

2.AGENDA 2030/SDG 16's Key Performance Indicators and Targets - Measuring the Nigerian Scorecards

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Abstract

The SDGs were formulated in 2015 by the United Nations General Assembly (UNGA) where Seventeen Agenda for Sustainable Development Goals were drawn with specific targets for each goal. This is popularly called SDG GOALS or Agenda 2030. The seventeen goals are interlinked and not completely independent of one another. The main aim of the SDGs is to create a better living condition for the present generation inhabiting the world without compromising the rights of the later generation. All the countries/member states of the United Nations are urged to work towards attaining the set goals using the targeted indicators as benchmarks. Nigeria as a country is committed to the letters and spirits of the SDGs, as a result, it has integrated the goals into its several domestic programmes. Apart from directly integrating the goals Nigeria like other members of the United Nations is expected to run a governance that will reflect all the goals of Agenda 2030. Various giant strides have been made in the same direction by Nigeria though with little success. The crux of this paper is to discuss how far Nigeria has reflected Goal No. 16 of SDG. This paper establishes the nexus between Goal 16, its key performance indicators the principle of constitutionalism, the rule of law, and other ingredients of modern democratic good governance. It is found that all the ingredients of good governance and constitutionalism principles are like the SDG 16 targets; therefore, efforts towards achieving one ultimately lead to the success in the other. Benchmarking the Nigerian legal structures and their dynamism and socio-economic and political situations vis a vis the SDG 16, the paper concludes that the country's performance is abysmally poor. The same position is confirmed based on the extant statistical data and empirical evidence within the context of the discussion of the subject matter. The paper notes that Nigeria has the capabilities and potential to realise the lofty SDG Goal 16 but this will require being faithfully committed to the ideal of constitutionalism, good governance, and the rule of law promised in its constitutional and legal order. The paper recommends strong political will, mobilisation of available resources and credible leadership and manpower for the implementation of the relevant legal framework, policy interventions, initiatives and advocacy that could drive the zeal to achieve the ultimate goals of SDG 16.

Keywords: Sustainable Development Goals, SDG 16, Constitutionalism, Rule of Law, Good Governance

Introduction

In a couple of days from now particularly on the 25th day of September 2023, the world will be marking the eight years of the adoption of the Agenda 2030. By the said date, it will remain just seven years to reach the targeted year 2030 which year is to mark the actualisation of the sustainable development goals otherwise known as SDP. The world represented by 189 countries came together and set 17 Sustainable Development Goals (SDGs) and 169 targets for themselves to work towards and accomplish by the 15th of September 2030. The idea behind the SDGs is to bring about a comprehensive 'plan of action for people, planet and prosperity'. The 17 Sustainable Development Goals call for action by all countries to transform our world in a way that promotes economic growth, while at the same time addressing a range of social needs, such as health, education and social protection, as well as environmental protection and climate change.

Many scholars in the fields of Science, Law, Humanities and Arts have defined Sustainable Development Goals (SDG) in many ways according to their perspectives. However, the best fitting definition of Sustainable development is that of development that meets our present needs without compromising the ability of future generations to meet their own needs. It comprises various components which include economic development, social development and environmental protection. It is pertinent to note that all 17 goals have a collective goal focus which is to ensure that our world becomes a better place to live for the present and future generation generations.

Mainstreaming SDGs into Nigerian Governance

Immediately after the adoption of SDGs which is an unfinished business of MDG 2015, the Nigerian government has manifested its commitment to the implementation of SDG goals in various ways. The three organs of government are all keyed into means of mainstreaming sustainable development goals in Nigeria. At the head of the executive is the President. During the time of President Muhammadu Buhari, he handed over the power to President Bola Ahmed Tinubu on the 29th of May 2023, it is significant to note that he created the Office of the Senior Special Adviser to the President on SDGs. This office is directly under the Presidency. This greatly underscores the importance and significance of the SDGs in the Nigerian governance structure. The federal government similarly took cognisance of SDGs in the government planning and budgeting to make it easy for implementation of the SDGs programmes and policies to be carried out. The government has the mandate to ensure that all its developmental activities are directly for the benefit of the citizens and that they must be carried out in line with the framework of the sustainable development goals.

In the implementation process, the necessary stakeholders are involved to give support to the Nigerian government. These include the United Nations Office in Nigeria and the United Nations Development Programme (UNDP). Both offices have been giving necessary technical support to the Nigerian government in its bid to implement policies. According to the Special Adviser to the President on SDGs, since the historic adoption of the 2030 Agenda for Sustainable Development Goals by Nigeria, the government has continued to demonstrate commitment to the overall implementation of the SDGs, including the timely establishment of institutional frameworks to ensure effective implementation of the Global Goals.

On the 7th of June 2021, the office of the Senior Special Assistant to the President on Sustainable Development Goals (OSSAP-SDGs) launched the *Nigeria Sustainable Development Goals Implementation Plan 2020-2030*. All 36 States and Federal Capital Territory were invited to Abuja for a workshop on Advocacy and Capacity Building on SDGs Mainstreaming. Speaking at the occasion, the Special Assistant to the President on Sustainable Development Goals revealed thus:

In the last five years, we have worked closely with the United Nations Development System and our development partners to strengthen SDGs implementation capacity at all levels of governance in Nigeria. Such strategic partnerships and support demonstrate our collective commitment to the transformative promise of the 2030 Agenda ... “Indeed, this engagement is a conscious attempt at supporting the state governments to prioritise and mainstream the SDGs into their medium and long-term development policies and plans.

While analysing the depth of the integration of SDGs in Nigeria the learned author Ignatious Agueze revealed a few things about the mechanism introduced by the Nigerian Federal Government towards the implementation of SDGs. He observed as follows:

There is the Senate Committee on SDGs which provides oversight functions for SDGs while the Federal House of Representatives Committee on SDGs provide appropriation for SDGs. There is also an inter-ministerial Committee on the SDGs. There is a private sector advisory group and a civil society strategy group on SDGs. The Federal Government worked together with the state

governments through their SDGs Desk Officers. These are the people who implement the SDGs in their different states and local government areas.

Nigeria's 2020 Voluntary National Review (VNR) on Sustainable Development goals showed that there have been great efforts made at accomplishing SDGs. The country outlined the institutional dimensions for creating an enabling policy environment for the implementation of the SDGs through its Economic and Recovery Growth Plan (ERGP) (2017-2020). The ERGP's focus on economic, social and environmental dimensions of development makes it consistent with the aspirations of the SDGs. The report featured the efforts being made regarding Education and the key challenges confronting the country. Issues relating to health and other important sectors of the economy are discussed in the report. The report stated that there was alignment of national planning to SDGs and efforts being made towards the domestication process of the SDGs in Nigeria.

GOAL 16 of Sustainable Development Goals and Nigeria

This paper centres on GOAL 16 (hereinafter referred to as SDG 16 in this write-up) which is about promoting peaceful and inclusive societies, providing access to justice for all and building effective, accountable and inclusive institutions at all levels. Goal 16 aims at ensuring that people everywhere should be free of fear from all forms of violence and feel safe as they go about their lives whatever their ethnicity, faith or sexual orientation. SDG 16 is basically on the entrenchment of Peace, Justice and Strong Institutions in a country therefore to achieve this goal would require meeting up with certain targets prescribed by the SDG itself. These targets are prescribed by the United Nations for each of the goals. SDG 16 targets include the following:

Absence of violence, Rule of law, Access to Justice, Reducing Corruption and Bribery, Inclusive Governance, Legal identity including birth registration, Combat Terrorism and Crime, Accountability and Transparency, freedom of Information and non-discriminatory laws.

Ignatius Nnamdi Ague, "An Appraisal of the Implementation of Sustainable Development Goals 2030 in Nigeria" Department of Sociology and Psychology Godfrey Okoye University, Enugu. Journal of social sciences, Enugu University for Science and Tech, Vol 6 Issue 2 2021.p212.

[The Sustainable Development Goals Report 2023](https://www.un.org/sustainabledevelopment/peace-justice/). Available online at <https://www.un.org/sustainabledevelopment/peace-justice/> accessed 5th August 2023.

The significance of SDG 16 cannot be overemphasised. Some scholars have expressed the opinion that SDG 16 is an enabler of other goals. I completely align myself with this opinion because attaining all SDG 16 targets and meeting up with all its indicators would no doubt require practising the ideal of democracy, good governance, respect for the rule of law and protection of the human rights of citizens which are the goal of every modern democratic government. Against the above background therefore, this paper submits that upholding the ideal of SDG 16 would necessitate legal intervention in terms of promulgation of enabling laws, adherence to the principle of constitutionalism, rule of law, policy guidelines, strategic planning and strong advocacy. As a result, there is a causal link between the law and developmental changes envisaged by SDG 16. No doubt, the law being an instrument of social engineering has a tremendous role to play in effecting the desired change.

Constitutionalism and SDG 16 – Nigeria Position

A quick review of the political history in Nigeria reveals that from the time of independence, the writers of the constitution in their wisdom have subscribed to the spirit of constitutionalism, ideals and objectives of good governance like the intent of Goal 16. In other words, all the indicators of SDGs are similar if not the same as the indices of constitutionalism, rule of law and good governance which are the foundations of Nigerian democratic governance. This can be deduced from the following Nigerian constitutional and legal order.

First, the preamble to the 1999 Constitution categorically affirms as follows:

We the people of the Federal Republic of Nigeria, Having firmly and solemnly resolve, to live in unity and harmony as one indivisible and indissoluble sovereign nation under God, dedicated to the promotion of inter-African solidarity, world peace, international cooperation and understanding And to provide for a Constitution for the purpose of promoting the good government and welfare of all persons in our country, on the principles of freedom, equality and justice, and for the purpose of consolidating the unity of our people.

In line with the above declaration in the preamble, the Nigerian constitution further guarantees in section 14 (1) that:

The Federal Republic of Nigeria shall be a State based on the principles of democracy and social justice. Sub-section (2) further declares that: (b) security and welfare of the people shall be the primary purpose of government: and (c) the participation by the people in their government shall be ensured in accordance with the provisions of this Constitution.

While the above constitutional provisions affirm the absence of conflict, peace, justice, egalitarianism, security

Underlined words for emphasis pointing to the Targets of SDG 16. The targets are also referred to as Key Performance Indicators.

and inclusiveness, section 16 of the constitution among other things further guarantees to control the national economy in such manner as to secure the maximum welfare, freedom and happiness of every citizen based on social justice and equality of status etc, It promises to promote a planned and balanced economic development; that suitable and *adequate shelter, food*, reasonable national minimum living wage, old age care and pensions, and unemployment, sick benefits and welfare of the disabled *etc*. Section 17 guarantees easy access to courts of law. equality of rights, obligations and opportunities before the law; the sanctity of the human person is recognised, and human dignity shall be maintained and enhanced *etc*.

Thus, Access to justice, Non-discrimination, socio-economic development, and reduction of poverty, among others are similarly guaranteed and promised by the Nigerian constitution being the highest law of the land. All these laudable constitutional provisions and many others scattered in Chapter 2 and Chapter 4 of the Nigerian constitution are in tandem with the aspirations of Goal 16 however there is a challenge of implementation as will be considered *infra* in this discussion.

Having established the nexus between Goal 16 key performance indicators (otherwise called targets) and the Nigerian constitutional and legal order, this paper shall endeavour to assess the success or failure rate of Nigeria in it strives to achieve all the targets highlighted above to determine how far or near Nigeria is to the ultimate SDG 16.

Principle of Rule of Law and SDG 16

We have shown that the Nigerian constitution in its various provisions has encapsulated all the ideals and targets of SDG 16. Another strong indicator for meeting the targets of SDG 16 is for any country to adhere strictly to the principle of the rule of law. The definition of the rule of law in both conceptual and theoretical analysis as in the case of most legal phenomena can be very knotty, complex and intricate, The United Nations Secretary-General defined the rule of law as a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. The rule of law is both a legal concept and a political construct. It is about how societies are organized and how power is exercised. Peace, stability, human rights and effective governance, based on the rule of law, are central to the realization of Sustainable Development Goals.

The rule of law has also been defined as “the mechanism, process, institution, practice, or norm that supports

This is affirming the Goal 16 ideal of social justice, peace and inclusiveness.

The constitution further provides that the State shall promote a planned and balanced economic development; that suitable and adequate shelter, food, reasonable national minimum living wage, old age care and pensions, and unemployment, sick benefits and welfare of the disabled *etc*.

the equality of all citizens before the law, secures a non-arbitrary form of government, and more generally prevents the arbitrary use of power. The rule of law being a

constitutional concept remains the cornerstone of governance in any given polity. It means that everything must be done according to the law. This implies that both the government and the government must always justify their actions in law. Government business should be done to avoid dictatorial tendencies because if discretionary powers are allowed, those in government would use such to the detriment of the less privileged members of the society.

The major challenge here is that without an independent judiciary with incorruptible judges, the rule of law cannot be sustained. By the demands of the rule of law, the government and its officials are duty-bound to respect and obey the law in all its actions. This means every government must endeavour to minimize arbitrariness in its policies and use of power.

Unfortunately, in Nigeria, executives have always been flouting the rule of law with brazen recklessness. Most times, they assume the garb of dictatorship and turn the rule of law to the rule of man by following their interest. Established norms and rules are jettisoned and give way to the whims and caprices of individuals who are in public offices. In some cases, the Nigerian Judiciary has strived to uphold the rule of law by overturning those actions that are found contravening the position of the law and global best practices. What is more amazing is that Nigerian governments both at the central or state level deliberately disobey the order of the court at will. A few examples are given below:

Some Prominent Cases on the Operation of the Rule of Law

In the case of *A.G. Federation v. G.O.K. Ajayi*, the respondent was at the airport when he was ambushed by the officers of the State Security Service (SSS). They pounced on him and forcefully demanded his passport and seized same. The Respondent approached the court and the High Court, awarded the sum of Two Million Naira damages against the Government. The SSS went on appeal and the Court of Appeal had this to say:

“... even in the animal kingdom, there is still some decorum; there is still some decency. Strong and wild animals will not pounce on another animal the way the S.S.S. men did to the cross-appellant like an Indian rubber ball will pounce on the floor. Such brazen recklessness that went with the seizure of the plaintiff's passport at the time it happened, I would like to believe, would not be displayed in the thick

The Rule of Law as used in this context is in its simplistic form and meaning. Jurists may argue whether rule of law is people-centered or state centred, whether the rule of law is “thin” or “thick”, Whether is about form or function, due process or substantive justice. Going into all these will derail us from the focus of the paper.

See the publication on United Nations and the Rule of Law, Source - Digital Library.

The Rule of Law was formulated by Dicey (1939) has three basic interpretations:

- a) There is the absolute supremacy of regular laws as opposed to the influence of arbitrary power.
- b) The rule of law clearly means that no man, irrespective of his social or official position, is above the law. Everyone is duty-bound to obey the same law.
- c) The rule of law holds that the legal rights of the subjects are secured and guaranteed in all ramifications. And these rights are to be protected and enforceable by law.

Choi, Naomi. "Rule of Law". *Encyclopedia Britannica*, 13 Jul. 2023 Available online at <https://www.britannica.com/topic/rule-of-law> accessed 16 August 2023

Obinna Mbanugo, “Human Rights and Duties in Nigeria, The Rule of Law,” *Unizik Law Journal* Vol. 15, 2019 p12.

jungle. I only hope that such characters who revel in the brazen display of executive lawlessness will never rear their heads in this country again

In another case of *A. G. Bendel State v. Aideyan*, the government acquired the plaintiff's building. This led to the plaintiff suing the state government. The court held that the right to property in Nigeria is entrenched under Section 40. The Supreme Court of Nigeria concluded that "the plaintiff's right is inviolable and such property, or any right attendant thereto can only be taken possession of or compulsorily acquired by or under the provisions of a law.

In *Governor of Lagos State v. Ojukwu* where the Military Governor of Lagos State disobeyed the court order, the Supreme Court held in favour of Ojukwu inter alia, that "*it is a very serious matter for anyone to flout a positive order of a court and proceed to insult the court further by seeking a remedy in a higher court while still in contempt.*"

Similarly, in the case of *Nigerian Army v. Mowarin Ubaezeonu* Justice of the Court of Appeal said:

An order of Court must be obeyed even if such an order is perverse, until such a time that the order is set aside by a competent court ...a flagrant flouting of an order of the court by the executive is an invitation to anarchy

In *Okogie v. A. G. Lagos State* the defendant in this case, that is, the Lagos State Government abolished private ownership of primary schools by issuing a government circular dated 26th March 1980, by which no private primary school will be allowed to operate in the State with effect from 1st September 1980. The plaintiff contended that the Government's action was in breach of the right to freedom of expression and press under the Constitution. The Court per Agoro J. held that the Lagos State Government had no power under the relevant laws to abolish private ownership of primary schools in Lagos. That the right of the plaintiff to own and operate schools under the Constitution must be protected.

The memorable case of *Shugaba v. Minister of Internal Affairs* centred on the order of the Executive to deport Mr Shugaba, a Nigerian citizen from Nigeria on the unfounded allegation that he was not a Nigerian, the Court held this to be a flagrant disrespect to the rule of law. The court further declared that the rule of law ensures equality of all persons without any distinction, that it also guarantees transparency and incorruptibility and must be preferred.

Ifedayo Akomolede & Bosede Akomolede, "Good Governance, Rule of Law and Constitutionalism in Nigeria" 1 Eur. J. of Bus. & Soc. Sci. 79 (2012).
 (1989) All NLR 663.
 (1986) 1 NWLR (Pt. 18), p. 622.
 (1992) 4 NWLR (Pt. 235), p. 345.
 (1992) 4 NWLR (Pt. 235), p. 345.
 Okogie v. A. G. Lagos State (1981) 1 NCLR, p. 218.
 Ibid.

One of the incidences depicting the height of infraction and disrespect for the rule of law occurred in the President Buhari era during the change of currency. The Supreme Court had ruled on a suit filed by the government of Kaduna, Kogi and Zamfara states against the Central Bank of Nigeria (CBN) and the Federal government that the old naira notes should be allowed in circulation along with the new notes until December 31, 2023, adding that the federal government's naira redesign policy contravened the 1999 Constitution. The President and the Governor of the Central Bank did not obey this order with immediate effect. Justice Emmanuel Agim of the Supreme Court remarked that:

The rule of law upon which our democratic governance is founded becomes illusory if the President of the country or any authority or person refuses to obey the orders of courts. The disobedience of orders of courts by the President in a constitutional democracy as ours is a sign of the failure of the constitution and that democratic governance has become a mere pretension and is now replaced by autocracy or dictatorship.

As rightly observed by Israel Ojoko in his article despite the Supreme Court ruling, for many days, all the bank directors, CEOs of companies, industries, wholesalers, retailers, markets and other Nigerians refused to abide by the judgement as all were waiting for the pronouncement of permission from either the President Buhari or Godwin Emefiele. This is a sad development in the country as the citizens did respect the dictatorial and discretionary power of the executives more than the order of even the apex court in Nigeria. It wasn't until the President cleared the air on the acceptability of the old currency that the Nigerians started to accept it.

Above are a few of uncountable situations in which the rule of law was brazenly flouted by the government.

Transparency, Accountability and Reduction of Poverty

According to the United Nations Development Programme (UNDP 2002) 'good governance' is about striving for the rule of law, transparency, equity, effectiveness/efficiency, accountability, and strategic vision in the exercise of political, economic, and administrative authority. Transparency and accountability are 'two interrelated and complementary concepts' both of which are indispensable to any governance system. Transparency as one of the indices of good governance means openness in governance, where the ruled can trust the rulers and be able to predict the rulers to some extent. Transparent governance could be said to exist when the ruled have a very clear idea of what their government is doing. Put differently, transparent governance provides a forum whereby fiscal (monetary) operations and activities of government are reported to the public with absolute sincerity. Accountability, on the other hand, means 'responsibility' and 'answerability', where public officers are expected to perform their constitutional duties for the benefit of all the citizenry freely without discrimination. Accountability is also about holding public officers accountable for their actions and inactions either while in the office or after leaving the office. And maintaining honesty and probity in governmental businesses.

. Are Nigerian leaders or the Government Accountable?

The challenge faced by Nigeria concerning transparency and accountability of the leaders is enormous. According to Adegami and Uche, most of the political leaders in Nigeria could best be described as political merchants. This is because; they see politics as a business deal that brings forth huge profits. Nigeria's political leaders do not believe in service to the people; instead, they are self-serving as they serve

themselves more than the governed, hence always playing politics of wealth acquisition. They strive to own fat bank accounts in Nigeria as well

as in foreign accounts across the world. This type of politics thus, becomes the bane of Nigeria's efforts at development.

Lack of Good Governance in Nigeria - Weak Institutions

The former United Nations Secretary-General Kofi Annan sees 'good governance' as 'the single most important factor in eradicating poverty and promoting development' To Annan, a lack of good governance will continue to promote underdevelopment and hunger. It is through good governance that the impact of governmental activities can be felt, particularly around economic growth and development. The laxity in governance has also culminated in declining industries. Lack of good governance, infrastructural deficit and collapsed socio-amenities have led to the crumbling of many businesses and industries that have folded up. A few decades back in Nigeria there were, big companies and manufacturing industries of various kinds such as Peugeot Automobile Nigeria; Volkswagen Nigeria; Dunlop Nigeria Limited; Michelin Nigeria; BATA; Lennard; Kingsway; A.G. Leventis; and Phillip Nigeria, Sanyo, Singers and many others. Due to the bad economy and poor governance, they had left the shores of Nigeria for better places.

In a similar vein, industries such as Steel Rolling Mill, Osogbo; Steel Rolling Mill, Ajaokuta; Arewa Textile Mill, and Nigerian Airways are no longer functioning and no hope of revamping them. Developmental projects are not being pursued and, in a few cases, where contracts are awarded, they are inflated and abandoned halfway to completion. There are no clear-cut benefitting economic policies, Nigerian currency falls daily against international currencies of exchange, gross unemployment and high cost of living, decayed infrastructures and declining welfare and social facilities. This is the Nigerian pitiable situation with no hope in sight. Thus, public institutions that are expected to be strong become perpetually weak and moribund.

Non-Inclusiveness in Governance and Bad Leadership

A quick review of Nigerian political history reveals that since Nigeria's independence, the country has been ruled by the same set of rulers under military rule and civilian rule. President Olusegun Obasanjo was the 5th president of Nigeria in 1976 under military rule and the 12th president in 1999. Yar Adua was the vice President during the Obasanjo regime in the military, he was the fifth civilian President. Goodluck Jonathan rose from deputy Governor to Governor, to Vice President

Israel Ojoko, *Of CBN and the Weakness of the Rule of Law*, The Cable News, March 15th 2023.
Adegbami, Adeleke and Adepoju Banji, AFRREV VOL. 11 (4), S/NO 48, September, 2017 p146.
Ibid, p 147.

See generally, Adegbami, A. & Uche, C. I. N. (2016). Despotism versus Good Governance: Challenges of Administration of Nigeria's Fourth Republic. *Journal of Developing Areas*, Vol. 50, Issue 4, pp. 195-210. (Annan, cited in UN 1998).

and finally became the President. Likewise, Muhammadu Buhari was the 7th president in 1983 under military rule and the 15th president in 2015. Bola Ahmed Tinubu was the civilian Governor of Lagos State for eight years, but he did not leave the control of the state till he eventually became the President of the Federal Republic of Nigeria. While submitting the list of his cabinet to the Parliament, names of former governors and ministers were featured. It will be premature to talk much on this since the Parliament is yet to screen all of them, nevertheless, are we saying there are no new persons who could hold these positions?

The Nigerian leadership structure is nothing but a recycling. From Chairman of Local Government to Commissioners and Special Advisers, House of Assembly members to House of Representatives or Senate, Chief of Staff to Governor, Governor to Senate or Minister. As far as recyclable, Nigerian politicians and leaders will not leave the scene until death does them part. There have been very few new politicians elected to office even where they appear to be new entrants, they must have been sponsored by the sit-tight godfathers. All these show that it is difficult to penetrate the leadership of Nigeria unless you belong to them or are sponsored by them. I quite agree with Charles Omole in his assertion that the entry into electoral politics in Nigeria has been made so difficult that only those approved by the political elites are elected. Where then is inclusiveness targeted by SDG 16?

Reducing Corruption and Bribery - is this true of Nigeria?

SDG 16 envisages a system of polity where corruption will be reduced to the barest minimum and bribery and other forms of illegal gratification shall be greatly curtailed. Corruption is the bane of Nigeria. It has affected all facets of life, and no sector is left unaffected by the corruption and its effects. It causes untold hardship for the citizens and results in brain drain and capital flight as professionals leave the country and investors are discouraged. Corruption in all its forms is divisive, debilitating and extremely dangerous. Corruption is what has brought Nigeria to the brink of war and division.

The situation becomes most unfortunate and pathetic. There is a general breakdown of infrastructure and civic institutions, which in turn undermines a broad range of rights. Educational and health sectors become worst affected as both institutions collapse due to inadequate equipment and lack of basic amenities. The corruption in the leadership of the country

reigns supreme. The entrusted authorities use the instrumentality of the power and their position for private gain and selfish ends. They enthrone all forms of corrupt practices including bribery, embezzlement, fraud, extortion, favouritism, and nepotism. There is an army of unemployed highly educated persons and some other skilled persons. The leaders' insatiable quests for illicit wealth inevitably led to their inordinate desire to perpetually hold on to power. Consequently, political instability, socioeconomic crisis and poverty emerge because of the mismanagement of the country's natural resources. According to its (2020 index), Nigeria ranks 149th out of 180 countries on corruption. Yet it is supposedly committed to the ideal and spirit of SDG.

Insecurity and Conflicts

The central idea or mantra of SDG 16 is peace and no violence. This is not the case with Nigeria, a country that has experienced more terrorist attacks than any other country in West Africa. Nigeria is bedevilled with insecurity which includes terrorism, kidnapping, banditry and ethnic militia. Boko haram is the main terrorist organisation in Nigeria. It has wreaked a lot of havoc causing the death of thousands of people and rendering

Charles Omole, How to Keep Politicians Accountable and Also Legally Change a Government, <https://charlesomole.org/how-to-keep-politicians-accountable-legally-change-a-government-a-possible-strategy-for-Nigeria/> (last visited Dec 30, 2021).

thousands homeless and internally displaced. It is generally acknowledged that terrorism is the use of violence and intimidation to achieve certain goals. The goals may be political, ideological, cultural and religious among others. The action of the terrorists always targets civilians and facilities or systems on which civilians rely. Many of the Chibok girls who were victims of terrorist attacks are still in captivity to date. Many public places have been bombed, an uncountable number of civilians have lost their lives and thousands have been displaced. Nigeria has witnessed uncountable incidents of bomb blasts and random killings.

Concerning ethnic militia, the position of Nigeria is not better. Nigeria is made up of about 250 ethnic groups.⁷ Each of the ethnic groups is identified with peculiarity and cultural differences and idiosyncrasies, as a result, they live together with mutual suspicion, and prominent ones are on each other's throats. The country does not enjoy cooperation due to ethnic rivalry and fear of domination of one ethnic group by the other. Everything is patterned along ethnicity and tribal sentiments. There have always been incessant wars and violence and threat to peace by many militias like the Boko Haram sect, the movement for the

Emancipation of Niger Delta (MEND) the Ijaw Youth Congress (IYC); Various non-state actors Egbesu Boys; Oodua People's Congress (OPC); the Arewa Consultative Forum (ACF); the Movement for the Actualization of the Sovereign State of Biafra (MASSOB) and others. The actions and inactions of these groups have contributed immensely to the increasing cases of internally displaced persons in Nigeria.

As at the time SDG was adopted in 2017 the statistical data gathered concerning the number of victims of insurgency reveals that about 66,087 of the IDPs were displaced by natural disasters while 915,329 were affected by the insurgency in the northeastern part of Nigeria. It was further noted that there were 20 IDP camps across the northern part of the country. There seems to be no end to all these crises in the country as the law enforcement agents are overwhelmed by the various groups causing chaos in the country.

Access To Justice in Nigeria

Goal 16 advocates access to justice as one of its key performance indicators. Nigeria has one of the most robust and sophisticated judicial institutions in Africa. Our statute books are full of protectable guaranteed rights. The procedure for enforcing these rights through a standardized and developed judicial system is not in doubt however, in Nigeria, there is still much to be desired in terms of the individual citizen's access to justice. Most of the rights guaranteed in our constitutions and other statutes only exist on paper because of the inability to access justice. Many factors are responsible for this but the most pervasive is the issue of poverty. The delay in accessing justice is another factor since cases last several years and decades to complete. Orimobi aptly captured the situation when he posited that there can be no actual guarantee of the right to life where people do not have the right to food, shelter, health and education. Neither will the right to dignity of the human person in section 34 of the 1999 Constitution make any meaning in the face of acute unemployment as citizens would be unable to live any dignified life without jobs.

F.A.R. Adeleke. Leadership, Good governance and Human Rights Issues in Nigeria, Chapter 24 of the Book 'Legal Prisms – Direction In Nigerian Law And Practice' Published by Faculty of Law, Usmanu Dan Fodiyo University of Sokoto March, (2012) pp.340 – 361.

Transparency International, Corruption Perception Index 2020. Available at: <https://www.transparency.org/en/cpi/2020/index/nga>. Accessed on 15/06/2021 at 10:26am.

Transparency International, Corruption Perception Index 2020. Available at : <https://www.transparency.org/en/cpi/2020/>

The role poverty plays in the enforcement of citizens' rights is very paramount. Litigants can only approach courts to enforce their rights with the aid of lawyers and filing of processes, all of which ultimately require money. The cost of litigation is a potent factor inhibiting citizens

from seeking judicial redress. A poor man finds it difficult or unaffordable to fight for judicial redress of his rights. As was noted by Krishna Iyer in his article “Law versus Justice”:

The scales of justice are inevitably weighed in favour of the richest people, who can afford the best lawyers and advice, whereas the person of average income may be excluded from his rights unless he is so irresponsible as to gamble, since there is always a risk that even a small claim might escalate to the House of Lords, wafted on a legal nicety which may be interesting but could result in bankruptcy for him and his family.

Most Nigerians live in abject poverty and where their rights are infringed upon, they cannot seek redress because of the cost of litigation. Julius Ihonvbere rightly pointed out that human rights mean very little within a context of mass poverty, unemployment, illiteracy, hunger, marginalization, and the general lack of basic human needs. Therefore, as long as poverty continues to reign supreme in the everyday life of an average Nigerian, the will, determination and all efforts to fight for judicial redress of his infringed rights remain elusive and unrealizable.

Ineffective and Inefficient Judiciary --- A Pitiably Weak Institution

While Nigeria is expected to work towards strong institutions in line with the mandate of SDG 16, It is very unfortunate that the judicial institution that is supposed to be among the strongest in the country is now laden with a lot of challenges. To say that Nigeria's judiciary is ineffective and inefficient is nothing but the obvious. Myriads of factors may be responsible for this weak institution details of which may derail from the focus of this paper. Nevertheless, Nigeria's judicial system does not uphold the rule of law. The public has lost confidence in the judiciary due to the lack of integrity of those personnel manning the courts. One important factor that may ensure the effectiveness of the judiciary is the payment of adequate remuneration, wages and allowances to judges. Related to this is the provision of adequate infrastructural facilities

[index/nga](#). Accessed on 15/06/2021 at 10:26am.

Good governance and Human Rights Issues in Nigeria, Chapter 24 of the Book 'Legal Prisms – Direction In Nigerian Law And Practice' Published by Faculty of Law, Usmanu Dan Fodiyo University of Sokoto March, (2012) pp.340 – 361.

1 Krishna Iyer, “Law versus Justice,” Deep & Deep, New Delhi, (1981) p. 81).

Julius Ihonvbere, “Underdevelopment and Human Rights Violations in Africa” in Shepherd & Anikpo (eds), *Emerging Human Rights*, New York: Greenwood Press, p 64.

F.A.R. Adeleke, note 33 above.

with which judges would work. Thus, the judiciary must be well-funded. It has been observed that an underfunded judiciary will be handicapped in performing its role.

In the words of a Nigerian Supreme Court Justice, Pius Olayiwola Aderemi “...*a judiciary that is not independent – a judiciary that goes cap in hand to beg for money to run its affairs can never and should never be expected to discharge its sacred duty of dispensing justice in the ideal way it should.*”

A poorly funded judiciary may not be free from political influence and cannot be pro-active. In some states, the salary of a Senior Magistrate is less than the take-home pay of a newly employed bank worker. In all the thirty-six states in Nigeria, the National Judicial Council determines the salary of judges while each state decides on allowances. Only a few states do remunerate their judges and Magistrates very well in terms of allowances. It is however unfortunate that members of the magistrates in most states including Lagos State are poorly remunerated. In Lagos state, for instance, many magistrates get paid as low as N150,000 per month. A chief magistrate takes home less than N300,000.00 at the end of the month. The highest-paid Chief Magistrate Admin earns less than N450,000 (take home) a month and such a person in most cases had been on the bench for not less than 15 or 20 years aside from the period of his practice as a legal practitioner.

Nigerian Judiciary lacks integrity, and the citizens do not repose confidence in them because they do not adhere to the truth, soundness, uprightness and purity. According to Saulawa, JCA., in the Nigerian case of *Salvador v. INEC & Ors.*,

... There is no doubt that public confidence in the independence of the courts, in the integrity of Judges that man such courts, and in the impartiality and efficiency of the administration of justice, play a great role in sustaining the judicial system of a nation.

This is not the kind of judiciary envisaged by the spirit and intent of SDG 16.

The Introduction of Plea Bargaining in Nigerian Courts depicts the basis of Inequality in the polity. The system of plea bargaining has been used to resolve high-profile criminal cases which involved the stealing of large sums of public money a fraction of which the defendants are only made to return. Most prominent and high-ranked public officers opt for plea bargaining to escape being punished for their corrupt activities There is no equality before the court in terms of the application of laws to punish the offenders in our courts. Cases decided by the Nigerian judiciary through plea bargaining give the impression that plea bargaining is a means by which the rich

Justice Pius Olayiwola Aderemi, “The Role of a Judge in the Administration of Justice in Nigeria” in J. A. Yakubu, (ed.), *Administration of Justice in Nigeria: Essays in Honour of Hon. Justice Muhammed Lawal Uwais*, (Lagos, Nigeria, Malthouse Press Limited, 2000), pp.79-100, at 81.

See, Taiwo Osipitan, “Safeguarding Judicial Independence Under the 1999 Constitution”, in Yemi Akinseye-George and Gbolahan Gbadamosi, (eds.), *The Pursuit of Justice and Development: Essay in Honour of Hon. Justice M. Omotayo Onalaja* (Lagos, Nigeria, Diamond Publications Ltd., June 2004), pp. 10-31, at 14.

[2012] 7 NWLR (pt. 1300), p. 417.

who stole the lifeblood of the poor are made to return part of it and are then let off the hook. For instance, Dieprieye Alamiesiegha, former Governor of Bayelsa State was convicted of stealing public assets worth over \$100 million and got away with imprisonment for two years and an order of asset forfeiture for only those assets that were traced. Lucky Igbinedion, former Governor of Edo State, was given a fine of less than \$20,000 on conviction also for theft of public assets and breach of public trust. Many others in this category need not be captured in this write-up in order not to derail. Suffice to say that the idea of plea bargaining in high-profile cases involving politicians is a “legalised judicial compromise and travesty of justice” Where then are the principles of equality and egalitarianism, justice and equality in the SDG 16?

Violence And Kidnapping

Prominent among the Key Performance indicators of SDG 16 are Combating Crime and the Absence of Violence. Every member state must ensure there is peace in their country. However, Nigeria has not succeeded in achieving this feat. Kidnapping has become an uncontrollable epidemic in Nigeria. It was first known as one of the rare crimes embedded in society but has in recent times metamorphosed into a high-profile criminal act. It was brought into limelight and assumed prominence during the insurgency of the militant groups in the Niger Delta. During that time the foreigners who worked in oil companies were being held captive to protest the degradation caused by the activities of those oil companies to the land of the natives. At present, across the entire Nigeria, the virus of kidnapping is no respecter of any person, irrespective of whatever tribe such a person belongs, his social class, or religious affiliation, therefore victims of kidnapping include the rich, the poor, persons of average personalities, male or female, young or old provided such a person has a relative who could be blackmailed into coughing out money as a ransom. The crime parades victims from the entire spectrum of the country ranging from top political appointees and their spouses to civil servants, Academics, students, Businessperson, journalists, etc. In most cases, women captives are subjected to sexual abuse and rape. phenomenon of Kidnapping in Nigeria has reached a proportion where nobody living in any part of Nigeria can be said to be free or safe from being kidnapped. All major cities in Nigeria have become unsafe.

Factors that have been linked to the increase in kidnapping cases in Nigeria include the distressed economic situation in the country, the high unemployment rate among the youths, and an inefficient and corrupt police force that is ill-equipped to fight the crime. It is said that the widening gap between the rich and the poor which keeps on increasing by the day has led to the average youth having difficulties in securing legitimate means of earning a living. As a result, they have taken up kidnapping as a profession since they see it as a money-generating tool. It is therefore a fact that the phenomenon of kidnapping is inextricably linked with the effect of

See Oluseyi Olayanju, “The Relevance of Plea bargaining in the Administration of justice system in Nigeria”. LASU Law Journal. Vol. VIII. Nos. 2 & 3. Dec 2011/ Jan 2012.

Tafa Balogun, former Inspector-General of Police, a lawyer, stole assets worth over \$130 million and was sentenced, on conviction to imprisonment for a mere six months. And Mrs Cecilia Ibru, Chief Executive Officer of Oceanic Bank, was convicted of stealing assets worth over \$2billion and was sentenced to six months imprisonment, a term that was mostly served in one of the best hospitals in the country.

bad governance in Nigeria which should be seen as a major challenge. Without tackling violence, kidnapping and other similar insecurity, there can never be peace rather, the only guarantee will be that those whose insecurity claims their lives will be wished to Rest in Peace.

Conclusion

SDG 16 and its Targets -- How Far or Near Is Nigeria to the Promised Land?

Having discussed most of the indices of good governance which this paper submits are the same as the key performance indicators of SDG16, the paper has shown that Nigeria has not met all that is required. The achievement may not be a total or absolute failure but in ascertaining the actual position of the country as to how far or near it is to the promised land it will be necessary to infuse this discussion with statistical reality and figures. To this end, the following statistics may further inform our conclusion.

- With regards to the state of insecurity, it has been revealed that the non-State Actors in Nigeria have killed 4, 545 people, while the number of the persons kidnapped is 4,611 in 2022.
- Concerning Poverty, a staggering figure of malnourished children is put at nearly 6 million children aged 0-59 months
- According to the 2022 multi-dimensional poverty index Survey, 63% of persons within Nigeria (13 million people) are multidimensionally poor.
- The National MPI is 0.257% indicating that poor people in Nigeria experience just one-quarter of all possible derivation
- The Overall annual GDP growth rate in 2022 stood at 3.10% from 3.40% reported in 2021. An obvious decline is recorded.
- The unemployment rate for 2022 was 5.76%,
- Data on access to Justice reveals that the figure of unjustly treated people in Nigeria is 140 million people
- 3,167 inmates across the custodial centers in Nigeria are on death row, 51,178 inmates are awaiting trial out of which 50, 955 are males, 1223 are females
- According to the Independent Corrupt Practices and Other Related Offences Commission, the Nigerian judicial sector is currently on top of the Nigeria Corruption Index between 2018 and 2020.
- The extant data on bribery shows that about N9,457,650,000 was offered and paid as bribes by lawyers to judges.
- Unemployment statistics show that Youth unemployment is 42 % while underemployment is 21%.

The then Chairman of the Academic Staff Union of Universities, ASUU, Delta State, Dr. Emmanuel Mordi told vanguard that the lecturers were particularly disturbed, as educators are not millionaires, but the gunmen keep attacking them.

The country has lost count of the number of expatriates who had fallen victims, the academic community has not been spared as several lecturers had fallen victims, artisans, average income earners etc, have not been spared.

Source - Nigeria IPC Malnutrition Analysis Report (May 2022- April 2023).

(Source NBS) 2022.

Source -NBS).2022.

(Vanguard. Com 2022).

Spokesperson of Nigerian Correctional Services, Mr Abubakar Umar made this known at media parley on December 15th 2022 in Abuja,

- The 2022 report on the performance of Nigeria published in 2023 about SDGs generally revealed that Nigerian achievement is just less than 14%, its limited progress is 51% and its worsening condition is 35.8%.

Finally, without mincing words, it is our submission that Nigeria has terribly failed to meet the above responsibilities arising from SDG 16 and has also failed to reflect all the indices of a country promoting the principle of constitutionalism, rule of law and good governance. Since good governance is the goal of SDG 16 one cannot conclude otherwise that the country has not met with the expected outcome.

Nevertheless, the country has enough potential to realise and achieve SDG 16 first, it requires strong political will, mobilisation of available resources and manpower for the implementation of the relevant legal framework, policy interventions, initiatives and advocacy that could drive the zeal to achieve the ultimate goals.

Second, it is one thing to join the world in carrying out the assignment of SDGs, it is more important that the country is being led by a leader having the interest and political will to drive the impetus towards the achievement of the set objectives. Only a credible good and responsible leader can do this. It is therefore imperative that Nigeria takes up the issue of leadership as a challenge. The role of leadership needs to be clearly understood, appropriate modalities of nurturing and appointing dynamic leadership must be developed, and critical is the need to foster accountability and transparency in the exercise of leadership functions. A major challenge is to transcend the notion of leadership from being a personalised preoccupation to the building of a culture of leadership being an institution. Unless these are realised, there can be no political will to drive the concept of good governance which will in turn be a positive way of accomplishing the set targets of SDG 16 and other SDGs.

Dr. Salim Ahmed Salim, former OAU Secretary General, “*Africa Faces Peace, Leadership and Governance Challenges*” Africa News Service, July 2, 2002.