

Deconstructing the Daunting Impact of Globalisation on the Realisation of Human Rights Imperatives in Developing Economies: The Nigerian Experience

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Abstract

This article explores the effects of globalization on human rights in developing economies like Nigeria. It found that while globalization has brought economic and technological advancements, it has also caused human rights violations and increased inequality between the wealthy and the poor. The study suggests that for Nigeria to benefit from globalization, policies should be adopted that encourage foreign direct investment and increased access to communication and information technologies, which would lead to increased specialization and efficiency of labor, and technological and managerial improvements. This, in turn, would reduce job insecurity, price fluctuations, civil unrest, and other economic issues that disrupt the human rights regime.

Keywords

Human Rights, Globalisation, Developing Economies and Socio-Economic Rights

1. Introduction

Human rights are, indeed, a primary condition to a civilized existence, and no one may unjustly be deprived of them. Every member of the human race has a set of basic claims by virtue of his or her humanness. Human rights are not limited to civil and political rights that have found eloquent expression in the Constitutions of most jurisdictions of the world as fundamental human rights (Udu, 2022). It is all-inclusive of civil, political, economic, social, cultural, group

and developmental rights. Thus, it is the right to be free from governmental violations of the integrity of the person; the right to the fulfillment of such vital needs as food, shelter, health care and education, and the right to enjoy civil and political liberties (Chukwumaeze, 2001). They constitute the demands or claims that individuals or groups make on society, some of which are protected by law and while others remain aspirations for future realization (Eze, 1984). Human rights are rights or claims that are inherent in and associated with the nature of man. It is the modern name for what has been traditionally known as natural rights, which are moral rights that everyone ought to have in virtue of his humanness. Natural right is conceived as an inherent part of natural law that exists independently of rights created by government or society, otherwise called “positive law”. Natural law, therefore, is regarded as a philosophical system of legal and moral principles purportedly deriving from a universally conception of human nature or divine justice rather than from legislative or judicial action (Garner, 1999). It is pertinent to say that natural law is built on the assertion that there are objective moral principles that depend upon the nature of the universe and that only reason can be found (Lloyd & Freeman, 1985).

Natural right is the antecedent name for what is today known as human right. The notion of natural rights was extant, but the Greek citizens enjoyed the inherent rights even before the formulation of the theory of natural law by the ancient Greek philosophers especially the Stoics following the breakdown of the city-states. The Stoics believed that natural law was universal and, therefore applied to everyone throughout the Cosmo polis. It embodied the elementary principles of justice which were congruous with reason. To them, natural law was superior to any positive law, and the natural rights conferred thereby, availed every human being by virtue of his humanity (Ezejiolor, 1964).

The Roman philosophers received this conception of natural rights with approval. Thus, Cicero asserted the universality, imprescriptibility and inalienability of natural rights. According to him, it is sin to try to alter this law, neither is it allowable to attempt to repeal any part of it, and it is impossible to abolish it entirely. Aquinas was also on the vanguard of enthroning natural law above positive law (Cicero, 1819).

However, the negative impact of Machiavellian principles on the growing influence of natural rights was considerable in the middle ages. Machiavelli (1469-1527), in his teachings, elaborated absolute dictatorship, arguing, “the end justifies the means”. According to him, the state and its sovereign have to be supreme and subject to no external control, while moral and ethical principles need to be subordinated to political expediency (Machiavelli, 1532). However, the setback was only ephemeral.

The Reformation with its attendant quest for natural rights and the doctrine of social contract set the stage for revitalization of natural rights. The social contract theory gained its debut in the 16th century when it was conceived as a contractual relationship whereby the people collectively undertook to obey the ruler on the singular score that he kept the terms of the contract and governed in the

general interest of the people. But by the 17th century, it was better conceived as act of separate individuals emerging from a state of nature into civil society. By this new conception, the individuals undertook to form a government that will enjoy their support and submission on condition that their rights were guaranteed. The social contract theory had direct implication on the emerging American and French revolutions.

Similar to the social contract theory is the indoctrination of the Magna Carta. This is one of the earliest legal documents which specifically limited the power of the government over its citizens. King John of England signed the Magna Carta in 1215. It is a contract between the king and his subjects and between his descendants and their descendants forever. Most of its article applied to specific abuses of the time, but it guarantees the freedom of the English church from loyal interference; protected the property and inheritance rights of underage heirs and widows; limited taxes, established standing and roving courts to deal with criminal and civil issues; stated that punishment should fit the crime, and forbade officials to steal from citizens, noble or freeborn commoners. It also put on paper, for the first time, English concept of “due process” and forbade bribery of judges and other legal authorities.

Globalization has generated positive and negative developments that uphold and violate human rights respectively. Globalisation has promoted integration of markets for goods and factors of production, as much as it occasioned damage to the environment and the increasing exposure of citizens to deprivations of socio-economic rights. This study begins by recounting the philosophical influence on the development of human rights, and heralding the constitutional recognition of socio-economic and cultural rights. It appraises considerably the impact of globalisation on the realisation of human rights imperatives in developing economies, particularly in Nigeria.

2. Philosophical Influence on Human Rights Development

The works of writers such as John Locke, Thomas Hobbes, Jean Jacques Rousseau and Montesquieu (Locke, 1689; Hobbes, 1651; Rousseau, 1762; Montesquieu, 1748), ably presented the philosophical and legal foundations in a nutshell. They all posited that all men are created equal, and endowed with certain inalienable rights to life, liberty and the pursuit of happiness. Thus, “liberty and democracy, therefore, were not consequences of a particular institution, but were based on natural rights that were prior to and supreme to the sovereignty of the state.” (Pothis & Schwab, 1978)

The conservatives believed that it was dangerous to assert the right of man contrary to triumphant and inherent potency of the concept of natural rights, since it induced the common people to revolutionary action. Burke and Bentham were of this view. Bentham argued that government that issued Declarations of Rights were merely dodging practical legislative reform by making rhetorical utterances that cost nothing. According to him:

Natural right is simple nonsense: natural and imprescriptible rights, rhetorical, nonsense—nonsense upon stilts, indeed, mischievous and dangerous nonsense, anarchical fallacies encouraging insurrection and resistance to government and to law (Bentham, 1843).

Burke on his part, claimed that the natural rights as contained in the French Declaration of Rights of Man had done great social damage by proclaiming human equality. He characterized the “equality of man” as follows:

A monstrous fiction, which by inspiring false ideas and vain expectations into men destined to travel in the obscure walk of laborious life, serves only to exaggerate and embitter that real inequality, which it never can remove (Burke, 1894).

At any rate, the works of Voltaire and Rousseau (all French philosophers) further upheld the primordial place of the natural rights. For Voltaire, his outspoken belief in religious, political and social liberty made him the embodiment of the 18th century enlightenment (Voltaire, 1733). Rousseau strongly influenced the theory of the French revolution. Many of his ideals sprang from his belief in the natural goodness of man whom he felt was warped by society (Rousseau, 1962).

The theory of reserved natural rights is the basis of the maintenance of fundamental liberties. They belong to the individual by nature, and have not been surrendered to the community and therefore, cannot be limited or denied by the state. The belief central and common to the foregoing natural law philosophers, is the inalienability of natural rights to man. In his free nature, man ceded certain of these rights to government (the sovereign) in order to establish a civil society and insure the preservation of inherent rights against self-willed encroachment of other man (Oyajobi, 1993). This view became clearly established with the passing of the Petition of Rights in 1628. The civil war and peaceful revolution of the 17th century led to the Habeas Corpus Acts and also the English Bill of Rights of 1689 which assured the supremacy of parliament, the right to free election, freedom of speech, the right to bail, freedom from cruel and unusual punishments and the right to trial by jury. Thereafter, the independence of the judiciary and freedom of the press were established. About this time also, Locke enunciated the constitutional arrangements that had been elaborated on a pragmatic basis. According to him, sovereignty pertains to the people as a whole and not to the monarch; and that government is only an instrument for securing the lives, the property and the well being of the governed without enslaving them in anyway. Accordingly, government is not their master; it is created by the people voluntarily and maintained by them to secure their own good. The individual conveys to the society his own right to exercise certain functions; all other natural rights he retains (Quashigah, 1992; Robertson, 1977).

Undoubtedly, the colonists in North America inherited this philosophy. During the American Revolution that has its origin in 1763, the colonists anchored

their claim on the concept of natural law and natural rights, and took advantage of Locke's doctrine of social contract to justify their rebellion. George III and his government levied taxes on their property and a forfeiture of all claims to authority over them (Ezejiolor, 1964). In their determination to overthrow the imperial government, they declared their independence on 4 July, 1776. In the preamble to their Independence Declaration drafted by Thomas Jefferson who had studied Locke's work, they immortalized the concept of natural rights thus:

We hold this truth to be self-evident, that all men are created equal, that they are endowed by their creator with certain inalienable rights that among these are life, liberty and pursuit of happiness. That to secure these rights, Government are instituted among men deriving their just power from the consent of the governed; that whatever form of Government becomes destructive of these ends, it is the right of the people to alter or abolish or abolish it and institute new Government.

However, no attempt was made to enshrine the foregoing ideology in a bill of rights or in the draft Constitution of 1787. It was only in 1789 that it was drafted into the Constitution but passed by the Congress in 1791 as the tenth amendment to the Constitution, hence, the American Bill of Rights 1791 which embodied the civil and political rights.

Essentially, the experience of the French was not different from the Americans. In the French ancient regime, the second half of the 18th century was characterized by economic and social injustices so unbearable that destructive criticism ensued from different philosophers. Most pronounced was the influence of the writings of Rousseau who believed that mankind was on the threshold of a new age in which right and reason could triumph, and in which all citizens would enjoy their natural and imprescriptible right to life, liberty and pursuit of happiness. It was the duty of the government to preserve these rights. Any government that failed to safeguard these rights could not justify its existence. These criticisms could not yield fruits except by the prudent reduction of the natural rights into writing for all to read. The French Declaration of Rights of Man and Citizens then came to be. By this, men were declared to be born free and equal in respect of rights. The French Declaration also covered only the civil and political rights. It became an annexure to the Constitution that was promulgated in 1791. The concept of natural rights then assumed a positive importance following the American and French revolutions (Ezejiolor, 1964). Notably, the successive bills of right are devoid of economic, social and cultural rights.

It was at this point that Marx's teachings held sway and particularly influenced the economic and social rights. Marx founded the modern communism in England from 1849 (Marx & Engels, 1848). Having emerged from a different culture, Marx presents fundamentally different approach to the study of human rights. His socialist theory rejects the natural law origin of citizens' right, and hesitates to deduce them from the nature of man or from the human mind. To Marx, natural rights do not reflect the relationship between man and society.

The basis is rather society organized in a state. The citizens' rights are uniformly secured as state rights since the state runs the nation's economy. It is maintained that the citizens can claim no right against the state since the state represents the interest of the people. This may lead to absolute sovereignty of the state and refusal to submit to the international control (Palley, 1991).

Against the doctrine of western liberal democracies, the socialist states rejected the view that natural rights are "natural" to human personality and inalienable, but assert that they emanate from the state. However, acceptance of the United Nations Charter, the Universal Declaration of Human Rights and the International Covenants surpasses 19th century conceptions of national sovereignty (Robertson, 1977). The conceptions of natural rights grew stronger in the 20th century. In 1941, President Roosevelt, in a famous speech before the Congress, encapsulated the necessary conditions for a dignified human existence into four freedoms. They are freedom of speech and expression, freedom of belief, freedom from want and freedom from fear. This similarity encompasses the different categories of rights (Boun, 2000).

3. Emergence of Constitutional Recognition of Socio-Economic and Cultural Rights

The Constitution is the contractual legal document that creates binding relationship between the government and the people. Thus, in Nigeria, it shall be the obligation and responsibility of all organs of government, and of all authorities and people, exercising legislative, executive or judicial functions, to conform to, follow and implement the requirements of this Chapter of this Constitution. The Federal Republic of Nigeria shall be a State built on the values of democracy and social justice. This encapsulates the concept of democracy, which is rooted on the reciprocal interaction between the leadership and the people in terms of the interplay of their respective rights and duties. Thus, sovereignty belongs to the people of Nigeria from whom government via the Constitution derives all its rights and authority. The security and welfare of the people must be the main aim of government, and the involvement of the people in their government should be assured in line with the provisions of the Constitution [Constitution of the Federal Republic of Nigeria 1999 (as amended), Sections 13 and 14].

In civilized existence, government and people are two sides of the same coin. Governments are responsible for defining the rules and regulations that individuals must comply by, while people are required to observe the laws and work with their government. The people must believe that our government will make choices that promote the greater good, and that the government will spend its resources properly. In like manner, the government must believe that the people will adhere by the rules and regulations they are supposed to obey. This mutual trust is crucial to a functioning democracy, since it guarantees that all sides are working together to advance the nation forward. The government is accountable for defending the rights and liberties of its people. This involves providing es-

essential services such as healthcare, education, and public safety. Governments must also be held responsible for their acts, enabling individuals to express their thoughts and concerns if they believe their rights are being infringed upon.

Accordingly, individuals have an essential role to play in the relationship with their government. They must be actively involved in the political process, participating in elections and giving their view on crucial subjects. This helps guarantee that their elected officials are aware of their issues and are taking them into consideration when making decisions. In addition, citizens must be ready to participate with their government by paying taxes and following the rules. Thus, the connection between government and people is vital for any democracy to function. The government and the people must therefore, be prepared to compromise and work together to guarantee that the nation is headed in the right way. It is only through this mutual trust and collaboration that the government and people can work together to achieve the smooth running of government and the welfare of the people.

It is important to point out that the new trend is the constitutional recognition of economic and social rights in the list of fundamental rights of individuals as exemplified by the American and French Constitutions. The rest of the states are on the queue with the inclusion of economic and social rights in their constitutions (Lauterpacht, 1968). Notably, African countries followed suit upon the attainment of independence.

Regrettably, the provision of these bills of rights in the constitution does not guarantee their protection. States are known to take away these freedoms from individuals through the process of legislation, judicial proceedings and interpretations or wrong decision by the judiciary. Even international law is no less ineffective in coming to the aid of the individual whose right has been infringed by the state.

However, another development emerged at the wake of the World War II with the imbued Nazi tyranny and brutalities. Ultimately, the United Nations was founded with a specific purpose of its charter being promotion and encouragement of respect for human rights. Development of human rights has been a successive event with the Universal Declaration of Human Rights assuming a centre stage. It was in the Declaration that the word “human right” displaced “natural right”. The term “human right” is therefore, referred to as 20th century nomenclature. The Declaration embodies the civil and political rights as well as the economic, social and cultural rights. Under the present United Nations regime, an individual is a subject of right in international law and can resort to international treaties in search of remedies for his violated rights. Given the inequality of economic circumstances to which states are subjected, it was argued that each state could guarantee those rights in accordance with its ability. Thus, the International Covenant on Civil and Political Rights, and the International Covenant on Economics, Social and Cultural Rights were prepared to deal with the categories of human rights (Umozurike, 1999).

As part of the development of human rights, regional instruments were brought into existence, and they include *inter alia*: the European Convention for the Protection of Human Rights and Fundamental Freedom 1950; the American Convention on Human Rights 1969; and the African Charter on Human and Peoples' Rights 1981 (Umozurike, 1999).

Indeed, African countries made significant contribution to the development and protection of human rights. The adoption of the **African Charter on Human and Peoples' Rights (1981)** was the beginning of a new era in the field of human rights in Africa. It entered into force on 21 October 1986. Although strongly inspired by the Universal Declaration of Human Rights, the two international covenants on human rights and the regional human rights conventions, the African Charter reflects a high degree of specificity due in particular to the African conception of the term "right" and the place it accords to the responsibility of human beings (Mbaye, 1992). The Charter contains a long list of rights, covering a wide spectrum not only of civil and political rights, but also of economic, social and cultural rights. The African Charter further created the African Commission on Human and Peoples' Rights, to promote human and peoples' rights and ensure their protection in Africa. The Protocol to the Charter on the Establishment of an African Court on Human and Peoples' Rights was adopted in 1985. The elaboration of an additional protocol concerning the rights of women in Africa is in progress within the framework of the African Commission on Human and Peoples' Rights (Human Rights Library, 2003).

The implication of all this is that the foregoing conventions are in the process of creating a growing body of international human rights law, binding states that ratified them. In some cases, they indicated the scope of international customary law. The contemporary human rights have transcended beyond the conventional civil liberties and rights. It cuts-across-board, covering the civil and political rights (first generation rights); the economic, social and cultural rights (second generation rights); and the group rights (third generation rights), which embrace the rights to development.

4. Situating Globalisation on the Realisation of Human Rights Imperatives in Developing Economies: The Nigerian Experience

Indeed, human rights have snowballed beyond the diameter and circumference of their traditional circle to involving the impact of trade, development assistance, monetary and financial policy, trans-national corporations, and the environment. This is the hallmark of globalization which must be engaged for the realization of human rights imperatives (Steiner & Alston, 2000).

The economic activities which form the substructure of a political system influence the enjoyment of human rights. The emphasis is that apart from the state, corporations, especially the multinational corporations, are imbued with human rights responsibilities. The activities of international institutions such as

the World Bank, the International Monetary Fund (IMF), the United Nations, World Trade Organization (WTO), International Labour Organization (ILO), United Nations Development Programme (UNDP), Organisation for Economic Co-operation and Development (OECD, and the World Health Organization (WHO). in terms of debt-relief and grant in aids also influence the extent of socioeconomic rights made available to the citizens of a loan recipient State. The rights include good labour condition, environmental standard, right to development and good environment (Lutkevich, 2022).

This new trend is explicitly subsumed in the concept of globalization. Globalization denotes both positive developments such as the integration of markets for goods and factors of production, and negative developments such as damage to the environment and the increasing exposure of countries to external shocks. The implication is that the global market forces are more powerful than the states which were supposedly expected to exercise power in world events (Steiner & Alston, 2000). This is suggestive of the whittling down of the state sovereignty, and the power and significance of national governments in regulating domestic and international affairs (Shelton, 2006). This new established order had to be premised on a new view of man, the relationship of each individual to another and to society at large (Cramston, 1962).

The development of gender theory institutionalized at higher levels of education analyses the differing constructs of social concepts and institutions created by the social position of women and the increasing consciousness of women's right. This significantly enhanced women's human rights movement. Nigeria is a patriarchal society that often marginalizes women and girls. Despite progress in recent years, women and girls in Nigeria still face many challenges, including gender-based violence, lack of access to education and healthcare, and gender inequality in the workplace. Furthermore, women in Nigeria are often excluded from decision-making and political processes, leaving them vulnerable to exploitation. As women increasingly became politically active and enlightened of the concept of human rights, they began to realize their great marginalization from the human rights system and mobilized to change the system accordingly. This new form of activism which included struggles to oust dictatorship government, and to gain independence from colonial rule, served as the basis for bringing about social change. Against this background, international human rights organisations such as Amnesty International, Human Rights Watch and the Helsinki Committees, including regional and national groups, emerged to monitor human rights violations. This consequently enhanced the awareness and observance of human rights of women (Schuler, 2004).

The gender specific instruments or treaties protecting the rights of women, though not directly enforceable in Nigerian courts, gain justiciability upon domestication, in keeping with the doctrine of *pacta sunt servanda*. Thus, the Constitution of the Federal Republic of Nigeria provides that a treaty shall have the force of law only to the extent to which it has been enacted into law by the National Assembly (The Constitution of the Federal Republic of Nigeria, Sections

12 and 21(a), 1999). In other words, it is enforceable in Nigeria only when it has been incorporated into the national laws. Given this provision above, CEDAW is not enforceable in Nigeria because it has not been incorporated into national laws.

The trending development of gender specific rights is towards strengthening of traditional values, which are less favourable to Nigeria's teeming population of women. In most communities in Nigeria, there is the cultural belief that women are chattels and property of their husbands, and as a result they lack the power of negotiation of safer sex. Consequently, some become victims of marital rape, polygamy, forced shaving of hair, widow inheritance, female genital mutilation, ear piercing, *nrachi nwanyi* custom where a girl is kept in the family to have male children for her parents, male child preference, cultural conditions and low socio-economic status of women that prevent them from negotiating safe sex, violence against women especially rape and sexual harassment by employer, lack of information and misinformation, cultural practices that encourage sexual freedom for males, cultural conditions that make women not to be assertive enough to talk, and denial of varying economic, social and cultural rights (Onah, 2004). The right to own immovable property is a constitutional right that avails every citizen. However, some customary laws such as is applicable amongst the Igbos in the eastern Nigeria disallow women from owning immovable property. In *Eruwa v. Eruwa* [(2002) 4 RCHR 536], the High Court held that an unmarried woman is entitled as of right to the portion given to her by her father, or property that is partitioned that devolves on her by inheritance. Such a woman is however not entitled to farmlands or lands not given to her. In *Chinweze v. Masi*, [1989] 1 N.W.L.R. (pt. 97) 254 the Supreme Court held that under customary law, a wife has only a life interest in the property of her husband. However, Section 21(a) of the Constitution of the Federal Republic of Nigeria provides that the state shall protect, preserve and promote the Nigerian culture which enhance human dignity and are consistent with the fundamental objectives as herein provided. Custom is defined under the law as a rule which in a particular district, has from long usage, obtained the force of law (Evidence Act, 2011).

The Nigerian Constitution of 1999, via Section 42, prohibits discrimination against any person on grounds of sex, religion, tribe, etc. Female Genital Mutilation (FGM) is another unwholesome practice against woman folk to the exclusion of the men in Nigeria. However, some states have taken legislative measure to tackle this scourge and other widowhood practices. Women experience considerable discrimination as well as physical abuse. Although there are no laws forbidding women from particular fields of employment, women are often discriminated against because of Government inaction and tolerance towards customary and religious practices that perpetuate such discrimination. In Nigeria, for instance, the court in the case of *Mojekwu v. Ejikeme* [(2000) 5 N.W.L.R. (pt. 657) 403], referred to Article 6 of the Convention on the Elimination of All Forms of Discrimination Against Women. The Court presided over by Hon.

Justice Niki Tobi held that the *Nrachi Nwanyi* Customary practice of Nnewi which enables a man to keep one of his daughters unmarried perpetually under his roof to raise issues, especially males, to succeed him constitutes discrimination, promiscuity and prostitution (Nwankwo, 2004). It is important to note that women's rights, at the moment, are still far from full recognition and implementation.

Nigeria has made some positive strides in protecting the rights of women and girls in recent years, such as the passage of the Violence Against Persons (Prohibition) Act in 2015, which criminalizes a range of gender-based violence. In addition, the Nigerian government has implemented policies that promote gender equality, such as the National Gender Policy and the National Plan of Action for the Abandonment of Female Genital Mutilation. Despite these efforts, much work remains to be done to ensure the protection of women's rights in Nigeria. Challenges remain in the area of gender-based violence, access to education, and gender equality in the workplace. In addition, more needs to be done to ensure that women have a stronger voice in decision-making and political processes. With increased awareness of these issues and a commitment to improving the situation of women in Nigeria, progress can be made in achieving gender equality in the country.

5. Challenges of Globalisation to Human Rights Protection in Nigeria

The human race can hardly point to the start of globalization as a social process. Generally, globalization has a few adverse effects on both developed and developing countries. Such adverse consequences of globalization include terrorism, job insecurity, currency fluctuation, and price instability. Increased greenhouse gas emissions, ocean acidification, deforestation and other forms of habitat loss or destruction, climate change, and the introduction of invasive species all work to reduce biodiversity around the globe.

In particular, globalization has had exacerbating negative effects on the less developed nations. Globalization has increased inequality in developing nations between the rich and the poor. The benefit of globalization is not universal. Globalization is making the rich richer and the poor poorer. In Nigeria, the nation's active participation in the globalization framework can be traced to the period of the industrial revolution in the 1980s, with the introduction of SAP (Structural Adjustment Programme). Globalization is reputed as a contributing factor in violations of the right to life, the right to protection of health, the right to safe and healthy working conditions and freedom of association.

The consequences of globalization include the alteration of traditional religions and belief systems; the beginning of the disintegration of the traditional social fabrics and shared norms by consumerism, cyber-culture, newfangled religions and changing work ethics and work rhythms. Globalization threatens the human rights of indigenous peoples, including their aspirations for self-determination. Exploration and colonization have led to rapid appropriation of indi-

genous peoples' lands and natural resources, and the destruction of their sciences, ideas, arts, and cultures.

6. Prospecting the Impact of Globalization on Human Rights Imperatives in Nigeria

Globalization has had both positive impacts, to *wit*: growth in emerging economies and a reduction in the number of people living in extreme poverty as well as negative ones, to *wit*: displacement of workers and greater income inequality. Generally, globalization decreases the cost of manufacturing. This means that companies can offer goods at a lower price to consumers. The average cost of goods is a key aspect that contributes to increases in the standard of living. Consumers also have access to a wider variety of goods.

Global communication is directly affected by the process of globalization, and helps to increase business opportunities, remove cultural barriers and develop a global village. Both globalization and global communication have changed the environmental, cultural, political and economic elements of the world. Regrettably, Nigeria has not benefited from globalization due to monocultural export, inability to attract increased foreign investments and huge indebtedness.

At any rate, globalization can be domesticated in the country through diversification of exports, debt reduction and expanded development cooperation with other countries. The mixing of people and cultures from all over the world enables the sharing of ideas and lifestyles, creating vibrant cultural diversity. People can take holidays in far off locations. Consumers enjoy a greater choice of goods and services at cheaper prices. Migration of people can fill labour and skill shortages.

Globalization allows companies to find lower-cost ways to produce their products. It also increases global competition, which drives prices down and creates a larger variety of choices for consumers. Lowered costs help people in both developing and already-developed countries live better on less money. The systematic adoption, by many countries of the world, of policies that encouraged foreign direct investment, precipitated communications and information technologies which advanced the goods and capital market (Donner-Reichle, 2003). It has also motivated the activities of the companies, trade liberalization and the removal of barriers to capital mobility (UNDP, 1999). Globalization brought with it market-based economies and democratic forms of government, that enhanced development as a human right norm. The increased availability and more efficient allocation of resources, freer circulation of knowledge, more open and competitive milieus, and improved governance could all contribute to faster growth (Steiner & Alston, 2000). However, globalization entails greater exposure to capital volatility and economic depreciation which impedes the enjoyment of socio-economic rights (Turk, 1993). Although the concentration of industry and skills in growing urban areas could raise living standards, the reverse would be the case if there are no government policies designed to prevent the spread of

poverty, violence and squalor (Steiner & Alston, 1992; Budhoo, 1992). Of more growing concern is the negative human impact of some economic policies e.g. the Structural Adjustment Programme which is a systemic denial of human right to good condition of living. It is however, not beyond the capacity of the international community to devised strategies to help in securing economic, social and cultural right for all and to respect the right to development of the society as well as the individual. Obviously, this approach has placed the human person at the centre of the development paradigm. The satisfaction of the collective right is a necessary condition, a condition precedent for the materialization of the individual rights (UNDP, 2000).

Thus, without self determination, it is impossible to imagine a total realization of the civil and political rights of the individual constituting the collectivity in question. In the same measure, the right to development is a necessary precondition for the satisfaction of the social and economic right of the individuals (UNDRD, 1986). Without an appreciable degree of development, the society will not be materially in a position to grant and guarantee these rights to its members. The right to development requires the international finance institutions such as the World Bank and the International Monetary Fund to eliminate oppressive debt burdens which hinder efforts to ensure respect for economic and social rights (UNGA, 1999).

The World Bank contributes directly to the fulfillment of more rights articulated in the Universal Declaration of Human Rights. The Bank has helped hundred of millions of people attain crucial economic and social rights through its support for primary education, health care and nutrition, sanitation, housing, and the environment. The Bank also contribute to building environments in which people could pursue a broader range of human rights by helping to fight corruption, improve transparency and accountability in governance, strengthen judicial systems, and modernize financial sectors. In effect, the Bank's economic and social approach to development advances a comprehensive interconnected vision of human right (Steiner & Alston, 2000).

The IMF, by its mandate, contribute to the promotion and maintenance of high levels of employment and red income, and to the development of the productive resources of all members as primary objectives of economic policy. However, the structural adjustment programmes required by the Fund as stringent conditions to a loan instituted neo-liberal programmes that principally required government to cut back economic reforms as deregulation, privatization and budget balancing. Many of the IMF's member countries are of the view that economic reform programmes must be responsive to social and humanitarian concern. The Fund therefore, recognizes the inseparable link between development and respect for human rights.

The emergence and gradual multiplication of multinational corporations have opened up new vista in the regime of human rights protection. The prevailing rights connected with these corporations include the right against degradation of

environment, exploitation of labour (especially women labourers) and the use of child labour. The emphasis is on corporations and business associations to face up to their responsibilities in the protection of human rights. Foreign investment and the development of the local economy contribute to the realization of democratic and human rights culture (Steiner & Alston, 2000; UNESCO, 2000).

Under the international human rights scheme, the activities of such corporations must be consistent with human rights standards and the element of accountability. The human rights obligations assumed by any actors operating within any state territory or otherwise subject to its jurisdiction must comply with national legislation designed for the realization of human rights (Steiner & Alston, 2000). Corporations have begun to relate with unions and broader transnational human rights networks to realize topical human rights norms such as the right to environmental protection. Corporate social responsibility has been accepted as a core tenet of global citizenship. This is because corporations registered as business outfits are regarded as legal entities embedded with rights and duties in relation to the society in which they operate. Corporations, banks, international financial institutions and private investors should engage with transnational societies to serve as transmission belts for human rights norms, and advocates for human rights improvements (Steiner & Alston, 2000; Koh, 1999). This could be achieved by integrating in their policies, programmes aimed at enhancing the economic and social rights of the indigenous people.

Thus, situating globalisation in the framework of nascent economies will inexorably increased specialization and efficiency of labour; enhance quality of products at reduced price; engage economics of scale in production; engender competitiveness and increased output as well as huge technological improvement and increased managerial capabilities.

7. Conclusion

It is obvious that states have a duty to ensure that their domestic law offers adequate remedies against serious human rights violations that may be committed by private individuals. This is equally applicable to the activities of business corporations because of their status of legal personality. This is however, different from saying that these corporations incur international legal responsibility for any wrongful act with respect to, *inter alia*, standards to protect workers from abuses, and to protect the environment from unnecessary damage and destruction. The development of the law in this important area is still very much in its infancy. It however suffices to say that states may have an international obligation to ensure adequate protection in their domestic law against human rights, violations committed by business corporations. Business corporations may themselves have legal obligations in their field of human rights derived from domestic law. At the international level business corporations are considered to have, as a minimum, an ethical responsibility to respect fundamental human rights (Human Rights Library, 2003).

In the past, developing countries were not able to tap on the world economy due to trade barriers. The scientific and technological forces unleashed by globalization have facilitated the extinction of the indigenous development of technology and distorting patterns of production in Africa. The study however, found that despite the perceived developments engendered by globalisation, it has occasioned considerable human rights violations in nascent economies such as Nigeria. The study, therefore, recommends that Nigeria as well as other nascent economies should engage in a systematic adoption of policies that encouraged foreign direct investment, precipitated communications and information technologies to advance the goods and capital market. Although globalization impacts negatively the development and consolidation of democratic governance, the article argues that developing countries could relate with the rest of the world in terms of increasing their economic growth, and in solving their poverty issues through systematic engagement of the imperatives of globalisation.

Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

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