



IJHE: CİLT / VOLUME 8, SAYI / ISSUE 18, S / P. 467 – 486.

Democratic Governance and Human Rights Violations in Nigeria's Fourth Republic: Its Implication on International Human Rights Law

Kangdim Dingji Maza¹& Ilemore Olusegun Babajide² & Cemal Yorgancıoğlu^{3*} & Bakyl Nanbilip Ruth⁴

Abstract: *Democracy has come to stay in Nigeria when the last military regime of General Abdulsalami Abubakar handed over power to a democratically elected government of Chief Olusegun Obasanjo in 1999. However, despite its entrenchment and consolidation, it faces many challenges like human rights violations. In this context, this article aims to examine the paradox of democratic governance and the challenges of human rights violations in Nigeria's fourth republic, and how it impacted the principle of international human rights law. Using qualitative research methodology through an extensive desk review of several extant studies, the findings of the study suggest that despite the non-interruption of the democratic and civil space in Nigeria, entrenching true democratic ideals and their tenets in Nigeria remains problematic this is due to the prevalence of human rights violations across various sectors of the Nigerian polity. It further revealed that the inability of international actors like the United Nations to checkmating and sanctioning acts of human rights abuse by the Nigerian authority negatively affects the strengthening of democratic governance and its ideals within the Nigerian state. This study, therefore, addresses these challenges to strengthen and deepen democratic governance in Nigeria, suggesting that appropriate agencies and actors at the global, regional, and national levels should ensure that the rights and privileges of all Nigerians are not only respected but also protected as expressly stated in the constitution.*

Key Words: *Democracy, Democratic Governance, Human Rights, Human Rights Violations, Nigeria.*

Introduction

Democratic Governance has been regarded to connote a mode of government that is centered and derived from the approval and consent of the people as opposed to the type which is attained through coercive means or force (Bevir, 2010). Several studies on democracy and democratic

¹ Dr., field researcher, Olive-Edge Consulting, Jos, Nigeria, E-mail: mdingji@gmail.com, ORCID: 0000-0003-1059-8707.

² Nigerian Air-Force, Nigeria, E-mail: ilemzy12@gmail.com, ORCID: 0000-0003-0128-9531.

³ **Corresponding Author:** Assist. Prof. Dr., Lecturer and Faculty Member, Department of Political Science and International Relations, Faculty of Economics Administrative and Social Sciences, Bahçeşehir Cyprus University, E-mail: cemal.yorgancioglu@baucyprus.edu.tr, ORCID: 0000-0002-2885-7853.

⁴ Sozo Attorneys, Jos, Nigeria, E-mail: nanbilipzakka@gmail.com, ORCID: 0000-0001-5935-9681.

governance, suggest that tracing its origin in Athens, democracy seeks the promotion of individual and collective liberties, and equality and ensures that everyone is free regardless of their political persuasion to be free in pursuing their happiness and freedom without undue harassment or violations (Bevir 2006, 2010; Gerring, and Thacker, 2008; Davies, 2011).

Consequently, as observed by Ake (2000) democracy came to be equated with liberal democracy with all associated notions of civil and political liberties. In this context, it means that it is this type of democracy that has become an integral part of the development of bourgeois society that is currently being presented in the current democratic wave in African states. It further comes with a lot of emphases and features such as uni, bi, and multi-party arrangement, electoral competition, freedom of association and belonging to any political party without undue harassment and intimidation, openness and transparency in government business, popular representations, accountable leadership that is not only legitimate but acceptable to the majority of the populace (Schumpeter, 1950; Diamond, 1988; Enemu, 1992; Francis, & Remi, 1994; Becht, David & Kevin, 1995; Bolton, & Roell, 2002; Bell, 2002; Kaufmann, 2005; Kelley, 2012a; 2012b).

Studies by Osahor (2003, p. 4) revealed that as a form of government, democratic governance seeks to ensure the actualization of the rights, privileges, and opportunities of citizens, the system creating the platform and opportunity for all to attain their potential and aspirations without any form of bias or interference by the system.

On the other hand, Human rights can be operationalized within the context of one's citizenship, rights, and liberties enjoyed by belonging to a sovereign state. These rights could be the right to life, association, own property, vote and be voted for, religion, and enjoy the evidence of democratic governance (Reif, 2000; Mangala, 2013). When these rights become limited or do not exist, it creates preconditions for violations and abuses. Within the Nigerian political scene, these rights have often been limited, violated, and abused either by the system or by those responsible for ensuring that true democratic principles and ideals are entrenched, circumventing these processes. This is because, many political actors within the Nigerian political space, are yet to fully understand that politics is nothing but a game, war without violence, the political adversary is not [really] an enemy but a political competitor for power (Adenrele, and Olugbenga, 2014). They are yet to also understand that, politics has a lot to do with tolerance, accommodation of divergent and critical views, and participation of all regardless of party affiliations or ideologies (Agbaenyi, and Anekwe, 2019). As argued by

Elaigwu (2005), democratic governance in Nigeria suffers from several deficits. This is because, many politicians in Nigeria do not have the spirit of open-and fair play, respecting and accommodating contrary views, failed to open up the space for civic engagements, excessive use of force, propaganda, intimidation, threats, and counter-threats, and corrupting the political system to achieve their inordinate ambitions. We have seen the media being gagged and not allowed to carry out its constitutional role of informing and enlightening the public (Elebute, 2015; Moliki, and Dauda, 2017). Individual opinions on public policies, issues, and debates are being derided and often denied by the authorities. Groups, associations, and civil society groups suffer almost the same treatment of intimidation, harassment, and lack of freedom to also exist and contribute effectively to society. Religious organizations are also being denied the right to worship and assemble without any form of harassment, intimidation, and violent attack from authorities as well (Endong, 2019).

Based on this premise, this article seeks to critically examine the paradox of democratic governance and the challenges of human rights violations in Nigeria's fourth democratic dispensation which started in 1999 – date, and how this has impacted international law.

To do that, the article seeks to ask the following research questions: what is democratic governance? What are the various forms of Human Rights Violations in Nigeria? How can democratic governance be entrenched in Nigeria? How can democratic governance enhance the consolidation of democracy and respect for human rights?

To address the above-mentioned research questions, the article will adopt qualitative research methodology through the use of an extensive desk review of extant studies by experts on democracy, democratic governance, human rights, and its nexus with human rights violations in Nigeria.

The article is divided into six sections. Following the introduction, the second part offers a conceptual, literature review, and theoretical analysis of the article. The third part discusses the nexus between democratic governance and minority rights. Section four examines democratic governance and human rights violations in Nigeria. The fifth section focuses on the implications of democratic governance, and human rights violations on international law. The sixth part concludes the findings of the article and offers recommendations for relevant stakeholders to effectively address human rights violations.

Conceptual Clarifications, Literature Review & Theoretical Analysis

Democracy

There have been several definitions given by political scientists regarding the term democracy. Most of these definitions agreed with the origin of the concept from Greek ontology to denote ‘*demokratia* or *democratia*’ meaning “Power of the People”. As studied by Heater (1964), many of the features and characteristics of modern-day democracy, are usually said to originate from the Ancient Greek city of Athens. Studies by Robert Dahl, further revealed the usage and history of the concept to the 4th & 5th Century BC to denote a form or type of political system that emerged around 508 BC after the popular uprising (Dahl, 1989).

The definition offered by Benjamin (1980), revealed that as described in political theory, democracy there is no universally accepted definition of the concept of democracy. However, in political philosophy and theory, the term is guided by the two important principles of ‘Equality and Freedom’ which describes the supremacy and predominance of the law over every citizen in the state. As further argued by Barak (2006), one important guiding principle of democracy is its firm promise and guarantee of legitimized freedom and liberties of all citizens as enshrined in the constitution.

Huntington’s (1999), analysis of democracy as a form of political arrangement where the most powerful and collective decision-makers in the society are elected via fair, honest, and periodic elections. To Edigheji, (2005), the concept of democracy should incorporate these important features of respect and supremacy of the law, respect for the law by all, electoral transparency and accountability, protection and guaranteeing of the basic rights of all, accommodation, respect, and management of diversities and interest during and after every election cycle. Studies by (Baker, 1995; Oddih, 1996; Nwoye, 2001; Zakaria 2003), revealed that democracy as a majoritarian rule should be able to embody and protect the fundamental human rights of all, be people-oriented and create the opportunity and platform through which power rest with the people by allowing them the space to drive the process. This is because without the people driving the process, it stands the risk of uneven allocation and distribution of power amongst elites which is detrimental and harmful to the stability of the political system (See Zakaria, 2003).

Features and Varieties of Democracy

The study by Heater (1964) indicated that as witnessed in Ancient Athenian cities, democracy has three basic features. First, it shows the supreme power is vested with the ‘*eklesia*’ (Assembly

of all male citizens qualified either by age or economic status to vote and participate). The second feature is the permissibility of the system to ensure and guarantee freedom of speech for all citizens. The third feature seeks to explain the position that all political offers were open to all citizens chosen by lot, with formal checks and balances to prevent any individual or group from acquiring excessive power (see Heater, 1964). This was further supported by Grinin (2004), who suggests that,

although Athenian democracy is today considered by many to have been a form of direct democracy, originally it has two distinguishing features: Firstly, the allotment (selection by lots) of ordinary citizens to government offices and courts; Secondly, the assembly of all citizens in discussing issues that affect them (pp. 428-29).

Studies by (Gaus, 2004; Barak, 2006; Britannica 2009; Lijphart, 2018) revealed the following as features of an ideal democratic society: Effective participation should be ensured in which members of the demos have the opportunity to air their views about a particular policy. There should be equality in voting in which members of the demos have the opportunity to vote for or against the policy and all votes counted as equal. There should also be citizen control of the agenda concerning public policy. The fundamental human rights of each member of the demos should be entrenched in and defined. There should be periodic elections of public officials. The principles of separation of powers, checks, and balances, and the rule of law must be strictly applied to all. Leaders should know that they are responsible and accountable for the demos. Authority and power should come from the consent of the demos. Naturally, it's representative, and it is self-regulating.

Conditions for a Successful Democracy

As argued by (Heater 1964; Ake, 1990; Betham & Boyle, 1995; Zakaria, 2003; Lean, 2007; Kelly, 2012a; Kelly, 2012b; Hyde, and Pallister, 2015; Pallister, 2017; Norris, 2017; Itodo, 2021), the following conditions are important and necessary for a successful democracy: It should not be seen not only as a form of government but as a way of life. It is not a perfect experiment, but rather a work-in-progress system with a path towards democratization as against other forms of authoritarian regimes. The effort is needed to achieve it, and its lack of sacrifice is considered by people to be a sign that it is not desirable enough. Citizens must be able to free up space for opposing views and be prepared to respect and tolerate their lives. On one side, the tolerant approach of the majority to the minority, while on the other hand, the minority must respect the decisions of the majority. Institutions of government should be well structured to function effectively and efficiently, additionally, the opinion of the people has a

structure in which a free and liberal understanding prevails and is necessary. In addition, democracy requires individuals who are aware of the freedom of citizens, who have the minimum education necessary to use it properly, who can pursue the public interest with a sense of responsibility, and who can combine them to make political decisions. It should allow ensuring freedom of thought, association, and expression, along with a fair level of economic well-being among people.

Democratic Governance

As defined by Rosenau, (1999), democratic governance entails the regulation of independent relations in the absence of overarching political authority. Stephen (2002), sees the term to mean mechanisms and instruments that function in a way that allows and creates the necessary preconditions for the rights, of all citizens to be protected and guaranteed for the spirit of democracy. Another definition offered by Empter (2002) suggests that “democratic governance is a form of participatory governance that focuses on deepening democratic engagement through the participation of citizens” in the process of governance and administration. Elaigwu, (2005), on the other hand, sees democratic governance as a form of control through which democratic authority is being entrenched and exercised through governance in the society in line with democratic principles and ideals that depicts the entrenchment of the principle of the rule of law, legitimacy, freedom of choice of all citizens, accountability, and respect for the rights of all citizens.

Conditions for Good Democratic Governance

Several studies by (The International Monetary Fund, 1996; Sam 2000; Hussain, 2004; The United Nations Economic and Social Commission for Asia and Pacific, 2009), revealed the following as preconditions for the promotion of good democratic governance and its ideals in the society: Ensure the effective operationalization of the rule of law in society. Ensuring accountability in the private and public sectors of society. It should be developmentally driven. Equitable allocation and disbursement of resources for public goods. Effective civic society engagement in the society. Creating the space for constructive criticism without undue bias. The existence of strong institutions to check and balance the excesses of leaders. Ensuring that true democratic principles and ideals are entrenched in society and ensuring the rights and privileges of all citizens are protected and guaranteed as enshrined in the constitution.

Human Rights

It is important to note that, most studies on human rights were of the view that human rights are basic irreducible minimums that seek to explain the path to democratization in society. As argued by Beetham (1995), recognizing and respecting the basic rights of citizens is the hallmark of every democracy in society given the fact that it ensures and guarantees popular participation of all in the affairs of the state. By way of definition, studies by (Ebenstein, 1969; the Houghton Mifflin Company 1990; Pogge, 2005), as “basic rights and freedoms to which all humans are entitled to have and enjoy”. As argued also by Mazrui, (1998), “human rights exist as moral and/or legal rights. A human right can exist as a shared norm of actual human moralities, as a justified moral norm supported by strong reasons, or as a legal right at the national level (here it might be referred to as a ‘civil’ or ‘constitutional’ right), or as a legal right within international law”.

Categories of Human Rights: The Nigerian Context

The Federal Republic of Nigeria has clearly stated the types of human rights of its citizens in “Chapter (IV): Fundamental Rights” of its 1999 Constitution under the following headings.

“Right to life, right to dignity of human persons, right to personal liberty, right to fair hearing, right to private and family life, right to freedom of thought, conscience and religion, right to freedom of expression and the press, right to peaceful assembly and association, right to freedom of movement, right to freedom from discrimination, right to acquire and own immovable property, compulsory acquisition of property, restriction on and derogation from fundamental human rights, special jurisdiction of High Court and Legal aid” (see the 1999 Constitution of Nigeria, from Art. 33 to 46).

Limitations to the Rights of Citizens

The study by Anyaele, (1994), clearly highlighted the conditions that may lead to the denial of the fundamental human rights of a citizen. A citizen may be denied some of his rights if he is detained by law. A citizen may be denied his right to life if he is condemned to death as a result of murder, armed robbery, genocide, politicide, etc. The declaration of dusk to dawn curfew in times of emergency is another condition that may limit the right of a citizen especially freedom of movement. A citizen serving prison or jail terms will [definitely] lose some of his fundamental human rights. A citizen with an unsound mind suffering from insanity will be deprived of some of his rights if he is restricted in the interest of other citizens. A citizen may be denied some of his rights if he is quarantined on medical grounds in order not to spread infectious or contagious disease if such a citizen is suffering from such a disease. The police can in the interest of peace and order, ban public assembly, and procession demonstration, which will deny a citizen his rights of assembly and association. A citizen’s right to ownership

of property may be infringed upon if the government considers such property like land useful for developmental purposes. The right of a citizen to vote and be voted for in any given election may be denied if such a citizen is a banned politician or is mentally sterile.

International Human Rights Law

There is no universally accepted definition of the concept, of international human rights law (Moeckli et al., 2014). However, attempts have been made that clarify the term and its effective operationalization by states and non-state actors in the international system. As defined by the International Committee of Red Cross, (2015) International Human rights entail a set of laid down global rules that seeks to ensure the protection and preservation of the rights and liberties of individuals, groups, and communities by states and non-state actors in the international system. These sets of international rules could be seen within the context of treaties signed by member-states in global and regional multilateral institutions, a set of generally acceptable universal customs (De Schutter, 2019). It is said that these treaties and customs, it is embedded in how states and their various agencies should ensure that these rights and privileges to be enjoyed by individuals and groups are respected.

Several studies have traced the post-World War II United Nations Universal Declaration of Human Rights in 1948 where Article 1, specifically states the universality, freedom, equality, and dignity of all human beings irrespective of race, gender, status, and geographical location. This declaration was subsequently ratified and adopted by the General Assembly resolution saw the establishment of the United Nations Commission for Human Rights to be the body responsible for ensuring that UN member states respect and protect the universality of the rights of citizens from any form of abuse (Pogge, 2005; Morsink, 2010; Moeckli et al., 2014; De Schutter, 2019; Smith, 2020). It is important to note that treaties and conventions such as the International Covenant on Civil and Political Rights, and International Covenant on Economic, Social and Cultural Rights all established in 1966 were instruments taken by the international community to ensure the protection of the rights and liberties of all (Sepúlveda, and Carmona, 2003; Joseph and Castan, 2013).

At the regional or continental level, organizations like the Organization of American States, European Union, and African Union important charters such as the American Convention on Human Rights established in 1969; the African Charter on Human and Peoples Rights established in 1981, and the European Convention on Human Rights established in 1950

(Umozurike, 1997; Sepúlveda and Carmona, 2003; Joseph and Castan, 2013; Antkowiak, and Gonza, 2017; Rainey, McCormick, and Ovey, 2020).

These charters were mandated also to ensure total compliance by member states to ensure the dignity and sanctity of human rights of citizens are also protected.

Democracy and Minority Rights: Establishing the Nexus

As indicated by Gamble, (1997), there has been an increasing debate between the proponents of minority rights versus majoritarianism. As argued by the apologists of representative democracy majoritarian democracy tends to breed tyranny given the fact that it is a principle and ideology predicated on a winner takes all mantra. Other critical elements of an ideal democracy such as separation of powers, checks and balances, judicial review, and freedom of citizens may be challenged and curtailed by the majority given the undue advantage accrue to them due to tyranny of numbers (Acemoglu and Robinson, 2006).

Studies by (Elis 2002; Zakaria, 2003) further revealed that in the discourse regarding democracy and minority rights, it is incumbent for us to understand that demanding supermajority or democratic governance and the various institutions of the state play an important role in protecting the rights of the minorities from the majorities given the fact that majoritarian democracy tends to discriminate, limit, and violate the rights of the minority

Another argument put forward by Gamble, (1997), indicates that the rights of minorities are usually threatened under majoritarian democracy. In another counter-argument, studies by (Frey and Goette, 1998, Kriesi, 2005, 2007; Gold, 2019), using the Swiss Model of democracy suggests that minority rights were protected by the system given the fact that they have over 70% guarantee of protection by the system whereas only 30% minorities believed that their rights and privileges are curtailed by the system.

The point put forward by Hajnal and Gerber, (2004), revealed that “most of the time, members of minority groups are not harmed by democracy in the sense of systematically losing important policy battles”. Additionally, in their study of the success of minority rights in a democracy, Donovan and Bowler, (1998), focused on “gay civil rights issues and based their analysis on the Madisonian idea that the population size of a political jurisdiction is important for protecting minority rights”.

Studies by (Buttler and Ranney, 1978; Chemerinsky, 2007; Moore and Ravishankar, 2009) argued that “direct democracy potentially threatens minority rights simply because unlike

debates in institutions such as legislatures, the intensity of preferences is difficult to gauge, facts cannot be uncovered in a systematic process, and actors are not forced to compromise their positions”.

Democratic Governance and Human Rights Violations in Nigeria

Natufe (2006), put forward an interesting anecdote that “Nigeria is experiencing a fundamental crisis in governance”. That narrative and anecdote put forward by Natufe remain valid and instructive given the fact that the country has been grappling with a series of leadership and governance challenges. These challenges range from corruption, nation-building, dilapidated, non-functional, and moribund institutions, poverty, human rights violations, and insecurity which is gradually becoming an existential threat to the corporate existence of the country. Many have argued that the challenges of governance facing Nigeria today rest heavily on the inability of political actors to build institutions and collective identity that will make individuals have that collective sense of belonging and identity of being Nigerians. This is because, many Nigerians tend to see themselves within the lens and prism of the tribal, ethnic, regional, and religious lens.

As argued by Elaigwu (2005), another challenge facing Nigeria has to do with the crisis of governance and human rights violations perpetrated by political actors saddled with the responsibility of protecting, defending, and the rights of citizens.

Several studies were of the view that human rights abuses have been an aged-long problem facing Nigeria. They traced and attributed it to the authoritarian and repressive military regimes in the country which suspended the constitution and ruled by decrees and edicts. These decrees, subjected the citizens’ to various degrees of abuse and limitations on their rights. This is because, throughout those periods, Nigerians have lost their right to associate politically with any group, and articulate their views as pressure groups without undue harassment (Jauhari, 2011; Dada, 2013; Durojaye, 2013; Oluduro, 2014).

Returning to civilian rule in 1999, many welcomed the new democratic dispensation given the fact by design and operationalization, it is expected to promote good governance, and protect and defend the rights of the citizens. Also open-up up the space for constructive engagements between the state, civil society, political parties, and pressure groups to demand positive leadership and direction for the country (Aka, 2003).

However, despite the promises and optimism, citizens are increasingly grappling with challenges to their fundamental rights in the country. In 2008 the United States Government, revealed that the human rights situation in Nigeria remains pathetic, this is because government officials at various levels continue to engage, commit heinous abuses, and trample on the rights of Nigerians. These human rights violations ranged from extrajudicial killings, excessive use of force by security officers, impunity and abuse of office by government officials, arbitrary arrests, arbitrary arrests without trial, lack of public trust in government institutions, gender-based violence, trafficking in child and human, child labor, limitations on the right to belong to any political group, religion and faith, free speech and the press (Onwuazombe, 2017). This section will try and offer some components of human rights abuses in Nigeria under the following sub-headings.

Election-Related Violence

One critical aspect of human rights violations in Nigeria can be seen in the high intensity of violence that characterized Nigeria's elections. Several studies have revealed that since the return to democracy in 1999, every election in the country is characterized by violence, intimidation of voters, opposition parties by the ruling parties, and shrinking the space for fair play and equity in the competition for power. As evidenced in the April-May 2003 Presidential elections, 2007, 2011, 2015, and 2019 elections many have lost their lives and means of livelihood due to politics or elections-related violence in the country (Nwolise, 2007; Obakhedo, 2011; Bamgbose, 2012; Adesote, and Abimbola, 2014).

Excessive Use of Force and Brutality by Security officers (arbitrary arrests, and detention without trial)

The negative instrumentalization and use of force by security officers have been a major attribute of bad democratic governance in Nigeria since the return of democracy in 1999. This is because several agencies like the Human Rights Watch, and Amnesty International in their reports have consistently accused Nigerian security agencies of engaging in extrajudicial killings, torture, and maltreatment of defenseless citizens. In the fight against insurgency, the military was accused of engaging in extra-legal duties, not within their mandate and rule of engagement. The Nigerian police are said to have violated and abused the rights of several innocent citizens which triggered the "End Sars Protest" in 2020 against brutality by the Nigerian police (Ojo, 2014; Umegbolu, 2020; Uwazuruike, 2020).

Media Gagging and Unnecessary Censorship

Another hallmark of every democracy is its belief in free speech and press freedom (Post, 2011). When the media most often regarded as the fourth estate, is denied and gagged in this responsibility, it creates conditions for illiberal democratic values to be entrenched. In Nigeria, since the return to democracy in 1999, the media is often being censored and gagged by the government especially when the government perceived that media outfits often challenge and criticized the regime (Ayele, 1992; Egwu, 1998; Elaigwu, 2002; Ojo, 2006; Attahiru & Okechuckwu, 2007; Adenrele & Olugbenga, 2014). A recent example is the suspension of the micro-blogging site 'Twitter' by the Nigerian government for being too critical of the regime and also the government's perception that Twitter supports irredentists and separatists agitating for self-determination from Nigeria (Okunoye et al., 2018; Suraj, 2020; Anyim, 2021; Olannye-Okonofua, 2021).

Religion

The Nigerian Constitution allows room and avenues for freedom of religion as well as the right to change one's religious views and beliefs without undue harassment. However, that position only exists in theoretical terms, given that citizens are often attacked and murdered due to their religious faith in the country (see 1999 Constitution FGN). Studies also revealed that the government sometimes tends to limit the rights of citizens to belong to one religious organization by initiating certain policies and actions that are inimical to the rights of citizens to worship and practice their faith without any undue pressure. Furthermore, other extant studies revealed that most of the conflicts witnessed in the country were linked to the inability of citizens to respect, accommodate and tolerate the beliefs of other people different from theirs (Adenrele and Olugbenga, 2014; Adishi and Oluka, 2018).

Limitations on Political Association and Peaceful Assembly

The right to belong to any political party and persuasion is provided in the constitution of the Federal Republic of Nigeria. However, this important right is often being challenged and abused by political actors. This is because individuals and groups perceived to have differing views and opinions with the government in power seem to be harassed and intimidated simply by being in opposition to the regime (Meagher, 2014; Ijaiya, 2016; Ibuowo, 2021).

Democratic Governance, Human Rights Violations and its implications on International Law

Democratic governance and all its ideals are considered to be the cardinal principles of international law. This is because of its emphasis and premium on the respect and protection of the universal human rights and liberties of individual members of the society from any form of abuse or harm (O'donnell, 2004). As argued in the universal charter on human rights, several extant studies were of the view other ideals of democracy which envisaged free, fair, and credible elections under universal suffrage is in line with what was also stated in the covenant centered on respecting the civil and political rights to vote and be voted for, congregate, and belong to any political association without any undue interference or harassment by the state and its several agencies (Fukuyama and McFaul, 2008; Nicolescu-Waggoner, 2016). As put forward also, in the International Covenant on Economic, Social, and Cultural Rights, democratic governance is expected to also ensure the preservation and protection of the rights of minorities, indigent, and peoples with disabilities in the allocation and distribution of resources, and equitable platform to engage and participate in the democratic space without any undue interference (Saul, Kinley, and Mowbray, 2014).

However, when these universal ideals and principles are not respected and adhered to by relevant state agencies impacts negatively not only the ideals of democracy and democratic governance but also undermine the essence and core principles of international human rights law (Cohen, 2008; Turner, 2008). In an interview with a law professor from the University of Jos Nigeria, he was of the view that 'in a democracy, it is expected that the government has the responsibility of not only defending and protecting the territorial integrity of is the sphere of influence, it has the core responsibility of ensuring that it protects the rights of both the majority and minority, create an enabling environment where citizens can constructively engage and criticize its activities; create the space also for fair play in the democratic process without any undue interference". However, in Nigeria and other transition societies, you discover that the political space is increasingly being muzzled and controlled by the government in power, and individual and group freedom to have a differing opinion is increasingly becoming limited by the day.

As argued by (Mangala, 2013), democratic governance and democracy, are expected to ensure that the rights of people to effectively participate are in line with the universal charter on human rights, which emphasizes the importance of the state to respect its citizens. A democratic state

that cannot uphold this cardinal principle, violates this charter and what democracy truly stands for. In another argument by a legal expert, who thought that human rights violations, totally undermine the true ideals of democracy which is centered on the universality of the principle of the rule of law, which supersedes everyone in the society; every individual is equal before the law, and the law creates an opportunity for all in the state. However, when you have weak systems and institutions as seen in Nigeria, respecting and protecting the rights of every citizen is a challenge that invariably, undermines democracy its ideals, and international law.

Other extant studies were also of the view that even though human rights violations go totally against the principles and ideals of democracy and international human rights law, relevant agencies such as the UN, and AU, have not been able to critically address these cases and incidences of human rights abuses committed by states on its citizens (Petersmann, 2013; Ambani, et al., 2015; Suárez, 2021).

Therefore, for effective operationalization of the various international legal instruments and charters designed to ensure the protection and defense of the rights of citizens, the UN, and other multilateral agencies should rise to their responsibility and ensure those authoritarian regimes that are guilty of abusing the rights of its citizens, are not only sanctioned but punitive measures are taken against them (Mangala, 2013; Poast, P. and Urpelainen, 2015; Suárez, 2021). This will not only strengthen and deepen democratic governance but will also ensure the protection of the rights and liberties of minorities and majorities in a democratic society.

Conclusions and Policy Recommendations

This article sought to assess the challenges associated with democratic governance and human rights violations in Nigeria. The findings of the study aim to shed light on the following recommendations. The promotion and defense of Human Rights is the hallmark of every democracy. Despite the efforts by the Nigerian government and Constitution to ensure these rights are protected, abuses and violations exist therein. These violations are often committed by those saddled with the responsibility of governing and piloting the affairs of the state. It is indicative that rhetoric and empty statements by state officials did not in any way deter them from committing these acts of violations.

With these informed perspectives, the article offers some practical recommendations on how democratic ideals and principles can be attained to ensure the promotion and protection of the rights of all citizens. Democratic ideals and principles should be entrenched across all levels

and segments of Nigerian society. Punitive measures are taken to name, shame, and punish any official involved in human rights abuses. The government should rise to its responsibility of protecting and defending the rights and privileges of citizens. Governance should be modeled under the principle of rule of law and the supremacy of the Nigerian constitution. Politically motivated and instigated violence should not be encouraged in whatever form in the country. Government should open up the space for constructive engagements between civil society organizations, pressure groups, political parties, and the press without undue harassment or intimidation. The Nigerian constitution which, is the supreme law of the land, must be respected by all citizens, particularly, those found at the helms of affairs of the nation. This will foster effective democratic governance. There is a need for a responsive, responsible, and dedicated government and the need for good citizenry too, as one compliments the other. Human rights and civic education should be introduced in schools. There is also the need for the present civilian government, given its pro-human rights stance to embark on human rights education campaign. This will bring about awareness in people and make them conscious of their rights. Ethno-religious conflicts should be resolved peacefully and not be allowed to escalate to full-scale war. Warmongers promoting ethno-religious hate should be punished appropriately. Extra-judicial killings should be discouraged by both the government and the governed. This will enhance democratic governance in Nigeria. To further deepen and consolidate democratic values in Nigeria, political actors should allow room for fair play for all (party in government and opposition) without undue intimidation and abuses. Reports such as the Justice Chukwudifo Oputa Panel, and End-Sars (Against Police Brutality) investigating various cases and incidences of human rights violations be released and made public. Perpetrators should be adequately punished while victims and their families are appropriately compensated. International organizations like the UN, AU, EU and OAS have a vital role in checkmating the excesses of states who violate the various principles of international human rights law by abusing the rights of their citizens.

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