

Beyond Rhetoric: Giving Effect to Social Rights Provisions under Chapter II of the Constitution of the Federal Republic of Nigeria

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Abstract : This paper gives content to the Provisions of Chapter II of the Constitution of the Federal Republic of Nigeria, it offers new perspectives on the nature of fundamental objectives and directive principles of state policy and the duties of citizens. It makes inquiries into the justiciability of these rights and examines the reasoning of the Nigerian courts in the interpretation and enforcement of the rights. The paper examines the emerging jurisprudence in India and South Africa and lessons are drawn from their respective models of enforcement of similar rights. The paper concludes by proposing more creative and novel alternatives to the enforcement and enjoyments of these rights, including: enforcement through Acts of Parliament, enforcement through other Constitutional provisions, indirect enforcement, enforcement through regional and international courts, enforcement by constructive engagement, and enforcement through electoral process. Overall, it is shown that there are available a variety of practical and effective ways of improving the realization and enjoyment of the provisions of Chapter II of the CFRN.

Keywords : constructive-engagement, indirect enforcement, judicial activism, justiciability, social rights

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