

# Gender Equality: A Core Legal Recipe for Sustainable Development in Igboland of Nigeria

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## Abstract

The quest for gender equality has occupied a prominent position in global agenda in recent decades, with colossal implications on States, Organizations, Communities and individuals. Attainment of gender equality will ensure that men and women enjoy equally, the inalienable rights such as right to life, respect for the dignity of the human person among others, and that men and women, are accorded equal opportunities for socio-economic, political and cultural growth and participation. The world is craving for sustainable development – a development that meets the needs of the present without jeopardizing the ability of future generations to meet their own needs. This can hardly be realized if half the population is disempowered. This paper will appraise the achievement of gender equality in Nigeria, with particular emphasis on its operation in Igboland. The paper will also create a nexus between gender equality and sustainable development, ultimately to X-ray the pivotal role gender equality plays in the achievement of sustainable development, and proffer recommendations for its attainment in Igboland.

**Keywords:** gender equality, sustainable development, legal recipe, Igboland

## Introduction

The belief that every person by the fact of being human, is entitled to certain rights called Human Rights; laid the foundation for the American and French revolutions, which opened up the advent of the Universal suffrage. The bane of the agitations from then on, were directed at addressing social and institutional barriers that limited women's rights, including family responsibility, a lack of educational and economic opportunities, and the absence of a voice in political debates (Women's Right Movement 1848-1920). Progressive agitations subsequently culminated into the drafting of the Universal Declaration of Human rights in 1948 thus;

All Human Beings are born free and equal in dignity and rights (United Nations 1948).

Furthermore,

Everyone is entitled to all rights and freedoms set forth in the declaration without distinction of any kind such as race, colour, sex, language, religion---(Article 2 United Nations 1948).

It is evident from the above that women are not excluded from the exercise of the rights and freedoms however, the respect and freedom accorded to men and women have not been equal, and this disparity has varied over the years from one part of the world to the other. This has impeded the growth of women in civil/political, economic, and socio-cultural realms. This has also ultimately affected world development negatively. The Millennium development goals rightly have gender Equality as goal no.3 and sustainable development goals have also recognized gender equality as a key issue if developmental projects are to be sustained. Women around the world and also in Nigeria, are core navigators of change, however the opportunities given to them for leadership and political participations has remained an elusive factor over the years due to socio, economic and cultural constraints.

This paper gives an insight around the issues surrounding gender equality and creates an interlink between gender equality and sustainable development as achieving gender equality in the world at large, and in Nigeria particularly is critical to the achievement and sustainability of development.

## Conceptual Examination of Key Words

### Gender

Without going into the theories of feminism, and the social construct, gender as presented in this paper is construed to mean the condition of being a male or a female as defined by Crowther and Kavanagh (1995). Viewed alongside sex, both are used interchangeably. While gender as a construct refers to the fact of being a male or a female, sex is the sum of the peculiarities of structure and function that distinguish a male from a female organism. (Anyogu 2013) Gender is a concept that refers to concise system of roles and relationship between women and men that are informed not exactly by biological, but

social, political and economic considerations. While sex is a natural endowment, gender is a social construct. It can be seen as a process whereby individuals born into biological categories of male or female are now considered within categories of women and men through the acquisition of locally defined attributes of masculinity and femininity (Garner 1999).

Worldwide, peoples interpret biological difference between men and women to create a set of social

expectations in behaviours for both sexes and which have over the years determined men's and women's different access to rights, resources and power in society. This has made gender politically and socially controlled, creating a situation where 'woman' being something one is, becomes something one does (United Nations 2010). Roles are ascribed socially or culturally to individuals regardless of their competence. This frequently means that women in most part of the world have performed much work without pay, while men have enjoyed these services and yet are seen as family providers and family heads.

### **Gender Equality;**

Mostly in Africa (Nigeria inclusive) equality between men and women has been established at least on paper, but this has been overridden by cultural practices such as female disinheritance, male preference, early marriage, stereotype socialization and other discriminatory acts and concepts which have left women with lesser social and legal status than men. This has tended to erode or stunt the socio-economic and political growth of women. In all cultures, women and girls are primarily brought up to consider the needs and interests of others, and to provide others with care. This exists in varying degrees all over the world depending on financial position, as women who are financially capable can pay for services, and this frees them from some of the responsibilities customarily associated with the roles and un-paid work of women and girls.

Gender equality is the egalitarian situation where women and men enjoy equal human rights, opportunities, resources and benefits from development. This ensures equal visibility, empowerment and participation of the sexes in all areas of both public and private life. This exists when women and men enjoy equally opportunities, rights and obligations and share equally the distribution of power and influence and financial independence through work, access to education and means of personal development. This ultimately means that the interests and needs of both women and men are taken into consideration with special recognition of the diversity of different groups of men and women. It is very important to note that gender equality is first and foremost a human right. The importance of gender equality is evident in its inclusion in the eight Millennium development goals by the United Nations where it takes the prime position of number three. It is also considered as quintessential to the achievement of the other seven. Gender equality in the present context refers to a situation where women, girls, men and boys enjoy the same opportunities in all spheres of life. It also means the presence of a gender perspective in decision making of all kinds and that female and male interests are considered equally in terms of rights and the allocation of resources (Latham 2007-2).

### **Sustainable Development**

It is pertinent here to give an insight into what development means. To develop is to cause something to grow or expand. Developed nations are said to have per capital annual incomes of more than \$2000 (2 thousand U.S Dollars) and consequently higher standards of living than the developing nations (third World Countries of which Nigeria is one), which have per capital annual income of less than \$2000 and commensurate poor standards of living among a larger area of their population (Anyogu and Umobi 2013). It is evident from this that development, whether industrial, social, technological and whether personal or group takes its root from economic growth which translates into per capital annual incomes. It is considered here as wellbeing and the process of transforming the society and some of the key indicators are rate of poverty, peace, freedom, life expectancy, adult illiteracy among others. Sustainable development is a development that is self-subsisting, as to sustain means to support or maintain, especially over a long period and sustainable means that which can be kept going or maintained (Crowther and Kavanagh 1995). Sustainable development has been defined as the development that meets the needs of the present, without compromising the ability of future generations to meet their own needs (Eberinwa 2010). Sustainable development can be conceptually broken into three constituent parts, *vis-à-vis* environmental sustainability, Economic sustainability and socio-political sustainability. It is therefore presented as the intersection between the environment, society and economy. These are inter connected, for the economy is dependent on society and environment, while human existence and society are dependent on and within the environment (Tohouassi 2012).

Sustainable Development is a process in which the natural resource base is not allowed to deteriorate. It is a new-life and economic activities' for all societies, rich and poor which is compatible with the presentation of the environment. It is an approach to development that is mindful of balancing the societal different and often competing needs, against the societal environmental, economic and social limitations. It is pertinent to note that living within our environmental limits is a central point in sustainable development. The drift toward sustainable development focuses on a people-centered development that seeks to prioritize the enhancement of capabilities, eradication of poverty and elimination of all forms of inequalities. It emphasizes a world where all, irrespective of sex, participate equally in sustainable production and consumption while equally mindful of the earth's resources (Eberinwa 2010).

### **Justification for the quest for Gender Equality in Nigeria with special consideration for the Igbos**

The Constitution consists of provisions contained in a document or series of documents which prevail over other sources of domestic laws. The Constitution of any country is the grand-norm of that country and this includes Nigeria. Every other law in Nigeria takes its validity from the force of the Constitution of the Federal Republic of Nigeria 1999 as amended (LFN 2004). The constitution itself asserts its supremacy thus;

This constitution is supreme and its provision shall have binding force on all authorities and persons throughout the Federal Republic of Nigeria.

Following from this, any law that is inconsistent with the constitution shall be deemed null and void to the extent of its inconsistency. The constitution of the Federal republic of Nigeria is replete with provisions protective of the human rights and dignity of the Nigerian people (male and female) as the preamble is to provide a constitution for the purpose of promoting good government and welfare of all persons in our country on the principles of Freedom, Equality and Justice. Chapter IV of the Constitution contains the civil/political Rights such as Right to life, Right to Dignity of the human person, Right to personal liberty, Right to fair hearing.

Right to private and family life and Right to Freedom of thought, conscience and religion. They also include right to freedom of expression and the press, right to peaceful assembly and association right to freedom of movement, and right to freedom from discrimination. They also include right to acquire and own immovable property anywhere in Nigeria and the right not to have such property compulsorily acquired, save in the manner and for the purposes prescribed by a law that among other things requires the conditions stipulated under this section (SS.33-44).

Women in Nigeria, (the Igbo women inclusive) have not over the years enjoyed these rights equally with men. It should be noted that customary law is a source of Nigerian laws but many cultural practices and traditions have tended to rob the Nigerian women of her right to enjoy the human rights and freedoms on equal basis with her male counterparts. This state of affairs has been reinforced by the fact that customary laws, cultural practices, traditional institutions and conceptions of family life have remained outside the enclave of human rights discourse. The civil/political rights of women is constantly being trampled upon by cultural, social and traditional practices like female genital mutilation, male preference, domestic violence, child marriage, mourning rights and female disinheritance and reproductive rights. Of particular note is the fact that it is only in Igbo-land that a female inherits neither from her father nor her husband's side. The trend is changing now thanks to the Court's pronouncement that a female child has the right to inherit her father's property (Mojekwu v Mojekwu 1997).

The rights in Chapter II of the Constitution are the socio-economic and cultural rights tagged 'fundamental objectives and directive Principles of state Policy. They relate primarily to equality and wellbeing of the citizenry, and are to be found in S. 13 to S. 24 of the constitution. These fundamental objectives enjoin the government to run a state based on democracy, social justice and above all, security and welfare of the citizenry. This is where issues on health, education and work conditions are protected. It is also pertinent to note that it is in this area that the problem of the Nigerian woman is centered. These provisions could be said to be means of attaining the promises made in the preamble of the 1999 constitution. Unfortunately this Chapter on human rights is not justiciable. Unlike the bill of rights in chapter IV which is justiciable, the fundamental objectives are only a guide to the government in its prioritization of issues. What they do with this is not an issue to be contested in Court. Chapter II seems to be the rostrum upon which one can stand to enjoy the rights in Chapter IV. Integral wellbeing, education and economic stability ensure that one is able to recognize, enjoy and enforce the rights guaranteed under Chapter IV. The unjusticiability of the provisions in Chapter II are therefore inimical to the development of women mostly, and to all and sundry. It does not only ensure the entrenchment of gender inequality and the subjugation of women, it is also an affront to the constitution. The inequalities have subsisted despite an array of instruments (National and International) protective of women's right and projective of gender equality.

The Universal Declaration of Human Rights 1948 is a non-binding declaration adopted by the United Nations (GA Resolution 217(111)) probably in response to the barbarism of World War II. Even though non-binding, it gave rise to other binding human rights instruments such as, the Convention on the Political rights of women 1953, International Women's Year 1975, International Covenant on Civil and Political Rights and the International covenant on Economic, Social and Cultural Rights. The African Charter on Human and People's Rights was like a message of the Universal Declaration brought home to Africans by The Organization of African Unity. Perhaps, the best convention protective of the rights of women stemming from the United Nations is the Convention on the Elimination of all forms of Discrimination against women (CEDAW)). This deals with the Empowerment and Development of Women in all spheres of life and can be likened to a handbook on women. Despite these protections (Local, Regional and International), Gender inequality still subsists in varying degrees all over the world and has tended to undermine world developmental agenda such as sustainable development and attainment of the Millennium Development Goal

## The Nexus

Not long ago on 3<sup>rd</sup> to 7<sup>th</sup> February 2014, the eight session of the Open working Group (OWG8) on sustainable Development goals sat in New York in consultation with Governments, on how to shape a set of sustainable development goals (SDGs) to come into rhythm with the post 2015 development frame work. It is pertinent to note that one of the focal issues in the session was the promotion of equality between men and women and the consequent women empowerment. The recent United Nations' report which focuses on women's rights capabilities, leadership and unpaid care work states that, there is an undeniable link between sustainable development and gender equality (World Survey 2014). Women play vital roles in the three constituent parts of sustainable development.

**Environmental sustainability** – Environmental sustainability must take into consideration, climate change, agriculture and even fuel (energy). Climate change has tremendous social, economic and environmental consequences, and women and girls are among the most affected by these changes, given the precarious nature of their livelihoods and because they bear the burden of securing shelter, food, water and fuel while facing constraints on access to land and natural resources(English Pravdaru2014). Women and children often have the primary responsibility of collecting fuels for household needs. This affects them adversely too as they may for example encounter violence in the quest for fuel for traditional cooking methods. In many countries women play a vital role in the agriculture sector and food security. They comprise the majority of small farmers. They are also the main producers of staple foods and crops likely to be affected by climate change. They therefore bear the responsibility of practicing farming which will not cause degradation on the farm lands. While they bear this responsibility, they are still less likely than men to have access to farm land and more importantly have access to training through extension services. This restricts their ability to utilize sustainable agricultural practices.

**Economic Sustainability**- The driving forces in economic wellbeing may be summarized as reduction in poverty, education, employment and removal of cultural practices that hamper economic wellness, such as child marriage, male preference, disinheritance and unequal power sharing . The hard reality of the dynamic, and fast developing world now is that there is no room for success in mediocrity. People who are not equipped with the necessary tools for survival will therefore live in poverty(Akande 1999). We then say that if it is in their hands to improve on it, they are likely to recycle it.

Women are very important in human development. They are said to use their incomes to create a multiplier effect in their homes and communities, because they disproportionately spend more of their earned income on food, healthcare, home improvement and schooling (Gender Equity 2012). This way, they greatly affect sustainability in human resource. It is also known that women owned small and growing businesses are, and will continue to be a critical driver of economic growth, one that is inclusive and broad.

In Nigeria, and in most other countries especially in Africa, the right of women to participate in economic development has not really been encouraging. The basic reason for this is failure to appreciate the relative impact of development projects on men and women. Economic growth being the production of goods per capita or in real terms increase in economic activity (Bolander 1991), one cannot produce goods per capita, where he or she does not have the capital, and this is the experience of most women. Where there is no economic development, then there is nothing to sustain.

**Socio-Political Sustainability:** According to Obilade(1993), in the early days, many African women thrived as powerful rulers, but only in systems of diffuse authority, informal leadership, shared rights of enforcement and a balance of male and female powers. The colonial master introduced a political system which participation is based on participation guaranteed only by individual achievement. This system had no place for women and this tilted the balance of power in favour of men, as the individual achievement was based on level of literacy and proficiency in the colonial language which women were lacking in, due to the long standing discrimination against women in major spheres of life. Events in Africa and especially in Nigeria have shown that formal right to vote and be voted for is not a guarantee of effective participation in structures that determine the socio political and economic destiny of any society. Many female Presidents, Prime Ministers and heads of states have emerged in the Western world and those countries have been better for it, in terms of empowerment of women. Nigeria in its near 55 years of independence has never produced a female president or a properly elected female governor. There has however been gradual progress in the areas of Ministerial appointments and positions in other parastatals. For a meaningful development that can be sustained, women must be included in leadership and participation in key polity bodies. It is also important that policies and programmes be instilled with the spirit of inclusion, innovation and equal participation by women(Internet source 2014).

Although progress on gender equality has been made in most parts of the world (Nigeria inclusive), and in some areas, the potential of women to engage in, contribute to and benefit from sustainable development as leaders, participants and agents of change has not been fully realized, owing to *inter-alia*, persistent social, economic and political inequalities (Internet source2014).To ensure sustainable development, climate change, natural resource degradation, gender inequality and the short comings of the global economy are vital issues to

be addressed. To do this requires harnessing the immense human capacity to produce the desired innovations and so any attempt at this which relegates the capabilities of half the population of the human race to the doldrums is bound to fail abysmally.

The report (World Survey 2014) by the UN women shows how the effect of unsustainable patterns of development intensify gender inequalities as women and girls are disproportionately affected by economic, social and environmental shocks and stresses. Such pathways promote the exploitation of women's unpaid care work and labour. This in turn produces environmental problems as market actors seek and secure profit by over exploitations of natural resources and the pollution of climates.

Maintaining long term economic, social and environmental capital are central to sustainable development, and these require full and equal participation by men and women at all levels. None of the three pillars of sustainable development can be realized if the problem of inequality as measured by the economic participation, health and political empowerment of women is not addressed (OECD 2008). The United Nations Secretary Sha Zukang succinctly addressed this issue thus;

I have said it before and I say it again today that in many ways sustainability is about women. Society flourishes when women's leadership, creativity and initiatives are recognized, embraced and harnessed. In many countries women are the champions of green economy, practicing sustainable agriculture, nurturing our natural resources and promoting renewable energy (Rio+20, 2011).

It is important to note that, the Rio Declaration, the Millennium Development Goals and the Beijing platform all recognize a fundamental truth – that environmental issues are women issues. Women are often on the frontlines of environmental challenges and impacted in real and serious ways, yet women are far from just victims. Women have long been promoting solutions to sustainable development challenges. They have been promoting climate change adaptation and mitigation, protecting biodiversity and vital ecosystems, securing water access and combating indoor air pollution (Internet Source 2014). It is important to stress finally here that economic wellbeing requires gender sensitive strategies. Social equality is essentially linked to gender equality, sex, race etc and so social status and political opinions are indicators of social inequality, and environmental protection requires a solid understanding of women's relationship to natural environmental resources and planning aspects of sustainable development with a gender perspective.

### **Implication for the Igbos**

The Igbo race in general is a very enterprising group of people. This has been re-in forced by their precarious position in Nigerian polity since the end of the Biafran war in 1970. There have been calculated efforts to present the Igbos as a vanquished people who deserve no mitigation of punishment, yet the Igbos have trudged on gallantly in all spheres of life. When it comes to what they can achieve through personal and group effort, they have excelled especially in infrastructure and commerce. The Igbo woman is known for her hard work and tenacity. They have helped in development of their communities through the Umuada groups and the annual August meeting of women held all over Igboland. This is despite the subsistence of gender inequality characterized by inaccessibility of assets and resources to women and the unequal power sharing between men and women. The Igbo woman is also known to finish whatever she starts well.

Gender Equality among the Igbos will ensure more development for the Igbos, which will stand the test of time. This situation will give the Igbos their pride of place in the scheme of things in Nigeria generally. It is evident from the achievements of women all over Igboland in the face of constraints of gender inequality, that they would take Igboland to very high heights in the area of sustainable development, if given equal opportunities with their male counterparts.

Recommendations – This paper has tried to bring out the need for men and women to work as equal partners in initiating development that can be sustained for generations. This can be achieved by prioritizing measures to promote gender equality and women empowerment in all spheres of life, including the removal of barriers to their full and equal participation in decision making and management at all levels thus;

1. Equal access to education should be granted to men and women by removing through effective and enforceable legislations, those factors that limit full achievement by women in education.
2. Priority should be given to measures geared at promoting the removal of barriers to women's full and equal participation in decision-making and management at all levels.
3. Temporary measures should also be encouraged for meaningfully increasing the number of women in leadership positions, ultimately to achieve gender parity.
4. The enactment of gender based specific laws should be encouraged.
5. All discriminatory laws and cultural practices inimical to the dignity of the female gender should be abrogated.
6. Gender stereo-type roles should be discouraged for boys and girls both at home and in the school.

7. There should be gender mainstreaming in national policies. This means taking consideration of the needs of women and girls in the formulation of national policies and programmes. This also entails the use of gender sensitive indicators and sex-disaggregated data in policy, programme design and monitoring frame works in accordance with national circumstances and capacities, in order to achieve sustainable development.

### Conclusion

Combating Gender Inequality and achieving gender equality should not be the right thing for every nation; it must also be the smart thing to do. The imperatives of achieving gender equality ultimately to produce sustainable development (GA Resolution 66/288) were clearly recognized and acknowledged in the outcome document of the United Nations Conference on sustainable development. In the document, it was underscored that women have a vital role to play in achieving sustainable development and the leadership role of women was also recognized and the need to promote gender equality and empowerment, and ensure their full and effective participation in sustainable development was reiterated.

In this paper, the need for gender equality in achieving sustainable development has been x-rayed. Some recommendations for achieving gender equality have also been proffered. It is hoped that when the recommendations are adhered to, the issue of gender inequality and its resultant epileptic development shall be a thing of the past. For the Igbo race in particular gender inequality constitutes a clog in the wheel of their naturally endowed strength at development, if half of their populations are relegated to a state of non-entity in the area of nation building and development.

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