

HUMAN RIGHTS APPROACH TO SECURITY OF LIVES AND PROPERTIES IN NIGERIA

Omoniyi Bukola Akinola*
Temitope Daniel Bamidele**
Anthony Abayomi Alayoku***

Abstract

Observance of human rights is a cardinal principle for the survival of any democratic society just as ensuring national security is a vital interest for any nation because all over the world human rights are violated on a daily basis. Nigeria has been under an unbroken democratic governance since 1999 and democracy can hardly exist in its real sense anywhere without the observance of human rights. The paper established a link between national security and human rights by looking at some practical implications from a State policy perspective and practical situations, particularly in Nigeria. The paper found that Nigerian laws made enough provisions for both the respect for human rights and for ensuring national security which only need to be implemented fully. The paper concluded that the implementation of these laws cannot be said to be perfect, hence, the paper recommended that human rights should be respected in all situations except where the law allows for the derogation of those rights and the courts should be the ones to determine when there should be those derogations and not to be left in the hands of individual appointment holders. This is to avoid impunity and absolute power which corrupts absolutely.

Keywords: Human rights, Human right violation, Human right protection, National Security

1.1 Introduction

The need for the promotion and protection of human rights is now not only recognized as the foundation of freedom and justice but as an integral and essential element for the preservation of peace not only within the confines of particular states, but universally.¹ It is for this reason that

* LL.B (Hons), LL.M, Ph.D, Barrister at Law and Professor of Law, Faculty of Law, Baze University, Abuja. Former Dean of Law, Faculty of Law, Redeemer's University, Ede, Osun State, Nigeria. Former Dean of Law, School of Law, Kampala International University, Uganda and Former Deputy Director of Academics, Nigerian Law School. Email Address: profobakinola77@gmail.com, omoniyi.akinola@bazeuniversity.edu.ng

** LL.B. LL.M, M.Phil Candidate (Obafemi Awolowo University, Ile-Ife), 08166317022, Email Address: bamidele.temitope007@gmail.com

*** Alayoku Abayomi Anthony, LL.B, LL.M, Ph.D (Candidate Babcock University), Lecturer: Faculty of Law, Redeemer's University, Ede, Osun State.

¹ See, Article 1 (3) Charter of the United Nations; Preamble, Universal Declaration of Human Rights, 1948; V Sharma, Human Rights Violation A Global Phenomenon New Delhi, A P H Publishing Corporation, 2011, at 209

human rights which include such rights as right to life, dignity of human person, personal liberty, fair-hearing and freedom of thought, conscience and religion, have not only engaged the attention of the world community but have, in the recent past, penetrated the international dialogue, become an active ingredient in interstate relations and has burst the sacred bounds of national sovereignty².

The term human rights are universal. This implies that human rights belong to all human beings, wherever they live on earth. No individual, country, minority, religious or other groups should be denied the universality of human rights³. The Universal Declaration of Human Rights of 1948 affirmed the universality of human rights. This proposition was reinforced by the First World Conference on Human Rights held in Teheran in 1948 which postulated that the declaration was an obligation on the members of the international community. The universality of human rights was firmly affirmed by the Vienna Declaration adopted in 1993 by the World Conference on Human Rights which proclaims as follows:

All human rights are universal; indivisible, interdependent and inter related. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of states regardless of their political, economic, and cultural system, to promote and protect all human rights and fundamental freedoms.⁴

Nigeria is a recognized member of the comity of nations and a signatory to several international treaties including human rights treaties like the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights among others. Chapter four of the Constitution of the Federal Republic of Nigeria 1999 (as amended) is also devoted to fundamental rights.⁵ For a State to exist, it must display these two characteristics as a genuine political entity in order to procure their mutual welfare and security, or promote its internal security and national defense,⁶ and therefore claim its place among nations as a sovereign State.

² T. W. Wilson Jr. "A Bedrock of Consensus of Human Dignity", in *The Internationalization of Human Rights* ed. A. H Henkin, New York, Aspen Institute for Humanistic Studies, 19709 at 47.

³ C Lacumiere, *Human Rights at the Dawn of the 21st Century* (1933) Council of Europe

⁴ Vienna Declaration 1993

⁵ Constitution of the Federal Republic of Nigeria 1999 (as amended) ss 33-46

⁶ W T Worster, 'Law, Politics, and the Conception of the State in State Recognition Theory' [2009] (27) Boston University International Law Journal, 115

Also, there are other laws put in place to enhance national security and at the same time ensure the protection of lives and properties and respect of human rights in Nigeria. Such laws include; Administration of Criminal Justice Act⁷, the Police Act⁸, Terrorism (Prevention) Act⁹, Armed Forces Act¹⁰, National Security Agencies Act¹¹, and the Official Secret Act¹².

This paper will therefore look at the interaction between human rights and security of lives and properties as provided for in Nigerian laws after which it will look at the comparative perspectives on security of lives and properties in selected jurisdictions like UK, Canada and South Africa

2.1 Conceptual Clarifications

2.1.1 Rights

The term right refers to a person's entitlement to something or the ability to do something without interference. Rights typically arise from a legal or moral obligation to protect a person's interests. The concept of rights has its origin in the 17th century with the growth of political liberalism.¹³ Rights have been used by different groups and thinkers for different purposes, with different and sometimes opposing definitions, and the precise definition of this principle beyond having something to do with normative rules of some sort or another is controversial. Feinberg¹⁴ sees rights as claims, typically as valid claims. To have a right is to have a claim to something and against someone, the recognition of which is called for by legal rules or, in the case of moral rights, by the principles of an enlightened conscience. Rights, according to McCloskey,¹⁵ are best explained positively as entitlements to do, have, enjoy, or have done, and not negatively as something against others, or as something one ought to have. Unlike Feinberg, McCloskey holds that a full-fledged right need not specify who is obligated to provide what the right is to. The connection between rights and second-party duties becomes very loose. Rights as entitlements are intrinsic to their possessors and are held independently of other people and of what else ought

⁷ 2015 (hereinafter referred to as ACJA 2015)

⁸ Cap. P.19 Law of the Federation of Nigeria (hereinafter referred to as LFN) 2004

⁹ 2013

¹⁰ Cap. A20 LFN 2004

¹¹ Cap N70 LFN, 2004

¹² Cap. 03 LFN, 2004

¹³ <https://legal-explanations.com/definition/right> accessed 10th of February 2026

¹⁴ J Feinberg, *The Rights of Animals and Unborn Generations* in W T Blackstone (ed.), *Philosophy of Environmental Crisis* (Athens, Ga.: University of Georgia Press 1974) 43-44.

¹⁵ 'H J McCloskey, *Rights – Some Conceptual Issues*' [1976] (54) *Australasian Journal of Philosophy*, 99-115.

to be.¹⁶

A right can also be defined as a power, privilege or immunity guaranteed under a Constitution, statute or case law or claimed as a result of long usage.¹⁷ In moral vocabulary, respect for rights is seen as a matter of justice. Rights can be asserted, demanded or stood upon. The obligations they impose are expected to be performed and their non-performance occasion feelings of indignation, resentment and disappointment. A right is something to which every individual in the community is morally entitled, and for which that community is entitled to disregard or forcibly remove anything that stands in the way of even a single individual getting it.¹⁸

2.1.2 Human Rights

In general terms Human Rights are entitlements due to every man, women and child because they are human. In other words certain inherent and inalienable rights are due to human beings simply of being human. The concept of human rights derives from human dignity and the inherent worth of a human being. Therefore, it is suggested that whatever adds to human dignity and the fundamental freedom of humans is a human right. In other words, human rights are what each human being is entitled to as human being to live a dignified, secure life of his/her choice. All human being are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.¹⁹

The scope of human rights is extensive. An individual who has been deemed a foreigner, refugee, prisoner of war, or convicted felon, although lacking conventional rights, shall continue to have the protection of human rights extended over his head. Human rights serve as the basis upon which all other rights are built. They constitute the framework of ideal rights. They are similar to the concept of justice²⁰. Human rights are vital for all people because they are compatible with their freedom and dignity and promote their physical, moral, social, and spiritual well-being. Human rights are also known as Basic rights, Fundamental rights, Inherent rights,

¹⁶ M Berkowitz and P G Booke, 'National Security' in D L Sills (ed.) *International Encyclopedia of Social Sciences* (vol 11, New York: Macmillan Free Press 1968) 4.

¹⁷ 'G Adikema-Ajaegbo, *The Rights of Women in Nigeria*' accessed 10th February 2026.

¹⁸ Ibid.

¹⁹ Baehr, Peter R., *Human Rights-Universality in Practice* (London: Macmillan, 1999).

²⁰ Mutua Makau Wa. (2017). *The Ideology of Human Rights*. In Michael K. Addo (Ed.), *International Law of Human Rights*. Routledge.

Natural rights, and Birth rights²¹. Human rights are the non-discriminatory rights to which all human beings are entitled by virtue of their humanity²². Human rights are those rights to which a human being is entitled by virtue of his humanity despite the fact that a person's civil, political, and socioeconomic rights are contingent on his position²³.

2.1.3 Security

Security refers to the state of being secure, especially from danger or attack²⁴. It means being safe and free from fear and danger. According to Otto and Ukpere²⁵, security must be related to the presence of peace, safety, happiness and the protection of human and physical resources or the absence of crisis, threats to human injury among others. For Folarin and Oviasogie²⁶, security is a state of being safe and the absence of fear, anxiety, danger, poverty and oppression; the preservation of core values and absence of threats to a nation's capability to defend and develop itself, promote its values and lawful interest. In a report delivered to the United Nations, the former UN Secretary-General (Mr. Kofi Annan) had this to say about the nature of security:

In the wake of these conflicts, a new understanding of the concept of security is evolving. Once synonymous with the defence of territory from external attack, the requirements of security today have come to embrace the protection of communities and individuals from internal violence. The need for a more human-centered approach to security is reinforced by the continuing dangers that weapons of mass destruction, most notably nuclear weapons, pose to humanity: their very name reveals their scope and their intended objective, if they were ever used²⁷.

Security is the measure that ensures peaceful co-existence and development at large²⁸. With the existence of security, there is absence of fear, threat, anxiety, tension, and apprehension over the loss of life, liberty, property, goals and values, among others. Security could mean different

²¹ Clapham Andrew. (2015). *Human rights: A very short introduction (II)*. Oxford University press.

²² H. Hannum, (2016). *Reinvigorating Human Rights for the Twenty-First Century*. *Human Rights Law Review*, 16(3), 409–451.

²³ Sen Amartya. (2012). *Elements of a Theory of Human Rights*. In Brooks Thom (Ed.), *Justice and the Capabilities Approach (I)*. Routledge.

²⁴ B A Garner. *Black's Law Dictionary*. 8th ed. USA: West Publishing Co, 2004, p.1384.

²⁵ G, Otto W. Ukpere *National security and development in Nigeria*. *African Journal of Business Management*. 2012;6(23):6765-6767.

²⁶ S F Folarin, FO Oviasogie. *Insurgency and national security challenges in Nigeria: looking back, looking ahead*. p.3.

²⁷ United Nations Secretary-General Kofi Annan. Millennium Report. Chapter 3, p. 43.

²⁸ A. Adebayo *Elections and Nigeria's national security*. In: Albert I, et al., editors. *Democratic elections and Nigeria's national security*. Ibadan: John Archers, 2011. p. 23-46.

things at different times to different people²⁹. By using the term security, one could mean national security, food security, cyber security, environmental security, security of life and property etc. The term security in the context used in this paper can be understood as security of life and property which entails the protection of individuals and their properties or investments.

3.1 Theoretical Framework

Human rights are one of the significant features of our political reality. It is the moral rights of highest order. Human Rights are evolved out of self-respect. It is inherent to all humans without any discrimination of race, sex, nationality, ethnicity, language, religion and colour etc. It received new shape when human beings began to think themselves. Each and every human being are entitled to these rights without any discrimination.³⁰

It is important for better understanding of the topic to consider the theoretical framework that exist in order to shed more light to interlink between human rights approach to security of lives and properties in Nigeria.

a Theory of Natural Rights

It states that an individual enters into society with certain basic rights and no government can deny these rights. The natural rights evolved out of the natural law that peoples are the creatures of nature. They exist their lives and organize their society on the basis of rules and principles laid down by nature. When the idea of individualism developed in the 17th century, theory of natural law were modified and focused on the rights of the individuals. It cannot be violated by anyone or by any society because they are natural beings. Therefore we can clearly say that today's human rights are the child of ancient natural rights.³¹

The most notable expression of this doctrine is found in the writings of John Locke. John Locke argued that all individuals were gifted by nature with the inherent rights to life, liberty and property of their own and could not be removed or abolished by state. Two things are evident from his view of natural rights, one is the individual is an autonomous being capable of

²⁹ I. Akhakpe *Election crisis, liberal democracy and national security in Nigeria's Fourth Republic*. European Scientific Journal, 2012, p. 8.

³⁰ Jack. Donnelly, *Universal Human Right in Theory and Practice*, London, Cornell University Press, London, p. 12

³¹ E source L. Strauss, *Natural Right and History* (1957)

exercising choice and the second is the legitimacy of government depends not only upon the will of the people, but also upon the government's willingness and ability to protect those individual natural rights. Accordingly, human beings are rational and good by nature and they carried the same rights they had enjoyed in earlier stages of society into political society and important among them are freedom of worship, the right to a voice of their own government and the right of property.³²

b Theory of Social Rights

The theory of Social rights states that rights are the conditions of society. It is the creation of society, law, customs, traditions and yield to what is socially useful or socially desirable. What is socially useful should have for its test the greatest happiness of the greatest number. The real advocates of this theory was Bentham and Mill. They established the principle of greatest happiness of the greatest number and made it for the measure of utility. But utility should be determined by considerations of reason and experience according to them.³³

Laski accepts utility as the basis of rights. He agreed that the test of right is utility and the utility of a right is its value to all the members of the State. Rights are not independent of society, but inherent in it. One's rights are built upon one's contribution to the well-being of society. Rights are built upon their utility to the individual and the community. Utility is the measuring rod of a particular right. The theory has its appeal in the sense of justice and reason.³⁴

4.1 Literature Review

The definitions of human security or protection of lives and properties are as varied as the number of scholars who engage with the subject. According to Mack, human security is the protection of individuals, properties and communities from war and other forms of violence.³⁵ This definition, though moving away from the traditional state-centric approach to security is inadequate because it focuses on freedom from fear which is only one element of human security. Thakur, in a broader approach argues that human security is the protection of people

³² Ibid

³³ R Tuck, *Natural Rights Theories* (1982)

³⁴ Ibid

³⁵ Kerr Pauline, 'Human Security' in Collins, Alan. (ed). *Contemporary security studies* (Oxford University Press ,2013) p 106

and properties from critical life threatening dangers, originating from natural events, human activities, state and or international practices, whether structural or direct.³⁶ This definition, though broader, over emphasises danger and ignores the fact that the absence of life threatening danger doesn't necessarily imply the presence of security. This paper will therefore define human security as the protection of all human lives and properties in ways that advance human freedoms and human fulfilment. This is because human security or protection of lives and properties goes beyond the safety of the individual into their ability to secure and hold basic goods and services.³⁷

The definition of human rights has been characterised by an on-going socio-political, philosophical and academic contest. On one hand, scholars like Rawls consider human rights to be those fundamental human attributes whose violations justifies foreign (military) intervention.³⁸ In other words, human rights are seen as standards that set the limit of state sovereignty.

Other scholars like Talbot have considered human rights to be those entitlements that a state needs to guarantee its citizens to give it moral legitimacy.³⁹ This view resonates with the underlying assumption in human rights treaties that the state is the guarantor of human rights and therefore obligated with both positive and negative duties to human rights realization. Other scholars have veered off from this statist conception of rights and considered human rights either as moral entitlement backed by strong reason, as those things that human beings need to live a life of fulfilment or dignity or as an individual's shield against the immense and oppressive powers of the state and the society.⁴⁰ Within this context, human rights are seen as counter hegemonic tools that can be used to guarantee human emancipation and well-being.⁴¹

John Tasioulas sees human rights as those entitlements possessed by human beings by virtue of

³⁶ Ibid

³⁷ Mahbub Al Haq 'Securing humanity: Situating 'human security' as concept and discourse.' 2005 (6) 2 Journal of Human Development, 221, 223

³⁸ John Rawls, *Law of the People*, (Harvard University Press, 1993).

³⁹ William Talbot, 'Consequentialism and Human Rights,' 2013 (8) Philosophy Compass, 1030

⁴⁰ Hunt Alan, 'Rights and Social Movements: Counter-Hegemonic Strategies' 1990 (17) 3 'Journal of Law and Society, 309, 325.

⁴¹ Michael Ignatieff, 'The Attack on Human Rights' 2001 (80) 6 Foreign Affairs, 102, 108.

being human and inhabiting a social world that is subject to the conditions of modernity.⁴²

5.1 Analysis of the Social Contract of Security Provision by the State

Generally, social contract theorists advance the view that the state or, more precisely, civil society is the product of a contract, a covenant, an agreement, or a compact.⁴³ Its earliest recognizably modern form dates back to Thomas Hobbes and continues through John Locke, Baruch Spinoza, Samuel Pufendorf, Jean-Jacques Rousseau (and others) to Immanuel Kant; whilst John Rawls stands out among its contemporary proponents, not only for resurrecting it from the disrepute into which it fell after Kant but, perhaps more importantly, for incorporating into it some key elements for its adaptation to the contemporary requirements of the state and citizenship. Contracarianism and Contractualism are often generally used as synonymous terms for social contract theories, the central idea of which is that 'the legitimacy of the state and/or the principles of sound justice derive their legitimacy from a societal agreement or social contract.'⁴⁴

However, the two terms are also sometimes distinguished respectively as the Hobbesian model, and the Kantian interpretations of the justificatory problem, which is a central issue in the modern conceptualizations of the theory.

To explicate the idea of the Social Contract Theory, Rauscher suggests five variables into which contractual approaches may be analysed, namely: the nature of the contractual act; the parties to the act; what the parties are agreeing to; the reasoning that leads to the agreement; what the agreement is supposed to show. Tints of the Social Contract Theory, however, exist in the natural law theories, for example in the medieval Aristotelianism of Thomas Aquinas and in the modernized natural law theories of Johannes Althusius and Hugo Grotius.⁴⁵ Civil society and human laws thus become logically imperative for man's pursuit of full self-realization. For Aquinas, human laws are statutes of government and they derive from the general precepts of

⁴² John Tasioulas, 'The Moral Reality of Human Rights in Ethical and Human Rights Dimension of Poverty: Towards a new Paradigm in the fight against poverty', (UNESCO Poverty Project, 2003).

⁴³ D Alubabari. Nbeta, *The Dynamics of Internal Colonialism in Ken Saro Wiwa's Political Theory*, PhD Dissertation submitted to the Department of Philosophy, University of Port Harcourt, Nigeria in 2006 (Unpublished), p. 54

⁴⁴ Brooke Noel Moore and Kenneth Bruder, *Philosophy: The Power of Ideas*, (Boston, Burr Ridge, etc.: McGraw-Hill, 1990, reprinted 2002), p. 274

⁴⁵ Frederick Rauscher, "Kant's Social and Political Philosophy", in *The Stanford Encyclopedia of Philosophy* (Spring 2012 Edition), edited by Edward N. Zalta,

natural law, which he conceives of as nothing else than the rational creature's participation of the eternal law. The eternal law, he posits, is Divine Reason.⁴⁶

Thomas Hobbes remains the most forceful advocate and he argued that in the "state of nature," human beings live without a common authority to keep them in awe. In such conditions, competition, diffidence, and glory inevitably lead to conflict, culminating in a war of every man against every man. Life under such conditions is "solitary, poor, nasty, brutish, and short." The only rational solution is for individuals to covenant together, surrendering their natural rights to a sovereign authority, the Leviathan, who wields absolute power to ensure peace and security. For Hobbes, the legitimacy of the sovereign is grounded in the necessity of escaping the perils of the state of nature. Security, not freedom, is the fundamental condition of political order.⁴⁷

In contrast, Locke (1690/1980) envisioned a state of nature that, while inconvenient and unstable, was not as bleak as Hobbes imagined. Locke maintained that individuals possess natural rights to life, liberty, and property, which remain binding even in political society. The social contract, in his formulation, establishes a government whose legitimacy derives from its ability to protect these rights. Unlike Hobbes' absolute sovereign, Locke envisioned a limited government constrained by the rule of law, with the right of the people to withdraw consent if rulers betray their trust. This Lockean conception resonates strongly with modern liberal democracies, where the state's legitimacy depends not only on providing security but also on respecting fundamental rights.⁴⁸

In applying these insights to Nigeria, three themes emerge. First, insecurity represents a Hobbesian breach of the social contract. Citizens have surrendered freedom and pay taxes in exchange for security, yet the state has failed to fulfill its end of the bargain. Second, insecurity undermines Lockean rights and Rawlsian justice. The right to life and property is routinely violated, and insecurity disproportionately harms the poor, women, and rural populations. The state's failure is not neutral; it deepens inequalities and marginalization. Third, insecurity erodes Weberian legitimacy by demonstrating the state's inability to monopolize violence. Non-state

⁴⁶ Samuel Enoch Stumpf, *Philosophy: History and Problems* (New York, St. Louis, etc.: McGraw-Hill, 1971, reprinted 1989), p. 190

⁴⁷ Hobbes, T. (1996). *Leviathan* (R. Tuck, Ed.). Cambridge University Press. (Original work published 1651)

⁴⁸ Locke, J. (1980). *Second treatise of government* (C. B. Macpherson, Ed.). Hackett Publishing Company. (Original work published 1690)

actors exercise coercion unchecked, while the government often responds reactively or inadequately. This aligns with Tilly's claim that without effective protection, citizens lose faith in the state. These breaches have consequences beyond violence. They corrode trust, weaken democratic participation, deter investment, and foster displacement. They also highlight a paradox: Nigeria has formal state institutions but lacks the substantive capacity to meet its Hobbesian and Weberian obligations. This suggests that Nigeria's insecurity cannot be understood solely as a security challenge; it is simultaneously a philosophical breach of the social contract and a political failure of state capacity and legitimacy. Any solution, therefore, must restore the Hobbesian promise of protection, the Lockean guarantee of rights, the Rawlsian demand for fairness, and the Weberian monopoly of force. The crisis of insecurity in Nigeria has intensified over the last two decades, producing widespread displacement, economic dislocation, and the erosion of citizens' trust in the state. Terrorism in the North-East, banditry in the North-West, herder-farmer conflicts in the Middle Belt, and kidnappings across the federation illustrate the extent to which the Nigerian state has struggled to meet its most basic Hobbesian obligation: the protection of lives and property.⁴⁹

6.1 Comparative Perspectives on Security of Lives and Properties in Selected Jurisdictions

The security of lives and properties in the UK, Canada and South Africa is influenced by various factors including global threats, local policies and individual safety measures. The UK faces a range of security challenges, including Russian aggression, strategic competition and the rise of extremist ideologies. The National Security Strategy 2025 aims to address these challenges with a focus on security at home, strength abroad and increased sovereign capabilities. The UK also emphasizes the importance of cooperation with allies and the need for deepening alliances to ensure national security. Canada's security is shaped by its location in North America and its relationship with the United States. The country has a history of military involvement in the region and continues to maintain a strong defense posture. Canada's security strategy includes countering threats from various groups and ensuring the safety of its citizens and property. South

⁴⁹ O O Opeoluwa, D I Oluwatobi, & G O James. (2023). *Corruption and executive interference in legislative oversight in Nigeria's Fourth Republic*. In O Fagbadebo, & M O A Alabi, (Eds.), *The legislature in Nigeria's presidential democracy of the Fourth Republic* (pp. 151-169). Springer. https://doi.org/10.1007/978-3-031-24695-1_8

Africa is currently facing a high threat of terrorist attacks, particularly from groups inspired by terrorist organisations. The country has implemented security measures to protect its citizens and property, including staying aware of surroundings, following local authorities' advice, and avoiding areas where protests or demonstrations are taking place. These security measures are part of a broader strategy to protect lives and properties in the UK, Canada and South Africa reflecting the ongoing efforts to maintain safety and security in these regions.

6.1.1 Comparative Perspectives on Security of Lives and Properties in UK

UK has a complex and unique legal system that is based on common law principles. This means that the law is made through court decisions, rather than through legislation passed by Parliament. The UK legal system is made up of three main components: the judiciary, the executive, and the legislative branches. The judiciary is responsible for interpreting and enforcing the law. It is made up of various courts and tribunals, including the Supreme Court, which is the highest court in the UK. The executive branch, which includes the Prime Minister and their cabinet, is responsible for implementing and enforcing laws passed by Parliament. Parliament, which consists of the House of Commons and the House of Lords, is responsible for making laws and holding the government accountable. The UK also has a unique constitutional system, with no single written document outlining the country's fundamental laws. Instead, the UK constitution is made up of various sources, including statutory laws, common law principles, and conventions. It must be noted that the UK legal system is a vital part of protecting human rights, lives and properties in the country. Human rights are an essential aspect of the legal system in the UK, ensuring that every individual lives and properties are protected and treated fairly under the law.⁵⁰

The UK has a long history of protecting human rights, lives and properties with the Magna Carta being one of the earliest examples of legislation that established the principle of individual rights and liberties. Today, the UK has a robust legal framework for protecting human rights, including the Human Rights Act 1998 and the Equality Act 2010. The Human Rights Act 1998 incorporates the European Convention on Human Rights (ECHR) into UK law, providing

⁵⁰ <https://www.legalbasics.org/human-rights-laws-protection-of-human-rights-in-the-uk> accessed 14th of February 2026

individuals with a means to challenge any violation of their human rights by public authorities.⁵¹

6.1.2 Comparative Perspectives on Security of Lives and Properties in Canada

At the international level, the obligation to respect, protect and fulfill human rights rests with national governments.⁵² International law recognizes that certain rights may be limited by proportional and justified national security measures. In particular, Article 4 of the International Covenant on Civil and Political Rights (“ICCPR”) permits derogations from certain civil and political rights in the context of public emergencies, but explicitly prohibits any derogation based solely on grounds such as race, colour and religion in any circumstance.⁵³ Canada ratified the ICCPR in 1976. In 2004, the International Commission of Jurists affirmed the obligations of states both to protect persons from acts of terrorism and to ensure that “counter-terrorism measures themselves must always be taken with strict regard to the principles of legality, necessity, proportionality and non-discrimination.”⁵⁴ In 2010, these principles were reiterated by the U.N. Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.⁵⁵ Canada’s 2009 report to the United Nations Universal Periodic Review reflects these obligations. It underscores a Canadian commitment to ensure that laws regulating the relationship between security and human rights are drafted to be consistent with Canada’s international human rights obligations.⁵⁶

6.1.3 Comparative Perspectives on Security of Lives and Properties in South Africa

Understanding human rights and the protection of lives and property in South Africa is primarily rooted in Chapter 2 of the Constitution of the Republic of South Africa, 1996 (the Bill of Rights). The Bill of rights is the Cornerstone of South African democracy, upholding values of human

⁵¹ <https://www.legalbasics.org/human-rights-laws-protection-of-human-rights-in-the-uk> accessed 14th of February 2026

⁵² Article 2 of the International Covenant on Civil and Political Rights, 19 December 1996, 999 UNTS 171 (entered into force 23 March 1976, accession by Canada 19 May 1976) [ICCPR]; International Covenant on Economic, Social and Cultural Rights, 16 December 1966, 993 UNTS 3.

⁵³ Article 4(1) of the ICCPR

⁵⁴ International Commission of Jurists, ICJ Declaration on Upholding Human Rights and the Rule of Law in Combating Terrorism, Principle 1, “Duty to Protect”

⁵⁵ Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin: Ten areas of best practices in countering terrorism, UNHRC, 16th Sess, UN Doc A/HRC/16/5. 1 (2010)

⁵⁶ Canada, National Report Submitted in Accordance with Paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1, UNHRC, 4th Sess, UN Doc A/HRC/WG6/4/Can/1 (2009) at para 46 ff,

dignity, equality, and freedom, and binding all branches of government to respect, protect, promote and fulfill these rights. The Bill of Rights outlines fundamental rights including the right to life, freedom and security of the person (including protection from arbitrary deprivation of freedom, detention without trial, torture, and cruel treatment), human dignity, and the right to emergency medical treatment.⁵⁷

Protection of property is addressed in Section 25, which states that no one may be arbitrarily deprived of property. Expropriation is permitted only for a public purpose and with just compensation. The state is also required to take steps to enable citizens to access land equitably, and property is not limited to land. Other protections related to property and housing include the right to privacy, which prevents the searching of a person, home, or property, or the seizure of possessions, and the right to adequate housing, which prohibits eviction or demolition of a home without a court order. The Protection of Personal Information Act (POPI Act) also provides for data privacy. Rights can be limited only by a law of general application that is reasonable and justifiable in a democratic society. Everyone has the right to have disputes heard in court, and anyone can approach a court if their Bill of Rights rights are infringed. The South African Human Rights Commission is an independent body that can investigate violations of Human Rights.⁵⁸

7.1 Summary of Findings

This paper has attempted to establish a link between human rights and protection of lives and properties in Nigeria, using the provisions of the 1999 constitution, the Terrorism Prevention Amendment Act 2013 and the Armed Forces Act CAP A20 Laws of the Federation of Nigeria 2004 among others. All the Acts made provisions for the respect of human rights and equally for the protection of lives and properties. Like the tongue and the teeth, human rights are meant to co exist with national security. It is the law that created the nation that equally created human rights. The paper found that the legal provision for the protection of human rights in Nigeria and for ensuring National Security is adequate. However, the implementation cannot be said to be perfect hence the paper recommends that human rights should be respected in all situations

⁵⁷https://www.google.com/search?q=understanding+human+rights+in+south+africa+pdf&sca_esv=d7358c9ad4b11281&rlz=1CDGOYI accessed 15th February 2026

⁵⁸ Ibid

except where the law allows for the derogation of those rights and the courts should be the ones to determine when there should be those derogations and not to be left in the hands of individual appointment holders. This is to avoid impunity and absolute power which corrupts absolutely.

8.1 Conclusion and Recommendations

The simultaneous provision, respect and enforcement of human rights and protection of lives and properties by a government is a tasking and onerous responsibility that seems to have some sense of mutual opposition, conflict and contradiction on the means and sources of providing them. It is not in dispute that both human rights and national security ought to be priorities to every democratic government. In Nigeria, due to extraneous factors such as tribalism, ethnicity, lack of political will and corruption, the provisions of these twin necessities seem difficult, tedious and unattainable. Granted that, where a nation is in danger or emergency situation, individual rights cannot be prioritized against national security. However, the prioritization of human rights where no emergency situation exist, invariably lead to the enhancement of national peace, integration and of course security. A government that cherishes national security must first and foremost cherish human rights and ensure high standards in their respect, enforcement and enjoyment by the people. The following measures may help: Government should pay more attention to the respect for human rights as this reduces disgruntlement, hatred and aggression that usually lead to lawlessness, strife and revolutionary activities that bring down the nation's security. Provisions in the Constitution of the Federal Republic of Nigeria and other laws relating to the suspension and derogation from some human rights should be made more specific showing clearly the extent such suspension and derogation can be done and not leaving it to the discretion of those in power or to the courts to decide on the general provisions of the law.