

Women's Land Rights in Sub-Saharan Africa



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Presentation Map

- Study objectives
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 - Channels of land ownership
 - Obstacles to land ownership
- Key observations
- Policy recommendations

Study Objectives

- Analyze the channels through which women acquire land in sub-Saharan Africa (SSA)
- Inherent obstacles
- Show the relevance of land ownership to gender equality and women's economic and social outcomes
- Provide suggestions to inform effective gender-sensitive land policies.

We argue----

Land ownership channel matters - inheritance via birthright is socially and economically empowering. Gives women initial economic advantage as their male siblings.

SSA region is ideal – Largely agrarian society. Land ownership determines both economic and social outcomes of individuals and families; and land and poverty in SSA are intertwined.

Why women - The multiplier effects of economic and social impact of women's ownership of land are far reaching compared to those accrued from men as landlords (Afridi, 2010; Duflo, 2003, Jones and Frick, 2010; Rabenhorst, 2011)

Motivation

- Women's land ownership is:
 - Human rights issue (Nandasen, 2012 and Tripp, 2004)
 - Central to women's empowerment (economic and social) (COHRE, 2006).
 - Important in achieving food security and overcoming extreme poverty in SSA (Ellis and Mdoe, 2003; Odgaard, 2002; Odeny, 2013; Doss et al., 2012; FAO)

Table 1:SSA Economic Structure, Averaged over 2012-2021

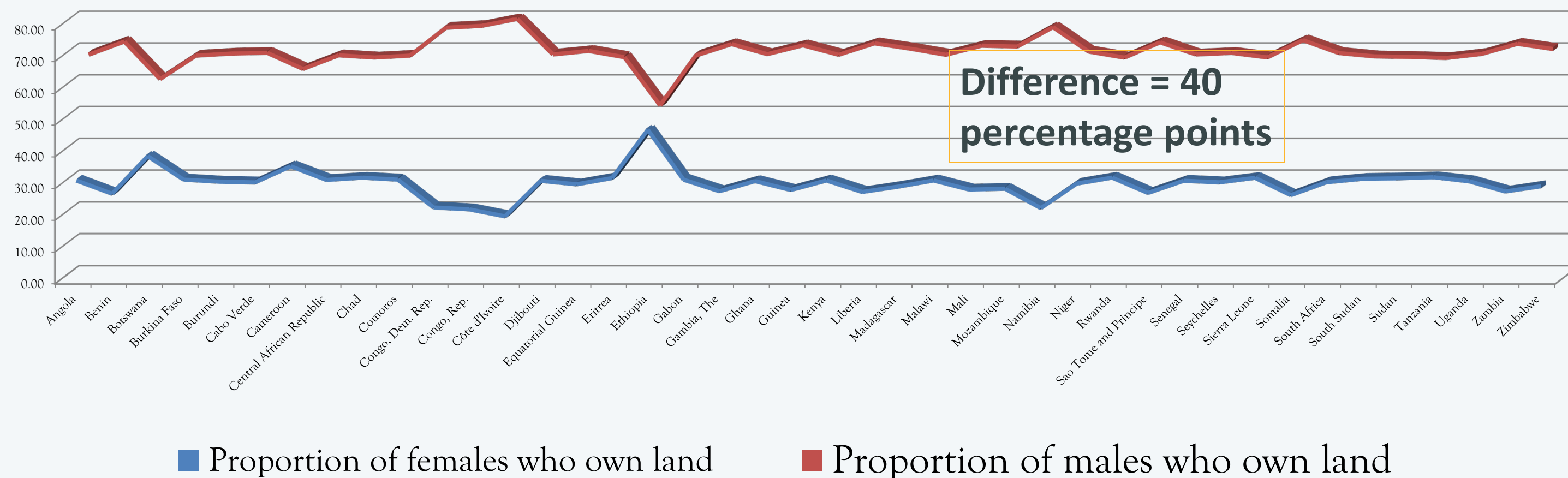
	Sub-Saharan Africa	Middle East & North Africa	World
Rural population (% of total population)	60.57	35.53	45.50
Population, female (% of total population)	50.22	48.19	49.69
Employment in agriculture (% of total employment) (modeled ILO estimate)	54.63	16.83	28.75
Employment in agriculture, female (% of female employment) (modeled ILO estimate)	54.77	21.10	27.51
Contributing family workers, female (% of female employment) (modeled ILO estimate)	27.89	16.00	17.48
Contributing family workers, male (% of male employment) (modeled ILO estimate)	12.28	3.20	6.70

Women dominate the informal sector

- 9 out of 10 informal workers are women and youth (ECA, 2015; AUC, 2011)
- The informal sector contributes about **70 percent of total employment in SSA** (ECA, 2015).
- Most informal sector's jobs emanate from agriculture and services sectors (ECA, 2015; Benjamin et al., 2012).



Figure 1: Proportion of Men and Women who Own Land in 42 SSA Countries, 2019



Literature review

- **Marriage channel**
 - Marriage does not significantly improve women's economic and social welfare (Jacobs and Kes, 2015)
 - Leaves out the unmarried, single mothers, and those in cohabiting relationships
- **Inheritance channel – no literature**
 - Patriarchal systems characterize land as the property of men, with women enjoying secondary access (Claassens and Ngubane, 2008; Joireman, 2007; Rugadya, 2010; Budlender and Alma, 2011, GoK 2006)
 - Women's ownership of land would *empower* them, encourage unruly behaviors, and discourage or break-up marriages (Kalabamu, 2006)
- **Biggest obstacle:** Cost (implementing government and individuals who stand to benefit)

Key Observations

- In countries (Uganda and Kenya) where the constitution decrees equal land rights for men and women in marriage, the law does not protect women after divorce or widowhood (Djurfeldt, 2020; Genicot and Hernandez-de-Benito, 2022).
- A study in Tanzania found inherent tensions in recognition of customary laws that discriminate against women, and statutory laws that establish equal rights for men and women (Genicot and Hernandez-de-Benito, 2022) .
- The 1996 Cameroon Constitution contains a clause, which stipulates that every person, regardless of gender, has equal rights to access and control land. However, women in Cameroon still face discrimination in access to and ownership of land because unofficially, the customary norms hold supreme to the legal ordinance (Fonjong, Fombe and Sama-Lang, 2013 and Njieassam, 2019).
- In general, life circumstances such as the negative impact of HIV/Aids, divorce or death of a spouse, human displacement, forced evictions and the COVID-19 pandemic leave landless women and their offspring economically and socially vulnerable.

Policy recommendations

1. **Customs and traditions:** African states should adopt innovative hybrid approaches that combine the best in community and statutory land systems by drawing from community experiences in order to buttress customary land rights while, at the same time, ensuring that the rights of women and other marginalized groups are respected
2. **Land rights is an economic issue** - Gender-sensitive land policies should be approached from a perspective of enhancing household welfare and overall economic development rather than from cultural and social lenses.
3. **Education and awareness** - African governments that already have gender-sensitive land policies should proactively increase awareness and educate the public, especially all the stakeholders involved in upholding these land rights, and the women who stand to benefit from these rights. Those governments in the process of designing new policies, should incorporate the education and awareness component in the implementation packages to ensure that the policies are effective and produce the intended outcomes.
4. **Legal issues** - African governments should aim to simplify the titling process, staff land boards with people who are well educated in the laws regarding land rights, and the village committees should be gender-balanced with members purposefully elected by the community

Questions