

**THE STATE OF THE
NIGERIAN STATE
2010 REPORT**

act:onaid

Actionaid Nigeria
2nd Floor, NAIC Building
Plot 590, Cadastral Zone
Central Business District
P.M.B 1890 Garki, Abuja
Nigeria.

Tel: +234 (0)812 888 8825/7

+234 (0)9 461 8778/9

Fax: +234 (0)9 461 8656

E-mail: info.nigeria@actionaid.org



THE STATE OF THE NIGERIAN STATE 2010 REPORT

EDITORS

Dung Pam Sha PhD
Hussaini Abdu PhD

RESEARCHERS

Professor Warisu Oyeshina Alli
Okpeh O. Okpeh Jnr PhD
Y. Z. Yau, Dung Pam Sha, PhD
Funmi Para-Mallam PhD
Bonaventure Nkup Haruna PhD
Ene Obi

FOREWORD

The “security and welfare of the people shall be a primary purpose of government” (Section 14(2b) Constitution FRN). This section of the constitution defines the duties of the state in ensuring the total wellbeing of the Nigerian people. The letters of this provision takes it for granted that the State will through its organs undertake certain activities and put in place measures that ensure the dignity of the Nigerian person. The State in any democracy has amongst other responsibilities, the promotion of democratic principles as well as citizens' participation in development and control of the State and its resources. The assurance of the dignity and quality of life of the citizens by the state is however highly dependent on the “State of the State”.

The question is therefore posed. What is the “State of the State”? Answer to this cannot be far removed from the quality of life of our people: housing, access to clean drinking water, employment, social security, education, usable roads, security, food availability, electricity, and other basic human needs. An integral part of this is the situation of governance, citizens' participation, economic justice and rights, political justice and rights, environmental justice and rights; the poor and the state; the state and the international sphere, the rule of law, social justice, women's right, social equality, the dignity of labour, institutional stability and efficiency, transparency, accountability, democratic practices and leadership.

Previous reviews of “the State of the State” have always been restrictive as exemplified in the World Bank's *World Wide Governance Indicators* which limited the assessment of the country's performance to six governance dimensions: (i) voice and accountability, (ii) political stability and lack of violence/terrorism, (iii) government effectiveness, (iv) regulatory quality, (v) rule of law, and (vi) control of corruption. (World Bank, Governance Matter 2009: *World Wide Governance Indicators 1996-2008*, www.worldbank.org/wbi/governance).

These traditional sources and indexes have some challenges as they do not only lack a holistic approach but also ignore current trends. The first issue is the development paradigm within which these indicators are located. Often these development concepts are based on the neo-liberal premise of GDP growth, free trade, regulatory states, protection of capital and market-led development. The second issue with these indicators is the “silences of indicators”. In many instances, the indicators are silent on the redistribution issues and the issue of who are gainers and losers from the process of economic globalisation. Thirdly, there is the issue of the construct of indicators, i.e. who designed them, for what and at what levels they were designed.

This research therefore provides a holistic assessment of the performance of the “State of the Nigerian State” with two additional indexes; “Substantive Democracy and Citizenship Index” as well as the “Poor and the State Index”. The assessment is carried out with a framework that puts the poor and excluded in perspective and views the state from qualitative and quantitative indicators, gathered into six clusters: constitutional human rights, social justice rights, economic justice rights, political justice rights, environmental justice rights and the state and the international sphere. The advantage of this index is that it pays attention to the right-based approach in the evaluation of the performance of the state.

This research gives indications of the direction the Nigerian state could go to tackle the plethora of development issues. It provides a roadmap to where the Nigerian State can head in order to increase its political and economic strength in the international space.

The research is also a very rich resource on how the state can increase its capacity at the national level in delivering welfare for its citizens, build and sustain local economic capacity of the nation. Paramount is the revelation that the Nigerian state can only seek relevance and hold promise for the citizenry only when it consciously moves in the direction of critical appraisal and engagement with its neo-liberal economic programmes and IMF-inspired policies that have continued to push the people into more misery and poverty.

Hussaini Abdu, PhD

Country Director
ActionAid Nigeria

ACKNOWLEDGMENT

This research has been made possible through the effort and contributions of several people especially those who participated in the field work.

We acknowledge the Country Director ActionAid Nigeria, Dr. Hussaini Abdu for his guidance and direction and unwavering support in actualising the State of the State research.

Our sincere appreciation goes to the research team of Prof. Dung Pam Sha, Dr. Okpeh O. Okpeh, Dr. Funmi Para Mallam, Prof. Alli W.O, Y. Z. Ya'u and Dr. B.N. Haruna who worked tirelessly across the six geo-political zones to collate data and information from communities and the people on the State of the Nigerian State. We specially appreciate Y.Z Ya'u who took extra pain and time in editing the entire state of the state report.

We also wish to express our profound gratitude to Ifeoma Charles-Monwuba, David Adama, Tunde Aremu, Emeka Nwankwo, Grace Okechukwu, Obiageli Onuorah, Onyinyechi Okechukwu and John Christopher for their support and commitment throughout the entire research process.

We acknowledge and appreciate the Management of ActionAid Nigeria for asserting their authority and making sure that the report is published.

Finally, we express our profound gratitude to ActionAid International for their support and guidance in the documentation and production of this report

ABOUT THE RESEARCHERS

Bonaventure Nkup Haruna teaches Political Science at the University of Jos, Northern Nigeria. He obtained his PhD in Political Economy and Development Studies. He is currently the Deputy Dean of the School of Postgraduate Studies, University of Jos. His research interest is peasants and cooperatives, rural development and civil society studies amongst others. He wrote the political rights section of this report.

Dung Pam Sha PhD (Reader) obtained his Bachelors of Science Degree from the Ahmadu Bello University, Zaria, Northern Nigeria and specialised in Political Economy and Development Studies. His researches are in state and the economy, labour and civil society studies, electoral politics amongst others. He teaches political science and development studies in the University of Jos, Northern Nigeria. He has been on the Board of the Civil Liberties Organisation (CLO), Nigeria and is the Part Time Coordinator of the ActionAid Centre for Budget and Policy Advocacy commonly called the Budget Center Abuja, Nigeria. He coordinated the research.

Ene Obi obtained her Masters degree in International Diplomacy from the University of Lagos, Western Nigeria. She was the Head of Governance in the United States Agency for International Development (USIAD), Abuja, Nigeria and currently the Governance Team Leader, ActionAid. She is also the Coordinator of the Feminist Movement of Nigeria. She contributed to the writing of part one of the research.

Funmi Para-Mallam PhD is a Senior Research Fellow at the National Institute for Policy and Strategic Studies (NIPPS), Kuru, Northern Nigeria. She has a B.A (Hons) in French/ Portuguese from the University of Leeds United Kingdom; an M.A in International Law and Diplomacy, University of Ife, Western Nigeria and a PhD in Development Studies with specialization in Gender and Development Policy from Wheaton College Illinois, USA. Her major research interest is gender, development policy and identity politics. She wrote the section on social justice rights.

Hussain Abdu obtained his Doctor of Philosophy in Political Economy from the Bayero University Kano, Northern Nigeria. He has worked as the African Governance Regional Director of ActionAid and currently the Country Director, ActionAid Nigeria, Abuja. He specialised in the study of the state and economy, civil society, identity politics and democratisation.

Okpeh O. Okpeh Jnr PhD (Reader) is a historian at the Benue State University Makurdi, Central Nigeria. He obtained his PhD in History from the University of Jos Nigeria. He has published works in a variety of areas, prominent amongst which are intergroup relations, globalisation, democracy and human rights issues and women

in development amongst others. He has been in the leadership of the Academic Staff Union of Universities (ASUU) in his branch. He wrote the sections on constitutional and environmental rights.

Professor Warisu Oyeshina Alli is a Professor of International Relations and Development Studies at the University of Jos, Northern Nigeria. He was head of the Department of Political Science as well as the Faculty of Social Sciences as its Dean. He was also the Director of Research at the Nigerian Institute of International Affairs (NIIA) Lagos, Western Nigeria. His major area of study includes amongst others Economic Diplomacy, Citizen Diplomacy, State and Development, Electoral Politics. He wrote part three of the research.

Y. Z. Yau is an Electrical Engineer who has taught at the Bayero University Kano, Northern Nigeria for many years before joining AITEC (UK) as a country representative. He is currently the Executive Director of Centre for Information Technology and Development (CITAD), based in Kano which specialises in Information and Communication Technology. His major research interest is political economy, labour politics, civil society, students' politics and African democratic transitions amongst others. He is currently coordinating an international research on Progressives and the Pro-Democracy Movement In Nigeria jointly organised by the Centre for Democratic Research and Training, Mambaiya House Kano, the Centre for Research and Documentation, Kano and the Politics of Development Group of the University of Stockholm, Sweden. He wrote the section on economic justice rights.

TABLE OF CONTENT

Foreward.....	i
Acknowledgment.....	iii
About the Researchers.....	iv
Abbreviations.....	x
INTRODUCTION.....	xii
What is the State of the State Project?	xii
Objective of the Study	xii
Methodology.....	xiii
Population of the Study.....	xiii
Data Analysis.....	xiv
Limitations of the Study.....	xiv
How to Use the Report in Action-Oriented Development Work	xiv
Structure of the Report	xv
PART ONE	
SOURCES AND INDEXES.....	1
Traditional Sources and Indexes.....	1
Governance indicators.....	1
Failed State Index.....	5
Corruption Perception Index.....	6
Human Development Index.....	8
Innovative Sources of Index.....	10
Basic Capability Index.....	10
Gender Equality index.....	10
Environmental Performance Index.....	11
ActionAid State Performance Index.....	14
Substantive Democracy and Citizenship Index.....	14
PART TWO	
ANALYSIS OF THE STATE OF THE NIGERIAN STATE.....	15
Constitutional Human Rights.....	15
The Meaning and Essence of Human Rights.....	15
Constitutional Human Rights in Nigeria Prior to 1960.....	17
Constitutional Rights since 1999.....	18
i. The Right to Life and respect for the Dignity of the Human Person.....	19
ii. Respect for Civil Liberties.....	20
iii. Economic and Social Rights.....	22
iv. The Rule of Law.....	30
Social Justice Rights.....	31
Nigeria's Social Policy Framework.....	32
National Policy on Education.....	32
National Health Policy.....	33
National Gender Policy.....	33
The Child Right Act.....	35
Poverty Reduction Policy Strategies.....	35



What the people say about the State.....	36
The State and Education.....	36
The State and Health.....	40
The State and Popular Participation.....	42
General Social Exclusion of Women and Girls.....	43
Female Participation in Decision Making.....	43
Youth Participation in Decision Making.....	46
Treatment of Children.....	46
Protection of the Aged.....	48
Economic Justice Rights.....	49
Relative Value of Minimum Wage.....	49
Democratization of Economic Policy Making.....	52
Degree of transparency of the Finance Ministry regarding Civil Service.....	54
Degree of independence of Finance Ministry regarding International Financial Institutions.....	55
Degree of independence of economic policy-making regarding the corporate world.....	56
Degree of Market Regulation.....	56
Degree of Statization of Basic Services.....	58
Redistribution.....	59
Degree of redistribution through taxation.....	59
Degree of redistribution of land and other natural resources.....	60
Degree of Access to Credit.....	62
Labour Market.....	62
Quality of Policies Regarding Informal Market.....	67
Political Justice Rights.....	67
Political Representation.....	68
Institutionalized Space for Participation.....	71
Direct Democracy.....	73
Degree of Decentralization.....	74
Degree of Accountability.....	74
Protection of Minority Ethnic Groups.....	78
Progressive Judgement in the Last Five Years.....	80
Progressive Legislations in the past Seven years.....	80
Environmental Justice Rights/Environmental Health.....	81
Environmental Rights and Environmental Health in Nigeria before 1960.....	83
Development since 1960.....	83
PART THREE	
THE STATE AND THE INTERNATIONAL SPHERE.....	93
Nigeria and the International Environment.....	93
Conceptualizing Development Partners.....	93

Development Partners and the Nigerian State.....	94
The State of Poverty in Nigeria.....	99
Development Partners and Nigeria.....	100
Human Development Index of Selected African Countries 2007-2008.....	102
SUMMARY OF FINDINGS.....	104
Constitutional Rights.....	104
Social Justice	105
Economic Right.....	106
Political Rights.....	108
Environmental Rights.....	109
International Space.....	109
Recommendations towards the Establishment of a Democratic Development States.....	110
Other Specific Recommendations based on the Findings of the Study.....	110
Constitutional rights.....	110
social Justice Rights.....	111
Economic Rights.....	112
Environmental Rights.....	113
International Sphere.....	114
REFERENCES.....	115

GRAPHS

Graph 1 - Nigeria, 1996 -2008 Aggregate Indicator: Voice and Accountability.....	1
Graph 2 - Nigeria, 1996 - 2008 Aggregate Indicator: Political Stability and Absence of Political Violence.....	2
Graph 3 - Nigeria, 1996 - 2008 Aggregate Indicator: Government Effectiveness	3
Graph 4 - Nigeria, 1996 - 2008 Aggregate Indicator: Regulatory Quality.....	3
Graph 5 - Nigeria, 1996 - 2008 Aggregate Indicator: Rule of Law.....	4
Graph 6 - Nigeria, 1996 - 2008 Aggregate Indicator: Control of Corruption.....	4

FIGURES

1	Do Nigerians to Eliminate Discrimination against Women in the Field of Employment.....	29
7	Protection from Domestic Violence.....	29
2.1	Gender Equity Index scores for Nigeria, Ghana and Rwanda.....	34
2.2	Extent to which children involved in petty trading is prevalent.....	37
2.3	Respondents' priorities regarding government funding of the Educational.....	40
2.4	Health Centres most poor people go to when they are sick.....	42
2.5	Level of Satisfaction with Government Measures against Gender Discrimination.....	46
2.6	Respondents level of satisfaction with child rights protection.....	46
3.1	How adequate is the minimum wage paid to Nigerian Workers.....	50
3.2	Perception of Government Policy on Minimum Wage.....	51
3.3	Involvement of Citizens in controlling public revenue in government.....	53
3.4	adequacy of incomes for families.....	57

3.5	Satisfaction with the current level of government provision of basic amenities in States and Local Governments.....	58
3.6	Government policy on acquisition of land and other natural resources.....	61
3.7	Government Land Acquisition Policies.....	61
3.9	Perception level of protection of workers against dangerous employment.	64
3.10	Protection Against Dangerous employment.....	64
3.11	Over Work.....	65
3.12	Respondents Perception on Overwork by workers.....	65
3.13	Protection and Job Safety.....	66
3.14	Common Reasons for job insecurity and lack of protection.....	66
4.1	Level of involvement of women in local and national government in Nigeria.....	68
4.2	Level of involvement of disabled and disadvantaged in local and national Government.....	70
4.3	Right to participation.....	71
4.4	Level of involvement of citizens in controlling public revenue.....	75
4.5	Openness of government in disclosing the revenues generated to Citizens.....	76
4.6	Showing citizens effectiveness in holding authorities in charge of public revenue.....	77
4.7	Perception of Government Policies that Protect Minority Ethnic Groups in Nigeria.....	78
4.8	Zonal Perception of Government Policies that Protect Minority Ethnic Groups in Nigeria.....	78
4.9	Opinion: Should government do to protect the interest of minority ethnic groups in Nigeria?.....	76
4.10	Perception on Discrimination from getting a job due to Ethnic or Religious Background.....	79
5.1	Degree of Access to Good Sanitary Environment.....	84
5.2	Government actions towards having a good sanitary environment.....	84
5.3	The regularity of access to Good Drinking Water.....	85
5.4	Government Policy towards Providing Quality Drinking Water to the Citizens.....	85
5.5	The Reality of Air Pollution in Urban/Rural Areas.....	86
5.6	Government Efforts towards Tackling Pollution Problems.....	89
5.7	Resource Endowments.....	90
5.8	Degree of Utilisation of Natural Resources.....	90
5.9	Government Action and Policies towards the protection of these Resources from Overuse.....	91
5.10	Government/Private Sector Efforts at Preventing Global Warming.....	92

TABLES

Table 1	Selection of Local Government Areas and Respondents.....	xiv
Table 2	National Institutions and sectors, corrupt or clean?.....	7
Table 3	Countries Most Affected by Bribery.....	8
Table 4	Nigeria's Human development Index 2006 and Underlying Indicators with Selected Countries.....	9
Table 5	Nigeria Gender gap Index 2006 -2009.....	11
Table 6	Environmental Performance Index 2010.....	12
Table 2.1	Congestion rates of selected prisons in Nigeria, 1997.....	21
Table 2.2	Right to Pension and Social Scheme.....	49
Table 2.3	Right to adequate Standard of Living.....	52
Table 2.4	Government Openness in Disclosing Revenue Generated to All Citizens.....	54

ABBREVIATIONS

FRN	Federal Republic of Nigeria
USAID	United States agency for International Development
CITAD	Centre for Information Technology and Development
AITEC	Association Internationale de Techniciens Expert et Chercheurs
BCI	Basic Capability Index
GEI	Gender Equity Index
EPI	Environmental Performance Index
UNDP	United Nations Development Programme
WB	World Bank
FGD	Focus Group Discussion
SPSS	Statistical Package for Social Sciences
SEI	Social Exclusion Index
TI	Transparency International
HDI	Human development Index
GDP	Gross Domestic Product
GEM	Gender Empowerment Measure
HPI	Human Poverty Index
BCI	Basic Capability Index
GEI	Gender Equity Index
SO2	Sulphur dioxide
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CLO	Civil Liberties Organisation
CDHR	Centre for the Defence of Human Rights
OPC	Oodua People's Congress
TUC	Trade Union Congress
NHRC	National Human Rights Commission
IMF	International Monetary Fund
NLC	Nigeria Labour Congress
ASUU	Academic Staff Union of Union
SSANU	Senior Staff Association of Nigerian Universities
NASUU	Non Academic Staff Union of Universities
SERAC	Social and Economic Rights Action Centre
NEEDS	National Economic Empowerment Development Strategy
NAPEP	National Poverty Eradication Programme
NACA	National Agency for the Control of AIDS
NPE	National Policy on Education
UNESCO	United Nations Educational Scientific and Cultural Organisation
NPHCDA	National Primary Health Care Development Agency
WHO	World Health Organisation
CRA	Child Rights Act
UNICEF	United Nations Children's Education Fund
LGA	Local Government Area
SES	Socio Economic Status
MDG	Millennium Development Goals
NTA	Nigeria Television Authority
NGO	Non-Governmental Organisation
ITNs	Insecticide Treated Nets
ILO	International Labour Organisation

FMWA	Federal Ministry of Women Affairs
KAI	Kicking Against Indiscipline
SAP	Structural Adjustment Programme
WTO	World Trade Organization
IFIs	International Financial Institutions
VAT	Value Added Tax
INEC	Independent National Electoral Commission
ICPC	Independent Corrupt Practices Commission
EFCC	Economic and financial crimes commission
PDP	Peoples Democratic Party
FEPA	Federal Environmental Protection Agency
NPC	National Planning Commission
IFAD	International Fund for Agricultural Development
IBRD	International Bank for Reconstruction and Development
EU	European Union
CIDA	Canadian International Development Agency
JICA	Japan International Development Agency
OSIWA	Open Society Initiative for West Africa
AAN	ActionAid Nigeria
JDBF	Joint Donor Basket Fund
NCP	National Council on Privatization
BPE	Bureau of Public Enterprises
DRC	Democratic Republic of Congo
VVF	Vesico-Vagina Fistula
OECD	Organisation for Economic Co-operation and Development
UNFPA	United Nations Fund for Population Activities
AfDB	African Development Bank
UN	United Nations
ODA	Overseas Development Assistance
IFAD	International Fund for Agricultural Development
UNCTAD	United Nations Conference on Trade and Development
IDEA	International Institute for Democracy and Electoral Assistance
EPAs	Economic Partnership Agreements
VTE	Vocational and Technical Education:
JSS	Junior Secondary School
PHC	Primary Health Care
NHIS	National Health Insurance Scheme



What is the State of the state project?

The central question that the agency of the poor and excluded is asking of the world is: where is the State? Back in the 50s and 60s when a range of countries were being liberated from the yoke of colonial bondage, the “national project” promised to change the lives of millions of poor and excluded in an expanding redistributive developmental logic. It was proclaimed that the key task of nation building would be to reverse the patterns set under colonialism, and build new societies and countries.

More than five decades have passed since. The optimism of nation-building projects, and of carving egalitarian nations and societies, has all but faded in the face of the interests of neo-liberal economics. Today, in a context marked by climate change and the food crisis, we see States as the foremost guarantors of market developmentalism, facilitating dependency and exploitation, forcing the majorities of its people into economically residual categories without control over the means of production or access to economic, social and cultural rights. Free trade agreements, market-led determination, obsession with GDP, growth-led development, together with the complicity of subsidiary States are creating corrupted histories and newer forms of economic apartheid in their evolution.

Irrespective of its specific history, the

failures of States to address questions of ecological justice, poverty, deprivation and denial of social and economic justice have the potential to challenge the very foundations and notions on *role and form* of States. It is in relation to poverty, environmental unsustainable growth, deprivation and denial of rights and justice that the logic of the State has also been questioned. (ActionAid, Concept paper 2008)

As State after State move towards uncontested protection of hegemonic interests, we witness immense challenges for the peoples' agency to claim rights and reclaim their states. While histories cannot be altered, histories in the making can be. It is time to strengthen the questions, build on knowledge, influence, challenge and reclaim the state on its developmental terrain, from the perspective of poor and excluded people. (ActionAid, Concept paper 2008)

Objectives of the Study

The Project is designed to provide support for the development of knowledge resources required for the emergence of a new democratic developmental state: a state that is activist in its intervention in sustainable development process; a state that engages in overcoming contradictions while transforming power relations; a state that engages in international division of labour in more nationally favourable form, and in a process of industrial and agricultural development;

as well as in processes that eliminate environmental risks occasioned by climate change, amongst others. A state that is democratic and developmental has been defined as:

... one that not only embodies the principles of electoral democracy, but also ensures citizens' participation in the development and governance processes. ... in the African context, it is bringing citizenship back-in into politics. This means placing emphasis on cooperative work and deliberative traditions by bringing people together across party lines, racial backgrounds, class divides and other differences, for the common good. ... democratic developmental state is one that can also foster economic growth and development. This means that not only is the state able to transform its economic base by promoting productive, income generating economic activities but must ensure that economic growth has the resultant effect of improving the living conditions of the majority of its population. (Edigheji, 2005: 5)

(b) The State of the State is a project to explore and analyze the State in its dimensions of *role and form* pertaining to its foundations for ensuring rights, justice, equity and freedom.

(c) The project seeks to explore the State from the perspective of the poor, analyzing, understanding and building peoples' issues and alternatives

(d) The project is designed to answer the question of what has stopped the state from exercising its functions of servicing the common good of all in society, and finding alternative changes that are needed for its transformation.

Methodology

The study has used the Survey research in the generation and analysis of data. This also implies the use of primary and secondary data. Secondary data has been obtained from the United Nations Development Programme (UNDP), the World Bank (WB), Transparency International (TI), Social Watch (SW), and various websites that chronicles reports on the Nigerian State, the Central Bank of Nigeria (CBN), Federal Bureau of Statistics (FBS) and numerous published works.

Primary data has been obtained through the use of the following:

- (a) Questionnaire
- (b) Interviews
- (c) Focus Group Discussions (FGDs)

Population of the study

The population that has been studied include the following:

- a. The poor comprising of artisans, poor farmers, traders, hawkers, and the like.
- b. Community based associations
- c. Local government officials
- d. Experts in public policy

- e. Civil society activists
- f. Women
- g. Youth

The sample population has been drawn from the six geo-political zones of the country: North-West, North-East, North-Central, South-West, South-South and South-East. Purposive sample technique has been used in the selection of local government areas as well as the respondents as mentioned above. The sample and the distribution are shown in table 1.

support the points made.

Limitations of the Study

It is important to note that there was limited funding for conducting a more robust survey with larger samples. This means that the coverage was limited as fewer communities were sampled and fewer respondents chosen from the six geo-political zones of the country. This however does not invalidate the findings of the study because we also relied on secondary sources that were

Table 1: Selection of Local Government Areas and Respondents

Zones	States	Local Government Council visited	Total Number of Respondents	Number of females respondents out of total respondents	Number of the Poor out of the total respondents
South-South	Delta	12- 4 LGC per state	20 (5 per LGA)	8	14
	Akwa-Ibom				
South-East	Ebonyi	12- 4 LGC per state	20 (5 per LGA)	8	14
	Abia				
South-West	Ondo	12- 4 LGC per state	20 (5 per LGA)	8	14
	Lagos				
North-Central	Nassarawa	12- 4 LGCs per state	20 (5 per LGA)	8	14
	Kwara				
North-West	Kaduna	12- 4 LGC per state	20 (5 per LGA)	8	14
	Kebbi				
North-East	Taraba	12- 4 LGC per state	20 (5 per LGA)	8	14
	Bauchi				
Total		72	120	48	84

Data Analysis

The information generated has been processed using the Statistical Package for Social Sciences (SPSS), which generated simple statistical tables, graphs and charts. The analysis is mainly qualitatively done with many narrations from the respondents used to

themselves products of previous researches on the subject matter.

How to Use the Report in Action-Oriented Development Work

The report has thrown light into the state of the Nigerian State and its capacity to provide welfare and to meet

developmental challenges as a sovereign institution. It has specifically discussed the contemporary role of the Nigerian State in the following areas:

- Constitutional human rights guarantee and protection
- Social justice rights to promote social inclusion
- Economic justice rights
- Political justice rights
- Environmental justice rights
- The poor and the state
- The state and the international sphere

Secondly, the study has identified gaps and major challenges confronting the state in the areas mentioned above.

Thirdly, it is expected that civil society, state officials and students should derive their levels of interventions from such identified gaps.

Fourthly, the aim of all interventions is to see how collective efforts can be generated to move the State and the nation forward. In addition, the aim is to work towards the enthronement of a democratic developmental state in Nigeria.

Structure of the Report

Part one of the report discusses traditional sources of information on the

Nigeria State and the indexes used to describe the state. These traditional sources and Indexes include the WB, UNDP, Afro-Barometer Survey. It also discusses the more innovative sources and indexes which include the Social Exclusion Index (SEI), Gender Equity Index (GEI), and the Environmental Sustainability Index (ESI).

Part two is an analysis of the 'state of the state' and it focuses on discussion of Substantive Democracy and Citizenship Index (SDCI) which include Constitutional Human Rights, Social Justice Rights, Economic Justice Rights, Political Justice Rights and Environmental Justice Rights. All these discussions take into consideration the voices of the poor in explaining the enjoyment of these rights.

Part three discusses the status of the State in the international arena, examining the international space and power of the State; the relationship and indeed the independence of the State from both international financial and commodity markets; and finally the State's sovereignty.

The last section is the conclusion of the study which brings out the key findings of the project as well as offers a number of recommendations aimed at addressing the challenges and gaps identified in the aspiration to transform the State.

SOURCES AND INDEXES

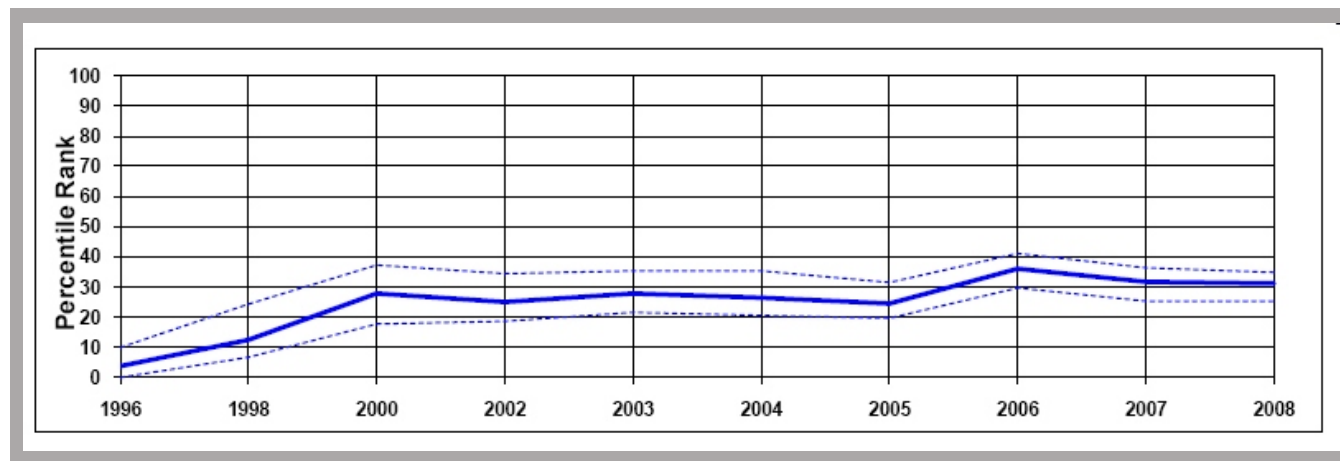
This section outlines and appraises what 'traditional' and 'innovative' sources have said about Nigeria and the Nigerian State especially by international development and financial agencies such as the WB, UNDP, TI and Afro Barometer. Other innovative methods include those produced by Social Watch.

Traditional Sources and Indexes: these sources are known as traditional because they have existed for long as the main sources for data about countries and their performance in terms of development. In addition, they are predominated by international agencies that have influenced and authored the dominant models of development in contemporary world.

Governance Indicators

The World Wide Governance Indicators (WWGIs) have been developed by the WB and they are designed to capture the country's performance using six governance dimensions: (i) voice and accountability, (ii) political stability and lack of violence/terrorism, (iii) government effectiveness, (iv) regulatory quality, (v) rule of law, and (vi) control of corruption. Percentile ranks indicate the percentage of countries worldwide that rate below the selected country. Higher values thus indicate better governance ratings. The graph also shows the margins of error displayed in the line charts by dashed lines, and corresponding to a 90% confidence interval. This means that there is a 90 percent probability that governance is within the indicated range.

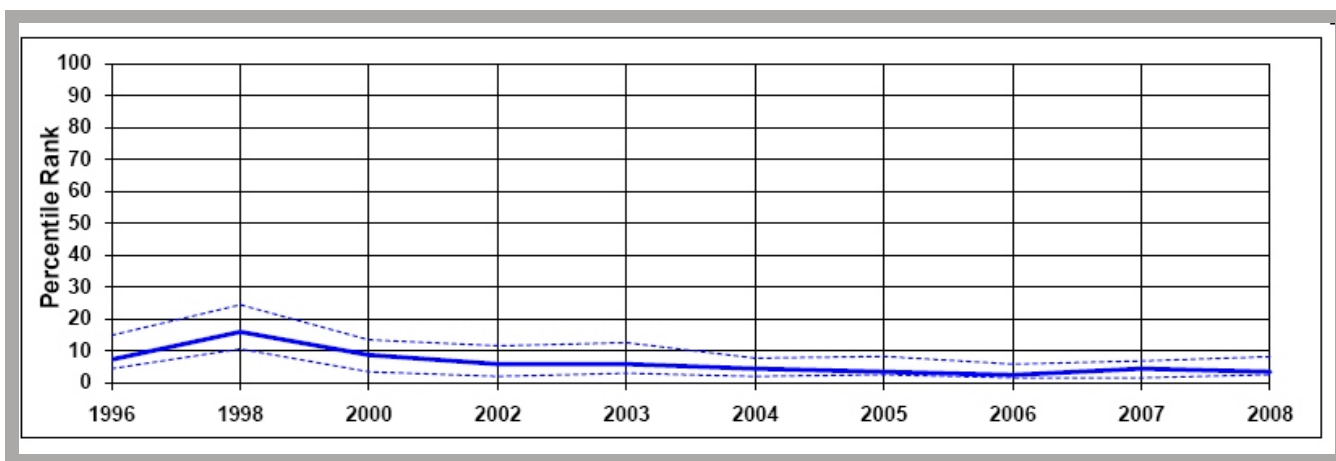
Graph 1 - Nigeria, 1996 -2008
Aggregate Indicator: Voice and Accountability



Source: World Bank, Governance Matter 2009: World Wide Governance Indicators 1996-2008, www.worldbank.org/wbi/governance

Graph 1 indicates that within the period 1996 to 2008, citizens' voices have not been taken on board in decision making and leadership accountability to citizens has been low, in fact below 40%. The lowest percentage was recorded in 1996 and the highest in 2006 with stagnation from 2007 to 2008.

Graph 2- Nigeria, 1996 2008
Aggregate Indicator: Political Stability and Absence of Political Violence



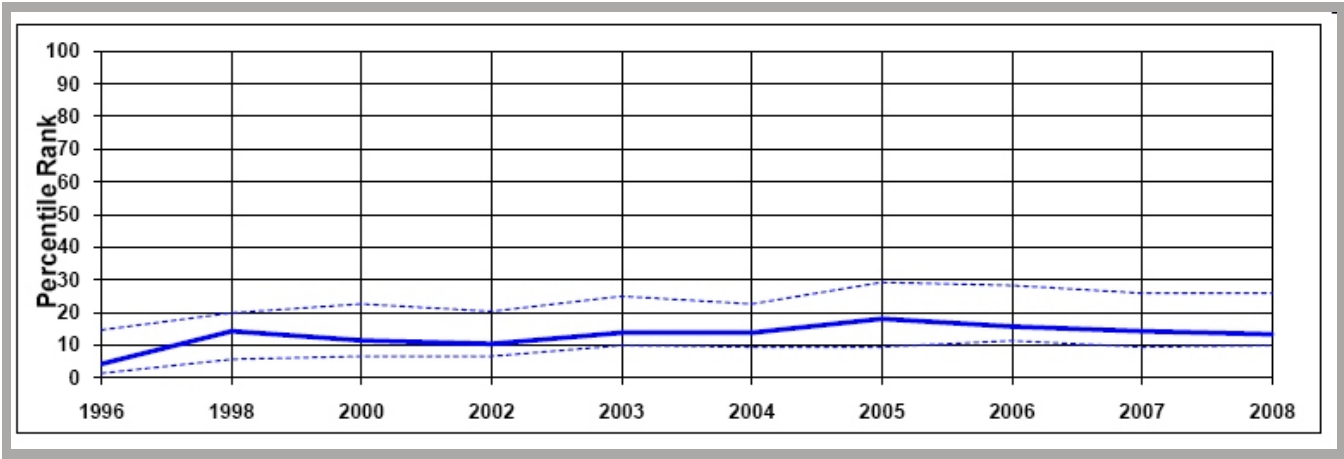
Source: World Bank, Governance Matter 2009: World Wide Governance Indicators 1996-2008, www.worldbank.org/wbi/governance

In terms of assessing political stability and absence of violence or terrorism, graph 2 shows that the country witnessed relative stability only in 1998 with less than 20% score and the levels have continued to worsen. The numerous political, economic, cultural and ethno-religious conflicts have accounted for this instability and threats to the country.

State effectiveness in fulfilling its constitutional functions is shown on graph 3 and the story of low performance is still being told. Since 1996, the only time the state has shown some level of effectiveness in the discharge of its responsibilities is in 2005 with a score of almost 20%. Its capacity has continued to dwindle to slightly above 10%.



Graph 3 - Nigeria, 1996 2008
Aggregate Indicator: Government Effectiveness

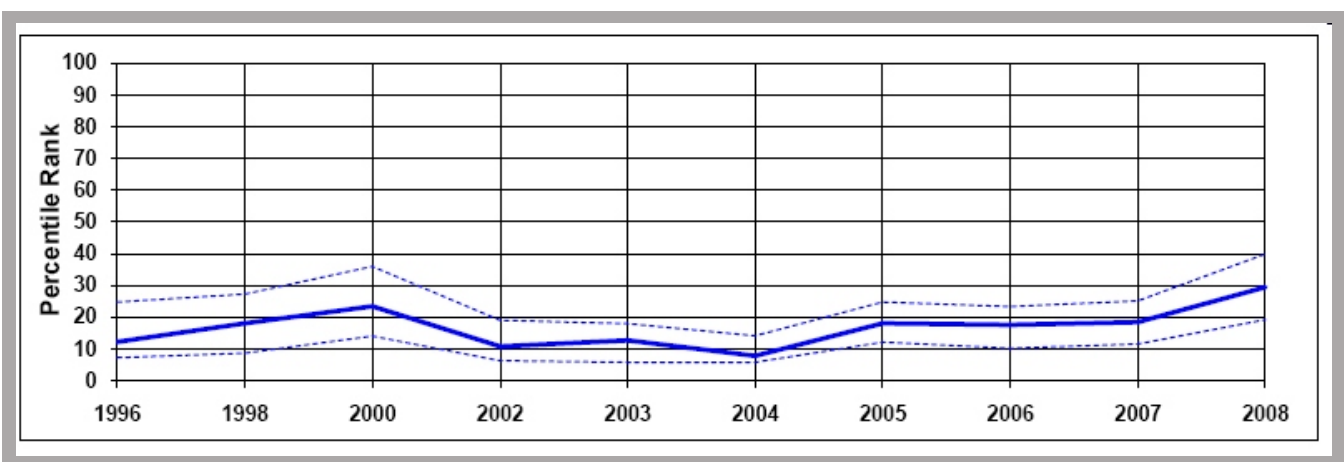


Source: World Bank, Governance Matter 2009: World Wide Governance Indicators 1996-2008, www.worldbank.org/wbi/governance

The regulatory quality of the state as shown on graph 4 equally tells the story of a dismal performance as it is still below 40%. The only period that the state demonstrated high level in its regulatory function is in 2008 with only

30% score. There are numerous regulations on almost every aspect of life in the country, but the capability to employ them in the running of the country is absent.

Graph 4 - Nigeria, 1996 2008
Aggregate Indicator: Regulatory Quality

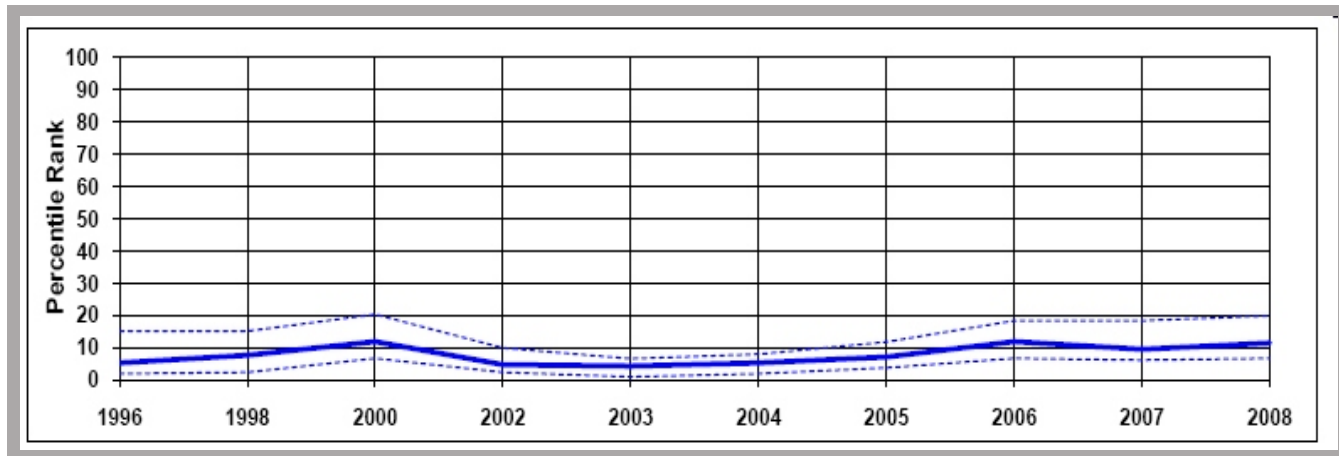


Source: World Bank, Governance Matter 2009: World Wide Governance Indicators 1996-2008, www.worldbank.org/wbi/governance

In assessing the practice of rule of law in the country, graph 5 shows that the rules, regulation and laws guiding procedures are not observed in the conduct of both public and private sector

activities. This explains why corruption, authoritarianism and lack of development are prevalent features of our national life. The numbers are receding as can be seen from the graph.

**Graph 5 - Nigeria, 1996 2008
Aggregate Indicator: Rule of Law**

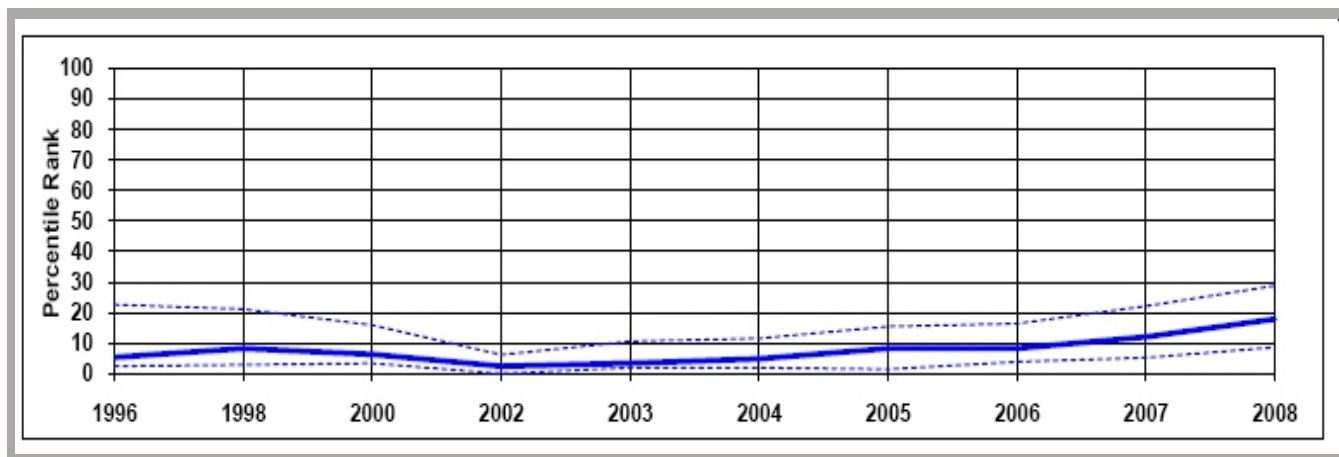


Source: World Bank, Governance Matter 2009: World Wide Governance Indicators 1996 -2008, www.worldbank.org/wbi/governance

There is a very slight improvement in corruption control simply because of the way the practice has been exposed by the media, civil society and such government institutions, as the Independent Corrupt Practices

Commission (ICPC) and the Economic and Financial Crimes Commission (EFCC). The story that the graph has told is that we have a long way to go in controlling corruption at all levels of our national life.

**Graph 6 - Nigeria, 1996 2008
Aggregate Indicator: Control of Corruption**



Source: World Bank, Governance Matter 2009: World Wide Governance Indicators 1996-2008, www.worldbank.org/wbi/governance

The Index has its merit as it demonstrate that at the heart of the development of a country, the state and its performance in governance is paramount. The indices

have clearly shown the poor performance levels of the Nigerian state using all indicators. However, the limitation of the index lies in the fact that



it pays attention solely to governance indicators and the role of the state in the management of the capitalist economy and political life to the exclusion of others like welfare and the quality of life of citizens in understanding the

performance of the state. The State failure index is an elaboration of the governance index because attention is focused on the details of governance and the role of only the state in the society.

Failed State Index

The index has been developed by the *Crisis States Research Centre* and it defines a “failed state” as:

- (a) a condition of “state collapse” *i.e.*, a state that can no longer perform its basic security and developmental functions
- (b) a condition where the state has no effective control over its territory and borders and
- (c) a condition where the state can no longer reproduce the conditions for its own existence. ([Www.wikipedia.org](http://www.wikipedia.org))

The index ranks countries using 12 indicators of state vulnerability - four social, two economic and six political - indicators. The indicators are not designed to measure a state's vulnerability to collapse or conflict.

Social indicators

- 1. Demographic pressures due to high population density relative to food supply and means of livelihood amongst others
- 2. Massive movement of refugees and internally displaced people as a result of random or targeted violence and/or repression
- 3. Legacy of vengeance-seeking group grievance: based on recent or past injustices, committed with impunity by state authorities, or by dominant groups.
- 4. Chronic and sustained human flight(www.wikipedia.org)

Economic indicators

- 5. Uneven economic development along group lines
- 6. Sharp and/or severe economic decline

Political indicators

- 7. Criminalization and/or de-legitimation of the state: endemic corruption or profiteering by ruling elites and resistance to transparency, accountability and political representation.
- 8. Progressive deterioration of public services including failure to protect citizens from terrorism and violence and to provide essential services.
- 9. Widespread violation of human rights
- 10. Security apparatus as 'state within a state': an emergence of elites that operate with impunity including the emergence of state-sponsored or state-supported private militias that terrorize political opponents
- 11. Rise of factionalised elites using aggressive nationalistic rhetoric leading to communal irredentism or communal solidarity (e.g., ethnic cleansing etc)
- 12. Intervention of other states or external factors that affect the internal balance of power or resolution of the conflict. ([Www.wikipedia.org](http://www.wikipedia.org))

State performance on the index is captured in the following colours: red meaning (*Alert*), orange (*Warning*), and yellow (*Moderate*). These categories display some features that make parts of their societies and institutions vulnerable to failure. Nigeria position on the Failed State index is as follows: 2005 warning; 2006 alert; 2007 17th position (alert); 2008 19th (alert); 2009 15th (alert) and 2010 14th (alert). This implies that Nigeria is a failed State.

The Index has the merit of showing in details the role of the state and its agencies and classes in society and how their performance affects the functionality and stability of the state and society. The index has the same limitation as the governance index although they are handled peripherally by the designers of the indicators. The human development index attempts to address the limitations of the governance and state failure indexes in its design of indicators for assessing state performance.

Corruption Perception Index

The Global Corruption Perception Index (GCPI) has been developed by TI, the civil society organisation which aims at fighting global corruption through raising awareness of the devastating effects of corruption, as well as forging collaboration with partners in government, business and civil society to develop and implement effective measures to tackle the phenomenon. Their report which covers a 12-month period, from July to June, and reviews the impact of corruption in a specific sector, including detailed studies from various countries, provides an annual assessment of the state of corruption around the world. It does so through public opinion survey that has been used

world wide each year since 2003. The Barometer explores (a) how corruption affects the daily lives of ordinary citizens, (b) asking about the general public's attitudes toward corruption, (c) the extent to which TI believes corruption pervades public institutions, its experience with petty bribery and (d) the sense of how the fight against corruption will fare in the future. (www.transparency.org)

Corruption is reported by TI because of its impact on governance and development. On the political front, corruption constitutes a major obstacle to democracy and the rule of law; economically, corruption leads to the depletion of national wealth and undermines people's trust in the political system, in its institutions and its leadership. Frustration and general apathy among a disillusioned public result in a weak civil society; (www.transparency.org) Corruption leads to political instability because differential allocation of resources to favour particular groups generates hatred and exacerbates problems of national integration, and is destructive of governmental structures and capacity. (Theobald, 1990: 130) In addition, it threatens political stability, in the sense that any loss of public confidence in the rule of law, justice and governance institutions will lead to resistance and even civil strife. (Transparency International, 2007)

The assessment of Nigeria in 2005 as shown on Table 2 shows high levels of corruption in the police force with the score of 4.7 out of 5.0, political parties - 4.5, the Customs - 4.2 and the legislature - 4.1 while the judiciary had a score of 3.8, education sector - 3.8 and the military with 3.8.

Global Corruption Barometer 2005
Full country table

Table 2: National Institutions and sectors, corrupt or clean?

<i>To what extent do you perceive the following sectors in this country/territory to be affected by corruption? (1: not at all corrupt, ... 5: extremely corrupt)</i>	Political parties	Parliament / Legislature	Police	Legal system / Judiciary	Tax revenue	Business / private sector	Customs	Medical services	Media	Education system	Utilities	Registry and permit services	The military	NGOs	Religious bodies
Cambodia	2.9	2.4	3.2	3.9	3.1	2.6	3.8	2.8	2.2	2.2	2.1	2.3	2.5	1.5	1.8
Hong Kong	3.1	2.5	2.9	2.4	2.1	3.2	2.6	2.2	3.0	2.3	2.1	1.9	2.3	2.4	2.0
India	4.7	4.4	4.7	4.3	3.8	3.4	4.1	3.8	2.7	3.8	3.7	4.0	2.1	3.0	2.9
Indonesia	4.2	4.0	4.0	3.8	3.8	3.5	4.0	2.7	2.4	3.0	3.0	3.5	2.9	2.4	2.1
Japan	4.2	3.7	3.8	3.0	3.5	3.3	2.9	3.6	3.4	3.1	3.2	2.7	3.0	3.0	3.8
Malaysia	3.7	3.1	4.0	2.9	2.8	3.1	3.4	2.3	2.4	2.3	2.4	3.2	2.4	2.5	1.9
Pakistan	3.9	3.7	4.3	4.0	3.9	3.4	4.0	3.7	3.3	3.4	3.8	3.7	3.1	3.1	2.5
Philippines	4.2	4.2	4.0	3.4	3.7	3.2	3.7	2.9	2.5	3.0	3.1	3.3	2.7	2.5	2.0
Singapore	2.2	1.8	2.0	2.1	1.8	2.7	2.0	1.7	2.2	1.8	1.7	1.8	1.9	2.6	2.2
South Korea	4.4	4.4	3.7	3.7	3.5	3.5	3.6	3.3	3.5	3.6	2.4	2.4	3.4	2.9	3.0
Taiwan	4.1	4.3	3.4	3.4	3.1	3.2	3.6	3.1	2.7	2.8	3.2	1.8	3.5	2.0	2.2
Thailand	3.9	2.8	3.8	2.8	2.8	2.9	3.2	2.4	2.5	2.8	2.6	2.2	2.6	2.6	2.2
ASIA - average	4.2	3.9	3.9	3.4	3.5	3.3	3.4	3.3	3.0	3.1	3.1	2.9	2.9	2.8	2.9
Cameroon	3.9	3.3	4.7	4.3	4.0	3.7	4.4	3.7	2.9	3.6	2.7	3.6	3.6	2.5	2.0
Ethiopia	3.6	3.2	3.7	3.7	3.8	3.8	3.6	3.4	3.5	3.4	3.2	2.7	3.6	2.5	2.4
Ghana	4.1	3.1	4.7	3.8	3.7	3.2	4.2	2.9	3.1	3.5	3.7	3.1	2.3	2.5	2.2
Kenya	3.7	3.8	4.1	3.6	3.4	2.9	3.7	3.2	2.3	2.5	3.2	3.7	2.5	2.3	2.0
Nigeria	4.5	4.1	4.7	3.8	3.6	3.2	4.2	3.0	2.8	3.8	3.6	3.1	3.8	2.5	2.3
Senegal	3.6	3.1	3.7	3.2	2.8	2.8	3.6	2.7	2.4	2.5	2.0	3.1	1.9	2.1	1.8
South Africa	4.0	3.7	4.0	3.3	2.7	3.0	2.9	3.0	2.6	2.8	2.9	3.8	2.7	2.7	2.3
Togo	3.6	3.5	3.9	3.9	3.4	3.3	4.2	3.0	3.0	2.9	3.1	3.6	3.5	2.2	2.1
AFRICA - average	4.2	3.8	4.4	3.7	3.5	3.1	4.0	3.0	2.7	3.4	3.4	3.3	3.2	2.5	2.2
Austria	3.6	3.1	2.8	2.8	2.8	3.0	2.7	2.5	3.0	2.4	2.3	2.8	2.7	2.3	2.5
Denmark	2.7	2.5	2.0	2.0	1.8	2.8	1.8	2.1	2.8	1.9	1.9	1.6	2.0	2.2	1.8
Finland	3.1	2.7	1.7	2.0	1.9	2.8	1.8	2.0	2.9	1.8	2.0	1.7	1.7	2.2	2.4
France	4.1	3.4	3.1	3.1	2.5	3.5	2.7	2.3	3.4	2.0	2.3	2.2	2.4	2.5	2.4
Germany	3.7	3.2	2.4	2.7	2.9	3.2	2.6	2.8	3.3	2.3	2.7	2.1	2.5	2.6	2.4
Greece	4.1	3.5	3.3	3.7	3.8	3.4	3.5	3.6	3.7	2.7	3.3	2.5	2.5	2.6	3.7
Iceland	3.3	2.6	2.0	2.3	1.8	3.1	2.0	1.9	3.1	1.5	2.8	1.7	.	2.0	1.7
Ireland	3.7	3.1	2.7	3.2	2.8	3.1	2.2	2.4	2.8	2.0	2.2	1.8	2.0	2.2	2.7
Italy	4.2	3.6	2.5	3.2	3.5	3.5	2.9	3.5	3.3	2.6	2.6	3.5	2.4	2.4	2.2
Luxembourg	3.4	2.8	2.7	2.6	2.4	3.3	2.3	2.1	3.0	2.2	2.1	2.4	2.1	2.3	2.7
Netherlands	3.0	2.8	2.9	2.7	2.4	3.1	2.7	2.3	3.1	2.2	2.9	2.4	2.5	2.6	2.4
Norway	3.2	2.7	2.4	2.2	2.0	3.5	2.2	2.6	3.2	2.0	2.5	1.9	2.7	2.8	3.2
Portugal	3.9	3.3	3.0	3.3	3.7	3.4	3.3	2.9	2.9	2.7	2.6	2.6	2.4	2.6	2.6
Spain	3.4	3.2	3.1	3.2	3.3	3.3	2.8	2.9	3.1	2.7	2.9	2.8	2.9	2.7	3.0
Switzerland	3.2	2.7	2.2	2.3	2.5	2.9	2.1	2.3	2.9	1.9	2.3	2.0	2.3	2.3	2.3
United Kingdom	3.5	3.2	2.8	2.9	2.5	3.0	2.4	2.2	3.2	2.1	2.3	2.0	2.5	2.5	2.4

Source: Transparency International, Global Corruption Perception Index 2005, www.transparency.org

Table 2 shows Nigeria's ranking corruption index in 2007 where bribes are amongst the first few countries on the paid to obtain services from institutions.

Table 3 - Countries Most Affected By Bribery 2007

	Quintile	Countries/Territories
% of respondents reporting they paid a bribe to obtain a service	Top quintile: More than 32%	Albania, Cambodia, Cameroon, FYR Macedonia, Kosovo, Nigeria, Pakistan, Philippines, Romania, Senegal
	Second quintile: 18 – 32%	Bolivia, Dominican Republic, Greece, India, Indonesia, Lithuania, Moldova, Peru, Serbia, Ukraine
	Third quintile: 6 – 18%	Bulgaria, Croatia, Czech Republic, Luxembourg, Malaysia, Panama, Russia, Turkey, Venezuela, Vietnam
	Fourth quintile: 2 – 6%	Argentina, Bosnia-Herzegovina, Finland, Hong Kong, Ireland, Portugal, South Africa, Spain, United Kingdom, United States
	Bottom quintile: Less than 2%	Austria, Canada, Denmark, France, Iceland, Japan, South Korea, Netherlands, Sweden, Switzerland

Source: Transparency International Global Corruption Barometer 2007.

The Corruption Perception Index has the merit of showing how state and non-state actors are critical perpetrators of corruption with its attendant negative

impact on the economy, politics and citizens. The limitation lies in the fact that corruption is seen as the sole source of the nations' problems.

Human Development Index

The UNDP's assessment of the Nigerian State's performance is contained in the analysis of the Human Development Index (HDI) which measures a country's average achievements in the field of human development such as health, knowledge, and a decent standard of living. The health index is measured by life expectancy at birth; the knowledge index is measured by a combination of the adult literacy rate and the combined primary, secondary, and tertiary gross enrolment ratio; while the standard of living is measured by the Gross Domestic Product (GDP) per capita (PPP US\$).

In addition, HDI is measured using three indexes: *Gender-related Development Index* (GDI), which is the HDI adjusted for gender inequality. This index measures achievement in the same basic capabilities as the HDI does, but

takes note of inequality in achievement between women and men. The measurement penalises inequality, such that the GDI falls when a country is unable to reduce the gap between men and women.

The second is the use of *Gender Empowerment Measure* (GEM) i.e. gender equality in economic and political participation and decision making. This evaluates progress made by countries in advancing women's position in both political and economic institutions as well as the extent to which women and men are able to actively participate in economic and political life and take part in decision-making. While the GDI focuses on expansion of capabilities, the GEM is concerned with the use of those capabilities to take advantage of the opportunities of life. The third is the *Human Poverty Index* (HPI), which measures poverty by

dimensions of deprivation: a short life, lack of basic education and lack of access to public and private resources rather than by income levels.

In 2006, Nigeria was classified under countries with low human development index as its HDI is scored 0.499, which

puts the country in 154th position out of 179 countries surveyed by the UNDP. In 2009, the country was ranked 158th out of 182 countries. It should be noted that countries with lower amount of resources have been ranked higher than Nigeria as shown in the 2006 rankings in table...

Table 4 - Nigeria's Human Development Index 2006 and Underlying Indicators in Comparison With Selected Countries

HDI value 2006	Life expectancy at birth (years) 2006	Adult literacy rate (% ages 15 and above) 2006	Combined primary, secondary and tertiary gross enrolment ratio (%) 2006	GDP per capita (PPP US\$) 2006
1. Iceland (0.968)	1. Japan (82.4)	1. Georgia (100.0)	1. Australia (114.2)	1. Luxembourg (77,089)
152. Tanzania (United Republic of) (0.503)	166. Côte d'Ivoire (47.7)	109. Tanzania (United Republic of) (72.0)	149. Tanzania (United Republic of) (54.3)	137. Mauritania (1,890)
153. Senegal (0.502)	167. Malawi (47.0)	110. Egypt (71.4)	150. Ghana (52.9)	138. Sudan (1,887)
154. Nigeria (0.499)	168. Nigeria (46.6)	111. Nigeria (71.0)	151. Nigeria (52.5)	139. Nigeria (1,852)
155. Lesotho (0.496)	169. Congo (Democratic Republic of the) (46.1)	112. Malawi (70.9)	152. Benin (52.4)	140. Kyrgyzstan (1,813)
156. Uganda (0.493)	170. Guinea-Bissau (46.0)	113. Madagascar (70.7)	153. Rwanda (52.2)	141. Côte d'Ivoire (1,632)
179. Sierra Leone (0.329)	179. Swaziland (40.2)	147. Mali (22.9)	179. Djibouti (25.5)	178. Congo (Democratic Republic of the) (281)

Source: Human Development Index 2006

The Index has the merit of showing how poverty and gender equality and empowerment can contribute to our understanding of the effectiveness of the state. In order words, if poverty levels are high and gender gaps are wide, then

that tells us something about the performance of the state. The limitations lay in the inability of the index to measure in some way the factors responsible for the poverty or gender inequality.

Innovative sources and indexes

The innovative indexes differ from the earlier indexes in their ideology and to some extent in their methodology. Their strengths lay in their ability to capture issues that directly deal with the immediate human life and the need for their attainment. For instance it is able to weave together the causes, processes and outcomes of poverty and inequalities as well as environmental degradation to establish the fact that there is the need for the state to address the causes, processes and the outcomes of problems confronting citizens. The indexes therefore propel citizens to demand for a developmental state that has democratic credentials.

Basic Capability Index

Social Watch is an international network of citizens' organizations in the struggle to (a) eradicate poverty and the causes of poverty, (b) end all forms of discrimination and racism, (c) ensure an equitable distribution of wealth and (d) the realization of human rights. The organisation has developed the Basic Capability Index (BCI) which is used in comparing and classifying countries according to their progress in social development by evaluating their situation in terms of minimum basic capabilities and the guarantee of an adequate quality of life. (www.socialwatch.org)

The index employs three indicators: (a) the percentage of children reaching fifth grade, (b) survival until the age of 5, and (c) the percentage of births attended by skilled personnel. These indicators express different dimensions that are considered in internationally agreed development objectives (education, infant health and reproductive health). (www.socialwatch.org)

The BCI indicators show maximum

values when all women are attended by skilled health personnel at delivery, when no child drops out of school before completing the fifth grade and when infant mortality is brought down to its lowest possible level of less than five deaths among children under five years old per thousand live births. These indicators are closely linked to the other basic capabilities available to members of a society. These are capabilities that reinforces each other to make better individuals and collective development possible. (www.socialwatch.org)

Basic Capability Index 2009 use the BCI levels of Acceptable, Medium, Low, Very Low, and Critical, while the BCI evolution use Significant Progress, Slight Progress, Stagnant, Regression, and Major Regression to show the performance of a country. Nigeria's score is Critical and Stagnant. The Social Watch report 2009 indicated that:

“More than 90% of Nigerians have been dealing with the economic meltdown for many years, and their plight has worsened since the present Government came to power. With the total collapse of public infrastructure such as roads and electricity and widespread corruption, life has become an unending story of want, destitution and fear. Nigeria is on the brink of qualifying as a failed state”.
Chukwu, Ogunniran, Onyegu, (2009) www.socialwatch.org

Gender Equity Index

The gender equity index is another crucial indicator that provides a comprehensive idea about the poor and excluded. The gender index is given prominence partly because it relates to half of the population that is still discriminated against in gender terms. Although over the years some aspects of women's situation have improved, their opportunities in economic and

political areas are still clearly limited. The Gender Equity Index (GEI) was developed by the Social Watch in 2004 to measure various levels of inequalities between women and men around the world. It measures the economic activity, education and empowerment of women. The GEI calculation reflects all situations that are unfavourable to women and in such a situation the score does not reach its maximum value of 100 points. The final value on the index depends on the degree of negative inequity for women prevailing in a given country or region regardless of whether there may also be

inequities that are positive for women (that is to say negative for men). (www.socialwatch.org)

The GEI includes three dimensions: economic activity; empowerment and education. GEI of Social Watch ranks Nigeria in the 154th position out of 179 countries. The similarity between the GEI and Gender Gap Index (GGI) lies in the fact that Nigeria is far behind in achieving gender equality. For instance the GGI from 2006 to 2009 shows poor performance by the Nigerian state in the handling of women issues.

Table 5 Nigeria: Gender Gap Index 2006 - 2009

Gender Gap Index 2006 (out of 115 countries)	94 0.610
Gender Gap Index 2007 (out of 128 countries)	107 0.612
Gender Gap Index 2008 (out of 130 countries)	102 0.634
Gender Gap Index 2009 (out of 134 countries)	108 0.628

Environmental Performance Index

The EPI focuses on two environmental objectives and these include reducing environmental stresses to human health; promoting ecosystem vitality and sound natural resource management. The objectives are measured using 25 performance indicators. The 2008 EPI tracks national performance on a core set of environmental policy goals for which every country's performance is assessed and held accountable. The measures are as follows:

- 1: environmental burden of disease;
- 2: adequate sanitation;
- 3: drinking water;
- 4: urban particulates;
- 5: indoor air pollution
- 6: local ozone
- 7: regional ozone;
- 8: sulfur dioxide (SO2) emissions;
- 9: water quality index;
- 10: water stress;
- 11: conservation risk index;
- 12: effective conservation;
- 13: critical habitat protection;

- 14: marine protected areas;
- 15: change in growing stock;
- 16: marine trophic index;
- 17: trawling intensity;
- 18: irrigation stress
- 19: agricultural subsidies;
- 20: intensive cropland;
- 21: pesticide regulation;
- 22: burned area
- 23: emissions per capita;
- 24: co2 from electricity production; and
- 25: industrial carbon intensity.

In 2006, Nigeria was ranked 123rd out of 133 countries and in 2008, it went down to 126th out of 149 countries. The 2008 figures show that the country scored 56.2 (Environmental\Performance Index 2008). In 2010, it was ranked 153rd out of 163 countries sampled with a score of 40.2.

The detailed scoring of the above performance indicators in the 2010 EPI Report is shown in the in table 6

Table 6 Environmental Performance Index 2010

SCORES AND RAW DATA (NIGERIA)	Score (% proximity to target)	Raw value	Raw value target and unit
ENVIRONMENTAL HEALTH	17.64		
Water (effects on humans)	15.03		
Access to Sanitation	21.4366	30.0	100.0% of population with access
Access to Water	8.62069	47.0	100.0% of population with access
Air Pollution (effects on humans)	37.19		
Indoor Air Pollution	17.1053	78.75	0.0% of population exposed
Outdoor Air Pollution	57.2704	44.9873	20.0 ug/m3
Environmental Burden of Disease	9.17	165.0	10.0 Disability Adjusted Life Years per 1,000 population
ECOSYSTEM VITALITY	62.74		
Forestry	22.07		
Forest Cover Change	0.0	-3.3	0.0 decline in forest cover
Growing Stock Change	44.134	0.860335	1.0 ratio of growing stock in time2 to time1
Fisheries	65.62		
Marine Trophic Index	79.0263	-0.007146	0.0 decline
Trawling Intensity	52.216	47.784	0.0% of exclusive economic zone trawled
Agriculture	59.09		
Agricultural Water Intensity	100.0	1.925	10.0% of all water resources
Agricultural Subsidies	100.0	0.0	0.0 subsidies
Pesticide Regulation	18.1818	4.0	22.0 points
Climate Change	75.84		
Greenhouse Gas Emissions Per Capita	92.7773	3.21051	2.5 Mt CO2 eq. (Estimated value associated with 50% reduction in global GHG emissions by 2050, against 1990 levels)
CO2 Emissions Per Electricity Generation	17.7899	413.464	0.0 g CO2 per kWh
Industrial Greenhouse Gas Emissions Intensity	100.0	13.1531	36.3 tons of CO2 per \$mill (USD, 2005, PPP) of industrial GDP (Estimated value associated with 50% reduction in global GHG emissions by 2050, against 1990 levels)
Air Pollution (effects on ecosystem)	40.6		
Nitrogen Oxides Emissions	49.6419	1.18965	0.01 Gg/sq km populated land area
Ecosystem Ozone	1.97381	277605000.0	3000.0 AOT40
Sulfur Dioxide Emissions	53.1822	0.902578	0.01 Gg/sq km populated land area

Non-Methane Volatile Organic Compound Emissions	32.4632	4.58786	0.01 Gg/sq km populated land area
Water (effects on ecosystem)	62.07		
Water Quality Index	44.8244		100.0 score
Water Stress Index	58.651	4.66	0.0% territory under water stress
Water Scarcity Index	100.0	0.0	0.0% water overuse
Biodiversity & Habitat	74.67		
Biome Protection	99.335	9.9335	10.0% weighted average of biomes protected
Critical Habitat Protection	100.0	100.0	100.0% of critical habitats protected
Marine Protection	0.0	0.0	10.0% of country's exclusive economic zone protected

Source: Environmental Performance Index 2010, <http://epi.yale.edu/countries/Nigeria>

From the above discussions of indexes, the stories these indicators tell about the Nigerian State are as follows:

1. The state is weak and has failed to deliver maximum political, security and economic goods to citizens of the

country despite the huge resources at its disposal.

2. The lives of citizens are generally poor as reflected in the levels of poverty, diseases, unemployment etc.

ActionAid State Performance Index

In an attempt to design an index for the measurement of the performance of the State, the ActionAid has observed three issues that constitute a problem in the use of traditional sources and indexes. The first issue is the development paradigm in which these indicators are located. Often these development paradigms are based on the neo-liberal premise of GDP growth, free trade, regulatory states, protection of capital and market-led development. The second issue with these indicators is the “silences of indicators”. In many instances, the indicators are silent on the redistribution issues and the issue of who are gainers and losers from the process of economic globalization. Thirdly, the issue is about who constructed the indicators, for what and at what levels these are designed. (Actionaid Concept paper 2008)

The ActionAid Index is design to evaluate the State using two indexes “Substantive Democracy and Citizenship Index” as well as the “Poor and the State Index”. This will assist the reader to approach the understanding of the state from qualitative and quantitative indicators, gathered into six clusters: constitutional human rights, social justice rights, economic justice rights, political justice rights, environmental justice rights and the state and the international sphere. The

advantage of this index is that the State is projected as an agency that should propel the promotion of democracy and citizens' participation in development and the control of the state.

Second the voice of the poor is represented in the evaluation of the state as opposed to the voices of owners of capital, big businesses, politicians or some international agencies. Thirdly, the index has paid attention to the right-based approach in the evaluation of the performance of the state.

Fourth, the indicators can be used to promote reflection by citizens that feed into public policies. Thus, the indicators are designed to promote praxis: people's mobilization, production of public knowledge and promotion of action-oriented change.

Substantive Democracy and Citizenship Index

The main concern for the poor, civil society and other political allies, is not only the consolidation of the *representative* (or electoral) democracy that minimally guarantees their political and civil rights, but also its articulation with more and better forms of participatory democracy, seeking to build a substantive democracy through a deepening of the democratic process centred on the notion of social justice.

ANALYSIS OF THE STATE OF THE NIGERIAN STATE

Constitutional Human Rights

Chapter four of the Constitution of the Federal Republic of Nigeria (1999), Sections 30 - 40 establishes the parameters of constitutional human rights in Nigeria. For the avoidance of doubts, these rights include: the right to life; the right to dignity of human person; the right to personal liberty, the right to fair hearing; the right to private and family life; the right to freedom of thought, conscience and religion; the right to freedom of expression and the press; the right to peaceful assembly and association; the right to freedom of movement; the right to freedom from discrimination; and right to acquire and own immovable property anywhere in Nigeria. The same constitution empowers the Nigerian State to ensure the realization of these rights in the interest of the peace, stability and development of the country.

Over the years, studies have increasingly shown that these rights are hardly enforced by the State. For example, the rights of vulnerable groups like women and children which are supposed to be integral, inalienable and indivisible components of the Universal Declaration of Human Rights (UDHR, 1948), have continued to be trampled upon in Nigeria in so many ways. Similarly, although a signatory to the African Charter on Human and People's Rights (ACHPR, 1981), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979), indications are that the country adheres to all these principles only in theory. In this chapter, we shall attempt to discuss the extent to which constitutional human rights are respected in Nigeria and the degree to which this has remained an issue in the socio-economic and political development of the nation.

Some of the critical questions we try to address include: (i) are human rights justiciable in Nigeria? (ii) how were human rights reflected in political economy of pre-colonial Nigerian societies? (iii) in what ways did the conception of human rights change in Nigeria following the establishment of colonialism? And (iv) what has been the state of human rights protection since the granting of political independence, and in particular, the enthronement of democratic rule in the country since 1999?

THE MEANING AND ESSENCE OF HUMAN RIGHTS

Generally, rights are entitlements or claims to something and against someone, the recognition of which is called for by legal rules, or in the case of moral rights, principles of enlightened conscience. In legal terms, rights imply an advantage, a benefit conferred by law or a claim which entitles one to something over others. But unlike moral claims which are mere assertions of notions of wrong or right, rights have the backing of the legal or the judicial system. Furthermore, it should be pointed out that the conception of rights goes in tandem with its corresponding duties since the existence of a right in favour of say A imposes a duty on B to perform or to refrain from engaging in certain conduct. On the other hand, human rights have been subjected to a plethora of meanings and interpretations.

There is however a consensus as to what human rights generally entails across regions of the world. For example Lien cited in Dakas (1990:39) points out that human rights are universal rights attached to the human being wherever he/she appears without regard to time, place, color, sex,

parentage or environment. Since it was adopted by the USA Constitution in 1787 and extended by Constitutional Amendment in 1913, human rights as a doctrine has been adopted by many more nations in subsequent decades. For example, Section 33, Constitution of the Federal Republic of Nigeria (1999) declares that:

Every person has a right to life, and no one shall be deprived Intentionally of his life, save in execution of the sentence of a Court in respect of a criminal offence of which he/she has been found Guilty in Nigeria....

Similarly, Article 4, African Charter on Human and Peoples' Rights (1981) states that:

Human rights are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this life

Then too, Article 6 (1), of the International Convention on Civil and Political Rights points out that:

Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life

The point therefore is that rights are essentially claims addressed to specific beneficiaries. According to Winston (1995:57), rights including human rights consist of at least eight basic and distinct elements:

- (i) A specification of the class of right holders;
- (ii) A specification of the content of the right or an account of what goods, interests or capacities the right protects;

- (iii) A specification of the class of addressees of the right, that is the class of moral agents against whom claims can be addressed or who can be said to bear responsibilities and duties correlative with the right;

- (iv) An account of the specific duties or social responsibilities correlative;

- (v) A specification of the scope of the right, its defeasibility conditions or the range of specific cases or instances to which the right properly applies;

- (vi) An account of the weight of the right vis a - vis other rights and against considerations of social utilities, including conditions of derogability and other sources of limitation on the fulfilment of the right;

- (vii) An account of the right in terms of its method, mechanisms of social implementation and fulfilment;

- (viii) A right in terms of an account of the ways in which rights holders may claim their rights and gain recognition of their claims thereby enjoying the protection offered by the claim.

Since its universal acceptance as the basis for national and international relations, human rights have remained the beacon for scoping, dimensioning, gauging or assessing the development of all human beings on earth in relations with the structures under which they exist. Today, the level of development attained by any society is analyzed by the extent to which that society protects and enforces these rights. As will be amply demonstrated with the Nigerian example the history of constitutional human rights since the attainment of political independence and particularly the enthronement of democracy in 1999

reveals so many gory tales of violations by the Nigerian state and its ruling elites. Evidence from the field on these, suggests that democratic governance in the country has not significantly improved the prospects of the actualization of constitutional rights, a development that is indeed an affront to the ideals of democracy and its fundamental pillar: rule of law.

CONSTITUTIONAL RIGHTS IN NIGERIA PRIOR TO 1960

In order to understand the issues being raised here, it is important to discuss constitutional rights in Nigeria with the benefits of hindsight. Using this as a guide would enable us track changes and continuities in the adherence to human rights in the country. Having said this, it is important to point out that the history of human rights in Nigeria predates the establishment of British colonial rule. As a matter of fact, human rights and fundamental freedoms were acknowledged and recognized in the precolonial polities and societies inhabited by what was to later become modern Nigeria. Historical records (Ikime, 1980; Oputa, 1989; FGN, 1990; And CLO, 1995) do evidently show that although not conceived in strict modern sense, the notion of rights was not entirely new to these societies. Indeed, ideas like rights to family, kin and clan membership, freedom of thought, speech, belief and association, right to enjoy private property and right to participate in governance and the affairs of the society were closely guarded. These rights were further reinforced by the norms and values of the society in which case they remained the essential parameters for everyday life.

Some few examples should suffice here to illustrate the point we are trying to make. In the far North where Sharia legal system was entrenched, human rights and fundamental freedoms were

specifically protected and guaranteed in accordance with the dictates and tenets of Islam which upheld justice and equity in high esteem (B. J. Dudley, 1968; Ajayi and Crowther, eds., 1971; Adamu, 1978; And Oputa, 1989). In other parts of the country, especially in the South and Central Nigeria, fundamental freedoms were enshrined in the operations of the socio-political systems of the people (Ikime, ed., 1980). These were further reinforced by the moral codes, norms and values of the people. Indeed, across Nigeria during the period under review, the dignity of the human being was emphasized in the organization of society for the purposes of the reproduction of the material wellbeing of the people.

This was the situation until the imposition of British colonialism between the last quarter of the 19th century and the beginning of the 20th. In this regard, colonialism eroded traditional values and liberties which hitherto protected and guaranteed fundamental freedoms in precolonial Nigeria. One major consequences of colonialism was the denial of economic and political rights to Nigerians. In this context, the reality of conquest and subjugation entailed that the peoples and societies in what later became Nigeria lost their autonomy and consequently, fundamental freedoms. This situation remained until 1922, when the Clifford Constitution bestowed on Nigerians limited franchise as subjects of the British colonial forces. The agitations for political participation and, by extension political independence by Nigerian nationalists after World War II, led to enhanced political rights and the constitutional amendments which followed between 1945 and 1954 when the Littleton Constitution was adopted (Ikime, ed. 1980; And Akinwumi, 2004).

It has been aptly argued that the

entrenchment of fundamental human rights in Nigeria could be traced to the independence constitution of 1960. According to this view, the independence constitution of 1960 and the Republican constitution of 1963 had provisions that protected fundamental human rights in the sense that they catered for civil and political liberties. Subsequent constitutions in post independence constitutions deepened and consolidated on this. For example, the 1979 and 1999 constitutions made provisions for Bill of Rights in Chapter IV which guaranteed Civil and Political Rights and provided for Fundamental Objectives and Directive Principles of State Policy in Chapter II, which recognized Economic, Social and Cultural Rights.

From the foregoing, it is clear that the incorporation of human rights provisions in Nigerian post independence constitutions is deliberately targeted at creating a society in which there is political freedom, social justice and equity as well as economic wellbeing of all citizens. However, the prospect of these in the development of the country was attenuated by the interventions of the military in the political process of the country. The messianic adventures of Nigerian military into politics had profound consequences on the promotion and protection of democratic values and fundamental freedoms of the people of Nigeria.

As studies have amply demonstrated (Nwankwo, 1997; Okpeh, 2010), by its very nature, military governance is authoritarian, regimental and above all, undemocratic. Its command structure circumscribed the fundamental liberties of the people. For almost forty years, civil society coalition in alliance with other progressive forces confronted the military in the struggle for the establishment of a society underpinned

by good governance, constitutionalism, rule of law, social justice and respect for human rights. Rights-based organizations like the Human Rights International (HRI), Committee for the Defence of Human Rights (CDHR), Civil Liberty Organization (CLO) and state agencies like the National Human Rights Commission have impressive records of some of these violations in their annual reports.

CONSTITUTIONAL RIGHTS SINCE 1999

Although by May 1999 a major landmark was achieved in this regard, especially with the enthronement of civil governance, developments since this period suggest that all is not well. As would be empirically shown in the next segment of this chapter, constitutional rights are still far from being sufficiently guaranteed and protected in the country. As a matter of fact, fundamental freedoms of the masses of the people have continued to suffer ceaseless breaches by the post-colonial state and its ruling elites, who using the might of state power, have continued to oppress, exploit and harass the people. The non-justiciable nature of socio-economic rights in the Nigerian constitution has made it impossible for the observances of Constitutional Human Rights in Nigeria. The constitution even if it provides for these rights is greatly undermined and does not provide the right framework for the observance of the right to self-determination, the right to work and social security. Thus almost ten years into civil governance, the situation is far from ameliorating.

For the purposes of our main focus in this analysis, we would dimension the situation of constitutional rights in Nigeria since 1999 under the following clusters or sub-themes:

(i) The right to life and respect for the dignity of human person;

(ii) Respect for civil liberties;
 (iii) Economic and Social Rights; and
 (iv) the Rule of Law as it affects good governance. Under each of these items, we would try to state what the law says, the reality on ground and attempt an appraisal of the issues they represent in terms of governance and its implications on the total wellbeing of the people.

(i) The Right to Life and Respect for the Dignity of the Human Person:

Since the advent of the democratic dispensation in 1999, indications are that there is no deliberate commitment to issues relating with respect to human dignity, even though the country's constitution lays claim to these ideals. Till date Nigeria is still one the countries in the world today where death penalty is upheld as a deterrence to crime. The application of this law has caused the death of some innocent Nigerians during the period under review. Furthermore, there are instances where extra-legal means were used to deal with offenders. In 2001 a report compiled by CDHR (2001: 6), we are told of how Senator A. T. Ahmed of Kogi Central Senatorial District accused the police of killing innocent citizens in his constituency. The report also cited the example of Alhaji Momoh Lawal Aliyu who was killed at the venue of a funeral ceremony held close to the Police Headquarters in Okene. Similarly in 2006, an unarmed Benue State University, Makurdi, Central Nigeria, student was gunned down by a Police Officer while on his way to campus after attending a party. In 2000, the Nigerian military invaded Zakibiam in Benue State and sacked several villages, destroying several lives and properties worth billions of Naira (Human Rights Watch, 2000). This happened shortly after the state brutality in Odi in the same year.

This culture of eliminating people without recourse to the law has been

imbibed by the larger society in Nigeria. The prevalence of thugs, vigilante groups and militias and the proliferation of small and light weapons have been identified as possible factors accounting for this development (Babawale, 2003; Okpeh and Akinwumi, et al eds., 2006; Akinwumi, 1999; and Vaseeh, 2009). However, the failure of the post-colonial Nigerian state to protect its citizens and maintain law and order remains one of the critical issues in this development. Since 1999, there have been reported cases of these groups taking laws into their hands, dispensing crude justice in accordance with street life. This form of justice, called "jungle justice" is most popular in urban centers like Lagos, Onitsha, Kano, Kaduna and Pot-Harcourt. A few examples of these incidences would help illustrate the point we are trying to put across here. On January 29th, 2001 Waidi Ibrahim , an automobile technician of 2A, Awori, Ajamgbadi, Ojo was lynched in his workshop at Festac Town Lagos, by an angry mob that accused him of stealing a motorcycle (CDHR, 2001:21). The same source reports that on May 6th, nine robbery suspects were killed by members of the Oodua Peoples Congress (OPC). Furthermore, in May 28th, 30 persons suspected to be armed robbers were summarily killed by Bakassi Boys, a dreaded vigilante group in different parts of Onitsha.

Another trend which suggests that human life means nothing in contemporary Nigeria is the spate of assassinations and ritual killings across the country. Indicative of a total breakdown of the state's security apparatus, assassination has gained so much currency in Nigeria since 1999 that when it does occur, attempting to investigation is almost a waste of time. From the celebrated examples of Chief Alfred Rewane, Harry Marshal, Chief Bola Ige, Reverend Father Nnabufe,

Chief Andrew Agum; to others like Barrister and Mrs. Alexander Igwe, Mr. Bayo Ohu, Comrade Andy Udu (the slain Chairman of the TUC, Benue State chapter), Dipo Dina, to mention just a few. Analysts have established a nexus between these assassinations and the politics of exclusion that is a dominant feature of our democratization process (Babawale, 2003; Akinwumi, 2004; and CLO, 2005). Ritual killing has also assumed an alarming proportion in the country. Linked with the ailing state of the economy, kidnapping and ritual killings have compounded the security problems in the country and further jeopardized the dignity of the human person. Often time those affected are mutilated and vital parts of their body such as the private parts, eyes, breasts, heart, teeth, etc are removed for rituals associated with promises of material fortunes.

(ii) Respect for Civil Liberties:

The transition from military to civil governance in 1999 does not appear to have significantly impacted on the prospects of civil liberties in Nigeria. Military rule had eroded human rights in the country through the use of decrees, verbal fiat and ouster clauses in legislation. Records have shown that between 1984 and 1999 alone, various military juntas promulgated no fewer than 56 decrees which directly undermined the fundamental principles of human rights (Okpeh, 2010:49). The situation has not changed much, since leaders operate as carelessly as they could once the opportunity arise, sometimes even with impunity. Indeed, we have reached a point whereby, human life means nothing to those who control the instruments of coercion. As aptly pointed out by a source:

There is an avowed belief that disasters are inevitable, especially when they are natural. But a responsible and responsive state will do everything

possible to minimize them. Road accidents can be curbed if the roads are in good condition and if the conduct of those plying the roads is moderated by the state officers in charge of these roads. A raging fire can be extinguished if the fire service stations are well equipped. Incidents of boat mishap can be reduced if the waterways are well maintained. Collapse of buildings can be avoided if the ministry in charge of property development monitors construction works properly. Plane crash can be averted or reduced drastically if aeroplanes and helicopters as well as other air-borne objects are properly serviced and maintained (CDHR, 2001:38).

The point therefore, is that respect for civil liberties is not approached with the quantum of seriousness it rightly deserves in the country as a result of which, people do not care where there is a breach either by other people or in fact by the state. Much of the deaths that occur in the country are actually avoidable, if a little more care was taken.

The dehumanizing state of our prisons is yet another example of the cavalier regards with which civil liberties are treated in the country. Prison conditions across Nigeria are appalling. Characterized by astronomical rates of congestion, a growing ratio of Awaiting Trial Persons to total prison population, declining welfare, high death rates of inmates and warder brutality; prisons are essentially hell on earth. In 1997, just two years before the current democratic dispensation, the CLO commissioned a report on the state of Nigerian prisons. The facts that emanated from this report are as chilling as they are revealing. The report shows that an estimated 55,000 - 70,000 inmates were held in 147 prisons in the country. This was against the total designed capacity of 33, 348, indicating

an overall congestion average of 65% to 110%. As revealed by Table 2.1, which details

Table 2.1 Congestion Rates of Selected Prisons in Nigeria, 1997

S/N	PRISONS	EST. CAPACITY	EST. POPULATION	PERCENTAGE CONGESTION RATE
1	Onitsha Prison	326	1,050	222
2	Jalingo Prison	200	1, 257	528
3	Agodi Prison	294	1,638	457
4	Ikoyi Prison	80	1,661	108
5	Kirikiri Maximum Security Prison	708	1,605	127
6	Ado-Ekiti Prison	200	290	45
7	Kirikiri Medium Security Prison	740	2,50	238
8	Enugu Prison	759	1,260	66
9	Abakiliki Prison	340	534	57
10	Medium Security Prison Oji River Prison	82	211	157
11	Nsukka Prison	120	190	58
12	Takushi Prison	120	130	8
13	Obudu Prison	120	126	5
14	Port Harcourt Prison	800	1,000	5
15	Kaduna Prison	574	804	40

Source: Annual Report 1997: A CLO Report on the State of Human Rights in Nigeria, 1999, p. 33.

Statistics from individual prisons shows that congestion rates in some prisons were as high as 528. The implication of this on the condition of living of the prisoners is better imagined than described.

A corollary of the above is the welfare of the prisoners. As at today, not much has been achieved in terms of ameliorating the deplorable situation of our prisons and/or those of the prisoners. Plagued by inadequate funding, corruption manifesting by way of misappropriation of prison funds and the pilfering of prison supplies by prison officials, Nigerian prisons are one of the world's worst. They lack adequate cell rooms for inmates, they are filthy and lack water supplies. In most of these prisons, medical care for inmate is grossly inadequate, explaining why mortality rate of prisoners is alarmingly high. Prisoners are poorly fed by prison

officials. The point here is that no one cares about the life of prisoners (NHC, 2007). In recent years, prisoners have clashed with prison officials over the sub-human conditions they are subjected to resulting sometimes in major conflagrations. A particular example here is the prison riots in places like Onitsha, Jos, Maiduguri and Makurdi, to mention just a few. This attitude is dictated by the punitive rather corrective philosophy driving the prison system in the country.

In Nigeria, we are still far from realizing the ideals of freedom of expression and the press. As it was during the dark ages of junta dictatorship, the experience under civil rule has been most depressing indeed. So intolerant of opposing views and opinions, the postcolonial Nigerian state and its ruling elites have continued to trample on the rights of citizens to freely express

themselves on issues that concern them and their wellbeing. Intimidation and harassment of journalists has continued unabated. Since the enthronement of civil rule in 1999, many journalists have been arrested and detained, tortured and brutalized by the state and its agents. Newspapers and magazines with information about issues the state is not comfortable with have been seized and vendors selling such publications grilled. Media establishments also continue to be invaded by government officials. The dynamics of censorship of the media and consequently the violation of freedom of expression by the ruling elites has also claimed the lives of some journalist within the period under review. An example here is the assassination of Bayo Olu in 2009. To further reinforce this posture, the Freedom of Information Bill before the National Assembly is still awaiting passage, having been trapped in elite politics of mischief.

Government agents continue to disrupt lawful and peaceful demonstrations by the mass of the people. Usually the police would demand for permission before such demonstrations are permitted, even though the Constitution of the Federal Republic of Nigeria does not say so. Section 39 (1) of the Constitution of the Federal Republic of Nigeria (1999):

Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without hindrance.

As at 2005, it was reported that the entire national prison system had less than 15 ambulances. For details see CDHR, Annual Reports on Human Rights in Nigeria, 2005.

However under the pretext of public order and security, the police reserve

the right to stop any gathering. So many times civil society organizations in a protest march have been disbanded by the police, sometimes with maximum brutality. The Obasanjo administration was notorious for such callous violation of citizens' rights to express themselves. It confronted the Nigeria Labour Congress (NLC), the Academic Staff Union of Universities ASUU and many other civil society organizations that attempted to resist neo-liberalism and misrule. This situation has continued to be replicated in the states and local government areas of the federation where elected governors and chairmen operate like czars of 16th century Russia Empire. They can order the closure of any media organization without recourse to the law, they can order the arrest of journalists that report news that they consider injurious to their administration, they continue to trample on the rights of the people to organize and express themselves.

(iii) Economic and Social Rights:

By 1999, the economy of Nigeria was firmly in the grips of international capital superintended by the WB and the IMF in alliance with the Nigerian state and its ruling elites. Arising from this, the havocs wrecked on the economy under the Structural Adjustment Program (SAP) in the previous decades continued to persist. The consequence of this has been greater dependence of Nigeria on forces of foreign domination, exploitation, demobilization of indigenous forces of resistance, deprivations even among public sector workers, massive social dislocations, and generalized violence in the polity. This has however, implicated the economic and social rights of Nigerians, particularly those who are below the breadline. This contravenes the constitution and some existing international conventions to which Nigeria is signatory. For example,

section 17 (3) (a) to (h) of the Constitution of the Federal Republic of Nigeria declares as follows:

The State shall direct its policy towards ensuring that:

- (a) All citizens, without discrimination on any group whatsoever, have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment;
- (b) Conditions of work are just and humane, and that there are adequate facilities for leisure and for social, religious and cultural life;
- (c) The health, safety and welfare of all persons in employment are safeguarded and not endangered or abused;
- (d) there are adequate medical and health facilities for all persons;
- (e) there is equal pay for equal work without discrimination on account of sex, or on any other ground whatsoever;
- (f) children; young persons and the aged are protected against any exploitation whatsoever, and against moral and material neglect;
- (g) provision is made for public assistance in deserving cases or other conditions of need; and
- (h) the evolution and promotion of family life is encouraged.

Similarly, Article 15 of the African Charter on Human and Peoples Rights asserts that:

Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work.

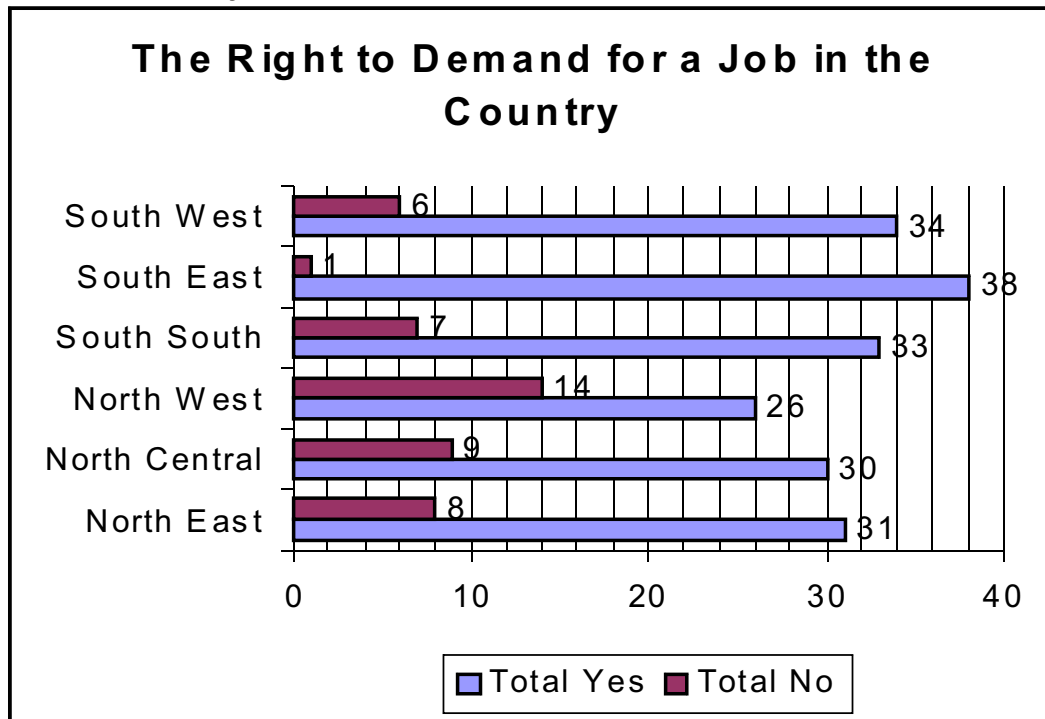
Then too, Article 7 of the International Convention on Economic, Social and Cultural Rights declares that:

The state parties to the present Covenant recognizes the right of everyone to the enjoyment of just and favorable conditions of work which ensure in particular:

- (a) Remuneration which provides all workers, as a minimum, with
 - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind...
 - (ii) Safe and healthy working condition....

Compliance with WB and IMF directives in the period under review has led to so many job losses in Nigeria. As a matter of fact, despite official rhetoric, government at all levels had done nothing in creating jobs for the people. Instead, it has continued to implement measures like retrenchment, compulsory and/or abrupt retirement and sometimes unlawful sack, which is shrinking the formal sector. As a broad section of Nigerians have revealed in Fig 1, the right to work, till date remains precarious across all sectors of the economy.

Fig 1: Do Nigerians Have the Right to Demand for a Job in the Country?



Source: ActionAid Field Survey, 2009

Fig 1 also reveals that Nigerians are aware of their rights to demand for job from government. However, as Fig 2 further illustrates, the right for work is not enforced largely because of the corrupt activities of government officials charged with this responsibility and the weak structure of the nation's economy.

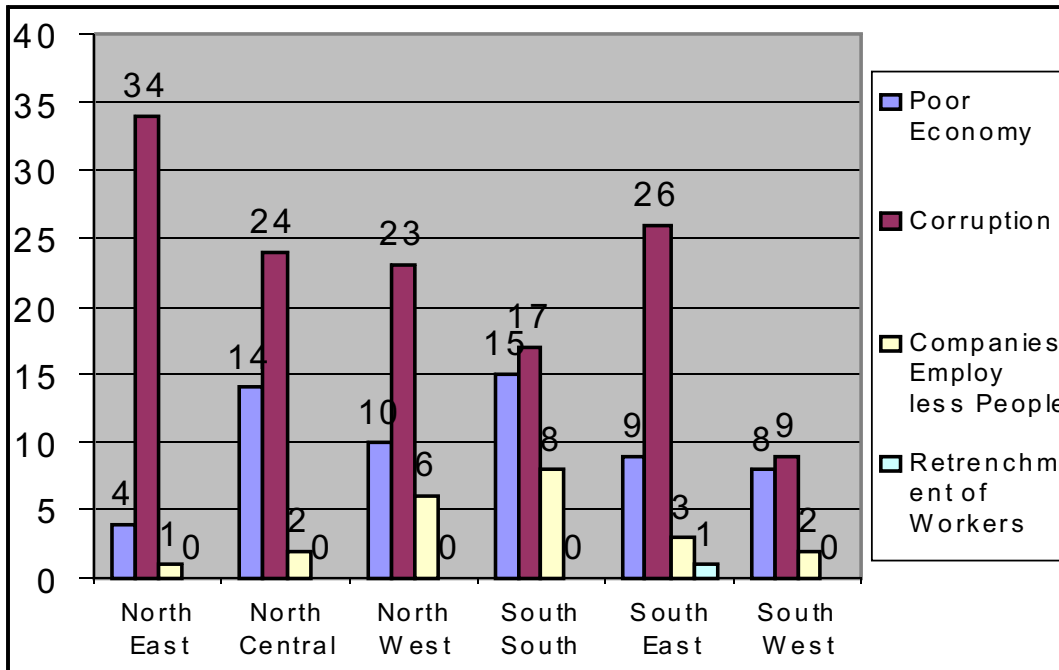
Education and occupational status have no bearing on this perception. Furthermore, the average Nigerian worker remains the most exploited compared with his/her counterparts in other parts of the world. He/she works longer hours, is paid meager salaries, is

the least protected and the most exposed to the vagaries of international capitalist exploitation. When he/she responds by demanding for more pay, he/she is chastised by the state, and sometimes even retrenched.

This is how the NLC, TUC and other labour organizations like ASUU, SANU, NASU, etc have fared under the new dispensation since 1999. For example, in 2001, ASUU embarked on a national strike action for four months to press home its demands for university autonomy, improved



Fig 2: Why the Right to work is not observed in the in the Country?



Source: ActionAid Field Survey, 2009

Nigeria is almost fifty years as an independent polity, yet it has no national social policy that would address health issues, cater for the aged, disabled and other vulnerable groups in society like women and children. Nowhere are the effects of the withering postcolonial Nigerian state felt more poignantly than in its incapacity to address the problems of the vulnerable groups in the country. The plight of the Nigerian pensioners is so heart wrecking. They travel long distances to process their papers. Some even die without benefiting from the pension scheme. Many others simply give up after trying for years without positive results. The same story is replicated with regards to the disabled people in the country. The failure of the state in this regard has forced many of them into the streets, begging for alms to make ends meet.

The intransigence of gender-based discrimination, oppression, marginalization and exploitation of women represent issues in the

infringement of basic rights in Nigeria. For the avoidance of doubts, Section 42 (1) of the Constitution of the Federal Republic of Nigeria (1999) points out clearly that:

1 A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only he is such a person

2 be subjected to either expressly by, or in the practical application of any law in force in Nigeria or any executive or administrative action of any government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religion or political opinions are not made subject to; or

3 be accorded either expressly by, or in the practical application of, any law in Nigeria or any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded the citizens of Nigeria of other communities, ethnic groups,

places of origin, sex, religion or political opinions.

Similarly, Article 2 of the African Charter on Human and Peoples Rights unequivocally states as follows:

Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.

Article 2, of the international Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979) further avers as follows: By States parties to condemn discrimination against women in all its forms, agreed to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and to this end, Undertake:

- (a) To embody the principle of the equality of men and women in their National constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in acts of discrimination against women and to ensure that public authorities and institutions shall act in

- conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal legislation which constitute discrimination against women.

Despite all these national and international conventions, women and girls are still being discriminated against, marginalized and oppressed. Studies (Akande, 1979; Imam, 1985; Akumadu, 1996; Angya, ed. 2005; And Okpeh and Sha, eds. 2006.) have amply shown that the preponderance of the patriarchal ideology in our social system makes the realization of the ideals of the laws cited impossible.

The most basic division of labor across Nigeria is gender based and in terms of the status, power and responsibility attached to what men and women do or should do, women are almost always not given any premium. They are subordinate to men's authority, work longer hours more than men, discriminated against in the allocation of power and authority, do not inherit properties, are victims of all manners of dehumanizing cultural practices, sometimes at the risk of their lives, and above all, are sexually exploited.

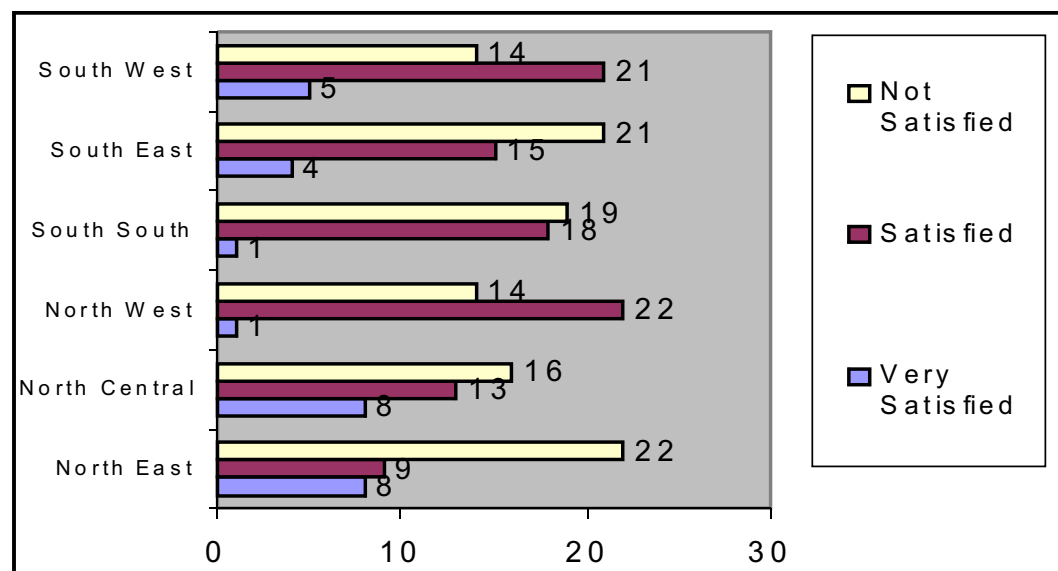
At the wake of the new democratic dispensation in 1999, new found hope was expressed that, at least the liberal environment that would be created would enhance the empowerment of women and other vulnerable groups in Nigeria. Although sufficient awareness on gender issues is being generated by

rights-based organizations and the civil society, the recalcitrance of patriarchy and the lack of political will on the part of the postcolonial state have continued to diminish and truncate the possibility of realizing the mainstreaming of women in the development process. In this context, supportive statutory laws that discriminate against women either in theory or in practice in Nigeria include (a) Women, Marriage and Residency laws; (b) Criminal Law; (c) Child Custody Law; (d) Inheritance Laws; (e) Women and Property Rights; and (f) Revenue Laws (Obilade, 1989; Constitutional Rights Project, 1995; Akumadu, 1996; And SERAC, 2007).

As evidence from field survey does clearly show, Nigerian women are still far from achieving equality with their

male counterparts in the development process. In spite of their immense contributions to the development of the country, Nigerian women are still largely underdeveloped because they lack access to credit facilities to pursue alternative economic and social options; they are still largely at the circumference of political power even though they constitute at least half of the electorate; they still suffer disinheritance by the fact of their being women; they still constitute the largest part of the poorest of the poor in Nigeria; they are the least educated since many societies in Nigeria do not believe in educating the Girl-child; and above all, they still remain the least protected by the laws of the land from gender-based violence. The information in Figs 3, 4, 5 6 and 7 appraising specific government policies towards women's rights buttresses the point we are trying to put across here.

Fig 3: Government Measures to Eliminate Discrimination

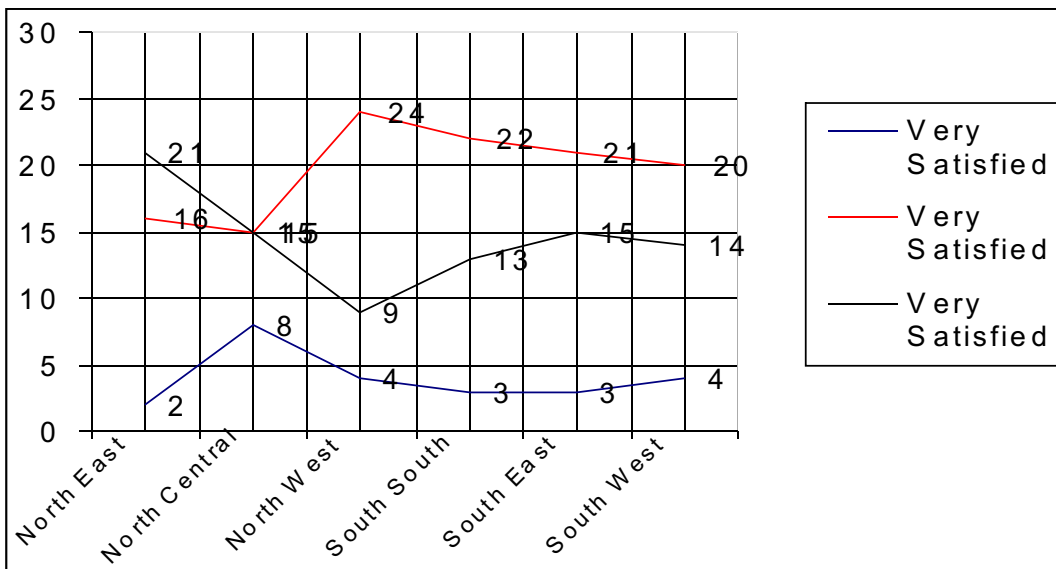


Source: ActionAid Field Survey, 2009

From the Fig above, Nigerians are satisfied with government measures to eliminate discrimination. The poor are of the opinion that the State may have measures to prevent discrimination but

the practices shows clearly that state institutions, state officials and politicians as well as the private sector have exhibited discriminatory practices in their operations.

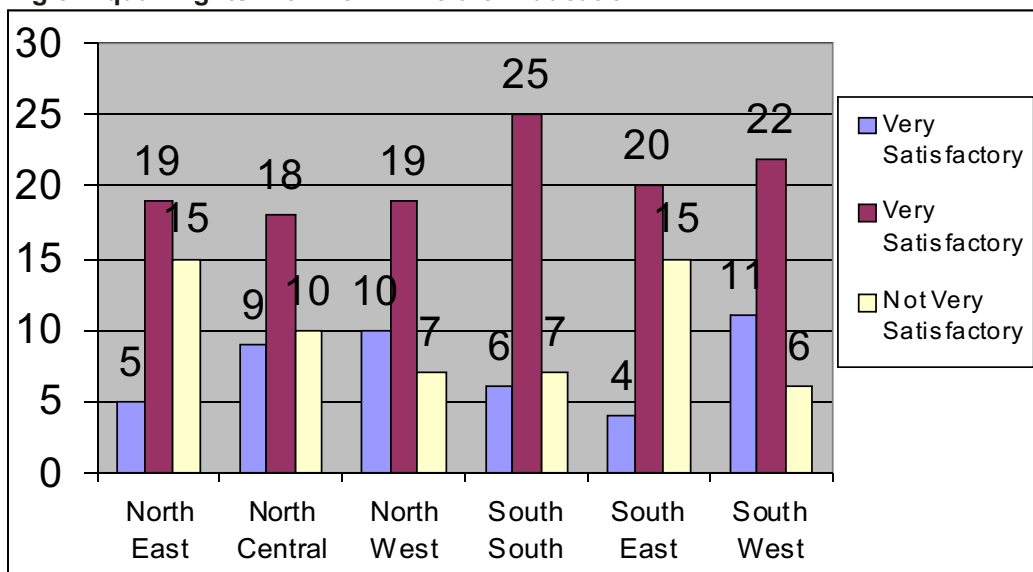
Fig 4: Equal Rights with Men to Acquire, Change or Retain their Nationality



Source: ActionAid Field Survey, 2009

One remarkable way this discrimination is practiced is in the area of citizenship. Respondents are satisfied that the laws provided by the state are sufficient in protection of rights of citizens, but the practice is totally unsatisfactory.

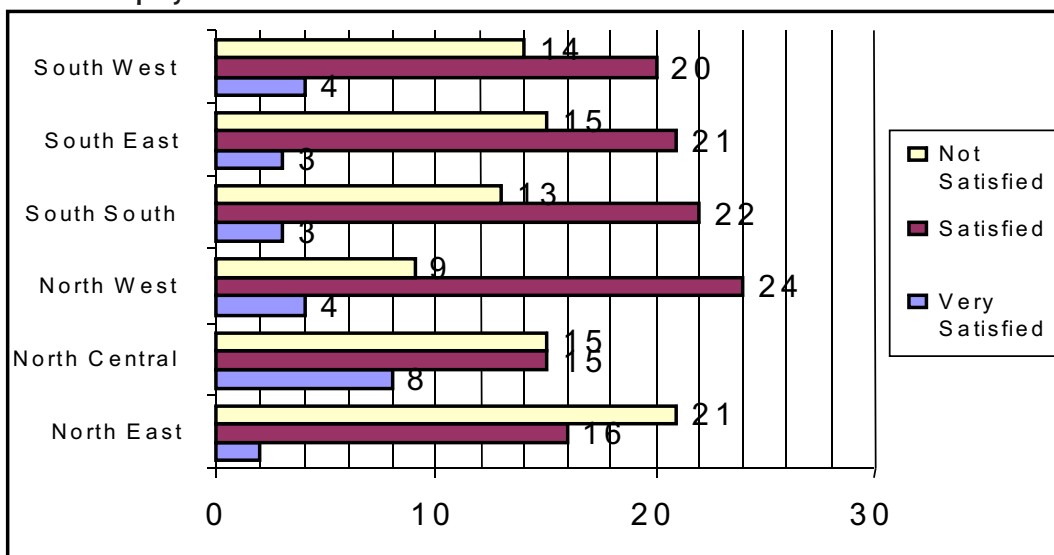
Fig 5: Equal Rights with Men in Field of Education



Source: ActionAid Field Survey, 2009

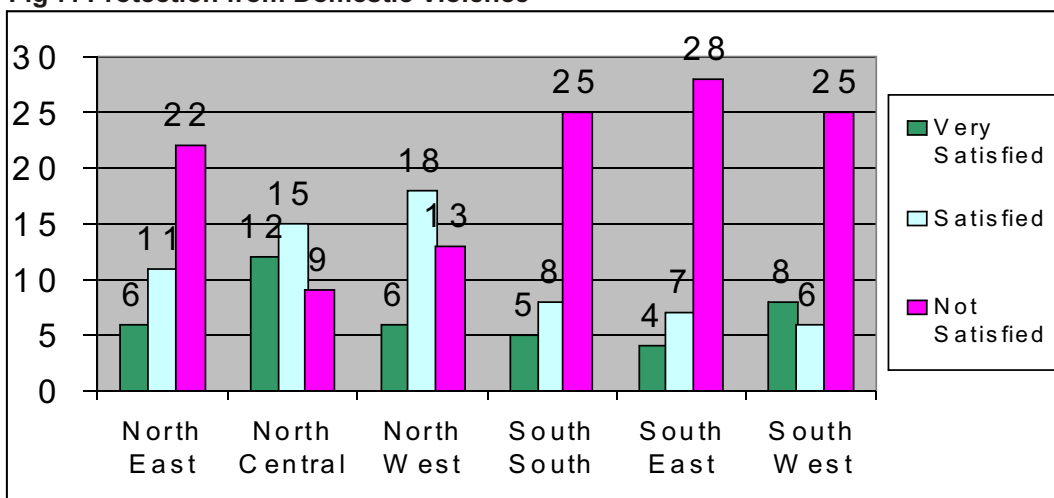


Fig 6: Measures to Eliminate Discrimination Against Women in the Field of Employment



Source: ActionAid Field Survey, 2009

Fig 7: Protection from Domestic Violence



Source: ActionAid Field Survey, 2009

The point here is that genuine development has continued to elude the country because the freedoms of the people are still not guaranteed and safeguarded in ways that would allow them to contribute their quota to the development of the country. Yet this denial or infringement of social and economic rights of a vast section of the Nigerian people remains a dark spot in the on-going democratization process. This is the case because,

the end goal of democracy as a system of government, is the qualitative enhancement of the human condition. Where this fails to happen, democracy becomes short-circuited in the sense that it would generate enormous contradictions that could jeopardize its existence as a framework for charting the progress of a people. This is the situation we have found ourselves in today's Nigeria.

(iv) The Rule of Law:

Modern democracy thrives on the pillars of rule of law (Onu and Momoh, 2005; nhc, 2007; and CLO, 2009; and Agu, 2009). The rule of law presupposes the supremacy of laws and their equal application to everybody and all institutions in a polity regardless of status, class and/or gender and in whatever circumstance; and to the extent that such laws are fair, just and are supportive of the enhancement of personal liberties, life, and are formidable bulwark against tyranny and arbitrary rule. According to Dicey cited in Igwe (2002:387), as a concept, rule of law implies:

...the absolute supremacy of regular laws as opposed to the influence of arbitrary power and excludes the existence of arbitrariness, or prerogative or even of wide discriminatory authority on the part of government....

This conceptualization upholds the fact that the goal of rule of law is to check governmental powers, ensure governance is according to the established laws of the land and not the whims of those in authority, and that one cannot be punished except for a proven breach of the law. Some of the basic principles of rule of law include the supremacy of the law; separation of powers; equality of all before the law; and fundamental freedoms and liberties of individuals.

Although the constitution and other relevant laws of the land lay claims to upholding the rule of law, available evidence do not support this. Indeed since the advent of the current democratic government, it has become increasingly clear that Nigeria is not developing as fast as she should precisely because the society lacks law and order since rule of law is hardly the principle upon which our social system is predicated. But since there is a critical link between democracy and develop-

ment on the one hand, and rule of law and fundamental human rights on the other, it is not surprising we are where we are today, several years after we returned the military to the barracks. Indeed since 1999, the political process in the country and at all levels has witnessed what Momoh in Onu and Momoh (2006) has described as the “Hegemonization of domination, personalization of political rule, consolidation of militarism, democratization of violence, subordination of democratic and social forces.” Thus as a class society, the ideology of the ruling elites determines the application of the principles of rule of law.

Constitutional rights in Nigeria exist largely on paper, by and large. Yet, without it there cannot be genuine democracy and sustainable development. It is the foundation block for building a just and egalitarian society. After almost thirty years of military rule, the people heaved a sigh of relief when a combination of civil society and pro-democracy groups in alliance with the international community wrestled political power from the military and forced it to beat a fast retreat to the barracks where it rightly belongs. While the euphoria that greeted the emergence of civil rule was still fresh, a tendency became visible in which our democratic transition failed to deliver good governance to the mass of the impoverished people, due to continuous violation of constitutional rights by the supposed democratic state and its ruling elites. In addition, the emerging political economy under this new dispensation was not founded on the rule of law. The result is the contradictions that have ensnared the current democratic experience. As we did show in the preceding analysis, there cannot be a viable democracy where basic rights are not guaranteed the people who indeed are, and rightly should be, the drivers of

the democratization process. Similarly, there cannot be economic development where the social system is anchored on inequality, lawlessness and anarchy, the defining variables of the current political arrangement in Nigeria.

Social Justice Rights

Social justice refers to the duty of organized society to provide sufficient basic needs (food, shelter, health, education, employment, security etc.) essential to livelihood and survival so as to enable individual citizens lead a decent life (Nwabueze, 1993). The notion of social justice is founded on the intrinsic equal worth, inherent dignity and inviolable fundamental rights of all human beings. John Rawl's (1976) idea of social justice implies that state authority is obligated to ensure equality of treatment in terms of access to opportunity and the distribution of national resources and benefits. Bustelo (2001) cautions that equality of treatment before the law may not suffice to address structures of discrimination that disadvantage certain social groups.

Consequently, he advocates 'treatment as equals' by giving equal value to people in recognition of their diverse needs, interests and priorities. According to Byrson (1999) treatment as equals may require positive discrimination in favour of disadvantaged groups and ensures equal opportunity and equal outcomes for all citizens. It follows, therefore, that in order to promote social justice government must institute an appropriate legislative, policy and institutional framework to devise effective measures for intervention in all areas of the national economy. In "Social Justice in Nigeria: The Dialectics of Ideas and Reality" Dorothy Ucheaga (2001:33) makes the salient point that endemic corruption in the management of public resources through the instrumentalities of social

policy and state apparatus is a predominant feature of the Nigerian capitalist system, which impoverishes the public sector and undermines social service provisioning. Consequently, the reality of widespread poverty, inequality and underdevelopment in Nigeria stands in stark contradiction to the lofty ideas and ideals articulated in the Constitution, numerous policy documents and laws.

This section of the report presents findings on the social justice component of the State-of-the-State research project. The project set out to question the legitimacy of the state by examining the degree of state failure in key sectors of the Nigerian economy from the perspective of the people, particularly the poor. It is premised on the assumption that state legitimacy derives from the willingness and ability of the state to cater to public interests and welfare, and to guarantee social inclusion and participation in state policy making and implementation processes.

The existence and public accessibility of social policies, particularly in health and education, constitute key indicators of citizens' ability to make claims on the state. Poverty thrives in the absence of extensive state investments in both sectors. The *Human Development Report* (2003:85) clearly demonstrates that, "the first cluster of policies required for top and high priority countries to break out of their poverty traps involve investing in health and education." The HDR report also highlights a synergy of agency and equity between the political and socioeconomic justice rights of poor people, notably marginalized groups such as women, children and ethnic/racial minorities etc., that promotes overall human security and well-being as well as enhances state economic performance (pp.67-84).

Accordingly, this section contrasts state

social policy frameworks with the perspectives and experiences of Nigerian citizens from all walks of life in relation to the actual delivery of public services and the lived reality of different social categories, particularly vulnerable groups such as children, women and youth. It presents an overview of the national social policy framework regarding education, health, gender equality, poverty reduction and the treatment of children. This is followed by a situation analysis based on the perceptions and experiences of ordinary citizens and a few experts on the extent of policy delivery. The views are those of both focus group discussants and survey questionnaire respondents.

Nigeria's Social Policy Framework

Statements of intent to provide basic education and health services to Nigerian citizens are elaborated in various national policy, programme and agency documents. Besides the 1999 Constitution, which spells out certain basic rights and fundamental freedoms (Chapter IV) and non-discrimination on the basis of ethnicity, religion or sex, there are issue-specific policies such as: the National Policy on Education (1977 and amended in 1981, 1985, 1998 and 2006), the 1988 National Health Policy and the 2006 National Gender Policy. In addition, since the return to civil rule in 1999 the state sought to distribute the 'dividends of democracy' by initiating a number of poverty-reduction programmes and health schemes notably the National Economic Empowerment Development Strategy (NEEDS 1 and 2), National Poverty Elimination Programme (NAPEP), the EPI immunization, Roll Back Malaria and National Health Insurance Schemes (NHIS). The government also established a National AIDS Coordination Agency (NACA) to deal with the increasing problem of HIV/AIDS infection among the populace.

National Policy on Education

In principle, the National Policy on Education (NPE) guarantees "universal basic education in a variety of forms, depending on needs and possibilities" for all Nigerian citizens and emphasises functional and qualitative education (NPE, Section 1 (9)(e); UNESCO, 2000). In fact, the original statement of intent in Section 11 (109) made it clear that the ultimate goal of government is "to make education free at all levels." As part of its underlying philosophy the policy states the need for "equality of opportunities to all Nigerian children, irrespective of any real or imagined disabilities..." (Section 1 (4)(d). Furthermore, the policy offers promise of functional education and trained labour power, particularly in science and technology. An elaborate institutional framework was set in motion to implement policy objectives consisting of the Federal and State Ministries of education, a national steering committee and council, state education boards and an Educational Trust Fund (ETF).

Despite the dearth of available statistics on education financing in Nigeria, a WB study by Hinchliffe (2002) demonstrated that expenditure on education was substantially below the Sub-Saharan average and significantly lowest in primary education which is the responsibility of local governments who suffer from vertical and horizontal fiscal imbalances owing to the nature of fiscal federalism. A 2008 study by Okuneye et al indicates that things have not changed in terms of education policy implementation as it concludes that, "misplacement of priority, poor budgetary allocation, and lack of political will to education has been the bane behind the dwindling fortune of the educational sector in Nigeria".

National Health Policy

The National Health Policy (NHP)

establishes a three-tier system, consisting of primary, secondary and tertiary healthcare. The Policy, in principle, prioritizes the provision of preventive health over curative health care. It emphasises primary health care under the jurisdiction of the local government as the cornerstone of its healthcare delivery system. This is ostensibly a more cost-effective means of delivering health care to a sprawling, largely rural and semi-urban, population. The overall aim of the policy is,

To bring about a comprehensive health care system, based on primary health care...to every citizen of the country within the available resources so that individuals and communities are assured of productivity, social well-being and enjoyment of living.
<http://www.motherlandnigeria.com/health.html#Policy 2002>

A National Primary Health Care Development Agency (NPHCDA) was established to monitor implementation. Under the National Policy on Health the Federal Government undertakes to provide strategic support to state and local governments (Section 1.7 (a), incentives in selected health fields to the best of its economic ability (Section 1.7 (c) and to exercise political will to mobilize and use all available resources rationally (Section 1.7 (e). In addition, the 2000 National Health Plan set out 13 targets for improving the health targets of Nigerians including a component on community-based health care. Nevertheless, Nigeria has some of the worst poverty-linked health indicators in Africa with exceptionally high child, infant and maternal mortality rates and deaths from waterborne diseases (DFID *Country Health Briefing Paper*, 2004). The last WHO healthcare performance assessment for the year 2000 ranked Nigeria 187th out of 191 countries (Oloriegbe, 2009:1). Oloriegbe ascribes

Nigeria's poor health performance largely to the nature of fiscal federalism in Nigeria and the three-tier structure of the health system, which he claimed hinders adequate resource allocation to health care where it is most needed at the grassroots. According to him, "The key social determinants of ill health in Nigeria still includes hunger, poverty, illiteracy, lack of clean water, poor sanitation, poor housing, gender disparity and unemployment" (ibid.)

National Gender Policy

The National Gender Policy recognizes gender prejudice as a cross-cutting issue affecting all sectors of the economy with serious impacts on the socio-economic status of women and children, particularly girl-children. Gender policy is a tool for poverty reduction as affirmed in the brief introduction to the policy context and rationale in Part 1:

Promoting gender equality is now globally accepted as a development strategy for reducing poverty levels among women and men, improving health and living standards and enhancing efficiency of public investments. The attainment of gender equality is not only seen as an end in itself and a human rights issue, but as a prerequisite for the achievement of sustainable development.

Owing to the fact that "the social relations and activities of Nigerian women and men are governed by patriarchal systems of socialization and cultural practices which favour the interests of men above those of women" (Part 1 Section 1.2) the life chances of the majority of women are severely circumscribed leading to disproportionate poverty and underdevelopment among females. Consequently, the policy adopts an over-arching gender mainstreaming strategy to integrating the needs and interests of males and females into development processes.

The overall aim is, “to build a just society devoid of discrimination, harness the full potentials of social groups regardless of sex or circumstance...”

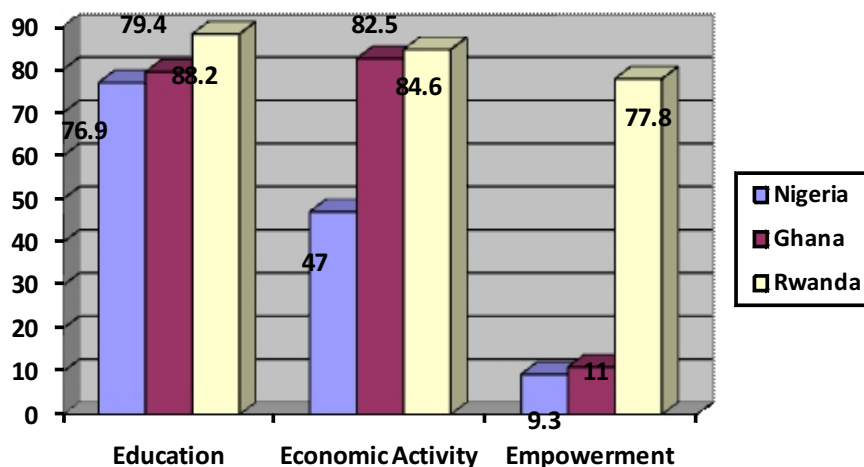
The policy seeks to promote the socio-economic inclusion of women and girls through a strategic framework using gender mainstreaming to integrate gender issues into all sectors and stages of policy implementation. The Federal Ministry of Women Affairs spearheaded the outlining of a strategic implementation framework with an elaborate Gender Management System to oversee the realization of policy objectives. Notwithstanding, gender disparities persist in terms of female access to resources, opportunities and benefits in the Nigerian economy. For instance, the 2007/8 *Human Development Report* gave Nigeria a Gender Development-related Index score of 0.456 and a ranking of 138 out of 156 countries. The 2009 Social Watch Gender Equity Index ranking for Nigeria is 147th out of 156

countries surveyed with a score of 44 out of 100. This is less than the 2006 GEI score (45) and lower than the Sub-Saharan average (53).

The index measures gaps in three dimensions, namely education, economic activity and empowerment in relation to participation in decision making. Each score carries a maximum score of 100. Fig. 1 compares the scores of Nigeria (44), Ghana (58) and Rwanda (84) for each indicator.

They demonstrate that Nigeria lags behind the other two countries in all three dimensions and **underscore the extent of female poverty and exclusion** in Africa's most populous nation (*Social Watch, 2009*). Most importantly, they depict a policy failure in terms of the NGP objectives to achieve gender parity in male/female school enrolment and 35% female representation in governance.

Fig. 2.1 Gender Equity Index scores for Nigeria, Ghana and Rwanda



The Child Rights Act 2003

On 31 July 2003 the National Assembly enacted the Child Rights Act (CRA) in line with the international Child Rights Convention previously signed and ratified. The CRA classifies children's rights under four broad categories: survival, development, participation and protection. It aims to ensure that,

In every action concerning a child, whether undertaken by an individual, public or private body, instructions or service, court of law or administrative or legislative authority, the best interest of the child shall be the paramount consideration. (Part I (1))

Accordingly, the Act guarantees every child *inter alia* the right to survival and development, respect and dignity of person, education, parental and health care. It also prohibits child labour, including street hawking, begging, guiding beggars, domestic labour, recruitment for military service, exploitation of any kind. Furthermore, it stipulates that a child shall not be used for "any purpose that deprives the child of the opportunity to attend and remain in schools and provided for under the Compulsory, Free University Basic Education Act" (Part II (30)(1)).

In sharp contrast to the extant policy/legislative framework at the federal level, the extent of implementation of the letter and spirit of the CRA leaves a lot to be desired. Prior to its eventual passage into law by the National Assembly the bill was shrouded in a raging controversy arising from objections raised by those who claimed it opposed indigenous cultural and religious values. Some of the contentious issues put forward mostly, but not exclusively, by Muslim legislators representing some northern

states, had to do with girl-child marriage, child labour and parental rights. After much legislative advocacy by civil society groups and the Ministry of Women Affairs the Act eventually passed into law. Nevertheless, owing to provisions in the 1999 Constitution, such laws must also be domesticated at the level of State Houses of Assembly who are permitted to make modifications to suit local peculiarities. So far 24 of the 36 states have proceeded to enact their own versions of the Child Rights Act, yet even where this has been done a very low level of implementation persists as millions of children are still subjected to various forms of cultural and structural violence without due redress. UNICEF (2010).

The nature of social injustice against children includes: social neglect, child trafficking, non-enrolment or premature removal of (girl) children in/from schools, female genital mutilation, girl-child marriage, sexual assault, child prostitution, child labour (children work as street hawkers, head loaders, beggars, bus conductors, domestic servants, scavengers, vendors, car washers, shoe shiners etc.), battery (at home and during community conflicts), homelessness, extreme poverty, malnutrition, under-nutrition, and exclusion of children from decision making processes. Street children, girl-children and children with disabilities are particularly at risk of human rights violations and, therefore, social exclusion. A particular form of cultural violence against children was highlighted in a recent CNN report (Christian Purefoy, 26/08/2010) corroborated by UNICEF studies on the topic (UNICEF, 2010).

Poverty Reduction Policy Strategies

As noted earlier poverty reduction is a function of investments in public service delivery, notably education and health.

Although the incidence of extreme poverty decreased between 1998 and 2007 it remains widespread among the Nigerian populace, and some believe it is on the increase again. Under the Obasanjo administration NEEDS was a nationally-coordinated poverty reduction strategy aimed at promoting *inter alia* human development through sweeping reforms in public institutions and service delivery. Performance assessments highlight successes and failures in overall policy implementation. The 7-Point Agenda of the Yar'Adua administration focused on wealth creation but did not really take off the ground. The administration of Jonathan has also made verbal expressions of intent to address widespread poverty and approved a 15% increase in the minimum federal civil service wage on 1st May 2010.

Nevertheless, state-level civil services are not obliged to increase salaries commensurately. Moreover, the vast majority of the country's work force is in the informal and agricultural sectors. Under the NEEDS policy framework wealth creation in both sectors was to be anchored on microfinance initiatives to facilitate entrepreneurial development. Studies have identified shortcomings in the operationalization of the policy leading to low-level awareness and uptake of credit facilities.

The lack of effective policy execution and continuity in poverty reduction strategies and social service provisioning sets the context for the nature and extent of people's perception and expectations of the state, and their experience of social inclusion/exclusion within it. The rest of this section discusses the perspectives of citizens on the Nigerian state in relation to the provision of education and health services as well as its commitment to promote equal female participation,

empower the youth and protect child rights.

What the People Say about the State

The State and Education

Most focus group discussants, with the exception of residents in Apapa and Ikeja local government areas of Lagos State in the South West geopolitical zone, gave credit to the government for the provision of primary schools in their local government areas and communities. Western formal education is increasingly seen as a priority therefore primary school enrolment is generally high. Nevertheless, despite this attestation to the widespread importance accorded to education, focus group discussions reveal that access to quality education is often hampered by several factors.

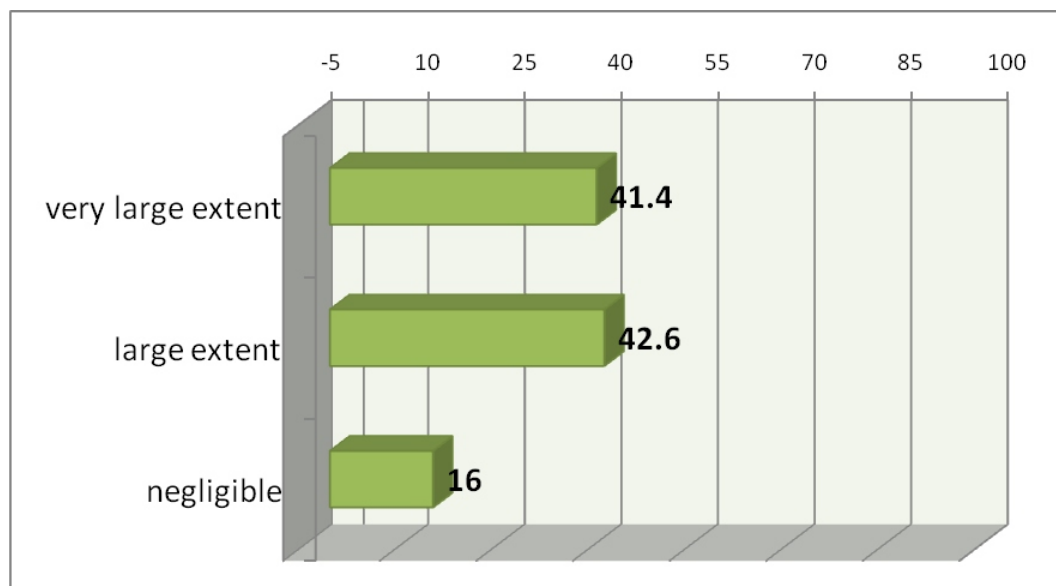
Poverty prevents extremely poor parents from sending their children to school. Another hindrance to school attendance most common in the North West geopolitical zone is child street hawking. A discussant from the Kebbi state who is a teacher said her school authorities received several complaints about child hawking during school hours, while some would not even come to school until they had sold all their wares; the incidence of children engaging in petty trading during school hours is rampant in not only villages but also in urban areas.

This increases dropout rates in the State, and the region as a whole. Yet, child labour is not exclusive to the North as discussants and survey respondents from all LGAs covered indicated. A primary school teacher from Ondo State in the South West geopolitical zone noted that due to pervasive poverty school-time street hawking occurs in the

area, particularly on market days. One female discussant from Okitipupa LGA observed that on *Igbokoda* market day hardly any child attends school. Also, in the South South and South East geopolitical zones, children usually

participate in economic activities during market days and after school hours to help boost family income. Survey responses displayed in Fig. 2 attest to the prevalence of children engaged in petty trading and other jobs.

Fig. 2. 2: Extent to which children involved in petty trading is prevalent



Source: ActionAid Field Survey, 2009

However, one discussant hinted at a discrepancy in attitudes towards boy-child and girl-child education in some parts of the South East. For boy-children quick economic success has priority over academic achievement. Consequently, attention is given to teaching boy-children a trade that would bring in money faster leading to a boy-child drop-out syndrome in parts of South Eastern Nigeria. A discussant from Ezillo community in Abia State alluded to uncertain future employment prospects and hard economic times as major reasons parents in the East decide to keep children out of schools. In his own words:

You know in the East education is not a big deal? Yes we have children in school, but it is not all our children that are in school. Some of them are learning different trades. After all, it is you educated people who say it is not good or wise to put all eggs in one basket, in case....you know now. The reason is simple we Ndi-Igbo value success in life in terms of the concrete material resources one has, not the number of paper degrees you have earned. [Also] things are really hard now. You know what it costs to train a child in school. Besides, one is not sure if after such training, the child would be gainfully employed. All of these make us take wise decisions about schooling.

Almost all discussants from rural and urban parts of Nigeria expressed general dissatisfaction with the Nigerian educational system and its academic output. Accordingly, among survey respondents 79.4% expressed dissatisfaction at the level of government expenditure on the educational sector and 65.6% alleged government is ineffective in tackling its many problems. Focus group discussants expressed particular dissatisfaction with the state and the management of public schools and felt private schools tend to fare better. In Lagos State some discussants argued that government had abandoned primary education and its neglect of public education as a whole led to the 'mushrooming' of private schools. In relation to teacher satisfaction the majority of discussants from all geopolitical zones observed that teaching staff in both private and public schools are not usually happy doing their work and were of the opinion that this had a direct bearing on academic performance. Some discussants from the North West geopolitical zone said students' results from Kaduna state tend to fall within the average category while most of the students in Kebbi State come out with very poor results. One discussant from Kebbi State placed special emphasis on English Language and Mathematics. For instance, only 50 out of 1000 may get their results with the two (2) basics. The situation is similar in Lagos and Ondo States. A focus group discussant from Abayi-Aba in Osisioma local government area of Abia state sums up the people's assessment of the educational system,

Education is very important and so we can't afford not to put our children in school. By the time we add both government and private schools, we should have at least 25 in this community. Of these numbers, very

few, especially those owned by individuals for money-making purposes, can really be called schools. The public schools are badly operated: teachers are never paid and because of that they are hardly motivated to teach our children; the school buildings are in very bad state as a result of lack of maintenance; and there are no teaching facilities. In some places teachers do not have chalk to write on boards for their pupils! Teachers in public schools are never happy doing their jobs because of the way they are treated by the government. As a result of this, many of them even hardly stay in class. They just come, sign the register and jump out of school to pursue their private businesses. The consequence of all these is the massive failure rate of our youths at the end of the each academic year.

The above assertion by a discussant from the South East geopolitical zone to the effect that education is important contrasts with the earlier one made by the discussant from Ezillo, also in the South East. This indicates that the non-prioritization of boy-child education is not universal but varies within the zone. Discussants from Ondo State provided another perspective on academic output. All four LGAs covered in the study highlighted the prevalence of examination malpractice in the state. Apparently, this occurs with the active connivance of educational personnel who serve as invigilators in 'miracle centres.' As a result, a discussant from Akure South LGA observed that,

Youths have good result due to examination malpractice which is rampant in our country today. Students get results that they cannot defend. They are academically weak. They only get good results due to the use of "machinery".

There were mixed responses regarding school personnel. The prevailing view among discussants was that public schools were staffed with more and better qualified staff yet the private schools were better managed and the staff more productive. It was pointed out that in terms of remuneration public school teachers earn better than their private school counterparts, although in many instances payment of salaries is irregular. To buttress this point, some discussants from Ondo West local government area of the South West geopolitical zone who are teachers confirmed that they were well paid in comparative terms with prevailing civil service standards. One middle level teacher in Okeigbo local government area said he earns a little over N36, 000.00. Similarly, a discussant from Kebbi state said the government had recently increased the minimum wage for teachers to N21, 000.00 compared to the N15, 000.00 minimum wage in the federal civil service.

In spite of this, in the South-South geopolitical zone rural FGDs raised concerns over poor staffing of primary schools, inaccessibility of some rural schools and low job satisfaction for teachers all of which combine to exert a negative impact on academic performance. For example, in Arhavwarien community of Ugheli South LGA of Delta State, the teachers do not live in the community resulting in their absence most days especially when it rains as they cannot cross the river that leads to the community. This is a general problem for many rural areas in the peculiar Niger Delta terrain, as well as other remote mountainous regions of the country, that have limited or no road access. The situation further underscores the lack of other basic infrastructure such as adequate housing for teachers and community services that could entice them to live in the

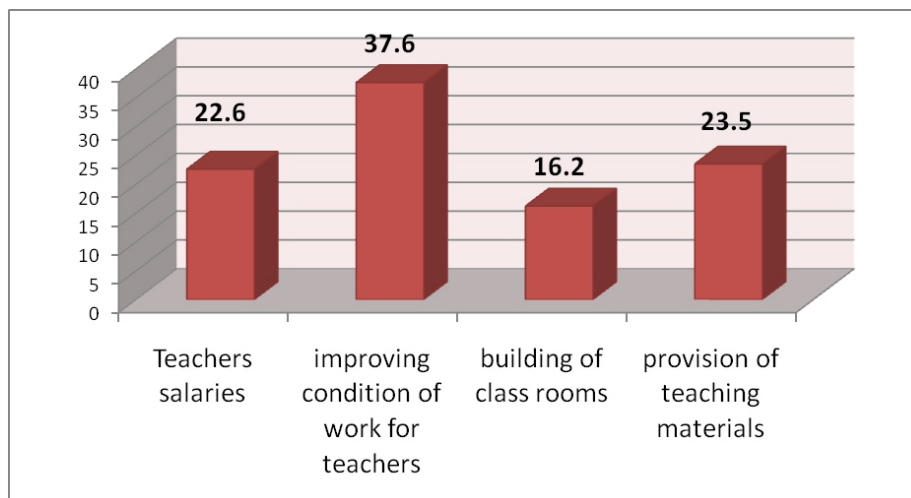
communities where they work. But, accessibility issues are not restricted to teachers. According to FGDs from Apapa LGA of Lagos State pupils have to walk long distances because no school is located in their communities.

With regard to education financing, expectations and opinions varied across geopolitical zones. In the South West, discussants expressed concern over the poor state or non-existence of critical learning facilities, with special emphasis on science laboratories and equipment. In addition, government failure to equip public schools adequately negated the NPE provision for free and universal basic education because parents frequently had to pay levies to provide for basic school facilities and services. Consequently, a discussant from Ikeja LGA in Lagos state concluded,

The so-called free education is not free in the real sense. The parents cannot afford to pay for some of the levies in the school. The schools we have are very few. There should be more schools that will be affordable. Some parents cannot send their children to school because the fees are high.

He observed further that while public schools are of low standard the private schools charge fees beyond the reach of most parents who keep their children in public schools out of necessity rather than by choice. The implication of the public/private school dichotomy is that Nigeria has a two-tier educational system with differentiated access according to socioeconomic status (SES) thus reinforcing, entrenching and indeed widening poverty gaps among the citizenry. Survey respondents echoed the concerns of discussants regarding government funding priorities on education. These are displayed in Fig. 3.

Fig. 2.3: Respondents' priorities regarding government funding of the educational sector:



Source: ActionAid Field Survey, 2009

The State and Health

Responses from focus group discussants regarding health care in their communities were fairly similar across all geopolitical zones. They portray a general perception of deficiency in the availability, adequacy, equipping, staffing and affordability of healthcare facilities and services. On the other hand, many discussants reported that there were an appreciable number of government health facilities, including health centres, dispensaries and general hospitals as well as private clinics located in their communities. However, the general opinion was that they tend to be poorly managed and suffer a shortage of facilities like drugs, beds, and diagnostic equipment etc. Survey respondents paint a fairly even-ended, and less dire, picture: 61.4% said hospitals rarely (44.5%) or very rarely (16.9%) had medicines and 51.9% claimed trained personnel were inadequate (45.1%) or very inadequate (6.8%).

Responses also point to an uneven urban-rural distribution of such facilities within states. The more remote, and probably less populated, areas do not

have enough or, in some cases, any public health centres or private clinics. In Kaduna State in the North West geopolitical zone only half the discussants said they had public and/or private health clinics in their communities. In predominantly urban Lagos State, many (but not all) discussants reported that health clinics are numerous and either free or affordable in various parts of the state; where they are not available there are numerous private clinics, which tend to charge exorbitantly. Here again, this differs from one area of the state to the other. Another common complaint among Lagos State discussants was on the impolite attitude of health care personnel towards patients.

In spite of the general availability of health facilities focus group discussants in most parts of the country complained that health care services in both public and private centres were generally unaffordable due to the prevalent low SES of most of the population. Consequently, people resort to what one discussant from Ezillo LGA of Abia State referred to as, 'self-management.' According to him,

We pay so much to be attended to in private health centres, may be because the public hospitals are always poorly managed and have no facilities like drugs, enough beds, and diagnostic equipments, etc. The high charges we are compelled to pay, discourage people from seeking medication for their ailments. As a result, some would prefer managing their ailments, till they die eventually.

A discussant from Ikeja LGA of Lagos State corroborated this view:

In a country where the government is not interested in the health of its citizens [...] There was one incidence that a neighbour was critically ill and I have to take her to the private clinic, because of lack of health centres, and there is no competition, the owner of the clinic gave a bill that was so high and I pleaded that the man should treat the patient but he refused. We have to take the woman to another clinic. There are no much health centres here. If there are many health centres in the community that would have helped to ease the situation. Thank God the woman did not die. In the developed countries people do not die of minor illness such as malaria. Without proper treatment of malaria people die. There are no facilities to take care of the patients in the public health centres.

Another discussant from the same LGA commented as follows,

In my community we have one health centre. The health centre is usually crowded with sick patients. There are not enough personnel's. So, if there is any emergency the patient will just die. There are no drugs for the patients and there is one doctor. The only drug you can get for free is vitamin C. The Federal Government should look into

this. At least every community should have three health centres. The population of the community is increasing so there is need for more health centres with facilities. You know that a healthy citizen makes a healthy nation. (Emphasis added)

Responses from the 240 sample field survey, as portrayed in Fig. 4 below, depict a more favourable disposition of poor people towards the patronage of government health centres (39%), namely special hospitals (22%) and maternity clinics (17%). Twenty-three per cent go to private clinics. The survey appears to corroborate the assertion that many bypass health centres and resort to self-medication through the use of dispensaries (31% - drug stores was not a selection option). Only 5% of respondents do not use any of these. Similar to claims made by FGD participants 66.4% of survey participants said they pay very frequently (32.6%) or frequently (33.8%) for health services. Yet, 78% claimed they spend less than N3,210, 60.4% less than N2,210 and 34.3% spend less than N1,000 a month on medical bills. Some states of the federation have initiated safe motherhood laws and policies as part of an overall drive to towards the attainment of MDG targets. For instance, in Kebbi State most of villages now have health centres, some of which have been upgraded to fully-fledged hospitals, which provide free medication to pregnant women and young children up to five years.

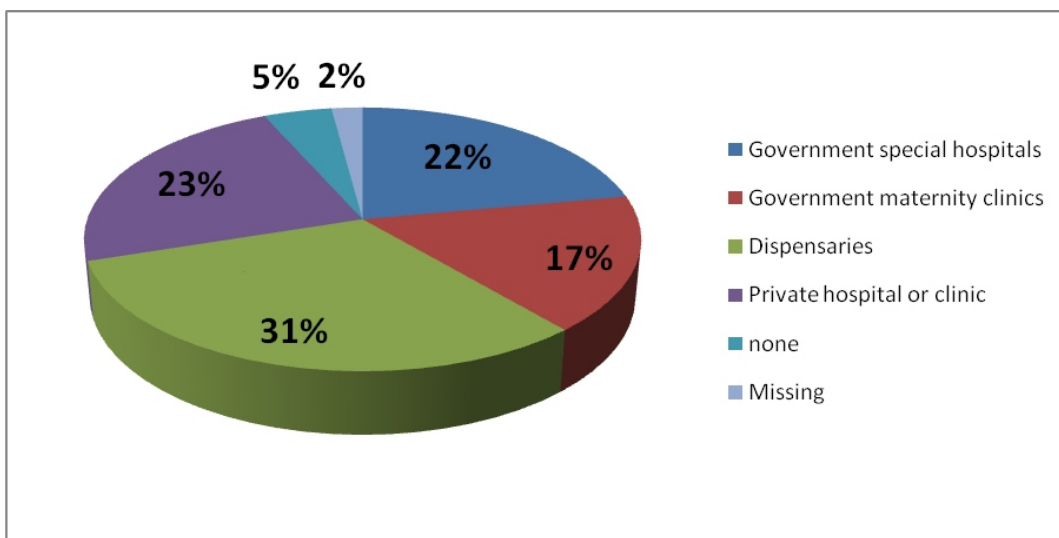
Nevertheless, statistics show that although, according to the Minister of Health, (NTA News report, 17/09/2010) maternal mortality rates are falling, much still needs to be done, particularly in the northern part of the country, as Nigeria still ranks among the bottom five countries worldwide contributing 10% to global maternal deaths (Nigeria

CEDAW NGO Coalition Shadow Report, 2008).

States also operate the Roll Back Malaria policy initiative to varying degrees by providing the latest anti-malaria treatments and Insecticide Treated Nets (ITNs) to pregnant women and babies. As is the case with education the number of health centres

and hospitals is still deemed inadequate by most focus group discussants such that private clinics, chemists and drugstores attempt to fill in the void. This is not necessarily a positive development as discussants decried the lack of properly trained personnel in private hospitals and standard controls to guarantee quality private sector health care service delivery.

Fig.2.4: Health Centres most poor people go to when they are sick



The State and Popular Participation

Popular participation in decision making is a social and political justice right crucial to sound democratic governance. When people participate in an active and informed manner in the decision making processes that affect them it promotes full-blown citizenship and collective ownership of national development. In principle, the 1999 Constitution formally guarantees all adult Nigerians the rights of citizenship as stipulated in its provisions. This includes the right to participate in political decision-making without prejudice to religion, ethnicity, sex or

class. In practice, however, informal institutional structures function to deprive certain groups of access to social, political and economic power, privileges, benefits and opportunities on an equal footing with others. The national gender profile outlined under Section 2.3 above provides evidence of female disprivilege and disempowerment in the area of political participation in national governance. Responses from focus group discussants regarding female and youth participation and the treatment of children in Nigerian society reveal a significant level of sex and age-related social injustice.



General Social Exclusion of Women and Girls

Female Participation in Decision Making

The issue of women's access to decision-making processes needs to be understood within the overall context of a general sense of disenfranchisement and exclusion felt by all poor people in Nigeria, both male and female. For instance, a male discussant from Okeigbo LGA in Ondo State asserted that it is not common for even men of low SES to participate in decision making talk less of women and youth. According to him, only influential people, though mostly men, make decisions in the community and the country at large.

He claimed that low-income earning men have to protest to be heard. Another discussant from Okitipupa LGA drew a distinction between participating in the decision making process and actually being able to effect change by having one's contributions acted upon. He alleged that even when people are allowed to participate the government does not ultimately take the opinions of citizens on board but imposes its own decisions on them. Among focus group discussants there were a number who felt women were given sufficient opportunity to participate in decision making, particularly in Kaduna state (North West) and Lagos state (South West).

Notwithstanding the above, the dominant opinion about female participation was that women encounter additional restrictions to involvement in decision making, and even when they do get involved it is not on the same par as men. The major reasons advanced by discussants for this is attributed to culture and religion. The cultural barrier to female participation appears particularly strong in the South East of the country. A male discussant from Ezillo community had

this to say about cultural inhibitions,

As for us, our women participate in decision making, but they cannot enforce such decisions without consultations and approval from the men. Our culture has structured it in a way that men and women are not equal and can never be. The man is always the boss and the woman his subordinate or if you like junior partner.

Another discussant from Abayi-Aba community in Osisioma Ngwa LGA of Abia State put it in even stronger terms classifying women along with other excluded groups such as lunatics and miscreants:

As part of our culture, women are never allowed to participate in the process of decision-making in our community [...]. Besides women, lunatics, social miscreants and those considered to be ostracized by the community are never allowed to participate in decision-making.

He, however, acknowledged that women were also human beings and equal owners with men of the community, but that government was not doing anything to promote their rights to participation although some NGOs were speaking out for it. In the North West geopolitical zone discussants from the Southern Kaduna area of Kaduna State were mostly of the opinion that women were not restrained from participation in decision making. However, in Kebbi State religion was the main reason tendered for low female participation coupled with cultural background. Two female discussants from Birnin Kebbi LGA in Kebbi State alluded to restrictions placed on Muslim women which confined them to intra-household participation in decision making in contrast to non-Muslim women in the community who get more fully involved in commu-

nity leadership. However, this was contested by a male discussant in the group who claimed that Muslim women also get involved but with less authority compared to men. Similarly, in Lagos and Ondo States most focus group discussants agreed that women participate in community decision making 'somehow' or 'in one way or another'. They alluded to the role of culture-based gender hierarchy as the pivotal structural barrier to gender parity in decision making. As one female discussant (Ikeja LGA) described it, 'the women are under the men' and another (Ondo West, LGA) referred to it as 'cultural discrimination.'

Gender hierarchy facilitates a situation whereby, 'you find the men always at the forefront to take decisions' (female discussant, Ikeja LGA), 'men impose their decisions on the women' (female discussant, Okitipupa LGA) and 'women are not encouraged to contest for political office' (female discussant, Ondo West LGA). Two female discussants from Apapa and Ikeja LGAs drew attention to another aspect of gender hierarchy the gender division of labour which creates time-resource poverty for women who are too busy with reproductive and productive chores to find the time to attend meetings at the community level where issues are deliberated and decisions taken. However, the female discussant from Apapa LGA argued that even if as a woman you were not too busy, 'you cannot be in the same meeting where your husband is, except for women who have no husbands.'

The implication of the foregoing is that the rubric of cultural (including religious) subjugation serves as a psychological as well as practical restraint on women who would otherwise desire to participate in decision making at various levels. A male discussant from Apapa LGA concluded that in the final analysis, in most communities the majority of 'decisions

are taken by the men without [the] consent of women and youth.' Another male discussant from the North, but resident in Ikeja, Lagos, contrasted the reality with government affirmative action policy. His insight provides an apt remark on the matter,

In our community most decisions are taken by men; women are not given that chance to express their view. Nigeria! They call for women liberation and advocacy; during elections they will promise them heaven and earth. The government said that they will be giving women 30%. It is just on paper. If women are given opportunity to express themselves this country will be a better place. Women are very passionate about the country. Drawing example from Liberia where there is a female president. We have women who are in positions that are doing very well like the Minister of Information, Prof. Dora Akunyili.

Finally, a female discussant from Apapa LGA underlined the propensity for underlying informal societal norms to truncate formal policy and regulatory frameworks. She acknowledged that there is no formal discrimination against women but, she countered, "You know the nature of our society; those men will always have their ways." Her assertion highlights how widely held societal perspectives provide the basis for the gender coding of leadership, decision-making and politics as male spheres of activity. This confirms the findings of a 2003 national survey on leadership perspectives conducted by Agbaje et al., of the Centre for Social Science Research and Development. The study found that 61% of Nigerians prefer men to be in leadership.

Somewhat contrary to findings from the FGDs respondents in the survey exhibited a higher level of satisfaction with

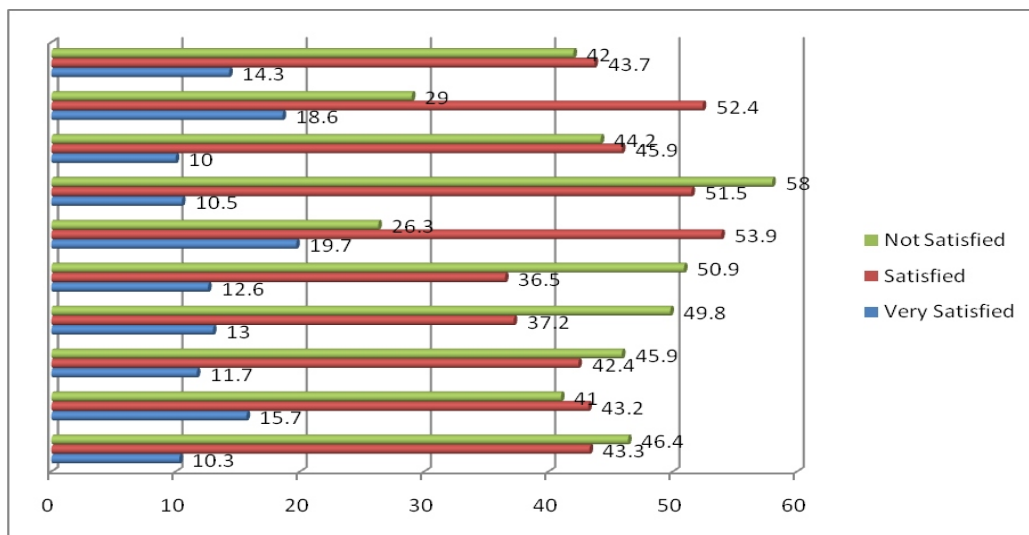
regard to various indicators of gender discrimination and government action towards redress. Fig. 4 displays the level of satisfaction with measures taken by government to combat gender discrimination in key areas which constitute indicators of women's citizenship participation and rights. Respondents indicated the highest level of satisfaction with anti-discrimination measures in employment (73.6%) and participation in other areas of economic and social life (71%) respectively. The lowest level of satisfaction was indicated in the areas of discrimination in the field of education (58%) and discrimination on the grounds of marriage and maternity (50.8%). This is indicative of the equal opportunity labour policies that prevail in both the public and private sectors, particularly in the former where labour laws on equal pay for equal work, maternity leave etc., coincide with ILO good practices.

Although the responses are not sex differentiated levels of satisfaction and dissatisfaction correspond largely to the male/female ratio of respondents (i.e.

59.8% and 40.2% respectively). This could imply that men are generally satisfied with the level of women's rights and government efforts to address gender bias while women are generally dissatisfied. However, the lack of gender disaggregated data suggests the need for further research to confirm this hypothesis.

In any event, in a social context of proven cultural and religious bias, the low representation of women in decision making is considered normal, even desirable in certain communities. The 1999 Baseline Survey on Harmful Traditional Practices against Women and Girls (FMWA, 1999) confirmed that cultural and religious-based gender discrimination infringes on the social, political, economic and cultural rights of females. The practical outworking of the denial of women's rights is evident in widespread gender-based violence, high maternal mortality rates, girl-child marriage, sex trafficking, female genital mutilation, disproportional female poverty and overall pseudo-citizenship.

Fig. 2.5: Level of satisfaction with government measures against gender discrimination



Data Table

LEVEL OF SATISFACTION WITH GOVERNMENT MEASURES AGAINST GENDER DISCRIMINATION	Very Satisfied	Satisfied	Not Satisfied
measures to change the social and cultural practices	10.3	43.3	46.4
measures to eliminate discrimination	15.7	43.2	41
opportunity represent government at int'l level	11.7	42.4	45.9
equal rights to acquire, change or retain nationality	13	37.2	49.8
equal right with men in the field of education	12.6	36.5	50.9
measures to eliminate discrimination in employment	19.7	53.9	26.3
freedom from discrimination due to marriage or maternity	10.5	51.5	58
measures to eliminate discrimination in health care	10	45.9	44.2
measures to eliminate discrimination in economic and social life	18.6	52.4	29
Protection from domestic violence	14.3	43.7	42

Youth Participation in Decision Making

In sharp contrast to situation of women most focus group discussants from around the country said that in their communities increasingly the youth were being given the opportunity to participate in decision making. For the most part, people regarded this as a positive and progressive development. Yet, it was clear from the various contributions that discussants had different perceptions about who a 'youth' is? The standard view appears to be that a youth is 'male'. Thus, discussants spoke about youth unemployment and future roles in society from the perspective of young men out of work and who would be the future leaders of the country. This, in part, informs the favourable disposition of many towards the idea of youth participation.

Consider the following statement of a man from Ezillo in Abia State, "Youths are the backbone of this community and of course, they participate fully in the decision-making process of the community." The discussant from Abayi-Aba whose community excluded women along with lunatics and miscreants had this to say, "Youths have every right to participate in decision-making, since they are perceived as the leaders of

tomorrow." Another discussant from Ughelli South LGA revealed that his community had inbuilt mechanisms to ensure that youth (and women) contributed to the decision making process linking them directly to the elders. In Lagos State, recognition of the role of youth in decision making encompassed community and local government level. Indeed, one discussant from Apapa pointed out that most of the local government councillors were actually youth. In Ikorodu LGA a discussant suggested that participation in decision making for the youth is evident in their freedom to express themselves within community settings and meetings. However, in Ondo State discussants opined that the freedom of the youth to get involved in the decision making was increasing but still restricted, and even still not allowed in some places. In Birnin Kebbi in Kebbi State a discussant observed that although the youth may have no overt role in decision making they often serve as whistleblowers when they see something inimical to development in the community.

Treatment of Children

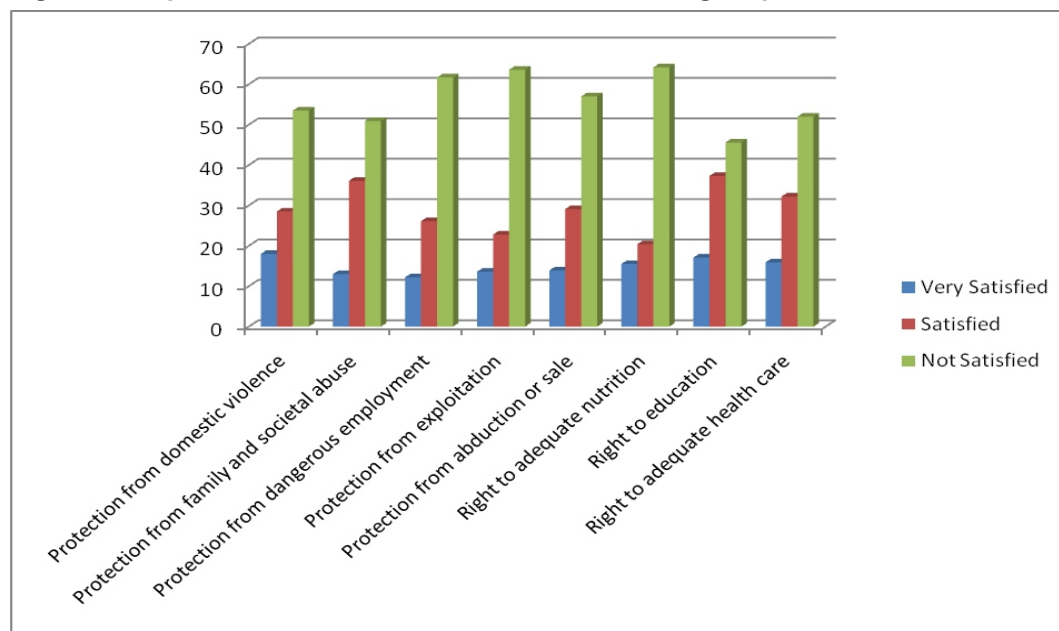
It could be deduced from the various focus group discussions regarding the treatment of children in Nigerian society

that the question as to whether they are treated well or not is a matter of perspective, cultural practice and social location. Some were of the opinion that what may appear to be maltreatment in a given society, may be the standard method of child upbringing or a matter of practical exigency in another. Many gave the example of spanking and street hawking as examples of normal parental discipline or correction for wrongdoing and the exigency of poverty respectively. In the latter case, discussants observed that no parent would chose to send their child out to hawk goods given the real risks to health and safety. But parents felt compelled to do so owing to their low income and the need to make ends meet, which included paying school fees and meeting children's other needs.

On the other hand, it was conceded by discussants that a few cases of child maltreatment by parents occur in their communities but this is most likely to take place when children live away from home. For example, it is a normal cultural practice for parents in the village

to send their children to the city either to live with better off relatives or as domestic helps in the households of 'rich' people. In Birnin Kebbi children often leave home to serve in the name of local Islamiyya (Karatun Allo/Almajiranci). This social (dis)location of children renders them vulnerable to various forms of harsh treatment and abuse. Moreover, it cuts short their education as they are often forced to leave school. Accordingly, in the field survey, 45.6% of respondents found government implementation of free universal basic education to be unsatisfactory. Between half to two thirds of respondents were unhappy with the level of child rights protection in relation to adequate nutrition (64.2%), adequate health care (51.7%), protection from abduction and sale (57%), dangerous employment (61.7%), exploitation (63.6%), family and societal abuse (50.9%) and, specifically, domestic violence (53.9%). Fig. 5 presents an overview of respondents' level of satisfaction with child rights protection in Nigeria.

Fig. 2.6: Respondents level of satisfaction with child rights protection



Very few focus group discussants had heard about the Child Rights Act, and only minimally in passing. Surprisingly, the issue of child beggars or guides for adult beggars did not come up for discussion although this is a widespread practice across Nigerian cities and towns. Most discussants were unaware of any concrete actions taken by government to address child abuse, with the exception of Lagos State where a Kick Against Indiscipline (KAI) programme is underway to tackle street hawking.

Nigeria has an elaborate policy and institutional framework towards the delivery of social services for the country's teeming population. National policy/legislative documents and institutional mechanisms on education, health, gender and child rights derive from the felt needs of the citizenry as also reflected in series of international agreements and declarations. But, the perspectives and experiences of focus group discussants, survey questionnaire respondents reveal that significant gaps persist between policy articulation and implementation or, as Ucheaga (2001) put it, between ideas and reality. Such gaps evince a sharp contrast between the democratic philosophy and principles that undergird policies and the required political will to achieve policy goals and targets. For instance, the two-tiered rich/poor divide in the educational sector contravenes the commitment to egalitarianism stated in the NPE. It is also noteworthy that there is a general lack of awareness about the existence and/or content of

government policies among the grassroots.

In addition to political will deficiency, there is clear evidence of systemic failure in terms of resource management and the ability to rank needs appropriately and allocate resources rationally according to laid down priorities. The situation portends a future knowledge gap crisis that would severely blunt the country's competitive edge among the comity of nations. Equally important is the fact that the overwhelming majority of the Nigerian citizenry, notably women and children, lack the all-encompassing capability to assert their rights and to compel those in charge of fulfilling them to be legally responsible. To sum it up, with regard to the fulfilment of citizens' rights to social justice the state has succeeded in erecting some railway tracks but failed in supplying the trains to get the people to their desired destination.

Protection for the Aged

Very few of the aged are covered with pension facilities and since there is generally no social security programmes for the aged, Nigerian aged are in a perilous situation. even for formal pensioners, getting their majority allowance has been a national scandal as across all the states, we see pensioners (both of state and federal governments) daily on the streets trying to get their pay, which have been elusive. Not surprising, majority of the respondents are not satisfied with the pension and social scheme in the country.

Table 8

	Right to Pension and Social Scheme			Total
	Very Satisfied	Satisfied	Not Satisfied	
North East	7	11	20	38
North Central	9	10	19	38
North West	6	15	15	36
South South	4	2	33	39
South East	4	7	29	40
South West	6	7	26	39
Total	36	52	142	230

This level of dissatisfaction cuts across both educational and occupational categories. It is only among government employees that slightly over half of the respondents (27 out of 53) and Retired/Pensioners (4 out of 7) said that they are satisfied with the pension and social security schemes. This may appear contradictory without further comments. First among the government workers, it is most likely they were responding on the basis of policy on paper, not its implementation. Secondly with respect to the retired/pensioners, these may be exceptional as generally Nigeria has very poor record of pension/social security programmes implementation. It is telling that when asked if you enjoyed or has any relation of yours or neighbour enjoyed any form of benefit after retirement, majority across the education and occupational segments said no, which goes to confirm the very poor state of the implementation of pension and other retirement benefit schemes in the country

Economic Justice Rights

Since the introduction of SAP in the 1980s, Nigeria's economy has not recovered from crisis. While macro-economic indicators might have shown suspected growth, the economy has been contracting. Production has been steadily declining while unemployment has been on the rise. These trends have been compounded by the global economic crisis. In the circumstance, the state in Nigeria has been failing in its

responsibility to its citizens. In this section, we review the state of economic justice rights in the country.

Relative Value of Minimum Wage

The minimum wage is the least wage to be paid to anyone in formal employment and is an important element of the wage system of the country. In a country, where workers in the formal sector are few in comparison to those in the informal sector, as well as the employed, the minimum wage is not the lowest income of the citizens. The minimum wage is currently regulated by a national law, the Minimum Wage Act of 2001.

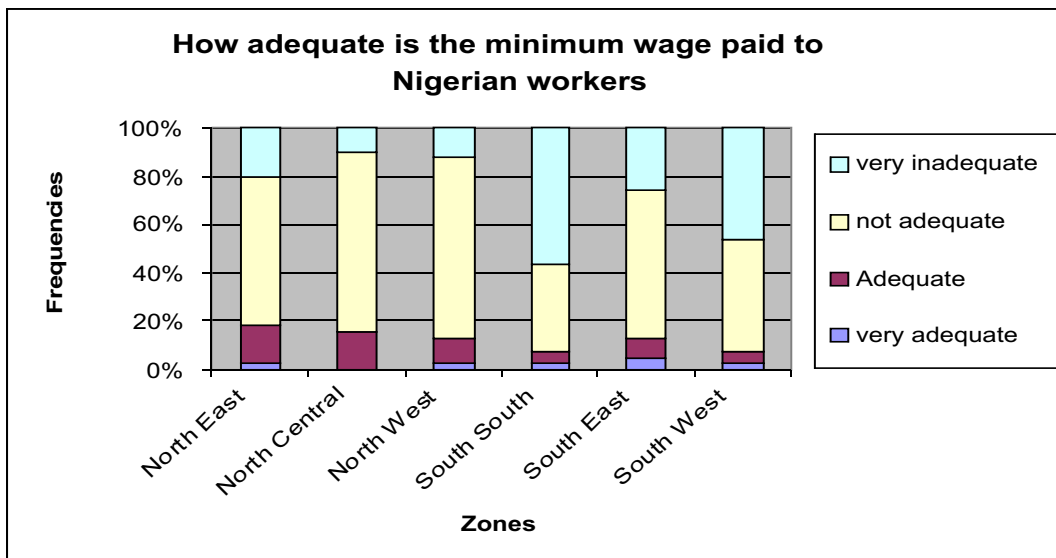
While there is no substantive study about wage distribution in the country, it is reasonable to think that a large percentage of those in formal employment are earning the equivalent of the minimum wage. The current minimum which stood at N5, 500 (which is equivalent to about \$40) was set in 2001 following the passage of the Minimum Wage Act. This was adjusted to N7, 500 by 2002 and was supposed to have been increased by 30% by 2004 (NLC, 2008). By 2009 while the minimum wage had remained stagnant, the wages of political appointees had been revised more than five times, making the ratio between the minimum wage the highest in the world.

In a study by the NLC, it proposed N40, 000 as a just national minimum wage. This is about 400% of the current

minimum. Over 88 % of the respondents feel that the minimum wage is inadequate, with 28% of them saying that it is very inadequate. Respondents predominately feel that government policies and actions towards paying a good/decent minimum wage have not been satisfactory. **Saidat Olurode (25), single, a reporter and also a marketer living in Lagos** said that “the salary I am receiving can only cover my welfare. Just to eat and do small things like clothes”.

Across the country, participants at the FGDs reported that their income was hardly enough to keep them alive. For example, participants at the FGD in Lagos all agreed that their income was insufficient. Respondent at Ikeja FGD said that you don't eat balanced diet to improve your health. The responses across the zones are shown in the chart below. Across both educational and occupational categories, respondents agree that their income is inadequate.

Fig 3.1:



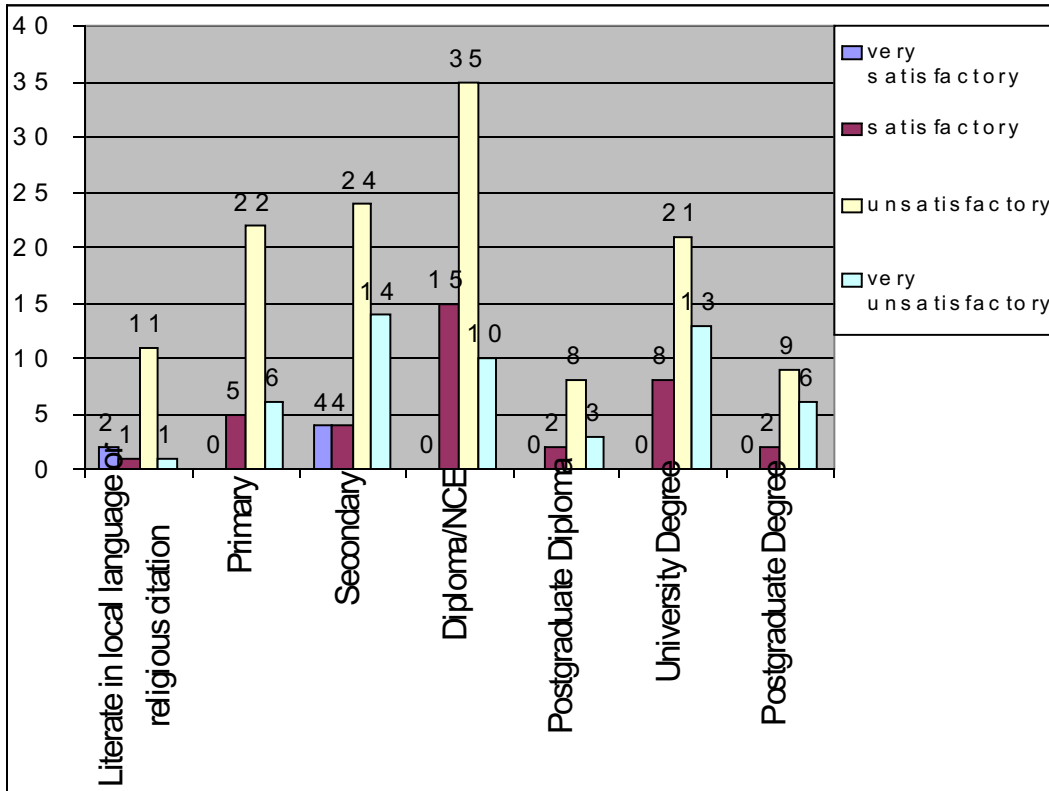
Source: ActionAid Field Survey, 2009



With respect to whether or not, government is doing much towards paying good/decent minimum wage, only 2.5% feels that government actions and policies towards providing a

good/decent minimum wage were satisfactory and this perception cuts across educational categories as the Chart below shows:

Fig 3.2 Government actions and policies towards minimum wage



Source: ActionAid Field Survey, 2009

The same perception that government is not doing much with respect to paying good/decent wages also cuts across occupational categories as well as the geographical zones.

October 2009 following a series of national rallies to press for three key demands, including a new national minimum wage by Labour.

This tally with the government's handling of the demand by the NLC for the negotiation of new national minimum wage. The NLC tabled this purposely in 2008 and till date, government has failed to respond with the appropriate mechanism to negotiate the minimum. This is in spite of the government open agreement that it was willing to negotiate the minimum wage made to the NLC in

In a country with more workers in the informal sector than in the formal sector, the minimum wage is in fact higher than what many of the workers in the informal sector get. This means that a lot of people earn much less than the minimum wage. Not surprising therefore that majority of the respondents are dissatisfied with their standard of living as illustrated in the table below.

Table 9 Right to adequate standard of living

		Right to adequate standard of living			Total
		very satisfied	satisfied	not satisfied	
Occupation	Unemployed	7	4	21	32
	Farmer	2	7	23	32
	self-employed(petty trader,artisan)	7	10	29	46
	Government employee	8	12	33	53
	Private sector employee	4	2	16	22
	Businessman/woman	4	2	17	23
	Politician	0	2	2	4
	Retired/pensioner	2	1	4	7
	Other(specify)	0	2	4	6
Total		34	42	149	225

This level of dissatisfaction which cuts across all the occupational categories is also reflected across the zones as well

as across educational status. This suggests that Nigerians are generally dissatisfied with their living standard.

Democratization of Economic Policy Making

One of the expectations about democracy is to facilitate the participation of citizens in decision making that affects them. This should include all spheres such as political and economic decision making. While there is no explicit constitutional provision on this, it is assumed that government and elected representatives would consult citizens in making these decisions. The reality on the ground with respect to budget making is far from the expectation. Budget making at both federal and state levels is exclusively done by the government without the participation of the people. The executives at the respective levels draft the appropriation bill without input from the citizens and the legislative arm does not invite citizens to offer their input during their deliberations on the appropriation bills.

About 67% of the respondents said that government is not doing enough to involve citizens in budget making in the country, with another twenty percent saying they did not know whether or not

government involves citizens. The distributions of the responses are basically the same across the zones with slight variations in the actual percentages. For example while in the North East six respondents out of 40 feel that the government was doing enough to involve citizen, with 30 responding in the negative, in the South West, no respondent believe that the government was doing enough to involve citizens in budget making. The North West had the least number of respondents who feels that the government was not doing enough, at 22 out of 40, but still very high compared to only two who agreed that government was doing enough. This suggests that budget making in the country is non-participatory. With slight variations the distributions of responses across occupational categories are the same meaning that occupational status has no bearing in the perception.

This lack of citizens' participation in budget making may not be unconnected with failure of government to disclose government resources. Over 83% of the respondents said that government is not open in disclosing the revenues it

generates from all sources to citizens. Further, 74% feels that government is not doing enough to allow the involvement of citizens in controlling revenue. For Dr. (Barrister) Nduka Nwabueze, an academician, “The government has been operating like a secret cult that doesn't want people to know how much that is being budgeted. Those in governments see government as a private investment and that the essence of government is to enrich individuals and not necessarily to serve the public or the people”.

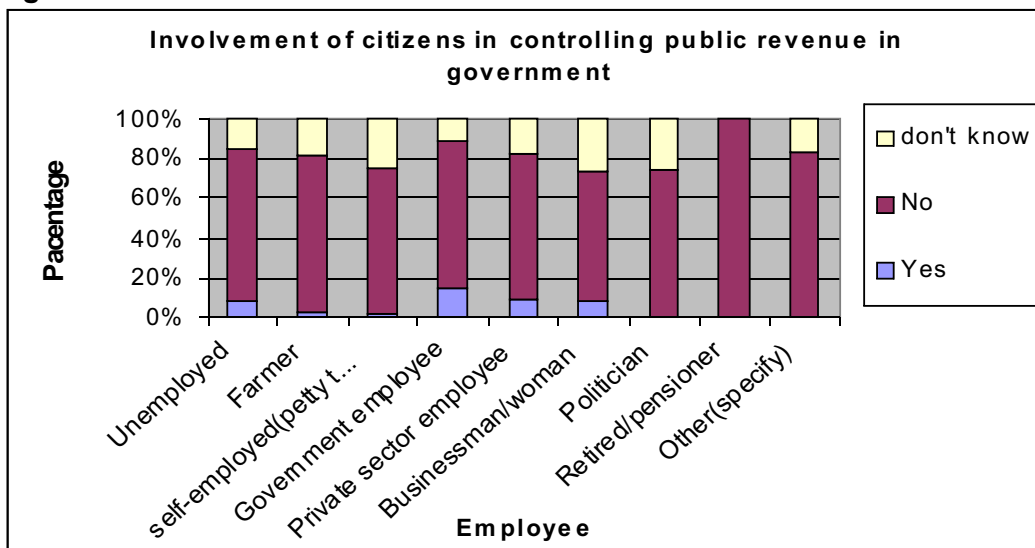
Another academic, Dr. Emmanuel Onah is of the opinion that the issue of civil society participation in the formulation and implementation of the public budget is only beginning to take the centre stage on our national discourse. I would rather say in short and simple terms that the civil society do not take part both in the preparation and execution. The reason is not because the civil society groups are not interested but because government and its activities are more or less like a cult” he added. Malam Sa'ad Bello, from Kebbi State also agrees,

adding that “Civil society will only know the amount spelt out in the budget but are not involved in any way either in the formulation process or in the implementation.”

Another respondent, Malam Ahmad Bunza, Bunza Local Govt, Kebbi State was emphatic about the situation in his state. “In Kebbi State civil society are not participating in either formulation or implementation of budget.” Occupational status has no bearing on the perception of the people that government is not disclosing the revenues it generates from all sources to the citizens as the responses are similar across the occupational categories.

Occupational status seems to have no much bearing on the perception of the respondents as to whether the government was doing enough to allow the involvement of citizens in controlling public revenue as the distribution of responses across occupational categories are similar as illustrated by the chart below.

Fig 3.3:



Source: ActionAid Field Survey, 2009

Although of recent civil society organizations have been making effort to provide an oversight on government expenditure making, citizens' perception is that the citizens' efforts in holding authorities in charge of public revenue accountable, is ineffective. Over 80% of the respondents rates citizens' action as ineffective while about 17 % feels that this is effective with a further 2.5% agreeing that it is very effective. It is only among the category of government employees that an appreciable number of respondents (14 out of 53) rates citizens' action as generally effective. Educational status generally has no bearing on the various perceptions of the respondents on democratization of economic decision making in the country.

Degree of transparency of the Finance Ministry regarding civil society

Transparency can be conceptualized at two levels. One level is the provision of information to citizens and civil society organizations. This is its informational dimension. This informational dimension can be either passive or interactive. Where the government agency provides only the information it likes to release to the public, this type of access is passive. On the other hand

where civil society organizations and citizens are able to request and obtain information from government agency, this is interactive. The second dimension may be termed deliberative in which civil society have access to the decision making processes, including procurement system and activities, thus enabling them to understand the information in its comprehensive dimensions.

The Federal Ministry of Finance has a website on which it posts information that it wants to make available to the public. It also from time to time publishes same information in the newspapers. But it does not provide mechanisms with which civil society could request and get information outside the one it makes available to the public. Civil society organizations also have no access to the processes that lead to the information. To this extent, therefore, what limited transparency that the Finance Ministry provides to civil society organizations is passive and entirely non-interactive. Table below shows respondents to the question as to how open government is, in disclosing the revenues it generates from all sources to the citizens, about 83% said it is not open.

Table 10

		How open is government in disclosing the revenues it generates from all sources to the citizens?			
		Very Open	Open	Not Open	Total
Occupation	Unemployed	1	5	28	34
	Farmer	2	1	29	32
	self-employed(petty trader,artisan)	1	9	38	48
	Government employee	2	9	42	53
	Private sector employee	0	0	21	21
	Businessman/woman	1	3	19	23
	Politician	0	1	3	4
	Retired/pensioner	1	0	6	7
	Other(specify)	0	2	4	6
Total		8	30	190	228

Degree of transparency of the other key economic institutions regarding civil society

A part from the Finance Ministry, there are other key institutions that have crucial roles in the management of the economy. These include the CBN, the Office of the Accountant General and that of the Auditor General, the Board of Internal Revenue, as well as similar offices in the states. These institutions are supposed to provide information to citizens and civil society. For example, the Office of the Auditor General of the Federation is supposed to yearly audit government expenditure and make same available to the National Assembly and subsequently to the public. Similarly the Office of the Accountant General is supposed to have comprehensive financial information about government expenditure and income. There are also similar offices in the states. Yet, the activities of these offices are opaque to the ordinary citizen in terms of providing information about government resources and expenditure.

As part of the process to promote openness and improve transparency in the operation of these key economic institutions as well as the Finance Ministry, civil society organizations have been campaigning and advocating for the passage of the Freedom of Information Bill, which would allow citizens have access to information at the disposal of government agencies and officials. This bill has been in the National Assembly for nearly ten years now. That it has always been blocked at every stage shows the extent to which the regime of opacity is so strong even in the legislative arm of government in the country. It is no surprise therefore majority (75%) do not think that government is doing enough to allow the involvement of citizens in controlling public revenue

Degree of independence of Finance Ministry regarding IFIs

The Finance Ministry is supposed to be

independent of International Financial Institutions (IFIs). Given that Nigeria is indebted to the IFIs and that it has signed many agreements such as those of the World Trade Organization (WTO) that constrained the space for national decision making, the independence is nominal than substantive. They not only impose conditionality on the country through the ministry but also in a very significant way, determine the direction of policy making in the country. There is the popular perception among Nigerians that the Finance Ministry is run by the IFIs. As Dr. Ambrose Okoro (male, 52) said during an interview, “We can't say our ministry of finance is independent of IFIs because, even our budgets have to be approved by these organizations before they are presented to the public. Does Nigeria have any choice when it is a neo-colony that is dependent more or less on these institutions? Quite frankly, I don't think so. The WB and the IMF still control the ministry of finance, suggest and ensure compliance with economic and financial policies. What are we saying? They are in charge, totally and completely. I have always wondered where our independence is in the face of these international hawks”.

Another respondent, **Dr. Emmanuel Onah**, said “the Minister of Finance is a Nigerian appointed and confirmed by the law-making body but' he/she takes directives from the IMF and the WB. The Finance Ministry cannot operate in isolation. It has to operate in conjunction with these IFIs. The world now is a global village so the event in Nigeria may affect other countries. That explains why the Finance Ministry is not completely independent”. According to **Dr. Isaac Nwaogwugwu**, the Finance Ministry cannot be independent of the IFIs because the “IFIs provide advice to the finance ministry on the type of economic policies that they consider appropriate at any given time”

While this may be overstating it, the fact is that for years, now they have a say on who is appointed the Minister in the Finance Ministry. The Minister for much of Obasanjo's years was a staff of the WB who has since returned to an elevated position. While the current Minister might not have been a staff of the WB, he had worked with the IFIs very closely while he headed the Debt Management Office and in his substantive place of employment, the African Development Bank (ADB).

Degree of Independence of Economic policy-making regarding the corporate world

In a democracy, all citizens are supposed to have equal access to decision making processes including the economic decision making mechanisms in the country. However, in Nigeria this is not the case. Corporate world is well organized and entrenched such that it has strong influence on the economic decision making process. Its organizations, such as the Chambers of Commerce, the Bankers Group, the Nigerian Economic Summit Group (NESG) and many of its other platforms make substantive input to policy making in the country. They also make input to the budget processes. Their views and positions are well respected by the governments. While there are no substantive link between the economic making and the corporate world, Nigerians perceive that corporation world sponsor government officials to offices to represent and protect their interests. To this extent therefore, the economic decision making is highly dependent on the corporate world.

Degree of Market Regulation

Over the years, cumulatively, government has been driving a process of liberalization of the economy, through privatization, commercialization and the

withdrawal of state in social provisioning. This is aimed at making the market to regulate the economic activities in the country. As part of this process, government has been structured through the establishment of regulatory agencies to regulate competition in the market.

Government reform process is to free the market from government control in a bid to attract both foreign and internal private investment. In line with this, many new policy measures have been implemented. They include:

- Allowing for 100% foreign ownership of companies in the country
- The full repatriation of profits by foreign investment
- Dismantling of price control mechanisms
- Low tax and tax holidays
- The existence of export processing zones where labour standards are below international standards
- Increased tolerance of casualization of workers

While in a few instance, there has been an increase in the availability of goods and services, in general, government reform has not led to greater affordability of goods and service by the citizens. Instead while state monopolies are dismantled by the reform, new private monopolies with the power to arbitrarily set up prices for their goods and services are appearing in the scene. Regulatory agencies are not able to enforce any market discipline on the private operators.

Another effect of the reform is the squeezing out of local industry by import of foreign goods as a result of trade liberalization and commitment to WTO agreements. For example, the textile industry which used to provide employment for many people in the

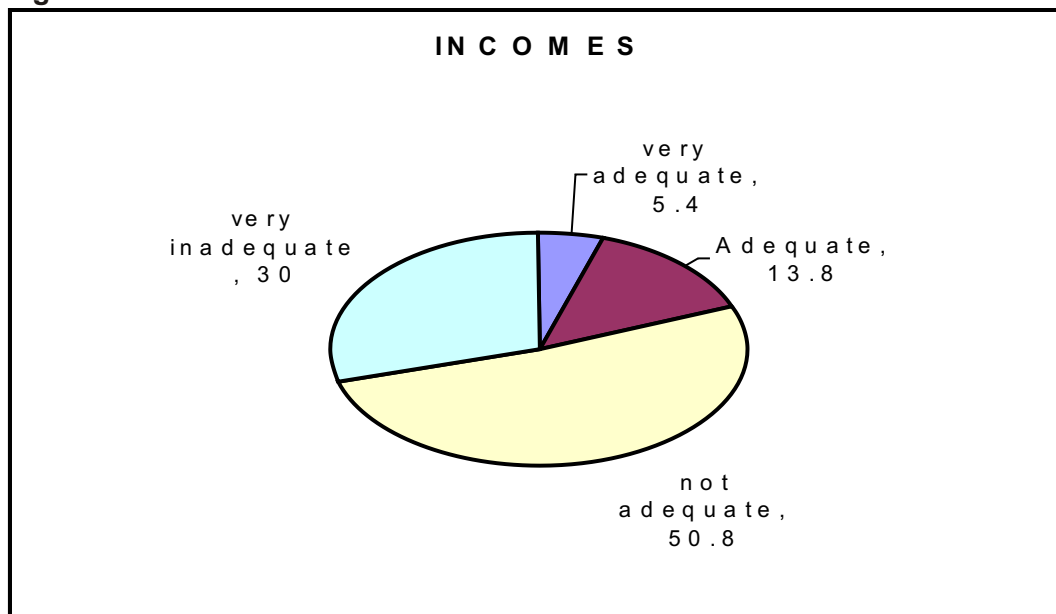
country has virtually collapsed as it is not able to compete with imported textile materials. In the petroleum sector, profit protection for private sector importers of refined petroleum products has made government to pay only lip service on the repairs and maintenance of local refineries. Thus today, Nigeria depends almost 100% on importation of refined petroleum products.

Similarly local food and beverage industry has collapsed because it cannot compete with unwholesome importation of beverages, processed food and even basic food stuff such as rice and flour. This has seriously undermined agricultural production in the country. The attendant declined in food production due to the failure of

government to protect farmers from unfair competition with imported agricultural products has resulted in increased food insecurity. People do not have enough to eat and hunger is clearly visible in the country as revealed by the accounts from the various FGDs for this research. For **Mrs. Ideri Cecilia**, the income is not enough. She said that on a number of occasions, members of her family go to bed without bread.

Similarly, **Mr. Mike Obi**, 42 years, a public servant said that income is not enough and on many occasions, members of his family went to bed without a meal. In general only about 19% of the respondents think that their incomes are adequate for their families as shown in the chart below.

Fig 3.4:



Source: ActionAid Field Survey, 2009

Finally the closure of local industry has seen many people go out of jobs. Unemployment has continued to rise. This frightening level of unemployment made the Government last year through the Federal ministry of Labour and productivity to organize an Employment Summit to address the crisis of

unemployment in the country. Increasing levels of unemployment coupled with food insecurity and high inflationary rates have led to a generalized insecurity in the country, which is finding outlets in communal clashes and other forms of youth restiveness in the country.

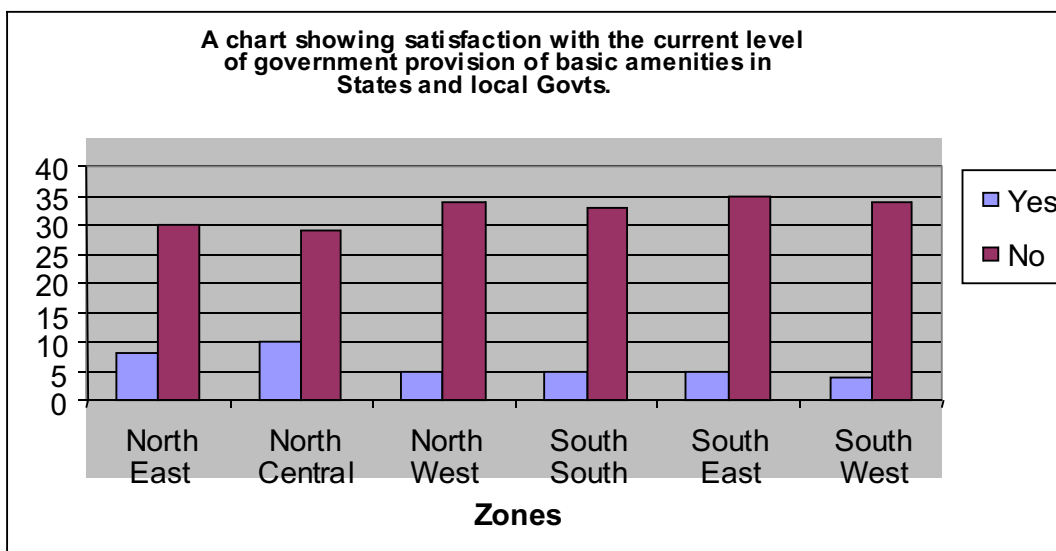
Degree of Statization of Basic Services

Chapter 2 of the constitution makes provision for economic, social and cultural rights. Although government has often argued that these are “non-justiciable”, and therefore unenforceable before the courts, it remains the basis for government’s provision of basic services to citizens.

From independence, the state had a strong role in the provision of basic services such as education, healthcare, water, power and other social amenities. Gradually these services have collapsed and the state has taken the back seat in their provision. Three factors account for this. First, is endemic corruption which has over the years undermined the capacity of state agencies responsible for the provision of these services. Second, is the policy of deliberate under funding of social services which started forcefully with the

introduction of the structural adjustment programme in the mid 1980s. Third is the more recent policy of state withdrawal from social service arena through the instruments of commercialization and privatization. Thus today, the private sector has become a dominant player in the education and health sectors especially at the primary and secondary levels. While privization of water and electricity provision has not formally commenced, the reality is that citizens are left to make arrangement for their needs as state has proven incapable of providing both water and electricity in the country. As a result there is a general dissatisfaction with the basic services that government provides at all levels. This is illustrated below for example by the responses of people to whether or not they are satisfied with government provision of basic services. Overall, 84% are dissatisfied with the current level of provision of basic amenities.

Fig 3.5:



Source: ActionAid Field Survey, 2009



The growing trend of de-statization of basic services has resulted in increased cost of such services and their relative non-availability for the poor. For example, good health care services today are not affordable for the poor as these are mainly made available by private providers who have priced these services out of the reach of the poor. Similarly, the large increase in private providers of education has not increased accessibility and affordability for the poor. Instead two parallel systems have emerged in which the children of the poor attend poorly provisioned and under-staffed public schools while children of the rich attend highly equipped and well-staffed private schools. Because of the policy of withdrawal of state from social provisioning, many states are no longer concerned about provision of infrastructure and training and learning materials to schools. In fact only recently, the Minister of Education lamented that Nigeria might not be able to achieve the goals of education for all by the year 2015 because of inadequate infrastructure, facilities, poor teaching and learning materials and lack of competent teachers for basic education. He attributed it to state governments which have either failed or refused “to use federal government intervention funds to states and other private providers of basic education to address shortcomings in institutional and personnel capacities”. He accused them of neglecting the programme saying “many state governments have not taken full advantage of the universal education fund of the Federal Government by providing counterpart funds and accounting for earlier disbursed funds”

Demands for space in the education system far outstripped available space at all levels of the education system. This has created a perennial crisis for the

system during admission periods in which very few children of the poor are able to get through. But even for those who are lucky to get admitted, public schools means overcrowding, under-staffed, ill-equipped and poorly provisioned.

De-statization of basic services has extended even into such things as healthcare services for employees and pension administration. Healthcare services for employees has been privatized through the NHIS while pension benefits administration and payment had been transferred to private pensions funds administrators through the Pension Reform Act of 2004.

In such circumstance, the state is not providing these services to the citizens. As Adehor Ochuko Albert Esq, a human rights activist based in Ughelli North, Delta State notes “By virtue of Chapter 2 of the Nigerian Constitution, it makes these rights not- justiceable. It means these rights are not applicable to citizens as the courts would not in any way enforce such rights”.

Redistribution

Conventionally governments have used tax regime as a mechanism for redistribution of income. In Nigeria tax policy and credit facilities are used to provide a framework for income redistribution. Credit facilities are obtained from commercial banks or government agencies as well as micro-finance organizations.

Degree of redistribution through taxation

Taxation is usually used to raise funds for governments to finance the provision of social amenities. This is the stated objective of tax policy in Nigeria. The country has several taxes including personal income tax, value added tax (VAT), business taxes, municipal taxes

and many other specialized taxes.

Generally personal income tax is paid mainly by workers because it is deducted from their salaries at source. Poor people also pay several taxes including municipal tax and VAT. The rich on the other hand hardly pays the personal income tax, although they may be paying VAT. Corporate world is also very poor in tax payment. Even in the case of VAT it is generally known that many companies do not usually remit the money to the appropriate authorities. Because state has not been doing much to ensure collection from the rich, there is the perception that government does not tax people to provide amenities. For **Mr. Augustine Agugwa**, a sociology lecturer based in Lagos. "Taxation can never be an instrument of redistribution' because the people in charge are not interested in wealth redistribution because it is the more influential you are that determines the amount of tax you will pay or you will not pay. The lesser you are in the scheme of things the more constrained you will be in terms of payment of tax. Those who are less empowered are the ones that suffer in terms of taxation

The reality of taxation in Nigeria is that the burden is on the poor who are made to regularly and without fail pay their taxes while the rich and corporate world hardly pay. As one respondent, Dr. E. Onah said, "Income tax is supposed to bridge the gap between the rich and the poor' but you discover in Nigeria' it is the poor that pay taxes". For Ambrose Okoro (male, 52) there is no wealth redistribution given that "approximately less than 20 percent of the people are in control of over 90 percent of the wealth of the country". He believes that our tax laws are not framed in ways that would redistribute this wealth. Instead, the poor pay more tax and therefore subsidize the luxurious lifestyles of the

wealthy. Another respondent, Adehor Ochuko Albert esq, a human rights activist based in Ughelli North said "We have a retrogressive system of taxation, because it is the poor who pay higher taxes, it is a tax system where the higher you go the lesser the tax paid. Tax should be proportional to income that way you redistribute".

Thus only a small fraction of the potentially huge size of tax is available to government. Even this is largely drained through corruption. The little that government gets is used to provide social amenities in areas where the wealthy lives as against the areas of the poor who are in the main the tax payers. The government seems not to put serious efforts in ensuring that its tax policies are complied with by the rich and wealthy. Not surprising therefore, over 85% respondents agrees that government should tax the wealthy citizens as a mechanism for wealth redistribution.

Degree of redistribution of land and other natural resources

The use and administration of land in the country is governed by the Land Use Act which vests all lands in the hands of government. Notwithstanding this, traditional forms of land ownership still prevail in the country. About 76% said they have traditional means of land ownership in their communities. In spite of this, there is growing dissatisfaction with government land use and administration policies. From our survey, only 36% are satisfied with current government policies on land acquisition and control of natural resources whereas 64% said they are dissatisfied.

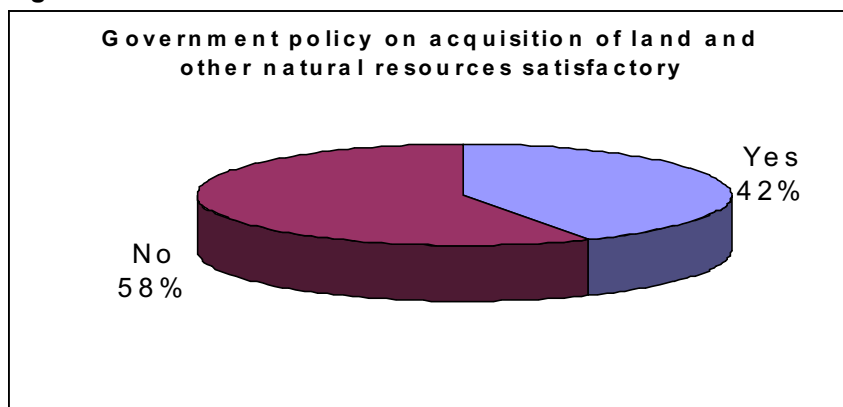
The consequence of government land acquisition policies are too glaring in both urban and rural areas. In urban centres, government-driven

urbanization has made the cost of land acquisition to be very expensive such that many families cannot afford land for housing. The result is the growing number and size of slums in our cities, with many families rendered homeless and living in precarious conditions. In rural areas, land degradation, population pressure and land grabbing by absentee rich farmers have fueled land hunger. Government has not implemented any systematic land redistribution policies, instead it has systematically expropriated lands of the poor through its acquisition process and

transferred these to the rich

The displacement of people due to this government policy of land acquisition is very common as the responses to question of whether relation or neighbor of respondent have ever been displaced shows in the table below. At least over 40% said a relation or neighbor had been displaced. As to whether they were satisfied with the resettlement of those displaced or the compensation given to them, over 78% said they were not satisfied with the government action.

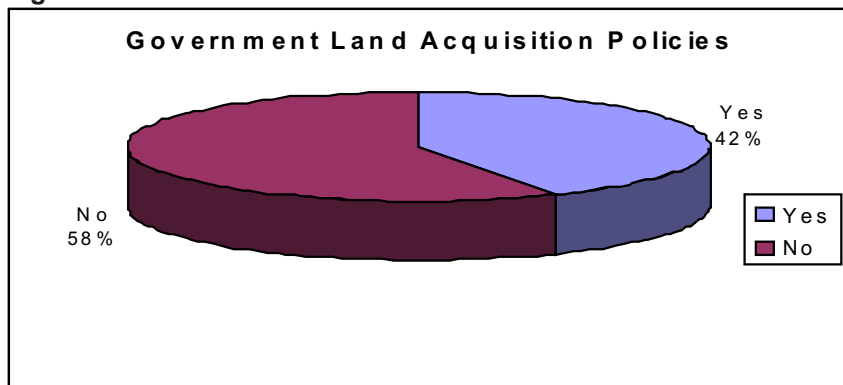
Fig 3.6:



Source: ActionAid Field Survey, 2009

The Fig shows the responses with respect to whether respondents consider government policy on acquisition of land and other natural resources satisfactory or not, predominantly they are not dissatisfied with the policy.

Fig 3.7:



Source: ActionAid Field Survey, 2009

Degree of Access to Credit

Access to credit is used globally not only as a means for redistributing resources but also as tool to empower citizens and facilitate business entrepreneurship. Although the government itself does not provide credit directly to citizens, it has developed a number of policies to facilitate access to credit for the citizens. These include the establishment of micro finance institutions, the establishment of credit facilities by banks and the CBN, among others. In spite of this, access to credit facilities in Nigeria is uneven, often more available to the rich than poor. From the survey about 87% said they have little or very little access to credit facilities. Both educational and occupational status seems to have no impact on the perceptions of the respondents as the responses cross tabulated across these categories seem to be similar. There also seems to be no specific peculiarities across the zones.

Respondents by 85% support the taxing of wealthy people by the government to provide social amenities. Respondents would like government to tax wealthy people to provide social amenities. 55% agree that taxation of citizens contribute money for government to provide amenities to citizens. Yet only 15% are satisfied with the provision of basic amenities in their states and local governments. Over 84% are dissatisfied.

Labour Market

The regulation of Labour is to ensure that citizens are protected from the arbitrariness of employers as well as ensures that workers have decent working conditions. The Trade Union Act provides that it is a right of workers to organize as trade unions for the protection and advancement of their conditions of work while other laws such as the Factory Act, the Workmen's

Compensation Act, the Labour Act and the Trade Dispute Acts among others regulate the labour market in the country. In spite of this, employers, especially in the private sector deny workers the right to belong to unions and ignore the provisions of many of the laws cited above.

From our survey, only about 36% of the respondents said they belong to or had ever belonged to a union, meaning that more than 70% does not. This roughly corresponds with the profiles of the respondents as only 33% are in formal employment (both government and private sector). Over 20% are self-employed while 15% were unemployed with additional 15% who identified themselves as farmers. By level of education however, this shows a very large degree of lack of access to union rights as about 80% have been educated up to secondary and above.

While only 36% either belonged or ever belonged to a union, over 60% of the respondents said that some employers do allow trade unions to operate. However, over 93% thinks that unions are operating under the control of employers, with about 34% seeing this control as being exercised by government while further 45% thinks it is done by both government and the employers. This presents a picture of unions that are closely controlled by employers. The perception of unions as controlled by government and employers cuts across the zones as well as across educational and occupational categories.

As for the reasons why employers do not allow unions to operate, the most frequently cited reasons was to avoid workers strike (41%), followed by "to avoid paying more salaries" (37%) and "to earn more profit" coming third with about 20%. Again the perception is

virtually the same across the zones, educational and occupational categories. This underlines the extent to which trade union rights are curtailed in the country.

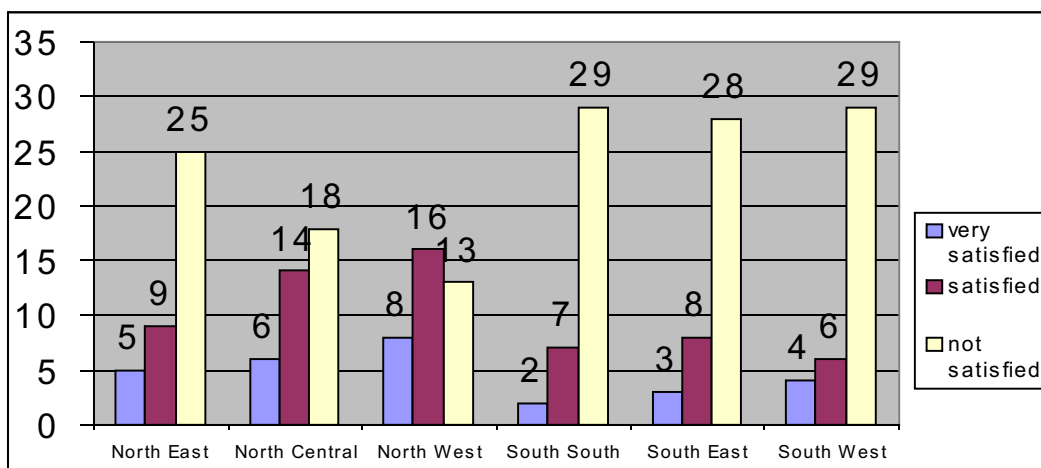
One of the functions of trade unions as provided by the Trade Union Act is to negotiate salaries and other conditions of service for the workers. While a number of unions have been very successful in doing this, many others have not been. In fact government and many employers tend to unilaterally determine salaries and conditions of service of their workers, instead of allowing the mechanisms of collective bargaining to do this. Over 60% of our respondents perceive that unions do not negotiate for the workers while about 27% thinks they do, with the remaining having no opinion. With very few exceptions collective bargaining agreements nationally do not compare to the number of unions in the country, meaning that very few unions have been able to successfully secure collective

bargaining agreements for their members.

One element of the measure of quality of a labour regulatory framework is the protection of jobs that workers are offered. While there are clear procedures for disengaging workers with severance benefits, often employers do not follow these. Instead, they arbitrarily dispense with workers. Workers are thus unprotected by the laws, and in many cases unions are too weak to offer protection to their members against employer arbitrariness.

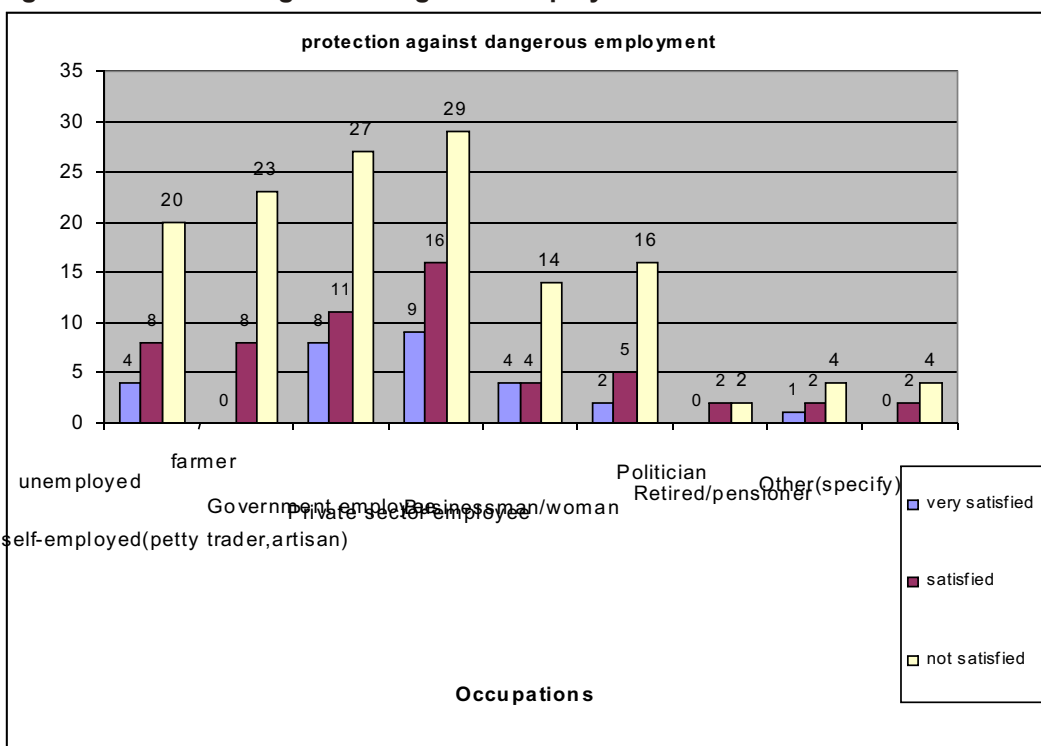
Another quality of the labour union is the protection of workers from dangerous jobs. Over 60% are of the opinion that workers are not protected against dangerous jobs. The distribution of responses across the geo-political zone to this is illustrated in Fig. 3.9. This information is further cross-tabulated against occupational categories of the respondents in Fig. 3.10

Fig. 3.9: Perception level of protection of workers against dangerous employment



Source: ActionAid Field Survey, 2009

Fig. 3.10: Protection Against Dangerous employment



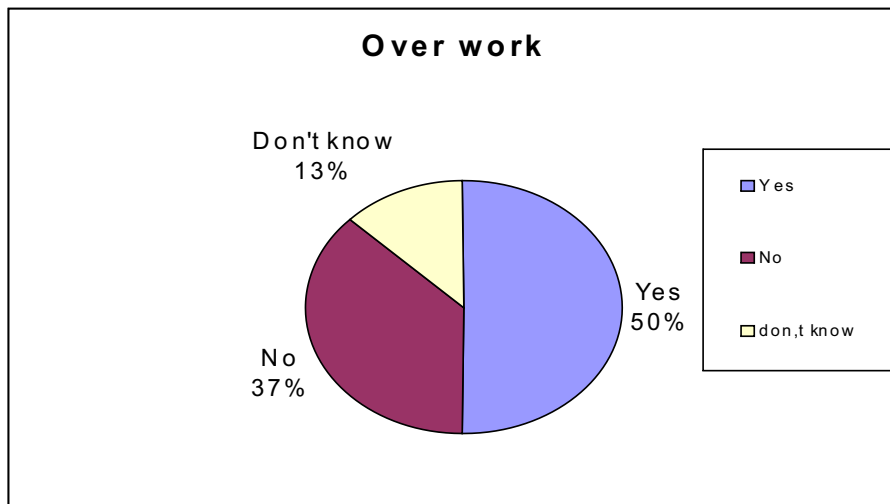
Source: ActionAid Field Survey, 2009

As can be seen across all the zones and occupational categories, majority feels that workers are not protected against dangerous jobs. This goes to suggest that the Nigerian labour market is a major site of indecent work.

Another quality of the labour market regulatory framework is the work load. From the survey, over 50% thinks that Nigerians overwork themselves on the job they do. This is shown in the Fig 3.10.



Fig. 3.11: Over Work.



Source: ActionAid Field Survey, 2009

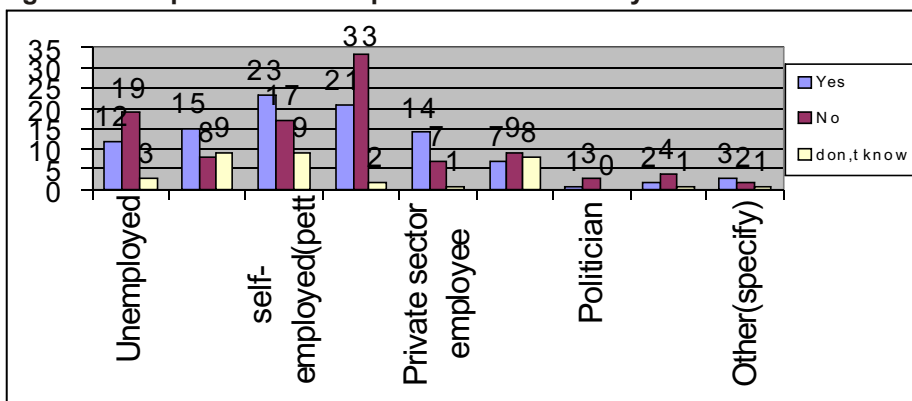
The Fig 3.11 shows the responses to whether Nigerians overwork themselves across the occupational profiles of the respondents reveals something interesting. As can be seen only in the categories of government employees, business people and retired/pensioners is the proportion of those who think Nigerians are overworked is less than those who think otherwise. For government employees, this confirms the general perception that they are under-utilized.

For business people, it is also understandable that since they are working for themselves, they may not overwork themselves. As for

retired/pensioners, they have very little to do.

In relation to whether Nigerians work longer hours of work, about 42% thinks they work longer hours while 43% think they do not. This is surprising given the perception that Nigerians are overworked. The responses to this question according to occupational categories are shown in the table below. As can be seen, whereas among farmers, self-employed and private sector the proportion of those who think Nigerians work longer hours is less than those who think otherwise, among the others, it is the reverse.

Fig. 3.12: Respondents Perception on Overwork by workers

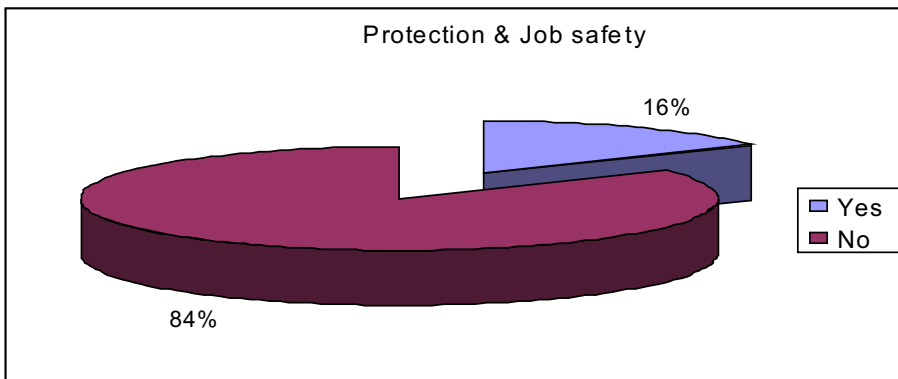


Source: ActionAid Field Survey, 2009

With respect to protection and safety of job, over 84% of these interviewed thinks that there is no protection and safety of jobs.

Educational and occupational status have no bearing in this perception neither is geopolitical location.

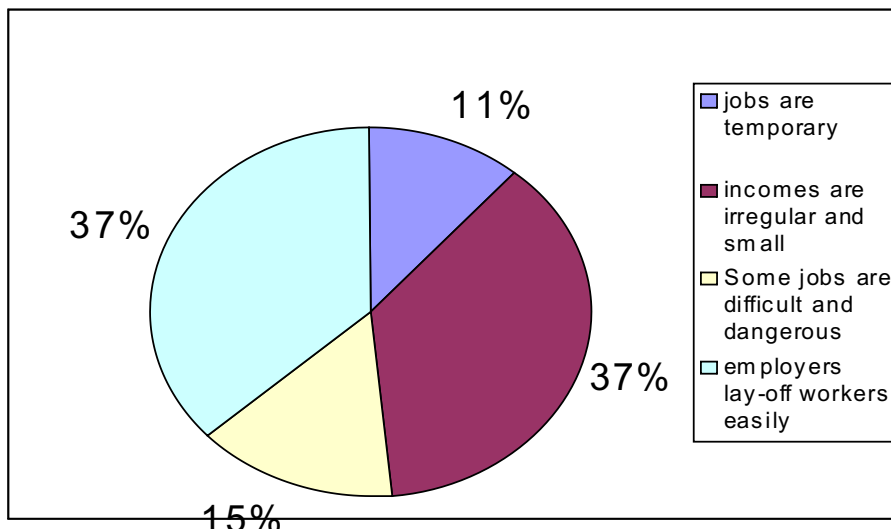
Fig 3.13:



Source: ActionAid Field Survey, 2009

The most common reasons for job insecurity and lack protection are illustrated in Fig. 3.14.

Fig 3.14: Common reasons for job insecurity and lack of protection



Source: ActionAid Field Survey, 2009

One other quality of the labour market is the appropriateness of job to the training that the workers had received. Over 72% of the respondents think that jobs that Nigerians do, do not benefit from the training they had received. This perception is the same across geopolitical zones, educational and occupational categories. This means

that skills and knowledge that Nigerians had invested in are grossly underutilised in the jobs they do. This has two negative consequences: lack of satisfaction with the job and low productivity.

What follows from this is that although there are clear rules regulating



employment conditions, these laws are not observed by many employers and unions are not able to enforce observance of many of these laws.

Quality of Policies Regarding the Informal Market

The informal market in Nigeria is not regulated in the positive sense. There are no extant policies that have been designed to either protect operators in the market or facilitate the development of the sector. In this largely outside the positive realm of the law, employees in the informal sector are outside the labour laws and therefore are not protected. They do not enjoy trade union rights and are not covered by any collective agreement. As a matter of fact, employees are not covered by the National Minimum Wage legislation. Thus wages are very poor and unregulated while there are hardly any contractual templates for employment.

Operators in the informal sector rarely get access to credit facilities. In fact even ordinary banking services are usually not extended to them as many are not able to meet the requirements for opening of business accounts with banks. They are not considered for government procurement processes as they cannot meet the corporate requirements for such procurement services. Yet when it comes to taxes, the informal sector has high payment rates than the formal sector. This is because operators in the informal market are taxed on the basis of appearance in the market on daily basis.

To this extent, the quality of policies for the informal sector is very poor. They are meant to extract tax from it than facilitate its growth and harness its contribution, making it more meaningful and effective in the development of the country by helping to provide decent jobs that could reduce unemployment in the country.

Employers of labour in the informal sector are not registered by the state. This means it is not possible to establish with any degree of accuracy the contribution of the sector to employment generation in the country. It is also difficult to monitor the job conditions of the workers. This is important given that there is the perception that most workers work under conditions that are far from being decent.

Political Justice Rights

This section examines the extent to which Nigerians enjoy political justice rights. This is with particular reference to political representation, political participation and the degree of decentralization and accountability of public institutions.

Democracy is a political ideology that grants the opportunity and freedom to all persons irrespective of sex, creed or class to participate and make inputs in governmental affairs with the sole aim of improving and protecting overall national interest. Based on this philosophy, there should be no hegemonic rule of the powerful class over the weaker classes nor should governmental activities be controlled and monopolized by a clique. Rather, democracy emphasizes popular participation in all ramifications of the political system.

This ranges from party formation, voting, composition of government and involvement in policy formulation, implementation and evaluation. All shades of opinion should be considered and decisions arrived at through consensus rather than the imposition of the views of few powerful persons. In the Nigerian situation, this is captured by the 1999 constitution in Chapters II and IV under the Fundamental Objectives and Directive Principles of State Policy and fundamental rights respectively.

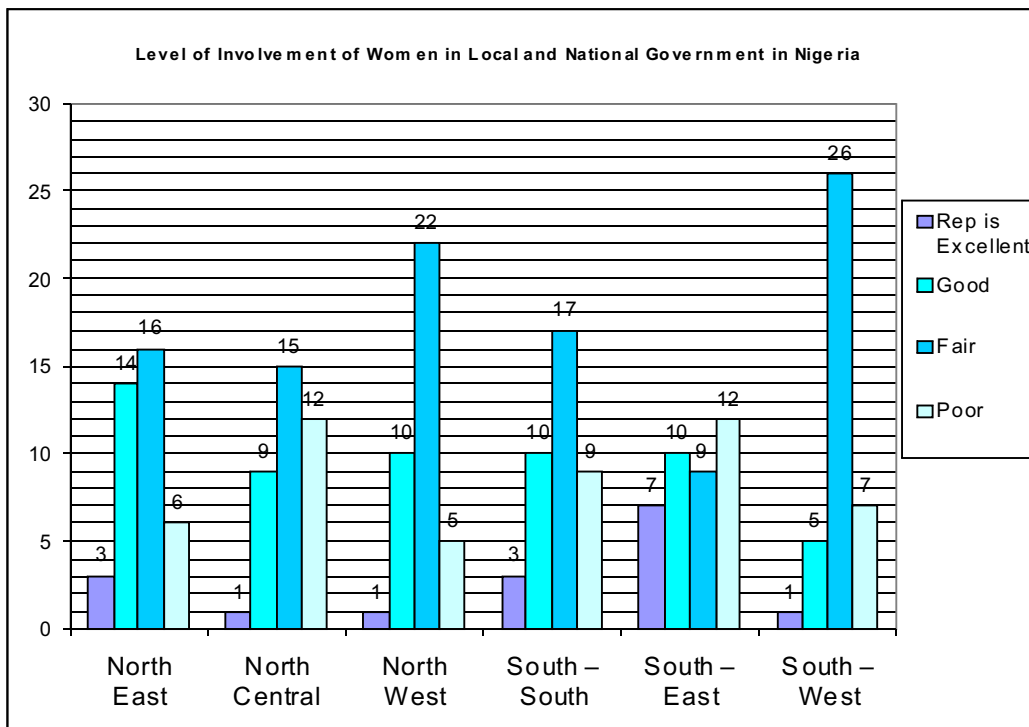
Political Representation

Women, youths and the less privileged groups in the Nigerian society are excluded from involvement and participation in the management of governmental affairs, even when some policies are purportedly made to represent and protect their interest. They are discriminated against both in terms of actual representation in government and their voices not being heard.

country is that of women. This study reveals that even though women form about 49% of the Nigerian population according to the 2006 Census, their participation and representation in the political structures of the country from the local to the national level is very abysmal compared to their male counterpart. A survey carried out in all the geo-political zones of the country to assess the involvement of women in politics and governance indicates that women are poorly represented.

The worst hit population of the excluded groups from the political life of their

Fig 4.1 showing the level of involvement of women in local and national government in Nigeria



Source: ActionAid Field Survey, 2009

The table above indicates that the level of participation of women in national affairs is fair especially in the South South, North East, North West and South West, while it is poor in the North Central and South East. Even though it

suggests an improvement in what used to be obtainable, when compared to the population of women vis-à-vis their men counterpart, one can fairly conclude that the participation of women in national life is still below expectation.



Similarly, the UNDP, Human Development Report for Nigeria 2008 2009 presents a graphic picture of women participation in elective positions from 1999 after the military handover to civilians as follows:-

In 1999, there were 12 female State Assembly members out of 990 (3.6%) 13 female House of representative members out of 360 and 3 female senators out of 109. In 2003, there were 39 female State Assembly members, 21 female House of representative members and 4 female Senators. This represents only a very slight but negligible improvement over that of 1999. Benjamin, (2009) also noted that in the 2007 elections, there are 26 female members out of the 360 members of House of Representatives and 9 (8.3%) out of 109 senators.

Furthermore, the human development report reveals that there are 15 out of the 36 states that have no female representation in the State Houses of Assembly. Specifically, there are eleven (11) in the North and four (4) in the South. The report concludes by noting that Nigeria ranks 106th out of 128th countries in political empowerment with female to male ratios of 0.08 for women in parliament and 0.11 for women in ministerial positions.

Also, FGDs in the six geo-political zones revealed that the role of women in politics is just to legitimize male domination of the political scene; women are not involved, consulted nor given a level playing ground to contest for elective positions at the political party level or as representatives of their constituency. If at all the men allow the women to hold elective positions in the parties, they are relegated to redundant positions such as social welfare and entertainment secretaries.

On why there is inequality between female and male participation in political

affairs, interview results shows that cultural and religious injunctions as well as inadequate political enlightenment, lack of mobilization and economic power have immensely affected women involvement and participation in politics. For instance in Toro Local Government Area of Bauchi State, Mrs. Elizabeth Arewa leader of an NGO concerned with women empowerment remarked that they are only used to support the men folk during elections. Women find it difficult to contest elections both as a result of cultural and economic factors. Laraba Tanko a PDP women leader in Zing Local Government Area of Taraba State also had this to say: "This is a man's world; you can't be seen to contest the same position with a man because of cultural and economic factors".

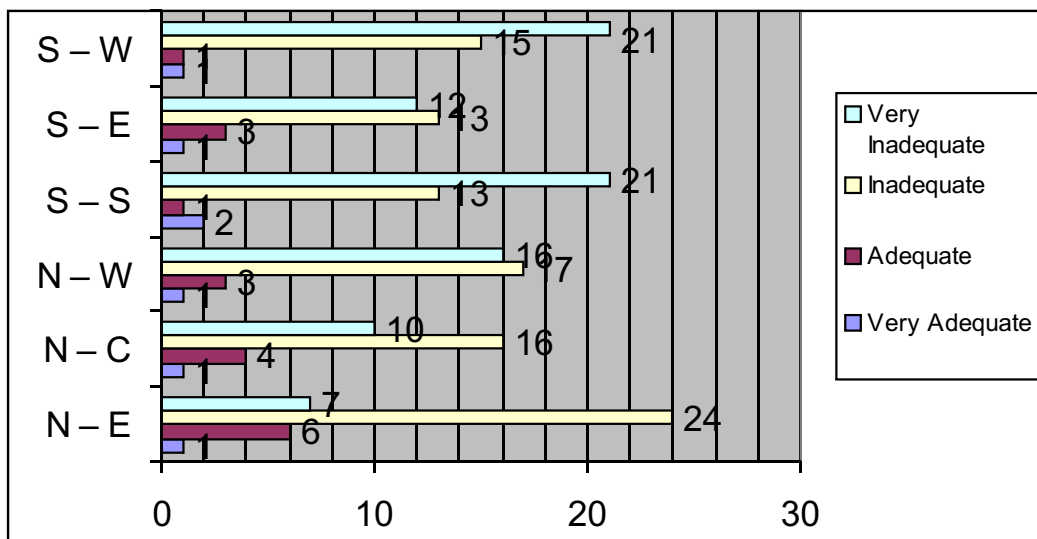
Related studies especially that of Egwu (2005) observed that from party primaries, women candidates become victims of intrigues, male conspiracy, blackmail and manipulation, thus leading to the substantial elimination of women candidates. Ciroma (2005) have also noted other obstacles to include the strength of women's movement, patriarchy, discrimination, illiteracy, poverty, godfatherism, the role of violence in politics and the gender bias on citizenship as factors that challenge women political participation.

Falana (2009) in assessing the level of women in political participation noted that 24 years after Nigeria ratified CEDAW, it is indisputable that Nigerian women are still grossly under represented in politics and decision making bodies. Hence, in spite of the several international and national conventions aimed at protecting the rights of women, women are commonly discriminated against and highly marginalized in politics and decision making positions in Nigeria. She

observed that other excluded groups in the polity of the country are the youths and less privileged persons. More in

number, but this numerical strength has no advantage to be involved in issues of governance.

Fig 4.2: showing the involvement of disabled and disadvantaged in local and national government.



Source: ActionAid Field Survey, 2009

This chart clearly shows that in all the geo-political zones, the disabled and the disadvantaged in society are not given any consideration to contribute to national development especially through deliberate policies that will integrate them into the mainstream of decision-making. Even in matters that directly affect them because of their special status, policies and decisions are imposed on them from above, with usually very little prospect for success as the beneficiaries are marginalized in the process of policy formulation and implementation.

The youths that are the engine and levers of development in any country, are not mobilized and given the opportunity to take leadership positions. They are recruited as political thugs to serve as private security outfit to any politician that can pay their bill. Only

very few youths are opportuned to participate in politics, and this is only made possible by virtue of the philosophy of godfatherism. In which case, they are remote controlled to carry out the biddings of the godfather to the detriment of societal progress. While for the less privileged, they are just a mass of people that are never consulted neither integrated into the decision making process nor given the opportunity for their voices to be heard. At most, they could be relevant only as voters to legitimize the rule of their oppressors who are imposed upon them by the 'rules' of the political game. Now that votes do not count as reflected on who occupy an elective position as a result of fraudulent elections, it will be increasingly more difficult for the less privileged to impact and make inputs on matters that have bearings in improving the quality of their lives.

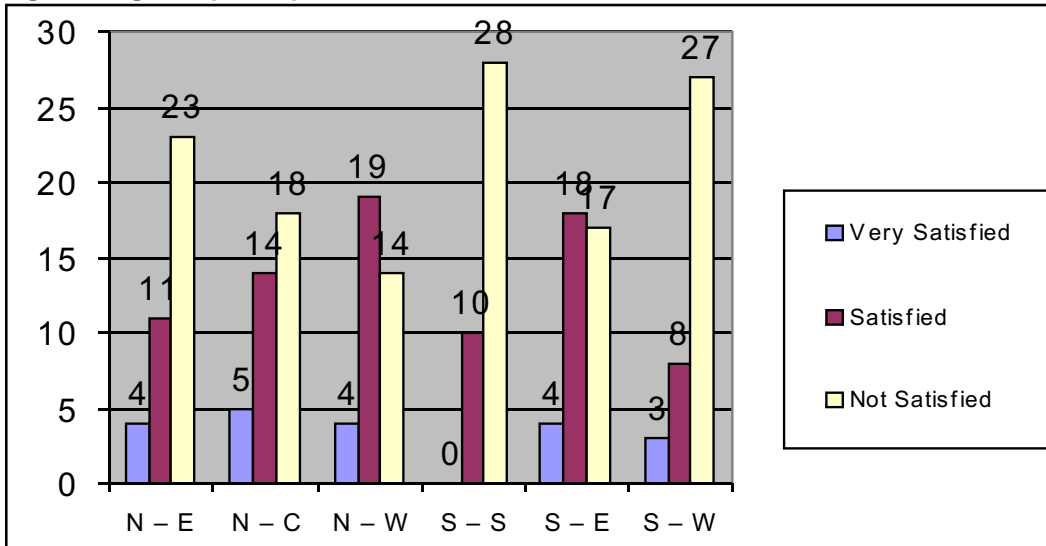


Institutionalized Space for Participation

On the degree of institutionalized spaces for participation of the citizenry in

the political affairs of the country, responses from the field survey is presented below.

Fig 4.3: Right to participation



Source: ActionAid Field Survey, 2009

This Figure shows that responses from the North West and South East are averagely satisfied, while response from the North East, South South and South West show that they are not satisfied with the institutionalized spaces for participation.

It is only during voting at elections into political offices that majority of Nigerians are offered the opportunity to participate in politics. However, recent experience at elections in the country has revealed that votes do not count in declaring the winner of an election, which goes further to suggest that this avenue for participation is not critical and is a mere formality. Though Nigeria has sixty-three (63) registered political parties as at 2010, which could offer genuine space for political participation, the formation of these political parties is not based on the aggregation of people with similar ideologies or interest, but through ethnic coalitions led by 'regional barons'

with strong financial backing (IDEA, 2006:7). This therefore brings to the 'front burner' the role of godfatherism and money politics which has taken centre stage in Nigerian politics. According to the IDEA Report 2006, party bosses and godfathers are unwilling to allow internal party democracy, which frequently caused conflict and constrains the development of parties as popular organizations. In order to further constrict the political space, since one can only be presented for election by a political party according to the electoral law as at now, the report observed that the bosses have developed comprehensive techniques for eliminating popular aspirants from party posts and being nominated for elective positions. Some of the identified techniques include:-

- i. A declaration by powerful 'party owners', party barons, state governors and godfathers that those entitled to vote must support their

- candidate and other aspirants must withdraw.
- ii. Zoning formulation is used to exclude unwanted aspirants by taking the party zone out of the position in question to an area where the aspirant being excluded is not indigenous.
 - iii. Aspirants who oppose the interest of the godfathers' are often subject to violence by thugs or security personnel.
 - iv. Money is used to bribe officials and to induce voters to support particular candidates.

This report summarized the opinion of those surveyed, by highlighting the role of money in contemporary Nigerian politics which is so overwhelming and as a result, the country's political parties provide only very limited opportunities for marginalized individuals, - women, youths and the less privileged to participate in politics. The Independent National Electoral Commission (INEC), the body charged with electoral affairs of the country, has not demonstrated this independence. INEC, has failed to institute mechanisms to check political corruption, its acceptance as a legitimate means to power as witnessed in the 2007 and other elections after and its seeming collaboration and connivance with the ruling Peoples' Democratic Party (PDP) to install a one party state in the country through fraudulent elections have further limited the space for political participation in the country.¹

On the reasons for constricting the political space, field survey reveals, that it is largely because of the benefits that accrue to political offices. Those in power do not want to let go. Buttressing this point further, Ochonu (2007) stated that the problem is not the electoral system or law per se, but the attractiveness of elective positions as it

bestows access to resources on those who wield that power. He noted that, power enables the power wielder to subvert the electoral system and to undertake unethical and undemocratic acts in order to preserve the access to resources. Thus, the political space is not liberalized for all to access; it is skewed in favour of political godfathers, money bags and their cronies. To buttress how the role of money disenfranchised majority of Nigerians from contesting elections, the PDP one of the sixty-three political parties that will present candidates for 2011 elections has approved the following nomination fees that must be paid by all aspirants as follows:

- i. Presidential
 - A. Expression of interest #1,000,000
 - B. Nomination fees #10,000,000
- ii. Gubernatorial
 - A. Expression of interest #500,000
 - B. Nomination fees #5,000,000
- iii. Senatorial
 - A. Expression of interest #200,000
 - B. Nomination fees #2,000,000
- iv. House of Representatives
 - A. Expression of interest #100,000
 - B. Nomination fees #1,000,000
- v. State House of Assembly
 - A. Expression of interest #100,000
 - B. Nomination fees #500,000

Though in principle, every member has equal opportunity to contest, it is quite evident that majority of members cannot afford to raise such fees. Hence Nigerian democracy can be described as "government of the rich by the rich for the rich".

The electoral law has further restricted the political space, as candidates who wish to contest election, according to the law, must be presented under the

banner of a political party. There is no provision for independent candidates who wish to contest elections. Meanwhile, political parties fix very high amount for nomination forms, and rig the primaries in favour of the highest bidder, thus constricting the political space to a few cliques.

Direct Democracy

Institutionalized spaces for civil engagement and direct democracy generally include:-

- Participatory budgeting
- Citizens juries
- Citizens advisory committees
- Town-hall meetings
- Public hearings
- Public disclosure management
- Public audits
- Citizens and community score cards
- Referenda
- Liaison offices at governmental levels
- Provision for public advocate/complaint procedure

Opportunities for practicing direct democracy are few in the country. These include voting, public legislative hearings, referendum, recall process and agenda setting through public opinion. The questions to answer in the Nigerian context, include:- does direct democracy increase voter participation? Does it reduce dissatisfaction with elected representatives? Nor does it act as discipline on the behaviour of elected representatives knowing fully that voters hold more power.

FGDs and the field survey have indicated that direct democracy participation by Nigerians has two formidable challenges. These are institutional lapses and political apathy. For instance, when legislative public hearings are conducted, they are done mostly in the federal and state capitals. It is difficult for people with good intent and purposes to attend and contribute to

the discussion. Moreover, the masses are not adequately informed about these public hearings. The notice is usually very short and it does not give opportunity for an in-depth research or study to be conducted before an informed opinion is derived. Sometimes, legislative hearings are not conducted to ascertain the opinion of persons that are to be affected by the law. In Borno State, for instance, the House of Assembly empowered the governor to create additional emirates through the amendment of the existing local government law with out any hearing, this has consequently led to disaffection and series of legal processes have been instituted against the state government by affected communities and persons. Also, referendum another form of direct participation is not conducted to ascertain the wishes of the people. The elected representatives have become masters/lords unto themselves; hence, they care less about consulting and seeking the consent of their constituents before crucial decisions are taken. On agenda setting through public initiative, responses were resounding that the voices of the masses are not heard, in spite of the fact that they are the majority. To even access their representatives remains a difficult task as their newly acquired status and wealth have made them to be arrogant, full of pride, disrespectful and surrounded by political thugs popularly referred to as personal assistants barring the electorates from engaging their representatives.

Participatory budgeting, another form of direct participation is not even contemplated. The electorates at all levels are not consulted or involved in determining their priorities, monitoring and evaluation of projects and programmes, yet the budget is meant to improve the quality of their lives. This is compounded by the Official Secret Act which permits govern-

ment business to be conducted in secrecy.

The other factor hampering direct democratic participation is political apathy on the part of the electorates. Due to consistent failure on the part of the elected representatives to fulfill their campaign promises and their engagement in spurious display of their ill-gotten wealth, the electorates have resigned to faith, knowing fully well through past experiences that their opinion does not matter, thus they are more focused on resolving existential issues that daily pose challenges to their survival.

It is therefore quite unfortunate that direct democracy which allow citizens to be involved in governance issues and also provides a check on the legislature as noted by Kaiser (2008) has not been encouraged and utilized by the electorates. Policies and Programmes are imposed from above even if they may have harmful effects on the electorates. And in most cases they do!

Ake (2003:117) captures this lack of direct participation more succinctly thus “politically disenfranchised and set upon by state violence, the people are no longer available for supporting the state or its development projects, some have retreated to ethnic or communal concerns”.

Degree of Decentralization

The Nigerian experience on decentralization of powers to ensure local autonomy that will reflect local needs is very limited. Governmental powers are highly concentrated and centralized at the federal level on all issues that concerns the citizenry. This is also, applicable to both the states and the local government. Decentralized structures are not created for the

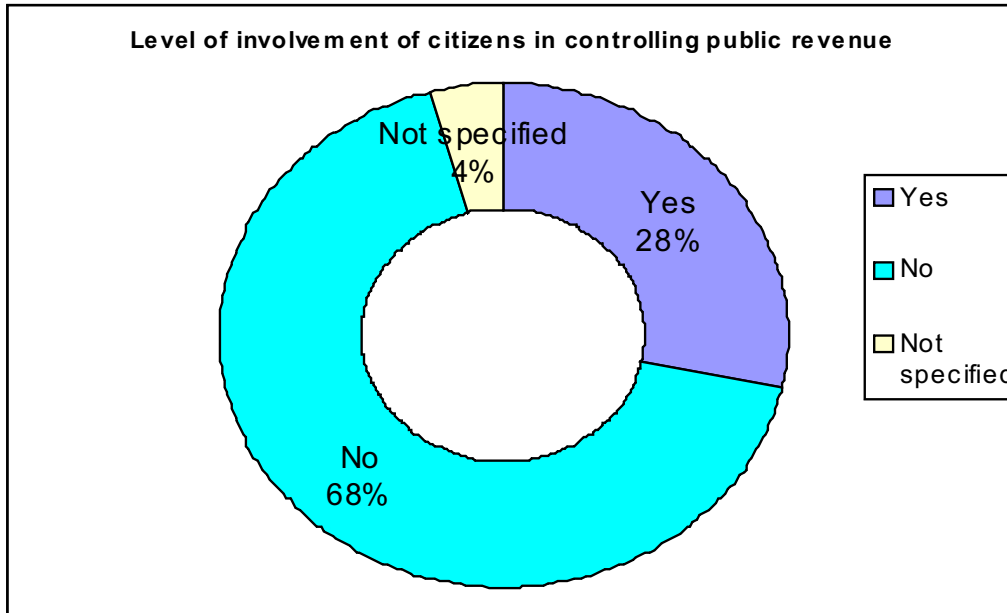
citizens to make inputs into policy formulation, implementation and evaluation. In other words, community members are not involved nor integrated in the policy making structures. For instance, Community Development Associations (CDAs) are not considered as a critical structure in the management of developmental programmes. Government is too remote from the citizens and coupled with the complex bureaucratic processes, it is no wonder that the grassroots have continued to experience rural decay.

The federal government is reluctant to share power and resources. And where limited decentralization is granted, the decentralized bodies are dependent on the fiscal allocation received from the federal government which in most cases is insufficient for it to fulfill its mandate. A study by the United Nations Population Fund (UNFPA) has also revealed that centralization of the planning and allocation of resources has led to limited flows of resources to the peripheral levels with much of the funds being drained off centrally.

Degree of Accountability

The field survey and FGDs across the geo-political zones revealed that a culture of positive accountability is greatly lacking in the country. The general opinion of the respondents and discussants show that our political leaders have continued to loot public funds with impunity. TI has ranked Nigeria as one of the most corrupt country in the world. This is not surprising to many, given the way public office is used as the fastest and easiest way to wealth. The citizens are not involved in the public allocation of resources. Hence, they have no form of control over how public funds are expended. This is shown in the table below.

Fig. 4.4 showing level of involvement of citizens in controlling public revenue



Source: ActionAid Field Survey, 2009

The chart shows that 28.3% agree that citizens are involved in controlling public revenue, while 67.5% are of the contrary view. It is common knowledge that civil society organizations are yet to be integrated into budgetary formulation and implementation process. Thus, citizens are kept in the dark about government expenditure.

In order to curb corrupt practices, the following laws were enacted:-

- Independent Corrupt Practices Commission (ICPC) Act, 2000
- Economic and Financial Crimes Commission (EFCC) Act 2003
- Money Laundering (Prohibition) Act, 2004
- Public Procurement Act, 2007
- Fiscal Responsibility Act, 2007

However, corruption in government circles has continued unabated, consequently driving the democratic system to a point of near collapse as witnessed in the inability of government to provide critical socio-economic infrastructure, employment

opportunities, high inflationary situation which consequently has transcended to the manipulation of religion and ethnic solidarity to stay afloat politically, with the dire cost of violent ethnic conflicts that have claimed innocent lives and destroyed properties as witnessed in the Niger-Delta, Borno, Bauchi Plateau, Gombe, Ebony and Kogi states.

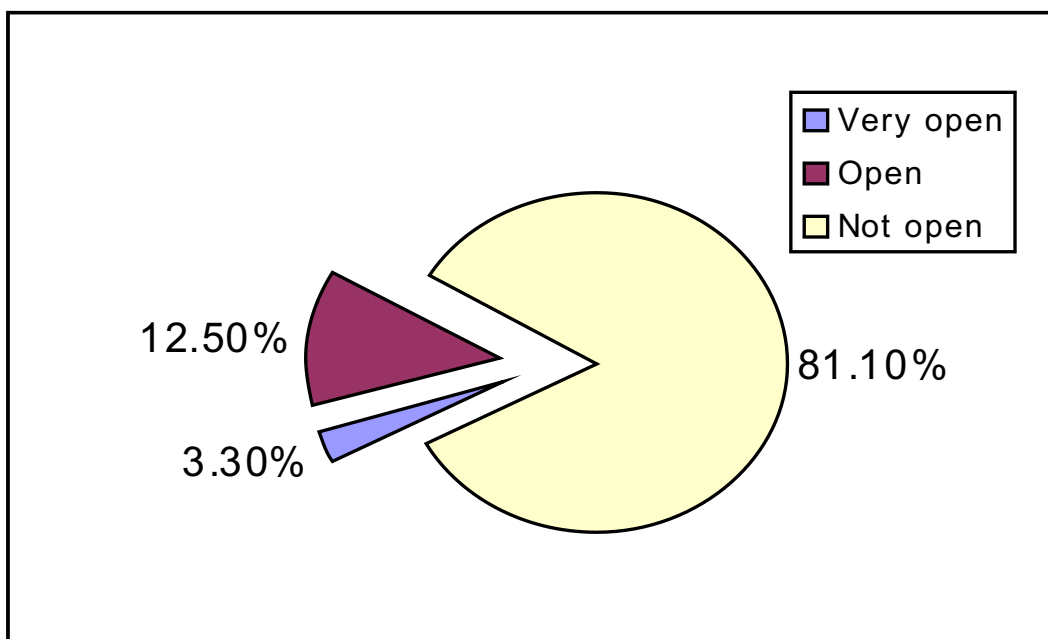
Some of the challenges before the anti-corruption agencies as public opinion reveals include, the politicization of the outfits. From the activities of the agencies, it is very glaring to the common person that they are used to witch-hunt 'political enemies' of their masters. They are selective in the fight against corruption. Also, the immunity clause found in Section 308 of the Nigerian Constitution has been a 'lee-way' for corrupt chief executives to escape prosecution while in office. For all the dust raised that majority of the governors had corruptly enriched

themselves, none is in jail for such an offence. Beside the slow justice system in the country, there are loopholes in the laws establishing the anti-graft bodies that have served as a safe landing-pad for corrupt officials to escape prosecution.

Across the country therefore, the culture of rendering periodic stewardship to the public appears to be a very strange

culture. The inability of the National Assembly to pass the Freedom of Information bill has only further served to compound the problem of accountability and transparency in governance. This has therefore, emboldened public officials not to be accountable to the electorates, thereby marginalizing and preventing them from knowing the questionable activities in government as presented in Fig 4.5.

Fig 4.5 showing how open is government in disclosing the revenues generated to citizens



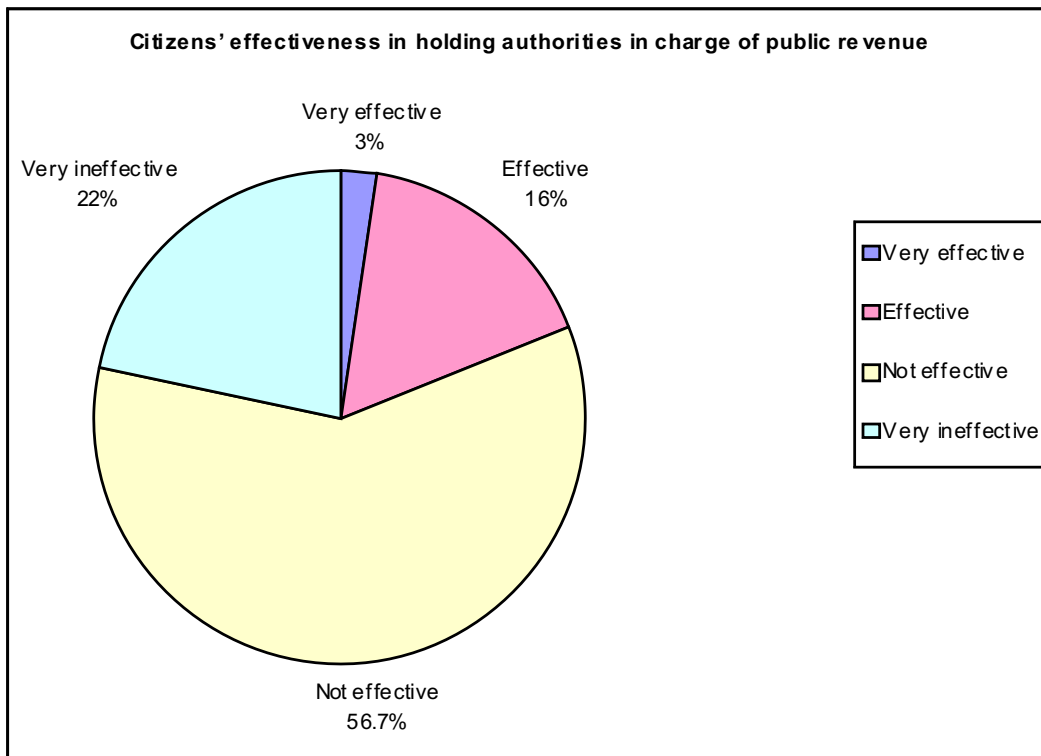
Source: ActionAid Field Survey, 2009



This Fig 4.5 indicates that only 3.3% of the respondents are of the view that government is very open in disclosing the revenues that accrue to it, while 81.1% are of the contrary view. Though Federal allocations are published in newspapers, what actually goes into the coffers of government from all sources of revenue is not made public. Government business which is public in

nature is conducted in a cultic manner. The situation is not so different at the state and local government levels, the masses are only at the receiving end. Federal allocations are made every month, but no information is given on how the allocations, and even the internally revenue generated is spent as corroborated by the table below:-

Fig 4.6: Showing citizens' effectiveness in holding authorities in charge of public revenue



Source: ActionAid Field Survey, 2009

Protection of Minority Ethnic Groups

One of the measures of political participation is the protection of minority groups. Majority of the respondents

across educational background are not satisfied with government policies toward protecting minority groups as shown in the table below.

Fig. 4.7

		Are you satisfied with government policies that protect minority ethnic groups in Nigeria?				Total
		Very Satisfied	Satisfied	Not Satisfied	Very Unsatisfied	
Education	Literate in local language or religious citation	2	2	6	4	14
	Primary	0	12	15	2	29
	Secondary	2	11	20	13	46
	Diploma/NCE	4	17	35	4	60
	Postgraduate Diploma	2	0	10	1	13
	University Degree	1	10	28	5	44
	Postgraduate Degree	0	3	14	0	17
Total		11	55	128	29	223

There is no zonal difference as in all the zones, majority of the respondents are of the opinion that government policies

toward minority groups are unsatisfactory.

Fig. 4.8

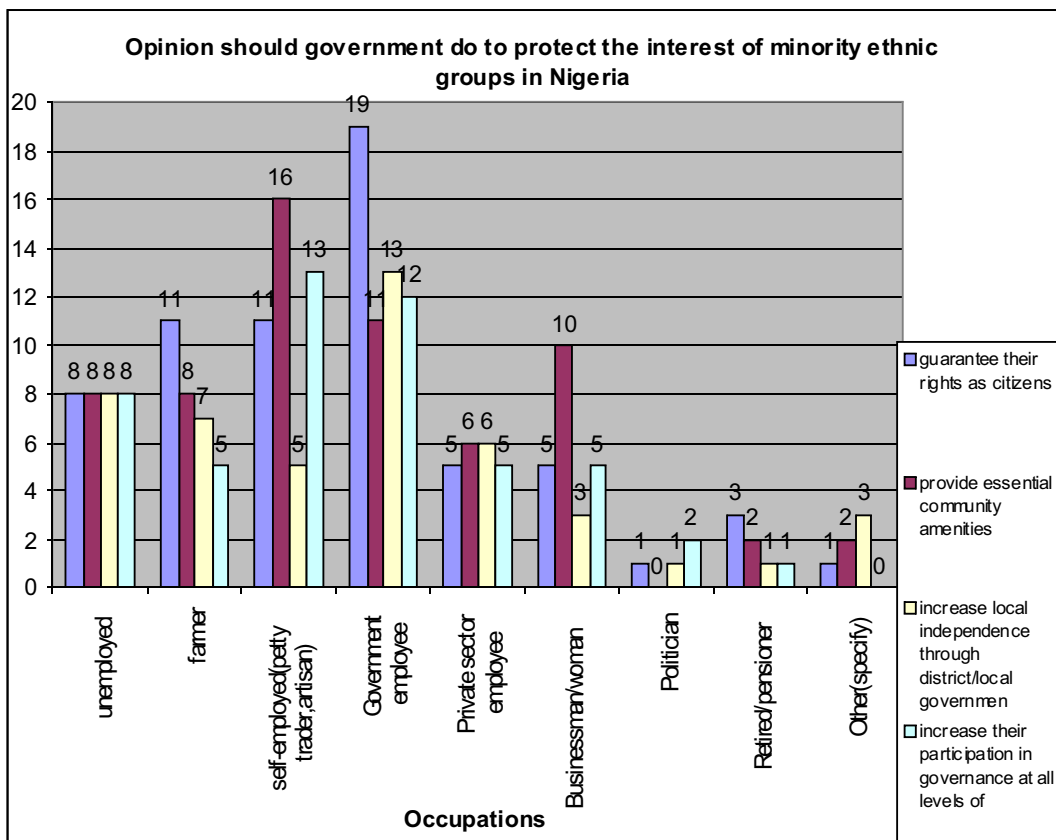
	Are you satisfied with government policies that protect minority ethnic groups in Nigeria?				Total
	Very Satisfied	Satisfied	Not Satisfied	Very Unsatisfied	
North East	1	5	28	5	39
North Central	6	7	19	2	34
North West	1	16	20	1	38
South South	1	4	19	14	38
South East	2	15	18	4	39
South West	0	9	27	3	39
Total	11	56	131	29	227

As to what government should do to protect the interest of minority ethnic groups in Nigeria, there are noticeable differences across the zones. While in the North -West, South-South and South-West more people want government to provide essential community amenities, in South-East more people want to increase their

participation in governance at all levels. In the North-Central more people opted for the guarantee of their rights as citizens. In the North-East equal number of people supported both guarantee of their rights as citizens and increase in their participation in governance at all levels.



Fig. 4.9



Majority also thinks that Nigerians are discriminated against from getting a job because of their religious or ethnic background as illustrated in Fig.4.10.

As can be seen, this perception cuts across as there are no significant differences across the zones or education status.

Fig.4.10

Occupation		To what extent are Nigerians discriminated against from getting a job because of their religious or ethnic background?				Total
		Very Often	Often	Sometimes	Never	
Occupation	Unemployed	5	12	16	0	33
	Farmer	8	10	12	2	32
	self-employed (petty trader, artisan)	9	10	25	5	49
	Government employee	13	11	27	4	55
	Private sector employee	7	4	10	1	22
	Businessman/woman	8	4	11	1	24
	Politician	0	3	0	1	4
	Retired/pensioner	0	4	3	0	7
	Other (specify)	3	0	3	0	6
Total		53	58	107	14	232

Progressive Judgments in the Last Five Years.

1. Atiku Abubakar Vs Attorney General of the Federation. The Supreme Court ruled that the President of the Federal Republic of Nigeria has no power to declare the seat of the Vice President vacant.
2. Attorney General of Abia State Vs Attorney General of the Federation. On which level of government has responsibility for the regulation of tenure of local governments. The Supreme Court ruled that the National Assembly has no power to fix or regulate the tenure of elected Local Government officials; it is the responsibility of State Governments as found in Section 7 of the 1999 Constitution.
3. Lagos State Attorney General Vs Attorney General of the Federation. On the creation of Local Governments and withholding of funds from the Federation Account. The Supreme Court ruled in favour of the State Government and further declared as illegal the withholding of Local Governments fund from the Federation Account.
4. Joshua Dariye Vs Hon. Michael Dapianlong. The Court rules in favour of Joshua Dariye. This is because due process was not followed in his impeachment rather it was based on brute force and godfatherism.
5. a. Adams Oshiomole Vs INEC Edo State
b. Segun Mimiko Vs INEC Ondo State

In both cases the Appeal Court sitting in Benin ruled that Oshomole of Action Congress of Nigeria (ACN) and Mimiko

of Labour Party (LP) were the winners of the gubernatorial elections in 2007 for Edo and Ondo States respectively which INEC had hitherto given to PDP candidates in the two states.

Progressive Legislations in the Past Seven Years

1. EFCC Act (2003) The commission is responsible for the investigation of all financial crimes including advance fee fraud, money laundering, counterfeiting, contract scam, credit card fraud etc. Coordination and enforcement of financial crime laws. It has powers to cause investigations to be conducted as to whether any person has committed an offence under this Act.
2. Child's Right Act (2003) This act is for the protection of children's rights from deprivation, abuse, and trafficking. The dignity of the child shall be respected at all times. No Nigerian child shall be subjected to physical, mental or emotional injury.
3. Fiscal Responsibility Act (2007) To regulate government expenditure, borrowings and indebtedness. This is to ensure accountability and transparency in government business.
4. Public Procurement Act (2007) This act established the National Council on Public Procurement and the Bureau of Public Procurement (BPP) as the regulatory authorities responsible for the monitoring and oversight of public procurement, harmonizing the existing government policies and practices by regulating, setting standards and developing the legal framework and professional capacity for public procurement in Nigeria.

Political Representation in Nigeria is skewed in favour of the minority class of money bags and their cronies. Women, youths and the less privileged are not represented even though they are more in numerical strength. The rule of the game of politics in the country does not provide a level playing ground that will enhance their representation in government. The role of money, godfatherism and obnoxious cultural practices has limited the capacity of women and the less privileged to contest elections.

There are very limited spaces for political participation of the citizenry. Ranging from formation of political parties that do not have a mass base rather they are being monopolized by “regional barons” through imposition of candidates and the electoral law that do not provide for independent candidacy.

Avenues for direct democracy such as participatory budgeting, public hearings, referenda, citizen and community score cards, policy forums, and citizen advisory committee, public disclosure managements are rarely utilized. Decisions are largely imposed on the citizenry even if that may have harmful effects on the citizens. Accountability is constrained by the Official Secret Act, the unwillingness of political leaders to render periodic account of their stewardship and the lack of capacity of civil society organizations to demand for accountability and transparency in governance. The electorates are not involved in the determination of policies and control of public expenditure. Consequently, the political leaders have had a field day looting public treasury. The anti-corruption agencies: ICPC and EFCC have not fared well in curbing the massive corruption which is the bane of Nigeria's democracy. At best, they have served as 'hunting dogs' for the enemies of their political masters.

Legislative oversight function to keep the executive in check is largely compromised due to selfish private interest of the law makers. Hence the current poor performances of government in providing the urgent desired dividends of democracy. Nigerians are therefore marginalized, alienated and denied of their political rights. In order to address this ugly trend, there must be massive enlightenment and mobilization by progressive elements and civil society organizations to educate and empower the citizenry on ways of claiming their political rights. This will enable them determine their destiny.

Environmental Justice Rights/ Environmental Health

It has been observed that the inadequacy of existing legal mechanisms for the protection of man and his environment from the incursion of modern technology necessitated the agitation for the recognition of Environmental Justice Rights as a distinct right (Okononmah, 1997; Kasimbazi, 1998; Atsegbua and Akpotaire, et al, 2004; And SERAC, 2007). If a right connotes an entitlement to something, Environmental Justice Right translates into the right to a clean and healthy environment. In this connection, the right to a clean and healthy environment is the right of everyone to the conservation of his or her environment, free from the degrading effects of pollution, and other human activities. Since human survival is contingent upon a safe and healthy environment, environmental justice right is a core aspect of human rights. The purpose of this chapter is to examine issues around Environmental Justice Rights and Environmental Health in Nigeria. We are interested in critically assessing the quality and extent to which Nigerians have access to health

and environmental services and the state of our natural resources and ecosystem vitality since the enthronement of civil governance in 1999.

The Black's Law Dictionary 6th edition (1993) defines Environment as:

The totality of physical, economic, aesthetic and social circumstances and factors which surround and affect the desirability and value of property or which also affects the quality of people's lives.

The Nigerian Constitution (1999) provides in section 20 that:

States shall protect and improve the environment and safeguard the water, air, land, forest and wild life of Nigeria

In furtherance of this environmental objective of the Nigerian state, Section 38 of the FEPA Act (1998, CAP.131) defines environment to include:

Water, air, land, all plants and human beings or animals living therein and the inter-relationships which exist amongst or any of them.

The international community also recognizes the critical link between human rights and environmental protection. For example, Principle 1 of the Stockholm Declaration (1992) states as follows:

Man has a fundamental right to freedom, equality and adequate conditions of life, in environment of quality that permits a life of dignity and well-being.

In the same vein, the Hague Declaration (1989) also affirms "the right to live in a viable global environment." A right to a healthy environment is also included under the United Nations Environment Program (UNEP, 1993) as a basic law on environmental protection and the promotion of sustainable development. The governing principles provides for

the right of present and future generations to enjoy a healthy environment and decent quality of life.

Indeed, in 1994, the UN Sub-commission on Prevention of Discrimination and Protection of Minorities published a report on the relationship between human rights and the environment (UN Sub-Commission, 1992). The report revealed that the constitutions of over sixty countries across the globe (Nigeria inclusive) contained specific provisions pertaining to the environment, while charging the state to protect the human right to a satisfactory environment. Within the African continent, similar views have also been expressed. For example, the ACHPR (1981) establishes a nexus between rights to environment and development. Accordingly, Article 22 unequivocally avers that:

All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.

Article 24 adds that:

All peoples shall have the right to a generally satisfactory environment favorable to their development and states shall have the duty, individually or collectively to ensure the exercise of the right to development.

A number of issues immediately flow from the preceding definitions which should be noted because of their importance to the concerns of on-going discourse. The first is that the definitions regard environment as that state of affairs anchored on the activities of man in his natural habitat and the type of relationship he has with his immediate environment in terms of water, air and animal, etc. Secondly, they have emphasized the need to protect human

health, safety and interest. This should ordinarily include adhering to certain basic and minimum maintenance standards of the environment for human use and enjoyment of nature. And last but not the least, since healthy and clean environment impinges directly on human life, the right to environment completes and complements the other rights guaranteed every being. From all these it could be concluded by way of extrapolation, that the international recognition of the right to environment entails both the right for everyone to benefit from the environment and at the same time have the obligation to manage and enforce its sustainability.

Environmental Rights and Environmental Health in Nigeria before 1960

It is possible to observe some trends in the observance of environmental rights and environmental health in Nigeria before 1960. Pre-colonial Nigeria was politically and culturally heterogeneous. Yet the notions of environmental rights and environmental health existed and their observances were essentially anchored on the communalistic values of that period. Consequently, within this communal *modus vivendi*, Nigerians maintained an equilibrium relationship with the environment which took into account the preservation of nature and its bounties for the survival of everyone. Available evidence (Smith, M. G., 1955; Helleiner, 1966; Akinjogbin and Osoba eds., 1980; Otite and Okali, eds., 1990; Ojiji, Odey, 2001; P. ed. 2004; And Odey, ed. 2009) shows that in the production of their material existence, Nigerians before the advent of colonialism took extra care to sustain their environment.

Colonialism altered this balance and compounded the problems of environmental rights and health across the country (Nnoli ed. 1981; Ake, ed.

1985; Onimode, 1983; Falola, ed. 1987; And Falola and Heaton, 2008). To effectively respond to the contradictions of the capitalist expansion process, Nigeria (alongside other African countries) was subjugated and integrated into global capitalism. The relationship that emerged from this process transformed Nigerians into mere producers of raw materials and consumers of European finished cheap goods. This production and consumption patterns however, implicated environmental rights and health in colonial Nigeria. This marked the beginning of the disconnections between man and the environment and the problems associated with this after Nigeria regained independence (Freund, 1981; Mangwat, ed., 1998; Olorode, et al, eds.1998; And Imobighe, et al, eds. 2002).

Developments Since 1960

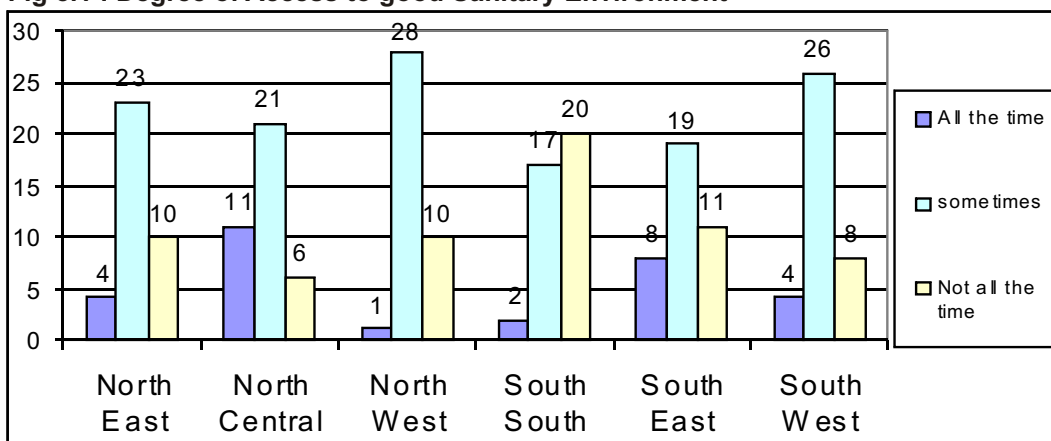
Political independence came with a lot of hope for a better society. With specific reference to the environment, there was new found hope that a lot would change in the areas of sustaining the environment in the interest of the well-being of the people. A vast section of the nation's population anticipated new production and consumption patterns that would take into consideration the important place of the environment in the development of the country. All these were never to be, because of the *type* of independence that was given to Nigerians by the British colonialists. It has been observed that political independence in Nigeria never came with economic freedom (Onimode, 1983; Ake, 1985; and Falola, ed. 1987). Consequently, the neo-colonial ties that remained created dependency and underdevelopment, leading to the sustained economic exploitation and oppression of the people; environmental despoliation and the endangering of

human life; and the general decline in standard of living across the country. As is amply demonstrated in the following survey across the country, the environmental rights of the people and environment health were compromised and consistently violated, sometimes with impunity, further compounding their aspirations for qualitative existence as

citizens of the country.

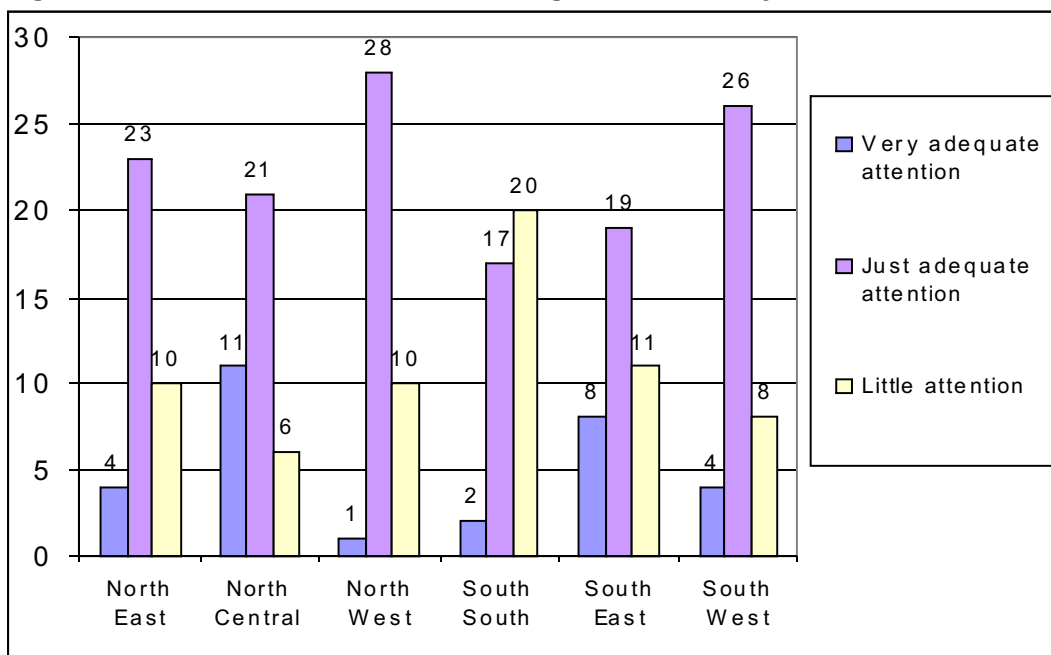
The general consensus is that government is gradually abdicating its responsibility to the people in the areas of guaranteeing environmental rights and health across the country. As Figs 5.1 and 5.2 deals with the degree of access to good sanitary

Fig 5.1 : Degree of Access to good Sanitary Environment



Source: ActionAid Field Survey, 2009

Fig 5.2: Government Action Towards Having a Good Sanitary Environment



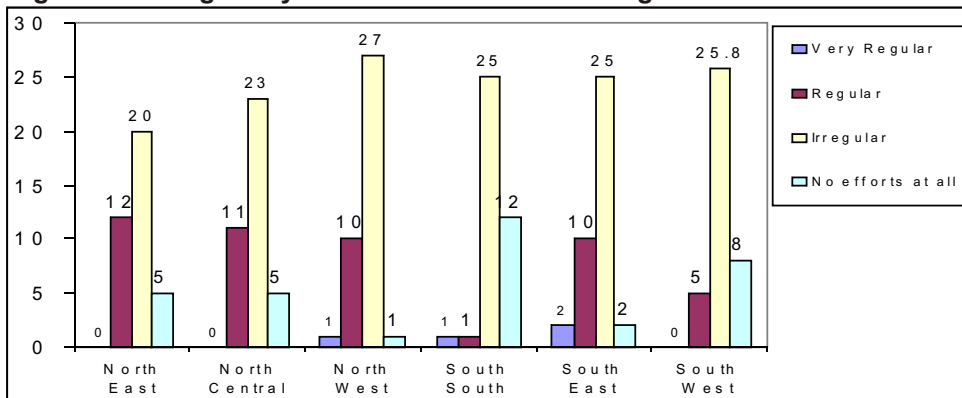
Source: ActionAid Field Survey, 2009



environment and government's efforts towards ensuring or guaranteeing this across the country. In Fig 5.1, of the total of 229 respondents randomly selected and asked on how often they have access to sanitary environment, 30 say all the times, 134 say sometimes and 65 say not at all. Similarly, in Fig 5.2, of a total number of the 230 respondents asked about their opinion on government's action towards having a good sanitary environment, 22 responded very adequate, 41 answered just adequate, 132 responded little attention, while 35 say no attention. Educational and occupational status of the respondents has no bearing in the overall picture of the responses.

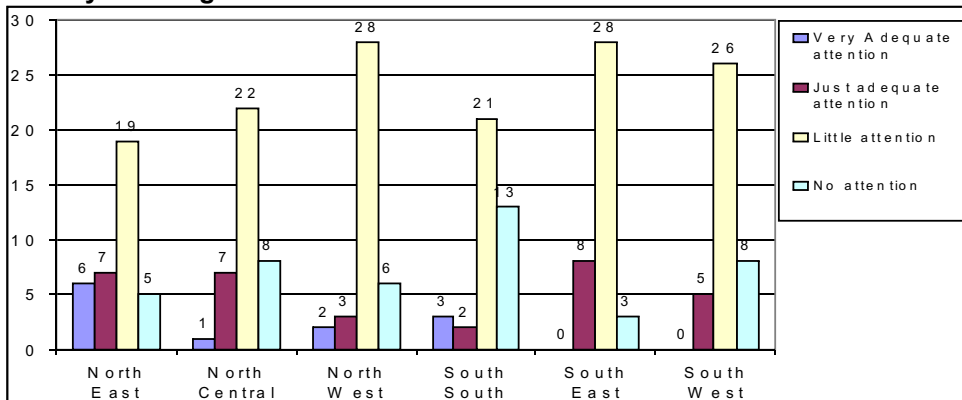
There is also a steady decline in access to good drinking water in most communities across the country. Although a basic necessity, the increasing inability of the state at all levels to meet with this essential service represents a major failure of government in meeting its obligations to its citizens. The statistics on Fig. 3 and 4 give graphic details regarding the current state of affairs across the country. Out of the 231 people interviewed on the matter, 146 responded that water supply to their neighborhood is irregular, 49 said is regular, 32 said no effort is at all made by government to ensure its supply, while only four said it is very regular. Analyzing this, Ambrose Okoro (2009)

Fig 5.3: The Regularity of Access to Good Drinking Water



Source: ActionAid Field Survey, 2009

Fig 5.4: Government Policy towards Providing Quality Drinking Water to the Citizens



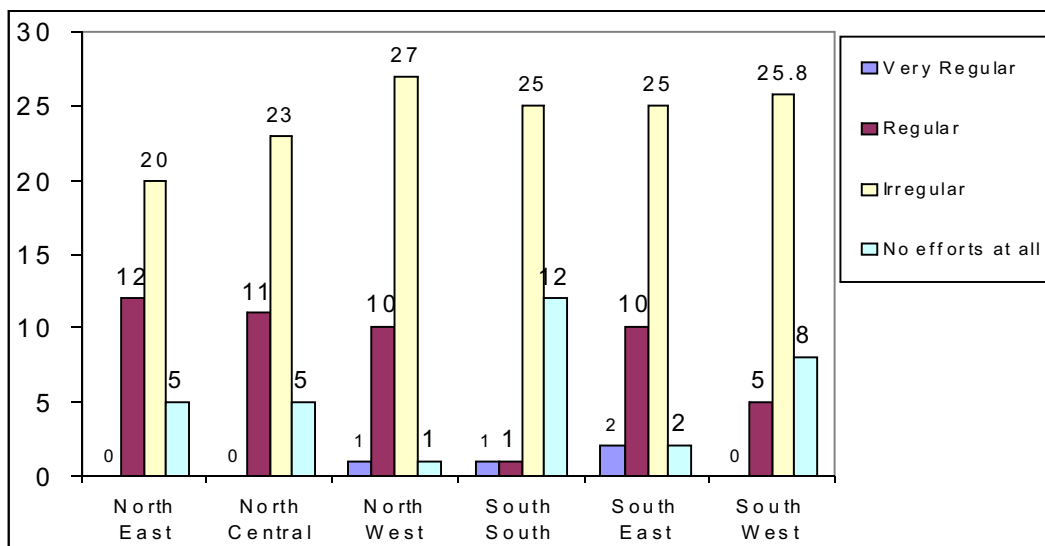
Source: ActionAid Field Survey, 2009

points out that:

Access to quality water in this country has become a mirage for many years now. It got worse in the mid 1980s following the introduction of SAP. There was a time in this country that water ran in taps to all houses, especially in the urban centers. Today the opposite is the case. Water supply, like all

other necessities, has been privatized. It is no longer within the reach of the poor people in society. The situation is most terrible in the rural areas. The quality of sanitation in the country is poor. This explains the prevalence of such diseases like cholera, malaria fever and typhoid, among many others.

Fig 5.5: The Reality of Air pollution in urban/rural areas



Source: ActionAid Field Survey, 2009

On Fig 5.5, of the 222 people interviewed, 165 agreed that in both urban and rural areas in Nigeria, there are problems of air pollution arising from emissions from factories and/or poor sanitation habits, while 57 disagree. Respondents from both the South-South, South East and North East top the list of those who agree that there are problems of air pollution in Nigeria.

Studies (Essett, 1994; Osibanjo, 1990; Tolba, 1993, and Onibokun and Faniran) have indicated that generally, environmental pollution may arise from a variety of sources, including:

- (1) Use of dangerous chemicals for catching of fish in rivers, lakes and lagoons.
- (2) Oil spillage; petroleum being phytotoxic, has caused massive damage of farmlands and local water

resources, with attendant adverse socio-economic problems

- (3) Acid rain from gas flaring by multinational extractive industries which causes the fast rusting of roofing sheets and exposes the skin to all manner of infectious diseases.
- (4) Eutrophication of streams, harbours, rivers, ponds, lakes, and reservoirs and the consequent destruction of fishes and other aquatic/marine resources
- (5) The filth and stench of urban markets sites, public toilets, and slaughter houses (abattoirs) which affect surrounding environment through run-off and odour. Malu road in Lagos is a good example of an area enmeshed in environmental pollution through these means.
- (6) Dumping of domestic refuse along the streets and other residential



areas. Mountains of refuse generated by households and heaped here and there are familiar sights in almost all urban centres in Nigeria. A typical town where this problem has remained more or less intractable is Owerri in Imo State.

- (7) Carcasses of broken down automobile and other machinery abandoned or dumped near workshops. In some urban areas, these unwanted vehicle “skeletons” not only present ugly sites thereby destroying aesthetic beauty of the environment, but also occupy and pollute large tracts of land which could have been put into better alternative uses.
- (8) Defecation along banks of rivers, stream courses, catchment areas and other unsuitable sites taking place in relatively undeveloped communities that lack water system-type toilet facilities. Although largely prevalent in rural communities, this trend is gradually becoming noticeable in communities located at the outskirts of major urban centres in Nigeria.
- (9) Stagnant effluent water in gutters caused essentially by indiscriminate dumping of refuse, broken bottles, solid waste, and other extraneous materials by resident population. These materials block the drainage gutters and in some cases, the spilling over of dirty water into surrounding streets of farmlands, with accompanying stench and health hazards.
- (10) Unsound agricultural forestry, and live stock-raising practices, which lead to disruption of long-standing equilibrium between people and their environment

Besides all these, the physical nature of urban centers in Nigeria reveals the following socio-economic characteristics which contribute in

varying degrees to environmental pollution and degradation:

- (i) Presence of a large number of ill-fed, ill-clothed and ailing beggars, lunatics and other social mis-fits, many of whom are illegal aliens. Since there are no serious social welfare policies to cater for this category of people, they have continued to roam about the streets, while some of them make a home out of public places. In Lagos, Abuja and Kaduna, for example available spaces under major bridges have been turned into dwelling places by lunatics, beggars and other handicapped or less privileged members of the society, with very serious implications on environmental quality.
- (ii) The overwhelming presence of street traders who capitalize on the ever-growing population of commuters and perennial traffic jams and major city highways. These traders have remained resilient and therefore difficult to eliminate from the streets. In addition to constituting serious traffic hazards, many cases of crime have been traced to such street trading
- (iii) Noise pollution caused by vehicle horns blared indiscriminately by motorists. There is also the unfortunate culture of loud music by shop owners, particularly those selling cassettes, electronics and clothes.
- (iv) Wrong or improper citing of cinema houses, industries/factories, stadia, residential building, churches, educational institutions like nursery, primary and secondary schools, markets, petrol stations, hotels, etc. In some urban centers these institutions are sometimes sited in densely populated areas compounding the environmental problems highlighted above.
- (v) A preponderance of automobiles plying the streets and highways. The

gaseous fumes (carbon dioxide, carbon monoxide and methane, etc) they emit into the atmosphere contributes to problems associated with environmental degradation facing many urban centers in the country.

- (vi) Acute poverty caused by lack of employment opportunities, large scale corruption at all levels of governance and general mismanagement of the economy. Poverty has affected the demography of the country in several ways. It is for example, responsible for rural-to-urban migration as well as the massive migration of people from the country to other parts of the world. The fragility of our urban center today has been associated with massive influx of people from the rural areas, majority of them escaping poverty and neglect that have become basic features of these parts of the country.

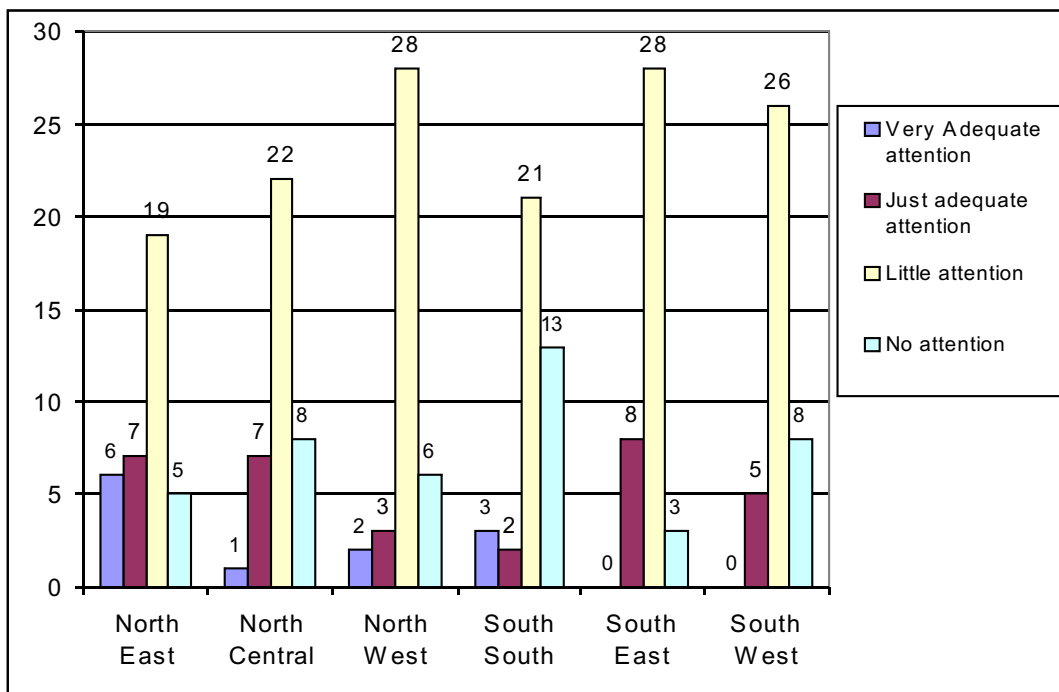
It should be pointed out that the Nigerian Government in 1988 established the FEPA, by Decree 58, to monitor environmental changes and institute measures aimed at preventing or minimizing environmental abuse by individual Nigerians and corporate bodies. The government also formulated and put in place the National Policy on Environment on 27th November, 1987, with sustainable development as its main focus. It also established the Nigerian Conservation Foundation (NCF) with head quarters in Cross River State, aimed at checking encroachment by civilian population into surviving tracts of primary rainforest in

that part of the country and thereby helping to preserve not only this important forest but its associated games and other natural resources.

In November 1988, government also promulgated the Harmful Waste Decree 42 aimed at preventing the dumping of toxic waste by multi-nationals. This was prompted by the embarrassing Koko town toxic waste dumping episode. In 1990, the government also developed interim guidelines and standards for industrial pollution control which was eventually passed into a law in 1991. Notwithstanding all these, the general opinion is that government is losing out on the war against environmental degradation as evidenced by the refuse-invaded streets and highways in many of our cities and towns, the stagnant effluent waters in our gutters, and so on. Government would seem not to have backed up their measures/regulations with concrete programmes aimed at environmental education and training in order to sensitize the people on the health hazards associated with filthy environment.

In Fig 5.6 and 5.7, respondents acknowledged the problems associated with the reality of environmental pollution in both urban and rural areas and the inadequacy of government response to these problems. The perception that government pays little attention to tackling pollution as illustrated in Fig. 5.6 cuts across both educational and occupational status of the respondents. This problem is further compounded by the

Fig. 5.6: Government Efforts towards Tackling Pollution Problems



Source: ActionAid Field Survey, 2009

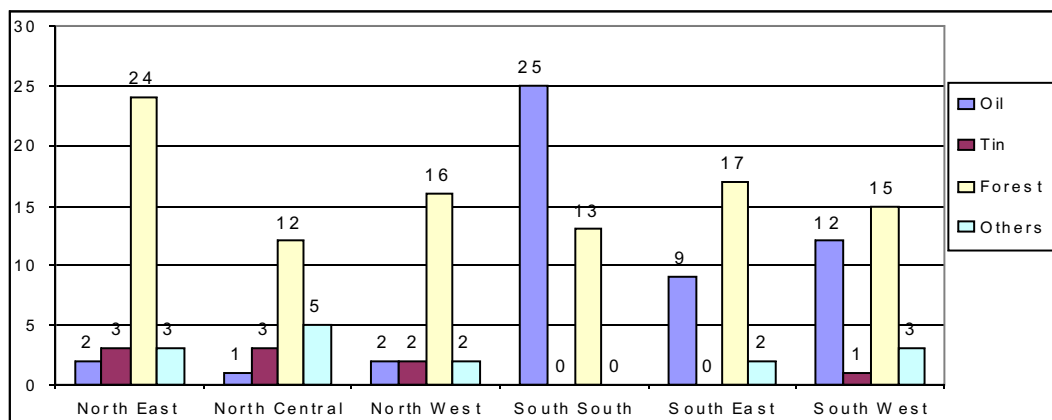
privatization of some of the very limited efforts of government to improve sanitization across the country. Concerned only with profit-making, the private outfits charged with these responsibilities do even just little, especially where they are guaranteed their profits. Thus, in the final analysis, the problems remain and continue to challenge the existence of people and their rights to a healthy environment. In an interview, Nwabueze (1999) points out that:

The Government has established a policy of private participation in sanitation. The private participation in the disposal of waste is now seen as a form of political patronage. The professionals who are well positioned to perform the function of waste management and disposal are not given the opportunity because of their political affiliation. The way and manner by which wastes are disposed and managed in Lagos, for instance, is a clear indication

that those that are engaged in this activity are not trained. They only got the contract to do that because of political patronage.

Nigerians are also worried about the depletion of the environment by both local and foreign interests. There is a general feeling that very little is being done by government to check the over-exploitation of the nation's resources by these interests. In the oil-bearing Niger-Delta, this is one of the major flashpoints in the demand for fiscal federalism and the unending call for a sovereign national conference (Olorode, 1998; Okononmah, 1997; Imobighe, 2002; and Okpeh ed. 2004) As responses to questions around these issues clearly show on Figs. 7, 8 and 9, people are worried that the state is not doing enough to regulate the utilization of natural resources in Nigeria. It would be recalled that this is a trend whose history can be traced to the colonial period,

Fig 5.7: Resource Endowments

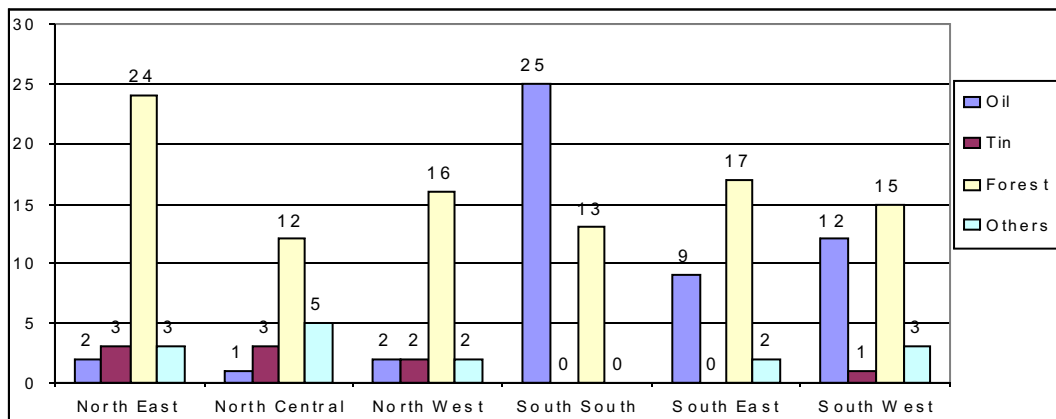


Source: ActionAid Field Survey, 2009

When, following the reorganization of the economy of Nigeria after conquest and subjugation, the British gained unfettered access to the resources of the people of Nigeria. In Fig 5.7 above, 172 people responded to the question relating with the type of natural

resources their community have. From the information provided, it is obvious that natural resources are relatively evenly spread across the six zones in Nigeria. Oil is topping the list followed by tin, forest resources and a variety of others.

Fig 5. 8: Degree of Over-Utilization of Natural Resources



Source: ActionAid Field Survey, 2009

In Fig 5.8, 204 people were asked if they feel the resources in their communities were over used, 91 respondents said yes, while 110 said no. A break down of this indicates that respondents from the oil producing South South, the North East and North- Central are leading those who feel the resources in their communities are over used, while North West, South East and South West are

topping the list of those who believe that their resources are underutilized. Available records (Olorode, 1998; Okononmah, 1997; and Imobighe, 2002) do show that many natural resources across Nigeria are being over-exploited. In the Jos Plateau for example, alluvial tin mining activities of expatriates in collaboration with some local capitalists has left wastelands in



part of the area. Similarly, in the Niger Delta region the activities of multi-national extractive industries are so well known in our recent history. The unfortunate thing in all these examples is that the government has not taken any

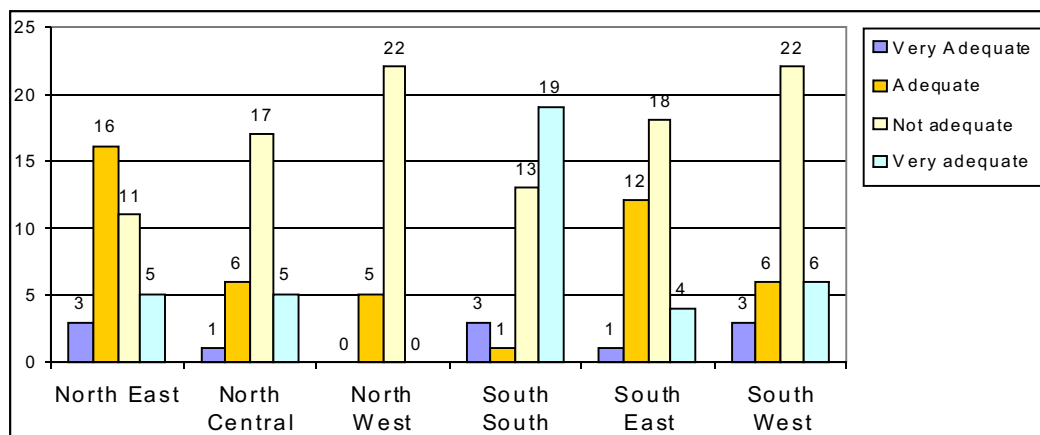
serious measure to regulate or check this trend, hence the attendant baneful consequences on our environment. When view against the educational background, the responses present some peculiarities as shown below.

		Would you say that the natural resources have been over used?		
		Yes	No	Total
Education	Literate in local language or religious citation	5	5	10
	Primary	6	18	24
	Secondary	25	16	41
	Diploma/NCE	27	30	57
	Postgraduate Diploma	2	9	11
	University Degree	20	18	38
	Postgraduate Degree	5	11	16
Total		90	107	197

As can be seen both among Diploma/NCE folders and primary school leavers, majority think that natural resources have not been over used. Similarly majority of unemployed, private sector and government

employees, business people and pensioners/retirees also do not think that natural resources have been over used. Could this inform us something of the level of environmental awareness in the society?

Fig 5.9: Government Action and Policies towards the Protection of these resources from overuse



Source: ActionAid Field Survey, 2009

Responses to government policies towards the protection of these resources across the country are equally revealing. Of a total of 201 respondents,

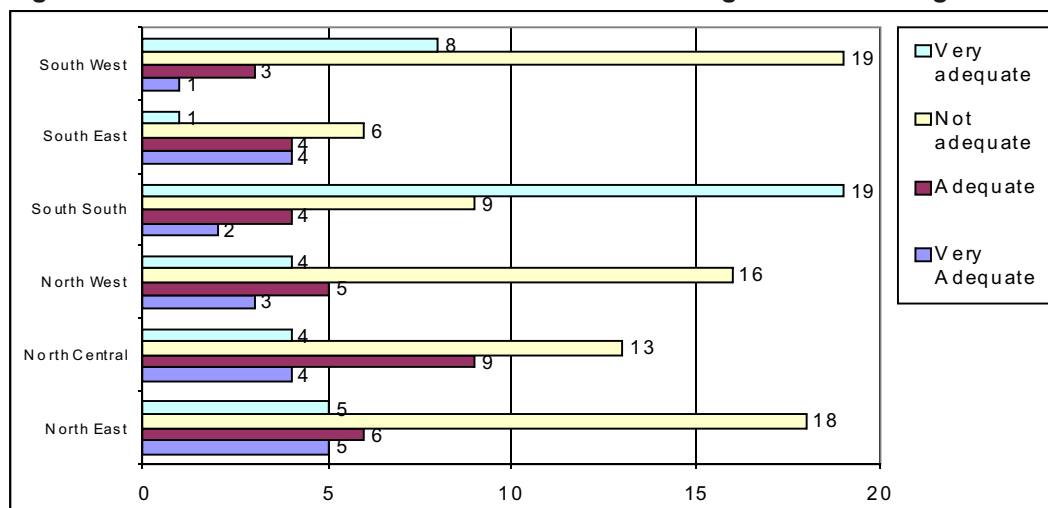
103 said this is inadequate, 46 said it is adequate, 41 said it is very inadequate and 11 said it is very adequate. A breakdown of this shows the South South

leading those who responded in the negative, while the North- East tops those in the affirmative. When viewed against educational and occupational categories, majority in all the categories consider the government effort inadequate. As pointed out earlier, a number of agencies have been established and laws promulgated to protect the natural resources by both past and present government. Some of these have remained merely on paper, without meaningful results. The laws are really not lacking. What is required is the

requisite political will to ensure implementation and compliance.

With the increasing incapacitation of government and greater involvement of the private sector, one would have thought that things would improve. Unfortunately, this is hardly the case, as the private sector is only interested in profit making. Generally, Nigerians are not satisfied with the efforts of the government/private partnership in ensuring environmental health. This is evident in Fig 5.10.

Fig 5.10: Government/Private Sector Efforts at Preventing Global Warming



Source: ActionAid Field Survey, 2009

From the data on the above table, a total of 172 people interviewed to assess the efforts of government and private sector in the area of mitigating global warming. 19 respondents said the efforts were very adequate, 31 said they were adequate, 81 responded that they were not adequate, while 41 said they were very inadequate. From the information on this table, it is obvious that the efforts are not sufficient to check global warming as it affects Nigeria. This perception is reflected across both educational and occupational categories.

health in Nigeria have been analyzed. From the analysis, it is clear that these rights are central to human rights because they affect the very existence of human beings on earth. The survey revealed that although the government has enacted laws to ensure the environmental health, these laws are hardly enforced. As a result the environment continues to degenerate at the expense of the survival of human beings. Today, one of the most serious problems confronting post-independent Nigeria is how to safe guard its environment in the interest of national development.

In this section, environmental rights and



THE STATE AND THE INTERNATIONAL SPHERE

The international sphere looms large in the affairs of all nations, particularly the developing countries like Nigeria, more so in this age of globalization. A large number of African countries are totally dependent on Western powers, International Financial Institutions (IFIs), and other international organizations. This is particularly so because of the nature of the relationship between former colonies and the metropolitan nations and the manner of their incorporation into the global capitalist system with all that this implies for the development of such countries now largely dependent on the international system for assistance in a wide range of areas.

Nigeria and the International Environment

Since Nigeria's independence the international sphere has continued to be critical and in a lot of ways, determinant in significant ways and the possibilities for the nation. In the first place the international environment is a source of market for the goods, such as agricultural products and minerals and now petroleum and gas, on which the economy of the country depends. It is also a major source of all manner of inputs into the economy including technology, capital and expertise. Importantly also, the international environment, through the development partners, is a source of ideological influence and even guidance. Accordingly, it is important that as we interrogate the people's report on the state of the state and the reality and the possibilities of the nation, the role and impact of the development partners on the dynamics of national affairs be also evaluated from the viewpoint of the poor.

It should immediately be stated that the economic requirement of globalization, the main platform in this era for global

capitalist domination, is less government and greater room for the market forces and corporate entities to operate; and also that globalization "deepens inequalities and nurture a culture of rent seeking" (Goldstein et al; 2006).

Since the return of the country to civil democratic rule in 1999, a great deal of progress has been made in Nigeria in drawing attention to the challenges and inadequacies of the national government in critical areas such as provision of basic amenities, provision of physical and social infrastructure and the provision of employment and reduction of poverty, as a result of the activism of civil society particularly NGOs and again largely with the support of the international community represented by development partners and other donors.

Conceptualizing Development Partners

The development partners play a critical role in the life of developing, particularly African nations. This role deserves deep and constant evaluation and study. A large number of African countries are totally dependent on these international organizations, including the IFIs. We have countries like Liberia, Sierra Leone, Malawi and others that are dependent on the donor support for up to 80% of their GDP. We also have countries, especially resource endowed nations like Nigeria and Gabon, where the assistance of the development partners carry less weight in terms of their overall impact on the national economy. This is because these countries have large incomes from the export of commodities such as petroleum and gas. Some officials of Nigeria's National Planning Commission (NPC) alluded to this to argue that Nigeria for example is not dependent on the donors. These

officials are equally dismissive of the role and impact of the donors on national affairs generally. Nonetheless, it is generally acknowledged that development partner's impact tremendously, on the affairs of all African countries, resource endowed or not.

Development partners' is a term used to describe the collectivity of the developed countries and organizations dominated by them, which provide assistance to developing countries. The developing countries according to Jeffery Sachs (2003: 285), refers euphemistically to the United Nations agencies, bilateral donors, Breton Woods institutions as "their development partners." While agreeing that they could really act as partners, he argues that "often they can be as much nuisance as help." The most active in Nigeria among the development partners and their different categories are the UNDP; International Fund for Agricultural Development (IFAD); and other UN agencies. Equally active and influential are also the multilateral agencies, particularly IFIs, such as the IMF and the International Bank for Reconstruction and Development (IBRD). There are national agencies such as the Department for International Development (DFID) and the British Council both of the United Kingdom; United States Agency for International Development (USAID); the European Union (EU); Canadian International Development Agency (CIDA), Japan International Development Agency (JICA) and several others including foundations; International Non-Governmental Organizations: Actionaid, OSIWA, and Humanitarian Organizations: Medecins Sans Frontier, Caritas, Save the Children, and etc.

Even though they are often accused of meddlesomeness in the affairs of developing countries to serve their own ul-

terior and selfish motives, the developing countries do not help matters. In the first place, most of the developing countries lack capacities to manage development. These include those with huge incomes from export of commodities, like Nigeria, which suffer what has now been described as resource curse. Secondly, they mismanage and misapply their huge incomes through corrupt practices and thirdly they exhibit their inadequacies in governance such that the international community just has to come to help.

Accordingly, even where the financial and material contributions of development partners to national development in absolute terms are little, they still have a great deal of influence and impact over the general trajectory of development because of the failure of governance.

The Development Partners and the Nigerian State

The relationship between Nigeria and the international community changed in the last decade, following the dramatic end of the long period of military authoritarianism and the successful inauguration of an elected civil democratic government in 1999. The first step in this new situation was the re-engagement of the international community, which had hitherto imposed all manner of sanctions on the military regime of General Sani Abacha for its many transgressions, particularly its authoritarianism and abuse of human rights and had provided great assistance to civil society organizations which opposed the military. The United Nations (UN) and the African Union (AU) issued critical statements condemning the excesses of the military regime, the Commonwealth was forced to suspend Nigeria, while the EU suspended its project development assistance and imposed limited sanctions on the nation allowing only human-

itarian aid flow. With the inauguration of a civilian democratic government, the situation changed dramatically. This opened the door for the reshaping of foreign assistance away from support to anti-military forces in the 1990s to the nurturing of the new democratic regime and the efforts of the new civilian president (IIDEA; 2001: 306). Subsequently, assistance was also provided for elections, support for the National Assembly, micro-project programmes, economic management capacity building programme and economic management, among others.

The assistance was however essentially directed at efforts to consolidate and sustain democratic governance. In this regard, huge chunk of the assistance to Nigeria in the immediate post 1999 period went to political, democracy and governance causes. Progressively however, as the government settles down into the routine of democratic administration and fear of relapse into military dictatorship receded, the international community started to move into other areas crucial to the sustenance of democracy, including support for the provision of physical and social infrastructure, poverty alleviation and other areas critical for socio-economic and political development. With this also came a shift from working with local NGOs to working with international NGOs, which suddenly grew in number, indeed mushrooming in the country after 1999.

It also reflected the new strategy of the international community in Nigeria, represented by the development partners, to put local NGOs under the supervision of international NGOs and foundations from outside in what International IDEA called “paternalism of the donors” (2001: 322).

It has been argued that the development partners are just supportive of govern-

ment and that their role was probably not crucial. The USAID is recognized as the biggest bilateral donor to Nigeria and has provided assistance to support several aspects of Nigeria's democracy project since 1999. This important role is usually down played by the Americans. As noted in a USAID Report:

Donors have less of a role in Nigerian politics than in many other countries because of the sheer scale of the petro-economy, as well as the size and complexity of the country. Donors simply do not have the leverage to be able to affect change unilaterally but are better placed to support promising trends that arise within Nigerian society itself (USAID; 2006: 36).

The Report went on however to add that “more influential are the international financial institutions and oil interests, both of whom have a strong interest in the preservation of political order and stability (USAID; 2006: 36).

One cannot but agree that the IFIs have very great influence over Nigerian affairs. A Nigerian official of the UNDP characterized Nigeria, as an untypical African country in relation to development partners because it is not donor dependent. Donor commitment to Nigeria is in the neighborhood of 1% of GDP or total annual expenditure, whereas in several other African countries, donor dependence could be as high as 70% and even in some cases still higher. Therefore, he argued that the development partners have much lower influence in Nigeria than they have in countries like Liberia, Swaziland, Central African Republic or Mozambique. For further illustration, ODA flow to Egypt is 39% of GDP, to Ghana is 43%, to Malawi is 65% and to Liberia is 72%.

DFID is another major donor to Nigeria.

Its assistance towards the consolidation of democracy has continued to increase and now cover several areas including development assistance. The UNDP is an inter-governmental body that is also active in the provision of international assistance to Nigeria, coordinating the Joint Donor Basket Fund (JDBF) put together for the 2007 general elections. It has concentrated its assistance largely on capacity building for the executive and the legislature towards improving the culture of governance.

The WB, which is a multilateral development agency, has also been very active in the provision of assistance to the democracy project in Nigeria. Its current focus areas include continued financial support for infrastructural development, the private sector and capacity building in achieving accountability, transparency and good governance.

But it should be appreciated that international assistance always follow strategic objectives of a donor. And Nigeria has become of great strategic importance to the West in general and the US in particular because of its vast oil and gas and solid mineral resources and the valuable role the nation plays in sub-regional, regional and global peace-keeping and in conflict resolution on the continent.

From the above, several issues come forth. First is that there are several categories of development partners or donors: government, international organizations, international financial institutions and foundations. Second, is that these entities have different agendas not all together altruistic; and third is that they sometimes work in line with a programme that is already embarked upon by the government or civil society groups and on other occasions they initiate their own agenda.

Generally, it is incorrect to argue that the donors and development partners have no leverage over the Nigerian government and its affairs. It should be noted that what a recipient gets out of international assistance is a function of the ability of the recipient to engage the development partners strategically (Alli; 2007: 170). In the chaotic and corrupt governance system in Nigeria, there is little or no evidence that a national development strategy aimed at addressing the many critical challenges confronting the nation particularly that of solving the problem of mass unemployment and widespread poverty is in place. The National Planning Commission (NPC), the agency of government saddled with the responsibility of working with donors, does not seem to accord the donors any critical attention. The officials of the Commission are quick to dismiss the importance of donors to Nigeria, arguing instead that donors try to exaggerate their role just for their own selfish ends. At the same time, while NPC, the House Committee on Aid, Loans and Grants continue to pay little attention to the donors and are critical of their activities, the people, in whose communities the donors have sited projects have come to look on them as being of great help and are very happy to see some donor activities in their areas especially since government presence has not been much felt.

This is why the political, economic, moral and technical roles, which development partners' play, are vastly more important and the relative investment of their aid money is assumed to be much more strategic with Nigeria's fourth republic (IIDEA; 2001: 313).

It is on record that many items on the reform agenda of government are dictated by some of the development partners, particularly the multilateral institu-

tions, the IFIs. The successful campaign for debt reduction and eventual cancellation was also the result of the collaborative and supportive efforts of development partners, even though the government and some elements of the local and international civil society worked hard for it to give the nation a new beginning and to achieve political and socio-economic development, all critical requirements for the sustenance and consolidation of democracy.

Like General Ibrahim Babangida, who adopted the IMF imposed SAP in 1986, President Olusegun Obasanjo also warmed his way into the hearts of the international community, particularly the multilateral institutions of IMF and the WB by signing into law in 1999 the Public Commercialization Act which created the National Council on Privatization (NCP) and the BPE. He also accepted, in line with the democratization project, to intensify the economic reform package of deregulation, liberalization, privatization, reduction in the public sector workforce, banking reform, all neatly packaged as NEEDS. Interestingly, this NEEDS blueprint removes responsibility for development from the state and put it in the hands of the private sector with the international community expected to provide a huge portion of the funding requirements.

Economic reform became a critical component of the democratization programme. It was almost inevitable because the Nigerian ruling elite bought into the market logic. Of course the dominant economic orthodoxy sees neo-liberalism as sacrosanct and somewhat a *fait accompli* for states in economic crises. The key problem for the nation was that market orthodoxy was aimed at rolling back the state and putting the private sector, the so called corporate Nigeria in charge of the nation's economic affairs. And this imposition of the market, has led to great

social dislocation, inequalities and exclusion against the promise of democracy (Friedman; 2007). But as Samir Amir argued, it is in the nature of structural adjustment and globalization to exclude popular participation (1997: 14). In line with this agenda, President Obasanjo appointed some Nigerian WB officials into very sensitive and crucial positions in government such as the finance ministry, which was headed by Ngozi Okonjo-Iweala, a vice president with the WB. This appointment and several others like it, strengthened cooperation between the IFIs and other critical forces in the international sphere and led to several bilateral and multilateral agreements between the government and the development partners.

However, it must be stated that these economic reform measures brought untold hardships to the people, creating tension in the polity. For example, privatization of public services impact negatively on the quality of life of the people. Government housing could only be accessed by the very rich. Education became too expensive and unaffordable for most people. Citizens must be insured to access national healthcare or be prepared to pay the very high cost of such services.

In addition, the national currency, the naira, which exchanged for about 80 to one US dollar in 1999 gradually depreciated to 135 in 2001, 139 in 2005 (Alubo;2005), and as at January 2010 fell to about 150 to one US dollar. This has led to a steep rise in the cost of goods and services. As the government withdraws from several aspects of social provisioning because of privatization and commercialization, and the attendant increase in the cost of basic services, the people fell into greater poverty. The result was the widening of the gap between the rich and the poor in the Fourth Republic and a rise in the number

of people living below the poverty line of less than one dollar a day from about 60% in 1999 to over 75% in 2007 according to UNDP Human Development Index for 1999 and 2007.

Ironically, the Fourth Republic also witnessed a steep rise in income from petroleum, with price of oil per barrel rising from US\$15 in 1999 to over \$80 by 2010 that is from a total annual income of about 4 billion dollars in 1999 to about 14 billion dollars per annum by 2007. In fact by 2006, Nigeria was exporting between 2 million and 2.6 million barrel of oil per day (Peel;2009: 6) and the share of petroleum in national income remain very high at 97.9% as at 2007 (UNDP;2009). Also, telephone density has improved from about 0.53 million in 1999 to over 30 million by 2010.

However, despite these greater earnings, marginal improvements here and there, and the debt cancellation of 2005, the state of the majority of the people worsened. In fact the poor became poorer. Life expectancy at birth is now, according to the UNDP just 50 years. This is why for example, the Mo-Ibrahim Index on African governance, gave Nigeria 62.5% on safety and security behind countries such as Rwanda, Zimbabwe and Togo; 44.3% in Rule of Law, Transparency and Corruption; 40.7% in Sustainable Economic Opportunity; 49.5% in Human Development and 48.3% in overall index of African governance since 2005 behind countries such as Rwanda, Democratic Republic of Congo (DRC), Zimbabwe, Burkina Faso, Togo and several other low income countries of the continent (African Business, November 2007: 19).

Accordingly, even though the nation's wealth and potential are much trumpeted, she has remained in deep socio-economic and political crises which

have continued to push the people further and further into poverty. And, as argued by the UNDP, in spite of the economic growth recorded in recent years, progress in human development has been quite unimpressive in Nigeria, considering various indicators such as poverty incidence, inequality and lack of access to basic social services (2009: 19). The result of all these reform measures therefore led to great social and economic dislocation, usually manifesting in all manner of communal conflicts. This is even more so in a situation in which the people are denied their rights to wage further struggles or ask further questions about their existential realities, but to comply, obey and embrace the leaders, the new democrats (Momoh;2006). It is even to be noted that it is not every government that emerges through an election that should be considered democratic irrespective of what it does with the political power. This is why the UNDP described Nigeria's governance as "a composite of political and economic elements featuring democratic market and dictatorship market systems with differing economic management strategies across ideological leanings (UNDP;2009: 101); and the political regime of the Fourth Republic as civilian market deregulation type (UNDP; 2009: 102).

This is because, the African people are presented with democratization, a market democracy prescribed for the third world, instead of democracy and in extreme cases, de-democratization (Momoh;2006). As it is, democracy promised so much to the people and delivered so little thus leading to greater frustration and desperation. Many people are not satisfied with their condition as shown particularly in the FGDs.

It is therefore not enough that a country has embarked on democratic reconstruction or be high income earning from

export of commodities for that country to achieve a healthy development and a stable polity and a harmonious and contented citizenry. This is the irony of the state of the Nigerian state.

The State of Poverty in Nigeria

Poverty is a major challenge to Nigerians. There are several definitions of poverty. But Jeffery Sachs has defined it almost comprehensively. He suggested that we distinguish between extreme poverty, moderate poverty and relative poverty (2005: 20). Extreme poverty means that households cannot meet basic needs for survival. They are chronically hungry, unable to access healthcare, lack amenities of safe drinking water and sanitation, cannot afford education for some or all of the children and perhaps lack rudimentary shelter a roof to keep the rains out of the hut, a chimney to remove the smoke from the cook stove and basic articles of clothing such as shoes. Extreme poverty, he says occurs only in developing countries. Moderate poverty generally refers to conditions of life in which basic needs are met, but just barely. Relative poverty is generally construed as a household income level below a given proportion of average national income. The relatively poor, in high income countries, lack access to cultural goods, entertainment, recreation and to quality health care, education and other requisites for improved social mobility (ibid.).

However, the WB has long used a complicated statistical standard income of US\$1 per day per person, measured at purchasing power parity to determine the number of the extreme poor around the world, while \$1 to \$2 per day can be used to measure moderate poverty (ibid.).

There is much talk about poverty reduction both as a requirement for strength-

ening democracy and a framework for achieving socio-economic development, political stability and well being in societies plagued by extreme poverty. However, the approach of the international community, represented by the WB and the IMF has been described as “symbolic of a split personality.” This is because on the one hand, the multilateral institutions and all the development partners have premised poverty reduction in our era on the achievement of the Millennium Development Goals (MDGs), yet they have refused to provide the necessary resources to bring this about (Sachs;2005: 271). What are critically missing are the practical linkages between the MDGs and the poverty reduction plans. Poverty and unequal distribution of income in the periphery of the capitalist system is the product of the system's logic, the logic of world polarization immanent in the system itself (Amir; 1997: 16).

Looked at from another angle, Nigeria is a weak state. Weak states are poor states that lack capacity to fulfill essential government functions one of which is to competently meet the basic human needs of their population (food, health, education) (Rice;2006). Nigeria is listed among 52 weak states in the world. Poverty is of great concern at the national, regional and global levels. Its impact on population movement and the desperation with which people migrate are sources of great worry. Its impact on political stability is also immense.

However, in Nigeria, the development partners have come to appreciate the crisis which poverty poses to Nigeria's democracy and political stability and have therefore developed a complex response to the scourge, including provision of palliatives to the deprived masses of the people through their various material interventions and technical assistance. Accordingly,

though many argue that the development partners do not matter much for a resource rich and high income country such as Nigeria, it is obvious that because of lack of good governance and inadequate participation of the people in the democratic project and the attendant selfish misapplication of resources by the political elite, Nigerians, do not enjoy the kind of quality of life expected and are largely falling into greater and greater poverty depending more and more on the good will of donors for the provision of basic amenities, healthcare, HIV/AIDS prevention and treatment, tuberculosis, malaria, cholera, meningitis, Vesico-Vagina Fistula (VVF), infant and maternal care among several others.

This has given the donors more and more powers and influence than should be expected over Nigerian affairs. Development assistance is of course a growing world-wide phenomenon. There was a time the Development Assistance Committee of the OECD called on donor countries to withdraw from economic assistance aimed at stimulating economic growth and to emphasize political objectives, including support for processes of democratization and building of civil society (IIDEA; 2001: 312). Speaking of the assistance of development partners for consolidation of democracy in Africa, Mukandala observes that the current wave of investment of the development partners is also made necessary and demanded by the current needs of international capitalism (2001: 7)

However, while most donors still invest in pro-democracy projects, they have also found it worthwhile to intervene in the critical economic areas of infrastructure and rural development and poverty alleviation and reduction as key factors in the consolidation of democracy and the delivery of dividends of democracy.

The participation of these external actors in combating authoritarianism and for the consolidation of democracy is very important because it is clear that the Nigerian political class has no clear clue and is not even very enthusiastic about consolidation of democracy (Alli; 2007: 171). This is why more than 10 years after the inauguration of the Fourth Republic, development partners still remain the major pillar of support for civil society and non-governmental organizations and for efforts to deepen and broaden participation in the democratic re-engineering of society. Yes, the assistance of the development partners in Nigeria follows a clear strategic design of boosting their presence in Nigeria and creating a support base in the country in line with their interests. This should not be surprising as international assistance in whatever form has always been an instrument of diplomacy for the achievement of strategic objectives (Alli; 2007: 172).

Development Partners and Nigeria

As observed above, development partners have been very involved in the struggle against military dictatorship and in the efforts aimed at consolidating democracy in the country. A critical component of these interventions are efforts aimed at addressing the challenges of sustainable democracy, electoral reforms, governance, sustainable environment, poverty reduction, malaria eradication, polio eradication, child and maternal health, treatment of VVF, girl child education, rural development among others. Even though Development Assistance Committee of the OECD gave policy directive to its members to shift attention from economic assistance aimed at stimulating economic growth from former concerns and to emphasize political objectives (IIDEA; 2001: 312), it was obvious that

no meaningful progress and development could be achieved without some form of economic assistance considering the parlous state of African economies.

This assistance comes in three forms: technical, concessional lending and grants for specific projects. In addition, there are also direct interventions by the development partners. This is why, as the social and economic consequences of economic reforms, promoted and fostered by the same development partners began to manifest, it became clear that some intervention in these areas were desirable. At the same time, there was concern in the donor community to, as much as possible work within the framework of government's plan. Hence some issues are considered hard, if frowned upon by government, while some are regarded as soft if the government approves. This was to avoid a clash with government. It seems no development partner want to antagonize the government

Hence, beginning from about 2003, many development partners started widening economic assistance programmes in several parts of the country and in several areas of the nation's social and economic, and it should be added, political life. This assistance has grown in complexity, and the direction and commitment of the donors shown in their funding priorities, which indicate that they are largely targeted at provision of basic needs to the people and capacity building for the people and government. Among the donors, whose activities resonate with the people are United Nations related organizations such as UNDP, UNICEF, UNFPA and other UN agencies. These are the development partners that many of the respondents and participants in the FGD know and spoke about. Some of these respondents also spoke about

some NGOs such as ActionAid, which have made some donations and managed some projects in their communities. There are also multilateral donors such as the WB and the AfDB and the EU. Among the prominent bilateral donors are the USAID, DFID, CIDA, JICA and agencies and foundations from France, Germany, Sweden and other European nations. As shown in the FGDs, many communities have come to appreciate these interventions and those that are yet to be reached are looking forward to being granted some assistance. In the field survey, we inquired into the role of the development partners as perceived by the people and as indicated by some of the government officials. We also sought the opinion of government officials from the National Planning and Finance ministries and the Budget Office.

While the opinion of respondents and participants in the FGDs was very straight forward, that of government officials was cautious. For example, while overwhelming percentage of participants in the FGD, the respondents to the questionnaires among the poor and the experts agree that they are aware of the activities of development partners, and there is even a struggle to attract projects funded by donors to their communities, even though they could only provide a little of what they need. Some respondents even argued that they were being denied the benefits of the presence of the donors by politicians. On the other hand, government officials particularly from the Ministry of Finance and NPC are dismissive of their role and impact which they described as negligible.

An attempt was also made to identify challenges and prospects for broadening the role of development partners in helping government and the people grapple with the triple problems of con-

solidating democracy, underdevelopment and poverty reduction and others which are all intertwined.

The WB with 14% of Nigeria's Overseas Development Assistance (ODA) income heads the list of development partners in the country and bears the greatest exposure. This is followed by the UK with 13%, the US and Japan both at 11%, Germany at 9%, the UNDP at 7%, UNICEF at 6%. Other smaller players in dollar terms include the EU (5%), France (4%), AfDB, Canada, Netherland (all at 3% each), Italy (2%), and IFAD, the UNCTAD, UNFPA, Australia, Austria, Denmark, Norway and Sweden (all at 1% each) (IIDEA; 2001:313).

The situation has changed since then. From figures available at the Planning ministry, while the WB is still in the lead in terms of exposure, the DFID, USAID, Germany and the EU and the UNDP are now the most prominent in that order. This reflects the strategic significance of Nigeria to these donors. However, as insightfully put by the International IDEA, "numbers cannot show the whole picture. Indeed, the political, moral and technical roles that outsiders play are vastly more important and the relative investment of their aid money is assumed to be much more strategic within the current dispensation (ibid.).

As already indicated above, one of the most surprising issues in the new democratic dispensation is the lack of dividends of democracy and improvement in the general socio-economic welfare of the people, lack of basic amenities like electricity, good roads, water and good healthcare for the people. With a life expectancy of 50 years and level of extreme poverty put as at 2004 at 54.7%, of the population, falling from a high of 65.6 in 1996 (UNDP: 2009), and Human Poverty Index at 32.3 (UNDP;2009: 146), Nigeria is still in

serious crisis of mass poverty.

The picture is even more shocking considering the performance of Nigeria against some other less endowed African countries on the Human Development Index table as follows:

Human Development Index of Selected African Countries 2007 - 2008

Nigeria	0.499
Senegal	0.502
Cameroon	0.514
Sudan	0.526
Kenya	0.532
Ghana	0.533
Morocco	0.646
Botswana	0.664
South Africa	0.67
Equatorial Guinea	0.717

Source: Extracted from UNDP, (2009), Human Development Report, Nigeria 2008-2009: Achieving Growth with Equity, UN, New York, p. 28

This, in itself, is a threat to the consolidation of democracy and may actually discourage the people from supporting the project. As reflected in the responses we received, many people (78%) decry the present situation in which they lack basic things while political office holders live ostentatiously.

This came out openly in the FGDs, where the different participants expressed disappointment with their economic condition and government's inability to help. 84.1% of the respondents are not satisfied with the level of basic amenities, while 70% described their incomes as not being adequate. They also believe that there is no government policy to make life easy for the people. Consequently, there is very wide use of children, (about 75%) to do petty trading and other menial jobs to augment family income. It was also reported by about 75% of the respon-

dents, that the local schools were not well staffed. Even then, about 80% reported that the teachers were not happy. The people also complain about inadequate medical personnel in their various local hospitals and clinics, while about a third (1/3rd) had to pay to obtain medical care.

The conclusion from all these, after more than ten years of civil democratic rule, is that there is great poverty and misery among the vast majority of the people. Recently, in April 2010, a news report has it that a group of people, including women and children, displaced internally as a result of natural disaster in their local government area in Borno state came to the state capital of Maiduguri about 150 km away to lay siege on government house and the House of Assembly refusing to be pacified by donation of money by their representative in the House who has offered them some 70,000 naira. They insisted they wanted more concrete sustainable assistance from government as the nation was not at war and therefore could not understand why they could be so neglected and that in fact there was nothing to go back to!

Many of our respondents (85%), also do not trust government officials across the states. They were able to differentiate between national, state and local governments but they saw no differences in them because they behave the same way. They see public office holders and political appointment as avenue for self enrichment only and not for service to the people. They believe that political office holders are dishonest, selfish, greedy and corrupt. They point fingers at the high remuneration of political office holders, their profligacy and ostentatious lifestyle in the midst of the mass poverty that afflict a large number of citizens. The result is the high inequality between the rich and poor in the country.

According to the UNDP, between 1985 and 2004, inequality in Nigeria worsened from 0.43 to 0.49 placing the country among those with the highest inequality levels in the world (2009: 47). We can conclude from the above that there is great disaffection in the land against the government and those in high political offices. The result of this is the growing high rate of criminality in the country, armed robbery, kidnapping, cultism, women trafficking and other vices particularly among the youth. It also explains the high regard with which the development partners are held and the hope, as shown by respondents and participants in the FGDs, many in the low income group have come to repose in them.

This is why multilateral agencies have concluded that one of the best way to assist Nigeria is through capacity building through the training of its economic managers as well as provision of some much needed palliatives in terms of some direct intervention through provision of boreholes here and some healthcare facilities there, assistance for women empowerment and rural development to address some of the many problems confronting the country. Early in the life of the Fourth Republic, in 2000, the WB granted the country a poverty alleviation loan. UNICEF has been very active in polio eradication and VVF treatment, just as USAID and DFID have been involved in legislative training, institutional capacity building among others, while Ford and Fredrich Ebert Foundations have been involved in policy advocacy.

Generally, as observed above, the promises of democracy have not been kept. Democracy and good political governance should ensure the fundamental rights of the individual and groups, the accountability of government to the governed and the relative

stability of the polity (UNDP:2009: 101). Where this is lacking, there can only be socio-economic and political turbulence which is what has been happening in the country. The weakness of the Nigerian state, its failure to deliver on its promises has given the donor community more significance and influence over national affairs and its role in resolving many of the contradictions of the Nigerian state has therefore become very important.

It is obvious that the donors play important roles in the life of the nation. It is therefore hoped that they will continue to assist as before and even do more particularly in the efforts aimed at capacity building, child and maternal health and in reducing poverty. The donors should also be encouraged to spread out more to the rural areas and the depressed parts of the urban areas. They should also avoid duplicating efforts on the same issue and in the same area. Their demand for high ethical standard and accountability and transparency from recipients, and local NGOs and their staff has also been found very helpful in fighting corruption in the country.

Based on the trajectory of political, social and economic development in the country and the dynamics of the international environment, it can be safely concluded that the international community as represented by the development partners will continue to play more role not less in the life of the nation in the foreseeable future. It will therefore be very important for all concerned to seek to engage the development partners more meaningfully to be able to benefit from the relationship and also to be able to achieve sustainable democracy and development.

SUMMARY OF FINDINGS

Constitutional Rights

1. Chapter four of the Constitution of the Federal Republic of Nigeria (1999), Sections 30 - 40 establishes the parameters of constitutional human rights in Nigeria. Over the years, studies have increasingly shown that these rights are hardly enforced by the State rather they are violated.
2. The study has revealed that across the country, there is a growing awareness on constitutional rights amongst Nigerians. However, because the state does not ensure the guaranteeing of these rights through their enforcement, it is difficult for such awareness to positively impact on the country.
3. The study also found out that although the country is signatory to many international conventions on these rights, this has not moved from the domain of rhetoric. In consequence, the claims of the state to being a democratic entity are not matched by its record of violation of human rights. This explains why although the democratic dispensation is over a decade old, it cannot, in all seriousness, be said that Nigeria is a democratic polity.
4. There is a culture of eliminating people without recourse to the law. The prevalence of thugs, vigilante groups and militias and the proliferation of small and light weapons have been identified as possible factors accounting for this development.
5. Another trend which suggests that human life means nothing in contemporary Nigeria is the spate of assas-

sinations and ritual killings across the country.

6. The dehumanizing state of our prisons as characterized by astronomical rates of congestion, a growing ratio of Awaiting Trial Persons to total prison population, declining welfare, high death rates of inmates and warder brutality; they are essentially hell on earth.
7. In Nigeria, we are still far from realizing the ideals of freedom of expression and the press as there is still a high prevalence of intimidation and harassment of journalists; censorship and the absence of a Freedom of Information Law.
8. The continued control of the economy by the international forces and the implementation of their economic policies have violated economic and social rights of Nigerians, particularly those who are below the breadline. This contravenes the constitution and some existing international conventions on the human and peoples rights to which Nigeria is signatory as well as section 17 (3) (a) to (h) of the 1999 Constitution of the Federal Republic of Nigeria which guarantees opportunity for securing adequate means of livelihood, opportunity to secure suitable employment; just and human conditions of work, safeguarding the health, safety and welfare of all person in employment; adequate medical and health facilities for all persons; equal pay for equal work etc.
9. Although sufficient awareness on gender issues is being articulated by rights-based organizations and the civil society, the recalcitrance of patriarchy and the lack of political will on the part of the postcolonial state

have continued to diminish and truncate the possibility of realizing the mainstreaming of women in the development process.

10. Although the constitution and other relevant laws lay claims to upholding the rule of law, available evidence does not support this.

Social justice Rights

The key findings on the situation of social justice rights in Nigeria are summarized below:

1. In spite of the existence of an elaborate policy and, to some extent, legislative framework the level of on-the-ground implementation in the form of social service delivery is extremely low in relation to health, education, gender equity, the treatment of children and youth empowerment.
2. Poverty alleviation policies and strategies lack systematic, in-depth, comprehensive and integrated application. Consequently, they have not led to socioeconomic empowerment for poor and marginalized social groups.
3. Access to health services, both in urban poor and rural areas is low and uneven.
4. The health care delivery system is under-funded leading to poor staffing, staff attrition, out-of-stock syndrome and unaffordable private sector charges.
5. There is no adequate quality control monitoring system in place to ensure the delivery of competent health care and educational services.
6. People living in remote areas or in areas without health and educa-

tional facilities have to travel long distances to access services, and there is a general reluctance among the relevant personnel to be posted to such areas.

7. There is a high level of staff truancy and attrition in public sector schools owing to the poor conditions of service and work environment for teachers.
8. Culture and religious-based gender bias persists in many Nigerian communities, both urban and rural, erecting structural barriers against active and full participation of women in decision making on a equal basis with men.
9. Children continue to suffer widespread cultural and structural violence across virtually all social indicators without adequate mechanisms for institutional care and redress.
10. Young people generally feel excluded or at least marginalized from decision making at all levels as a result of cultural and religious ideologies that limit their participation as well as the absence or ineffectiveness of public sector institutional mechanisms for their inclusion.

Economic rights

1. The minimum wage is the least wage in the country. The minimum wage is currently regulated by a national law, the Minimum Wage Act of 2001. The value of the minimum wage is grossly inadequate.
2. The key institutions that have crucial roles in the management of the economy are the Finance Ministry, CBN, the Office of the Accountant General and that of the Auditor General, the Board of Internal

Revenue, as well as similar offices in the states. There is limited transparency that these institutions provide to civil society organizations. Such is passive and entirely non-interactive. These institutions have websites, but have limited information on them.

3. Given that Nigeria is indebted to the IFIs and that it has signed many agreements such as those of the WTO that constrained the space for national decision making, the independence is nominal than substantive. The IFIs not only impose conditionality on the country through the Ministry but also in a very significant way, determine the direction of policy making in the country.
4. In Nigeria the Corporate world has strong influence on the economic decision making process. Its organizations, such as the Chambers of Commerce, the Bankers Group, the Nigerian Economic Summit Group and many other platforms for corporate world make substantive input to policy making in the country. They also make input to the budget processes. Their views and position are well respected by the governments. In contradistinction, the poor and other marginalized groups do not have such opportunity to influence economic decision making in the country.
5. Nigerians perceive that the corporate world sponsor government officials to offices to represent and protect their interests. To this extent therefore, the economic decision making is highly dependent on corporate world.
6. Over the years, government has been driving a process of liberalization of the economy, through privatization, commercialization and the withdrawal of state in social

provisioning. Government reform process is to free the market from government control in a bid to attract both foreign and internal private investment. In line with this, many new policy measures have been implemented. They include: allowing for 100% foreign ownership of companies in the country; the full repatriation of profits by foreign investment; dismantling of price control mechanisms; low tax and tax holidays; the existence of export processing zones where labour standards are below international standards; increased tolerance of casualization of workers.

7. In terms of the degree of redistribution through taxation, poor people pay several taxes including municipal and VAT. The rich on the other hand hardly pay the personal income tax, although they may be paying VAT. The Corporate world is also very poor in tax payment. Even in the case of VAT it is generally known that many companies do not usually remit the money to the appropriate authorities.
8. There is growing dissatisfaction with government land use and administration policies. From our survey, only 36% are satisfied with current government policies on land acquisition and control of natural resources whereas 64% said they are unsatisfied.
9. Government has not implemented any systematic land re-distribution policies, instead it has systematically expropriated lands of the poor through its acquisition process and transferred these to the rich.
- 10 Though the Trade Union Act, the Factory Act, the Workmen's

Compensation Act, the Labour Act and the Trade Dispute Acts exist, employers, especially in the private sector deny workers the right to belong to unions and ignore the provisions of many of the laws cited above. From our survey, only about 36% of the respondents said they belong to or had ever belonged to a union, meaning that more than 70% did not.

11. The informal market in Nigeria is not regulated in the positive sense. There are no extant policies that have been designed to either protect operators in the market or facilitate the development of the sector.
12. Operators in the informal sector rarely get access to credit facilities. They are not considered for government procurement processes as they cannot meet the corporate requirements for such procurement services. Yet when it comes to taxes, the informal sector has higher payment rates than the formal sector.
13. Employers of labour in the informal sector are not registered by the state. This means it is not possible to establish with any degree of accuracy the contribution of the sector to employment generation in the country.

Political rights

1. Women, youths and the less privileged groups in the Nigerian society are excluded from involvement and participation in the management of governmental affairs. They are discriminated against both in terms of actual representation in government and their voices are not heard.
2. The factors that limit participation include: the control of politics by 'party owners', party barons, state

governors, godfathers; zoning formulation often employed to exclude unwanted aspirants; marginalising the opposition and used of money in politics.

3. Sometimes, legislative hearings are not conducted to ascertain the opinion of persons that are to be affected by laws and this breeds conflicts. Similarly, referendum as a form of direct participation is not conducted to ascertain the wishes of the people. The elected representatives have become masters/lords unto themselves.
4. The Nigerian experience on decentralization of powers to ensure local autonomy is very limited. Governmental powers are highly concentrated and centralized at the federal level on all issues that concern the citizenry even at the rural level. Thus, Government is too remote from the consumers of its services.
5. The federal government is reluctant to share power and resources. Where limited decentralization is granted, the decentralized bodies are dependent on the fiscal allocation received from the federal government which in most cases is insufficient for them to fulfil their mandates.
6. The citizens are not involved in the public allocation of resources. Hence, they have no control over how public funds are expended.
7. In order to curb corrupt practices, there are laws and institutions such as the ICPC Act, 2000; EFCC Act 2003; Money Laundering Prohibition Act, 2004; Public Procurement Act, 2007; Fiscal Responsibility Act, 2007. These laws and institutions have not succeeded in bringing corruption down due to a number of challenges, including the politicization of the agencies.
8. Members of the legislature are from varied economic backgrounds and interests. The Legislature is not independent because its members are sponsored by some financiers who expect them to be subservient.
9. The legislature has made some progressive judgments in the last five years although the implementation is another ball game. These include the ICPC Act (2000); the EFCC Act (2003); the Child's Right Act (2003); the Fiscal Responsibility Act (2007); the Public Procurement Act (2007) amongst others.
10. There are no appropriate and effective policies for the protection of minority ethnic groups in the country.

Environmental Rights

1. Although the government has enacted laws to ensure the environmental health, these laws are hardly enforced. The consequence is that the environment is continuously degraded at the risk of the people of Nigeria.
2. One of the most serious problems confronting post-independent Nigeria is how to safe guard its environment in the interest of national development. This is the case because of the critical relationship the environment has with human rights, and the place of this in the development process.
3. Sustainable development in Nigeria would remain a mirage if the neglect of the environment by the state continues unmitigated.

International Space

1. International environment has been structured in a way that has continued to, in very significant ways determine the capacity of the state and strength of the country as a global player. The international environment is a source of input to the domestic economy. It is a source of market for the natural goods such as agricultural products and minerals and now petroleum and gas on which the economy of the country depends.
2. The nation is dependent on all manner of inputs into the economy such as technology, capital and expertise from the US, Europe, Japan, China etc
3. The international environment, through the development partners, is a source of ideological influence.
4. In terms of the degree of commitment to environment sustainability, the state has not done well in establishing hegemonic control over oil companies that have continued to ruin the environment through gas flaring, oil spillages etc. In effect, the state's contribution in fighting challenges like global warming is very weak.
5. The Nigerian State has continued to consciously get integrated into the international capitalist vortex and wanting to become a respected member of the system. There have been limitations to these intentions partly because the ruling elite have no commitment in pursuing genuine national policies for the realisation of this objective.
6. In understanding the degree of independence of the State vis-à-vis the international financial and com-

modity markets, it was found that the Nigerian state has continued to dance to the dictates of the IMF, WB, WTO and the other financial institutions. Therefore critical inputs into policy come from these agencies. Thus decisions are accepted for implementation sometimes without national debates. For instance, it took the intervention of civil society to prevent the state from signing the Economic Partnership Agreements (EPAs).

Recommendations towards the Establishment of a Democratic Developmental State

Below are some of the suggestions for the realisation of this project:

- Bringing the state to the centre stage of development. This implies the establishing and strengthening of institutional structures in order to achieve the objectives of national development.
- There is the need to reintroduce planning in the nation's economic, political and social processes.
- Investing in human capital development. Investment in skills, education and healthcare
- There is the need for the promotion of a transformative social policy which will address the needs and concerns of all citizens.
- The promotion of electoral democracy which will facilitate the election of credible and development-oriented leadership in all elective institutions;
- The promotion of democratic governance which includes:
 - **Participation** by both men and women in policy and development processes and requires the guarantee-

ing and protection of the freedom of association and expression as well as an organized civil society.

- **Rule of law** where fair legal frameworks that are enforced impartially exist and observed for the full protection of human rights amongst others.
- **Transparency in** decisions making and enforcement within the framework of rules and regulations. This is assisted by information availability and accessibility to citizens.
- **Responsiveness of** institutions and processes to citizens' demands and welfare within a reasonable timeframe.
- **Consensus oriented society which accepts the** mediation of varied interests in society necessary for the attainment of broad consensus in society on what is in the best interest of the whole community.
- **Equity and inclusiveness in** society to ensure that its members do not feel excluded from the mainstream of such a society.
- **Effectiveness and efficiency of** processes and institutions needed for the production of results that meet the needs of society.
- **Accountability by** governmental institutions, the private sector and civil society organizations to the citizens.

Other Specific Recommendations based on the findings of the study

Constitutional rights

As way forward, the people are calling for:

- (1) The enthronement of the culture of respect for human dignity;
- (2) Ensuring of constitutionalism, accountability and rule of law as fundamental principles of governance;

- (3) Ensuring of the remoralization of our social system, the recapitalization and empowerment of the impoverished and vulnerable groups in society, majority of who are women and children;
- (4) Bringing back the people to drive the development process. This would require a very strong and visible state presence in the governance process..

Social justice rights

Education: There should be a wholesale review of the educational system to update facilities, personnel and curricula content. Implementation strategies include:

- a. **Private-Public Sector Corporate Responsibility:** The taxes of multinational companies and major corporate bodies should be invested along with no less than the UNESCO recommended public sector investment of 26% of the national budget in the education sector.
- b. **Investment in Vocational and Technical Education (VTE):** VTE should be mainstreamed into secondary educational curriculum from JSS1 and funded exclusively for two consecutive years with all proceeds of the ETF to guarantee a solid take off.
- c. **Teacher Training/Re-training:** The Federal and State Ministries of Education need to embark on a massive internationally benchmarked teacher training and re-training programme with special emphasis on English, Mathematics Science and Technology.
- d. **Curricula Review:** There is need for an appraisal of world class science and technology oriented educational curricula as a step towards overhauling the Nigerian educational

- curricula to be more competitive in the acquisition and production of global technology, particularly at primary and tertiary levels. The new curricula should prioritize skills acquisition, entrepreneurial acumen, creativity and professionalism. It should also be gender-aware and gender-sensitive by eliminating rather than reinforcing societal gender role stereotypes in educational content (e.g. male breadwinner/female house wife; male doctor/female nurse; male politician/female domestic servant; male chief executive/female secretary; male engineer (or scientist)/ female seamstress).
- e. Incentive and Reward System: An innovative system to motivate teachers, especially those in rural and difficult areas, would consist of additional/high profile training opportunities, fringe benefits (e.g. long-term low interest mortgage loans) and meritorious principals/teachers service awards.
2. Health: Local governments should be given adequate capacity to fund PHC and a rigorous and robust monitoring and evaluation system be put in place to ensure efficient service delivery.
 - a. The National Primary Health Care Development Agency (NPHCDA): The NPHCDA needs to be properly equipped and empowered to monitor the effective implementation of PHC by local governments.
 - b. Integration of Informal Sector into NHIS: The majority of the Nigerian population, particularly the poor, have their livelihoods in the informal sector which is not yet incorporated in the National Health Insurance Scheme. The government should either work out modalities to extend the scheme to the informal sector or design a more appropriate one to suit the sector.
 - c. Resources for Health Care: There is urgent need for additional funding of the health sector and for effective measures to counter corruption in resource use.
3. Gender: The Constitution should be amended to recognize and promote the gender diversity of the Nigerian nation in order to rectify its gender-differentiated citizenship.
 - a. Gender Character: The gender character of the Nigeria nation should be incorporated into notion of Federal Character and enshrined in the 1999 Constitution, which should be reviewed for the removal of gender discriminatory provisions and language use.
 - b. The Justice Uwais Committee Report: Recommendations of the report on proportional representation and affirmative action for women should be implemented.
 - c. School and Hospital Gender-Based Violence Units: Teaching and medical personnel should be trained to recognize signs of gender-based violence and schools and health centres/hospitals should be equipped with fully functional anti-violence units for the purpose of assessing and reporting abuse cases.
 4. Youth Empowerment: Government should prioritize entrepreneurial training for young women and men in urban and rural areas to guarantee sustainable livelihoods to the future generation.
 - a. Community Youth Centres: Every community should have a state-of-the art centre for youth development, training, sports and other forms of recreation with appropriately skilled per-

- sonnel.
5. Child rights: Comprehensive machinery for monitoring the implementation of the Child Rights Act should be set up.
 - a. Child Rights Clubs: Child Rights Clubs should be set up for children within and outside the school system (i.e. street children, domestic helps etc.) and monitored by credible civil society groups with a track record of working on child rights. The clubs should be avenues for apprising children of their rights and assessing their needs.
 - b. Children's Parliament: The deliberations and activities of Child Rights Clubs should feed into a State and/or National Children's Parliament which should have direct links to the National Assembly.
 - c. School and Hospital Outreach Units: Teaching and medical personnel should be trained to recognize signs of abuse and schools and health centres/hospitals should be equipped with fully functional child welfare units for the purpose of assessing and reporting abuse cases. The units could be merged with the Gender-based Violence Units mentioned above to avoid overlapping functions.
- public expenditure making processes, including budget tracking and involvement of citizens in the budget decision making processes
4. The Freedom of Information Law is needed to enhance transparency and accountability in governance and to allow citizens have access to information that would facilitate their participation in decision making processes.
 5. Government has traditionally been consulting the corporate world in the budget processes and in the general management of the economy. This consultation should be extended to civil society groups
 6. There is the need to reverse many of the policy packages that are curtailing the responsibility of the state in social provisioning
 7. A tax regime that would promote redistribution of wealth from the rich to the poor needs to be articulated and deployed
 8. Policy making should move from its current top-down approach to a more participatory mode involving all stakeholders
 9. There is need to evolve policies that would protect workers in the informal sector, to especially guarantee them decent jobs
 10. Trade unions should develop programmes to expand union coverage and to organize workers in sectors that are currently not unionized
 11. Both government and Labour, and in indeed all stakeholders, must work to ensure compliance with Labour laws in the country
 12. The elimination of inequality should be a goal itself rather than as is currently seen, a bye-product of poverty reduction/elimination. In this sense, there is need for concrete and focused policies.

Economic rights

1. There is the need for the speedy conclusion and implementation of a new national minimum wage and a general wage adjustment across the country.
2. There is the need to open up the decision making processes and inject a more participatory approach to budget processes and in the management of the economy
3. Civil society should step up their advocacy and engagement with the

Political rights

In order to enhance political rights in this country, the following suggestions are hereby recommended:-

1. Strengthening the Coalition of Civil Society Organisations for the defence of political rights and good governance
2. The enactment of right to information law to guarantee and facilitate free access to information from public authorities.
3. Promotion of transparency and accountability in all government institutions, political parties, civil society
4. There is need for a synergy between civil society organisations and Government.
5. There is need to develop a Citizens' Report Card which is aimed at getting feed-back from users of public services.

Environmental rights

- (1) The abrogation of the Land Use Act which relocated the ownership of land from the people to the government. Land should (indeed must) belong to the people, who are better placed to manage it and its resources.
- (2) Government should increasingly and more firmly regulate the activities of multinational corporations with regards to the exploitation of natural resources
- (3) Relevant laws should be adhered to with respect to the environment. Existing government agencies should be empowered to ensure compliance
- (4) The Jos-Plateau and the Niger Delta, and indeed all other regions in the country that suffered and are suffering environmental disaster should be immediately rehabilitated in the interest of the people.
- (5) Government should be more accountable with regards to envi-

ronmental policies.

- (6) The state must put in place mechanisms for ending gas flaring. The companies should be forced to use part of their record profits to end gas flaring and to put money in gas gathering and utilization facilities. The deadline to end gas flaring should be 2015 and the state should enforce penalties for gas flaring.

International sphere

- (a) There is the need for the Nigerian State to increase its political and economic strength in the international space and this can be done through increasing its capacity at the national level in delivering welfare for its citizens and building local economic capacity power of the nation - the complete reversal of the neoliberal economic programmes such as the stoppage to the privatization of public services and the deregulation of the petroleum sector; and government take-over of privatized enterprises;
- (b) Other policies include the expansion in public sector to create jobs and employment; imposition of tariffs and duties on imported luxury goods and other goods already produced locally as a means of increasing the state's fiscal base, as well as a means to support local production; in effect move to protect local industries; government redirection of spending from bailing out bankers to guaranteeing basic incomes and social security and providing universally accessible basic social services such as housing, water, electricity, health, education and government to exercise control over or subsidizes the prices of basic commodities.

- (c) The state must control the manner in which its officials go about obtaining foreign loans and when it is absolutely necessary to acquire such loans they must be used and managed judiciously and for people-oriented development.
- (e) The state must put in place mechanisms to control international corporations in the oil and gas industry with the aim of sustaining the environment. This will require a stricter control to end gas flaring in the country. The companies should be forced to use part of its record profits to end gas flaring and enforce penalties where such laws are violated.
- (f) There is need for strong government regulation of the domestic market and an increasing role of the state in guiding national development by returning to the macro-economic planning framework.
- (g) The regulation and democratization of the international political and economic system. This will include the enforcement of rules for institutions of global finance to *discourage* and stop all speculation and encourage long-term investment in the real economy in a form that supports local economic activity, sustainability, equity, and reduces poverty.
- (h) The state must enhance local and national political space for national government to set exchange rate policy, regulate capital movements, and eliminate speculative activity.
- (i) The state must be creative in making international regulations not to hamper the flexibility of national governments to pursue the policies that are best suited to national needs and situations.

- Adamu, M (1978). *The Hausa Factor in the History of West Africa*, Zaria: Ahmadu Bello University, 1978.
- Adoghome, Paul. (2008). "The National Economic Empowerment and Development Strategy (NEEDS): A Critical Appraisal of Nigeria's Strategy for Poverty Reduction" *Paper presented at annual meeting of ISA's 49th Annual Convention on Bridging Multiple Divides, Hilton San Francisco, CA, USA, Mar 26*
- African Charter on Human and Peoples' Rights*, (1981)
- African Environment and Culture* (1997). Vol. 1, No. 9,
- Agu, G. A., (2009). *Democracy, Human Rights and Rule of Law in Nigeria: Myths and Realities*, Makurdi: Destiny Ventures,.
- Ajayi, J. F. A. and Crowther, M. (eds.) (1971). *History of West Africa*, 2 Vols., London,.
- Ake, Claude (ed.) (1985). *Political Economy of Nigeria* (New York: Longman Group Ltd,)
- Ake, C (2003). *Democracy and Development* Ibadan, Spectrum Ltd
- Akinjogbin, I. A. and Osoba, S. O. (eds.), *Topics on Nigerian Economic and Social History* (Ile Ife: University of Ife Press Ltd, 1980)
- Akande, J. O. (1979). *Laws and the Status of Women in Nigeria*, United Nations Economic Commission for Africa
- Akinwumi, O. (2004). *Crises and Conflicts in Nigeria: A Political History Since 1960*, Berlin: Lit Verlag Munster
- Akinwumi, O., Okpoh, O. O, et al (eds.), (2006). *Inter-group Relations in Nigeria During the 19th and 20th Centuירים*, Makurdi: Aboki Publishers
- Akinwumi, O., Fwatshak, S.U. et al (eds.), (2007). *Historical Perspectives on Postcolonial Nigerian Conflicts*, Historical Society of Nigeria
- Akinwumi, O. (1999). "The Role of Small and Light Arms in Migration and Displacement in Nigeria Since the 1980s", in Toyin Falola and O. O. Okpoh, Jr., *Population Movements, Conflicts and Displacements in Nigeria*, Trenton, New Jersey, pp179 192
- Akomaye, E. (2000). "Nigeria Experience in Combating Corruption: Deepening Judiciary's Effectiveness in combating corruption ". Addis Ababa, Ethiopia 19th 21st November
- Akumadu, T. U.,(1995). *Patterns of the Abuse of Women's Rights in Employment and Police Custody in Nigeria*, Civil Liberty Organization
- Akumadu, T. U. (1998). *Beasts of Burden: A Study of Women's Status and Reproductive Health Rights in Nigeria*, *Women's Rights Project*, Civil Liberty Organization
- Alli W.O., (2007). *Development Partners, the 2007 Elections and the Challenges of Consolidating Democracy in Nigeria*, Studies in Politics

- and Society, Issue No. 8, December, pp. 163-204.
- Angya, C. (ed.) (2005). *Perspectives on Violence Against Women in Nigeria*, Makurdi: Aboki Publishers
- Anwana, J.U. (2010). "The Anti-Corruption Law and Corruption in Nigeria"
[Http://www.nigerdeltacongress.com/articles/anti_corruption_lawand_curropt.html](http://www.nigerdeltacongress.com/articles/anti_corruption_lawand_curropt.html) 19th March, 2010
- Atsegbua and Akpotaire, et.al (2004). *Environmental Law in Nigeria: Theory and Practice*, Lagos, Ababa Press Ltd
- Babawale, T. ed, (2003). *Urban Violence, Ethnic Militias and the Challenge of Democratic Consolidation*, Lagos: Malthouse Press Ltd, 2003.
- Benjamin S. (2009). "Nigerian Women and Political Participation" *Daily Triumph Newspaper* 11th August
- Centre for Democracy and Development (2006) *Nigeria: Country Report based on Research and Dialogue with Political Parties*. IDEA.
- Ciroma, M. I. (2005). "Increasing Women's Participation in Politics", *Training Manual on Women's Political Participation organized for National and State Houses of Assembly*, Held at Birnin Kebbi, 9th 12th November
- Civil Liberty Organization (2006). *Annual Report 2005: A CLO Report on the State of Human Rights in Nigeria*, Yaba-Lagos: CLO
- Committee for the Defence of Human Rights (2002). *2001 Annual Reports on the Human Rights Situation in Nigeria*
- Constitutional Rights Project (1995). *Unequal Rights: Discriminatory Laws and Practices Against Women in Nigeria*
- Declaration of Hague*, March 11, 1989
- Dervis K., (2005). *A Better Globalisation: Legitimacy, Governance and Reform*, Washington D.C., Centre for Global Development.
- DFID (2004). "DFID: Country Health Briefing Paper." A paper produced by DFID's Health Systems Resource Centre for the UK Department for International Development UK: DFID
- Dudley, B. J., (1968). *Parties and Politics in Northern Nigeria*, London: Frank Cass
- EFA (2000). Country Reports Nigeria, http://www.unesco.org/education/wef/countryreports/nigeria/rapport_1.html
- Edigheji, Omano (2005).** *A Democratic Developmental State in Africa?* Research Report No. 105, May, Johannesburg: Centre for Policy Studies.

Edigheji, Omano (2009). Democratic Developmental States: Panaceas to Africa's Developmental Challenge, public lecture delivered at the Nigerian Labour Congress in Abuja, Nigeria on 8th September.

Egunjobi, Laye (1990). *Issues in Environmental Management for Sustainable Development in Nigeria*, CURP, University of Ibadan

Egwu, S.G. (2005). "Women and Power: Engaging Political Institutions for Positive Reform", *Training Manual on Women's Political participation* organized for National and State Houses of Assembly, Held at Birnin Kebbi 9th 12th November

Eshett, E. T. (1994). "Impacts of Deforestation on Climate, Hydrology and Energy Generation in Nigeria", paper presented at the *international workshop on the theme "Impact of Global Climate Change on Energy Development,"* held at the Engineering Center, Victoria Island, Nigeria, 28 30 March, 1994.

Essia, U and Yearoo, Afza (2009). Strengthening Civil Society Organizations/government partnership in Nigeria in *International NGO Journal* Vol. 4 (9) pp. 368 374 at <http://www.academicjournals.org/in goj>

Ezeilo, Joy Ngozi (2008). *Human Rights Documents Relevant to Women and Children's Rights in Nigeria*. Lagos: Women Aid Collective (WACOL).

Falana, F. (2009). "Nigerian Women

and Political Participation" *Daily Sun Newspaper* 19th March

Falola, T. (2009). *Colonialism and Violence in Nigeria*, Bloomington and Indianapolis: Indiana University Press

Falola, Toyin and Matthew M. Heaton, (2008). *A History of Nigeria*, United Kingdom: Cambridge University Press

Federal Government of Nigeria (1990). *Laws of the Federation*, (FGN)

Federal Ministry of Information and Communication, The Obasanjo Reforms: Public Service Reforms and National Transformation, Abuja, FMIC.

Federal Ministry of Justice, (1996). *Women and Children under the Nigerian Law*, Federal Ministry of Justice, Lagos

Federal Ministry of Women Affairs and Social Development (2006). *National Gender Policy*, Abuja: FMWASD

Federal Ministry of Women Affairs and Child Development (2007). *National Gender Policy: Situation Analysis and Framework* FMWACD: Abuja

Federal Ministry of Justice, (1996). *Women and Children under the Nigerian Law*, Federal Ministry of Justice, Lagos

Federal Republic of Nigeria (1999).

- 1999 *Constitution on the Federal Republics of Nigeria*, Abuja: FGN
- Freund, Bill, (1981). *Capital and Labour in the Nigerian Tin Mines* (London: Longman Group, 1981)
- Goldstein A., Penaud N., Reissen H. and Chen X., (2006). *China and India: What is in it for Africa?* Policy Insight, OECD Development Studies Centre, Paris.
- Helleiner, G.K. (1966). *Peasant Agriculture, Government and Economic Growth in Nigeria*, Homewood, Illinois: Richard D. Irwin, Inc
- Hincliffe, Keith (2002). ***Public Expenditures on Education in Nigeria: Issues, Estimates and Some Implications, Africa Region Human Development Working Paper Series, Human Development Sector, Africa Region: The World Bank.***
- Human Rights Watch*, 2000.
- Ihonvbere, Julius and Falola Toyin (eds.), (1987). *Britain and Nigeria: Exploitation or Development?*, London: Zed Books, Ltd
- Igwe, O. (2002). *Politics and Globe Dictionary*, Enugu: Jamoe Publishing
- Imam, A. et al (eds.), (1985). *Women and the Family in Nigeria*, CODESRIA Book Series
- Imobighe, T. A. et al, (eds.), (2002). *Conflict and Instability in the Niger Delta: The Warri Case*, Ibadan: Spectrum Books Ltd for Academic Associates Peace Works,
- International Convention on Civil and Political Rights*, 1974
- International IDEA, (2001). *Democracy in Nigeria: Continuing Dialogue for Nation Building*, Stockholm, IDEA.
- Journal of Human Rights and Law and Practice*, (1995). Vol. 5, No. 1. Civil Liberties Organization
- Kaiser, S. (Ed) (...). *Direct Democracy: Unpacking Political Participation*. International IDEA's direct Democracy Handbook. <http://www.idea.int/elections/dd/unpacking-participation>.
- Kasimbazi, E. (1998). "The Environment as Human Rights: Lessons from Uganda," *African Society of International and Comparative Law*
- Khor M., (2000). *Globalisation and the South: Some Critical Issues*, Ibadan, Spectrum Books.
- Lai, S. Y. and Ralph, R. R. (1996). "Female Sexual Autonomy and Human Rights," *Harvard Human Rights Journal*, Vol. 8
- Lien, A. cited in Dakas, C, J, Dakas, (...). *The Implementation of the African Charter on Human and People's Right in Nigeria (1986 - 1990)*," University of Jos, *Law Journal*, Vol. 3, pp39-41.
- Mangwat, Y. Monday (ed.) (1998). *A History of Labour in Nigeria*, Jos Centre for Development Studies, University of Jos,

Mo Ibrahim Index on African Governance (2007). African Business, November, pp. 13 19.

Momoh Abubakar, (2006). Democracy, De-Democratization and Development in Nigeria, NJIA, Vol. 32, No. 2, pp. 51 86.

Moru, J. "Civil Society and Social Change in Nigeria <http://www.dawodu.com/moru2.htm> 19th July, 2005.

Mukandala Rwekaza, (2001). The State of African Democracy, African Journal of Political Science, Vol. 6, No. 2, December, pp. 1 10.

National Bureau Of Statistics (2005). Poverty Profile for Nigeria Federal Republic of Nigeria: Abuja.

National Planning Commission (...) National Economic Empowerment and Development Strategy

National Human Rights Commission (2007). *The State of Human Rights in Nigeria 2001-6*,

Nnebe, Hobson E. (ed) 2008). *Policies of the Federal Republic of Nigeria. The Obasanjo Years (1999-2007)*. Vol. 2. Federal Republic of Nigeria: Abuja.

Nnoli, Okwadiba (ed) (1981). *Path to Nigerian Development* (Dakar: CODESRIA, 1981)

Nwabueze, B.O. (1993). *Social Justice and Military Rule in Nigeria*. Ibadan: Spectrum Law Publishing.

Nwankwo, A. A. (1990). *African Dictators: The Logic of Tyranny and Lessons from History*, Enugu: Forth Dimensions Publishing Company Ltd

Obilade, O. (1989). *The Nigerian Legal System*, Butterworths

Ochonu, M.E. "The Limits of Electoral Reform", <http://www.nigeriavillage-square.com/particles/moses-ebe-ochonu/the-i>

Odey, M. O. (2001). "A History of Food Production in the Benue Area, 1920 1995: The Dialectics of Hunger and Rural Poverty," unpublished Ph.D, University of Jos,

Odey, M. O. (2009). *Agricultural and Environmental Issues in Nigeria*, Makurdi: Oracle Business Ltd.

Ogiji, P. (ed.), (2004). *The Food Basket Myth*, Makurdi: Aboki Publishers

Okononmah, P. D. (1997). "Rights to a Clean Environment: The Case for the People of Oil Producing Communities in the Nigerian Delta", *J.A.L*

Okpeh, O. O. Jr. (2004). *The Sovereign National Conference: Perspectives and Challenges*, Makurdi, Aboki Publishers

Okpeh, O. O. Jr., (2010). *Dimensions and Implications of Military Transition Programme in Nigeria*, Makurdi, Book Maker,

Okpeh, O. O. and D. P. Sha (eds.), (2006). *Gender, Power and Politics in Nigeria*, Makurdi, Aboki Publishers

Okuneye, B.A, Maku, O. E., Ayinla, M.T (2008). "Public Expenditure on Education and Economic Growth in Nigeria." *Journal of Research in National Development*. Vol. 6 No. 1, pp. 1-1.

Oloriegbe, Ibrahim (2009). "Challenges of Health Care in Federal System The Nigeria Situation." A Paper Presented At The National Health Conference, Uyo, June 2009.

Olorode, Omotoye, et al (eds.) (1998). *Ken Saro-Wiwa and the Crises of the Nigeria State* (Lagos: Committee for the Defence of Human Rights, 1998)

Onibokun, A. and Faniran, A. (eds. 1995). *Governance and Urban Poverty in Anglophone West Africa*, Center for African Settlement Studies and Development (CASSAD), Monograph Series 4.

Onimode, Bade (1983). *Imperialism and Underdevelopment in Nigeria: The Dialectics of Mass Publishers*, London, Macmillan Press Ltd

Onimode Bade, (2000). *Africa in the World of the 21st Century*, Ibadan, Ibadan University Press

Onu, G. and Momoh, A. (...). *Elections and Democratic Consolidation in Nigeria*, Lagos: CEDDOD.

Oputa, C. A. (1989). *Human Rights in the Political and Legal Culture of Nigeria*, Nigeria Law Publications

Osibanjo, O. (1990). "Industrial Pollution and Land Degradation,"

Invited paper presented at the National Workshop on Soil Management in Nigeria, held in the Institute for Agriculture Research and Training, Obafemi Awolowo University, Ife, Moore Plantation, Ibadan, Nigeria, 4-6 December

Otite, Onigu and Okali, Christine (eds.) (1990). *Readings in Nigerian Rural Society and Rural Economy*, Ibadan, Heinemann Educational Books, Ltd

O y e w o , O . (2 0 0 7) . "Constitutionalism and the Oversight Functions of the Legislature in Nigeria". A paper presented at African Network of Constitutional Law conference on fostering constitutionalization in Africa, Nairobi, April

Para-Mallam, O. J (2007). *Nigerian Women Speak: A Gender Analysis of Government Policy on Women*. Verlag Dr. Müller: Germany

Park, A. W. (1977). *Sources of Nigerian Law*

Peel Michael, (2009). *A Swamp Full of Dollars: Pipelines and Paramilitaries at Nigeria's Oil Frontier*, London, Tauris and Co. Ltd. Rawls, John (1976). *A Theory of Justice*, Oxford, Oxford University Press

Sachs, Jeffrey D. (2005). *The End of World Poverty: Economic Possibilities for our Time*, New York, Penguin Press.

Samir Amir, (1997). *Capitalism in the Age of Globalisation: The Manage-*

ment of Contemporary Society, New Delhi, Madhyam Books.

SERAC (1990). SAREC Program for support to Research on Forestry and Environment in Developing Countries. Paper delivered at the 6th International Soil Correlation Organization Conference held at Addis Ababa, Ethiopia, November 6- 18, 1989, 20pp.

Sha, D. P. (2002). The African State in Social Science Discourse: Twentieth Century Interpretations and Beyond" *African Journal on Economy and Society* Benue State University, Makurdi, vol. 4 No. 1, P.52 -60

Sha, D. P. (2004). Women and the Management of the Nigerian State: Past, Present and Future" Review of *Gender Studies in Nigeria*, vol 2, Ohio, London and Makurdi: Black Heritage Publications, p.57-85

Sha, D. P. (2005). The Internationalisation of Capital and the Post-Colonial State in Africa" *Journal of Globalisation and International Studies*, vol. 2 no. 1 and 2, p.187-200

Sha, D. P. (2005). Federalism and the Right to Self-Determination: Theory, Practice and Lessons for Nigeria" *African Journal of Economy and Society*, vol. 6, No. 1 and 2 Jan-Dec, p.203 223

Sha, D. P. (2007). "Theorizing the State in Nigeria: Pitfalls and the Search for an Alternative Framework of Analysis", *Millennium Journal of Political Economy*, Imo State University

Shute, S. and Hurley, S. (eds.) (1993). *On Human Rights*, Oxford Amnesty Lectures, Basic Books

Smith, M. G. (1995). *The Economy of Hausa Communities in Zaria*, London, HMSO

Social and Economic Rights Action Center (2007). *Pushing out the Poor: Forced Evictions Under the Abuja Master Plan*, SERAC

Social Watch (2006-9). *Gender Equity Index 2009: Inequity Persists*. ITeM: www.socialwatch.org

Stren R. and Rodney White eds. (1989). *African Cities in Crisis: Managing Rapid Urban Growth* (Boulder, Caolorado: Westview Press).

Thindwa J. (1992). Enabling Environment for Participation and Accountability: The Role of Information. World Bank.

Ucheaga, N. (2001). "Social Justice in Nigeria: The Dialectics of Ideas and Reality." *Humanities Review Journal*. Vol 2 No. 1, pp. 31-40.

UNDP (2003). *Human Development Report Millennium Development Goals: A Compact among nations to end human poverty*. UNDP: New York.

UNDP (2007/2008). *Human Development Report Fighting Climate Change in a Divided World*. UNDP: New York.

UNDP (2009). *Human Development Report - Nigeria 2008 2009: Achiev-*

ing Growth with Equity, UNDP, Abuja

UNDP, (2010). Human Development Report Nigeria 2008-2009: Achieving Growth with Equity, Abuja, UNDP.

UNFPA (2000). Government and Decentralization: A Study of Country Experiences

USAID, (2006). Democracy and Governance Assessment of Nigeria, USAID

Vaseeh, G. A. (2009). "Conflicts and the Rise of Militias in Tivland," Ph.D Thesis, Department of History, Benue State University, Makurdi

Winston, M. E. (1995). "International Institute of Human Rights Strasbourg" collections of Lectures

Internet

Environmental Performance Index 2010: Nigeria, <http://epi.yale.edu/countries/Nigeria>

Social Watch, Basic Capability Index 2009, www.socialwatch.org/indicators

Social Watch Report 2009, *People First*, www.socialwatch.org
Failed State, http://en.wikipedia.org/wiki/failed_state

Global Gender Gap Report 2009, <http://HumanDevelopmentIndex>

Global Governance Index, www.worldbank.org/wbi/governance,
www.govindicators.org,

The Governance Working Group of the International Institute of Administrative Sciences 1996. Governance@gdrc.org

