



Reframing Power: African Feminist Perspectives on Women's Land Rights in Africa - A Comparative Analysis of Kenya, Uganda, Nigeria, South Africa, and Ghana

Tarmidhi Larissa¹

Abstract

Land in Africa is more than an economic asset; it is a site of power, identity, and social reproduction. Yet women across the continent remain structurally excluded from its ownership and control. Drawing on the African feminist theory, including postcolonial feminism, intersectional feminism, and feminist political economy, this article interrogates how patriarchy, colonial legal inheritance, legal pluralism, and neoliberal land commodification intersect to constrain women's land rights in five sub-Saharan African countries: Kenya, Uganda, Nigeria, South Africa, and Ghana. These countries were selected to capture variation in colonial legal heritage, land reform trajectories, and the relative balance between customary and statutory authority over land, allowing the patterns identified in single-country studies to be tested comparatively. Using a qualitative, library-based comparative review of academic, legal, and policy literature, the study applies thematic and

comparative analysis to identify shared and divergent dynamics across the five contexts. The analysis finds that, despite constitutional and statutory guarantees of gender equality in all five countries, customary authorities and plural legal systems consistently override formal protections, while neoliberal land titling and commodification further marginalise women by tying land access to capital and collateral they rarely hold. The comparison also shows that women's resistance, through legal advocacy, grassroots mobilisation, and land occupations, has produced uneven but meaningful gains, underscoring that legal reform alone cannot secure women's land rights without parallel cultural and epistemic transformation. The article contributes a comparative synthesis across these jurisdictions and proposes a five-pillar African feminist framework: cultural transformation, legal harmonisation, economic justice, epistemic decolonisation, and policy integration for reframing women's land rights as a redistribution of power rather than a development add-on.

Key words: *African feminism, comparative analysis, decolonial governance, gender justice, land rights, legal pluralism, patriarchy.*

1.0 Introduction

Access to land has historically been one of the most contested political and cultural questions in Africa, not only because of its economic value but also because of its deep symbolic and social significance. Land anchors livelihoods, social identity, and political belonging; it is a marker of power, a means of survival, and a space where identities are constructed and reproduced. Globally, women perform a substantial share of agricultural labour yet hold only a small fraction of registered land titles, a disparity that development scholarship has long linked to entrenched gendered inequalities in property regimes (Agarwal, 1994). Sub-Saharan Africa reflects this global pattern in a particularly acute form: land functions simultaneously as a productive asset, a cultural inheritance, and a political resource, so women's exclusion from landownership carries economic, symbolic, and political weight at once.

¹ Email: tarmidhilarissa@students.uonbi.ac.ke | Mobile: +254 769 904 132

The persistence of this marginalisation is visible across the continent, though it manifests differently in each context. In Kenya, despite constitutional guarantees of equality, only a small proportion of women hold land titles in their own names, and customary allocation practices continue to favour men (Kameri-Mbote, 2005). In Uganda, women's access to land remains heavily mediated through their relationships to men, as daughters, wives, or widows, rather than secured as an independent right (Ampaire, 2010). In Nigeria, customary and religious inheritance norms often prevent women from inheriting family land outright (Okeke-Ihejirika, 2004). In South Africa, land reform programmes have been critiqued for reproducing male-headed-household assumptions that leave women's claims unrecognised (Walker, 2003). These examples demonstrate that women's exclusion from land is not a local cultural anomaly, but a continental pattern entangled with questions of justice, power, and development.

This problem is compounded by the coexistence of customary, statutory, and religious legal systems governing land. This legal pluralism frequently allows community level custom to override national level statutory equality: Kenya's 2010 Constitution recognises women's right to own and inherit land, yet rural allocation, inheritance, and transfer decisions remain governed in practice by patriarchal custom (Whitehead & Tsikata, 2003). This article examines that contradiction comparatively across five countries: Kenya, Uganda, Nigeria, South Africa, and Ghana, selected because, together, they capture the principal variations in colonial legal inheritance and land governance found across the continent. Kenya and Uganda share a common-law colonial heritage but differ in how their land acts treat customary tenure; Nigeria represents a context in which religious law operates alongside customary and statutory systems; South Africa offers a settler-colonial land regime followed by an explicitly redistributive but gender uneven reform programme; and Ghana illustrates a West African chieftaincy-based customary system operating within a comparatively stable statutory framework.

Existing scholarship on women's land rights in Africa is extensive but overwhelmingly single country in focus, treating each national experience largely in isolation rather than reading them comparatively (Peters, 2004; Whitehead & Tsikata, 2003). This leaves an underexplored question: what do the similarities and differences across these five legal and political contexts reveal about the relative weight of patriarchy, colonial legacy, legal pluralism, and neoliberal reform as drivers of women's land exclusion? And what does this comparison contribute to African feminist theorising on land? This article treats the comparison itself, rather than any single national case, as its unit of analysis.

The analysis is grounded in African feminist perspectives, which insist that land is not merely an economic asset but also a site of identity, belonging, and power. Scholars such as Oyeronke Oyewumi (1997), Sylvia Tamale (2020), and Ifi Amadiume (1997) have critiqued the ways in which colonialism, patriarchy, and capitalism converge to dispossess women while legitimising male dominance. Their work underscores that land must be understood as a symbolic terrain on which gendered hierarchies are reproduced, not only a material resource to be redistributed.

The article pursues three objectives. First, it applies African feminist theory to explain why women's exclusion from land in these five countries should be understood as a question of power and identity rather than a technical gap in legal coverage. Second, it compares how patriarchy, colonial legal legacies, legal pluralism, and neoliberal land reform interact across the five cases, identifying what is common and what is context specific. Third, it derives from this comparison a feminist framework for reframing women's land rights as a redistribution of power rather than a development add-on.

The article's contribution lies in its comparative method. By reading the five national literatures against one another rather than separately, it distinguishes barriers to women's land rights that recur across nearly all the African contexts examined here such as patriarchal custom and weak enforcement of statutory equality, from those that are more context-specific, including the particular form legal pluralism takes or the vector through which neoliberal reform operates. This distinction matters both for designing context-appropriate policy responses and for advancing African feminist theory's broader insistence that women's experiences across the continent should not be homogenised (Amadiume, 1997).

2.0 Theoretical Framework

This study is anchored in African feminist theory, which provides the epistemological foundation and the political lens through which women's land rights are analysed here. Unlike liberal feminist approaches that emphasise formal legal equality as a sufficient remedy (Okin, 1989), African feminist perspectives situate

women's struggles within colonial legacies, cultural identities, and structural inequalities. Within this tradition, land is understood not merely as an economic resource but as a site of identity, belonging, and social reproduction.

Postcolonial feminism, developed for the African context by Oyeronke Oyewumi (1997), interrogates how colonial administrations-imposed gender hierarchies that restructured kinship and property systems in ways often alien to precolonial social organisation. Oyewumi argues that many precolonial African societies organised social relations along seniority and lineage rather than rigid gender binaries, and that colonialism, rather than African tradition per se, introduced the patriarchal property logic that now excludes women from land. This perspective grounds the paper's treatment of colonial legacy as an active driver of exclusion rather than a neutral historical backdrop.

Intersectional feminism, following Kimberlé Crenshaw's (1991) foundational formulation, insists that gender cannot be analysed in isolation from class, ethnicity, religion, and rural or urban location. Applied to land, this means that a rural widow, an urban professional woman, and a pastoralist daughter experience land exclusion differently even within the same country (Whitehead & Tsikata, 2003). African feminist scholarship, therefore, cautions against treating "women" as a single undifferentiated category (Amadiume, 1997). This study uses intersectionality to ensure that the comparison attentive to within-country variation, not only between-country variation.

Feminist political economy traces how capitalism, structural adjustment, and market-oriented land reform have reshaped women's access to resources. Maria Mies (1986) frames women's unpaid and undervalued labour as foundational to capital accumulation, a dynamic mirrored in land systems where women's labour sustains agricultural production without corresponding ownership rights. Silvia Federici (2004) extends this analysis by linking the commodification of land and resources historically to the erosion of women's customary claims, a pattern Chimhowu and Woodhouse (2006) show recurring in contemporary sub-Saharan land markets. This strand grounds the article's analysis of neoliberal reform as a driver of exclusion, not merely a technical modernisation of land administration.

Finally, **African feminist epistemology**, advanced by Sylvia Tamale (2020), insists that African women's own knowledge, oral histories, and resistance practices must be centred rather than treated as objects of Western feminist theorising. Read alongside Amadiume's (1997) account of indigenous gender-flexible institutions and Oyewumi's (1997) critique of imposed gender binaries, this strand cautions against importing Western liberal-feminist remedies such as individual title registration, without first asking whose knowledge systems define what counts as a legitimate land claim.

Taken together, these four strands converge on a single organising proposition: women's exclusion from land in Africa is not a single-cause problem correctable by legal amendment alone, but the product of overlapping systems, patriarchal custom, colonial inheritance, plural legal authority, and market commodification, that reinforce one another. Addressing any one system in isolation tends to leave the others intact. This proposition is tested against the comparative evidence presented in the literature review and methodology that follow.

3.0 Literature Review

3.1 Global and Regional Context

Land inequality between men and women is a global pattern, not an African specificity. Comparative work in South Asia shows that women's formal landownership lags far behind their share of agricultural labour even where inheritance law is gender-neutral on paper, because social norms, enforcement gaps, and intra-household bargaining power continue to mediate who actually controls land (Agarwal, 1994, 2003). Sub-Saharan Africa exhibits a similar gap, and recent multi-country reviews confirm that patriarchal sociocultural norms continue to limit women's participation in land governance across the continent even where progressive national policies exist (Chiwuzie et al., 2023). Case-specific evidence from East Africa reinforces this: comparative work on Kenya and Tanzania finds that gender disparities in land control persist despite decades of legal reform aimed at formal equality (Issaka, 2023). An Oxfam (2021) review across several African states similarly found that the African Union's Agenda 2063 target of twenty per cent of rural women holding secure land access has not been met in most member states. A human-rights-based analysis of similar dynamics in Tanzania reaches a comparable conclusion, finding that human-rights language alone has done little to secure women's practical claims to land where customary authorities retain

effective control over allocation (Ikdhahl, 2008). This regional literature establishes the baseline pattern that the country-specific evidence below elaborates in more granular form: legal reform without enforcement, cultural transformation, or economic restructuring tends to leave women's land exclusion largely intact.

3.2 Patriarchy and Customary Tenure

Across patrilineal communities, inheritance systems privilege male heirs, leaving women vulnerable to dispossession upon divorce or widowhood. Even in matrilineal systems, men often retain decision-making authority over land allocation despite inheritance nominally passing through women's lines (Whitehead & Tsikata, 2003). This productive–reproductive divide recurs in studies of rural Zimbabwe, where women's land-based labour is rarely matched by land-based authority (Kesby, 1999). Women's access to land is typically mediated through relationships to men, as daughters, wives, or widows, rather than secured as an independent right (Yngstrom, 2002). In Uganda, customary inheritance frequently denies daughters land rights, privileging male heirs as custodians of family lineage, and widows are often dispossessed by in-laws upon a husband's death (Ampaire, 2010). In Nigeria, particularly among the Igbo, inheritance practices largely exclude women on the grounds of cultural norms prioritising patrilineal descent (Okeke-Ihejirika, 2004). Although customary law is often defended as culturally authentic, feminist legal scholarship shows that colonial and postcolonial state interventions actively reshaped customary rules to formalise male authority over land allocation. What is invoked today as 'tradition' is, therefore, a historically constructed, gendered institution rather than an unaltered precolonial inheritance (Kameri-Mbote, 2005).

3.3 Colonial Legacies and Postcolonial Continuities

Colonial administrations expropriated land for settler agriculture and cash-crop production, concentrating property rights in male heads of household while relegating women to the subsistence sector. This restructuring of African political and economic life under colonial indirect rule is central to Mahmood Mamdani's (1996) account of how colonial states governed through, and entrenched, patriarchal customary authority. Women were systematically excluded from land registration schemes, which required formal documentation and recognition by male authorities, while colonial discourse constructed African women as dependants of men rather than independent landholders.

Postcolonial states have often reproduced rather than dismantled these inequalities. In South Africa, land reform policies framed around equity and redress have nonetheless tended to issue titles to male household heads or to 'households' that function, in practice, as men (Walker, 2003). In Ghana, colonial indirect rule entrenched the authority of male chiefs over land allocation, weakening women's traditional roles in land distribution (Tsikata, 2009). These patterns demonstrate that land dispossession is not merely a colonial artefact but an enduring postcolonial governance challenge.

3.4 Legal Pluralism and Gendered Exclusion

The coexistence of customary, statutory, and religious legal systems creates a complex terrain for women's land rights. Statutory law in most of the five countries formally guarantees gender equality, yet in practice women continue to face exclusion under customary and religious systems that operate alongside, and frequently override, national law (Whitehead & Tsikata, 2003). Kenya's 2010 Constitution and 2012 Land Act recognise women's equal property rights, but rural land allocation, inheritance, and transfer decisions remain governed by customary norms that channel land to men (Kameri-Mbote, 2005). Uganda's 1998 Land Act introduced a requirement of spousal consent for land transactions, but enforcement has remained weak and women are frequently excluded from the decision-making process in practice (Ampaire, 2010). In northern Nigeria, Islamic inheritance rules intersect with customary practice to grant women smaller shares of inheritance than men, compounding the exclusion already produced by customary norms (Okeke-Ihejirika, 2004).

Comparative regional evidence confirms that this contradiction between statutory guarantee and customary practice is a near-universal feature of land governance across the countries examined, not an isolated national failing (Chiwuzie et al., 2023). Legal pluralism, therefore, emerges as a structural driver of exclusion rather than a contextual anomaly.

3.5 Neoliberalism and Land Commodification

The neoliberal turn in African economies since the 1980s has added new dimensions to women's land struggles. Structural adjustment programmes and market-oriented land reforms promoted the privatisation and commodification of land. Because women are less likely to hold formal land titles, they are correspondingly less able to use land as collateral for credit, which compounds their marginalisation as land markets expand (Mutangadura, 2004). Comparative work on vernacular land markets across sub-Saharan Africa shows that the shift toward private, tradeable land rights frequently displaces customary user rights that had previously, however imperfectly, accommodated women's access (Chimhowu & Woodhouse, 2006).

In South Africa, the emphasis on market-based land redistribution rather than direct state-led transfer has limited the transformative potential of land reform and left many women without secure tenure (Walker, 2003). This shift from communal tenure toward free-market land politics is not unique to South Africa: across the continent, market-oriented reform has tended to favour those already positioned to participate in formal land markets, a group from which women are disproportionately absent (Manji, 2006). In Ghana, the commodification of family land for large-scale agricultural investment has concentrated authority over land in the hands of a small number of senior male kin, a shift that disproportionately affects women, youth, and other family members with weaker customary standing (Gyapong, 2021).

A recurring critique within this literature is that development discourse instrumentalises women's land rights by linking them to agricultural productivity and household welfare rather than to justice as an end in itself (Goetz, 1991). However well-intentioned, this framing can obscure the deeper power relations the literature otherwise foregrounds.

3.6 Resistance, Agency, and Feminist Alternatives

African women are not passive subjects of dispossession. Legal advocacy organisations such as Kenya's Federation of Women Lawyers and grassroots networks such as GROOTS Kenya have worked to document women's land claims and challenge dispossession in customary forums, while Uganda's land-rights advocacy movements pushed for the spousal co-ownership provisions eventually included in the 1998 Land Act (Ampaire, 2010). In South Africa, women have been central to land occupations and post-apartheid land-reform advocacy, asserting their claims as farmers, community leaders, and political actors (Walker, 2003).

African feminist scholarship reads these mobilisations not simply as demands for an economic resource but as struggles for recognition, identity, and power. They are practical demonstrations of the epistemic claim that women's own knowledge and organising should inform land governance rather than be subordinated to externally designed reform (Tamale, 2020). Resistance, therefore, forms part of the analytical terrain, not an addendum to structural critique.

4.0 Methodology

This research adopts a qualitative, library-based comparative methodology, grounded in African feminist analytical approaches rather than primary fieldwork. The study synthesises and critically analyses existing scholarship, legal texts, policy documents, and civil society reports across the five focus countries, treating the comparison across cases as the primary analytical device rather than presenting each country as a self-contained case study.

The research design is exploratory and comparative, aiming to unpack the structural, historical, and cultural factors shaping women's land rights and to identify where these factors converge or diverge across Kenya, Uganda, Nigeria, South Africa, and Ghana. The study draws on three categories of source:

- i. **Academic literature**, including peer-reviewed journal articles and scholarly books on African feminism, land rights, and gender and development;
- ii. **Legal and policy documents**, including national constitutions, land acts, and regional instruments; and
- iii. **Civil-society material**, documenting the advocacy of feminist legal organisations and grassroots land-rights networks.

The corpus underpinning this article comprises twenty-seven academic, legal, and policy sources published between 1986 and 2023, weighted toward sources from 2003 onward to balance foundational theoretical works with more recent empirical evidence.

Guided by African feminist theory, the analysis proceeds through three linked techniques. First, a **thematic synthesis** identifies recurring drivers of women's land exclusion: patriarchal custom, colonial legacy, legal pluralism, and neoliberal reform, and recurring forms of feminist resistance.

Second, a **comparative case analysis** reads the literature on each of the five countries against the others to identify which themes recur across all five contexts and which appear in some but not others. Third, a **critical discourse analysis** examines how land rights are framed in the relevant constitutions, land acts, and development reports, highlighting the gap between formal legal commitment and the practices documented in the academic literature documents.

As a theoretical, library-based study, this research does not include primary fieldwork or interview data from rural communities, which limits its ability to capture everyday lived experience in full. This limitation is mitigated by drawing on the substantial body of empirical fieldwork and feminist ethnography conducted by scholars such as Walker (2003), Okeke-Ihejirika (2004), Ampaire (2010), and Kamari-Mbote (2005) in each of the five countries. The contribution of this paper lies in synthesising and comparing that existing evidence rather than generating new primary data.

5.0 Findings

The comparative review of scholarship across Kenya, Uganda, Nigeria, South Africa, and Ghana reveals a set of recurring patterns that collectively illuminate how women's land exclusion is produced and sustained. These patterns form the basis of the study's findings, which are organised around the three objectives guiding the analysis. Each objective distils a different dimension of the comparative evidence: how African feminist theory reframes the meaning of exclusion, how structural drivers combine across contexts, and how these insights point toward a feminist framework for redistributing power. The discussion begins with the first objective.

5.1 Objective One: African Feminist Theory and the Meaning of Exclusion

The literature reviewed supports the proposition that women's exclusion from land across the five countries is best understood as a question of power and identity rather than a technical coverage gap in law. In every country examined, statutory or constitutional provisions formally guarantee some version of gender equality in property: Kenya's 2010 Constitution, South Africa's 1996 Constitution, Uganda's 1998 Land Act, Ghana's statutory inheritance provisions, and Nigeria's federal constitutional equality clauses all exist on paper. Yet in each case, the literature documents women's land exclusion persisting in practice.

This pattern is consistent with the African feminist claim that legal equality is necessary but not sufficient. Land exclusion is sustained by cultural and institutional recognition, by who is understood as a legitimate landholder, not only by what the statute says (Oyewumi, 1997; Kamari-Mbote, 2005). The persistence of exclusion despite formal legal coverage across five distinct legal systems is itself evidence for the African feminist argument that the problem is structural and cultural rather than merely legal.

5.2 Objective Two: Comparing Drivers of Exclusion Across the Five Countries

Patriarchal custom, colonial legacy, legal pluralism, and neoliberal reform appear in the literature in all five countries, but they combine differently across contexts.

Patriarchal inheritance custom appears as the most consistently documented driver, present in the Kenyan, Ugandan, Nigerian, South African, and Ghanaian literature alike (Ampaire, 2010; Okeke-Ihejirika, 2004; Tsikata, 2009; Walker, 2003; Kamari-Mbote, 2005). This suggests it is close to a continental constant rather than a context-specific factor.

Colonial legacy, by contrast, shapes each country differently depending on the colonial administrative model. Kenya's individual-titling schemes and Uganda's mailo land system both formalised male ownership but through different mechanisms (Mamdani, 1996), while Ghana's indirect rule entrenched a distinct, chief-mediated form of male authority over land (Tsikata, 2009).

Legal pluralism takes a markedly different form in Nigeria, where religious law intersects with customary practice in ways that are not present in the other four countries, compounding women's exclusion through an additional legal layer (Okeke-Ihejirika, 2004).

Neoliberal land commodification is most clearly documented in South African, where market-based redistribution mechanisms have been directly implicated in limiting reform's transformative potential (Walker, 2003; Chimhowu, & Woodhouse, 2006). Comparative regional evidence suggests similar dynamics operate, though less visibly, in Kenya and Uganda's credit-linked land markets (Mutangadura, 2004).

5.3 Objective Three: Toward a Framework for Redistributing Power

Across the five countries, the literature on women's resistance and feminist advocacy suggests that legal reform alone has not been sufficient to secure women's land rights in any of the cases examined. However, legal reform combined with sustained grassroots and legal advocacy has produced incremental gains: Uganda's spousal co-ownership provision and Kenya's growing body of customary forum advocacy by FIDA Kenya and GROOTS Kenya being the clearest examples (Ampaire, 2010).

This pattern across cases supports the African feminist claim that reframing land rights as a redistribution of power, rather than as a legal technicality or a development add-on, better matches the evidence of what has actually shifted entrenched exclusion in practice (Tamale, 2020).

6.0 Analysis and Discussion

Reading the five national literatures against one another clarifies which barriers to women's land rights are close to universal and which are context specific.

Patriarchal custom which channels land toward men through inheritance, marriage, and widowhood, is documented in the literature on all five countries and appears to operate largely independently of each country's particular legal system, colonial history, or level of economic development. This near-universality is significant for African feminist theory because it suggests that custom functions not as a residual pre-modern holdover, as modernisation-oriented development discourse sometimes implies, but as an actively reproduced institution that persists across very different formal legal environments: common law and customary (Kenya, Uganda), customary and religious (Nigeria), settler-colonial and customary (South Africa), and chieftaincy-based (Ghana) (Whitehead & Tsikata, 2003; Kameri-Mbote, 2005).

Colonial legal heritage, by contrast, produces context-specific rather than uniform effects. Kenya's individual land-titling legacy and Uganda's mailo land tenure both privilege male ownership, but through distinct administrative mechanisms that left different institutional residues (Mamdani, 1996). Ghana's chieftaincy-mediated customary system inherited from indirect rule creates a unique site of male authority the chief and the land allocation committee that has no direct equivalent in the other four countries (Tsikata, 2009). South Africa's settler-colonial dispossession adds a racial dimension to land exclusion that intersects with, but is analytically distinct from, the gender dimension examined in this article (Walker, 2003). These divergences imply that legal-institutional reform targeting each country's specific colonial residue is likely to be more effective than a single continent-wide statutory template.

Legal pluralism also varies in form. In Kenya and Uganda, the tension runs primarily between statutory equality and customary allocation practice. In Nigeria, a third layer of religious inheritance law, is added, producing a more compounded form of exclusion not documented to the same extent in the Kenyan and Ugandan literature (Okeke-Ihejirika, 2004). This suggests that legal harmonisation strategies cannot be uniform: a two-way harmonisation between statutory and customary law, of the kind discussed for Kenya and Uganda, is a different undertaking from the three-way harmonisation that Nigeria's context would require.

Exposure to neoliberal land commodification also varies by case. The literature documents this mechanism most explicitly in South Africa, where market-based redistribution is directly linked to weak outcomes for women (Walker, 2003). It appears more diffusely in Kenya and Uganda, where credit-linked land markets disadvantage women who lack collateral (Mutangadura, 2004; Chimhowu & Woodhouse, 2006). The Nigerian and Ghanaian literature reviewed here engages this mechanism comparatively less,

which may reflect a genuine difference in the pace of land-market liberalisation or simply a gap in the available comparative scholarship, a limitation inherent to a library-based method.

Finally, **the strength and form of women's mobilisation** differ across cases in ways that appear to correlate loosely with the legal gains documented. Uganda's advocacy-driven spousal co-ownership provision and Kenya's customary-forum advocacy by established legal and grassroots organisations represent the most concretely documented gains, while the South African, Nigerian, and Ghanaian literature reviewed here documents resistance and occupation but fewer comparable statutory wins specific to gender (Walker, 2003; Tsikata, 2009). Taken together, the comparison suggests that statutory reform secured primarily through sustained, organised advocacy, rather than reform imposed from above, is more likely to produce the kind of power redistribution that African feminist theory calls for. This supports the central claim of this article that women's land rights should be approached as a **political project of redistributing power** rather than a technical add-on to development planning (Tamale, 2020).

6.0 Conclusion

This article has argued that land in Africa must be understood as more than an economic asset: it is a site of power, identity, and social reproduction. The comparative analysis of Kenya, Uganda, Nigeria, South Africa, and Ghana demonstrates that women's exclusion from land ownership is not incidental but rooted in the intersecting forces of patriarchy, colonial legacy, legal pluralism, and neoliberal capitalism. These forces combine differently across contexts, even as patriarchal custom recurs with near-universal consistency.

Against the first objective, the comparison confirms the central African feminist claim: the persistence of women's exclusion despite formal legal equality in all five countries examined shows that the problem is fundamentally one of power and cultural recognition, not merely legal coverage. Against the second objective, the comparison reveals that while patriarchal custom is close to a continental constant, colonial legacy, the form legal pluralism takes, and exposure to land commodification vary meaningfully across contexts. Nigeria's added religious-legal layer and South Africa's market-based reform model standing out as the most distinctive divergences from the Kenyan and Ugandan pattern. Against the third objective, the comparison of where gains have actually occurred, Uganda's co-ownership provision and Kenya's customary-forum advocacy, supports a five-pillar framework for reframing women's land rights: cultural transformation, legal harmonisation, economic justice, epistemic decolonisation, and policy integration.

Securing women's rights to land, therefore, requires dismantling systemic inequalities, redistributing power, and recognising women not as beneficiaries of reform but as central agents in defining how land is governed across Africa. The comparative evidence assembled here suggests that this redistribution is most likely to be achieved not through a single continent-wide legal template, but through context-specific reform strategies informed by sustained, organised feminist advocacy within each country.

7.0 Recommendations

First, addressing the near-universal patriarchal custom identified in this comparison requires sustained cultural transformation rather than legal amendment alone. Civic education and engagement with religious and customary authorities, of the kind Kenyan and Ugandan grassroots organisations have already begun, should be prioritised in Nigeria, South Africa, and Ghana, where comparable customary-forum advocacy is less developed in the literature reviewed.

Second, because legal pluralism takes different forms across the five contexts, harmonisation strategies should be tailored rather than uniform: Kenya and Uganda require closer alignment between statutory and customary land authorities, while Nigeria requires a three-way harmonisation that explicitly addresses religious inheritance law.

Third, given that neoliberal land commodification disadvantages women most clearly where land access is tied to credit and collateral, land-titling and land-market reforms in Kenya, Uganda, and South Africa should include collateral-substitute mechanisms such as group titling, guarantee schemes, or community-based tenure models that do not require women to already hold the assets the market presumes.

Fourth, land governance reform across all five countries should formally incorporate women's own knowledge, customary practice and lived experience into policy design. Women should not be treated solely

as beneficiaries of externally designed reform, but as epistemic authorities whose perspectives shape what counts as legitimate land governance (Tamale, 2020).

Fifth, women's land rights should be mainstreamed into each country's national development and land-use planning frameworks as a standing policy concern, rather than addressed only through standalone gender programmes that can be deprioritised when development funding shifts.

8.0 References

- Agarwal, B. (1994). *A field of one's own: Gender and land rights in South Asia*. Cambridge University Press.
- Agarwal, B. (2003). Gender and land rights revisited: Exploring new prospects via the state, family and market. *Journal of Agrarian Change*, 3(1–2), 184–224.
- Amadiume, I. (1997). *Re-inventing Africa: Matriarchy, religion, and culture*. Zed Books.
- Ampaire, C. (2010). Land rights and women's empowerment: Women's experiences of land ownership in Uganda. *International Journal of African Renaissance Studies*, 5(1), 173–191.
- Chimhowu, A., & Woodhouse, P. (2006). Customary vs. private property rights? Dynamics and trajectories of vernacular land markets in sub-Saharan Africa. *Journal of Agrarian Change*, 6(3), 346–371.
- Chiwuzie, A., Mbagwu Prince, E., & Olawuyi, S. T. (2023). Women and land governance in selected African countries: A review. *Journal of Law, Society and Development*, 9, 1–12.
- Crenshaw, K. (1991). Mapping the margins: Intersectionality, identity politics, and violence against women of color. *Stanford Law Review*, 43(6), 1241–1299.
- Federici, S. (2004). *Caliban and the witch: Women, the body and primitive accumulation*. Autonomedia.
- Goetz, A. M. (1991). Feminism and the claim to know: Contradictions in feminist approaches to women in development. *Feminist Review*, 38, 149–173.
- Gyapong, A. Y. (2021). Commodification of family lands and the changing dynamics of access in Ghana. *Third World Quarterly*, 42(6), 1233–1251.
- Ikdahl, I. (2008). Go home and clear the conflict: Human rights perspectives on gender and land in Tanzania. *Norwegian Journal of Geography*, 62(3), 195–204.
- Issaka, S. A. (2023). Gender disparities in land rights: A myth or a reality? Case studies of the situations in Kenya and Tanzania. *Journal of Economic Analysis*, 2(3), 36.
- Kameri-Mbote, P. (2005). *The land has its owners! Gender issues in land tenure under customary law in Kenya*. UNDP International Environment Law Research Centre.
- Kesby, M. (1999). Locating and dislocating gender in rural Zimbabwe: Beyond the productive–reproductive dichotomy. *World Development*, 27(11), 1855–1875.
- Mamdani, M. (1996). *Citizen and subject: Contemporary Africa and the legacy of late colonialism*. Princeton University Press.
- Manji, A. (2006). *The politics of land reform in Africa: From communal tenure to free markets*. Zed Books.
- Mies, M. (1986). *Patriarchy and accumulation on a world scale: Women in the international division of labour*. Zed Books.
- Mutangadura, G. (2004). Women and land tenure rights in southern Africa: A human rights-based approach. *Gender and Development*, 12(1), 67–73.
- Okeke-Ihejirika, P. E. (2004). *Negotiating power and privilege: Igbo career women in contemporary Nigeria*. Ohio University Press.
- Okin, S. M. (1989). *Justice, gender, and the family*. Basic Books.

- Oxfam International. (2021). *Women's land rights scorecard: The failure of land policy and legal reforms in securing women's land rights in Africa*. Oxfam.
- Oyewumi, O. (1997). *The invention of women: Making an African sense of Western gender discourses*. University of Minnesota Press.
- Peters, P. E. (2004). Inequality and social conflict over land in Africa. *Journal of Agrarian Change*, 4(3), 269–314.
- Tamale, S. (2020). *Decolonization and Afro-feminism*. Daraja Press.
- Tsikata, D. (2009). Gender, land, and labour relations in Africa: A review. *African Journal of Political Science and International Relations*, 3(9), 362–379.
- Walker, C. (2003). Piety in the sky? Gender policy and land reform in South Africa. *Journal of Agrarian Change*, 3(1–2), 113–148.
- Whitehead, A., & Tsikata, D. (2003). Policy discourses on women's land rights in sub-Saharan Africa: The implications of the return to the customary. *Journal of Agrarian Change*, 3(1–2), 67–112.
- Yngstrom, I. (2002). Women, wives and land rights in Africa: Situating gender beyond the household in the debate over land policy and changing tenure systems. *Oxford Development Studies*, 30(1), 21–40.

Appendix A: Document Review Matrix: Summary of Sources and Analytical Contributions

Appendix Note: How to Interpret the Document Review Matrix

The document review matrix summarises the core sources that informed this study and should be read as a map of how the literature was systematically organised and analysed. Each entry identifies the author, year, geographic or thematic focus, source type, and the specific analytical contribution the text made to the study. Rather than functioning as an alternative to the reference list, the matrix highlights the role each source played in developing the thematic synthesis and comparative analysis showing, for example, which texts grounded the theoretical framework, which provided country-specific evidence, and which illuminated cross-cutting drivers such as patriarchy, legal pluralism, or neoliberal reform. Readers can use the matrix to trace how the study's findings emerged from a balanced corpus of theoretical, empirical, and policy materials, and to see clearly how each source contributed to the five-country comparison.

Table A1. Summary of Reviewed Sources and Their Analytical Contributions

Author (Year)	Geographic/Thematic Focus	Source Type	Key Contribution to Analysis
Agarwal (1994, 2003)	South Asia / comparative	Academic book and article	Global baseline for gendered land inequality; comparative framing
Amadiume (1997)	Nigeria / Africa-wide	Academic book	Indigenous gender-flexible institutions; feminist epistemology
Ampaire (2010)	Uganda	Academic article	Patriarchy; legal pluralism; women's resistance
Chimhowu & Woodhouse (2006)	Sub-Saharan Africa	Academic article	Neoliberal land-market commodification
Chiwuzie, Mbagwu Prince & Olawuyi (2023)	Selected African countries	Academic review article	Regional comparative land governance
Crenshaw (1991)	United States / theory	Academic article	Intersectionality (theoretical framework); multi-dimensional exclusion
Federici (2004)	Global / theory	Academic book	Feminist political economy; accumulation and dispossession
Goetz (1991)	Theory/development discourse	Academic article	Critique of instrumentalist WID framing
Gyapong (2021)	Ghana	Academic article	Land commodification; family-land power shifts
Ikdahl (2008)	Tanzania	Academic article	Human-rights perspective on gender and land
Issaka (2023)	Kenya and Tanzania	Academic article	Comparative gender land-rights disparities
Kameri-Mbote (2005)	Kenya	Policy/legal research report	Customary law and colonial codification of gender
Kesby (1999)	Zimbabwe	Academic article	Gendered productive-reproductive divide in land authority
Mamdani (1996)	Africa-wide / theory	Academic book	Colonial governance and customary authority
Manji (2006)	Africa-wide	Academic book	Politics of market-oriented land reform
Mies (1986)	Global / theory	Academic book	Feminist political economy of labour
Mutangadura (2004)	Southern Africa	Academic article	Human-rights approach to tenure security
Okeke-Ihejirika (2004)	Nigeria	Academic book	Igbo inheritance practice; legal pluralism
Okin (1989)	Theory (liberal feminism)	Academic book	Contrast case for African feminist critique
Oxfam International (2021)	Africa-wide	Policy report	Regional policy-implementation scorecard
Oyewumi (1997)	Nigeria (Yoruba) / theory	Academic book	Postcolonial feminism; gender-binary critique
Peters (2004)	Africa-wide	Academic article	Inequality and conflict over land
Tamale (2020)	Africa-wide / theory	Academic book	Epistemic decolonisation; Afro-feminism
Tsikata (2009)	Ghana / Africa-wide	Academic review article	Colonial chieftaincy; labour and land relations
Walker (2003)	South Africa	Academic article	Land reform and gendered policy outcomes
Whitehead & Tsikata (2003)	Sub-Saharan Africa	Academic article	Legal pluralism; 'return to the customary'
Yngstrom (2002)	Africa-wide	Academic article	Gender beyond the household in tenure debates