Contents

x

Tables

	Abbreviations Contributors	xi xiii
	Introduction L. Muthoni Wanyeki	1
	Cameroon /2 Ethiopia /5 Mozambique /7 Nigeria /11 Rwanda /15 Senegal /19 Uganda /21 Common themes /25 Conclusion /27	
PÆ	ART I Women's Land Rights in Rural Africa: Law and Practice	29
1	Women and Land in Cameroon: Questioning Women's Land Status and Claims for Change	31
	Patrice Bigombe Logo and Elise-Henriette Bikie Theoretical framework and context /31 Conceptualisation and definition /32 Problematic and aim /34 Methodological considerations /35 Limitations /37 Political and economic context /38 Socio-anthropological and cultural context /42 Dynamism and fragmentation of the religious field /44 Evolution of women's social status /45 Land in Cameroon /48 Part I Land status of women in Cameroon /51 Women's land status in the modern land system /51 Women's land status in the traditional land system /55 Religions and the construction of women's land status /57 Part II Evolutionary tendencies of women's land status in Gameroon /59 Transformation of land systems and women's land status /59 Searching for solutions to women's barriers to accessing land /60 Conclusion /60 Recommendations /60	

2 Women and Land Rights in the Third World: The Case of Ethiopia

Zenabaworke Tadesse

Part I The Third World /67 Revisiting the household /67 Refining the bargaining model /68 Diversity of households /69 Gender-based divisions of labour /70 General Observations on land reform /71 Latin America /72 Asia /73 Sub-Saharan Africa /76 Part II The challenge of Ethiopia /79 Women's land rights prior to 1991 /80 New rural institutions /82 Promising but inadequate land reform /82 Land law and policy since 1991 /83 Conceptual framework /84 Methodological concerns /85 Study sites /86 Synthesis of findings /88 A glimpse of the future /92

3 Women's Land Rights in Mozambique: Cultural, Legal and Social Contexts

Liazzat Bonate

Research sites /97 Muecate administrative post, Muecate district (pilot research site) /98 Socio-demographic characteristics of the respondents /99 Ethnographic and historical background /100 Legal background /102 Women and land in Nampula province /104 Access to kinship lands /105 Access to self-acquired lands /107 Access to rented lands /109 Use, management and disposal of land /111 Access to and control over benefits from land /116 Control over benefits: household decision-making /116 Dispute settlement /118 Land disputes /119 Family disputes: the accessibility and importance of institutions to women /121 Conclusion /122 Interviews /125

4 Women and Land in Northern Nigeria: The Need for Independent Ownership Rights

Hussaina J. Abdullah and Ibrahim Hamza

Origin and history of northern Nigeria /135 Traditional African religion in northern Nigeria: the case of the Maguzawa /136 Islam in northern Nigeria /137 Christianity in northern Nigeria /138 Research sites /140 Land administration and tenure /145 Inheritance and women's land rights /150 Inheritance in Muslim areas of Kano and Sokoto states /157 Inheritance in Maguzawa areas of Kano state /158 Inheritance in Christian areas of southern Zaria emirate /162 Research findings /163 Custom, religion and law /167 Conclusion: the case for women's independent land rights /171

67

96

133

5 Culture, Practice and Law: Women's Access to Land in Rwanda

176

Jennie E. Burnet and the Rwanda Initiative for Sustainable Development

Research design and methodology /177 History of land tenure in Rwanda /179 Post-conflict and post-genocide context /184 Use or ownership? /186 Women's access to and control over land /187 Conceptions of women's land rights today /189 Vulnerable populations /190 The marriage problem /191 New inheritance law /194 Resolution of conflicts over land /197 Women's strategies for accessing land /198 Relying on men: conclusions /200 Recommendations /201

6 Women and Land in Africa: A Case Study from Senegal

207

Ngoné Diop Tine and Mohamadou Sy

Status of Senegalese women /209 Part I Senegalese women's land rights /210 Sampling and data collecting techniques /210 Women's traditional land rights /212 Women's religious land rights /213 Women's statutory land rights /214 Part II State of women's land ownership /216 Women's land ownership among the Wolof /216 Factors limiting women's land ownership among the Serer /219 Factors limiting women's land ownership among the Serer /220 Women's land ownership among the Peul /221 Factors limiting women's land ownership among the Peul /223 Comparative study of the state of women's land ownership /224 Factors determining women's land ownership /224 Part III Recommendations recognising Senegalese women's land rights /226 General recommendations /226 Specific recommendations /228 Conclusion /230

7 Gender, Land and Rights: Contemporary Contestations in Law, Policy and Practice in Uganda

232

Winnie Bikaako and John Ssenkumba

Geo-political and socio-economic background /232 Evolution of land tenure in Uganda: major trends /233 Implications of the colonial land tenure changes for women's land rights /239 Conceptual and theoretical issues /240 Land rights in central and western Uganda /244 Struggles to improve women's land status /267 The 1998 Land Bill in perspective /274 Conclusion /276

FA	RT II Key Land Rights Issues and Recommendations	279
8	Cameroon: Overcoming Custom, Discrimination and Powerlessness	281
	The status of women in Cameroon /281 Land in Cameroon /283 Women and land in Cameroon /284 Customary laws and practices /285 Recommendations /286	
9	Ethiopia: Women's Status and Land Reform	288
	The status of women /288 Land in Ethiopia /289 Women and land /290 Existing women's land rights requiring implementation /291 Women's land rights requiring recognition /291 Indicators of the social empowerment of women /293	
10	Nigeria: The Road to Independent Ownership	295
	The status of women in Nigeria /295 Land tenure and administration in northern Nigeria /295 Women and land in northern Nigeria /296 Existing women's land rights requiring enforcement /297 Women's land rights requiring recognition and appropriate legislation /298	
11	Senegal: Land Rights, Culture and Religion	299
	The status of women in Senegal /299 Land in Senegal /300 Women and land in Senegal /302 Recommendations /303	
12	Uganda: The Search for Secure Land Tenure	306
	The status of women in Uganda /306 Land in Uganda /307 Women and land /307 Denial of women's access to and control over land and income /308 Consequences of gender inequality in land rights /309 Existing land rights requiring enforcement /310 Women's land rights requiring recognition and legislation /310	
	Appendix Women's Rights under International Law and Policy	
	and roncy	312

PART III The Advocacy Process: The Example of Ethiopia		317
13	Women's Access to and Control over Land in Ethiopia: The First Workshop	319
	Rachel Kagoiya, Atsango Chesoni and L. Muthoni Wanyeki	
14	Enhancing Ethiopian Women's Access to and Control over Land: The Second Workshop	340
	Atango Chesoni and Grace Githaiga	
	Index	375

Tables

4.1	Respondents classified by age and marital status	163
4.2	Respondents classified by number of marriages	164
4.3	Respondents classified by access to and control over land (ownership)	164
4.4	Respondents classified by source of ownership	165
4.5	Respondents classified by ownership structure	165
6. ₁	Distribution per target and per ethnic group	211
6.2	Land ownership and manner of acquisition (Wolof)	216
6.3	Land ownership and manner of acquisition (Serer)	220
6.4	Land ownership and manner of acquisition (Peul)	221
7.1	Factors determining women's land rights	245
7.2	Modes of land acquisition	247
7.3	Land size	252
7.4	Period when land was acquired	253
7.5	Authority within a family	²⁵⁷
7.6	Control of land	258
7.7	Retention of rights in parents' estates	264
7.8	Attitudes to a woman's right to share part of the estate	271
7.9	Opinions about the source of land distributed to women	271
7.10	Attitudes towards the number of shares a woman should get	272
7.11	Attitudes towards the right of a childless wife to the matrimonial estate	·
7.12	Attitudes towards gender equality	272
	Attitudes towards a widow sharing the marital estate	272
7.14	Attitudes towards joint ownership of the marital estate	273
7.15	Attitudes towards women's involvement in women's groups	273
14.1	Decision-making power	273
14.2	Women in development (WID) and gender and development (GAD)	351
14.3	Evolution of approaches to women's development	352
	Women and empowerment	353
14.5	Land ownership desegregated by gender	354
1 5		364