



Redeemer's University Nigeria, Journal of Jurisprudence & International Law (RUNJJIL) Volume 2 2022

Appraisal of the Interrelatedness of Social and Economic Rights with Right to Dignity of Human Person in Nigeria

Igwe Onyebuchi Igwe, PhD

Faculty of Law, Nnamdi Azikiwe University, Awka, Nigeria

Email: igwelaw2010@gmail.com

Tel: +1237038846290

Abstract

Prior to the adoption of the International Covenant on Civil and Political Rights by the United Nations Organisation, Nigeria had entrenched the fundamental rights provisions in Chapter 3 of her Independence Constitution of 1960 and, subsequently, the Republican Constitution of 1963. The measure was taken in order to allay the fears that gripped the minorities while Nigeria arranged for self-rule. However, for over 61 years of Nigerian Independence, Nigerians have remained in constant battle on how to appreciate fundamental rights provisions under the Constitution in the absence of justiciability of social and economic rights under Nigerian law. This paper aims to appraise the interrelatedness of social and economic rights with the right to dignity of the human person in Nigeria. The paper commenced by reviewing the relevant provisions of law that provide for social and economic rights vis-à-vis the right to dignity of human person. The paper adopted a doctrinal research method. It was discovered that the non-justiciability of social and economic rights under Nigerian law has played an anti-clock role in realizing the right to dignity of the human person in Nigeria. Based on the foregoing, recommendations were made to wit: legislative pro-activeness and judicial activism on matters of social and economic rights of Nigerians.

Keywords: Dignity, Economic, Human Person, Interrelatedness, Right, Social



Copyright: © 2022
This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY 4.0) license (<https://creativecommons.org/licenses/by/4.0/>)

1.0 Introduction

‘The journey for the recognition of inalienable rights of man has been a torturous experience.’¹ Historically, the widespread inhuman treatment of people during the Second World War² paved the way for the global agitation for the recognition and respect for human rights. By the conclusion of the 2nd World War on 8th May 1945³, the Charter of the United Nations was signed on 25th June 1945.⁴ Article 55 (c) of the Charter of the United Nations provides for the global recognition of individual rights and liberty devoid of discrimination. Efforts to implement the provision of Article 55 (c) of the Charter of the United Nations led to the Universal Declaration of Human Rights in 1948.⁵ This was followed by the introduction of the International Bill of Rights.⁶ The end product commenced the proliferation of regional instruments to protect human rights.⁷ Under the United Nations arrangement, ‘civil and political rights are indispensable for human dignity and free development of personality while economic, social and cultural rights are to be realised through national effort and international co-operation. The extent of the realisation of these rights depends on the resources of each state.’⁸ The above may have been the basis why the Constitution of many states made distinct provisions for civil and political rights as well as economic and social rights.

In Nigeria, civil and political rights are termed fundamental rights⁹ under the Constitution of the Federal Republic of Nigeria 1999 (as amended), while economic, social, and cultural rights are among the items termed Fundamental Objectives and Directive Principles of State Policy¹⁰ under the Nigerian Constitution. Among the rights that fall under fundamental rights

¹ I.O Igwe, *Prisoners’ Rights in Nigeria: Challenges and Remedies*, (Enugu: Ecce Homes and Pioneers Nig. Ltd, 2017). P. 79.

² The Second World War was from 1938-1945.

³ National Museum, ‘The End of World War II 1945’ <https://www.nationalww2museum.org> accessed on Monday, 13th September, 2021.

⁴ The United Nations Charter was signed by 45 Member States present at the Conference of San Francisco California, USA on the 25th June, 1945.

⁵ The United Nations General Assembly Resolution 217 A (III) of 10th December, 1948.

⁶ The International Bill of Rights was adopted by the United Nations General Assembly on 16th December, 1966. They are the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

⁷ Among the regional instruments on human rights are African Charter on Human and Peoples’ Rights, European Convention on Human Rights 1950, Inter-American Convention on Human Rights.

⁸ I.O Igwe, *Prisoners’ Rights in Nigeria: Challenges and Remedies*, (Enugu: Ecce Homes and Pioneers Nig. Ltd, 2017). P.58.

⁹ Fundamental Rights are provided in Chapter four of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

¹⁰ Fundamental Objectives and Directive Principles of State Policy are provided in Chapter two of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

in the Nigerian Constitution is the right of dignity of human person.¹¹ This right is enforceable under the Nigerian Constitution, while economic and social objectives¹² are aspirations to attain when the economy improves and therefore not enforceable. This paper is set to appraise the interrelatedness of social and economic rights with the right to dignity of human persons in Nigeria. For this purpose, the paper shall do a conceptual underpinning of the key words in the topic under discourse to wit: right, social and economic rights, right to dignity of human person, the interrelatedness of social and economic rights with the right to dignity of human person among others. The paper shall draw a conclusion and make recommendations for the purpose of straightening the enforcement of the right to dignity of human person in Nigeria.

2. Right

In *Black's Law Dictionary*, right means 'that which is proper under the law, morality, or ethics.'¹³ It is 'something that is due to a person by just claim, legal guarantee, or moral principle.'¹⁴ *Osborn's Concise Law Dictionary*¹⁵ explains that right is an interest recognised and protected by the law for which reverence of same is a responsibility and non-veneration of same is a wrongdoing. Curzon argues that right is 'that to which a person has just claimed.'¹⁶ Okpara argues that the word 'right' originated from the Latin word *rectus*, which represents that which is accurate, directly, and not twisted.¹⁷ 'It is that to which a person has a just and valid claim, whether it be land, a thing, or the privilege of doing something or saying something.'¹⁸ Oputa postulated thus:

A right in its most general sense is either the liberty (protected by law) of acting or abstaining from acting in a certain manner, or the power (enforced by law) of compelling a specific person to do or abstain from doing a particular thing. A legal right is thus the capacity residing in one man of controlling with the assent and assistance of the state, the action of others. It follows then that every right involves a person invested with the right or the person entitled; a person or persons on whom that right imposes a correlative duty or obligation, an act of

¹¹ Constitution of the Federal Republic of Nigeria 1999 (as amended), Section 34.

¹² Constitution of the Federal Republic of Nigeria 1999 (as amended), Sections 16 and 17.

¹³BA Garner, *Black's Law Dictionary* (8th Ed, USA: Thomson West Publishing Co., 2004) p.1347.

¹⁴ *Ibid.*

¹⁵L Rutherford, et al, *Osborn's Concise Dictionary* (8th Ed, London: sweet & Maxwell, 1993) p.293.

¹⁶ L B Curzon, *Dictionary of Law* (5th Ed, Great Britain, Redwood Books, 1998) p.330.

¹⁷ O Okpara, *Human Rights Law & Practice in Nigeria Vol.1* (Enugu: Chenglo Ltd, 2005) p.36.

¹⁸ ON Ogbu, *Human Rights Law and Practice in Nigeria Vol. 1* (2nd revised edn, Enugu: Snapp Press Nigeria Ltd, 2013) p.1.

forbearance which is the subject matter of the right; and in some cases an object, that is a person or thing to which the right has reference, as in the case of ownership. A right therefore is in general, a well-founded claim, and when a given claim is recognised by the civil law, it becomes an acknowledged claim or legal right enforceable by the power of the state.¹⁹

In *Afolayan v Ogunride & Ors*²⁰ the court held that a right is an interest recognised and protected by the law. In *Uwaifo v A G Bendel State*²¹, the court held that a legal right is any benefit bestowed on a person by law. Right can be attributed to many things but in the context of this paper, right is attributed to a human being. This paper aims to appraise the interrelatedness between socio-economic rights and the right to dignity of human person.

3. Social and Economic Rights

In line with Black's Law Dictionary definition, economic right is 'A legal interest and power that concerns a financial benefit from a work as distinguished from a moral interest that a creator has in a creation.'²² From the Black's Law Dictionary definition, it is germane to note that economic rights must flow from a work done; in a country like Nigeria, where about 23.2 million people²³ are unemployed, it has become obvious that the realisation of economic rights of the majority of Nigeria appears to the last on the priority list of the government. According to the National Bureau of Statistics, 'One in three Nigerians able and willing to work had no jobs in the fourth quarter of 2020.'²⁴ Premium Times also noted that 'the federal government in its Economic Sustainability Plan had predicted that the unemployment rate would rise to 33.6 per cent at the end of 2020 if urgent steps were not taken.'²⁵ The above situation is precarious and has contributed to the menace of insecurity in Nigeria. In an actual sense, the statistics presented above will be high if it is further subjected to empirical review even though it is not the purpose of this paper.

¹⁹ CA Oputa, 'Human Rights in the Political and Legal Culture of Nigeria', 2nd Idigbe Memorial Lectures (Lagos: Nigerian Law Publications Ltd, 1989) pp.38-39.

²⁰ [1990] 1 NWLR (pt 127) 369 at 391.

²¹ [1982] 7 S C 124 at 127.

²² B.A Garner, Black's Law Dictionary, op cit, p. 590.

²³ A. Adegboyega, 'Nigeria's Unemployment Rate Rises to 33.3%- Highest in Over.' Premium Times 16th March, 2021 www.premiumtimes.com accessed on Thursday, 9th September, 2021.

²⁴ Ibid.

²⁵ Ibid.

According to the Council of Europe, social rights are ‘human rights with all their characteristics.’²⁶ By the Council of Europe recommendation of 2015;

Social rights are moral, legal or societal rules and an understanding of what is necessary to fulfill people’s social needs and to promote social inclusion and social solidarity. Social rights concern how people live and work together and the basic necessities of life. They are based on the ideas of equality and guaranteed access to essential social and economic goods, services, and equal opportunities.²⁷

Social rights are the rights of people to achieve their basic human needs.²⁸ Therefore, social and economic rights are equal opportunities guaranteed by law to citizens to work to maintain a standard of living adjudged to be reasonable in the contemporary economic situation of a given society. Social and economic rights are the foundation of the existence of other rights. In practice, none of the fundamental rights can survive in isolation of social and economic rights. Article 11 of the International Covenant on Economic, Social and Cultural Rights provides for the right to food, water, accommodation, and clothing.²⁹ The Economic and Social Council of the United Nations interpreted the right to food to mean ‘the availability of food in a quantity and quality adequate to satisfy the dieting needs of individuals, free from adverse substances and acceptable within a given culture.’³⁰ Right to shelter requires that a decent shelter with adequate space, lighting, ventilation, and adequate basic infrastructural facilities should be made affordable for the citizens.³¹ Right to clothing requires the availability of decent clothes that command honour and respect for individuals.

Chapter two of the Nigerian Constitution provides for economic and social objectives, among others.³² For this purpose, Section 16(1) (a) (b) (2) (d) of the Nigerian Constitution provides:

²⁶ Council of Europe, ‘Enter! Access to Social Rights for Young People’ <https://www.coe.int> accessed on Thursday, 9th September, 2021.

²⁷ Ibid.

²⁸ D. Landau, ‘Social Rights- Oxford Constitutional Law’ <https://oxcon.ouplaw.com> accessed on Thursday, 9th September, 2021.

²⁹ International Covenant on Economic, Social and Cultural Rights (ICESCR) is another important Covenant that form part of the International Bill of Rights. It was adopted by the United Nations General Assembly on 16th December, 1966 and came into force on 3rd January, 1976.

³⁰ UN Economic and Social Council, ‘CESCR General Comment 12 the Right to Adequate Food’, 12th December, 1999, Para. 8, <www.ohchr.org accessed on Thursday, 9th September, 2021>.

³¹ UN Economic and Social Council ‘CESCR General Comment 4: The Right to Adequate Housing’, 13th December, 1991, Para.7 <www.ohchr.org accessed on Thursday, 9th September, 2021>.

³² Under the Nigerian Constitution, social and economic objectives fall under Fundamental Objectives and Directive Principles of State Policy.

(1) The State shall, within the context of the ideals and objectives for which provisions are made in this Constitution-

(a) harness the resources of the nation and promote national prosperity and an efficient, a dynamic and self-reliant economy every citizen on the basis of social justice and equality of status and opportunity;

(b) control the national economy in such manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity.

(2)(d) The State shall direct its policy towards ensuring that suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, old age care and pensions, and unemployment, sick benefits and welfare of the disabled are provided for all citizens.

Section 17(1) (2) (a) (b) (c) of the Nigerian Constitution provides:

(1) The State social order is founded on ideals of Freedom, Equality and Justice.

(2) In furtherance of the social order-

(a) every citizen shall have equality of rights, obligations and opportunities before the law;

(b) the sanctity of the human person shall be recognised and human dignity shall be maintained and enhanced;

(c) governmental actions shall be humane.

A careful perusal through the heading of Chapter two of the Nigerian Constitution will unearth a clear distinction between what is provided in Chapter two of the Nigerian Constitution from the provision of Article 11 of the International Covenant on Economic, Social, and Cultural Rights. While Article 11 of the International Covenant on Economic, Social, and Cultural Rights provides for 'Economic and Social Rights,' Chapter two of the Nigerian Constitution provides for 'Fundamental Objectives.' The word 'objective' is antonymous with the word 'right.' 'Objective' is synonymous with 'target.' It is a thing aimed at. 'Something that one's efforts or actions are intended to attain or accomplish.'³³ It is a desire that a person or 'system aims to achieve within a time frame and with available

³³ Dictionary.com, 'Objective Definition & Meaning' <https://www.dictionary.com> accessed on Monday, 6th September, 2021.

resources.³⁴ Right³⁵, on the other hand, may mean entitlement. Accordingly, *Black's Law Dictionary* defines right to mean 'that which is proper under the law, morality, or ethics.'³⁶ It is 'something that is due to a person by just claim, legal guarantee, or moral principle.'³⁷ It is the entitlement that is backed up with legislation. Because of the use of the word 'objective' by the draftsmen of the Nigerian Constitution, it has placed the items listed in Chapter two of the Constitution under aspirations to attain progressively based on the availability of resources.

4. Rights to Dignity of Human Person

Dignity is honour or respect or nobility. *Blacks' Law Dictionary* defines it as 'The state of being noble; the state of being dignified.'³⁸ *The New Webster Dictionary of the English Language* defines dignity to mean the 'quality of commanding esteem.'³⁹ Article 1 of the Universal Declaration of Human Rights 1948 provides that 'All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.'⁴⁰

Chapter four of the Constitution of the Federal Republic of Nigeria 1999 (as amended)⁴¹ provides for civil and political rights, otherwise known as fundamental rights. For this purpose, the provisions of Chapter four of the Nigerian Constitution are justiciable and therefore enforceable. One of the enforceable rights under Chapter four of the Nigerian Constitution is the right to dignity of human person. By virtue of the above, Section 34(1) of the Nigerian Constitution provides that:

Every individual is entitled to respect for the dignity of his person, and accordingly-

- (a) No person shall be subjected to torture or to inhuman or degrading treatment;
- (b) No person shall be held in slavery or servitude.

³⁴ Market Business News, 'What is an Objective? Definition and Meaning' <<https://marketbusinessnews.com> accessed on Monday, 6th September, 2021>.

³⁵ Chapter four of the Nigerian Constitution provides for Fundamental Rights,

³⁶BA Garner, *Black's Law Dictionary*, op cit, p.1347.

³⁷ Ibid.

³⁸ Ibid, p.622.

³⁹ *The New Webster Dictionary of the English Language International Edition* (New York: Lexicon International Publishers Guild Group, 1972), p.266.

⁴⁰ the Universal Declaration of Human Rights was adopted and proclaimed on the 10th day of December, 1948 by the United Nations General Assembly through Resolution 217 A (III) of 10th December, 1948

⁴¹ Hereinafter refereed as the Nigerian Constitution.

In an attempt to realise the objective of the provisions of Chapter four of the Nigerian Constitution, Section 46(1)(2) provides that:

(1) Any person who alleges that any of the provisions of this Chapter has been, is being or likely to be contravened in any State in relation to him may apply to a High Court in that State for redress.

(2) Subject to the provisions of the Constitution, a High Court shall have original jurisdiction to hear and determine any application made to it in pursuance of the provisions of this section and may make such order, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing or securing the enforcement within that State of any right to which the person who makes the application may be entitled under this Chapter.

Unfortunately, the inroad to the realisation of the right to dignity of human person in Nigeria is rough. This is because; a man without shelter, food, or dresses in shabby cloth cannot command esteem. The respect that one commands flows from his economic and social stand. Unfortunately, economic and social rights are not provided under Nigerian Constitution. The draftsmen of the Nigerian Constitution failed to appreciate that social and economic rights are interconnected with fundamental rights. Enforcement of fundamental rights demands economic spending.

It is not in doubt that no Nigerian court will adjudicate on any fundamental right enforcement application if it is not filed correctly. Proper filing of the fundamental rights process includes payment of filing fees. Where a person whose right to dignity has been, is being, or is likely to be contravened has no resources to approach the court to challenge the purported infringement, the right to his personal dignity becomes worthless. The inseparable nature of economic and social rights to fundamental rights cannot be overemphasised. They are like two streams that flow in one river. Economic and social rights represent the gun, while fundamental rights represent a soldier; take away the gun from a soldier, he becomes powerless.

5. Interrelatedness of Social and Economic Rights with Right to Dignity

As earlier stated, Chapter four of the Nigerian Constitution provides for fundamental rights, including the right to dignity of the human person. In this vein, Chapter two of the Nigerian Constitution provides for fundamental objectives and directive principles of state policy, among which are economic and social objectives. It is evident from the provisions of Sections 16 and 17 of the Nigerian Constitution⁴² that the draftsmen of the Nigerian Constitution chose the words ‘economic objectives’ and ‘social objectives’ as against the ‘economic rights’ and ‘social rights’ used by the draftsmen of the International Covenant on Economic, Social and Cultural Rights.⁴³ This was done to place the above rights in the progressive domain. Consequently, the rights that ought to flow from the same are contemplated to be realised in the future. In another development, Section 6(6) (c) of the Nigerian Constitution provides that:

The judicial power vested in accordance with the foregoing provisions of this section shall not, except as otherwise provided by this Constitution, extend to any issue or question as to whether any act or omission by any authority or person or as to whether any law or any judicial decision is in conformity with the Fundamental Objectives and Directive Principles of State Policy set out in Chapter II of this Constitution.

The question remains, can the right to dignity of human person be meaningful to people who cannot afford the tripartite needs of life to *wit*, food, shelter, and cloth. These basic necessities of life ought not to be luxury; even God almighty knows their importance that was why Adam and Eve were created and housed in the Garden of Eden in an abundance of food.⁴⁴ It is submitted that all rights are interrelated and mutually coexisting. It is not in doubt that the right to dignity of human person is denied to people who live in shanties and slums. According to Yaconb J in *Government of South Africa v Grootboom & Anor*:⁴⁵

The proposition that rights are interrelated and are all equally important is not merely a theoretical postulate. The concept has immense human and practical significance in a society founded on human dignity, equality and freedom. It is

⁴² Sections 16 and 17 of the Nigerian Constitution provide for economic and social objectives.

⁴³ The International Covenant on Economic, Social and Cultural Rights (ICESCR) was adopted by the United Nations General Assembly on 16th December, 1966 and came into force on 3rd January, 1976.

⁴⁴ Genesis Chapter 2 verse 9-16. Holy Bible, King James Version (Lagos: Hilson Publishers and Distribution Ltd, nd) pp. 1-2.

⁴⁵ [2001]1 CHR 261 at 265.

fundamental to an evaluation of the reasonableness of state action that account be taken of the inherent dignity of human beings. The Constitution will be worth infinitely less than its paper if the reasonableness of state action concerned with housing is determined without regard to the fundamental constitutional value of human dignity.

The learned Judge held further that ‘A society must seek to ensure that the basic necessities of life are provided to all if it is to be a society based on human dignity.’⁴⁶ Our submission is that a society that values human beings will not hesitate to provide a legal framework that will ensure affordable basic human needs of life. In Nigeria, the economic system is being operated to promote the concentration of wealth or other means of production and exchange in the hands of a few individuals and groups.⁴⁷ The implication is promoting a class society where few are rich while the majority are impoverished. Even with a sustainable economic plan of the federal government, many Nigerians remain in poverty bondage because of the galloping nature of inflation on the one hand and inequality in the distribution of resources of the nation on the other hand.

The above postulation is an exaggeration because, according to World Bank stimulations, ‘The simple stimulations suggest that the share of Nigerians living below the national poverty line could have increased from 40.1 per cent (85 million) to 42.8 per cent (91 million) due to food price inflation witnessed between June 2020 and June 2021.’⁴⁸ The figure proposed by the World Bank may be higher if subjected to further empirical review.⁴⁹ A man who can hardly secure his daily meal cannot assert human dignity. He is always ready to do any menial job, no matter how degrading it would appear, provided that it would give him his daily meal. A man who dresses in tattered cloth has no dignity to protect. A man who lives under a leaking roof and hardly sleeps if it rains has no dignity to assert. It is obvious that the inability of the government of Nigeria to make economic and social rights justiciable has

⁴⁶ Ibid.

⁴⁷ The Constitution of the Federal Republic of Nigeria 1999 (as amended), Section 16 (2)(c) provides that ‘The state shall direct its policy towards ensuring that economic system is not operated in such a manner as to permit the concentration of wealth or the means of production and exchange in the hands of few individuals or a group.’

⁴⁸ S. Tunji, “Inflation may Push 91 Million Nigerians below Poverty Line-W’Bank”, the Punch 18th November, 2021, <https://punchng.com>. accessed on 19/11/2021.

⁴⁹ The author is proposing an empirical study in this regard.

dehumanised the majority of Nigerians. The right to dignity of human person cannot thrive in the absence of economic and social rights.

The United Nations Conference on Human Rights held in Vienna Austria in 1993 noted that:

All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis. While the significance of national and regional peculiarities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of states, regardless of their political, economic and cultural systems to promote and protect all human rights and fundamental freedoms.

International Covenant on Economic, Social and Cultural Rights provides that: ‘The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions.’⁵⁰ The United Nations Committee on Economic, Social and Cultural Rights, in paragraph 10 of general comment 3, 1990, noted:

On the basis of the extensive experience gained by the Committee, as well as by the body that preceded it, over a period of more than a decade of examining States parties’ reports the Committee is of the view that a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights is incumbent upon every State party. Thus, for example, a State party in which any significant number of individuals is deprived of essential foodstuff, of essential primary health care, of basic shelter and housing, or of the most basic forms of education is *prima facie*, failing to discharge its obligations under the Covenant. If the Covenant were to be read in such a way as not to establish such a minimum core obligations, it would be largely deprived of its *raison d’etre*.⁵¹

Nigeria ratified the International Covenant on Economic, Social, and Cultural Rights on 13th June 1985 but is yet to domesticate the same. Such an international treaty cannot have the

⁵⁰ International Covenant on Economic, Social and Cultural Rights, Article 11(1).

⁵¹ Office of the High Commissioner for Human Rights, ‘CESCR General Comment No. 3: The Nature of States Parties’ Obligations’ adopted at the Fifth Session of the Committee on Economic, Social and Cultural Rights on 14 December 1990 <<https://www.refworld.org> accessed on Tuesday, 14th September, 2021.

force of law in Nigeria until the same is domesticated through the Act of the National Assembly.⁵² The consequences of the failure of the Nigerian government to make economic and social rights justiciable is that majority of Nigerians are deprived of essential foodstuff, essential primary health care, basic shelter, and housing, or the most basic forms of education. With the above deprivation of the basic necessities of life to many Nigerians, the rights to dignity of human person become worthless.

6. Conclusion and Recommendations

What emerges from the discussion in this paper is that the right to dignity of human person in Nigeria will remain fable if the government does nothing to make economic and social rights justiciable. Right to dignity of human person is meaningless to persons who are deprived of essential foodstuff, health care, shelter, and basic education. A man who cannot access the basic needs of life cannot afford to embark on the voyage of litigation in the name of the enforcement of his fundamental rights to personal dignity. Therefore, this paper recommends that Nigeria should have a legal framework through which individuals can enforce their economic and social rights. This will be possible if the ongoing constitutional amendment before the National Assembly considers making economic and social rights justiciable. Again, the judiciary can step in by interpreting economic and social rights liberally if called upon to do so. Although it may be argued that the federal government of Nigeria has been taking steps to fulfil its obligations under International Covenant on Economic, Social, and Cultural Rights through social intervention and sustainable economic plan programmes,⁵³ the question is, has Nigeria adopted a legislative measure to ensure the sustainability of those intervention programmes? The answer is obviously no.

Nigeria should understand that ‘a hungry man is an angry man.’ This dictum may have gone along the way to exuberate how insecurity is moving on geometric progression in Nigeria. In the South-East, rampant sit-at-home order of the Indigenous People of Biafra and activities of unknown gunmen remained thorns in the flesh of her economy and the lives of the people living therein. In North-East, activities of Boko Haram have continued to impoverish the inhabitants. Banditry and kidnapping in North-West are a nightmare. Herdsmen/farmers' clashes in the North-Central and south-West remain pathetic. Militancy in the south-South is an age-long story. These could be due to the lack of enforcement of the economic, social, and

⁵²Constitution of the Federal Republic of Nigeria 1999 (as amended), Section 12.

⁵³ Such programmes include: operation feed the nations, river basin, green revolution, poverty alleviation, poverty eradication, sure-p, tradermoni, marketmoni among others

cultural rights, consequently leading to injustices, inequality, and partial circulation of the Nigerian resources among the few. The sanctity of the human person shall never be recognised in Nigeria, nor the dignity of human person be maintained and enhanced in the absence of enforceable legislation on economic and social rights. If Nigeria must remain relevant in the comity of nations, urgent steps should be taken to address the gap between the poor and the rich.

In *Government of South Africa v Grootboom & Anor*,⁵⁴ South African court held that affordable social and economic rights to all citizens enable them to enjoy the other rights under the constitution.⁵⁵ According to the South African court, ‘All the rights in the South African Bill of Rights are inter-related and mutually supporting. There can be no doubt that human dignity, freedom, and equality; the foundation values of our society, are denied to those who have no food, clothing, or shelter.’⁵⁶ Nigerian Courts must borrow a leaf from the South African Court and employ judicial activism in economic and social rights matters. In all, there is no need to postpone the evil day. Nigeria's population is increasing, and resources are shrinking. The earlier economic and social rights are made justiceable in Nigeria, the better for the country.

⁵⁴ *Supra*

⁵⁵ Other rights in the context of this paper include the right to dignity of human person.

⁵⁶ *Government of South Africa v Grootboom & Anor*, *supra*.