



PULTE INSTITUTE
FOR GLOBAL DEVELOPMENT

Subsistence Right as Basic Human Right: The Violence of Poverty and The Nigerian Example

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part of the Keough School of Global Affairs, University of Notre Dame

3150 Jenkins Nanovic Halls

Notre Dame, Indiana 46556

(574) 631-2940

Website: pulte.nd.edu

Email: globaldevelopment@nd.edu

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INTRODUCTION

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ABOUT THE AUTHOR

Rev. Fidelis A. Olokunboro, a Catholic priest from Nigeria, is a Ph.D. candidate in theology at the University of Notre Dame, Indiana. Fidelis conducts research in Political and Liberation Theologies (Latin America and Africa), Global Catholicism and African Religions, Social Ethics; Critical Race Theory; and Christian Personalism, Poverty Studies, and Catholic Social Teachings. He is a guest columnist with a Nigerian Newspaper, Blueprint, and recently published a book chapter, "African Folk Christianity: A Case of Reformed African Traditional Religion with Creedal Ambiguity or a Valid African Christianity?" (2019).

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POVERTY AND THE PROBLEM OF MEANING: AN INTRODUCTION

Poverty, although an ancient problem, has variegated descriptions. Ancient literature, for example, the Christian sacred literature, is filled with stories of the fear of hunger and its ancillaries like homelessness and sickness. In these biblical stories, poverty could be replaced with another word: hunger (Exodus 23:11). Hunger defines what it means to be poor, and modern literature has retained the problem of hunger as the definitive indicator of poverty.

However, poverty discourse became standardized with early modern authors like Thomas Malthus, Adam Smith, and Henry George.¹ These men did not only set the standard for contemporary discourse on poverty, especially in economics; their thoughts, analysis, and solutions to the problem of poverty are groundbreaking. Moreover, unlike the ancient discourse on poverty, they provided scientific solutions that are still relevant within liberal traditions. Despite the importance of those early modern theories of poverty, contemporary discourse has expanded poverty ideas beyond hunger and economics to multidimensional indicators of poverty and its assault on human rights. That is, with the growing inequality in many nations of the world and its coincidence with violence and conflicts, there are emerging concerns on the connections between poverty, violence, and terrorism, and on the impact of poverty on political participation and other expressions of human rights.²

Poverty as a human rights issue is at the core of this project, especially in Nigeria.³ The human rights concern of this project understands poverty as a combination of maladjustments that disenfranchises the victims from social participation. By “maladjustment,” I refer to a situation of disconnection between social requirements, wants, and supplies.⁴ According to Thandika Mkandawire, poverty so described includes the incapacity to perform essential functions on one hand and poor mobilization of resources on the other hand.⁵ According to Sen and Nussbaum, Poverty as maladjustment is connected to poverty as incapability. Both theories focus on the poorly situated human person and the incapacity of such persons to function optimally to his/her potential within time and space. Moreover, both theories (especially the capability approach) crystalize the right narrative in poverty discourse by establishing that maladjustment and incapacitation are problems of equity when poverty is socially triggered.

As such, the trajectory of this project will start with establishing in a general sense the maladjustment, incapability, and human rights consequences of poverty; that is, lay out the philosophical underpinnings of poverty as maladjustment, incapability, and assault on human rights. It will transition into data analysis and evidence of poverty in Nigeria, highlighting the triggers of Nigerian poverty and the implications of those triggers. Finally, the project will conclude with policy proposals that can rescue Nigeria from the claws of debilitating poverty.

¹ See Thomas Malthus, *An Essay on the Principle of Population; or, a View of Its Past and Present Effects on Human Happiness* (London, New York: Ward, Lock, and co., 1890). Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* (London: A. Strahan and T. Cadell, 1796). Henry George, *Progress and Poverty; an Inquiry into the Cause of Industrial Depressions, and of Increase of Want with Increase of Wealth; The Remedy* (New York: H. George and Co., 1886).

² David Grusky, Ravi Kanbur, “The Conceptual Foundations of Poverty and Inequality Measurement” In *Poverty and Inequality*, eds. David Grusky, Ravi Kanbur (Stanford, California: Stanford University Press, 2006), 1.

³ There are two ways to poverty as a human right issue. First, poverty is a denial of human rights or right to an adequate standard of living; I will also refer to this right as subsistence right. By subsistence right, I refer to those biological, social requirements and entitlements that enable the human person to live and exist with dignity and the possibility to advance themselves, which distinguish them from other non-human beings. Second, poverty is that which makes many human rights (for example, right to association and security, especially life) out of the reach of the poor. This paper pays attention to both ways of the “rights-based approach to poverty” since the loss of the right to an adequate standard of living would trigger the loss of other rights. I will describe below how poverty is a trigger of the loss of other human rights. My analysis aligns with the United Nations’ description of poverty as a human rights issue. See “Special Rapporteur on Extreme Poverty and Human Rights,” United Nations, Accessed July 2021, <https://www.ohchr.org/en/issues/poverty/pages/srextremepovertyindex.aspx>. On the right to an adequate standard of living, see, “International Covenant on Economic, Social and Cultural Right,” United Nations, Accessed July 2021, <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.

⁴ My description extrapolates from the Oxford Poverty and Human Development Initiative (OPHI) multidimensional approach to poverty. Like the OPHI description of poverty, this paper articulates poverty beyond income deprivation. Instead, it sees poverty as multiple deprivations. I will outline some of those deprivations below. See “Policy- A Multidimensional Approach,” OPHI, Accessed July 2021, <https://ophi.org.uk/policy/multidimensional-poverty-index/#:~:text=Multidimensional%20poverty%20encompasses%20the%20various,are%20environmentally%20hazardous%2C%20among%20others.>

⁵ Thandika Mkandawire, “Thinking About Developmental States in Africa,” *Cambridge Journal of Economics* 25, no. 3 (2001):306.

POVERTY AS MALADJUSTMENT OR ENFORCED INCAPABILITY AND HUMAN RIGHTS CONCERNS

Poverty as maladjustment or incapability questions the appropriateness of “space of income” as the principal measure of poverty.⁶ To be poor is not only about low income, but also includes lack of access to other social goods like education and health. This measure of poverty is propelled by the capability theory of Amartya Sen, Martha Nussbaum, and the maladjustment theory of Thandika Mkandawire. Sen notes that the concept of “space of income” is, without a doubt, crucial to poverty assessment. The economic crisis is intimately connected to income decline. Moreover, income is a general-purpose means that is crucially linked to some entitlements like food since food deprivation is often a consequence of income decline, even when food deprivation is a product of famine.⁷

However, since the opposite of poverty is human development and freedom to choose from alternatives, then income could only be one of the indices of assessment. Income in itself only has instrumental value. High income makes no sense when it cannot enhance the wellbeing of the earner. To decipher good human living and development would demand other means that will enable human functioning. Other indices, like access to good health, education, and freedom of person, must be constellated to assess human deprivation.⁸ As such, to be poor is the lack of access to human development, enhancement of human living, and tools of capabilities for social participation.

Using the theory of “plural grounding,” Sen argues that the capabilities of one to choose from a variety of options, the ability to choose one's freedom, is the meaning of wellbeing and the opposite of poverty.⁹ In other words, poverty is

not just a lack of one essential but many essentials which constellate to deny freedom and wellbeing to the person. Freedom means that people choose what they want to do and the process with which they want it. That is, they select the process to achieve those ends. As such, freedom means the availability of opportunities and methods. On the other hand, opportunity means that the one that chooses has other options but chooses the one s/he wanted, like a meal on a menu. Also, the one that chooses is unrestrained in the processes available to him/her.¹⁰ However, the human capacity to use and access freedom and opportunities requires human development processes that require some social essentials like access to health, education, food, and electricity. There is no way to human freedom (without which there is no wellbeing) without education, and education requires that the learner has a healthy mind and body (food/health). To lack these essentials makes access to freedom to choose and the constellation of opportunities difficult for the human person. In other words, poverty does not only deny some material necessities, like food or shelter; it denies freedom to the poor.

A person's inability to access those social essentials highlighted above is multidimensional poverty (MDP) which constellates into incapability. MDP focuses on non-monetary poverty like lack of water, poor sanitation, poor nutrition, lack of electricity, lack of education, absence of good-paying jobs, etc., because some indicators (like electricity) are beyond income.¹¹

In MDP, all indicators are important and interlinked because their gradual erasure increases the agency and human development of the poor. For example, a family that suffers from nutrition is vulnerable to child mortality and out-of-school children. However, an illiterate mother

⁶ Amartya Sen, “Conceptualizing and Measuring Poverty,” in *Poverty and Inequality*, eds David Grusky, Ravi Kanbur (Stanford, California: Stanford University Press, 2006): 33.

⁷ *Ibid.*, 33-34.

⁸ *Ibid.*, 34.

⁹ Sen uses the concept of plural grounding as a counterargument against John Rawls' *Theory of Justice* that reposes justice in the singularity of a strong, fair, and transcendental structure of justice that guarantees the liberty of all. While liberty is crucial to Sen's concept of justice, his argument suggests that the individual's enablement to choose liberty precedes the choice of liberty. The enablement is what he calls capabilities, which is the availability of information and primary goods - especially access to education - that provides citizens with various ways of wellbeing such that citizens make their choices without structural or government imposition. See *The Idea of Justice* (Cambridge, Massachusetts: Belknap Press of Harvard University Press, 2009), 2, 6-7, 12-13, 19, 78-80. The analysis of plural grounding is foundational to Sen's analysis of the description of poverty. As such, to be poor cannot be determined solely by income; instead, it includes a lack of access to other social goods and the ability of one to choose from available options.

¹⁰ *Ibid.*, 228-9.

¹¹ Oxford Poverty and Human Development Institute “Global Multidimensional Poverty Index 2020” http://hdr.undp.org/sites/default/files/2020_mpi_report_en.pdf, 10-11. Accessed April 2021.

without clean water or electricity, but with kids in schools with access to nutrition, is more likely to escape the poverty trap in the future than a mother with all the indicators and with out-of-school children.¹² Also, with MDP, tracking the growth of communities towards the SDG goal of eradication of poverty is more accessible, and the complexities of the lives of the poor are more visible.¹³ MDP makes Sen's plural grounding understandable and the process to achieve the agency of the poor clearer.

Martha Nussbaum, whose thoughts align with Sen's, outlines the social and government responsibility for the erasure of MDP. For her, there are two levels of capabilities. The first level is a universal demand for all human persons as a social and government responsibility. Every human person deserves some nurturing to reach his/her full functioning potential; as such, it behooves the community to provide the nurturing. The nurturing includes education and health provisions (nutrition, sanitation, etc.) for the child. The first level of capability is a universal requirement and cannot, as such, be gendered. While the government and the community provide the first level of capability, it cannot dictate its usage.

The second level of capability, whose quality depends on the quality of the first capability, is about personal choices. Although these choices are often informed by social affiliation, they are personal since they are presumably practical reasonings. These choices include, but are not limited to, a personal decision in view of good health, ability to avoid unnecessary and unbeneficial pain, being able to be social, attachment to things outside of the self (live for others, live for other non-human creatures), being able to live one's life and no one else's (non-interference). To lack any of these capabilities is to fall short of being a good human life.¹⁴

Sen and Nussbaum's description of the first level of capability as a universal requirement provide a social and human rights lens to poverty alleviation. It means to possess personal agency demands some social essentials, implying that the

one who protects the right to freedom must guarantee the essentials to access freedom.

THE ARGUMENT FOR A RIGHTS BASED APPROACH TO POVERTY: HUMAN DEVELOPMENT (SUBSISTENCE) RIGHT AS BASIC RIGHT TO LIFE

If the first level of capability is human development (the opposite of poverty), and the first level of capability must be socially guaranteed, it implies that human development is a right and, as such, poverty is an assault on the right and a problem of equity and justice. Rights are a rational basis for justified demand, the ability to demand and enjoy a particular thing. A right is a right to enjoy something, not a right to enjoy a right. And it is the responsibility of a society to guarantee that rights are enjoyed. A right is not fulfilled by its proclamation but when an arrangement has been made for its fulfillment. By arrangement, I mean the concrete structures that guarantee the enjoyment of rights.¹⁵

Some rights are fundamental. They are a shield to protect the helpless against those things that deny them particular enjoyment. They are attempts to give the powerless some veto over forces that may harm them. They are basic also because they are moral depth beyond which no one can go into a descent, that no self-respecting human being will accept anything less. They are fundamental because they are those which guarantee other rights; as such, they cannot be denied in favor of other (non-basic rights). To deny basic rights in favor of non-basic is self-defeating since they are the foundation. Other rights can be secured and enjoyed when the basic is guaranteed and enjoyed. Moreover, they are intrinsically valuable.¹⁶

Right to human development, that is, subsistence right, is basic. It means that everyone has the right to minimal economic security like health, food, shelter, clothing, and clean water. Subsistence is an inherent necessity because the freedom to associate and to safety is dependent on it. Moreover, subsistence is basic because the lack of it is

¹² Ibid., 20-21, 24.

¹³ Ibid., 1.

¹⁴ Martha Nussbaum, "Human Capabilities, Female Human Beings," *Women, Culture, and Development: A Study of Human Capabilities*, eds. Martha Nussbaum, Jonathan Glover (Oxford: Clarendon Press, 1995), 81,82,84-86.

¹⁵ Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy* (Princeton, N.J.: Princeton University Press, 1980), 15-17.

¹⁶ Ibid., 19-20.

incapacitating and depriving; but its guarantee prevents people from vulnerability.¹⁷

There are debates on the justiciability of subsistence rights. Some argue that subsistence right is a positive and secondary right and must not necessarily be socially guaranteed. The notion holds that positive right is secondary since it demands people to act, whereas basic rights in themselves are guaranteed by refraining and, as such, negative. For example, the basic right to liberty, safety, or life demands that one refrains from acting in a way that puts others in danger of losing their lives, freedom, or safety. Rights that are primary and basic are foundational to others and are guaranteed by refraining and not necessarily by acting. To act to ensure a particular right of the other makes the right secondary since possessors of rights are primarily obligated to themselves.

However, “doing”/ “acting” is not always in view of positive rights; negative rights also demand “doing.” To guarantee the safety and liberty of others, a security apparatus needs to be set up, and such setup entails heavy expenditure. For example, operating a police structure or a court system requires funds often generated through taxation. Taxation in this context is “doing”/ “acting” of all citizens, some of whom have the capacity to secure themselves. Moreover, the operational efficiency of the structures demands activities of persons, police officers, attorneys, judges, etc. It implies that for some to refrain from harming others, some “doings” are necessary.¹⁸

Furthermore, the redundancy in the distinction between positive and negative rights is expressed in the fact that poverty (as lack of access to health and nutrition) violates the right to life in a similar manner as active violence does. Poverty violates the body slowly and passively, unlike active violence. However, both achieve the same goal of annihilation of the body and life. Poverty causes injury to the health and wellbeing of others, and as such, is situated within the framework of other physical acts (murder, assaults) that cause bodily injury and can result

in the disintegration of the body and annihilation of life.¹⁹ It implies that if structures are necessary to protect life from harm, those structures must be able to protect citizens from the harm of poverty since poverty harms people.

The fundamentality of subsistence rights is reflected in the way violence of poverty violates one or more human rights surreptitiously. As a form of deprivation of basic human needs, the deprivation by poverty can initiate a domino effect that could cause the loss of other human rights. The absence of subsistence can generate the loss of rights to liberty and security since the homeless poor are insecure and vulnerable to many forms of exploitation.

Also, since basic rights are predicated on the notion of human dignity, subsistence right is basic and primary because poverty is a violator of human dignity. The unique nature of the human person is summarized in the words “human dignity.” Dignity, as a word, has a feminine Latin root dignitas, which could mean merit, prestige, or worthy in other instances.²⁰ The nuances of “merit” and “worthy” naturally conjure a sense of entitlement and also trigger a question that gets to the relationship between God's image in human beings and human dignity. That is, if merit and worthiness (as synonyms of dignitas) are ascribed to every person from conception, it can only mean that human entitlement is grounded in the values beyond them, being created in God's image. As such, human beings are entitled to some worth just because they are human beings created in God's image.

The nuances of merit and worthiness also trigger another implication. To merit and be worthy of something provokes the logic of aversion; that is, some things are inadmissible to the state of merit and worthiness. In other words, the dignity of the human person implies that some things are inadmissible to the state of being human. Those things that are inadmissible to the state of being human are also things that do not affirm the intrinsic quality of human life. Life in time, though irreducible to time since human life is a participation in God, the eternal, should operate within

¹⁷ Ibid., 27, 30.

¹⁸ Ibid., 37-39.

¹⁹ Josephine Allen “Poverty as a Form of Violence” In *The Journal of Human Behavior in the Social Environment* 4, no 2-3, (2001): 47-48. Poverty is easily classified as violence because it falls into one of the three ways violence occurs: omission, repression, and alienation. Violence by omission relates to non-action that makes violence possible. This may come as maldevelopment in children or being made invisible in the case of a vulnerable adult. Violence by repression refers to that conscious act to cause harm or fear. And violence by alienation refers to the social estrangement that violates and mal-develop its victims. Poverty as passive violence covers all of the above categories and consumes the whole of the person.

²⁰ Frederick M. Wheelock, Richard A. Lafleur, *Wheelock's Latin* (New York, NY: HarperCollins Books, 2011), 522.

time through those things that highlight the quality of life. That is, the qualities of those time-bound objects that human life uses to participate in the divine life of God must be lenses to understand the depth of the intrinsic quality of human life. The implication of the relationship between time-bound objects and the inherent quality of human life is that what is poor is inadmissible to the state of being human since “poor” as the quality of an object is opposed to the intrinsic quality of human life. As such, hunger, homelessness, lack of capacity to care for the self, by their mediocrity or substandard nature, are anachronistic to human life. These lack assault the “incomparable worth of the human person,” which makes the person irreducible to their immediacy or temporality.²¹ They are conditions that are less human.

Although human dignity is an intrinsic quality of the human person, it has corporeal implications in the way human beings have or are denied access to basic human needs. When the human person lacks basic material needs that he or she merits for being human, the lack questions the worth of the poor in a way the worth of one with access to basic needs is not questioned. As such, to tacitly endorse a context that permits the prioritization of the human dignity of some against the other through the distinction of positive and negative rights is to advocate a context of unequal entitlements. “Human rights are indivisible. All rights are equal and cannot be separated. So right to life requires steps to reduce infant mortality, epidemics, and malnutrition.”²²

The social guarantee of subsistence right implies that the community provides a structure that restrains others from denying the vulnerable such rights and the structure aids the vulnerable to enjoy the right and protects all to enjoy the right. It is at the expense of the liberty of persons, stability of the community, and its structures when subsistence is

guaranteed for some and not the others. Moreover, it is a mockery of a social structure to organize a society where the vital interests of some are threatened by the activities or excesses of others.²³

The social guarantee of subsistence right affirms the moral obligations of all. People are accountable for the wellbeing of others in the measure they are capable of extending such requisite assistance, even if assistance is simply an act of “refraining.” Refraining or acting in view of the subsistence right is a perfect obligation, that is, moral obligation. The end of society is the perfection of the individual; as such, there is the need for society to supply persons with those things needed to fulfill their perfection.²⁴

That something is a moral obligation has two interrelated meanings. First, that something is moral means that it is right and due. Right means something which by itself has merit, that is, intrinsically worthy. Right also functions as that which is due to the other. In other words, right is *ius*. Second, from the notion of moral or right proceeds the obligation. That something is by itself worthy, and it is an entitlement from one to the other, makes it obligatory on one to do that which is right by the other. This obligation demands the intervention not only of the community but of the state since it is its duty to encourage the performance of obligations.

The moral obligatory foundation of subsistence right justifies the submissions of the United Nations Human Rights Commission. The commission notes that States must recognize the fundamental right of everyone to be free from hunger and to access an adequate standard of living which includes adequate food, clothing, housing, and continuous improvement of living conditions.²⁵ That the State recognizes the subsistence right one implies that the State must protect such right.²⁶ This implies that poverty is

²¹ Pope John Paul II, “*Evangelium Vitae*,” http://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae.html, 2.

²² Amnesty International “Human Rights for Human Dignity” <https://www.amnesty.org/download/Documents/8000/pol340012014en.pdf>, 17. Accessed April 2021.

²³ Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy*, 61-63.

²⁴ Albino Barrera, *Economic Compulsion and Christian Ethics* (Cambridge: Cambridge University Press, 2005), 162.

²⁵ United Nations Human Rights “International Covenant on Economic, Social and Cultural Right,” article 11. Accessed July 2021.

²⁶ Recognizing subsistence right and simultaneously making it non-justiciable is a contradiction. What is a right if it cannot be enjoyed, protected, and justiciable when infringed. The Nigerian constitution harbors this contradiction. It recognizes the economic rights of the citizen and simultaneously makes it non-justiciable. For more analysis on the non-justiciability of economic rights in Nigeria, see Oyelowo Oyewo, *Constitutional Law in Nigeria* (The Netherlands: Wolter Kluwer, 2019), 199-200.

a failure of the State to protect a person's entitlement and subsistence right. As such, a context of debilitating poverty is a context of policy problems on the rights of individuals or policy execution problems.

THE EVIDENCE AND CONTRADICTION OF NIGERIAN POVERTY: STATISTICAL ANALYSIS

Nigeria is the most populous black nation in the world, with a population of 200.963 million people.²⁷ It shared colonial history with many other African nations except that its imperialists were the British until 1960. Nigeria is a model of heterogeneity in Africa. There are 371 tribes in the country, some of which were nations and empires before colonialism.²⁸ Although Nigeria's most significant resources are its people, it does not lack invaluable natural resources like fossil fuel, metallic minerals (zinc, iron ore, gold), radioactive minerals (uranium), and many non-metallic minerals. Moreover, its lands are highly agricultural for food crops and cash crops like rubber and cotton.²⁹

It would seem that a country with such resources should not have poor citizens. However, a report shows that Nigeria is the new center of world poverty.³⁰ The Nigerian data bureau, the National Bureau of Statistics (NBS), affirms the Nigerian poverty status. It notes that 40.1 percent of the Nigerian population lives below the poverty line. NBS statistics are lower than that of the World Bank, which puts the Nigerian poverty rate at 53.5 percent, and the Norwegian Agency for Development, which puts it at 62 percent.³¹

The NBS statistics are lower because the bureau could not access the poverty index in Borno State in northeastern Nigeria due to the Boko Haram insurgency and human displacement. However, the Organization for Economic Development (OECD) notes that there are about 3.2 million people in Borno State who need food and nutrition as of 2017.³² This implies that close to or over 100 million Nigerians live below the poverty line. And by NBS' measurement, 82.9 million Nigerians live below the poverty line. To live below the poverty line is to live below \$1.90 a day or 137,430 (\$340) Naira a year, according to NBS.³³

NBS uses three approaches for its measurement. First, absolute poverty, which looks at the cost of basic needs like a calorie threshold of 3,000 per person per day, non-food needs, and aggregate of food and non-food needs. Second, measuring household expenditures where less than two-thirds of the poverty line is considered poor and above two-thirds of the poverty line is non-poor. The third is the dollar per day, which sets poverty as \$2 a day and \$1.25 a day as extreme poverty. The recent NBS report uses the absolute poverty measurement transmuted into numbers since it suits international standards.³⁴

The NBS measurement, with particular attention to education, employment, health, and clean water, shows that Nigeria is in bad shape. About 66.17 percent of men and 34.72 percent of women have no education or less than elementary education. Only 41.25 percent of men and 26.93 percent of women have elementary education. Only 25 percent of men and 14.8 percent of women have secondary education, while 18.13 percent of men, 5.66

²⁷The World Bank, "Nigeria" <https://data.worldbank.org/country/nigeria>. Accessed October 2020.

²⁸The Vanguard, <https://www.vanguardngr.com/2017/05/full-list-of-all-371-tribes-in-nigeria-states-where-they-originate/>. Published May 10, 2017. Accessed October 2020. Toyin Falola, *The History of Nigeria*, (WestPoint: Conn, 1999), 19-21.

²⁹Falola, 8.

³⁰CNN, "Nigeria overtakes India in Extreme Poverty Ranking," <https://www.cnn.com/2018/06/26/africa/nigeria-overtakes-india-extreme-poverty-intl/index.html>. Published June 26, 2018. Accessed October 2020.

³¹National Bureau of Statistics, [https://nigerianstat.gov.ng/elibrary?queries\[search\]=poverty](https://nigerianstat.gov.ng/elibrary?queries[search]=poverty). file:///C:/Users/fidelis/Downloads/2019%20POVERTY%20AND%20INEQUALITY%20IN%20NIGERIA.pdf. Accessed October 2020. World Bank Group, <http://povertydata.worldbank.org/poverty/country/NGA>. Accessed October 2020. Norwegian Agency for Development Corporation (Norad), <https://norad.no/en/front/countries/africa/nigeria/>. Accessed September 2020. The assessment of Norwegian Aid Development is helpful in this instance since it has been part of the Nigerian economy since 1962, during the Nigerian civil war.

³²OECD: "Nigeria," <https://www.oecd.org/countries/nigeria>. Accessed October 2020.

³³National Bureaus Statistics, "2019 Poverty and Inequality in Nigeria: Executive Summary," [https://nigerianstat.gov.ng/elibrary?queries\[search\]=poverty](https://nigerianstat.gov.ng/elibrary?queries[search]=poverty). Accessed October 2020.

³⁴National Bureau of Statistics: "National Poverty rates for Nigeria: 2003-04 (Revised) and 2009-10 (Abridged Report)."

percent of women are college graduates in Nigeria.³⁵

The unemployment rate is 27.1 percent, underemployment is 28.6 percent, and youth unemployment and underemployment are scarily high at 34.9 percent.³⁶ In its 2021 post-COVID evaluation, youth unemployment and underemployment rose to 33 percent and 42.5 percent, respectively.³⁷ In its agricultural employment, the national average is 58.76 percent among men and 37.75 percent for women. While it seems that a lot is happening in the Nigerian agricultural sector, productivity is low because the sector is less mechanized and more subsistent. The difference between agricultural employment in the urban cities (men 30:11, women 27:96) and rural towns (men 63:20, women 39:02) confirm the low productivity of the sector.³⁸

Complicating the Nigerian poverty situation is its low budget on basic essentials that could reduce the poverty index. Education is poorly funded despite the huge number of out-of-school children and low literacy levels in the country. Education has 6.7 percent of the 2019 budget (recurrent and capital).³⁹ The health sector is also poorly funded despite the country's dilapidated health infrastructure. The World Health Organization puts life expectancy in Nigeria at 53-56 years. The probability of dying under five years is 120 from 1,000 births and 318/368 in 1,000 births for ages 15 -60.⁴⁰ Nigeria has one of the lowest Diphtheria, Tetanus, Pertussis DTP 3 coverage globally. And in comparison with the Democratic Republic

of Congo, Ethiopia, and Pakistan, Nigeria suffers a higher child mortality rate.⁴¹ The health trap is also tightened in the Nigerian 2020 budget. It allocates a paltry 469.29 billion naira (about \$1.2 billion) to the health sector in a budget of 8.92 trillion naira (\$23 billion) and for a population of 200 million people.⁴²

Access to clean water complicates the health challenges of Nigerians, especially among children in rural areas. "Only 26.5 percent of the population use improved drinking water sources and sanitation."⁴³ The reality stunts the growth of an average Nigerian child, with a productive quality of 36 percent when he or she becomes an adult.⁴⁴ These deprivations are more pronounced in the north and rural areas of the country than in the south and the urban regions.⁴⁵

Among the 47 countries with a high rate of multi-dimensional poverty, Nigeria is one of the 14 countries that are off track in reducing their multidimensional poverty index. There are ten indicators of MDP: nutrition, child mortality, years of schooling, school attendance, access to cooking fuel, sanitation, drinking water, electricity, housing, and assets. More Nigerians lack these necessities than Sierra Leoneans.⁴⁶ As such, Nigeria is far from realizing two of the seven Sustainable Development Goals that are intimate with MDP.⁴⁷

The doom-laced statistics necessarily trigger the "why" question. Why is Nigeria poor? International organizations and scholars have engaged this question for decades. Still, its

³⁵ National Bureaus Statistics, "2019 Poverty and Inequality in Nigeria: Executive Summary," 20.

³⁶ "National Bureau of Statistics," <https://nigerianstat.gov.ng/page/data-analysis>. Published August 2020, Accessed October 2020.

³⁷ National Bureau of Statistics, <https://www.nigerianstat.gov.ng>. Accessed April 2021.

³⁸ "National Bureaus Statistics, "2019 Poverty and Inequality in Nigeria: Executive Summary," 21.

³⁹ Budget Office: "Highlights/Breakdown 2020 Approved Budget," <https://budgetoffice.gov.ng/index.php/highlights-breakdown-of-the-2020-approved-budget?task=document.viewdoc&id=736>, 24-25. Accessed October 2020.

⁴⁰ WHO, "Nigeria," <https://www.afro.who.int/countries/nigeria>. Accessed October 2020. World Bank, "Nigeria Human Capital Index," https://databank.worldbank.org/data/download/hci/HCI_1pager_NGA.pdf?cid=GGH_e_hcexternal_en_ext. Published September 2020. Accessed October 2020.

⁴¹ Oxford Poverty and Human Development Institute "Global Multidimensional Poverty Index 2020," 19. Accessed April 2021.

⁴² Budget Office, "Highlights/Breakdown 2020 Approved Budget," <https://budgetoffice.gov.ng/index.php/highlights-breakdown-of-the-2020-approved-budget?task=document.viewdoc&id=736>, 24-25. Accessed October 2020.

⁴³ UNICEF, "Water, sanitation, and Hygiene," <https://www.unicef.org/nigeria/water-sanitation-and-hygiene>. Accessed October 2020.

⁴⁴ World Bank, "Nigeria Human Capital Index."

⁴⁵ National Bureau of Statistics, "2019 Poverty and Inequality in Nigeria: Executive Summary," 14-16.

⁴⁶ Oxford Poverty and Human Development Institute "Global Multidimensional Poverty Index 2020" 4,16. Accessed April 2021.

⁴⁷ *Ibid.*, 21.

relevance is in the fact that the problem of poverty persists despite the enormity of human and natural resources in Nigeria. As such, I will attend to the "why" question in the following section.

THE TRIGGERS AND THE CONSEQUENCES OF THE NIGERIAN POVERTY

Considering the co-existence of absolute poverty with the deposit of human and natural resources, many Nigerians assume that Nigeria is not poor but poorly managed. Its poor management is due to weak institutions and a small kleptocratic ruling elite.⁴⁸ Among the 49 countries evaluated by Transparency International, Nigeria is near the bottom region with a score of 25/100; while the lowest score, 12/100, was earned by Somalia and South Sudan. The Nigerian score is worrisome because the countries with the lowest score, Somalia and South Sudan, are two war-wearied countries, unlike Nigeria. Moreover, the Nigerian context is despicable to the extent that state officials hoarded COVID-19 medications.⁴⁹

Corruption undermines sustainable economic, political, and social development. It endangers productivity by setting incentives to allocate resources to unproductive activities and, as such, deterring innovation and the emergence of new innovators. It hinders public sector productivity by biasing decisions in public expenditures, impairing skills and professionalism of the civil service, and wasting public resources meant to boost the economy. It undermines opportunities for equal participation in the economy and the political life of the community; it erodes trust in government and public institutions.⁵⁰ Moreover, with corruption, valuable resources for public infrastructures are denied since the volume, and the composition of government expenditures and revenues are impacted. And the poor suffer more from the poorly funded infrastructures for essential services, and such context creates unjust wealth inequality.⁵¹

In its 2017 report, Oxfam International identified misallocation, misappropriation, and corruption as the causes of Nigerian poverty. The overlap between political and economic interests bends resources and policies in favor of the rich and wealthy elite and creates a scandalous wealth inequality. A wealthy Nigerian can make 8,000 times a day what the poor spend on basic needs. The depth of wealth inequality in Nigeria is such that four Nigerian billionaires have more than enough to lift 2 million Nigerians out of poverty. The total wealth of four billionaires is \$29.9 billion. It will take \$24 billion to lift 2 million Nigerians out of poverty.⁵²

The concern is not only about the size of the wealth of Nigerian billionaires, which contrasts the poverty of millions of Nigerians, but disconcerting is that the billionaires are beneficiaries of the Nigerian system that squeezed the poor to feed the rich. It complexified Nigerian poverty as the number of poor people increased amid a growing economy.⁵³

The regressive Nigerian tax system is one symptom of the inanity of Nigerian poverty. The Nigerian rich pay less tax percentage than the Nigerian poor. The wealthy Multinationals, corporate bodies, and principal industrialists receive questionable tax waivers through their cronies among the political class. Some of these companies use tax loopholes in the Nigerian tax system to move funds abroad to avoid taxation. On the other hand, the peasants, the street hawkers, low-income market laborers are overtaxed by the state, local government, and the unions in the name of internally generated revenue (IGR). Many times, tax demands on the medium and small-scale laborers come with human rights violations.⁵⁴

Another example of the depraved economic systems is the bloated and prohibitive cost of maintaining the government structures, as well as the elite control of government policies and structures.⁵⁵ Nigeria has the world's highest-paid

⁴⁸ Ngozi Okonjo Iweala, *Fighting Corruption is Dangerous, The Story Behind the Headlines* (Cambridge, Massachusetts: The MIT Press, 2018), xvii.

⁴⁹ Transparency International "CPI 2020: Sub Saharan Africa" <https://www.transparency.org/en/news/cpi-2020-sub-saharan-africa>. Accessed April 2021.

⁵⁰ OECD, "Putting an End to Corruption" <https://www.oecd.org/corruption/putting-an-end-to-corruption.pdf>, 1. Accessed April 2021.

⁵¹ Ibid., 3. OECD, "Issues Paper on Corruption and Economic Growth" <https://www.oecd.org/g20/topics/anti-corruption/Issue-Paper-Corruption-and-Economic-Growth.pdf>, 3. Accessed April 2021.

⁵² Oxfam International, "Inequality in Nigeria: Exploring the Drivers" https://www-cdn.oxfam.org/s3fs-public/file_attachments/cr-inequality-in-nigeria-170517-en.pdf, 9. Accessed March 2021.

⁵³ Oxfam International, "Inequality in Nigeria: Exploring the Drivers" https://www-cdn.oxfam.org/s3fs-public/file_attachments/cr-inequality-in-nigeria-170517-en.pdf, 4, 9. Accessed July 2021.

⁵⁴ Ibid., 17, 23.

⁵⁵ Ibid., 27-30.

lawmakers. A Nigerian lawmaker is entitled to an average annual income of \$174,000. There are over 600 Nigerian lawmakers in both houses of representatives and the senate. Some Nigerian economists have raised legitimate concerns about the maintenance cost of Nigerian democracy. The two former governors of the Central bank of Nigeria, Charles Soludo and Lamido Sanusi, called attention to the anti-development nature of the cost of governance in Nigeria. Lamido noted that about 70 percent of the country's revenue goes into the salaries of political appointees and top members of the civil service structure. Soludo was also clear that the number of parastatals and the MDAs funded with the Nigerian revenue stifle the economy since less of Nigerian income goes into the development of infrastructures that could galvanize the economy.⁵⁶

The wasteful government spending and unnecessary increase in government financial activities are complicated with the fleecing of the nation through the Nigerian constitution.⁵⁷ For example, lawmakers use their constitutional roles regarding budget approval to fleece the nation. In the budget approval process, the legislature is concerned about three things: the size of its own budget, the nature and the size of the capital projects, and the geographical locations of the projects. Lawmakers at times demand an increase in their budget allocation to approve the national budget. In 2005, a situation of bribe for budget unfolded in the budget relationship between the executive and legislature. The legislature education oversight committee solicited a bribe from the ministry of education to guarantee easy passage of their budget. Although the scandal blew out, it was tackled

by the Nigerian graft agency and the President, Olusegun Obasanjo. However, the conduct has since deteriorated.⁵⁸

Also, a Nigerian governor can appoint political appointees as many as 924 aides.⁵⁹ The bloated compensations for elected officials co-exist with some states' inability or reluctance to execute the federal policy on the new minimum wage of about \$63 (30,000 Naira) a month.⁶⁰ It is not unusual for states to owe many months-salaries to their civil servants and other state government workers.

The Nigerian constitution affords state governors massive autonomy on the use of state revenues and oversight duties of the local government revenues.⁶¹ These revenues are mostly drawn from federal accounts through a means called monthly allocation. The federal government earns oil revenues, value-added tax on behalf of Nigeria and shares those revenues with the thirty-six states monthly for the running of the states. The states' governors superintend over the revenues, and some of those are meant for the local governments. In an obvious situation of fiscal irresponsibility in the diversion of state or local government funds for personal or political use, the governors are protected by the constitutional immunity clause that makes it difficult to hold them to account while in office. Moreover, in most cases, the state legislatures are weak to act against an unruly governor and are mere appendages of the executive. With little or no transparency on the state income and expenditures, coupled with the mass constitutional power of autonomy and oversight, the people are at the mercy of a Nigerian state governor.⁶²

⁵⁶ Channels Television "The Cost of Governance in is Outrageous" https://www.youtube.com/watch?v=a_wpRVqu1lk. Accessed April 2021. Council on Foreign Relations "Nigeria's High Cost of Governance" <https://www.cfr.org/blog/nigerias-high-cost-governance>. Accessed April 2021.

⁵⁷ There is suspicion of an exchange of favors between the executive and the legislature. Such exchanges may come through their constitutional roles like budget preparation and approval. Some Nigerians saw the massive 2020 budget allocation for the national assembly by the executive as a reciprocity of favor from the executive to the legislative arm. The Guardian "Outrage as Buhari Budgets N128billion for the National Assembly" "October 08, 2020. <https://guardian.ng/news/outrage-as-buhari-budgets-n128-billion-for-national-assembly/>. Accessed July 2021. See also Vasudev Das, "Kleptocracy in Nigeria." *Journal of Financial Crime* 25, no. 1 (2018): 57-69.

⁵⁸ Ngozi Okonjo Iweala, *Fighting Corruption is Dangerous, The Story Behind the Headlines*, 72-73.

⁵⁹ *Ibid.*, 32-33.

⁶⁰ Vanguard, "N30,000 Minimum Wage: 'Labor union Draws the battle Line with states,'" <https://www.vanguardngr.com/2021/01/n30000-minimum-wage-labour-draws-battle-line-with-states/>. Accessed March 2021.

⁶¹ See Oyelowo Oyewo, *Constitutional Law in Nigeria* (The Netherlands: Wolter Kluwer, 2019), 176-77, 181-183. Oyewo notes that the autonomy of the local government was nonexistent prior to the local government reform decree of 1976. The 1979 constitution affirmed the autonomy and provided for the autonomy and separation of the local government from the state government. The local government autonomy was retained in the 1999 constitution. However, the "states government are required to, by the law of the state house of assembly provide for the establishment, structure, and composition, finance and functions of local government." This makes the power of the State government over the local government wide. However, the constitution provides for the limitation of such power over the local government. Nonetheless, state governors backed by their houses of assembly have sacked elected local government officials, only to be returned by the courts after many months of a court process.

⁶² Ngozi Okonjo Iweala, 55-56.

Also, cronyism among the political elite consolidates corruption where public resources are looted without consequence, public properties sold without due process, or permissibility of intentional dereliction of public infrastructure to issue a license to private providers of such infrastructure to cronies.⁶³ These wastes co-exist with poor health, education, and other public infrastructures that could reduce poverty.

The activities that drive poverty in Nigeria are corrupt acts of individuals, but those acts have become social norms that cloud the social and political space.⁶⁴ The corrupt acts of individuals at the top of the wealth and social hierarchy trickle down to the lower rung of the ladder and are structuralized. The public service scam, the loss of billions of dollars to ghost workers, and the pension fraud are examples of normalization and structuralization of corruption in the public space. The structure produces a narrative that makes corrupt acts of individuals tolerable as long as they provide privileges to friends and relations. It reconstructs nepotism and cronyism as tolerable and permissible social norms, although they are truly corrupt and excessive self-interested acts of individuals who justify their capture of public goods as good deeds to family and friends.⁶⁵

The Nigerian economic structures socialize and normalize the inequality of a ternary class structure. The premodern ternary society in Europe, Asia, and some African cultures was a trifunctional society where duties and class determined property rights and status.⁶⁶ The clergy were the religious and intellectual class; the nobles were the warriors, the soldiers or the royalty, the peasants were the laborers and artisans. The peasants, the least of the classes, worked at the pleasure of the clergy and noble classes, and their access to justice and protection depended on the strength of their attachment to either or both of the classes. The peasant's rights were at the pleasure of the two upper classes since they controlled the justice system. Moreover, rights were predicated on possession of property, which the peasants lacked.⁶⁷

Karl Marx articulately provided the implications of ternary structure. By selling his labor power piecemeal, the peasant sells his/her power and, as such, herself or himself to the capitalist. The cost of labor translates to the cost of the existence of the laborer since his/her livelihood depends on it. As such, the laborer is like the production machine whose maintenances (livelihood) depend on its productive capacity and the disposition of the laborer's owner.⁶⁸ Although the truth of Marx's diagnosis did not transition into his proposal and solutions, he articulately identified the human problems of ternary society, the dehumanization of the peasants, and the over-humanization of the rich and political elite.

What the contemporary Nigerian context of poverty sustains and reproduces from the premodern ternary society is not the concrete legitimacy of the classes of the clergy and the nobles, but the justification and structuralization of inequalities, the intimacy of property ownership, rights, the justice system, and its consequent human rights problems. In the Nigerian context described above, the elite capture of the common good is defined by their supposed public service. Their appropriation of public wealth and the capture of the state's machinery is orchestrated through public policies and, as such, legitimized and structuralized. Their state capture gives them massive wealth and control of the economic system. As such, the system and the structure sustain their excessive humanization and personalization at the expense of the excessive dehumanization (depersonalization) of the majority. This makes the Nigerian economic structure oppressive and unjust. It denies millions of citizens the enjoyment of their basic right to life.

POLICY RECOMMENDATIONS TO THE NIGERIAN POVERTY PROBLEMS

Considering that Nigerian poverty is not caused by lack of resources, rather by structural problems and absence of monitoring and evaluation (M&E) mechanisms, my

⁶³ Oxfam International, "Inequality in Nigeria: Exploring the Drivers," 4-5, 27-28.

⁶⁴ Ngozi Okonjo Iweala, 95-96.

⁶⁵ See Owolabi Bakre, Sarah Lauwo. "Privatisation and Accountability in a "crony Capitalist" Nigerian State." *Critical Perspectives on Accounting* 39 (2016): 45-58. Daniel Egiegba Agbibo, "Between Corruption and Development: The Political Economy of State Robbery in Nigeria," in *Journal of Business Ethics* 108, no. 3 (2012): 325-45. Kempe Ronald Hope, "Institutions and the Culture Dimension of Corruption in Nigeria," *Crime, Law, and Social Change*. 70, no. 4 (2018): 503-23.

⁶⁶ Thomas Piketty, *Capital, and Ideology*, trans. Arthur Goldhammer (Cambridge, Massachusetts, London, England: The Belknap Press of Harvard University Press, 2020), 52-54.

⁶⁷ Ibid.

⁶⁸ Karl Marx, "Wage Labor and Capital" in *The Marx Engels Reader*, ed. Robert C. Tucker (New York, London: W.W Norton & Company), 204-206.

recommendations will attend to both areas of the problem. Recommendations on structures will focus on policies, especially the Nigerian constitution, and recommendations on M & E will provide templates for accountability and political participation of the people.

STRUCTURAL AND POLICY RECOMMENDATIONS

1. The Nigerian Constitution

The origin of wealth inequality and economic injustice in Nigeria lies in the country's misfortune of bad governance and the framing of its constitution. The Nigerian constitution is problematic. It betrays the convoluted notion of the right of the person. My reading of chapter IV, section 33, etc., of the Nigerian constitution, which acknowledges the right to life and other fundamental rights of the person, is that it arrogates too much power to the Nigerian State to deny those fundamental rights of the person within certain circumstances. In contrast, the constitution is nebulous on the positive responsibility of the Nigerian State in protecting those rights of the person. Moreover, the sense of right to life is limited in the constitution. It lacks provision for the necessity and the intimacy between the right to subsistence and life. Also, it reposes the power of life and death and the monopoly of the formation of human organization in the Nigerian state (by inference the state actors) at the expense of the person. It, on the one hand, underscores the right of the person and, on the other hand, suggests the superior right of the state over that of the person.⁶⁹ These inadequacies are traceable to the context that birthed the Nigerian constitution, which inadvertently impacted its framing and composition.

Nigeria returned to democratic governance in 1999 after about sixteen years of military rule, 1983-1999. The Nigerian military had repeatedly intervened in governance since 1966. In its sixty-one years history (1960-2021), Nigeria has been governed by the military for twenty-nine years of its first thirty-nine years of independence.

It had about eight officially announced coups and seven military heads of state.⁷⁰ At each military intervention, the constitution was suspended for the military decrees. Like other military governments, underlying the various military governments in Nigerian history were tendencies for totalizing powers, the control of the entire political space, and the proscription of democratic institutions.⁷¹

However, since the 1999 return to democracy necessitated a constitution, the military government of General Abubakar Abdulsalami generated it. In other words, the civil/political document for a democratic government was generated by a military decree.⁷² The anachronism is evident; a constitution, a supposed document of the people on the political nature of their community, was birthed without their interventions.

The non-participatory nature of the 1999 constitution (although typical of the Nigerian military government) was informed by other reasons which, however, do not excuse its "illegitimacy." The government of Abdulsalami was a transitional government from 1998-1999. The increased people's agitation for democratic governance, the loss of military credibility, the threat of disintegration due to the 1993 political crisis pressured the Abdulsalami government towards a quick transition program to a civil democratic rule. As such, the government formed a constitution drafting committee constituted by the attorneys general of the Nigerian thirty-six states (attorneys appointed by the military governors of those states) and that of the federal military government.⁷³

The drafting committee was charged with the mandate of consulting Nigerians before the draft but had barely two months to consult a population of over 108 million people as of 1999. Despite its obvious impracticability, the committee claimed it consulted widely, that most Nigerians were disposed to adopt the 1979 constitution, which was also military promulgation, drafted by a committee handpicked by the military government of 1976-1979.⁷⁴

⁶⁹ See Constitute, "Nigerian Constitution of 1999 with Amendments through 2011" https://www.constituteproject.org/constitution/Nigeria_2011.pdf?lang=en. Accessed April 2021.

⁷⁰ Eghosa Osaghae, "The Long Shadow of Nigeria's Military Epochs, 1966-79 and 1983-99" in *The Oxford Handbook of Nigerian Politics*, eds. Carl Levan, Patrick Ukata (London: Oxford University Press, 2018), 172.

⁷¹ Ibid.

⁷² Nigerian Legislation "Constitution of the Federal Republic of Nigeria (Promulgation) Decree" http://www.commonlii.org/ng/legis/num_act/cotfrond596/. Accessed May 2021.

⁷³ Eghosa Osaghae, "The Long Shadow of Nigeria's Military Epochs, 1966-79 and 1983-99," 185.

⁷⁴ Aderomola Adeola, "We the people v the Nigerian Constitution: And the Grundnorm is?" *The Journal Jurisprudence* 14 (2012), 257.

The 1999 constitution adopted presidential federalism similar to the United States democratic model. However, it reserved sixty-eight matters to the exclusive list of the federal government and sixteen matters to the concurrent list on which the federal and sub-national governments have jurisdiction. On the exclusive federal list are the natural resources, taxation and revenue allocation, trade and commerce, the judicial system and security, etc.⁷⁵ The supposed federal constitution merely adopted military federalism, a pseudo form of federalism used by the successive military government in Nigeria to gain legitimacy without divesting power to the sub nationals nor to the people.⁷⁶

The context that birthed the Nigerian constitution impugns its legitimacy. Its seeming illegitimacy is exacerbated by the deceit and untruth that underlie the document. The deceit and untruth are obvious in its first paragraph. A civil document without the people's participation begins with, "We the people of the Federal Republic of Nigeria, having firmly and solemnly resolve...."⁷⁷ As such, some Nigerian legal experts have argued for the quick judicial annulment of the document.⁷⁸

A civil document with such context and framing is skewed for the good of the few political elites. Its adoption of military federalism created a top to bottom bureaucratic governance that reserves governing initiatives and advantages for those at the top of the governing pyramid. In other words, political power and its advantages are restricted to the political elites and their cronies. The situation and the constitution disable the sense of service in the political elite. Considering the constitutional problem which the political elites have used to enrich themselves at the expense of the people, the constitution needs a total overhaul driven by the people.

2. Non-Justiciability of Socio-Economic Rights

A constitution birthed and framed as described above would trigger some economic consequences, one of which is the

non-justiciability of socio-economic rights. Chapter two of the 1999 constitution highlights some fundamental objectives of the state, some of which spotlight the necessity of human development structures and policies. However, the chapter is nebulously framed to make human development necessities non-justiciable and the government less responsible for their facilitation.⁷⁹ For example, the chapter notes that the purpose of government is the security and welfare of people. It also specifies the responsibility of the state to frame policies that support education, healthcare, and a fair wage for all. However, it is silent on the government's responsibility to provide fiscal and physical structures for the health care and education of all citizens. The nebulous framing of the chapter is also evident in its silence on the provision of one of the human development necessities: electricity. In 1999 and until recently, electricity was a national government monopolized project. However, many Nigerians lack access to constant electricity, which compounds their poverty depth. As such, the Nigerian constitution needs to be revised in a way that social, economic rights are justiciable, and government institutions can be held accountable for their negligence in providing basic social, economic structures, like electricity, education, health, and other needs that would facilitate and socially guarantee the welfare, social security, and the freedom of the person.

3. Resource Transfer and Trust Fund

The principal trigger for the elite capture of the Nigerian economy is unfair wealth distribution, motivated by the unbridled elite access to the commonwealth. The realities make political offices attractive and discourage a sense of service in Nigerian politics. Nigeria is one of the major producers of crude oil, but the oil revenue has not served most of the citizens. Rather, it is lost to the high cost of governance and corruption. Adapting Norway's oil fund model can provide means for all citizens to benefit equitably from the oil wealth.⁸⁰ This will entail creating a trust fund from oil revenue to fund public social goods. The fact that

⁷⁵ Eghosa Osaghae, "The Long Shadow of Nigeria's Military Epochs, 1966-79 and 1983-99", 185-186.

⁷⁶ Ibid., 176.

⁷⁷ Constitute, "Nigerian Constitution of 1999 with Amendments through 2011."

⁷⁸ Tunde Ogowewo "Why the Judicial Annulment of the Constitution of 1999 is imperative for the Survival of Nigeria's Democracy" in *Journal of African Law*, 44, no 2 (2000).

⁷⁹ Constitute, "Nigerian Constitution of 1999 with Amendments through 2011."

⁸⁰ CNN Business, "Norway Pension Fund" <https://money.cnn.com/2017/09/19/investing/norway-pension-fund-trillion-dollars/index.html>. Accessed April 2021.

the trust fund is a commonwealth means that its information must yield to the transparency structure that will be highlighted below. In other words, its details must be public knowledge. By implication, the high cost of governance must be reviewed downward to free resources for the trust fund and public goods. To do this, attention must be drawn to the salaries of lawmakers, governors, and the number of aides that serve in government establishments.

4. New Taxes

Related to wealth redistribution is a new tax system. Despite the controversy on wealth tax and the increased percentage of luxury tax, tax offers an important means for reducing inequality. The legitimacy of the tax policies is based on the fact of economic injustice in the Nigerian state. It is undeniable that many wealthy Nigerians have benefited from the Nigerian economic imbalance. Many wealthy Nigerians thrive on cronyism and alliance with political elites or access to economic information denied to an average citizen. As such, new tax policies on wealth and luxury goods can be a legitimate means of wealth transfer from those with excess to fund social goods (health and education) for the human development of the poor.

MONITORING AND EVALUATION (M&E) RECOMMENDATIONS

The above policy proposals are meaningless without a monitoring and evaluation mechanism, that is, a mechanism for accountability for public officials and a robust citizens' participation in governance. Public accountability is only guaranteed when there is citizens' participation and interest in government activities. However, the depth of civic illiteracy among Nigerians stunts political participation and, by extension, obstructs public accountability. As such, the crucial premise for an M&E mechanism is a civic education system.

1. Education on Civic and Political Right

Public apathy in the details of government income and expenditure and other government activities enables the fiscal irresponsibility of the state actors. In Nigeria, there

are hardly town hall meetings between the legislature and the people or the governor and the people. The absence of such an interface may be due to the nascency of the Nigerian democracy, but most importantly, the low political literacy of the people. To engage state actors, to question the arbitrariness of policies or the nation's constitution, there is the need for the political and civic literacy of the majority. As such, civic education through seminars, group meetings, and advocacy activities is an essential pathway to minimize fiscal irresponsibility and legitimize subsistence rights. People must understand their rights to demand it.

The religious disposition of most Nigerians makes the influences of the Nigerian Catholic Bishops and other religious bodies relevant in this regard. Parishes and Mosques may function as centers of religious instruction and civic knowledge—both realms of knowing, although distinct, are interrelated. The concept of human rights is premised on human dignity, and human dignity is predicated on the theology that God created man and woman in God's image and likeness. As such, the human right has as its first premise the notion of the "incomparable worth of the human person" that cannot be assailed because s/he is God's image.⁸¹ Article 1 of the Universal Declarations of Human Rights acknowledges the above as the nature of the human person.⁸² As such, civic instructions through religious platforms become the social requirement of being God's image and practical normativity of human dignity.

2. Transparency Structure

Poverty and economic inequality are endemic in Nigeria because of a weak accountability structure; even though the Nigerian legislative arm passed, and the executive arm assented to the bill on Freedom of Information (FOI). The bill refers to the transparency of government activities, especially their expenditures. However, accountability and transparency are still problematic. So, it will be the concern of a rights-based approach to poverty to mobilize for a strong system of transparency. It should be a horizontal accountability mechanism like the "human and economic rights commission" that monitors the activities of political

⁸¹ Pope John Paul II "Evangelium Vitae," http://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae.html. No 2. Accessed April 2021.

⁸² United Nations "Universal Declaration on Human Rights" <https://www.un.org/en/universal-declaration-human-rights/>. Accessed April 2021.

actors.⁸³ As part of the process, it is reasonable to have a weekly or monthly (accessible) publication from such a commission on activities of political actors, especially in regards to the economy. Such publications should be made accessible to those with low literacy levels through translations and publication of the translations in public spaces like town halls, schools, churches, Mosques, etc.

CONCLUSION

Increased political participation and literacy of the people are vital to reducing economic inequality in Nigeria. Nigeria's democratic governance and policy-making process must be restructured and updated to accommodate the basic needs of all Nigerians, guarantee equal opportunity and participation for all, and ensure the sense of common good. These demands are indispensable to the right to the subsistence of all.⁸⁴ To initiate the paradigm shift is a challenging task since those in charge of policies are those with advantages which are likely unwilling to relinquish those advantages. As such, mobilization of the paradigm shift depends on non-state actors with the capacity to mobilize the public and the people through education and advocacy. The economic structure that over-humanizes few and dehumanizes the majority is unsustainable.

⁸³Tammie O'Neil, Laure Helene, Piron "Right Based Approach to Tackling Discrimination and Horizontal Inequality" *Overseas Development Institute*. 04 December 2003: 17.

⁸⁴Oxfam International, "Inequality in Nigeria: Exploring the Drivers," 52.

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PULTE INSTITUTE
FOR GLOBAL DEVELOPMENT

pulte.nd.edu

3150 Jenkins Nanovic Halls
Notre Dame, Indiana 46556 USA
(574) 631-2940



globaldevelopment@nd.edu