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Differentiations in Women's Land Tenure Experiences: Implications for Women's Land Access and Tenure Security in Sub-Saharan Africa

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Abstract: Most literature on land tenure in sub-Saharan Africa has presented women as a homogenous group. This study uses evidence from Ghana, Nigeria, and Zimbabwe to show that women have differentiated problems, needs, and statuses in their quest for land access and tenure security. It illustrates how women-to-women differences influence women's access to land. By investigating differentiations in women's land tenure in the three countries, the study identifies multiple and somewhat interlinked ways in which differentiations exist in women's land tenure. It achieved some key outcomes. The findings include a matrix of factors that differentiate women's land access and tenure security, a visualisation of women's differentiation in land tenure showing possible modes for actions, and an adaptable approach for operationalising women's differentiation in land tenure policies (among others). Using these as evidence, it argues that women are a highly differentiated gender group, and the only thing homogenous in the three cases is that women are heterogeneous in their land tenure experiences. It concludes that an emphasis on how the differentiation among women allows for significant insight to emerge into how they experience tenure access differently is essential in improving the tenure security of women. Finally, it makes policy recommendations.

Keywords: differentiation; gender; land; land access; land rights; land tenure; tenure security; social tenure; sub-Saharan Africa; women; women's differentiation

1. Introduction

Since the 1970s, women's development (through gender equality strategies) has been a major approach to gender-responsive governance in sub-Saharan Africa (SSA) [1]. Although the effectiveness of this approach has not been fully evaluated, there is a clear recognition of a correlation between the decision-making powers women enjoy and the quantity (and quality) of land rights they hold in every society. This situation is a reality in many SSA countries, where customary land tenure systems actively govern access to land. Land access is the "ability to derive benefit from material objects such as persons, property, institutions, socio-political and economic relations, actions, entitlement, relations of production and their respective histories that shape benefit flows. Different circumstances change the terms of access and may change the specific individuals or groups most able to benefit from a set of resources" [2], p. 153. Access primarily refers to the social and political relations mediating opportunities to use, own, hold (possess), manage, and enjoy rights (and privileges) that accrue from land. Land tenure security—otherwise referred to as tenure security—means the "rights individuals and groups have to effective protection by the state against forced eviction" [3], p. 4. Tenure security is a precondition for sustaining livelihoods in human settlements [4]. It comprises the elements of

the periodicity of holding and occupying land, and the certainty a landowner or holder of land rights has that his or her property right is protected from vested interests or more powerful individuals, including the government [5]. Periodicity applies to duration, while certainty entails the assurance of the protection of property rights [6]. “Duration” is the “period in which the land has been (or can be) occupied in a manner that constitutes possession” [6], p. 3. “Assurance of the protection of property rights” implies “where tenure is held without the threat of being arbitrarily overridden by an individual or the state” [6], p. 3. Tenure security can be guaranteed when persons or groups have protection against eviction or when the state or others recognize their ownership of land and other land rights. Being strong components of tenure security, the elements of duration and assurance (including the perception of women about tenure security) can vary within different societies.

Access to land and tenure security pose significant challenges to women in SSA, because “it is a crucial asset for food production and a key factor for shelter and community development” [7], p. 1. Therefore, the manner in which land access and tenure security are addressed in development programmes or projects can affect the security and livelihood of people (especially women, who are the most vulnerable). That is why development professionals need to become aware of women’s land access and tenure security situations from the lens of differences in shared experiences. This is important because “a focus on the differences among women allows for significant insight to emerge into how women experience tenure access differently, how various policies impact on different women and the specific ways these differences could be used to inform policy formulation and evaluation” [8], p. 1. Also, land tenure security is key to improving livelihood opportunities for people in SSA. It is particularly important for women’s empowerment in SSA because they have the least access to livelihood opportunities embedded in land [1].

A study of women’s land rights vulnerability in Zimbabwe concluded that the role of patriarchy was sometimes overemphasised in studies of women’s land rights vulnerability in the developing world [9]. Another study on Nigeria showed that the land challenges women face are sometimes as a result of “actions and inactions” of women [10]. These studies illustrate why patriarchy is only one of several institutions governing resource access along with governance structures and institutions that draw power from a variety of sources, including the government, the dominant political party, traditional authorities, and formal legislation. In creating the Sustainable Development Goals (SDGs) agenda, the global community envisaged the critical role that secure land rights for women would play in the pursuit of gender equality and ending poverty in the world. However, this will be difficult to achieve in SSA without an adequate grasp of differentiations in land tenure security among women in the region. To avoid over-simplification of women’s tenure security needs and the impacts of various land policies on women, strategies meant to enhance women’s access to land should reflect the reality of women’s situations in SSA.

In the context of this study, that reality is best described in one word—heterogeneity. This study argues that the efforts being put in securing tenure rights of women (by way of policy interventions) tend to assume women to be a homogenous group, hence these policies do not address the reality that exists in women’s land tenure experiences. In the context of this study, an alternative perspective of this matter that should be explored is best described in two words—women’s differentiation. Women’s differentiation is one of the least researched subjects (which is the knowledge gap this study seeks to address) in land tenure (policy) studies. It is an important subject that focuses on the differences in women’s situations, which affect their tenure security experiences. The study is organised into six sections. The first section is the foregoing introduction, which gives contextual background for the study. The second section presents the methodology of the research. This is followed by the outcomes of the research (third and fourth sections), which present the theoretical justifications and empirical results of the study, respectively. The fifth section is a policy discussion of the empirical results, followed by a conclusion (sixth section).

2. Materials and Methods

This study draws from findings from works that were done during March 2016 in Southern Africa, and then in July 2017 in West Africa. The work from Southern Africa was done in Zimbabwe, while the works in West Africa were done in Ghana and Nigeria. The three countries were purposively selected for the study because the authors have experience operating in those countries. However, the study was motivated by previous works of scholars such as Paradza's [8] working paper (which was published by the International Land Coalition) and Chigbu et al.'s [5] operational guide for land-use planning (which was published by the Global Land Tool Network). The two publications raised questions concerning how women's land tenure challenges should be tackled from a differentially efficient perspective [8], and what approach should be followed to achieve equal and equitable land access and secure tenure for all [5]. These two critical issues led this study to engage to answer the question, how can equitable access to land be achieved for women of all social and occupational classes in SSA? In order to answer this question, it was necessary to grasp the differences that exist among women in SSA; hence the need to investigate another question, how do women of different social groups experience land tenure experiences in comparison to each other? The above mentioned questions formed the key research questions for this study.

The primary concern of this study was to explore differences in land tenure experiences among women in SSA to provide policy recommendations for improvements. This study used data from literature and empirical qualitative data from fieldwork. The empirical qualitative data for the study were collected at district levels in Ghana and Zimbabwe, and at the local level in Nigeria. These three case studies provide different systematic, yet complementary, expositions and analyses of differentiation under matrilineal and patrilineal systems.

The Ghana study was done in the Awutu Senya District, a customary area within the Akan ethnic group. The Akan people constitute about 50 percent of Ghana's population. It draws from a study of a mix of women from male-led ($n = 8$) and female-led ($n = 7$) matrilineal households. These data were collected as part of a gender evaluation exercise during a scoping study.

The Nigeria study draws from a study of a mix of women from male-led ($n = 9$) and female-led ($n = 5$) households in the patrilineal area of Uturu (in Isuikwato Local Government Area of Nigeria). Uturu is located in the Igbo ethnic area of Nigeria. These data were also collected as part of a gender evaluation exercise during a scoping study. The context of male/female led as used in this study relates to male and female breadwinnership, and not household control.

The Zimbabwe study was conducted on women living in Goromonzi in the Eastern Mashonaland of Zimbabwe. Goromonzi is a customary land tenure area of the Shona ethnic group. It draws from a study of the life histories of 22 women heads of hearth-holds (female directed social units) who were in a communal area [11]. Communal areas in Zimbabwe are customary tenure areas created by the colonial government. The internal governance resembles patrilineal indigenous tenure systems in the world where property and authority are vested in the male head [12].

On the basis of literature, the study argued for adopting differentiation in women's land tenure. Furthermore, from the perspectives derived from literature, it used empirical data to identify and highlight the sources of women's differentiation in land tenure and how these differences inform their access to land. The study thus considers literature as one of its key outcomes. Concerning empirical data, the study adopted interpretational data analysis and approached it through an iterative theming of datasets. This was done through a process of revisiting, immersion, structuring, and reframing of data, and looking for patterns and insights that are relevant to the problem being studied. This approach allowed the authors to follow a discursive to interpreting the data based on emerging knowledge from the responses provided by the interviewees, and thus presented this knowledge without direct quotes from the respondents. The findings led to a documentation of factors that differentiate women in their situations of access to land, an understanding of the categories of sources of women's differentiation, and how differentiation informs land tenure. Based

on these findings, the study presented suggestions towards a new land policy model that embraces women's differentiation.

3. Theorising Women's Land Tenure Issues by Systematically Recognising Women from Homogenisation to Differentiation

The study of gender is essential for grasping tenurial and structural transformation and the organization of landholding in SSA, because gender relations shape women's tenure security status. Women's movements flourished throughout SSA from the 1980s under major socio-political and economic transformations such as "the democratization of political regimes, the liberalization of economies, and the retreat of the state enforced by structural adjustment policies" [13], p. 338. From then onwards, gender activists, civil society, and development organisations have lobbied for women's land rights—especially the reform of customary practices in SSA. Secure access to reproductive rights, as well as access to and control of productive assets like land, have been ranked among the priority demands. Providing answers to women's land concerns in SSA has been revolutionary because women have a direct relationship with land and livelihood sustenance in SSA. "The land question is significant for gender studies and policy formulation because land underpins the economic, social and political lives of the majority of peoples" [14], p. 13. The challenge is that the characteristics of women's land challenges have, in almost all cases, been homogenised—as though all women share the same problems and opportunities across the developing world. This "homogenisation" of women or the habit of "homogenizing" women has led to misplacement of policy priorities concerned with improving tenure security for women in SSA [8], p. 1. For instance, the role of women in household management may be a factor of women's disempowerment in some communities within SSA because it places them in a dependency relation to their men as breadwinners. However, it might not be the case in some other SSA communities where women are mostly the breadwinners, thereby making household care by women empowering, rather than disempowering. It is important to consider "differences", rather than only "commonalities", when tackling development challenges that relate to cultures, gender, and people [15], p. 815. Homogenizing women has not helped much in dragging women out of the "Inferiorisation" they have been subjected to within the "cultural space" of SSA [16], p. 340. Hence, it is important to shift from homogenization to the differentiation in the understanding of women's land tenure security.

The question that arises concerning the false homogeneity usually ascribed to women in Africa is, "What is it about cultural 'Others' that makes it so easy to analytically formulate them into homogeneous groupings with little regard for historical specificity?" [17]. Western scholars' representations of women in the "Third World" is vast [18–21]. One study specifically found that Western Non-Governmental Organisations tend to put "third world women" in one basket [22]. In the context of land, a large amount of existing literature on land tenure reforms assumes a homogeneity of women's land tenure experiences [5,23–27]. Even within the policymaking arena in SSA countries, women are often treated as an undifferentiated unit [8].

A vital theory that explains why a shift from homogenization to the differentiation of women issues should be taken seriously is Luhmann's social systems theory [28–32]. Luhmann views the "society as a social system" and one that differs uniquely [33]. In general, Luhmann viewed social systems theory as social theory and focused on investigating emergent forms of differentiation in societies [34–37]. This is what makes his thoughts on system theory relevant to issues of societies—it recognises the variations that exist among social entities, such as women's issues. Moreover, Luhmann's social system theory, which "relies on a clear and strict differentiation of autopoietic systems (as social structures) and their environment", has been applied in the understanding of issues concerning people in societies [38], p. 629.

"The society and all (sub)systems are autopoietic systems of recursively self-producing communications" [30,36,38–41]. Luhmann's position is based on both a "differentiated approach and on an operative closure", where "each autopoietic system is operatively closed and can be differentiated

from all other systems” [38], p. 629; [42]. Luhmann’s [29,33] system theory illustrates why homogeneity is a false premise in the affairs of women because it provides strict and clear differentiation thinking towards how entities within a system (such as a social structure) differ, either as different systems or sub-systems. Luhmann [32]; [36], p. 67 buttressed this by asserting that “the concept of society proclaims a specific combination of difference and identity, of differentiation.” Luhmann [32]; [36], p. 67 further argued that in all traditional societies, “whether antique, medieval or early modern”, the principle of differentiation is embedded in the daily activities and cultures of people. Hence, from the perspective of Luhmann’s theory of differentiation, “a static concept of societal differentiation tends to omit crucial aspects of the dynamics of modern society” [41], p. 223.

3.1. Homogenising Women Is Tantamount to a Lack of Human Recognition

Why does understanding women’s differentiation matter in land tenure studies? Simply put, the homogenization of women is tantamount to a lack of recognition of women. Their efforts at all fronts—historical, domestic, human image, industrial, agricultural, social, and political—become blurred by putting women all in one basket. “Recognition denotes a basic medium of social integration”, because it is “crucial to the process of socialization and identity formation” [43], p. 365. When women are unrecognized by putting them all in one basket, it leads to their lack of individuality and their development becomes dependent on generalized stereotypes. That is why the concept of human recognition is briefly discussed in this study to emphasise recognition of women’s derecognition through homogenization.

What is human recognition? Human recognition means “the extent to which an individual is acknowledged by others to be of inherent value by being a fellow human being” [44], p. 1. Kabeer [45], p. 81 argues that there are positive and negative kinds of recognition and that positive human recognition usually gears towards “inclusive citizenship”. In the context of women, a lack of human recognition for women is a sort of disempowerment. Kabeer [46], p. 437 further referred to it as a denial of women’s existence, which is “directly associated with poverty”. Still on the positive and negative sides of human recognition, Catelman [44], p. 1 said, “Provision of positive human recognition refers to actively acknowledging an individual to be of value simply because s/he is a human being. Provision of negative human recognition refers to viewing an individual as lacking inherent value or not acknowledging this value. The concepts closest to negative human recognition are *objectification and dehumanization*.”

What the above statement implies is that all types of incidences involving “specific interactions” with women that lead to humiliation—such as violence against women, objectification of women as homebodies, dehumanisation of women as the inferior gender, and denial of land access and tenure security—are negative recognitions [47], p. 9. Depriving women of what men readily have access to (like land) is a form of impoverishment of women and a kind of negative recognition of women [48]. The “inferiorisation of women” in the “cultural space” in which land tenure operates in SSA is a dehumanisation (or negative recognition) of women [10]; [16], p. 340. Recognition of differentiations in women can lead to the understanding that there are different kinds of women. Different women have different needs and wants in terms of land tenure. Different kinds of women have encountered different problems in terms of land access and the rights to natural resources. Therefore, the land access and tenure security challenges women face can be different, and, therefore, need different solutions.

This study assumes that the effects of giving human recognition to women will lead to targeted land policy implementation outcomes for women in SSA. This is possible through the recognition of variations in women kinds in land access and tenure security. However, this is only effective if the various sources from which women can receive recognition in SSA embrace the heterogeneity of women in land matters. Such factors may include recognition of women in household and family relationships, politics and policy implementation, societal cultures, organisation behaviour, and institutional arrangements. Most importantly, a way forward would be to apply functional

differentiation theory [28,29,32,36,39,40] in the empowerment of women in land access and tenure security in SSA.

3.2. Functional Differentiation Theory as a Path to Women's Empowerment

Luhmann's thoughts on social systems led to his "functional differentiation" theory. This concept is not entirely acceptable in some social systems because of confusion arising in "the debate on the proper role of the concept of function in the social sciences" [41]; [49], p. 31; [50,51]. However, many social scientists have embraced the concept in their attempt to capture societies' overall structures [52–55]. Although the concept "differentiation" has been used primarily by systems theorists [56–58], it is a concept that can apply towards the understanding of social scenarios such as land tenure situations. The main tenet of Luhmann's theory of functional differentiation is that there is a lack of unity in societies, because societies are characterized by functional differentiation—consisting of several subsystems specialized in fulfilling unique or distinct functions for their societies. When Luhmann's use of unity is viewed from the context of harmony of understanding, then it becomes highly applicable in understanding women's land access and tenure security in SSA. That is why this study asserts that women, as subsystems in societies, differ tremendously and should be viewed as such because they play mostly varying roles in their individualities, households, communities, geographies, and regions. Drawing from the key idea of Luhmann's theory—that is, "society is differentiated into various self-referential functional subsystems which operate according to their own particular logic without being subordinated to any central unit" [49], p.60; [59]—this study views women's experiences in land access and tenure security issues from the lens of differentiation of subsystems in SSA societies. The logic for seeing it this way is simple. SSA is not a homogenous region and many societies within SSA are not homogenous communities; thus, women in SSA do not have to share exactly the same land access or tenure security experiences.

This study considers differentiation to entail a state of maintaining evident distinctiveness from another, even though there remains a general connection to others. The way women's land tenure experiences are conceived differently from those of men usually lead to the homogenization of women's land access and tenure security, because any time boundaries are drawn between men-and-women categories, borders are erased concerning the diversity that exists within women-and-women variations in land access and tenure security. Research findings from reputable organizations like the International Land Coalition and United States Agency for International Development indicate that there are large differences between women's participation in agricultural production and their ownership of agricultural land [8,9,60]. Many researchers, policymakers, and development practitioners tend not to acknowledge these differences in their works. Comparisons of men and women's differences usually diminish the intra-gender differences (or pluralism or differences or variations or diversities) that may exist amongst women. In the context of land access, most literature that deals with differentiation within the household units tends to promote either female invisibility or male dominance [61]. These types of literature erratically assume that women are invisible within the SSA households. Chant [62] has provided several examples where the woman is rendered "invisible" even though she might be a dominant figure in the household. It has become normalized that women are treated as a homogenous group when compared to men. The failure to understand female differentials in land access and tenure security could lead to engendering policies that benefit only a section of communities, rather than the whole women within a community. "Homogenising women in those communities ignores differences among them which are themselves important determinants of land access and vulnerability status" [8], p. 2. Differentiating women is important to more accurately target interventions for improved land access and for securing tenure. A crucial question that arises at this point is, what are the sources of differentiation in women's land access and tenure security in Africa? This study uses findings from selected SSA countries to identify and illustrate sources that can be used as a foundation to understand variations among women.

4. Results: From Theory to Reality—Women’s Differentiation in Ghana, Nigeria, and Zimbabwe

4.1. Differentiated (Yet Interlinked) Matrix of Scenarios of Women’s Land Tenure

This study confirmed that women are highly differentiated groups in their land access and tenure security experiences, with a pattern of somewhat interlinked situations of differences across the three cases. This implies two important issues. First, women are highly differentiated in their land tenure experiences within any system or sub-system of a society. Second, this pattern of differentiation is observable across the three cases because women are part of the structures of the society in which they live. They are also creative agents of their societies.

The differentiated (and yet interlinked) experiences of women across the three cases were collected and used to create a matrix of women’s situations in differentiation. The matrix was designed to show the specific situations and relationships observed across the three cases. The matrix also serves as a tool of visualisation of the differences and similarity in the sources of women’s differentiation across the three cases (see Figure 1). The descriptions of the factors of women’s differentiation (in land tenure) are different because the data were collected separately from the three different case study areas. Although they lack uniformity in description, the different factors can be easily grouped or categorised based on their similarities (or meanings) in the context of land tenure in SSA.

The matrix of situations that differentiate women in their quest to attain land access and tenure security (Figure 1) confirms that Luhmann’s [28–32,34,36,37,39,40] theory of social differentiation applies to women in SSA societies.

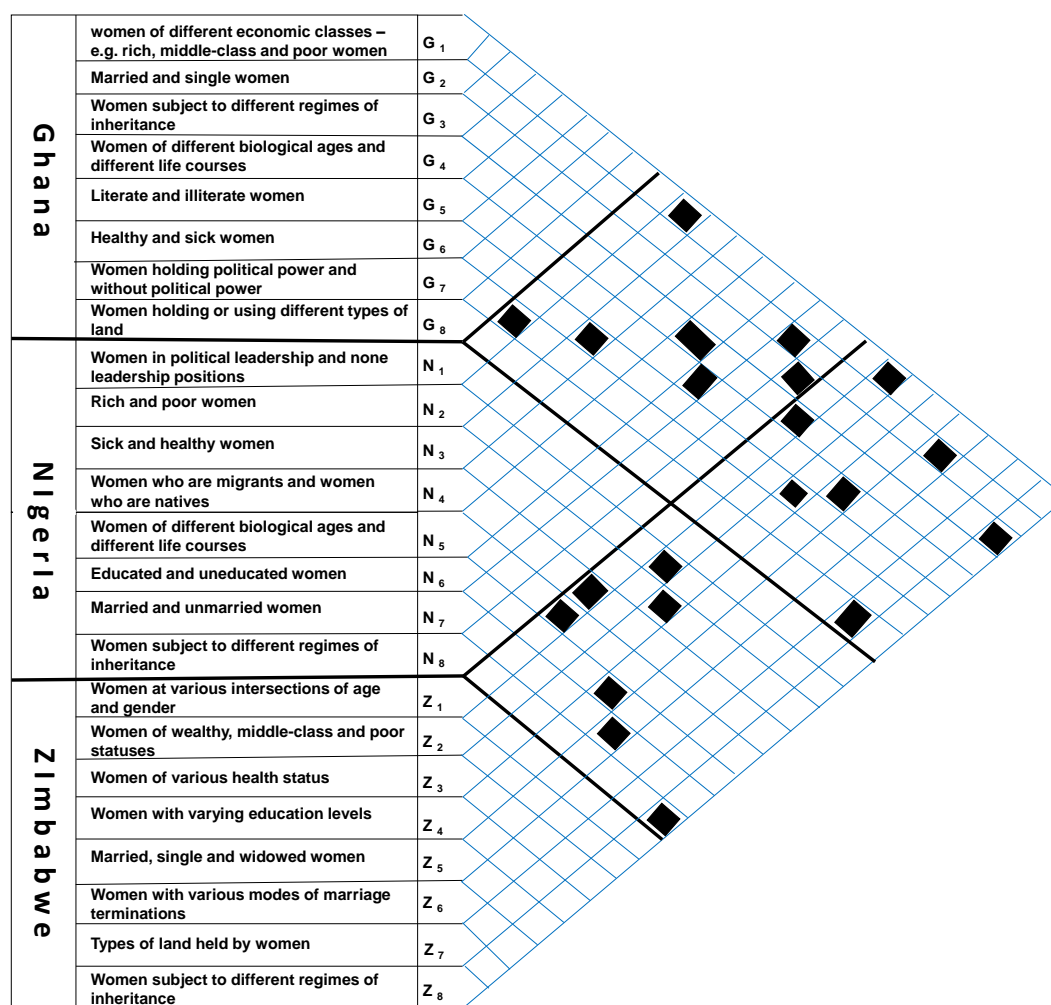


Figure 1. Matrix of situations found to differentiate women’s land access and tenure security

Figure 1 shows a set of eight major situations in which women are differentiated in Ghana, Nigeria, and Zimbabwe. The shaded intersections represent similarities in differentiation across two or three of the countries. Intersection G_1N_2 , N_2Z_2 , and Z_2G_1 represent the similarity phenomenon in all three countries where land access and tenure security differ according to women of different economic classes in Ghana; rich and poor women in Nigeria; and women of wealthy, middle-class, and poor statuses in Zimbabwe. Women's situations are described differently in terms of married and single women in Ghana; married and unmarried women in Nigeria; and married, single, and widowed women in Zimbabwe. These differences represent differences in land access and security of tenure, but which are common to all countries as indicated by interaction of G_2N_7 , N_7Z_5 , and Z_5G_2 . Again, G_4N_5 , N_5Z_1 , and Z_1G_4 show that women of different biological ages and different life courses in Ghana and Nigeria access land differently with varying levels of tenure security, while women at various intersections of age have different land access and tenure security. Common to Ghana, Nigeria, and Zimbabwe are different tenure situations of women subject to different regimes of inheritance, as shown in the matrix by the meeting of G_3N_8 , N_8Z_8 , and Z_8G_3 . In addition, G_8Z_7 establishes a commonality (in their patterns of differentiation) between Ghana and Nigeria, where the types of land held by women (or women holding or using different types of land) differentiate women in security and access to land.

Furthermore, healthy and sick women (or women of varying health status) form a set of differential classes for women along the spectrum of tenure and security in Ghana, Nigeria, and Zimbabwe. Healthy women are considered to be women with no known disease (or conditions) capable of causing psychological or physical incapacitation. Sick women are considered to be women with a known disease (or condition) capable of causing psychological or physical incapacitation. The matrix shows a correlation in these indicators of differentiation in the intersection of G_6N_3 , N_3Z_3 , and Z_3G_6 . Nonetheless, G_5N_6 , N_6Z_4 , and Z_4G_5 show the common linkages in the differences that exist among literate and illiterate women in Ghana or educated and uneducated women in Nigeria or women with varying education levels in Zimbabwe, in accessing secure land tenure. Finally, while differences in tenure security arising from differences in women holding political power and women without political power are common to women in Ghana and Nigeria (G_7N_1), differences between women who are migrants and women who are natives in accessing land tenure security were common in Nigeria (N_4), and women with various modes of marriage terminations were recorded as a source of difference in women land access and security of land tenure in Zimbabwe. Consequently, these measures of differences led to the classification of sources of differentiation among women into broad categories.

4.2. Categories of Sources of Women's Differentiation

From the matrix of situations that differentiate women (as shown in Figure 1), it was possible to discern the typologies or categories of sources of differentiations. However, it does not provide the narratives (details) on how it affects women's land access and tenure security. In order to delve into the details, it was necessary to firstly identify more concretely the various sources of women's differentiation—that is, the various ways in which women's differentiation exists in women's land access and tenure security. To create a typology of sources, all situations of differentiation identified in the matrix (Figure 1) were categorized into the 10 categories explained below:

- Economic status: Economic position of women in relation to others.
- Marital status: Women's state of being married (polygamy or monogamy) separated, widowed, single, or divorced.
- Type of land: Category of land based on the purpose for which women use it.
- Health status: Women's state of wellness and/or burden of care.
- Education status: Women's level of attainment of formal education.
- Life cycle stage: Age and stage in life cycle.

- Inheritance regime: The status women assume at birth or are assigned later in life (voluntarily or involuntarily) in the succession of land—for example, patriarchal versus matriarchal systems (big gap between practise and theory).
- Spatial location or habitation of women: Women's residence in urban, peri-urban, or rural areas or locations.
- Socio-political status: Relationship to powerful individuals.
- Migrant status: Women who are non-natives versus those who are natives of the place from which they hold land rights.

The above categories of women's differentiation in land access and tenure security are what define the major ways in which women differ from each other in SSA. However, women under any of these scenarios can be affected differently or similarly. Describing the specific scenarios women encounter in Ghana, Nigeria, and Zimbabwe is mandatory for understanding the practical implications of differentiating women's land access and tenure security in SSA.

4.3. How Differentiation Informs Land Tenure in Nigeria, Ghana, and Zimbabwe

This section draws on the differentiating criteria identified in the matrix to explain how they impact on land tenure in the three case studies. The criteria used by the authors are not exhaustive, but have been selected to highlight how differentiation informs tenure security.

4.3.1. Economic Status of Women

Women use economic resources to negotiate access to land (or possess and use) and contest threats to their tenure security. Women's ability to mobilise resources for the use of land determine their land tenure security.

The three cases showed that wealth determined the type of activities women engage in as a way of gaining access to land. A woman's capacity to mobilise financial resources increases her capacity to mobilise labour, inputs, and other resources (including title registration) needed to secure, defend, and benefit from the land. The reverse is true of less wealthy women. In Ghana, Nigeria, and Zimbabwe, women who had high economic status (breadwinners) were found to know more about financial issues related to land matters. In the same countries, women who are dependent on their husbands (or on someone else) were found to lack the requisite knowledge (and had less awareness about) for land transactions. In Ghana, women with high economic status bought or leased plots of land for expanded farming investments. In Nigeria, such women focused more on buying land to invest in small-scale commercial building (shops or stalls) for rental purposes. In Zimbabwe, the same kind of women invested in residential rental property.

4.3.2. Type of Land Used or Owned by Women

The type of land can differentiate women's tenure. Women's land tenure status can be differentiated by the kind of land they own or use, or the rights they may hold in land. For example, although all residents in customary tenure areas are primarily regarded as subsistence farmers, women who have secured land on the (vernacular) land market may have less secure tenure than those who acquired the land by allocation from their family and or the traditional authority and/or inherited land from their own family lineage. In the three countries, women who are dependent on agricultural land tend to be more insecure than women who have access to building land in the case of large-scale land acquisitions for agricultural purposes.

As the notion in many areas of Ghana is that the land belongs to the paramount chief (and he can choose to do what he likes with the land), the chances of women gaining access to land depends on their loyalty to the Chiefdom, traditional rulers, and the community. Women holding agricultural land or farmlands do so at the mercy of the Chiefs. In the case of Nigeria, Chiefs are not that powerful (as in Ghana). Thus, Nigerian women tend to exercise more freedom in their choice of land types. Despite

the power of Chiefs in Ghana, women who owned land personally showed higher freedom in their use of the land. Most of them put the land to mixed uses (for commercial stalls, as well as residential and gardening purposes). However, those who had co-ownership of land rights used the land mostly for residential purposes in Zimbabwe. In Nigeria, those who directly derived land use rights from their husbands (or other relatives) had to use the land only for farming, and based on the dictates of their husband (or relatives) from whom they gained access to the land.

4.3.3. Health Status and/or Burden of Care of Women

The health status and/or burden of care of women is a source of differentiation. Ill women and/or those who are looking after ill family members may face challenges to mobilise adequate labour to work the land and/or benefit from natural resources. The Zimbabwe case's focus on Human immunodeficiency virus infection and acquired immune deficiency syndrome (HIV/AIDS) impact illustrates how the ill members were the primary wage earners, so their illness undermined the household's access to cash and labour. In Nigeria and Ghana, women with known mental illness (usually referred to as mad women) become stigmatised and usually have their relatives take over their land properties. The health status of a woman determines her capacity to use the land or lose it to those in a better position to do so.

4.3.4. Marital Status of Women

Marriage is a strategic institution that mediates women's access to land in all three cases. The terms on which married or divorced women hold land in the three communities varies and differentiates their tenure security. Although literature homogenises women who are outside marriage as "women-headed households", the Zimbabwe case illustrates the differentiation among these. The case illustrates that the way in which a marriage ended informs the tenure security. Widows who continued to live on the land that was originally allocated to their deceased husband hold the land on different terms to those accorded to a yet unmarried adult woman in the same village. Women who never married acquired derived land rights from their male guardian, usually a father and/or brother. The tenure was subject to decisions by the primary land rights holder.

The way in which a marriage ends has different implications on women's land tenure security. In all three countries, the terms on which divorced, widowed, and/or separated women hold land is not the same. In the Nigerian case, women married under customary marriage are not necessarily entitled to a fraction of the land (even if it was bought together with their husbands), but may live in their home until death. In the Zimbabwean case, widows may continue to inhabit the land left behind by their dead husbands even if they do not have sons within their household. They can also sell their inherited land on the property market, and thus enjoy the same tenure status as men do within their communities. In Ghana, widows (in the matrilineal societies and in the absence of a customary will, called *nsamansew*) are left to access land through their maternal relatives (as a matter of family obligation) at the demise of their husbands. This is different in Nigeria, where the women are expected to be accommodated by the family of their demised husband.

4.3.5. Education Status of Women

In the three countries, the number of years women spend in school educational attainment affects how they access land and how secure they feel about their rights or ownership in land. Educated women are informed about their rights and laws concerning land. They are either best placed to take initiatives to secure land or rights over land or defend their rights anytime they come under threat. Thus, educated women usually have higher tenure security than uneducated women.

An example of differentiated tenure among educated women in Ghana is the case of two women (according key informant interview) with different levels of education (one was a university graduate and the other a primary school dropout). They were both allocated land by the traditional authority. However, the university graduate went ahead to survey her parcel of land and processed a lease from

the Traditional Authority. The other woman did not document her parcel. During a dispute in the area, there was need to provide proof of ownership. The graduate produced her land documents as proof of land rights. The other woman could provide no documented proof. The educated woman used her land documents as a basis for defending her right over a contested part of the land, and this was accepted by the traditional authority, while the uneducated woman could not provide proof for her land. These sorts of scenarios are indicative of the role that difference in education (or literacy level) could play in women's access to land. Educated women tend to ensure evidence of tenure security when compared with uneducated women.

4.3.6. Life Cycle Stage of Women

In Zimbabwe, older women have stronger decision-making powers on land than younger women. As a result, they have more secure tenure than younger women do. Older women have more secure tenure because tenure security status emanates from negotiations over time as they lived; fulfilled their traditional roles, for instance, giving birth to children (especially male children); and then earned the right to have land allocations as independent landholders.

In all three countries, older women are usually more vulnerable to accusations of witchcraft and this can weaken their negotiation power over land, because such accusations can lead to their being ostracised. This may undermine their security of tenure.

In the three countries, this study found age to be a limiting factor to women's ability to put land to productive use. In Zimbabwe, aged women become more recognised in their societies and are encouraged to take up leading decisions in community affairs. This makes it easier for them to access land by getting more involved in decisions on land in their communities. In some jurisdictions, older women tend to enjoy security of tenure because people are of the belief that people who interfere with their land would be hunted by the spirits of these women when they die.

In Nigeria, this is different—women may become more recognised in the affairs of their communities, but this recognition is limited outside the boundaries of land-use decisions, because land is tied to kinships. In Ghana, women are mainly viewed to be weaker at a later age and in the matriarchal societies, age weakens women's control over land. This usually leads to less access for women at an old age (above 69 years). This is highly evident in cocoa growing communities.

4.3.7. Inheritance Regime in Which Women Live

The inheritance regime in which women live can influence their tenure security experience. Women living in patriarchal societies, as in Nigeria and Zimbabwe, access land through their sons, husbands, and male relatives. On the contrary, women from matrilineal societies (as in Ghana) access land through their mothers or maternal relatives. The matrilineal societies in Ghana are not matriarchies in the conventional sense of the term. Rather, they constitute maternally lining inheritance cultures lacking leadership of the socio-political institutions by a woman (or women). These matrilineal regimes entail a form of socio-political arrangement whereby descent and relationship transit through maternal lines. The matrilineal regime does not generally translate to easier access to land for women than in patriarchal societies that are kinship based. However, where land is accessed and put to use in matrilineal regimes, the women felt more secure than those from patriarchal regimes.

4.3.8. Women's Settlement Area (e.g., Urban, Rural, or Peri-Urban)

There is a spatial perspective to women's tenure experiences. In Ghana, women living in peri-urban areas faced more challenges of legal pluralism in their access to land compared with their rural counterparts, whose tenure is customary by nature. Land acquisition processes were confusing because of the predominant practice of a mix of customary and statutory tenure by women. While legal pluralism is a national issue in Ghana, urbanisation activates the full flare of its effects when statutory land acquisition processes, which are characteristic of urban areas, come into conflict with customary land acquisition processes. In Nigeria, women accessed land in the rural areas through

customary tenure (with less problems of legal pluralism). In Zimbabwe, women who accessed land in the peri-urban areas faced less legal pluralism and did not encounter procedural challenges (in land acquisition processes) like the women in Nigeria and Ghana. The women in peri-urban areas indicated that they have lower perception of tenure security, whereas those from rural areas indicated higher perception of tenure security within the same countries. These experiences are indicative that women's land tenure situations are highly distinguishable from those that live in rural, urban, and peri-urban areas.

4.3.9. Migrant Status of Women

Women who are non-natives versus women who are natives of the place from which they hold land rights or ownerships. In Zimbabwe, this differentiates women who were working for land holders in the village—they had weaker land tenure than the women born in the village and/or married in the village. The women-workers' tenure was tied to their employment, while the other women could negotiate their tenure. In Ghana and Nigeria, women who emigrated into customary communities had less access to land than those who were natives or born by parents from the same customary communities. In Nigeria, migrant women were considered as *ndi obia* (an Igbo term for non-natives in the rural or customary parlance). Being a nonindigenous woman in Ghana and Nigeria limits access to land because of a lack of lineage linkage to kinships or matriarchies. In the customary area of Ghana, women of native origins may be entitled (in relation to the right to land) to build a residence and/or hold a farmland. In the same place, women of migrant origins may not enjoy similar rights or privilege. This means that what may constitute a land right to a native woman may be a land restriction to a migrant woman.

4.3.10. Women's Relationship (to Those) with Power

The relationship of the woman to those who wield power over land and natural resources also informs her land tenure security. The Zimbabwe research illustrated that a woman whose husband, father, son, and/or uncle was the customary leader was less vulnerable to eviction from their land when they became widowed, while those who were not related were more vulnerable to arbitrary decisions that undermined their land rights. In Ghana and Nigeria, women who held influential positions, like queen mothers, princesses and chiefs' wives, or women group leaders (and their relatives), may have had more power than women who were ordinary citizens. Women use this power to negotiate and defend land access.

5. Discussion and Policy Emerging Issues

5.1. Towards Embracing Women's Differentiation in Land Tenure Issues

Judging from the tripartite experience presented in this study, a new land tenure intervention (which embraces women's differentiation) is necessary for SSA countries. However, such a model must call for a thoroughgoing re-evaluation of the women's recognition in the socio-political land economies of SSA countries. This is necessary to discourage actions that impede the recognition of women in the land tenure rearrangements and policymaking processes. It is a model that would lead to a gender rebalancing in regards to women's land tenure (in terms of land access) and tenure security in SSA.

A land tenure intervention, as has been used here, refers to activities of changing development objectives related to land—including processes of consultation and deliberation resulting in a legitimate or social and legal decision or actions—that impact on women's land access or tenure security situations. Considering the mosaic of policies practised (albeit, differently and indifferently) by various SSA countries, it is not practicable to produce a one-size-fits-all policy proposal. Rather, this study suggests some foundational steps that are necessary for making existing and emerging policies (or regulations and procedures) to recognise women's differentiation in land tenure administration and management.

Two steps are of crucial importance for creating an enabling environment and an entry point for applying women's differentiation in the endeavour to ensure that women gain access to land, as well as tenure security. The two steps include adopting a mode of women's differentiation in land tenure projects and mainstreaming women's differentiation at different land policy levels (Figure 2).

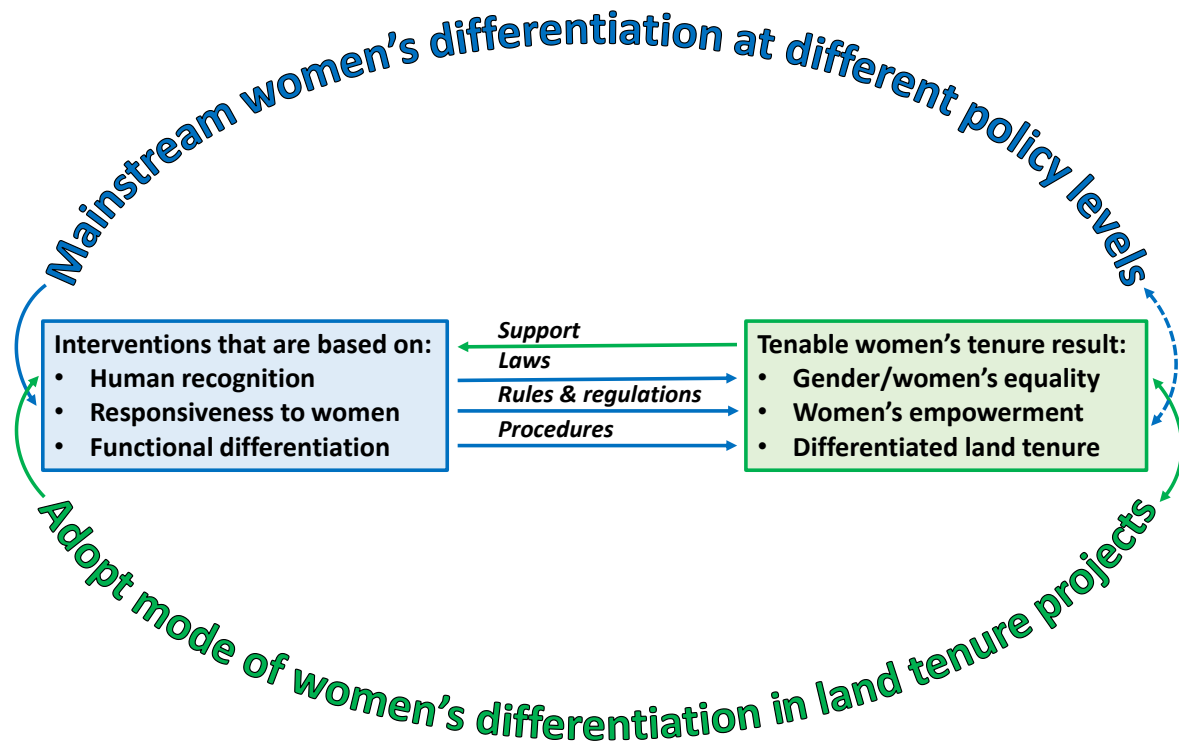


Figure 2. An adaptable approach for operationalising women's differentiation in land tenure.

In the context of SSA, an easier entry point would be adopting a mode of women's differentiation in land tenure projects. This can work under any situation (whether countrywide land policies exist or not), because it can be done through any administrative, management, or governance institutions that directly influence land tenure interventions. A second path would be to mainstream women's differentiation at different land policy levels (where land policies exist). In this aspect, land policy institutions can directly influence land tenure interventions and indirectly produce outcomes for women by providing policy frameworks for securing women's access and tenure security. Both paths can ensure human recognition; responsiveness to women's needs and functional differentiation; and, through laws (rules and regulations), and procedures for development project execution, lead to gender/women's equality, empowerment, and differentiated land tenure outcomes. On the other hand, these outcomes can support renewed interventions. To operationalise this approach in SSA countries, it is necessary to expatiate on the aspects of adopting a mode of women's differentiation in land tenure interventions and mainstreaming women's differentiation at different land policy levels.

It is important to note that the recommendation of Figure 2 (an adaptable approach for operationalising women's differentiation in land tenure) does not imply a suggestion of a one-for-all model for Ghana, Nigeria, and Zimbabwe. The adaptation of the approach will always take different operational paths in the three countries because of the differences they have in their modes of support for land policy activities (by in-country agents of change), variations in their laws and rules (and regulations) for land policy implementations, and differences in their administrative procedures for enforcing land policies.

5.2. Adopting Modes of Action in Support of Women's Differentiation

Policies and legal frameworks that target women in SSA should be made, at various levels, to become responsive to women's differentiation. This is important because a land policy that is sensitive to (or recognises) women's differentiations would make for a more equitable approach to women's empowerment. A starting point will be to consciously determine a path (or mode) towards an all-women empowerment via tenure security improvement.

An all-women focus is only possible by applying differentiation. From the scenarios discerned from the three case studies investigated in this study, there are modes of tenure security situation that exist as a result of either "homogenising" or "heterogenising" women's land tenure experiences in land policy making and policy implementation [8], p. 1; [63], p. 2. This is what it looks like in a women's differentiation land tenure graph (Figure 3).

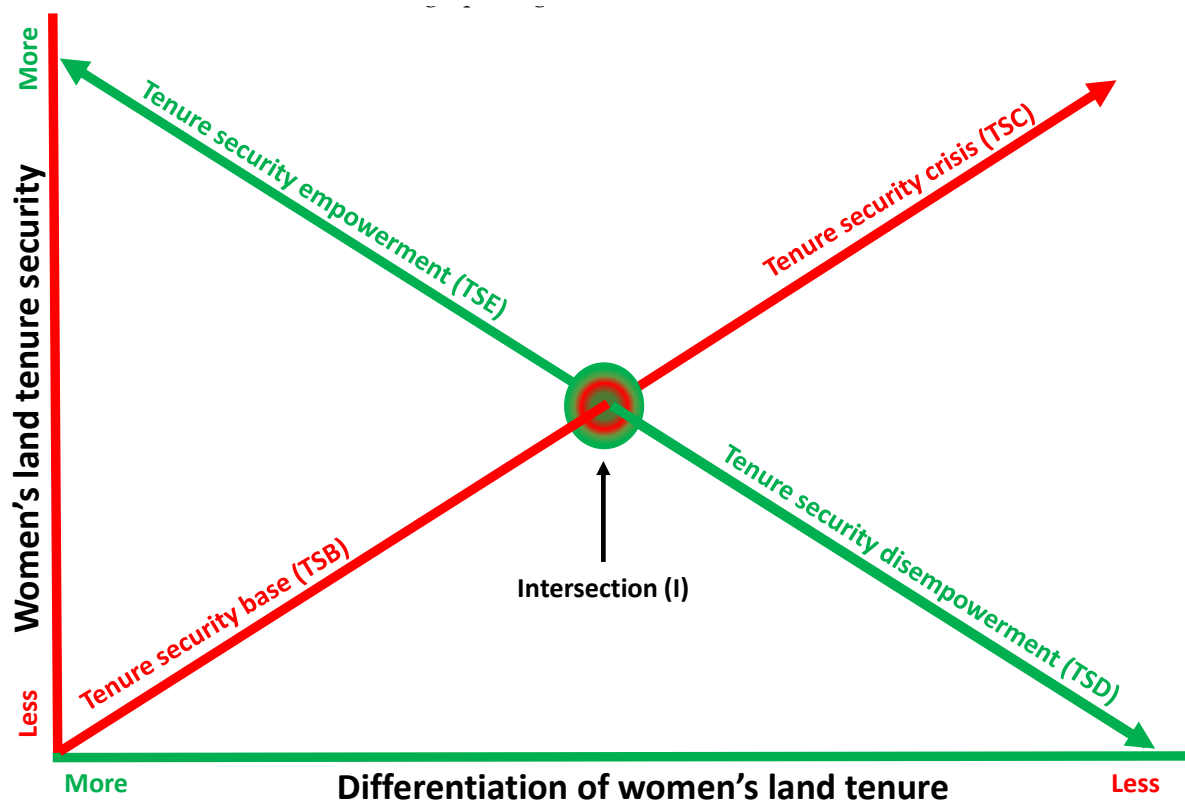


Figure 3. A women's differentiation land tenure graph showing possible modes for actions

The graph (Figure 3) is not meant to present a classical economics supply and demand model of women's differentiation in land tenure. It is conceptualised on the premise that women were more (or easily) differentiated during the earlier historical period in SSA, when there was no population explosion and there were complexities in identifying what women's livelihood activities entailed (as they were all farmers or gatherers, just like early humans). Over time, women have become difficult to differentiate (today) because of complexities in women's activities in relation to land. In addition, there is the issue of emerging complex identities of women [64]. This has made women difficult to differentiate. In the graph, the vertical axis is increasing tenure security for women while the horizontal axis is decreasing differentiation of women's land tenure experiences.

- **Tenure security base (TSB):** The tenure security base for women is generally accepted to be low in SSA for reasons pertaining to cultural practices inherent in customary tenure [65]. This means that, *ceteris paribus*, the starting point for women in terms of tenure security is generally low.

- Tenure security crisis (TSC): As women generally start from a low base of tenure security, the less differentiation is applied in handling their tenure security alleviation, the greater chance there will be a crisis in the future. A tenure security crisis for women is a situation in which enhancement of tenure security alludes majority of the women who are poor (due to homogenization of women).
- Tenure security disempowerment (TSD): Women become more disempowered (in terms of tenure security) as their land tenure experiences become less differentiated (or continue to be undifferentiated).
- Tenure security empowerment (TSE): Women become less disempowered (or more empowered in terms of tenure security) as their tenure security experiences become more differentiated.
- Intersection (I): This is the equilibrium point. It occurs when women's differentiation leads to tenure security. At this point, recognising women's differentiation in policy implementation produces tenure security and different kinds of women can be reached via policy implementation on land tenure.

In summary, the graph says that the most appropriate mode of action for improving policy impact on women's tenure security is to embrace differentiation of women's land tenure experiences. Unlike in a classical demand and supply thinking, the point of intersection (I), does not necessarily imply a point where women become satisfied with their land tenure conditions. This is because differentiation will always vary as new factors of differentiation emerge. The ultimate point of embracing women's differentiation should to get to the stage where women become empowered.

5.3. Mainstreaming Women's Differentiation at Land Policy or Project Levels

Land policy, land governance, land administration, land management, and the land tenure framework, which provide the basis for development implementations, can be made to become responsive to issues of women's differentiations. This will make them serve as frameworks and guidelines with clear gender direction towards achieving multi-faceted impacts on women's tenure security and other land tenure related needs. For this to be possible, it will be mandatory to integrate the differentiations women have in land tenure into the design of any reforms aimed at securing women's land access (and for improving their tenure security needs). To be able to integrate differentiations in women's land matters, it is important that it be recognised at different levels of policy framing—for example, from the global to the local levels. In this regard, policymaking at the national level (national laws) presents the best opportunities for a starting point.

In the three countries investigated in this study, national laws and policies have failed to address women land access and tenure security from heterogeneity perspectives. In Nigeria, the Land Use Act and National Gender Policy (while advocating for women property rights) fails to identify differences in women [66–68]. These laws, which are central to land and women's issues in the country, ignore the different circumstances under which women experience tenure insecurity. In Ghana, the Draft Land Bill [69] was criticized for not containing clauses that explicitly protect women's customary and spousal land rights, especially where customary rules discriminate against women tenure rights. A simple search for the term “women” in the Ghana National Land Policy [70] and the Draft Land Bill [69] returns no results, let alone provides for differentiations in women land issues. In Zimbabwe, Mushunje [71] noted that the 1999 Draft National Land Policy [72] of Zimbabwe sought to address gender issues in the country's reform, but with little success. It also failed to cater for women's differentiation in land issues. In all of these countries (Ghana, Nigeria, and Zimbabwe), the failures to address differential problems in women's land tenure lie in the fact that these laws (and policies) address land tenure inequalities from the perspective of men-and-women differences, while ignoring inter-gender differences in land tenure. This is why this study has laboured to argue for differentiation (in this case, from the lens of addressing women's land access challenges).

Global institutions like the United Nations Organisation and its agencies have played a crucial role in setting agendas for the emancipation and empowerment of women towards realisation of their

human rights. This is supported by pan-African initiatives that include *Framework and Guidelines on Land Policy in Africa* [73]. The framework and guidelines on land policy specifically acknowledged that systems of patriarchy dominate Africa and strongly “discriminate against women when it comes to ownership and control of land resources” [73], p. 8. Sub regional institutions like Southern African Development Community (SADC), Intergovernmental Authority on Development (IGAD) in Eastern Africa, and Economic Community of West African States (ECOWAS) (to mention a few) have also developed policies and frameworks, which national and local governments have a responsibility to domesticate and implement. Importantly, all SSA countries have either land policies or a guiding law or regulation on land and land intervention matters. By recognising and acknowledging the factors that differentiate women in land tenure, these policies (or laws and regulations) can engender women’s differentiation towards greater effectiveness of land interventions.

Regional administrative and political committees, regional land sector agencies, and regional technical services will find gender analysis that is based on differentiation more efficient for local implementation. Achieving improved, but differentiated tenure security for women should be a key part of regional strategies for local development. At the local levels, the impact of tenure security improvement should be targeted at people, especially women, at the local level. When regional strategies are responsive to differentiations in women’s land tenure challenges, the tendency for its implementation at municipal or village levels can have an impact on local communities.

Women’s differentiation cannot be recognised and mainstreamed into land policies or land projects without understanding the dynamics of gender relations as a mandatory issue for the transformation of tenure systems to become gender responsive. For instance, securing land access and ensuring tenure security are important aspects of programmes geared towards redistributing land to those in need, especially women. Where such programmes are generally designed to ensure women’s empowerment, it would benefit only women of particular status rather than women of different statuses. However, where various factors that differentiate women (as have been identified in this study) are considered, such programmes have the potential to result in broader empowerment of women of different statuses. In a land tenure perspective, this situation could lead to closer equality in the context of men-and-women comparison, and more equitable in the context of women-and-women comparison. This may appear to be a little scale-up in resolving a big challenge, but it represents an enormous intervention in a fair distribution of land and enhancement of tenure security among women.

Consequently, programmes seeking to promote secure land rights for women should recognise the relevant factors of differentiation in women to produce efficient and effective impacts. For instance, where marriage is found to be a major differentiating factor among women, a registration process that captures women in monogamous and polygamous marriages will increase awareness of and facilitate targeted policy to secure the land rights of married women. Likewise, policies that recognise differentiated wealth status can be better targeted to enhance the economic status of those poorest. Similarly, other factors of differentiations—such as age, life cycle stage, education, type of land to which women have access, social status, and health status (or burden of care)—should be mainstreamed into development programs to cover the needs of women’s differentiations.

6. Conclusions

It is logical to assume that efforts made towards improving women’s land tenure problems—specifically, their land access and tenure security challenges—usually lead to women’s empowerment in general. However, in-depth studies done on women have shown that high-income and middle-income (or more privileged) women benefit more from these efforts, compared with the generality of women who are usually poor, vulnerable, and disempowered [8,10,46,74–77]. This is why this study calls for understanding broad-based women-differentiated patterns of land tenure in the efforts being made at tackling women’s land access and tenure security challenges by focusing on the variations that exist in women’s situations. The study highlights an important issue in land tenure—the place of women in the society and literature on land tenure issues—throughout the African continent. It uses

evidence from Ghana, Nigeria, and Zimbabwe to show that women have differentiated problems, needs, and statuses regarding land tenure security in SSA. It, therefore, concludes that not integrating the differentiation in women's land access and tenure security into the designs of land programs and land policies is a weakness that should be addressed, because it contributes to women's continuing land tenure insecurity. This conclusion is based on the premise that policies that do not account for the differences among women in their efforts at securing tenure will have limited impact in securing women's empowerment. By making this argument, this study has evoked a major policy reality that women's differentiation has been ignored for too long. It has shown that even though women are usually disadvantaged in land access when compared with men, women's land tenure status is unusually disadvantaged among themselves. The reason being that they are differentiated among themselves. That is why this study sought to show that homogenizing women's land access and tenure security leads to over-generalisations in land policy and programs.

The study's critique of the homogenisation of women's tenure security does not in any way negate that land policy generalisation also leads to structures that are biased towards men. However, policies that fail to recognise and account for the differences among women limit their expected impact in securing women's access to land and tenure security. Hence, the diversity of women and their differentiated relationships to the land need to be understood through the lens of the differential impact of broader processes on their lives. The factors of differentiation identified in this study should not be considered in isolation as they can interlock to reinforce tenure insecurity. For example, a poor woman who is widowed and lacks a power base would be more likely to have vulnerable land rights compared with a wealthy woman who is a member of the chieftainship who loses her husband.

Generalised interventions have limited impacts on women and vulnerable households regarding land tenure, because women consist of differentiated groups. Policies or frameworks geared towards tenure security improvements should incorporate the diverse contexts of situations within local communities. Continuation of such policies implies the continued rendering of women invisible in the quest to securing pro-poor land tenure security. To be efficient and effective, land policies and related interventions should be as flexible as possible and should target specific, but differentiated local impacts on tenure security. An understanding of women's differentiations in land tenure provides renewed opportunities for new methods of gendered policy evaluation and formulation.

Finally, emphasising women-and-women differentiation in land tenure studies has the potential to widen the existing knowledge of women's land tenure. Over the past decades, the discipline of feminism and gender studies has focused on women-and-men differences and women-and-women commonalities with little focus on women-and-women differences. As a result, theoretical and practical knowledge production concerning women-to-women power relations, negotiations, and contestations have at best been insufficient, because most studies on women have ignored women-and-women differences in land management and land policy. Recognising the challenges faced by women and feminists, and the dire need to attain gender equality and equity in SSA, understanding the differentiations among women is critical. If included in the curricula of universities, it has potential to give added value to capacity development in land related study areas such as land policy and land governance, which is a major concern of the African Land Policy Initiative. Women and gender constitute a serious learning need within the land policy and governance domain of SSA. There is a need to include women's differentiation into the curricula and teaching in gender studies to provide more in-depth knowledge of differences between women in the same or different land tenure situations as students.

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