

Human rights NGOs in Nigeria: Emergence, governmental reactions and the future

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1 Introduction

Human rights were entrenched in the Nigerian constitutional structure in the 1960 Independence Constitution and reaffirmed in the 1963 Republican Constitution and the 1979 Constitution. The last instrument also added a chapter on Fundamental Objectives and Directive Principles of State Policy, which essentially is a statement of social, economic and cultural rights. Pursuant to the 1979 Constitution, the Fundamental Rights (Enforcement Procedure) Rules were drawn up to guarantee the effective enjoyment of the rights protected under the Constitution.

Despite these normative and structural guarantees, human rights have been the subject of unredressed abuses by successive Nigerian governments, both military and civilian. Diverse reasons have been invoked to justify the violation of individual rights. For much of this period no formal organisations existed whose primary aim was to secure redress for victims of human rights violations. The impact of foreign-based human rights groups was limited. They were ignored whenever they highlighted rights violations, as were a few other Nigerians, including lawyers, leftist ideologues and radical intellectuals who led the crusade for respect for human rights in the absence of formal human rights groups. Moreover, human rights groups could only hope to stigmatise the government, and put pressure on the government to respect the rights of its citizens.

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The first Nigerian human rights NGO came into existence in 1987. Since then many others have joined the field. This paper considers the origins of the human rights movement in Nigeria, the activities of the groups, their achievements, and the problems they face. Governmental responses to the groups and to allegations of human rights abuses are also examined, as are the prospects for the continued existence of these groups. This paper examines the period up to the beginning of the present democratic dispensation in 1999.

2 Background

The first human rights NGO in Nigeria was established on 15 October 1987.¹ Prior to this time, Amnesty International (AI) was the only notable human rights NGO operating in the country although some other NGOs, which had different primary goals, devoted some of their energy and resources to the human rights cause. In this category were professional organisations of lawyers, journalists, medical doctors and educators.² These groups sought to hold the government accountable for its actions and inaction on human rights. They were largely ineffective, however, as they were not set up primarily to advance the human rights struggle and thus their involvement was merely incidental.

Even though they had limited impact, their tendency to disagree with state policies did not diminish. Many of these groups protested and pressed their cases, but as noted by Mutua:³

[t]he despotic state was not always a good listener and more often than not openly confrontational groups and individuals were either co-opted, ousted, and harassed or simply detained or murdered if they were perceived as serious threats to those in power. The iron fist cowered opponents and forced them to present their grievances to those in power in a friendly and constructive style. For many, the distant voice of AI was the only independent corroboration of their suffering.

Also, in the period before the emergence of human rights NGOs, human rights abuses were treated as a by-product of the military dictatorship under which the country had labored for most of the years after independence, and as the excesses of some intolerant government officials in the few years of democratic rule.⁴ There were feeble protests, and those who could afford it sought redress through the courts.

¹ See below.

² These included the Nigerian Bar Association (NBA), the Nigerian Medical Association (NMA), and the National Council for Women Societies (NCWS). Trade unions like the Nigerian Labour Congress (NLC) and the Academic Staff Union of Universities (ASUU) were also involved in the struggle.

³ M wa Mutua 'Domestic human rights organisations in Africa: Problems and perspectives' (1994) 22 *A Journal of Opinion* 30-31.

⁴ 'CLO — Waging war for liberty' *Newswatch* (25-09-1989) 17.

Individuals could also express their grievances through the Public Complaints Commission (the National Ombudsman), but the Commission could not achieve much because it was set up only to resolve cases of maladministration or injustice arising from the action and inaction of the administration and its agencies.⁵ Clearly, rights violations do occur as a consequence of administrative policies, but the Commission was simply not equipped for that task, and was not directly involved in human rights work. It also did not help matters that the prestige and social respect accorded the Commission by the general public were eroded by allegations of bias made against the commissioners, some of whom were alleged to be card-carrying members of the then ruling party, instead of being functionaries who were supposed to be above the reach of party politics.

At the close of the Second Republic, in 1983, human rights abuses became rampant but were hardly redressed. The police and other security agencies detained many individuals, but the effective manipulation of the judiciary by the ruling party prevented the effective operation of the Fundamental Rights (Enforcement Procedure) Rules, which could have been the means of securing the release of detainees.⁶ By the time the ruling party and the government were overthrown in a military coup on 31 December 1983, the populace heaved a sigh of relief, believing the new military regime of General Buhari would make all the necessary efforts to dispel the gloom that had encircled the country.

3 The new military regime

The expectations of the people were not matched by the regime of General Buhari. As soon as it came to power, it indicated that it would pay scant regard to human rights, and the regime was true to its word. It promulgated decrees in draconian terms, and placed many Nigerians

⁵ See the Public Complaints Commission Decree No 31, 1975, in the 1979 Constitution of the Federal Republic of Nigeria.

⁶ One of the most prominent cases of the Second Republic was that of *Shugaba A Darman v the Federal Minister of Internal Affairs & Others* [1981] 2 Nigerian Constitutional Law Reports (NCLR) 459. Alhaji Shugaba was a member of the Great Nigerian Peoples' Party (GNPP), and the Majority Leader of the Borno State House of Assembly. The Federal Government on 24 January 1980 deported him to the Republic of Chad on the allegation that he was not a Nigerian. It was clear that the action of the Federal Government was politically motivated as Alhaji Shugaba was a political thorn in the flesh of the government. He brought an action against the Federal Government before the Borno High Court, which ruled that he was a Nigerian, and awarded him compensatory and exemplary (punitive) damages for his unlawful deportation from Nigeria. The Federal Government appealed the decision of the lower court, but the appeal was dismissed in *Federal Minister of Internal Affairs & Others v Shugaba A Darman* [1982] 3 NCLR 915.

in indefinite detention without trial — many of them belonged to the former political class, and some were opponents of the regime. The government also seriously curtailed press freedom and imposed a blanket ban on political activities, which was later extended to include a ban on debates on the political future of the country. There was serious erosion of the civil liberties of Nigerians, and by the time the regime was overthrown in another coup on 27 August 1985, Nigerians were suffocating under a number of oppressive decrees, which showed the regime's utter contempt for human rights.

The open-faced repression of the regime had the effect of sensitising the hitherto apathetic population to the issue of human rights. General Ibrahim Babangida, who succeeded to power after the overthrow of General Buhari, was a prominent member of the prior regime. By the time he took power, however, a critical attitude had developed among Nigerians to the Buhari-led administration, and because of this, the Babangida administration sought to distance itself as much as possible from the abuses perpetrated by the Buhari-led regime. In his maiden address, Babangida openly promised to respect human rights. 'Fundamental rights and civil liberties will be respected,' he declared. According to him, '[I]n line with [the] government's intention to uphold fundamental human rights, the issue of detainees will be looked into with despatch.' He further announced the intention of his administration to review all decrees promulgated by the previous administration, as they had 'generated a lot of controversy'.⁷

The Babangida regime thus rested its quest for legitimacy upon human rights. It immediately repealed the much-dreaded Decree No 4 of 1984,⁸ which had curtailed press freedom extensively during the Buhari regime. It released many detainees and also opened up to the public glare secret detention centers where abuses of human rights were perpetrated.⁹ In assuming this 'human rights posture', the Babangida regime distanced itself from the discredited Buhari regime, justifying its intervention in government by painting the Buhari regime as a villain.

While there was reason to hail these gestures as a 'refreshing departure' from the style of the past regime,¹⁰ there was not much to celebrate. At that point in time, Nigerians expected from the Babangida

⁷ General Babangida, Address to the Nation, 27 August 1985, reprinted in *Portraits of a new Nigeria: Selected speeches of IBB* 21–26. See Civil Liberties Organisation *Human rights in retreat* (1993).

⁸ The Public Officers (Protection Against False Accusation) Decree No 4 of 1984.

⁹ The detention centres belonged to the Nigerian Security Organisation (NSO), the secret service arm of the government, which was later dissolved and replaced by another body.

¹⁰ *The Guardian* termed it a 'refreshing departure from the stone-hearted, anti-egalitarian tendencies of the Buhari administration'. See 'Human rights — Cracks in the wall' *Newswatch* (29-08-1988) 12.

government the full and unrestricted enjoyment of human rights as guaranteed by the Constitution. The enjoyment of rights could not just be limited to a legitimacy-seeking exercise by a government, which lacked a constitutional basis for governance, and which, therefore, had to search for relevance and acceptability among the populace.

4 Descent to autocracy

As it turned out, the purported commitment to human rights was highly questionable. The great gestures were an attempt to divert the attention of the people in the face of more repressive acts. Events tested claims about the government's respect for human rights. An alleged coup plot was uncovered late in 1985. The suspects were tried and most convicted. Some were sentenced to death and others to various terms of imprisonment. Domestic and international pleas for clemency were ignored, and their executions were carried out. Nigerians and other interested watchers began to take notice.

Gradually it became clear that the regime was not ready to keep the promises it had made on human rights, and a steady descent into autocracy began. The regime manifested a desire to prolong its stay in power. It formulated various economic, political and social programmes, sometimes hastily, and implemented them half-heartedly. Many of these programmes were seemingly designed to fail, and they did.¹¹ It introduced an IMF-recommended Structural Adjustment Programme (SAP) in 1986 to address the underlying malaise in the economy, and the challenge posed by the collapse of oil revenues upon which the economy was heavily dependent.¹² The SAP policy was one of high and rapid inflation, high unemployment rates, low wage levels and substantial

¹¹ All the actions of the Babangida government were placed in proper context later. According to the Information Minister, Mr Uche Chukwumerije in a British Broadcasting Corporation (BBC) interview, 'For us, [General Babangida] is an artist trying to chisel a beautiful sculpture out of a granite stone and at every juncture in his work he pauses back to see whether he is going in the right direction' (30 June 1993). See 'Nigeria: Democracy derailed' (1993) 5 *Africa Watch*.

¹² The objective of the Structural Adjustment Programme was to help promote economic efficiency and private sector development as a basis for long-term economic growth. Nigeria's peculiar brand of SAP (it did not take a loan from the IMF) combined exchange rate and trade policy reform with stabilisation policies. It included efforts to downsize the public sector, and improve the management of public owned assets. However, there was not much expenditure directed toward the provision of basic social services or infrastructure projects designed to build human and physical capability, and to meet the needs of a majority of the people. Spending on the social sector had contracted sharply before SAP, and that was maintained during the SAP era. Eg, the expenditure on social services fell from 14% in 1986 to an average 12% of the budget. It even fell to an all-time low of 3% in 1987. This can be contrasted with expenditure on interest on the debt obligations of the government, which rose

erosion of the purchasing power of public sector employees — which was more pronounced because wages were not indexed to inflation. It was also, very importantly, a policy of economic repression and the wholesale denial of the rights of the people. Though the policy had an economic basis, its content had the capacity to, and did, generate social and political crises. There were protests as the burden of SAP became heavy, and the government had to resort to force to maintain its grip on power.¹³

Repression was not restricted to the economic front. In the execution of its political programmes, the government was brazen in its suppression of the rights of the people. It drafted a political transition programme, which it tinkered with many times. It promulgated a number of decrees prohibiting some Nigerians, mostly former politicians, from engaging in political activities. It shifted the dates for the handing-over of political power to civilians.¹⁴ It even made it clear on some occasions that it would not be 'stampeded out of office', thereby leading to fears that the regime was bent on perpetuating itself in office.¹⁵

A major assault on the nascent civil society was required to maintain the government's iron grip on power. One way by which this was accomplished was through the subversion of the rule of law. The government mounted an attack on the legal order, and thus demonstrated its utter contempt for human rights. The judiciary was emasculated through the use of decrees, and special (military) tribunals were set up as institutions parallel to the ordinary court system. The government ignored court orders that were not in its favor, and the Federal Attorney General even issued a warning to judges to desist from issuing orders directed at the federal government.

The regime promulgated retroactive laws, despite the constitutional prohibition of *ex post facto* laws, and also enacted laws to give legitimacy to otherwise illegal actions of government. These decrees could not be challenged in any law court. Also, contrary to earlier indications, some of the laws passed by the Buhari regime were retained, including the

from 26% in 1986 to 55% in 1987, and has been consistently high since. In the process, the urban middle class, primarily civil servants and workers in import-substituting industries bore the cost of adjusting to the downturn in oil markets and the collapse of foreign exchange earnings.

¹³ There were violent riots in April 1988 against the removal of subsidy on prices of petroleum products. There was another anti-SAP riot in May 1989. The government had to hurriedly arrange a relief package to cushion the effect of SAP on the populace.

¹⁴ While it had earlier indicated its intention of ceding power by October 1990, it shifted that date in 1987 to October 1992. As 1992 approached, it became clear that the regime was not in a hurry to leave office.

¹⁵ The date was shifted, again, from October 1992 to January 1993, and later to August 1993, when the regime had to leave power contrary to its expectation.

notorious Decree No 2 of 1984.¹⁶ This Decree empowered government to detain, without charge or trial, persons considered a threat to the economy or security of the state. Such persons could be detained for up to three months, subject to indefinite renewals. The government's 1985 promise to repeal the enactment was not kept, and the regime utilised the decree against many of its opponents, keeping behind bars many who expressed views different from that of the regime. The Decree was an effective weapon in curtailing the liberties of Nigerians.

5 Babangida versus the press

At the outset, the Babangida regime realised the need for favorable press coverage, recognising the power of the press to sway public opinion. As noted, it repealed Decree No 4 of 1984,¹⁷ and released from jail two journalists who had been convicted under that decree. The regime demonstrated an initial willingness to work with the press, and pursue a policy of cooperation rather than confrontation. The press responded in kind, and there was largely no opposition from the press to the regime for some time.

However, in April 1987, the *Newswatch* magazine was proscribed for six months. The magazine had published extracts from the yet-to-be-officially-released report of the Political Bureau, which the government had set up much earlier.¹⁸ The proscription marked the beginning of an unprecedented wave of repression of the press, with journalists being detained, victimised and subjected to harassment. With the press also highlighting the deterioration in socio-economic conditions in the country, especially after the effect of SAP on the populace became more visible, the regime had to abandon its 'no-confrontation' stance with the press, and showed its distaste of criticism. Despite press self-censorship, reports on sensitive issues such as corruption in high places, ethnic and religious violence and student demonstrations, often resulted in the arrest of offending journalists, and sometimes in the closure of the offending newspaper or magazine.

¹⁶ The State Security (Detention of Persons) Decree No 2 of 1984, which was amended several times to suit the wishes of the government.

¹⁷ n 8 above.

¹⁸ But the BBC and the London-based Africa Confidential had earlier disclosed portions of the actual recommendations of the Political Bureau. See *Human rights in retreat* (n 7 above) 57.

6 Unrelenting oppression

The muzzling of the normally vibrant Nigerian press was accompanied by repression of the entire society. A heavy clampdown on critics, coupled with the earlier ban on party politics, left no group to challenge the autocracy of the military regime. No forum existed to articulate alternative ideas,¹⁹ nor were there any institutional processes to check the excesses of the dictatorship.

Harassment and detentions were joined by the loss of many lives due to the excesses of the Nigerian police force, and other security agencies. The latter engaged in illegal detention, torture, extra-judicial killings, and public harassment of citizens, amongst others.²⁰ The security forces demonstrated rampant lawlessness, but the government showed no interest in curbing these excesses. There seemed to have been a convergence of interests between the government and the police in the matter of human rights violations. Not many citizens were interested in holding the police accountable for its actions, and not many could, anyway. While some cases were reported by the press, many were not, and in most cases, there were no official sanctions against erring members of the force. Even when internal police panels were set up due to public pressure, they usually covered up serious abuses of human rights.

7 Emergence of human rights NGOs

The overall attitude of the Babangida regime towards human rights was a major reason for the emergence of the Civil Liberties Organisation (CLO) in 1987. In retrospect, it is hard to comprehend that there was no such group prior to that time. But, it appears that by the time the groups started appearing, civil society was willing to accept them as part of the political landscape. The dictatorship of the military had sensitised the populace to their human rights, and the fact of the dictatorship obviated the initial danger of non-acceptance that the groups would have faced. About this time as well, events happening outside the

¹⁹ Eg, the government steadfastly maintained, albeit ludicrously, that there was no alternative to the SAP policy it had introduced in 1986. Anyone who held otherwise was liable to being branded an enemy of the state. The government's political transition program and SAP policy were highly segmented, and both 'urged acquiescence and sacrifice without discussion and choice'. See *Human rights in retreat* (n 7 above) 46.

²⁰ In 1990, for instance, the Committee for Defence of Human Rights (CDHR) reported 17 instances of extra-judicial killings involving more than 25 victims. See *Human rights in retreat* (n 7 above) 11.

country impacted on the country. Nigeria had joined other countries in insisting on the imposition of sanctions upon the apartheid regime in South Africa, and a former head of state, Olusegun Obasanjo, was Co-Chairperson of the Commonwealth Eminent Persons Group, which sought to find a solution to the problem of South Africa. The lack of logic of demanding respect for the rule of law in South Africa, while denying Nigerians the same was not lost on Nigerians. Nigeria had ratified the African Charter on Human and Peoples' Rights (African Charter) much earlier and it had become part of Nigeria's law in 1983. Nigerian lawyers had also become sensitised to human rights issues, because of the increasing incidence of disregard for the rule of law. These events were close in time to each other as a critical mass developed which led to the inevitability of the emergence of human rights NGOs within the country.

Two lawyers, Olisa Agbakoba and Clement Nwankwo, established the CLO. The latter had been involved in litigation on behalf of the oppressed while doing one year compulsory national service. Thereafter, he collaborated with Agbakoba to concretise and expand the work he had begun earlier. As lawyers, they felt the need to use the law and, in particular, human rights to make a case for their clients. The choice of human rights was rational as it was difficult for anyone to argue against it as a moral imperative.

The formation of the CLO was the first attempt to institutionalise a non-governmental human rights initiative in the country. At the outset its basic concern was with public interest litigation in prison work. Later, it expanded its work to covering and monitoring government activities, including violations of human rights, and actively seeking the observance of human rights as contained in international human rights instruments which Nigeria had signed and ratified.

By starting with the provision of legal services to the poor and monitoring prison conditions in the country, the organisation avoided being branded as a group of agitators, or being seen as confrontational at the outset, which could have provoked an outright ban by the government. And, consciously or otherwise, this followed the pattern in some African countries,²¹ where most groups started with legal aid as cover for the new movements, as legal aid did not 'directly threaten the state unless political prisoners [were] represented'.²²

²¹ Eg Kenya and the Democratic Republic of Congo.

²² Mutua (n 3 above) 31.

Other groups soon emerged and prominent on the list was the Constitutional Rights Project (CRP), set up in 1990.²³ The multiplication of the groups was a direct consequence of increased oppression in society which, in turn, could not be divorced from the subtle attempts of the Babangida government to perpetuate itself in power. This desire for a prolonged stay in power necessitated an assault on the society by the regime. The more violations, the more groups began to emerge to oppose the regime.

8 Legal status and affiliation

Human rights groups began as non-profit, non-governmental initiatives, and have remained that way since. While there were hints at various times that they could be subject to regulation by the state, no law was passed to regulate them. However, they are registered by a regulatory commission, which is responsible for all corporate bodies in Nigeria. Even though that body, no attempt has been made, overtly, to withdraw their licences to operate.

The groups have also found a way to cooperate with each other and with other pressure groups in society. There is some 'alliance' between these groups and the press, church groups, students unions, and radical intellectuals in society. This has been a productive endeavor because the cooperation has made it clear that the cause being espoused by the groups is not based on self-interest.

9 Activities and achievements

Nigerian human rights NGOs have engaged in a variety of activities in the years since they were formed. Through these activities they succeeded in raising the profile of human rights in the country, and this they have done at great risk to their membership, some of whom have suffered deprivation, long periods of detention, and other indignities. In their activities lie their achievements, which cannot be ignored. These activities include:

²³ Others include Human Rights Africa (HRA), set up in 1988 to address human rights issues from an African perspective, Committee for the Defence of Human Rights (CDHR), formed in 1989. Quasi human rights groups include the National Association of Democratic Lawyers (NADL), which had been formed in 1984 in response to the new military regime of General Buhari, and the perceived inaction of the Nigerian Bar Association (NBA), at that time, and the Legal Research and Resource Development Centre (LRRDC), formed in 1990 to promote human rights through research and teaching.

9.1 Monitoring state behaviour

This is a normal function of human rights NGOs all around the world and Nigerian ones have been no exception. They engaged in this function by gathering, evaluating, and disseminating information on human rights violations by the government and its agencies. They do all these by collecting information from around the country. They have a staff network which enables them to function in association with local people in order to get to the root of rights abuses. They also publish annual reports in which these violations are documented. They publish specialised reports in which the results of research on particular projects are documented.²⁴ The accuracy of many of these reports has helped in projecting the groups as fair and not given to sensationalism. Thus they have managed to establish credibility for themselves through their reports. The fact that it is open to everyone to see that governmental assertions are mostly inaccurate had given weight to the reports of the groups.

Additionally, they provide information to inter-governmental organisations involved with human rights on the state of human rights in Nigeria. They serve as alternate sources of information about the state of human rights in Nigeria, and their reports are more representative of the human rights situation in Nigeria than what the government serves the outside world.

9.2 Litigation

Some groups, like the CLO and the CRP, have litigated several human rights cases to secure the rights of individuals oppressed by state agents and institutions. Many have been set at liberty through these efforts. The CLO for instance has represented over 4 000 indigent victims of human rights abuses, while the CRP has also litigated several such cases.²⁵

²⁴ See eg Civil Liberties Organisation *Behind the wall: A report on prison conditions in Nigeria and the Nigerian prison system* (1991) and Constitutional Rights Project *The press and dictatorship in Nigeria* (1993).

²⁵ In *Abdulahi & 6 others v Attorney-General, Lagos State & 2 Others, Suit No M/61/91*. In 'Cases and materials on human rights' (1994) 4 *Journal of Human Rights Law and Practice* (Civil Liberties Organisation) 285, a Lagos High Court ordered the release of the applicants, who had been detained for a period ranging from 6 to 11 years without trial. The court found their detention illegal, ordered their immediate release, and awarded compensatory damages to the applicants, whose suit had been filed by the CLO. In another situation there was a public outcry, which followed an allegation that seven persons had been murdered in cold blood by the police at Oko-Oba, Agege, Lagos, on 6 March 1991. The police set up an internal panel to investigate the incident and the alleged involvement of its officers. Three months later, the panel submitted a report that absolved the policemen involved in the killing, stating that the seven were shot by the police in self-defence. But the actual facts contradicted the story proffered by the police. The autopsy report showed that the seven had been

In consequence, human rights groups have helped to develop human rights jurisprudence within the country. This appears to be their most significant contribution to the Nigerian legal order. Through various cases before the Nigerian courts on behalf of the oppressed, human rights groups have assisted in building the body of laws in areas hitherto untraversed. At times, to the uninitiated, some of the cases bordered on the absurd, but the certainty of failure did not discourage them from pursuing those cases in court. In a case which turned on the position of the African Charter within Nigerian law, *The Registered Trustees of the Constitutional Rights Project v The President of the Federal Republic of Nigeria*,²⁶ the applicants sought an order of the court to stop the execution of Major-General Zamani Lekwot (retired), and five others who were condemned to death by the Zangon-Kataf Disturbances Tribunal in Kaduna, on the ground that they did not receive a fair hearing. The court not only assumed jurisdiction,²⁷ contrary to the contention of the defendants; it also restrained the government from executing the convicted persons. Very importantly, the court held that the African Charter preserved the jurisdiction of the court, and that it overrides the ouster of jurisdiction clauses in military decrees. The ruling in this case, and in many other cases before Nigerian courts of record, constitute significant interpretations of the constitutional guarantees of human rights under the Nigerian Constitution.

9.3 Public awareness activities

The groups have taken steps to increase public awareness of human rights within the country. In this they have succeeded tremendously. They have organised conferences, workshops and seminars, all in a bid to sensitise public opinion to human rights issues. Some of these have been done in conjunction with the press, and other parts of civil society, including church and student groups.

shot at point-blank range. Also, contrary to the claims of the police that they were members of an armed robbery gang killed in a shootout, the men were actually shot dead in one of the victim's home, six of them lying flat on the floor, and shot in that position, and one was shot while facing the wall. The police displayed the victims' bodies at the police station and one gun allegedly used by the victims. See Constitutional Rights Project *Human rights practices in the Nigerian police* 41 (1994). The CLO instituted an action against the Nigerian police force on behalf of the families of the victims. The Federal Government, in accepting responsibility for the action of the police, agreed to pay compensation to the tune of N2,5 million. See Civil Liberties Organisation *Annual Report* 1994 9–11.

²⁶ Suit No M/102/93, 5 May 1993. See 'Cases and materials on human rights' (n 25 above) 218.

²⁷ This was unusual, and contrary to expectation as the courts normally declined jurisdiction in such matters.

9.4 Lobbying national and international authorities

At various times, human rights groups have engaged in the process of lobbying, both at the national and international levels. Nationally, they have sought governmental action on issues like the repeal of legislation infringing the civil liberties of Nigerians. Nigerian human rights NGOs have also engaged in advocacy for the voiceless in society. In 1990, for instance, the groups vigorously protested the demolition exercise carried out by the Lagos State Government at Maroko, Lagos, in which the sprawling slum was demolished, rendering an estimated 300,000 people homeless. They also campaigned, successfully, to save 11 'kid' robbers from death. The 11 had been sentenced to death in 1985 for their alleged involvement in armed robbery. Pleas for clemency were made on their behalf by the groups on the ground, amongst others, that they were under-aged at the time they were tried and convicted. In 1992, the death sentence was commuted to 10 years' imprisonment effective from the date their trial commenced, which was in 1984. They were eventually released. It was a great triumph for human rights groups.

Additionally, Nigerian human rights NGOs have lobbied inter-governmental organisations to seek redress for rights violations that could not be remedied locally.²⁸ They also called for international sanctions against the military regime, when it appeared that the regime was not ready to relinquish power. In all these, they enjoyed qualified success.

9.5 Lobbying and the pro-democracy struggle

Human rights groups campaigned forcefully for the restoration of the democratic order, and for respect of the civil and political rights of Nigerians, which were severely curtailed by the military dictatorship. The Babangida regime had succeeded in muffling the civil society and the groups had to work actively to open the political system to enable citizens to freely exercise their rights, and for professional politicians to operate freely as guaranteed by the Constitution. To achieve this goal, a coalition of social forces, including human rights groups, formed the Campaign for Democracy (CD), which joined issue with the government on the political transition programme.

The CD operated within a background of manifest unwillingness on the part of the Babangida regime to quit power. The level of harassment of activists increased significantly in the period after November 1992, when the Babangida government decided to postpone the transition to

²⁸ Some groups have presented petitions before the African Commission on Human and Peoples' Rights on behalf of victims, and have also sought the invalidation of local legislation through the Commission, especially those in conflict with the provisions of the African Charter. See eg *Civil Liberties Organisation/Nigeria*, Decisions of the African Commission on Human and Peoples' Rights, 1986-1997, Law Reports of the African Commission, Series A vol 1 (Banjul, 1997).

civil rule. When the results of the 12 June 1993 presidential elections were annulled by the regime, the CD called for demonstrations and strikes against the government. These forces against military rule did not relent although there was a marked increase in the violation of rights, including the killing of demonstrators, detention of activists and journalists, and the closure of several newspaper houses. Eventually, the Babangida regime left power due to these and other pressures mounted from within and outside Nigeria.

It is worth noting that the leaders of CD were, largely, leaders of some of the human rights NGOs.²⁹ At some point, it was hard distinguishing between their activities, as human rights NGOs, or as pro-democracy activists. By and large, however, the pro-democracy struggle was an essential part of the human rights movement, as success in that area would definitely make it easier for the groups to operate as human rights NGOs.

10 From accommodation to hostility — The government and human rights groups

In the early years of the CLO, there was commendation from all sides for its success. The openness with which the organisation pursued its mission went some way in influencing official attitudes towards it. The government openly commended it several times and acknowledged that they did a good job, and also helped to ensure speedy trials for detainees. There was some measure of governmental tolerance of its activities. But as the socio-economic and political environment deteriorated, the groups protested the misrule by government. As the opposition from the groups intensified, the government manifested open hostility towards the groups. In contradictory fashion, the government also maintained that the groups were free to operate.

Later, government attitudes changed as it launched a series of attacks on the groups, portraying them as unpatriotic because they were receiving external funding. The government maintained that NGOs were agents of foreign organisations seeking to destabilise the country. Some of the groups admitted to being funded externally, but maintained that the issue was not that of funding, but of the human rights violations in the country. All of them denied being agents of foreign organisations.³⁰

²⁹ The Chairperson of CD was also the Chairperson of the Committee for the Defence of Human Rights (CDHR).

³⁰ See 'Trading hard tackles: Human rights organisations engage government in a battle of words' *Timesweek* (28-10-1991) 17; 'Who funds civil rights groups?' *Newswatch* (21-10-1991) 13; M Asuquo 'Expanding the frontiers of human rights' *The Guardian* (28-09-1992) 11.

It is worth noting that many of the projects executed by some of the human rights NGOs have been funded by external agencies. At the developmental stage of the groups, such funding has been critical because without it, many of their activities would have been grounded. This is partly so because financial support for the groups within the country has not been substantial. Suffice to say that the groups weathered the storm.

At other times, the leadership of many of the groups was intimidated and harassed. Some were detained for long periods without charge or trial, travel documents were seized at the point of departure, but the activists were largely spared the fate that befell some of their counterparts in some other African countries who paid the ultimate price of death in defence of the rights and liberties of their fellow citizens.

11 Government rhetoric and human rights reality

General Babangida's open promise to respect human rights at the inception of his regime, and certain actions, aforementioned, in that regard, led to an initial popularity of the regime, both at home and abroad. As an observer noted, 'the world took notice'.³¹ In 1986, General Babangida received an international citation for the protection of human rights. The US State Department, in a report to the Senate and House Committees on Foreign Affairs, commended General Babangida for abolishing the death penalty for drug trafficking, and for his commitment to human rights.

Human rights groups emerged later and began to highlight governmental violations of human rights. While human rights groups maintained there were rights violations, the government, at every opportunity, sought to impress Nigerians, and the outside world, with its human rights credentials. At the opening of the ninth session of the African Commission on Human and Peoples' Rights (African Commission) in Lagos on 18 March 1991, the Vice-President, Augustus Aikhomu, told the audience that Nigeria had a good working climate for human rights groups, many of which, according to him, were decidedly critical of the government. He maintained that the government had³²

generously allowed many human rights groups to operate without molestation. The existence of those groups which experienced no fetters, except for the normal checks and balances built into our whole system by law, [was] in itself, an irrefutable evidence of our preparedness to allow all Nigerians the freedom to pursue their legitimate endeavors without unwarranted restrictions.

³¹ 'Human rights — Cracks in the wall' (n 10 above) 12.

³² 'Aikhomu waives government's human rights credentials' *The Guardian* (19-03-1991) 20.

He conceded, however, that the government was not completely free from criticism, at the same time claiming that no country's record was absolutely impeccable. But as the facts showed, the Vice-President was simply being economical with the truth.³³

The President himself was not left out. In a British Broadcasting Corporation (BBC) interview in October 1991, General Babangida, when asked about the human rights situation in Nigeria, asserted:³⁴

This is the freest country in Africa. This is the only country where *we still respect the courts and I will dare say that so far, we are the best* (my emphasis).

This was not true. At the very least, the press was not free,³⁵ and there was little or no respect for the courts.³⁶

Even though the government sought to present a clean image on human rights, the reality was different. Abuses continued, and as the socio-economic environment deteriorated, including the collapse of social infrastructure, respect for human rights wore thin. The government's authoritarianism did not diminish as it held on to power. It would have been criminal on the part of the human rights groups to be silent in the face of repression. They maintained their opposition even as government maintained a false posture on human rights. Because of this, government changed tactics, and began to counter-attack the human rights groups while it continued its chest beating over its claimed respect for human rights. In February 1992, the Vice-President, in an international human rights seminar held in Lagos, expressed concern for the 'activities of certain individuals who would want to tarnish obviously well-intended policies and actions with the paint brush of human rights'.

³³ A few days earlier, the same Vice-President addressed the International Federation of Women Lawyers (FIDA) and defended the repressive Decree No 2 of 1984, stating that the Decree was not enacted to trample upon the rights of citizens, and that the government had no intention of repealing it. See 'Decree 2: CLO asks government to clarify Aikhomu's statement' *The Guardian* (08-03-1991) 2.

³⁴ Asuquo (n 30 above) 11.

³⁵ In 1990 alone, the CLO reported the closure by security agents of five media houses for a total of about 195 days. Twenty-two journalists, including publishers, were arrested and detained for all sorts of reasons, which invariably lacked merit. See Civil Liberties Organisation *Annual Report* (1990) 43.

³⁶ The government had a track record of disobeying court orders. It became so rampant that a High Court judge had to berate the Federal Attorney-General for disobedience of court orders. He said: 'The conduct of the Federal Attorney-General, and of the Federal Government of Nigeria in disobeying the court order is reprehensible. The government's disobedience of court orders is in fact destroying the basis in (*sic*) which lawyers can defend the rights of Nigerian citizens.' Further, he said: 'If citizens, whose rights the Federal Government now seeks to protect follow the government's bad example and refuse to obey court orders, it will lead not only to the disruption of the administration of justice . . . but also to chaos, anarchy and ultimate dismemberment of the Federal Republic of Nigeria.' See *Attorney-General of the Federation v Chief Adigun Ogunseitan* unreported Suit No. LD/1799/92, July 2, 1992. Even though this case was decided after the Babangida interview, it was fully representative of the situation before and after the interview.

He asked such people to realise that crusading for human rights was 'not a license to lampoon the integrity of fellow citizens'.³⁷

12 Problems faced by NGOs

The aforementioned attacks are part of the problems faced by Nigerian NGOs. In their efforts at ensuring better respect for human rights, they have been subjected to physical risks, both the leadership and the memberships of the groups. Human rights activists have been deprived of their liberty through harassment, arrests and detention for long

³⁷ Address by the Vice-President, Admiral Augustus Aikhomu, in Clement Akpamgbo (ed) *Perspectives on human rights* (1992) 282-290. This was a reference to human rights groups, which had campaigned vigorously against the nomination of a former head of state, General Olusegun Obasanjo (rtd), and of Prince Bola Ajibola, the erstwhile Federal Attorney-General and Minister of Justice for international appointments. Obasanjo had been nominated for the post of UN Secretary-General, while Ajibola had been nominated for a seat at the International Court of Justice (ICJ), made vacant by the death of eminent Nigerian jurist, Dr TO Elias. Human rights groups opposed Obasanjo's nomination on the grounds that he had a poor human rights record while in office as head of state, between 1976 and 1979. They cited as example the alleged establishment of a crocodile-infested detention camp at Ita-Oko, an island in Lagos. Ajibola was a former president of the Nigerian Bar Association (NBA), who was accused of condoning violations of the independence of the judiciary and disobedience of court orders by the Babangida regime, when he was the Federal Attorney-General. The groups frowned at Ajibola's 'reluctance to curb extra-judicial police killings and abuses, bare-faced inaccuracies and contradictions witnessed during his tenure as attorney-general, inaction over detention of lawyers without trial at various times and his attitude towards the preventive and detention decrees and press freedom, including freedom of expression.' The campaign led the Vice-President to convey government's irritation to the groups at his weekly press briefing on 4 October 1991. He said: 'We are trying to lobby, to present our case as to why these two gentlemen should be elected into these offices . . . I think the activities of these human rights organisations at this point in time about General Obasanjo and Mr Ajibola are most unpatriotic . . . Today, we are fighting people responsible for illegal dealings in drugs, rapists, people who want to turn the society into a jungle, but the so-called human rights organisations in this country have interest to defend the rights of these enemies of the society more than anything else.' However, in a letter to the president, one of the groups, the CDHR, refuted the Vice-President's allegation, and stated that: '[T]hose who are trying to turn our country into a jungle and who have certainly succeeded in turning Nigeria into the 13th poorest nation in the world, in spite of the massive human and natural resources with which the country is endowed, are those who have caused hunger, hopelessness and joblessness in our country and who with their foreign and indigenous backers have turned the Naira into a worthless currency.' The organisation reasoned that since Obasanjo could properly oppose the candidature of another Nigerian, Chief Emeka Anyaoku, for the post of Commonwealth Secretary-General (to which he was eventually appointed) — without being branded as unpatriotic, any individual or organisation should be free to castigate Obasanjo's nomination for any international appointment. According to Femi Falana of the NADL, his organisation had no apologies for its stance on the two government nominees, and said it would not embrace what he called 'fake patriotism'. See 'Trading hard tackles' (n 30 above) 18-19.

periods, often without trial, and have borne all sorts of physical indignity.³⁸ The continued operation of these groups in the harsh environment has principally been due to the tenacity of the activists in the face of all hazards.

Many times the government also sought to destroy the credibility of their work by casting doubt on the validity and reliability of their reports, and as seen earlier, by questioning their motives.³⁹ This was an on-going attack by the government.

Groups have faced identity crises, occasioned by their deep involvement in the pro-democracy struggle. As noted, at some point, it was hard distinguishing human rights groups and pro-democracy groups — the latter had the sole aim of returning the country to party politics. The pro-democracy groups thrived, but later began to lose credibility. This loss of credibility impacted the human rights NGOs, partly because they were seen as synonymous with pro-democracy groups. Human rights NGOs managed to extricate themselves by their stature as human rights groups. While the human rights struggle is, in the main, a political struggle, there is a limit to which human rights groups could involve themselves in the political agenda. The human rights groups, like the pro-democracy groups, had concentrated on political issues, but unlike the latter, needed to keep in mind that the crisis of the Nigerian state transcended politics. Many of the problems, including endemic corruption, religious and ethnic intolerance, deteriorating socio-economic environment⁴⁰ and others, were manifestations of structural imbalances in society, which required, amongst others, fundamental attitude changes on the part of the ruling political power elite in order to deal with problems. Mere establishment of democratic structures, which the pro-democracy movement canvassed, was not sufficient. Such structures would simply have collapsed under the weight of those problems.

³⁸ Activists like Olisa Agbakoba, Clement Nwankwo, Femi Falana and Beko Ransome-Kuti have all been arrested and detained several times; and prevented from attending conferences and seminars outside the country by confiscation of their international passports and travelling documents. Ransome-Kuti was sacked as Chairperson of the Lagos University Teaching Hospital (LUTH) Board, a government position, when he refused to 'tone down' his criticisms of the government.

³⁹ See 'Trading hard tackles' (n 30 above) 17.

⁴⁰ As a commentator noted: 'At probably no other time in the history of the Federal Republic of Nigeria were there greater signs of a . . . nation truly diminished in stature: a nation wanting in vision, and a polity bereft of men of substance. The quality of governance is on the decrease, the professions and the professionals are becoming less impressive every year; the foundations of civil society and the pillars of the rule of law are subverted; decorum has fled through the window; and the quality of soldiering in Nigeria has become embarrassing.' See 'Symptoms of a deep crisis' *The Guardian* (28-08-1996) 25.

There is also the problem of funding. There is not much financial support for the groups internally. It has been difficult getting donors to support human rights causes, which do not have the potential of advancing the business or political interests of the donors. But more critically, the parlous state of the Nigerian economy has made it difficult to raise money through avenues such as members' contributions. The narrow membership base of the groups has not helped matters. As a result, raising money through their membership has never been a viable option.

While the groups have had some success in securing the release of detainees, they have had to contend with the problem of rehabilitation of freed detainees. Many of them have nowhere to go after having been detained for long periods. The groups have had to do something to enable such people to remain and not turn to a life of crime.⁴¹

13 Challenges for the future

Human rights groups face multiple challenges to their continued relevance in the Nigerian socio-political environment. They have come to stay, but they need to pay attention to the following:

13.1 Understanding society, broadening appeal, and rights education

Groups must know that there is a particular social milieu in which they operate and, therefore, they need to thoroughly understand the society in which they operate. This will form the basis of their actions and operations. The strategies and tactics they adopt in pursuing their goals must be such as are relevant in the context of society. They need not ape the strategies of human rights NGOs based in the West. The success of particular strategies depends on where it is applied.

Also, it is suggested that, for maximum effectiveness, human rights groups need to broaden their appeal so that ordinary citizens would be able to appreciate their work. It is necessary to take issues beyond the realm of political sophistry so that the needs and aspirations of ordinary citizens can be met. As Mutua notes, the leadership of human rights

⁴¹ It is said that 'some of the detainees have spent so long behind bars that they lose track of their relatives. Others who once had a means of livelihood come out not knowing how to survive. Worse still, the psychological stress of long confinement frequently results in mental problems in some cases.' According to Olisa Agbakoba, part of the problem 'is how to feed and cater for the more hopeless, helpless cases until they are ready to return to normal life'. And Abdul Oroh, executive member of CLO adds: 'When we get someone out of prison, we want to be able to keep him out of prison by giving him money to get in touch with his loved ones.' See 'CLO — Waging war for liberty' (n 4 above) 21. They would need lots of money for that.

movements across Africa is drawn from a narrow urban elite in the professions. Like the elite elsewhere, most of Africa's privileged are detached from the social reality of the poor rural majority. Since a viable movement cannot be created where there is alienation from potential and actual victims of human rights abuse, it is necessary to expand the areas of operation in order to draw their leadership from all sectors of society.⁴²

13.2 Standard setting

The adverse socio-economic conditions in Nigeria demand that serious attention be paid to human rights, especially socio-economic rights, more than ever before. Violations are not limited to violations of civil and political rights, but include mass poverty, disease, illiteracy, homelessness, environmental degradation and the total breakdown of social infrastructure. To eradicate this, there is an urgent need to raise the profile of economic, social and cultural rights, and ensure their realisation. The present emphasis on civil and political rights is not enough. The full development of the human personality in Nigerian society demands that attention be paid to all classes of rights. The Nigerian Constitution explicitly recognises civil and political rights, while it classifies economic, social and cultural rights as fundamental objectives and directive principles of state policy. These are unjusticiable, and therefore cannot be litigated upon. Human rights groups are well placed to lead the struggle to transform these rights from their present status as mere directives to actual rights to be enjoyed by the citizenry.

13.3 Funding

It is generally acknowledged that funding for human rights groups is critical in many countries.⁴³ The situation is no different in Nigeria.⁴⁴ Securing adequate funding is a big challenge for human rights groups, and it is necessary that groups seek financial support from interested constituencies within Nigeria. The dependency of many of the groups on foreign sources is not healthy, as this necessarily restricts the scope of their activities. It causes them to lay a greater emphasis on civil and political rights — for which most of those funds are intended anyway.

⁴² See Mutua (n 3 above) 31. It is worth noting that one of the groups, Human Rights Monitor, was started in January 1993 in Kaduna, Northern Nigeria, by some who perceived the need for a human rights body in the north, which was not headquartered in Lagos, the base of most human rights NGOs in Nigeria.

⁴³ According to RL Bernstein, '[r]elative to the central role of human rights and the success of most human endeavours, the human rights movement is the world's most important under-funded cause.' See Human Rights Watch *World Report* (1993) 2.

⁴⁴ Some of the groups are completely self-funded, like the Human Rights Monitor. This situation seriously hampers its activities.

But the effectiveness of NGOs depends much on their financial independence. When human rights groups accept funds from these sources, it is difficult to ignore the danger that they will have to submit to a political will not always consistent with a human rights logic. However, in a sense, they may be right to accept money that makes it possible for them to function.⁴⁵

As for internal sources, it is acknowledged that NGOs face an uphill task in raising funds from these sources, as fewer resources are devoted to such issues in developing countries. Despite this, there is a need to enlighten interested constituencies, including individuals and corporate bodies, that support for the human rights movement is not tantamount to opposition to government, and that, in any event, it is in the interest of all to have a society where human rights are respected. Socio-economic and political activities cannot thrive in an environment where there is little or no respect for human rights.

Additionally, human rights groups need to adopt a policy of transparent accounting, which will enable donors to realise that their funds are being used for their intended purpose(s). In this way, they can secure for themselves survival and credibility. They may also adopt a policy similar to that of Amnesty International (AI). In order to maintain its independence and impartiality, the International Council of AI established strict guidelines for the acceptance of funds to guarantee that any 'funds received by AI (its secretariat, national sections, committees and groups) must in no way compromise the integrity of the principles for which AI works, limit the freedom of activity and expression enjoyed by the organisation or restrict its areas of concern'.⁴⁶ This is a guideline that should be considered carefully by Nigerian human rights NGOs.

13.4 Objective and impartial reporting

Generally, human rights groups should be able to command the confidence and respect of all, including the victims of rights violations, each other, and of government and its agencies. They must not only be impartial, but be seen to be so. Nigerian human rights NGOs cannot divorce themselves from this reality. There is a need to thoroughly investigate complaints of human rights abuse before bringing them to the public notice. Once the facts have been established, they are better placed to bring it to governmental and public attention, without fear of contradiction.

⁴⁵ See P Aeberhard 'A historical survey of humanitarian action' (1996) 2 *Health and Human Rights* 43.

⁴⁶ *Impartiality and the defence of human rights* (Amnesty International) iii (nd).

The technique adopted will depend on the situation. Sometimes, the facts are such that they must be brought to public attention, especially if they call for a massive public outcry, and they have to awaken public opinion boldly and loudly. At other times, they may have to adopt a private approach when public intervention may harm the prisoner (or his family),⁴⁷ or the cause being espoused. The technique adopted will vary from case to case.

Where the situation is brought to government attention and the alleged abuse is not redressed, groups may seek redress in the law courts. However, they need not wait for an infraction to occur before commencing legal action. The Nigerian Constitution gives citizens the right to ask the court for protection when their fundamental human right 'has been, *is being, or is likely to be contravened*' (my emphasis).⁴⁸

Very importantly, groups need not maintain a permanently belligerent attitude to government or turn themselves into a permanent opposition party to government. It is therefore necessary to avoid sensational reports and the promotion and execution of personal agenda. It is needless to stigmatise a government for an infraction which did not occur. This need for objectivity and impartiality is further made necessary by the fact that government usually seeks ways of destroying the credibility of these groups and their reports. This is done by assertions that the reports of the groups, one of their main tools, are neither objective nor impartial, but biased. The legitimacy and moral authority of human rights NGOs depend on the credibility of their work, including their information, and so groups must watch out for attempts to de-legitimise their work through any subtle means.

13.5 Inter-NGO relationship

There is a need for human rights groups to maintain a healthy relationship with each other. This is necessary for solidarity building and information sharing. They need to develop strategies with each other, and exchange information and ideas which are shared to their benefit. This they need to do, not only in Nigeria, but also with their counterparts on the African continent.⁴⁹ Groups have worked together at various times,

⁴⁷ As above, iv.

⁴⁸ Sec 42(2) 1979 Constitution of the Federal Republic of Nigeria.

⁴⁹ See Mutua (n 3 above) 32, where he states: 'Frequently [human rights] organisations in Kenya will have more to learn from groups in Zimbabwe, Nigeria or the Philippines than from similar groups in New York or London. The value of the Zimbabwean experience with brutality by security forces or domestic violence against women is likely more appropriate for a Kenyan organisation with similar experiences than by groups in Houston or Boston for the simple reasons of history and levels of development. Exchanges and internships between organisations in the south would strengthen ties and enrich their work. Lack of co-operation or knowledge about groups in other African countries is astounding and saddening. Intra-African knowledge and collaboration are essential for a strong continental movement.'

including under the umbrella of the pro-democracy group, Campaign for Democracy (CD). They also share information with each other and cooperate on other matters.⁵⁰ But they certainly can improve on this.

13.6 Training

It is important that groups train their staff to develop skills and competence in matters such as fact-finding, information handling, communications (print and electronic), lobbying and human rights education. Those who have acquired such skills and competence should assist others in developing similar competence. This is necessary, as failure to do so will leave them perpetually in the shadows of their Western counterparts.

Additionally, professionalisation and specialisation⁵¹ would help the groups to function better, especially as their numbers increase. Specialisation should keep them from spreading themselves too thin, in view of the wide range of issues with which they are concerned, and in view of limited resources for such activities. The current level of specialisation along 'strategy' and 'issue' lines must be advanced further. While some are concerned mainly with litigation, some are involved only in investigating and reporting on human rights violations.

Also, human rights groups must seek to gain access to regional and international human rights systems, and effectively utilise the procedures in those areas in the struggle at home. So also, it is necessary to engage in research into, and reflect on strategies and tactics, especially those for confronting new challenges to the human rights movement.⁵² Groups may also need to develop a professional code of conduct which is in conformity with international standards. This code could be used to fight against the manipulation or abuse of their skills or knowledge by government or private groups to commit violations of human rights.⁵³

⁵⁰ Eg the Human Rights Monitor has taken cases to court with the CLO and issued joint releases with the same body on human rights issues in the north.

⁵¹ A good start is the one provided by the Human Rights Law Service (HURI-LAWS), a human rights NGO, which is the first specialist provider of public interest law and human rights law service in Nigeria. Olisa Agbakoba, co-founder of the CLO, formed the group in 1997. In a 1995 report for the International Centre for the Legal Protection of Human Rights (INTERIGHTS), and the Inter-African Network for Human Rights and Development (AFRONET), Agbakoba had identified a critical need for specialist human rights providers. HURI-LAWS was thus founded to advance human rights through organised and consistent public interest litigation and its main work includes legislative advocacy and legal assistance — in addition to public interest and human rights litigation. See *Huri-Laws 1997–1998 Annual Reports and Accounts 2* (1999).

⁵² Commonwealth Human Rights Initiative *Put our world to right — Towards a commonwealth human rights policy* (1991) 172.

⁵³ As above, 190.

14 Conclusion

Human rights groups emerged in Nigeria in response to crises in society. These crises are still manifest. The economic stagnation and the specter of fascism still loom large, and command the attention of all, now more than ever. The power of the state is still largely undiminished, and there are forces within the state that are interested in the collapse of the Nigerian structure. As noted by a political economist, Claude Ake, there is a need 'to combat social forces which threaten to send us back to a more violent barbarism.' This can only be done through 'a broad coalition of radicals, populists, liberals, and even humane conservatives'.⁵⁴ Human rights NGOs are well placed to lead the struggle. They are needed at these critical times.

When the Babangida dictatorship was eventually swept from power, it appeared as if there would be greater respect for human rights. However, the government installed to succeed him, led by Chief Ernest Shonekan, could not hold the country together, and in November 1993 another of the generals, Sani Abacha, came to power after pushing Shonekan aside. Abacha's regime was one of utter depravity, and malicious disregard for the rights of Nigerians. It certainly was the lowest point for the country, which had never known repression on such a grand scale. Repression was accompanied by larceny of grand proportions and respect for human rights was certainly at its lowest point. Many Nigerians were forced into exile, and some — particularly in the pro-democracy movement — lost their lives in the struggle against the dictatorship.

At the initial stage, human rights NGOs were light-footed in dealing with the Abacha regime. It took some time before they realised the evil he presented, but opposing the General was a dangerous venture. Abacha borrowed heavily from the style of his former boss, Babangida, and he took repression to advanced levels. He eventually succumbed to his own machinations. After his sudden and unexpected death in 1998, another general, Abdusalami Abubakar, took over and set in motion the process of transition to civil rule, which culminated in the election of another former military general, and former head of state, Olusegun Obasanjo, as President in February 1999. He was sworn in as President in May 1999.

Since the period of General Abubakar, there has been an air of relative freedom. Abubakar set free almost all of the detainees of the Abacha regime, and one could safely say that, for the first time in many years, Nigeria had no political prisoners. The new Obasanjo regime also set in motion the process of remedying the wrongs of the past regimes with

⁵⁴ C Ake 'The African context of human rights' in J Ihonvbere (ed) *The political economy of crisis and underdevelopment in Africa: Selected works of Claude Ake* (1989) 86 88–89.

the establishment of a human rights violations investigations commission soon after the inauguration of his presidency.

In all of these, the concern is that the human rights movement may suffer in a democratic dispensation. The fear has been that many in the movement would be swept into political positions and that the ranks would be depleted. So far, this has not happened and the groups seem to be mindful of their mission this time around. In any event, the problems have not all disappeared. In fact, tensions, all bottled up during the military era, have been exploding, and containing the 'genie in a bottle' has been difficult. However, there is some optimism that the Nigerian state would survive. Groups are doing all that is in their power to ensure the government is accountable to the people, and that human rights are respected, as guaranteed in the new (1999) Constitution.

The other worry is that there is a possibility of a cut-off of foreign funding for groups. That has not happened yet, and it may never happen. It certainly will be a sad thing if donors were to watch all their investment in these groups collapse just because there is some democratic structure in place. In fact, human rights groups need more money to ensure that the civil society is fully aware and ready to ensure the success of the democratic dispensation. There must be no lapse that will allow the military to return to power in Nigeria.