

HUMAN RIGHTS AND DUTIES IN NIGERIA: THE RULE OF LAW*

Abstract

Human Rights are ontological, inherent and intrinsic to all human beings in as much as they are human, irrespective of nationality, sex, ethnicity, origin, colour or any other status. These rights can be protected in a functional democratic setting that anchors its foundation in the rule of law. In democracy, the rule of law protects the rights of the individuals, preserves order, and limits the powers of the government. In Nigeria's democracy, the reverse seems to be the case as human rights are not respected. Extra judicial killings, unlawful detention and other series of human rights abuses are still prevalent in Nigeria today. To discuss the human rights in Nigerian democracy, this paper undertakes the following: Meaning of Human Rights, Historical Development of Human Rights, Good Governance, The Rule of Law, Human Rights and Nigerian Democracy, Fundamental Rights in Constitution of Federal Republic of Nigeria 1999 (as amended)¹.

1. Introduction

It was precisely on December 10, 1948 that the United Nations General Assembly adopted and made a proclamation on Universal Declaration on Human Rights. The Declaration centred on the ontological and inherent dignity, equality of the human person, inviolable and inalienable rights of all human family. Since human beings have moved from state of nature to an organized society, certain institutions are needed to secure and protect those inviolable and inalienable rights of the human person.

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¹ C.23, L.F.N 2004.

Among those institutions formulated by men, we take democracy as a system of government that allows people to express themselves and also revolves around people; if practiced well could ensure preservation of human rights.

Human kind has come a long way in the search of good governance and a wholesome political and socio-economic existence. Right from ancient times, tremendous efforts have been made towards fashioning governmental systems that would enhance the well-being of citizens.

The centrality of human rights in the scheme of things is self-evident. Any system of government that is not founded on the protection of civil liberties and the public good is, quite simply, untenable in today's realities. Politics is all about the people, improving their existential conditions and inspiring hope and confidence in them for a better tomorrow. Human Rights cannot be respected in a country where the rule of law is neglected. In fact, the rule of law is the bedrock of democracy. Rule of law means that everybody, no matter your position is under the law; meaning that the law is supreme. Not only is the law supreme, it is also its duty through the justice system and other government agencies to protect the rights and dignity of human person².

2. Conceptualizing Human Rights

The ontological essence of man demonstrates he is a being with value. The cognition of this intrinsic dignity and value shows imperative inalienable rights of human beings. Those inviolable rights are foundation for justice and peace in the world. If the rights are neglected

² JU, Ofoegbu, 'The Place of Human Rights in Nigeria's Democracy', *Ogirisi: A New Journal of African Studies*, Vol 10, 2013.

and disregarded, it will result to barbarous acts which are antithetical to the human conscience. The world in which human person shall express himself, enjoy freedom of speech, religion, freedom from fear, lack and want are the superlative dreams of the human family. Human rights then, are inviolable, inalienable basic rights which a human person possesses inherently simply because he or she is a human being. Human rights are perceived as universal, that is, it is for every person. These rights in national and international law could exist as natural or legal rights. It should be noted that what is meant by “Right” has generated lots of controversy and a subject of ongoing philosophical discourse. Rights as freedom from unlawful imprisonment, torture, and execution are regarded as belonging fundamentally to all persons. Human rights are basic rights and freedom that all people are entitled to regardless of nationality, sex, national or ethnic origin, race, religion, language, or other status. It includes civil and political rights, such as the right to life, liberty and freedom of expression and social, cultural and economic rights including the right to participate in election to work and receive education.

Fundamental human rights are attached to every human being by virtue of that very fact of being human. They are rights inherent in the essence of man³.

3. Historical Development of Human Rights

Human rights generally had to wait for donkey years to be recognized as general social need. It took the catalyst of World War II to propel human rights onto the global stage and into the global conscience.

³ I Oraegbunam. “A Jurisprudential Critique of Human Right Situation in Nigeria”, Nigerian Democracy and Global Democracy (ed) Ike odimegwu, 2007 world philosophy Day UNIZIK vol.

Documents asserting individual rights such as the *Magna Carta (1215)*, the *English Bill of Rights (1689)*, the *French Declaration on the Rights of man and citizen (1789)* and the *US constitution and Bill of Rights (1791)* are the written precursors to many of today's human rights documents. Yet many of these documents, when originally translated into policy, excluded women, people of colour, and members of certain social, religious, economic and political groups. Nevertheless, oppressed people throughout the world have drawn on the principles these documents express to support revolutions that assert the right to self-determination. Contemporary International human rights law and the establishment of the United Nations (UN) have important historical antecedents. Efforts in the 19th century to prohibit the slave trade and to limit the horrors of war are prime examples.

On December 10th, 1948, the General Assembly of the United Nations adopted and proclaimed the Universal declaration of Human Rights whereas recognition of the inherent dignity and of the equal inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want have been proclaimed as the highest aspiration of the common people⁴.

4. Good Governance

The phrase “good governance” lacks precise definition. Good governance is pre-requisite to nation building and national development.

⁴ United Nations, “The Universal Declaration of Human Rights”, www.un.org/en/documents/udhr

It is ruling the people well within the tenets of the Constitution and other enabling legislations⁵.

In the present civilian rule in Nigeria, some people see good governance as being “democracy dividend”. But is “good governance” synonymous with “democracy dividend” or “dividend of democracy”? This is because “democracy dividend” has permeated through Nigeria's political lexicon and has become a permanent feature in the country's political arena.

The term “democracy dividend” itself, lacks any definition with a mathematical exactitude. Does it mean material benefits accruable from adopting democracy as a means of governance? This is because in the Nigerian political arena, when political actors and power gladiators speak about democracy dividend, they probably refer to different things depending on their respective political camps or platforms. Sometimes, the term is referred to when elected political office holders lay claims to provisions of basic public utilities like portable water, electricity, roads, and health care facilities, construction of buildings for schools and supplies of books/stationeries to schools.

Other persons see dividend of democracy as when elected political office holders reward their “political thugs” with motorcycles, bicycles, sewing machines, pasta-making machines, etc. in the name of economic empowerment⁶.

⁵ IT, Akomolede & O.B Akomolede (Mrs), 'Good Governance, Rule of Law and Constitutionalism in Nigeria', European Journal of Business and Social Sciences, Vol. 1, No. 6, pp 69-85, September 2012, ISSN:2235-767X.

⁶ *Ibid*

However, although the meaning of “good governance” may be imprecise, yet its attributes are distinguishable in the sense that it is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimized, the views of minorities are taken into account and that the wills of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society⁷.

4.1 Ingredients of Good Governance

4.1.1 Citizen's Participation in Governance

The quality of democracy and good governance is a function of the depth of the citizen's participation. The citizens must be provided with easy access to make inputs into the policies and law making process of the government. In the wordings of the Constitution, sovereignty belongs to the people and that the participation by the people in their government is to be ensured⁸.

4.1.2 Abolishment of Corruption

Corruption poses a major challenge to the entronement of good governance in Nigeria's democracy. Interestingly, one of the reasons often advanced by military coup-plotters for disrupting civilian rule administrations in Nigeria has centred on corruption of political office holders right from January 1966 through December 1983. Till date corruption and abuse of office by our political office holders still continues unabated.

⁷ *Ibid.*

⁸ Section 14 (2) (a) and (c) of the 1999 Constitution. Unfortunately, this Section has been rendered unjusticeable by the provision of Section 6 (6) (c) as it falls within the non-justiciable sacred provisions of the Fundamental Objectives and Directive Principles of State Policy set out in Chapter 11 of the 1999 Constitution.

The various corruption charges filed by Economic and Financial Crimes Commission (EFCC), Independent Corrupt Practices and other Related Offences Commission (ICPC) or Code of Conduct Bureau in various courts/tribunals against former State Governors and political office holders testify to the fact that corruption is a serious threat to good governance in Nigeria. *In Ultimate Inv. Ltd. V Castle & Cubicles Ltd*⁹ the court held thus:

“...it is important to mention that this is a time when the Nigerian nation is fighting the difficult battle against corruption in all its ramifications. All hands should be on deck to eliminate or eradicate the social ill. Corruption or corrupt practices, if not checked, threaten the peace, order and good government”.

In *Ladoja v. FRN & Anor*¹⁰, the court held on the purpose of Anti-corruption legislation thus:

“Anti-corruption legislation is always construed to ensure that society is adequately protected against the canker worm of corruption with its attendant destructive effect on the body polity of society. See *Alhaji Sani Dododo v. EFCC & Ors* (2013) INWLR (pt. 1336) 468 at 511 per Nwodo JCA as follows:

The EFCC Act and ICPC Act are enactments toward achieving the goal of abolishing corruption. The

⁹ (2008) ALL FWLR (pt. 417) 124 at 132

¹⁰ (2014) LPELR -22432CA

drive to abolish corruption practices by established enactments and statutory provisions must not be extinguished in construction of the statutes. The intendment of the legislation must be conveyed and its provisions complied too..." per Ikyogh JCA (Pp 46-47 pras A-A)

4.1.3 Accountability

The primary requirement for ensuring citizen's demand for accountability in Nigeria under a democratic rule is the sanctity of the citizens' votes. It is through the use of their votes to reward or sanction rulers at periodic elections that citizens become assured of their power to call their political rulers to accounts. In the absence of fulfilling this pre-condition, accountability of the leaders are bound to fail or at best, would be of insignificant effect.

Secondly, service delivery which is the primary function of government is another yardstick for measuring the extent to which a government is accountable to its citizenry.

Thirdly, at the centre of the critical importance of accountability and service delivery connection is the budget. Both the internal accountability measures within the executive and the external accountability efforts of the legislature must be put in place to ensure that the budgetary allocation are spent on the purposes intended¹¹. In *A-G Lagos State v Eko Hotels*¹², the court held on the need for government officials to enthrone accountability and not to compromise the rule of law.

¹¹ IT, Akomolede & OB, Akomolede (Mrs), *Op cit.*

¹² (2006) 7 SC (pt. 111) 46 at 84

4.1.4 Transparency

Transparency denotes openness in the management of the affairs of the country from those entrusted with governance. It is a complement of accountability. On December 22, 2008, while speaking at the investiture of national honours on some prominent Nigerians, Late President Umaru Yar'Adua was quoted as saying:

Our administration is driven by unyielding convictions that we can only achieve our vision of an industrialized, stable, peaceful and secured Nigeria if our quest is rooted in rightly channelling and maximizing the phenomenal creative and productive potentials of our people and the enthronement of absolute respect for the rule of law, transparency, accountability and personal integrity in the conduct of governance business.¹³

4.1.5 Separation of Powers

The first modern articulation of the doctrine of separation of powers is traceable to Baron de Montesquieu in his book, *The Spirit of Laws*. John Locke¹⁴ had earlier advanced the contention that there should be a distinction between the King-in-Council and the King-in-Parliament. According to him, the King representing the executive should be separated from the parliament. Parliament should be the seat of the legislature¹⁵.

¹³ *Ibid.*

¹⁴ *Second Treatise on Civil Government.*

¹⁵ Crabbe, 'The Doctrine of the Separation of Powers and the Purposive Approach to the Interpretation of Legislation' (Nigerian Institute of Advanced Legal Studies: 2000) p. 3.

However, Montesquieu was concerned with the liberty of the citizen. He reasoned that there was liberty under the British Constitution because the constitutional arrangement made provision for three departments of government, namely, the executive, the legislature and the judiciary. Accordingly, Montesquieu added the third arm – the Judiciary to John Locke's earlier two arms of government¹⁶.

The 1999 Constitution of the Federal Republic of Nigeria recognizes the doctrine of separation of powers. The principle of separation of powers under the 1999 Constitution is meant to guarantee good governance and development and to prevent abuse of power¹⁷. A watertight separation of powers is not practicable. What the whole idea means is that neither the executive nor the legislature should exercise the whole governmental powers,¹⁸ but does not preclude influence or control over the acts of each other.

In *Oladapo v State*¹⁹, the court held that the principle behind the concept of separation of powers is that none of the three arms of government under the constitution should encroach into the powers of the other. See *A-G Abia V. A-g Fed*²⁰ and *Amadi v NNPC*²¹.

5. The Rule of Law

The concept of the rule of law is one of the prominent and important constitutional concepts. It is a fundamental principle accepted as a standard not only for judging the performance of government, but also

¹⁶ *Ibid*, p.4.

¹⁷ *Inakoju v. Adeleke* (2007) All FWLR (Pt 353) 3 at p. 146.

¹⁸ *In A.G. Abia State v. A.G. Fed* (2003) FWLR (pt. 152) 131 at p. 158, the Supreme Court pointed out the principle behind the concept of separation of powers is that none of the three arms of government under the Constitution should encroach into the powers of the other.

¹⁹ (2013) LPELR – 22092 CA

²⁰ (2003) 4 NWLR (pt. 809) 124

²¹ (2000) 6 SC (pt. 1) 66 at 94-95

for determining which is beneficial or destructive to humanity. This concept is the bedrock of our system of justice. Being the bedrock of our system of justice, it is of great importance, so as to justify the legal order and legitimize the system of a given society.

The rule of law collectively symbolizes the most important features of democratic governance such as government of the people, by the people and for the people; separation of power and checks and balances; representative democracy and substantive limits of governmental actions against the individuals (the protection of human freedom and dignity); limited government; and the review by an independent judiciary as a central mechanism for constitutional enforcement²². Hence, the rule of law is a hydra-headed concept that encapsulates very many issues in law, the polity and society. It is a nebulous concept whose meaning and content vary from place to place²³. The doctrine of the rule of Law in Nigeria is encapsulated in the case of *The Military Governor of Lagos State & Ors v. Ojukwu & Anor*²⁴ where the court held thus:

“The Nigerian Constitution is founded on the Rule of Law the primary meaning of which is that everything must be done according to law. It means also that government should be conducted within the frame work of recognized rules and principles which restrict discretionary power which coke colourfully

²² SO, Ogerie, 'Fashioning the Constitution of Federal Democratic System', Pitman Publishing Co., Nigeria, 2002, p. 45.

²³ A. Ojo, 'Constitutional Law and Military Rule in Nigeria', Evans Bros., Ibadan, 1987, p. 239.

²⁴ (1986) ALL N.L.R. 233

spoke of as golden and straight met wand of law as opposed to the uncertain and crooked of discretion...” per Obaseki JSC (pp 21-22, paras C-A

5.1 Meaning of the Rule of Law

The rule of law being a constitutional concept remains the cornerstone of governance in any given polity. It means that everything must be done according to the law. This implies that both the government and the governed must always justify their actions in law. And that government should be conducted within the framework of recognized rules and principles which restrict discretionary power. Government business should be done to avoid dictatorial tendencies, because if discretionary powers are allowed, those in government would use such to the detriment of the less privileged members of the society. To Oputa JSC (as he then was) in *Kalu v. State*²⁵, Rule of Law should be one and the same even handed justice, blind to all social distinction and disparities in wealth and status and no respecter of person”. In *Godwin Josiah v. State*²⁶, the court held that the rule of Law denotes absolute supremacy or predominance of law. This under the constitution is the supreme law from which all other laws derive their validity.

However, it is worthy of note that for the rule of law to be supreme, the people whose conduct and affairs are regulated by such law must have participated in the making of that law either directly or through their freely and democratically chosen representative where people have input in the making of the laws with which they are governed; like in the

²⁵ (1987) 1 NWLR (pt. 90) 503 at p. 561

²⁶ (1985) 1 NWLR (pt. 1) 125 at p. 141

constitutional democracy of Nigeria, where the preamble of the 1999 Constitution reads thus: “We, the people of the Federal Republic of Nigeria ... do hereby make, enact and give to ourselves the following Constitution.” Otherwise such law will not be regarded and respected as supreme²⁷.

However, there are some instances where the Rule of Law has been breached, one in the field of human rights violation, and the other in governance.

6. Human Rights and Nigerian Democracy

Adherence to the concepts of human rights and democracy had since been recognized as a veritable means of achieving peace, stability and development in the world. At present, efforts are being intensified by various individuals, regional and international organizations as well as governmental bodies to internationalize and globalize the campaigns for promotion of human rights and democracy with a view to eradicating all forms of oppressive regimes in all human societies²⁸. The questions that are begging for answers are: Is human rights respected in Nigeria? Does the justice system have the will to treat the issues of human rights without fear or favour? Does Nigeria have the institutional framework to tackle and grapple with human rights abuses? Does the Nigerian government know what human rights are and tenets of democracy?

The Nigerian government(s) know in principle what human rights and democracy are all about, bust in practice, it is far from their dictionary.

²⁷ MO, Nwogu, 'The Rule of Law in Governance in Nigeria', 2010 JILJ, pp. 185-201.

²⁸ AA. Idowu “Human Rights, Democracy and Development: the Nigerian Experience”, http://www.eurojournals.Com/rjis_8_03.

The 1999 Constitution was explicit on the fundamental human rights of her people but those in governance still close their eyes on the constitutional provisions of the rights of the people. Almost all the institutions of government saddled to promote and protect human rights and dignity have relatively failed if not totally.

To give credence to the above; Ojo says, “in virtually all political systems, there are a number of institutional mechanisms put in place either formally or informally to safeguard the inalienable rights of man. The issue is that the strength and efficacy of their safeguards differs from state to state²⁹.

The most significant human rights problems in Nigeria are extra-judicial killings and use of excessive force by security forces, impunity for abuses by security forces, arbitrary arrests, prolonged pre-trial detention, judicial corruption, and executive lawlessness and influence on the judicial system.

Joint Pastoral Letter delineates:

Unfortunately, in Nigeria, our democracy is ailing and some sectors of the institutions that ought to protect our democracy – the executive, the legislature, the judiciary, and the press are not doing enough for the people, and are not yet always at the service of our God-given freedom³⁰.

²⁹ EO, Ojo “Human Rights and Sustainable Democracy in Nigeria 1999-2003” J. Soc. Sci, kamlaraj 2006.

³⁰ CBCN. Growing a New Nigeria, Joint Pastoral Letter of Catholic Bishops' Conference of Nigeria On the 50th Anniversary of Nigeria's Political Independence, Abuja: Catholic Secretariat of Nigeria. p.26.

The 1999 Constitution of the Federal Republic of Nigeria mentioned in Section 1 (1): “The Constitution is supreme and its provisions shall have binding force on all authorities and persons throughout the Federal Republic of Nigeria”. The Federal institutions whose work it is to respect human rights seem to forget the above constitutional provision.

The fact that since citizens are the most distinctive elements in democracy, their fundamental rights must be guaranteed and protected before they can be in a position to render their human resources for effective democratization and overall development of their nation. In other words, promotion of human rights is primarily fundamental to the emancipation of an enduring democracy and national growth³¹. The Nigerian courts have been called upon to be more proactive in Human rights cases and not shirk their responsibility thereto. In *Ukaobasi v. Ezimora & Ors*³², the court held thus:

“The entrenchment of Fundamental Rights and the mode of enforcing its breach in the Nigerian constitution over the years, undoubted underscores its importance and the need to zealously protect the sanctity of human life. Therefore, the courts do not usually shirk their responsibility in ensuring that the human rights of the individual is not compromised and on no account should such a right be swept under the carpet or taken away by any person or government under any guise...” per Yakubu J.C.A (pp. 28-30, paras B-A)

³¹ *Idowu, Op cit.*

³² (2016) LPELR 40174 (CA)

7. Fundamental Rights in 2011 Nigerian Constitution (As Amended)

Below are the fundamental rights as enshrined in the constitution:

7.1 Right to Life

2011 Constitution as amended states in its Section 33 (1) that every person has a right to life and no one shall be deprived intentionally of his life save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.

7.2 Right to Dignity of Human Person

Section 34 (1) provides that every individual is entitled to respect for the dignity of person, and accordingly, in paragraph A, no person shall be subjected to torture or to inhuman or degrading treatment. In paragraph B., no person shall be held in slavery or servitude. While in C, no person shall be required to perform, forced or compulsory labour.

7.3 Right to Personal Liberty

Section 35 (1) states that every person shall be entitled to his respect liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law.

7.4 Right to Private Life

Section 35 (1) states that in the determination of civil rights and obligations including any question or determination by or against any government or author a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to cure its independence and impartiality.

7.5 Right to Private and Family Life

Section 37 states that the privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected.

7.6 Right to Freedom of Thought, Conscience and Religion

Section 38 (1) states that every person be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and the public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance.

7.7 Right to Freedom of Expression and the Press

Section 39 (1) states that every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas, information without interference.

7.8 Right to Peaceful Assembly and Association

Section 40 states that every person shall be entitled to assemble freely and associated with other persons, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interests.

7.9 Right to Freedom of Movement

Section 41 (1) states that every citizen of Nigeria is entitled to move freely throughout Nigeria and to reside in any part thereof, and no citizen of Nigeria shall be expelled from Nigeria or refused entry thereto or exit therefrom.

7.10 Right to Freedom from Discrimination

Section 42 (1) states that a citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person-(paragraph a) be subjected either expressly by, or in the practical application any law in force in Nigeria or any executive or administrative the government, to disabilities or restrictions to which citizens of other communities, ethnic group, places of origin, sex, religious political opinions are not made subject.

7.11 Right to Acquire and Own Immovable Property Anywhere in Nigeria

Section 43 – Subject to the provisions of this constitution, every citizen of Nigeria shall have the right to acquire and own immovable property anywhere in Nigeria³³.

All these rights have their restrictions or duties attached to them. In the defence of public interest, some of the rights may be denied. The right to alter some of these rights resides in the court. To buttress this point, Section 45 (1) provides that nothing in Sections 37, 38, 39, 40 and 41 of this Constitution shall invalidate any law that is reasonably justifiable in a democratic society. Paragraph A, added thus: in the interest of defence, public safety, public morality or public health; or (b) for the purpose of protecting the rights and freedom of other persons. These are the conditions under which rights could be denied.

All these rights discussed above have been amplified and protected by our courts. In *Ezeugo v. State*, the court held thus:

“Under the 1999 constitution, every person has the right to life, a right to dignity, a right to personal liberty, a right to fair hearing; a right to private and family life, a right to freedom of thought; conscience and religion et al. See Section 33-43 of the 1999 Constitution as amended. These are everlasting fundamental inalienable rights to which every citizen in this country is entitled” per Saulawa, J.C.A. (p 116, paras D-F. See also *Agbeniga v Adejimiroyi*

³³ Chapter IV, C.F.R.N, 1999 (as amended), C.23, L.F.N. 2004.

8. Conclusion

Democracy, as system of government, from our excursus, has shown if practiced well could guarantee respect for human dignity and rights. It can also promote rule of law. Rule of law means equality of every person before the law and that the law is supreme. Neglect to rule of law which is the bedrock of democracy will definitely lead to abuse of human rights.

The Nigerian Constitution outlined in its provisions fundamental human rights and the United Nations in 1948, in her Universal Declaration of Human Rights itemized those rights of human. The problem is not that the leaders do not know about the law, it is the problem of implementation. For any development to take place government should find a way to marry democracy, rule of law and human rights. The rule of law is the most important feature of good governance in the polity. It preserves the jurisdiction of the Courts and promotes checks and balances of governmental powers. Adherence to the rule of law is seen more in democratic system of government than in the military dispensation.

The inherent rights and liberty of citizens as a constitutive work-force and human capital of the nation must of necessity be adequately protected and guaranteed before democracy and development can be realized. For democracy to flourish, the human rights of individuals must be protected. Institutions of government saddled with the promotion of these rights must be functional and pro-active in maintaining and safeguarding of these basic rights.

In respect of the foregoing, the admonition of His Lordship, Aderemi JCA (As he then was) in *A.G. Federation v. G.O.K. Ajayi*³⁴ is instructive, he said as follows:

³⁴ (2000) 12 NWLR (Pt. 682) 509.

One important way to encourage respect for the rule of law is to show those whose behaviour it regulates that the law is made by those whom it binds not by a remote group whose attitude and ideals are foreign to those of the ordinary people. Even in the animal kingdom, there is still some decorum; there is still some decency. Strong and wild animals will not pounce on another animal the way the S.S.S. men did to the cross-appellant like an Indian-rubber ball will pounce on the floor. Such brazen recklessness that went with the seizure of the plaintiff's passport at the time it happened, I would like to believe, would not be displayed in the thick jungle. I only hope that such characters who revel in the brazen display of executive lawlessness will never rear their heads in this country again.

9. Recommendations

- Strengthening of government institutions and agencies responsible for safeguarding and promotion of human rights should be unavoidable.
- Leaders should be knowledgeable, sensitive and pro-active to the issue of human rights. Knowledge ability can relatively guarantee citizen-oriented policy.
- The Nigerian Government should make policies that ensure the respect for human dignity.
- Every obstacle to educational, economic and cultural development must be removed and Universal Basic Education must be encouraged by all levels of government.

- The Nigerian Government should ensure that human rights as contained in the international instruments to which they are signatories to should be observed and respected.