

TOPOGRAPHY OF HUMAN SUFFERING IN NIGERIA – FROM THE PLATEAU OF CORRUPTION TO THE LOW LANDS OF POVERTY: THE RIGHT TO DEVELOPMENT TO THE RESCUE

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Abstract:

This article takes a critical look at the content of the right to development as provided in the African Charter on Human and Peoples' Rights and the United Nations Declaration on the Right to Development, and interrogates the availability of that right in Nigeria. The article argues that an institutionalized culture of corruption is to blame for the failure of successive Nigerian governments to promote and foster the right to development because the resources for realizing that right are usually commandeered by the corrupt leaders. It is contended that the failure of the right to development in Nigeria truncates the realization of other human rights because the right to development is indeed the fountain head of all other human rights, what with the interdependence, interconnection and indivisibility of all human rights. A deficit of the right to development is therefore the reason for so much poverty and human suffering in Nigeria. Finally, the article submits that lawyers and judges have what it takes to actualize the quest of suffering Nigerians to enjoy the right to development. If lawyers through cause lawyering can engage the courts with a flood of strategic litigations, backed by robust policy and social change advocacy, the right to development will become tangible to checkmate corruption, poverty and human suffering in Nigeria.

KEY WORDS: CORRUPTION, DEVELOPMENT, HUMAN RIGHTS, CAUSE LAWYERING, JUDICIAL ACTIVISM

1.0 Introduction:

The right to development has been recognized under various international human rights regimes as a fundamental human right without which other human rights cannot effectively be secured and enjoyed. Interestingly, the right to development was first recognized, espoused and codified as a full-fledged individual and collective human right by the African Charter on Human and Peoples' Rights, which was adopted in 1981.¹ The right to development was subsequently proclaimed by the [United Nations](#) in 1986 in the "Declaration on the Right to Development," which was adopted by the [United Nations General Assembly](#).² The vote took place on the 4th of December 1986. A total of 146 States voted for the resolution with 8 abstentions (Denmark, Finland, the Federal Republic of Germany, Iceland, Israel, Japan, Sweden and the United Kingdom of Great Britain and Northern Ireland). Ironically, the only country to vote against the declaration was the United States of America.

The Preamble of the Declaration on the Right to Development among other things recognizes that:
Development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom.

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¹ Nigeria signed up to the Charter in 1982 and ratified same in 1983, finally domesticating the Charter in 1989 as the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act

² Resolution 41/128