

**INTERNATIONAL POLITICS OF GAY RIGHTS AND NIGERIA'S  
SAME SEX MARRIAGE (PROHIBITION ACT) 2014**

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**ABSTRACT:** The confusion underlying the concept of International Human Right practices and the powers of a sovereign state to legislate for its citizens is under serious investigation. More so the international pressure mounted on developing countries to decriminalize gay practice seems as if it has taken a centre stage above hunger, disease and other social problems ravaging the world. The general debate on why some persons have the inclination for same sex affection, whether it is biological (genetic) or social (orientation) is less of our concern here, but the priority accorded it by governments have attracted the great debt on the gay rights. Incidentally Scholars have paid little or no attention on whether the municipal laws of developing countries violate the gay rights. We therefore, interrogate this observed gap in literature with this research question: Does Nigeria's Same Sex Marriage (Prohibition) Act 2014 violate international human right law? The study anchored on theory of rights by Harold Laski and employed ex-post-facto research design. Data for the study were sourced from official documents, books, journals, magazines, newspapers and internet materials. The data were analyzed using qualitative method. The study revealed that: the Same Sex Marriage Prohibition Act 2014 did not violate any known international human right practices. The study therefore, recommends that Nigeria should uphold the law, choose her friends and maintain the balance in interdependency.

**Keyword:** International Politics, Gay right, Human Right, Same Sex Marriage, and Sovereignty.

## **INTRODUCTION**

The contention generated by the Internationalization of Human Rights for Lesbian Gay Bisexual and Transsexual (LGBT) marked a departure in the modern day cultural diplomacy in the world system . Aside from the Gay marriage issues, the right of individual to change his/her sexual organ and be recognized by law additionally shapes the support of their fundamental right. Gay sex has been old practice that originates before the modern state system and includes people who are members of a social group, however have sexual orientations that are not the same as others. In modern times, these people need to be secured by state laws. The irreconcilable situation between actors in international system has made the issue of Gay marriage and rights more complicated. For the most part there is no worldwide agreement or global acceptable social practice in the world, however there are general standards about human rights. The intricacy of Gay rights emerges from its idea of its bearing on human rights. While some states condemn the practice, others champion the

course for its legitimization. The developed Western nations are the champions of Gay right while the greater part of the underdeveloped ones are at the rival side and, it thus appear as if there is a link between economic power and the gay rights advocacy in the capitalist system.

Note that most nations in Europe and America who are the champions for the legitimization of gay marriage had at one time in their set of experiences criminalized the practice. For instance, France had prohibited homosexual since the 1200c, castrating sentenced offenders and surprisingly burnt them at the stake, and thus Jeans Diot and Bruno Lenoir were the last Frenchmen rebuffed for homosexuality on July 3, 1750. After French revolution, their new legislative body systematized a large number of the nation's laws, into penal code of 1791, yet omitted the Gay ban. It was the first time since the classical antiquity that a Western government had decriminalized homosexuality. Thusly, modem French researchers will in general stay away from the investigation of homosexuality since they are notoriously conservatives (Jeffery & Bryan, 1996). All the more along these lines, England's buggery Act of 1533 made gay sex deserving of death, despite the fact that arraignment caused the law to seem to have been uncommon, (Act of Supremacy, 1534).

The early church in the Roman Empire also condemned homosexuality, but the penalty recommended for such acts consisted of fasting, and others like ex-communication. There were no punitive measures taken by the early church and perhaps that may account for the spread and dominance.

Consequently, on October 6<sup>th</sup> 1968, the first Lesbian, Gay, Bisexual and Transgender (LGBT) church was established in Huntington Park, California, United States of America. The Metropolitan Community Church (MCC) was founded by Rev. Troy D Perry after he made attempt towards committing suicide at the peak of his career, and today, the church has turned into a mass movement for the LGBTs and has branches in 22 countries (Troy, 2004 ).

The human rights dimension of LGBT has modified its perspective and widens the scope of the debate on the subject matter. For this same motive and other internal political cum cultural dynamics, most western nations decriminalized the practices and has a tendency to hold that view as a fashionable for international best practice. The issue of human rights touches at the fabric of civilization and modern day democracy. Apart from legitimizing same sex marriage and other transgender issues accompanying it, some western nations want to force same lifestyle on other social formations not minding their level of development and cultural variations at the point time.

The first legal gay marriage ceremony took place in the Netherlands. Just after midnight on 1 April 2001, four couples, Anne-Marie Thus and Helene Faasen and three male couples were married by the mayor of Amsterdam, Job Cohen, in the first legal gay marriage in the world (British Broadcasting Corporation (BBC) News, 2013). Thus, on May 17, 2004, the first legal gay marriage in the United States was performed in Cambridge City Hall, Massachusetts between Tanya McCloskey, 52, a massage therapist and Marcia Kadish, 56, an employment manager at an engineering firm ( Alan, Jonathan & Fred, 2004 ). The subject almost divided the federating states along the line of conservative and liberal ideologues: some states abolished the practice, while others

legalized it until the United State Supreme Court ruled in Obergefell v. Hodges case that state-level bans on same-sex marriage are unconstitutional (David, et el, 2015).

There are 29 Countries where Gay rights are legalized, namely: Netherland (2000), Belgium (2003), Canada (2005), Spain (2005), South Africa (2006), Norway (2009), Sweden (2009), Argentina (2010), Iceland (2010), Portugal (2010), Denmark (2012), Uruguay (2013), New Zealand s(2013), France (2013), England and Wales (2013), Brazil (2013), Luxembourg (2014), Scotland (2014), Finland (2014), Ireland (2015), USA (2015), Greenland (2015), Colombbia (2016), Germany (2017), Malta (2017), Australia (2017), Taiwan (2019), Ecuador (2019) and Costa Rica (2020) (Rosie, 2020).

The Nigerian state signed Gay marriage (Prohibition) law in 2014 and it generated unprecedented dust among her diplomatic partners, particularly, the United States of America and United Kingdom. The then US Secretary of State John Kerry said the United States is “deeply concerned” by a law that “dangerously restricts freedom of assembly, association and expression for all Nigerians”. Former colonizer Britain said “The U.K. opposes any form of discrimination on the grounds of sexual orientation (The telegraph, 2014).

The controversy generated by the responses generally addresses the interest of the West and their disappointment on the Nigerian state. Simultaneously, the bill was jointly passed by the two chambers of the National Assembly after public hearing, apparently represents the interest of Nigeria and Nigerian people. To this point, one can define the boundary between the clash of civilization and sovereignty of the state.

International politics of Gay rights and the conflict of civilization have kept on dominating the whole human rights talk in recent time. The acknowledgment of Gay practice as a lifestyle by certain individuals and social formations implies it has become part of their way of life. Also, when culture is sustained over a certain period of time, it becomes super organic. It likewise follows the rationale that what a particular culture holds tenaciously to be right may not be of worth to other people. No one social formation or culture is superior to another and can't be forced by the utilization of coercive measure. What obviously exist in international system is the domination of one culture by another using information technology and ideological warfare. Those economics that produce hi- tech information equipment's will in general enjoy upper hand over those who don't produce. Accordingly, access to economic power is to a large extent a measure of how influential the culture of that social formation will have over others especially if it wields an overbearing influence on audio visual media with a wider coverage.

The attempt by the Western countries to detect for their former colonies- now independent and sovereign states on which cultures should be permitted in their society have not only been resisted, but also been prohibited in their laws, for example, Nigeria's Same-Sex Marriage (Prohibition) Act 2014. Nigerian government promulgated Same-sex (prohibition) Law in 2014, and it generated condemnation from the international community. The confusion underlying the concept of international human rights practices and the powers of a sovereign state to legislate for its citizen is under serious investigation.

Against this backdrop, the task of this research is to examine International politics of gay rights and Nigeria's Same Sex Marriage (Prohibition) Act 2014, with the view to establish

whether the law violates any known international human right practices. We therefore hypothesized: Nigeria's same sex marriage (prohibition) Act 2014 does not violate International Human Rights Practices.

### **Conceptual Clarifications**

**International politics:** Igwe (2005, p.208) defines international politics as the politics of the international system, the power and the influence related interaction between international actors, especially states, over the treatment of human beings and the exploitation, distribution and use of the earth's resources. For academic purposes, considerably synonymous with international relations and like foreign policy, mostly the combined expression of the domestic politics of states and individual international actors such as the Non-Governmental Organizations (NGOs).

**Human rights:** Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, nationality or ethnic origin, colour, religion, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated interdependent and indivisible (UDHR, 1948). Similarly, fundamental human rights are the basic socioeconomic, political and moral principles of just and fair treatment of the individual person or groups, generally arrived at by experience, commonsense and some consensus, and confirmable either by municipal law or international treaties and conventions, all of which are influenced by the stage of human development, diverse interests and ideologies (Igwe, 2005, p.165).

**Gay rights:** Gay is a term that primarily refers to a homosexual person or trait of being homosexual. The term originally meant carefree, cheerful or bright and showy (Hobson, 2001). Gay right per se refers to the rights of marriage between persons of the same sex. In other words it is the right that allows equal rights for gay men, lesbians, bisexuals and transgender persons to marry, divorce and adopt children.

### **Theoretical Framework**

Laski's theory of rights is the best suitable for this research. Harold Laski, a compelling figure and imaginative author of political science, has elucidated the theory of rights and it is in many regards an exemplary portrayal. He portrays rights as "those states of social life without which no man can seek, in general, to be himself at his best". Laski calls rights as states of social life. Rights are social idea and profoundly connected with social life. The vitality of rights is set up by the way that people guarantee them for the improvement of their best self. He puts rights, people and state on the very board as in they can't be isolated from one another and there is no threat between them. Laski suggests the long-cherished view that the state has a vital part to play in the realization and, before that, recognition of human rights.

On legal theory of rights, Laski inspects the lawful theory of state. The focal guideline of the legal theory of rights is that they totally rely on the institutions and acknowledgment of state. An individual can't claim rights in case those are not recognized by the state. Simple recognition, also, isn't adequate for the exercise of rights. The state must, through law and institutions, execute the rights.

The main piece of Laski's theory is functional part of rights. It stresses on the relation between right and obligation. He expressed that Rights are correlative to functions. The functional theory stresses that an individual is qualified to claim rights just when he performs obligation otherwise the claim or demand for right cannot be guarantee. This certainly goes against broadly known theory of legal theory of rights. Be that as it may, today, rights are recognized and ensured primarily on political considerations.

### **Application of theory**

For the purpose of this study, the theory of rights as presented by Laski is preferred because it better explains and guides the study. Applying this theory to our discourse, we posit that rights not arrived at by some consensus and confirmable either by Nigerian state law or international treaties cannot be demanded for. Rights must be recognized by the state therefore the Nigeria's Same Sex Marriage (Prohibition) Act 2014 is not in any way violation of international human rights.

### **Methodology**

Research design adopted for this research is ex-post-facto design noting that the study is a non- experimental, had already taken place and qualitative in nature. The study employed the qualitative method in generating data for this study and analysis of data collected was done using qualitative descriptive method.

### **Nigeria's Same Sex Marriage (Prohibition) Act 2014**

The Same Sex Marriage (Prohibition) Act, 2014, an Act of the Nigerian National Assembly sought to prohibit any marriage contract or civil union entered into between persons of same sex, solemnization of same, and for related matters. The Same Sex Marriage (Prohibition) Law 2014 contains punitive measures for those that are supporters of same sex marriage and those that would enter same sex marriage. The punishment attracts a sentence of up to 14 years imprisonment and also criminalizes the formation, operation and support for gay clubs, societies and organizations with sentences of up to 10 years imprisonment (Ikpechukwu, 2013). It has eight sections;

Section 1: (1) A marriage contract or civil union entered into between persons of same sex: (a) is prohibited in Nigeria; and (b) shall not be recognized as entitled to the benefits of a valid marriage. (2) A marriage contract or civil union entered between persons of same sex by virtue of a certificate issued by a foreign country is void in Nigeria, and any benefit accruing there-from by virtue of the certificate shall not be enforced by any court of law. Section 1 clearly prohibits in Nigeria a marriage contract or civil union entered into by persons of the same sex and any entered outside Nigeria shall remain void and any benefit accruing thereto also remain legally unsupportable in Nigeria with or without a certificate issued by a foreign country to that effect.

Section 2: (1) A marriage contract or civil union entered into between persons of same sex shall not be solemnized in a church, mosque or any other place of worship in Nigeria. (2) No certificate issued to persons of same sex in a marriage or civil union shall be valid in Nigeria. The Solemnization of any such marriage or civil union in any church, mosque or worship centre is also prohibited.



Section 3: for emphasis, states that ‘only a marriage contracted between a man and a woman shall be recognized as valid in Nigeria.

The Act also goes after bodies that promote gay activities as Section 4: (1) noted that, the registration of gay clubs, societies and organizations and their sustenance, procession and meetings is prohibited. (2) of the Act even prohibits ‘the public show of same sex amorous relationship directly or indirectly.

In creating offences and penalties, Section 5: (1) of the Act states, A person who enters into a same sex marriage contract or civil union commits an offence and liable on conviction to a term of 14 years imprisonment. (2) A person who registers, operates or participates in gay clubs, societies and organization, or directly or indirectly makes public show of same sex amorous relationship in Nigeria commits an offence and is liable on conviction to a term of 10 years imprisonment. (3) A person or group of persons, who administers, witnesses, abets or aids the solemnization of same sex marriage or civil union or supports the registration, operation and or sustenance of gay clubs, societies or organizations, processions or meetings in Nigeria commits an offence and is liable on conviction to a term of 10 years imprisonment.

Section 6 of the Act gives jurisdiction to the High Court of a state or of the Federal Capital Territory to entertain matters arising from the breach of the provisions of the Act.

Section 7 provides for interpretations thus; marriage means a legal union entered into between persons of opposite sex in accordance with marriage Act, Islamic law or Customary law. Same sex marriage means the coming together of persons of the same sex with the purpose of living together as husband and wife or for other purposes of same sexual relationship (Same Sex Marriage Prohibition Act, 2014).

At this juncture, it is important to take a cursory look at the constitutional provisions on the fundamental rights of the individuals aptly quoted by those supporting the irrationality of the same sex marriage (prohibition) Act 2014. Thus, constitution of Nigeria in section 35 provided that: every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law. And Section 37 of the Constitution states that the privacy of citizens, their homes, correspondences, telephone conversations and telegraphic communications is hereby guaranteed and protected.

Section 38 of the same Constitution goes on to guarantee the freedom of thought, conscience and religion with the right to teach, practice and observe such. Furthermore, Section 39 (1) says every person is entitled to freedom of expression, including the right to hold and to receive and impart ideas and information without interference. In addition, Section 40 states that every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any other association for protection of his interests. Finally, Section 42 (2) states no citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth.

It would appear therefore from the above that there are issues to be resolved concerning the acquisition of the Act which tends to violate the human rights of gays, lesbians, transgender persons and bisexuals. The Act by prohibiting same sex marriages and civil unions to that effect would appear to limit the right of a gay person to his or her personal liberty. The gay

union would have ordinarily been between consensual adults who should have the liberty or freedom of choosing who to associate with. The Act restricts the expression of their sexual orientation and liberty to choose how to relate with him or her. The Act tends to question what people do in their privacy as against the guaranteed protection of individual privacy as a human right under the constitution. The Act prohibits civil unions, clubs, societies and associations that may promote between persons of the same sex when the Constitution itself guarantees as human right the right to freely associate and belong to any association that may protect his interests. The right to freedom of thought conscience and religion is available to every Nigerian citizen but the gay person is prohibited from having his gay relationship solemnized in any place of worship in Nigeria. There is the freedom of thought and expression but advocacy in support of gay rights or activities are criminalized. Some of these homosexual persons actually claim their sexual situation is not social but natural to them. If then this is natural to them and they were born that way this Act certainly discriminates against them owing to the circumstances of their birth, which amounts to an infringement of their human right to non discrimination. Sound as these may be, their foundations are questioned when it is appreciated that these human rights are not absolute and that individual rights are subject to that of the people.

The fact that you have the right to liberty does not mean you have the freedom to do whatever you like otherwise paedophiles and the likes could rely on same argument to justify their actions, although, in the case of homosexuals, two consenting adults are involved. The fact that there is right to privacy does not mean the law should not be interested in what is done in private to determine and limit those that may impact negatively on the society at large. For instance, planning in private to unleash terror on the society at large should not be permissible in law. In like manner, the right to freely associate and the freedom of expression are limited. The idea that there exists a realm of private morality where the law is stranded has long been extinguished by the arguments of Lord Devlin when he argues that the suppression of vice and not only subversive activity is as well the law's business. Presently, it is not in dispute that gay activities are associated with the spread of terrible diseases and the dreaded HIV disease and there are intensive global efforts to curb the scourge. Sexual transmission of some of these diseases is rare in the exclusively heterosexual population. Others, while found among heterosexual and homosexual practitioners, are clearly predominated by those involved in homosexual activity.

Why would the society not be interested in containing by way of legislation or otherwise an act that threatens its very existence? In this case, there is a battle between the rights of homosexuals to privacy and personal liberty and the rights of other members of the society to life and good health. The Act in this regard gives hegemony to the rights of the majority. Furthermore, under Article 29(7) African Charter on Human and Peoples Rights (ACHPR) 1, the individual has a duty to preserve and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and in general to contribute to the promotion of the moral wellbeing of the society Article 17(2) of the ACHPR that imposes a mandatory duty on the state to promote and protect morals and traditional values recognized by the community. It is the society at large that determines her moral code and it has the duty of promoting and protecting same. The individual responsibility is to contribute to the moral wellbeing of the society at large.

Also, Section 45 (1) of the Constitution provides that valid and enforceable laws may be enacted and enforced even when they compromise these human rights provided such are reasonably justifiable in a democratic society in the interest of defense, public safety, public order, public morality or public health or for the purpose of protecting the rights and freedoms of other persons. Consequently, it can be concluded that the rights of the individual including his human rights are subject to those of the people at large and the people determine the limitations. In the instant case, the Act is an enactment of the National Assembly of the Federal Republic - a democratically constituted and representative assembly of the people. The Act was for years before the National Assembly that debated the same and eventually passed the Bill unanimously. Dr. Goodluck Jonathan, in his exercise of his function as the President of the Federal Republic of Nigeria assented to the Bill and it is now a Law in Nigeria. By this the National Assembly can be said to have codified a moral position of the Nigerian people. By this Act also, the Nigerian State can be said to promote and protect the moral code of the Nigerian people in satisfaction of her obligation under the ACHPR. In fact, going by the ACHPR, the individual homosexual has a duty to support the Act. In any case, the Act gives jurisdiction to the High Court of a State or of the Federal Capital Territory to determine issues arising from the breach of the Act suggesting that the right to fair hearing is still available to the affected person. Consequently, any interested person can question in a Court of Law the legality or otherwise of the Law or any part thereof. The effectiveness of the Act is a different thing but whether it should be struck down for infringing human rights regime is a matter that the Courts can resolve if involved. Considering the wide acceptance in Nigeria, it can safely be said that the Act is a product and the representation of the Nigerian moral and cultural sentiment. The Act is in place as law and will remain so until either repealed or declared void by a judicial process. These are processes that should be explored by those opposed to the Act and desirous of either repealing or striking down same. It is evidenced that this Law is by no means violates any known regional or United Nations instrument ratified by Nigeria.

### **Overview of International Human Rights Practices**

Human rights continue to grow and dominate international discourse and to a historical moment the World War II, the Universal Declaration of Human Rights was ratified by many world powers as a standard for all in December 10<sup>th</sup> 1948. The document states as follows:

Article 1: 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.

Article 2: Everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3: Everyone has the right to life, liberty, and security of person.

Article 4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in their forms.



Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6: Everyone has the right to recognition everywhere as a person before the law.

Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this declaration and against any incitement to such discrimination. Etc (United Nation, 1948).

From the first to the thirtieth Article, the declaration did not mention Gay rights nor has any of such that today dominated the headlines. It however stated that people should not be discriminated upon either based on gender, colour, national or social origin etc. or political affiliation and other limitations of sovereignty. Yet the Western developed countries carries an illusion of international human rights practices when what is obtainable is only Universal Declaration of Human Rights as quoted.

Human rights are regularly addressed today in bilateral foreign policy and in a variety of multilateral schemes. In this research, we consider only the "Universal Human rights" or UN-centered regime, which; we shall refer to as the international human rights regime. "International regimes are defined as principles, norms, rules and decision making procedures around which actor expectation converge in a given issue area (Jack, 1986). Because national political order usually can be taken for granted, moral or ideological evaluations of particular national systems are common and perhaps even salutary. "Regime" refers to the entire social and political system. Jack (1986) argues that such stands of order in the sea of anarchy tend to be relatively rare and highly valued- which explains the generally neutral, or even positive, connotations of "regime" in international settings. In international politics, by contrast, anarchy is the rule. International regimes-principles, norms, rules and decision-making procedures governing an issue-area- are one way to provide elements of "order" structured regularity despite anarchy. The most important statements of the norms of the international human rights regime are the Universal Declaration of Human Rights, adopted on 10 December, 1948 by the UN General Assembly, and the International Human Rights, which were opened for signature and ratification in 1966 and came into force in 1976. The rights proclaimed in the Universal Declaration the best-known, most general and most widely accepted statement of the regime's norms are usually divided into civil and political rights and economic, social, and cultural rights. Leveraging on this standard of the Universal declaration document weak states are protected from United Nations sanction if their law prohibits gay rights. Considering the number of countries practicing gay rights freedom, it would have been difficult for the developing social formations to survive their domination without international human rights regime.

### **The Nexus Between the International Human Rights Practices and Same Sex Marriage (Prohibition) Act 2014**

The Gay Rights (prohibition) Law 2014 represents the overwhelming wishes of Nigeria population and also falls in tandem with the cultural values of most African society. Whereas the Gay rights represents Western civilization after years of criminalizing the practice, their strength at forcing the developing countries to approved the practice is not just a product of complex interdependence, but rather a confirmation of the

asymmetrical relationships that exist between developed economies and the underdeveloped partners in a world system.

Nigeria's position against same sex marriage is noted in inherent socio-cultural philosophical perspectives of the African culture and the social proclivity of the African culture doesn't consider such conjugal associations. The African conventional perspective on marriage holds that homosexuality and lesbianism are "animalistic and debasing to humanity", it is resistant to ethics like value, moral, regard and honor that being African means "it is an unsatisfactory social conduct and a taboo that is hostile to the African Culture".

Onuche (2013, P.91) observes that Nigeria's moral frame recognizes that marriage is the coming together of male and female each as partner of a complete life giving whole within a heterosexual union which is not obtainable in gay marriage. He further, opines that in Nigeria, morality is based on the beneficiary values of collective family and community wellbeing. According to a 2013 Pew Research Report, Nigeria is the world's least tolerant country of homosexuality with roughly about 98 percent of the country's population opposing society's acceptance of homosexuality (Cox, 2014).

Onyibe (2015) argues that proponents of gay marriage law in the western world of which the US is now a leading light have compelling argument that gay right is human right that must be enforced. That may be 'logically' fair, but so also is polygamy a human right that should be enforced but the USA and most part of the Western World forbid their citizens from engaging in polygamy. So the question is: how come the US constitution does not recognize the rights of many Americans who in the bid to avoid violating laws of the country, are being compelled to migrate to Mexico where is not criminalized? That logic can also be stretched further by inferring that, the right to remain alive (as opposed to dying from hunger) is also human right but people are dying on the streets of South Sudan owing to starvation (a fallout of a perennial war and famine) without the US's intervention in the manner she has vigorously hounded Africans countries like Uganda, and others that passed anti-gay laws.

More so, discovered is that none of the International Human Rights instruments mentioned gay rights, rather their emphasis was on the individual freedom and right to private life. There is right to private life yet some Western countries have laws that empower enforcement agencies to break into private homes if there is suspicion of terrorist plot against the state.

There is no agreement among players in international system over the choice of gay rights as a norm guiding human civilization and cultural expression in the member states of the United Nations. Thus, Russia and China, who are major player's aside America, are not proponents of gay rights in both their domestic and foreign affairs, the United States and the West cannot impose on them the civilization to follow. Our findings reveal that recipients of International Foreign Aid are most likely to face external control from donor nations, and the Nigerian case is a classic example.

The import of our argument here is that gay rights prohibition law 2014 does not violate any known international, regional and/or indigenous law, take for example, Universal Declaration of Human Rights (1948), African Charter on Human and peoples right (1998) and the Constitution of the Federal Republic of Nigeria (1999) as amended, none contain provisions for gay practice. The constitution also empowers the National Assembly to make law for the good governance of the state. No matter how the Western propaganda seem to make the gay

rights look internationalized, it remains a fragment of deviant orientation popularized by democrats in their quest to win political positions. Evidence shows that some conservative social formations in the West did not subscribe to gay freedom, for example Russia. Aside the Supreme Court ruling in States, the issue of gay right divided the federation along the line of conservation and liberal ideologies such that at some point, they subject their decision to referendum. It will be safe to validate the hypothesis which states that the promulgation of gay (prohibition) law 2014 does not violate international human rights practice. Of course, Nigeria is not the only African country to ban gay rights, Uganda did it and nothing happened. President, Uhuru Kenyatta, could not succumb to the pressure by the United States to legalize gay rights, thus, he made it known that they have other pressing matters like hunger and disease to give attention to than dwell on trivialities.

### **Conclusion**

This study investigated the international politics of gay rights and the Nigeria's same sex prohibition Act of 2014. The study generated evidence from secondary data sources and applied qualitative method of analysis. Based on the evidence generated and the findings of this study, we accepted our proposition that promulgation of Gay Rights (Prohibition) law 2014 does not violate international human rights practice. Though, gay rights activist may one day find their way into re-writing the international human rights law to include Lesbian Gay Transgender, and Bisexual (LGBT) practice.

### **Recommendations**

1. On the strength of the findings stated above, the study hereby recommends as follow: Nigeria should uphold her law on Same Sex Marriage.
2. Nigeria survival is not linked to any international partnership and such should choose her friends and maintain the balance in interdependency.
3. Also the issue of foreign aid should be totally forgotten and instead foreign direct investment should be advocated, otherwise Western domination will continue to be felt provided she looks unto the west for assistance.

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