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Poverty: legal and constitutional implications for human rights enforcement in Nigeria

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The dissertation examines the problem of poverty in Nigeria¹, where over 70 percent of the population is living below the poverty line², and the theoretical and practical implications of this for the enforcement of the human rights of the poor. The work notes that the poor are fully engrossed in the rigours of daily survival and for this class of people, there is a lack of value for human life and dignity, which are the goals of international human rights; they lack access to the basic necessities of life, such as food, clothing, health, education, shelter, etc. They are also excluded and have no voice or power in their communities; they are oppressed, suffer high scale injustice and their rights are violated on a daily basis with impunity on grounds of being poor; worse still, the poor lack effective rights of access to justice.

The above scenario makes human rights grossly deficient for the poor, whose human rights have been turned into mere illusions and ‘empty’ rights, with the poor having no effective means of enjoying or protecting those rights. The dissertation therefore examines whether human rights with all that it promises are really relevant in the life of the poor and whether mere constitutional provisions are sufficient to guarantee human rights in the face of illiteracy, ignorance and economic impediments of poverty. The dissertation also analyzes the ways by which the conditions of being poor have robbed the poor of their rights, and in a lucid manner elucidates the many perennial and monumental challenges confronting the poor in accessing justice, a situation which has made it difficult for the poor to escape from the clutches of poverty.

1 Nigeria is the most populous black nation in sub-Saharan Africa and according to the 2006 population census has a population of approximately 140 million.

2 See World Bank (2000): *World Bank Development Report 2000/201: Attacking Poverty*, Part V. Table 4 Poverty, p. 1.

The dissertation believes that if the poor could enjoy all their human rights without exception, they would be empowered to take charge of their lives and be lifted out of poverty. Towards this end, the dissertation conceptualizes mechanisms by which the poor can have equal and effective rights of access to justice in order to claim their rights, demand accountability for actions or policies of government that affect their lives and bring violators of their rights to account. In the course of devising appropriate mechanisms for the poor, this dissertation perused the existing mechanism in place in Nigeria, finding it inadequate and/or unsuitable for the poor to enforce their rights as a result of its inability to effectively protect their rights.

The dissertation comprises of six chapters. The first deals with the introduction, the challenge of global poverty, the meaning and measurement of poverty. It also examines the global response to the scourge of poverty by looking at the various rights-based approaches to dealing with the issue of poverty. The second chapter discusses the problem of poverty in Nigeria, looking at the depth and indices of poverty in the country, government's efforts to deal with the problem and the implications of poverty for the rights of the poor. The third chapter dwells on the constitutional framework for fundamental rights enforcement in Nigeria, and examines the challenges militating against the enforcement of the rights of the poor; especially that of lack of access to justice.

Chapter four conceptualizes the right of equal and effective access to justice by the poor, as a means of insulating their rights and empowering them, by proposing a two-pronged rights-based approach of access to justice for the poor. One is the proposal of the Indian Public Interest Litigation (PIL) model and second, the introduction of Alternative Dispute Resolution (ADR) mechanisms. These aim at developing pro-poor enforcement mechanisms with the potential of granting equal and effective access to justice for the poor and thus, through a rights-based approach at combating the scourge of poverty in Nigeria. Chapter five deals with the interrelatedness and the indivisibility of human rights, and justiciability of social economic rights in Nigeria, among other issues. The sixth chapter contains the main contributions of this research to legal knowledge and general concluding remarks.

The main thrust of this dissertation touches on frustrations that the lack of access to justice foists on the poor, a situation which makes the poor fall deeper into poverty and the necessity of having an efficient legal regime for the enforcement of human rights, which is accessible to the poor. The research enumerates the importance of access to justice as essential for human development, establishing democratic governance and conflict prevention. The dissertation notes that if disadvantaged people can access effective justice, they will be able to enforce their rights and remedy violations. The research added that access to justice will eliminate impunity which often accompanies the violation of rights of the poor and equally deter violators.

The dissertation has attempted to contribute to addressing the problem of poverty in Nigeria by drawing attention to the fact that now and in the future, the issue of accessing justice will always be central to the enjoyment and enforcement of all human rights, especially for the poor. The dissertation notes that the pro-poor mechanism conceptual-

ized by it also holds promises for other developing countries confronted by the problem of mass poverty as in Nigeria. The dissertation has been able to shift attention from the prescriptive or normative nature of human rights to practical implementation at the national level, especially for the poor.

The dissertation in its concluding remarks however states that it does not believe that access to justice alone, as a human rights-based approach, can solve the problem of poverty. This is in view of the acknowledged multidimensional nature of poverty, which makes it doubtful if one aspect of the rights-based approaches standing alone without the others, can serve as an effective panacea to poverty reduction.