

United Nations Sustainable Development Goal 16 and Justice Administration in Nigeria: A Political Economy Approach

By

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Abstract

The Nigerian State is one that is in dire need of justice as a precondition for the peace and development it so much desires. In Nigeria, justice is highly commoditised, as it is made available to the highest bidder. This is the root of chaos and underdevelopment. Interestingly, Nigeria, being one of the nations that signed up for the SDGs, is seen to be progressively retrogressing in attaining the goals seven years on. SDG 16 (particularly targets 3, 5 and 6), the particular focus of this article, has not been given a pride of place in the Nigerian society. Building of strong institutions and fair justice administration, has been poor in Nigeria. This has inadvertently, created conditions of violence and underdevelopment in the State. In light of this, the study examines the political and economic forces that have made justice an elusive commodity for the common man, leading to the undermining of peace and development in Nigeria. Adopting the documentary method of data collection and political economy approach, the study found that the quest for peace and development in Nigeria has remained a pipe dream because of the high level of injustice prevalent in the State. The study therefore concludes and recommends that for peace and development to be attained in Nigeria, justice (SDG 16) must be a *sine qua non* in all levels of human interactions in the State.

Keywords: Justice, Peace, Development, Politics, Economy

Introduction/Problematic

Following the end of the Millennium Development Goals (MDGs) in 2015, the United Nations (UN) launched a follow up set of goals tagged: Sustainable Development Goals (SDGs) to further consolidate on the achievements realised in the previous set of eight goals launched in 2001, which were duly navigated by the United Nations Development Programme (UNDP) (Obietan & Okafor, 2019). The UNDP funded numerous projects across the developing world to enable them realise these goals (UNDP, 2015). The adoption of the MDGs has led to some positive developmental changes in the international system. According to UNDP, the number of children out of school (of primary age) dropped by nearly half-from 100 million in 2000 to an estimated 57 million in 2015; persons living in abject poverty dropped by half as well, dipping from 1.9 billion in 1990 to 836million in 2015. New HIV infections declined by approximately 40 percent between 2000 and 2013 and about 6.2 million deaths caused by malaria have been averted between 2000 and 2015 (UNDP, 2015). Although there was remarkable progress made through the MDGs in some developed and developing countries, it however, had mixed results in Nigeria. For instance, most of the goals are yet to be met in Nigeria which was why the country embraced the continuity plan of the SDGs (Oleribe & Taylor-Robinson, 2016).

Furthermore, attaining success in the SDGs is primarily hinged on completion and expansion of the goals of the MDGs. Thus, Nigeria's transition to the SDGs was anchored on several thematic issues. Chief of which was the building of stronger institutional, legal and policy framework that drives socio-economic growth and inclusive development for all (FGN, 2015a). The position of the government of Nigeria strongly reflects one of the key goals of SDGs- Goal 16 (Peace, Justice and Strong Institutions). This goal aims to ensure the promotion of peaceful and inclusive societies for sustainable development and to provide access to justice for all and build effective, accountable and inclusive institutions at all levels (Economic Commission for Africa [ECA], 2021).

The goal, according to the ECA, lays the foundation for good governance through the building and strengthening of accountable institutions that strive to prevent and respond to conflict and strengthen respect for human rights and the rule of law, with the purpose of sustaining peace and eschewing violence (ECA, 2021; International Science Council, 2017). More profoundly, SDG 16 has been described as an enabling goal for all other SDGs as encapsulated in Agenda 2030 (Manneh & Lister, 2019). Goal 16 is the conduit pipe through which all other goals can be achieved. By way of illustration, apart from the 12 targets directly linked to SDG 16, there are other 24 targets from seven other SDGs that are indirectly linked to and highly dependent on the achievement of peace, justice and strong institutions. This, however, underscores the crucial nature of SDG 16 to Agenda 2030 (Manneh & Lister, 2019).

Beyond this, the African Union Agenda 2063: The Africa We Want, are also predicated on good governance, through the building of strong institutions. Agenda 2063 was however, aligned with Agenda 2030 of the UN on the SDGs. Goals 11 (Democratic values, practices, universal principles of human rights, justice and rule of law entrenched) and 12 (Capable institutions and transformed leadership at all levels) of Agenda 2063 are a pointer to this fact. But current events of coups (Mali), protests (Nigeria, Sudan, Guinea, etc) and wars (Ethiopia, Central African Republic, Democratic Republic of Congo) going on in Africa contradicts the various goals of Agenda 2063 (ECA, 2020; ECA, 2021). All these were as a result of governance deficit and lack of strong institutions in Africa.

On the part of Nigeria, there have been steps made to ensure the building of strong institutions in the country. Following the adoption of the SDG in the country, there was the immediate establishment of Office of the Senior Special Assistant to the President on SDGs (OssAP-SDGs), partnering with the UNDP and various stakeholders like the Ministries, Departments and Agencies (MDAs), Civil Society Organisations (CSOs), the academia, media organisations, youths, and many other groups keen on achieving the SDGs for the country (Adelokiki, 2016). In addition to this, an Inter-ministerial Committee on SDGs was created to facilitate partnership with the MDAs. More efforts have also been made to incorporate members of the legislature regarding the SDGs execution process. In light of this, two committees on SDGs have been created in the Senate and House of Representatives (Orelope-Adefulire, 2017; FGN, 2015b).

But with 7 years on in the pursuit of attaining the SDGs in Nigeria, it does appear that the socio-economic conditions of Nigeria and Nigerians have become worse. Data and statistics show that hunger and poverty has increased astronomically in the country, with Nigeria, being known as the poverty capital of the world, with 93.9% of the population living on less than 2 dollars a day (Uzoho, 2021).

In the area of fair and equal access to justice for all (which is particularly in line with SDG 16, target 3 [Promote the rule of law at the national and international levels and ensure equal access to justice for all], target 5 [Substantially reduce corruption and bribery in all their forms] and target 6 [Develop effective, accountable and transparent institutions at all levels], will be the focus of this study), the Nigerian State has not fared better. The Nigeria State is one characterised with all manners of political and economic shenanigans that have deliberately made justice a mirage for the common man on one hand, and on the other, easily accessible for the elites in society. It is this trajectory in the Nigerian state that has made peace elusive, and further create conditions of underdevelopment. A society fraught with injustice creates conditions of tension and strife amongst the people. This, inadvertently, negates peace with serious implications for development.

The study therefore examines the material conditions that have made justice more easily, an accessible commodity by the elites in the Nigerian society, and as an instrument of perpetual

oppression and repression for the common man. It also seeks to establish the nexus between incessant injustice and lack of peace, with its resultant consequences for development in the Nigerian state. To achieve the above objectives, the study employed Marxian Political Economy approach and documentary method of data collection from secondary sources to qualitatively analyse the study.

In light of the above, the study probes the following:

1. How has political-economic conditions in Nigeria made the attainment of SDG 16 (targets 3, 5 and 6) an expensive and elusive commodity for the common man, and easily accessible for the elites in the Nigerian state?
2. How has the inaccessibility of justice by the common man created conditions of hostility, breach of peace and underdevelopment in the Nigerian state?

With the above questions, the study shall focus on the underlying issues, overtly and covertly exhibited by State elites to frustrate equitable distribution of justice, as enshrined in SDG 16, in Nigerian society, which has grave implications for peace and development.

Theoretical Framework of Analyses

The study adopts the Marxist Political Economy approach by Marx (1970) and Ake (1981). This theory is very useful for the study given its scientific and technical nature. The political economy approach analyses the multifaceted relations in society, with its attendant nexus to justice, peace and development.

In this theory, Marx argues that the substructure (economic) of the society impacts significantly the relations in the superstructure, which includes social, religious, political, cultural relations and institutions. However, this is not just a unidirectional analysis, wherein the substructure only influences and impacts relations in the superstructure. But it's also bidirectional, given the fact that activities in the superstructure impacts the substructure in like manner.

Some of the key propositions and assumptions of this theory adopted in the study is that state institutions and its apparatuses constitute the major instrument of primitive accumulation, oppression and repression, especially by the elites and their collaborators. The theory also contends that power and interests in the society determines the social and political processes, resulting in the struggle for control over resources and positions. Lastly, the primacy of material conditions in the society determines individual and group behaviours and attitudes in relation to production, distribution and exchange in society. With this, injustice and conflicts emerge in response to opportunities, leading to serious contradictions and negative implications for development.

By way of application, one can justly argue that the promiscuous and indiscriminate scramble for material wealth and resources of the Nigerian state by the elites, gave rise to exploitative and

irrational actions, policies and behaviours that have led to series of contradictions in the society. These contradictions, with its attendant behavioural double-standards, have led to acts of injustice, tensions, strife, and underdevelopment. The policies put forward by the Nigerian government regarding the attainment of SDG 16 has been a charade. This is so because justice administration in Nigeria has not been inclusive and fair to all in the State. It is a commodity that has been sold to the highest bidder through State institutions like the police, prisons and the courts. Beyond this, there are key governance issues that have undermined the Nigerian State's resolve to deliver a firm and fair justice administration under the guidance of SDG 16. This include but not limited to:

lack of patriotism, ungoverned spaces and porous borders, inadequate skilled security personnel, inadequate training for public and security officials, weak local governance structures, lack of research and data, recession, poor infrastructure, bureaucratic bottlenecks, lack of judicial independence, aversion to change and deep culture of corruption, illiteracy and lack of public orientation (Nkemneme & Ekpong, 2020, p. 38)

These assertions will be x-rayed in detail in subsequent sections of this paper.

Justice: A Political Economy Approach

The term justice, just like other concepts in sociological, philosophical and political studies, is as old as humanity and a necessary catalyst of social order in the society (Christopher & Ekanem, 2014). It has also been seen as a derivative of the laws of nature. As nature is synonymous with order and equilibrium, so is justice. According to Hornby, justice is "the fair treatment of people and the quality of being fair and reasonable" (Hornby, 2000, p. 648, cited in Christopher & Ekanem, 2014). Iwe (1985, p. 235 cited in Umeanolue, 2018) sees justice as "an ethical concept with immense social significance, implies the notion of fairness, fair deal, moral integrity and righteousness in the dealings of men with one another and in the affairs and transaction of social life". Concepts associated with justice are equity, righteousness and equality. With this, it suffices to say that in most progressive society with developmental ramifications, effective justice administration was key ingredient. It is for this reason that John Rawls in his *A theory of Justice* posited that justice is a social value (Rawls, 1972). This implies that justice is transactional. It is a tool of social engineering, interaction and bargaining for all persons in a society.

As a tool of social engineering, justice is an important factor that galvanises and lubricates human relationships effortlessly without strife nor tension. When people feel that their relationships with others in the society is not based on falsehood, deceit and mischief, they are more willing to engage and protect such relationships. In simple terms, they look forward to having more of such justiciable relationships, even with others that they are yet to come in contact with. In the realm of governance carried out with the instrumentality of the social contract document, leaders are bound to ensure that the promise of guaranteeing the protection

and preservation of the fundamental rights of the citizens, welfare and security are implemented. When this happens, the citizens are more likely to give their unflinching support and loyalty towards government activities. But on the flip side, they are likely to be more cautious, defensive and even withdrawn from relationships they may have with the State. In the Nigerian society, the political elites have made citizens to be cynical and disillusioned with their activities. Actions of Nigeria's political elite, whether they are well intentioned or not, have made many Nigerians very cautious and sometimes withdrawn from their political leaders because of the series of political, economic, social and cultural injustices served by the leaders, especially in form of endless cycles of broken campaign promises, when elected. Actions that are nepotistic and cronyistic are discriminatory, as meritocracy is displaced by favouritism and other nepotistic acts. Behavioural patterns like this, does not give room for positive social engineering- a sense of understanding, connection and camaraderie between the leaders and the led. It creates conditions of mistrust and apathy. This largely explains the huge disconnect between the people and their leaders in Nigeria.

However, the political elite will consider the apathy and disconnect between them and the citizens as an advantage. The more apathetic the citizens get towards the activities of government, the more leeway the political elites get in cornering State resources for private gain. Thus, incessant acts of this form of injustice by the elites becomes a deliberate move aimed at weakening the zeal and desire of the masses to demand justice in form of accountability, as well as making them cynical with regard to participating and engaging in political activities. So, the more the people become increasingly apathetic towards political affairs, the more the political elites appropriate public resources for private gains.

As a tool of social interaction, justice promotes a healthy and unfettered interpersonal communication among peoples of a society. A society that runs on the wheels of justice, easily makes interactions with people on the basis of trust and honesty become the norm. Hidden agenda of any kind, when interacting and sharing information with people becomes an anathema and undesirable. When people communicate and share information with others in a just society, there is a clear sense of responsibility and an underlying aim to promote and not to exploit the wellbeing of individuals in such society. But this is far from being the case in Nigeria. The different ethnic groups in the country view themselves with some level of distrust and mutual suspicion. Every statement made by any of the ethnic groups in the country is viewed through the lenses of suspicion for the purpose of seeking out ulterior motives for such statements. The farmers-herders conflict presents a good example of this interactional paradigm of suspicion amongst the peoples of Nigeria. The government's decision to grant grazing areas and routes to the herders in different States of the federation have been viewed with suspicion. The response by the various ethnic groups (who are not Fulanis) in the country have attracted criticisms and outright rejection of the proposed move by the government. This is so because, they believe that the government has a strong ulterior motive and hidden agenda for granting grazing sites to the Fulani herders. Those from other ethnic strands are not willing to give the government the

benefit of the doubt because of past misdeeds. Thus, trust and truth have become the most endangered concepts in the Nigerian society.

As a tool of social bargaining, justice is the unseen and invisible currency for all forms of transaction in a progressive and value driven society. Be it bargaining and transactions of individual to individual, groups to groups, leaders and led, parents and children, employers and employees and so on. Justice in the garb of fairness, truth, honesty, equality and trust becomes the unspoken norm and essence of them all. But this strand of justice appears to be elusive in Nigeria. For instance, one would have aptly observed that during electioneering campaigns, political leaders bargain for votes from potential electorates, with the promise of providing some economic goods for the people if and when elected. More often than not, these campaign promises are never implemented. This is sadly the norm in the Nigerian political space. This creates a form of political and economic transactional justice, that only benefits the political elite to the utter and perpetual impoverishment of the common man. Thus, the economic and other super structural benefits that accrues from the elective positions of the State are weaponised as instruments of domination, manipulation and oppression of the people when they demand for implementation of campaign promises or the dividends of democracy. The deployment of the military on 20th October, 2020 against unarmed protesters who were demanding for such deliverables of campaign promises, is just one of many cases of oppression and repression by the Nigerian State.

Similarly, for the capitalist oriented in the Nigerian society, the lumpens, hoi polois and proletariats must and should be kept in a state of perpetual wanting and neediness. This is done through collective manipulation of social bargaining and transactions in the system by employers of labour (capitalists). This manifests through the allocation of indecent and unfair wages to employees. Such wage that cannot sustain the employees, who may or may not have a family, in a week; was paid to them for a month. The new National Minimum Wage of the country which is put at 30,000 (about \$70) is a far cry compared to other African countries like Cape Verde (\$141 per month), Chad (\$110 per month), Republic of Congo (\$170 per month), Djibouti (\$198 per month), Equatorial Guinea (\$224 per month), Gabon (225 per month), Liberia (\$114 per month), (https://en.wikipedia.org/wiki/List_of_countries_by_minimum_wage), just to mention a few. For the multinational organisations who pay relatively better wages compared to domestic ones, often rips and siphons the resources of the nation(s) they transact with, to such extent that some are even richer than their host nations. Here, the exploitation is on the nations, which has a trickledown effect on the people. This can only happen when there is an unfair and unjust bargaining and transaction between the multinationals and their host nations.

From the foregoing, justice as a social value becomes an all-important ingredient for inclusive growth, peace and development in the society. This is so, because, it is seen as a reciprocal gesture, as well as an interactional and transactional exchange by all in the society. We shall now take a look at the implications of unjust socio-economic relationships, interactions and transactions to citizens and denizens living in a society.

Peace: A Political Economy Approach

According to Kirk, peace is "freedom from disturbance, a state of being calm and quiet" (Kirk, 1964, p. 183, cited in Kolawole, 2017). It has also been defined as a lack of conflict and freedom from fear of violence between heterogeneous social groups. However, a political economy perspective of peace is one provided by Galtung (2011) where he delineated peace in two broad categories of negative and positive peace. According to Galtung, negative peace is the absence of violence and absence of war; while positive peace is "the cooperation and integration between human groups and society with less emphasis on the absence of violence." Ibeanu (2006) views peace as the "process involving activities that are directly or indirectly linked to increasing development and reducing conflict, both within specific societies and in the wider international community". But peace is that spirited state of rest, occasioned by basic economic fulfilment, human rights protection and good neighbourliness.

However, the views on peace by scholars above can only subsist in a just and equitable environment. No society that is fraught with injustice can experience peace, let alone be a beneficiary of any of the SDGs as put forward by the United Nations in its 2030 Agenda. If there is any form of peace in an unjust environment, it's the kind described by Galtung as negative peace which entails mere absence of violence or war. This kind of peace is experienced in different parts of Nigeria, at different periods of her national existence. Although, Nigeria has not been plunged into a full-scale war since the end of the civil war in 1970. But in different parts of the country, there have been pockets of violence in some parts of the country (like the Mataitsine insurrection in the 1980s, the Niger-Delta crisis, Boko Haram insurgency and more recently, the horrendous and gory farmer-herder clashes under the Buhari Administration), then at other times, there have been periods of quiet and calm. Recently, the country experienced a situation of extreme violence. This time, it was perpetrated by the State's military against the EndSARS protesters in the last quarter 2020, in an awful attempt to silence every opposition in the State.

The causes of these violence stems from injustice. The Nigerian state has been meting out series of injustices to different parts of the country. Ethnic politics played by the political elites have created feelings of neglect, bad blood, as well as economic and political isolation of other ethnic groups (Nnoli, 1978). The pitting of one ethnic group against another by political elites in the state has always been for material benefits of the elites. This was made possible owing to lack of trust and mutual suspicion by the various ethnic groups in the state. This feeling was instituted, nurtured and perpetrated in the early years of the country's independence by the newly constituted political elites. The need to control the material wealth of the State and taking control of State power by the political elites led to the pitting of one ethnic group against the other in the early years of independence (Nnoli, 1978). This inglorious act has endured to this day in Nigeria's body polity. With this act deeply entrenched in Nigeria's politics, there will always be feelings of marginalisation and injustice. Every ethnic group in Nigeria has at one point or the other had this feeling. Hence, the desire for outright secession by all of the major ethnic groups

in the country. Even some minority groups in the country like the ogonis and ijaws have not shied away from the desire to self-determination.

However, it is very pertinent to note that there is an infinitesimal few who benefit from the injustices that have eroded peace in Nigeria. This is why playing the ethnic game is a very lucrative strategy. Wherever there is injustice, ethnic tension or even insurgency, there are hidden beneficiaries. For instance, the protracted nature of the Boko Haram crises in the northeast is as result of socio-economic injustice of officials in the Nigeria military. Resources meant for the welfare of the defence and military apparatchiks have been cornered to private pockets. Hence, the inability of the nation's military to effectively defeat the insurgent group decisively. A report by the International Crises Group puts it this way:

The procurement process is notorious. Defence acquisitions are shrouded in secrecy. Rather than explore government-to-government arrangements, there is an overwhelming preference for dealing with rent-seeking middlemen, so equipment can be bought at grossly inflated prices, with contractors and military/government officials reportedly sharing the huge margins. Allegations of inflation or over-invoicing of contracts, award of phantom contracts through which funds are diverted to private accounts and fraudulent acquisition of substandard, sometimes useless, equipment are common. There have also been recurrent reports of phantom procurements – contracts awarded to non-existent companies and never seen items recorded as supplied or delivered (International Crises Group, 2015, p. 11).

With the above report, it suffices to say that the continued crises in the north east of Nigeria, which has led to the death and displacement of many, means more material wealth for a few. So, peace in the region will greatly distort the flow of such material benefit. Thus, with the foregoing, it is evident that there cannot be peace in an unjust society, that is fuelled by a microscopic few for personal aggrandisement.

Development: A Political Economy Approach

Crises of all sorts, as a by-product of injustice, always has serious implications for the development of any society. But before we go further into the discourse, let's the term development as presented by two schools of thoughts- the Liberal and the Marxian Schools respectively.

Development in the liberal perspective has been variously defined. In its elementary form, the term is inextricably tied to the economic domain, as it focuses more increase in economic growth rates and industrialization (Okereke & Ekpe, 2010). Accordingly, development is defined as “the maximization of the growth of the GNP through capital accumulation and industrialization” (Meier, 1989, p. 6). In this context, development implies change, which “often follows a well-ordered sequence and exhibits common characteristics across countries” or what Michael Todaro calls, “a series of successive stages of transformation” (Todaro, 1979, p. 87), as he echoes Rostow's view. However, Mahbubul Hag of Pakistan seems to be speaking for all developing

countries when he lamented thus: “we were taught to take care of our GNP as this will take care of our poverty. Let us reverse this and take care of poverty as this will take care of the GNP” (Mahbubul, 1971, p. 7). Despite having increased industrialisation in most hitherto “primitive” areas, Liberalist view has woefully failed to usher in the much-desired development. It has been maintained in some quarters that economic growth through industrialisation is not development. This, of course, is the Marxist or the radical perspective.

According to the Marxists, development is more than just abstract economic category. It is more of a multidimensional process. When viewed from the dialectical materialist lenses, development rather than being restricted to macro-economic variables, focuses on man and his well-being. As a result of this, human beings constitute the fulcrum on which it revolves. According to Walter Rodney,

Development in human society is a many-sided process. At the level of the individual, it implies increased skill and capacity, greater freedom, creativity, self-discipline, responsibility and material well-being... at the level of social groups, it implies an increasing capacity to regulate both internal and external relations. In the past development has always meant increase in the ability to guard the independence of the social group (Rodney, 1972, p. 9)

From the above view of Rodney, human being must be seen as the epicentre of development. Human development, therefore is seen as the prerequisite for concrete development. In line with his reasoning, development at the individual level implies mental and academic sophistry, moral rectitude as well as material wellbeing. It is contended that the acquisition of this aspect of development will inevitably catapult the society to the frontiers of genuine development and thus explode the shells of backwardness. For instance, the development of man will lead to increase in productivity, ability to harness the forces of nature and the capacity for man to eke out a living in the face of harsh natural forces. It must be noted that this process is not influenced much by increase in capital or the rise GNP and industrialisation. In a nutshell, the Marxist maintained that development is the overall improvement of man who is expected to be the harbinger of transformation and change.

In light of the foregoing, some Marxist scholars have itemised ways in man can be developed to serve his immediate and wider society

- Free, compulsory and universal education
- Improvement of the general educational, cultural and technical training of the working population
- Raising of peoples’ living standards to a qualitative level
- Improvement of peoples’ health and extending their active lives through a system of universal health coverage and checks in the polyclinics, hospitals and sanatoria,

- Ensuring that the levels and structures of consumption of material, social and spiritual goods and services are raised (Kuzretsov, et al, 1985, p. 171 - 172), and
- Equal access to justice for all

It is believed that if the above conditions are followed through and met, then the aim of forming well-rounded and responsible minded individuals in societies, will have been achieved. This will further create conditions for the blossoming of the individual capabilities and endowments for the benefit of the society as a whole.

But due to the political economic conditions of the Nigerian State, the above processes of ensuring development in the country have been sabotaged and circumvented by the political class directly or indirectly through their various policies of progressive regression. In terms of education, the State has continuously stripped its citizens of qualitative education across all levels. Also, health coverage for all is virtually non-existent, as medical tourism has been very fashionable for the political elites in Nigeria. Hence, the need for medical and educational tourism and adventure. The poor budgetary allocation cum poor implementation of same in these sectors, clearly show this trajectory. The judiciary, touted to be the last hope of the common man, has both commoditized and monetised its services to the highest bidder. This further begs the question: how can Nigeria and its counterparts in Africa ever develop. Claude Ake struck the right cord when he avers that

The assumption so readily made that there has been a failure of development is misleading. The problem is not so much that development has failed as that it was never really on the agenda in the first place. By all indications, the political conditions in Africa are the greatest impediment to development (Ake, 2003, p. 1).

From the foregoing, it is quite evident that development must be a conscious and deliberate effort of the political class in Nigeria. It must be a national imperative. It is not just about improvement on a certain societal index, but a holistic and continuous improvements on various societal indices. This means that all spheres of a nation's life must experience the touch of development in a progressive form, with little adjustment from time to time, when necessary. Thus, development can be seen as the process of creating a fertile atmosphere, building virile and viable institutions, as well as making both political and socio-economic policies that will ensure growth and human capital development, for the benefit of all.

The lofty principles provided by scholars above as being sacrosanct for development in a State can only be attained if there is justice, with its attendant implications for peace and stability. As noted earlier, an unjust society like Nigeria, cannot experience Galtung's positive peace, which is an essential ingredient for development. Even with the negative peace in place in Nigeria, the State still finds it difficult to carry out laudable developmental plans successfully because of

policy inconsistency occasioned by paucity of trust in previous administration that may have midwived it and dearth of national ethos and self-centredness of incoming political leadership.

We must acknowledge that States that have been labelled developed are those that have administered socio-cultural and economic justice to its people. A cultural, social and economic life of justice, automatically breeds peace and development. But Nigeria lacks justice in all these departments of her national life.

The political and economic conditions that determines accessibility of justice in the Nigerian State

The institutions in Nigeria that are saddled with the responsibility to ensure prompt justice administration and delivery are the police, courts and prisons. However, there are material and political conditions that prevents the common man in Nigeria from accessing justice from these institutions. The dictum that says that the Court is the last hope of the common man no longer applies in Nigeria. It now has a mutational reality of being the last hope of the rich, while the media – social media - is now the last hope of the common man (Isiguzo, 2019). This, however, undermines the attainment of SDG 16 and by extension, other SDGs that Nigeria has signed up for. In light of the above, we shall take a look at these institutions and their *modus operandi* with regard to justice administration and delivery.

The Police

The police institution was created by section 214 of the 1999 constitution as amended. Pursuant to this, the Police Act was enacted in 2004 as part of the Laws of the Federation of Nigeria. The key function of the police as enshrined in section 4 of the Police Act, which include the protection of lives and property, prevention and detection of crime, preservation of law and order, the apprehension of offenders and effective enforcement of all laws and regulations as may be directed by the commander in chief of the armed forces. All these, directly relates to the administration of criminal justice in Nigeria.

As a major stakeholder in the administration of criminal justice in Nigeria, the police have been given so much powers as itemized above. But unfortunately, this power to administer justice at the preliminary level, is often commoditized. One of the reasons advanced by Umar (2018) for the sale of justice, is the poor policies of government with regard to the proper financing of the institutions of justice in the State. Another reason is the mismanagement of funds by the Police hierarchy. He comments:

... lack of political will of the government to finance and embark on policies that will develop this institution have much to be worried and is one of the reasons behind the failure in our criminal justice system. Though, the reasons are myriad considering the conditions of service of the Nigeria Police. Their conditions of service need be improved to cater for the general needs of the police in terms of welfare and what a view for it is difficult to fight corruption when what the officers

are earning is not something to write home about. It is no doubt the government is being allocating huge sum of money to take care of incidental expenses to be incurred by police in the course of investigation of cases. But however, the funds are mismanaged or embezzled by the few Police superiors thereby turning the junior officers to beggars in the hands of the complainants. (Umar, 2018, p. 200-201)

With the poor conditions of service and embezzlement of funds by superior officers of the Nigeria Police, it is no surprise why they engage in certain abysmal acts, brazenly in the society. As noted by Umar, the police have been found wanting repeatedly in the act of demanding money from complainants who seek justice before they can proceed with the case brought before them. In light of this, it is only those who provide their material needs that have their complaints processed, leading to the administration of justice. But those who are unable to do so, are denied justice. He puts it this way:

... when a complaint is lodged, the commitment to be attached to the investigation of the case depends on the complainant ability and willingness to grease the palm of the Police. Where the complainant is so impecunious or stingy or unwilling to part with any reasonable sum of money, that complainant will certainly have the matter not investigated or not properly investigated. The reason always given to this state of affairs is not far from the fact that, they need logistic support to aid or facilitate the work (ibid, p. 200)

It is evident that justice is only served to those who can afford it in the Nigerian State. The above analyses with regard to what goes on in the Nigeria Police is not only peculiar to them. It permeates all spheres of institutions of the Nigerian state. Thus, the political and economic conditions that have led to internal contradictions in the Nigeria Police, made it function abysmally to the favour of a privileged few in the society. This is no coincidence, as it is a subliminal construct of the political elites. This is because, the proper functioning of the police institution, as well as other justice administrative institutions makes manipulation of the Police and the less privileged in the society difficult. So, the breakdown of an institution becomes advantageous for the elites in the society. Thus, any social engagement, interaction and transaction by the common man with the elites, is ridden with exploitative tendencies, manipulation and oppression. This is because they know that if the common man goes to seek justice in form of remedy, it will be resisted and frustrated by the elites because of the material and financial inducements they are willing to make available to officers of justice institutions. By implication, when the have nots get aggrieved by acts done to them, they tend to take laws into their hands. More often than not, such acts lead to breakdown of law and order in the society.

The Courts

Similarly, the Nigerian Courts is another vital institution that all citizens in the sSate look up to for impartial administration of justice. The hierarchy of the Court system in Nigeria presents a

procedural form of justice dispensation, from a lower court (Magistrate Court) to the highest Court of the land (Supreme Court). In spite of this, justice has been railroaded on different occasions in the country. Many a scholar have clamoured for the independence and utmost neutrality of the judiciary, but this has simply not been the case. To be fair to the judiciary, there are instances where they have administered judgement and justice without fear or favour. But this has been an insignificant statistical fraction in comparison to their overall statutory functions. The executive has been found wanting in the act of meddling in the affairs of the judiciary for both corporate and individual gain. The most recent of such act is the unconstitutional suspension of the former Chief Justice of Nigeria (CJN), Walter Ononoghen by the executive, unilaterally, on allegations of false asset declaration at the time. This is clearly against what the 1999 Nigerian constitution says. In fact, section 231(1, 4 & 5) states:

The appointment of a person to the office of Chief Justice of Nigeria shall be made by the President on the recommendation of the National Judicial Council subject to confirmation of such appointment by the Senate. (Subsection 4) If the office of Chief Justice of Nigeria is vacant or if the person holding the office is for any reason unable to perform the functions of the office, then until a person has been appointed to and has assumed the functions of that office, or until the person holding has resumed those functions, the President shall appoint the most senior Justice of the Supreme Court to perform those functions. (Subsection 5) Except on the recommendation of the National Judicial Council, an appointment pursuant to the provisions of subsection (4) of this section shall cease to have effect after the expiration of three months from the date of such appointment, and the President shall not re-appoint a person whose appointment has lapsed.

The hasty and nonprocedural move of the executive to suspend the then accused CJN and the resultant unilateral appointment of the current CJN is unconstitutional and devoid of justice considering the fact that the CJN was yet to be found guilty of the allegations levelled against him. According to the above section of the constitution, it is the joint duty of the National Judicial Council (NJC) and the President to appoint a CJN, and not a unilateral exercise as carried out by the President. This is *ultra vires*. In view of the foregoing, the former chairman of the National Human Rights Commission, professor Chidi Odinkalu also observed that federal and state executives in Nigeria have made it a political necessity to bring the judiciary into their “bedrooms”. A good example can be seen from the present and past Governors of Rivers State who have their wives as judges in the judiciary. This move is not unconnected with the desire to get favourable judgements in matters that concerns them, especially when it has to do with the validation of election results in election petition tribunals and courts (Odinkalu, 2019).

Consequently, when political elites steal the mandate of the people at the polls, they still ensure that justice is never served when the people decide to approach the Courts to retrieve their stolen mandates. This is a double tragedy of stark injustice. It is such acts that frustrates citizens,

leading them to protests and demonstrations. Some of these have led to total breakdown of law and order, as well as a breach of peace.

Prisons

On Prisons, the Nigerian Prisons Service, now changed by an Act of the National Assembly to the Nigerian Correctional Service, signed by the President in 2019, is the third cardinal institution that serves justice to the Nigerian society. Convicted criminals are meant to have sober reflection on the crime committed that brought them to prison. The prison is a place where criminals ought to be reformed and transformed, through the aid of relevant prison authorities, to be better citizens upon serving out their jail terms. But this has not been the case.

According to an undercover investigative journalist (Shoyombo, 2019), the Nigerian Correctional Service is a cesspool of injustice and corruption for which they hold criminals. Justice, as discharged by a judge in a criminal suit, is a three-way street. When a judge pronounces an individual guilty of a crime with prison sentence or is acquitted of all crimes beyond reasonable doubt, such a judge has delivered justice to three categories of persons. The first, is justice to the accused/defendant who has either been found guilty as charged or acquitted of all crimes and wrongdoings. Second, justice to the prosecutor/complainant who has seen that the judge's verdict was given beyond reasonable doubt and third, is justice to the society for which the judge's verdict will serve as deterrents to would be criminals of similar crimes in the future. Sadly, those sentenced to prison terms with hard labour, often evades such the three-way justice system in Nigerian Prisons, if they are able to part with some money and grease the palms of the relevant authorities in Prison. Thus, a wealthy criminal in prison, after greasing the palms of some prison authorities can live a lavish lifestyle as though they were freemen and women, including committing more crimes than the ones they were incarcerated for.

According to the investigative report of Shoyombo, he asked and tried to negotiate the amount he could pay to get a favourable cell with good facilities, one of the prison warders boastfully replied: "You can get a cell for N30,000, you can also get for N100,000 or N150,000. You can even get a N1.5million cell." He continued "When Ayodele Fayose was remanded in Ikoyi Prison, what kind of cell did you think he stayed in?" Another warder summed it all in these words: "Don't worry, you can never suffer in the prison yard, as long as you have your money." In more specific terms, an inmate who have just regained freedom asserts that there is a cell called "Nicon Luxury", an apartment a wealthy inmate gets by paying between N20,000 to N50,000 for a night. This traditionally goes with the option of substances like cigarettes, hard drugs of all kinds, India helps and girls (Shoyombo, 2019). According to the former inmate,

the apartment has air conditioners, good couches and mattresses; meanwhile, 118 inmates are packed like sardines into one room that should normally hold 30 inmates. Those at Nicon are not only political

prisoners or people of influence; just people who have the money. There is free flow of drugs in prison, which is impossible without the facilitation or compromises of warders. You'll find Colorado [a hard drug] in huge sale; I took it myself. I paid just N5,000 each time I wanted it. Tramadol and refnol are sold, too, but Colorado is the highest in demand (Shoyombo, 2019, pt 2).

In Nigerian prisons, justice, as pronounced by the judge is highly commoditised. Those that ought to go through their sentence with hard labour pay their way through and even live a life of luxury, including oppression of those who are not as wealthy as they are in prison. On the flip side, inmates who are meant to serve their terms in prison without hard labour are meant to go through such, and are even abused physically. In extreme cases, sodomised by their wealthy counterparts who are perverts. All these happen under the "watchful eyes" of the prison authorities. Nothing happens in the prison without the knowledge of the prison authorities. By way of corroboration, the testimony of the inmate above who regained freedom puts it this way

Look at Vaseline, it is a very scarce commodity in prison but it is available at expensive rates for use in sodomy. At Ikoyi Prison, the powerful inmates sodomise the others, and it happens right under the nose of prison authorities. They know that these things happen. But, you see, the warders are the problem — because inmates do not have access to the outside world, and those coming from outside are screened from head to toe. Therefore, nothing can enter the prison without the knowledge of warders (Shoyombo, 2019, pt 2)

In another related report of continued injustice in Nigerian Prisons was a 31-page article titled, *Sodomy of Children in Maiduguri Prison and the ICRC Conspiracy of Silence* published by Charles Okah, the Independence Day Bomber, who has been imprisoned for life, describes how sodomy, child prostitution and outright murder have been rife at the Maiduguri Maximum Security Prison. Privileged inmates in Maiduguri prisons live a life of luxury and satisfy their lustful desires at the expense of the physical and mental health and emotional destabilization of ordinary inmates. This is usually made possible when rich inmates satisfy the financial needs of the prison authorities, especially warders and wardens. Attempts made by the Governor of Borno State, to investigate the horrendous acts were frustrated by the Comptroller General of the Nigerian Prison Service and the Comptroller of Maiduguri Prison.

From the foregoing, it shows that the Nigerian Correctional Service, as the third leg of justice administration in Nigeria, has failed in its statutory function. The material and pecuniary determinants regarding which inmate will feel the hard and harsh realities of prison life of solitary confinement, clearly underscores the commoditisation of justice in Nigerian prisons. When an inmate luxuriates in prison, with all the indulgences of hard drugs and other niceties, it means that they are just under house arrest with every other thing at their beck and call. In light

of this, it shows that SDG 16, with particular focus on targets 3, 5 and 6 will remain unattainable. When this becomes the case, other SDGs will increasingly become difficult, if not impossible to attain as well.

The inaccessibility of justice, breach of peace and conditions of hostility in the Nigerian State

As stated above, the inability of the masses to access socio-economic and political justice will ordinarily lead to revolts and demonstrations, leading to breach of peace, social disorder, hostility, strife and underdevelopment. The infuriation resulting from the activities of the elites in the society is the foundation of social disorder.

The actions of the elites to deliberately deny the common man justice brings huge benefits for them as already explained. This is because, there are those who benefit from the dysfunctional system, especially as regards justice delivery. By way of illustration, the EndSARS protest in the country will be briefly examined.

Pointedly, the EndSARS Protest in October, 2020, was a result of cumulative of years of social injustice meted out to the Nigerian youths by an arm of the Nigeria Police Force, the Special Anti-Robbery Squad (SARS), formed in 1992 to tackle violent crimes. Since its creation, it has repeatedly committed crimes it was established to combat. This unit has been notorious for robbing and dehumanising the Nigerian youths unprovoked. The poor economic condition of the Nigeria Police Force made this the norm. Extra-judicial killings have been rife within the ranks of SARS. The death of a young man in Delta State in October 3, 2020, led to the EndSARS protest in that same month. He has been abused and shot by SARS and being left on the roadside to bleed out, after fleeing with the diseased vehicle (Human Rights Watch, 2021). Tired of the abuse at the hands of the Police, the youths took to the streets to protest the disbanding of the unit and proposed general reforms for the Police. The *audi alterem partem* principle (the right to fair hearing), guaranteed by the Nigerian constitution of 1999, has stripped off the youths in 21st century Nigeria. This created the conditions for a peaceful protest, which later turned violent. The political class did little to salvage the situation because they were complicit in the violent turn out of the protest. It was believed that they sponsored thugs to sabotage the protest so they can bring in the military to forcefully quell and dismiss the protest. But in the process, some youths were murdered (Human Right Watch, 2021). In order to avoid potential sanctions from members of the international community, the political class through the military denied any wrongdoing in their quelling of the protest by categorically stating that no one was killed. But as a counter point, the report of the corona inquest in Lagos, found that 99 persons were killed during the EndSARS protest in Lagos, after the intervention of the military (Premium Times, 2021).

The dysfunctional state of the Nigeria Police Force is highly beneficial to the political class. This is so because, the institution as it is, is easily manipulated and controlled to do the biddings of their paymasters. The deplorable economic conditions of members of the Nigeria Police Force has also made them easily susceptible to manipulation and control, especially either to inflict psychological and physical harm on the common man or to skew justice administration and delivery in favour of the elites. With this, achieving SDG 16, will remain an illusion at best. Hence, making other SDGs unachievable in Nigeria.

Conclusion

The study examined the UN Sustainable Development Goal 16, with particular focus on targets 3, 5 and 6, with a view to ascertaining the conditions that have made them inaccessible for the common man in the Nigerian society on one hand, and highly accessible for the rich on the other. The study found that the reason for either the accessibility or inaccessibility of justice lie in the material wealth of the citizens and political orientation and disposition of the Nigerian State.

Recommendations

To the Nigerian State

1. Build strong institutions based on the workings of the rule of law and not the rule of man.
2. Make provisions for adequate funding of justice institutions so as to insulate them from all forms of inducements from the public, and also, eschew ill-practices of double-standards that often creates contradictions in the system, which greatly undermines justice, peace and development.

To the Citizens

1. Nigerians should imbibe the culture of upholding the nation's national ethos and carry out their duties as citizens (sections 23 & 24 of 1999 Constitution FRN, as amended)
2. They should know it is dignifying and relieving to walk the rough and tough roads to justice, no matter the cost.

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