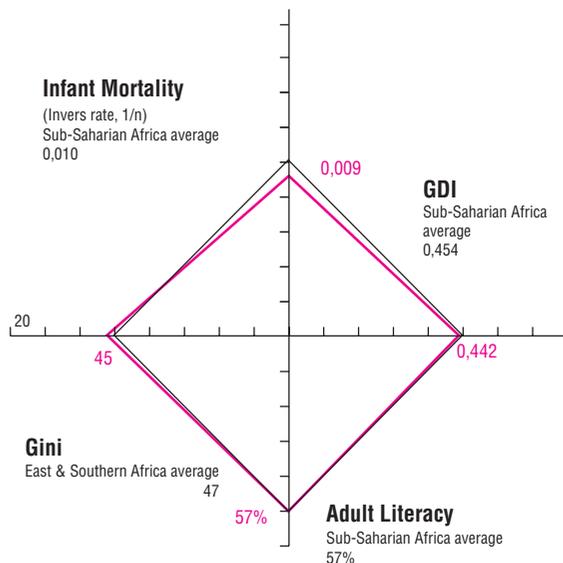


N I G E R I A

R E P O R T

•RAY ONYEGU

13TH AMONG THE POOREST



The Equity Diamond: National values in terracotta compared to regional ones in blue.
 Source: **Infant mortality:** UNICEF, *The State of the World's Children, 1998*; **Adult literacy:** UNICEF, *The State of the World's Children, 1998*; **GDI** (Gender Development index): UNDP, *Human Development Report 1998*; **GINI:** World Bank, *World Development indicators 1998*. (The regional average for this indicator was calculated by *Social Watch*).

Nigeria has been under dictatorial military rule for 29 of the 39 years since the country achieved independence from Britain. Military rule has had far-reaching consequences for the social, economic and cultural life of its people. Despite the country's rich natural resources, Nigeria ranks the 13th poorest nation in the world. There is a widening gap between the rate of population growth

and the falling rate of food production. Nigeria has moved from a food exporter to a net importer. There is a high level of economic mismanagement, corruption, runaway inflation and rapid devaluation of the Naira.

In 1998, the UN Committee on Economic, Social and Cultural Rights (CESCR) came to the following «Concluding Observations»¹ on the state of economic, social and cultural rights in Nigeria:

- «The enjoyment of economic, social and cultural rights in Nigeria is being hindered by the absence of the rule of law, the existence (...) of military governments, the suspension of the Constitution in favour of ruling by decrees, and the concomitant resort to intimidation and negative effects that widespread corruption has on the functioning of government institutions.
- «The Nigerian people are deprived of the necessary judicial protection of their human rights since the judiciary is being undermined by 'ouster clauses' attached to many military decrees as well as by the military government's refusal to implement the judiciary's decisions.»
- «The Committee is concerned about the high percentage of unemployment and underemployment among Nigerian workers, particularly among agricultural workers, due to neglect of the agricultural sector. This has led to massive migrations in search of work by agricultural workers into the cities, where they live in poverty and degrading conditions.
- «The Committee expresses its concern that women suffer discrimination in their work places, particularly in access to employment, in promotion to higher positions and in equal pay for work of equal value.»

¹ In 1998, the CESCR and the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) reviewed Nigeria's implementation of the two treaties they represent. Nigeria's report to the CESCR was received as E/1990/5/Add.31. The «Concluding Observations» resulted from an examination of this report and a «Constructive Dialogue» with the Nigerian delegation and reports of various UN agencies, national (Shelter Rights Initiative also submitted a Parallel Report) and international NGOs.

- «*The Committee notes that many girl children resort to prostitution to feed themselves. The rate of school dropouts at the primary school age is over 20%, twelve million children are estimated to hold one job or another.* For those who go to school, up to 80 or more are crammed in dilapidated classrooms meant originally to take only a maximum of 40. They are the first to suffer the result of broken marriages. Nigerian law does not provide equal treatment to children born in wedlock and those born out of wedlock. Most alarming is the widespread problem of children suffering from malnutrition. Almost 30% of Nigerian children suffer malnutrition and its damaging consequences. According to UNICEF, all available evidence shows that hunger and malnutrition are prevalent in Nigeria.
- «The Committee regrets the fact that the Government's social and health allocations have consistently diminished up until 1998 and that the authorities have re-introduced primary school fees in certain states, and have imposed hospital charges where they did not exist before.

HOUSING AND HEALTH

Many Nigerians are homeless. Forced evictions are prevalent and widespread. There is an acute shortage of houses and decent housing is scarce and relatively expensive. The urban poor, especially women and children, are forced to live in makeshift cheap shelters in appalling conditions. **According to UNDP's 1998 Human Development Report, safe piped water is available to about 50% of urban dwellers but only 30% of rural inhabitants.** That is to say, only 39% of Nigeria's population has access to adequate supply of clean drinking water.

On November 26th 1999, Mr. Bede Anthonio, General Manager of the Lagos State Development and Property Corporation, announced that the State government would demolish houses in Ajegunle, a slum settlement of about three million people in a Lagos suburb. Ajegunle people organised a public press conference and public protest against the planned demolition. They have briefed lawyers from Shelter Rights Initiative to challenge the government's plan in court.

With respect to health, according to CESC, gross under-funding and inadequate management of health services led, during the last decade, to rapid deterioration of health infrastructure in hospitals. The 1996 budget's capital allocation to health and social services was 1.7 billion Naira, (approx. USD 17.5 million) only 3.5% of total capital allocations to federal ministries. Frequently, hospital patients not only have had to buy drugs but also had to supply needles, syringes and suture threads, in addition to paying for bed space. As a result many Nigerian doctors have chosen to migrate abroad.

In the 1999 federal budget, the combined allocation of resources to education and health is far less than the statutory allocation to defence in peace time.

THE LAW STILL PERMITS WIVES TO BE BEATEN AND RAPED

Nigeria ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1985, but no effective measures are in place to fulfil legal obligations under the Convention. Nigeria has a dualist system for ratification of treaties: before becoming judicially enforceable, treaties must be approved by two-thirds majorities of all members of the National Assembly and the Houses of Assembly of all the states of the federation. In the meantime, women are still marginalised and discriminated against in virtually all spheres of social, economic, cultural, civil and political rights.

Although the Constitution guarantees equal rights for men and women, many provisions in other operating laws still discriminate against women. The Penal Code in Section 55, *eg.*, still permits wives to be beaten, while Section 357 of the Criminal Code permits a husband to rape his wife. Discriminatory customary and religious laws and practices are still perpetuated and upheld by the courts. These vary from place to place and include polygyny, wife beating, female genital mutilation, child marriages and male-only rights to land. This is despite provisions (in Section 14 of the Evidence Act) stating that laws repugnant to natural justice, equity and good conscience are to be declared null and void.

Even where the law does not discriminate, women still face discrimination from agents and institutions of the state. Frequently, banks and other financial institutions often refuse to give women credit without a male guarantor.

THE FISCAL REGIME

The military government's formula for allocating crude oil revenues generates poverty. The 1995–1999 budgets are clear examples of imposed fiscal unitarism: the unified command structure of past military governments is used to centralise national revenue and other resources, giving the central government an undue share of national revenue. Currently, as retained in the 1999 federal constitution, the central government takes 48.5% of revenues, the states share 24% among themselves, and local governments get 20%. The remaining 7.5% goes to a Special Fund of the federal government itself.

Local and state governments, which carry most responsibilities, have little to work with. States cannot pay teachers the minimum wage of 3,000 Naira (USD 31), but the Federal Government has resources to embark upon troubleshooting adventures in Liberia, Sierra-Leone and Guinea-Bissau in the name of peacekeeping operations.

According to Professor Onimode, Deputy Vice Chancellor of the University of Ibadan, fiscal unitarism has serious negative implications for national development: «These include the visible and persistent under funding of the states which undermines their capacity to discharge their statutory functions, *eg*, with respect to the payment of minimum wages, pensions, teachers' salaries, provisions of water and health care services, *etc*. In the process the economies of most states are stunted and this has been making balanced regional development impossible. Conversely, the relative over funding of the federal government has been encouraging resource waste and pervasive corruption as federal officials in Abuja, the federal capital, have to implement projects in far flung parts of Nigeria.»

TOWARDS A NEW BEGINNING

After 16 years of uninterrupted military rule, Nigeria transitioned to a democracy on May 29th 1999. So far, not much impact has been felt, but there is hope for a new beginning.

- Shelter Rights Initiative is a Nigerian NGO dedicated to the promotion of due process and basic standards in economic, social and cultural rights and having observer status with the African Commission on Human and Peoples' Rights.
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