

JUSTIFYING THE NEED FOR THE JUSTICIABILITY OF SOCIO-ECONOMIC RIGHTS IN NIGERIA

By

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Abstract

The germane nature of socio-economic rights is one that has always been overlooked in legal discourse. The socio-economic rights are vital due to its tie to human dignity and the role it plays in maintaining the social wellbeing of the people. However, such rights form non-justiciable rights within Chapter II of the Nigerian Constitution, which render them legally non-enforceable through the courts in Nigeria. Such a restriction undermines the functional realization of socio-economic rights and institutionalizes poverty at a systemic level. This paper set out the rationale of the necessity for socio-economic rights to be justiciable in Nigeria by clearly drawing the nexus between socio-economic rights and the justiciable civil and political rights such as right to dignity of human person as well as right to life, amongst other things. The article noted the ramification of judicial enforcement in advancing development and providing Nigeria's constitutional guarantees. The paper clearly illustrated that the issue of the non-justiciability of socioeconomic rights in Nigeria stems from section 6 (6) (c) of the Nigerian Constitution, upon which the courts were constrained but to declare socioeconomic rights non-justiciable in Nigeria. On this basis, the paper recommended constitutional amendment and judicial activism as an imperative means of transforming socio-economic rights into binding legal rights for all in Nigeria.

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1. Introduction

The constitutional order in Nigeria is based on a discriminatory model of human rights, one that privileges civil and political rights ahead of socio-economic rights in the context of non-justiciable directive principles of state policy.¹ Such a constitutional order has subverted the advancement of human dignity in the abstract and reinforced structural inequalities. The Nigerian Constitution, in which the socioeconomic rights are placed in Chapter II as directive principles and retained only reserved justiciable fundamental rights in Chapter IV,² is a quintessential example of the anomalous divide. It constructs an artificial hierarchy that is opposite to the universality and indivisibility of human rights accepted by international law.

The justiciability of the socio-economic rights in Nigeria has accumulated significantly in the past decades as the country experiences overall poverty, substandard health centers, illiteracy, and housing shortages that affect millions of its people.³ These have turned out to be the shortcomings of a constitutional system that is treating socioeconomic rights as things hoped for rather than exercisable rights. The constitutional guarantees of social justice and human dignity are undermined by the lack of justiciable status of such rights and by denying marginalized peoples a legal redress in the event the state fails to fulfill its obligations towards necessities of life.⁴

This paper attempts to make a strong case for constitutional and legal reform so as to accord full justiciable status to socio-economic

¹ Obiajulu Nnamuchi, 'Justiciability of Socioeconomic Rights in Nigeria and its Critics: Does International Law Provide any Guidance?' (2022) 19 *The Age of Human Rights Journal* 137.

² Constitution of the Federal Republic of Nigeria, 1999 (as amended).

³ Anthony Dornubari Enwin, 'Social Wealth and Quality of Life in Nigeria: Benchmarking Against Global Best Practices' (2025) 6(2) *International Journal of Research Publication and Reviews* 2590.

⁴ *ibid*; Colleen Sheppard, 'Bread and Roses': Economic Justice and Constitutional Rights' (2015) 5(1) *Oñati Socio-legal Series* 225.

rights under Nigerian law. Its main purpose is to demonstrate that Nigeria's existing non-justiciable approach to the said rights is operationally incompatible with the rule of law and with the attainment of human dignity. It also aims to expose the flaws in the current constitutional arrangement and propose the remedies that would remedy the flaws.

2. Human Rights and Socio-Economic Rights in Nigeria

Human rights are those privileges and entitlements which are in civil, political, social, economic or other forms that are immutable to humans, and which the state through its government have given recognition and are keen and eager to enforce.⁵ These are rights that acknowledge the innate worth of all individuals irrespective of any qualifications.⁶ They involve integrity, communal respect, fairness, and civility.⁷ All individuals are entitled to human rights.⁸ These human rights exist to protect people from suffering, oppression, and abuse.⁹ Human rights also involve justice, ethics and dignity.¹⁰ Due to the essence of human rights, they are divided into social and economic rights, civil and political rights and collective-developmental rights.¹¹ Protection by law is the lifeline and beauty

⁵ Iheanyi Anyamele, *Recent Trends in Fundamental Rights Applications in Nigeria* (Panache International Publications 2010) 4.

⁶ 'What are human rights?' (Australian Human Rights Commission, 18 March 2013) <<https://humanrights.gov.au/about/what-are-human-rights>> 14 May 2025.

⁷ 'What are human rights?' (Australian Human Rights Commission, 18 March 2013) <<https://humanrights.gov.au/about/what-are-human-rights>> 14 May 2025.

⁸ Burns H. Weston, 'Human Rights' (*Britannica*)

<https://www.britannica.com/topic/human-rights> accessed 14 May 2025.

⁹ *ibid.*

¹⁰ Henry Campbell Black, *Black's Law Dictionary* (6 edn. St. Paul, Minn. West Publishing Co. 1990) 1323.

¹¹ '3 Generations of Human Rights' (Raptim, 21 November 2018)

<<https://www.raptim.org/3-generations-of-human-rights/>> accessed 14 May 2025.

of human rights all over the world.¹² Human rights ensure that no one is subject to any form of misuse of powers without room for redress.¹³ The weight of human rights is so much that it holds the fabric of society together with the aim of maintaining law and order.¹⁴

Every country has a stipulation mandating the government to take care of the welfare of its citizens which form obligations owed by the government to the citizens, and which become rights or entitlement to be gotten by the citizens from the government.¹⁵ A major point of link between human rights with poverty and development is in the part of economic development needed to enable an individual provide for his or her welfare.¹⁶ In terms of development, health is another aspect that is faced with recognition-dilemma as to whether it is a human right and has been faced with constant neglect by some governments.¹⁷ It has been posited that linking poverty and development is simply an academic exercise, but over time its recognition continues to gain more light.¹⁸ Overtime, the push for the recognition and enforcement of the right to development and legal empowerment of the poor have been

¹² 'Definitions and Classifications' (Icelandic Human Rights Centre) <<https://www.humanrights.is/en/human-rights-education-project/human-rights-concepts-ideas-and-fora/part-i-the-concept-of-human-rights/definitions-and-classifications>> accessed 14 May 2025.

¹³ 'Definitions and Classifications' (Icelandic Human Rights Centre)

¹⁴ Poppy Livingstone, 'Human Rights Essay' (Hemper Human Rights Education Foundation, 14 December 2017) <<https://khref.org/human-rights-essay/>> accessed 14 May 2025.

¹⁵ Arjun Senguta, 'Human Rights and Extreme Poverty' (2010) 45(17) *Economic and Political Weekly* 87.

¹⁶ Stephen P Marks, 'Human Rights in Development: Claims and Controversies' (2010) 33(1) *Bangladesh Institute of Development Studies* 3.

¹⁷ Therese Murphy, 'Health and Human Rights' Past Patinating Law's Contribution' (2019) 21(2) *Health and Human Rights* 205.

¹⁸ Emma Mawdsley, 'Human Rights and South-South Development Cooperation: Reflections on the "Rising Powers" as International Development Actors' (2014) 36(3) *Human Rights Quarterly* 630.

made.¹⁹ The recognition and enforcement of this right will significantly eradicate poverty in a country.²⁰

Regarding socioeconomic rights, they are the second generation of human rights which exist to elevate the social and economic lives of citizens in every country. They were streamlined so that every citizen would have access to the economic and social resources in a country. It is not enough to protect the citizens from being physically harmed in the state but the citizens should be protected against the state usurping the commonwealth of the people for private use instead of public use. These are so important that they have international protection and recognition as seen under the International Covenant on Economic, Social and Cultural rights, African charter, etc. Such are those claims that are attributed to the security of the least provision of life necessities to every person such that the sustained survival of human beings will definitely be threatened in their absence.²¹ An instance is the right to food. Imagine a situation where an individual barely affords one meal per day and sometimes none at all, life usually becomes unbearable for such a person. This sometimes breeds suicidal thoughts in the mind of such individual while many others turn to a life of crime in order to stay alive.

In the Nigerian Constitution, it has provisions which the government are to adhere to in order to generally improve the welfare of the citizens. This is seen under section 16 of the Constitution termed the economic objectives.²² Section 16 (1) and (2) jointly provide that Nigeria shall utilize the country's resources to establish a stable and buoyant economy, regulate the economy in such a way that will

¹⁹ Bard A. Andreassen, 'The Right to Development and Legal Empowerment of the Poor' (2010) 33(1) *The Bangladesh Development Studies* 311.

²⁰ *ibid.*

²¹ CD Ogbe, *Enforcement of Fundamental Rights in Nigerian Courts* (Chudanog Publishers Limited 2014) 4.

²² Constitution of the Federal Republic of Nigeria, 1999 (as amended).

benefit the welfare of all citizens equally,²³ play a lead role in regulating major sectors of the economy,²⁴ make policies to maintain a stable economic development and expunge any form of wealth concentration on few individuals in the country,²⁵ and provide sufficient housing, food, sufficient work pay, pension payment and welfare of disabled people.²⁶ Irrespective of these clear provisions, the economic situation and welfare of citizens maintain a backward drop. With the provisions of section 16 (economic objectives) of the Constitution,²⁷ it is clear that the socioeconomic rights flow from this section. It is unfortunate that the present dire situation would be the case in Nigeria. The economic objectives remain unfulfilled due to corruption and bad leadership.²⁸ The failure of the government to fulfill these objectives is seen in the periodic economic crisis that Nigeria faces.²⁹ In the name of harnessing the resources of under country provided under section 16, Nigeria Delta has been a top spot by the Federal due to oil reserve there and the fact that Oil is the major source of revenue for the country.³⁰ Irrespective of the fact that Niger Delta has a major sources of the country's income, people living there continue to wallop in poverty.³¹

Unfortunately, the economic objectives fall under chapter two of the constitution which has been declared non-justiciable in Nigeria.³² Irrespective of section 13 which compels the governmental arms to

²³ Constitution of the Federal Republic of Nigeria, 1999 (as amended).

²⁴ *ibid.*

²⁵ *ibid.*

²⁶ *ibid.*

²⁷ *ibid.*

²⁸ Ajagbe Toriola Oyewo, 'The Nigeria 1999 Economic Policy and Objective: An Unfulfilled Mission of Expectation' (2014) (3) AGORA International Journal of Juridical Sciences 33.

²⁹ *ibid.* 36.

³⁰ *ibid.* 38.

³¹ *ibid.* 39.

³² Fatai Omotosho, 'Fundamental Objectives and Directive Principles of State Policy of Nigeria' (2019) 40 Journal of Philosophy, Culture and Religion 16.

upholds provisions of chapter two, section 6 (6) (c) has been upheld severally by the courts stating that the government has no legal right obligation under the provisions to fulfil chapter two of the constitution.³³

3. Socio-Economic Rights and the Right to Human Dignity

The right to human dignity is the central point of all human rights with no exception.³⁴ Human rights belong to all human beings for the reason that we have value, which is the recognition of that dignity in people.³⁵ Article one of the Universal Declaration of Human Rights provides that every individual is ‘...born free and equal in dignity and rights’.³⁶ The essence of this right to dignity has been affirmed by various legal instruments.³⁷ The significance of human dignity is evident in the right being embedded into the United Nations’ charter and the Universal Declaration of Human Rights.³⁸ It has been said that socioeconomic rights are clear specifications of human dignity and in order to realize the human dignity, people need access to essential social and economic resources.³⁹

The nexus between socioeconomic rights and the right to human dignity began due to the struggle of the poor or less privileged being recognized as human beings with value, and who lack the social and

³³ Fatai Omotosho, ‘Fundamental Objectives and Directive Principles of State Policy of Nigeria’ (2019) 40 *Journal of Philosophy, Culture and Religion* 17.

³⁴ Yinka Olomajobi, *Human Rights and Civil Liberties in Nigeria* (Princeton & Associate Publishing Co Ltd 2016) 47.

³⁵ Yinka Olomajobi, *Human Rights and Civil Liberties in Nigeria* (Princeton & Associate Publishing Co Ltd 2016) 47.

³⁶ Universal Declaration on Human Rights (Adopted by General Assembly Resolution 217 A (III) 10th December 1948).

³⁷ Mashele Rapatsa, ‘Human Dignity as a Foundational Norm in the Understanding of Human Rights’ (2015) 12(2) *Bangladesh e-Journal of Sociology* 42.

³⁸ Salvador Santino F Regilme and Elif Nisa Polat, ‘Right to Economic Dignity’, *The Palgrave Encyclopedia of Global Security Studies* (Living edn, 2019) <https://link.springer.com/referenceworkentry/10.1007%2F978-3-319-74336-3_326-1#howtocite> 16 May 2025.

³⁹ *ibid.*

economic resources to actualize the value.⁴⁰ The rate at which the poor are neglected and treated with contempt in the society deprives them of their right to dignity. Noting this and the fact that the absence of socioeconomic rights makes matters worse, countries like South Africa have taken the bold step of legalizing the aforementioned rights through their constitution.⁴¹ This is a line of action many countries have failed to take. Socio-economic rights help guarantee the right to human dignity for persons who are unable to provide the basic necessities for themselves.⁴² The link between human dignity and socioeconomic rights is made due to the reality we live in, a reality where only those with financial resources or high societal status are granted apex respect as against those that are in grave want.⁴³ Though the need for socioeconomic rights cannot be overemphasized, human dignity ensures the respect of every individual irrespective of social or economic/financial status.⁴⁴

4. The Need for the Justiciability for Socio-Economic Rights in Nigeria

Having described what socioeconomic rights are, justiciability will be discussed first. Justiciability is gotten from the word justiciable which means apt for court evaluation.⁴⁵ Justiciability can be said to mean an instance where a court can exercise its judicial powers over a case. It refers to matters that are suitable for court deliberation.⁴⁶ All courts get their justiciability from the law as no court has the

⁴⁰ Izabela Bratiloveanu, 'Human Dignity and Socio-Economic Rights' (2013) 4 AGORA International Journal of Juridical Sciences 1.

⁴¹ Evadne Grant, 'Human Dignity and Socio-Economic Rights' (2012) 33 Liverpool Law Review 235.

⁴² Inga T Winkler and Claudia Mahler, 'Interpreting the Right to a Dignified Minimum Existence: A New Era in German Socio-Economic Rights Jurisprudence?' (2013) 13(2) Human Rights Law Review 390.

⁴³ Livia Ivascu, 'Human Dignity – An Economic Approach' (2016) 1(1) International Journal of Multidisciplinary Research 46.

⁴⁴ *ibid* 44.

⁴⁵ Henry Campbell Black, *Black's Law Dictionary* (6 edn. St. Paul, Minn. West Publishing Co. 1990) 865.

⁴⁶ Johnathon D Varat, 'Justiciability' (*Encyclopedia*, 16 August 2020) <<https://www.encyclopedia.com/politics/encyclopedias-almanacs-transcripts-and-maps/justiciability>> accessed 16 May 2025.

power to confer justiciability unilaterally. It brings up the issue of jurisdiction. The assumption here is that once a case is justiciable, that court automatically has jurisdiction to decide on that case. Jurisdiction simply means the power granted to the court either by the constitution or the enabling statute to entertain and make decisions on different issues.⁴⁷

In as much as the socioeconomic rights which are likened to chapter 2 of the constitution are non-justiciable, their importance in enhancing the living conditions of the citizens cannot be softened.⁴⁸ It should be made known that some arguments have been made supporting the non-justiciability of these rights and they are that the Nigerian constitution does not expressly contain socioeconomic rights as they are merely inferred from it, the rights are not rights' strictosensu but are merely a guide for governmental policies, and the rights are too ambiguous to confer responsibility owed by the government to the people.⁴⁹

This work regards the above reasons as simply excuses as to why the rights should not be enforced. There are many reasons why the socioeconomic right should be justiciable in Nigeria:

One of them is the connection they have to civil and political rights. These social and economic rights have a direct connection or link with the civil and political rights.⁵⁰ For instance, the right to life is connected to the right to suitable standard of living together with

⁴⁷ Henry Campbell Black, *Black's Law Dictionary* (6 edn. St. Paul, Minn. West Publishing Co. 1990) 853.

⁴⁸ LO Nwauzi, 'How Fundamental are the Fundamental Objectives and Directive Principles Under Chapter II of the Constitution of Nigeria 1999' (2017) 3(3) *Donnish Journal of Law and Conflict Resolution* 33.

⁴⁹ IyabodeOgunniran, 'Enforceability of socio-economic rights: Seeing Nigeria through the eyes of other jurisdictions' (2010) 1 *Nnamdi Azikiwe University Journal of International Law and Jurisprudence*.

⁵⁰ Nwauzi Linus, 'Justiciability of Fundamental Objectives and Directive Principles of State Policy: Under the 1999 Nigerian Constitution' (2017) 3(5) *International Journal of Law* 31

housing, food, and clothing.⁵¹ The basic necessities of life are food, clothing and shelter which are meant to be provided by the government in addition to others.⁵² Where a human being is alive but has no access to food, looks unkept due to lack of cloths and are vulnerable to constant attack due to lack of shelter, what is there to live for. Life becomes unbearable. Such should not be so in a civilized society especially when the government has the ability to prevent this.

Another example is the link between the right to movement and the right to education. This calls for the betterment of the educational sector of the country by providing school with good quality administration, teachers and in secured environments in different parts of Nigeria. This would ensure that citizens would have access to good quality education in any part of the country he or she decides to more to or finds him or herself in.

Another connection is the right to life and the right to good health. Every individual should have access to adequate health services at affordable rates. Another connection is the right to movement and right to gainful employment. Citizens of the country should be able to find stable employment in any part of the country he or she resides in.

Making these economic and social rights justiciable and enforceable would go a long way in reducing poverty rate emanating from unemployment and lack of meaningful employment.⁵³ Imagine

⁵¹ Thomas M. Antkowiak, 'A "Dignified Life" and the Resurgence of Social Rights' (2020) 18(1) Northwestern Journal of Human Rights 1

⁵² Mike Turber, 'The 4 Basic Necessities for Living "Off" The Grid' (*Off Grid World*, 20 August 2017) <<https://offgridworld.com/4-basic-necessities-living-off-grid/>> accessed 16 May 2025.

⁵³ Rotem Litinski, 'Economic Rights: Are They Justiciable, and Should They Be?' (ABA, 30 November 2019) <https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/economic-justice/economic-rights-are-they-justiciable-and-should-they-be-/> accessed 17 May 2025.

providing new job opportunities, adequately funding the agricultural sector of the Nigerian economy which will lead to abundance of food in the country, opening and maintaining the public water resources, etc. All these are responsibilities of an accountable government who has the welfare and security of the citizens as priority. This will be a major relief to citizens in the country.⁵⁴

One of the arguments against the justiciability of these rights provides that they only serve as a guide for policy making by the government. Expressly having constitutional provisions on socioeconomic rights in Nigeria will keep the government officials pro-active. Imagine a situation where the civil and political rights had no constitutional backing as it does now, human life and dignity would have no regard. That is the same way these economic and social rights will have no regard from the government for having no constitutional backing. This having no regards extend to any other fact that has no constitutional provision. Even with the constitutional provisions backing the civil and political rights, there are still series of cases and stories of their abuse on a daily basis. What then is the fate of rights without express constitutional stipulation? Generally, the fortunate part of constitutionalizing socio and economic rights is that by the power of section one subsection one and three of the Nigerian Constitution as amended,⁵⁵ the rights being part of the constitution will become part of the supreme law of Nigeria and any other law that has a contrary provision will be declared inconsistent to the extent of its inconsistency. It will form the basis of other laws from the legislative houses in Nigeria.

Over the years in Nigeria, different administrations have made laws and policies enabling the enforcement of these socioeconomic rights. An example is the Universal Basic Education Act which was promulgated during Olusegun Obasanjo's tenure as the Nigerian

⁵⁴Nwauzi Linus, 'Justiciability of Fundamental Objectives and Directive Principles of State Policy: Under the 1999 Nigerian Constitution' (2017) 3(5) *International Journal of Law* 32.

⁵⁵ Constitution of the Federal Republic of Nigeria, 1999 (as amended).

president which allowed for free education at least at the primary level.⁵⁶ Many other laws exist where certain parts of the rights were legislated upon. This shows that the government is away of the need for the enforcement of these rights. The aforementioned is premised on the question, what else could be the driving force behind legislating on these socioeconomic rights if not the recognition of its need and importance in the country? These rights should be made justiciable as some of them are being legislated upon. When the rights are made justiciable, rather than legislate on them individually, the National Assembly in Nigeria would now have the opportunity to make an exhaustive and comprehensive act to include the rights into the constitution. The State Houses of Assembly would now have the opportunity to make laws on how these rights will be applied and enforced in their various states.

The reality of life is that in addition to the civil and political rights, these socioeconomic rights are exactly what the average Nigerian needs to survive; it has what the poor man needs to survive. For instance, food, clothing, shelter, education, social security, etc. Things that fall under this point includes establishing good quality schools in Nigeria, either free education or affordable education, making available scholarship programs, providing and maintaining public water boreholes, providing and maintaining good roads for ease of transportation, providing job opportunities to curb employment and establishing and maintaining health centers. The list is unending. Refusal to make these rights justiciable for flimsy excuses automatically means refusal in providing the aforementioned list. The enforceability of these rights will give the poor man hope for the brighter day.

In as much as the Constitution supersedes the application of the African charter in Nigeria, this should not be enough reason to

⁵⁶ Iyabode Ogunniran, 'Enforceability of socio-economic rights: Seeing Nigeria through the eyes of other jurisdictions' (2010) 1 Nnamdi Azikiwe University Journal of International Law and Jurisprudence.

neglect or downplay the importance of the socioeconomic rights. The rights are so important that they are protected under the International Covenant on economic, social and cultural rights. Nigeria should learn from other countries who have taken the bold step of including these rights into their constitution.

One of the reasons why Nigerians leave the country to relocate to another country is in search for 'greener pastures'. Due to the unavailability of the basic amenities in the country, people either save up or borrow money and flee the country to other countries where these amenities will be duly provided. Individuals migrate to countries like United States of America (which is the most common country people relocate to), United Kingdom, Australia, Canada, etc. Some who cannot afford the money go in illegally in search of amenities that the country would have provided. These amenities are mainly contained and provided for under the socioeconomic rights. If the rights are not made justiciable, more citizens will leave the country and this will lead to a brain-drain in the country which should not be so. Some people even lose their lives when seeking relief outside when they could have made positive contributions within the country.

5. Recommendations

The recommendations to this work are:

The primary issue regarding the non-justiciability of socioeconomic rights is section 6(6)(c) of the Nigerian Constitution, which expressly prohibits judicial recognition and enforcement of the provisions of Chapter II of the Nigerian Constitution. This has allowed the courts to consistently overlook socioeconomic right claims. This paper recommends that the National Assembly should place priority on repealing this restrictive provision so that judicial enforcement of the socio-economic rights can be achieved. By converting these rights into binding constitutional provisions as opposed to mere directive principles, this type of amendment would

make the citizens capable of availing legal recourse against defaults on the part of the government regarding housing, healthcare, and education.

This paper recommends that governments at all levels provide citizens with basic amenities and services through comprehensive welfare programs. These would include job creation programs, poverty reduction programs, and prioritized education for children. Governments must also hire qualified and trustworthy officials to oversee citizen welfare projects for effective management and implementation. It is crucial that individuals of proven integrity are appointed, rather than those who would misallocate public funds intended for the development of communities to individual use. Such tactical appointments will insulate the welfare programs from corruption and allow them to fully perform their role in promoting the quality of life for citizens and sustainable development for the entire segments of society.

Judicial activism could make socio-economic rights justiciability possible in Nigeria by enabling the courts to read the existing constitutional provisions more imaginatively and liberally. Nigerian courts are encouraged to adopt progressive jurisprudence with lessons from South Africa and India, where the courts have determined implied socio-economic rights under civil and political rights. The courts themselves have always the option of using the right to life and dignity in Chapter IV to encompass fundamental healthcare, education, and shelter needs. Judicial activism is fraught with the issue of remedial orders asking the government to act, imposing time frames for implementation, and monitoring implementation by continuous tracking. Strategic litigation by nongovernmental organizations can generate test cases in which activist judges can craft precedent-setting jurisprudence, incrementally expanding constitutional interpretation to include enforceable socio-economic commitments in the absence of any such provisions in Chapter II.

This paper recommends that human rights lawyers can aid in advancing the legal recognition and enforcement of socio-economic rights. This can be done via coming up with legal arguments that connects socioeconomic necessities to established basic rights in cases they file against government or any defaulting body. In order to provide access to justice for those who cannot afford lawyers, professionals need to offer pro bono legal services to poor groups of people. To strengthen socioeconomic rights systems, they ought to advocate for policies and pass new laws and constitutional revisions.

6. Conclusion

Even with the rising poverty level and low development in the country, cost of living is still on the rise while standard of living remains low. There is little or no infrastructure. Even the ones in existence are left to rot. Prices of goods and services keep rising but a good number of people in the country can barely afford their daily meal. The actions of the government have shown lack of interest towards a developmental plan to assist those living in extreme poverty. When this is usually done, it is for election purposes. Poverty gets higher while development reduces due to bad governmental leadership. This is a problem in many developing countries. The matter how much the government tries to deny it, making non-justiciable chapter two of the Nigerian constitution is a cover to their refusal to better the welfare of citizens. In several literatures, all arguments made supporting the non-justiciability of chapter have all been rebutted. In as much as the court intends to uphold the law, judicial activism is needed in this case to shift the country away from this spot. Nigeria remains a country that can attain great heights only if the government officials perform their obligations to the people and country.