

*Original Research Article*

# How Fundamental are the Fundamental Objectives and Directive Principles Under Chapter II of the Constitution of Nigeria 1999

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The Constitution of the Federal Republic of Nigeria 1999 as amended provides for fundamental objectives and directive principles of state policy in Chapter II. The importance of that Chapter II has been downplayed basically because it is not justiciable. The article examines some of the provisions of that Chapter II and succinctly highlights the importance of the Chapter in the life of the citizens and the governance of this Country called Nigeria using other provision of the Constitution and some judicial pronouncement and legal opinions in support of the assertions. It is important to state that it is not the intendment of this article to discuss the issue of justiciability or otherwise of the Chapter as the importance of the Chapter is discussed having the original intention of the makers of the Constitution in the background. This is a novel approach to the conventional argument of justiciability of Directive Principles for we believe that the Chapter can and is important without necessarily being justiciable, the only problem is the leaders who are to implement the provisions.

**Keywords:** Fundamental Objectives, Directive Principles, Constitution of the Federal Republic of Nigeria 1999.

## INTRODUCTION

The Constitution of the Federal Republic of Nigeria 1999 as amended (otherwise called the Constitution) provides for fundamental objectives and directive principles of state policy in Chapter II. Section 6(6)(c) of the Constitution bars the court from investigating into the conformity or otherwise of the provisions of the said Chapter II. However, Section 13 of chapter 2 mandates the various organs of government to apply and conform to the provisions of the fundamental objectives and directive principles of state policy as contained in Chapter II of the Constitution. The said Section 13 provides as follows:

*"It shall be the duty and responsibility of all organs of government, and of all authorities and persons, exercising legislative, executive or judicial powers, to conform to, observe and apply the provisions of this chapter of the*

The question, therefore, is in the light of the heading or title of Chapter II, Section 13 and Section 6(6)(c) of the constitution, how fundamental are the fundamental objectives and directive principles of state policy in the life of the citizens and in the governance of the country?

## SALIENT PROVISIONS OF CHAPTER II AND OTHER CONSTITUTIONAL PROVISIONS

Although the provisions of Chapter II generally are important in the life of the citizens and in the governance of the Country, for paucity of space and convenience, this paper will highlight some of the provisions of Chapter II and other constitutional provisions buttressing the fundamentalness of directive principles and fundamental objectives:

1. Section 13 provides that it shall be the duty and responsibility of all organs of government, and of all authorities and persons, exercising legislative, executive or judicial powers, to conform to, observe and apply the provisions of this chapter of the constitution;
2. Section 14(2)(b) provides that the security and welfare of the people shall be the primary purpose of government;
3. Section 14(2)(c) provides that, participation by the people in their government shall be ensured in accordance with the provisions of this constitution

4. Section 15(2) provides that national integration shall be actively encouraged whilst discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited.
5. Section 15(3)(a) provides for adequate facilities for the movement of people, goods and services throughout the Federation of Nigeria;
6. Section 15(5) provides that the state shall abolish all corrupt practices and abuse of power;
7. Section 16(1)(b)(c) provides that the economic system should not be operated in such a manner as to permit the concentration of the wealth or means of production and exchange in the hands of a few individuals or groups and that the material resources of the nation should be harnessed and distributed as best as possible to serve the common good and that the national economy should be controlled in such a manner as to ensure maximum welfare, freedom and happiness of every citizen on the basis of social justice, equality of status and opportunity.
8. Section 16(1)(c) provides not only that the state shall manage and operate the major sectors of the economy but shall also manage and operate other sectors of the economy if it so desires.
9. Section 16(1)(d) provides for the right of every citizen to engage in any economic activities in so far as it is not the major sector preserved for the government.
10. Section 16(2)(d) provides for suitable and adequate shelter and food, and reasonable minimum living wage, old age care and pension unemployment, and sick benefits and welfare of the disabled and the entire citizens of the country.
11. Section 17(3)(a) provides for employment opportunity to all citizens without discrimination while Section 17 (3)(b) provides for just and humane conditions of work and for leisure, social, religions and cultural life, while Section 17(3)(c) makes provision for health, safety and welfare of workers.
12. Section 17(3)(d) provides for adequate medical and health facilities for all citizens and Section 17(3)(e) makes provision for equal pay for equal work without discrimination on grounds of sex or any other ground. Section 17(3)(f) and (g) provides for the right of children, young persons and the aged not to be exploited and neglected morally or materially and for public assistance to them;
13. Section 18(3) provides for free compulsory and universal education and adult literacy programme.
14. Section 20 provides for the right of the citizens to safe environment, water air, land and preservation of forest and wide life in Nigeria

15. Other Constitutional provisions buttressing the fundamental nature of Chapter II:

- i. Section 1(1) of the Constitution provides that “this Constitution is Supreme and its provisions shall have binding force on the authorities and persons throughout the Federal Republic of Nigeria”
- ii. Item 60(a) of the Exclusive Legislative List places exclusive responsibility on the National Assembly to make Laws for the establishment and regulation of authorities for the Federation or any part thereof that will promote and enforce the observance of the fundamental objectives and directive principles of the State Policy in this Constitution.

## CONCEPTUAL ANALYSIS

The concept or rather the word “Fundamental” implies or connotes hierarchy of order or importance or something that is important, necessary, central, serious in the life or history of somebody or something. According to Oxford Advanced Learners Dictionary<sup>1</sup> fundamental means-serious and very important; affecting the most central and important part of something – basic, central, forming the necessary basis of something, forming the source or base from which everything else is made.

Black’s Law Dictionary<sup>2</sup> defined fundamental (though from the context of law) as the law which determines the constitution of Government in a Nation or State and prescribes or regulates the manner of its exercise i.e organic law that establishes the governing principles of a nation or state. Thus the word fundamental connotes some element of hierarchy of order or importance in the life or history of somebody or something, it implies seriousness, central necessity, foundation, basis and/or source of a thing.<sup>3</sup>

Therefore asking how fundamental are the fundamental objectives and Directive Principles of State Policy under the 1999 Constitution is no doubt asking the question how important, serious or central are fundamental objectives and directive principles of State Policy.

The Constitution of the Federal Republic of Nigeria 1999 as amended provides for certain objectives and principles in Chapter II which is headed “**Fundamental Objectives and Directive Principles of State Policy**”. It is contended that a discussion on or inquiry into the importance of these objectives and principles will obviously start from the said heading. This is because there is no section in the body of the said Chapter II which specifically declared the objectives and principles as fundamental.<sup>4</sup>

However, the heading of Chapter II named the “Objectives” and “Principles” as “Fundamental” i.e. important or necessary or central as also the same Constitution in Chapter IV called “Fundamental Rights” as Fundamental” and there is nowhere in the body of Chapter IV that provided that the Fundamental Rights Provisions in that Chapter are fundamental. In the two

<sup>1</sup> A. S. Hornby (ed.), Oxford Advanced Learners Dictionary of Current English 631, Oxford University Press UK 8<sup>th</sup> edn. 2010

<sup>2</sup> Black’s Law Dictionary 744 (West Publishing Co. A. Thompson Reuters Business 9<sup>th</sup> edn. 2009)

<sup>3</sup> Nwauzi L. O., A Critical Examination and Comparative Analysis of Fundamental Objectives and Directive Principles of State Policy Under the Nigerian and Indian Constitutions 249 Unpublished PhD Thesis 2016 submitted to A.M.U Aligarh India.

<sup>4</sup> This is unlike some jurisdiction like Indian where their constitution in Article 37 declared that “... the principles therein laid down are nevertheless fundamental in the governance of the Country...”

chapters of the 1999 Constitution the word “Fundamental” was used as heading simpliciter to describe the Chapters – namely in Chapter II it is called “Fundamental Objectives and Directive Principles of State Policy” while in Chapter IV, it is called “Fundamental Human Rights” It, therefore, underscores from the onset that both of them are important in the life and governance of the citizens of Nigeria. It goes without saying that by the use of the semantic “Fundamental” in the title of Chapter II the objectives and principles declared therein are of importance in the governance of the country.

In the interpretation of statutes generally and a constitution, in particular, the heading or title clause is reckon with, so even where the Constitution did not use the word fundamental in the body of the chapter, it is taken into consideration in understanding the fundamental nature of the objectives and principles in Chapter II of the 1999 Constitution.

Oxford Advanced Learners Dictionary of Current English<sup>5</sup> describes title to connote – “name that describes a job” “the name of a book, poem, painting or piece of music” etc and further describes “heading” to mean “a title printed at the top of a page or at the beginning of a section of a book”, “the subject of each section of a speech or piece of writing.”<sup>6</sup>

Authors of Aiyar’s Concise Law Dictionary defines heading as; words placed at the head of a chapter, paragraph, the front or top of anything etc and describes title to mean, “a general head, comprising particulars as in a claim of right” “the name of a book, poem, table, picture or a section in a law book.”<sup>7</sup> Maxwell on the Interpretation of Statutes had this to say on the connotation of the word title;

*“... the modern view, which seems to have emerged gradually during the 19<sup>th</sup> century, is different, and it is now settled law that the title of the statute is an important part of the Act and may be referred to for the purpose of ascertaining its general scope, and of throwing light upon its construction”.*<sup>8</sup>

In the case of **N.C Dhondial v. Union of India**<sup>9</sup>, the Indian Supreme Court used the heading of Section 36 of the Protection of Human Rights Act of India which reads as follows: **“Matters not subject to the jurisdiction of the Commission”** to conclude that the period of one year prescribed in the section was not merely a procedural provision but took away the jurisdiction of the Court. The Court at page 1278 stated that “It is a settled rule of interpretation that the section heading or marginal note can be relied upon to clear any doubt or any ambiguity in the interpretation of the provision and to discern the Legislative intent”.

The fundamentalness of Fundamental Objectives and Directive Principles under the 1999 Constitution can, therefore, be ascertained from the heading or title of that Chapter II which is boldly captioned – “Fundamental Objectives and Directive Principles of State Policy.” As stated earlier, heading or title of a statute or a constitution is part of and is normally read together in the interpretation of the statute to ascertain the intention of the lawmakers. The constitution and its makers have declared the chapter as fundamental, it is therefore of grave importance in the constitution and governance of the country.

<sup>5</sup> Supra Note 1, Page1626

<sup>6</sup> Supra Note 1, Page 717

<sup>7</sup> Shakel Ahmad Khan (ed), P. Ramanatha Aiyar’s Concise Law Dictionary 572 (Lexis Nexis, Butterworths, Washwa Nagpur, India 4<sup>th</sup> edn. 2012)

<sup>8</sup> P. St J. Langan (ed) Maxwell on the Interpretation of Statutes Page 4 (N.M. Tripathi Private Ltd. Bombay, India 12<sup>th</sup> edn 1969

<sup>9</sup> AIR 2004 SC 1272 at 1278 Para. 15

Again, Section 13 of the 1999 Constitution provides that it shall be the duty and responsibility of all organs of Government and of all authorities and persons, exercising legislative, executive or judicial powers, to conform to, observe and apply the provisions of Chapter II of the Constitution. The Constitution after declaring the said Chapter II Fundamental went further to direct the various organs of Government to observe and apply the provisions of the chapter. The words “shall”, “duty” and “responsibility” were used in the said Section 13. Shall in normal Constitutional context implies command, mandatory and not optional or mere directory or discretionary except expressly stated to the contrary.

According to Aiyar’s Concise Law Dictionary<sup>10</sup> “shall” as used in statutes, the word is generally mandatory; although it is not always imperative but may be consistent with an exercise of discretion. Thus it may be construed to mean may when no right or benefit to anyone depends on its imperative use; when no advantage is lost, when no right is destroyed, when no benefit is sacrificed, either to the public or to any individual by giving it that construction; or when it is absolutely necessary to prevent irreparable mischief or to construe a direction so that it shall not interfere with mental branches of Government, and it also means may when used by a legislature in grant of authority to a Court.

The word shall in its ordinary signification is mandatory though there may be considerations which would influence the Court in holding that the intention of the Legislature was to give a discretion” Black’s Law Dictionary<sup>11</sup> also stated that “shall” “as used in statutes contracts, or the like, this word is generally imperative or mandatory. In common or ordinary Parlance, and in its ordinary signification, the term “shall” is a word of command, and one which has always or which must be given a compulsory meaning; or as denoting obligation.

It has a peremptory meaning and it is generally imperative or mandatory. It has the invariable significance of excluding the idea of discretion, and has the significance of operating to impose a duty which may be enforced, particularly if public policy is in favour of this meaning, or when addressed to public officials or where a public interest is involved, or where the public or persons have rights which ought to be exercised or enforced, unless a contrary intent appears”

The Oxford Advanced Learner’s Dictionary of Current English<sup>12</sup> stated that “shall” is used to show that you are determined or to give an order or instruction”. The constitution was giving a legal instruction which is mandatory to the various organs of Government to obey and comply with. From the definition of “shall” in the various dictionaries cited above the only irresistible conclusion is that shall as used in Section 13 of Chapter II can only be interpreted to mean mandatory because the provisions created rights, advantages, benefits for the citizens of Nigeria and interpreting the word “shall” otherwise than mandatory would obviously lead to loss of those rights and benefits.

It is unarguable that the fundamental objectives and directive principles form the basis for some socio-economic rights and benefit as can be fathom out from the various sections of Chapter II especially Sections 15, 16, 17, 18 etc giving “shall” a discretionary or optional understanding as against an imperative meaning amounts to wishing away the advantages or benefits granted in those provisions. These rights, benefits and advantages created by the chapter are positive in nature and they also gave the Leaders

<sup>10</sup> Supra Note 7, Page 1169

<sup>11</sup> Black’s Law Dictionary Page 1233 (West Publishing Co. USA 5<sup>th</sup> edn. 1979)

<sup>12</sup> Op Cit Page 1404

corresponding duties which are also positive in character which requires the state or the organs of government to perform for the benefit of the citizenry. Section 13 went further to declare that it shall be the "duty" and "responsibility" of the organs of the state to apply them. It is our contention that the use of the words "duty" and "responsibility" were to lay emphasis on the importance and fundamentalness and imperativeness of the Directive principles and objectives.

It is my opinion, that the makers of the constitution would not have used the correlative words for the fun of it or to occupy space if not to emphasize the importance of the chapter. Duty implies obligation, may be moral, may be legal obligation which one ought to or is bound to do.<sup>13</sup> Responsibility means the state of being responsible; something for which one is responsible or accountable; while responsible means accountable or liable to answer.<sup>14</sup>

A community reading of the two words as explained indicates that the drafters of the constitution attached seriousness to Chapter II. They did not only impose a duty or obligation on the organs of Government, they wanted them to be accountable to the citizens (I suppose) for the objectives and principles that is why the word 'responsibility' was added<sup>15</sup> Salmond defines duty as "an act which one ought to do, an act the opposite of which would be a wrong... to ascribe a duty to a man is to claim that he ought to perform a certain act." He argued that once there is a duty there must be a corresponding right against the other.<sup>16</sup>

The said author argued as follows:

*"We have seen that in the strict sense a duty is something owed by one person to another. Correspondingly the latter has a right against the former. But the term right like duty can be used in a wider sense. To say that a man has a right to something is roughly to say, that it is right for him to obtain it. This may entail that others ought to provide him with it, or that they ought not prevent him getting it, or merely that it would not be wrong for him to get it"*<sup>17</sup>

The obvious argument advanced by the antagonist of the fundamentalness of fundamental Objectives and Directive Principles of State Policy in Chapter II of the Constitution is that the constitution made it judicially un-enforceable and because of that per se it is not fundamental. Although it is not province of this paper to discuss the justiciability or otherwise of Chapter II suffices to say that the same Constitution did not only impose a duty and responsibility on the various organs of Government, but also created a corresponding right in favour of the citizens as there cannot be duty without rights as opined by **Salmond** above.

**Adeoye**<sup>18</sup> commenting on the Directive Principles of State Policy under the 1979 Constitution (which is on all fours with Directive Principles in the 1999 Constitution) described it as the most revolutionary and innovative part of the 1979 Constitution. If something is revolutionary and innovative does that not itself smack of importance? **Adeoye**, however,

regretted that the fundamental objectives are not justifiable; and for that describes them as "mere ideal" "Utopia" which cannot be attained. The argument is non-sequito. Obviously, opinion, non-justiciability does not amount to unattainability as justifiability does not equal to attainability of goals and aspirations. It all depends on the will of the leaders. As scholars of history, Singapore liberated from Malaysia and within a short period of time under the leadership of **Lee Kuan Yew** became one of the greatest economies in the world. It was the will not justiciability that accomplished that.

## JUDICIAL RESPONSE TO FUNDAMENTALNESS OF CHAPTER II

The Nigerian Judiciary especially the Court of Appeal and the Supreme Court have had cause to pronounce on some of the above provisions of the Constitution relating to the Fundamental Objectives and Directive Principles of State Policy.

In the case of **Arch. Bishop Olubunmi Okojie v. A. G. Lagos State**<sup>19</sup>, the Court of Appeal stated that it will enforce the provisions of Chapter II of the Constitution or any social legislation implementing Chapter II in so far as it does not with any express provisions of the Constitution or infringe on the Fundamental Rights of citizens.

In **Attorney General of Lagos State vs. Attorney General of the Federation & Ors**<sup>20</sup>, the Supreme Court pronouncing on the provisions of Section 20 held that the National Assembly was competent to enact the Federal Environment Protection Agency Act although it cannot legislate on town or urban planning matters.

In **Attorney General of Ondo State vs. Attorney General of the Federation & Ors**<sup>21</sup>, the Supreme Court held that considering the provisions of Section 15(5) and item 60(a) the National Assembly can make Laws to combat corruption in the country.

In **Lafia Local Government vs. The Executive Governor Nasarawa State & Ors**<sup>22</sup>, the Supreme Court held inter alia that:

- i) By virtue of Section 14(4) of the Constitution of the Federal Republic of Nigeria 1999, the composition of the Government of a State, a Local Government Council or any of the agencies of such Government or Council and the conduct of the affairs of the Government or Council or such agencies shall be carried out in such manner as to recognize the diversity of the people within its area of authority and the need to promote a sense of belonging and loyalty among all the peoples of the Federation;
- ii) That by virtue of Section 17(3) of the said Constitution the state shall direct its policy towards ensuring that all citizens without discrimination on any group whatsoever have adequate opportunity to secure suitable employment.

<sup>13</sup> P. Ramanatha Aiyhar's Concise Law Dictionary Supra Note 7, Page 405

<sup>14</sup> Supra Note 7 Page 1118

<sup>15</sup> Supra Note 3.

<sup>16</sup> P. J. Fitzgerald (ed), Salmond on Jurisprudence 216 (Universal Law Publishing Co. Ltd 2012 New Delhi Indian 12<sup>th</sup> edn. 1966 Reprint).

<sup>17</sup> Salmon on Jurisprudence Supra Note 16 Page 217

<sup>18</sup> Adeoye Akinsanya: Fundamental Objectives and Directive Principles of State Policy in Nigerian Constitution" 46 (2) Pakistan Horizon 23 – 41 (1993)

<sup>19</sup> (1981) 2 NCLR 337

<sup>20</sup> (2003) 15 NWLR (Pt. 842) 113

<sup>21</sup> (2002) FWLR (Pt. 111) 1972 or

<sup>22</sup> (2012) 17 NWLR (Pt. 1326) 94 at 143

## REASONS WHY CHAPTER II IS FUNDAMENTAL

The value of Chapter II of the 1999 Constitution can be deduced from the following reasons:

1. It is the fulcrum of socio-economic rights which are considered as more important in the life of the citizens of this country.
2. It provides a yardstick for measuring the performance of government;
3. It serves as a reminder to the governors that their position is one of trust involving power as well as duties;
4. It seeks to unite the Nigerian society into one nation bound together by common values, institutions and attributes;
5. These socialist ideologies embedded in the Directive Principles is the only solid foundation upon which happiness and prosperity can be based;
6. An explicit entrenchment of these objectives and principles which clearly spelt out the parameters of Government and inform its policies and actions can give rise to co-operation, peace, unity and progress in the country;
7. It also defines the relationship between the Government and the people by expressly declaring that sovereignty belongs to the people of Nigeria from whom government through this Constitution derives all its powers and authority and that the security and welfare of the people shall be the primary purpose of government.

It is our contention, that, notwithstanding, the constitutionally imposed shortcoming of non-justifiability the fundamental objectives and directive principles are necessary in Nigeria in the light of the above-mentioned reasons and more. The problem does not lie in the justifiability, rather it is on enforceability and implementation as both are not strictly the same.

If the political office – holders and those who manage the economy of the nation have the will and make sincere and concerted effort towards achieving them then the question of justifiability would be dwarfed to one. The government and its organs have to recognize the importance and take steps by legislations and other measures towards the realization of these objectives and principles.

The non-justifiability does not derogate on their importance or value. The following observations of the Indian National Commission may be necessary here:

*“The judiciary is not suited, according to several writers to enforce some of the ICESIR rights, where the resources of the nation are involved and a question of priority arises, the remedy cannot be judicial. However the concept here is not justifiability at the instance of individuals in the Court of Law, but the concept is one of enforceability, which means that they must “recognize” and “take step” by adopting legislative or other measures for the full realization and to the maximum of the state’s available resources both individually and through international assistance and co-operation. These rights are described as entitlements of the people and give rise to obligations*

*on the part of the state parties. The enforcement must first be of the minimum core obligations.”<sup>23</sup>*

According to Duru Onyekachi<sup>24</sup> “There is a wide consensus that Chapter II of the Constitution, which embodies socio-economic rights is rightly included in the constitution for the benefit of the great majority of Nigerian people, particularly the poor and the vulnerable...” Also commenting on the importance of Directive Principles of state policy as a major factor that can bring about good governance, Ben Nwabueze was of the opinion that the concept of democracy as “government for the people” is personified by the Directive Principles of State Policy. According to him:

*“enough has been said to show that democracy cannot be dissociated from “government for the people” as part of its objectives. Democracy so dissociated is like a person embarked upon a journey and yet with no clear direction as to which way to go and no idea of where he is going, or to change the metaphor. It is like a boat adrift in the sea. The social objectives of democracy – what has come to be known as social democracy – have, since the advent of the welfare state, given to democracy a vitality that has greatly enhanced its appeal. Free, fair and competitive multi-party elections every four or so years, with critical comments by people and freedom to engage in other political activities in between elections, while of crucial value, do not by themselves alone and without social objectives noted above, provide full justification for democracy. And to regard social democracy and liberal democracy as two incompatible concepts is to misconceive the true nature of democracy. Good governance requires both be provided for the people.”<sup>25</sup>*

Now that it has been established that the fundamental objectives and Directive Principles are fundamental (albeit not justifiable) in the socio-political life of the nation, the issue must be how to make the political office holders be responsible enough to apply and conform to these principles, that is the only way its importance can be practically realized, after all fundamental rights in Chapter IV is justiciable its justiciability have not midwived all the problems relating to civil and political rights to zero.

What is fundamental is fundamental no more no less. As we have argued elsewhere the social and economic rights and objectives enunciated in Chapter II are fundamental because these are the rights that will actually give meaning to the civil and political rights.<sup>26</sup> As stated by **Femi Aborishade**,<sup>27</sup> “in the context of disturbing proportions of unemployment, abject poverty, homelessness, hunger, frustration accompanied by unprecedented high level of crimes of all shades, including bloodletting, kidnapping, mass murder, it would appear that

<sup>23</sup> Report of the National Commission of India to Review the Working of the Constitution. Vol. I Chapter 3 (2002) available at [Lawmin.nic.in/nc/rwc/finalreport/VI Ch. 3.htm](http://Lawmin.nic.in/nc/rwc/finalreport/VI%20Ch.%203.htm) last visited 1/6/15

<sup>24</sup> Wisdom Ceazar Onyekachi Duru; “The justifiability of the Fundamental Objectives and Directives Principles of State Policy Under Nigerian Law” available at <http://ssrn.com/abstract=2140361> (last visited 26/08/2014).

<sup>25</sup> Ben Nwabueze, *Judicialism and Good Governance in Africa* 55 (NAILS, Lagos Nigeria 2009)

<sup>26</sup> *Supra* Note 3

<sup>27</sup> Femi Aborishade: “The Imperatives of Justiciability of Socio-economic Rights in Nigeria: An Analysis of Chapter II of the 1999 Constitution and Judicial Attitudes”. Accessed 18/7/2015

only massive investment in socio-economic rights by the Nigerian state can provide enduring solution”.

## CONCLUDING REMARKS

A nation cannot actually be reckoned with militarily without economic strength and a nation cannot boast of economic strength without convincingly asserting the wellbeing, good health, good nutrition, and education etc of its citizens. It is only a living being that can assert rights. The biblical story of Esau and Jacob speaks volume on this where Esau has to relinquish his birthright because he was devastated by hunger.<sup>28</sup> The heading of Chapter II of the 1999 Constitution declares the objectives and directive principles as fundamental, Section 13 makes it a duty and responsibility and directs all the organs of government to observe and conform to them.

Sincerely speaking there can be no other positive way of acknowledging them as fundamental. The words and intention of the makers of the Constitution are clear. The intention of the legislature is primarily gathered from the language used, therefore a construction which requires for its support addition or substitution of words or which results in rejection of words as meaningless has to be avoided. The Directive principles is no doubt one of the most cardinal, vital and creative chapters of the constitution and therefore fundamental in the life of the citizens and governance of this country called Nigeria.

## SUGGESTIONS

Against the backdrop of the foregoing the following suggestions are made to engender the importance of Fundamental Objective and Directive Principles of State Policy in Chapter II of the Constitution:

1. Civil societies should mount enlightenment campaigns on the importance of fundamental objectives and directive principles of state policy
2. The provisions of fundamental objectives and directive principles should be taught in primary and secondary schools to emphasize their importance.
3. Political office holders especially the legislature and the executive arms and those agencies performing similar functions should be given tutorial on the provisions of Chapter II and its importance.
4. The Labour Unions should also embark on enlightenment campaigns in order to inform the workers on the importance of fundamental objectives and directive principles
5. Political Parties should not just be encouraged but forced to incorporate the provisions of Chapter II into their Parties' Constitutions and manifestoes as provided in Section 224 of the Constitution and Political Parties who do not incorporate those objectives and principles should not be registered.
6. The Human Rights Commission should also be empowered to enforce the provision of Chapter II.

<sup>28</sup> Holy Bible, Genesis Chapter 25, King James version for a full story of this