

RIGHT TO CULTURAL DEVELOPMENT: REAL OR MYTH IN NIGERIA**

Abstract

Culture is as old as man's existence on earth. It is the nucleus of existence and represents the way people dress, eat, greets, dance, speak, worship, celebrate festival, and pronounce words among others. Over the years, some cultural practices in Nigeria have gone into extinction as a result of modernization, civilization, politics and religion. As a result of the above, crimes that were hitherto rare among the indigenous people of Nigeria permeated into villages, communities and towns. The consequence of the above is that insecurity began to have multiple effects on all facets of Nigerian lives. This paper was commenced by digging into reality or otherwise of the right to cultural development in Nigeria. This was done through doctrinal research method. At the end, it was discovered that the challenge to the right of cultural development in Nigeria rests squarely on its non-justiceability under the Nigerian Constitution. This is against the backdrop that African Charter on Human and Peoples Rights had been domesticated in Nigeria, yet by the superiority of the Nigerian laws, African Charter on Human and Peoples Rights (Ratification and Enforcement) Act is subject to the provision of Nigerian Constitution. It was based on the above that recommendations were made to wit: further amendment to the Constitution of the Federal Republic of Nigeria 1999 by making some community rights like right to cultural development justiceable, extension of the preservation, protection and promotion of cultural heritage to villages and communities, among others.

Key words: Right, Culture, Development, Reality or Myth, Nigeria.

1. Introduction

Nigeria is one of the countries in West African sub-region. It is made up of over 200 million people¹ with about 250 ethnic groups. Nigeria is blessed with natural and human resources including rich cultural heritage. The diversities in Nigerian languages created diversities in cultural practices. Although, culture is as old as man's existence on earth, right to cultural development was first recognized in 1948 by the United Nations under the Universal Declaration of Human Rights.²This was followed by the introduction of the bill of rights namely: International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights. Outside the United Nations arrangements for the legal and institutional frame works on cultural development, regions³ and states⁴began to expand their legal instruments on the recognition of right to cultural development.

Nigeria had since introduced legal framework on right to cultural development through the domestication of African Charter on Human and Peoples Rights.⁵However, due to the

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¹ Worldometer, 'Nigeria Population (live)-Worldometer' <https://www.worldometer.info> accessed on sunday, 19th September, 2021.

² Article 22 of the Universal Declaration of Human Rights provides 'Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of economic, social and cultural rights indispensable for his dignity and the free development of his personality.'

³ Article 22 of the African Charter on Human and Peoples' Rights provides for Right to Economic, Social and Cultural Development.

⁴ The Constitution of the Federal Republic of Nigeria 1999 (as amended) provides for cultural right in chapter 2.

⁵ African Charter on Human and Peoples Rights was domesticated in Nigeria through African Charter on Human and Peoples Rights (Ratification and Enforcement) Act Cap A10 Laws of the Federation of Nigeria 2004.

inferiority roles that the African Charter on Human and Peoples Rights (Ratification and Enforcement) Act play over the Nigerian constitution, the provisions of African Charter on Human and Peoples Rights (Ratification and Enforcement) Act on right to cultural development appears to remain myth in Nigeria. The Constitution of the Federal Republic of Nigeria 1999 (as amended) provides for directive on Nigerian cultures.⁶

The paper is set to discussing right to cultural development and address the burning issue of whether right to cultural development is real or myth in Nigeria. For this purpose, the paper shall examine the key words in the topic under discourse to *wit*: culture, development, reality or myth among others. The paper shall draw a conclusion and make recommendations for the purpose of strengthening the enforcement of right to cultural development in Nigeria.

2.1 Culture

Olufemi, *etal* noted that ‘culture is the way of life of a group of people in their physical environment.’⁷ The definition of culture by Olufemi appears erroneous because culture goes beyond the life of people in their physical environment. The way people worship their gods is spiritual and it is also influenced by their culture. Therefore, for a definition of culture to be encompassing, it will not just be the way of people’s life in their physical environment but must include their way of life in their spiritual environment. Tylor asserted that culture is a ‘complex whole which includes knowledge, belief, art, morals, law, custom and any other capabilities and habits acquired by man as a member of society.’⁸ Chibundu argued that culture is

The totality of the way of life evolved by a people in their attempt to meet the challenges of living in their environment, which gives order and meaning to their social, political, economic, aesthetic and religious norms and modes of organization, thus distinguishing a people from their neighbors.⁹

The definition proffered by Chibundu appears to capture the essence of culture. Culture is the organic root of social behaviour. Hawkes argues that culture is ‘the social production and transmission of identities, knowledge, beliefs, values, attitudes and understanding, as well as the way of life, including customs, codes and manners, dress, cuisine, language, arts, technology, religion and rituals, norms and regulations of behaviour, traditions and institutions.’¹⁰ The United Nations Educational, Scientific and Cultural Organization (UNESCO) in attempt to give elaborate definition of culture posed thus:

Culture may now be said to be the whole complex of distinctive spiritual, material, intellectual and emotional features that characterize a society or social group. It includes not only the arts and letters but also modes of life, the fundamental rights of the human being, value systems, traditions and beliefs, that it is culture that gives man the ability to reflect upon himself. It is culture that makes us specifically human, natural beings endowed with a critical judgment and a sense of moral commitment. It is through culture that we discern values and make choices. It is through culture that man expresses himself, becomes aware of himself, recognizes his incompleteness, questions his own

⁶ *ibid*, Section 21.

⁷ J O Olufemi, O N Banidele, F.K Alonge & J.O Onwuka, *Christian Religious Studies and National Values for Primary Schools 5*(Ibadan: University Press PLC, 2015) P. 74.

⁸ E Tylor *Ideas of Culture: Sources and Uses* (New York: Holt Reinhart and Winston, 1967), p. 13.

⁹ V N Chibundu, *Foreign Policy: With Particular Reference to Nigeria (1961-2002)* (Owerri: Spectrum Books Ltd, 2003) p.46.

¹⁰ J Hawkes, *The Fourth Pillar of Sustainability* (Melbourne: Cultural Development Network, 2001) 3.

achievements, seeks untiring for new meanings and creates works through which he transcends his limitations.¹¹

Culture ranges from the way people eat, drink, talk, build houses, farm, welcome visitors, marry, greet, dance, play music, tell stories, dress, live, celebrate birth, bury the death, language, how they pronounce words, celebrate festivals among others. Culture influences economic and social lives of people. It informs social behaviors and serves as instrument of social control. Culture is dynamic and a strong tool in crime control. Nigerian Constitution provides for cultural objective. For this purpose, Section 21 of the Constitution provides that:

The State shall (a) protect, preserve and promote the Nigerian cultures which enhance human dignity and are consistent with the fundamental objectives in this Chapter; and (b) encourage development of technological and scientific studies which enhance cultural values.

Article 22 of the African Charter on Human and Peoples' Rights also recognizes the right to cultural development.¹²

2.2. Development

Development is viewed as 'a process that creates growth, progress, positive change or addition of physical, economic, environmental, social and demographic components.'¹³ But, does development actually mean growth? Growth has the characteristic of irreversible increase in size of an organism over a given period of time.¹⁴ Development on the other hand deals with physiological and functional maturity of an organism.¹⁵ It is the increase in capacity and effective function of the organism. It is the thesis of this paper that growth is not entirely synonymous with development. It is natural for an organism to grow but development may occur as a result of exposure and adaption. In other words, culture is attributable to development and not growth. Amartya appears to be more succinct in his approach to explaining the concept of development. In his argument, development is 'a social tool enabling people to reach the highest level of their ability through granting of freedom of action.'¹⁶ This definition to some extent relates to the topic under discourse.

Pallipedia noted that development is 'the process of providing the conditions that offer opportunities for improving the quality of human life in a community.'¹⁷ In expanding the scope, Pallipedia noted that development strives to lift people's standard of living and promote self-esteem through improved social, political and economic systems.¹⁸ Under the United Nations arrangement, development is 'a multidimensional undertaking to achieve a higher

¹¹ UNESCO 'Mexico City Declaration on Cultural Policies, World Conference on Cultural Policies' <<https://unesdoc.unesco.org>> accessed on Wednesday, 28th December, 2022.

¹² African Charter on Human and Peoples' Rights has been domestic in Nigeria via African Charter on Human Rights (Ratification and Enforcement) Cap. A10 Laws of the Federation of Nigeria 2004.

¹³ Society for International Development, 'What is Development?' <<https://sid-sireal.org>> accessed on Friday 16th December 2022. sid-isreal.org

¹⁴ Biology Online 'Growth' <https://biologyonline.com/growth> accessed on Sunday 18th December 2022.

¹⁵ Byju's 'Growth and Development' <https://byjus.com/biology> accessed on Sunday 18th December 2022.

¹⁶ S Amartya, Development the Capability Approach' cited in Society for International Development <<https://sid-sireal.org>> accessed on Friday 16th December 2022.

¹⁷ Pallipedia, The Free Online Palliative Care Dictionary, <<https://pallipedia.org/dvelopment>> accessed on Friday 16th December 2022.

¹⁸ *ibid.*

quality of life for all people.’¹⁹Article 1 of the Declaration on the Right to Development²⁰ provides that ‘The human person is the central subject of development and should be the active participant and beneficiary of the right to development.’

Development could mean the making of any positive significant change in the aspect of social, economic or cultural condition that promote sustainable living and enhance esteem of a given people. Therefore, cultural development is the improvement in the cultural life of people that leads to the creation of opportunities for enhanced economic and social life of a given society. Sustainable Development Goal supports the imperativeness of culture as tool to sustainable development.²¹UNESCO observes that cultural development is the ‘dissemination of knowledge that fosters creativity, innovation, and the intellectual development of individuals and groups while discarding harmful practices contrary to global ethics.’²²

Cultural development in Nigeria is greatly manipulated by modernization, colonization, western religion and politics. For example, in Nigerian music industry, traditional music space was played for purposes and in melody with events such as weddings, funerals, sports, leisure, farming or by historians to recount stories.²³In a similar vein, wooden gong spoke different languages for different events and occasions. The question is, does wooden gong still speak in Nigerian villages and communities? The transformations in the music industry impacted negatively on traditional tales through music. Traditional drumbeats are fast going into extinction. Traditional festivals and celebrations are also going into extinction. What is left in many villages and communities are the carcass of festivals that if viewed from the original manuscript will unearth their smokescreen nature. Emphasis fast situates from core value system to material culture with the attendance consequence of quick wealth syndrome-overtaking is allowed.

Apart from the influence of modernization, politics and western religion on Nigerian culture, most of Nigerian artifacts were reported to have been stolen during the colonial era.²⁴This act dealt dangerous blow to the history of Nigerian culture and affected its sustainable development.

3. Is Culture Identity or Relative?

Identity is a proof or establishment of the truth about a person or thing. It is a kind of recognition of a particular person or thing through a known feature or features. Identity is a peculiarity or distinguishing factor personal to either a person or thing. It is more of individualistic than general. For instance, a finger print impression is a feature particular to a person and it is not shared either by virtue of blood tie or communal behaviour. Relative according to Britannica Dictionary is ‘something that belongs to the same group as something else because of shared

¹⁹ United Nations, ‘UN Documentation: Development’ <https://research.un.org/docs/development>>accessed on Friday 16th December 2022.

²⁰ United Nations Human Rights Committee, ‘Human Rights Instruments, Declaration on the Right to Development, <<https://www.ohchr.org/en/instrument>> accessed on Sunday 18th December 2022.

²¹ Goal 4.7 of the Sustainable Development Goal.

²² UNESCO, ‘The Power of Culture for Development’ <<https://unesdoc.unesco.org>> accessed on Wednesday 28th December, 2022.

²³U.Mi-1, ‘Nigerian Music: Past. Present and Future’<<https://www.umi1.co.uk/blogs/culture>>accessed on Sunday 22nd December 2022.

²⁴ BarristerNG.com, ‘Germany returns 22 Benin Bronzes to Nigeria’ <<https://barristerng.com/germny-returns-22benin-bronzes-to-nigeria/>> accessed on Thursday 22nd December 2022.

characteristics, qualities.²⁵ Often time, people tie identity to culture instead of its relativity. It is more appropriate to link culture to relativism than identity. This is because; culture does not belong to individual but to the group of people in a given society. For example, pattern of dancing, dressing, intonation among others is relative to group of people rather than individual. It is therefore safer to classify culture as relative.

4. Framework for Cultural Development in Nigeria

Right to cultural was first given legislative blessing in the Universal Declaration of Human Rights (UDHR) 1948. Article 27 (1) of UDHR, which provides that everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits. The United Nations has constantly referred to UDHR as ‘a milestone document in the history of human rights.’²⁶ It is without argument that even though UDHR is a toothless document, nevertheless, the instrument has been the basis for fundamental freedom and has given birth to number of binding documents in global journey for recognition of human rights. UDHR gave birth to International Covenant on Civil and political Rights,²⁷ and the International Covenant on Economic, Social and Cultural Rights.²⁸ The civil and political rights have been adopted in the Constitution²⁹ of States under the United Nations as fundamental rights while economic, social and cultural rights remain promissory notes in so many States.³⁰

Article 15 (1) (a) of the International Covenant on Economic, Social and Cultural Rights provides that ‘The States Parties to the present Covenant recognized the right of everyone to take part in cultural life.’ In order to realize the above provision, the Covenant charges the States Parties to undertake steps individually and through international assistance and co-operation for the purpose of judicious use of available resources with a view to achieving the full realization of the rights recognized in the Covenant.³¹ One of the measures the Covenant encouraged the States Parties to adopt is through the introduction of legislative framework on the protection of the economic, social and cultural rights. The first measure adopted by most developing states under the United Nations for the purpose of the introduction of legal framework on economic, social and cultural rights is through the inclusion of the rights in their constitutions.

In Nigeria, the right to cultural development was first provided under the national legislation in 1979 through the Constitution of the Federal Republic of Nigeria 1979.³² However, about seven years later Nigeria became a party to International Covenant on Economic, Social and Cultural Rights.³³ Under the Constitution of the Federal Republic of Nigeria 1999, cultural right forms part of the fundamental objectives and direct principles of state policy provided in chapter two to the constitution. In the same measure, the African Charter on Peoples and Human Rights (Ratification and Enforcement) Act also provides for the right to cultural development in Nigeria.

²⁵ Britannica Dictionary <<https://britannica.com/dictionary>> accessed on Friday 16th December 2022.

²⁶ United Nations ‘Universal Declaration of Human Rights’ <<https://www.un.org/>> accessed on Sunday 18th December 2022.

²⁷ International Covenant on Civil and Political Rights was adopted by the United Nations in 1966.

²⁸ International Covenant on Economic, Social and Political Rights was also adopted by United Nations IN 1966.

²⁹ Constitution of the Federal Republic of Nigeria 1999 (as amended), Chapter four.

³⁰ Constitution of the Federal Republic of Nigeria 1999 (as amended), Chapter two.

³¹ International Covenant on Economic, Social and Cultural Rights, Article 2(1).

³² Constitution of the Federal Republic of Nigeria 1979, Chapter four.

³³ Nigerian signed International Covenant on Economic, Social and Cultural Rights in 1986.

Outside the legal frameworks, Nigeria has institutions for the preservation, protection and promotion of culture. At the federal level, there are institutions like Federal Ministry of Information and Culture, National Council for Arts and Culture, National Commission for Museums and Monuments, National Library of Nigeria, Centre for Black and African Arts and Civilization, National Gallery of Modern Arts, Federal Radio Corporation of Nigeria, Nigerian Television Authority, Film Corporation of Nigeria among others. These institutions help in the promotion of Nigerian culture.

At the state level, several states of the federation have their respective Ministry of Culture and Tourism while some have Ministry of Women Affairs and Culture. In most of the States, the Department of Culture is charged with the responsibility of promotion, preservation and protection of cultural heritage of the people.³⁴ The duties of cultural departments of most ministries of culture and tourism include: field research, documentation of cultural records after collection of such data or records, guiding the researchers on the cultural heritage of the people, organizing cultural enlightenment programmes, promoting arts and crafts, arts and crafts exhibitions among others.³⁵ It is without doubt that promotion and development of culture is mostly reserved with States in Nigeria.

4. Is Right to Cultural Development Real or Myth in Nigeria?

It is obvious from the proceeding discussion that Nigeria has legislative frameworks that provide for right to cultural development. However, whether the right to cultural development is real or myth has become obvious issue that has attracted the attention of this paper. This is because the African Charter on Human and Peoples Rights has been ratified and domesticated in Nigeria by the act of the National Assembly.³⁶ This is particularly important because Section 12(1) of the Constitution which provides that: ‘No treaty between the Federation any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly.’³⁷ It must further be buttressed that African Charter on Human and Peoples Rights was domesticated by the Nigerian National Assembly by virtue of the provision of the Constitution of the Federal Republic of Nigeria 1979 about 20 years to the coming into force of the Constitution of the Federal Republic of Nigeria 1999 (as amended). The Nigerian Constitution 1999 places African Charter on Human and Peoples Rights (Ratification and enforcement) Act on list of existing law.

Section 315 (1) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) provides that:

Subject to the provisions of this Constitution, an existing law shall have effect with such modifications as may be necessary to bring it into conformity with the provisions of this Constitution and shall be deemed to be:

(a) an Act of the National Assembly to the extent that it is a law with respect to any matter on which the National Assembly is empowered by this Constitution to make laws; and

³⁴Ministry of Culture and Tourism exists in states like Ebonyi, Enugu, Abia, Imo, Anambra, Kebbi, Cross River and almost all the 36 States of the Federation.

³⁵ Ministry of Culture and Tourism Kebbi state, <<https://www.kebbistate.gov.ng>> accessed on Tuesday 20th December, 2022.

³⁶ African Charter on Peoples and Human Rights (Ratification and Enforcement) Act Cap A10 LFN 2004.

³⁷ Constitution of the Federal Republic of Nigeria 1979, Section 12 (1); Constitution of the Federal Republic of Nigeria 1999, Section 12(1).

(b) a Law made by a House of Assembly to the extent that it is with respect to any matter on which a House of Assembly is empowered by this Constitution to make laws.

Section 315 (4) (b) of the Constitution³⁸ defines “existing law” to mean ‘any law and includes any rule of law or any enactment or instrument whatsoever which is in force immediately before the date when this section comes into force or which having been passed or made before that date comes into force after that date.’ It is obvious from the provision of Section 315 (1) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) that African Charter on Human and Peoples Rights (Ratification and Enforcement) Act falls under the ‘existing law.’

The question is since the right to cultural development is provided under African Charter on Human and Peoples Rights (Ratification and Enforcement) Act, can it be said to be enforceable in Nigeria? In *Abacha v Fawehinmi*³⁹ the Supreme Court held that where a treaty is enacted into law by the National Assembly as was the case with the African Charter on Human and Peoples Rights Charter, it becomes binding and our courts must give effect to it like all other laws falling within the judicial powers of the courts. Ogundare JSC in that judgment noted that if there is a conflict between African Charter on Human and Peoples Rights (Ratification and Enforcement) Act and another statute, the provisions of African Charter on Human and Peoples Rights (Ratification and Enforcement) Act will prevail over those of other statutes ‘for the reason that it is presumed that the legislature does not intend to breach an international obligation. The Charter possesses “a greater vigour and strength” than any other domestic statute but not to say that the Charter is superior to the Constitution.’⁴⁰

The above dictum of Ogundare JSC is in line with the provision of Section 315(3) of the Constitution. For this purpose, the section provides that: ‘Nothing in this Constitution shall be construed as affecting the power of a court of law or any tribunal established by law to declare invalid any provision of an existing law on the ground of inconsistency with the provision of any other law that is to say:(a) any other existing law; (b) a Law of a House of Assembly;(c) an Act of the National Assembly; or (d) any provision of this Constitution.’

Unfortunately, African Charter on Human and Peoples Rights (Ratification and Enforcement) Act does fall among the enactments preserved under the Nigerian Constitution.⁴¹For this purpose, Section 315 (5) of the Constitution provides thus:

‘Nothing in this Constitution shall invalidate the following enactments, that is to say

- (a) the National Youth Service Corps Decree 1993;
- (b) the Public Complaints Commission Act;
- (c) the National Security Agencies Act;
- (d) the Land Use Act;

and the provisions of those enactments shall continue to apply and have full effect in accordance with the tenor and to the like extent as any other provisions forming part of the Constitution and shall not be altered or repealed except in accordance with the provisions of Section 9(2) of this Constitution.

³⁸ Constitution in this context means Constitution of the Federal Republic of Nigeria 1999.

³⁹ [2002] 2 SCNQR 489.

⁴⁰ *Abacha's case* ibid p. 514.

⁴¹ Constitution of the Federal Republic of Nigeria 1999.

Even though African Charter on Human and Peoples Rights (Ratification and Enforcement) Act ranks above other statutes in Nigeria notwithstanding, since it is not among the enactments preserved by the Constitution, its provisions is subject to the provisions of the Nigerian Constitution. This is because Section 1(1) (3) of the Constitution provides that:

- (1) This Constitution is supreme and its provisions shall have binding force on all authorities and persons throughout the Federal Republic of Nigeria.
- (3) If any other law is inconsistent with the provisions of this Constitution, this Constitution shall prevail, and that other law shall, to the extent of its inconsistency be void.

Section 21 of the Constitution provides that:

The State shall (a) protect, preserve and promote the Nigerian cultures which enhance human dignity and are consistent with the fundamental objectives in this Chapter; and (b) encourage development of technological and scientific studies which enhance cultural values.

This provision falls under the fundamental objective and direct principles of state policy which by virtue of Section 6(6) of the Constitution is not justiciable. The question is if the provision for the right to cultural development under African Charter on Human and Peoples Rights (Ratification and Enforcement) Act is subjected to the acid test of the Constitutional provision with respect to combine effects of Sections 21 and 6(6), will the provision of African Charter on Human and Peoples Rights (Ratification and Enforcement) Act pass the test? The answer is obviously in the negative. If the provision of African Charter on Human and Peoples Rights (Ratification and Enforcement) Act on cultural right or any other right is subject to the provision of the Constitution, it is therefore follows that where any provision of African Charter on Human and Peoples Rights (Ratification and Enforcement) Act is inconsistent with the provisions of this Constitution, the Constitution shall prevail and such provision of African Charter on Human and Peoples Rights (Ratification and Enforcement) Act shall to the extent of its inconsistency be void. If the above is the position of law in Nigeria, can it be safely argued that the right to cultural development is real in Nigeria? The answer is clearly in the negative. Based on the above, it is the position of this paper that the right to cultural development in Nigeria is myth? It is a fairy tale by the moonlight.

5. Justification for promoting cultural Heritage in Nigeria

Culture is the life-wire of people and a bond that hold the people. It is a generational heritage and a source of collective living. Cultural heritage is all-important factor that describes the multiethnic diversities nature of Nigeria. It is not in doubt that Nigeria is endowed with lot of cultural heritage such as traditional music, folktale, literary and artistic works among others, what appears to be lacking is a strong legal and institution framework for protection, preservation and promotion of diverse culture in Nigeria.

Although, efforts have been made in the past for the purpose of preserving and promoting these cultural heritages through the enactment of laws and establishment of institutions, it appears that in the recent times, documentation of these cultures is of great challenge. Museums and monuments centre in Nigeria are not adequately equipped to function. These gaps have paved ways for some cultures to be on the list of endangered species. The result of the above is the loss in value of the core standard of behaviour through hard work, love, patriotism, honesty, respect for sanity of life and property. The result is the multiplier effects of delinquencies on the youths, brutality, shortcuts to acquisition of wealth, nasty living, political praise singing,

money identity among others. Violate crimes such as assassination, banditry, unknown gunmen attacks, kidnapping, burning of public facilities are not part of Nigerian culture but today it has become the order of the day. Rude acquisition of power and wealth become honour. Yahoo gangs operate at ease for quick wealth syndrome. Poverty becomes celebrity while hunger acquires the status of the commander in chief of our fatherland. Abundant natural resources bequeathed on Nigeria have become sources of sorrow to many Nigerians. Petroleum products sudden become foreign materials to many families. Nigeria, what is wrong with our cultural development that fastened the shoes of the youths on mile race to foreign land instead of their mother earth?

There is no gainsaying the facts that a generation that fails to know when rain started beating her may find it difficult to know when the rain beating will stop. Modernization is good but the core value of people should not erode in the pretence of modernization. It is therefore the thesis of this paper that if Nigeria can treasure her cultural heritages, a lot of lessons will be drawn from it by the youths and the sanity hitherto attached to lives and properties may take its rightful place.

6. Conclusion

The paper attempted to address the burning issue of whether the right to cultural development is in the realm of reality or myth in Nigeria. The paper took a hard and tortuous journey of navigating through the international and national legal and institutional framework on cultural right in Nigeria. The paper later pinched its tent on the provisions of African Charter on Human and Peoples Rights (Ratification and Enforcement) Act in juxtaposition with the provisions of the Constitution of the Federal Republic of Nigeria 1999 (as amended). The end products appeared not palatable since the provisions of African Charter on Human and Peoples Rights (Ratification and Enforcement) Act is subordinate to the provisions of the Constitution of the Federal Republic of Nigeria 1999 (as amended) and by the chain of command of Nigerian laws, the Constitution remains the *grundnorm* and strikes down any other law or provision of a law inconsistent with its provisions.

It is on the basis of the above that this paper recommends for the inclusion of the right to cultural development under the fundamental human rights provisions in Nigeria and therefore expressly making it justiciable. This can only be possible if the Constitution of the Federal Republic of Nigeria 1999 (as amended) will be further amended to that effect. Although there is no doubt that Nigeria has been taking steps to preserving, protecting and promoting her cultural heritage, the fact remains that culture is mostly practiced in villages and if nothing is done to encourage cultural development at the village and community levels, the story will be like climbing tree from the top. The only perfect time to search for a black goat is in the day. The antidote to Nigeria security situation at present is to rejuvenate the culture of hard work, honesty living, love, patriotism, respect for sanity of life and property among the youths. This will be facilitated if there is equity and justice in the distribution of political powers and wealth, concrete education and core family value system. It seems that Nigerians have forgotten where they come from, where they are and where they are going? It is safely concluded in this paper that right to cultural development is myth in Nigeria.