



Gender and Access to Land: An Investigation of Discriminatory Practices in Delta State of Nigeria

Emele, C. R.*¹ & Jogunola, A.²

¹ Department of Estate Management, University of Lagos

² Department of Estate Management, University of Ibadan

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Abstract

The scourge of gender discrimination with respect to land accessibility in developing countries has been very disturbing. It is far from being eliminated and has the potential of widening the socioeconomic gap between men and women, with women slipping further down the poverty valley. This study reports an empirical investigation of gender-based discriminatory practices affecting access to land and their consequences in Nigeria's south-south state of Delta. Apart from establishing the extent and prevalence of such practices in the area, the study also evaluated mitigating strategies and assessed their workability in Nigeria. Using a structured questionnaire administered on 323 respondents who were selected through cluster sampling techniques, the researchers found that customary laws, high levels of financial incapability and ineffective land laws were the most significant factors affecting women's access to land in the area. The worst affected groups were widows and divorced women. The study therefore recommends that policymakers should demonstrate strong political will and promote affirmative action by enacting appropriate and effective legislations. Where the need arises, they should also review existing laws and policies to align with the Sustainable Development Goals (SDGs). The study concludes that implementation of laws that deal with gender inequality and women's access to land cannot be effective if there are no strong institutions.

Keywords: Access to land; Discriminatory practices; Gender

1. Introduction

Inappropriate distribution of land has been a perennial concern, especially in developing

*jumboemele2001@yahoo.com

countries, where it has generated many unresolved conflicts and has been the root cause of litigations, poor urban governance, political instability, inadequate housing and gender inequalities (Tsikata, 2003; Omirin, 2003). The availability of equitable access to land is important because land is a key factor for food production, shelter, economic development, cultural identity and political power. However, disparities between the genders on matters of land rights distribution remain significant, as women have less access to land while men feature centrally in the hierarchy of land control (Wanyeki, 2003; Whitehead & Tsikata, 2003). This is in spite of the fact that women play crucial roles in the society. For instance, women have been involved in the survival and sustenance of the country at the micro and macro levels by engaging in food production, in addition to being responsible for the well-being of the household, which is a key unit of the economy. However, majority of the women, especially in the developing and emerging economies, are poor, uneducated and generally marginalised owing largely to gender inequality. This situation has grave implications for land accessibility, tenure security and housing (Joab-Peterside, 2018; Chigbu, Paradza & Dachaga, 2019).

The system of patriarchy and deficiencies in laws governing landholdings in most developing countries have made more women vulnerable both economically and socially. In this context, women are more marginalised and are continually losing access to the land on which they depend for survival. This situation gives cause for concern because the constitutional rights of women to land in most developing countries are being threatened by different conflicting laws and long-standing traditional practices. Land rights in most developing countries are governed by ambiguous rules and regulations that lead to lack of security of tenure and impaired policy implementation.

These have in turn affected millions of people across the world, especially women (Benschop, 2002). Particularly in countries such as Kenya, Uganda, Zambia, Ghana, and South Africa, women are responsible not only for keeping their homes but also for providing between 60 and 80 percent of household food, yet they are restricted to secondary land rights (SIDA, 2009). They are systematically deprived of decision-making powers as well as control over how and when to use the land on which they work; they also risk losing land entitlements in cases of divorce, widowhood and husband migration (Aluko & Amidu 2006).

In South Africa, a study by Gaidzanwa (1988) revealed that many young women preferred to marry communal farmers who accorded them traditional land use rights because these rights were exercised under the names of their husbands. Thus marriage, which provides the woman indirect access to land and the most preferred and least cumbersome option in accessing family land, arguably remains the main avenue through which women have access to land for various purposes, including housing. This is because it is very difficult for women to access land through other alternatives such as communal inheritance, land lease, land purchase and gift (Enwelu, Morah, Dimelu & Ezeano, 2014).

As reported later by Kajimo-Shakantu and Evans (2007), in a study that explored the possibility of integrating the savings schemes of women in poor urban communities to the formal finance systems in order to enhance their participation in housing opportunities, women constituted the majority of an estimated number of 2.5 to 3.7 million South Africans who were either unhoused or underhoused. The authors observed that “One argument is that

Africa's challenges will not be effectively resolved unless the exclusion faced by women is tackled across the board.

Agbodji, Batana and Ouedraogo (2015) examined gender inequality in welfare deprivation using a multidimensional framework that included housing, basic utilities, assets, education, employment and access to credit [key targets of the UN's Sustainable Development Goals (SDGs)] in two west African countries of Burkina Faso and Togo. The study found that gender inequality was prevalent on all six dimensions and reported that women were more deprived than men.

Moreover, in Kenya, Birgegard (1993) reported that the statutory law defined only men's rights in land titling, whereas women's rights were cited only in customary law. Harrington and Chopra (2010) reported that women in Kenya account for a little percentage of the formalised land holding. This situation presents an enormous challenge in terms of housing, food security and other indicators of sustainable development owing to the continued exclusion of women from formal land titling and ownership.

Countries such as Lesotho, Uganda and Swaziland are not left out, as married women are regarded as legal minors and prohibited from registering properties or obtaining titles to land in their own names, even if they had access to land directly through individual purchase (WLSA, 2001). The story is not different in Ethiopia going by the study of Woldetensaye (2007). In Nigeria, both customary and religious laws still work against gender equality despite the 1999 Federal Constitution (as amended) that prohibits discrimination on the grounds of gender (Odiaka, 2013).

Discrimination against women in terms of land accessibility and control is however more prevalent in the rural and peri-urban areas where access to information is very low and the illiteracy level is very high. For instance, women have no voice and laws guiding land and property inheritance favour the men while women continue to be subjected to crude widowhood practices and obsolete traditions, even in a globalised world of information technology. As highlighted by Joab-Peterside (2018), the usual narrative about issues of gender inequality and sex discrimination has been about countless international conferences, workshops, symposia and drafting of action plans to ameliorate these practices against women. However, there has been very little evidence of implementation, especially in the Niger Delta of which Delta State is a constituent. This appears to be a general problem across Nigeria as submitted by Adegoke, Adegoke and Oyedele (2016).

Therefore, women's limited access to land, which is a major source of wealth and economic tool, has had a very negative impact on achieving sustainable housing and other indicators of the Sustainable Development Goals (SDGs), especially in Third-World countries.

No doubt, the exclusion of women and their assumed inequality with their male counterparts on land accessibility obviously reduce their decision-making abilities in terms of adequate housing and other benefits in the housing value chain. This situation negates the sustainable development goal of achieving gender equality and empowering all women and girls, as well as reducing inequality within and among countries.

In the light of the above, this study investigates discriminatory practices affecting gender and access to land in Nigeria's Delta State. The study focuses on Delta State because it is one of the oil-rich states in the Niger Delta region of Nigeria and has been involved in the struggle for resource control and advocacy for the remediation of environmentally degraded areas, in addition to experiencing tribal conflicts. The effects have been massive destruction of both the land and water resources on which inhabitants of the region depend for survival, hence the need for this study.

2. Sustainable Development Goals (SDGs) and Women's Access to Land

The Sustainable Development Goals (SDGs) are rooted in the United Nations' (UN) Millennium Development Goals (MDGs) of 2000 to 2015. While it is acknowledged that a certain level of success was achieved with the MDGs, failure to achieve critical success with the MDGs as 2015 approached was visible in the face of increasing world population characterised by rising poverty, income parity amidst gender bias and inequality, as well as climate change and depletion of the environment at unprecedented levels. In a special UN Sustainable Development Summit from September 25-27, 2015 in New York, the post-2015 development agenda for another 15 years was adopted and declared "Transforming Our World – the 2030 Agenda for Sustainable Development" and officially commenced on January 1, 2016. The 2030 Agenda, known as the Sustainable Development Goals (SDGs), contains 17 goals and a framework of global indicators.

The SDGs are hinged on the tripod of economic development, environmental sustainability and social inclusion, which can only be achieved via good governance at local, national, sub-regional and global levels (Sachs, 2012). Table 2.1 shows selected SDGs that have implications for gender equality and women's access to land.

Table 2.1. Selected SDGs, Targets and Indicators with Implications for Gender Equality and Access to Land.

SDG Goal	Target	Indicator
Goal 1. End poverty in all its forms everywhere	1.4 By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance	1.4.2 Proportion of total adult population with secure tenure rights to land, (a) with legally recognized documentation, and (b) who perceive their rights to land as secure, by sex and type of tenure
Goal 5. Achieve gender equality and empower all women and girls	5.a Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws	5.a.1 (a) Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; and (b) share of women among owners or rights-bearers of agricultural land, by type of tenure 5.a.2 Proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control
	5.c Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels	5.c.1 Proportion of countries with systems to track and make public allocations for gender equality and women's empowerment

Source: Compiled from United Nations (2018).

3. Conceptual, Theoretical and Empirical Framework

3.1 Gender Inequality and its Socioeconomic Implications

Gender is not just about the differences in the anatomies of men and women but also about the social, economic and cultural structure that defines what it is to be a “man” and what it means to be a “woman” in a given society (UN-Habitat, 2003). The concept of gender also involves the relationship between men and women in the sphere of production both within and outside the household (Sen, 2008). Gender equality simply means equal access by men and women to social goods, services, resources as well as equal opportunities by both gender in all areas of life while access to land is used to describe access to the use of land, control over land, access to land tenure security, access to housing and protection of housing rights, land and property rights (UN-Habitat, 2018). In the context of this study, gender inequality is unfairness towards women in relation to land ownership, administration, management and development. Access to land is a necessity not only in the rural areas for agricultural purposes but also in the urban areas for housing, investment and urban agriculture and as a tool for accessing credit facilities. Beyond agriculture in the rural areas, land as a financial asset has multiplier effects on productivity and makes possible the purchase of other inputs such as fertilizers, seedlings, equipment and the hiring of extra labour. As a means of achieving economic empowerment for both men and women, equal access is crucial especially in an age of global financial crisis, wars and food shortages. The report on the 55th session of the Commission on the Status of Women, which took place at the United Nations headquarters in New York in March 2011, declared that “Land rights discrimination is a violation of human rights. This universal declaration stipulates that human rights apply to all regardless of sex, yet women around the world still find themselves in a gender-biased environment and are disproportionately affected by discrimination and the violation of their land rights (ILC 2009).

In 1979, at the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) by the United Nations General Assembly, a human rights treaty and an international bill of rights for women was adopted by 175 countries, including Nigeria, to fight discriminatory practices against women, especially in the rural areas (CEDAW, 2006). Even in countries where progress has been made in their legislative reforms, the lack of policy implementation has not really helped matters. Evidence from research depicts that gender considerations are being neglected in land policy implementations despite recognition of gender equality under statutory laws. The position of the UN-Habitat Agenda (2003) is that access to land is a strategic prerequisite for income generation and food production as well as for the progressive integration of the urban poor, obtaining credit facilities and ensuring the overall economic stability of any country. A number of factors underpin this inequality, including discriminatory customary and religious laws, ineffective land laws, non-implementation of land policies, and high levels of illiteracy (Grown & Cagatay 2005).

3.2 Theoretical Framework for Assessing Gender Discrimination in Land Accessibility

This study relies on two theoretical frameworks that help in understanding of the perceptions of gender discrimination and access to land. These are the “Feminist Theory” that emerged as early as 1792 and the “Equity Theory” of Adams in 1963. Feminist theory focuses on the analysis and understanding of issues related to inequality in gender and sex discrimination, as well as promotion of the rights of women. Feminism creates and sustains awareness about the exploitation of and discrimination against women in the social system and how women respond, navigate and

negotiate the world in the contexts of culture, politics, work, religion, ethnicity, sex, age, education and marital status; it also addresses how these factors interrelate in championing the interests of the womenfolk (Ngomane, 2016). Although there are many variants of feminist theory, ranging from classic works to cutting-edge theoretical studies, the key tenets of the theory remain focused on the assumption that women generally experience subordination in relation to their male counterparts.

Accordingly, Ngomane (2016) cites the 'three waves' of feminist theory; each wave addresses particular issues under perspectives such as Marxism, Socialism, Radicalism, Liberalism, Eco-feminism, Masculinity, and Intersectionality. For example, traced to 1848, the first wave of feminist theories focused on the political and legal equality of women and men and the right of women to vote. The second wave started in the 1960s and fought against gender inequality in women education while advocating the rights of women in the workplace as well as on fertility and health issues. The third wave started in the 1990s and promoted the idea that women and men are equals and should relate as such, in a bid to promote the enjoyment of greater sexual pleasures by women. This wave also led to the emergence of more women in sport and religious activities, etc. The effect of the third wave can be seen in the call for equality in issues of rights of women to land ownership, land accessibility and housing.

Extending the equity theory, which has its origins in George Homans' theory of exchange (1958), feminists argued that individuals enter into social relations in anticipation of rewards or benefits for their investments. The theory considers the process of social exchanges in which the individuals involved should receive something in return for an effort or a favour given. To this extent, equity theory, otherwise known as justice theory, argues that individuals compare their inputs (or contributions), such as skills, experience, task performance, education and effort, with their outcomes and determine what their equitable return should be in fair relation to the exchange. Applying both theories to the study of perceived gender discrimination in land accessibility, this study suggests that women, by virtue of sex and inputs, tend to experience injustice or discrimination by being marginalised or denied equal access to land when compared to their male counterparts.

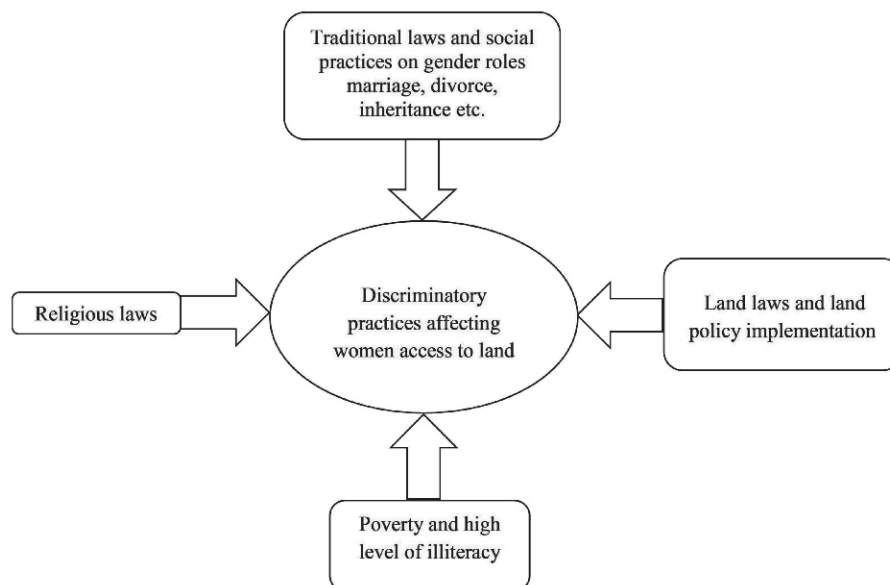


Figure 1: Conceptual Framework on the Discriminatory Practices Affecting Gender and Access to Land

Ngomane (2016) states that gender inequality in relation to access to land is primarily caused by patriarchy, otherwise called male dominance with regard to the social contexts of the economy, politics, family (which is part of the customs and traditions) and religion. Patriarchy implies that men are the ones in charge and are the heads of entities that make up the economy, political system, traditional institutions and the family. As such, they decide whether to grant women access to land or treat them equally. These are the major barriers to gender equality and women's access to land. Other barriers include lack of and limited access to education, which result in high illiteracy rates as depicted in the conceptual framework.

3.3 *Traditional Practices and Customary Laws*

Traditional practices and customary laws are the unwritten social rules and structures of a community that are derived from shared values and traditions held from time immemorial. The content of traditional practices and customary laws is extremely diverse and possibly changes from place to place. Pertaining to land tenure systems under customary laws in most African countries, land ownership dictates are not uniform and mostly rooted in patriarchy. 'Patriarchy' literally means the rule of fathers, but today goes beyond the 'rule of fathers' to include the rule of husbands, of male bosses, of ruling men in most societal institutions, in socio-political and economic dimensions of the society (Kameri-Mbote, 2006). Thus, the contemporary conceptualisation of patriarchy encompasses all forms of male dominance that give land access to women only through their spouses or male relatives, thereby putting women at a disadvantage as they remain subordinated within male-centered structures (Moyo, 1994). Habiba, Ali and Ashfaq (2016) see patriarchy as a state in the society in which men exert their controlling power over women in the public and private affairs in the society. It is the domination of men over the women, the demonstration of veto power of authority within a family by the man. The man has the final say over all family affairs and his duties include allocation of responsibilities to family members, management of properties and animals and control of all family accounts. In most developing countries, especially in Africa, customary law seldom recognises the right of women to own, access and even inherit land at the death of their husbands. The patrilineal system of land titling, which confers ownership of land on the male lineage through inheritance, is more prevalent and common among the Binis and Igbo-speaking ethnic groups of Nigeria (Aluko & Amidu, 2006). Among the Yoruba of southwestern Nigeria, most family members have similar general rights in family properties and the "idi igi", otherwise known as the "per stirpes" system of land inheritance, is more prevalent (Lloyd, 2008). Per stirpes is a method of determining the shares of a deceased's estate that should go to his heirs on the basis of the number of wives he had. The allocations do not go to the wife or number of wives but to the children of the wife or wives. However, the Yoruba chiefdoms of the Ekitis, Ijeshas and Ondos observe the matriarchal system whereby a regent, usually the first daughter of the immediate deceased king or chief, is appointed during a period of interregnum. This position confers authority on the regent over all matters, including land management, whether the land belongs to the family stool or the community (Aluko & Amidu 2006).

In like manner, Malawians practise the matriarchal system of land inheritance and women can directly own land through inheritance in their rights (Dingake 2001). The matrilineal system of landholding was also practised in Kenya and Ghana before the colonial era, unlike in Nigeria where in pre-colonial times females were generally accorded less value and lower social status (Lawanson, 2010; Kasanga & Kotey, 2001). Moreover, among Zambian ethnic groups such as the Bemba, Lamba, Luvale and Tonga, the matrilineal system of landholding is still being operated and women's land rights are ensured.

3.4 *Religious Laws*

In Africa, the dominant religions are Christianity and Islam. These define the religious laws guiding the ownership of land and other natural resources. The Biblical laws of the Christians do not acknowledge the sole right of wives in equitable land distribution as the wife and her husband are seen as one entity but there are instances where daughters can inherit properties of their deceased fathers only if no male heir exists. The husband is recognised as the head of the family and the wives are meant to be submissive while all her rights (including land rights) are submerged into her husband's rights. However, there is a landmark case of recognition of women's rights as well as other provisions that confer equity and equal access to land by men and women as shown in:

Numbers 27: 4-11 (New International Version of the bible): "Why should our father's name disappear from his clan because he had no son? Give us property among our father's relatives. So, Moses brought their case before the Lord and the LORD said to him, What Zelophehad's daughters are saying is right. You must certainly give them property as an inheritance among their father's relatives and turn their father's inheritance over to them. "Say to the Israelites, 'If a man dies and leaves no son, turn his inheritance over to his daughter. If he has no daughter, give his inheritance to his brothers. If he has no brothers, give his inheritance to his father's brothers. If his father had no brothers, give his inheritance to the nearest relative in his clan, that he may possess it. This is to be a legal requirement for the Israelites, as the LORD commanded Moses.

Job 42:15: "Nowhere in all the land were there found women as beautiful as Job's daughters, and their father granted them an inheritance along with their brothers.

Galatians 3:28: "there is neither Jew nor Gentile, neither slave nor free, nor male and female, for you are all one in Christ Jesus.

If God says that something is right in the days of old and God cannot and does not change according to the Bible that means denying women access to land can be viewed as not right in the sight of God.

Moreover, empirical literature on the application of Christian law as it relates to women access to land is limited due largely to the fact that Christianity respects the family institution as the decision-making unit in family affairs including land matters. For instance, Das (2016) reports that in Bangladesh, the Succession Act of 1925 provides that Bangladeshi Christians and women in particular possess considerable rights to inherit their deceased husbands' estate in addition to equal inheritance rights with their brothers in relation to the estate of their dead parents. Further investigation by the author on the inheritance situation among women whose fathers had died revealed that 3 out of 36 of such women (8.33%) had received equal share of their deceased fathers' land while in 23 out the 36 cases, the estate had not been distributed among the children. This provision by the Succession Act of 1925 notwithstanding, Das (2016) admits that there is a divergence between the implementation of Christian inheritance laws and traditional practices which negatively affect women access to land. Similarly, in India, Obaikol (2009) reports that a provision of the Indian Succession Act allows a Christian widow to inherit a third part of her deceased Christian husband's estate if he dies intestate, while the children (male and female) share equally, the remaining part. In a situation where the deceased does not have children, the widow inherits half of the estate and the rest goes to other family relations of the deceased, otherwise the widow inherits all the estate when there are no surviving family relations.

Under Islamic law, women especially in rural areas inherit less land than their male counterparts perhaps on the assumption that the men have the sole responsibility of catering for the family and

Islamic law provides a very rich framework for access to land based mainly on the Quran and the Sunna or the sharia law (ICRW, 2005; Rugadya, 2007; UN-Habitat, 2018). Accordingly, women in the Muslim world are allowed land access through land and property purchase from personal earnings, gifts, inheritance and retain control over land during pre-marital, marital, divorce, widowhood and can also hold titles either individually or jointly as provided in Islamic land law. Thus, Islamic land law supports the right of women to purchase land, hold land, use land, administer land and dispose land without restrictions whether married or not and as an independent legal entity, separately or collectively. However, this is different from the practice whereby the land rights of married women in Anglo-American law and in most parts of Europe, were exercised under their husbands' identities which were influenced by the common law of England (which was pro-Christian) in the last part of the nineteenth century (UN-Habitat, 2018). According to some Quran verses and Hadith, at the death of a man, the male children should take double of the share given to the female. Also, when a husband dies leaving a wife who has no children for him, she inherits one-quarter of his estate and if there are children, she inherits one-eighth as seen in:

[An-Nisa'a, (The Women), verse 7]: "...there is a share for men and a share for women from what is left by parents and those nearest related, whether the property be small or large – a legal share."

[An-Nisa'a, (The Women), verse 11]: "Allah commands you as regards your children's (inheritance) to the male, a portion equal to that of two females; if (there are) only daughters, two or more, their share is two thirds of the inheritance; if only one, her share is half; for parents, a sixth share of inheritance to each if the deceased left children; if no children, and the parents are the (only) heirs, the mother has a third; if the deceased left brothers or (sisters), the mother has a sixth; the distribution in all cases is after the payment of legacies he may have bequeathed or debts; you know not which of them, whether your parents or your children, are nearest to you in benefit, (these fixed shares) are ordained by Allah. And Allah is Ever All-Knowing, All-Wise."

[An-Nisa'a, (The Women), verse 12]: "In that which your wives leave, your share is a half if they have no child; but if you leave a child, they get a fourth: an eighth of that which you leave after payment of legacies and debts. In what you leave, that you may have bequeathed or debts; In that which you leave, their (your wives) share is a fourth if you leave no child; but if you leave a child, they get an eighth of that which you leave after payment of legacies that you may have bequeathed or debts.; If the man or woman whose inheritance is in question has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth; but if more than two, they share in a third; after payment of legacies he (or she) may have bequeathed or debts, so that no loss is caused (to anyone). This is a Commandment from Allah; and Allah is Ever All-Knowing, Most-Forbearing;"

From the foregoing, the Muslim religion treats women fairly as regards land inheritances however, the interpretations of the Islamic provisions have created the limitations and prejudices against the women as manifesting today. This limitation is not peculiar to Islam alone but can be observed across religious lines with land administrators, family heads and custodians of traditions misinterpreting the religious laws out of ignorance thereby discriminating against women's inheritance rights in order to keep the women at home, train them in household chores and make them perfect women, docile and ready to please everyone in the family. These actions of men against the women are pointers to a system of patriarchy.

3.5 Gender and Access to Land under the Nigerian Constitution

In Nigeria the Land Use Act of 1978 is the law currently guiding land administration. Section 1 of The Act vests all land in the territory of each State (except land vested in the Federal Government

or its Agencies) solely in the Governor of the State, who would hold such land in trust for the people. This law was promulgated as a response to numerous complaints about the constraints experienced under the then existing traditional land tenure systems in the country. Before the Land Use Act was enacted, a dichotomous land tenure system existed in the country. The southern part recognised private ownership under customary and statutory laws while the northern part recognised a public landholding system. This situation created numerous problems, as the statutes favoured a liberal market in land while customs and tradition forbade the sale of land, which was deemed to be held in trust for future generations (Mabogunje, 2003). That system was generally described as rigid, as it created obstacles in the way of development for both the government and the private sector, which needed land for large-scale projects (Udo, 1999). While the Land Use Act does not specifically address the issue of men's and women's rights in accessing land, Section 1 of the Act makes it clear that land should be administered for the use and common benefit of *all Nigerians*, including of course men and women. Consequently, gender discrimination becomes irrelevant as far as the Land Use Act of 1978 is concerned. Moreover, Section 42 of the Nigerian Constitution as amended guarantees the right to freedom from discrimination on the ground of sex, religion, ethnicity, political opinion, and circumstances of birth and place of origin. Section 16(1) (b) obligates the State to ensure the control of the national economy on the basis of social justice and equality of status. Further, Section 17a obligates the state to ensure that:

- (a) Every citizen has equality of rights, obligations and opportunities before the law;
- (b) All citizens without any discrimination whatsoever have the opportunity for securing adequate means of livelihood.

4. Method

This study adopted the survey method, which entailed visiting the area and extracting information from respondents through copies of a self-administered questionnaire. In order to ensure that all the ethnic groups were given equal chances of being selected in this study, the researchers adopted a cluster sampling technique. Delta State comprises mainly the Urhobo, Isoko, Ibo (Delta Igbos), Ijaw, and Itsekiri. It is the only state in the region that has clusters of ethnic groups from other states; as such, it features a diversity of cultural and traditional practices. All the ethnic groups are spread within the 25 local government areas of the state but most are clustered in Warri and Asaba, which are the major commercial hubs of the state. In order to select the desired sample for the study, the researchers were guided by the model of Bartlett, Kotrlik and Higgins (2001). Two hundred validly filled copies of the questionnaire from the envisaged sample of 323 respondents were used for further analysis, representing a 61.9% response rate. Self-administered copies of the questionnaire were used to gather data, with the questions structured in Likert form, such as strongly agree, agree, neutral, strongly disagree and disagree. Adoption of the questionnaire method is in agreement with the methodology of similar previous studies, such as Price and Mueller (1986) and Munyae (2008), who reported acceptable levels of validity and reliability.



5. Result and Discussion

The results of the study are organised into three sections. The first section presents the description of the study sample, including its socioeconomic characteristics. The second section focuses on the nature of gender discrimination in the study area and the third presents the mean response and standard deviation of the variables in the researchers' bid to conclude effectively on which variable(s) most likely affect(s) gender and access to land in a ranking order.

Table 5.1: Socioeconomic Characteristics of Respondents

Variables	Frequency	Percentage
Gender		
Male	50	25
Female	150	75
Total	200	100
Educational Qualification		
First school leaving certificate	25	12.5
WASSCE/GCE	59	29.5
ND/NCE	33	16.5
B.Sc/HND	76	38
M.Sc/MBA	7	3.5
Total	200	100
Monthly Income		
Less than ₦50,000	61	31
Between ₦51,000-N79,000	58	29
Between ₦80,000-N99,000	56	28
Between ₦100,000-N150,000	25	12
Total	200	100

Table 5.1 shows that the percentages of male and female respondents were 25% and 75% respectively. Male respondents were included in a bid to avoid gender bias. The respondents who formed the highest percentage of educated persons were the B.Sc./HND holders, at 38%. These were followed by holders of the secondary school leaving certificate (WASC/NECO/GCE), at 29.5%. The next were ND holders, at 16.5%. The first school leaving certificate (Primary Six) holders represented 12.5% and M.Sc./MBA holders were 3.5%. From this analysis, it is evident that most of the respondents were literates and adults who fully understood what the study was all about.

Analysis of the monthly income of the respondents shows that most of them were low-income earners with less than ₦50,000, representing 31% of the total respondents. They were followed by those earning between ₦50,000 and ₦79,000, representing 29%. These were followed by those earning ₦80,000 and ₦99,000, representing 28%. Those earning incomes of between ₦100,000 and ₦150,000 made up 12%.

Table 5.2: Responses on Gender Discrimination and Access to Land

Variables	Frequency	Percentage	Mean	Std. Dev
Availability of Practices that hinder women land ownership			1.45	.498
Yes	110	55		
No	90	45		
Total	200	100		
Groups of women mostly affected			1.85	1.076
Single	25	5		

Married	33	17		
Widows	95	48		
Divorced women	47	30		
Total	200	100		
Who holds decision making powers			1.93	1.142
Husband	116	60		
Both husband and wives	63	30		
Husband relatives	21	10		
Total	200	100		
Traditional practices govern distribution of land			1.57	.691
Strongly agree	110	55		
Agree	67	33		
Neutral	23	12		
Total	200	100		
Traditional practices encourage equitable access to land			3.98	.905
Strongly agree	18	9		
Agree	30	15		
Neutral	91	31		
Strongly disagree	61	45		
Total	200	100		
Cases of gender discrimination			2.27	1.227
Strongly agree	61	31		
Agree	74	37		
Neutral	34	17		
Strongly disagree	12	6		
Disagree	19	10		
Total	200	100		
Married women can own land			1.78	.683
Strongly agree	74	37		
Agree	97	49		
Neutral	29	14		
Total	200	100		
Married women have legal title to land			1.80	.596
Rare	60	30		
Very rare	121	60		
Low	19	10		
Total	200	100		
Married women have rights to use land			1.66	.475
Rare	121	60		
Very rare	60	30		
Low	19	10		
Total	200	100		
Women without children own land			1.80	.596
Yes	68	34		
No	132	66		
Total	200	100		

Who inherits land when man dies			2.28	.962
Male and female	72	36		
Only male children	128	64		
Total	200	100		
When are cases of gender discrimination manifested			2.14	1.460
Woman is widowed	124	62		
Woman has no children	76	38		
Total	200	100		
Who intervenes in cases of discrimination			1.00	.000
Community leaders	200	100		
Total	200	100		
Women in your community allowed to buy land freely			1.99	.799
Strongly agree	65	33		
Agree	73	37		
Neutral	62	30		
Total	200	100		
Uneducated women are allowed to own land			1.99	.799
Strongly agree	65	33		
Agree	73	37		
Neutral	62	30		
Total	200	100		
Educated women are allowed to own land			1.99	.799
Strongly agree	65	33		
Agree	73	37		
Neutral	62	30		
Total	200	100		
Wealthy women are allowed to own land			1.99	.799
Strongly agree	65	33		
Agree	73	37		
Neutral	62	30		
Total	200	100		
Women in politics are allowed to own land			1.99	.799
Strongly agree	65	33		
Agree	73	37		
Neutral	62	30		
Total	200	100		

The basic question underlying the study is whether there is equitable access to land or there are discriminatory practices affecting gender and access to land in Delta State. To address this question, as evident on Table 5.2, results of the findings show that there is no equitable access to land, as the laws or traditional practices do not encourage equitable access between both genders in the study area. The highest mean response was 3.98, with a disaggregated 61 responses representing 45% strongly disagreeing that traditional practices encourage equitable access to land. This was followed by a mean response of 2.28, which indicates that the discrimination is however more evident when the man dies and the woman is consequently widowed, as a disaggregated response of 128 (64%) indicating that land inheritance goes only to the male children while 72 (36%) shows that both male and female children inherit land in the study area.

Hence from the study, it is evident that land inheritances mostly happened among the male children. In addition, cases of gender discrimination (mean response of 2.27) were evident, manifesting when the man dies and has no children (mean response of 2.14). Also, from the table, married women rarely have legal title to land (mean response of 1.80), rarely own land (mean response of 1.78), but they can be allowed rights to use the land with a mean response of 1.66. The decision-making powers in the household lies mainly with the husband, with a mean response of 1.93 and a percentage of 60% when compared to 30% of both husband and wives being decision makers in the household. Women without children were more at a disadvantage, with a mean response of 1.80 and a percentage of 34% when compared with women that have children, with a percentage of 64%. From a general overview of the table, the discriminatory practices affect women irrespective of educational, social or political status, with a mean response of 1.99.

These findings show that there is no equality in access to land by women as against their male counterparts and this has negative implications in the achievement of SDGs as stated in Table 2.1 in the study. As noted by UN-Habitat (2018), the Protocol to the Charter on the Rights of Women in Africa, adopted in 2003 affirmatively states that all women irrespective of their marital status have the right to equally access adequate housing, inherit their late husbands' property or inherit their late fathers' property in the case of unmarried women as applicable to their male counterparts. This is hardly the case with women in the study area.

6. Conclusion and Recommendation

The overall results of the study revealed the absence of equitable access to land, with women experiencing more disadvantages relative to men in the study area. Widowed and divorced women were especially vulnerable. The issue of husbands' relatives hijacking land from widows is also not uncommon, particularly where the woman has no child. However, there is some respite if the woman has children, especially male children. The SDG target 1.4 of goal 1 expects that by 2030, all men and women especially the vulnerable should have equal access to land and its resources but it appears that this target is threatened by discriminatory practices in the study area.

This study thus highlights the need for governments to amend the existing land laws, inheritance laws and other relevant legislations in order to abolish the gender-biased practices that are militating against gender equality in access to land, especially when women are divorced or widowed in order to align with the SDGs. It is surprising to note that no significant land legislation to domesticate international conventions and charters on women's rights in relation to land and housing access at the local and state levels in order to align with the vision of international development institutions and the dynamics of the current realities. The same traditional and customary practices that hindered the achievement of the defunct MDGs are also present in the implementation of the current SDGs. Moreover, traditional or community leaders should be educated on the menace of these traditional practices, especially because they conflict with Section 1 of the Land Use Act of 1978 and the Nigerian Constitution, which stipulates that land should be held in trust by the state governors for the benefit of *all Nigerians* irrespective of gender. If urgent measures are not taken, the SDGs as they relate to gender inequality and discrimination will be threatened. Finally, there is also the need to boost women's awareness and economic empowerment so that they will be able to access land directly through individual purchase. In enacting legislations, policymakers must display strong political will for affirmative action. Where necessary, government should review existing laws to comply with the SDGs. Implementation of laws that deal with gender inequality and women's access to land cannot be

effective if there are no strong institutions. In this regard, the existing institutional framework should be strengthened to effectively monitor, prosecute and enforce existing laws, especially in the hinterlands where there are crude customary practices and gender issues in land accessibility. This can be effectively achieved through domestication of the laws and translating them into local and native languages that can be easily understood by the local women. Civil Society Organizations that deal with issues of women land rights at local and national levels should leverage on the partnership and technical assistance of global networks in order to make more impact. The minimum standard expected from any review of land laws in terms of achieving gender equality for all women should include equity in gender and security of tenure for all women irrespective of social status and background. Policymakers should ensure effective land governance at the different levels of public administration and provide avenues for monitoring, advocacy and legal representation where cases of gender inequality and suppression of women's land rights are recorded.

Equal access to land and its resources remains the only avenue that will enable women to contribute meaningfully to sustainable growth and development in the socio-economic context while at the same time unlocking other areas in the land use value chain thereby ending poverty in all its forms everywhere (SDG 1).

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