

# REALIZING THE RIGHT TO DEVELOPMENT IN NIGERIA: AN EXAMINATION OF LEGAL BARRIERS AND CHALLENGES

Olaitan Olusegun\*  
Oyeniya Ajigboye\*\*

## ABSTRACT

The United Nations General Assembly has, through several Conventions, emphasized the need for the full realization of the right to development, alongside the rights to food and clean water, the right to shelter and the right to housing. According to the United Nations, if Economic Social and Cultural Rights (ESCR) are violated, the right to development is also violated. However, the realization of ESCRs in Nigeria continues to face challenges, therefore, the realization of development remains germane both in Nigeria and the international community at large. The search for development in Nigeria, therefore, requires the grasping of the conceptualized Right to Development (RTD), and dealing with the barriers and legal challenges, which affect the realization of the RTD. This article, therefore, aims to analyse the content, commitment, and nature of the right to development and examines the barriers to its implementation in Nigeria. The article discusses problems such as governmental corruption, lack of resources, lack of institutional capacity, poverty, internal conflicts, judicial performance, lack of implementation and enforcement of laws, and concludes that the goals of sustainable development in Nigeria cannot be fully realized without a conscious effort towards reduction in corruption which can practically serve as a panacea for achieving meaningful development.

**Keywords:** Development, Developing Countries, Human Rights, Economic, Social and Cultural Rights

**doi:** <http://dx.doi.org/10.4314/jsdlp.v6i1.7>

---

\* Lecturer, Department of Public and International Law, College of Law, Afe Babalola University, Ado Ekiti, Ekiti State, Nigeria. Email: o.olusegun@hotmail.com

\*\* Lecturer, Department of Public and International Law, College of Law, Afe Babalola University, Ado Ekiti, Ekiti State, Nigeria. Email: oyeajigboye@gmail.com

## 1. INTRODUCTION

Human Rights (HR) are those basic rights which all persons everywhere and at all times equally have by virtue of their status as human beings.<sup>1</sup> Though not legally binding, Article 1 of the Universal Declaration on Human Rights (UDHR) provides that all human beings are born free and equal in dignity and rights.<sup>2</sup> Consequently, it is presumed that every person is entitled to enjoy basic fundamental human rights, which are universal in nature.<sup>3</sup> International human rights law lays down obligations of governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.<sup>4</sup> An example of such obligation is the right to development, which should be enjoyed by all citizens so as to bring about progress and sustainability in the society. This promotes the enjoyment of other human rights, which are protected both nationally and internationally.<sup>5</sup>

Development has rightly been defined as a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation and in the fair distribution of benefits resulting therefrom.<sup>6</sup> It is the creation of an environment in which people can develop their full potential and lead productive, creative lives, with participation, gender and ethnic

- 
- 1 William Idowu, "The Special Right Theory within the Context of Human Rights: How Not to Reconstruct Sexual Equality" (2012) 3 Hum Right Rev 1.
  - 2 United Nations, "Universal Declaration of Human Rights" Resolution 217 A (III) of 10 December 1948. <[www.un.org/en/documents/udhr/](http://www.un.org/en/documents/udhr/)> accessed 4 June 2014.
  - 3 Yemi Akinseye-George, *Improving Judicial Protection of Human Rights in Nigeria*. (Centre for Socio-Legal Studies, Abuja. Nigeria 2011) 25.
  - 4 Dewi Nurmayani, "What are Human Rights?" (2013) <[globalethicsnetwork.org](http://globalethicsnetwork.org)> accessed 20 April 2015.
  - 5 The African Charter on Human and People's rights Cap A.9 LFN 2004 in Article 22 provides that States shall have the duty, individually or collectively, to ensure the exercise of the right to development. See Muhammed T Ladan and Yusuf Dankofa "Human Rights, Security and Development: A Call for Effective Enforcement in Nigeria" (2012) 3 Hum Right Rev 100; Hanafi A Hammed "An Overview of the Rule of Law and Human Rights" (2012) 3 Hum Right Rev 27.
  - 6 Gozie S Ogbodo "The Paradox of the Concept of Sustainable Development under Nigeria's Environmental Law" (2010) 3 Journal of Sustainable Development 201; Lawrence Atsegbua, Vincent Akpotaire and Folarin Dimowo, *Environmental Law in Nigeria: Theory and Practice* (Ababa Press, Enugu 2004) 57-58.

equity and the existence of peace, serving as guiding principles.<sup>7</sup> Development is obvious in a society through the change that is reflected in the conditions of life of people in that particular area, as there cannot be said to be development, when there is no improvement in people's welfare.<sup>8</sup> This way, individuals will be able to participate in nation building and contribute to national development.<sup>9</sup> Development is a continuous advancement in the economic, social, cultural and environmental wellbeing of members of a particular community or country. It is a result of a coordinated efforts put together by the machinery of a state in order to ensure that its citizens are not disadvantaged or deprived of such necessary basic needs of life. It is the capacity expansion, which permits effective participation by the members of the community. Such development must, however, be sustainable.

The Brundtland Report of the United Nations Commission on Environment and Development defined sustainable development as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs".<sup>10</sup> Thus, development must benefit not only the present generation, but also the future, which includes eradicating poverty and improving the standard of living of members of the community. It must be ensured that there are enough resources for the human population as a whole and that these resources are distributed for the benefit of as many people as possible.<sup>11</sup>

At the World Summit on Sustainable Development (WSSD), sustainable development was expressed as having three pillars, namely: economic development, social development, and environmental

---

7 O.C. Okafor, "Righting the Right to Development: A Socio-Legal Analysis of Article 22 of the African Charter on Human and Peoples' Rights." (2008) <<http://libraryfes.de>> accessed 21 December 2014.

8 Micheal P. Todaro and Stephen C. Smith, *Economic Development* (10th ed Pearson Education Ltd. 2009) 16.

9 Muhammed T. Ladan and Yusuf Dankofa "Human Rights, Security and Development: A Call for Effective Enforcement in Nigeria" (n 5) 100 .

10 See Principle 3 and 5, United Nations Conference on Environment and Development, 1992; Lal Kurukulasuriya and Nicholas A. Robinson, *Training manual on International Environmental Law* (United Nations Environmental Programme 2006) 25.

11 Gozie S. Ogbodo (n 6) 202.

protection.<sup>12</sup> The economic development pillar ensures that economic growth in countries maintain a healthy balance with the ecosystem, which should be evident in the fair distribution and efficient allocation of resources. Also, given that social disruptions threaten the lives and well-being of members of a community, human inequality, conflict, social injustice and poverty must be addressed to promote social equity, thus leading to development that is sustainable. Furthermore, the limited resources the environment has means that the environment must be protected from corporate exploitation and neglect. Thus, the environmental protection pillar supports initiatives like renewable energy, reducing fossil fuel consumption and emissions, sustainable agriculture and fishing, organic farming, tree planting and reducing deforestation, recycling, and waste management.<sup>13</sup>

This article examines the RTD concept in view of the dire need for the realization of state obligations in this regard and fulfilment of the goals of human rights generally *viz-a-viz* the concept of right to development in international law. The article aims to provide an insight to the challenges faced by developing countries, specifically Nigeria, in achieving development and suggests ways to tackle identified factors inhibiting the actualisation of RTD. It is hoped that tackling these problems will bring a change to the plight of Nigerians who are burdened by unemployment, poverty, ill-health, illiteracy and backwardness.

## 2. THE NATURE OF THE RIGHT TO DEVELOPMENT

RTD can be acknowledged as a part of the international human rights framework by virtue of the fact that it has been promulgated by key provisions in the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic Social and Cultural

---

12 Paragraph 5 of the Declaration of Sustainable Development which was adopted at the Summit affirmed the will of participating governments to strengthen these pillars at the local, national, regional and global levels. See Elli Louka, *International Environmental law: Fairness, Effectiveness and World Order* (Cambridge University Press, UK. 2006) 52; Alexandre Kiss and Dinah Shelton, *Guide to International Environmental Law*. (Martinus Nijhoff Publishers. USA 2007) 44.

13 Yada Drop LLC, "Three Pillars of Sustainability." (2014) <<http://yadadrop.com/about/sustainability>> accessed 20 March 2014.

Rights (ICESCR).<sup>14</sup> Some other treaties with development components include: the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD),<sup>15</sup> Convention for the Prevention and Punishment of the Crime of Genocide (CPPCG),<sup>16</sup> the International Convention on the Suppression and Punishment of the Crime of Apartheid, (SPCA)<sup>17</sup> the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,<sup>18</sup> among others.<sup>19</sup>

## 2.1 Right-Holders

A person can be said to have a right when he is entitled to claim respect and adherence to a specific thing, with the other person having a duty to respect and fulfil that right.<sup>20</sup> The United Nations Declaration on the Rights to Development (UNDRD)<sup>21</sup> identifies a human being at the centre of its framework and states that “the human person is the central subject of development and should be the active participant and beneficiary of the right to development”.<sup>22</sup> Individuals are the bearers of rights, who can make

---

14 See Articles 1, 6, 10(3), 11, 12, 13, 15 of the International Covenant of Economic, Social and Cultural Rights and Articles 1, 7, 8, 9, 10, 11, 14, of the International Covenant on Civil, Political and Cultural Rights.

15 Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965 entry into force 4 January 1969 <[www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx)> accessed 4 May 2015.

16 Adopted by the General Assembly of the United Nations on 9 December 1948 <<https://treaties.un.org/doc/Publication/UNTS/Volume%2078/volume-78-I-1021-English.pdf>> accessed 5 May 2015.

17 Adopted by the General Assembly of the United Nations on 30 November 1973 <<https://treaties.un.org/doc/Publication/UNTS/Volume%201015/volume-1015-I-14861-English.pdf>> accessed 5 May 2015.

18 Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984 entry into force 26 June 1987 <[www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx)> accessed 5 May 2015.

19 Olajumoke O. Oduwole, “International law and the Right to Development: A pragmatic Approach for Africa.” (Inaugural Lecture delivered on 20 May 2014 at the International Institute of Social Studies, The Hague, The Netherlands, 2014).

20 Alessandro Sitta, “The Role of the Right to Development in the Human Rights Framework for Development” <[www.capabilityapproach.com/pubs/5\\_1\\_sitta.pdf](http://www.capabilityapproach.com/pubs/5_1_sitta.pdf)> accessed 16 January 2015.

21 Universal Declaration on the Rights to Development <[www.unicef.org/malaysia/1959-Declaration-of-the-Rights-of-the-Child.pdf](http://www.unicef.org/malaysia/1959-Declaration-of-the-Rights-of-the-Child.pdf)> accessed 16 January 2015.

claims against the state for the promotion, protection, and fulfilment of the obligations owed by the duty holder.<sup>23</sup> States also have the right to formulate national development policies which will benefit individuals in the society.<sup>24</sup>

## 2.2 Duty-Holders

Many people are involved in the duty to fulfil the right to development. The individual has duties as a singular participant and collectively as a member of a community, to “promote and protect an appropriate political, social and economic order for development”.<sup>25</sup> Human rights documents such as the International Covenant on Economic, Social and Cultural Rights and International Covenant on Civil and Political Rights also places duties on individuals.<sup>26</sup> States, however, have the primary responsibility at both national and international levels, to create “national and international conditions favourable to the realization of the right to development”.<sup>27</sup> Non-governmental organizations (NGOs) are also important actors in achieving objectives relating to development of communities.<sup>28</sup> A General Assembly resolution, in explaining the importance of NGOs, stated that NGOs must contribute to the effective implementation of the UNDRD through effective developmental policies and support.<sup>29</sup>

---

22 Article 2.1 UNDRD; see also, Irene Hadiprayitno, “Poverty, the Right to Development and International Human Rights Law” (2004) <<http://dx.doi.org/10.2139/ssrn.60232>> accessed 17 December 2014.

23 Alessandro Sitta, “The Role of the Right to Development in the Human Rights Framework for Development” <[www.capabilityapproach.com/pubs/5\\_1\\_sitta.pdf](http://www.capabilityapproach.com/pubs/5_1_sitta.pdf)> accessed 16 January 2015.

24 Article 2(3), UNDRD.

25 Article 2(1), UNDRD, Article 2(2), UNDRD .

26 See the preamble to the International Covenant on Economic, Social and Cultural Rights and International Covenant on Civil and Political Rights.

27 See Article 3(1-3), Article 5, Article 4, Article 6, Article 7 UNDRD, on the various duties expected from states in achieving the right to development.

28 Many of them carry out different types of developmental programmers which aim to uplift members of the communities in various areas of their lives. For example, environment, health and sanitation awareness, promotion of child’s rights law, promotion of sexuality and reproductive health education and development of rural infrastructure. See S.I. Omofonmwan and L.O Odia. “The Role of Non-Governmental Organizations in Community Development: Focus on Edo State–Nigeria” (2009). 11 *Anthropology*, 247, 250.

29 See General Assembly Resolution. 1999. 144, U.N. GAOR 3d Comm., 53d Sess., UN Doc. A/RES/53/144 (discussing the expansion of human rights responsibilities of both individuals and institutions).

### 3. CONTENT OF THE RIGHT TO DEVELOPMENT

The right to development means that development is, itself, a human right and thus it prescribes the manner by which development can be viewed from the human rights perspective, together with the rules by which development can be realized like other human rights concepts.<sup>30</sup> A rights approach to development enhances social justice, creates stronger and more equitable institutions, strengthens democracy and promotes good governance.<sup>31</sup> Article 1 of the UNDRD, in explaining the concept of the right to development, states that:

The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, and contribute to, and enjoy economic, social, cultural, and political development in which all human rights and fundamental freedoms can be fully realized.<sup>32</sup>

#### 3.1 Participation

Individuals, groups and peoples should be involved in development process and thus, have the right to make decisions collectively and to choose their own representative organizations.<sup>33</sup> They should also be able to control those fundamental choices important to them and take part in all those mechanisms and processes that can affect them.<sup>34</sup> Vulnerable groups should not be left out and their rights and needs must also be considered. Any inequality based on sex, ethnicity, disability, religion and any other category that could affect the enjoyment of human rights

---

30 Irene Hadiprayitno, "Poverty, the Right to Development and International Human Rights Law" (2004) <<http://dx.doi.org/10.2139/ssrn.602321>> accessed 17 December 2014

31 Estanislao Gacitua-Mario and Andrew Norton, "Increasing Social Inclusion through Social Guarantees" in Estanislao Gacitua-Mario, Andrew Norton and Sophia V. Georgieva (eds), *Building Equality and Opportunity Through Social Guarantees: New Approaches to Public Policy and the Realization of Rights*. (The World Bank 2009) 23.

32 Article 1(1) UNDRD.

33 Paragraph 147, Global Consultation on the Realization of the Right to Development as a Human Right, U.N. Commission on Human Rights, 46th Sess., Agenda Item 8, U.N. Doc. E/CN.4/1990/9/.

34 Alessandro Sitta, "The Role of the Right to Development in the Human Rights Framework for Development" <[www.capabilityapproach.com/pubs/5\\_1\\_sitta.pdf](http://www.capabilityapproach.com/pubs/5_1_sitta.pdf)> accessed 16 January 2015.

should be discarded, and specific reference to national and international human rights instruments must be taken into account.<sup>35</sup>

The political and economic system of countries should guarantee participation so that people can be aware of their societal needs and determine their priorities among themselves.<sup>36</sup> Such determination will enable government come to their aid instead of total abandonment and ignorance of their plight. Whenever the government makes plans, the people concerned should be consulted through appropriate procedures. This will enable them to participate in the formulation, implementation and evaluation of those plans and programmes.<sup>37</sup>

### 3.2 International Cooperation

The United Nations Charter recognizes the obligation of international cooperation, by virtue of which the international community of States and multinational organizations are expected to cooperate with States to enable them to fulfil the human rights of all individuals.<sup>38</sup> A State cannot act in isolation, that is, without considering the effects of its policies on other countries or without taking into account, the impact of the decisions of other countries on its own policies. The impact of the policies and practices of the developed countries on those of the developing countries, vice versa, and the response of both countries leads to international co-operation. An example of such cooperation is foreign aid whereby developed countries support developing countries that are in need of resources.<sup>39</sup>

---

35 *ibid.*

36 Estanislao Gacitua-Mario and Andrew Norton. "Increasing Social Inclusion through Social Guarantees" in Estanislao Gacitua-Mario, Andrew Norton and Sophia V. Georgieva (eds), *Building Equality and Opportunity Through Social Guarantees: New Approaches to Public Policy and the Realization of Rights*. (The World Bank 2009) 23.

37 Tom Griffiths, "A Failure of Accountability: Indigenous Peoples, Human Rights and Development Agency Standards – A Reference Tool and Comparative Review" (2003) <[www.forestpeoples.org/documents/law\\_hr/ip\\_devt\\_stds\\_failure\\_accountability\\_dec03\\_eng.pdf](http://www.forestpeoples.org/documents/law_hr/ip_devt_stds_failure_accountability_dec03_eng.pdf)> accessed 15 March 2015.

38 Irene Hadiprayitno, "Poverty, the Right to Development and International Human Rights Law" (2004) <<http://dx.doi.org/10.2139/ssrn.602321>> accessed 17 December 2014.

39 *ibid.*



### 3.3 Self-Determination

The UNDRD establishes that development “implies the full realization of the right of peoples to self-determination”.<sup>40</sup> The International Covenant on Economic, Social and Cultural Rights also provides that all peoples have the right to self-determination and by virtue of that right, they can pursue their economic, social and cultural development without restrictions.<sup>41</sup>

### 3.4 Good Governance

Governance can be defined as the traditions and institutions by which a country exercises authority. This includes the process by which governments are selected and replaced, the capacity of the government to effectively implement sound policies and the respect of citizens and the state for the institutions that have been put in place to govern economic and social interactions.<sup>42</sup> Good governance promotes participation of all citizens in governance and protects the fundamental human rights of the citizens. It also ensures that the rule of law is sustained and basic amenities are provided,<sup>43</sup> which is instrumental in achieving poverty reduction and sustaining an equitable pattern of growth.<sup>44</sup> Good government performance ensures that policy outputs serve a greater common good over the long term. Factors that have led to policy failures over the years in Nigeria include: ethnic diversity, foreign debt, an economy dependent on natural resources and a string of dictatorships.<sup>45</sup>

---

40 Article 1(2), UNDRD.

41 Article 1 (1) of International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights.

42 Estanislao Gacitua-Mario and Andrew Norton. “Increasing Social Inclusion through Social Guarantees” in Estanislao Gacitua-Mario, Andrew Norton and Sophia V. Georgieva (eds), *Building Equality and Opportunity Through Social Guarantees: New Approaches to Public Policy and the Realization of Rights*. (The World Bank 2009) 34.

43 Charlie Nwekeaku, “The Rule of Law, Democracy and Good Governance in Nigeria” (2014) 2 GJPSA 26, 29.

44 United Nations, “Poverty Reduction and Good Governance”. Report of the Committee for Development Policy on the sixth session held on 29 March to 2 April 2004. (2005) <[www.un.org/en/development/desa/policy/cdp/cdp\\_publications/cdpreport2004web.pdf](http://www.un.org/en/development/desa/policy/cdp/cdp_publications/cdpreport2004web.pdf)> accessed 15 March 2015.

45 A. Carl Levan, *Dictators and Democracy in African Development: The Political Economy of Good Governance in Nigeria*. (Cambridge University Press. London. 2015) 3.

Another factor that affects government performance is the relative wealth of the country. Governments with little income and few resources have weak capacity to enact good public policies.<sup>46</sup> Budgetary spending, that is how well the federal government spends in line with revenue should be disciplined as politicians are sometimes tempted to spend in order to protect their interests and buy influence. Spending that consistently exceeds revenue could have economic consequences and affect government performance and the development of the country. Government should, therefore, coordinate their interests and agree to realistic spending constraints.<sup>47</sup> Furthermore, bad leadership affects the performance level of the government. Leadership entails formulating a vision for the future, developing a rational strategy for realizing that vision and enlisting the support of political actors who can help.<sup>48</sup> Leaders that have played strategic roles and changed the destinies of their countries in times past were well-focused, transparent and visionary leaders.<sup>49</sup> Accountability has featured in many policies and is frequently invoked in the context of institutional reform of the UN and other international agencies.<sup>50</sup> Accountability ensures trust between the citizens and the state where services are paid for and delivered.<sup>51</sup> The government should be

---

46 *ibid* 5.

47 *ibid* 125.

48 Ayee, Joseph, "A Decade of Political Leadership in Ghana, 1993–2004." In Kwame Boafo-Arthur (eds) *Ghana – One Decade of the Liberal State* (Zed Books, New York 2007) 166.

49 Abubakar, Dauda, "Leadership and the Challenges of Rebuilding a Nation." In Adigun Agbaje, Larry Diamond and Ebere Onwudiwe (eds), *Nigeria's Struggle for Democracy and Good Governance: A Festschrift for Oyeleye Oyediran*, (University of Ibadan Press 2004), 154.

50 For example, The United Nations Convention against Corruption, a legally binding international anti-corruption instrument created under the auspices of the United Nations Office on Drugs and Crime and entered into force on 14 December 2005 provides that to ensure accountability, government should make certain categories of information publicly available such as; employment of public official; conflict of Interest-related Information; decision-making process in Government; public Sector Finances; funding of candidatures for elected public office, among others. See International Council on Human Rights: *Corruption and Human Rights: Making the Connection*. (ATAR Roto Press, Switzerland 2009) 13.

51 Steen Lau Jorgensen and Rodrigo Serrano-Berthet, "Comprehensive Social Policy for Inclusive and Sustainable Globalization", in Estanislao Gacitua-Mario, Andrew Norton and Sophia V. Georigieva (eds), *Building Equality and Opportunity Through Social Guarantees: New Approaches to Public Policy and the Realization of Rights*. (The World Bank 2009) 46.

accountable in delivering social policy to its citizens and must be transparent in implementing those policies so as to carry people along and make meaningful contributions to their lives.

### 3.5 Equality of Opportunity

The human person is the primary subject of the right to development, with its application covering the community and entire population.<sup>52</sup> The UNDRD affirms equality for its beneficiaries by stating that development policies should aim at improving the well-being of the entire population and of all individuals.<sup>53</sup> Thus, all states should promote and encourage the rights of all citizens without any distinction as to race, sex, language or religion.<sup>54</sup> The right to development is not limited to a particular section of the society but covers every person, group and gender. Thus, everyone should have the opportunity to education, healthcare and employment. Every person must be given a right to fair hearing, and justice must not be denied to anyone based on any form of discrimination. To achieve this, policies and programmes must be made to ensure equal opportunities so that people can develop their potentials and contribute their quota to the society. For example, in Nigeria, the National Health Insurance Scheme (NHIS) seeks to alleviate the cost of healthcare for people who cannot afford it, thus, promoting access to healthcare services for Nigerians.

Vulnerable groups are disadvantaged because they have low financial means and lack access to basic services. Social, economic, and political barriers also prevent them from taking the lead in their own development and overcoming social marginalization.<sup>55</sup> Pregnant women should also have equal opportunities for employment purposes and should not be turned away because they are pregnant. They should be entitled to maternity leave and benefits so as to take proper care of their babies and themselves.

---

52 Article 2(1-3), UNDRD .

53 Article 2(3), UNDRD.

54 Article 6(1), UNDRD.

55 Estanislao Gacitua-Mario, Sophia V. Georgieva, and Leonardo Moreno. "Democratic Governance and Institution Building for Inclusive Social Policy: The Latin American Experience" in Estanislao Gacitua-Mario, Andrew Norton and Sophia V. Georgieva (eds), *Building Equality and Opportunity Through Social Guarantees: New Approaches to Public Policy and the Realization of Rights*. (The World Bank 2009) 35.

#### 4. RTD AND THE DILEMMA OF DEVELOPING AND UNDER-DEVELOPED COUNTRIES

Over the years, the United Nations has made efforts to identify and remove obstacles to the realization of the right to development.<sup>56</sup> However, the realities in developing and underdeveloped countries are overwhelming.<sup>57</sup> Development is curtailed by several indices, which constitute the obstacles of the Right to Development (RTD). Unfortunately, these obstacles affect the underdeveloped and developing countries more.

##### 4.1 Insufficient Foreign Aid

In developing countries, foreign aid plays a large role in realizing the right to development. In view of this, the International Conference on Financing for Development held in Monterrey, Mexico, in 2002, committed industrialized countries to be more generous with their development assistance stating that such increase will be required to achieve the MDGs.<sup>58</sup> The volume of external aid to developing countries has declined over the years. Aside from the overall level of assistance, there are shortcomings in the manner of its distribution as some countries are preferred over others for reasons such as political motivation, maintaining influence, strengthening their international comparative advantage and international competitive edge in respect of trade and

---

56 This is evident in Conventions, which contain provisions protecting key groups against discrimination. See for example; Article 2, United Nations Convention on the Rights of the Child (CRC), Article 2, 7, 8, 11, 12 Convention on the Elimination of Discrimination against Women (CEDAW). International Convention on the Elimination of all Forms of Racial Discrimination, United Nations Convention on the Rights of Persons with Disabilities.

57 The Committee for Development Policy, in its 1999 report, stated that the least developed country category should include countries with a low per capita income, a low level of human resource development and a high degree of economic vulnerability. See United Nations, Poverty Reduction and Good Governance. Report of the Committee for Development Policy on the sixth session held on 29 March to 2 April 2004. (2005) <[www.un.org/en/development/desa/policy/cdp/cdp\\_publications/cdpreport2004web.pdf](http://www.un.org/en/development/desa/policy/cdp/cdp_publications/cdpreport2004web.pdf)> accessed 15 March 2015.

58 Official Development Assistance, "Towards Human Resilience: Sustaining MDG Progress in an Age of Economic Uncertainty." <[www.google.com/search?q=developmentassistancetodevelopingcountries&hl=en-GB](http://www.google.com/search?q=developmentassistancetodevelopingcountries&hl=en-GB)> accessed 14 March 2015.

investment. Also, some government of donor states, often suppress human rights considerations in aid or development negotiations.<sup>59</sup>

## 4.2 Corruption

A corrupt activity is that which violates the ethics of society or the ethics of one's office, position, profession, or calling.<sup>60</sup> Corruption, though a global problem, varies from one country to the other and is most evident in developing countries.<sup>61</sup> Foreign and local investors are reluctant to invest in such countries with a high level of corruption and this automatically affects the economic growth and development of such a nation.<sup>62</sup> In Nigeria, corruption is an obstacle to implementing the right to development, employment, education, health care and progress. It is also a great impediment to the Millennium Development Goals, which seeks to reduce, by half, the number of people living in extreme poverty by 2015.<sup>63</sup> This is so because the funds and resources that should be allocated for use in tangible projects that will promote the wellbeing of citizens are diverted to personal pockets. Factors affecting corruption include low civil service salaries, poor working conditions, few incentives and rewards for efficient and effective performance, poverty, lack of transparency, inadequate strategic vision, greed and weak monitoring mechanisms.<sup>64</sup>

## 4.3 Negative Consequences of Globalization

Globalization can be defined as a process whereby economic openness, economic interdependence and economic integration are increased

---

59 Dejo Olowu "Conceptualizing an Integrative Right Based Approach to Human Development in Africa: Reflections on the Roles and Responsibilities of Non-state Actors" (Copenhagen: Danish Institute for Human Rights 2005) 32.

60 Osita Nnamani Ogbu, "Combating Corruption in Nigeria: A Critical Appraisal of the Laws, Institutions and the Political Will" (2010) 14 ANNSICL 99, 102.

61 Victor Egwemi. "Corruption and Corrupt Practices in Nigeria: An Agenda for Taming The Monster" (2012) 14 JSDA Journal of Sustainable Development in Africa 72.

62 Chinelo Okekeocha. "A Case Study of Corruption and Public Accountability in Nigeria" (2013). *Dissertations, Theses and Capstone Projects*. Paper 566. <<http://digitalcommons.kennesaw.edu/cgi/viewcontent.cgi?article=1568&context=etd>> accessed 16 March 2015.

63 Abiodun Elijah Obayelu "Effects of Corruption and Economic Reforms on Economic Growth and Development: Lessons from Nigeria" in African Economic Conference. (2007) <[www.uneca.org/sites/default/files/page\\_attachments/abiodun\\_elijah\\_obayelu\\_o.pdf](http://www.uneca.org/sites/default/files/page_attachments/abiodun_elijah_obayelu_o.pdf)> accessed 16 March 2015.

64 *ibid.*

between countries of the world. Its implication, therefore, is that every country, either developed or developing, would have access to every other country.<sup>65</sup> Globalization is responsible for the increasing gap between the rich and the poor and the unfair labour standards in the developing world.<sup>66</sup>

#### 4.4 Implementation and Enforcement of Laws and Policies

Laws are only effective when they are well implemented and enforced. According to DeGroff and Cargo,<sup>67</sup> “implementation is an iterative process in which ideas, expressed as policy, are transformed into behaviour, expressed as social action.” The social action transformed from the policy is aimed at making the society better and manifests as programmes, procedures, regulations or practices. In Nigeria, many laws are laid down without effective implementation, at the end of the day, the resources and efforts that have been expended in making such laws become a waste and the problem for which the law was intended to solve will persist. According to Jega,<sup>68</sup> “for policies to be effective, the process through which they are made and executed has to be rational, sequential and deliberative.” Ineffective law enforcement agents have a huge role to play in the ineffectiveness of laws, as their role is to enforce laws and make sure they are obeyed. The fact that they are not adequately remunerated does not help matters, as they are not motivated to go out of their way in responding to complaints. Also, the funding and resources needed for effective implementation and enforcement of laws and policies are insufficient.<sup>69</sup>

#### 4.5 Judicial Performance

A well-functional judicial system promotes development. By fairly and

---

65 Gbenga Lawal, “Globalisation and Development: The Implications for the African Economy” (2006) 1(1) *Humanity & Social Sciences Journal* 65.

66 Elli Louka, *International Environmental Law: Fairness, Effectiveness and World Order*. (Cambridge University Press, UK, 2006) 49.

67 Amy DeGroff and Margaret Cargo, “Policy Implementation: Implications for Evaluation” in J. M. Ottoson and P. Hawe (eds), *Knowledge Utilization, Diffusion, Implementation, Transfer, and Translation: Implications for Evaluation*. (*New Directions for Evaluation*, 124 2009) 48.

68 Attahiru M. Jega, *Democracy, Good Governance and Development in Nigeria* (Spectrum, Ibadan 2007) 171.

69 T. Makinde, “Problems of Policy Implementation in Developing Nations: The Nigerian Experience” (2005) 11 *JSS* 63.

efficiently resolving disputes, courts provide benefits for the public as they are not hesitant about investing in the country because of the awareness of a quick dispensation of justice and the low costs associated with it. Some indicators that are useful in gauging judicial performance include its caseload, number of disposed cases, average time to resolve a case and clearance rate. Swift resolution of cases is a stated core value in the Nigerian legal system as Section 33 in the 1979 constitution declared, “A person shall be entitled to a fair hearing within a reasonable time by a Court or other tribunal established by law.” Reasonable has been interpreted to mean “the period of time which, in the search for justice, does not wear out the parties and their witnesses and which is required to ensure that justice is not only done but appears reasonable to persons to be done”.<sup>70</sup> Reducing judicial delay in Nigeria is thus necessary both as a political reform that strengthens the rule of law and as an expression of the government’s attitude towards entrepreneurial activity.<sup>71</sup>

#### 4.6 Poverty

Poverty affects development negatively in several ways. It affects an individual’s access to basic necessities of life such as housing, food and healthcare. It also propels people to engage in different forms of crime such as human trafficking, robbery, kidnapping, all of which negatively affects the development of countries. More funds will thus have to be injected into the criminal justice system instead of being spent on other important things. It causes educational disadvantage,<sup>72</sup> as it pulls children out of school and into the streets with the aim of earning a living to supplement their parent’s income. Consequently, children will be susceptible to molestation, accidents and bad habits. Since education moulds a person from early years, it serves as a very important phase for obtaining information, which prepares them to become intelligent, productive and selfless leaders in the future.

#### 4.7 Lack of Respect for All Human Rights

In order to achieve development, States must put the human rights of its

---

70 A. Carl Levan (n 45) 129.

71 *ibid* 3.

72 This relates to situations where funds are unavailable for the purchase of school uniforms, books, various school levies and fees, examination fees, and so on, and, as a result, children drop out of school. As such, they are denied the right to education.

citizens into consideration without any distinction as to race, sex, language or religion and such rights must be indivisible and interdependent.<sup>73</sup> Thus, a certain category of rights should not be more important than others. According to Quiane,<sup>74</sup> civil and political rights cannot be more important than economic, social and cultural rights as the effective implementation of one category affects the effective implementation of the other. The Vienna Declaration also provides that, "... the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis".<sup>75</sup> The respect of human rights by the government is dependent on both their ability and their willingness to respect it.

Ability, which refers to sufficient government resources, is important, without which the government cannot implement the costly legal systems necessary to implement health, education and workforce policies. Governments with sufficient resources may however lack the will to implement human rights institutions and policies if it does not see it as a priority.<sup>76</sup> The failure to protect human rights constitutes an obstacle to development.<sup>77</sup> Government should protect people from human rights violations such as apartheid, racism and racial discrimination, colonialism, aggression, foreign interference and threats of war.<sup>78</sup>

#### 4.8 Lack of Institutional Capacity

Globally, institutions are often saddled with the responsibility of fostering development. However, strengthening institutional capacity remains a major challenge. This is largely due to the relationship and link that exist between the organizations and their host communities. Institutions tasked with providing services and products to their constituents across a wide spectrum of sectors often face daunting challenges as they struggle to

---

73 Article 6(1) and 6(2) UNDRD.

74 Helen Quane, "A Further Dimension to the Interdependence and Indivisibility of Human Rights?: Recent Developments Concerning the Rights of Indigenous Peoples" (2012) 25 *HHRJ* 49.

75 Article 5, Vienna Declaration and Programme of Action: Report of the World Conference on Human Rights, Vienna, 14-25 June 1993, UN Doc A/CONF.157/23 (1993); 32 ILM 1661 (1993) <[www.ohchr.org/Documents/ProfessionalInterest/vienna.pdf](http://www.ohchr.org/Documents/ProfessionalInterest/vienna.pdf)> accessed 12 March 2015.

76 Lanse Minkler and Shawna Sweeney, "On the Indivisibility and Interdependence of Basic Rights Developing Countries" (2011) 33 *HRQ* 351.

77 Article 6(2) UNDRD.

78 Article 5 UNDRD.



perform in developing country environments which are undergoing or recovering from political, social and economic upheaval.<sup>79</sup> These challenges and more such as bureaucratic cultures often affect the ability of any well-established organization in the developed world to adapt and thrive in their new host community. Poor institutional performance has been a major factor affecting the development of Nigeria. Some institutions in the country lack the requisite manpower to perform their duties as many of the workers were appointed based on the people they knew and not the relevance of their field to the company or their competence. This, therefore, slows down the capacity of those institutions. Nigerians rely on a lot of state and federal institutions to improve their well-being but the institutions fail to satisfy people because of corruption, greed and laziness.

#### 4.9 Internal Conflicts

Conflict is a struggle or contest between people with opposing needs, ideas, beliefs, values or goals.<sup>80</sup> Internal conflict is characterized as multi-front war which usually expands to neighbouring states.<sup>81</sup> There have been episodes of deadly conflicts in Nigeria, where many people have

---

79 Human and Institutional Capacity Development Handbook A USAID Model For Sustainable Performance Improvement prepared by the Participant Training team in the Office of Education, Bureau for Economic Growth, Agriculture & Trade, October 2010. <[http://pdf.usaid.gov/pdf\\_docs/PNADT442.pdf](http://pdf.usaid.gov/pdf_docs/PNADT442.pdf)> accessed 16 April 2015.

80 Diez and others, The European Union and Border conflicts: The Transformative Power of Integration. (2006) 60 *IO*, 536.

81 For instance, in January 1997, the SAF and the New Sudan Brigade (the SPLA branch in eastern Sudan) launched attacks in the east from positions within Ethiopia, and the SAF and New Sudan Brigade carried joint operations in the north-east along the Red Sea coast from bases in Eritrea. SAF military operations in the northeast Sudan were often coordinated with the New Sudan Brigade and the Beja Congress. This initiated a new era in the Sudan conflict as it opened multi-war fronts, apart from that in southern Sudan. See Human Rights Watch, Global Trade, Local Impact: Arms Transfers to all Sides in the Civil War in Sudan (1998) 2.

lost their lives, relatives and property.<sup>82</sup> They are thus prone to malnutrition and illness; deprived of education, lack adequate food, water, shelter and accessible healthcare.<sup>83</sup> Often times, conflicts bring about a helpless situation leading to death and human suffering, engendered hate and divided nations and families. Internal conflict reverses development, as investors are unwilling to invest in countries in conflict because such investments would be prone to failure. Other implications include forcing people into drifting life as refugees and internally displaced persons, deprived of their means of livelihood, human dignity and hope.<sup>84</sup> Factors that affect conflict in Nigeria include economic conditions, militarization, ethnicity, population, volatile climate, and political corruption.<sup>85</sup>

#### 4.10 Lack of Quality Education

Education is one of the most important factors affecting Nigeria's development as it has great significance with valuable benefits. Education serves as an important participatory process for both children and adults, and removes ignorance and illiteracy while promoting scientific and technical knowledge. It is through education that children can grow up and contribute meaningfully to the development of the society. Through education, people have adequate knowledge about their health, the economy and the running of government. Educated people are aware of

---

82 For example, there have been conflicts between Fulani herders and the farming communities in Central and Southern Nigeria which has assumed a deadly dimension. See Okeke, Okechukwu Edward, "Conflicts between Fulani Herders and Farmers in Central and Southern Nigeria: Discourse on Proposed Establishment of Grazing Routes and Reserves" (2014) 3 AFRREV IJAH, 66,67; see also Success Nwogu, "Two die as Fulani, Yorubas, Clash in Kwara." *The Punch* (Nigeria, April 15, 2015). Also, a terrorist Organization with roots in North-Eastern Nigeria called Boko Haram has launched violent attacks on Christians, muslim clerics and government officials and this has led to an estimated 10,000 deaths between 2002 and 2013. They have also kidnapped and raped women and children. See, Editorial, "Boko Haram kills 12 in Yobe, Gombe." *The Nation* (Nigeria 29 March, 2015) 5; Editorial, "Boko Haram Abducts 100 schoolgirls in Bornu", *The Punch* (Nigeria 16 April 2014) 2.

83 UNICEF Nigeria: "Situation Analysis of Children and Women in Nigeria. 2011 update." (2011) available at <[www.unicef.org/nigeria/publications\\_8467.html](http://www.unicef.org/nigeria/publications_8467.html)> accessed 19 November 2014.

84 Kithure Kindiki, *Internally Armed Conflict in Africa: An Overview* (Moi University of Kenya 2000) 1.

85 Brian-Vincent Ikejiaku, "The Relationship between Poverty, Conflict and Development." (2009) 2 JSD 15, 17-19.

their rights and can hold government accountable for any lapse in the affairs of the country. When people are not educated, it reduces the opportunities available for them to acquire a viable source of income to maintain themselves and members of their family. The Convention on the Rights of the Child (CRC) stated in its Article 24(e) that all segments of the society, including parents and children, should have access to education. This was reiterated in section 15 of the Child Rights Act, 2003, which states that a child has the right to free, compulsory and universal basic education.

Unfortunately, universal education has not yet been achieved in Nigeria, despite the significant progress that has been made over the years. According to UNICEF,<sup>86</sup> a quarter of all children (25 per cent) in the 7-16 years age group have no education. Out of these, 49 per cent are from the lowest wealth quintile. As many as 9 in 10 of these children with no education are found in the North West (46 per cent) and North East geopolitical zones. They are also mostly found in the rural areas. Apart from the fact that many children do not have access to education, some learn in harsh conditions such as with collapsed roofs and buildings, inadequate table and chairs, tattered uniforms, lack of books and on empty tummies.<sup>87</sup> This affects the quality of education.

## 5. POSSIBLE SOLUTIONS TO THE BARRIERS AND CHALLENGES OF DEVELOPMENT

### 5.1 Building Institutional Capacity

According to the United Nations Environmental Programme (UNEP), capacity building is central to the quest for sustainable development and the ability of regional organizations, national governments and civil society to address the principal challenges of sustainable development,

---

86 UNICEF Nigeria. "Situation Analysis of Children and Women in Nigeria." (2011) update. <[www.unicef.org/nigeria/publications\\_8467.html](http://www.unicef.org/nigeria/publications_8467.html)> accessed 19 November 2014.

87 See Tunde Ajaja. "Sandwiched between Cemetery and Refuse: Ogun Pupils Abandon Classrooms, Study in the Sun." *The Punch* (Nigeria, 25 April 2015). <[www.punchng.com/feature/sandwiched-between-cemetery-and-refuse-ogun-pupils-abandon-classroom-study-in-the-sun/](http://www.punchng.com/feature/sandwiched-between-cemetery-and-refuse-ogun-pupils-abandon-classroom-study-in-the-sun/)> accessed 5 May 2015, where the only public school in Itoki, Ifo local government, Ogun State has a cemetery and dumpsite so close to the classrooms that pupils prefer to study in the hot sun than endure the stench which causes them to puke and spit constantly between lectures.

and must be reinforced.<sup>88</sup> Institutional capacity building has, therefore, become a core goal of technical assistance provided by the United Nations.<sup>89</sup> Instead of being regarded as merely a component or by-product of development programmes, capacity building has become a principal and explicit priority of all United Nations activities.<sup>90</sup> This effort should also be duplicated at the national level. Institutions saddled with developmental goals should be led with adequate capacity development strategies and policies. Institutions should be effective and accountable and there should be rigorous monitoring of outcomes.<sup>91</sup> Employments should also be based on what an individual can contribute to that institution.

An effective poverty reduction strategy process and a productive partnership can be built only on a platform of strong public capacity: capacity to formulate policies; capacity to build consensus; capacity to implement reform; and capacity to monitor results, learn lessons, and adapt accordingly. Building the requisite capacities turn out to be a formidable challenge. For these reasons, enhancing the capacity of African states has risen to the top of the continent's development agenda.<sup>92</sup>

## 5.2 Curbing Internal Conflict

Internal conflicts are threats that can be addressed directly by domestic governments given the jurisdictional entitlements, police power and

---

88 UNEP, "Capacity Building for Sustainable Development: An Overview of UNEP Environmental Capacity Development Initiatives" (2002). <[www.unep.org/Pdf/Capacitybuilding.pdf](http://www.unep.org/Pdf/Capacitybuilding.pdf)> accessed 20 April 2015.

89 *ibid.*

90 *ibid.* 5.

91 Steen Lau Jorgensen and Rodrigo Serrano-Berthet, "Comprehensive Social Policy for Inclusive and Sustainable Globalization" in Estanislao Gacitua-Mario, Andrew Norton and Sophia V. Georgieva (eds), *Building Equality and Opportunity Through Social Guarantees: New Approaches to Public Policy and the Realization of Rights*. (The World Bank 2009) 52.

92 Sahr Kpundeh and Brian Levy (eds), *Building State Capacity in Africa: New Approaches, Emerging Lessons* (World Bank & Oxford University Press, 2004).

institutional capability to act directly against them.<sup>93</sup> According to Collier,<sup>94</sup> an approach to shortening internal conflicts is to make it more difficult for rebel groups to acquire armaments. This requires tightening control of the arms trade. Interventions in an internal conflict should have a systematic effect in shortening such conflicts.<sup>95</sup> Churches, mosques and non-governmental organizations should organize programmes, which seek to educate members of the community on the effects of conflicts and urge them to live peacefully together.

### 5.3 Management of Globalization

Globalization needs to be managed well in order to produce further desirable results. Such management of globalization involves the establishment of institutions that would provide a social safety net to support those affected mostly by the abrupt changes that globalization brings. It has been claimed that developing countries should be allowed to develop adjustment programmes, when jobs are lost to foreign competition. If developing countries cannot afford such programmes, it has been proposed that the World Bank could fund them. Furthermore,

---

93 Examples such as the terrorist attacks of 11 September 2001, were launched by a group of non-state actors operating from within the territory of Afghanistan; the massive ethnic crimes in Rwanda, Congo, and Sudan are, in large part, the product of rebel forces within states; dangerous examples of nuclear proliferation can often be attributed to non-state criminal networks such as those of A. Q. Kahn. The 2004 Report of the Secretary-General's High-Level Panel on Threats, Challenges and Change identifies problems of intrastate origin such as "poverty, infectious disease and environmental degradation, civil war, genocide and other large scale atrocities, nuclear, radiological, chemical and biological weapons, terrorism, and transnational organized crime" are among the core threats facing the international community today. See generally, The 9/11 Commission Report (2004) <<http://govinfo.library.unt.edu/911/report/index.htm>> accessed 6 May 2015; Robert B. Edgerton, *The Troubled Heart of Africa: A History of the Congo* (St Martin's Press, 2002); Int'l Comm'n of Inquiry on Darfur, *Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General* (2005), <[www.un.org/News/dh/sudan/com\\_inq\\_darfur.pdf](http://www.un.org/News/dh/sudan/com_inq_darfur.pdf)> accessed 16 April 2015; William J. Broad and David E. Sanger, 'Pakistani's Nuclear Black Market Seen as Offering Deepest Secrets of Building Bomb', N.Y. Times, Mar. 21, 2005, at A7; Secretary-General's High-Level Panel on Threats, Challenges and Change, *A More Secure World: Our Shared Responsibility 2*, U.N. Doc. A/59/565 (Dec. 2, 2004).

94 Paul Collier, *Development and Conflict*, Centre for the Study of African Economies, (Oxford University Press 2004) 8.

95 *ibid.*

some state intervention into agricultural policies should be allowed so that the farmers in the developing world are not wiped out by the vagaries of international trade.<sup>96</sup>

#### 5.4 Eradicating Corruption

Corruption requires a complex approach, which should aim at addressing the causes, facets and structural issues that it entails. It also requires courage and a long-term commitment by a variety of anti-corruption actors. Political leaders, public servants, civil society, media, academics, private sector and international organizations must all play a role in fighting corruption.<sup>97</sup> Homes and schools can also provide a foundation for children as they can be taught about its consequences, while incorporating it into subjects in primary, secondary and tertiary levels. There is the need, also, for legal reform by way of increasing penalties for offenders, implementing and enforcing the laws so that they can effectively make corrupt officers accountable and serve as a deterrent to others. Anticorruption agencies such as Economic and Financial Crimes Commission (EFCC) and Independent Corrupt Practices (and Related Offences) Commission should be equipped with adequate funding and manpower and with honest, credible people so that they can effectively investigate, prosecute and eradicate corruption in Nigeria.

#### 5.5 Curbing Poverty

Poverty must be eradicated in Nigeria because of its harmful effects to the development of the nation. The federal government should make efforts to facilitate poverty reduction in urban and rural areas with focus on the provision of basic inputs that can enhance people's livelihood and incomes such as, agricultural inputs, credit facilities, training programmes to develop skills, road networks, adequate wages and salary.<sup>98</sup> Creation of industries will also provide employment for the youths and thus, local and foreign investors should be encouraged to invest in Nigeria.

---

96 Elli Louka. *International Environmental law: Fairness, Effectiveness and World Order*. (Cambridge University Press, UK. 2006) 49.

97 P. Adeyombo, "Corruption in Nigeria: Its Concept, Classifications, Consequences and Cures" (2013) 1 IFJR 119, 126.

98 Fidelis O. Ogwumike, "An Appraisal of Poverty Reduction Strategies in Nigeria" (2001) 39 *CBN E & F Rev* 1, 15.

## 5.6 Provision of Quality Education

Education should be a priority, with the construction of more schools, purchase of books and other educational tools. Local governments should ensure that schools are provided, even in the small communities, and adequate teachers employed to impart knowledge in them. Dilapidated structures, facilities and equipment should also be refurbished and rehabilitated.

## 5.7 Implementation of Laws

Adequate measures should be provided to enforce laws through appropriate mechanisms.<sup>99</sup> Since law enforcement officers have the greatest role to play, there is a need to increase their remuneration so as to provide them with enough incentive to work. They should be better trained to enable them respond better to situations that are reported to them or which they come across. Also, sanctions provided for violations of laws should be sufficiently severe to serve as a deterrent, and the laws should be made known and easily accessible to the entire population.<sup>100</sup> Adequate funds should also be provided for effective implementation.

## 6. CONCLUSION

Achieving the goals of sustainable development in developing countries is a herculean task. Ordinary citizens in developing countries continue to face socio-legal challenges such as separation of powers, accountability of government agencies, amongst others, all of which stifle the realization of the right to development. Several factors such as poverty, lack of education, institutional capacity, cultural practices, education, attitudes towards endemic corruption to mention a few, also worsen living conditions of people living in developing countries.

To address these complex challenges, this article has discussed the need for a holistic approach. A holistic approach to pursuing development means a practical approach which is garnered towards empowering the

---

99 Onyemachi Thomas Uche, "Children, Status and the Law in Nigeria" (2010) 4 *IAARR* 378, 393.

100 International Labour Organization and Inter-Parliamentary Union (2002) "Eliminating the Worst Forms of Child Labour: A Practical Guide to ILO Convention" No. 182' <[www.ipu.org/PDF/publications/childlabour\\_en.pdf](http://www.ipu.org/PDF/publications/childlabour_en.pdf)> accessed 20 August 2014.

people, educating them, establishing equality and rule of law, and massive awareness and reorientation of the people. The independence of the judiciary should also be guaranteed and cases dispensed quickly so that people can receive justice. The government should also be sincere with its policies, developmental agenda and investments in the socio-economic lives of the people as the consequential improvement on the ESCR of the citizenry as a whole would impact positively on the implementation and actualization of the right to development in developing countries like Nigeria today. This can only be achieved where the existing legal frameworks are established, effectively implemented and applied across the board in favour of the entire citizenry. It must also be noted that without a consensus among the political office holders and the legislature, the challenges in the realization of sustainable development in developing countries would continue until the people are determined to approach them collectively.