

Insecure Land Right for Women in Nigeria Gender Justice: A Pathway to End Disparity in Land Ownership

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ABSTRACT: This paper examines the gender disparity in ownership, uses and control over land in Nigeria, specifically women land tenure insecurity despite national and international framework supporting equal rights to land. Data were collected from National Council of Women Societies (NCWS), a non-governmental organization which represent the voice of Nigeria women and committed to ensuring their rights and interests are protected. Fifty (50) members were interviewed and data retrieved include; Areas of perceived tenure insecurity, women's recognition at all level of government including household regarding land matters, women redistribution right to discourage disparity and women representation at all level of decision-making concerning policies on land related matters. Two hypotheses were formulated and tested with inferential statistics at 0.05 alpha level. Their responses were analyzed with both descriptive and inferential statistics. The study highlights critical issues of tenure insecurity and gender disparity in property ownership for women in Nigeria, revealing systemic barriers that hinder their rights and participation in land governance. Findings indicate a complete lack of recognition for women's rights in property transactions, inheritance, and decision-making bodies, underscoring the urgent need for reform. To address these challenges, the study recommends implementing gender-sensitive land reforms that specifically cater to women's needs, actively promoting changes in harmful gender norms, and closing the implementation gap by ensuring effective enforcement of existing laws. Additionally, it advocates for the inclusion of women in policy-making processes related to land ownership and the legal recognition of women's rights, irrespective of customary or religious frameworks.

KEYWORDS: Land Rights, Gender Justice.

1. INTRODUCTION

Globally, women own less land and have less secure right over land than men (United Nations 2017, Chigbu 2019, Doss et al., 2020, Fletcher et al., 2022). For instance, women make up on average less than 20% of the world's landholders but make up an estimated 43% of the agricultural labour force (United Nations women 2012), 400 million women work in agriculture (United Nations 2017). The pioneering effort of Doss et al., (2014) on ownership of Agricultural parcel in Ghana, Ecuador and karrakata shows that 72% of the men owned agricultural parcel compare to mere 16% of women. Also, Prindex (2019) data offered a significant step forward because it asks about the perceptions of tenure security of the women and set light to the significant of difference in tenure security by gender showing that the gender gap in tenure was unexpectedly small and inconsistent across countries. For instance, in some countries like Benin, the U.K and Peru women were 5% more likely than men to report being insecure in their tenure (Fletcher et al., 2022).

In sub-Saharan Africa and Asia 60-70% of women work in Agriculture and only 13% of women in sub-Saharan Africa claim sole ownership of land compared to 36% of men according to the recent study by the World Bank (Guddis, Lahoti and Li 2018). In Nigeria only 8.2% of women aged 20-49 own land compared to 34.2% of men according to World Bank research into gender disparities in property ownership in sub-Saharan Africa (World Bank 2018). There is gender disparity in different parts of Nigeria especially the South-East, women have limited access to owning land and land acquisition is more common among men. Many still believe that women should not inherit ancestral family land as they are expected to leave the community when they get married while men carry on with family heritage (Obi & Aduma 2020). Meanwhile data from NDHS (2018) shows that most women living in the northern parts of Nigeria own landed properties e.g. Adamawa, Kano, Zamfara & Sokoto. Women residing in some southern parts of Nigeria are above average according to World Bank 2018. On average, states in the South-Eastern parts of Nigeria have the lowest proportion of women who own landed properties. This state of affairs goes against section 43 and 44 of

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the Nigerian Constitution which make provision for every Nigeria, man and woman to acquire and own immovable properties in any part of the country.

Customary laws, norms & tradition play a major role in the everyday life of citizen and ownership of property. For instance, Ethiopia and Nigeria (Behr et al., 2023). Nigeria for example has more than 200 ethnic groups that apply distinct customary laws, customary law varies significantly across ethnic groups, reflecting diverse cultural practices, traditions and norms relating to land tenure, inheritance and property rights (Behr et al., 2023). This has implications for women because it can result in disparity in women's access to and control over land, inheritance rights, and property ownership with some ethnic groups exhibiting more gender - equitable customary practice than others (Behr et al., 2023).

In societies where access to land is largely driven by family relations, women's ability to obtain and retain access to a plot is directly tied to the wishes of their husbands, fathers, brothers, sons or in-laws (Lastrarria-Cornhiel et al., 2014, OHCHR, 2012, Bens Chop 2004). Daughter are prevented from inheriting parental land if they are generally viewed as "transitory" member of their natal household who will likely move to their husband's household upon marriage (Baley & Abza 2020). Wives are disposed from their land if their husband abandon them, divorce them or marry other wives (Fletcher et al., 2022). Where customary inheritance laws follow patrilineal inheritance system, inheritance generally favours men (Chigbu 2019, Dass & Menzen-Dick 2020). Ethiopia and Nigeria for instance under the customary system women are denied equal inheritance rights from their husband and families (Abebe & Funtan 2021). Similarly, in Nigeria igbo customary law prohibit female children from inheriting land (Behr et al., 2023). In yoruba culture if the property owner dies intestate, succession to the property is through the principle of primogeniture which favours the first male child. Due to the patrilineal nature of south Sudanese society, community resources are largely controlled by men (interview, WHH South Sudan 2024, UNDP 2022).

However, women de facto determination is not limited to social norms, traditions and family dynamics (Archam bault and 200mers, Lastrarria-Cornhiel et al 2014, OHCHR 2012). Formal laws often prevent women from owning or inheriting or transacting land. (Fletcher et al., 2022). For instance, women continue to be left out of governments sponsored land allocations, land reforms or land right formalization programme that assign and document right to the head of the household typically a man. Also, women are often limited in their access to institutions or authorities that are in charge of land disputes (Fletcher et al., 2022). So, all norms and traditions that restrict economic activities deemed suitable for women, financial institutions that limits women's access to working capital and land market biased against women all combined to constrain women economic ability to access and retain land (Lastrarria-Cornhiel et al., 2014). This gender disparity has made it difficult for women and girls to own and inherit land which drives economic prosperity (World Bank 2018).

Women's equal right to land and property is grounded in core human rights instruments, including the Universal Declaration of Human right, the international convention economic, social and cultural rights, international covenant on civil and political rights and the convention for the elimination of all forms of discrimination against women (United Nations 2017). Furthermore, the United Nation Declaration of the right of indigenous people, the voluntary guidelines on the responsible governance of the tenure of land, fisheries and forest in the context of national food security (UN-Habitat 2017), the world conference on women's Beijing Declaration and platform of Action (United Nation 2012). In fact, the fundamental and cross-cutting role of women's tenure security was officially acknowledged and widely recognized in 2015 when government across the world tied women's tenure security to 3 of the 17 Sustainable Development Goals (SDGS), they pledged to achieve by 2030: end poverty (Goal 1) achieve food security (Goal 2) and empower women and eliminate gender inequality (Goal 5) (Fletcher et al., 2022). Their specific commitment with regard to women land rights are stipulated under SDG Target 1.4, 2.3 and 5a where they essentially committed to eliminating the gender gap in tenure rights and to ensure secure land rights for all women and men particularly the more vulnerable (UN, 2015).

However, despite all these national and international frameworks, supports and commitments, women continue to be denied equal right to access use inherit and own land. Convincing empirical evidence on women tenure insecurity abound throughout the world for instance study by Behr et al., 2023, World Bank 2017, World Bank 2018, Prindex 2019 among others. However, despite this mounting volume of empirical evidence gaps for further study remain wide. Empirically there has been very little rigorous documentation and analysis on understanding equity between people in all sphere of life (Nitya Rao et al., 2024 & Fraser 2009), particularly in respect of land ownership, use, and control between men and women. Therefore, the aim of this study is to investigate the level of woman equitable right (dimensions of gender justice) to property in Nigeria from the standpoint of women organization. Specific objectives are to examine the women perceived areas of tenure insecurity, level of women recognition at all levels of government including household on land matter, incentives, policies and programmes created to discourage gender disparity in property ownership and lastly examine level of women representation among authorities that make decision on land & property ownership.

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Hypothesis testing

1. **HO:** Women are not significantly tenure insecure in Nigeria
2. **HO:** There is no significant gender disparity between men and women in property ownership in Nigeria.

2. METHODOLOGY

2.1 Study Focus

This study focuses on the National Council for Women Societies (NCWS) a non-governmental organization with headquarter in Abuja and branch office in all the states in Nigeria. The NCWS is a non-political, non-ethnic not for profit making founded in 1958. It is an umbrella organization that brings together diverse women groups and societies uniting their efforts to champion the rights and well-being of women and to promote gender equity in all sectors of the society and ensure equal opportunities for women, committed to being the voice of Nigeria women, ensuring their rights and interests are protected.

2.2 Research Design

The study employs subjective relativism, a part of epistemic relativism, which assert that the truth and knowledge are determined by the individual subjective experience and perspective. The use of subjective relativism in this study helped incorporate the variety of perceptions on gender justice hence providing comprehensive rationalization of subject matter. An important aspect of this approach is the collection of opinion from women in depth interview, relying on the “richness” of words instead of quantitative indicators only. While interviews are preferable mode of data collection for exploratory studies, questionnaire surveys are more suitable for explanatory studies. Since this study is primarily of an exploratory nature, driven towards the identification gender justice in the perspective of land ownership in Nigeria, semi-structured interviews are a preferable mode of data collection and therefore were used in this study. Also Focused Group Discussion was used to compliment in depth interview.

2.3 Sample Size for Interview-Based Data Collection

A sample of fifty (50) was drawn with the purposive random sampling technique. This technique was adopted in order to address the people who are concerned and who women’s voice in Nigeria and who advocate for gender equity in all sectors of society. A researcher’s semi-structured interviews that had been thoroughly validated under the guidance of a supervisor and literature was used for this study. The validated interview guide was administered in such ways that only the desired educated adults in Oyo state chapter were interviewed. 5 sessions of FGD were held with 10 participants per session in line with Krueger (1994) recommendation of between 7 and 10 participants per session the size of FGD should be large enough to generate diverse viewpoints and small enough to be manageable. In all 50 participants were interviewed.

Two research hypotheses were formulated and tested with the use of chi-square (χ^2) statistical method of analysis. Other were analyzed with descriptive statistics simple frequency and percentage. The analysis and interpretation of data collected for the study were tabulated and explained below.

3. RESULTS AND DISCUSSION

Part A: Demographic Characteristics of Respondents

Table 1: Distribution of the respondents by marital status, Age, Education and Income

SN	Variable		Frequency	Percent (%)
1	Marital status	Single	-	-
		Married	35	70.0
		Divorced	7	14.0
		Widow	8	16.0
2	Age group	21-31 years	-	-
		31-40 years	10	20.0
		41-50 years	28	56.0
		50 years and Above	12	24.0
3	Education qualification	No formal qualification	-	-
		SSCE/WAEC	7	14.0
		ND/HND/First degree	43	86.0
4	Income	Below ₦70,000 per month	15	30.0
		₦70,000 per month	12	24.0
		₦71,000 per month to ₦80,000 per month	10	20.0
		₦81,000 per month	13	26.0

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Table 1 presents the demographic distribution of respondents across four key variables: marital status, age, education, and income. A significant majority of respondents are married (70.0%), indicating a strong representation of this group. Divorced respondents make up 14.0%, while widows constitute 16.0%. The age distribution shows that the largest group falls within the 41-50 years category, comprising 56.0% of the respondents. The 31-40 years age group accounts for 20.0%, and those 50 years and above represent 24.0%. Also, a substantial 86.0% of respondents possess ND/HND/First degree qualifications, indicating a high level of education among the participants while in contrast, only 14.0% have completed SSCE/WAEC. Regarding income, 30.0% of respondents earn below ₦70,000 per month, while 24.0% earn exactly ₦70,000. The income bracket of ₦71,000 to ₦80,000 includes 20.0%, and 26.0% earn ₦81,000 or more. This distribution suggests a relatively diverse income range, with a notable portion earning above ₦70,000.

Part B: Women Tenure Insecurity

Table 2: Methods of acquiring ownership of land

SN	Items	Frequency	Percentage
1	Through inheritance	7	14.0
2	Through gift	13	26.0
3	Through purchase	30	60.0

Total=50

Table 2 outlines the methods by which respondents acquired ownership of their land. A total of 7 respondents (14.0%) acquired their land through inheritance. This indicates that inheritance is a less common method among the respondents. Also, 13 respondents (26.0%) received their land as a gift. This method accounts for a moderate portion of land acquisition, reflecting a significant but not dominant means of obtaining land. The most prevalent method of land acquisition is through purchase, with 30 respondents (60.0%). This represents a substantial majority, indicating that purchasing land is the primary way respondents acquire land ownership.

Table 3: Area of women tenure insecurity

SN	Items	Frequency	Percentage
1	Inheritance when there is no will	35	70.0
2	Divorce scenarios	5	10.0
3	Spousal death/widow	10	20.0
4	Unmarried women	-	-

Total=50

Table 3 presents the findings on women's tenure insecurity. A significant majority, 35 respondents (70.0%), reported experiencing tenure insecurity related to inheritance when there is no will. This highlights a critical area of concern, as the absence of a will can lead to disputes and uncertainty regarding land ownership. Only 5 respondents (10%) identified divorce as a source of tenure insecurity. This indicates that while divorce does contribute to insecurity, it is less prevalent compared to other factors. Also, 10 respondents (20%) noted that the death of a spouse or becoming a widow contributes to their tenure insecurity. This suggests that while this scenario is significant, it is not as dominant as issues arising from inheritance.

Table 4: Drivers of women tenure insecurity

SN	Items	Frequency	Percentage
1	Social Norms and Traditions	40	80.0
2	Religion	7	14.0
3	Dispute	2	4.0
4	Land right system/poor land governance	1	2.0

Total=50

Table 4 outlines the various drivers contributing to women's tenure insecurity. A substantial majority, 40 respondents (80.0%), identified social norms and traditions as a primary driver of tenure insecurity. This indicates that cultural practices and societal expectations significantly impact women's rights to land ownership and security. Also, 7 respondents (14.0%) indicated that religion is a factor contributing to tenure insecurity. While this is notable, it is significantly less influential than social norms and traditions. Only 2 respondents (4.0%) reported disputes as a driver of tenure insecurity. This suggests that while disputes can

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affect land ownership, they are not a major concern for the majority of women surveyed. A mere 1 respondent (2.0%) attributed tenure insecurity to issues within the land rights system or poor land governance. This highlights that systemic issues in governance are perceived as the least significant driver among the respondents.

Table 5: Summary of result of women recognition in property ownership

SN	Inquiry statement	Yes	No	Mean	Standard Deviation (SD)
1	Do men and women have equal right to property inheritance in practice	2 (4.0%)	48 (96.0%)	1.04	0.198
2	Do sons and daughters have equal right in succession the demise property	0 (0.0%)	50 (100.0%)	1.00	0.000
3	Does the household recognize the right of women in property transactions	0 (0.0%)	50 (100.0%)	1.00	0.000
4	Does the community involve women in community governance	0 (0.0%)	50 (100.0%)	1.00	0.000
5	Does the law grant spouses have equal right to property in practice	0 (0.0%)	50 (100.0%)	1.00	0.000
Total		Weighted mean= 1.01			

Decision Rule: 1.00-1.99=Low 2.00=high

Table 5 summarizes the findings regarding women's recognition and rights in property ownership. Only 2 respondents (4%) believe that men and women have equal rights to property inheritance in practice, while a vast majority, 48 respondents (96%), disagree. The mean score of 1.04 indicates a strong perception of inequality, with a low standard deviation (SD = 0.198) reflecting consistent responses. For the statement regarding equal rights for sons and daughters in inheriting property, 0 respondents affirmed this, while 50 respondents (100%) disagreed. The mean score of 1.00 (SD = 0.000) signifies a unanimous belief in the lack of equality. Similarly, 0 respondents recognized women's rights in property transactions, with 50 respondents (100%) stating otherwise. The mean score remains 1.00 (SD = 0.000), indicating unanimous agreement on this issue. Regarding community governance, 0 respondents confirmed women's involvement, while 50 respondents (100%) did not. The mean score is again 1.00 (SD = 0.000), highlighting a complete lack of acknowledgment. Finally, for the inquiry about legal rights for spouses, 0 respondents affirmed equality, with 50 respondents (100%) disagreeing. The mean score of 1.00 (SD = 0.000) reflects a strong consensus on this issue. The total weighted mean of 1.01 indicates that the recognition of women's rights in property ownership is extremely low. The overwhelming "No" responses across all inquiries demonstrate a systemic lack of equality and recognition for women regarding property rights.

Table 6: Summary of results of women redistribution rights in property ownership

SN	Inquiry statement	Yes	No	Mean	SD
1	Does the household reckon with women's consent in property transactions	0 (0.0%)	50 (100.0%)	1.00	0.000
2	Does the community involve women in community property affairs	0 (0.0%)	50 (100.0%)	1.00	0.000
3	Does the government encourage joint titling to discourage disparity	0 (0.0%)	50 (100.0%)	1.00	0.000
4	Does the government provide social housing for vulnerable women	0 (0.0%)	50 (100.0%)	1.00	0.000
5	Does the government provide for housing loan for vulnerable women	0 (0.0%)	50 (100.0%)	1.00	0.000
6	Does the government make provisions for public for awareness and information about equal gender right	0 (0.0%)	50 (100.0%)	1.00	0.000

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7	Does the government provide for any gender equitable framework to discourage disparity in property ownership	0 (0.0%)	50 (100.0%)	1.00	0.000
Total		Weighted mean= 1.00			

Decision Rule: 1.00-1.99=Low 2.00=high

Table 6 summarizes findings related to women's redistribution rights in property ownership based on seven inquiry statements. It was observed that 0 respondents (0.0%) indicated that households consider women's consent in property transactions, while 50 respondents (100.0%) disagreed. The mean score of 1.00 (SD = 0.000) reflects unanimous agreement on the absence of recognition. Similarly, 0 respondents affirmed that communities involve women in property affairs, with 50 respondents (100.0%) stating they do not. The mean score remains 1.00 (SD = 0.000), indicating total consensus. For the statement regarding government encouragement of joint titling to reduce disparity, 0 respondents confirmed this, while 50 respondents (100.0%) disagreed. The mean score is 1.00 (SD = 0.000), reinforcing the lack of support. Also, 0 respondents believed that the government provides social housing for vulnerable women, with 50 respondents (100.0%) in disagreement. The mean score remains 1.00 (SD = 0.000). Again, 0 respondents affirmed that the government provides housing loans for vulnerable women, while 50 respondents (100.0%) disagreed. The mean score is 1.00 (SD = 0.000). Regarding public awareness about equal gender rights, 0 respondents confirmed government provisions, with 50 respondents (100.0%) stating otherwise. The mean score is 1.00 (SD = 0.000). Finally, for the provision of a gender equitable framework to discourage disparity in property ownership, 0 respondents agreed, while 50 respondents (100.0%) disagreed. The mean score is 1.00 (SD = 0.000). The total weighted mean of 1.00 indicates that the recognition and support for women's redistribution rights in property ownership are at a critical low. All responses showed a unanimous agreement that there is no acknowledgment or support for women's rights in any of the areas assessed.

Table 7: Summary of results of women's representation at decision making bodies relating to property issues.

SN	Inquiry statement	Yes	No	Mean	SD
1	Are women represented in community land related transaction	0 (0.0%)	50 (100.0%)	1.00	0.000
2	Is there gender-quota in land administration from village to state level	0 (0.0%)	50 (100.0%)	1.00	0.000
3	Do women have voice in land governance	0 (0.0%)	50 (100.0%)	1.00	0.000
4	Are women included in land formalization programme by the government	0 (0.0%)	50 (100.0%)	1.00	0.000
5	Are there land dispute resolution accessible by women and men alike	0 (0.0%)	50 (100.0%)	1.00	0.000
Total		Weighted mean= 1.00			

Decision Rule: 1.00-1.99=Low 2.00=high

Table 7 summarizes the findings regarding women's representation in decision-making bodies related to property issues. It was revealed that 0 respondents (0.0%) confirmed that women are represented in community land-related transactions, while 50 respondents (100.0%) disagreed. The mean score of 1.00 (SD = 0.000) indicates unanimous agreement on the lack of representation. For the inquiry about gender quotas in land administration from village to state level, 0 respondents affirmed this, while 50 respondents (100.0%) disagreed. The mean score is 1.00 (SD = 0.000), reinforcing the absence of gender quotas. Similarly, 0 respondents stated that women have a voice in land governance, with 50 respondents (100.0%) disagreeing. The mean score remains 1.00 (SD = 0.000), highlighting the exclusion. Regarding women's inclusion in government land formalization programs, 0 respondents affirmed this, while 50 respondents (100.0%) disagreed. The mean score is 1.00 (SD = 0.000). Finally, for the statement regarding accessible land dispute resolution for women and men alike, 0 respondents confirmed this, with 50 respondents (100.0%) disagreeing. The mean score is 1.00 (SD = 0.000). The total weighted mean of 1.00 indicates an extreme lack of representation for women in decision-making bodies related to property issues. Every inquiry resulted in unanimous agreement that women are not included or recognized in any of the assessed areas.

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Hypothesis Testing

Hypothesis 1: Women are not significantly tenure insecure in Nigeria

Table 8: Chi-square (χ^2) test on whether women are tenure insecure

	Area of women tenure insecurity?
Chi-Square	31.000 ^a
Df	2
Asymp. Sig.	0.000***
a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 16.7.	
***, ** & * represent 1%, 5% & 10% level of significant	

The results of the Chi-square (χ^2) test aim to determine if there is a significant relationship between the areas of women's tenure insecurity in Nigeria is shown in Table 8. The Chi-square value of 31.000 indicates a strong association in the data regarding women's tenure insecurity. The p-value of 0.000 is less than the significance level of 0.01, which suggests that the null hypothesis (that women are not significantly tenure insecure) can be rejected. The findings imply that there is significant tenure insecurity among women in Nigeria, contradicting the hypothesis.

Hypothesis 2: There is no significant gender disparity between men and women in property ownership in Nigeria

Table 9: Chi-square (χ^2) test on whether there is a significant gender disparity between men and women in property ownership in Nigeria

	Do men and women have equal right to property inheritance in practice
Chi-Square	42.320 ^a
Df	1
Asymp. Sig.	0.000***
a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 25.0.	
***, ** & * represent 1%, 5% & 10% level of significant	

The Chi-square (χ^2) test in Table 9 evaluates the existence of a significant gender disparity in property ownership rights between men and women in Nigeria. The Chi-square value of 42.320 indicates a strong association in the data regarding gender rights to property inheritance. The p-value of 0.000 is significantly lower than the conventional thresholds of 0.01, leading to the rejection of the null hypothesis (which posits no significant gender disparity). This result suggests that there is a significant disparity between men and women regarding property ownership rights in Nigeria.

CONCLUSION AND RECOMMENDATIONS

Both hypotheses reveal critical insights into the status of women's rights related to property ownership and tenure security in Nigeria. The findings collectively emphasize a pervasive lack of representation, recognition, and support for women in decision-making bodies and property-related matters. Addressing these issues is essential for fostering gender equality and empowering women within the framework of land governance and property rights.

The followings policy recommendations emanated from the findings of the study:

- (i) **Promote Gender-Sensitive Land Reforms:** Implement land reforms that specifically address the unique needs and challenges women face in accessing and controlling land. This includes incorporating explicit provisions for women's land rights in national laws to ensure equal access, use, and control of land.
- (ii) **Encourage Gender Norm Change:** Actively work to change societal norms, customs, and traditions that perpetuate gender disparity in land ownership and governance. Educational campaigns can help shift attitudes and promote gender equality in property rights.
- (iii) **Narrow the Implementation Gap:** Focus on effective implementation of existing laws by creating supportive frameworks. Measures should include awareness programs to educate women about their rights, promote joint titling of property, enforce equal inheritance rights, and ensure spousal consent during the transfer of marital property.

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- (iv) **Involve Women in Decision-Making Bodies:** Ensure that women are represented in policy-making bodies related to land ownership and use. Their participation is crucial for creating inclusive policies that reflect the needs and rights of women in land governance.
- (v) **Guarantee Legal Recognition of Women's Rights:** Legally recognize and protect women's rights to land, irrespective of customary or religious systems. This includes ensuring access to justice for women to enforce their land rights and narrowing implementation gaps in human rights laws through effective monitoring and funding strategies.

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