

# **Factors Contributing to Gender Inequality in Land Access and Land Tenure Security in Sub-Saharan Africa: A Literature Review**

**Marisa BALAS, Mozambique; Christiaan LEMMEN, The Netherlands; Rosana ALBUQUERQUE, Portugal; Isabel CASIMIRO, Mozambique**

**Keywords:** Gender (in)equality, Land Access, Land Tenure, Land Administration, Sub-Saharan Africa

## **SUMMARY**

Land access and land tenure security are essential aspects of sustainable development. Land rights are increasingly becoming inaccessible, especially for women, translating into higher poverty, hunger, and exclusion levels. This paper presents a literature review of different aspects of gender inequality related to land access and land tenure security in Sub-Saharan Africa. It focuses on the factors contributing to those aspects, the impact of those factors on sustainable development, and how these factors prevent or support the full participation of women in the decision-making processes and determine different access to opportunities. A qualitative systematic literature review approach was adopted to understand the state-of-the-art on gender inequalities in land access and land tenure. Peer-reviewed scientific papers have been retrieved through several online databases using different combinations of search terms and standardized techniques. The search has been enlarged to contemplate published literature from non-governmental organizations (NGOs) and inter-governmental organizations (IGOs). The main findings point to, amongst others, discrimination within the legal framework, weak enforcement of the law and institutions, and customary and social norms that culminate in deep-rooted acceptance of discriminatory practices against women. These lead to profound gender inequalities in land access and land tenure security, compromising the eradication of poverty and hunger and increasing social imbalances. Further research is recommended to evaluate the impact of these constraints on sustainable development and the possible mitigation measures or solutions.

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## 1 INTRODUCTION

Access to land is crucial to allowing women and men to build "peaceful, stable, and prosperous societies" (Tempra et al., 2018, p. 1) requiring therefore "gaining physical availability to land parcels and making decisions on land and natural resources for use or enjoyment of the rights embedded therein" (Chigbu, 2019, p. 39). Land is a means of production (Kivaria, 2020); a pillar for household livelihood and for supporting poverty reduction (Ali et al., 2014; Mengesha et al., 2021; Odeny, 2013; World Bank Group, 2015); a crucial social asset for cultural identity and spirituality (Errico, 2021; SIDA, 2011; Widman, 2014); and an important source of political power and participation in decision-making (Errico, 2021; Oziegbe-Anozie, 2020; SIDA, 2011). Equitable and secured access, use and control over land and productive resources is therefore essential not only for the sustainable management of the environment and its natural resources, but also for socio-economic development of men and women (Agarwal, 2018).

Although women account for 60 to 80 percent of food production in developing countries (FAO, 2018; Ndi, 2019b; World Bank et al., 2009), they rarely own the land on which they work. Recent data indicate that, globally, less than 15 percent of the land belongs to women (FAO, 2018; ILC, 2019). Several obstacles prevent women from effectively enjoying equal land rights and equal access to land (FAO, 2011; UN, 2013), some based on specific contexts, others being general, including discrimination within the legal framework (OECD, 2021; World Bank, 2022), inadequacy or weak enforcement of the law (Forum Mulher, 2018), unequal access to land administration institutions and processes, and traditional norms and local power relations (Forum Mulher, 2018; OECD, 2014, 2019; Paradza et al., 2020). This last aspect is crucial because, in many developing countries, especially in sub-Saharan Africa (SSA), customary practices become the formal or prevalent system (Ravnborg et al., 2016), culminating in deep-rooted acceptance of discriminatory social practices against women. In most more traditional systems, masculine and patriarchal power discourses influence and promote gender inequality and define women's rights through their relationship with the men in the family, making them servants of their male relatives in the farming activities, only having rights to use the land but not to own it (Bizoza, 2019; Hartlief et al., 2018; Kalabamu, 2006).

The fact that women cannot have access to land and have their property rights denied by traditions and power relations prevents the eradication of hunger and poverty (FAO, 2012, p. iv), increases inefficiencies in the economy (Nilsson, 2016), and impedes women's economic empowerment and resilience (ActionAid International, 2008; Bizoza, 2019; Doss & Meinzen-Dick, 2020; FAO, 2012; Negrão, 2002), constituting a severe threat to sustainable development

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(Daley & Englert, 2010; Daniel Ayalew et al., 2011; Kameri-Mbote, 2008; Odeny, 2013; Singirankabo & Ertsen, 2020; Yngstrom, 2002).

This situation has worsened in the recent decades because the pressure on land has increased considerably (Paradza et al., 2020) as a result of population growth (FAO, 2012), war conflicts, climate change (Mabikke, 2016), poor land management policies and unplanned and uncontrolled urbanization (Facio, 2017), the growing need for food, water and fuel (Balas et al., 2021; Mabikke, 2016; Taylor & Bending, 2009), and large-scale acquisitions or "land grabs" especially for tourism and natural resources exploration (Chu, 2011; Facio, 2017; Hausermann et al., 2018; Macuane et al., 2018; Mosca & Selemene, 2012; Ndi, 2019a; Paradza et al., 2020). More recently, because of the COVID-19 pandemic, there was increased pressure from men to repossess customary land for their own benefit leading to the dispossession of women (USAID, 2020).

The need to drastically change the situation has turned women's land rights prominent on the international agenda (Doss & Meinzen-Dick, 2020) and boosted the development of international and national standards, instruments and agreements, including the 2030 agenda for sustainable development (UN General Assembly, 2015) and the Voluntary Guidelines for the Responsible Governance of Land, Fisheries and Forestry Resources (VGGR), in the context of National Food Security (FAO, 2012, p. iv). All African countries have ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (OECD, 2021) and 42 African countries have ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the "Maputo Protocol") (Efobi et al., 2019). In 2015, the African Union launched its Agenda 2063 that also focus on promoting gender equality. These instruments support countries in their reforms towards a people-centered land governance, in which land rights are at the center of all efforts and an obligation because, without them, there is no sustainable development (ILC, 2018).

Nevertheless, despite these international and national efforts to contribute to more equal land rights and tenure security for women, progress in formalizing women's land rights has been uneven and slow across African countries, as many women in SSA still lack the opportunity to register land in their name (Bizoza, 2019; FAO, 2018; Santpoort et al., 2021). At the current pace of progress, as highlighted by the Social Institutions and Gender Index (SIGI) 2019 Global Report, it will take 200 years, or 9 generations, to achieve equal rights over land and natural resources and women's full participation in decision-making processes (OECD, 2019). Therefore, there is a need to understand the context in which gender inequality exists in order to prepare adequate measures to mitigate its negative impacts or enhance the positive ones.

## **2 OBJECTIVE AND RESEARCH QUESTIONS**

This literature research focuses on *gender inequality in land access and land tenure security in Sub-Saharan Africa (SSA)*. The intention is to investigate how the relationship between Women, Land and Power is influenced by gender inequality and how power relations impede the full participation of women in decision-making processes and determine different access to land and opportunities.

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The following questions were designed for this research: (i) what factors affect gender equality in land access and land tenure security? (ii) what is the actual situation of land access and land tenure security between men and women?

This investigation will then support and recommend the development of additional future research to determine (iii) how gender inequality affects Sustainable Development? (iv) what strategies could mitigate inequality factors, and whether these should be context-dependent? (v) how to implement these strategies in a gender-sensitive land governance framework?. This research is in line with the Sustainable Development Goal (SDG) 5 of the Agenda 2030: "Achieve gender equality and empower all women and girls" (UN, 2016), the Aspiration 6 of the African Union's Agenda 2063: "An Africa whose development is people-driven, relying on the potential offered by African people, especially its women and youth, and caring for children" (African Union, 2015), and the VGGT general principle: "promote and facilitate the enjoyment of legitimate tenure rights" (FAO, 2012, p. 3) and its implementation principle of gender equality: "ensure the equal right of women and men to the enjoyment of all human rights, [...]. States should ensure that women and girls have equal tenure rights and access to land, fisheries and forests independent of their civil and marital status" (FAO, 2012, p. 5).

### 3 METHODOLOGY

A qualitative systematic literature review approach was adopted to understand the state-of-the-art on gender inequalities to land access and land tenure. For that, the research used the Preferred Reporting Items for Systematic Reviews and Meta-analyses (PRISMA) method (Figure 1). Three electronic libraries were searched, namely Google Scholar, B On, and Web Of Science. Search words and terms included a combination of terms, namely "Land" + "Rights" + "Gender OR Women" + "Tenure OR Access". Peer-reviewed publications, in Portuguese and in English, dating back to 2010 have been selected. The thematic areas of "equality", "inequality", "sustainable development", "empowerment", "land governance", and "land administration" were part of the filters applied when the electronic repository permitted. Literature items related to "health", "forestry", "mining", "HIV/Aids", "violence" have been eliminated, except for one article that stipulated that HIV/Aids was the cause of women's dispossession of land assets. This resulted in the selection of 88 items from Google Scholar, 73 from B On, and 79 from Web of Science repositories.

When combining the results of the three repositories, the duplicates (76) were removed. A manual screening through the title and abstract resulted in eliminating 26 articles and three more related to books only available on paper. From the 135 items sought for retrieval, 16 were not available in any free or open library. Subsequently, all articles focusing on countries or regions that did not include sub-Saharan Africa (SSA) were also excluded.

The search has been enlarged to contemplate published literature from non-governmental organizations (NGOs) and inter-governmental organizations (IGOs). These included the World Bank, the United Nations (UN), the Food and Agriculture Organization (FAO), Prindex, International Land Coalition (ILC), Land at Scale, UNHabitat, Global Land Tool Network

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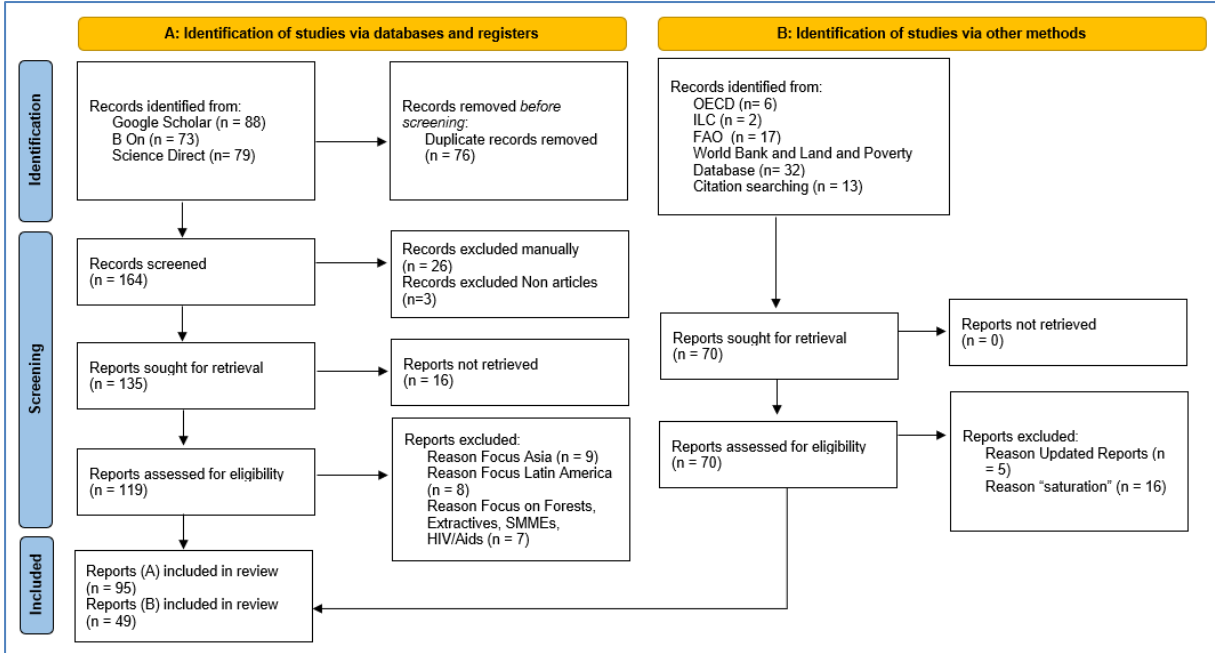
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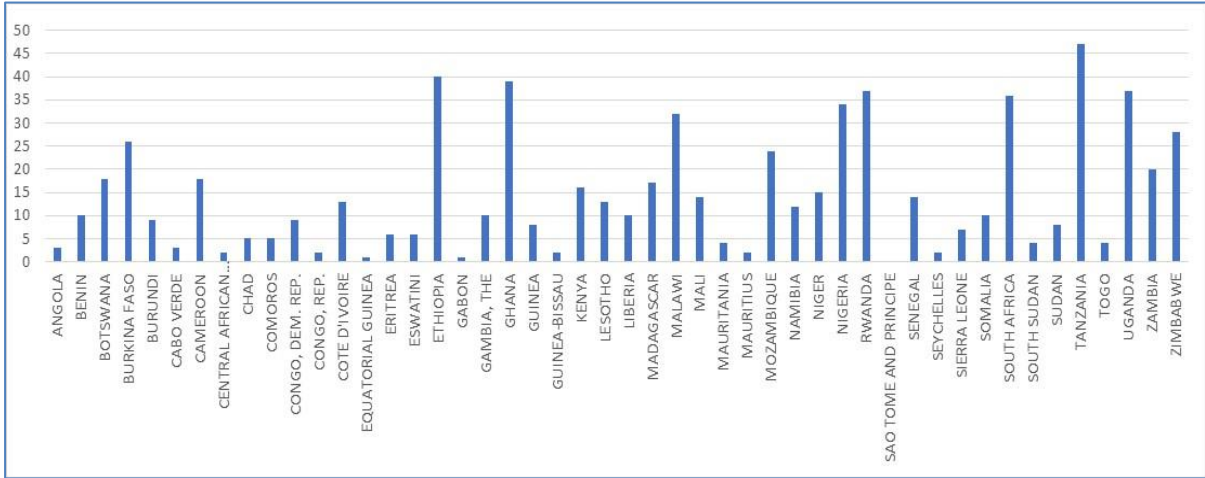
(GLTN). Additional literature deemed relevant through citation searching or part of the research conducted previously was added. Although the search contemplated items from the year 2000 onwards, the majority of the selected literature was from 2014 to 2021. The corpus included almost all 47 countries from the SSA (Figure 2 **Error! Reference source not found.**), with the exception of São Tomé e Príncipe. The countries with more mentions were Tanzania, followed by Ethiopia, Ghana, Rwanda, Uganda, South Africa, Nigeria, Malawi, Zimbabwe, Burkina Faso and Mozambique.

Figure 1: PRISMA method applied for the corpus selection of the literature review



Source: Adapted from PRISMA flow diagram (Page et al., 2021)

Figure 2: Coverage of the corpus according to the frequency of mentions, excluding references



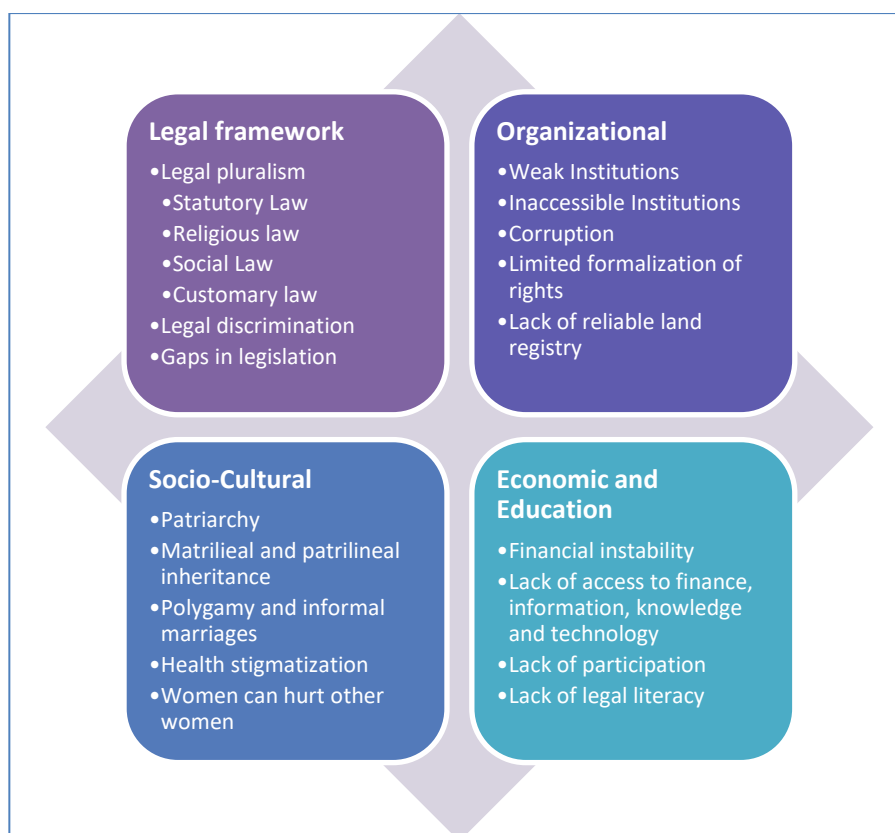
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## 4 FACTORS AFFECTING GENDER EQUALITY IN LAND ACCESS AND LAND TENURE IN SUB-SAHARAN AFRICA

Obtaining accurate gender-segregated data on land access and land tenure in SSA is still a challenge due to the lack of data and the profound differences across African countries (Chimhowu, 2019; Doss et al., 2015). Estimates suggest that just under 12-13 percent of women own land solely, compared with 36-39 percent of men; 38-39 percent of women report owning any land (alone or jointly), compared with 48-52 percent of men (Doss et al., 2015; Gaddis et al., 2018).

The mechanisms, structures, and processes that illustrate how women are placed in a vulnerable position concerning land access and land tenure are yet to be further elaborated (Santpoort et al., 2021). However, it is clear that legal, organizational, economic, and socio-cultural constraints are the most substantial barriers to women's land-ownership rights as these are strongly gendered across many regions in Africa (Bizoza, 2019; A. K. Kramer et al., 2021; Ndi, 2019b; Paradza et al., 2020). Figure 3 illustrates the main findings of this research with regards to the main factors of gender inequality leading to land tenure insecurity and restricted land access to women in SSA.

Figure 3: Main factors constraining gender equality in land access and land tenure security in SSA



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## 1.1 Legal framework constraints

### *Legal pluralism*

In many developing countries, land access, control, use and transfer among generations is regulated by customary, social, religious, and statutory laws, a situation often described as legal pluralism (Doss et al., 2014; Hallward-Driemeier & Hasan, 2012; Kivaria, 2020). Although these are thought of as distinct categories, there is often a continuum of statutory law, customary law, and social-cultural norms (Doss & Meinzen-Dick, 2020). Some religious and customary laws are often part of the formal system (Hallward-Driemeier & Hasan, 2012). However, the coexistence of different legal systems in a country brings complexity and overlaps, and sometimes contradictions (Cooper, 2012; Djurfeldt, 2020; Doss & Meinzen-Dick, 2020; Evans, 2016; Fonjong et al., 2012; Paradza et al., 2020; Sampaio, 2016; Santpoort et al., 2021). In different contexts and depending on the particular issue, any one of these laws may determine outcomes of issues regarding land rights (Doss & Meinzen-Dick, 2020).

### *Legal discrimination*

When compared to women in other regions of the world, African women face the highest level of discrimination in statutory laws and social norms and practices (Bizoza, 2019; OECD, 2021), suffering from gender-specific barriers concerning land and other productive resources (Bizoza, 2019; OECD, 2019, 2021). Most land reforms implemented from the 1950s through the 1970s were gender blind and therefore assumed, as in the colonial patriarchal mindset, that assets would be under the care of the men, and this would be enough to protect all household members (Razavi 2005). After getting their independence, several countries started to introduce in their legislation provisions for gender equal access to land and other productive resources. Most African Constitutions include prohibitions on discrimination and introduce equal rights for men and women while also recognizing customary laws (OECD, 2021).

Nevertheless, the World Bank "Women, Business and the Law 2022" report indicates that out of 190 countries examined, the SSA region is one of the most discriminating regions, with a score of 71.5 out of 100, meaning that a typical woman has less than three-quarters of the rights of men in the areas measured (World Bank, 2022). In fact, in SSA, customary tenure accounts for 75-78% of the landholding (Alden Wily, 2018; Odeny, 2013) following traditional and cultural norms that define how women access and hold land use rights (FAO, 2002; Ingwani, 2021; Oziegbe-Anozie, 2020). This severely limits women's access to land (Chigbu, 2019; Djurfeldt, 2020; Ingwani, 2021; Santpoort et al., 2021) as, in general, women's rights continue to be defined by discourses that place women in a secondary position (Ali et al., 2014; Chigbu, 2019; Kivaria, 2020; Paradza et al., 2020; Po & Hickey, 2018) and prevent them from participating in decision-making about land and property (Barbosa & Lerrer, 2016; Hartlief et al., 2018).

## *Gaps in legislation*

In some laws, some family members might be excluded from the inheritance because the law considers a family member the one who lives permanently with the landholder, and women, for example, often leave the home of their parents to join their husbands' family, and, therefore, are not longer eligible to inherit land from their parents (Belay & Abza, 2020).

Additionally, most formal legislation does not stipulate landholding rights for women in a polygamous marriage arrangement (Belay & Abza, 2020) nor in an informal or de-facto arrangement (Doss & Meinzen-Dick, 2020), being silent on bequeathing land to surviving wives, not protecting the informal wives (Dugasseh et al., 2021), or in cases women decide to separate (Andersson Djurfeldt, 2020).

### **1.2 Organizational constraints**

#### *Weak institutions*

The World Bank "Women, Business and the Law 2022" report alerts that legal reforms will improve the situation of women only if these laws are effectively implemented and if care is taken in situations in which there is an intense conflict with prevailing customary and social norms (World Bank, 2022). However, the legal and regulatory framework implementation is often lacking due to weak political will and institutional capacity, which disproportionately affect women (Belay & Abza, 2020; Khuzwayo et al., 2019; Santpoort et al., 2021). There is often lack of resources and competencies to implement land laws at the local level (Bayisenge, 2018).

Weak institutional capacity also increases the risks of elite capture and corruption (Higgins et al., 2018). Additionally, the weak institutional capacity to prosecute the ones who prevaricate the law leaves unpunished those who break the laws and infringe women's land rights (Belay & Abza, 2020) and undermines trust in governmental institutions (Mengesha et al., 2021).

#### *Inaccessible Institutions*

Women fail to bring their land rights claims to justice either because they are not aware they can claim their rights or they do not have the financial means to prosecute the claim or because social norms may discourage them from making a claim (Andersson Djurfeldt, 2020; Chigbu, 2019; Dancer, 2018; Slavchevska et al., 2021).

Usually, courts and other formal land institutions are physically located far away in urban centers, which requires fees for transportation and the loss of a day of work at their farms. Furthermore, these institutions are linguistically inaccessible for many rural people, especially women. Therefore, many women do not see them as a viable option for claiming their rights (Doss & Meinzen-Dick, 2020; Hallward-Driemeier & Hasan, 2012). With the COVID-19 pandemic, courts and their formal institutions were closed or working with restrictions during lockdowns (USAID, 2020).

This has resulted in most land disputes being resolved through informal institutions, that do not have the legal right to resolve them and can be biased towards women's rights, limiting the



possibilities of women receiving a favourable outcome in land dispute cases (Andersson Djurfeldt, 2020).

### ***Corruption***

Access to land in many parts of Africa is currently seriously threatened by greed and corruption by the rich and powerful (Ikejiofor, 2006), affecting women and their land rights (Widman, 2014). There were cases reported of women with land certificates that could not defend themselves in court, especially in customary courts, when someone else confiscated their land presenting a certificate for the same plot of land (Belay & Abza, 2020). There were also examples of traditional chiefs, male relatives, and even government officials grabbing women's land to sell it for largescale projects without women's consent and compensating them (Collins, 2019; Ndi, 2019a, 2019b). Formal administrative conflict resolution in several countries is unfortunately stained by bribery and corruption of the justice process (Fonjong et al., 2010).

### ***Limited formalization of rights***

There is little consensus on whether individual titles or joint titles would serve women's interests better (Ikejiofor, 2006; Razavi, 2007) or whether communities would be negatively affected by the emergence of individualism (Errico, 2021). Bina Agarwal, an Indian economist, is perhaps the strongest advocate of individualized land rights to achieve women's empowerment, raise agricultural productivity and broader welfare gains (Andersson Djurfeldt, 2020).

While some authors indicate that land titling significantly contributes to women's access to and control over land and natural resources (Andersson Djurfeldt, 2020; Deininger et al., 2010; Ikejiofor, 2006; Lambrecht, 2016), including better access to credit with land as a collateral (Andersson Djurfeldt, 2020; Soto, 2001), others argue that most initiatives to register customary land eroded the customary safeguards in place to secure women's land tenure since they resulted in the title being issued only in the name of their husbands (Daley & Englert, 2010; Ghebru, 2019; Paradza et al., 2020; Payne et al., 2009; Ravnborg et al., 2016), leaving women in a even more precarious situation.

The fact is that women seem to lose either way unless the processes for the formalization of rights and the behaviours of local land administration officials provide for gender equity, and if there is a strong social preparation in that regard (Mengesha et al., 2021). But even though women's access to land and natural resources tends to improve significantly after land titling, that it does not necessarily mean that women will have more control power over their land (Belay & Abza, 2020; Doss & Meinzen-Dick, 2020; Errico, 2021; Santpoort et al., 2021), or that they will have equal control over land in case of joint-titling (Widman, 2014).

### ***Lack of reliable land registry***

Issues such as cost, bureaucracy, corruption, and centralization of land titling processes (Daniel Ayalew et al., 2011; Namubiru-Mwaura, 2014; Ndi, 2019b) constrain both the sporadic and systematic land tenure regularization, resulting in weak and non-realistic land cadastres. The lack of a reliable land registry has become a significant problem and a source of insecurity about

property and land rights (Balas et al., 2021; Enemark, 2016; Enemark et al., 2016; Szoke-Burke et al., 2021) aggravated by the fact that local people get very little support from the government in resolving land conflicts and protecting their land rights, women especially (Namubiru-Mwaura, 2014).

### **1.3 Socio-Cultural constraints**

Several challenges women face are intrinsically related to social and cultural norms, typically applied concerning issues of marriage, inheritance, guardianship, appointment to traditional positions and age of majority (OECD, 2021).

#### ***Patriarchy***

In Africa, western modernity promoted an ontological inequality between women and men, based on androcentric thinking, supported by the privileges created and maintained by and for men, who opt to legitimize and maintain them (Cunha & Casimiro, 2019). Within more traditional systems, male and patriarchal power discourses influence and promote gender inequality, and constitute a significant obstacle to women's land ownership and rights (Chigbu, 2019, p. 40; Chimhowu, 2019). Despite the replacement of the rule of male chiefs with modern democratic institutions, patriarchy is still a dominant gender system as women are still grossly under-represented in decision making and policy enforcement organs (Kalabamu, 2006). Furthermore, women have been acculturated throughout life to feel comfortable in relationships of domination and subordination rather than equality and independence (Barbosa & Lerrer, 2016). As a result, they suffer the most humiliation or dehumanization in the hands of male-power (Chigbu et al., 2019).

Traditional rulers in the rural areas typically allocate land only to the men (Oziegbe-Anozie, 2020). In most customary systems, women cannot inherit land, nor can they become landholders (Belay & Abza, 2020). Women stand to lose more as they hold tenuous, derived and dependent rights to land (Ali et al., 2014; Kivaria, 2020; Paradza et al., 2020; Po & Hickey, 2018). Most women are only allowed usufruct rights under the control or management of men (Chigbu et al., 2019), which prevents them from owning land, bequeathing it, use it as collateral, or sell it (Andersson Djurfeldt, 2020). In general, women "may gain access to land only through their husbands (in the case of married women) or their sons (in the case of widows) or their fathers (in the case of daughters) but can only exercise usufruct rights" (Chigbu, 2019, p. 42). Furthermore, they usually own less land and are less likely than men to have a title deed in their name (Bizoza, 2019; FAO, 2018; Lambrecht, 2016; Santpoort et al., 2021). In the extreme cases where women themselves are viewed as property of the husband because "lobolo" was paid, women find it harder to claim that they have a right to own property themselves (Dugasseh et al., 2021). Therefore, they have no confidence that they will not be arbitrarily deprived of the usufruct, or any other, rights they have over land (Chigbu et al., 2019; IFAD, 2008; Knight, 2010).

Married women tend to lose their right to inherit land from their parents because they often leave the home of their parents and join their husbands' family, and are no longer considered members of their birth family (Belay & Abza, 2020). But, if divorced or widowed, they can also lose their rights (Chigbu et al., 2019; Santpoort et al., 2021) as the husband is usually the

owner of the land and family assets (FIDH & LDH, 2007). Women can also be excluded from the deceased husband's family (Kivaria, 2020) and have difficulties claiming their land rights when the deceased husband's family members take all of the property from them - "family land grabbing" (Oziegbe-Anozie, 2020). In some cultures, the widows' rights to land are strongly tied to the number, gender and age of their children, and childless widows usually are forced to return to their father's land (Andersson Djurfeldt, 2020).

### ***Inheritance under patrilineal and matrilineal societies***

Women's land access under customary tenure, both inherited or transferred *inter vivos*, varies throughout Africa, with substantial differences between and matrilineal societies, and more specifically on the custom of settling after marriages (uxorilocal –in the wife's village; virilocal –in the husband's village, neolocal –some other village).

Except for a few matrilineal settings, land rights are typically inherited only by men, and male relatives control land allocation in both systems (Berge et al., 2014; Dancer, 2017; Errico, 2021; Robinson & Gottlieb, 2019; Van Asperen & Mulolwa, 2006). In patrilineal landholding systems, members of patrilineal systems are often concerned with keeping land within the lineage (Kivaria, 2020) and, therefore, land is passed on to male heirs, a son or a brother: it is assumed that daughters will marry men who inherit land and move to their husband's family to live (Andersson Djurfeldt, 2020). In these societies, women may lose or never be granted land rights in their natal village because they will no longer be there to use the land when married (Oziegbe-Anozie, 2020). In matrilineal systems, it is precisely the opposite. Descent is traced through the female line, but usually to the male kin: it is assumed a son will not need to inherit the land, as he will get land from his wife's family, so the land is devolved to maternal nephews (the sons of a man's sister) who would inherit their uncle's assets (Evans, 2016). Some countries practise both matrilineal or patrilineal principles (Berge et al., 2014) which can be challenging for land reforms. These are usually found within the matrilineal Bantu belt, a region of Sub-Saharan Africa that extends from Angola in the West, across Central Africa to Tanzania and Mozambique in the East (Gonzales et al., 2017).

While there is some evidence that matrilineality substantially provides better gender equality (Robinson & Gottlieb, 2019), most researchers agree that both systems serve to weaken security of land tenure for some family members, especially those who settle outside their lineage lands, as well as to obstructing the creation of gender-neutral inheritance of lands (Berge et al., 2014). Both systems dispossess the widow of the land (Mubangizi, 2016), reflecting the systemic gender discrimination and women's vulnerability to exclusion from inheritance (Cooper, 2012). Some cultures have shifted predominantly to patrilineal inheritance practices (Evans, 2016).

### ***Polygamy and informal marriages***

Although the law prohibits polygamy in several African countries (Belay & Abza, 2020), polygamy is still found in SSA, where 11% of the population lives in arrangements that include more than one spouse (S. Kramer, 2020). Polygamy is particularly evident in a segment of West and Central Africa – known as the polygamy belt – where polygamy is, to some extent, legal (Mubangizi, 2016).

According to the Land Portal, most campaigns to formalize land rights systematically left out women in informal, de-facto or polygamous marriages (Hennings, 2022). However, some countries have practices of registering spouses living in polygamous or de-facto unions (Balas et al., 2021; Belay & Abza, 2020; Lemmen et al., 2019). The laws regarding marital property often differ depending on whether the marriage is formally registered, recognized by customary or religious authorities, or some combination (Doss & Meinzen-Dick, 2020). In cases the husband dies, several women and children under polygamic or informal marriages are left without secured farmlands (Dugasseh et al., 2021).

### ***Health Stigmatization***

The HIV/Aids pandemic aggravated women's land tenure security. Some women were forced to abandon their homestead when their husbands passed away due to HIV/Aids; others were excluded from land programs or lost already acquired land due to the illness (Oziegbe-Anozie, 2020).

### ***Women can hurt other women***

Women have been acculturated and encouraged by their mothers and aunts to spend their money to buy land or to leave the land they have inherited for their male relatives, instead of for themselves, a cultural practise known as 'Brother complex' and 'self-hurt' complex (Chigbu, 2019; Khuzwayo et al., 2019). Also in cases of polygamous families, the women involved can bully and intimidate one another depending on their status on the marriage to prevent the other from accessing land (Chigbu, 2019).

## **1.4 Economic constraints**

### ***Financial instability***

Financial instability can be a significant impediment to women's land access and land tenure security (Asaaga & Hirons, 2019). In SSA, most women have little financial stability, mainly because the majority of them are unemployed as a result of discriminatory social norms that confines them to reproductive and care roles, with little access to education, but also because of discriminatory inheritance laws (OECD, 2021; Oziegbe-Anozie, 2020). In 2020, across African countries, the labour force participation rate was 20 percentage points lower for women than for men (OECD, 2021). Women are also customarily required to assist their husbands on their farms to the detriment of their farms (Asaaga & Hirons, 2019).

These issues prevent women from purchasing or inheriting land and from achieving a stable income and economic independence since land is a source of financial stability (Ingwani, 2021; OECD, 2021; Oziegbe-Anozie, 2020). Additionally, in the face of violations of their rights, most women lack the money to approach the court to protect them against such violations (Khuzwayo et al., 2019).

### ***Lack of access to finance, information, knowledge and technology***

Women find themselves dependent on ever-shrinking, less fertile, and increasingly expensive pieces of land (Paradza et al., 2020) and they face reduced probability of accessing markets and credit, benefiting from technical assistance and information (Deere & León, 2003; Dugasseh et al., 2021). These aspects reduce the possibility women have of getting the resources they need, including technology, for improving their productivity and for adopting practices that are environmentally sustainable (Agarwal, 2018, p. 30; Higgins et al., 2018).

### ***Lack of participation and decision-making***

In SSA, women often lack customary power or authority to speak (Chigbu, 2019; Santpoort et al., 2021) or are not prepared or willing to speak up (Chigbu, 2015) in meetings scheduled to address land issues, including land disputes (Paradza et al., 2020). In traditional patriarchal societies, women always have to be represented by males in councils and courts (Khuzwayo et al., 2019). Even when women have the chance to speak, they tend to avoid conflicts within the household and therefore do not mobilize actively around land demands (Jackson, 2003). Additionally, it might not be seen appropriate for women to speak on matters relating to land, as others might think their husbands are weak (Doss & Meinzen-Dick, 2020) and significant social stigma might be developed against them (Knight, 2010). When dealing with large scale investment negotiations, women's needs to remain largely uncaptured because of the constant marginalization of women from customary land governance forums that are run mainly by men and their generally low level of representation in the political decision-making process causes (Chigbu et al., 2019). These aspects have led to a weaker economic status of women (Ndi, 2019a; Paradza et al., 2020).

### ***Lack of legal literacy***

Most rural people (men and women) are unaware of women's land rights, whether under state or customary tenure systems (Santpoort et al., 2021). Several studies in SSA illustrated that, even if the law provides for equal access to land, most women lack the legal implications and are unaware of the administrative policies of ownership of land and property (Oziegbe-Anozie, 2020). Women do not understand that they can have equal rights to their brothers or husbands and that one way to secure their land rights is to register the land in their name (Andersson Djurfeldt, 2020; Bayisenge et al., 2015).

Studies have also illustrated education plays an important role and that women with better educational levels are better prepared to understand and interpret legislation and policies (Khuzwayo et al., 2019) and to fulfil the paperwork requirement for owning land (Njoh & Ananga, 2016).

## 5 CONCLUSIONS

Despite the efforts to promote gender equality in land access and land tenure security, there is still a long way to go to achieve the proposed targets and aspirations contained in several international and national agendas. This literature review illustrated that there are several factors affecting women's land access and land tenure in SSA, some general, some context dependent. These were categorized into legal, organizational, economic and socio-cultural barriers. It became apparent that, while it is important to pursue gender equality in the land legal and regulatory framework, there is also a need to understand the context in which gender inequality exists and the different needs and problems women face with regards to land access and land tenure. These aspects are important to be considered when land reforms are implemented, at all levels of land administration.

This review was not exhaustive, but it presented current perspectives relevant for illustrating the main constraints women face when dealing with access to land and other productive resources and land tenure security. Future review is required to include additional publications from professionals and their expertise on the field, and to respond to the remaining research questions regarding the impacts of gender inequality in land access and land tenure to the sustainable development and possible mitigation measures or solutions.

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