

## THE EFFECT OF GLOBALISATION ON THE ENFORCEMENT OF HUMAN RIGHTS IN NIGERIA

By

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### Abstract

*This paper examined the effect of globalisation on enforcement of human rights in Nigeria. Following the study of relevant secondary sources, it was observed that there is a paradigm shift from the traditional recognition of sovereign states as the sole actor responsible for enforcing human rights in their respective courts and categorising human rights as civil and political rights. We looked at the influence of globalisation on the enforcement of human rights. We discovered that globalisation has rapidly transformed the traditional perspective on the enforcement of human rights not only in Nigeria but globally. We suggest that stringent measures should be employed by international organisations in the area of enforcement of human rights, putting into consideration essential peculiarities.*

**Keywords:** Enforcement, Globalization, Human Rights.

### Introduction

The establishment of the United Nations Human Rights Commission (UNHRC) in the pre-globalisation era mandated member states by way of obligation to enshrine the fundamental human rights in their national constitutions and to further guarantee the enforcement of these rights in their respective national courts. In the pre-globalisation era, human rights were individualised and recognised as social and political rights. In compliance with the international agreement, Nigeria, as a member state, enshrined these rights in the constitution. As amended, the 1999 constitution of the Federal Republic of Nigeria has these rights domiciled in Chapter 4. It also made provisions for the justiciability of the rights, where violated, in the high courts. In this era, sovereignty was a fundamental principle in international agreements where foreign states respect strictly the boundaries of sovereign

states. The sovereign states were the only recognised actors in international relations. The wave of globalisation facilitated the erosion of the sovereignty principle, thereby introducing non-state actors in the international arena. The involvement of the non-state actors paved the way for other categorisations of human rights as well as other institutions other than the state saddled with the responsibility to enforce issues bordering on the enforcement of human rights. In line with this trend, the regional and sub-regional international organisations have also followed the UNHRC's guidelines in safeguarding fundamental Human rights. Unfortunately, Nigeria has been battling with the enforcement of fundamental human rights as the country is marred with several cases of abuse of fundamental human rights perpetrated by government agencies like the police. Such abuses orchestrated by the police led to the ENDSARS protest in 2020, which claimed innocent lives. There are several cases of citizens being in police custody for several months without trial and myriads of accused persons awaiting trial. However, they are already detained in the prison and cannot access bail. Domestic violence has also been on the rise. Despite the efforts made by the government to ensure and guarantee the safeguards of human rights, especially by enshrining them in the constitution and also establishing high courts for the enforcement of violations, issues bordering on human rights abuse continue to threaten the overall stability of Nigeria. Globalisation which tends to shrink the universe has tremendously influenced the traditional perspectives on enforcing human rights. It has broadened the categorisation of human rights, moving the perception away from an individual perspective. This was captured in the United Nations' definition of human rights in the Millennium era, which viewed human rights as freedom from fear and freedom from want. This can be freedom of individuals, groups, conglomeration of sovereign states, etc. The era of globalisation introduced non-state actors in the international arena, which broadened the scope of enforcement of fundamental human rights.

## **Globalisation as a Concept**

The term globalisation has been given several definitions primarily to satisfy the variables under study. However, in general terms, globalisation is a phenomenon which deals with the interaction of people in different spheres of life without any hindrance in pursuing their interests across borders. Globalisation is supported by technological advancements in all spheres, which reduce the world to a unified system. Yeattes (2001) globalisation is an extensive network of economic, cultural, social and political interconnections and processes beyond boundaries. In his submission, globalisation is a process where market relations and political discontent with economic policies have virtually become borderless (Eric, 2010). Globalisation has changed the narrative of Human Rights enforcement. It is now clearly transnational. Transnational actors in the form of Intergovernmental organisations (IGOs), Non-governmental Organizations (NGO), Multinational Companies (MNCs), as well as transnational networks of state agencies, private organisations, migrants, and others now play substantial roles on the global stage (Dingwerth&Pasttberg, 2009). Oji and Ozioko (2015) defined globalisation as expanding and intensifying international political and economic intercourse. From the previous definitions, the significant aspects of globalisation are international trade, information, communication and technology. These aspects serve as vehicles for the fast shrinking of the universe into a global village.

## **Human Rights and its Enforcement in Nigeria**

Fundamental Human Rights are inalienable rights globally recognised as the foundation of humanity (Onuoha, 2022). Bulusson (2018) posits that fundamental human rights are natural and inherent in all human beings regardless of their nation, location, language, religion, ethnic origin or other status. He further clarifies that these rights are embedded in our laws to prevent humankind from living brutal and animalistic life where the

strong survive, and the weak are eliminated. Gupta (2018) submits that the rights of a person, which forms a necessary base for human existence and are approved by the Supreme Court and recognised by society, are known as Fundamental Rights. In their works, B. Prabakaran and AR. Saravanakumar (2020) posits that human rights are the most fundamental rights that protect humans from the inhuman behavior of other humans. Therefore, these rights are more helpful to the survival of every human being on this earth. With these conceptual analyses of fundamental human rights, proactive enforcement of these universally recognised and constitutionally guaranteed rights is crucial for human existence. Enforcement animates these rights in cases of violations and abuses. It, therefore, serves as a deterrent to violators. In democratic societies, the constitution empowers the court to enforce fundamental human rights. Dada (2013) submits that the government, with its various institutions, has a massive role in ensuring the full realisation of human rights. Dhupdale (2012) states that the judiciary plays a vital role in protecting the people's constitutional rights from state actions.

Ugbeta (2020) states that government authorities and law enforcement agents (the police and officials of the State Security Service) frequently engage in various human rights violations, notably unlawful killings, torture and other forms of ill-treatment of crime suspects. Violation of fundamental human rights skyrockets sporadically. There is a global trend of gross violation of fundamental human rights. These are emergent in the series of war crimes globally experienced, gruesome taking of one's life which manifests as public shootings, terrorism, banditry, kidnapping, domestic violence, and others. The ENDSARS protest in Nigeria by the youths in 2020 led to the alleged military killing of about 3000 persons. All these problems, saddled with not dealing decisively with the offenders, point to the fact that there are clogs in the wheel of the enforcement of fundamental human rights in Nigeria.

### **The effect of globalisation on the enforcement of fundamental human rights**

Following the initial observation, the significant aspects of globalisation are trade, information, communication and technology. With the free trade element of globalisation anchored on liberalising political economies, several categorisations of human rights emerged. Globalisation transformed traditional civil and political rights, and they metamorphosed into several forms of human rights, which include: development rights, economic rights, group rights, information rights, and others. To further address the core perspectives of human rights in the globalisation era, the United Nations viewed human rights as freedom from fear and freedom from want. In other words, the unit of analysis of human rights now shifts from individual to group. Hence such groups like LGBT, Labour unions, and others strive for the enforcement of their rights across borders.

Politically, international law before the era of globalisation upheld the principle of sovereignty. With this position, sovereign states reserve the absolute power to protect their territory from external influence. The globalisation wave has affected tremendously this traditional aspect of international law. Globalisation brought about the erosion of sovereignty since non-state actors play critical roles in safeguarding human rights in any part of the globe. This assertion is supported by the myriads of human rights issues being exposed by the sophisticated communication channels and obligations of states in the international community which allows for the enforcement of human rights outside territorial jurisdiction. For instance, the trial of African leaders who committed war crimes in the International Court of Justice abound. There are also cases bordering on the enforcement of human rights against the Federal Republic of Nigeria before the ECOWAS Court of Justice (ECJ). As seen in the case of SERAP v. FRN. SERAP, a Non-Governmental Organization (NGO) accused the federal government of Nigeria of violation of the educational rights as contained in chapter 2 of the constitution of the Federal Republic of Nigeria, which the constitution made non-

justiceable. Since the Nigerian courts are severed from enforcing such rights, which have been guaranteed by the African Charter on Human and People's Rights and also the Economic Community of West African Commission on Human Rights, the aggrieved NGO sought the intervention of the ECOWAS court for the enforcement of the development rights of Nigerian citizens. Currently, a court in the United Kingdom granted a conviction against a former Deputy Senate President in Nigeria who violated the Modern Slavery Act 2015 (see *R v Ekweremadu and others*). In Nigeria, asinger, Yahaya Aminu Sharif was sentenced to death for blasphemy. A human rights lawyer and Senior Advocate petitioned the African Commission on Human and People's Rights in Banjul to enforce Sharif's fundamental human rights. With the aid of the ICT, this case has attracted over 200 petitions from local and international human rights groups to the president of Nigeria for the release of Yahaya Sherif. All these enforcement of fundamental human rights outside the territory of Nigeria is a pointer in the right direction which results as a product of globalisation.

## **Conclusion**

Studies on globalisation have argued that it breeds inequality and widens the gap between the haves and the have-nots. However, in exploring the influence of globalisation on the enforcement of human rights in Nigeria, this paper found that globalisation in this respect is beneficial to the victims of the abuse of fundamental human rights. These positive interventions guaranteed by the wave of globalisation have been actualised with the hybrid nature of the information, communication and technology which characterise the interconnection of state and non-state actors in the international arena. Such interconnection as regards the enforcement of human rights is evidenced in the relevant activities of global organisations (e.g. United Nations), regional organisations (e.g. African Union) and sub-regional organisations (e.g. ECOWAS). In consideration of the new dimensions in the enforcement of human rights, non-state actors should therefore be empowered to facilitate

issues bordering on the enforcement of human rights. We, therefore, recommend that we ensure effective and efficient international policy packages to guarantee the enforcement of human rights within and outside Nigeria. In cases where hi-tech communication facilities expose human rights abuses, such violations should be addressed by employing international measures to enforce certain human rights. There is also a need to expand international organisations' jurisdiction in enforcing human rights globally. We conclude that globalisation, in its transnational nature, has influenced the enforcement of human rights in Nigeria to a greater extent.

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