

Strengthening Women's Access to Land and Property Rights

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ABSTRACT

Women's poor access to land and property rights have become a thing of great concern in the country and the world at large. It varies between societies and are influenced by cultural, racial, political, and legal factors. The lack of control over land that is apparent in both rural and urban settings places women at a reduced level of advantage in areas of security of home, maintaining a basis for survival, and accessing economic opportunities which is fuelled by the patriarchal nature of the society. This study examines the importance of strengthening women's access to land and property rights, adopting pro-poor approaches. The study draws data from an earlier research conducted by the authors using semi-structured one-on-one interview questionnaires 66 respondents drawn from randomly selected six (6) communities in Etche Local Government Area of Rivers State. The data was qualitatively analyzed using simple percentages with thematic content analysis. Findings showed that

in spite of insecurities of access to land, women still dominate in agricultural activities to enhance food production and security for the households. It is therefore proven that land rights influence economic development when women are strengthened with it.

Key Words: Women, Land Rights, Access to Land, Economic Empowerment, and Gender Equality.

1.0 INTRODUCTION

Equal property rights for women and men are fundamental to gender equality. However, women often face discrimination in formal, informal and customary systems of land tenure as compared with men (UN-Habitat / GLTN, 2008). Women's ownership of land varies from region to region, but it is estimated to be less than 2 per cent of all titled land

worldwide. Research shows that despite greater acceptance of women's rights to land in laws and policies, their implementation often runs into significant obstacles. Around the world, women encounter significant barriers to obtaining and holding land rights equal to those of men; these barriers range from social customs and patriarchal tenure systems to a lack of political will and resources. The commoditization of land and the impact of globalization through unrestricted land markets also disproportionately affect women's land rights. Bringing poor women into the urban economy is still a big challenge; one source of their low status and economic vulnerability is their limited access to property rights. Despite this marginalization, women are also under-represented in decision making and management of land.

Development-related problems faced across the globe have been increasingly linked to women's lack of property and inheritance rights, especially in regard to land and property ownership, encompassing areas such as low levels of education, hunger, and poor health. Thus land property rights, through their impact on patterns of production, distribution of wealth, as well as market development, has evolved as one of the

prerequisites of economic growth and poverty reduction.

The access to land is essential for food production (FAO, 2001). According to Food and Agricultural Organization (FAO) (2005), national economies could largely be improved if policies that enabled women access to land will contribute in a larger proportion to its agricultural production. Mintzer (2010) opines that women headed households too, but are given small parcels of land that are either lease to them or have been acquired through inheritance or purchase. But with the household headship, they are not given the same opportunity to access land as much as their men counterparts do.

Lack of access to land is common among women in the rural areas as compared to men. Women are less likely to hold title, secure tenure, or have the same rights to use land; to improve or dispose as the men, but only cultivate the smaller and more dispersed plots,. Benshop (2004) argued that women may actually have more direct use and management of land as men through lesser rights than ownership. This assertion implies that women only have land tenure rights through their male

children or male relatives from their husband lineage. The effective use of land resources lowered the motivation of women to invest in the land they use, which hampered their undertaking or commitment to family resources that often resulted a woman to seek permission from her husband.

According to Benschop (2004), even when local custom offers women certain land rights, they may be reluctant to demand for them due to fear of losing some social benefits. In some cases, the rights that could have ensure food security for themselves or their children, the widows and the divorced women have virtually no tenure or inheritance (Benschop, 2004).

Women's poor access to land and property rights have hampered women's access to credit facilities due to lack of collateral. Basley and Ghatak (2009) stated that the implications of not strengthening women access to land include deterrence of investment opportunities and inhibition of land transactions that account for loss of gains from such transactions. In Africa, land provides opportunities for secured income to the rural poor and often constitutes the primary sources of their livelihood (Osabuohien, 2014). The rural poor uses their lands for

agricultural activities, sale or lease and earn economic returns from such activities, moreover the women who constitute the majority of these rural poor mostly depend on land for sustainability (Danziger, 2000).

Women accessing land for sustainable development or differently put, enhances women's economic strength through land right security, which has as much received policy attention with effort put in place to ensure new land registration and formalization programs to include women (Doss, Meinzen-Dick and Bomuhangi, 2014). According to Ali, Deininger and Goldstein (2014), the government of Uganda has put up measures to ensure a far-reaching legal framework to address land related conflicts and tribal division to end gender discrimination in land access, and provide guidelines to bring about optimum use of available land resources to contribute to social and economic developments. These efforts were more prominent due to the rapid increase in the rate of foreign land acquisition around the world and the consequent displacement of land owners of their inheritance (Cotula 2009; Deininger, 2011).

Regrettably, women are the most affected in the case of unsecured land

rights as a result of discrimination against their access to, ownership and control to land. It is important to note that secured land rights has its own benefits (Kleinbooi and Lahiff, 2007). The potentials of land rights creates a high risk for the elite to capture large land areas with efficient and inequitable outcomes leading to reduced engagement in other human development activities like education, since rural dwellers can take the sale of land as their means of livelihood.

Despite these adverse outcomes, it cannot be denied that land rights benefits exceed the adverse implications on women currently holding land ownership to less than two percent globally (Allendorf, 2007). It is against this back ground that this study examined the importance of strengthening women access to land rights in rural communities in Nigeria.

1.1 Aim and Objectives of the Study

The study focused on the importance of strengthening women's access to land and property rights. The objectives of the study are to:

- 1) Identify the practices and processes in the study area that

do not address pro-poor land issues

- 2) Examine the role of women in economic growth in the study area.
- 3) Ascertain the importance of strengthening women's access to land

1.2 Scope of the Study

The scope of this study is limited to the traditional practices and processes in land tenure system that does not address pro-poor land issues in Etche Local Government Area of Rivers State, Nigeria. Etche is blessed with abundance of land and its resources that are mainly use for agricultural and building purposes, and some public corporation properties sited on the land in this area, putting pressure on the demand for land with the customary land tenure system been practiced. It should have been ideal that the study covers all the 38 communities in Etche Local Government Area, but the study opted to restrict the scope to only 6 communities to attest to the use of abundance land with numerous public estate farms scattered across the Etche, that would allow the formation of definite conclusion.

2.0 LITERATURE REVIEW

2.1 Land Rights

Land rights whether formal or informal is the provision of land as to determine who has the right to enjoy the streams of benefits that accrues from its use (Bromley, 1991, Eggertsson, 1990). The important factor that determines the ability of land to translate into economic values is land rights (Olokoyo, Efobi, Osabuohien and Beecroft, 2015). To constitute an effective land right, such right needs be sanctioned by a collective order. According to Schlager and Ostrom (1992), property rights consist of two components that include the rule and its enforcement mechanism. State law, customary law, users group rules and other frameworks constitute the rules, while enforcement of statutory law usually is the responsibility of the state which the rights is grounded on formal laws. The variety of legitimate claims to land and the benefits and products on land are related to land rights (Olokoyo, et al, 2015). According to Prosterman (2013) secure land rights has been shown to improve production and household food security among rural farmers.

2.2 Strengthening the status of Women through Land Rights

George, Olokoyo, Osabuohien, Efobi and Beecroft (2015) stated that the outcome of variously organized programs have resulted into strengthening the women's access to land in some African countries. Doss (2014) stated that when women possess some land rights or other assets, it strengthens their position and gives them some bargaining power. On the contrary, secondary rights weaken women's status and rights security in the house hold by giving men power over women (Agarwal, 2003; Joireman, 2008). According to Toulmin (2008), land rights recognition is through neighborhood local custom validation, and efficient local institutional and processes support. The wrong assumption that household resources are distributed equitably, when gender, age and position differentiate access to land allocation are modelled based on unitary household model (Agarwal, 2002; Kerr, 2005). The disinteresting observations in Africa and Asia are attributed to their being landless with low returns on investment compared to other jobs, lack of recognition and possible acknowledged the reward for the work done and the perceived lack of sophistication for works (Thornton, 2008; Uli et al, 2010; Delaney et al, 2011; Olujide and Ojo, 2011).

Cousins (2011), Claassens (2014) stated the major point for access to household land for rural men and women are through marriage. Male household heads receive land from the community or family head, while women (wives) are mostly allocated land for household food production through their husbands. Land use security is guaranteed for the marriage duration which is the period women only control the field work and produce/ (Cousins, 2011; Doss et al, 2014).

2.3 Access to Land

Access to land by women is often based on custom which indigenous societies created following their traditions and through the ways which community leaders assign land use rights to community members mostly as customary rights (FAO, 2002). According to World Bank (2000), people use wide range of methods to gain access to land. These include purchases, inheritance, leasing, allocation, sharecropping, squatting, pledge and as a gift. Access to land is provided systematically through reforms for land intervention by the government which serves as policies to correct historic injustices and to equitably distribute more land (FAO, 2006). In Claassens (2013), rural women could

approach the chief with a male relative in conservative communities and would be allocated residential land in South Africa, however, in largely liberal ones; a woman could be allocated land without a representative. Offering an opportunity for women to access land, still there are some insecurity attached to these allocations (Claassens, 2013). Although land use security increases with time, confiscation, eviction and violent threats sometime arose where women had been given land (Yngstrom, 2002; Rose, 2003; Kevane and Gray, 2008). Most widows face insecurity to land through eviction disinheritance, or widow inheritance depending on local customs (Chapoto et al, 2011; Cousins, 2011; Claassens, 2013). Some women perceived their laws to access land as secured and low risk, but the widows, divorcees and single women are still faced with land insecurity (Toulmin, 2008).

According to Rangan and Gilmartin (2002); Tripp (2004); Chapoto (2011); Collins (2014), martial commitment of women who acquire individual property is questioned because the fairness and gender-equality of the traditional courts is not guaranteed. The absence of significant mechanism given to the processes that hold traditional courts

accountable to the people is not effective (Toulmin, 2008). These insecurities faced by women could negatively affect their productivity (Murugani, 2014).

2.4 Women's Land Security for Food Security and Sustainable Livelihood.

The essentials for sustainable development in rural areas is to secure and access land which is significant among the activities of rural livelihood (Deininger and Castagnini, 2004; Xiaogun et al, 2008; Toulmin, 2008). Reduction of time and money spent on conflict resolution will increase productivity (Bogale et al, 2006; Toulmin, 2008). This would be of benefit to rural women who are mostly farmers or weak joint owners with their male counterparts (Agarwal, 2002). Gendered insecurity has prevented women from investment when they are the highest producers of food worldwide (Agarwal, 2002; Kent and MacRae, 2010). Secured land rights for rural women are fundamental to economic growth. Women contribute significantly to the household for food security through their cultivation of food crops from home stead garden (Kerr, 2005; Kent and MacRae, 2010). Giving women access to land for their production could improve household

food security and the excess produced is sold for profit (Backeberg and Sanewe, 2010; Thamaga-Chitja et al, 2010).

2.5 Needs for Women's Land Rights

There is a direct, relationship between women's right to land, economic empowerment, food security and poverty reduction. A gender approach to land rights can enable shifts in gender power relations, and assume that all people, regardless of sex, benefit from, and are empowered by, development policies and practices to improve people's rights to land. This brief gives an overview on how to consider gender aspects in projects and programmes addressing land rights (SIDA, 2015).

Women's right to land and property is central to economic empowerment, as land is a base for food production and income generation, as collateral for credit and as a means of holding savings for the further (Action Aid, 2008). In urban and peri-urban setting, land and property rights are important not the least to get access to public utilities (FAO, 2002). Land is also a social asset that is crucial for cultural identify, political power and participation in decision making (Sida, 2015). Women's ownership of property extends

their capabilities, expands their negotiating power and enhances the ability to address vulnerability (FAO, 2005). It is also serving as a critical factor of social protection against gender-based violence. Women's equal right to land is also a human rights issues (Action-Aid, 2008).

2.6 Gender Inequalities in Access to Land

The evidence on gender inequalities in access to land is overwhelming and women are consistently less likely to own or operate land; they are less likely to have access to rented land, and the land they do have access to be often of poor quality and in smaller plots (FAO, 2011). When women hold land, they do not necessarily control what they produced or the resources they needed to produced (Deere et al, 2011). Women are also faced with widespread discrimination in the inheritance rights, and when they access land through the markets and redistributive reforms they are less likely then men to get land because of discrimination in the markets, differences in incomes and access to credit, and social discrimination (World Bank, 2012). This is at odds with the increasingly central role played by women in the agricultural labour force estimated at

43% (World Bank, 2012), to 60% - 80% (Foresight, 2011). Women own 4% of land in the North-East and just over 10% in Southern Nigeria, 60 – 70% of the rural work force is women but men are five times more likely to own land (Gender in Nigeria Report, 2011).

To understand the issue of land rights, however, there are budding empirical studies that have been conducted. Doss, Bomuhangi and Meinzen-Dick (2014); Isaksson (2011), Whitehead and Tsikata, (2003) examined the micro implication of land rights on women. Interestingly, some of the conclusions of these studies were fragmentary. Allendorf (2007) focused on the implication of land tenure on children welfare. Deininger, Ayalew and Yamano (2006) examined the economic impact of legislative revision of land rights in Uganda. But this question is asked, does land rights even improve the wealth of women; this is because not much attention has been aimed at assessing the importance of strengthened women access to land and property rights. This is closest to the study of Olokoyo et al (2015) that examined the impact of land right on the wealth of rural women in Nigeria. However this current study differs because they focusing on customary land right and wealth of women; while

the study will be focused on strengthening women's land security and transferability to enhance economic growth.

3.0 RESEARCH

METHODOLOGY

The study was conducted in selected 6 communities in Etche Local Government Area in Rivers State, Nigeria. This study utilizes semi-structured interview questions and focus group discussion in the selected 6 communities (Okehi, Umuaturu, Igbo, Umuechen, Chokocho and Okomoko) representing 15.8% of the 38 communities in Etche Local Government Area. The population of the study consists of the chiefs, community development committee members, household heads, women and unmarried men and women highly responsible for and knowing about traditional land administration system in the area. The study was populated with 66 respondents from the; chiefs and CDC members (12), Head of households (18), women (17) and unmarried persons (19) randomly selected from the six (6) selected communities. The data collected for this study were qualitatively analyzed using simple percentages with thematic content analysis interpreting features and

content given to the context. The conclusion from the separate results were compared for similarity from the used of both informed discussion and to arrived at a conclusion.

4.0 RESULTS AND DISCUSSION

4.1 Land Practices and Processes Unincorporating Pro-Poor Land Management

This section identifies the discriminative practices, ownership of land and land use pattern by the women if accessed using simple percentage to analyze.

4.1.1 Land Practices and Processes against the Women

The discriminatory practices and laws against women in the study area ascertain through triangulation of data. The interview information was triangulated from a qualitative data to quantitative data to ascertain the in-depth content of the analysis.

Table 1 showed the discriminatory practice and laws against the women the study area. The practices are lack of power to make decision with 74.2% responses, other discriminating practices includes unequal sharing and status (56.1%), denial of marriage within same community (60.1%), denial of land inheritance (78.8%) denial of

opportunity to work (50%). The table further revealed that 66.7% of the respondents as restriction of freedom of expression and association, physical attack denial to climb trees (59%) and denial to cut bush on owned farmland (56%). It implies that the discriminatory,

practices and due custom and traditional belief in the study area includes lack of power to make decision, unequal sharing and status, denial of marriage within the same community, land inheritance, opportunity to work, physical attack, verbal abuse, etc.

Table 1: Discriminatory Practices and Laws against the Poor

Discriminatory Practice and Laws	Yes		No		Total	
	Freq.	%	Freq.	%	Freq.	%
Lack of power to make decision	49	74.2	17	25.8	66	100
Unequal sharing and status	37	56.1	29	43.9	66	100
Denial of marriage within same community	40	60.1	26	39.9	66	100
Denial of land inheritance	52	78.8	14	21.2	66	100
Denial of opportunity to work	33	50.0	33	50.0	66	100
Physical attack	36	54.5	30	45.5	66	100
Restriction on freedom of expression and association	44	66.7	22	33.3	66	100
Widowhood practice	35	53.0	31	47.0	66	100
Verbal abuse	42	63.3	24	36.7	66	100
Denial to climb trees	39	59.0	27	41.0	66	100
Denial to cut bush on own farmland	37	56.0	29	44.0	66	100

*Multiple Responses

Source: Field Survey, 2018

During interview with the respondents, one of the women stated that:

“We the women lack agented traits of confidence, aggressiveness and self-direction due to cultural beliefs and practices which has manifested in women form creation that we are man’s mate (meet) which restricted them from certain activities in the communities, despite that they can influence their men forks in some way which is very partial to their action against discriminative practices and laws”

Another woman who is a widow lamented:

“My farm tools were seized from me when I was cutting my bush after the death of my husband and I have no money to hire labourers or to see anyone to assist me in clearing my bush as my children were still little. And I was required to pay fine for an abomination the community claimed I had

committed to do spiritual cleansing of the land”

Another paretic situation experienced as stated by a woman that:

“My daughter was denied marriage from a man she fell in love with which they were not from the same family, but from the same community resulting to her death because what is practiced in our community most especially Etche is not practiced elsewhere.

4.1.2 Land Ownership by the Women

The focus group participants indicated that women owned land through purchase under the directive of their husbands on her behalf. The participants further indicated that women owned land through pledging which is for a short term, inherit land from their late husband which they held in trust for their children if they are still infants (insane)

A woman during interview stated that:

“My late husband was the head of the family, but after his demise the land I thought it was inherited was taken away from me because a new family head has emerged (appointed), which

they claimed the land was meant for family heads.

4.1.3 Land Use by the Women

The participants in the focus group discussion indicated that women use land mostly for agricultural purposes when land is shared to them during farming season. Women can also use land for building purposes, renting and transfer/selling under special conditions; with the consent of the family or house heads.

In an interview session, one of the women stated:

“My house I built is on my husband’s land allocated to him, but land cannot be allocated to women for building purposes as to our men counter-part in the community.

Another widow stated that:

“I was able to sell my husband’s land when I had problem with consent of the family head and in the present of my little son”

Majority of the participants indicated that land can be used by women for agricultural purposes; transfer/sell only their husband’s land with the consent of the family head, build and rent land that belong to that woman’s family. It is

deduced that majority of the rural women uses their land for agricultural purpose and providing shelter for themselves, transfer/selling and letting.

4.2 Role of Women in Economic Development

This section consider the use of focus group discussion and individual interviews to established the role women in economic development of the rural areas as they need to be strengthened. Rural women contribute to a significant proportion to the development of rural dwellers.

The rights of women in land holdings was largely governed by the traditional land administration system in the study area, whereby women’s land rights had been shown largely as secondary users rights; with primary rights held by women’s natal or marital male relatives. It was revealed the main means of women accessing land as described in the study area include land allocation (sharing) by the family heads mainly for agricultural purposes, land purchases which a woman can do that with the consent of her son or husband relatives which can be used for residential purposes, land inheritance was patrilineal, where women can only inherit their late husband properties

most specifically, the previous portion of land allocated to her late husband before his demise. The respondents indicated that in the study, this also strengthened the household position headed by a woman (widow) as an important avenue of land ownership, access and users' rights.

Also, the respondents identified land pledging (borrowing) as one of the land access practiced in the study area that women accessed land rights mainly for agricultural purposes and can only be applicable to the unmarried women.

One of the key informants (a widow) stated that:

I was able to pay my son school fee and registered him for the West African Senior School Certificate Examination (WASSCE) through the pledging of the position of land allocated to me for cultivation of my crops.

This shows that married provided women with greater access point for land because it elevated their status in the household and community giving them the responsibility to provide food for their households.

An in-depth interview revealed that women were in charge of most agricultural activities of the households

and the communities at large. Where women were in charge controlling agricultural activities, same is the manner they were increasing food production and earning income for the substance of the livelihood of the households. The respondents harvested farm produce provided a market for the products to be sold and some of the farm produce are transported to other districts creating a bigger market for their wide range of produce providing more employment opportunities as to reduce poverty. Therefore where some insecurity may have existed, the women continued to engage in agriculture because they need to feed their families and petty trades because agriculture is considered as the only available livelihood activity in the rural area.

Another key informant (woman) stated that:

Availing women access to land rights, the benefit will be the opportunity of farming and engaging it for other agrarian activities which will consequently generate revenue from these activities having a positive effect on their family and the entire house hold because women are largely responsible for food production and food security which will be as a key link in the claim

from household food production to national food security.

4.3 The Importance of Strengthening Women Access to Land

Women need to have a sole right to land which can also affect their economic values, but run the risk of being handicapped in land decision on acquisition, use and disposal of this very important aspects of real estate.

One of the Key Informant (a Female Civil Servant) stated that:

Strengthened women access to land is very crucial, because a secure land and its natural resources is the basis for sustainable livelihood as a key factor in ensuring food security. And also it will contribute to their identity, dignity and social inclusion whose rights were informal and not protected by the rule of local land administration.

4.3.1 Summary of Key Informant Interviews

The respondents stated that the main justification to strengthen women for secure land rights is for growth and to;

- Contribute directly to increase household food security

- Bring direct benefits of poverty alleviation
- Provide valuable source of income for investment
- Provide a principal source of employment
- Provide better credit access
- Provide assurance substitute in the event of shocks.
- Provide key for household asset ownership, productive development and factor market functioning.

An in-depth interview reveals that the justification for strengthened women access to land will provide a basis for shelter, access to services, civic and political participation. Furthermore, it will provide sources of financial security, collateral to raise credit or transferable asset to be sold, rent out, mortgaged, loaned or bequeathed. And that all these will create incentives for the women to invest in labour and other resources maintained or enhanced its value and sustained its productive capacity and opportunities to access social and economic development.

The distribution of land rights and opportunities for access to land will have implications on women with the distribution of wealth, the rates of

economic growth, reduction in poverty through increase agricultural development affecting the incomes and returns from investment on land resources.

4.0 Conclusion and Recommendations

The study examined the importance of strengthening women's access to land rights in Etche Local Government Area of Rivers State, Nigeria.

The study revealed that women in the rural areas contribute significantly in its development, since the economic activities in the rural area is predominantly agricultural and petty trading, are mostly participated by women. As indicated in the study, women hold a secondary land right as a result of patriarchal cultural influence as to unravel the contributions of women to households, communities and the national economy, efforts have been made on this research to secure her access to land and ownership rights and it's implication on their economic strength, of which has not received adequate attention. This was the main motivation for this present study with the main aim of investigating women access to land and women economic strength.

The findings indicated that 78.8% of the respondents agreed to the discriminatory practices and processes against pro-poor issues that does not favor women access to land, to include; lack of power for decision making, unequal sharing and status to land, denial of marriage within same community, denial of land inheritance, denial of the opportunity to work, physical attack, restriction on freedom of expression and climbing trees, and denial to clear own farmland. The study further established that greater emphasis had been given to women to become landholders (ownership) through purchase, inheritance, allocation (sharing), gift and pledging.

However, the findings shows that the role of women to economic development through access to land include providing food for their households, earning income for the households through agriculture and petty trading, providing food security, alleviating poverty, providing employment because women are largely responsible for agricultural activities as a link in the chain from household food production to national food security. These aforementioned statements has shown the implications of strengthening women access to land that will affect

their economic values and the decision to acquire, use and dispose land which is the very important aspect of real estate. Therefore, strengthening women to access land has implications as to provide shelter, access to services, civic and political participation financial security, collateral for credit, or transferable assets to be sold, rent, mortgage, loaned or bequeathed creating incentives to invest in labor and other resources maintaining or enhancing its value and sustaining its productive capacity and opportunities for social and economic development. The study thus recommends the distribution of land rights and opportunities to women as to create their wealth, increase in economic growth poverty, reduction through increase in agriculture practice affecting her income and returns from investment on land as a way of addressing pro-poor in land and property right.

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