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## The World Summit on Sustainable Development and Women's Access to Land: Why Nigeria Should Adopt the Eritrean Land Proclamation

Natasha C. Robinson

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## THE WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT AND WOMEN'S ACCESS TO LAND: WHY NIGERIA SHOULD ADOPT THE ERITREAN LAND PROCLAMATION

The World Summit on Sustainable Development ("WSSD"), held from August 26 to September 4, 2002, in Johannesburg, South Africa,<sup>1</sup> was the largest gathering of international heads of State, delegates of non-governmental organizations ("NGOs"), and businesses to ever occur in Africa.<sup>2</sup> The overarching goal of the WSSD was to revitalize international governments' efforts in promoting sustainable development.<sup>3</sup> The participants faced challenges such as formulating and implementing policies to better conserve natural resources, improving health conditions and services, and generally enhancing peoples' lives worldwide.<sup>4</sup>

Summit participants strived to compel all WSSD attendees to respond to the plight of one of the world's most disadvantaged groups: women.<sup>5</sup> Though development planning in the Third World has marginalized women and stripped them of their ability to access and control land, these NGOs<sup>6</sup> recognize that involvement of women

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1. U.N. Department of Economic and Social Affairs (UNDESA), *Johannesburg Summit 2002: Basic Information*, at [http://www.johannesburgsummit.org/html/basic\\_info/basicinfo.html](http://www.johannesburgsummit.org/html/basic_info/basicinfo.html) (last visited Dec. 29, 2003) [hereinafter *Basic Information*]. For live coverage of the WSSD, see UNDESA, *World Summit on Sustainable Development: Johannesburg 2002, Live Webcast*, at <http://www.un.org/events/wssd/> (last modified Mar. 24, 2004).

2. See *Basic Information*, *supra* note 1; see also U. N. Department of Public Information, *Daily Briefing by Summit Spokeswoman* (Aug. 27, 2002), available at <http://www.un.org/events/wssd/pressconf/daily27.htm> (last visited Apr. 3, 2004) (acknowledging that 190 countries, 7,118 delegations, 5,802 major groups, and thousands of other participants attended the WSSD); Tamara L. Harswick, Comment, *Developments in Climate Change*, 2000 COLO. J. INT'L ENVTL. L. & POL'Y 25, 27 (2003) (noting that one hundred government and state leaders attended the WSSD).

3. See United Nations Environment Programme (UNEP), *Contribution to the World Summit on Sustainable Development*, at <http://www.unep.org/pc/tourism/wssd/home.htm> (last modified Oct. 27, 2003) (recognizing that the goal of the WSSD was to address concerns about poverty and the environment); see also Susan L. Smith, *Ecologically Sustainable Development: Integrating Economics, Ecology, and Law*, 31 WILLAMETTE L. REV. 261, 262 (1995) (citing UNITED NATIONS WORLD COMMISSION ON ENVIRONMENT AND DEVELOPMENT, OUR COMMON FUTURE 8 (1987)) [hereinafter *Brundtland Report*]. The Brundtland Report defines sustainable development as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs").

4. See *Basic Information*, *supra* note 1 (explaining that among these challenges is the reality that an increasing population has placed demands on food, water, energy, and other resources).

5. Women's Environment and Development Organization (WEDO), *Sustainable Development: Gender Analysis of the WSSD Plan of Implementation*, at [http://www.wedo.org/sus\\_dev/analysis2.htm](http://www.wedo.org/sus_dev/analysis2.htm) (last visited Dec. 29, 2003) [hereinafter *Sustainable Development*].

6. WEDO was one of the NGOs in attendance at the WSSD. For a description of WEDO's mission and goals, see WEDO, *About WEDO*, at <http://www.wedo.org/about/about.htm> (last

in the development process is crucial to achieve sustainable development.<sup>7</sup> Women play a prominent role in their national economic systems, yet the failure to integrate women into the development process prevented them from realizing their full potential.<sup>8</sup> The importance of integrating women into the development process has prompted women's groups to argue for women's rights to access and control land.<sup>9</sup> Paragraph 67(b) of the Johannesburg Plan of Implementation, which recognizes the unrestricted right of women to access land, reflects the landmark achievement that women's groups gained at the WSSD.<sup>10</sup>

This groundbreaking paragraph is especially significant to African countries.<sup>11</sup> Women play an indelible role in the agricultural sector of the African economy, as they account for sixty to eighty percent of the agricultural labor force in Africa.<sup>12</sup> These women engage in crop production, raise domesticated animals, and employ traditional methods to manage natural resources; however, their access to land is often "culturally determined."<sup>13</sup>

In Nigeria, for example, people inherit land patrilineally, which means that "women obtain usufructuary rights to land from their

visited Dec. 29, 2003).

7. *Sustainable Development*, *supra* note 5 (recognizing that women encompass a majority of the world's population and are key to the achievement of sustainable development).

8. *See, e.g.*, JEANNE BISILLIAT & MICHÈLE FIÉLOUX, *WOMEN OF THE THIRD WORLD: WORK AND DAILY LIFE* 31-32 (Enne Amann & Peter Amann trans., 1987) (explaining that although women in Africa perform the vast majority of agricultural work and largely contribute to feeding the continent, tradition and other factors have barred them from accessing and controlling the land).

9. *Sustainable Development*, *supra* note 5.

Another area of intensive lobbying that resulted in one of the more significant gains was the right of women to inherit land, particularly critical to the livelihoods of African women and communities. The importance of this commitment lies in the recognition of the rights of women to access land, resources, credit, and a groundbreaking decision on the right to inherit land.

*Id.*

10. *Report of World Summit on Sustainable Development, Plan Of Implementation*, 45th Sess., ¶ 67(b), U.N. Doc A/CONF.199/20, U.N. Sales No. E.03.II.A1 (2002), available at [http://www.johannesburgsummit.org/html/documents/summit\\_docs/2309\\_planfinal.htm](http://www.johannesburgsummit.org/html/documents/summit_docs/2309_planfinal.htm) (last visited Apr. 5, 2004) [hereinafter *Plan Of Implementation*].

11. *See supra* note 9 and accompanying text.

12. Mary Theresa Picard, *Listening to and Learning from African Women Farmers*, in *WOMEN AND SUSTAINABLE DEVELOPMENT IN AFRICA* 35 (Valentine Udoh James ed., 1995) ("The frequently cited statistic that women in Africa comprise 60 to 80 percent of the agricultural labor force and account for 90 percent of family food supply in rural Africa has become almost a refrain for conceding that women play an irrevocably prominent role in agriculture across the continent.").

13. *Id.* at 48-49 (asserting that a thorough understanding of women's access to and control over land in Africa requires an examination of the traditional customary laws that disallow women to obtain ownership rights to land).

husbands' lineage group . . . [and that their] land use rights are less secure than men's, because they apply only as long as they [, the women,] remain married."<sup>14</sup> Nigerian women make up roughly half of the population in that country.<sup>15</sup> These female farmers occupy pivotal positions in food production and processing, and they "qualify . . . to be targets of macroeconomic planning in their own right."<sup>16</sup> Nevertheless, cultural constraints hinder them from effectively participating in the labor force.<sup>17</sup> These cultural practices often render African women landless and unable to exercise their traditional farming methods.<sup>18</sup>

One important question lingers: how will Nigeria successfully reach the goals elaborated in Paragraph 67(b), considering that its cultural practices have neglected women in the development process? With an eye towards this colossal task, the first part of this note explores the Johannesburg Plan of Implementation and the magnitude of Paragraph 67(b). The second part describes the present land tenure system in Nigeria and details how it encumbers sustainable development by marginalizing women's farming contributions to the periphery. The third part provides an overview of the Land Proclamation in Eritrea, and the fourth part posits that it would behoove Nigeria to adopt a legal framework similar to Eritrea's Land Proclamation to comply with the requirements of Paragraph 67(b).<sup>19</sup> The Eritrean government recently restructured its land tenure system under this national reform.<sup>20</sup> Under this new law, the right to land ownership rests exclusively with the Government, and residential land use is open

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14. *Id.*

15. Christiana E. E. Okojie, *Women in the Rural Economy in Nigeria*, in *WOMEN, WORK, AND GENDER RELATIONS IN DEVELOPING COUNTRIES: A GLOBAL PERSPECTIVE* 57 (Parvin Ghorayshi & Claire Bélanger eds., 1996).

16. *Id.* at 58.

17. *See id.* at 63-66 (explaining that religion and other sociocultural practices impact and limit the land rights of Nigerian women).

18. *See generally* Rebecca Katumba, *Village Women Pack Up and Leave*, in *THE POWER TO CHANGE* 61 (Women's Feature Service ed., 1993) (explaining that large numbers of women have lost their land in countries such as Kenya because of discriminatory cultural practices that severely limit women's right to access land upon divorce or widowhood).

19. *See* Jason R. Wilson, Note, *Eritrean Land Reform: The Forgotten Masses*, 24 N.C. J. Int'l L. & Com. Reg. 497, 520 n.1 (1999) (citing Eri. Proc. No. 58/1994 (1994)), in Jonathan M. Lindsay, Creating a Legal Framework for Land Registration in Eritrea: Consolidated Final Report of the International Legal Consultant, U.N. Food and Agriculture Organization, Main Report, at 9, U.N. Doc. TCP/ERI/4554 (1997)).

20. Tsehainesh Tekle, *Women's Access to Land and Property Rights in Eritrea*, in *WOMEN'S LAND AND PROPERTY RIGHTS IN SITUATIONS OF CONFLICT AND RECONSTRUCTION* 107-08, available at [http://www.unifem.org/filesconfirmed/69/206\\_good practice.pdf](http://www.unifem.org/filesconfirmed/69/206_good%20practice.pdf) (last visited Apr. 5, 2004).

to all citizens over eighteen years of age.<sup>21</sup> Women possess the same rights as men to access and control land,<sup>22</sup> which in the long term amounts to sustainable development for Eritrea. The same could be true in Nigeria, should its government choose to emulate this reform.

#### THE SIGNIFICANCE OF THE JOHANNESBURG PLAN OF IMPLEMENTATION

The WSSD provided an opportunity for governments to determine how to achieve sustainable development through the action-oriented Plan of Implementation. In order to appreciate the contributions of women farmers in Nigeria, an understanding of governments' obligations under the Plan of Implementation is essential. Thus, this section outlines Agenda 21 of the Rio Summit and underscores the significance of Paragraph 67(b) in the Plan of Implementation.

#### *An Overview of Rio, Agenda 21, and the Plan of Implementation*

The United Nations Conference on Environment and Development ("UNCED") took place in Rio de Janeiro, Brazil, and preceded the WSSD in Johannesburg by ten years ("Rio").<sup>23</sup> At Rio, the United Nations sought to assist governments in assessing economic development and discovering methods to end pollution and the destruction of natural resources worldwide.<sup>24</sup> These governments recognized that poverty and disproportionate consumption by wealthy groups contributed to undue stress on the environment.<sup>25</sup> They understood and accepted that sustainable development could only ensue once they refocused their economic policies to consider environmental impacts.<sup>26</sup>

At the conclusion of the UNCED in Rio, the participants

21. *Id.* at 110.

22. *Id.*

23. See Paulette L. Stenzel, *The U.S. and Mexico Sin Fronteras—Without Borders: Sustainable Development from a Local Perspective*, 27 WM. & MARY ENVTL. L. & POL'Y REV. 441 (2002) (describing the WSSD as a "follow-up" to the Rio Summit).

24. U.N. Department of Public Information, *UN Conference on Environment and Development (1992): Earth Summit*, at <http://www.un.org/geninfo/bp/enviro.html> (last modified May 23, 1997) (noting that the two week summit in Rio was an unprecedented conference in terms of both size and scope, and commenting that, internationally, people encouraged their governments to address economic and environmental issues that impact sustainable development).

25. *Id.*

26. See generally *id.*

adopted Agenda 21,<sup>27</sup> which represented a far-reaching plan of action to achieve sustainable development by encouraging governments to recognize the human impact on the environment at local, national, and global levels.<sup>28</sup> Overall, Agenda 21 reflected a “statement of principles for implementing sustainable development in industrialized and developing countries around the world.”<sup>29</sup>

The WSSD’s objective was to encourage governments to evaluate the status of the goals that materialized at Rio.<sup>30</sup> The WSSD attendees reaffirmed their commitments to Rio’s principles in the Johannesburg Plan of Implementation.<sup>31</sup> The Plan of Implementation was one of two multilateral documents that participating governments adopted during the WSSD<sup>32</sup> that covered a myriad of sustainable development topics.<sup>33</sup> While the Plan of

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27. *Agenda 21*, U.N. Conference on Environment and Development, 35th Sess., U.N. Doc. A/CONF.151.26 (1992), available at <http://www.un.org/esa/sustdev/documents/agenda21/english/agenda21toc.htm> (last visited Apr. 5, 2004) [hereinafter *Agenda 21*]; see also UN Department of Economic and Social Affairs: Division for Sustainable Development (UNDESA), *Agenda 21*, available at <http://www.un.org/esa/sustdev/documents/agenda21/index.htm> (last modified Mar. 24, 2003) (emphasizing that Agenda 21 is a comprehensive scheme to be taken by governments in an effort to halt environmental degradation) [hereinafter UNDESA, *Agenda 21*].

28. UNDESA, *Agenda 21*, *supra* note 27; see also *id.* (explaining that the governments also adopted the Rio Declaration on Environment and Development and the Statement of Principles for the Sustainable Management of Forests). A discussion of these documents is beyond the scope of this note, however, to view these documents, see *Rio Declaration on Environment and Development*, U.N. Conference on Environment and Development, 35th Sess., U.N. Doc. A/CONF.151/5/Rev.1 (1992), reprinted in 31 I.L.M. 874 (1992) [hereinafter *Rio Declaration* ]; *Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests*, U.N. Conference on Environment and Development, 35th Sess., U.N. Doc. A/CONF.151/6/Rev.1 (1992), reprinted in 31 I.L.M. 881 (1992) [hereinafter *Statement of Forest Principles*].

29. Stenzel, *supra* note 23, at 441.

30. World Resources Institute, *The World Summit on Sustainable Development: Pursuing a Global Agenda*, at [http://governance.wri.org/pubs\\_content\\_text.cfm?ContentID=1794](http://governance.wri.org/pubs_content_text.cfm?ContentID=1794) (last visited Mar. 23, 2004) (“The Summit was designed to review progress in implementing the ambitious goals that emerged from the Rio Summit.”).

31. Andy Weiner, Comment, *The Forest and the Trees: Sustainable Development and Human Rights in the Context of Cambodia*, 151 U. PA. L. REV. 1543, 1557 (2003) (confirming that the Plan of Implementation affirmed the commitment to the goals laid out in Rio).

32. Hans Christian Bugge & Lawrence Watters, *A Perspective on Sustainable Development After Johannesburg on the Fifteenth Anniversary of Our Common Future: An Interview With Gro Harlem Brundtland*, 15 GEO. INT’L ENVTL. L. REV. 359, 361 (2003). The other multilateral document that governments adopted at the WSSD was the Political Declaration. This note’s focus is Paragraph 67(b) of the Plan of Implementation, thus a discussion of the Political Declaration is beyond its scope. To view the Political Declaration, however, see *Report of the World Summit on Sustainable Development, Political Declaration*, 45th Sess., at 1, U.N.Doc.A/CONF.199/20, U.N. Sales No. E.03.II.A.1 (2002), available at [http://www.johannesburgsummit.org/html/documents/summit\\_docs/2309\\_planfinal.htm](http://www.johannesburgsummit.org/html/documents/summit_docs/2309_planfinal.htm) (last visited Apr. 5, 2004) [hereinafter *Political Declaration*].

33. Bugge & Watters, *supra* note 32, at 361 (highlighting that the Plan addresses economic and social development and environmental protection); see also Heinrich Böll

Implementation is a non-binding, political document, it calls upon governments to exercise their political will to take immediate action to promote sustainable development.<sup>34</sup> It is an action oriented document that contains broad commitments by heads of state to achieve sustainable development.<sup>35</sup> Although several of the commitments do not contain timetables and merely provide an opportunity for national interpretation, other commitments contain precise achievement dates.<sup>36</sup>

### *The Magnitude of Paragraph 67(b)*

While other portions of the Plan of Implementation compel governments to undertake concrete efforts to address challenges that women face worldwide,<sup>37</sup> inclusion of Paragraph 67(b) in the

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Foundation, *Plan of Implementation: The Action Plan*, at <http://www.worldsummit2002.org/index.htm?http://www.worldsummit2002.org/guide/actionplan.htm> (last visited Apr. 5, 2004) (noting that the Plan is divided into several sustainable development topics covering areas such as poverty eradication, natural resources, and globalization).

34. World Resources Institute, *supra* note 30 (affirming that while the Plan of Implementation is aimed at guiding development decisions, it is not legally binding); *see also* Heinrich Böll Foundation, *supra* note 33 (acknowledging that the Plan of Implementation is a voluntary and nonbonding document between governments); Japanese Ministry of Agriculture, Forestry and Fisheries, *MAFF Update No. 477* (Nov. 8, 2002), available at <http://www.maff.go.jp/mud/477.html> (last visited Apr. 5, 2004) (noting that parties to partnership agreements, such as the Plan of Implementation, commit themselves to promoting sustainable development through their efforts) [hereinafter *MAFF Update*].

35. *MAFF Update*, *supra* note 34.

36. George (Rock) Pring, *The 2002 Johannesburg World Summit on Sustainable Development: International Environmental Law Collides With Reality, Turning Jo'Burg Into 'Joke'Burg'*, 30 DENV. J. INT'L L. & POL'Y 410, 417-18 (2002) (outlining the major commitments articulated by the Plan of Implementation); *see also* World Resources Institute, *supra* note 30 (describing the Plan of Implementation's major commitments in more detail). These specific commitments include:

- By 2010, achieve a significant reduction in the current rate of biodiversity loss.
- By 2010, encourage the application of an ecosystem approach for sustainable development of the oceans.
- By 2015, cut by half the number of people with incomes less than US\$1 per day and the proportion of people who suffer from hunger.
- By 2015, cut by half the proportion of people without access to safe water or sanitation.
- By 2015, reduce mortality rates for children under 5 by two thirds, and maternal mortality rates by three quarters.
- By 2015, maintain or restore depleted fish stocks to levels that can produce maximum sustainable yields.
- By 2020, use and produce chemicals in ways that do not lead to significant adverse effects on human health and the environment.

*Id.*

37. International Council for Local Environmental Initiatives ("ICLEI"), *A Brief Report on WSSD: Women's Environment and Development Organization*, at

Plan of Implementation was one of the women's groups' most distinguished feats at the WSSD.<sup>38</sup> Paragraph 67(b) is noteworthy because it marks the first time that an official document ensured women's rights to inherit land,<sup>39</sup> which is especially significant to African women.<sup>40</sup> This Paragraph encourages governments to:

Promote and support efforts and initiatives to secure equitable access to land tenure and clarify resource rights and responsibilities, through land and tenure reform processes that respect the rule of law and are enshrined in national law, and provide access to credit for all, especially women, and that enable economic and social empowerment and poverty eradication as well as efficient and ecologically sound utilization of land and that enable women producers to become decision makers and owners in the sector, including the right to inherit land[.]<sup>41</sup>

Thus, Paragraph 67(b) compels governments to enact legislative reforms to ensure that men and women have equal access to land. Indeed, this Paragraph encapsulates the sentiment that women's access to resources such as land is a precondition to achieving sustainable livelihoods.

#### WOMEN'S ACCESS TO LAND IN NIGERIA

Inclusion of Paragraph 67(b) represents a milestone for women farmers in Nigeria because their government has traditionally failed to recognize their contributions to the agricultural sector.<sup>42</sup> Because

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[http://www.iclei.org/johannesburg2002/outcomes/wedo\\_report.html](http://www.iclei.org/johannesburg2002/outcomes/wedo_report.html) (last visited Apr. 5, 2004) (pointing out that the Plan of Implementation contains references to women and encourages governments to: "[end] violence and discrimination against women; [reduce] mortality among girl infants and children; [increase] women's participation in decision-making; [ensure] education for all; [mainstream] gender in policy-making; access to health; access to land; and [develop] gender disaggregated data") [hereinafter *Report on WSSD: WEDO*]. But see *Sustainable Development*, *supra* note 5 (lamenting that paragraphs on topics such as globalization, science, and energy failed to articulate the pivotal role of women and that gender concerns are often relegated to education and health issues).

38. *Sustainable Development*, *supra* note 5 (noting that inclusion of Paragraph 67(b) was one of the more significant gains of women's groups at the WSSD); see also *Plan of Implementation*, *supra* note 10, ¶ 67(b).

39. *Report on WSSD: WEDO*, *supra* note 37 (discussing the importance of African women's access to land). ICLEI, *supra* note 37 (remarking that due to fervent advocacy of women's groups, this innovative paragraph was incorporated into the Plan of Implementation).

40. *Id.* (remarking that due to fervent advocacy of women's groups, this innovative paragraph was incorporated into the Plan of Implementation).

41. *Plan of Implementation*, *supra* note 10, ¶ 67(b).

42. See Valentine Udoh James, *Introduction to WOMEN AND SUBSTANTIAL DEVELOPMENT IN AFRICA 2-4* (Valentine Udoh James ed., 1995) (discussing the central, but generally unsung,



an understanding of Nigeria's history and agricultural practices is crucial to forming a clear picture of the importance of Nigerian women in agriculture, the objective of this section is two-fold. First, it brings into focus the farming contributions of Nigerian women; and second, it details how Nigeria's failure to integrate women into the development process has mired sustainable development.

### *Nigeria's History and Geography*

The British formed Nigeria by merging the north and south protectorates in 1914.<sup>43</sup> The rise of political parties in Nigeria set the stage for its struggle for independence, which ended in October 1962, when it gained independence from the British Crown.<sup>44</sup> Present day Nigeria covers 913,073 square miles and is bordered by Niger to the north, Benin to the west, Cameroon to the east, and the Atlantic Ocean to the south.<sup>45</sup>

With a population of over 120 million, Nigeria is Africa's most populous country.<sup>46</sup> While the Nigerian people are racially homogenous, they exercise diverse social and religious practices and speak a multitude of languages depending upon the ethnic group to which they belong.<sup>47</sup> This young nation has seen several constitutions, a civil war, and numerous military regimes that maintained political power for over three decades since independence.<sup>48</sup> Unfortunately, political instability and prevalent corruption have left Nigeria's potentially prosperous economy in shambles.<sup>49</sup>

Nigeria's economic and cultural potential is well documented: "Nigeria . . . has the capacity to harness and manage its . . .

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role African women play in sustaining their countries through agriculture).

43. Amakievi O. I. Gabriel & Augustie A. Ikein, *Agrarian Women and Indigenous Textile Industry*, in *WOMEN AND SUSTAINABLE DEVELOPMENT IN AFRICA* 160 (Valentine Udoh James ed., 1995).

44. *Id.* (emphasizing that the Nigerian Constitution of 1951 enabled the regional governments to establish individual administrations, which led to the formation of political parties).

45. *Id.* at 159.

46. *Id.*

47. *Id.* (highlighting that Nigerian people speak over 250 languages and are divided into numerous ethnic groups); see also Obiora Chinedu Okafor, *After Martyrdom: International Law, Sub-State Groups, and the Construction of Legitimate Statehood in Nigeria*, 41 HARV. INT'L L.J. 503, 523 n.102 (2000) (noting that approximately 250 distinct ethnic groups inhabit Nigeria).

48. AdoLisa J. Anarado, Comment, *The HMO's Angle in the 'Participant Triangle': What's So Wrong with Nigeria's Health Insurance Scheme?*, 37 TULSA L. REV. 819, 823-24 (2002) (recognizing that political instability and corruption have left Nigeria's economy in a state of disarray).

49. *Id.*

resources effectively . . . enough to promote growth and development. [It] is blessed with a vast number of resources. The proper development and management of its resources remain the focus for its modernization effort to benefit all of its citizenry.<sup>50</sup> Although Nigeria has ample resources at its disposal,<sup>51</sup> its failure to integrate women into the development process will continue to thwart its sustainable development objectives and its potential for modernization.<sup>52</sup>

### *Women Farmers in Nigeria*

Women are major contributors in rural market activities in Nigeria; in fact, they produce a vast majority of the nation's food.<sup>53</sup> A typical day in the life of a rural farm worker woman could include planting, weeding, harvesting, bush clearing, or growing crops.<sup>54</sup> In fact, these women allocate approximately 35 percent of their time to farm work.<sup>55</sup> They allot 40 percent of their time to work on "home-related activities," 47 percent of which they designate for food processing activities.<sup>56</sup> They spend the remainder of their day

50. Gabriel & Ikein, *supra* note 42, at 160.

51. *Id.*

52. See generally Jonathan Nwomonoh, *African Women in Production: The Economic Role of Rural Women*, in *WOMEN AND SUSTAINABLE DEVELOPMENT IN AFRICA* 171 (Valentine Udoh James ed., 1995) (discussing the obstacles women in Nigeria face due to social and cultural constructs). Nwomonoh points out the central role African women play in agriculture:

It is a well-documented fact that women are Africa's primary food producers. ... [A]n adequate food base is an essential prerequisite for development. Unless this need can be met, there can be little hope for successful economic ... development in Africa. Agricultural development in most countries is a necessary precondition for economic development unless they are fortunate enough to have other resources that can be exported to finance food import... Failure of development planners to recognize this important role of women has undermined both the status and well-being of African women and limited the effectiveness of government efforts to increase agricultural productivity.

*Id.* at 175; see also Okojie, *supra* note 15, at 72 (contending that Nigeria must recognize the contributions of women if it intends to meet its goal of attaining food security); see also *infra* pp 10-13 (discussing cultural constraints on sustainable development).

53. World Bank Organization, *Gender in Agriculture: A World Bank Learning Module*, at <http://www.worldbank.org/gender/module/cases/nigeria.htm> (last visited Apr. 5, 2004) (explaining that Nigerian women produce about two-thirds of the nation's food supply); see also O.O. Ajani, *Agricultural Development and Food Security in Nigeria: The Constraints that Women Face*, abstract available at <http://www.makerere.ac.ug/womenstudies/full%20papers/Ajani%20O.O%20&%20Ajana%20O.htm> (last visited Dec. 29, 2003).

54. Okojie, *supra* note 15, at 61 (outlining the typical functions of rural women in food production in Nigeria).

55. *Id.*

56. *Id.*

working on other activities such as marketing processed foods.<sup>57</sup>

Rural women's farm work varies by region due to vegetation, religious beliefs, and sociocultural customs.<sup>58</sup> In northern Nigeria, for example, women's participation in rural farming ranges from 2 to 84 percent depending on the region.<sup>59</sup> The inhabitants of northern Nigeria are predominately Muslim,<sup>60</sup> and therefore, seclusion of women in farming activities remains widespread. Nonetheless, women are heavily involved in food processing throughout this region.<sup>61</sup> They grow grains, legumes, and vegetables and engage in fishing, rearing livestock, harvesting crops, and a plethora of additional activities.<sup>62</sup>

The percentage of women engaged in farming activities in western Nigeria varies from 7 to 53 percent.<sup>63</sup> These women weed, harvest, and transport crops.<sup>64</sup> They also cultivate fruits and vegetables including maize, rice, yams, plantains, and cassava.<sup>65</sup> In a limited number of western regions, Nigerian women also engage in fishing.<sup>66</sup>

Farming remains the predominant profession for most people in mid-western Nigeria; however, farming activity varies widely among ethnic groups.<sup>67</sup> Members of the Ijaws ethnic group engage in planting, tilling, harvesting, and transporting their crops.<sup>68</sup> In this region, 43 percent of women are deeply involved in farming activities and are responsible for growing crops such as rice, cassava, peppers, plantain, and melon.<sup>69</sup>

Rural women also are involved in farming activities in eastern Nigeria.<sup>70</sup> Their involvement ranges from 58 to 86 percent depending upon the region and ethnic affiliation of the farmer.<sup>71</sup> Despite these variations, most women grow crops including greens,

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57. *Id.* at 61-62.

58. *Id.* at 60.

59. Okojie, *supra* note 15, at 60.

60. See Simon Robinson Lagos, *Ivan the III Even Though Democracy has Returned to Nigeria, Ethnic Clashes Still Threaten to Cripple the Country*, TIME MAG. EUROPE, Feb. 28, 2000, available at <http://www.time.com/time/europe/magazine/2000/228/nigeria.html> (last visited Apr. 19, 2004).

61. Okojie, *supra* note 15, at 60.

62. *Id.*

63. *Id.*

64. *Id.*

65. *Id.*

66. *Id.*

67. *Id.*

68. Okojie, *supra* note 15, at 60.

69. *Id.*

70. *Id.*

71. *Id.*

tomatoes, and peppers.<sup>72</sup>

### *Cultural Constraints and Their Impact on Sustainable Development*

Despite women's widespread contributions to the agricultural sector, Nigeria operates as a patriarchal society where men determine how law-making bodies govern society.<sup>73</sup> This system views women as subordinate to men, differentiates individuals on the basis of sex, and confers benefits to males while restricting the rights of women.<sup>74</sup> Where this society degrades women by forcing them to submit to their fathers, husbands, or even their sons, it empowers men by affording them the opportunity to dictate societal laws and taboos.<sup>75</sup> A long tradition of patriarchy in Africa accounts for practices that deny women dignity and sometimes even life such as female genital mutilation, child marriage, dowry practices.<sup>76</sup>

Patrilineal inheritance practices in Nigeria are prevalent.<sup>77</sup> These practices severely restrict women's ability to access and control land by mandating that they obtain usufructuary rights (land use rights) through a male relative.<sup>78</sup> In this patriarchal society,

The market economy has brought with it a new system of land inheritance. Increasingly, land rights go to male heirs, while the daughters are almost entirely excluded. ...[Women] have neither legal access to land nor sufficient money to acquire it, because they have almost no income. However, because women are held responsible for feeding their families, it is necessary that they have land to till. ...Thus, each year, married women are dependent upon the goodwill of their husbands and the

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72. *Id.* at 60-61.

73. Lisa C. Stratton, Note, *The Right to Have Rights: Gender Discrimination in Nationality Laws*, 77 MINN. L. REV. 195, 236-37 (1992) (quoting *Initial Reports of States Parties: Nigeria*, Committee on the Elimination of Discrimination Against Women, 30th Sess., at 36, U.N. Doc. CEDAW/C/5/Add.49 (1987), which identifies Nigeria as a patriarchal society); see also Leo Igwe, *Culture, Patriarchy and Gender Study in Africa: How Humanism can Help?*, Address Before the 8th International Interdisciplinary Congress on Women (July 21-26, 2002), abstract available at <http://www.makerere.ac.ug/womenstudies/full%20papers/Leo%20Igwe.htm>.

74. See Igwe, *supra* note 73 (recognizing that patriarchy is prevalent in every aspect of society including history, arts, morality, and politics); see also Andra Nahal Behrouz, *Transforming Islamic Family Law: State Responsibility and the Role of Internal Initiative*, 103 COLUM. L. REV. 1136, 1144 (2003) (mentioning that Nigeria admitted that its cultural and traditional practices have hindered women from advancing).

75. Igwe, *supra* note 73.

76. See *id.*

77. See generally *id.*

78. Picard, *supra* note 12, at 48-49.

availability of land in order to grow food. The men allocate the poorest and most remote plots to the women and keep the best land for themselves for the growing of cash crops.<sup>79</sup>

This widespread system of land inheritance in Nigeria compels women to rely on their husbands to obtain plots of land to farm.<sup>80</sup> Indeed, a woman's right to land only exists so long as she resides with her father or remains married to her husband.<sup>81</sup>

*The Economic Consequences of Nigeria's Cultural Constraints Against Women*

While women are heavily involved in farming activities and possess valuable farming expertise,<sup>82</sup> attitudes that women are subordinate to men<sup>83</sup> may have contributed to Nigeria's significant economic slump. Perhaps statistics underscore this principle most poignantly, "The share of agricultural exports [in Nigeria] fell from 80 percent in 1960 to 1.5 percent in 1990, due both to the rise in oil exports and the poor performance of the agricultural sector."<sup>84</sup> In addition to these glum figures,

Nigeria's economy . . . is burdened by the biggest external debt in Africa, while its heavy dependence on oil revenue left it vulnerable to . . . plummeting prices. . . . Ranked for a time as a middle-income country, Nigeria rejoined the category of low-income countries from the mid-1980s. According to the World Bank, its per capita gross national product (GNP) was \$260 in 1997, compared with an average of \$500 for sub-Saharan Africa as a whole and \$350 for low-income countries. . . . In recent years economic growth has barely kept pace with population growth, estimated at 2.8 per cent per annum. Despite the country's immense human and natural resources, little social

79. Nwomonoh, *supra* note 52, at 176.

80. *See generally id.*

81. Picard, *supra* note 12, at 49.

82. *See id.* at 38 (mentioning that women possess special knowledge in: "life-span health maintenance . . . ; food production, storage, and short- and long-term processing; maintenance and utilization of water and fuel resources; production of household equipment...; maintenance of interhousehold barter systems; and maintenance of kin networks and ceremonials for meeting regularly recurring and life crisis events").

83. Okojie, *supra* note 15, at 66.

84. Marilee Karl, *Enrolment of Women in Higher Agricultural Education: Case Studies from Côte d'Ivoire, Jordan, Nigeria, Philippines and the Caribbean (Part 1)*, in HIGHER AGRICULTURAL EDUCATION AND OPPORTUNITIES IN RURAL DEVELOPMENT FOR WOMEN (Food and Agriculture Organization of the United Nations, 1997), available at <http://www.fao.org/sd/EXdirect/EXan0021.htm> (last visited Apr. 19, 2004).

progress has been made. Two-thirds of a population of more than 100 million live below the poverty line, and one-third survive on less than a dollar a day. . . . Life expectancy is 53 years, a decade below the average for developing nations, and less than half the population has access to safe water and adequate sanitation.<sup>85</sup>

These statistics suggest that development planners in Nigeria are misguided in their approach and that it would behoove them to implement change.<sup>86</sup> It is imprudent for these planners not to seek the wisdom of those most intimately tied to agriculture — Nigeria's rural farm women.<sup>87</sup> Indeed, Nigerian development planners should explore this option in hopes of remedying the downturn plaguing the economy and preventing Nigeria from achieving its sustainable development objectives.<sup>88</sup>

#### THE ERITREAN LAND PROCLAMATION

The Eritrean Land Proclamation represents an innovative approach toward achievement of sustainable development by implementing a system of land use rights that does not discriminate against women.<sup>89</sup> Antithetical to the cultural constraints that hinder Nigerian women from accessing the land, the Land Proclamation in Eritrea affords all women and men equal access to land.<sup>90</sup> This reform eliminated the cultural constraints that restricted women's land rights in Eritrea for centuries.<sup>91</sup> This section outlines Eritrea's Land Proclamation and describes women's access to land before the implementation of this national reform.

#### *An Overview of Eritrea's Land Proclamation*

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85. Tunde Obadina, *Nigeria's Economy at the Crossroads: New Government Faces a Legacy of Mismanagement and Decay*, 13 AFRICA RECOVERY, UNITED NATIONS 1 (1999), at <http://www.un.org/ecosocdev/geninfo/afrec/subjindx/131nigr1.htm> (last visited Mar. 18, 2004).

86. Silvia Federici, *Economic Crisis and Demographic Policy in Sub-Saharan Africa: The Case of Nigeria*, in PAYING THE PRICE: WOMEN AND THE POLITICS OF INTERNATIONAL ECONOMIC STRATEGY 49 (Mariarosa Dalla Costa & Giovanna F. Dalla Costa eds., 1995) (recognizing that poorly structured development projects in the 1970s undermined agriculture).

87. Ajani, *supra* note 53 ("in the awake [sic] of the increased demand for improved agricultural production on the continent, it is imperative that the efforts of women in agricultural development be recognized and remunerated.").

88. For a suggestion on how Nigeria may achieve sustainable development and improve its economic situation by adopting a reform similar to Eritrea's Land Proclamation, see *infra* pp. 15-19.

89. Wilson, *supra* note 19, at 508 (explaining that all citizens have a right to land regardless of their sex, race, clan, or beliefs).

90. *Id.*; see also Tekle, *supra* note 20, at 110.

91. See Tekle, *supra* note 20, at 107-08.

In the nineteenth century, Italy declared Eritrea its first colony in Africa by decree.<sup>92</sup> The British defeated the Italians during World War II and established a protectorate over Eritrea.<sup>93</sup> Shortly thereafter, Eritrea amalgamated with Ethiopia until Ethiopia unilaterally annexed Eritrea and declared it to be one of its provinces.<sup>94</sup> Three decades of armed struggle ensued and in May 1993, Eritrea formally declared its independence from Ethiopia.<sup>95</sup> The war for independence, however, resulted in devastation of Eritrea's economy, infrastructure, and human resources.<sup>96</sup> "In response to this tragedy, the Eritrean government implemented numerous state programs to rebuild and reform the nation,"<sup>97</sup> including the Land Proclamation.<sup>98</sup>

The Eritrean government implemented the Land Proclamation in 1994, which commenced a national land reform system, vesting all land ownership in the government.<sup>99</sup> The objective of the Land Proclamation is to:

assure agricultural and industrial development; promote or assure initiative and motivation among beneficiaries and producers; encourage private investment and initiative; avoid contradiction, friction, and dispute; pave way for the improvement of the living standard of the people of Eritrea; be standard and applicable throughout the nation; and...replace[] the existing progress-impeding system of land tenure in Eritrea [with] a new and dynamic system.<sup>100</sup>

Under the Land Proclamation, the government may grant lifetime usufructuary rights to Eritrean citizens age eighteen or older whose predominant means of income is the land, regardless of gender,

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92. Mengsteab Negash, *Investment Laws in Eritrea*, 24 N.C. J. INT'L L. & COM. REG. 313, 314 (1999) (mentioning that Eritrea's location on the Red Sea's coast and its abundance of natural resources were some of the attributes that interested both African and European colonizers) (citation omitted).

93. *Id.* (citing KENNEDY-TREVASKIS, *ERITREA: A COLONY IN TRANSITION: 1941-52* 18 (1975)).

94. *Id.* (citing G.A. Res. 390(v), U.N. GAOR, 5th Sess., Supp. No. 20, U.N. Doc. A/1775 (1950) for the proposition that the United Nations recommended the amalgamation in 1950).

95. *Id.* at 315.

96. *Id.*

97. Wilson, *supra* note 19, at 497.

98. *Id.*

99. *Id.*

100. *Id.* at 497-98 (citing Jonathan M. Lindsay, *Creating a Legal Framework for Land Registration in Eritrea: Consolidated Final Report of the International Legal Consultant*, U.N. Food and Agriculture Organization ("FAO"), Main Report, 40th Sess., at Annex F, U.N. Doc. TCP/ERI/4554 (1997)).

race, or clan.<sup>101</sup> The government entitles citizens to utilize a plot of land for "housing, business, or agricultural pursuits for their lifetime."<sup>102</sup> The Land Proclamation restricts Eritrean citizens from selling or inheriting land, and it prohibits the government from granting ownership rights in the land.<sup>103</sup> Any land that the government fails to distribute remains in its possession.<sup>104</sup>

### *Land Tenure in Eritrea Prior to the Land Proclamation*

An overview of the land tenure system prior to the Land Proclamation will facilitate a more complete appreciation of the Land Proclamation and its extraordinary impact on Eritrean women. In Eritrea, customary laws heavily influenced land rights since the fifteenth and sixteenth centuries.<sup>105</sup> In general, Eritrea is predominantly a patrilineal society meaning that women occupy a subordinate position to men under customary laws.<sup>106</sup> "Eritrean society is male-dominated, and its kinship systems tend to have a bias towards patrilineal descent. Social practices value males greatly. When a woman is married, she is considered her husband's ally. She is . . . expected to look out for his interests and . . . those of his descent group"<sup>107</sup>

Under customary laws, three types of land ownership systems existed: the extended family ("*tsilmi*"), the village ("*diesa*"), and the state ("*dominiale*").<sup>108</sup> The *tsilmi* land system granted each individual family the right to farm a plot of land according to its needs.<sup>109</sup> The husband, wife, and their unmarried children worked the land during their lifetimes.<sup>110</sup> A male who married had to apply for his own land separate from that of his father, while daughters who married gained access to land through their husbands.<sup>111</sup>

Under the *diesa* system, the community controlled all land and redistributed it every seven years equally among households irrespective of size or needs, and each household had access to an

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101. *Id.* at 508; see also Tekle, *supra* note 20, at 110; Food and Agricultural Organization, *Women, Land Tenure and Food Security*, at <http://www.fao.org/DOCREP/x0171e/x0171e07.htm> (last visited Dec. 29, 2003).

102. Wilson, *supra* note 19, at 508-09 (citation omitted).

103. *Id.*

104. *Id.* at 509.

105. Tekle, *supra* note 20, at 108.

106. *Id.* at 104.

107. *Id.* at 107.

108. *Id.* at 105.

109. *Id.*

110. *Id.*

111. See generally *id.*



equivalent plot of land.<sup>112</sup> Customary law dictated that only men were the heads of household, thus the community allocated land only among men under the traditional system.<sup>113</sup> “Both the *diesa* and *tsilmi* systems were exclusive, in the sense that outsiders were denied access to land, and women gained access to it only under exceptional circumstances.”<sup>114</sup>

In 1919 and 1926, the Italians declared most of Eritrea’s lowlands and certain highland areas to be state owned (“*dominale*”) despite traditionally customary land ownership laws that existed at the time.<sup>115</sup> Eritreans in the lowlands disliked this *dominiale* system and voiced their concerns to the government.<sup>116</sup> Eritreans in the lowlands protested and made particularly strong demands that the *dominale* ordinance be lifted because the system applied predominantly to the lowland regions, and not nationwide.<sup>117</sup> Under this system, women continued to gain access to the land generally through their husbands.<sup>118</sup>

Tekle notes that “Eritrea’s customary land laws have been the subject of intense study and attempts at reform since the Italian colonial period.”<sup>119</sup> The Land Proclamation represents yet another governmental attempt to restructure land laws that discriminated against women and were inherently a hindrance to economic growth.<sup>120</sup>

#### WHY NIGERIA SHOULD MIMIC THE ERITREAN LAND PROCLAMATION

The conclusion of the WSSD calls for attendees to take concerted steps to implement legislation in compliance with the Plan of Implementation.<sup>121</sup> Nigeria’s current cultural constraints

112. *Id.* at 106; see also Wilson, *supra* note 19, at 500 (recognizing that the communities reallocated land among its villagers every five to seven years, males had to marry and create their own household to qualify for usufructuary rights to the land, and villagers could not sell or inherit the land because it “reverted back to the village upon death”).

113. Tekle, *supra* note 20, at 106. *But see id.* (“But today women head 46% of households in Eritrea, and under the *diesa* system these female heads are entitle to a share of village land.”).

114. *Id.*

115. *Id.* at 107 (noting that the effected portion of the lowlands alone made up four-fifths of the nation’s land surface).

116. *Id.*

117. *See id.*

118. *Id.*

119. *Id.* at 108.

120. *Id.* (citing outdated farming techniques, the decline in land availability, population growth, and land allocation arrangements as injurious to Eritrea’s economic growth and achievement of sustainable development).

121. *See* World Resources Institute, *supra* note 30 (explaining that the Plan of

prohibiting women's unrestrained access to land signify that the nation has fallen short of its commitment to fulfill the requirements of the pivotal Paragraph 67(b) of the Johannesburg Plan of Implementation.<sup>122</sup> The Eritrean Land Proclamation represents one possibility whereby Nigeria could bring its current land laws into compliance with Paragraph 67(b) and take a proactive approach in attaining sustainable development. The final section of this note is devoted to highlighting why Nigeria should adopt the Eritrean Land Proclamation, or a similar national reform, to reach sustainable development.

*Comparing the Roles of Rural Women Farmers in Nigeria and Eritrea*

Women constitute a vast majority of Nigeria's agricultural population, making their contributions to the economy undeniable.<sup>123</sup> Although Nigerian women possess great potential to be self-sufficient, they can only be temporary custodians of land because their rights exist only through their fathers or husbands.<sup>124</sup> These rights usually vanish following divorce or widowhood.<sup>125</sup>

Similar to Nigeria, the Eritrean economy is largely based on agriculture: "Approximately 95 percent of the population is engaged in subsistence agriculture."<sup>126</sup> Women make up half of Eritrea's population and are extensively involved in the agricultural sector.<sup>127</sup> As farmers with invaluable knowledge of the land,

[w]omen's role in agricultural production is extensive, although traditionally they are excluded from ploughing. Women are involved throughout the pre-harvest and harvest cycles; in weeding, planting, harvesting, storage and processing of food. In addition to their farm work, women are responsible for fetching

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Implementation is aimed at guiding development decisions); *MAFF Update*, *supra* note 34 (noting that parties to partnership agreements, such as the Plan of Implementation, commit to promoting sustainable development).

122. See *supra* notes 70-78 and accompanying text.

123. See *supra* notes 49-55 and accompanying text.

124. See Picard, *supra* note 12, at 48-49.

125. *Id.*

126. U.S. DEPARTMENT OF STATE, ERITREA HUMAN RIGHTS PRACTICES, 1994 (1995), available at [http://dosfan.lib.uic.edu/ERC/democracy/1994\\_hrp\\_report/94hrp\\_report\\_africa/Eritrea.html](http://dosfan.lib.uic.edu/ERC/democracy/1994_hrp_report/94hrp_report_africa/Eritrea.html) (last visited Mar. 17, 2004).

127. THE NATIONAL UNION OF ERITREAN WOMEN, NATIONAL REPORT ON THE IMPLEMENTATION OF THE AFRICAN AND GLOBAL PLATFORM FOR ACTION FOR THE ADVANCEMENT OF ERITREAN WOMEN (2003), available at <http://www.nuew.org/beijing/> (last visited Mar. 17, 2004) ("Population: 3.5 million (50% are females). . . . Women account for a large percentage of the agriculture labor force.").

water, fuel wood and all the other domestic tasks of preparing food for their family, washing clothing and raising children. Women also grow vegetables, raise poultry[,] ... [make] pottery[and] handicrafts[,] and [participate in] other activities to supplement the family income.<sup>128</sup>

Undoubtedly, Eritrean women farmers possess a familiarity with the land analogous to that of Nigerian women and this knowledge makes them key assets to attaining sustainable development in both nations.

### *Emulating the Land Proclamation*

Nigeria's current fiscal crisis clarifies its need to explore new routes toward economic progression and ultimate realization of sustainable development.<sup>129</sup> By implementing legislation tailored to the needs of Nigerians, the Nigerian government could adopt a reform resembling the Eritrean Land Proclamation that legally prohibits discrimination on the basis of gender in land distribution. Although this task would pose an exceptional challenge, Eritrea's ability to implement its Land Proclamation immediately following a devastating war demonstrates that fashioning a workable system to implement reforms in the name of sustainable development, is possible.

### *Advantages of Emulating the Eritrean Land Proclamation*

This section outlines advantages to Nigeria's economy that could ensue from its adoption of a national reform comparable to the Land Proclamation. First, women's unrestrained access to land is a stepping-stone toward optimal agricultural production because women, in general, are intimately familiar with the land and farming techniques that guarantee productive agricultural yields.<sup>130</sup>

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128. *Id.*

129. See generally Obadina, *supra* note 82.

130. James, *supra* note 42, at 3.

The transfer of the knowledge acquired from years of working on the land is partly the responsibility of the women. The future generations of the countries of Africa will depend on the women for inculcating in them those ideas on how to maximize the use of the land resources.

Researching women's indigenous knowledge of methods of agriculture could be useful in the attempt to increase food production in Africa. Technological innovations in food production can come about as a result of the inclusion of women in the efforts to advance knowledge in food production.

*Id.*

If every woman in Nigeria could farm a plot of land without interruption upon divorce or widowhood, employing their expert farming techniques, they would likely produce crops and other farm products throughout their lifetimes, so long as they were capable of farming. Over time, productive agricultural yields would equate to wealth increases for Nigerian women, which they would likely use to feed their families, purchase technologically sound farming equipment, and meet additional expenses.<sup>131</sup>

Second, a national reform similar to the Land Proclamation would enhance Nigerian women's access to credit. Currently, many women in Nigeria are unable to obtain agricultural loans because they do not possess the collateral required for credit.<sup>132</sup> Nigerian women would be capable of obtaining credit under a reformed system because they could use their plots of land or their crop yields as collateral. Once a farmer demonstrated her ability to produce abundant agricultural yields, loans from banks and credit unions would become attainable. An agricultural loan would enable her to purchase seeds, fertilizers and other farm equipment needed to employ new and more efficient farming techniques. Ready access to seeds and state-of-the-art farm equipment would increase her chances of producing robust agricultural yields, and ultimately, obtaining the monetary resources needed to feed her family and maintain the farm without loans. The resulting increase in agricultural production and yields would, inevitably, increase Nigeria's food supply, and enhanced food supply leads to healthier diets for the population and an overall increase in productivity.

Third, and most importantly, access to financial resources would bring about increased educational opportunities for women. With increased funding, women would be able to access education and training opportunities to stay abreast of developments regarding new technologies and farming methods.<sup>133</sup> This knowledge would assist women in making wise investments in purchasing farm equipment to ensure productive agricultural yields.<sup>134</sup> In addition,

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131. For a description of how women might use their additional funding in terms of education, see *infra* notes 125-127 and accompanying text.

132. Okojie, *supra* note 15, at 64 (explaining that because large numbers of rural women in Nigeria are unable to access land, they are consequently unable to obtain the credit that is needed to purchase raw materials and other farm equipment for their farming activities).

133. For a description of the disadvantages that befall women when they do not participate in agricultural training programs, see U.N. FAO, *Gender and Food Security: Education, Extension and Communication*, available at <http://www.fao.org/Gender/en/educ-e.htm> (last visited Mar. 19, 2004) (lamenting that women are excluded from beneficial training services because they are unable to access the land).

134. See generally *id.* (acknowledging that training services are geared toward men with access to land and credit who are typically able to invest in technological innovations).

increased funding would enable these women to fund their children's education at the secondary, post secondary, and university levels.<sup>135</sup> An educated population is more likely to make prudent healthcare decisions in areas including diet and family planning.<sup>136</sup> For example, educated parents rear well-nourished children that are less likely to die in infancy.<sup>137</sup> "A well-nourished population is healthier, more productive, and better able to learn"<sup>138</sup> the economic, cultural, and social lessons that are necessary to sustain both today's generation and those to come.

Achieving sustainable development in Nigeria will become a reality only when the government grants women an unrestricted right to access land. Granting access to women will provide a sound foundation upon which Nigeria can build a sustainable future because it will increase agricultural yields and financial prosperity for women, which will give rise to educational improvements for the entire populace. These advantages will permit the present generation to experience economic growth without compromising the economic conditions of future generations. Indeed, this outcome underscores the intent of Paragraph 67(b) and sustainable development.

### CONCLUSION

Nigeria's strategy for implementing Paragraph 67(b) of the WSSD's Plan of Implementation remains to be seen. It is certain, however, that the government must tackle the economic problems

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135. WORLD BANK, *THE BENEFITS OF EDUCATION FOR WOMEN* (1993), available at <http://www.worldbank.org/html/extdr/hnp/hddflash/hcnote/hrn002.html> (stating that children of educated mothers are better educated themselves).

136. *Id.*

Educated women ... choose to have fewer children. Econometric studies ... looking at the effects of education on fertility find that an extra year of female schooling reduces female fertility by 5-10 percent. This is partly a consequence of education lowering poverty as the latter is associated with high fertility rates. There are a number of ways by which education can influence fertility. It may change perceptions of the costs and benefits of having children, and it also influences the age of marriage and reduces the infant mortality rate. Education may also change attitudes to contraception. . . .

Educating women yields high returns in terms of healthier children. . . . Education also increases the willingness to seek medical care and improves sanitation practices. The best available estimates suggest that each year of schooling reduces under five mortality by up to 10 percent.

*Id.* For an informative synopsis of healthcare issues afflicting women in Nigeria, see Federici, *supra* note 83, at 50-52.

137. WORLD BANK, *supra* note 135.

138. Cornell Cooperative Extension, *Food and Nutrition: Timely Topics in Food, Diet and Health* (Sept/Oct. 2001), at <http://www.cce.cornell.edu/food/fdharchives/091001/foodandag.html> (last visited Mar. 17, 2004).

currently preventing Nigeria from achieving sustainable development. As valuable stewards of the land with abundant farming knowledge, Nigerian rural farmer women possess the key to attaining sustainable development; however, cultural constraints often restrict them from accessing land, which precludes achievement of these goals.

The Eritrean Land Proclamation is a viable option for the Nigerian government to explore in hopes of abiding by Paragraph 67(b)'s mandates. By removing gender barriers and allocating land to women for the duration of their lifetimes, the Land Proclamation assures that women are able to utilize their valuable farming skills without apprehension that their family status will change, taking away their land and prosperity.

If Nigeria adopted a similar national reform, it undoubtedly would sow the seeds of sustainable development, through abundant agricultural yields, women's access to credit, and increased educational opportunities for the Nigerian population. Implementation of the Eritrean Land Proclamation in Nigeria would create a wealthier, better educated, and more productive society that would possess the tools to meet its own needs and preserve resources for future generations.

NATASHA C. ROBINSON\*

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\* Natasha Robinson is a 2004 J.D. candidate at William and Mary School of Law. She received her B.A. from St. Mary's College of Maryland in 2001. The author is indebted to the William and Mary Journal of Women and the Law for their assistance in editing this Note. In addition, she gratefully acknowledges her family for their unwavering support, without which the completion of this Note would have been impossible.