AJEMATES
African Journal of Educational Management, Teaching and Entrepreneurship Studies
VOL.15 (1), May-August, 2025 https://ajemates.org

ECONOMIC, SOCIAL AND CULTUURAL RIGHTS: A LEGAL EXAMINATION

Abonyi, Anselm Uchechukwu (Ph.D.) & Chidi Okoli Esq.
Department of Commercial/Property Law
Faculty of Law, Chukwuemeka Odumegwu Ojukwu University
Igbariam, Anambra State
08033887683; barristeruchechukwu2002@gmail.com

ABSTRACT

Economic, social and cultural rights are recognized as developmental rights and should be seen as human rights. They are necessary for the survival of the citizens of the state and even to all human beings just like the civil and political rights. Abonyi stressed that these rights touch key aspects of human existence ranging from educational rights, rights to good environment, rights to be employed, health care, shelter, sound and viable standard of living and rights of entitlements of other necessities of life namely qualify food, good roads and basic amenities of life. The United Nations has maintained the ESCR rights are human rights and should be protected. The Universal Declaration on human rights, the UN Convention for the protection of Economic, social and cultural rights and even some regional instruments like the African Charter on Human and People's Rights, the European Social Charter, the Inter-American Convention on Human Rights all made viable provisions supporting the promotion and protection of ESCR rights. Regrettably in many developing communities or countries like Nigeria, these species of rights are not recognized as fundamental rights and come within the schedule regarded as directive principles which are more or less goals for which state aspire for its people without obligation towards their realization and are unenforceable. This paper makes an analysis of ECSR rights especially as it relates to Niger-Delta region of Nigeria, the laws in place and the challenges and finally concluded with observations and recommendations.

Keywords: Economic, Social and Cultural Rights, Amnesty, Pardon, Protection.

Introduction

Human rights were not written down in international Instruments and national constitutions but the people revealed their commitments to the principles of propriety, justice and caring through cultural practices and oral traditions. Basic rights and responsibilities, such as the right to food and the golden rule of "Do unto others as you would have them do unto you" revolved round families, tribes, religion, class, community, or state (Abonyi, 2015; Shiman, n.d). It is interesting to note, as Shiman observed, that the earliest attempts of literate societies to write about rights and responsibilities dates back to 4,000 years old Babylonian Code of Hammurabi. This Hammurabi Code, the Old and New Testaments of the Bible, the Analects of Confucius, the Koran and the Hindu Vedas are five of the oldest written sources which addressed

questions of people's duties, rights and responsibilities.

In addition, the Inca and Aztec Codes of Conduct and justice; and the Iroquois Constitution are Native American laws dealing with rights which existed before the eighteenth century. Others are pre-world War II instruments such as the English Bill of Rights, the US Constitution and Bill of Rights and the French Declaration of the Right of Man and the Citizen focused on civil and political rights (Shiman, n.d).They contained the rights of citizens to equality and due process, his right of participation in the political life of his community and society through activities such as voting. Civil and political rights are basic in nature and are seen and ranked superior to economic rights. This ranking however in our considered view is unnecessary and unacceptable, because right is right.

As noted by Abonyi, (2022), at the end of World War II, citizens working under the aegis of non-governmental organizations urged the creators of United Nations system to include the promotion of a spectrum of human rights in the United Nations Charter. Such as the rights to which all people are entitled to regardless of who they are or where they live. As a result of this the United Nations, in 1946 created a commission on human rights. The Commission led by Eleanor Roosevelt drafted the Universal Declaration of Human Rights (UDHR). The draft did not only protect and advance regime of rights such as civil and political rights but also broadly promoted other range of rights referred to as economic, social and cultural rights. The Universal Declaration on Human Rights was on the 10th day of December 1948 adopted unanimously by members of United Nations with only eight countries abstaining. That was indeed a remarkable breakthrough in the promotion of human rights globally.

It is imperative to observe as David Shiman confirmed, that as at today, the promotion of human rights is guided by what is referred to as the international bill of rights which includes the Universal Declaration on Human Rights and the twin treaties – the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Abonyi, 2023). What is interesting about the above instruments is that each of them gives protection to specific category or specie of rights and elaborates the rights incorporated under the Universal Declaration of Human Rights. Naturally, economic, social and cultural rights provide the basis for a worthy life. Thus, it is our view that in the absence of realization of these rights, the life of citizens will not only be miserable but will indeed be hopeless and unworthy of living. Economic, social and cultural rights are specified in Articles 16 and 22 – 29 of the Universal Declaration of Human Rights. The rights contained in the covenant on Economic, Social and Cultural Rights are: (i) marriage and family; (ii) work and leisure (free choice of employment, just conditions of work; equal pay for equal work, just remunerations, freedom to join trade Unions and the rest etc.); (iii) a standard of living adequate for food, shelter, clothing, medical care, social services; (iv) security in case of unemployment, sickness, disability, widowhood and old age; (v) special care and assistance in mother hood and childhood; and (vi) education (free and compulsory elementary education with equal access based on merit, parental choice and full development of the human personality etc.

It is interesting to observe that the above rights are core values of worthy existence of a life. The United States constitution contain some of these economic, social and cultural rights (Abonyi, 2014). During the "Great Depression", President Franklin Delano Roosevelt (FDR) sought to save the United States struggling economic and social justice using the constitution. In his speech in 1937 in Chicago, Roosevelt declared: I see one-third of a nation ill-housed, ill-clad and ill-nourished. The test of our progress is not whether we add more to the abundance of those who have much, it is whether we provide enough for those who have too little.

Clearly from what Roosevelt said, it is evident that without the realization of economic, social and cultural rights comprising housing, good food and other necessities of life, life will not only be worthless for an individual but will also be meaningless. This is why there is a need for the state to realize these rights. Roosevelt action sent a powerful message to the global community that the progress of a society cannot be premised on abundance or wealth but should be seen from the perspective of efforts directed towards making those who do not have to get what they need and, in that regard, make their life worth living.

Successive regimes in United States also sought to respond to economic and social needs of the people with new policies such as, health insurance programmes, social security insurance, unemployment insurance, public works projects, firm supports, expanded educational opportunities and laws supporting worker's rights to organize and embark on strike (Abonyi 2015). However, as funny as it may seem to be, the United States leaders have never presented these issues to the American people as human rights to which they are entitled.

As noted by Okechukwu (2025); Ugwaka and Igbokwe (2023), in many African States including Nigeria, there is little or no trace of these policies intended to serve as response of government towards realising economic, social and cultural rights. Our considered view is that, it is not enough for the United States to raise these policies without presenting the issues they cover as human rights. To do so amounts to the state and its leaders evading their duties and responsibilities to the people.

A look at the period after the World War II will give credence to the fact that the cold war polarized capitalist and communist countries into East and West block. Each of the two blocks placed much emphasis on different categories of rights. i.e., the United States, proud of its achievements in the protection and promotion of civil and political rights, criticized the communist states, particularly the Soviet Union, for denying her citizens political rights. On its part, the Union of Soviet Socialist Republics (USSR) asserted the importance of government in ensuring that all citizens have adequate food, health care, employment, social insurance and education. The Soviet Union criticized United States for not guaranteeing the economic and social rights to her citizens. This is why during the cold war, and even now, especially in developing economies, the provision or promotion of human rights such as political or economic rights is largely dependent on the type of economic system practiced in the state. For example, capitalist states tend towards providing and realising political and civil rights while, communist states lean towards providing and promoting economic, social and cultural rights. However, in Africa, the situation may not necessarily be the same bearing in mind that African states have no clear-cut economic system

that can be described as either capitalist in nature or communist in nature. What seems to characterize most economies in Africa, in our fair view, can be described as a mixture of capitalist and communist traits and principles. This is why in Africa; some states pursue both civil and political rights and economic and social rights for their citizens. Such states in Africa are South Africa, Ethiopia and Senegal. Others like Nigeria promote and recognize civil and political rights as fundamental rights and regard the economic, social and cultural rights as mere aspirations or goals of states which may be achieved or realized on the basis of availability of resources.

It is imperative to observe that the political stand of United States and Soviet Union now Russia do not adequately capture the reality as both sides generally struggle with issues related to both rights (Abonyi, 2020). Other states such as Sweden and Denmark refused to think along the contending stand of United States and Soviet Union but rather sought to promote clusters of rights through the establishment of social welfare schemes.

The new nations in Africa and Asia that become independent after the end of World War II such as Egypt, the Philippines, South Africa and Tanzania had in their constitutions a wide range of principles and rights found in the Universal Declaration of Human Rights. The Universal Declaration of Human Rights do not only promote civil and political rights but also advance protection of economic and social rights. The above-named states have established strategies reflecting a commitment to these rights. However, globally it is evident that the world is far from achieving the goals of justice and human dignity for all.

Although, there have been popular movements towards democratization in many parts of the world, with elected leaders replacing dictators, there are still serious problems as it relates to provision of the basic needs of the masses. Notwithstanding advances in education, health care, housing and sanitation globally. The situation in Africa and indeed in Nigeria is pathetic. This is because over three-fifths of Nigerians still have no access to basic sanitation, safe-drinking water and adequate housing. Others live beyond the reach of modern health services while, many children do not reach grade five in school and are generally undernourished (Abonyi, 2021).

According to the United Nations covenant on economic, social and cultural rights most nations of the world are committed to achieving full realization of economic, social and cultural rights. However, as noted by Nwakoby and Iloka (2025); Osegbue (2021), there are still a handful of states that have demonstrated their unwillingness to realizing this specie of rights. For instance, the United States appears unwilling to conduct the self-scrutiny that is required in that regard, while Nigeria has declined to promote and realize these rights by her consistent non-availability of resources argument. The result of this lack of commitment leaves the United States with much to do. For example, one US child in five lives in poverty: between 1.2 and 2 million of her people are homeless in any given year: 40 million are without health insurance, and the number of people turning to emergency food shelves and soup kitchens for their meals is rapidly growing. According to Ezeaku (2019); Ekwesianya, Okaforcha and Okeke (2020), the Nigerian situation is worse than that. The situation in Niger Delta cannot be equated with any situation anywhere in Nigeria. Our candid view is

that both civil and political rights, as well as, economic and social rights are universal, indivisible, interdependent and inalienable and the full enhancement of all these rights must be the goal of the government and political heads.

Analysis Of International and National Laws Protecting Economic, Social and Cultural Rights

a. International Laws:

It is now a settled view that human rights are universal, indivisible and interdependent. The above confirms the fact that the idea of ranking of rights or packaging of rights as superior rights or inferior rights is no longer a modern trend. Thus, the so-called superior rights called civil and political rights" should be seen to be of the same package and rank with the perceived inferior rights called economic and social rights. Under international law replicated by the treaties, conventions and instruments, this position is unshaken. However, according to Nwankwo, (2022); Ugwaka and Igbokwe (2020), the situation may not be the same in some domestic bills of rights i.e., the 1999 Constitution of Federal Republic of Nigeria. This is because in Nigeria, there is discrimination among the two generation of rights to the extent that civil and political rights are recognized as fundamental rights while economic, social and cultural rights are principally seen as mere goals or aspirations of the state for its people. With reference to the later, there is no mandatory obligation on the Nigeria state towards their realization (CFRN, 1999 Chap. IV).

The international law position on non-discrimination and non-ranking of human rights is predicated upon the belief that achievement of one of these two groups of rights cannot be possible without the realisation of the other group. Thus, the realisation of civil and political rights cannot be possible without the realisation or achievement of economic, social and cultural rights. It will be imperative to review the provision of some international instruments, conventions and treaties so as to appreciate the extent of protection and recognition given to economic, social and cultural rights by international law. In this regard, reference will be made to the following instruments: (i) the Universal Declaration of Human Rights; (ii) the International Covenant on Economic, Social and Cultural Rights; (iii) regional instruments protecting Economic, Social and Cultural rights and (iv) Other Related United Nations Documents and Human Rights Declarations.

i. **Universal Declaration of Human Rights and the Promotion of Economic, Social and Cultural Rights**

The Universal Declaration of Human Rights set the tone in international law for the adoption of several other instruments modeled substantially after it (UDHR, 1949). Notably among these instruments is the International Covenant on Economic, Social and Cultural Rights (ICESER, 1966). Other instruments rooted in the principles laid and enshrined by the Universal Declaration of Human Rights is the African Charter on Peoples and Human Rights. It is interesting to observe that with the adoption of Universal Declaration of Human Rights in 1948, the United Nations set a common standard on human rights at the international level. Thus, apart from creating a fundamental principle that all human beings are equal irrespective of sex, age, status in society, race or religion, with regards to their natural worth as humans, Nonyem and Chimaa (2020), Ojimba, (2020) noted that there is also a consensus

that both civil and political rights and economic, social and cultural rights are of the same rank.

A careful perusal of Universal Declaration of Human Rights reveals the protection and promotion of two generation of rights i.e. the civil and political rights and the second generation of rights which include property right, social security, right to work under just and favourable conditions, rest and leisure, adequate standard of living, right to education, participation in the cultural life of the community, enjoyment of the arts and sharing in the scientific advancement and its benefits and entitlement to a social order propitious to the enjoyment of the foregoing freedoms and rights (Azubuike, 2024; Okoye, 2021).

From the foregoing analysis, it is evident that the Universal Declaration of Human Rights adopted by UN General Assembly in December 1948 proclaimed the inviolability of social and economic rights. In summary, the Declaration guaranteed the following social and economic rights. (i) right to own property – Article 17; (ii) right to social security and realisation of social and economic rights indispensable for (a person's dignity and right to free development of individual personality – Article 22); (iii) right with respect and as it relates to employment – Article 23; (iv) right to education – Article 26 and right to certain standard of living – Article 25 (particularly as it relates to health, food, clothing, housing, medical care and necessary social services as well as right to security in the event of unemployment, sickness, disability old age, or lack of livelihood in circumstances beyond his control.

The above provisions point clearly the fact that the Universal Declaration of Human Rights, as a legal instrument, made an effective response to the protection of economic and social rights. This is notwithstanding that the document does not have any binding effect on member states of United Nations. However, its moral and influencing powers are weighty.

The protection of economic and social rights by Universal Declaration of Human Rights is strengthened by its Article 2 which states that everyone is entitled to these rights i.e. the social and economic rights without distinction of any kind based on grounds such as race, colour, sex, religion and so on (UDHR, 1948). As Omaka contended, it could be observed that the economic and social rights enshrined in the Declaration are qualified in order not to do violence to the legitimate rights of other persons and for the interest of morality, public order and general welfare in a democratic society (Okaforcha & Iloka, 2025; Ekwesianya, 2022). This according to the scholar relates to duties of individuals to the community and development of his personality.

It is pertinent to say that the Universal Declaration of Human Rights, though not a legal document, has by effluxion of time influenced successive human rights instruments of the United Nations and other international organizations to the extent that it has attained the status of an international customary law. Virtually all member states of United Nations have incorporated the principles laid in the Declaration in their constitutions (Brownline, 1998). Nigeria is a member of United Nations and signatory to the Universal Declaration of Human Rights, expectedly, Nigeria has a duty in line with International Solidarity to observe the principles laid by the Declaration.

ii. The International Covenant on Economic, Social and Cultural Rights

The moral statements expressed in the Universal Declaration of Human Rights were given legal force by the two subsequent Conventions of the United Nation described as the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights. It has been viewed at international level that the distinction between the civil rights and economic rights and their protection in the two instruments have really contributed to the dichotomy and controversy surrounding the ranking of these rights by states. This has indeed become an albatross protection (Azinge, (2006).

The International Covenant on Economic, Social and Cultural Rights is one of the most influential and comprehensive international documents in the area of social and economic rights (Craven, 1995). Apart from International Covenant on Economic, Social and Cultural Rights, there are other declarations and conventions, as well as, agreements that address economic, social and cultural rights. These instruments have further refined international legal norms relating to wide range of socio-economic issues (UN Document, 1997). The economic issues embodied in the International Covenant on Economic, Social and Cultural Rights include among others, the right to housing, food, shelter etc. The protection of economic, social and cultural rights, in our fair view, is necessarily because without it, a dignified life can never be lived. (HRR, 1997) The International Covenant on Economic, Social and Cultural Rights comprehensively guaranteed the following rights: (i) the Right to self-determination – Article 1; (ii) equal Rights for men and women – Article 3; (iii) right to work – Article 6; (iv) right to just and favourable condition of work – Article 7; (v) the Right of workers to organize and bargain collectively – Article 8; (vi) right to social security and social insurance – Article 9; (vii) protection and assistance for the family – Article 10; (viii) right to an adequate standard of living – Article 11 (encompassing – food, clothing and housing); (ix) right of physical and mental health – Article 12; (x) education – Article 13; and (xi) right to culture and to benefit from scientific progress – Article 15

It is imperative in our thinking to observe that the International Covenant on Economic, Social and Cultural Rights has provided a strong basis and foundation for the protection and promotion of economic and social rights. The instrument therefore serves as a template, which member states of United Nations must refer to from time to time and imbibe, on the strength of moral standpoint, the principles laid in the covenant. Article 2 of the Covenant supports the above position as it binds state parties to guarantee that all rights within the International Covenant on Economic, Social and Cultural Rights will be exercised without discrimination of any kind including race, colour, sex, language, religion, political or other opinion or even national origin, property, birth or other status.

The issue of discrimination is no doubt strictly prohibited under the expressed stipulation of the covenant reviewed (Ikien, 1991). Although it may seem that Article 2 and Article 28 of International Covenant on Economic, Social and Cultural Rights by their combined readings made the instrument legally binding on states to which obligations are imposed, our view is that states are required while implementing the covenant to take steps to the maximum of their available resources with a view to achieving progressively the full realization of the rights protected by the covenant.

This, no doubt, amounts to no mandatory obligation being placed on states to realize economic, social and cultural rights under the covenant. A situation where the instrument only allows legislative measures for the realization of economic and social rights without administrative, judicial policy, economic, social and educational measures will not be sufficient in realizing the International Covenant on Economic, Social and Cultural Rights.

Unlike International Covenant on Civil and Political Rights which contains a provision that allows states or individuals to complain to a reviewing body, there is no similar provision allowing complaint procedure under the International Covenant on Economic, Social and Cultural Rights (UN Document, 1997). The International Covenant on Economic, Social and Cultural Rights committee has noted that the absence of such procedure places constraints on the ability of the committee to develop jurisprudence or case law and of course, greatly limit the chances of victim of abuse of the International Covenant on Economic, Social and Cultural Rights from obtaining international redress. Unfortunately, as there is no complaint procedure under International Covenant on Economic, Social and Cultural Rights, the primary mechanism for its enforcement is the state reporting process. Pursuant to Articles 16 and 17, states undertake to submit periodic reports to the International Covenant on Economic, Social and Cultural Rights committee on the programmes and laws they have adopted and progress made in protecting covenant rights. Though the United Nation has promulgated guidelines for the preparations of this report, the state reporting procedure is a complex one.

More often than not, the state party expected to make the report is the same party that is failing in her duty and responsibility to realize the rights for the citizens and so such state can report nothing. Take for instance, most African states like Nigeria have failed to realize economic rights on account of lack of resources and so they will always give one excuse or the other why the report may or cannot be available. The International Covenant on Economic, Social and Cultural Rights committee has adopted the Limburg principles and Maastricht Guidelines on violations of economic, social and cultural rights as the template towards redressing the violation of economic, social and cultural rights.

Usually upon the conclusion of the committee's observations on specific reports and placing it visa vis with the guidelines, the committee may conclude that a state has failed to comply with the covenant and this being so, violates of International Covenant on Economic, Social and Cultural Rights. This indeed is hypothetical because the whole issue still boils down to taking steps to progressively realize the rights and such steps by no means depends on the available resources.

3. Regional Instruments Protecting Economic, Social and Cultural Rights

Economic, social and cultural rights are socio-economic rights such as right to education, right to housing, right to adequate standard of living, right to health as well as right to science and culture. Economic, social and cultural rights are protected and recognized in international and regional instruments. Member states signatory to such instruments are under a legal obligation, though not banking, to respect, protect and realize economic, social and cultural rights in their domain.

At the regional sphere, there are instruments that recognize economic and social rights i.e., the African charter which give protection to a list of economic rights such as, right to work in its article 15, right to health provided in article 16, and right to education under article 17 and indeed other rights. In the same respect, the European Social Charter protects a wide range of economic, social and cultural rights including right to work, right to favourable working conditions, right to join trade Unions and to take collective labour action in its articles 1 to 10, right to health in article 11, right to social security including right to medical assistance and right to social welfare services in articles 12 to 14, while, vulnerable groups are protected under articles 15 to 17 and 19, and right to housing is provided under article 31.

Similarly, the Protocol of El-salvador protects a range of economic, social and cultural rights within the Inter-American Human Rights System (UN Document, 1997). It is our considered opinion that the African Charter on Human and People's Rights has made a remarkable inroad towards the protection of economic, social and cultural rights as well as other rights recognized by the Charter under its article 55(1), which permits the receipt of all forms of communication. This being so, individual communications or petitions on violation of any economic, social and cultural rights can be made by implication. An individual can therefore just like Non-Governmental Organisations present a communication or petition against a state or government for the violation of any of the charter rights to the Secretary of the Commission who has no option but to compile such communication to the Commission (ACHPR, n.d Art. 55 (1)).

Other Related United Nations documents on human rights include (a) Fact Sheet No 16 Rev 1 of Vienna Declarations; (b) Limburg Principles; (c)Maastricht Covenant; (d) UN Refugee Convention of 1954 and (e) Final Act of the International Conference on Human Rights (Tehran Declarations)

There are other United Nations documents and human rights declarations or guidelines which laid down principles that has positively promoted the realisation of economic and social rights. Among these instruments, mention has to be made of the Fact Sheet No 16 (Rev 1) of the Vienna Declaration and Programme of Action Part 1 paragraph 5 which was adopted by the World Conference on human rights held in Vienna on 25th June 1993. The Fact Sheet which is the brain child of the UN Committee on Economic and Social Rights recognized economic, social and cultural rights as universal, indivisible and interdependent. It described that economic, social and civil, cultural and political rights to be on the same footing as the realisation of one without the achievement of the other is impossible and unachievable (WCHR, 1993). The Limburg Principles on Implementation of International Covenant on Economic, Social and Cultural Rights, 1987 and the Maastricht Covenant on Economic, Social and Cultural Rights have also advanced these rights. The principles and the guidelines are products of the committee on economic, social and cultural rights established by the covenant. The committee itself has been central in developing the normative definition of key economic and social rights. The Limburg Principles has been used in national legal systems as an interpretative tool for establishing violations of economic, social and cultural rights while, the Maastricht Guidelines built on the

AJEMATES
African Journal of Educational Management, Teaching and Entrepreneurship Studies
VOL.15 (1), May-August, 2025 https://ajemates.org

Limburg Principles identifies the legal implications of acts and omissions which amounts to violations of economic and social rights (UNHCR, 1993).

Besides the international and regional instruments, as well as declarations, guidelines and principles promoting and recognizing the protection of economic, social and cultural rights, it is necessary to search and see if there is any document or instruments on the economic, social and cultural rights of refugees. The Refugee Convention of 1954 contains a range of provisions relating to refugee's economic, social and cultural rights. The purport of the provision of the United Nations Refugee Convention is that protection of refugee's economic, social and cultural rights is not simply a question of humanitarian assistance but is a matter of a legally binding international obligation (UNRC, n.d).

From the foregoing provisions, fair and favourable treatment due for all non-citizens should be given to refugees without restrictions, such as employment where the refugee has stayed in the country of refuge for over three years, or is married to a national of the country of refuge or has children possessing nationality of the country of refuge. Refugees seeking self-employment are in a better position and should be accorded treatment not less favourable than that accorded to aliens generally in the same circumstances. Those seeking to practice a profession and whose qualifications are recognized by the host country are to be treated the same way as those seeking self- employment.

The refugees are expected under the convention to enjoy the same treatment in respect of social security in line with the conditions stipulated under the convention (UNCR, n.d Art. 24). The refugees are also, in terms of public services, entitled to favourable treatment especially in respect of publicly controlled housing and education other than elementary education that are granted aliens or public relief and assistance etc. The Convention grants free access to courts by refugees in their country of refuge (UNCR, n.d Art. 24), and contracting parties are obliged to reduce the charges and costs of proceedings. There is a problem here in the sense that the issue of cost and charges for conduct of proceedings may not necessarily be under the control of the state unless where the state provides legal aid (in representation) in alternative for private practitioners.

Although, it may appear that the United Nations convention on refugee has made laudable provisions protecting refugee's economic, social and cultural rights, there are some practical problems in accessing these rights by the refugees. The problem mainly is caused by the question below:

(a) When does a refugee become a refugee? This problem stems up from the relationship between international refugee law and domestic law. While the refugee convention set out definitions of who is to be classified as a refugee, they contain no enforcement mechanisms, and the task of deciding who satisfies the definition is left to domestic law and policy (Liebenberg, 2001).

Usually, domestic law classifies a person as asylum seeker until the relevant domestic authorities confirms that the person qualifies as a refugee under domestic law or policy (Olawuyi, 2013). On the other hand, domestic authorities may still decide that the person be treated as a refugee, at time of entry, or a later date after the application. Under international law, a person becomes a refugee once he satisfies the definition of a refugee under the Convention

regardless of domestic authorities' determination process.

Domestic authorities usually decide that asylum seekers are not entitled to specific protection under the refugee convention. In addition, many states refuse giving such person's refugee status and instead grant a form of humanitarian residence status which allows the person to stay in the country legally for a period. There are indeed limitations to the protection of economic, social and cultural rights under the United Nations refugee convention these are: (i) it applies only to states that are state parties to the covenant; (ii) it contains no provisions relating to certain economic, social and cultural rights for example issues relating to adequate standard of living, or physical and mental health and clear absence of any provision relating to role of family; and (iii) refugees may be unable to access the rights under the convention until they have been formally classified as refugees by domestic authorities. This is often a tedious process (Olawuyi, 2013).

Owing to the above limitations, questions often arise whether provisions in other international instruments or conventions, in particular, the International Convention on Economic, Social and Cultural Rights and Universal Declaration of Human Rights granting greater economic and social rights protection may apply to and assist refugees. It is our considered view that a refugee may be assisted by the provisions of Universal Declaration of Human Rights and International Convention on Economic, Social and Cultural Rights on the ground of non-discrimination to all, in respect of rights, permitted by the instruments. The provisions of the two conventions in broad terms support the above proposition (UDHR, n.d. Art. 2) i.e., economic, social and cultural rights as permitted by the conventions are granted to "everyone" not just the citizens or nationals.

Another area of crucial consideration in the protection of economic, social and cultural rights is the question of role of this specie of rights in relation to forced migration. There is an increasingly widespread understanding and acceptance that violations of human rights are one major cause of refugee in flows. This understanding is not restricted to economic and social rights alone but, extends to civil and political rights such as the violation of the cultural rights of the Kurds in Turkey which led to their migration (UDHR, n.d). However, it must be stated that the link between violations of economic and social rights and creation of refugees is problematic (UDHR, n.d. Art. 2).

In our view, there is no doubt that social and economic problems lead to voluntary migration and to forced or involuntary migration. The United Nations Special Rapporteur on the situation of human rights in Myanmar was informed that, in the first half of 1997, between 5,000 and 25,000 Muslim refugees fled to Bangladesh to escape forced labour and starvation. These are refugees fleeing from persecutions, or seeking a better life. This fact and issue stress the point that social, civil and political rights have a particular set of interrelationship and violation of one lead to violation of the other.

The Niger-Delta has similar situation thus, the people of the region might be considered victims of economic rights violation. The people are not accessing education, health care and other facilities freely and no step or steps has or is being taken to address the situation by government. No wonder, many have migrated from the region to other parts of the country and even to neighboring countries of Cameroun or elsewhere.

In addition to the earlier instruments and guidelines promoting economic and social rights at the international sphere, mention must be made of the Final Act of the International Conferences on Human Rights popularly known as the Tehran Declaration of 1998. This declaration was adopted, based on the report of the Second Committee, pursuant to United Nations General Assembly Resolution 421E (V) to the effect that deprivation of economic, social and cultural rights will make the realization of civil and political rights impossible. Thus, civil and political rights are interconnected and interdependent with the economic and social rights. The Conference recognized the problems related to realising economic, social and cultural rights and recommended the suggestions stated below:

1. That different states should speed up efforts to realising these rights.
2. That states should sign and ratify within the shortest space of time the International Convention on Economic, Social and Cultural Rights and International Covenant on Civil and Political Rights bearing in mind the importance of the rights incorporated in the covenants.
3. That states should intensify efforts through working with its relevant bodies and specialized agencies to formulate policies to address the problems of economic, social and cultural rights.
4. That the Study of UN Commission on Human Rights on the realisation of economic, social and cultural rights at its 24th session leading to resolution II (XXIV) of 6th March 1968 is highly appreciated and the template of the resolution must be advanced.
5. Request both states, governments and United Nations to focus attention on measures, programmes including sharing experiences capable of realising economic, social and cultural rights (Resolution, 1968).

From the above review, it is instructive to note that economic, social and cultural rights are well protected and promoted by international laws as reinforced in above conventions, instruments, principles, guidelines and declarations. What is however a source of worry and serious concern is that most of the instruments and documents reviewed do not provide any mechanism for the enforcement of the covenant rights and as a result, this makes redress for violation of right difficult.

It is therefore our candid view that, though, international law promotes and recognizes economic, social and cultural rights, practically speaking, there is no positive approach or mechanism or procedure for enforcement of the rights or implementation of the instruments. This is because international law permits states to take steps and measures to progressively realize economic, social and cultural rights. The only provision that tends to give a good impression, as it relates to realising the rights, is the provision under article 55(1) of the African Charter. Even though this article provides a relief, the situation does not provide an end for the issue is neither here nor there. On the whole, our view is that though international law provides a strong and formidable template for promotion of economic, social and cultural rights, it still does not ensure a water tight protection or guarantee of the rights, as there are lapses here and there, which makes the obligation to realising them persuasive instead of it being mandatory.

b. Nigerian Laws:

Traditionally, human rights are divided into two main groups namely the civil and political rights and the economic, social and cultural rights (Ikhide, 2007; Ifueko, 2012; Hussain, 1998). Without going into details about the reasons for such a demarcation, suffice it to say that civil and political rights have for years received attention both at international and national levels than economic rights. Many countries in African continent including Nigeria, Namibia etc. are not exempted in this regard. Many Nigerians freely exercise and enjoy the fundamental rights and freedoms recognized and protected in the 1999 Constitution of the Federal Republic of Nigeria as amended in 2011 (CFRN, 1999). The same cannot be said for economic, social and cultural rights under the constitution of Nigeria. The situation in our considered view is so because there is no provision prescribing for their enforcement when violated or where government fails to ensure their realisation.

Notwithstanding the situation above, economic, social and cultural rights in our reasoned opinion is *sine-qua-non* for improving peoples' standard of living. Human rights jurisprudence from other jurisdictions shows that economic, social and cultural rights can and should play a greater role in improving people's opportunities in life (Economic and Social Rights Review, 1999).

An assessment of the human rights situation in Nigeria and many other states in Africa would be incomplete without reflecting on the prevailing socio-economic conditions in these countries. Research has shown that in Nigeria, Namibia, Kenya, Liberia etc., poverty is still widespread, in rural communities, where greater majority of the masses live. In our view, it is not reasonable and justifiable that the above situation should be the case. It is not also acceptable in our opinion that in an open and democratic society like the one prevailing in these African states, a large majority of the people still live-in abject poverty alongside extreme natural wealth.

Nigerian situation presents the most disturbing experience considering the huge resources which the country is blessed with. Sadly, these resources are wasted by poor governance, corrupt leadership and other related vices. Sad still, the citizens cannot enforce the abuse of resources because the constitution makes their enforcement non-justiciable by virtue of section 6(6)(c) of the constitution.

It is worrisome that notwithstanding the oil wealth and revenues accruing from other resources in the Niger-Delta region, the people of the region still suffer deprivation in terms of provision of basic economic, social and cultural needs such as food, housing, health care, conducive environment and so on. It will be imperative to look at the provisions of the 1999 Nigerian constitution to assess the extent of protection of economic, social and cultural rights therein.

The "rights" that are economic, social and cultural in nature are contained in Chapter II of the Constitution of Nigeria under the broad heading of Fundamental Objectives and Directive Principles of State Policy" (CFRN, 1999). Unlike the provisions under Chapter IV of the constitution, which guarantees civil and political rights, the rights under chapter II only express aspirations or goals a state should work to achieve for her people. These rights are generally non-justiciable (CFRN, 1999 Sec. 6). The implication of the above provisions is that economic, social and cultural rights cannot be adjudicated upon in our courts neither can they be

subject of public interest litigation as civil and political rights.

Precisely, the Nigeria Constitution by its provisions in section 13 imposes duties and responsibility on all authorities in the state to conform, observe and apply Chapter II which contains the directive principles of state policy (Liebenberg, 2001). The authorities referred to in these provisions include the executive, legislative and judicial powers of the state. However, the section does not impose a mandatory obligation on any of the arms of government towards the realisation of economic rights. Similarly, the provisions of sections 14, 15, 16, 17, 18, 19, 20, 21 and 22 which highlights one objective or the other are all persuasive and has no compelling force on any of the arms or levels of government toward their realization. Thus, the non-enforceability of socio-economic right has a constitutional foundation. But it is our view that the provisions of Chapter II of the constitution relating to economic and social rights being fundamental to human existence should be enforceable. The importance of these principles and rights to human survival was identified by the Indian Court in the case of Minerva Mills Ltd & others v. Union of India & others (ICLR, 2006). The court in that case emphasized the importance of economic and social rights and stated that "the rights project the high ideal which the constitution aims to achieve and are so fundamental in the governance of any country". The court held further that there is no public sphere where delay can defeat justice with more telling effect than in the non-implementation of the directive principles which embodies socio-economic and cultural rights".

A look at the decision of the Indian Court in the above case will lead to the following observations or conclusions: (i) rights which are in the nature of social, economic and cultural rights refers to "high ideal" which are aims to be achieved; (ii) economic, social and cultural rights are mere aspirations (ideal needs) which the state must work to achieve for her people; (iii) the non-realisation or implementation of these rights will present a telling effect on the people because of their fundamental importance to human existence and (iv) there is no mandatory obligation on the state to realise the rights.

The indications from the Indian Court above, is that though economic, social and cultural rights are important, the state of India can conveniently be held in an action by citizens for failure to realise the rights. Nigeria constitution on the other hand merely encourages the government to put up measures and strategies towards the realisation of economic, social and cultural rights. The government of Nigeria has in the past and even at present given excuses for her failure to realise these rights by citing excuse of non-availability of resources. Scholars who are pro-socio economic and cultural rights have insisted that the argument of the government is unacceptable because contrary to the claim that there are insufficient resources, the resources are mismanaged and misappropriated by political leaders (Ezejiofor, 2005).

Enforcing Economic Rights and Inherent Challenges

An important point that is no longer contested is that economic, social and cultural rights are essential part of the normative international code of human rights (Amaize, 2016). These rights have their place in international and regional conventions and in plethora of human rights treaties and declarations. What is however crucial is to critically engage the

questions posed by Cooman and Scheinin as to whether economic, social and cultural rights only exist on treaties and national constitutions to which governments only pay lip service at international fora. This does not mean anything in practice for those who want to invoke these rights before the courts (Akam, 2011). The above questions serve as pointers to the fact that notwithstanding the importance of economic and social rights, to the survival and existence of the citizenry, the implementation of these rights at the international and national sphere is still a mirage and indeed doubtful. The above view is not unconnected with the fact that the successful realisation of economic, social and cultural rights is undermine by many challenges that are of various dimensions, both at the local level and international fora.

Nigeria is not free of the problems of non-enforceability and implementation of economic, social and cultural rights. It is observed that the challenges to the successful realisation of economic, social and cultural rights are institutional and constitutional. For example, there is the challenge of *locus standi*, justiciability and dualism as the case may be. Therefore, there is the need to consider these challenges for purposes of ensuring the realisation of economic, social and cultural rights in Nigeria.

a. Institutional and Constitutional Challenges to the Realization of Economic, Social and Cultural rights in Nigeria:

i. **Constitutional Challenge:**

It is now a settled fact among legal minds that economic, social and cultural rights by their nature are crucial in the overall wellbeing of an individual in a community. What is still a problem at the domestic or international arena is the question of realisation of these rights. The non-justiciability of social economic and cultural rights has by no means contributed to the controversy surrounding the implementation and enforcement of these species of rights. In Nigeria, the controversy surrounding the non-justiciability claim has generated a lot of argument and debate among scholars and the debate have negatively impacted on the realisation of these rights (Ajayi, 2016). Part of the problems suffered in the realisation and implementation of socio, economic and cultural rights in Nigeria is created by the Constitution. This is because under the Constitution of the Federal Republic of Nigeria 1999 (as amended) in 2011, not all human rights or human rights provisions has equal status. What is means is that economic, social and cultural rights designated as "Fundamental Objections and Directive Principles of State Policy" which is housed under Chapter II of the Constitution are not treated on the same pedestal with the civil and political rights protected as fundamental right under chapter IV of the same constitution. The later rights are seen, recognised and regarded as superior to the former which are merely seen as aspirations or goals that the state should strive to achieve. On the other hand, civil rights are seen as inalienable rights which state has no excuse but has a duty to implement and realize.

The designation of these rights into "inferior" and "superior" rights, as stated above, has become a big challenge to the realisation of the economic, social and cultural rights. This has also led to the question of justiciability of the rights captioned economic, social and cultural rights (Olafisoye, 2004). The legal foundation to the above conclusion can be seen in section 6(6)c and item 60(a) of the Exclusive Legislative List. These are some of the

AJEMATES
African Journal of Educational Management, Teaching and Entrepreneurship Studies
VOL.15 (1), May-August, 2025 https://ajemates.org

places which pro-justiciability judges have largely based their decision.

Section 6(6) C of the 1999 Constitution of the Federal Republic of Nigeria provides as follows:

> The Judicial powers vested in accordance with the foregoing provisions of this section: (c) Shall not except as otherwise provided by this constitution extend to any issue or question as to whether any act or omission by any judicial decision is in conformity with the fundamental objectives and Directive principles of state policy set out in chapter II of this constitution.

The purport or effect of the above provisions of the constitution is that the judicial powers created under section 6 of the constitution cannot be excised to question any act or omission of any authority or person or in respect of any law once the act or omission or the law relates to conformity with fundamental objectives and directive principles of state policy-provided under Chapter II of the constitution. Thus, by section 6(6)c of the constitution, issues relating to acts or omissions of authorities in Nigeria, as well as, persons concerning conformity with fundamental objectives and directive principles of state policy cannot be entertained in any court in Nigeria.

The rights embedded in Chapter II of the constitution are in the nature of economic, social and cultural rights and the meaning of the provisions therein is that these rights cannot be enforced nor can victims of their violations or deprivation seek redress in court as it is done in civil rights violation. This in our view is a challenge.

Activism in the judiciary is necessary in using the provisions of section 13, section 6(6) c and section 20 of the Constitution to realise the economic, social and cultural rights. Again, by the judicial activism and dynamism, as well as, influence from other jurisdictions, such as India and South Africa, Nigerian courts should in our view give expansive interpretation of the provisions of the constitution particularly on economic, social and cultural rights. This is because there cannot be a full realization of civil and political rights when the actualization of economic, social and cultural rights is impossible.

ii. **Institutional Challenge:**

It is crucial to note that apart from constitutional constraints to the realization of economic, social and cultural rights in the Niger-Delta, there are also institutional challenges that impede the achievement of these rights. The institutional challenges can be looked at from two perspectives that is conflict and overlapping functions of institutions /agencies and application of objectional laws and legislations.

Considering the legal architecture of economic, social, and cultural rights, it is evident that this class of rights exist on three different but interconnected levels – international, regional and national (Anushiem, 2022 Obumse, 2022; Ofozoba 2020). The purport of the above show an indication of desire to protect economic, social and cultural rights at these levels. It is indeed not in doubt that while much records of progress and success towards protection of the above rights have been recorded at

international and regional levels, the story is not the same at the level of nations owing to varying challenges and impediments.

In Nigeria, the issue is not different. The Nigeria's supreme legal order made provisions relating to economic, social and cultural rights under its chapter 11 as fundamental Objectives and Direction Principles of State Policy. As commentators have argued, Chapter 11 of 1999 constitution of Federal Republic of Nigeria (as amended) in 2011 merely reflect the high ideals of a liberal democratic polity and the provision serves as a guideline to action on major policy goals (Craven, 1998). Under Chapter II of the Nigeria constitution, economic, social and cultural rights ranges from right to employment, education, health care, housing, environmental protection, housing, etc. The above highlights show that economic, social and cultural rights have a broad perspective of which their recognition and protection should be seen as essential in Nigeria. Attempts by governments to guarantee these rights have not been successful owing to impediments which may be constitutional and institutional too. Among the institutional challenges to the realization of economic social and cultural rights is conflict and overlapping functions of institutions and agencies established to address some of the problems related to environmental issues and other matters connected with the exploration of petroleum resources in the Niger-delta region.

Studies (Ezeaku & Okoye, 2025; Osegbue, 2022; Ibe, 2019),have shown that most of the serious problems are: (i) oil spillages which blight the Niger Delta; (ii) gas flaring and burning of associated natural gas produced with oil, this has contributed to environment pollution; (iii) aging infrastructure, poor maintenance and ecosystem degradation and ecological miasmas from international oil companies and (iv) recrimination, toxic oil and gas activities in the region by government and the international oil companies. All these problems remain unabated and have combined to make the lives of the people of Niger – Delta to miserable (Enwezor, 2021; Onyekwelu & Adinna, 2022). A good example is the recent experience of black suits in the form of ashes that started falling down in all parts of River state recently covering houses, roads, vehicles which researchers have indicated that the black particles are materials running out from oil exploration activities. The black suits are not only detrimental to the health of the people but also endanger environmental safety and security (AIT News, 2017). The above problems in the region arising from oil activities is confirmed by the United Nations Development Project (U N D P) Report which stated that a total of 6819 oil spills between 1976 and 2001 were recorded in the Delta. Of the estimated 3 million barrels recorded, 69 percent occurred off shore, a quatre in swamps and 6 percent on land. Unofficial sources suggest that tens of millions of barrels of oil were spilled between 1958 and 2015. The people of the Niger – Delta are helpless as environmental degradation continues unabated, unattended to and underreported and because these violated rights are not enforceable under the constitution, Niger-Delta communities now seek justice in offshore courts in the United Kingdom (AIT News, 2017).

The United Nation Environmental Programme report of August 4th 2011 showed widespread contamination of drinking water, land, creeks and vital ecosystems. The report called for emergency measures to combat immediate harm to communities from the pollution of drinking water. It asked for an initial funding of one billion US dollar to implement

an environmental cleanup in the Niger-Delta especially in Ogoniland. This is yet to take place.

The Federal Government has established institutions and agencies to address pollution and environmental related problems arising from oil activities in the Niger Delta. Some of these institutions include. (i) the National Oil Spill Detection and Response Agency (NOSDRA); (ii) the National Environmental Standards and Regulation Enforcement Agency (NESREA); (iii) the Department of Petroleum Resources; (iv) the Pollution Control Department of the Ecological Fund Office; (v) the Federal Ministry of Environment and (vi) the Niger-Delta Development Commission (NDDC)

Our candid view is that the multiplicity of these government departments, and agencies all smattering with overlapping functions, powers and duties create confusion and conflicts leading to a scenario of achieving results in Ogoniland and indeed the whole of Niger-Delta region. In other to appreciate this conflict, the functions of these agencies are highlighted and reviewed hereunder.

Section 1(1) of National Oil Spill Detection and Response Agency ACT No 15, 2006 established an agency known and called the National Oil Spill Detection and Response Agency as a body Corporate with perpetual succession having the responsibility for preparations, detection and response to all oil spillages in Nigeria as prescribed under section 5 of the Act. From the stipulations of section 1 above, the National Oil Spill Detection and Response Agency have the following responsibilities: (i) to make preparations leading to detection of oil spillages; (ii) to effect the detection proper of the spillages; and (iii) to make response to the spillages discovered.

For proper understanding of the above duties, the Act under section 5 outlined the objectives of the agency which spreads from subsection (a) to (n). Essentially subsection (a) of section 5 of the Act authorizes the agency to ensure appropriate response to oil pollutions while sub section (b) empowers the agency to protect and ensure clean up. Subsection (c) gives the agency the powers to protect threatened environment and also ensure clean up. The functions and duties of the agency continues under section 6(a,b,c,d) and (e) and further under section 7 with special functions stated in subsection (a) to (g).

From the provisions of the National Oil Spill Detection and Response Agency Act reviewed, the board of the agency created under Section 2(1) of part II of the Act carries out responsibilities and function which centres on: (i) ensuring detection of all oil spillages in Nigeria and responding to them whether minor, major or 3 Tier spillages; (ii) addressing Oil Pollution whether major or minor and (iii) protect threatened environment including land, air and sea (water) as case may be.

Looking at Section 1(1) of National Environmental Standards and Regulations Enforcement Agency Act (2007) made by the National Assembly a year after the National Oil Spill Detection and Response Agency Act, the National Environmental Standards and Regulations Enforcement Agency was established as a corporate body with perpetual existence and vested with the responsibilities under Section 2 of the Act to do the following: (a) protection and development of the environment; (b) biodiversity conservation and development of Nigeria's natural resources in general and environmental technology and (c) coordination and liaison with stakeholders within

and outside Nigeria on matters of enforcement of environmental standards.

Further to the above, the entrusted functions on the agency under Section 7(a –m) includes handling all matters related to environmental standard, polices, guidelines, and laws including environmental safety and protection. It is evident that from the review of the laws establishing and creating the two agencies National Oil Spill Detection and Response Agency and National Environmental Standards and Regulations Enforcement Agency, they all have the responsibility and functions of protecting the environment which includes: (i) taking steps to ensure environmental safety; (ii) check pollution and oil spillage and (iii) conserve and develop the environment.

From the above, it is clear that there is bound to be conflict and confusion as the responsibilities of the agencies overlap and appears to be an unnecessary duplication. What it means, as noted by Ofozoba and Ofozoba (2023); Anushiem, (2023), is that while National Oil Spill Detection and Response Agency is vested with responsibility of overseeing all issues related to all oil spillages in Nigeria, the National Environmental Standards and Regulations Enforcement Agency oversees all environmental matters (protection, conservation and development) in and outside Nigeria which practically includes spillages.

Another point of confusion is that members of the board and council of the two agencies are by the Acts establishing them drawn from the same or related departments as can be seen from section 2(2) of National Oil Spill Detection and Response Agency Act and Section (3) (1) of National Environmental Standards and Regulations Enforcement Agency Act they are all drawn from the ministry of environment, defence, works, housing and others. This confirmed the fact that the functions, duties and structure of the agencies are not only interconnected but intertwined and there cannot be a successful discharge of the responsibilities by one of the agencies without the other raising alarm of takeover of its duties.

The National Assembly in 2000 enacted the Niger-Delta Development Commission Act which repealed the Oil Minerals Producing Areas Development Commission Decree. The Niger-Delta Development Commission Act aforesaid in its preamble created and established the commission with the responsibility to use the funds allocated to it from the Federation account to:

a. Tackle ecological problems which arise from the exploration of oil minerals in the Niger-Delta area and for connected purposes. Precisely under Part II of the Act particularly Section 7(1)h, the commission shall perform the function of tackling ecological and environmental problems arising from oil exploration in the Niger-Delta and advice the Federal government and member states of the oil producing areas on the prevention of oil spillages, gas flaring and environmental pollution.

Further to the above, subsection(i) and (j) of section 7 reviewed permits the commission to liaise with relevant authorities and bodies on all matters of pollution, control, prevention, as well as, taking all necessary steps to ensure sustainable environmental development of Niger-Delta. In our view, all these are functions similar to that of National Oil Spill Detection and Response Agency and National Environmental Standards and Regulations Enforcement Agency. They all touch on environmental safety, protection, pollution control and general environmental development,

sustainability and stability. As a result of these similarities there is bound to be an overlap, confusion and problems among these agencies thus making the realization of the goals of sustainable environment in the region an uphill task. This position is corroborated by the provisions under some of the law reviewed which gives all these agencies powers to carry out one duty or the other involving pollution, oil spillage, post spillage monitoring, ecological damages, impact assessment (in relation to spillages) and other environmental related matters (NESREPA, 2007). Our candid view therefore is that owing to the overlapping functions of these agencies, the positive realization of the goal of total environmental conservation and development in the region will be elusive.

The late environmental activist, Ken Saro Wiwa, captured the effect of oil mineral exploration in Ogoniland and indeed in the rest of Niger – Delta region in the following words:

> Drilling of crude oil began in Ogoniland some thirty-five years ago, making it one of the earliest areas from which crude oil was produced in Nigeria. The country's first oil refinery is in Ogoniland, at Eleme. So is the Onne fertilizer plant, WAFCON. Since 1958, the contribution of crude oil to the national income has grown in leaps and bounds. Today, it contributes, over 90% of the country's export earnings. At the same time, the impact of oil production on the environment of this predominantly rural area has grown extensively. Not only has large tracts of farmland and fishing water been lost to drilling but also, the pollution arising from accident spillage of crude oil has destroyed marine life and made many hectares of farmland unsuitable for cultivation. The reckless dumping of toxic products of oil drilling and refining affect the fresh water used for drinking, fishing and other household activities. On the other hand, the percolation of wastes from the oil industry into the soil contaminates ground water. At the same time, gas flaring in the vicinity of human dwellings and high-pressure oil pipelines forming a mess across farm lands has been conducive to acid rain, deforestation and destruction of wildlife. The international

AJEMATES
African Journal of Educational Management, Teaching and Entrepreneurship Studies
VOL.15 (1), May-August, 2025 https://ajemates.org

> petrochemical giant dominates operations in Ogoniland as it does in the entire Nigerian petroleum industry. The company's environmental record in developing countries is controversial as was demonstrated by a channel four documentary, "Heat of the moment" aired in Britain, in the autumn of 1992 (Odje, 2002).

The above state of affairs represented by Ken Saro Wiwa is the situation in all oil communities of Niger-Delta and the failure of federal government and the international oil corporations to avert the pollution of the Niger-Delta environment have precipitated an upsurge in youth militancy in the region. In the words of Bolaji Akinyemi:

> What we have now is not a Niger-Delta crisis but a Nigerian crisis located in the Niger-Delta. What should have been a local issue has now become an international issue … the issue has become complex. It is more than an environmental issue; it is more of a developmental issue and it is more than a security issue. It is a combination of all these issues. It is now compounded further by becoming part of the struggle for a true federal and fiscal structure (Newswatch Colloquim, 2007).

From the excerpts of the view of Saro Wiwa and Akinyemi as stated above, it is evident that there is real problem in Niger-Delta region but no serious efforts have been made by the relevant authority (the federal government) to address this crisis, hence militancy continues. Unfortunately, where effort exist in form of laws, the laws in place remain great impediments towards a comprehensive overhaul of the problems and crisis.

Nigerian being a creation of British Colonial Government inherited colonial policies including their legal system founded on the common law of England. No wonder, the British colonial authorities demonstrated clear intentions from the onset to vest the ownership and control of mineral resources extracted anywhere in Nigerian in the crown (Ofozoba & Ofozoba, 2023; Anushiem, 2023). Laws were enacted to advance the intention of the crown without recourse to the interest of the traditional owners of the lands where the mineral resources were being extracted. With independence, the government of Nigeria found it convenient to adopt the same laws to ensure a continuum, ostensibly for the benefit of the country, but in reality, it protects the supply chain from the raw mineral areas. The supply and protection were indeed for the rest of the country except the traditional owners.

AJEMATES
African Journal of Educational Management, Teaching and Entrepreneurship Studies
VOL.15 (1), May-August, 2025 https://ajemates.org

b. The Challenge of Justifiability:

Human rights traditionally, are divided into two main groups, (UN Documents, n.d). These two groups are: **(**i) civil and political rights "often perceived to be the fundamental rights or the basic rights; and (ii) economic, social and cultural rights. The above categorization of rights is recognized at the national level, regional sphere and at the international arena. The classification of human rights into two broad groups has also brought with it the issue of prioritization of these rights. This means that one is superior while the other is inferior to the other.

This critical issue has reflected in most national and local laws including the laws of Nigeria and other states in Africa such as Namibia, Ghana etc (CFRN, 1999). In Nigeria, Namibia economic, social and cultural rights are regarded as goals or aspirations of the state in which strategies are to be adopted to integrate them into the policies of the government. There is no legal obligation to provide them. With the above, it becomes clear that the issue of enforceability or justifiability of these species of rights is a challenge at the local levels. However, at the regional and international platforms, both civil and political rights, as well as, economic, social and cultural rights are universal and by extension are realizable as the satisfaction of one of the groups without the other makes it impossible (UN Document, n.d).

In view of the above, it is pertinent to look at the concept of justifiability as a challenge to the realization of economic, social and cultural rights. In doing so emphasis will be given to the following key perspectives including: (a) what is justifiability? (b) justifiability in the context of local and international law; (c) attitude of courts, tribunals, commissions and measures to address procedural problems relating to justifiability and (d) innovations and solutions suggested for resolving non-justifiability associated with the realization of economic, social and cultural rights.

The term "justifiability" refers to the ability to claim a remedy before an independent and impartial body when a violation of a right has occurred or is likely to occur (ICJR, 2008), Justifiability implies access to mechanisms that guarantee recognized rights. In order words, justifiable rights, grants right holders a legal course of action to enforce the rights whenever the duty bearer does not comply with his or her duties. The indication from the above definition is that the existence of a legal remedy should be understood to mean providing a procedural remedy for effective access to appropriate court or tribunal when a violation occurs or is imminent.

Undoubtedly, the process of addressing the loss of the victim are the defining features of a fully-fledged right. Thus, if a person claims that his right or rights has been violated or is threatened to be violated by a duty holder, such a person must show to the court that "such his right or rights" is justifiable or at best enforceable and if not, such a person may be deemed not to have any cause of action. This is a problem in many states of the world especially in Africa like Nigeria i.e., with reference to the specie of rights recognized as economic, social and cultural rights. In Nigeria, the law is that economic, social and cultural rights are seen as second-class specie of rights or inferior rights but in our view they should not.

Justifiability is a serious challenge in the realization of economic, social and cultural rights in Nigeria. This is because Nigeria domestic law and

most municipal laws does not give such right or protection to economic, social and cultural rights, notwithstanding the fact that human rights are universal and inherent. Hence rights such as civil and political rights as well as economic, social and cultural rights should be justifiable when violated (UN Document, 2001).

The United Nation Committee on Economic, Social and Cultural Rights reflected the above notion in her general comment No 9 and observed that state parties should use all the means at their disposal to give effect to the rights recognized in the covenant. In this respect the committee noted that the fundamental requirements of international human rights law must be borne in mind. Thus, the covenant norms must be recognized in appropriate ways within the domestic legal order. As noted by Anushiem, (2017); Iloka and Nwakoby (2025), this means that appropriate redress or remedies must be available to any aggrieved individual or group. Similarly appropriate means of ensuring governmental accountability must be put in place. In our fair view, what the committee observed and recommended for state parties to the covenant is good and everything possible should be done by state parties to ensure that: (i) there is appropriate redress and remedy to any aggrieved person or group and (ii) appropriate means of governmental accountability exist.

In candid view therefore, Ucheagwu-Okoye (2021) and Ezeaku, (2025) noted that, for a right to be legally justiciable, particularly the economic, social and cultural rights guaranteed under the covenant, the domestic legal order must be made in such a way and manner that appropriate redress and remedy is provided and made available to aggrieved person or group to take care of such grievances.

c. The Challenge of Dualism:

Another challenge which hinders the positive realisation of economic, social and cultural rights in Nigeria, in our opinion, is the challenge of dualism. As a concept, dualism is described as adhoc incorporation of international rules by the legislature. Under dualist systems, international law, with its entrenched principles, becomes applicable within the state's legal system only if and whenever the legislature passes specific implementing legislation (Nigerian Law, 2016). Thus, the National Assembly has a formidable role to play in promoting human rights in Nigeria by exercising the legislative duties and powers of making law for the federation under the constitution (CFRN, 1999). The process of lawmaking does not in our view end in enacting new laws or amending old and existing ones, it also includes creating legislations or statutes that reinforce international agreements, conventions and treaties to which Nigeria is signatory so as to make such instruments form part of the laws of Nigeria and by this make such conventions treaties or agreements enforceable in Nigerian courts (CFRN, 1999). It is indicated that Nigeria has a dualist system regarding international law.

Specifically, Section 12 of 1999 constitution of Nigeria provides that: No treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by National Assembly

Interpreting this provision against Nigeria's obligations under the convention of International Labour Organization, the Supreme Court insisted that Section 12(1) was a condition precedent to applying international treaty or treaties ratified by her (Minister of Health, 2002). Precisely, the stand of the Supreme Court in TAC Case (Treatment

Action Campaign Case) is that in so far as the International Labour Organisation Convention is not yet enacted into law by National Assembly, it has no force of law and cannot possibly apply. The effect of the decision in our opinion is that where a treaty or treaties has not been incorporated into Nigerian law through legislative action of the National Assembly, such a treaty has no place in Nigerian law, but if incorporated, the Nigerian courts are no doubt under obligation to give effect to its provisions.

According to Ibe, (2022); Okoye and Ezeaku (2025), the Supreme Court in reaffirming the position and attitude of courts in Nigeria towards incorporated and unincorporated treaties took a different position in Abacha v. Fawehinmi as against the background in TAC's case when the full panel of the Nigeria's Supreme Court examined the legal effect of incorporated treaties, specifically the African charter and held that such a treaty is binding and must be given effect like other laws falling within the judicial power of the court (Nigerian Law, 1997). It must be stated that the Supreme Court was careful in Abacha's case and did clarify that such treaty with international flavour did not and does not in any way by virtue of its domestication or incorporation into the local law assume a status higher than the constitution. The problem with the concept of dualism is that there will always be a conflict in the application of the two laws. Each will strive to be given prominence like it is the case with the constitution of Nigeria and domesticated or incorporated treaties. The problem is not with Nigeria alone, it also exists in other states including the United States of America. Usually, the argument or contention, by states has always been that to make treaty with international flavour superior to national constitution will amount to giving away sovereignty (UN Document, 2001). Notwithstanding the above, Ucheagwu-Okoye (2025); Okaforcha, and Okeke (2020) stated that the Nigerian supreme court in Abacha's case has unwittingly liberalized access to courts for violations of economic, social and cultural rights by agreeing that once incorporated into the domestic law, an international treaty without specific procedural provisions could be enforced by recourse to Fundamental Rights Enforcement Procedure Rules made pursuant to Chapter IV of the 1999 Constitution of Nigeria (Nigerian Law,1990). The reasoning of the Supreme court, in our opinion, supports the expansive interpretation principle which liberalises the access to court and broadens or widens the interpretation of civil and political rights, thereby giving economic, social and cultural rights a legal character and by this make the two species of rights not only enforceable but justiciable. This principle in our considered view is viable in the overall protection and realisation of economic, social and cultural rights in Niger-Delta.

Opportunities For Realising Economic, Social and Cultural Rights in Nigeria

As the problem of realising economic, social and cultural rights in Nigeria lingers, stakeholders are looking at opportunities to be explored in making a fast but reliable in-road towards achieving success in this area in the country. There is no doubt restating the fact that the global trend approves of the principle that human rights are universal and each species of right, civil or economic rights, must be treated with every degree of importance or recognition as equal for none can be achievable, strictly speaking, without the realisation of the other (Abubakar, 2016.

In Nigeria, suggestions have been made on the opportunities to make economic, social and

cultural rights achievable in Nigeria. These suggestions are summarized below.

i. Constitutional review/amendment process:

The legislature in Nigeria has the mandate to make laws (CFRN, 1999). Apart from making laws, the National Assembly, comprising of the Senate and House of Representatives, has the powers to amend the laws already made. Attempts have been made since May 1999 by well-meaning Nigerians and civil society groups for amendment and review of the military imposed 1999 constitution of Nigeria. Regrettably those attempts failed. The failure ranges from several factors which includes among others, the non-preparedness of the ruling class to pursue the review process, as well as, the failure of different ethnic and religion units and components to come to terms on certain issues especially the issue of revenue sharing formular and the quest for fiscal federalism and restructuring of the country.

The above factors played in 2014 during the National Conference organized by the former President of Nigeria, Goodluck Ebele Jonathan. Though, at the end, there was a "2014 Confab Report", which could have resulted in the amendment of the Nigerian Constitution, the implementation of the recommendations of the conference is far from being realised as there is no political will on the part of the government to back up the report with a legal framework which will give it a legal force or potency (Nigerian Constitution Review, 2014). Economic, social and cultural rights and its enforceability formed part of the issues discussed during the 2014 National Conference. The current attempt in the constitutional review process presents an opportunity for legislative proposal to place economic, social and cultural rights on a firm footing. In our opinion, in order to ensure equality of all categories of rights under the constitution in Nigeria, it is necessary to merge all rights under a single Chapter in the constitution and vest jurisdiction over a violation or threatened violation of these rights in the courts. This way, the challenge of justiciability will be laid to rest. In order to provide access to courts for violation of economic, social and cultural rights, there is need to have access to information necessary to evaluate government performance in this critical area. Thus, there should be awareness creation. Thus, in our opinion, the following should be done.

ii. Access to Information:

The debate on access to information in Nigeria has remained an age long process and started primarily in the last ten years when a bill on the subject was submitted to the National Assembly (Wikipedia, 2016). Through these years, Nigerians unfortunately did not enjoy freedom of information. This violated the promise of past governments, however opportunity came in 2011 when the National Assembly successfully passed the Freedom of Information Bill into law. The Freedom of Information Act, 2011 presents an opportunity to legalising existing legislation guaranteeing access to information such as the Environmental Impact Assessment Act (FRN, 2004). Specifically, the act provides a latitude for citizens to interrogate government income and expenditure with a view to ensuring that needs are met in timely fashion.

The Act sets out general principles, procedure and methods to enable the prior consideration of Environmental Impact Assessment on certain public or private projects. Thus, by section 2 (1) of the Act, the public or private sector of the

AJEMATES
African Journal of Educational Management, Teaching and Entrepreneurship Studies
VOL.15 (1), May-August, 2025 https://ajemates.org

economy shall not undertake or embark on or authorize projects or activities without prior consideration at the early stage of the environmental effects of such projects or activities. The Act enjoins relevant agencies responsible for the protection of the environment to give opportunity to members of the public, experts in relevant disciplines and interested groups to make comment on the activity before a decision is taken on the assessment done. Thus, the combined reading of section 2(1), 7 and 9 (3) of the Environmental Impact Assessment Act provides a veritable opportunity to challenge a denial of access to government held information and should be explored to broaden existing interventions. Thus, citizens can challenge any denial of access to information as it relates to whether or not the government or private sector concern, embarking on any project or activity did environmental impact assessment to ascertain its effects and implication.

On this basis, the traditional oil producing communities stands the opportunity of raising questions either to the federal government or multinational oil corporations, on whether or not environment impact assessment was conducted before the activities and projects which degraded the environment took place. If such application is denied, the citizen or group can apply to the court under sections 20, 21, 22, 24 and 25 of the Freedom of information Act 2011.

iii. Legislative Action:

The 1999 Constitution of Federal Republic of Nigeria as amended in 2011 empowers the National Assembly to establish and regulate authorities of the federation or any state to promote and enforce observance of fundamental Rights Objectives and Directive Principles contained in the constitution (Second Schedule of Constitution, n.d). This provision gives the National Assembly the mandate to ensure the promotion and enforcement of economic, social and cultural rights which are entrenched as fundamental objectives and directive principles. Any neglect of this duty on the part of the National Assembly is a fundamental issue which indeed is a constitutional question.

iv. Education, Empowerment and Mobilization of citizens:

Our candid opinion is that Nigerian Bar Association, Non-governmental Organization, as well as, Nigerian Association of law teachers owe a sacred duty to Nigerians, namely, the duty to educate, empower and mobilize them in order to take positive action towards realising their full potential. At the heath of the pervasive poverty and almost absolute disregard for economic, social and cultural rights of citizens are ignorance and powerlessness. Therefore, public advocacy events directed at equipping the rural and urban poor with the requisite skills to interface with government and more importantly demand good governance, are crucial to the nation's fledgling democracy.

Observations and Recommendations

From the analysis and examination of the situation in Niger-Delta and the protection of EZCR rights, the following observant are made.

At the end of the research this is our observations:

a. The oil rich Niger-Delta region in Nigeria is one of the richest Deltas in the world with huge oil deposits and other natural resources. The traditional oil communities in the Niger-Delta region with rich arable lands and fish ponds have lived a peaceful and comfortable agrarian life before the discovery of oil in 1956 and subsequent commencement of

exploration and exploitation activities in 1958 by the multi-national oil corporations working hand in hand with the federal government. Ucheagwu-Okoye (2025); Okaforcha, and Okeke (2020) stated that the exploration of oil led to environmental degradation which has caused several pains to the people as pollution oil spillage, flaring which has devastated the ecosystem.

b. It is also our observation that though the Niger-Delta region of Nigeria has been blessed by nature with many resources i.e., gas and oil deposits, the region that provides the highest revenue source for them, even with other regions combined, is still underdeveloped, environmentally devastated and with the highest incidences of poverty, poor standard of living, infrastructural deficiency profile. i.e., poor network of roads, poor health care, lack of educational opportunity and facilities and lowest housing culture. Indeed, everything that promote and support healthy life is lacking or inadequate (Afinitan et al., 2009).

c. The government of the Federal Republic of Nigeria has no clear and positive economic and development plan for the Niger-Delta region. There is yet no bold or broad effort by federal government to create jobs in the region and engage the youths actively in any form of small-scale entrepreneur businesses or improve their housing condition. In Niger-Delta the ratio of number of those employed and those unemployed is still very wide while many are unemployable because there is no opportunity for education, most multi-national oil companies have little or no indigenous employees in key and strategic positions in the industry and these positions are dominated by expatriates and foreign nationals. We observed further that if the indigenes are not found in such vantage position because of qualification. They can be trained to assume those positions.

d. The failure by the federal government of Nigeria and the multi-national oil companies to address the environmental, economic and other problems faced by the Niger-Delta communities have caused ill-feelings, grievances and tension in the region. This has caused anger and ill-feeling towards government and multi-national oil companies exploiting their resources. This has led to unrest, criminality of all sorts i.e., restiveness and violence in the region which has remained unabated. According to Ojimba, (2024); Okeke, Okaforcha, and Ekwesianya, (2019), this situation is supported by the frustration aggression theory.

e. In addition, it is also our observation that the crisis in the Niger-Delta region has led to an era of impurity which distorted all opportunities towards peaceful and amicable resolution of the crisis. The situation is delicate in the sense that whereas the government is condemning the youths in the region for their acts of impunity i.e. destruction of oil installations and sometimes leading to deaths, the response of the government on the other hand is the worst form of impunity as was the case in the brutal killing of Kenule Saro Wiwa and his Ogoni environmental activists by Abacha led government and the Odi massacre perpetrated by the Obasanjo led administration (World Bank Development Report, 2011).

f. The research also observed that there is oil politics in Niger-Delta region and this has led to the privatization of the state. As far as the oil politics in the Niger-Delta is concerned, the infrastructure of the oil and repression are linked and they flow at the same time from the barrel of the gun. Thus, while the Niger-Delta communities struggle for the

development of basic infrastructure with the revenue from oil controlled by federal government, there is repression from the government that has failed in her duty to address the needs of adequate infrastructure for the people of the region and hunts them as militants and criminal bandits. This is economic, social and political subjugation of the region by the government. The huge presence of military and para-military personnel guarding oil facilities confirm this (Afinotan et al., 2009).

g. We also observe the finding of this is that the root cause of the Niger-Delta militancy is the failure of the government of Nigeria to address the issue of providing necessities of life for the people of the region. Things like basic infrastructure, employment, food, housing, health services, or things that promote healthy life which are called economic, social and cultural rights are lacking.

h. We further observed that the realization of economic, social and cultural rights in Nigeria particularly in the Niger-Delta region is challenged by many factors out of which the predominant ones is institutional challenge and challenge of justiciability. The institutional challenge is in the form of overlapping of functions of agencies which cause confusion. A good example of such agencies' are the National Oil Spill Detection and Response Agency, National Environmental Standards and Regulations Enforcement Agency, Department of Petroleum Resources, Pollution Control Department of the Ecological Fund Office, Federal Ministry of Environment and Niger-Delta Development Commission etc. All these bodies are in one way or the other engaged in the same crucial duty of environmental protection but, because of overlapping functions little or nothing is being achieved (Abati, 2010).

i. We observed that the application of the objectional laws which gives the federal governments total or absolute control of the revenue from oil and seriously hindered the realization of economic rights in Niger Delta and that the issues of these laws should be revisited. Osegbue (2019); Anushiem and Anushiem, (2023) also observe that amnesty is part of domestic and international law. In this respect, it is discovered further that in some jurisdictions, the concept of amnesty and pardon are used interchangeable while in others, they have distinct meanings. It is also important to state that as was found out, in some jurisdictions, amnesty is made under the pardoning powers of the president or the parliament or congress pursuant to an Act and in other situations by an enactment. We also found out from the research that amnesty is some jurisdictions is used to excuse criminal liability and bar prosecution as applied in Chile, while in some other places amnesty is used as a political tool to restore peace after hostility or crises and check violence which threatens national security and work for national reconciliation as is the case in South Africa. Further still we found out that under international law amnesty is not usually allowed for persons who committed grave and heinous offences that are of concern to international community.

Amnesty is not the same with pardon as provided in the constitution, this is because whereas pardon is granted by president or governor after a person/persons have been tried and convicted, amnesty is not mentioned anywhere in the constitution nor is it supported by any Act of the National Assembly.

The Amnesty programme of the federal government for the Niger-Delta militants is not a credible option because it has no legal backup neither did it address

the remote cause of the crisis. Clearly from the research, it is evident that the crisis in Niger-Delta is as a result of government's failure to address social, economic, and cultural needs of the people. Though, it may seem that the militants are criminal bandits as argued by the federal government, the contention may not be true. However, if the militancy in the region is critically accessed, our observation is that any struggle by any group in the Niger-Delta region which erodes the values of achieving the realization of the goals of development of the region shall regarded as a criminal act.

Geographically, the territory and areas recognized as Niger-Delta region form part of the South-South geopolitical zone of the Federal Republic of Nigeria.

Recommendations

The following recommendations are made:

1. Total Restructuring of the Nigerian Federation

It is important to note that the agitation for resources control in Niger-Delta is one of the major issues that have brought heated argument in Nigeria for decades. Among the agitations is that the derivation principle reinforced by the constitution of Nigeria and the structure of administration and governance in which oil revenues are fixed in the federation account and controlled by the federal government does not accord with true federalism. Hence we recommend total restructuring of the Nigerian federation.

2. Full Implementation of the UNEP Report.

The Ogoni people have continued to insist on full implementation of the UNEP report which is a United Nations Environmental project report on the environmental disasters and damage caused by the oil activities in the Niger- Delta region. The report which is aimed at environmental remediation and restoration process in the oil rich region is in our view a landmark towards the final and wholistic resolution of the agitations of the region. The full implementation of the report in our candid view will restore hope and confidence of the people on the government as a show of its commitment in addressing the yearnings of the people over the years.

3. Compensation of victims of Niger- Delta struggle and making the development of Niger- Delta a national emergency.

As noted by Onyekwelu (2024); Adinna and Onyekwelu, (2021), compensation of victims of Niger- Delta struggle will ensure justice, stability and equity in the region. In the view of Afinotan, and Ojakorotu, (2009), this compensation should be wholistic to include the militants, persons injured and the families of those who died. Statistics of such victims must be taken. Mothers who lost their children, children who lost their fathers and families that lost their homes and persons displaced as a result of the conflict have to be compensated. Similarly, the development of the region has to be addressed and, in our view, made a national emergency. Among these are connectivity through telecommunication, quality roads, water facilities, housing, sanitation, good health care system and energy. There must be job creation scheme to boost employment and entrepreneurship. In achieving the above, the federal government in our view should embark on human capacity building and organize skill acquisition workshops, entrepreneurial development initiatives and schemes and seminars. This will help government to reach out to the vulnerable groups in the remote and inaccessible areas and by this bring about stability.

4. Nigerians must fight Inept and Corrupt Leadership Collectively.

There is truth in the saying that the destiny of the people is tied to the quality of its leadership (Agbakwuru, 2016). Colonialism left Africa and Africans socio-economically battered. However, the inept and corrupt leadership in most African States have worsened the situation. In our firm view, Nigeria must fight to wipe out corrupt leaders from the system. A situation where some past and present leaders are richer than the entire state is unhealthy, politically, socially and otherwise.

5. Adoption of New Innovations in the Nigeria Judiciary towards Promoting Economic, Social and Cultural Rights.

The new international practice of using the counts to realize economic, social and cultural rights which has worked in many states like Indian experience, Namibia and South African should be integrated into the Nigerian jurisprudence. This innovation is a process where the courts adopt expansive interpretation approach to the interpretation of civil and political rights.

REFERENCES

Abati, R. (2010). *Opinion on Niger-Delta Militancy*. General Comments at Ijaw Youths Summit held at Yenogua, August 10th

Abonyi, A. U. (2020). Powers Of Economic and Financial Crimes Commission Department for State Security Service and Prosecution of Serving Judicial Officers. *Chukwuemeka Odumegwu Ojukwu University Journal of Private and Public Law*, *2*(1).

Abonyi, A. U. (2021). An Appraisal of the Constitutionality of the Amnesty Programme for Members of Boko Haram Sect in Northern Nigeria. *Journal Of Current Issues in Nigerian Law*, *2*(1).

Abonyi, A. U. (2021). Invasion of Ukraine by Russia: The Legal Implications. *LASJURE*, *2*, 176.

Abonyi, A. U. (2021). Protection Of Rights of Victims of Internal Displacement in Nigeria: A Task Impossible Without an Enabling Legal Framework. *The Journal of Property Law and Contemporary Issues*, *11*(1).

Abonyi, A. U. (2021). Trafficking In Persons and Irregular Domestic and Cross Border Migration in Nigeria. *The Journal of Property Law and Contemporary Issues*, *11*(2).

Abonyi, A. U. (2022). Democratisation of Corruption in Nigeria: Analysis of Its Socio-Political, Economic and Legal Implications. *IRLJ*, *4*, 148.

Abonyi, A. U. (2022). Organ Harvesting: A Critical Review of Nigerian Law and Lessons from International Instruments. *IJOCLLEP*, *4*, 45.

Abonyi, A. U. (2022). Sustaining a Claim or Counterclaim for a Declaration of Title to Land: A Review of David Nwankwo Egemonye v Peter Obichukwu Egemonye. *IRLJ*, *4*, 160.

Abonyi, A. U. (2022). The Constitutionality of RUGA as a Land Policy in Nigeria. *AJLHR*, *6*, 52.

Abonyi, A. U. (2023). Judicial Corruption and Its Challenges to the Administration of Justice in Nigeria. *IJOCLLEP*, *5*, 15.

Abonyi, A. U. (2023). The Protection of Prisoners of War under International Humanitarian Law. *LASJURE*, *4*, 115.

Abonyi, A.U. (2014). An appraisal of the constitutionality of amnesty programme for Boko Haram Sect in

Northern, Nigeria. *Journal of Current Issues in Nigerian Law*, 2.

Abonyi, A.U. (2015). Economic, social and cultural rights: An appraisal. *African Journal of Environmental Justice, 5*(1).

Abubakar, M. (2016). *Osibanjo Canvasses State Police, true federalism*. Guardian News, July, 13, pg 7.

Adinna, I. P., & Onyekwelu, R. A. (2021). Evaluation Of Supervision Related Challenges on The Implementation of National Policy on Secondary Education in Anambra State Nigeria. *Online Journal of Arts, Management and Social Sciences (OJAMSS);* 5(2), pg.272 – 281

Afinotan, & Ojakorotu, (2009). The Niger-Delta Crisis: Issues, Challenges and Prospects. *African Journal of Political Science and International Relations*, *3*(5).

Agbakwuru, J. (2016). *Only Restructuring can save Nigeria*. Vanguard July, 25, pg 43.

Ajayi, O. (2016). *Nigeria's Unity Negotiable: South-South Over exploited*. Vanguard News, July, 11, page 6.

Akam, C. (2011). *Corruption in Nigeria: The Niger-Delta Experience*. Enugu: Fourth Dimension Publishers.

Amaize, E. (2016). *Crude Oil Money Buried in Septic Tanks Under PDP*. Vanguard South South Lens, Vanguard, August, 27, pg 18.

Amaize, E. (*2016). Militancy: Stop Further Hostilities, Traditional Rulers, Stake Holders Tell Agitators*. Vanguard News, August, 20, pg 9.

Anushiem, M.I. & Anushiem, U.M.J. (2023). Leave to Sue a Company in Liquidation Under section 580 of Companies and Allied Matters Act 2020: Imperative for Legislative Intervention. *Frontline Bar Journal (FBJ); 1(2)*, available in google scholar at http:// www. nigerianjournalsonline.com.

Anushiem, U.M.J. (2017). A Constitutionality of the Exclusive Jurisdiction of the Investments and Securities Tribunal (IST). *African Journal of Constitutional and Administrative Law (AJCAL)* 1; 64-77 available in google scholar at http:// www.journals.ezenwaohaetorc.org

Anushiem, U.M.J. (2022). Intervention of Finance Act (2019) as Amended on Taxation of Dividends in Nigeria: A Legal Appraisal' *Nnamdi Azikiwe University, Journal of Commercial and Property Law*, 9 (1); available in google scholar at http:// www.journals.unizik.edu.ng

Anushiem, U.M.J. (2022). The Intervention of Finance Act on Taxation of Non-Resident Companies in Nigeria: An Appraisal', *Chukwuemeka Odumegwu Ojukwu University Journal of Private and Public Law (COOUJPPL)* 4 (1).

Anushiem, U.M.J. (2023). Appraisal of the Prospects for Taxation of Digital Economy in Nigeria', *Unizik Law Journal*, 19 (2), available on online on journals.ezenwaohaetorc.org.

Azinge, E. (2006). *Living Oracle of the Law and the Divination*. Being a Lecture Delivered at Sixth Justice Idigbe Memorial Lecture held on 20th of June, at University of Benin.

Azubuike, O. R. (2024). Perceived Influence of Principal Leadership Styles on Teachers' job Performance in Public Secondary Schools in Awka South LGA. *Top Educational Review Journal;* 15(12);24-32. ttps://zapjournals.com/Journals/index.php/terj

Azubuike, O. R. (2024). Perceived Influence of Welfare Packages on Teachers Job Performance in Public Secondary Schools in Anambra State. *International Journal of Education, Research and Scientific Development;* 5(3), 1-14. https://www.ijresd.org

Biblical *Holy Bible*, New International Version (NIV) (2009). New Jersey: United States.

Brownline, I. (1998). *Principles of International Law*. Oxford: Claredon Press, 5th Edition.

Craven, M.C.R. (1995). *International Convenant on Economic, Social and Cultural Rights: A Perspective of its Development.* Oxford: Claredon Press.

Ekwesianya, A. A. (2022). Principals' school-Community Relationship Management Strategies for School Plant Maintenance in Secondary Schools in Awka Education Zone of Anambra State. *African Journal of Educational Management, Teaching and Entrepreneurship Studies*, *6*(1), 191-200.

Ekwesianya, A. A., Okaforcha, C., & Okeke, N. I. (2020). Principals' Capacity-Building Needs for Conflict Resolution in Secondary Schools in Anambra State. *International Journal of Innovative Science and Research Technology; 6 (5); 513-516.*

Enwezor, C. H. (2021). Relationship Between Principals' human Resource Management Practices and Teachers' job Satisfaction in Secondary Schools in Anambra State. *UNIZIK Journal of Educational Research and Policy Studies*, *2*, 137-150.

Enwezor, H. C. (2021). Perceived Impact of School Climate on Academic Performance of Secondary School Students in Onitsha North Local Government Area, Anambra State. *UNIZIK Journal of Educational Research and Policy Studies*, *4*, 117-136.

Ezeaku S. N (2019). Creative Quality of Educational Managers in functional Education as a panacea to Achieving Sustainable Development in Anambra State, Nigeria. *Journal of Education, Society and Behavioral Science* Vol. 31 (issued) (Pg 1-9).

Ezeaku, S. N. (2025). Instructional Leadership in The Era of Ai: Correlates to Open School Climate in Secondary Schools in Anambra State. *UNIZIK Journal of Educational Research and Policy Studies*, *19*(1).

Ezeaku, S. N., & Okoye, A. C. (2025). Best Strategies for Ensuring a Good Organizational Climate in Secondary Schools in Anambra State. *Unizik Journal of Educational Laws and Leadership Studies*, *1*(1).

Ezejiofor, G. (2005). *The Development of the Concept of Human Rights, Law and Practice, I,* Enugu: Public Press Ltd.

Gasiokwu, M.O.U. (2006). *Legal Research and Methodology-The A-Z of Writing Thesis and Dissertation in Nutshell*. Enugu: Chengo limited.

Hornby, A.S. (2008). *Oxford Advance Learners' Dictionary of Current English*, 8th edition. London: Oxford University Press.

Hussain, I. (1998). *Kashmir Dispute: An International Law Perspective.* Islamabad: St. Printers.

Ibe, I. U. (2019). An Appraisal of The Legal and Administrative Framework for Taxation in Nigeria. *African Journal of Constitutional and Administrative Law*, *1*.

Ibe, I. U. (2022). An Analysis of The Legal Framework for The Administration of Companies Income Tax in Nigeria. *Chukwuemeka Odumegwu Ojukwu University Law Journal*, *6*(1).

Ifueko, O.O. (2012). *A Comprehensive Tax History of Nigeria.* Ibadan: Safari Books Ltd.

Ikhide, E. (2007). *Environmental Protection Law*. Warri: New Pages Law Publishing Co.

Ikien, A.A. (1991). *The Impact of Oil on Developing Country: The case of Nigeria* (Lagos: Evan Brothers Publishers Ltd.

Iloka, P. C., & Nwakoby, C. S. (2025). Examination Of the Legal Rights of Teachers: A Case Study of The Anambra State Legal Provisions. *Unizik Journal of Educational Laws and Leadership Studies*, *1*(1).

Iloka, P. C., & Nwakoby, C. S. (2025). Safety And Security in Managing School Facilities. *Unizik Journal of Educational Laws and Leadership Studies*, *1*(1).

Kimse, O., & Nna, J. (1998). *Revenue Allocation and the Oil Producing States in Nigeria: Perspective of Socio-political and Economic Development in Nigeria*. Owerri: Springfield Publishers.

Leckie, S., & Gallagher, A. (n.d). *Economic, Social and Cultural Rights: A legal Resource Guide*. Philadelphia: University of Pennsylvania Press (PXV)

Liebenberg, S. (2001). *The Protection of Economic, Social and Cultural Rights in Domestic Legal Systems*. Hague: Global Law International.

Mbanefo, G.F., & Edwalkhide, (1998). *Revenue Allocation in Nigeria: Derivation Principle Revisited*. Ibadan: Spectrum Books Ltd.

Nonyem, O. I., & Chimaa, O. C. (2020). Principals' auditing practices as predictors of teachers' job involvement in secondary schools in Anambra State. *African Journal of Educational Management, Teaching and Entrepreneurship Studies*, *1*(1), 1-7.

Nwakoby, C. S., & Iloka, P. C. (2025). Examining Education Law of Torts in Public Secondary Schools in Anambra State. *UNIZIK Journal of Educational Laws and Leadership Studies*, *1*(1).

Nwakoby, C. S., & Iloka, P. C. (2025). Regulatory Challenges in Implementing Digital Education in Anambra State for Sustainable Development. *Unizik Journal of Educational Laws and Leadership Studies*, *1*(1).

Nwankwo, A. A. (2022). Green business strategies and performance of breweries in South-East Nigeria. *International Journal of Innovative Social Sciences & Humanities Research*, *10*(1), 127-138.

Nwankwo, A. A. (2022). Impact of Emerging Digital Technology on Organizational Performance: A Study of Fidelity Bank in Anambra State. *International Journal of Business Systems and Economics*, *13*(5), 156-168.

Nwankwo, I. N. (2022). Management practices for controlling fund wastages and misappropriation in secondary schools In Anambra State. *Unizik Journal of Educational Research and Policy Studies*, *14*(1), 177-190.

Nwankwo, I.N. (2022). Management Practices for Controlling Fund Wastages and Misappropriation in Secondary Schools in Anambra State. *Unizik Journal of Educational Research and Policy Studies (UNIJERPS) 14 (1)*; 177-190.

Obumse, N. A. (2022). Influence of Parents Socio-Economic Factors on Psychosocial Adjustment Levels of Anglophone Adolescents Residents in Burkina-Faso, Francophone Speaking West Africa. Sapientia Global Journal of Arts, Humanities and Development Studies (SGOJAHDS), 5(3) p.g. 147 – 161

Obumse, N. A. (2022). Relationship Between Family Levels of Expenditures and Socio-Cognitive Adjustment Levels of Adolescents in Anambra State Nigeria. *Sapientia Foundation Journal of Education, Sciences and Gender Studies*, *4*(3). pg. 213 – 223

Obumse, N. A. P. (2022). Influence of Parenting Styles and Nurturance on the Psychosocial Development of Adolescents in Enugu State: Implication for Employability and Global Competitiveness in The New Normal. Sapientia Global Journal of Arts, Humanities and Development Studies (SGOJAHDS), 5(3); p.g. 59– 68

Odje, A.M. (2002). *The Challenges of True Federalism and Resources Control in Nigeria*. Benin: Quadro Impressions Ltd.

Ofozoba C. A. (2020), "*A Philosophical Reflection on Gender Inequality and the Status of Women in the 21st Century Nigeria Social Environment".* The International Journal of Humanities & Social Studies; 8(10) DOI No: 10.24940/theijhss/2020/v8/i10/HS2010-036. www.theijhss.com

Ofozoba C.A., Ofozoba O.P. (2023) "*Rule of Law: A Recipe for Sustainable Education in Nigeria".* International Journal of Educational Research and Policy Making (IJERPM); 6 (1),1231-1242.

Ojimba, C. C. (2024). Commercial Dispute Resolution in Nigeria and Selected Jurisdiction; Issues and Prospects. *UNIZIK Journal of Educational Research and Policy Studies*, *18*(2).

Ojimba, C. C. (2024). Effect Of National Industrial Court and Industrial Arbitration Panel in Resolution of Corporate Dispute. *African Journal of Educational Management, Teaching and Entrepreneurship Studies*, *13*(2).

Ojimba, C.C. (2020). Legal Implications of Technology Transfer to Nigeria. *Chukwuemeka Odumegwu Ojukwu University Journal of Commercial and Property Law*, *2*(1).

Okaforcha, C. C., & Iloka, C. P. (2025). Disciplinary Measures as Correlates of Students' misbehaviour in Public Secondary Schools in Anambra State. *UNIZIK Journal of Educational Research and Policy Studies*, *19*(1).

Okaforcha, C. C., & Okeke, I. N. (2020). School Leadership as A Correlate of Teachers' job Satisfaction in Public Secondary Schools in Awka Education Zone of Anambra State. *UNIZIK Journal of Educational Research and Policy Studies*, *1*, 1-7.

Okechukwu, E. (2025). Legal Protections of Teachers for Sustainable Workforce. *Unizik Journal of Educational Laws and Leadership Studies (UNILAWS), 1 (1).*

Okechukwu, E. (2025). Teachers Rights and Responsibilities and Societal Expectations. *Unizik Journal of Educational Laws and Leadership Studies (UNILAWS), 1 (1).*

Okeke, N. I., Okaforcha, C., & Ekwesianya, A. (2019). Attrition and strategies for teacher retention in secondary schools in Anambra State. *Global Journal of Education, Humanities and Management Sciences, 1(1), 148–156.*

Okeke, N. I., Okaforcha, C., & Ekwesianya, A. (2019). Principals' School Self-Assessment Practices for Secondary School Improvement in Awka Education Zone of Anambra State. *Global Journal of Education, Humanities and Management Sciences* (GOJEHMS); 1(1), pg.128 - 136

Okoye, A. C. (2021). Strategies for developing sustainable business education for economic development. *International Journal of Management Studies and Social Science Research*, *3*(2), 76-81.

Okoye, A. C., & Ezeaku, S. N. (2025). Digitalization in Teaching and Learning and The Challenges Hampering Its Smooth Flow. *African Journal of Educational Management, Teaching and Entrepreneurship Studies*, *14*(1).

Olawuyi, D.S. (2013). *The Principles of Nigeria Environmental Law.* Ukraine: Business Perspective Inc.

Onyekwelu, R. A. (2024). Students' use of Search Engines as Correlate of Students Academic Performance in Senior Secondary Schools in Ogidi Education Zone. *Multi-Disciplinary Research and Development Journals Int'l*, *5*(1), 11-11.

Onyekwelu, R. A. (2024). Teachers' Professional Competencies as correlates of Student's Academic Achievement in Public Secondary Schools in Anambra State. AJSTME, Volume. 10 (3); 404-411; https://www.ajstme.com.ng

Onyekwelu, R. A., & Adinna, P. I. (2022). Influence Of Covid-19 On the Nigeria Secondary Education System: Effective Virtual Learning, The Way Forward (A Case Study of Anambra State). *Journal of Educational Research & Development*, *5*(2).

Osegbue, G.C. (2019). Perceived impact of effective educational planning on education system for national cohesion and global competitiveness. *International Journal of Educational Practice (IISTE)*, 10(11), 108-117.

Osegbue, G.C. (2021). Principal' management of students' personnel services for attainment of educational goals in Anambra State. *Journal of Educational Research and Development, 4(1)*, 85-92.

Osegbue, G.C. (2022). Effectiveness of visual video tutoring on students' learning in coping with COVID 19 in the new normal. *International Journal of Educational Practice (IISTE)*, 13(21) 110-122.

Ucheagwu-Okoye, O. M. (2021). The Need for Arbitration as An Alternative Dispute Resolution Mechanism in Tax Disputes Resolution in Nigeria. *Idemili Bar Journal*, *2*.

Ucheagwu-Okoye, O. M. (2025). Role Of School Leaders in Promoting Mental Health Awareness Among Secondary School Students in Anambra State for Sustainable Development. *African Journal of Educational Management, Teaching and Entrepreneurship Studies*, *14*(1).

Ugwaka, K.A. and Igbokwe S.O. (2020). Effect of ration level on the growth and development of clarias gariepinus. *International Journal of Agricultural Research and Food Production*, 5(3); 1-9.

Ugwaka, K.A. and Igbokwe, S.O. (2023). Effect of Phthalates from Plastic Culture Materials on the Growth and Survival of African Catfish. *International Journal of Agricultural Research; 18 (1): 36-44.*