

## **Challenges of Balancing State Security with Human Rights in Nigeria**

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### **Abstract**

*This paper focused on the challenges of balancing state security with human rights in Nigeria. Thus, As a relevant and educative study with reliance on secondary data, the study adopts a liberal approach as the theatrical framework which highlights the core impact of the interplay between human rights and State Security in Nigeria. This paper adopts the qualitative research design (Content Analysis). The study's goals include determining how state security and human rights in Nigeria relate to one another. To examine some of the difficult factors preventing their peaceful coexistence and, ultimately, to pinpoint the potential risk of losing one at the expense of the other, it furthers its investigation by posing the quests: Should the government disregard human rights in the face of mantling security? This paper in its findings found the following as contributing factors militating against the collaborative relationship between State Security and human rights among which includes; poverty and global inequality; discrimination; Armed conflict and violence; democracy deficit all these are peculiar to human rights. However, the research recommends for active human rights and State Security measures be put in place by the government without necessarily setting aside human rights in the face of mountling human security. All moral values should be at the centre of all individuals as peace can only be attained if the culture of 'value' is possessed among the leader and the lead. Therefore, **the** government must acknowledge the significance of issues like democratic legitimacy, human rights and security sector reform.*

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### **1. Introduction**

The concept of human rights states that each individual has certain rights associated with them, and those rights cannot be violated unless legally permissible and in a situation that is deemed acceptable. Human rights are those freedoms that the whole society acknowledges as being inherent to every person simply because of their humanity. Human rights are those freedoms that the world at large acknowledges as inherent to every person simply because of their personhood. The most overused argument for the concept of human rights is that it is only the modern name for what was originally referred to as natural rights. Fundamental rights might be described as moral rights that, in contrast to other beings, every human being should have at all times and everywhere just because he is moral and rational. Natural law is the notion that gives birth to natural rights. The Greek and Roman thinkers of the Stoic school, who initially proposed it, claimed that natural law was universal since it applied to everyone in the city, not just residents of certain states (Igwe, 2002).

Igwe (2002) stated that human rights are inherent in all people everywhere and cannot be taken away, denied, or given at the whim or will of anyone. In this sense, They are referred to as being permanent or unique physicochemical. Any human being who has these removed will no longer be considered human. They adhere to every human being, globally, in every society, in the same way as his limbs and legs do. They are a part of human nature. Human rights are not established through constitutions or other laws; rather, they are declared and preserved. This may be the reason why the statute verbiage for first-generation human rights is so harsh. For example, to say that no person shall be deprived of his liberty presupposes that personal liberty is an existing right.

People's legal manifestation of life is their right to human rights. Consequently, human rights are impossible without human existence. More specifically, since life entails a free and honorable existence within the bounds of a legal system that guarantees the harmonious coexistence of rights and obligations, the primary objective of recognizing and defending human rights is to ensure the opportunity to live fully and entirely in honorable freedom. Human rights are the product of a protracted battle against exploitation and tyranny. (Igwe, 2002).

Humans live in a society where the most basic human rights that would allow the average person to live life to the fullest are still restricted to them. However, Nigerian citizens are continued to be denied the fundamental rights that would allow them to live their lives to the fullest. Nigeria is currently battling to implement the essential idea outlined in (Annan, 2005) "Larger Freedom", which claimed that there is a crucial and unbreakable connection between human rights, peace, and development. It appears more difficult to implement some of the

statistical inferences in the Human Commission Report. The Commission on State Security made the straightforward insight that protecting and promoting peoples' fundamental liberties entails both shielding people from acute threats and empowering people to take charge of their own lives.

This paper explores the relationship between "human rights and State security" and offers an outline of the difficulties in balancing national security and human rights in Nigeria. The paper conceptualizes some of the fundamental ideas, such as humanity and security, to help readers grasp the discussion.

## **2.1 Conceptual Clarification**

### **2.1.1 Concept of Human**

Humans (*Homo sapiens*) are the most numerous and widely distributed species of primate, distinguished by bipedalism and remarkable cognitive abilities because of their complex brains. This has enabled the development of advanced tools, culture, and language. Humans are highly social creatures who want to live in elaborate social systems made up of a variety of coexisting and conflicting groupings, ranging from families and kinship networks to political states. Human social interactions have produced a vast range of values, social conventions, and rituals that support human society (Groves, 2005).

Psychologically, Humans have an immensely sophisticated brain that is capable of abstract thought, language, and introspection. Humans are renowned for their drive to comprehend and affect the world around them. They use science, philosophy, and religion to attempt to explain and control natural phenomena. Humans can express ideas and emotions through literature, music, and art because they have a strong sense of beauty and aesthetics. Humans are the only species known to have developed complex tools and skills; they are the only ones who can create fires, cook food, clothe themselves, and use a variety of other technologies. This is due to their mental capacity, natural curiosity, and anatomy.

### **2.1.2 Concept of Security**

The devoid of danger, peril, vulnerability, intimidation, force, and attack can be characterized as security (Rogers, 2010). Security is without a doubt one of the most crucial ideas in international relations because it pertains to the life and safety of states and their citizens. But it is difficult to define security since, throughout human history; the term has been used to mean many different things to various individuals in different contexts and at different times. The argument over its nature and scope has never really been resolved because there is no broad

consensus on what it means. Is it a goal that must be attained at all costs and under all circumstances? Is it an illness or a misperception? Or is it the result of actions made to defend individuals, principles, ideas, property, and other things? Is it a means or an end? What is security? How do we measure security? Are there several levels of security? Is it a concept that is either objective or subjective? How and why do security risks seem to? Is it solely tied to states, or does it also relate to people as individuals? Is safety the same as surviving? (Rogers, 2010).

To define any term, such as security in this example, one must first comprehend its nature and the key ideas that the notion is meant to express. In this regard, Political Science and International Relations researchers have been working hard to redefine security, not least after the end of the Cold War, to find potential answers to some of the problems previously listed as well as to be able to formulate new ones. The enormous number of security definitions that have appeared since support this argument. Unfortunately, it appears that the majority of these initiatives are more focused on studying crucial international contemporary agenda concerns and how these issues may relate to the foreign policies of important countries than on the idea of security itself. Baldwin (1997) argues that, very frequently, scholars appear to be more interested in redefining the policy agendas of nation-states to include and give high priority to topics like poverty, trade, economics, civil liberties, international terrorism, and habitat. This is in addition to the traditional concern with security from external military threats.

### **2.1.3 Concept of Human Rights**

Human rights are inalienable and universal. They are rights that are due to everyone, everywhere. Nobody could ever renounce them voluntarily. Also, no one else has the right to take them from him or her. Human rights are fundamental principles that uphold and defend the worth of every person. Human rights regulate how people interact with one another and with the state, as well as how they relate to the state and what obligations the state has to them (Rothschild, 1995).

Governments are prohibited from doing certain things and are required to do others by human rights law. Citizens also have obligations; they must uphold others' rights when exercising their own, as no government, organization, or person has the authority to do anything that infringes on those of others (Mutimer, 2013). Due to the intrinsic dignity of every human being, all people are equal. According to the human rights treaty bodies, all people have the right to exercise their human rights without being subjected to any form of discrimination based on factors like ethnic background, color, gender, ethnic background, age, language, religious doctrine, ideological or other

opinions, national or social origin, disability, property, birth, or another status.

## **2.2 Nexus between Human Rights and State Security**

The link between security and human rights is important. This link is reinforced if consider that human rights define human security. Human rights must be protected for individual, global, and national development to take place; without this, there can be no security. Respect for human rights is necessary for development, and it also helps to avoid conflicts. Human rights must be the cornerstone of peace building, peacekeeping, and peace-building efforts, and these efforts must also prioritize and incorporate human rights strategies.

Additionally, the government must promote "human rights policies as governance", meaning that each society must proclaim that protecting the fundamental civil, political, economic, social, and cultural rights of individuals is the mission and purpose of governance. An understanding of this may be obtained through the example of the conflict prevention mechanism of the African Union (AU). The process upholds what may be referred to as the "democratic legitimacy" premise, which is democratic governance, also known as democratic transparency. In many situations, democratic legitimacy requires that the people's elected government remain in place and not be overthrown. Governments must neither permit nor approve military coups that would topple democratically elected governments. The idea of democratic legitimacy is said to permeate the Security Council's operations as well. As a result, the African Union (AU) conflict prevention mechanism and the United Nations Security Council both put into practice the idea that human rights define State Security as well as the notion of democratic legitimacy (Bertrand, 2002).

The relationship between state security and human rights is highlighted through a case study of the "Nigeria EndSARS Protest" and the refusal of the air force marshals to operate the A" 29 Super Tucano aircraft. The protest refers to a circumstance in which a country that had previously been reasonably rich and stable, with a class of people with high education, experienced a mutiny and then became embroiled in a battle with no clear endpoint. This issue demonstrates how developing military confidence is related to conflict avoidance as well as human rights, human security, and democratic legitimacy. Protesters from Lagos in Southern Nigeria have questioned why the Nigerian government (Lagos) was unable to predict that this confrontation would occur. Nigeria had all the information needed to assess the situation in the wake of the tragedy that befell the EndSARS Protesters (Tohun, 2021). Is it appropriate for the Nigerian government to disregard human rights in the

face of mantling security concerns? Before security personnel violated the demonstrators' basic human rights as unarmed people, the EndSARS movement was a nonviolent demonstration. It's really unfortunate because Nigeria is considered to have a democratic system of government. The government needs to take a closer look at the subject of military or security sector confidence-building measures, as well as the linked issue of training in humanitarian and human rights norms for the security sector and the military.

Being in the army is a way of livelihood in some circumstances elsewhere. In Nigeria, it has been recognised in particular that asking soldiers to quit the military after years of service meant going into unemployment. Having the ability to govern the military would be a successful confidence-boosting measure. The question must be asked whether developing countries have the same possibility of controlling the military in this way, because their economic aspects, aspects of confidence, and perceptions about the composition of the military over a while call for confidence building and incentives and training in the military. In multiethnic nations, this question is particularly pertinent. Human rights indicators have seldom been used to stop conflicts, though there are a few examples. Human rights matters are handled specifically by the Security Council. Although the Security Council has issued several declarations regarding human rights issues, there are only a small number of cases where the Security Council has taken action because human rights indices in a particular country point to the likelihood of a serious calamity (Hajaig, 2003).

Additionally, there is a challenge in the political realm of the Security Council where caution must be taken with the issue of meddling and pre-emption on the one hand, with sovereignty and the need to be careful, and on the other hand, to detect the signs when societies are headed for trouble and how to balance these two. The importance of issues like security sector reform, security theories, human rights and human security, democratic legitimacy, encouraging confidence, and training incentives must therefore be acknowledged (Hajaig, 2003). As a result, security and human rights are linked in many different real-world situations. Respect for human rights is a key indicator of human security.

## **2.3 Theoretical Review**

### **2.3.1 Realist Theory of Security**

The Realist theory was chosen as the foundation for this essay because it is relevant to the explanation of Security, a system that fosters international relations but can also be highly subjective. The state is the referent object of security according to the conventional security

paradigm, which uses a realist construct of security. In an environment where security and power, as measured by military prowess, are the guiding factors in the international system, the Realism school of international relations thought deals with macro concerns including political and militaristic ones. So security also refers to national security. Other objectives come in second. The national interest and national security are interchangeable terms, highlighting the fact that the national interest should take precedence over all other considerations in security policy (Wolfers, 1952).

As a result, the stability of the domestic and global systems was predicated on the idea that if state security is preserved, then citizen security will inevitably follow. The realist theory was championed by Morgenthau H. J (1904-1980). The fundamental assumption is that the domestic political order in this country was secure and largely tranquil. In his classic book "Politics among Nations: the Struggle for Power and Peace," Hans Morgenthau outlined the fundamental principles of classical realism. Hans advocated that politicians make decisions based on what is in the best interest of the country, which he described as the acquisition of power.

Security is a byproduct of power, according to Morgenthau, since "Statesmen act and think in terms of interests defined as power, and the evidence of history bears that assumption out" (Morgenthau, 1993), even if it may be claimed that it does not. In describing international affairs, realism gave anarchy the upper hand. The definition of anarchy should be the absence of a centralized authority that could uphold treaties or prohibit the use of force. States behave in a certain way as they look for security in a chaotic international environment, which is explained by the nature of the international system.

*For realists, anarchy results in a world of self-help. Because there is no power above the state, the "logic" of self-help promotes competition in the global system, leading to security quandaries and complicating the prospects for collective action (Agius, 2013: 96).*

Wolfers, a classical realist, disagreed with the conventional thinkers' assertion that security is an absolute virtue. According to him, people do not live in a world where security is either present or absent. More or less security is an option. Security is a notion in social science that is unclear and elastic in its meaning because it is a negative value that might be subjective (Brauch, 2011).

*Security is the lack of threats to acquired values in an objective sense and the absence of fear of such values being attacked in a subjective sense. However, if achieving security required just the accretion of power, which is not the case, then the terms security*

*and power would be identical. Additionally, a nation's relative power position does not directly correspond to the psychological fear of attack security. After all, the only thing that constitutes security is the absence of the evil of insecurity, or a so-called negative value (Wolfers, 1952: 56).*

Wolfers distinguished between the objective and subjective aspects of security with the same words. His emphasis is on "threats," not "power," and threats can come from both an empirical fact and a psychological creation. This novel concept might be seen as an early example of "social-constructivist" security thinking. Additionally, Wolfers contends that if employed without qualification, the term of security, or national security, can be dangerously vague. Security is defined as "the absence of threats," which seems to capture the essence of the system design of the concept. In this regard, Williams (2013): uses the concept of security as the "reduction of dangers to deeply held values". Notwithstanding, in analyzing Wolfers' definition, Baldwin (1997) notes that there might be some degree of ambiguity in the expression "absence of threats", which is necessary to rephrase Wolfers' concept of security as a "low probability of damage to acquired values".

*The benefit of this reformulation is best exemplified by the examples below: States create deterrent strategies in reaction to threats of military attack. These regulations aim to increase security by decreasing the likelihood that an attack will take place. The "danger" of earthquakes prompts states to set building codes. This has little impact on the likelihood of earthquakes, but it does reduce the likelihood that acquired values will be damaged. As a result, rather than focusing on the existence or absence of "threats" the amended phrase emphasizes the maintenance of acquired values (Baldwin, 1997: 16).*

Ullman (2011) agreed that previous military-oriented ideas of security were too limited to adequately depict reality; therefore Wolfers reformulated his terminology to extend the concept of security. According to Baldwin (1997), security could be described in terms of two specifications using this reformulation to eliminate ambiguity:

- i. Who needs security? This refers to the individual who is supposed to feel secure. Would it be the person, and if so, which one—some, most, or all would it be? Or is it the government, the international community, and so forth?
- ii. Security for what principles? Security must be weighed against other important goals like economic welfare, liberty or human rights, territorial integrity, and environmental preservation because it is not an absolute value.



Baldwin admits that despite how crucial they may be to the idea of security; these requirements are insufficient to offer more clear instructions for pursuing security. As a result, further details are required, including "how much security," "security from what risks," "through what means," "at what prices," and "at what time."

It was possible to infer from the aforementioned theoretical position that "As a result, the stability of both the domestic and the international system was built on the premise that if state security is maintained, then the security of citizens will automatically follow. The fundamental presumption is that the domestic political order in this country was stable and largely peaceful and that these qualities could only be attained (as a key way to lessen the obstacles of human rights and security) by providing for man and his needs (which contributes to challenges of human rights and human security).

### **2.3.1.1 Strengths and major Weakness of the Theory**

i. The theory explains how a state's internal environment and policies interact. The terms "national security" and "national interest" are synonymous, demonstrating how the security strategy places the requirements of the nation above all other factors (Wolfers, 1952). As a result, it was assumed that if state security was maintained, then citizen security would follow. This assumption was the foundation for the stability of both domestic and international systems.

ii. The theory holds that the state is the referential object of security. In a setting where security and power, as measured by military prowess, are the driving forces behind the international order. Consequently, national security is referred to as security. Other goals come in second.

iii. The theory explains how a state's internal environment and policies interact. The terms "national security" and "national interest" are interchangeable, demonstrating how the security policy places the requirements of the nation above all other factors (Wolfers, 1952). As a result, it was assumed that if state security was maintained, then citizen security would follow. This assumption was the foundation for the stability of both domestic and international systems.

iv. The realist view places an excessive amount of emphasis on the state's security as an object and pays inadequate attention to the subject, the citizen.

### **2.3.1.2 Relevance of the Realist Theory to the Study**

Realist theory, this study seeks to establish the nexus between human rights and human security. The stability of a nation and its development is crucial to human rights and State Security as it sets the

basis on which it should be attained. However, if neglected, it results in challenges like *global inequality; Discrimination; Armed conflict, and violence*. This argument ties strongly to the first and second tenet above that emphasizes the reinforced relationship that exists between domestic and international politics. A case in point is the poor security situation within the country. Due to Nigeria's inability to design an effective security strategy to balance the issue of human rights and State Security problems facing the Nigerian state, it is therefore seen that the relationship between human rights and State Security is imbalanced. As a result, Nigeria cannot fully entrench the use of the reciprocity principle on the regional or global front because of its poor security at home.

### **2.3.2 Liberal Theory of Security**

The liberal school of thought was championed by John Locke (1632-1704) commonly known as the "father of liberalism". Even though the liberalist tradition could be traced back to the Enlightenment (Morgan, 2013), one may say that the Liberal school of thought, with its unique perspectives, emerged in opposition to Realism's dominance of international relations theory and security studies. Liberals accept the premise that governments function in anarchic environments and act selfishly, but they believe that international politics need not be inevitably violent and conflict-ridden (Keohane, 1989). States can rely on collaboration to tackle global issues. Liberals believe that nation-states are the most significant actors in the international system, but they also place a high priority on other actors like transnational corporations, interest groups, non-governmental organizations (NGOs), and intergovernmental organizations. The power, desires, decisions, and characteristics of domestic actors within the state as well as its domestic political system, as opposed to the international system, largely determine the behavior of the state. Foreign policy in this perspective is a projection of domestic choices (Morgan 2013).

*The liberal tradition views a more benign Grotian international society or Lockean state of nature where anarchy does not mean disorder as opposed to the realist concentration on the fight for power and security in an anarchic and conflictual Hobbesian world. States strive to maximize economic development while also ensuring security, have competing but overlapping interests, and use international institutions to help control conflict and foster cooperation (Jack, 1998:145).*

The more traditional concept of national security started to incorporate non-military factors as liberal political thought evolved. States remain the primary referent object, although consideration of

additional dimensions and spheres has begun. And maybe most significantly, people started to take center stage.

*While liberalism uses the state as the analytical unit and emphasizes domestic actors' power and preferences as well as the character of their political systems, realism strives for an explanation for state action in the international system. The world can operate in a realist manner, but for liberalists, it need not be because conduct is a reflection of domestic circumstances, states are not identical, and this means that international relations are influenced by the decisions that people make (Paul, 2013:4).*

Williams suggests that decision-makers understand that states can have similar values. As a result, they can work toward agreements that would be advantageous to both parties, gradually putting into place measures that would foster a more secure environment. Liberalism, by maintaining that security is a real possibility, tends to be a more optimistic attitude, even when it acknowledges that collaboration can be challenging.

### **2.3.2.1 Strengths and major Weakness of the Theory**

- i. Liberals acknowledge that countries act egoistically and function in anarchic conditions, but they disagree that international politics must necessarily be violent and sectarian strife (Keohane, 1989).
- ii. State's behavior is determined primarily by domestic actors' power, preferences, decisions, and the nature of the state's domestic political system, not by the international system. States remain the primary referent object, although consideration of additional dimensions and spheres has begun. Individuals started to take center stage, which is perhaps the most significant.
- iii. The theory tends to be a more optimistic approach in its essence, by sustaining that lasting security is a concrete possibility.

### **2.3.2.2 Relevance of the Realist Theory to the Study**

As highlighted in this paper, Nigeria faces numerous difficulties brought on by both internal and external forces, which may be the cause of poor results from engagements in state security and human rights. As stressed by the liberal theory's tenets, it is vital to reconsider what security means by giving people and/or social groupings top priority on both domestic and global agendas. It would be essential to crafting a different language in which these actors would command the spotlight. However, from a more conceptual point of view, Ullman (2011) proposes a more individualized conception of security. He views security as an outcome of actions taken to lessen potential dangers and flaws

rather than a goal that must be pursued at any cost. The word security would be understood in this sense to signify the same thing as its *Securitas* counterpart from ancient Latin, “which refers to tranquility and freedom from care” (Liotta & Owen, 2006). The sense of security depends on how we weigh it concerning other values, like freedom, because security is a necessity and is not an absolute value. Nigeria has faced a lengthy variety of difficulties as it works to further protect human rights, but in one area, its inability to establish suitable connections to choose its harvest of diplomatic officials has stymied security progress.

### **3. Challenges of Human Rights**

i. **Poverty and global inequality:** The biggest threat to human rights in the world is poverty. The impact of poverty greatly outweighs that of other ills, whether measured by the total number of people impacted (nearly 1 billion) or by the cumulative effect across a variety of human rights. The disparity between wealthy and developing nations, as well as the global injustices it highlights, poses a severe threat to our commitment to the universality of human rights. The poor and the issue of poverty must be highlighted and prioritized in any global human rights agenda. In the abovementioned report by the Secretary-General (Kofi Annan), the human rights community is specifically challenged to make a greater impact on efforts to end poverty. This must be done by encouraging an understanding of poverty that is rights-sensitive, the use of rights-based methods of development, and the advancement of the right to development at the national and international levels (Annan, 2005),

ii. **Discrimination:** The term “discrimination” is certainly an inadequate means of describing the vast range of inequalities and indignities that are suffered by persons who are seen as less able and less deserving by those wielding power, because of their race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth or another status (Hajaig, 2003). Guarantees of non-discrimination figure prominently in every international human rights standard because ideas of inferiority, inequality or unwarranted distinctions between individuals are anathema to the notion of common humanity, which is the moral basis for these standards. Discrimination, especially against women and girls, is still legal or tolerated in some countries and practices worldwide. Indeed, one of the most pervasive abuses of human rights continues to be gender discrimination. A good example can be exemplified by tracing back the incident that took away *George Floyd’s life “I can’t breathe”*. Whereas The Universal Declaration of Human Rights imposes obligations on all Member States, and all of them have made specific commitments under one or more of

the United Nations human rights treaties. It is also clear that the primary responsibility for implementing human rights lies with Governments. It is through action at the national level that international human rights obligations can be translated into reality.

iii. **Armed conflict and violence:** Many of the world's worst human rights abuses occur in the context of armed conflict. The majority of these abuses occur during times of armed political violence or times of war, including massacres, the targeted or indiscriminate killing of people, forced migration, rape, disappearances, mass detentions, expulsions, and damage of civilian property (Hajaig, 2003). At the heart of every strategy to resolve a conflict must be the safeguarding of human rights. Many foreign players still believe that human rights become important only when the war is resolved. At every stage of a conflict, human rights must be protected. When human rights abuse patterns are adequately addressed, they can stop the escalation of violent conflict, which is one of their major precursors. Protecting human rights during a conflict is crucial for life-saving purposes and may even help to end the conflict. Human rights violations make peace agreements less likely to persist, and post-conflict insecurity reduces trust in the peace process. The vast majorities of conflicts involve armed organizations and involve internal battles between the government and rebel forces. In many countries (Nigeria inclusive), such groups are responsible for grave human rights abuses. However, ongoing international military conflicts and foreign occupations also pose a severe threat to human rights. Terrorism is a danger to human rights on a global and national scale. In addition, several techniques used by States to combat terrorism and armed groups cause human rights issues.

iv. **Weak institutions:** Individuals "act towards one another in a spirit of brotherhood," as stated in the Universal Declaration of Human Rights (see General Assembly resolution 217 A (III), article 1), the government could go some way to improving respect for human rights. However, more is necessary to ensure the protection of human rights, and this is why strong institutions, particularly those in government, are ultimately necessary. The mechanisms for enforcing human rights guarantees include courts, police, tribunals, parliaments, national human rights commissions, and supervision and inspection authorities, among many more. These institutions are frequently weak, ineffective, corrupt, or a trifecta of all three, particularly in the justice and security sectors. These challenges are, of course, interrelated. Discrimination against the poor as a group exists everywhere, including in wealthy nations. When ineffective justice systems are shown to be unable to provide citizens with recourse, impunity may develop intentionally, as a result of official policy, or by default. Poverty, bigotry, and shoddy institutions all work

against democracy. It is challenging to set up effective and impartial justice systems in nations that are at war. Terrorism breeds popular acceptance of discriminatory repression, while aggressive counterterrorism frequently aims to get around (and so undercut) legal protections.

v. Impunity: Laws that are consistently breached without consequences are unlikely to be respected. Sadly, many international human rights provisions are not implemented at the national level. Human rights law loses credibility when acts of torture go unpunished when general amnesty laws let offenders escape justice when "investigations" of excessive use of force drag on without resolution, when court orders requiring redress for discrimination victims are not upheld, and when economic and social rights cannot be defended in court (Piet, 2013). There is still much to be done to uphold fundamental human rights protections at the national level, not the least of which is establishing and defending judicial independence. The government has made some progress in addressing the worst crimes through new guidelines and international criminal prosecutions.

vi. Democracy deficits: The importance of democracy in creating a safer and more prosperous world is emphasized in the aforementioned Secretary-General (Kofi Annan) report. And yet, even countries that engage in official discrimination, extrajudicial killings, and torture call themselves democratic. Any effective definition of democracy must be based on human rights criteria to ensure the protection of physical integrity and the rights to assembly, association, expression, and information true democracies allow for dissent and resistance while also defending the rights, interests, and "voice" of minorities, women, and other. Real democracy is lacking in areas where fundamental liberties are suppressed. The peaceful transfer of power, an active and dynamic civil society, human rights advocates, free and responsible media, and efficient judicial and independent oversight institutions are all necessary for putting democratic values into practice. It also requires the building of strong laws and institutions of democratic governance, including parliaments.

#### **4. Challenges of Implementation**

Earlier mentioned were the challenges of human rights. Human being tends to be violent when aggrieved by some challenging circumstances beyond their capacity. A more recent experience of such an act was displaced as structural violence by Nigerian students as a result of the ASUU strike, on the 19<sup>th</sup> Sept 2022; roads were blocked in the street of Lagos and Abuja preventing other citizens the assets to their source of income and other social engagement. In line with this kind of

issue, State Security comes in to clear the air. Hence the security personnel can only achieve this without necessarily abusing or violating the human rights of those students only if and when the following gaps are annexed with professionalism

i. The Knowledge gap: The optimal means to implement human rights agreements through legislation and policy must be understood to make them a reality. To handle many human rights issues, political will is essential. As a result, there are many options available, and the authorities may need to be aware of these options to determine which set of laws, regulations, and policies will work best in the given situation. Decision-makers will profit from comparative experience and lessons learned from other contexts, even when a path forward appears obvious. To help governments and other actors at the national level, there is a good quantity of knowledge available, including material from the United Nations, but there are also gaps.

ii. The capacity gap: Even when the path forward is obvious, it won't be taken if there are large capacity gaps, such as a lack of human, financial, or other resources. Regardless of its material circumstances, any nation can adopt several actions to respect and defend human rights. However, the full application of human rights necessitates significant financial resources, and less developed nations will have challenges, particularly when it comes to bolstering domestic institutions like the judiciary

iii. The commitment gap: Where governments lack the commitment to reform or to address a pattern of abuse, no amount of development policy or resource mobilization will be sufficient. There are two different types of commitment gaps: when a Government is adamant about sticking with a plan of action that violates its obligations under the National Human Rights Act and when a Government acknowledges an obligation violation but does not make the necessary efforts to put the necessary reforms into place. There are also commitment gaps at the international level, as governments implement policies that support violations of human rights in other nations. The oversight organizations set up by the Member States bear the bulk of the burden in this regard. Additionally, the High Commissioner is responsible for addressing governments and presenting them with solutions to issues impeding the realization of human rights.

iv. The security gap: A fourth gap develops when governments or leaders of armed groups deliberately pursue policies that pose a threat to personal security through repression, intimidation, and violence, as well as by ordering, approving, or tolerating political assassinations, massacres, disappearances, willful destruction of civilian property, denial

of basic medical and food supplies, torture, forced displacement, and hunger, or systemic violations of human rights.

## **5. Conclusion and Recommendations**

Given that the resilience of both domestic and global systems was founded on the assertion that if state security is retained, then the security of people will logically follow, this assertion can only be interpreted as meaning that aspects like safeguarding and enfranchisement must be properly addressed to adequately fix issues (Such as knowledge gap, capacity gap, commitment, and security gap) both state security and human rights obstacles. In addition, favorable government reactions to put out claims are necessary for human rights protection methods to be effective, particularly in Nigeria. Equipping personnel with the obligation to uphold human rights with the equipment needed to do so is another aspect of empowerment.

This study holds that while security concerns are growing, the government need not abandon human rights. Instead, it recommends that the following actions be taken to put both "security" and human rights in a stable and non-alarming position that could affect residents' lives and property. To handle the issue of security issues and human rights (without necessarily mitigating one at the price of the other), some potential actions that could serve as a guide are listed:

i. Nigeria and Nigerians must consider the subject of military or security sector confidence-building initiatives, as well as the associated issue of training in humanitarian and human rights norms for the military and security sectors. The ENDSAR atrocities of October 20, 2021, may have been avoided in large part if the aforementioned measures had been taken.

ii. It is important to exercise prudence when it comes to the questions of intervention and preemption, sovereignty, and the need to be cautious, while also being aware of the indicators that societies are headed for problems and knowing how to strike a balance between these two. Therefore, it is crucial to acknowledge the significance of problems like security sector reform, security concepts, human rights and human security, democratic legitimacy, fostering confidence, and training incentives.

iii. The implementation of liberties requires qualified individuals and specialized government organizations. The National Human Rights Commission (NHRC) can do more to promote improved Nigerian cooperation and can also assist governments in identifying their capacity gaps and, through its technical cooperation program, support the growth of their ability to address human rights challenges.



iv. Morality ought to be the primary concern of every person since peace can only be realized when a culture of values is shared by the leader and the followers. And establishing powerful laws and democratic governing institutions, such as integrity parliaments.

v. The requirement to pursue "human rights strategies as governance," i.e., for each society to declare that enforcing fundamental civil, political, economic, social, and cultural rights of people is the aim of governance.

vi. The purpose of international players is to promote and strengthen national reform movements. Working with United Nations agencies and civil society such as UDHR (universal declaration of human rights), and NHRC (National Human rights commission) to alleviate poverty and global inequality as well as discrimination, Armed conflict and violence, and impunity.

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