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**New Perspectives in Habitat, Gender and Governance:
The Nigerian Experience**

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Introduction

On 29 May 2007, Nigeria crossed an important milestone in the consolidation of democratic governance. For the first time since independence on 1 October 1960, a democratically elected government completed the maximum two terms permitted under the 1999 Constitution and handed over to another democratically elected government albeit in general elections that were considered to have been less than flawless. Beyond the successful transition of power, 2007 was also worthy of attention because of the launch of the National Gender Policy and the Fiscal Responsibility Act. The former repeats the commitments to gender mainstreaming and gender analysis, which had been enshrined in the National Policy on Women of 2000;² and the latter mandates public participation in government budget processes at all levels of government. It is necessary to point out that it was the Beijing Platform for Action of 1995, which first formalized the linking of gender and government budgets by stipulating that “Governments should make efforts to systematically review how women benefit from public sector expenditures both for enhancing productive capacity and for meeting social needs; and achieve the gender-related commitments made in other United Nations Summits and conferences.” This linkage is echoed in Article 2(1)(c) of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women, as it requires governments to integrate a gender perspective in their policies, legislation, development plans and programmes.³

But one of the major concerns of civil society groups has been the disconnect between the obligations undertaken by many African States under international and regional treaties and the substantive rights guaranteed under their national legal

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² The National Policy on Women has been replaced with the National Gender Policy of 2007.

³ Adopted by the African Union on 17 July 2003 and ratified by Nigeria on 16 December 2004.

regimes. Nigeria is a good example. Basically, in Chapter II of the 1999 Constitution, which bears the title, *Fundamental Objectives and Directives of State Policy*, it is provided that all organs of government shall ensure that suitable and adequate shelter is provided for all citizens. This would seem to give force to the shelter obligations accepted by Nigeria under treaties such as the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Protocol to the African Charter on Women's Rights. However, section 6(6)(c) of the 1999 Constitution diminishes the impact of Chapter II by expressly stipulating that it does not establish any enforceable rights.

This paper briefly documents how procedural approaches such as public participation are being used to advance women's rights to a safe habitat and adequate shelter. This is being done under the Gender Budget Transparency and Accountability Project (GBTAP) in Lagos State, one of Nigeria's most densely populated regions and its commercial nerve centre.⁴

Choosing a suitable entry point

GBTAP evolved as a result of the concerns about availability of social goods and services expressed by women who participated in a **Beijing+10** survey conducted by DIN in Lagos State during 2005. This raised critical questions. For example, to what extent are women involved in and understand government budget processes? Also, to what extent are their needs and interests taken into account and how does government spending affect them compared to men? This was against the background of a policy environment, which promoted the use of gender mainstreaming and gender analysis. GBTAP's main objectives are:

- to institutionalize the use of gender budget analysis in Lagos State by assessing the impacts on women compared to men of government's spending in seven portfolios including environment and housing, which are crucial to women's well being and livelihoods;
- to promote women's economic and social rights;

⁴ GBTAP is being implemented by Development Initiatives Network (DIN), <http://www.dinresourcecentre.org>. It commenced in April 2006 with the support of the European Union's Initiatives for Democracy and Human Rights. Some of its activities have also been supported by the United Kingdom's Department for International Development (DFID).

- to generally facilitate open government through inclusive and participatory strategies and actions that support wider civil society participation in economic decision making; and
- to positively address knowledge gaps in economic governance.

Implementation Activities

These were centred on the following:

- budget policy research and documentation through the production of the Gender Budget Training Manual, factsheets and newsletters;
- advocacy and public education based on visits to municipal leaders and traditional leaders; information roadshows; and outreach to women's groups;⁵
- information dissemination through multiple communications platforms such as the dedicated project website, <http://www.lagosgenderbudget.net>, media briefings and publications;
- training and skills development for a total of 48 State and municipal Planning and Budget Officers and the representatives of eight leading women's rights NGOs in Lagos State.
- networking through the establishment of the Lagos Gender Budget Network for mobilizing support for policy and administrative reforms.

The best practices from the implementation of GBTAP can generally be summed up as the formalization of the collaboration with the key budget institution in Lagos State, the Ministry of Economic Planning and Budget (MEPB). This action, one of the first preparatory activities, was achieved in June 2006 and is of paramount importance given the fact that in the absence of freedom of information legislation, access to public information is not a legal entitlement in Nigeria. Another action that is worthy of mention is the project website, <http://www.lagosgenderbudget.net>, which is a window to all project actions and from which, information resources such as the Gender Budget Training Manual, can be downloaded at no charge.

⁵ A total of 1,123 people have participated in GBTAP's public education events.

Challenges

These are systemic with the absence of a freedom of information law being quite significant. This has meant that the MOU with MEPB did not extend to the provision of all government budget documents. Those, which remained completely out of reach, were described as internal documents. There is also the practice of not routinely collecting sex-disaggregated data in the public sector. In addition, the dissemination of government budget information only in English and in the written form means that people with low literacy levels are effectively excluded from understanding and participating in government budget processes.

Future prospects

The conjunction of habitat with gender or governance through budget-based analytical tools may still be in its infancy in Nigeria, nevertheless, it reflects a global trend.⁶ The introduction of the Fiscal Responsibility Act has established procedural rights, namely, legal guarantees on public participation in government budget processes through public hearings and the mandatory publication of all transactions and decisions involving public revenue and expenditures. These are promising developments, which ordinarily should help to accelerate budget-impact analysis work. But the reality is that due to the allocation of legislative powers between the Federal and State Governments under the 1999 Constitution, the Fiscal Responsibility Act only has automatic application in the Federal Capital Territory. It will only have force in the States when enabling laws are passed to that effect within those sub-national units. Civil society groups should therefore face up to the challenge of intensifying advocacy for the adoption of state-level fiscal responsibility laws. This opens up a new frontier in the battle to realize social rights pertaining to habitat or gender.

⁶ See, for example, UNICEF's gender budget portal, <http://www.gender-budgets.org>.