

International Non-Governmental Organizations and Human Rights Protection in Nigeria

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Abstract

How do international non-governmental organizations (INGOs) influence human rights protection in Nigeria, and what are the challenges of INGOs in protecting human rights in Nigeria? The research was largely qualitative; data were sourced from relevant secondary sources. The study found that many INGOs often operate exclusive of national human rights agencies, and many INGOs have confined themselves to major cities. The study concluded that human rights protection remains an imperative for developing states in particular, including Nigeria. Therefore, the study recommends an improved synergy between national human rights organizations and international non-governmental organizations operating within the country. It also recommended that INGOs should extend beyond major cities and establish vivid presence and implement more projects in rural areas.

Key Words: Human Rights, International Non-Governmental Organizations, Non-Governmental Organizations, Protection

Introduction

Human rights inherent in all human beings all over the world, are considered to be inalienable and as such cannot be violated or denied for as long as the individual qualify to be human. Human rights guarantee the essence and sanctity of human life and as such represents the legal expression of life. Dada (2013) asserted that the existence of municipal and international legal instruments is enough proof of the importance of human rights. Umozirike (1986) made mention of these rights to have gained universal acceptance and are also largely inherent, inalienable and indivisible.

Mechanisms to assure the full realization of these rights have been designed at the international, regional and even domestic levels particularly through the legal framework and institutional structures acting in conformity with international human rights law. However, these set of international norms and principles require national mechanism to drive the vision for human rights universally.

The continuous proliferation of municipal and international legal instruments on human rights as earlier stated is enough evidence of the importance of human rights. This is noticeable through the activities of International Non-Governmental Organizations in ensuring the protection of these rights in Nigeria. The Universal Declaration of Human Rights, 1948 serves as the first general and widespread expression of human rights all over the world. As a result, these rights have gained universal acceptance giving us a reason to cast hope in international mechanisms to bring about significant changes.

International Non-Governmental Organizations have grown in prominence as they play increasingly important roles by presenting human rights issues of different countries on a global scale. It is noteworthy to state that the limitations of national governments through their legal mechanisms or human rights agencies has given more credence to the operation of International Non-Governmental Organizations working on various human rights concern and the means of addressing such issues.

The civil society represented by Non-Governmental Organizations has become an important factor in world governance as it increasingly influences and even shape international policy and decision-making. Although certain national agencies such as Ombudsman, National Human Rights Commission and local Non-Government

Organizations exist for human rights protection at the national level, these organizations are usually incapacitated or constrained in their mandate to safeguard against human rights violations in Nigeria. This has compelled an attention shift propelled towards the impact of International Non-Governmental Organizations. Suffice to say, it is not enough to observe the proliferation of International Non-Governmental Organizations in Nigeria instead, the influence and ability of these organizations in protecting human rights is of primary focus.

This study focused on the function of International Non-Government Organizations in protecting human rights in Nigeria, owing to the arguable high rates of human rights violations, especially by law enforcement agencies and other government institutions in the recent past. How these international entities are adapted to guarantee human rights in Nigeria formed the crux of this study. The nature, scope and activities are indicators to channel an objective conclusion as to the role played by International Non-Governmental Organizations in relation to human rights protection in Nigeria.

Theoretical Foundation

This paper has drawn extensively from the 'Human Security' framework. Human Security was institutionally invented in the international community by the United Nations Development Programme (UNDP) in its Human Development Report, 1994 where the concept was defined as:

The security of people through development not arms; through cooperation not confrontation; through peace not war...it means protection from sudden and hurtful disruptions in the pattern of daily life whether in homes, in jobs or in communities (UNDP, 1994 cited in Singh, 2014, p.4).

Moving forward, human security is a people-centred concept using a multidimensional approach. This theory is people-centred in such regard that the individual is the centre of analysis as well as the referent object. It differs from the traditional security concepts that place the State at the centre; instead it focuses on 'how free and secure are we as individuals.' Human Security connects different types of freedoms, including the freedom from want, freedom from fear and freedom to take action on one's own behalf. In order to achieve this, two general strategies are fundamental, that is; Protection and Empowerment (Singh, 2014). Protection and Empowerment are two germane factors for achieving the goal of human security as proposed by CHS which must be incorporated within the policy framework set to actualize human security.

Protection refers to the norms, processes and institutions required to shield people from threats to their survival. It refers to mechanisms for protecting people from dangers through an effort to develop norms, processes and institutions that will systematically address some of these insecurities (UNDP 1994 cited in Singh, 2014).

Human security recognizes the impact of human rights violations on human life. In this regard, this concept underscores the universality of certain rights and freedoms that are essential to human survival. Coupled with this, human security made improvements to traditional human rights approaches by a multidimensional and comprehensive approach to violation, including practical frameworks for identifying the specific rights at stake in a particular situation and considering the institutional and governance arrangement necessary to exercise and sustain them (UN Trust Fund for Human Security).

Another aspect to the understanding of human security is the multifaceted approach it introduces to situation posing insecurity and threats to human existence. In this regard, human security entails a broadened understanding of threats and includes possible causes of insecurity which could either be economic, food, health, environmental, personal, community or political insecurity. In addition to this, human security emphasizes the link between both existing threats and insecurities and the responses required for addressing them. It equally recognizes the need for comprehensive and multi-sectoral responses that bring together the agenda of guaranteeing security, development and human rights as a whole.

As a matter of fact, the intricate nature of human security across various issues such as food, health, politics, economics, environment, and so on addresses the major elements of the generations of rights that is, civil and political rights; economic, social, cultural rights; and the rights of groups. Narrowing the concept of human security down, democracy, rule of law and respect for human rights are intrinsic values that are crucial for the prevention of conflicts and for the alleviation of poverty in Nigeria. Alkire (2003) essentially stated that human rights and human security both address violence and poverty as well as ensure ‘the identification of protection and promotion of central facets of human lives from the freedom of fear and freedom of want as the main aim of both human rights and human security.’

The Commission on Human Security (CHS) highlighted protection as “strategies set up by States, international agencies, non-governmental organizations and the private sector (to) shield people from menaces” (CHS, 2003, p.4). Rothschild (1995) argues that the achievement of the human security is dependent on an improvement in international governance particularly consensus building. Human Security theory requires the development of an ‘interconnected network of multi-stakeholders’ which includes INGOs drawing from the expertise and resources of a wide range of actors such as the United Nations, private and public sectors working at the local, national, regional and international levels. The international community leverage on the establishment of INGOs as key actors in collaboration and partnership to empower individuals as well as protect them from emerging threats or insecurities (Singh, 2014). Regardless of the scope of the various INGOs, the realization of human rights should be factored into their objectives and programmatic interventions. The proliferation of INGOs in Nigeria must therefore translate into the achievement of human rights for the enhancement of human security in Nigeria.

Nature of International Non-Governmental Organizations in Nigeria

International Non-Governmental Organizations are generally private voluntary organizations whose members are individuals or associations that come together to achieve a common purpose (Mingst, 2004). INGOs operate within different territorial boundaries and equally carry out activities that have a broad international scope. The membership of INGOs is huge as the network transcends national boundaries. INGOs perform a variety of functions and humanitarian services. They are mostly involved in bringing the concern of citizens to government and international institutions, monitoring policies as well as encouraging public participation in local, national and international matters.

In understanding the role of INGOs in protecting human rights in Nigeria, the nature of these organizations must be clearly understood as it shapes the nature of their activities and overall influence in safeguarding human rights. INGOs are usually registered in accordance with national laws of the countries in which they are headquartered or operating. It is therefore imperative to first ascertain the legal requirements that must be met in order for such organization to achieve legal recognition.

In Nigeria, Companies and Allied Matters Act Cap C20, Laws of the Federation of Nigeria, 1990 guides the establishment of INGOs, within the domestic jurisdiction of Nigeria as a sovereign State. Chapter 3, Section 54 provides for the incorporation of foreign companies in Nigeria before it can be recognized as a legal entity or be allowed to operate. Section 54(1) states:

Subject to Sections 56-59 of this Decree every foreign company which before or after the commencement of this Decree was incorporated outside Nigeria, and having the intention of carrying on business in Nigeria shall take all steps necessary to obtain incorporation as a separate entity in Nigeria for that purpose, but until so incorporated, the foreign company shall not carry on business in Nigeria or exercise any of the powers of a registered company and shall not have a place of business or an address for service of documents or processes in Nigeria for any purpose other than the receipt of notices and other documents, as matter preliminary to incorporation under this Decree.

Pursuant to this Section, foreign based entities regardless of scope and objectives are required to be registered under the Nigerian law of which their existence and operations depend on. This Section also entails the fact that foreign companies operating within Nigeria are subject to Nigerian laws which cannot be violated in the course of operations. Thus, international NGOs to be domiciled in Nigeria must first be registered and incorporated into the corporate legal framework of the country.

The proposed NGO Bill for the Establishment of the NGO Regulatory Commission sponsored by Hon. Umar Baba Jubril is another initiative to define the nature of INGOs by subjecting these organizations and other Civil Society Organizations in Nigeria to the supervision, coordination and monitoring by a Regulatory Commission. Part II, Section 7 of this Bill listed the objectives of the Commission to bother on enabling and encouraging NGOs and Civil Societies to accomplish their missions according to the law as well as ensuring the transparency and accountability of the operations of NGOs and Civil Societies. Most importantly, the Commission seeks to supervise NGOs and Civil Societies to ensure that they operate according to the law. INGOs come under the scope of this Bill as it provides the function of the Commission to include facilitating and coordinating the work of all national and international NGOs operating in Nigeria as well as maintaining the register of all INGOs operating in Nigeria.

Role of International Non-Governmental Organizations in Protecting Human Rights in Nigeria

A good number of International NGOs with different scope and function operate in Nigeria. Some of which include: ActionAid International, Amnesty International, Defence for Children International, Friedrich Ebert Stiftung, International Committee of Red Cross (ICRC), Hellen Keller International, Oxfam International, Transparency International, and so on. The role of INGOs in protecting human rights in Nigeria is multifaceted. INGOs perform a wide range of functions in ensuring the optimum realization of human rights in Nigeria. INGOs have become an indispensable non-state actor employing various strategies and approaches in the quest of human rights protection in Nigeria. Dada (2013) asserted that in demonstrating the importance of human rights organizations for the implementation of human rights protection, the roles played by them involve:

-) Advocacy role
-) Investigative role
-) Research role
-) Monitoring role, and so on.

I. Advocacy Role

One of the core functions of INGOs in protecting human rights is in advocating on behalf of people on a wide range of issues. INGOs carry out campaigns, disseminate information and organize promotional events to draw attention to human rights issues. Within this context, INGOs defend the rights and fundamental freedoms of people particularly where violations by the Federal Government have occurred. Advocacy strategies involve but not limited to lobbying, information sharing, education and communication, and most often community organizing. INGOs are prominent in defending human rights in Nigeria as well as take calculated efforts in ensuring national policies and programmes conform to international human rights standards. According to Edwards and Hulme (1993), advocacy by INGOs take two forms: attempts to influence global level processes, structures and ideologies, and attempts to influence specific policies, programmes or projects which is mostly the common form adopted by many human rights based INGOs and they do this through intensive media attention.

II. Investigative Roles

Dada (2013) explains this role to entail conducting inquiry in order to expose human rights abuses for possible remedial action. Investigation is an essential aspect of human rights protection often bequeathed to INGOs because of their independent and non-governmental status. INGOs are important agents of investigating human rights abuses as they are likely to look into cases surrounding violations without being bias by collecting evidences while working hand in hand with both local and international bodies for effectiveness. Oxfam

International and Amnesty International are organizations that investigate cases of social injustice, repression, violations of fundamental rights as well as violations of civil and political rights, respectively.

III. Monitoring Roles

This role cuts across monitoring compliance with agreements reached internationally by States. INGOs with broad human rights objectives are actively involved in ensuring treaties signed by governments are ratified and domesticated. Failure to uphold certain norms and principles of human rights as stated in these treaties or failure to make provisions for them within her laws may not count as a breach or violation since the provisions are not binding on her.

As at today, Nigeria is yet to ratify the following international treaties:

- a) Optional Protocol to the Convention on the Rights of the Child (CRC) on the involvement of the child in armed conflict.
- b) Optional Protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution and child pornography.
- c) Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) concerning abolition of death penalty.

In respect of the above, INGOs operating in Nigeria monitor Nigeria's status in ratifying international human rights agreements; compliance and how far these agreements have been incorporated in the body of our legal system and policy framework. In the same vein, agreements made by Nigerian government in international forum such as UN General Assembly, periodic meeting of Human Rights Committee in Geneva are monitored to ensure proper implementation as a way to guarantee human rights protection.

IV. Research Roles

INGOs undertake intensive and extensive research into human rights issues to provide information and materials on a wide range of issues revolving around protection mechanisms and recent developments. Information gathered in the course of research result into policy formulation. Data generated from organizations like Amnesty International, Human Rights Watch have become reliable sources of information on human rights, particularly periodic reviews, annual reports and country index.

International Non-Governmental Organizations and National Human Rights Agencies

The protection of human rights in Nigeria through the machinery of INGOs is relatively impossible without a consolidated effort from national human rights agencies. These national agencies are said to understand the terrain of the country where human rights violations are concerned and have considerable level of influence within Nigeria because they have the ability to relate with the actual Nigerian reality.

In Nigeria, certain human rights agencies exist as created by the government to ensure the protection of human rights at every level. Some of these agencies include National Human Rights Commission (NHRC), Public Complaints Commission (Ombudsman), Legal Aid Council, etc.

I. National Human Rights Commission (NHRC)

The NHRC is a nationally recognized body as the major protector of human rights in the Country. The National Human Rights Commission (Establishment) Act, Cap N46, LFN 1995 (as amended) was established in line with Resolution 48/134 of the UN General Assembly which mandated all member states to establish an independent national institution for the promotion, protection and enforcement of human rights. The Commission has a complaints mechanism accessible to every Nigerian citizen whose rights have been violated. Some of the functions and powers of the Commission as contained in the constitution include the following:

- a) Monitoring and investigating all alleged cases of human rights violations in Nigeria.
- b) Assisting victims of human rights violations seek appropriate redress and remedies on their behalf.

- c) Publishing periodical reports on the state of human rights protection in Nigeria.
- d) Organize local and international seminars, workshops and conferences on human rights issues for public enlightenment.
- e) Liaise and cooperate with local and international organizations on human rights for the purpose of advancing the promotion and protection of human rights.

NHRC currently works with UN agencies such as United Nations Development Programmes (UNDP), United Nations High Commission for Refugees (UNHRC), and international NGOs such as Ford Foundation, Amnesty International and the Network of African Human Rights Institutions.

II. Public Complaints Commission (Ombudsman)

Ombudsman was established by the Federal Government to entertain complaints of injustice, corruption, unfair treatment and abuse of office by public office holders from citizens and members of the public. The Commission was established by the Public Complaints Commission Act, Cap P37, LFN 2004 as a national agency to investigate cases of social injustice, proffer recommendations and also take corrective actions.

The Commission by law is empowered to:

- a) Entertain grievances and complaints of citizens against public servants.
- b) Investigate such cases of corruption, bribery and nepotism or favouritism against public servants.
- c) Ensure the arrest and prosecution of public officers who infringe upon the rights of the citizens.
- d) Help redress the abuses suffered by citizens in the hands of public servants.

The Ombudsman has investigation-based statutory powers which enable it to carry out investigation on both public and private entities particularly on account of administrative injustices. To this end, Ombudsman relate with both local and foreign NGOs in order to achieve her core objectives as a pro-rights national agency. Ombudsman has a fertile relationship with Cleen Foundation, United Nations Office on Drugs and Crimes (UNODC).

Moving forward, INGOs and national human rights agencies cooperate and relate on a host of issues. Some of the major points of cooperation or areas of relationship between INGOs and national human rights agencies include:

- a) Capacity building
- b) Research and information gathering
- c) Awareness and human rights education
- d) Investigation, etc.

INGOs are involved in the capacity building assistance to national human rights agencies by providing skills and technical development required to further their human rights protection mandate. A typical example is the training provided by the UNODC for members of staff of the Ombudsman on security issues. INGOs equally liaise on and support workshops, conferences and symposiums organized by national agencies to better improve their work in protecting for human rights across Nigeria. Closely related to this, INGOs and national human rights agencies cooperate in terms of investigation. They work closely together as well as provide assistance in the course of carrying out investigations relating to manifested or potential abuses.

Another important medium of partnership is in the area of research and information gathering. Both INGOs and national human rights agencies embark on intensive research and rely on each other's information gathered. Data sharing has become a critical point of collaboration for instance, the Amnesty International Periodic Review, and Human Rights Watch Index and Annual Reports are reliable data sources readily made available to NHRC and other national human rights organizations. By extension, it is a core function of human rights-based organizations whether non-governmental or governmental, local or international to embark on proper campaign on human rights issues.

Limitations of International Non-Governmental Organizations in Nigeria's Human Rights Protection

INGOs are limited by various factors in the course of preserving human rights in Nigeria. Some of these limitations include: government intervention, funding and resources, language barrier, spread or the proliferation of the organization, socio-cultural practices, and partnership, among many other things.

First, the activities of INGOs are subject to control measures put in place by the government as an attempt to censor information disseminated by these organizations. Again, INGOs carry out wide range of activities and perform various functions to ensure the protection of human rights in Nigeria some of which are cost and resource intensive. Lack of funds and essential resources constrains INGOs from carrying out operations. INGOs particularly require adequate manpower and funds to carry out research, publicity and investigation such that inadequate of financial and non-financial could limit the extent to which these activities are executed.

Prominent INGOs in Nigeria are located within the Federal Capital Territory with little or no representation in other parts of the country leaving a significant amount of the population out of the reach by these organizations due to the geographical expanse of the country. Moreover, there is inadequate information about the existence of some of these organizations particularly in rural and under-served communities. An average Nigerian living in a remote area is relatively unlikely to know about the existence of these INGOs hindering the ability of such person to know about available services to seek redress through these organizations.

A major factor limiting the ability of INGOs to protect human rights in Nigeria is contained in the fact that some manifestations of human rights violations are expressed in socio-cultural practices of people across different tribes. It is seemingly difficult to convince people otherwise so far it forms a major part of their culture and age-long tradition. Typical examples are female genital mutilation, child marriage, widowhood practices embedded in the popular beliefs of the people. The ignorance to the effects of some of these practices enables their continuity regardless of the several mechanisms adopted by INGOs. Closely related to socio-cultural factor is the issue of language barrier which may pose a challenge in a multi-ethnic country like Nigeria where a human rights activist or researcher may not understand the native language of the various places infested with various degrees of human rights violations. This makes information gathering and communication relatively difficult.

Conclusion

International and local Non-governmental organizations have also continued to collaborate with international organizations and receive considerable funding to promote human rights protection among other human security variables. Unfortunately, in developing societies in Africa, and especially in Nigeria, international NGOs have experienced numerous challenges in their role of promoting human rights protection. The following recommendations may further ensure protection of the rights of individuals within African states generally and Nigeria in particular.

Information about human rights should be facilitated through holistic education and awareness particularly targeted at people residing in rural communities. Also, education on basic rights should be incorporated in the national primary and secondary education curriculum to foster understanding of human rights by children. Also, international non-governmental organizations operating in Nigeria should develop strong and viable partnership so as to facilitate joint efforts on issues of human rights that require close attention particularly civil and political rights. This will promote consolidated efforts in advocating for complex issues. International Non-Governmental Organizations should equally improve synergy with national agencies and relevant governmental agencies to ensure a better regime of human rights in law and practice in Nigeria. Last, but not the least, international non-governmental organizations should spread beyond the Federal Capital Territory and major cities in Nigeria to other parts of Nigeria with networks, especially in the rural areas where human rights abuses are prevalent.

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