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CANADIAN-AFRICAN HUMAN RIGHTS ENGAGEMENTS – A LITERATURE REVIEW AND AN AGENDA FOR FUTURE RESEARCH: AN INTRODUCTION

Obiora Chinedu Okafor*

Background and Objectives

For several decades, Canada and Canadians have been significantly involved in supporting pro-human rights struggles and efforts on the Anglophone Africa. For example, Canada and Canadians have funded or supported many constitution-reform, electoral reform, human rights, judicial strengthening, institution building, democratization, developmental and poverty alleviation efforts and struggles in that region. For their own part, African countries and peoples have also engaged to a significant extent with Canada and Canadians in regard to these and similar issues. These engagements, the anecdotal evidence suggests, have played an important role in Anglophone Africa. Yet, the nature, attainments, problems, and prospects of such Canadian/Anglophone African human rights engagements have *not* been as rigorously studied and widely understood in the scholarly (as opposed to merely the NGO and government) literature as might be expected. The state of systematic knowledge in this area is thus relatively inadequate. This has been so despite the growing and abiding Canadian interest in Anglophone African affairs.

It is against this background that an international conference around the theme “Canadian-African Human Rights Engagements: A Literature Review and an Agenda for Research” was convened at the Osgoode Hall Law School of York University, Toronto, Canada, from the 8th to the 10th of December 2016. The overall goal of this scholarly conference was: to

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connect Canadian and Anglophone African scholars/students/practitioners who are interested in understanding the nature, attainments, problems, and prospects of Canadian/Anglophone African human rights engagements; to review the existing literature in the area; and to outline a future research agenda, so as to enable, heighten and/or deepen a series of *preliminary* interdisciplinary and trans-occupational conversations on this theme. It was hoped that forging these connections in this way will contribute (albeit only in a preliminary way) to the effort to close the identifiable and important gap in knowledge that is identified here. This conference was also expected to provide impetus for increased academic and practical collaboration in the near future toward the same goal. More specifically, the conference aimed to:

- provide a mutually beneficial forum for both Canadian and Anglophone African scholars/practitioners who are interested in this understudied yet important theme to begin, heighten and/or deepen multi-directional conversations, and forge enduring links, across the North-South divide
- promote greater reflection on, and understanding of, issues engaged by the theme of the conference by seeking to bridge the disconnect between the policy-makers/practitioners on the front lines of these Canadian/Anglophone African human rights engagements and the scholars studying and theorizing them
- disseminate innovative and forward-thinking research from the conference to the broader scholarly and practitioner communities in both Canada and Anglophone Africa (and beyond), as well as to the general public

Research Questions/Issues discussed at the Conference

The theme of the conference called on its participants to offer a short literature review and sketch out an agenda for research that engages the following overarching questions/issues:

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- What has been the nature/character of Canadian-Anglophone African human rights engagements in specific areas, such as development, human rights, corporate social responsibility, foreign investment, refugee protection, trade agreements, international criminal justice, social work, and intellectual property, constitution-reform, electoral reform? How has such cooperation proceeded? In this regard, how has Canada behaved? How have the relevant Anglophone African countries behaved? How has the behavior of the two sides been similar or dissimilar? With what implications for policy, practice, and theory?
- What have the attainments of such human rights engagements been? Has either side significantly impacted the other's praxis? And to what extent? With what implications?
- What have the problems of such engagements been? For e.g. have significant charges of imperialism or of unequal bargaining or of a one-way street been made and sustained? Have there been problems of ineffectiveness on either side?
- What are the prospects of such engagements? Under what conditions can its benefits be optimized, and its problems reduced to the possible minimum?

The Contents of the Conference Discussions

Some Preliminary Questions

Given the nature of the theme of the conference, some of the discussions held there focused on the definition of an important word in that theme, namely the term "engagement." This issue was highlighted the most by the separate presentations made at the conference by Irehobhude Iyioha and Uche Ngwaba. Within the present context, what does it mean to "engage"? How can we tell "engagement" from a lack thereof? Does this expression only accommodate official, i.e. inter-

governmental, engagements? Does it include civil society-to-government and civil society-to-civil society, engagements? Does it include engagements by other non-state actors with each other or with a government? Most participants agreed that the theme ought to accommodate all of the above-mentioned types of engagement. Most participants also agreed that the word “engagement” was broader than the term “intervention.” While “engagement” implied the possibility at least of a two-way street, the term “intervention” envisaged a one-way street. And while “intervention” may in fact best describe what the anticipated research project might eventually find out about the nature of most Canadian/Anglophone African human rights encounters, at least at this literature review and agenda-setting stage, the word “engagement” is more functional and appropriate.

As importantly, the discussion also focused to an extent on whether or not “intentionality” was at the root of the kinds of engagement that were focused on at the conference? In other words, did those who could be seen as engaging across the Canadian/Anglophone African divide/bridge have to have done so intentionally? To give a concrete example that was raised by Irehobhude Iyioha’s presentation at the conference, does the contribution to the Canadian health care system of immigrant doctors from Anglophone African countries, a contribution to the enjoyment of the right to health, count as a form of Canadian/Anglophone African human rights engagement? Participants were divided on this question.

Another preliminary question that was discussed at the conference was on the appropriateness of the project’s focus on Anglophone Africa; something that helps perpetuate the colonial distribution of most of the African continent to either Britain or France, and reifies this dislocation of African peoples from each other. Why, it was asked, should we make a distinction

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between Anglophone and Francophone Africa? Participants agreed in the end that whilst its provenance was regrettable, to say the least, the reality was that there was an English-speaking Africa that was different in significant respects from the parts of the continent that were predominantly French-speaking, and that our work must account for this reality. Moreover, the project could not focus on all of Africa, and had to find a way to concentrate on a portion of that huge continent that was of a manageable size.

More Substantive Concerns

The papers in this special journal issue speak for themselves, but it is appropriate to note that in discussing the results of their literature reviews and attempting to set an agenda for future research on the conference's theme, the participants focused the discussion on a number of major substantive issues. One of these issues concerns the provenance of the human rights frame itself in the engagements that have occurred or may occur in future as between Canada and the countries of Anglophone Africa. Whose human rights thought/actions/priorities frame Canadian/Anglophone African human rights engagements? Almost all the papers in this volume suggest (more or less subtly) that it is likely not the Anglophone Africans that have done the framing in this context. Another issue that unites all the papers published in this volume is their recognition that the topic of Canadian/Anglophone African human rights engagements is a significantly understudied one, whether on the whole or in terms of its parts (such as Canadian-Zambian human rights engagements or Canadian-Ghanaian human rights engagements). A similarly unifying point in the volume is the recognition that these engagements have tended to travel in one direction only, from Canada to the countries of Anglophone Africa.

Sub-topics Covered

The papers in this special journal issue deal with a fairly wide range of human rights sub-topics, including on aspects of the background general Canadian/Anglophone African international relations that undergird the specific human rights engagements between both sides of this divide/bridge. Almost all the papers focus to an extent on development assistance and its role in Canadian/Anglophone African human rights engagements. While the separate papers by Drs. Iyioha and Ngwaba focus (albeit in different ways) on health rights, Kutigi's intervention is concerned with economic and social rights. Continuing with this kind of concern is Kwakyewah and Idemudia's intervention on human rights in the mining sector. Dr. Bawa's insightful contribution on the role of universalism rhetoric in gender/development is both linked and different from other forays in this volume into the gender sub-field by Gabagambi, Iyioha, and some others. For its part, Dr. Owie's focus on state immunities of course raises, if only in part, separate but somewhat related points about universalism in the human rights engagements between Global North countries such as Canada and Global South states such as the countries of Anglophone Africa. *Importantly, it should be remembered that in all of the above cases, the papers – as fully intended – only raise these issues for further research and do not discuss them in any kind of full or conclusive way.* Most of the preliminary insights that are offered here still need to be bolstered by further research.

Countries Covered by the Discussion

Other than Canada, the countries that are covered by the (preliminary) papers published here include the East African state of Tanzania (Gabagambi), the South African states of Botswana (Dinokopila), South Africa (Phooko) and Zambia (Lwatula), as well as Ghana (Kwakyewah and Idemudia, and Bawa) and Nigeria (Kutigi, Owie, and Ukhuegbe) in West Africa. It should be

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noted, however, that the reach of the scholarly project that is expected to flow from this research agenda-setting volume is wider than this, and is likely to encompass countries like Kenya, Sierra Leone, Uganda and Rwanda.

A Final Word...or Two

The intention of the papers that constitute this specially-themed journal issue is, in the main, not to report innovations or research findings, but to point out the important gaps that currently exist in knowledge about the theme of the conference at which they were first presented, and raise of the questions that flowed from the various literature reviews that were conducted during their preparation, and reflect on some of those questions. While some of these questions are of course newer than others, the goal is to set an agenda for further research into all of them. The hope is that in so doing, these papers would help inspire further research into the important, and thus far under-studied, thematic of this volume, i.e. the nature, problems, attainments and prospects of Canadian/Anglophone African human rights engagements.