

2016

The Nature, Attainments, Problems and Prospects of Canadian-Nigerian Human Rights Engagements: An Analytical Overview

Obiora C. Okafor

Osgoode Hall Law School of York University, ookafor@osgoode.yorku.ca

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The Nature, Attainments, Problems and Prospects of Canadian-Nigerian International Human Rights Engagements: An Analytical Overview and Some Recommendations

By

Obiora Chinedu Okafor*

Abstract

By way of a fully developed conclusion, this article offers a broad analytical overview of the insights that have been jointly and severally generated by the main sub-studies on which the articles in this volume are based. It offers such overarching discussions, one after the other, in relation to the nature, attainments, problems, and prospects of Canadian-Nigerian international human rights engagements. Drawing upon these analytical insights, the article then makes some pertinent recommendations that are addressed to the relevant stakeholders, especially in Canada and Nigeria, i.e. policy-makers, practitioners and theorists alike (depending on which of the itemized points they find relevant), regarding some ways of improving Canadian-Nigerian international human rights engagements.

A. Introduction:

The study on which this volume is based was directed, in part, at mapping and analyzing the nature, attainments, problems and prospects of Canadian-Nigerian human rights engagements during the 1999 to 2011 period on which the research focused. Each of the separate sub-investigations that together constitute this study examined these questions in relation to a particular sub-theme. These relevant sub-themes are: children's rights, democratization, and institution-building in relation to international criminal justice. Each such sub-study is thus addressed toward improving our understanding of the nature, attainments, problems and prospects of Canadian-Nigerian human rights engagements in relation to the sub-theme on which it focuses. There is, therefore, a need to piece together from all these separate sub-studies the big picture in relation to the overall findings of the research regarding the nature, attainments,

* York Research in International and Transnational Legal Studies (Senior Tier), Osgoode Hall Law School, York University, Toronto, Canada; and former Chairperson, United Nations Human Rights Council Advisory Committee, Geneva, Switzerland.

problems and prospects of Canadian-Nigerian human rights engagements during the period under study. This is the first thing that is done in this article. The second thing that the article does is to offer some recommendations that are grounded in the above-mentioned analytical overview of the evidence.

As such, this article first provides an analytical overview of the broad insights that are jointly produced by the afore-mentioned sub-investigations. It begins with a discussion of the nature of Canadian-Nigerian human rights engagements during the relevant period. It then moves on to a consideration of the attainments reached as a result of these engagements. Thereafter, it discusses the problems that have affected the process. Following this, it reflects on the prospects of such engagements going forward. In the end, a number of recommendations are offered.

B. The Nature of the Engagements:

Canadian-Nigerian human rights engagements during the period under study have been characterized by a number of salient features and orientations. First, these engagements have occurred against the backdrop of a relatively long history of human rights engagement between the two countries, and alongside an even longer history of Canadian-Nigerian relations in general. And these are histories within which one must situate the human rights and other engagements between these countries during the specific period under study here. As is well known, Canada established diplomatic relations with Nigeria shortly after Nigeria's independence from British colonial rule in 1960. For its own part, Nigeria established full diplomatic relations with Canada in 1973 when it opened its High Commission in Canada in Ottawa. Partly as a result of their shared (though still distinguishable) histories of British colonial rule, both countries have since then generally enjoyed cordial and strong bilateral relations.

These relations strengthened significantly in the last two or so years of the period under study (i.e. between 2009-2011), leading to the conclusion after the relevant period of a 2012 *Memorandum of Agreement on a Bi-National Commission*; the subsequent convening and holding of at least two high-level meetings of that Commission; and the adoption in 2014 of the *Canada-Nigeria Foreign Investment Promotion and Protection Agreement*.¹ Human rights have been a part of the content of these agreements and the discussions leading up to them.

Importantly, for example, Canada played a key role in supporting the pro-democratic forces who worked assiduously and courageously to pressure the Nigerian military rulers of the 1990s to quit power and hand over the reins of government to the elected, civilian, Obasanjo-led government in 1999.² Canada even shut its embassy in Nigeria between 1997 and 1999 as part of this pro-democratic effort.³ Yet, as will soon become clear, Canadian-Nigerian bilateral relations have not been evenly intense or visible over time.

Even more importantly, it should be noted here that there has been little, if any, reciprocity in the Canadian/Nigerian relationship in the specific area of human rights promotion and protection. While Canada has intervened quite appreciably in the human rights debates in, and praxis of, Nigeria, there is very little – if any – evidence that the converse has been the case. Nigeria has hardly, if ever, intervened in the human rights debates and practices in Canada.⁴ And this has not been for a total want of opportunity. After all, despite the human rights situation in Nigeria being more acutely concerning than that in Canada, there have always been many serious human rights problems in Canada as well (e.g. in relation to the treatment of indigenous peoples,

¹ See High Commission of Canada in Nigeria, “Canada – Nigeria Relations”, online: <http://www.canadainternational.gc.ca/nigeria_draft/bilateral_relations_bilaterales/canada_nigeria.aspx?lang=en>.

² See David Kilgour, “The Commonwealth: A Force for Change in Support of Democracy and Human Right,” online: <<http://www.david-kilgour.com/secstate/common2.htm>> [Kilgour].

³ *Ibid.*

⁴ For a discussion on the possible theoretical foundations for this situation see Laura MacDonald, “Unequal Partnerships: The Politics of Canada’s Relations with the Third World” (1995) 47 *Studies in Political Economy* 111.

racial minorities, and migrants). Rather, the absence of appreciable Nigerian reciprocity in this connection may be better attributed to a range of other factors, including the socio-economic and political power gradient in the relationship in favor of Canada, one that Nigeria would have had to climb if it were to have any hope of intervening meaningfully in internal Canadian human rights debates. For example, Canada is a G7 country while Nigeria (though it is Africa's largest economy by far) is not a member of that massively powerful group.⁵ And while Canada is certainly not one of the great powers that operate in Africa and does not have the weight that the USA, France and Britain do, it nevertheless does exert a significant measure of influence on that continent, including within and on Nigeria.⁶ Perhaps as important a reason for this lack of reciprocity in the Canadian/Nigerian human rights relationship is Nigeria's generally different approach to foreign policy, something that has largely stemmed from a dissimilar sense of national identity from Canada's.⁷ Rarely do Third World countries such as Nigeria (widely viewed as the "bad" human rights actors of the world) conceive of themselves as norm entrepreneurs/leaders in relation to Western countries (which are widely and ideologically regarded as the "good" human rights countries of the world).⁸ This has – as the articles in this

⁵ See Council on Foreign Relations, "The Group of Seven (G7)," online: <<http://www.cfr.org/international-organizations-and-alliances/group-seven-g7/p32957>>.

⁶ See Edward A Akuffo, *Canadian Foreign Policy in Africa: Regional Approaches to Peace, Security, and Development* (Farnham, U.K: Ashgate, 2012) at 217 [Akuffo].

⁷ Canada's foreign policy (at least toward African states such as Nigeria) has historically been framed by a kind of "moral identity" that led it to – at the very least until more recently – theorize and generally practice what it sees as a kind of "humane internationalism". See Akuffo, *ibid* at 51. On the other hand, although Nigeria's foreign policy also constructs that country's moral identity as a humane internationalist, it has for a very long time largely been "Africa or at least third world-centered." In any case, Nigeria's moral identity in foreign relations has never really been conceived in the same way as Canada's. Nigeria does not see itself as a developed country with a moral calling to help out countries like Canada. Rather, it sees itself as a richer developing country that ought to help out less fortunate developing countries, as for example through its technical aid corps scheme. For example, see Ayo Akinbobola & Tunde Adebawale, "Nigeria's Foreign Policy in a Democracy: Challenges for the Future" (2001) 27:1-2 Nigerian J Int'l Affairs 243; and Gerald E Ezirim, "Xenophobia and Citizens' Diplomacy: Call for Reassessment of Nigeria's Afrocentric Foreign Policy" (2008) 9 Int'l J Communication 1. See also Directorate of Technical Aid Corps, Ministry of Foreign Affairs, online: <<http://www.dtacong.com/inex.php>>.

⁸ See Obiora C Okafor and Shedrack C Agbakwa, "Re-Imagining International Human Rights Education in Our Time: Beyond Three Constitutive Orthodoxies" (2001) 14 Leiden J Int'l L 563 [Okafor & Agbakwa].

volume demonstrate – led to a heavily lop-sided, one-way traffic, in the human rights engagements between Canada and Nigeria.

As importantly, the sub-areas of human rights that have been emphasized by Canada in its human rights interventions in Nigeria have morphed since the end of military rule in Nigeria in May 1999. The heavy emphasis in Canada’s interventions in Nigeria in the era preceding the period under study (i.e. before May 1999) on freedom of association, freedom of expression, freedom from detention, judicial independence, the end of military rule, and the like, has all but given way to a very heavy and focused emphasis during the relevant period on child/maternal health and democratic consolidation (largely through the administrative reform of the electoral process).⁹ Now, emphasis on these areas has not, of course, meant the total neglect of all other areas (such as accountability and religious freedom).¹⁰ The point though is that, unlike in the past, the emphasis has been very heavy during the period under study on the child/maternal health and electoral process aspects of human rights. This may, of course, be justified in Canada’s eyes by the need to utilize its presumably scarce resources more effectively by concentrating them in one or two main priority areas.¹¹ It could also be justified by the fact that Nigeria did transit to a form of quasi-democratic civilian rule in May 1999 (one that lasted at least until the end of the Obasanjo/Yar-Adua regimes in 2010),¹² and did later come to enjoy significantly improved democratic rule during the Goodluck Jonathan Administration from 2010

⁹ See *Kilgour*, *supra* note 2.

¹⁰ *Ibid.*

¹¹ Maternal and child health is clearly the development assistance priority of the Harper Government. For example see, Government of Canada, “Saving Every Woman, Every Child: Within Arms Reach,” online: <<http://www.international.gc.ca/world-monde/development-developpement/mnch-smne/leadership/saving-sauvons.aspx?lang=eng>> (describing this sub-area as “Canada’s top development priority”) [*Saving Every Woman*].

¹² See Philip C Aka, “Nigeria since May 1999: Understanding the Paradox of Civil Rule and Human Rights Violations under President Olusegun Obasanjo” (2003) 4 *San Diego Int’l LJ* 209; and Obiora C Okafor, “The Precarious Place of Labour Rights and Movements in Nigeria’s Dual Economic and Political Transition (1999-2005)” (2007) 51 *J African L* 68.

to 2015.¹³ These developments would have reduced greatly the need for any Canadian or other interventions in the areas of freedom of expression, association and the like. Yet, it should be noted that Canada's very heavy emphasis on child/maternal health and the reform of the electoral process in its human rights engagements with Nigeria has occurred at the same time as other human rights issues, such as labor rights issues and anti-fuel price hike protests have loomed quite large in Nigeria without these other issues being addressed in any significant way in Canada's interventions. Shifting the focus to the Nigerian perspective on the relationship, needless to state that, as Nigeria has not really intervened in an appreciable way in Canada's human rights debates and practices, little, if anything, can be said here about any changes which might or might not have occurred in the types of human rights themes that it has emphasized in its relations with Canada.

Flowing from the analysis above, it also becomes clear that – at least from the Canadian angle – the focus of Canadian/Nigerian human rights engagements during the period under study have been more narrow than broad. This may of course be explained, in part, by the significantly fewer resources at Canada's disposal as compared to say the USA, whose economy is far larger in aggregate terms.¹⁴ However, this reasoning may not hold up to closer scrutiny if Canada's wealth is compared to say that of the UK (the size of whose economy is much closer to that of Canada).¹⁵ Yet, unlike Canada, the UK's human rights interventions in Nigeria have had a significantly broader character. The UK has intervened in Nigeria in relation to a significantly broader range of human rights themes, including maternal/child health, a theme that Canada has

¹³ For e.g. unlike during the Obasanjo/Yar-Adua era, there was not even one political prisoner or exile nor was there a single incidence in which a democratically elected Governor was unlawfully impeached during this later era.

¹⁴ For example, Canada's gross domestic product (GDP) was about US\$1.8 trillion in 2013. By contrast, the USA's GDP was US\$16.7 trillion. Thus the US economy is larger than the Canadian one by a factor of more than 16 times. See World Bank, "Indicators," online: <<http://data.worldbank.org/indicator/NY.GDP.MKTP.CD>> [World Bank].

¹⁵ The UK's GDP in 2013 was US\$2.6 trillion, while Canada's was US\$1.8 trillion. See *World Bank, ibid.*

intensively prioritized, poverty in general, governance, education, water and sanitation, crime, the justice system, disability, gender rights in general, etc.¹⁶ However, the narrowness of Canada's specialization in the maternal/child rights and electoral reform areas may not really be a bad thing from the perspective of the governance autonomy of a third world country such as Nigeria, which has tended to be at the receiving end of a barrage of foreign (largely Western) human rights interventions and has thus tended to be "over-governed" from Western and other foreign capitals/institutions.¹⁷ The point that is being made here, however, is that this narrowness or lack of issue-breadth has nevertheless been an important feature or characteristic of Canadian/Nigerian human rights engagements during the period under study.

As is apparent from the evidence analyzed by most of the contributors to this volume, Canadian-Nigerian human rights engagements have – at least during the relevant period – been largely driven and/or conducted at the intergovernmental level. And Canada's interventions in particular have not been purveyed as much by Canadian non-governmental actors as some might have expected. Indeed, it is the now defunct Canadian International Development Agency or CIDA for short (which has been merged with the Canadian foreign and international trade ministry) acting on its own or through the Canadian High Commission in Nigeria, that has loomed large as the principal agent-driver in the era of the Canadian/Nigerian human rights relationship that is under study here. It is important, however, to note that this kind of state-centrism has not necessarily been replicated at the receiving end of these Canadian human rights interventions. For, the Canadian institutions have tended to – at the very least – relate with as many Nigerian non-governmental groups as the governmental bodies. This much is evident from

¹⁶ For example, see DFID Nigeria, "Operational Plan 2011-2016," online: http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/389311/Nigeria.pdf.

¹⁷ For example, see Obiora C Okafor, "Re-Conceiving "Third World" Legitimate Governance Struggles in Our Time: Emergent Imperatives for Rights Activism" (2000) 6 Buffalo Hum Rts L Rev 1.

some of the contributions to this volume, especially the ones by Ngwaba, and Ifeakandu/Ngwaba.

As might be expected, over the longer run, the intensity of the engagements at issue has ebbed and flowed depending on the nature of the socio-political developments on the ground in both Canada and Nigeria, as well as on the policy shifts that have tended to follow such developments. Without doubt, the intensity (especially the negative intensity) of the extant relationship was not as high during the period under study as it was in the era immediately preceding it, i.e. between 1993 and 1999, when Canada even went as far as shutting down its diplomatic mission in Nigeria in a rather very public protest at the human rights abuses of the then ruling military government in that country. Similarly, a certain political development in Canada – the ascent to power in Canada in 2007 of the super-conservative Harper-led regime – did affect the intensity of the Canadian/Nigerian (human rights) relationship in more than one sense. For one, it led to a narrowing of the range of themes on which the Canadians would focus in Nigeria (as elsewhere in the developing world). It also affected the choice of the specific sub-areas on which Canada was to focus on. Both the narrowness of the band and the type of issues to be focused on (maternal/child health and mostly administrative electoral reforms) left significantly less room for confrontation with the Nigerians. The need for urgent concerted action on the improvement of maternal/child health was something that was hardly controversial. In any case, it could hardly be perceived as something that threatened and it in reality did not at all threaten the hold on power of the ruling Peoples Democratic Party in Nigeria. The electoral reform issue had more potential to breed confrontation and intensity, since the rigging of the vote had long been a factor in Nigerian politics; however over-blown in the reportage. Yet, even then, for reasons beyond the scope of this article, the administrative reform of the electoral process

that Canada supported enjoyed strong support within the ruling party, and was, during the period under study, in fact the subject of at least one autonomous reform effort in the National Assembly (Parliament) that it handsomely controlled.¹⁸ And President Goodluck Jonathan (who later became the first sitting democratically-elected Nigerian President to lose an election and to also concede defeat and congratulate his opponent) was clearly committed to such electoral reforms during his tenure which began in an acting capacity in January 2010, and appointed a reformist chief electoral commissioner.¹⁹ Conversely, at the Nigerian end, the end of the dictatorial Abacha regime in Nigeria in 1998 and the enthronement of a significantly more benign civilian regime the following year could not but have affected the intensity of this relationship by removing the main reason for the open confrontation that had characterized the Canadian/Nigerian human rights relationship in the immediately preceding era, especially between 1993 and 1998.

As such, it should come as no surprise that the Canadian-Nigerian human rights relationship was significantly less confrontational and therefore appreciably more collegial during the period under study than in the immediately preceding era. This may have been the result, not just of a much improved human rights environment and a consequent lack of as much negative intensity in the Canadian-Nigerian human rights relationship, but also of the nature of the human rights sub-themes on which Canada (by far the main driver of the relationship) largely focused upon during the period under study.

C. The Heights Attained:

¹⁸ The Nigerian Constitution was amended at least twice to facilitate such electoral reform. One such reform occurred during the period under study. See *Thisday*, 15 March 2015, online: <http://www.pressreader/nigeria/thisday/20150315/282050505544125/TextView>.

¹⁹ See Connect Africa, "Attahiru Jega Appointed New INEC Helmsman," online: <https://connectafrica.wordpress.com/2010/06/09/attahiru-jega-appointed-new-inec-helmsman/>.

Given the paucity of occurrences of Nigeria-to-Canada human rights interventions, a fact that was noted in the preceding section of this article, virtually all the discussion in this section focuses on the attainments reached in the context of Canadian interventions in Nigeria. This important fact ought to be noted at the outset. It should also be noted here that the principal goal of the discussion here is not so much to offer a finely-grained and precise sense of the extent of the impact of Canadian human rights interventions in Nigeria. That kind of impact analysis is beyond the scope/focus of this volume. Rather, the more modest objective here is to map and identify the heights that have been attained as a result of these Canadian interventions in Nigeria; in the sense of observing/analyzing the contributions – broadly speaking – of such interventions to the struggle to advance the enjoyment of human rights in Nigeria during the period under study. And so, as it is used here, the conception of the phrase “heights attained” is of contributions to the human rights struggle in Nigeria, and not all that much about the actual impact of such struggles.

As is reported in Ngwaba’s contribution to this volume, Canadian provision of support to the Independent National Elections Commission (INEC) of Nigeria and other bodies, for the reform of the electoral process in Nigeria, formed a central part of Canadian-Nigerian human rights engagements during the period under study. Working on its own, or with other countries and international organizations (including through the UN Development Program’s multi-donor programs, Canada contributed appreciably to the successful conduct by the INEC of federal and state general elections in Nigeria in early 2011. In addition, some support was extended around the same time to the National Human Rights Commission of Nigeria (NNHC) for the training of over one thousand election security officers; and to civil society organizations for the training and deployment of election observers around the country. While these were important and

valuable attainments in and of themselves, it is unclear the exact extent to which they contributed to the relative success of the 2011 elections (and subsequent ones). What is clear, though, is that as the factors that led to this success were multiple and diverse, the contribution of the Canadian effort to it could only have been partial at best. Nonetheless, it is also clear that without the Canadian support under discussion, the INEC would have had significantly less resources than it had to conduct the 2011 elections, and that this sizeable gap in the resources available to that body would have hampered its work to an appreciable degree. It is also fairly clear that the one thousand election security officers trained by the NNHC, as a result of Canadian financial support would likely not have been trained and deployed to the field without that support. And given the fact that the successful conduct of elections in Nigeria has tended to rest – in part – on a heavy security presence,²⁰ the appreciable Canadian contribution to that effort was quite significant.

As was also reported in the article by Ngwaba, many Nigerian human rights NGOs reported benefiting significantly from the deployment of Canadian resources to this area of the human rights struggle. This is important, because not being self-conceived as popular movements which raise funds from among the Nigerian masses, and not being cast in the mould of the largely member-resourced social/labor/church movements who dot the Nigerian socio-political scene, the self-professed Nigerian human rights NGOs have from their very beginnings been heavily dependent on Canadian and other such foreign sources for almost all their funding, and indeed for their very survival.²¹ This said, it should be noted that on the whole, as modest as

²⁰ See Lai Olorode, ed, *Election Security in Nigeria: Matters Arising* (Abuja: INEC and Fredrich Ebert Stiftung, 2013).

²¹ See Obiora C Okafor, *Legitimizing Human Rights NGOs: Lessons from Nigeria* (Trenton, New Jersey: Africa World Press, 2006) at 123-50.

they have been, these Canadian contributions to the real life enjoyment of human rights in Nigeria have been quite significant.

Similarly, Canada also contributed significantly during the period under study to the effort to secure the lived enjoyment of children's rights in Nigeria. To be precise, Canada has emphasized children's health care rights in its engagements with Nigeria, at the very least during the latest third of the period of the period under study. This is confirmed by the interrogation of the data conducted in Ifeakandu and Ngwaba's joint contribution to this volume. The effort to improve child health has itself included an emphasis on the acceleration of the reduction of newborn mortality. And while efforts at improving children's health in Nigeria also long pre-date and will likely outlive these Canadian interventions and have had a mostly indigenous impetus, here again it must be noted that the added Canadian resources deployed to this effort could only have advanced that goal. But even before the more recent emphasis placed on children's and maternal health in Canadian human rights interventions in Nigeria, Canada had taken a strong public stand on the enjoyment of civil/political rights by children (and other age-groups) in Nigeria. For example, in December 2000, Canada condemned very strongly the trial and sentencing (to 180 lashes with a cane) by a sharia court in Northern Nigeria of a seventeen year-old girl, Bariya Magazu, who allegedly had (or was cajoled into having) sexual intercourse with a middle-aged man, and who had become pregnant as a result. The precise extent to which this strong public condemnation achieved anything at all, including helping to stem the tide of such trials and sentences, is as hard to measure as it is beyond the scope of this article. Suffice it, however to note that it definitely contributed to the groundswell of public opinion that developed within and beyond Nigeria against such trials and sentences.²² However, it should also be noted

²² Rhoda Howard-Hassman, "The Flogging of Bariya Magazu: Nigerian Politics, Canadian Pressures, and Women's and Children's Rights" (2004) 3 J Hum Rts 3.

that the intervention of Canada and other Western states in these types of debates in Nigeria may also have had the unintended negative effect of contributing to the denudation of the popular legitimacy of some human rights activists in the heavily Muslim sharia law belt of Nigeria.²³

The lived enjoyment of women's rights in Nigeria, especially in the maternal health area (and not merely the normative proclamation and guarantee of those rights) was the other key focus of Canadian human rights interventions in Nigeria during the period under study. Unfortunately, the work that the team did on this particular issue could not be published in this volume.

The discussion in the preceding paragraphs about the ways in which Canada has emphasized the lived enjoyment of children's health rights (and other human rights) provides some evidence in support of Canada's contributions during the period under study to the actual enjoyment of economic/social rights in Nigeria. For, as should be clear, the enjoyment of satisfactory health is a key socio-economic right. As such, that discussion will not be repeated here.

Another attainment of Canadian-Nigerian human rights engagements during the period under study, in its contributions to the Nigerian human rights struggle, was its significant deepening, albeit only within a narrower thematic band. For one, as analysis of the evidence discussed in many of the contributions to this volume would suggest, the formal inter-governmental interactions between the two countries in this area have continued to get denser than it was during the 1993 to 1999 era when, although Canadian opposition to the then ruling General Abacha regime was intense, formal interaction between the two countries was most understandably quite limited. Interestingly, as Ngwaba reports in this volume, this deepening of

²³ See Ayesha Imam & Sindi Medar-Gould, "How not to help Amina Lawal," *Counterpunch* (15 May 2003), online: <<http://www.counterpunch.org/2003/05/15/how-not-to-help-amina-lawal/>>.

the Canadian-Nigerian human rights relationship was not experienced exclusively on the inter-governmental frequency. It has occurred in part as a result of the efforts of the Canada/Africa Parliamentary Association which was formed in 2003, and which has – among other activities – been involved in running training programs with Nigerian Parliamentarians. Additionally, as is reported in Ngwaba’s contribution to this volume, “Canadian government-to-Nigerian NGO” human rights engagements were also as deep during the period under study as they were even during the Abacha regime, when the Canadian government strongly supported many Nigerian NGOs opposed to the Abacha regime. It should also be noted that this deepening Canadian-Nigerian human rights relationship occurred within the context of a similar deepening in the general diplomatic/trade relationship between both countries; one that was concretized and formalized after the end of the period under study when both countries signed a *Memorandum of Understanding* on the establishment of the Canada-Nigeria Bi-National Commission, dealing – among other things – with human rights; and thereafter concluded a *Foreign Investment Protection Agreement*.²⁴

D. The Problems with the Engagements:

As might be fairly expected by the discerning observer of international relations and as is shown in several of the other contributions to this volume, Canadian/Nigerian human rights engagements have, at least during the period under study, tended to take the form of a one-way traffic in which have Canadian’s intervened in Nigerian human rights politics, with the converse hardly ever being the case. Almost needless to state, this structure of the Canadian/Nigerian

²⁴ See High Commission of Canada in Nigeria, “Memorandum of Understanding Between the Departments of Foreign Affairs and International Trade of Canada and the Ministry of Foreign Affairs of the Federal Republic of Nigeria on the Establishment of the Bi-National Commission”, online: <http://www.canadainternational.gc.ca/nigeria/highlights-faits/2013/BiNationalCommissionNationaleMixte.aspx?lang=en>.

human rights relationship reproduces the dominant structure of the global human rights scene, which also has a largely (though not exclusively) lop-sided one-way traffic structure in which Western/global North actors exercise dominant agency as the human rights “teachers” while Third World/global South actors tend to be confined to playing the role of the human rights “students.”²⁵ It also exemplifies the bifurcated character of the lived experience of the (non)enjoyment of state/popular sovereignty. For, regardless of the much-touted denudation/withering of state sovereignty, some states and peoples are – in “Animal Farm” type terms – clearly more sovereign than others. What is more, it also reinforces the available evidence of the conceptual and actual division of our world by a binary heaven/hell dichotomy in which there are certain human rights heavens (such as Canada) and certain human rights hells (such as Nigeria), necessitating the unidirectional flow of human rights knowledge, resources, advice and instruction from the heaven-like parts of our world to the hellish portions.²⁶ As has been argued elsewhere, these binaries are as real as they are highly problematic.²⁷ And while nothing that has been pointed out here should be all that surprising to the discerning observer, all the claims that are being made are supported by the evidence analyzed in this volume.

A related problem with Canadian/Nigerian human rights relations is the seemingly widespread assumption by Nigerian government officials and human rights NGOs that Nigeria has little or nothing to “give” to Canada in this relationship. The comments made by officials of many of the Nigerian NGOs interviewed by researchers involved in the study that underpins this volume (for example, as is reported in Ngwaba’s contribution) are heavily laden with this assumption. The assumption is also implicit in the near-total absence of “Nigerian-to-Canadian”

²⁵ See *Okafor & Agbakwa*, *supra* note 8; and J Oloka Onyango and Sylvia Tamale, “‘The Personal is Political,’ or Why Women’s Rights are Indeed Human Rights: An African Perspective on International Feminism” (1995) 17 *Hum Rts Q* 691.

²⁶ *Ibid.* See also *Akuffo*, *supra* note 6 at 49-82.

²⁷ *Ibid.*

interventions during the relevant period. The point that is being made here is that there is an ideational (and not merely a material) underpinning to Nigeria's seeming confinement within its human rights relationship with Canada to the role of the "student" and the "recipient" of human rights assistance. Such an assumption is also deeply ingrained in Canada's self-image and identity as a middle power and has found its way into its foreign policy.²⁸ Needless to state, there are no human rights heavens in our world as we now know it. And Canada could learn a fair bit from Nigeria in certain areas, such as the treatment of the elderly, the negative consequences on the enjoyment of human rights of the dumping of toxic waste in poorer countries, and the balance between peace and justice. Yet, aside from the engagements that Canada and Nigeria would have had at the UN in relation to the toxic waste agenda (as discussed in Owie's contribution to this volume), there was little, if any, flow of human rights knowledge from the Nigerian to the Canadian end.

Also related to these last two points is the over-emphasis on the deployment of Canadian aid/development assistance to Nigeria in the Canadian-Nigerian (human rights) relationship and the consequent "othering" of Nigeria (and the rest of the African continent).²⁹ Akuffo has shown how this "othering" process resulted from the construction of Canada's moral identity as a caring, humanitarian and good international citizen, partly in juxtaposition to the construction of African states such as Nigeria as conflict-ridden and poor and as requiring the benevolent assistance of countries such as Canada, especially through development assistance.³⁰ Interestingly, as has been shown earlier on in this section, these separate images of Canada and Nigeria are widely shared within Nigeria itself, and especially among the human rights NGO community. To be clear, the point here is not necessarily that there may not be the need in

²⁸ *Ibid* at 2.

²⁹ *Ibid*.

³⁰ *Ibid*.

Nigeria for some human rights aid from countries such as Canada. Rather it is that the over-emphasis that has been placed thus far on such aid has been problematic, given other alternatives paradigms for the structuring of the Canadian/Nigerian relationship, including innovative ones such as supporting with tax breaks and the like, Nigerians resident in Canada who remit funds back home and in the result ensure that millions attend school, get better healthcare, etc.

Another problem with Canadian/Nigerian human rights engagements during the period under study was its significantly narrower focus (driven largely by the foreign policy of the Harper-led conservative government that governed Canada for most of the relevant period). During this period, Canadian interventions in the Nigerian human rights scene tended to focus quite heavily on the lived enjoyment of maternal/child health and the reform of the electoral process. Canadian interventions on Nigerian human rights scene were not as restricted during the immediately preceding ten years (especially between 1993 and 1999). And as a result of their narrow breadth, Canadian interventions during the period under study tended to de-emphasize a number of human right concerns that are also very important to Nigerians; including support to the agency responsible for curbing human trafficking, especially the trafficking of women and children, in Nigeria.³¹ This much is reported is explicit in comments made by one informant who has insider knowledge of the matter.³² Noteworthy here as well is that this particularly important gap in the range of Canadian human rights interventions in Nigeria existed alongside a highly public professing of Canada's strong commitment to the amelioration/elimination of human trafficking. And as was shown in my contribution to this volume on the theoretical implications of the study, relatively little attention has also been paid, at least in public, in these Canadian human rights interventions in Nigeria to the advancement of labor rights (including in relation to

³¹ This agency is known as the National Agency for the Prevention of Trafficking in Persons (NAPTIP).

³² See Interview of Informant 1 (May 2014), Abuja, Nigeria (Interview Transcripts on file with author).

the privatization of certain industries). This, as has been noted elsewhere in this volume, occurred in spite the intensity of labor-led struggles in Nigeria during the period under study. Thus, it is fair to say that the lack of diversification in the themes on which Canada's human rights interventions in Nigeria focused on during the period under study was problematic.

As importantly, there was very little contact between the national human rights institutions of both countries during the period under study. This much is evident from the interview conducted by researchers conducting this study with a senior official of the Canadian Human Rights Commission. It is also supported by similar interviews conducted at the National Human Rights Commission of Nigeria. Needless to say, this is problematic from the point of view of the development of the Canadian/Nigerian human rights relationship. Clearly, a situation in which the principal official human rights bodies in both countries have hardly, if ever, engaged with each other does not augur well for the systematic and knowledge-based development of their human rights relations. Given the support that Canada has extended to the NNHC, the much closer involvement of the CHRC in such efforts would have bolstered Canada's overall contribution to this key Nigerian human rights agency.

What is more, the fact that – as we have seen in some of the various contributions to this volume – Canadian/Nigerian human rights engagements during the period under study were mostly driven by governmental actors on the Canadian side is somewhat problematic. This is so because it diminished the role that Canadian non-governmental actors could have played leading to greater diversity of knowledge and approaches and widening/deepening the reach and impact of the interventions on the Canadian side. Given the greater dexterity with which these actors tend to navigate the challenges of public communication and information dissemination, the involvement of these Canadian non-governmental actors might even have led to an increase in

the visibility of the Canadian/Nigerian human rights relationship in both countries. It is not being contended that Canadian non-governmental actors have not been involved at all in the Canadian/Nigerian human rights relationship. Rather these actors have not played as key a role as they could have. For their own part, the Nigerian NGOs are already heavily involved in the relationship, albeit as recipients of Canadian resource assistance.

Another problem with Canadian/Nigerian human rights engagements in general during the period under study was that it was not as visible as it could have been, at least among the public in Nigeria. For example, as some of the field research that grounds the articles published in this volume show, even many senior Nigerian NGO operatives (members of a community that tends to rely heavily on foreign funding) and some senior staff of the Committee on Human Rights of the House of Representatives of Nigeria (the lower house of parliament) do not appear to be much aware of Canadian/Nigerian engagements in the human rights area.³³ If these engagements have not been sufficiently visible to these highly educated and well-positioned key actors on the Nigerian human rights scene, then there is clearly a gaping hole in their visibility within Nigeria. While the research did not find any evidence with which to measure the visibility or otherwise of the extent relationship in Canada, given that the Canadian/Nigerian human rights relationship has in reality almost entirely meant that it was Canada who intervened in Nigeria, and that the reverse has almost never been the case, then the lack of its visibility in Nigeria is much more important than the possibility of its relative obscurity in Canada.

D. The Prospects of the Engagements:

³³ For instance, see Interview of Informant 12 (5 November 2014) at Gemstone meeting point, Area 11, Garki, Abuja (On file with author).

In terms of the prospects of Canadian/Nigerian human rights engagements, it should be noted at the outset that lacking a crystal ball with which to see the future, in reaching one's conclusions, one can only rely on and extrapolate from the available evidence. First, it should be fairly clear that the conclusion and adoption in 2012 of the Canada/Nigeria *Memorandum of Agreement on a Bi-National Commission*, the subsequent convening and holding of at least two high-level meetings of that Commission; and the adoption in 2014 of the *Canada-Nigeria Foreign Investment Promotion and Protection Agreement*, will suffice here to indicate the undulating, but generally rising, tempo in the last several years of the general Canadian/Nigerian bi-lateral relationship.³⁴ In the meantime, the trade and diplomatic relations between the two countries has intensified in near-exponential terms.³⁵ This has been so despite the fact that some may have perceived a slight slowdown in the intensification of that relation between 2014 and the hotly contested 2015 general elections in Nigeria. While this may not necessarily result in as much of a rise in the tempo of the human rights-related interactions of the two countries, it is suggestive of an upward or at least stable (rather than negative) trend in the trajectory of such relations. What is more, it is within reason to expect that the expected rise in the density of diplomatic/trade interaction between the two countries will likely lead to some appreciable rise in the density and intensity of their human rights relations. One catalyst for this may be the increased attention by Canadian civil society on human rights issues in Nigeria and the consequent pressure on the Canadian government to “do something” about any perceived problems in that area.

Secondly, this increased attention by Canadian civil society may lead to the greater visibility overall – especially within Canada – of the Canadian/Nigerian human rights relationship. What is more, the ongoing expansion and deepening of the trade and other relations

³⁴ See High Commission of Canada in Nigeria, “Canada – Nigeria Relations”, online: <http://www.canadainternational.gc.ca/nigeria_draft/bilateral_relations_bilaterales/canada_nigeria.aspx?lang=en>.

³⁵ *Ibid.*

between Canada and Nigeria will (apart from inviting more attention by Canadian civil society to the human rights engagements between both countries) also help in a direct way to render those engagements more visible in Canada. Elements within Nigerian civil society and officials of the Canadian mission in Nigeria also need to make greater effort to increase the visibility of Canadian/Nigerian human rights engagements in Nigeria.

Thirdly, and somewhat unfortunately, the one-way traffic that more or less defines the Canadian/Nigerian human rights relationship is unlikely to give way any time soon. This is largely because of the reality of the existence of a better (albeit not perfect) human rights environment in Canada as opposed to Nigeria; the economic power asymmetry between the two countries which is in Canada's favor; and the powerful effect of the circulation in the minds of all-too-many Canadians and Nigerians of the heaven/hell binary image of the good West (a la Canada) and the bad Third World (a la Nigeria). If Canada is a near-heaven and Nigeria is a near-hell, or so the reading of these images go, then the direction of the flow of human rights "aid" should be obvious: from the heavenly side of the relationship to its hellish counterpart. Barring some radical restructuring of our world, this deep structure of the relationship is unlikely to change in the near future.

As such, barring any sudden seismic shift in Canadian foreign attitudes and policy toward Nigeria and unless there is a radical change in the mentalities and policies of Nigerian governmental and non-governmental actors, the Canadian/Nigerian human rights relationship will continue to over-emphasize "aid" to Nigeria for quite some time, and do so without suggesting that the converse become the case. In the result, to deploy Edward Akuffo's point about the images of African countries in Canadian foreign policy, Nigeria will continue to be

constructed and treated as Canada “other,”³⁶ both in a general sense and also in terms of the specificity of their human rights engagements.

It should also be clear from many of the other contributions to this volume that unless there is a regime change in Canada following the 2015 federal parliamentary elections, the over-concentration of Canadian human rights interventions in Nigeria on a significantly narrow band of issues (namely maternal/child health and electoral reform) will continue to be the case – at least in the near future. This will be so largely because the current policy decision to focus narrowly (especially on maternal/child health) is the “brainchild” and “pet project” of the Harper-led conservative government that has governed Canada for at least eight of the years immediately preceding that general election.³⁷

And lastly, it appears that Canadian governmental actors will – for the most part – continue to drive the human rights engagements between Canada and Nigeria for some time to come. Canadian and Nigerian NGOs will alongside the Nigerian government continue to play more marginal roles in these relations. Thus, barring some radical change in Nigerian government policy and a sea change in the way Nigerian NGOs raise their funds, the Nigerian actors in this relationship will continue to largely act as the recipients (as opposed to the givers) of human rights aid.

E. Some Recommendations:

It would not require all that much imagination to envisage that most of the recommendations that would flow from this study would in a sense be the flip side of the problems already identified in this volume with Canadian-Nigerian human rights engagements during the period under study.

³⁶ See *Akuffo*, *supra* note 6 at 2 and 217.

³⁷ See *Saving Every Woman*, *supra* note 11.

For, after all, any recommendations offered here would be designed to strengthen and refine these engagements, and concomitantly, to ameliorate or address the problems that have been identified as afflicting the engagements would be to strengthen these engagements in significant measure. With this in mind, here are the recommendations that the contributors to this volume would make to policy-makers, practitioners and theorists alike (depending on which of the itemized points they find relevant):

1. There is a need to redress the one-way traffic character of Canadian-Nigerian human rights engagements, in order to make the relationship much more of a partnership and less of a kind of internship experience for the Nigerians. The relationship is way too lopsided at the moment.

2. The activities that constitute Canadian-Nigerian human rights engagements should be made significantly more visible in both countries. A greater involvement of *Canadian* non-governmental actors (NGOs especially) in the relationship would help further this goal, since these actors are usually well-skilled in the execution of the necessary kinds of dissemination tactics, strategies and activities.

3. The substantive scope of these human rights engagements need to be broadened significantly (way beyond the current over-emphasis on the slim menu of maternal/child health and electoral reform) in order to accommodate other key human rights concerns of ordinary Nigerians and Canadians. This broadening will make the human rights relationship between the two countries more relevant to the bulk of the population in Nigeria, as well as in Canada. Importantly, the

implementation of this recommendation need not necessarily require additional funding. It is often sufficient to simply speak about these issues with the other country in a respectful way.

4. There is a sense in which Canadian-Nigerian human rights engagements also need to be deepened to avoid a mismatch of sorts, and attune them to addressing more systematically the strongest priorities of a larger majority of Nigerians and Canadians. For instance, the relationship cannot (as it seems to have largely done thus far) simply avoid the very important question of the enjoyment of labor rights in Nigeria in the context of privatization, de-regulation, and foreign investment. If this issue has been addressed at all by Canadian human rights interventions in Nigeria, it has not been in a visible enough way. For its own part, Nigeria has hardly, if ever, intervened in Canadian human rights struggles.

5. The near-total absence of a significant relationship between the national human rights institutions of both countries needs to be remedied. The Canadian Human Rights Commission is, even by its admission, too heavily oriented toward cooperation with countries such as Australia and New Zealand. And while the Canadian High Commission has engaged with the Nigerian National Human Rights Commission, this ought not replace the building of a relationship between the two national human rights bodies mentioned here.

6. There is a need to strengthen and expand the role played by *Canadian* (as opposed to Nigerian) non-governmental actors in driving and participating in the relationship. This will not only help make Canadian-Nigerian human rights engagements more visible in both countries, but bring a greater diversify of knowledge, skills and methods to the human rights interaction

between the two countries. For their own part, the Nigerian NGOs are already heavily involved in the process, albeit not as drivers, but largely as participants, aid recipients and native informants.

7. The ongoing intensification of the Canadian-Nigerian relationship in general and their human rights engagements in particular should be strongly encouraged. This bodes well for the relationship between the two countries, including their human rights engagements. Given the relatively non-imperial ambitions of Canadian foreign policy,³⁸ at least until recently, and against the background that there is less of a power differential between Canada and Nigeria than say the USA and Nigeria, an intensified relationship between Canada and Nigeria has a greater chance of leading to certain mutual benefits than one with the strongest, historically more imperial, countries. This is not to say that Canadian foreign policy has been completely innocent, but to make an assessment about the relative advantage of an intensified Canadian-Nigeria relationship vis-à-vis some other possibilities. However, at the same time, much more care must be taken to ameliorate the one-way traffic character of Canadian-Nigerian human rights engagements.

8. The exchange of knowledge and resources (and not simply or necessarily the current over-emphasis on “aid”) between the Independent National Electoral Commission of Nigeria and various Canadian actors should be strongly encouraged. This will help consolidate recent tremendous gains in the efficiency and integrity of the Nigerian electoral process. Again, while electoral ills are not absent in Canada, they occur at a much lesser rate than in Nigeria. And so, Canada is also not without a need for electoral reform; however lesser that need is. As such, an

³⁸ See Edward A Akuffo, *Canadian Foreign Policy in Africa: Regional Approaches to Peace, Security, and Development* (Farnham, UK: Ashgate, 2012) at 55 and 188-212.

exchange of knowledge and resources between the two countries will likely be mutually beneficial, and especially so for the Nigerians.