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Gender Disparities in Land Rights a Myth or a Reality? Case studies of the situations in Kenya and Tanzania

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ABSTRACT

All things being equal, and in a truly democratic world, one will expect that the fact that women are the majority in almost every single community of the world should guarantee them at least equal control or ownership over resources and enjoy most of the rights and privileges in that particular community. But things seem not to be working that way as evidence from the literature shows that women are always relegated to the background when it comes to the issue of control or ownership over, and sometimes even access to property in most societies which include the right to own and use land. This undoubtedly has a consequence on the productive and overall development of such a community. In recent times, the issue of gender discrimination, disparities, and inequalities has attracted the attention of researchers over the past decade with enormous literature in this area. There are, however, few studies that provide a comparative analysis of the situation between two or more countries. This paper seeks to fill this void of knowledge based on a review of relevant literature on land rights with an emphasis on the situations in Kenya and Tanzania. The results have shown the prevalence of four types of land rights such as communal property rights, non or open-access property rights, state or crown property rights, and private property rights. The results have further indicated that the controversial land rights of Kenya have led to the reduction in the lands of certain groups of people, increasing land disputes, and also discriminating against women in their land rights. In the case of Tanzania, there were several cases of bias against women concerning the ownership of land, especially under the customary system of Tanzania. Issues of discrimination against women were also identified in the inheritance laws of the land which is a paramount feature within the norms and cultures of the people of Tanzania. The lack of equal access to land by women in both countries is found to harm productivity in several sectors of their economies, especially in agriculture. Policymakers are therefore admonished to ensure equal access by both genders to land as this will lead to efficiency in the management and usage of land which is certainly good for sustainability in the development of any economy.

KEYWORDS

Land rights; gender; equality; access; development

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1. Introduction

Globally, issues relating to the rights of women in all aspects of livelihood including their right to property such as that of land have been a major concern across different levels of policymakers. Property rights, in particular, are always complicated probably because they are always been mediated by members of the family and kinship ties as well (Rao, 2006). Right from the international level such as the United Nations Organization (UNO) down to the National level and even to private societies such as Non-Governmental Organizations (NGOs) and religious bodies, have all shown great concern over the decades in promoting the concept of gender equality in terms of access to the property in society which also includes land. The point is that women in most countries around the world, especially from developing economies such as Africa and South-East Asia are traditional “land users but not land owners, at most, second owners of land instead of first owners” (Agarwal, 1994). Women have less control over land in most parts of the world as compared to men (Deere and Leon, 2003). The main aim of this study is to find out the obstacles to the attainment of land rights by women in Kenya and Tanzania and the implications of the problem of gender inequalities in land rights on development in these countries. This will be achieved by finding answers to the following research questions: 1. What is the evidence of the lack of equal access to land for women as compared to their male counterparts? 2. What are some of the obstacles to the attainment of land rights by women? 3. How can land rights be obtained? And 4. What are the implications of the problem of gender inequalities in land rights on development? The findings of this paper will serve as an awakening call to policymakers in addressing issues relating to gender discrimination in access to land and its corresponding impact on overall development in countries of the Global South.

It has however been noted that eliminating barriers and obstacles to the acquisition of not only land rights but also property rights, in general, will help in fighting and eradicating poverty (Deere and Leon, 2003). This is undoubtedly one of the most important reasons for the hardship faced by women across the Globe. The right to, and ownership over land is an important right that when granted to women, could alleviate them from poverty and guarantee them other equally important rights in society (Agarwal, 1994). As it has been indicated by Kariyasa and Dewi (2011), analysis of not only gender but property rights as well needs to extend beyond the holder of a legal title. We need to look out for the complicated sums of rights held by different people or groups of people concerning such resources including land rather than looking out for individual ownership over resources (ibid).

However, there are some exceptional cases and positive developments in recent years as far as land reforms and access of women to land are concerned. Thanks to the efforts of feminist movements. For instance, it has been noted that in response to the demands made by several women movements in India who served as representatives of the voices of the poor peasant women across the length and breadth of India, the “Six Plan Document” of 1980 made a provision that states that any single parcel of land under the distribution of the land reforms program must be registered bearing not only the husband’s name but also that of the wife (Rao, 2006). Again, a study in Mexico noted that women were not all that concerned about legislation that ended agrarian reforms because the women felt somewhat confident about their position in society and the status they held as well not only in the roles they play in production but also their roles as keepers of the whole household (ibid).

2. Review of literature

2.1. Land reforms

According to Binswanger and Deininger (1993), the history of many of the land reforms all over the world started after World War II as a result of several factors such as the peasant uprisings in the path or context of the struggles for independence of their respective states, external influences or interest, and as well as the unexpectedly

low output from large-scale commercial agriculture. These and other factors influenced the birth of land reforms in countries around the Globe especially in countries with a dual structure in terms of land holdings (ibid). One major argument among proponents of land reforms is that redistributive reforms in the land will certainly increase equality in terms of access to land and efficiency (Binswanger and Deininger, 1993). It has been noted that land reforms have been a critical ingredient in the whole agrarian reforms in not only Central but Eastern European countries as well. On the contrary, the techniques or procedures of land reforms that were adopted by the Central alongside Eastern European countries appeared not to be the best options (Swinnen, 1999). In addition to the above, and in the words of Binswanger-Mkhize and Deininger (2009), the right to cultivate a piece of land has been transformed into operated farms owned by families, and history seems not to have many examples of that. This is simply because there have always been periods of interruptions under different sets of rulers in different dimensions such as taxation, extracted tributes, or the form of rent from the cultivator families (Binswanger and Deininger, 1993).

Coming back to East and Southern Africa, Ikdahl et al., (2005) have noted that, the present-day land reforms in Tanzania came into force in 1999 after extended periods and processes of debates and consultations. Provisions were made to improve on the plight of women in the 1999 land reforms of Tanzania and at the same time taking into consideration the existing customary laws of the land and the already existing human rights as well (ibid).

In terms of Mozambique, the Mozambican parliament enacted the present land reforms in the country in 1997 haven't had also gone through varied stages and processes of deliberations with stakeholders, civil society, the academic community, and professionals (Ikdahl et al., 2005). The 1997 land reforms of Mozambique granted equality to both women and men regarding the rights of the land. Customary laws were also been recognized by the law provided such customary laws are not in contradiction with the constitutional laws of the land. This means land rights in any rural setting are controlled by the community as a whole rather than by individuals (ibid).

For South Africa, the "Communal Land Rights Act" (Ikdahl et al., 2005) of 2004 received heavy criticism based because the responsibilities for the administration of land were vested in the hands of traditional councils which automatically rejuvenated the control of land by tribal authorities as it was under apartheid. There were some amount of fears that this will sow the seed for the further marginalization of women and thus reduce their access to land (ibid).

The Zimbabwean land policy which sought to promote the redistribution of land, tenure security, and also increase land accessibility has been operational since the country gained independence in 1980 (ibid). Zimbabwe has been a signatory to several international and regional treaties that calls for the respecting of human rights, and that require organizational, social, and economic measures that are meant to enable gender equality in land reforms. On the contrary, lots of discriminatory laws coupled with unlawful land use practices still exist in Zimbabwe that deny equal access to land both before and after the land distribution policy that started in 2000 (ibid).

The origin of today's 'International Human Rights Norms' could be linked to the 'Universal Declaration of Human Rights' by the United Nations (Coombe, 1998). Nations worldwide have incorporated the provisions of the Universal Declaration of Human Rights into their National constitutions and the same thing applies to international covenants and international conventions as well. It should be noted that Intellectual Property Rights form an integral provision under the International Declaration on Human Rights (ibid). The 1970s had witnessed the springing up of women's movements across the northern American continent and Europe, all to improve the conditions of women via a series of social interventions such as shelter, strengthening the enforcement of the law, and counseling, from the local levels up to the national and even international levels (Merry, 2006). In recent times however, the major instrument from the international level that seeks to ensure that women are given equal treatment and opportunity in society as men are the Millennium Development Goal (MDG), as the third MDG seeks to ensure equality of gender in every aspect (Alston, 2005). The MDGs are said to be specifically important in terms

of human rights in the sense that it offers a perfect lens via which the current status of human rights and also development, including developmental rights, can be observed (ibid).

2.2. Land rights and access to land

Land rights according to Agarwal (1994) either in the form of absolute ownership over a piece of land or in the form of just the right offered to one to use a piece of land which is again accompanied by varied levels of freedom to either mortgage, lease out or even completely sell a parcel of land. There are several ways in which land rights can be conferred to a person. This could be in one of the following ways; it could be based on community affiliations or membership where members of that community, society, or clan are granted the right to land. It could also be by inheritance, outright purchase, or even from tenancy arrangements. It may also be from state transfers which are common in places where the state owns the land (Agarwal, 1994).

Again, Feder and Feeny (1991) have identified four different categories of land rights. These are communal property rights, non or open-access property rights, state or crown property rights, and private property rights. The communal property right is a type of land right that is offered to a particular group of people. The private land right as the term implies is offered to a single individual. It is the type of land right offered to just one person. The open access land right occurs when the private land right has not been properly enforced or is considered not legitimate. State property rights prevail in a situation whereby land is sole been managed or controlled by the public sector or the state (ibid). The table below shows the gender distribution of land use by ownership in Kenya and Tanzania.

Table 1. Distribution of land ownership by gender in Kenya and Tanzania.

Country	Women	Men	Couple	Total
Kenya	7%	93%	-	100
Tanzania	19%	81%	-	100

Source: Leavens and Anderson (2011); Magambo and Nyamwesa (2022).

In the above table, one can see a huge gender gap in South American society in terms of land use by ownership. In all the five countries presented above, women are shown to own fewer ownership rights over the land they use.

Agarwal (1994) came out with four reasons why women should earn equality in land use and control as their male counterparts. These are equality, welfare, efficiency, and empowerment.

- The argument based on equality is based on two main perspectives; the first is that equality in land accessibility between both females and males is a major step towards the achievement of gender equality which is a determiner of a society that is just. The second point is that equality in the rights of land is another aspect of women's empowerment economically which again helps to fight gender inequality (see also Deere and Leon, 2003).
- In the area of welfare, the first point of argument is derived from the notion that the right to land by women could reduce the vulnerability of not only women but the entire society to poverty. This is because land rights grant women access to economic benefits that make them independent of men. It also opens the door for women to enjoy varied land resources. The second part of the argument on welfare states that economic independence can never be measured based on the economic independence of the family that woman is coming from. Women need personal access and ownership over resources including land to make them self-dependent.
- According to Agarwal (1994) granting women land rights also means empowering women economically and this could give them the power and courage to challenge other aspects of inequalities in society such as social and political inequalities. An example of this is the 'Bodghaya movement' in the eastern part of India in the 1970s where women had to rise and demand that they should be granted land rights. The women argued that discriminating against them in terms of land rights could increase their vulnerability in society, especially in areas such as domestic violence. The women claim granting land ownership to only men disturbs marital relationships and renders the feminine gender powerless (see again Deere and Leon, 2003).
- Finally, the efficiency argument for the granting of land rights to women states that it could motivate and encourage women to switch to new technology and adopt new and improved farming methods as well which

will certainly lead to increases in output. It could facilitate their access to credit and also open doors for them to information and new techniques for cultivating their land (Agarwal, 1994). For instance, studies conducted in Burkina Faso also noted that giving equal access to both men's and women's resources can lead to a 6 to 20% increase in farm outputs (see also Rao, 2006).

According to Agarwal (1994), four major reasons hinder the obtainment of equality in land rights by women.

In the first place, there has always been a very vibrant male resistance to the conferment of equality of land rights for women, especially in traditionally patrilineal communities. It was in the 1950s that this resistance became apparent due to legislation that gave women equality in land rights and inheritance rights as well. This was made clear by ethnographers who undertook a study in the 1950s after these legislations were made. For example, after the "Hindu Succession Act" (Feder and Feeny, 1991) of 1956, several households that were surveyed in Jhakitra, a suburb of Delhi expressed their dismay when it comes to the issue of allowing daughters to inherit the land (Agarwal, 1994; Feder and Feeny, 1991). The second setback for equality in land rights by women seems to be coming from the women themselves. It has been noted that women themselves sometimes ignore or forego their share of the inheritance in land in order to receive or gain both economic and social support from their brothers (Agarwal, 1994). It has been noted that the dependency of women on these services is a result of their vulnerability in society both socially and economically. Women will always want to maintain a strong link with their brothers so that they can be assured of a place of refuge after the death of their parents in the event of a break-up in marriage or widowhood (Agarwal, 1994; Feder and Feeny, 1991). Thirdly, the culture or habit of always depending on male relatives such as fathers, brothers, and other extended male relations by girls or females of certain cultures such as those of Southeast Asia and Africa in their dealings with the external world outside their families serves as a hindrance to the acquisition of equality in property rights by women including land (Agarwal, 1994; Feder and Feeny, 1991). Mediations of this nature by the male on behalf of females differ in intensity across different cultures all over the world and directly or indirectly serve as restrictions on the mobility and behavior of women. This inhibits women to stand up and demand for equality in property rights in society including that of land (Agarwal, 1994). Another point of view also associates the problem of gender inequality in land rights in Africa to the land reforms introduced by colonial administrators characterized by land registration, land titling, and privatization that eventually eroded customary land rights in a manner that does not favor women Tripp (2004). Last but not least, fathers and brothers are sometimes found to be putting up prior measures to either disinherit or prevent daughters from getting what is due them in terms of the property of their deceased parents which includes land (Agarwal, 1994; Feder and Feeny, 1991). Though common only in some parts of the world, some fathers are always found to have left wills favoring only the male children while disfavoring or disinheriting their daughters. One reason behind this is always due to the fear that the husbands or would-be husbands of females will take control of the property making the family property slip out of the patrilineal lineage (Agarwal, 1994). From the above, though there are a few exceptions, this is an indication that even some parents give more favor to their male children than the female in terms of who should inherit what and how much.

2.3. Ongoing struggles by women for land rights in different parts of Africa

The relegation of women into the background regarding land accessibility and ownership over land has sparked several struggles by the women themselves to demand what is due to them. Tripp (2004) has given an overview of some of these struggles by women across the African continent to demand their fair share of the rights over land. It must be noted that an overview of the literature on land tenure and the case of women in Africa has revealed that the land policies by both colonial and post-colonial governments such as privatization of land, land titling, and the registration of land have been unfavorable to women. The good news is the standing up of women to demand what is due them in terms of access to, and ownership over land has yielded positive results in the sense that for the first time since independence, successive governments in the African continent have given attention and legal backings

to the traditional land tenure system and regimes in Africa (ibid).

According to Tripp (2004), the rising of women through several land alliances and coalitions has given birth to new land laws and legislation in several countries across the African continent. In the 1990s there were new land laws in, South Africa, Tanzania, Zanzibar, Uganda, Eritrea, and Mozambique. Countries such as Zimbabwe, Malawi, Rwanda, Swaziland, and Lesotho also adopted land policies. Examples of these movements by women to demand equal rights in land include the Tanzanian National Land Forum, the South African National Land Committee, the Ugandan, Kenyan, and Rwandan Land Alliances, and the NGO Federation of Namibia among others (ibid).

3. Methodology and study areas

The source of data for this paper is mainly secondary, and thus the information contained in this paper is obtained through the review of literature on land reforms, access to, and control over land, and gender inequalities in land ownership and access to land. The journals from which the information for this paper was derived were obtained from google scholar and science direct. In all, about sixty papers were reviewed but twenty-eight were selected for this paper. Some of the document reviewed includes World Bank reports and reports from state agencies from both countries. In a literature review, the researcher systematically collects, analyzes, and synthesizes previously published research works (Baumeister, R. F., and Leary, 1997). It has been argued that through the integration of research findings derived from numerous and varied empirical works, a literature review has the potential of answering research questions that could not be answered by a single study (Snyder, 2019). The findings of the literature review were coded manually under teams to enable the achievement of the goals of the study.

Both countries (Kenya and Tanzania) were deliberately chosen not only to serve as a comparative analysis between the situations in two East African countries but also because all the countries are pacesetters in the region in eliminating disparities in their land reforms. Land reform policies that will grant women more access to and ownership over land in all the countries under study have been of keen interest to the World Bank just as is the case in many other developing economies. Kenya, a country located in East Africa has an estimated population of 47 million of which 23 million are male and 24 million are female (KNBS, 2019). Tanzania on the other hand has an estimated population of 62 million of which 32 million are female and 30 million are male (NBS, 2022).

4. Results

4.1. Gender inequalities in land rights in Kenya and Tanzania

It must be pointed out that, the land reforms of Kenya have been selected as one of the most controversial land reforms in the whole of Africa, with the critics arguing that the land reforms of Kenya have given birth to conditions such as threatening food security, the reduction in the lands of certain groups of people, increasing land disputes, and also discriminating women in their land rights (Aliber and Walker, 2006; Sorrenson, 1967). The ownership of land in Kenya is in three different categories; by individuals, communities or groups, and the government; all having different implications on land accessibility (Kameri-Mbote, 2006). The laws of Kenya provide that once a piece of land is been registered bearing the name of a person, the proprietor in whose name the land was registered becomes the legal owner of that piece of land with all the rights and accompanying privileges (Kameri-Mbote, 2006). Though this provision is gender sensitive from all indications, however, its application is found to be another issue altogether. For instance, land registrations in Kenya are mostly done bearing the name of the elderly male within the household of the family, and most women are mostly been relegated to the background in issues relating to property rights. Another provision within the land laws of Kenya that is discriminative to women is found in the "transfer of property acts" (ibid) which does not allow for the individual ownership of property rights including the rights over land by

married women (Kameri-Mbote, 2006; Khasiani, 1992; Rocheleau, 1995). Another provision that violates Kenyan women's land right is concerning lands owned by the Kenyan government which is under the regulation of the "Government Land Acts" as it states procedures for the acquisition and disposal of land by the government of Kenya (Kameri-Mbote, 2006). It has however been stated that the control of land by the government of Kenya fails to guarantee women to those lands as there is no aggregation data in terms of gender to prove that the disposal of such lands by the government to individuals gives equal opportunities to women. Finally, the concept of 'group lands' is yet another avenue where the land rights of women are been discriminated against in Kenya. A study conducted in areas where ranches or 'group lands' is the norm such as Maasai, Samburu, and Rendelli all indicated that platforms for decision-making in these areas give no room to women and that the interest of women is largely not considered under these land norms (ibid).

In the case of Tanzania, Mallya (2005) noted that issues regarding the utilization of land changed due to improvements in not only the economic but also the political conditions of Tanzania as a country. This witnessed the establishment of the "Shivji Commission" in 1991 to review the issues regarding land in the country and thus make recommendations to the government for redress (ibid). The commission submitted its findings to the then-Tanzanian government and among the key issues identified is the problem of "gender imbalance" in land rights and access to land. There were several cases of bias against women concerning the ownership of land, especially under the customary system of Tanzania. Issues of discrimination against women were also identified in the inheritance laws of the land which is a paramount feature within the norms and cultures of the people of Tanzania, (Mallya, 2005). The following discriminatory practices against women were identified as men selling out or disposing of land without even consulting their wives and children, especially daughters, the unavailability of any right for the widower to inherit the land of her late husband, and not involving women in the decision to share the proceeds of land meanwhile the women also contributed in working on that land. These recommendations prompted the Tanzanian government to establish a new land policy for the country in 1995 (Mallya, 2005; Peterman, 2007). According to Benschop (2002), the current land laws of Tanzania have been described as the most elaborate as compared to the land laws of Kenya. This is because the new land laws of Tanzania contain quite several provisions geared towards ensuring equality of the rights over land for women. It is again said to be providing not only information but also protection which is needed to safeguard the interest of women and thus prevent them from being alienated in land use and access to land. The new land laws of Tanzania are again so far, the only ones among its neighbors to factor in the principle of "presumption of co-occupancy" (Benschop, 2002).

All these and many more such discriminations against women across the world in land and other property rights has led to the risen of several movements to demand equality for both female and male in land and other property rights in general.

4.2. Implication of the lack of access by women to land and land rights on development

Several writers and gender groups have tried to point out the implication of discriminating against women not only in terms of land rights but property rights in development.

(Agarwal, 1994), believes that the people in society who owns and exercise control over the wealth of that society can control important institutions in that society that are responsible for the shaping of ideological thinking such as religion, the mass media, and education. As stated by Feder and Feeny (1991), land rights could serve as a further clarification for the conferment of other rights to individuals and the beneficiaries of such transferred rights as well. It has again been observed that the recorded differences in rates in terms of growth between Spain and France on one hand, and the Netherlands and England on the other hand that took place in the sixteenth and seventeenth centuries respectively might have something to do with arrangements in the right to property (Libecap, 1993; North and Thomas, 1973). In the Netherlands and England, commercial interest had a very strong political

influence. As a result, there was the establishment of institutions responsible for property rights which paved the way for the free circulation of resources in an ever-growing market. The situation in Spain and France was however different. Here, Monarchs were afraid of granting property rights thinking that may lead to a reduction in their political and economic power, and thus were busy imposing taxes while enjoying monopoly as well (Libecap, 1993; North and Thomas, 1973).

Per the findings of the above review, and even in real-time, the question is not whether equal land rights can contribute meaningfully to development or not, but rather how much harm inequality in land rights has on the development of any country. It has been well argued in this work that equality in land rights will bring efficiency in the management and usage of land which is certainly good for sustainability in the development of any economy. At least the principles of democracy and the rule of law will never forgive us when we continue to deny most of the population of this planet, and thus women for that matter from enjoying their rights over any property including land.

5. Discussions

The first research question that this paper seeks to answer is what is the evidence of the lack of equal access to land for women as compared to their male counterparts? The results have shown that in the case of Kenya, the registration of land must bear the name of the elderly male member of the family, meaning women cannot register lands they acquired in their own name. The findings further indicate that the “transfer of property acts” of Kenya is somewhat discriminatory to married women as it hinders their ability to own their own property including land. The findings again pointed out that the “Government Land Acts” of Kenya do not guarantee land ownership by women due to the lack of data on gender disparities in land disposal by the state. In terms of Tanzania, the findings have shown remarkable improvement in land policies to the benefit of women and girls in the country as compared to Kenya and other neighboring countries. For instance, the current land reform policy of Tanzania has been found to be the most elaborate in the region as it provides equal access and safeguards the land rights of women. Though the rising number of land rights activists in the 70s is enough evidence that such a problem exists in society, there are also numerous pieces of evidence across the globe to support the claim of gender inequality in land rights and accessibility. A study conducted by the World Bank showed that women, especially in developing economies such as in the continents of Africa and Southeast Asia are predominantly land users but not land owners. Women are usually second owners of the land where they acquire the right to use a piece of land through a male relative (Deere and Leon, 2003). Again, and after the ‘Hindu Succession Act’ of 1956, several households that were surveyed on ‘Jhakitra’, a suburb of Delhi expressed their This work has revealed that though the issue of limited access by women to land and land rights have been part of society for a time only known by history, however, the role of activists towards ensuring equal access by women to land and land rights began not too long ago.

The second research question that this paper seeks to answer is what are some of the obstacles to the attainment of land rights by women? The above findings have shown that issues such as a vibrant male resistance to the conferment of equality of land rights for women, some attitudes of women themselves such as ignoring their share of the inheritance in land in order to receive or gain both economic and social support from their brothers and also their overdependence on male relatives such as fathers, brothers, and other extended male relations by girls or females in their dealings with the external world, the lands reforms introduced by colonial administrators characterized by land registration, land titling, and privatization of land that eventually eroded customary land rights, and the habit of fathers and brothers who are sometimes found to be putting up prior measures to either disinherit or prevent daughters from getting what is due them in terms of the property of their deceased parents which includes land are the main reasons behind gender inequality in land rights in Africa. The history of land rights movements is young especially in the Global South, with most of these movements haven’t sprung up in the 70s

(Merry, 2006). Their works have, however, revealed that the issue of limited access by women to land and land rights have been part of society for a time only known by history.

The third research question that this paper seeks to answer is how land rights can be obtained. The findings have pointed out several ways by which land rights can be obtained such as through inheritance, outright purchase, tenancy arrangements, and in the form of state transfers common in places where the state owns the land. This has led to the four categorizations of land rights which include communal property rights, open-access property rights, state or crown property rights, and private property rights.

The final research question that this paper seeks to answer is what are the implications of the problem of gender inequalities in land rights on development? The implications of limited access by women to land and the rights over land on development are certainly the negative type. It is obvious that denying more than half of the inhabitants of this world access to, and the right over the very land they dwell on simply means creating barriers to the efficient usage of land. As Agarwal (1994) noted, land rights serve as door openers to the enjoyment of other important rights and also exercise control over important institutions in society such as the mass media and many others. Equal access to land help ensures the principle of equality which is a prerequisite in a democratic society. In poorer parts of the world, especially those in Africa south of the Sahara, women are known to be mostly engaged in farming which is a wholesale land-based activity. Denying women access to and the right over land will automatically reduce their contribution to farming and agriculture as a whole which is the prime livelihood source for the third world.

6. Conclusion

The issue of discrimination against women in terms of land rights is never new. The findings of the many sources reviewed above, and the facts-revealing book that was published by Agarwal in 1994 have again come to establish that this problem has been with us since the beginning of time and has strong cultural backing than we know of. Discrimination against women in land rights is a phenomenon with its roots very deep in the norms and culture of many societies the world over and traditions. The sad news is that these traditions are hard to change despite the spreading of Western education like never before. The awakening call was given birth together with the establishment of the United Nations Organization alongside the Universal Declaration of Human Rights of the United Nations (Coombe, 1998). Though the issue of gender discrimination in land rights has not been explicitly stated in this declaration, it was nevertheless regarded as a wakeup call to all and sundry to the fact that the rule of law must prevail in every situation the world over and that we are all equal before the law irrespective of sex, religion, social status, political affiliation, and cultural believes to mention but a few. Another critical point of the Universal Declaration of Human Rights is that it has provided the atmosphere for the rising of numerous human rights groups and movements including gender movements that either directly or indirectly fought for the land rights of women.

Another remarkable development all in line with the improvement in human rights which can still be linked to the Universal Declaration of Human Rights, and again influenced by the works of an activist is the emergence of land reforms predominantly after the Second World War (Binswanger and Deininger, 1993). The surfacing of these land reforms culminated in the redefinition of land titling and access to land, especially in third-world countries of Africa and south-east Asia with most of these land reforms giving cognizance to gender equality in land rights. The works of Non-Governmental Organizations (NGOs) in terms of fighting gender inequality in land rights and access to land can never be underestimated. This has contributed tremendously to awareness creation and a change in attitude to the concerns of women in general, especially in third-world countries. There have been several laws, policies, and movements all geared towards the eradication of gender inequalities in land rights and to ensure that women all over the world are allowed equal access to land and property in general as their male counterparts. As stated earlier, the origin of today's International Human Rights Norms is a product of the Universal Declaration of Human Rights by the United Nations (Coombe, 1998). Nations worldwide have incorporated the provisions of the Universal

Declaration of Human Rights into their national constitutions and the same thing applies to international covenants and international conventions as well. It should be noted that Intellectual Property Rights form an integral provision under the International Declaration on Human Rights (ibid). The springing up of activists especially in the 70s to demand women's land rights (Merry, 2006) also deserves due recommendations. These movements did not only help to create awareness of this problem in society but have also kept the international community on the alert in terms of finding solutions to the problem. Nonetheless, enough work still needs to be done especially in the remote regions of Africa and Southeast Asia where high rates of illiteracy and cultural practices still deny women their share in the rights of the land.

Though much has been done right from the international level to the national, and even private sector level to eradicate gender inequalities in property rights in general including the rights of the land, much still needs to be done. The fight is never over. This is based on the fact that this phenomenon is still alive in different societies over the globe and rooted in different cultural beliefs and practices. This was even more necessary for the achievement of the Sustainable Development Goals. Much education is needed especially for women for them to become aware of their rights. Women also need to be encouraged and granted the necessary support to stand up and demand their property rights including their rights over land. This is even much more important in third-world countries, especially in the African continent where illiteracy rates are very high. States need to double up their steps in ensuring that the property rights of women, especially their rights over land are protected. This could be done through the strict implementation of laws and the punishment of culprits who violate the rights of women. The mass media is yet another important asset that could help fight all forms of discrimination against women including their property rights. This is however possible when the mass media is granted the freedom they need to operate without any political interference.

The policy recommendations are as follows:

Cultural beliefs and practices that still refuse to recognize women as equal in status to men in every aspect of social life need to be abolished. The relegation of women to the background in many aspects of livelihood has been long overdue, and the situation is even worse in the global south, where certain cultural beliefs and practices are still reluctant in recognizing women as equal in status to men in every aspect of life. It is high time such cultural beliefs and practices are scratched and revised versions rewritten to give women the position they deserve in society. Discriminating against women in usage, access or right to land is not only an infringement on their rights but also has a tremendous negative impact on development. Denying the majority of the population of the globe the enjoyment of certain rights is not only a violation of the principles of democracy but also uneconomic as it reduces the efficiency of the usage of land. We can only talk about holistic development where resources are been efficiently harnessed sustainably by all and for all, and this is not possible in a society where certain groups of people are denied certain important and basic rights while others are having more of those rights.

Also, pre-independence land policies and reforms in African states that do not favor the right of women in terms of ownership, acquisition, and usage of land needs to be revised to grant women equal rights over land as their male counterparts. This will not only fulfill the Universal Declaration of Human Rights as proposed by the United Nations Organizations but also open doors for economic development and the realization of human dignity. There is also the need for the passage and strict implementation of bye-laws at the local levels to discourage the infringement of the land rights of women and make the act punishable by law. Most infringements on the land rights of women are done in rural areas where the women are not educated enough to stand on their rights to demand their equal share of the resources of their society which includes land.

Similar to the above, land tenure systems in African communities that are discriminatory to women need to be revised. Some land tenure practices in Africa only regard women as land users but not land owners. In this regard, married women can only receive a small portion of land from their husbands for farming purposes but the land can

be taken away from them at any time because they do not own the land. This does not enable women to embark on large-scale farming activities due to the small size of the farm which is mostly in faraway distances or not too suitable for their desired purpose.

Finally, there is the need for public sensitization especially in countries of the Global South to create public awareness on the equal status of both men and women in all facets of life which includes ownership of resources such as land. This can be achieved by partnering with the mass media to come out with educative programs that will sensitize the public on respecting and honoring the equal status of women in society and the benefits this will bring to the local community and the entire nation altogether such as economic growth and overall development.

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Conflict of interest

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