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Empowering Women's Land Rights as a Climate Change Mitigation Strategy in Nigeria

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EMPOWERING WOMEN’S LAND RIGHTS AS A CLIMATE CHANGE MITIGATION STRATEGY IN NIGERIA

*Cate Baskin**

ABSTRACT—This article focuses on the intersection between gender and land rights as they relate to climate change in Nigeria. Decisions about land use, such as biodiversity management and farming techniques, impact the quality of the land and peoples’ ability to live off it. This article will show that women are better situated to utilize techniques which sustain the land. Despite this, women have historically been denied land rights in Nigeria, creating a disconnect between the women who cultivate the land and the men who own it and leading to unsustainable use of agricultural land in Nigeria. Climate change is only accelerating this trend. This article argues that legally recognizing and enforcing the land rights of rural women in customary tenure systems in Nigeria has the potential to mitigate the most drastic effects of climate change in the region, while also improving living conditions.

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INTRODUCTION

In Ogun State, Nigeria, a massive flood in 2017 devastated a large portion of vegetable and maize crops belonging to a woman named Ekaite Monday.¹ A smallholder farmer² and mother of three, Ms. Monday established a strategy to ensure that at least some of her crops would remain unscathed by future floods by planting scattered plots across a wide area of her land.³ Ms. Monday scattered her crops across the water-damaged areas of her farm to ensure that she would not face significant losses in the future if it rained heavily in one area but not in another.⁴ Though Ms. Monday was able to utilize such a strategy because she owned the land on which she worked, many Nigerian women are not able to make such decisions about how to manage crops because they do not have any ownership over the land on which the crops grow.⁵ While there are anecdotes of men farming sustainably in a similar manner as Ms. Monday,⁶ the vast majority of data on Nigerian men's usage of the land indicates that their over-farming of commercialized crops results in significant land degradation.⁷ Ms. Monday's cultivation strategy demonstrates that Nigerian women possess the knowledge and skills to respond effectively to food shortages, and to farm more sustainably to mitigate the negative effects of climate change.⁸

Women, often the caretakers of families and their resources, bear the brunt of climate change's effects.⁹ In the Global South, this position of vulnerability also places women in a unique position to respond to those effects through their specialized knowledge of the land. The State of Nigeria represents an interesting case study for the exploration of this issue, given its susceptibility to climate change and the pervasive conflict that exists between Nigerian statutory and customary land rights laws pertaining

* Northwestern University Pritzker School of Law, J.D., 2022; DePaul University, B.A., 2017. My utmost gratitude goes to Sheerine Alemzadeh for inspiring in me a commitment to solving gender-based inequality, and to the Northwestern Journal of Human Rights staff who made this Comment possible. To my fiancé, thank you for your unconditional love and encouragement.

¹ See Valentine Iwenwanne, *In Nigeria, Farmers Look to Innovative Ways of Fighting Climate Change, but Still Need Help Adapting*, INT'L POL'Y DIG. (July 26, 2018), <https://intpolicydigest.org/in-nigeria-farmers-look-to-innovative-ways-of-fighting-climate-change-but-still-need-help-adapting>.

² A smallholder farmer is anyone who is not a commercial-scale farmer.

³ Iwenwanne, *supra* note 1.

⁴ *Id.*

⁵ See *infra* Section II.

⁶ Iwenwanne, *supra* note 1.

⁷ See *infra* Section IV.B.

⁸ Iwenwanne, *supra* note 1.

⁹ Rachel Yavinsky, *Women More Vulnerable Than Men to Climate Change*, PRB (Dec. 26, 2012), <https://www.prb.org/resources/women-more-vulnerable-than-men-to-climate-change>.

to women. Nigerian women possess distinct knowledge, skills, and connection to the land that can mitigate many of the impacts of climate change.¹⁰ Because of this, they make better, more sustainable stewards of the land than Nigerian men.¹¹ Implementing women's ability to caretake the land requires empowering Nigerian women through greater land rights.

The following analysis focuses on the intersection between gender and land rights in Nigeria. Decisions about land use impact both the quality of the land and peoples' ability to live off it.¹² A closer examination finds that legally recognizing and enforcing the land rights of rural women in customary tenure systems in Nigeria has the potential to mitigate the most drastic effects of climate change in the region while also improving living conditions. To properly lay the foundation for a gendered analysis, Section I of this article begins with an overview of the climate-caused challenges facing Nigeria, as well as Nigeria's unique vulnerability to these challenges. The following sections outline the rationale behind increasing Nigerian women's land rights – either through community or individual land ownership – as a potential mitigation solution against the impacts of climate change. Section II outlines the land rights regime in Nigeria, followed by a discussion in Section III of the applicable international conventions and treaties in relation to those laws. Then, Section IV examines the relationship between rural Nigerian women and land, discussing the context of their vulnerability to the impacts of climate change and how Nigerian women are best positioned to mitigate climate change migration through their close relationship to the environment. Section V provides an outline of legal solutions based on female land ownership and management, with examples of how empowering women's land rights has the potential to improve their living conditions while also mitigating the climate crisis.

This article proposes that the economic empowerment of Nigerian women via land rights provides a way to combat both women's inequality and climate change. For the purposes of this analysis, economic empowerment is defined as having access to and control over the means to make a living on a sustainable and long-term basis, as well as receiving the material benefits as a result of this access and control.¹³ Simultaneously giving women independent ownership rights over the land they use, and

¹⁰ See *infra* Section IV.B.

¹¹ Yavinsky, *supra* note 9.

¹² See generally BIMAL KANTI PAUL & HARUN RASHID, *Land Use Change and Coastal Management*, in CLIMATIC HAZARDS IN COASTAL BANGLADESH 183 (2016), <https://www.sciencedirect.com/book/9780128052761/climatic-hazards-in-coastal-bangladesh>.

¹³ *Facts and Figures: Economic Empowerment*, U.N. WOMEN (July 2018), <https://www.unwomen.org/en/what-we-do/economic-empowerment/facts-and-figures>.

empowering them to speak about the use of the land they cultivate, will greatly improve the country's ability to mitigate the effects of climate change.

I. NIGERIA'S COMPLEX VULNERABILITY TO CLIMATE CHANGE

The African continent is vulnerable to the impacts of climate change because of its high exposure to fluctuating temperatures, extreme weather events, and underfunded infrastructure.¹⁴ Further, while the biggest drivers of climate change originate in the wealthy Global North, the most impacted States are in the Global South with developing economies.¹⁵ One of the States most illustrative of the impacts of climate change, and most vulnerable to them, is Nigeria.

Nigeria is unique in its geographical diversity; its more than 350,000 square miles are situated in a tropical belt that spans six major vegetation zones, from swamp to grasslands and desert.¹⁶ As a result, Nigeria is positioned to suffer varied effects from climate change, some of which have already started to manifest, such as sharp changes to temperature and precipitation levels.¹⁷ No single model or adaptation can easily be applied to the entire country because of Nigeria's diverse landscape.¹⁸ Climate change presents especially dangerous risks to Nigeria's economy due to its reliance on a largely rain-fed agricultural sector, which is especially vulnerable to "dual threats" of flooding and drought.¹⁹ In the northern part of Nigeria, expanding desertification²⁰ has already caused more than 200 villages to disappear because a lack of sustaining land-production forced residents to migrate.²¹ Even more dramatically, the Lake Chad basin, the main source of water for millions of people across West Africa, is

¹⁴ Abdulmalik Mohammed Yusuf, *Climate-Induced Migration in Coastal Areas of Nigeria and Its Economic Effects on Coastal Ecosystem Livelihoods*, 4 LAFIA J. ECON. & MGMT. SCIS. 128, 129 (2019).

¹⁵ See Sofia Irfan, *The Global North's Environmental Impact on the Global South*, BAN (Apr. 20, 2021), <https://www.ban.org/news/2021/4/20/the-global-norths-environmental-impact-on-the-global-south>.

¹⁶ See *Nigeria Geography*, COUNTRY REPS., <https://www.countryreports.org/country/Nigeria/geography.htm> (last visited May 10, 2022).

¹⁷ See HUMA HAIDER, *CLIMATE CHANGE IN NIGERIA: IMPACTS AND RESPONSES 2* (2019).

¹⁸ *Id.*

¹⁹ APO Group, *Nigeria: Anne-Marie Trevelyan Meets Experts to Discuss Climate Change Vulnerabilities*, CNBC AFR. (Mar. 23, 2021, 9:39 PM), <https://www.cnbc.com/2021/nigeria-anne-marie-trevelyan-meets-experts-to-discuss-climate-change-vulnerabilities>.

²⁰ Desertification is defined as the degradation of land productivity in dry land areas. *What's Behind Desertification?*, PRB (Feb. 1, 2001), <https://www.prb.org/resources/whats-behind-desertification>.

²¹ *Nigeria: Adding Climate Change to a Security and Humanitarian Disaster*, CTR. FOR CLIMATE & SEC., <https://climateandsecurity.org/2012/05/nigeria-adding-climate-change-to-a-security-and-humanitarian-nightmare> (last visited May 10, 2022).

shrinking at a rapid pace.²² The lake, bordered by Nigeria, Cameroon, Chad, and Niger has already shrunk by 90% since the 1960s.²³

Migration is one of the various coping and adaptation mechanisms used by households in the face of environmental change, and migration caused by climate change is already deeply impacting the Nigerian state.²⁴ As Africa's most populous country, Nigeria's population has skyrocketed to over 216 million,²⁵ leaving more and more people vulnerable to the threats of climate change migration. 20 million people currently live in Lagos, a coastal city that stretches to the Atlantic Ocean—making it the largest megacity in Nigeria—and it is increasingly likely that the population could skyrocket to 100 million.²⁶ Those 20 million people are at risk from sea level rise and the increased flood threat that comes along with the city's geographic positioning.²⁷ The erosion of Nigeria's coastal areas has already forced several communities to relocate to new areas.²⁸

In 2022, the Nigerian refugee crisis entered its ninth year.²⁹ In addition to the gradual displacement that occurs due to climate change, abrupt, persecution-based displacement is also a reality in Nigeria.³⁰ The violence caused by the Boko Haram Insurgency has displaced more than 2.7 million people in the Lake Chad Basin, including over 200,000 Nigerians.³¹ Rather than climate and conflict being distinct causes of displacement, negative

²² *Id.* at 263.

²³ Will Ross, *Lake Chad: Can the Vanishing Lake Be Saved?*, BBC (Mar. 31, 2018), <https://www.bbc.com/news/world-africa-43500314>.

²⁴ Alisher Mirzabaev & Jianguo Wu et al., *Desertification*, in CLIMATE CHANGE AND LAND: AN IPCC SPECIAL REPORT 285 (eds. Mariam Akhtar-Schuster et al., 2019), <https://www.ipcc.ch/srccl/chapter/chapter-3>.

²⁵ *Population of Nigeria in Selected Years between 1950 and 2022*, STATISTIA (Mar. 10, 2022), <https://www.statista.com/statistics/1122838/population-of-nigeria>; Solomon Fowowe, *Nigeria Now Has 201 Million People – UNFPA*, THE GUARDIAN (Apr. 29, 2019, 2:51 PM), <https://guardian.ng/news/nigeria-now-has-201-million-people-unfpa>; *Increases in Nigerians population*, COUNTRY ECON., <https://countryeconomy.com/demography/population/nigeria?year=2000> (last visited May, 10 2022).

²⁶ Henry Ridgwell, *This African City May Be the First Ever With 100 Million People Living in It*, GLOB. CITIZEN (Mar. 29, 2018), <https://www.globalcitizen.org/fr/content/100-million-people-city-lagos-nigeria-africa>.

²⁷ HAIDER, *supra* note 17, at 14.

²⁸ C. U. Oyegun, *The Management of Coastal Zone Erosion in Nigeria*, 14 OCEAN & SHORELINE MGMT. 215 (1990).

²⁹ See Emma Tallon, *The Correlation Between Climate Change, Extremism, and the Rise of Refugees in Nigeria*, NATO ASSOC. CAN. (July 11, 2019), <https://natoassociation.ca/the-correlation-between-climate-change-extremism-and-the-rise-of-refugees-in-nigeria> (noting that in 2019, Nigeria was entering its sixth year of the refugee crisis).

³⁰ *Id.*

³¹ Moki Edwin Kindzeka, *5,000 Nigerians Displaced by Boko Haram Ready to Return, Cameroon Says*, VOA (Feb. 12, 2021, 10:41 PM), https://www.voanews.com/a/africa_5000-nigerians-displaced-boko-haram-ready-return-cameroon-says/6201953.html.

climate impacts tend to be “the straw that breaks the camel’s back” in that they exacerbate existing challenges such as conflict, human rights abuses, poor governance, and poverty —³² and more for women than men. Conversely, while experts generally agree that climate change does not directly cause conflict, it increases the risk of conflict by exacerbating existing social, economic, and environmental factors already at play.³³ In the Nigeria Middle Belt region, Nigerians have been dramatically impacted by violence resulting from land resource scarcity.³⁴

The unique combination of ethno-religious and resource-based conflict has created a significant threat to the peaceful, sustainable utilization of the country’s dwindling resources.³⁵ There is not one law, treaty nor international solution that alone could address all the problems Nigeria faces.³⁶ Instead, a multifaceted response is required. Increasing gender rights in land ownership is a necessary intervention that will empower Nigerian women while mitigating the climate crisis.

II. NIGERIAN LAND RIGHTS ARE STACKED AGAINST WOMEN

“Land rights” entail both the “rights and legitimacy to access, use, own, control, enjoy and exploit land,” as well as the rights to make decisions about the use of that land and ultimately enjoy its benefits.³⁷ There are two sources of equally binding law related to land ownership in Nigeria, creating two different systems: ownership under customary law,

³² Jane McAdam, *Seven Reasons the UN Refugee Convention Should Not Include ‘Climate Refugees,’* PLATFORM ON DISASTER DISPLACEMENT (June 7, 2017), <https://disasterdisplacement.org/staff-member/seven-reasons-the-un-refugee-convention-should-not-include-climate-refugees>.

The terrorist organization Boko Haram has been taking advantage of vulnerable communities since 2009. This group presents individuals with two options: joining Boko Haram or fleeing. This has led to a surge in refugees, with the United Nations estimating that the conflict has displaced approximately 2.5 million Nigerians. See Vania Turner et al., *Nigerian Refugees Struggle in Aftermath of Boko Haram Attacks*, UNHCR (Feb. 11, 2019), <https://www.unhcr.org/en-us/news/stories/2019/2/5c6139e74/nigerian-refugees-struggle-aftermath-boko-haram-attacks.html>.

³³ See *Seven Things You Need to Know about Climate Change and Conflict*, INT’L COMM. RED CROSS, (July 9, 2020), <https://www.icrc.org/en/document/climate-change-and-conflict>.

³⁴ See Temidayo. Olagunju et al., *Climate Change Impacts on Environment: Human Displacement and Social Conflicts in Nigeria*, 655 INST. PHYSICS PUBLISH. CONF. SER.: EARTH ENV’T SCI. 1, 6 (2021), <https://iopscience.iop.org/article/10.1088/1755-1315/655/1/012072/pdf>.

³⁵ *Id.* at 1-2.

³⁶ See Gumisai Mutume, *African Migration: From Tensions to Solutions*, AFR. RENEWAL, Jan. 30, 2006, at 15, <https://www.un.org/africarenewal/magazine/january-2006/african-migration-tensions-solutions>.

³⁷ Adeoyo O. Akinola, *Women, Culture and Africa’s Land Reform Agenda*, 9 FRONTIER PSYCHOL 1, 2 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6266890>.

and statutory ownership governed by the 1978 Land Use Act of Nigeria.³⁸ This is known as legal pluralism—the existence of two or more “legal orders” within the same “geographical and temporal space.”³⁹ Legal pluralism presents an array of both challenges and opportunities for increasing women’s land rights. The complex interplay between these two systems leads to the disempowerment and inequality of Nigerian women.

After Nigerian independence in 1960, the state assumed ownership of all land.⁴⁰ Then, the 1978 Land Use Act of Nigeria established a state-owned land system that allowed similar opportunities for men and women to acquire or inherit land.⁴¹ The Act, however, was limited: only legally married women had the opportunity to benefit by obtaining land.⁴² The Act, therefore, reinforced discriminatory customary and cultural practices that denied women equal access to land as a critical means of production, by tying a woman’s land ownership access to her relationship to a man.⁴³ Overall, the Act did not improve the acquisition of land via inheritance for Nigerian women, because such land was only offered to married women, and even then, the longevity of that land ownership remained under threat because husbands maintained the ability to dictate use of the land at will.⁴⁴

Adding to the complexity of law surrounding land ownership, in rural areas the transfer of land ownership in Nigeria is still largely guided by customary law rather than statutory law, due to a lack of enforcement of the Land Use Act at the ground level in these communities.⁴⁵ In rural Nigeria, inequitable customary laws largely dictate the use and transfer of land through inheritance systems.⁴⁶ Customary practice prefers male heirs over

³⁸ Kehinde H Babalola & Simon A Hull, *Examining the Land Use Act of 1978 and Its Effects on Tenure Security in Nigeria: A Case Study of Ekiti State, Nigeria*, 22 POTCHEFSTROOM ELEC. L.J., 1, 5-6 (2018), http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1727-37812019000100057.

³⁹ Chilenye Nwapi, *Land Grab, Property Rights and Gender Equality in Pluralistic Legal Orders: A Nigerian Perspective* 9 AFR. LEGAL STUDS. 124, 131 (2016).

⁴⁰ Mary Kimani, *Women Struggle to Secure Land Rights*, U.N. AFR. RENEWAL, Apr. 30, 2008, at 10.

⁴¹ See USAID, NIGERIA - PROPERTY RIGHTS AND RESOURCE GOVERNANCE PROFILE, (2016), https://www.land-links.org/wp-content/uploads/2016/09/USAID_Land_Tenure_Nigeria_Profile.pdf.

⁴² Izehi Oriaghan, *A Quick Look at Women's Land and Inheritance Rights in Nigeria*, LANDESA (July 30, 2018), <https://www.landesda.org/a-quick-look-at-womens-land-and-inheritance-rights-in-nigeria>.

⁴³ *Id.* at 9.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ Elizabeth Achinewhu-Nworgu et al., *Exploring Land Ownership and Inheritance in Nigeria*, in EDUCATION'S ROLE IN PREPARING GLOBALLY COMPETENT CITIZENS 354, 356 (Nikolay Popov & James Ogunleye eds., 2014), <https://bc-es-conference-books.org/onewebmedia/BCES.Conference.Book.2014.Vol.12.full.text.pdf>.

female heirs.⁴⁷ It is possible that a woman can inherit her husband's land if she is legally married, but she runs a significant risk of losing it if she bears no children.⁴⁸ Similarly, a girl child cannot inherit her father's land if she has any male siblings.⁴⁹ In the case of traditional customary Nigerian law, the wife herself is often regarded as property and is generally not encouraged to entertain any expectation that she may one day own property herself.⁵⁰ In fact, under some customary laws the wife is one of the chattels to be "inherited" after the death of her husband.⁵¹ The customary system results in disadvantages to Nigerian women who do not have robust knowledge of the statutory laws enacted with respect to the land, which, if enforced, could provide them some rights to land. As a result, women end up abiding by customs that are less favorable to their interests.⁵² Thus, societal pressures are the strongest force keeping women from leveraging what few rights have been allocated to them by law.⁵³ As a result, there is a large gender gap in land ownership in Nigeria, with less than 2% of women owning their own land, compared to 17% of men.⁵⁴

Because Nigeria's customary system allows for the transfer of land without first seeking government approval,⁵⁵ much of the land in Nigeria is currently held in insecure tenure, meaning that property rights are not legally enforceable in the face of eviction or land-grabbing.⁵⁶ Land grabbing is a process whereby local communities are displaced from their land and therefore lose their ability to sustain their livelihoods.⁵⁷ The typical narrative surrounding land grabbing focuses on global capitalism

⁴⁷ See Reginald Akujobi Onuoha, *Discriminatory Property Inheritance Under Customary Law in Nigeria: NGOs to the Rescue*, 10 INT'L J. NOT-FOR-PROFIT L. 79, 81-82 (2008), https://www.icnl.org/wp-content/uploads/ijnl_vol10iss2.pdf.

⁴⁸ *Id.* at 82.

⁴⁹ Oriaghan, *supra* note 42.

⁵⁰ *Id.*; Eghosa Osa Ekhaton, *Women and the Law in Nigeria: A Reappraisal*, 16 J. INT'L WOMEN'S STUDS. 285, 286 (2018).

⁵¹ Ekhaton, *supra* note 50, at 286.

⁵² Oriaghan, *supra* note 42.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ "Land tenure security refers to the right of individuals and groups to effective protection . . . against forcible evictions." Karol Boudreaux & Daniel Sacks, *Land Tenure Security and Agricultural Productivity*, MERCATUS CTR. (Sept. 2009), <https://www.mercatus.org/publications/development-economics/land-tenure-security-and-agricultural-productivity>.

⁵⁷ Christopher Emeyonu et al., *Analysis of Land Grabbing and Implications for Sustainable Livelihood: A Case Study of Local Government Areas in Nigeria*, 8 J. ECON. SUSTAINABLE DEV. 149, 150 (2017), <https://core.ac.uk/download/pdf/234647854.pdf>.

and corporations taking ownership of indigenous or community lands.⁵⁸ However, there is another, arguably more pervasive, form of land grabbing in Nigeria in which land that belongs to women whose husbands have died is forcibly taken from them. This is done either (1) formally by the government or (2) informally by other individuals (usually men) in the area.⁵⁹ In the first case – when conducted formally by the government – this process typically favors accumulating land for corporate use via dispossession of agricultural land, severely diminishing the land available on which Nigerians grow crops to support their livelihoods.⁶⁰ Much of this practice favors foreign corporations through the support of the national government.⁶¹ Phenomena such as drought (exacerbated by climate change) have led to dangerous informal land grabs by other farmers, as Nigerian herders face dwindling pasture reserves.⁶² At any given time, up to 40% of land in Nigeria may be prone to dispute over rightful ownership.⁶³ Women are often excluded from these disputes, as they are not considered eligible to pursue land ownership. Instead, land remains in the hands of men, prone to frequent disputes and transfers.⁶⁴ In instances where land is forcibly acquired, neither men nor women are guaranteed adequate compensation under the Land Use Act because the Act only attempts to ensure equal access to the land in the first place; it does not address remedies for land-grabbing.⁶⁵

Efforts to decrease land grabbing by privatizing land can complicate the situation further. Experts stipulate that the privatization process of land in Nigeria—titling operations—has stripped women of their access.⁶⁶

⁵⁸ See, e.g., JÉRÉMIE GILBERT, LAND GRABBING, INVESTMENTS & INDIGENOUS PEOPLES' RIGHTS TO LAND AND NATURAL RESOURCES (IWGIA 2017), <https://www.iwgia.org/images/publications/new-publications/land-grabbing-indigenous-peoples-rights.compressed.pdf>.

⁵⁹ Isaac B. Oluwatayo et al., *Land Acquisition and Use in Nigeria: Implications for Sustainable Food and Livelihood Security*, in LAND USE - ASSESSING THE PAST, ENVISIONING THE FUTURE 91, 93-95 (Louis Loures ed., 2019), <https://www.intechopen.com/chapters/63289>.

⁶⁰ Emenyonu et al., *supra* note 57, at 150.

⁶¹ See generally Henry Uche Obuene et al., *Land Grabbing and Resistance of Indigenous Landowners in Ibadan, Nigeria*, ISA (Dec. 20, 2021), <https://doi.org/10.1177/02685809211046408>.

⁶² See Orji Sunday, *Nigeria Cattle Crisis: How Drought and Urbanisation Led to Deadly Land Grabs*, THE GUARDIAN (Aug. 25, 2021, 9:44 AM), <https://www.theguardian.com/environment/2021/jan/11/nigeria-cattle-crisis-how-drought-and-urbanisation-led-to-deadly-land-grabs>.

⁶³ Izehi Oriaghan, *A Quick Look at Women's Land and Inheritance Rights in Nigeria*, LANDESA (July 30, 2018), <https://www.landsa.org/a-quick-look-at-womens-land-and-inheritance-rights-in-nigeria>.

⁶⁴ *Id.*

⁶⁵ Millicent Odeny, *Improving Access to Land and Strengthening Women's Land Rights in Africa*, Expert Land Policy Initiative (Apr. 2013), https://web.law.columbia.edu/sites/default/files/microsites/gender-sexuality/odeny_improving_access_to_land_in_africa.pdf.

⁶⁶ Nwapi, *supra* note 39, at 141.

Titling is a process designed to enforce statutory legal systems by including a woman's name on the property deed, thereby theoretically providing her with more secure access.⁶⁷ However, recent research has found that most national laws across the globe—as in Nigeria—do not have a formal, standardized procedure to title community land.⁶⁸ Thus, even when communities are legally entitled to seek formal land titles, the obscure procedures are complex, costly, and time-consuming.⁶⁹ Land titles are often used as a proxy for women's land tenure security.⁷⁰ But focusing on titling alone, whether at the individual or household level, does not actually lead to greater tenure security for Nigerian women, who are still overwhelmed by customary blockages to the very notion of them being able to own private land.⁷¹ Instead, it is mainly men who get their names on the actual housing documents because they are deemed the “household heads.”⁷² Widows who are lucky enough to receive land are purposely given the smallest lots, and even then they are likely to have that land taken from them by their late husband's family.⁷³

III. INTERNATIONAL SUPPORT FOR IMPLEMENTING GENDER EQUAL LAND RIGHTS

A variety of international legal mechanisms and conventions support the practical implementation of gender equality in Nigerian land ownership laws. The Intergovernmental Panel on Climate Change (IPCC), the world's authority on climate change, has explicitly recognized the importance of securing community land as a strategy to mitigate the impacts of climate change.⁷⁴ The IPCC writes that “[i]nsecure land tenure [of community land] affects the ability of people, communities and organisations to make changes to land that can advance adaptation and mitigation.”⁷⁵ Broadly,

⁶⁷ Kimani, *supra* note 40, at 12.

⁶⁸ Hannah Mowat & Peter Veit, *The IPCC Calls for Securing Community Land Rights to Fight Climate Change*, WORLD RESOURCES INST. (Aug. 8, 2019), <https://www.wri.org/insights/ipcc-calls-securing-community-land-rights-fight-climate-change>.

⁶⁹ *Id.*

⁷⁰ Celine Salcedo-La Viña, *Beyond Title: How to Secure Land Tenure for Women*, WORLD RESOURCES INST. (Mar. 3, 2020), <https://www.wri.org/insights/beyond-title-how-secure-land-tenure-women>.

⁷¹ *Id.*

⁷² Kimani, *supra* note 40.

⁷³ *Id.*

⁷⁴ See *Climate Change Widespread, Rapid, and Intensifying*, INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE, (Aug. 9, 2021), <https://www.ipcc.ch/2021/08/09/ar6-wg1-20210809-pr>.

⁷⁵ Hannah Mowat & Peter Veit, *The IPCC Calls for Securing Community Land Rights to Fight Climate Change*, WORLD RESOURCES INST. (Aug. 8, 2019), <https://www.wri.org/insights/ipcc-calls-securing-community-land-rights-fight-climate-change>.

collective or community land tenure systems consist of groups or communities of people who share the rights to both use and manage the land.⁷⁶ Though different from land individually owned by women, community land has the potential to empower women with control over the land they work. Often, the only land women have access to is communal land derived from their relationships with their husbands or male relatives.⁷⁷ Community land can benefit women and strengthen their rights by increasing women's bargaining power and allowing them to partake in community-level decision-making.⁷⁸

Secure land rights for women are also recognized as critical for achieving the Sustainable Development Goals (SDGs), particularly for eradicating poverty and gender inequality.⁷⁹ The Committee on the Elimination of Discrimination Against Women (CEDAW) has declared women's rights to land and natural resources as "fundamental human rights."⁸⁰ Article 14.2 of the CEDAW Convention states that "States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development."⁸¹ Such measures include guarantees of "equal treatment in land and agrarian reform as well as in land resettlement schemes."⁸² Article 15.2 of the Convention also requires States to afford women legal capacity in civil matters, particularly "equal rights to conclude contracts and to administer property."⁸³ Finally, according to Article 16.1(h) of the Convention, States must ensure "the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration."⁸⁴ In addition, the issue of women's property ownership is addressed and

⁷⁶ Celine Salcedo-La Viña, *3 Benefits of Women's Collective Land Rights*, WORLD RESOURCES INST. (Aug. 18, 2021), <https://www.wri.org/insights/3-benefits-womens-collective-land-rights>.

⁷⁷ *Id.*

⁷⁸ *Id.*; see also *infra* Section IV.

⁷⁹ G.A. Res. 17/1 The 2030 Agenda for Sustainable Development, at 18 (Oct. 21, 2015); see also *Do You Know All 17 SDGs?*, U.N. DEP'T ECON. & SOC. AFF., <https://sdgs.un.org/goals> (last visited July 3, 2022).

⁸⁰ Martha Merrow, *To Solve the Climate Crisis, Women Must Own More of the World's Land*, CLIMATE XCHANGE (July 21, 2020), <https://climate-xchange.org/2020/07/21/to-solve-the-climate-crisis-women-must-own-more-of-the-worlds-Land>.

⁸¹ Convention on the Elimination of All Forms of Discrimination Against Women art. 14.2, *opened for signature* Dec. 18, 1979, 1249 U.N.T.S. 14 (entered into force Sept. 3, 1981) [hereinafter CEDAW].

⁸² *Id.* art. 14.2(g).

⁸³ *Id.* art. 15.2.

⁸⁴ *Id.* art. 16.1(h).

promoted in the Convention on the Rights of the Child,⁸⁵ the Convention on the Rights of Persons with Disabilities,⁸⁶ and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁸⁷

The Office of the United Nations High Commissioner for Human Rights (OHCHR) has increased its focus on women and land in recent years, noting that “women’s access to, use of and control over land and other productive resources are essential to ensuring their right to equality and to an adequate standard of living.”⁸⁸ Article 2 of the Universal Declaration of Human Rights (UDHR) sets the principle of non-discrimination, in the enjoyment of rights guaranteed in the Declaration—including the rights to property.⁸⁹

At a regional level, several provisions of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa address women’s land and property ownership rights.⁹⁰ Articles 7, 16, and 19 of the Protocol dictate that State Parties are required to ensure that “[i]n the case of separation, divorce, or annulment of marriage, women and men shall have the right to an equitable sharing of the joint property deriving from the marriage.”⁹¹ The Protocol also provides that “a widow shall have the right to an equitable share in the inheritance of the property of her husband” and that “[w]omen and men shall have the right to inherit, in equitable shares, their parents’ properties.”⁹² Through the African Union’s Declaration on Land Issues and Challenges in Africa, African States have

⁸⁵ The Convention on the Rights of the Child protects girls from any discrimination on account of their sex, and is not allowed discrimination of their rights based on sex alone. *See* Convention on the Rights of the Child art. 2(1), *opened for signature* Nov. 20, 1989, 1577 U.N.T.S. 3 (entered into force Sept. 2, 1990).

⁸⁶ The Convention on the Rights of People with Disabilities recognizes that women and girls with disabilities are subject to multiple discrimination, and thus guarantees the full and equal enjoyment of all human rights and fundamental freedoms. *See* Convention on the Rights of People with Disabilities art. 6(1), *opened for signature* Dec. 13, 2006, 2515 U.N.T.S. 3 (entered into force May 3, 2008).

⁸⁷ The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families states that “[n]o migrant worker or member of his or her family shall be arbitrarily deprived of property, whether owned individually or in association with others.” International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families art. 15, *opened for signature* Dec. 18, 1990, 2220 U.N.T.S. 3 (entered into force July 1, 2003).

⁸⁸ U.N. WOMEN, REALIZING WOMEN’S RIGHTS TO LAND AND OTHER PRODUCTIVE RESOURCES 2 (2013), <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2013/11/OHCHR-UNWomen-land-rights-handbook-WEB%20pdf.pdf>.

⁸⁹ G.A. Res. 217 (III) A, art. 2, Universal Declaration of Human Rights (Dec. 10, 1948).

⁹⁰ *See generally* Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, July 11, 2003.

⁹¹ *Id.* art. VII.

⁹² *Id.* art. XX.

resolved to “strengthen security of land tenure for women [who] require special attention.”⁹³

These conventions and treaties support the notion that women, in Nigeria and elsewhere, should have the ability to secure and be legally recognized for their land rights. One way to make that a practical reality is to find synergies with local statutory and customary land rights laws which empower Nigerian women to govern the land they own.

IV. NIGERIAN WOMEN ARE THE MOST VULNERABLE TO, BUT BEST POSITIONED TO MITIGATE, CLIMATE CHANGE

A. The Gendered Impacts of Climate Change

Despite the relatively robust coverage of climate change’s impact in Nigeria, less attention has been given to the unique plight of Nigerian women amidst the vast deviations brought by climate change. Vulnerability to climate change is generally described as “the degree of exposure of people, geophysical, and socioeconomic systems to adverse climate change as well as the extent to which people can respond to problems associated with climate change.”⁹⁴ Women’s susceptibility to negative impacts of climate change stems from existing “deprivations and exclusions” based on patriarchy and unequal societal relations.⁹⁵ In Nigeria, women are most vulnerable to impacts of climate migration, land grabbing, and overall economic disempowerment because land ownership is a primary mechanism for gaining and building economic well-being.⁹⁶ Without land rights, women quite literally do not have solid ground on which to stand.

Nigerian women suffer these social inequities despite their disproportionate contributions to society. Women play dual roles in both the “productive and reproductive” spaces by leading domestic home life while also cultivating the land and/or working in trade or commerce to provide for their families.⁹⁷ However, women’s participation outside the home in formal (and even informal) structures and processes, such as

⁹³ African Union, Rep. to the Conf. of the Specialized Tech. Comm. on Agri., Rural Dev., Water and Enviro., *Declaration on Land Issues and Challenges: A Review of Progress Made*, at 11 (Oct. 2017), https://au.int/sites/default/files/documents/33005-doc-draft_report_to_au_stc_progress_in_implemting_the_au_declaration_on_land_issues_and_challenges_in_africa_2017_revised_with_guideline.pdf.

⁹⁴ Chidiebere J. Onwutuebe, *Patriarchy and Women Vulnerability to Adverse Climate Change in Nigeria*, SAGE OPEN, Jan.-Mar. 2019, at 2.

⁹⁵ *Id.* at 2.

⁹⁶ See Achinewhu-Nworgu et al., *supra* note 46, at 356.

⁹⁷ Godiya Allanana Makama, *Patriarchy and Gender Inequality in Nigeria: The Way Forward*, 9 EUR. SCI. J. 115, 134 (2013).

community governance, “where decisions regarding the use of societal resources generated by both men and women are made,” is still minor.⁹⁸ Although there has been an increase in women’s participation in politics in Nigeria over the years, there is still “a pronounced level of under representation” of women in Nigerian politics when compared to men.⁹⁹ Currently, “only 7 out of 109 senators and 22 of the 360 House of Representatives members are women.”¹⁰⁰ All Nigerian women—regardless of education level—face hindrances to both achieving influential positions and succeeding in them.

Many barriers prevent Nigerian women from receiving access to education, such as the predominant stereotype that women stay at home and take care of the home and family.¹⁰¹ Even educated women face gender stereotypes that favor men in leadership roles, a heightened risk of sexual assault, and the added burden of unpaid labor, including childcare and housework.¹⁰² Essentially, Nigerian women are responsible for more, while simultaneously being recognized and empowered less.

Underrepresentation in public life naturally correlates with a lack of legal protections generally, and Nigerians themselves acknowledge this underrepresentation.¹⁰³ A study of common opinion amongst Nigerian women shows they believe that domestic law does not provide much support for the rights women should possess or claim.¹⁰⁴ This survey asked 572 randomly-selected women across all the six geopolitical regions of Nigeria to describe their experience of gender bias in their country.¹⁰⁵ According to the results, approximately 37.4% of respondents disagree that women are currently protected by the law in Nigeria, while an additional 42.7% strongly disagree that the law protects Nigerian women.¹⁰⁶ The attitudes reflected in the survey and societal pressures encouraging traditional gender roles are the strongest forces keeping women from leveraging what few rights have been allocated to them by law.¹⁰⁷

⁹⁸ *Id.* at 116.

⁹⁹ *Id.* at 122.

¹⁰⁰ Damilola Agbalajobi, *Nigeria Has Few Women in Politics: Here’s Why, and What to Do about It*, THE CONVERSATION (May 3, 2021, 9:55 AM), <https://theconversation.com/nigeria-has-few-women-in-politics-heres-why-and-what-to-do-about-it-159578>.

¹⁰¹ See Oluyemi T. Adeosun et al., *Gender Inequality: Determinants and Outcomes in Nigeria*, 1 J. BUS. & SOCIO-ECONOMIC DEV. 165, 167-68 (2021).

¹⁰² *See id.*

¹⁰³ *See* Agbalajobi, *supra* note 100.

¹⁰⁴ *See* Oluwaseun Olanrewaju, *Gender Identity and Justice in Nigeria: An Appraisal of Women in Lagos State*, 2 J. SOC. ENCOUNTERS 69, 77 (2018).

¹⁰⁵ *Id.* at 73.

¹⁰⁶ *Id.* at 75, 77.

¹⁰⁷ *Id.* at 77.

Not surprisingly, lacking control over basic decisions of where and how they live puts women at a greater risk of climate-based displacement, as well as greater risk of exposure to illness and gender-based sexual violence in camps.¹⁰⁸ Notwithstanding climate change, at least 28% of Nigerian women between the ages of 25-29 have experienced some form of physical or sexual violence since the age of 15.¹⁰⁹ In all forms of displacement, climate or otherwise, women and girls' vulnerability to sexual violence is significantly heightened.¹¹⁰ In late July 2016, Human Rights Watch documented the sexual abuse of forty-three women and young girls living in several internally displaced persons (IDP) camps in the Borno State capital in Nigeria.¹¹¹ In these camps, government officials and other Nigerian authorities systematically raped and abused the women who had been displaced by Boko Haram.¹¹² Already put in a vulnerable position after being run out of their homes by violence and intimidation, these women were then further exposed to violence from the officials meant to protect them.¹¹³ Internally displaced women also lack access to adequate reproductive health care services and are more at risk of sex trafficking.¹¹⁴

Climate change also indirectly burdens those women and girls who must find new ways to earn money and support their families when their environments are destroyed, or when their husbands must leave to find income elsewhere.¹¹⁵ Under customary law, many women do not retain autonomy over their land once the husband leaves and are forced to find new ways to sustain themselves. Some women have been forced to work in

¹⁰⁸ Amali Tower, *Climate Woes Growing for Women, Hit Worst by Displacement and Migration*, CLIMATE REFUGEES (July 8, 2020), <https://www.climate-refugees.org/spotlight/2020/7/8-womenandgirls>.

¹⁰⁹ Leon Usigbe, *Nigerian Women Say 'No' to Gender-Based Violence*, AFR. RENEWAL, <https://www.un.org/africarenewal/news/nigerian-women-say-'no'-gender-based-violence>. The statistics get even more drastic when looking at women who are married against those who are either single or divorced: 44% of divorced or widowed women have experienced abuse, while 25% of married women or those co-habituating with a man have experienced violence. *Id.*

¹¹⁰ *Id.*

¹¹¹ *Nigeria: Officials Abusing Displaced Women, Girls*, HUM. RTS. WATCH (Oct. 31, 2016, 12:00 AM), <https://www.hrw.org/news/2016/10/31/nigeria-officials-abusing-displaced-women-girls>.

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ See *Women's Human Rights and Gender-Related Concerns in Situations of Conflict and Instability*, OHCHR, <https://www.ohchr.org/en/Issues/Women/WRGS/Pages/PeaceAndSecurity.aspx> (last visited July 3, 2022).

¹¹⁵ See Mary Halton, *Climate Change 'Impacts Women More Than Men'*, BBC (Mar. 8, 2018), <https://www.bbc.com/news/science-environment-43294221>.

brothels, or other forms of sex work, often as a result of being pushed into dense urban areas.¹¹⁶

Making their vulnerability even more unavoidable, women are more likely than men to be denied proper education and information on climate change, its effects, and how to navigate them. Studies have shown that Nigerian women, particularly those in rural communities, have noticed changes in the climate but have been unable to identify their causes.¹¹⁷ In the North-Central region of Nigeria, women in the Zumba community attributed an increase in temperature and a four decade long shortening of the rainy season to the construction of a nearby dam, rather than climate change.¹¹⁸ In the similarly-situated Augie community, women believed that the flooding from the dam was caused by God.¹¹⁹ A lack of education on climate change and its causes disadvantages women from taking action before rights or access are even discussed.

Men have a much higher adaptive capacity to handle migration because of significant patriarchal privileges such as land ownership, which lessens the risk of homelessness, and a substantially lower risk of exposure to sexual- or gender-based violence.¹²⁰ In Nigeria, male migration has already exacerbated stressors on women by increasing their workload as men migrate to new land to acquire more income-producing opportunities when climate change decimates their original sources of income.¹²¹

B. Nigerian Women Are Deeply Connected to the Environment

While this article discusses the interconnection between Nigerian women and climate change, some of these observations are true across the Global South. To that end, a broader understanding of how women in the Global South have historically been perceived in relation to the climate change crisis is necessary to ground the analysis.

Women, particularly in the Global South, have historically been painted as the driving force behind environmental degradation because of

¹¹⁶ *Climate Change Forcing Teenage Girls to Venture into Sex Trade*, AFRICANEWS (Feb. 15, 2022, 2:57 PM), <https://www.africanews.com/2022/02/15/climate-change-forcing-teenage-girls-to-venture-into-sex-trade>.

¹¹⁷ JULIA AGWU & APPOLLONIA OKHIMAMHE, *GENDER AND CLIMATE CHANGE IN NIGERIA* 35 (Heinrich Böll Stiftung 2009), https://ng.boell.org/sites/default/files/uploads/2013/10/gender_climate_change_in_nigeria.pdf.

¹¹⁸ *Id.*

¹¹⁹ *Id.* at 35-36.

¹²⁰ See Chukwuma Otum Ume et al., *Gender and Climate Change Adaptation Among Rural Households in Nigeria*, in *AFRICAN HANDBOOK OF CLIMATE CHANGE ADAPTATION 2099*, 2103 (Walter Leal Filho et al. eds. 2021).

¹²¹ *Id.*

their close connection to their environment: in the 1970s and 1980s, development experts hypothesized that the millions of women who collected firewood to cook for their families every day were a central cause behind deforestation.¹²² Women have also been blamed for having “too many children,” and held responsible for subsequent “population growth and local environmental destruction.”¹²³ These misperceptions place the blame predominantly on women for the birth of children, thereby making them at fault for overpopulation.¹²⁴

Despite women being unfairly blamed for environmental degradation, they are generally more connected to the land and have been proven to protect rather than harm it. Nigerian women hold numerous roles: farmers, herders, forest gatherers, soil protectors, and overall “keepers of the natural environment.”¹²⁵ Women are responsible for approximately “70-80 percent of all agricultural labor in Nigeria.”¹²⁶ In addition to being more connected to the land surrounding their home, Nigerian women are more connected to the home itself. Traditionally, women have overseen household maintenance—including the household’s energy production and usage—while men are generally in charge of going out and making money.¹²⁷ In Nigeria, these traditional roles tend to hold true, as women are closest to the land, their homes, and the protection of future generations.

The benefits of giving women more ownership and control over the land on which they work are apparent in the management of “biodiversity,” generally defined as “the foundation of life and the essential services provided by ecosystems.”¹²⁸ In 2017, Caroline Olory was assigned as the first female park controller of Nigeria’s Cross River National Park.¹²⁹ The Park is known as being the richest part of Nigeria’s biodiversity, and, under Olory’s leadership, an embargo on Park activities in the Okwangwo area

¹²² AGWU & OKHIMAMHE, *supra* note 117, at 60-61.

¹²³ Helen Zweifel, *The Gendered Nature of Biodiversity Conservation*, 9 NAT’L WOMEN’S STUDS. ASSOC. J. 107, 109 (1997), <https://www.jstor.org/stable/4316533>.

¹²⁴ *Id.*

¹²⁵ *Id.* at 112.

¹²⁶ Elizabeth Munn, *Ensuring Women’s Land Rights in Nigeria Can Mitigate Effects of Climate Change*, COUNCIL ON FOREIGN RELATIONS (Apr. 10, 2019), <https://www.cfr.org/blog/ensuring-womens-land-rights-nigeria-can-mitigate-effects-climate-change>.

¹²⁷ Yannick Glemarec et al., U.N. WOMEN, LEVERAGING CO-BENEFITS BETWEEN GENDER EQUALITY AND CLIMATE ACTION FOR SUSTAINABLE DEVELOPMENT 19 (2016), https://unfccc.int/files/gender_and_climate_change/application/pdf/leveraging_cobenefits.pdf.

¹²⁸ *Biodiversity - The Foundation of Life*, U.N. ENV’T PROGRAMME (May 18, 2016), <https://www.unep.org/news-and-stories/story/biodiversity-foundation-life>.

¹²⁹ Caroline Samuel Olory, *Nigeria’s First Female Park Controller*, PBS (Mar. 1, 2021), <https://www.pbs.org/wnet/nature/blog/women-history-nigeria>.

was lifted.¹³⁰ The embargo had been enacted by the community in order to protect the park amidst increasing pressure from communities competing to extract and use its resources.¹³¹ However, Olory's discussions and activism within the community led to an agreement to lift the embargo in order to continue important research and biodiversity protective measures taking place in the Park while preventing the pressure exerted from the neighboring communities to extract the forest's precious resources.¹³² A study in Liberia provides another example of women's ability to manage biodiversity: women had maintained more than 112 varieties of rice, each one more complex than the last.¹³³ The complex planting and cultivation pattern of these different seed varieties resembled a jigsaw puzzle, in that each soil and insulation type was different, yet fit perfectly together with certain seeds.¹³⁴ Women were solely responsible for ensuring this complex puzzle produced "optimal yields."¹³⁵

This close relationship establishes a strong connection between mitigating large-scale climate change migration and women's land tenure rights. Contrary to the misperceptions listed earlier, Nigerian women are actually better stewards of the land than men. For example, older women in Nigeria represent "wisdom pools" to other women in their communities, with inherited knowledge related to resource management and disaster mitigation.¹³⁶ Male landowners are actually more likely than women to contribute to significant biodiversity loss because they tend to be more market-oriented, therefore mass-producing specific, commercialized crops that ultimately over-drain soil nutrients.¹³⁷ In contrast, because Nigerian women primarily grow and cook food for the home as subsistence-based farmers, they grow more varieties of crops both for taste and nutrition, which ends up protecting biodiversity and soil resilience¹³⁸ against natural disasters such as floods and droughts.

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² *Id.*

¹³³ Gordon C. Thomasson, *Liberia's Seeds of Knowledge*, CULTURAL SURVIVAL Q. MAG., Summer 1991, at 23.

¹³⁴ *Id.*

¹³⁵ *Id.* at 24.

¹³⁶ Abdulhamid Tahir Hamid, GLOB. ENV'T & CLIMATE CONSERVATION INITIATIVE, *Nigerian Climate Group Advocate for More Campaign Against Environment Degradation*, AFR. CLIMATE REP. (Mar. 20, 2022), <http://africanclimatereporter.com/2022/03/20/nigerian-climate-group-advocate-for-more-campaign-against-environment-degradation>.

¹³⁷ Kalen Breland, *Women's Empowerment Is Key to Reducing Climate Change*, EARTH DAY (Mar. 6, 2020), <https://www.earthday.org/womens-empowerment-is-key-to-reducing-climate-change>.

¹³⁸ Soil resilience is defined as the "capacity of soil to recover its functional and structural integrity after a disturbance." Sunanda Biswas, *Soil Resilience: A New Approach to Recover Degraded Soil*,

Strengthening and applying statutory land rights for women in Nigeria would also cultivate incentives to make long-term investments in the land. One such investment is soil conservation, which consists of a combination of practices to protect the soil from degradation.¹³⁹ Overall, these practices are designed to prevent the loss of the uppermost layer of the soil.¹⁴⁰ Efforts to achieve this are known as “climate-smart agriculture approaches,” and they can be accomplished by increasing women’s land tenure security, and also by enhancing women farmers’ access to climate-resilient information.¹⁴¹ Therefore, empowering women’s property ownership in Nigeria – whether through individual or community ownership – has the potential to mitigate some of the environmental degradation caused by climate change through more sustainable agricultural practices.

V. MITIGATING THE CLIMATE CRISIS THROUGH GENDER RIGHTS WILL IMPROVE THE CONDITIONS OF NIGERIAN WOMEN

As demonstrated above, women are uniquely positioned to mitigate the climate crisis. Because of this unique position, increasing women’s land ownership rights could simultaneously improve both women’s living conditions and that of the environment. In order to achieve these benefits, and guarantee their fundamental human rights, women must be given legitimate access to land ownership and control.

Land rights also have the capacity to improve Nigerian women’s governing powers by improving the status of Nigerian women within the community. Research has shown that secure rights to land enhance women’s status in their communities and empower them to participate more effectively in community assemblies, and hold community governance positions.¹⁴² The strongest opposition to women’s land rights is often at the community level—as is the case in Nigeria—so strengthening women’s leadership at those levels will be key to enacting change.¹⁴³

Land experts suggest that one way to give women guaranteed access to the land is to separate formal ownership of the land from the ability to

BIOTECH ARTICLES (Dec. 5, 2016, 10:53 PM), <https://www.biotecharticles.com/Agriculture-Article/Soil-Resilience-A-New-Approach-to-Recover-Degraded-Soil-3724.html>.

¹³⁹ See Andrew Krososky, *What Is Soil Conservation? Everything You Need to Know*, GREEN MATTERS (Dec. 10, 2020, 3:35 PM), <https://www.greenmatters.com/p/what-is-soil-conservation>.

¹⁴⁰ *Id.*

¹⁴¹ Ume et al., *supra* note 120, at 2109.

¹⁴² See LANDESA, WOMEN’S SECURE RIGHTS TO LAND: BENEFITS, BARRIERS, AND BEST PRACTICES (2012), <https://www.landes.org/wp-content/uploads/Landes-Women-and-Land-Issue-Brief.pdf>.

¹⁴³ *Id.*

use it.¹⁴⁴ An example would be registering land in the name of a man, but barring him from selling without the permission of his wife or other heirs.¹⁴⁵ Another potential alternative would be putting land in the name of families, rather than just the husband, so that women also have their names on the certificate.¹⁴⁶ These policies could empower women, in line with the international treaties and conventions that support such empowerment, even if they are not the most just solution. Relying on the family name for inclusion on the land title still leaves widowed women at risk of losing the land to other men, and it does not distinguish the woman as an individual unique from her family, limiting the chances of such a title increasing her governing powers. It is also simply unjust that the best way for women to receive practical power over the land is still reliant on her relation to men, rather than recognizing that women are equally viable as landowners.

There are other helpful anecdotes across the Global South. In Cameroon, the formal recognition of women's community land rights facilitated the requirement that all women in the community become members of the community forest association.¹⁴⁷ This membership enabled women in the Boomabong and Pouth-Ndjock Community Forest to use the forest and also participate in decision-making processes about its use.¹⁴⁸ Before having their land rights recognized, these women only had access rights to the forests owned by their husbands and they were not involved in any aspect of communal forest management.¹⁴⁹ The reclassification of the forest as community forest enabled them to be rights-holders in the communal land-holding and therefore to engage in management.¹⁵⁰ A similar event occurred in Nepal: women-led business in the Banpale Community Forest in Gandhaki Pradesh, Nepal prompted community members to plant even more trees in the community forest—improving forest cover—and on household lands.¹⁵¹ This is because, like in Cameroon, women's individual rights to the communal forest are mandated.¹⁵² Once this access was mandated, the women in the community formed a small business enterprise that harvested, processed, and sold hog plum fruit, ultimately becoming a main source of income for the entire community.¹⁵³

¹⁴⁴ Kimani, *supra* note 40, at 12.

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ Viña, *supra* note 76.

¹⁴⁸ *Id.*

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ *Id.*

Today, women and men run the community-wide venture together, and in addition to improving tree cover, the profits have funded community projects such as school and road improvements, as well as water pipe installations in homes.¹⁵⁴

Increasing land rights can also vastly improve the livelihoods of Nigerian women, both daily and in the face of impending climate change and climate disasters. Access to land rights limits gender-based violence by increasing the status of women in their communities and households, thereby affording women greater economic independence.¹⁵⁵ Also, when women have rights to land, the economic benefits are more likely to extend to their households.¹⁵⁶ Research has shown that women contribute a greater proportion of their agricultural and land-based income to their household than men, thereby securing better food security and children's health as a result.¹⁵⁷ Greater access to land rights will also add resiliency if women are displaced by climate change; instead of being thrust about without a home base, women will have the ability to own land wherever they are displaced. So, if attempts to stop the displacement itself through more climate-resilient agricultural techniques are futile, women will ideally be empowered to own land wherever they go in Nigeria, giving them a stronger position in society. Although this article only focuses on Nigeria, it is imperative that women ultimately enjoy these rights globally.

CONCLUSION

Women across the world, and particularly in the Global South, have been and will continue to be disproportionately susceptible to the impacts of climate change because of their position in society. As main providers and purveyors for their families, and as collectors and protectors of the resources around them, women's positions in society make them vulnerable. But, at the same time, these qualities make them natural mitigators of climate change's adverse impacts. Given women's interconnected relationship with the land, they have the strongest capacity to act in leadership roles surrounding the use of that land. With women in charge, the impacts of climate change—including displacement—have the strongest potential to be mitigated.

Women's land rights might not seem like an obvious tool for addressing the causes of climate change, but removing the impediments to

¹⁵⁴ *Id.*

¹⁵⁵ See Kimani, *supra* note 40, at 10, 13.

¹⁵⁶ Viña, *supra* note 76.

¹⁵⁷ See USAID, *Fact Sheet: Land Tenure and Women's Empowerment*, LANDLINKS (Dec. 1, 2016), <https://www.land-links.org/issue-brief/fact-sheet-land-tenure-womens-empowerment>.

women's rights and the barriers to their education and social engagement could empower Nigerian women to protect Nigeria from impending climate change and respond to its effects.