

**The Impact of Non-Governmental Organizations in the  
Implementation of International Human Rights Law: A  
Case Study of North-East Nigeria**

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## **ABSTRACT**

Human Rights NGOS have emerged as important players in the process of implementing human rights laws in Nigeria. The proliferation of Human rights NGOs raises questions about their legitimacy in the drive to ensuring the implementation of human rights laws, it has also invited scepticism about the ability of the state to protect its citizens. In recent years, human rights NGOs in Nigeria are seen at the forefront of representing individuals who are classified as victims of human rights violations, they are clamouring for better policies that protect and promote human rights and human dignity through activities such as negotiation and mediation, advocacy, campaigns, naming and shaming.

This thesis aims at analysing the impact of human rights NGOs from the liberal perspective and provides answers to the following questions; What Problems Do NGOs Encounter in The Process of Protecting Human Rights in Nigeria? How Do Human Rights NGOs Help Protect and Promote Human Rights? What Role Do NGOs Play in Protecting Human Rights in Northeast Nigeria? How do NGOs Negotiate and Mediate on behalf of citizens of Nigeria? Analysis has shown that human rights NGOs influence the implementation of human rights laws in Nigeria and they have made tremendous impact. This impacts depends on the roles they play in the state, their mode of operation and the relationship between them, the state and the citizens which has been demonstrated in the thesis, therefore a tentative conclusion can be drawn that NGOs are making impact in the implementation of human rights laws in Nigeria.

**Keywords:** Nigeria, Non-Governmental Organizations (NGOs), Human Rights, Impact.

## ÖZ

İnsan Hakları Sivil Toplum Kuruluşu, Nijerya'da insan hakları yasalarını uygulama sürecinde önemli oyuncular olarak ortaya çıkmıştır. İnsan hakları STK'larının çoğalması, insan hakları yasalarının uygulanmasını sağlama yönündeki meşruiyetleri ile ilgili sorular ortaya çıkarırken, devletin vatandaşlarını koruma yeteneği konusunda şüpheciliği de davet etti. Son yıllarda, Nijerya'daki insan hakları STK'ları, insan hakları ihlallerinin kurbanı olarak sınıflandırılan bireyleri temsil etmekte ön plana çıkmakta, müzakere, kampanya, adlandırma ve arabuluculuk gibi faaliyetlerle insan haklarını ve insan onurunu koruyan, teşvik eden ve savunan daha iyi politikalar için çağrıda bulunmaktadır.

Bu tez, insan hakları STK'larının etkilerini liberal perspektiften analiz etmeyi amaçlamakta ve aşağıdaki sorulara cevap vermektedir; Sivil Toplum Kuruluşları Nijerya'da İnsan Haklarının Korunması Sürecinde Hangi Sorunlarla Karşılaşıyor? İnsan Hakları Sivil Toplum Kuruluşları İnsan Haklarının Korunmasına ve Geliştirilmesine Nasıl Yardımcı Olur? Kuzeydoğu Nijerya'daki Sivil Toplum Kuruluşlarının İnsan Haklarının Korunmasında Rolü Nedir? Sivil Toplum Kuruluşları Nijerya vatandaşları adına nasıl pazarlık ve arabuluculuk yapar? Analizler, insan hakları Sivil Toplum Kuruluşları'nın Nijerya'daki insan hakları yasalarının uygulanmasını etkilediğini ve muazzam bir etki yaptığını göstermiştir. Bu etki, devlette oynadıkları rollere, çalışma biçimlerine ve tezde gösterilen devlet ve vatandaşlar arasındaki ilişkiye bağlıdır, bu nedenle STK'ların Nijerya'daki insan hakları yasalarının uygulamada etkili olduğu konusunda geçici bir sonuç çıkarılabilir.

**Anahtar Kelimeler:** Nijerya, Sivil Toplum Kuruluşları (STK), İnsan hakları, Etki.

# **DEDICATION**

To God Almighty and to my dear family (The Mangzha's)

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## **LIST OF ABBREVIATIONS**

AI	Amnesty International
CERD	International Convention On the Elimination of All Forms of Racial Discrimination
CISCLAC	Civil Society Legislative Advocacy Centre
CLO	Civil Liberties Organization
FIDA	International Federation of Women Lawyers
HRNGO	Human Rights Non-Governmental Organization
ICCPR	International Covenants on Civil and Political Rights
ICESCR	International Covenants on Economic, Social and Cultural Rights
ICRC	International Committee for the Red Cross
IDP	Internally Displaced People
IGO	Intergovernmental Organizations
INGOs	International Non-Governmental Organizations
IWAYEC	Integrated Women and Youth Empowerment Center
MNCs	Multi-National Cooperation
NGO	Non-Governmental Organizations
NNHRC	Nigerian National Human Rights Commission
NNNGO	Nigerian Non-Governmental organization
PVO	Private Voluntary Organizations
SERAP	The Socio-Economic Rights and Accountability Project
UN	United Nations
WRAPA	Women's Rights Advancement and Protection Alternative

# Chapter 1

## INTRODUCTION

Human rights in the modern world face numerous challenges, and implementing international human right laws have become almost well, unachievable. We live in a world where some see a violation of human rights as a reasonable thing to do. The great strides of the 1968 world conference on Human Rights asserted the implementation of these rights, which solidly depends on the policies made by international and domestic bodies that are to protect Humans. The instruments of international human rights were specifically established to provide national and international entities with governing laws, nevertheless, today what we see is intentional neglect of principles enshrined in Article (1) of the Universal Declaration on Human Rights (UDHR) that states “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood”.

We are also witnessing a violation of other core instruments such as the International Covenants on Civil and Political Rights (ICCPR), International Covenants on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of a Child. These human rights instruments have been adopted by states and by ratifying these documents states agree to abide by the laws and also to be responsible for any default in the implementation of the international human rights instruments. The creation of international institutions such as the United Nations to monitor the

implementation of the treaties and conventions has opened a window for the operation of non-governmental organizations, known as non-state actors. The expansion of rights has relied almost entirely on the diligent work of non-violent social and political initiatives that have questioned existing power structures and influence throughout the world.

### **1.1 Statement of Research Problem**

Non-governmental organizations and civil society networks have an important role in the processes of structuring national governance, power, and democracy; they ensure voices are heard (Paul, 2004). The connection between NGOs and human rights focuses on social change, and it is an avenue for political engagement and effective activism. However, Nigeria has signed and ratified the international human rights instruments, implementing the instrument have become a challenge for the government thereby leaving all the work to non-governmental organizations in Nigeria. NGOs in Nigeria are in a struggle to ensure rights are respected and protected, yet they receive little or no recognition and appreciation from scholars on the impact they make in the implementation; instead, they receive a backlash from the government.

### **1.2 Justification**

Over the past years, NGOs have been described as saviours of struggling economies in some states while reviling Western foreign policy. Many non-governmental organizations and International NGOs fight for the rights of the people in different ways. These organizations document violations of human rights, sponsor human rights conventions, and call on the government to take proper actions to protect their citizens at national and at the grassroots level. Organizations such as Amnesty International,

Human Rights Watch, and Human Rights Action Centre have gone a long way to identify and document human rights issues within states.

Due to the limited ability of international organizations to act in states, NGOs are struggling with the capacity to handle the level of human rights violations in Nigeria. The work of NGOs is challenging in the northeast mostly because of the rising level of religious nationalism and ethno-nationalism that has surrounded the region, and these problems leave NGOs increasingly faced with the need to engage in constructive collaboration with the government which in one way or the other are loosely giving attention to the Human Rights Laws. The lack of commitment to human rights goals in Nigeria gives extensive justification for NGOs' existence. Observing the reports on the status of human rights violations worldwide, it will be safe to assume that governments across the globe, including Nigeria, are the most significant human rights violators. In its 2019 Report on Nigeria, Amnesty International noted that the country's human rights situation has "deteriorated" and the situation was not getting any better in 2019.

The insurgency in the north-eastern region of the country has brought about so many human rights issues thereby making the need for human rights NGO activities in Nigeria grow significantly in the past few years, NGOs focus their activities on the provision of legislative advocacy, human rights monitoring and research as well as legal assistance and litigation (frontline, 2010). Non-governmental organizations battle with trying to push implementation of the human rights law in the presence of violations in areas such as Violation of Civil, Political and Moral Rights, Abuse of Right to Life, Abuse of Right to Freedom of Religion, Violation of Economic, Social and Cultural Rights, Violations of Right to Standard of Living (Ibe, 2010), the lack of

legal personality dramatically affects the ability of NGOs to act effectively in accordance to the law.

Boko Haram Insurgency in northeast Nigeria has left a large number of people Homeless is known to become Internally Displaced Persons (IDPs) and at the mercy of NGOs for shelter where they are kept at the IDP Camps under harsh living conditions. At the same time, the government shies away from most of their responsibilities NGOs are left to give the raped girl closure, the widow, hope and the community, limited protection, and security provision. NGOs are characterized by self-empowerment, demand for transparency, and accountability by the government to its citizens.

Politics dramatically affects NGOs' work within the region, the unsubstantial institutional structure of human rights protection by the government leaves NGOs with no support in persecuting violators of human rights. The society also questions accountability and credibility of some NGOs working in northeast Nigeria; they are seen to have a political interest in their activities, while some workers are also violators of Human Right Laws using the sexual abuse case of Oxfam in Haiti.

Given the current realities of evident lack of commitment from the government to human rights laws, it is not only desirable but imperative that human rights NGOs must endeavour to overcome the challenges confronting them in order to strengthen their capacity and play a positive, constructive and transformational role in human rights protection in northeast Nigeria (Jacob A. 2013). One of the reasons why this work is exceptional is that it argues that NGOs play a significant and vital role in speaking for the voiceless on issues concerning human rights, they push for the



implementations of Human Rights Laws. NGOs have been envisioned by many to be a propaganda of the government or the agents of other countries.

### **1.3 Research Questions**

This research will primarily be conducted to illustrate and explore the impact of Non-governmental organizations in the implementation of human rights laws in Nigeria, it will examine the impact of Non-governmental organizations on the application of Human Rights Law in northeast Nigeria and at the same time identify how NGOs in Nigeria operate, their work jurisdictions, capabilities and the strategies they use to handle issues such as human rights violations. For the research to achieve the aim, some questions will have to be answered:

#### **What Problems Do NGOs Encounter in The Process of Protecting Human Rights in Nigeria?**

The struggle for Human rights laws to be implemented by NGOs is not explicitly without challenges, and this is, therefore, the aim of this research question; to explore the problems, NGOs encounter within their circle as an organization, the stones they get from the communities they work and the suppressing powers of the government in the process of protecting Citizens Rights.

#### **How Do Human Rights NGOs Help Protect and Promote Human Rights?**

This research question aims to identify activities undertaken by NGOs' to protect and promote human rights activities in Nigeria and steps they take in the implementation processes. It explores deep into the work NGOs carry out to ensure human rights are protected and promoted through several means. The answers to this question will give a better understanding of the relationship between human rights and NGOs.

### **How do NGOs negotiate and mediate?**

This research question aims at illustrating the impact made by NGOs as regards to the application of human rights laws through negotiation and mediation, and it merely evaluates the activities of NGOs in Nigeria and northeast Nigeria, such as outcomes commonly known as "hard" that measure numbers of people helped by an initiative, to "soft" outcomes, such as measuring an increase in the confidence of a beneficiary or community. It will enrich the research argument by comparing a particular community's status before the NGO's presence and after.

### **What Role Do NGOs Play in Protecting Human Rights in Northeast Nigeria?**

The answers to this question will identify the role NGOs have played in northeast Nigeria concerning human rights and will help clarify why this work argues that NGOs have made a high impact in implementing human rights laws in northeast Nigeria. There are numerous discussions regarding this question; this question will, therefore, establish the basis of this study to argue with the assertion that despite the negative image geared towards NGOs, they have impacted in the application of human rights laws in the north-eastern region of Nigeria. This question will also help explain the involvement of NGOs in negotiation and mediation for the protection of human rights.

## **1.4 Methodology**

This study will utilize the use of qualitative data collection which includes articles, books, and journals, the research will dive into a range source of theoretical perspectives, and will first seek to establish clarity of the theories on the topic, this will provide insights into how scholars discourse NGOs in international relations and how they participate in human rights issues. In analysing this data, it will use the liberal perspective, and this will show how the liberal theory can explain how NGOs are seen

as an important non-state actor in the international and national struggle for human rights to be respected and protected. This research will cut across diverse disciplines, using an interdisciplinary approach to study the impact of NGOs on the application of implementing human rights laws in Nigeria as a state and northeast Nigeria as a region.

### **1.5 Outline of the Thesis**

The thesis will comprise two sections: First, an introduction to NGOs; and Second, an identification of the activities of NGOs in Nigeria and its outcomes, problems, and possible solutions will be laid out in the concluding chapters. The first chapter introduces the aims and objectives of the research, its primary purpose, and the statement of the problem in which the research seeks to recommend a solution. A clear picture of the research methodology this thesis adopts and its mode analysis is presented in this chapter. The second chapter encompasses literature reviews and highlights several significant contributions by scholars to the field of research; this chapter gives detailed scholarly definitions of Human rights and NGOs, their notions towards the impact of NGO existence, and activities in applying human rights laws. The third chapter contains the theoretical framework in which the argument of this thesis is based. It critically looks at three international relations theories and NGOs, focusing on the liberal theory, which emphasizes the importance and the reason for the existence and operation of NGOs.

The chapter will extensively analyse the conceptual framework of the research topic. Chapter four will give a brief history of human rights NGOs in Nigeria; it identifies Nigeria's international human rights obligation and the adoption process of the international human rights treaties into the Nigerian legal system. It will also attempt to explain how NGOs are established, their registration procedures, and their goal

implementation strategies. Chapter five studies the activities of several NGOs and the different aspects of human rights implementation processes they have dealt with in Nigeria emphasizing on the outcomes, it identifies how NGOs negotiate and mediate on behalf of the people with regards to human rights issues in Nigeria and its northeast region. The last chapter comprises recommendations and conclusion; it will first identify the challenges human rights NGOs in Nigeria face in the process of clamouring for the implementation of human rights laws. It will recommend solutions based on the problems extracted from the materials and the NGOs studied during the research.

## **Chapter 2**

### **LITERATURE REVIEW**

The literature produced on impacts of human rights Non-governmental organizations (NGOs) is typically a description of specific human rights and how these NGO activities impact on their implementation. To understand the motive of action within the scope of human rights, I draw on viewpoints from human rights, international relations, the science of social developments and complex organization theories. I contend that changes in universal frameworks have modified the working environment of International Non-Governmental Organizations (INGOs) and NGOs, forcing them into choices that are critical and broad enough to alter and reorient not as it were person organizations but the areas themselves (Nelson P.J 2008 p3). The lack of consensus among states regarding human rights and its implementation has allowed non-state actors to make substantial contributions to human rights politics. In terms of definition, spread, and applicability across different contexts, the most active participants in the debate over human rights have been NGOs, which create international focal points around certain rights.

The literature available presents numerous views and perspectives on the definition of non-governmental organizations and the roles which they play in the field of human rights. The relationship between NGOs and human rights has also been given attention over the years and some views will also be documented in this literature review. Different international relations theorists have something to say about the existence of

NGOs. However, some literature underrates the hard work and commitments of human rights NGOs and refuse to recognize their impacts in implementing international human rights laws. Non-governmental organizations generally are best described by their roles, supposed capacity, and the impact they have achieved within societies and the international sphere.

This chapter reviews relevant literature relating to the study of NGOs and Human Rights; it contains four sections that deals with the problem of defining NGOs, debates concerning their roles of NGOs, and the issue of Human Rights NGOs in Nigeria. It examines different scholarly perspectives of NGOs and to identify some of the knowledge gaps in explaining the roles NGOs play.

## **2.1 Defining NGOs**

Numerous questions about the definition of NGOs has come up over the years. In defining NGOs scholars give different perspectives on how it should be articulated. For instance, Srinivas ascertains that there is no single authoritative understanding of terms such as third sector, NGO, NPO, civil society, despite their common and often synonymous usage. There is, instead, a history of how such terms become problematic to describe a complex set of interlinked interdependent groupings of actors; such a perspective offers resources for reflecting practices of managing an NGO. The active advocacy by NGOs in challenging the government, cooperation, and other organizations has invited backlash, in conclusion, Srinivas argues that NGOs portray an amount of fund mismanagement, misconduct in advocacy, insufficient accountability and low capability which questions their legitimacy and congruency with norms and values as well as expectations (Srinivas, 2009).

Martens (2002) argues that despite the increasing interest and the growing literature on the issue of defining NGOs, it has not yet been sufficiently defined. Although the body of academic work is continuously expanding on the subject, NGOs remain terra incognita.

According to Lewis, NGOs are best defined by their roles, supposed capacity, and the impacts they have within societies and international affairs. Lewis describes NGOs as key third sector actors on the landscapes of development, humanitarian action, environment, human rights, and many other areas of public action (Lewis, 2010).

Vakil (1997) expressed in her writing that defining NGOs is somewhat problematic, as a lack of consistency in the use of the term is one problem in finding a suitable definition. NGOs are called private voluntary organizations (PVO) and non-profit organizations (NPO), interchanging the names at different times makes it challenging to define them. There are relationships between NGOs and Civil Societies, which is very much complex and has become a very debatable topic. She defines NGOs as “self-governing, private, not-for-profit organizations that are geared to improving the quality of life of the disadvantaged people” (Vakil, 1997).

Rahman argues that the term voluntary organizations is an umbrella term that covers all the organizations that work for the welfare and development of society's general specifications. The term voluntary refers to actions taken by the free will of the action. There are many synonyms used for the term voluntary organizations e.g., NFPOs, NGOs, third sectors (Rahman, 2003).

It is obvious from the aforementioned discussion that the definition of NGOs still remains shrouded in intellectual debates.

## **2.2 Roles of NGOs**

Modern NGOs are considered one of the major combined actors in the socio-economic practice, their roles in the developing countries in particular, are gradually considered an active vehicle for social transformation, economic development, and fostering democratic governance. A critical perspective from NGO management studies recognizes that NGOs have a skewed representation of management and development related practice, and claimed that NGOs may not always be recognized as managers.

For scholars like Alger, the roles and status of NGOs involved in the UN had developed significantly since its foundation. NGOs took the lead in the adoption of the forerunners of the UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR): The Geneva Conventions of 1864, and the Multilateral Labour Conventions of 1906 long before the United Nations was formed. NGO participation in the UN system has advanced out of hard work by the United Nations Secretariat to see NGO assist in publicizing the UN and Its activities (Alger, 2003).

Barnett and Finnemore (2005), compare the roles of INGOs/NGOs to that of states as organizations that provide essential functions. These entities collect and disseminate vital information, establish credible commitments, monitor agreements, and help the government get solutions to associated problems with individual enhancement and collective growth. According to Barnett and Finnemore “International Organizations are quite candid in their beliefs that their principal functions are to try to alter the behaviour of states and non-state actors in order to make sure that they comply with existing normative legal standards” (Ibid, p.161,176).



Banks and Edwards (2015), raise issues on NGOs' roles and argue that NGOs have done very little over the past two decades. They explain that such inoperativeness is as a result of issues such as NGOs having weak roots within the societies in which they work to generate their resources. Secondly, the evolving technocracy that has engrossed through the right to use foreign aid from the NGOs leaving them with no choice but to become statecraft for democracy promotion instead of interventions to help the society, thirdly the disruptions from international and national political agendas on NGO activities.

Pease notes the ties NGOs have with transnational and subnational bodies and difficulties in classifying NGOs as some might be professional organizations and other social-welfare organizations. Pease argues that NGOs work with other non-state actors such as INGOs and Multinational Cooperation (MNCs) in their efforts to influence decision making in order to accomplish certain specific goals. NGOs play three interconnected roles in global politics, which involves information-related activities, carrying out and implementing policies of international governmental organizations and states, they are also responsible for bringing groups and people together through private interactions that have to do with likes of student exchange programs. Pease concludes that NGOs are important non-state actors, and as objects of research, they meet the needs of humanity and disseminate vital information when states fail in their duties while public institutions do not meet expected standards. They also provide an avenue for participation and allow the average person and equal opportunity to shape global politics (Pease, 2018).

Suleman's argument can be summarized as a deliberate attempt based on empirical statistics and evaluated theoretical postulations to discredit the relevance, and proffer

as inappropriate, and the now assumed role of civil society represented by Non-Governmental Organizations in democracy and governance processes. She maintains that NGO's are unlikely to have the capacity to concurrently or otherwise encourage development or foster democracy. Lina asserts that the modest assumption that NGOs' intensification can improve democratic performance and social progress is not evident in practice and that democracy, marginalization, poverty, and the non-existence of social and public goods can be understood as political demands and functions (Suleiman, 2013).

Scholte (2004) believes that NGOs are implementers of projects in global governance who have contracts signed with multilateral development banks and bodies such as the UN Refugee Agency. They possess an effective way of underplaying the working power of global governance but, on the other hand, he argues, though NGOs play such roles in global governance, they neglect the current world order of lobbying for businesses in places like the employer federation, chamber of commerce and industry associations.

Avant (2007), comes up with arguments that NGOs give more attention to human security in comparison to the state, their role in protecting humans and the way they strive to achieve it is different from the traditional strategy of violence response, citing examples of NGOs such as the International Committee of the Red Cross (ICRC) who have pledged to aid people in need not minding opposition from political powers. Avant outlined examples of other security interventions in which NGOs played vital roles. NGOs have developed better strategies and approaches to security, making their impacts not only on the problems of security but on what it means to humanity (Avant, 2007).

According to Bartoli (2017) NGOs devoted to conflict resolution especially those actively pursuing mediation, came to exist because they were needed and were kept alive by a marginal but significant stream of request from actors lacking the political stability of an established nation-state, he argues that for NGOs to be productive in engaging conflict at the state and international level, four requirements must be met, 1) NGOs must be credible in its claims. 2) NGOs must place confidentiality as a high value. 3) an NGO must be able to work effectively with state actors through legitimacy. 4) NGOs must have the capacity to deliver what is required of them.

### **2.3 NGOs and Human Rights**

Various scholars have examined the role of NGOs in the advancement of human rights across the globe. The perspectives of some of these scholars are explored in this section.

Marcinkutė considers human rights NGOs as an essential entity for the survival of the United Nations and its implementation systems. He bases his arguments on the fact that NGOs are grassroots organizations that have relationships with the ordinary man, hence giving the organizations access to the local communities' happenings and the understanding of the needs and problems they face thus can help them solve their issues. Furthermore, he underscores that compelling and credible NGOs as having greater chance to influence the implementation of state human rights policy, rather than the smaller NGOs which have little influence and chance in improving the human rights status of a state (Marcinkutė, 2011).

Cingranelli and Richards, who also worked on this topic, have agreed that through research, the activities of international non-governmental/non-governmental human

rights organizations (INGOs and NGOs) have shown improvements in the behaviour of government towards human rights practices. Though they have pointed out some reasons why measuring the impact of human rights NGOs in the implementation of right laws can be difficult as some NGOs focus on specific kinds of rights such as child rights, and women's rights while others focus on general rights (Cingranelli, & Richards, 2010).

Pearson claims that NGOs influence the formation of intervention law, in his study of the ICC negotiations he argues he got some ideas of the extent to which NGOs input the development and international law. NGOs established themselves as expected in critical areas and are important sources of information for the state parties to the negotiation. NGOs are developing a reputation for providing credible, compelling information enabling them to activate public opinion and to pressure state business actors on particular issues using both local citizen mobilization and the international level (Pearson, 2006).

Nelson (2008) concludes that there are two processes involved in the growing global trend for economic and social rights: First, the emergence of new channels and organizations that directly connect human needs concerns towards social and economic law principles; and second, the tendency of the more conventional civil and political rights NGOs to extend their agendas to include ESC Rights. INGOs, NGOs, and movements which interact, share a willingness to respond to intense and persistent poverty and inequality, inequality and oppression of women and vulnerable communities and general disregard for existing legal protection.

Blasiak et al. (2017), argue that NGO's interventions have expanded spontaneously not only in numbers but also their access to international negotiations. For example, negotiations associated with the conservation and sustainable use of biodiversity in marine zones beyond state jurisdiction, NGOs were nominated to be part of the working group of the United Nations to lend their advice and influence decisions on specific negotiations.

## **2.4 NGOs in Nigeria**

NGOs in Nigeria are seen as the major providers of community development, due to poor governance in the country and the unwillingness of the politicians to focus on nation-building, citizens have turned to NGOs for survival and protection. Over the past 40 years, Nigeria, just like other African countries, is experiencing a proliferation of NGOs providing interventions and skilled services. Scholars have argued about the impact of NGOs in Nigeria, with some claiming NGOs play an important role in development process while some do not agree but think NGOs in Nigeria are not credible enough.

Oku (2016) believes that NGOs in Nigeria are given attention by international organizations and bodies through funding, which gives them the ability to play an important role in the country. NGOs work at two levels, which include; the community-based level and the intervention level. He claims that NGOs are best known for their advocacy development and monitoring and evaluation, they have contributed to Nigeria's economy through sustainable development projects. Common to these projects is skill acquisition that involves youths in creative innovations and agricultural boosting techniques, which improves the agricultural sector's productivity at the national and community level.

Iheme (2001) states that a large number of NGOs in Nigeria are predominantly community-based organizations (CBO) which draw their membership from individuals of the same location in which the organization is located. Iheme's study was on a legal perspective which he ascertains NGO legal framework is defined by the 1999 Nigerian constitution, specifically the Companies and Allied Matters Act of 1990 and are not subjected to sophisticated laws which have made a number of them self-regulatory and not adequately registered with national bodies.

In her bid to evaluate the performance of the government and NGOs in women advancement in Nigeria, Dibia and Okere (2015), argues that NGOs have played a more vital role in giving women opportunity to be developed, they have empowered women in the aspect of self-help, violence against women, discrimination and in the struggle for equality. NGOs have advocated for a change of policy and laws that have to do with women in Nigeria, though NGOs are forced to limit their activities due to religious perspectives and other belief about empowering women in the country.

Yusuf et al (2017), in their assessment on the impact of NGOs in one of the states in Nigeria, argue that NGOs have contributed immensely to poverty alleviation and community development in the state than the state government. They claimed the majority of the populace had lost hope in the government and their promises of making life better, believing more in NGOs' interventions. The result of the study shows that NGOs through advocacy, partnership, skill acquisitions, mobilization, peer-education, inclusion, and self-help programs.

The present review of literature as underscored the important role NGOs play in both domestic and global governance given their nearness to and connection with local

communities or people at the grassroots. Scholars vary in their appreciation of the role of NGOs in promoting human rights. While some have a positive assessment of the contribution of NGOs to human rights, others are more sceptical. Some scholars, such as the realist, do not agree that NGOs are important to achieving human rights but that they are puppets to the states and the powerful. Human rights NGOs on their own have internal organizational management issues that affect the effectiveness of their activities.

## **Chapter 3**

### **THEORETICAL AND CONCEPTUAL FRAMEWORK**

Over the years, NGOs sprung up in Nigeria as a result of the increase of human rights violations and other unappealing socio-economic conditions faced by the citizens of Nigeria are facing. The civilian leadership in Nigeria was supposed to be a gateway for implementation of the UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR) in Nigeria but unfortunately their rights have continued to be violated even to this day. In 1995, because of the atrocities committed during the military regime, the National Human Rights Commission was established to help promote and protect the rights of the citizens under the mandate of the African Charter on Human and Peoples' Rights, which stands as a regional organization of the United Nations.

The Commission is a mechanism that deals with extra-judicial killings in Nigeria, it monitors violations of human rights, and offers legal assistance to victims of human rights violations in the country, the commission though vigorous in its responsibilities of investigations and monitoring of these violations is slow to act on implementation. According to the Paris Principles, the kind of NHC that it envisions shall at a minimum be: (a) vested with competence to promote and protect universal human rights standards. These includes, submitting to any of the arms of state opinions, on advisory, recommendations, proposal and information on any matters regarding the promotion and protecting of human rights. The advisory responsibilities of the commission include offering advice on the conformity of existing or planned legislation with



human rights principles; for instance, any circumstances of violation of human rights, the preparation of reports on the human rights status in the country, or in one section thereof, and bringing to the attention of the government to commenting on, the situation in any part of the country that involves the violation of human rights. The NNHC has also the responsibility of promoting and ensuring the harmonization of national legislation, regulations and practices with the international human rights instruments to which the state is a party. The commission is expected to Publicize human rights and increase public awareness, through providing information, education, and making use of all press organs. The NNHRC sought also the advice, assistance and cooperation of Nigerian human rights NGOs, these NGO's collaborate with the commission to organize workshops, to issue reports and also make publication.

Nigeria stands today, as a democratic state where human rights are supposed to be protected, but still feels the effect of human rights violations, the country though putting in efforts has failed to provide the civil and political rights as well as socio-economic rights of its citizens. The common man in Nigeria does not have access to his basic rights to shelter, health, and food, he is deprived of his rights to dignity and is refused the opportunity to perform his civic duty in a democratic state. A proper assimilation of the nature and role of human rights NGOs operating in Nigeria will require an analysis of the theoretical and conceptual framework on they exist and function.

This chapter explains the concept of NGOs and examines the importance of institutions such as NGOs in international and domestic affairs from a liberal

perspective, as well as their impact on the implementation of international human rights law.

### **3.1 Conceptualizing Non-Governmental Organizations (NGOs)**

NGOs have begun to explore some of the under-exploited ties between progress, the environment, and the security of fundamental human rights. For a decade, such complementary approaches have been applied in various organizations lacking formal planning. Throughout the 1990s, collaborative projects involving human rights and development NGOs began to show the depth of collaboration to protect political rights and the likes of democracy, social, labor, environmental and women activist groups; and to claim the right to express an opinion and to engage in national and international policy decisions actively. This coalition is illustrated by international campaigns to protect activists, to stop the use of children as soldiers, and to regulate corporate policies in areas such as the illicit diamond trade (Nelson, & Dorsey, 2003).

NGOs differ in their thematic areas, type of funding, and power of capital, as well as operational and philosophical orientation. They can be local, regional or international actors which involves supporting organizations, influential foundations, and technical or other organizations that are members. NGOs typically rely on private capital but also receive government funding in several countries. In some cases, state funding may undermine the work of an NGO (Mawlawi, 1993).

NGOs vary from governments, which essentially rely on coercive power for action. The practices and acts of the NGOs are primarily voluntary. The freedom of NGOs from the government is a significant characteristic and a requirement for true involvement. It means that the autonomy of NGOs contributes to freedom of action,

ingenuity in the quest for and way to solve issues, and a commitment to collect a range of opinions. According to Todaro and Smith (2007), Citizens' organizations are generally referred to as non-governmental organizations in the logic of growth but are frequently referred to by way of non-profit, charitable, self-governing, civil society, or community groups. These are frequently called 'third-sector' for the reason that they are different from government and private sector.

DeMars & Dijkzeul (2015), conceptualized NGOs as organizations who:

“Characteristically work in a networked context with a transnational menagerie of other partners/actors/parties/stakeholders ranging from informal neighborhood groups to warlords and governing elites to business and United Nations agencies to ethic and religious communities.”

NGOs, while not recognized by name, were sometimes platforms to include different types of lobbying on behalf of the colonial population. Their behavior was quite targeted to compensate for the slack in the availability of social services and also as support and complement to the traditional authorities. Non-Governmental Organizations affirm the legitimacy and distance themselves from manipulative actors such as corporations on the grounds that they represent the interests of the public (Johnson & Prakash, 2007).

### **3.2 The NGO Structure and Functions**

The easiest way to explain how NGOs operate, is to refer to their structure and functions. Organizational structure determines how NGOs relate to emerging challenges; identify their policy priorities and strategies, as well as regulative and normative aspects; limit how organizations commit resources (funds and personnel) to specific policy priorities; and tie such activities to pre-existing institutions and traditions. Communication between the two dimensions is harnessed by organizational

actors with major positions, including policy developers and decision-makers in the organization. They are core mechanisms that can define and determine how regulatory and normative characteristics are used to settle internal negotiations between NGOs and react to external issues.

Based on organizational and structural research it was concluded that organizational structure stretches over and above resources and leadership; norms (ethics, morals, and values) that form the identity of an NGO are also included. Overall, regulations and standards derive from critical decisions taken when an organization is established; they constitute its existence and give sense to its operation (Marquez, 2016). The key functions NGOs perform can be classified into seven categories: advocacy, investigation, providing legal assistance, research, information and networking.

**Advocacy:** This is the lobbying and educational role that human rights NGOs play in actively sensitizing the public to human rights issues. Victims of human rights violations shall be informed of the necessary actions to be taken to ensure justice.

**Investigative Role:** This means investigating and reporting human rights abuses to potential corrective action.

**Legal Assistance:** Legal assistance is offered to underprivileged victims of human rights abuses to ensure adequate compensation for such persons.

**Research:** The role obliges human rights NGOs to research human rights issues that can help policy formulation).

**Informative Role:** it includes collecting, creating, and publicizing information materials as well as coordinating promotional events to attract attention to human rights.

**Networking:** This allows relations to be formed with state, regional, and international human rights organizations and agencies concerned with collaboration, support, and the required collaboration in the development of human rights.

**Monitoring and Evaluation:** This role includes monitoring the level of conformity with human rights, in particular by state and non-governmental organizations. Non-governmental organizations are known to be intermediaries between the government and its people. While the government is there to govern the people, NGOs are there to speak and act on behalf of the people. NGOs like Human Rights Watch and Amnesty International, though international organizations have offices located in Nigeria. These organizations go a long way in the naming and shaming of Human Rights Violators, they have, in other ways help build the capacity of Community based organizations to stand for the rights of the vulnerable in their various communities.

### **3.2.1 Making Sense of NGO Legitimacy**

The legitimacy of NGO intervention in human rights is closely related to the willingness to perceive the "other," individual in need, as a human being, something that is made more complicated by the constant use of the word "victim." It denies the man, who should be recognized, with all human dignity (Thrandardottir, 2015).

The 'modern activist' NGOs have a very pragmatic approach to the neutrality practice and see their position as dedicated and revolutionary, with the goal of radically reforming non-Western societies to counter the root causes of the violence.

Edwards explains the meaning of NGO legitimacy suggesting that it means:

Having the right to be and do something in society – a sense that an organization is lawful, proper, admissible and justified in doing what it does, and saying what it says, and that it continues to enjoy the support of an identifiable constituency (1999b, p.258).

Legitimacy is a generic concept or inference within some collectively established set of norms, principles, beliefs, and meanings that an entity's behavior is acceptable, reasonable, or appropriate (Suchman, 1995). Legitimate entities are also those whose actions are seen as being in line with dominant narratives and developmental approaches. There are some illegal organizations that do not display such capabilities. The institutional theory argues that interacting with such symbols strengthens the credibility of an organization. Theorists of NGOs claim that credibility is founded on a combination of transparency, success, and representativeness. This very 'scientific' approach means the right organizational frameworks and procedures would guarantee legitimacy (Lister, 2003).

### **3.3 Non-Governmental Organizations in International Relations**

The world is experiencing a power shift from the national government to the NGOs with the decline in government corporation war absolutes and global networks of businesses there is a possibility that NGOs could emerge as great powers in political social and security issues (Jarvik, 2007). NGOs have become important in international relations their roles have increased, and they are seen as valuable entities in global affairs. No wonder Jarvik titled his paper "A New Class in International Relations" the new class classifies NGOs as an official development assistant of the UN system, which has displayed its supremacy in countries such as Bangladesh and possibly spreading into developing countries. NGOs ability to influence policy changes even in the industrialized West puts them in a new class of international

relations, the shift of power from the non-state to NGOs gives a form of protection to the liberal international institutionalist from the present hegemonic behaviour of some American politicians (Ibid.). Jarvik Lawrence Argues that over the past decade, NGOs have earned membership in the new class basically because certain policies of the American government are favouring them, they see war, hunger, and human rights violations as growth opportunities for their market.

The existence of NGOs in international relations can be tagged as interdisciplinary, all though their participation has been unstable, it has shifted to different levels of rating. Robert E Kelly provides the process of integration of NGOs into international relations he argues NGOs stress the system of entrepreneurship that changes certain structures of world politics, for instance, the model of economics that depends on conflictual bargaining does not welcome the idea of NGOs framing the norms of international relations and politics, however, different from the model of economics is the sociological model that "captures the NGO strategy of deep politics," this model supports the work of NGOs (Robert, 2007).

### **3.4 International Relations Theories and NGOs**

International relations theories have different approaches to NGOs. The theories that provide meaning to NGOs and debate the nature and roles of NGOs are, primarily, realism, liberalism and constructivism. Supporters of each tradition or school of thought focus intensely on a particular set of empirical phenomena.

#### **3.4.1 Realism**

For the realist NGOs have never been a significant institution, realism's attention is focused on the states and the anarchic character of the international system, in which states depend solemnly on their own powers strategies to maintain peace and security.

Realist look for the role of power in world politics, some prominent scholars like Kenneth Waltz argue that states are not the only actors in international affairs but that the structures that defined them categorize only the major ones which obviously does not include NGOs (Ahmed, & Potter, 2006). Subsequently, the traditional realist in examining the works of some NGOs such as ICRC claims that there is a difference between the security interest of states and the social, cultural, economic and health, human rights issues which NGOs focus on, and that the activities of such NGOs are confined to low politics (social, economic, culture and human rights) that has no genuine influence over decisions of states based on their security (Varga, 2008).

### **3.4.2 Liberalism**

Involving NGOs in the adoption of some of the international documents was a huge achievement for the liberal, it shows that the world is shifting from the post-war system towards allowing multi actors to participate in international affairs. From a liberal point of view, NGOs have a much greater probability of organizing and articulating their views to the public. The ability of NGOs to interact with the public and source for unadulterated information gives them a standing in international relations, it is clear that the state will rely on NGOs in order to have access to diverse sources of the information they need (Varga, 2008). The liberal sees NGOs as entities with deeply rooted power than the knowledge they have, the characteristic of NGOs that allows them to mobilize against the government to demand for reform puts them in a position useful for international integration and politics. In organizing for action from the Nigerian government, for instance, Women In the New Nigeria (WINN) can mobilize citizens concerned with the issue of gender-based violence. WINN can also mobilize other NGOs or INGOs not specific to the issue to put in their voice in the campaign to act against the unwanted policy of the Nigerian government.



### **3.4.3 Constructivism**

The constructivist approach to the study of NGOs helps to understand NGOs through the roles they play in the international arena, constructivists base their argument on the fact that identities, interests, and roles are socially constructed. Finnemore's constructivist view on NGOs/INGOs in international relations states that "states are socialized to accept new norms, values and perceptions of interest by NGOs/INGOs", NGOs and other non-state actors play a vital in facilitating the transformation of norms and values to states.

Among the aforementioned theoretical perspectives, this thesis employs liberalism in its analysis of NGOs and human rights. This choice is motivated by the fact that liberalism has great explanatory capacity when it comes to the importance of institutions in promoting norms like human rights among states and other actors in the international community.

### **3.5 Liberalism on NGOs and Human Rights**

The ideas of liberalism highlight some different types of international organizations as well as the context and nature of their existence. Pease (2008b) mentions functionalism and institutionalism as prominent liberal explanations regarding IGO/NGO formation. She explains that "the functionalist believes in the efficacy of a gradualist approach to world order within the attainment of political federation by installments," the basic need for IGOs led to their creation. Societies in the world today share common challenges and issues, the issues can be managed only through the creation of organizations with expertise on these issues. Unlike the realist who believes that NGOs do not produce any significant impact on international affairs, liberalist argues that international organizations play a positive role in promoting global stability and peace.

The liberal theory attempts to make generalizations of the social circumstances under which the action of self-interested actors remains constant towards cooperation or conflict. Conflictual societal demands, including the ability to engage in violence in pursuit of them, are related to various factors, three of which are relevant in this case: disparities in fundamental beliefs, the dispute over limited material goods, and disparities in power and influence. Existing liberal theories, meanwhile, give a general description of variability in socialization—a concept of when trans-national diffusion of views is essential to something for which "structural" constructivists still lack an answer for (Moravcsik, 1997).

The results of socialization, as liberals expect, would represent the degree of cohesion or separation between established domestic institutions and beliefs. International regimes that stimulate greater societal needs for cooperation are often more likely to intensify or expand over time, while there are those that are likely to be vulnerable. One indicator is the liberal narrative of international law, which argues that international laws and principles are most efficiently applied as 'horizontal obligations' imposed by domestic courts and parliaments, not 'vertical commitments' applied by supranational bodies and that these horizontal obligations will create self-sustaining influence over the years by motivating different domestic communities (Slaughter, 2000). Liberalists see NGOs as very important and influential actors in their rights, though their degree of influence differs. More so, they serve their communities in helping to manage complex problems, NGOs also help countries with collective action to solve problems and promote peace and economic prosperity, and while fostering shared norms and values among societies, they said the victims of international politics (Peace, 2019). NGOs today, particularly those focused on human rights, are engaged in a culture that privileges individuals with the capacity to establish and manage such

NGOs as a private enterprise. This neoliberal shift was further strengthened by the triumph of a free market economy and the restructuring and reconfiguration of the public sphere through the endorsement of NGOs as substitutes for state apparatus.

Donnelly states that inequalities in privileges or resources resulting from direct or indirect policy decisions in a liberal system are easily justified. For the liberal, the individual is not detached from the roles of the society but is particularly valued as a recognizable, separate individual, and that is why each person should be treated with the same consideration and dignity. Through the practice and protection of human rights, the state and community are designed, as a means of partnership for the fuller development of human potential (Donnelly, 1997).

Contemporary human rights philosophers have tried to validate why rights are significant by referring to some superseding values such as equality, respect, dignity, freedom, autonomy, or fairness. Immanuel Kant is a philosopher from Germany who gave some of the modern theorist ideas on how they can develop the human sense of human rights from absolute Moral principles which can be created through some imperatives that, "every human should behave according to the way we expect others to behave and that no one should be treated as worthless, but instead as "an end to themselves." Arguing that the core of liberalism is demonstrated in the fundamental political right to equal consideration and respect, the state must regard each individual as an equal moral and political entity, not assuring each an equal share of society's resources, but treating everyone with equal concern and respect (Clapham, 2015).

### **3.6 The Concept of Human Rights**

Does every human being deserve to be valued? The movement of human rights is an association of people who are about speaking up for justice and strongly facing opposition in solidarity of what they believe in. According to Clapham (2006), rights to freedom allow humans to evolve as people who have authority while they participate on an equal basis in society. He points out that human rights are seen by different people from different perspectives and are interpreted as a tool for scrutinizing, defending, and transforming all kinds of behaviors, this ensures that every human's life is given respect and treated with dignity (Ibid.).

Concerning the types of rights that can be classified as human rights, the Universal Declaration of Human Rights (UDHR) outlines a typical list of rights that can be derived from a liberal perspective that ascertains the importance of an individual to the state. Another list may consequently be derived from these ideologies, but it is paramount to know that there is almost a perfect connection between the liberalist theory and the 'UNIVERSAL DECLARATION OF HUMAN RIGHTS' (Heyns & Viljoen, 2002).

Modern philosopher Jürgen Habermas emphasizes how human dignity is the path to equality and universal laws and how human rights are connected to the establishment of democratic institutions that enable free flow of information and participation. To him, the concept of human dignity is the philosophical character that links the ethos of dignity and respect for all with positive law and democratic legislation in which their interactions may lead to a political order based on human rights, given the appropriate historical conditions (Habermas, J. 2012).

Mitchell et al (1987) notes that Human rights are essential tools for world change. Human rights also developed from the idea of individual citizens ' rights in a national constitutional declaration (such as the 1789 French Revolution or the legal treaties found in the 1215 Magna Carta). Today, human rights arguments are not only influential in reforming national laws, but human rights concepts are considered relevant to international development assistance programs, promoting transitional justice during regime change, resolving post-conflict reconstruction, and addressing poverty and climate change impacts.

In conclusion, the liberalists see NGOs as important players in changing the narrative of international affairs, they have given much value to NGOs and their abilities to make decisions on the global table. We still find traditionalist that do not believe in the work NGOs do and see them as proxies of the government. NGOs in Nigeria have continued to increase in both number and capabilities to call out violators of human rights laws. Nigeria, in strong recognition of and adherence to its international duty, has built a seemingly solid institution like the Human Rights Commission that has designed plans for promotion and protection of human rights. Unfortunately, the governmental and quasi-governmental agencies with goals to make certain the implementation of human rights laws are experiencing an interference or control (overt or covert) from those in power. This happens through cash disbursements, membership, and legal framework of operating requirements which can potentially contribute to ineffectiveness of these agencies.

More details about the aforementioned issue (government interference) and the general role NGOs play in the implementation of human rights will be considered in the next chapter.

## **Chapter 4**

### **NON-GOVERNMENTAL ORGANIZATIONS AND THE PROTECTION OF HUMAN RIGHTS IN NIGERIA**

Nigeria is a country popularly known as the "giant of Africa" with a populace of over 200 million persons; it is composed of 36 states and the Federal Capital Territory and divided into six geo-political regions. Nigeria got its independence on 1 October 1960 and gained its United Nations membership on 17 October 1960. Nigeria experienced a change in leadership rule from a civilian to the military in 1989 and finally to civilian rule in 1999.

Nigeria's failure to implement international human right treaties has created an enabling environment for the proliferation of human rights NGOs. Such NGOs have emerged to act on behalf of the people, to advocate for reforms and implementation of the international human rights treaties and conventions. NGOs in Nigeria not only fight for the protection of human rights but also for the implementation of democratic governance. They are increasingly becoming an essential force in parts because of the claim they are efficient and effective (Dada, J. A. (2013 p.83). This chapter identifies the international human rights obligations of Nigeria and the way international treaties, such as the AFRICAN CHARTER OF HUMAN AND PEOPLES' RIGHTS, are adopted into the Nigerian legal system. It will also attempt to explain how human rights NGOs are established, registered, and how they operate. Despite the critical

status of human rights, non-governmental organizations play a significant role in the country, and very few documentations of their work are available (Okafor, 2006).

#### **4.1 International Human Rights Obligations of Nigeria**

Nigeria is one of the 193 member states of the United Nations that has signed and ratified international human rights treaties (Egede, 2007). It is expected that Nigeria, as a party to many international human rights instruments, protects its citizens and promotes human dignity. The government has the general obligation of ensuring that the rights of the citizens guaranteed by international human rights instruments she has ratified or is a signatory to are observed. That entails creating a conducive environment for their observance, protecting the holders against those who violate these rights, creating platforms for redress of any breach and violation, and ensuring that its agencies, organs, and institutions are not abusers of the rights.

Some of the human rights instruments ratified by Nigeria include International Convention On the Elimination of All Forms of Racial Discrimination (CERD) 16 October 1967, International Covenant On Civil And Political Rights (ICCPR) 29 July 1993. International Covenant On Economic, Convention Against Torture And Other Cruel, Inhuman Or Degrading, Treatment Or Punishment (CAT) 28 June 2001, Social And Cultural Rights (ICESCR) 29 July 1993, Optional Protocol On ICCPR Concerning The Individual Petition, Convention On The Elimination Of All Forms Of Discrimination Against Women (CEDAW) 23 April 1984, Optional Protocol on the Elimination of all Forms of Discrimination Against Women (22 November 2004), Convention on the Rights of the Child (CRC) 19 April 1991( Nigerian's Status on HR List).

Most of the international and regional treaties that Nigeria is a party to have been incorporated into the national laws to be applicable in Nigeria. A typical example is the Convention On the Rights of the Child (CRC) which was incorporated into the Child Rights Act in 2003. Nigeria is party to a number of human rights treaties, ratified and incorporated them into Nigerian municipal law.

Nigeria did not only sign and ratify the AFRICAN CHARTER OF HUMAN AND PEOPLES' RIGHTS but has also adopted the AFRICAN CHARTER OF HUMAN AND PEOPLE RIGHTS ACT on 17 March 1983. The 1999 constitution provides that international treaties must be integrated by the National Assembly, which Nigeria has done, this means the country has committed itself by enacting the African Charter Act into law by the legislative arm of the government (Nwobike, 2005). Section 12(1) of the Nigerian Constitution of 1979, provides: No treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly (1999 Nigerian Constitution).

Many liberal constructionist judges were swift to assert that such domesticated treaty law should not be used to determine the legitimacy of a subsequent National Assembly Act (Egede, 2007). Nigeria adopts a dualist approach towards treaties and it does not support the implementation of the self-executing treaties doctrine. Each treaty has specific goals and strives to achieve differently defined goals and purposes which affect the way it is to be executed. (Okeke, 1996).

The African Charter On Human and People's Rights Article 2 unequivocally states that:



“Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and quarantined in the present Charter without distinction such as group, sex, language, race, religion, ethnic political or any other opinion, national and, fortune, birth, social origin or another status”.

The Convention On the Elimination of All Forms of Discrimination Against Women (CEDAW) further underscores; "states parties to condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay, a policy of eliminating discrimination against women" (CEDAW Committee 2010). The rights of women and girls are in no circumstances different from the rights men experience, and it is as well an indivisible part of the universal basic human rights. Nigeria as one of the African countries is a party to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (African Women's Protocol); according to article 3 of the Charter, women have a right to (a) dignity; (b) respect as a person and the development of her personality; and, (c) it has also prohibited sexual abuse (African Women's Protocol). The African Charter of rights encompasses the concept of African rights that portrays the culture and norms of Africans, Article 2(2) states that the Charter does not limit the guarantee of a right to a particular race, colour, religion, political opinion, language, sex, nationality, ethnic group, or another status. Afolabi and Okoro (2017) emphasize that the Charter strongly encourages all to implement the elimination of all forms of discrimination against women.

There are many examples of Nigerian Law dealing with human rights, many of them were inspired by the international treaties and instruments. A good example is The Violation Against Persons (Prohibition) Act 2015 (VAPP Act) is perhaps one of them. The Nigeria VAPP Act 2015 prohibits violence that includes, “any form of sexual

abuse; rape, incest), economic violence; forced financial dependence or economic abuse, damage to property), physical violence; female genital mutilation, domestic battery, deprivation of liberty” (Omidoyin, 2018; p.46). According, the institutionalist approach, states follow ‘global scripts’ in their pursuit for legitimacy in international affairs, they adopt global legitimate policies and political structures slightly independent of indigenous environments. Human rights concepts are certainly a portion of the ‘global script’ in the modern world, ratification of human rights treaties increases the legitimacy of a state, which leads to an isomorphic conclusion: ratification by majority of the nation-states in the world. The international human rights system, is occupied with struggles to press nation states to “(1) take responsibility for their internal affairs, and (2) to manage these affairs in accord with human rights agreements”. As the norms of the human rights regime have come to stay, a variety of mechanisms have been put in place to boost enforcement and implementation, more are advocated as time moves on. Human rights enforcement mechanisms have a tendency to be incorporated into trade treaties, World Bank loans and so on. It will be appropriate to note that the intensifying power of human rights regime is not restricted to states that have ratified the applicable treaties (Hafner-Burton, Tsutsui, & Meyer 2008; p.116).

## **4.2 Historical Development of NGOs in Nigeria**

The genealogy of human rights activism in Nigeria can be traced to 3 decades ago, even before the institutionalization of human rights organizations in the country. The evolution of human rights NGOs in Nigeria was a response to the autocratic, authoritarian, and barbaric military rule in the country that contributed to the subversion of the people's social, cultural, and political rights. Military rule, marked by arbitrariness, brutality, prolonged indefinite detention, and other serious violations

of human rights, led to the creation in 1987 of the Civil Liberties Organization, the first non-governmental human rights organization in Nigeria (Okafor, 2006). First-generation human rights non-governmental organizations concentrated on specific human rights norms commonly known as civil and political rights. The second and third-generation human rights, non-governmental organizations, build their ambition around the focus of first-generation NGOs (Ibid.).

Human rights non-governmental organizations have traditionally focused their energies on several key areas: collaborating with other organizations against the states to create policy, as well as setting the agenda for developing international standards for state actions. In conventional terms, non-governmental organization's key focus is the normative setting for human rights standards (Welch Jr, 2001).

It is imperative to note that in international human rights law, states are solely responsible for guaranteeing the protection of human rights within their respective territories. It is therefore important for the state to strengthen national institutions associated with ensuring the complete implementation of human rights. It is indispensable to understand that the protection of human rights cannot be purely the task of lawyers or judges. NGOs are also channels in which human rights can be implemented. Human rights activities in today's modern Nigeria are rooted within the concept of "liberty" for all people, the freedom that perhaps the system and its agents have stripped away via economic and political policies that clash with liberalism (Adunbi, 2016).

All through the political unrest in Nigeria, human rights groups remained together as one community under a platform of cooperation called Campaign for Democracy

(CD), they organized strikes and protest against human rights violations by the government (Ibhawoh, 2001) Human rights non-governmental organizations had limited capability to act. However, their relentless efforts to disagree with policies that do not support human dignity did not diminish (Akinrinade, 2002). The Violence Against Women (VAM) UN Declaration in 1993 and the Beijing Platform for Action 1995 activated the movement of human rights NGOs to combat violence against women in Nigeria (Schmidt, & Nice, 2002).

Some current federal laws tend to restrict the framework in which NGOs work in the area of human rights. NGOs working on projects or initiatives against supposedly bad government policies experienced government backlash, resulting in persistent persecution of NGOs by public bodies focused on democratic governance, politics, corruption, and rights and liberties.

The Civil Liberties Organization (CLO), and the Committee for the Protection of Human Rights (CDHR) were among the earliest NGOs to emerge during the 1980s. Other numerous NGOs work towards promoting and protecting human dignity and value in Nigeria such as the Institute of Human Rights and Humanitarian Law, the Constitutional Rights Project (CRP), Women's Rights Advancement and Protection Alternative (WRAPA), Integrated Women and Youth Empowerment Center (IWAYEC), CLEEN Foundation (formerly known as Center for Law Enforcement Education in Nigeria), CISLAC (Civil Society Legislative Advocacy Center) (Nowrojee, 2013).

The key aim of these organizations was to provide a forum for civil society to keep the military government responsible for its human rights violations and to raise public

awareness of it. Beginning with offering legal services to the country's disadvantaged and tracking jail conditions, CLO and CDHR avoided being labelled as a community of agitators or seen at the onset as confrontational, which could have prompted a government-led total ban. However, knowingly or otherwise, this followed the trend in some African countries, where most organizations started free legal services as a shield for the new techniques, as legal representation did not "threaten the state directly unless political prisoners were identified" (Akinrinade, 2002).

The importance of human rights organizations in the struggle for social justice in Nigeria have not been significantly covered in literature and research. The saying that "NGOs are more humane than national governments" endears them to the society. As an effect, they are able to gain the trust of their constituencies. In Africa, 'unelected' NGOs seem to be more trusted than voted governments. It is mostly for the reason that governments in the West African sub-region are generally alleged to be corrupt, unresponsive, and unmoved to the plight of the common people. On the other hand, NGOs may revel in greater trust because of their perceived competence, generosity, and sensitivity; all these constitute the foundation for their legitimacy (Allard & Martinez, 2008).

Human Rights Watch reports that the climate of insecurity and human rights violations continues combined with the resurgence of serious attacks by two different terrorist groups in north-east Nigeria, popular violence between nomadic Fulani herdsmen and farmers moving south from the north-central states, and the proliferation of banditry, kidnapping, and general crime, particularly in the north-western states of Kaduna, Katsina, and Zamfara (Human Rights Watch, 2020). Terrorism in the northeast is one of the major culprits of increased gender-based violence, and it has affected women

and girls negatively, Boko Haram under the pretence of religion forcefully recruits women and girls into the group because their husbands are members which automatically makes them members. Teenage girls were substituted for adults as suicide bombers became a norm at a certain point for the insurgents, and it was recorded that 13% of the suicide bombing in Nigeria was carried out by 40 girls and four boys between January 2014 and December 2016 (Abdu, & Shehu, 2019). The religious ideology of Boko Haram encouraged the increase of gender-based violence in the northeast. The group promotes the distribution of roles to women, thereby enforcing stringent rules and abusive practices on them. 68% of women in Nigeria that are believed to have experienced physical, social, or psychological violence are said to be subjected by their husbands (Omidoyin, 2018).

NGOs play central roles in human rights and humanitarian affairs; their staff investigate alleged human rights abuses and provide legal representations to prisoners. Numerous NGOs are worthy of mentioning, though they are international organizations, the International Committee for the Red Cross (ICRC), The Amnesty International, The Human Rights Watch (HRW), and Medecins Sans Frontieres (Doctors without Borders) all have branches that actively operate in Nigeria. These NGOs and so many others rely on advocacy and publicity to remind the states of their responsibilities. They have in their scope of work the duty to record and monitor the human rights violations by non-state actors such as criminal groups, drug lords, and multi-national cooperation (MNCs) (Katy-Kate, 2019).

### **4.3 Human Rights NGOs: Registration and Implementation Strategies**

Human rights were introduced into the Nigerian constitutional structure in 1960 and the Constitution was rewritten in 1963 which allowed the addition of a chapter on fundamental objectives and directive principles of states (Akinrinade, 2002). Human rights non-government organizations began as non-profit groups and transitioned into individual organizations and coalitions. NGOs in Nigeria do not fall under a comprehensive set of rules. They have resorted to self-regulation as an option in the absence of a regulated law. It can be attributed to the fact that human rights NGOs had to operate underground to survive the task ahead of them.

#### **4.3.1 Registration**

NGOs are required to register and have been given the opportunity to register under Part C of the Companies and Allied Act (CAM), found in Article 40 of the Nigerian Constitution, this allows them the ability to operate as non-governmental, not-for-profit organizations (Oku, C. (2016). Registration of NGOs in Nigeria can be categorized into two; 1) a company limited by guarantee; this confers the status of a corporate body on the NGO, 2) incorporation of trustees; this allows the trustees instead of the NGOs itself to obtain the status of a corporate body. These two categories are regulated by the Companies and Allied Matters Act 1990 (CAMA). Registration of NGOs is strictly carried out at the Cooperate Affairs Commission located at Nigeria's capital, Abuja (Iheme, 2001). NGOs in Nigeria are classified into different types based on some criteria; this is typically through the way they are registered, either local or state, and also through the content of their activities (Oku, 2016). The system of registration habitually defines an NGO's reach and focus area. Consequently, we have:

- i. Local Authority Registration: This constitutes acceptance of the presence of an organization with the approval of the local authority;
- ii. State Government Registration: NGOs register with the state government agency where they are located; this makes the government responsible for their actions and inaction.

The second criterion has to do with NGO activity and thematic area however, this distinction is not clearly defined; NGOs can be engaged in various activities simultaneously. There are more than 2400 duly registered NGOs with the Nigeria Network of Non-Governmental Organizations (NNNGO) that work spread across the rural and urban areas of the six geo-political zones in Nigeria (Report on Nigerian NGOs (NNNGOs)).

#### **4.3.2 Human Rights NGOs Implementation Strategies**

To emphasize the importance and absolutely indispensable role of human rights NGOs in the enforcement and human rights, it is crucial to outline their roles. Dada classifies them as follows:

- i. Investigative Role - this generally includes undertaking investigations to uncover and expose human rights violations.
- ii. Advocacy Role - This involves promoting and educating the public on human rights, in which human rights NGOs systematically raise awareness of human rights issues. Victims of human rights violations are told of practical steps to be taken to ensure that they are aware of.
- iii. Legal Assistance - legal aid shall be given to underprivileged victims of human rights abuses to ensure adequate justice for some of these persons.
- iv. Research - This position obliges non-governmental human rights organizations to research human rights issues, which would help formulate policy.



- v. Networking - Through these networks with national, regional, and international bodies and organizations engaged in human rights issues are founded for partnerships, support, and necessary collaboration in the promotion of human rights.
- vi. Monitoring - This job primarily involves monitoring at all levels the enforcement of human rights in particular by government and non-governmental bodies (Dada, 2013).

#### **4.3.3 Human Rights NGOs: Registration and Implementation Strategies**

To conclusion, several voices should be heard in the process of state transformation and NGOs should be given the opportunity to contribute to the protection of human rights in their state of residence. It is also noteworthy that NGOs are often among the most successful institutions of a community to support and allow the poor to attain their voice. NGOs in Nigeria have a relationship with those whom their rights are being violated in the community, most notably the grassroots. The next chapter focuses on one of the most prominent role of NGOs in human rights protection in Nigeria which is the emerging role NGOs play mediation and negotiation on the challenges of implementing human right laws in Nigeria.

## **Chapter 5**

# **THE EMERGING ROLES OF NON-GOVERNMENTAL ORGANIZATIONS IN NEGOTIATIONS AND MEDIATIONS ON HUMAN RIGHTS ISSUES IN NIGERIA**

The number of non-governmental organizations participating in negotiation and mediation for human rights issues is rising just as their roles in the development of their community are expanding. In the past they operated mainly within communities to provide self-help intervention projects. It is widely argued that NGOs should be allowed to take part in negotiations and mediations that involve human rights issues, however, some scholars believe that NGOs have no role to play in such negotiations. This chapter argues that NGOs play a crucial role in negotiations and mediations, ensuring that human rights are not being violated and that human rights need to be given more attention by scholars. Furthermore, the chapter aims to identify and analyse the impact of NGOs in negotiation and mediation on human rights violations. This research will cut across diverse disciplines, using also an interdisciplinary approach to study the impact of NGO negotiations and mediation on human rights issues.

### **5.1 Negotiation and Mediation for Human Rights**

The theory of negotiation is particularly helpful in understanding the role of representations in conflicts, as it speaks directly to the interactions between the social status of actors as well as the ideologies they bring to the negotiations. In addition, it

suggests ways by which the propensity of NGOs, policy-makers, and others to view negotiations as "win-win" scenarios can work to the detriment of group leaders in negotiations from inception (Fay, 2007). Controlling these meanings is itself a political act, circumscribing one's opponents' potential options; as Bourdieu puts it in another sense, "the explicitly symbolic ability to enforce the values of truth construction...is a major aspect of political power" (Ibid., p.81). Negotiations efficacy is dictated not only by the mechanism of dialogue but also by external developments.

The theory and practice of mediation evolved to allow for the eventual coexistence of rights and interests. It did so by specifying various types or styles of mediation to resolve each, based on the interests of the parties or the best way required, the international human rights advocacy group has generally argued that corporate human rights violations require remedial mechanisms focused on adjudication, typically through the courts (Fay, 2007). The involvement of NGOs in conflict zones started well before the Cold War period, NGOs were primarily involved in humanitarian assistance and the protection of human rights and minorities.

The conceptions of Amnesty International, Médecins Sans Frontières (MSF), and the group that later became Human Rights Watch (HRW) are significant steps on the path to the development of a new community of humanitarian action. Indeed, these organizations have begun a large array of intervention acts and the demand for justice. Through the years, NGOs have increased their communication domains and the number of interlocutors (Irrera, 2011). Making states Commit to human rights treaties is a possible answer to protecting human rights, because it can serve as a symbol of the government's intention to strengthen its human rights practices. Although treaty obligations may not be especially significant, there are several concessions the

government is making, such as setting up commissions to investigate human rights violations (Rietig, 2016).

A crucial thing to keep in mind is that traditional diplomacy in its policy is synonymous with the promotion of national interest by States. Human rights diplomacy is the use of political dialogue and persuasion for the intention of promoting and protecting human rights. Accordingly, human rights diplomacy aims to encourage partners to take action to promote the implementation of human rights and to dissuade them from taking action, which is harmful to human rights. The diplomatic initiative has been proliferating at all multilateral, regional, and bilateral levels, intending to foster human rights implementation. The NGO, Human Rights Watch, finds this policy to be "one of the most powerful instruments for human rights" to compel governments to protect at least some civil and political interests. Preventing conflicts and major abuses of human rights, and restoring communities after them, needs an approach that combines both the experiences of human rights activists and conflict resolution experts.

## **5.2 Human Rights Non-Governmental Organizations as Negotiators and Mediators**

After the end of the Cold War, the role of NGOs in international conflict mediation has now become a proven and essential feature of a negotiation mechanism put in place to remedy the challenges of government failures. The proliferation of NGOs also refers to the void left in a sustainable peace process by states incapable and unwilling to provide the resources required to engage all parties engaged in a given conflict.

How do NGOs get involved? As noted, there are more or less formal and informal methods in which NGOs participate in negotiations. These involves; lobbying, and bargaining with the government, these mechanisms of interaction have gained substantial attention in the literature. NGOs will help pressure policymakers by coordinating campaigns and protests to rally the community against solving a specific issue. Through engaging in activism and dialogs with multiple stakeholders, NGOs may support an initiative or course of action that disturbs their constituency. Likewise, NGOs work with governments and institutions that have an important role in the design of public policies. Advocates seeking to foster respect for human rights rightly hope that their media campaigns will trigger best practices in government, even though the plan may not work well, bearing this in mind, the advocates dedicated vigorously to the name and shame strategy. The organizational approach argues that the analysis of factors relating to the organizational features of both negotiating parties, including organizational culture and capability, is essential. The contextual approach claims that information regarding the current negotiation episode scope is crucial to understanding the mechanism and outcome of the negotiations (Johansson et al, 2010). Since NGOs are human organizations working to tackle strategic issues, their interactions are also inherently strategic.

Scholars such as Zwier, argue that NGOs or other actors such as The Carter Center (TCC) serve as mediators in bridging peace and justice. NGOs should build the environment and the safe place where they can educate the state actors on how to empathize with each other. He also notes that when a NGO serves as a peace-maker like in the Middle East, it should ensure that its position is far more that of a facilitator than of a judge or adjudicator. (Zwier, 2013). NGOs can offer informal mediation amongst participants, they use mediation techniques, such as problem-solving

workshops in which participants are encouraged to look beyond state, legal, or military disputes and instead focus on subjects such as insecurities, misperceptions and misunderstandings that fortify conflict (Nan et al, 2011).

Ahtisaari recognizes that there is much uncertainty about the actual added value and effectiveness of NGOs and Civil Society actors in peace-building and peace mediation, he claims that NGOs can accomplish a variety of conflict management roles by serving as early warning observers of imminent conflict; channels of communication, mediators of or facilitators of formal or informal negotiations, supporters of the procedure of reconciliation through grassroots engagement (Ahtisaari, 2008). “Rights organizations often focus on immediate violations or incidents, paying less heed to the systemic causes of abuse. Faced with the need to identify structural remedies, their recommendations have often seemed superficial, perfunctory, and unrealistic. More probing analysis of how to design and implement projects that address root causes of human rights violations is badly needed” (Lutz, et al, 2003).

### **5.2.1 NGOs in International Negotiation and Mediation**

NGOs in international advocacy networks are not only involved in more visible advocacy activities but are also lobbying national agencies and international organizations that control policy negotiating approaches to serve the NGOs' objectives. When priorities are matched, NGOs can quite freely enter into alliances with governments as supportive helpers in capacity building, sharing information, or merely reinforcing the legitimacy of government. NGOs seek a diplomatic approach in the case of unaligned goals by raising public awareness through protests and aggressive lobbying (Van den Bossche, 2008).

In the field of international relations, mediation or 'peace-making' includes the involvement of external actors – governments, foreign and regional organizations, non-governmental organizations and individuals – in armed conflicts and human rights abuses, to resolve tensions between opposing parties in a negotiation process (Lanz, 2011). Formerly, the strength of the NGOs is non-economic, non-military, and non-violent; thus the influence of NGOs now is mainly cultural, political (independence in program management, interactions with domestic and international influence centres), moral as well as ideational. This power base lets NGOs serve a respected class of organizations within civil society (Irrera, 2011). When communicating with other players behind the scenes or through more public action, NGOs will constantly rely on the effects of their fact-finding and monitoring. They can depend only to a small degree on cooperation with other actors such as UN treaty bodies, special procedure mandate holders, and academic institutions (O'Flaherty, et al, 2011). Two organisations can be used to illustrate the role of NGOs in negotiation and mediation; the International Committee for The Red Cross (ICRC) And Amnesty International (AI).

#### **5.2.1.1 International Committee for the Red Cross (ICRC)**

The International Committee of the Red Cross is a well-acknowledged organization with branches across the globe with the goal of "helping victims of armed conflicts, violence and developing and promoting international law and humanitarian principles"(Maurer, 2017). ICRC has distinguished itself from other IGOs, it engages in humanitarian diplomacy, which includes creating and maintaining a network of contacts to gain their support in ensuring the implementation of human rights. They facilitate and negotiate neutral, Impartial, and independent humanitarian action. ICRC's engagement in policy dialogues ensures at least a low level of impact on the consequences of armed conflict and security policies cause for citizens (Maurer, 2017).

The ICRC has been involved in negotiations of treaties that provide protection, especially the 1988 convention on the rights of the child, and its 2000 Optional Protocol on the involvement of children in armed conflict and the 1998 Rome Statute of the international criminal court (Tiwari, 2017). The ICRC has played a key role in the development of penial sanctions for the violations of international human rights laws and the obligation of domestic jurisdictions to enact corresponding legislation. The ICRC participated actively, with observer status in countless discussions and negotiation process of the statutes leading to the adoption of the ICC Statute at the United Nations (Stahn, 2016).

### **Amnesty International (AI)**

Amnesty International was one of the NGOs that supported the creation of an international criminal court; it was also a part of the creation of the United Nations High Commissioner for Human Rights. Amnesty International is a global movement of more than 7 million people in over 150 countries and territories who campaign to end abuses of Human Rights Establishment of national mechanisms to prevent torture and to allow people to make complaints against their governments for violation of their rights (Amnesty International, Report 2019).

Amnesty International has also diplomatic activities that include convincing other organizations and multi-nationals to embrace the UN initiative on Human rights (Schneider, 2000). The mandate of Amnesty International is to (1) to free all prisoners of the conscience detained anywhere for their beliefs or because of their ethnic origin, sex or language who have not used or advocated violence" (2) to ensure fair and prompt trials for political prisoners (3) to abolish the death penalty, torture and other forms of cruel treatment of prisoners worldwide. Amnesty International reports that



there are violations of human rights immensely experienced in the northern region of Nigeria, in the light of the terrorist group called Boko Haram and the Islamic Province of West Africa (ISWA), according to a report by Amnesty International, the terrorists in the spirit of 'obeying Allah' committed atrocities which include bombings, killing, gender-based violence, abduction of school-age girls thereby depriving them of their rights to education (Amnesty International (2016) Nigeria report). Several portions of the Universal Declaration on Human Rights (UDHR), other international instruments on human rights, and the Nigerian constitution have been wholly violated. The prevalent ballooning of terrorism in Nigeria has been extended to the Middle-belt region, with the Fulani headsmen slaughtering innocent farmers with no governmental efforts to step in.

### **5.2.2 Negotiating and Mediation Domestically: Are Nigerian NGOs Engaged in Negotiation and Mediation Processes?**

Human rights NGOs in Nigeria are well-acknowledged for the very fact that from the creation of the first NGO in 1987, they have shown great influence on both the society and the state. Human Rights NGOs in Nigeria have been able to lobby governing bodies for change in attitude and decisions. They have changed the mind-set of Nigerian legislators and Nigerian citizens towards the achievement of human rights (Okafor, 2010). They have negotiated for issues that concern rights such as climate change, environmental rights, children's rights, women's rights, good governance, for example. In understanding how NGOs in Nigeria negotiate for human rights, it is necessary to look into some national-based NGOs. There are numerous human right deficiencies confronting the Nigerian state which include torture, disappearances, arbitrary arrest and detention, gender-based violence, discrimination against women, unjudicial killing, insurgency (OHCHR 2019 report on Nigeria). NGOs in Nigeria act

in formal and informal ways, negotiation with individuals and the government are the strategies they use for engagement with other human rights NGOs around the world. It will be appropriate to say that NGO involvement in the policy process produces not only direct effects on individuals, it also extends to shaping the state's system of governance.

Multi-National Corporations (MNCs) also undergo a high degree of persuasion from NGOs who are negotiators between communities in which these enterprises are located. These MNCs in the process of making their profits perform some dangerous and harmful practices that affect the communities negatively, which include environmental pollution, water pollution, and displacement. Hence the case that occurred between the Ogoni people and a multi-national company called Shell shows the level of cooperation offered by NGOs in Nigeria and also exposes how some multi-nationals take for granted the rights of the indigenes of communities they operate (Bob, 2001). Other Multi-national companies such as Chevron have almost the same issues with their host communities, the initial issue between Chevron and the people of Niger Delta was mistrust; the community leaders felt Chevron Nigeria LTD had imposed on them a model for their community responsibility without their participation in drafting the model. This mistrust could only be cleared by the New Nigeria Foundation (NNF), an NGO which mediated between the people and the company (Hoben, et al, 2012).

### **5.3 The Engagement of Nigerian Based NGOs on Human Rights Negotiations and Mediations**

NGOs in Nigeria are involved in national negotiations and mediations, including negotiating with state governments on policy reforms. They organize campaigns to raise awareness of human rights issues. Most NGOs are engaged as mediators when there are conflicts between the state and the people, companies and the people,

between communities and families. Far from the reach of the law, NGOs in Nigeria have turned their attention on northeast region of Nigeria over the past 11 years due to terrorism and insurgency by an Islamic Sect known as “Boko Haram”. They raid vulnerable villagers freely, loot livestock, food, and valuables, kill the men and rape women indiscriminately, usually high on mind bending and sex enhancement drugs.

Citizens of Nigeria blame the government for neglecting education, its failure to develop agricultural industries while yet, providing abode to the abjectly poor, and over 10 million street children.

The entire poorly developed region is a flowing river of the blood and tears of their disadvantaged rural dwellers. There are, therefore, several NGOs national that have made great efforts to intervene and help the communities in northeast Nigeria. NGOs in their capacity step in to provide services such as youth development, healthcare, poverty alleviation, communal farming agro-allied activities, vocational trainings, micro-credit schemes for women, women development initiatives, environment, research and policy, widows and orphans support schemes, they also negotiate and mediate for the rights of the citizens of Nigeria who are victims of human rights violation. Individuals in Nigeria have grown to trust and depend on these NGOs for the protection of their rights and the promotion of better human rights policies other than the government. This section describes some of the activities NGOs in Nigeria are doing and the impact of the project on the Nigerian state.

### **5.3.1 Civil Liberties Organization (CLO)**

One of the prominent human rights organizations in Nigeria, CLO, has the mandate to set up defence and expansion of human rights and civil liberties (A CLO report on the state of human rights in Nigeria, 1996). The CLO, through litigation, its

documentation, and information dissemination of the government, investigates human rights violations and abuses. It publishes magazines that cover the conditions of prisons in Nigeria, Police maltreatment, military decrees, bad governance, report the state of human right in Nigeria, CLO has become a model to other human right organization basically because of the strategies they use such as fact-finding, use of domestic and international human rights standards as well as documenting cases of abuse (Appiagyei-Atua, 2002).

CLO lead a group of NGOs to negotiate for the implementation of the International Convention on the Elimination of Racial dissemination (ICERD) (Racial Discrimination in Nigeria Report 2015).

### **5.3.2 International Federation of Women Lawyers (FIDA)**

FIDA, originally a Spanish appellation for "Federacion Internacional de Abogadas" has a goal for promoting the rights of women and children, FIDA Nigeria has an affiliation to FIDA International. The organization has a four-point mission: (1) to enhance and promote the welfare of women and children (2) to promote the study of comparative law (2) to promote the legal and social principles and aims of the United Nations and (4) to establish friendship international relations based on equality and mutual understanding. FIDA has been active in Nigeria through activities such as Providing pro-bono court representation in cases of sexual abuses, discrimination, domestic violence inheritance, and widow right. The organization meditates in settlement of disputes (Oluyede, 2013). One of the outstanding projects for FIDA was the model for village women that negotiated for peace in females and their immediate communities. The success of FIDA's negotiation brought a huge modicum of peace within the community and between the people and the company. The Major reason for the dispute was the environmental damage caused by oil companies that resulted in the

pollution of land and water, which was the major survival unit of indigenes (Bernard, 2013).

### **5.3.3 Civil Society Legislative Advocacy Centre (CISLAC)**

CISLAC is a nation based non-governmental organization that specializes in advocacy, information sharing research, and capacity building. It locally registered with the CAC. It is an organization recognized by its role in legislative advocacy in Nigeria, with a purpose to bridge the gaps between civil society and the legislative processes. CISLAC was granted a UN ECOSOC Status in 2011 that gave it mandate and instrumentally of the United Nations. The organization facilitated the passage of Primary legislation such as the Public procurement act, Extractive industry. Transparency initiative act and fiscal Responsibility act. CISLAC allows citizens to monitor legislators and demand reform on critical issues. The organization department of environment and conservation of nature that functions to promote the implementation of treaties with regards to environmental conservation and environmental clean-up and food security (CISLAC Annual Report 2019).

### **5.3.4 Women's Rights Advancement and Protection Alternative (WRAPA)**

Women's Rights Advancement and Protection Alternative (WRAPA) as one of the leading NGOs in Nigeria, focuses on supporting women through; Advocacy; implementing several projects with strategic advocacy to protect and promote women and girls, Legal Aid; provision of free legal services for women, most especially victims of gender-based violence, Sensitization; sensitizing for social reforms that promote the rights of women and girls in Nigeria and Outreach Humanitarian service; provision of skills acquisition training for victims of gender passed violence such as, soap making, fashion design, baking, and beads making.

WRAPA coordinated the landmark legislation on gender-based violence in Nigeria under the coalition name Legislative Advocacy Coalition on Violence Against Women (LACVAW). Over the years, WRAPA has carried out the mapping of Sexual and Gender-based violence of internally displaced camps, and according to the study, the use of women and girls as bait and shield by terrorists is on the rise, and this is because women and girls within the camp are defenceless. In 2008 WRAPA mounted pressure on Nigerian Parliamentarians to pass the VAPP Bill into action, working together with the Pan-African advocacy group and a coalition of seventeen community based and faith-based NGOs across Nigeria.

WRAPA has organized projects themed; promoting safety and security for the girl-child education in north-east Nigeria, Islamic family law project in north-western Nigeria, gender accountability project that is aimed at "institutionalizing the anti-corruption and accountability discourse reflecting women's issues and voices, gender affirmative action issue-based project to mention but a few (WRAPA Report 2019). WRAPA represented a woman called Amina Lawal, who was convicted to death by stoning by a sharia court in northern Nigeria. Even though women were not allowed to argue in a sharia court, WRAPA solicited for a man to represent Amina Lawal, who later won the case (Von Struensee, 2004). WRAPA is at present engaged in a different round of negotiation in the parliament targeted at expanding/strengthening coalitions to get the Nigerian domestication of African protocol (Olsson, 2012).

### **5.3.5 The Socio-Economic Rights and Accountability Project (SERAP)**

SERAP reported case on Nigeria's corruption status to the Economic Community of West African States (ECOWAS) Community Court of Justice, SERAP claim Nigerians have a right to education but have been denied due to corruption of the leaders that interfered with the public education budget, the African Charter on Human

and People's Rights, as well as the international convention was used as instrument for the case. The success of the judgement by the regional human rights court was recorded as the first ever consideration of corruption as a human right violation reported by a Nigerian NGO. SERAP believes a link exist between human rights and corruption and that "when you see dilapidated infrastructure round the country, it is often the consequence of corruption. Poor healthcare, collapsed education, lack of public utilities, decayed social services, are all products of corruption as those entrusted with public resources put them in their private pockets", SERAP also claims the right to life has been violated by the insurgency in the northeast, which is sustained by corruption (Anaedozie, 2016).

The participation of NGOs in drafting policy documents has opened the gateway for their intervention in numerous norm generating processes, it has also ensured their direct impact on conceptualization, build-up, and drafting of these instruments. Furthermore, national human rights NGOs have the means to observe and follow-up implementation of human rights laws and treaties by the government. Public policy is empirically within the purview of the state's legislation, though some contending groups can be recognized when dealing with policy issues. For example, the group that supports the issue for its interest. Traditionally NGOs identify issues that threaten human beings, and they take the lead in persuading for changes in policies.

The analysis carried out in this chapter leads to three important conclusions about the activities of human rights NGO negotiation and mediation.

First, there has been intense participation of NGOs in negotiation and mediation of human rights issues, and this can be attributed to the increasingly high level of

violations of human rights laws and the inability or unwillingness of the government to protect its citizens. Second, adequate information about the impact of Human rights NGOs on their negotiation and mediation activities in Nigeria is lacking. Third, because NGOs in Nigeria stand strongly to protect the citizens and promote the respect of human rights, they experience backlashes from the government and other citizens that question their accountability and transparency. It is necessary to mention that Nigeria needs a strong coalitions of national human rights NGOs to promote the international human rights instruments and enforce the implementation of the same instrument.



## **Chapter 6**

### **CHALLENGES OF IMPLEMENTING HUMAN RIGHTS**

#### **LAWS IN NIGERIA**

Human rights NGOs play a significant role in the implementation of human rights laws in Nigeria. The thesis demonstrates that they have contributed to the implementation of human rights at different levels, international, national and local, and in several different ways. Though they have the expertise and the capability to work in Nigeria, day after day, they face problems while carrying out their mandates; they are subjected to risk and opposition from the government and citizens. NGO staff have been unlawfully detained, harassed by security agencies, arrested without bail or trial.

Most times, human rights NGOs in Nigeria are at the frontline of the political struggle when pushing for the implementation of international human rights instruments, though there are restrictions on how far they can get involved in politics. Undeniably NGOs work cuts across all disciplines as human rights violations can be found in every corner of the world, and these violations also are experienced by every level of humanity, from an infant to an adult. This chapter is in two sections, and the first section briefly captures the challenges limiting the implementation of the international and regional human rights instruments in Nigeria. It will also identify the challenges faced by NGOs in facilitating implementation in the Nigerian context with regards to NGO interaction with government, communities, and individuals. The second section

identifies the challenges within NGO organizational structure and management and will conclude by recommending possible solutions to these challenges.

## **6.1 The Nigerian State and Challenges of Implementing International and Regional Human Rights Instruments**

Section 12 of the Nigerian 1999 Constitution deals with international treaties and their implementation; this section is not only relevant but imperative. It provides that: (i) "No treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly. (ii) The National Assembly may make laws for the Federation or any part thereof concerning matters not included in the Exclusive Legislative List for the purpose of implementing a treaty". The African Women Protocol seems to be controversial to the African norms, making it difficult to keep, because it does not conform to the African culture and tradition that a woman should not be heard. Nigeria is one of the African countries that have difficulty in implementing such protocols (Baderin, 2009).

Dada argues that section 12 of the 1999 Nigerian Constitution is very flexible in choosing which treaty to domesticate or not to domesticate. The implication of section 12 is that human rights treaties are not binding in Nigeria without them being passed by the National Assembly. Dada argues with a long list the reasons why human rights in Nigeria have become an unachievable milestone. He mentions first that disobedience to court orders and the impartiality of judges in the court, second that the absence of true judicial independence; dependence of the judicial system on government authorities for judgments, third that a repercussion of the military rule era; excluding court orders by the military leadership feeds the violation of human rights

continuously and lastly, reservation of clauses in international human rights treaties; some clauses generate absolute terms that are not clear, which makes it legal and legitimate for exclusive rights to be violated.

Some challenges can also be attributed to the structure and composition of the political and economic systems in Nigeria. Sajo (2013; p.221) for instance observes that:

“For reasons which need not detain us here, some of the rights important in the West are of no interest and no value to most Africans. For instance, freedom of speech and freedom of the press does not mean much for a largely illiterate rural community completely absorbed in the daily rigors of the struggle for survival”.

The dual system of the Nigerian judiciary complicates the implementation of human rights laws to an extent, the non-incorporation of the international instruments into the national legal documents by the parliamentarians makes this somewhat possible. For instance, Amnesty International reported that the First Optional Protocol to the International Covenant on Civil and Political Rights is yet to be acceded by Nigeria, which means Nigeria does not recognize the Human Rights Committee's competence to consider complaints. If ratified, the Covenant will treat complaints by individuals claiming to be victims of such violations (Nigeria Human Rights Agenda 2019). Nigeria has not ended torture, extrajudicial killings, death penalties, and enforced disappearances, the rights of children are not protected; Nigerian children are subjected to malnutrition and high level of violence, there are over 23million of women and girls that were married under the age of 18 (Anozie et al, 2018);

**Religion:** It has been a major controversial issue in the implementation of human rights laws in Nigeria. The Muslim population dominates the northern region of the country, where 12 out of the 36 states of Nigeria practice the Islamic Criminal Law, also known as the Sharia Law. Sharia law against all the odds practices the prosecution

of unmarried for the offense of sexual intercourse outside marriage known in the local language (Hausa) as “Zina”. Muslim activists also do not accept the idea of equality using Sharia law as their guiding standard (Kendhammer, 2013).

**Culture:** The quest for common ground between culture, national, and international legal standards is in the discourse of scholars recently. According to Ibhawoh (2000), “national human rights provisions have not had a full effect on African society because cultural practices persist that have great limitations on constitutional human rights guarantees”. Nigeria is in no way different from any other African country when it comes to human rights and cultural practices, for instance:

**Domestic Violence:** Because of culture, Nigeria see domestic violence as a "private family issue," which should not be meddled with even by the government. There is a belief that the woman is the man's property, and spousal abuse should be settled within the family (Byron I 2018). There are specific provisions in the Nigerian penal code of status encourages spousal battery, section 55(1) states that,

"Nothing is an offense which does not amount to infliction of grievous hurt upon any person which is done ... by a husband and wife subject to any native law and custom under which such correction is lawful” (Domestic violence Section 55(1) (d) Penal Code).

**Female Genital Mutilation (FGM):** It has been estimated that 33% of households of Nigeria practice FGM. Some cultures widely believe that a female should be circumcised just like the male, they believe female genital mutilation allows a girl to practice better hygiene and to protect their virginity, they have the notion that it stops a girl from being promiscuous giving her husband more pleasure and enhances fertility (Olsson, 2012).

**Widowhood practices:** These practices differ with cultures and traditions; women in Nigeria are expected to honour their husbands in death through practicing particular cultural rites. For example, some part of the Igbo culture expects the woman to sleep in the same room with the corpse of her husband for days, and she is also expected to drink the water used to bath her husband's corpse while her head is being shaved, she wears black clothes in the name of mourning and showing her innocence pertaining her husband's death. Some cultures also require that the woman cries out loud until the day her husband is finally buried if suspected she has not cried enough, she becomes a suspect of having to kill her husband (Okolo, 2004). In the area of inheritance, many customs promote discrimination against women and girls; examples of customary laws exist in many areas of Nigeria that bar both a widow and her girls from inheriting property if she has no male child.

**Early Marriage:** There is a misconception that when a girl is married, she is now a woman even when she is 12, but yet the Nigerian Child Right Act, article 21 and 23 ascertains that the minimum age of marriage is 18, it is not unusual for girls under the age of 13 in Nigeria to get married though this is not commonly practiced now. Child marriage deprives a girl of her childhood, required for physical, emotional, and psychological growth, this, therefore, can be classified as a violation of the Child Rights Act (OHCHR Fact Sheet No. 23). It is reported that within Nigeria, there are 150,000 incidents of Vesico-Vaginal Fistulae (VVF), and the large percentage of patients of VVF is the younger girls (usually between the ages of 12 and 20). These women come from a poor background and are uneducated with restricted availability of healthcare facilities. Faced with these challenges implementation of human rights laws become a tug of war between law, culture, and religion, community members frown when such these practices are flagged as human rights violations.

## **6.2 The NGO Challenges: The Struggle with the Nigerian State**

In strong recognition of and adherence to its international duty, Nigeria has built a seemingly stable institution like the Human Rights Commission that has designed strategies for promotion and protection of human rights and has produced several documents like the Nigerian Crime Prevention Strategy. However, the persistent attacks by the terrorist in northeast Nigeria, the unending conflicts between Fulani herdsmen and farmers in the north-central, and the violent kidnappings across the country has destabilized the efforts of human right laws implementation and has made the security situation in Nigeria terrible. Human Rights Watch (HWR), in their 2019 world report, ascertains that heightened insecurity is a significant threat to human rights, and the Nigerian government has failed to ensure that citizens are adequately protected (Human Rights Watch World Report 2019).

In June 2016, Nigeria had the NGO bill presented to the National Assembly by Umar Buba Jibril a member of the Nigeria House of Assembly to pass into law.; If this bill is passed, NGOs' ability to hold the Nigerian government accountable in ensuring that all rights are respected will become insignificant. The proposed bill titled "Bill for an Act t to Provide for the Establishment of NGO Regulatory commission for the supervision and monitoring of NGOs." This bill is expected to give the government the authority to scrutinize all projects proposed by NGOs for implementation, and this would drastically reduce the activities of human rights NGOs in the country (Gaebee, 2019).

There are no doubts that projects that will oppose the government or do not align with government policies will not be approved for implementation, who then will speak for

the vulnerable and oppressed in the society? NGOs are sometimes categorized as an accomplice to corruption in Nigeria. Daniel, in examining the effects of corruption on Nigeria claims that corruption exists most especially in local NGOs, he gives instances with the formation of NGOs by the First Ladies of Nigerian presidents and argues it is an avenue to divert money from donors to their personal accounts (Smith, 2010).

### **6.2.1 NGO Internal Challenges**

NGOs in Nigeria face internal organizational challenges separate from the external forces they encounter. Challenges faced by non-governmental organizations in Nigeria are numerous, and they include lack of funding, incapable leaders, money laundering/misuse of donor funds, government permission, and location.

**Lack of funding:** their funds consist almost entirely of fees/contributions charged by members, most of the time, these fees and donations are not paid on a regular basis by members, which discourages them from fulfilling their duties actively.

**Leadership:** Nigeria's NGOs often lack capable leadership, and they are characterized by inexperienced leaders who lack the expertise and management skills required to handle their affairs.

**Money laundering/misuse of donor funds:** NGOs also struggle with internal challenges of money laundering, accountability, and misuse of donor funds; they are not transparent in a way that their records and reports are not Open to the public; the leaders are not accountable, thereby corrupting them. So many NGOs in Nigeria are business ventures posing to help the less privileged while siphoning project money for their personal use leaving a little amount to run the project.

**Permissions:** Most NGOs require the government's permission to operate within certain areas; therefore, this makes them vulnerable to the government's scrutiny if the project is speaking directly to the state's action or inaction.

**Location:** Another glaring problem is that most NGOs are said to be situated in the Urban areas neglecting the rural communities where their services are required most.

This research aimed to identify the impact of human rights NGOs in the implementation of human rights law in Nigeria, based on the qualitative analysis of the study materials, it can be concluded that NGOs are a driving force in ensuring violations are called out. The proliferation of NGOs in Nigeria has, to a great extent, impact on the implementation of human rights laws. Their participation at the negotiation and mediation table at international, national and local level showcases their effectiveness in changing the *status quo* of the vulnerable and voiceless individuals. It is imperative to emphasize that this research's findings indicate a high level of NGO impact in northeast Nigeria amid terrorism, banditry, and Fulani/farmers clash, through essential services they rendered.

NGOs' role in combating gender-based violence is notable. it can be concluded it was demonstrated that non-governmental organizations represent the most dedicated community in promoting human rights, exposing violations of human rights and observing the responsibilities of states and holding them accountable for their actions. In reality, women's rights were only treated seriously by governments and International Governmental Organizations not a long time ago, and by the continued persistence of women NGOs. I agree with the statement made by Adunbi that “NGOs in Nigeria have shifted from an organized voice against state repression to vocal



governing bodies that promote change by becoming partners of neoliberal reform agenda” (Adunbi, 2016; p.425).

In conclusion, the attitude of NGOs towards supporting advancement is purely liberal in every imaginable way. The anticipations of the poor and underprivileged are expressed when initiating and providing a “support system” and, at the same time, encouraging “self-help” at the community level. To a degree, this attitude reflects the liberal theory, the idea of promoting human rights by non-governmental organizations has always been linked to the liberal approaches to challenges in the society and, generally, with the reform of social services.

Regrettably, the governmental agencies with the goal to ensure the implementation of human rights laws are experiencing interference from high authorities (government officials) either openly or indirectly, through bribery and corruption, and interruption of the legal processes. Thus the effectiveness of these bodies is compromised and undermined by government’ negative involvement. To thoroughly understand the implications of the outcomes of this study, further research must be conducted on other aspects of NGO activities and impact. The research results will help clarify and enrich the debate on the impacts of human rights NGOs in the implementation of human rights laws Nigeria and its north-eastern region.

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