THE RIGHT TO PARTICIPATE IN POLITICAL AND DECISION-MAKING PROCESS UNDER THE MAPUTO PROTOCOL: NORMATIVE MASCULINITY AND NIGERIAN WOMEN

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Abstract: The birth of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa otherwise known as Maputo Protocol was meant to overcome the shortcomings of the African Charter on Human and Peoples' Rights. Despite Nigeria's ratification of the Maputo Protocol, little concrete achievements have been recorded. This study situates the right of Nigerian women to participate in political and decision-making process under the Maputo Protocol in the context of normative and hegemonic barriers in the country. Using analytical methodology, the paper argues that the underrepresentation of Nigerian women in public governance is a negation of human rights. It recommends the domestication of the Protocol through its ratification by the National Assembly in line with the provision of section 12(1) of the country's constitution.

Keywords: Political empowerment, human rights, Maputo Protocol, democracy, development, masculinity, decision-making.

Summary: 1. Introduction. 2. Democracy and the Imperative of Popular Participation. 3. Framework for Political Empowerment. 4. The Trajectory of Development and Politics. 4.1. The Imperative of Implementation. 4.2. Political Exclusion as a Vista of Normative Masculinity. 5. Normative Masculinity and the Maputo Protocol. 6. Conclusion

1. Introduction

Part of the explanation for the gap in gender participation in politics is that in many societies, Nigeria inclusive, people do not want women in politics because it is largely seen as a masculine domain (Romer, 1990: 230; Rudman and Fairchild, 2007:127). In addition to sundry socio-demographic factors such as age restrictions, gender socialization and cultural practices which prevent women from participating in political decision-making, many other structural and systemic factors occasion a gender division of labour which locate women in the domestic sphere and men in the public sphere (Chabaya *et al.,* 2009:238). The consequence of the sexist division of labour which regards politics as a masculine profession (Connell, 2005; Heldman *et al.,* 2005:218) is the activation of men's resistance and unwillingness to share political power and decision-making process with women (Schein, 2001:678).

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In this paper, we employ the term 'normative' in an epistemological sense as signifying a condition in which some action, attitude or mental state finds justification as an action or state one ought to be in (Darwall, 2001). Similarly, we use the term 'masculinity' to refer to the social roles, behaviours, and meanings prescribed for men in any given society at a given time (Kimmel, 2005). By normative masculinity, therefore, we refer to a socially constructed structure in which gendered attributes of maleness are patriarchally denominated as normal and justified. From this perspective, the paper is tangentially and thematically undergird by Connell's (2005) theory of hegemonic masculinity which takes its bearing from Gramsci's (1971) concept of hegemony which is, in itself, essentially a theory of domination.

Patriarchal political culture being an important determinant of women's participation, the prevalence of masculine politics signifies the otherness of women, their near total exclusion in decision-making and a corresponding over-representation of men in all public spheres including politics (Connell, 2005). The consequence of normative masculinity is that the electorate, for instance, expect politicians and leaders to have masculine traits instead of feminine ones as masculinity attributes become critical requirements to run higher offices (Rosenwasser and Dean, 1989:594; McGinley, 2009:714). While low level of women's participation in political and decision-making process are global in scope (Agbalajobi, 2020:076), obnoxious social norms, harmful traditional practices, political exclusion and economic lopsidedness have exacerbated their political viocelessness and intensified their exclusion in decision-making in most parts of Africa, especially Nigeria (Kasomo, 2012). Banda (2021:8) posits that 'deeply entrenched patriarchy in [the] African society has posed many barriers for women in political participation'. In the colonial and immediate post-colonial period in Africa, women's involvement in politics was marked mainly by their presence in the women's wings of the political parties which possessed little or no functional relevance (Kolawole *et al.,* 2013:66), their roles being largely nominal (Ajayi, 2019). The need to further the cause of human rights in Africa and stem the tide of discriminatory practices against women gave rise to the African Charter on Human and Peoples' Rights (the African Charter). As the primary treaty which provides a framework for human rights in the region, the Charter recognizes and affirms women's rights in three major provisions.[1]

However, in spite of the women-oriented provisions in the instrument, the African Charter is generally regarded as ineffective in addressing the issue of discrimination against women. Among other shortcomings, the non-discrimination provision in it can only be invoked in relation to the implementation of a right under the Charter (Akiyode-Afolabi and Amadi, 2008). The birth of the Protocol to the African Charter on the Rights of Women in Africa otherwise known as the Maputo Protocol was both a reaction

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[1] Article 18(3) requires states parties to ensure the elimination of every discrimination against women and also ensure the protection of the rights of women. Article 2 provides that the rights and freedom enshrined in the charter shall be enjoyed by all irrespective of race, ethnic group, colour, sex or other status. Article 3 of the Charter provides that every individual shall be equal before the law and shall be entitled to equal protection of the law.

to the shortcomings of the African Charter and an attempt to strength the human rights governance architecture of the region (Sadie, 2015:65). The Protocol itself acknowledges the ineffectiveness of the African Charter when it notes that 'despite the ratification of the African Charter on Human and Peoples' Rights, women in Africa still continue to be victims of discrimination and harmful practices'[2].

Since it entered into force[3], the Maputo Protocol has become the reference legal instrument of the African rights system for the promotion and protection of women's rights (Maiga, 2012). The Protocol exhorts states parties 'to take specific positive action to promote participative governance and the equal participation of women in the political life of their countries…'[4] The adoption of the protocol is regarded as a signifier of a renewed political commitment to the advancement of women's rights as human rights in Africa (Centre for Reproductive Rights, 2006:4). As an index of its commitment to the cause of women's participation in political and decision-making process, Nigeria ratified the Maputo Protocol[5] in addition to other relevant instruments in Africa and United Nations (UN) human rights systems. The Federal Government of Nigeria in a bid to implement the affirmative declarations in favour of women as contained in such instruments, captured them in the Nigeria Gender Policy (NGP) which was launched in 2006 (Olufuunke, 2014:023).

In spite of Nigeria's subscription to a plethora of international treaties to improve women's political participation and representation, very little concrete achievements have been recorded (Kelly, 2019:2). The United Nations Development Programme (UNDP), for instance, insists that despite relative increases, women's participation in politics and decision-making in Nigeria is still inadequate (Asaju and Adagba, 2013:62). Currently, Nigeria ranks among the countries with the lowest rate of women's representation in parliaments across the world ranking 186 out of 193 countries globally (Women in National Parliaments, 2019). This is so despite the fact that women account for nearly half of the population of Nigeria with 49.2% but they are underrepresented in the public sector (Okongwu, 2021:28). Notwithstanding Nigeria's ratification of the Maputo Protocol and the availability of various laws that can eliminate discrimination against women and enhance their participation in the political decision-making process, inequality and gender-based discriminatory practices against women persist (Okongwu, 2021:40). This study situates the right of Nigerian women to participate in the political and decision-making process under the Maputo Protocol in the context of normative and hegemonic barriers which tend to truncate the actualization of the lofty ideals in the instrument. We argue that the subsisting under representation of Nigerian women in the public governance architecture of the country is not only a negation of their human

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[2] Preamble to the Maputo Protocol.

[3] The Protocol was adopted on 11 July 2003 at the 2nd ordinary session of the African Union held in Maputo, Mozambique and entered into force on 25 November 2005. It is one of the two main mechanisms in the area of promoting women's Rights in Africa, the other being the AU Gender Directorate.

[4] Article 9.1, Maputo Protocol 2003.

[5] Nigeria ratified the Protocol on 16 December 2004 and deposited its article of ratification on 18 February 2005.

rights but also a devaluation of their strategic contribution to national development. We contend that the structural disempowerment of women to participate in politics and decision-making is a major dent on Nigeria's democratic credentials. By appraising the operational (in)effectiveness of the Maputo Protocol as an instrument of women's empowerment, we contribute to the discourse on normative masculinity and the quest for sustainable development.

The methodology adopted in this study is analytical and comparative in orientation. By this, we examined the primary regional human rights framework, the African Charter and its offshoot, the Maputo Protocol, in relation to the major instruments within the UN human rights system. Relying on relevant literature, we thematically juxtaposed the essential provisions of these instruments with the prevailing patriarchal tendencies which characterize Nigeria's social political climate and found that Nigerian women still face serious discriminatory practices. The findings informed the recommendations that attend the paper.

2. DEMOCRACY AND THE IMPERATIVE OF POPULAR PARTICIPATION

Democracy being a people-centered form of government, popular participation is universally acknowledged as its bedrock (Opukri and Tarabinah, 2013:18). In a democratic polity, popular participation is expressed as the right of citizens as stakeholders to make choices from competing alternatives based on the platform of electoral infrastructure and the process of decision-making (Opukri and Tarabinah, 2013:18). According to the International Parliamentary Union (IPU, 2019), popular participation enriches democracy by ensuring better decision-making and strengthening politicians' accountability to the people. The rationale for popular participation is that everyone who is affected by a decision has a right to be involved in the decision-making process (IPU, 2019). One of the defining ingredients of political participation is that it must be voluntary as to allow citizens to freely influence political and administrative systems and decisions at various levels (Uhlaner, 2015:504; Kamlage and Nanz, 2018:3). While there exists a diversity of orientations to the doctrine of political participation, all the approaches are meant to achieve what Offe (2011) describes as 'democratizing the democracy'.

The recognition and participation of women in politics is adjudged a basic platform for gender equality (Johnson, 2012:96). This perspective represents the human rights approach to political participation which in turn draws strength from the Universal Declaration of Human Rights (1948)[6] and allied instruments in the UN systems. This is to the effect that an essential tenet of any democratic framework is the principle of human rights including the grant and exercise of the political rights of both men and women (Ballington and Karam, 2005:24). In the African region, the human rights approach is anchored on the contention that since women constitute about half of the entire population, they have a right to be represented in decision-making and policy formulation (Boserup *et al.,* 2013). Drawing from the human rights thesis, feminist theorists on popular participation aver that

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[6] Articles 2 and 21, UDHR stipulates equality in the enjoyment of political rights free from discrimination on the basis of sex or other reasons.

women are a homogenous group who deserve to be represented in discussions that give rise to public policy formulation on account of their peculiar experiences (Young, 1989; Swers, 2002) for which men cannot represent them effectively (Pateman, 2005:2005:27). Corner (1997:3) amplifies this averment when she asserts that 'since women and men play different roles in society and therefore have different needs, interests and priorities, it follows that women cannot be adequately represented in decision-making by men'. In effect, equal access by all adult citizens to participation in decision-making and leadership is a basic principle of democracy (Corner, 1997:3). The corollary of the human rights argument is that women's non-participation in politics renders them non-citizens for whom policy outcomes reinforce their inferior status (Lowe *et al.,* 2021:19).

The equity argument on women's participation in decision-making is that women have a right to share in decision-making in proportion to their numbers as a distinct group in the society for which their non-representation constitutes a violation of the core essence of democracy (Lowe, *et al.,* 2021:19). Cooper and Lybrand (1994) have argued that parliaments, for instance, should be 'mirror images' of each country by capturing its variegated socio-demographic diversity. Similarly, the rational choice model of political participation was proposed by Down (1957) as an economic theory of democracy which views participation in terms of cost and benefits to individual participants. The implication is that women's non-participation or underrepresentation in political decision-making process collaterally undermines their democratic voice and socio-economic interests (Verba, *et al.,* 1995). The UN Secretary General, Ban Ki-moon (2011) elucidates the critical nexus between democracy and participatory inclusiveness when he notes that women's political participation not only improves democracy but also that 'democracy is an incubator for gender equality'. The consequence is that democracy will not be properly so called if women are excluded or segregated from the political and public institutions in the society (Haque, 2003:576).

In Nigeria, women's participation in political decision-making process received a shot in the arm with the enfranchisement of women in the Southern part of the country in 1960 while the enfranchisement of women in the North took place in 1979 (British Council Nigeria, 2012). While socio-economic and geographical factors have played a role in the late activation of the female franchise in Northern Nigeria, Islam is also implicated in the low levels of political participation in that part of the country (British Council Nigeria, 2012). However, the notion in Christian religious thought that wives should be submissive to their husbands (Ephesians 5:22-33) has contributed to making Christianity in particular and religion in general an effective tool for the socio-political subordination of women (Christian Aid, 2015).

3. FRAMEWORK FOR POLITICAL INCLUSION

In light of the pervasive underrepresentation or total exclusion of Nigerian women in political decision making, the birth of the Maputo Protocol in 2003 and Nigeria's ratification of same in 2004 was expected to boost women's participation in politics. The Protocol is rooted in the parent instrument, the African Charter, which trumpets the principles of gender equality and non-discrimination.[7] As an instrument of inclusion and gender equal-

ity, the protocol mandates states parties to include in their national constitutions and other legislative frameworks, the principle of equality and non-discrimination[8]. The protocol also commits state parties to modify the social and cultural patterns of conduct of women and men through public education, information, enlightenment and communication strategies to eliminate harmful practices against women[9]. As a facilitator of women's participation in political and decision-making process, the protocol makes elaborate and potentially far-reaching provisions including affirmative action and participatory inclusivity, to further the cause of women's political empowerment[10].

The provisions of the Maputo Protocol draw inspiration from the UN Convention on the Elimination of all forms of Discrimination against Women (CEDAW) for which Article 7 coterminously exhorts states parties 'to take all appropriate measures to eliminate discrimination against women in the political and public life of the country'[11]. Another international instrument to which Nigeria is a signatory is the International Convention on Civil and Political Rights (ICCPR) which prohibits discrimination on any grounds such as sex or political opinion[12]. The recurrent thematization of the imperative of women's participation in political decision-making also took centre stage in the Beijing fourth world conference on women, 1995. The Beijing Platform of Action (BPoA) questioned the feasibility of achieving meaningful democratic transformation in Africa if the violation of women's political rights persists stressing that democratic institutions which lacked women's representation in political decision-making cannot achieve gender equality in policy agenda-setting accountability.[13] Prior to Beijing, earlier UN Conferences on Women which held in Copenhagen, Nairobi, Vienna, and Cairo also contributed to the sustained momentum on women's political empowerment (Agbalajobi, 2020:081). Similarly, the UN General Assembly Resolution 58/142 on Women's Political Participation mandates all stakeholders to develop comprehensive set of programmes and policies to increase women's participation in decision making (World Health Organization, 2005). The mandate was further supported by the Commission on the Status of Women (CSW) which seeks equal participation of both men and women in politics, leadership, and decision-making (Krook and True, 2012:112).

Apart from the global and regional instruments on the subject matter, many Nigerian municipal instruments also support the cause of women's political empowerment. For instance, the Constitution of the Federal Republic of Nigeria, 1999 (as amended) prohibits

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[7] Article 2 of the Charter provides for non-discrimination on the grounds of race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status. Similarly, Article 18 of the charter specifically calls on state parties to eliminate all forms of discrimination against women.

[8] Article 2

[9] Articles 2(2).

[10] Article 9(1) (a-c) and (2).

[11] Nigeria ratified CEDAW in 1985, signed the Optional Protocol on 8 September 2000 and ratified it on 22 November 2004.

[12] Article 26, ICCPR, 1966.

[13] Declaration 1995b.

discrimination on any basis such as gender, religion and political persuasion.[14] It also stipulates that every person shall be entitled to a wide range of rights and freedoms including the right to form or belong to any political party for the protection of their interests.[15] The same Constitution further provides that every citizen who has attained the age of 18 years in Nigeria at the time of registration of voters shall be entitled to be registered as a voter for that election[16]. In spite of the non-discrimination provision of the Constitution, it is, however, undergird by latent masculinity with respect to the deployment of patriarchal language in its framing (Okegbola, 2010). The gender non-neutrality of the constitution is evident in the fact that the pronoun 'he' appears 235 times in the constitution while the word 'women' was used only two times[17] in the *grundnorm* (Okegbola, 2010). The commitment to women's political empowerment which culminated in the formulation of the National Gender Policy (NGP) in 2006 provides for 35% affirmative action in favour of women (Afolabi, 2018:5).

However, despite ratifying the Maputo Protocol along with other legislative instruments and policy actions, Nigeria continue to have one of the largest 'participation gaps' in Sub-Saharan Africa (Isaksson, Kotsadam and Nerman, 2014:311). In fact, Nigeria has the lowest level of female representation in parliaments throughout Africa with 3.63% while Rwanda is the highest in the continent with 61.25% (IPU, 2020). Similarly, the World Economic Forum in its 2018 Global Gender Gap report which measures 'political empowerment' in terms of ratios of women to men in ministerial and parliamentary positions among others, ranked Nigeria in the 139th position out of 149 countries surveyed globally (Kelly, 2019:4). A comparative analysis of the distribution of the 469 legislators at the joint session of Nigeria's National Assembly by Gender between 1999 to 2019 confirms that women are grossly underrepresented in the country's bicameral legislature: The Senate and the House of Representatives. In the 1999-2003 legislative session, the total number of women in both chambers of the National Assembly was 15(3.2%); 26(5.5%) in the 2003-2007 session; 36(7.68%) in the 2007-2011 period; 34(6.6%) in the 2011-2015 session and 29(6.18%) in the 2015-2019 session in both chambers (National Assembly Gender Strategy, 2014).

Having regard to the fact that women constitute a substantial proportion of the total population of Nigeria which stands at about 49.36% (Olufuunke, 2014:224), their gross under representation in the parliament and overall political decision-making process is a sad commentary on Nigeria's commitment to women's political empowerment (Agbolajobi, 2020:76). The yawning gaps in women's representation at different levels of governance and leadership, result in a situation in which 'women's voices still remain a whisper' (Sadie, 2021:66). The factors responsible for the persistent underrepresentation of women in political decision-making range from sexist and patriarchal social frameworks to sundry socio-economic and institutional obstacles. In section four of this study, we shall examine the incidents of hegemonic masculinity which undergird the implementation of the Maputo Protocol in Nigeria. However, while the focus of this study is on hegemonic masculinity as a foil to women's political participation, it should be acknowledged that

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[14] Section 42.
[15] Section 40.
[16] Section 77(2).
[17] Sections 26(2)(a) and 29(4)(b).

factors such as the pervasive culture of violence, absence of affirmative action for women, lack of support by political parties and funding constraints are also contributory to the political disempowerment of women (Kelly, 2019:2).

4.   THE TRAJECTORY OF DEVELOPMENT AND POLITICS

In the previous section, we mapped the intersection between popular participation and democracy and argued that the underrepresentation or exclusion of women in politics and political decision-making is a blight to the chemistry of democracy. In this section, we extend that argument by positing that development is underpinned by democracy (as a system of political expression) and that women's participation in the political decision-making process is critical to the attainment of sustainable development. By its very nature, development is a transformative process inescapably anchored on economic growth, social change and political interaction (Leftwtich, 2006:12). The politics of development refers to the conflictual contestation between how resources are used, produced and distributed on one hand and how decisions are taken about the social structure which sustains, implements and extends them on the other (Leftwitch, 2006:13). According to Barber (2014:1), the political context of development is 'the most potent and determinative sphere of the human ecology'. This averment finds resonance in Fukuyama's (2013:1), thesis that 'if you don't get the politics part of development right, none of its other parts, including economic policies, are going to work either'. For the reason that developmental outcomes are politically determined (Leftwich, 2006:24), popular participation in politics becomes an important expression of individual and collective action (Cunill, 1991) targeted at influencing public policies and the course of development (Parry *et al.,* 1992:16). This is because politics is the fulcrum upon which the entire system of development and social transformation revolves (David, 2015:1).

The interconnectivity between development, economics and politics (David, 2015:2) and the acknowledgement that democracy and development are tied to human freedom and dignity (Salih, 2017:4) underscore the position of the Inter-Parliamentary Union (2015) that any barriers to democratic or political participation constitutes a denial of peoples' rights which can lead to underdevelopment, instability and poor governance. According to the Nobel laureate Amaryta Sen (1995), authentic development energizes political freedoms while democracy is the driving force for human development through participation and inclusion. The view that 'depoliticizing economics [development] is nefarious to democratic sensibilities' (Iyer, 2014:7; Chang, 2014:377) has led to the contemporary notion that democratic inclusion participation and participatory development apply the same principle: the protection of the existential rights of the minority and the vulnerable (Salih, 2017:4). The underrepresentation or exclusion of women in and the corresponding domination of the political decision-making process by men is both a setback to development and the betrayal of the responsibility of government to exercise its authority for the well-being of the entire community (Johnson, 2012:85).

Like several global and regional instruments on the subject, the Maputo Protocol underscores the centrality of women's political empowerment as a driver of democracy and

development. Hailed as the most progressive legal instrument providing a comprehensive set of human rights for African women (Thabane and Buthelez, 2008:175-176), the Protocol emphasizes the right of women to participate in all elections and equal representation of women in electoral processes.[18] It also stipulates equal partnership of women with men at all levels of development and implementation of state policies.[19] Apart from being an outgrowth of the African Charter on Human Rights, the Maputo Protocol has also drawn strength from the African Charter on Democracy, Elections, and Governance, otherwise known as the African Democracy Charter (Paxton and Kunovich, 2003:87-88). In emphasizing women's rights and women's essential role in development, the protocol pays homage to the United Nations Plans of Action on Environment and Development (1992), Human Rights (1993), Population and Development (1994); and Social Development (1995).[20]

Furthermore, as a facilitator of women's participation in political decision making and general socio-economic development, the protocol specifically mandates states parties to 'ensure women's participation in the conceptualization, decision-making, implementation and evaluation of development policies and programmes'[21]. The Protocol's stress on gender equality in political decision-making and the entire spectrum of socio-economic development is in tandem with the objectives of CEDAW which creates an affinity between the 'full and complete development of a country' with the need for 'maximum participation of women on equal terms with men in all fields'[22]. It is also in line with the provision of the Economic Community of West African States (ECOWAS) Treaty 1975 (as revised in 1993) on women and development which urges states parties to provide a framework within which the constraints that inhibit women will be addressed in the overall interest of the society.[23] ECOWAS leaders also adopted the Supplementary Act on Equality of Rights between Women and Men for Sustainable Development, 1995 which commits ECOWAS member states to institute affirmative action for gender equality and equity in decision-making positions in the public and private sectors[24]. The importance of women's participation in decision-making for development and social transformation is underscored by UN's Sustainable Development Goals (SDGs). Specifically, Goal 5 of the SDG aims to 'ensure women's full and effective participation and equal opportunities at all levels of decision-making in political, economic and public life'.

4.1   The Imperative of Implementation

Despite the ratification of the Maputo Protocol by Nigeria and many other states, its implementation has recorded little progress and the gains accruing therefrom have been slow and low (APO Group, 2020:2; Maiga, 2012: para 46). According to the Commissioner of the African Commission on Human and People's Rights and Special Rapporteur on

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[18] Article 9(1) (a-b)
[19] Article 9(1) (c).
[20] Preamble to Maputo Protocol.
[21] Article 19, Maputo Protocol.
[22] Preamble to CEDAW.
[23] Article 66(2) (b).
[24] Article 11.1.

the Rights of Women in Africa, Justice Lucy Asuagbor, the consequence of the slow pace of progress in the realization of women's political empowerment is the corresponding slowing down of the implementation of Africa's development goals as encapsulated in Agenda 2063 (APO Group, 2020:2). In the aspiration for gender equality and participatory inclusivity, the question has arisen as to what women uniquely bring to the table. In her 'Foreword' to the seminal study on the difference that women make to politics entitled: *Beyond Numbers,* South-Africa's first post-apartheid Speaker, Frene Ginwala avers that women's participation in politics 'inevitably lead to solutions that are more viable and satisfy a broader range of society' (Karam, 1998:2). To the same question, the UN Under-Secretary-General and Executive Director of UN Women, Phumzile Mlambo-Ngcuka submits that 'gender-balanced governments made better decisions because they were more representative of the people they served, and women brought fresh perspectives [to policy formulation]' (Lowe, *et al.,* 2021:21).

In its 2003 study on women in decision-making in Southern Africa, a Non-Governmental Organization, Gender Links, notes that women's equal participation in political decision-making is not merely a matter of being 'politically correct' but indeed a vital component of good governance (Lowe-Morna, 2004:249). According to the Common-wealth Secretariat (1999), the entry of women into parliament, for instance, leads to the mainstreaming of issues such as abortion, domestic violence, sexual harassment, rape and single parenthood in the parliamentary agenda. Cramer (2005) echoes this point when she notes that compared to men, women bring to the leadership space, a different mindset in resource allocation which favour a redistribution agenda prioritizing children's education, social services and health (Laplante, 2004). The unique contribution of women in political decision making and governance is informed by their peculiar experiences which make them do politics differently from men (Afolabi, 2019:4). The implication is that women must be actively involved in the dynamics of political decision-making in order to bring change to the system. To make a difference, the Maputo Protocol exhorts that women's participation in decision-making and governance must be full and comprehensive in order to make their number count.[25] This underpins the theory of critical mass, which holds that women cannot make meaningful difference as long as only a few of them are in politics because 'it takes a critical mass of women to make a fundamental change in politics' (Dahlerup, 1991:10).

On account of the peculiar attributes of women and the socio-demographic factors that temper their political motivations, the failure to incorporate their concerns in decision-making represents a major loss for the society as a whole (Corner, 1997:3). This is so because women's needs, interests and concerns are not just those of women themselves but 'reflect their primary roles as mothers, wives and caregivers' (Corner, 1997:3). Considering the strategic place of women in the development matrix, the absence of their perspective at various levels of decision-making will make it impossible to achieve the goals of equality, development and peace (Ilesanmi, 2018:4).

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[25] Article 19.

In addition to their overall contribution to the cause of development, women's participation in political decision-making strengthens the cause of peace and mutual understanding because they bring a less combative style to political argumentation and a disposition less influenced by personal interests (Johnson, 2012:88). The Maputo Protocol acknowledges the contribution of women in conflict resolution and peace building as an important consideration for mandating states parties to ensure the participation of women in the decision-making process in line with the UN Security Council Resolution 1325 (2000)[26] on the role of women in promoting peace and security (Cohn *et al.,* 2004; Tryggestad, 2009). There is evidence in support of the notion that intra-state conflict is more likely to occur in states where gender equality in political representation has not been achieved (Daramola and Oniovokukor, 2006). Part of the explanation for this is that ethnic mobilization is more likely to readily develop where there exist severe gender inequalities because ethnic nationalism is mostly patriarchal (Daramola and Oniovokukor, 2006).

Considering that ethnic identity is particularly important for Nigerians (Dandia, 2007), it seems plausible to implicate the pervasive gender inequality in the country in the avalanche of inter-ethnic conflicts besetting it. Similarly, Nigeria's subsisting status as a poor nation (Olawole and Alao, 2017:211) despite its rich human and material resources in addition to numerous government programmes for poverty alleviation (Omotola, 2008) may rightly be traced to women's political disempowerment and gender imbalance in decision-making over the years (Ilesanmi, 2018:2). It does not seem coincidental, therefore, that the African countries that have made more substantial progress in women's political participation and representation with the largest number of women in decision making positions are also the countries that have recently experienced armed conflict and bloodletting (Abdennebi-Abderrahim, 2019:4) such as Rwanda, Burundi, Mozambique and Uganda. In Burundi, for instance, the increased representation of women in state institutions has led to the social transformation of the country (Sow, 2012:7). Similarly, Rwanda and South Africa are examples of the efficacy of affirmative action in achieving increased women's participation in decision-making and governance (Devlin and Elgie, 2008). The corollary of the forgoing is that the improvement of women's participation in political decision-making in Nigeria in line with Maputo Protocol is a necessary condition for peace and sustainable development in the country. The Beijing Platform of Action expressed it rather grandly when it declared that 'the attainment of sustainable development in Africa will require the provision of equal access to and full participation of women in power structures and decision-making' (Declaration, 1995b).

4.2. Political Exclusion as a Vista of Normative Masculinity

Part of the consequences of normative masculinity is the valorization and justification of the attributes of maleness (Kimmel, 2005). According to Chuki and Turner (2017) the hegemonic status of men in the society has given rise to 'a global political model which is male dominant, male-identified and male-centred'. Through socialization and the gendered allocation of roles in the society, women are assigned the private sphere which

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[26] Preamble, Maputo Protocol.

entails taking care of the home and the family while men are assigned the public sphere which entails running the affairs of the society (Mtinsto, 1999:33-51). With patriarchy as it's driving force, the frameworks of masculinity define and dictate the temper of power relations between men and women by fostering a social structure in which men occupy decision-making roles in the home, community and national life (Morna, *et al.,* 2021:18). This explains why patriarchy has been globally identified as the prime obstacle to women advancement and development (Sultana, 2011) and constitutes the main reason for the significant devaluation of the role of women in the political arena when compared with their male counterparts (Khelghat-Doost & Sibly, 2020:398). The perpetuation of women's political exclusion arises from the normative culture in which 'men are considered the bearers of the culturally legitimated authority' (Rosaldo, 1974:21).

However, it is to be noted that the hegemonic domination of women by men which is systematically emergized by patriarchy is not limited to the political space but spans the entire gamut of the social structure (Sanit, 2009). Walby (1989:20) put forward six structures that shape patriarchy and with it, the normative framework of the society to include mode of production, governance and state relations as well as the pillars of cultural institutions. The structural subordination of women in general and their political disempowerment in particular logically flow from the normative framework which makes it difficult for women to leave their traditional domestic roles for more public roles outside the home (Morna *et al.,* 2021:22). This not only accentuates their voicelessness in the decision-making matrix but also 'continues to hinder [their] entry into formal politics' (Morna, *et al.,* 2021).

The United Nations Report to the Fourth World Conference on Women underscores the political disempowerment of women globally when it avers that 'nowhere is the gap between *de jure* and *de facto* equality among men and women greater than in the area of decision-making' (UN, 1996:12). This is because of all the spaces of decision-making, politics is acknowledged as 'the most public of all public spheres and, therefore has been among the most hostile for women to access' (Morna, *et al.,* 2021:36). The collateral consequence of the subordination or exclusion of women in the political grid is that they are unable to constitute a critical mass necessary 'to make fundamental change in politics' and society (Dahlerup, 1991:10). The advocacy for the increased participation of women in decision making, therefore, stems from the acknowledgement that it requires the involvement of sufficient number of women in politics to effect substantial change in public governance and political decision-making (Johnson, 2012:969). This position finds resonance in the exhortation of a Moroccan female politician and local Councilor, Aicha Ait Alla (2021:24) who avers that in spite of the normative structures that work against women's participation in politics, they must resist and hang on because 'I am convinced that if we want to change something in this country, one must get into politics'.

Consequently, the frameworks of masculinity which inspire the subordination of women is responsible for the paucity of women politicians who make it to the pinnacle of political power in many countries of the world (Darhour and Dhalerup, 2013:133). In this regard, statistics indicate that as at September 2021, for instance, 'there are only 26 women serving as Heads of State or Government in 24 countries of the world [while] one hundred

and nineteen countries have never had a woman leader' (UN Women, 2021). Of these, 10 countries have a woman head of state and 13 countries have a woman head of government (UN Women, 2021). Similarly, according to a global survey by the Interparliamentary Union, as at 2019, 'virtually all legislative bodies across the globe are male-dominated in nature' (European Parliament Briefing, 2019:1).

Furthermore, it is worthy of stress that the frameworks of masculinity in various societies across the globe explains why women have been subjected to discrimination and excluded from equality-based treatment in the belief that they belong to an inferior gender, lack rationality and need to be supervised (Fredman, 2002). The need to dismantle the normative structures which discriminate and subordinate women in political decision-making arises from the fact that humanity is incomplete without authentic democracy founded on political empowerment and developmental inclusivity (Salih, 2017). This is because it is only reasonable that groups with specific interests and perspectives should participate in leadership and the decision-making process so that their views will be incorporated in the decisions that emerge and the agenda that precede them (Corner, 1997:3). It is in this regard that as Jewkes *et al.,* (2015:113) have noted that changing hegemonic masculinity ultimately requires change in the ideals shared at a societal level. In the light of the global consequences of hegemonic masculinity, we now dovetail on the Nigerian situation by examining the Maputo Protocol in the context of the structural subordination of women which characterize social relations in the country.

5.   NORMATIVE MASCULINITY AND THE MAPUTO PROTOCOL

Tangential to our position in the preceding sections of this paper, the thrust of our argument in this section is that the (non)implementation of the Maputo Protocol in Nigeria is tempered by a culture which views the political (public) space as a masculine domain and the private space as feminine. In arguing, as we do, that patriarchal hegemony is the normalized and controlling impulse which defines social relations in Nigeria (and much of Africa), we approvingly take our bearing from Raewyn Connell's theory of masculinity which has arguably become the singular most influential theoretical framework for studying men and masculinities (Pascoe and Bridges, 2015:20-21). Drawing from Gramsci's (1971) concept of hegemony which is essentially a theory of domination, Connell (2005) theorizes, the dominant masculinity as hegemonic masculinity representing 'the culturally exalted form of masculinity' (Carrigan *et al.,* 1985:592). Notwithstanding the diversity of perspectives about the theory, Connell's (2005:77) definition of hegemonic masculinity as 'the configuration of gender practice which embodies currently accepted answer to the problem of the legitimacy of patriarchy, which guarantees (or is taken to guarantee) the domination of men and the subordination of women' answers to the socio-demographic impediments to the implementation of Maputo Protocol in Nigeria.

If the averment that outright misogyny is normalized in many African societies (Banda, 2021) is debatable, there is hardly any argument that deeply entrenched culture of patriarchy and male chauvinism are potent barriers to women's political participation in Africa (Soriola, 2017). Patriarchy is the operating system that defines power relations in the society, allocating a dominant role to men and a subordinate role to women (Lowe

et al., 2021:18). Consequently, the factors that undermine women's political participation (WPP) may be broadly categorized into two: the deep seated 'informal factors' such as custom, culture, tradition and gender stereotypes; and the 'formal factors' which include the media, electoral systems and election management, finance and resource control (Lowe *et al.,* 2021:22). By gendering traditional roles and division of labour, entrenched patriarchal systems put family control and decision-making in the hands of men while social norms do not encourage women to leave their traditional domestic roles for more public roles outside the home front (Lowe *et al.,* 2021:22).

The penetration and ossification of patriarchal values in many societies are effected through socialization which allocates men decision-making status in both the public and private spheres and banishes women to care-giving services whether in the public or in the private spaces. The effect is that a society may seem at once democratic and yet be completely patriarchal (Molneuk, 1984). Patriarchal socialization begins at the family which constitutes its main institution (Millet, 1970). Women's lack of experience in decision-making and leadership in the public sphere relates back to the family where, from infancy, girls in contrast to boys, are socialized to play passive roles and given little opportunity to develop leadership skills outside the family context (Corner, 2021:4).

Furthermore, in most traditional societies, girls are largely kept within the confines of the household and family where they are protected and taught to accept the decisions which other people: parents, teachers, or others make on their behalf (Corner, 2021:4). The effect is that over time, girls tend to lack the experience needed to function effectively in the public context in positions of formal leadership (Corner, 2021:4). Relatedly, socialization affects a woman's perception about her social responsibilities and the expectations of society from her. In many cases, this will influence her personal choice of career and her career aspirations in order to accommodate her primary role as homemaker resulting in her conscious or unconscious avoidance of certain senior roles and leadership positions (Hakim, 2006). Also, women's perception about themselves and their social roles often account for the refusal of women to support their fellow women who are seeking political offices. Although factors such as envy and jealousy may also be implicated in the situation, the refusal of women to support fellow women seeking public office stems from lack of confidence in the ability of women to handle such positions effectively (Ngara and Ayabam, 2013:52). The effect is that despite their numerical strength, women would rather support men than fellow women to win political elections (Ngara and Ayabam, 2013:52). The case of Mrs. Sarah Jubril who contested the presidential primary of the Peoples' Democratic Party (PDP) with the former President, Dr. Goodluck Jonathan and former Vice-President, Atiku Abubakar towards the 2011 general election in Nigeria is illustrative of the point of women's unwillingness to support their fellow women. In the primary, Mrs. Jubril scored only one vote (which she presumably cast for herself) in spite of numerous women delegates at the PDP convention (Ngara and Ayabam, 2013:53).

Evidence from literature suggests that as part of the consequences of family upbringing and patriarchal socialization, women are often legally placed under the authority of men especially in marriages where they are often regarded as minors lack-

ing rationality and needing to be supervised (Fredman, 2002) on account of which they are precluded from participation in politics (Okongwu, 2021:27). Nigeria being a highly patriarchal society where men dominate all spheres of life (including marriage and the family) at the expense of women (GNR Report, 2012), women are often required to seek the permission of their husband (or men generally) before venturing into politics. If such permission is not granted, the only option open to such women is to drop their political ambitions (Nwabunkonye, 2014:288).

In spite of Nigeria's ratification of the Maputo Protocol to address the discriminatory issues which women encounter in the country (Okongwu, 2021:35), those issues are still alive and well. Part of the explanation for this is that discrimination against women is ingrained in the Nigerian culture and attitudes in addition to the fact that being a traditional society, 'emphasis is placed on the role of women as that of homemaker and baby factory' (CEDAW Periodic Report, 1988 and 2003). The traditionally divided gender roles which assigned productive roles to the male sex and reproductive roles to their female counterpart (Agbalajobi, 2020:1), are further reinforced by the entrenched socio-cultural and religious practices in Nigeria which are skewed in favour of men against women and impede women's active participation in politics (Nwabunkuonye, 2014:286).

In addition to the social structures that tend to keep women away from the public sphere, the two main religions in Nigeria: Christianity and Islam inherently intensify gender discrimination and contribute to women's political disempowerment. In the Christian religion, for instance, Eve is portrayed as an afterthought produced from Adam's spare rib while many Islamic doctrines strictly bar women from some political behaviours such as public speaking which is often necessary for political visibility and advancement (Agbalajobi, 2020:80). Similarly, certain Islamic religious practices such as the purdah system (house seclusion of women) strictly bar women from participating in politics whether as voters, political aspirants, campaigners and other electoral activities (Nwabunkeonye, 2014:286).

Generally, in terms of political leadership and formulation of government policies, women's role in Islam is largely supportive and advisory (Nwankwo and Surma, 2008). In alliance with other factors, religion is acknowledged as a major factor in defining the responsibility of women and the association of men to leadership (Christian Aid, 2015). Consequent upon the dominance of religion in the life of an African, it has been used as an effective tool for the subordination of women (Okongwu, 2021:28).

Like religion, culture is a platform for the oppression of women and their political disempowerment (Abara, 2012). Many customary laws in Nigeria are patrilineal in nature which often work against the property rights and economic interests of women thereby harming their sources of political funding (Okongwu, 2021:30). Similarly, Nigeria operates a tripartite legal system with its sources from common law, customary law and Islamic law. The application of these three legal systems is fraught with inconsistencies and contradictions making it difficult to harmonize legislation aimed at eliminating gender discrimination (Okongwu, 2021:39). The effect is that any progress achieved by regional treaties, international conventions and domestic legislation are often eroded by the appli-

cation of customary and religious laws which are discriminatory against women (637th and 638th Report of the Committee on the Elimination of Discrimination against Women). In spite of the Maputo Protocol and such other instruments, it remains the reality that for cultural reasons, many women in Nigeria who actively participate in politics are seen and treated as women of easy virtue, stubborn, rebellious and too domineering (Nwabunkeonye, 2014:288). The consequence is that during campaigns, their political opponents use their alleged low moral standing to publicly insult them (Nwabunkeonye, 2014:288). The use of such negative labeling, derogatory names and abusive language to describe women in politics frequently discourage many of them from participating actively in the nation's politics (Nwabunkeonye, 2014:288).

In addition to the factors already enumerated which are responsible for the non-realization of the lofty aspirations of the Maputo Protocol, the non-domestication of the instrument also constitutes a major drawback to the cause of women's political empowerment in Nigeria (Louis-Udeh, 2018). The constitution of Nigeria demands that for any regional or international treaty to which Nigeria is a signatory, to have the force of law in the country, such instrument must be domesticated by the National Assembly[27]. The consequence of the non-domestication of the Maputo Protocol nearly 20 years after its ratification by Nigeria is that its legal authority is equivalent to a paper tiger not being justiciable in the Nigerian Courts.

The non-domestication of Maputo Protocol in Nigeria is similar to the fate suffered by the attempt to domesticate CEDAW through a Bill to that effect in 2007 which failed at the National Assembly (Imam, 2010). A similar attempt was made vide the 'Gender and Equal Opportunity (GEO) Bill 2016' which is an amalgamation of the principles and provisions of CEDAW and the Maputo Protocol with the same result giving rise to the subsisting non-domestication of these vital instruments for gender equality and political inclusion (BBC, 2016). The opposition to the ratification of CEDAW, for instance, was based on the belief that it was anti-God and anti-family. This misconception is founded on the belief that the subordination of women to men is a social order ordained by God and any challenge to it is coterminous with challenging God and the family institution (Okongwu, 2021:34).

Like CEDAW before it, the non-domestication of the Maputo Protocol is an index of the sustained resistance of the male-dominated National Assembly to the implementation of gender equality measures such as affirmative action for women's political empowerment (Bako and Syed, 2018). The consequence is the perpetuation of female subordination because as Connell (2005:80-81) has noted, marginalization is always relative to the authorization of the hegemonic masculinity of the dominant group. This lends credence to the averment of Chapman (1993:11) that men are the major determinants of political actions concerned with the perpetuation of power of the state. When women compete with men for access to political power, they do so on the terms established by men for competition among themselves. According to Abelson (2019), in the current social milieu, the

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[27] Section 12, Constitution of the Federal Republic of Nigeria 1999 (as amended).

culturally exalted form of masculinity guarantees the domination of men over women. In Nigeria, the variegated manifestations of normative and hegemonic masculinity which find expression in the perpetuation of patriarchal values have combined with subsisting institutional frameworks and government's lack of political will to render impotent, the Maputo Protocol as an instrument of women's political empowerment. This is made possible because according to Yang (2020:320), even when 'most men do not embody the hegemonic ideals, they still benefit from the 'patriarchal dividend' that advantages men in general through the subordination of women'. Changing the situation is both desirable and imperative because the continued underrepresentation of women in political and decision-making process in Nigeria is not only an affront to democracy but also an impediment to the actualization of the sustainable development goals in the country.

6.   CONCLUSION

In spite of the numerical strength of women in Nigeria who constitute about half of the country's population, they remain marginalized and underrepresented in public governance and the political decision-making process. The low level of women's participation challenges the democratic credentials of the country because democracy is people-centred while popular participation is its main canon. Whether from the human rights, equity or efficiency perspectives, the subsisting underrepresentation of women runs counter to democratic principles. Similarly, having regard to the nexus between politics and development, the underrepresentation of women in political decision making, apart from harming the socio-economic interests of women also robs the society of the peculiar contributions of women to the cause of nation-building and the actualization of sustainable development. The low level participation of women in political decision-making, therefore, is implicated in Nigeria's underdevelopment and subsisting poverty despite its rich human and material resources. Women's political participation is hampered by formal and informal factors. The perversity of gender inequality proceeds from entrenched patriarchal systems which put family control and decision making in the hands of men and consign women to reproductive and supportive roles as caregivers.

The need to stem the tide of gender inequality and facilitate the cause of women's political empowerment in the overall interest of the society informs Nigeria's ratification of several international and regional instruments on the subject including CEDAW, ICCPR, the African Human Rights Charter, African Democracy Charter and the Maputo Protocol among others, in addition to constitutional and other legislative enactments which prohibit discrimination. Part of the efforts of the Nigerian government to enhance gender equality found expression in the National Gender Policy (NGP) 2006. The integrated goal of the NGP is to eradicate poverty, achieve gender equality and political empowerment of women as well as ensure their participatory inclusion in the process of governance. The NGP made a recommendation of 35% of female participation in both elective and appointive service positions which is above the 30% advocated by the Beijing Conference (Oluyemi, 2016).

Following on the heels of the 2006 NGP, its Strategic Framework (Implementation Plan) 2008 showed that policies and measures set up to support gender equality and women empowerment have not been successful in improving political representations and

appointments for women (Amadi, 2017:148). According to UN Women (2019), the failure of these efforts is traceable to barriers such as patriarchy, religion, culture, electoral violence and economic situations which exclude women from participating in politics. These barriers which are entrenched in the society through socialization and gender stereotypes sustain the disparities between men and women which 'law has been so unsuccessful in redressing' (Smith, 2014:149). That, of course, explains why the Maputo Protocol has not succeeded in enhancing the participation of Nigerian women in the political decision-making process. In the light of the foregoing, some remedial measures are imperative in order to change the narrative of women's marginalization, underrepresentation and exclusion from political decision-making.

(i)   The 1999 Constitution of Nigeria should be amended to incorporate explicit provisions on non-discrimination against women. Such clauses should be given teeth by providing for affirmative action by way of specific quota for women by at least 30% in various legislative chambers in Nigeria. Similarly, the constitutional provision concerning political parties and elections should be amended to include affirmative action provisions for women.

(ii)   The Electoral Act 2010 being the principal electoral governance instrument in Nigeria, should be amended to synchronize with the envisaged amendment of the constitution to provide for at least 30% quota for women which should be complied with in the submission of list of candidates for elections by the political parties to the Independent National Electoral Commission (INEC).

(iii) As the gatekeepers to elective offices, the political parties should be required, by law, to adopt internal rules for affirmative action to allocate at least 30% quota to women in the elective positions.

(iv)   By virtue of section 12 of the constitution of Nigeria, treaties which have been signed and ratified by Nigeria will only have effect if it is domesticated by the National Assembly. The domestication of the Maputo Protocol is, therefore, vital to clothe the treaty with the force of law and confer jurisdiction on the courts to adjudicate cases involving the violation of the treaty. The same thing should be done about CEDAW which is currently impotent for the protection of women's rights in Nigeria.

(v)   As part of the measures to give effect to the provisions of the Maputo Protocol, any domestic laws which may be discriminatory to women should be repealed or amended.

(vi)   Traditional rulers, religious leaders and indeed all stakeholders should seriously take stock of the norms, values and practices that are discriminatory to women and disadvantageous to the aspiration for gender equality and women's political empowerment and do away with them.

(vii) Ingrained beliefs of the superiority of men and the role of women in society should be addressed through non-policy measures such as education, public enlightenment and conscientisation of the citizenry. This can be achieved through curriculum design targeted at educational institutions to remove gender stereotypes and achieve a shift in mindset.

(viii) The support and active involvement of religious and community leaders as well as traditional rulers should be enlisted in the crusade to change harmful cultural, religious practices and negative perceptions against women.

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