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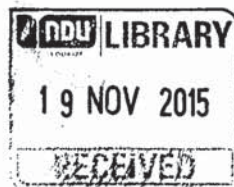
FACULTY OF LAW AND POLITICAL SCIENCE

**INCORPORATION OF HUMAN RIGHTS INTO THE NIGERIAN FOREIGN POLICY:
CASE STUDY OF THE NIGERIAN TECHNICAL AID CORP (TAC) SCHEME.**

M.A. Thesis

By

Alexander TEMITOPE A. AJAYI



**Incorporation of Human Rights into Nigeria's Foreign Policy: Case Study of the Nigerian
Technical Aid Corps (TAC) Scheme.**

By

Alexander Temitope A. AJAYI

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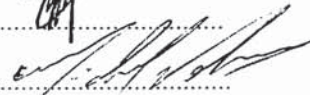
Approved by: Supervisor

Dr. Hindey



First Reader:

Dr. Wahme



Second Reader:

Dr. G. H. Saub

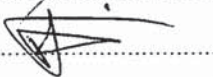


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DEDICATION

This Thesis is dedicated to Agatha, Elena, Dave and my mom Comfort.

ABSTRACT

The Thesis examines the possibility and benefits of incorporation of human rights into Nigeria's foreign policy especially through the use of its Technical Aid Corps (TAC) Scheme which was designed to facilitate manpower development assistance to countries in African, Caribbean and Pacific (ACP) regions. It departs from the literature on Nigeria Foreign Policy which tend to focus mainly on economic and political security aspect of Nigeria's foreign policy and argue that, though a concept still in its infancy as far as the conceptualization of basic components of Nigeria foreign policy is concerned, human rights issues have become a veritable aspect of contemporary inter-state relations and its central role on how bilateral aid should be dispensed cannot be ignored in view of potential damaging impact on national security of the gross violation of human rights across borders.

Human rights issues have gained currency in the light of contemporary happening in international relations. Concerns for human development and associated freedom have raised the need to guarantee basic rights of citizenry within and beyond territorial borders. Nations have in the past gone to war because of fundamental issues that touched on the vary basis of sovereignty. Issues of fundamental freedom and human dignity are now taking center stage in the contemporary international relations and discourse much the same way issues of war and peace had taken center stage for much of nineteen and twentieth centuries.

Key words: Human Rights, Foreign Policy and TAC Scheme.

CHAPTER ONE

UNDERSTANDING HUMAN RIGHTS CONCEPT

1.0. Introduction.

The concept of human rights expressed in contemporary international law flows from many cultural horizons. Nevertheless, it is true that the European philosophical and institutional trends of the last three centuries have had a significant impact on the progressive development of this concept (Symonides, 2003).

Efforts to build a system to promote human rights began during the World War II, although, initial conception to include plan committing members to international bill of rights was met with little success at the formation of the United Nations (UN). Plans for an international bill of rights were not abandoned, however, and the Universal Declaration of Human Rights emerged in 1948¹. This document was inspirational and hortatory rather than legally binding. It did, however, succeed in establishing the content of Human rights.

The contents encapsulate such basic rights that are today regarded as fundamental to human existence. That list which still in use, but with minor amendments, includes security rights that protect people against murder and torture; due process rights that protect people against arbitrary and excessively harsh punishment, and require fair and public trials for those accused of crimes; liberty rights that protects people's freedoms in areas such as belief,

¹The Universal Declaration of Human Rights was proclaimed by the United Nations General Assembly in Paris on 10 December 1948, through UN General Assembly Resolution 217 (III), captioned International Bill of Rights, as a common standard of achievements for all peoples and all nations. Downloaded at <http://www.ohchr.org> on 21 January 2014.

expression, association, and movements; political rights that protects people's liberty to participate in politics by assembling, protesting, voting, and serving in public office; equality rights that guarantee equal citizenship, equality before the law, and freedom from discrimination; and welfare rights that require that people be provided with education and protected against starvation, poverty, and social marginalization Nickel (2002:357).

Although, the cold war between East and West after the Universal Declaration of Human Rights in 1948 brought a lull in both the effectiveness and compliance to human rights content, the Western Europe spearheaded the initiative by putting in place effective and most enduring international standards for the protection of human rights through the conclusion of the European Convention on Human Rights² which was signed within the Council of Europe in 1950 but came into force in 1953. While the European Convention covers standard and political rights, it has developed into the most effective current system not only in the promotion of basic tenets of human rights but the global protection of human rights. It now covers 41 countries and 800 million people Nickel (2007:17).

In order to reinforce its power and validate its effectiveness, several numbers of institutional mechanisms have developed in the area of human rights. First, there are now over twenty important multilateral treaties in force in the field of human rights which create legally binding obligations for nations that are party to those treaties. The most important of this is the UN Charter itself which is binding on all members of the UN. Second, there are a great number

²The European Convention on Human Rights was adopted in Europe in 1953 as an international treaty that sets standards for the protection of human rights in Europe. It contains 66 Articles with several additional protocols. All Council of Europe members are party to the Convention and new members are expected to ratify the convention at the earliest opportunity. Downloaded at <http://www.echr.int> on 21 January, 2014.

of international declarations, resolutions, and recommendations relevant to international human rights that have been adopted by the UN or by other international organizations or conferences. While these are not directly binding in a legal sense, they established broadly recognized standards and that are frequently invoked in connection with human rights. Third, a variety of decisions and actions by the UN organs or other international bodies support specific efforts to protect human rights. Examples include extensive body of decisions by the European Commission and the European Court of Human Rights, reports and investigations by the Inter-American Commission on Human Rights (ACHR), decisions of the African Commission on Human and Peoples Rights (ACHPR). Fourth, there exists a great many national laws, regulations, court and administrative decisions, policy pronouncements in various countries relevant to the implementation of international human right objectives, both within each country and in its relations with others. In the case of the United States, there exists U.S. Constitution and Bill of Rights; legislation prohibiting discriminations and slavery and ensuring political rights of women. Finally, there are now varieties of international and national institutions relevant to the international protection of human right (Bilder 1991:7-8)

Apart from the global efforts, several regional mechanisms have also developed to promote and protect human rights. As earlier mentioned, Europe had spearheaded initiatives, followed by countries in Americas through the entry into force of the American Convention on Human Rights in 1978. Countries in Africa too have not lagged behind in the global initiative to enthrone condition conducive for human rights in the continent. The African Charter on Human and Peoples Rights had been adopted in Banjul, The Gambia in 1981. The initial provisions of the charter are now widened such that African Commission on Human and People Rights and African Courts on Human Rights (ACHR) have been established. In addition, are other

associated protocols such as that on Women (1998) and Children (1990) which amplified both the operational and implementation climate for human rights in the continent³. The import here is to demonstrate, as Meskell (2010) claimed, that the discourse of human rights is everywhere, a pervasive and thick stratum that overlays our understandings of nationalisms and internationalisms, indigenous movements, historic repressions and global inequality. The pervasive nature of is increasingly manifesting in the reactions of states to happening within each other border and linking foreign policy of states in an intimate relationship that called into question states' exclusive capacity over domestic issues like the treatment of ethnic minority or indigenous movements.

Obviously, the inescapable reality of domestic issues, such as those mentioned above, generating international reactions or interventions and issues formerly treated as exclusively or mutually domestic becoming a matter of foreign policy of other states has created a situation whereby the exploring the possibility and benefits of incorporating human rights into foreign policy, especially that of developing states like Nigeria, is becoming increasingly important.

1.1 Literature Review.

Many literatures have researched on the issue of human rights and its effectiveness but few have drawn appropriate linkage between promotion and protection of human rights within the context of state's foreign policy and foreign aid policy. For the purpose of bridging this gap, this research intend to review works on human rights and state foreign policy, especially its influence on state sovereignty, reasons why state consent to human rights treaties and covenants despite its apparent sovereignty cost. Writings on African human rights reality with regards to

³ See <http://www.achpr.org/instrument/achpr/impact-on-domestic-human-rights-in-africa>

the promotion and implementation of the concept in the continent would be reviewed in order to bring to the fore various scholarly works on human rights mechanisms in the continent.

Nigeria's foreign policy, especially its status within the global and African human rights system, will also form part of the reviewed literature for this thesis as result of their significance to the theme of study. Some publications on foreign aid as an important foreign policy tool would also be included in the examined literature. The aim behind the adoption of this systematic review of published works on human rights and related fields is to draw appropriate relationship between the human rights and foreign aid as an important foreign policy tool, especially in the light of widespread recognition of the importance of the concept as critical aspect of political economic and social developmental strategies.

i. Human Rights and State Foreign Policy: Sovereignty Vs Universalism.

Many authors, Hurst (1991); Clumnan, (2009); Carey et al (2010) and Keane, et. al, (2012) have researched on the universality of the concept of human rights, its influence on the foreign policy of states, its cultural and political influences and impact on the erosion of state sovereignty.

The central point of their arguments was their assertion of the triumph of the concept over sovereignty. They observed that the concept of human rights, having gained ground since the end of World War II, posed tremendous challenges to relations between and among states, especially in its interpretations and the point at which its application is relative to domestic cultural reality. They were of the view that with the contemporary influence of human rights, state system has been greatly circumscribed both in its capacity to dominate domestic conduct and regulate the activities of the citizenry

James Nickel (2007), particularly, argues that the point of human rights' claim over state sovereignty rested on seven important pillars. First, human rights are rights which have its holders as people; addresses, as those assigned responsibility or duties; and scope, as that which focused on a freedom, protection or benefits. Therefore, as long states are composed of people, issue on human rights will necessarily affects its existence. Second, human rights are universal in that they extended to every person living today. Third, human rights are high priority norms. They are not absolute but have the capacity to win most of the time when they competed with other considerations. Fourth, human rights are not dependent for their existence on recognition or enactment by particular government. They are rights divinely endowed on all humans which should always be recognised and respected.

Fifth, human rights are international standards of evaluation and criticism unrestricted by political boundaries. Sixth, human rights are primarily political norms rather than inter-personal standards. Seventh, human rights are numerous and specific rather than few and general. The influence of human rights on state and its external conduct was given further focus by literature on extra-territorial capacity of the concept of human rights and its erosion of state sovereignty⁴.

Other Authors like Clunam, Grillot and Minikon (2009) focused attention on how state sovereignty has been greatly circumscribed in both its internal and external components by the

⁴Sovereignty is a concept that is rooted in both legal and political science. David Lake classified sovereignty as authority relationship which possesses both internal and external faces. Internal sovereignty defined the ultimate or highest authority within a state. In the century past, this highest authority was the monarch or the sovereign. Today it could be the head of government or, in popular sovereignty, the people. He later classified this sovereign attribute of state to even require an effective control over a territory claimed by the state, without which, there can be no ultimate authority, and thus no sovereign. Therefore, by implication control over a space called territory is sacrosanct to sovereignty and a determinant of what constitute a state. Externally, sovereignty entails the recognition that this entity is "one of them" and thus, is an inherently social concept. Hence, sovereignty implies a relationship of formal equality. See Lake; David, (2003). 'The New Sovereignty In International Relations'. *International Studies Review*. Volume 5. Number 3. pp. 305.

universal norms. They stressed that the universal application of the concept of human rights had changed the institution of state sovereignty in two ways. First, because certain human rights are understood to be universal, it has reduced the legitimate scope of states' internal sovereignty, and in effect, shrinking the exclusive jurisdiction of the state and increasing their accountability to other states.

Second, it has given individual human beings legal personality to confront states. On this particular note, they argue that while at the time of their creation, international conventions may have been entered into cynically by states and deemed to have little real significance, today, these conventions have improved the capacity of individuals to act at the international level. This is because individuals could use the inherent provisions of these international conventions to challenge the capacity of states. In their estimation, human rights norms, as having capacity to modulate the directions of states' foreign policy cannot be underestimated. Importantly, they argue that human rights are international standards of evaluation and criticism unrestricted by political boundaries and its widespread acceptance has enabled it to provide basis for contemporary foreign policy formulation and "...prescribed standards for criticism by outsiders such as international organizations, people and groups in other countries, and foreign governments'" (Clumnan, 1984 :).

Meanwhile, the import of all the above arguments is to place state at the secondary value to human rights and individual with the assumption that states have been obstacles to the realization of human rights and that universality of the application of human rights norms has helped to curb the excesses of states. Cogent to their assumption is the fact that states' sovereignty has been somewhat eroded by the extra-territorial influence of human rights norms. However, the opinion expressed by the universalism school neither captured the essence of inter-

state relations nor that of states' relations with their subject. While human rights are now important, they are essentially products of states' decision to enthrone condition of peace and stability in their external conduct by enthroning condition favourable to good governance domestically. Being products of inter-state relations, human rights norms cannot replace the power of consent freely given by states to be bound by norms they collectively created.

Also, the erosion of sovereignty views has been rejected by those who questioned this over-arching influence of human rights on state and argued instead that, although, it is now common to think of human rights as essential to just global governance, it is important to note that it is only through the states that human rights can be realized Nash, (2009); Cardenas (2007). They observed that states sovereignty do not represent danger and obstacles to the realization of human rights, but is absolutely necessary for the realization of human rights in practice. It is only with the collusion of state agents that human rights are violated, and only states can secure and enforce human rights within their own territory.

Others scholars, like Wotpka and Tsutsui (2008:750), instead of placing too much emphasize on the over-whelming influence ascribed to human rights on state policy or vice-versa, by some legal and political science scholars, rather looked at factor(s) that motivate states to consent to human rights regimes despite its constraining tendencies on state sovereignty. These scholars argued that socialization in the international society greatly explain why states consent to human rights principles and treaties. They contended that the evolvement of human rights regimes out of social/normative processes, rather than government's concerns about power or economic interests, largely accounted for its influence on states and their foreign policy. According to them, If government pursues simply power and economic interests, as realists believed, they are not likely to ratify human right regimes and, by implication, making it foreign

policy issue. But if states action is viewed within the prism of legitimacy gain that treaty ratification produces, then it could be better understood why so many of them ratify human rights treaties despite the sovereignty cost. Therefore, normative pressure and imitation, rather than coercion, were potent influences on states' ratification of human rights treaties.

The central point of the assumption of scholars in this area is that many government consent to human rights due to growing acceptance and legitimacy of the concept in international society, while expecting few tangible consequences, much less erosion of state sovereignty. Therefore ideational and social factors play a major role in state's adherence to highly politicized issue such as human rights.

Valid as the above submissions from the scholars might be, experience from the contemporary international relations shows that although ideational or normative pressures may forced state to embrace human rights norm especially as no one want to be labeled a defiant, national interest and security still played substantial role in states' conclusion of human rights norms. States, as Realists would argue, are rational beings that maximize their relations in conformity with their national interests. If a state considers a particular norm of human rights as in congruence with her national interest, such state is likely to subscribe to human rights. For example, the United States has, until recently, been a persistent objector to the powers of the International Criminal Court (ICC) or the normative principle that will bring Americans before ICC for war crimes. However, when the war on terror becomes hotter and America sees the need for the prosecution of several leaders accused for war crimes by ICC, she finally embraced the norms creating the body. Obviously, state defined their interest in treaty, including those on human rights, based on the dictates of their national interests, normative or sociological pressure notwithstanding.

ii. The Regional African Human Rights System.

Another body of literature that is relevant to this research are those on African regional human rights system because of the increasing prominence of the concept within the continent Onyango, (2005); Mutua, (2008) and Odinkalu, (2010). They asserted that African human rights systems have proliferated and the recognition of the importance of the concept of human rights has been on progressive increase since the adoption of the Convention on African Human and Peoples Rights (ACHPR) in Banjul, the Gambia in 1981⁵

Most of the scholars see the progressive increase in the human rights awareness as a measure of legitimacy of over states' interest, especially going by the number of human rights instruments that have been adopted since 1981, such as the Convention on the establishment of African Commission on Human and Peoples Rights (1987)⁶, Protocol on the Rights of Women (2003),⁷ protocol on the establishment of the African Court on Human and Peoples Rights (2004),⁸ and the African Charter on the Rights of the Child (2006)⁹.

⁵The African Charter on Human and Peoples Rights was ratified in Banjul, Capital of The Gambia in 1981. It became operational with the deposit of the 26 instruments of ratification in October 1986 at the OAU summit in Nairobi, Kenya. It was the first major attempt to give vent to the issue of promotion and protection of human rights in Africa. Apart from the preamble, the African Charter comprises 68 articles divided into three sections. The first is on the 'Rights and Duties' and comprises Articles 1-29. The second section, comprising Articles 30-63, deals with the 'Measures of Safeguard' of human rights, and the 'Third section, is on 'General Provisions' which relates to measures concerning the signature and ratification of the Charter. For this information see Don Nanjira, Daniel's 'The Protection of Human Rights in Africa: The African Charter on Human and Peoples Rights' in Symonides, Janusz (ed) 2003, "Human Rights: International Protection, Monitoring and Enforcement". Ashgate Publishing, London, pp. 219-220.

⁶ The African Commission on Human and Peoples Rights is a quasi-judicial body tasked with promotion and protection of human rights and collective people's rights throughout the African continent, as well as interpreting the African Charter on Human and Peoples Rights and considering individual complaints of violation of the Charter. In line with the Article 31 of the Charter, it comprises eleven members, chosen amongst African personalities of the highest reputation, known for their high morality, integrity. See www.achrp.org

⁷ Protocol on Rights of Women in Africa, was adopted in 2003 but became effective in 2005 after the deposit of the 15th instrument of ratification. Presently, it has 46 African signatories but with 30 State parties. www.africa-union.org visited on 19 November 2013.

⁸The Court is currently headquartered in Arusha, Tanzania. See <http://www.africancourt-union-africa.org>

But divergences have trailed the efficiency and effectiveness of the African human rights systems, especially its overall instrument, like the African Charter on Human and Peoples Rights (ACHPR). Other scholars like Nwankwo (1993); Enonchong (2002) rather looked at the structural incapacity of the Charter to enforce necessary compliance. They regards the African human rights system, most notably its implementation mechanisms, like African Commission on Human and Peoples Rights (ACHPR) and the African Human Rights Court (ACHR), as lacking implementation character, and therefore, cannot safeguard or provide effective remedy which is the hallmark of many law instruments. Based on this observed in-adequacies, they reasoned, the Charter cannot provide a pointer to its adoption as element of foreign policy.

Others like Oloka-Onyango, (2005); Odinkalu (2010) regarded its functions and role as merely aspirational, unrealistic and essentially paralyzed by its in-built provisions that tied it perpetually to the interests of African governments and leaders. They faulted some of the provisions of the Charter, especially the adherence to group and culture rights, at the neglect of women rights as not only inconsistent but lack substance in its application internationally.

Despite shortcomings observed by above literatures, others like Rachel & Steven (2003), while focusing on group rights under the charter, observed that the Charter through its Commission has demonstrated a willingness to engage with issue of minority rights despite the absence of a minority's provision in the Charter. The Charter was also viewed to have made some contributions to jurisprudence on human rights by shifting from the traditional conception

⁹ The African Charter on the Rights of and Welfare of the Child (ACRWAC) was adopted by the former Organisation of the African Unity (OAU) in 1990 and entered into force in 1999. It is a comprehensive instrument that sets out the rights and defines universal principles and norms for the status of the Children. As of November 2010, all member states of the current African Union AU (successor of the OAU), except Central African Republic (CAR), Democratic Republic of Congo (DRC), Saharawi Democratic Republic (SADR), Somalia, Sao Tome and Principe, Swaziland, South Sudan and Tunisia, have ratified the treaty. acerwac.org/the-africa-charter-on-the-rights-and-welfare-of-the-child visited on 7 January 2014.

of indigenous rights which favours largely the dominant majority (Geatano, 2013). Conceptually, two elements underpinned this new approach under the African Charter. First, the specific and unique category of people's rights has been interpreted in such a way as to encompass minority sectors of the state population- regardless of the specific position of the group concerned. This opposed traditional notions of people's rights being associated with whole (effective pro-dominant) national entities or even the state.

Second, the report of its 2010 African Working Group on Indigenous Populations/Communities (AWGIPC) has linked some of such rights (under the charter), particularly the right of existence and self-determination (Article 20), the right to natural resources (Article 21), and the right to development (Article 22) to expansive conception of African indigenes which is not linked to 'prior occupancy' of traditional communal lands and resources (Gaetano, 2013). This body of literature is deficient in their overall conception of human rights application to foreign policy. They neither gave definite view as the relationship between human rights and foreign policy nor provide specific direction while concerns for human rights are on the increase in the African continent despite its hitherto low perception. They are more concerned with particular inherent provisions which do little to justify or validate the human rights influence on foreign policy.

iii. Nigeria's Foreign Policy.

Many Writings on Nigeria's Foreign Policy have focused on several factors that influenced its foreign policy pursuits. These range from those that combined both domestic and regional currents to explain the country's external conduct (Adekeye and Mustapha (eds), 2008) (Fawole, 2008) and those that looked at the concentric circle theory and national interests as

forming the underlining basis of the Nigerian foreign policy (Akinterinwa, 2005; Akinyemi, 1979).

The domestic-regional approach looked at the contradictions imposed by the economic fortune of the country as one of the world's largest exporter of oil, with important strategic location, which has often been of great interest to many foreign ideological powers, but yet one with one of the most persistent socio-economic inequality that have existed since independence in 1960, as the underline basis for Nigeria's external behaviours. The cumulative effect of the inequality between the urban south and rural north has led to poverty and crime in some parts of the country and produced a foreign policy that is sometimes assertive and independent but most often unsustainable (Adekeye and Mustapha, 2008).

Others point to the military influence as one of the main determinants of the Nigerian foreign policy (Fawole, 2008). The military-related national security issues were regarded as having had strong impact on external relations, and the credibility problems it sometimes suffered in outside world. More than anything else, the continued stay in power of the military and the protracted democratic deficit that has evoked at the time when global mood favours the enthronement of popularly elected governments, accounts for the bad publicity that Nigeria currently experiences (Sessay and Ukeje, 1997: 57). The military-security approach rests their assumptions on the fact that the tragedy of military rule, which put the county under draconian rule for a cumulative period of 23, out of the total 54 years' experience as a sovereign state, has had strong impact in the formulation of some of its domestic policies that place less importance on human rights and commitments to international treaties that promote and protect such principle.

Within this domestic cum-military-security policy implication on the Nigerian foreign policy, Nuhu Yacoub (2005) has remarked: “....it could also be said that it was the difficulties of his domestic policies that were to lead entire country to acquire the odious status of pariah state”. Other works that are germane to the discussion of Nigerian foreign policy is the assertion by the ‘Concentric Circles approach’ on the conduct of Nigeria’s foreign policy Oche, (2005); Lewu, (2008). The approach examined Nigeria’s global roles from the angle of interrelated rings of circles. This analytical tool puts Nigeria in the middle of four (4) circles, depicting domestic determinants of her foreign policy, followed by the first ring, depicting relations with her immediate neighbours of Chad, Cameroon, Niger, Benin and Equatorial Guinea. The second ring refers to Nigeria’s relations with other countries in the West Africa Sub-Region under the umbrella of regional economic community - Economic Community of West African States (ECOWAS). The third ring refer to her relations with the continental Africa, including the African Union (AU); and the last outer circle, refers to relations with the rest of the world including Multilateral Institutions and Organizations, like the United Nations (UN), Commonwealth, Non-Aligned Movement, G-77, G-15, G-8 and others

The central assumptions of the scholars in the this field are that the inner circle reflected Nigeria’s utilization of her vast natural resources and human capital to build its economy and extend hands of friendship to other nations of the world through trade, investment and diplomacy, by way of bilateral and multilateral relations, collaborations and cooperation. The second circle concerned Nigeria’s relations with her immediate neighbours in which especially Nigeria’s contested with the Republic of Cameroon over an Island of Bakassi¹⁰ and the

¹⁰. The Island of Bakassi is a peninsula on the African Atlantic Gulf of Guinea. It lies between the Cross River estuary, near the city of Calabar in the west and the Rio del Ray estuary in the east. The Island became contentious following secret

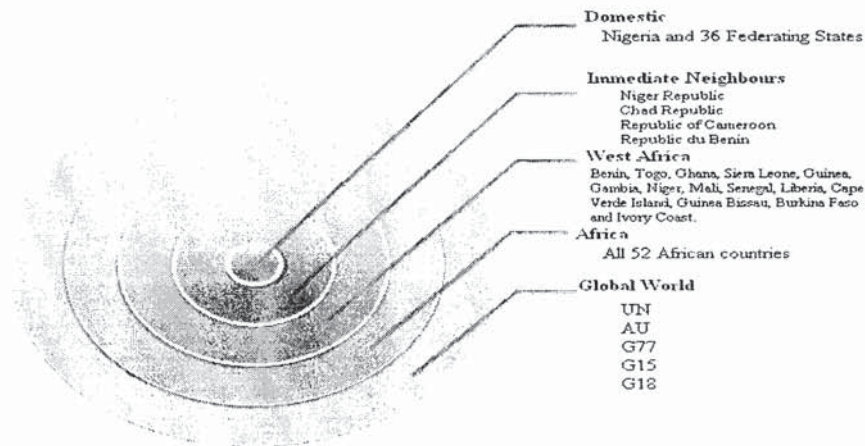
establishment of cooperative institutions such as Nigeria-Niger and Nigeria-Benin Joint Commission¹¹ were referred to as examples of Nigeria's active involvement in neighbouring issues. The third rings, on the relations with the sixteen countries in the West African sub-region, underscored the formation of ECOWAS and military interventions in Liberia and Sierra Leone, events which Nigeria single-handedly spearheaded.

The fourth rings depicting relations with the continental Africa was described as having evolved immediately after her independence in 1960 when her leaders announced Africa as the center-piece or corner-stone of Nigeria's foreign policy. And as such, fourth layer explains Nigeria active participation in the formation of AU and involvement in processes towards decolonization and eradication of all forms of racial discriminations from the continent. The last outer rings which is on relations with the world beyond Africa was explained to connote Nigeria's involvement in world affairs and various multilateral institutions such as her active participation in virtually all the United Nations Peace Keeping operations since independence, membership of Commonwealth, Organization of Petroleum Exporting Countries (OPEC), G-8, G-77 and Non-Aligned Movement (NAM) and Sports and Games (Lewu, 2007).

but unratified agreement, between the former Nigerian Head of State General Yakubu Gowon and former Cameroonian President Late Ahmadou Ahidjo in 1971, ceding the Island to Cameroun. After almost two decades of diplomatic wrangling, the two countries approached the International Court of Justice (ICJ) for interpretation on the true status of the Island in 1994, and it was subsequently awarded to Cameroun in 2002. Regardless of the decision, Nigerian Senate, has viewed the 'Green tree Agreement' that eventually ceded the Island to Cameroun based on the decision of the ICJ, as being contrary to section 12(1) of the Nigerian 1999 Constitution. However, the territory had been finally transferred to Cameroun in 2008 <http://www.Bakassi.visitedtwice>, first on 19 November, 2013 and later on 21 January, 2014.

¹¹ The Nigeria-Niger Joint Commission for Cooperation was established in 1971 by Nigeria and Niger to harness resources, create orderliness and ensure equitable sharing and conservation and management of scarce water resources shared along the common frontier of the two countries. The Commission has a permanent organ headquartered in Niamey capital of Niger. See <http://www.nannewsngr.com/Nigeria-niger-joint-Comission-For-Cooperation>.

Fig 1. The Concentric Circle Theory Approach.



Also, related are those that underlined African security as Nigeria's national interests and postulated that Nigeria's foreign policy objectives clearly delineated her concerns for African regional security and development. In line with this African centric foreign policy lies those fundamentals that includes, among other: - the creation of relevant political conditions in Africa and the rest of the world, promotion of equality and self-reliance in Africa and the rest of the developing world; promotion and defense of justice and respect for human dignity, especially the dignity of the black man and the defence and promotion of world peace(Yoroms, 2005).

While all these approaches are interrelated in their conceptualization of the underpinnings of the Nigeria's foreign policy, they, however, failed to discuss or draw a nexus between Nigeria's external behaviours and her commitment to the promotion and implementation of the universal norms of human rights. They also failed to explain how her domestic currents such as the institutionalization and entrenchment of democracy, good governance since 1999 and

establishment of domestic human rights instruments have helped to shape, even if minimally, her international conducts on both regional and international plane.

iv. Nigeria's Human Rights Orientations: Conventions and Treaties.

Nigeria has joined the international human rights conventions since independence in 1960. The Universal Declaration of Human Rights (UDHR) adopted by the United Nations in 1948, as a response to the carnages experienced during the Second World War, is significant in this regard. Opinions have differed as to the Nigeria's position with regards to the legal effects of international treaties, including those of human rights which Nigeria have signed, but it is recognized that Nigeria have manifested provisions of the UNDHR¹² and that of other specific instruments that amplified those provisions in its independence constitution in 1960 as well as retaining them in the successive versions¹³.

And in in keeping with the provisions of the UNDHR, Abayomi, (2012); Ezilo, (2010); Odinkalu (2011); Egele (2007) argue that Nigeria's has realized the importance of UNDHR as potential foreign policy norms by ensuring that the rights of people are enshrined in the current 1999 constitution under Chapter IV which deals with the Fundamental Human Rights (for example, Sections 33-45 and that of 46 of the Constitution contains special jurisdiction of the High Court and Legal Aid. Sofoluwe Abayomi (2012), stated that the rights in Chapter 4 (33-45) revealed rights to life, dignity of human persons, personal liberty, fair hearing, private and family

¹². Some of the UN Treaties and International conventions in area of human rights which the scholars enumerated as having been ratified by Nigeria includes: - International Covenant on Civil and Political Rights (ICPR). International Covenant on Economic Social and Cultural Rights (ICESCR). General Assembly Resolution 22005 (xxi) of 16th December 1966. Covenant on the Elimination of all forms of Discrimination Against Women (CEDAW). Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (1987). General Assembly Resolution 22005 (xxi) of 16 December 1966.

¹³ Since Nigerian Independence in 1960, the country has undergone four different constitutional changes - 1960, 1979, 1989 and 1999. Each of the constitution has maintained a schedule on fundamental human rights.

life, freedom of thought, conscience and religion, freedom of expression and the press, peaceful assembly and association, freedom of movement, freedom from discrimination, acquire and owned immovable property anywhere in Nigeria. The internalization of these rights by domestic legislation were regarded as a positive signs of Nigeria's commitment to meeting its international obligations, readiness to safeguard citizen's fundamental freedom and liberty, guarantee for the their enjoyment by citizenry and preparedness to make the protection of each a matter of foreign policy.

Others, including Egede (2007) rather looked at Nigeria's approach to meeting her obligations under international treaties and argued that Nigeria, by virtue of section 12 (1) of the 1999 Constitution,¹⁴ operates a dualist approach whereby international treaties, including those dealing with human rights cannot assume automatic implementation domestically, despite the presence of a schedule in her constitution that affirm fundamental rights of citizens. It was observed that those International treaties and conventions cannot be applied domestically unless they have been specifically incorporated through domestic legislation. In reality, although the relevant rights provided in these non-domesticated treaties are discernible from the fundamental human rights provisions of the Nigerian constitution, the domestication of these treaties would have the effect of strengthening the local application of the pertinent rights. In essence, the extrapolation from the dualist approach is that for any human rights foreign policy decision to ensue, the process has to be similarly internalized through appropriate domestic legislation.

The dualists practice adopted by Nigeria on human rights treaties was said to have followed the United Kingdom model whereby executive arm of government has the power to

¹⁴.The Nigerian 1999 Constitution became operational with the return to civil rule on 29 May 1999 after about 29 year of intermittent military rule.

enter into international treaties but for that to become enforceable in Nigeria under the section mentioned above, it must be enacted as law by the Legislative arm of the central government¹⁵. The scholar asserted that the cumulative effect of non-domestication of human right treaties in Nigeria resulted in the dubious interpretations that were given to some of their provisions by the local courts especially, during the military era. Even, the status of domesticated human rights treaties were observed to have created legal arguments before domestic courts between the liberal and strict constructionist judges as to the status of domesticated treaty legislation and subsequent normal legislation of the National Assembly (Edegbe, 2007). This type of controversy was observed to be awaiting any attempt to operationalize human rights in the Nigeria's foreign policy.

The fact in the argument of the dualist approach is that while the Nigerian Constitution contains a schedule on Fundamental rights of citizens, the provisions are not far enough to guarantee ipso facto the enjoyment of this fundamental and basic rights by the people. Furthermore, it maintained that Article 12 (1) of the Nigerian Constitution has created a logjam that will always elicit controversy whenever there arose the need to determine the status of international treaties, including that of human rights, vis-à-vis the normal legislation of the National Assembly. The incident of military interventions where legislations were sometimes replaced by decrees was further contended to have posed various dangers in the full expression

¹⁵. Examples of human rights treaties mentioned by this approach that are yet to be domesticated by Acts of Nigerian Legislature include the International Convention on the Elimination of All Forms of Discrimination, the International Covenant of Economic, Social and Cultural Rights, the International Convention on Civil and Political Rights (ICCPR), the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Convention on the Political Rights of Women, the Slavery Convention, as amended by the protocol of 7 December 1953 and the Convention Against Torture and Cruel, Inhuman or Degrading. On the regional plane, although Nigeria has ratified the protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa and the Protocol to the African Charter on Human and Peoples Rights on the Establishment of an African Court on Human Rights, they are yet to undergo appropriate domestication. The country is also yet to domesticate African Youth Charter and that on Democracy, Elections and Governance. Edwing Edegbe's Nigerian human rights treaties. p 26

and application of these fundamental rights.¹⁶ Fawole (2008), for example, argued that various intervention in politics by the military, which were primarily charged with the defense of the territorial integrity of the country, have created a scenario where military inputs in both domestic and foreign policy overwhelmed the normal patterns of democratic ethos and principles. By Implication any human rights foreign policy will still have to be operated alongside the military environment in which Nigeria's national interest evolved.

v. The Importance of Foreign Aid to Foreign policy in The Attainment of Human Rights Protection – The Technical Aid Corp Scheme (TAC).

Many literatures have drawn connection between foreign aid and foreign policy especially but questioned its effectiveness in promoting growth as a basis for the protection of human rights. Easterly, (1999); Douglas, (1999); Rodgers, (1999); Uneze, & Edorodion, (2012). The scholars have argued that developmental aid have been a major features of African relations with the outside world. They observed that multilateral or bilateral aids have proliferated since the period of independence of many of the countries but the actual effect of such on growth and development has been a subject of further controversy. These scholars rest their arguments on the fact that foreign aid, rather than being beneficial and attractive external policy capable of promoting human rights protection in Africa, have produced deleterious effect such that drawing

¹⁶Experience during the various military regimes in Nigeria had been that of total disrespect for the pronouncements of major courts on the promotion and protection of human rights. Due to the suspension of constitution usually witnessed during these periods, military decrees usually form the basis of governance and many fundamental freedoms affirmed in the constitution were of little significance. For example, Decree 4 of 1984, which was subsequently adopted by successive military regimes up till 1999 compromised fundamental human rights by stressing instant arrest and detention for a minimum period of two years for any publication or opinions considered libelous by the Supreme Military Council (SMC), which was the then highest decision making organ of the military government. nigeriangovernment.president/military/government/decrees.

positive foreign policy examples by many countries in the continent from the external aid policy is problematic.

Dollar Easterly (1999) particularly stated that traditional aid to investment and key growth approach has not been very robust for African economies and that aid would only provide useful support (such as facilitating the enthrone of credible human rights policy and mechanisms) where societies and governments have succeeded in putting growth enhancing reforms. Osa Edorodion (2012) posits that Africa needs trade not aid and a change in the skewed global economic system, which foster disaster such as famine - which the developed countries usually responded to by giving aid - is what is necessary and could ultimately lead to efforts towards the respect of human rights in the continent. Similarly, Miles, (2008) argues that the line between relief aid and developmental assistance blurs easily. It did not only a question of recipients' inability to distinguish short-term assistance and long-term aid, in circumstances of acute resource scarcity, but the motivation of actual donors may not be all that clear.

Some scholars even moved a step further by linking aid to conditional human rights respects. Keenleyside & Serakasevich (1990) while discussing the development of a clear-cut policy measures by Canada in her quest to attach aid to the observance of human rights in the recipient states, called for proper identification or definition of human rights violations that would trigger a policy response by any donor country. They emphasized that international Bill of Rights enumerated a wide range of rights, all of should be taking as important in the application of human rights to foreign policy. Also, they observed that the notion of indivisibility of basic human rights should be accorded priority. The scholars identified the rights that are significant in the promotion of human rights foreign policy as those rights to freedom from arbitrary arrest and protracted detention without trial, freedom from torture and extra-judicial execution, and

freedom from deliberate denials of means of sustaining life, including the withholding of food and medicals. The preservation of these identified rights, although not exclusive, should be acknowledged by donor countries and form the focus of their aid policy.

Based on the above assumptions, they called for the objective means of classifying states in terms of their human rights records, even if such assessment serve only as a guide action and not as a rigid, automatic basis for decisions regarding the expansion or contraction of assistance. Therefore, adoption of an objective, systematic framework for classifying potential aid by donor countries on the basis of recipient countries' human rights record should constitute police responses to aid assistance.

However, Magbadelo (2005), writing on the place of Nigeria within African development concerns, argue that the country has used technical assistance as a mechanic to develop effective and result-oriented partnership with Africa and the rest of the world. Consequently, the scholar identified the Nigeria Technical Aid Corp scheme as one of such mechanics developed by Nigeria to project her foreign policy in African, Caribbean and Pacific regions. He stressed that Nigeria believed that the provision of technical assistance to ACP countries could serve as an alternative to direct financial aid, since the country would through that means be sharing her know-how and expertise with them on the basis of assessed and perceived needs. In a nutshell, the scholar argued that donors could use human capital endowments to build functional and cooperative foreign policy.

Wale Adebani (2006:32), on the other hand, argue that despite difficulty in properly evaluation the foreign policy value of the Nigerian TAC in the recipient countries, it represents one mechanism Nigeria has used to deepen the concept of civic nationalism through the

promotion of the idea of globally-oriented citizen. '...Since the conditions of life of our fellow human beings in distant parts of the world should be a matter of deep moral and political concern to us, our citizenship has an inescapable global dimension, and we should aim to become Globally-Oriented Citizens'¹⁷.

In contrast, more radical views have emerged that posit that TAC possessed no foreign policy gains to Nigeria, and therefore, was a waste in the Nigeria's dwindling economy. They contend that it is absurd for a country to be sending its needed manpower abroad to help others while at the same time imploring its professionals and experts already abroad to return to help in the task of national rebuilding. '....TAC has become virtually worthless programme, a drainpipe with little or no foreign policy dividend to reap from it'¹⁸.

Among these opposite views were those who queried the altruistic motives usually ascribed to Nigeria in the implementation of the Scheme by its officials. They contended that rather than the altruistic intentions, Nigeria has used the scheme to export labour from its mounting unemployed youths who are usually encouraged to warm themselves (through credible performance) into the hearts of the recipient countries in order to be retained after service. Adele Jinadu (2012), however, explained that these views related essentially to feelings usually expressed in some recipient countries that the TAC volunteers have come to snatch their jobs which posed one of the challenges facing the TAC Scheme.

The importance of all the enumerated literature has to do with the recognition of principal place of the concept of human rights in international relations. Promotion of socio-economic development and national security were implicitly revealed to be contingent on human rights

¹⁷ The scholar described Globally-Oriented Citizen as

¹⁸ For the quotation see Adebaniwa; Wale, pp34.

protection and the adoption of the concept could help to raise the quality of foreign aid programme of a donor country. This research aligned significantly with these view by seeking to explore the linkage between human right and the foreign aid policy of Nigeria as a way of enhancing and promoting her foreign policy.

The systematic review of literature draws important relationship between foreign policy and human rights. Most of the scholars agree that the line of separation between what constitute domestic affairs from external interference has been blurred with the resonance the concept of human rights is gaining in the contemporary international politics. The classical understanding of sovereignty as being sacrosanct and absolute is somewhat being challenged by the universality of human rights which placed human beings at the center of discourse. Some of the reviewed substantially admitted that while cultural relativism is important, the extra-territoriality of human rights concepts, especially its impact on both national and human security cannot be over-emphasized because states no longer have the capacity to solely determine and control their domestic conducts.

This was also linked to situation in Africa where prior to the current prominence of human rights, the concept had been relegated to the background due to undue attachment to the principle of non-interference, which was basically a product of post-colonial obsessions, by the first generations of African leaders, with political independence.

Using foreign aid to achieve foreign policy objectives were regarded as important since no foreign policy initiatives could achieve its desirable result without corresponding instruments for achieving the aims behind its formulation. Unanimity was discovered in the way some of the reviewed texts observed that the experience of Africa with foreign aid has been controversial.

The debates swings between those who asserted positive influence of foreign aid as credible foreign policy tool for African states and those who believed that foreign aid impact deleteriously on African economy, and hence, making credible foreign policy issues from such assistance is undesirable. The position of this thesis is that the question is not mainly about importance or otherwise of foreign aids, but how well situated are they within foreign policy that promotes human rights? In other words, ensuring that the purposes of aid do not become counter-productive ie. Developmental assistance not constituting instrument for human rights violations. Donors need to put in place mechanisms whereby aid are not channeled towards wrong purposes ie. becoming tool for the oppression or violation of rights of citizenry. Foreign assistance might be necessary as a developmental tool but such must have bearing on the policy that promotes human lives and dignity of citizenry. For example, foreign aid might serve as a tool for oppression and violations of rights if not properly monitored. A regime may divert foreign aid to purchasing of military equipment to stifle opposition

Obviously, the plethora of literature on the North-South developmental aid strategy have been disappointedly met with dearth of publications on the South-South cooperation, especially as it relates to specific strategies adopted by countries within that hemisphere to initiate development among them. Attentions have been focused more on how more developmental aid, including technical assistance, from the developed nations could be more oriented to the developmental needs of the recipient states as a way of satisfying the foreign policy objectives of the donors. Yet, South-South developmental cooperation, like the Nigerian TAC, has a long history, with some southern institutions and developing countries and economies contributing development assistance for almost a century. The trends have even been on the increase since 1990 (ECOSOC study. 2008 and Stunkel, 2013). Although the volume of the development

assistance cooperation remains limited, the relative decline in North-South development cooperation has made its growth seem more spectacular.

Even those that seek to assert the need for the development of appropriate strategy for development among South-South countries and point to the importance of the Nigeria TAC scheme in that direction failed to draw appropriate linkages between such technical assistance project and human rights. Specifically, apart failing to draw appropriate criteria for dispensing such aid by the donor countries they were also at loss as to how to link developmental aid, whether technical or materials, to the promotion of human rights and good governance in the recipient states in order to create conditions of peace and stability that will satisfy the security needs of donors. In other words, relevant policy options that could link security to human rights as part of whole failed to find expression in some of the publications.

While this research work does not intend to join the debates on the desirability or otherwise of foreign aid on African economies, it seek to contribute substantially to existing literature on foreign policy by exploring the relationship between foreign policy and human rights through the use of technical assistance as a way of filling the observed lacuna in reviewed texts. In order to do this, therefore, this study intends to probe the fundamental question as to:

What is the Relationship Between Human Rights and Foreign Policy?

Proffering answer to this fundamental question is necessary for policy option towards addressing the theme of the research which is the incorporation of human rights into the Nigeria's foreign policy using its already established Technical Aid Corps (TAC) Scheme. This is with the belief that drawing appropriate linkage between human rights and foreign policy objectives of states by exploring the experiences of other countries in the areas of the promotion

of human rights abroad would help to justify the theme of the research. Therefore, the research intends to address the above questions by further examining three basic related questions such as: **First, What constitute the fundamentals of the Nigerian foreign policy that gives relevance to the concept of human rights?** By examining the fundamentals of the Nigerian Foreign Policy, the thesis would argue that basic to the Nigerian foreign policy are the concepts of total eradication of racialism and colonialism from Africa and defence of all black men and women all over the world. The concepts, though political in focus and aspiration, possess some moral underpinnings or contents that seek to promote or elevate the concept of human rights within the context of the Nigerian foreign policy.

Second, the thesis will also seek to answer the puzzle as: **To what extent is the promotion of human rights relevant and important to the realization of these foreign policy objectives?** Here, contextual framework that takes into account Nigeria's various interventions in immediate or developmental needs of some countries contiguous to it in order to avoid incidence of refugees spillover capable of creating security problems at home since independence would be drawn to explain the relevance of human rights within its foreign policy objectives.

And third: **How useful or of what benefit(s) will Foreign Aid Technical Assistance Programme, such as, the TAC Scheme, be in the promotion of basic principles of human rights within the context of Nigeria's foreign policy ?** Addressing the issue of the benefit of human rights in the technical assistance scheme will help to properly situate the relevance of the concept in the attainment of the Nigeria's foreign policy initiatives.

It is expected that the outcomes of the three questions posed above would substantially linked human rights to foreign technical aid policy and draw critical and relevant results for

justifying the main theme of the thesis which is the incorporation of the human rights into the Nigeria' foreign policy

1.2. Research Methodology.

This study is based on Qualitative Data Gathering Analysis which involved Narrative Literature Content Analysis. The data for this research will be gathered from both the primary and secondary sources such as existing literature, newspapers articles, government documents, archives, reports and policy papers on both the Nigeria's foreign policy and Technical Aid Corp (TAC) Scheme. Library historical method, documents, articles and books would be reviewed to understand and explain the concept of foreign aid and human rights within the context of Nigeria's foreign policy.

The rationale for the adoption of qualitative data gathering approach is to provide descriptive and theoretical approach to the point of view of many works on Nigerian foreign policy and the TAC programme as a way of building more information in support of the adoption of human rights in the TAC programme for the promotion of Nigeria foreign policy. The library data collection would help in analyzing literature on Nigerian foreign policy in general while documents, journal and press releases would be helpful to study, in details, the Nigeria TAC programme.

Even though quantitative analysis is apt to Research study of this nature and has been widely developed to amplify research in similar areas in the past, this particular research is intended to generate detailed information and provide descriptive point of views of people involved in the theorizing and practicing of Nigeria's foreign policy. This is because a quantitative analysis will require the conduct of survey in the recipient states of the TAC scheme

which due to time and resources would not be possible for two plausible reasons. First, Lebanon where am currently residing is not a recipient of the TAC scheme, therefore, gathering of relevant data to support my analysis will be greatly a herculean task. Second, Nigeria which is my country, is far apart from some of the recipient states that have imbibe transparency in the release of unclassified government documents (since TAC is a government-to-government technical programme) that will be required to analyze the data on the perception and operations of the scheme in recipient states. Many of the countries in the proximate areas to Nigeria, like the West African states, where data could be obtained, apart from the strict government control on useful materials and lack of openness in the disclosure are riddled with infrastructural problems like electricity and internets, that may hampered the completion of the research work.

However, the above submission is not an indication that quantitative research method will not be deployed in the study, it only suggest that the research will be substantially supported by existing quantitative data on human rights vis-à-vis foreign technical aid assistance, even though, direct preparation and conduction of surveys on the field would not be undertaking. Furthermore, deductive logic which entails moving beyond general interpretation of Human Rights to a specific and particular case, which is Nigeria, in which attempt will be made to implement and apply the general principles of human rights to the attainment of Nigeria's foreign policy objectives through the use of TAC Scheme will be employed in the research.

Therefore, the research method will involve a case study and various data collection technique as follows:

- a- Case Study: the Case study will combine in-depth analysis of a single example basic to the research which the Nigeria TAC Scheme. In its case study the research work will

examine the TAC Scheme by collecting and gathering relevant data and information on the establishment, organization and the operations of the Scheme in order to gain better understanding of the workings of the organizations so as to test hypothesis that human rights is important and vital to the attainment of foreign policy objectives. The case of TAC is important because it represents a government-to-government foreign assistance scheme and forms important aspect of Nigeria foreign policy that has endured for almost Twenty-Six years in a country where policy changes are features of governance, especially with its tradition of constant change of governments.

- b- Purposive Random Sampling: conducting relevant survey of opinions on the area of study will complement, enhance and improve the research. In this regards, Volunteers (both current and former) who have served under the TAC programme, officials of the TAC Scheme who are daily involved in the operations of the Scheme, as well as practitioners and scholars of Nigerian foreign policy will be involved.
- c- Literature Review: both primary and secondary sources will be relying upon in the research. Primary source includes the use of historical documents such as treaties, reports of the United Nations (UN), African Union (AU) and statements of the Nigerian government's officials in the analysis of the concept of human rights in foreign policy. Secondary sources will involve studies of other researchers on the subject found in books and articles will be evaluated to develop separate ideas cogent to the theme of study.

Largely, the research will be conducted using several available library sources. This will include browsing of wide spectrum of electronic academic journals, UN and AU agencies websites in order to gain access to sufficient level of information. Websites and archives of the

Nigerian Foreign Ministry will also be accessed to enable detailed understanding needed to formulate relevant views and perspectives on the subject.

1.4. Organization of the Study.

The thesis is divided into Six Chapters. Chapter One is the current introductory chapter which introduces the concept of human rights and its general application to foreign policy. The situation of the concept in Africa was examined likewise the Nigeria's position. This was followed by relevant sections on the relevance of human rights to foreign policy of states and the review of related texts on the subject. The chapter also justified the inclusion of certain tools in the study and outlined the research method to be adopted. The theoretical framework of the study was explored including questions relevant to main theoretical approach, i.e. examining the relationship between human rights and foreign policy.

Chapter Two, will lay out the relationship between human rights and foreign policy and argue on the strength of the importance of human rights in international relations especially from the end of the cold war. It will postulate on the reasons why any foreign policy in the contemporary times cannot avoid taking into account the importance of human rights in their inter-state relations due to increasing globalization of trade, commerce and communication that have removed domestic policy from the exclusive preserve of states. The chapter will further strengthen this argument by exploring the human rights tracks in Africa by looking at African socio-cultural milieu within which the culture of human rights in the continent should be explained.

Chapter Three, will examine the incorporation of human rights within some Foreign Technical Assistance or foreign aid programmes and by explaining the development of the concepts of human rights in the United States and the United Kingdom to formulate relevant hypothesis that will justify the inclusion of the concept in that of the Nigeria technical assistance scheme.

Chapter Four will give an overview of the Nigerian foreign policy objectives and examine relevant areas where the concept of human rights has gained some resonance in the pursuit of national interests. Fundamental underpinnings that rest on the moral concept of reactions against racism, colonialism and development of inter-African cooperation as basis for the promotion of peace will be examined to properly situate Nigeria within the promoter human rights nations.

Chapter five will situate the TAC Scheme within the context of Nigeria's new human rights foreign policy and explore how the scheme could be adequately enhanced to play significant role for the attainment of human rights objectives of the Nigerian foreign policy. Finally, the chapter analyzed the TAC Scheme using purposive survey method which is intended to sample the opinions of both current and ex-volunteers (as its participants are called) under the Scheme, practitioners and government officials in order to determine the feasibility and benefit derivable from the incorporation of human rights into the TAC Scheme.

The main findings of the entire thesis are summed up in Chapter Six which is the concluding section of this research work.

CHAPTER TWO

RELATIONSHIP BETWEEN HUMAN RIGHTS AND FOREIGN POLICY

2.0. Introduction.

To a larger extent, a state foreign policy is linked to its version of nationalism, which is to say, with its collective self-image, its informal ideology Forsythe (1997/1998: 115). The 1948 Universal Declaration of Human Rights was the first inter-governmental statement in world history to approve a set of basic principles on universal human rights. Since 1940s, when articles 55 and 56 of the United Nations Charter required states to cooperate on human rights matters, almost all states, not just the Western ones, have regularly affirmed the existence of universal human rights without negative discrimination based on nationality, ethnicity, gender, race and creed or colour. In most recent times, the affirmation has re-occurred most saliently in Vienna at the 1993 United Nations World Conference on Human Rights, Forsythe, (1997:113). All states at the World Conference accepted that ‘ the promotion and protection of all human rights is a legitimate concern of the international community’ (Baehr, Roberts 1995: 363). One implication of that acceptance is that human rights issues have been transformed as integral aspect of states’ foreign policy and they can no longer legitimately asserts domestic independence over the treatment of those found within their territories.

William Buckley Jr, (1980:776) has argued that although the very idea of human rights is firmly rooted in biblical injunction, which asserts a metaphysical equality (“Thou shalt love thy

neighbour as thyself”) and enjoins altruism (“In as much as ye have done it unto me”), biblical insights made little progress over the centuries in which church and state joined in accepting, and even underwriting, civil class distinctions at the extreme of which were self-assured kings and self-abnegating slaves, never mind that the political phenomenon never challenged, let alone diluted, the theological conviction that both kings and slaves would eventually answer to the same divine tribunal.

In analysing human rights and foreign policy, it is fundamental to explore the following three important questions in connection with the development of the norms, namely : what is the origin and impetus of the human rights movements i.e. what are the underlining basis for the current trends of human rights that allowed it to enjoy such universal identification and influences? How does it so widely accepted to have become integral part of foreign policy of states? and what are the fundamental evidences of this general acceptance especially in the light of contemporary happenings?

2.1 Origin and Impetus for Human Rights in International Relations.

In the Post World War II era, the Charter of the United Nations could be regarded as the unprecedented efforts towards the human rights movements. The Charter could be viewed as a human rights document in the sense that it sets forth the international promotion of human rights as a basic purpose of the UN, and in essence, provide what could be described as the first legal authority for governments’ concern for international human rights. In 1948, the UN General Assembly (UNGA) adopted the Universal Declaration of Human Rights (UDHR). The declaration elaborated two basic categories of rights: economic, social and cultural rights (e.g. right to food and right to work), and civil and political rights (rights to association, expression

etc). Ordinarily, a declaration is not considered to have the force of law. (Fraser, Donald 1979: 175). However, the unanimous adoption of that declaration, with few absention, and its continous re-affirmation by the UN ever since, have provided an authoritative statement of the meaning of the human rights obligations which member states of the UN have assumed in joining the organisation.

Following the adoption of the declaration, the UN began drafting two treaties that spelled out these rights in details and made them enforceable. These are the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Right¹⁹.After having received requisite number of ratifications, these covenants entered into force in 1976. Additionally, are optional protocol to the Covenant on Civil and Political Rights whereby state parties to the covenant consents to complaints by individuals in such a way that the Human Rights Committee was established under the above-mentioned covenant. Largely and instructively, the two Covenants, i.e. the Declaration and the Protocol constitute what is now known as the International Bill of Human Rights Fraser (1979).

Although the evolutionary process of human rights revealed that ancient Greeks, Romans and English writings profoundly influenced the current western thought that is largely codified in the UDR and accepted by all nations, analysis and examination of the concept created understanding that seventeenth and eighteenth century enlightenment and social-contract theorists and other thinkers of the time, including Hobbes, Locke, Rousseau (1712-1778), provided the philosophical groundwork for elucidating human aspirations for liberty and equality in addition to communication concerns and human obligations in the society. In terms of

¹⁹The Covenant opened for signature on 19 December 1966 and entered into force in January 1976. General Assembly Resolution 2200 A (XXI). 21 UN GAOR Suppl. (No. 16) at 49. U.N. Doc. A/6316. 1966. Source: Human Rights Quarterly. Volume 9. Number 2. May 1987.

political or legal stand of human rights as a concept, copious codifications such as the United States Bill of Rights²⁰ and French Declaration of the Rights of Man²¹ are evidentiary explanations of human rights taking legal and political forms. But even in that, only French declaration by contrast, and later the African Charter on Human and Peoples Rights (ACHPR), extended to the socio-economic realities of human rights with application not just to individuals but also to larger aggregation at both communal and societal levels. In essence, rights are deemed to be not just that of individuals but of group and people. Under their classical elucidation, people may possess rights as a class, group, or society as a whole Viotti & Kauppi, (2012:402). In comparison with the French Declaration, African Charter has gone a step further by drawing intricate nexus between individual rights and communal obligations which are sometimes affirmed far and above individual rights.

Coherently, the different comprehension of human rights has thrown up challenges of understanding across many society. In the present global society, culture and how it is perceived from society to society influenced the application of human rights in different social contexts. States policy too on human rights is obviously found to be predicated on social milieu within which such policy is evolved. There are differences in relative importance, for example, of liberty, equality and order and whether rights or obligations are to be applied primarily at the individual level of analysis or at larger human aggregations. Thus the United States tends to

²⁰ The United States Bill of Rights was declared in force on 15 December 1791, nearly two years and three months after it had been proposed to the states on 25 December 1789. Daniel J. Elazer (1992) stated that the Bill of Rights can be understood not only as a watershed from earlier Whiggish conceptions of the maintenance of rights to the establishment of more enforceable constitutional rights, but also as a midpoint in American history to date in changing way of conceiving rights. See Daniel J. Elazer's 'Constitutional Rights in the Federal System in Rights in America's Constitutional Traditions, Oxford, 1992, Volume 22, Number 2, pp. 1-3.

²¹The French Declaration of the Rights of Men of 1789 was the legal document that defined the very basis of the French social and political relations. It is a coherent document which: first: strikes the balance between nature and law and second: the free-concepts of idealism, optimism. For more details see Roger Errera & Kamleshwar Das's 'The French Declaration of the Rights of Man and of Citizens of 1789' in "Proceedings of the Annual Meeting" (American Society of International Law), April 1976, Volume 70, pp. 91-97.

focus on human rights norms as that of individual political and legal rights and liberties, whereas, many other states and societies accepted these civil rights and liberties as part of a much larger package that also puts a higher premium on socio-economic rights and communitarian understandings Viotti & Kauppi (2012: 402-403).

Notwithstanding different cultural understandings or interpretations, contemporary human rights focus have tended to align more on universalist rather than relativist views of human rights. Hence, state policy on human rights, no matter the cultural context of its evolution or methodology of its application – utilitarian, Kantian, Aristotelian virtue-based or religious origin – are supposed to look for universal underlying value such as respect for life and human dignity, which at least, constitutes the basis for discourse aimed in the interest of justice and fairness at resolving disagreement on how these values are applied from one society to another. While politics clearly plays major role in the determination of these values, consensus have been built, in the light of the UNDHR, which binds states into a kind of international covenant that presupposes fair and dignify treatment of their nationals.

Therefore, in answering the question posed earlier as to what created the current impetus for the wide acceptance of the normative value of human rights? The answer lies in the importance of the UDR itself as the first veritable global legal understanding that binds states into social contract which sees respect for human dignity as a cogent ingredient for global peace and security. More fundamental is the positive impact of the six, out of the thirty-six articles (representing 20% of the total), of the Declaration which, though addressed in individual rather than collective terms, socio-economic and cultural rights, have provided fertile ground in the expansion of UN treaties or agreements on the whole gamut or array of human rights.

This is not just on civil and political rights but on such matters as economic, social and cultural rights; elimination of racial discrimination; elimination of discrimination against women and affirmation of children's rights, which all embracing provisions have, in one way or the other and sometimes against their will, married virtually all states in the contemporary world into a corporative venture affirming importance of human rights in state policy Schwelb (1959:217).

2.2. Human Rights As Integral Part of Foreign Policy.

The codification of the UDHR is more often approximate with state's initial demonstration of commitment to human rights in foreign policy Schwelb (1958). Examination of the UDHR reveals that this initial demonstration of the importance of the concept does not in any way commit state to the formulation of policy that will expouse human rights in their foreign policy. The UDHR represents a clarion call rather than practical demonstration that calls for compliance by states. The advent of the Cold War, immediately after the adoption of UDHR and the resultant politics that played out even relegated the concept in preference for national security.

The Declaration was ofcourse not a legally binding treaty when it was adopted in 1948; its preamble merely described it as 'a common standard of achievement for all peoples and all nations' Curtis & Darcy (2012: 9). Countdown to the adoption of the Declaration in 1948, Egon Schwelb (1958:218) argue that majority of the speakers or representatives of nations that were present did not intend the Declaration to become a statement of law or of legal obligations, but a statement of principle devoid of any obligatory character, which would have moral force only.

He mentioned that one finds in the debate statements which suggest that the Declaration might be considered compliment to the Charter of the United Nations, as its authoritative

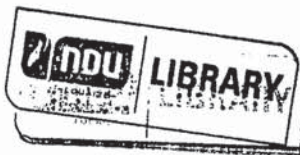
interpretation, or formulation of the “general principles of law recognised by civilized nation” within the meaning of Article 38, Paragraph 1(c) of the Statutes of the International Court of Justice²² However, he observed that there were difficulties here in the sense that, One; the General Assembly that adopted the Declaration does not have the constitutional capacity to give authentic interpretation of the Charter²³. Second; as to its capacity to give interpretation of the “general principles of law”, while most of its provisions could be said to be identical with the general principles of law, the proposition that it represents the codification of the general principles is unwarranted. Also, some publicists have argued that “Declaration is non-binding instrument”²⁴.

Despite the above mentioned declaratory intent of the UDHR, the document could be said to have provided underlying basis for the current trends of human rights in states’ foreign policy in some mutually exclusive and reinforcing respects. Firstly, the UDHR contains principle of invocation which is defined as “making a preliminary appeal to a prescription in the hope of influencing results” Schwelb (1958:219). In adopting the Declaration of the UDHR in 1958, the General Assembly referred to human rights as a common standard of achievements by member

²² The Statute of the International Court of Justice provides in Art 38 (1)(c) that the Court may in appropriate circumstances apply to the cases before it “the general Principles of law recognized by civilized nations”. Some law literature have explained that the exact scope of the Article has never been determined in precise length by international arbitrators in arbitral tribunals, but features of the Article like doctrine of unjust enrichment, estoppel and general principle of equity has been sufficiently applied where the facts are so merited. See Gutteridge, H.C. ‘The Meaning and Scope of Article 38 (1) (c) of the Statute of the International Court of Justice’ *Transaction of the Grotius Society*, Volume 38, 1952, p. 125

²³ The advisory opinion of the Permanent Court of the International Justice (PCIJ Series C, No. 8, p. 37), precursor of the UN, in the Question of Jaworzina (Polish-Czechoslovakia) stated inter alia that “the right of giving an authoritative interpretation of a legal rule belongs solely to the person or body that has powers to modify or suppress it”. Although, as far as the UN Charter is concerned, it gives the General Assembly the power for the authentic interpretation of the Charter (Art. 108), but only together with the ratifying authorities of two third of the state members of the UN, including all the five permanent members of the UN Security Council.

²⁴ For this quotation, see Clark & Sohn in *World Peace through World Law* Cambridge, 1958, pp. 351 cited in Egon Schwelb



states and a common understanding to which the pledge of member states, as expressed in Article 56, of the Charter applies.

With this in mind and since the adoption of the Declaration, several instances in international relations have abounded where declarations were used to measure or indicate the degree of respect for human rights by states, international organisations, specialised agencies and the UNGA as a basis for action or exhortation, even at the height of the cold war²⁵. What is important here is that by making such appeal the UNGA is seeking the consent of states to internalise the concept of human rights as a basic policy with the expectation that such policy would invariably influence state conduct with regards to obligations inherent in the declaration.

Secondly, the UDHR could be said to have influenced substantially today's human rights awareness through international treaties and conventions which have proliferated the international system. Many of the treaty instruments in place today have virtually made the UDHR part and parcel of their substantive and immediately applicable law. In this regard, a place of distinction could be ascribed to the European Convention on Human Rights (ECHR)²⁶. The European Convention represents one of the earliest, and no doubt, the most advanced of the international instruments designed to bring about legal protection of human rights at the

²⁵See the Essential of Peace Resolution of the UNGA adopted in 1950s, Declaration of the Caracas Conference of the American States in 1954, the 1955 pronouncements of the Bandung Conference of the Afro-Asian States resulting in the formation of Non-Aligned Movement (NAM), recommendations of the Buenos Aires sessions of the Plenipotentiary Conference of the International Telecommunication Union in 1952 on the unrestricted transmission of news, several International Labour Organization's activities on the issue of forced labour and numerous recommendations of the UNGA on the then apartheid government in South Africa. In all these instances, declarations were, in similar level akin to the UDHR, translated into basic norms that generated actions and compliance on the part of state parties.

²⁶ The European Convention on Human Rights (ECHR) is widely regarded as the most successful experiment in the transnational, judicial protection of human rights in the world. It began in 1950 as an international treaty on mostly civil and political rights. It presently embraces every state in Europe, except Belarus. See Steven Greer 'What's wrong with the European Convention on Human Rights' – *Human Rights Quarterly*, Volume 30, Number 3, August 2008, p. 680.

international level Schwelb (1958). In this particular regards, it is not the mere signatory of states to treaties or its proliferations that matters, but the obligations placed on states parties with respect to provisions, and mechanisms for compliance established under the relevant treaties that draws some relationship with foreign policy. This is because non compliance could invite some foreign policy responses from other members in form of economic sanctions or others which a non-complying state might find too difficult to comprehend.

In terms of drawing linkage between human rights and foreign policy, Article 28 of the UDHR form important entrepole due to the way it has influenced other treaty instruments on the expansion of human rights. Not only that, the Article provided the normative background for human rights to be integrated to a kind of social order. The attempt to provide solution to the debates that mirrored the drafting of the UDHR between the United States and the former Soviet Union on the so-called old and new rights led to its origin²⁷. The distinguished Lebanese member of the drafting committee, Charles Malik²⁸, had proposed the Article as an attempt to:

“Contextualize the relationship between the new right and the old one: a provision for the right to a social and political order in which all the Declaration’s rights and freedom could be realized. This proposal met with the general approval and eventually became the Declaration’s Article 28, but it did not resolve the debate (Curtis and Darcy, 2012:11)”.

The rationale for the inclusion according to Curtis & Darcy is to bring human rights within a well established framework that called for the full realisation of rights and freedom of individuals not only within a particular social order but within the larger context of international

²⁷See Mary Ann Glendon. *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*. New York: Random House. 2001. p. 116.

²⁸ Charles Malik was a Lebanese member of the drafting committee of the UDHR. He was reputed to have provided substantially the inspirational and intellectual influences for the Document apart from Eleanor Roosevelt wife of the former American President Franklin Roosevelt. See Shane Darcy in Curtis & Darcy. 2012.

order. Also, the Article illustrates the thinking that an effective international order must be based on international cooperation:

‘Everyone is entitled to a social and International order in which the rights and freedoms set forth in this Declaration can be fully realised’²⁹.

Therefore, the Article, apart from enriching the thinking that it provided the background for various normative frameworks in human rights, it is possible, especially going by the history of the drafting of the UDHR itself, and texts of other United Nations normative instruments, to develop an understanding of the application of rights to a social and international order for the realisation of human rights. ‘Social order is seen as referring to national regimes and Article 28 as a whole ‘emphasise the political, legal and economic relations within and between states’ Curtis & Darcy (2012:13). The implication here is that both the social (national regimes) and international order should be founded on the rule of law. The 1993 Vienna Declaration on Human Rights also emphasised this much in its preamble when it called among others for:

‘an international order based on the principle enshrined in the Charter of the United Nations, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principles of equal rights and self determination of peoples, peace, democracy, justice, equality, rule of law, pluralism development, better standards of living and solidarity’³⁰.

Extrapolating from Article 28, some international instruments such, as the Declaration on the Rights and Responsibility of Individuals, Groups and Organ of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedom have pushed the issue further by emphasizing not only state’s role in the promotion of human rights but that of every organ within established social structure:

²⁹ See exploring Article 28 by Josh Curtis and Shane Darcy in the Challenge of Human Rights Past, Present and Future by David Keane and Yvonne McDermott (Ed. 2012). Edward Elgar Publishing. United Kingdom. pp. 12.

³⁰See World Conference on Human Rights. UN Document A/CONF.F157/23 dated 13 July 1993.

‘individuals, groups, institutions and non-governmental organisations also have an important role and responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized’³¹.

With this in mind and based on the intent of the international instruments drawing substantially from Article 28, inferences could be drawn such that the Article provided the operational background for the non-sacrosanct of domestic policy that affected the rights of individuals within borders. A key aspect of the international order envisaged by Article 28, which Malik himself recognised, could be inferred as the presence of supranational organizations that could exercise oversight functions on states in relations to human rights. There had been some debate during the drafting of the Universal Declaration on the question of international enforceability of the rights in the document, as well as the supremacy of an international body over the jurisdiction of individual nations. Although issue of enforcement were put aside in the end, the delegates did generally agree that national authority is supreme and will remain so, yet it is ‘no longer be exclusive’³². Therefore, right from the debates preceding the drafting of the UDI, realisation had been there that duties of states internationally as different from those within their border needs to be expantiated upon in view of some domestic policies that affects human rights extra-territorially.

Therefore one could infer, especially from the intents and purposes of UDHR Article 28, that the Article provided basis for drawing states attention to the universality of moral principle that domestic issues are capable of generating reactions which could extend beyond territorial borders.

³¹See United Nations General Assembly Resolution 53/144. UN Doc A/RES/53/144 dated 8 March 1999.

³²See ‘Exploring Article 28’ by Josh Cutis and Shane Darcy in the Challenge of Human Rights Past, Present and Future by David Keane and Yvonne McDermott (Ed. 2012). Edward Elgar Publishing. United Kingdom. pp. 15.

2.3. Fundamental Evidence of the Widespread Concerns for Human Rights.

The fundamental ground for the wide acceptance of human rights could be viewed from the policy of states. States policy towards the realisation of the aim behind the concept determines largely if human rights have gained enough resonance in international relations. If UDI marked a watershed in the codification of human rights instruments, states attitude to the drafting of the declaration and even after its adoption suggests that state attitude to human rights was not borne out of the conscious realisation of the need for a protective mechanism for human dignity but an accidental event arising from the devastating consequences of the Second World War.

However, in the last two to three decades, several evidences of the popularity of human rights have developed through the setting up of various highly developed human rights machinery at the international, regional, and based on the preferences of state, national levels. In addition, are various bodies that now exercise oversights over state's human rights performance via state reporting, individual complaints, litigation and now Universal Periodic Reviews before the United Nations Human Rights Council. Alongside is the general accountability for actions designated as international crimes which has become widely spread through the operation of the International Criminal Court and other associated sanctioning bodies. Existence of all the treaty bodies in the area of human rights and the strenghtening of the international monitoring and enforcement mechanisms have helped to shape the international order and popularise the concept.³³

³³Emily Logan 'Article 28' cited in Josh Curtis and Shane Darcy's 'The Right to Social and International Order for the realization of human rights'. (2012)

Moreover, it is plausible to admit that most of the human rights machineries in place today are limited in terms of their geographical reach, area of adjudication and different enforcement powers. For instance the Asian countries for most of the contemporary times lacked any known human rights mechanism, even the most recent organs set up under the aegis of the South East Asian Organisations (ASEAN), have been criticised as weak and flawed from the onset. Despite this regional difference on the focus on human rights, its equally save to assert that human rights consideration have, especially from the turn of the millenium, being finding their ways into other aspect of social life. For example, In the Report of the the General Assembly in 2000 on Globalisation and its impact on the full enjoyment of human Rights, the Secretary-General specifically identified Social Compact, the Corporate Social Responsibility of bringing such things as trade, buisness and human rights as a part of whole in the realisation of the Article 28 that have form the focus of explaining human right in foreign policy in this thesis³⁴.

Even beyond contemporary consideration, there have been several instances in the past where the impact of the Universal Declaration has been profound in influencing national constitutions, municipal legislations and in some cases court decisions. Of particular interest were cases of Guinea and Togo at independence. The preamble to the constitution of Guinea at independence proclaims that 'the state of Guinea fully endorses the United Nations Charter and the Universal Declaration of Human Rights'. Title 10 of the Constitution of Guinea contains a catalogue of fundamental rights and duties of citizens³⁵. The Statute of Togoland under the

³⁴See the United Nations' Secretary-General Report to the General Assembly on Globalization and Its Impact on the full enjoyment of Human Rights', UN Doc A/55/324. Preliminary Report'. 2000. para. 7. cited in Josh Curtis and Shame Darcy Article 28 pp.16.

³⁵ See the United Nations Doc. S/4122. cited in Egon Schwelb's 'The Influence of the Universal Declaration of Human Rights On International and National Law'

French Administration of 1956, which established “ Autonomous Republic of Togoland”³⁶ made provision that any law emanating from the parliament of Togoland must be in conformity with the principles set forth in the Universal Declaration of Human Rights.

2.4. The Human Right Track in Africa.

The human rights trajectory in Africa is not by accident. The context, challenges, and prospects for human rights in Africa have changed quite considerably in recent years. Human rights discourses find favour in both political and popular circles, among the ideologues of the state and the interlocutors of civil society, a tribute to the enduring and unfulfilled yearnings for more humane societies deeply rooted in African collective memories and social psyches, and to the remarkable changes that have already taken place in Africa’s human rights landscapes Zeleza, (2007:275). This promising comment contrasted with the perception and reality of the past when the African human rights credential was regarded as appalling.

Olusola Ojo and Amadu Sessay (1986) had located African abysmal human rights performance on some specific constructs. First, they asserts the replacement by one party system of the multiparty democracy inherited at independence by many african rulers. Second, they claim that values as enshrined in the Western Constitutions such as freedom of speech, association, free press and free and regular elections were alien to Africa in periods following independence. Third, they refers to the intermittent ‘coup de tat’ acculturation and accompanying human rights violations. Fourth, prevalence of ethnic and religious diversity. Fifth, limited

³⁶ In August 1956, the then Trusteeship Authorities of Togo issued official journal ‘Journal officie de la Republique francaise’ where the above proclamation was made. Also, the declaration was amplified upon in the UN Commission on Togoland under French Administration. December T/1343 Trusteeship Council of 7 September 1957. special session official records. See ‘the Influence of the Universal Declaration of Human Rights on International and National laws’.

awareness of the entitlement to fundamental human rights by average Africans during the period due to constant exposure to rights violation.

Surprisingly albeit embarrassingly, the continental Organisation, the Organisation of African Unity (OAU), formed with fanfare in 1963 to champion the cause of the continent maintained astonishing silence during those period. And by the time the first attempt to entrench human rights in African through the creation of the African Charter on Human and People Rights (ACHPR) was made, Mutua Mikau argue that three conditions had already created resonance for human rights in Africa. First, most of the Post-colonial Africa was born out of anti-colonial human rights struggles and quest for political and economic self determination. Second, black-ruled African states rode on the crest of human rights arguments to demonize and delegitimize the white minority ruled states in the continent. Third, Africa continent had witnessed the atrocities of some of the most brutal dictators in the world (Idi Amin, Jean Bedel Bokassa etc) that heightened the urgency of human rights system in the continent.

But while the concept of human rights have been largely seen as developing rather late and somewhat on a wobbly path in the continent, failure has often been made to take into account the experience of nation building in Africa which, when placed side-by-side that of the western world, would reveal that the continent had even progress significantly with human rights in the past than what are usually ascribed to it. History of the pre-colonial Africa was that of widespread inter-tribal wars with attendant rights violations of the vanguished communities by the victorious.

However, within that scenerio of chaos, some common values have developed that forbids rights violation. Such values were those that serves to protect women and children and

non-combatants. Though, these category were always taken as slaves but their rights as individuals were often protected by gods and oracles which sometimes forbids their killing in order to prevent the wraths of gods on the victorious communities. Within that philosophical and moral background, it could be explained that traditional African society possessed some rights maintenance mechanisms, though not defined, but was rooted in people consciousness.

The history of the accentuation of slave trading in Africa with its features of right violations were even regarded as products of European contact with Africa, especially the attraction of European goods. Walter Rodney (1972) has stated:

‘...African rulers found European goods sufficiently desirable to hand over captives which they had taken from warfare.. Soon war began to be fought between one community and another for the sole purpose of getting prisoners for sale to the Europeans, and even inside a given community a ruler might be tempted to exploit his own subjects and capture them for sale. A chain of reaction have started by European demand for slaves (and only slaves) and by their offer of consumer goods – this process being connected with divisions within African society’.

In order to understand African trajectory in the field of human rights there is the need to draw specific linkage between the socio-cultural milieu in which most African state developed and its late development of human rights concept. This is important with specific purpose of explaining reasons why the concept: First; took a rather slow path to prominence; and second, that the continent’s wobbly approach was not a product of deliberate attempt to underplay its importance but rather that of socio-cultural milieu through which the governance in Africa emerged. To do this, it is important to situate the discussion within proper historical context by identifying three specific phases in the African history with human rights, namely: the pre-colonial, the colonial and the post colonial periods.

i. The Pre-Colonial Africa and Human Rights.

During the pre-colonial period i.e a period before the so-called Berlin Conference on scrambling and partitioning of Africa (1886-1887), governance in Africa rests solely on the emergence and disappearance of empires and the rule of powerful and absolute kings. The rule of the kings were absolute. The absoluteness of the rule of the kings whose powers were supposedly derived from God created feelings of obedience and total submission to the kings who in turn exploited this by ruling ruthlessly under the guise of divine inspiration. The distressed condition of the people in those era is akin to what Shireen Moosvi (2005: 48), writing on the distressed condition of the subjects of Mughal Emperors in the pre-colonial India, described as:

‘stemmed not from the intrinsic weakness of theirs, but from the the despotic institutions of state which frustrated the individual’s ability to improve his condition, and so were bringing about an irremediable decline in material and cultural life’.

Perhaps, one of the fundamental denominators for measuring the violations of rights in the pre-colonial Africa is the presence of arbitrary killing defined in terms of human sacrifice and slavery. There is abundance evidence suggesting widespread rights violations during those period in terms of the prevalence of human sacrifice Law, Robin (1986). Although, attempts have been made to assimilate the custom to recognisable European custom Isichie & Robinson (2004), the practices were even said to have received less attention and condemnation from the western world for as Robin Law (1985:54) stated the earliest Europeans to have visited West Africa. from the fifteenth century onwards, do not appear to have reacted violently to the killing of human victims considered merely as spectacle, no doubt, because what they saw in West Africa was hardly more horrific than the public executions and tortures commonly practised in their own societies.

But with the secularization of European values and the humanitarization of European mores from the seventeenth century onwards, human sacrifice came to be objected to more on moral than religious grounds. In trying to clarify the concept, Robin Law (1986:57) stated that the primary meaning of the term 'sacrifice' is evidently the killing of people (or of animals) as an offering to a deity, as act of worship or propitiation. The term could, perhaps, uncontroversially be extended to include the practice, common in the pre-colonial West Africa, by which people were killed not so much as offerings to deity, but in order to carry messages to the deity on behalf of the sacrificing communities. And there also seems no great difficulty in including under the rubric of 'human sacrifice' the practice of killing someone as a substitute for a sick person, to preserve him from death, since the rationale of this practices appear to be that the sickness is caused by deity or spirit, who is placated by offer of a substitute, and the practice can therefore be seen as a special form of propitiatory sacrifice.

Early European and Arabic sources pointed to the widespread of human sacrifices as a measure of cultural beliefs in Africa in earliest times. Although, Richard Burton, visiting Dahomey³⁷ in 1869s observed that what were commonly referred as human sacrifices 'are, in fact the yearly execution as if all murderers in Britain were kept for hanging on a certain day in London'³⁸. This position might appear not satisfactory in the sense that human sacrifices came in different forms in the traditional African societies. There were those arising from judicial appeal, witchcraft ordeal and appeasement killing³⁹. Sacrifices on the ground of judicial appeal were evidences common to killing designed to make appeal to gods for rains or bountiful harvests or

³⁷Dahomey. derived from the name of an ancient kingdom of Dahomey was the official name of the present Republic of Benin at independence in 1960.

³⁸See Parliamentary papers 1865 (3503-1). Volume LVI: Correspondence relating to Slave Trade. 1864. item 19. Consul Burton to Earl Russel. 23 March 1864, cited in Robin Law's human sacrifice in Africa.

³⁹ See Elizabeth Isichie's account on the criticisms of the European account of human sacrifices in Africa.

those intended for giving a departed kings safe journey to heavens. An Arabic itinerant scholar, Al Bakri, gave an account of royal funerals in ancient Ghana which involved the burials of personal servants of the kings in royal grave⁴⁰.

In ancient Gobir, presently in Gombe State in Nigeria, ancient Egyptian scholar, al-Sayyuti, had referred to the widespread practises of killings of slaves, substitutionary sacrifices and killing of slaves by sick people to appease gods from death⁴¹. Also, there were evidences of killing of people for witchcrafts practises during festivities. All these falls within the second and third category of sacrifices prevalent in traditional African traditional societies. European sources, especially Valentine Fernandes in 1550s, pointed to the burial of wives and attendants of the kings of Mandingos of the present day Gambia and Bafadas in Guinea –Bissau, during the kings death⁴². All these pointed to the cultural milieu that sanctioned the violations of rights in ancient Africa which invariably influenced low perception of human rights in traditional African societies.

2.6. The Colonial Africa and Human Rights.

The colonial intervention were said to have been partly justified on the basis of halting human sacrifices in Africa given the account provided by the Missionaries that ventured into Africa. The African experience with human rights during the colonial era was no less different from the situation in the pre-colonial era. Differences only being that human sacrifices gave way to repressive measure of all kinds. In terms of the protection of human rights, it is even difficult,

⁴⁰ For this account see N. Levtzion & J.F.P. Hopkins (eds), *Corpus of Early Arabic Sources for West Africa History*, Cambridge University Press 1981, p.52, cited in Robin Law's 'Human Sacrifices in Africa, 1985, p. 57

⁴¹ See a letter writing by al Sayuti to the kings of Takrur in 1493, translated in Thomas Hodgkin's 'Nigerian Perspectives : a Historical Anthology', 2nd Edition, Oxford University Press, pp 112-120, cited in Robin Law's 'Human Sacrifice in Africa, 1985, p. 61.

⁴² See the translation conducted by T. Monod, A. Teixeira da Mota & R. Mauny, on Valentine Fernandes' *Occidentale d' Afrique in Centro de Estudos da Guinea Portuguesa*, Bissau, 1951, pp 39 . 79

despite the development of the concept in the western society since the end of World War II to pin point where it was transferred to Africa. It is one thing to recognise the tradition of human rights within Western philosophy, it is quite another to equate the two.

Western philosophy is certainly not uniform with respect to human rights. Alongside Western philosophers, one may find many whose ideas are less compatible with the modern tradition of human rights. Aristotle, for example, argued for the priority of state. Jean-Jacque Rousseau, sometimes described as the philosopher of French revolution, argued that individual rights are subordinate to general will. Utilitarian Jeremy Bentham minced few words, dismissing natural rights as 'nonsense on stilts' Susan Waltz (2002:437). It was this different format, rooted in philosophical constructs that was played out in Africa with regards to human rights during the colonial era. While British colonial experience could be described as combining a feature of 'carrot and sticks' that of French was based on absolutism while Portuguese and Spanish and Germans combined variants of absolutism with totalitarianism in the treatments of peoples of their different colonies. By and large, Colonial governance in Africa was largely built on class relations between the blacks and the whites i.e. white supremacy vs black inferiority.

Mitchell & McCormick (1988) have identified political culture and regime types as necessary ingredients for the promotion or violations of human rights. Political culture is defined as the dominant attitudes and beliefs of a society considered as important to the choice of political control and relative propensity of governments to violate human rights. One important factor in the political culture is the colonial experience of state. The political experience derived from the colonial rule was considered as a useful starting point for understanding the attitude of regime to human rights. The British association with democracy was regarded as providing greater propensity for the promotion of human rights. This assertion may be wrong when

applying to Africa because, if, for instance, 'Mau Mau case in Kenya in 1952, is examined alongside the history of the liberation struggles in Southern Africa, most of the countries that passed through British colonial rule, with exceptions of West African Countries like Nigeria, Ghana, Sierra Leone and Gambia, gained independence through the process of liberation struggles against British oppressive rule. Therefore there is a linear relationship between African low culture of human rights and the colonial experience because colonial experience inculcated in African leaders the idea of strong totalitarian method of nation building.

Experience of the 'master-servant' relationship that prevailed during many colonial rule indicated that the colonial state in Africa were fundamentally sustained by the force of arms, intimidation and varying degree of oppression and failure to take cognisance of this in the consideration of African leader's low culture of human rights at independence would be missing a crucial point in the total comprehension of African human rights history. This is because most of the first generation of African imbibed to the total all the values and practices of the British colonial masters. Even many institutions found in Africa today are carry-overs from the colonial administration. Repressive tendencies were embraced as evidence of state building. It is safe to argue that despite being the originator of human rights, Europe transferred these values very late to Africa. It is therefore apposite to extrapolate that based on the culture of state building witnessed during the colonial rule, it is not surprising that African rulers embraced repression or stifling of opposition as fundamental vital aspect of governance at early period of independence.

2.7. The Post-Colonial Africa and Human Rights.

Considerable scholars of post-colonial Africa have drawn appalling picture of human regime in the continent at independence Ojo & Sessay, (1985); Odinkalu, A., (2003); Osita,

Agbu, (1993). Anselem Odinkalu (2003:2) particularly stated that African States - in their colonial and post-colonial formations- have been disabled by a combination of historical and contemporary factors which prevented them from being able to play their role as guarantors of rights, rendering them instead, for the most part, into forces for their violations. Osita Agbu (2003:95). try to draw parallel between African perennial conflicts and its attendant human rights violations with the the kind of structures inherited by many African rulers at independence.

According to him, African nationalist leaders inherited the structures of violence from the departing colonial masters and employed them to consolidate their own power. State citizens relations became fundamentally conflictual and tenuous, though that appear normal during economic and political stability. The widespread occurrence of military rule and their lack of commitment to human rights rules could be understood from the standpoint that when governing power was transferred in Africa, there were no institutionalised or internalised procedures for winning and exercising political power about what is legitimate or what is not; for defining state limit in terms of action and of the place of human rights and rights of individuals in the political regime.

Experience in the post independence Africa indicated, for instance, that many leaders were too familiar with colonial dictatorship that institution of political opposition in government were too strange to comprehend. They were unnecessary distractions on nation building and therefore should be suppressed with all authorities of state. The direct result being the penchant for mono-party institutions and flagrant abuse of human rights in Africa for more than two decades following political independence in the 1960s. The worst abuse during Africa's 20-30 years of independence were committed in Uganda, Equatorial Guinea, Central African

Republic in the 1970s under Idi Amin, Marcia Nguema and Emperor Bokassa respectively Agbu (2003:96).

It is was within this scenerio of violations that African Charter on Human and peoples rights was established in 1981 in Banjul, Gambia and subsequently ratified at the Nairobi conference of OAU in 1986 after the deposit of the 26th instruments of ratification. Since then additional protocol on the rights of the child (1990) and that of Women (1998) have been adopted. Aside these were the establishment of the implementing and adjudicative mechanisms like the African Commission on Human Rights (1987) and African Court of Justice (2008) to transformed African human rights orientations.

However, the salient point is not so much about the structures but how these institutions have been sufficiently employed to create condition for human rights promotion in the continent. This is especially so when considering the fact that since the end of the Cold War, Africa has witnessed growing degrees of intra-states dislocations resulting in conflicts of greater magnitude that produced human tragedy and abuses of varying degrees – rape, torture, use of child soldiers, extreme brutalities and murder. The refugees problems have become acute and exacerbating human suffering and loss of basic rights. Some estimates suggest that over 300,000 children engaged as combatants and used to prosecute wars in Sierra Leone, Liberia, Angola and Democratic Republic of Congo⁴³.

The Rwanda Genocide of 1994 during which over 2.4 million people were either killed or displaced marked the first attempt in prosecuting charges of rape by the International Criminal

⁴³See Osita Agbu's 'effects of African Conflicts on Human Rights'

Tribunal on Rwanda (ICTR)⁴⁴ when warrants were issued against perpetrators after heavy pressure from women's group⁴⁵. The significant place of the African Charter on Human Rights became problematic in the face of in-action in the midst of the aforementioned occurrences. The Charter by analysis, provides in Article 4 that:

“Human beings shall be entitled to respect to life and integrity of his persons. No one may be arbitrarily deprived of his rights”⁴⁶. Article 5 particularly reinforced this by prohibiting “.... All forms of slavery, slave trade, torture and cruel inhuman and degrading treatments”⁴⁷.

The effectiveness of the Charter, compared to the Universal Declaration, has been heavily criticised in view of the hedging of many rights provided under the qualification that they are to be enjoyed “under the law”. And it is this qualification that enabled many African rulers to accentuate their human rights abuses even with the existence of the Charter. Many of the provisions, though internalised by many African states, have been subjected to suspension especially during emergency rule.

The Charter in Article 18(3), stipulates that state shall “ensure the elimination of every discrimination against women and also ensure the protection of the rights of the women and the child as stipulated in international declaration and conventions”. For example, the four 1949 Geneva Convention and the two 1997 protocols itemised 19 provisions relating basically to the rights of women but their provision are some how limited in scope with many indeed designed to protect children Agbu (2003:100). Yet children and women have felt the brunt of human rights violations in Africa especially during conflict situation.

⁴⁴ The International Criminal Tribunal for Rwanda is a treaty creation instrument adopted by 120 countries in July 1998 in Rome.

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⁴⁶ See the provisions of the African Charter on Human Rights, Section I, Article 5.

⁴⁷ See Ibid Article 5.

But one ironical fact, especially from the development after the Cold War and escalation of intra-African conflicts, is the re-surgence of Africa civil society groups and gradual involvement of political will to externalise domestic issue bordering on human rights. And in this regards, the increasing demand for democratic ethos and linkages of external aids to the involvement of democratic rule which have removed the veil on domestic issues in Africa are very relevant. The two facts have brought salient recognition to the African governments of the inescapable reality of the adoption of an internationally prescribed minimum standard of behaviours and the anachronistic nature of their cherished principle of 'non-interference'.

The creation of ICTR and the International Criminal Court on Sierra Leone (ICCSL) has reinforced potency of human rights in Africa. Both courts, though established to try specific cases of genocide and bring to book those responsible for serious human rights abuses and violations of international humanitarian law, have been active in the prosecution of African rulers accused of war crimes. The current case of President Uhuru Kenyatta of Kenya is case in mind. Despite being elected and enjoyed constitutional immunity from prosecution, the Kenya President has been regularly invited to the Hague to answer charges bordering on rights violation during the post-election violence in the country in 2007.

The effectiveness of these international instruments(including International Criminal Court, ICC) in trying and prosecuting former President Taylor of Liberia and filling charges of genocide against sitting President like Uhuru Kenyatta of Kenya has increased awereness on the whittling power of the treatment of human human rights as domestic issue in Africa⁴⁸.

⁴⁸ Although the case of ICC has become controversial in Africa in recent times due to the perceived selective approach which African leaders considered as targeting only the continent. many countries in the continent have realized the inevitability of the influence of the Court in domestic matters.

As initially mentioned, Africa, despite the enumerated low status of human rights in the pre colonial, colonial and post colonial regimes, has always realised the need to respect the rules of warfare in their traditional treatment of wars victims. Thus, most of what now embodied in international humanitarian instruments have, from time immemorial, formed integral part of the cultural practices of the conducts of many African people. For many traditional communities, despite the unholy practices of human sacrifice and slave trade, perfidy and despoliation would remain forbidden practices in warfare⁴⁹. In addition, certain category of people like pregnant women, children and aged and women generally must in no circumstances be killed by combatants.

2.8. Conclusion.

In trying to construct human rights' relations with foreign policy and locate Africa within this trajectory, the section has tried to induce linkages between the the Universal Declaration as an ambitious attempt that first called states to their responsibility to subjects and the construction of foreign policy. More specifically, Article 28 of the Declaration was regarded as novel in ensuring that human rights finds relevance within social order called the state from which action generates to garrantee the protection of peoples rights. Africa's position within this is defined in terms of socio-cultural orientation in which many African states emerged.

Colonial rule, rather than providing critical reference for articulation and promotion of human rights, was a process which accentuate its violation. The thesis hypotise that rampant violations of human rights in Africa after independence in the 1960s is a function of the acculturation of African leaders beginning from the pre-colonial through the colonial and post

⁴⁹See Ibanga. Pas cited in OsitaAgbu's 'Human Rights Implication of African Conflicts'. (2000). Journal of African Political Science. Volume 5. Nombcr 4. p 100.

colonial eras, especially as the repressive method of colonial rule forbids early action on human rights. Therefore, mere claim of African late entry to the culture of human rights is a functions of its past which were not helped by even the Western world that formulated the concept of human rights.

CHAPTER THREE

INCORPORATION OF HUMAN RIGHTS INTO THE FOREIGN AID PROGRAMME: EXAMPLES OF UNITED STATES AND THE UNITED KINGDOM.

3.0. Introduction

This section attempts to discuss the politics of both the American and British human rights aid system from the perspectives of their foreign aid policy. It postulates that while human rights consideration has found its way to the policy of bilateral assistance in all its ramifications, it has not totally determined its disbursement. Other strategic considerations – security, economic, energy etc have increasingly played prominent role in aid disbursement. “Aid” here is taken to refer to public transfer of concessional resources with development of the recipient as their main purpose⁵⁰. It also asserts that while both countries displayed liberal values that reflect rule of law, democracy and human rights in their international relations, they differs substantially both in time and application of human rights to bilateral aid.

Steven C. Poe (1990)⁵¹, conducting a review of seven quantitative research on the linkage between human rights and foreign policy, especially that of the United States, admitted the

⁵⁰. For this definition see Gordon Cumming's 'British Aid to Africa: A Changing Agenda?' (1996).

⁵¹Steven Poe reviewed Lars Schultz's 'US Policy and human Rights Violations in Latin America', Comparative Politics (1981) and 'US policy towards human rights in Latin America: Comparative Analysis of Two Administrations' in Global Human Rights: Public Policies, Comparative Measures, and NGO Strategies (ed) 1981, which pioneered the use of quantitative methods in research on human rights and foreign aid by utilizing human rights variables generated from thirty-eight leading experts then on human rights, who were asked to rank the human rights records of twenty-three Latin American nations on four point scales, and based on their responses. Schoultz drawn correlation analysis to find the relationship between human rights variables and a number of military aid taken from 1975 to 1977. The work of Michael Stohl and David Carleton (1984), which combined state terror scale compiled by Freedom House and two ordinal scales compiled through content analysis of Amnesty International and State Department reports were reviewed. Also, David Cingranelli and Thomas Pasquerello work which focused on military and economic aid allocation to thirty Latin American and Caribbean nations in 1982, by first incorporating human rights variables into multivariate model to control other factors influencing human rights, and second, argue that foreign assistance decision making take place at two stages of gate-keeping and interactions, formed part of the review. For details, see James McCormick and Neil Mitchell's 'Is US Aid Really Linked to Human Rights in Latin America?' (1988).

existence of contradictions in the previous studies linking foreign aid to human rights and claim that precious little evidence has been found to support the existence of a substantial linkage between human rights and foreign assistance, even though such relationship is mandated by law⁵². In view of the methodological difficulties inherent in some of the quantitative studies up to period of the review, Steven Poe suggested six approaches that should form the focus of researchers if any meaningful conclusion is to be drawn from both quantitative and analytical study of correlation between human rights and foreign policy.

First, analysts should draw on the previous studies in the area and build multivariate models of the foreign assistance phenomenon which include human rights variables as important element. Second, devotion of attention to the process at the “gate keeping decision”⁵³ level of the foreign aid policy. Third, a uniform method of measuring economic and military assistance variables should be employed which would focus on the output of the process of foreign aid as conceptualized by decision makers as dependent variables. This is based on the assumption that since decision makers would most likely be interested in the spending constraints inherent in the budgetary provision; aid measured in terms of gross size rather than per capital would be of interest to decision makers. Fourth, measurement of human rights abuses for aid should be based on examination of variety of sources available to decision makers responsible for foreign aid allocation i.e. the combination of scales used in measuring aid by, for example, Amnesty

⁵²The United States Congress in the 1970s carried out amendment into the Foreign Assistance Act which required that human rights conditions of the recipient states would be taken into consideration in the disbursement of US foreign assistance except on extenuating circumstances which must be proved by the Executive. That peculiar circumstances required that such assistance is necessary based on its positive impact on the civilian populace. See *Ibid.* p 58.

⁵³ “Gate Keeping” refer to one of the two stage analysis employed by Cingranelli and Pasquarello to refer to the initial stage where the US policy makers determines countries to be included and excluded from consideration for assistance. At the gate-keeping stage some countries are systematically excised from the recipient pool while those qualified are passed to the consideration stage. See Cingranelli & Pasquarello’s ‘Human rights Practices and Distribution of US Foreign Aid to Latin American Countries’ p.540.

International, State Department and Freedom House and Data from other sources available to decision makers would provide a good start point.

Fifth, re-construction of information available to foreign aid decision makers at the time foreign assistance decision is being made, for example, a two-year time lag was considered as appropriate period for measuring human rights violations and aid allocation. Sixth, combination of rational actor model in which attributes of the recipient countries are vital focus with institutional and organizational factors inherent in the aid decision making providing a comprehensive understanding on the impact of human rights in foreign aid allocation.

3.1. Relationship Between Human Rights and American Foreign Policy.

Some studies have tried to draw parallel between human rights and foreign policy based on the American experience Kirkpatrick, (1981); Moynihan (1981); Forsyth (1982); Burton & Lewis (1993). The Carter Administration was regarded as the first to have given a practical meaning to the infusion of human rights into the United States foreign policy. Although, President Roosevelt, about three decades earlier, had earlier proclaimed the rights of all oppressed people to independence, the idea was not given too much prominence until Carter Administration.

At his inauguration in 1977, President Jimmy Carter gave what is regarded as a new policy shift in the United States towards human rights when he informed the nation, "Our commitment to human rights must be absolute" Kirkpatrick (1981:75). Although, this policy action attributed to Carter Administration has been a subject of controversy in the sense that the administration's knowledge of the concept was said to have been rather tenuous at the beginning.

“human rights as an issue in foreign policy was by no means central to Jimmy Carter’s campaign for the presidency. It was raised at the Democratic platform drafting committee, but in each instance the Carter representatives were at best neutral, giving the impression of not having heard very much of the matter before and not having any particular view” (Monyihan, 1981).

Nevertheless, on April 30 1977, Secretary of States, Cyrus Vance, expanding the Congressional intent, enunciated what could be regarded as the first practical exposition of human rights content in US foreign policy when he grouped the administration’s new foreign policy on human rights into 3 rubrics: (1) freedom from government violation of integrity of persons under which the administration would regard such violations such as; torture, cruel, inhuman or degrading treatment or punishment, arbitrary arrest and imprisonment, including denial of fair or public trial and invasion of home, by any foreign government as part of its consideration for aid assistance. (2) The denial of the rights to the fulfilment of such vital needs as food, shelter, health care and education.

Vance clarified this stand by saying that, although the fulfilment of the contents would depend on the level of development by each government, the administration was aware that those rights could be violated by government’s action or in-action through either corrupt official processes which diverted resources at the expense of the poor or callous indifference to the plight of the poor. (3) the right to enjoy civil and political liberties which includes: freedom of thought; religion; assembly; speech; press; both movement within and outside one’s own country and freedom to take part in government. Kirkpatrick (1981:76). Cyrus Vance rested the available means to achieve all the above on ranges of quiet diplomacy in its many forms through public pronouncements, and withholding of foreign assistance Kirkpatrick (1981:77).

The importance of the human rights focus of the Carter administration could be explained on the basis that the administration went beyond its predecessors in articulating what became today the United States policy on human rights by tying foreign assistance to human rights

(although a year before coming to power, precisely in 1976, the Congress had passed amendment to Foreign Assistance Act prohibiting assistance to nations with bad human rights records except on extenuating circumstances) and accepting the notion that economic and social rights are just as important as civil and political rights. The Administration itself, had on the basis of the annual report required by the Congress, for example, withheld economic credits to Chile, Argentina, Paraguay, Brazil, Nicaragua and El Salvador, while countries like Philippines and south Korea continued to receive assistance based on the strategic importance of those states to US interest (Kirkpatrick: 77-78).

The thrusts of the Carter administration's focus on human rights were said to have been largely designed to infuse US foreign policy with moral content, create broad domestic consensus behind the administration and enhance average Americans' psychology. The commitment of Carter to move beyond his predecessors in preparing ground for the perhaps contemporary human rights vent of the US foreign policy was exemplified in his decision in 1977 to press for the ratification of the U.N. Covenants on Economic, Social and Cultural Rights, and that of the Civil and Political Rights. Some practical steps taken by the administration such as the unprecedented decision to support the mandatory U.N. arms embargo against the then apartheid South Africa in 1977, the call for the departure of the then President Somoza of Nicaragua and the withholding of critical logistics, economic and political supports that expedited the fall of Shah of Iran in 1979 fell within the narratives of human rights contents of the Carter's administration.

However, it remains debatable if human rights focus of the Carter's government ever achieved the objectives stated earlier or was built upon by the succeeding Reagan administration. The East-West escalation of tension after the life of the administration or the ever-present

caution of the administration in not joining issue with the then Soviet Communist Government are indices that the human rights idea of Carter was pursued with selective approach. The Carter's unwillingness to criticize or single out Soviet Union for criticism was exacerbated by the nearly exclusive focus of Carter Doctrine. While the whole essence was targeted against government violations, Kirkpatrick argues that activities of terrorists or guerrilla group hardly came under Carter's scrutiny as violation of rights. Cingranelli & Pasquarello (1985:539-40). stated that most studies of US Foreign policy making have tended to conclude that the President is dominant, therefore, attention have focus largely on Presidential attitude and behavior. While human rights were a centerpiece of Carter administration, it was de-emphasized by Reagan and may or may not be emphasized by future Presidents.

3.2. American Human Rights Policy: 1970s – 2000 Millineum.

Some earlier studies on the subject have asserted that 1970s marked the beginning of America's laying of emphasis on human rights as integral of foreign policy Frazer, (1979); Schoultz, (1981); Lillich, (1979). Although, President Roosevelt had earlier carved a niche for himself in history as the one who proclaimed the slogan of freedom of all oppressed people all over the world after World War 1. The relevance of the Carter's period, as stated earlier, was the impact of the much publicised 1976 Congressional Amendmnet Act which stipulated the withholding of aid to foreign countries which human rights recods were considered appalling, except under the condition of express explanation to the contrary by the President.

Between 1976 and 1979, the Congress passed 25 pieces of legislations linking the human rights practises of foreign nations to U.S. foreign policy Lillich (1979). But some conventional studies have challenged this important role of human rights in the United States foreign policy

MacKinlay & Little (1979); Schoultz (1981); Carleton & Stohl (1985). In spite of the Congressional amendments, in the 1970s, MacKinlay & Little (1979:273) argued that there are no grounds for thinking that the United States employed humanitarian criteria in distributing aid. Doing a quantitative study of the US foreign policy and human rights, Lars Schoultz (1981:167) explained that during the 1970s, the United States aid was clearly distributed disproportionately to countries with repressive governments and that this distribution represented a pattern and not merely one or two isolated cases, and that human need was not responsible for the positive correlation between aid and human rights violations. Carleton and Stohl (1985:215) even went a bit further by asserting that:

“..... we found that there was not a significant relationship between human rights and United States foreign policy assistance at any time during Nixon, Ford or Carter Administrations At no point during either administration (Carter or Reagan) does it appear from our analysis that human rights concerns significantly influenced the distribution of United States foreign assistance”.

Congressional action notwithstanding, empirical analysis of the period indicated that security issues predominated and largely influenced aid allocative decisions and despite the lead provided by the US in human rights influence on foreign policy, aid was said to be pervasively distributed in favour of even regimes with worst human rights records. For example, prior to 1991, the regime of President Mobutu Sese Seko of the former Republic of Zaire was one of the largest recipients of US aid in Sub-Saharan Africa despite Mobutu's appalling records on human rights. The strategic importance of Mobutu to the US then accounted for this privileged position and that could be explained based on his position as a bulwark against the spread of Communist influence in the Great Lakes Region.

In 1993, using the US fiscal spending for the financial year (FY) 1989 as a base, Abrams, Burton & Kenneth Lewis (1990), perhaps due to the prevailing debates on the

correctness of the presence of human rights in American foreign aid policy in face of apparent security and national survival interests that dominated American engagement with world, tried to deploy a somewhat different approach to find correlation between human rights and American foreign Aid policy.

The importance of their studies is that it obviated generalisation peculiar to most studies of American aid system by systematically deployed indices that are current in aid policy to measure if human rights consideration are actually present in American foreign policy, Congressional Act notwithstanding. Their study is equally important in the sense that it included two African countries, Liberia and Egypt, which were strategically important in view of their dual positions as African countries with heavy reliance on American aid on one hand and human rights violators, atleast, going by military dominance of politics and prevalence of widespread arbitrary arrests and detention in those states, during the period of the research. Their findings indicated that US employed need, human rights records of the recipient countries and other strategic security factors, when allocating developmental aid.

Therefore, US aid allocation take into account combination of the above factors and in that process assistance could be disproportionate and vary depending on which factor take the most centre stage at the time of consideration. For example, finding the united states allocating aid to repressive regimes, especially during the cold war does not suggest absence of human rights consideration, but rather, a function of strategic importance of that country to US. In consideration of the role of strategic natural resources, strategic assets and human rights, Naomi McMillen (2012: 57) has asserted that US appears to give slightly more aid to countries that produce large quantities of energy '..... my studies implies that the United States allocates more official development assistance to countries that are rich in energy resources, such as petroleum

and natural gas' and that factors other than economic need and human rights are driving US foreign assistance allocation.

Donald Frazer, a member of the US Congressional sub-committee on human rights in the 1970s had tried to rationalise why there were exception in the selective application of human rights to aid assistance by the United States successive governments. The Congressional ammendments of 1976 was regarded as the root. The US Congresss while proposing the ammendment had taken into consideration that the executive branch cannot be forced to sanction human rights violations in almost all the countries of the world. Therefore the first decision regarding the legislation was to limit sanction to the most fundamental human rights violations.

This was followed by the decision that prohibited military assistance to regimes that practised, for instance, torture, which was at the core of the target. The conviction here was that military aid to countries that violate human rights would enhance the repressive tendencies of such govrnment. Based on this recognition, the Congress carefully coined the wording of the ammendment that military assistance should be terminated to regimes guilty of "consistent pettefn of gross violations of the internationally recognised human rights"⁵⁴. The use of "consistent pettefn" was taken to exclude episodic or transistory wantom violations of those human rights as torture, cruel, inhuman or degrading treatment. This perhaps explain the reason, coupled with clause of extraordinary circustances inserted in the ammendment which approved economic aid provided it directly benefit the people, some African brutal regimes like that of

⁵⁴. Donald Frazer explains that the reason for the insertion of the word in the Congressional Act is to give the Executive some lee ways to apply bilateral aid selectively, especially those that are capable of hurting civilian population and to convince the world that the United States is applying the universally recognized sets of laws, rather than the US ones. in her consideration of human rights violation.

Samuel Doe of Liberia (1980-1990), Sese Seko Mobutu (1963-1997) continued to receive US assistance despite their low credentials on human rights.

3.3. The Post Cold-War America's Human Rights' Foreign Policy.

The events after the end of the Cold War in 1991 brought a fundamental shift in the American human rights foreign policy, although, contents and practises of human rights policy have been changing based on the approach of different administrations. Perhaps, factors responsible for these shift could be located within certain realities. These realities range from such fundamentals as the collapse of the former Soviet Union and position of the US as the only hegemon in world affairs which commanded unchallengeable power to influence decisions, increased globalisation that enabled the US and other powers to deploy “carrot and stick” measure to enforce human rights, erosion of the concept of Sovereignty which hitherto shield happenings within borders from extra-territorial scrutiny and the success of the 1991 “Gulf Crisis” coalition which brought legitimacy on the US rights to lead coalition against rogue states that failed to accept international norms.

Taken together, the various changes beginning from the late 1980s removed old limitations⁵⁵which trailed US foreign policy from the beginning. With end of the Cold War

⁵⁵These limitations includes early lack of power that constrained U.S ability to effect change as occasioned by the Cold War and Vietnam which proved American inability to transformed her idea world-wide. weariness of multilateralism and international legal commitments which were carry-over from Gorge Washington's days of abstinence from alliances formation. This perhaps explains why America, after first promoting the idea of a UDI that laid out aspirations and ideas instead of legally binding requirements. went ahead to remain outside its key international agreements such as the UN Covenant on Civil and Political Rights, Covenant on Social, Economic and Cultural Rights, and display of open disregard for the rulings of the International Court of Justice (IJC).Also, pursuit of human rights is often displaced by competing priorities such as Containment of Communism, concerns for national security etc. Moreover, full display of human rights usually constrained by the limited institutional power of government human rights advocates and minimal domestic support. See John Dietrich's U.S. Human Rights Policy in the Post Cold – War Era. Political Science Quarterly, Volume 121, Number 2, Summer 2006 p.270.

greater support for multilateralism with wide domestic support for the policy of human rights emerged. John Dietrich (2006:274-275) has tried to put the US post Cold War human rights pursuit within four academic perspectives that are very useful for the discussion. These are Rhetorical support, Proactive policy, New targeted legislation and Continued Limit on Power.

3.4. America's Rhetorical Support For Human Rights.

Beginning from the US rhetorics support to human rights from the four successive administrations since the end of the Cold War – George W. Bush Sr, Bill Clinton, George Bush Jr and the current Obama – human rights have now assumed a dramatic centre of focus. George Bush Sr, at the wake of the 'Operation Desert Storm'⁵⁶ of 1991 spoke of a new world order based on international norms and rights in which human rights is an integral part. Bill Clinton's policy pronouncement rested upon the pillars of democratic enlargement and globalisation of market and labour that would "foster and consolidate new democracies and market economies where possible"⁵⁷. George Bush Jr focussed more on defeating terrorism which to scholar like, Dietrich, has complicated the pursuit of human rights by its modus operandi. The Obama administration, while intensifying war on terror, has tried to advocate individual rights and freedom from the impunity of terror as main planks of foreign policy.

Beneath the policy rhetorics, lie regular employment of language of human rights to justify other policies such that defense of human rights now aided other interests such as national security, economic cooperation and aid assistance. Pronouncements from many American

⁵⁵Anthony Lake quoted in John Dietrich, "US Human Rights Policy in the Post-Cold War Era". Political Science Quarterly. (Summer 2006). Volume 121. Number. p.274.

⁵⁶Anthony Lake quoted in John Dietrich, "US Human Rights Policy in the Post-Cold War Era". Political Science Quarterly. (Summer 2006). Volume 121. Number. p.274.

⁵⁷ Ibid. p. 274

officials today are such that nations with good human rights record are often ready allies in transnational issues such as drugs and weapons proliferation and trade relations.

3.5. America's Proactive Policies on Human Rights.

Perhaps one area where post Cold-War era human rights shift has been profound was the movement beyond the traditional policy of criticizing to actual punishment of human rights violators in a variety of economic, diplomatic, legal or mere symbolic means. One particular area where this has been noticeable was in the area of international intervention which gained actual momentum after the Cold War. Though, there had been multiple or several interests that driven proactive measures such as humanitarian interventions, one apparent fact is that these have been on the upsurge since the end of the Cold War. For example, between 1991-2000, US efforts in Somalia, Haiti and Kosovo were largely driven by humanitarian concerns.

'Operation Restore Hope' in Somalia in 1990s was to a certain degree driven by need to stop humanitarian sufferings, though that intervention ended up creating backlashes of embarrassing proportions for the US such that when faced with genocide of greater dimension in the neighbouring Rwanda⁵⁸ the following year, US failed to employ the same language of human rights to effect quick and rapid intervention that would have saved million of young children and women. As indicated earlier, this is to show that politics of human rights is a functions of both strategic and political consideration. Nevertheless, human rights' consideration has formed the bedrock of some interventions. In Haiti, in 1994, a major intervention was averted at the last minutes when General Raul Cedras stepped down and the government of Rev Fr Jean-Bertrand Aristide was restored back to power.

⁵⁸. For more information and analysis on situation before the Rwandan genocide of 1994, the genocide itself. after events. including issues. actors and dimension visit <http://www.ppu.org.uk/genocide/g-rwanda.2/html> 1994.

The end of the Cold War has also witnessed the use of non military method of espousing human rights ideas. The era has seen a re-surgence in influence and growth of civil society groups. Although President Reagan had facilitated the creation of National Endowment for Democracy in the 1980s but at no other time have its work reached new height than the era following the end of the Cold War. President Bush in 2002 rolled out a US\$5 billion annual Millennium Challenge Account to assist countries that are “ruling justly, investing in their people, and encouraging economic freedom”⁵⁹.

3.6. America’s New Targeted Legislation on Human Rights.

A third of the US post Cold-War human rights policy was the encouragement of new legislations in a manner that improved upon the Amendment Act of the Carter era. For example, Congress Amendments at Carter’s time called for withholding of aid to countries with persistent human rights violation but in actual fact aid were seldom withheld in order not to antagonise US Allies. As a step forward, however, new legislations have been advanced in the post Cold War era. In some cases it has meant new restrictions on trade to specific countries like Burma, Indonesia (during president Suharto) and Colombia in the 1990s. the Leahy Law and the International Freedom Act have placed ban on ties with some kinds of of specific violators Dietrich (2006: 277). The Foreign Appropriation Act (P.L.104-208) of 1997 which prohibited US Counternarcotics aid to specific military unit violating human rights, the 1998 Foreign

⁵⁹President Bush’s US\$ 5 billion annual lifeline for the reform minded governments of developing countries rests on the consideration that the programme will help to mitigate corruption and waste in US Aid Assistance, give incentives to economic and political reforms, reward succeeding countries and help to lessen some of the causes of human rights abuses such as poverty and excessive state control. To be eligible, countries must meet per capital income requirements. They are scored on sixteen data indicators: six on governing justly; four on investing in people; six on promoting economic growth. They are to score above the median for their income group on at least half of the indicators in each area and above the median on corruption. For details, see the White House Web at <http://www.whitehouse.gov/news/releases/2002/03/200203147.html>. 20 November 2013.

Operations Appropriation Act (PL 105-118) on the prohibition of US military training to violators, addedum to Defence Act (P.L. 105-261)⁶⁰.

The significance of these Acts to American human rights policy is that, First; they, in theory, keeps US Aid from hands of the worst violators of human rights i.e. the military, Second; they punish violators as aid could be continued provided countries concerned take measures to bring perpetrators to book, such as in cases of Liberia and Sierra Leone, where perpetrators such, as former President Charles Taylor and Sierra Leonean rebel leader, Fonday Sankho, were arrested and brought before both International Criminal Court (ICC) and UN Criminal Court for Sierra Leone to answer charges for war crimes. Third and most crucially, they gives the United States a targeted human right tools to supplement and fill the lacuna in 1976 Congress Act 502B⁶¹.

3.7. America's Active Involvement in International Treaties and Legal Authority

Perhaps one of the most noticeable development in the US human rights' post Cold War policy was her active involvement in international agreements and multilateral institutions. Since 1988, the United States has completed at least four international agreements it had ignored for decades. These are Conventions on Genocide, Torture, Racial Discriminations, alongside International Conventions on Civil and Political Rights which were all ratified in 1994 Dietrich (279). President Clinton even made a pronouncement in 1998 that it had become the policy and practise of the US government to fully respect and implement its obligations under international human rights treaties in which she is a party. Apparently one particular way the United States has demonstrated support for the advancement of human rights was by supporting the formation of

⁶⁰. See Dietrich, John W. 'US Human Rights in the Post-Cold War Era' 2006 p. 278

⁶¹Ibid. 279.

both International Criminal Tribunals for former Yugoslavia and Rwanda in 1993 and 1994. This particular action brought the realisation that US human rights policy has turned a new leaf.

Despite all these realities, US aid vis-à-vis human rights policy could be said to be largely theatrical in nature and witness different application patterns. And as a result parallel of aid to US human rights consideration cannot be said to be absolute. The application of US human rights-aid politics also oscillates depending on the nature of personality in power. The conservatives and liberals have gone after each other's favourite violators. During the Cold War, the Conservatives cut aid to leftist countries such as Tanzania, Mozambique, Angola, Cambodia, Vietnam and Laos while the Liberals cut aid to rightist countries like Phillipines, Argentina, Chile and Brazil Frazer (1979:180).

In the current post-Cold War era, the pattern has been largely strategic. No matter the current resonance of rule of law, democracy and other associated principles, the strategic importance of a regime in the fight against terrorism invariably influenced the US aid. For example, Israel is reputed to be the worst violators of human rights in the Gaza region, yet the strategic importance of Tel Aviv to Washington has continued to maintain Israel in American aid's calculation. Most recently, the military in Egypt toppled a popularly elected regime which run counter to the American avowed principle of popular mandate, yet the inflows of strategic American aid to Egypt has not diminished.

3.4. British Human Rights Aid Policy.

“ I think it is very difficult.....terribly difficult’ for a donor to use aid for the ‘clearly political purpose’ of promoting democracy and respect for human rights’⁶²

The above quotation summed up the official British position to the linkage of aid to human rights until the tail end of last millennium. Gordon Cumming (1996:490) argue that British aid in the 1970s to late 1980s was characterised by its relative continuity and its general lack of political conditionality i.e. not subject to political strings. Only a half-hearted attempt had been made in the mid-1970s to respond to US President Carter’s initiative to link assistance to respect for human rights, and there which resulted in some isolated cases where London had cut off or not renewed aid on ostensibly human rights grounds. That half hearted commitment by British probably defined British fraternal attitude towards the white “Apartheid”⁶³ regime in South Africa during the period. Despite mounted opposition of majority African states and wanton violations of human rights, Britain remained one of the strongest allies of the regime and the preferred destination of South African exports despite official United Nations economic sanction.

The British government’s lukewarm attitude towards human rights was perhaps underscored by its desires to continue to profer justification and relevance to the policy of Apartheid in South Africa (which in addition remained most preferred destination for British investments both public and private in the continent then). The policy that brought global

⁶².This was the remarks of the former British Development Minister. Chris Paten. in 1987 when responding to American linkage of bilateral assistance to human rights. See British Daily Mail. 22 July 1987. p. 2

⁶³. Apartheid is the official policy of the Government of South Africa (SA) prior to 1990. It identified population and distribution of government materials or welfare based on the colour of the skin. It became institutionalized through the Apartheid Law of 1948 promulgated by President Francois Milan (the First Apartheid Prime Minister of South Africa). The Population Registration Act of 1950 that classified all citizens of SA into three categories reinforced it. These classifications are - Whites’. Blacks (Africans) and Coloured (Mixed Race). To become Whites both parents of the applicant must be of white parentage. Government patronage and opportunities are dispensed based on the classification.

embarrassment to Britain. The reality of the system and the violation it posed to human dignity could be viewed from the Disproportionate Treatment Table below issued in 2001 by the Disproportionate Circa of South Africa:

TABLE 1.: South Africa Disproportionate Treatment Table: 1948 – 1990.

Indices	Blacks	Whites
Population	19 million	4.5
Land Allocation	13 Percent	89 Percent
Share of National Income	< 20%	75%
Ratio of Average Earnings	1	14
Minimum Taxable Income	360 Rands	750 Rands
Doctors/Population Ratio	1/44,000	1/400
Infant Mortality Rate	20% (Urban) 40% (Rural)	2.7%
Annual Expenditure on Education per pupil	\$45	\$696
Teacher/Pupil Ratio	1/60	1/22.

Sources: Disproportionate Treatment Circa 1978. <http://www-sc-students.stanford.edu/cace/cs 2001/apartheid>.

Fundamentally, the official British foreign policy on human rights could be said to have developed in the early 1990s when the then Foreign Secretary, Sir Douglas Hurd, in a key note declared inter alia:

“Countries tending towards pluralism, public accountability, respect for the rule of law, human rights and market principles should be encouraged. Governments who persists with repressive policies, with corrupt management or with wasteful and discredited economic systems, should not expect us to support their folly with scarce aid resources”⁶⁴.

This was apparently after President Frederick De Clerk of South Africa had announced in February 1990 of the abolition of policy of apartheid and the release in August same year of Dr Nelson Mandela from 27 years imprisonment. With Sir Hurd’s pronouncement and imminent

⁶⁴. See Sir Douglas Hurd’s speech to the meeting of All-Party Parliamentary Group on Overseas Development (APGOOD), held in London on 6 June 1990. See.

demise of the former Soviet Union, the British Ministers subsequently took the official rhetoric to a number of international fora such as the European Union, Commonwealth Head of Government Summit. It was later complemented with the establishment of Human Rights Policy Unit in the Foreign Office in mid 1992⁶⁵.

As a practical step example, Britain followed the action up with practical suspension of aid to recalcitrant regimes, especially in Africa, such as Somalia and Sudan (1991), suspension of balance of payment support to regime of late Kamuzu Banda of Malawi (May 1992), Kenya (1991 and 1995 for refusal to democratise), suspension of military and all technical assistance to Nigeria (1993), cutting of bilateral aid to Gambia and Sierra Leone for military intervention in both states in 1992 and 1994⁶⁶. While Britain had also taken positive steps by increasing Official Development Assistance (ODA), especially in Sub-Saharan Africa, from of 52.3 million pound sterling in political reform support in 1991-92 to 130.1 million pound in 1993-94⁶⁷, Cumming has argued that Britain was never been primarily interested in political reform or human rights protection but seen these as essentially means of promoting economic growth⁶⁸. She has at the same time unable to offer significant rewards for democratic reformers at the expense of non-democratic.

For example in 1988-89, Tanzania's progress towards democratisation saw its share of British assistance declining from 31.9 million pound sterling to 23.6 million pound sterling. Yet, the share of a neighbouring repressive regime in Uganda rose from 16.7 million pound sterling to

⁶⁵See Cumming, Gordon 'British Aid to Africa: A Changing Agenda (1996). p. 491.

⁶⁶ Ibid. 492

⁶⁷. See ODA Progress Report 1990

⁶⁸ See Cumming, Gordon 'British Aid to Africa: A Changing Agenda (1996). p. 496

38.1 million pound sterling over the same period⁶⁹. A more disheartening case was when Britain refused to impose economic and oil embargo on Nigeria in 1995 over the killing of the human rights activist, Ken Saro Wiwa⁷⁰ by the military junta. The killing of the Ogoni environmental right activist by the military regime of General Sani Abacha over trump-up charges was roundly condemned by the international community, including the United Nations. The imposition of both economic and oil embargos were called to bring the military rulers on their knees having been discovered that one of the main powers that sustained the military rulers was Nigeria's enormous oil wealth which they were able to manipulate to their own gains.

In order to give political vent to that decision, the Auckland Commonwealth Summit of 13-16 November 1995 suspended Nigeria from the Organisation and issued a Diplomatic Note⁷¹ banning all diplomatic contacts with Nigerian diplomats at major bilateral and multilateral levels. Despite these diplomatic and political measures, the British Government, acting under the enormous influence of the British Petroleum (BP), which has always engaged in market's contestation with the Royal Dutch SHELL of Netherlands (indicted by the executed Ogoni

⁶⁹Cumming (1996) p. 490.

⁷⁰Born Kenule Beeson Saro Wiwa, was a Nigerian Writer, Novelist, Broadcaster and Human cum Environmental Right Activist who hailed from a town called Ogoni in the present day Niger Delta in Nigeria. He was at the forefront of struggles to extract concessions from the major multinational oil companies, particularly Royal Dutch SHELL, for the Ogonis over environmental degradations and pollutions of farmlands. He founded the Movement for the Emancipation of Ogoni People (MOSOP) in late 1980s through which he articulated a 19-Article Ogoni Bill of Rights, endorsed by almost all the Traditional rulers of communities located in the Niger Delta, which he submitted to the government of Nigeria for implementation in 1990 and subsequently to the United Nations for notification. He was executed along eight others, collectively referred to in Literature as "Ogoni Nine", including – Saturday Dobe, Nordu Eawo, Daniel Gbooko, Paul Levera, Felix Nante, Baribor Bera, Barinem Kiobel and John Kpuinc- following a guilty verdict passed on them by a military Tribunal set up to try them for public disturbance and murder in 1995. Ken Saro Wiwa ran a series of television satiric soap Opera 'Basi & Company' in 1990s. See <http://www.adiana.com/ancestaconnection/2009/11/122>.

⁷¹. This particular information was gathered from the former British Ambassador to Egypt and Switzerland, Mr. Christopher Long, when as Director of Oxford University Foreign Service Programme (OUFSP) between 1999-2002, informed young diplomat, including the Researcher, who were on 2000-2001 Regular Course of OUFSP, that at the wake of the killing of the "Ogoni Nine" in 1995, European Union (EU) and other International Organisations in Geneva issued Diplomatic Note to all Foreign Missions to cease immediate contacts with all Nigerian Diplomats Abroad.

Rights Activist of environmental pollution) for the control of the Nigerian oil, refused and continued to patronise the military regime. Rather than the human rights dimension of it, the British action could be largely explained based on this economic/strategic considerations of enabling the British Petroleum (BP) to dislodge the Royal Dutch SHELL from controlling the majority share of the Nigerian oil market. It would be recalled that prior to 1975, the BP was a major share holder in the Nigerian oil industry due to the colonial connection which placed BP at the vantage of such opportunity.

However, due to Britain's failure to recognise one of the factions to the Angolan Independence struggle in 1975, favoured by majority African States (i.e. the Popular Movement for the Liberation of Angolla - MPLA), the then Nigerian Military Government of Late General Murtala Muhammed (July 1975- Feb 1976) nationalised all BP assets and interests in Nigeria and the company was sent reeling. The fall out of the action transformed the Royal Dutch SHELL Company as a major foreign Nigerian oil market's controller.

With the Ogoni Saga of 1995 where SHELL was a major culprit, the BP, based on economic consideration, prompted the British Government to continue dealing with the Nigerian Government in defiance of both widely spread international outcries and decision of the Commonwealth, which Britain is a leading member. Therefore, the British human rights aid policy has largely been oscillating i.e. movement among outright betrayal, critical to soft and behind the scene manoeuvres to persuade reforms among many repressive regimes. The result is that British foreign aid human rights policy has been usually nebulous and of variant order.

Britain's inconsistency with human rights consideration in developmental assistance at inception is according to the government, an inevitable consequences of its 'pragmatic case by

case' approach which seeks to establish whether trends in African countries are towards improvement or deterioration and which takes account of local conditions where deep ethnic tensions, environmental degradation or the problem of drug trafficking might be exacerbated by too rigorous application of good governance⁷².

3.5. Conclusion.

The Chapter in trying to draw hypothesis that human rights is an integral part of both the American and British foreign policy which later influenced their foreign aid programme stated that such influence is not deliberate and enduring but essentially an episodic one that lacked value in the face of strategico-security considerations. However, the trend began to change following the end of the Cold War when western values pre-dominate other values in the world.

When relating human rights policies of the two major powers to Africa, a new trend which sees the three centres (British-Americans and Africa) engaging themselves in adopting different approaches to human rights and compliance have emerged. Lately, a shift of emphasise that demands trade rather than aid in African relations with the West is now taking root in human rights relations. While the concept of Sovereignty is fast eroding in Africa, language of human rights is now being read by African themselves to all issues in their relations with the major powers.

Today issues of development like investments in Infrastructure, Agriculture, development of ICT capacity and transfer of technology are been couched in the language of human rights

⁷². British former Secretary for Overseas Development. Baroness Linder Chalker had insisted in the 1990s that Britain does not insist upon multiparty democracy where this is practically impossible in Africa. Rather it has sought to encourage 'legitimate government'. It was on the basis of that, that Britain condoned transmutation from military heads of State to Military-Civilian President by many military rulers in many African States such as Ghana. Benin Republic. Congo. Liberia. etc in the 1990s .

such that linkages are increasingly been drawn between human rights compliance and removal of trade restrictions on those areas. The platform for facilitating these demand rest, for instance, with the US African Growth and Opportunity Act (AGOA)⁷³ which US formulated to strengthen African-American Trade Relations in 2000. AGOA, represents a pragmatic US policy to ensure easy access to American markets for African products. The policy has, however, witnessed numerous restrictions on the aims it set out to pursue in the sense that stringent conditions are being applied to numerous African products seeking US market which made many African states to now be linking demand to reform to humanitarian access to US market for African products.

The rationale here is that with increased un-impeded access to the US market, African states, with their heavy reliance on primary products, will begin to gain maximally from foreign trade and enjoy a favourable terms of trade that will enable them to develop their economy to facilitate conducive socio-economic environment, through provision of needed infrastructure like access to free qualitative education and health services, which are integral parts of human rights.

⁷³The African Growth and Opportunity Act (AGOA) was signed into law on May 18, 2000 as Title I of The Trade and Development Act of 2000. The Act offers tangible incentives for African countries to continue their efforts to open their economies and build free markets. President Bush signed amendments to AGOA, also known as AGOA II, into law on August 6, 2002 as Sec. 3108 of the Trade Act of 2002. AGOA II substantially expands preferential access for imports from beneficiary Sub-Saharan African countries. By modifying certain provisions of the African Growth and Opportunity Act (AGOA), the AGOA Acceleration Act of 2004 (AGOA III, signed by President Bush on July 12, 2004) extends preferential access for imports from beneficiary Sub Saharan African countries until September 30, 2015; extends third country fabric provision for three years, from September 2004 until September 2007; and provides additional Congressional guidance to the Administration on how to administer the textile provisions of the bill. The Africa Investment Incentive Act of 2006 (signed by President Bush on December 20, 2006) further amends portions of the African Growth and Opportunity Act (AGOA) and is referred to as "AGOA IV". The legislation extends the third country fabric provision for an additional five years, from September 2007 until September 2012; adds an abundant supply provision; designates certain denim articles as being in abundant supply; and allows lesser developed beneficiary sub-Saharan African countries export certain textile articles under AGOA. See <http://www.trade.gov/agoa/legislation/index.asp>.

This linkage is somewhat amateurish in sense that improvement in human rights condition may or may not be directly related to gaining access to American market. A regime with constant phobia for opposition will always violate rights even if enormous resources are granted or at its disposal. Although, improvement in economic well beings of the people could lead to empowerment and build condition necessary for enlightenment, especially the development of civil society groups capable of providing the lead in the campaign against rights violation.

Despite the above, it could be argued that condition of human rights have changed atleast, substantially, in Africa compared to the past. Many states are now in the threshold of translating reforms to good governance and better economic managements and good governance that could guarrantee respect for human rights.

CHAPTER FOUR

THE NIGERIA'S FOREIGN POLICY

4.0. Introduction.

John S. Stremlau, writing on the Fundamentals of the Nigerian Foreign Policy in the early 1980s asserted that

“...throughout nearly twenty years of often tumultuous post-independence history, Nigerian foreign policy has been surprisingly consistent ...if the past is any guide, the basic concerns of Nigerian foreign policy are not likely to change. Future decision will probably continue to reflect the pursuit of three vital and interrelated domestic objectives: to build greater national unity by overcoming deep regional, ethnic and religious differences; to achieve rapid economic development for a nation that, despite great oil wealth, has a per-capital income of less than \$400; and to complete the process of full self-determination which has yet to encompass all sectors of the modern economy” John Stremlau (1981:46).

Thirty-three years after John Stremlau assertion, Nigeria's domestic foreign policy fundamentals still reflected, to certain degree, elements of that comment. For instance, first; ethnic cleavages, deep sentimental divisions and religious extremism are still posing major challenges to the national unity. Second, although rapid economic transformation has been witnessed in some sectors like Telecommunication, Agriculture, Industry, Education Transportation and Film Making, per capital income still remain at the abysmal stagnant level of US\$400. Third, the process of economic self-actualization that commenced in 1950s with the policy of Indigenization, which Thomas Biersteker (1983) described as ‘ benefited only a small elite and has done very little to increase Nigerian control over the economy in general’ has transited, in face of global economic recession and liberalization, to Privatization, which retained ownership of some industries in the hands of foreign entrepreneurs, and has in the process made the process of full economic self-determination an anachronistic concept.

It is within this construct that this chapter will analyze fundamentals of Nigerian foreign policy with specific intent of examining the moral codes, inherent in those fundamentals, which Nigerian had used successfully to champion specific causes in the past but are still capable of transforming human rights into one of the main components of Nigerian international relations.

4.1. The Fundamentals of Nigeria's Foreign Policy.

At Independence in 1960, the Nigerian first and only Prime Minister, SirAbubakar Tafawa Balewa, had enunciated the principles and objectives of the Nigerian foreign policy as follows:

- a. Protection of sovereignty and territorial integrity;
- b. Promotion of economic and social well-being of Nigerians;
- c. Enhancement of Nigeria's image and status in the World;
- d. Promotion of unity and economic, social and cultural liberation of Nigeria and Africa in general;
- e. Promotion of the rights of black people and others under colonial rule;
- f. Promotion of international cooperation, conducive to the consolidation of world peace and security;
- g. Mutual respect and friendship among all peoples among states;
- h. Redressing the imbalance in the international power structure that tends to frustrate the legitimate aspirations of developing countries;

- i. Promotion of world peace based on the principles of freedom, mutual respect and equality of all persons all over the world⁷⁴.

These policy pronouncements were contained in the statements he made to the Federal House of Representatives on 20 August 1960 and based on the conviction that foreign policy will be founded on Nigeria's national interests. Perhaps, based on the unpalatable colonial experience and the desire of wanting to guard jealously the newly won independence prevalent among Nigerian leaders at independence, as well as the atmosphere of East-West international power contests within which Nigeria was born, Sir Abubakar was of the opinion that it serves Nigeria's interest to remain neutral in the international power tussles by not supporting either power and being on friendly terms with every nations which recognized and respected its sovereignty.

Apart from principles 'a, c and d' which sounded like a realist aspirations of defending and enhancing Nigeria's power and influence globally, the rest aforementioned principles underlining the post-independent Nigeria's foreign policy are essentially moralistic and conciliatory both in nature and intents. Sir Abubakar's policy was on co-operation and morality and based on the doctrine of universal benevolence⁷⁵. The policy at independence was against colonialism and neo-colonialism. He was to later expand these by emphasizing that Africa will be the center-focus, center-piece of Nigerian foreign policy. Fundamentally, the foreign policy of successive governments has remained the same and in tandem with the above principles enunciated by the Sir Abubakar, though methods of implementation might have been different. As Claude Philips Jr. (1964: 153) has asserted "Nigerian foreign policy, in the first three years,

⁷⁴See Ade-Ibijola, Aderemi O "Overview of National Interest. Continuities and Flaws in the Nigerian Foreign Policy". *International Journal of Academic Research in Business and Social Sciences*. (2013). Volume 3, Number 3 p. 566 at <http://www.hrmas.com/journals>.

⁷⁵ See <http://www.thisdaylive.com/articles/Nigeria-s-foreign-policy/92976/22072014>.

has been pragmatic, conciliatory, conservative, African-centred, friendly to certain powers in the Anglo-American camp, largely indifferent to the Soviet bloc, and strongly pro-United Nations'. Obviously, no other issue of foreign policy had these moral codes being more profound than in the emotive issue of Southern Africa liberation. Successive post-independence rulers have considered the independence of Nigeria inadequate as long as other countries in Africa remained under colonial subjugation. Calling for the expulsion from the Commonwealth of the then Apartheid regime in South Africa in November 1960, Sir Abubakar warned:

“So long as one member openly advocated racial discrimination, it is impossible to accept that the Commonwealth was indeed an association of free and equal nations”⁷⁶

That statement was based on the conviction that Nigeria has a duty to ensure equality of treatments of all mankind and it was that perception and vision of the Sir Abubakar regime that set the tone and provided the basis for Nigeria's total plunge into the struggle for the emancipation of countries under colonial rule. Official pronouncements on foreign policy since 1960 emphasized, for example, Nigeria's duty and special responsibility in fulfilling the principle of equality of treatments of all mankind. Its attendant diplomacy has constantly reflected its world view namely that morality is a necessary elements of foreign policy⁷⁷. And it was possibly in recognition of this that Nigeria was allowed to chair the United Nation Committee Against Apartheid for almost twenty years.

⁷⁶ This statement was contained in the address of Sir Abubakar to the Commonwealth meeting in London in 1961 when South Africa applied to join the Commonwealth.

⁷⁷ See Ade-Ibijola, A. O. 'Overview of National Interests. Continuities and Flaws in Nigeria's Foreign Policy (2013) at <http://www.hrmas.com/journals>.

4.2. Human Rights as a Moral Concept: Morality's Realism in International Relations.

Many social scientists – liberal, neo- liberal, constructivists etc, see morality as the attainment of certain ethical standards i.e. question of good or evil, right or wrong, just and unjust, kindness or cruelty that govern relations among men. This could be explained as a throwback to the biblical injunction that prescribed moral conduct among men on the basis of “Thou shall love thy neighbor as thyself”⁷⁸. However, individual morality is generally perceived as personal morality even when applied to relations among people across boundaries. But when this is subsumed within a mass, the issue of morality is said to be difficult to attain⁷⁹.

Three schools have emerged in the context of the disagreement as to the application of morality to external conducts of states. One school composed mainly of idealistic writers and statesman of utopian traditions, contends that individuals and states are conditioned by the same moral standards. Among these are Edward Carr, Robert Kohane, Woodrow Wilson, Frank Roosevelt. One of the foremost minds in the school of moralism, Edward Carr in his ‘Twenty Years of Crisis 1919-1939: Theory of International Relations’ borrows from President Woodrow Wilson address to the Congress on the declaration of war in 1917 to lend credence to the moral orientation of state’s action that:

“We are at the beginning of an age in which it will be insisted that the same standards of conduct and responsibility for wrong shall be observed among nations and their governments that are observed among the individual citizens” (Carr, 1963: 153).

The implication of the above statement is that states, just like individuals, and as products of social milieu, automatically exhibit moral codes observed by individuals that constitute their

⁷⁸.The injunction is one of the Ten Commandments; it is part of the general covenants given by GOD to Moses to be observed by the children of Israel while in the wilderness of Sinai. The other part of the covenant is ‘Thou shall not covet thy neighbor’s house, thou shall not covet thy neighbour’s wife, nor his manservant, nor his maidservant, nor ox, nor his ass, nor anything that is thy neighbour. See Exodus Chapter 20:17.

⁷⁹ See Emeka Okolo’s ‘Morality and Realism in Nigerian Foreign Policy’

total mass. The second position is held by most realists and neo-realist thinkers. Their position stems from the fact that states, as rational beings, are condition solely by their actions in relations to one another. They argue that there is no existence of any international morality. Notable among these are such realists as Machiavelli, Hans Mongatheau, Henry Kissinger, Immanuel Kant, and Rossaneu. Realists started their assumption from the angle of pessimistic view of human nature. They held that relations among states are governed solely by power and that morality plays no part in them. Most realists derived their inspirations from the Machiavelli inspirational work 'the Prince' where he counsels the realists that:

“a prudent ruler ought not to keep faith when by so doing, it would be against his interest If men were all good, this precept would not be a good one; as they are bad, and would not observe their faith with you, you are not bound to keep faith with them. Nor have legitimate ground ever failed a prince who wished to show coverable excuse for the non-fulfilment of his purpose” (Machiavelli, 1964:64).

It is important to state that while all realists may differ substantially on such things as predicting events, primacy of foreign policy, relations between inter-state system and world economic order, they, as Robert Gilpin (1984) has observed, are in agreement on several assumptions regarding political life. First, realists see states as primary unit in international relations which operates within anarchical environment. The environment is anarchic because of the absence of central law governing organ to regulate the conduct of state. Hence, in resolution of conflict and allocation of scarce resources, they have to fend for themselves. Second, realists argue that the group, not the individual, is the essence of social reality. The nation-state is in the modern world, the highest form of the group. And since there exists many nation-states in the world, their wants, like individual, are not existing in sufficient quantity for the satisfaction of all, and therefore, conflicts are inevitable as they opposed one another in the maximization of their desires and interest.

Third, realists like Morgenthau states that “all statesmen think and act in terms of interest defined as power, and the evidence of history bears that assumption out” Morgenthau (1978:5). Because of the anarchical operating environment, the only available choice is the maximization of power. Fourth, realists sees the primary role of power as lying in its usefulness to pursue national interest which is often identified with security. To them, unless a state is secure, it cannot be sure of its survival and if this happens it will not be in position to pursue other goals favourable to its citizens. Finally, realists believe that universal moral principles cannot be applied to the actions of states in their abstract universal formation but must be filtered through concrete circumstances of time and place. Therefore while individual could sacrifice himself in the defence of moral ideas, states cannot allow its moral disapprobation get in the way of its political action which in itself is inspired by moral principle of national survival.

The third school is like a middle of the road between the two opposing camps they admitted the existence of international morality, but claim that it differs from individual morality. Those that canvassed it belong to Social Constructivist School like Protestant Theologian, Reinhold Niebuhr, who while admitting distinction between individual morality and state morality still counseling that nations should temper realism with morality by using their power for the purposes of making it an instrument of justice and a servant of interests broader than their own⁸⁰.

⁸⁰See. Reinhold Niebuhr 'Moral Man and Immoral Society' New York. Scriber (1947) cited in Emeka Okolo's 'Morality and Realism in Nigeria Foreign Policy', World Affairs Volume 151, Number 2. Fall 1988 p. 68. It need be stressed that Reinhold Niebuhr contributed immensely to the development of realist theory of international relations and his work focused mainly on the development of Realism because as he observed while individual might be obliged to obey the law of love and sacrifice as "unselfishness must remain the criterion of the highest morality" in his personal actions, as a member of a group or a nation he lost his identity, becoming instead a member of anonymous mass.

4.3. Application of Morality to the Conduct of Nigerian Foreign Policy.

With the above submission of the moralists, realists and middle of the road schools, the question now come as to where exactly lies the moral codes in the conduct of Nigeria foreign policy over the years that could serve as springboard to our understanding of the incorporation of human rights into the Nigeria's Foreign policy through TAC?

It needs be stated at the onset that reading of Nigerian Foreign Policy shows that, like other nations, the country has always based its approach to foreign issues on the cost-risk calculus of considering alternative on the basis of minimizing disadvantages and maximizing benefits, all things being equal. To illustrate points where morality has informed her external relations since independence, it will be apposite to consider three concrete issues of foreign policy that have reflected in the conduct of Nigerian external behaviour over the years.

These issues are general questions of Colonialism, Racism, and Inter-African relations. It is imperative to state here that these issues are nonetheless exhaustive (as there are other issues like poverty, nuclear arm race, and extra-African relations that have featured on Nigerian external conducts over the years) of factors influencing Nigeria's foreign policy. The three specific issues are being considered only for the purpose of this research and because of their enduring prominence in Nigerian external conduct over the years. These concrete issues which featured throughout all its post-independence foreign policy will be considered one after the other in order to provide basis or draw concrete hypothesis that moral issue of human rights is not, and cannot be alien to Nigerian foreign policy focus.

Obviously, general questions of colonialism, racism, poverty and mass destruction as a potential damage from nuclear arm race are, issues that the world have couched in moral

coloration which naturally required moral responses of states within the international system. With particular reference to colonialism, Nigeria joined the international system as the 99th members of the United Nations in 1960 during which all the above cited issues had already developed as moral issues that elicit moral considerations. The United Nations, for instance, had developed plethora of resolutions condemning colonialism against the chagrins of many colonial powers before the independence of several former colonies in Africa. Many of these newly independent states naturally joined these resolutions as a way of validating their independence and lending credence to their freedom.

However, joining international resolutions or being a member of international organization does not sufficiently explain why issues become a matter of foreign policy. For that to occur, such have to filter through a policy of national interest than mere proclamation, then national policy will be developed to make them become acceptable patterns of behaviors. Moreover, with the development of policy, means for achieving them to gain maximum benefits have to be systematically evolved and followed through.

For the purpose of putting in context Nigeria's moral attitude towards issues of colonialism, racism and Africa (which are issues that have given resonance to human rights in Nigeria foreign policy), it might be reasonable to look at them on the basis of first; how they become issues of national interest to Nigeria, Second; how policy were evolved to achieve them, and third; various means employed to realize them as a matter of foreign policy. But it need to be understood that no area has Nigerian displayed all these commitments than on Southern Africa issues which earned her the appellation of 'frontline state' despite being geographically, socially and culturally removed from the area. As earlier indicated, for approximately twenty years period Nigeria was

the undisputed chairman of the UN Committee against Apartheid.

i. Nigeria's Involvement in the Eradication of Colonialism, Racism and Inter-African Cooperation as a Demonstration of Moral National Interests.

Since independence, Nigeria has regarded the abolition of colonialism and racism, and cooperation in Africa as its interests. At the onset, this idea was based on the emotion and moral principle deriving from the fact that Nigerians themselves were black African peoples possessing a first-hand experience with evils of colonialism Polhemus (1977:47). Articles 'd' of the principles of Nigerian foreign policy highlighted above linked promotion of unity and economic, social and cultural liberation of Nigeria with that of the entire Africa as a basis of giving resonance to the idea that Nigeria total independence cannot be achieved except such is linked to the independence of the entire states in Africa. Article 'e' echoes the idea that defending the rights and privileges of black people as a non-negotiable aspect of external conduct.

Indeed, successive Nigerian governments from Sir Abubakar to the current President Jonathan gave expression to this commitment either in the policy they enunciated or through different contributions to efforts towards eradication of colonialism and racism at major international fora. There is no other center where this was more demonstrated than in situation in Southern Africa where majority of states were then struggling with colonial rule and racism that substantially hampered inter-African cooperation at the time of Nigeria independence.

For Nigeria to have taken more than active interest in the decolonization of others after gaining her own independence posed some concerns initially. This is because, especially with reference to Southern Africa, Nigeria is far removed from the area. The straight-line distance between Nigeria and the nearest point in Angola is nearly 800 miles (i.e. cutting through

Cameroun, Equatorial Guinea, Gabon, Congo and DRC). Also, between Nigeria and Namibia (formerly South-West Africa during colonial rule) is approximately 1450 kilometers, while between Nigeria and South Africa is 1,800 straight line and that of Zimbabwe and Mozambique are also far⁸¹. Also, Nigeria inherent amount of trade with countries of Southern African at independence was very small while it did not have substantial nationals, until recently, in all these countries whose interests it would have naturally feel compelled to protect. Yet, Nigeria developed a comprehensive attitude and principles since independence to link up with the aspirations of these states.

Apart from the emotive aspect, the Nigerian civil war of 1967-1970⁸² gave a concrete commitment to issues of colonialism, racism and African cooperation as a matter of national interests. For example, during the civil war, some countries in Africa – Gabon, Zambia, Cote d' Ivoire and South Africa openly sided with the rebels and sponsored activities to dismembered the country. Among the “lessons” of the war was the conviction that the continued existence of white minority rule in Africa is a direct threat to Nigeria’s security, Polhemus (1977:48). This was due to the fact that because during the war, South Africa, Rhodesia, Portugal and France were single out as countries providing assistance to the Biafran secessionists. On this note, Nigeria announced it will not accept relief assistance from any country which has been “studiously hostile” to the government during the war⁸³.

⁸¹ See Polhemus’ ‘Account of the Nigerian Civil War, 1977.

⁸² Several accounts have been given in publications on Nigerian civil war (1967 -1970). For example see Olusegun Obasanjo ‘ My Command’ 1978. OdumegwuOjukwu ‘ Because I Am Involved’ 1989. Luke NnaemekaAneke ‘The Untold Story of the Nigeria-Biafra War, Triumph Publishing, New York, 2007.

⁸³ See OlajideAluko ‘The Civil War and Nigerian Foreign Policy’ cited in Nigeria and Southern Africa: Interest. Policy and Means. Canadian Journal of African Studies. Vol 1., p.48.

Studiously hostile, apparently in terms of their recognition of the ill-fated Republic. As mentioned above, countries that were found on this particular line includes Tanzania, Jamaica, Portugal and France which directly recognised Biafra and offered their countries as bases for channeling but funds and materials to the secessionists. For example, while the evidence directly linking South Africa was initially hazy, Portugal was a crucial assistance to the Biafrans. Lisbon was the direct source of Biafran arms and ammunition, while a terminus of the air route to Biafra was the Island of Cape Verde, especially when Equatorial Guinea was rendered unavailable after the departure of Spain. Rhodesia was one of the first countries to recognise the short-lived states in 1967⁸⁴.

Actually, fragmenting Nigeria would have made excellent sense to all these countries as potentially powerful opponent against white minority rule would have been rendered incapacitated. And that development would have suited well to the policy of the then Apartheid regime in the face of Nigeria's strident condemnations of its actions and in the face of such condemnations wanted to build bridges with other to black Africa. Also, the independent Biafra (as the new Republic that was seeking secession from Nigeria wanted to be known) would have offered a good source of oil for South Africa than far away Iran. Amidst, these considerations, it was reasonable for Nigerian leaders to see continuation of colonial rule as a direct threat to national security of Nigeria and not merely as emotive factor of oppressors of black Africans. Also, Portugal and South Africa were reported to be sponsoring a number of destabilising activities across Nigeria immediate neighbours such as the invasion of Guinea in 1970 in a circumstances capable of seriously undermining Nigeria. Putting all these together Nigeria began to pursue the policy of eradication of colonialism and racism with much vigour.

⁸⁴See 'the Nigerian 1967 Revolution' by Patrick Akunnah. Spectrum, 2006.

ii. Nigeria's Involvement in the Eradication of Colonialism and Racism, and promotion of African Cooperation as a Demonstration of Moral National Policy.

To perceive a situation as a matter of national interests is one thing, to develop policies towards achieving it is a different thing entirely. At the time Nigeria gained independence, about sixteen African countries were equally decolonised Polhemus (1977: 50). Some others like Zambia, Gambia, Sierra Leone were in the various processes of negotiations towards statehood without substantial antagonism from the colonising powers or acrimony such as witnessed in French Algeria. Therefore, it is natural to expect that other countries south of the equator like South Africa and Rhodesia (Now Zimbabwe) would make their way to independence in a similarly less acrimonious manner and would not require support from Nigeria much more than occasional encouragement on negotiations. However, the unilateral Declaration of independence (UDI) by Ian Smith Regime⁸⁵ in Rhodesia in 1965, the accentuated **Apartheid** policy of the white regime in South Africa and the strangled hold of white farmers on South-West Africa (now Namibia) created a qualitative different problem as they evolved which called for new foreign policy responses. Gradually and in response, Nigeria developed a body of doctrine on the meaning and means of liberation which would guide it in making specific foreign policy decisions on Southern African issues.

Actually, there is a varying degree of commitment to moral policy against colonialism by the successive Nigerian governments. For example, Sir Abubakar's moral commitment to colonialism did not stretch as far as advocating immediate independence for countries like Angola, Zimbabwe, etc that were still under colonial subjugation then. Nor will his regime agree

⁸⁵Ian Smith was the former Prime Minister of Rhodesia (now Zimbabwe). After failed attempt to

to support nationalist fighters against both Portuguese and British colonialism because “it will mean we are training you to fight your African brothers in the South”⁸⁶. This was in spite of the fact that Sir Abubakar had told the gathering at the 1963 Addis Ababa Summit of OAU that “on the question of colonialism and racial discrimination, am afraid, we, in Nigeria will never compromise”⁸⁷. And his foreign Minister, Aja Nwachukwu, later sounded it by stating inter alia that “...We would be failing in our duty if we did not use our resources – mental, moral, and material – in the struggle for emancipation of the rest of the continent”⁸⁸. By implication, the moral support of Sir Abubakar’s government for colonial liquidation stopped where that of the prevention of lives began.

The contradiction in Abubakar’s approach is perhaps due largely to his moderate experience as a Nigerian politician from the feudalistic North who believed on gradual incremental approach to issue. For instance, when a motion for immediate independence for the territory of Nigeria was moved, by a member of opposition, Anthony Enahoro, in the floor of the constitutional conference, preparatory to Nigerian independence in 1957, Sir Abubakar, together with the Northern delegation, rejected the idea but rather advocated independence as soon as practicable – the policy that eventually delayed independence till August 1960⁸⁹. Again, in the face of sweeping decolonization in 1960, a minor debate had developed in Africa on the imperative of setting deadline for decolonization of other states. Sir Abubakar’s government put itself under pressure, even from the coalition partners, when it introduced a resolution at the UN advocating 1970 (a period considered too far by many states) as the deadline for decolonization

⁸⁶See the ‘Proceedings of the Summit Conference of Independent African States’. Addis Ababa . May 1963. Volume I. Section 2 CIAS/GEN/INF/35. P.3

⁸⁷. See Ibid. p. 5

⁸⁸. See. EmekaOkolo’s ‘Changing Nigerian Foreign Policy’. World Affairs. Volume 151. No. 2

⁸⁹ The British Colonialists departed Nigeria in August 1960 and handed the rein of government to Nigerians but the official declaration date of independence was shifted to 1 October 1960 by Sir Abubakar’ government.

in Africa⁹⁰. What all these entails is that the pursuit of moral policy depend largely on the personality of the leader of various governments that ruled the country since independence. Most likely, Sir Abubakar moderate approach to colonialism in 1960s was to prevent the kind of chaos that accompanied the precipitate independence of Belgian Congo in summer of 1960⁹¹.

However, this moderate approach or doctrine of necessity did not survive beyond Sir Abubakar's regime. The successive government after Abubakar carried the moral stand on colonialism and racism beyond rhetoric by supporting and providing finance to the Liberation struggles in Angola, Zimbabwe (former Rhodesia), Guinea-Bissau, Namibia and South Africa. After the fall of Sir Abubakar government in 1966, successive governments⁹² that followed did not only talk about liberation but removed domestic constitutional constraints that impeded, during Sir Abubakar era, and could still impede assertive foreign policy pursuit. These domestic constraints were the institutional and constitutional obstacles that characterized Nigerian polity during the first six years of independence, variously referred to in literature as the Nigeria First Republic. Institutionally, during the first Republic, there was the absence of nationally-oriented political parties Okolo (1973:315).

⁹⁰See Akinyemi. Bolaji's 'Readings on Nigerian Federalism'. p.106. citing UN document A/L357 of 9 November, 1961.

⁹¹.For more on Congo Crisis, the root of the crisis, colonial impact, the dictatorship, regional warfare, continued conflict and election including recent events and other dimensions of the crisis including sustaining livelihoods, sexual violence, security sector reform, justice and accountability, conflict minerals and armed groups see http://www.enoughproject.org/conflict_area/eastern_congo/root-crisis

⁹² Three regime phases could be identified in the Nigeria policy towards liberation of Southern Africa. 1960 – 1966 period of moderation of Sir Abubakar. 1966 -1990: period of active engagement and support for Liberation struggles by regimes of Generals Yakubu Gowon (1966-1975), Murtala/Obasanjo (1975-1976/1976-1979), ShchuShagari civilian government (1979-1983), Generals Buhari/Idiagbon (1984-1985) and Ibrahim Babangida (1985-1993). 1990 to date: Period of functional engagement in political, economic, commercial and social cooperation following the end of apartheid and total independence of all African states- this period is witnessing establishment of various functional cooperations like the Joint Economic Commission known as Bi-National Commissions, such Nigeria-South Africa, Nigeria- Namibia, Nigerian-Zambia, Nigerian Botswana etc. For details see <http://www.nigerian-foreign-affairs-ministry-bi-national-commissions>.

The three major parties that vied for the requisite parliamentary majority to form the first government of independent Nigeria were regionally based. The Northern People's Congress (NPC) of Sir Abubakar controlled the Northern Region and its membership was limited only to persons of northern origin. The somewhat nationalistic party, National Convention of Nigerian Citizens (NCNC) was led by an Easterner, Dr. Nnamdi Azikiwe and controlled the Eastern Government. The third party, the Action Group (AG), led by Chief Obafemi Awolowo⁹³ derived its membership from western Nigeria. This diffuse political orientation found expression in the differing foreign policy position of the political parties during and after independence (Ibid.). These parties wield so much influence on the parliamentary government of the time given their influence at the federal parliament where the politics of the period were played. This influence perhaps explains why Nigeria adopted the policy of Non-Alignment apart from the nature of international environment narrative in many literatures as could be gleaned in the following table.

Table 3.

Foreign Policy Attitude of Nigerian Legislators in the First Republic, 1960 -1966.

Political Party

Graphical representation of % of Legislators' support for Nigerian alignment with major alliances during the cold war .

	NPC	NCNC	AG
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⁹³ Dr. NnamdiAzikiwe (1906 -1996), Chief ObafemiAwolowo (1909-1987) and Sir Ahmadu Bello 1910-1966 (who led the Northern Peoples' Congress) were the three nationalists that collectively negotiated Nigeria's road to independence in 1960. They represented majority aspirations in the tripod – Northern, Western and Eastern regions – of Nigeria history. Each later ruled as Premier in their respective regions. Until the first military coup in Nigeria in 1966, the trio bestrides Nigeria politics like a colossus. While Dr. Azikiwe and Chief Awolowo were of Christian faith from the south, Sir Ahmadu Bello belonged to the Muslim Aristocratic North of the country. For details on eachofthenationalistsSee<http://www.blackpast.org/gah/bello>; http://www.obafemiawolowofoundation.org/awo_bio.php; <http://www.nytimes.com/1996/05/14/world/nnamdi-azikiwe-the-first-president-of-nigeria->

Western Block	51	21	30
Eastern Block	-	21	-
Neither Block	49	54	50

NPC = Northern People's Congress, NCNC = National Convention of Nigerian Citizens, AG = Action Group. Source: Emeka Okolo's *The Changing Nigeria Foreign Policy* 'World Affairs Institute' Spring 1973, Volume 135, Number 4, p. 35.39.

The above picture depicts the disposition of the Nigerian legislators to major players in the Cold War contests. The apparent lack of support by federal legislature for eastern bloc underlined Lagos' delay until December 1961 of formal establishment of diplomatic relations with the Soviet Union and the repeal of 1955 ban on communist publications Okolo (317).

The Constitutional constraints on foreign policy which imposed severe hardship on Abubakar were the provisions in both the 1960 Independence Constitution, Article 69 and section 74 of the 1963 Republican Constitution, Okolo (1973:318). These provisions had conferred on the federal government powers to enter into treaties, conventions and agreements, as well as decision on membership of international organizations.

However, these provisions were immediately limited by proviso that any provision of law enacted by the federal parliament 'in pursuance of this section shall not come into operation in Region unless the Governor of that region has consented to its having effect'⁹⁴. The cumulative effect of all these was that many regional Governors, at that time, made many important but embarrassing pronouncements on foreign policy that were at variant with the position of the central government and not only constrained capacity for assertive foreign policy but portrayed Nigeria as 'a country that speaks with too many voices'.

⁹⁴ See provisions of the 1963 Nigerian Republican Constitution at <http://www.dawodu.com>.

Moreover, after the fall of Sir Abubakar's government on 15 January 1966⁹⁵, the Aguiyi Ironsi's military government that followed repealed these aspects of the constitution and firmly placed foreign policy at the exclusive jurisdiction of the federal government and this exclusivity in foreign policy is still in operation under the current 1999 Constitution. The Gowon Administration that succeeded Ironsi openly displayed readiness to engage the white racist regime in more than diplomatic manners.

But the epoch of Nigeria diplomacy against racism and colonialism was the era of Murtala/Obasanjo regime of 1975/1976 and 1976/1979 where Nigeria took some far reaching initiatives. Apart from allowing various African liberation movements such as the African National Congress (ANC) of South Africa, South West African Liberation Movement (SWAPO), to open foreign offices in Lagos, Nigeria, established what was called South African Liberation Funds where each federal worker were mandated to contribute a percentage of their monthly wages towards liberation of Southern African countries. Earlier in 1963, Nigeria had been one of the founding nine countries of the OAU Coordinating Committee for the Liberation of Africa.

The reason behind the formation of this body is essentially to channel funds to various liberation movements in Africa and Nigeria stayed consistent by providing its annual contribution to the body with no protestation of pacifism till 1994 when South Africa eventually

⁹⁵Sir Abubaka's government was deposed in a military coup planned and executed by five Majors of the Nigerian Army – Kaduna Chukwuka Nzeogwu, Emmanuel Ifeajuna, Wale Ademoyega. The coup later generated controversy due to the manner of execution which resulted in the killing of notable political leaders from the North and West only at the exclusion of those from the East. The inability of the coup planners to ensure proper coordination led to the rein of power being handed to the most senior Army officer, Major-General Johnson Thomas Aguiyi Ironsi who only ruled for six months period before the counter-coup of July 1966, mostly planned by dissatisfied Northern officers, toppled his government and he alongside the then military Governor of the West, Lt Col, Adekunle Fajuyi, was killed and General Gowon was installed as the Head of State.

achieved black majority rule. Nigeria even nationalized the assets of the British Petroleum (BP) in Nigeria to spite the British Government over Southern African issues and swayed majority African opinion in support of the recognition of one of the faction of the Angola Civil War – MPLA- as the authentic representative of the Angola people to spite American support for late Jonas Savimbi UNIITA rebel. Although, Ann Genova (2010:116) argues that: ‘the nationalization of BP was part of a project of economic nationalism – an ideology to rally a population around a state-sponsored economic vision- in Nigeria’, other governments, especially till the end of apartheid in South Africa in 1994 (Shagari, Buhari, Babangida and Abacha) had carried through this policy of liberation

However, it is imperative to state that Nigerian policy of liberation during this period only found relevance within the locus of liberation of black people from white oppression but not within the wider dimension of intervention against tyrannical regimes in Africa such as Idi Amin of Uganda, (1970-1979), Marcia Nguema of Equatorial Guinea (1972-1979) Samuel Doe’s Liberia (1980-1990). This is because while Nigeria may object in principle to the wanton human rights violations of brutal dictators like Idi Amin, Samuel Doe and Charles Taylor of Liberia, or the brutal treatment of Nigerian contract workers in Equatorial Guinean⁹⁶, she did not take a deliberate attempt in terms of intervention to liberate the people or condemn these regimes.

Apart from continuing to fraternize the regimes such as the reception accorded Idi Amin in Lagos by Late General Murtala Muhammed in 1976 and regular visits of Samuel Doe to General Babangida in Lagos and Abuja in the 1980s, and lately, that of Charles Taylor to Abuja

⁹⁶As far as 1945 during the Spanish colonization of the Island of Fernando Po (later renamed Equatorial Guinea at independence) Nigeria had had a labour contract agreement with the Island under which Nigerian labourers were employed as contractworkers in the Island. But the contract has always been riddled with controversies due to

in the 1990s and 2000s, Nigeria is one of the strong advocate of Article (iii) of the Charter of former OAU which forbidden interference in the internal affairs of members states. James Mayall (1976:317) argue that the principle served Nigeria well during the Civil War, and provided the basis on which she was able to secure the OAU endorsement of the its cause. Therefore with regards to policy against colonialism and racism, Nigeria offers no coherent articulated doctrine but has evolved a body of consistent practice that substantially qualified the attitudes as a policy of human rights.

iii. Nigerian's Involvement in the Eradication of Colonialism and Racism, and Promotion of Inter-African Cooperation as a Mean for Achieving Moral Foreign Policy.

In achieving its moral stance against the issue of inhuman treatments of black people as expressed in its foreign policy principles, Nigeria employed diplomatic, economic and social ostracism of countries perceived to be violators. Consistent with decision of the 1963 Addis Ababa summit of African Heads of State and Government, Nigeria used breaking off of diplomatic relations to demonstrate moral reactions against racial oppression⁹⁷. For example following the Yom Kippur War of 1973, Nigeria carried its stand on this principle beyond the shores of Africa by spearheading the African states' breaking off of diplomatic relations with Israel to register her displeasure with human rights violation as a component of its opposition to racism. Also, in 1986 when Britain, under Margret Thatcher refused to apply stringent and comprehensive sanctions against the apartheid regime in South Africa, Nigeria led about 24 other countries to boycott the 1986 Commonwealth games in Edinburgh, Scotland.

⁹⁷The 1963 Addis Ababa Summit had thirty of the then thirty-two African independence states in attendance. Parts of the resolutions adopted at that summit to isolate Governments of South Africa and Portugal accused of racial attitude are: a) prohibition of imports of goods from those states; b) closing of all African ports and airports to their ships and planes; c) forbidding of planes of those countries to overfly the territories of all African States. See proceedings of the Conference of Independent.

Perhaps it is in the area of African economic development as a way of reducing neo-colonial syndrome that breeds dependency, oppression and racism that Nigeria's means for redressing racism and colonialism could be assessed. Nigeria has always believed that she carry a burden of African development if she is to effectively fight the oppression of racism and colonialism. This moral burden appeared under two strands of policy. One is the inescapable reality of using Nigerian resources to rein-in colonialism in the continent. Two, realisation that, given general African weak economic base and abiding level of poverty in many societies, necessary palliatives have to be provided should effective mobilization against twin evils of racism and colonialism be mounted. This is especially so as many African states largely depended on foreign imports and external finance from the colonial powers.

Here providence in terms of the discovery of oil in commercial quantity immediately after the end of its civil war, created opportunity for Nigeria to play this divine role. The oil windfall that followed the civil war, beginning from 1972, strengthened Nigeria bargaining power in the world economy as by 1974 its surplus on visible trade rose by more than 284 per cent, from US\$1.4 billion in 1973 to almost US\$5 billion, with 92 per cent of this coming from earnings from oil⁹⁸. With the oil boom, Nigeria strengthened inter-African cooperation by engaging in series of bilateral and multilateral initiatives to liberate Africa.

In specific terms, apart from a number of joint bilateral initiatives such as the establishment of Nigeria-Niger Joint Commission in 1971, the ratification of Economic Community of West African States (ECOWAS) Treaty in Lagos in 1975 and Nigeria-Chad Basin Commission (all of which are still in existence till today with increase in Nigerian

⁹⁸The actual figure according to Financial Times of 31 January 1975 is Nigerian Naira 1.05 billion and 4.4 billion respectively. But given the higher value of Naira/US Dollars then at N0.75 Kobo = US\$1. hence the above figures. Cited in James Mayall 'Oil and Nigerian Foreign Policy'.

commitments), Nigeria has domiciled a US\$25 million development fund with the African Development Bank (ADB) since 1978 to aid African economy. By the turn of the 1980s, Nigeria efforts in southern Africa had paid off with the independence of Zimbabwe and provision of 10 million Nigerian Naira as take-off grant⁹⁹. This system of contributions, either by facilitating liberation struggles or providing soft landing assistance programme, was systematically followed and also resulted in the independence of Namibia (formerly South-West Africa) in 1990.

Though Nigeria sustained this assistance to liberation struggles till the end of apartheid regime in South Africa in 1994, it is evident, going by the series of stringent economic measures adopted domestically and political crisis at home coupled with the huge debt overhangs which severely constrained foreign earnings, that the country is shouldering all these responsibilities with serious pains.

4.4. Nigeria's Policy Towards African Cooperation

However while discussion up to this point have centered largely on Nigeria's reactions to colonialism and racism, it will be apposite to briefly examine Nigeria's attitude to African cooperation as a component of its human rights policy. This is important in the sense that side-by-side its struggle at containing colonialism and racism in the country, it developed mechanism to promote inter-African cooperation. Perhaps one area where this has been demonstrated so well

⁹⁹Although, this grant was severely criticized by the then Nigeria National Assembly which accused President Shehu Shagari (1979-1983) of going beyond his constitutional approval limit. It need be mentioned that Nigeria's capacity for assistance began to nosedived from that period onward as oil earning which reached its peak at USD 22.4 billion in 1980, declined to estimated USD 9.6 billion by 1983, while total external debts stood at estimated USD 16 billion. The total external debts of the various state governments stood at estimated figure of USD 5 billion while external reserves which peaked at approximately USD 6.5 billion in 1979 plummeted to below USD 1 billion by the end of that administration in 1983. For details see Julius Ihonvbare' *Economic Contraction and Foreign Policy in the Periphery: A study of Nigeria's Foreign Policy towards Africa in the Second Republic (1979-11983)*, p.273. However, By, July 2005, following intensive negotiations and meticulous reform process, the accumulated external debt which has reached US \$36 billion was written-off by international creditors, after a buy back deal of about US\$12 billion.

and subsequently impacted on her foreign policy is her mediatory role in the resolution of African conflicts as a way of containing the chaotic situation left behind by the colonialists. Largely due to the arbitrary border inherited by most states which straddled ethnic relation across borders and immediately led to wanton demands for self-determination among various ethnic groups in Africa, Nigeria developed a pro-active conflict resolution method which placed emphasis on principles of ‘conciliation and mediation’ in the resolution of African crisis

4.5 Nigeria’s Position on African Borders 1960-2014.

Ostensibly, one of the major thrusts of Nigerian foreign policy behaviour since its independence was her unique role as a mediator in African inter-states conflicts. Nigeria has always rested this effort on two planks: (a) sanctity of African borders, and (b) non-interference in the internal affairs of member states. Beginning from the Algeria-Morocco conflict in 1963, Ethiopia-Somalian 1977/1978, Chad 1979, Mali-Boukina Faso 1985/1985, Liberian 1990, Sierra Leone conflicts of 1996-2000 and Sudan – South Sudan 1983-2012, Nigeria deployed this policy to successfully negotiate the settlement of the aforementioned conflicts. Fasheun (1983:183) has described Nigeria role as a mediator in African conflicts as that of ‘status quo mediator’. ‘A status quo mediator is defined as a state which seeks to contain conflicts without requiring fundamental change in factors that caused such a conflict’. A status quo mediator will not want to upset the apples’ cart but prefers borders and territories to remain the way they were as at the independence.

Nigeria’s penchant for this kind role is predicated on two factors. First, geo-political factor and two, perceptual factor. The geo-political factor is founded on Nigeria’s position as the largest, amidst many smaller nation-states in Africa and the morbid fears of the unstable

domestic ethnic currents. Nigeria has always nursed the fears that being the largest African states with unstable ethnic nationalities, its domestic reality could easily be exploited to destabilize its internal politics. The perceptual factor is the Messianic role Nigerian leaders have ascribed to the country as a defender of African cause. Therefore, the need to keep African borders as it were in order not to upset African independence was seen as indispensable foreign policy idea. Sir Abubakar confirmed this fear when speaking in Parliament in 1960, stated *inter alia* that:

“these colonial borders should be respected and in the interest of peace must remain the recognized boundaries until such a time when people concerned decide otherwise”¹⁰⁰.

Apart from the fact that Nigeria has always see the idea as a reflective of a key norm of African inter-state relations, opposition to boundary delimitation was functional for the survival of Nigeria fragile federal system. This is because right from independence, the prime candidates for ethnic secession within Nigeria internal polity have been Yoruba (West) in 1960; Hausa-Fulani (North) in 1966; Igbo (East) in 1967, and after a long period of calmness, was the Niger Delta’s demand for autonomy through sponsorship of rebellious activities and sabotage against the country in 2007 till date. Therefore, spearheading initiative to keep inherited colonial border was Nigeria’s way of dissuading ethnic restiveness at home. It is perhaps this concerns with borders that made Nigeria to influence the adoption of the principles of non-interference in the domestic affairs of states as one of the cardinal principles of the defunct OAU.

Several military regimes that succeeded Sir Abubakar, found as interesting and worth-embracing, this dual principle of sanctity of African borders and non-interference in the domestic affairs of states. Nigeria freely evoked these principles during her civil war (1967-1970) to sway OAU opinion against the recognition of the Biafra secessionists. For example, General Yakubu

¹⁰⁰See Sir Abubaka’s remarks at the OAU extra-ordinary summit of Heads of Government in Bolaji Akinyemi’s ‘Nigeria’s role in Settlement of African Conflicts’, Macmillian Publisher, London, p. 32.

Gowon, the then Head of Military Government warned that any attempt by member to subvert one another “is playing into the hands of the enemies of Africa and an affront to all that our Organization (OAU) stands for”¹⁰¹. When Gowon left the scene in 1975, the Murtala/Obasanjo that followed, rather than wait for OAU to initiate action on mediation before Nigeria take the step as was the case in the two succeeding regime, adopted a preemptive mediatory style which involved dispatching their foreign minister, late General Joe Garba to first initiate bilateral mediation before the unwieldy OAU would call for summit meeting on such.

By this style of diplomacy, Nigeria successfully negotiated the settlements of, for instance, the Kenya-Uganda conflicts in 1978, Angola-former Zaire conflicts over invasion of Sheba Province by Katanga militias in in 1978. With the advent of the Second Republic in 1979, the Shagari regime also relies heavily on these dual principles to negotiate the settlement of the Chadian conflicts in 1982. And by 1984, the General Mohammadu Buhari regime swayed the OAU position in recognizing the legitimate aspirations of the Saharawi Arabs which eventually led to the admission into the then OAU, of the Saharawi Arab Democratic Republic (SADR), and subsequent withdrawal of Morocco at the 24th OAU Ordinary Summit of Heads of State and Government at Addis Ababa. All these falls within the geo-political and perceptual factors of Nigeria’s principle of the sanctity of African borders and non-interference.

It is significant that when the Liberian conflicts started in 1989 as a result of Charles Taylor rebels incursion into the country with about 150 soldiers to oust the then President Samuel Doe., Nigeria was the first country to mount spirited efforts to initiate the formation of the first defence force in Africa – the Economic Monitoring Group (ECOMOG) to address the

¹⁰¹See General Yakubu Gowon: One year of OAU Chairmanship 1973-1974. Embassy of Nigeria Publication. Addis Ababa cited in OrobatoFasheun’s ‘African conflicts and its Resolution’.

situation. Rather than fall within mediatory role of any kind, Adebayo Adekeye has argued that the decision is attempt at exhibiting the notion of “Pax Nigeriana” (Adekeye, 2004:426). PaxNigrana is regarded as Nigeria’s consistent image as aspiring hegemon. This trajectory explains why Nigeria, itself poor and unstable, could commit approximately USD 3 billion to the Liberian projects which culminated in the negotiated exit of Charles Taylor, by Nigeria, in 2004 (Adekeye, 2004:425).

The place of all these submissions within the narrative of the theme of the thesis is that Nigeria has always wanted to live in peace within itself and among its neighbours. And given this desire to live within peaceful atmosphere, she developed a comprehensive system of moral policy to defend itself against external collaborators and to be seeing behaving pragmatically among the comity of nations. Within these policies was the enunciation of actions and beliefs that protect and promote dignity of persons which are necessary features of the universal human rights principles. Therefore, pursuit of actions complements to human rights promotion could be found within Nigeria’s engagement with the world since independence.

4.5. Conclusion.

This chapter has been able to prove that human rights filtered into the conduct of Nigerian foreign policy through concerns for the eradication of colonialism and racism and commitment to the inter-African cooperation based on peaceful resolutions of African conflicts. While the pursuit of human rights were not specifically addressed as an important cornerstone of foreign policy but the demonstration of commitment to the twin-evils of colonialism and racism provided the basis for judging Nigeria’s concern for the principle of human rights. Therefore in analyzing the incorporation of human rights into the Nigerian foreign policy, it is imperative to

understand that various reflexes of moral judgments in the Nigerian engagement with issues within Africa continent and the world at large provided the justifiable basis through which human rights' incorporation could be explained in the Nigerian foreign policy. The Nigerian foreign policy since inception has been predicated on some moral objectives which placed human beings at the centre of discourse. This itself is a function of colonial experience of the country during which its people experienced, first hand, bitter taste of racial discriminations and human degradation. That inhuman treatments coupled with pre-colonial contact with slave trading accentuate feeling that placed absolute importance on the dignity of mankind as condition for inter-state relations.

Therefore, Nigerian leaders who were exposed to varying degree of discriminations and self denial in the quest for emancipation believe strongly in the notion that for independence to be meaningful such should as a matter of fact be tied to respect for the dignity of mankind. And it is on the strength of this concerns for the dignity of mankind that the country has been evolving some moral policies which when critically placed within the context of global search for peace and stability, it could be asserted that promotion of fundamental rights has had some relevant in the Nigerian foreign policy.

While it was not expressly stated as part of the principles guiding its foreign policy, human rights have features in some of the actions it took both regionally and at the world at large. What is remaining is to look at area where this could be concretely developed as a foreign policy focus in the light of the disappearance of some of old indices like colonialism, racial discrimination etc. Finding this concrete method for promoting human rights, through technical assistance being provided by Nigeria to some country will form the focus of the next Chapter.

CHAPTER FIVE

DATA PRESENTATION, ANALYSIS AND FINDINGS ON THE INCORPORATION OF HUMAN RIGHTS INTO THE NIGERIAN FOREIGN POLICY THROUGH THE TECHNICAL AID CORPS (TAC) SCHEME.

5.1. Introduction.

The aim of this research project is to examine the possibility and benefits of incorporating human rights into the Nigerian foreign policy by using the instrument of its foreign technical aid assistance programme called the TAC Scheme. The Chapter captured a brief overview of the origin, formation and objectives of the scheme for the basis of highlighting presentation and analysis of data obtained through the administration of questionnaires to 80 respondents drawn from Ex and Current Volunteers of the Scheme, Nigerian Ministry of Foreign Affairs, Directorate of Technical Aid Corps and other Agencies whose mandate is germane to the study.

5.2. Origin of TAC

The TAC Scheme is a creation of the Nigerian state. The Scheme was conceived and born in 1987, which is in the dying days of the Cold War, under the former military ruler, General Ibrahim Babangida regime. The philosophy behind the formation was that of the Chief proponent of the Scheme, Professor Bolaji Akinyemi, then Minister of External Affairs, who had always believed that nations could always develop, be respected and, at times, be at par with other big countries by giving what one has to other countries in need¹⁰². Fundamentally, TAC has been regarded as one way of meeting the Afrocentric objectives of the Nigerian foreign

¹⁰²Akinterinwa, Bola. 'Objectives of Nigeria's Technical Aid Corps Scheme and Nigeria's National Interests'. a paper presented at the 2007 Technical Aid Corps 20th Anniversary Retreat at Bauchi. Bauchi State, Nigeria. held from Wednesday 21 to Saturday 25 November, 2007. p.2.

policy i.e. Idea that placed Africa at the nerve center of the Nigerian foreign policy. (Oche , Akinterinwa, Dokubo, 2007) have argued that TAC was conceived to launch Nigeria into a more active involvement in global politics, particularly in African politics, African being the center piece of Nigerian foreign policy by then. Ostensibly, remarks of General Babangida at the launching of TAC in October 1987 lend credence to this assertion that:

“...is in furtherance of our commitment to our foreign policy, which makes Africa its centerpiece. This Administration believes that it is in Nigeria’s national interest and that it should be regarded as Nigeria’s sacred duty to enhance the status of blacks all over the world”¹⁰³.

Obviously, the remarks equally suggests that, apart from the fact of Afrocentricism, meeting the objectives of enhancing the fundamental rights of the black people all over the world as expressed in the principles of Nigerian foreign policy is cogent to the formation of the TAC Scheme. This is because the operational scope of TAC was not only limited to Africa but to all countries in Africa, Caribbean and Pacific (ACP) regions as the first objective of the Scheme in the relevant Decree 27 establishing it revealed its intent as “to share Nigeria’s know-how and expertise with other ACP countries”¹⁰⁴, which literarily means that the programme was endowed with global mandate, though, on a limited scale of facilitating manpower development of the ACP countries.

¹⁰³Onyeama Ocheoha. “An evaluation of the Nigerian Technical Aid Corps as Agency for Promotion of Nigeria’s afro-centric Foreign Policy”. cited in Bola Akinterinwa’s ‘Objectives of Nigeria’s Technical Aid Corps Scheme and Nigeria’s National Interests’ being paper presented at the 2007 Technical Aid Corps Scheme. at Bauchi, Nigeria. p.7.

¹⁰⁴. Part 1. Sub-section 2 (a) in the Decree establishing TAC which deals with the Objectives of the TAC Scheme. as well as section 16 of part VI on interpretation. which interprets ACP as recipients of Nigeria’s technical assistance. It is worthy of note that while TAC was created in 1987. the relevant law backing its existence was the Decree 27 of 1993 which took retroactive effect from 1987. Section 17 of Part IV of the law provides that the Decree “shall be deemed to have come into force on 1st October 1987”. See Appendices.

5.3. Objectives of the TAC Scheme.

Following a memorandum from the then Minister of External Affairs, Professor Bolaji Akinyemi, the Nigerian Government under the then military ruler General Ibrahim Babangida, at its Executive Council Meeting on 27 November 1986 adopted Council Memo 4, proposing the establishment of TAC, which was subsequently launched in October 1987, but endowed with legal instrument through Military Decree No. 27 of 1993, in which its section 17, part 1, sub-section 2 highlighted its original four main objectives as follows:

- a. To share Nigeria's know-how and expertise with other African Caribbean and Pacific countries (in this Decree referred to as "recipient countries").
- b. To give assistance on the basis of the assessed and perceived needs of the recipient countries.
- c. To promote co-operation and understanding between Nigeria and the recipient countries; and
- d. To facilitate meaningful contacts between the youths of Nigeria and those of the recipient countries¹⁰⁵.

As stated above, Akinyemi, in proposing TAC, was influenced by the moral philosophy, prevailing during Kennedy era that beauty, grace and dignity were important in governance. Having studied at the Temple University, United States during the Kennedy days, Akinyemi observed how American Peace Corps helped to turned the image of "ugly Americans to friendly Americans' and remarked inter alia that:

¹⁰⁵.Federal Republic of Nigeria Official Gazette Decree No 27, Federal Government Press. Lagos. Volume 80. Number 10 of 5th May 1993. p. 1-9. Same appendices as cited above.

‘...I thought that just as the Peace Corps helped in putting human face on the United States, an international volunteers programme may also help to counteract the image of Nigeria abroad. So that when people talk about.....and the ugly Nigerian in a particular country, they will remember that there was that engineer who helped to build our express road, he was a Nigerian; or the nurse who help save my baby when my baby was sick, he was a Nigerian; or the medical doctor that was attached to the State House was a Nigerian’ Akinyemi Interview, Lagos 27 July, 2006)¹⁰⁶.

The TAC Scheme was designed to recruit highly qualified personnel, called TAC volunteers, in all fields including medicine, nursing, law, teaching, etc and deployed them to needy ACP countries for two years to fill the manpower gap in those states. During the period, Nigerian government is responsible for return tickets and monthly allowances of these “Volunteers”¹⁰⁷.

Prior to the formation of TAC, Nigeria’s aid programme to the needy countries has been in form of outright cash donations. This was on the impression that what those countries needed was cash rather than materials. For example, Nigeria was said to have expended about USD 73 billion on liberation struggles in South African region and peace keeping operation since 1960. In 1976, she established a USD 80 million Nigeria Trust Fund (NTF), domiciled with the Tunis based African Development Bank (ADB).

The fund provides financing at intermediate rates of between 2-4% repayable in 25 years Ibrahim (2007:6). Also falling in this category was the selling of oil at concessionary rates to West African countries in 1970s to cushion the effects of the Arab oil embargo arising from the Arab-Israeli war of 1973, the building of a presidential palace and a petroleum refinery in Lome, Togo in 1970s; provision of electricity from its Kanji Dam to Niger Republic in 1987, granting of 2 million Nigeria Naira interest free loan to Benin. Within the same period, Nigeria also

¹⁰⁶. The Daily Guardian. Lagos. July. 2006.

¹⁰⁷Participants under TAC are usually referred to as TAC volunteers.

invested 7.2 Nigeria Naira in joint cement project, including single handed construction of 1.8 million Nigeria Naira Idiroko-Port Novo stretch of the trans-African highway¹⁰⁸. This was the period when Naira/Dollar international exchange rate was 0.75/\$1. Most recently, in 2008, Nigeria made a cash donation of USD 5 million to the Rehabilitation and Reconstruction Agency for the Tsunami Disaster in Aceh and Nias, Indonesia. Obviously, these forms of assistance was based on altruism and de-linked from perceived national interest. It was eventually seen to be 'wasteful', especially as Nigeria derived no tangible benefits from it rather than the euphoria of the moment. Thus, the method was replaced with a more well-structured and enduring scheme.

The real problem here is that due to the poorly articulated and uncoordinated aid programme, Nigeria was usually poorly placed to reap the benefits of providing aid, while the recipients in most cases, saw Nigerian handouts as ad-hoc palliatives which though useful in the short term, mattered far less than forging of linkages with ex-colonial masters and the industrially advanced countries of East and West during the Cold War. Apart from the relatively smaller size of Nigerian aid in broad terms, part of the ineffectiveness of Nigerian aid in the 1970s was that many governmental departments were involved in uncoordinated aid disbursement or bilateral agreements at the exclusion of the Ministry of External Affairs¹⁰⁹.

The absence of a clearly defined institutional framework for proper monitoring, assessment and placement of aid within well defined national interest and specific objectives in certain region of the world resulted in a situation where most of the aid were misdirected, leading to waste and even corruption. This, perhaps, explains the unwholesome trend in which some African countries which had benefitted from Nigeria turned round to take decision detrimental or

¹⁰⁸ Charles Dokubo 'the Place of Technical Aid Corps (TAC) in the Nigeria's Foreign Policy', a paper presented at the 2007 retreat on 'The TAC Scheme At Twenty: Prospect for the Next Decades and Beyond'

¹⁰⁹ Ibid, p.9

clearly hostile to Nigeria, or aligned themselves with position of extra-African powers keen on undermining Nigeria. For instance, at the 1986 summit meeting of Non-Aligned nations in Harare, Zimbabwe, President Robert Mugabe acknowledged assistance of all countries towards the success of the summit in the presence of all the leaders but ignored Nigeria despite the fact that Nigeria was the main financier of the summit¹¹⁰.

5.4. Management of the TAC Scheme.

The overall management of the TAC Scheme was given to a semi-autonomous Agency of the Ministry of Foreign Affairs (formerly External Affairs until 1992) called the Directorate of Technical Aid Corps (DTAC). The Directorate steers the affairs of the Scheme in terms of the recruitment of volunteers, interview, deployment and debriefing after the completion of the two-year mandated period of service abroad, as well as meeting other objectives of the Scheme which involved: (i) completing other forms of assistance to the ACP countries; (ii) ensuring a streamlined programme of assistance to other developing countries; (iii) acting as a channel for enhancing South-South cooperation; (iv) establishing presence in countries, which for economic reason, Nigeria has no resident diplomatic presence¹¹¹. As an international volunteer (IVS), the TAC Scheme draw participants from several fields to serve in developing countries for a non-renewable period of two years. Their participation and conduct while abroad are covered by working contract called TAC Country Agreement¹¹².

¹¹⁰. Professor Akinyemi's remarks on the immediate rationale for TAC at the 2007 TAC at Twenty Retreat.

¹¹¹Adebanwi. Wale 'Globally-Oriented Citizenship and International Voluntary Service'. Lightning Source (UK). 2011. p. 25.

¹¹² TAC Country Agreement is agreement signed between the Directorate of TAC and any recipient country before the provision of assistance or deployment of TAC volunteers. The Agreement is in three parts. Chapter One. is on the general principles that set the objectives and commitments of both parties. Chapter Two deals with the obligations of Nigeria to the recipient country and Chapter Three is on the obligations of the recipient countries to TAC volunteers.

For the past 27 years, TAC has remained the most enduring foreign policy tool of the Nigerian government going by the incidence of frequent changes of government (especially during the military era) and policy summersault that usually characterized such changes. Thousands of Nigerian youths have participated in the scheme, with Nigeria committing millions of dollars to sustain it. From the initial 12 countries at the inception of the programme in 1987/88, the number has risen to 33 as at 2006¹¹³. Five new countries have joined in the last five years. The number of applicants have hovered around 150,000 thousands since inception in 1987, in which only half of that figure were interviewed and over 3000 volunteers have successfully participated in the scheme (TAC Directorate 2014). The participants are made of Journalists, Lawyers, Doctors, Nurses, Teachers, Engineers, University lecturers, Bio-medics, and they work in the recipients' health, education, legal and public sectors. As recent as 2009, new innovations in the sense of sending artisans like carpenters, traditional sculptors, tailors, fashion designers, was introduced when Namibia made special request for such tradesmen to launch its local small and medium scale enterprises¹¹⁴.

The Nigerian government pays them the monthly allowance of USD1000 (for volunteers in other professions), USD 1200 (for medical doctors only) 'offshore' and N25,000 across board 'onshore' (approximately USD150 and usually paid to their local account in Nigeria)¹¹⁵. In addition, recipient countries are expected to provide accommodation, transportation to & fro the Volunteers place of primary assignment, utility and other monthly stipends that may be deemed necessary by them, for example, 'call-duty allowance' for medical personnel.

¹¹³ See Adebani. Wale. p. 27

¹¹⁴ The researcher was at the time working as one of the Directorate staff of TAC.

¹¹⁵ The figures are the current allowances paid to the volunteers and represents an upward review from the former figures of USD700 offshore and N10,000 onshore. The Directorate commenced the payment of the new allowances in 2009 after securing Presidential approval to that effect. At inception in 1987, USD 500 was being paid as offshore allowance and the volunteers then were regarded as the highly paid employees of the Federal Government.

5.5. TAC and the Principle of Fundamental Human Rights.

The Principle of fundamental human rights as an offshoot of the 1946 United Nation's Universal Declaration of Human Rights (UNUDHR) was entrenched in the Nigerian Constitution. The entire gamut of Chapter IV of the current 1999 constitution in operation was devoted to fundamental rights of citizens. The rights spanned from Section 33 and 46 of the Chapter. These includes: Section 33 – Right to life; Section 34 – Right to dignity of human person; Section 35 – Right to personal liberty; Section 36 – Right to fair hearing; Section 37 – Right to private and family life; Section 37 – Right to freedom of expression and the press; Section 38 – Right to freedom of thought, conscience and religion; Section 39 – Right to freedom of expression and press; Section 40 – Right to peaceful assembly and association; Section 41 – Right to freedom of movement; Section 42 – Right to freedom from discrimination; Section 43 - Right to acquire and own immovable property anywhere in Nigeria; Section 44 – Right to compensation for property acquired compulsorily; Section 45 – Restriction on and derogation from fundamental rights; and Section 45 – Special jurisdiction of High Court and Legal Aid¹¹⁶.

The idea of promoting international human rights concepts in recipient countries is not expressly identified as part of the TAC objectives even though Nigeria since independence has become party to some of the international treaties and convention on human rights. There is no

¹¹⁶ The above is contained in the current Nigerian Constitution of 1999. For more details on Nigeria Constitution see Nwabueze, Ben's 'Constitution and Constitutionalism in Nigeria. Oxford Publication. 1976. pp. 320.

area in the law establishing the scheme that specifically advocated human rights promotion as part of the scheme's objectives. However, the major focus of the scheme on promoting educational advancement in the recipient countries through the deployment of Nigerian teachers and health personnel like medical doctors, nurses, lab technician and other para-medical staff has placed it in the vintage position as a vehicle for the advancement of social and economic rights.

5.6. Analysis of Data on the Incorporation of Human Rights into the TAC Scheme As an Instrument of Nigeria's Foreign Policy.

Fundamentally, the research does not intend to discuss in broad terms the size of the Nigerian aid but to link the objectives of its technical assistance to the aforementioned rights provisions in its constitution in such a way that new and innovative foreign policy objectives will be created for the attainment of its national interests. This is more so as the concept of rights is increasingly becoming the heritage of foreign policy. In doing so, the research conduct a survey or sampling of views of people associated with the Nigerian foreign policy in one way or the other and in the process come out with the following analysis on the extent to which human rights can become an integral of the Nigerian foreign policy through the policy of TAC.

5.7. Analysis of Response Rate.

A total of 80 questionnaires were administered for the purpose of this study. However, only 72 were successfully retrieved. 8 were unusable due to wrong and inaccurate submissions by the respondents. Appendix 4 (a-r) shows both the tabular and graphical representations of the responses' rate.

Table 5.1 and Figure 5.1 in appendix 1 (a) show that, out of the 80 questionnaire that were administered, 72 representing 92% were returned. 8 were not returned which stood at 18%.

Hence, it can be inferred that the coverage of the questionnaire is large enough to give the researcher sufficient data needed to arrive at a logical conclusion.

In terms of the demography of the respondents ie. gender, age distribution and education qualifications and years of experience in government service. Table 5.2 and Figure 5.2 in appendix 1 (b) reveals that 65% of the respondents were male and 34 % were female. **The disparity in ratio of males and females' distribution can be attributed to the purposive (useful) random or accidental sampling technique employed for the administration of the questions. The disparity does not in any way alter the outcome of the result.**

Table 5.3 and Figure 5.3 in appendix 1 (c) depicts the age distribution of the respondents. **From the analysis of the variables, it could be deducted that the majority of respondents falls within the age bracket of 31 – 50 years, which implies that they are old or matured enough to understand and draw logical conclusion on issues relating to the subject under investigation.**

Table 5.4 and Figure 5.4 in appendix 1 (d) show the distribution of educational background of the sampled population. From the analysis, about 8% of the respondents are Ph.d holders, 61% are HND/Bachelor degree holders, while 30% are Masters Degree holders. **The high academic qualification obtained by these people indicates that majority of the respondents are enlightened enough to give accurate and meaningful contributions to the subject from an informed background.**

On their level of experience in public service which is critical to finding out how useful their submission could be to the study for as the maxim says ‘‘ experience is wealth’’, Table and Figure 5.5 in appendix 1 (e) indicates that 48% of respondents have between 11-20 years of job

experience, while 34% possess 21–30 years job experience and only 13% has 1-10 years. **Therefore, it can be inferred from that stand point that majority of the respondents have requisite wealth of experience to enable them make useful contribution to the study.**

Having established the above critical background, the following questions were administered on the respondents. They were segmented into three sections a, b, and c, in order to properly evaluate their responses in tandem with desired result.

Section A

5.6. Appraisal of the Extent to Which the Technical Aid Corps Scheme has Achieved its set Goals Since Inception.

This portion of the research findings attempt to determine the extent to which the TAC Scheme has achieved its set goals since inception in order to know if it could be shouldered with additional responsibility of promotion of human rights. All the responses are tailored towards answering the research question with a view to find answer to germane issues raised by the researcher.

The first question was aimed at determining the level of awareness of the sampled population on the TAC Scheme as a tool for achieving the aims of Nigeria's Foreign Policy? Both Table 5.6 and Figure 5.6 at appendix 1 (f) indicates that a bulk number of people (77%) expressed conversant with the existence of TAC as a tool for achieving Nigeria's foreign policy. **Therefore, the majority of sampled population is familiar with the Scheme and its operation. This development afforded one the opportunity to make inferences and draw useful conclusions from the informed position of the population. This because without their**

familiarity with the import of the Scheme and its essence within the Nigeria's foreign policy, it would have rendered the entire research works useless.

Based on the established familiarity expressed by majority of the sampled population with TAC as a tool for achieving Nigeria's foreign policy, the second question as to whether the Scheme has achieved its set objectives was posed to respondents? The question was structured in an open ended format to enable respondents give a definitive answer. Therefore, Table and Figure 5.7 in appendix 1 (g) depicts respondent's view on the question of whether the Scheme has achieved its set goals and objectives or not. The popular opinion agreed that the scheme has achieved its set goals as 55% of opinion responded in affirmative while additional 20% agreed substantially by expressing strong opinion on the subject. **From the submission, it could be inferred that the continued relevance of the Scheme is not in doubt as majority of the respondents expressed support that it has met its set objectives.**

Deriving from the above, the respondents were asked whether in their views the Scheme has promoted cooperation and understanding between Nigeria and recipient countries (as one of its cardinal objectives suggests) given their vintage position as participants and observers of the Scheme operation. About 70% as depicted in both Table and Figure 5.8 in appendix 1 (h) agreed that the Scheme has indeed promoted cooperation and understanding between Nigeria and the recipient countries. 55% expressed mild feelings about the question while 20% expressed strong opinion about this. It could be inferred that the fact that Nigeria has not had any diplomatic wrangling or disagreement with any of the recipient countries might have influenced their opinion. Also, the sheer increase in the number of countries that are requesting assistance was taken as a measure of mutual understanding. **Therefore, it can be deduced that the Scheme has to a certain degree meets the foreign policy objective behind its formation.**

In order to properly test the level of understanding of the respondents with the substance of the subject, the researcher applied the follow-up questions as to whether the cooperation being promoted by the scheme is sufficient to sway the opinion of these countries towards Nigeria's preferred outcome in any circumstance? This is with the ultimate aim of finding the potency or usefulness of TAC in promoting Nigeria's human rights foreign policy.

The submission of respondents as revealed in both Figure and Table 5.9 in Appendix 1 (i) reveals somewhat different outcome. Respondents were asked to relate their opinion by expressing strong and general agreement and strong and general disagreement respectively on the subject. From their submission, it is difficult to conclude that the cooperation and understanding garnered by the Scheme for Nigeria is sufficient to change the policy of these states. Only 12% of respondents expressed strong support for this, while 30% gave a mild support. 13% and 27% of respondents viewed this question in a negative term, while another 15% were undecided. The line between the majority that expressed positive response 30% and 12% respectively and those that returned negative response (13% and 27%) is too thin to draw definitive conclusion from the question posed. **Substantially, it might be apt to infer that it is difficult to prove scientifically that the cooperation and understanding generated by the scheme in the recipient states are sufficient enough to make them change their policy towards what Nigeria preferred.**

The researcher also applied a definitive question to the respondents in order to know from their point of view if the scheme worth the energy and resources being expended on it by Nigeria? From the responses in Table and Figure 5.10 at Appendix 1 (j) and despite expressing strong divergent views on the potency of the level of cooperation facilitated by the Scheme, majority of the sampled population still expressed preference that the Scheme should continue.

One theme that runs through these views is the conviction by majority of respondents that the Scheme is a useful foreign policy tool and it has given Nigeria some visibility in the world affairs, though the level of this visibility is difficult to gauge. The tiny population that expressed divergence only do so on the basis of the perceived financial burden they feel the scheme is putting on Nigeria and not on its usefulness as a foreign policy tool. **Therefore, it is apposite to infer from the sample that the Scheme is serving useful purposes for Nigeria and its operation should continue.**

In order to test the level of goodwill generated by the scheme in many countries of operation, respondents were asked to determine if the countries were appreciative of the role of the scheme since it was intended to facilitate meaningful development in these states. It was intended to be answered substantially by those who directly participated in the scheme. Table and Figure 5.11 at appendix 1 (k) depicts the level of responses on this subject. Majority of respondents expressed negative views about the appreciation of the recipient countries towards Nigeria's technical assistance. One common trend in their view is the perception of the Scheme in the recipient countries which they all claimed were very low due to combination of factors ranging from psychology to economic.

However, there is a regional disparity in the views expressed. This is because volunteers and officials from mostly African recipient countries aligned substantially with these economic and psychology factors by asserting that populace and officials of these states viewed TAC as avenue for domination by Nigeria and means of usurping few available jobs in these states by TAC volunteers. For example, volunteers and officials from other states like Fiji and Belize in the Caribbean and Pacific only expressed psychological problem which is largely associated with superiority complex festooned on TAC by officials and populace of these states. They see TAC

volunteers as lacking in capacity to bridge the manpower gap as result of what they perceived as high standard of their own educational and social facilities.

Part B.

5.7. Assessment of the Ways and Means TAC could be used to Incorporate Human Rights into the Nigeria's Foreign Policy.

This portion assessed the method of incorporating human rights into the Nigerian foreign policy. Respondents' views were easily gauged through open-ended questions that enable researcher to draw useful conclusion from their submissions.

In order to test the research question which is incorporation of human rights into the Nigeria's foreign policy through the Technical Aid Corp (TAC), the researcher applied the following questions by first establishing the level of awareness of respondents with the concept of fundamental human rights in Nigeria. Table and Figure 5.12 in Appendix 1 (l) indicates that there is high degree of awareness among respondents on the existence of fundamental human rights in the Nigerian constitution. 73% responded in affirmative. Therefore enough ground was provided to the researcher to conclude that the population is aware of the subject and when combined with their educational qualification, wealth of experience, it was further amplified that the respondents could supply sufficient information that can lead to reasonable conclusion on research question.

In order to determine how respondents view Nigeria's human rights performance, they were asked to relate their views on whether Nigeria is a promoter of human rights domestically? Figure 5.13 and Table 5.13 in Appendix 1 (m) indicates that majority of respondents do not see Nigeria as a promoter of human rights concepts as a substantial total of 52% (as against tiny total

of 26% who supported) expressed both strong and general negative feelings about Nigeria's human rights compliance while additional 19% were undecided on the subject.

Inferences from their views suggest that majority sees lack of rule of law and flawed electoral process as factors that are inhibiting the development of culture of human rights in Nigeria. While the few positive responses alluded to the enthronement of democratic government since 1999 as a step forwards in the development of human rights, majority of the respondents failed to see any significant changes in the human rights concept in Nigeria as they substantially submitted that the country still suffers from the hangover of military dictatorship which abhors opposition.

For example despite significant improvement in courts process such as time and detention period which has been reduced to maximum 24 hours, many respondents might have been influenced by the low perception of police which still deployed substantial torture against alleged law offenders and in the extraction of information from detainees as against the provisions of relevant international conventions. It could be inferred from their response that some of the respondents might have been largely influenced by the recent Amnesty International Report on Nigeria which singled out Nigeria military and police for gross human rights abuses in the prosecution of the on-going war against terrorist Boko Haram sect in the North-East region of Nigeria and forceful extraction of information from alleged offenders in Nigeria.

The researcher also wanted to know if existence of human rights in the Nigerian Constitution and the consciousness of its people on it could enable her to play a role of human rights promoter internationally. Table and Figure 5.14 at Appendix 1 (n) reveal the contentious opinions of respondents on whether Nigeria can be a promoter of human rights in its external

relations. Although, a total of 54% of the population expressed strong and general optimism on the subject, a total of 45% other were pessimistic. While it could be inferred from the submission of the majority respondents that Nigeria could be a promoter of human rights externally by perhaps leveraging on what she has to achieve what she want. ie. leveraging on the goodwill of technical manpower (TAC) to promote human rights foreign policy. Economic and human resources potentials of Nigeria were obviously seen as useful tools in this regards. Therefore, it could be deducted from their submission that Nigeria could deploy the advantage of its economic powers, especially in Africa, to be a promoter of human rights in the continent by, for instance, accepting or refusing to sell oil at concessionary rates to some of the countries that depended on its oil (economic) or refused to provide manpower assistance to known violators of human rights among its aid recipients.

However, inferences from the divergent views, probably hinged on the need to reform Nigeria internal political and judicial system before it could play active role as a promoter of human rights abroad. Nigeria's internal components as presently constituted were obviously seeing as not in congruent with aspiration of being a promoter of human rights internationally. This is even in spite of her being a party to many of the international conventions and treaties on human rights. **The contentious submissions suggest that the issue of Nigeria playing active role in human rights promotion needs to be further examined in view of her current not too impressive domestic credentials on human rights promotion.**

Moreover, based on the prominent role of the Ministry of Foreign Affairs in Nigeria's external conduct, respondents were asked to relate their views of whether the Ministry has put in place measures to advance the cause of human rights in Nigeria's foreign relations? Table and Figure 5.15 at Appendix 1 (o) show that the Ministry of Foreign Affairs has not put in place any

mechanism to promote human rights in Nigeria's foreign policy. Majority 75% pronounced negative view about the issue and additional 6% were undecided, compared to tiny 15% that responded in affirmative. The implication of this is that Nigeria, as at now, has no foreign policy initiative that promotes human rights despite its numerous commitments to the United Nations' peacekeeping operations across the world and various endeavours to enthrone peace in the West Africa sub region, as well as Africa in general. **Therefore credible mechanisms such as the creation of human rights department in the Ministry and orientation of Nigerian Missions abroad in order to take active role in the promotion of human rights in their host countries, especially those that are recipient of Nigeria's aid, are necessary in order to advance the cause of human rights in Nigeria's foreign policy.**

The researcher also wanted to gauge the respondents' views on whether TAC could be used to promote human rights? Table and Figure 5.16 at Appendix 1 (p) shows that 55% see TAC as an instrument for championing human rights concept in the Nigerian foreign policy. Obviously, they were of the view that the cooperation and understanding it promotes between Nigeria and recipient country could be used to advance the cause of human rights. **The implication of this is that the scheme could serve as Nigeria's instrument for human rights promotion. However, the Scheme would need to be strengthened both in structure and operation in order serve as vehicle for rights promotion.**

Furthermore, with the view of determining the extent of the presence of morality in the operation of TAC, respondents were asked to determine if human rights concepts could be found in the current operation of the scheme? Table and Figure 5.17 at Appendix 1(q) indicate very controversial responses on the extent to which the TAC scheme seeing as promoting human rights concepts in the recipient countries. While appreciable number of respondents believed the

scheme is still promoting human rights even by its narrow focus on education and health development in recipient countries, significant number disagreed with that view. Perhaps, those in agreement sees the two main focus of the scheme which are education and health as integral part of human rights requirements and by focusing on mechanism to promote them in recipient countries, the scheme could be adjudged as promoting human rights.

However, inferences from the negatives responses suggest that the scheme has not been imbued with relevant powers to promote human rights. Perhaps, the respondents were looking at specific focus such as power of advocacy that is lacking in the scheme and the fact that it could not directly challenge human rights' violations in those countries as indices that disqualified it as human rights promoter. Interestingly, 33% of the opinions were rather undecided on the issue.

The implication here is that the Scheme could be said to be promoting human rights indirectly in the recipient states by virtue of its education and health care focus. However, is would need to be strengthened both in structure and focus to become an integral part of Nigeria's human rights foreign policy. To do this, new policy approach that placed TAC directly at the center of human promotion in the countries of its operation is necessary.

Also, in order to determine the specific way TAC could be expanded to take center stage in human rights promotion. Table 5.18 and Figure 5.18 in Appendix 1 (r) indicate responses to the question posed to the sampled population as to if the present operation of TAC should be expanded beyond health and education and directly armed with the task of promoting human rights abroad? Responses at both Figure and Table show that majority (55%) believe that the Scheme could be expanded to promote human rights abroad. Inferences from their submission suggest that direct mandate of promoting human rights may be problematic but the deployment

of soft power method that will ensure that both the educational and health authorities in aided countries are encouraged to orient educational and health curriculum towards promotion of human rights. By so doing, The TAC volunteers that would be deployed to these states would now begin to promote human rights in their teaching and welfare programme.

All things being equal, a culture of human rights among the populace would gradually be built. The implication here is that, by doing so, the Scheme will not be perceived as a spy agent in the recipient states if it is becoming more focus on human rights idea. Given the suspicions that usually attended Nigeria's relations with some African countries, it is believed that a more pragmatic and deft diplomatic approach will be needed to advance the cause of human rights through TAC in some of the countries that are recipient to Nigeria technical aid.

Part C.

5.8. Appraisal of the Specific Challenges Associated with the Nigerian Technical Aid Corp as a Foreign Policy Tool

This portion evaluate the importance of TAC to the recipient counties by gauging their perception of the scheme through the views of those volunteers that have served or currently serving in some counties such as Zambia, Cameroon, Equatorial Guinea, Fiji Islands, Belize, Dominican Republic. The aim is to draw logical conclusion on the nature of the problems, if any, associated with the Scheme, whether such are structural or that of circumstances of environment before it could be armed with new mandate.

Figure and Table 5.19 in Appendix 1 (s) depict situation where respondents were asked to relate the level of perception of the Scheme in many states, using specific yardsticks, in order to determine if it could become an effective promoter of human rights? Respondents' view show

that TAC is perceived in different ways in recipient countries. While some number of respondents 25% indicates that TAC Scheme is perceived in negative terms in some recipient countries, other gave different opinion that are very favourable.

More importantly, there is a disparity in the submissions across regional lines. For example, the current and ex-volunteers from the Caribbean and Pacific regions provides a favourable perception of TAC as a credible agent for promoting South-South Cooperation ostensibly as a result of the cultural and racial affinities of the people with Nigeria and her volunteers. Those from the Southern African sub-region pictured a perception that supports TAC as filling manpower gap especially by populace in places like Namibia, Botswana and Zambia. This favourable perception has resulted lately in these states changing their pattern of request in favour of Nigerian artisans skilled in such things as fashion designing, arts & crafts, automobile repairs and curators given the dearth of these categories of skilled manpower in those states.

The 25% respondents that opined negative perception of the scheme as agent of Nigeria imperialism were mainly former volunteers from places like Cameroon, Cote d'Ivoire, Senegal and Equatorial Guinea which populace and governments obviously harbours suspicion against anything Nigerian due to rivalry rooted in Franco-Anglophone colonial divide. This position contrasted with some others who gave some rays of hope about TAC. These were those who returned from places like Guinean-Bissau, Cape Verde, Sao Tome and Principe which governments have temporary suspended their requests for TAC volunteers mainly because of their incapacity to shoulder their responsibilities, like provision of accommodation and payment of monthly stipends to TAC volunteers, as prescribed under TAC Country Agreement. The implication is the perception of the scheme differed from different countries and regions based on different intervening variables such as colonial suspicions, needs, racial affinity of people

with Nigeria etc. For example, there are some countries which traditionally harbours negative views on Nigeria based on historical antecedents. Therefore, their views on TAC could not be taken as a real measure of the total perception of the scheme.

In Table and Figure 5.20, in Appendix 1 (s) respondents were specifically asked to relate areas where TAC has been having difficulties in its operation in order to know where the Scheme could be strengthened. Their submissions reflect different experiences of TAC volunteers in many host countries. Substantial number (41%) reflected the challenges of lack of accommodation and payment of monthly stipends due to the hosts' country failure to meet their obligations under the TAC Country Agreement. These volunteers were mainly those serving and returning volunteers from many African countries, especially west and East Africa and Zambia. Those that reported on hostilities from host states were volunteers from poor African countries like Sierra Leone who opined that due to poor communication many people have a wrong perception of volunteers as those that came to usurp the little available jobs at host states. However, cutting across are the views of those volunteers who were posted to remote rural areas in many host states who complained about challenges of economic hardship and uncomfortable personal experiences.

Therefore, it could be inferred that the responses are largely based on personal experiences of volunteers and not challenges that are directed at the importance or other wise of the scheme. As a result, one can draw conclusion that the most of the challenges are basically that of the poor economic base of some of the countries which constrained their capacity to fulfill their own obligations and not that the scheme is not performing or that they donnot want Nigeria's assistance. Also, poor communication gap as to the role volunteers posed major challenges to the positive perception of the scheme among populace of some countries.

5.9. Conclusion.

With the above analysis of the administered questionnaire on the research theme, it has been shown that while promotion of human rights are desirable and achievable in Nigeria's foreign policy, research result indicates that the attainment of the concept would depend on an important underlying variable as to the extent to which Nigeria is promoting human rights domestically. This in turn will depend on several intervening variables. One, the extent to which Nigeria is complying with the demands of human rights as enshrined in its constitution. Two, the restructuring of the present agents or mechanisms for promoting human rights such as police, judicial system, even public pronouncements and actions of public officials have to reflect human rights culture. Three, culture of human rights through the strengthening of other agents of change like Civil Society Groups, Politics etc has to be fully imbibed. Four, restructuring of its foreign policy mechanism and five, strengthening the capacity of its foreign aid programme.

All the above variables are critical to the formulation and internalization of policy and culture of human rights within the government and the public. Nigeria, though, has been a responsible member of international community and have been seen to behave responsibly in numerous occasions e.g. through her countless participations in almost all international peace operations since independence in 1960 and observation of international judicial pronouncement that goes against her interest such as the ICJ pronouncement on the status of the Island of Bakassi which transferred the peninsular to Cameroun in 2002 and several commitment to peaceful resolutions of conflicts in Africa, non-attainment of human rights principles could impinge on these credentials and constrain its capacity to project its image and power. A notable

example of this was when a low human rights record of her former ruler, General Sani Abacha, resulted into a pariah status in world affairs for Nigeria between 1993–1999. Therefore, for Nigeria to be a promoter of human rights internationally, it must first establish an image of respecter of human rights domestically.

CHAPTER SIX

Conclusions

6.1. Introduction.

Human rights have become integral part of foreign policy. Unlike situations in some three decades ago when issue of human rights and its impacts were treated with disdain among world leaders, today, it will be rather foolhardily and fruitless academic exercise to attempt an explanation of foreign policy without grounding it on its human rights implications. With particular reference to Nigeria, the country emerged from the shackles of colonialism in 1960 with strong aspirations to provide credible leadership in the area of promotion and defence of human dignity and rights. This explains why the country immediately embraced all the treaties and conventions that were in existence before her independence and expressed commitment to be party to others that seek to promote human dignity and rights. This aspiration was echoed in almost all international fora in which Nigeria was a participant.

6.2. Condition of Human Rights in Nigeria

The above aspiration was partly borne out of the bitter experience of the phenomenon of slave trade and colonialism on the collective psyche of the black people who are the worst hit and partly of her own experience as a subjugated nation. Nigeria has always believed it possessed a manifest destiny to defend the dignity of human race. This belief was reinforced by the sheer demographic composition of the country as home to the largest concentration of the black people all over the world. This fact of demography is further reinforced by the popular axiom that 'one in every four black people is a Nigerian'. Therefore it is inconceivable to expect a country with such a bloated aspiration to take a back seat on issues affecting human race,

especially those affecting the black people. It is within this context that Nigeria developed a consistent policy of participation in almost all of the UN peacekeeping operations beginning with that of the Belgian Congo (1960-1962) barely two years after the attainment of independence.

However, barely six years after its independence, the country that portend a lot of good opportunities for the black race was caught in the web of military dictatorship that trampled most of the rights it expressed aspirations to protect. In less than six decades, its political history has encompassed a parliamentary of the Westminster ‘‘ export model’’, an American version of presidential democracy with flaws here and there; with a model bill of rights; a succession of military governments; one of major civil wars of modern century, rapacious and predatory political leadership, decadents civil service and rent seeking economy Carter & Marenin, (1979: 48).

All these are factors that inhibit the growth and development of human rights culture. Until recently very little development or growth occurred whether measured by standard of economic indices or other social factors that supports development. The distribution of available benefits was certainly far from equal or equitable. Economic deprivations were accompanied by severe measures against criticisms, although such strict measures are milder compared to situations in other African countries Carter & Marenin (1979:49).

Interestingly, Nigerian had established National Human Rights Commission at a time that was, for the vast majority of Nigerians, one of great adversity. Sired by the Government of General Sani Abacha, a regime that had by the relevant time achieved notoriety as perhaps the most rapacious and oppressive in Nigeria’s short but chequered national history, the establishment of this body was widely viewed (quite understandably) as red herring, as a design

to deflect attention from the regime's ultra-dismal human rights record, and as entirely cynical move on the part of that regime.

6.3. Importance of the Research Subject and its Trajectory.

This research has been able to undertake a trajectory on the benefits and otherwise of incorporating human rights into the Nigerian foreign policy using the its already established Technical Aid Corps (TAC) scheme. It is important because it has been able to reveal the contents of human rights in Nigeria's Foreign Policy. It has showed that with same vigour committed to the pursuit of the dismantling of colonialism and racism, Nigeria could pursue to its benefits the method of incorporation human rights into its foreign policy by making use of the only consistent foreign policy tool it has had for the last 27 years, the TAC Scheme.

The scheme has been dispensing Nigerian aid on systematic and technical manners to countries in African, Caribbean and Pacific regions since 1987 based 'accessed and perceived' needs of the recipient. Accessed and perceived refer to the process of evaluating request for assistance by these countries and ensuring that such are in tandem with both national interests of Nigeria and the needs of the countries in question. Through this process, Nigeria has been able to deploy volunteers that will be useful and acceptable to the countries while ensuring that, despite the altruistic nature of the assistance, Nigeria still derived some advantages through the aid programme.

The performance of this aid system (ie. the TAC Scheme) as the most visible and persistent foreign policy tool of Nigeria for nearly three decades, in a country of several policy sumersaults, and one that has garnered appreciable goodwill and visibility for Nigeria and established the country within a unique dual position of 'aid donor and aid recipient' country

make it worthwhile as a research theme of this project and one that could be used to introduce new face (human rights) into the Nigeria's foreign Policy. Apart from the fact that the scheme has established Nigeria within South-South development project, it also affirmed and transformed Nigeria as credible facilitator of South-South development. All these attributes make TAC a worthy subject of academic exercise and create attraction to evaluate the Scheme within the context of establishing new face for Nigeria's foreign policy in Africa and beyond, as far as human rights promotion is concerned.

In evaluating the subject, the research followed a systematic pathway to draw out useful conclusion. Chapter one, looked into the underpinnings of human rights by examining some of the works on the concept in order to draw their relevance to the contemporary world. It outlined the path to the research by given advance information on steps that would be relied upon in conducting the research. It identified both the primary process of data gathering and secondary process of review of existing and related literature as critical to the study. Chapter Two, was able to identify the importance of human rights in foreign policy by examining the process through which human rights became a matter of foreign policy. It specifically identified Article 28 of the Universal Declaration of Human Rights as one of the critical or major entry point through which human rights became matter of foreign policy and support the assertion with views of relevant authorities in this regards.

Chapter three located human rights within the United States and British foreign policy and examined the developmental origin of the concepts in the these states. It examined, rather in nutshell, the aid policy of these states and comments by relevant officials that gave resonance to the idea of human rights as a foreign policy issue. Chapter four moved closer home by examining the fundamentals and basis of the Nigerian foreign policy. It examined the original

policy pronouncements on the issue by the first generation of Nigerian rulers and various efforts the country had taken both in Africa and Diaspora to morally align Nigeria foreign policy with human rights, especially on the rather emotive issue of Apartheid in South Africa which constituted a major and inescapable point of reference for any meaningful examination of Nigeria's commitment to morally based foreign human rights.

Chapter five placed the Nigeria technical aid programme, the TAC scheme, within the context of human rights by conducting purposive random survey of opinions of practitioners of Nigeria foreign policy, current and ex-TAC volunteers and others that are connected with the scheme in order to draw logical conclusion on the benefits and otherwise of incorporating human rights into the Nigerian foreign policy.

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APPENDICES

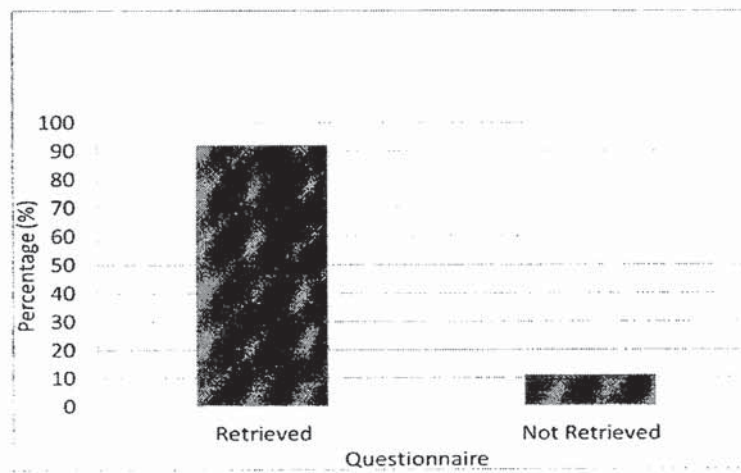
Appendix 1a.

Table and Graphics of the Response Rate of Administered Questionnaire

Table 5.1.

Questionnaires	Frequency	Percentage
Retrieved	72	92%
Not Retrieved	8	11%
Total Distribution	80	100

Figure 5.1: Graphical response rate of administered Questionnaire.

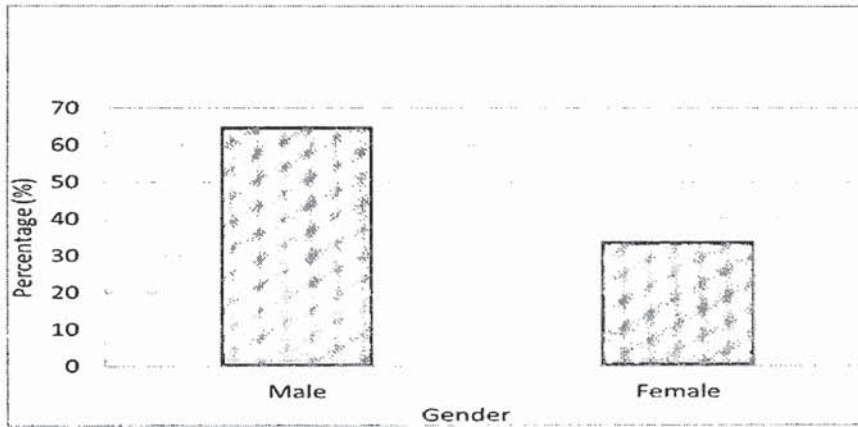


Appendix 1 b.

Table 5.2: Gender Distribution of Respondents.

Gender	Frequency	Percentage
Male	47	65%
Female	25	34%
Total	72	100

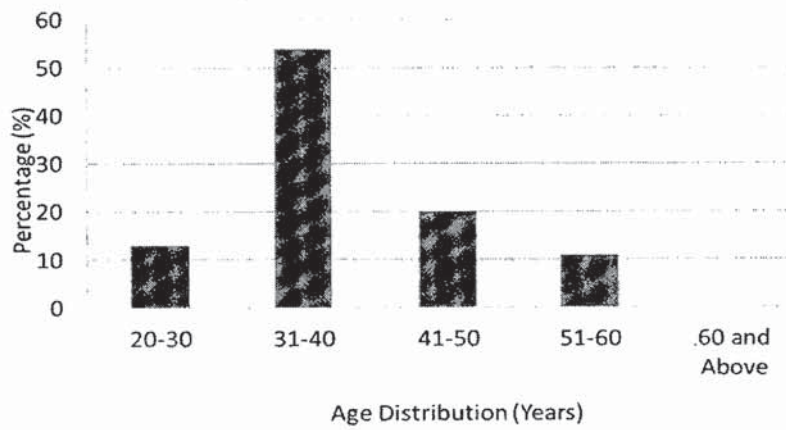
Figure 5.2: Graphical Gender Distribution of Respondents.



5.3. Age Distribution of Respondents.

Age Distribution	Frequency	Percentage
20-30 years	10	13%
31 – 40 years	39	54%
41 – 50 years	15	20%
51 – 60 years	8	11%
60 years and above	0	0
Total	72	100

Fig. 5.3. Graphical Gender Distribution of Respondents.



Appendix 1 e.

Table 5.4: Educational Qualification of Respondents.

Educational Qua.	Frequency	Percentage
SSCE, WASC/NECO	0	0
NCE/ Nat. Diploma	0	0
HND/Bachelor Degree	44	61%
Masters Degree	22	30%
Ph.D	6	8%
Total	72	100

Figure 5.4: Graphical Representation.

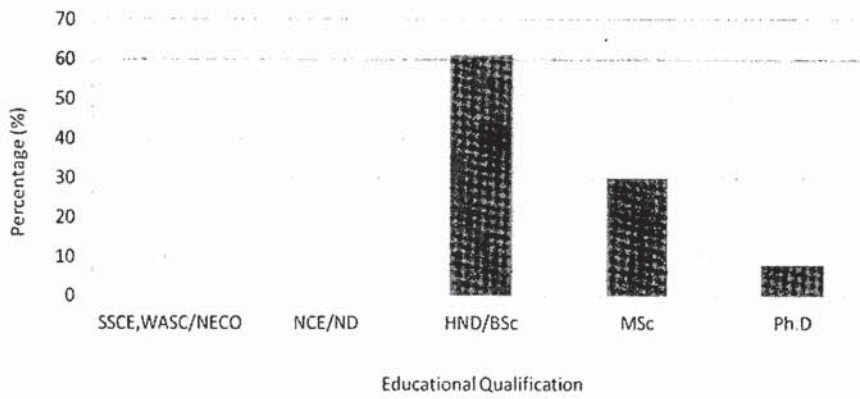


Table 5.5: Years of Working Experience.

Working experience	Frequency	Percentage
1-10 years	10	13%
11 – 20 years	35	48%
21 – 30 years	25	34%
Total	72	100

Figure 5.5: Graphical representation.



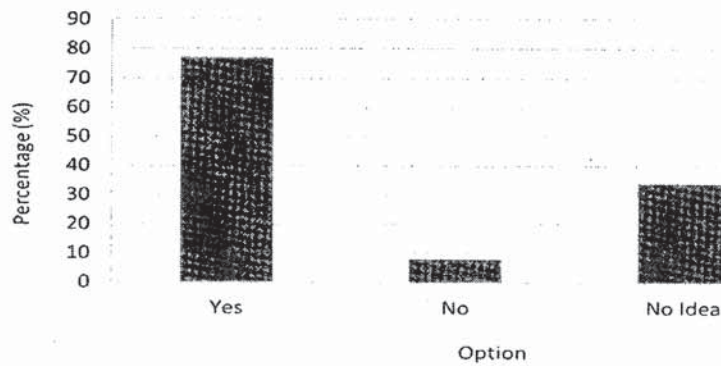
5.6.1. Are you aware of the existence of TAC as a tool of Nigeria foreign policy?

Appendix 1g.

Table 5.6.

Option	Frequency	Percentage
Yes	59	77%
No	6	8%
No Idea	13	18%
Total	72	100

Figure 5.6: Graphical representation



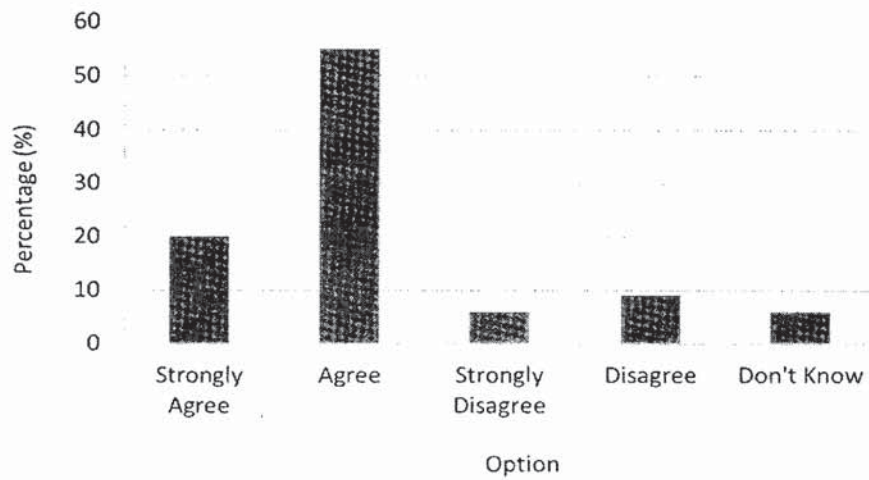
5.6.2. Do you think the Scheme has achieved its set objectives?

Appendix 1 h.

Table 5.7

Option	Frequency	Percentage
Strongly Agree	15	20%
Agree	40	55%
Strongly Disagree	5	6%
Disagree	7	9%
Don't Know	5	6%
Total	72	100

Figure 5.7: Graphical Representation.



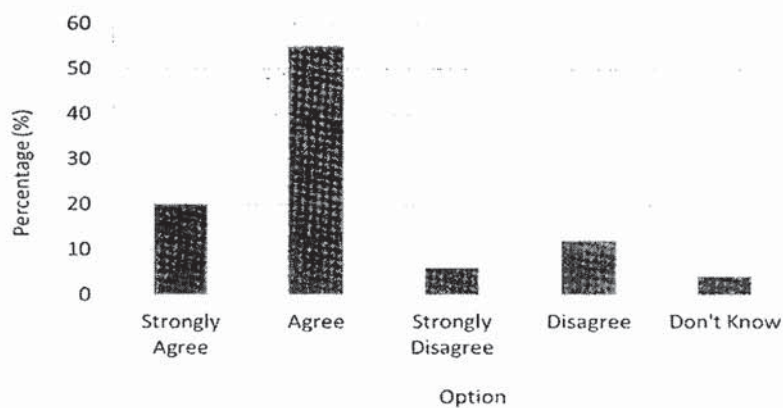
5.6.3. Do you think the Scheme has promoted cooperation and understanding between Nigeria and the recipient countries?

Appendix 1i.

Table 5.8:

Option	Frequency	Percentage
Strongly Agree	15	20%
Agree	40	55%
Strongly Disagree	5	6%
Disagree	9	12%
Don't Know	3	4%
Total	72	100

Figure 5.8: Graphical representation.



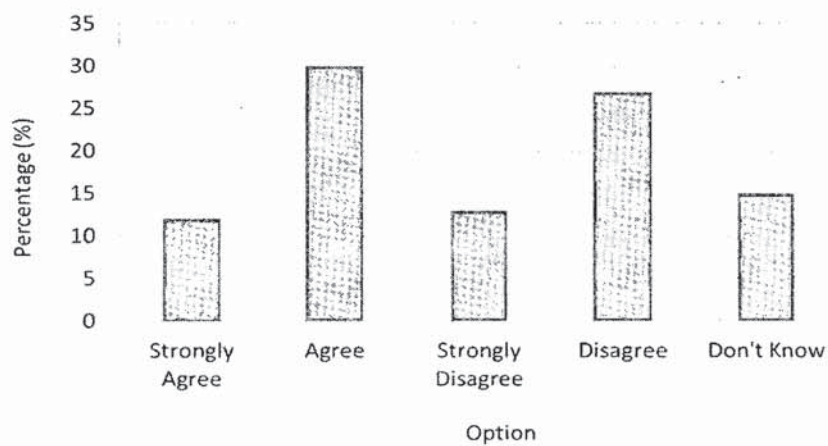
5.6.4. Do you think this cooperation and understanding are sufficient enough to enable Nigeria influence the policy of these countries positively towards her?

Appendix j.

Table 5.9.

Option	Frequency	Percentage
Strongly Agree	9	12%
Agree	22	30%
Strongly Disagree	10	13%
Disagree	20	27%
Don't Know	11	15%
Total	72	100

Figure 5.9: Graphical representation.



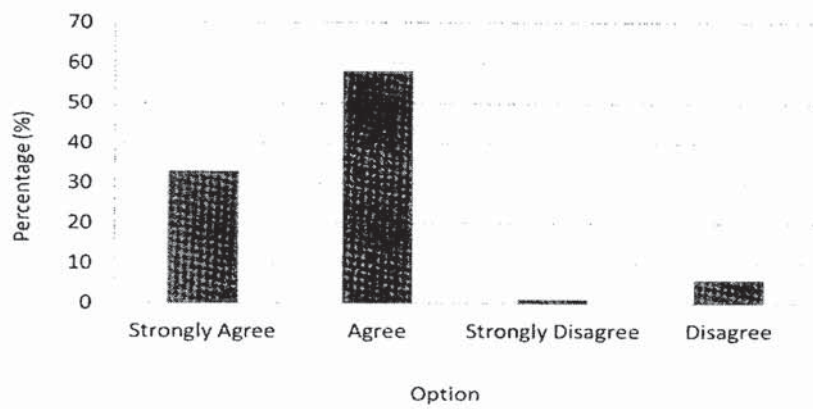
5.6.5 Do you think the Scheme should continue?

Appendix 1k.

Table 5.10.

Option	Frequency	Percentage
Strongly Agree	24	33%
Agree	42	58%
Strongly Disagree	1	1%
Disagree	5	6%
Total	72	100

Figure 5.10: Graphical representation.



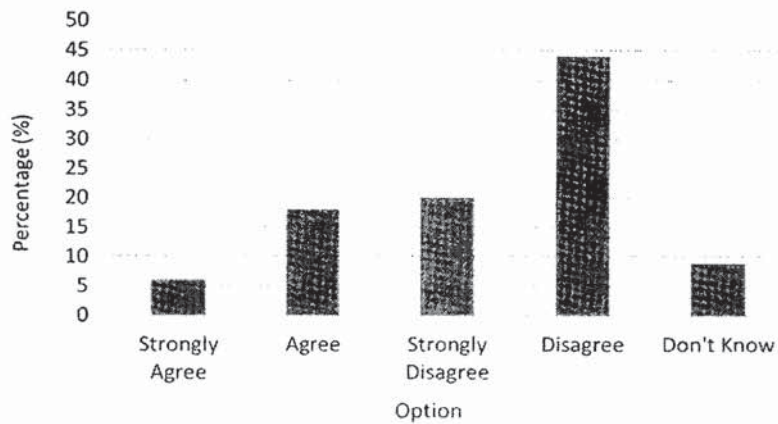
5.6.6. Do you think the recipient countries are appreciative of the role of Nigeria's Technical Assistance?

Appendix I.

Table 5.11.

Option	Frequency	Percentage
Strongly Agree	5	6%
Agree	13	18%
Strongly Disagree	15	20%
Disagree	32	44%
Don't Know	7	9%
Total	72	100

Figure 5.11: Graphical Representation.



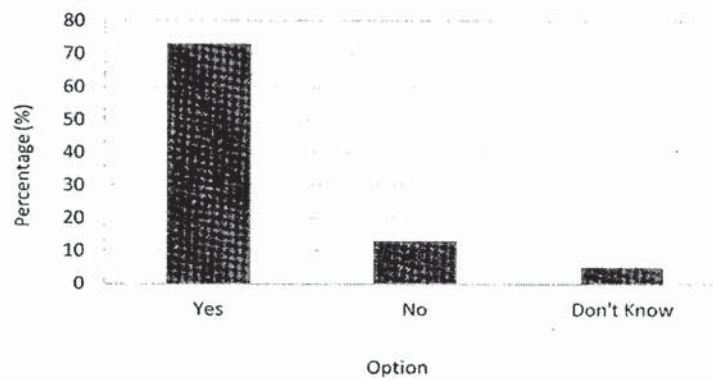
5.7.1 Are you aware of the existence of fundamental human rights as contained in Chapter IV of the current Nigeria Constitution?

Appendix 1 m.

Table 5.12:

Option	Frequency	Percentage
Yes	58	73%
No	10	13%
I don't Know	4	5%
Total	72	100

Figure 5.12: Graphical representation.



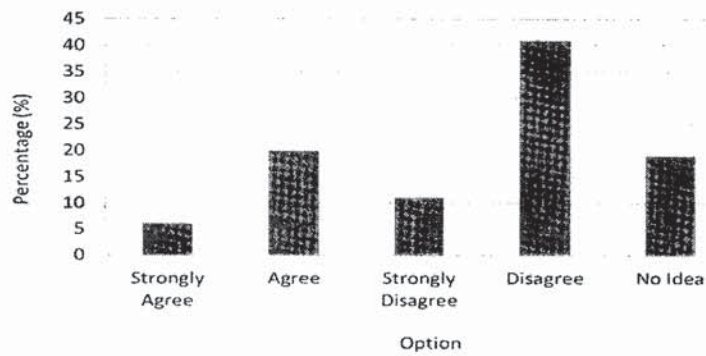
5.7.2: Is Nigeria a promoter of these Rights domestically?

Appendix 1n.

Table 5.13:

Option	Frequency	Percentage
Strongly Agree	5	6%
Agree	15	20%
Strongly disagree	8	11%
Disagree	30	41%
No idea	14	19%
Total	72	100

Figure 5.13. Graphical representation



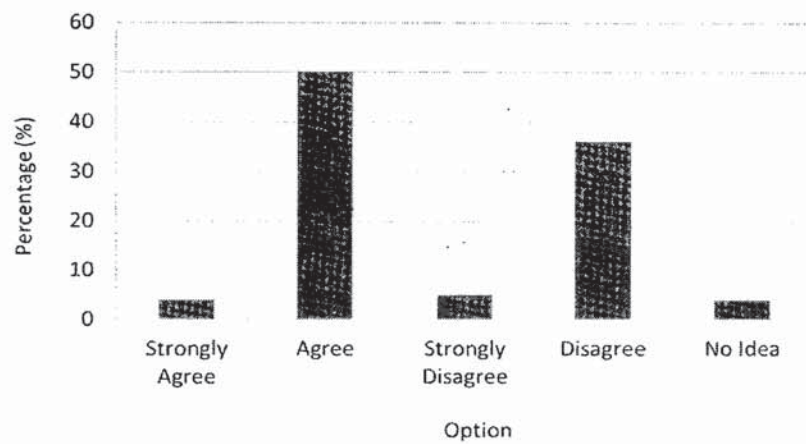
5.7.3 Do you think Nigeria can be a promoter of human rights in its foreign relations?

Appendix 1 o.

Table 5.14:

Option	Frequency	Percentage
Strongly agree	3	4%
Agree	36	50%
Strongly disagree	4	5%
Disagree	26	36%
I don't know	3	4%
Total	72	100

Figure 5.14: Graphical Representation.



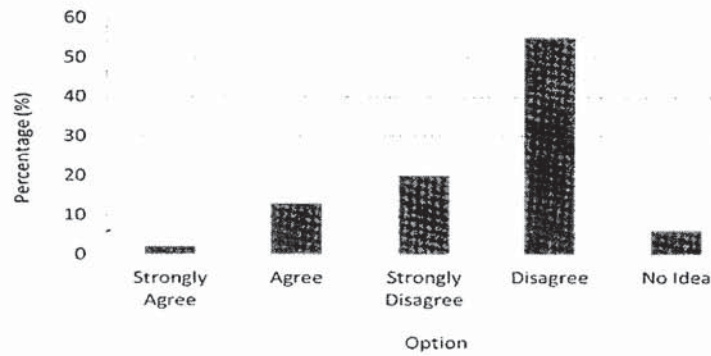
5.7.4. Do you think the Ministry of Foreign Affairs has put in place appropriate mechanism to ensure that Nigeria promote human rights in its foreign policy.

Appendix p.

Table 5.15:

Option	Frequency	Percentage
Strongly agree	2	2%
Agree	10	13%
Strongly disagree	15	20%
Disagree	40	55%
I don't know	5	6%
Total	72	100

Figure 5.15: Graphical representation.



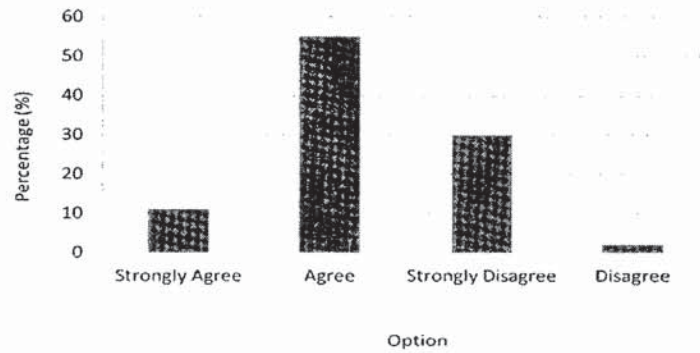
5.7.5.: Do you think the TAC Scheme can provide the lead in this regards?

Appendix 1 q.

Table 5.16:

Option	Frequency	Percentage
Strongly agree	8	11%
Agree	40	55%
Strongly disagree	22	30%
Disagree	2	2%
Total	72	100

Figure 5.14: Graphical representation.



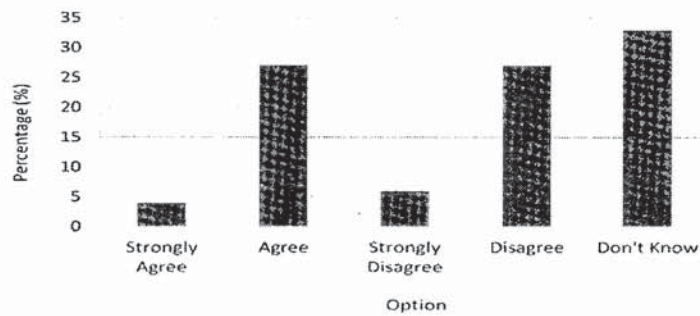
5.7.6: Do you think that the Scheme as presently constituted promotes human rights concepts in the recipient countries?

Appendix 1r.

Table 5.17.

Option	Frequency	Percentage
Strongly agree	3	4%
Agree	20	27%
Strongly disagree	3	6%
Disagree	20	27%
Don't Know	24	33%
Total	72	100

5.17: Graphical representation.



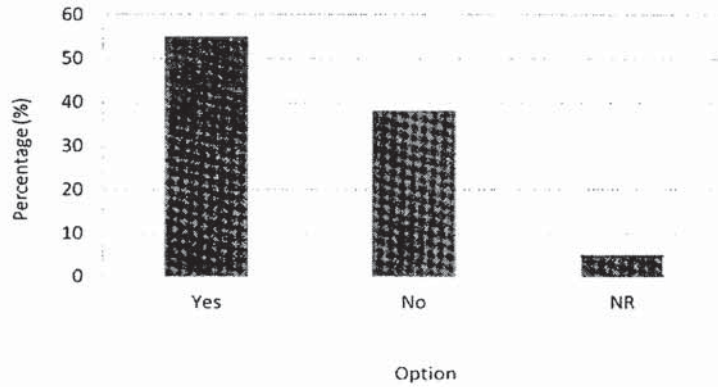
5.7.7: Do you think Nigeria should incorporate human rights into the focus of the Scheme in the recipient countries and thereby extend it beyond health and education?

Appendix 1 s.

Table 5.16.

Option	Frequency	Percentage.
Yes	40	55%
No	28	38%
NR	4	5%

Figure 5.18: Graphical representation.



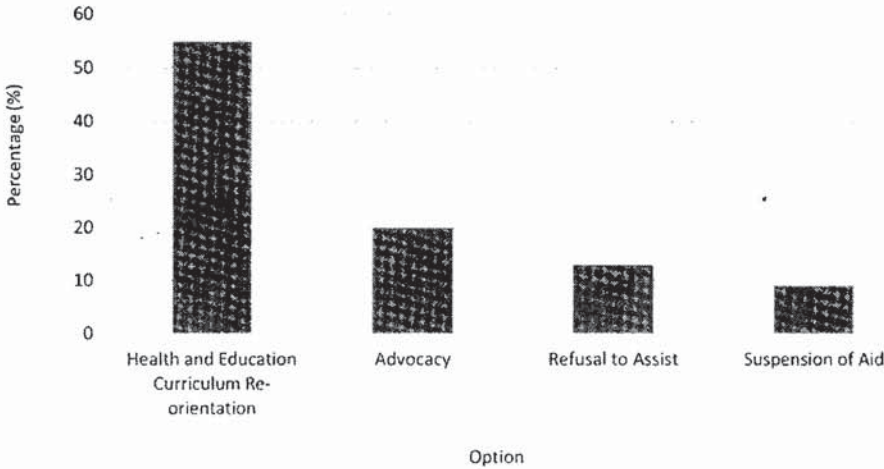
5.7.8: If yes, in what way?

Appendix 1 t.

Table 5.18.

Option	Frequency	Percentage
Health and education curriculum re-orientation	40	55%
Advocacy	15	20%
Refusal to assist	10	13%
Suspension of aid	7	9%

Figure 5.19: Graphical Representation.



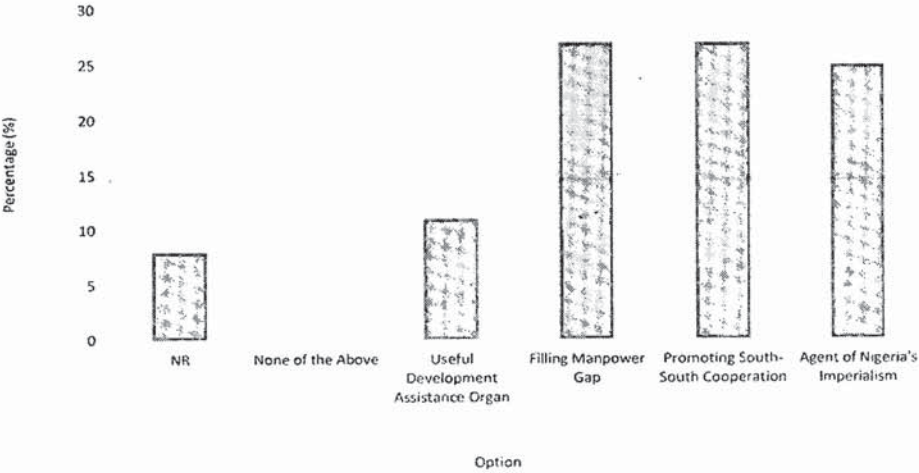
5.8.1. How would you rate the perception of TAC by the populace of the recipient countries?

Appendix 1u.

Table 5.20.

Option	Frequency	Percentage
NR	6	8%
Useful development assistance Organ	8	11%
Filling manpower gap	20	27%
Promoting south-south cooperation	20	27%
Agent of Nigeria's imperialism.	18	25%
None of the Above	0	0%
Total	72	100

Figure 5.20: Graphical representation.



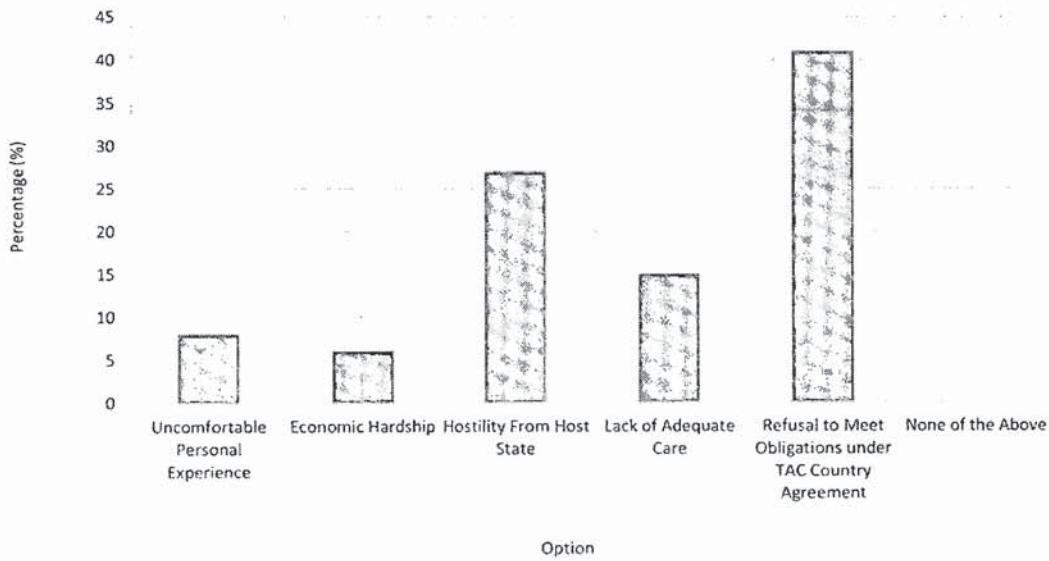
5.8.1 In what specific area (s) do you think the Scheme and its Volunteers have been facing challenges in the recipient countries?

Appendix 1 v.

Table 5.21.

Option	Frequency	Percentage
Uncomfortable personal experience	6	8%
Economic hardship	5	6%
Hostility from host states.	20	27%
Lack of adequate care	11	15%
Refusal to meet obligations under TAC Country Agreement.	30	41%
None of the above	0	0

5.21. Graphical Representation.



Appendix 2.

FINDINGS AND BENEFITS OF INCORPORATION OF HUMAN RIGHTS INTO THE NIGERIAN FOREIGN POLICY THROUGH THE TECHNICAL AID CORPS (TAC) SCHEME.

In terms of the findings and conclusions for this research exercise, five fundamental conclusions (findings), which are nonetheless exhaustive, as there are still many ways future research on the subject could amplify on the present, are reached.

- a. The Incorporation of Human Rights in Nigeria's Foreign Policy on Human Rights will have to be tailored along the Methodology of Education and Health Objectives of the TAC Scheme in order to make it Effective.

Firstly, the Nigeria's human rights foreign policy through the TAC Scheme will have to be implemented using the methodology of changing the health and educational curriculum in the recipient states. In the first place TAC is apolitical organization that should not be seen engaging in political activity like direct advocacy for change which application of human rights may require. Nigeria cannot directly demand the implementation of human rights in these states before aid is given without losing its goodwill. First and foremost, any new innovation to the TAC basic objectives has to align substantially with the principles of perceived and assessed needs which the entire scheme is based upon. As earlier mentioned in the thesis, these perceived and assessed needs refer to a situation that takes into consideration the preferences of the recipients before volunteers are deployed. In order to avoid unnecessary political undertone being read to the motives of TAC given the sensitive nature of political relations in Africa, the

volunteers under the Scheme will have to be made to undergo requisite training during the pre-departure seminar aimed at getting them familiar with the act of inculcating human rights teachings in the educational curriculum of schools they are deployed to serve. This is with the aim of building systematic culture of human rights into the consciousness of the people. It is expected that through this means, the scheme will export this culture in a non-suspicious and more beneficial manners.

The same method also apply to the functions of the medical personnel under the scheme which will be expected to stressed the need for more openness in the access to good medical care by majority of poor people in especially poorer countries that are recipient to the Scheme. These personnel will be asked to engage in organizing seminars and health awareness that stressed the importance of good social facilities as pre-condition for the promotion of good living and dignity of man.

Moreover, Nigeria's Technical Aid Scheme could serve as effective leverage to promote human rights given the goodwill already generated abroad but such would not take a sporadic and policing approach but that of soft and deft diplomatic ways in order to avoid irritants from abroad. It has been affirmed that TAC is in good stead to derive benefits for Nigeria in its foreign policy, the focus of the scheme will now require operationalizing the concept of human rights through the scheme by ensuring that its volunteers are given adequate brief on the need to incorporate curriculum that place emphasize on the content of human rights in the educational and health issues in those states they are serving. This method will serve a dual purpose of instilling confidence on the scheme by the recipient countries and not seeing it as spy agent while also deriving benefit of influencing good governance in those states.

The most fundamental benefits accruable to Nigeria from this is that the Scheme will become a channel through which Nigeria conduct subtle advocacy on human rights in the recipient states and transmit its values and preferences without making noise and jeopardizing its relations with these states. It is expected that values so transmitted will become a source of Nigeria's influence on these states. The end product will now result in the formal establishment of Nigeria's Cultural Centres, in a manner akin to both the British Council and Alliance Francaise, whereby Nigeria's cultural influences will be more institutionalized, and in the process, given her leverage of controlling more effectively the direction of diplomacy of especially those states in her contiguous zones and West Africa sub-region which have, many at times, proved difficult to control.

- b. The Implementation Approach to the Incorporation will have to follow Nigeria's Systemic 4 Concentric Circle Foreign Policy Methodology to make it Effective - ie. Human Rights Policy that Emphasized Domestic determinants, Good Neighborliness, Africa Centeredness and Search for Global Peace.

For any Nigeria's foreign policy pursuit on human rights to be meaningful, it will still have to follow largely the trajectory or founded on the pillars of its traditional 4 interrelated concentric circle foreign policy approaches. This has been alluded to earlier at Chapter One of this research – ie. human rights theme that relate:

Firstly, to reforming the domestic determinants that might call to question Nigeria's credentials in this pursuit. Although, Nigeria has always behaved responsibly in world affairs and in the process being party to almost all the relevant conventions and treaties on human

rights, it is yet to firmly root its human rights record domestically as a way of playing active role or setting standard externally.

While Nigeria had signed and ratified notably the Universal Declaration (UDHR), 1966 Covenant on Social, Economic and Cultural Rights, 1966 Covenant on Civil and Political Rights, 1961 Vienna Convention on Diplomatic Relations, 1963 Vienna Convention on Consular Relations, Convention on discrimination Against Women, Convention Against Torture and other Cruel and Inhuman or Degrading Treatment or Punishment, Convention on the Rights of the Child, African Charter on Human and Peoples Rights and all its Optional protocol, notably, that on the right of African Child (1990), that on the Right of Women (1998), certain internal contradictions like police excesses and rule of emergency could call to question her moral standing on human rights in a continent where her actions are viewed with taints of suspicions from far lesser and weaker states.

One of the important steps to be taken here is for Nigeria to immediately make provision for implementations of the relevant provisions of the some of these instruments, like that of the Right of the Child and the Torture and other Cruel and inhuman treatments, which she had dully signed and ratified but whose domestic reality still constitutes a sharp contrast to the demands of these instruments.

Secondly, operationalizing the human rights will have to focus TAC operation around countries of immediate neighbours that constitutes its contagious zones - Niger, Chad, and Benin Republic and the Gulf of Guinea - whereby borders and associated issues involving these states will continue to be promptly settled before it had spill-over effect on Nigeria. Existing functional cooperation ventures such as Nigeria-Niger Joint Commission, Nigeria- Cameroon,

Nigeria-Chad Joint Commission and Nigeria-Benin Republic Joint Commission will need to be strengthened along deployment of TAC volunteers to serve in these organizations and work for the promotion of human rights through appropriate internal structural adjustment that reflect rule of law and insertion of human rights principles in their clauses of objectives

Thirdly, ensuring that the focus is applied through those 16 countries in the West Africa Sub Region that formed its sphere of influence, whereby economic and functional cooperation will continue to be forged alongside demand for human rights with these states in order to prevent any of them serving as potential destabilizer of Nigeria's internal polity. Nigeria has in recent years taken giant strides in this regards by ensuring the forbidden of any unconstitutional change of government by the regional group, the Economic Community of West African States (ECOWAS), and where it occurred based on extenuating circumstances, the time frame for the return to democratic government is kept within reasonable limit.

This indeed is a positive step in the new concept of human rights foreign policy for Nigeria because it will serve to promote good governance and respect for rule of laws in that region thereby helping to correct the perennial occurrences of unconstitutional change of government that usually produced disagreement among leaders and subsequent breakdown of laws and order that usually resulting in civil crisis with its attendant refugees spill-over to Nigeria.

Thirdly, human rights concept will still have to substantially revolve around the entire 52 countries in Africa because this has always be the traditional sphere of influence of Nigeria. On this particular note, African issues will still largely constitute the nerve-center or center-piece of her human rights foreign policy. Here attempt must be made by Nigeria, as the largest single

contributor to the budget of the African Union (AU), to ensure that structure and procedures of the continental body continue to emphasized good governance, rule of laws, periodic elections and respect for dignity. Nigeria from now has to ensure, more than before, that procedure for 'Peer Review' introduced under the New Partnership for Africa (NEPAD) is strengthened and sanction continued to be imposed on any recalcitrant government. Already, the body has become more assertive in the domestic affairs of member states through ensuring that process of election takes constitutional means. Nigeria could leverage on this by sponsoring more resolutions that has human rights content and ensure their implementation.

Fourthly, Nigeria new human rights foreign policy, will need to have component relating to the promotion of global peace if the idea is to be meaningful internationally. The reason here is that Nigeria has been a major player in the search for global peace through, for example, its participation in the successive UN Peace Keeping Operations since 1960. As result, for its new human rights principles to be firmly rooted as a basis for peaceful co-existence among states which she has always believed in right from independence, Nigeria will have to continue its participation in such peaceful collaborative venture and ensure that the conducts of its troops in combat aligned with principles and demands of both international humanitarian laws and that of human rights laws. By doing this, Nigeria will be able to effectively establish itself among the comity of responsible nations as responsible partner to do business with. **Invariably, this might garner the intangible benefits of having its various aspirations at international organizations, like the current quest for the permanent seat of the UN Security Council, being taken seriously.**

- c. The Implementation Approach will also require the restructuring of its Implementation Mechanisms i.e. the Ministry of Foreign Affairs and its affiliated 90 Missions Abroad for proactive and responsive purposes.

As a matter of fact, the Nigerian Ministry of Foreign Affairs and its affiliated 90 foreign Missions are found to be critical and will play substantial roles in the new human rights policy thinking. This is because they formed the image and the wheel through which the policy will be implemented. The Nigeria Foreign Ministry as currently constituted will have to institutionalize human rights department like that of the Canadian Foreign Ministry, whereby diplomats are groomed in the art of human rights and familiarized with treaties and conventions signed in that regard by Nigeria before being deployed abroad. Apart from that, periodic seminars on human rights have to be included in the training of diplomats to sharpen their skills in the field. Component of the current promotional exams in the Ministry has to include aspect of human rights for more effective evaluation of knowledge and expertise. By this grounding, Nigerian Diplomats will be well prepared to promote the new policy abroad and effectively served as facilitator of its spread within its sphere of influence.

Moreover, foreign policy institutions in Nigeria e.g. the Nigerian Foreign Service Academy (FSA), Nigerian Institute of International Affairs (NIIA) will have to be adequately involved in the process of providing necessary academic supports and resources for continuous research on human rights foreign policy. They also have to institute policy of collaboration and synergy on how best to formulate and execute the policy. This is necessary in order to provide policy makers in Nigeria with informed and up-to-date research that will enable the country to continuously articulate and strengthen the reach of the new foreign policy focus. Just as the issue of moral defence of the dignity of black people and African emancipation was conceived as

an integral part of foreign policy, the new thinking of human rights will become integral part of manifest destiny that facilitate peace for the country.

d. The Incorporation of Human Rights will need to have component for the Promotion of Social and Economic Development at home.

Findings reveals that with April 2014 rebasing of the Nigerian economy which placed its total Gross Domestic Products (GDP) as the foremost in Africa, Nigeria now have more roles to play among the largest economy of the world. To this end, incorporation of human rights into the foreign policy will need to focus on the development of infrastructures e.g roads, electricity, social services, education for the poor, housing as a complement to its projection of its image abroad. Here, efforts that will reassure investors' confidence in the growing economy, such as peace and security, amidst concerns for security in the current fights against terrorism, are necessary. It is expected that with more investments in the economy, Nigeria will be able to play its leading role and shoulders some responsibilities that the new foreign policy focus will impose especially at the sub-regional and regional planes.

e. The Incorporation of Human Rights in Foreign Policy by Nigeria will need to be used to address the Ethno-Religious Crisis that usually plagued its politics.

Nigeria is a multi-ethnic state of about 250 major and smaller groupings. These ethnic grouping has found expression in its internal politics through the process of zoning of elective position and quotas for appointive and educational systems. In order to properly articulate its human rights policy, the internal system has to be stable in order to adequately concentrate on process that will allow it to derive maximum benefits from that foreign policy. The stability of the polity will largely depend on how quickly she is able to resolve disagreement among these

restive ethno-religious groups. The process of internal equity and justice are found to be critical here. Nigeria has to avoid the process that breeds nepotism, corruption and injustice. Equitable sharing of available wealth among these commonwealths is necessary to promote confidence in the Nigerian state thereby preventing them from serving as ready collaborators to negative external influences such as the current Boko Haram's threat on the corporate existence of the country. It is expected that stable internal politics will result in the benefits of stable political process and proper economic planning that that will enable any government of the day to concentrate on building dynamic external relations through the TAC Scheme and the new foreign policy thinking.

Benefits of the Incorporation of Human Rights into Nigeria's Foreign Policy

Obviously there are five (5) specific identified benefits derivable from the new concept for Nigeria's foreign policy based on the readings of the politics in West Africa, Africa and the world at large. These benefits could be captured as follows:

1. Creation of an indispensable Institution to the growth and stability of the West Africa sub-region and Africa in general.

The West African sub-region is a chaotic area due to the general level of poverty, absence of good governance or suppression of democratic process. Incidentally most of them the 16 countries in the region depend on Nigeria, either for developmental aid (eg. Sierra Leone, Gambia, Benin, Boukina Fasso, Guinea-Bissau, Cape Verde, Liberia), promotion of peaceful co-existence (eg. Cote d'Ivoire, Ghana, Mali, Guinea) or functional cooperation (Senegal and Cote d' Ivoire). With an aid policy that emphasizes human rights, Nigeria would have brought an innovation that becomes indispensable for both developmental assistance and good governance

in its sub-region. Most donor institutions which found WA too far remote to deal with or could not largely shoulder the logistics associated with the region will become more interested in the operation of the TAC Scheme and willing to partner with it to promote good governance in the region. With this Nigeria would have been able to create an innovation that will firmly establish it as developmental partner and agent for stability. This is because at present, Africa lacked this type of institution with innovative structure. The only institution that is near the projection now is the New Partnership for African Development (NEPAD), created by the AU to champion inclusive growth in 2002. But NEPAD is just a quasi-legal institution with no institutional structure like TAC. With human rights as a part objective of technical assistance programme of TAC, Nigeria will be better placed to receive adequate partnership to ginger sustainable development not only in her sub-region but Africa as a whole.

2. Promotion of Internal Peace and Stability.

There is no doubt that Nigeria needs peace internally and human rights have been found to be a good pre-requisite for the promotion of rule of laws, good governance, democratic institution and culture and ultimately peace.. Therefore by pursuing policy that guarantees human rights abroad, it is expected that a function of peaceful atmosphere and co-existence abroad is being implemented. The current menace of Islamic Boko Haram has revealed that Nigeria will need to do just more than giving technical assistance to create peace. Efforts that fully entrench Nigerian values and culture in its immediate neighbours and sphere of influence are needed to facilitate peace and stability at home. With a new foreign policy that rests on respect for the dignity of human beings as a pre-requisite for assistance, good governance and rule of law, there is no doubt that a peaceful atmosphere and culture that allow democracy to thrive will emerge which will invariable facilitate peaceful and smooth democratic process that forbids

misunderstanding and violent change that usually leads to breakdown of laws and order. It is expected that by securing its border through installation of good governance abroad, Nigeria would be able to live in peace within her border since most of the negativities such as spill over refugees' crisis, cross-border illegal activities and banditry, usually imported from the neighbouring states, will be greatly curtailed.

3. Provision of needed support to Security and Defence Initiatives in the Regions.

The new human rights approach is also expected to provide the needed support to several defence initiatives which Nigeria has been spearheading in Africa WA sub region, such as the existing ECOWAS Defence Pact of 1981, Nigerian –Liberian Multinational Defence Pact and the forthcoming Rapid Response Security and Defence Agency against Terrorism being proposed to take off by late November 2014, by Nigeria, Chad, Niger, Cameroon and Benin Republic to counter the Boko Haram insurgency. Experience of failed security efforts, especially in West Africa, shows that sharing of similar or common value system necessary leads to cooperation and understanding.

The absence of this critical index partly accounted for the failures of the Defence Pact (i.e. the Economic Monitoring Group ECOMOG) instituted among these states in the 1990s to respond to Liberia conflicts at the onset. Going by the adage that “Democracy does not go to war with one another”. A concept shared by all countries either in Africa or WA is likely to create a bond that promotes understanding among them. If human rights becomes a matter of foreign policy for these states, an enduring values that transcends colonial cleavages would have been created by Nigeria that will lend support to security in the region. With this, all other things

like resources, responsibilities and costs will be a matter of cooperative venture capable of instilling confidence building and sincerity.

4. Support to Reforming Institutions across the region

The pursuit of human rights foreign policy by Nigeria will provide the necessary backing or impetus for reform institutions in African region to further develop. Right now, many countries in the region are implementing one reform or the other and some reform institutions have been created for this purpose. Some of these institutions needed external support to expand the process of democratic governance in their respective countries. The pursuit of human rights by TAC is capable of providing necessary technical support that will create a fertile ground for democratic process to further germinate both in Nigeria and her aid recipient countries, especially among reforming institutions that are desirous of developmental assistance to either conduct further research or expand their horizon.

5. Promote development of Nigerian Civil Society Groups as an agent of change in Africa and beyond.

The development of human rights based foreign policy is expected to lead to the process of internalization that will enhance the capacity of the numerous civil society groups that are currently trying to find relevance within a particular democratic ethos and culture. Human rights policy will necessary provide the needed impetus for this group to advance outward, nodes into a qualitative alliance and forge network that is needed for building international coalition necessary for genuine development, economic growth and enduring political culture. This will enhance genuine efforts towards democratic governance in Africa and

beyond. By that Nigeria would have been able to spearhead a unique innovation that is appreciated the world over.



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No. 10

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Vol. 80

Government Notice No. 12

The following are published as Supplement to this *Gazette* :—

	<i>Short Title</i>	<i>Page</i>
Decree No. 26	Local Government (Basic Constitutional and Transitional Provisions) (Amendment) Decree 1993	A 263
Decree No. 27	Nigerian Technical Aid Corps 1993	A 265
Decree No. 28	Voluntary Transfer of Certain Properties to the Federal Government of Nigeria (Amendment) Decree 1993	A 277
Decree No. 29	Treason and Treasonable Offences Decree 1993	A 279
Decree No. 30	Teaching, Etc. (Essential Services) Decree 1993	A 283
Decree No. 31	Teachers Registration Council of Nigeria Decree 1993	A 285
Decree No. 32	Agricultural Credit Guarantee Scheme Fund (Amendment) Decree 1993	A 303
Decree No. 33	Federal Polytechnics (Amendment) (No. 2) Decree 1993	A 307
Decree No. 34	Federal Colleges of Education (Amendment) (No. 2) Decree 1993	A 309
S.I. 2	Instrument Constituting a Tribunal for the Trial of Offences under the Civil Disturbances (Special Tribunal) Decree 1987	B 7

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Decree No. 26

[22nd January 1993]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :-

1. The Local Government (Basic Constitutional and Transitional Provisions) Decree 1989, as amended, is hereby further amended -

Amendment of
1989 No. 15.

(a) in section 2, by substituting for subsection (2) the following new subsection (2), that is -

"(2) Notwithstanding the provisions of this Decree, a Local Government Council elected during the transition period shall stand dissolved on 31st December 1993.";

(b) in section 9, by deleting subsection (2);

(c) in section 15, by substituting for subsection (3), the following new subsection (3), that is -

"(3) Subject to subsection (1) of this section, a Chairman elected during the transition period shall vacate his office on 31st December 1993.".

2. This Decree may be cited as the Local Government (Basic Constitutional and Transitional Provisions) (Amendment) Decree 1993.

Citation.

MADE at Abuja this 22nd day of January 1993.

GENERAL I.B. BABANGIDA,
*President, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria.*

PART VI - MISCELLANEOUS

39
A267

14. Power to accept gifts.
15. Power to make regulations.
16. Interpretation.
17. Citation and commencement.

SCHEDULE

Decree No. 27

[See Section 17]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows-

PART I - ESTABLISHMENT OF THE NIGERIAN
TECHNICAL AID CORPS, ETC.

1.-(1) There is hereby established a Corps to be known as the Nigerian Technical Aid Corps (in this Decree referred to "the Corps").

Establishment of
the Nigerian Technical
Aid Corps.

(2) The Corps shall consist of such member of volunteers as may, from time to time, be recruited under the provisions of this Decree.

2. The objectives of the Corps are -

Objectives of
the Corps.

(a) to share Nigeria's know-how and expertise with other African, Caribbean and Pacific countries (in this Decree referred to as "recipient countries");

(b) to give assistance on the basis of the assessed and perceived needs of the recipient countries;

(c) to promote co-operation and understanding between Nigeria and the recipient countries; and

(d) to facilitate meaningful contacts between the youths of Nigeria and those of the recipient countries.

3.-(1) There is hereby established for the Corps a governing body to be known as the Directorate of Technical Aid Corps (in this Decree referred to as "the Directorate") which shall be an integral part of the Ministry of Foreign Affairs.

Establishment and
membership of the
Directorate of
Technical Aid Corps.

(2) The Directorate shall consist of-

(a) the Director of the Directorate as Chairman;

(b) one person to represent the Ministry of Foreign Affairs; and

(c) 5 other persons to be appointed by the President, Commander-in-Chief of the Armed Forces.

(3) Members of the Directorate -

(a) other than *ex-officio* members, shall hold office for a period of 4 years and shall be eligible for re-appointment for one further period of 4 years; and

(b) shall be entitled to such allowances and expenses as may be approved by the Minister.

(4) The provisions set out in the Schedule to this Decree shall have effect with respect to the proceedings of the Directorate and the other matters contained therein.

PART II- FUNCTIONS

4. The Directorate shall be responsible for -

(a) the overall management and general administration of the Corps;

(b) recruiting volunteers of the Corps;

(c) organising orientation courses for selected volunteers of the Corps;

(d) assessing and reviewing, from time to time, the progress of the Corps;

(e) assigning selected volunteers to recipient countries;

(f) maintaining regular contacts with recipient countries to determine their technical aid needs;

(g) receiving and debriefing volunteers on their return from recipient countries after their service in those countries.

(h) carrying out such other activities that are connected with or incidental to its functions or the objectives of the Corps under this Decree.

Functions of the Directorate.

5. Subject to any directive of the Minister, the Directorate shall have powers to do anything which in its opinion is calculated to facilitate the performance of its functions under this Decree.

Powers of the Directorate.

PART III - VOLUNTEERS OF THE CORPS

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6.-(1) The Corps shall consist of such member of volunteers as shall, from time to time, be recruited by the Directorate to meet the technical aid needs of the recipient countries.

Volunteers of
the Corps.

(2) A person shall not be recruited as a volunteer of the Corps unless he has -

- (a) at least a University degree or its equivalent; or
- (b) such other professional qualification as the Directorate may, from time to time, specify; and
- (c) a minimum of 3 years post qualification working experience.

(3) The Directorate shall, in recruiting volunteers of the Corps consider the following, that is-

- (a) the nature of the requests, if any, received from the recipient countries;
- (b) the willingness of the recipient countries to receive the volunteers; and
- (c) the availability of funds to defray the expenditure incurred in assigning volunteers to the recipient countries.

(4) The duration of service, terms and conditions of service of a volunteer shall be as may be determined, from time to time, by the Directorate with the approval of the Minister.

(5) A person shall not, by reason only of being a volunteer of the Corps, be treated as holding an office of emolument in the civil service of the Federation.

7.-(1) A volunteer shall be entitled to the following allowances, that is -

Allowances of
volunteers.

- (a) a monthly allowance;
- (b) settlement and re-settlement allowances;
- (c) where the Directorate so determines as a result of extreme climatic or political conditions in the recipient country, a clothing allowance; and
- (d) such other allowances as the Directorate may, from time to time, determine as necessary or expedient in a particular case.

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(2) The amount to be paid in respect of each allowance and the currency in which it shall be paid shall be as may be determined, from time to time, by the Directorate with the approval of the Minister.

(3) An allowance paid to a volunteer pursuant to this Decree shall be exempt from income tax.

8.-(1) A recipient country shall provide the following for a volunteer assigned to it, that is -

Responsibility of recipient countries.

(a) free medical care;

(b) exemption from all taxes imposed by reason of importation or exportation of personal effects intended for the personal use of the volunteer;

(c) necessary facilities for the repatriation of the volunteer's-

(i) tools of trade, personal effects and other household goods,

(ii) bank savings, interests and other payments in accordance with the exchange control regulations in force in the recipient country; and

(d) such other payments and facilities as may, from time to time, be agreed upon by the Directorate and the recipient country.

(2) A recipient country may offer employment to a volunteer on completion of his assignment, on such terms and conditions as may be agreed upon by them.

PART IV - STAFF OF THE DIRECTORATE

9.-(1) The President, Commander-in-Chief of the Armed Forces shall appoint a fit and proper person to be the Director of the Directorate.

Appointment of the Director and other staff of the Directorate.

(2) The Director shall be the Chairman and chief executive of the Directorate and shall-

(a) be responsible for the day-to-day administration of the Directorate;

(b) hold office for a period of 5 years on such terms and conditions as may be specified in his letter of appointment and be eligible for re-appointment for one further period of 5 years.

(3) The Directorate shall appoint such other persons as it may deem necessary as employees of the Directorate to assist the Director in the performance of his functions under this Decree.

(4) The employees of the Directorate appointed under subsection (3) of this section shall be appointed on such terms and conditions of service as the

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Directorate may, after consultation with the Federal Civil Service Commission, determine.

(5) Employees of the Directorate shall be public officers as defined in the Constitution of the Federal Republic of Nigeria.

Cap.62 LFN.

10.-(1) Service in the Directorate shall be approved service for the purpose of the Pensions Act and, accordingly, officers and other persons employed in the Directorate shall be entitled to pensions, gratuities and other benefits as are prescribed thereunder.

Pension.
Cap.346 LFN.

(2) Notwithstanding subsection (1) of this section, the Directorate may appoint a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefits in respect of that office.

(3) For the purpose of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Directorate and not by any other person or authority.

PART V - FINANCIAL PROVISIONS

11.-(1) The Directorate shall establish a fund from which shall be defrayed all expenditure incurred by the Directorate for the purposes of this Decree.

Fund of the Directorate.

(2) There shall be paid and credited to the fund-

(a) subventions and extra-budgetary allocations from the Federal Government;

(b) all sums accruing to the Directorate by way of gifts, endowments, bequests and other voluntary contributions by persons and organisations;

(c) such other sums as may accrue to the Directorate from any other source.

12. The Directorate shall, from time to time, apply the funds at its disposal to -

Expenditure of the Directorate.

(a) pay the allowances and other expenses of the volunteers of the Corps;

(b) meet other expenditure connected with running the Corps;

(c) pay allowances and other benefits of members of the Directorate and of the committees of the Directorate;

(d) pay the emoluments and entitlements of the Director and other employees of the Directorate;

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(e) pay the personnel, overhead, allowances, benefits and other administrative costs of the Directorate;

(f) undertake any other activity in connection with all or any of the functions of the Directorate.

13.-(1) The Directorate shall keep proper accounts of the Directorate and proper records in relation to those accounts.

Accounts and audit.

(2) The accounts of the Directorate shall be audited not later than six months after the end of the year to which it relates, by auditors appointed by the Directorate from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

(3) The Directorate shall prepare and submit to the Minister, not later than 30th June in each year, a report on the activities of the Directorate during the immediately preceding year, and shall include in such report a copy of the audited accounts of the Directorate for that year and the auditors report thereon.

PART VI - MISCELLANEOUS

14.-(1) The Directorate may accept gifts of land, money or other property, upon such terms and conditions, if any, as may be specified by the person or organisation making the gift.

Power to accept gifts.

(2) The Directorate shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the objectives of the Corps or functions of the Directorate.

15. The Directorate may, after consultation with the Minister, make regulations -

Power to make regulations.

(a) to prescribe methodologies for applying to become volunteers of the Corps;

(b) to prescribe the sum to be paid as allowances to volunteers ;

(c) generally for the purposes of carrying out or giving full effect to the provisions of this Decree.

16. In this Decree, unless the context otherwise requires-

Interpretation.

"Chairman" means the Chairman of the Directorate;

"Corps" means the Nigerian Technical Aid Corps established by section 1 of this Decree;

"Directorate" means the Directorate of the Nigerian Technical Aid Corps established by section 3 of this Decree;

"recipient countries" means the African, Caribbean and Pacific countries, and includes organisations in those countries, to which volunteers are assigned under this Decree, and "recipient country" means any one of those countries or organisations; and

"volunteers" means the volunteers of the Corps recruited under section 6 of this Decree.

17. This Decree may be cited as the Nigerian Technical Aid Corps Decree 1993 and shall be deemed to have come into force on 1st October 1987.

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Citation and commencement.

SCHEDULE

Section 3(3)

SUPPLEMENTARY PROVISIONS RELATING TO THE DIRECTORATE

Proceedings of the Board

1. Subject to this Decree and section 27 of the Interpretation Act, the Directorate may make standing orders regulating the proceedings of the Directorate and any committee thereof.

2. Every meeting of the Directorate shall be presided over by the Chairman and if the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their number to preside at the meeting.

3. The quorum at a meeting of the Directorate shall consist of the Chairman (or in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and three other members of the Directorate;

4. The Directorate may on any special occasion, co-opt any person to be a member for as many meetings as may be necessary, and that person while so co-opted shall have all the rights and privileges of a member, except that he shall not be entitled to vote or count towards a quorum.

Committee

5.-(1) Subject to its standing orders, the Directorate may appoint such number of standing and ad-hoc committees as it thinks fit to consider and report on any matter with which the Directorate is concerned.

(2) Every committee appointed under the provisions of sub-paragraph (1) of this paragraph shall be presided over by a member of the Directorate and shall be made up of such number of persons, not necessarily members of the Directorate, as the Directorate may determine in each case.

6. The decision of a committee shall be of no effect until it is confirmed by the Directorate.

7. The fixing of the seal of the Directorate shall be authenticated by the signature of the Chairman and such other member authorised generally or specially by the Directorate to act for that purpose.

8. A contract or an instrument which, if made by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Directorate by the Director or by any other person authorised generally by the Directorate to act for that purpose.

9. A document purporting to be a contract or an instrument or other document signed or sealed on behalf of the Directorate shall be received in evidence and, unless the contrary is proved, be presumed without further proof, to have been so signed or sealed.

10. The validity of a proceeding of the Directorate or of a committee thereof shall not be adversely affected-

(a) by a vacancy in the membership of the Directorate; or

(b) by a defect in the appointment of a member of the Directorate or committee; or

(c) by reason that a person not entitled to do so took part in the proceeding.

11. A member of the Directorate or of a committee who has a personal interest in any contract or arrangement entered into or purposed to be considered by the Directorate or committee shall disclose his interest to the Directorate or committee and shall not vote on any question relating to the contract or arrangement.

MADE at Abuja this 22nd day of January 1993.

GENERAL I. B. BABANGIDA,
*President, Commander-in-Chief
of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

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(This note does not form part of the above Decree but is intended to explain its purport)

The Decree further amends the Local Government (Basic Constitutional and Transitional Provisions) Decree 1989, as amended, to provide, among other things, that Local Government Councils elected during the transition period shall stand dissolved on 31st December 1993.

DIRECTORATE OF TECHNICAL AID CORPS
SUMMARY OF BUDGET PROPOSAL FOR 2009 FINANCIAL YEAR

A. OVERHEAD

REGULAR OVERHEADS	-	326,797,013.00
VOLUNTEER ALLOWANCES ONSHORE OFFSHORE AND OTHER RELATED EXPENSES	-	<u>1,177,603,691.00</u>
TOTAL		1,504,400,704.00

B. CAPITAL

ESTABLISHMENT OF STAFF CANTEEN	-	10,000,000.00
PURCHASE OF OFFICE EQUIPMENT AND FURNITURE	-	<u>9,000,000.00</u>
TOTAL		19,000,000.00

Classification No.	EXPENDITURE ITEMS	
	TOTAL ALLOCATION:	1,523,400,704
034060007001401	TOTAL GOODS AND NON - PERSONAL SERVICES - GENERAL	1,504,400,704
034060002050700	TRAVELS & TRANSPORT - GENERAL	232,086,120
034060002050111	LOCAL TRAVELS & TRANSPORT	15,594,600
034060002050112	INTERNATIONAL TRAVELS & TRANSPORT	216,491,520
034060002100200	UTILITIES - GENERAL	23,136,331
034060002100201	ELECTRICITY CHARGES	8,942,500
034060002100202	TELEPHONE CHARGES	2,100,000
034060002100205	WATER RATES	5,022,831
034060002100206	SEWAGE CHARGES	6,071,000
034060002150300	MATERIALS & SUPPLIES - GENERAL	5,190,938
034060002150301	OFFICE MATERIALS & SUPPLIES	2,100,000
034060002150302	LIBRARY BOOKS & PERIODICALS	945,000
034060002150303	COMPUTER MATERIALS & SUPPLIES	1,248,450
034060002150304	PRINTING OF NON SECURITY DOCUMENTS	315,000
034060002150305	PRINTING OF SECURITY DOCUMENTS	582,488
034060002200400	MAINTENANCE SERVICES - GENERAL	13,612,000
034060002200401	MAINTENANCE OF MOTOR VEHICLES	1,260,000
034060002200405	MAINTENANCE OF OFFICE FURNITURE	210,000
034060002200406	MAINTENANCE OF BUILDING - OFFICE	210,000
034060002200409	MAINTENANCE OF OFFICE EQUIPMENTS	1,409,500
034060002200410	MAINTENANCE OF COMPUTERS & IT EQUIPMENTS	1,472,500
034060002200411	MAINTENANCE OF PLANTS/GENERATORS	9,050,000
034060002300600	OTHER SERVICES - GENERAL	2,131,500
034060002300601	SECURITY SERVICES	1,764,000
034060002300602	CLEANING & FUMIGATION SERVICES	367,500
034060002400800	FINANCIAL - GENERAL	2,583,000
034060002400801	BANK CHARGES	2,583,000
034060002450900	FUEL & LUBRICANTS - GENERAL	5,881,785
034060002450901	MOTOR VEHICLE FUEL COST	2,388,750
034060002450905	GENERATOR FUEL COST	3,346,875
034060002450907	LUBRICANTS COST	146,160
034060002501000	MISCELLANEOUS	1,219,779,030
034060002501001	REFRESHMENT & MEALS	1,054,504
034060002501002	HONORARIUM & SITTING ALLOWANCE PAYMENTS	24,457,335
034060002501003	PUBLICITY & ADVERTISEMENTS	14,773,500
034060002501006	POSTAGES & COURIER SERVICES	1,890,000
034060002501099	OTHER MISCELLANEOUS EXPENSES (PAYEMENT OF TECHNICAL AID CORPS ALLOWANCES)	1,177,603,691
	TOTAL CAPITAL PROJECT	19,000,000
	NEW PROJECTS (OTHERS)	19,000,000
034060002501100	ESTABLISHMENT OF PERMANENT STAFF CANTEEN	10,000,000
034060002501101	PROCUREMENT OF FURNITURE AND OFFICE EQUIPMENT	9,000,000

FGN 2009 - 2011 CAPITAL EXPENDITURE BUDGET ESTIMATES

ONGOING DEVELOPMENT AND ADMINISTRATIVE PROJECTS/PROGRAMS PROPOSAL (BELOW 100M)

Main Ministry:

MINISTRY OF FOREIGN AFFAIRS

Code:

Parastatal/Agency:

DIRECTORATE OF TECHNICAL AID CORPS

Code:

Category	MDG	Project Details and Justification	Amount Allocated to date	Amount Actually Released to Date	Amount Allocated in 2008	Planned Completion Date	Estimated Total Cost	Amount Required			Total 2009-11 (N1000) (g+h+i)	Criteria				
								2009	2010	2011		1	2	3	average	
			d1	d2	d3	e	f	g	h	i		p1	p2	p3	p	
Category: Administrative		NEW PROJECTS					(N1000)	(N1000)	(N1000)	(N1000)						
1		EXTERNAL PUBLICITY/AWARENESS CREATION														
2		OPERATION BUS/UTILITY VEHICLE					40,000,000	30,000,000	20,000,000	90,000,000						
3		PERMANENT STAFF CANTEEN					40,000,000	10,000,000	10,000,000	60,000,000						
4		OFFICE EQUIPMENT & FURNITURE					10,000,000	0	0	10,000,000						
5		CONSTRUCTION OF MULTI-PURPOSE HALL					9,000,000	4,000,000	4,000,000	17,000,000						
6							60,000,000	30,000,000	30,000,000	120,000,000						
7										0						
8										0						
9										0						
10										0						
		Sub-Total														
Category: Development											297,000,100					
1											0					
2											0					
3											0					
4											0					
5											0					
6											0					
7											0					
8											0					
9											0					
10											0					
		Sub-Total									0					
		Total									0					



AGREEMENT

BETWEEN

**THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF NIGERIA**

AND

**THE GOVERNMENT OF THE REPUBLIC OF
THE GAMBIA**

ON

TECHNICAL MANPOWER ASSISTANCE



AGREEMENT

BETWEEN

**THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF NIGERIA**

AND

**THE GOVERNMENT OF THE REPUBLIC OF
THE GAMBIA**

ON

TECHNICAL MANPOWER ASSISTANCE



AN AGREEMENT made thisday of.....2009 between the Federal Republic of Nigeria, (hereinafter referred to as "the Government" which expression shall where the context admits include its successors and assigns) on the one hand and the Republic of The Gambia (hereinafter referred to as "the Recipient country" which expression shall where the context admits include its successors and assigns) on the other hand.

WHEREAS, the Government of the Federal Republic of Nigeria has established a Technical Aid Corps (TAC) Scheme the purpose of which includes:

- a) assisting African, Caribbean and Pacific (ACP) countries meet some of their assessed and perceived manpower needs in their respective countries;
- b) sharing Nigeria's know-how and expertise with other ACP countries;
- c) facilitating meaningful contacts between the youth of Nigeria and those of the Receiving countries.

AND WHEREAS, the Government of the Republic of The Gambia is desirous of participating in and deriving for itself and its peoples some of the benefits contained in the Scheme and for the purposes of further cementing the bilateral relations existing between Nigeria and The Gambia in the spirit of mutual co-operation and development.



PART A

THE CONTRACTING PARTIES HEREBY AGREE AS FOLLOWS:

- i) This Agreement known as the "Nigerian Technical Aid Corps Scheme Agreement" shall guide the implementation of the Scheme in The Gambia and shall be subject to renewal at the instance of either party to this Agreement;
- ii) The Agreement shall be for an initial period of two (2) years renewable automatically every two (2) years unless objected to by either one of the contracting parties and Notice of objection given in writing at least three months prior to the expiry of the Agreement;
- iii) Any Amendment of this Agreement shall be in writing and shall be mutually agreed to by the Contracting Parties;
- iv) Any dispute arising during the implementation of this Agreement shall be settled amicably by the contracting Parties through normal Diplomatic Channels;
- v) This Agreement shall come into force on the date on which the signatures of the contracting parties are appended.

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PART B

THE GOVERNMENT OF THE FEDERAL REPUBLIC OF NIGERIA HEREBY COVENANTS WITH THE GOVERNMENT OF THE REPUBLIC OF THE GAMBIA AS FOLLOWS:

- i) At the request of the Republic of The Gambia, the Government of the Federal Republic of Nigeria shall send these Volunteers to The Gambia who, prior to departure, are ascertained medically fit, for a period of two (2) years;
- ii) The Government of the Federal Republic of Nigeria shall be responsible for the cost of transporting TAC Volunteers from its Capital City, Abuja, to Banjul, the Capital City of The Gambia.
- iii) The Government of the Federal Republic of Nigeria shall be responsible for the payment of appropriate allowances for the maintenance of each TAC Volunteer in The Gambia;
- iv) In the event of a medically ascertained serious illness of any TAC volunteer or in the case of an emergency situation determined as such by the Government of the Federal Republic of Nigeria, the latter shall be responsible, with the assistance of the Government of the Republic of The Gambia, for evacuation of such Volunteer to Nigeria.



PART C

THE GOVERNMENT OF THE REPUBLIC OF THE GAMBIA HEREBY COVENANTS WITH THE GOVERNMENT OF THE FEDERAL REPUBLIC OF NIGERIA AS FOLLOW:

- i) The Government of the Republic of The Gambia shall provide reasonably furnished and free accommodation, including the provision of a monthly allowance to each TAC Volunteer for the payment of Utility bills (water, electricity and gas) during the two (2) years tour of duty;
- ii) The allowances and all other payments made by the Government of the Federal Republic of Nigeria arising from the services under this Agreement to TAC Volunteers shall be free from all taxation, including local income tax in The Gambia;
- iii) The Government of the Republic of The Gambia shall provide free medical care to each TAC Volunteer in government institutions.
- iv) The Government of the Republic of The Gambia shall deploy each Volunteer to any part of the country at its own expense, provided that the area of deployment is not prone to civil strife, violence, unrest, or war;
- v) The Government of the Republic of The Gambia shall quarter the TAC Volunteers within the vicinity of the place of primary assignment, failing which, its shall provide transportation or pay commensurate allowance;

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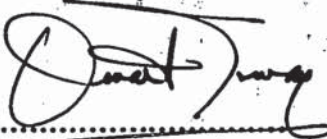
- vi) The Government of the Republic of The Gambia shall pay appropriate call duty allowance to Volunteer Nurses and Doctors and adhere to standard practices in off-duty procedures;
- vii) The Government of the Republic of The Gambia shall be responsible for the return passage of TAC Volunteers from their duty posts, where this is outside the Capital City at the completion of their assignments;
- viii) The Government of the Republic of The Gambia shall provide hotel accommodation for the first few days of the Volunteers' arrival and last few days prior to the Volunteers' departure back to Nigeria at the completion of the two (2) years tour of duty;
- ix) The Government of the Republic of The Gambia shall in conjunction with the Nigerian Mission, conduct a short orientation course for the Volunteers on first arrival in order to familiarize them with the local environment;
- x) The Government of the Republic of The Gambia shall clear, store and transport TAC Volunteers' tools of trade and other personal effects from the port of entry in The Gambia to the duty station and also accord such Volunteers "first arrival privileges" which gives exemption from all taxes imposed by reason of importation of personal effects intended for use by the Volunteers; such as Motor vehicles (one motor vehicle per Volunteer) and household goods (Air conditioners, Refrigerators, Stereo sets, Washing machines and Electronic gadgets). Such should be imported within one year of their first arrival

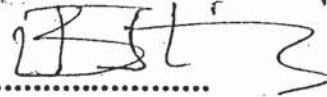


in The Gambia. The local sale of such personal effects to individuals not entitled to similar privileges as TAC Volunteers, shall however, be made only with the formal written consent of the Ministry of Foreign Affairs and Gambians Abroad, and upon the payment of the requisite import duties;

- xi) The Government of the Republic of The Gambia shall provide the necessary administrative facilities for the repatriation of the TAC Volunteers' tools of trade, personal effects as well as bank savings, interests and other personal incomes in accordance with the exchange control regulation in force in The Gambia;
- xii) The Government of the Republic of The Gambia shall provide the TAC Volunteers with residence permits free of charge with all the privileges attached to it.

Done at BANJUL this 11 day of AUGUST 2009

Signed: 
For and on behalf of the
Government of the
Republic of The Gambia

Signed: 
For and on behalf of the
Government of the Federal
Republic of Nigeria



Mr. President,

REQUEST FOR ASSISTANCE BY
SIERRA LEONEAN GOVERNMENT

I have the honour to recall your directives that I examine and proffer recommendations regarding a package of assistance from Nigeria requested by the Sierra Leonean President, Dr. Ernest Koroma. Accordingly, I convened an Inter Ministerial Committee meeting in my Ministry to examine the package which basically is:

- (i) a grant of US\$300 Million;
- (ii) capacity building assistance; and
- (iii) settlement of Energy Bill of US\$11 Million owed the Nigerian Company, (Income Electrix Limited) by the Sierra Leonean Government.

2. After exhaustive deliberations, the Committee made the following observations and recommendations:

Grant of US\$300 Million

3. The Committee critically considered the implications of an outright grant to Sierra Leone in the context of our own national



economic and financial constraints. Aside from the quantum of the grant requested, it was thought that our fiscal regime and appropriation laws would not permit granting such request. In the light of these, it concluded that the Federal Government of Nigeria would be unable to honour the Sierra Leonean Government request for a **US\$300 million** grant.

Assistance in Capacity Building

4. The Committee observed that the Sierra Leonean requirement in the area of man power which includes doctors, nurses, teachers and engineers could readily be accommodated in the subsisting Technical Aid Corps assistance programme between Nigeria and Sierra Leone. Specifically, it was agreed that the Directorate of Technical Aid Corps which is involved in the management of some volunteers already serving in Sierra Leone should remain the clearing house for the additional requirement being sought by the Sierra Leonean Government. Accordingly, it was estimated that an additional 110 Nigerian professionals in the fields of medicine, education and engineering may be recruited by the Scheme to meet the additional man power needs of Sierra Leone. The



cost implication of this was put at **US\$5.02 Million** for the first two years of service. It was also recommended that the sum of **US\$4.98 million** be provided to meet the purchase of hospital equipment and the training of personnel (Security and Body Guards, anti-corruption agents etc) for some Sierra Leonean Para-military agencies. Training of a total of 150 personnel already requested through the office of the NSA will be covered in this programme.

Settlement of Energy Bill to Income Electrix Ltd (a Nigerian Company)

5. Sierra Leone had requested Nigerian Government assistance in settling the debt owed to a Nigerian Company which supplies electricity to the capital, Freetown. The debt of **US\$11 million** is the cost of supply of electricity for the first year in a three-year contract. Sierra Leone has defaulted on the first year and would require future additional funds to offset the cost of supply for the next two years. Given that the antecedents (due process) of the contract could not be ascertained and in consideration of the legal obligations inherent in a private commercial contractual agreement



between a government and a private company, the Committee could not recommend the settlement of this debt and indeed other future obligations in this regard by the Nigerian Government on behalf of the Government of Sierra Leone.

6. The Committee observed however, that the energy situation in Freetown and indeed the entire country is dire and fraught with serious security implications if Sierra Leone was not assisted to meet part of its energy needs. The Committee therefore recommended that the Nigerian Government should assist Sierra Leone by purchasing some High Capacity Generators and other accessories for Sierra Leone rural electrification. The total cost estimate for these requirement is put at **US\$10 Million**.

7. On the whole, the total estimated cost implication of assistance package recommended for Sierra Leone is **US\$20 million** (Twenty million United States dollars) broken down as follows:

- (a) **US\$5.02 million** - Deployment of additional 110 TAC Volunteers.



- (b) US\$4.98 million - Training of 150 Para-Military Personnel and Provision of hospital/medical equipment.

- (c) US\$10 million - Purchase of high capacity generators and accessories.

EXECUTIVE SUMMARY

8. In summary, Mr. President may wish to note that following Your Excellency's directives, I convened an inter-agency committee meeting in my Ministry to examine and proffer recommendations on the package of assistance sought from the Nigerian Government by the Government of Sierra Leone. After an exhaustive and critical consideration of the package and following my own assessment of the committee's recommendations, I am inclined to propose the following for your gracious approval:



- (i) Deployment of 110 additional TAC Volunteers for an initial two-year service at an estimated cost of US\$5.02 million;
- (ii) Training of limited number of Sierra Leonean Paramilitary personnel (Body guards, security operatives, anti-corruption personnel etc) and provision of hospital equipment to facilitate assignment of the TAC medical volunteers in (i) above. Estimated cost of this is US\$4.98 million;
- (iii) Provision of some high-capacity electrical generators, cables and accessories for rural electrification at an estimated cost of US\$10 million;
- (iv) Decline the settlement of debt of US\$11 million owed the Nigerian Company, Income Electrix Limited, by the Government of Sierra Leone while the latter is urged to settle the debt directly; and
- (v) The linkage of the execution of this package of assistance to the return of the Nigeria Airways



property confiscated by the Sierra Leonean authorities which issue has remained unresolved for a long time.

9. Respectfully submitted.

Ojo Maduekwe, CFR
Foreign Minister

.....January, 2009



AGREEMENT

BETWEEN

THE GOVERNMENT OF THE FEDERAL REPUBLIC OF
NIGERIA

AND

THE GOVERNMENT OF THE REPUBLIC OF LIBERIA

ON TECHNICAL MANPOWER ASSISTANCE

AN AGREEMENT made this 22nd day of April, 2009 between the Federal Republic of Nigeria, (hereinafter referred to as "the Government" which expression shall where the context admits include its successors and assigns) on the one hand and the Government of the Republic of Liberia, (hereinafter referred to as "the Recipient Country" which expression shall where the context admits include its successors and assigns) on the other hand.

WHEREAS, the Government of the Federal Republic of Nigeria has established a Technical Aid Corps (TAC) Scheme the purposes of which include:

- (a) assisting Africa, Caribbean and Pacific (ACP) countries meet some of their assessed and perceived manpower needs in their respective Countries;
- (b) sharing Nigeria's know how and expertise with other ACP countries;
- (c) facilitating meaningful contacts between the youth of Nigeria and those of the Recipient countries.

AND WHEREAS, the Recipient country is desirous of participating in and deriving for itself and its peoples some of the benefits contained in the Scheme and for the purposes of further cementing the bilateral relations existing between Nigeria and the Recipient Country in the spirit of mutual co-operation and development.

PART A

THE FEDERAL REPUBLIC OF NIGERIA AND THE REPUBLIC OF LIBERIA HEREBY AGREE AS FOLLOWS:

- (i) This Agreement known as the "Nigerian Technical Aid Corps Scheme Agreement" shall guide the implementation of the Scheme in the Recipient country and shall be subject to renewal at the instance of either party to this Agreement;
- (ii) The Agreement shall be for an initial period of two (2) years renewable automatically every two (2) years unless objected to by either one of the contracting parties and Notice of objection given in writing at least three months prior to the expiry of the Agreement;
- (iii) Any Amendment of this Agreement shall be in writing and shall be mutually agreed to by the Contracting Parties;
- (iv) Any dispute arising during the implementation of this Agreement shall be settled amicably by the parties through normal Diplomatic Channels;
- (v) This Agreement shall come into force on the date on which the signatures of the contracting parties are appended.

PART B

**THE FEDERAL GOVERNMENT OF NIGERIA HEREBY COVENANTS
WITH THE GOVERNMENT OF LIBERIA AS FOLLOWS:**

- (i) At the request of the Recipient Country, the Government shall send TAC Volunteers to the Recipient Country for a period of Two (2) years;
- (ii) The Government shall be responsible for the cost of transporting these Volunteers from its Capital City, Abuja, to the Capital city of the Recipient Country;
- (iii) The Government shall be responsible for payment of appropriate allowances for the maintenance of each Volunteer in the Recipient Country;
- (iv) In the event of a medically ascertained serious illness of any Volunteer or in case of an emergency situation determined as such by the Government, it shall be the responsibility of the Government, with the assistance of the Recipient Country, to evacuate such volunteer to Nigeria.

PART C

**THE GOVERNMENT OF THE REPUBLIC OF LIBERIA HEREBY COVENANTS
WITH THE GOVERNMENT OF THE FEDERAL REPUBLIC OF NIGERIA AS
FOLLOWS:**

- (i) The Government of the Republic of Liberia shall provide reasonably furnished and free accommodation, including the payment of Utility bills (water, electricity, telephone and gas) for each volunteer during the two (2) years service period. The amounts shall be _____ for electricity, _____ for water and _____ for telephone. The Volunteer shall bear the payment if it exceeds the amount stated above. The Volunteer shall be charged at the same rate as _____;
- (ii) The allowances and all other payments made by the Nigerian Government arising from the services under this Agreement to the Volunteers shall be free from all taxation, including local income tax in the Recipient Country;
- (iii) The Government of the Republic of Liberia shall provide free medical care to each volunteer in Government institutions and limited to volunteer and nuclear family;
- (iv) The Government of the Republic of Liberia shall freely deploy each volunteer to any part of the Country at its own expense;
- (v) The Government of the Republic of Liberia shall quarter the volunteer within the vicinity of the place of primary assignment, failing which it shall provide transportation or pay commensurate allowance;

- (vi) The Government of the Republic of Liberia shall pay appropriate call duty allowance to Volunteer Doctors and Nurses if their services are utilized after official working hours;
- (vii) The Government of the Republic of Liberia shall be responsible for the return passage of the Volunteers from their duty posts, where this is outside the Capital City at the completion of the Volunteers' assignment;
- (viii) The Government of the Republic of Liberia shall ensure the security of all the Volunteers, including protection from unwarranted litigations and detention by the agents of host relevant authorities.
- (ix) The Government of the Republic of Liberia shall:
 - (a) clear, store and transport the Volunteers' tools of trade and other personal effects from the port of entry at Monrovia to the duty station;
 - (b) accord such volunteers "first arrival privileges" which give exemption from all imposed by reason of importation of personal effects intended for use by Volunteers; the term personal effects includes household goods and such article as Motor Vehicles, Air-conditioners, Refrigerators, Stereo sets, Washing Machines and other Electronic gadgets which accompany the Volunteers or are imported within six (6) months of their first arrival in the Recipient Country Local sale of such items shall, however, be made only with the formal consent of the appropriate authorities and payment of import duties, if sold to a person or persons not entitled to similar privileges;
- (x) The Government of the Republic of Liberia shall provide the necessary facilities for the repatriation of the Volunteer's tools of trade, personal effects and other household goods as well as bank savings, interests and other personal incomes in accordance with the exchange control regulation in force in the Government of the Republic of Liberia;
- (xi) The Recipient Country may offer employment to any of the Volunteers at the completion of the assignment under this Agreement if it so wishes.
- (xii) The recipient Country shall provide the Volunteer with Residence Permits free of charge with all the privileges attached to it.

Done at the City of Monrovia this 2nd day of April 2009

Signed [Signature]
For and on behalf of the Government
Of the Federal Republic of Nigeria

Signed: [Signature]
For and on behalf of the
Government of the
Republic of Liberia