

## TOGETHER, BUT UNEQUAL: INTERROGATING SOCIAL JUSTICE IN NIGERIA

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### Abstract

*This paper examined the nexus between social justice, national development, and nation-building in Nigeria. It adopted the qualitative and historical descriptive method of analysis because by its nature, the topic was not amenable to quantitative analysis. One of the important findings of the paper is that though Nigerian citizens have remained together within the same political space in spite of many challenges, there are obvious cases of inequality and glaring examples of the negation of the principles of social justice by the leadership class. The result of the breaches of the constitutional provision for social justice is Nigeria's inability to consolidate her diversity to achieve national development and nation-building as is the case in other heterogenous federations like the United States. The paper concluded that a possible way out of this quagmire is for the federal government to adopt concrete official measures to encourage attitudinal and behavioural changes among both the leaders and ordinary Nigerians in order to ensure a faithful adherence to social justice which is considered a panacea for the challenges of national development and nation-building.*

### Introduction

Every society, community or country is made up of different groups whose interests and goals are not always compatible. It is for this reason that conflicts and misunderstandings are largely inevitable in and among such entities. Since every society, community and country can only make progress in an atmosphere of peace and unity, it puts in place certain mechanisms for addressing, conflicts and ensuring that the demands, interests and goals of every group therein are satisfied to some reasonable extent. Yet, peace alone cannot guarantee stability and progress unless justice is done and seen to have been done in inter-personal and inter-group relationship and interactions.

For a country like Nigeria, therefore, national development can best be assured when there is equality and justice among its components heterogeneous societies. Put differently with more than 250 ethnic groups, Nigeria is a country with great diversities in cultures, values, orientations, and general world view. Therefore, to make meaning out of this maze, the Federal Government should necessity, be run in an inclusive manner if national development must be achieved as a realistic goal. This means that all ethnic, religious, social, and regional groups should be equally represented in all the three arms of government at the Local, State, and Federal levels.

Therefore, every Nigerian citizen should enjoy equality of rights, obligations and opportunities, irrespective of the person's ethnic, social, cultural, or religious background. It was on the basis of this that the Federal Character Commission was set up. Among the important constitutional duties of this Commission is to monitor adherence to the principle of federal character by ensuring that recruitment, appointment, and promotion in all positions in the public services of the Federation and the States, as well as the Armed Forces, the Police, and other relevant government Ministries, Agencies, and Departments are done in an equitable and just manner.<sup>1</sup> A second arm to the Federal Character Principle is the "quota system" which is also put in place to ensure the proportional representation of states in admission into federal institutions of learning (secondary and tertiary), recruitment into the federal civil service, the military, police, as well as the distribution of development programmes.<sup>2</sup> However, the quota system predate Nigeria's independence in 1960 and was introduced basically to create opportunities for some so-called disadvantaged states in Nigeria.<sup>3</sup>

### **Justice and Social Justice: An Overview**

Justice is a general virtue. For Christians, it connotes, among other things, righteousness, as for example, in not maltreating one's neighbour(s). It also implies a duty to perform group and individual acts of social reparation, welfare, and assistance. Justice is also a value to the extent that it insists on equal treatment of all members of any given society. It is also concerned with the distribution of good and evil in the society.

Justice owes its origin to the works of Plato (The Republic) and Aristotle (Nicomachean Ethics). Both Greek philosophers saw justice as a social and political virtue. While Plato believed that justice will be realized if each Greek city-state concentrated on its own affairs and refrain from meddling in the affairs of others,<sup>3</sup> Aristotle saw justice as having to do with the regulation of the rules of the state to determine what is right or wrong.

In any given society, the members have some vague idea of what justice involves, and regard it as one of those values that should be pursued. It is regarded as a moral value which emphasizes equality. There are two forms of justice known to the law, namely, procedural justice, and substantive justice. There is a positive correlation between these two. Thus, the former prompts and promotes advances in the latter. For instance, whereas unfair trials in a law court would aggravate the laws that discriminate against a certain group in a given community, fair trials and impartial tribunals would commit other groups in such a community to the full vindication of equality and human dignity. Conversely, procedural injustice not only accompanies substantive injustice; it also aggravates its cruelty.

Justice, therefore, becomes evident in the sense of injustice. In this, context, the concept of justice involves preventing or at least remedying what would arouse the sense of injustice. In other words, the meaning of the term 'justice' comes alive whenever one confronts injustice and does justice, for, after all, the experience of a sense of injustice incites people to join with one another in perceiving danger, in resisting it, and in exulting over an achieved success. All these are public acts of solidarity.

Law and justice have much in common. Though a moral principle, justice is always best understood in relation to law. This is because the main requirements of due process or procedural justice in courts of law include elements that are common to both justice and law. For instance, procedural justice demands that in the law courts, no one must be accused of violating a rule of behavior unless he/she committed the alleged act. Also, when accused, a person is entitled to know the charge(s) against him/her, as well as the evidence adduced in

support of the charge(s), and to have a fair opportunity to collect and present his/her own evidence through a counsel.

Put differently, the notion of justice demands equality before the law. The judge or other arbiter must be disinterested, unbiased, and attentive. Even if a person is found guilty of any offence, procedural justice requires that some way be afforded to reconsider the case later and correct any serious error that comes to light eventually. Justice is, therefore, invariably associated with legal proceedings. Law upholds justice and either imposes liability on an offender or gives redress to the offended person.

Thus, men in society turn to justice whenever they confront real or imagined instances of injustice. Since individuals in modern societies cannot easily resort to violent self-help, the law makes provision for redressing acts of injustice in an impartial manner. It is in this sense that justice and law relate to each other. The special work of law in this case is to identify acts of injustice. Justice, therefore, creates a nexus between law and morality,<sup>4</sup> and since value considerations are sometimes used to direct law in order to harmonize social relations, law should secure justice, that is, law should be a good instrument for upholding justice.

Social justice has been defined as, “Justice that conforms to a moral principle, such as that all people are equal”.<sup>5</sup> The central emphasis of justice in general and social justice in particular, is equality, that is, fairness in the treatment of members of any society, especially in the area of having equal access to social privileges, wealth, health, and opportunities. Social justice becomes obvious when fairness manifests in a given society. There are basically, five principles of social justice. These are access to resources, equality, diversity, participation, and human rights.

It is important to point out here that as a concept, social justice owes its origin to the industrial Revolution of the early 19<sup>th</sup> century in Europe. At that time, there were obvious instances of exploitation of the working class people by the rich industrialists. The idea of social justice, therefore, sought to create societies that were more egalitarian and where the exploitation of the workers by their employers could be minimized. Over the years, however, the scope of the concept has widened to include other aspects of social life where there are manifestations of inequality or discrimination.

### **Individual and Social Justice in Nigeria**

Individual justice is anchored on the philosophy that the individual human being should be allowed to develop his/her personal faculties with minimal interference by the state, society, or community to which such an individual belongs. Social justice, on the other hand, is a concept that implies placing some institutional restraint on the liberty or freedom of the individuals in their societies. Therefore, social justice is concerned with equality, while individual justice is concerned with liberty or freedom. One way of ensuring progress in any given society is to reconcile the demands of both individual justice and social justice.

Social justice in Nigeria is a constitutional guarantee. Section 16 (1a-d) and section 16 (2, a-d) of the 1999 constitution (as amended) explicitly provides, among other things, that the Nigerian state shall:

- a) Harness the resources of the nation and promote national prosperity and an efficient, dynamic and self-reliant economy.

b) Control the national economy in such a manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity.

Sub-section 6(2b) of section 16 of the constitution states that the policy of the Federal Government shall be directed towards ensuring that the economic system is not operated in such a manner as to permit the concentration of wealth or the means of production and exchange in the hands of a few individuals or of a group.<sup>6</sup>

Similarly, section 17 of the constitution is devoted to the whole idea of social justice. Sub-section 3(a), for instance, provides that the Nigerian government shall direct its policy towards ensuring that “all citizens, without discrimination on any group whatsoever, have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment”. The fundamental rights of Nigerian citizens are copiously enunciated in chapter IV of the constitution. These rights also come with responsibilities which, in a way, serve as a restraint to the employment of the individual’s freedoms. Such rights, for instance, could be defined in two circumstances, namely, where it is in the interest of defence, public health, to restrain the employment of such individual rights. Secondly, the rights and freedom of any citizen could be denied them for the purpose of protecting the rights and freedom of other citizens.<sup>7</sup>

However, practice is different from theory as far as social justice in Nigeria is concerned. It is obvious that the constitutional provision on equal sharing of the country’s wealth has been obeyed more in breach than in adherence. In other words, social justice in Nigeria has not achieved the constitutional objectives because of the implementation of several policies that negate its essence. The structure of the Nigerian economy and the pattern of national politics are largely to blame for this. That is why Nigeria has been rated as one of the poorest and most corrupt countries in the world. Bad leadership, selfishness and corruption have combined to make Nigeria’s claim as the giant of Africa a laughable one. On the contrary, the country was in 2018, declared the poverty capital of the world in a report by the Brookings Institute,<sup>8</sup> with a majority of its estimated 200 million citizens living below the poverty level of one U.S dollar per day. About 86.9 million Nigerians live in extreme poverty,<sup>9</sup> that is almost half of the entire population. Ironically, and as H. Assisi Asobie has rightly observed: while poverty grows, expands and deepens in Nigeria, the revenue available to the nation, derived from its rich stock of natural resources, especially oil and gas, increases by leaps and bounds.<sup>10</sup>

### **Social Justice and National Development**

As an analytical concept, development has been the subject of varied definitions. For instance, during the years of the ideological warfare between capitalist countries (the West) and communist states (the East), the concept became politicized as each of the opposing sides gave it their own connotations. To scholars with Marxist ideological orientations, development was (and is still) seen as:

... a dialectical phenomenon in which the individual and society interact with their physical, biological, and inter-human environments, transforming them for their own betterment and that of humanity at large and being transformed in the process... Development is first and foremost a phenomenon associated with changes and man’s humanity and creative energies, not in things.<sup>11</sup>

On their part, Western or the so-called liberal scholars, see development basically as the propensity to save and accumulate capital, with the marginal output ratio as the determinant of

growth rate, and technology as an essential part of the development process.<sup>12</sup> In other words, from this perspective, development is measured in terms of qualitative increases in capital formation and industrialization. The human element in the development process is, therefore largely underplayed in the Western conception of development, whereas Marxist scholars see development, first and foremost, in qualitative terms; that is, it is focused on human beings and should not be preoccupied with abstract terms or concepts.

In this paper, however, national development is seen as being concerned with the ability of a given nation to introduce changes that will accelerate economic growth and reduce inequality and poverty among its citizens. To do this, such a nation must have a visionary and dedicated leadership that will initiate the reorganization of the social and economic systems and a reorientation of the citizenry by way of attitudinal changes through reformations in the political, economic, administrative, and social institutions in the country.<sup>13</sup> Development cannot, therefore, be equated with simple growth of national wealth in terms of output, but should be a continuous process involving qualitative changes in man, his society, and the environment in an interdependent manner.

As a matter of fact, there is a link between social justice and national development. For example, the 1999 constitution provides, in section 14(1) that “The Federal Republic of Nigeria shall be a state based on the principles of democracy and social justice”. Sub-section 2(a)-(b) provides that sovereignty belongs to the people of Nigeria, and that the security and welfare of the people shall be the primary purpose of government. Furthermore, development involves not just the material well-being of the citizens, but also the protection of their fundamental rights as enshrined in the United Nations’ Universal Declaration of Human Rights, 1948, and the two international covenants on human rights which came into force in 1976.<sup>14</sup> These two covenants further elaborate on human rights in legally binding documents and are replicated in Chapter IV of 1999 constitution of the Federal Republic of Nigeria.

Social justice in Nigeria, as earlier pointed out, is constitutionally guaranteed, and aims at allowing every citizen equal access to the country’s wealth without any form of discrimination. This means that the social, economic, educational, and environmental objectives of the government, and similar provisions in Chapter II (Fundamental Objectives and Directive Principles of State Policy) ought to be faithfully implemented for the overall benefit of Nigerian citizens who, *ab initio*, provide the sovereignty on which all the powers and authority of the Federal Government hinge on.<sup>15</sup> In this sense, therefore, the nexus between social justice and development is that development should not only be viewed from the more conventional perspective of those criteria propounded by international financial institutions like the World Bank, but also the criteria of the United Nations Development Programme (UNDP), such as the Human Development Index (HDI) which include such components as life expectancy at birth, education, income, and gender equality.<sup>16</sup>

Since national development is concerned first and foremost with the overall well-being of Nigerians, then the country’s biggest challenge is her appalling human development index over the years. Whereas a 2010 UNDP report ranked the country a lowly 142<sup>nd</sup> out of 169 countries in an assessment of human development indicators, and put life expectancy at 48.4 years (below 17 other African countries), it put Nigeria’s gross national per capita income below those of countries like Benin Republic, Cameroun, Ghana, and Sao Tome and Principe.<sup>17</sup> Similarly, in 2019, Nigeria’s HDI value was 0.539, which put the country at number 161 out of the 189 countries surveyed. The HDI was created to emphasize the imperative of considering that human beings and their capabilities should be the ultimate criteria in assessing any

country's development. It summarizes the average achievement of individual country in such key areas of human development as a long and healthy life, education, and standard of living. An assessment of Nigeria's performance in these three dimensions is very important. In the area of health, the picture is both abysmal and worrisome. Nigeria's health sector is still wobbling despite huge spending by the government and international agencies and donor organizations.<sup>18</sup> The country's infant and maternal mortality rates rank among the highest globally. As of 2021, infant mortality rate under one year of age was measured at 58.23; that is, 58 deaths of children under the age of one per 1,000 live births.<sup>19</sup> The maternal mortality rate was put at 814 per 100,000 live births. This means, according to the World Health Organization (WHO), that the lifetime risk of a Nigerian woman dying during pregnancy, child birth postpartum or post-abortion is 1 in 22 as at 2021.<sup>20</sup> Primary Health Care Centres (PHCs) which were established in the rural areas as the third-tier of healthcare after General and Teaching Hospitals, continue to suffer from official government neglect and an inevitable lack of patronage by patients in the rural areas.

Education, which constitutes an important criterion in measuring Human Development Index has also had its fair share of official or government neglect and abandonment. Schools, books, furniture, as well as quality teachers, are all in short supply. Millions of school-age children are out of school, and there is an obvious low morale among teachers in public primary and secondary schools. This has been worsened by inconsistencies in the country's educational policies.<sup>21</sup> Many rich parents now prefer having their children in private primary and secondary schools. The situation in tertiary institutions is equally disgusting and incomprehensible. In fact, it has been argued that "The [university] system has suffered from many years of neglect and the rot will take many years of sustained generous investment in education for the situation to change".<sup>22</sup> No Nigerian university has so far been rated among the best by the Times Higher Education – Qs which compiles the list of the best universities in the world.

Standard of living is the third important criterion for measuring Human Development Index. Included as ingredients of this concept are the levels of wealth, comfort, material goods, and similar necessities, which are available to the citizens of any given country. For Nigeria and other Third World countries, food security (food availability, accessibility and utilization) is a basic necessity, along with gainful employment and shelter. In the area of food security, about 65% of the Nigerian population does not have access to the amount and variety of foods necessary for healthy and productive life. Also, about 40% of children below the age of five are malnourished, and another 25% are underweight. Meanwhile, Nigeria has millions of hectares of arable land for agriculture.<sup>23</sup> Similarly, despite her huge earnings from export of crude oil, wealth is concentrated in a small group of politicians, oligarchies, and businessmen, while the majority of the population, mostly peasant farmers, artisans, and petty traders and junior civil servants, barely manage to survive.

What this means is that in Nigeria, social justice in the context of national development, has remained an illusion because development programmes and projects in the country have over the years, fallen miserably short as far as improvement in the standard of living of the citizens is concerned. Admittedly, Nigeria is a producer and exporter of primary products (mostly crude oil) whose world prices are unstable. At the same time, the country has remained a net importer and consumer of products from the advanced countries. The implication is that Nigeria has continued to depend on external market forces as stimulants of her economic development. Thus, the impact of trade on the effective productive capacity of the country has not accelerated in any significant proportion, the transformation process of the economy from one of dependence to that of equality and self-reliance, vis-à-vis the economies of her major trading

partners. On the contrary, it does appear that there has been an unprecedented deterioration of services and falling standards of living among the majority of the Nigerian population. According to A. O. Sandra, Nigeria has been planning for growth without considering the human factor and the consequences of such growth. The result is the lust by Nigerians for economic or material prosperity and the decline in moral values.<sup>24</sup>

### **Social Justice and Nation-Building**

The idea of nation-building here entails employing the constitutional authority of a given state to construct a national identity by uniting its diverse and heterogeneous subjects to ensure a politically stable and economically viable country. Nation-building is, therefore, a process that involves a committed and visionary leadership, as well as a responsive and supportive followership. For the government to enjoy the support of its citizens in the task of nation-building, it is imperative that it embarks on development programmes and projects that have direct bearing on the welfare and security needs of the people. These would include meeting their basic human and material needs, such as food, shelter, clothing, access to affordable medical facilities, education, as well as the provision of such infrastructural facilities as motorable roads, pipe-borne water, and reliable electricity supply, among others.

As early stated, the 1999 constitution (as amended), unequivocally provides for social justice in section 14(1). Similarly, section 14(4) of that constitution provides for the application of the federal character principle in the composition of governments at the state, local government, and federal levels. This is a reflection of the need to harness the country's diversity for building a strong united country anchored on the principles of social justice. However, these constitutional provisions are only high symbolically, and have been repeatedly breached in terms of their practical application.

For instance, the Federal Character Principle was brazenly ignored and abused by the Muhammadu Buhari-led federal government (2015-2023). During this period, there was a preponderance of Northern Nigerian Muslims as heads of security agencies, while the South-East had none of their own in the top six security agencies, namely, the Chief of Defence Staff, Chief of Naval Staff, Chief of Army Staff, Chief of Air Staff, Inspector-General of Police, and Director-General of the Department of State Security. The story was the same in the composition of the executives of the country's national oil giant, the Nigerian National Petroleum Corporation (now Company)–NNPC. Here, the top 20 executives of the Company were Northern Nigerian Muslims, while only three positions were allotted to the southern part of the country.<sup>25</sup>

Also, while the Buhari-led federal government ignored the resolution of the National Assembly to declare bandits and killer herdsman and kidnapers (who are mostly Fulani like himself) as terrorists, the government, though the instrumentality of the Department of State Service (DSS) and the infamous office of the Attorney-General led by Abubakar Malami (another Fulani) was quick to arrest and rendition Nnamdi Kanu the leader of the IPOB (Indigenous People of Biafra) and detailed him against the order of a Federal High Court. The Buhari-led government also did not hesitate to force Sunday Igboho, the leader of the Yoruba Nation Separatist Movement into exile in Benin Republic.

There are also cases of injustice and inequality in the agitation for resource control and fiscal federalism, with oil-bearing states in the south asking for a greater share of the control and proceeds from the exploration and sale of crude oil. But the Northern Nigerian political elite has been consistent in opposing any revenue-sharing formula that will be to the advantage of

the South vis-à-vis the North. Their argument is that whatever resources that are found in any part of Nigeria belongs to all Nigerians. Meanwhile, solid minerals which abound in the North are not wholly controlled by the federal government, and therefore, contribute only marginally to the national treasury.<sup>26</sup> Similarly, it is an aspect of injustice for states in the North to be allocated more revenue from the Value Added Tax (VAT) whereas they contribute far less than the states in the South. For instance, while Rivers State is said to have generated ₦15 billion VAT revenue in June 2022 and got only ₦4.7 billion in return, Kano State generated ₦2.8 billion in the same month and got bank ₦2.8 billion. Meanwhile, Lagos State generated ₦46.4 billion in June 2022 and got back only ₦9.3 billion.<sup>27</sup>

Inequality also exists in the distribution of national wealth among Nigeria's social classes. Today, politics pays more than any other vocation because of the humongous emoluments attached to political offices. Corruption and defalcation which are perpetrated by political leaders have also accentuated the pitiable conditions of ordinary Nigerians in a country whose economy has continued to contract rather than expand. These ethical violations have impeded efforts at nation-building. They have also impacted negatively on Nigeria's international image perception. To give an example, Nigeria's multidimensional poverty index has been on the rise since 1999, and as early pointed out, in 2020, Nigeria was regarded as the poverty capital of the world. In fact, the 2020 United Nations Human Development Index ranked Nigeria very low (0.539) at number 161 below other African countries, behind Seychelles, Algeria, Tunisia, Botswana, South Africa, Egypt, Ghana, Kenya, Morocco, Cameroun, et cetera.<sup>28</sup>

In 2022, the National Board of Statistics (NBS) reported that 133 million Nigerians were multi-dimensionally poor.<sup>29</sup> Thus, the high rate of insecurity in Nigeria cannot in all fairness, be divorced from the failure of governance at all levels. A situation where poverty has been systematically weaponized by the country's political elite is not only a mockery of the concept of social justice, but also inimical to nation-building. Lack of accountability and transparency has steadily eroded the authority of the Nigerian state. This is because of the refusal of the political class to adhere to the provisions of the constitution as they relate to the relationship between the state and its citizens. Declining economic and social conditions has invariably, come to serve as springboards of insecurity which is now pervasive in the country.

## Conclusion

There is a dialectical relationship between social justice, national development, and nation-building in Nigeria. Though there are constitutional provisions intended to sustain the link between social justice and development as encapsulated in section 16, Chapter II of the 1999 constitution, such provisions are not justiciable. This means that issues and claims, by individuals or groups in Nigeria relating to the strict implementation of or adherence to such provisions as contained in section 16 (1) (a-d) and 2 (a-d), are not capable of being properly examined in the court of law. The reason is that there are no judicial precedents to cite or invoke in support of such claims.

Corruption has been identified as a major obstacle to the realization of the good life for most Nigerian citizens.<sup>25</sup> It has been defined as:

the act of doing something with an intent to give some advantage inconsistent with official duty and the rights of others; a fiduciary's or official's use of a station or office to procure some benefits either personally or for someone else, contrary to the rights of others.<sup>26</sup>



Nigeria has consistently been rated as one of the most corrupt country countries in the world. Despite the setting up of such anti-corruption agencies as the Independent Corrupt Practices Commission (ICPC) and the Economic and Financial Crimes Commission (EFCC), corruption has remained a national malady.

Indeed, Nigeria's past is replete with many instances of corruption, mismanagement, and flagrant abuse of the citizens' human rights.<sup>27</sup> It has to be restated that respect for human rights and the statutory provision for citizens to participate in taking political decisions affecting their lives are integral parts of social justice and national development. Unfortunately, the experience in Nigeria is that social justice and people-oriented development have been criminally ignored. Monies that should have been invested in human development have continued to be brazenly stolen through bogus projects by the Federal government. Examples of agencies dubiously set up to loot the national wealth include the Niger Delta Development Commission (NDDC), the National Emergency Management Agency (NEMA), the various programmes of the First Ladies of the 36 states, et cetera. These agencies have largely not been accountable to anyone, yet billions of tax-payers' money are allocated to them to be embezzled by government functionaries and politicians. Meanwhile, educational and wealth facilities are grossly and deliberately underfunded and badly and undemocratically managed.<sup>28</sup>

The lingering consequences of the failure to achieve people-oriented and people propelled development in Nigeria are enormous. Among these are the current security challenges, acts of socio-economic depravity (such as ritual killings), political violence, and ethnic and religious intolerance.<sup>29</sup> Responsible and transformative leadership is a sine qua non for a peaceful and progressive Nigeria. The nurturing of a responsive, inquisitive, and bold followership will strengthen the leadership sense of commitment and urgency towards ensuring social justice and national development.

Most importantly, solving the insecurity problem in Nigeria has to, of necessity, involve efforts to accelerate the pace of development. In this connection, therefore, development embodies creating an economy with relevant social economic and physical infrastructure for business activities and industrial growth to provide gainful employment, high level education facilities and viable medical care for the populace among other things. Furthermore, there has to be a paradigm shift of values from the current practice of placing materialism over and above spiritual well-being. Subjecting the citizenry to suffering, deprivation, and injustice, will ultimately trigger dissatisfaction and disaffection and consequently create an insecure environment. A radical change in the value system of Nigerians is imperative in restoring security in Nigeria. In other words, a sustained fight against corruption and the entrenchment of social justice is one way of tackling the issue of insecurity in Nigeria, because corruption is a clog in the wheel of progress and development.

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