



Human Rights in a Democratic Setting: The Nigerian Experience

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ABSTRACT

Taking a critical analysis of human rights observation over the years, one is faced with the reality that a society where the human person enjoys human rights and full dignity has remain an ever-enduring dream and almost a mirage. The objective of this study therefore is to assess the relationship between human rights observation and true democracy. Data were collected through the administration of structured questionnaires to 150 respondents. However, only 75 respondents returned their questionnaires. The data collected were analyzed using simple percentage analytical methodology. Findings revealed that democracy in Nigeria is an aberration of the ideals of democracy and leaves little to be desired with plethora abuses of human rights. The study therefore recommends that focus should be on how to ensure that the tenets, norms and principles of democracy are fully observed by those elected into offices, and that government should do its best to see that factors that hinder speedy dispensation of justice are mitigated. The study also recommended that the press that is assigned the responsibility of upholding the fundamental objectives of the state, must adequately monitor leadership behavior and style and make their public debates with a view to selecting incorruptible and honest leaders. The study conclude that the act of good governance cannot be discovered in any document rather it is in the willingness of those who governed to provide good leadership. Therefore, Nigerians and people the world over must of necessity direct their attention to fair exercise of power granted by the constitution by those in leadership positions rather than look for perfect constitutions.

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Introduction

Colonialism created an atmosphere of exploitation and slavery. This practice was not attuned with the respect for the fundamental rights of Nigerians as it came to be after the amalgamation. The barbaric and inhuman treatment meted to the people by the then colonial masters was lamentable, and would have been better imagined than experienced. Hence the collaborative effort that necessitated the struggles for independence in 1960 with a view to building an egalitarian and virile society in which all Nigerians are equal; no exploitation based on class, no suppression of the powerless by the powerful, no discrimination based on wealth, sex, religion, status, and in which the human person enjoyed his/her fundamental rights maximally.

It could be observed that Nigeria became a republic in 1963 and many citizens got their hope heightened on the positive lines as being better if not best to be ruled by Nigerians. Lamentably, shortly in self-rule, Nigeria witnessed the albatross of military coups, counter coups, and a protracted civil war between 1967-1970. As could be seen right from then we see on the faces of many and sundry Nigerians signs of regret as the Centre could no longer hold. Tribalism, religious crises, corruption, embezzlement became the bane to equality, freedom, uncontrivable quest and fight for supremacy of one tribe against and over the other. Such that the much talked about fundamental human rights is sophistry and an empty chanting. The courts and laws in

Nigeria seem to have been twisted to serve the whim and caprices of the highest bidder such that the rights of the citizenry are violated increasingly with impunity.

Human rights being rights which all human have by virtue of their humanity, which include right to life, dignity of human person, personal liberty, fair hearing, freedom of thought, conscience and religion, as provided in chapter iv of the 1999 constitution of the Federal Republic of Nigeria leave the citizenry with a quagmire experience. Commendably, human rights are more than a collection of formal norms. They are dynamic political, social, economic, juridical, moral, cultural and philosophical conditions that enhance and sustain the intrinsic value and inherent dignity of humans as not only social, moral but rational being (Mossowitz, 1974). Thus is it on the basis of this background that the study sought to examine human rights in a democratic setting: The Nigerian experience.

Statement of the problem

A society where all members are equal, devoid of exploitation, subjugation, political privileges, elitist, tribal or godfatherism syndrome, where no discrimination based on class, no suppression of the powerless by the powerful, no discrimination based on wealth, sex, religion, status or opinion and in which the human person enjoyed full dignity and right has been an ever-enduring dream. The reality is that the nation has suffered and its people have not fared any better. Successive regimes- military and the civil

administration have left the nation pauperised, its people dehumanized, with little or no option than to wait for the worst and its whole image almost battered beyond repairs. This is indeed a tragic development. Tracing back the leadership of these regimes and the role of the human right activist in that direction against the back drop of a semblance of human right observation over the years, the entire scenario becomes very painful and regrettable.

Objective of the study

The euphoria for democratization of political institution and movement towards constitutional democracy is a pointer to the place human rights, democracy and the rule of law occupy in the life of man and also to the fact that there is no substitute to human freedom. A society is judged to be free and caring depending on the extent to which her citizens enjoy these rights. And as John Adams succinctly put it, as the happiness of the people is the sole end of government, so the consent of the people is the sole foundation of it.

This study is focused on examining human rights observations in a democratic setting using Nigeria as a case study.

Statement of Hypothesis

Hi = There is a relationship between human rights observation and true democracy.

Ho = There is no relationship between human rights observation and true democracy.

Conceptualization

The desire for democracy among Nigeria is an undying one, a quest that has been pursued despite the prolonged period of military dictatorship. Although widely preferred opinions differ on what constitutes democracy. It is however possible to discern a consensus of views which considers democracy as Government by representation in the collective interest of all, with the major attribute of the observation of the basic fundamental human rights. It is used to refer to that form of government which provides the people the chance to choose their leaders, who must remain responsible and responsive to them and which guarantees that basic freedom of belief, expression, movement and association.

Theoretical Analysis

The theory that best explicate this work is the theory of universalism with Jack Donnelly (2013) as a major proponent. The theory of universalism has its roots in Article 1 of the UDHR of 1948 which states that "all human beings are born equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood". According to Donnelly, universalism is based on the idea that all human beings hold rights just because they are human. It draws on the fact that human rights are inalienable regardless of religious views or national status. Donnelly (2017) explains that this theory of universalism has a special interest in the protection of human rights.

Fundamental Human Rights and Democracy

Human Rights are inherent in man from the inception of time. Human rights constitute a body of virtues which are cherished and valued naturally by man as a social animal. To trace the origin of human rights is to go back to the Greek antiquity and the role of philosophers like Thomas Hobbes, John Locke, Baron de Montesquieu, Roseau, Sophocles, etc. Sophocles in particular referred to human rights as the immortal unrecorded law of God.

King Andrew II of Hungary (1222) ensured that no man was arrested or ruined without being convicted in conformity

with judicial procedure. In 1215, the great charter of King John at Runnymede had a provision that no man shall be taken or imprisoned, or in any way destroyed except by the lawful judgment of his peers or the laws of the land.

However, the unimaginable atrocities of Adolf Hitler against the Jews during the World War II contributed to the response by the UN emphasizing human rights in the organizations charter in 1945, after realizing that human rights could no longer be left to domestic Jurisdiction but should be the concern of the world at large. Consequently, the UN adopted the Universal Declaration of Human Rights which states in parts "... recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world ..." (UN, 1948). The catalogue of rights set out by the universal declaration of human rights which now serve as a model for regional organizations and individual countries throughout the world included- equality before the law, protection against arbitrary arrest, the right of fair trial, freedom of opinion, expression, religion, thought, conscience, right to own property, peaceful assembly and association, and freedom from criminal laws.

Unlike the international law of human rights where duties referred to obligations of the state towards individuals, African Charter of human right of June 27th, 1981, adopted in Banjul strike a difference. Apart from the fact that it imposes duties on individuals, its enforcement provisions fall short as compared to that of America and Europe. This is probably based on the fact that African leaders do not support other supranational bodies exercising jurisdiction in their territories. But with the consideration for an African court of Human Right similar to the one in Europe established in 1950, the lacuna will soon be addressed and a more effective machinery put in place for the vindication of individual rights when abridged. Human Right have become so pronounce the world over that no nation is allowed to derogate them. There is virtually no hiding place for human rights violators which attest to the words of King David in Psalm in the Holy Bible that even if they take the winds of the morning and dwell in the uttermost parts of the sea, from there the long arm of justice will fish them out and punish them accordingly.

Democracy without liberty and equality of its citizens being guaranteed, is pseudo democracy. Pitiably, in Nigeria, it takes the form of pleading with the military to allow some powers to the civilians. And since it takes this beggarly form, the system has always compromised the essentials of democracy and would not enthrone the kind of citizens political efficacy needed in a true democratic governance. The system, no doubt would produce a convoluted structure that breeds element unfit for leaders as well as a manipulated followership. When a system is polluted, it produces individuals with crises of credibility, charlatans who are ready weapons for the abuse, manipulation and maneuvering of the system. Nigeria's democracy has been characterized by sectionalism, ethnic chauvinism/tribal politics, political thuggery, political intolerance and victimization, economic brigandage and total disregard for the human rights.

Ideal democracy cannot stand without the consent of the majority. Hence, Eboh opines, the fundamental meaning of democracy is government by consent, where the government has popular support; its policies and actions meet with popular acceptance or reflect the nation's feelings and sentiments (65). John Locke in his social contract theory indicates that men and women possess certain rights in the

state, such as right to property, right to life and right to liberty, and that the duty of the state is the security and protection of these fundamental rights of her citizenry. This in Nigeria is a far cry.

We must observe that most developed countries like England, France, Germany, Switzerland and some Asiatic countries like Japan, and the United States of America etc. Do not have the problem of instability and crisis caused by the tenacity of power or absence of basic facilities or the much talked about gross violation or infringement of the fundamental rights of the citizens as is the case in Nigeria. There is no gainsaying the fact that there are plethora cases of human rights violations in Nigeria. It ranges from social, economics to political spheres. It is sad to observe that even the courts, constitutionally supposed to be the last hop of the common man is not faring better. Nigeria has degenerated into a convoluted structure characterized with crises of credibility; nonchalant individuals on the wrong side of morals becoming direct weapons for the abuse, manipulations, subjugation and maneuvering the entire system negatively. It is disheartening, but honestly to assert that since independent with the attendant self-rule to date, the country politics, is a record of woes and disasters. The phenomenology of individual freedom is a fiasco.

As could be observed, human rights abuses and violations in Nigeria cover a broad spectrum. It comes in various forms and shapes, direct and indirect. With the perpetrators often seen and regarded as "above the law". Worst still on the list of these perpetrators are our political leaders who after being elected into varying offices, make appointments of people of their kind with promises and MOU's they know will never be kept. There is no sector of the economy that is not characterized with one level of human rights violation or the other. However, the work may narrow its scope to a very worrisome and apparent sector "the oil section". That is human rights violation in the oil sector. Human rights violation in the oil sector under the monoculture national economy, the oil-rich communities the (Niger Delta Region) became the spur of the Nigerian economy due to the increasing demands for oil with the attendant steady earnings into the federal government. Consequently, the government promises backed by legislation as contained in the provisions of law to provide all necessary support and security to the oil corporations (Minerals Act, 1999). But very disappointing to note that "the oil which brings so much wealth to the nation and those in power, has as well brought diseases, hunger, loss of livelihood and death to the poor people of the oil-producing communities due to government act of negligence and infidelity. Communities complaints and entreaties are always ignored. They people environment polluted and degraded. Protests by inhabitants of the oil-rich communities against the oil corporations and government are usually crushed with disproportionate force resulting in discontent, resentment, against the government. This has led to proliferation of militant groups, youth restiveness, frequent violence, destruction of oil facilities and installations, kidnapping etc. Such an incongruent atmosphere reveals a downward spiral or abuses and violation of human rights in the affected communities or regions (Owugah, 9).

Of great concern is the right to life. This right is key and most important of all the rights. This right initially was directed at stopping arbitrary killing by the government. Recently, it has been extended to cover certain environmental harms that directly or indirectly affect the right to life (David,

1374). It follows therefore that careless exploration of crude oil which contains several harmful toxins and oil spills of any degree amounts to a grave threat to human life and survival. There are innumerable reported cases of many people in oil producing regions who have died as such, their right to life stood violated it could be further argued that cases of increased infant mortality, malnutrition, gastroenteritis or dysentery epidemic, and reducing life expectancy in the oil producing regions reported and was still death are violations of individuals right to life, and blamed grossly on government inactions and not being responsive.

Extrajudicial killing/murder (jungle justice), is rampant today, the sanctity and sacredness of human life seems to have eluded us (Amnesty International 44). The military and para-military now at the slightest provocation open fire and kill civilians with no qualms. One begins to ponder what our society is turning into; it seems to be degenerating on the speed lane to the Hobbesian state of nature. Hence, the concern and fear that if we do not return and reexamine our values and align on the path of virtue, then the future or prospect of democracy on our hands is bleak.

Research Methods

Data were collected through the administration of structured questionnaires to 150 respondents. However, only 75 respondents returned their questionnaires. The choice of selecting the respondents was guided by the judgment that they are knowledgeable about the issues of human rights violations in Nigeria.

Method of Data Analysis

The data collected were analyzed using simple percentage analytical methodology in order to arrive at a valid conclusion and represented through bar charts.

Research question 1

Does true democracy guarantee the observation of human rights? To answer this research question, simple percentages and bar charts were employed as shown in Table 1.

Table 1. True democracy guarantee the observation of human rights.

Variables	Responses	Percentages
Strongly Agreed	35	4.6%
Agreed	39	40%
Strongly Disagreed	7	9.3%
Disagreed	2	2.7%
Undecided	1	1.3%
Total	75	100

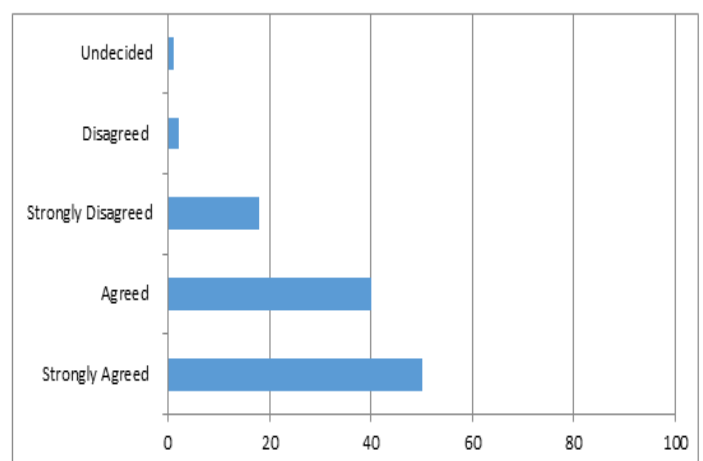


Figure 1. Bar charts of true democracy guarantee the observation of human rights.

The above diagram and charts as indicated in table 1 and figure 1 indicates the respondents' opinion, 35(46.7%) strongly agreed, 30(40%) agreed, 7(9.3%) strongly disagree, 2(2.7%) disagreed and 1(3%) undecided. Based on the analysis in both simple percentage and the bar chart which indicated the highest respondents agreeing, this implies that true democracy guarantees the observation of human rights.

Research question 2: How do democratically elected leaders guarantee the observation of human rights?

Table 2. Simple percentages and bar chart of democratically elected leaders guarantee the observation of human rights.

Variables	Responses	Percentages
Strongly Agreed	10	13.3%
Agreed	12	16%
Strongly Disagreed	30	40%
Disagreed	18	24%
Undecided	5	6.7%
Total	75	100

BAR CHART PRESENATION

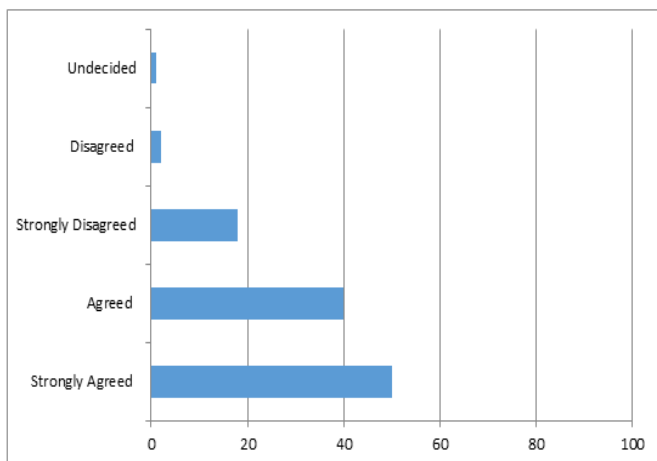


Figure 2. Bar chart of democratically elected leaders guarantee the observation of human rights?

Table 1 and figure 2 shows the simplified the staff responses on the topic in table 2. Where 10 (13.3%) strongly agreed, 12(16%) agree, 30 (40%) strongly disagreed, 18(24%) disagree while 5(.7%) were undecided. Also, the bar chart distribution contradicts the subject as the majority of the staff strongly disagreed with the subject. It then implies that not all democratically elected leaders guarantee the observation of human rights. Findings revealed that the history of Nigeria since independence is replete with nauseating activities, and repugnant representations. Our actions in virtually all ramifications are more of self-willed or motivated towards the satisfaction of personal desires. Most people whether military or civilian rules, seek to project their paradox and contradictory ways of seeing reality, to what would be beneficial to self in defiance to the norms or constitutional provisions. Irrational and unnecessary cravings for material gains and more, have driven most Nigerians in particular into actions that are of ignominy.

Corruption, nepotism, bribery, embezzlement, tribalism, naira-counterfeiting, smuggling, false invoicing, forgery, favoritism, political thuggery, electoral malpractice, hooliganism, politics of acerbity and rancor, power-tussle, sit-fight syndrome, injustices, oppression and the likes are indices of human rights violation. Nigeria's "balance sheet" remains unsatisfactory; her projections into the future is sophistry and given to "infertility". Dissenting intellectual, trade unionists, workers, journalists are swiftly arrested and

detained, in most cases incarcerated in prison dungeon or assassinated. It is worth noting that embrace hook-line and sinker of Machiavellianism "the end justify the means" principles have turned our democracy upside down and seems to have bedeviled democracy in Nigeria. After many years of democratic experience, democracy is still on its test run. And as we all known, human rights can at best be enjoyed meaningfully within a democratic setting. Uduigwomen lamented and blamed it on what he described as... mental enslavement, moral decadence, economic servitude, political masturbation, scientific and technological backwardness (164). Constituting our present social ills, the reason why we are where we are today at 60 years old of nationhood.

Pretense for democracy with all antihuman rights dicta, make Nigeria atmosphere a repressive one. Hence, the great potentials of our richly endowed country in both natural and human resources have been brought low by an insignificant tiny cabal. Until democracy in the true sense and spirit of the word is restored, the fundamental human rights remain an illusion and an empty chanting. Worst still, any nation with a self-willed and lopsided appointments like we have now, should be seen as one sitting on a time bomb. Human rights can mostly be enjoyed in a democratic rule where in lies or spelt the duties and rights of the citizenry are succinctly enshrined and concertedly honoured. Only when the rights of the citizens are respected and enjoyed, can be sincere and meaningful contributions and development. Unfortunately, Nigeria body polity has since independence been more occupied by people with undemocratic temperament and given to cupidity and self-centeredness.

From the findings, we can sum up logically that:

True democracy guarantees human rights.

No true democracy,

∴ No human rights is guaranteed.

$P > q$

- p

∴ - q M.T.

It becomes very obvious that respect of the fundamental human rights is a sine-qua-non for meaningful development and the sustenance of the ideals of democracy. Otherwise, the prospect of democracy in Nigeria remains bleak.

Again, many countries in Africa that have been ruled by sit-tight Presidents, now wish and crave for a clean elected government. This attempt journey from dictatorship to democracy has not been a rosy one. In many countries it has been one studded with blood, sweat and unspeakable political unrest. Following from these, Nigeria, a nation of coups and counter-coups is now gradually becoming one enormous laboratory for democratic experiments. The why and the wherefores for this sudden surge for democracy in Nigeria is not unconnected with the supposed advantages associated with it. Nigerians want a government that would at all times champion the yearnings and aspiration of its people, a government that would accept the notion that power belongs to the people, that which the majority will have its way, the minority will have its say. Again, they want a government which reaffirms faith in the dignity and worth of the human person. A government in which the rule of law, not the rule of men, rules and reigns. It is disheartening to note that all facets of the nation have a fair share of the blame of the past atrocities in governance. Put aptly, the people are simply what the leadership have made them. Therefore, leadership squarely put, constitute the major problems of this country.

In a sense then, instability has come to characterized Nigerian's democratic development. Political leadership in the land whether military or civilian has a responsibility to protect the citizen from decision that have the potential to upset the peace of the nation state. The behavior of Nigeria in the political process both the leaders and the led has been a negative one. The very low level of education and therefore low consciousness of the people has made them very vulnerable to fraudulent manipulations of the politicians. This in turn has created a culture of helplessness, apathy and indifference about the happenings in the political arena. Although the masses are capable of understanding issues and taking independent decisions on them, most times they have been deliberately misinformed or even kept in the dark about crucial issues affecting their lives and basic rights. The truth is that democratic transition cannot be a programme conceived, packaged and executed by the military while the civilians watch or at best insert themselves into the process. The civil society must be there at the conception, packaging and execution and they must be active participation in every aspect of the process, bargaining, negotiating, contesting and even challenging every aspect of the process-where necessary.

Recommendations

Following from above, the study recommends that under the present dispensation, the focus should be on how to ensure that the tenets, norms and principles of democracy are fully observed by those elected into offices, and that government should do its best to see that factors that hinder speedy dispensation of justice are mitigated.

1. For the new Nigeria to restore the will of the people, the leaders and the governed require a new political orientation, political culture that must emphasize public enlightenment/mobilization towards the attainment of national objectives and discipline, loyalty, true patriotism, commitment and accountability.
2. Our citizens should be mobilized to defend the integrity of the nation's economy, fight corruption and expose all forms of social ills. Mobilization also should be seen in terms of involving people in taking part actively and freely in discussions and decisions affecting their general welfare.
3. The press which in assigned the responsibility of upholding the fundamental objectives of the state, must adequately

monitor leadership behavior and style and make their public debate with a view to selecting incorruptible and honest leaders. The excesses of leaders must be checked and the bad ones exposed.

4. However, it must be noted that the act of good governance cannot be discovered in any document rather it is in the willingness of those who governed to provide good leadership. The British and American constitution have survived some centuries as a result of the cohesive interplay between politics, good sense, fair play, public opinion, innovations and a vibrant and independent judiciary. Therefore, Nigerians and people the world over must of necessity direct their attention to fair exercise of power granted by the constitution by those in leadership positions rather than look for perfect constitutions.

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