

An Appraisal of Human Rights Development in Sub-Saharan Africa: Impacts and Prospect

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Abstract

The paper seeks out to do an appraisal of Human Rights Development in Sub Saharan Africa. To achieve this goal, examines the state of human rights in sub-Saharan Africa, how certain people and bodies are making an impact in human rights and what can be done to empower the various bodies that can make a difference in human rights in Africa. The study's methodology is qualitative and its data sources is current secondary literature existing on the subject of human rights in Africa. The study found out that sub-Saharan African states have either been unable to protect the rights of their citizens or have actually been the party violating those rights. The study has also found that the bodies within the African Union are also unable to do so because they do not have the requisite powers. Similarly, the study found that civil societies have made an impact on human rights but there is still much to be done. The study therefore recommends that the African Union states give power to the bodies in charge of safeguarding human rights in Africa as well as strengthen civil societies.

Keywords:

Introduction

One of the primary goals of the United Nations, Charter (1945) is to attain world peace in resolving global issues of an economic, social, cultural, or humanitarian nature. Another goal of the Charter is to promote and encourage respect for fundamental freedoms and human rights for all people without regard to race, sex, language, or religion. The Charter also declares that in a similar spirit, everyone has a right to a social and international system in which all human rights can be completely realized.

According to UNHCR (2023), The United Nations Commission on Human Rights declared in 1986 that Development is a human right that belongs to everyone, individually and collectively. Every citizen in every country of the world is "entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in whatever part of the World they are. The charter further continues that. Every government must ensure that they provide an environment where all human rights and fundamental freedoms can be fully realized." The United Nations UN (1945), further advocates that the kind of development that is desirable for human rights all over the world must follow the following indices:

- It must be People-centered. The charter declares that "the human person" within the legal limit of the law, justice and fairness, must as the central subject of development. Furthermore, it is not enough that beings being the subject of development they must be a beneficiary of development.
- It must be human rights-based. The Declaration requires that States implement whatever policies and laws for development "in which all human rights and fundamental freedoms can be fully realized". This means that there must be no marginalization in development due to age, gender, race or ethnicity.
- It must be participatory. The Declaration insists on the "active, free and meaningful participation" of individuals and populations in development. Any development idea where the subjects and the beneficiaries are not allowed to participate in the process is not development.
- Equity. The Declaration highlights that it is imperative that whatever benefits of development be distributed in a manner that is equitable and fair to every constituent member of the population.

- Non-discrimination. The Declaration allows no “distinction as to race, sex, language or religion” (art. 6).
- Self-determination. The Declaration requires the full realization of the right of peoples to self-determination, including full sovereignty over their natural wealth and resources (art. 1).

The Right to Development (RTD)

Okafor (2018) affirms that the Right to Development (RTD) document which addresses human welfare, emerged from these underlying assumptions. However, there is intense debate about these rights. Academics are not the only ones who disagree about the issue's standing and importance. The Right to Development is still a contentious issue, even at the United Nations which serves as the primary forum for discussions among nations. Akokpori (2019) claims that it has been over three decades since the UN General Assembly formally recognized the RTD, 29 years since all governments came to an agreement on the Right to Development (RTD), 12 years since an Open Ended Working Group (the Working Group) was established and an Independent Expert on the RTD was named, and 6 years since the UN High-Level Task Force on the implementation of the RTD was established, nevertheless the international community still lacks a binding agreement addressing the Right to Development (RTD) despite the significant engagement on this issue. The only human rights framework in Africa under which the Right to Development is enforceable or has legal effect is the African Charter on Human and Peoples' Rights (ACHPR). Sub-Saharan Africa is a diverse region encompassing multiple countries, each with its unique political, economic, and social contexts. Human rights development across the region varies significantly, with some countries making notable progress while others face persistent challenges. Here are some key aspects to consider.

Significance of the Study

Having noted that each country in the Sub-Saharan African region has its own unique history with human rights, the focus of this research is the identification of human rights in Sub-Sahara Africa, the local, regional and international initiatives to promote those rights as well as the impacts that those rights on the general populace. This study will also look at the prospect's observable in the enforcement of those rights. That is to say, this research work will serve as academic reference to what rights is, and what rights ought in Sub-Sahara Africa. Besides the academic community which stands to benefit from this research work, it will safe as a guide for policy makers on the protection and promotion of human rights to development in Sub-Sahara Africa while it will serve as a wake-up call to the populace of the region on how to pursue their rights to development in a free and democratized political dispensation.

Scope of the Study

Regardless of the fact that a good number of academic researches have been carried on the discourse of Human Rights, this research work will focus on Human Rights to Development with a narrowed scope to Sub-Sahara Africa. Even though, references on Human rights and Development in other parts of the work will be cited and discussed, the scope of this research study is essential Sub-Saharan States.

Sub-Saharan Africa

Sub-Sahara Africa Geographically speaking, Sub-Saharan Africa is the portion of the African continent located at the Sahara's south. The concept covers polities that only have a portion of their territory located in that region, in addition to the African countries and territories that are totally situated in that particular region. There are 54 countries in Africa and 46 of them are regarded as Sub-Saharan African countries.

According to Amnesty International Report on Sub- Saharan Africa, Amnesty International (2022), the region has experienced human rights violations in several forms. However, the most common forms of human rights violations appear in the five following areas:

2. Unlawful attacks and killings
3. Right to Truth Justice and Reparations

4. Economic Cultural and social rights
5. Discrimination and Marginalization
6. Climate crisis and environmental degradation.

These five areas are inter-linked, and to underlie this fact, three of them are selected and discussed.

1. Unlawful attacks and killings

The report notes that government forces and armed groups alike have targeted civilians and welfare infrastructure that civilians depend on. The governments have been unable to protect the citizens of their states for example the Group for Support of Islam and Muslims, Boko Haram and ISWAP are all groups that have been responsible for human rights violations. Similarly, government forces in Ethiopia, Burkina Faso and Niger have also been responsible for attacks on civilians and innocents.

2. Right to Truth Justice and Reparations

According to Segun 2021, there have been several reports of individuals who have been unjustly detained in places like Cameroun, Nigeria, Ivory Coast and Guinea. In fact, almost all the countries in the region have had one case or the other to answer in terms of denial of rights to justice and reparations. In Nigeria for example many victims of the #endSARS violence of 2020 are yet to be compensated for their human and material losses

3. Discrimination and Marginalization

The report notes that across the region, women and children continue to experience marginalization and discrimination. Tanzania and Sierra Leone for example have initiated policies in the past that forced young girls out of school because of pregnancy and other causes. Similarly, in South Africa, murders of men increased by 10.3%. In Guinea, many women continue to battle lack of care for victims of gender-based violence.

Progress in Legislative Frameworks

Many countries in Sub-Saharan Africa have adopted comprehensive legal frameworks to protect human rights. They have ratified international human rights treaties and incorporated them into domestic legislation. This provides a foundation for promoting and safeguarding human rights at the national level.

Civil and Political Rights

There are varying levels of respect for civil and political rights in different countries. While some countries have taken significant steps towards democratization, such as holding regular elections and allowing political participation, others face challenges related to restrictions on freedom of expression, assembly, and association. Civil society organizations often play a vital role in advocating for human rights and democratic reforms.

Economic, Social, and Cultural Rights

Many countries in Sub-Saharan Africa continue to face significant challenges in ensuring economic, social, and cultural rights for their populations. Access to education, healthcare, clean water, and sanitation, as well as poverty alleviation, remain key concerns. Income inequality and disparities in resource distribution pose obstacles to achieving these rights for all citizens.

Women's Rights and Gender Equality

Women's rights and gender equality remain significant issues across the region. While progress has been made in terms of legislation and policy frameworks, implementation and enforcement of these laws often face challenges. Gender-based violence, discrimination, and limited access to education and economic opportunities persist in many countries.

Human Rights Challenges

Sub-Saharan Africa faces a range of human rights challenges, including corruption, armed conflicts, displacement

of populations, ethnic tensions, and challenges related to governance and the rule of law. These issues can hinder the realization of human rights and lead to violations and abuses.

According to BHRCC (2021) Sub-Saharan African Countries have experienced large scale growth in recent years. Due to the effects of foreign countries particular the fact that several sub-Saharan countries have signed agreements in China, which have allowed an influx of Chinese companies into the region. These companies have helped their host countries construct new railways, roads, airports, seaports and other forms of welfare infrastructure that has helped the empowerment of the citizens of those countries.

However, the reports express the fears that as much as these initiatives have been beneficial to the citizens in terms of empowerment and poverty alleviation, they have come with infringements of human rights especially for rural populations. Indeed, in the early 2010s alone there have being several reports of human rights abuses of citizens from foreign companies from various countries in the region. It also notes that the governments in the sub-region are unable and unwilling to act against the human rights abuses.

Like most initiatives within African human rights systems, the AGA and AGP face significant challenges. Although the political will to advance the AGP's mandate appears to exist, funding has severely limited the operational capacity of the platform and its secretariat. The Secretariat, like most institutions and institutions in the AU, relies heavily on external funding. This could limit its direction and operational focus and paints an alarming picture about the platform's structural, financial and institutional independence.

According to Akokpari and Zimble (2008), as it stands, the ad hoc funding system does not bode well for the sustainability of the Secretariat, and a strategy to secure financial resources should be developed to ensure that the Secretariat is effective, independent and functioning rationally. There is a need to. Function autonomously. However, questions remain about how best to make the framework financially independent. The answer to this question is complicated. AGA and AGP operate within the Commission and are therefore dependent on the Commission's financial support.

Therefore, according to Dugard (2014), any attempt to make the AGA Secretariat and AGP financially viable must begin with the Committee. One way to solve this problem is to establish a Democracy and Governance Fund (DGF), whose work the AGA Secretariat and AGP would support. Ideally, such a fund should aim to integrate all financial systems managed under the AGA framework, including: B.

The Institutions, Democracy, and Electoral Assistance Fund (DEAF) is intended to address current trends in fragmented fiscal mobilization. 46 AGAs and AGPs can use the DGF framework to mobilize states (and external stakeholders, if applicable) engage in financial support of the Fund's activities and subsidize some of the Fund's activities or programs by offering to host the activities or missions of the AGP or through direct financial contributions to the DGF.

Another option is to solicit funding internally by encouraging or requiring AU bodies and institutions to make regular and/or annual financial contributions. Alternatively, another possibility is that a Sub-Committee on Democracy and Governance could be established within the AU Permanent Representatives Committee (PRC) in order to gain more political and financial support from Member States. This means that there is a possibility that it is also burdened by the platform's overarching mission to provide "an overall political and institutional framework for the promotion, protection and preservation of democracy, governance, human rights and humanitarian assistance on the continent".

It is also worth noting that this requires a great deal of coordination and interaction 46 Articles 18(1) and 44(2) of

the African Democratic Charter. “African Governance Architecture Framework” between platform members and AU bodies responsible for governance, human rights, democracy and humanitarian issues. Due to the continental nature of the respective missions of the platform's members, which have 4,444 offices across Africa, and the budgetary challenges mentioned above, there are relationship is weak, and the AGA framework is very strict.

This is especially true of the weak synergy between APSA (and mainly its enforcement mechanism PSC) and APRM on the one hand, and AGA and AGP on the other hand.

According to Gluckman (1986), from a workflow perspective, AGA and PSC have initiated and held several discussions on how best to strengthen the link between APSA and AGA. To date, discussions and agreements regarding mutual cooperation within the have taken place through regular informal and formal meetings. A cross-sectoral task force has already been established to deepen synergies between platform members in the development of the AGA-APSA roadmap. This is a commendable step and needs to be further strengthened.

Equally noteworthy is the use of the term 'governance' in the coining of 'African governance structures', but equating this with the term 'good governance' as provided for in the founding document Since then, it is natural that: The language of AGA should have followed a similar textual trend, since the founding statute refers to "good his governance" rather than just "governance." The AGP's direct involvement with the state was also minimal compared to the citizens and youth. This is a major drawback of AG. States play a central role in the implementation of 4,444 regional treaties, declarations and resolutions, therefore the 4,444 domestic resources, budgeting, and decision-making processes are controlled by the them.

According to Gutto (2011), states have the primary responsibility to respect, promote, defend and fulfill humanrights, especially the rights of society's most marginalized and disenfranchised people. Therefore, the AGP must vigorously pursue government engagement. In fact, direct government involvement must permeate all of her 4,444 operations. The current fluid relationship with states greatly contributes to this architecture having minimal impact on her state-wide ratification and implementation of her AU instruments and policies on her continent. Viljoen (2012) argues that in the human rights context, only the African Charter on Human and Peoples' Rights (1981) has received near-universal national ratification. Strengthening government engagement and mobilization could help improve the current low level of ratification of the AU's legal instruments, particularly those related to human rights and good governance.

Effects of CSOs on Human Rights Development in Sub-Saharan Africa

The average score for overall CSO sustainability improved slightly in 2019, driven largely by more competent advocacy, enhanced organizational capacity, and a stronger public image. Financial viability remained the weakest dimension of CSO sustainability in the region. Deteriorations were reported in ten countries and were usually attributed to a shift in donors' interests or a narrowing of their focus to specific issues (such as security, elections, or gender-based violence), thereby reducing funding for other programmatic areas. CSO advocacy was again the strongest dimension of sustainability and showed significant advances in 2019. Twenty-one countries reported improvements in this dimension. Sudanese CSOs recorded a dramatic improvement and moved from the Impeded to Evolving range thanks to their leadership during the revolution. Improvements elsewhere were also shaped by specific local circumstances, such as the search for solutions to political and security crises in Mali and South Sudan and new openings for cooperation with governments in Angola, The Gambia, and South Africa. CSOs' public image recorded improvement as well, with seventeen countries reporting improvements, often because of expanded media coverage of CSOs' analyses or leadership in moments of crisis, with Sudan and Cote d'Ivoire progressing from the Impeded to the Evolving range. This development suggests growing appreciation of CSOs' contributions, especially regarding advocacy. Resources

Civil society in sub-Saharan Africa suffered severe setbacks in 2020. According to CSOSI (2019) In addition to

political, economic, security, and climate-related factors, the COVID-19 pandemic introduced new and unusual complications that had profound effects on CSO sectors throughout the region. As the CSOSI (2020) states in its report for sub-Saharan Africa shows, the pandemic served as a litmus test for civil society, confirming its ability to withstand extreme stress in some areas while exposing acute vulnerabilities in others. Most troubling was the weakening of CSOs' organizational capacity and financial viability and the increasingly constrained legal environments in many countries. At the same time, CSOs' advocacy efforts, service provision, public image, and the sectoral infrastructure often proved resistant to the debilitating effects of the pandemic and, in some countries, even improved as organizations tackled the challenges of the pandemic with energy and confidence. Eight countries reported deteriorations in their overall CSO sustainability scores in 2020, usually because of regressions in their financial viability and legal environments, while only five recorded overall improvements, most often driven by strong performances in advocacy.

Human rights defenders face risks and threats in their work to promote and protect human rights. They often encounter intimidation, harassment, arbitrary arrests, and even violence. However, civil society organizations and human rights defenders continue to play a critical role in raising awareness, advocating for reforms, and holding governments accountable.

One of the ways by which human rights can be entrenched in Africa is the National Action Plan on Business and Human Rights. The United Nations created a working group in 2016 designed to work on a document policy on business and human rights (UNGWP 2016) and together with other international bodies the working group recommends that countries create National Baseline Assessment on Business and Human Rights (NBA), from which they can adapt a National Action Plan on Business and human rights.

The UNDP (2022) states that a number of countries in the Sub-Saharan Africa region such as Nigeria, Uganda, Kenya, Tanzania, Mozambique, Zambia and Liberia have created NBAs while others such as Kenya have created and adopted National Action Plan.

It is important to note that the situation in each country within Sub-Saharan Africa is unique, and human rights development varies widely. Monitoring human rights progress and identifying areas for improvement are ongoing tasks that require regular research, data collection, and analysis rely on ongoing conversations about the NAPs and the binding treaty to advance the business and human rights agenda. This is likely the best entry point for all discussions on UNGP implementation. Significant political and diplomatic efforts should be focused on developing and adopting the NAP process, as well as encouraging State participation.

Articulate the business case for complying with the Guiding Principles. Businesses and States are reluctant to embrace human rights because of the perceived negative implications on the cost of doing business. Nevertheless, a growing body of research shows that, while this may be true in the short term, embracing human rights makes sense from a business and ethical perspective in the long term.

Support business groups such as Business Africa and the Africa chapter of the International Organization of Employers. Industry associations in Africa have an opportunity to learn from their peers in other regions, which are also increasingly committing to human rights principles. For example, with the growing private capital in Africa, the Investor Alliance for Human Rights and other investor associations have been calling for mandatory human rights due diligence and could require future investments to comply with human rights standards.

Work with stakeholders to bring groups on the fringes of the conversation to the centre. SMEs and the informal economy have been excluded from the conversation on UNGP implementation. UNDP should work with State and non-State actors to creative innovative solutions to deliver the human rights message to these groups and encourage respect for human rights without an unduly heavy financial burden.

Support the AU, the African Commission on Human and Peoples' Rights and other regional and sub-regional mechanisms in implementing the business and human rights agenda. Many of these mechanisms have addressed business- and human rights-related matters, with some specifically referencing the UNGPs. Their regional and sub-regional nature provides for the likelihood of enhanced consistency, uniformity and predictability of policies among States, as well as enhanced experience-sharing.

Identify key players with a keen interest in the UNGPs or business and human rights, including those that may not self-identify as working in that field.

Brix et al too says that the World Bank has created an African Human Capital Plan, which presents a "4E" framework to guide investments in human rights for women and girls.

1. Education and skills for Future Jobs

Governments should invest in teachers and creating safe schools for women can ensure that they get better education and better jobs. They can also get mentorship can encourage men to pursue STEM education and to be more empowered. Life and soft skills training can help women develop confidence and expand their career hopes.

2. Enhanced sexual and Reproductive Health

Many girls and women are suffering gender discrimination because of traditional customs and attitudes about the role of women in society. As technology and connections continue to open up new horizons about women and girls' government and Civil Society Organizations have continued to engage traditional leaders and influencer to change mindsets.

3. Economic Inclusion and Jobs

There is still a long way to go in terms of financial inclusion for women. Financial technical assistance, productive jobs and income support can help women participate more in economic development. Access to capital, taking barriers to property rights and access to financial services can prompt women to launch into activities that will develop economic power and be able to assert their voices in discussion about economics.

4. Empowerment

Many women are still held back by backward norms and practices such as child marriage, undesired pregnancies and domestic violence. A shift in social roles and a more inclusive policy and legislative reforms can help empower women and achieve parity for women and girls.

The success of the growing African legal framework for the protection and promotion of human and peoples' rights was, in the end, be contingent on the cohesiveness of human rights initiatives at the regional, national, as well as the international levels. The success of the growing African legal framework for the protection and promotion of human and peoples' rights was, in the end, be contingent on the cohesiveness of human rights initiatives at the regional, national, as well as the international levels.

The International Labour Organization (2007) is optimistic that Sub-Saharan governments can enlarge their areas of focus to include issues such as engaging with international organizations to influence their policies and organizing global campaigns, and extending and deepening their cooperation at the transnational level. The organization also states that Global Unions, such as the International Trade Union Confederation (ITUC), Global Union Federations (GUF), and the Trade Union Advisory Committee to the OECD (TUAC), must work with large international organizations such as the International Monetary Fund, the World Bank Group, the United Nations and their programs and funds, the World Health Organization and the World Trade Organization to promote a fair globalization policy that will guide policies around outsourcing and offshoring in both the global north and the global south.

Regionally, Sub-Saharan African governments are also taking measures to protect workers within their jurisdiction from discrimination. For example, the Organizations of Trade Unions of West Africa (OTUWA) has been working with its Affiliates and Civil Society Organizations within their member countries in i.) "Commissioning studies of the emerging industries and their labour practices; ii.) Requesting transparency in the deals between ECOWAS Countries and MNCs who are agents of are regulated by advanced countries, iii.) Commencing campaigns against neoliberalism induced by globalization and its growth without jobs and demand for tightening of labour legislation in the region" OTUWA (2016).

Summary

This essay has taken the position that Human Rights are inalienable for all citizens. However, one of the issues that Sub-Saharan African Governments have had has been balancing infrastructural development and increase in investment with people's rights in a manner that it does not become a net negative for labour and indigenous people's rights. It has examined the term human rights in an Africa that is becoming increasing globalized but yet still retains some of its conservatism. It has also examined the effects of globalization both on relatively well-developed economies and on less developed economies within sub-Saharan Africa.

From the various sources consulted and various positions put forward, it is evident that the impact of globalization on human rights, particular for marginalized population and mitigating its negative effects on the African Justice System, Freedom of expression, laws, and rights of indigenous and marginalized populations around the world continues to draw increasing attention as policymakers, and mainstream commentators delve into its impacts within the context of labour market dynamics.

The major assignment in front of national, regional, and governments with the Sub-Saharan African region is to come up with stronger legislation to ensure that economies reap the benefits of globalization, especially as it concerns human rights while at the same time trying to mitigate the negative impacts it has on the citizens within the region so far. Civil society organizations and other stakeholders should try to ensure that they continue to challenge governments to follow the various drafts and treaties that entrench the rule of law and human rights in Sub-Saharan Africa.

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