a female from inheriting in her later father's estate is void as it conflicts with section 42(1)(a)(2) of the Constitution on right to freedom from discrimination.

In line with Article 12 of CEDAW which provides for the rights of everyone to the highest attainable standard of physical and mental health and mandating state parties to eliminate discrimination against women in the field of health care, the federal, state and local governments of Nigeria have embarked on a number of primary health care initiatives, such as immunization for children and pregnant women. All government teaching hospitals in the country now run family planning clinics in addition to giving subsidized health care services to pregnant mothers.

The 1999 Constitution⁸¹ also provides for the right to education, though not enforceable as it is contained in Chapter II. In *Archbishop Okojie v Attorney General of Lagos State*,⁸² it was established that the right to freedom of expression includes the right to education; the case also established that Chapter II of the Constitution is non-justiciable and cannot alone ground an action in law. Also in *Adamu v Attorney General, Borno State*⁸³ the Appellants paid for their children's education in Christian religious knowledge while the Local Government Council of

⁷⁶ (2004) All FWLR (Pt. 195) 661

⁷⁷ (2000)10 NWLR (pt. 675) 248

⁷⁸ No. FHC/B/CS/53/05, (Nov. 14, 2005) Federal High Court of Nigeria, available at <http://www.climatelaw.org/cases-documents/nigeria/ni-shell-nov05-judgment.pdf>

⁷⁹ (2015) 1 NHLR p. 39

⁸⁰ (2014) 4 S.C (Pt. 1) 29; (2014) 4 S.C (Pt. 1) (2014) All FWLR (Pt. 730) 1323; (2014) 11 NWLR (PT. 1428) 384

⁸¹ 1999 Constitution of Nigeria (as amended) s. 18 (1)(3) which provides that the Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels, government shall also strive to eradicate illiteracy; and to this Government shall as and when practicable provide free primary, secondary, university education.

⁸² (1981) 2 NCLR 337

⁸³ (1996)8 NWLR (Pt. 456) 203

Gwoza paid for other pupils tutored in Islamic education. In response to the discriminatory action, the Appellants brought this action challenging the practice as discriminatory. At the High Court, the matter was seen as one falling under the non-justiciable Chapter II. However, the Court of Appeal, was of a different view, and held that where a state agency in the implementation of the fundamental objective adopts a policy, which infringes on the right to non-discrimination or other rights of a person, the challenge against that infringement is justiciable. Thus, the Applicant/Respondent are entitled to enforce the rights of their children to education as same is justiciable based on the state's policy.

On the right to freedom of expression, the Nigerian Courts have given a liberal interpretation to the provisions of section 39 of the Constitution. Thus in promoting this right to freedom of expression, the citizens have the right to express their opinions on national issues, as well as establishing any media of information dissemination, such as establishing a school. Similarly with the enactment of the Freedom of Information Act, the mass media have been liberated from the shackles of cowardice which it suffered in times past as a result restriction on the right to freedom of the press. Notably, in the case of *Okogie v AG Lagos State*,⁸⁴ the Court held that the freedom of expression and press includes not only the right to hold and express opinions freely, but also to receive and impart ideas and information, to own, establish and operate any medium for the dissemination of information, opinions, and ideas i.e. television stations, wireless broadcasting, etc. that the word 'medium' is not limited only to the orthodox mass communication medium, it also include the right to reasonably open private school. In *Ukaegbu v AG Imo State*⁸⁵ where the right of the Claimant with respect to establishing a private university was restricted, the Supreme Court upheld his contention that a private citizen has the right to operate a private University for the purpose of dissemination of opinions and ideas. Note however that in 1984, the Military passed a Decree prohibiting Private Universities. But in 1999, an Act of the National Assembly was enacted to allow for the operation of private universities if they meet the required demands under the Act. Presently, private universities can be established subject to National Universities Commission (NUC) Guidelines. Again, with the enactment of the Freedom of Information Act under the Dr. Goodluck Jonathan's administration, the citizen's exercise of their right to freedom of expression is more protected.⁸⁶

CONCLUSION

The concepts of good governance and human rights are mutually reinforcing, both being based on core principles of participation, accountability, transparency, state responsibility etc. Such principles are enshrined in the 1999 Constitution and are supposed to be reflected in governance and development plans and strategies. Human rights strengthen good governance and require a conducive environment, in particular, appropriate regulations, institutions and procedures framing the actions of the state. They also provide a set of performance standards against which government and other actors can be held accountable. At the same time, good governance policies should empower individuals to live with dignity and freedom. The preamble to the 1999 Constitution reflects broadly the goals of the Nigerian state which among others is the promotion of good government and welfare of all persons in Nigeria on the principles of freedom, equality and justice, and for the purpose of consolidating the unity of

⁸⁴ (1981)1 NCLR 218

⁸⁵ (1983) 1 SCNLR 212

⁸⁶ T Francis, *Get Back Your Right*, *op. cit.* p. 48.

the people. The several aspects of this goal and the way to achieve them have been more explicitly spelt out in Chapter 11 of the Constitution containing the “Fundamental Objective and Directive Principles of State Policy” in Sections 13-24. The provisions of the Chapter are made unenforceable and section 13 is to the effect that it shall be the duty and responsibilities of all organs and all authorities and person exercising governmental powers to conform to, observe and apply the provisions of this chapter of the constitution. Unfortunately these provisions are not obeyed in the governance of the country, thus all the laudable provisions such as the principles of democracy and social justice, economic, social, education, environment and cultural rights contained in that chapter are not given the necessary considerations in the governance of the country. On the other hand the fundamental rights in chapter IV of the 1999 Constitution which though are enforceable are also blatantly abused, even by the government and most unfortunately these abuses especially when done by the government and their forces are not remedied and when they come in form of crime the offenders are not punished. This on its own amounts to another denial of the fundamental rights more specifically that of the right to fair hearing. All these have led to the impunity on the part of the abusers especially the security agencies and militants who constantly commit crimes against the citizens.

The numerous abuse of the human rights and the failure of the government to live up to the provisions of the municipal and international laws truly speaking is symptomatic of bad governance and have invariably impacted and continue to impact negatively on sustainable development. Though some inroads have been made in achieving good governance and sustainable developments in Nigeria and the government is a signatory to various international conventions, charters and treaties that promote good governance, human right and other elements of rule of law it is obvious that the practice of good governance is still very relative and so eludes the people.

However with the efforts of the government to key in to international best practices though the signing of the various instruments it is believed that all hope is not yet lost for Nigeria in achieving good governance and sustainable development.

In that vein it is suggested that further efforts in the following directions will propel the country in their move towards achieving true practice of good governance.

- A review of the 1999 Constitution to make Chapter 11 enforceable.
- Provision of means of eradicating election malpractices to ensure that the people in governance are those believed by the people to be credible enough to achieve good governance.
- Proper investigations of alleged human rights abuse by government forces and appropriate punishment of offenders.
- Proper redress and other compensations for victims, and families of deceased victims of abuse of human rights and other issues of bad governance.