



**INTEGRATING FOREIGN POLICY,
DEVELOPMENT POLICY AND HUMAN
RIGHTS OBJECTIVES:
CHRISTIAN PERSECUTION IN NIGERIA**

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June 2020

Integrating Foreign Policy, Development Policy and Human Rights Objectives:

Impact of Merger of FCO and DFID

The UK Foreign Office and the Department of International Development have now merged. This results from a UK government initiative to ensure that its foreign and development policy goals are aligned. This is very important because the UK is a development superpower as the third largest provider of Overseas Development Assistance in the world. If the UK's development priorities are inconsistent with or worse, in opposition to the rest of its foreign policy including its foreign trade policy, then this will send conflicting signals to its partners and make it less likely that those foreign policy goals are realised.

The UK's foreign, economic and development goals should be aligned, but this does not mean that its economic goals are purely mercantilist or commercial in nature. The UK was present at the creation of the Bretton Woods institutions (in 1946-7) specifically because it recognised that trade barriers and deviations from free and competitive markets would harm economic development and possibly lead to conflict as we saw before the war.

Central to the vision which the UK has promoted in a multitude of global institutions is the governing principle derived from centuries of tradition and experience that wealth is created when trade is open and liberal, when markets are governed by competitive forces and not by government distortions and when property rights are protected.

The ultimate property right is property in your own person and in your speech. The protection of personal property, crucial though that is for economic development as Hernando de Soto and others have written, is secondary even to that.

It is a core objective of UK foreign policy to ensure that all countries abide by these principles because this will lead to greater economic opportunities for the people in these countries as well as UK businesses, farmers and consumers. It is a core objective of UK development policy to ensure that countries abide by these principles because this has been proven to be the best (and perhaps only) way of ensuring that people are lifted out of poverty and have economic opportunity and hope.

Ultimately the protection of property rights is the foundation on which open trade and competitive markets rest as economic development levers. And human rights – the right to the safety and security of your person is the foundation stone on which property rights rest. So, the whole fragile architecture which performs the almost magical function of creating wealth, of making something out of nothing, rests on the most basic of human rights.

As the UK government reorganises itself, central to its foreign, development and economic policy is this protection of the basic human right to have security in your person – the right, simply to exist.

We will look at the changes in UK law that make the expression of this policy much more feasible to accomplish.

The Tools for Protecting Human Rights

The UK is a signatory to a range of human rights conventions, from the UN Convention on Human Rights to the European Convention on Human Rights. Many of these conventions make a virtue of extending the scope of what constitutes a human right (often confusing rights and privileges) but

have not done a good job of actually protecting people from persecution, violence and even genocide. These protections should be considered as the very basic threshold issues, and when it comes to these protections current treaties have proved wanting. The shambolic UN Human Rights Council (formerly Commission), made up of, as it often is, by the greatest human rights violators (in recent succession, it has counted Cuba, Venezuela, Saudi Arabia and Egypt among its recent membership) has become a global joke with regard to effectiveness.

Similarly, development tools have only recently added a dimension protecting human rights. During the second Bush administration, the US created the Millennium Challenge Corporation to link aid more directly to compliance with basic norms that included a scorecard to reflect commitments to core concepts such as rule of law and democracy as well as human rights. Countries that are beneficiaries of MCC grants (note the MCC's other innovation was giving grants not loans) could lose their grants if they violated these fundamental principles. But generally, aid in the rest of the world is not subject to these principles. It is frequently given to countries that are violators of basic human rights, as these are often countries that are at low levels of development.

The UK should use the reorganisation to promote aid that is given to countries that are moving in a positive direction on a scorecard of issues that carry forward UK foreign policy goals.

But with respect to dealing with human rights violators, it is hard to win this battle merely with carrots. There have to be some sticks too and the UK has developed one such in the form of its version of the Magnitsky Law in the US. In 2017 amendments were made to the UK Proceeds of Crime Act, 2002 which allowed the UK to freeze the assets of, or issue travel bans to officials in countries that had participated in gross human rights violations or who had benefited from such violations. At the time a group of UK parliamentarians had suggested the Act should go further and apply similar sanctions to those who had benefited from corruption. The UK in general, and London in particular, has become a haven for oligarchs, human rights abusers and other kleptocrats who had squirrelled away their ill-gotten gains in London property or UK based funds. The new law reflects the desire of UK foreign policy to crack down on this practice.

If human rights violators and government officials who turn a blind eye or conspire with them through inaction understand that there are very real repercussions that could lead to a freezing of their UK assets and travels bans, as well as concerted action among the ever increasing number of countries that have Magnitsky like legislation, they will be more likely to cease and desist from such conduct. Use of this type of legislation in a targeted fashion, alongside smart and targeted use of development funding, can set up the necessary incentives to ensure governments do not engage in egregious human rights violations.

We discuss below a case study, which illustrates how the new law might be used as a stick to curb these human rights violations.

Persecution of Christians in Nigeria

One particularly bad situation at the moment is the treatment of Nigerian Christian farmers living in the middle belt of the country. These Nigerian Christians are being persecuted by a combination of Boko Haram, Islamic State in the West African Province (ISWAP) and Muslim Fulani herders. The vast majority of farmers in the middle belt are Christian. Nigeria is the 12th highest ranked country in the Open Doors index for Christian persecution. The Nigerian government has, at best, turned a blind eye to the issue and, at worst, has colluded in it.

A recent UK All-Party Parliamentary Group (APPG) on religious liberty highlighted some key points about the persecution of Christians in Nigeria:

- On 4th July, 2018, the Nigerian House of Representatives declared the killing of Christian farmers in the middle belt to be genocide, and requested the government to act by establishing orphanages and taking other critical steps. [None of this has been done].
- Churches have been, and continue to, be burned in Nigeria. Five hundred churches have been destroyed in Benue State alone. One hundred churches have been burned in Taraki and two hundred abandoned out of fear. Sixty-five per cent of the Churches in Wakari have been burned.
- Killings continue. As recently as 20th January 2020, Reverend Lawan Andimi, Chair of the Christian Association of Nigeria, was executed.
- On the 26th December, to coincide with the Christmas holiday, ISWAP released videos of beheadings of 10 Christian hostages and one Muslim apostate.
- As recently as 2 April 2020, three hundred Muslim Fulani attacked the village of Hukke, killing seven and setting fire to twenty-three homes.
- On the 26th February 2019, the ECOWAS court censured the Nigerian government, especially with reference to the killings in Benue state in 2016. The court found that the government had neglected its primary duty to protect its citizens. Theophilus Danjuma, former Army Chief of Staff and former Defence Minister said that the “Army is not neutral. They collude” in ethnic cleansing. He urged people to defend themselves and not rely on the Army to protect them. Indeed, there is evidence that the security forces abandon areas just before atrocities are committed.
- President Buhari obtained 97% of his votes from the Muslim North and only 5% from the Christian south. Most of his political appointments are Northern Muslims. The APPG agreed that this was a violation of section 14(3) of the Nigerian constitution, that there should not be a preponderance of persons from a few states or from a few ethnic or sectional groups.
- The Buhari government’s response to the killings has been to deny, ignore and deflect. The government’s chief legal and judicial officer – Attorney-General and Minister of Justice Abubakar Malami – has taken no steps to investigate or prosecute perpetrators or to protect the Christian communities at risk. The wilful blindness of the administration is seen by many in Nigeria and internationally as complicity with, and enabling of, the killings.

Nigeria and Foreign Aid

Despite not adopting many basic norms, and in many ways moving in the wrong direction on these issues, Nigeria is one of the largest recipients of overseas direct assistance. By way of example, in 2015 it received \$2.4bn, ranking it 8th in the world – an extraordinary statistic given its size and level of economic development compared with the least developed countries in the world.¹ Given the level of support that Nigeria receives from donor nations, and given the abuses being allowed and condoned by its government, it is imperative that the UK now acts swiftly to reign in these abuses using the full portfolio of tools at its disposal. It is important that the major donors who subscribe to

¹ See A New Path for Nigeria, Competere, at <https://img1.wsimg.com/blobby/go/bf4d316c-4c0b-4e87-8edb-350f819ee031/downloads/A%20New%20Path%20for%20Nigeria%204.19.pdf?ver=1559294083671>

the same philosophical approach outlined at the beginning of this paper come together in their approaches to countries. We advise that at the very least the UK, US, Japan, Sweden and Germany agree a common approach to the granting of development aid that includes these core principles. The UK provides £2bn of aid per year to Nigeria - £800,000 per day. It is crucial that this be conditional on appropriate responses from the Nigerian government.

Nigeria and Magnitsky Style Sanctions

But we must be realistic. The situation is sufficiently serious that a mere carrot approach will not work. There need to be sticks deployed as well and they need to be credible. There are a number of sticks beyond foreign aid conditionality.

As noted above, under the amendments to the UK POCA, the UK's version of the US Magnitsky Act, the UK government is empowered to freeze the assets, impose travel bans and apply other sanctions to any foreign person guilty of human rights violations. Specifically, POCA now provides that the UK may seize the assets of any person who has engaged in a gross human rights abuse or violation, or for conduct connected with such abuse including directing, sponsoring or profiting from it, or materially assisting with it. The Sanctions and Anti-Money Laundering Act (2018) ("SAML") empowers ministers to impose sanctions to provide accountability for or be a deterrent to either the above types of conduct (which amount to a gross human rights violation).

Given the Nigerian government's complicity in the persecution of Christians in violation of the Nigerian constitution and international law, we believe that the provisions of POCA, as amended, and SAML apply. The silence in particular of the Attorney-General as the chief law enforcement officer, and some other senior officials, are tantamount to consent for the violence being perpetrated against Christians there. Their silence is certainly construed by the Fulani herders as tacit approval for their actions and the comfort of knowing there will be no meaningful sanction from law enforcement.

The wider context is important here also. In addition to the persecution of Christians, there is a history of the Nigerian government violating fundamental principles of property rights protection (which I laid out in our paper on Nigeria and Economic growth, available [here](#)). It is hardly surprising that a government that has scant regard for human rights also has scant regard for property rights.

Phase one of POCA as amended is now being initiated with a focus on the more winnable cases. However a number of parliamentarians are pushing for not only human rights abuses but also cases of corruption and kleptocracy to be included in a phase 2 of the POCA implementation (see [here](#)). This makes eminent sense, as the two issues are very often linked and they do certainly seem to be so linked in Nigeria. Dominic Raab, the UK Foreign Secretary has now publicly stated that POCA will be used to ensure that public officials guilty of grave human rights offences will not be allowed to launder their money in the UK (see <https://www.gov.uk/government/news/uk-announces-first-sanctions-under-new-global-human-rights-regime>).

We advise the UK government to pursue POCA/Magnitsky sanctions against the key officials in Nigeria responsible by action or deliberate inaction. This should begin with Attorney-General Abubakar Malami, and extend to other officials who can be demonstrated to play equally pernicious roles in enabling the Christian persecution in the middle belt.

Conclusion

The protection of one's own life is the most basic human right. Without it, no right has any meaning. It is the quintessential job of government to, at the very least, protect the lives of their citizens. When a government wilfully colludes in actions that lead to gross human rights violations such as are occurring in Nigeria on a daily basis, that government must be held to account. This requires the full suite of tools available for the more developed, advanced economies. It is crucial that development and foreign trade, commercial and economic policies are joined up on this, and the UK's recent foreign policy moves are a step towards this. The UK's enhancement of its criminal law to allow promoters of persecution to have their assets frozen and to stop them from enjoying the hospitality of the donor countries themselves is a welcome development. Now the UK must prove that in the protection of human rights, it has the moral high ground.

July 2020