

Ensuring a Sustainable Legal and Regulatory Framework for Women Economic Empowerment: The Case of Nigeria.

By

Eke, Chukwuemeka Ifegwu

ekeemeka@gmail.com; telecomclinic2005@yahoo.com

Cell: +234-803-788-9103

+234-704-221-1914

Fixed line: +234-709-820-3490

Department of Economics

Faculty of Social Sciences

University of Abuja

PMB 117

Abuja,

Nigeria.

1.0 Introduction:

Nigeria is well endowed with abundant resources - natural, cultural and human. The Niger Delta region is an all familiar example. However, in spite of Nigeria (Niger Delta)'s wealth, its peoples remain in abject poverty - and those most severely affected are women. Some reasons that have been advanced to explain this scenario are social/cultural inequalities and the lack of economic/income opportunities. Moreover, gender bias exacerbates the situation. Some pronounced social practices that have perpetuated this poverty circle are pro-poor income levels, lack of rights to own market friendly property, institutionalized inhibitions to access finance, health services and education. To make matters worse institutionalized gender specific roles such as heavy household work burdens coupled with the inability to secure "above national poverty line" income generating employment or be financially free through self-employment).

No doubt, Nigeria has enormous unexploited human capital resources potential, especially in her women. These women need to be effectively engaged in the nation's economic mainstream. The legal aspects so far have provided much needed teeth to reverse this ugly trend. There is however the need for putting together a regulatory commission supervise policies such as expanded land and property rights for women, gender-sensitive economic governance, more effective international support for gender equality and better access to investment and trade opportunities are key pillars for economically empowering Nigerian women - and thus increasing their contributions to faster growth, development and poverty reduction on the continent.

Some Facts on Nigerian Rural Women in the 21st Century:

- Nigerian women own less than 1% of landmass.
- Rural women farmers receive only 1% of total credit to agriculture, and have fewer economic rights and lower access to economic opportunities, including land and credit facilities.
- A typical rural woman's average workday lasts 57.3% longer than that of a man and she shoulders the burden of unpaid activities, often linked to low access to clean water and energy sources.
- Only 63% of females over age 15 in Nigeria are able to read and write compared to 67% of males.
- A pregnant woman in Nigeria's rural area is 180 times more likely to die of pregnancy complications than in Western Europe.
- Limited education and employment opportunities for women in Nigeria reduce annual per capita growth by 3.8% in 2008. Had this growth taken place, Nigeria's economies would have doubled over the past 23 years.

Women, legal Instruments and Access to Land: The case of Igbos

Despite some advances in land distribution in Aba and Abiriba, Abia state, single, widowed and undocumented women have little chances of owning rural and semi-urban lands due to the patriarchal traditions and customary practices of indigenous peoples, in violation of international instruments and conventions protecting women's rights.

According to *Global Issues* (2009), CEDAW is considered the most important and comprehensive international treaty on the human rights of women. Currently ratified by 185 countries, it is often referred to as the bill of rights for women. Its legal framework is a standard that has shaped national and international laws and regulations for the protection of women's cultural, economic, political and social rights, and provided a powerful instrument for the promotion of gender equality around the world. The report argued that CEDAW has served to pressure governments into furthering women's equal participation in rural development and agrarian reform. How far has this international legal framework helped to better serve the interest of local folks in Nigeria and what is the way forward?

In Abia state, for instance, what's protected by law is often far from reflecting reality. According to Nwafor (2009:12), 283 respondents were interviewed on Women's Access to Land, and also to assess the legal framework that regulates land ownership and access. This was done against the backdrop that women's access to land has long been recognized as a right by international instruments, and women's equal access to property is specifically protected under Article 14 of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted three decades ago this Dec. 18.

Few of the respondents were even aware that the rights of rural women are specifically protected under the country's 1999 constitution. Much less did they know that Nigeria is bound to Article 18 of CEDAW - which requires that parties report every four years on measures adopted to implement the Convention. It also mandated that rural women be treated equally by guaranteeing their right 'to have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes.'

The Reality in Abia State, Nigeria.

These women interviewed acknowledged that, in practice, laws and declarations are largely ignored in male-dominated sectors of rural communities, and circumvented by government institutions that put up a host of arguments to evade compliance.

Abiriba is a town in the southeastern state, Abia State, Nigeria, traditionally an Igbo land. Abiriba is in Ohafia Local Government Area.

The people who occupy the territory known as Abiriba have a historic descent from the Igbo and Efik people of Calabar. They migrated from the upper Cross River area centuries ago led by a certain Nnachi Oken, from whom the title "Enachioken"(the monarch) originates. Initially, they occupied a smaller territory which expanded when the Abiriba people routed the surrounding Nkporo people and took over their lands. The Abiriba people were very war-like and quickly established themselves in the area. Naming

traditions are paternal-oriented, Abiriba is a matrilineal society: descent and inheritance are traced through the mother's family. However, it is traditionally believed that women's sole connection with the land is through their males. Some ideas were shared with these women to demonstrate that single women do have an interest in working the land, going against strong resistance from men. Nwafor (2009) organized a group of single mothers and she helped these women inherit land titles, and encouraged them to build.

In Aba, even though women take over their plots when their husbands die, they're usually relegated to the sphere of the home and childcare. Aba is in Abia State which is a state in southeastern Nigeria. The capital is Umuahia, although the major commercial city is Aba, it was created in 1991 from part of Imo State and its citizens are predominantly Igbo people (95% of population). Male chauvinism is widespread. Nwafor (2009) reported that not a single rural woman interviewed hold a property under her name.' They only access a plot when their husband dies, and that's only if there are no sons in the family.

In addition to the red tape, another hurdle standing in the way to women's access to land is the fact that many women in rural areas are undocumented. This lack basic documentation such as a birth certificate or an identity card helps to perpetuate the problem of discrimination exhibited by civil servants in the application of the law. Nwafor (2009) observed.

The Major Challenges to having an effective supervisory framework.

- Nation-wide male-oriented land distribution system and tenure reform programmes.
- Gender sensitive 'market-oriented' land policies and commercialization of agriculture and individual titling has had on women's access and rights to land.
- Broadly diffuse across society information about new women sensitive issues, reform programmes and credit schemes for females.
- Develop clear legislative frameworks for protecting the rights of women.
- Creation and institutionalization of rural women federation that monitors women rights issues.
- Lastly, tackle the deeply-rooted cultural norms and practices which underlie discrimination and prolong it at the community and household level - even where legal frameworks that protect women's rights are in place.
- Ensure public services address specific needs women have in view of their roles and responsibilities e.g. investment in community wells, household energy, etc.
- Develop gender-disaggregated statistics to enable governments to "cost" services they provide and identify who is accessing them.
- Deepen the focus on gender dimensions of trade.
- Prioritize the resources needed to ensure that gender equality and women's empowerment are integrated in evaluations that underpin results-based aid management.
- Develop policy approaches, analytical tools and data to address the difficulty of understanding how much attention and money is being invested in the promotion of gender equality at country level in the context of budget support mechanisms and of gender mainstreaming approaches.
- Increase the scope for women to benefit from the expansion of trade in agricultural products by reducing or eliminating the obstacles they face in accessing key productive resources (land, credit, transport, extension services, storage and technical assistance).
- Be vigilant about the possible impact foreign direct investment (FDI) may have on women. As increased FDI drives industries to upgrade and competition pushes firms to lower costs, women may lose their jobs to more highly qualified men or get pushed down the production chain into sub-contracted work at lower pay scales.

- An expanding private sector, including increased FDI, does not systematically narrow the gender wage gap. More robust efforts are needed to enhance the productive capacities of women and girls through more equitable access to: education, technology acquisition and learning, access to financial markets, job mobility, equitable property rights and wealth assets.

The Way Forward

- The federal government must as matters of urgency establish a national wide rural women federation that would monitor CEDAW instruments.
- There is a need for the establishment of a non-legal infrastructure through land reforms, national mechanisms and community tribunals to monitor the enforcement of pro-women laws, policies and practices.

Nongovernmental organizations must mount pressure on federal and state governments to imbibe gender budgeting which ensures public investment choices address gender-related needs and also helps monitor progress towards policy goals and commitments. This can be done by tracking how money is spent, gender budgeting increases accountability and transparency and, in a larger sense, good economic governance. It also helps ensure that governments are held accountable for international commitments they have made to women.

- Trade and investment policies have traditionally been viewed as "gender blind", meaning they have no particular effect on either males or females. Thus, there have been no specific provisions for gender in existing WTO trade agreements or ongoing Doha negotiations. However, in reality the impact of investment and trade on women is important, not only because they represent over half of most populations, but because of existing gender inequality and gender biases may adversely affect the outcome of investment and trade policies. The capacity

References

CEDRAW (2010) Online Version available @
www.un.org/.../daw/cedaw/recommendations/recomm.htm

Global Issues (2009) "Bolivia: Women Clamour for Right to Land" Online version is available @ www.globalissues.org/news/2009/11/27/3680

Nwafor, C.N (2009) "An Assessment of women's access to Land: The case of Abia women" **Aba: Clime Publishers.**

Wikipedia (2010) "Abiriba" Online version available @ en.wikipedia.org/wiki/Abiriba