Human Rights Violation: The Bane of Development and Sustainable Peace in Nigeria

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Abstract

Human rights and peace seem to be two sides of a coin that is central to the survival of any modern state. This is because while without human rights protection, peace cannot be guaranteed, without peace, development will be a mirage. Human rights not only set the rules and ethos of individual and public conduct, as well, it is a referral point which mediates relations between the state and the individuals; state and groups within the society; and conflict between individuals in the state to enshrine the cooperation necessary for development. Against this background, this paper examines the connection between human rights protection and sustainable peace and development in Nigeria. Reviewing relevant literature in order to establish facts on the subject matter, the paper adopts the descriptive method of analysis. Its findings reveal that in Nigeria, most conflicts are sparked off by a failure of the government, her various agencies to protect the rights of its citizens. Consequently, the trauma that results from these severe rights violations often lead to breakdown of law and order which has robbed the state of the most desired peace and development. It situates that for peace to be sustained and development achieved as desired, the Nigerian state must back up human right protection policy with a long-term approach that will address the structural causes of conflict and foster institutions that will promote the kinds of distributive and procedural justice that have been shown to make violent conflict less likely. In conclusion, it submits that for sustainable peace to be achieved, human rights protection and peace education at all levels of our national achieves should be considered by the government, its agencies and citizens as the most viable option for peace and development, since most crises that had stagnated Nigeria's sustainable peace and development tempo can be traced to the gross human rights violation

Keywords: Human Rights, Protection, Peace/Sustainable Peace, Development and Conflict.

Introduction

The scourging conflicts which have manifested in insecurity, ethno-religious wars, communal conflicts, militant activities, kidnapping, insurgency, secessionist agitations, and state repression and underdevelopment across Nigeria, and the quest for sustainable peace and development have continued to task human civilization beyond their understanding. Since peace is *sine qua non* for political stability, social-economic development and societal wellbeing, it is unarguable that the structure for a true and lasting peace can only be laid on the foundation respect for human rights expressed through justice, equity and fairness to all irrespective of race, sex, gender, tribe and background. This is the entire aspiration of the Universal Human Rights Declaration by the United Nations (UN) which all Sovereign States including Nigeria are parties to. The declaration became essential because it identifies that to ensure security, promote development and stability in any human system, there must be peace, not just peace when defined as 'the absence of war' or some form of détente, but as an atmosphere of tolerance, harmonious co-existence and mutual development; an atmosphere where peoples are not only aware of their distinct features and differences, but also have the understanding, willing to live, respect one another's rights and work together, Okebukola (2006). Sustaining peace becomes imperative as it further promotes a holistic approach in integrating all three pillars of the UN's engagement human rights, peace and security, and development so as not only to contain the immediate consequences of conflict but also to prevent the outbreak of future violence by addressing the root causes of conflict.

No doubt, the brazen disregard for human rights is not peculiar to Nigeria or even Africa. In fact Okogbule (2017) notes that 'massive and widespread violations of human rights still occur all over the world on a regular basis'. These violations which have dire implications for peace culture and attendant development, has resulted to a high level of unabated conflict, stagnation and underdevelopment in Nigeria. Conflict(s) which in most cases results in the breach of peace is an inevitable part of life and it has recurrent decimal in every organised system. As a social problem, it is as old as man and it cuts across continents, regions and nations. Conflict arises in society as a result of rival opinions, divergent views and wants, competing needs and opposing interests, (Heywood 2007). Conflict can be classified into inter-personal, intra-personal, inter-group, intra-group conflicts. The task of managing or resolving conflicts in any human setting has been profoundly difficult. Some of the theoretical bases of conflict resolution are justice, peace, security, and stability of political system, (Akpuri-Aja 2011).

In Nigeria for instance, many conflicts are sparked by a failure to protect human rights, and the trauma that results from severe human rights violations often lead to new human rights violations. As conflict intensifies, hatred accumulates and makes restoration of peace more difficult. In order to stop this cycle of violence, states must institute policies aimed at human rights protection. Many believe that the protection of human rights "is essential to the sustainable achievement of the three agreed global priorities of peace, development and democracy" Respect for human rights has therefore become an integral part of international law and foreign policy. The specific goal of expanding such rights is to "increase safeguards for the dignity of the person (http://www.un.org/rights/HRToday/)

Idoniboye-Obu (2004) believes that human rights are central in securing respect for the sanctity of human person and halting destruction of human community. Inversely, Igbuzor (2012) is of the view that culture of peace is characterized, among other things, by human rights. Hence, it is now widely agreed that the systematic frustration of human needs is a major cause of conflict, which is contrasting to peace. Grievances and feelings of injustice are likely to grow when individual and group needs for physical safety and well-being, access to political and economic participation, and cultural or religious expression are threatened or frustrated over long periods of time, especially when a group feels that it is being unfairly disadvantaged compared to other group.

Theoretically, this paper anchors its analysis on the social contract theory which reveals that in moral and political philosophy, the social contract theory or model concerns the legitimacy of the authority of the state over the individual, (its citizens). The theory's arguments typically posit that individuals have willingly consented, either explicitly or tacitly, to surrender some of their freedoms and submit to the authority (of the ruler, or to the decision of a majority) in exchange for protection of their remaining rights or maintenance of the social order. But when these expectations are not met, conflicts and perhaps, crisis becomes inevitable as in the case in the Niger Delta. Consequently, it is against this background that this paper examines the role, importance and relevance of human rights to sustainable peace in Nigeria, argues that most crises in Nigeria are as a result of the abuse and violations of the fundamental rights of her citizens, and urges the Nigerian state to give strict attention to its human rights obligations and management as such could stem the spate of violence and insecurity in the system, and by implication usher in relative if not total peace.

Clarification of Concepts

Human Rights

As a concept of global status, human rights had been variously defined and used by people and institutions. However, there is seemly a consensus that human rights norms are universal in that human rights are basic rights, natural rights, fundamental or in alienable rights of individuals under a given jurisdiction. Nyewusira (2015) noted that under national and international law, human rights are conceived as universal and egalitarian in application (Asuru, 2017). Okogbule (2017), on his part, proffered a legal conception of human rights which views the concept as 'set of justifiable claims by individuals which have been recognized and legitimized by any particular legal system'. He maintains that since human rights are inalienable, it is incumbent on the state or government to protect them for the benefit of mankind and not give them out of the tokenism, generosity or volition of the state. Thus, citizens are to enjoy human rights from the perspective of 'entitlement mentality' by virtue of being human, while it is a basic obligation of the state to protect the rights. Okogbule concludes that human right is classified into three broad categories recognized under the present human rights system. They are: civil and political rights; economic, social and cultural rights: and solidarity rights.

Nyewusira (2015) further reveals that civil and political rights are also called first generation rights. They include but not limited to right to life; right to fair hearing; right to private and family life; right to personal liberty; rights to dignity of human person; freedom of movement, association and speech. These rights are provided in Chapter IV of the 1999 Constitution of the Federal Republic of Nigeria as followings;

> Right to life (section 33)
> Right to dignity of human person (section 34)
> Right to personal liberty (section 35)
> Right to fair hearing (section 36)
^ Right to Freedom of thought, conscience and religion (section 38)
^ Right to Freedom of expression (section 29)
> Right to peaceful assembly and association (section 40)
> Right to Freedom of movement (section 41)
> Right to Freedom from discrimination (section 42)
> Right to acquire and own immovable property anywhere in Nigeria (section 43)

Relatively, economic, social and cultural rights are called second generation rights. They are rights that require the intervention of the state for their implementation (Okogbule, 2017). These incorporate the right to work; right to just and humane conditions of work;

the right to social security; right to participate in cultural life; right to education and health care; etc. (Enemuo, 2005). Economic, social and cultural rights are stipulated in chapter II of 1999 Constitution. Nyewusira and Nweke (2015) refer to these rights as socio-economic rights, and they are encumbered by the non-justifiability clause in section 6 (6) (c) of the constitution.

Solidarity rights are regarded as third generation rights. They focus on right to development; right to ownership of common heritage; right to safe and clean environment; and group, collective, and communal rights (Enemuo, 2005 and Okogbule, 2017). Some of these rights, particularly rights to development and sustainable environment, are stipulated in environmental objectives (section 20).

Cumulatively, these three broad categories of human rights associate the concept with the process of democratizing social relations as well as being relevant to the aspirations of all human beings. According to Nyewusira (2015), this is, perhaps, why Osita Eze in Okogbule (2017) considered human rights as 'demands, or claims which individuals or groups make on society, some of which are protected by law and have become part of the *lexlata,* while others remain aspirations to be attained in future'. Our notion is that human rights embody basic political and socio-economic rights of individuals and groups contained in national and international legal instruments.

Peace

Giving the effect of conflict across the globe, peace has become a word with global and universal recognition and acceptance. Consequently, it is however important to identify that different cultures and civilizations have different interpretations and conceptions of the concept. Francis (2006) for example, noted that Islam talks about 'Salaam' meaning Peace, the Jewish 'Shalom', in the Gandhian tradition- 'Ahimsa', and in the African tradition-'Ubuntu'. He notes further that the particular historical and political context of the country and community determines their perception of peace. For example, a country fragmented and polarized by perpetual war and armed struggle will interpret peace as the absence of war. Similarly, a political community driven by unjust structures and policies will equate peace with justice and freedom. Also, people suffering material deprivation and poverty will inevitably perceived peace in terms of equity, development and access to existential necessities of life. And people whose fundamental human rights have been abused will see peace in terms of the full recognition and restoration of their fundamental rights.

Again, Nyewusira (2015) agrees that peace, like most concepts in the social sciences, has no universal definition. However, there is a consensus among scholars that peace is a primary condition for progress and development of any human organization. In general terms, peace is the reciprocal toleration and cooperative understanding among persons or groups for the purposes of achieving common goals or aims. It is characterized by expression of harmony and mutual benefits; cooperation of parties in seeking solution to common tasks; and is opposed to war, but not merely a converse of war (Obasi, 2005).

Nevertheless, irrespective of these differences in views and perceptions, Francis (2006) agrees that peace is generally defined as the absence of war, fear, conflict, anxiety, suffering and violence, and about peaceful coexistence. Peace is primarily concerned with creating and maintaining equity and fairness; a just order in the society and the resolution of conflict by non-violent means to the benefit of all and sundry. In general, Shederack (2006) states that many peace scholars agree that six meanings associated with peace include; peace as the absence of war (absence of direct violence), peace as justice and development (absence of structural violence), peace as respect for rights of individuals and tolerance between people, peace as Gaia (balance in and with the ecosphere), inner peace (spiritual peace), and peace as 'wholeness' and making whole.

The Norwegian peace scholar and theorist, Johan Galtung, distinguishes three types of violence relevance to the understanding of peace and conditions that create unpeaceful situation or 'peacelessness'. He lists them to include; direct violence, i.e. physical, emotional and psychological violence; structural violence, i.e. deliberate policies and structures that cause human suffering, death and harm, and cultural violence, i.e. cultural norms and practices that create discrimination, injustice and human suffering. In broadening this definition, Galtung also outlines two dimensions of peace: 'negative peace' as in absence of direct violence, war, fear and conflict at individual, national, regional and international levels; and positive peace' i.e. the absence of unjust structures, unequal relationships, justice and inner peace at the individual level. Ikejiani-Clark and Ani (2009) concluded that peace is not only 'a desired end for all humans', but is also an outcome of an orderly and harmonious society which in its rudiment can only be expressed in the recognition, respect and protection of human rights at all levels irrespective of persons and pedigrees.

Sustainable Peace

In retrospect, after the brutal and ruinous world wars in the first half of this century, leaders of the international community undertook a major initiative in preventive diplomacy which resulted in the creation of the United Nations, (UN). Their prescription

for preventing violent conflict was a solid one. The sovereign states including (Nigeria) that joined the organization to ''save succeeding generations from the scourge of war'' agreed, as an obligation of their membership, to resolve their disputes peacefully, (UN Charta 1945). Article 33 of the UN Charter offered a menu of choices for resolving disputes before they turned into violence. It states that:

> The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

Furthermore, the Charter's prescription, however, went beyond the peaceful settlement of disputes to the wider issues that create the conditions for and sustain peace to include social and economic justice, human rights, and respect for the rule of law. The preamble to the UN Charter stated:

> *We the peoples of the United Nations determined . . . to reaffirm our faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom*.

'Peace is Priceless, and Terror is Senseless' (Rhythm 93.7 FM, Port Harcourt). Peace is an investment; the peace of today not only allows for production and consumption today, but also creates expectations and culture of peace for tomorrow. By definition, as sustainable development includes consumption and economic behaviour today that does not negatively impact on future generations, therefore positive, peaceful development today is sustainable development, so also sustainable peace includes the conception and expression of action, reactions, behaviours today that does not negatively impact on peace in the future.

Relationship between Human Rights Protection and Sustainable Peace

Again, as stated earlier, human rights and peace seem to be two sides of a coin that is central to the survival of a modern state. For one, without human rights, we cannot even

talk about peace. On the other hand, without peace, human rights are mirage. Human rights not only set the rules and ethos of individual and public conduct, it is a referral material which mediate relations between the state and the individuals; state and groups within the society; and conflict between individuals in the state Nyewusira (2015). To this end, the constitutive Act of the African Union recognizes the prime place of human rights in the foundation of every society and commits African leaders to work to promote it (Ilo, 2008). However, since the majority of the crises that have ravaged every human settlement can in one way or the other be traced to either of these rights when violated, it is not farfetched that the protection of these rights can go a long way in ensuring the peace and stability of the society.

This prompted the famous global peace initiative in the Universal Declaration of Human Rights (UDHR) as a non-binding declaration adopted by the United Nations General Assembly in 1948, partly in response to the barbarism of World War II. The UDHR urges member nations to promote a number of human, civil, economic and social rights, asserting these rights are part of the "foundation of freedom, justice and peace in the world" Gledon (2004). In furtherance**,** Nyewusira (2015) recalls that the (UDHR) of (1948) proclaimed that;

> *...disregard and contempt for human rights results in barbarous acts which have outraged the conscience of mankind...*

He noted further that the flagrant 'disregard and contempt for human rights' is today visibly manifesting in 'barbarous acts' of killing innocent people, suicide bombings, kidnappings, and massive poverty in Nigeria, and the entire world (Okogbule, 2017). In addition to the above, Nigeria also 'boasts' of 'barbarous acts' of armed robbery, human trafficking, child-labour, rape, environmental ruins, state impunity, police brutality, consequently crowning what professor Wole Soyinka once described as 'a general climate of fear'. These conditions are not only antithetical to peace, they actually violate peace. Little wonder Nigeria is on a fast lane to state collapse and fragility; a condition where the state will not and cannot provide its fundamental functions of; service delivery, justice and security to its citizens, leading to breakdown of peace.

In this light, most analysts have argued that though the (UDHR) of (1948) appears to be an interesting aspiration for global justice and peace, yet it is a toothless bulldog since it is non-binding on states and lacks the legal instrumentality to compel member states to observe its articles and punish defaulters of human rights. That notwithstanding, it still an important steps towards world peace as it identifies human rights as the foundation for justice and sustainable peace in every human society.

In the same vein, at the national level, the constitution of the Federal Republic of Nigeria, affirming how fundamental and essential rights is to humanity, made provision for it in Section 33 to 44 of the 1999 Constitution to include the right to life, freedom of association, worship, politics, expression, etc.

Also, Section 17(1) (2) and (3) of the Second Chapter of the same document (the 1999 Nigeria constitution) clearly stated the elemental objectives and principles of state policy where the essence of projecting and protecting the fundamental rights of the people was highlighted as thus**:**

> *The state social order is founded on the ideas of freedom, equality and justice. Every citizen shall have equal rights, obligation and opportunities before the law. The sanctity of the human person shall be recognized and human dignity shall be maintained and enhanced. Government action shall be humane. Exploitation of human or natural resources in any form whatsoever for reasons other than the good of the community shall be prevented, and the independence, impartiality, and integrity of courts of law and easy accessibility thereto shall be secured and maintained.*

To this effect, Nyewusira (2015) concurs that a good constitutional document is that whose letters and spirit address squarely the obstacles to peaceful co-existence among various groups, for which the compact is intended. As a matter of fact, Okonta (2001) underscores the import of peace in a good constitutional architecture when he wrote that:

> *The over-arching goal of a good constitution is to provide an enabling environment for disparate groups with conflicting social, economic and political interests to thrive and prosper within a common political space without clubbing each other to death in a bottle for food and territory like our caveman ancestors.*

According to the peace scholar, the main argument of Okonta is that a good constitution exerts itself to work out a modus vivendi that conduces to, and fosters peace among the various groups in a state. After all, the raison d'etre for government is to prevent anarchy and promote peace. Interestingly, there is no part of the constitution that is imperative to peace like the provisions or sections dealing with human rights. Consequently, the relationship between some human rights that have now become 'important hallmarks of modern states, and are considered indispensable to attaining peace is discussed here. They are; right to life; right to fair hearing; right to freedom of expression and speech; right to

freedom of movement; and right to dignity of human person. However, that we focused on some rights does not detract from the fact that all human rights are important and must be protected in equal measure (Nyewusira, 2015).

Of recent, the linkage between development, democracy, human rights, and peace has also been more widely recognized and articulated than even before (Boutros-Ghali, 1994, 1996). This synthesis which is not peculiar to regions and states is a useful one since it introduces a new element into the equation and the old North-South development-versus-security debate. This new element is the need for a fairer process, i.e. a process capable of reducing major grievances before they grow into conflicts. This approach suggests that what is needed to create the opportunity for both development and peace is good governance; through respect for, and human right protection which will allow people to determine their own priorities; safeguard and promote their civil, political, economic, social, and cultural rights; and provide a pluralist environment, within which they can live with one another in peace, with the freedom to develop in all ways within the ambit of the law.

Comparatively, Oluwadare (2018) confirms that western nations are believed to be peaceful and developed because of democratic culture that brings about respect for the rule of law; human rights expressed in the equal distribution of wealth and good governance that fast-track development. To expand this notion, Orugbani (2019) in his comment, stated that sustainable peace is only attainable when citizens enjoy equal and unhindered access to elements of wealth creation. That is, until the state gives her citizens, particularly the youth unfiltered access to legal and genuine means of wealth production, all efforts to curb crises may be a mirage. He noted that there can never be peace in a society where there is a widening gap between the rich and the poor. He stressed further that when the state fails to fulfill its economic, social, political obligations, citizens resort to alternative means of meeting their daily needs which in most cases result to violence and degenerates into conflicts. Consequently, the youths and other active agents of violence in the society appear appeased by resorting to social vices to draw government attention to their helpless situation as in the case with the Niger Delta region of Nigeria.

Therefore, connecting human rights to sustainable peace agendas in Nigeria will offer a unique, strategic entry point to help shift from a culture of crisis management to one of prevention, especially in the Nigerian scenario where human rights tend to be restricted or attacked in the name of security. The legitimacy of human rights as a result of their universality makes them a solid foundation for building and fostering self-sustaining peace. This will further demonstrate a strong and positive correlation found by IEP between the "acceptance of the rights of others" and states' levels of peacefulness.

It is sad to note that for reasons of structural discontinuity in the development of democracy and weak institutions in Nigeria, human rights have not enjoyed institutionalization. Institutionalization which means the process, by which a practice becomes well established and widely accepted, appears to be the major setback to human rights and peace culture in Nigeria. Human rights institutionalization by implication here means that the Nigerian state and political actors should entertain, subscribe to, and socialized fully to the clear fundamental principles of individual liberties or natural rights of its citizens as prescribed in her constitution and the various legal regional and international instruments she is signatory to.

Conclusion

So far, noting the impact of human rights to sustainable peace, this study establishes that there is a reciprocal link between human rights and peace; one cannot exist without the other. Therefore, how we respond to or treat issues of human rights will contribute towards civilizing our social system and draw us close to international best practices in the area of peace index. This point is reinforced by the fact that one of the key criterion for being selected as a recipient of Nobel Peace Prize is struggle for human rights. Thus, human rights constitute the threads with which peaceful societies are woven.

Therefore, for peace to be sustained, it needs to be backed up by a long-term approach that will address the structural causes of conflict and foster institutions that will promote the kinds of distributive and procedural justice that have been shown to make violent conflict less likely. In developing an agenda for prevention, an understanding of the root causes of conflict should be the first point of departure. In conclusion, this paper totally agrees with Nwobueze (2018)'s prescription for peace and human rights education as the most viable option towards conflict resolution and sustainable peace culture in Nigeria. This is majorly what the Nigerian state had not been able to legislate and execute in the last twenty two (22) years of her 'unbroken democracy'

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