

Impact of Western Donor Funding on Legalizing LGBTQ Rights in Africa: Nigeria in Perspective

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ABSTRACT

Africa, deeply rooted in its cultural and religious values, often perceives LGBTQ legislation as a Western imposition, resisting such laws and resulting in the Global North viewing the continent as "non-adhering to human rights". In response, governmental and non-governmental organizations, along with donor-funded advocates, are working to change attitudes within Africa. This paper, through a historical overview, asserts that some scholars trace Africa's negative stance towards LGBTQ rights to colonial rule, leading the continent to uphold colonial-era laws ingrained in their cultural and religious values. Furthermore, the paper highlights that Africa's homophobic stance towards LGBTQ rights has led to Western threats to withhold aid from non-conforming nations as a means to enforce non-African human rights standards. It underscores that in Nigeria, the Samoa Agreement aims to advance LGBTQ rights, and despite some scholars' support for the agreement, the implicit clauses related to LGBTQ may create grounds for formal legalization, causing future complications due to Nigeria's strong cultural and religious opposition. The paper concludes that political compromises by Nigerian leaders, divisions along religious and cultural lines, and the presence of LGBTQ communities supported by various organizations underscore the complexity of the issue. Additionally, it recommends establishing rehabilitation centers for LGBTQ individuals to realign their orientations with conforming sexual identities. The paper also suggests that it is crucial for the Nigerian government to balance cultural preservation with addressing global human rights standards when considering international agreements.

Keywords: lgbtq, human rights, cultural and religious values, foreign aid and Samoa agreement.

INTRODUCTION

According to Boryczka (2020), constructions of the entire African continent as having negative attitudes towards Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) individuals and denying them rights are still prevalent in the Global North. To this end, governmental/non-governmental organizations and advocates through donor funding, have been working to raise awareness about LGBTQ rights and issues. This is with the aim to influence the socialization processes that shape these attitudes and drive political, social, and economic change in Africa. Subsequently, some of these donor funding has been provided through for instance, the Bretton Woods Institutions (the International Monetary Fund {IMF} and the World Bank), which were established in 1944. These institutions were designed to "help restore and sustain the benefits of global integration by promoting international economic cooperation" (IMF, 2002). Hence, their responsibilities include providing long-term investment projects, institution-building, and addressing social, environmental, and poverty issues, as well as promoting sound macroeconomic policies for sustained economic growth (Horst, 2002). Despite these grand initiatives by these institutions, there is growing skepticism among aid recipients. This skepticism is largely due to the conditionality attached to the aid, the requirements that must be met to access the funds, and the worsening debt crisis faced by these developing countries (Vásquez, 2022).

Consequently, some of the conditionalities set include the implementation of fiscal and monetary policies,

structural adjustments, addressing social issues, and strengthening legal frameworks and institutional reforms (Vásquez, 2022). More recently, there has been an added requirement for developing nations to meet all human rights standards to access Western aid. Subsequently, according to a Focus Group Discussion,¹ this connotes that the requirement to meet human rights standards, will promote inclusivity and protect sexual and gender minorities, including those related to LGBTQ rights (Ahmed, 2024). This is particularly challenging across sub-Saharan Africa, given the significant obstacles to the social and legal rights of the LGBTQ community (Amnesty International, 2024). This is owing to the fact that many African countries have poor records regarding the rights of sexual and gender minorities, with 30 nations criminalizing same-sex relations according to recent studies by Human Rights Watch (2024).

In light of this, Western donor funding has been introduced to several African nations to influence policy changes in favor of same-sex rights. This paper, therefore, provides an analysis of the objectives of these funding efforts on legislative reforms and societal attitudes towards LGBTQ individuals in Africa generally, and in Nigeria specifically.

METHODOLOGY

This study employs a mixed-methods approach, to explore the impact of Western donor funding on legalizing LGBTQ rights in Africa, with a particular focus on Nigeria. In view of this, desk research was carried out involving the collection and analysis of secondary data from various sources. This aimed to develop a comprehensive understanding of the historical and current context of LGBTQ rights in Nigeria and the influence of Western donor funding. To complement the desk research, a focus group discussion was conducted to gather qualitative data from diverse participants. These discussions aimed to capture personal experiences, perceptions, and the socio-cultural impact of Western donor funding on LGBTQ rights in Nigeria. Subsequently, both qualitative and quantitative data analysis techniques were employed to synthesize the findings from the desk research and focus group discussions.

Historical Context of LGBTQ Laws in African Countries

A number of scholars argue that the anti-homosexual laws in most African states can be traced back to their European colonial rulers. They contend that prior to British colonial rule, African attitudes towards sexual and gender identities were markedly different. Historically, no African country persecuted LGBTQ individuals or had anti-LGBTQ laws before colonisation. For example, built tombs dating back to the 5th dynasty of Egypt in 2400 BC was found featuring two men, Niankhkhnum and Khnumhotep, embracing each other as lovers (Making Queer History, 2022). Although there is much debate among historians on this subject, with some believing the two men were lovers, many others think they were brothers or twins who were married with children. However, given that it was rare for brothers to be buried together, and even rarer for sibling love to be emphasized above love for a wife and children, there is an assumption that they were a same-sex couple (Making Queer History, 2022). Additionally, many deities were portrayed androgynously, and goddesses such as Mut (the goddess of motherhood) and Sekhmet (the goddess of war) were often depicted as women with erect penises (Encyclopedia Britannica, 2024). Also, in the 16th century, the Imbangala people of Angola included “men in women's apparel, with whom they kept amongst their wives” (Kabouche, 2020). These historical examples according to these scholars’ contrast sharply with British colonial attitudes. For most advocates of same-sex rights, Africa’s anti-gay laws are seen as remnants of colonial rule, reflecting the values and norms of that era (Graeme, 2022). This is as a result because, in 1533, King Henry VIII of England signed the Buggery Act, which criminalized sex between two males. The last men to be sentenced to death by hanging in England for homosexual acts were executed in 1835. At the same time, King Mwanga II of Buganda (modern-day Uganda), an openly gay monarch, actively opposed Christianity and colonialism (Buckle, 2020). Suffice to say here that the most significant period of colonization, often referred to as the “Scramble for Africa”, took place during the late 19th and early 20th centuries. This period was marked by the Berlin Conference of 1884-1885, where

¹ Ahmed A.O. (2024, July 8). Focus Group Discussion on Nigeria Signing of the Samoa Agreement and its Links to LGBTQ. Professor AO Ahmed Post-Graduate Research Students WhatsApp Platform, Nigeria. The focus group discussion was moderated by Professor Ahmed A.O., and had in participation Adedokun B.A., Tah D., Danga J.Y., Ibrahim B.I., Femi-Adedayo O.O., Sambo A. and Abu S.W.

European powers divided Africa into territories without regard for existing cultural or political boundaries, leading to extensive European control over the continent.

Based on the above, some scholars believe that colonization and the spread of fundamentalist religious attitudes by the British led to the erosion of Africa's original cultural attitudes towards sexual orientation and gender identity. These scholars underscore their perspective on the premise that African societies were compelled to adopt new values imposed by British colonizers during the 19th and 20th centuries. This shift not only enshrined anti-LGBTQ laws into constitutions but also ingrained these values into the minds of many African people over several generations. While the British have since accepted pro-LGBTQ legislation, some African countries are beginning to abandon previously existing criminalized laws against same-sex relations. For instance, Angola's new penal code, revised from 1886, came into effect in January 2021 and no longer criminalizes same-sex conduct (International Planned Parenthood Federation (IPPF), 2021). Additionally, in 2020, Gabon reversed its 2019 law that had criminalized same-sex conduct (Graeme, 2022). Nevertheless, currently over 55% of African nations continue to uphold their long-standing cultural norms and religious values against LGBTQ rights, with stringent anti-gay laws. Countries like Nigeria, Mauritania, Somalia, and Sudan, among others, have clear anti-gay law provisions. Specifically, in Nigeria, 12 states enforce Sharia criminal codes, which include the death penalty for consensual same-sex relations (Quick Reference Chart, 2020).

This paper therefore examines the argument that while colonialism significantly influenced the social, cultural, traditional, and political attitudes of African people, the rejection of same-sex relationships in Africa cannot be solely attributed to colonial influence. Firstly, referencing Ethiopia, an African nation that was never colonized, reports show that the majority of Ethiopians remain discriminatory towards LGBT identities, viewing them as a "Western perversion of their societal values" (Botha, 2021). This is due to Ethiopia's long history of social conservatism, which considers same-sex sexual activity a cultural taboo (Human Dignity Trust, 2023).

Secondly, using Egypt as a comparative lens, it is noted that ancient Egypt, often referred to as the Cradle of Civilization from which many African civilizations emerged (Capilano University, 2023), is predominantly 90% Muslim (U.S Embassy in Egypt, 2022). Although Egypt was initially part of the Ottoman Empire until 1914 when it became a British protectorate, in medieval Egypt, the Western concept of homosexuality as understood today did not exist (Rowson, 2012). Therefore, contrary to the argument that Africa's non-acceptance of homosexuality is solely due to the introduction of Christianity, it is essential to consider that culturally, most Egyptians are Muslim (Pew Research Centre, 2013).

Therefore, these cases indicate that the traditional moral views of African people, along with the continent's Islamic and Christian religiosity, contribute to the prevailing social biases and attitudes towards homosexuality, rather than being solely a product of British colonial influence.

Foreign Aid and Conditionality for Africa

As earlier stated in the introductory section of this paper, aid donors frequently attach conditions to their funds. These can include requirements imposed by international organizations such as the IMF and the World Bank. In such instances, governments are required to implement policy reforms and are restricted in how they can allocate the aid, while being accountable to donors as well as their citizens (Richard, Lindsay, & Alexandra, 2023).

It is on the above basis that foreign aid extended to Africa often comes with requirements aimed at promoting LGBTQ policy. Consequently, Western countries have frequently threatened to withhold aid from African nations that obstruct the fight for LGBTQ rights unless they conform to their ideals. For instance, former Prime Minister David Cameron threatened to withdraw aid from Uganda, stating that they were "not adhering to proper human rights" (Buckle, 2020).

More recently, in the context of aid, most African citizens are increasingly viewing foreign aid with skepticism, considering the accountability it demands in a globalized world. Even if citizens do not think about aid requirements in their daily lives, it is crucial to understand when they are willing to tolerate external sources of accountability. From a normative standpoint, if citizens accept foreign constraints, concerns about democratic deficits in global governance might be overstated (Moravcsik, 2004). Conversely, if citizens are worried about

foreign encroachments on their ability to hold their governments accountable, particularly regarding pro-gay legislation, easing aid requirements could improve government accountability in developing countries, while preserving cultural norms and religious values. Therefore, understanding public attitudes toward aid requirements is also important from a practical perspective, as citizens can influence government decisions, especially given the power imbalances between donors and recipients (Clark, 2022).

Foreign Aid as Leverage for Enforcing Non-African Human Rights Standards

According to the United Nations (1948), "human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status". These rights align with the International Human Rights Law (IHRL), which stipulates the obligations of governments to act in certain ways or to refrain from certain acts in order to promote and protect the human rights and fundamental freedoms of individuals or groups. Consequently, it is clear that IHRL and LGBTQ rights are closely interconnected, as IHRL aims to protect the inherent dignity and equal rights of all individuals, regardless of their sexual orientation or gender identity.

To illustrate, some key points on how IHRL pertains to LGBTQ rights can be seen in various frameworks and instruments. For instance, Article 1 of the Universal Declaration of Human Rights (UDHR) (1948) proclaims that "all human beings are born free and equal in dignity and rights", which underpins the principle of non-discrimination applicable to LGBTQ individuals. Additionally, Article 26 of the International Covenant on Civil and Political Rights (ICCPR) (1966) emphasizes non-discrimination and equal protection before the law, which the Human Rights Committee interprets as including sexual orientation. Moreover, IHRL advocates for key protections, including the decriminalization of same-sex relationships, protection from violence and hate crimes, freedom of expression and assembly, recognition of gender identity, and non-discrimination in access to services (healthcare, education, and employment, amongst others) (United Nations, 2024). Accordingly, discrimination in these areas constitutes a violation of IHRL.

Therefore, it is not surprising that, in recent years, global discussions on human rights have increasingly included issues of sexual orientation and gender identity. To this end, international actors often use public condemnations combined with punitive measures, such as threatening to withhold or suspend development assistance due to "non-adherence to human rights", as a standard approach when providing foreign aid to African governments. However, this strategy has sometimes led to the enactment of even more restrictive anti-LGBTQ laws across Africa. For example, according to Bhandari (2023), despite Western condemnations and potential sanctions from aid donors, Uganda's President Yoweri Museveni recently enacted anti-LGBTQ laws, including the death penalty for "aggravated homosexuality".

In Nigeria, the human rights dialogue has recently been marked by the signing of the Samoa Agreement, a significant international commitment aimed at advancing LGBTQ rights. Established during the Pacific Forum in Samoa, the Samoa Agreement represents a collective effort by participating nations to promote and protect LGBTQ rights. The Samoa Agreement emphasizes the importance of inclusivity and equality, advocating for legal and social frameworks that protect individuals regardless of sexual orientation or gender identity. It highlights the commitment of its signatories to fostering environments where LGBTQ individuals can live free from discrimination or persecution (European Parliament, 2023).

Despite Nigeria's anti-gay stance and the contentious landscape surrounding same-sex rights, the Nigerian government has signed the Agreement, facing resistance from its citizens. During the Federal Executive Council Meeting on July 10, 2024, the Minister of Budget and Economic Planning, as well as the Minister of Information and National Orientation, reported that misinformation being spread by a Nigerian newspaper against the European Union and the African, Caribbean, and Pacific (EU-ACP) agreement aimed to sow disaffection against the Tinubu regime, asserting that the agreement did not contain clauses conflicting with the nation's law and constitution. Nevertheless, examining Article 2(5) of the Samoa Agreement reveals its call for all parties to promote, protect, and fulfill all human rights, including civil, political, economic, social, and cultural rights for all individuals, regardless of sexual orientation or gender identity (European Parliament, 2023). This contrasts with the Criminal Code Act, Chapter 77, Laws of the Federation of Nigeria (1990), which prohibits same-sex relationships.

Similarly, scholars like Kperogi (2024) argue that the Samoa Agreement does not impose an obligation on African, Caribbean, and Pacific countries to adopt LGBTQ+ rights. However, critiques of Kperogi's perspective suggest that the Nigerian government might have overlooked implicit clauses related to LGBTQ rights, potentially leading to future complications (Focus Group Discussion, 2024). This concern arises from the agreement's explicit commitment in Article 88 to follow-up actions based on monitoring and review findings, which require adjustments to strategies and policies for effective implementation of the Samoa Pathway (European Parliament, 2023). Additionally, Article 9(7) asserts that "... respect for human rights, ... constitute an essential element of this Agreement" (European Parliament, 2023), implying that, as a signatory and follow-up action, Nigeria may eventually need to revise its policies to include the same-sex community. Consequently, an academic expert has suggested that Kperogi may have "understandably and deliberately ignored" these aspects, indicating that the issues related to LGBTQ+ rights are increasingly pertinent to Nigerian society (Ahmed, 2024). Hence, given Nigeria's resistance to LGBTQ rights, which is deeply rooted in its social, cultural, and religious values, the Samoa Agreement appears to be at odds with the country's cultural and legal frameworks.

Analyzing the Implications of International Agreements and their Link to LGBTQ Rights

As many scholars view various international agreements as attempts to impose non-African values (Human Dignity Trust, 2023 and Focus Group Discussion, 2024), there is significant debate about the Samoa Agreement's potential to create a foundation for pro-LGBTQ legislation. Many academics have expressed opposition to its terms. Scholarly discussions, particularly among postgraduate students, have highlighted concerns about LGBTQ+ programs being actively implemented in Nigeria since 2015 under the guise of public health initiatives (Public Health Worker and Researcher on the Focus Group Discussion, 2024). Some of which includes Nigeria:

- a) Signing several UN funding frameworks, including the Global Fund, which allows non-profit organizations to execute projects related to HIV, TB, and malaria, with some of these projects indirectly supporting LGBTQ+ activities.
- b) Collaborating with prominent international development organizations, focusing on health promotion, to implement LGBTQ+ activities, including forming groups for MSM (men who have sex with men), lesbians, and female sex workers. These organizations also provide free drugs to these groups, leading to the perception that LGBTQ+ communities are more active than acknowledged publicly.

Observations by a male participant on the Focus Group Discussion (2024) argue that Nigerian leaders have accepted this reality as a political compromise to maintain power, and that divisions along religious and cultural lines prevent effective opposition to these developments. Therefore, it was recommended that investigative journalists look into the funding and activities of international organizations involved in health interventions to inform the Nigerian public appropriately. Similarly, another forum member shared his experience as a data collector for a program by FHI-360 and the Global Fund in 2014, which conducted focus group discussions on an Integrated Bio Behavioural Surveillance Survey (IBBSS 2014). This survey revealed the existence of LGBTQ+ communities across Nigeria's geopolitical zones, supported by various International Non-Governmental Organizations and Non-Governmental Organizations (INGOs and NGOs).

Furthermore, a Scholar confirmed that prominent figures, including politicians, are part of the LGBTQ+ community, indicating its pervasive presence. To underscore this assertion, it was highlighted that some Nigerian leaders have long been involved in LGBTQ+ activities, particularly among the northern aristocracy and oligarchs in Islamic regions (Focus Group Discussion, 2024). Also, it was stressed that some individuals had used LGBTQ+ identities as a pathway to seek asylum in Western countries (Researcher on the Focus Group Discussion, 2024). Despite these programs, the support for LGBTQ+ communities remain not very visible to the public. Subsequently, the forum member expressed concern that true support would become evident if the government legalized gay rights, which could lead to scenarios like 'pride schools' being established, and 'pride flags' being mounted alongside national symbols. It was suggested considering rehabilitation centers for those identifying as LGBTQ+ to preserve Nigerian culture, traditions, and laws, and also proposed sensitive conversion therapy (Researcher on the Focus Group Discussion, 2024). In agreement, a member cited an example of a young man in Adankolo New Layout, Lokoja, who became a "transgender big girl" in a major

Nigerian city and gained social media presence. A Male Professional and another Female Researcher of the Focus Group Discussion (2024), therefore argued that rehabilitation might have helped him align with traditional values. Consequently, an Early Child Educator on the Focus Group Discussion (2024), agreed that the LGBTQ+ community exists in Nigeria but faces significant barriers to open expression. Unlike the Western world, where LGBTQ+ support is visible, Nigeria and wider Africa view such practices as conflicting with traditional culture. Consequently, it will likely take considerable time for acceptance and recognition to occur. Therefore, the government is urged to carefully consider the implications of international agreements, and prioritize cultural preservation over immediate gains, in order to help balance respecting traditions with addressing global human rights standards.

CONCLUSION

Africa on the basis of her cultural and religious values is resistant towards LGBTQ legislations, which is often seen as a Western imposition. This resistance has led the Global North to perceive the continent as "non-adhering to human rights". In response, governmental and non-governmental organizations, along with donor-funded advocates, are actively working to change attitudes in Africa. Some scholars argue that the negative stance toward LGBTQ rights in many African countries can be traced back to colonial rule. Despite the British later adopting pro-LGBTQ legislation, many African nations continue to uphold these colonial-era laws, deeply rooted in their cultural and religious values.

Foreign aid to Africa is frequently tied to conditions promoting LGBTQ rights, creating a complex relationship between donor countries and African nations. Western countries have threatened to withhold aid from nations that do not conform to their human rights standards. This has led to skepticism among African citizens regarding foreign aid, as it often comes with demands for accountability that clash with local values. Using foreign aid as leverage to enforce non-African human rights standards has had mixed results. Public condemnations and punitive measures, such as withholding aid, have sometimes led to the enactment of more restrictive anti-LGBTQ laws. In Nigeria, the signing of the Samoa Agreement, which aims to advance LGBTQ rights, has faced significant resistance and is seen by scholars as an attempt to impose non-African values. Critics argue that implicit clauses related to LGBTQ rights in such agreements might lead to future complications, given Nigeria's strong cultural and religious opposition to LGBTQ rights.

Furthermore, discussions among scholars have highlighted concerns about LGBTQ+ programs being implemented under the guise of public health initiatives. There are arguments that Nigerian leaders have made political compromises to maintain power, while divisions along religious and cultural lines hinder effective opposition to these developments. While discussions reveal the existence of LGBTQ+ communities in Nigeria, supported by various international and local organizations, it is noted that prominent figures, including politicians, are part of this community.

RECOMMENDATIONS

In order to preserve Nigeria's traditional values in the face of external pressures from donor funding, the following recommendations are proffered:

Legislative Reinforcement of Traditional Values: To uphold Nigeria's cultural and religious values, it is recommended that the government strengthen existing laws against LGBTQ activities. Legislators should work to ensure that these laws are robust and enforceable, providing clear definitions and stringent penalties for violations. This can be achieved by conducting a comprehensive review of current legislation and closing any loopholes that may be exploitatively vulnerable. Furthermore, new legislations can be introduced to explicitly prohibit the promotion and dissemination of LGBTQ contents, thereby safeguarding cultural and religious norms.

Policy Development to Promote Heteronormative Family Structures: Policies should be developed to reinforce and promote traditional heteronormative family structures. Government programs and resources should be directed towards building these structures by offering counselling services that align with cultural values, and integrating these principles into educational curricula. Policies can also include restrictions on NGOs and

international organizations that advocate for LGBTQ rights, ensuring that their activities do not undermine Nigerian social mores and cultural values.

Social Action Campaigns to Strengthen Cultural Norms: Community-based social action campaigns should be launched to reinforce the traditional values and norms concerning family and sexuality. These campaigns should involve religious leaders, cultural custodians, and influential community senior citizens and figures to disseminate messages that highlight the importance of maintaining traditional cultural and religious practices. Public awareness programs can be organized to educate citizens on the perceived dangers of LGBTQ lifestyles, emphasizing the health, moral, and social implications as understood within the Nigerian cultural context. In summary, it is imperative for the Nigerian government to carefully consider the implications of international agreements to balance cultural preservation with the need to address global human rights standards.

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