

The Paradox of Gender Equality and Economic Outcomes in Sub-Saharan Africa: The Role of Land Rights

Evelyn Wamboye

Abstract

Equal rights and proactive protection of the right for women and girls to inherit and own land in sub-Saharan Africa (SSA) is important to the expansion of the capabilities of women and girls to lead the kind of lives they value, and have reason to value. This study provides an in-depth analysis of the role of women's ownership and access to land in SSA in determining gender equality and women's economic and social outcomes, and provides suggestions to inform effective gender-sensitive land policies. Using cross-sectional regression analysis, we find that ownership of land by women positively contributes to women's absolute employment. Conversely, results from pairwise correlation showed that lack of ownership of land by women is highly correlated with increased women's unemployment. Despite these findings, the proportion of women who own land in SSA is 40 percent lower than that of men, whereby about 30 percent of women own land in SSA, compared to 70 percent of men. Moreover, women usually acquire this land either through purchase from the market system or marriage.

Keywords: Land inheritance, gender equality, sub-Saharan Africa, Land ownership

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1. Introduction

The process that denies women equal rights as men is directly interlinked with economic and social opportunities that come with those rights, and in aggregate, to a country's economic development (Sen, 1999). Indeed, strides have been made in granting women some rights, thanks to the struggle for women's suffrage movement and other numerous feminist movements and efforts of international organizations that continue to fight for women's social and economic rights and freedoms (Global Fund for Women, 2018; Saiget, 2016; Dancer, 2017). Moreover, many governments now recognize the rights that women have fought for, and have taken deliberate measures to protect them (at least in theory) by incorporating relevant statutes in the statutory Law (Santos, Fletschner and Daconto, 2014). Some women have benefited from such laws, including the right to vote, but many, still, are disadvantaged in social (*lower education attainment, lack of empowerment to make decisions impacting their health and wellbeing and participation in public decision making*) and economic (*poor access to formal employment and high-value jobs*) outcomes. This is exacerbated by poverty and illiteracy, especially for women in developing countries, where these issues are intertwined with, and have an inevitable causal relationship with absence of basic human rights and freedoms (World Bank, 2012). In many instances, women in sub-Saharan Africa (SSA) are unaware of their legal rights and freedoms beyond what is dictated to them by the clan or tribal norms and customs. And even when laws to protect women's rights exist and women are aware of them; most often, many women feel strongly bound by norms and customs within their groups, which impair or override any statutory laws. Furthermore, from my experience and observations in Kenya, there are localities in the country where institutions that are meant to protect and advance women's rights are predominantly staffed with men whose gender discriminatory ideologies impair their judgements and decisions.

In this study, we take a narrow approach and focus on the right of women to own land in SSA as a means to promote gender equality and empower women in the region. This study is relevant in many ways both in terms of its geographical focus and contribution to literature and discussions on women's inheritance of land in Africa. A large proportion of the poorest people in the world are in SSA as evidenced by the disproportionate concentration of the number (33/47) of least developed countries (LDCs) in the region (United Nations Department of Economic and Social Affairs, 2018). In addition, more than 50 percent of the poor globally, tend to be women, which holds true across age and marital spectra (UN, 2015). In a region where ownership and access to land determines both economic and social outcomes of individuals and families; and where women are at the heart of the society, it becomes obvious how land and poverty are intertwined, and why women's ownership and access to land in SSA is an important social and economic policy issue that warrants more study and exploration.

The goal of this study, therefore, is to provide an in-depth analysis of the role of women's ownership and access to land in SSA in determining gender equality and women's economic and social outcomes. A number of studies have explored the general access and ownership of land in SSA, with most of these studies focusing on the marriage channel (FAO, 2008; Kimani, 2012; Wanyeki, 2012; Odeny, 2013; Yeboah, 2014; UN Women, 2018; Kalabamu,

2006; Jacobs and Kes, 2015; Doss et al., 2012; Bose and Das, 2017; Cooper, 2012; Evans, 2015; Evans et al., 2015). Also, a large quantity of this literature is exploratory in nature, probably due to lack of published household-level data on land ownership and channels through which land is acquired in SSA. A few of the studies have attempted to use anecdotal evidence and or survey data for individual countries in SSA, but they limit themselves to specific regions within the country. For example, Jacobs and Kes (2015) and Doss et al., (2012) uses individual-level survey data for Uganda and South Africa, while Evans et al., (2015) studies the connection between tree crops and women access and use of land in Ghana. We deviate from these studies and look at the inheritance channel through birthright, with a conviction that relative to the marriage channel, it is the most effective with no strings attached, and socially and economically empowering. However, similar to other scholars, we have to acknowledge the limitations of data in this specific area and therefore, hope that our study (at minimum) will serve to bring attention to the conversations on women’s land inheritance in SSA and spur related empirical research as data becomes available.

2. Background

Agriculture and rural life are the backbone of African societies. Roughly 63 percent of SSA’s population lives in rural communities compared to 41 percent in the Middle East and North Africa (MENA) and 48 percent for the World (see Table 1). The agriculture sector, which is predominantly practiced on small family plots, less mechanized and with largely family workers in SSA contributes approximately 56 percent of total employment in the region, which is almost three times that of MENA (18 percent) and twice for the World (30 percent) (see Table 2). Also, a large percentage of the farm workers in SSA tend to be women (57 percent), with men’s employment in the sector being about one percent lower (see Table 2, and AUC-ECA-AfDB, 2010). As mentioned before, majority of agricultural sector labor is usually family workers. Contributing family workers in SSA account for about 24 percent of total employment [compared to six percent in MENA and 12 percent for the World], and these family workers are disproportionately women (34 percent), compared to only 16 percent of male employment categorized as contributing family workers (Table 2).

Table 1. Percentage of the rural and urban population (averaged over 2005–2018)

Region	Rural Population (% of Total Population)	Urban Population (% of Total Population)
Middle East & North Africa (excluding high income)	40.53	59.47
Sub-Saharan Africa	63.20	36.80
World	47.72	52.28

Data source: Author’s calculations based on World Bank’s World Development Indicators Online Database, Downloaded on April 6 2020.

Table 2. Women versus men schooling and employment measures, averaged over 2010–2019 period

Indicator	Middle East & North Africa	Sub-Saharan Africa	World
Children out of school (% of primary school age)	4.44	18.57	7.66
Children out of school, female (% of female primary school age)	2.40	20.75	8.38
Children out of school, male (% of male primary school age)	1.52	16.44	6.99
Contributing family workers, female (% of female employment) (modeled ILO estimate)	17.87	33.76	19.53
Contributing family workers, male (% of male employment) (modeled ILO estimate)	3.65	15.59	7.05
Contributing family workers, total (% of total employment) (modeled ILO estimate)	6.26	23.95	11.89
Employment in agriculture (% of total employment) (modeled ILO estimate)	17.68	55.95	29.97
Employment in agriculture, female (% of female employment) (modeled ILO estimate)	23.74	56.50	29.20
Employment in agriculture, male (% of male employment) (modeled ILO estimate)	16.32	55.51	30.46
Employment in industry (% of total employment) (modeled ILO estimate)	26.67	10.85	22.93
Employment in industry, female (% of female employment) (modeled ILO estimate)	12.37	7.82	17.25
Employment in industry, male (% of male employment) (modeled ILO estimate)	29.89	13.42	26.53
Employment in services (% of total employment) (modeled ILO estimate)	55.65	33.20	47.10
Employment in services, female (% of female employment) (modeled ILO estimate)	63.90	35.69	53.56
Employment in services, male (% of male employment) (modeled ILO estimate)	53.78	31.07	43.01
Employment to population ratio, 15+, female (%) (modeled ILO estimate)	16.50	57.13	45.38
Employment to population ratio, 15+, male (%) (modeled ILO estimate)	67.86	68.98	71.67
Employment to population ratio, 15+, total (%) (modeled ILO estimate)	43.17	62.97	58.50

Data source: Author's calculations based on World Bank's World Development Indicators Online Database, Downloaded on March 27, 2020.

In SSA's small- and medium-sized towns, the informal sector, which highly depends on land, dominates economic activities, and 9 out of 10 informal workers are women and youth (ECA, 2015; AUC, 2011). The sector contributes about 70 percent of total employment in SSA and roughly 86 percent for Africa in general (ECA, 2015). It is also the single largest contributor to GDP in most SSA countries, valued at 50 to 80 percent of economic activities in the region (ECA, 2015; Grynberg, 2013). Moreover, evidence shows that most of the informal sector's jobs emanate from agriculture and services sectors, and in countries such as Senegal, the share of informal sector in value addition in agriculture and forestry is close to 100 percent (ECA, 2015; Benjamin et al., 2012). As a result, land is an important economic resource, a cornerstone of economic development, and a means of achieving food security and overcoming extreme poverty in the region (Ellis and Mdoe, 2003; Odgaard, 2002; Odeny, 2013; Doss et al., 2012). From an entrepreneurial perspective, land plays a vital role in investment strategies, especially for small and medium businesses that characterize much of SSA countries' small towns and rural communities. For instance, in order to access financial credit via the formal financial sector, land title is required (in most countries in SSA) as a major collateral (Arekapudi and Almodovar-Retegius, 2020). Beyond the economic relevance, land ownership in SSA is a source of social identity and political power, cultural heritage and insurance for continuity of clan/family lineage (Evans, 2016; Arekapudi and Almodovar-Retegius, 2020).

Women stand to benefit from land ownership in the same vein men have for centuries. More importantly, 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; Dufflo, 2003, Jones and Frick, 2010; Rabenhorst, 2011). An excerpt from a UN Women (2018) study on securing rural women's access to land in Cameroon clearly illustrates this point:

“In this farmland, I cultivate yams, groundnuts, maize and cassava for home consumption and the excess is sold in the local market and the proceeds used to cater for my family and send the children to school. With the land title, I can easily obtain a loan from the local micro finance institutions to enable me to pay workers to cultivate my farm since I am getting old.”

3. Literature review

3.1. Channels through which women acquire and own land in SSA

Aside from purchase, women can naturally acquire and own land in SSA through inheritance and marriage channels. While men have secure and legal guarantees to own land through both channels, women's position depends on luck and a number of favorable circumstances even in the presence of legal protection. In fact, there is an increasing body of literature providing evidence of insecure position of women's land rights (Jacobs and Kes, 2015; Rugadya, 2010; Budlender and Alma, 2011; Joireman, 2007; Claasens and Ngubane, 2008; Doss et al., 2012; Cooper, 2012; Agarwal, 2003).

Undoubtedly, land is the most valuable resource in SSA and an exclusion of women from land inheritance exacerbates their vulnerability to chronic and intergenerational poverty (Bird, 2007; Doss et al., 2012). Therefore, it is paramount to understand gender patterns in land access and ownership in SSA in order to have a clear grasp of women's social and economic vulnerabilities and opportunities in the region (Doss et al., 2012).

3.1.1. Inheritance channel

Inheritance is the most important and cheapest channel of acquiring productive assets such as land. As part of the birthright, it is the natural and cheapest means through which women can acquire and own land in SSA, and it accords women the *initial* equal economic opportunities in life similar to their male siblings. However, in nearly all SSA countries, patriarchal patterns in land inheritance persist despite these countries' commitment to gender equality goals and national land reforms (Claassens and Ngubane, 2008; Walker, 2005). Particularly, patriarchal laws and traditions effectively characterize land as the property of men and their sons, with women (daughters, sisters and wives) enjoying secondary access through their male relations (Claassens and Ngubane, 2008; Joireman, 2007; Rugadya, 2010; Budlender and Alma, 2011). Arguments that women's ownership of assets such as land would *empower* them, encourage unruly behaviors, and discourage or break-up marriages are often used to justify denying land inheritance to women (Kalabamu, 2006). In countries such as Swaziland, women cannot own land under any circumstances because they are considered minors under the law (Kimani, 2012). In Lesotho, women (regardless of age and marital status) are defined as children of their fathers (unmarried), husbands (married) or sons/heirs (widowed) (Molapo, 1994). However, there are some exceptions such as Comoros (especially on the main Island) where only women and girls inherit land, houses, and other assets from their fathers. According to customary traditions in Comoros, a father has the responsibility to build houses for his daughters, and upon marriage, husbands move into their wives' homes rather than the other way round as it is elsewhere in patriarchal systems in Africa. Overall, women in most countries in SSA, are treated as people in transit from their natal to marital homes, and, are therefore, expected to get married if they want to own or access land (FAO, 2008; Odeny, 2013).

International and domestic women rights advocacy groups have taken up the question of land inheritance in Africa on the grounds that it is both a human right and a socio-economic issue; particularly, in light of the negative impact of HIV and Aids, the plight of women after divorce or death of a spouse, and human displacement due to civil strife in countries such as Uganda and Democratic Republic of Congo; and forced evictions due to FDI in land in places like the Gambela region in Ethiopia. These groups advocate for changes in inheritance systems within a broader reform agenda by focusing on family laws and land rights (Hill, 2011; UN, 2010; Jutting and Morrison, 2005; Human Rights Watch, 2003; Benschop, 2002; UN Habitat, 2006; UN Millennium Project, 2005). They conceptualize land inheritance as a way in which the negative socio-economic impact of the aforementioned adversities on vulnerable individuals or households can be prevented or exacerbated (UN Women, 2011; Chapoto et al., 2007; World Bank, 2004; Rose, 2006; Aliber and Walker, 2004; Strickland, 2004; UN, 2004).

Undoubtedly, the negative socio-economic effects of denied access to land inheritance impacts not only the girl child, but her offspring, including her male children; especially when these girls end-up as uneducated single mothers due to unfavorable life experiences. In a number of patriarchal societies in SSA, it is commonly expected that upon marriage, a woman should sever any material claims and benefits (including acquiring and access to land) from her natal family, and henceforth be affiliated with her husband's family; and in turn, access land and other material assets through that affiliation. This expectation is extended to the girl child upon coming of age, whether single or unmarried with children. But, such expectation only creates false hope that marriage is a woman's salvation and absolves responsibility and guilt from the natal family members since most married women are never fully accepted as full and permanent members in their husband's clan. The finding in a self-study by the government of Kenya presented in a report to the committee on Economic, Social and Cultural rights clearly spells out the precarious situation that an African girl child finds herself in; '*under the customary law of most ethnic groups in Kenya, a woman cannot inherit land and must live in the land as a guest of male relatives by blood or marriage*' (GoK, 2006). A similar study in Tanzania arrived at the same conclusion that family and clan land is customarily heritable by men, with women acquiring their interests in land through their husbands, especially in patrilineal system, which is practiced in around 80 percent of Tanzania's ethnic groups (Dancer, 2017).

Scholars have conducted studies to document issues related to land inheritance, but largely via the marriage channel, and very few have focused exclusively on inheritance via birthright. The inheritance (birthright) channel is mentioned in passing in some of these studies. For example, Doss et al., (2012) examines the relationship between inheritance, marriage and asset ownership using data on individual-level asset ownership and women's life histories regarding assets in three Ugandan districts (Kapchorwa, Kibale and Luwero). They found that men who owned land were more likely to have inherited compared to women. In addition, women, relative to men, were less likely to have the right to sell, bequeath or rent out land they owned, regardless of how they acquired the land (Rugadya et al., 2004). Dancer (2017) on the other hand, evaluates the contestations around women's inheritance of land in Africa by looking at the patterns and reasons of resistance and omissions towards enshrining an equal right to inherit in land succession laws in Tanzania and neighboring countries (Kenya and Uganda). The study highlights the precarious situation and reality that widows in Tanzania and elsewhere in SSA face, even when they have constitutional and international human rights to inherit their husband's assets.

A related study whose main premise is on land inheritance via the marriage channel, uses information gathered from interviews with government and non-government actors, policy analysis and reviews of literature to evaluate how inheritance is being addressed in Ghana, Kenya, Mozambique, Rwanda and Uganda (Cooper, 2012). It attempts to bring to light how inheritance is understood as a public policy in safe-guarding women's inheritance, marriage, customary land governance and local arbitration in the five countries. Another study by Agarwal (2003) sheds light on the experiences of women in India. The paper traces the history of women's land rights in India and explores the prospects and constraints linked to women access to land through the state, the family and the market. However, the central

focus of the paper is the advantages of poor women acquiring and accessing land via the market, and working as a group to lease in or purchase land using government credit.

3.1.2. Marriage channel

As mentioned above, marriage is the most encouraged channel and highly endorsed by the patriarchal land tenure system through which women can access, and in some ways, own land in SSA. Since the inheritance channel is perceived culturally as anti-marriage, women are presented with and steered towards marriage not just as part of their social obligation, but out of necessity as well; to improve their current and future economic wellbeing. Indeed, in most cases, married women enjoy access to their matrimonial land but at the pleasure of their husbands or sons (in case of widowhood). In some parts of SSA countries, there is evidence showing majority of couples (married and consensual unions) own land jointly (Doss, et al., 2012; Jacobs and Kes, 2015), however, most of that land was bequeathed to the male partner through inheritance.

The marriage channel is a bit tricky for women because not only is it conditional on marriage and a woman's good standing in the marriage, but equally, it does not significantly improve women's economic and social welfare (Jacobs and Kes, 2015). It also leaves out the unmarried, single mothers, and those women in cohabiting relationships. For example, evidence shows that in most cases, women do not have legal rights to their matrimonial land, and are not granted management power (Jacobs and Kes, 2015). In the cases of divorce and widowhood, the privileges of continued use and access are not guaranteed as well (Bird and Espey, 2010; Dancer, 2017).

A number of studies have shown loss of land by the widows due to eviction and other forms of land grabbing by male (and in some cases, female) relatives of the husband, leaving most of these women completely destitute (FAO, 2008; Odeny, 2013; Dancer, 2017). For example, a study in Zambia found that over a third of widows are denied access to family land after their husbands die. This is not unique to Zambia, rather, it is a common practice for much of SSA, and it happens even when statutory laws protect women from such vices (Kimani, 2012; Odeny, 2013; Dancer, 2017). Anecdotal evidence from Tanzania, Burundi, DRC, Eritrea, Sierra Leon and Sudan also show cases where widows, divorcees and victims of conflicts and civil wars being denied access to their matrimonial and family land in the name of abiding to customs and patriarchal rules (FAO, 2008; Odeny, 2013; Dancer, 2017).

In line with International human rights and the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol), several countries in SSA (including Kenya, Rwanda, and Uganda) have deliberately made provisions in their constitution to address the precarious conditions that women face while accessing land via the marriage channel. The Ugandan constitution decrees equal land rights for men and women, both during marriage and in the event of its dissolution (Rugadya et al., 2004). There is evidence that such provisions have improved chances of married women's access to and ownership of land in SSA but gender discrimination still persist after divorce or widowhood. For instance Torkelsson and Tassew (2008) analyzed the impact of marital status on women's

access to property. Similar to Jacobs and Kes (2015) [for Uganda and South Africa] and Doss et al., (2012) [for Uganda], they found that married women had access to the greatest amount of resources, followed by divorced, widowed and never married. Those who were separated had the least amount of resources. However, these findings should be interpreted within the context as the probability of women access and ownership of land vary within countries and across countries. Also, it is important to note that access does not automatically imply ownership, and moreover, ownership does not imply equal proportion to men.

3.2. Women inheritance and land rights: Obstacles

Women regardless of their marital status and channel through which they access or acquire land, face a myriad of obstacles in their fight to attain gender equality in land rights. A few select obstacles broadly categorized under education and awareness, sociological and cultural, and legal are discussed below:

3.2.1. Obstacles linked to education and awareness

One of the issues that have often posed a challenge to women in their fight for equitable rights to inherit land, especially when the government policies accord them such rights, is the lack of education about and awareness of these rights (Odeny, 2013; Massay, 2020). In many instances, African governments have made legislative provisions and other legal measures to accommodate women grievances in accessing, acquiring and owning land usually as a response to external pressure. In this regard, they rarely take the additional and necessary step to educate the public about these provisions; especially people living in rural communities who stand to benefit most from such provisions, local government officials who are bestowed with the powers to enforce these provisions, and community and clan leaders who are directly responsible for allocating land and addressing land disputes. In the 2017 African Union (AU) report, member states recognized this gap and took the necessary steps through the African Union (AU)—Economic Commission for Africa (ECA)—African Development Bank (AfDB)'s Land Policy Initiative (LPI) to develop training modules on gender mainstreaming in land governance; and ensure gender is mainstreamed in the Guidelines for Curricula Development and Land Governance in Africa and monitoring and evaluation framework for land governance (AU, 2017). Non-governmental organizations (NGOs) and other international advocacy groups have also taken on the responsibility not only for advocacy and activism but also for spreading community awareness on women's rights to land (see Nandasen, 2012 and Tripp, 2004). For example, these organizations and advocacy groups set up legal education centers such as legal aid centers and community-based paralegals and conduct awareness-raising campaigns that provide behavioral-change tools, especially in cases where women have been conditioned to believe that its 'God-intended' for only men to inherit and own land (Kelkar, 2014).

Land laws that grant women the rights to own land, can only be effective if there is awareness of these laws, the abilities to invoke them, the general governance environment and the extent to which statutory laws are practiced instead of cultural norms and traditions (Odeny, 2013).

3.2.2. Sociological and cultural obstacles

In many African countries, pluralism in land tenure, which includes customary, religious and statutory laws, is the norm. Such tenure pluralism confuses and complicates women's right to access and own land (Meinzen-Dick and Pradhan, 2002; Lentz, 2007; Evans, 2016), and in most cases, the system with the most gender bias prevails (Joireman, 2008; Dancer, 2017).

Resistance to women access and ownership of land is deeply embedded in customs and traditions that promote the perception that land symbolizes male dominance, which is necessary for family, community and clan survival (Allendorf, 2007; Whitehead and Tsikata, 2003; Agarwal, 1994; Carney, 1998). This is more so in patriarchal land tenure systems, whose laws persist, even in the presence of statutory laws. Furthermore, despite the efforts that NGOs and advocacy groups have made in educating the public on women's rights to land, and the penetration of non-customary tenure ideology and legislation, customary tenure not only persists, but also, in many SSA countries is the dominant tenure system (Alden Wily, 2001). Nonetheless, women have made and continue to make concerted efforts to counter these sociological and cultural barriers to access, acquire and own land. Notable examples are the 1995 Beijing Conference (Federici, 2011) and the 2016 Kilimanjaro Initiative that resulted in a land rights charter of demands (Action Aid, 2016). Other activism have resulted in passing of land acts in several countries (McAuslan, 2013; Odeny, 2013).

The African Union recognizes the importance of inclusive land policies in reducing land related conflicts, and therefore, has advocated to Member States to 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. In addition to ensuring compatibility between customary and constitutional and statutory safeguards for women's land rights, the AU recommended that Member States incorporate gender responsive provisions in the statutory framework recognizing customary law and that customary law and practices should not be seen to be violating constitutional provisions that protect women's land rights (AU, 2017).

3.2.3. Legal obstacles

It is with no doubt that land tenure system that supports gender equality will empower women by increasing their agriculture production and disposable income, and foster healthy social relationships among other things (Odeny, 2013; Doss et al., 2012). However, such a system must also grant women the right to own land by issuing title deeds and other legal documents that clearly spells out ownership. Also, the process must be inexpensive and less complicated, bearing in mind those with the greatest need tend to be illiterate and poor.

Land titling process via the inheritance channel starts with village elders who allocate land to the rightful heirs. It then moves to government land boards that evaluate the necessary paperwork and make recommendations for title issuance. The problem with both of these stages is two-fold. First, members that serve on the village committees are reluctant to allocate land to women because of strongly held patriarchal beliefs and adherence to

customary laws that tend to be discriminatory along gender lines; and second, the process is time consuming, complex and very expensive, especially for women who are already burdened with care responsibilities (Young, 2010). In many ways, it has deterrence and exclusion mechanisms, especially for the poor and illiterate women.

The option of land ownership and titling via marriage is even more complex and harder compared to women who own land via inheritance (Jacobs and Kes, 2015). For example, many land boards across SSA do not allocate land to married women without a written consent of their spouses, while the same is not required for married men (Jacobs and Kes, 2015). In other instances, land boards have been reluctant to allocate land to married women on the grounds that it would encourage unruly behaviors and break-up families (Jacobs and Kes, 2015).

Some authors (Lastarria-Cornhiel, 1997) caution about the negative impact of land titling and formalization of land as it is used to exclude women from land access and ownership. Particularly, since the title defines legal ownership, some men still use customs and traditions to cheat women in supporting a man as a sole holder and legal bearer of the title deed on the account that he is the head of the family. This, in many cases, also applies on parcels of land purchased or even inherited by women. Moreover, once the man has the title deed, it becomes easier to sell off the land without the consent from his wife or family, leaving the women in very precarious economic and social conditions. Thus, the AU-AfDB-ECA consortium recommended that if law and policy in member countries are to redress gender imbalances in land holding and use, it is necessary to deconstruct, reconstruct and reconceptualise existing rules of property in land under both customary and statutory law in ways that strengthen women's access and control of land while respecting family and other social networks (AUC-ECA-AfDB, 2010).

4. Stylized facts: Property ownership

Table 3 provides data on immovable asset (land and house) ownership by gender for six countries for which comparable data was available. It is important to note here that the data does not provide us with information of how these assets were acquired. As previously mentioned, men in SSA countries are more likely than women to acquire land and other immovable properties via inheritance from their families while women, via purchase or marriage. In addition to information on the percentage of men and women who own or do not own land or house individually, Table 3 also provides data on percentage of men and women who own land jointly (with spouse) and on the question of whether men and married women have equal ownership rights to immovable assets.

Focusing on land alone, data indicates that a large percentage of both men and women do not own land in SSA. However, whereas between 57 (Democratic Republic of Congo) and 78 (Senegal) percent of men do not own land in SSA, the proportion of women who do not own land is much higher; between 61 (Kenya) and 92 (Senegal) percent. The proportion of those who own land individually is smaller both for men and women, but for women,

it is almost abysmal. Evidence in Table 3 shows that between 17 (Senegal) and 30 (Kenya) percent of men own land, whereas, only three (Senegal) to eight (Ghana) percent of women own land in SSA. With reference to joint ownership of land, evidence suggests that more women compared to men own land jointly (with their spouse). This could be attributed to the fact that women who own property prior to marriage are more likely to convert to joint ownership compared to men. For example, only around three (Togo) to 17 (Democratic Republic of Congo) percent of men own land jointly with women, this is compared to three (Senegal) to 28 (Kenya) percent of women. Another interesting statistics in Table 3 is on the question of whether men and married women had equal ownership rights of immovable assets. In all but one country (Democratic Republic of Congo) listed in Table 3, the response was ‘yes’.

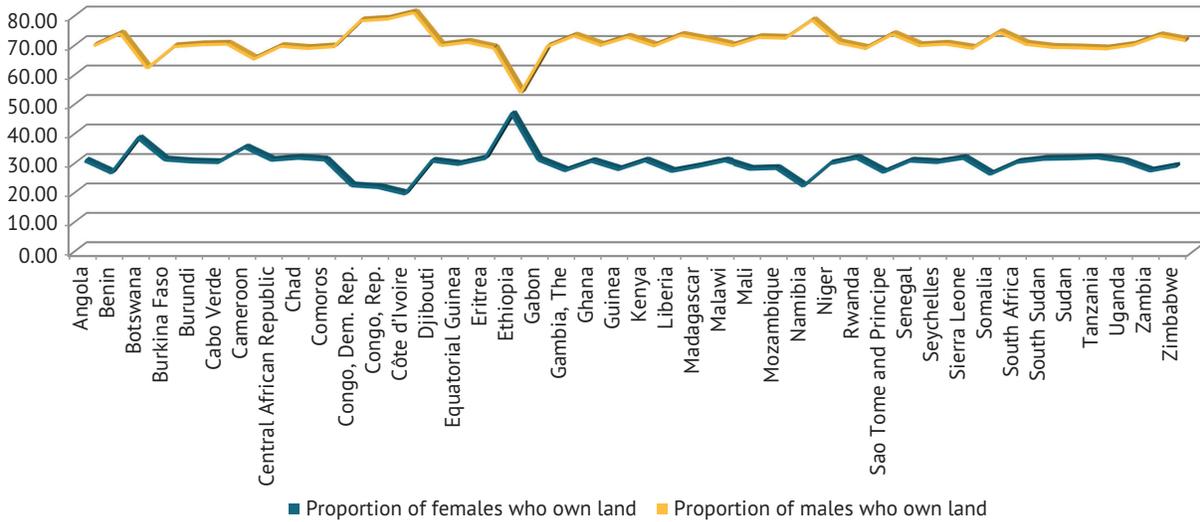
Figure 1 provides data for 42 SSA countries on men and women land ownership but only for 2019. The difference between the percentage of men and women who own land in these countries is about 40 percent, whereby on average 31 percent of women in SSA own land, compared to 69 percent of men. As shown in Figure 1, the difference is consistent across the 42 countries, suggesting that the constraints that women face in accessing and owning land in these countries is more or less similar.

Table 3. Property ownership by gender for selected countries in SSA, average 2000–2020

	Congo, Dem. Rep.	Ghana	Kenya	Senegal	Togo	Zambia
Men who do not own a house (% of men)	53.2	73	48.6	75.4	70.3	54.8
Men who do not own land (% of men)	57	64	53.4	78.45	67.8	63.3
Men who own a house alone (% of men)	28.5	21	37.8	13.6	26.9	23.9
Men who own land alone (% of men)	21.8	28.2	30.2	16.65	28.6	19.5
Men who own land jointly (% of men)	17.3	6.8	12.6	4.55	3.2	12.1
Men and married women have equal ownership rights to immovable property (1=yes; 0=no)	0	1	1	1	1	1
Women who do not own a house (% of women age 15–49)	62.7	81.1	57.7	89.55	89.5	53.8
Women who do not own land (% of women age 15–49)	65.8	78.1	61.3	92.8	90.3	67.1
Women who own a house both alone and jointly (% of women age 15–49)	5.3	3.8	3.8	1.1	2.1	6.2
Women who own a house jointly (% of women age 15–49)	25.6	10.8	30.6	8.45	5.7	30.4
Women who own land alone (% of women age 15–49)	7.6	8.1	7.1	3.35	4.5	6.7
Women who own land both alone and jointly (% of women age 15–49)	4.7	3.7	3.4	0.8	1.4	4.5
Women who own land jointly (% of women age 15–49)	21.9	10	28.2	3.05	3.6	21.4

Data source: World Development Indicators Online Dataset, downloaded on January 30, 2021.

Figure 1. Proportion of men and women who own land in selected SSA countries, 2019



Data source: Country and African Development Bank (AfDB) Estimation, 2018.

5. Pairwise correlation

In attempt to provide a data-driven dimension to the discussion on women’s ownership of land via inheritance and its consequences on various measures of women economic and social wellbeing, we conduct pairwise correlation, which provides uncontrolled relation between various land ownership measures and proxies for women economic and social wellbeing. Results in Table 4 provide the correlation index that signifies the strength as well as direction of relationship and the corresponding standard errors in brackets. Limiting our discussions to the relationships that are statistically significant, we find that lack of land ownership by men is positively and highly correlated with women completing at least lower secondary school (0.85), women getting married early (0.53) and increase in female unemployment (0.53). On the other hand, men ownership of land is negatively correlated with women’s age at first marriage (0.44), and female unemployment (0.57).

There are various deductions that could be drawn from these findings. As previously mentioned, land is the single most important asset in SSA and a source of wealth and social status in most communities. A man who owns land is able to marry with assurance that he will be able to feed and take care of his family. Also, because many households depend on family labor to work on family farms, a man relies on his wife (or wives) and children to provide that labor. Thus, in communities where a household places higher value on farm labor relative to education, the children will more likely provide that labor and hence not get an education. Conversely, a man that does not own land could be forced to look for alternative means of acquiring wealth, which could either be via formal or informal employment in urban centers. In such instances, the family could be forced to move to an urban area (usually the country’s capital city), where the father is also likely to educate his

children due to either agglomeration effects (where other households in the vicinity are educating their children) or use children education as a form of investment in his future social welfare. But, in an unfortunate situation where the man is unable to find any form of employment or other source of income or income generating activities, he might turn to his female children as a source of wealth and marry them off early. Lack of land resource could also cause the father to move his family to an urban slum settlement, which might also lead to his female children getting married early due to the slum conditions; and also in such situations, unemployment among women could be higher due to an increase in supply of uneducated, low-skilled women competing for the same limited job positions.

We observe the opposite in the case where men own land; the likelihood that a woman will be married off at a young age or face unemployment decreases. As alluded earlier, a man with wealth (land resource), is more likely to use his family members as farm labor, reducing women unemployment. Also, because he is not in urgent need of the bride-prize due to ownership of land, he is less likely to marry off his female children early. Moreover, by the fact that the female children are kept busy on the farm, they are less likely to think of early marriage.

Results in Table 4 also show significant and positive relationships between women not owning land and the number of men who are employers (0.29), age of first marriage by men (0.73) and female unemployment (0.29). Furthermore, women owning land alone has a negative correlation with male education (0.78) and positively correlated with female school dropout (0.47). Land ownership by women provides the same economic and social security enjoyed by men, but the social and economic multiplier effects are more than those for men (Jones and Frick, 2010). In SSA, women are the largest source of farm labor (as evidenced by their high employment rate in the agricultural sector) and the biggest producer of food crops. They are the primary caretakers of the young and the old and directly involved in both children education and health care. They are more likely to be single parents, exacerbating not only their care-burdens, but also their economic and social responsibilities. Thus, a woman's ownership of land can lead to an increase in food production to feed her family and for the market since she has a reliable farm where she can grow food crops. Land ownership also implies financial security for the women, which comes directly via farming and indirectly by being able to use her piece of land as collateral for obtaining loans. On the other end of the spectrum, having land wealth enhances women social and political standing in the society where they are able to participate in the household decision making and political discourse that have direct impact on her rights and freedoms.

Thus, results in Table 4 can be interpreted to mean that when women do not own land, they will depend on men as employers since majority of women tend to be employed in the agricultural sector. Also, lack of land ownership means that women have to find avenues to provide food for their families, which leads them to seek employment from businesses owned mostly by men. In addition, lack of land ownership by women directly increases unemployment for them, since, as shown earlier; most women tend to be employed in agricultural sector and tend to be own-account workers.

The most surprising finding is that women's ownership of land is associated with a decrease in male education and increase in women school dropout. The plausible reasons could be

that families or societies that grant equal rights to land ownership for both men and women (especially via inheritance), are also more likely to grant equal rights to education for both gender. In such instances, less resources are available for education due to crowding out effects as families divide their limited resources towards educating both their male and female children. On the women's school dropout component, it could be explained by the wealth syndrome, where girls who expect to inherit land and other resources from their families, find less value in gaining an education in anticipation of the potential life-time source of income. This is a common scenario in societies all over the world, where children from wealthy families place less value on education in as far as they perceive it as a means of acquiring future wealth.

Table 4. Pairwise correlation matrix for selected gender social and economic indicators in selected SSA countries, 2001–2020

	Do Not Own Land (Men)	Own Land Alone (men)	Own Land Jointly (Men)	Do Not Own Land (Women)	Own Land Alone (Women)	Own Land Jointly (Women)
Do not own land (women)	0.793 (0.000)	-0.470 (0.005)	-0.692 (0.000)			
Own land alone (women)	-0.499 (0.003)	0.538 (0.001)	0.107 (0.547)	-0.613 (0.000)		
Own land jointly (women)	-0.696 (0.000)	0.285 (0.102)	0.806 (0.000)	-0.897 (0.000)	0.242 (0.155)	
Employers (F)	0.129 (0.462)	0.003 (0.988)	-0.207 (0.233)	0.168 (0.321)	-0.058 (0.738)	-0.271 (0.110)
Employers (M)	0.170 (0.328)	-0.008 (0.966)	-0.244 (0.158)	0.287 (0.086)	-0.097 (0.575)	-0.374 (0.025)
Education (F)	0.846 (0.071)	-0.502 (0.389)	-0.646 (0.239)	0.432 (0.334)	-0.357 (0.487)	-0.568 (0.240)
Education (M)	0.589 (0.218)	-0.661 (0.153)	-0.146 (0.783)	0.462 (0.249)	-0.781 (0.038)	-0.329 (0.471)
Dropout (F)	-0.245 (0.360)	0.108 (0.691)	0.412 (0.113)	-0.233 (0.352)	0.468 (0.058)	0.301 (0.240)
Dropout (M)	-0.128 (0.637)	-0.012 (0.964)	0.343 (0.194)	-0.177 (0.483)	0.343 (0.177)	0.267 (0.300)
Finances (F)	-0.244 (0.497)	0.134 (0.713)	0.265 (0.460)	-0.391 (0.264)	0.225 (0.532)	0.437 (0.206)
Finances (M)	-0.285 (0.425)	0.176 (0.626)	0.286 (0.423)	-0.409 (0.240)	0.241 (0.503)	0.458 (0.184)
Marriage (F)	0.528 (0.002)	-0.436 (0.013)	-0.265 (0.143)	0.152 (0.390)	-0.247 (0.166)	-0.168 (0.350)
Marriage (M)	0.827 (0.000)	-0.650 (0.000)	-0.490 (0.004)	0.729 (0.000)	-0.551 (0.001)	-0.667 (0.000)
Unempl (F)	0.533 (0.001)	-0.573 (0.000)	-0.037 (0.833)	0.286 (0.086)	-0.125 (0.468)	-0.285 (0.092)
Unempl (M)	0.566 (0.000)	-0.588 (0.000)	-0.081 (0.6438)	0.314 (0.059)	-0.175 (0.308)	-0.314 (0.063)

Note: P-values in parenthesis. Description of variable notation is provided in Appendix Table A1.

6. Regression analysis

6.1. Methodology

In the empirical model, we investigate the effects of women's ownership of land (*LAND*) on women absolute employment (*EMP*) in thirty-three SSA countries using cross-section data for 2019. We control for other determinants of women absolute employment, broadly categorized as demand-side shifters (trade measure, and share of agricultural and services sectors in GDP) and supply side shifters (dependency ratio, and a measure of HIV prevalent).

Demand side shifters include structural economic conditions and a country's trade policies that directly or indirectly affect the quantity of labor demanded, as well as cultural and religious norms that are transferable to the labor market. The share of agricultural (*AGRI*) and services (*SERV*) sectors' output in GDP are used as a measure of structural economic conditions. This is consistent with what has been observed above, whereby women are more likely to be employed in the agricultural and services sectors compared to the industry sector. In addition to the share of sectoral output in GDP, we include demand effects arising from global economic integration. Particularly, we include a measure of trade openness proxied by the share of a country's exports in GDP (*EXP*). A better proxy would be a policy variable, such as tariffs or quota, but we do not have sufficient data on these variables. Therefore, we follow what has been used in related literature and resort to the policy outcome measures. While it is expected that trade openness will have favorable effects on women's employment, Heintz (2006) asserts that these effects depend on a country's production structure and development policy management.

Supply-side factors, on the other hand, include those factors that capture both the quality and quantity of women absolute labor supplied. An increase in women labor supply can have crowding-out effects on the available employment opportunities, thereby reducing the overall women's employment. The age dependency ratio (*DEP*) — the ratio of old dependents to the working age population (those aged 15–64) — and incidence of *HIV* on people ages 15 to 49 (per 1,000 uninfected population ages 15–49) are used as proxies for women's labor supply, specifically capturing the quantity dimension of labor supply. The age dependency ratio plays a crucial role in determining women economic activities because, in most societies, women continue to be the primary caretakers of both the old and young. Therefore, a higher dependency ratio implies that women's time spent in their reproductive roles, relative to formal market production activities, increases (Budlender 2008; Razavi 2012). We hypothesize that age dependency ratio and incidences of *HIV* infections will have negative effects on women absolute employment. Due to data constraints, we did not include a measure of the quality of women labor supplied, which in this case would have been proxied by an education outcome. Nonetheless, exclusion does not negatively impact the explanatory power of the model as observed through stepwise regressions and R-square. Following the discussion above, we estimate equation 1 below:

$$EMP_i = \beta_0 + \beta_1 LAND_i + \beta_2 AGRI_i + \beta_3 SERV_i + \beta_4 EXP_i + \beta_5 DEP_i + \beta_6 HIV_i + \varepsilon_i \quad (1)$$

Where ε_i is the standard error term, and i denotes the country. The other notations are as previously defined in the preceding paragraphs. It is important to note that the choice of variables, countries used in the study, and model estimation technique was limited by the availability of data. The land ownership data was available only for 2019, which posed a constraint on the sample selection and model specification.

6.2. Data description

Aside from the data on the percentage of land ownership by women that was obtained from African Development Bank, the rest of the data was downloaded from the World Bank's *World Development Indicators*, online database downloaded in March 2021. Descriptive statistics of model variables and the correlation coefficient matrix are available upon request. A list of countries in our sample that was used for regression purposes is in Appendix Table A2.

6.3. Results analysis

Table 5 provides the results of stepwise regression using Ordinary Least Squares (OLS) methodology. Overall, there is evidence that an increase in women's ownership of land positively impacts women's employment. For example, a one percentage increase in women's ownership of land (regardless of how the land was acquired) is associated with approximately 1.1 percent increase in women's employment prospects at one percent level of significance. There are a number of reasons for the positive link between women's land ownership and increase in women's employment, most of which have been discussed in the preceding analysis.

The rest of the control variables have the expected signs, and in fact, the effects are significant with the exception of the impact of HIV prevalence. For example an increase in the share of agriculture and services sectors' output in GDP by ten percent, increases women's employment by 6–7 percent and 5–6 percent, respectively, across SSA countries. Equally an increase in export value added in GDP by ten percent, increases women's employment by four percent. Conversely, an increase in women's care burden as proxied by dependency ratio of older people by one percent negatively impacts women's participation in the formal labor market by 4 to 5 percent.

Table 5. Cross-sectional stepwise OLS regression for female land ownership effects on female employment rate for selected SSA countries

	(1)	(2)
Percentage of Women who own land	1.105*** (0.354)	1.132*** (0.314)
Agriculture, forestry, and fishing, value added (% of GDP)	0.612*** (0.199)	0.724*** (0.203)
Services, value added (% of GDP)	0.635*** (0.220)	0.475** (0.255)

	(1)	(2)
Age dependency ratio, old (% of working-age population)	-3.777* (2.120)	-4.899* (1.791)
Incidence of HIV, ages 15–49 (per 1,000 uninfected population ages 15–49)	0.822 (1.189)	0.392 (1.026)
Exports of goods and services (% of GDP)		0.400** (0.184)
R-square	0.948	0.955
No. of Observations	33	33
No. of Countries	33	33

Notes: Robust standard errors in parenthesis. *** one percent level of significance, ** five percent level of significance, * 10 percent level of significance.

7. Conclusion and policy implications

7.1. Conclusion

How does one reconcile the established overwhelming evidence of beneficial effects of women’s land ownership and the reluctance of countries in SSA to establish and or proactively enforce national laws that accord women equal rights as men to inherit land? The famous African saying that ‘land belongs to the man and the produce (*food*) in it to the woman’ embodies the struggle that women face in their quest to own and inherit land in SSA (Arekapudi and Almodovar-Reteguis, 2020). Data from the recent World Bank publication on Women, Business and the Law, show that two-fifths of countries worldwide limit women’s property rights and in 19 countries, women do not have equal ownership rights to immovable property; while in 44 countries, male and female surviving spouses do not have equal rights to inherit assets (Arekapudi and Almodovar-Reteguis, 2020). Unfortunately, reforms related to property ownership and inheritance are the most difficult to pass, especially in SSA where patriarchal land tenure system dictates how land is acquired and passed to future generations (Arekapudi and Almodovar-Reteguis, 2020). Undoubtedly, the plight of women in poverty will continue unless there is significant reform and strengthening of laws, policies, and practices relating to ownership and control of property (Rabenhorst, 2011). Improving the property rights of women is both a human right and a means to achieve gender equality, and a fundamental principle that underlies economic development in SSA (Rabenhorst, 2011).

Of equal importance is the channel through which women should acquire and own land and other immovable property. As previously mentioned, the channel through which societies in SSA prefer women to access and own land, especially in patrilineal societies, is through marriage or purchase from the market system. However, both channels subject women to conditions that men in the same capacity are not subject to. Moreover, unmarried and separated women are by default excluded from this channel. The second channel is conditional on women having sufficient wealth to purchase land from the market system. The inheritance channel, which male (relative to female) children are freely entitled to by virtue of their gender, comes with no constraints and has very minimal costs (related to obtaining

a title deed). It also comes with a sense of belonging and a feeling of being wanted. Thus, acquiring land through the inheritance channel, ensures that women can live with agency and dignity (Arekapudi and Almodovar-Reteguis, 2020), and not subject to the pressures and ills that come with marriage.

7.2. Policy implications

Customs and traditions are dynamic and not static

Resistance to women's access and ownership of land is deeply embedded in static customs and traditions that promote the perception that land symbolizes male dominance, which is necessary for family, community and clan survival (Allendorf, 2007; Whitehead and Tsikata, 2003; Agarwal, 1994; Carney, 1998). However, it is now well understood that customs and traditions are not static, they evolve and respond to changing social, economic and political climate. Customs and traditions that tend to remain static are those that benefit one group at the expense of the other, and they persist when the benefitting group controls the economic, political and social spheres of a community or nation.

The African Union recognizes the importance of inclusive land policies in reducing land related conflicts, and therefore, has advocated to *Member States to 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*. In addition to ensuring compatibility between customary and constitutional and statutory safeguards for women's land rights, the AU recommended that *Member States incorporate gender responsive provisions in the statutory framework recognizing customary law and that customary law and practices should not be seen to be violating constitutional provisions that protect women's land rights* (AU, 2017).

Economic development and household welfare

Land is an important economic resource, a cornerstone of economic development, and a means of achieving food security and overcoming extreme poverty in Africa (Ellis and Mdoe, 2003; Odgaard, 2002; Odeny, 2013; Doss et al., 2012). From an entrepreneurial perspective, land plays a vital role in investment strategies, especially for small and medium businesses that characterize much of SSA countries' small towns and rural communities. For instance, in order to access financial credit via the formal financial sector, land title is required (in most countries in SSA) as a major collateral (Arekapudi and Almodovar-Reteguis, 2020). Beyond the economic relevance, land ownership in SSA is a source of social identity and political power, cultural heritage and insurance for continuity of clan/family lineage (Evans, 2016; Arekapudi and Almodovar-Reteguis, 2020).

Therefore, in devising effective and gender-sensitive land policies, *African governments should approach it from a perspective of enhancing household welfare and overall economic development rather than from cultural and social lenses. In as far as land ownership improves women's economic, social and political*

welfare, it is more likely to strengthen rather than weaken the marriage institution (by providing women secure positions in the marriage and also, increasing overall household assets and wealth); improve human capital development through improved healthcare access, household nutrition and children education; and increase food security and reduce hunger since women in Africa are the biggest contributors to food production.

Education and awareness of the land rights

As previously mentioned, one of the issues that has often posed a challenge to women in their fight for equitable rights to inherit land, especially when the government policies accord them such rights, is the lack of education about and awareness of these rights (Odeny, 2013; Massay, 2020).

Land laws that grant women the rights to own land, can only be effective if there is awareness of these laws, the abilities to invoke them, the general governance environment and the extent to which statutory laws are practiced instead of cultural norms and traditions (Odeny, 2013). *In this regard, African governments that have already instituted gender-sensitive land policies should take a proactive role to increase awareness and educate the public, especially all the stakeholders involved in upholding these land rights, and the women that stand to benefit from these rights. Moreover, those governments that are in the process of designing these policies, should incorporate the education and awareness component in their implementation packages to ensure that these policies are effective and produce the intended outcome.*

Land titling, legal complexities, and cost

Land tenure system that supports gender equality will empower women by increasing their agriculture production and disposable income, and foster healthy social relationships among other things (Odeny, 2013; Doss et al., 2012). However, such a system must also grant women the right to own land by issuing title deeds and other legal documents that clearly spells out ownership. Also, the process must be inexpensive and less complicated, bearing in mind those with the greatest need tend to be illiterate and poor.

Consequently, *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. Moreover, the village committee members should be objective and tasked with upholding the principles of equal rights to property ownership, and should be well trained in matters concerning land rights. The government should also require that upon marriage, couples should convert individually owned land to joint ownership, with titles reflecting equal and joint ownership. Laws regarding sell of joint property should be clearly spelled out, and property division during separation or divorce should be clear outlined and understood by the enforcing government agents. The government should also have laws protecting vulnerable women to avoid being preyed upon by cunning husbands or male relatives. The African union consortium also recommends that member countries deconstruct, reconstruct and reconceptualise existing rules of property in land under both customary and statutory law in ways that strengthen women's access and control of land while respecting family and other social networks (AUC-ECA-AfDB, 2010).*

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Appendices

Appendix Table A1. Variable notations definitions

Do not own land (Men)	Men who do not own land (% of men)
Own land alone (Men)	Men who own land alone (% of men)
Own land jointly (Men)	Men who own land jointly (% of men)
Do not own land (Women)	Women who do not own land (% of women age 15–49)
Own land alone (Women)	Women who own land alone (% of women age 15–49)
Own land jointly (Women)	Women who own land jointly (% of women age 15–49)
Employers (F)	Employers, female (% of female employment) (modeled ILO estimate)
Employers (M)	Employers, male (% of male employment) (modeled ILO estimate)
Education (F)	Educational attainment, at least completed lower secondary, population 25+, female (%) (cumulative)
Education (M)	Educational attainment, at least completed lower secondary, population 25+, male (%) (cumulative)
Dropout (F)	Children out of school, primary, female
Dropout (M)	Children out of school, primary, male
Finances (F)	Account ownership at a financial institution or with a mobile-money-service provider, female (% of population ages 15+)
Finances (M)	Account ownership at a financial institution or with a mobile-money-service provider, male (% of population ages 15+)
Marriage (F)	Mean age at first marriage, female
Marriage (M)	Mean age at first marriage, male
Unempl (F)	Unemployment, female (% of female labor force) (modeled ILO estimate)
Unempl (M)	Unemployment, male (% of male labor force) (modeled ILO estimate)

Appendix Table A2. List of countries used in the regression analysis

Angola	Congo, Rep.	Malawi
Benin	Cote d'Ivoire	Mozambique
Botswana	Equatorial Guinea	Namibia
Burkina Faso	Ethiopia	Niger
Burundi	Gabon	Rwanda
Cabo Verde	Gambia, The	Senegal
Cameroon	Ghana	Sierra Leone
Central African Republic	Guinea	South Africa
Chad	Kenya	Sudan
Comoros	Liberia	Uganda
Congo, Dem. Rep.	Madagascar	Zambia