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Article

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AFFIRMATIVE ACTION AND GENDER EQUALITY IN NIGERIA: A STUDY OF THE 35 PERCENT POLICY

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Abstract

This study critically examines the role of affirmative action in fostering gender equality in Nigeria, with a particular focus on the 35 Percent Affirmative Action Policy (35% AAP). Introduced to mitigate entrenched gender disparities in political participation and representation, the policy's progress has been uneven and fraught with challenges. This paper delves into the historical context, the implementation dynamics, and the socio-political barriers impeding the policy's success. By employing a mixed-methods approach, the findings highlight the policy's limited successes in increasing female political participation while underscoring systemic obstacles such as weak legal enforcement and cultural resistance. The study advocates for strengthening institutional frameworks, enhancing public awareness campaigns, and fostering community engagement to overcome these barriers. The research contributes significantly to understanding affirmative action's potential and limitations in promoting gender equality, offering actionable insights for policymakers, scholars, and advocates.

Keywords: Affirmative Action, Gender Equality, 35% AAP, Political Representation, Women Empowerment, Nigeria.

Introduction

Gender inequality continues to be a pressing and persistent issue in Nigeria, where women are vastly underrepresented in political, economic, and decision-making spheres. The 35 Percent Affirmative Action Policy (35% APP) represents a significant step toward addressing this imbalance by mandating a minimum of 35% representation for women in appointive and elective positions. This aligns with global Conventions, such as the Beijing Declaration and Platform for Action, which advocate for increased female participation in governance as

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a pathway to inclusive and sustainable development. Despite its promising framework, the policy has not yielded the transformative change envisioned at its inception. Nigeria's political landscape remains dominated by male counterparts, with women often excluded due to systemic challenges such as inadequate political will, weak enforcement mechanisms, and socio-cultural biases. Recent data which the women's representation in legislative roles remains below 10%, highlighting a significant gap between policy objectives and real-world outcomes. This paper seeks to bridge this gap by analyzing the policy's efficacy, identifying persistent challenges, and offering evidence-based recommendations for fostering gender parity in Nigeria's governance structure. Through a mixed-methods approach, this study provides a comprehensive exploration of both the successes and shortcomings of the 35% APP and aiming to chart a pathway toward its effective implementation.

The underrepresentation of women in Nigerian governance continues to undermine the country's democratic ideals and development goals. Despite Nigeria's ratification of numerous international frameworks, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the African Charter on Human and Peoples' Rights, which emphasize gender equality, these commitments have not translated into tangible progress. The 35 Percent Affirmative Action Policy was introduced as a corrective measure to address these systemic disparities by ensuring a minimum threshold for women's inclusion in decision-making roles. However, its implementation has been inconsistent and largely symbolic. Challenges to the policy's success are multi-faceted. Institutional inertia, characterized by a lack of legal mandates and accountability mechanisms, has significantly hindered progress. Cultural and societal norms, deeply rooted in patriarchal ideologies, continue to devalue women's contributions to governance. Furthermore, financial and logistical barriers disproportionately affect women's ability to compete in the political arena, exacerbating their exclusion. The result is a persistent gender gap that not only marginalizes women but also deprives the nation of diverse perspectives essential for inclusive policymaking. This study aims to interrogate these challenges, examine the policy's impact, and propose actionable strategies to align Nigeria's governance with its gender equality aspirations.

Research Questions

- i. What are the historical, political, and socio-cultural contexts that have shaped the development and implementation of the 35 Percent Affirmative Action Policy (30% APP) in Nigeria?
- ii. How has the 30% APP influenced women's representation in appointive and elective political roles, and what measurable impacts can be identified?
- iii. What institutional, societal, and individual-level barriers continue to impede the policy's success, and how can these challenges be addressed to ensure more effective implementation?

Methodology

This research employs a mixed-methods approach to provide a comprehensive understanding of the 35 Percent Affirmative Action Policy's role and effectiveness. The methodology integrates these components: examination of policy documents, government reports, international agreements, and legislative frameworks to trace the origins, intentions, and implementation dynamics of the policy. Semi-structured interviews are conducted with policymakers, gender equality advocates, female politicians, and academics to gain insights into the lived experiences and perspectives regarding the policy's impact and challenges.

Structured questionnaires administered to a diverse sample of Nigerians to assess public perception of the policy and its impact on gender equality in political representation. Data from these methods were analyzed using thematic analysis for qualitative data and descriptive and inferential statistical methods for quantitative data. The triangulation of these methods ensures the reliability and validity of the findings.

Literature Review

Affirmative Action

Affirmative Action (AA) refers to policies that take care of race, ethnicity or gender into consideration in an attempt to promote equal opportunity in socioeconomic and political life; It is a policy project aimed at countering discrimination against minorities and disadvantaged social group. The origin of Affirmative Action is traced to the Civil Rights Movement in the United States of America whereby President John F. Kennedy by Executive Order 10925 established the President's Commission on Equal Employment Opportunities Order which provided that: Contractors doing business with the American government will take affirmative action to ensure that applicants are employed and employees are treated during their employment without regard to their race, colour or national origin. By 1964, affirmative action was solidified by the Civil Rights Act sponsored by Senators Joseph Clark and Clifford Case. Importantly, Affirmative Action for Women began with agitations and movements within the United Nations in which the charter (1945) included a provision for equality between men and women (chapter III, article 8). It is widely believed that socio-economic variables like literacy rate, patriarchal system, culture, race, religion; violence, night meetings, blackmail, rigging; societal attitudes, social cohesion, and social capital, as well as, poverty rate, earnings/income opportunity, cash benefits, property ownership/rights of inheritance, house hold division of labour and party funding. largely affect women participation in politics. In attempt to overcome the impacts of these variables on women political participation, various female officials within the United Nations and leaders of women's movements on the global stage successfully turned these principles into action through several resolutions and conferences from 1945 to 1975 which eventually turned 1975 into International Women's Year; and 1976-1985 into the "Decade of Women". Affirmative action policies have been widely studied as mechanisms to address systemic inequalities and foster inclusion in governance. Globally, countries such as Rwanda and Sweden have demonstrated the transformative potential of affirmative action in increasing women's representation in political and decision-making spheres. Rwanda, for instance, has achieved over 60% female representation in its legislature, largely attributed to robust quota systems and a cultural shift toward valuing women's contributions to governance (Devlin & Elgie, 2008).

Gender Inequality and Decision Making in Democracy

The concept of gender has its origin in Latin which signifies 'kind' or 'group'. In contemporary times, the concept has been used to represent masculinity and feminism. Today the concept of gender is used to denote unequal perceptions and roles that a society assigns to both males and females, especially, the female or women group (Anyalebechi, 2016: 64). Ugwu (2008) sees the concept of gender within the mindset or the fact of being male or female or in relation to sex of human race which intrinsically has generated the question of roles and placements in the society. Blomgren, (2010) sees gender as the roles, relationships, attitudes, behaviour and values. that society ascribes to men and women.

O'Neil and Domingo (2015) assert that decision-making power is the ability to influence decisions that affect one's life. These include issues that affect both ones private and public life. Therefore, the ability of people, especially women to have formal access to political positions and to decision making is considered critical in empowering women. Again, O'Neil and Domingo (2015) have argued that decision-making powers, to a large extent, determine women's access, capabilities and actions. It also determines if they have influence over political processes or decisions as it concern their private lives. Therefore, it can be said that women's access to political processes and decision making is central to their access to leadership positions and ability to wield power like their counterparts, the menfolk.

There are growing numbers of literature on gender issues over the past three decades. For instance, Umoh, Momoh, and Rwang (2019) examined gender (In)equality, challenges and implications for African states; O'Neil and Domingo (2015) in their study make a case for empowering women in decision making and the need to reduce gender inequality; Anyalebechi (2016) identified the causes of gender inequality in Nigeria; Beaman, Dufl, Pande, and Topalova (2006) examined gender bias against women in politics and policy-making in rural India; Chappell and Waylen (2013) examined the imperatives of promoting gender equality in various institutions'; Diaz and Marin (2013) in their study made a case for the advancement of women's rights agenda in Columbia; Domingo, Holmes, O'Neil, Jones, Bird, Larson, Presler, Marshall, and Valters, (2015) in their study provided evidence on the need to improve Women's voice in leadership and decision-making; Hughes, Duncan, and Pournik, (2014); Klugman, Hanmer, Twigg, Hasan, McClearySills, and Santamaria, (2014) examined women leadership role as critical for their empowerment; Krook, (2010) undertook a comparative study on women representation in parliament; Krook, and O'Brien (2012) made a case for the need to appoint more women as cabinet ministers all over the world; O'Neil and Cummings (2015) examined the use of the information and communication technologies in increasing the voice and influence of women and girls; and O'Neil and Plank, (2015) identified the need to provide support to women and girls' in leadership positions. All these studies have severally attempted to identify the plight of women and have stressed the need to improve the socio-economic and political wellbeing of women all over the world, especially in countries where the level of gender inequality is wide spread.

Recent studies have shown that women all over the world, especially within the last three decades, are becoming more popular in public domain than any other period in the history of human society. This is evident in terms of the number of women who have access to decision making, especially in parliament, judiciary and professional associations (O'Neil and Domingo, 2015) in countries like Cuba (53.2%); Bolivia (53.1%); Mexico (48.2%), Grenada (46.7%), Nicaragua (45.7%) and Costa Rica (45.6%); Namibia (46.2%); South Africa (42.7%) and Sweden (46.1%) (WEFORUM, 2019). From the review of the above literature, we discovered that very limited number of studies have made a case for the domestication of the thirty percent affirmative action as a strategic framework for women's empowerment in the 1999 Constitution of the Federal Republic of Nigeria.

Thirty Five Percent Affirmative Action (30% APP) in Nigeria's Democracy

Gender issues have dominated many international discussions and debates in recent years all over the world. Though, significant efforts have been made by the international community to improve the conditions of women, the level of implementation have been less than encouraging in some countries, especially in the developing countries. On the contrary, the developed countries are making giant strides in this regard. In the past three

decades, gender gaps across the world have declined, especially in developing countries of the world. For instance, the Economist report 2015 showed that the percentage of women representation based on global statistics has showed increase from 11.3% in 1995 to 22% in 2015. However, earlier report from the UN Women, (2011) shows that modest progress was recorded in 2011 in which women attained 40% of formal labour force and 27% of judges all over the world. Besides, other breakthrough recorded was that women have started gaining access to hitherto male dominated professions like the police force in which women were able to achieve 9% in 2011.

In the literature of gender studies, a numbers of factors have been identified to be responsible for the worsened situation of gender inequality in many developing countries of the world especially in Africa. Some of these factors range from economic exploitation and impoverishment to discriminatory cultural norms; exclusion from public life; poor access to education; poor economic incentives; political hindrance and constitutional constraints (Anyalebechi, 2016). However, in Nigeria, especially since the return to democratic rule on May 29, 1999, the level of women's representation in politics and decision making has been low despite the status of the country as a signatory to many international frameworks for gender equality. Besides, a number of factors have been identified to have been responsible for gender inequality. Some of these factors include; discriminatory cultural norms; lack of access to education; poor economic incentives; political hindrances and constitutional constraints inherent in the 1999 Constitution of the Federal Republic of Nigeria (Enemuo, 1999). It is pertinent to note that despite the adoption of many international instruments for women's empowerment in Nigeria, the domestication of these instruments has been problematic. Available statistics from the National Bureau of Statistics (2018) have shown that over the past twenty years of democracy in Nigeria, women have not been adequately represented in decision making processes. Thus, there is the need for the domestication of the 35% affirmative action for women involvement in the decision-making process in the country.

Data Analysis

The research utilized thematic analysis to derive key insights from semi-structured interviews, policy documents, and international frameworks, providing a nuanced understanding of systemic challenges and opportunities associated with the 35 Percent Affirmative Action Policy. Weak policy enforcement emerged as a critical issue. Respondents, including policymakers and gender advocates, highlighted the absence of penalties for political parties or institutions failing to achieve the 35% target, impeding policy success. Patriarchal norms continue to hinder progress, with about 80% of interviewed female politicians reporting social stigma and limited support due to entrenched gender stereotypes. Legislative and governmental inertia were frequently mentioned, with respondents citing resource constraints and political resistance as barriers to advancing gender-sensitive reforms. A structured questionnaire was administered to 1,000 respondents across urban and rural regions, with data analyzed using descriptive and inferential statistics to capture public perceptions and structural barriers. Only 28% of respondents were aware of the policy, with urban respondents demonstrating twice the awareness level compared to their rural counterparts. A significant portion (42%) believed the policy had minimal impact, while 35% were undecided, citing inadequate implementation and visibility. Financial constraints were the top-cited barrier (64%), followed by lack of support from political parties (58%) and societal biases (52%).

A significant relationship was identified between lack of enforcement mechanisms and gender disparity in political participation ($p < 0.05$). Public awareness positively correlated with support for gender-inclusive policies, emphasizing the importance of targeted educational campaigns to boost advocacy. The study examined Nigeria's progress against the backdrop of affirmative action successes in other countries, such as Rwanda, South Africa, and Sweden. Strong legal frameworks and enforcement mechanisms in Rwanda have achieved over 60% female representation in the legislature. South Africa's proportional representation system and voluntary party quotas significantly improved female participation in governance. In Sweden, cultural shifts toward gender equity played a pivotal role in sustaining policy success. These comparisons highlight the importance of aligning affirmative action policies with robust electoral reforms, cultural awareness initiatives, and institutional support mechanisms. An intersectional approach revealed how gender intersects with socioeconomic status, ethnicity, and geography to shape political participation. Women from economically disadvantaged backgrounds face heightened barriers, such as limited access to campaign funds and political networks. Rural women reported feeling excluded from political spaces, underscoring the need for decentralized policy implementation. Ethnic minority women face additional marginalization and are underrepresented in mainstream political parties. The study traced the evolution of the 35 Percent Affirmative Action Policy using historical data and government reports. The policy was introduced as part of Nigeria's commitment to international frameworks like the Beijing Platform for Action and CEDAW. Legislative records from 2000 to 2023 revealed consistent underperformance, with women's representation in governance averaging only 8.5%. Interviews revealed that political parties view the 35% quota as non-binding, leading to superficial compliance and tokenistic implementation. This comprehensive analysis underscores the multifaceted nature of challenges and opportunities in achieving gender equity through affirmative action in Nigeria. It provides a robust foundation for actionable recommendations.

Conclusion and Recommendations

The 35 Percent Affirmative Action Policy represents a critical step in Nigeria's journey toward achieving gender equality in governance. Despite its promise, the policy has not delivered the transformative outcomes originally envisioned. The study's findings reveal that systemic flaws—ranging from weak enforcement mechanisms and lack of accountability to entrenched cultural biases and inadequate institutional support—continue to undermine its effectiveness. Women's political representation remains below 10%, far short of the 35% target, which signals the need for a stronger, multi-dimensional approach to bridging the gender gap in Nigerian politics. The comparative analysis of successful case studies, such as Rwanda, South Africa, and Sweden, demonstrates that affirmative action policies can drive substantial improvements when implemented within a supportive framework. These include robust legal mandates, electoral system reforms, active public engagement, and cultural shifts. However, Nigeria's context presents unique challenges, including a deeply rooted patriarchal society, economic disparities, and a rural-urban divide that requires localized and culturally sensitive strategies. One of the most critical takeaways from this research is the interplay between policy design and implementation. While the 35 Percent Affirmative Action Policy provides a theoretical foundation for advancing gender parity, its impact has been constrained by insufficient enforcement and the absence of tangible incentives for compliance. Additionally, the policy's top-down approach has failed to resonate with

grassroots communities, particularly in rural areas where women's participation in governance is even more limited.

The conclusion underscores the importance of taking a holistic and integrated approach to gender equality in Nigeria. Legal reforms must be accompanied by capacity-building initiatives, financial support for female candidates, and public awareness campaigns to challenge societal norms that devalue women's leadership. Furthermore, addressing intersectional barriers—such as those faced by economically disadvantaged women and ethnic minorities—is crucial for ensuring an inclusive and equitable governance structure. Ultimately, this study reaffirms that achieving gender equality is not merely a matter of numerical representation but a transformative process requiring systemic, institutional, and cultural change. The 35 Percent Affirmative Action (30% APP) has illuminated the path forward, but significant work remains to translate its potential into meaningful progress. A renewed commitment from policymakers, political parties, civil society, and communities is essential to creating a governance landscape where women can thrive and contribute to Nigeria's sustainable development. In view of the findings of this study, the following are suggested:

- i. There's need for the National Assembly to enact binding laws that enforce the 35% quota, coupled with penalties for non-compliance by political parties and government institutions.
- ii. Government at every level should create public awareness campaigns to educate citizens about the importance of gender equality and the goals of the 35 Percent Affirmative Action Policy, using media and community outreach to shift societal perceptions, and also empower local women's groups, promote gender equality advocacy, and address cultural biases against women in leadership roles.
- iii. The government should implement institutional reforms by introducing proportional representation systems and encouraging political parties to adopt voluntary gender quotas, ensuring women have equitable access to leadership positions.
- iv. Federal Government need to provide capacity-building support for aspiring female leaders through financial assistance, training programmes, and mentorship initiatives to help overcome financial and logistical barriers to political participation.

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