

CAN LAW DRIVE THE ECONOMY?: TACKLING NIGERIA'S POVERTY USING A HUMAN RIGHT'S-BASED APPROACH

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Abstract

Poverty remains high on the international development agenda. Over the years, world Conferences and Summits have paid attention to the increasing levels of poverty of billions of the world's population. In spite of the progress made, the work to end extreme poverty is far from over, and many challenges remain. While poverty is seen as a denial of human rights, it is also agreed that the inadequate or non-fulfilment of human rights causes poverty. For many Nigerians, poverty is a major obstacle to the realisation of fundamental rights. Unfortunately, law, without more, is incapable of driving the economy if it does not have human rights content to ensure adequate promotion and protection of human rights and the rights to socio-economic needs. This Paper discusses law and the interrelationship between law and the economy. It adopts a human rights-based approach to poverty reduction in Nigeria and argues that poverty constitutes an infringement of citizen's human rights. The paper concludes that poverty cannot be eradicated without the fulfilment of basic human rights, including the right to health, education, work, amongst others.

Keywords: Poverty, Human Rights, Law, Economy, Nigeria

Introduction

The World Bank Group's mission, 'Our Dream is a World Free of Poverty', is carved in stone at the Washington headquarters. This mission underpins all of their analytical and operational work in more than 145 client countries, and is bolstered by goals of ending extreme poverty within a generation and promoting shared prosperity in a sustainable manner across the globe. The World Bank Group is a unique global partnership that works in every major area of development. It provides a wide array of financial products and technical assistance, and helps countries share and apply innovative knowledge and solutions to the challenges they face.¹

The past decades have witnessed marked progress on reducing poverty across the globe. Attainment of the first Millennium Development Goal target aimed at cutting the 1990 poverty rate in half by 2015, five years ahead of schedule in 2010. Despite the progress made in reducing poverty, the number of people living in extreme poverty globally remains unacceptably high. And given global growth forecasts, poverty reduction may not be fast enough to reach the target of ending extreme poverty by 2030.² Like many developing third world countries, Nigeria's poverty index is alarmingly high. In late June 2018, the World Poverty Clock data reported that 'Nigeria now has more people living in extreme poverty than any other country in the world. In fact, the percentage of Nigerians living in extreme poverty may increase by 2030.'³

However, because of the link between the concepts of poverty and human rights, it is not only difficult to separate one concept from another, it is even more tasking to solve the issues separately from one another. Poverty and the denial of human rights are problems that are interdependent. In

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¹ 'Poverty' The World Bank <<https://www.worldbank.org/en/topic/poverty/overview>> accessed 07 August 2023.

² *Ibid.*

³ World Poverty Clock <<https://worldpoverty.io/blog/index.php?r=12>> accessed 30 July 2023.

other words, where there is poverty, there are human rights violations and vice-versa.⁴ The past years have been economically tumultuous and challenging, with plenty of blame pointed at the governments for not doing the right thing in various areas of policy.⁵ Regrettably, the attitude of the Nigerian government is directly linked with the current poverty indices in the country. As enunciated by the US Department of State Diplomacy in Action, poverty and human rights violations are rampant in Nigeria due to pervasive corruption and impunity among those who exercise public and judicial powers.⁶

Nigeria needs deliberate policy interventions to eradicate the monster of poverty. It must put in place clear regulations capable of addressing those factors within the system that continue to promote poverty. Because law and the economy intertwine, the pervasive influence of law on the economy of a nation cannot be overemphasised. Law is capable of driving the economy as new laws can effectively reduce poverty and foster economic growth in Nigeria. When laws which have a direct bearing on the economy and economic growth are enacted, they are capable of driving the economy, boosting economic growth and reducing poverty to the barest minimum. Therefore, a stable institutional set-up, backed by the legal sector, is the key facilitator of economic development in a given society.⁷

Conceptual Analysis of Major Terms

Poverty

The concept of poverty is a critical one in contemporary social discussions and difficult to define and analyse. Literature in the social sciences is replete with attempts by economists and other social scientists to conceptualise the phenomenon. Poverty is a vicious circle which keeps the poor in a state of destitution and disillusionment. The state of poverty entails more than just a lack of income and productive resources to ensure sustainable livelihoods. It is about not having enough to meet basic needs. Manifestations of poverty include hunger and malnutrition, limited access to education, health and other basic services, social discrimination and exclusion, as well as the lack of participation in decision-making.⁸

According to the United Nations, overall poverty can take various forms including, 'lack of income and productive resources to ensure sustainable livelihoods; hunger and malnutrition; ill health; limited or lack of access to education and other basic services; increased morbidity and mortality from illness; homelessness and inadequate housing; unsafe environments and social discrimination and exclusion. It is also characterised by lack of participation in decision-making and in civil, social and cultural life. It occurs in all countries: as mass poverty in many developing countries, pockets of poverty amid wealth in developed countries, loss of livelihoods as a result of economic recession, sudden poverty as a result of disaster or conflict, the poverty of low-wage workers, and

⁴ S. Warren, 'The Interrelationship between Poverty and Human Rights' *The Borgen Project* <<https://borgenproject.org/poverty-and-human-rights/>> accessed 30 July 2023.

⁵ 'Regulation and the Economy', The Relationship and How to Improve it' *Policy Statement by the Committee for Economic Development of the Conference Board (CED)* < <https://www.ced.org/reports/regulation-and-the-economy>> accessed 30 July 2023.

⁶ Department of State Diplomacy in Action (2009). Bureau of Democracy, Human Rights, and Labour, Country Reports on Human Rights Practices, Human Rights Reports: Nigeria <<http://www.state.gov/g/drl/rls/hrrtp/2009/af/135970>> accessed 30 July 2023.

⁷ B. Anand, 'The Role of Law in the Growth of an Economy, With a Special Focus on Developing Economies' (2018) *Edge International* < <https://www.edge.ai/2018/11/the-role-of-the-law-in-the-growth-of-an-economy-with-a-special-focus-on-developing-economies/>> accessed 01 August 2023.

⁸ 'Ending Poverty; United Nations <<https://www.un.org/en/sections/issues-depth/poverty/>> accessed 31 July 2023.

the utter destitution of people who fall outside family support systems, social institutions and safety nets.⁹

The World Bank describes poverty as hunger, lack of shelter, not having access to school and lack of medical care,¹⁰ while the World Health Organization reveals that poverty creates ill-health because it forces people to live in dirty environments. In a poverty-stricken country, the poor suffer from ill-health.¹¹ The International Covenant on Economic, Social and Cultural Rights (ICESCR) defines poverty in the light of the International Bill of Rights and categorises poverty as a human condition characterised by sustained or chronic deprivation of the resources, capabilities, choices, security, and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights. This definition of poverty is also recognised by the European Union, the World Bank and the United Nations Development Programme, and is regarded as the most comprehensive and rights-sensitive definition of poverty to date.¹²

There are other definitions postulated by different authors. For instance, Williams argues that attributes of poverty may be classified into structural, economic, social, cultural and political deprivations.¹³ The structural dimensions appear more permanent and manifest a vicious circle, reflecting limited productive resources, lack of skills for gainful employment, location disadvantages and inadequate income to obtain the basic necessities of life. Basically, poverty has been conceptualised into lack of access to basic needs and lack of or impaired access to productive resources.¹⁴ Anyebe compartmentalises the condition of poverty as being essentially economic or consumption-oriented.¹⁵ Thus, the poor are conceived as those individuals or households in a particular society incapable of purchasing some basic goods and services such as food, clothing, shelter, good drinking water, healthcare, access to productive resources including education, working skill and tools, political and civil rights to participate in decision-making concerning socio-economic conditions.¹⁶ While these attributes have often been found to exist with poverty, their inclusion in the definition of poverty would tend to obscure the relation between them and the inability to provide for one's basic needs. Whatever definition is adopted, authorities and laypersons alike commonly assume that the effects of poverty are harmful to both individuals and society¹⁷ and therefore, in conceptualising poverty, low income or low consumption is its symptom.¹⁸

Human Rights

The first documentary use of the phrase 'human rights' is found in the United Nations (UN) Charter, which was adopted in San Francisco on June 25, 1945, immediately after the Second World War. The acceptance and adoption of the Universal Declaration of Human Rights (UDHR)

⁹ UN The Copenhagen Declaration and Programme of Action: World Summit for Social Development 6-12 March 1995 (United Nations Department of Publications 1995).

¹⁰ Y. Kazeem, 'Nigeria has Become the Poverty Capital of the World' (2018) <<https://qz.com/africa/1313380/nigerias-has-the-highest-rate-of-extreme-poverty-globally/>> accessed 01 August 2023.

¹¹ *WHO Health and Development* (Geneva, Switzerland: World Health Organization 2017).

¹² K. Kulindwa and H. Lein, 'Water and Poverty: The Inextricable Link' in D. Hemson et al (eds) *Poverty and Water: Explorations of the Reciprocal Relationship* (Zed Books London 2008) 1.

¹³ A. Williams, 'An Evaluation of Government Policies on Poverty Eradication: A Case Study of NAPEP in Ogbadibo LGA of Benue State' (2016) 6, *Arabian Journal of Business Management Review*.

¹⁴ *ibid.*

¹⁵ A. Anyebe, *Reading in Development and Communication* (S. Salam Press Zaria 2001).

¹⁶ *ibid.*

¹⁷ 'Poverty' *Encyclopaedia Britannica* <<https://www.britannica.com/topic/poverty>> Accessed 31 July 2023.

¹⁸ *Williams* (n14).

in 1948 set a common universal standard on human rights.¹⁹ For the purpose of international relations, ‘human rights’ means the rights contained in the 1948 UDHR,²⁰ which are ‘inherent in our nature and are benefits to which people are entitled by virtue of being human.’ Essentially, human rights ‘belong to all human beings, at all times, irrespective of sex, race, colour, religion, or language.’²¹ These rights belong to an individual or group of individuals simply as a consequence of inherent human vulnerability, or because they are requisite to the possibility of a just society.²²

There is now a near-universal consensus that all individuals are entitled to certain basic rights, including certain civil liberties and political rights, the most fundamental of which is the right to life and physical safety. Human rights therefore represent an articulation of the need for justice, tolerance, mutual respect, and human dignity in all of our activity.²³ Speaking of rights allows every person to express the idea that ‘all individuals are part of the scope of morality and justice.’²⁴

The UDHR document represents the modern international human rights framework created by governments, for governments.²⁵ The UDHR was followed by an International Bill of Rights which culminated in the adoption of the ‘twin covenants’, the International Covenant on Civil and Political Rights 1966 (ICCPR), and the International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR). These covenants came to cure the deficiency of the UDHR, which signified a mere expression that did not have the nature of a legally binding covenant, and therefore had no machinery for enforcement.²⁶ The UN thereafter adopted many legally binding international human rights Treaties, Conventions, Agreements, Charters, Protocols, etcetera, including the six core International Conventions.²⁷ These documents are used as a framework for discussing and applying the human rights of every person, including right to work, right to a standard of living adequate for the individual, including food, clothing, housing, medical care, right to education, among others. These instruments outline principles and rights which become legal obligations on those States that have accepted to be bound by them. Additionally, the human rights framework also establishes legal and other mechanisms to hold governments accountable for human rights violations.²⁸

However, it is necessary to emphasise that the global human rights regime relies on national implementation of internationally recognised human rights.²⁹ For instance, in Nigeria, the rights of all citizens are protected by a legal framework made up of the Constitution of the Federal Republic of Nigeria 1999 (as amended),³⁰ other national laws, international and regional

¹⁹ *The U.N. Guiding Principles on Business and Human Rights: Analysis and Implementation*, (2012) A Report from The Kenan Institute For Ethics at Duke University.

²⁰ Adopted and proclaimed by the General Assembly Resolution 217 A (111) of 10 December 1948.

²¹ S. Anaya, *Indigenous Peoples in International Law* (2nd Edition, Oxford UP, Oxford 2004).

²² S. Kaur, ‘Historical Development of Human Rights’, (2014) 6 (4), *Journal of Social Science Research*, p. 996.

²³ H. Kennedy. ‘Conflict Resolution and Human Rights: Contradictory or Complementary?’ (2001), *INCORE*.

²⁴ *ibid*.

²⁵ *ibid* (n18).

²⁶ E. Udu, ‘The Imperatives of Economic, Social and Cultural Rights in the Development of Nascent Democracies: An Inter-Jurisdictional View’ (2014) *NAUJILJ*, 32.

²⁷ They are: International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social and Cultural Rights (CESCR); International Convention on the Elimination of all Forms of Racial Discrimination (CERD); Convention on the Elimination of all Forms of Discrimination against Women (CEDAW); Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (CAT); and the Convention on the Rights of the Child (CRC).

²⁸ J. Donnelly, ‘The Relative Universality of Human Rights’ (2007) 29 (2) *Human Rights Quarterly*, 282.

²⁹ *ibid*.

³⁰ In accordance with the provisions of Section 1 (1) of the Constitution is supreme (the *fons et origio*) and shall have a binding force on the authorities and persons throughout the Federal Republic of Nigeria - N Abdulraheem,

Conventions or Treaties. On the international scene, Nigeria has since ratified the six core international Conventions and other Regional Conventions such as the African Charter on Human and Peoples' Rights, the African Charter on the Rights and Welfare of the Child.³¹ Also, in line with the resolution of the UN General Assembly - which enjoins all member States to establish national human rights institutions for the promotion and protection of human rights - the National Human Rights Commission of Nigeria was established in 1995 to help promote and protect human rights in Nigeria.³²

Law

The definition of law has always been fraught with a lot of complexities. Humphrey argues that some scholars view the definition not from the perspective of attempting to give it a name but rather from the perspective of ascertaining the purpose of law in any given setting.³³ But law in its simple term refers to 'a body of rules of conduct, of binding legal force and effect, prescribed, recognised and enforced by a controlling authority such as the government.' According to the Merriam-Webster dictionary, law is defined as 'a binding custom or practice of a community: a rule of conduct or action prescribed or formally recognised as binding or enforced by a controlling authority: the whole body of such customs, practices, or rules.'³⁴

Law is also 'a system of rules that a society or government develops in order to deal with crime, business agreements, and social relationships.'³⁵ These rules are created and enforced by man through environmental or social government institutions to regulate the behaviour of individuals in the society. Laws are made by persons who are given the authority to do so either directly or indirectly by the society.

The definition of law has also been extended to include, 'the body of principles recognised and applied by the state in the administration of justice.'³⁶ In other words, it consists of the rules recognised and acted upon by the court of justice. The purpose for which law is promulgated includes the need to maintain law and order within a society, to maintain the status-quo in society, to enable individuals to have the maximum freedom and the maximum satisfaction of the needs of the people.³⁷

In Nigeria, there exist different types of law; state enforced laws made by a single or collective legislature through initiation of a Bill or Laws, or those established by judges through precedent.³⁸ Under Section 4 (2) of the Constitution of the Federal Republic of Nigeria (as amended), 'The National Assembly shall have power to make laws for the peace, order and good

'Rights of Women in Pre & Post Colonial Era in Nigeria: Challenges for Today'. (2010) 3(2), *Journal of Public Law*.

³¹ African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) (1982) 21 ILM 58 (African Charter).

³² The Commission was established by the National Human Rights Commission (NHRC) Act, 1995, as amended by the NHRC Act, 2010. The Commission has been charged with the responsibility of examining 'any existing legislation, administrative provisions and proposed bills or bye-laws for the purpose of ascertaining whether such enactments or proposed bills or bye-laws are consistent with human rights norms - art 6 (k).

³³ J. Humphrey, 'Definitions and Nature of Laws' (1945) *Modern Law Review*, 194.

³⁴ *Merriam-Webster Dictionary* <<https://www.merriam-webster.com/dictionary/law>> accessed 01 August 2023.

³⁵ *Collins English Dictionary* <<https://www.collinsdictionary.com/dictionary/english/law>> accessed 01 August 2023.

³⁶ U. Farooq 'What is Law – Definition, Purpose and Sense of Law' (2011) <<http://www.studylecturenotes.com/social-sciences/law/123-what-is-law>> accessed 01 August 2023.

³⁷ *ibid*.

³⁸ Sheriff, 'Types of Law in Nigeria and their Purpose' <<https://naijaquest.com/types-of-law-in-nigeria/>> accessed 01 August 2023.

government of the Federation or any part thereof with respect to any matter included in the Exclusive Legislative List set out in Part 1 of the Second Schedule to this Constitution.’ Furthermore, Section 58 (1) of the Constitution expressly provides that the law-making powers of the National Assembly can be exercised by Bills passed by National Assembly and assented to by the President. At the State level, the House of Assembly of a State has power to make laws for peace, order and good government of the State or any part thereof with respect to matters with which it has power to make laws under the Nigerian Constitution. A Local Government Council also has power to make bye-laws for a Local Government Area, in respect of the functions assigned to it by the Nigerian Constitution, or any other law.³⁹

Law is a social science which grows and develops with the growth and development of society.⁴⁰ Therefore, new developments in the society would create new problems that would require new laws to deal with those problems. Law regulates the behaviours of a community, country, group, etcetera. In other words, it is the legislative pronouncements of the rules which should guide one’s action in society. In conclusion, law is a rule of action to which the conduct of mankind must conform. The ultimate purpose of law is to guide human conduct.⁴¹

Economy

According to the Cambridge Dictionary, economy is ‘the system of trade and industry by which the wealth of a country is made and used.’⁴² It refers to a system of making money and producing and distributing goods and service within a country or region.⁴³ The Collins English Dictionary defines a country’s economy as ‘the wealth it gets from the business and industry.’⁴⁴ The Business Dictionary further defines economy as ‘an entire network of producers, distributors, and consumers of goods and services in a local, regional, or national community.’⁴⁵

The word ‘economy’ is also used to refer to the state of a country or region in terms of the production and consumption of goods and services and the supply of money. Other definitions are suggestive of ‘economy’ being ‘a careful, thrifty management of resources, such as money, materials, or labour; the system or range of economic activity in a country, region, or community; or a system of producing, distributing and consuming wealth.’⁴⁶

The Interrelation between Law and the Economy

The interplay of law and economic growth has always been an intriguing subject for legal researchers and those associated with the legal sector. Law and economy interrelate and affect each other remotely and otherwise. There are proper purposes to which law can be deployed in a nation’s economic life.⁴⁷ Law and regulation are best understood as tools to promote economic efficiency.⁴⁸ They form the infrastructure upon which the economy is built, therefore, good laws

³⁹ M. Gidado, ‘Constitutional Role of the Legislature Viewed from a Nigerian Prism’ Paper Presented at a Seminar for Legislative Aides to the Senate President at Nicon Luxury Hotel, Abuja 20th - 21st May, 2012.

⁴⁰ J. Nadler, ‘Hart Fuller and the Connection Between Law and Justice’ (2008) 27 (1) *Law and Philosophy*.

⁴¹ *ibid.*

⁴² Cambridge Dictionary (Cambridge University Press 2019).

⁴³ *ibid.*

⁴⁴ ‘Definition of Economy’ *Collins English Dictionary* <<https://www.collinsdictionary.com/dictionary/english/economy>> accessed 02 August 2023.

⁴⁵ ‘Economy’ *Business Dictionary* <<http://www.businessdictionary.com/definition/economy.html>> accessed 01 August 2023.

⁴⁶ ‘Economy’ <<https://www.yourdictionary.com/economy>> accessed 01 August 2023.

⁴⁷ ‘Law in the Economy’ *London School of Economics LL4CM* <http://www.lse.ac.uk/resources/calendar/courseGuides/LL/2019_LL4CM.htm> accessed 01 August 2023.

⁴⁸ ‘What is Law & Economics?’ *European Master in Law & Economics* <<https://emle.org/what-is-law-economics/>> accessed 01 August 2023.

and regulations play a vital role in a nation's economy and help determine the boundaries of operations; interest rates and tax rates regulate both the consumer markets as well as corporate sectors. Laws also act as barriers to protect consumer interest, exploitation and national interest.⁴⁹

Laws are indispensable to the proper functioning of economies and societies. With an increase in the number of opportunities available for growth, especially in developing economies, businesses look to explore the latest dynamics and trends that have a positive impact on them.⁵⁰ Laws and indeed regulatory frameworks are necessary in making businesses sustainable. They create the 'rules of the game' for citizens, business, government and civil society. 'Regulations also underpin markets, protect the rights and safety of citizens and ensure the delivery of public goods and services.'⁵¹ Good laws are 'capable of generating different short-term and long-term effects on the economy which would ultimately boost the economy and allow people to pay less in taxes and benefit more from government programmes.'⁵²

For the economy to grow, law and regulation must be administered with zero to minimal corruption. There are existing data suggestive of the fact that least corrupt nations have the best economic growth rates. Law is a major way in which governments everywhere influence market economies. The scope of government regulations is vast and reaches all sectors of the economy and all aspects of our daily lives.⁵³ Without a legal framework establishing and enforcing economic growth, our free enterprise system cannot exist.⁵⁴ Invariably, market economies need clear rules to function efficiently. Because the effects of regulation on economic activity are difficult to measure, they are too often neglected in the debates over economic policy.

One way the institution of law can be used to encourage efficient transactions is to help avoid situations that lead to market failure which exacerbate poverty and plunge the poor into a terrible state of hopelessness. Law can be used as a tool to ensure that monopoly situations are illegalised.⁵⁵ Unfortunately, in Nigeria, the absence of extant laws or the non-implementation of existing laws have been largely responsible for the huge poverty figures in the country. Where there are existing laws, many of them are not directed towards addressing poverty neither are they implemented sufficiently to lift millions out of poverty.

Human Rights-Based Approach to Poverty

Poverty reduction and human rights are two mutually reinforcing approaches to the same project.⁵⁶ Using a rights-based approach, poverty can be viewed as a violation of the rights of the poor. This link between poverty and human rights has been promoted by the United Nations (UN) through the High Commissioner for Human Rights whose mandate was to formulate eighteen Guidelines for the integration of human rights into poverty reduction strategies. These Guidelines acknowledge that a human rights-based approach to poverty reduction ensures that policies and institutions attempting to reduce poverty are based on the norms and values of international human

⁴⁹ *ibid.*

⁵⁰ Anand (n8).

⁵¹ Regulatory Policy and Governance: Supporting Economic Growth and Serving the Public Interest (OECD Publishing, 2011).

⁵² S. Dudley and J. Brito, 'What is Regulation?' in *Regulation: A Primer* (2nd ed. Mercatus Center at George Mason University 2012).

⁵³ 'Regulation and the Economy', The Relationship and How to Improve it' *Policy Statement by the Committee for Economic Development of the Conference Board (CED)* < <https://www.ced.org/reports/regulation-and-the-economy>> accessed 03 August 2023.

⁵⁴ Dudley and Brito (n53).

⁵⁵ B. Butler, 'Law and Economics' < <https://www.iep.utm.edu/law-econ/>> accessed 01 August 2023.

⁵⁶ UNHCHR Human Rights and Poverty Reduction: A Conceptual Framework 3.

rights. This rights approach links poverty reduction to human rights and obligations of State Parties.⁵⁷

The Guidelines can be divided into three Sections: Section one sets out the basic principles that need to be considered when formulating poverty reduction strategies in terms of a human rights-based approach. Section two identifies and sets out the main elements that ought to be included in strategies aimed at fulfilling each human right relevant to poverty reduction. Section three explains how the human rights approach can lead to monitoring and accountability as aspects of poverty reduction strategies.⁵⁸ There is no doubt that these Guidelines address complex issues which are of utmost importance for the relationship between poverty and human rights.⁵⁹

A human rights approach to poverty links poverty reduction to questions of obligation, rather than welfare or charity. It compels us to look behind national averages and identify the most vulnerable people and design strategies to help them. The rights approach is grounded in the United Nations Charter, the Universal Declaration of Human Rights (UDHR), and binding provisions of human rights treaties.⁶⁰ Specifically, the International Bill of Rights (International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights) contain provisions that are directly relevant to the reduction of poverty. Economic rights were first given prominence in Articles 22, 23, 25 and 26 of the UDHR to the effect that everyone has a right to work, a right to standard of living adequate for himself or his family, including food, clothing, housing and medical care and necessary social services and right to education. Like the UDHR, Articles 6 to 13 of the ICESCR list the various rights which are to be recognised and protected by States parties. Article 6 of the Covenant states that ‘The States Parties to the present Covenant recognise the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.’ The realisation and enjoyment of socio-economic rights is crucial to overcoming the challenges of abject poverty. Anti-poverty policies will be more effective, sustainable and meaningful to the poor if they are based on international human rights standards.

In addition to the International Bill of Rights, there are other international documents that are relevant to poverty and are seen as synonymous with aspects of poverty. Similar provisions are contained in the United Nations Convention on the Elimination of All Forms of Racial Discrimination (CERD), the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the United Nations Convention on the Rights of the Child (CRC) and the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.⁶¹ Today, poverty reduction has moved beyond the argument of whether the poor have needs, to the fact that they also do have rights and entitlements that give rise to legal obligations on the part of the State or government. Poverty reduction then becomes more than charity, more than a moral obligation; it becomes a legal obligation on the part of the government.⁶²

The human rights-based approach to poverty - which defines poverty as the inadequate fulfilment (or non-fulfilment) of a person’s human right to basic capabilities - is an approach which interprets

⁵⁷ Z. Strauss and D. Horsten ‘A Human Rights-Based Approach to Poverty Reduction: The Role of the Right of Access to Medicine as an Element of the Right of Access to Health Care’ (2013) 16 (3), *Potchefstroomse*.

⁵⁸ UNHCHR *Human Rights Approach to Poverty Reduction Strategies* guidelines 16-18.

⁵⁹ *Strauss and Horsten* (n58).

⁶⁰ OHCHR *Human Rights and Poverty Reduction A Conceptual Framework* (United Nations New York and Geneva 2004) iii.

⁶¹ *Strauss and Horsten* (n58).

⁶² *ibid.*

poverty, very broadly, as the absence of the capabilities needed to live a dignified life. As such, poverty constitutes an infringement on human rights of the poor and will not be eradicated without the fulfilment of human rights, including the right to the basic necessities and comforts of life such as food, shelter, health, education, work, and others.⁶³ When viewed as a social problem, and in the context of practical policy-making, the concept of poverty acquires a specific connotation that ties it closely with lack of command over economic resources.⁶⁴

It should be understood that by viewing poverty as the denial of human rights, the focus moves away from poverty reduction as an issue exclusive to economic development towards the rights and obligations entrenched within the formal legal system.⁶⁵ Thus, in the context of human rights, poverty is no longer seen as a social problem but rather as an infringement of human rights where people are deprived of the fulfilment of their basic human rights. Therefore, if a person experiences inadequate or non-fulfilment of the right of access to basic needs of health, education, work, etcetera, such a person will be classified as poor and experiencing a low level of well-being. In so far as these inadequacies have led to a lack of command over the necessary economic resources, it is an infringement of the right of such person.

Poverty Eradicating Approaches

According to World Bank estimates in 2012, 896 million people were living on less than \$1.90 per day, with most of the poor concentrated in the developing countries, including Nigeria where 86.9 million people lived in extreme poverty, representing nearly 50 percent of its estimated 180 million population, therefore leaving Nigeria's record with the highest rate of extreme poverty globally.⁶⁶ In 2015, 736 million people lived on less than \$1.90 a day, down from 1.85 billion in 1990. Today, more than 780 million people in the world live below the international poverty line, while more than 11 percent of the world population is living in extreme poverty and struggling to fulfil the most basic needs like health, education, and access to clean water and sanitation. As at June 2018, Nigeria still has the largest extreme poverty population.⁶⁷

Unfortunately, the burden of poverty weighs proportionally more against women than men. For every 100 men aged 35 to 34 years who are living in poverty, there are 122 women within the same age group, while more than 160 million children are at risk of continuing to live in extreme poverty by 2030.⁶⁸ For the first time, UN Women and the World Bank have analysed household survey data for 89 countries by sex, age, household composition and other relevant variables to better understand the profile of the poor. The findings aim to improve policy interventions to eradicate global poverty and meet the Sustainable Development Goals.⁶⁹ Research also shows that households with children are among the poorest, and that single parents with children, and predominantly single mothers with children, face a far higher risk of poverty.⁷⁰ 'Poverty makes women vulnerable to a range of health problems, some, but not all, are associated with reproductive health conditions which may be associated with poor women's work, increase vulnerability to a

⁶³ UNHCHR *Human Rights Approach to Poverty Reduction Strategies* para 113.

⁶⁴ A. Sen, *Inequality Re-examined* (Cambridge, Harvard University Press 1992) 107.

⁶⁵ P. Spicker, D. Gordon and S. Leguizamon, *Poverty: An International Glossary* (Zed Publishers 2007).

⁶⁶ Y. Kazeem, 'Nigeria has Become the Poverty Capital of the World' (2018) <<https://qz.com/africa/1313380/nigerias-has-the-highest-rate-of-extreme-poverty-globally/>> accessed 03 August 2023.

⁶⁷ *ibid.*

⁶⁸ *ibid* (n9).

⁶⁹ 'UN Women and the World Bank Unveil New Data Analysis on Women and Poverty' *UN Women* <<https://www.unwomen.org/en/news/stories/2017/11/news-un-women-and-the-world-bank-unveil-new-data-analysis-on-women-and-poverty>> accessed 01 August 2023.

⁷⁰ *ibid.*

range of health problems, as does poor nutrition.⁷¹ These poverty facts and figures assist in revealing the poverty dynamics in today's world.

While poverty rates have declined in all regions, progress has been uneven. Two regions, East Asia and Pacific (with 47 million extreme poor) and Europe and Central Asia (with 7 million) have reduced extreme poverty to below 3 percent, thereby achieving the 2030 sustainable development target to end poverty in all its forms everywhere. Regrettably, more than half of the extreme poor live in Sub-Saharan Africa.⁷² In fact, the number of poor in the region increased by 9 million, with 413 million people living on less than US\$1.90 (the internationally agreed poverty line) a day in 2015, more than all the other regions combined. If the trend continues, by 2030, nearly 9 out of 10 extreme poor people will be in Sub-Saharan Africa.⁷³ In reality, majority of the global poor live in rural areas. Quite often, these people are illiterate, under-aged below the age of 18 years, and employed in the agricultural sector. Although the work to end extreme poverty is far from over, it seems likely that with the right attitude and favourable laws in place, poverty can be eradicated within the shortest possible time. For instance, access to good schools, health care, electricity, safe water, and other critical services must become accessible to the poor and uneducated.⁷⁴

On the average, the effects of poverty on a nation - especially those in the developing category - and on the poor are damning and debilitating especially on the health and general well-being of women and children. The greatest burden of health risks is borne by the disadvantaged in societies, especially women and children, who are often poor owing to unemployment or underemployment, and have very little formal education and low occupations.⁷⁵ The effects of poverty on the health amounts to a denial of the right to life and a clear violation of the constitutional provision as enshrined in Chapter 4 of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

Ending poverty in Nigeria will require a concerted effort aimed at harnessing the demographic dividends through investment in health, education and livelihoods - especially for young people. As already outlined, at the root of poverty lies the deprivation of people's access to basic necessities such as food, shelter, healthcare and education. Solving these issues generally lifts populations out of extreme poverty. Concerned stakeholders and policy-makers can assist in ending poverty by adopting three major strategies which include; investment in girls' education, investment in health and well-being, and expanding economic opportunities and embracing technology.⁷⁶

Nigeria is currently home to over 10 million out-of-school children, around half of whom are girls.⁷⁷ The poorest parts of Nigeria had the worst education indicators (school attendance and years of schooling). Quite unfortunately, the statistics tallies with Nigeria's world record of harbouring the highest number of people living in extreme poverty. This picture is best presented by the 2018 Global Multidimensional Poverty Index (MPI) of the Oxford Poverty and Human

⁷¹ K. Batthyany and S. Correa, 'Health, Gender and Poverty in Latin America' Background Paper prepared for the Women and Gender Equity Knowledge Network at the WHO Commission on Social Determinants of Health (2007) <https://www.who.int/social_determinants/resources/health_gender_poverty_latina_america_wgkn_2007.pdf?ua=1> accessed 04 August 2023.

⁷² *ibid* (n2).

⁷³ *ibid*.

⁷⁴ *ibid*.

⁷⁵ A. Shah, 'Structural Adjustment - A Major Cause of Poverty' (2015) 24 *Global Issues*.

⁷⁶ 'Three Things Nigeria Must do to End Extreme Poverty' World Economic Forum < <https://www.weforum.org/agenda/2019/03/90-million-nigerians-live-in-extreme-poverty-here-are-3-ways-to-bring-them-out/>> accessed 01 August 2023.

⁷⁷ *ibid*.

Development Initiative.⁷⁸ Investment in education has both economic returns and intergenerational impact. For Nigeria to improve on this front, it must increase its investment in education. Also, Nigerian government must invest in the citizens' health and well-being through targeted increased investment in healthcare. 'The right to health care access is therefore crucial to the pursuit of effective equal opportunities in a free and inclusive society. All citizens should have access to the necessary resources for an acceptable physical and psychological performance.'⁷⁹ This right must be understood as a right to the enjoyment of a variety of facilities, goods, services and conditions in order to achieve the highest attainable standard of health.

One of the major ways to eradicate poverty in Nigeria is for the government to work towards relieving their long overdue debts. The debt burden on Nigeria and other poor countries has invited attention in recent years. Currently, of the 52 poorest countries of the world, 37 are in Africa with a total debt profile rising to a total of 376 billion. These countries pay the same amount in debt service as they spend on health and education combined. It has been estimated that if funds were diverted back into health and education from debt payment, lives of about 7 million children a year could be saved.⁸⁰

Another way to end poverty in Nigeria is by improving the country's economic productivity and increasing business opportunities for its citizens. There is an urgent need to improve the agricultural sector in order to create job opportunities for Nigerian citizens. As the backbone of the developing countries, agriculture accounts for between 30 to 60 percent of the total GDP and employs about 70 percent of the total workers.⁸¹ Also, the government must invest in human capital potential and create jobs for women and the teeming young population. It is also important that financial access and diverse opportunities be made available to the various groups in rural communities while microfinance facilities should be improved to help reduce poverty not just in Nigeria but around the world.⁸² In addition, focus must be shifted to developing new skills through robust and well-funded technical and vocational education and training programmes for those millions of Nigerians outside the formal school systems. These are the key ways the government can help to spur growth.

Driving the Economy through Laws

Laws and regulations are indispensable to the proper function of economies and societies and do create the 'rules of the game' for citizens, businesses, government and civil society. They underpin markets, protect the rights and safety of citizens and ensure the delivery of public goods and services.⁸³ Existing laws therefore determine how easily a business can be started and closed and the efficiency with which contracts are enforced. They are examples of the 'nuts' and 'bolts' that are rarely visible but play a critical role because their malfunctioning can thwart an economy's progress and render the more visible policy instruments, such as good fiscal and monetary policies, less effective.⁸⁴

⁷⁸ *ibid.*

⁷⁹ R. Nunes, S. Nunes and G. Rego, 'Health Care as a Universal Right' (2017) 25 (1), *Springer Open Choice*, 1.

⁸⁰ C. Ngoma and S. Mayimbo 'The Negative Impact of Poverty on the Health of Women and Children' (2017) 7, *Ann Med Health Sci Res*.

⁸¹ 'The Role of Agriculture in the Development of Least-Developed Countries and their Integration into the World Economy' *Food and Agricultural Organisation* (Rome 2002) <<http://www.fao.org/3/a-y3997e.pdf>> accessed 03 August 2023.

⁸² 'What are Ways Economic Growth can be Achieved' *Investopedia* <<https://www.investopedia.com/ask/answers/032415/what-are-some-ways-economic-growth-can-be-achieved.asp>> accessed 03 August 2023.

⁸³ *Regulatory Policy and Governance: Supporting Economic Growth and Serving the Public Interest* (OECD Publishing, 2011).

⁸⁴ 'Doing Business 2015' *World Bank* <<http://www.doingbusiness.org/~media/GIAWB/Doing%20Business/Documents/Annual-Reports/English/DB15-Full-Report.pdf>> accessed 04 August 2023.

Market economies need clear rules to function efficiently. Without a legal framework establishing and enforcing the ‘rules of the game’, free enterprise system would not exist. Regulations impact positively or negatively on the economy and are capable of attracting or driving investors depending on how protective they are.⁸⁵ The coming into effect of the Federal Competition and Consumer Protection Act (FCCPA) 2019, which is currently the principal legislation on consumer protection in Nigeria, is a welcome development in Nigeria’s competition and consumer protection framework. The existence of a comprehensive legal regime for the regulation of competition is extremely important to the growth of any advanced economy.⁸⁶

The FCCP Act was signed into law by Muhammadu Buhari on 30 January 2019 to promote economic efficiency, maintain competitiveness in the Nigerian market, protect and promote the interest and welfare of consumers. It applies to all businesses and all commercial activities within Nigeria and extends to any establishment in which the Federal, State or Local Government engages in for commercial purposes.⁸⁷ The Act prohibits restrictive or unfair business practices which prevent, restrict or distort competition or constitute an abuse of a dominant position of market power in Nigeria, etcetera.⁸⁸ It also stipulates offences and stiff penalties against competition such as price-fixing, conspiracy, bid-rigging, obstruction of investigation or inquiry, offences against records, giving of false or misleading information, etcetera. These are the innovations that will not only attract investors but will help grow the Nigerian economy and eradicate poverty in the long-term.

Conclusion and Recommendations

The fight against poverty and the promotion of human rights lies at the very heart of the United Nations mandate.⁸⁹ One of the goals set by the United Nations General Assembly in 2000, to be achieved by 2015, included the elimination of extreme poverty and hunger as well as gross inequality of income within countries.⁹⁰ For many years, world Conferences and Summits have paid attention to the increasing levels of global poverty amongst billions of the world’s population and have sought ways to eliminate it.

Poverty is seen as a violation of the human rights of poor people who are vulnerable to various human rights abuses. For many Nigerians, poverty is a major obstacle to the realisation of fundamental rights.⁹¹ Corruption and bribery, which have massively contributed to the elimination or erosion of the middle class, has brought upon Nigerians extreme poverty and lack in a struggling economy. Alarming, Nigeria’s poverty statistics places her as the country with the highest number of poor people on earth.

⁸⁵ S Dudley and J Brito, ‘What is Regulation?’ in *Regulation: A Primer* (2nd ed. Mercatus Center at George Mason University 2012).

⁸⁶ Y. Okojie and I. Bolu, ‘A Review of the Federal Competition and Consumer Protection Bill 2016’ <<http://www.spaajibade.com/resources/wp-content/uploads/2018/06/A-REVIEW-OF-THE-FEDERAL-COMPETITION-AND-CONSUMER-PROTECTION-BILL-2016-Okojie-Bolu.pdf>> accessed 04 August 2023.

⁸⁷ O. Ojekunle, ‘Everything You Need to Know about the Federal Competition and Consumer Protection Act’ *Business Insider* <<https://www.pulse.ng/bi/politics/everything-you-need-to-know-about-the-federal-competition-and-consumer-protection-act/wlk0211>> accessed 04 August 2023.

⁸⁸ Under Section 70 of the Act, ‘an undertaking is considered to be in a dominant position if it is able to act without taking account of the reaction of its customers, consumers or competitors.’

⁸⁹ Department of State Diplomacy in Action (2009). Bureau of Democracy, Human Rights, and Labour, Country Reports on Human Rights Practices, Human Rights Reports: Nigeria <<http://www.state.gov/g/drl/rls/hrrtp/2009/af/135970>> accessed 04 August 2023.

⁹⁰ Ngoma and Mayimbo (n81).

⁹¹ D. Desmond, C. Coetzee and F. Matthews, ‘Poverty, Human Rights and Access to Equity: Reflections from Nigeria’ (2014) 1 (2) *International Journal of Law and Legal Studies*.

Although the causes of poverty are complex, the place of law and regulation in boosting a country's economy cannot be downplayed. Because law and the economy are intertwined, the government must embark on a deliberate enactment of laws and regulations to ginger economic growth. However, it must be noted that law alone, without more, cannot drive the economy except there is a political will on the part of government to move the economy forward. Whatever laws are put in place to drive the economy must have human rights content to ensure adequate promotion and protection of human rights and the rights to socio-economic needs. Poverty reduction strategies could take the form of improved access to education and health care, debt cancellation, enhancement of economic opportunities by removing import barriers to enable a large percentage of the poor sell their products more easily.⁹²

It is recommended that deliberate policy interventions to fight global poverty must pay special attention to the specific barriers that women face in the economy.⁹³ Social protection systems should be designed from a gender perspective, taking into cognizance the need to address female poverty. This structure should consider the multiple forms of discrimination against women and girls when designing and implementing such programmes. The Nigerian government must make a conscious effort at eliminating negative gender impacts of discriminatory laws and practices.⁹⁴

⁹² Department of State Diplomacy in Action (2009). Bureau of Democracy, Human Rights, and Labour, Country Reports on Human Rights Practices, Human Rights Reports: Nigeria <<http://www.state.gov/g/drl/rls/hrrtp/2009/af/135970>> accessed 04 August 2023.

⁹³ *ibid* (n70).

⁹⁴ *ibid*.