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THREATS TO THE SOVEREIGNTY AND VALUES OF NIGERIA IN THE SAMOA AGREEMENT A STATEMENT OF THE CATHOLIC BISHOPS CONFERENCE OF NIGERIA (CBCN) ISSUED ON 11 JULY 2024

INTRODUCTION

1. Our attention has been drawn by the press to Nigeria's signing of the Samoa Agreement on 28 June 2024. This economic partnership agreement between the EU and African, Caribbean and Pacific (ACP) countries covers six main areas, including democracy and human rights, sustainable economic growth, climate change, human social development, peace and security, migration and mobility. The Agreement looks innocuous and attractive on the surface but underneath it is carefully blended with post-modern secularistic ideologies that significantly undermine the moral, cultural, and religious beliefs of Nigerian citizens. We are concerned that our civil authorities may not be fully aware of the implications of the nuanced language in the document, which threaten our national sovereignty and values. We, the Catholic Bishops of Nigeria, as watchmen and guides (cf Ezekiel 3: 17), deeply committed to the sound moral, religious, and cultural growth of our dear country, hereby clearly highlight what the Samoa Document portends for the future of Nigeria and Nigerians and call on our government to, as a matter of urgency, propose an amendment of the Agreement or withdraw from it.

BACKGROUND

2. The Samoa Agreement is the third edition of the Lomé Convention of 1975. The 1st edition was originally a trade and aid agreement between the European Economic Community (EEC) as it was then (former colonial masters) and African, Caribbean and Pacific (ACP) states (former colonies). Its 2nd edition was called the Cotonou Agreement. It was a Treaty signed by the European Union (EU) and the ACP states in 2000.

3. The Samoa Agreement replaced the Cotonou Agreement and was signed off by 44 ACP states out of 79 member countries on 15 November 2023 in Apia, Samoa. Nigeria did not sign it due to concerns with the language relating to sovereignty and African values. It is, however, the case that on 28 June 2024, just days away from the Nigeria - EU business summit held in Abuja on 2 July 2024, Nigeria signed it.

LEGAL EFFECT OF THE SIGNING

4. The signing of the Agreement by the state parties makes it final. It will then defer to the domestic processes of each country. In international law, when the state signs a Treaty, it indicates its intention to be bound by it in the future, and it demonstrates its support for the principles and goals of the Treaty and its willingness to consider ratifying it in the future.

5. Given the secrecy surrounding Nigeria's signing of the Samoa Agreement, it is unclear whether the signature was tendered subject to Ratification, Acceptance, or Approval. Ordinarily, signing a Treaty creates an obligation to refrain, in good faith, from acts that would undermine its object and purpose (Arts 10 & 18, Vienna Convention on the Law of Treaties 1969). Signing a Treaty serves as an intention to be bound by it when it is enforced. Under article 98.3 of the Samoa Agreement, Nigeria, by signing it, bound itself to recognise the validity of any measure taken to implement the Agreement after the date of its entry into force.

6. Its signing makes Nigeria surrender its position as a persistent objector to the impugned language during negotiations in several international fora. Most of Africa has always counted on the leadership of Nigeria to contest anti-life, anti-family, anti-culture and anti-African values at the United Nations. The decision not to sign the Samoa Agreement in November 2023 was consistent with Nigeria's persistent objection to those issues. Its signing has weakened the persistency and consistency of the objection that Nigeria has always had. The African Bar Association, with headquarters in Nigeria, warned ACP countries to be cautious about the Samoa Agreement. (AfBA communiqués Niamey 2021, Lilongwe 2022, Pretoria, 2023).

7. By signing the Agreement, therefore, Nigeria has committed to complying with the impugned and contentious provisions of the Samoa Agreement. Nigeria cannot roll back on contentious provisions without breaching the Agreement.

IMPUGNED CONTENT OF THE SAMOA AGREEMENT

8. The Samoa Agreement essentially gives international law status to Sexual Orientation and Gender Identity, Comprehensive Sexuality Education, and Abortion through its prolific reference to Gender approaches and the phrase "Sexual and Reproductive Health and Rights".

9. The Treaty does not have a glossary of terms or a definitions section to ensure that all parties have the same understanding of terms, which may pose a problem in its implementation and evaluation phases.

Gender and its Corollaries

10. The Samoa Agreement has 61 references to gender equality, gender perspectives and gender mainstreaming. The most outstanding is **Article 2.5: The Parties shall systematically promote a gender perspective and ensure that gender equality is mainstreamed across all policies.** The term gender is no longer an innocent term. There are over 110 genders that would claim a stake in the term gender equality¹.

11. **Article 40 .1 & 2** of the Africa Regional Protocol (ARP) to the Samoa Agreement commits Nigeria to **ensure that the gender perspective is systematically mainstreamed across all policies and programmes.** Nigeria shall also ensure that learning materials and teaching methods are gender-responsive.

Sexual and Reproductive Health and Rights (SRHR)

12. Under Article 29.5, Nigeria **shall support universal access to sexual and reproductive health commodities and healthcare services**, including family planning, information and education, and the **integration of reproductive health into national strategies and programmes.** Universal access means access by all, including children. This has been the consistent aim of value-free sex education in schools. Comprehensive sexuality education has been about increasing demand for SRHR commodities among children and youth.

13. The European Parliament, by adopting the Matic Report in 2021,² defined what it means by Sexual and Reproductive Health and Rights. This term includes, amongst others, Sexual Orientation and Gender

¹ Gender Master List (n.d.). Genderfluid Support. <http://genderfluidsupport.tumblr.com/gender/>. While the original list has been removed, a similar list can be found here. <https://nonbinary-school-survival.tumblr.com/post/125681867336/masterlist-of-genders>

² European Parliament Matic Report on the situation of Sexual and Reproductive Health and Rights in the EU, June 24, 2021. https://www.europarl.europa.eu/doceo/document/TA-9-2021-0314_EN.html

Identity, Abortion and Sexualizing Comprehensive Sexuality Education, which people of goodwill have strongly contested in Nigeria.

14. **Article 36.2** of the General Agreement commits Nigeria to **the full and effective implementation of the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development and the outcomes of their review conferences** and commit to sexual and reproductive health and rights, in that context.

15. **Article 40.6.** of the African regional protocol commits Nigeria **“to the full and effective implementation of the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development and the outcomes of their review conferences”**. Nigeria further commits to **“stress the need for universal access to quality and affordable, comprehensive sexual and reproductive health information and education, taking into consideration the UNESCO International technical guidance on sexuality education, as well as the need for the delivery of relevant healthcare services”**.

16. The 1994 International Conference on Population and Development (ICPD) is a negotiated document, and the Holy See participated in it. So, it is affirmative of the natural family and prevention of abortion on demand, saying abortion should never be promoted as a means of family planning (Paragraphs 7.24 and 8.25). However, the review outcomes of ICPD have served to dilute and undermine the original document on matters of life and family. It is not in Nigeria's interest to commit to fully and effectively implementing the outcomes of the reviews of the ICPD.

17. The Beijing Declaration and Platform of Action is also a negotiated document limiting abortion on demand, and the Holy See and Nigeria participated in it. In its statement reservation, the Holy See noted the disproportionate reference to sexual and reproductive health when talking about services to the girl-child. It warned that this reference would be interpreted to include abortion and homosexuality. Again, as is always the case, the outcomes of the Beijing Declaration and Platform of Action reviews are not negotiated instruments and have diluted the hitherto set consensus.

18. The UNESCO International Technical Guidance on sexuality education in Nigeria has disconcerting language and objectives. These include but are not limited to:

- i. **The Learning Objectives for Level I (ages 5-8)** include statements like “Girls and boys have private body parts that can feel pleasurable when touched by oneself.” (p. 43); “Touching and rubbing one's genitals is called masturbation.” (p. 48); “Masturbation is not harmful but should be done in private.” (p. 48).
- ii. **The Learning Objectives for Level II (ages 9-12)** “Both men and women can give and receive sexual pleasure.” (p. 43); “Definition and function of orgasm.” (p. 49); “Legal abortion performed under sterile conditions by medically trained personnel is safe.” (p. 51).
- iii. **The Learning Objectives for Level III (ages 12-15)** “Respect for the different sexual orientations and gender identity.” (p. 48); “Both men and women can give and receive sexual pleasure with a partner of the same or opposite sex.” (p. 50); “Access to safe abortion and post-abortion care.” (p. 52)

19. By committing to fully and effectively implementing the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development, their review outcomes and the UNESCO International technical guidance on sexuality education, Nigeria is

committing to the totality of the impugned provisions adverse to life, family, religious freedom, cultural values and sovereignty.

Joint Positions and Actions with the EU in International Fora

20. Several provisions in the Samoa Agreement commit Nigeria to take joint positions with the European Union in international affairs. The challenge is that Nigeria has led several African nations in protecting African Values, culture, interests and sovereignty. Provisions that mandate joint positions will make it difficult for Nigerian diplomats and negotiators to distinguish themselves in thought and representation. Of concern are the following provisions:

- i. Article 79.1, "The Parties shall strive to **adopt joint resolutions, declarations and statements, to coordinate positions and, where appropriate, voting, and to take joint actions** based on a commonality of interests, mutual respect and equality, **so as to ensure** enhanced presence and **a stronger voice in international and regional organisations and forums.**"
- ii. Article 88.4, the functions of the OACPS- EU council of ministers shall be to... **adopt joint positions and agree on joint actions on international cooperation and facilitate coordination in international organisations and forums....**
- iii. Article 92.4(a). . . **the rules laid down in Article 88 shall apply *mutatis mutandis* to the written procedure of the Regional Council of Ministers;**


WAY FORWARD

21. Given that Nigeria has signed the Samoa Document, we call on the government to propose an insertion of a substantive article in the general Agreement and the African Regional Protocol thus:


"Nothing in this binding Agreement can be interpreted to include any obligations regarding sexual orientation, gender identity, comprehensive sexuality education, abortion, contraception, legalisation of prostitution, same-sex marriage, or sexual "rights" for children."

22. If Nigeria takes the lead in calling for Amendments to the Samoa Agreement and its protocols, other states in the African Caribbean and Pacific regions may more likely follow suit. If accepted, this Amendment will go a long way in preventing SRHR from becoming international through an economic partnership agreement.

23. Nigeria should withdraw from the Samoa agreement if the EU rejects the proposed Amendment. A precedent has already been set by South Africa, which withdrew from the Cotonou Agreement in 2023.


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