journals.unizik.edu.ng/jcpl/index ISSN: 2736-0342
NNAMDI AZIKIWE UNIVERSITY, AWKA
JOURNAL OF COMMERCIAL AND PROPERTY LAW Vol. 12(2), May, 2025

REMOVING THE 'IRON CURTAIN' OF DISCRIMINATION IN BUSINESS: A RIGHTS APPROACH TO WOMEN INCLUSION IN ENTREPRENEURSHIP IN NIGERIA

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Abstract

A considerable percentage of women engage in entrepreneurship in Nigeria and contribute substantially to the economic and social structure of the country, yet their activities are underestimated and undervalued. Women have continued to be excluded economically and financially in business thereby negatively impacting their entrepreneurial success in Nigeria. This situation is more prevalent in the informal sector where women play a dominant role, because of the ease of doing business in the sector. Entrepreneurship thrives on fairness and equality in trade or business, and on the idea that trade or business can and should alleviate poverty and bring development to the business owner. Nevertheless, barriers such as gender bias, financial exclusion, cultural inhibitions, and other difficulties have created 'iron curtains' to exclude women from entrepreneurship, thereby negatively impacting their rights to equality and development. Using doctrinal research methodology, this article examines the participation of women in entrepreneurship in Nigeria. It further examines the challenges of women in entrepreneurship, exposing their difficulties in this regard. This article determines whether a 'rights-based approach' to women inclusion in entrepreneurship would yield the desired result since human rights are universal and governments respect, protect, and fulfill the rights of all citizens. It proposes a targeted language model in its regulatory instruments, which is more intentional with women inclusion in business legislations and policies. It is expected that the rights-based approach would yield the desired result in ensuring that women are included in entrepreneurial policies in Nigeria.

Keywords: Entrepreneurship, women inclusion, rights-based approach, informal business

1. Introduction

Research has shown that a great percentage of women take to entrepreneurship in Nigeria,[1] and they make a substantial contribution to Nigeria's economic and social structure. However, their efforts can be thwarted by the many barriers that exist within and outside the business ecosystem.[2] These barriers are the subject of discussion in this paper, as it also seeks lasting solutions to women inclusion in entrepreneurship in Nigeria.

Entrepreneurship is "the willingness and ability of individuals in perceiving and creating new economic opportunities, products or services, new production methods, new organisational methods, and new product market combinations, and the introduction of these new ideas to the market, which is full of uncertainties and other obstacles"[3] It is also the process through which entrepreneurs create and grow businesses; it is concerned with the discovery and exploitation of profitable opportunities, drives innovation and technical change, and therefore generates economic

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[1] 83% of Nigerian women embrace entrepreneurship - Mastercard study.' The Punch Newspaper, March 6, 2025.<https://punchng.com/83-of-nigerian-women-embrace-entrepreneurship-mastercard-study/> accessed 20 April 2025

[2] These barriers include obscure ones, for instance, having disabilities, being a caregiver, or having young children.

[3] D B Audretsch and R Thurik, 'Linking Entrepreneurship to Growth', (2001) OECD Science, Technology and Industry Working Papers. p 20

growth.[4] Entrepreneurship therefore promotes welfare because economic growth stimulates welfare.

In Nigeria, entrepreneurship entails a wide range of businesses, from businesses domiciled in the informal sector, like farming, mining, livestock, and petty trading, to the more organised businesses in the formal sector. These include banking, corporate businesses in telecom or fintech, renewable energy, and others. Women participate in these businesses; however, their contribution is underestimated and undervalued because women have continued to be excluded economically and financially, thereby making their visibility in the economic map of Nigeria difficult.

Over the years, there has been a significant increase in women entrepreneurs. This increase is due to reasons ranging from women wanting financial independence, personal ambition, and their ability to turn brilliant ideas into reality.[5] For instance, an International Labour Organisation (ILO) report put the percentage of women entrepreneurs at 32%.[6] According to the National Bureau of Statistics (NBS), Nigerian women own 40% of the small businesses in the country.[7] A more recent report by Punch Newspaper states that 83% of women embrace entrepreneurship in Nigeria.[8] These statistics show that women engage in entrepreneurship, but face challenges that make it difficult for them to progress seamlessly in entrepreneurship.

In Nigeria, reports show that women are increasingly breaking barriers, especially in professions like journalism, finance, and other government leadership roles in the formal sector.[9] However, women continue to face challenges in the informal sector, small and medium businesses (SMEs), and entrepreneurship generally. Entrepreneurship thrives on fairness and equality in trade or business, and on the idea that trade or business can and should alleviate poverty and bring development to the business owner. Fair traders and business minds see development as more than just a vehicle by which to acquire more goods and services, but also a way to improve individual freedom and capacity to lead a fulfilled life.[10] Entrepreneurial standards and policies that are gender-responsive can achieve this reality because there is a strong correlation between economics and social equality.[11] In other words, societies that ensure social equality have a better economy. Women inclusion in entrepreneurship continues to be challenged by cultural, economic, religious, and other systemic barriers that have created iron curtains[12] against the growth of women in this area.

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[4] Ademola S Sajuyigbe and Isaac O Fadeyibi, 'Women Entrepreneurship and Sustainable Economic Development: Evidence from South Western Nigeria,' (2017) 5(2) *Journal of Entrepreneurship, Business and Economics***,** 25.

[5] 83% of Nigerian women embrace entrepreneurship -Mastercard study**.'** The Punch Newspaper, March 6, 2025. < https://punchng.com/83-of-nigerian-women-embrace-entrepreneurship-mastercard-study/> accessed 20 April 2025.

[6] 'National Assessment of Women Entrepreneurship Development in Nigeria', (2022) an International Labour Organisation Document, <https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@africa/@ro-abidjan/@ilo-abuja/documents/ genericdocument/wcms_863586.pdf >accessed 19 April 2025.

[7] Business Insider Africa, <https://africa.businessinsider.com/local/markets/nigerian-women-own-40-of-small businesses-according-to-nbs-report/glh9dyj> accessed 22 April 2025

[8] '83% of Nigerian women embrace entrepreneurship - Mastercard study**.'** The Punch Newspaper, March 6, 2025. Available in <https://punchng.com/83-of-nigerian-women-embrace-entrepreneurship-mastercard-study/> accessed 20 April 2025.

[9] Nnamdi Madichie, 'Breaking the Glass Ceiling in Nigeria: A Review of Women's Entrepreneurship' (2009) 10 *Journal of African Business*, 51–66.

[10] Suzanne Zakaria, "Fair Trade for Women, at Last: Using a Sanctions Framework to Enforce Gender Equality Rights in Multilateral Trade Agreements" (2018) 20:1 Geo J Gender & L p241

[11] Suzanne Zakaria, "Fair Trade for Women, at Last: Using a Sanctions Framework to Enforce Gender Equality Rights in Multilateral Trade Agreements" (2018) 20:1 Geo J Gender & L p241

[12]Madichie (n 9).

Using doctrinal research methodology, this article examines the participation of women in entrepreneurship in Nigeria. It confirms that women naturally tend towards entrepreneurship, especially in the informal sector. It further examines the challenges of women in entrepreneurship, revealing their difficulties in progressing in entrepreneurship and not enjoying the welfare and dividends that come from entrepreneurship. This article seeks to address women inclusion in entrepreneurship through the 'rights-based approach' because human rights are universal and governments are bound to respect, protect, and fulfill the rights of all citizens. This article argues that the Government should address any infraction of such rights and allow equality and non-discrimination to flourish in the state. In advocating for a rights-based approach to addressing the challenges, the article proposes a targeted language model in its regulatory instruments, which is designed to be more intentional with women inclusion in business legislation and policies. It is expected that the rights-based approach would yield the desired result of ensuring women inclusion in entrepreneurship in Nigeria.

The purpose of this article therefore is to propose the inclusion of women in entrepreneurship through the rights-based approach, a more aggressive method, to address the challenges of women inclusion in entrepreneurial policies in Nigeria. This article is divided into four parts. After this introduction is the second part which examines the current situation of women's participation in entrepreneurship in Nigeria and the challenges experienced by them. The third part discusses the rights-based approach to the issue of women inclusion in entrepreneurship. The fourth part concludes and recommends.

2. The Current Landscape for Entrepreneurship with the Nigerian Woman

Historically, women are recognised as active participants and contributors to the social, economic, and political development of their societies.[13] Their earnings in the informal sector, contribute to the gross domestic earnings through tax on the importation of goods, custom excise duties, and other charges, in government revenue.[14] Entrepreneurship and small and medium-sized enterprises (SMEs) are the economic backbones of most countries, accounting for nearly ninety percent of private sector employment, and playing a critical role in driving innovation and global competitiveness.[15]

The ease of engaging in small enterprises or informal businesses explains why women are excessively represented in the informal sector. These women often have little or no bargaining power, are engaged in irregular work, and must balance their paid work with their caregiving responsibilities at home.[16] Therefore, while both men and women entrepreneurs share varying business constraints, women face additional barriers due to deeply rooted discriminatory sociocultural values and traditions that are entrenched in the policy, legal, and institutional instruments.[17] Past scholars have argued that the greatest challenge for Nigerian women in business is being taken seriously by their male counterparts, as well as by society in general.[18] This challenge affects the Nigerian woman entrepreneur in her ability to access the support needed to seamlessly run her business.

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[13] T O George, Mercy Ozoya, and E O Amoo. 'Women in informal cross-border trading along Nigeria and Benin republic border: Challenges and coping strategies.' (2017) 15 *International Journal of Applied Business and Economic Research* 155-163.

[14] Ibid.

[15] Wendy Cukier and others, (2022) Women Entrepreneurship: Towards an Inclusive Innovation Ecosystem, (2022) 34 (5) *Journal of Small Business & Entrepreneurship*, 475-482.

[16] Ifeyinwa Arum and Nnenna Sandra Eze, 'Women and the Informal Sector of Nigerian Economy,' (2022) 5 *Redeemer's University Journal of Management and Social Sciences, 3*

[17] Nnamdi (n 9).

[18] Ibid p58

In the formal sector, studies have shown certain barriers to women's advancement in the corporate world. Some of these barriers include stereotyping and misperceptions about women's abilities and long-term commitment to business careers; exclusion from informal networks and channels of communication; lack of trust or willingness to put women in key developmental positions, pay inequalities; and sexual harassment.[19] These factors make women to seek alternative employment options when faced with such at their workplace. Women have increasingly been taking jobs that are temporary or part-time in the labour market, which makes them more disposed to unemployment than their male counterparts.[20]

The greatest reward for a woman entrepreneur is, being in control of her employment life, her finances, and her welfare. In many instances, women are unable to benefit from economic interventions, including finance, and most struggle to circumvent discrimination in business circles.[21] The attitude toward women entrepreneurs can be regarded as a traditional African attitude that drains women's initiatives in business. Women are usually seen as the weaker sex and incapable of holding the business together. It is important to note that the possibilities and experiences of women entrepreneurs are affected by their knowledge, attitudes, and the opinion of those persons around them, concerning the women.[22] Advancing women entrepreneurship depends on promoting inclusion at every level of the ecosystem. Even though women entrepreneurs make a substantial contribution to the economic and social structure of a country, research shows that their efforts are usually disillusioned by the many barriers that exist within and outside the innovation ecosystem.[23] For instance, younger Nigerian women entrepreneurs are increasingly venturing into tech and digital entrepreneurship, leveraging on platforms such as social media and fintech.

However, their progress is not noticeable because of the significant structural differences between men's and women's entrepreneurial exposure. While definitions and methods of evaluating innovations and their economic impact often focus on technology and the manufacturing sector, where women are disproportionately underrepresented, the contributions of the sectors where women are clustered, such as services, health, and beauty, food, and culture, are frequently overlooked in these assessments.[24] The danger in this type of assessment is that these are the data that will be referred to when making interventions for economic policies or financial decisions for women entrepreneurs. The women entrepreneurs experience such iron curtain situation in the ecosystem, and are remarkably further influenced by the following key factors:

a. **Cultural inhibition**: African culture is patriarchal. In a patriarchal society, men of higher socio-economic and political status dominate all women and men of lower social standing.[25] Culture and institutions often interact to shape laws that affect situations such as women's economic opportunities.[26] The inherent patriarchy in the system encourages gender-biased socio-cultural norms, which make it difficult for women in Nigeria to have a level playing ground with men in entrepreneurship.

b. **Policy and legal Frameworks**: Institutional reforms can affect women's economic rights differently, depending on a country's underlying cultural values.[27] Nigerian laws and policies are often influenced by the makers, which are mostly men. Patriarchal structures as is the case

[19] Ibid.
[20] Ibid p 59.
[21] Madichie (n 9) 58.
[22] Wendy Cukier and others, 'Women Entrepreneurship: Towards an Inclusive Innovation Ecosystem, (2022) 34(5) *Journal of Small Business & Entrepreneurship*, 475-482,
[23] Ibid.
[24] Ibid.
[25] Ibid.
[26] L S Davis, and Claudia R. Williamson, 'Individualism and Women's Economic Rights,' (2022) 198 *Journal of Economic Behavior & Organization*, 580.
[27] Ibid

in Africa, and Nigeria in particular, and its cultural institutions have systematic laws and policies biased for the interest of men.[28] When men are the lawmakers, making laws that affect, or benefit women are given little attention. Such complex interconnected systems can reinforce barriers through discriminatory policies.

c. **Access to Capital or Finance**: Women encounter gender-specific obstacles when trying to access financial services, such as insufficient collateral (often land) and low levels of literacy, numeracy, and education. Access to land and other land-based resources is essential for determining how individuals will secure their primary source of income. Most Africans depend on land and land-based resources for sustenance, especially in the informal sector. However, women have less secure rights to arable land compared to men.

d. **Lack of Technology Exposure**: Despite the fact that sub-Saharan Africa has the highest percentage of women entrepreneurs in the world, with 26% starting and managing their business, Ghana takes the lead with more female entrepreneurs than any other country, with 46% of businesses being owned by women.[29] However, women are underrepresented and marginalized in digital technology entrepreneurship due to the low participation of women in technology sectors when compared to men. One of the reasons for the low participation of women in Africa is mobile Internet access. About two thirds of women in sub-Saharan Africa do not use the Internet, with gender gaps of about 41% and 36%, respectively.[30]

Entrepreneurial activities operate within these overlapping layers which are constantly interacting and reshaping each other. In addition, applying gender perspectives to these situations provides a multifaceted insight to illustrate the complexities of factors and reagents in the entrepreneurial ecosystem.

3. A Rights-based Approach for Women Inclusion in Entrepreneurship in Nigeria

Approaching women inclusion in entrepreneurship through their human rights entails the understanding of the relevant principles of the human rights law and their relationship with distributive justice. This means equality and fair allocation of resources in society. The inherent principles upon which human rights law is founded is equality and the implementation values are measured by non-discrimination.[31] In other words, most explanations of anti-discrimination laws support the view that the aim of the legislation is to promote some conception of equality.[32] Agreeably, awarding the equal treatment principle a dominant position in anti-discrimination legislation has proved obstructive to the goals of the legislation in many cases.[33] Therefore, to effectively realize the goals of this legislation, it is necessary to qualify the equal treatment principle, generally as guidance, and not a mandatory rule.[34]

The goals of anti-discriminatory legislation should best be understood from the perspective of equality meaning social inclusion.[35] Often times this issue is addressed by refining the goal to be

[28] Kalabamu, Faustin. 'Patriarchy and Women's Land Rights in Botswana,' (2006) 23 *Land Use Policy*, 238
[29] According to the Global Entrepreneurship Monitor, cited in Rifkatu Nghargbu and Fadila Jumare, Chapter 10, 'Digital Financial Inclusion for Women in Africa: Prospects and Challenges,' Ojo, Tinuade Adekunbi. Ed. '*Women and Finance in Africa : Inclusion and Transformation,*' (1st ed., Springer Nature Switzerland, 2024) 118.
[30] Ibid.
[31] Jack Donnelly, *Universal human rights in theory and practice*, 3rd ed, Cornell University Press, 2013) 27
[32] Hugh Collins, 'Social Inclusion: A Better Approach to Equality Issues' (2005) 14 *Transnat'l L & Contemp Probs,* 909
[33] Ibid, 897.
[34] Ibid.
[35] Ibid.

one of fair equality of opportunity, rather than merely equality of opportunity.[36] One of the aims of anti-discrimination laws is the promotion of social inclusion, ensuring that no one is left behind. The aim of social inclusion is to ensure the removal of barriers to participation in the benefits of citizenship, so that all groups achieve those benefits.[37] In other words, the goal of social inclusion differs from equality of opportunity because it is not just concerned with fairness of life chances; social inclusion puts mechanisms in place to eliminate exclusion.[38] The policy of social inclusion also encourages distributive justice, and provides a more coherent, practicable articulation of the goal to be achieved by anti-discrimination laws, and that to a considerable extent, the existing law conforms to that goal.

Law is one of the fundamental pillars upon which a legal state is built, and it requires the clarity of legal rules, the need for the people to easily understand them, and the freedom and stability for individuals to express themselves.[39] Law inspires equality, fairness, equal treatment of citizens, and justice for the people, which translates to good governance for society. The rule of law is a commitment to governance following principles of justice, reflecting the stable legal tradition built on respect for equality.[40] It is not merely a set of principles for ensuring that laws are correctly framed and capable of being accurately applied to specific cases, but rather a commitment to governance following principles of justice and fairness.

Countries are governed by the rule of law for purposes such as ensuring justice and preventing oppression. It limits the powers of those in authority and ensures that the government is obliged to control itself.[41] The rule of law has significant economic benefits. The common law understanding of the rule of law focused on limited government and individual freedom from interference economically, to encourage entrepreneurship and long-term economic development.[42] A second and more related reason for obeying the rule of law in a state is to ensure equality and protection of its citizens. The rule of law ensures that all citizens are treated equally. When the law in place is not achieving equality, fairness, or justice, or the law results in the exclusion of some members of society, measures are taken to correct the anomaly. This may be done in several ways, including reviewing the existing legislation that is not achieving its purpose, or through judicial pronouncements or additional legislation to achieve the purpose for which the law was made in the first place.

Commercial activities in Nigeria are regulated by various laws which control the various aspects and forms of businesses. If the businesses are formal, they are regulated by a set of legislation and guidelines under commercial law. If they are informal, there are no formal regulations for the business, however, they are bound by the constitutional provisions of the country, which ensure the respect for human rights, ensuring equality and dignity of persons in business, or bye-laws targeting the informal businesses for taxation. The Constitution of the Federal Republic of Nigeria prohibits discrimination[43] and promotes gender equality. Women's economic rights are enhanced by the presence and enforcement of laws that affect women's ability to work, receive compensation, start

[36] This raises the problem under the rubric of fairness. The question of when is it fair to treat people in the same way, and when is it fair to treat them differently? Social inclusion can justify when it is fair to depart from the rule of equal treatment. See. Hugh Collins, (n 32) 914.
[37] Ibid, 897.
[38] Ibid, 914.
[39] S Sirinapatpokin and S Rotjanawasuthorn ' From the Rule of Law to the Sustainable Rule of Law, What, Why and How?' (2024) Sciences for Society <Sustainable Development, Humanities, and Social Sciences for Society 5.0 - Google Books> accessed 17 April 2025.
[40] Ibid.
[41] Ibid, 64.
[42] Ibid.
[43] S 42 of the Constitution of the Federal Republic of Nigeria, provides for equality and non-discrimination.

a business, and control assets.[44] Restricting women's economic rights and freedoms has significant economic and social consequences. For instance, limitations on women's labour rights, including gendered employment laws, reduce female labour force participation and entrepreneurship and increase the gender wage gap.[45] This ultimately results in women being disenfranchised and remaining perpetually dependent economically.

The marginalization of women in the advancement of economic growth, suggests an imbalance in governance and should be addressed with all sense of responsibility and fairness as illustrated below –

a. Legal Provisions - Targeted Approach versus Blanket Cover

Most countries in one way or another have committed themselves to gender equality through their U.N. membership, bilateral or regional trade agreements that protect labour or gender equality, or adoption or domestication of various conventions which reflect in domestic legal frameworks. Nigeria is a signatory to several conventions that promote equality,[46] and a UN member state. This authorizes the implementation of gender equality and women's inclusion in trade provisions and other commercial policies, using targeted and exclusive legal provisions to incentivize compliance.

The equal treatment principle should certainly be accorded great weight in any liberal democratic legal system like Nigeria. It marks a commitment to eliminate the privileges of status or to establish 'class' for equal citizenship. Equal treatment with respect to the legal rights of citizenship is an essential ingredient of the liberal political system, which Nigeria practices.[47] Anti-discrimination legislation probably has its greatest impact on employment. It prevents an employer from exercising freedom of contract to select employees based on certain characteristics such as sex or race.[48] The equality treatment principle is with the understanding that people are not treated unfavourably because of their membership in particular groups, otherwise, this reason could be disadvantageous in the labour market.[49]

'Blanket Cover' as stated above represents advocacy, which this writer perceives as a general approach to addressing issues. Advocacy is good, it creates awareness, but this paper calls for more targeted action. Access to jobs or entrepreneurship are important opportunities to better one's welfare situation. Anti-discrimination laws support those welfare goals by promoting equality of opportunity for more equal outcomes and distributive justice.[50] Therefore more targeted legislation in women inclusion is long overdue to address this issue through targeted policy or regulations that are directed at individuals or offices.[51] The aim in this instance is to minimize the suffering of any particular group in society or the exclusion of a group from governance. Targeting to correct this anomaly may include taking steps to directly place embargoes on certain benefits to agreed targets, aid reductions or increase to particular group and capital restraints to the dominating group.[52] This

[44] Davis, Lewis S., and Claudia R. Williamson. "Individualism and Women's Economic Rights." (2022) 198 *Journal of Economic Behavior & Organization*, 579–97,

[45] Ibid, 92.

[46] Apart from the conventions already mentioned in the text, Nigeria has adopted the following -(a) United Nations: Universal Declaration of Human Rights (1948) (Article 1)
(b) international Covenant on social, economic and cultural Rights (1966) (article 2(2))
(c) International Covenant on Civil and Political Rights (1966) (Article 2,)

[47] Hugh Collins (n 32) 897

[48] Ibid, 897.

[49] Ibid, 897.

[50] Ibid, 897

[51] Suzanne Zakaria, 'Fair Trade for Women, at Last: Using a Sanctions Framework to Enforce Gender Equality Rights in Multilateral Trade Agreements' (2018) 20(1) *Geo J Gender & L, 241.*

[52] This idea is gleaned from sanctions as a tool of choice" for the U.N. Security Council in addressing threats or breaches of international peace, usually from international trading. This direction could be the introduction of a quota system in entrepreneurial regulations. Targeting women in particular to ease entrepreneurial regulation for them. See Zakaria, (n 51) 260 - 261

is to encourage distributive justice and address the issue of non-inclusion of a particular group of people in a society.

b. Model Language

Though violating gender equality principles may not generally appeal to the conscience of law makers like some other issues may, in the society, the commitment of the government to address women inclusion in entrepreneurial issues must be visible in its policies by incorporating a gender perspective into the promotion of inclusive economic growth in its legislative language.[53] The model language for the regulation should be clear in its pronouncement by outlining the instructions and enforcement procedure.[54] For instance, at a time when the President of the United States of America sought to address human rights violations, he did that through the imposition of economic sanctions. The President could do that knowing that such sanctions emanated from a multilateral trade agreement coalition like the WTO or NAFTA as provided in the Global Magnitsky Act,[55] Which already works to set the legal ground rules for international commerce. He also knew that such action was unlikely to be circumvented or provoke retaliation, and more likely to produce their intended goals than unilateral sanctions.[56] The key language of the Global Magnitsky Act provides that –

> *The [NAFTA or WTO members] may impose the sanctions ... with respect to any foreign person [within a member state] the [NAFTA or WTO] determines, based on credible evidence- (1) is responsible for [gross violations of internationally and domestically recognized gender equality rights] committed against individuals in any country... (2) acted as an agent of or on behalf of a foreign person in a matter relating to an activity described in paragraph (1); (3) is a government official, or a senior associate of such an official, that is responsible for, or complicit in, ordering, controlling, or otherwise directing, acts of significant corruption [relating to the furtherance of gender inequality] ... or (4) has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, an activity described in paragraph (3).*[57]

The above quote shows precise language targeted toward the anomaly it sought to address. The Nigerian situation with the proposal for women inclusion in entrepreneurship can tow the same line in its language, precise and targeting the inclusion of women in entrepreneurship. This will be a step in the direction of the standards, and procedures sought by the government to take so that women inclusion in entrepreneurial policies and legislation is adequately addressed.

c. Best Practices – International Law Approach to Gender Discrimination, CEDAW, WTO.

Nigeria is a signatory to over 40 International Labour Organisation Conventions and other regional conventions, including two key gender-related conventions, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the World Trade Organisation (WTO). Nigeria has domesticated the CEDAW, which strengthens the basis for promoting gender equality by ensuring women's equal access and opportunities in political and public life including access to

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[53] Ibid, 262.

[54] This idea is adapted from the procedure of the US President imposing sanctions under the Global Magnitsky Act which serves as an example of how targeted economic sanctions can be used to respond to human rights violations. See Zakaria, (n 51) 262.

[55] Global Magnitsky Act § 1263. Global Magnitsky Human Rights Accountability Act, Pub. L. No. 114-328, 130 Stat. 2000 (2016), also known as Global Magnisky Act § 1263, Cited in Fair Trade for Women, at Last: Using a Sanctions Framework to Enforce Gender Equality Rights in Multilateral Trade Agreements" (2018) 20:1 Geo J Gender & L 262

[56] Fair Trade for Women, at Last: Using a Sanctions Framework to Enforce Gender Equality Rights in Multilateral Trade Agreements" (2018) 20:1 Geo J Gender & L 262

[57] Global Magnitsky Act, § 1263.

their economic development through the provisions of the Nigeria Labour Act.[58] Nigeria in domesticating these Conventions, is committed to abide by a set of core human rights standards, including the "freedom of association, no forced labour, no child labour, and no discrimination at work, including gender discrimination and promotion of gender equality. [59]

The third Millennium Development Goal aimed to "promote gender equality and empower women," including addressing economic gender disparity.[60] The U.N. Inter-Agency Network on Women and Gender Equality has stressed that states and international trade institutions must evaluate trade rules and policies to ensure reducing gender inequalities.[61] Although considered "gender-neutral," trade policies have a differential impact on gender, particularly in developing countries.[62] Nigeria ought to leverage on the provisions of these conventions to address situations where trade and services impact negatively on women for any reason, and align with the world best practices. In Canada for instance, the Canada's Women Entrepreneurship Strategy is totally a governmental approach to support women. This ranges from targeted loans and training programs to incubators and procurement of equipment for women.[63] Other policies also include childcare and taxation concessions for women entrepreneurs, and these have profound impact on women inclusion.

4. Conclusion and Recommendations

In addressing women's inclusion in entrepreneurship in Nigeria, this article discussed the participation of women in entrepreneurship in Nigeria and their contribution to the economic development of Nigeria. The article adds to our understanding of the complexities of the entrepreneurial ecosystem and how women entrepreneurs experience it differently. It confirms that women naturally tend towards entrepreneurship, especially in the informal sector. However, despite their economic contribution, gender inequality regarding the procedure of the Nigerian laws has deprived women of their active and beneficial participation in entrepreneurship in Nigeria. The African cultural practices permeate through the laws and tilt towards favouring men more than women.[64] Consequently, women's interests and rights are not adequately represented in areas that should protect the women in business to give them a fair playing ground with the men.[65] Nonregulation of the informal sector in most economies including the Nigerian economy has revealed that it affects the rights of women in business and is challenging for these women not only financially, but also has excluded them from economic benefits of entrepreneurship.

The paper highlights the importance of respecting, protecting, and fulfilling human rights in society and proposes achieving women's inclusion in entrepreneurship through the rights-based approach. This article argues that in the interest of distributive justice, there is a need to address the infraction of the right to equality and non-discrimination in society. The article further proposed that this could be achieved through a targeted language model in its regulatory instruments, which should be designed to be more intentional with women's inclusion in business legislations and policies and following best practices around the world.

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[58] National Assessment of Women Entrepreneurship Development in Nigeria', (2022) an International Labour Organisation Document, <https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@africa/@ro-abidjan/@ilo-abuja/documents/ genericdocument/wcms_863586.pdf >accessed 19 April 2025, 6.

[59] Ibid.

[60] Sirinapatpokin and Rotjanawasuthorn (n 39) 65.

[61] Zakaria, (n 51) 241.

[62] Ibid p 241

[63] Wendy Cukier, Suzanne Gagnon, Margaret Dalziel, Ken Grant, Andre Laplume, Banu Ozkazanc-Pan & Tania Saba (2022) 'Women entrepreneurship: towards an inclusive innovation ecosystem', Journal of Small Business & Entrepreneurship, 34:5, 475-482,

[64] Jessica Gottlieb, Guy Grossman, and Amanda L. Robinson, 'Do Men and Women Have Different Policy Preferences in Africa? Determinants and Implications of Gender Gaps in Policy Prioritization,' (2016) B.J.Pol.S. 48, 634.

[65] Ibid.

The paper therefore recommends that targeted legal provisions, rather than blanket cover expressions, typical of advocacy, should be employed in policies and regulations. It further recommends that the wording model for the regulations for the proper inclusion of women in entrepreneurship should be clear, precise, and intentional. The last recommendation is for the best practices to be observed in any legislation that particularly supports and respects human rights, as those within which the legislation for entrepreneurship is rooted. The provisions of the conventions on human rights, labour, and trade are clear on discrimination against women, equality, and non-discrimination. All other countries, especially in the West that have adopted these conventions are so regulated in their legal provisions concerning entrepreneurship and other commercial activities. It is expected that if Nigeria follows the rights-based approach, and is in line with the world's best practices, the outcome will yield the desired result and would ensure that women's inclusion in entrepreneurship in Nigeria is achieved.