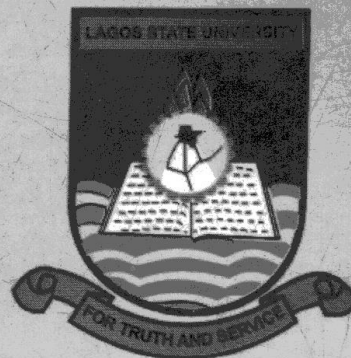


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## EMPOWERMENT OF WOMEN IN AID OF SUSTAINABLE DEVELOPMENT: NIGERIA IN PERSPECTIVE

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### Introduction

One of the critical issues facing the world today is how to achieve sustainable development. The concept was developed as a mechanism to integrate the approved conflicting goals of economic development and ecological integrity. Sustainable development requires the joint effort of government and all citizens because positive actions within and outside government are the key components for achieving its success. The implication of this is that everybody has a role to play in achieving sustainable development.

There is a consensus that in order to achieve sustainable development, progress towards empowerment of women is essential based on findings that; women are the less educated and investment in their education would yield a higher rate of return; women are among those mostly affected by the problems of poverty, they are also key to reducing poverty and to improving effectiveness of adjustment programmes; since women fulfill important roles as managers of natural resources, their assistance in environmental planning is a precondition for success in efforts to develop the environment<sup>1</sup>.

The above was brought to the fore at the World Earth Summit in Rio de Janeiro, Brazil<sup>2</sup>. There, women were considered as one of the major group whose involvement is necessary to achieve sustainable development because of their considerable knowledge in managing and conserving natural resources. It was noted at that summit that barriers such as discrimination, lack of access to schooling (education), land and equal employment has limited the role of women in achieving sustainable development. This position was further reiterated during the Fourth World Conference on women in Beijing, China<sup>3</sup>. There, it was stated that women have essential roles to play in the development of sustainable and ecologically sound consumption and production patterns and approaches to national resources management.

Nigeria is traditionally a male dominated society, though it is believed that women make up half of the population. In spite of constitutional

<sup>1</sup> See the report of the Development Assistance Committee of the Organization of Economic Cooperation and Development May 1995 see <http://www.oecd.org/document/>  
<sup>2</sup> Agenda 21, Chapter 24, titled Global Action for Women Towards Sustainable Development, adopted by the United Nations Conference on Environment and Development (UNCED) at the World Earth Summit in 1992 as its blue print for sustainable development. It acknowledges the need to integrate women at all levels especially into policies, programmes and activities.  
<sup>3</sup> The Fourth Conference on Women held in Beijing, China 1995.

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<sup>16</sup> Ibid.  
<sup>17</sup> Ibid.



provisions<sup>4</sup> that guarantee the right of citizens in Nigeria, International declarations and advancement in women education, women still lag behind in all areas of national developments. They face barriers to full enjoyment of their rights for reasons of culture, ethnicity, and religion and are thereby hindered from playing their role in sustainable development. How can we effectively empower women in Nigeria in aid of sustainable development? This is the focus of this paper.

### Understanding the concept of sustainable development

Sustainable development has been described as a notoriously ambiguous concept. It remains weakly defined and contains a large amount of debate as to its precise definition<sup>5</sup>. Indeed, it has been observed that the concept of sustainable development has acquired a chameleon like status in contemporary eco-political discourse and various interest groups now employ the concept to mean just what they choose it to mean.<sup>6</sup> For example, to the World conservation strategy (WCS)<sup>7</sup>, sustainable development means "sustainable utilization". However this definition was criticized for: failing to integrate economic and environmental consideration and also failing to link the notion of sustainability with the goals of poverty eradication and the fulfillment of basic human needs.<sup>8</sup>

The economists see the concept as projects and policies, which promote per capital economic growth without jeopardizing the integrity of the physical stock of renewable environmental resources.<sup>9</sup>

In the debate over the meaning of sustainable development, environmental philosophers have drawn a distinction between human centered or anthropocentric perspective and an ecology centred or ecocentric perspective.<sup>10</sup>

From the anthropocentric view, the most fundamental thing to be sustained is the general ecological capital that maintains and enriches human life and that this goal can be extended through space and time by incorporating the principles of intra and inter generational equity which seeks fair distribution among both the present and future humans respectively.<sup>11</sup>

In contrast, the ecocentric perspective<sup>12</sup> is that the most fundamental thing to be sustained is nature at large comprising individual living organisms

<sup>4</sup> Ss.33-46, *The Constitution of the Federal Republic of Nigeria*, 1999.

<sup>5</sup> Wikipedia, the free encyclopedia. [http://en.wikipedia.org/wiki/sustainable\\_development](http://en.wikipedia.org/wiki/sustainable_development).

<sup>6</sup> R. Eckersley, "The concept of Sustainable Development", in Behrens J. and Tsameyi B.M. (eds) *Environmental Law and Policy Workshop: Our Common Future*. (Hobart, University of Tasmania 1991). As noted by Eckersley, just like Humpty Dumpty, various interest groups now employ the concept to mean just what they choose it to mean. For instance to the World Commission on Environment and Development (WCED) it was intended as a concept that would integrate the conflicting goals of economic development and ecological integrity. To several others on the other hand it is a convenient and attractive euphemism for a range of diverging political and economic agendas.

<sup>7</sup> The World Conservation Strategy was released in 1980 by the International Union for the Conservation of Nature (IUCN).

<sup>8</sup> O. Riordan T. *The Politics of Sustainable Development*, in *Sustainable Environmental Management: Principle and Practice*, edited by Turner R.K Boulder, Colorado, (West View Press, 1988), 31.

<sup>9</sup> The World Bank, "Nigeria Environmental Assessment Report" May 4, 1990 (West African Department, Draft Working Paper). See Margaret T. Okonkodu - Fubara, *Law of Environmental Protection*, Calson Publications Nig. Ltd. 1988, P.57.

<sup>10</sup> R. Eckersley, op. cit. p.49

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.



and also such systemic entities as populations, species, ecosystems and the biosphere. This view subsumes the goal of human life support, together with the principles of intra and intergenerational equity within a more overreaching framework that seeks to maximise ecological and cultural richness and diversity in general.

Anthropocentrism has however been criticised for providing a deeply ingrained ideological justification for the exploitation of the non human world<sup>13</sup>. To Fox<sup>14</sup>, anthropocentrism is self serving, empirically bankrupt and theoretically disastrous, politically disastrous, logically inconsistent, morally objectionable and incongruent with a genuinely open approach to experience.

According to the Wikipedia Free Encyclopedia,<sup>15</sup> there are over 140 definitions of sustainable development. The concept is an umbrella that attempts to bridge the divide between economic growth and environmental protection while taking into account other issues traditionally associated with development. The most commonly cited definition of sustainable development is that from the report of Our Common Future by the World Commission on Environment and Development known as the (Brundtland Report).<sup>16</sup> It sought to link ecologically sound development with the alleviation of existing poverty through the principles of intra and inter generational equity by defining sustainable development as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Within this definition, two concepts can be identified, namely, the concept of needs in particular the essential needs of the world's poor to which overriding priority should be given; and second is the idea of limitation imposed by the state of technology and social organization on the environment's ability to meet the future and present needs.<sup>17</sup>

The World Commission on Environment and Development (WCED) argued that to avoid using the environment in unsustainable ways by poor people, the reduction of poverty itself is a pre-condition for environmentally sound development, and resource flows from rich to poor people. Consequently, resource flows improved both qualitatively and quantitatively are viewed as a precondition for the eradication of poverty<sup>18</sup>. To achieve this, the World Commission on Environment recommended a general revitalization of global economic growth to enable Third World nations to catch up to or move closer toward, the standard of living enjoyed by First World Nations. Other reform measures recommended by the Commission

<sup>13</sup> G Sessions, "Anthropocentrism and the Environmental Crisis"; (1974) 2 Humboldt Journal of Social Relations, 71-81.

<sup>14</sup> W Fox, *Toward a Transpersonal Ecology: Developing New Foundations for Environmentalism* (Boston: Shambhala, 1990), P14.

<sup>15</sup> See Wikipedia, the free encyclopedia, op cit.

<sup>16</sup> The World Commission on Environment and Development (WCED) also known as the Brundtland Commission (after its Chair Gro Harlem Brundtland) was set up in 1987 to examine the world's environmental problems and propose an agenda to address them. The report of the commission is known as the Brundtland report.

<sup>17</sup> The Brundtland Report of the World Commission on Environment and Development (WCED) *Our Common Future*, op. cit.

<sup>18</sup> *Ibid* . P. 8.



were, increasing aid to Third World Countries, increasing the resources of the World Bank and International Development Association, new regulatory initiatives and technology transfer. The basic message of Brundtland was that economic growth is an essential part of a sustainable development strategy with the thorough integration of development and environmental considerations so that development would become cleaner, safer, more energy efficient and more respectful to the needs of future generations.<sup>19</sup>

The above has however been criticized for not venturing to go beyond the anthropocentric fold because it recognized human development by the conservation of the living elements of the environment<sup>20</sup>. Others have argued that the central recommendation of the commission that further economic growth is necessary to ensure ecological sustainability is likely to exacerbate rather than alleviate poverty<sup>21</sup> and that the pursuit of intra-generational equity in the manner recommended will compromise the goal of inter-generational equity through the steady impairment of ecosystem integrity by present generation.<sup>22</sup>

In spite of these criticisms, the definition of sustainable development as contained in the Brundtland report is still referred to as the most accepted standard definition. It was credited for having identified three components of sustainable development as economic growth, environmental protection and social equity.

According to Judge Magendra Singh, in his foreword to the report of the Experts Group on Environmental Law of the World Commission on Environment and Development, the efforts of the World Commission made a major contribution to the concept of development in relation to sustainability. The Commission's emphasis on sustainable development is vital to the well-being of humanity not only today but in the context of future generations. This aspect deserves to be fully appreciated not only in the legal domain but in terms of the physical world and its prosperity on which must depend the future of humanity.<sup>23</sup>

### Women and Sustainable Development

A woman within the African context is perceived at the following levels; as a human being, a counterpart of the man at all levels of the social and economical order; as a daughter the counterpart of a son; as a wife, a spouse to a man and a partner in the business of making a home, a community and the society; and as a mother, where the mother is seen as the seat of life, the key factor in nurturing and stabilization of life within the family in particular and the community in general. Hence names which

<sup>19</sup> Ibid., P.113

<sup>20</sup> R Eckersley, *Op. cit.* P. 2.

<sup>21</sup> N Jacob *Sustainable Development: A view of Limitless Growth*, (1988) 5 (4) *The Trumpeter*, 131-132.

<sup>22</sup> W.E. Rees: *The Ecology of Sustainable Development* (1990) 20 (1) *The Ecologist*, 18-23.

<sup>23</sup> Judge Magendra Singh was former President of the International Court of Justice. See Margaret T. Okonodada - *Fabara, Law of Environmental Protection*, *op. cit.* 62-63.



translates into mother is supreme, mother is gold, are not uncommon.<sup>24</sup> Traditionally, women were valued as powerful by virtue of their being the bearers of fertility. In pre-colonial Nigeria, child bearing was considered central to the worth of a woman.<sup>25</sup> Although in some areas in pre-colonial days women played key roles in the places of the rulers. The Queen mother and/or the sister was very powerful in the decision making process of such communities. Hence we had women like Queen Amina of Zaria, Moremi of Ife, Iyalode Efunsetan in Ibadan, Madam Emotan of Benin and Madam Tinubu of Lagos.<sup>26</sup>

In relation to the environment, women generally play a key role in preserving their communities natural resources and traditional knowledge which are the foundation of indigenous wealth and culture. They are the primary producers of food in their communities and custodian of biodiversity for many of the world ecosystems.<sup>27</sup>

Local women particularly play important role in reconciling socio economic goals with environmental goals. They have the knowledge and the awareness to exploit the natural resources for food, medicine, textile and energy in sustainable ways and have long followed one of the main principles of Biological Diversity which is closely linked with sustainability.<sup>28</sup>

It follows from the above that in addition to child bearing and child rearing, providing healthcare for the family, running the household by providing food, fuel, water, washing, cleaning and cooking, earning cash income (for the few that are employed) sometimes combined with petty trading or craft making, women have to interact with the environment on regular basis as a matter of necessity in order to perform these roles. Women therefore play a crucial role in natural resources management.

Some authors have maintained that women's knowledge is at the core of sustainability. As bearers of the knowledge and the practitioners of the scheme of survival, women contribute to and have a major stake in protecting the biological basis of all our future lives and livelihood.<sup>29</sup> In addition to being the stewards of the environment, they also possess the technical, scientific, cultural and spiritual knowledge. They are the primary transmitters of this knowledge to younger generations. As such indigenous women hold the key to combating poverty, creating and implementing strategies for sustainable development.<sup>30</sup>

The relationship between women and the environment is seen to stem from the caring, nurturing and non violent attribute which are said to be

<sup>24</sup> See the Publications of the *African Leadership Forum*, Dialogue 28, Farm House Dialogue held on 3rd to 5th December, 1993 at Obasanjo Farms, Ota, Ogun State. The Forum, titled 'Women and Society' was chaired by Dr. (Mrs.) Simi Johnson. The publication was sponsored by Friedrich Newman Foundation.

<sup>25</sup> O.O. Mojubaolu, *International, Regional and Domestic Protection of Nigerian Women Against Discrimination: Constraints and Possibilities*, 1985. [www.africaresearch.com](http://www.africaresearch.com).

<sup>26</sup> J. Akande, *Miscellany at Law and Gender Relations* (MIJ Publications Ltd., Lagos, 1999), P. 102.

<sup>27</sup> A madre Position Paper on Indigenous Women and Sustainable Development. [www.madre.org/articles](http://www.madre.org/articles).

<sup>28</sup> Gloria Montenegro, School of Agronomy and Forestry Engineering, Catholic University of Chile, Santiago Chile. L'O REAL UNESCO for Women In Science Laurette 1998, Latin America, The Role of Rural Women in Conserving Biodiversity. [www.agoraforwomeninscience.com/sustainabledevelopment](http://www.agoraforwomeninscience.com/sustainabledevelopment), July 3, 2006.

<sup>29</sup> D.E. Rochleau, "Gender and Biodiversity: A Feminist Political Ecology Perspective", IDS Bulletin, *Gender Relations and Biodiversity*, Vol. 36, No. 1, January 2005, Centre for Women's Studies Ltd.

<sup>30</sup> With the thorough integration of development and environmental initiatives and technology transfer. The basic message of Brundtland was that economic growth is an essential part of a sustainable development strategy. World Bank and International Development Association, new regulatory were, increasing aid to Third World Countries, increasing the resources of the



innate in women and make them more prone to conserving the environment. Men on the other hand are seen as having a patriarchal attitude to nature dominated by a profit driven pattern of resources exploitation<sup>31</sup> which often leads to a considerable change on the environment particularly deforestation and desertification. These are processes which have a direct impact on the amount of time women spend in gathering fuelwood, fodder, fetching water and so on. The increased amount of time spent in performing these tasks is the most widely cited example of environmental degradation on women.<sup>32</sup> Women thus fall in the same category as nature both of which suffer from a relation of oppression and domination by the patriarchal male. Thus women and nature are intimately related and their liberation similarly linked.<sup>33</sup>

The interpretation of gender roles and gender relations was marked by a shifting position over the years through the women movements. The central thrust of their activities has generally involved denouncing women's oppression and advocating women's rights and equality. For example through Feminism which has been defined as the political expression of women's movement.<sup>34</sup> The efforts of women's movements has led to a far reaching debate on women, environment and sustainable development, nurtured by increased interest in such problems as deforestation and desertification associated by some analyst with poverty and over population by the observation that fuelwood, animal fodder and water were becoming scarce in certain parts of the world and above all that women were most affected by such shortages.<sup>35</sup> The efforts of women's movements in coping with the earth's deteriorating environment led to a far-reaching debate on women, environment and sustainable development. It has given rise to nature feminism and ecofeminism. Underlying ecofeminism is the view that each of us operates a conceptual framework which is influenced by such factors as sex-gender, race, class, age, sexual preference, religion and nationality.

Ecofeminism claims that the oppression of women and the oppression of nature are ultimately linked and are conceptual, they are embedded in a patriarchal conceptual framework.

A conceptual framework is the one that gives higher status or prestige to what has been identified as male to what has been identified as female.<sup>36</sup> It puts men up and women down, culture up and nature down. It gives rise to logic of domination which serves to legitimise inequality<sup>37</sup> and maintain the subordination of women and nature.<sup>38</sup> In the words of Sheila Collins<sup>39</sup>, racism, sexism, class exploitation and ecological destruction are the four pillars upon which patriarchy rests. All feminists agree that the

<sup>31</sup> V. Shiva, (1989), *Staying Alive Women Ecology and Development*. London: Zed Books. Braidotti, Rosi Charkiewicz, Ewa; Hansler Sabine and Wieringa, Saskia. 1994. *Woman the Environment and Sustainable Development: Towards a Theoretical Synthesis*. Zed Books, London

<sup>32</sup> Braidotti et al. 1994.

<sup>33</sup> Shiva et al. 1989, op. cit.

<sup>34</sup> Braidotti et al. 1994, op. cit. 59.

<sup>35</sup> Ibid. P. 1-2.

<sup>36</sup> K. Warren. *Feminism and Ecology: Making Connections*. (1987) 9 *Environmental Ethics*. P. 36.

<sup>37</sup> E.D. Gray. *Green Paradise lost* (Wellesley Mass Roundtable Press. 1981)

<sup>38</sup> K. Warren op.cit.

<sup>39</sup> S.D. Collins. *A different Heaven and Earth* (valley forge: Judson press. 1974) P. 161



oppression of women exists, is wrong and ought to be changed but they disagree on the understanding of the oppression and how to bring about necessary changes. This is apparent in the four leading theories of feminism offered by Allision Jagar<sup>40</sup> as follows:

(i) **Liberal Feminism**

This theory traces the oppression of women to lack of equal legal rights and unfair disadvantages in public domain. Hence the liberation of women requires the elimination of those legal and social constraints that prevent them from exercising their rights of self-determination.

(ii) **Traditional Marxist Feminism:**

The view here is that the specific oppression of women is due to the sexual division of labour whereby women are excluded from the public realm of production and occupy dependent economic positions in the traditional monogamous family. Thus women will be free when they are economically independent and when their work expresses the full development of human reproductive activity.

(iii) **Radical Feminism:**

To the radical feminist, the oppression of women is rooted in reproductive biology and sex gender system. It states that patriarchy<sup>41</sup> oppresses women as beings whose primary functions are either to bear and raise children that is (to be mothers) or to satisfy male sexual desires (that is to be sex objects). That means the oppression of women is based on male control of women's fertility and women's sexuality. Women will therefore be free when no longer controlled by the constraints of compulsory heterosexuality and compulsory child bearing and child rearing roles.

(iv) **Socialist Feminism:**

It attempts to integrate the insights of traditional Marxist feminism with those of radical feminism by making domination by class, gender sex, fundamental to women's oppression. For socialist feminists the liberation of women required the end of both capitalism and patriarchy.

Karren warren has however argued that if ecofeminism is true or at least plausible, then each of the four leading versions of feminism presented above is inadequate, incomplete or problematic as a theoretical grounding for ecofeminism.<sup>42</sup> She therefore concluded that what is needed is an integrative and transformative feminism that is, one which moves us beyond the current

<sup>40</sup> A.M. Jagar, *Feminist Politics and Human Nature* (Totowa NJ. Rowman and Allanhead, 1983) P.6.

<sup>41</sup> Patriarchy is the systematic domination by men - see K. Warren op cit. P. 40.

<sup>42</sup> K. Warren, op cit. p. 3.



debate over the four leading versions and makes a responsible ecological perspective central to feminist theory and practice. She suggested that this will be developed by; expanding upon the traditional conception of feminism as the movement to end women's oppression and making explicit the interconnections between all systems of oppressions; by providing a central theoretical place for the diversity of women's experience; by rejecting a logic of domination and the patriarchal conceptual framework which gives rise to it; by restructuring our attitudes and beliefs about ourselves and our world (including the non-human world) and a philosophical rethinking of the notion of the self such that we see ourselves as both co-members of an ecological community and yet different from other members of it, recasting traditional ethical concerns to make a central place for values (such as care, friendship, reciprocity and relationship, appropriate trust, diversity): challenging patriarchal bias in technology research and analysis and the use of appropriate technologies, for example, those capable of preserving the Earth.<sup>43</sup>

### Challenges Facing Women

From the above position of ecofeminist, it would be observed that women experience everyday life differently from men. Traditional gender roles corner them into juggling multiple roles in the home, at the work place and in the community. As a result they have a unique knowledge of the environment and the importance of sustainability.<sup>44</sup> However, the role of women globally in achieving sustainable development has been limited by constitutional, legal, administrative behavioural, social and economic barriers.<sup>45</sup>

Several factors have been adduced for the degrading position of women in Nigeria. Most of these can be traced to the patriarchal system being operated and the gender insensitivity of the entire society. For instance, cultural and religious beliefs tend to contribute largely to women's discrimination and low status.<sup>46</sup> These are contrary to constitutional provisions and other International declarations and Conventions to which Nigeria is a signatory.<sup>47</sup> Some of the areas of discrimination against women can be highlighted as follows; denial of inheritance rights<sup>48</sup>, dehumanizing widowhood practices<sup>49</sup>, child marriage<sup>50</sup>, female genital mutilation, trafficking in woman and girls, sexual assault, provisions of Sharia law relating to proof of adultery, poverty, the environment, the media, employment opportunities, education and training, health, armed conflicts

<sup>43</sup> K. Warren, *op cit.* p. 3

<sup>44</sup> *Ibid.* P. 17-20.

<sup>45</sup> See Agenda 21 Chapter 24, Para. 2 (c) "Global Action Towards Sustainable Development", *op cit.*

<sup>46</sup> *Ibid.*

<sup>47</sup> See CEDAW Daily implementation in Nigeria complied by the women in law and development in Africa - WILDAF/FeDDAF - Nigeria under the supervision of the WILDAF/FeDAFF sub regional office for West African July 2002 p.7. [www.wildaf-ao.org](http://www.wildaf-ao.org)

<sup>48</sup> *Neziamva v Okagbue* (1963) All NLR 358, *Mojekwu v Mojekwu* (1997) 7 NWLR 283, *Mojekwu v Ejikeme* (2000) 5 NWLR 403 Osojo customary court manual, Ondo State. 1980. p.119 *Suberu v Sunmonu* (1957) 2 FSC p.31

<sup>49</sup> B. Olateru-Olagbegi and A.A. Afolabi: Actual women Situation in Nigeria. [www.wildaf-ao.org/eng/article.php3?id\\_or](http://www.wildaf-ao.org/eng/article.php3?id_or)

<sup>50</sup> S. 29 (4)(a)(b) of the Constitution of the Federal Republic of Nigeria, 1999



arising from ethnic and religious conflicts during which women and children suffer most and marginalization of women in power and decision making<sup>51</sup>

### Current strategies at Women Empowerment

Various efforts have been made towards the empowerment of women globally through international and local legislations, and activities of Non Governmental Organization so as to redress the challenges.

At the level of international law, the foremost declaration is the Universal Declaration of Human Rights, 1948. It begins with the statement; "all human beings are born free and equal in dignity and rights."<sup>52</sup> Similar to the above is the 2003 United Nations General Assembly resolution which is rooted in the philosophy of equality and the right of all people to participate in their government. It seeks to promote and protect women's equal right to associate freely, express their views publicly, debate politics openly, petition their government and otherwise participate in the democratic process.<sup>53</sup>

The Convention on the Elimination of Discrimination Against Women<sup>54</sup> is an International bill of rights for women. It defines what constitutes discrimination against women and sets up an agenda for national action to foster greater equality. It also sets legally binding principles and standards for realizing women's rights.

The Beijing Declaration and Platform For Action was adopted at the September 1995 Fourth World Conference on Women (FWCW) by representatives from about 189 countries. The platform reflects a new International commitment to the goals of equality, development and peace for all women everywhere. It recommend that governments, local authorities, international organizations, private sector institutions and NGOs should involve women in environmental decision making at all levels, integrate gender concerns and perspectives in policies and programmes for sustainable development strengthen or establish mechanisms at the national, regional and international levels to assess the impact of development and environmental policies on women.

The Convention on the Rights of the Child 1989 includes the protection of children from early and forced marriage, recognition of adulthood as 18 years, and right to education among others.

The United Nations Millennium Declaration was unanimously adopted at the conclusion of the millennium summit. It contains 8 specific goals. Goal 3 is "To promote gender equality and empower women".

Security Council Resolution 1325 was passed unanimously on October 21<sup>st</sup>, 2000. The resolution (S/RES/1325) is the first ever to be passed

<sup>51</sup> See the Women Consortium of Nigeria (WOCON). Nigeria NGO report. "Of the Decade of Review of the Implementation of Beijing Platform for Action (Beijing + 10), August 2004. [www.wildaf-a0.org](http://www.wildaf-a0.org)

<sup>52</sup> Article one, Universal Declaration of Human Rights, 1948.

<sup>53</sup> United Nations General Assembly Resolution, 2003.

<sup>54</sup> The Convention on the Elimination of Discrimination Against Women was adopted by the general assembly of the United Nations (UN) on 18th December, 1979 and entered into force as a binding treaty on 3rd September, 1981. Nigeria signed the treaty in 1985.



by the Security Council that specifically addresses the impact of war on women and women's contribution to conflict resolution.

The Convention on the Elimination of Violence Against Women, adopted in 1993, defines violence against women and calls on states to take specific measures against it.

Others are The United Nations Covenants of 1966<sup>55</sup> which provide against discrimination on grounds of sex. The 1956 supplementary Convention on the abolition of slavery, the slave trade and practices similar to slavery emphasized the importance of consent by a woman to marriage and advocated the elimination of bride wealth and funeral rights which subject women to inheritance after the death of a spouse<sup>56</sup>. The 1962 Convention on consent to marriage, minimum age for marriage and registration of marriages considers some customs and traditions relating to marriage and the family inconsistent with the Universal Declaration of Human Rights.

Agenda 21, chapter 24, paragraph 24.2c<sup>57</sup> urged governments to consider developing and issuing by the year 2000, a strategy of changes necessary to eliminate constitutional, legal administrative obstacles to women's full participation in sustainable development and in public life.

The African Charter on Human and Peoples Rights<sup>58</sup> prohibits discrimination on ground of sex. To achieve the elimination of every discrimination against women, the African Commission agreed that there should be a Protocol on women's rights to the African Charter. The Protocol sets out specific standards and measures by which women's right should be recognized and protected. For example it assures the rights of women to equality with men in marriage, divorce, rights of women and girls on inheritance, protection of widows, reproductive rights of women, right to equal participation in political and peace process and so on. State parties are to take steps to protect women from the harmful effects of cultural or religious practices.

In Nigeria quite a number of legislation have been enacted in aid of women empowerment. The Constitution in chapter 4<sup>59</sup> guarantees equality of rights and prohibits any form of discrimination in its human rights provision<sup>60</sup>. In the same vein Chapter II of the Nigerian Constitution on fundamental objectives and directives principles of state policy also recognizes the principle of gender equality.

Section 21 of the Constitution of the Federal Republic of Nigeria 1999 in line with article 2(e) and 5 of CEDAW, provides that "the state shall protect, preserve and promote the Nigerian cultures which enhance human dignity and are consistent with the fundamental objectives of Nigeria".

<sup>55</sup> Article 2, 1, Civil and Political Convention, 1966 Article 2, 2, Economic Social and Cultural Rights, 1966.

<sup>56</sup> Article 1, 1956 Convention on the abolition of slavery, the Slave Trade and similar practices.

<sup>57</sup> Adopted at Rio de Janeiro, Brazil in 1992.

<sup>58</sup> The African Charter on Human and People's Rights cap 10 Laws of the Federation of Nigeria, 1990. Articles 2 and 18 (3).

<sup>59</sup> Chapter 4, Constitution of the Federal Republic of Nigeria, 1999.

<sup>60</sup> sec 5, 34, constitution of the Federal Republic of Nigeria, 1999.



Section 14 (3) Evidence Act<sup>61</sup> provides that any customary law relied upon in any proceeding shall not be enforced if it is not in accordance with natural justice, equity and good conscience. Sections 222 (a), 224 and 225 (a) of the Criminal Code<sup>62</sup> provides for the punishment of those who either cause or encourage slavery.

Also sections 278, 299 and 280 of the Penal Code<sup>63</sup> prescribes punishment of imprisonment and fine for the following category of offences; 10 years imprisonment and fine for buying or selling of minors for immoral purposes, 14 years imprisonment and /or fine for unlawful compulsory labour.

Apart from these municipal laws of Nigeria, other programmes of governments towards women empowerment as contained in the NGO report<sup>64</sup> are: establishment of National Directorate of Employment (NDE), Family Economic Advancement Programme (FEAP). There are also programmes such as the National Poverty Eradication Programme (NAPEP), loans for purchase of shares in companies and micro credit for farmers and small and medium scale entrepreneurs. More recently the National Economic Empowerment Development Strategy (NEEDS) was introduced to address the economic situation of the people.

Other policies of the government are, the Universal Basic Education (UBE), which provides for free and compulsory Primary and Junior Secondary School, education, the establishment of adult literacy and skills training centres for women and youths.

In the health sector, government made some reforms by establishing the National Action Committee on HIV/AIDS (NACA). It also set up programmes like Roll Back Malaria (RBM), National Programme on Immunization (NPI), Behavioural Change Communication Programme (BCC) and the use of skills of medical and Traditional Birth Attendants (IBA).

For prevention of discrimination and violence against women, the Nigerian government is creating the necessary legal framework for women and girls protection. For example, Edo, Bayelsa, Delta, Cross River and Ogun states have promulgated laws against female genital mutilation<sup>65</sup>. Other efforts of government is the enactment of Trafficking In Persons (prohibition) Law Enforcement and Administration Act, 2003.

With respect to Non-Governmental Organizations efforts are being made towards women empowerment by: executing poverty alleviation programmes in the form of micro-credit schemes, non-formal education programmes and skills training. The strategies employed includes seed grant loans for shares acquisition, personal empowerment and adult literacy education. They are also setting up skills acquisition centre for women,

<sup>61</sup> Section 14 (3) Evidence Act of Nigeria Cap E14, Laws of Federation, 2004.

<sup>62</sup> The Criminal Code is operative in Southern Nigeria contained in cap 77, LFN, 1990.

<sup>63</sup> The Penal Code is operative in Northern Nigeria. See also section 73 of the labour Act.

<sup>64</sup> See Women Consortium Of Nigeria (WOCON) NGO Report Op.cit. P. 4 - 27.

<sup>65</sup> Edo State Female Genital Mutilation (Prohibition) Law, 1999. Ogun State Female Circumcision and Genital Mutilation (Prohibition) Law, 2000. Cross River State Girl Child Marriages and Female Circumcision (prohibition) Law, 2000.



children and youths, centres which meet the need of creating opportunity for trafficked victims in collaboration with their International funding partners such as International Labour Organisation / International Programme for the Elimination of Child Labour.

In the health sector, NGO's have been involved in raising awareness, especially among rural communities. They have been providing mobile clinics comprehensive sexuality education, local community friendly Behavioural Change Communication (BCC) programmes and advocacy for law and policy reforms.

The NGOs also contribute actively to the implementation of the Beijing platform for action on violence against women. They form networks and coalition for advocacy of law reform to address various form of violence against women. They also provide legal aid services to indigent women. In addition, they lobby for women participation in politics, and are involved in the advocacy for inclusion of at least one woman on political party structure. Furthermore, they advocate for constitutional review to include the adoption of affirmative action policy in the constitution in order to provide a level playing ground for women's political participation.<sup>66</sup>

#### Appraisal of the strategies

In spite of the provision of the Universal Declaration of Human Right which affirms the principle of the inadmissibility of discrimination of any kind including that of sex, coupled with other resolutions, declarations, conventions, treaties and recommendations adopted by the United Nations, Nigeria inclusive, extensive discrimination against women continues to exist, thus limiting their effective participation in sustainable development.

The question then is how can women be more effectively empowered?

The Secretary General<sup>67</sup> of the United Nations answered this question by presenting for application the seven specific policies contained in the report of the Millennium Project Task force on Education and Gender Equality. These are: strengthening girls access to secondary as well as primary education; (since education holds the key to most of the obstacles facing girls and women from being forced to early marriage, vulnerability to HIV/AIDS and other diseases); guarantee sexual and reproductive maternal health; invest in infrastructures to reduce women and girls time burdens especially gathering water, fuel and other necessities for their families; guarantee women and girls property and inheritance rights especially right to own land and housing; eliminating gender inequality in employment services; increase women's share of seats in National parliament and local governments. That is equality of opportunity in policy making which is not

<sup>66</sup> Nigeria NGO report op. cit P.4 - 27.

<sup>67</sup> Secretary General of the United Nations, Kofi Annan in a press Release SG/SM/9738, WOM/1489 dated 28/02/2005 and titled, Empowerment of Women The Most Effective Development Tool, calls on International Community to promote gender equality and invest in women. [www.un.org/news/press/docs/2005/sgsm9738.doc.htm](http://www.un.org/news/press/docs/2005/sgsm9738.doc.htm)



and 3:195 of the Holy Quran provides for the equality of both sexes before God. Quran 35:28 which states that all Moslems should seek knowledge irrespective of sexes recognizes the right to education. Quran chapter 4:7 also guarantees the right to inheritance also to both men and women. The manner of the application of Sharia in Nigeria has to do with gender relations and gender conceptions. There is need therefore to increase the awareness of sharia judges on human rights with respect to the provisions of the Sharia legal system.<sup>71</sup>

Laws and policies are needed to eradicate harmful traditional custom such as widowhood practices, early marriage, female circumcision, preference or prioritizing of male to female education, job discrimination and stereotyping, and so on. Equal Protection of the law is required for both males and females. Whatever law that is aimed at protecting and advancing the man should afford equal, adequate and similar advancement to the women. The whole and entire thrust of militant feminism is the recognition as far as this is practicable, of women as full and complete legal persons with all the legal rights and privileges enjoyed by their male counterpart.<sup>72</sup> Women must also become politically active and be properly represented in legislative assemblies where the laws governing their lives are made.<sup>73</sup>

Communities must also take group action such as group resistance to effect changes to customs which adversely affect women<sup>74</sup>. This will go a long way to repair the devastating dislocation of sexism and restore the unity of humanness made up of its male and female correlatives. Thus the latent hidden talents of the female hitherto suppressed by sexism will be liberated for the development of our civilization<sup>75</sup>.

### Conclusion

"Women's empowerment and gender equality are Millennium Development Goals (MDGs) in their own right and central to all other development efforts.<sup>76</sup> We must resolve to work towards them as vital tools to combating poverty and disease and achieving development that is truly sustainable.<sup>77</sup> Women empowerment should open up what Rosemary Reuther called "a lost alternative" or what former President of Tanzania, Julius Nyerere meant when he said; "A person does not walk very fast on one leg. How can we expect half the people to be able to develop the nation?"

All hands must therefore be on deck. No one should be left out as any civilization can be judged by the way it treats its womanhood.<sup>78</sup>

<sup>71</sup> Women In Law and Development in Africa, P 20.

<sup>72</sup> See Women and Children under Nigerian Law, Vol. 6, Federal Ministry of Justice Law Review Series Awa U Kalu and Yemi Osinbajo (eds.).

<sup>73</sup> Ibid.

<sup>74</sup> Women in Law and Development in Africa p. 20

<sup>75</sup> Women and children under Nigerian Law, Vol. 6 Federal Ministry of Justice Law Review Series Awa U Kalu and Yemi Osinbajo (eds.).

<sup>76</sup> K. Dervis, UNDP Administrator, September 2006. United Nation Development programme "Women Empowerment" [www.undp.org/women](http://www.undp.org/women)

<sup>77</sup> Bisi Olatere Olagbgi, and Biola Akiyode Afolabi op. cit P. 9

<sup>78</sup> Women and Children under Nigerian Law, Vol. 6 Federal Ministry of Justice Law Review Series Awa U Kalu and Yemi Osinbajo (eds.) p. 12



only a human right but prerequisite efforts to good governance; redouble efforts to combat violence against women and girls.

In conclusion he remarked that 60 years have passed since the founders of the United Nations inscribed on the first page of the Charter the equal rights of men and women, since then, study after study has taught that there is no tool for development more effective than Women empowerment.

It is our view that the above is a veritable starting point for Nigeria for the purposes of meeting the challenges facing women empowerment. In addition, International laws to which Nigeria is a party should also be implemented.

For instance, the provisions of the African Charter makes the Convention on the Elimination of Discrimination Against Women (CEDAW) applicable in Nigeria. Article 18(3) obliges Nigeria to implement International covenants. By virtue of this provision CEDAW becomes part of Nigerian law and Nigeria is bound to change those aspects of its laws which contradicts its obligations under CEDAW. Although ratified but not yet domesticated in Nigeria, the approach in *Aeroflot v Air Cargo Egypt*<sup>68</sup> is very instructive. It was held in that case that the provisions of an international treaties which has been ratified prevails over the rules of the domestic law when they are incompatible with the latter

Articles 2(e) and 5 of CEDAW requires states to modify cultural practices with a view to eliminating discrimination against women and gender based biases and stereotypes. This is supported by section 21 of the 1999 constitution of Nigeria. Section 14 (3) Evidence Act provides that a custom must not be repugnant to natural justice, equity and good conscience. Customary laws in Nigeria should be measured against the above provisions before they are applied by the courts. The landmark decision of the court of Appeal in the case of *Mojekwu v Ejikeme*<sup>69</sup> should be applicable in interpreting our customary laws on inheritance. Although Nigeria has adopted the Protocol to the African Charter, the government should also ensure that it is domesticated. In so doing, Nigeria will be bound to undertake all measures necessary for the realization of all the rights recognized in the Protocol.

Section 46 of the Constitution which provides for the procedure for the enforcement of fundamental human right should be used by the judges to expand their order in enforcement proceedings. In *Ministry of Internal Affairs v Shugaba*,<sup>70</sup> it was held that the provision protecting fundamental rights should be given a construction as would expand rather than restrict the enforcement of the right. Per Karibi Whyte JCA as he then was. Chapter II of the constitution states the principles that are supposed to guide the state in policy making. The state must not make policies contrary to those principles. For example section 42 which provides that there shall be no discrimination on the basis of sex.

With regards to religion, especially the Sharia, some Moslems have contended that the problem is not with the Sharia but with its application. That Sharia in fact has high regard for women. For example, chapters 4:124

<sup>68</sup> *Aeroflot v Air Cargo Egypt*, Uniform Law Review Bi-Annual 1987, Vol. 2 P. 609

<sup>69</sup> *Mojekwu v Ejikeme* (2000) 5 NWLR P. 403

<sup>70</sup> *Ministry of Internal Affairs v Shugaba* (1982) NCLR 915, P.1019.