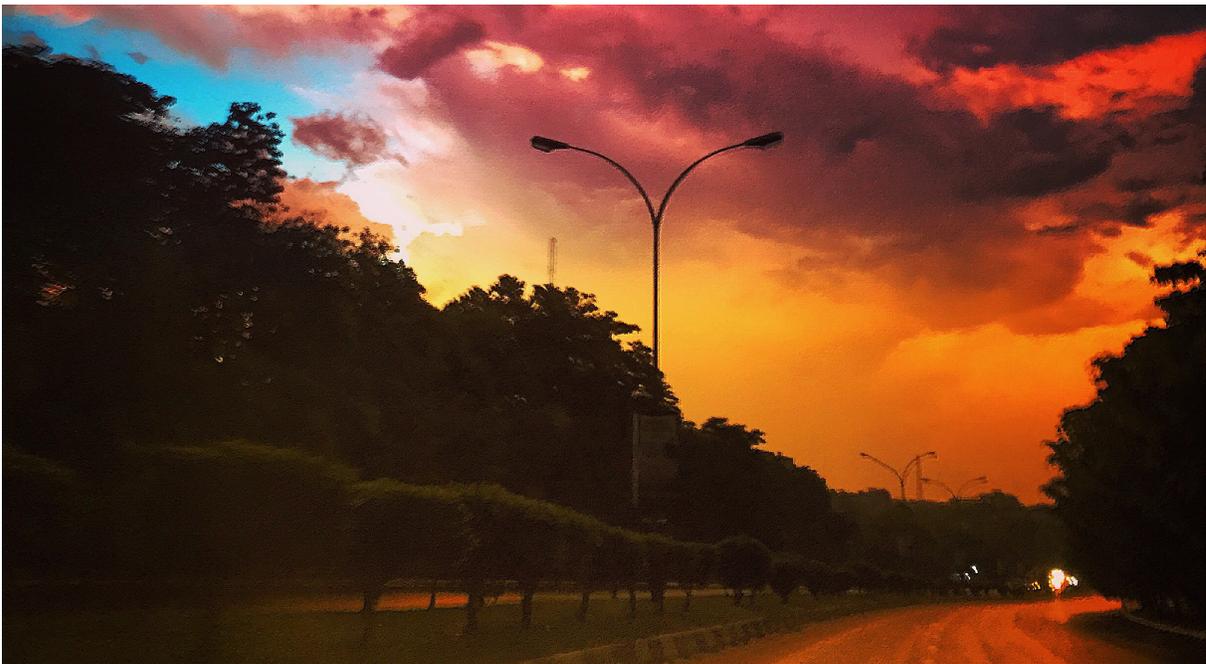




Canadian - Nigerian Human Rights Engagements 1999 – 2011

Nature | Attainments | Problems | Prospects



POLICY BRIEF



Executive Summary

Between 2012 and 2015, an international team of researchers undertook a program of research on the nature, attainments, problems and prospects of Canadian-Nigerian human rights engagements. This research program was funded by the Social Sciences and Humanities Research Council of Canada (SSHRC), the Osgoode Hall Law School of York University, the Nathanson Centre on Transnational Human Rights, Crime and Security at York University, the Nigerian Institute of Advanced Legal Studies, Abuja, Nigeria, and the Centre for Social Justice, Abuja, Nigeria. The researchers were mostly affiliated to the last four institutions. The impetus for the project was the dearth of scholarly (as opposed to policy or anecdotal) literature on these questions, despite a long history of bilateral relations and human rights engagements between both countries. The research investigated Canadian-Nigerian human rights engagements in the following much more specific six sub-themes: children's rights, women's rights, economic/social rights, democratization, refugee protection, and international criminal justice.

1. Research Findings

1.1. Nature

The research findings show:

- 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. This is not really surprising, however, given the general history and character of relations between countries of the Global North (such as Canada) and countries in the Global South (such as Nigeria).
- The sub-areas of human rights that have been highlighted by Canada in its human rights interventions in Nigeria have morphed since the end of military rule in Nigeria in May 1999 from a concentration on freedom of association, freedom of expression,



freedom from detention, judicial independence, to a very heavy and focused emphasis during most of the relevant period of the study to child/maternal health and democratic consolidation.

- The research findings also indicate that Canadian-Nigerian human rights relationship was significantly less confrontational during the period under study than in the immediately preceding era and attributed this to both the improved human rights environment and the nature of the human rights sub-themes on which Canada (largely focused upon in the relevant period).



1.2. Attainments

- A key achievement of Canadian human rights interventions in Nigeria during the period under study was Canadian support for the realization of the lived enjoyment of women's rights in Nigeria, especially in the area of maternal and child health.
- Canadian 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.
- Canada has provided a significant measure of financial support to many of the civil society organizations who doggedly struggle for the advancement and enjoyment of women's rights in Nigeria and given the paucity of funds available to these organizations, these modest contributions are an important lifeline for these groups.



- During the period under study, Canada complemented indigenous Nigerian efforts aimed at securing the lived enjoyment of children's rights in Nigeria through emphasis on the acceleration of the reduction of newborn mortality.

1.3. Problems

The research outlined the problems of Canadian-Nigerian relationship in human rights to include:

- the lack of significant reciprocity in the relationship, leading to a narrower conception of what human rights work entails in both Nigeria and Canada;
- the substantively narrow focus of Canada's human rights interventions in Nigeria;
- the near-total absence of meaningful contact between the national human rights commissions of both countries;
- the insufficient documentation evidencing the different aspects of the engagements between Canada and Nigeria;
- the absence or near absence of significant and visible engagements between both countries in the areas of both domestic and international criminal justice;
- the excessive domination of the Canadian end of the relationship by governmental actors and the visibility gap that afflicts the Canadian-Nigerian human rights relationship, at the very least in Nigeria; and
- The insufficient visibility of Canadian human rights efforts in Nigeria.

It is hoped that the insights provided by the research into Canadian-Nigerian engagements in the human rights field will be of significant benefit to Canadian/Nigerian policymakers, development practitioners, scholars and many among the lettered and relevant segments of the Canadian/West African public.



2. Introduction

More contemporary Canadian-Nigerian human rights engagements have occurred against the backdrop of a relatively long history of such engagement between the two countries, and alongside an even longer history of Canadian-Nigerian relations in general dating back to the 1960s when Nigeria got her independence. Canada has for several decades now funded or otherwise supported many human rights, judicial strengthening, institution building, democratization, and poverty alleviation efforts and struggles in Nigeria (as elsewhere). Over the years, Canada and Nigeria have maintained relatively stable relations except for a brief hiatus between 1993 and 1998. During this period, Canada played a key role in supporting the pro-democratic forces who worked 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.

The relations between both countries strengthened significantly between 2010 and 2015 resulting in increased trade and forging of deeper bilateral ties. As a result of this exponential growth in trade between both countries, in 2012, the volume of recorded trade between both countries stood at two point seven billion Canadian dollars (CDN\$2.7 billion). Further, developments that have taken place outside the cut-off date of this research study such as the 2012 conclusion of a *Memorandum of Agreement on a Bi-National Commission*; and the adoption in 2014 of the *Canada-Nigeria Foreign Investment Promotion and Protection Agreement* buttress the deepening of bilateral relations between both countries.



More importantly, and connected to the research study, human rights were a part of the content of these agreements and the discussions leading up to them.

Despite the foregoing, the nature, attainments, problems, and prospects of Canadian-Nigerian human rights cooperation has *not* been as rigorously studied and widely understood in the scholarly (as opposed to merely the Non-governmental organisations (NGOs) and governmental) literature as might be expected.



3. Approaches

This Policy Brief is an adaptation and summary of a Social Sciences and Humanities Research Council of Canada (SSHRC) funded research into Canadian-Nigerian human rights engagements which mapped, analyzed and theorised the nature, attainments, problems and prospects of Canadian-Nigerian human rights engagements between 1999 (when Nigeria's current democratic regime was established) and 2011 (a convenient cut-off date).

The research study was carried out by a mixed team of Canadian and Nigerian researchers who utilized a range of legal and social science techniques in the process of gathering the relevant evidence. These included in-depth unstructured interviews in Canada and Nigeria, documents reviews, analysis of legislation and case law and feedback from two workshops, the first in 2014 and the latter in 2015 with participation from a range of both Canadian and Nigerian academics, practitioners and students.



The study examined the question at issue by considering six human rights sub-themes. These are: children’s rights, women’s rights, economic/social rights, democratization, refugee protection and international criminal justice. In addition, two background and preliminary studies, the one on “Canada in a World of Human Rights” and the other on “Nigeria’s Contributions to International Human Rights” were also undertaken by the research study.

4. Research Findings

4.1. Key Features of the Relationship



- Canadian interventions provided support for the advancement of women and children’s health rights in Nigeria (and these interventions in this area, strongly complemented longstanding and ongoing indigenous Nigerian efforts in the same direction).
- Canadian support to Nigeria’s federal electoral commission played a significant role in the *relative* success of the 2011 general elections in Nigeria (as well the subsequent elections conducted between 2011 and 2015 that were beyond the scope of the study).
- The research also found that the *human rights* relationship between Canada and Nigeria has, unsurprisingly, largely been a lopsided affair, a one-way traffic of ideas, in which Nigeria has not intervened in an appreciable way in Canada’s human rights debates and practices.



- Canada has supported initiatives in Nigeria aimed at enhancing food production through the utilization of sustainable agricultural techniques. This has contributed, albeit modestly, to the lived enjoyment of human rights in Nigeria.

4.2. Problems with Canadian-Nigerian human rights engagements in the period covered by the study



- The narrow substantive focus of Canada's human rights interventions in Nigeria and the fact that the current Canadian emphasis on child/maternal health and the reform of the electoral process in its human rights engagements with Nigeria occurred at the same time as other human rights issues (such as labor rights issues and anti-fuel price hike protests) loomed quite large in Nigeria, without these other issues being addressed in any significant way in Canada's interventions.
- The poor visibility of specific Canadian activities and interventions in Nigeria in both countries.
- The excessively dominant role played during the period under study by intergovernmental (as opposed to non-governmental) actors on the Canadian side, in their engagements with the Nigerians.
- The little or no contact between the Canadian Human Rights Commission and the National Human Rights Commission of Nigeria. Given the support that Canada has extended to the Nigerian National Human Rights Commission, the much closer involvement of the Canadian Human Rights Commission in such efforts would have bolstered Canada's overall contribution to this key Nigerian human rights agency.



- The insufficient documentation on the different aspects of the human rights engagements between Canada and Nigeria.
- The absence or near absence of engagements between both countries in the areas of domestic and international criminal justice.

5. Implications and Recommendations

5.1. Implications



- Significant developments that have occurred outside the cut-off date of the study such as 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*, are indicative of a rising tempo in the last several years of the general Canadian/Nigerian bi-lateral relationship.
- 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 which may be due to an 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.

5.2. Recommendations

- Ameliorate the current one-way traffic and heavily lopsided 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. While this gap will likely endure for years, if not decades, it can be ameliorated to some degree by both sides paying greater attention to it and finding way of building a greater *exchange* between the two countries in the human rights area;

- Increase the visibility in both countries of the activities that constitute Canadian-Nigerian human rights engagements;
- A greater involvement of *Canadian* non-governmental actors (NGOs especially) in the relationship would help increase the visibility and ultimately the effectiveness of current Canadian interventions in Nigeria;
- Broadening of the substantive scope of these human rights engagements (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 is highly recommended;
- Remedying the near-total absence of a significant relationship between the national human rights institutions of both countries; and
- Creating linkages and avenues for fostering direct engagements between both countries in international and domestic criminal justice.

6. Conclusion



The overarching objective of the research study adapted in this Policy Brief was to analyze and understand the nature, attainments, problems and prospects of the Canadian-Nigerian human rights engagements between 1999 and 2011. An analysis of the evidence generated from the research reveal a narrow focus on the substantive human rights sub-themes



currently pursued by Canada in Nigeria; the near-total absence of meaningful contact between the national human rights commissions of both countries and the excessive domination of the Canadian end of the relationship by governmental actors. Despite the foregoing, the research did report the key attainments of Canadian/Nigerian relationship during the period under study to include Canadian support for INEC, and support for the advancement and realization of the lived experiences of women and children's rights in Nigeria. Finally, evidence generated from the research are indicative of an intensification of general and bilateral relationship between both countries with the potential of affecting the human rights praxis of both countries.

