

Property Rights Diagnostic: An Overview of Cameroon, Ghana and Nigeria.

Unlocking Women's Economic Freedom through Property



Cameroon Economic Policy Institute

— THE ESSENCE OF CHANGE —

Henri Kouam
Founder & Executive Director
Cameroon Economic Policy Institute (CEPI)

Ponmile Orija Shittu
Championing Advocate
Women for Liberty Africa

Angela Okai-Nartey
Founder & Executive Director
Ladies Network for Economic Freedom

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We hope the findings of this report become an anchor for free market organizations, policymakers, international organizations, and grassroots groups across the continent. We hope that these findings and recommendations anchor policies that positively impact and shape the outcomes for women in Cameroon, Ghana, Nigeria, and Beyond.

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List of Abbreviations

CED: Centre for Environment and Development

RFUK: Rainforest Foundation UK

CEDAW: Convention on the Elimination of All Forms of Discrimination Against Women

WRAPA: Women's Rights Advancement and Protection Alternative

FIDA: International Federation of Women Lawyers

NWTF: Nigeria Women's Trust Fund

ANWE: Association of Nigerian Women Entrepreneurs

NGOs: non-governmental organizations

UN Women: United Nations Women

PNDC Law: Ghana Intestate Succession Law, 1985

GWLAT: Ghana Women's Land Access Trust

WIAD: Women in Agriculture Development

C of O: Certificate of Occupancy

Executive Summary

Secure property rights are crucial for economic development, individual well-being, and social stability, incentivizing investment, increasing productivity, and fostering economic participation. However, in many parts of Africa, including Cameroon, Ghana, and Nigeria, property rights, particularly for women, are often insecure or non-existent due to a complex interplay of legal frameworks, cultural norms, and socio-economic factors.

Cameroon

In Cameroon, while the formal legal system recognizes women's rights to own property, customary laws and practices often discriminate against them, especially in rural areas. These customary laws, which vary across ethnic groups, frequently deny women the right to inherit or own land. The situation is exacerbated by a lack of awareness among women about their legal rights, limited access to legal resources, and inefficient enforcement mechanisms. The historical evolution of property rights in Cameroon reveals a transition from customary land ownership under traditional systems to a hybrid model introduced by colonial powers, resulting in ongoing challenges related to land security and the recognition and protection of community rights, especially after independence. The colonial legacy, with its introduction of individual land ownership and the marginalization of customary rights, continues to shape the current landscape of property rights in Cameroon.

Nigeria

Nigeria presents a similar picture, with a dual legal system made up of statutory and customary laws. While statutory laws guarantee women's property rights, customary laws in many communities disinherit women or restrict their access to land and other assets. Cultural norms and patriarchal structures further exacerbate these challenges, limiting women's ability to claim their rights. Additionally, religious laws, particularly in the northern states, also play a significant role in shaping property rights, often to the disadvantage of women. Efforts to address these challenges include constitutional guarantees of equal rights, the Land Use Act, and the National Gender Policy, but implementation gaps and socio-cultural barriers persist.

Ghana

In Ghana, property rights, particularly for women, are crucial for economic empowerment. The legal framework includes the Land Act, 2020, aimed at consolidating land-related laws and addressing gender disparities. However, challenges in implementing the Land Act, 2020, persist due to deeply entrenched patriarchal norms, weak enforcement, and limited legal literacy among women. Customary practices and patriarchal norms continue to undermine the implementation of legal protections, disproportionately affecting rural women. Marriage laws in Ghana, including statutory, customary, and Islamic marriage, further complicate the issue, with customary and Islamic marriages often operating under traditional and religious norms that may limit women's ability to claim property.

Findings and Policy Recommendations

This property rights diagnostic reveals a common thread across Cameroon, Ghana, and Nigeria: while statutory laws often provide for gender-equitable property rights, the reality on the ground is far different, particularly for women. Customary laws, deeply ingrained patriarchal norms, and socio-economic inequalities often override these statutory protections. Limited awareness of legal rights, inadequate access to legal resources, and weak enforcement mechanisms further compound the problem.

To address these challenges, this property rights diagnostic offers several consolidated policy recommendations:

- **Legal and Policy Reforms:** Harmonize statutory and customary laws to ensure consistency and prioritize gender equality. Amend discriminatory laws and strengthen legal frameworks to protect women's property rights, including inheritance rights. In Nigeria, this includes reforming inheritance laws and amending the 1979 Land Use Act.
- **Implementation and Enforcement:** Strengthen institutions responsible for enforcing property rights, ensuring they are gender-sensitive and accessible to all, particularly in rural areas. Develop mechanisms to monitor and evaluate the implementation of legal reforms.
- **Education and Awareness:** Conduct nationwide campaigns to educate women about their legal rights to property and inheritance. Improve legal literacy among women, especially in rural areas, to enable them to challenge discriminatory practices.
- **Access to Legal Aid:** Expand access to free or affordable legal assistance for women, particularly in rural areas, to help them assert their legal rights.
- **Customary Law and Social Norms:** Work with local communities to formalize and reform discriminatory customary laws, ensuring they align with constitutional principles and international human rights frameworks. Challenge patriarchal norms and promote gender-equitable attitudes through public awareness campaigns and community engagement.
- **Land Administration and Registration:** Streamline and simplify land registration processes to make them more accessible and affordable for women. Encourage the registration of land titles in women's names and develop initiatives that facilitate women's legal ownership of property.
- **Economic Empowerment:** Implement policies and programs that enhance women's economic independence, enabling them to acquire and control property. Promote women's access to credit, financial resources, and agricultural support.
- **Institutional Capacity Building:** Provide training and resources to government officials, traditional authorities, and other stakeholders to promote gender-equitable property rights.
- **Advocacy and Collaboration:** Support and strengthen women's rights organizations and NGOs working to promote gender-inclusive property rights. Encourage collaboration among government agencies, civil society organizations, and international partners.

These recommendations aim to create a more secure and equitable property rights environment for women in Cameroon, Ghana, and Nigeria, fostering economic development, social justice, and gender equality.

Introduction

Secure property rights are fundamental for economic development, individual well-being, and social stability. These rights incentivize investment, enhance productivity, and promote participation in economic activities. Individuals must have the assurance that their ownership, use, control, and disposal of assets—both tangible, like land and housing, and intangible, like intellectual property—will be protected in a well-functioning market-driven economy.

However, in many parts of Africa, including Cameroon, Ghana, and Nigeria, property rights, particularly for women, are often insecure or non-existent. This insecurity arises from a complex combination of legal frameworks, cultural norms, and socio-economic factors. While formal legal systems may recognize women's rights to own property, customary laws and practices frequently discriminate against them. This is especially true in rural areas, where these customary laws often deny women the right to inherit or own land.

The challenges are compounded by a lack of awareness among women regarding their legal rights, limited access to legal resources, and inefficient enforcement mechanisms. In Nigeria, a dual legal system, comprising both statutory and customary laws, further complicates the issue. Although statutory laws may guarantee women's property rights, customary laws in many communities disinherit women or restrict their access to land and other assets. Cultural norms and patriarchal structures exacerbate these challenges, limiting women's ability to claim their rights. Religious laws, particularly in Nigeria's northern states, also significantly influence property rights, often to the disadvantage of women. Ghana's property rights framework faces similar issues, with statutory laws frequently overridden by discriminatory customary practices. The Land Act of 2020 represents progress, but its implementation is hindered by entrenched patriarchal norms and limited legal literacy among women.

This diagnostic report examines the property rights situation in Cameroon, Ghana, and Nigeria. It highlights the discrepancies between statutory rights and the lived experiences of women, who often face significant barriers to property ownership and control. This property rights diagnostic also analyzes the historical, socio-cultural, and legal factors that contribute to these disparities.

The diagnostic report is divided into several sections. It begins with an executive summary outlining the key findings and policy recommendations for each country. The introduction provides a general overview of the importance of property rights and the challenges to women's property rights in the African context. The subsequent sections detail the specific situations in Cameroon, Nigeria and Ghana, examining the legal frameworks, customary practices, and socio-cultural factors at play in each country. Each country-specific section also discusses efforts to address these challenges, including legal reforms and policy initiatives. Finally, the report concludes with a consolidation of findings and a set of comprehensive policy recommendations aimed at promoting gender-equitable property rights across the three nations.

Section 1: Cameroon Property Rights Diagnostic

i. History and Evolution of Property Rights in Cameroon

In pre-colonial times, clan chiefs managed to land on behalf of their communities using customary or traditional methods. This is because the land is perceived as a common good, inalienable, sacred, and can be passed down through generations - with no clear concept of individual property ownership. Individuals can leverage land to satisfy the needs of food and shelter, and allocating land to clan members varied based on regions and ethnic groups. The notion of land tenure relates to what land is used for than how it is used. Land tenure is necessary for economic development among communities and for organizational structures that govern societies (RocheGude, 2001). When land tenure is well-regulated, societies are more stable and prosperous. Each traditional community had a specific framework that governed the relationship between its members but in Cameroon, this mostly took the form of customary land laws.

In Cameroon, property rights were primarily focused on customary land ownership under traditional systems before transitioning to a hybrid model that was introduced by colonial powers. As such, individual land ownership became established under customary rights, which has led to ongoing challenges related to land security. This is especially the case regarding the recognition and protection of community rights even after independence.

- **Pre-colonial era:** Prior to colonization, land ownership was largely driven by customary practices where communities collectively managed their land, with chiefs playing a significant role (Tenure, 2025; Kossoumna, 2018; Bassalang & Acworth, 2019).
- **Colonial influence (German and French):** When Germany and later France colonized Cameroon, they introduced the concept of individual land ownership, registering land titles through a system called "*Grundbuch*," often dispossessing indigenous communities of their land through land concessions for plantation agriculture (Wily, 2011; International Land Coalition, 2017).
- **Post-independence era:** After Cameroon gained its independence in 1960, it adopted legislation to integrate customary land rights into the formal system of individual land ownership. However, complexities with enforcement persisted regarding the definition

and enforcement of customary property rights (Nelem, 2018). The 1974 ordinance made the state guardian of all lands and outline specific regulations such as the provision of land titles. The land registration process in Cameroon, set out under decree [No.76/165 of 27 April 1976](#), establishing the conditions for obtaining title to land, was modified by decree [No.2005/481](#) of 16 December 2005 (Moritz, 2017).

According to these two sets of legislation, all local or indigenous collectives (or any member of which) seeking to convert their former customary ownership to state-recognized ownership must compile a file comprising information relating to their civil status, their registered address, their profession, a description of the land (area, type of occupation or usage, estimated value, etc.).

In spite of the progress related to the establishment of legal frameworks, there are concerns about land disputes due to unclear boundaries between customary and state-owned land , issues with registration, and a lack of awareness about women's property rights.

The erosion of local communities' rights prior to independence

Land issues became included in written laws at the end of the 19th century. In fact, in 1896, an imperial decree legalized all '*non-occupied*' land German possession for its monarchy (Seignobos, 2003). This decree marked the start of a long-lasting conflict between traditional law and colonial state law, and later post-colonial law. It was equally an important symbol that the German empire had broken with its commitments under the German-Douala Treaty.

After written law was introduced, it did not annihilate or eliminate existing customary law. It weakened them by establishing new legal categories that could coexist with them. The new laws were created to dramatically reduce the extent and ability of other people to exercise their rights (Fonjong et al, 2010). Furthermore, the rights to customary ownership that were previously recognized became subject to completely new and restrictive conditions (Nelem, 2018; Lado, 2017).

ii. Curbing the Extent of Peoples' Land Rights

With the introduction of colonial law, we saw a severe reduction in the geographical and material extent of the rights of the people over the land. a) Reducing the geographical scope of peoples' customary rights. Prior to the German protectorate, the various lands that were to

become Kamerun were regulated by the customary land laws of the different peoples living on these lands. The lands and resources were regulated by the different customary laws operating within each community. Colonial law created two new categories of land rights that restricted the populations' right to customary ownership: private land and state-controlled land.

Colonization introduced the notion of property ownership to Cameroon by introducing the Grundbuch registration process. Private lands were registered either through the formal recognition of customary rights in the case of the 'native' peoples or by land cessions carried out in accordance with customary law. Very rapidly the German government decided to grant Cameroon an entitlement to national land, which for the most part went far beyond the limits determined by the sovereign power of Cameroon Towns. This national heritage was set up using two techniques: appropriation of 'terra nullius' (land belonging to no one) and expropriation. Appropriation means taking possession of something that has no owner. It was accomplished by means of the imperial decree of 15 June 1896, Article 1 of which states:

All land in Cameroon, with the exception of land over which private individuals or corporate bodies, chiefs, or Indigenous communities may be able to prove ownership rights or other real rights, or land on which third parties have acquired occupancy rights through previous contracts with the imperial government, is considered '*vacante et sans maître*' [vacant and ownerless] and becomes Crown domain. Ownership belongs to the Empire (Teyssier et al, 2003).

This document introduced for the first time the notion of land '*vacante et sans maître*' (terra nullius). In fact, it denies all ownership if not all control over land to individuals or corporate bodies whose link to the land cannot be established in accordance with the canons of law recognized by the German administration. It also established the potential for the German empire to have ownership of land under a common land law system, thereby reducing customary ownership. The only land tenure system in existence thus far was for residual property, which was subject to rigid conditions.

The second legal method for establishing state ownership of land was through expropriation which started in 1913 and was established in Douala only. Under this form of governance, new state land was explicitly under the control of the German empire and the Treasury Protectorate until the Germans were defeated after World War One in 1916.

The second legal method for establishing state ownership of land was through expropriation that started in 1913 and was established in Douala only. Under this form of governance, new state land was explicitly under the control of the German empire and the Treasury Protectorate until the Germans were defeated after World War One in 1916. After this, the Franco-British trusteeship required that the land be administered under the control of the international community as a whole, which was centered on the League of Nations first before the United Nations. As a result, there were two distinct categories of land under state control which included; privately owned land by the state and public land. By transferring significant parts of the national territory under the state, colonial law under the German, French or English reduced land rights for the rightful owners (nationals), especially under the customary rights system.

iii. Women's Access to Property Rights in Cameroon

Reducing the substance of the communities' rights: Under the colonial land-tenure system, communities' rights were significantly affected. The material extent of the communities' rights was also affected by the colonial land-tenure system. What this did was to ascribe undue importance to agriculture in determining the peoples' rights, and to marginalize, if not outright ignore, other local forms of land and resource use. The notion of "*Terres Vacantes et Sans Maître*" which was used as the cornerstone strategy to dispossess communities of their land rights is a relatively simplistic perception of the people's relationship with their lands and resources. This view was reinforced in Article 3 of the June 1896 decree that allowed cultivated lands by nationals to be put under reserves. However, women did not get any more protections than their male counterparts, and where customary law was acknowledged, traditional leaders and customs mandated the exercise of property rights. Consequently, subsistence farming was the main determinant of how land was used and/or shared between the government, economic activities, and citizens. Furthermore, the colonial legislation further demonstrated ignorance of two critical cultural aspects of the peoples of Cameroon in the context of land rights. First, the intangible rights associated with the cultural use of the land and its resources, which are often of a sacred nature. Second, the rights over the natural resources, which represent a significant part of the local communities' activities on the land. The local production systems place a high level of importance on hunting, gathering, and collecting which literally have no role in agriculture, and can lead to the conclusion that the land is unused.

It would appear that the German legislator devised the system principally by transposing land tenure systems inspired by Germany's legal environment. The creation of land ownership by an administrative act that was binding on all persons was, effectively, the cornerstone of the colonial system. Allied to this was the recognition, in the communities' favor, of rights over land in use (for housing or agriculture) as well as land reserved for future agricultural needs. However, the recognition of these rights remained subject to conditions that were incompatible with the traditional practices of the local people.



As far as communities were concerned, there were some advantages to it as it introduced the principle of recognition of customary rights. However, there were severe geographical restrictions, causing thousands of citizens to be displaced internally for significant periods. Furthermore,

this unseated communal agriculture where similar crops were grouped and farmed together for a more fragmented subsistence production. One of the advantages of the 1896 decree, as far as the communities were concerned, was that it introduced the principle of recognition of customary land rights, even if their geographical extent and their substance were to be severely restricted. However, although the peoples' customary rights were recognized they could not be taken for granted.

iv. Women Access to Property Rights in Rural Areas Versus Urban Areas

Although women make up 70% of the population in Cameroon, they only own 1% of land. However, a survey of 150 women in three regions reveal that woman own well over 15% of land in rural areas that are close to urban centers like *Ndop in Bamenda*. As such, women likely own between 5 - 10% of land in Cameroon due to higher literacy rates and emancipation for urban women migrants. Furthermore, it is easier for women in urban areas to have access to legal services that could be absent in rural areas, giving them more latitude to exercise their property rights.

For example, research from the Institute of National Institute of Statistics (INS) finds that **47% of women** take part in household decision making, which increases decision making on issues such as reproductive health, home economics and property rights. This comprehensive study finds that women are increasingly exposed to media and the internet and are generally in paid employment, allowing them to exercise their rights across a range of issues ranging from reproductive health services, sexual education to the use of modern contraception.

Furthermore, only 50% of women in rural areas are literate versus 86% of women in urban centers (**DHS, 2020**), which makes urban women more likely to own property as they are not bound by traditional or customary laws and can exercise their education and access to legal services. Given women have an average of 4.8 children in Cameroon, falling from 5.1%, they are less likely to spend their resources to fight injustice when they are located in rural areas. It is important to note that the average cost of a lawyer or legal advisor can range from **\$200 - \$1000 or 2.5%** of the land value.

The Role of Institutions in Enforcing and Supporting Property Rights in Cameroon

Enforcing property rights in Cameroon requires a broad range of actors including government bodies, non-governmental organizations (NGOs), and the judiciary. Each of these actors play an important role in shaping the landscape for property rights, often reflecting complex legal and socio-cultural contexts.

▪ Government Institutions

Government institutions such as the Ministry of Lands and State Property implement the law and oversee land management – based on the 1974 Land ordinance that establishes a framework of land ownership that distinguishes public, private and national land. However, it is vague and grants the state excessive rights and control over national lands. Meanwhile, local administrative structures, such as councils and traditional authorities play an important role in land governance as they facilitate dialogue between the state and local populations regarding land use and civil disputes. However, they often lack the financial capacity and human capital to enforce land rights effectively, which can reinforce grievances among communities.

▪ **Non-Governmental Organizations (NGOs) and Associations**

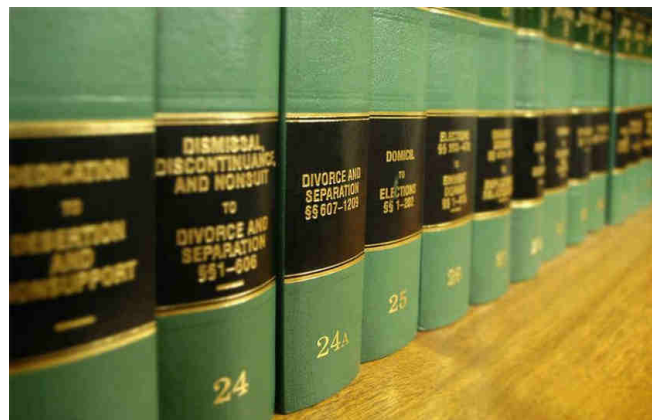
In Cameroon, NGOs and associations play an indispensable role in advocating for women's property rights. For example, organizations like the Centre for Environment and Development (CED), Rainforest Foundation UK (RFUK), Forest Peoples Program (FPP), and LandCam (a project implemented by CED, RELUFA, and IIED), all focus on securing land and resource rights for local communities and indigenous peoples in Cameroon.

Organizations such as the Nkafu Policy Institute and the Cameroon Economic Policy Institute (CEPI) focused on raising awareness across civil society on the importance an economic benefit of women owning property rights. Other NGOs, such as Greenpeace Africa also engage in campaigns against illegal logging and land grabs by highlighting the need for stronger protections for community lands. All the organizations listed above use collaborative efforts to increasingly secure land tenure for marginalized groups such as women.

▪ **Judiciary System**

The judiciary system in Cameroon is mandated by law to interpret and enforce property rights as enshrined in the Constitution and the Constitutional Council plays a vital role in safeguarding individual rights, including property rights.

Citizens use the courts when they believe that their rights have been violated. However, challenges within the judicial system such as corruption



and nepotism continuously hinders effective enforcement of land rights. Issues ranging from corruption to the lack of independence and political influence play negatively impact the rights of property rights, especially of women, who may not possess the educational level of financial resources to challenge injustice. Furthermore, the police force that is responsible for enforcing court decisions remains under executive control and this could lead to situations where court orders may not be respected where they conflict with government interest. This is exacerbated by low rates of land registration – estimated at only 3% - which exacerbates disputes over property ownership, as many citizens rely on informal agreements that lack legal backing.

To conclude, while institutions in Cameroon play critical roles in enforcing and supporting property rights, significant challenges remain ranging from corruption, nepotism to outright state intervention. Government bodies must navigate complex legal frameworks while NGOs advocate for community empowerment to redress the adverse impact of burdensome regulations and enforcement on marginalized groups. The judiciary's effectiveness is often compromised by systemic issues and the uncertainty around customary law in some jurisdictions mean that civil society actors must work towards improving institutional capacity and promote equitable access of land for all citizens.

v. Factors that Influence Women Property Rights

Academic research finds that women's property rights are impacted by legal frameworks (including customary and religious laws), social norms and gender roles, education levels, economic status, access to information, land administration practices, enforcement of laws, and the household power dynamics within a community, all of which can significantly influence women's property rights, particularly about land. In Cameroon, the national regulation takes precedence over customary law, providing a unique opportunity for women to exercise their property rights (Bassalang & Acworth, 2019). However, in some rural parts of the country, customary law is still being implemented and women's rights – even when protected by the law – are not enforced. For example, the patriarchal system of leadership in the North and Extreme North of Cameroon are examples of areas where customary law and regressive gender norms limit women's right to own property.

In reality, however, women are unable to access this right as they are **less educated than their male counterparts**, are *dominantly employed in the informal sector, and earn less than their male counterparts*. According to the UNESCO, Institute of Statistics (UIS data), the primary school completion rate for girls was 66% in 2022 versus 73% for boys. Similarly, secondary school completion rates for girls were similar for boys and girls. Despite having the right laws in place, women with low levels of education who are equally employed in the informal sector often lack access to a basic right – which is land ownership.

Social norms are changing slowly and women are viewed as primary caretakers in their homes who mostly engage in forms of subsistence agriculture. Social norms in rural areas prevent women from exercising their property rights, especially in male-dominated societies in the Northern parts of the country. However, social norms have largely changed in urban

areas and more women are able and willing to challenge societal norms and exercise their property rights.

vi. Benefits of property rights for Women

When women can exercise their property rights, society equally benefits tremendously. The economic, social, and environmental benefits of women owning property are significant for communities where women are owners.

Economic Benefits: When women can effectively exercise their property rights, it encourages them to make long-term investments, plan financially, and increase their incomes as they have greater control over their land. Research from [Doss \(2006\)](#) & [Duflo \(2003\)](#) corroborate this assertion. In Cameroon where most women are entrepreneurs in the informal sector, property rights in rural areas will ensure that women plan both food and cash crops to meet their dietary, financial, and economic needs. Women's incomes will equally rise when they own their land, provided the property and land taxes are less than 25% of their yearly earnings. Furthermore, property ownership not only generates prosperity for women, it enables them to invest in education, health, and nutrition more sustainably.

Combats Gender Discrimination: When women own property, they are less prone to gender discrimination and have greater bargaining power. As evidenced in several empirical studies, this increase in women's autonomy allows them to redirect resources toward women's preferences including health, nutrition, and human capital. (Aslam & Kingdom, 2012; Doss, 2013; Menon et al., 2014). The findings from this study show that women equally invest more responsibly and think of the long-term implications of their actions when it comes to using land for agricultural reasons. [Mishra and Sam \(2016\)](#) find that when women own property, they have less negative impact on other economic variables, including the environment. Gender discrimination in Cameroon is rife, preventing women from accessing credit.

Investment and Certainty: When women can exercise property rights, it creates certainty, reinforces the rule of law, and encourages investment. This means women can lease, sell, and profit from their property effectively and as long as the law allows. Greater investments in manufacturing or agriculture can transform whole communities and allow women to play a more active role in their communities. When women own property, they are equally likely to

make greater investments over the long run. In Cameroon, some women are already leaders in the agriculture sector, and property rights will only reinforce this trend and ensure that 50% of entrepreneurs who work in agriculture can invest, trade, and employ millions of youths in farming, transforming, and trading agricultural products.

Section 2: Property Rights Diagnostic in Nigeria

Introduction

Property rights refer to the legal authority and social acknowledgment of ownership and use of resources and properties. They include the ability to own, transfer, and control land, resources, and properties. For women in Nigeria, Cameroon, and across Africa, property rights are essential for achieving gender equality, economic independence, and social security. But sadly today, society, traditional practices, discriminatory laws, and socio-economic barriers have limited women's access to property rights in these regions. Ensuring equitable property rights for women is not only a matter of justice, economic growth, and societal development. It is a matter of giving every human the right to expand, achieve more, and open doors to extraordinary growth.

This section highlights the historical and legal context of property rights in Nigeria, examines the current challenges women face, and proposes actionable recommendations to address these issues.

i. Historical Evolution (Women's access to property rights Before, during and After Colonization)

The history of property rights in Nigeria has been shaped by its diverse ethnic groups, colonial rule, and post-independence developments. In pre-colonial Nigeria, land ownership was predominantly communal, governed by customary laws specific to ethnic groups. The land was often controlled by community leaders or family heads, and women's access was largely dependent on their marital and familial relationships.

During colonial rule, the British introduced [statutory land tenure systems](#) that coexisted with customary practices. The Land and Native Rights Ordinance of 1916 vested all land in Northern Nigeria to the Governor, while customary laws continued to govern land in the South. This dual system also often marginalized women, who were excluded from formal land transactions.

In addition, the post-independence era, and the promulgation of the Land Use Act of 1978 which aimed to streamline land ownership by vesting all land in state governors retained elements of customary tenure, which continued to disadvantage women.

In recent decades, however, we have seen increased advocacy for gender equity in property rights, but progress remains slow. By vesting land ownership in state governors, the Act centralized control over land but also overlooked or inadequately addressed gender disparities inherent in traditional land ownership systems, especially those based on customary law.

Under customary tenure systems and colonial laws, which are still prevalent in many parts of Nigeria, women continue to have limited access to land. This is due to deeply ingrained cultural norms where land inheritance and ownership rights are typically passed down through male lineage. As a result, women—despite being vital contributors to agricultural and economic activities—often face barriers when it comes to owning or inheriting land. In addition, society is often seen to frown upon women single-handedly owning a property or renting a property.

Many women have cried out over this. Organizations and activists have been pushing for amendments to the Land Use Act, along with reforms in customary practices, to allow women greater access to land. Structural issues such as entrenched cultural practices, limited awareness, and sometimes resistance from local communities continue to pose challenges, especially in the Eastern part of Nigeria. In Ibo land, land is typically inherited through the male line, with sons inheriting their father's properties. Men have held control over land, with women's access to land often tied to their relationships with men.

Women suffered to the extent that having access to lands for farming and housing was a major struggle. They were also vulnerable to land grabbing or dispossession, particularly if they lacked formal title to the land. Recent advocacy efforts have focused on bridging this gap by emphasizing the need for legal reforms that promote gender equality in property rights. Gender equity in land ownership has broader implications, not only for women's economic empowerment but also for the overall development of the country. With land being a primary asset for many, ensuring that both men and women have equal access to it can have significant positive effects on poverty reduction, food security, and sustainable development.

Today, several efforts have risen to promote individual land ownership. These efforts are still in place, and they include legal reforms, as well as women's empowerment programs and community-based initiatives.

ii. Legal Reforms (Property Rights Regulations and legislation in Nigeria)

Legal reforms involve the process of examining existing laws and advocating and implementing change in a legal system, to enhance justice and human rights (Tap Network, 2019). Nigeria's property rights are governed by a combination of property laws, statutory laws, customary laws, and international commitments which continue to undergo legal reforms as when due. Key regulations include: [The Land Use Act of 1978](#) postulates that land ownership can only happen under state control however, it gives regards to customary laws and this often limits women's rights.

Before 1978, land ownership in Nigeria was primarily governed by a customary land tenure system which allowed traditional rulers, families, and communities to control land according to local customs and traditions. This system may have worked in the rural and under-developed areas, but not in urban and developing regions. It created a lot of confusion and inconsistency in land transactions, with multiple claims to ownership on the same piece of land. Land ownership rules couldn't be standardized hence the Nigerian government recognized the need for reform, to enable economic growth, real estate development, and equitable access to land. As rapid urbanization and industrial growth, continued in the 70s, especially in cities like Lagos, Ibadan, and Kano. There arose a surge in land disputes, land speculation, and unequal access to land. Wealthy individuals and corporations were able to amass large tracts of land, while ordinary Nigerians especially women faced barriers to ownership, further entrenching inequality.

The Land Use Act of 1978 was used to introduce a form of unification to prevent inequality. The Nigerian government intended to centralize land administration, ensure that land was used for the public good, and simplify the complex land tenure systems that had previously existed. A primary goal of the act was to ensure that land was available to all Nigerians, regardless of gender, social or economic status. Before the act, wealthy individuals and corporations could easily acquire vast areas of land, making it difficult for small-scale farmers, rural dwellers, and ordinary citizens to access land. By vesting control of all land in the hands of the state governor, the act aimed to provide more equitable access to land resources.



The act also sought to eliminate the fragmented land tenure systems by centralizing land control under the state government. By doing so, it was hoped that land transactions would become more transparent, standardized, and easier to regulate. Instead of individuals obtaining land directly from families or traditional rulers, they would now apply

to the state government for rights of occupancy. This centralization aimed to reduce land disputes and ensure that land use aligned with the state's economic development plans. In rural areas, where customary land tenure systems still exist, the land use of act provides for Customary Rights of Occupancy. This means traditional rulers or local governments can allocate land to individuals for agricultural or residential purposes, but the rights must still be approved by the state. The Land Use Act of 1978 significantly impacted land ownership in Nigeria, including the rights of women. While the act aimed to regulate land tenure and ensure more equitable access to land, its effects on women were mixed, and in many cases, it posed challenges for female land ownership due to societal and legal factors.

Key Provisions of the Land Use Act:

1. **Vests Ownership in the Government:** The Act vests all land in Nigeria under the control of the state governor, who holds the land on behalf of the citizens. A person must obtain a Certificate of Occupancy (C of O) from the state governor to hold legal title to land.
2. **Governance and Access to Land:** The Act formalized the process for granting land rights and provided for the allocation of land for public use, housing, agriculture, and economic purposes.

iii. How the Land Use Act Affected Women

1. **Discriminatory Customary Practices:**
 - While the Act applies to all Nigerians, customary law (which governs land ownership in many parts of the country) often conflicts with the provisions of the Land Use Act when it comes to women's land rights.

- In many Nigerian communities, customary land tenure systems tend to exclude women from land ownership. Customary laws, especially in patriarchal societies, typically grant land rights primarily to men, excluding women from inheriting or owning land.
- Despite the Land Use Act's formal provisions, these customary practices are still deeply rooted, and in many cases, women are unable to acquire land because of the traditional restrictions on female inheritance and ownership.

2. Inability to Access Land:

- The Land Use Act requires individuals to obtain a Certificate of Occupancy to prove legal ownership of land. However, many women face barriers to accessing land in the first place due to their lack of access to the necessary financial resources, networks, and support from male relatives, which are often critical in land acquisition and registration.
- In some cases, even if women do own land or have a claim to it, the male relatives or spouses may dominate the process of obtaining the C of O, leaving women with limited control over the land.

3. Patriarchal Control over Land:

- In many Nigerian communities, land is considered a valuable asset, and patriarchal systems often mean that male family members control land. This control can affect women's ability to make decisions regarding the use, sale, or transfer of land.
- Even when women inherit land, the power to manage or utilize the land often rests with male relatives (fathers, brothers, or husbands), which diminishes their autonomy in land-related matters.

4. Legal Gaps in Protection:

- While the Land Use Act itself does not explicitly discriminate against women, it doesn't offer specific legal safeguards to address gender disparities in land ownership. The law does not compel compliance with non-discriminatory practices in inheritance under customary law.
- As a result, women may find it difficult to assert legal ownership of land, especially when local chiefs or family members refuse to acknowledge women's rights under the Act. Women's land ownership may be undermined by entrenched gender biases.

5. **Land Allocation and Access to Development Programs:**

- The Act provides a framework for land allocation by the government, but in practice, land allocation is often influenced by gender biases, with men more likely to receive land for agricultural purposes or housing projects.
- Women's participation in land-related development programs (like agricultural reforms, infrastructure development, or urban housing schemes) may also be limited due to the challenge of acquiring land titles in their name.

iv. Matrimonial Causes Act:

“This act addresses property division in divorce but does not adequately protect women’s rights. Under customary law, the system of patriarchy structures in the Nigerian society and its governance is solely determined by men. This puts men’s interests and values over and above women’s interests and ushers’ inequality between men and women”. Ponnile Orija Shittu

The prongs of customary law restricting a woman's right to inheritance is not peculiar to Nigeria alone, but also in various African countries, where women are treated as second-class citizens. This system permits customs and traditions to exclude women's property rights. Most traditions especially in eastern and western Nigeria do not recognize the woman's ability to head the family because she is seen as a weak figure and doing that would emasculate the men in the family. The same patriarchy does not allow a wife to inherit her husband's property. In the same vein, under customary law where a wife dies; the husband keeps the entire deceased wife's personal property, even though they jointly acquired the same.

The difficulty of bestowing a former wife with property under customary law is that land is usually held in trust by members of a community. This makes the land difficult to segregate and divide.

There is a plethora of customs which are based on gender differences. One such is the occasion wherein upon the death of a woman's husband, the property is transferred to her late husband's male family members if she does not have any male child to lay claim to such property. The Matrimonial Act is an attempt made to address the situation through the [Married Women Property Act of 1870](#).

This Act enabled women to keep their income (but not other property) for their use. Another reform was enacted by the Married Women Property Act 1882. This Act enables a married woman to keep separate possessions. Under this Act, she could sue and be sued in her own right over disputes relating to her separate property.

Under the Married Women's Property Act 1882, a husband or wife is entitled to make an application to a judge of a High Court in respect of her proprietary rights. Upon an application, the Court is required to make such order as may be considered just and equitable. Married women are entitled to have an equal share in properties acquired during the marriage as well as those jointly acquired by both of them. This is illustrated in the case of [Patience Oghoyone v. Daniel Oghoyone](#), where the court held that the claimant and the respondent had an equal share in the properties as well as the joint car business operated by both of them.

Despite the recent laws protecting women and proprietary rights, the courts still deviate from granting decisions to ensure equal share and distribution of property in a marriage merely for the reason that there is a lack of sufficient proof to show that she had economically contributed towards the acquisition of the property. However, it is argued that in determining the settlement of property in divorce, the court should not merely dismiss such cases for want of proof of financial contribution, but, should also take account of the support, effort, time, and children the woman has invested in such a marriage which would not be adequately measured financially if paid for.

Other barriers women face in owning their properties include, inadequate legal protections, enforcement challenges, and economic Barriers- that is limited access to credit and financial resources hinders women's ability to acquire property. Institutional Weaknesses- this implies ineffective enforcement of laws and gender biases within legal institutions exacerbate the problem. Addressing these issues requires targeted interventions, including legal reforms, education and awareness campaigns, and capacity-building initiatives to empower women and promote equitable property rights in Nigeria.

v. Efforts to Address Challenges Women face in a bid to own landed properties:

Some policies and laws were developed to address the challenges women face and also favor their land ownership and use. Some of these include:

1. **The Nigerian Constitution (1999):** This constitution guarantees equal rights for all citizens, regardless of gender. In its provisions, it prohibits discrimination based on gender, including in property rights, thus offering a legal basis for women's rights to land ownership.
2. **The Land Use Act (1978):** The Land Use Act, though often critiqued for centralizing control of land ownership under the government, includes provisions that can benefit women. Specifically, it grants individuals the right to hold and use land, which theoretically extends to women. However, customary law still limits many women's access to land, especially in rural areas.
3. **National Gender Policy (2006):** The National Gender Policy in Nigeria emphasizes gender equality across various sectors, including land ownership. The policy calls for the removal of discriminatory practices against women, especially in land inheritance, and supports women's right to access and control land.
4. **The Matrimonial Causes Act (1970):** This act ensures that women have the right to ownership of property acquired during marriage, including land. In the event of divorce or separation, the law provides a framework for the equitable division of marital property, which includes land. It is strongly suggested that there is a need to harmonize customary law within the paradigm of the Marriage Act.
5. **The Nigerian Land Tenure System:** Customary land laws govern land rights in many parts of Nigeria. While these laws are often biased against women, there have been reforms in some regions to enhance women's access to land. Local governments and NGOs have also been working to raise awareness and provide support for women to assert their land rights.
6. **International Commitments (e.g., CEDAW):** Nigeria is a signatory to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This international agreement obligates the country to eliminate discriminatory practices, including those that restrict women's access to land and property.
7. **State-Level Reforms:** Some Nigerian states have made efforts to address gender disparities in land access. For example, Enugu State in southeastern Nigeria enacted reforms to give

women more control over land, ensuring they are included in land allocation and decision-making processes.

8. **Women's Land Rights Advocacy:** Various women's rights organizations in Nigeria have worked to challenge these gender-based barriers. Some of these organizations include: Women's Rights Advancement and Protection Alternative (WRAPA), the International Federation of Women Lawyers (FIDA) Nigeria, Nigeria Women's Trust Fund (NWTF), and the Association of Nigerian Women Entrepreneurs (ANWE). They have advocated for reforms that ensure women's access to land and inheritance rights and that ensure greater gender equity in land distribution. Examples of these women's organizations include:
9. **Awareness Campaigns:** Legal literacy campaigns to educate women about their rights under the Land Use Act have been put in place and have been growing in recent years. Some non-governmental organizations (NGOs) have worked to support women in obtaining land titles and certificates of occupancy. While the Land Use Act of 1978 sought to streamline land tenure in Nigeria and provide more equitable access to land, women's land ownership rights have been heavily impacted by traditional practices and patriarchal systems.

Customary law and societal norms often hinder women's ability to own, inherit, or control land, even though the Land Use Act offers legal structures for land ownership. As such, although the Land Use Act might provide a legal framework for land ownership, many women still face significant barriers due to deeply ingrained gender norms and discriminatory practices in the administration of land.

vi. The Nigerian Constitution:

The Nigerian constitution is also another law that guarantees equality, and prohibits discrimination, but weakens its impact on property rights. The 1999 Constitution of the Federal Republic of Nigeria, addresses land ownership in various sections, with the key legal framework for land tenure being set out in Chapter II and Chapter III. The main constitutional provision on land is found in Section 44 of the Constitution, which deals with the "Compulsory Acquisition of Property". Section 44(1): This section establishes that all land in Nigeria is vested in the government. Specifically, it states that all lands in Nigeria belong to the Government of the Federation or the Government of a State.

The Federal Government and State Governments have the right to acquire land for public purposes, and such acquisition can be done compulsorily, as long as proper compensation is provided. Section 44(2) allows for the compulsory acquisition of property, including land, by the government, but requires that prompt payment of compensation must be made to the person or group whose land is being acquired. The amount of compensation should reflect the value of the land and the displacement caused by the acquisition.

vii. Why property rights matter for women in Africa.

1. Women's empowerment programs

Property rights are crucial for women in Africa, as they play a pivotal role in their overall empowerment, economic independence, and social stability. Having secure access to land and property can significantly affect women's ability to improve their living conditions, contribute to the economy, and have a voice in their communities. Property rights provide women with the ability to own and control assets, such as land, houses, or businesses. This security of tenure is essential for generating income, starting or expanding businesses, and improving financial independence for women. Empowering women through property ownership directly contributes to their economic empowerment, as it allows them to access credit, invest in agricultural production, or participate in commercial activities.

For example, in some African countries, women are often the primary agricultural producers but lack secure land rights, which limits their productivity and ability to invest in farming. Property rights provide them the ability to access resources like loans, which are vital for expanding businesses and increasing household income. In many African societies, land ownership is tied to economic survival, so when women are denied property rights, they often face barriers to accessing education and healthcare.

Property rights also provide legal protection for women against domestic violence and economic abuse. In many African communities, women who don't own property may be more vulnerable to violence, as they may lack a place to go when they are being abused or mistreated by a spouse. Secure property ownership ensures that women are less likely to be dispossessed by their husbands, family members, or other male relatives in case of separation or divorce. Ownership rights provide women with a sense of safety and security.

2. Community-Based Initiatives

Property rights bring about great community-based initiatives such as programs aimed to provide women with tenure rights especially in rural areas where women play a central role in farming and food production but often do not have legal control over the land they cultivate. Community-based initiatives that secure land and property rights for women can lead to improved agricultural outcomes, food security, and poverty alleviation.

When women in communities have property rights, they are more likely to take leadership roles and participate in local governance. Women who own property have a stronger position to advocate for community improvements, whether in education, health, infrastructure, or safety. Property rights ensure that women's voices are heard and valued in the governance process, which promotes long-term sustainable development in their communities.

The Role of Institutions in Enforcing and Supporting Property Rights in Nigeria

In enforcing and supporting property rights, particularly in ensuring that both men and women can legally own, inherit, and control land and property. There are roles to be played by institutions. These institutions include government bodies, legal institutions, non-governmental organizations, and traditional authorities, all of which work together or independently to promote property rights and ensure they are respected.

Institution	Organization
Government Institutions	<ul style="list-style-type: none">• The National Land Commission (NLC)• The Federal Ministry of Justice• The State Governments and Local Land Administration Agencies• The Judiciary (Courts)
Legal and Advocacy Institutions	<ul style="list-style-type: none">• Women's Rights and Legal Aid Organizations

	<ul style="list-style-type: none"> • The Nigerian Bar Association (NBA)
Traditional Institutions	<ul style="list-style-type: none"> • Chiefs and Traditional Rulers • Local Community Land Committees
International and Regional Institutions	<ul style="list-style-type: none"> • The African Union (AU) • United Nations (UN) and International Development Organizations
Educational and Research Institutions	<ul style="list-style-type: none"> • Universities and Research Institutes

Section 3: Property Rights Diagnostic in Ghana

i. Women and Property Rights in Ghana

Property rights are a critical aspect of economic empowerment, particularly for women, as they provide security, financial independence, and investment opportunities. In Ghana, access to property, especially land, plays a vital role in determining one's economic stability, social standing, and overall contribution to national development. Land is not only a key asset for agriculture, which is the backbone of Ghana's economy, but it also serves as collateral for accessing credit, housing, and business investments. For women, owning property can mean the difference between poverty and prosperity, as it enhances their ability to participate in economic activities, secure livelihoods, and improve their families' well-being (Tsikata, 2009).

Though there are frameworks that recognize and protect women's rights to own, inherit, and manage property, significant barriers persist. Cultural norms, customary practices, and deeply rooted patriarchal structures often limit women's ability to exercise these rights fully. In many communities, inheritance practices favour male family members, and land ownership remains largely dominated by men (Allotey and Dey, 2021). Even when women gain access to property, they often face challenges in exercising control over it, making independent decisions, or using it for economic gain (UN Women, 2021).

Ghana's dual legal system, which consists of both statutory and customary laws, further complicates the issue of women's property rights. While statutory laws, such as the 1992 Constitution and the Intestate Succession Law, provide for gender equality in property ownership (Constitution of Ghana, 1992), customary laws, which vary across different ethnic groups, often contradict these provisions. In many cases, traditional leaders and family heads play a crucial role in land allocation and inheritance, and their decisions are often influenced by long-standing customs that prioritize men over women (Tsikata, 2003).

Additionally, socio-economic factors such as lack of financial resources, limited legal literacy, and inadequate representation of women in land governance structures contribute to the challenges women face in securing property rights. Many women are unaware of the legal protections available to them, and even those who are aware often lack the means to challenge

discriminatory practices in court. The cost and complexity of legal proceedings make it difficult for women, particularly those in rural areas, to assert their rights (GWLAT, 2023).

ii. Historical Context of Women's Property Rights in Ghana

Historically, Ghanaian society has been shaped by both matrilineal and patrilineal inheritance systems, which have significantly influenced the way property is transferred and controlled. These inheritance systems vary across ethnic groups and play a crucial role in determining women's access to property, particularly land (Ubink, 2008). The Akan, the largest ethnic group in Ghana, traditionally follow a matrilineal system in which inheritance and lineage are traced through the mother's side. Under this system, property is expected to be passed down to a man's maternal relatives, particularly his nephews (his sister's children), rather than his biological children. In theory, this system provides women with some access to property because they are integral to the family lineage. However, in practice, men still wield significant control over land and other assets, often making decisions about property distribution and usage. Women, despite being part of the inheritance structure, may have only limited authority over the assets they technically inherit, as male relatives often manage these resources on their behalf (Manuh, 1997).

In contrast, ethnic groups such as the Dagomba, Mamprusi, Ewe, and Ga-Adangbe adhere to a patrilineal system, where inheritance follows the male lineage. In these communities, property is typically passed down from fathers to sons, effectively excluding women from direct inheritance. Daughters may receive temporary access to land or property but are not considered primary beneficiaries (Crook, 2011). Instead, they are expected to gain access to land through their husbands upon marriage. This system reinforces the notion that land ownership is a male privilege, limiting women's ability to accumulate and control wealth (Kotey 2002).

The introduction of colonial rule in Ghana further entrenched male dominance in land ownership and property rights. During the colonial period, the British formalized land tenure systems that prioritized individual land ownership and introduced Western legal frameworks that often overlooked women's customary rights (Mamdani, 1996). Colonial administrators worked closely with traditional chiefs and male landowners, reinforcing existing patriarchal structures. Many land transactions required official documentation, such as land titles and

leases, which were primarily issued to men. Women, who had traditionally assessed land through family and communal arrangements, found it increasingly difficult to assert ownership under the new system (Ibid).

Despite these historical disparities, women in Ghana have continued to play a vital role in agriculture, trade, and household management. However, their contributions have often gone unrecognized in formal property rights discussions. Today, while legal reforms aim to address these historical imbalances, many customary practices and societal norms continue to restrict women's full access to property and inheritance. Understanding the historical foundations of Ghana's property rights systems is crucial in addressing the persistent gender inequalities in land and asset ownership.

iii. Legal Framework Governing Women's Property Rights

a). The 1992 Constitution of Ghana

The 1992 Constitution of Ghana serves as the supreme legal framework that upholds the principles of gender equality and ensures that women's rights, including property rights, are protected. The Constitution explicitly provides legal backing for the equitable treatment of women in matters relating to land ownership, inheritance, and marital property (Constitution, Rep. Ghana, 1992). Article 17 of the constitution is particularly significant in addressing gender-based discrimination. It states that all persons are equal before the law and prohibits discrimination on the grounds of gender, race, ethnic origin, religion, creed, or social or economic status. This provision is crucial in ensuring that women have the same rights as men in acquiring, owning, and managing property. By establishing legal equality, this article seeks to eliminate discriminatory customary practices that often disadvantage women in property ownership and inheritance.

Article 22 is another important provision that focuses specifically on women's property rights in marriage and inheritance. It mandates Parliament to enact laws to ensure that spouses have equal rights to property acquired during marriage. This provision is essential in protecting women's property interests, particularly in cases of divorce or the death of a spouse. In the past, many women were left vulnerable and dispossessed after the dissolution of marriage or the passing of their husbands, as property was often controlled by men and their extended families.

Article 22 ensures that widows and divorced women can rightfully claim their share of marital assets, promoting fairness in property distribution. Article 36(6) emphasizes the state's responsibility to take appropriate measures to promote a just and equitable economic system that guarantees fair access to resources, including land and property, for both men and women. This provision places an obligation on the government to create policies and mechanisms that support women's economic empowerment through property ownership.

Article 35(5) and (6) charge the state with the duty of actively promoting the integration of marginalized groups, particularly women, into the mainstream of economic development. This includes removing systemic obstacles that prevent women from acquiring and controlling property. Despite these constitutional guarantees, enforcement remains a significant challenge. Many women, especially in rural areas, are unaware of their rights under the constitution, and customary leaders often prioritize traditional inheritance systems over statutory law (Tsikata, 2009). The gap between constitutional provisions and customary practices continues to limit the full realization of women's property rights in Ghana.

To bridge this gap, the Ghanaian government, in collaboration with civil society organizations, has made efforts to educate women about their rights and ensure that legal frameworks are effectively implemented. Legal literacy programs, alternative dispute resolution mechanisms, and advocacy campaigns have been introduced to empower women and challenge discriminatory practices that persist at the community level (GWLAT, 2009).

b). Intestate Succession Law, 1985 (PNDC Law 111)

The Intestate Succession Law, 1985 (PNDC Law 111) was enacted to address the long-standing injustices faced by women and children in Ghana when a male family member, particularly a husband or father, died without leaving a will. Before the introduction of this law, Ghanaian customary laws often dictated inheritance practices that favoured male relatives, such as the deceased's brothers, nephews, or other extended family members, while widows and children were frequently left without adequate provisions (*PNDC Law 111*).

Under many traditional inheritance systems, particularly in patrilineal societies, a widow was not considered a rightful heir to her husband's property. Instead, control of the property is

typically transferred to male relatives of the deceased. In some cases, a widow could continue living on her late husband's land or in his house, but only if she remained unmarried or was inherited by one of his male relatives; a practice known as widow inheritance (Allotey & Dey, 2021). This arrangement left many women financially vulnerable and dependent on their in-laws for survival.

The enactment of PNDC Law 111 sought to reform these discriminatory inheritance customs by providing a fair and structured method for distributing the estates of individuals who died intestate (without a will) (Duncan, 2010). The law introduced a statutory order of inheritance, ensuring that widows and children were legally entitled to a portion of the deceased's property. When the deceased is survived by a spouse and children, the estate is divided into thirds—one-third each to the spouse, children, and extended family. If no children exist, the spouse receives half, and in the absence of any heirs, inherits the full estate (Kotey, 2022). The law also guarantees the surviving spouse continued occupancy of the matrimonial home and mandates equitable inheritance distribution among co-wives in polygamous households (Tsikata, 2003). These provisions mark significant progress in securing women's housing and inheritance rights under Ghana's plural legal system.

c). Implementation Challenges of PNDC Law 111

The enforcement of PNDC Law 111 faces several systemic barriers. Many rural women lack awareness of their legal entitlements, and legal education infrastructure is weak (UN Women, 2021). Even when women attempt to claim their rights, high litigation costs and prolonged court procedures hinder justice. The law also struggles to address modern complexities such as polygamous marriages and does not fully account for women's economic contributions during marriage (Kuenyehia, 2013). Local authorities often prioritize customary norms, leading to inconsistent judicial application and undermining statutory protections (Ubink, 2008).

iv. Reform Efforts and Persistent Gaps

Recent reforms propose stronger enforcement, broader legal education, accessible legal aid, and amendments to accommodate polygamous family arrangements (Tsikati, 80). Despite these efforts, PNDC Law 111 remains the cornerstone of Ghana's inheritance reform, and continued advocacy is essential for achieving full gender equity in inheritance rights.

v. Land Act, 2020 (Act 1036)

The Land Act, 2020 (Act 1036) consolidates Ghana's land laws and aims to improve land administration while promoting gender equity. One of its core objectives is ensuring women's access to land and protecting their tenure rights under both statutory and customary systems (Land Act, 2020). The law mandates that land administration bodies eliminate discrimination and ensure equal access to land for women, including inheritance, purchase, or family allocation. This is especially important in Ghana, where 80% of land is governed under customary law (Bugri, 2009).

The Act also strengthens women's land security by protecting marital property rights during divorce or widowhood and creating legal barriers against land grabbing (UN Women). These protections empower women to own land without fear of dispossession from male relatives or powerful actors.

vi. Challenges in Implementing the Land Act, 2020

Despite its robust legal framework, implementation remains difficult. Patriarchal norms continue to view land as male property and enforcement of gender protections at the community level is weak (Action Aid Ghana, 2022). Most rural women are unaware of their rights due to low legal literacy. Additionally, complex land registration processes and reliance on informal, verbal agreements in customary land transactions leave women without formal ownership documentation, limiting their ability to assert claims during disputes (Tsikata, 39).

a). Marriage Laws and Women's Property Rights in Ghana

Marriage plays a crucial role in determining women's property rights in Ghana, influencing ownership, inheritance, and access to assets. Ghana has multiple marriage systems, including statutory (civil) marriage, customary marriage, and Islamic marriage, each with different implications for women's property rights. While statutory laws provide some level of protection for women in terms of property division upon divorce or the death of a spouse, customary and Islamic marriages often operate under traditional and religious norms that may limit women's ability to claim property.

b). Matrimonial Causes Act, 1971 (Act 367) and Property Division

The Matrimonial Causes Act, of 1971 governs property division in statutory marriages upon divorce in Ghana, mandating equitable distribution of marital assets. Courts consider both financial and non-financial contributions (e.g., childcare, homemaking), children's needs, and divorce circumstances to ensure fair outcomes. The Act explicitly values women's unpaid labor, countering traditional biases that undervalue their role in wealth accumulation (Matrimonial Causes Act, 1971). Additionally, the Act protects surviving spouses by linking to PNDC Law 111, allowing widows to claim a share of their deceased husband's estate. This safeguards against disinheritance by extended families, though enforcement gaps persist in rural areas where customary norms may override statutory protections (University of Ghana, 2013). While the Matrimonial Causes Act, of 1971 provides a legal framework for equitable property distribution, its implementation has not always been consistent. Furthermore, women, especially those in rural areas, may lack knowledge of their rights or access to legal assistance, making it difficult for them to claim property after divorce (Ibid).

In Ghana, customary marriage, the most prevalent form, especially in rural areas, is governed by ethnic traditions rather than statutory law, often disadvantaging women in property rights. Typically, husbands control marital assets, including land and houses, even in communities that nominally recognize joint ownership (Duncan, 2010). Widows face inheritance barriers, as patrilineal customs frequently transfer property to male relatives, leaving them economically vulnerable despite protections under PNDC Law 111, which suffers from weak enforcement (Tsikata, 2009). Upon divorce, women may be evicted without property shares, particularly if their financial contributions are disregarded, highlighting systemic gender inequities in customary systems.

Islamic marriages in Ghana operate within a complex intersection of Sharia principles and contemporary property rights. While Islamic law formally recognizes women's autonomous property rights, its inheritance provisions embed structural inequalities, granting daughters half the share of sons and limiting widows to fractional claims like 1/8 with children, and 1/4 without. The divorce process offers partial protections through the mandatory Mahr payment, yet fails to guarantee equitable division of marital assets, leaving outcomes dependent on often patriarchal religious interpretations (UN Women, 2021). This creates a paradoxical system where women's property rights are simultaneously affirmed in theory yet constrained in practice through rigid inheritance formulas and discretionary divorce settlements.

vii. Challenges Facing Women's Property Rights in Ghana

Despite progressive legal frameworks guaranteeing women's property rights, persistent barriers rooted in cultural norms, systemic inequalities, and institutional gaps continue to undermine their implementation. These challenges disproportionately affect rural women, limiting their economic empowerment and perpetuating gender disparities in asset ownership (Crook, 2009).

1. Entrenched Customary Practices and Patriarchal Norms

Ghana's dual legal system creates contradictions between statutory protections and customary laws that dominate rural land governance. Both patrilineal and matrilineal inheritance systems ultimately privilege male control; whether through direct inheritance (patrilineal) or male management of matrilineal assets (Bugri, 2009). Traditional authorities, predominantly male chiefs and family heads, maintain decision-making power over land allocation and usage rights, often restricting women's autonomy even when they technically inherit property. This systemic bias prevents women from freely developing, leasing, or selling inherited land without male approval (Ubink, 2008).

2. Structural Barriers to Land Access and Economic Participation

Women face three fundamental obstacles to securing land tenure:

- documentation deficits where informal inheritance practices and verbal agreements deny women legally recognized ownership, leaving them vulnerable to dispossession;
- financial exclusion as evidenced by ActionAid's finding that 85% of women lack formal land titles (2022), compounded by lower incomes that restrict independent purchases; and
- institutionalized bias where traditional authorities systematically favor men in land allocation while subjecting women to discriminatory pricing and negotiation practices in formal and informal land markets. These interconnected barriers create a self-reinforcing cycle of economic marginalization for Ghanaian women.

3. Systemic Weaknesses in Legal Enforcement

Three critical gaps undermine legal enforcement:

A pervasive *knowledge deficit* leaves rural women unaware of their constitutional and statutory protections under laws like the Land Act 2020; *Institutional barriers*, including high litigation costs and complex legal procedures, deny access to justice.

And most crucially, a *dual-system conflict* persists where traditional authorities continue privileging discriminatory customary practices, rendering favorable court decisions unenforceable at the local level (ActionAid, 2022). This crisis creates a legal paradox where progressive legislation exists on paper but fails to materialize in women's lived experiences.

viii. Efforts to Improve Women's Property Rights in Ghana

Women's property rights in Ghana have been historically restricted by customary practices, legal inconsistencies, and socio-economic barriers. However, in recent years, the Ghanaian government, civil society organizations, and international bodies have intensified efforts to address these challenges through legal reforms, empowerment programs, and community-based awareness campaigns. These initiatives aim to enhance women's access to land, inheritance, and property ownership, ultimately contributing to their economic empowerment and social stability (Tsikata, 41).

1. Legal Reforms and Policy Interventions

Key Legal Reforms:

The Land Act, 2020 (Act 1036): This law consolidates various land-related statutes, ensuring that land transactions are transparent and inclusive. The Act recognizes the importance of gender inclusivity in land ownership and seeks to protect women from land dispossession (Land Act, 2020).

The Intestate Succession Law, 1985 (PNDC Law 111): This law was introduced to ensure that the property of deceased individuals who die without a will is fairly distributed among their spouses, children, and dependents. Although it provides a more equitable distribution framework, challenges persist in its implementation due to resistance from customary authorities (PNDC, 1985).

Review of Inheritance and Marriage Laws: There have been continuous efforts to review inheritance laws to better reflect gender equality, ensuring that women, especially widows and daughters, are not unfairly excluded from property ownership.

Affirmative Action Policies in Land Administration: Efforts have been made to include women in land administration bodies, such as the Lands Commission and Customary Land Secretariats, to ensure their perspectives and rights are considered in decision-making processes (Tsikata, 2009).

2. Women's Empowerment Programs

Beyond legal reforms, various organizations have implemented empowerment programs to support women in securing property rights. These programs focus on education, financial assistance, and advocacy to strengthen women's capacity to own, control, and inherit land and property (UN Women, 2021).

Ghana's landscape of women's property rights is being transformed through targeted initiatives: The Ghana Women's Land Access Trust (GWLAT) pioneers cooperative land ownership models while equipping women with legal knowledge and financial access; ActionAid Ghana empowers rural women through land tenure security programs combining registration support with sustainable farming training; the Ministry of Gender, Children and Social Protection (MoGCSP) delivers crucial legal aid to women navigating property disputes; and Women in Agriculture Development (WIAD) bridges the gap between female farmers and productive land access through tailored funding solutions—together forming a comprehensive ecosystem for women's economic empowerment through property ownership.

3. Community-Based Awareness Campaigns

Public education and advocacy play a critical role in challenging discriminatory norms and promoting gender equality in property rights. Many women remain unaware of their legal entitlements, and some hesitate to claim their rights due to cultural pressures (Crook, 2011).

To promote women's land rights, multifaceted awareness campaigns employ mass media, community engagement, and youth education—local-language radio and television programs feature legal experts demystifying inheritance laws, while NGOs and government agencies conduct workshops that both educate women and strategically engage traditional leaders to shift cultural norms, complemented by school-based programs that instill principles of gender equality in property rights among youth to disrupt intergenerational discrimination and build a more equitable future (Tsikata, 2003).

Ghana's journey toward gender-equitable property rights reveal both the power of progressive legislation and the stubborn resilience of systemic barriers. While landmark laws like the Land Act 2020 and PNDC Law 111 provide a robust legal foundation for women's land ownership and inheritance, their implementation remains uneven, hindered by deeply entrenched patriarchal norms, gaps in legal literacy, and a dual legal system that privileges customary practices. The stark contrast between statutory protections and lived realities—where 80% of land remains under customary control and 85% of women lack formal titles—underscores the urgent need for multidimensional interventions.

The path forward demands more than legal reform; it requires dismantling structural inequities through targeted action. Strengthening enforcement mechanisms, expanding community-led legal education, and investing in women's economic agency are critical steps. Grassroots initiatives like GWLAT's cooperative land models and ActionAid's tenure programs demonstrate the potential of localized solutions, but their impact must be scaled through policy integration. Crucially, traditional leaders and judicial authorities must be engaged as partners in reform, bridging the gap between statutory and customary systems. As Ghana navigates this complex terrain, the ultimate measure of progress will be tangible: women's names on land titles, their voices in governance, and their unfettered autonomy over property—cornerstones of a truly inclusive economic future.

Policy Recommendations to Unlock Women's Property Rights

To foster equitable property rights across Cameroon, Ghana, and Nigeria, policy interventions must address legal frameworks, implementation gaps, and socio-cultural barriers. The following recommendations are grouped into six key themes:

1. Legal and Policy Reform

- **Harmonization of Laws:** Align statutory and customary laws to eliminate contradictions and ensure consistency with gender equality principles. This includes reforming or repealing discriminatory customary laws that deny women's property rights.
- **Constitutional and Legislative Amendments:** Amend constitutions and legislation (e.g., Land Use Act in Nigeria, Land Act in Ghana) to explicitly guarantee equal property rights for all, regardless of gender. This involves revising discriminatory provisions related to land ownership, inheritance, and control of assets.

- **Strengthening Legal Frameworks:** Develop comprehensive legal frameworks that protect and promote women's property rights, including rights to land ownership, inheritance, use, and control of property within marriage and family relations.
- **Marriage and Inheritance Laws:** Review and reform marriage and inheritance laws to ensure equitable distribution of property, protect widows' rights, and address complexities in polygamous family structures. (Ghana, Nigeria)
- **Land Tenure Reform:** Implement land tenure reforms that formalize and secure land rights, particularly for marginalized groups, and simplify land administration and registration processes. (Cameroon)

2. Institutional Strengthening and Governance

- **Capacity Building:** Provide training and resources to government officials, traditional authorities, judicial officers, and other stakeholders to enhance their capacity to implement and enforce gender-equitable property rights.
- **Institutional Reform:** Strengthen institutions responsible for land administration, legal enforcement, and dispute resolution to be gender-sensitive, accessible, transparent, and accountable.
- **Monitoring and Evaluation:** Establish mechanisms to monitor and evaluate the implementation of legal reforms and policies related to property rights, with a focus on gender-disaggregated data and outcomes for women.
- **Women in Governance:** Increase women's representation and participation in land governance structures and decision-making processes at all levels. (Ghana)

3. Education, Awareness, and Legal Literacy

- **Public Awareness Campaigns:** Conduct nationwide campaigns to educate women, men, and communities about property rights, inheritance laws, and gender equality, using various media and community engagement strategies.
- **Legal Literacy Programs:** Expand legal literacy programs, particularly in rural areas, to empower women to understand, claim, and defend their property rights.
- **Curriculum Development:** Integrate gender equality principles and property rights education into school curricula and community education programs.

- **Challenging Norms:** Implement programs and campaigns to challenge discriminatory social and cultural norms and promote gender-equitable attitudes and behaviors related to property ownership and inheritance.

4. Access to Justice and Legal Aid

- **Legal Aid Services:** Expand access to free or affordable legal assistance for women, especially in rural areas, to help them assert their property rights, seek redress for violations, and navigate legal processes.
- **Alternative Dispute Resolution:** Promote and strengthen alternative dispute resolution mechanisms that are accessible, affordable, and culturally appropriate, ensuring they are fair and equitable for women. (Nigeria)
- **Access to Courts:** Improve women's access to formal court systems by reducing costs, simplifying procedures, and providing support services.

5. Economic Empowerment and Resources

- **Access to Financial Resources:** Implement policies and programs that enhance women's economic independence and access to financial resources, including credit, loans, and agricultural support, to enable them to acquire, control, and secure property.
- **Land Administration and Registration:** Streamline and simplify land registration processes to make them more accessible and affordable for women, and encourage the registration of land titles in women's names.
- **Support for Women Farmers:** Provide targeted support to women farmers, including access to land, inputs, technology, and markets, to enhance their productivity and economic empowerment. (Ghana)
- **Community-Based Solutions:** Support and promote community-based solutions that enable women to collectively access, control, and manage property, such as women's land cooperatives. (Nigeria)

6. Collaboration, Coordination, and Data

- **Multi-Stakeholder Partnerships:** Foster collaboration and coordination among government agencies, civil society organizations, women's rights organizations, research

institutions, traditional authorities, and international partners to promote gender-inclusive property rights.

- **Support Women's Organizations:** Support and strengthen women's organizations and networks working on property rights issues, and enhance their capacity for advocacy, legal aid, and community mobilization.
- **Data Collection and Analysis:** Improve the collection and analysis of gender-disaggregated data on property ownership, access, and control to inform policy and track progress.
- **Research:** Promote and support research on the socio-cultural, economic, and legal factors affecting women's property rights to inform evidence-based policymaking.

By implementing these comprehensive and interconnected recommendations, Cameroon, Ghana, and Nigeria can create more equitable and secure property rights environments, contributing to sustainable development, gender equality, and social justice.

Conclusion

This diagnostic report has examined the multifaceted challenges to securing equitable property rights, particularly for women, in Cameroon, Ghana, and Nigeria. While statutory laws in these countries often provide for gender-equitable property rights, the lived reality for many women is starkly different. Customary laws, deeply entrenched patriarchal norms, and socio-economic inequalities frequently override these legal protections, creating a complex web of obstacles that hinder women's ability to own, inherit, and control property.

The historical context plays a significant role in shaping the current landscape of property rights. In Cameroon, the transition from customary land ownership to a hybrid model introduced by colonial powers has resulted in enduring challenges related to land security and the recognition of community rights. The colonial legacy, with its emphasis on individual land ownership and the marginalization of customary rights, continues to influence property relations.

Nigeria presents a dual legal system where the coexistence of statutory and customary laws creates further complexities. While statutory laws guarantee women's property rights, customary laws in many communities disinherit women or restrict their access to land and other assets. Cultural norms and patriarchal structures exacerbate these challenges, limiting

women's ability to claim their rights. Religious laws, particularly in the northern states, also play a significant role, often to the disadvantage of women.

Ghana's property rights framework reflects similar contradictions. The Land Act of 2020 represents a progressive step towards gender equality, but its implementation is hampered by deeply entrenched patriarchal norms, weak enforcement mechanisms, and limited legal literacy among women. Customary practices and patriarchal norms continue to undermine the implementation of legal protections, disproportionately affecting rural women. The complexities of marriage laws in Ghana, including statutory, customary, and Islamic marriage, further complicate the issue, with customary and Islamic marriages often operating under traditional norms that limit women's ability to claim property.

A common thread across these three nations is the discrepancy between legal rights and actual practices. Limited awareness of legal rights, inadequate access to legal resources, and weak enforcement mechanisms compound the problem. These factors, combined with discriminatory customary laws and patriarchal social norms, create a challenging environment for women seeking to exercise their property rights.

To address these challenges, the report offers a range of policy recommendations. These recommendations emphasize the need for legal and policy reforms to harmonize statutory and customary laws, strengthen legal frameworks, and ensure that they align with constitutional principles and international human rights standards. Effective implementation and enforcement of these legal frameworks are crucial, requiring institutional strengthening, capacity building, and mechanisms for monitoring and evaluation.

Education and awareness-raising initiatives are also essential to empower women with knowledge of their legal rights and challenge discriminatory norms and practices. Access to justice and legal aid must be expanded, particularly in rural areas, to enable women to assert their rights and seek redress for violations.

Furthermore, the report underscores the importance of economic empowerment, advocating for policies and programs that enhance women's economic independence and access to financial resources. Streamlining land administration and registration processes to make them more accessible and affordable for women is also critical.

Ultimately, achieving gender-equitable property rights in Cameroon, Ghana, and Nigeria will require a multi-faceted approach that combines legal reforms, institutional strengthening, education and awareness-raising, and economic empowerment. It will also necessitate collaboration among government agencies, civil society organizations, women's rights organizations, and international partners. By addressing these interconnected challenges, these nations can create more secure and equitable property rights environments, fostering economic development, social justice, and gender equality.

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