

Review

Crisis of governance and the violations of human rights: The Nigerian experience, 1999 to 2007

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This study draws attention to the crisis of governance which has bedevilled Nigeria since independence, and how this has facilitated the violation of the basic rights of the Nigerian people, under the Obasanjo-led civil administration from 1999 to 2007. It is demonstrated that all the regimes in post-colonial Nigeria have violated the rights of the people and that these violations took place on all spheres of people's lives during the period under study. It is also noted that from brutal physical violence against individuals, groups and communities, to hostile and inhuman socioeconomic and political policies, Obasanjo and his government clearly demonstrated their deep-seated aversion and contempt for the basic rights of Nigerians. We contend that these violations have tended to induce a high level of lack of accountability, responsibility, and transparency, among other virtues in the society, hence negate the practice of good governance concomitantly frustrates a stable socioeconomic, cultural and political environment conducive to both encouraging national integration and foreign direct investments in the country. We contend that the human rights of the people must be promoted and safeguarded with a view to instituting and enhancing good governance for the people of Nigeria.

Key words: Governance, good governance, human rights violation, democracy, crisis of governance

INTRODUCTION

This paper demonstrates that the crisis of governance does not only undermine quality of governance and the "dividends" of democracy presumably expected by all and sundry, but also impacts negatively on the practice of human rights in Nigeria. The crisis of governance has become so pervasive in the country since independence. For Akinola (2000), "poor governance has been the plight of Nigeria since the country attained political independence in 1960". Also, it has become pervasive because in the practical terms the various governments in Nigeria have tended to be non-transparent, irresponsible and non-accountable to those who supposedly elected them into office. Despite the yearnings of the people for good government, bad governments have over the years tended to remain with us.

There is a general consensus that the operators of the Nigerian state have abysmally failed to live up to the hopes and expectations which the Nigerian people expressed while supporting the struggle for political

independence. Nigerians had yearned, and hoped for among other expectations that, self-rule would engender good governance, furtherance of the fundamental rights and freedoms of the people, and a comprehensive socioeconomic and political transformation of the society. However, shortly after the departure of the British colonialists, the Nigerian rulers crassly demonstrated that the noble virtue of promoting the overall wellbeing of the Nigerian masses was not among the reasons for which they (the elites) had asked for political independence. Indeed, the quality of governance in Nigeria tended not only to steadily grind all efforts to achieve rapid socioeconomic and political development of the country, but also on several instances pose challenges to the peace, progress, unity and prosperity of the nation.

In this paper, we shall attempt to draw attention to the grossly inept leadership and crisis of governance which have plagued Nigeria, and argue how these have facilitated the violations of the basic rights of the Nigerian people. Our analysis is drawn from the experience of the Fourth Republic (1999 to 2007). This paper is therefore structured as follows; the introduction; the concepts of governance and human rights in their proper definitional

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perspectives; some lessons drawn from history on the violations of human rights in Nigeria; the phenomenon of bad governance, and how it stimulated the violation of human rights in Nigeria's Fourth Republic; conclusion.

GOVERNANCE, GOOD GOVERNANCE, AND HUMAN RIGHTS: A CONCEPTUAL DISCOURSE

It is important to define and clarify the key concepts and phrases employed in this paper. This is expected to show how they are to be understood, as Agi cited in Obo and Coker (2005: 113) has observed, among the difficulties which impede the study of any subject, that of language holds a leading place. According to him, words are relative in meaning: connotatively and denotatively. Although philologists and logicians attempt at intervals to define the usage which are to be considered proper, common speech is no observer of definitions. Moreover, the problem of varying interpretations attached to identical or similar words is general, if somewhat nice problem of communication between human beings, and inability to overcome it is no excuse for the abandonment of scientific research. Furthermore, in this essay, we are not oblivious of the argument of Philip K. Dick who warned against taking concepts for granted by revealing the potency of words in the hands of manipulators. In his words, "the basic tool for the manipulation of reality is the manipulation of words. If you can control the meaning of words, you can control the people who must use the words" (Garba, 2003: 4).

The concept of governance

In contemporary times the term governance and/or good governance are being used increasingly in development literature. The concept is said to be as old as civilization and is perceived as one of the root causes of all evil in society (United Nations Economic and Social Commission for Asia and the Pacific, 2011). Governance can be said to refer to the manner in which power is exercised in the management of a country's economic and social resources for development World Bank, cited in (Obadan, 1998: 24). Wai cited in Obadan (1998: 24) regards governance in general terms as the use of political authority and exercise of control over a society and the management of resources. This, according to Obadan (1998: 24), includes institutional and structural arrangements, decision-making processes, policy formulation, and implementation capacity, development of personnel, information flows, and the nature and style of leadership within a political system. From a development perspective, in the words of Obadan, governance can be usefully defined as the efficiency and effectiveness of a government in promoting the economic wellbeing of its people. Ndehfru (2007: 63), governance is the fundamental process by which the lives and dreams of the people are jointly pursued, by deliberate and

systematic strategies and policies, for the attainment of their maximum potentials. To him, it is the combination of responsible leadership and enlightened public participation. He went further to regard governance as the existence of political, economic and administrative authority to manage a nation's affairs (United Nations Report, 1977 cited in Ndehfru (2007: 64). According to the report, it is the complex mechanisms, processes, relationships and institutions through which citizens and groups articulate their interests, exercise their rights and obligations and mediate their differences.

On their part, Olowu and Akinola cited in Akinola (2000: 174) regard governance as an approach or perspective which focuses on the state and institutions crafted by the people, the relationship between them and how rules are made in a society which is accepted as legitimate by individuals and groups within the society. They also opine that governance has two dimensions, while the first has to do with the governor(s) or leadership(s) whose responsibilities are derived from the principles of effective governmental organization, the second dimension focuses on the governed (that is, the citizens) whose responsibilities are to participate in the socio-economic and political affairs of their society. However, in a more penetrating analysis, Boeninger cited in Anyanwu (1998: 365) identified three dimensions of governance – namely, political, technical and institutional. Political dimension involves the establishment of objectives and the exercise of leadership. The technical dimension refers to the constraints imposed by natural resources, levels of education, manpower skills, and installed industrial capacity. The institutional or managerial dimension refers to the ability to get things done.

From the foregoing, it is clear that governance is about how people are ruled, and how the affairs of a society are administered or regulated through laid-down regulatory mechanisms or frameworks.

The concept of good governance

The point has been made that there is no universally accepted definition of good governance. For instance, Omotola (2007: 252) is of the view that "good governance, as a concept is a problematic one", and that "it is value loaded and therefore subjective". He points out that "the meaning attached to it may largely be a function of the intents and purposes of the analyst". While expressing a similar opinion, Azeez (2009: 217) argues that the term good governance has for a long time had a somewhat obscure dictionary existence, and that like other concepts in its categories, its intrinsic open-ended quality, vagueness, and inherent lack of specificity have tended to generate a good deal of searching and debate as to what its proper meaning is or should be, prompting multiple efforts to appropriate it and define it in particular ways.

The United Nations Committee for Development

Planning in its report issued in 1992, entitled "Poverty Alleviation and Sustainable Development: Goals in Conflict?" identified among other attributes of good governance in the following: checks on executive power, effective and informed legislatures, clear lines of accountability from political leaders down through the bureaucracy; an open political system of law which encourages an active and vigilant civil society whose interests are represented within accountable government structures and ensures that public offices are based on law and consent; an impartial system of law, criminal justice and public order which upholds fundamental civil and political rights, protects personal security and provides a context of consistent, transparent rules for transactions that are necessary to modern economic and social development; and a professionally competent, capable and honest public service which operates within an accountable, rule governed framework and in which the principles of merit and the public interest are paramount. In a nutshell, Kubudi (2011) stresses that good governance encompasses "a broad agenda that includes effective government policies and administration, respect for the rule of law, protection of human rights and an effective society. He added that it is not only confined to the political and social issues but also includes proper management of the economy as well as transparency and fair competition in business. Ogundiya (2010) has argued that: good governance as a concept is applicable to all sections of society such as the executive, legislature, judiciary, media, private sector, corporate sector, trade unions, and lastly non-governmental organizations. Public accountability and transparency are as relevant for one as are for the other (Ogundiya, 2010: 203).

Good governance can simply be defined therefore, as responsibility and responsiveness of public officials – both elected and appointed – or the governors, to the electorate – the governed, aspirations of the governed, as well as acting in accordance with their dictates. All these entail transparency and accountability by public officers in discharging their duties, responsibilities and obligations (Jega, 2007: 158).

In their contribution, Healey and Robinson cited in Azeez (2009: 218) take good governance to imply a high level of organizational effectiveness in relation to policy formulation and the policies actually pursued, especially in the conduct of economic policy and its contribution to growth, stability and public welfare. Looking at some specific components of good governance, Obadan (1998: 25) reasoned that good governance implies ruling on the basis of equity and social justice, and an end to corruption, nepotism and political manipulation of public institutions, and that only when citizens have the belief that their government operates on their behalf, in an open and accountable manner, will governments be able to obtain their willing cooperation in, for example, mobilizing resources for development. Moreover he argued that,

good governance is critical to creating and sustaining an environment which fosters strong and equitable development, and it is an essential complement to sound economic policies. He also identified five fundamental elements of good governance to include:

- (a) Accountability of government officials (political leaders and bureaucrats) for public funds and resources.
- (b) Transparency in government procedures, processes, investment decisions, contracts and appointments. Transparency is a means of preventing corruption and enhancing economic efficiency.
- (c) Predictability in government behaviour. This is particularly critical to the carrying out of economic transactions between individuals and in taking investment decisions: governments and public institutions should not be capricious in their behaviour and actions
- (d) Openness in government transactions and a reliable flow of the information necessary for economic activity and development to take place. Without information, rules will not be known, accountability is low, and risks and uncertainties are many. With these the cost of committing capital is also huge. An open system should, thus, be encouraged to release information to stakeholders and promote dialogue among the people as well as ensure their active participation in the socio-economic development of the country.
- (e) Observance of rule of law must be adhered to by governments and its citizens, this means that governments and institutions should be subject to rules and regulations which are understood by everyone in the society (Obadan, 1998: 24-25).

Relying on the Universal Declaration of Human Rights adopted by the United Nations, Landel – Mills and Serageldin contend that "a minimum core of characteristics" of good governance can be identified. These essential elements, according to them include:

- (1) The political rulers and government officials are both held accountable to the ruled for their actions through clearly formulated and transparent process, and more particularly that the legitimacy of a government is regularly established through some well-defined open process of public choice such as election, referendum, and so on
- (2) The safety and security of citizens is assured and the rule of law prevails, such that contracts can be fairly enforced both among private operators (individuals or enterprises) and between a private operators and the state. Moreover, citizens should be legally protected from arbitrary or capricious actions by public authorities
- (3) Public agencies are responsive to the needs of the public, and social and economic development is promoted for the benefit of all citizens in an equitable manner
- (4) The ready availability of information that will permit accountability to be practiced, laws to be correctly

applied, markets to function, and people to be creative and innovative

(5) Freedom of association and expression of opinion (Anyanwu, 1998: 368).

However, United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP, 2011) attempting to answer the question “What is good governance?” identified eight (8) major characteristics of good governance namely: participation, rule of law, transparency, responsiveness, consensus oriented, equity and inclusiveness, effectiveness and efficiency and accountability. It will be begging the point should we attempt the discussion of these concepts as we have in the course of the study touched on them.

It can be gleaned from the foregoing analysis that for a society or country to be said to be experiencing good governance, certain questions and/or issues would have to be examined. The conference of democratic scholars (CODES) outlined some of the questions and issues to include:

- (a) Whether there is respect for separation of powers and the independence of the various arms of government?
- (b) The extent to which the government exhibits accountability
- (c) Whether the government shows good management of the economy?
- (d) Whether the government shows respect for the rule of law and the constitution?
- (e) To what extent the government is dedicated to programmes of social and national development in the spheres of social infrastructure like transportation, power, roads, railroads, water, communication, housing, the areas of industrial development; science and technology; agricultural development; security; job creation and provision of social and unemployment benefits?
- (f) What the attitude of the government is towards education in terms of free education, scholarship programmes, learning/teaching aids, laboratories/workshops, libraries, teaching orientation and general funding of education?
- (g) What level of attention the government pays to national productivity and gross national product? (Arukwe, 2004: 186).

To be very specific, good governance underscores the need for the government or rulers (and public officials generally) to unflinchingly respect the laws of the land, and to administer the affairs of the society in a manner that promotes and enhances the overall well being and welfare of the people.

Understanding human rights

As a concept, “human rights” has been defined in various ways by different scholars and writers. Osita Eze cited in

Ekot (2000: 243), human rights represent demands or claims which individuals or groups make on society, some of which are protected by law and have become *lex lata*, while others remain aspirations to be attained in the future. In one of his essays, Claude Ake drew attention to the fact that the idea of human rights is quite simple. It is that human beings have certain rights simply by virtue of being human, and these rights are a necessary condition for the good life. Because of their singular importance, according to him, individuals are entitled to, indeed, required to claim them and society is enjoined to allow them – otherwise the quality of life is seriously compromised (Ake, 1987: 5). Ake, however, inveighed the extreme individualism and self-centredness characteristic of western conception of human rights which, he observed, contrasts with what obtained in traditional African society. As he stated;

“The values implicit in all this are clearly alien to those of our traditional societies. We put less emphasis on the individual and more on the collectivity, we do not allow that the individual has any claims which may override that of the society. We assume harmony, not divergence of interests, competition and conflict; we are more inclined to think of our obligations to other members of our society rather than our claims against them” (Ake, 1987: 5).

In his own analysis, Eskor Toyo points out that human rights are not whatever the United States and West European propagandists are prepared to regard as human rights to the disregard of whatever does not fit their bill. He observes that human rights include the rights to life, liberty and the pursuit of happiness as well as the right to equality with others and fraternity (that is, to non-discrimination due to class, racial, sex, religious or status privileges). According to Toyo, among bourgeois liberals generally, human rights include the right to private property and to be governed by representation, the right to defend oneself, to seek knowledge, to propagate it, and to hold and express one’s own opinion. But among all the world’s patriots, human rights include the right to self-liberation against foreign rule, exploitation, violence or hegemony. Among all the revolutionaries of the world from time immemorial, human rights include the right to rebel against exploitation or domination and to take up arms in such a rebellion (Toyo, 1998: 10-11).

In his own contribution, Madunagu (2006: 539-540) contends that strictly speaking, one is not born with human rights, although one can be born into human rights. He points out that one acquires human rights as a human being, and that human rights are rights acquired over time through the strivings and struggles of human beings: struggles against the exploitations of some segments of humanity by other segments or the impositions of some sections of humanity on other sections. Madunagu also states that human rights are not static in any society, and are not uniform across

national boundaries. Moreover, they are historically determined.

However, Madunagu also acknowledges the fact that although human beings are not born with rights, at certain stages in their lives they declare certain rights as theirs – as products of their past struggles for the development of their societies. They then initiate new struggles to defend these rights.

The point has been made that the term “human rights” means the conditions of life which men have right to expect by virtue of being human beings. The concept involves not only a statement of fact but rather a yardstick against which conditions in practice may be measured. Nor does the supposed existence of rights necessarily imply the existence or even possibility of laws to enforce or protect rights, though in practice this may sometimes be the case. Rights are the ideals and distinguishing marks of a civilized society. The fundamental concepts embraced in the over-arching concept of rights may be identified as justice, equality, freedom and self-determination (Nsirimovu cited in Umozurike, 1997: 4-5).

Indeed, human rights are defined as “those claims made by men, for themselves or on behalf of other men, supported by some theory which concentrates on the humanity of man, on man as human being, a member of humankind...” (Dorwick, 1979, cited in Umozurike, 1997). He added that they are tenets that dominate the natural instinct, making man a social rather than a “natural” animal, and crystallize rules of behavior to be respected by all persons and all nations. Justice Kayode Eso has this to say about human right;

...a right which stands above the ordinary laws of the land and which in fact is antecedent to the political society itself. It is a primary condition to a civilized existence, and what has been done by our (Nigerian) constitution since independence is to have these rights enshrined in the constitution so that the rights could be immutable to the extent of the non-immutability of the constitution itself (Kayode, 1994).

Umozurike (1994) has identified the various kinds of human rights to include: civil and political rights; which according to the African Charter on Human and Peoples’ Rights are the “first generation of rights”. These are rights so firmly established and for so long that no serious government can claim to be unwilling or unable to enforce them. These consist of two categories: those that may be restricted and those that must not, Umozurike maintained. The unrestricted rights according to him are ‘rights’ that must be respected in all circumstances. It must safeguard the right of non-discrimination, whether based on “race, ethnic, group, colour, sex, language, religion, political or other opinion, national and social origin, fortune, birth or other status”.

The second category is the economic, social and cultural rights; provided for both in the 1948 United Declaration on Human Rights Charter and 1966

International Covenant on Economic, Social, and Cultural Rights as an aspiration for all states. These rights are legal and binding on all member states, and it is provided that states should through international-cooperation and subject to the maximum attainable under available resources, achieve progressively the full realization of the rights. Nevertheless, it has been noted that while the first generation rights generally requires governments to abstain from interference with the liberty of the subject, the second generation calls for definite action to ensure its realization (Umozurike, 1994). These rights include among others the right to enjoy the best attainable physical and mental health and to medical attention in the case of sickness; the right to unlimited education up to any level; and, the right to participate in the cultural life of the community. For these rights to be consummated there must be a reasonable level of performance, transparency and accountability in the conduct of public affairs Umozurike argues.

Umozurike further identify group rights as provided for in the African Charter. Through this right the Charter affirms the “unquestionable and inalienable right to self-determination whereby a people shall freely determine their political, economic and social development”. This particular right often observed in the breach than in reality. Opposition to the wide acceptance of this right stems from its imminent consequences on the unity and stability of states. To some extent some leaders view self-determination as a call for the breaking up, secession of units that are not satisfied with the current predicament in existing states arrangements. Consequently, we witness the use of extrajudicial means to extract compliance, loyalty, and even war of genocide and ethnic cleansing. The adverse activities infringe upon the peoples’ Right to Development, economic, social and cultural matters; which make it mandatory to ensure the exercise of the right to development and creation of a favourable environment for it.

From the preceding views, there is no doubt that human rights denote the basic and fundamental freedoms and liberties which an individual is expected to enjoy by virtue of his/her human nature, and which the society-through its operators or managers – is expected to protect, safeguard and promote.

HUMAN RIGHTS VIOLATIONS IN NIGERIA: LESSONS FROM HISTORY

It is auspicious to acknowledge the fact the gross violations of this freedom became rife in Nigeria during Obasanjo’s government as the civilian President after the military dictatorship of several years by the Sanni Ahmed led Zamfara State government in October 1999 signing into law the introduction of the Shari’a effective January, 2000. This was promptly emulated by some northern states. The forceful applications of the Sharia law on ‘non-faithfuls’ generated disaffection, suspicion, hostility,

frustration and outright conflict and violence. This had resulted in wanton destruction of lives and properties as well as pose potential threat to continued unity and stability of Nigeria. Such truly speaking is symptomatic of bad governance. It has to be said that the abuse of the Nigerian people and the gross violations of their fundamental and essential rights under the despotic Obasanjo presidency can be meaningfully examined if some form of historical excursion is undertaken. This would bring to the fore the fact that all the post-colonial regimes in Nigeria have always violated the basic rights of the Nigerian people. The importance of history in social analysis cannot be overemphasized. Toyo (2007: iii) lucidly highlighted the significance of history in social discourses when he reminded us that “the ahistorical student of society is easily fooled by the ‘commonsense’ of surreptitious vested interests”, and that “any student of society whose epistemology is fundamentally ahistorical is myopic”. This assertion reinforces the contention that;

The disadvantage of men not knowing the past is that they do not know the present. History is a hill or high point of vantage, from which alone men see the town in which they live or the age in which they are living (Chesterton, cited in Garba, 2003: xix).

As earlier stated, the violations of the essential rights of the Nigerian people have been part of the attributes of all the regimes the country has had since the departure of the British colonialists. Of course, under colonialism, Nigerians did suffer brutalities and ruthless violations. But with political independence, the violators of the rights of Nigerians were now fellow compatriots, occasionally with the connivance of external interests.

From the Balewa-led administration of the First Republic, through the years of ruinous and despotic military rule, to the civil plutocracy of the Fourth Republic, the basic rights of the Nigerian people have always been violated. This was more imponderable and traumatizing during the long period of military dictatorships. Indeed, as Osita (2005: 152-153) has observed, military rule in Nigeria undermined both democracy and the guarantee of rights in many respects: it abolished the legislature; it combined the law making powers and the executive in the same person; it subverted the justice system by not only ousting the jurisdiction of the courts but also by establishing quasi-judicial institutions which did not comply with the principles of due process as well as by indulging in such activities as legislative adjudication and extra judicial killings; and the freedom of expression, the right to life even in the sterile form guaranteed in the constitution were subverted. This assertion had earlier been amplified by Ake, (1995) who clearly showed that democracy and military rule are completely at variance with each other. In his words; the military and democracy are in dialectical oppositions.

The military is a taut chain of command; democracy is

a benign anarchy of diversity. Democracy presupposes human sociability; the military presupposes its total absence, the inhuman extremity of killing the opposition. The military demands submission, democracy enjoins participation; one is a tool of violence, the other a means of consensus building for peaceful co-existence (Ojo, 2006:15).

With the end of military rule and the emergence of a civilian regime in May 1999 in Nigeria – which heralded the Fourth Republic, many had hoped that good governance would be enthroned in the country, with the respect for, and promotion of the fundamental rights of the people as its hallmarks. Was this hope misplaced? A casual knowledge of who the man Obasanjo is very imperative here, as this would provide us with the hindsight of understanding the underlying vectors of his policy thrusts and actions.

Olusegun Matthew Okikiola Aremu Obasanjo GCFR is of the Yoruba ethnic group in Nigeria, a former army general, who through providence became first, between 1976 to 1979, the Head of State and Commander-in-chief of the Nigerian Armed Forces; second, between October 1, 1999 to 29 May, 2007 was elected a civilian president and commander-in-chief of the Nigeria Armed Forces. He was trained in Aldershot, and was commissioned as an officer in the Nigerian Army. He received further training in Direct Short Service Commission (DSSC), Wellington. During the Nigerian Civil War, he commanded the Army's 3rd Marine commando Division that took Owerri, effectively bringing the end to the war. When Murtala Mohammed took power from General Gowon in 1975, Obasanjo was named Murtala's deputy in the new government. With the eventual assassination of Murtala in February 1976 by a bloody coup led by Col. Dimka, Obasanjo emerged the later successor, having been missed being killed in the coup due to error by the coup plotter who mistook another officer's vehicle for his own. The aftermath of the coup was very bloody as Obasanjo ensured all alleged plotters of the coup were summarily executed.

Obasanjo presided over the period of oil boom in the country (during the Mohammed /Obasanjo regime), with very minimal value added to industrial transformation of the country, as he was engaged in mostly white elephant projects such as the building of the national theatre and the national stadium which hosted the Festival of African Culture (FESTAC) and 3rd All African Games respectively. He initiated the stillborn Ajaokuta Steel Mill, establishment of motor vehicle Assembling plants which failed to impart the expected technology to Nigerians since their inception. Such plants were established by Leyland, Volkswagen and Peugeot motor companies. The oil multinational corporations did not perform to expectations as there were complicit in gross violation of the fundamental human rights of the people. His introduction of the “green revolution” did neither assist to a large extent to guarantee food security nor restore

Nigeria to her former position as net exporters of food and cash crops. The foundation for a systematic abuse of the citizen's right to free and functional education. Political repression was one of the bench mark of the administration; use of instruments of coercion such as the Police, Military, and State Security Services to co-opt, harass, detain and intimidate and manipulate the political system. It is worth emphasizing that Obasanjo's dictatorial style of political leadership was largely derivable from his military background. The contrary would not have been the case. We are going to take a cursory look at the incidences of human rights abuses by the Obasanjo-led administration from 1999 to 2007 in Nigeria. This will enable us appreciate how such practices have discounted the effort at initiating and sustaining good governance in Nigeria during the period specified earlier.

We hereby examine the following; first, the country reports on human rights practices - 2000, by the United States provide a graphical presentation of cases on human rights abuses in Nigeria under the Obasanjo administrations

Political and other extrajudicial killing

The report documented that the erstwhile administrations made use of the national police, army and security to commit extrajudicial killings and excessive force to quell civil unrest. Although its incidence was less frequent than it was under military regimes, the state anticrime task forces, comprising the police and armed forces were neither held accountable for excessive, deadly use of force nor for the death of criminal suspects in custody. According to the report, they operated with impunity in the apprehension, illegal detention as well as execution of criminal suspects. However, Obasanjo was less hesitant to call in the military to quell domestic unrest, except in the cases of apparent restoration of public order. According to the report:

a) Police and military personnel used excessive and sometime deadly force in the suppression of civil unrest, property vandalization induced by inter ethnic violence... Confrontations between the increasingly militant "youth" ..., and oil companies and government authorities continue during the year (2000). Reportedly 28 Delta youths were killed in such conflicts over protests or suspected vandalization near oil flow stations (USA Human Rights Reports on Nigeria, 2000).

b) On another occasion, the Nigeria Police used excessive force to suppress a protest march by the Ogoni people in April and March 2000. The Police, the Military and anti-crime personnel's brutality resulted in killing of several civilians, the destruction of a number of buildings, and the arrest of several Ogoni activists. Corroborating such episode, Fawehinmi (2007) illustrates; Take security for instance. He opened up the insecurity of this country

in November 1999 when he gave orders to shoot on sight in Odi. And more than 2500 Nigerians were slaughtered because, unfortunately, 13 policemen were missing as a result of protestation of the Odi people in Bayelsa State (Interview: Obasanjo is the Most Corrupt Nigerian - Gani Fawehimi, 2007).

c) Government authorized the use of deadly force to combat crime and numerous extrajudicial killings of suspected criminals. The Report noted an instance where the Police were given instruction to use deadly force in conflicts with the Oodua People's Congress (OPC) vigilante group. In that instance, it was reported the Police killed 509 "armed robbers" and injured 113 during the raid on suspected OPC members, arresting 3,166 persons. This resulted in reprisal killings of the officers and men of the Police allegedly by the OPC members.

d) Violent killings at road blocks mounted by men of the Police and Drug Law Enforcement Agency (NDLEA) did not subside during the Obasanjo administration. It is a common sight to see the Police intimidate, molest and harass armed less motorists to part with miserable twenty to fifty naira on the highways. It is the position of this paper that the Police in Nigeria will be better positioned to collect taxes for the government considering the passion with which they shamelessly collect the twenty to fifty naira on the Nigeria highways.

e) Criminal suspects while in official custody died of unnatural causes due to neglect and harsh treatment by the law enforcement officers. For instance, the Civil Liberties Organization (CLO) petitioned the Inspector General of Police, Mike Okiro over the death of Godfrey Opuoro while in police detention in Lagos. It was further reported that ... harsh and threatening prison conditions and denial of proper medical treatment was the major cause of the numerous inmates.

Disappearance

a) During the era of Obasanjo administration there were cases of disappearances of both citizens and foreigners. These persons were kidnapped either out of their dissatisfaction for insensitivity of the government to their aspirations or the plundering of their material and natural resources without due compensation, or outright greed by disgruntled youths to extort money from related parties.

b) Some of the kidnapping escapade emanated from unresolved land and border disputes among boundary communities. These include the border disputes between Cross River State and Akwa Ibom State, Akwa Ibom and Abia State, Ife and Modakeke in Osun State, Cross Rivers and Benue State reflected largely the inability of the government to resolve them due to political reasons. These disputes were of such magnitude in terms of their scope and coverage and the sophistication of arms and ammunitions employed by warring parties that the Police could not cope, hence the drafting of the military to bring

the situation under control. In most of these situations wanton loss of lives and properties are exacerbated by the intervention of not only the Police but also the Military.

Torture and other cruel inhuman or degrading treatment or punishment

a) It was very common to find the law enforcement officers publicly assault, torture, treat inhumanly prisoners. This behaviour offends the spirit of the Nigerian Constitution. The report notes that the police physically mistreat civilians in an attempt to extort money. Bail in Nigeria is not free contrary to the provision of the Nigerian law. Suspects are treated as already guilty, also contrary to the provisions of the Evidence Act.

b) The conditions in Nigerian prisons are far from attaining acceptable and civilized standards. Overcrowding of prisons and unhealthy states of our prisons contribute significantly to avoidable illnesses and deaths of prisoners and detainees. In some instances, relations of prisoners and detainees are denied access, medical teams and nongovernmental agencies that are out to assist them. In fact, relations are made to part some money before they are given access to their persons held in the prisons or Police custody.

Arbitrary arrest and detention, or exiled

Despite the fact that the Nigeria constitution prohibits arbitrary arrest and detention, the provision were often ignored by the police who would arrest and detain with or without warrant any person/s if they believe there are reasons to suspect that the person/s had committed an offense. In most cases persons are arrested and detained for more than the statutory 24 h before charging them to court. This offends provision of the Fundamental Rights Enforcement Procedure Rules of the Constitution. According to the report "lengthy pre-trial detentions remain a serious problem. It notes further that "serious backlogs, endemic corruption, and undue political influence continued to hamper the judicial system."

On other occasions, security forces manhandled and detained journalists for attempting to carry out their lawful duties. Cameras, tape recorders, newspapers and magazines impounded, and destroyed with impunity by the security officers in the attempt to cover their lapses, irrational, illegitimate and uncivilized conducts. Most officers and men of the Nigeria Police have formed a habit of not responding to distress calls from armed robbery victims for very flimsy reasons; only to arrive hours after the armed robbers must have concluded their heinous crime. Therefore the Police would arrest persons mostly sympathizers found on or those who live around the area of incidence for them to be bailed out with variable sums of money at the Police stations.

Denial of fair public trial

During the Obasanjo administration, much of the judicial independence was whittled down. The judiciary, the report observed that in practice the judiciary not only remained subject to the whims and caprices of the executive and legislative branch' pressure but also influenced by political leaders at all levels of government in the country. Also underfunding, inefficiency and corruption continued to militate against effective performance of the judiciary in Nigeria. In Nigeria, criminal justice procedure provides for trial within three months of arraignment for most categories of crimes. Unfortunately this is not often the case in the country. The report further enthused;

... inefficient administrative procedures, petty extortion, bureaucratic inertia, poor communication between police and prison officials, and inadequate transportation continued to result in considerable delays, often stretching to several years, in bringing suspects to trial (USA Human Rights Reports on Nigeria, 2000).

Freedom of speech and press

As noted elsewhere in this paper, there are numerous cases of abuses of freedom of speech and the press. A few of these cases as noted by the US report suffice here:

a) In January 2000, the police beat, arrested and detained Igha Oghole, a journalist with Radio Benue, Makurdi for insisting to conduct an interview with the Police Commissioner rather than his deputy.

b) In March 2000, fifty (50) armed policemen entered the International Press Centre located in Ogba, Lagos and arrested 4 journalists who they held for 5 h and then released them without any charge, alleging that they were not actually after the journalists but members of the militant group Oodua Peoples Congress (OPC) suspected of planning to address a press conference at the centre.

c) In the same month the police impounded most of the print of March 4 edition of *Today Newspaper* based in Kaduna as well as their Hausa language affiliate newspaper on the pretext that the publications carried headlines that were capable of causing disaffection and possible violence in the Sharia dispute.

Freedom of peaceful assembly and association

The preservation of this right did not fare better during OBJs administration, for instance the US report revealed:

a) Open air religious services, procession and preaching outside their place of worships were banned in most states especially in the northern states as the police

could not guarantee the maintenance of peace in such outings. For example, in Kogi State, the government banned open air preaching and public procession in March 2000 even though this was done in consultation with religious and traditional leaders and the local government officials.

b) On March 1, 2000 the Assistant Commissioner of police, Francis Ihechere was quoted in the Guardian Newspaper as stating that the government had prohibited gatherings of more than four persons.

Freedom of religion

Contrary to the provision of the constitution, which guarantees the right to religion, including the right to change one's religion or belief as well as freedom to manifest and propagate one's religion or belief in worship, teaching, practice and observance. Furthermore, the constitution forbids the adoption of any particular religion by any state or local government as official religion. However, in apparent violation of this constitutional provision, some states in the northern part of Nigeria have expanded the Sharia from the civil to criminal matters. The implementations of the Sharia to cover everyone residing in those states have tended to hinder the freedom of religion of non-Muslims. For instance, the US Report pointed out that;

Several Christians have alleged that with the adoption of an expanded Shari's law in several states and the continued use of state funds to fund the construction of mosques, teaching of Alkalis (Muslim judges) and pilgrimages to Mecca (Hajj), Islam has been adopted as the de facto state religion in several northern states (US Human Rights Report on Nigeria 2001: 10 of 21).

BAD GOVERNANCE AND THE VIOLATIONS OF HUMAN RIGHTS IN NIGERIA: 1999 TO 2007

One issue which Nigeria and its people have had to grapple with, since independence has been the crisis of governance. Bad governance has been pervasive at all levels of the polity since 1960, and it is characterized by a number of features which include:

(a) Failure to make a clear separation between what is public and what is private, hence a tendency to divert public resources for private gain.

(b) Failure to establish a predictable framework for law and government behaviour in a manner that is conducive to development, or arbitrariness in the application of rules and laws.

(c) Excessive rules, regulations, licensing requirements, etc, which impede the functioning of markets and encourage rent seeking.

(d) Priorities that are inconsistent with development, thus resulting in a misallocation of resources.

(e) Excessively narrow base for, or non-transparent, decision-making (World Bank, cited in Obadan, 1998: 25-26).

The point must be clearly stated that contrary to the aforementioned World Bank's opinion, the unfettered "functioning of markets" (capitalism) does not necessarily promote good governance, and it is not every society which opts for an alternative to capitalism that is characterized by bad governance. However, we do agree with Obadan (1998: 26) that the absence of good governance inhibits a country's development, and that bad governance, by entailing corruption and lack of accountability and transparency, provides opportunities for the well-connected elites and interest groups in the society to corner to themselves a sizeable proportion of the society's resources at the expense of the masses of the people.

With the emergence of the Obasanjo-led administration in Nigeria in 1999, official deceit and hypocrisy in the management of state affairs were elevated to higher levels. Throughout the duration of that regime, there was a wide chasm between the government's promises and pronouncements on the one hand, and its decisions and actions, on the other. At inception, the new government promised to turn things around for the better for the Nigerian people. For instance, President Obasanjo, in his inaugural address, declared that;

Nigeria is wonderfully endowed by the Almighty with human and other resources. It does no credit either to us or the entire black race if we fail in managing our resources for quick improvement in the quality of life of our people. Instead of progress and development, we are entitled to expect from those who governed us, we experienced in the last decade and a half, particularly in the last regimes but one, persistent deterioration in the quality of our governance, leading to instability and the weakening of all public institutions...(Tell, June 8, 2009: 34).

In line with the familiar practice of raising the hopes of the Nigerian people and dashing them almost immediately, Obasanjo went further to declare that;

You have been asked many times in the past to make sacrifices and to be patient. I am also going to ask you to make sacrifices, and to exercise patience. The difference will be that in the past, sacrifices were made and patience exercised with little or no results. This time, however, the results of your sacrifice and patience will be clear and manifest for all to see ... with commitment, sustained effort, and determination, we shall not fail. On my part, I will give the forthright, purposeful, committed, honest and transparent leadership that the situation demands (emphasis added, Tell, June 8, 2009: 34).

Throughout the period that Obasanjo and his team

presided over the affairs of Nigeria, none of the aforementioned promises was fulfilled. Nigerians' rights to descent living, education, social amenities, good governance, and other freedoms were violated. It can be said that most of the basic rights of the people as spelt out in the Supreme Law of the land – the 1999 Constitution of the Federal Republic of Nigeria (Chapter IV, Sections 33-43) were disregarded in spite of the fact that Nigeria is a signatory to the United Nation's Charter on Human Rights. We cannot pretend that it is possible for all the cases of human rights violation and abuse in Nigeria during the period under review to be exhaustively discussed in an essay like this. The constraints of time and space alone are overwhelming. In view of this, we shall cite very few more examples of the violation of the human rights of Nigerians by the Obasanjo – led regime. The government never held any of the soldiers accountable for that heinous crime. In fact, there were reports that some of those soldiers were later promoted (Ojo, 2006: 23).

In October, 2001, Obasanjo again ordered troops into Zaki Biam, a town in Benue State (in the North - central region of Nigeria), and hundreds of people were massacred. The community was accused of sheltering ethnic militia groups who allegedly killed nineteen soldiers. In October, 2002, the International Court of Justice (ICJ) delivered its judgment in the dispute between Nigeria and Cameroon over the Bakassi Peninsula, and Bakassi was transferred to Cameroon.

The Nigerian government was expected to quickly resettle Nigerians who were in that territory since they had now become foreigners in that area as a result of that judgment. The basic rights of the Nigerian people in that territory were violated. These people were not resettled, and many of them have died, while others are roaming the streets of Nigerian communities bordering the Bakassi Peninsula.

During the period under review, several cases of extra – judicial killings by agents of the Nigerian state were reported. For example, according to George Mbah (2003:17), ...In a widely – publicized report, a human rights activist, Funso Omogbehin, had put the number of Nigerians who were brutally killed in extra-judicial circumstances in the first three years of the Obasanjo government at 539. Of the 539 deaths, the report said 258 were killings from May 29, 1999 to May 29, 2001. The rest, 281 were killings from June 1, 2001 to May 29, 2002...

Public resources which should have been used to provide the basic necessities of life for the Nigerian people – and this would have enabled the people to enjoy a descent and acceptable standard of living – were lost to the monumental corruption which characterized that era. Public funds were criminally shared out to political office holders (who constituted, and still constitute, a microscopic percentage of the population) to the detriment of the majority of the citizenry. For instance,

according to Okecha (2010: 57), as at June 2007, a whopping sum of N23.7 million was approved as car allowance for a senator, in a country where a professor has no car allowance but given a pittance as transportation allowance. The furniture, housing and car allowances of a senator that same year amounted to N53.1 million – the equivalent of a professor's basic salaries for 70.5 years.

The aforementioned viewpoint reinforces the observation earlier made by Olufemi Ogundipe. In an incisive article, Ogundipe (2009: 57-59) made some startling revelations. He quoted Jean Herskovits as having informed us that "in the course of Obasanjo's eight – year tenure, Nigeria earned \$223 billion, two and a half times the amount earned over the previous eight years. But thanks to kleptocracy and rampant graft, much of the money has not gone where it should have gone". In a well-researched critique of the Obasanjo's disastrous era, Herskovits is said to have concluded that;

Basic living conditions have worsened. Electricity is scarce, and clean water is rare. Despite vast sums supposedly spent on federal roads, those roads have continued to deteriorate. Some 70% of Nigerians must get by on \$1 a day. The UN Development Programme's 2006 Human Development Report ranked Nigeria 159th out of 177 countries studied. In 2004, mortality rate for children under the age of five averaged 217 deaths per 1000 births – higher than anywhere in coastal West Africa, apart from war-torn Liberia and Sierra Leone. Meanwhile, absurdly, the government built a new stadium in Abuja for more than the combined budgets for health and education for 2001 and 2002 (cited in Ogundipe, 2009: 59).

It is impossible to speak of fundamental human rights – the right to human dignity, right to education, right to descent living, right to contest for public offices, etc in an environment where the people are daily contending with several asphyxiating challenges like crippling poverty and immiserisation engendered by inept and bad governance, and fuelled by pyramidal corruption. The eight – year tenure of the Obasanjo presidency fits into this description. In fact, the point has been made that beyond the direct human casualties of the institutional evil represented by bad and autocratic rulers, comparable numbers of people, if not more, have died in Nigeria due to the actions and inactions of the consolidated incompetence that has imposed itself on us in the guise of leadership since independence. It is further contended that it is not so much the evil that has produced and reproduced the Nigerian rulers and the dominant elite that can account for the indirect mass murder that has been unrecorded in our history; rather it is a basic incapacity of the rulers we have had to run a modern administrative machinery that transforms the social conditions of life (Adebanwi, 2009:15).

CONCLUSION

There is no doubt that Nigeria has not had any quality leadership since independence, and this is clearly manifested in the catastrophic levels of impoverishment and backwardness in the country. And this is in spite of the almost inexhaustible reservoir of resources (human and non-human) with which this country has been generously blessed by the Almighty.

The crisis of governance which has plagued Nigeria since 1960 has had devastating consequences for the promotion of the basic rights of the people as well as other aspects of life in the society. In this essay, we have tried to show that human rights are those basic liberties, freedoms and other entitlements which accrue to a human being because of his or her human nature. But these rights would remain meaningless, unfulfilled and mere wishes if the rulers of the society do not create the conditions which are congenial for their realization. This, regrettably, has been the situation in Nigeria for a long time now. Indeed, as Adebani (2010: 51) has reasoned, if we consider a typical post-colonial state in Africa today, say Nigeria, we can come to the conclusion that our ancestors knew good governance than most of the contemporary “ruiners” who we call rulers today. We can also see, according to him, through history, that, for many centuries, Africans were far more interested in public accountability than the experience in contemporary African states and societies.

In this essay, we do agree with Bamidele view (2000:19) that one way of measuring the success or failure of governments in modern societies is to assess how successful such governments are in developing the conditions for satisfying the basic needs of the people they govern. These needs include basic infrastructure, social services, public services, and helping to create an efficient and productive economy. In addition, according to Bamidele, citing the work of Stohr (1981), the effectiveness of such governments is measured by their ability to mobilize or generate adequate resources (financial, human and material), and to optimally utilize these resources to meet basic needs, as well as facilitate opportunities on the path of socio-economic development generally. Assessing the Obasanjo’s regime in Nigeria (1999 to 2007) with this yardstick easily brings to bare the woeful performance of that government and its attendant adverse effects on the basic rights of the people.

Nigeria has experienced many years of “vampiric leaderships and impoverishing misgovernance”, to use Khalil Timamy’s elegant phrase (2007: 648), and this has made the abuse and violation of the Nigerian people and their rights a recurring past-time for the operators of the Nigerian state. You cannot condemn the majority of the masses to the realm of poverty and wretchedness through anti-people policies, and then expect that “human rights” would make any sense to them. What is the meaning of “freedom of expression” to a man who is not educated? What is the meaning of the “right to vote and

be voted for” to an illiterate poor rural dweller who can neither feed himself nor his family? What does the “right to life” mean to a man who is ill and is dying, but cannot access medical treatment because he does not have the resources to do so? Any system where the bulk of the society’s commonwealth is hijacked by a few people, while the majority of the people groan in want and misery is unjust and inhuman. Human rights can neither be promoted nor guaranteed in that kind of system.

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