

# THE NATURE AND PROTECTION OF HUMAN RIGHTS IN NIGERIA: MAKING A CASE FOR SOCIO-ECONOMIC DEVELOPMENT RIGHTS

By

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## *Abstract*

*Preservation of the rights of man and making provisions for the welfare of its citizens are the primary objective of any democratic nation. That is why the Constitution of the Federal Republic of Nigeria, as amended (The 1999 constitution) has a total of sixteen fundamental rights which are in sum tagged as Civil and Political Rights in this paper. In addition to this, the 1999 constitution also has provisions for the Fundamental Objectives and Directive Principles of State Policy which deal with the socio-economic policies. What one notices is that while the civil and political rights are made justiciable the socio-economic rights are made not justiciable. This poses great danger for development efforts since the enjoyment of all human rights are interlink. Our theses in this paper therefore is that unless Nigeria appreciates the fact that the enjoyment of all human rights is interlink with the socio-economic realities of her policy by making same justiciable, there will not be an appreciable level of socio-economic development in the country. The “Two Rights” should have the same status with regards to, dignity, equality, and legal enforceability for the nation to be seen as having established the appropriate structure and foundation for the protection of human rights.*

**Keywords:** Fundamental Rights, Justiciability, Socio-economic, Constitution.

## INTRODUCTION

Many nations both (developed and developing) do make the preservation of the rights of man and the protection of the welfare of their citizens, a sine qua non and of utmost necessity.

That is why provision was made for Fundamental Rights in the 1999 Constitution<sup>1</sup>. Apart from this, we also have provisions dealing with Fundamental Objectives and Directive Principles of State Policy in the Constitution.

But it should be noted that while the provisions dealing with the Fundamental Human Rights are made justiciable those dealing with the Fundamental Objectives and Directive Principles of State Policy are not justiciable.

The resultant effect is akin to a situation where the legs of a person have been unnecessarily amputated resulting in stunted growth and poor development of the body. Hence the view expressed in this paper that the Constitution should be amended to make the provisions contained in the Fundamental Objectives and Directive Principles of State Policy justiciable. Questions that beg for answers in the circumstance include: What is the sense in making provisions for right to life, when there is no food to keep the body and soul together, no health care services to prevent untimely and preventable deaths? Why do we need a right to family life when there is no compelling provision for effective housing policy or housing scheme for the citizens? Of what use

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<sup>1</sup> Constitution of the Federal Republic of Nigeria 1999

is the urge to keep people in employment when there are no jobs for the teeming youthful population resulting in the youths becoming robbers, thieves and vagabonds without any job opportunities or prospects? Where is that dignity of persons who goes abegging or struggling for menial jobs just to get something to eat and who may even be sleeping rough on the street?

And where is that social justice when there is a great gap between the “haves” and “have nots”, and where the “haves” standing trial for embezzlement of huge sums of public funds, or for serious financial and economic crimes are allowed to pay a small part of the proceeds of the crimes under plea-bargain arrangements and goes home a free person, whereas the “have nots” who steal very low value things or even food to eat, get upwards of three to five years jail term without the option of fine? There can be no claim to the protection of human rights if these social inequalities and disadvantages and discrimination resulting from the social status of citizens are not eliminated.

## **HUMAN RIGHTS**

Human rights have divine origin which hangs on the immutable belief that the human being is created with human rights. That is to say the right of man came not from the generosity of the state, but from the hand of God. It is the belief of some writers<sup>2</sup> that God created man free, but man bound man with law or chain. They further state that man was made or born free and with equal rights. Therefore, Human rights predate and existed long before organized society, political systems, and the laws of the state.

Thus, human rights are those rights a person is born with. God gave the rights to the human being. They are divine, natural, or fundamental rights which are necessary for every person to enjoy, achieve and maximize to his or her full potentials as a human being. Some writers<sup>3</sup> therefore opined that the purpose of a government is to have these fundamental human rights preserved for its citizens in order to promote their welfare. This is what Nigerian state has done, no less by enshrining provisions for Fundamental Rights into its 1999 Constitution.

## **DEFINITION OF HUMAN RIGHTS**

The meaning of Human Rights has attracted many inconsistencies of terminology among academicians, philosophers, and the public at large, but on the whole, the following rights have become predominant: Human Rights, Divine Rights, Civil Liberties, Natural Rights, Moral Rights, Democratic Rights, Democratic Freedom, Constitutional Rights, and a host of them.

However, we can group all these Rights into two for proper specification and identification. The first group may be called “the Social and Economic Group” while the second may be called the “Civil and Political Group”.

Within the first group are: the right to suitable and adequate shelter, food, right to employment, housing, welfare of disabled and as will be further described in this work.

Within the second group however may be mentioned: the right to life, the right to liberty of persons, right to association and to form parties, the right of voting in elections, the right to freedom

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<sup>2</sup> Among them, Elena Simina T n sescu and Nicolae Pavel, *Constitu ia Statelor Unite ale Americii/Constitution of the United*

*States of America* (Bucharest: All Beck, 2002), 32; avel Nicolae, Iulian om nescu, Dumitru D. Ifrim, *Drepturile omului –Documente adoptate de organism interna ionale/ Human Rights-Documents Adopted by International Organizations*, Adev rul Publishing House, Bucure ti, 1990, pp.164-202;

<sup>3</sup> Ibid

of conscience, the right of expression, right to religion, right of movement, right of life and many more rights as have been comprehensively explained and written about.<sup>4</sup>

However, it must be noted that for effective development of a Nation, both the social-economic Rights and the Civil and Political rights must work hand in hand like Juno's swine inseparably. Equal legal regard ought to have been accorded them to make the two justiciable.

Thus, the government of a state in order to reach an appreciable level of development must never separate or detach one group from the other; otherwise a separation of one from the existence of the other group will lead to automatic diminution of progress and happiness of the citizens and residents. The purpose of any government is to marry these two groups of Rights together through operative mechanism; preserve and promote them for the welfare and prosperity of its people.

## **HUMAN RIGHTS AND FUNDAMENTAL RIGHTS**

### **Explanation through cases**

The import of these Rights has been well explained by Ese Malemi<sup>5</sup> as follows: In the case of *Uzoukwu vs. Ezeonu*<sup>6</sup>, Nazir PCM defined these two terms thus:

*“Due to the development of constitutional law in the field, a difference has emerged between Fundamental Rights and Human Rights”*

It may be recalled that human rights were derived from the wider concept of natural rights. They are rights which every civilized society must accept as belonging to each person as a human being. These were termed Human Rights, when the United Nations made its declaration. It was in respect of Human Rights as it was envisaged that certain Rights belong to all human beings irrespective of citizenship, race, religion and so on. This has formed part of international law now.

Fundamental Rights remain in the realm of domestic law. They are fundamental because they are guaranteed by the constitution. Not all fundamental rights are available to all persons in a country. Some of the provisions are limited to the citizens while other provisions are applicable to all persons, citizens, and aliens alike.

This is the position in this country, in the United States, in India and many other countries. It is a common ground that citizens and aliens alike enjoy legal rights popularly called civil rights which are ordinarily enforceable by and justiciable in the courts.

Some of the civil rights have been elevated to the level of Fundamental Rights and they are protected and enforced under the constitution. Other legal rights are themselves protected by law and many of them are justiciable.

Rights such as the right to own property, the right to form clubs and other socio-cultural or religious or political groups, the right to build houses and so on, are legal rights. There are several other rights that are neither seen as Fundamental nor justiciable in the courts. These include rights

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<sup>4</sup> Nicolae Pavel, Constitutional Law and Political Institution, Vol. I, General Theory. (Bucure ti: Funda ia România de Mâine, 2004), 222.

<sup>5</sup> Ese Malami – The Nigeria Constitutional Law pg. 148 – 152

<sup>6</sup> (1991) 6NWLR (pt 20) 708 at pp 760 - 761

enshrined in the 1999 Constitution under the Fundamental Objectives and Directive Principles of State Policy.<sup>7</sup>

The dictum of Kayode Esq (JSC) in the case of *Ransome-Kuti vs. A.G. Federation*<sup>8</sup> provides a clear insight into the nature of fundamental rights:

*“But what is the nature of a fundamental right? It is a right which stands 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.*

*In Badeja vs. The Federal Ministry of Education*<sup>9</sup> Kutigi JSC said:

*“A fundamental right is certainly a right which stands above the ordinary laws of the land. However, no fundamental right should stand above the Constitution of the state or people.*

*That is why the Indian Supreme Court said in the case of Madras vs. Champalam*<sup>10</sup> *as follows: The Chapter on Fundamental Rights is sacrosanct and is not liable to be abridged by any Legislative or executive act or order, except to the extent provided in the appropriate article. What makes these rights fundamentals is that they are primary condition to civilized existence and unlike ordinary laws of the land which can be freely altered or changed by the legislature through the ordinary process; parliament cannot easily alter fundamental rights. You can only alter them by the same process as one can adopt to change the constitution. These rights derive their guarantee from the constitution. It follows therefore that the provision of the ordinary laws of the land which conflict with or are repugnant to them must at least to the extent of the conflict or inconsistency or repugnancy be void.*

Thus, no government functionary, be it legislative, executive, or judicial can act in contravention of such rights because the constitution of any nation is the supreme authority.

Nigeria attained independence in year 1960 and since then, it has been contending with how to solve the problems of poverty, poor housing and environmental conditions, inequality of rights, insecurity and welfare of her people, lack of adequate facilities for her people to move properly their goods and services to the places desired, unemployment, sectional loyalty, corruption, inadequate provision of shelter for its people to live in and lack of suitable food and employment for her teeming population.

In fact, problems associated with education linger on so much that the government has not been able to give equal and adequate educational opportunities at all levels to its people. Indeed, it can be asserted that government has not been able to promote, science and technology which are the hall mark of effective development.

In addition, there is insecurity everywhere in Nigeria, a product of poverty and unemployment on the other hand, and inequality which poses threat to the National Security that is to the stability and continued existence of Nigeria as a nation and development.

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<sup>7</sup> Chapter 3 of the Constitution.

<sup>8</sup> (1983) 2 NWLR (pt60) 211 at pp. 229 - 230

<sup>9</sup> (1996) 8NWLR (pt.64) 15 at 41

<sup>10</sup> (1951) SCR 252

Nwoke<sup>11</sup> justifies this by stating as follows:

*“This is because the prevalence of poverty ignorance, diseases and so on among the masses in Nigeria is a fertile ground for the spontaneous eruption of violence among the masses, violence which can be triggered off by even a minor problem. A hungry man, they say is an angry man. A poor, angry people can in fact also be incited to acts of disaffection and rebellion by external or internal forces”.*

We will now examine the core human rights in further details.

## **FUNDAMENTAL RIGHTS IN NIGERIA**

The human rights provisions in the 1999 Constitution of Nigeria are similar to the European Convention Articles and Protocols. The European Convention on Human Rights was signed at Rome in 1950, the United Kingdom ratified it in 1951, and came into force among those states which had ratified it in 1953.

However, it must be remembered that the inspiration to have the Human Rights Convention came from the inspiration and the wide principles declared in the United Kingdom as those of the United Nations Organization as expressed in the Universal Declaration of Human Rights in 1948.

It must be noted however that the European Convention omits any provision on Economic and Social Rights and thus it is confirmed to certain basic rights as would be seen in the Nigeria Constitution of 1999. Subsequently Nigerian ratified the convention and has consistently provided for the legal protection of Human Rights in successive constitutions since independence. Under the 1999 Constitution, the human rights provisions are covered sections 33 to 46.

## **SANCTITY OF THE COMMON LAW**

It must be noted that the Human Rights are universal, and that people felt that these Rights are not the particular privileges of citizens of certain states, but something to which every human being everywhere is entitled and that is why Cicero<sup>12</sup> said that:

*“It is for universal application, unchangeable and everlasting – it is a sin to try to alter this law nor is it allowable to try to repeal any part of it and it is impossible to abolish it entirely”.*

But if we believe honestly that the parliament practicing the rule of law is supreme, we now have the situations where actions of a citizen to do what he likes may be prohibited by statute.

In other words, the original right and what one thinks is inalienable may be shaped and tuned to conform with the obtaining laws of the land by the parliament.

Thus, we have occasions where there might be derogation or restriction of the fundamental rights of a person as it is done by section 45 of the 1999 Constitution of Nigeria. The cases of *Adegbenro v*

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<sup>11</sup> Nwoke E - Rich Land and Poor people: The Political Economy of mineral resources. Endowment in peripheral capitalist state - 3<sup>rd</sup> Inaugural lecture

Lead City University, Ibadan 17th November 2013

<sup>12</sup> Cicero - *DE Republic*

*Ag of the Federation*<sup>13</sup> and *ors and Awolowo vs. Usman Sarki*<sup>14</sup> are examples of the attitude of Nigerian courts on this.

### **NIGERIANS FUNDAMENTAL RIGHTS PROVISION**

Section 33 (1) of the 1999 Constitution provides that every person has a right to life, which cannot be intentionally taken from him save in the execution of a sentence of a court of competent authority on the commission of a criminal offence.

Please note that a person who dies as a result of the use, to such extent and in such circumstances are permitted by law of such force as is reasonably necessary

- (a) for the defense of property
- (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained or
- (c) for the purpose of suppressing a riot, insurrection, or mutiny

will not be regarded as having been deprived of his life in contravention of his section.

Section 35 (1) of the constitution provides that every person shall be entitled to his personal liberty and that no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law as follows:

- (a) In execution of the sentence or order of a court in respect of a criminal offence of which he has been found guilty.
- (b) By reason of his failure to comply with the order of a court or in order to secure the fulfillment of any obligation imposed upon him by law.
- (c) For the purpose of bringing him before a court in execution of the order of a court or upon reasonable suspension of his having committed a criminal offence or to such extent as may be reasonably necessary to prevent his committing a criminal offence.
- (d) In the case of a person who has not attained the age of eighteen years, for the purpose of his education or welfare.
- (e) In the case of persons suffering from infectious or contagious disease, persons of unsound mind, persons addicted to drugs or alcohol or vagrants, for their care or treatment or the protection of the community. See *Loke vs State*<sup>15</sup>
- (f) For the purpose of preventions, the unlawful entry of any person into Nigeria or of effecting the expulsion, extradition, or other lawful removal from Nigeria of any person or the taking of proceedings relating thereto.

PROVIDED (1) that a person who is charged with an offence and who has been detained in unlawful custody awaiting trial shall not continue to be kept in such detention for a period longer than the maximum period of imprisonment prescribed for the offence.

- (1) Any person who is arrested or detained shall have the right to remain silent or avoid answering any question until after consultation with a legal practitioner or any other person of his own choice.<sup>16</sup>

<sup>13</sup> (1962) 1 All NRL 431

<sup>14</sup> (1966) All NRL 64

<sup>15</sup> *Loke v. State* (1983) 1NWLR (pt. 1) 1

- (2) Any person who is arrested and detained shall be informed in writing within twenty-four hours (and in language that he understands) of the facts and grounds for his arrest or detention.
- (3) Any person who is arrested as stipulated above shall be brought before a court of law within a reasonable time and if he is not tried within a period of
  - (a) two months from the date of his arrest or detention in the case of a person who is in custody or is not entitled to bail or
  - (b) three months from the date of his arrest or detention in the case of a person who has been released on bail.He shall (without prejudice to any further proceedings that may be brought against him) be released either unconditionally or upon such conditions as are reasonably necessary to ensure that he appears for trial at a later date.  
Please note that “a reasonable time means (a) in case of an arrest and detention in any place where there is a court of competent jurisdiction within a radius of 40 kilometers a period of one day and (b) in any other case a period of two days or such longer period as in circumstances may be considered by the court to be reasonable.

Finally, it is provided that any person who is unlawfully arrested or detained shall be entitled to compensation and apology from the appropriate authority or person. Other fundamental Rights Provided for in the constitution are as follows:

***Right to fair hearing:***<sup>17</sup> Section 36 of the 1999 Constitution provides that in determination of his civil rights and obligations, including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality.

***Rights to private and family life:***<sup>18</sup> Section 37 provides for the Rights to private and family life.

This provision guarantees the privacy of citizens, their homes, correspondence, telephone conversation and telegraphic.

***Right to freedom of thought conscience and religion:***<sup>19</sup> There is also provided by the constitution in section 38, right to freedom of thought, conscience and religion including freedom to change one’s religion or belief, and freedom (either alone or in community with others and in public or in private) to manifest and propagate ones’ religion or belief in worship, teaching, practice, and observance.

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<sup>16</sup> *Garba vs. State* (1997) 3NWLR (pt. 192) p.144, *Babalola vs. State* (1989) 4NWLR (pt. 115) p. 264, *Atakeu Atejuku*, (1994) 9NWLR (pt. 365) at page 379, *Nasir vs. State* (1999) 2 NWLR (pt. 589) at page 87

<sup>17</sup> Section 36

<sup>18</sup> Section 37

<sup>19</sup> Section 38

***Right to peaceful assembly and association***<sup>20</sup>: Right to peaceful assembly and association is covered under section 40 of the constitution

***Right to freedom of movement***: Section 41 of the Constitution provides for the right to freedom of movement. It envisages that every citizen of Nigeria will always be entitled to move freely throughout Nigeria and to reside in any part thereof and that no citizen of Nigeria shall be expelled from Nigeria or refused entry thereto or exit there from.

***Freedom from Discrimination***:<sup>21</sup> Section 42 provides for the right to freedom from discrimination.

***Right to acquire and own property anywhere in Nigeria***: Section 43 provides that subject to the provisions of the Constitution, every citizen of Nigeria shall have the right to acquire and own immovable property anywhere in Nigeria.

***Protection from compulsory acquisition of property***: Section 44 provides for the protection against arbitrary and compulsory acquisition of property and it states. The same section vests ownership of and control of all minerals, mineral oils, and natural gas in under or upon any land in Nigeria or in, under or upon the territorial waters and the Exclusive Economic Zone of Nigeria shall vest in the Government of the Federation. The section provides that:

“(1) No moveable property or any interest in an immovable property shall be taken possession of compulsorily and no right over or interest in any such property shall be acquired compulsorily in any part of Nigeria except in the manner and for the purposes prescribed by a law that, among other things -

(a) requires the prompt payment of compensation therefore and

(b) gives to any person claiming such compensation a right of access for the determination of his interest in the property and the amount of compensation to a court of law or tribunal or body having jurisdiction in that part of Nigeria.

(2) Nothing in subsection (1) of this section shall be construed as affecting any general law.

(a) for the imposition or enforcement of any tax, rate, or duty;

(b) for the imposition of penalties or forfeiture for breach of any law, whether under civil process or after conviction for an offence;

(c) relating to leases, tenancies, mortgages, charges, bills of sale or any other rights or obligations arising out of contracts.

(d) relating to the vesting and administration of property of persons adjudged or otherwise declared bankrupt or insolvent, of persons of unsound mind or deceased persons, and of corporate or unincorporated bodies in the course of being wound-up;

(e) relating to the execution of judgements or orders of court;

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<sup>20</sup> Section 40

<sup>21</sup> Section 42

- (f) providing for the taking of possession of property that is in a dangerous state or is injurious to the health of human beings, plants, or animals;
- (g) relating to enemy property;
- (h) relating to trusts and trustees;
- (i) relating to limitation of actions;
- (j) relating to property vested in bodies corporate directly established by any law in force in Nigeria;
- (k) relating to the temporary taking of possession of property for the purpose of any examination, investigation, or enquiry;
- (l) providing for the carrying out of work on land for the purpose of soil-conservation; or
- (m) subject to prompt payment of compensation for damage to buildings, economic trees, or crops, providing for any authority or person to enter, survey or dig any land, or to lay, install or erect poles, cables, wires, pipes, or other conductors or structures on any land, in order to provide or maintain the supply or distribution of energy, fuel, water, sewage, telecommunication services or other public facilities or public utilities.

(3) Notwithstanding the foregoing provisions of this section, the entire property in and control of all minerals, mineral oils, and natural gas in under or upon any land in Nigeria or in, under or upon the territorial waters and the Exclusive Economic Zone of Nigeria shall vest in the Government of the Federation and shall be managed in such manner as may be prescribed by the National Assembly.

## **THE FUNDAMENTAL OBJECTIVES AND DIRECTIVE PRINCIPLES OF STATE**

These are the agenda, principles, and manifesto upon which the activities of the nation are built to make Nigeria a pride in the comity of nations. Thus, all public officers are enjoined to implement them to make Nigeria a just, progressive, and properly developed nation.

However, as important as these provisions are, it is disgusting to say that they are not justiciable, that is one cannot bring an action because of their breach unless the action is also found on another provision of the constitution which confers right of action and remedy.

It is now pertinent to consider those provisions dealing with the directive principles of state policy as follows:

Section 13 of the constitution deals with the Fundamental Obligations of the Government and provides that:-

“It shall be the duty and responsibility of all organs of government, and of all authorities and persons, exercising legislative, executive or judicial powers, to conform to, observe and apply the provisions of this Constitution.”

The implications of this provision are quite clear. That all authorities and persons are not only bound by the provisions of the constitution but are all obligated to fully observe and apply the provisions of the constitution. It connotes both moral and legal obligations.

Section 14 deals with the Government and the people and it provides that the Federal Republic of Nigeria shall be a state based on the principles of democracy and social justice, accordingly sovereignty belongs to the people of Nigeria from whom government through the Constitution derives all its powers and authority. It further provides that the security and welfare of the people shall be the primary purpose of government and the participation of the people in their government shall be ensured in accordance with the provisions of this constitution.

Section 15 deals with the Political Objective of government while section 16 deals with the Economic Objectives.

Section 17 deals with the Social Objective and by section 17 (3) (a) it provides that the state shall direct its policy towards ensuring that all citizens without discrimination in any group whatsoever, have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment.

There shall be adequate medical and health facilities for all persons while the health, safety, and welfare of all persons in employment are safeguarded and not endangered or abused.

Lastly, the section ends up by advocating for provision of assistance in deserving cases or other conditions of need.

Section 18 deals with the Educational Objectives and that government must be able to promote science and technology, while the compulsory education of the people should be undertaken at a time that is practicable. Section 19 of the constitution deals with the Foreign policy objectives.

There are objectives on Environment, Cultures, Mass Media, National Ethics and duties of the citizens all which interested readers should turn to.

### **Observation, Comments and Recommendation**

Nigeria as a developing nation has done its best on paper to ensure that its people live happy lives and that all the listed fundamental rights are well pursued and earned to the letter, but it seems that the successive governments have failed to achieve the lofty objectives enshrined in Constitution with regards to these fundamental objectives and directive principles of state policy.

Nigeria apart from being a party to the United Nations Declaration on Human Rights, the nation has also ratified the African Charter on Human and People's Rights also and it has domesticated its provisions in a Ratification and Enforcement Act – Cap 9 17<sup>th</sup> day of March 1983.

It must be noted that nations that are signatories to the European Human Rights Convention are developed nations with well-established machinery for effective monitoring and enforcement of human rights and social welfare

They do not need such provisions dealing with directive principles of state policy, they are more advanced than that, and what is worse is that Nigeria which needs much more programmes for development shun and prohibit the provisions dealing with the Fundamental Objectives and Directive Principles of State Policy by making them non-justiciable, notwithstanding the facts that the nation ratified the African Charter on human and People's Rights which states that the rights to development, the socio-economic rights and that of the civil and political rights cannot be dissociated from economic, social and cultural rights. Thus Nigerians agreed on paper but dissociate themselves from it in practice.

If it is agreed and accepted that the satisfaction of economic, social, and cultural rights is a guarantee for the enjoyment of political rights, why should the government renege? Why should the nation treat the two rights (i.e. "socio-economic" and "civil and political") equally when one is a necessary adjunct of the other? Nigeria needs development on all fronts and the earlier the directive principles provision are made justiciable, the better for the worthwhile development of this country.

Nigeria should remember the provisions in the Article 22 (2) and (24) of the African Charter which she signed and agreed with, that the state shall have the duty, individually, or collectively to ensure the exercise of the right to development and that all people shall have the right to a general satisfaction environment favourable to their development.

So far, there is endemic poverty in Nigeria, dearth of adequate houses for the citizen. There is poor environmental system, highly populated unemployment, no adequate medical health facilities, while children, young persons and the aged are not protected against exploitation. There is insecurity of the highest order, there is no spontaneous effective remedy, and no provision is made for public assistance in deserving cases or other conditions or circumstances of need.

At the moment, Nigeria in theory believes in the right to life, without making adequate provision for means of livelihood like food and adequate portable water. It preaches getting people employed without providing any job opportunities. It is in favour of guaranteeing people private life/lives without any provision for good houses or shelters to live in. The government preaches commitment to free movement of goods and services when there no good roads and infrastructural facilities necessary for economic development start-up are non-existent. Even basic and community healthcare facilities are lacking a situation described by Akintola as follows:-

*Hospital have succeeded in becoming glorified public mortuaries. Power supply in the "country is the worst in the world. Yet all these woes traceable to corruption and" "indifference" have become a gargantuan monster with jaw wide open to swallow up the "social order".*

It will appear that the government is preaching principles of equity and social justice when there is a great gap between the "haves and have not". There is pandemic poverty in Nigeria. You can see it on the faces of the youths, the millions of the unemployed, the teaming, hungry and unhappy

individuals at all nooks and crannies and lots of beggars who parade the streets for alms, money or food in Nigeria. What a sordid situation!

These have been remarked and written upon by seasoned academic, and yet the government has not provided effective solution but made the provisions for the Directive principle of state policy unjusticiable. What a misplacement of priority!

Lastly, is the corruption which is contained in section 15 (5) of the political objective that the state shall abolish all corrupt practices and abuse of powers, when adequate penalty is not given to corrupt people caught while the plea bargain is encouraged and penalty looks very tokenistic. Corruption has made development impossible in Nigeria and should be wiped out ruthlessly. According to Akintola,

*“Nigeria is neck-deep in corruption. Those institutions which enable nation to rise are all bagged down with corruption. Its military and the police take bribe openly. Properties””kept in care of uniformed men grow legs overnight and just “walk away. “Development of any sort is simply impossible in an atmosphere laden with fraud. The Education””sector which shall be the launching path for growth is an unmitigated tragedy as “Policy makers, teachers and students complete in the arena of corruption”*

Therefore, unless Nigeria appreciates the fact that the enjoyment of all human rights is interlink with the socio-economic realities of her policy by making same justiciable there will not be an appreciable development in the country.

## **CONCLUSION**

This paper has shown conclusively that making the provisions contained in the Fundamental Objectives and Directive Principles of state policy in Nigeria justiciable will put life into the developmental efforts needed in the country and will ultimately improve the society to the extent desired *ad libitum*. The paper seeks to establish that one cannot separate the socio-economic right from the civil and political rights, because the enjoyment of all human rights is interlinked, and we cannot separate them like Paul from Banabas.

Therefore, since the two of them are inseparable to the effective participation in the civil and political life of the state we must make them justiciable independently, conjointly and inseparably.

Thus a neglect of one of them from the other spells doom, discomfort and danger for the country's development.