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An Overview of Human Rights, Good Governance and Development (Pp 203-216)

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Abstract

The human rights issues have continue to generate both interest and controversy in the world. This is because more than before the organized world community has placed considerable emphasis on human rights violation especially in developing world. This study focuses on the issue of evolution of human rights, then goes on to address the problems of human rights violations and the impact on good governance. The paper also addresses the economic and social effect of such human rights violations on national development as well as the effect of using communication to solve the problem of human rights violations and corruption.

Introduction

The history of human rights covers thousands of years in the past and draws upon religious, cultural, philosophical and legal developments throughout recorded history. The United States Declaration of independence includes concepts of natural rights. It famously states “that all men are created equal and that they are endowed by their creator with certain inalienable rights, which among these are right to life, liberty and the pursuit of happiness”. Similarly, the French Declaration of rights of man and citizen defines a set of individual and collective rights of the people. These are in the document held

to be universal not only to the French citizens but to all men without exception.

Human rights refer to “the basic rights and freedoms to which all humans are entitled”. Example of the rights and freedom which are often thought of as human rights include civil and political rights, such as the right to life and liberty, freedom of expression, equality before the law, and also social, cultural and economic rights, including the right to participate in culture, the right to work and the right to education.

Many groups and movements have managed to achieve profound social changes in Human Rights during the course of 20th century. In Western Europe and North American, labour unions brought about laws granting workers the right to service, establishing minimum work conditions and forbidding and regulating child labour. The women’s rights movement succeeded in gaining for many women, right to vote. National Liberation movement in many countries succeeded in driving out colonial powers. One of the most influential was Mahatma Gandhi’s movement to free his native India from British rule. (<http://en.wikipedia.org/wiki/humanrights17/1/1008>).

In 1948 the Universal Declaration of Human Rights (UDHR) was adopted by the United Nations General Assembly, partly in response to the barbarism of World War II. UDHR urges member nations to promote a number of human, civil, economic and social rights, asserting that these rights are part of the “Foundation of Freedom, Justice and peace in the world”

Human Rights are virtues respected by governments of all civilized countries in the world. Nzekwe (2006) quoting “William Lloyd, who asserted that “wherever there is human being, I see God-given rights inherent in that being; whatever may be the sex or complexion.” Human rights are sacred in the civilized world. This is mainly because it is a crucial imperative for the attainment of social justice. By the concept of social justice we mean fairness, equity, good conscience, good sense and good understanding of African situation. In this paper we shall only concern ourselves with the civil and political rights in the 1999 Constitution of the Federal Republic of Nigeria

Human Rights in Nigerian Constitution

Most countries of the world have come to entrench these human rights concepts in their constitutions, the emergent independent countries of Africa, of course was not left behind in the vogue. It can be safely argued that it has become quite fashionable among nations to have human rights provisions as

copious parts of their constitutions. Whether or not these human rights provision get to be actually realized for the citizenry is the big question begging for an answer. In Nigeria the 1960 independent Constitution contains the Fundamental Human Rights and this provision has been repeated word for word in subsequent Constitutions. For example, chapter 4 of the 1999 Nigerian Constitution contains Fundamental Human Rights which include the following;

- a. Right to Life
- b. Right to Personal Liberty
- c. Right to Dignity of a Human Person
- d. Right to Fair Hearing
- e. Right to Private Life
- f. Right to Freedom of Thought, conscience and religion
- g. Right to freedom of expression e.t.c.

These Fundamental Human Rights are guaranteed in the constitution. They are not privileges in the sense that, they could be withdrawn at the whims and caprices of the government of the day. They are rights which the executive, Legislature and the Judiciary are all enjoined to protect. Aduba (2000) emphasized that, the hallmark of democracy in recent times is the extent to which these guaranteed rights and freedom are protected.

According to Eze (1984), Nigeria adopted Fundamental Human Rights provision which is political in nature rather than Socio-economic due to Nigeria's colonial heritage. He went further and attempted to provide the reason for the absence of socio-economic rights in the Constitution of most African State when he said that,

...the reason for the marked absence of socio-economic rights in African Constitution is often based on the fact that unlike political and civil rights which attempt to limit the encroachment of state and its instrument of human rights, they require states to provide material means for their enjoyment...since African countries are undeveloped, it would be futile to encourage litigation based on infraction of socio-economic rights.

The defunct Constitution drafting committee 1976 had the same view as Eze, and expressed their view in the following words:

All Fundamental Rights are in the final analysis rights which impose limitation on the executive government and are accordingly easily justifiable. By contrast, economic and social rights are different. They do not impose obligation of a kind which are not justiciable. To insist that the right to freedom of expression is the same kind of “right” as the “right” to free medical facilities and can be treated alike in a constitutional document is in the least basically unsound...

While the constituent Assembly recommended that some socio-economic rights like free Compulsory and Universal Primary Education (UPE), free Secondary education and free adult education in addition to free medical care for selected groups, who are vulnerable for example, the children and the elderly, the Armed Forces Ruling Council under General Ibrahim Babangida removed the above innovation which in writer’s opinion could have given the Fundamental Human Rights in the 1989’s Constitution a “Human Face”. When the committee dealing with Fundamental Rights and Directive Principle of State Policy and Press Freedom was formed during Abacha’s regime it resurfaced and stating clearly that:

...The Committee therefore feels that the provision of free primary education and adult free literary programme as a means of eradicating illiteracy should be made into legal rights that could be claimed by citizens. The right to free health consultancy services is also a basic entitlement of citizen which similarly accords government’s commitment to eradication of certain diseases by the year 2015...

The paper commended the acceptance of the provision by the constitutional conference because the two provisions will go a long way in the eradication of illiteracy as well as certain disease, thus reducing poverty.

Good Governance

Governance is described by the World Bank as the manner in which the state exercises and acquires authority. The concept of “good governance”, requires normative judgments to be made about, what constitutes the legitimate acquisition and efficient exercise of power. Good governance, implies democratic governance, and therefore implies an agenda of participation, human rights and social justice. For others, it simply means, the management of national endowment in human and natural resources in such a way, as to

generate public goods, and to distribute them, so as to create wealth and promote human development.

Good governance defines an ideal which is difficult to achieve in its totality. However, to ensure sustainable human development, action must be taken to work towards this idea. Major donors and international financial institutions like the International Monetary Fund (IMF) or World Bank today, are increasingly basing their aid and loans on the conditions that conforms to and ensures good governance. (worldwide governance indicator) According to the millennium declaration by the United Nations, good governance is a prerequisite for sustainable development and the achievement of millennium goal or objectives. Sirleaf quoting the former UN Secretary General Kofi Anan described it as the most important factor in eliminating and advancing development. Good governance is the central instrument in the society. He went further to say that it is the central aspect in the interaction between the state and civilian society such as the rule of law, preservation of human rights, democracy and citizen participation in the government of the day. Good governance is designed to ensure that the fruit of government action reach majority of the population.

Major Characteristics of Good Governance

Good governance can be characterized by eight major imperatives or factors;

1. Participation
2. Rule of law
3. Transparency
4. Responsiveness
5. Consensus orientation
6. Equity and inclusiveness
7. Effectiveness and efficiency
8. Accountability

These characteristics assure that corruption is minimized, views of the minorities are taken into account, and that the voices of the most vulnerable in the society are heard in decision-making.

Participation

Good governance cannot be created from outside but within the society. Law and justice, administration, public finances, strengthening civil society, decentralization, community development, war against corruption, human rights etc. are all important fields for action. Of particular concern in this context is an equal right for both men and women, enabling them to

participate in all areas of the society and governance. Participation could be either direct or through legitimate intermediate. Freedoms of association and expression as well as organized civil society are crucial in shaping the public and mobilizing them to effectively participate in the government of the day. It is really important that voices of the most vulnerable in the society are heard in decision-making. The promotion of democracy and respect for human rights is a central aspect of development. It is also a very complex undertaking. However despite the growing strength of human rights movement, there is still a wide gulf between the articulation of global principles and their application in the majority of national settings. (The same can be said of democratization. In fact, a large number of countries attempting to move toward democracy are suffering serious crisis of state capacity and governance.) And without stable and efficient public sector that enjoys the confidence of the population, it is virtually impossible to uphold the basic rules of political competition on which democracy depends.

Galadima (2001) opined that the long period of military rule in Nigeria for instance, stifled participation by blocking access to decision making units and power centre in the country. Successive military regimes pursued the extensive personalization of power after intervening in the political process. However with the current democratic process in Nigeria things are gradually changing. Every constituent unit is now represented at the Federal, State and Local Government levels. Nigerians are gradually having more access to decision-making centres than before. There is more opportunity for people to join a host of private organizations, associations and volunteer groups. Various interest groups have continued to emerge and through interactions and employing the process of debates conflicts are resolved, compromises and consensus are gradually built. Protests create testing ground for democracy. Citizens now have a right to gather peacefully and protest the policies of their government or the actions of other groups with demonstrations, marches, petitions, boycotts, strikes and other forms of direction. Women participation in the government is still not encouraging. As Salami (2006) emphasized that in many Africa countries especially in Nigeria, women continue to have difficulties in gaining access into public offices especially in the government of the day. She went further to state that most governments in the sub-Saharan Africa region, have been shaped by patriarchy with the assumption that public affairs is solely the preserve of men, women are only there to make up where needed. In every socio-political sphere African women are under-represented. Many African nations are yet

to accept that women are needed to make radical changes that will reorganize the power structure. Also majority of the people, especially in the rural communities, do not feel the pulse or heartbeats of the government. The people, therefore, tend to have a little stake in this democratic process as they suffer alienation.

Rule of Law

The rule of law does not have a precise definition. Its meaning can vary between different nations and legal traditions. Generally however, it can be understood as a legal-political regime under which the law restrains the government by promoting certain liberties and creating order and thereby predicting how a government functions. In other words, the rule of law is a system that attempts to protect the rights of a citizen from arbitrary abusive use of government power.

The rule of law is the main principle of democracy which makes political activities predictable. Good governance requires legal frameworks that are enforced impartially. It must have full protection of human rights especially those of the minorities. It also means independence of the judiciary and an impartial and incorruptible public officers and police force.

It is pertinent to also point out that the independence of the judiciary has also not been taken seriously. The judiciary is still starved of funds. The question now remains: In Nigeria, to what extent is the judiciary financially and administratively independent of the executive and legislature? There is an old English proverb that says :that He who pays the piper dictates the tune: that is to say, as the Executive decides the appointment of Judges, it would be difficult to achieve the independence of the Judiciary except Judges are appointed through the recommendation of the Nigerian Bar Association or Nigerian judicial council.

Transparency

Transparency implies openness, communication, and accountability. Transparency is introduced as a means of holding public officials accountable as well as fighting corruption. The manner in which decisions are implemented in a country is a crucial characteristic of good governance. Decision taken and enforcement must be done in a manner that follows rules and regulations. Information must readily and freely be made available and must be directly accessible to those who will be affected by such decisions. Lack of transparency is generally an indication of abuse and disregard of laid down rules and regulations. If there is nothing to hide then there should be no

fear of public scrutiny. Africa needs to take serious step to remove impediments that hamper socio-economic development.

Responsiveness

Transparency by Government is good. This alone is not enough if seen in isolation. All other stakeholder must be carried along if transparency must be achieved, thus Government being transparent in their working is not enough but must also involve democratic interaction with non-governmental organization (NGOs). NGOs help promote conditions that are conducive for the sustainability of the core values of democracy which include rule of law, secularity of state, freedom of expression, access to information and news and promotion of a liberal and open society. It would also be important for NGOs to work to promote good governance by ensuring the strict observance and practice of the principles of accountability, transparency and responsible leadership. It would also be important to build a link and network between NGOs and the various agencies of the government in order to promote and help each other to realize common objectives. The education and awareness promotion programmes of the NGO's should aim at empowering the people to understand their rights and how to seek redress for violations of these rights. Given the low literacy level in Nigeria, NGO's will need to be creative in order to make an impact. Nigeria must be ready to pursue the goals of political and economic liberalization in order to achieve the goals of promoting and actualizing greater prosperity and fulfillment of our peoples. Also credible electoral process which ushers credible leaders must be put in place. According to Soludo,

Institutional process must be strengthened to ensure rapid economic transformation and must evolve a free and fair electoral system in which every vote is counted and every vote counts. And without this, it would be difficult to have a responsive leadership. If people believed that results would be manipulated, political parties would find it hard to come up with qualified, credible candidates to compete for political offices and responsible candidates would simply not offer themselves for political services. He continued by saying that for our country Nigeria to have a sustainable democracy credible leadership must emerge from a credible electoral process.

He went further quoting James Madison as follows; "For sustainability of Development to endure, the supremacy of the constitution is to be

considered, the rule of law respected by all levels of government”. The writer agrees with Soludo because politicians that manipulate and rig elections to get electoral offices lack credibility and obviously are not for the good of the people they pretend to be representing. Political office to the highest bidder as obtains in Nigeria must give way to credible and transparent elections and electoral offices. This will be dismantling the erroneous idea that presents our politicians as owners instead of servants of the constituency they come from and are representing.

Equity and Inclusiveness

Good governance must be able to ensure that all members of the society feel that they have a stake in the governance and are not excluded from the mainstream. This requires all groups, and especially the most vulnerable to have opportunities to maintain or improve their well being. That is, all women as (men) are entitled to the enjoyment of all human rights affirmed in the Universal Declaration of Human Rights.

Effectiveness and Efficiency

This ensures that the process and institutions produce results that meet the needs of the society while making the best use of resources at their disposal. It also means sustainable use of natural resources and the protection of the environmental global concern for the protection of individual human welfare as part of human rights. Human Rights standard procedures have been evolved at the international, regional and domestic level as a concrete expression of this concern. Bearing in mind that both adult, children, male and female are all entitled on an equal footing to the full protection of their rights and freedom because they are first, human being and secondly, because environmental protection is not a luxury, it is necessity.

Accountability

Governmental institutions as well as the private sector and civil society organization must be accountable to the public and their institutional stakeholders. In general organizations and institutions are accountable to those who will be affected by their decision or actions. According to Westreicher “German development policy pursues four aims; Reduce poverty worldwide, build peace and democracy, ensure equitable globalization and protect the environment.” Good governance is of decisive importance in this context. The manner in which decisions are made in the country is crucial. This involves not just governments being transparent in their working but

also democratic interaction between government and non-governmental organization towards the responsible shaping of public life.

Nzekwe (2006) emphasized that corruption and poor governance have helped to ensure continued underdevelopment in African. In some few African countries, governments have tried to implement anti corruption efforts. There has been improvement in the welfare of society in general in such countries as South Africa and Botswana. Good governance is a concept that most African countries have embraced but are yet to find a solution to implementation as evidenced by many cases where its principles have been violated. As critics argue, good governance is difficult to achieve hence very few countries in the world have come close to attaining it in its totality.

Mosoko 2006 opined that in most African countries it has been difficult to fight corruption-most times, resources meant for development projects are diverted from such development objectives to serve individual interests. Most governments continue to grapple with corruption, which is fast eroding the moral fabric of societies. She continued by saying that corruption is one of the main impediment in achieving good governance in any society and not much is being done to eliminate it as only a few of the perpetrators have been publicly named, let alone being prosecuted. For instance many public officers in Nigeria are accused of corrupt practices, some, most of the time were arrested by Economic Financial Crime Commission (EFCC) but still none of this public official have been imprisoned.

Most African countries have also declared zero tolerance to corruption. For instance Kenya despite its declaration has instead been accused by critics of fuelling it with senior government officials amassing wealth illegally.

President Ellen- Johnson Sirleaf of Liberia rose to power on the back of zero tolerance to corruption and has been reported to embark on a strident anti-corruption campaign which claimed the jobs of a number of senior officials.

Botswana President, Festus Mogae in his televised speech on Botswana urged Africa and African government to be transparent and fight corruption. He said that "corruption was not only rampant in African but was also common in Western countries". Sali (2006) opined that lack of transparency is generally an indication of abuse and disregard of laid down rules and regulations. He went further to stress that Africa needs to take serious step to remove impediments that hamper socio-economic development. Also Akufu Addo-Ghanain Minister of foreign affairs called on all African leaders to

make contribution to the flowering of a new African civilization where freedom, democracy and prosperity are its hallmarks.

In Nigeria, so much has been said and written about corruption and abuse of human rights. But sadly very little has been done to eradicate the cancer of bribery and corruption from our body polity. A government that is honestly interested in combating corruption in Nigeria must lead by example.

Human Right Violation in Nigeria

In Africa unstable political system has set back the social economic and political growth of continent. A stable clear and acceptable system of politics is yet to thrive in most of the continent. Nwankwo (2001) opined that, several countries are ruled by unpopular governments who in their bid to maintain their stranglehold on power, perpetrate severe human right abuses, while purporting to be in search of solution to the social economic problems confronting citizen in their countries. African rulers have perpetrated severe breaches of the civil and political rights of their people. Events in Nigeria, Africa's most populous country clearly illustrate the crisis of human rights abuses that confront several countries in the continent. During the military regime, there has been massive abuse of Human rights. A number of people were thrown into jail for minor offences while others were in detention for months without trial. Some were incarcerated, while awaiting trial for periods longer than what they would have spent if they had been convicted for their offences. It was under this state of affairs that Nigeria's first human rights organization-the Civil liberties Organization (CLO) was created in October 1987, and later the CRP in 1990. The NGOs have played crucial roles in ameliorating the harshness of military rule by providing legal assistance to victims of human rights abuse, creating awareness and building up public opinion and opposition to continued military rule in the country. Several NGO leaders and human rights activists suffered imprisonment, arrest, detention, harassment and even death in the struggle against military rule and oppression in Nigeria.

In Nigeria today with the current democratic process, violation and abuse of human rights, including arbitrary arrest and detention of persons have drastically reduced as compared with military regime. But recent report from the national human rights commission (March 2008) stated that human rights violation is growing worse by day, as compared with other democratic setting in the world.

Economic Growth and Human Rights

Economic growth and poverty reduction can best be achieved sustainably In Nigeria presently no remarkable level of growth has been witnessed, especially as all indicators of the economy still points to the direction of uncertainty. As Galadima (2001) stressed that the economy is still characterized by declining capacity of utilization in the real sector, along with a weak industrial base, rising unemployment, import dependence, deteriorating state of physical and social infrastructures, mass poverty is prevalent among the masses, reliance of economy on a single sector for government revenue and so on. Chipo Mosoko (2006) also opined that in order to achieve good governance, independence of the media must be ensured and reliable political conditions guaranteed, political power and public resources are responsibly dealt with. She stressed that to achieve good governance media must be independent because the journalists are responsible for ensuring transparency by reporting the activities of the government to the masses in the society. A lot of summit had been held in Africa on corruption free society and it was noted that legislation alone cannot solve the problem of corruption in Africa except communication is used as a veritable vehicle for the sensitization of African societies and a global communication summit to address the issue of corruption.

Conclusion

In this discourse we noted that human rights is an indispensable factor when good governance is under consideration. Thus they cannot be subject to violation at will. We also noted that human rights have been generally abused both in Nigeria and Africa as a whole. However it is pointed out that during the military rule, particularly in Nigeria more human rights abuses were recorded. Other African countries such as Liberian etc. were not left out. The paper further pointed out that a new dawn seems to be emerging in the new democratic dispensation even though, human rights abuses have decreased considerably though much is still to be done by the present governments. The paper addressed the issue of good governance outlining the eight characteristics of good governance and concluded that without good governance, it will be difficult to achieve sustainable development. And to achieve sustainable development the rule of law must be respected by all levels of government. It was further stressed that the independence of the judiciary must be secured so as to ensure, that dispensation of justice is fearlessly undertaken. Furthermore, we opined that all stakeholders must be carried along in governance. The Freedom of press must be in place so as to

enable the press to disseminate information freely and thus create awareness in the people as to what government policies are and also exposing corrupt leaders. It was also observed that International Institutions and major donors such as IMF and World Bank now base their Aids and loans on condition that conform and entrench good governance thereby encouraging countries such as African nations to ensure good governance. It is recommended in this paper that poverty which is at a high level in Nigeria and other African nations must be addressed and a solution found. This must be the focus of African leaders and government. The issue of poverty therefore must be purposefully pursued and policies that will enhance the achievement of the millennium goals put in place. All African leaders have been called to ensure that good governance is pursued with every vigor so as to forestall corruption, Human rights abuses, irresponsible and reckless leadership. Finally, it must be noted that any regime that has poor standards, poor economic acumen and poor political followership brings disaster not only to itself but on all and sundry and will have difficulty in leading the people purposefully.

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