

Chapter Fifteen

CHANGE OF NAME IN AFRICA: FINANCIAL IMPLICATIONS FOR THE NIGERIAN WOMAN¹

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Abstract

This paper analysed the chaos Nigerian women in Africa are thrown into when by consequential eventuality of marriage particularly as is the practice – the issue of change of name becomes an un-envisaged bureaucratic venture from the payment of legal and professional fees to the subsequent requirement to always attach evidence of same. In 2014, a new spanner was thrown in the works- the Bank verification number (BVN). With the BVN, investments, property and accounts held in the maiden name are called to the highest scrutiny and stand a chance of being lost forever. This singular policy prodded me to look into this practice. This paper thus seeks to draw awareness to the challenges being faced by Nigerian women in Africa as it relates to change of name and how it affects their financial transactions, as well as the huge financial implications. Against the backdrop of ratified United Nations Conventions, the Nigerian Constitution and the African Charter on Human and People's Rights, questions arising from whether a name, as a form of identity, is a right or a privilege were tackled. The analysis equally covered the procedure for change of name, whether change of name is compulsory, who can change name, when can you change your name, and answers on who to inform when you change your name. This paper relied mainly on primary and secondary data drawn from personal experience, documentary research and from the public domain. The study was aimed at raising awareness on the challenges faced in this regard, sensitization on the available options and recommends, among others, that there should be recognition and promotion of the right to change or retain a name as a basic fundamental right. There should also be a review of our laws to accommodate this basic fundamental right as encompassed in the relevant conventions.

Introduction

In Nigeria, the Bank Verification Number (BVN) Banking System using biometric technology was launched on February 14th, 2014 according to the Central Bank of Nigeria, the primary objective of the policy is intended to protect Bank customers, reduce fraud and strengthen the Nigerian Banking System. The Central Bank of Nigeria further gave directives that 40 percent of customers be enrolled on or before 31st December 2014 and the other 70 percent on or before 30th March 2015. To further ensure compliance, BVN became a condition precedent for draw down of loans, as well as all credit customers. The deadline subsequently extended from time to time and as a policy is still being implemented at its different stages¹.

The biometric identification system is intended to reduce illegal banking transactions in Nigeria and is intended to reduce fraud in the banking system¹. Largely applauded for efficiency and transparency, the system failed to make provision for a particular group of persons – married, separated, divorced or widowed women who intend to retain their maiden name for particular financial transactions. This paper stems from the challenges arising from the implementation of such government policy and practices.

The Constitution of the Federal Republic of Nigeria¹, following research by the writer, does not presently reserve a safe landing for those seeking the assurance on their right to have a name albeit whatever the name maybe. The rights of a Nigerian citizen are captured under Chapter IV of the said Constitution. Interestingly, Chapter IV of the Constitution ought to be a reflection of the African Charter on Human and People's Rights¹. But is this truly the case? Article 3 of the Charter provides thus:

1. Every individual shall be equal before the law.
2. Every individual shall be entitled to equal protection of the law¹.

The Article preceding the former, Article 2 provides that:

Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion political or any other opinion, national and social origin, fortune, birth or any status

¹ *The Central bank of Nigeria and indeed other statutory and financial establishments to acknowledge the right of the Nigerian woman who wants to carry on business and legal transactions in her maiden name.*

The rights protected under the Constitution are centred on personal liberty, fair hearing, private and family life, thought, conscience and religion, expression and the press, peaceful assembly, movement, from discrimination and the right to acquire property. Although it is apparent that irrespective of gender, the Constitution assures women of the right to be free from discrimination and equally of the right to acquire property there are no restrictions set out or named specifically. The right to acquire and own immovable property anywhere in Nigeria is assured under Section 43 of the Constitution while Section 42 of the same law prohibits discrimination based on gender (sex).

An examination on the above legislative instruments clearly does not isolate the way and manner a person is known and addressed particularly nomenclature – the name. Could this area simply have been overlooked by our law makers or not seen as too relevant to the well being of its citizenry? The current situation where a woman who has changed her name cannot access funds, property or facilities acquired in her earlier name without going through rigors including the payment of fees and administrative challenges bends to latter, borders on economic oppression and infringes on her right to own and administer property.

What is in a name you may ask? A name means many things to different persons, it could be a set of words by which a person, animal place or thing is known by, addressed or referred to. 'Since a name distinguishes an individual from another in terms of reference and identity, could it not properly be said to be a right? The United Nations recognizes the right to a name and nationality as a fundamental right as it is regarded as a legal identity with benefits and the protection same affords. The Universal Declaration of human rights guarantees that everyone shall have the right of recognition everywhere as a person before the law.¹ Other sources indicate that under international law, following several Declarations and Conventions, an individual's identity is formed and preserved following registration or by a given name.

From the foregoing, the primary function of a name is to preserve the identity of a person and ensure recognition in the eyes of the law. Whilst the constitution and requisite charter are silent on the right to a name, as a member state to the United Nations, Nigeria as a nation is primarily bound by ratified round table agreements as far as the rights and identity of a person, particularly the right to a name, is concerned.

In Africa, men and women are named at birth; it is an actual cultural reality. In Nigeria, the National Population Commission is established for the continuous and universal registration of births and deaths throughout the Federation¹. The data collected are for the purpose of facilitating economic

development planning¹. No mention is made in the mandate of the Commission of the identification purpose for which the certificates of birth are issued by them. It is my humble submission that identity as a fundamental right cannot be swept under the carpet. The right to a name is taken as a given are the right to a change of name is another kettle of fish altogether.

In Africa, change of name is normally employed by the female gender following the primary incident of marriage. In Nigeria, marriage is seen as a status upgrade and newly married women quickly rush in the spirit of the event, to register their new status with the requisite authorities. Primarily, the procedure for change of name involves the deposition to an affidavit and attachment of the marriage certificate or event which necessitated the change. Sometimes a Court Order is recommended depending on the circumstances. A legal attorney is normally required to advise on the best option to exercise for a fee.

As a rule, it is not compulsory that a woman changes her name when she gets married. It is interesting to note that either half of a couple has the right to change their name to their spouse's last name irrespective of the sex although it is quite uncommon particularly in the primarily based patrilineal African society for a male spouse to change his name to his wife's last name. The primary reason for documentation of name change is to check identity theft and for financial reasons. It can also be effected to reflect a name other than spouses or to hyphenate same. What is key is to ensure that the name change was not done with criminal intent or to commit fraud, escape debt or escape criminal liability¹.

Persons to be notified of a change of name should a woman who wishes to do so include:

- Friends and relatives (by parole) others include:
- Employers
- Schools
- Post office (change of address form required)
- Department of motor vehicles
- Social security administration
- Department of records or vital statistics
- Banks and other financial institutions
- Creditors and debtors
- Telephone and utility companies
- State taxing authority
- Insurance agencies
- Register of voters
- Passport office public assistance

- Welfare office
- Veterans administration¹

Change of name on social media accounts or personal correspondences does not require authorization. In Nigeria, in compliance with the BVN registration, it became apparent that women who had purchased shares and made investments before they changed their name were stuck in a quagmire¹. There are no exceptions allowed – in the case of accounts maintained to pay shares purchased before the change of name, customers were compelled to change the accounts to synchronize with the other. In the writer's case, formal applications made acknowledging the BVN and requesting that it be so indicated to service the maiden name being maintained for financial reasons, met with a shrug and policy directive you have to change – attempts to change the name on the said investment in this instance of course requires the services of a stock broker at a fee and other inconveniences including the inability to access the funds generated from the investment paid into the account pending the change from the above. It is evident that the Central bank of Nigeria presently does not accommodate the position of the Nigerian woman who has in keeping to societal practice exercised her right to change her name, but equally wants to hold on to and carry on legal transactions in her maiden name.

Recommendations

This study therefore recommends recognition and promotion of the right to change or retain a name as a basic fundamental right and that there should be a review of our laws to accommodate this basic fundamental right as encompassed in the relevant conventions.

The Central bank of Nigeria and indeed other statutory and financial establishments should acknowledge the right of the Nigerian woman who wants to carry on business and legal transactions in her maiden name.

In contemplating the above, a letter with the requisite instruction to indicate and reconcile that the two names are one and the same person and the desire to maintain same to suit the purpose of the transaction including BVN should suffice. Individuals and the general public should be sensitised and made to understand that change of name is not a compulsory exercise. Finally, the financial implications should be reviewed and made gender friendly.

It is hoped that the above recommendations would positively impact the hitherto cumbersome and bureaucratic procedure involved in change of name while regulating financial transactions and investments by women in Nigeria.