JOURNAL OF POLITICAL DISCOURSE
ISSN Print: 2992-2763 – ISSN Online: 2992-4618 | Vol. 2, Issue 2, No. 1 / June 2024
https://www.jopd.com.ng

CONTEXTUALIZING JOHN RAWL'S THEORY OF SOCIAL JUSTICE IN NIGERIA'S DEMOCRACY

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Abstract
This paper examines the applicability and relevance of John Rawls' Theory of Social Justice within the context of Nigeria's democratic system. Rawls' influential theory, centered on the concepts of the Original Position, the Veil of Ignorance, and the Two Principles of Justice, is analyzed against the backdrop of Nigeria's complex socio-economic and political landscape. The study explores how Rawls' ideas of equal basic liberties, fair equality of opportunity, and the difference principle can be interpreted and potentially implemented in a nation characterized by significant socioeconomic disparities as well as ethno-religious diversity. Methodologically, the paper relies on secondary data which were analysed using a descriptive method of analysis. By employing the Rawlsian theory of social justice, the work assesses the potential benefits and limitations of applying its principles to strengthen democratic institutions and address issues of inequality. The paper submits that while the pursuit of social justice in Nigeria is vital for creating a fair and equitable society where all individuals have the opportunity to thrive, efforts must be made to address economic inequality, improve access to education and healthcare, promote gender equality, and ensure the fair treatment of diverse ethnic and religious groups. Importantly, some challenges such as corruption, resource constraints, and social barriers must be addressed to strengthen democratic gains.
Keywords: Justice, Society, Social Justice, Democracy, Nigeria

1.0 Introduction

In the realm of political philosophy, John Rawls' Theory of Social Justice stands as a landmark contribution to our understanding of fairness and equity in society. Rawls' seminal work, "A Theory of Justice" (1971), presents a comprehensive framework for conceptualizing justice as fairness, offering principles that have influenced political thought and policy discussions worldwide. However, the application of these principles in diverse cultural and political contexts remains a subject of ongoing debate and analysis.

Nigeria, Africa's most populous nation and largest economy, presents a compelling case study for examining the relevance and applicability of Rawls' theory in a complex, multicultural democracy. Since its transition to civilian rule in 1999, Nigeria has grappled with the challenges of consolidating democratic institutions, addressing socioeconomic inequalities, and managing ethnic and religious diversity. These challenges raise important questions about the nature of justice, fairness, and social cooperation in a developing democracy.

This paper aims to contextualize Rawls' Theory of Social Justice within Nigeria's

democratic landscape. By examining the key concepts of Rawls' theory—including the Original Position, the Veil of Ignorance, and the Two Principles of Justice—in relation to Nigeria's unique historical, political, and social realities, we seek to explore how these ideas might inform and potentially enhance Nigeria's approach to democratic governance and social policy.

The paper will consider the potential benefits of applying Rawlsian principles to Nigeria's democracy, such as addressing persistent inequalities, strengthening democratic institutions, and promoting social cohesion. Simultaneously, the work will critically examine the challenges and limitations of this approach, including issues of cultural relativism and practical implementation in a diverse society with deeply rooted traditions and complex power structures.

A Theory of Justice provide a skeletal account of Rawls's endeavor of using social contract theory to generate principles of justice for assigning basic rights and duties and determining the division of social benefits in a society (Rawls,1971). Rawls argues that the two principles that would be reached through an agreement in an original position of fairness and equality is that each person is to have an equal right to the basic liberty compatible with a similar liberty for others. This principle guarantees that every individual has an equal claim to a set of fundamental rights and freedoms. These liberties include freedom of speech, freedom of assembly, freedom of thought, the right to hold personal property, and protection against arbitrary arrest and seizure and economic inequalities are to be arranged so that they are both reasonably expected to be to everyone's advantage, to the greatest benefit of the least advantaged members of society. In addition to make Offices and positions open to everyone under conditions of fair equality of opportunity. This principle requires that everyone should have an equal chance to attain various offices and social positions, ensuring that social or economic background does not unduly influence one’s opportunities (Nagel, 2003).

This work explores how Rawls’ principles can be applied to modern democratic contexts emphasizing the significance of equality, protection of rights, inclusion, addressing systemic injustice, and promoting social cohesion. Through this exploration, the paper will contribute to the broader discourse on social justice in developing democracies and offer insights that may be valuable for policymakers, scholars, and citizens engaged in Nigeria's ongoing democratic journey. By bridging the gap between abstract philosophical principles and concrete societal challenges, this paper aims to shed light on potential pathways for enhancing justice and fairness in Nigeria's evolving democracy.

1.2 Conceptual Discourse

1.2.1 Justice: Justice refers to the idea of fairness, moral rightness, and the equitable treatment of individuals. The philosophical exploration of justice dates back to ancient times. Plato, in his seminal work "The Republic," presents justice as a virtue that harmonizes the individual and the state. Plato posits that justice in the individual mirrors justice in the state, and this can be achieved when each part performs its appropriate role (Plato, 380 BCE). In this context, justice is about balance and the proper functioning of society's various elements.

Aristotle, distinguishes between distributive and corrective justice in his work "Nicomachean Ethics." Distributive justice concerns the fair allocation of resources among members of a community, based on merit, need, or other criteria. Corrective justice, on the other hand, deals with rectifying wrongs and ensuring fair transactions between individuals (Aristotle, 350 BCE). Aristotle's emphasis on proportionality and equity forms the basis of much contemporary thought on justice.

Jeremy Bentham and John Stuart Mill, defines justice in terms of the greatest happiness principle. According to this view, actions or policies are just if they promote the greatest overall happiness or utility. Bentham argues that justice is about maximizing pleasure and minimizing pain for the greatest number of people (Bentham, 1789). Mill further refines this idea, emphasizing qualitative differences in pleasures and advocating for individual rights as essential to achieving overall happiness (Mill, 1861).

John Rawls in his work define the concept of "Justice as Fairness," centered on two key principles: the Liberty Principle and the Difference Principle. The Liberty Principle guarantees equal basic liberties for all individuals, while the Difference Principle permits Robert Nozick, focus on individual liberty and property rights. In "Anarchy, State, and Utopia" (1974), Nozick argues for a minimal state limited to protecting individual rights, particularly property rights. Justice, in this view, is about respecting voluntary exchanges and acquisitions that occur without coercion or fraud (Nozick, 1974).

1.2.2 Society: Society is a complex and multifaceted concept, encompassing the collective interactions, institutions, and relationships among individuals within a shared geographical or cultural context. It is an essential framework for human existence, influencing and being influenced by social norms, laws, traditions, and various institutions. At its core, society can be understood as a group of individuals who share a common culture, interact with each other, and form organized communities. These interactions are structured by a set of rules and norms that guide behavior and maintain social order. Sociologists define society as a complex social organization characterized by patterns of relationships, institutions, and collective activities (Giddens, 2006).

The structure of society can be analyzed through its various components, including social institutions, social groups, and social status. In the societal context family is consider to be the primary social unit, which are responsible for the socialization and care of children. It provides emotional support and helps inculcate values and norms (Murdock, 1949). Educational institutions transmit knowledge, skills, and cultural values across generations. They also play a critical role in socializing individuals and preparing them for participation in the broader society (Durkheim, 1925). The economic institution organizes the production, distribution, and consumption of goods and services. It is essential for meeting material needs and sustaining livelihoods (Smith, 1776). While Religious institutions provide moral guidance, create a sense of community, and offer explanations for existential questions. They influence values, norms, and social cohesion (Weber, 1905). And lastly the Governmental institutions saddled with the responsibility to maintain order, create laws, and provide public services. They are crucial for regulating social interactions and ensuring collective well-being (Parsons, 1951).

1.2.3 Social Justice Social justice encompasses fairness, equity, and the protection of rights within a society. It aims to ensure that all individuals and groups receive fair treatment and an equitable share of the benefits of society, regardless of their background or circumstances. Social justice involves addressing issues such as inequality, discrimination, and injustice, promoting policies and practices that uphold human dignity and equality. The philosophical underpinnings of social justice can be traced back to the works of several key thinkers who have shaped our understanding of fairness and equity.

Plato and Aristotle, two of the most influential ancient philosophers, laid the groundwork for later discussions on justice. In "The Republic," Plato explores the idea of justice as harmony within the individual and the state, where each part performs its appropriate role (Plato, 380 BCE). Aristotle, in "Nicomachean Ethics," distinguishes between distributive justice (the fair distribution of resources) and corrective justice (the rectification of wrongs)

(Aristotle, 350 BCE). The Enlightenment era brought new perspectives on social justice, emphasizing reason, individual rights, and equality. Philosophers like John Locke and Jean-Jacques Rousseau argued for the protection of individual rights and the social contract, where the legitimacy of government is based on the consent of the governed (Locke, 1689; Rousseau, 1762).

John Rawls' theory of justice, articulated in "A Theory of Justice" (1971), is a cornerstone of modern social justice thought. Rawls introduces the concept of "Justice as Fairness," which includes two key principles: the Liberty Principle and the Difference Principle. The Liberty Principle guarantees equal basic liberties for all individuals, while the Difference Principle allows for social and economic inequalities only if they benefit the least advantaged members of society (Rawls, 1971).

Social justice is a vital concept that seeks to create a fair and equitable society where all individuals and groups are treated with dignity and respect. It encompasses principles of equality, equity, rights, participation, and redistribution, addressing a wide range of contemporary issues such as economic inequality, discrimination, gender equality, and environmental justice. Achieving social justice requires collective efforts through advocacy, education, policy reforms, and community engagement. By striving for social justice, we can create a more just and inclusive world for everyone.

1.2.4 Democracy

There is no universally accepted definition of the concept of democracy. It is a concept that means different things to different people; a method, a process, a system, an ideology, a platform for power contestation and not the least a class struggle. The conceptualization of democracy as the government of the people, by the people and, for the people has evolved into gradual irrelevance as the realities of the modern states no longer suggest the idealist mode of participation. In fact, this definition has been described by Entwistle (1971), cited in Iwilade (2008:106), as a 'pedestrian definition of democracy which require the direct participation of citizens in government'. A kind of participation only applicable in relatively small city states without the complex intricacies of modern statehood.

In an attempt to avoid the problems associated with the lexical use of the concept. Political and social scientists have offered a number of definitions and explanations on the concept. For instance, Agbaje (1999) maintained that democracy is a term that is used to describe an idea, process (series of event leading to change or a course of action) or system of government. It entrenches and expands the right, ability and capacity of people in any community to take control of their lives through participation in discussion and decision on issues and events that affect them and their community. The concept can be described as a way of life, or an attitude and is essentially a method of organizing society politically.

Baker (1995) cited in Oddih (2007) is of the view that democracy is a political system that operates on the basis of popularly elected or appointed representatives to run the affairs of the state. He notes that democracy is premised on effective representation and participation, adding that while the specificity of democracy differs cross-culturally, there are still basic underlying features that are common and germane to all democratic processes. Democracy is a form of government as well as a way of life, goal, ideal and philosophy which guarantees freedom of the majority and rights of the minority. It has certain tenets which include: free elections, majority rule, participation of political parties, unimpeachable judiciary and parliament (Oddih, 2007).

This work aligns with the conception of Nzongola-Ntalaja (2000:14), who succinctly explains democracy as a continuous process of promoting equal access to fundamental

rights. According to him, democracy cannot be negotiated as a new bargain to developing nations; rather, it has to be richer than the liberal model, and should be capable of leading to a development strategy that is homegrown, people-centred and oriented towards eradicating poverty. Political equality presupposes sufficient social and material equality to enable contending groups to utilize formal political rights in roughly the same degree. Where sharp social and material inequalities do exist, the provision of equal political rights confers a major advantage on those who command greatest resource to mobilize in defense of their interests.

1.3 Theoretical framework

The work is anchored on John Rawls' theory of social justice. John Rawls, an American philosopher, is best known for his influential work, "A Theory of Justice" (1971), which presents a comprehensive theory of social justice known as "justice as fairness." Rawls' theory has had a profound impact on contemporary political philosophy, shaping debates on justice, equality, and the role of institutions in ensuring a just society. Rawls' theory of social justice is built on two fundamental principles namely, the liberty principle and the difference principle. The Liberty Principle asserts that each person has an equal right to a fully adequate scheme of equal basic liberties, which is compatible with a similar scheme of liberties for all. The principle essentially prioritizes basic freedoms such as freedom of speech, assembly, and conscience, as well as the right to personal property and the rule of law. Rawls emphasizes that these liberties should not be compromised for economic or social advantages (Rawls,1971). The Difference Principle on the other hand allows for social and economic inequalities only if they satisfy two conditions; they must be to the greatest benefit of the least advantaged members of society, and they must be attached to offices and positions open to all under conditions of fair equality of opportunity. This principle acknowledges that inequalities can exist but insists that they should improve the situation of the most disadvantaged and that opportunities for advancement should be equally accessible to all (Rawls,1971 and Nagel 2003).

Rawls also introduces the concept of the "original position," a hypothetical scenario in which individuals choose the principles of justice that will govern their society. In this scenario, individuals operate behind a "veil of ignorance," meaning they are unaware of their own particular characteristics, such as race, gender, social status, and personal talents. This ensures that the principles chosen are fair and impartial, as no one can design rules that favor their specific circumstances. The original position and veil of ignorance are central to Rawls' argument, as they ensure that the principles of justice are chosen without bias or self-interest, leading to a more just and equitable society (Nagel, 2003).

Rawls' concept of "justice as fairness" combines the Liberty Principle and the Difference Principle to create a framework for a just society. This framework seeks to balance the protection of individual liberties with the need to address social and economic inequalities. Rawls argues that justice as fairness provides a more equitable and morally justifiable basis for the structure of society than utilitarianism, which prioritizes the greatest good for the greatest number but can justify the sacrifice of minority rights and interests. Rawls' framework therefore, emphasizes the need to design societal structures that ensure fairness and improve the position of the least advantaged members of society (Nagel, 2003).

Criticisms and Counter-Arguments

Some critics argue that Rawls' theory is an "ideal theory" that assumes a well-ordered society and does not adequately address the complexities and injustices of the real world. Critics like Charles Mills and Amartya Sen have called for a "non-ideal theory" that

focuses on addressing existing injustices and practical issues (Mills, 1997; Sen, 2009). For instance, Amartya Sen's capability approach shifts the focus from resources and income to individuals' abilities to achieve valuable outcomes. Sen argues that justice should be assessed based on people's capabilities, or their real freedoms to do and be what they value. This approach highlights the importance of enabling individuals to lead lives they have reason to value, thus addressing both material and non-material aspects of well-being (Sen, 1999).

Nancy Fraser (1995) combines the principles of recognition and redistribution in her theory of social justice. She argues that justice requires both the fair distribution of resources (redistribution) and the recognition of cultural and social identities (recognition). Fraser's framework emphasizes that addressing economic inequalities alone is insufficient without also addressing issues of cultural and social marginalization. Put differently, she contends that justice requires not only fair distribution of resources but also the recognition of diverse cultural identities and the elimination of social hierarchies based on race, gender, and other social categories (Fraser, 1995).

Another criticism is that the Difference Principle may undermine incentives for productivity and innovation. If economic inequalities are limited to benefiting the least advantaged, there might be insufficient motivation for individuals to strive for higher economic achievements, potentially stifling economic growth and innovation (Nozick, 1974).

In defense of Rawls' theory, it is important to recognize its foundational role in establishing a framework for discussing justice. While acknowledging the criticisms, proponents argue that Rawls' principles provide a robust starting point for addressing social justice issues and can be adapted to incorporate considerations of cultural recognition and practical concerns.

Proponents argue that Rawls' ideal theory serves as a guiding vision for what a just society should strive for. It provides a benchmark against which existing institutions and practices can be measured and reformed. Integrating non-ideal theory with Rawls' principles can help address practical issues and injustices while maintaining the overarching goal of justice as fairness (Ekiyor,2011).

Defenders of Rawls suggest that the Difference Principle does not necessarily eliminate incentives but rather ensures that inequalities serve a just purpose. By designing policies that balance incentives with the need to benefit the least advantaged, societies can promote both economic productivity and social justice (Ekiyor, 2011).

While Rawls' theory focuses on distributive justice, it can be complemented with theories that address cultural recognition and identity. Integrating Fraser's ideas on recognition with Rawls' framework can provide a more comprehensive approach to justice that considers both economic and cultural dimensions.

John Rawls' theory of social justice, with its principles of justice as fairness, has profoundly influenced contemporary political philosophy and debates on social justice. The relevance of Rawls theory lies in his emphasis on the importance of equal basic liberties, fair equality of opportunity, and the welfare of the least advantaged. These principles provide a robust framework for addressing issues of distributive justice and institutional fairness. While his theory faces criticisms, it remains a foundational work that continues to inspire and inform discussions on how to create a more just and equitable society. Integrating Rawls' principles with considerations of practical realities and cultural recognition can enhance its applicability and relevance in addressing contemporary social

justice challenges (Ekiyor, 2011).

1.4 Travails of Democracy in Nigeria

With the inception of the Fourth Republic in Nigeria in May 29, 1999 after several decades of military dictatorship, there were rising expectations that the newborn democracy will deliver Nigeria from the long decades of savagery and oppression. A vast majority of Nigerians looked with great expectations of better things to come in the process of governance; they looked forward to the freeing of national commonwealth from the stranglehold of greedy public officials and to more effective and efficient programmes of social service delivery in areas of education, health, infrastructural development, poverty alleviation, disease control, unemployment, security, etc. These elements constitute the crux of meaningful human existence for the teeming Nigerians waiting on the prawl for better days ahead (Erunke, 2007; Omojuwa, 2007).

In spite of over 20 years of transition to democracy, Nigeria remained characterized by very poor indices of growth and development in virtually all spheres. From, GDP growth rate, to GNP per capita, to Human Development Index (HDI), Poverty incidence, Physical Quality of Life Index (PQLI), Maternal mortality, and Child mortality, Nigeria ranks lowly in the comity of nations. These are further compounded by rising insecurity, poor management of diversity and increased instability, all combining to undermine the legitimacy of the state.

Socio-cultural diversity, which ordinarily should be an asset, is so poorly managed that it is increasingly becoming a liability. The federal system, which is ordinarily facilitative of better management of diversity, has become so convoluted, distorted and skewed, that it has more than ever before increased mutual fears and suspicions, tensions, conflicts and ethno-religious and communal violence.

1.5 Social Justice in Contemporary Democracy: The Nigerian context

Social justice, which aims to create a fair and equitable society by addressing issues of inequality, discrimination, and injustice, has significant implications for Nigeria. As a diverse nation with a complex socio-economic landscape, the pursuit of social justice in Nigeria is critical for promoting inclusive development, peace, and stability. Since economic inequality remains a significant challenge in Nigeria, with vast disparities between the wealthy elite and the impoverished masses. Social justice initiatives aim to address these disparities through policies and programmes designed to promote equitable economic opportunities and wealth distribution.

Government programmes such as the National Social Investment Programme (NSIP), which includes initiatives like the Conditional Cash Transfer (CCT) and the National Home- Grown School Feeding Program (NHGSFP), in addition to Government Enterprise and Empowerment Program (GEEP) which focuses on providing financial inclusion and microcredit to small and medium enterprises (SMEs), traders, artisans, and farmers. This also include initiatives such as MarketMoni, TraderMoni, and FarmerMoni, which offer interest-free loans to help beneficiaries grow their businesses and improve their economic standing (Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development, 2020).

Social justice efforts also focus on job creation and skills development to address high unemployment rates, particularly among the youth. Initiatives such as the Youth Employment and Social Support Operation (YESSO) and the N-Power programme aim to equip young people with vocational skills and create employment opportunities, thereby reducing economic disparities and promoting social mobility (World Bank, 2019).

While education is a crucial aspect of social justice as it provides individuals with the knowledge and skills necessary to improve their socio-economic status, in Nigeria, social justice initiatives in education aim to ensure equitable access to quality education for all children, regardless of their socio-economic background. The Universal Basic Education (UBE) was introduced to provide free and compulsory education for children up to the junior secondary level. By eliminating barriers to education, such as school fees and inadequate infrastructure, the UBE programme aims to increase enrollment and retention rates, particularly in underserved communities (Universal Basic Education Commission, 2018). Scholarship programmes targeting disadvantaged students aim to bridge the gap between the rich and the poor. Government and private sector scholarships provide financial support to students from low-income families, enabling them to pursue higher education and break the cycle of poverty (Federal Ministry of Education, 2021).

Access to healthcare is a fundamental aspect of social justice, as it ensures that all individuals have the opportunity to live healthy and productive lives. In Nigeria, social justice efforts in healthcare focus on improving access to quality medical services, particularly for marginalized and vulnerable populations. The national health insurance scheme NHIS aims to provide affordable and accessible healthcare services to all Nigerians through health insurance coverage. By subsidizing healthcare costs and expanding coverage to rural and low-income communities, the NHIS seeks to reduce health disparities and improve overall health outcomes (National Health Insurance Scheme, 2020).

Investments in primary healthcare infrastructure and services are crucial for addressing health inequities. The National Primary Health Care Development Agency (NPHCDA) works to improve the delivery of essential health services, such as immunizations, maternal and child health care, and disease prevention, particularly in rural and underserved areas (NPHCDA, 2019).

Gender equality is a critical component of social justice, as it ensures that individuals are not discriminated against based on their gender. In Nigeria, efforts to promote gender equality focus on addressing issues such as gender-based violence, economic empowerment, and political representation. Legal reforms and advocacy efforts aim to protect women's rights and promote gender equality. Laws such as the Violence Against Persons (Prohibition) Act (VAPP) criminalize gender-based violence and provide legal protection for survivors. Advocacy groups work to raise awareness and push for the implementation of gender-sensitive policies and practices (Nigeria's Ministry of Justice, 2015). Economic empowerment programs for women seek to address gender disparities in employment and income. Initiatives such as the Women’s Entrepreneurship Development Project (WEDP) provide training, financial support, and market access to female entrepreneurs, promoting economic independence and reducing gender inequality (World Bank, 2017).

While social justice initiatives have made significant strides in Nigeria, several challenges have greatly impacted the achievement of desired results. Corruption and weak governance undermine social justice efforts by diverting resources and eroding public trust. Indeed no society will experience peace when for instance values are wrongly and unjustly allocated and when those who were supposed to get what, did not get it as at when due and/or in unjust proportion. Ogundiya (2024) rightly observes that corruption unarguably stifles development and strangulates all other vital sectors of a country including the justice sector itself. Several cases of outright theft of public resources meant for such social justice initiatives abound in Nigeria which was willfully carried out by

entrusted public officials. For instance Premium Times news magazine of March,3 reported that between 2019 and 2023, the Ministry of Humanitarian Affairs, Disaster Management and Social Development illegally transferred over N1.4 billion to private accounts of eight members of its staff (Premium Times, 2024).

Strengthening anti-corruption measures and promoting transparent governance are essential for the effective implementation of social justice programmes (Transparency International, 2020). Resource constraints in the form of limited financial and human resources constrain the ability of social justice programmes to reach all intended beneficiaries. Increasing investment in social services and building capacity within institutions are crucial for expanding the reach and impact of these initiatives (African Development Bank, 2019). Deep-seated social and cultural norms can impede progress towards social justice. Efforts to change attitudes and behaviors through education, awareness campaigns, and community engagement are necessary to address these barriers and promote a more inclusive society (UNICEF, 2017).

1.6 Conclusion

This paper contributes to the broader field of political philosophy by demonstrating how a seminal Western theory can be applied and adapted to a non-Western, developing democracy. It adds to the ongoing dialogue about the universality and adaptability of political theories across different cultural contexts. The research provides valuable insights into the process of democratic consolidation in Nigeria, highlighting how philosophical principles can inform practical strategies for strengthening democratic institutions and practices. The paper argued that Rawls principles of fair equality of opportunity and the Difference Principle offer guideposts for addressing Nigeria's pressing issues of economic inequality, educational disparities, and uneven development across regions. These principles could inform more equitable resource distribution and social investment strategies. By continuing to invest in social justice initiatives and fostering a culture of inclusivity and fairness, Nigeria can build a more just and prosperous future for all its citizens.

By emphasizing the importance of equal basic liberties, fair equality of opportunity, and the welfare of the least advantaged, Rawls provided a robust framework for addressing issues of distributive justice and institutional fairness. While his theory faces criticisms, it remains a foundational work that continues to inspire and inform discussions on how to create a more just and equitable society. Integrating Rawls' principles with considerations of practical realities and cultural recognition can enhance its applicability and relevance in addressing contemporary social justice challenges. While the pursuit of social justice in Nigeria is vital for creating a fair and equitable society where all individuals have the opportunity to thrive, efforts to address economic inequality, improve access to education and healthcare, promote gender equality, and ensure the fair treatment of diverse ethnic and religious groups have had some positive impacts. However, challenges such as corruption, resource constraints, and social barriers must be addressed to sustain and expand these gains.

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