

# Democratic Governance and Human Rights Violations: A Focus on Nigeria

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## ABSTRACT

For decades, the menace of human rights violations in the Nigerian democratic setting has defied all responses. Not even the National Human Rights Commission (NHRC), the 1999 constitution of the Federal Republic of Nigeria, nor the more recent ENDSARS protest of October 2020 could adequately tackle the menace of human rights violations in Nigeria. For this reason, the study specifically examined how the Nigerian democratic governance through those in position of authority and security agencies have violated the socio-economic and political rights of Nigerian citizens. The study is qualitative and employed descriptive research design. It adopted John Locke's Natural rights theory in explaining the relationship between democratic governance and human rights violations. Having presented and analysed the data gathered through documentary evidence, the study revealed that the arbitrary use of power by the Nigerian government and the security forces have grossly violated human rights of Nigerian citizens. Therefore, the study recommended *inter-alia*, the need for Nigerian citizens to step up their local and international campaigns against civilian-dictatorship as well as the need for the Nigerian government to set up a new independent and impartial institution that will be responsible to treat all cases of human rights violations in the state.

**Keywords:** Democracy; Democratic Governance; ENDSARS; Freedom; Human Rights; Cashless Policy

## INTRODUCTION

The history of democratic governance is rooted in the efforts of the ancient Greeks. As considered by 18<sup>th</sup> century philosophers, the ancient Greeks were regarded as the founding fathers of Western civilizations as observed in Morris (2013), while other scholars traced the origin of democratic government to the 18<sup>th</sup> century European society, which is considered as age of enlightenment, characterized by monarchical rule and aristocracy. Before the enlightenment era, society was contrary to human nature because as Hobbes noted, human lives were brutish and men were violent in nature. More so, many monarchical leaders in Europe believed that their authority had been ordained by God with absolute right to rule their subjects/people.

Consequently, there was a group of enlightenment intellectuals who believed that human affairs should be guided and operated on the principles of liberty (freedom) cum equality. Thus, they revolted against the monarchies of Europe. As observed in Shills (1995), the small group of enlightenment intellectuals were of the belief that humans were created equal and for this reason, political authority cannot be justified on the basis of noble blood and they equally believed that any form of government should exist to serve the people and not vice versa. On this notion, societal laws are not only meant to checkmate the behaviors of the followers cum governed, but also, those in position of authority.

In spite of the aforementioned efforts of the enlightenment intellectuals to protect human rights and prevent arbitrary rules in the 18<sup>th</sup> century; the 20<sup>th</sup> century was equally characterized by series of human rights

abuses in the world. In order to prevent human rights violation in the 20<sup>th</sup> century, western democracy came into being and supplemented by the United Nations' Universal Declaration of Human Rights (UDHR). As observed in Owoeye, Okafor and Chinonso (2021), there were cases of human rights abuses globally in the 20<sup>th</sup> century; ranging from excessive assassination to unlawful detentions, most especially in Germany, Soviet Union, Italy and during the various military regimes, in Nigeria.

Consequent upon the spread of democracy, many countries jettisoned some other forms of government and continued to adopt it as a system of government. The Nigerian government re-adopted democracy in May 1999, having passed through sixteen (16) years of consecutive military regimes (Enang, 2021). Since 1999, Nigeria has been practicing democracy without military intervention and expectantly, democracy should be the best form of government to guarantee fundamental human rights based on its principles of equality, popular participation of all citizens in governmental processes, accountability cum transparency, fair trial and ultimate regards for human rights.

It is worthy to note that despite the existence of democratic governance coupled with codification of fundamental human right in the 1999 constitution of the Federal Republic of Nigeria, human rights abuses have been on the increase and democratic practices have resulted in series of human rights violation rather than limiting it. Consequently, human rights violations are being perpetrated by the Nigerian government and its machineries cum apparatus such as the Nigeria Army, the Police Force, and political office holders among others without any serious action in curbing the menace. As observed in Obadare (2022, April 14), there have been persistent cases of human rights abuses in Nigeria, these according to the scholar include "unlawful and arbitrary killings by both government and non-state actors; forced disappearances by the government, terrorists, and criminal groups; torture and cases of cruel, inhuman or degrading treatment or punishment by government and terrorist groups; harsh and life-threatening prison conditions and arbitrary arrests or detention". Without all these human rights violations, Nigeria would have been among the countries with an admirable democratic system in the world. Nevertheless, cases of human rights violations in Nigeria also include assassinations, abductions, inhuman tortures, restrictions to freedom of expression, disruption of peaceful associations cum assembly, strict restriction on social media freedom (such twitter ban), sexual violence/harassment by the Nigerian security forces and cashless policy. It is imperative to note that all the aforementioned arbitrary acts have presumed negative implications on human rights; such as violations of social, political, economic, civic and legal rights of the Nigerian citizens which ranges from right to life to freedom to owns and control property as enshrined in the 1999 constitution of the Federal Republic of Nigeria. It is against this background that the paper attempted to interrogate the prevalence of human rights violation under the democratic governance in Nigeria.

## CONCEPTUAL FRAMEWORK

### Democratic Governance

Scholars have viewed democratic governance in different ways and it was primarily understood in the past as part and result of government activities, mostly used in Political Science, International Relations, Political Philosophy, Public Administration among other related fields but contemporarily, it is slightly different in meaning. Meanwhile, it is imperative to first look at what governance itself entails.

Etymologically, the term governance is derived from Latin verb, meaning, 'to steer' and subsequently adopted by the English in the 12 century. Originally, as observed in Vymetal (2007), governance connotes the ability and capability to govern and manage closed societies. Contemporarily, it has suddenly become a term joining state and government policies together. In this view, governance simply means the exercise of power and authority of the state, government and its administrations as well as the failures resulting from government activities regarding economic and political issues.

In the view of Bevir (2022), governance connotes pattern of rule or practices of governing. The same scholar further described governance as a term specifically used to describe changes in the nature and role of the state. United Nations Economic and Social Commission for Asia and the Pacific (n.d) considered governance as the process of making decision and the process by which decisions made and implemented (or not implemented). It further maintained that the term is often used in contexts like corporate governance, national governance, international governance, local governance among others. The organisation equally considered transparency, accountability, orientation, participation, consensus, responsiveness, effectiveness and efficiency as the core values of governance.

United Nation Development Agenda (2012) considered governance as the exercise of political and administrative authority at all levels to manage a country's affair. The same organization further maintained that governance encompasses the mechanisms, processes and institutional arrangements through which citizens and various groups articulate their interests, exercise their legal rights, meet their obligations and duties as well as mediate their differences.

From a general perspective, various dictionaries have made different attempts to provide good definitions of governance. To Farlex Free Dictionary Online, governance is the state of being governed while New Collins Dictionary (n.d) considered it to be synonymous with government, control and authority. On a separate ground, Plumptre and Graham cited in Vymetal (2007) made attempt to differentiate governance from government. As asserted by the scholars, governance is an organisational cum institutional setting that operationalizes the basic principle of governance while governance involves the interactions among structures, processes and traditions that determine how power is exercised, and describes how decisions are taken and how citizens and stakeholders have their say in government. Taking a critical review at the assertion of these scholars, government can either be seen as a set of organisation or institution and not a process while governance is synonymous with governmental processes.

On the other hand, scholars, International organizations among others have made attempts to define what democratic governance entails. As observed in United Nation System Task Team on the Post-2015 United Nation Development Agenda (2012), democratic governance is described as a process of creating and sustaining an environment for inclusive and responsive political processes and settlements. The body further asserted that the institutional and human capacities for governance determine the effectiveness of public policies, strategies and service delivery attained in a democratic setting.

To FUNDACO (2020), democratic governance entails the quality of a political system that consistently generates legitimate government, elected through credible, free and fair election or transparent voting capable of effectively promoting participatory (inclusive), sustainable economic and social progress. The organisation maintains that democratic governance implies a suitable or appropriate leadership towards leading a process of continuous strengthening of democracy which is resilient, without ruptures or any serious interruption and takes place by institutional and peaceful means, within the framework of rule of law, supported by an electoral and legislative majority. In this view, democratic governance demands re-legitimized political institutions, a new social contract and fiscal consensus cum agreement and complemented by progressive arrangements and decisive action by the state or country. Put differently, IGI Global (2023) considered democratic governance as a system in which citizens; and other stakeholders such as civil society and private sector organisations are very active in decision making process through democratically elected structures. In this view, democratic governance encourages active participation of citizens of a state in decision making processes.

## **Human Rights**

Human rights as a concept has been conceptualized by various scholars across disciplines, particularly Political Science, International Relations, Social Studies, Peace and security studies, but no scholar or

organization has been able to provide a generally acceptable definition of the term as it remains socially constructed across nations of the world. Nevertheless, the most common element that runs through the reviewed literature on the concept is that human rights are entitlements and privileges that every individual is bestowed with by the virtue of his existence.

To Donnelly (2013), human rights are considered as the rights of man. As simply put by the scholar, human rights are the rights that individual has as a human. From the assertion of Donnelly, human rights are considered as rights that are available to every person as long as he/she is human. Similarly, Nweke (2020) considered human rights as privileges and opportunities which a person is entitled to by the simple virtue of the fact that he/she is a human being. Although, one cannot fail to acknowledge these definitions, but one cannot simply describe human rights as what we have just by the virtue of being human.

To Yusuf (2006), human rights involves a condition in which individual's right to ownership of his/her body and property rights should neither be invaded nor violated by any person, groups, organization or government. In the view of this scholar, human rights are divine and beyond any act of violation by any individual or organisation. Beyond this, International Organisations have equally attempted to provide a meaningful definition of human rights. As described by the United Nations, human rights are considered as rights inherent to all human beings, irrespective of sex, race, nationality, ethnicity cum language, religion among other statuses. As enshrined in the United Nations Universal Declarations of Human Rights (UDHR) cited in Owoeye, Ezeanya and Etea (2022), these rights include; right to life and liberty, freedom of opinion and expression, right to education and work, right from slavery among others.

Similarly, African Charter on Human and People's Rights as observed in Nweke (2020) described human rights as inviolable rights of human beings. According to Article 4 of the Charter, every human being is entitled and privileged to respect for his life and the integrity of his person and no one may be arbitrarily denied these rights.

## METHODOLOGY

The study relied on secondary sources of data which include journal articles, media publications, online reports and textbooks among others. Data gathered were presented in texts, tables and pictorial forms.

## THEORETICAL FRAMEWORK

This study is anchored on Natural Rights theory of John Locke as a theoretical guide. Nevertheless, Thomas Aquinas and Immanuel Kant were considered to be the earliest proponents of Natural Rights theory. The major idea of the theory centers on the proposition of John Locke who argued that government is morally obliged to serve the people by protecting their lives, liberties and property. Thus, the principle of checks and balances should be enforced to prevent the arbitrary rule by government. More so, there should be representative governments and rule of law. Finally, Locke cited in Powel (1996) condemned tyrannical rule and insisted that people have the rights to revolt when their human rights are being abused. As observed in Daniels (2016), John Locke's second treatises of government' of 1689 prominently led to the development of Natural rights. The Natural rights as argued by John Locke are inherent and original rights of human nature and equally entitled to all men without exception.

Thus natural rights encompasses basic rights which are derived from the law of nature and include such things as the right to life, liberty, and property; all which serve as foundation of the Universal Declaration of Human Rights of the United Nations and other democratic states across the globe.

The application of Natural theory in this study is based on the fact that it is capable of explicating the links between Nigerian democratic governance and human rights violations. The inability of Nigerian

government through its different institutions such as; security agencies and persons in position of authority among others, to respect the natural human rights of man has resulted in gross abuses of human rights in Nigeria which include; right to protest, right to life, freedom of movement, freedom of inhuman torture, right to political participation. From this view, John Locke calls for the need to consider others as equal.

More so, Natural Rights theory of John Locke was made to explain the naturalism of human rights. Locke further maintained that human beings handed over their powers and rights in the state of nature for the state authority to protect and guide them, but not in any way, to be abused. Based on this, no individual or group or government is eligible to violate human rights because any violation of human rights is a violation of natural and state laws. Thus, most of the crimes committed against humans such as inhuman tortures/treatments, intolerance of political oppositions, disruption of peaceful protests/assembly, unfair payments for worker, killings of protesters among others as evident in Nigerian democratic space are against the Natural Rights theory. Thus, the more Nigerian government fails to take into consideration the Natural rights of man, the more the violations of human rights and liberty of Nigerian citizens.

## DATA PRESENTATION AND ANALYSIS

### Democratic Governance and Socio-Political Rights of Nigerian Citizens

Figure 1: killings of Peaceful Protesters by the Nigerian security forces during #ENDSARS protest



Ezeanya & Owoeye (2021).

The pictures presented in figure 1 revealed much about human rights violations in Nigerian democratic governance. As evident in figure 1, there were killings of peaceful protesters and disruption of peaceful assembly held by ENDSARS protesters at Lekki-Toll gate in Lagos State of Nigeria and Abuja on October 20, 2020. As evident in Jannamike (2020) and BBC News (2020, October), Nigerian Soldiers were deployed

from the President Guard Brigade to attack and disrupt the peaceful protesters. More so, nine (9) persons were killed during the ENDSARS protest while 33 others were shot and assaulted at Lekki Tollgate shooting; about 300 ENDSARS protesters in detention of Nigeria's security forces for about a year (Amnesty International, 2021; Adelagun, 2021). In essence, these unlawful acts against protesters are threats to human rights as enshrined in the 1999 constitution of the Federal Republic of Nigeria and against rights to life, right to peaceful assembly, association and movement.

Another serious case of violation of socio-political rights of Nigerian citizen is the July, 4, 2021 arbitrary arrest and detention of Larry Emmanuel, a renowned Human Rights activist, Samuel Gabriel, Anene Victor Udoka, Ben Mannaseh, Henry Nwodo for over one month by the Department of State Services. As reported by Amnesty International (2021), these individuals were illegally tortured and beaten by security officers for putting on T-shirts with the slogan #BuhariMustGo. These serial cases of police brutalities are serious violations of human rights as against right to freedom from unlawful detention, inhuman torture, right to expression, right to peaceful assembly and association.

**Figure 2: Police killed one person and injured two others during protest in Kaduna-Nigeria**



Source: Gistportal (2022)

The figure 2 demonstrated another instance of human rights violations under Nigeria's liberal democracy after the Nigeria Police officers opened fire on members of Islamic Movement in Nigeria – Shiites protesters. As reported by Gistportal (2022), one of the protesters died while several others were injured. In essence, it is imperative to note that arbitrary use of weapons and killings of peaceful protesters by the Nigeria Police is a serious threat to survival of democracy and a serious abuse of fundamental human rights as against Article 3 and 5 of the United Nations' Universal Declarations of Human Rights and Chapter 4, sections 33, 39 and 40 of the 1999 constitution of the Federal Republic of Nigeria. Another case of human rights violation in Nigeria's liberal democratic setting occurred on July 7, 2021 when the broadcast stations in Nigeria were asked not to report any details of attacks by insurgents and bandits in Nigeria. Consequently, the media organisations in Nigeria embarked on a protest tagged 'Information Blackout' on July 12, 2021 (Amnesty International, 2021). The selection cum determination of what news to be reported on social media is a serious violation of human rights as it negates freedom of expression.

More so, there have been series of human rights violation arising from democratic practices in Nigeria. There is hardly any election in Nigeria without killings or bloodshed and this has limited as well as violated Nigerian citizens' rights to life, right to vote and be voted for. As reported by Human Rights Watch (2007), there were serious cases of assassinations; about 400 Nigerians reportedly lost their lives in the 2003 election. As observed in Osuji, Duru & Okechukwu (2019), the arbitrary use of power of incumbency has continued to pose serious threats to the socio-political rights of Nigerian citizens such as limiting the right to life, right to vote and be voted for of Nigerian citizens and consequently, many have decided not to participate in any political activity. In essence, election which is the backbone of every democratic government has contributed to human rights violation since the inception of Nigerian democratic system.

### Democratic Governance and Socio-Economic Rights of Nigerians

The socio-economic rights of individuals have been grossly violated in Nigerian democratic settings. These human rights violations include the refusal of the president to obey court orders, illegal seizure of individual's properties, inability to access one's own money through a draconian and poorly executed cashless policy in the disguise of currency redesign which resulted to the demise of many small businesses. One of the factors that contributed to violations of socio-economic rights of Nigerian citizens is the implementation of cashless policy by the Central Bank of Nigeria. Several deaths were recorded and attributed to the cashless policy crisis while several businesses have been shut-down due to shortage of cash.

As reported by Moribirin (2023), "Nigerians are currently facing challenges in a bid to withdraw money from their bank accounts". This challenge that violates the socio-economic rights of Nigerian citizens was a result of the introduction of cashless policy by the Nigerian government. Since the implementation of the policy, many people have been finding it difficult to access their money and equally perform their businesses. By implications, the cashless policy has violated the social and economic rights of Nigerian citizen by denying them access to their hard earned money while many have died in the process.

Figure 3: Nigerians struggling to get access to their hard earned money due to cashless policy



Source: Ikpoto, (2023, March); Moribirin, (2023, February).

The images in figure 3 demonstrate some of the negative effects of the cashless policy introduced by the Central Bank of Nigeria (CBN) on human rights. As evident in the pictures, Nigerians were struggling to get access to their hard earned money and this has continued to affect their business engagements, resulted in shutting down of businesses. A statement by Femi Egbesola (the national president of the Association of Small Business Owners Of Nigeria) while commenting on the implication on cashless policy on the socio-economic rights and activities of Nigeria citizens affirmed that the study conducted to ascertain the impact of naira scarcity on small business owners revealed the fact that nineteen percent of small businesses had shut down as a result of the cashless policy while many others were on the verge of closing up (Ikpoto, 2023, March).

*Another indicator of socio-economic violations of human rights in Nigerian democratic settings was reported by National Human Rights Commission (2022), According to the report, some choice property illegally seized by the Economic and Financial Crimes Commission (EFCC) under interim forfeiture and investigations are being used as accommodation and transit camps by their operatives and other security agencies in some parts of the country. It was equally revealed that Hotels and residential buildings on which permanent forfeiture orders are yet to be obtained are some of the properties that have been converted to use by the EFCC, The Nigeria Police, DSS and Civil defense officials.*

Another case of socio-economic violation of human rights by Nigerian government through its Police is the case of Mr. Michael Uzoagba whose wares including refrigerator, televisions sets, electric iron among others, were on two occasions carted away by the Nigeria Police officers in Bwari FCT over the failed arrest of his son. As further reported by National Human Rights Commission (2022), the victim seeks compensation against the Police as follows; N100 million for general damages, N10 million for unlawful arrest and detention for three days and N5 million for malicious prosecution.

## CONCLUSION

The main thrust of this paper was to examine the effects of arbitrariness in Nigerian democratic governance on the human rights of the Nigerian citizens. From the analysis and findings; it is evident that democratic governance rather than safeguarding human rights in Nigeria has grossly violated the human rights of the Nigerian citizens through arbitrary rules of Nigerian government and its security agencies. Therefore, it has continued to become a signal to the International bodies such as Amnesty International, foreign governments, Non-Governmental Organization and Nigerians home and abroad that the country does not have regard for human rights. Based on this, an urgent solution is needed. For this reason, democratic governance in Nigeria is a threat to human rights.

## RECOMMENDATIONS

Based on the findings from presentation and analysis of data; the paper made the following recommendations;

- Since most of the cases that violate socio-political rights of Nigerian citizens are initiated by those in position of authority; there is urgent need for Nigerian citizens to step up their local and international campaigns against civilian-dictatorship in the country.
- Since the 2020 ENDSARS protest was able to motivate the Nigerian authority to restructure cum rebrand F-SARS, there is need for a similar protest against the Economic and Financial Crimes Commission (EFCC) in Nigeria which has consistently violated the socio-economic rights of Nigerian citizens.
- A lot of mechanisms have been made to curb human rights violations in Nigeria, but without significant positive result to show for it. For this reason, there is need for Nigerian government set up



a new independent and impartial institution that will be responsible to treat all cases that violate human rights.

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