

Sociological Dimensions of Human Rights Violations in Nigeria

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ABSTRACT The paper examined the sociological dimensions of human right abuse in Nigeria in the last two decades from historical as well as socio-economic and political perspectives relying largely on data gathered from documentary sources. The paper was anchored on both the conflict and the functionalist paradigms with the view that (1) conflict is an inevitable feature of all societies and are in most cases dysfunctional and (2) as a result the issues involved should be resolved so that all the parts of the society can become functional. The paper examined at the manifestations of human rights violations in Nigeria under several broad headings comprising of- the Press, Trade Unions, Individuals, Students' unions, the Academia and minority groups. The paper concluded by saying that human rights situation in Nigeria is bad, critical, and needs urgent attention. More importantly, the paper warned that a nation engages in the flagrant violation of the right of its citizens is in great danger and not in any way secured at all.

PREAMBLE:-

*Shame on you! you who make unjust laws
and publish burdensome decrees,
depriving the poor of justice,
robbing the weakest of my people of their rights,
despoiling the widow and plundering the orphan.*
Isaiah 10 Verses 1 and 2.

INTRODUCTION

The aim of this paper is to examine the sociological dimensions of human rights abuse in Nigeria in the last two decades. The examination was done within their peculiar economic, social, political and historical contexts. The goal is not to arbitrarily focus on what is negative alone, but through our discussion endeavour to raise consciousness and help Nigeria to appreciate and respect the rights of its citizens.

The human rights situation in Nigeria in the two decades is a painful manifestation of the military governments disregard for human dignity and human essence. Nigeria is a typical example of an Africa nation faced with many dilemmas simultaneously. All these abuses almost culminated in the collapse of Nigeria's

economy and encouraged social and political crises. Neither the mismanagement nor the abuse can be reasonably justified or rationalized on any grounds.

The political and philosophical ideal of human rights has its roots in the 17th century in the works of John Locke (1632-1704). Again the 'social contract' theories of Thomas Hobbes (1588-1679) and Jean Jacques Rousseau (1712-1778) provided the much-needed veritable ingredients for the preparation and the subsequent emergence of human rights tenets. These social theorists argued that individuals by virtue of their being humans have certain rights-natural rights and these rights must be guaranteed by virtually by all the countries of the world.

When these radical views spread to the colonies of America it was reflected in the famous Virginia Declaration of 1776, "*that all men are by nature equally free and independent, and have certain inherent rights of which when they enter into a state of society..., namely the right to enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing happiness and safety*". This was again given prominence in the United Nations Declaration of 1948. This Declaration has become a standard for measuring human rights in countries of the world. In addition, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights have provided for the working standard for human rights violations. Thus, respect for human rights is now a matter of international obligation. What then are "Human Rights"?

The international Human Covenant sees it as the right which 'derive from the inherent dignity of the human person'. Howard and Donnelly (1992) stated that human rights are by definition, the rights one has simply because one is a human being. According to Ibidapo-Obe (1995) human rights are those specie of rights which are

recognized as appertaining to man by the very virtue of his humanity. He went further by saying that the basic purport is that these rights are not a gift of any ruler, because a ruler cannot give that which does not belong to him. It is therefore inalienable, fundamental, GOD-given or divine rights. Justice Kayode Eso (1985) of the Supreme Court describing the nature of fundamental human rights said:

It is a right which stands above the laws of this land, and which in fact is antecedent of the political society itself. It is a primary condition to a civilized existence.

The concept of human rights has become so well articulated in the literature so that the problem of definition does not occur as to what it entails, as its accepted constituents are usually clearly stated in the various national constitutions all over the world. The core constituents consist of -life, dignity, free expression, free association, religion etc. However, human rights have been classified into five main types comprising civil, political, economic, social and cultural rights. These are described, as first and second-generation rights respectively while new emergent third generation rights are those relating to peace, environment, development etc.

First generation rights are civil and political rights and under this umbrella are- right to life, freedom of dignity of the human person, freedom of expression, personal liberty, fair hearing and trial, freedom from discrimination, freedom of conscience and religion, freedom of association, freedom from torture and inhuman and degrading treatment, equality before the law, freedom of thought etc. All these are given due prominence and recognition under the International Covenant on Civil and Political Rights (ICCPR).

The second generation rights are socio-economic and cultural rights and these include the right to just and favourable condition of services, right to an adequate living standard, right to education, equal work, right to social security, adequate shelter, right to unionism or collective bargaining, health care, right to leisure, and clothing, right to benefit from scientific progress all of which are the subject of the International Covenant on Economic, Social and Cultural right (ICESCR)

The third generation rights form the subject of international treaties, charters and conventions, like the right to social development,

solidarity and people's right to self determination, right to democracy, safe environment and collective right such as right of the minorities, women and children.

These rights, particularly the first and generation rights, have now assumed prominence in International conventions such as the International Covenant on Civil and Political rights; International Covenant on Economic, Social and Cultural Rights; the African Charter on Human and Peoples Right as well Bills of rights of national laws of many countries of the world.

Under the 1979 and 1989 constitutions of the Federal Republic of Nigeria, the following rights are listed: (i) right to life *; (ii) right to personal liberty *; (iii) right to dignity of human person*; (iv) right to freedom of conscience and religion*; (v) right to education; (vi) right to work or gainful employment; (vii) right to freedom of expression and publication*; (viii) right to freedom of association and public assembly*; (ix) right to private and family life*; (x) right to property*; (xi) right to fair hearing*; (xii) right to social life and social amenities; (xiii) right to vote and be voted for; (xiv) right to freedom from discrimination; (xv) freedom of movement*; (xvi) right to criticize the government; (xvii) right to serve in any public office. *Those rights in asterisks are the ones protected in the 1979 constitution (Onyekpere, 1995).

A casual look at these protected rights, that is those in asterisks reveals that they are purely first generation Civil and Political rights. The second and third generation rights, particularly the Economic, Social and Cultural rights are not protected. They are to be found in the constitution under unjustifiable Fundamental Objectives and Directive Principles of State Policy. Onyekpere (1995) argued that the catalogue of rights enumerated in the Nigerian Constitution is incomplete and inadequate for securing the fundamental liberties of citizens of Nigeria. According to the proclamation of the Conference on Human Rights, Teheran, paragraph 13. "*Since human rights are fundamental freedoms are indivisible, the full realization of civil and political liberties without the enjoyment of economic, social and cultural rights is impossible*". Again, this is also recognized in the preambular paragraphs of the treaty components of the International Bill of Rights and subsequently reaffirmed in paragraph

5 of the Vienna Declaration and Programme of Action in the following words: "*All human rights are universal, indivisible and interdependent and interrelated...*"

The exclusion of the Economic, Social and Cultural rights from the list of protected rights has been justified on the grounds that they compel expenditures and extra budgets on the part of the government while the protection of Civil and Political liberties merely involves restraints and caution on the exercise of government powers. However Oyekpere (1995) argued that this argument has been overtaken by the hard and concrete realities of modern existence which has interwoven Human Rights that a separation becomes practically impossible. For example, what is the value or the reality of the right to life, without the security of a means of livelihood? Again what is the value of the right to property of a person who has no visible means of livelihood? What is the value of private life to a homeless man? All these questions and some others have put the previous arguments into disrepute and makes them become largely unacceptable. The practical realities of the questions raised are that some of these rights are tightly interwoven and largely inseparable. For instance, how does a person who is not gainfully employed since graduation own property? What privacy does a homeless man has, after all he sleeps in the streets. Even within the Civil and Political rights umbrella, some rights have been left out by the constitution such as the rights to democratic governance, the rights of ethnic, religious and linguistic minorities as well as the rights of women. The constitution has been particularly silent on these rights.

THEORETICAL FRAMEWORK

Two theoretical perspectives were adopted for discussions in the paper. These are (I) Functionalism and (ii) Conflict theory. We will now discuss each one of them in detail.

FUNCTIONALISM

According to Parsons, functionalism is a theoretical framework that can be universally applied to all areas of social life. With regard to human rights violations, power is seen as a necessary resource which members of society collectively agree to allocate to particular authority positions. The authority holder then

uses the power selflessly to satisfy particular collective needs. This inevitably encourages the emergence of a stable social order. But where those in authority positions violate or break this norm, then there will be social disorder or disintegration.

For Parsons, power must not be used to oppress the people. For example, the civil rights riots by blacks in the USA during 1960s were explained by Parsons in terms of the 'core American values' of equal citizenship rights, equal opportunity - being mobilized by the majority. Functionalism also postulates some indispensability of the functions of the units. This suggests that unless certain functions are performed the society will be disturbed. To study the function of human rights is to analyze the contribution, which that practice, or institution makes to the continuation of the society as a whole. Analyzing the function of a social item means showing the part it plays in the continuous existence of a polity or nation.

The main importance of the functionalist paradigm for modern Sociology is the provision of explanations about possible connections between human rights and social control, human rights and political stability, human rights and national integration among others. When the explanation of a social phenomenon is undertaken, we must seek separately the function it fulfils. The logical question then is, what functions do 'human rights' fulfil in a particular polity or nation? Functions involve duties, roles, obligations and social exchanges which serves to ensure the continuity of a polity as an ongoing entity. This can be directly likened to the relationship between the *ruled* and the *ruler*. Both sides have their own specific roles, duties, obligations etc. The ruled wants the government to provide them with all their rights and privileges on a platter of gold and without sweat. On the other hand, the ruler expects the ruled to be obedient, loyal, faithful, law-abiding and with a pledge of full allegiance to their nation. Invariably, both sides have a set of roles, duties and obligations to perform, and if any the two sides fails in the discharge of its functions the system goes into crisis or disequilibrium. In essence, the functions of the units of a polity are interdependent, acting as harmonious units.

Conflict Theory

Conflict theory is one that deals with the

antagonism, which exists between opposing groups in a society. Such conflictual relationships exist between the following groups: (i) the ruled and the ruler or the governed and the governor; (ii) the workers and the management; (iii) the oppressed and the oppressor; iv) the rich and the poor or the proletariat and the bourgeois; (v) civilian and the military; and (vi) the powerful and the powerless. Etc.

These antagonistic relationships between each of these opposing groups often lead to conflict. Because the society will always consist of these opposing groups, conflict has thus become an inevitable feature of all human societies. (There is even conflict in the animal world and as such it is not unique to human societies alone). Human rights provisions are entrenched in the constitution because they serve some specific functions while their violations will inevitably lead to a state of anarchy and hence conflict as human beings are not just passive recipient of external stimuli. Human beings analyze situations or actions and responds appropriately to them. Human rights violations are thus portrayed as features of the social world that can lead to conflict.

Conflict sociologists use conflict theory in a broader sense. For instance Ralf Dahrendorf (1959) sees conflict as inherent in all relations involve authority. He points out that authority, or power that people consider legitimate, run through all layers of society - whether small groups, a community or the entire society. People in positions of authority try to enforce conformity, which in turn creates resentment and resistance. The result, is a constant struggle throughout society to determine who has authority over what.

With these theoretical underpinnings in our mind, we set out on a systematic investigation of the nature of human rights and the sociologist dimensions of its violations in Nigeria. The questions posed are:- (i) Will human rights violations threaten or destabilize social cohesion or national integration?; (ii) If Yes, in what ways?; and (iii) What are the outcomes of these human rights violations?

Manifestations of Human Rights Violations in Nigeria

Our discussions will primarily be focused on human rights violations in Nigeria in the last

two decades most especially from 1983 to 1999. This will be done under some major sub-headings.

The Press

Even though Article 36, Section 1 of the 1979 constitution of the Federal Republic of Nigeria guarantees the rights of every Nigerian citizen to freedom of expression, freedom to freely hold opinions, the right to receive and impart ideas and inform without hindrance. The way the press has been handled by successive governments in Nigeria is nothing but the flagrant abuse of the freedom of speech and expression. Again, Article 9(1) of the African Charter on Human and Peoples Rights of which Nigeria is a signatory also guarantees such freedom, this notwithstanding, Nigeria has been doing what is contrary to the provisions of this article.

In Nigeria, the Press lives and operates under regular surveillance, intimidation, arbitrary arrests and undue hostilities by the security agents. Successive government have usually been involved in proscribing and sealing up of media houses depending on the mood of the military junta. The Punch, the Concord, Guardian newspapers, the Newswatch, African Concord and new breed magazines including the Ogun State Broadcasting Corporation were proscribed at different times by the military over publications and broadcast considered unpalatable by the regime.

In several other instances journalists have been battered, assaulted, arrested, tortured, jailed and subjected to undue prolonged interrogation and detention, prosecuted and sometimes killed. Mr. Dele Giwa, the editor of the Newswatch magazine was killed under mysterious circumstances for having knowledge of some government classified documents. During the Buhari/Idiagbon regime, Tunde Thompson and Nduka Irabor were jailed one year each in 1985 under the obnoxious Decree No. 4. Since then several other journalists have fallen victims of this obnoxious decrees and have been prosecuted. For been too articulate on the June 12 crisis some media houses were shut down. e.g. the Ogun State Broadcasting Corporation, the Punch and the Concord.

Decree 4 was designed by the military to gag criticisms, to ration truth and stultify thought, to fetter the press and to stifle the right of

expression and of speech. While this lasted an ominous silence reigned in the country. The citizens were denied the privilege of being heard, as the articulation and aggregation of their interests remain the exclusive preserve and duty of the government whose responsibility was to identify what is publishable in the public interest. Decree No 43, with all its anti-press contents also remains a great impediment to press freedom in Nigeria.

In the last two decades, most especially from 1995 to 1998, the press has never had it so bad. The Press was gagged, caged, oppressed, tortured, brutalized, victimized, suppressed while many journalists have gone into hiding and some on exile because of constant government threat, harassment and intimidation. Other existing legal constraints to freedom of the Press are the Nigerian Press Council Decree No. 85, of 1992 and Decree No. 38 of 1992.

Individual and Civil Liberties

Individuals were arbitrarily arrested, detained sometimes tortured too often in Nigeria in the last decade for no lawful or justifiable reasons other than the claim that they constitute *security risks* or that their actions are against public *interest*. Under the obnoxious Decree Nos 2 and 4, many Nigerians have been arrested, detained, tortured, terrorized and oppressed by the state security agents most especially the State Security Service (SSS). Among eminent Nigerians who have fallen victims of Decree No. 2 includes - Chief Gani Fawehinmi a human right activist and radical lawyer, Dr. Tai Solarin, Dr. Beko Ransome Kuti, Chief Olu Falae, Pa Michael Imoudu and many others. Colonels Yohanna Madaki and Umar were dismissed or compulsorily retired from the army because of their outspokenness and radical approach on some national issues. Prince Oladele Olasore and Dr. Ibrahim Ayagi both Managing Directors of the First Bank of Nigeria PLC and Continental Merchant Bank were compulsorily retired for expressing professional views which was contrary or against the government's position. A tragic incidence is aptly illustrated in the Maroko episode, when the then Lagos State government forcibly evicted 300,000 citizens and demolished their settlement at Maroko in July, 1990. This high handedness led to mass homelessness, loss of means of livelihood,

dislocated and disrupted family and communal life, educational setback for the children, physical brutalization, rapes, assaults and deaths.

The case of extra-judicial killings is also common in Nigeria where the security agents kill innocent citizens for untenable reasons in the crudest manner. Again, citizens are not expected to be arrested and detained for more than twenty-four hours without trial. But this is not guaranteed in Nigeria, as there are prolonged delays in the administration of justice. Justice delayed is justice denied. Too many cases of awaiting trial detainees are seen in the Nigerian prisons with some as long as ten years in the waiting. Detention without trial or preventive detention is an outright deprivation of Human rights ideals as stipulated in the constitution.

In Nigeria, the state kills, jail, maim, expropriate and disenfranchise in the name of their new order and public interest. Instances of state torture, political motivated assassination of innocent citizens are common. The assassination of Chief Rewane and Mrs Kudirat Abiola and the alleged state torture of the 1995 coup convicts by Major El-Mustafa under the Abacha regime readily comes to mind. Again, torture and other inhuman/degrading treatment is common in Nigeria. Article 1 of the United Nations Convention is against Torture. The Constitution of the Federation Republic of Nigeria, 1979 prohibits Torture, inhuman and degrading treatments (section 31 (a)), the situation concerning torture and other inhuman and degrading treatments further worsened in the year 1996. The police, military and other paramilitary personnel who consider themselves above the law remained the main violators in this area of rights violations.

Trade Unions/Workers/Pressure Groups

All the succeeding military regimes in Nigeria since 1983 were indeed repressive regimes. The Buhari/Idiagbon regime came with the draconian decrees No. 2 and 4, Babangida also diplomatically amended them in 1986, while the Abacha regime was the most brutal to date. Abacha jailed, killed his opponents, flagrantly violated human rights, and disregarded domestic and international opinion about his actions. By 1994, when the clamour for the revalidation of June 12 mandate intensified, the regime increased

the tempo of repression and renewed the onslaught on labour as well as popular human rights groups. The regime dissolved the central labour organization, the Nigeria Labour Congress (NLC) and infiltrated other progressive organizations such as National Association of Nigerian Students (NANS) the Nigerian Union of Journalists (NUJ) Nigerian Bar Association (NBA) proscribed the Academic Staff Union of Universities (ASUU). Again the regime dissolved the executives of both National Union of Petroleum and Natural Gas Workers (NUPENG) and Petroleum and Natural Gas Senior Association of Nigeria (PENGASAN) and through overt and covert governmental intervention rendered these unions ineffective. Contrary to the accepted international norms and convention, the regime appointed sole administrators for the NLC, NUPENG and PENGASAN at different times.

There is also the enactment of anti-union decrees. These include - Decrees 21 of 1968, Decrees 52 of 1969, Trade Dispute (Essential Services) Decree 21 of 1976 which prohibits strikes, Anti-sabotage Act No. 15 of 1977, Decree No 27 of 1970, and the Trade Union Act No. 13 of 1973. In 1996, the military enacted three decrees, number 4, 24 and 26, regarded by key segments of civil society as attempts to destroy the labour movement. Decree 22 reinforced the dis-empowerment of full-time union officers as it confines them to routine administrative duties. Some of these decrees have been amended by subsequent military regimes but they are still enforced. There is no doubt that hostile labour legislation hampers effective unionism.

The government has also come down very heavily on human rights activists and the organizations they represent. For instance the National Democratic Coalition (NADECO) and its members were subjected to regular harassments and even assassination by the government forces. The gruesome murder of Chief Rewane and Mrs Kudirat Abiola attests to this claim. The situation became so unbearable that some human rights activists like Chief Anthony Enahoro, Gen. Alani Akinrinade, Prof. Wole Soyinka, Senator Bola Tinubu and some others had run away on self-exile. Other similar organizations such as the Civil Liberties Organization (CLO) Committee for Democracy, Joint Action Committee of Nigeria (JACON), United Action for Democracy (UAD) and

Committee for Defence of Human Rights (CDHR) have come under severe governmental attacks most especially during the Abacha's reign of terror. In essence, the rights to freedom of assembly and association was flagrantly violated.

Students' Union Activities

There is the Student' Union Activities (Control and Regulation) Decree No. 47 of 1989 which hampers effective unionism. Sections 1, 3 and 5 of this decree threaten the rule of law. It condones arbitrariness, and it is dangerous because of its draconian provisions. Section 1 (1) provides: *"As from the commencement of this decree, student participation in all union activities shall be voluntary, and confined to individual campuses of Universities or institutions of higher learning or any other similar institutions"*. This section invariably attempts to curtail the membership of students' union and in effect their strength. This from all indications is objectionable.

Section 3 confers on the Minister of Education the power to suspend or expel any student from any university or institution of higher learning, if in his opinion public interest or public safety so demands. Section 5 of the same decree makes it a criminal offence for any person to breach any of the provisions of this Decree. A student who mobilizes, that is, move from one university to another to seek support of the students of another university or institution of higher learning, commits an offence and will face a military tribunal.

Students' unions have been banned in several instances in the past, the National Union of Nigerian Students (NUNS) led by Segun Okeowo was banned in 1978. The union later comes out under the umbrella of National Association of Nigerian Students (NANS) and this has been proscribed at different times in the past.

This brief discussion has shown that the proscription of NUNS and later NANS and the promulgation of Decree 47 is nothing but a breach of the rights to peaceful assembly and association in accordance with section 39 of the 1989 Constitution. In addition, section 40 in the same constitution guarantees the rights of freedom of movement. It appears therefore that Section 1 of Decree 47 is inconsistent with

sections 39 and 40 of the 1989 constitution and should therefore be abrogated or revoked. Again, the law enforcement agents often subject students to all forms of intimidation, oppression, victimization and persecution whenever they fight for their legitimate rights. The police kill sometimes-innocent students. All these put together are flagrant abuse of human rights in Nigeria.

Military Rule, Decrees I Military Tribunals, Rule of Law and Human Rights

Decades of military rule have denied Nigerians of the opportunity to, through their representatives, join the rest of the civilized world in legislatively abrogating the death penalty. It has also prevented the people, and in particular the judiciary from stopping cases of extrajudicial killings, arbitrary arrests, detention without trial, tortures, inhuman prison conditions and all other forms of inhuman or degrading treatments. The contrary cannot be expected for it is obvious that an unwanted but brutal military junta, having shot its way to power will logically resort to these acute human rights violations to sustain itself in power. It is worrisome that the prolonged era of military dictatorship has almost led to the institutionalization of human rights violations in Nigeria.

Rule of Law does not operate in Nigeria but what operates is the *Rule of Force*. By its nature, a despotic government, particularly a military regime of the Nigeria type cannot observe the Rule of Law. The enactment of Decree No. 107 of 1993 completely erased the powers and functions of the judiciary and all that it stands for. The decree contains statutory ouster clauses, which subvert the independence of the judiciary. All other things about the judiciary was rubbished by penchant disobedience of court orders. Therefore, any question relating to the rule of law is out of the military vocabulary.

The proliferation of all forms of special military tribunals and decrees with ouster clauses which excludes the right of appeal in cases of death sentences remain a constant threat to the principle of fair-hearing as contained in sections 32 and 33 of the constitution. It is also a negation of the right to life. As a matter of fact, military tribunals are nothing but mere rubber stamps of the wishes of the powers that constitute them. For instance, the military tribunals that tried the

1990 and 1995 coup plotters was said to have come up with predetermined judgements. Proceedings of the 'Failed Bank Tribunal' show that many of the convicts were not given fair hearing and the expected fair trial. The enactment of decrees with ouster clauses has also meant that the courts lack jurisdiction in hearing some cases. This inevitably relegates the judiciary to the background while at the same time denying it of its role of interpreting and adjudicating cases. What this means in essence is that where there are cases of human rights violations at the tribunals, the courts are technically hindered or sidetracked from protecting the rights of the common man. Again, this indirectly makes the courts the enemy of the common man and not the last hope of the common man. Furthermore, the military are also guilty of executive disobedience and lack of respect for court orders. Instances of flagrant disobedience to court orders is very common in Nigeria most especially during the Abacha regime when all the court injunctions on the illegal detention of Chief M.K.O. Abiola was ignored by the military junta.

The Academic

The academic community in Nigeria has traditionally been a vulnerable target of state repression. Both military and civilian regimes have felt threatened by the essential functions of academics to exercise and to develop in the students - a spirit of critical inquiry. Being suspicious of what that responsibility entails - the encouragement of independent, original and critical thinking, government has not hesitated in lashing out at radical scholars, particularly those in the social sciences and humanities. The government of teaching what they are not supposed to teach during the Babangida era alleges the academics. Scholars who have been persecuted for their radical stance in the past includes Prof. Patrick Wilmot of the Ahmadu Bello University, Zaria, Prof. Obaro Ikime and Comrade Ola Oni of the University of Ibadan, Prof. Olorode and Dr. Idowu Awopetu of the Obafemi Awolowo University, Dr. Festus Iyayi of the University of Benin among others.

The military government has always been critical of the activities of the intelligentsia class. The Academic Staff Union of Universities (ASUU) has been banned and unbanned severally in the past (1988, 1990, 1992, 1996).

And with military fiat, government ordered with immediate effect the forceful ejection of lecturers from their official quarters. In the last military dispensation many lecturers were terminated or dismissed from the service in the name of an unpopular decree, which they claimed was promulgated in the public interest. Where the interest of the government is to be selfishly protected, academic discussions on campuses are sometimes banned by the government in connivance with university authorities who are answerable to the military junta. In the protracted 1996 struggle, a number of lecturers were arrested, detained and arraigned on trumped-up charges.

The Minority Groups

There is no doubt that minority groups in Nigeria, the North, West and the East have been marginalized in the scheme of things be it political, social or economic matters. The minority groups are seen but not heard as they were given no opportunity to dialogue with the central government nor to air their grievances. All the efforts by the minority groups to have a good share and a befitting status in the polity have been met with undue hostilities, reprisals, suppression, victimization, intimidation, torture, brutality, killings, terrorism and the likes. The case of the peoples of the Niger Delta - the *Ogoni* and the *Ijaw* people readily comes to mind. All forms of human rights violations and environmental degradation is going on in the Niger Delta with the government maintaining complete silence as if nothing of significance is going on.

The controversial killing of the *Ogoni* nine and the undue prosecution of the *Ijaw* youths have received international condemnation. The deliberate exclusion of the people from the use of resources obtained from their own environment has alienated and marginalized them and this is nothing but a flagrant violation of their rights. Man cannot live his life to the fullest potential in a degraded environment. Again, Article 24 of the African Charter of Human and People's Rights states that: "*All people shall have a right to a generally satisfactory environment favourable to their development*". This charter is superior to all military decrees and legislations by any particular member of state of the Organization of African Unity. Thus,

Nigeria has no better option than to implement the provisions of the charter in order to alleviate the sufferings of the people of the Niger Delta.

SOCIOLOGICAL DIMENSIONS OF HUMAN RIGHTS ABUSE IN NIGERIA

First and foremost, human rights abuse kills the spirit of nationalism in a nation and at the same time encourages the spirit of apathy against the state. When people are denied of their rights, it is natural, rational and logical to expect them to react with apathy and lack of commitment to national matters. For example, people may refuse to pay taxes or contribute meaningfully or positively to national matters. They may refuse to put in their best efforts in the services of the nation. Thus people become passive about national affairs thereby relegating citizenship participation in the polity to the background.

Secondly, human rights violations drove a lot of Nigerian intellectuals and pro-democracy activists into self exile thus preventing them from making the much needed meaningful inputs to development. The example of Chief Anthony Enahoro, Profs. Wole Soyinka and Bolaji Akinyemi, General Alani Akinrinade, Senator Bola Tinubu, Chief C. Adebayo and a host of others readily come to mind.

Thirdly, human rights abuse undermines national security. People will be ready to sell off their nations because they now see and perceive the state as their enemy. Again the much-expected loyalty, interests, allegiance and solidarity towards the state is no longer present as a result of human rights violations. A nation that does not respect human rights is not in any way secured, such a nation is in great danger as the citizens are likely to be involved in subversive activities and other things which are against the interests of the state. The famous French philosopher Jean Jacques Rousseau has aptly described government as a "social contract" between the governed and the government. And that if the government fails to fulfil the terms of this contract, the government according to Rousseau, is bound to be overthrown by the revolution of the deprived masses.

Fourthly and in line with Rousseau's submission above, human rights violations teach the people civil disobedience and indirectly inculcates in them the culture of violence. When

people are denied of their rights, they are not passive about it but rather they react by engaging in various forms of subversive activities e.g. coups and sometimes violent anti-government demonstrations and protests. This was common during Abacha regime when there was series of anti-government protests for the realization of the June 12 mandate. Some people were ready to take up arms against the state. This incessant violent demonstrations by the youths of the Niger Delta most especially the Ijaw and the Ogoni is a classical example of uprising against by state by a deprived people.

Fifthly, human rights violations makes people lack respect for the rule of law as people are forced into a situation where they take the laws into their own hands because justice could no longer be got through the normal channels. Again, this makes the courts to be relegated to the background in the polity whereas the judiciary is one of the arms of government.

Furthermore, human rights violations translates into tension as things become so tense that the polity becomes weak and gets to a point of disintegration. This is the more reason why minority uprisings and threats of secession are common in Nigeria.

It is even instructive and informative to note that there is significant correlation and positive relationship between human rights violations and poverty. A closer look at the world today reveals that nearly all the developing and the underdeveloped nations are those where human rights are being trampled upon. The contrary is the case in the developed countries. In a similar manner, Article 5 of the Universal Declaration of Human Rights states that "the rights to a standard of living adequate for health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services' promptly emphasized this ideal.

Again, Justice P.N. Bhagwati of the Indian Supreme Court, in the famous 'Minerva Mills' case commented on the importance of these rights as follows:-

"To the large majority of people who are living in almost sub-human existence in conditions of abject poverty and for whom life is one long, unbroken story of want and destitution, notions of individual freedom and liberation, although representing some of the most cherished values of a free society, would should as empty words

bandied about in the drawing rooms of the rich and well-to-do, and the only solution for making these rights meaningful to them was to remake the material conditions and usher in a new social order where socio-economic justice will inform all institutions of public life so that the preconditions of fundamental liberties for all may be secured"

Again, the 1996 Annual Report on the Human Rights situation in two separate instances in Nigeria had this to say:

"Thus, it is valid to assert, from a sociological standpoint, that a state that is not socio-economically responsible does not only violate the rights of its citizens to life and to the dignity of the human person through its retention of inhuman or degrading punishment in its Penal System and by other permitted violations by its agencies, but also through the abandonment of their welfare, the protection of which is the cardinal reason for its existence". *".... a State like Nigeria that fails in the midst of plenty to justify its existence by guaranteeing a meaningful life to the people cannot but take responsibility for the consequent social insecurity and rampant interpersonal infliction of violence leading to a high mortality rate and low life - expectancy".*

From these extracts, it is an established fact that there is a strong relationship between human rights observance and socio-political and economic development. A happy and free people is likely to be more productive than a divided, harassed, deprived, oppressed, brutalized and subdued one. According to Ikhariale (1995) since the return of military dictatorship, the Nigerian economy has nose-dived, while poverty, disease and ignorance have spread and illiteracy soared. From all indications, dictatorship is antithetical to human rights, and human rights remains a basic condition for socio-economic and political development. A logical deduction from this premise is that the non-existence of human rights protection has meant the further deterioration of the quality of life in Nigeria.

Human rights violations also created a communication gap between the *ruled* and the *ruler* as the ruled became ignorant and unaware of governmental policies, activities, intentions and the true position of things in the polity. This communication gap became widened largely because the press the main organ through which people and government could communicate with

each other has been silenced. Citizens thus became passive recipients of governmental actions and programmes as there are no avenues through which they can act, dialogue, react or respond to issues any more.

Finally, the human rights violations in Nigeria increased the social distance between the *ruled* and the *ruler*. Social distance is a sociological concept, which describes the level of spatial separation maintained when people interact with others whom they do not know well or those who are not close to them. Human rights violations have widened the gap between the ruled and the ruler thus increasing the social distance between them.

CONCLUSION

From all that we have discussed so far, it is evidently clear that the human rights situation in Nigeria in the last two decades is nothing to write home about. Nigerians have been subjected to various forms of human rights violations ranging from civil, political, social, economic and cultural rights. In order to provide a fair assessment of the situation and make the discussions more meaningful, the manifestations of human rights violations were presented at length under major sub-headings. Sociologically speaking, the human rights situation is bad, critical and needs urgent attention.

However, there is light at the end of the tunnel. It is hoped, anticipated and envisaged that the new democratic government, which took off in May 29, 1999, will bring the expected positive changes to the human rights situation in Nigeria. The Oputa panel currently inaugurated to revisit the human rights violations in the past appears to be a step in the right direction. From all indications it is categorically clear that it is the primary responsibility of the State to protect the rights of its citizens. According to Odinga (1992), *'Government exists to serve the people and the people do not exist to serve governments. In other words, governments are there to enhance the human rights and neither to create such rights nor suppress their natural existence.'*

But more importantly, we would like to conclude by making it emphatically clear that a nation that

engages in the flagrant violation of the rights of its citizens is not in any way secured at all. Such a nation is in great danger as it is playing with fire and sitting on a keg of gunpowder and this could explode at any point in time.

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