

**THE AFRICAN STATE AND IMPLICATIONS OF HUMAN RIGHTS VIOLATIONS ON STATE STABILITY IN THE 21ST CENTURY: THE NIGERIAN AND SOUTH AFRICAN EXPERIENCE**

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**ABSTRACT:** This paper examined the incidence of human rights violations in Africa and its implications for state stability in the 21st century with a focus on Nigeria and South Africa. Some socioeconomic, cultural, religious and political factors have generally triggered human rights violations in Africa. State stability denotes the level of harmonious relationships that exist among the various actors, groups and organizations found in the state to the extent that putting all things together, the state pursues and realizes her aspirations or goals without much distractions. Human rights violations in Africa have negative implications not only for socioeconomic activities but also for state stability. The study is predicated on social contract theory. Methodologically, the paper relied on the documentary method for its data gathering and qualitative analysis for its data analysis. The study recommends among others; creation of more awareness and enlightenment on the essence of human rights observance by the state and its agencies; bringing to book in an unbiased and nonpartisan manner human rights violators. The paper concludes by urging the African State especially Nigeria and South Africa to take steps and strengthen those institutions set up to safeguard human rights for the overall improvement on state stability in Africa.

**Keywords:** Nigeria, South Africa, Human Rights, Violations, State Stability.

## **INTRODUCTION**

The African state, with her chequered history, has been beset with numerous challenges in the 21st century. These challenges have continued to affect human survival and state stability. Of all these challenges, human rights violations and abuses have remained reoccurring and threatening, especially in Nigeria and South Africa. Before the 21st century, most African countries passed through several sad experiences that encouraged state instability in several places (Daron & James, 2015). In South Africa, for instance, white colonialists introduced the unpopular and retrogressive apartheid policy, whose entire content was discriminatory and anti-human, as the majority of black people were denied basic human rights such as the right to self-determination, movement, expression, association, political participation and freedom of movement (Ojukwu & Alumona, 2015).

The independence status South Africa attained in 1994 under the late African legend, patriot and statesman, Nelson Mandella, the first elected black president of South Africa, did not greatly improve human rights issues in the country. Besides, the outbreak of xenophobic attacks in South Africa a few years ago added a stroke to human rights violations in the country. Human rights violations in South Africa have also persisted in the areas of murder, forceful detention,

child labour, rape, and human trafficking, among others. Similarly, the incidence of human rights violation and abuse has become a front burner in Nigeria despite the restoration of democratic rule in the country in 1999. These human rights violations, coupled with the weak capacity of the state to checkmate ugly incidents, have led to untold hardship, uncertainty and severe consequences for state stability in Nigeria. Undoubtedly, human rights violations in both Nigeria and South Africa have affected state stability in various ways. In Nigeria, for instance, human rights violations against citizens by the state have often led some groups or sections of the country to engage the state in violent confrontation through the formation of separatist or militant groups and engagement in various forms of sabotage. Younger people, especially in the Niger Delta area, had previously resorted to youth restiveness and involvement in certain crimes. Some other individuals who feel that their human rights in one way or the other are grossly abused instead of adopting due process in redressing their anger have also resolved to vent such anger or aggression on fellow citizens and the state. Consequently, this development has not only affected or undermined developmental efforts in Africa but also negatively impacted efforts toward national integration (Alozie, 2018).

The xenophobic attacks in South Africa for instance resulted in enormous losses in human lives and property and caused untold hardship to the nationals of other countries that lived in South Africa. The ripple caused by attacks on interstate relations between South Africa and the countries involved or their nationals is yet to fully settle. Until the second quarter of 2024, human rights abuse and violations in both South Africa and Nigeria in their various forms continued to have serious implications on state stability in Africa, with Nigeria and South Africa having greater implications. Therefore, this study investigated the African state and the implications of human rights violations for state stability in the 21st century through the Nigerian and South African experiences.

### **Theoretical Framework**

This study is anchored on the theory of social contracts. This theory was popularized in the works of Thomas Hobbes (1588-1679), John Locke (1632-1704) and Jean J. Rousseau (1712-1778). The philosophers had varied views on the content of the social contract (Asogwah & Anya, 2011). Specifically, Locke and Rousseau posited that people transitioned from the state of nature when they entered into a social contract by establishing the political state (Ezenkwa et al., 2019).

To escape from some unhealthy conditions with all its uncertainties and to ensure his security, man made a contract to enter civil society or the modern state (Kapur, 2006). Thus, man surrendered his right to govern or protect himself to the state, which would have the obligation of rendering some functions in the areas of human rights preservation and security. Thus, the functionalist view of human rights places the state in a pivotal position in the determination, preservation and enforcement of what it feels constitutes human rights. Implicitly, when people experience human rights abuse and violations, the impression would be that the state has failed in its onerous obligation of preserving or safeguarding the constitutionally guaranteed human rights of citizens. John Locke therefore contended that:

Whenever the government fails in its obligations in securing the ends for which it was created and to which it accepted to fulfil and fails to exercise its authority in accordance with the established or agreed-upon laws, the

people reserve the right to revoke or rebel against it and look for alternative means of guaranteeing their safety (Ezenkwa, et al., 2019:115).

According to Locke's analysis, the people reserve the right to a revolution whenever the state defaults or fails to provide those functions for which it was established.

Applying social contract theory to this study, it must be noted that the modern state has been charged with many responsibilities or functions, especially in the areas of human rights safeguarding or preservation. In modern times, what gives the state her real essence or relevance is actually her effectiveness in ensuring that the human rights of the citizens are not unduly violated or abused. To realize this, the state has set up some agencies or mechanisms for either the preservation or the enforcement of these rights. These agencies include the police and related security agencies, the Public Complaints Commission, and various courts, among others. Unfortunately, the seeming weakness, corruption and underfunding of some African institutions and agencies have continued to cripple the effectiveness of these agencies in the discharge of their constitutional functions. In other words, the theory of social contract was designed to make it obligatory on the part of the state to discharge those functions that would enable citizens to enjoy their lives and have confidence that the state has the capacity to protect and ensure their welfare. Therefore, the social contract theory is found suitable for this study.

### **Nigeria: A Brief Background**

For approximately a century, Nigeria, like every other colonized entity, passed through independence struggles or nationalist activities that culminated in the country's political independence on October 1, 1960. The multiethnic, multireligious, diverse and heterogeneous nature of Nigeria led some nationalists and scholars to express their divergent sentiments on the emergence of the country. For instance, a foremost nationalist, chief, Obafemi Awolowo, once stated that God did not create Nigeria; rather, the British did (Awolowo, 1947). Nigeria is a country that is vast in oil and mineral resources. Nature has also endowed the country with enormous human capital. Many of the natural resources are yet to be fully tapped or harnessed. The country is often tagged as the giant of Africa because of its enormous population advantage and other enviable man-made and natural potential. The country was once the 4<sup>th</sup> largest producer of crude oil globally. In both the West African subregion and Africa in general, Nigeria has been playing enviable leadership roles. Geopolitically, the country is divided into six geopolitical zones.

The chequered history of Nigeria has resulted in several disturbing socioeconomic and political circumstances in the country's search for nationhood. The Nigeria-Biafra war was fought between July 1966 and January 1970 due to irreconcilable interethnic and political disagreements between the Federal Military Government of Nigeria and the people of Eastern Nigeria. The country had witnessed both civilian and military regimes at various times up to May 29, 1999, when democracy was finally restored. Since the fourth republic, unrelenting centrifugal forces across geopolitical zones have continued to stare Nigeria on her face. Politically, interethnic politics, especially the rotation of power among ethnic groups, has remained a serious issue. Other issues, such as resource control, governance, secession of some ethnic groups from the federation, structural imbalance, food crisis, economic mismanagement and political participation, among others, have resulted in some level of bitterness, dissatisfaction and antagonism among the people. Thus, the poor management of the many

issues confronting Nigeria as a federation has consequently had an adverse impact on state stability in the country.

### **South Africa: A Brief Background**

Much more than some other African countries, South Africa is endowed with large amounts of natural and mineral resources, which have made it a centre of attraction to people and nationals from many parts of the world (Moses, et al., 2015). The British saw the natural mineral resources in South Africa as endowments that were never missed. Strategically, South Africa was also a major link in British domineering and imperial communication. The location of the country, its climatic conditions and other advantages made the country an easy destination for home and foreign settlers, migrants and investors. South Africa is bounded by Namibia, Botswana, Zimbabwe, Mozambique, and Swaziland. Its expansive coastlines were made possible by two great oceans, that is, the Indian and Atlantic Oceans (Olaopa, 2010).

The first multiracial elections in South Africa in 1994 brought into power the first black president of the country, the person of Nelson Mandela, who formally ended the apartheid regime. As one of Africa's most culturally diverse nations, South Africa has eleven official languages and five racial groups, including black Africans, whites, and the coloured Indian and Asian population. As revealed by the 2013 census records, approximately fifty-three African countries have their nationals making a home in South Africa, which gives the country a wider range of ethnic compositions than every other country on the continent. The vastness of the natural endowments of South Africa and its resources have made the country one of the leading economies in Africa.

### **Conceptual Clarifications**

#### **Human Rights**

Scholars and philosophers, particularly among the Global North and South, have conceived of human rights from various perspectives. Often, what may constitute human rights in one society may have some kind of variation in another. However, despite the intellectual variations, liberal scholars have reached a consensus on the existence of certain conditions of social existence generally known as human rights. In this vein, Onaga & Ike (2013) submit that human rights are those rights human beings are entitled to enjoy that are also protected by the state's legal system. Thus, these rights refer to the fundamental principles that accrue to every member of society irrespective of economic standing, social status or position.

The New Webster's Dictionary of the English Language (2010) views human rights as the right to be free from government actions or violations of citizens' integrity. Specifically, this refers to the right to fulfil some basic requirements of man, such as food, shelter, health care, education and other categories of civil rights and political liberties enshrined in the release made in 1978 by the United States Department of State. The Declaration was made to cover two categories of rights in the areas of civil and political rights as well as economic, social and cultural rights. Both sets of rights, to a significant degree, are aimed at guaranteeing people freedom from fear and want. In addition, the preservation or protection of these rights also serves as the foundation of freedom, justice and peace in the global community. Governments are therefore obligated to enshrine and protect these rights to ensure a healthier and more stable society (Alozie, 2020). Noting the importance of human rights, the concept has been

universalized by modern society as its adherence goes a long way in enhancing state stability as well as harmonious relationships among citizens, institutions and groups (Enemo, 2008).

Although the level of compliance and observance has continued to vary among societies, no society in modern times pays lip service to human rights issues, as doing so would negatively impact state stability and survival. Corroborating this view, Obaseki (1992:246) contends that:

Human rights represent the rights that accrue to man, otherwise known as fundamental freedoms. They constitute the claims that are usually recognized, protected and secured for each individual, the fullest and freest development of personality and spirituality, and moral and other independence. They constitute the rights inherent in individuals as rational, free, willing creatures, not brought about by some positive law or capable of being abridged or abrogated by positive law.

In Obaseki's view, human rights are inalienable in the sense that they are enjoyed by man arising from his humanity and hence are granted and guaranteed to every law-abiding citizens.

Law (2006) submits that human rights constitute those rights granted to individuals in as much as they are bonafide members of society. These rights are described as inherent and inalienable as a result of human existence. Under normal circumstances, individuals can only be denied these rights whenever the laws of the state are breached by such individuals. Modern nation states have been obligated to safeguard the laws of the land and, by extension, the human rights of citizens. Often, distinction is made between human rights and fundamental human rights. The latter include those rights that have been recognized by the state's legal system, whereas the former, though also enshrined in state laws, are wider in scope.

In accordance with the provisions of the Universal Declaration of Human Rights, human rights are described as the basic rights and freedoms that accrue to humans. What this idea denotes is that all humans are endowed with the faculty of reason and conscience and hence are expected to act towards one another in a spirit of brotherhood (Article 1 of the United Nations Universal Declaration of Human Rights, Resolution 217 A, 10<sup>th</sup> December, 1948).

Laski (1957), while disagreeing with the views of Hobbes that human rights have to do with the power to satisfy one's desires, submits that certain human desires are selfish. Human rights are therefore used to describe those conditions of social life that individuals cannot afford to do without. It is therefore the pursuit for the preservation of those conditions of existence that give the State its relevance and essence.

Generally, human rights have been derived from some principles and conventions developed globally following the era of the Renaissance. Some of these rights were also drawn from social contract theories. Drawing from this view, Okoro (2013) contends that human rights refer to those conditions and safeguards aimed at protecting the individual against the arbitrary use of state power, which constrains citizens' welfare, freedom, and autonomy as well as their representation and human interest.

Philosophically, scholars such as Ofoeze (2009) and Eze (1984), among others, have classified the emergence of human rights into three major schools of thought. These include the naturalist school of thought, which views human rights as emanating from nature; the positivist school of thought, which places the State in a Pivotal position in the determination of what actually constitutes the human rights of the people and finally, the Marxist school of thought, which dismisses the earlier views and sees human rights as those conditions of social existence that have been manipulated and imposed on society by the economically privileged and dominant class, who, by their position, influence society's politics and law.

### **Human Rights Violation**

Human rights violations or abuses are said to be acts or actions carried out by either private citizens against fellow citizens or the State against the citizens that undermine the fundamental human rights of other citizens, as contained in the Constitution of the Land.

The Universal Declaration of Human Rights adopted by the United Nations General Assembly was expected to regulate human rights issues among member nations of the United Nations, whether developed or underdeveloped. The arrangement and provisions were made in such a way that municipal constitutions were to be drawn from the content of the Universal Declaration of Human Rights for the rights to be domesticated among member nations. In other words, if any nation or its citizens act contrary to the provisions on human rights as enshrined in the relevant sections of the country's constitution, then it would be assumed that human rights violation has taken place. For instance, section IV of the 1999 constitution of the Federal Republic of Nigeria (as amended) contains detailed provisions on fundamental human rights ranging from civil, political, social, economic, and cultural, among others. The State is therefore obligated to protect or preserve these rights, as the Citizens are also expected to fulfil their own duties, as provided for in the constitution, to avoid attracting the wrath of the State.

### **State Stability**

The State represents an entity characterized by a defined territory, sovereignty, a population and recognized government. Generally, the State has the capacity to make laws and effect its will without being challenged unnecessarily by any group or institution within its area of jurisdiction. Despite the different positions on the meaning or essence of the State by various philosophers, either liberal or Marxist, the fact remains that the State represents a community or society positively organized under which a defined territory and independent government exists (Egobueze, 2020; Nnoli, 2003)

According to Kapur (2006; 75), "the State represents an assemblage of people occupying a definite territory under a recognized government that is independent of external or internal control". The State thus denotes the entity that has been constitutionally empowered to effect its will on every group, organization, institution or person without undue internal or external interference. It is usually stated that "every government goes but the State remains permanent". Similarly, stability implies a condition or state of relative peace, equilibrium or order. Juxtaposing the two concepts, State stability therefore denotes the smooth, harmonious, healthy and uninterrupted functioning of the state and its various institutions to the extent that the state is able to considerably overcome the various threats against it and realize the objectives for which it exists. In other words, state stability involves the consistent and smooth operation of a government system that enables individuals, irrespective of class or status, to realize or enhance

their potential for harmonious living and peaceful coexistence (Ikonne & Nwadike, 2020). In addition, state stability implies that the sovereignty of the state is not brought to question in terms of the ability of the state to live up to its constitutional obligation of ensuring that the primary functions of the state are not compromised.

Some indices for measuring state stability include the provision of public goods, effective functioning of the legal system, legitimacy, a corrupt-free system, a good income level for citizens and meaningful per capita income, observance of human rights, and environmental protection and observance of the rule of law. Considering the Stated indices, State Stability in Africa in the 21st century has continued to leave sad memories in the minds of people given the persistent abuse and violations of human rights, especially in Nigeria and South Africa.

### **Nature of human rights violations in Nigeria in the 21st century**

The 21st century has heralded heightened cases of human rights abuse and violations in Nigeria. This issue, which has remained worrisome and a national embarrassment, has taken many forms and dimensions. Sadly, some of the violations are being masterminded by the State, whose part of its major constitutional function is to develop lasting strategies for safeguarding the fundamental human rights of citizens. Several socioeconomic, political, religious, cultural and historical factors have remained the drivers of human rights abuse and violations in Nigeria in the 21st century. Within the first three years of the administration of the former president of Nigeria, Chief Olusegun Obasanjo (May 1999 – 2003) over two hundred and fifty-eight (258) official cases of extrajudicial killings were recorded across the country. The Odi and Zaki Ibiam Massacre alone led to the loss of three hundred lives (Omegbehim, 2002; Eke, 2014). By 2010, the number of official cases of murder in Nigeria increased to seventy-four thousand, and sixty-four (74,064) (Eke, 2011).

From the records, under the forced eviction of citizens in Lagos State alone, more than forty thousand (40,000) vulnerable individuals in some urban areas in Lagos were forcibly chased out of their residences without the government working out remedial measures. In the same Lagos, the FSARS protest of October 2020 also led government security agencies to waste the lives of hundreds of youth protesters.

Among other works that showcased rampant cases of human rights abuse and violations in Nigeria, Alozie (2020) articulated some of the worst cases in the 21st century in Nigeria that have negatively impacted on State stability in the country. Some of the selected cases are as follows:

#### **i) Extrajudicial killings**

This is the unconstitutional or wrongful termination of the life of a citizen without recourse to the laws of the land. Several factors or reasons often give rise to this. This unfortunate act is often carried out by the agents or officials of the state or even by the citizens themselves against fellow citizens (crime suspects). This is often called Jungle Justice. This is a gross abuse of human rights that runs contrary to the provisions of the constitution. For instance, chapter IV (33) (1) of the Federal Republic of Nigeria (1999) provides, inter alia, “Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in criminal offence of which he has been found guilty in Nigeria.”

Below is just the tip of the iceberg on selected cases of extra judicial killings in Nigeria in the 21st century:

1. On 21st July 2017 at Rumuokparali, Rivers State, two sons of Chief Oliver Wobo, Mr. Ofeanyi Wobo and Mr. Emeka Wobo, were beheaded by suspected cultists (John, 2017).
2. On 3<sup>rd</sup> April 2015 (Good Friday), Chief C.N. Adube was killed at Obrigom, Rivers State. It was a politically motivated killing (Dikewoha, 2015).
3. In December 2019, a group of soldiers went to Ikpeagu, Ebonyi State, and beheaded one Master Ojoko Friday, a 17-year-old student at Noble Secondary School, Ikpeagu (New Telegraph, 17<sup>th</sup> December, 2019).
4. On 5<sup>th</sup> January 2020, one Mr. Ahamefule Maduabuchi was killed by political thugs during a scuffle between dissolved Local Government Area Councillors and those elected during the tenure of Governor Rochas Okorocha of Imo State (2007–2015) (BCA press Review 7<sup>th</sup> January 2020, 7:15 am).
5. On 25<sup>th</sup> May 2020, Sir T.C. Okere, 82 years and former Director General, Imo Broadcasting Corporation, Owerri, Imo State stabbed his wife to death for undisclosed reasons (BCA Press Review 26<sup>th</sup> May 2020, 7:15 am).
6. On 9<sup>th</sup> September 2020, an NSCDC official, by the name, Inspector Robinson, on the guise of accidental discharge, killed one Onyedikachi Nwaogu in Aba, Abia State (Daily Sun, 10<sup>th</sup> September 2020).

**ii) Rape as a breach of fundamental human rights in Nigeria**

Rape is defined as the use of force to have parental knowledge of a male or female gender that is above eighteen years of age. Simply put, rape denotes sex without consent. The rape of a minor, that is, a girl younger than eighteen years, is known as defilement (Alozie, 2020). There are many cases of rape in Nigeria in the 21<sup>st</sup> century. The moral fabric of society has virtually been broken, as some depraved fathers have turned themselves into sex maniacs to the point of forcing their female children into having sexual relations with them even as some disgruntled brothers also force their sisters into sex relations. Several factors, such as the negative influence of the online media and degenerating cultural and moral values of modern society, have partly contributed to the rising cases of rape in Nigeria. A few of the selected cases of rape in Nigeria are listed below:

1. On 10<sup>th</sup> September, 2015, Chief Wilfred Ogbodo, 78 years, a landlord in Enugu State while his wife was away invited a tenant's daughter, a minor of eight years inside his room and raped her (Obi, 2015).
2. On 22<sup>nd</sup> April, 2020 in Ondo State, Pastor Peter Alateke purportedly raped an epileptic girl in the course of conducting deliverance and prayer for her (BCA Press Review, 23<sup>rd</sup> April, 2020).
3. On 11<sup>th</sup> May, 2019, one Emeka Emmanuel, 18 years old at Ekiti, Ekiti State raped a seven-year-old girl (a minor) (BCA Press Review, 25<sup>th</sup> May, 2019).
4. On 2<sup>nd</sup> June, 2020, one Rtd. Army Officer, Bassey Etamin (Capt.) allegedly defiled a four-year-old minor and his niece, he claimed he did so under the influence of alcohol (BCA Press Review, 4<sup>th</sup> June, 2020).
5. On 23<sup>rd</sup> July, 2020, one Sunny Garuba in Niger State allegedly raped a sixty-year-old woman whom he claimed he got attracted to the woman's hip. Earlier, he had already raped three women in the village (BCA Press Review, 25<sup>th</sup> July, 2020).



6. On 10<sup>th</sup> September, 2020 one Uchenna Tobias at Enekahia, Rivers State, allegedly defiled his three daughters (BCA Press Review 11<sup>th</sup> September, 2020).
7. On 15<sup>th</sup> September, 2020, one Apostle Basil Princewill at Abuja raped a fourteen-year-old girl (a minor), got her impregnated and attempted to abort the pregnancy. Court of Appeal, Abuja division, sentenced the culprit to seven years imprisonment (NTA news, 15<sup>th</sup> September, 2020, 9:00 PM News).

**iii) Persistence of armed bandits and unknown gunman attacks**

The state stability in Nigeria in the 21st century has been witnessing other forms of threat due to persistent attacks against the State, its institutions and persons by groups known as unknown gunmen or bandits. For various reasons, in recent years, these armed and dreaded criminal elements with sophisticated weapons have challenged the might of the state in ensuring the security of lives and property of citizens. They brutally attack persons, homes, government institutions, correctional centres, security personnel, and banks, among other targets. The dreaded Offa bank robbery and attack in Kwara State in 2018 were attributed to bandits (Alozie, 2020). Several acts of extrajudicial killings, abduction and kidnapping of persons for ransom in Nigeria have been traced to unknown gunmen. For instance, Pastor & Mrs. Emma Juliana Beleya (husband and wife) from the Donga Local Government Area of Taraba State on 3<sup>rd</sup> June 2020 were said to have been attacked and killed while working on their farm by unknown gunmen (Omega 101.1.FM Press Review, Anambra State, 2.00 pm, 5th June 2020). The bandits also killed one Pastor Shema (Southern Kaduna) on 4<sup>th</sup> July 2020, seven days after the settlement of his intended wife's bride price (AIT News, 6<sup>th</sup> September 2020, 8.00 pm). On the 24<sup>th</sup> of December 2023, the Christmas eruption occurred in two local government areas in Jos (Plateau State), during which more than two hundred people died and scores of people injured were alleged to have been determined by the unknown gunmen. The activities of the unknown gunmen up to the first quarter of 2024 intensified across Nigeria, especially in the Federal Capital Territory, Abuja, where they abducted individuals and even family members, leaving some of the families with perpetual tears through the killing of their abducted loved ones even after the payment of ransom. The renewed and reoccurring cases of kidnapping allegedly being carried out almost daily were extended to Ekiti State on 29<sup>th</sup> January, 2024, with the abduction of some pupils of the Apostolic Faith Group of Schools, Ekiti and their teachers on their way back from school (BCA Press Review 31<sup>st</sup> January, 2024, 7:15.00 am). The pupils and their teachers spent more than one week in the hands of the unknown gunmen before they were released after their parents had paid approximately fifteen million naira ransom to the bandits. On Thursday, 1<sup>st</sup> February, 2024, unknown gunmen in Katsina State also abducted approximately fifty women who were escorting home a newly wedded bride (Vision Africa Press Review 8.00 am, February 3<sup>rd</sup>, 2024).

Another selected case at the beginning of 2024 was the abduction of Eze Ohiri, chairperson of the Imo State Council of Traditional Rulers from Owerri West. He was released after spending three weeks in the hands of his abductors (Vision Africa Press Review 2<sup>nd</sup> February, 2024, 8.00 am). On Friday, January 26<sup>th</sup>, 2024, the unknown gunmen in Umuahia, Abia State, carried out a high-profile kidnapping that involved a high-ranking Professor and Deputy Vice Chancellor of Abia State University, Uturu, around a filling station at Amachara (Abia State). The erudite scholar who was in the company of his wife was whisked away by his abductors as they let his wife go after ceasing her ATM card (Vision Africa Press Review, 27<sup>th</sup> January 2024, 8.00 am). The duo was released after spending approximately ten days in the hands of his abductors.

**iv) Fulani herdsmen attacks as a breach of citizens' fundamental human rights**

The menace of Fulani herdsmen attacks against farmers and other vulnerable residents in parts of southern Nigeria in particular and their engagement in other heinous crimes were exacerbated during the administration of former President Muhammadu Buhari. Unfortunately, that administration did not make genuine efforts to checkmate the incessant attacks and killings meted to some innocent individuals and farmers by the Fulani herdsmen, who grossly negated the fundamental human rights of those involved in peaceful assembly, association, movement and the right to existence.

Fulani herdsmen carry their cattle from rural northern communities to urban areas or townships in other parts of the country where they block traffic and cause accidents. The clash between herdsmen and farmers has resulted in colossal losses in human lives and property. Fulani herdsmen usually fortify themselves with charms, ammunition and sophisticated weapons with which they attack, brutalize and kill their victims whenever they are resisted. At the slightest provocation, they rape women and girls with disdain (Duroyaiye, 2014).

The states that have remained vulnerable to Fulani herdsmen attacks include Benue, Enugu, Nassarawa, Plateau, Kaduna, Zamfara, Oyo, Imo, Cross River, Abia, Ebonyi, Rivers State and the Federal Capital Territory (FCT) Abuja. On several occasions, the herdsmen carry out violent attacks during unsuspecting hours. That is, when people are either asleep at midnight or observing church or Muslim worship or prayers. A report released by the Global Terrorism Index in 2020 revealed that more than two thousand Nigerians lost their precious lives due to herdsmen attacks as of the end of 2021. Several buildings and other property items belonging to individuals were either burned or destroyed by the herdsmen. The above figure has risen astronomically by the second quarter of 2024 in view of the unrelenting attacks being carried out across the geo-political zones by Fulani herdsmen.

Series of other forms of human rights violations that have remained a threat to state stability in Nigeria in the 21st century include the following: unwarranted demolition of citizens' property by the state without due compensation; failed promises of politicians; missing persons syndrome; gender-based violence; Boko Haram terrorist attacks; illegal arrest, torture and prolonged detention of citizens without trial; and extrajudicial killing of separatist agitators (Alozie, 2020).

**Nature of human rights violations in South Africa in the 21st century**

In the 21st century, South Africa witnessed various forms of human rights violations and abuse, and their effects have remained a threat to state stability. Among other triggers, some security agencies, in the exercise of their duties, have been involved in masterminding, aiding and abetting many human rights violations in South Africa. These violations have occurred in the following areas:

**i) Unconstitutional arrest and deprivation of citizens' life**

Reported cases of unlawful arrest and deprivation of the lives of citizens, which were pronounced in South Africa between 2012 and 2013, persisted until the first quarter of 2024. Country Reports on Human Rights Practices in South Africa (2013) revealed that between 2012 and 2013, approximately seven hundred and six people died in police custody. Some politically

motivated killings and assassinations have also been reoccurring in South Africa. One typical case was the shooting and killing of Makhosenke Msibi in his home on 10<sup>th</sup> August 2013 after returning from a party rally. The African National Congress Kwini regional leader was also assassinated in 2011. A Rwandan chief intelligence officer, Patrick Karegeya, was also killed in a hotel where he lodged in Johannesburg in 2011. Within the same period, some white farmers also suffered various forms of human rights abuse and violations (Country Reports on Human Rights Practices; United States Department of State Report, 2013).

**ii) Gender-based violence**

Although the constitution of South Africa prohibits the discrimination of people on various grounds, cases of gender-based violence have continued to persist in South Africa. Among other cases, the gang raping of one Anene Booysen resulted in her death in a hospital in 2013. In addition, between 2012 and 2013, the SAPS report (2013) showed that there were over 197,870 various forms of gender-based violence against the female gender in South Africa. One case that attracted much attention was the one that took place on 13<sup>th</sup> February 2013 when one Stanley Modikane allegedly killed and had his wife, Phumeza Madikane, beheaded for money ritual.

**iii) Reported cases of rape and violence against children in South Africa**

The rate at which the rights of children are violated and abused in South Africa has remained alarming. The SAPS report (2013) revealed that approximately 49,505 cases of violence against children with little record of conviction occurred between 2012 and 2013. On January 2012, one Ase Mahle Ntobo of Western Cape Province was allegedly raped and thereafter ritually killed by three men who were later arrested. Until the second quarter of 2024, reported cases of violence against children have continued to occur in South Africa.

**iv) Xenophobic attacks in South Africa as a breach of citizens' fundamental human rights**

Xenophobic attacks are peculiar to South Africa, similar to the apartheid policy introduced by the white minority regime. The concept of xenophobia has been interpreted by scholars from various perspectives. For Moge kwu (2005), xenophobia denotes the fear or hatred of foreigners or strangers. Discriminatory attitudes and behaviour, which often manifest as violence and various forms of abuse, are impeded. Broadly, the enforcement of xenophobic attacks carries with it some form of discriminatory, stereotyping and dehumanizing practices and policies. Thus, the target group is excluded from benefiting from some public services or privileges; there is also selective enforcement of bye-laws; assault and harassment to certain individuals (especially foreigners) by some agents of the State; and matching out public threats and a kind of violence called xenophobic that often results in massive loss of lives and livelihoods (Anthony, 2017).

The years 2018 and 2019 witnessed the resurgence of xenophobic attacks in South Africa against the nationals of other countries. By 2019, xenophobic attacks in South Africa reached a crescendo as the nationals of several more countries were affected by the attacks. Within and outside Africa in particular, the attacks became a stroke against regional integration efforts. It is on record that xenophobic attacks result from a good number of socioeconomic and political factors. Within and outside the subregion, a large number of nationals from countries such as

Senegal, Somalia, Mozambique, Kenya, Nigeria, and Zimbabwe, among others, lost their lives, shops or other investments as well as their belongings. A report made possible by Ehikioya (2019) revealed that more than 200 Nigerians lost their lives in addition to millions of dollars lost following the xenophobic attacks made against them. The Nigerians who lost their lives in South Africa following renewed xenophobic attacks in 2019 included Pius Abaziem, Obioma Stanley, Benjamin Simeon and Henry Okechukwu, a dealer on fairly used cars (NTA news 5<sup>th</sup> May, 2019, 4:00 pm).

### **Implications of human rights violations for state stability in Nigeria and South Africa**

Human rights violations and abuse in Nigeria have continued to constitute a serious threat to state stability in the 21st century. Among others, the series of attacks perpetrated by Boko Haram, Unknown Gunmen, Armed bandits, Fulani herdsmen, and other merchants of death has resulted in a tale of woes for the people of this country in view of items of property worth millions of naira being lost and thousands of human lives being wasted. In present-day Nigeria (up to the second quarter of the year, 2024), there is a national lamentation by the average Nigerian that no day passes without reported cases of loss of lives and property resulting from terror attacks across the country.

The problem of internally displaced persons (IDPs) has increased, resulting in generational agony as children have become orphans overnight and women widows in a twinkling of the eyes. The humanitarian crises that have resulted from insecurity in Nigeria have exceeded the capacity of the various levels of government.

In southern Kaduna and Jos (Plateau State), for instance, incessant attacks against the Christian community have continued to worsen religious crises and national integration in Nigeria. The resurgence of attacks in Jos (Plateau) in January 2024 after the Christmas Eve attack of December 2023 led the state governor to declare a curfew in the affected cities, which further compounded people's freedom of movement, socioeconomic activities and other engagements. Due to unrelenting violent attacks and rampant cases of the kidnapping of citizens for ransom, there has been continued desertion of the areas grossly engulfed by insecurity, as Boko Haram and unknown gunmen have taken over some Nigerian cities. Some of the areas, such as Ihube, Aku, and some parts of Umulolo in Imo State and other areas in Northeast Nigeria, have been deserted, with the indigenous peoples relocating to other safer areas. A state of psychological quagmire, perpetual fear, and uncertainty now exist in the minds of most Nigerians, as the people are virtually helpless about what to do to free themselves.

Educationally, Boko Haram and some armed bandits have almost succeeded in bringing Western education to a halt in parts of Northeast Nigeria. In a way, they have managed to raze down some primary and secondary schools and abduct some pupils and their teachers. In some parts of Northeast Nigeria, some parents rarely send their children to school again, while others are forced to withdraw for fear of being killed or kidnapped by Boko Haram and unknown gunmen. This is a gross abuse of the social or educational rights of the child. In the Southeast Zone of Nigeria, the education rights of children are also violated in view of the increasing number of missing schoolchildren.

Among the South East zone, the continued detention of Mazi Nnamdi Kanu, the leader of the proscribed group, the Indigenous People of Biafra despite the ruling of an Abuja Appeal Court in his favour, has continued to leave the zone most insecure. Apart from the IPOB Sit-at-Home

Order every Monday across the zone, which has been affecting freedom of movement and socioeconomic activities, violent clashes have continued to be recorded in the area between government security agencies on the one hand and members of the Eastern Security Network (ESN), the unknown gunmen and the IPOB enforcers of every Monday sit-at-Home Order on the other hand.

The incessant attacks against farmers and other vulnerable residents in southern Nigeria and parts of northern Nigeria by Fulani herdsmen have threatened people's right to food security. In several places, such as Benue State, Taraba, and Enugu, herdsmen have succeeded in chasing farmers away from their farms. In most cases, they set farm ablaze, rape women and girls and kidnap others.

For South Africa, many of the human rights violations the country has been known for have been in the areas of rape, gender-based violence, security agency brutality against citizens, extrajudicial killings and jungle justice. Some human rights violations involving persons have resulted in disaffection, disharmony, ripples, disunity, and antagonism among families. Interethnic squabbles and tribal hostility also result from certain government actions against citizens.

Among other triggers of human rights violations, these violations have severe and negative consequences for state ability in South Africa. In addition to other human rights violations that threaten state stability in South Africa, executive recklessness exhibited by some ambitious state officials has resulted in disaffection between the people at the grassroots level and government officials. Xenophobic attacks also constituted a gross violation of the rights of nationals, especially those domiciled or doing business in South Africa. Xenophobic attacks were a gross violation of both the African Union Protocol and ECOWAS Treaty on citizens' migration and free movement within the member states of the African Union (AU) and the Economic Community of West African States (ECOWAS).

Economically, the hope of thousands of African people who depended on South African exports in 2014 was almost dashed due to xenophobic attacks. Within the period of intensified attacks, South Africa was Africa's largest investor, even as some South African companies, such as SAB Miller, MTN, Multichoice and Shoprite, extended their investment horizon to other African countries (Schaefer & Edinger, 2015). The hostilities generated by xenophobic attacks affected the existence of those companies within and beyond South Africa. In countries such as Ghana, Nigeria, Malawi, Zambia, and Zimbabwe, civil society organizations in these areas protested against the actions of the people of South Africa and pressed for the boycott of their products. In Nigeria, for instance, following the killing of Nigerian nationals in South Africa, and the demolition of their shops and other investments by South African protesters, reprisal attacks were made against South Africa's business outlets in Nigeria in places such as Lagos and other major cities where South African businesses were situated. The intervention of Nigeria's Acting President, Professor Yemi Osibanjo, during the 2016 impasse halted the situation from escalating (Ibrahim, 2017). Serious cases of human rights violations witnessed in South Africa between 2014 and 2016 coupled with severe challenges caused by xenophobic attacks also had some negative impacts on the rate of tourism, African integration and inter-African relations. In fact, South Africa suffered diplomatic tracks, with some sister African countries in particular whose nationals were either attacked, killed or forced out of South Africa. The wound that resulted from this ugly development between South Africa and the rest

of the African countries is yet to heal completely after some years, even as the dust from the situation is also yet to be fully clarified.

### **Conclusion**

The African state is a continent that has continued to be bedevilled with many challenges. Among these challenges, it has been discovered that the abuse and violations of human rights among people in the 21st century have become major constraints on state stability in Africa. Several socioeconomic and political factors have combined to rob Africa of sound state stability in the 21st century. The observance of human rights has been noted as a core ingredient in the realization of state, individual, societal or national developmental objectives or aspirations. Although a few African countries have made some improvements in human rights issues, several others have been infested with gross abuse and violations of human rights, poor governance, leadership failure, weak institutions and agencies, among other limiting factors. Human rights violations and abuse have taken diverse dimensions in Nigeria and South Africa in the 21st century. Although similar forms of human rights violations have been observed in both Nigeria and South Africa, xenophobic attacks have been noted to be peculiar to South Africa. Xenophobic attacks were found to be violent, discriminatory, inhuman, anti-progressive, and anti-developmental and to be a serious threat to state stability, regional integration efforts and interstate relations.

### **Recommendations**

Based on this study, the following recommendations are proposed:

1. African countries in the 21st century should emphasize developing strong institutions and agencies for the enforcement of citizens' fundamental human rights and the verification of human rights violations and abuse.
2. In view of the high expectations of other countries, especially within and outside the subregion, Nigeria and South Africa should play down unnecessary pride, ego, political superiority, and work towards the enhancement or preservation of human rights in their countries in particular and Africa in general.
3. As core ingredients in enhancing state stability, accountable leadership and good governance should be the priorities of all countries in Africa.
4. All hands should be on deck to address the triggers of human rights violations and abuse in 21st century Africa.
5. Given the challenging threat of insecurity in present-day Nigeria and South Africa, in particular, no effort should be spared in making collaborative efforts towards addressing the menace by all relevant stakeholders in these countries.

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