

## Human Rights and Sustainable Democracy in Nigeria (1999 - 2003)

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**ABSTRACT** The concern for human rights is as old as humanity itself. In fact, the expression 'human rights' as term or art is of recent origin, but the idea of the inalienable rights' of man predates the very political system, which produces the law-making institutes, as we know them today. The thrust of this paper, however, is to fill the yearning gap in the extant literature on the need to appraise the institutional mechanisms for the safeguard of the inalienable rights' of man in Nigeria's contemporary democratic experiment. We juxtaposed same with what obtained in pre-colonial Africa most especially Nigeria. Following the new thinking in the literature, we also extend our searchlight to groups rights'. Nigeria, being a plural and divided society, the paper, infers that there are a lot of loopholes in the contemporary observance of human rights', most especially in the present euphoria of the nascent democracy. We however make some policy recommendations that can assist in sustaining, nurturing, and consolidating the nascent democracy in Nigeria.

### INTRODUCTION

On May 29, 1999 Nigeria transited from military autocracy and absolutism to democracy. Before then, the country had been under firm military rule for all but twelve years since independence in 1960. Essentially, the militarisation of the Nigerian society and the supplanting of constitutional provisions by decrees of the successive ruling military juntas engendered a culture of what UNDP (2001) in its report called "executive lawlessness and human rights abuses". Not only were Nigerians denied their most basic political rights, their economic and social rights were also seriously truncated by the gross mismanagement and looting of state resources by the military. It would be recalled that at the political level, disrespect for the fundamental democratic rights of the Nigerian people reached its apogee with the annulment of the June 12, 1993 presidential election by the regime of Gen. Ibrahim Babangida. During the succeeding regime of Gen. Sani Abacha (1993-1998), the country was suspended from the Commonwealth in November 1995 for gross human rights' abuses.<sup>1</sup> Without gainsaying, the military is indeed antithetical to human rights safeguard and observance. Claude Ake (of blessed memory) put it poignantly thus: "the military and democracy are in dialectical oppositions. The military is a taut chain of command; democracy is a benign anarchy of diversity. Democracy presupposes human sociability; the military presupposes its total

absence, the inhuman extremity of killing the opposition. The military demands submission, democracy enjoins participation; one is a tool of violence, the other a means of consensus building for peaceful co-existence" (Ake, 1995: 34).

Therefore, with successful transition to democracy it is not abnormal to consider the state of human rights' in Nigeria at least between 1999 and 2003. To achieve this aim, the paper is organized into five main sections. The first part is an historical overview of human rights, tracing its origin and evolution over time. The second part dwells on the conceptualizations of the term 'human rights' in view of its both cultural and ideological contextualization. The third part is an in-depth discussion of the institutional mechanisms for the safeguard of the rights of man. Part four is on human rights observance in pre-colonial Nigeria. The fifth part dwells on the major constraints of the institutional safeguards of human rights. The paper however, infers that there are a lot of loopholes in the contemporary observance of human rights and make some policy recommendations that can assist in sustaining, nurturing and eventually consolidate the nascent democracy in Nigeria. We now proceed to the historical overview of human rights.

### HISTORICAL OVERVIEW OF HUMAN RIGHTS

The concern for human rights is as old as

humanity itself (Wild, 1988: 2). Though, the expression 'human rights' as a term or art, is of recent origin' (Sills, 1968: 2). Human rights are often traced to stoics. Zero, the founder of the stoic school of thought propounded the theory of natural law under which human beings were supposed to have natural rights. The Greek City states also provide a glimpse of human rights in the form of *isogoria*, *isotamia*.<sup>2</sup> The concept of just and unjust had always existed throughout the civilizations (Khan, 1998: 124-125). Thus, the idea of the inalienable rights of man postulated by poets, philosophers and even politician as a normative ethical concept predates the very political system, which produces the law making institutions, as we know them today. Sophocles (c496-406BC), who lived through the great age of Athenian civilization and died before the fall of Athens at the end of the Peloponnesian war, in his play, *ANTOGONE*, says to King Creon "but all your strength is weakness itself, against the immortal unrecorded law of God" (cited in Ajomo, 1985: 4). Here, Sophocles was taking about the higher rights, the law of nature, the natural right of the human being and the sanctity of the human person. Hence, it can be observed that in the course of the development of the notion of human rights, the theory of natural law has always played a dominant role (Ibid.).

To prevent the violation of these rights that were 'immortal', efforts were made to legislate against their violation with impunity. In 1188, which happened to be the earliest known effort to enhance human rights by King Alfonso IX, includes the rights of accused persons to a regular trial and the right of the inviolability of life, honour, home and property. But the snag with this earliest attempt was that it was limited to the nobles' alone (Ogundele, 1985: 5). King Andrew II of Hungary (1222), in his Golden Bill ensured that no noble man arrested or brought to ruin without first being convicted in conformity, with judicial procedure.

At a glance, the evolution of human rights can be found in the following documents, among others:

1. Magna Carta, 1215;
2. Petition of Rights, 1682;
3. Bill of Rights, 1689;
4. Virginia Declaration of Rights, 1776;
5. American Declaration of independence, 1776;
6. French Declaration of Rights of Man and of the Citizen, 1789;

7. Universal Declaration of Human right, 1948;
8. European Convention for the Protection of Human Rights and Freedom, 1950;
9. American Convention for the Protection of Human Rights and Freedom, 1959;
10. Written Constitutions for several independent modern states and states liberated from colonialism; and
11. African Charter on Human and Peoples' Rights, 1986 (Taiwo, 1994: 21).

Even the defunct Soviet Union (USSR), in her 1918 Lenin Constitution too gave prominence to human rights and extended it to the economic sphere when factors of production were centralized for the benefit of the citizenry. This new concern for the rights of man found further expression in the covenant of the League of Nations. But the covenant was much more concerned with the obligations of states to respect the rights of other states than with the promotion of rights of individuals (Adeniran, 1983: 91-95; Tamah, 1995: 5). That reservation reflected the traditional belief that the rights of citizens are a matter for the state and not the international community (Wild, 1968: 4).

Be that as it may, it is on record that it was Adolf Hitler and the remorseless attack that he launched against the rights of man in Germany with his objective of annihilating the Jews under the auspices of his 'Aryan' race superiority complex in the thirties that brought home to the ordinary man the hard fact that the protection of human dignity cannot stop at national boundaries alone; when he plunged the whole world into war, people the world over then soon saw that the struggle was crusade for basic rights and freedom. Before the war ended, the protection of human rights was placed along side peace itself as the goal, and the objective of the new world organization that was already foreseen (ibid.). It is against this historical antecedent that the United Nations Charter adopted the Universal Declaration of Human Rights in 1948 (see, Awake! 1998: 3-10). Commenting on this, the United Nations General Assembly during the session which saw the adoption of this text declared:

For the first time, an organized group of nations was

proclaiming the fundamental rights and liberties with

the support of the whole U.N. and of millions of men and women throughout the world (UNESCO, 1987: 217-218).

Nevertheless, the declaration has inspired and given birth to the European Convention on Human Rights, which also inspired many of the post-war constitutions including those of Nigeria since independence in 1960 to that of 1999. But what are human rights? That is the concern of the next segment of this paper.

### ON THE CONCEPT OF HUMAN RIGHTS

As rightly noted by Chafe (1994: 131), “the primary requirement for debating anything is to understand first and foremost the critical thing being talked about”. No one is likely to dispute the suggestion that this elementary fact is often being taken for granted particularly as it relates to the debate on human rights. For one thing, perhaps, there is no concept, which is to flagrantly used (and mis-used), abused, as well as paraded under all sorts of interest and guises as ‘human rights’ save the concept of ‘democracy’. Certainly, the concept satisfies all the important necessary properties for qualifying as an “essentially contested” one as Gallie defines them. To Gallie (1955-56: 167-198), such concepts do not lend themselves to any universally accepted definition because of the ideological, cultural and historical contextualizations that under-pin them. Such concepts necessarily generate unending debates about their exact meanings and applications because “they may contain ideological element which renders empirical evidence irrelevant as a means of resolving the dispute” (Little, 1981: 35). Even an apparently concrete concept like the ‘state’, virtually defiles generally accepted definition because of its essentially contested nature too (Dyson 1980: 205-206), same is true of transition’ (Adekanye, 2001: 9).

Therefore, in spite of the abundant literature it has inspired, the term human rights, does not lend itself to a precise definition. Indeed, there has not been an acceptable definition of ‘human rights’ amongst the jurists too talkless of scholars and commentators. It is a concept that can best be described rather than defined (Ajomo, 1985). It should be noted that the concern with human rights in the world today stems from the perception widely shared with Rousseau that man, though born free, is everywhere in chains (Dominguez, et al., 1979: 25). Today, increasing awareness coupled with the preoccupation on

how best to safeguard them from rampant violation have made the term ‘human rights’ a song sung by almost everybody, yet the contradiction, unclarity, inconsistency, confusion, mis-interpretation, absurdity and plain stupidity that pervade notions of human rights is quite telling. No wonder Julian Huxley wrote inter alia:

it is no longer possible for us, as it was for our ancestors in the Age of Reason to conceive

of Human Rights as existing in the abstract merely

waiting to be deduced from first principles by the

human intellect (Strouse and Calude, 1976: 51)

In the same vein, it is no longer possible for us, as it has been until recently for legalists and institutionally oriented political scientists to conceive of human rights as little more than the western industrial world tend to define it in terms of political and civil liberties, third world nations seem to focus on the basic needs of food and shelter as a prerequisite for human dignity and eventually civil rights (Park, 1987: 400). Whenever the Anglo-Saxo and Judeo-Christian civilization adhered to the centrality of individual rights as opposed to group rights the Islamic world on the other hand tends to regard individuals as being subordinate parts of the state or community.<sup>3</sup> Also, polyarchical systems place emphasis on political freedom, while socialist systems choose to accentuate social and economic equality (Osaghae, 1992: 40-63). Thus, defining the concept of human rights in the narrow terms of civil liberties would not be acceptable to societies striving for social equality or the satisfaction of basic needs. By the same token, any definition of human rights devoid of concern with political freedom will not be viewed as legitimate in the context of industrial western societies (Ojo, 2000).

Despite the controversy generated by attempts to define human rights, some scholars have attempted to conceptualize it without necessarily being definitional. For Human, it is “laws and practices that have evolved over the centuries to protect ordinary people, minorities, groups and races from oppressive rulers and governments” (Humana, 1983). Vance, however, conceives it in three dimensions. First, there is the right to be from government violation of the integrity of the person. Second, there is the right

to the fulfillment of such vital needs as food, shelter, health care education. Third, there is the vigour to enjoy civil and political liberties (Vance, 1980: 5-6). Thomas Jefferson put forward a definition of human rights when in 1887 he wrote from Paris to James Madison about the necessity to safeguard individual liberty and the need for a bill of right. He was of the notion that "...a bill of rights is what people are entitled to against every government on earth" (Calude, 1976: 21).

In an insightful piece, Irele (1983: 123-137), made a clear distinction between legal and moral rights: The former type of right is clearly stated in the legal system while the latter rights are not. They are referred to as ideal rights. The most important class of ideal or moral rights is that of human rights. Human rights are rights that are held by all human beings unconditionally, unalterable and they are inalienable. Although, human rights are normally termed natural rights, it need be emphasized that not all natural rights are human rights. The concept of natural rights states not only that there are "certain human rights but also that these rights have certain further epistemic properties and certain metaphysical status" (Feinberg, 1973: 85). However, theory of human rights is neutral with respect to questions of moral ontology and moral epistemology (Irele, 1998: 126).

Human rights are also held to be absolute. What this means is that, they are inalienable and universal. But, at times, absoluteness could be referring to some additional features, which can be interpreted in three ways. Feinberg (1973), claims that the first interpretation could mean that all rights are "unconditionally incumbent within the limits of their well defined scope". The second interpretation of absoluteness means that all those parties involved in the implementation of human rights should "do their best" for the values involved in human rights. They are "ideal directives" to the parties that would implement their rights, that they should be honoured in all circumstances. For instance, if the state has taken a piece of land from "A" or "B", the state should compensate him since he has a right to his property. The last of the absoluteness is the strongest that human rights should be honoured without exception. The right to free speech would be absolute in the sense that it is protected in all circumstances. In this case, the limits of the right would be in consonance with the limit of what is specified permissible conduct and no infringe-

ment of the right in any form would be permitted. However, if a human rights has this feature, it should not conflict with any element of other human rights either of the same form or another type (ibid.).

Unlike the position of liberal scholars which believe that civil and political rights as well as social, economic and cultural rights which are basically individual rights are sufficient to achieve a more just world which Feinberg envision thus:

...a world with equal rights is a more just world.

It is also a less dangerous world generally and

one with a more elevated and civilized tone... (emphasis original) (Feinberg, 1973)

Eghosa Osaghae, (in an award winning piece)<sup>4</sup> reawaken the consciousness of the extant literature on human rights to what he called groups rights. He averred that in Nigeria and other Third World states where different ethnic groups were put together by the colonial authorities to form the new state and where, in the absence of a strong and relatively autonomous private sector, state power is the only viable means of social reproduction, the need to have rights which ensure that state power as exercised by governments will not be used to perpetuate sectional interests cannot be overemphasized. The gross inequalities among the constituent groups in terms of size, resource endowment, socio economic development (particularly education, which is generally regarded as the open sesame to social mobility), access to, and actual holders of state power (representation in the bureaucracy, armed forces, cabinet and other government institutions) and the struggles to redress them make control of government institutions of central concern to the different groups.<sup>5</sup> Therefore, to guarantee and safeguard rights, historical imbalances and inequalities between and among various groups in a plural and divided society like Nigeria to have fair and equal opportunities in all sectors of public life matter not only to peace and tranquility but also 'human right'. In essence, it is this realization that informed the decision of multi-ethnic countries like Nigeria and Canada including India, to entrench affirmative action policies in their constitutions. Through, the effectiveness of this integrative mechanism most especially in Nigeria where the state is neither neutral nor autono-

mous, which makes its control open to abuse is another subject matter, which is beyond the purview of this paper.<sup>6</sup>

Furthermore, because of Nigeria's peculiar existential realities as a polity that has been alternating between democracy and military autocracy, we can classify all elements of human rights into two. First, we have those ones which are totally unaffected by the fact that the polity is being governed by the military. Secondly, we have those rights, which are necessarily affected by the existence of a military government. The first category included: (i) the right to life; (ii) the rights to human dignity; (iii) right to private and family life; (iv) rights to freedom from discrimination and (v) the right to receive compensation for compulsory acquisition of property. The second category of rights which are affected by military governments are: (i) rights to personal liberty; (ii) right to fair hearing; (iii) freedom of expression; (iv) right to peaceful assembly; (v) freedom of association and (vi) right to free movement.<sup>7</sup> We now flashback to the human rights concept and situation in pre-colonial Africa particularly Nigeria.

#### **HUMAN RIGHTS IN TRADITIONAL AFRICAN SOCIETIES**

So far, what we have devoted attention to is the Western or European perspective of human rights. The question is: Do pre-colonial African societies – Nigeria inclusive – have or know anything about human rights? The jaundiced western perspective is that the idea has its origins in the West and that it has merely been 'borrowed' by African writers is, no doubt, responsible for such neglect. This idea, that human rights are a concept that was invented or inspired by the West, is hotly contested by Third World scholars (Houtondji, 1986: 319-332). While mankind universally opposed injustices, specific interpretations of the concept of human rights has been and continues to be a reaction to particular experiences of injustice. Thus, a truly universal concept of human rights encompasses as shades of meaning and includes an African perspective (Hendrickson, 1989: 19-43).

In a perceptive essay, entitled "Human Rights in Africa", Keba M'Baye (1982: 583-602) argues that the idea of right to life existed generally in Africa because "Africa traditional beliefs scrupulously respect life, even of animals". This

is reflected in the fact that it is wrong to kill except in cases of need. In pre-colonial Africa, the society never celebrated violence, war, robbery, rape, stealing, materialism, theft, or sex the way it happens in our contemporary societies. Even in those days when Africans did not wear clothes, Nwoli<sup>8</sup> recalled that rape incidents were rare because of traditional taboos and sanctions, as well as public opposition that surrounded it. Not even in Koma, discovered a few years ago in Nigeria, where people were going about in nudity sort-of, were rape and sex celebrated. The life of a human being was held sacred and the sanctity of human blood held inviolable. Thus, to spill blood was unheard of even in certain wars. The aged was respected as the moral leaders, moving library, and owners of wise counsel in the society. Children were protected and people's properties were respected too. Leadership protected life and property, and the security, peace, welfare, development, and happiness of the people constituted the essence of political leadership in pre-colonial Africa.

A few cases will demonstrate the value of human life and blood. Among the Bantu people of Southern Africa, to carry out mere circumcision on a new born baby, the earth was propitiated for the little quantity of blood that will thrive on it from the process<sup>9</sup>. It was part of the checks against murder and human wastages. Also, among the Tale of Northern Ghana, the greatest sacrilege against the earth was to shed human blood even in strife. A very good case of societal abhorrence of life wastage was demonstrated by the Bini (Edo) in 1370 AD, when they stoned an Oba (their king), to death for ordering the murder of his Prime Minister. It happened that the Oba was to be the first to come to meetings and last to go. The Prime Minister out of human curiosity, wanted to know why and discovered that the Oba was paralyzed! For knowing too much therefore, the Oba ordered his death, and the Prime Minister was killed by palace security men. The Bini people reacted immediately by descending on the Oba who killed a citizen he was supposed to protect, and stoned the Oba to death. That was back in 14<sup>th</sup> century Africa.<sup>10</sup>

Among the Igbos in Nigeria, as shown in Chinua Achebe's celebrated *Things Fall Apart*, even where a person killed another person in error, the offender had to be banished from his town for several years before other reconciliatory, cleansing, and compensatory processes followed.

Citizens were never allowed to take life, not even kings just like that! James Schofield also noted in his work what he gathered happened from Africa when a person committed murder:

You know, in our tradition, when someone is killed, the tribe of the man who killed him brings a gift called "sobenhir". It is the action before the "diya" the blood money that is paid for someone's life. It is meant to convince the other tribe that you ready to apologize. They will arrange a big meeting, then come together and discuss the "diya" (Schofield, 1996: 9).

Even in certain wars, life wastage was not allowed, and weapons for wars were regulated. As Baiden (1986: 260), inform us about the Igbo for example:

In a fight between relations, or people of the same town guns were forbidden, while matchets, spears, bows, and arrows, staves and such like weapons were permitted. At the same time, it was not permissible to use them indiscriminately. There must be no fatal wounding.

All these elaborate arrangements in different parts of Africa were meant to protect human life. Citizens were never allowed to take another's life, not even kings.

On the other hand, one could offer numerous examples of practices, which can only be understood as violations of human rights. John S. Mbiti (1969: 158), in his book, *African Religions and Philosophy*, inform us about customary practices which included the burial of "one's wife or wives (with the husband) so that these may 'accompany' the departed into the next world". He also documents the custom of killing either one twin or sometimes both along with the mother because the birth of twins was seen as a bad omen for the tribe (ibid.). Schapera tells us that, "bushmen freely thrush or kill a disobedient child or unfaithful wife" (Schapera, 1963: 87). These practices are clearly antithetical to the idea of a human right to life.

Blyden's series of articles on African life and customs gave examples of the kind of rights which existed in traditional African societies which were worthy of preservation when compared with European culture. Blyden emphasized the communal nature of the economics and industrial system of the African with the egoistic or individualistic nature of European life. Since land and water were collectively owned in African, there was equal accessibility to these natural objects. "Everybody has the right to sail upon

river, lake or sea and retain for his own use and benefit everything which may be the result of his efforts in their elements". Also their existed no law of property in African that could deprive a needy person of a sufficient supply of food or clothing. This meant that "the necessary and habit of theft do not arise, because everybody has his right and everybody has enoughs"<sup>12</sup>

It is apt to conclude this section with Hendrickson's view that "as long as the equality of the races was accepted' the African had as much of a right as any European did, to rule himself. This idea was not begged, borrowed, or stolen from the west. It was as self-evident to the African as it was to the framers of the American constitution" (Hendrikson, 1989).

#### **INSTITUTIONAL SAFEGUARDS FOR THE PROTECTION OF HUMAN RIGHTS**

In virtually all-political systems, there are a number of institutional mechanisms put in place either formally to safeguard the inalienable rights of man. The issue is only that the strength and efficacy of their safeguards differs from state to state and marks the level of political development cum democratic consolidation in each state. This segment of the paper now takes a cursory look at each of them to enhance better performance.

First, in all regions and climes, the constitution is a major safeguard of the rights of man. The constitutions normally do stipulate the catalogue of the fundamental rights of the citizens. The following civil and political rights are guaranteed by the 1999 Nigerian constitution; The right to life (section 33); the right to dignity of (the) human person (section 24); the right to personal liberty (section 35); the right to fair hearing (section 36); the right and family life (section 37); the right to freedom of thought, conscience and religion (section 38); the right to freedom of expression and of the press (section 39); the right to peaceful assembly and association (section 40); the right to freedom of movement (section 41); the right to freedom from discrimination (section 42); and the right to acquire and own immovable property anywhere in Nigeria (section 43) (FRN, 1999). Nigeria's successive constitutions from 1960 to 1999 made these rights justifiable, so that citizens whose civil or political rights is infringed upon either by another individual or the institute legal actions against such individual or body for redress.

However, the snag is that constitution making processes itself in Nigeria is a serious curtailment to the rights of man in two main senses. First, the making of Nigerian constitutions are rather too elitist and secondly, that they in most cases impositions on the civil society either by colonial masters during British colonization or by military oligarchy and their civilian cohorts during autocracy (Nwabueze, 1997).

While assessing the legitimacy or otherwise of the 1999 Constitution, the International Institute for Democracy and Electoral Assistance (IDEA) points out that:

*...the process of making the constitution allowed only a very limited consultation with the populace. Even after the committee set up to collate the views of the people on the draft (had submitted the document, the provisional Ruling Council still made many amendments which it justified on the basis of "public interest... of the people of Nigeria". The conditions for a full, open and informed debate did not exist (IDEA, 2003: 26-27).*

International IDEA is of the belief that:

*...for a constitution to gain acceptability by the people, there must be obvious involvement of all stake holders in fashioning its contents. There must be adequate and effective consultation of all sectors (Ibid.)*

Put differently, the legitimacy of a constitution determines the extent to which such a document will protect the rights of both individuals and groups in the polity. And generally, there two ways of looking at this issue of constitutional legitimacy in its legal sense and in the political sense. In its legal sense, it is necessary to consider whether the enacting body has the legal right to do so. The issue here is whether the military regime has the legal authority to assume the sovereignty of the people in the way it seems to have done by decreeing the constitution. Though, opinion is divided on this, but many believe that the "people" should have the final say, whether through their elected representatives or through referendum. It is not amazing therefore that Nigeria's successive constitutions have always been insufficient to properly safeguard groups' rights. It is perhaps for this reason that Nigeria's federal system is indeed convoluting.

Similarly, other than constitutional provisions, Nigeria is a signatory to a number of treaties and declaration such as the United Nations 1948

human rights declaration and the African Charter on human and people rights popularly known as the Banjul Charter. The problem with this legal framework is that there are no ways of enforcing the content of these charters and declarations, and conventions without infringing on the sovereignty of member states, which they expectedly do jealously guard. Not only that, the executive heads of African states that were signatories to these treaties were doing so for political reasons to buy legitimacy in the international system. Deep in their heart, they lack the required commitment to the charter. Commenting on the signing of the African Charter on Human and People's Rights (Banjul Charter) between 1981 and 1986, Bayo Okunade (1997: 70), wrote that "cautious or qualified optimism, if not outright skepticism, heralded the signing, ratification and the eventual coming into force of the African Charter on Human and People's Rights. The pessimists (which certainly exclude African's political executives) informed by an understanding of the charter of the Banjul charter and the reputation of the organization of African Unity (OAU) – its charter and the Assembly of Heads of State and Government – the apex political organizational framework for its (Banjul Charter) operation and the socio-economic cum political realities of Africa, viewed the experiment in regional human rights promotion and protection system as potentially ineffective. To them, the Banjul charter instrumentality would be a potent mechanism to positively mitigate the misfortune of Africans by instituting a better promotion, protection and enforcement of human rights, specifically, the Banjul Charter in spirit and letter and more importantly, when compared with standards in international human rights regime, particularly other regional mechanisms for example, the Inter-African system and European convention - is very weak if not woefully deficient in its enforcement machinery<sup>13</sup> Thus the efficacy and the weaknesses of these charters and conventions are well known than to be recounted here.

One other institutional safeguard especially in a presidential system of government is that of separation of powers. For Stuart Gorin<sup>14</sup> The notions of presumed innocence and a fair and speedy trial by jury are key elements within a society that separate the society judiciary from the executive and legislative branches at all levels of government. He alluded extensively to

American model, which Nigeria aped, by starting that this separation of powers, established by the framers of the U.S. institution in 1887, ensures that each branch of government performs a different function but with a series of checks and balances to ensure cooperation. The judiciary is concerned with the administration of justice at every level, from the U.S. Supreme court to the Local Justice of the Peace and Magistrates. A suspect in a system where human rights are guaranteed has the right to an attorney to help in the defense against charge, if that person cannot afford to hire an attorney, then, one should be appointed at government expense. In any criminal case where bail is denied, defendants incarcerated prior to and during a trial are still afforded their basic human rights and are treated accordingly. Safeguard of human rights do equally extend even, to prisoners who are not supposed to be served foods that are not permissible under their faith and at times, the presiding judge may order the prison authorities to allow inmates perform their religious rites. It is not surprising that at the point of death, those found guilty of capital offence are asked to pray to God in whatever mode that is in line with their faith. In the same vein, safeguard of human rights also extends to right to appeal while a defender should not be tried more than once for same offence. To achieve this, the judiciary must necessarily be made to be independent so that it can discharge its duties without fear or favour. It needs be emphasized that the recent Supreme Court judgment stopping both the executive and the national assembly from elongating the tenure of local government functionaries is a welcome development demonstrating the courage and independence of the judiciary.

Nevertheless, a boisterous mass media is indeed crucial to the protection of human rights in both advanced and developing democracies. The putative role of the independent media in sustaining democracy and guaranteeing human rights is that of providing the public space for a wide range of societal opinions to be expressed and supplying the population with objective information about government performance. Thus, it can facilitate the holding of the government to account, create constituencies and shape the political agenda. Yet, in Africa, as the west, faces problem of limited ownership, partisan reporting, political connections and the partial representation of public views (Baker, 2000:

5), the mass media has peculiar problems. Because of the relatively young democratic experiment, it may take some time for the mass media, which existed, in a beleaguered state to adjust quickly to the challenges of a democratic dispensation.

To start with, Nigeria's ethnic composition and unique plural and divided society make mass media effectiveness a range. In our endeavour to appreciate the limitations of the media in its relationship to the democratic process, we need to focus on the character of the Nigeria corporate society and that of the media. On the efficacy of the mass media generally in African and Nigeria in particular, Ray Ekpu - a veteran journalist - noted that the prevailing patterns of media ownership in the third world present another dimension of the problems" all too often, the government pulls all the strings, and the functionaries who run the state owned newspapers, magazines and broadcasting outlets must either behave like pliant, puppets or loose their places to other" (Ekpu, 1990: 116). This kind of media outfit cannot be a catalyst or vanguard for the safeguard of the inalienable rights of man. Whereas, it is only a courageous press devoid of ethnic chauvinism that can come in as the defender of the defenseless in terms of being the bulwark against tyranny, intoxication of power and exploitation of the under-privileged.

In a nutshell, the role of the Ombudsman or Public Complaint Commission as is popularly known in Nigeria in safeguarding human right is of utmost significance. In Scandinavian countries and several modern democracies, the commission is charged with the responsibility of investigating any action of government or its agencies that may infringe upon the rights and liberty of individuals within the state. This Commission does not charge any fee for its services and it is no substitute to a regular court of law.<sup>15</sup> As noble as the idea of creating Public Complaint Commission in Nigeria way back in October 1975 shortly after the Nigerian civil war, perhaps its greatest problem is lack of publicity. Considerable percentage of the society is not aware of its existence talk less of contacting it for redress of infringement of human rights. Also, as a result of long years of military rule which has created culture of violence to the extent of disobedience to court directives by individuals and organizations, the Ombudsman appear to be a toothless bulldog. Even the appointment of Public Complaints Commissioners is really too

partisan to enhance effectiveness. In these circumstances, everything must be done to strengthen the Public Complaints Commission. The masses of the people needs a strong and effective Ombudsman and needless to add, what is good for the ordinary citizens should merit the serious attention of every government.<sup>16</sup>

### **HUMAN RIGHTS SITUATION IN NIGERIA'S NASCENT DEMOCRACY**

Prior to the inauguration of civilian administration in May 1999, Nigeria's human rights record was nothing to write home about mainly because of long years of military dictatorship. After President Obasanjo's inauguration, the Government ceased to use military tribunal to try civilians and announced the released of all known political prisoners and most known political detainees. To demonstrate serious commitment to safeguard of human rights, in June 1999, the Government established a governmental panel known as Human Rights Violation Investigation Panel (HRVIP), headed by respected Justice Chukwudifu Oputa to review cases of human rights violations dating back to independence (1960). Though, after it was given legal backing, the Commission had a late take-off for reasons of financial constraint. A grant of \$400,000.00 by the Ford Foundation was to solve that problem. In October the Panel began public hearing and received approximately 11,000 petitions for redress by alleged victims of human rights abuses. Interestingly, and to give credence to the need for groups rights to have an all round protection and peace, total of 8,000 petitions came from the Ogonis alone.<sup>17</sup> This shows that without taking adequate cognizance of groups' rights, Nigeria's human rights record may still not improve.

Relying extensively on country reports on Human Rights Practices as compiled by the U.S. Bureau Democracy, Human Rights and Labour, between 1999 till date, government's human rights record is still poor; although there were some improvements in several areas, serious problems still remain<sup>76</sup>. Taking the elements of human rights one after the other for assistance glaringly buttresses this position. On respect for the integrity of the person, including freedom from political and other extra judicial killings, it would be recalled that the national police, army, and security forces committed extra judicial

killings and used excessive force to quell civil unrest under previous military regimes. It is however on record that police and military personnel used excessive and sometimes deadly force in the suppression of civil unrest, property vandalization, and inter-ethnic violence, primarily in the oil and gas regions of Lagos, Kaduna and Abia States.

Confrontations between increasingly militant youths (who tend to be unemployed males between the ages of 16 and 40), oil companies, and government authorities continued and reportedly 28 Delta youths were killed in such conflicts over protests or suspected vandalization near oil flow stations. The use of excessive force to suppress protests was not confined to conflicts pertaining to oil company activities. For example, in March and April, police conducted operations in Ogoni land, Rivers State, home of the Movement for the Survival of the Ogoni People (MOSOP), which resulted in the killing of several civilians, the destruction of a number of buildings, and the arrest of several Ogoni activists. In June, Police killed two people in Abuja and injured hundreds of persons who were involved in a 5-day petrol increase strike. Police were instructed by the Federal Government to use deadly force in conflict in Lagos State with the Oodua Peoples Congress (OPC). By August, Police in Lagos reported killing 509 armed robbers and injuring 113, during the course of making 3,166 arrests. Recently, the new Inspector General of Police launched "Operation Fire for Fire" which means shooting suspected robbers on sight!

In November 1999, Odi, a large town in Bayelsa State, 12 policemen were killed by ethnic militiamen. A few hours after the news of the policemen's death was broken, the federal government deployed military troops to Odi and the town was leveled. Till date, government did not hold accountable any of the soldiers involved in the destruction of the town and the massacre of several hundred inhabitants; there were newspaper reports that some of the soldiers were promoted. Similarly, scenario replayed itself in Benue State. In October 2001, there were disputes between Benue's warring Tiv and Jukun of Taraba State. The Tiv suspected that government was not being fair enough to them in the border conflict and their militia abducted 19 soldiers. A few hours after burying the 19 soldiers killed in the conflict, the military invaded Tiv land killing

more than 70 inhabitants in the first instance.<sup>19</sup>

As regards torture and other cruel, inhuman, or degrading treatment or punishment, the constitution prohibits it. The 1960 Evidence Act prohibits the introduction into trials of evidence obtained through torture. However, although there were no reports of torture of political dissidents, but army, police, and security force officers regularly beat protesters, criminal suspects, detainees, and convicted prisoners.

The introduction and the extension of Sharia law in many Northern States generated a public debate on whether Sharia punishments such as amputation for theft, caning for fornication and public drunkenness constituted “torture or ... inhuman or degrading treatment” as stipulated in the constitution. Caning as a punishment is available under Nigerian common law, the Northern Nigeria Penal Code, and Sharia law and has not been successfully challenged in the court system as a violation of the cruel and inhuman punishment clause of the 1999 constitution. On March 2000, Mallam Buba Bello Jangebi’s hand was amputated after he was convicted of cattle rustling in a Sharia court. Jangebi chose not to appeal his sentence. In September, a Sokoto Sharia court handed down a sentence of amputation for a thief; the sentence had not been carried out by the year’s end. The first sentence handed down by Zamfara’s Sharia court was for caning a pregnant unmarried mother and her boy friend; both had confessed to fornication. In September, Bariya Ibrahim Magazu, a 17-year old girl was sentenced to 110 lashes for engaging in fornication and 80 additional lashes for naming in court but not being able to prove who the possible father of the unborn child was.

Not only that, prison and detention conditions remained harsh and life threatening. Most prisons were built 70 to 80 years ago and lack functioning basic facilities. Thus, making the prisons congested. A human rights organization estimated in 1999 that at least one inmate died per day in the Kirikiri Maximum prison in Lagos alone. The government acknowledged the problem of overcrowding as the main cause of the harsh conditions common in the prison system. According to government sources, approximately 45,000 inmates were held in a system of 148 prisons (and 83 satellite prisons) with a maximum designed capacity of 33,348 prisoners some human rights group estimate a

higher number of inmates – perhaps as many as 47,000. The Controller General of Prisons estimated that two thirds of prisoners are detainees awaiting trial who have not been charged and further admitted that the number of such inmates increased by 83 per cent in the first half of the year 2000. It need be emphasized that all year round, government allowed both international and domestic NGOs occasional access to prisons, however, it did not allow them continuous access to all prisons. Prisoners Rehabilitation and Welfare Action and the International Committee of the Red Cross (ICRC) have regular access to the prisons and publish newsletter on their work. The government admits that there are problems with its incarceration and rehabilitation programmes and worked with group such as these to address those problems.

On arbitrary arrest, detention or exile, it is on record too that lengthy pretrial detention remained a serious problem. According to the constitution, persons charged with offenses have the right to an expeditious trial. However, in practice this right was not respected. The reasons are not unconnected with serious backlogs, of cases, endemic corruption in the bench<sup>20</sup> and undue political influence continued to hamper the judicial system. Though, the constitution provides for an independent judiciary; however, in practice, the judicial branch remains susceptible to executive and legislative branch pressure influence by political leaders at both the state and federal levels, and suffers from corruption and inefficiency. The consequential effect of this on the system is that estimates of the percentage of pretrial detainees held without charge in the prison population range from 33 to 65 per cent of the 44-47,000 detainees. Many prisons held 200 to 300 per cent more of the persons than they were designed to hold, many of the pretrial detainees held without charge had been detained for periods far longer than the maximum allowable sentence for the crimes for which they were being held.

Freedom of speech and press are equally essential for democratic values. It would be recalled that on May 26, 1999, in the last days of Abubakar regime, Decree 60 was signed into law and created the Nigeria Press Council, which was charged with the enforcement of professional ethics and the sanctioning of journalists who violated these ethics. The Nigerian Press Council immediately was criticized by the media as “an

undisguised instrument of censorship and an unaccepted interference with the freedom of the press". Decree 60 attempted to put control of the practice journalism into the hands of journalists who were appointed by and receive payment from the government. In 1999, the NUJ, the professional association of all Nigerian Journalists, and the Newspaper Proprietors Association of Nigeria (NPAN) rejected the creation of the Press Council. The NPAN called the decree unconstitutional and violation of press freedom, because there were already enough laws concerning the operation of the press. The decree, which virtually made members of the council employees of the Government, also contained a number of provisions inimical to the operation of a free press. Among other provisions, Decree 60 gave the Press Council the power to accredit and register journalists and the power to suspend journalists from practicing. Decree 60 required that publications be registered by the Council annually through a system entitled "Documentation of Newspaper". In applying for registration, publishers were expected to submit their mission statements and objectives and could be denied registration if their objectives failed to satisfy the council. The penalties for practicing without meeting the Council's standard were a fine of \$2,500 (250,000 naira) or imprisonment for a term not to exceed 3 years. The decree also empowered the Council to approve a code of professional and ethical conduct to guide the press and to ensure compliance by journalists. Under the decree, publishers were expected to send a report of the performance of their publications to the Council; failure to do so was an offence that carried a fine of \$1,000 (100,000 naira). The Nigerian Press Council continued after Obasanjo's inauguration, and in 1999, former Minister of Information Dapo Sarumi, expressed the view of the new civilian government that the council would continue to operate, and said, "it is in line with journalist's demands". The Council had not yet begun operating at year's end; however, it remained on the books in principle, and many journalists believe that the existence of such a decree is significant limitation on freedom of the press.

In concluding this segment of the paper, it becomes imperative to extend our search light to how ethnic minority groups fair in human rights rating in this democratic dispensation. In a country of 120 million, which is ethnically diverse,

and consists of more than 250 groups, many of which speak distinct primary languages and are concentrated geographically. There is no minority ethnic group. The three largest ethnic groups, the Hausa-Falani of the North, the Yoruba of the South-west and Igbos of the South-east, together make up about two-thirds of the population. The Ijaw of the South Delta area, the fourth largest group, claim a population of 12 million in the same as the Kakuri population in the far North-east and Tiv population in the South. Because of the lack of reliable statistics, it is difficult to determine the population of the various ethnic groups.

The constitution prohibits ethnic discrimination by the government. In addition, the constitution mandates that the composition of the federal, state and local governments and their agencies, and as well as the conduct of their affairs, as well as the conduct of their affairs, reflects the diverse character of the country in order to promote national unity and loyalty. This provision was designed as a safeguard against domination of the government by person from a few states or ethnic and sectional groups. These provisions were included in response to previous domination of the government and the armed forces by Northerner and Muslims. The government of Olusegun Obasanjo was an example of this diversity. Obasanjo is a Yoruba from the South-west, the Vice President is a Northerner, and the Senate President is an Igbo. The government also attempted to balance key positions and deputy positions among the different regions and ethnic groups. For example, the Minister of Defence is from one of the middle-belt states, while his deputy is a South-western Yoruba. The Senate used its oversight role to reject many of Obasanjo's ambassadorial appointments and insisted on three nominees from each State for each appointment. The political parties also engaged in "zoning", the practice of rotating positions within the party among the different regions and ethnicities to ensure that each region and ethnicity is given adequate representation. Nonetheless, claims of marginalization by members of southern minority groups and Igbos continued. Their calls for high-level representation on petroleum issues and within the security forces. Northern Muslims, who lost previously held positions within the military hierarchy, accused the Obasanjo government of favouring Southerners. Traditional linkages continued to impose considerable

pressure on individual government officials to favour their own ethnic groups for important positions and patronage.

Ethnic minorities not only represent about half the country's population, but in the case of the Niger Delta, they also currently account for over 80 per cent of foreign exchange earnings. Their lack of representation at the national level is reflected in the dwindling resources allocated them by the centre from the exploitation of a commodity that has despoiled their environment: 100 per cent in 1953, 45 per cent in 1970, 20 per cent in 1975, and 3 per cent by the time that late Ken Saro-Wiwa was hanged in 1995. It has subsequently been pegged at 13 per cent. The under-development of the Niger Delta is one great injustices of independent Nigeria. For years, vast wealth has been pumped out of this area, but instead of bringing prosperity to the local communities it has led to environmental damage and worsening poverty. As to be noted, the Land Use Decree has been the legal instrument for alienating land for use by the oil companies, and there has not been adequate compensation, either for the land itself or for the environmental damage caused by petroleum activities. Local communities' land rights and environmental rights have been abused, and the government has sometimes harshly repressed cries of protest. In addition, the Delta has been marginalized in terms of access to basic social services, partly because of the difficult topography of the region.

To redress this palpable group right, in late October 2000, the Niger Delta Development Commission (NDDC), an entity proposed in 1999 to increase government resources committed to the area and grant more local autonomy over expenditure of their resources, began operations. The 19 members of the commission come from both oil producing and non-producing states, ostensibly to provide a balanced representation of interests. The National Assembly must authorize a separate budgetary appropriation in order for the NDDC to begin the bulk of its work. The commissioners began consultations in the Delta region in early 2001. Similarly, in its bid to redress the infringement, the government continued investigation into all contracts provisionally awarded under the auspices of the Oil and Minerals Producing Areas Development Commission (OMPADEC). This Commission established in 1992 during the regime of General Ibrahim Babangida, widely was regarded as

corrupt and ineffective in improving the conditions of Niger Delta residents. But with the NDDC bill already proposed into law in 2001, with time, the new commission is expected to make meaningful impact on the groups' rights.

### CONCLUDING REMARKS

It is apt to conclude this piece with the statement that Nigeria's human rights record even in a democratic era for that matter is a far cry from general expectation. The reason is not unconnected with the fact that the polity had been under firm military dictatorship for at least 16 years from military rule before the transition to democracy. It is generally known in the literature that a beleaguered state is a worst abuser of human rights. However, beyond mere institutional frameworks, which both scholars and commentators may wish to focus on, it is equally fitting to demonstrate that there are a number of constraints in the bid of the country to safeguard the inalienable rights of man. First, a society with an embarrassing literacy level cannot easily safeguard human rights. Nigeria has between 39% -51% literacy level with 32% male and 21% female secondary schools. While most developed democracies have 70% and above. With this large chunk of the citizenry being stark illiterates, mass mobilization of the civil society becomes more tasking. Similarly, media readership is low with the concomitant lack of media efficacy. A system where citizens are not aware or conscious of their rights, how do they claim them? Even when such rights are infringed upon the institutional processes for redress is unknown to them. It is for this reason that the masses of the people do resort into spontaneous violent reactions, venting their anger on the polity to seek redress. Considering the nexus between literacy, human rights abuse and democratic sustenance, Ojo (1985: 169), avers that "democracy is not safe in a country where a large minority of the population is illiterate".

In Nigeria, the effect of poverty is pervasive. As at year 2000, the incidence of poverty was believed to have risen to 70 per cent at the national level and this has elicited serious official concern in the last three years (Obadan, 2002: 40). Approximately 21.9 per cent of Nigeria's labour force had unemployment problem in 1998. With an estimated active labour force of 55.75 million in 2000, this translates to over 12 million Nigerians that are in need of suitable employment! (Yesufo,

1995). In an address, the late Nigerian eminent jurist in the person of Akintola Aguda (1998: 7) stated "...the practical actualization of most of the fundamental rights cannot be achieved in a country like ours where millions are living below starvation level...". He wrote further in the same piece that "...most of the rights entrenched in our constitution are nothing more than empty words to millions of our people who are, or whose children are suffering and in some cases dying of malnutrition and other preventable diseases associated with poor" (Ibid.). Toeing the same line of argument, in his address to the conference on Development, Human Rights and the Rule of Law held in Hague in 1981, De Ruiter said "the fight for human rights is a fight not only against political repression but also against social deprivation and economic exploitation. This applies to countries as well as people..." (Mamman, 1999: 43-44). From the foregoing, it can be concluded that every state has the duty to: (i) eliminate all obstacles that hinder the economic, social and cultural development mobilization of its people; (ii) implement progressive, economic and social reforms; and (iii) ensure the full participation of all its peoples in the process and benefits of development (Ibid). It is when efforts are made to confront these highlighted problems that the country can begin to safeguard 'human rights' beyond the mere 'Fabian rhetoric's' presently. This becomes imperative in the sense that a polity that abuses of human rights cannot make her citizens catalyst to democratic substance. The reason unconnected with Harold Laki's position that "a state must give to men their due before it can demand at least with justice, their loyalty" (Laski, 1982: 99).

### NOTES

1. For detail of how the fundamental democratic rights of Nigeria were abused with impunity by the military, see, Emmanuel O. Ojo, "The character of the Nigerian Civil Society and the Democratization Process: The 1993 Presidential Election Revisited", *The Nigerian Journal of Political Behaviour*, Vol. 1 No. 1 (June), 1997, pp. 104 - 112 and his "The military and Democratic Transition in Nigeria: An In-depth Analysis of Gen. Babangida's Transition Programme (1985-1993), in *Journal of Political and Military Sociology*, Vol. 28 NO. 1 (Summer), 2000 pp. 1-20.
2. *Isohoria* implies freedom of speech, *Isonomia* means equality before law while *Isofamia* refers to equal respect for all. See Cranston, *What are Human Rights?*, Taplinger Publishing Company, New York, 1973, p.2.
3. For more details on the contribution of Islam to the development of the concepts of Human Rights, see Mohammed Mutaza Khan, op. cit. pp. 125-126. However, in a secular state like Nigeria, Islamic perception of subordination of individual rights to the state resulted into national crisis when Zamfara State introduced Sharia – Islamic legal system, somebody's left arms was amputated for stealing cow. See *The News*, 10th April 2000 Lagos, pp. 12-19. The judgment was widely condemned like that of another woman – one Safiya who was condemned to death by stoning for committing adultery in 21st century! Whatever hue and cry against Sharia, the fact remains that its perception differs from one part of the world to another. For more details on the state and religion in Nigeria, see Ben Nwabueze, "Freedom of Religion, the religious neutrality of the state under constitution and the Sharia controversy", in *Nigerian Tribune*, April 24, 2001.
4. Eghosa E. Osaghae's piece entitled "Human Rights and Ethnic Conflict Management: The Case of Nigeria" won the "Best Paper Award" of the Eighth Annual Conference of the International Association for Conflict Management (ICAM) jointly organized by ESN. The paper was later accepted and published in the PRIO-base journal of Peace Research. See, J. 'Bayo Adekanye; "From Violence to politics: Key Issues Internationally", op. cit. p. 5.
5. For a forceful argument in support of group rights to compliment human rights, see, Eghosa E. Osaghae, "Human Rights and Ethnic Conflict Management: The case of Nigeria", *Journal of Peace Research*, Vol. 33 No. 2, May 1996, pp. 171-188.
6. Nigeria's mode of safeguarding group rights is popularly known as "Federal Character Principle", though a laudable and gallant principle, but its malady in application has been well documented in the following works: P.P. Ekeh and E.E Osaghae (eds), *Federal Character and Federalism in Nigeria*, Ibadan 1988. Also, Ayoade, J.A.A., "The Federal Character Principle and Search for National Integration" in Kunle Amuwo et al., (eds), *Federalism and Political Restructuring in Nigeria*, Spectrum Books Ltd. and IFRA, Ibadan, 1998. Kirk-Green, A.H.M "Ethnic Engineering and the 'Federal Character of Nigeria: Boon of Contentment of Bone of Contention" *Ethnic and Racial Studies*, Vol. 6 No. 4 (October) 1983. Likewise, *Policy Briefs*, "Enhancing the Application of the Federal Character Principle", A product of the Policy Articulation Network of Institutions Coordinated by the Development Policy Centre (DPC), Ibadan, Nigeria, 2000 and R.T. Suberu, *Federalism an Ethnic Conflict in Nigeria*, U.S. Institute of Peace, Washington 2001, with several others too many to recount here.
7. See, Williams, F.R.A. "Fundamental Human Rights under a Military Government", being the text of a lecture delivered at Ogun State University, Ago Iwoye under the auspices of the University's special guest lecture series on July 11, 1985. For an amplification of Human Rights in Nigeria. See, Emmanuel O. Ojo, "Human Rights Commission: Any Need?" in *Third Eye on Sunday*, Ibadan, 14th July, 1996, p.7 and Emmanuel O. Ojo, "What Rights for Nigerians?" *The Herald on Sunday*, May 14th, 2000, p. 15.

8. O.B.C. Nwolise, "IGE: Time to Redefine Nigerian's Concept of National Security, and Reconstruct its Management Strategy and System", being the text of a public lecture in honours of Late Chief Ajibola James Ige, Nigerian Attorney General And Minister of Justice, assassinated in his bedroom on December 23, 2001 and in stimulation of a new thinking in the conception management, and delivery of security in Nigeria, organized by the Institute of African Studies, at Lady Bank Anthony Hall, University of Ibadan, on January 22, 2002, p. 13.
9. For details, see, O.B.C. Nwolise "The Fate of Women, Children and the Aged in Contemporary Africa's Conflict Theatre: The Urgent Need to Revive Africa's Code of Honour", a Public Lecture held on August 15, 2001 and equally cited in Ibid, p. 15.
10. For details, see, O.B.C. Nwolise, "The Fate of Women...", op. cit.
11. The argument looks beautiful, but in traditional African religious beliefs it was necessary and acceptable to kill in order to eat, defend and protect lives and possessions, as well as to "make sacrifices". See, M'Baye, op. cit., p. 588. For M'Baye, Africa has a theory of human rights but it is an African theory of rights, which includes the right to make human sacrifices. The critique of this position is beyond the preview of this short paper.
12. See, Edward Wilmot Blyden, *African Life and Customs*, reprinted from the Sierra Leone Weekly News, John Menah Sarbah, *Fanti National Constitution*, London Frank Cass & Co., 1968 and J.E. Casely Hayford, *Gold Coast Native Institutions*, London, Frank Cass & Co., 1970. Cited in Hendriclason, op. cit. p. 36.
13. See for instance, Issa G. Shivji, *The Concept of Human Rights in Africa*, London: CODESRA, 1989, Chapter 4. Osita Eze, *Human Rights in Africa: Some Selected Problems*, Lagos, Macmillian, Nigeria Publishers Limited, 1984, chapter 8, Claude E. Welch Jr., "Promoting Human Rights," *West Africa*, 4-10 November 1991, pp. 1840-1841, and Bayo Okunade, "A Critique of the Banjul Charter on Human and Peoples Rights, *Plural Societies*, Vol. XVII, No. 1 May 1987, pp. 78-94.
14. Cited in Emmanuel O. Ojo, "The Rights of the Citizens in the 21st Century Nigeria", op. cit. 2000, p. 9.
15. On Public Complaints and Safeguard on Human Rights, see the Pamphlet – Public Complaints Commission. General Information, Federal Republic of Nigeria (undated), specifically, pp. 1-5.
16. For the details of the utility of Public Complaint Commission vis-à-vis safeguard of the inalienable rights of man cum its inherent weakness, see, L. Adamolekun and E.L. Osunkunle, *Nigeria's Ombudsman System*, published for the Public Complaints Commission by Heinemann Educational Books (Nig.) Limited, Ibadan, 1982.
17. See, "Fears over Oputa", (Special Edition), *Tell*, October 22, 2001, Lagos, p. 28.
18. See, U.S. Department of State, *Report on Nigeria in 2000*, Whitney M. Young Jr. Information Resource Center, Public Affairs Section, Consulate General of the United States of America, Lagos, Nigeria, January 2001 and U.S. Embassy, Public Affairs Section Infopack – country Report on Human Rights Practices 2000 on Nigeria distributed by Whitney Young Information Resources Center (IRC), Lagos, February, 2001. We relied extensively on the empirical data compiled by this centre for most of the human abuses in Nigeria since 1999.
19. For the Cruel Suppression of Tivland in Benue State by the soldiers, See, "Benue Massacre", *Tell*, Lagos, November 5, pp. 30-34.
20. See, Emmanuel O. Ojo, "The Judiciary, Phenomenon of Corruption and Sustenance of Democratic values in Nigeria: A Prognosis", being a Faculty Seminar Series Paper, presented to the Faculty of Business and Business and Social Sciences, University of Ilorin, January, 2001. For latest instances of corruption and the Bench, See, "The Story of a Corrupt Judge", *Insider Weekly*, Vol. 18, May 6, 2002, Lagos, pp. 19-23.

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