

Fundamental Objectives and Directive Principles of State Policy in the Nigerian Constitution: Re-Examining the Non-Justiciability of Socio-Economic Rights

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ABSTRACT

This study examines the projections and weaknesses in realising the socio-economic rights enshrined in Chapter II of the 1999 Constitution of the Federal Republic of Nigeria (as amended). It also elaborates on the main objectives and directives of the state policy. This study explicitly examines each objective and directive principle, as well as how they are designed to improve the quality of governance based on social and economic rights. This study uses a doctrinal legal method with a conceptual, statute, and case law approach. A key finding of this study is that these constitutional provisions, although not legally enforceable, can be applied under clear and defined parameters. These important limitations are explained in detail in the 1999 Constitution. This is mainly due to current efforts in other jurisdictions with similar provisions that support the enforcement and applicability of such constitutional provisions to strengthen and promote socio-economic rights. This study also identifies challenges that hinder the enforcement of Chapter II of the Constitution, mainly related to efforts to realise social and economic rights in the administration of government in Nigeria. This study concludes by providing reasonable recommendations to make this constitutional objective enforceable in court and achievable, as applied in other jurisdictions. Thus, the contribution of this study is how the government, through its legal institutions, can guarantee the enforcement of social and economic rights for every citizen in Nigeria.

Introduction

The Fundamental Law in Nigeria is the 1999 Constitution of the Federal Republic of Nigeria (as amended).¹ All other laws in the country originate from it

¹ Emmanuel Ibiam Amah, "Federalism, Nigerian Federal Constitution and the Practice of Federalism: An Appraisal," *Beijing Law Review* 08, no. 03 (2017): 287–310, <https://doi.org/10.4236/blr.2017.83017>.

being the *grundnorm*² of all laws in the country.³ This is predicated on the concept of constitutional supremacy and hierarchical arrangements of norms within the legal space.⁴ It implies that the Nigerian government, and indeed all persons or agencies that possess Legislative, Executive, and Judicial powers, are bound by the Constitution and cannot derogate from it.⁵ As a result, all governmental organs and agencies derive their existence and functionality from the Constitution.⁶ Furthermore, the Constitution is clothed with the toga of enforceability, and the judicial arm of government exercises its powers through established Courts created for the Federation by the Constitution.⁷ It is essential to note that Chapter II of the Nigerian Constitution, which addresses socioeconomic rights, and Chapter IV, which pertains to fundamental human rights, are distinct.⁸ Furthermore, these socio-economic rights, though laudable, are non-justiciable.⁹ This position of the law creates a legal gap in the attainment of socio-economic rights in Nigeria. Existing works on this subject have focused mainly on the attainments of these principles; less attention has been given to the justiciability of socio-economic rights using other jurisdictions as a benchmark. Although these provisions are recognised as one of the best advances experienced so far by the implementation of the 1999 constitution in Nigeria.¹⁰ However, the enactment of such lofty provisions in the constitution without necessarily allowing for their enforceability in the Court of law raises the question of the propriety of having it incorporated in the Constitution.¹¹ This is a weakness of the Constitution, which is why this research is examining these provisions.

²The term "grundnorm" is commonly used to describe a country's constitution which simply means that the constitution is the basic and the highest law of the land and no law must be contrary to its provisions.

³ Claes Peterson, "Natural Law Systematics: Is There a 'Grundnorm' in Natural Law?," in *Kelsenian Legal Science and the Nature of Law* (Cham: Springer Cham, 2017), 57–71, https://doi.org/10.1007/978-3-319-51817-6_4.

⁴ CFRN 1999, Section 1(3).

⁵ Fábio Perin Shecaira, "Sources of Law Are Not Legal Norms," *Ratio Juris* 28, no. 1 (March 16, 2015): 15–30, <https://doi.org/10.1111/raju.12053>.

⁶ Dieter Grimm, "The Democratic Costs of Constitutionalisation: The European Case," *European Law Journal* 21, no. 4 (July 26, 2015): 460–73, <https://doi.org/10.1111/eulj.12139>.

⁷ Rebecca L. Brown, "Accountability, Liberty, and the Constitution," in *Bills of Rights* (London: Routledge, 2017), 49–98, <https://doi.org/10.4324/9781315096339-4>.

⁸ Obiajulu Nnamuchi, "Justiciability of Socioeconomic Rights in Nigeria and Its Critics: Does International Law Provide Any Guidance?," *The Age of Human Rights Journal*, no. 19 (December 19, 2022): 137–64, <https://doi.org/10.17561/tahrj.v19.7561>.

⁹ Peter A. Atupare, "Consolidating an Integrated Rights Approach: Socio-Economic Constitutional Justice in Africa," *International Journal of Public Law and Policy* 9, no. 4 (2023): 385–417, <https://doi.org/10.1504/IJPLAP.2023.134276>.

¹⁰ Jacob O. Arowosegbe, "Revisiting the Legitimacy Question of the Nigerian 1999 Constitution," *Global Constitutionalism* 11, no. 1 (March 13, 2022): 27–54, <https://doi.org/10.1017/S2045381721000162>.

¹¹ Philip C. Aka, "Increased Respect for Human Rights at Home," in *Human Rights in Nigeria's External Relations in the Age of General Muhammadu Buhari and His Successors* (Cham: Springer Nature Switzerland, 2024), 143–88, https://doi.org/10.1007/978-3-031-63231-0_5.

The Constitution's integration of the Fundamental Objective and Directive Principles of State Policy is praiseworthy, as was previously remarked.¹² It outlines the goals and aspirations the country seeks to inculcate in its citizens, and also make a reality as a nation and in interactions with other countries of the world. These objectives, as outlined, are relevant to national development; they stipulate the policies expected to be implemented to achieve the stated national goals.¹³ They are important because they outline the purpose of government and stipulate its steady implementation. As already established, all arms of government, including their agencies, must adhere to the Fundamental Objectives and Directive Principles of State Policy in the execution of their functions.¹⁴

Nonetheless, the Nigerian Supreme Court has held that the clause equally covers private persons, not simply the government and its representatives.¹⁵ This Supreme Court decision is commendable, described as a remarkable achievement. This position puts both the government and the governed in a problematic situation vis-à-vis the justiciability of the socio-economic rights enshrined in the Constitution.

Methods

This research will adopt a doctrinal approach in analyzing relevant legislation, case law, and policy documents related to socio-economic rights as outlined in the Constitution. This research identifies critical gaps in the existing legal framework for the attainment of socio-economic rights in Nigeria, particularly in terms of their justiciability.

Discussion

Overview of the Fundamental Objectives and Directive Principles of State Policy

The Constitution lays out the responsibilities and roles of the government. Some of these obligations are outlined in Chapter II of the Constitution. It outlines the essential duties of the state and the relationship between the people and the government. In addition, it outlines political objectives, economic objectives.¹⁶ It

¹² Emma Charlene Lubaale, "Maternal Health Rights of Refugee Women in Uganda: Confronting the Multiple Layers of Vulnerability," in *Realising Socio-Economic Rights of Refugees and Asylum Seekers in Africa* (Cham: Springer Nature Switzerland, 2023), 213–46, https://doi.org/10.1007/978-3-031-16548-1_9.

¹³ Stephen Onyango Ouma, "Oruka's Biographical Background and His Concept of Sagacity in Practical Philosophy," in *The Right to a Human Minimum* (Cham: Springer Nature Switzerland, 2025), 51–91, https://doi.org/10.1007/978-3-031-94755-1_2.

¹⁴ Cornelius O. Okorie et al., "Decentralization of South Eastern Nigeria's Local Governments and Achievement of Mandates Enshrined in Nigeria's 1999 Constitution," *Sage Open* 12, no. 2 (April 21, 2022), <https://doi.org/10.1177/21582440221089975>.

¹⁵ Abubakri Yekini, "The Effectiveness of Foreign Jurisdiction Clauses in Nigeria: An Empirical Inquiry," *Journal of Private International Law* 19, no. 1 (January 2, 2023): 67–91, <https://doi.org/10.1080/17441048.2023.2189102>.

¹⁶ Nnamuchi, "Justiciability of Socioeconomic Rights in Nigeria and Its Critics: Does International Law Provide Any Guidance?"

also reveals social objectives and educational objectives.¹⁷ Furthermore, it stipulates objectives in foreign policy and the environment and provides directives on Nigerian culture.¹⁸ Additionally, it outlines the duties placed on the mainstream media, obligations on national ethics, and the responsibilities of a citizen.¹⁹ The totality of these objectives provides the framework for an effective operational structure within the Nigerian government. It also captures the crux of socio-economic rights, which is fundamental to every citizen.²⁰ It is crucial to note that several African nations have comparable constitutional provisions to those found in their respective chapters II and III. For instance, the political goals of Sierra Leone are outlined in Article 11, Section 6 of the 1991 Constitution. Section 7 outlines economic objectives, while Section 8 addresses social objectives. Section 9 outlines educational objectives, and Section 10 encompasses foreign policy objectives.

Section 34(1) of the 1992 Constitution of the Federal Republic of Ghana also contains a comparable clause. Additionally, it seems imperative to assess the institutional and legal structure to achieve these goals.²¹ Thus, governments are accountable not only for the outcomes of socio-economic rights but also for their conduct. Thus, having these objectives outlined in the constitution is beneficial, but the willingness and machinery to make them achievable are also essential. Hence, there is a need to examine the justiciability of these objectives.

Fundamental Obligations of the Government

Section 13 of the Constitution outlines the duties and responsibilities of every branch of government. Thus, everyone who exercises legislative, executive, and judicial powers is guided by this Section. Nonetheless, these governmental bodies must adhere to the guidelines outlined in Chapter II and ensure compliance with the goals outlined in the Constitution. The word “fundamental” used in the Constitution to describe these objectives underscores its importance and relevance to both the citizens and the government. It suggests that there is a hierarchy of significance, implying that something is significant, essential, crucial, or grave in someone's or something's life or history.²² The term “fundamental” is thus used to emphasize the

¹⁷ Olubunmi Ipinaiye and Femi Olaniyan, “An Exploratory Study of Local Social Innovation Initiatives for Sustainable Poverty Reduction in Nigeria,” *Sustainable Development* 31, no. 4 (August 18, 2023): 2222–39, <https://doi.org/10.1002/sd.2502>.

¹⁸ Aloysius-Michaels Okolie, Kelechi Elijah Nnamani, and Casmir Chukwuka Mbaegbu, “Bureaucratic Model: The Ministry of Foreign Affairs and Nigerian Foreign Policy,” in *Nigerian Foreign Policy 60 Years After Independence* (Cham: Springer International Publishing, 2023), 19–41, https://doi.org/10.1007/978-3-031-06882-9_2.

¹⁹ Aka, “Increased Respect for Human Rights at Home.”

²⁰ Daniel Saredau, “Potentials of Socioeconomic Rights Implementation in Mitigating Insecurity in Nigeria,” *The Nigerian Juridical Review* 19 (August 21, 2025): 1–22, <https://doi.org/10.56284/3e2q8522>.

²¹ Solomon Faakyee, “Reconciling Constitutional Values in Ghana Through Purposive Interpretation,” *Journal of African Law*, June 23, 2025, 1–22, <https://doi.org/10.1017/S0021855325000464>.

²² Olu Olumese, “Duty Without Liability: The Impact of Article 12 of the International Covenant on Economic, Social and Cultural Rights on the Right to Health Care in Nigeria,” *African Human Rights Law Journal* 21, no. 2 (December 31, 2021): 1–23, <https://doi.org/10.17159/1996-2096/2021/v21n2a44>.

importance of both Chapters II and IV of the Constitution. It seems to imply that the two chapters are equally important.²³ Nonetheless, the Constitution attributes non-justiciability to Chapter II, which removes the thought of any justification. Little is left to imagine about the sincerity of purpose of the makers of this constitutional provision.

The Government and the People

Nigeria was founded on the tenets of social justice and democracy. Consequently, all political power and authority are derived from the constitution, and the people who choose their representatives in government maintain their sovereignty.²⁴ Therefore, Nigeria's government should be democratically elected through free and fair elections, rather than being led by military juntas.²⁵ In addition, democratic norms and principles must be adhered to, and no form of revolution, military coup, or other means antithetical to democracy must be encouraged. This is mainly because the participation of people in governance through constitutional means is guaranteed. It implies that governance is done through constitutional means and the participation by the citizens through such legal means is guaranteed. Furthermore, the security and welfare of every citizen, as well as the entrenchment of federal character, are among the government's goals.²⁶ It will inevitably foster national unity, integration and cohesion. In *Attorney-General of Ondo State vs, Attorney-General of the Federation & 35 Ors.*,²⁷ Uwaifo, JSC, opined that the word 'security' in this context means 'the overall responsibility to provide internal and external security and protection for the Federal Republic of Nigeria.

1) Political Objectives

The motto of the Federal Republic of Nigeria is "Unity and Faith, Peace and Progress," and the coat of arms embodies this idea.²⁸ However, this does not negate the need to encourage national integration among citizens. Additionally, the

²³ Matthew Funsho Bello and Keneth Mela, "Security Agencies and Human Right Violations in Nigeria," *Journal of Public Administration Studies* 8, no. 1 (February 1, 2023): 32–40, <https://doi.org/10.21776/ub.jpas.2023.008.01.4>.

²⁴ Victoria Jatau and Kangdim Dingji Maza, "Democracy, Peace, and Religion in Nigeria: Can Religion Be Used to Consolidate or Undermine Democracy and Peace?," *Religions* 14, no. 10 (October 18, 2023): 1305, <https://doi.org/10.3390/rel14101305>.

²⁵ Sulaiman T.H, J.N Abalaka, and S.A.R Ajiteru, "Proportion of Nigeria's Democratic Consolidation, Security Forces, and Electoral Process: Six West African Countries' Perspectives," *International Journal of Social Welfare and Family Law* 2, no. 2 (April 10, 2025): 77–98, <https://doi.org/10.62951/ijsw.v2i2.322>.

²⁶ Emmanuel Olugbade Ojo, "Dimensions of Electoral Reforms in Nigeria," *Revista Brasileira de Estudos Africanos* 6, no. 11 (August 27, 2021), <https://doi.org/10.22456/2448-3923.110676>.

²⁷ John Funsho Olorunfemi and Benson Ayodele Oloworaran, "Determining the Effect of Chieftaincy Declaration on Native Law and Custom: Towards a Consistent Judicial Approach in Nigeria," *Commonwealth Law Bulletin* 47, no. 2 (April 3, 2021): 286–303, <https://doi.org/10.1080/03050718.2020.1784770>.

²⁸ Ishaq Abubakar Dauda, "An Overview of Islamic Education for Peace, Security and National Cohesion in Nigeria Society," *Al-Risalah* 16, no. 1 (January 23, 2025): 130–40, <https://doi.org/10.34005/alrisalah.v16i1.4422>.

constitution prohibits all forms of discrimination.²⁹ Going forward, the provision of adequate facilities is the responsibility of the government. Additionally, since the globe has become a global village, it is important to promote the flow of people, products, and services both domestically and internationally. The government must also ensure the security rights of residents, as citizens are protected. It must encourage inter-tribal marriage, given the country's multi-ethnic, multi-lingual, and multi-religious nature.³⁰ The government is also expected to promote the establishment of associations that transcend various ethnic and religious divides within the Nation. This will, in no small measure, encourage national integration, growth, and development. Ultimately, it will strengthen citizens' allegiance to the country and foster a sense of belonging, which will deter sectional allegiances.³¹ On this point, Akande opined:³²

"It may be possible for the state to encourage freedom of association, especially as this is already a fundamental right. However, encouraging inter-tribal marriage is not a function of the state, nor is fostering a sense of belonging in any part of the federation. It is by promoting a people-oriented development that people's perception of what they can give to the nation can be enhanced. Loyalty and patriotism cannot be legislated".

Furthermore, corruption and abuse of power must be addressed at all levels of government by the government and its organs. The government established these two agencies to curb corruption and abuse of office drastically. The agencies are: The Independent and Corrupt Practices and Other Related Offices Commission (ICPC), and the Economic and Financial Crimes Commission (EFCC).³³ This decision was made to address the nation's significant corruption and misuse of power. Thus, the State appears to have taken steps toward realizing this segment of its political objectives. Though more effort needs to be made to ensure the goal of establishing these institutions is achieved, particularly in the investigation and prosecution of financial crimes. There have been criticisms of the EFCC to the effect that the agency has been politicized and carries out selective investigations and prosecutions of financial crimes.³⁴ While some public commentators have advocated

²⁹ Ugio Eruteya, "Assessing The Enforceability Of The Right To Freedom From Gender Discrimination In Nigeria," *Journal Legalitas* 17, no. 2 (October 20, 2024): 146–66, <https://doi.org/10.33756/jelta.v17i2.26323>.

³⁰ Jatau and Maza, "Democracy, Peace, and Religion in Nigeria: Can Religion Be Used to Consolidate or Undermine Democracy and Peace?"

³¹ Paul Atagamen Aidonojie et al., "Advancing Gender's Balance Rights Through Constitutional and Legal Reforms: A Comparative Study of Nigeria and Uganda," *Journal of Indonesian Constitutional Law* 2, no. 1 (2025): 60–83, <https://doi.org/https://doi.org/10.71239/jicl.v2i1.47>.

³² Jadesola O Akande, *The Constitution of the Federal Republic of Nigeria* (Ebute-metta, Lagos: MIJ Professional Publishers, 2000), 57, <https://searchworks.stanford.edu/view/4684461>.

³³ Suleman Lazarus and Geoffrey U. Okolorie, "The Bifurcation of the Nigerian Cybercriminals: Narratives of the Economic and Financial Crimes Commission (EFCC) Agents," *Telematics and Informatics* 40 (July 2019): 14–26, <https://doi.org/10.1016/j.tele.2019.04.009>.

³⁴ Fatai Abiola Sowunmi, Muniru Adekunle Adesola, and Mudashiru Abiodun Salako, "An Appraisal of the Performance of the Economic and Financial Crimes Commission in Nigeria," *International Journal of Offender*

for a merger of the two agencies, as well as true independence to avoid government and political class interference, the need for the enactment of a non-conviction-based assets forfeiture law has also been emphasized. This will foster growth and development in the country by putting recovered stolen funds to good and productive use. Unnecessary delays and adjournments in court in cases being prosecuted by the EFCC should be encouraged by the Judiciary.³⁵ Corruption cases prosecuted by the EFCC should be promptly attended to and decided by the court. It has also been suggested that a specialized court be established for the prosecution of financial crimes and corrupt practices. This will help the government to achieve the desired goal of combating the twin menace of corruption and financial crimes.

2) *Economic Objectives*

This objective is to promote and encourage a planned and balanced economic development for the country. To increase national prosperity, all available resources must be used. To achieve this goal, an effective, dynamic, and self-sufficient economy must be established. Additionally, the happiness, freedom, and well-being of each citizen should be prioritized. A well-run economy, social fairness, and equality in position and opportunity can all contribute to achieving this. Every citizen's right to engage in any sector of the economy must be upheld and protected by the government.³⁶

To achieve this, the state must implement policies that result in balanced national economic development. Therefore, improving the well-being of all citizens should be the primary focus of the nation's material resources. The state must also guarantee that the means of production and exchange are dispersed equally, free from prejudice or animosity towards any member of a group. The State must also provide appropriate and sufficient housing as well as reasonably priced food. Also, the State must care for the unemployed.³⁷ The government must establish a pension plan, old-age care, and a fair national minimum living wage. The State must also make sure that the welfare of the disabled is taken care of and that sick benefits are paid.³⁸ Additionally, the National Assembly has the authority to establish an organisation that will examine who owns and controls businesses that operate in Nigeria. This is intended to ensure adequate oversight and accountability. It is also

Therapy and Comparative Criminology 54, no. 6 (December 13, 2010): 1047–69, <https://doi.org/10.1177/0306624X09341043>.

³⁵ Ibrahim Umar, Rose Shamsiah Samsudin, and Mudzamir bn Mohamed, “Ascertaining the Effectiveness of Economic and Financial Crimes Commission (EFCC) in Tackling Corruptions in Nigeria,” *Journal of Financial Crime* 25, no. 3 (July 2, 2018): 658–68, <https://doi.org/10.1108/JFC-01-2017-0003>.

³⁶ Frederick Azubuike Obi, “Enforcement of Economic, Social and Cultural Rights in Nigeria,” *African Journal of Social Issues* 5, no. 1 (March 29, 2023): 215–25, <https://doi.org/10.4314/ajosi.v5i1.14>.

³⁷ Kelechi Elijah Nnamani et al., “The Nigerian State and the Realities of Managing COVID-19 Pandemic: Whither Political Restructuring and Economic Diversification?,” *African Identities* 22, no. 2 (April 2, 2024): 366–87, <https://doi.org/10.1080/14725843.2022.2028603>.

³⁸ Paul Atagamen Aidonojie et al., “The Prospect and Legal Issues of Income Tax in the Nigerian Metaverse,” *Trunojoyo Law Review* 6, no. 1 (February 26, 2024): 17–50, <https://doi.org/10.21107/tlr.v6i1.23874>.

obligated to administer laws that regulate the ownership and control of a business enterprise and to recommend ideas and innovations to the President on the economy.³⁹

3) *Social Objectives*

The advancement of justice, equality, and freedom for all is the focus of this objective.⁴⁰ It is focused on ensuring equal rights, responsibilities, and opportunities for all citizens. The state ought to promote the humane treatment of everyone and make sure that there is no exploitation of material or human resources in any way. The resources of the State should be directed to the good of the community and improved work conditions. Additionally, the state should provide adequate recreational facilities and foster a supportive environment for social, religious, and cultural activities. It must guarantee everyone's welfare, safety, and health while they are working. The elderly, children, and youth must be shielded from exploitation in all its forms.⁴¹ To achieve these objectives, the State must ensure that every person has equal rights, obligations, and opportunities. Furthermore, human dignity must be upheld and the sacredness of human life acknowledged.

Moreover, every decision of the government should be humane, and all forms of human exploitation must be discouraged. Equal access to natural resources must be encouraged by the State, and not jettisoned for any reason. The independence, impartiality, and integrity of the judiciary must be upheld, and easy access to justice.⁴² Furthermore, the State must ensure that every citizen can secure suitable employment without any form of discrimination and has adequate means of livelihood. The State must also provide a humane workplace. Employees' welfare, safety, and health must never be compromised or mistreated. Every citizen must have access to high-quality healthcare facilities, which the state must guarantee. The State must encourage quality remuneration in the workplace. All forms of discrimination must be discouraged. Furthermore, children and the aged should enjoy protection against exploitation or any form of moral and material neglect.⁴³

³⁹ Michael B. Bishku, "Nigeria and the Muslim Middle East: Historical, Political, Economic, and Cultural Ties," *The Journal of the Middle East and Africa* 12, no. 4 (October 2, 2021): 361–83, <https://doi.org/10.1080/21520844.2021.1924542>.

⁴⁰ Columbus N. Ogbujah, "Equality, Equity and Justice in Resource Distribution in Nigeria," *Filosofia Theoretica: Journal of African Philosophy, Culture and Religions* 10, no. 2 (November 3, 2021), <https://doi.org/10.4314/ft.v10i2.8>.

⁴¹ Paul Atagamen Aidonojie et al., "The Increase of Child Labour in Nigeria: Legal Custody of Victim by the Nigerian Government as a Panacea," *Journal of Indonesian Constitutional Law* 1, no. 3 (December 15, 2024): 151–75, <https://doi.org/10.71239/jicl.v1i3.26>.

⁴² Precious Nwakodo Udochukwu and Onyenwe Ubani Ezindu, "The Judiciary and Democratic Politics in Nigeria," *Journal of Health, Applied Sciences and Management* 7, no. 1 (2023): 226–37, <https://doi.org/https://dx.doi.org/10.4314/johasam.v7i1.28>.

⁴³ Tolha A. Yusuf and Ismail A. Nasirudeen, "Public Perception on the Motivations and Implications of the Use and Exploitation of Teenagers as Street Hawkers in Nigeria," *The African Review*, October 18, 2024, 1–30, <https://doi.org/10.1163/1821889x-bja10142>.

Public aid must be adequately provided by the state, particularly in cases that merit it or in other situations where people are in need. Encouragement of family life is also necessary.

4) *Educational Objectives*

This goal is to guarantee that each citizen has access to sufficient educational opportunities. This can be achieved by developing a comprehensive education policy.⁴⁴ Every individual should receive science and technology education from the state. Furthermore, illiteracy in all its manifestations must be eliminated. Additionally, all citizens are entitled to free, mandatory, and universal elementary and secondary education provided by the state. The State must support free literacy programmes for adults. Every nation must provide all its citizens with high-quality education, without exception.⁴⁵ Going forward, Nigeria's constitution guarantees the right to education for every citizen.⁴⁶ A corollary of this is the provision found in international treaties. This means that every citizen must receive a high-quality education from the government.⁴⁷ Education and everything related to it must be prioritised by the state. Thus, it becomes one of the state's objectives that must be acknowledged and fulfilled.

5) *Foreign Policy Objectives*

This objective is to advance and safeguard African unity, integration, and national interest.⁴⁸ Additionally, it aims to strengthen world peace and respect for one another, as well as to advance international cooperation. Additionally, it aims to eradicate discrimination in all its manifestations. When resolving disputes with foreign countries, the State must consider treaty obligations and international law. This can be achieved through negotiation, mediation, conciliation, arbitration, or adjudication.⁴⁹ The State must also encourage and promote a fair world economic order for the good of all. The goal of the foreign policy objective is to promote the spirit of Pan-Africanism and ensure regional integration and cohesion.

⁴⁴ Onyerisara Ukeje and J.U. Aisiku, "Education in Nigeria," in *Education in Africa* (London: Routledge, 2022), 205–34, <https://doi.org/10.4324/9781003316114-10>.

⁴⁵ AbdulGafar Olawale Fahm et al., "ICT Enabled Almajiri Education in Nigeria: Challenges and Prospects," *Education and Information Technologies* 27, no. 3 (April 13, 2022): 3135–69, <https://doi.org/10.1007/s10639-021-10490-7>.

⁴⁶ CFRN 1999, S. 18 Chapter II.

⁴⁷ Paul Agu Igwe et al., "Improving Higher Education Standards through Reengineering in West African Universities – A Case Study of Nigeria," *Studies in Higher Education* 46, no. 8 (August 3, 2021): 1635–48, <https://doi.org/10.1080/03075079.2019.1698534>.

⁴⁸ Emmanuel I. Ukhamsi and Solomon Babatunde Kumapayi, "A Critical Review of Nigeria's Afrocentric Policy: Rationale, Gains and Consequences," in *Nigerian Foreign Policy 60 Years After Independence* (Cham: Springer International Publishing, 2023), 63–89, https://doi.org/10.1007/978-3-031-06882-9_4.

⁴⁹ Godswill Owoche, Antai, "Methods of Judicial Cooperation and the Procedure for Enforcement Under International Law; Identifying the Nexus between Theory and Practice," *Newport International Journal of Current Research in Humanities and Social Sciences* 4, no. 3 (April 21, 2024): 80–88, <https://doi.org/10.59298/NIJCRHSS/2024/4.3.8088>.

The International Covenant on Economic, Social, and Cultural Rights was also signed by Nigeria in 1993. As a result, the country must fulfil its obligations under the treaty.⁵⁰ However, this has become more of an illusion than a reality in Nigeria. International treaties are viable tools for states to achieve set goals regarding the rights of citizens. However, the State may jettison the treaty and not adopt it as a tool to achieve the desired objectives. Scholars have been advocating for the development of metrics to track and measure the global realization of socioeconomic rights in recent years. This will address Article 2(1) of the Covenant on Economic, Social, and Cultural Rights, which appears to be ambiguous.⁵¹ Attempts have been made by the covenant in times past to use indicators and benchmarks to monitor practice when reviewing state party reports on the realization of rights. However, various suggestions have been made on the many different ideas or methods to adopt as indicators and benchmarks for compliance by States.⁵² Hence, there is a need to evaluate the value of indicators deployed to monitor State party obligations. However, State parties often fail to fulfil their obligations under the covenant, due to a lack of effective means to enforce the realization of the commitments.

Scholars have opined that the fulfillment of State obligations is contingent upon the financial and economic standing of countries.⁵³ The global economic crises and austerity measures should not deter State parties from fulfilling their obligations under the Covenant to respect, protect, and fulfill economic and social rights. Thus, there is a need to explore possible methods of achieving economic and social rights through integration into governance, law, policy, and practice. Those saddled with this task include politicians (elected government officials, public servants, and representatives from civil society).⁵⁴ Each of them has a distinct responsibility to play in making sure that these rights are realised. Hence, there is a need to educate this class of people, as they are responsible for implementing state obligations. It is suggested that the implementation of these obligations should be done by activists, national human rights institutions, and academics. However, a major challenge is integrating this class of rights with governance, law, and policy, due to poor

⁵⁰ Danwood Chirwa and Nojeem Amodu, “Economic, Social and Cultural Rights, Sustainable Development Goals, and Duties of Corporations: Rejecting the False Dichotomies,” *Business and Human Rights Journal* 6, no. 1 (February 19, 2021): 21–41, <https://doi.org/10.1017/bhj.2020.34>.

⁵¹ Eibe Riedel, Gilles Giacca, and Christophe Golay, *Economic, Social, and Cultural Rights in International Law*, ed. Eibe Riedel, Gilles Giacca, and Christophe Golay (United Kingdom: Oxford University Press, 2014), <https://doi.org/10.1093/acprof:oso/9780199685974.001.0001>.

⁵² Riedel, Giacca, and Golay, 19.

⁵³ Riedel, Giacca, and Golay, 19.

⁵⁴ N. P. Hariram et al., “Sustainalism: An Integrated Socio-Economic-Environmental Model to Address Sustainable Development and Sustainability,” *Sustainability* 15, no. 13 (July 6, 2023): 10682, <https://doi.org/10.3390/su151310682>.

leadership, corruption, and bureaucratic inefficiencies, particularly in African countries.⁵⁵

6) *Environmental Objectives*

Environmental protection is at the centre of this objective. It entails safeguarding Nigeria's forests and wildlife in addition to the country's air, water, and land.⁵⁶ It, therefore, behooves the government to prevent and discourage every form of environmental degradation, such as floods, erosion, and desertification.⁵⁷ Additionally, a sustainable environment must not only support development for its citizens.⁵⁸ Hence, the government must ensure this environmental objective is achieved.

7) *Directive on Nigerian Cultures*

The protection, preservation, and promotion of the Nigerian culture are the target of this objective. It also seeks to enhance human dignity of all persons in Nigeria, having regard to their cultural diversity. The state is responsible for developing technical and scientific studies to strengthen existing cultural values.⁵⁹ However, cultural practices that undermine human dignity must be discouraged and condemned. Hence, the attainment of this objective is important to the State which will create a robust atmosphere for cultural growth and enlightenment.

8) *Obligation of the Mass Media*

This purpose is based on press freedom. It attempts to ensure the independence of radio, television, and other mass media outlets. For all intents and purposes, the mass media should be allowed to promote and access all State objectives without fear or intervention.⁶⁰ This will make government responsible and accountable to the people. Furthermore, it will make the people the cynosure or preoccupation of government and governance, and this idea must reflect in every form of broadcast. This objective is centred on the people and seeks to ensure press freedom and societal development.

9) *National Ethics*

⁵⁵ Segun Oshewolo, "A Reconsideration of the Afrocentric Principle in Nigeria's Foreign Policy Framework," *GeoJournal* 86, no. 3 (June 29, 2021): 1503–10, <https://doi.org/10.1007/s10708-019-10114-1>.

⁵⁶ David V. Ogunkan, "Achieving Sustainable Environmental Governance in Nigeria: A Review for Policy Consideration," *Urban Governance* 2, no. 1 (June 2022): 212–20, <https://doi.org/10.1016/j.ugj.2022.04.004>.

⁵⁷ Aarti Gungah, Nnaemeka Vincent Emodi, and Michael O. Dioha, "Improving Nigeria's Renewable Energy Policy Design: A Case Study Approach," *Energy Policy* 130 (July 2019): 89–100, <https://doi.org/10.1016/j.enpol.2019.03.059>.

⁵⁸ Collins Ekpenisi et al., "Constitutional and Legislative Framework for Sustainable Environmental Management in Nigeria: Issues and Challenges," *Journal of Indonesian Constitutional Law* 2, no. 2 (2025): 193–226, <https://doi.org/https://doi.org/10.71239/jicl.v2i2.69>.

⁵⁹ Caleb A. Folorunso, "Globalization, Cultural Heritage Management and the Sustainable Development Goals in Sub-Saharan Africa: The Case of Nigeria," *Heritage* 4, no. 3 (August 11, 2021): 1703–15, <https://doi.org/10.3390/heritage4030094>.

⁶⁰ Jatau and Maza, "Democracy, Peace, and Religion in Nigeria: Can Religion Be Used to Consolidate or Undermine Democracy and Peace?"

Ensuring that every person develops the qualities of self-reliance, discipline, honesty, dignity of labour, social justice, religious tolerance, and patriotism is the focus of this objective.⁶¹ Having this quality will raise society's moral standards, which are inextricably linked to other important objectives necessary for the country's advancement.⁶² This objective is key to national development and images the life and values of the people.

a) Objectives on Culture

The promotion, preservation, and protection of Nigerian culture are the primary objectives of these initiatives.⁶³ The state must ensure that developmental studies are utilized to enhance human dignity. This is targeted towards promoting the people's cultural values. The areas identified under these objectives are also a *sine qua non* for national development and progress.

b) Duties of a Citizen

This objective is very important to the nation and all its citizens. It ensures that every person adheres to the constitution and respects its principles and institutions. These establishments include the legitimate authorities, the National Anthem, the national flag, and the national pledge.⁶⁴ This will increase Nigeria's influence, standing, and reputation. Furthermore, every Nigerian citizen is obligated to defend Nigeria. This is regarded as a national service to be rendered as occasion demands. Also, the dignity of a citizen should be respected by fellow citizens. In addition, the rights and legitimate interests of every citizen must be protected. This will enhance unity and harmonious living amongst citizens. Undoubtedly, it will contribute to the nation's advancement, progress, and well-being. It is expected of every citizen to support the state agencies tasked with upholding law and order. Every citizen must also promptly pay taxes and declare their assets to the appropriate government agency.⁶⁵

Table 1. Fundamental Objectives in Chapter II of the Nigerian Constitution

Objective	Section of the Constitution
Political Objectives	Section 14 of the Constitution
Economic Objectives	Section 16 of the Constitution
Social Objectives	Section 17 of the Constitution

⁶¹ Jatau and Maza.

⁶² Titilayo Anifowose et al., "The Promotion of Synergy between Sustainability and Heritage Preservation," in *2024 IEEE 5th International Conference on Electro-Computing Technologies for Humanity (NIGERCON)* (Ado Ekiti: IEEE, 2024), 1–4, <https://doi.org/10.1109/NIGERCON62786.2024.10926955>.

⁶³ Blessing Nonye Onyima, "Nigerian Cultural Heritage: Preservation, Challenges and Prospects," *Ogiri: A New Journal of African Studies* 12, no. 1 (August 2, 2016): 273, <https://doi.org/10.4314/og.v12i1.15>.

⁶⁴ Kayode Asaju and Tony Egberi, "Federal Character and National Integration in Nigeria: The Need for Discretion and Interface," *Review of History and Political Science* 3, no. 1 (2015): 126–34, <https://doi.org/10.15640/rhps.v3n1a12>.

⁶⁵ Omololu Fagbadebo, "Interrogating the Constitutional Requisites for Legislative Oversight in the Promotion of Accountability and Good Governance in South Africa and Nigeria," *Insight on Africa* 11, no. 1 (January 24, 2019): 38–59, <https://doi.org/10.1177/0975087818814912>.

Educational Objectives	Section 18 of the Constitution
Foreign Policy Objectives	Section 19 of the Constitution
Environmental Objectives	Section 20 of the Constitution
Directive on Nigerian Cultures	Section 21 of the Constitution
Obligation of the Mass Media	Section 22 of the Constitution
National Ethics	Section 23 of the Constitution
Objectives on Culture	Section 21 of the Constitution
Duties of a Citizen	Section 24 of the Constitution

Source: Compiled by the author based on the substance of the Nigerian Constitution

The Non-Justiciability of the Fundamental Objectives and Directive Principles of State Policy

As previously mentioned, Chapter II of the Constitution's non-justiciability makes its provisions unenforceable in any court of law. It is the responsibility of the judiciary to adhere to the provisions of Chapter II of the Constitution. However, Section 6(6)(c) of the same Constitution removes the Court's power to rule on issues involving government agencies that do not adhere to the provisions of Chapter II of the Constitution. The Federal Republic of Nigeria's 1999 Constitution (as amended) states the following in Section 6(6)(c):⁶⁶

The judicial power vested in accordance with the foregoing provisions of this section shall not, except as otherwise provide by this constitution, extend to any issue or question as to whether any act or omission by any authority or person as to whether any law or any judicial decision conforms with the Fundamental Objectives and Directive Principles of State Policy set out in Chapter 11 of this constitution.⁶⁷

The judiciary has also recognised the non-justiciable nature of Chapter II of the Constitution. Thus, in *Archbishop Anthony Okogie vs Attorney General of Lagos State*.⁶⁸ In this case, the plaintiff disputed the legality of a Lagos State Government circular that, due to the implementation of specific provisions in Chapter II of the Constitution, prohibited private schools in the state. On appeal, the Appellate Court considered some concerns that interfere with economic and educational goals. The Court declared, *inter alia*:⁶⁹

“That, though Section 13 makes it a duty and responsibility of all organs of government, including the judiciary, to conform to and apply the provisions of Chapter II. Section 6(6)(c) of the same constitution ousts the jurisdiction of the court to adjudicate any decision about

⁶⁶ David Antia, “Arguments Against the Non-Justiciable Status of Chapter II of the Constitution of the Federal Republic of Nigeria, 1999 as Amended,” *SSRN Electronic Journal*, 2024, <https://doi.org/10.2139/ssrn.4731935>.

⁶⁷ Brown Etareri Umukoro, “Revisiting the Non-Justiciability Issue in Environmental Rights Dialogue in Nigeria,” *Environmental Law Review* 25, no. 2 (June 16, 2023): 101–19, <https://doi.org/10.1177/14614529231168491>.

⁶⁸ Azubike Onuora-Oguno, ed., *Promoting Efficiency in Jurisprudence and Constitutional Development in Africa* (Cham: Springer International Publishing, 2023), <https://doi.org/10.1007/978-3-031-13814-0>.

⁶⁹ Olaniyi Felix Olayinka, “Implementing the Socio-Economic and Cultural Rights in Nigeria and South Africa: Justiciability of Economic Rights,” *African Journal of International and Comparative Law* 27, no. 4 (November 2019): 564–87, <https://doi.org/10.3366/ajicl.2019.0291>.

conformity with the same chapter II by organs of government. The court ruled that Section 13 of Chapter II is not justiciable.”

Similarly, in *Attorney General of Borno State & Ors. V. Rev. JJ Adamu & Ors.* The Court held:⁷⁰

“that by the virtue of section 6(6)(c) of the 1979 constitution, (which is impari materia with section 6(6)(c) of the 1999 constitution of Nigeria), the determination of breach of the provision of Chapter II of the constitution has been excluded”.

The Fundamental objectives are the ultimate goals that the State must seek to achieve. While the Directive Principles stipulate the policies to be pursued in realizing the national ideas of the State.⁷¹ The legislature and the people appear to determine whether Chapter II of the Constitution has been broken, based on the hypothesis above. Hence, in *Olafisoye v. FRN*, Tobi, JSC., described chapter II of the constitution as “a toothless dog which could only bark but cannot bite.”

Similarly, in *Attorney General of Ondo State v. Attorney General of the Federation & Ors.*, Uwais, JSC., observed as follows:⁷²

“It is well established as per Section 6 subsection (6)(c) of the Constitution that rights under the fundamental objectives and directive principles of state policy are not justiciable except as otherwise provided in the Constitution”.

These provisions, which are capable of guaranteeing the betterment of Nigerians, are not justiciable. Some international law scholars believe that the justiciability procedure should not apply to economic, social, and cultural rights. Consequently, human rights were divided into two groups: civil and political rights and economic, social, and cultural rights.⁷³ Consequently, in 1966, two separate international human rights agreements were ratified. The International Accords on Civil and Political Rights, as well as Economic, Social, and Cultural Rights.⁷⁴ These two treaties provide economic and cultural rights in addition to civil and political rights.

⁷⁰ Agaptus Nwozor, “The Politics of Intergovernmental Relations: Assessing the Many Phases and Challenges of Nigeria’s Judicial System,” in *Nigerian Politics* (Cham: Springer Nature Switzerland, 2021), 125–64, https://doi.org/10.1007/978-3-030-50509-7_7.

⁷¹ Samuel Oni, Faith Olanrewaju, and Oluwatimilehin Deinde-Adedeji, “The Legislature and Law Making in Nigeria: Interrogating the National Assembly (1999–2018),” in *The Nigerian National Assembly. Advances in African Economic, Social and Political Development* (Cham: Springer Nature Switzerland, 2019), 15–31, https://doi.org/10.1007/978-3-030-11905-8_2.

⁷² Nwozor, “The Politics of Intergovernmental Relations: Assessing the Many Phases and Challenges of Nigeria’s Judicial System.”

⁷³ Hemen Philip Faga, Francis Aloh, and Uchechukwu Uguru, “Is the Non-Justiciability of Economic and Socio-Cultural Rights in the Nigerian Constitution Unassailable? Re-Examining Judicial Bypass from the Lens of South African and Indian Experiences,” *Fiat Justisia: Jurnal Ilmu Hukum* 14, no. 3 (May 15, 2020): 203–20, <https://doi.org/10.25041/fiatjustisia.v14no3.1801>.

⁷⁴ Eghosa Osa Ekhatior, “The Impact of the African Charter on Human and Peoples’ Rights on Domestic Law: A Case Study of Nigeria,” *Commonwealth Law Bulletin* 41, no. 2 (April 3, 2015): 253–70, <https://doi.org/10.1080/03050718.2015.1049633>.

Proponents of the positive and negative rights paradigm support the non-justiciability of Chapter II of the Constitution.⁷⁵ Going forward, the Directive Principles and Fundamental Objectives are free from compulsion and are regarded as socio-economic rights. Additionally, there has been debate over the dual concerns of these rights' certainty and clarity. Accruable socio-economic rights, however, are ambiguous and undefined. It seems to lack conceptual clarity as a result. These rights are therefore unenforceable and inappropriate for adjudication. Another argument revolves around the inherent practical problem of implementing remedies in situations where such rights are made justiciable, particularly when the economic realities are unfavourable.⁷⁶ This remains a major concern for an economy that is either grappling with an economic meltdown or experiencing an economic recovery, as is the case in Nigeria.

According to statistics, nearly half of the world's population lives in poverty due to a lack of access to the essentials, including food, water, housing, healthcare, education, and decent employment opportunities.⁷⁷ However, from 2001 to 2015, the Millennium Development Goals primarily concentrated on international financing, knowledge, and human development advancement. Despite this fact, statistics revealed that about 785 million people out of the global population are undernourished. Therefore, the government should prioritize every citizen's enjoyment of socioeconomic rights, especially in a developing country like Nigeria. In years past, before the turn of the millennium, there were doubts about the availability of adequate global resources to eradicate poverty worldwide.⁷⁸ This is no longer a valid reason, nevertheless, for not achieving socioeconomic rights. Therefore, the availability of resources does not justify infringing upon social and economic rights.

The Implications of Non-Justiciability of Socio-Economic Rights in Chapter II of The Nigerian Constitution

The non-justiciability of Chapter II of the Constitution has clear ramifications. First of all, it doesn't establish legal rights or constitutional requirements as guides to achieving objectives, pious hopes, and aspirations. Hence, they are not enforceable in court and are seen as mere declarations.⁷⁹ They impose “duty without liability” or “responsibility without liability.” This is so because the duty to observe and apply them cannot be sanctionable by the Court. It is also perceived as an effort

⁷⁵ Antia, “Arguments Against the Non-Justiciable Status of Chapter II of the Constitution of the Federal Republic of Nigeria, 1999 as Amended.”

⁷⁶ Faga, Aloh, and Uguru, “Is the Non-Justiciability of Economic and Socio-Cultural Rights in the Nigerian Constitution Unassailable? Re-Examining Judicial Bypass from the Lens of South African and Indian Experiences.”

⁷⁷ Gillian MacNaughton and Diane F. Frey, eds., *Economic and Social Rights in a Neoliberal World* (Cambridge: Cambridge University Press, 2018), <https://doi.org/10.1017/9781108284691>.

⁷⁸ Olayinka, “Implementing the Socio-Economic and Cultural Rights in Nigeria and South Africa: Justiciability of Economic Rights.”

⁷⁹ Festus Ogun, “Non-Justiciability of Chapter Two of the 1999 Constitution: A Hindrance to Nigeria’s Development,” *SSRN Electronic Journal*, 2020, <https://doi.org/10.2139/ssrn.3663868>.

to include socioeconomic rights in the Constitution. By tagging this segment of the Constitution a “policy,” it meant that it is intended as a guide to achieving governmental objectives.⁸⁰ It outlines steps to be taken by the Courts when interpreting the provisions of the Constitution. Essentially, it serves as a legitimate benchmark for evaluating the effectiveness of political parties and governments.⁸¹

Furthermore, Chapter II of the Constitution does not have absolute non-justiciability. To render the provisions justiciable, three approaches have been proposed. The first approach is when a specific Section of Chapter II is required to be followed to carry out the terms of that particular Section, as directed by the Constitution in its justiciable Sections.⁸² For example, section 147(3) of the Constitution provides that:

“Any appointment under sub-section (2) of this section by the President shall conform with the provisions of section 14(3) of this constitution...”

Also, section 197(3) provides as follows:

“In appointing the Chairman and members of boards and governing bodies of statutory corporations and companies in which the government of the state has controlling shares or interests and the councils of universities, colleges, and other institutions of higher learning, the Governor shall conform with the provisions of section 14(4) of this Constitution”

Since adherence to Sections 14(3) and 14(4) is required, Sections 147(3) and 197(3) can be challenged.

The second occurs when the National Assembly passes legislation that promotes and enforces a provision of Chapter II of the Constitution. Though visible, this option is paradoxical, self-contradictory, and fraught with some problems. Enacting legislation independent of the Constitution to enforce a segment of the Constitution that is considered unenforceable is a constitutional conundrum and can be best described as a paradox.⁸³ But enacting laws to change the Constitution's provisions foreshadows a threat to constitutional democracy. Allowing this conduct will undoubtedly undermine and mock the Constitution's supremacy and supremacy clause. However, the Constitution must be amended in conformity with its provisions; ordinary law cannot alter it.

Invoking the African Charter on Human and Peoples' Rights is the third strategy. Certain socioeconomic rights, akin to those found in Chapter II, are guaranteed by the Charter. This method is further strengthened by the domestication of the Charter. This was done in accordance with the treaty domestication provisions

⁸⁰ Adeline Idike et al., “The Practice of Inclusive Representation in Nigeria Bureaucracy: The Federal Character Principle Experience,” ed. Richard Meissner, *Cogent Social Sciences* 5, no. 1 (January 5, 2019), <https://doi.org/10.1080/23311886.2019.1601545>.

⁸¹ Oni, Olanrewaju, and Deinde-Adedeji, “The Legislature and Law Making in Nigeria: Interrogating the National Assembly (1999–2018).”

⁸² Onuora-Oguno, *Promoting Efficiency in Jurisprudence and Constitutional Development in Africa*.

⁸³ Oni, Olanrewaju, and Deinde-Adedeji, “The Legislature and Law Making in Nigeria: Interrogating the National Assembly (1999–2018).”

of Section 12 of the Constitution.⁸⁴ In *Registered Trustees of the Socio-Economic Rights and Accountability Project (SERAP) vs, President Federal Republic of Nigeria and Universal Basic Education Commission*.⁸⁵ The ECOWAS Court of Justice ruled that the rights guaranteed by the African Charter on Human and Peoples' Rights are unquestionably within the Court's jurisdiction. It was further decided that every Nigerian should have access to the education guaranteed by the Charter, which is enforceable in court.

Additionally, in the case of *Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights vs, Nigeria*. The African Commission on Human and Peoples' Rights ruled that Nigeria was responsible for violating the rights specified in Articles 16, 18, 4, and 24 of the African Charter on Human and Peoples' Rights.⁸⁶ However, the Charter does not distinguish between civil and political rights and economic, social, and cultural rights. According to Article 45 of the Charter, every right is enforceable and open to judicial review.⁸⁷

Impediments in Realising the Fundamental Objectives and Directive Principles of State Policy in Nigeria

Despite the possibility that Chapter II of the Constitution should be subject to judicial review, there are still barriers to its implementation.⁸⁸ The first is the intrinsic flaw in the constitution brought about by the contradictory and illogical nature of Sections 13 and 6(6)(c). It should go without saying that to give these fundamental provisions momentum, the seeming contradiction and conflict must be addressed in support of section 13. Although there are instances where the National Assembly can render provisions justiciable through the exercise of its legislative powers, there appears to be legislative fragility in maximizing this legislative option. What this portends is that the doctrine of checks and balances on which our constitutional democracy is built is not fully operational. Hence, there is no known constitutional amendment that is aimed at elevating or enhancing the rights intertwined in these constitutional provisions.⁸⁹

⁸⁴ Ekhatior, "The Impact of the African Charter on Human and Peoples' Rights on Domestic Law: A Case Study of Nigeria."

⁸⁵ Olubayo Oluduro and St. Emmanuel Ayooluwa, "Realising the Socio-Economic Rights of Refugees and Asylum Seekers in Africa: The Nigerian Situation," in *Realising Socio-Economic Rights of Refugees and Asylum Seekers in Africa. Politics of Citizenship and Migration* (Cham: Springer Nature Switzerland, 2023), 371–405, https://doi.org/10.1007/978-3-031-16548-1_15.

⁸⁶ Ekhatior, "The Impact of the African Charter on Human and Peoples' Rights on Domestic Law: A Case Study of Nigeria."

⁸⁷ Oluduro and Ayooluwa, "Realising the Socio-Economic Rights of Refugees and Asylum Seekers in Africa: The Nigerian Situation."

⁸⁸ Akume T. Albert, "Combating Corruption in Nigeria and the Constitutional Issues Arising," *Journal of Financial Crime* 23, no. 4 (October 3, 2016): 700–724, <https://doi.org/10.1108/JFC-07-2015-0034>.

⁸⁹ Ekhatior, "The Impact of the African Charter on Human and Peoples' Rights on Domestic Law: A Case Study of Nigeria."

At any rate, the concerns raised are without prejudice to other issues such as dwindling economic fortunes, corruption, favouritism, nepotism, ethnicity, etc.⁹⁰ It, therefore, remains expedient that these concerns be addressed through proactive and pragmatic engagement by all actors to make these constitutional provisions justiciable, whether progressively or otherwise. Thus, from a political perspective, if the State does not fulfill these expectations, it could result in a revolution due to rising frustrations. Therefore, the duty placed on the State by Section 13 of the Constitution to adhere to Chapter II is undermined by Section (6) Subsection 6 (c) of the Constitution.⁹¹ While scholars have discussed the non-justiciability of socio-economic rights earlier in this study, it is also important to consider other factors that could impede their realization. Amongst which are corruption, lack of political will, illiteracy, militancy, and civil unrest.

Conclusion

The developing jurisprudence in other countries with similar constitutional provisions supports the justiciability of Chapter II of the Constitution, for example, in *Olga Tellis & 2 Ors. v. Bombay Municipal Corporation & Ors.* (2007) CHR 236, (1987) LRC (Const.) 35. The Indian Supreme Court ruled that the right to livelihood is a part of the right to life. In actuality, this ruling made the Constitution's Directive Principles' social and economic objectives enforceable. Recently, the Supreme Court of Ghana in *Ghana Lotto Operators Association v. National Lotteries Authority* (2007-8) 2 SCGLR. held that all the provisions of the Constitution are justiciable. It further held that these provisions are the most important rule on political governance. However, where they are expressly excluded in the Constitution, then it is a pointer to the right direction. A similar decision was reached by the Court in South Africa, in the case of *Government of the Republic of South Africa v. Grootboom* (2001) 36 WRN 137 at 162-163. This pattern suggests that the utopian position currently attributed to the Fundamental Objectives and Directives for State Policy in the Nigerian Constitution should be reconsidered in light of current reality. While appropriate legislative interventions are anticipated to create a favourable atmosphere for the desired change, the Courts can take the lead through the exploitation of inherent jurisdiction or the exercise of inherent powers in the spirit of judicial activism.

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None

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⁹⁰ Albert, "Combating Corruption in Nigeria and the Constitutional Issues Arising."

⁹¹ Amos O. Enabulele and Anthony Osaro Ewere, "Can the Economic Community of West African States Community Court of Justice Enforce the African Charter Replicas of the Non-Justiciable Chapter II Human Rights Provisions of the Nigerian Constitution against Nigeria?," *International Human Rights Law Review* 1, no. 2 (2012): 312–37, <https://doi.org/10.1163/22131035-00102004>.

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