

FUNDAMENTAL RIGHTS PROTECTION VIS-A-VIS APPLICATION OF LIMITATION CLAUSE IN THE 1999 CONSTITUTION OF NIGERIA*

Abstract

Fundamental rights have been codified in the constitution of Federal Republic of Nigeria 1999. In the course of codification, it was also provided that circumstances may arise whereof there will be restrictions and derogation whereby these rights though guaranteed may not be fully available to any individual or group of persons. This work evaluated when the fundamental human rights or any right guaranteed under the constitution may be restricted or denied to an individual or group of persons in any circumstance and whether the proportionality of restriction is justified. Doctrinal methodology was employed in the course of this work. The work found that so far as limitation is provided the derogation most often is not proportional and therefore unjustified. The work recommended upholding the tenets of the legal system through effective enforcement.

Keywords: Fundamental Rights, Protection, Limitation Clause, 1999 Constitution

1. Introduction

Human Rights became an aspect of international law specifically in 1948 upon adoption of United Nations Charter whereupon there was Universal Declaration of Human Rights. Human Right became incorporated in the Nigerian Constitution as fundamental human rights in 1960 and ever since has remained part of the Nigeria Constitution.¹ In several other countries in Africa these rights in most cases are codified and may in some cases appear as the Bill of Rights. Beginning from 1960 when Nigeria became independent ‘politically’ there seem not have been good report on human rights. There have been violations of fundamental human rights in Nigeria and several many cases of violations have also reached the court. The situation today is not any different from soon after independence in Nigeria and many States in Africa. It has been said that the Federal Government (Nigeria) engaged in systematic intimidation and repression of political opponents.² This statement can readily pass the test in almost all States in Africa. The structure of the colonial government and administration in Africa has been that of suppression and intimidation. In certain circumstances some Africans who were considered recalcitrant and inimical to the colonial government administration’s interest were exiled to other parts of Africa other than their respective home States and abandoned. Today several persons of African descent are in self exile to avoid incarceration or assassination due to different political opinion. Several governments in Africa have not changed from this attitude today. Opponents are usually hounded in prison without trial. Government appears to be the major harbinger and violator of human rights enshrined in the constitution of many African States which constitution the government swore to uphold. The government as well as its agencies can be grouped on one side.

On the other hand, it is not that individuals avoid violation of fundamental human rights of others, no. These rights are violated by individuals. However the individuals stand under the cloak of reporting ‘an alleged commission of offence’ to the police or law enforcement agencies and from within the veil wreak havoc against the individuals through the instrumentality of the State. The reason for this is not far-fetched. Corruption has eaten deep into the fabrics of the society in all spheres.

Several reports on Nigeria human rights status have been negative. In 2020 Amnesty International³ reported that over 94 persons were killed during the nationwide protest against police brutality. In the same year, 2020 World Report has it that at least 363 civilians were killed by the Islamists insurgents between January and September. And 16 days after internally displaced people were returned to Kukawa Local Government Area in Borno State Boko Haram attacked the community and abducted at least 100 people. Yet the government continued to participate in forced returns of Nigerian refugees from Cameroon.⁴

2. Overview of Fundamental Human Rights Provisions

The fundamental human rights has been part of Nigeria law from independence and are contained in Sections 33 to 43 of Constitution of Nigeria as follows: Right to dignity of human person, Right to life, Right to personal liberty, Right to fair hearing, Right to private life and family life, Right to freedom of thought, conscience and

*By **Uwadineke C. KALU**, Professor of Law, Department of Commercial and Property Law, Faculty of Law, Nnamdi Azikiwe University, Awka, Nigeria; and

***Maduka A. EWUZIE, LL.M, PhD Candidate**, Lecturer, Department of International Law and Jurisprudence, Faculty of Law, Nnamdi Azikiwe University, Awka, Nigeria.

¹Fundamental human rights are contained in sections 36 to 46 of the Nigerian Constitution, 1999 (as Amended)

²Femi Falana, *Fundamental Rights Enforcement*, Legal Text Publishing Co. Ltd. Lagos, 2004 p.6

³<https://www.voanews.com/africa/right>. Accessed 12/4/2021 (The dead includes both civilians and others).

⁴<https://www.hrw.org/world.report/2021>. Accessed 12/4/2021

religion, Right to freedom of expression and the press, Right to freedom of movement, Right to freedom from discrimination, Right to acquire and own immovable property anywhere in Nigeria.⁵ It may be necessary to closely consider Right to dignity of human person, Right to life, Right to personal liberty together in this work. The right to life is sacrosanct and can only be deprived of a person in execution of final judgment of the Court, thereto other authorized circumstances under our law. Where the right to final appeal has not been exhausted any execution thereunder is in violation of the right to life. Thus in *Bello v Attorney General, Oyo State*⁶ while the appeal against death sentence was pending, the appellant was executed. His right of appeal was not exhausted and his right to life was abruptly denied and cut short in 1986. This is in violation of provisions of the Constitution. There is no compensation that will be adequate to assuage for the life deprived the appellant albeit temporally. There is no degrading treatment that can be compared to deprivation of life while appeal is still pending in court. It is akin to 'jungle justice' since the legal frame work that ought to enure in favour of the appellant was not respected. It may be on the extreme to say to a reasonable extent that liberty of citizens in Nigeria merely exists in paper. The police and other law enforcement agents merely deprive the citizens of their rights at will without more. The court has always provided flexibility for the law enforcement officers to escape from damages. Besides, where damages are awarded it is inherently an uphill task to have it executed against either the agency or the individual officer involved. The Right to personal liberty in Nigeria starts with taken to your heels to escape being detained.⁷ These set of rights we may here describe them as the Sanctity Rights.

The right to fair hearing is germane to respect for other rights. Where the very right to fair hearing is not honoured every other right though violated may never get redressed because the principle upon which any person may anchor to seek justice has been eroded. We may call the right to fair hearing Adjectival Right as it touches on the principle and procedure towards redress not only of itself but also of all other rights. Considering the implications of fair hearing under Sub-Section 33(1) of the Constitution of the Federal Republic of Nigeria, 1979, which is re-enacted, *ipsissima verba*, as Sub-Section 36(1) of the 1999 Constitution in *Kotoye v. Central Bank of Nigeria*⁸ the Supreme Court, Per Nnaemeka-Agu, J.S.C., held, as follows: 'Clearly whenever the need arises for determination of the civil rights and obligations of every Nigerian, this provision guarantees to such person a fair hearing within a reasonable time. Fair hearing has been interpreted by the Courts to be synonymous with fair trial and as implying that every reasonable and fair minded observer who watches the proceedings should be able to come to the conclusion that the Court or other Tribunal has been fair to all the parties concerned. There are certain basic criteria and attributes of fair hearing, some of which are relevant in this case. These include that the Court shall hear both sides not only in the case but also in all material issues in the case before reaching a decision which may be prejudicial to any party in the case, that the Court or Tribunal shall give equal treatment, opportunity, and consideration to all concerned, that having regard to all the circumstances, in every material decision in the case, justice must not only be done but must manifestly and undoubtedly be seen to have been done.'⁹

Right to private life and family life is increasingly becoming a farce in the sense that your telephone conversation can be hacked by the government and same can be justified for the interest of the State.¹⁰ With greatest respect, this cannot be justified. It is for the State to show course that indeed other steps had been taken by the person towards undermining the security and integrity of the State to justify invading privacy of an individual. In *Ojama v State*¹¹ the Court of Appeal has this to say, 'The invasion of the house of the native doctor is unlawful as it violates his fundamental human right to the privacy of his person and his home guaranteed him by S.37 of the 1999 Constitution of Nigeria. The only permitted derogation from this right is one provided for in a law in the interest of defence, public safety, public order, public morality or public health, or for the purpose of protecting the rights and freedom of other persons as required by S. 45(1) of the same 1999 Constitution of Nigeria. Privacy at its most fundamental level is the right to be left alone. This suggests that a zone surrounds every individual within which he or she should be protected from intrusion by others. It is the most valuable of all rights. The 1999 Constitution in S.37 absolutely guarantees the privacy of the citizen, his home, correspondence, telephone conversations and telegraphic communications ... and S. 45(1) allows a law to derogate from it only if it is reasonably justifiable in a democratic society in the interest of defence, public

⁵ We shall not discuss these fundamental human rights due to limited scope of this work.

⁶ 1986 12 SC p. 1

⁷ This expression may appear stupendously incredible but it is the reality in Nigeria.

⁸ (1989) 1 NWLR (Pt. 98) 419; See also *Mohammed v. Kano N.A.* (1968) 1 All NLR 424; *Adigun v. Attorney General, Oyo State & Ors.* (1987) 1NWLR (Pt.53) 678;

⁹ Ibid at p. 444

¹⁰ It appears that improperly obtained evidence will be admitted in evidence in court provided it is relevant. The question of wait to be attached to it is a different ball game entirely. Through this an attack on person's privacy may be successfully carried out and same information obtained illegally can still be admitted in evidence.

¹¹ 2014 LPELR 22942

safety, public order, public morality or public health or for the purpose of protecting the rights and freedom of other persons. In *Okafor & Ors. v Ntoka & Ors.*¹² the Court further added that this right to protection of the privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is so fundamental that it cannot be waived. However in *Elephant Group Plc. v National Security Adviser*¹³ the Court opined that in such times of increased insurgencies or militancy and the resultant threats to public peace, lives and property, it appears, but regrettably so ..., that the rights of the individual takes the back seat in preference for the public good.

The Right to freedom of thought, conscience and religion, Right to freedom of expression and the press, Right to freedom of movement, Right to freedom from discrimination, Right to acquire and own immovable property anywhere in Nigeria, we may group them together as *Utopian Rights* for the purposes of this work. They are referred to as Utopia because the Institutions and apparatus of State even make them appear non-existent and very difficult in some cases, especially in the context of Nigeria today.

For instance; it may be necessary to consider Sections 14 (3) and 15 (2) of the Constitution of Federal Republic of Nigeria 1999. Section 14(3) of the Constitution provides:

- (3) The composition of the Government of the Federation or any part of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty, thereby ensuring that there shall be no predominance of persons from a few States or from a few ethnic or other sectional groups in that government or in any of its agencies.

The provision of Section 14 (3) is closely followed by Section 15 (2) and (4). Section 15 (2) provides:

- (2) 'Accordingly, national integration shall be actively encouraged, whilst discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited'.
(4) 'The State shall foster a feeling of belonging and of involvement among the various peoples of the Federation, to the end that loyalty to the nation shall override sectional loyalties'

Though Section 14 (3) is not justiciable and may appear harmless on the face of it, it has cemented ethnicity into the fabrics of the Nation State, Nigeria. It is our firm view that ethnicity has been legalized in Nigeria via the constitution. The subsequent provisions in section 15 (2) is asymmetrically opposed to Section 14 (3). Section 14 (3) is opposed to international working standards which encourages competition and development.¹⁴ The purport of Section 14 (3) has made nonsense of any intention of Sections 15 (2) and (4). Several members of the nation State Nigeria are being discriminated against in contravention of Section 15(2) of the same Constitution. Until there is a radical overthrow of this principle enshrined into our constitution, the Federal Character Commission will continue to act accordingly. Similarly, loyalty to the nation State Nigeria will continue to be a mirage due to the effects of Section 14 (3). Agitations will continue to be a recurring decimal in Nigeria save self-determination is achieved by diverse groups in Nigeria or the Nigeria Federation is redefined.

In the same vein, it ought to be noted that Section 42 of the same Constitution provides for Right to freedom from discrimination. Section 42 (2) provides that no citizen shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth. The provisions of Section 42 (2) or the entire Section 42 of the Constitution is practically watered down by sections 15(2) and 14(3) of the said constitution. These provisions were merely inserted into the constitution to promote ethnicity as they have no force of law.¹⁵ It is also our firm view that these provisions contradict each other in the context of constitution making and constitutionalism. However in *Elijah & Anor v Administrator General, Akwa Ibom State & Anor*,¹⁶ the Court of Appeal has this to say, 'Invariably, this Court and indeed any Court of law, is imbued with a fundamental constitutional duty and obligation to ensure that the Constitutional rights of citizens are duly protected, and not trampled upon, lost or denied by any authority or person no matter powerful or eminent. ... No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth.' So much as this sweeping statement is made by the court, has it in any way affected the several hundreds of thousands or even millions of citizens of Nigeria who have suffered discrimination and deprived of every opportunity they would have explored but for the provisions of the constitution that directly worked against

¹² 2017 LLEPLR 42794

¹³ (2018) LPELR 45528

¹⁴ It means that certain persons must be employed by the federal government over and above other persons who are experts with varying degrees of expenses. This does not have natural development in view but ethnicity simplified and legalized.

¹⁵ Section 14 and 15 of the constitution has been described as a contradiction in terms in *Constitutional Law in Nigeria*, by J.A Yakubu Demyax Law Books, Ibadan, 2003. P.436

¹⁶ (2018) LPERL 44198 CA

them? The dictum of the court in that circumstance [with all respects] appears and truly in our view to be a mere legal rhetoric without legal force so far as an anchor can be found in the constitution for discrimination.

The government has failed to promptly, thoroughly and effectively investigate allegations of human rights violations and abuses and or bring suspected perpetrators to justice. In particular, no genuine steps were taken to investigate or prosecute crimes under international Law committed or alleged to have been committed by *Boko Haram* or the Nigerian military in the context of the conflict in the north-east of Nigeria alone.¹⁷ It ought to be noted that the situation is not limited to north-east of Nigeria. Amnesty International in the same report stated that on 23 August, 2020 security forces opened fire on unarmed members of the separatist group, The Indigenous People of Biafra (IPOB), who were having meeting at a school in Emene in Enugu State killing at least four people. The report has it that these men who were carrying sticks and stones were shot at directly.¹⁸

So much as there are abuses of human rights either by the government or its agencies or by citizens against their fellow citizens, has the judiciary performed up to the expected standard in a fledgling democracy in Africa and especially Nigeria? The judiciary though has made some important in-roads in the area of enriching our jurisprudence has not performed optimally, just like every other aspect of the State in Africa. It has been emphatically stated that virtually all important constitutional cases were decided in favour of the Federal Government.¹⁹ Though that statement was made back in time, we do not think that the trend has changed today. It is virtually impossible to decide all cases in favour of government where the matters and issues involved thereof are dealt with objectively.

3. Violation of Fundamental Human Rights

The violence and abuse of fundamental human rights have continued unabated. In recent times it has increased more than previous years and there is no machinery or mechanism designed to checkmate the increase of the abuse of human rights. In about 181 spates of attacks and violence particularly from middle belt of Nigeria to north east and north west of Nigeria between 2009 to 2017 an estimated 10,000 lives were lost in circumstances related to insurgency.²⁰ In 2018 more than 20,000 lost their lives and 2 million displaced.²¹ It is not gainsaying that these abuses of fundamental human rights and violence thereto lack of direction or misdirection by the government may be some of the pointers that brought the military to the test of political power in time past in Africa and eventual transformation of several military officers to civilian politicians. The civil wars in many African States may not be unconnected with this principal issue. It may not be overemphasized that there are ample legal provisions or human rights laws in Nigeria and other African States. Yet, the abuse has continued. Some of the extant laws include Constitution of Nigeria 1999 (as Amended); The African Charter on Human and People's Rights 1981; Fundamental Rights Enforcement (Procedure Rules) 2009 [Nigeria]; Universal Declaration of Human Rights 1948 (UN). Covenant against Torture or Punishment 1984, etc. These laws and other International Instruments have made ample provisions for protection of human rights in diverse ways.

4. Proportionality of Violation cum Limitation Clause

The fundamental human rights guaranteed under the Constitution of various countries in Africa are not absolute. There are occasions these rights or some of it may be restricted in the interest of defence, public safety, public order, public morality or public health; or for the purpose of protecting the rights and freedom of other persons²² and nothing [thereto] shall invalidate any law which is reasonably justifiable in a democratic society. The effect of the forgoing is that the provisions of Sections 37, 38, 39, 40 and 41 of the Constitution may not be given effect on account of defence, public safety, public order, public morality, or public health or for the purpose of protecting morality and public health. The phrase reasonably justifiable was considered in *Olawoyin v Attorney General of Northern Nigeria*²³ and the court concluded as follows:

- (a) The presumption that legislature has acted constitutionally and that laws, which they passed are necessary and reasonable;
- (b) A restriction upon a fundamental human right before it may be considered justifiable must:
 - (i) Be necessary in the interest of public morality or public order and
 - (ii) not be excessive or out of proportion to the object which it is sought to achieve.

¹⁷ [amnesty.org/en/countries/africa/nigeria/report-nigeria](https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria). Accessed 12/4/2021

¹⁸ Ibid.

¹⁹ *Fundamental Rights Enforcement*; by Femi Falana, Legal Text Publishing Co. Ltd. Lagos, 2004 p.6; *Awolowo V Sarki & Anor.* 1966 All NLR 12, 171, *Director, DSS v Olisa Agbakoba* 1999 3 NWLR Pt 595 P. 314

²⁰ Michael D. Hanson, 'Boko Haram Terrorism and the Impact on Human Rights in Nigeria', *JPLCL* 11-2 (2019) P.218

²¹ Ibid P. 219

²² Section 45 (1) constitution of federal republic of Nigeria 1999 (as amended)

²³ [1961] 1 ALL NLR 269

While the restriction may be necessary in the interest of public morality or public order, the action taken in the course of the restriction, would it be considered proportional in the circumstance? Proportionality has been described as ‘indispensable ... in constitutional right reasoning’, of central importance in modern public law’ and a foundational element of global constitutionalism.²⁴

The question remains, at what point would it be said that the restraint applied or the suspension or abrogation of human rights in the face of public health or public morality or public order, etc is proportional in the circumstance? The test to be applied must be an objective test regardless of facts of each case. Where non-suspension of fundamental human rights will lead to loss of lives which could have been avoided had the human rights been suspended, such suspension of human rights would be justified. However where its suspension would appear to be in favour of a particular ethnic nationality against another or for the purpose of implementing an unpopular or unaccepted policy by the government it cannot be justified. Proportionality is the key component of a culture of accountability in which those who harm others must at the very least provide plausible reasons for doing so. Proportionality has become a tool to enhance accountability and justification for government action.²⁵ However, how applicable is this proportionality theory to Nigeria today in justification of government actions? The abuse of human rights is as old as human race. Ken killed his brother; Abel and deprived him of his God given right to life without justification.²⁶ The abuse of these inalienable rights that inheres in man may have inspired Thomas Hobbes²⁷ in his social contract theory. It is not that abuse of right has never been but while is it prevalent in the modern society today with impunity?

In *SSS & Ors v Incorp Trustees of Peace Corps of Nigeria & Ors*,²⁸ the Court has this to say, ‘Appellants appear to be grandstanding and showing vehemence in the assertion of their claim to duties; apparently abhorring or resisting being faulted, once they have decided on what constitutes their line of duties. I do not think Appellants can, in the name of maintaining national security or protection of national facilities, be allowed to ride rough shod on the same public they are meant to protect, and to stampede, harass, intimidate, assault and batter the Respondents, disrupting their legitimate gathering/assembly, without any just cause. Appellants have no basis to kick and cannot explain or justify their overzealousness and meddlesomeness in the legitimate activities of the Respondents at the Camp, and the disruption of the lawful association/assembly of the Respondents, ... The Appellants are established and regulated by law and must act within the confines of the law in the exercise of their discretion; they cannot be arbitrary, excessive or overzealous in service, to undermine the constitutional and fundamental rights of the members of the public they are enjoined to protect, defend and serve. The concept of national security and national interest should always be interpreted and operated in the context of service to the people and the protection of their legitimate interests and aspirations. In *Elephant Group Plc v National Security Adviser & Anor*,²⁹ the Court of Appeal while acknowledging that the power of the National Security Adviser appear to be and indeed is enormous in issues of national security stated that it must be exercised within the confines of the rule of law. However, in such times of resultant threats to public peace, lives and property, it appears, but regrettably so, [in my view] that the rights of the individual takes the back seat in preference for public good. The court however concluded that it would not remain silent where there is proved brazen breach of the right of the citizen...’ Similarly in *Akila & Ors v Director General SSS & Ors*,³⁰ the Court of Appeal also stated as follows: ‘The Constitution of the Federal Republic of Nigeria, 1999, (as amended), is very clear, unambiguous, uncompromising and categorical about the rights of its citizens, ... especially where it concerns suspicion of the commission of an offence(s). When it comes to matters of the curbing or curtailing a citizen's rights, it does not leave us in any doubt as to what should be done or as to how we should proceed, nor does it leave matters to chance or to the discretion of individuals who may be inclined to subject such inalienable and immutable rights to abuse. ... that is one of the spirits behind the provision of Sections 35 and 36 in the Constitution. They are aimed primarily at protecting individuals from unlawful deprivation of their freedom through abuse of power by law enforcement and security agencies. And as the *grundnorm* and the plum line/yardstick by which all acts relating to such situations must be measured, the Constitution must be obeyed to the letter. The civil rights contained in the Constitution against unjust arrest and detention of a citizen which is protected by the enforcement of the fundamental right provisions should not be restricted in any way by

²⁴IM Rautenbach, ‘Proportionality and the Limitation Clauses of the South African Bill of Rights’, *Potchefstroom Electronic Law Journal* (PELJ) Vol. 17 n.16 www.scielo.org.za. Accessed 12/4/2021

²⁵ Ibid P 2232-2233

²⁶ *The Holy Bible*, NRSV, 1991 Genesis 4:8

²⁷ Lord Lloyd of Hampstead and M.A.D Freedman (Ed), *Lloyd's Introduction to Jurisprudence* 5th Edition by, Stevens pp. 116-117

²⁸ 2019 LPELR 47274

²⁹ (2018) LPELR - 45528 CA,

³⁰ 2013 LPELR 20274CA

technicalities where none is justified by the Constitution. The court concluded that the imposition of stringent conditions that are not likely to be met is in breach of the African Charter on Human and People's Right (Ratification) Act, ... and accordingly null and void and of no effect whatsoever.'

In all these cases save for *Elephants' case*, the instruments of government became the harbinger in violation of the rights of the citizens. The officers who apparently purportedly appear to be carrying out the functions of their offices went beyond the limit expected of a law enforcement officer. The court had no difficulty in voiding such extravagant powers the law did not ascribe to them in any circumstance. Even in the *Elephants' case* the court having said that judicial notice of the use of *improvised explosive devices* had been taken concluded that Court would not remain silent where there is proved brazen breach of the right of the citizen. The extravagant display and abuse of power through the instruments or apparatus of government was not condoned by the court. The level of brazen display of power that was never ascribed to any of the apparatus of government could not be justified in the face of abuse of fundamental human rights of citizens. The Court did not have difficulty in declaring such exercise of power null and void.

It ought to be pointed out that the role of law has not changed. These roles can also not change with changing times. In every expression of violence in society a fundamental right is abused. Law is a viable tool for preventing violence having the capacity to culture society through its normative prescription and threat for punishment for infraction of it. Law has the capacity to manage every situation of abuse of rights as they inhere in man. However the inability of the government especially in Nigeria today to arrest the daily onslaughts on human rights by violence and or apprehend the perpetrators have led many people --- to accuse the government of taking side.³¹ To prove otherwise the government has to step up in the protection of individual rights of the people by ensuring that every violator of fundamental human rights is brought to book and the victim is compensated.

5. Conclusion

Legal protection of human rights was upheld in South- West African cases where Justice Tanaka stated thus: A State or States are not capable of creating human rights by law or by convention; they can confirm their existence and give them protection. The role of the State is no more than declaration... Human rights have always existed with the human being. They existed independent of and before the State.³² The State has a duty, if it will not collapse or fail, to ensure that the very essence of government which is primarily the protection of lives and property is maintained. The government must strive to uphold the constitution which it swore to uphold if the essence of state and social contract will not completely collapse. So much as societal needs changes and there is increase in emergence of new crimes, it is the inability of the government to take decisive action in bringing violators of fundamental human rights to justice that has led to volume of increases in abuse and subjugation of human rights. A sudden positive step by government and its institutions in the right direction will also bring about a dramatic drop in subjugation of human rights. The effectiveness of a legal system is in upholding its tenets through enforcement.

³¹Olayinka Owoeye & D Abiola Akiyode Afolabi, *Communities and Cultures in Nigeria: Violence as an Emerging Option in Interactions and the Role of Law*; Institutional Paper presented by Faculty of Law University of Lagos: at the 51st Conference of the Nigerian Association of Law Teachers held on July 1 – 6, 2018, Nigerian Law School, Headquarters, Bwari, Abuja, p.13

³²South- West African cases (*Ethiopia v South Africa, Liberia v South Africa*, 2nd phase 1966 ICJ Rep. 6. ICGJ 158. In *Odafe & Ors. vAttorney General of the Federation* (2004) AHLR 205 the court upheld the socio-economic rights of persons to medical care.