



Women's Land Rights in Sub-Saharan Africa: Where do we Stand in Practice?

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This Brief examines the challenges in implementing laws protecting women's land rights in Sub-Saharan Africa. While some progress has been made in enacting legal protections, remaining discriminatory legislation, weak enforcement mechanisms, and conflicting rules and norms—notably, those embedded in customary land tenure practices—continue to limit women's rights to land in practice, perpetuating gender inequalities. The Brief draws on pilot data from the World Bank Group's *Women, Business and the Law* project to assess the frameworks in place to support the implementation of laws related to owning and controlling land. It highlights the discrepancy between legal provisions and their implementation. Detailed examples from two countries, Ethiopia and Nigeria, that exhibit some of the largest implementation gaps in Sub-Saharan Africa, highlight the significance of proper implementation. This Brief contributes to understanding the complex nexus of land rights in Sub-Saharan Africa and outlines ways to improve implementation, so that laws can have a greater impact on protecting women's rights to land in practice. Also, this Brief discusses the need for concerted efforts to narrow the implementation gap in fragile and conflict-affected settings where land tenure insecurity has the potential to perpetuate fragility and conflict.

Land tenure security is a key enabler for women's empowerment

Land plays an especially important role in women's socioeconomic development and empowerment in Sub-Saharan Africa. Owning and controlling assets, including land, has important bearings for economic mobility, bargaining power within the household, and household resilience (Doss, Kieran, and Kilic 2020; Kilic, Moylan, and Koolwal 2020). Further, secure land rights for women can provide a pathway to women's empowerment and agency and can advance economic prosperity and human development of future generations (Jayachandran 2015). Despite these benefits, women own and control substantially less land than men (Doss et al. 2018). The gap is largest for sole ownership: only 13 percent of women in Sub-Saharan Africa claim sole ownership, compared to 36 percent of men, according to a recent study by the World Bank (Gaddis, Lahoti, and Li 2018). This gap narrows when joint ownership is considered, but even then, it remains significant: 38 percent of women in Sub-Saharan Africa report owning any land (alone or jointly), compared to 51 percent of men (Gaddis, Lahoti, and Li 2018).

In Sub-Saharan Africa, land rights are embedded in a complex, interwoven web of rights that may overlap, complement, reinforce, or even conflict with one another. Family

codes and personal status laws, which govern legal procedures pertaining to familial relations and inheritance, also play a crucial role in regulating land rights because they define fundamental rules related to accessing, administering, and transferring property. These laws define the rights and obligations of individuals regarding land ownership within the context of familial and marital relationships. Land rights are also regulated in specific laws such as land codes or land administration acts. Further, many economies in Sub-Saharan Africa recognize different sources of law (such as customary law and/or religious laws). The coexistence of different legal systems, often referred to as legal pluralism, can create conflicts and inconsistencies in land governance that can, in turn, curtail land tenure security and limit access to property, especially for women (Tamanaha 2008). This is specifically relevant in fragile and conflict-affected situations (FCS) where disputes over land access may have the potential to spiral into violent conflict (Eck 2014).

Legal systems and patriarchal gender norms often discriminate against women, resulting in obstacles for women to acquire and retain land. These challenges are particularly acute in Sub-Saharan Africa, where discriminatory laws, often with colonial roots, limit women's legal rights to land. In addition, customary land tenure, the most common form of land tenure in Sub-Saharan Africa, anchors land ownership on traditional rules and practices. These norms and practices, which are

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Box 1 Assessing property rights around the world: Questions regarding the legal and supportive frameworks included in *Women, Business and the Law*

The World Bank Group's *Women, Business and the Law* project asks five questions about gender differences in property and inheritance laws and five questions about their associated supportive frameworks with respect to the Assets indicator.

Legal questions on Assets (190 economies covered)

1. Do men and women have equal ownership rights to immovable property?
2. Do sons and daughters have equal rights to inherit assets from their parents?
3. Do female and male surviving spouses have equal rights to inherit assets?
4. Does the law grant spouses equal administrative authority over assets during marriage?
5. Does the law provide for the valuation of nonmonetary contributions?

Supportive framework questions on Assets (55 economies covered - pilot study)

1. Are incentives or programs such as joint titling between spouses in place to encourage women's land tenure security?
2. Is there a procedure in place to enforce equal inheritance rights?
3. Are there special provisions for major transactions concerning the marital home?
4. Is spousal approval required to transfer or sell immovable marital property?
5. Have procedures, guidelines, or binding legal precedent been issued to calculate nonmonetary contributions equitably?

Source: *Women, Business and the Law* project.

Note: For more information on the development of the process-related framework for this pilot study, refer to World Bank (2022). For a more detailed overview on the pilot data, refer to: <https://wbl.worldbank.org/en/implementation>

frequently unwritten rules not formally enshrined in statutory law, shape the landscape of land tenure in Sub-Saharan Africa (Boone 2017). While customary land tenure can provide social cohesion and governance at the local level, it can also create barriers to secure land tenure, particularly for women.

In practice, even if laws guarantee equal rights for men and women, cultural and social norms may prioritize male inheritance or deny women decision-making power in the transfer of marital property (Braunmiller et al. 2023). As a result, women can face further barriers and discrimination when asserting their rights to land in practice. In addition, limited awareness of legal protections and inadequate enforcement mechanisms can undermine women's ability to exercise their rights effectively. On top of that, patriarchal power structures and gender inequalities within communities may further marginalize women and hinder their access to and control over land.

This Brief assesses the extent of potential discrepancies between existing laws protecting women's rights and the respective supportive frameworks in place that implement these laws. This assessment sheds light on how economies keep their legal promises in practice, with a focus on FCS contexts and Sub-Saharan Africa. In doing so, this Brief draws on the *Women, Business and the Law* (WBL) project, which collects data on legal barriers to women's economic opportunities across eight indicators following the life cycle of a working woman: Mobility, Workplace, Pay, Marriage, Parenthood, Entrepreneurship, Assets, and Pension. Through a pilot study conducted in 55 economies, *Women, Business and the Law* assesses the implementation of laws in practice across eight areas. Supportive framework indicators measure governments' efforts to institutionalize, operationalize, and enforce laws in practice. The 55 pilot economies represent 79 percent of the world's population. Out of the 55, seventeen economies are classified as FCS according to the World Bank classification. In these economies women may face additional challenges in realizing their economic rights in practice due to instability and insecurity.

After providing a general overview of the pilot data, this Brief dives deeper into the Assets indicator, which measures gender differences in laws regulating property ownership and inheritance and their associated supportive frameworks (Box 1).

Although there are global commitments to uphold women's property rights and ample evidence highlights the socioeconomic benefits of women's land rights, 76 economies continue to legally discriminate against women in accessing assets; 31 of these economies are in Sub-Saharan Africa. Moreover, even if economies possess robust laws on paper, they may lack the necessary supportive frameworks to translate legal rights into practice effectively.

The importance of supportive frameworks and processes for proper implementation of the law

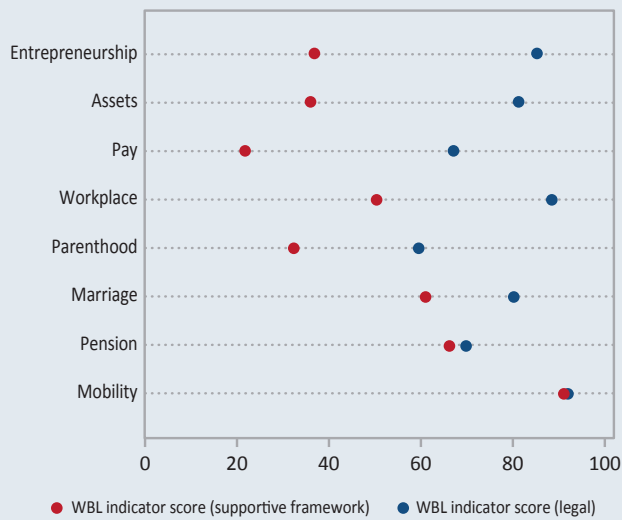
Enacting gender-equitable laws is merely the first step to securing women's rights. The proper implementation of those laws is equally essential to ensure their intended impact and to uphold the rights they seek to protect. Across the 55 pilot economies, the average score on the WBL legal index is 78.1, compared to a global average of 77.1 out of 100. In contrast, the average supportive framework score across pilot economies is much lower, at only 49.6. This indicates that while women's *legal* rights are about three-quarters of those of men, women hold only about half the rights of men in practice.

Across all pilot economies, comparing WBL's legal score (in blue) with the supportive framework score (in red) reveals large gaps across most of the eight indicators (Figure 1). Specifically, for the Entrepreneurship and Assets indicators, the difference between the legal and supportive framework score—the implementation gap—is large and significant, meaning that while economies largely uphold women's legal rights, they fall short of these legal promises in practice.

Implementing women's legal rights in practice: A challenge in fragile and conflict-affected situations

Proper implementation of the law is crucial in FCS contexts, which are often marked by political instability, violence, or institutional weaknesses, and where implementing the law can be more difficult (Figure 2). This disparity highlights the substantial challenges faced by women in FCS economies, where weak supportive systems hinder women's ability to exercise their rights. In FCS economies, women enjoy about 70

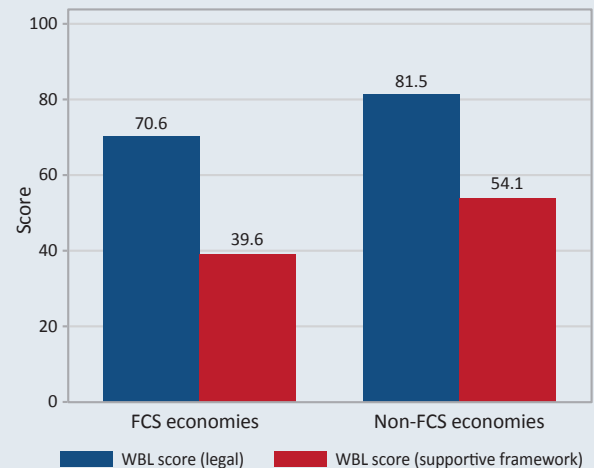
Figure 1 The reality of women’s rights: Falling short of legal promises



Source: *Women, Business and the Law* database.
 Note: The figure presents the average legal scores (blue dots) and supportive framework scores (red dots) for each of the eight *Women, Business and the Law* (WBL) indicators for 55 pilot economies.

percent of the legal rights of men. In practice, however, women only benefit from a supporting framework for about 40 percent of these rights. This discrepancy emphasizes the urgent need to improve support mechanisms to ensure legal promises for women are also implemented in practice. Therefore, investing in strengthening governance, promoting stability, and building

Figure 2 Fragile and conflict-affected states struggle to support laws in practice

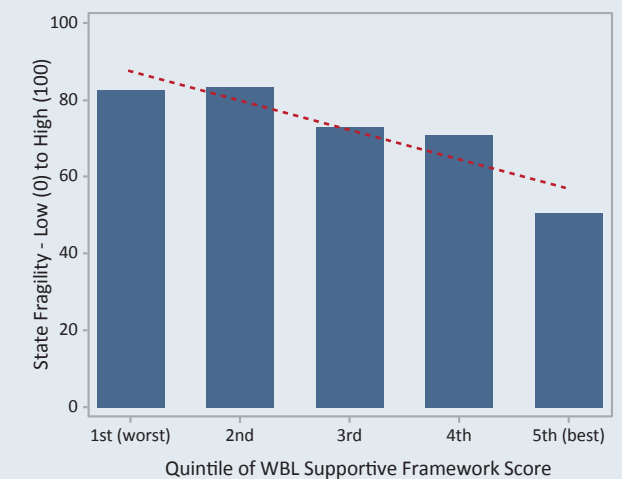


Source: *Women, Business and the Law* database.
 Note: The figure presents the average scores for the *Women, Business and the Law* (WBL) legal index (blue bars) and supportive framework index (red bars), grouped by whether economies are or are not in fragile and conflict-affected situations (FCS). Of the 55 pilot economies, 17 economies are grouped as FCS, while 38 economies are grouped as non-FCS according to World Bank classifications.

robust institutions becomes imperative to addressing the specific implementation challenges faced in these contexts.

By the same token, economies with lower WBL supportive framework scores are associated with higher state fragility (Figure 3). This is in line with recent literature that suggests that proper

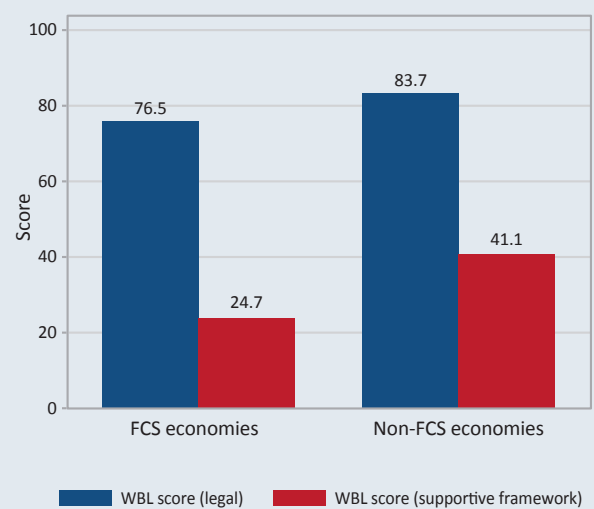
Figure 3 Economies with higher *Women, Business and the Law* supportive framework scores are less likely to experience state fragility



Source: *Women, Business and the Law* database and Fragile State Index (<https://fragilestatesindex.org/>).

Note: The figure presents the correlation between the average *Women, Business and the Law* (WBL) supportive framework score within each quintile and the State Fragility Index, which assesses the vulnerability and instability of economies based on various indicators such as political, social, and economic factors. Although the figure presents a simple correlation, the relationship remains statistically significant after controlling for income (measured as gross domestic product per capita as reported in the World Bank’s World Development Indicators database).

Figure 4 In FCS contexts, women only realize about one fourth of the rights of men regarding owning and retaining assets in practices



Source: *Women, Business and the Law* database.
 Note: The figure presents the average scores for the *Women, Business and the Law* (WBL) legal index (blue bars) and supportive framework index (red bars) for the Assets indicator, grouped by whether economies are or are not in fragile and conflict-affected situations (FCS). Of the 55 pilot economies, 17 economies are grouped as FCS, while 38 economies are grouped as non-FCS according to World Bank classifications.

implementation of the law may also be beneficial for reducing state fragility (Hudson, Bowen, and Nielsen 2020). Hence, supportive frameworks in place to ensure that laws are enforced consistently and transparently seems to be associated with social cohesion and the mitigation of conflicts. The equitable application of laws in practice, ensuring the protection of rights for all citizens, including women, is associated with reducing grievances and minimizing the potential for social tensions that could lead to violence or community destabilization. While an indication of the importance of supportive implementing frameworks, these results cannot be interpreted as evidence of causality because state fragility may also be influenced by developments in the macroeconomy and political environment, as well as by other potential confounders, which may be imperfectly captured by the control variables available.

Implementing women’s property rights in practice

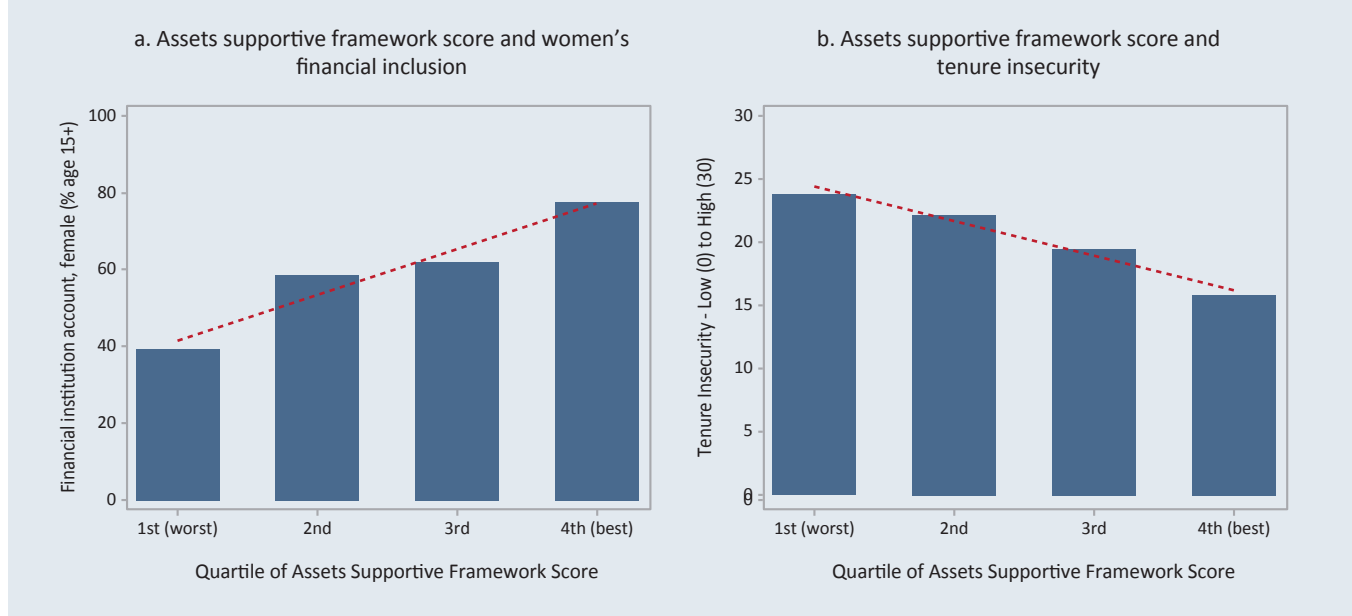
The challenges associated with effective implementation of the law become particularly apparent when examining the supportive frameworks established for Assets (Figure 4). Across the pilot economies, laws demonstrate a relatively favorable stance toward women’s property rights. Yet, it is not the case in practice. Among all indicators, the Assets indicator exhibits the largest implementation gap (more than 50 points difference) in FCS contexts. That is, in FCS contexts, women hold only about one-fourth of the rights of men with regard to owning and retaining assets in practice. Hence, tenure reforms that aim to clarify and strengthen the rights of women—including the provision of joint titling, the enforcement of inheritance rights, and the requirement for spousal approval when transacting property—seem to be lacking in these contexts.

Therefore, much work still lies ahead for all stakeholders to ensure that the laws in the books are adequately accompanied by supportive frameworks that ensure women’s rights to land. This, in turn, is associated with beneficial socioeconomic outcomes for women. Considering that land often serves as the primary form of collateral and women, on average, hold less land and are less frequently included in land titling, women may also be less likely to access finance when they need it (see, for example, Nguyen and Le 2022). While weak property rights can create obstacles for women to enter contracts and access finance (Perrin and Hyland 2023), economies with a better supportive framework to implement women’s legal rights in practice are associated with higher levels of financial inclusion (Figure 5, panel a). In the best quartile, where strong supportive frameworks are mostly in place, almost 80 percent of women also have financial accounts, compared to less than 40 percent in economies with lower supportive framework scores. In addition, proper implementation of the laws is also associated with lower levels of perceived tenure insecurity (Figure 5, panel b). While an indication of the importance of supportive implementing frameworks for Assets, these results cannot be interpreted as evidence of causality because other potential confounders may influence the association.

Land in the context of fragile and conflict-affected economies: The cases of Ethiopia and Nigeria

Since the 1990s, and particularly during the past decade, land reforms have come to the forefront of the policy agenda in Sub-Saharan Africa, which houses nearly half of the world’s usable uncultivated land—about 202 million hectares

Figure 5 Proper implementation mechanisms for land rights empower women economically



Source: For both panels for Assets, *Women, Business and the Law* database. For panel a, for financial inclusion, World Bank, Global Financial Inclusion (Findex). For panel b for tenure insecurity, Prindex (<https://www.prindex.net/data/>).

Note: Panel a presents a simple correlation between the average supportive framework score for the *Women, Business, and the Law* (WBL) Assets indicator within each quartile and the average percentage of respondents who report having an account at a bank or another type of financial institution (including a mobile money account), using global Findex data for 2021. Panel b presents a simple correlation between the average supportive framework score for the WBL Assets indicator within each quartile and tenure insecurity provided by Prindex, which measures individuals’ perception of land tenure insecurity. While a first indication of the importance of supportive frameworks for Assets, these results cannot be interpreted as evidence of causality because other potential confounders may influence the association. Although the figures present a simple correlation, the relationships remain statistically significant after controlling for income (measured as gross domestic product per capita as reported in the World Bank’s World Development Indicators database).

(Byamugisha 2013). These reforms aim to establish effective land management institutions, securing or harmonizing communal and customary property rights, and addressing conflicts over land (Alden Wily 2018; Deininger 2003). Particularly in Sub-Saharan Africa, these reforms have brought about a “quiet paradigm shift” in customary land governance, creating a middle ground between individualistic land ownership and customary land tenure systems in which users often have limited formal rights (Chimhowu 2019). Although the reforms have pledged to provide greater security of tenure, specifically for women, their implementation in practice might not be keeping up.

Women in FCS contexts are especially vulnerable, often experiencing multiple forms of discrimination, including limited access to and control over assets. Recent data on perceived land tenure security reveals that land tenure insecurity is more pronounced in FCS economies, posing risks such as land conflicts, disruptive land administration systems, and land dispossession (Childress, Diop, and Berning 2022). Thus, securing land rights, both in law and in practice, is crucial in these contexts not only for women’s own economic empowerment but also for sustainable peace, stability, and economic development.

To better understand the disparities between the legal land governance framework and its implementation, two Sub-Saharan economies classified as FCS by the World Bank, Ethiopia and Nigeria, can be examined as illustrative examples. Assessing the situation of land governance and drawing from the scope of the pilot study, this section focuses on three aspects of the supportive framework in the area of Assets in Ethiopia and Nigeria: joint titling, inheritance rights, and spousal approval to sell or transfer property.

According to the *Women, Business and the Law* database, since 1970, Ethiopia has adopted ten legal reforms across the eight areas measured, increasing women’s economic opportunities and inclusion. Over the past 50 years, Ethiopia’s score on the *Women, Business and the Law* legal index has increased from 50.6 to 76.9, and now exceeds Sub-Saharan Africa’s regional average score of 72.6. Nigeria, in contrast, has made less progress on women’s legal rights over the past five decades, resulting in a score below the regional average, at 66.3. This means that Nigerian women have only about two-thirds of the legal rights of men. In turn, the supportive framework scores in both Ethiopia (46.3) and Nigeria (38.1) fall well behind their legal scores. This significant implementation gap in both economies indicates that women’s economic rights, while protected to some extent by law, are hardly realized in practice.

In the area of Assets, this gap is even more pronounced. Indeed, Ethiopia’s laws put men and women on an equal legal playing field in the area of Assets (score of 100). Nigeria (score of 80) has room for enhancement concerning the recognition and valuation of nonmonetary contributions to marital property, such as childcare and domestic work, which often place a disproportionate burden on women. In both economies, however, the implementation of these laws in practice is lagging. Among the pilot economies, the implementation gap in the area of Assets is among the largest for Ethiopia and Nigeria.

Unpacking the land tenure system in Ethiopia and Nigeria

Ethiopia and Nigeria both exhibit gender gaps in land ownership. In Nigeria, only 8.2 percent of women report having sole ownership of land, compared to 34.2 percent for men (Gaddis, Lahoti, and Li 2018). In Ethiopia, the share of women

with sole ownership of land is higher, at 14.4 percent compared to 32.3 percent for men (Gaddis, Lahoti, and Li 2018). The gap narrows significantly when also considering joint ownership: 61.3 percent of women report owning land (alone or jointly) compared to 61.5 percent of men in Ethiopia; in Nigeria, 16.9 percent of women report owning land (alone or jointly) compared to 41.3 percent of men (Gaddis, Lahoti, and Li 2018).

Since colonization, Nigeria’s land governance framework has been marked by a dual legal system that includes both statutory law (derived from European legal systems) and customary law (based on customs and traditions). After independence, in 1978, Nigeria enacted the Land Use Act, aimed at addressing the challenges arising from the colonial legacy by providing a uniform land administration system across the country, vesting all land into the state (Land Use Act, Section 1). On the surface, the Land Use Act legally provides for equal rights for both men and women to access and own land. The Act, which is applicable all over the country, grants the statutory right of occupancy in urban lands. In turn, customary rights of occupancy for rural land are granted by the local government. Because the Act defines customary rights of occupancy as “the right of a person or community lawfully using and occupying land in accordance with customary law” (Land Use Act, Section 51), the Land Use Act explicitly allows for the application of customary norms. Further, the Land Use Act does not explicitly address gender disparities in land ownership and control and does not include specific provisions to protect women’s rights to land. It thus does not address potentially discriminatory customary practices that often disadvantage women in land matters in practice.

Ethiopia’s legal landscape governing land rights is similarly complex. Before the Ethiopian revolution in 1974, the country had an interwoven land tenure system marked by an interconnection between customary practices and religious norms (Bayeh 2015). During this period, customary law widely prevailed and differed significantly across the country. The political transition to the Derg regime in 1974 led to the adoption of the new Land Proclamation of 1975, which declared all rural lands to be the collective property of the Ethiopian people and abolished private ownership of rural land (Article 3.1). The Land Proclamation of 1975 in Ethiopia did not specifically include provisions on gender or safeguards for women’s land rights. After the collapse of the Derg regime, state ownership of land was reinstated in Ethiopia’s new Constitution. The 1995 Constitution, which is still in force today, includes specific provisions on women’s lands rights. Article 35 explicitly grants women rights to use, transfer, administer, and control land. Further, Article 35 explicitly grants women the right to inherit property.

Despite these constitutional provisions, until recently, they were not reflected in statutory law. Until 2000, the codified civil law, in Article 656, stipulated that the husband is the sole administrator of common property, thereby constraining women’s land rights. Ethiopia only fully equalized men’s and women’s rights in its statutory laws on July 4, 2000, when it introduced the Revised Family Code, which recognized the equal rights of a married woman to the possession and administration of personal property (Article 59). The Revised Family Code also establishes that consent of both spouses is mandatory for the transfer of common property (Article 68). Further, a 2005 measure, a key legal instrument currently governing land rights in Ethiopia, Land Administration and Land Use Proclamation No. 456/2005, explicitly recognizes women’s rights to land, codifying rights for women to acquire and use rural land (Article 5c).

Women’s rights to land in legal plural systems such as in Ethiopia and Nigeria

In both Ethiopia and Nigeria, customary law plays a major role in the everyday life of its citizens. In both countries, multiple ethnic groups have their own sources of law. Nigeria, for instance, has more than two hundred ethnic groups that apply distinct customary laws, and there are about sixty different customary legal systems in Ethiopia (see, for example, Donovan and Assefa 2003). Customary law varies significantly across ethnic groups, reflecting diverse cultural practices, traditions, and norms related to land tenure, inheritance, and property rights. This has implications for women because it can result in disparities in women’s access to and control over land, inheritance rights, and property ownership, with some ethnic groups exhibiting more gender-equitable customary practices than others. This issue becomes particularly relevant in the absence of supportive frameworks that ensure the proper implementation of laws. In cases where customary practices contradict the law, the responsibility of resolving conflicts between statutory and customary law often falls on the courts. Hence, women’s rights and entitlements may be subject to interpretation and adjudication, potentially leading to uncertainty and unequal outcomes.

The role of joint titling in promoting women’s land tenure security

Incentive programs, such as joint titling, that promote women’s land tenure security can be a significant factor contributing to women’s land rights in practice. Women holding land titles are considered more likely to participate in household decisions and community activities, to be aware of their land rights, to have higher perceived levels of tenure security, and to be more willing to invest in their land (Deininger and Goyal 2023; Melesse, Dabissa, and Bulte 2018). Ethiopia and Nigeria had distinct experiences with joint titling. In the past, Ethiopia had put in place ambitious land registration and certification programs. While the land registration program did not pursue the goal of mandating joint titling per se, it nonetheless enhanced tenure security for women and reduced the number of land-related disputes (Mengesha et al. 2022). Under Ethiopia’s First Level Land Registration and Certification Program (1998–2004), the government embarked on an effort to certify the long-term use rights in four rural regions—Tigray, Amhara, Oromia, and the Southern Nations, Nationalities, and Peoples’ Region (SNNPR) (Cohrane and Hadis 2019). Addressing some of the shortcomings of the first program, the government introduced the Second Level Land Registration and Certification Program (2005–2020), supported by international donors (Adamie 2021). Land parcels were registered either jointly in the name of the husband and wife or as a single holder in the name of a male or female. The registration process involved village elders and women representatives who served as informants in resolving land-related disputes (Ghebru and Girmachew 2020). By 2021, more than 15 million certificates have been issued in Ethiopia and these land registration efforts by the government have contributed to narrower gender gaps in land ownership in Ethiopia (Deininger et al. 2008; UN Women 2022). Preliminary data show that nearly 90 percent of the land certificates included the name of women, either as sole or joint owner (UN Women 2022).

In Nigeria, there are currently no explicit provisions for joint titling in place, nor are there any government programs that focus on registering women’s land rights. The Land Act, which is the main instrument governing land rights in Nigeria, is recognized in

Section 315 (5) of the 1999 Constitution, which notes that the Act cannot be altered or repealed except through the constitutional amendment process. Several efforts to reform or repeal the Land Act were unsuccessful or stalled. To deal with challenges in the land administration system, a Presidential Technical Committee for Land Reform (PTCLR) was established in 2009 with the mandate to drive and coordinate land reform initiatives in the country. The PTCLR’s primary responsibility was to provide guidance to the government regarding the registration of landholders. The Committee proposed systematic land titling and registration. However, the results of an initial titling program undertaken by the PTCLR were rather limited due to limited funding, limited political will, and many veto players in Nigeria’s federal system (Ghebru et al. 2014).

Relatively progressive land laws, and government programs that encourage joint titling, are a substantive foundation for women’s land rights in practice. However, joint titling programs alone may not be sufficient to enhance women’s rights in practice. Certificates may reinforce use rights of women but women’s right to control and transfer land may still be affected by broader gendered norms. Hence, empowering women to be aware of their rights is a vital complement to certification programs to further ensure their rights in practice.

Despite the laws, many women struggle for inheritance rights in practice

As in most of Sub-Saharan Africa, inheritance is the most important means of acquiring property in Ethiopia and Nigeria. In practice, women may have the right to use land, but in many contexts, these rights hinge on their relationship to a man: a husband, father, brother, or other male relatives. Despite legal provision for equal inheritance rights, women often do not inherit land despite having legal rights to do so—they may be forced by male relatives or their communities to waive their rights. Although details of customary practices vary from one ethnic group to another, daughters often do not inherit land from their fathers, but rather attain secondary rights to use land through their husbands when they marry.

In Ethiopia, customary inheritance laws follow a patrilineal inheritance system that generally favors men. In Ethiopia’s Afar Region, for instance, under the customary system, women are denied equal inheritance rights from their husbands or families (Abebe and Flintan 2021). Similarly, in Nigeria, Igbo customary law prohibits female children from inheriting, a practice condemned in a Supreme Court judgement (*Ukeje v. Ukeje*, 3PLR/2014/150). Similarly, the Nigerian Court of Appeal held that the Nnewi custom of *Oli-ekpe* (according to which only the male child can be an heir) was discriminatory and unconstitutional [*Mojekwu v. Mojekwu*, LPELR-13777(CA)].

Further, weak implementation mechanisms allow for extended time periods to claim inheritance rights, facilitate unrestricted cancellation of wills, or permit the provision of multiple wills on a single property. Such practices can limit women’s land inheritance rights in practice. This is particularly relevant in contexts where the law does not protect women’s rights to land. In Ethiopia, for instance, only family members can inherit land [Land Proclamation of 2005, Article 8 (5)]. Family members are defined in the laws as those who live permanently with the landholder sharing the same livelihood [Land Proclamation of 2005, Article 2 (5)]. However, following customary laws, women in both Ethiopia and Nigeria often join their husbands’ families once they marry. In this case, according to many customs, they may no longer hold the status of family members, which may curtail their rights to inherit land from their parents (Belay and Abza 2020; Obi and Aduma 2020).

Spousal approval: Safeguarding women’s property rights in marriage

While documented land ownership is one way of ensuring land tenure security, it is still relatively uncommon across Sub-Saharan Africa. Particularly where customary tenure systems are prevalent, individual owners may have varying rights to their land depending on their gender. One of these discrepancies may be related to the disparity between ownership rights and decision-making power over land. In some cases, women may not be involved in decisions concerning marital property.

Ethiopia and Nigeria differ regarding supportive frameworks and regulations to transfer or sell immovable marital property. Ethiopia requires the consent of both spouses for any major property transaction involving the sale, exchange, rental, pledge, mortgage, or transfer in any other way (Revised Family Code 1999, Article 68). In contrast, Nigeria does not have such a requirement. Consequently, disputes over land are often left to the courts. Legally, a husband needs his wife’s consent only if marital property is jointly owned. To prove joint ownership, both names must appear on the title document and the deed. In practice, however, Nigeria’s certificates of occupancy, which prove ownership, often only hold one name, the husband’s name. In May 2023, the High Court of Lagos recognized joint ownership over marital property even though the wife’s name did not appear on the statutory certificate of occupancy as she substantially contributed to the property. Nigeria’s Supreme Court ruled similarly in case of divorce (*Coker v. Coker*, FSC. 317/196). While Nigeria’s courts can play a protective role over women’s rights, the absence of a similar protective mandate like the one in Ethiopia hinders women from realizing the full potential of their rights and may deprive them of decision-making power over land.

Conclusion

This Brief’s findings highlight the significance of land tenure security for women’s empowerment and the challenges women face in realizing their land rights in practice. Despite legal provisions, women continue to experience discriminatory

practices and limited access to land due to prevailing customary norms, weak enforcement mechanisms, and conflicting rules and norms. The pilot study reveals a substantial gap between the legal framework and its implementation. This warrants an emphasis on establishing supportive frameworks that translate legal provisions into practical outcomes. Having good laws in the books is nearly not enough to ensure women’s rights protection in practice (Box 2).

The analysis specifically underscores the importance of proper implementation of laws to ensure equal rights for women regarding land ownership, use, and control. While formal land titling can provide secure rights, the limited adoption of joint titling programs and low land registration rates indicate the need for comprehensive interventions that include all stakeholders, including customary leaders who often hold pivotal power in land allocation matters in Sub-Saharan Africa. In addition, inheritance rights for women remain constrained in many economies, hindering their ability to acquire land even when legally entitled. Strengthening legal frameworks and processes to enforce equal inheritance rights is crucial.

The discrepancy between the WBL legal index score and the supportive framework score highlights the challenges women face in realizing their economic rights. It underscores the need for concerted efforts to bridge the gap between legal provisions and their implementation, especially in contexts characterized by instability and weak institutions. Addressing these challenges requires a multifaceted approach that goes beyond legal reforms alone. It necessitates raising awareness among women about their legal rights, providing training and capacity-building to navigate the legal system effectively, and engaging with customary leaders to promote gender-equitable land access and control. Mitigating legal pluralism and harmonizing family, marriage, and inheritance laws are additional essential steps toward ensuring an equal level playing field for women.

This Brief emphasizes the need for concrete action to enhance women’s land rights by bridging the divide between existing legal provisions and their effective implementation. It advocates for the strengthening of supportive frameworks and

Box 2 Main lessons

The data and analysis presented in this Brief yield four main lessons.

1. *Promote gender-sensitive land reform.* Recognize women’s specific needs and challenges related to land access and control, and explicitly include provisions on women’s land rights in statutory laws that ensure women’s equal right to access, use, and control land and other productive resources.
2. *Harmonize the existing legal framework.* Effectively consolidate and harmonize the existing legal framework governing land rights to protect and promote women’s equal right to access, use, and control land, including removing provisions contained in other areas of law—such as civil codes and laws on personal status, family, and marriage—that may contradict new land legislation. Likewise, promote harmonization between customary and statutory laws to ensure an equal level playing field for women.
3. *Narrow the implementation gap.* Merely having strong laws in place is not sufficient; supportive frameworks and effective implementation are crucial. Measures that can all encourage women to claim their rights and can help challenge discriminatory aspects of customary practices include support for programs to increase awareness of women’s rights; empower women to understand their full set of land rights and offer support to navigate the legal system effectively; the establishment of implementing mechanisms such as joint titling; the enforcement of equal inheritance rights in practice; and the requirement of consent by both spouses when transacting marital property.
4. *Promote gender norm change:* Narrowing the implementation gap to ensure that legislative promises are also fulfilled in practice is important in FCS contexts. Women face unique issues in fragile and conflict-affected settings and addressing pervasive gender disparities should be viewed as much as a security imperative as it is a development priority. Working with customary and community leaders to facilitate dialogue on how to address and overcome harmful gender norms and biases that hinder women from gaining rights and control over property should be taken into consideration.

the promotion of gender equality in land tenure security. In FCS contexts, this will require enforcing and updating land records regularly to ensure accurate and up-to-date documentation of land ownership and safeguarding that ambitious land certification programs benefit women consistently even when incentive programs end. Further, harmonizing different sources of law to ensure that family, marriage, land, and inheritance laws provide for equal gender property rights in both principle and practice will help create a

level playing field for women to inherit land. Given the complex political economy surrounding land institutions, local contexts and the role of customary leaders to promote women's access to, use, and control over land should be taken into consideration when designing interventions. Finally, educating both women and men on the benefits of recognizing and protecting women's land rights is key to empower women as land users whose rights have traditionally often been sidelined in practice.

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