



The Judicial Institution in Nigeria and Sustainable Development Goal 16: A Structural Functionalist Application

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ABSTRACT

Constitutionalism arguably advances the material progress of countries, especially when pivoted on available or effective functioning of institutional and legal frameworks which guarantee human rights and freedoms. The role of the judiciary in achieving this cannot be overemphasised in Nigeria. SDG 16 emphasises the existence of Peace, Justice and Strong Institutions which the traditional functions of the judicature eminently positions it to warehouse and discharge. It is trite to note that no nation-state can rise beyond the quality and capacity of its institutions. Therefore, how Nigeria capacitates the judiciary would ultimately determine the realisation of this goal and pace of development. The adoption of Structural Functionalism as theoretical framework of analyses for this paper strengthened the discussion, informed the findings and resultant recommendations.

Keywords: Application; institution; judicial; structural functionalism; Sustainable Development Goals

1.0 INTRODUCTION

In recent years, deliberations concerning the realisation of the SDGs have focused on the placement of indicators and goals with little or no consideration given to the necessary elements required for achieving these goals especially at the local level- the duties and obligations that different stakeholders should perform. Given the extensive nature of the SDGs, it is evident that national governments unaided will find it impossible to accomplish the agenda. Thus, they must enable the involvement of all segments of the public, such as the private sector, civil society organizations (CSOs) and the general populace (African Civil Society Circle, 2016:3). African governments including that of Nigeria relish the idea that effective, accountable and inclusive justice institutions are essential for building and maintaining democracy, sustainable development, peace and security. Sustainable Development Goal (SDG) 16 of the UN Agenda 2030 for Sustainable Development along with Aspiration 3 and Goal 11 and 12 of the AU Agenda 2063 underline the importance of the rule of law and access to justice (International Development Law Organization, 2016:1). In Nigeria, the sweeping decline in the revenue accruable to the government following the fall in the price of crude oil and its impact on the nation's economy have made it vital for the citizens to demand responsiveness and openness in the undertakings of government. If not, the SDGs may end up like the highly discussed MDGs whose records were insipid, regardless of the oil boom of the period (Dapo-Asaju & Bamgbose, 2016:1).

Peace, Justice and Strong Institutions can be described as an orphan SDG, having no direct MDG feeding directly into it. However, this goal is quite critical to Nigeria in the light of prevailing

issues such as terrorism and insecurity, corruption, poor enforcement of justice and human rights, weak governance. Nigeria faces the challenge of meeting this goal, as she strives to ensure the significant reduction in trafficking and violence against children and women, corruption and bribery in all forms, violence and related deaths (PricewaterhouseCoopers, 2016: 10).

Jaiyesimi (2016) states that although the SDGs provide opportunities in developing countries, the challenges and cost of implementation will be high, suggesting that every country should convert the appropriate SDG into National Plans of Action. Despite Nigeria's interest and consent to achieving Agenda 2030, it faces myriad of challenges especially with regards to peace, justice and strong institutions which the country at this point in time seems to be truly lacking. The issue of human rights abuse by the state security forces in the country is alarming (Balogun and Baiden, 2016:1). Amnesty International 2015 report shows that several officials of the Nigeria Police Force and SARS officers have been involved in cases of forced disappearance, killings and unlawful detention (Amnesty International, 2015). These acts taint the image of state security services that are expected to protect citizens and reveal the extent of human rights abuse in the country (Balogun and Baiden, 2016:1) Nationally, the peace and security within Nigeria is threatened by extremist groups and religious fundamentalists -Boko Haram in the North-East and the quest for secession by Indigenous People of Biafra (IPOB), the absence of peaceful resolution of disagreements continues to undermine stability and peace building.

2. Conceptual Clarification

2.1 The Meaning of Institutions

To understand the meaning of institutions, one must acknowledge the impact that they have in the formation and maintenance of every society (Nash and Calonico, 1993:51). The concept of 'institutions' gained prevalence in the social sciences over the years due to its adoption in the understanding of other disciplines such as politics, sociology, philosophy and geography (Hogson, 2006:1). The durability of any institution is determined by its capacity to construct established expectations of conduct of persons rooted in the formation of ordered thought, expectation and action through the imposition of regularity on daily activities of such persons (Hogson, 2006:5).

In other words, institutions have the dual capacity to restrain and facilitate behaviour; the presence of regulations involves some certain level of restraint. Institutions can be categorized as informal and formal. Formal institutions are established by obligatory laws that stipulate both acceptable and unacceptable patterns of behaviour; on the other hand, informal institutions are established by norms, conventions, values- social, economic or political which are entrenched in culture and traditional social practices; these are similarly binding as well (Leftwich, 2006:1).

To be sure, institutions are "organizations that are established to serve specific purposes in the society" (Simpson, 1982: 779). In buttressing this, political institutions are described as "independent factors, critical in the ordering and understanding of collective life" (Heller, 1993:7). Peters (2012:4) further describes (political) institutions as the principal element of political life, a structural feature of a society or polity which is recognized by its predictability; influence on individual conduct; permanence in the long run and the sense of collective principles between its members. Institutionalism as a theory in this context therefore seeks to explain the decision that governments take and the various structures they use to effect these decisions; the nature of these institutions and how they affect the behaviour of individuals in the state.

March and Olsen (1984) attempt to streamline the scope of political institutions to the bureaucracy, the legislature and the courts which serve as arena for competing social forces as well as collections of typical operating structures that not only define but defend interests. Examples of political institutions include (but are not restricted to): institutions of state and society such as the civil society, economic and religious institutions; the executive and bureaucracies; the legislature and legal institutions; political parties and electoral systems; international institutions and so many others. Therefore, the context of this study is streamlined to

legal/judicial institutions and the roles they play in achieving the Sustainable Development Goals (SDGs).

2.2 The Judiciary as an Institution

The judiciary refers to the collective body of judges and court systems of a state; the branch of government responsible for the administration of justice based on the provisions of the law (Abdullahi, 2014:56). In a democratic system, the judiciary serves as the organ of government saddled with the obligation to apply the law to specific cases and to settle disputes between persons (Ghai, 2015). The judiciary also denotes the courts, adjudicators, magistrates, justices and the workforce who run this system. The courts enforce and interpret the law, resolve disputes and penalise law breakers in accordance with the provisions of the constitution (Baker, 2016).

Functions of the Judiciary

The judiciary performs the following functions in a democratic system:

(i) Provision of Justice to the People

This is the principal function of the judiciary. The judiciary is obligated to provide justice to the citizenry whenever they approach it. In turn the courts award adequate penalties to those found guilty of violating the laws of the land or the rights of the people. As the last resort of the common man, aggrieved persons can seek redress and reparations at the courts when they have suffered any loss. The judiciary regulates the quality and extent of punishment to offenders/law breakers (Ladan, 2017).

(ii) Interpretation and Application of Laws

The judiciary applies the law in accordance with the rules and procedures clearly outlined by competent authorities of the state. This may take the forms of adjudication, arbitration and interpretation of the laws. These three roles emanate from exercising the law either to determine the guilt or innocence of a person(s) charged with a crime (adjudication), to resolve or settle a dispute (arbitration) between parties in conflict, and to make the actual intent of the law (interpretation) known (Ayeni-Akeke, 2008).

(iii) Equity Legislation

In legal terms, “equity” connotes a set of remedies and associated procedures involved in civil law; these equitable doctrines are distinguished from “legal” ones. Thus, the courts often award equitable remedies when a legal remedy is insufficient (Cornell Law, 2014). Equity legislation is also exercised where laws are inconsistent with one another, in cases like this, the judges rely on their sense of justice, fairness, and impartiality to enable them reach a judgment.

(iv) Protection of the Fundamental Rights of Citizens

The judiciary is saddled with the ultimate responsibility of defending the rights of the people. All citizens, regardless of their economic or social status have the liberty to seek the protection of the judiciary, if and when their rights are violated or threatened to be violated by the government, private establishments or fellow citizens (Ghai, 2015).

(v) Custodian of the Law

It is the duty of the judiciary to interpret and protect the constitution. As the guardian of the law, the courts are granted formal constitutional powers to carry out rule making functions through interpretation of laws and determination of the constitutionality or legality of actions or decisions of other institutions of the state. This authority is known as judicial review; it is a common feature of federations operating presidential system of government. Laws which are found ultra vires (unconstitutional) are rejected by the judiciary and are therefore invalid for future use (Ojo, 2007).

(vi) Economic Development

Courts also contribute to the development of the economy. Modern economic relations are highly dependent on law and the availability of structures to implement them (Ayeni-Akeke, 2008). In the absence of a reliable and trusted court system, foreign investors would be unwilling to enter into commercial agreements. Multinational businesses, in particular, expand based on the belief

that courts exist in the various countries to enforce contracts among nationals of different states who might have not had previous contact.

(vii) Advisory Functions and Judicial Inquiries

The courts are often given the opportunity to provide consultative opinions to the executive and legislature on any legal matter which is of public importance. Also, judges are frequently called upon to head Commissions of Enquiry which investigate significant incidents such as, alleged errors or omissions on the part of government or the public service or complicated issues in general (Ghai, 2015). According to Ayeni-Akeke (2008), the functions of the courts cannot be exhausted as the judiciary is a dynamic institution that constantly adapts and responds to the needs of an ever-changing socio-political order in order to remain relevant.

2.3 The Concept of Sustainable Development

The idea of sustainable development is fraught with contradictions, because for decades, it has been acknowledged that the definition of this concept comes in many ways which are often rhetorical and vague (Lele, 1991). In the 1990s, there were about seventy definitions of this concept; but much later, scholars argue that there are around three hundred published definitions (Holmberg and Sandbrook, 1992; Schmuck and Schlutz, 2002). However, the most universally accepted definition is extracted from the Brundtland Report ('Our Common Future'). Following global awareness on the need for environmental protection and preservation, the Secretary-General of the United Nations (UN) in 1983, Javier Perez de Cuellar called for the creation of an independent group of twenty-two persons selected from the vast number of member states of both developed and developing worlds to lay emphasis on ascertaining environmental and development challenges and proffer solutions for the global community. This group was called the World Commission on Environment and Development (WCED); the WCED published the first volume of a report titled "Our Common Future", popularly regarded as the "Brundtland Report", named after the chairman of the Commission; the then Prime Minister of Norway - Gro Harlem Brundtland in 1987 (Elliot 2006:7). This document defined sustainable development as that form of "development that meets the needs of the present without compromising the ability and capacity of future generations to meet their own needs" (Brundtland, 1987:43). Sustainable development is manifest in different nuances and in different translations: the Norwegian emphasis is on "bearing capacity", the English translation highlights durability and conservation, the Polish refers to balanced development and in some other languages it means "balanced house-holding." These translations have one thing in common, they point to "restraint" and "balance." (Witoszek, 2009:3).

Over the years, it has been observed that successive definitions of the concept have been cautiously formulated to suit the required context. The UK Forum for the Future (2000) describes sustainable development as an essential course that empowers mankind to attain greatness while improving life's worth by the implementation of practices which preserve, protect and promote the earth's life sustenance systems. Turner (1998:2) suggests that sustainability is in principle a policy which seeks to sustain a satisfactory per-capita income growth rate without diminishing natural environmental asset stock or national capital asset stock. All these definitions point to the fact that sustainable development involves the preservation of resources for the future (Rogers, Jalal and Boyd, 2012).

The appealing, didactic and slightly ambiguous description of sustainable development by the Brundtland Report makes the concept popular among researchers seeking to integrate the relationship between the environment, society and economy (Adams, 2009:6). Presently, the concept of sustainable development enjoys mixed contextual application. In terms of research, Adams (2009:5) argues, it appears to "provide a suitable platform for unraveling the mysteries which separate academic disciplines from each other, and the dissolution of age long barriers between knowledge and policy action." This occurs by the extraction of ideas from diverse fields such as development studies, ecology, sociology and ethics and at the same time suggests

practical plans of environmental and social improvement. This interdisciplinary influence and contribution to the understanding of sustainable development has succeeded in each field providing divergent postulations on the relationship between the human subject and the environment (Lee, Holland and McNeil, 2000:9).

These differences are more evident in the development of policy- the understanding, observation and perception of the human ecological condition which in turn reinforces successive and strategic plans and interventions that manifest as conservation and development projects. The distinctive factor being; how these disciplines ascribe different preferences in terms of importance to these programmes and policies (Elliot, 2006:10). As Redclift (1997:483) puts it “the idea of sustainable development is plagued by contradictions. Hence, just like God, and motherhood, it is challenging not to approve of it.” These contradictions refer to the divergent opinions of what sustainable development means and how it should be pursued. Notwithstanding the various definitions of this concept, they all incorporate the notion that sustainable development rests on a tripod model, which takes into account economic and social modifications that are necessary to ensure environmental stability (Shmuck and Schultz, 2002:6).

According to the Brundtland Report (1987), the quest for sustainable development entails the following:

- a. An inclusive political system where citizens are fully involved in decision-making.
- b. An equitable and development based economic system that proffers solutions for inequality in the distribution of wealth.
- c. The adoption of sustainable trade and finance in terms of technological advancement.
- d. A production system charged with the responsibility to conserve and safeguard the environment.
- e. A flexible administrative system armed with the capacity for self-correction. (Brundtland, 1987:57)

The crux of sustainable development lies in the assimilation of social, economic and environmental issues into all facets of the decision making process; also, the other doctrines of sustainable development agenda have fused decision making at their epicenter (Dernbach, 2003; Stoddart, 2011). Thus, sustainability is distinguished from other forms of policy by this concept of integration.

2.4 The Trajectory from MDGs to Sustainable Development Goals (SDGs)

The Millennium Development Goals (MDGs) were the product of a consensus reached by world leaders to address global development challenges; the MDGs introduced a different aspect to the understanding of the nature of poverty and poverty related policies. These goals presented the global community with an effective and simplified development narrative; one which appealed to the public and governments for effective fundraising aimed at development assistance (Justice, Development and Peace Commission (JDPC), 2016). Following their adoption, the MDGs took the lead in pulling over one billion people from extreme poverty all over the globe; facilitating equal access to primary education more than ever before and effectively decreasing the great number of people exposed to preventable illness, chronic hunger and death. On the average, it is safe to say that globally, a good number of people today are relatively more prosperous, healthier and better educated than in the past decades (United Nations Development Programme, 2016).

The MDGs were of great significance because it was the first time a global initiative of such magnitude focused on the use of timelines, indicators and monitoring objectives as a vital element of the strategy for achievement. Countries and organizations were not merely fixated on what needed to change but the proposed time that such changes would occur. To ensure this, the MDGs adopted the human rights based approach to development- connecting matters of human development with the need for global equality (Besada, 2017:4). Following the mixed outcome of the MDGs, the world demanded for a succession plan, the progress and doggedness of leaders

and governments in the achievement of the MDGs drove people to request for continuity in the attainment of global development. Discussions on a successive plan commenced in January 2015 and were completed in August of the same year; a concluding document was accepted by the UN Sustainable Development Summit in New York (UNDP, 2015).

Prior to these negotiations and following the formation of the WCED; the first “Earth Summit” was convened in 1992 in Rio de Janeiro, Brazil. In 2012, the United Nations Conference on Environment and Development (UNCED) Rio+20 convention was hosted, marking a twenty year follow up. It was on this platform that the idea of a collection of sustainable development goals was proposed; a resolution branded - “The Future We Want” was embraced by member states (United Nations, 2015). The call for an extensive and all-encompassing commitment of relevant parties to make contributions to a new development agenda as a substitute for the MDGs; the United Nations General Assembly (UNGA) called for a procedure that would connect sustainability issues and development concerns raised at the Rio+20 summit. This led to the adoption of seventeen SDGs and one hundred and sixty-nine targets by the UNGA on the 25th of September, 2015 (JDPC, 2016). These goals set out qualitative and quantitative objectives for the next 15 years (Sustainable Development Solutions Network, 2015).

The SDGs are officially called; “Transforming Our World: the 2030 Agenda for Sustainable Development.” The goals are universally applicable and naturally inclusive, taking into consideration the distinct development levels, national capabilities with respect to national policies and priorities (UNGA, 2015). The Sustainable Development Goals are identified below:

- **Goal 1:** No Poverty- End Poverty in its forms everywhere.
- **Goal 2:** Zero Hunger- End hunger, achieve food security and improved nutrition and promote sustainable agriculture.
- **Goal 3:** Good Health and Well-being- Ensure healthy lives and promote well-being at all ages.
- **Goal 4:** Quality Education- Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.
- **Goal 5:** Gender Equality- Achieve gender equality and empower all women and girls.
- **Goal 6:** Clean Water and Sanitation- Ensure availability and sustainable management of water and sanitation for all.
- **Goal 7:** Affordable and Clean Energy- Ensure access to affordable, reliable and sustainable and modern energy for all.
- **Goal 8:** Decent Work and Economic Growth- Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.
- **Goal 9:** Industry, Innovation and Infrastructure- Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation.
- **Goal 10:** Reduced Inequalities- Reduce inequalities within and among countries.
- **Goal 11:** Sustainable Cities and Communities- Make cities and human settlements inclusive, safe, resilient and sustainable.
- **Goal 12:** Responsible Consumption and Production- Ensure sustainable consumption and production patterns.
- **Goal 13:** Climate Action- Take urgent action to combat climate change and its impacts.
- **Goal 14:** Life below Water- Conserve and sustainably use the oceans, seas and marine resources for sustainable development.
- **Goal 15:** Life on Land- Protect, restore and promote the sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification and halt and reverse land degradation and halt biodiversity loss.
- **Goal 16:** Peace Justice and Strong Institutions- Promote peaceful and inclusive societies for sustainable development provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

- **Goal 17:** Partnerships for the Goals- Strengthen the means of implementation and revitalise the global partnership for sustainable development.

Jeffery Sachs, a development sustainability expert explains the relevance of the SDGs in attaining global progress thus:

Almost the entire world's societies concede to the desire for a combination of, environmental sustainability, economic growth and social inclusion, although the specific purposes vary globally, within and amongst societies...a collective concentration on environmental, economic and social goals serves as a guarantee of sustainable development and exemplifies a comprehensive accord on which the global community can build (Sachs, 2012: 2).

The SDG Agenda merges the scope of these concerns (economic growth, environmental preservation and social inclusion) by stating that the SDG structure will be woven around five major variables: people, prosperity, peace, planet and partnerships (UNDP, 2015). Agenda 2030 represents a holistic approach in understanding and tackling problems, it is universal, transformative and rights-based. In ensuring the achievement of the SDGs, the creation and development of procedures and action plans must cut across local and national governments, religious groups, businesses, development partners, UN teams, international financial institutions as well as scientists and individuals from academia (SDSN, 2015). As emphasized in the SDG working document, all-inclusive development requires the joint efforts of all concerned parties acting in cooperative partnership.

2.5 The Significance of SDG 16: Peace, Justice and Strong Institutions

This particular goal is exceptional as it aims to “provide access to justice for all, promote peaceful and inclusive societies for sustainable development and build effective, accountable and inclusive institutions at all levels” (UNDP, 2015). Stamping out corrupt practices is paramount because without justice and equity being served, the society cannot progress. Peace guarantees governmental stability and efficiency, increase in the development of human capital, protection and projection of the rights of others, even dissemination of resources/wealth and a sound business environment (UNDP, 2015).

Whites (2016:1) posits that it is the first time the international community proposed a consensus on the fundamental role that effective, responsible and inclusive organisations play in ensuring sustainability. SDG 16 is dubbed as “an orphan SDG having no direct MDG feeding directly into it” (PwC, 2016:10), it is indeed a new niche that has been carved out within the sustainability context. This goal is aimed at significantly reducing all forms of violence, ending child trafficking and abuse, reducing illicit flow of arms, promoting equality before the law at both global and national levels, promoting answerable and transparent institutions at all levels, fighting corruption and ensuring the return of stolen assets (UN, 2015).

SDG 16 is not just an utopian idea as it highlights the principal purpose of institutions, incorporating both their functions and ethos; this goal goes further to strategically place politics at the core of organisations (Whites 2016:2). Whilst focusing on accountability and social inclusion, this goal acknowledges that it is the link between politics and institutions that charts the course for true and equitable development. In other words, Brume (2016:6) suggests that the approaches adopted by leading political actors and policy makers in engaging or disregarding institutions substantially affect the level of development in every society; the interplay of politics and institutions both foster the vision for social order, economic progress and advancement and most importantly the capacity to effectively meet the basic needs and aspirations of the citizenry. Deficits in governance are major limitations to social inclusion as resources necessary for development are wasted; thus, it is expected that governments assume proactive roles and imbibe

the value of accountability (UNDG, 2015:5). SDG 16 therefore emphasises the feasibility of institutions, whilst stressing the hindrances to the underlying factors of attitude and capacity.

The targets of Goal 16 include the following:

- **16.1:** Significantly reduce all forms of violence and related death rates everywhere.
- **16.2:** End abuse, exploitation, trafficking and all forms of violence against and torture of children.
- **16.3:** Promote the rule of law at the national and international levels and ensure equal access to justice for all.
- **16.4:** By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of regionalized crime.
- **16.5:** Substantially reduce corruption and bribery in all their forms.
- **16.6:** Develop effective, accountable and transparent institutions at all levels.
- **16.7:** Ensure responsive, inclusive, participatory and representative decision making at all levels.
- **16.8:** Broaden and strengthen the participation of developing countries in the institutions of global governance.
- **16.9:** By 2030, provide legal identity for all, including birth registration.
- **16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements (UNDP, 2015).

3.0 Theoretical Framework

This study adopts Structural Functionalism as its theoretical framework. This theory explains the different institutions of society (government) and the various roles that they play in formulating and meeting several goals and objectives of the state. Structural Functionalism is a sociological theory which seeks to describe the workings of a society by highlighting the interactions among the different civic institutions that make up society (law, religion, government and so on). This theory can be traced back to Aristotle's postulation on the decisive reasons of actions in relation to utmost benefits (utility). French political philosopher, Baron de Montesquieu's doctrine of 'separation of powers' is grounded on the concept that tasks are best carried out when isolated from each other as a means of guaranteeing durability and security (Fisher, 2010: 75).

This theory has its roots in the biological sciences. It is often described as an initial form of systems theory which developed in the 1800s from the writings of British and French sociological theorists: Herbert Spencer, Emile Durkheim and August Comte who investigated and established the use of the biological metaphor in the understanding of society (Spencer, 1989; Barton, 2004 and Urry, 2000). Renowned sociologist, Talcott Parsons and a group of scholars were very instrumental in the expansion of structural functionalism to the field of sociology in the 1950's and 1960's; the findings of their study made structural functionalism the foremost sociological archetype of that era. Parsons formulated a framework based on the opinion that collective values and norms within structures are the bedrock of systemic existence and digression from these values and norms are capable of jeopardising the survival of such system (Smith and Hamon, 2012). Susser (1992:203) further explains that the semblance of human social life is not automated but organic, automated analogies according to him suggest "looseness of the parts". Fisher (2010:76) posits that, Functionalists liken functions to the physiology and structures to anatomy of organisms.

However, political scientists Gabriel Almond and Bingham Powell developed a framework for the use of structural functionalism to provide better understanding of politics in the 1960's. Powell and Almond (1966) define their method as probabilistic functionalism. They posit that structures within political systems are mutually co-dependent but do not exist in symmetry as supposed by initial theorists. This method is probabilistic because it presumes that if a structure within the system is altered, there is possibility that similar structures in the system will

correspondingly modify to harbour such adjustment (Powell and Almond, 1966). Structural-functionalism conceptualises society as an organism of correlating parts that support stability or change through their interactions. This theoretical approach proposes that, to comprehend social systems, it is fundamental to look at components of the system that sustain specific actions and their interrelations (Chilcott, 1998).

3.1 Tenets of Structural Functionalism Theory

The Structural-functional approach having a similar framework with the Eastonian Systems Theory model describes governance as all undertakings which impact “the way prominent decisions are articulated and implemented for any society” (Easton, 1957: 384). From this definition, Easton identified five basic components of all political systems: administration, adjudication, legislation, the creation of demands and the gathering of support and cohesion. He categorised these elements as output and input stipulations, crucial in the running of the political system. Almond and Coleman (1960) went on to outline seven roles of all political structures: interest articulation, political socialisation, interest aggregation, political communication, rule adjudication, rule application and rule making. The first four being input and the last three being output mechanisms of the system (Fisher, 2010:78).

Structural Functionalists argue that society involves both structures and functions which are interrelated and symbiotic and ultimately fixated on preserving/mediating societal stability or necessary transformation (Dale, Vella and Potts. 2013). Sewell (1992) describes structures as the “static elements of a system or society”, meaning that they are often organised in specific pattern and comprise of many interrelated and interdependent autonomous parts. Government/ political institutions/ agencies, non-governmental organizations, interest groups and so on are viewed as structures of the state or policy system. Kalu (2011) posits that the operational nature of structures are evident in the expressed contribution towards the achievement of a collective goal of the entire system. While structures are chiefly charged with running exact processes, they also generate outputs (e.g. formal documents such as policies, legislations, plans and outcomes) (Potts, 2013:82).

Structural functionalism states that social/ political systems comprise both structures and functions that are required for the existence of that system (Chilcott, 1998). The life of every political system is dependent on the seamless interplay between the different organs and agencies of government carrying out their roles effectively and efficiently, without this, the system will encounter failure. Furthermore just like the human body, the decline of one part will ultimately affect all other parts. Fisher (2010:78) posits that the structure is an indispensable element of the system, thus the structure cannot be altered without voiding its very essence.

Structural Functionalists argue that these structures are present to address the functional requirements of a system (Merton, 1949). Every system (society) has needs, regardless of the level of development. Therefore, it is possible for organizations to undertake several roles and multiple institutions can undertake a single role as well. Within administrative systems, it is essential that definite functions exist for the system to persevere (Almond & Coleman, 1960). In this context, functions refer to the qualities that address how structural aspects of a specific administrative system operates or how the system is stabilised (Eisenstadt, 1990). Functions link the structures in a system but also embody the interactions amongst them. Alternatively, structures focus on crafting strategic priorities for preparation and deliver policies projected to guide action to realise desired planning results (Potts, 2013:82).

This study seeks to assess the relevance structural functionalism’s tenets in the implementation of Agenda 2030 as a theoretical foundation for systemic study of multi-layered and complex planning methods. Thus, the need for peace, social justice and effective institutions have the possibility of being met by the judiciary carrying out certain roles and taking steps in meeting the targets of SDG 16.

3.2 The Application of Structural Functionalism Theory to the Study

The application of structural-functionalism in political science provides adequate understanding into how this theory can be useful to describe the functions and structures of multifaceted planning systems such as those required in the implementation of the SDGs (Potts, 2013:79). To guarantee development and progress in the lives of persons all over the world, the SDGs were drafted to achieve “the world we want.” The interaction between the diverse stakeholders involved in SDG implementation on a daily basis is essential for global advancement.

Based on the tenets of the theory stated earlier, the structures of the political system (in relation to the SDGs such as the government, private sector, CSOs and others) are not clearly defined and properly patterned, however, in spite of this they are of huge importance. The mandates of these institutions (functions) often overlap in reality; thus, structural functionalism enables us have a clear notion concerning the roles of these institutions in realising the SDGs in Nigeria.

One major proposition of this research is that there are no steps taken to ensure the establishment of peace, justice and strong institutions in Nigeria. The relevance of these ideals is a necessary requirement for the achievement of Agenda 2030 in the country, structural functionalism backs up this statement as it expounds on how the various organs of government, especially the judiciary has a prominent role/function to discharge by ensuring access to justice at all levels, promoting social inclusion and curbing corruption by the adoption of checks and balances.

Success in the realisation of the SDGs is dependent on the combined effort of all stakeholders at the national and international levels. For a country like Nigeria to achieve SDG 16 which is very vital to the attainment of all other goals, the judiciary aided by other agencies must be equipped to function effectively. This paper seeks to investigate the roles that the Nigerian judiciary has to play in achieving SDG 16. Structural Functionalism provides a framework for the justification of this by adopting the organic analogy of socio-political relations provided by (Susser, 1992) which states that individual elements rely on the whole for preservation. This clearly implies that the interaction between the Nigerian judiciary and other SDG stakeholders in the country is crucial to the accomplishment of national progress which is the overall benchmark of Agenda 2030.

The structural functionalist theory is relevant to this study because it not only examines the role of the judiciary in realising Goal 16, but also identifies the need for a multi-layer coordinating framework between all parties involved in the pursuit of Agenda 2030. It is imperative that all ministries, departments and agencies of government at the national and state level embrace a consensual resolve to take up responsibility in order to effectively carry out the objectives of the state as regarding the SDGs (Lawrence, 2018). Therefore, if these stakeholders fail to come up with a workable plan that suits the complex nature of the SDGs, then the achievement of the goals will be jeopardised. In this study, structural functionalism helps us to understand the various mechanisms that must be put in place to ensure that the SDGs are achieved and overcome the challenges that a dysfunctional system poses to its success.

4.0 DISCUSSION

The Role of Judicial Institution in Sustainable Development Goals (SDGs): An Evaluation

Following the cumbersome nature of Agenda 2030, no single stakeholder will be able to meet the targets in isolation, thus the roles of institutions of government and society in actualising these targets cannot be overemphasized. The positive outcomes of the MDGs in South Africa was as a result of the roles played by diverse institutions (the Civil Society Organizations in this case) through the promotion of good governance practices, effective articulation of the needs and aspirations of the poor and the fulfillment of service-delivery gaps (Motala, Gwenthure, Ndokweni and Chitiga-Mabugu, 2014). Therefore it is imperative to unravel the roles of the legal/judicial institutions in bringing the SDGs to realisation.

SDG 16 can be described as the bedrock upon which all the other goals are built, hence the commitment to achieving this goal may lead to the attainment of all the other goals with ease. For instance, target 16.3 seeks to “Promote the rule of law at international and national levels and

ensure equal access to justice for all” (UNDP, 2015). The rule of law is seen as an activator for the realization of all other SDGs. Judicial intervention is expected in areas where the States will apply policy and legislative interventions to address challenges and where agenda 2030 has directly placed on the States, the obligation to meet targets specified in the law (The Commonwealth, 2016:11). The judiciary being the foremost institution charged with upholding the rule of law through its interpretation and adjudication has a strategic role to play in ensuring the fruition of Agenda 2030.

The progress of any nation is measured largely by the availability of institutional and legal frameworks for protection of the human rights inbuilt to its working system and the level of enforcement and practical enjoyment of such rights by the people (Udu, 2018: 9). For instance, when persons have access to justice (which is often made available by legal/judicial institutions) they are empowered to achieve other goals such as the suppression of hunger and poverty which represent SDGs 1 and 2 respectively; hypothetically if farmers are provided this platform, it offers methods for the improvement of their land tenancy security and this in turn encourages them to make better investments in food production which leads to a bountiful harvest. Furthermore with the right regulatory process in place to ensure standard prices for their produce, they in turn will get adequate financial returns. Also, access to justice helps to guarantee gender equality (SDG 5) by assisting girls and women in defending themselves from sexual abuse and domestic violence, retaining control over loans taken out in their name, sharing in profits from natural resources and accessing inheritance or property upon divorce (Organization for Economic Co-operation and Development, 2016:4).

The law lies beneath nearly every facet of people’s lives, from entrepreneurship and housing to employment and education as well as healthcare. Rahmani and Koohshahi (2013:10) posit that feeble judicial and legal systems characterised by corruption and rebellion, poor enforcement of the law, destabilise respect for the rule of law, provoke environmental degradation, and challenge development towards sustainable development. Improving the effectiveness of judiciaries is essential to promoting sustainable development (World Bank, 2003:2). This is why experts in the field of development have gradually streamlined their focus on changes aimed at improving legal and judicial institutions and promoting good governance and the rule of law and the reform of legal institutions. Therefore, in the quest for the implementation of Agenda 2030, the judiciary as an institution is tasked with ensuring that the “world we want” is attainable. As an enabler of sustainable development, rule of law is the hub and the other 15 goals are the spokes in the network (The Commonwealth, 2016: 11).

Besides equal access to justice, the judiciary plays a vital role in achieving the SDG 16 by acting as watch-dog to maintain checks and balances in government in order to substantially reduce all forms of bribery and corruption. With a well-functioning judiciary, the rule of law becomes a more realistic goal, and citizens develop a greater expectation of, and confidence in, the legal protections and predictability that the system can provide (World Bank,2003:3); this in turn guarantees “responsive, participatory and representative decision-making at all levels” (SDG, 16.7). Additionally, the countries that strategically situate accountable and transparent institutions (and the atmosphere that foster these) conditions in position, including the significant contribution of the private sector, will see the most benefits in achieving the SDGs’ targets. On the contrary, the SDGs will not be realised unless noteworthy governance enhancements are first executed and frequently refined (United States Council for International Business, 2015:2).

There is need to understand that the Sustainable Development Goals depict a global consensus to steer the present and future generations towards a better world. However, regardless of the intentions behind this agenda, the SDGs represent a set of lofty goals that cannot be achieved without the multiplicity of partnerships between concerned parties (UN, 2017). At the national level, the role of institutions in achieving the SDGs cannot be overemphasised. For a developing country like Nigeria, the SDGs represent a pathway to development, thus, attempts made by the government to mainstream the SDGs to stimulate national progress appears to be a step towards

this path . According to (FGN, 2017), Nigeria’s institutional framework has recorded several achievements in the pursuit of the goals such as: the inauguration of a Private Sector Advisory Group (PSAG) and a Donors Forum to effectively engage private stakeholders, founding a partnership with the NYSC to enhance national advocacy and campaign for the youth and boosting the Conditional Grant Scheme (CGS). This framework if properly harnessed provides Nigeria the platform to pursue the SDG targets in earnest. In reality however, these institutions regardless of how properly crafted they are, lack the capability in terms of infrastructure and expert personnel to adequately execute the SDGs in the Nigerian state. Before the SDGs can be attained, the problem of capacity must be addressed and tackled. SDG 16 serves as a starting point in addressing the many challenges facing the country presently.

The alignment of the targets of this goal with the functions of the judiciary makes it the most appropriate institution to fast-track its implementation in the country (Magaji, 2016). The fact that the judiciary openly showed interest in the SDGs a year after implementation had already begun culminating in very little progress recorded as an institution. However, teaming up with other agencies has proven to be a better option as these collaborations have resulted in taking Nigeria a step (albeit a slow step) closer towards achieving peace, justice, accountability and transparency at all levels of government.

Several institutional difficulties prevent the judiciary from carrying out its constitutional duties, these challenges stand as barriers to the pursuit of Goal 16; most especially allegations of corruption; ineptitude and the intrusion of the executive into its affairs. Therefore, if these issues are not properly addressed, the judiciary cannot operate in full capacity. Failure to achieve Goal 16 would inevitably result in the failure to realise all the other goals because this goal is the bedrock which all other goals rest upon (Mufatu, 2016).

The lack of the appropriate mechanisms for galvanising SDG implementation poses a great challenge for Nigeria; the voluntary nature of the execution process makes the country rely on individual collaboration and commitment of stakeholders which has proven to be unfavorable in most cases. The official framework suggests that the abundance of departments, agencies and committees to implement the SDGs is not the challenge, rather, the precise directives, resources and accountability relationships that convert this network of institutions into action on ground; will mark the difference between success and failure (Lawrence, 2018).

5.0 CONCLUDING REMARKS

The SDGs can serve as a sustainable path towards global advancement; these goals reflect the prevailing challenges of the international community at different levels and simultaneously prescribe a way out of these problems. This study revealed that for the SDGs to be implemented in Nigeria they must be localised; institutions at the federal and state levels must embrace their roles in the pursuit of Agenda 2030. Furthermore, the execution of the SDGs cannot be undertaken by the government single-handedly, the private sector must endeavour to take up certain responsibilities as well.

The paper examined the significance of Goal 16 to Nigeria and the roles of the Nigerian judiciary in the implementation of this goal. It provided bases for choosing the judiciary as the key institution to spear-head the execution of the targets of this goal- peace, access to justice and establishment and nurturing of strong institutions. It further examined the functions of the judiciary and the jurisdiction of the courts as stipulated in the constitution.

This study explored the various mechanisms which Nigeria adopts in the pursuit of the SDGs; highlighting the various institutional structures and their responsibilities in this project. It draws the inference that Nigeria is not fully equipped to realise the goals and their targets within the stipulated time; as a nation it must make every effort to pull resources (both human and otherwise) in order to become “the country we want.”

The path towards SDG implementation is not an easy one, however to overcome the various obstacles, the judiciary would have to make certain sacrifices in order to tackle the knotty issues.

This paper identified the problems which the judiciary in Nigeria faces and some of the underlying causes of these difficulties. It recommends that the Nigerian government and the judicial arm need to address the obstacles towards SDG implementation, in a timely, determined and proactive manner.

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