

2016

# Baxian TREMF Anxieties and Patterns of Norm Entrepreneurship in Canada-Nigerian Human Rights Engagements: A Theoretical Overview

Obiora C. Okafor

*Osgoode Hall Law School of York University, [ookafor@osgoode.yorku.ca](mailto:ookafor@osgoode.yorku.ca)*

Follow this and additional works at: [http://digitalcommons.osgoode.yorku.ca/scholarly\\_works](http://digitalcommons.osgoode.yorku.ca/scholarly_works)



Part of the [Human Rights Law Commons](#)

---

## Repository Citation

Okafor, Obiora C., "Baxian TREMF Anxieties and Patterns of Norm Entrepreneurship in Canada-Nigerian Human Rights Engagements: A Theoretical Overview" (2016). *Articles & Book Chapters*. 2648.  
[http://digitalcommons.osgoode.yorku.ca/scholarly\\_works/2648](http://digitalcommons.osgoode.yorku.ca/scholarly_works/2648)

This Article is brought to you for free and open access by the Faculty Scholarship at Osgoode Digital Commons. It has been accepted for inclusion in Articles & Book Chapters by an authorized administrator of Osgoode Digital Commons.

# **Baxian TREMF Anxieties and Patterns of Norm Entrepreneurship in Canadian-Nigerian Human Rights Engagements: A Theoretical Overview**

By

Obiora Chinedu Okafor\*

## **Abstract**

The article argues that the evidence that has been systematically analyzed in the study that grounds this volume at once support and undermine certain elements of the two theoretical frameworks that grounded the research: Upendra Baxi's germinal theory on the emergence to global dominance of a kind of "trade-related market-friendly human rights" (TREM) paradigm/discourse/mentality, and Martha Finnemore and Kathryn Sikkink's strategic social constructivist theory on the role of the norm entrepreneur in generating and driving the so-called human rights "norm life cycles." The article then suggests, in consequence, that both of these theoretical frameworks require a (modest) measure of refinement.

## **A. Introduction:**

As suggested in the introduction to this volume, the theoretical questions that framed the multi-year field/desk investigations on which this volume is based, required the contributing researchers to systematically enquire into: the nature/character of Canadian-Nigerian engagements in specific human rights sub-areas (democratization, women's rights, children's rights, economic and social rights, and the international criminal law aspect of human rights institution-building); the attainments of such cooperation, including the extent to which either country has significantly impacted the other's human rights praxis; the problems that have characterized these engagements; and the prospects of such engagements.

As importantly, the co-investigators of the study were also called upon to probe and ponder the implications of our findings for aspects of constructivist human rights theory (particularly Finnemore and Sikkink's norm life cycle theory);<sup>1</sup> for Upendra Baxi's theory on the

---

\* York Research Chair 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.

<sup>1</sup> See Martha Finnemore & Kathryn Sikkink, "International Norm Dynamics and Political Change" (1998) 52 *International Organization* 887 [Finnemore & Sikkink].

emergence in our time of a trade-related market friendly (TREMf) human rights paradigm;<sup>2</sup> and for certain theories on human rights and state sovereignty.<sup>3</sup> This overview article focuses on the first two of these theoretical sets of questions, i.e. the norm life cycle and TREMF theories. The third theoretical framework, on state sovereignty, is dealt with in Zachary Lomo's contribution to this volume.

This article therefore attempts to flesh out the implications for each of these two theoretical frameworks of the evidence revealed by, and analysed as part of, the field/desk investigations that this volume is based on. To what extent are the norm life cycle and TREMF theories supported or challenged by the findings of our study? And, thus, to what extent does the study contribute to the exemplification and/or refinement of the relevant theoretical frameworks?

## **B. Baxian TREMF Anxieties**

The study on which this volume is based appears to have much relevance for Upendra Baxi's germinal theory on the emergence to global dominance of a "trade-related market-friendly" (TREMf) human rights paradigm/discourse. As stated by Baxi himself, his overarching TREMF theory is that:

"The paradigm of the Universal Declaration of Human Rights [UDH] is being steadily, but surely, *supplanted* by that of trade-related, market-friendly human rights. This new paradigm seeks to reverse the notion that universal human rights are designed for the attainment of dignity and well-being of human beings and for enhancing the security and well being of socially, economically and civilisationally vulnerable peoples and communities."<sup>4</sup>

---

<sup>2</sup> See Upendra Baxi, *The Future of Human Rights* (Delhi: Oxford University Press, 2002) at 131-66 [Baxi].

<sup>3</sup> For example, see Anthony Anghie, "Francisco de Vitoria and the Colonial Origins of International Law" (1996) 5 *Social & Legal Studies* 321; Anne Orford, *International Authority and Responsibility to Protect* (Cambridge: Cambridge University Press, 2011); Wade M Cole, "Sovereignty Relinquished? Explaining Commitment to the International Human Rights Covenants, 1966-1999" (2005) 70 *Am Soc Rev* 472; and Michael Jacobsen & Stephanie Lawson, "Between Globalization: A Case Study of Human Rights versus State Sovereignty" (1999) 5 *Global Governance* 203.

<sup>4</sup> See Baxi, *supra* note 2 at 132.

More specifically, in the course of fleshing out his thought-provoking TREMF thesis, Baxi developed a number of distinguishable but intimately related main sub-claims.<sup>5</sup> The first such sub-claim is that the emergent TREMF paradigm (unlike the UDH paradigm which it is supplanting) insists on promoting and protecting the collective rights of various formations of global capital mostly at the direct expense of human beings and communities.<sup>6</sup> The second sub-claim is that, much more than in the past, the progressive state – or at least the progressive “Third World” state – is now conceived as one that is a good host state to global capital; as one that protects global capital against political instability and market failure, usually at a significant cost to the most vulnerable among its own citizens; and as one that is in reality more accountable to the IMF and the World Bank than to its own citizens.<sup>7</sup> The third Baxian sub-claim is that in the new global order, a progressive state is also conceived under the TREMF paradigm as a State that is market efficient in suppressing and de-legitimizing the human rights-based practices of resistance of its own citizens, if necessary in a violent way.<sup>8</sup> And the last such sub-claim is that unlike the UDH paradigm, the TREMF paradigm denies a significant redistributive role to the State. Here, Baxi argues that, in contrast to the UDH paradigm, the emergent TREMF human rights paradigm “denies any significant redistributive role to the State; calls upon the State to free as many spaces for capital as possible, initially by pursuing the three-Ds of contemporary globalization: deregulation, denationalization, and disinvestment.”<sup>9</sup>

---

<sup>5</sup> See See Obiora C Okafor, “Assessing Baxi’s Thesis on the Emergence of a Trade-Related Market-Friendly Human Rights Paradigm: Recent Evidence from Nigerian Labour-led Struggles” (2007) *Law, Social Justice and Global Development*, online: <[http://www.go.warwick.ac.uk/elj/lgd/2007\\_1/okafor](http://www.go.warwick.ac.uk/elj/lgd/2007_1/okafor)> [Okafor Baxi].

<sup>6</sup> See Baxi, *supra* note 2 at 132.

<sup>7</sup> *Ibid* at 141.

<sup>8</sup> *Ibid*.

<sup>9</sup> *Ibid* at 139. See also Jane Kelsey, “Confronting Trade-Related Human Rights in a GATS-Compatible World” (2007) 1 *Law, Social Justice & Global Development (LGD)*; and Euan MacDonald, “Review Essay - The Future of Human Rights? Theory and Practice in an International Context: Review of Upendra Baxi’s *The Future of Human Rights*” (2004) 5 *German LJ* 969.

Teasing out, analytically, the extent to which the politics and orientation of Canadian/Nigerian human rights engagements exemplifies or departs from these four theses will contribute significantly to a scholarly understanding of the validity or otherwise of Baxi's important TREMF theory, as well as to its greater specification and refinement. To what extent is any aspect of this theory borne out or refuted by the available evidence on Canadian/Nigerian human rights engagements between 1999 and 2011? For e.g., how exactly, if at all, has the collective rights of various formations of global capital been protected in the context of Canadian/Nigerian human rights engagements, mostly at the direct expense of human beings and communities? To what degree has Nigeria (the Third World state in the relationship at issue) behaved in the manner of the so-called progressive Third World state that aims to become a good host state to certain formations of global capital by protecting the latter against political instability and market failure at a significant cost to the most vulnerable among its own citizens, and to what extent is Canada (the developed country in the mix) implicated in this TREMF-type behaviour? To what extent has Nigeria acted as the so-called progressive Third World state that is market efficient in suppressing and de-legitimizing the human rights-based practices of resistance of its own citizens, if necessary in a violent way, and to what degree is Canada implicated in this behaviour? To what extent has Nigeria bought into the aspect of the TREMF human rights ideology which requires it to deny any significant redistributive role to the State and calls upon it to free as many spaces for capital as possible, initially by pursuing the three-Ds of contemporary globalization: deregulation, denationalization, and disinvestment; and to what degree is Canada implicated in this behaviour? In any case, even if Nigeria has not as yet behaved in these ways or Canada has not as yet been overtly implicated in such behaviour, has Canada still given the discerning observer cause for anxiety in this regard? And what are the

implications of the answers to these and other questions for the validity, exemplification, specification, refinement or refutation of the Baxian TREMF theory?

The aspect of the TREMF theory that is most directly supported by this study is the sub-thesis which argues that, in contrast to the UDH paradigm, the emergent TREMF human rights paradigm denies any significant redistributive role to the State; calls upon the State to free as many spaces for capital as possible, initially by pursuing the three-Ds of contemporary globalization: deregulation, denationalization, and disinvestment. Against this background, the question that is raised is, as was suggested earlier, to what extent has Nigeria bought into this aspect of the TREMF human rights ideology? First, there is little doubt that Nigeria has, at least for the last sixteen years, bought into this aspect of the TREMF ideology, especially the relentless pursuit of “the three Ds.” There is also very little reasonable doubt, if any, that this mentality has negatively affected the behaviour of the Nigerian state toward its own ordinary citizens, including its inclination or disinclination to protect of certain aspects of their human rights.<sup>10</sup> In an effort to push through its deregulation, denationalization, and disinvestment (privatization) agenda, the Nigerian state has, at least since 1999, almost consistently adopted a variety of tactics – at times including those of the strong arm variety – to crush or at least blunt strong opposition from labour-led social movements in the country to its relentless pursuit of the three Ds.<sup>11</sup> And this has all-too-often led to widespread human rights abuses being committed against ordinary Nigerians.<sup>12</sup>

Thus, the only outstanding question here is the extent, if any, to which Canada has been implicated in this process of the operationalization of the TREMF paradigm in Nigeria. A critical analysis of the available evidence suggests that there is very little doubt that Canada is to some

---

<sup>10</sup> See *Okafor Baxi, supra* note 5.

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*

extent implicated. For one, there is no question that the governments that ruled Canada between 1999 and 2011 shared a significantly similar privatization ideology with the governments that were in place in Nigeria around the same period.<sup>13</sup> In any case, the incontrovertible fact is that, over time, the relevant Canadian governments consistently espoused similar ideologies in their international relations with Nigeria. For example, the *Memorandum of Understanding* signed by Canada and Nigeria in April 2012, which established a Bi-National Commission between both countries, makes the reduction of barriers to economic and commercial relations and *investments* one of its central features.<sup>14</sup> In effect, this document called on Nigeria and Canada to do all within their power to “open up their economies to foreign investment by the other”; something that in the extant Nigerian context invariably includes the privatization of its vast array of state owned and run corporations. The tone of this document makes it clear that this ambition is, at the very least, as central to Canadian-Nigerian relations as the promotion and protection of human rights. As importantly, the *Foreign Investment Promotion and Protection Agreement (FIPA)* signed by both countries in 2014 was similarly designed to protect foreign (read Canadian) investments in both countries (read Nigeria).<sup>15</sup> In real life, what was at issue was the protection of companies like Manitoba Hydro which had recently won a huge and lucrative contract to manage and expand Nigeria’s electricity transmission grid, as well as other Canadian companies which were expected to invest in the newly privatized, or soon to be, privatized, electricity

---

<sup>13</sup> For example, the immediate past Prime Minister of Canada, Stephen Harper, a Conservative, has been described as “the first to conceive of ‘Africa’ as a resource, investment and export market encompassing the [entire] continent...” see Grant Dawson, “Player, Partner and Friend: Canada’s Africa Policy since 1945” (2013) 50 *International Politics* 412 at 413 [Dawson]; see also David Black, “Out of Africa? The Harper Government’s New ‘Tilt’ in the Developing World” (2009) 15 *Canadian Foreign Policy J* 41 at 42.

<sup>14</sup> 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>>.

<sup>15</sup> 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](http://www.canadainternational.gc.ca/nigeria_draft/bilateral_relations_bilaterales/canada_nigeria.aspx?lang=en)>.

market. Other areas of the economy – such as the oil and gas, solid minerals, and information technology industries – have been in play as well. It is, therefore, not surprising that the Canadian human rights voice, often heard clearly in regard to human rights reform in the electoral process and child/maternal health areas, has been all but muted with regard to the anti-privatisation struggles waged over the last several years by Nigerian electricity and oil workers, and by other many other activist groups. In fact current trend tends to be for Canada to replace once active civil society actors in Africa and elsewhere with corporate actors in furtherance of its market-driven foreign policy objectives.<sup>16</sup> And this has been so despite the huge popularity of anti-privatization struggles among the vast majority of ordinary citizens in countries like Nigeria and the often repressive tactics adopted by various Nigerian governments to quieten or crush such protests.<sup>17</sup>

Thus, the behaviour of the two countries at issue here clearly exemplifies not just the aspect of the Baxian TREMF theory under discussion, but also all the other referenced theories. The behaviour of the two countries also specifies one of the ways in which the TREMF paradigm circulates and operates in the Nigerian and Canadian contexts. For instance, it is noteworthy that the interest of certain formations of global capital in reaping the fruits of privatisation in Nigeria was diligently protected at the expense of the human rights of ordinary Nigerians. Further, for making this possible, including sometimes through violence, the Nigerian state was ‘rewarded’ by Canada with its relative silence over its repression of the local anti-privatization movement.

This and other evidence also suggests that, at the very least, there is cause for a measure of Baxian anxiety regarding the motivations and import of Canada’s human rights engagement

---

<sup>16</sup> See Dragana Bodruzic, “Promoting International Development through Corporate Social Responsibility: The Canadian Government’s Partnership with Canadian Mining Companies” (2015) 21 *Canadian Foreign Policy J* 129 at 130.

<sup>17</sup> For example, see *Okafor Baxi*, *supra* note 5.



with Nigeria, and the possibility of it being overly attuned to the TREMF ideology. For one, as has been shown above, it is clear that the interests of Canadian (global) capital are as much at the heart of Canada's engagements with Nigeria as are human rights. This fact is also documented in some of the contributions to this volume, such as the contribution of Uchechukwu Ngwaba to this volume. On its own, this last observation might seem rather unremarkable. The point though is that, as Baxi has theorized, attempts by countries like Canada to protect such interests have almost always had a way of shaping the international relations between most developed and almost all Third World countries, in ways that have excessively privileged the interests of global capital over the human rights of the citizens of the relevant Third World states. Against this background, it is only reasonable to expect that the discerning observer will be anxious about the possibility that this might be or may become the case in the context of Canadian-Nigerian relations.

Beyond the evidence of some (somewhat passive) Canadian implication in the real life circulation and operation of the TREMF ideology in Nigeria and the baseline of understandable and indeed reasonable anxiety discussed above, there is little else in the specific (and admittedly limited) body of evidence gathered and analysed in the study on which this volume is based which explicitly and clearly suggests that the Canadian-Nigerian human rights relationship is characterized by the kind of steady decline toward the TREMF human rights paradigm that is predicted by Baxian theory. This should not be surprising given that Baxian theory is not itself totalising and only goes as far as describing the supplanting of the UDH paradigm by the TREMF mentality/approach as ongoing and incomplete. As such, the fact that a portion of the evidence analysed in this particular study does not clearly provide support to the Baxian TREMF theory does not necessarily invalidate the latter.

It should also be noted that even a failure in this one limited study of Canadian-Nigerian human rights engagements to find as much overt evidence in support of the TREMF theory as might have been expected does not necessarily mean that no more of such evidence exists. First, there is a para-politics that tends to frame and constrain such matters and functions to hide the relevant evidence from view. And secondly, Canadian-Nigerian human rights engagements constitute only a tiny fraction of the set of human rights operations relations that play out in Nigeria. What is more, at least one previous study did find strong support for the TREMF theory in the context of intra-Nigerian human rights struggles among labour activists and the executive, legislative and judicial branches of the Federal government of that country.<sup>18</sup> And so Baxian theory is hardly refuted by the evidenced that is analyzed in this volume.

Nevertheless, as is evident from the contribution to this volume by Ifeakandu/Ngwaba, the important fact remains that a significant portion of the evidence gathered and analyzed in this study suggests that the UDH-based human rights paradigm described in Baxian theory as being in the process of being steadily but surely supplanted by the TREMF paradigm has, at least on the surface, exerted appreciable influence on Canadian-Nigerian human rights engagements (especially in the children's rights and women's rights areas). In the light of these findings, it would seem reasonable to conclude that Baxian TREMF theory would profit from some tweaking and refinement to allow it to better account for the apparent resilience of the UDH paradigm in the face of a sustained and robust onslaught by the TREMF ideology on its influence in human rights praxis. It is important to note that far from calling for repudiation of Baxian TREMF theory, what is being sought here is merely its refinement to better calibrate and demarcate the zone of human rights praxis that is still occupied by the UDH paradigm from the area that has been captured by the emergent TREMF paradigm.

---

<sup>18</sup> *Ibid.*

### C. Patterns of Norm Entrepreneurship:

In their highly regarded work at the intersection of human rights and constructivist international relations theory,<sup>19</sup> Martha Finnemore and Karthryn Sikkink apply their “strategic social constructivism” to the human rights area, leading to the development of their theory of the “norm life cycle;” a theory that argues in favour of the centrality of the agency of the “norm entrepreneur” in catalyzing human rights change.<sup>20</sup> According to these scholars, in the context of international relations (for e.g. as between Canada and Nigeria), human rights change is produced when a norm life cycle is completed, in part, as a result of the behaviour/impetus of a norm entrepreneur. The norm life cycle is “comprised of three linked stages: emergence, cascade, and internalisation” which are catalyzed by the behaviour of the relevant norm entrepreneur(s).<sup>21</sup> When a ‘critical mass’ of agents has accepted the new ideas as appropriate, then Finnemore and Sikkink claim that a norm has emerged.<sup>22</sup> In the cascade stage, the norm acceptance rate rapidly increases and a form of norm contagion ensues.<sup>23</sup> In the internalisation stage, the norm becomes taken for granted, and conformance with its dictates is no longer (or at least rarely) questioned.<sup>24</sup> But most importantly, as Hoffman has correctly noted, these scholars have theorized that:

“Norm entrepreneurs work to persuade other agents to alter their behaviour in accordance with the norm entrepreneur's ideas of appropriate behaviour. For constructivists, this means that a norm entrepreneur is attempting to alter other

---

<sup>19</sup> For an analysis of constructivist international relation theory’s engagements with human rights praxis, see Obiora C Okafor, *The African Human Rights System, Activist Forces and International Institutions* (Cambridge: Cambridge University Press, 2007) at 23-30 and 57-59 [Okafor].

<sup>20</sup> See Finnemore & Sikkink, *supra* note 1 at 895; and Okafor, *ibid*.

<sup>21</sup> *Ibid*. See also Hannah Entwisle, “Tracing Cascades: The Normative Development of the UN Guiding Principles on Internal Displacement” (2004-2005) 19 *Georgetown Immigration LJ* 369; and Matthew J Hoffmann, “Entrepreneurs and Norm Dynamics: An Agent-Based Model of the Norm Life Cycle” (Department of Political Science and International Relations, University of Delaware, Newark, Delaware), online: <<http://www.indiana.edu/~workshop/articles/hoffman091200.pdf>> [Hoffman].

<sup>22</sup> See Finnemore & Sikkink, *ibid*; and Hoffman, *ibid*.

<sup>23</sup> *Ibid*.

<sup>24</sup> *Ibid*.

agents' perceptions of the social context—alter what an agent thinks is appropriate behavior. How this alteration takes place is currently a matter for debate among constructivists (see, e.g. Checkel 1998; Risse, Ropp, and Sikkink 1999).”<sup>25</sup>

To what extent is any aspect of this theory borne out or refuted by the available evidence on Canadian/Nigerian human rights engagements? For e.g., how exactly, if at all, has the norm life cycle played out in the context of Canadian-Nigerian human rights engagements? How exactly, if at all, has the process of human rights norm entrepreneurship proceeded in that context? Who has the “norm entrepreneur” and “norm follower” tended to be? And what are the implications of the answers to these and other questions for scholarly knowledge, including in relation to the possible exemplification, refinement or refutation of the relevant theory?

From the evidence gathered and analysed in this study, it appears that the aspect of Finnemore and Sikkink’s norm life cycle theory that is most relevant to the context of Canadian-Nigerian human rights engagements is its sub-thesis on the important role played by so-called “norm entrepreneurs” in persuading/cajoling/pushing so-called norm followers to embrace and thereafter internalize a human rights norm. The word “seduction”<sup>26</sup> has been used to describe this interest in a larger African context. It is framed as a situation in which Canadian governments “believed that Canada had something to offer and wanted to help Africans...”<sup>27</sup>

Most significantly, the evidence analyzed in this study/volume clearly supports this sub-thesis. For example, Ngwaba has documented the very active role that Canada has made and the

---

<sup>25</sup> See Hoffman, *supra* note 21.

<sup>26</sup> See Dawson, *supra* note 13 at 413.

<sup>27</sup> *Ibid* at 414; see also David Black, “Echoes of Apartheid? Canada, Nigeria, and the Politics of Norms” in Rosalind Irwin, ed, *Ethics and Security in Canadian Foreign Policy* (Vancouver: UBC Press, 2001) 138; David Black, “The Long and Winding Road: International Norms and Domestic Political Change in South Africa” in Thomas Risse, Stephen Ropp & Kathryn Sikkink, eds, *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 2013) 78. Sometimes this includes the attachment of human rights conditions to development aid funds; see for example Stephen Brown, “Foreign Aid and Democracy Promotion: Lessons from Africa” (2005) 17 *European J Development Research* 179 at 182; Joel Barkan, “Can Established Democracies Nurture Democracy Abroad? Lessons from Africa” in Axel Hadenius, ed, *Democracy’s Victory and Crisis* (Cambridge: Cambridge University Press, 1997) 371.

extensive financial contributions that it has made (both as a state actor and through various intermediaries)<sup>28</sup> toward the improvement of the electoral process in Nigeria and the securement of the fuller enjoyment of the right to vote in that country.<sup>29</sup> Financial leverage over Nigeria has allowed Canada to persuade/cajole/push the electoral authorities and the government toward the desired objectives. Ngwaba has also highlighted the role played by the Canada-Africa Parliamentary Association in engaging Nigerian parliamentarians toward the improvement of the local electoral process, etc. As importantly, Ifeakandu and Ngwaba have in their joint article documented a similar pattern of norm entrepreneurship backed by significant financial investments by Canada with respect to the enjoyment of children's rights in Nigeria. And as significantly, the joint contribution to this volume by Effoduh and Bissallah also makes it clear that "Canada has pushed a lot" for the enjoyment of economic and social rights in Nigeria, particularly in the health and poverty reduction areas. Thus, a very substantial exemplification of a key aspect of Finnemore and Sikkink's theory is strongly suggested by the findings of the study on which this volume is based.

Notice, however, that given the fact that the norm entrepreneurs described in, and envisaged by, Finnemore and Sikkink's theory are in fact (strictly speaking) human rights activists who function under the auspices of non-governmental organizations (NGOs) and civil society organizations (CSOs), the very substantial exemplification of this aspect of their theory that is provided by the evidence collected and analyzed in this study is still somewhat partial.

Thus, in the specific context of Canadian-Nigerian human rights engagements, it is a state actor

---

<sup>28</sup> Such intermediaries could include non-governmental civil society organizations that extend their activities throughout the African continent. See for example Charles Quist-Adade & Anita van Wyk, "The Role of NGOs in Canada and the USA in the Transformation of the Socio-Cultural Structures in Africa" (2007) 32 *Africa Development* 66 at 69; see also James Petras, "NGOs: In the Service of Imperialism" (1999) 29 *J Contemporary Asia* 429 at 431.

<sup>29</sup> For possible reasons why Canada commits to the promotion of democratic governance abroad, see Jeremy Martin Ladd, "Contemporary Developments in Canadian Democracy Promotion and the Way Forward" (2014) 20 *Canadian Foreign Policy J* 209 at 210.

(including through its agents and intermediaries), as opposed to non-governmental organization (NGO) and civil society organization (CSO) actors, which has largely functioned as the norm entrepreneur in relation to the other State at issue. In Finnemore and Sikkink's parlance, the relevant State has thus served as both a norm entrepreneur and "norm leader" (the latter term being used by Finnemore and Sikkink to denote a State that pushes other States to embrace and internalize a norm having itself been pushed by NGO and CSO norm entrepreneurs). This is not to contend, however, that NGO and CSO actors have been totally absent from the ensuing international relations "game." Rather, in spite of the participation of these NGO and CSO actors in that "game" the norm entrepreneurial role of the relevant State has nevertheless loomed very large. For example, while the Canada-Africa Parliamentary Association, the Gender Equality Network, and the Canadian Labour Congress (all non-governmental groups) have, to a degree, played important roles in the process of Canadian norm entrepreneurship in Nigeria, it is governmental bodies such as the recently defunct CIDA and the Canadian High Commission in Nigeria that have engaged the most in such entrepreneurial activities. The theoretical implication here is that – as generally accurate as the theory is – it could still be tweaked/modified a significant bit, and thus refined, so as to allow it to better account for this very specific but nevertheless important character of the Canadian-Nigerian human rights engagement experience.

It is also clear from the analysis of the evidence that is analyzed in this study/volume that the kind of norm entrepreneurship that has been a feature of the Canadian-Nigerian human rights engagement experience has tended to proceed in a kind of one-way traffic.<sup>30</sup> To be precise, While Canada that has tended to act the role and wear the toga of the norm entrepreneur Nigeria

---

<sup>30</sup> On the issue of the one-way human rights traffic that tends to characterize engagements between more powerful Western countries (such as Canada) and Third World states (such as Nigeria), see Obiora C Okafor and Shedrack C Agbakwa, "On Legalism, Popular Agency and 'Voices of Suffering': The Nigerian National Human Rights Commission in Context" (2002) 24:3 Hum Rts Q 662.

tended to almost always function as the norm follower.<sup>31</sup> This key feature of Canadian-Nigerian human rights engagements is for example revealed by Uchechukwu Ngwaba's contribution to this volume. The feature also comes through in almost all the other contributions to this volume. Similarly, this feature is also much in keeping with Canada's global reputation as a norm entrepreneur in the human rights area; a phenomenon that is mapped and analyzed in this volume by Basil Ugochukwu. This is not to say, however, that Nigeria has never acted as a human rights norm entrepreneur in its relationship with Canada. It has definitely done so. For example, in the context of the defunct UN Commission on Human Rights (now the Human Rights Council), a body with which Canada has had a long history of participation and association, Nigeria did provide very strong leadership with respect to the development of the Commission's mandate on the negative effects on the enjoyment of human rights of the dumping of hazardous waste/substances. This work has now led to "an alteration in the [global] logic of appropriateness" with regard to this sort of activity.<sup>32</sup> What is more, as Dakas C.J. Dakas and Udoka Owie demonstrate in their contribution to this volume, Nigeria has also provided significant leadership in the development of international human rights law in general. For example, as these scholars have shown, Nigeria's leadership has been quite robust with respect to the struggle against apartheid and colonialism, and the regulation of the global arms trade, and the development and strengthening of the human rights mandates of various international bodies (especially the African Union and the Economic Community of West African States). Thus, our analysis in the study at issue of the nature of Canadian-Nigerian human rights engagements calls

---

<sup>31</sup> For examples of other studies that conform this conclusion, see 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; and Sonia Cardenas, "Transgovernmental Activism: Canada's Role in Promoting National Human Rights Commissions" (2003) 25 Hum Rts Q 775; Steven Finkel, "Can Democracy be Taught?" (2003) 14 J Democracy 137.

<sup>32</sup> For example, see Cyril U Gwam, "Toxic Waste Dumping and the Enjoyment of Economic, Social and Cultural Rights in Africa" (2007) 15 African Yearbook of Int'l L 237.

for the modification and refinement of Finnemore and Sikkink's theory of the norm life cycle in order to take far greater account of, and better internalize, the ways in which that process, powered as it largely is by Western norm entrepreneurs/leaders, reproduces the generally problematic global power relations that have been at the centre of the development of international human rights law since its beginning.

The precise extent to which this one way traffic has been generated simply by the nature of the "objective" need, (i.e. the comparative prevalence of human rights violations in Nigeria and its relative absence in Canada), as opposed to more ideological and power-related factors (such as the prevalent mentality that views the world as divided into a West which tends to be a human rights heaven and the Third World that is largely a human rights hell), or even by both sets of factors functioning in concert, is somewhat hard to pin point. However, what is clear is that, considering that all of these factors have always been incontrovertibly present in the mix of forces that have shaped Canadian-Nigerian (and Canadian-Third World) relations for ages,<sup>33</sup> it will be difficult to conclude that the one-way traffic character of norm entrepreneurship in the experience of Canadian-Nigerian human rights engagements is somehow the pure result of an objective need for Canadian intervention in Nigerian affairs. Here again, nothing less than a refinement of the theory at issue is suggested. There is a need for Finnemore and Sikkink's norm life cycle theoretical framework to better account for and internalize the ideological and power-relations factors which drive and have always driven human rights engagements across the global North-South divide. For example, these factors closely affect who can become an acknowledged norm entrepreneur and in what contexts.

---

<sup>33</sup> For example, see Edward A Akuffo, *Canadian Foreign Policy in Africa: Regional Approaches to Peace, Security, and Development* (Farnham, UK: Ashgate, 2012).



#### **D. Conclusion:**

The article argues that, as geo-politically limited as it necessarily is, the body of evidence analyzed in the study that grounds this volume both exemplifies and challenges aspects of the two theoretical frameworks that grounded the research: that is, Upendra Baxi's germinal theory on the emergence to global dominance of a kind of "trade-related market-friendly human rights" (TREMFM) paradigm/discourse/mentality, and Martha Finnemore and Karthryn Sikikink's strategic social constructivist theory on the role of the norm entrepreneur in generating and driving the so-called norm life cycles through which human rights norms can often go from the margins of international socio-political life to the warm(er) embrace of the leaders/peoples of many a country/society.

As such, as validated as both theoretical models appear to have been in the specific context of our analysis in this volume of the evidence gathered from our study of the workings of Canadian-Nigerian human rights engagements, each of these theories still need a measure of refinement if they are to better account for specificities and particularities of this relationship. Needless to say, this process of refinement will deepen and strengthen these theories. And therein lies the main contributions of this study/volume to human rights theory and knowledge.