

Research Article

Mobilizing Women for Food Security, Poverty Reduction and Rural Development in Nigeria: The Role of Land Tenure Rights.

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Abstract

Land assets, whether soils, home sites, and crop, grazing and forest land, are important everywhere. But in counties where agriculture is the major occupation and livelihood strategy of individuals, ownership of land is politically significant and directly associated with power. A particular group stands disadvantaged when it comes to ownership of land-women. Women's access to land is important for poverty reduction, food security, economic growth and development because of their important role as producers of food and smallholder farming engine. Women's control over land assets not only enhance their welfare and income earning capacity but also tend to increase spending on food and on children's health and education. Women face discrimination in both formal and customary systems of land tenure rights. The discrimination could be biological, educational, cultural, and even political. This paper looks at the situation facing women today as it concerns poverty reduction which secure access to land could solve with the right environment available. The Land Use Act was formulated to make land available to users any time the need for land arises. The act is now more than 30 years, it no longer satisfies the wishes and interests of real land users and farmers, and as such need reform. We argued that increasing women's control over land assets potentially has a strong effect on the welfare of next generation. Secure access to land has efficiency benefits, being likely to result in improved investment and access to credit. The paper ends by recommending the strengthening of tenure rights regimes for women by way of reforming land policies and implementing same without delay.

Keyword: Women, land tenure rights, poverty, food security, Nigeria.

Introduction

The arithmetic of poverty in Africa conveys a clear message. First, with some percent of the people living on less than \$ US 1 a day, Africa is the poorest region in the world. Second, poverty in Africa is predominantly located in rural areas, where more than two-thirds of the total population and 70 percent of the poor of the continent live. Third, the livelihoods of the African poor, both in rural and urban areas, depend primarily on agriculture, as at least two-thirds of the total labor force is engaged directly or indirectly in agriculture-related enterprises (ECA, 2004). Moreover, urban poverty and rural poverty are inter-linked, because the former feeds on the latter through rural-urban migration. Hence, for the majority of poor African households, improving the productivity of the domestic food and agricultural systems (production, processing and marketing) is key to enhancing well-being and getting out of poverty (ECA, 2004; Chikaire *et al.*, 2010a).

As the main foundation for agricultural production and rural livelihoods, land is at the core of the challenge of triggering a Green Revolution and getting agriculture moving for food security and poverty reduction in Africa. It can be easily used as an asset. For social and regional integration or disintegration, as can be illustrated by many examples across Africa. Consequently, access to, and security of, land rights are prime concerns for policies and strategies aiming at reducing food insecurity and poverty.

Rapid population growth, widespread poverty, persistent food insecurity, and alarming rate of environmental degradation have fueled an increasing debate on land tenure systems and land reforms in Africa. Some expert and donor circles have attributed the interrelated problems of rural poverty, poor agricultural performance and low levels of economic growth to the persistence of farming systems based on customary tenure. 'This view has inspired a variety of land reforms with a general trend toward market-oriented access to, and privatization of land through private entitlement, on the premise that individualized tenure offers the best certainty in land rights which provide incentive and facilitates access to credit For investment in agriculture and natural resources and, thereby contributes to increasing agricultural productivity and improving natural-resource stewardship. Yet, other voices are challenging such a single-solution approach on the basis that social relations within and between local communities in rural Africa have traditionally been able to provide secure land rights (ECA, 2004; Chikaire *et al.*, 2010a).

In most developing countries, land is not only the primary means for generating a livelihood but often the main vehicle for investing, accumulating wealth, and transferring it between generations. Thus, the ways in which access to land is regulated, property rights are defined, and ownership conflicts are resolved has broad implications beyond the sphere of agricultural production (Deininger and Binswanger, 1999)

Within the sphere of creating access to land, certain privileges, opportunities and claims are conferred on the individual user of land. But, the complexity of land tenure in Nigeria is the result of the co-existence of several systems (whether customary sometimes with Islamic influence - or *stare*), none of which is completely dominant. This legal pluralism causes a degree of uncertainty about land rights, particularly for vulnerable groups (women, pastoralists, migrants etc) and leads to conflicts for which the many different arbitration bodies (customary, administrative and judicial) are unable to find lasting solutions (Abdullahi and Hamza, 2003, Cotula, *et al.*, 2004; Aluko, 2005).

Under the customary land tenure system, which is still very much prevalent, the distribution of rights is based on socio-political system (the political history of the village and region from which the alliances and hierarchical relationships between lineages are derived) and on family relationships (access to land and resources depending on one's social status within the family) so that social networks govern access rights (Berry, 1993; Umezulike, 2004). It is, also, worth noting that in most of these customary landholding systems, community level decisions about land are taken by chiefs or headmen on behalf of and in trust for the clan or family. Chiefly authority is generally ascribed to a patriarchal lineage, and most major decisions are taken by men (Ntsebeza, 1999). Nonetheless, women have ways of bringing their views to the attention of such authorities, although, they usually do not participate in decision-making. Again, women claims to land within customary systems are generally obtained through their husbands or male kinsfolk and, hence, may be considered 'secondary' rights (Hilhorst, 2000; Tripp, 2003; Whitehead and Tsikata, 2003).

In Nigeria, the intervention of the state through the promulgation of the Land Use Act, (LUA) 1978 has not helped much. The Act vested the ownership of land rights in the state to ensure equal access to land. And, because the indigenous system does not admit that land can ever be without an owner, there persists confusion, either in theory or practice, in where lies the allodial or paramount title to land (Amankwah, 1989:). This has, in no small measure, affected the implementation of the Land Use Act in the country. Thus, Fabiyi (1990) criticized the Act as an urban legislation which only superficially touches the tenure problems in the rural areas in the country. This attests to the prevalence of customary landholding systems as against state/statutory system in the country.

Against the above, the continued characterization of women's rights as 'secondary' to men's has led some to argue that women should receive their own land titles (Gopal and Salim, 1998; World Bank. 2000). Not surprisingly, disputes over land are among the bitter forms of conflict in Nigeria. And, although various aspects of the land question in the country have been studied, only recently has there emerged increasing activist and intellectual concern with the gender dimensions of land, with particular reference to women's right to independent access to, and control over, this critical resource (Meer, 1997; Abdullah and Hamza, 2003).

This debate has frequently turned on the claim that women's subordination in landholding results from their being insufficiently modernized, discriminated against by 'the customary law of inheritance, whose rules favour men. Moving beyond the limited analyses and assumptions of women's rights being determined by men, Toulmin (2000) argue that in the context of greater market integration, women have contested claims made on their land, and it is their ability to negotiate access to land that needs to be supported and harnessed into land policies.

Concerns about women's access to, control over and ownership of land and resources have been raised over the years at different but inter-related levels. Land and environmental resources are central to the lives of people living in countries whose economic development and subsistence depends on the resources. With regard to environmental resources, women's access to and control over forests, water and wildlife, has come into sharp focus as it has become clear that the performance of women's day to day chores is anchored on these resources. Making access to land and environmental resources equitable is one way to achieve development. The Millennium Development Goals recognize the need to promote gender equality and empower women, the need to alleviate poverty and ensure sustainable environmental management. Again some critics have identified the marginalization of women from the means of production as a critical factor in the subordination of women. (Boserup, 1970).

The context within which access to land and environmental resources occurs is nuanced by diverse factors, First, the conceptualization of gender as a social construct where roles and realms of operation of men and women are set and translated into power relationships where masculinity and femininity denote differentiated entitlements to resources. Second, there are different legal orders used to allocate resources. Law can empower or disempower its subjects in the quest for access to resources. Legal equality may result in substantive inequality where the prevailing situation of legal subjects is not taken into account. Third, the patriarchal social ordering of many societies in African countries makes access to resources tilted in favour of male members of society. In this regard, laws intended to grant equal access for men and women yield very different outcomes upon application in a much gendered context (Dahl, 1987; Mackinnon, 2005).

Fourth, globalization and technological development impact on access, ownership and control of land and resources. For instance, as new technologies are adopted, women's ways of managing resources such as

saving seed are sidelined even as the technologies are not made readily available to women (Shiva, 1989). The net effect is the alienation of environmental managers from the environmental resources (Mies and Shiva, 1993). These impacts on both food security and sustainable environmental management.

Access may be limited by the owner or controller of land and environmental resources. This is critical because these resources constitute an essential validation of social and political autonomy. For women, it is a means of moving from reproductive roles to production (Mies, 2003). It is noteworthy that gender-neutral laws on land and environmental resources have not resulted in more women owning these resources because of structural barriers such as access to credit and the prevalence of the myth that women cannot own land. Women are under-represented in institutions that deal with land and environmental resources, their rights under communal ownerships and ranches are not defined and this allows men to dispose of family land freely. Few women have land registered in their names. Similarly, state control of environmental resources has not resulted in equitable access to the resources for all. In instances where resources such as grazing areas and forests are vested in communities equal access for all members of the community is not always guaranteed.

WHY LAND TENURE RIGHT IS IMPORTANT

In response to concerns for food security and poverty alleviation, development agencies and organizations are introducing strategies that help to build assets and promote the self-reliance of poor people and communities. Interventions include helping poor people protect and enhance their natural resource base, improving access to agricultural land through resettlement schemes, and ensuring food security of the vulnerable, including women, minorities and indigenous groups (FAO, 2002).

In many cases, responses to concerns of environmental sustainability, social conflicts, and food security of the vulnerable are affected by land tenure and have an impact on land tenure. Failure to consider land tenure implications at the beginning of an intervention is likely to result in unanticipated outcomes and may lead to it not generating an improvement. In some cases it may even worsen the situation for example by inadvertently dispossessing people of their rights to land. Situations of this kind have arisen, for example, when projects have resettled displaced people on land that was incorrectly identified as vacant.

Eradicating hunger requires increasing the access to food of a person or family. The extent to which individuals and families are able to be food-secure depends in large part on the opportunities they have to increase their access to assets such as land, as well as access to markets and other economic opportunities. People who have extensive rights to land are generally more able to enjoy a sustainable livelihood than those who have only limited rights to land; those who have limited rights are, in turn, often better off than those who are landless.

Land tenure is important in rural development interventions which place an emphasis on building people's endowments of assets so they can enjoy sustainable livelihoods. A livelihood is sustainable when it can cope with, and recover from stresses and shocks, and maintain or enhance its capabilities and assets both now and in the future, while not undermining the natural resource base. In this context, livelihood comprises the capabilities, assets (including both material and social resources) and activities required for means of living. Property rights to land, together with labour, form the most common endowments used to produce food for home consumption as well as cash crops that allow the family or individual to pay for other needs such as health and education. Property rights to land are thus one of the most powerful resources available to people to increase and extend their collection of assets beyond land and labour to the full portfolio necessary for sustainable livelihoods, i.e., natural resources, social, human, and financial capital as well as physical assets.

Land tenure is also important in rural development interventions that use a rights-based approach to programming. Such programming should ensure that causes which prevent people from enjoying their rights are eliminated or reduced. For example, the UN Commission on the Status of Women noted in 1998 that land rights discrimination against women is a violation of human rights. A rights-based perspective should undertake to ensure that the support programme does not reinforce discrimination against women, minorities and other vulnerable groups, but instead helps to overcome it. When dealing with aid and development in rural areas, a rights-based approach to programming should address the rights to land that the beneficiary groups in the project or programme have. It necessitates identifying what rights are recognized within the project area, how these rights are organized, and whether adequate institutional arrangements exist to determine who has rights to land, for how long, for what purposes, and under what conditions.

Land rights are often a vital element when rural households balance their capabilities and assets, and determine their resulting strategies to cope with their daily production and food security. However, rights to land are not just a source of economic production, but are also a basis of social relationships and cultural values, and a source of prestige and often power. The resulting social networks that are built up within a specific social and cultural group are a very important asset in ensuring sustainability of livelihoods of rural households.

Women's Land Rights: The Present Situation

Women in Africa face obstacles to land access in both formal and informal systems of property rights. Patriarchal notions of pre-eminent male property rights pervade kinship and inheritance practices, whether patrilineal or matrilineal (although matrilineal systems can provide greater opportunities for women who are well placed in social networks to access land; however, matrilineal inheritance practices and the benefits they can provide for women are also being widely eroded) as well as formal law. In few cases are women's rights to hold land and own property recognized in legislation (Quan, 2006).

In practice in sub-Saharan Africa women's land rights have generally been subsidiary to and derived from men's. Nevertheless, customary practice has afforded mechanisms for women to access land, often within larger family holdings, where women cultivate separate plots and different crops from men, frequently focusing on food production. While economic analysis questions the efficiency of these widespread practices, and finds no strictly economic explanation (de Janvry and Sadoulet 2001) the social rationality and benefits of these practices, for instance in terms of household food security, independent incomes and strengthened control over the means of social reproduction by women, and the ways in which they are changing require broader historical and anthropological explanation. Moreover, most observers agree that as populations grow and market development proceeds, men's overriding interests in the cash economy and control of land as a source of wealth and power continue to undermine women's opportunities for land access and the security of their land rights.

Accordingly, recent policy debate has focused on the relative merits of formalizing tenure systems or of relying on customary practice in improving women's land rights and opportunities for land access. Although the experience of formal titling has generally disadvantaged women (and other vulnerable groups) as titling processes have been captured by men and those with better access to titling processes. Gender equality is inadequately supported by constitutional and land law and by cultural practice, it is also argued that supporting customary institutions and traditional leaders to assume responsibilities for land management will entrench and render inequality in land access and that an apparent consensus in favour of the potential of customary tenure systems should pay greater attention to the social implications of gender unequal power relations at local level (Whitehead and Tsikata 2003). At the same time considerable political and legal changes are also required for African states to deliver gender-equity in land, as a result of the erosion since colonialism of whatever protection of women's opportunities to access land that traditional kinship-based systems may have provided, together with contemporary attempts by men to capture and redefine customary tenure on their own interests. These processes mean that collective action by women for formal recognition of ownership rights, to access secure property rights through the market to obtain land title and to secure formal legal protection for women's claims on land through customary channels has become particularly important (Tripp 2003).

Throughout the world, women constitute a large portion of the economically active population engaged in agriculture, both as farmers and as farm workers, and play a crucial role in ensuring household food security, despite enjoying very limited rights to land. In many countries, the role of women in agricultural production has increased in recent years as a result of men's migration to urban areas and absorption in nonagricultural sectors. However, in many parts of the world, women have little or no access to resources such as land, credit and extension services. Moreover, women tend to remain concentrated in the informal sector of the economy. In plantations, they often provide labour without employment contracts, on a temporary or seasonal basis or as wives or daughters of male farm workers (Chikaire, *et al.*, 2010a)

Although land and natural resource legislation tends to be gender neutral or to explicitly prohibit sex or gender discrimination in relation to land, it is scarcely implemented in rural areas. At the same time, customary law is widely applied in the rural areas of Africa, Asia, and in those regions of Latin America inhabited by indigenous communities, and the exercise of women's land rights is consequently affected by entrenched cultural attitudes and perceptions (Chikaire, *et al.*, 2010a).

Women's land rights under customary systems vary considerably from place to place. Substantial differences exist between patrilineal and matrilineal societies, with women generally having stronger land rights under the latter. However, in most cases, rights in arable land are allocated by the lineage authority to the male household head; women have secondary, derived rights, obtained through their relationship with male family members (husbands, fathers, brothers or sons). Under many customary systems, women's inheritance rights are limited: not only within patrilineal systems (where property devolves along the male line, to the exclusion of women), but also in matrilineal systems (where, although property traces through the mother's line, land control usually rests with male family members). With population pressures, cultural change, agricultural intensification and commercialization, many customary systems have evolved towards greater individualization, extending the rights vested in male household heads and further eroding women's secondary rights (Lastarria-Comhiel 1997; Mackenzie 1998; Gray & Kevane 2001).

When land resources tenure and property rights are addressed, they are often approached in terms of household, not individual, rights to land. For many years, the assumption was that if a household had rights to land, then all members of that household have benefited equally. In fact, women often have fewer rights to land than men within a household, and their limited rights are regularly subordinate to those of men. Depending on the

norms governing household decision-making, women may not fully participate in the economic and social benefits of household landownership if they do not share formal property rights over the land and natural resources. Only legally and socially recognized property rights (including ownership) can assure women access to control over land-based earnings.

Women with strong property rights are less likely to become economically vulnerable' in their old age or in the event of the loss of or divorce from a spouse. For widows, landownership may be one of the few vehicles through which women can elicit economic support from their children in the form of labor contributions to agricultural production, cash, or in-kind transfers. Land is a particularly critical resource for a woman in the event that she becomes a de facto household head as a result of male migration, abandonment, divorce, or death. Independent property rights under these circumstances can mean the difference between dependence on natal family support and the ability to form a viable, self-reliant, female-headed household. This is a particularly critical issue where human immunodeficiency virus/acquired immune deficiency syndrome is prevalent. Indeed, women's property rights (particularly over land) within marriage may afford them greater claims on the disposition of assets upon divorce or death of their husband (Nnadi and Chikaire,2010).

In addition to the direct economic benefits of landownership, property rights may serve to empower women with the community and society at large. There is a positive relationship between the amount of assets (including land) that a woman possesses at the time of marriage and the shares of household expenditures devoted to food, education, health care, and children's clothing. Greater household equity and strong property rights are reflected in more positive household investments.

Equal property rights for women and men are fundamental to social and economic gender equality. Yet, they are far from being effective. Women often face discrimination in formal, informal and customary systems of land tenure. For instance, they gain access to land generally through male relatives and exercise only subordinate rights; these are vulnerable to breakdowns in relationships, divorce and to the changing priorities of male land owners. Gender discrimination in access to land and secure land rights is unjust and undermines women's human rights.

Providing secure land rights for women makes economic sense and is important for poverty reduction. This is because of women's roles as food producers in rural and pen-urban areas, their responsibilities for feeding family members and their broader roles in household management. Female-headed households -a significant proportion of the poor - can benefit enormously from the security, status and income-earning opportunities which secure rights to even a small plot of land can provide. There is a strong positive association between women's land rights and poverty reduction; this is because women's control over land assets enhances household welfare, women's cash incomes and spending on food, children's health and education. Secure land rights for female farmers and businesswomen can improve investment, access to sources of credit and better land use and productivity with women frequently regarded as at lower risk of credit default than men.

When women are denied equal tenure rights with the same degree of security as enjoyed by men, then society as a whole and children in particular, suffer. When women enjoy equal rights, conflicts are reduced, environments are improved and household living conditions are enhanced. Gender discrimination in land rights is culturally engrained. It is important to develop stronger legislation for gender equity along with collective action for effective women's rights to hold legal and documented claims, to spousal co-ownership rights, and to legal protection for customary and informal claims to land.

However, in many areas, women are increasingly keen to assert their claims over land. All over Africa, one can find examples of women negotiating rights to land and associated resources (Freudenberger 1993). For instance, women may enter sharecropping arrangements as documented for Ghana Côte d'Ivoire (Amanor 2001; Koné 2001). In addition, there are growing numbers of reports of women buying land either individually or collectively. In many parts of the world, NGOs support women's groups by helping them obtain land on a collective basis.

THE IMPORTANT ROLE OF WOMEN

A major and often overlooked feature of Third World agrarian systems, particularly in Africa and Asia, is the crucial role played by women in agricultural production. In Africa, where subsistence farming is predominant and shifting cultivation remains important, nearly all tasks associated with subsistence food production are performed by women. Although men who remain home generally perform the initial task of cutting trees and bushes on a potentially cultivable plot of land, women are responsible for all subsequent operations, including removing and burning felled trees, sowing or planting the plot, weeding, harvesting, and preparing the crop for storage or immediate consumption. In her pioneering work on women and development Boserup (1970), examined many studies on African women's participation in agriculture and found that in nearly all cases recorded, women did most of the agricultural work. In some cases, they were found to do around 70% and in one case nearly 80% of the total. Typically, these tasks are performed only with the most primitive tools and require many days of long, hard labor simply to produce enough output to meet the family's subsistence

requirements, while the men often attempt to generate cash income through work on nearby plantations or in the cities.

Women fulfill a wide variety of functions in Third World agricultural sectors. In addition to their reproductive roles, they provide an important source of labor for cash crop production, cultivate food for household consumption, raise and market livestock, generate additional income through cottage industries, collect firewood and water, and perform household chores including the processing and cooking of foods. Due to the time-consuming nature of their diverse responsibilities, women tend to work longer hours than their male counterparts. Studies concerning the allocation of women's time among different activities have greatly increased international recognition of the importance of rural women's economic contribution. It has become clear that since women produce a large share of agricultural output, successful agricultural reform will require raising women's productivity (Chikaire, *et al.*,2010).

The diversity of women's duties makes it difficult to determine their share of agricultural production, much less place an economic value on their work. However, current estimates underscore the importance of women's agricultural labor. It is estimated that in addition to work within the household, women provide 60% to 80% of agricultural labor in Africa and Asia and about 40% in Latin America. Much of this work, however, is statistically "invisible" in that women often receive no payment for the work they perform.

Women make an important contribution to the agricultural economy through the labor they supply in the cultivation of cash crops. Though the production and profit from commercial crops are generally controlled by men, women are generally responsible for the strenuous jobs of weeding and transplanting. As population density increases and land becomes more fragmented, the length of time that women must spend walking to and from the fields increases, often in very hot climates that make strenuous work exceedingly difficult. In addition commercial crops, women frequently cultivate small vegetable gardens that provide food for domestic consumption. Though the cash value of produce from these gardens may be small, it often represents an important component of the total resources available to women. Women's work in the household involves a range of demanding tasks including processing and pounding raw grains, tending livestock, cooking over primitive stoves, and caring for children. Collecting increasingly scarce firewood and water from distant sources may add several hours to the workday. To raise additional income, it is common for women to engage in household production of goods for sale in village markets. These items are specific to each region, but a few examples are homemade beer, processed foods, handicrafts, and textiles. Perhaps the most important role of women, though not immediately apparent, is providing food security for the household. This is accomplished through the supplementation of household earnings, diversification of household income sources, and raising of livestock to augment household assets. The production of vegetables for household consumption helps insulate households from dramatic swings in food prices and reduces cash outlays for the purchase of household necessities during periods of slack income. Women's investments in revenue-generating projects and livestock are crucial to stabilizing household income, especially in female-headed households where resource constraints are the most severe (Nnadi and Chikaire, 2010).

However, financial investments are inherently risky, and the poorer the household, the more averse its members are to taking any kind of risk. When credit and resources are unavailable, reducing the variability of household earnings generally entails choosing less efficient methods of production and thus lower income. This trade-off occurs most frequently in female-headed households, where resource constraints are greatest. Thus as a consequence of their restricted range of choices, women tend to retain traditional modes of economic activity. The upshot is that their productivity has stagnated while that of men has continued to improve.

Where the structure of agriculture is becoming more commercialized, women's roles and thus their economic status are changing. In many regions of the Third World, women are still unremunerated for the long hours they contribute to the tending of commercial crops. As revenue-generating cash cropping rises in importance, the proportion of resources controlled by women tends to diminish. This is largely due to the fact that household resources, such as land and inputs, are transferred away from women's crops in order to promote the production of cash crops.

Government extension programs that provide resources exclusively to men tend to exacerbate existing disparities between men's and women's access to resources. If credit is provided solely or preferentially to men for the purpose of cash cropping commercial production will increase at the expense of women's vegetable gardens. Since homegrown vegetables must be replaced by purchased substitutes, significant increases in a male spouse's cash contribution are necessary to offset a woman's losses. If the market price of vegetables increases markedly (there are now fewer producers) and the increase in the husband's contribution is not sufficient to compensate for the increased need for cash, the welfare of the woman and her children will decline.

This fall in the well-being of household members is due to the fact the a considerably higher proportion of women's income that men's is used for nutrition and basic necessities. Thus if men's incomes rise at the expense of women's resources, as many studies have indicated, an increase in

household income will not necessarily lead to improvements in health and nutrition. Changes in land use that increase household income but reduce women's economic status can be detrimental to the welfare of both women and children. Consequently, it is important that the design of government extension programs reflect the interests of all household members.

Yet government-sponsored programs continue to exclude women, often because women lack collateral for loans or are barred by law from owning property or conducting financial transactions without their husband's permission. Agricultural inputs and training are rarely provided to female applicants. Even efforts to increase income and economic status because they distribute land titles only to male heads of household. Cultural and social barriers to women's integration into agricultural programs remain strong because in many countries, women's income is perceived as a threat to men's authority. While men are taught new agricultural techniques to increase their productivity, women if involved at all, are trained to perform low-productivity tasks that are considered compatible with their traditional roles, such as sewing, cooking, or basic hygiene. Women's components of development projects are frequently little more than welfare programs that fail to improve economic well-being. Furthermore, these projects tend to depend on the unpaid work of women, while men are remunerated for their efforts.

The few development projects specifically designed to increase the productivity of women have produced impressive results. For example, The Grameen Bank in Bangladesh, which offers small loans to poor rural entrepreneurs (the vast majority of whom are women, has experienced remarkable loan performance. Repayment rates exceed 98 % and the rate of return on women's investments is in excess of 150% when the opportunity costs of their time is valued at female wage rates (Todaro, 1995).

Though efforts to increase the income of women by providing direct access to credit and inputs have experienced considerable success, programs that work indirectly with women have frequently fallen short of their stated goals. Studies have found that projects are most likely to elicit the cooperation of women when resources are placed directly under their control. Clearly, projects that depend on the unremunerated labor of women are likely to obtain only minimal support.

THE NIGERIA LAND USE ACT AND WOMEN'S LAND RIGHTS

The then Federal Military Government of Nigeria promulgated the LUA on the 29 of March, 1978. The act purports to take over the ownership and control of land in the country thereby providing a uniform legal basis for a comprehensive national land tenure system. It was enacted to deal with problem of uncontrolled speculations in urban lands, make land easily access to every Nigerian irrespective of gender, unify tenure system in the country ensure equity and justice in land allocation and distribution and, amongst others, prevent fragmentation of rural lands arising from the application of the traditional principle of inheritance. The Land Use Act, 1978 approaches these issues through three strategies: the Investment of proprietary rights in land in the state; the granting of user rights in land to individuals; and the use of an administrative system rather than the market system In the allocation of right, in land (Omirin, 2002; Nnadi, *et al.*, 2010A).

Section 1 of the Act vests ownership in all land within the territory of each state in the federation in the state governor and such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provisions of the Act. The Act provides for the grant of "fresh" and "deemed" statutory right of occupancy in urban lands by the state government under section 5 and 34 respectively. Similarly, customary right of occupancy which is to be granted by the local government in respect of rural lands could be granted under sections 6 and 36 of the Act. The Act has no separate definition for a "right of occupancy" but only "customary right of occupancy" and "statutory right of occupancy". A "customary right of occupancy" is defined by the 1978 Act to mean: "the right of a person or community lawfully using and occupying land in accordance with customary law and includes a customary right of occupancy granted by a local government under the Act," whilst, a "statutory right of occupancy" is defined simply as a right of occupancy granted by the governor under the Act."

This new authority is exercised by the special land use boards known as Land Use and Allocation Committee (LUAC) at the state level and Land Advisory Committees (LAAC) at the local government level. No provision for reconsideration or appeal against the decision of the committees was allowed as a challenge to the legitimacy of the Act, and a new regulatory machinery was set up (Iwarere, 1994).

Other important provisions of the LUA, 1978 as follows:

- i) Every land that has already been developed remain in the possession of the person in whom it was vested before the Act became effective;
- ii) The governor is invested with the power to grant statutory certificate of occupancy (C of O) which would be for a definite period, usually 99years, to any rights of access under his control;
- iii) The maximum area of undeveloped land that any person could hold in any one urban area in the state is one half of an hectare, and 500 hectares and 5000hectares for agricultural and grazing purposes respectively in the rural areas, except with the permission of the governor;

- iv) The consent of the governor or local government is required for transfer of statutory right of occupancy as the case may be; and,
- v) Compensation, where entitled to ii under the Act, could be paid to the individuals concerned, the community or to the chief or leader of the community to be disposed of by him, for the benefit of the community in accordance with the applicable customary law (Nnadi, *et al.*, 2010A; 2010B).

The general review has been that, as the Act purports to nationalize all lands in the country, it will promote free access of women and men to land, ensure fairer distribution of wealth in the society, improve security of tenure, accelerate pursuit of efficiency in land administration and control, regulate a land prices and, vests socially-created gains or land values in government through the institution of land taxation in the country. Olukoshi, 2004) But, much as the Act would have ensured equally of men and women in land allocation and management in the country, it is an open secret that land still continues to changes lands, outside government regulatory mechanism, in accordance to native law and customs of the people. This has, therefore, hindered the much desired hope of promoting equality of access to land to men and women under the Act since the customary land tenure system discriminates, in land matters, against women. Perhaps, a number of the following plausible reasons accounted for this situation (Omotola, 1980; 1982; Udo, 1999).

- a) In spite of the revolutionary nature of the Act and its vesting ownership of land in the state, it has become exceedingly difficult to locate the place of radical (paramount) title to land in the country. For instance, in some provisions of the Act references to communal and family forms of tenure were made in a manner which suggests that it assumes the existence of such institutions and intends them to continue. For example, while section 29 dealing with compensation upon revocation of right of occupancy provides that such be paid to the community or chief or leader of the community to be disposed of by him In accordance with the applicable customary law, section 48 of the same Act upheld the subsistence of the former existing interests in land before the Act was enacted. In addition, customary right of occupancy under the Act is to be administered in accordance to the native law and customs suggesting that the customary overlords can still continue to wield the power of control and management of land resources excluding numerals, in the rural areas in the country.
- b) Where compensation is compelled to be the head or leader of the family or community as enshrined in the Act, to be disposed of in accordance with customary law and customs, the women's rights in land is weakened as they have limited participation in customary land management institutions. In most Nigeria societies, chiefly authority is generally ascribed to patriarchal lineage, and most major decisions are taken by them. This is also true of the administration of the customary right of occupancy under the Act defined as being administered according to nature law and customs of the people. Thus, while women have ways of bringing their views to the attention of customary land management institutions, they usually do not participate in decision-making. As a result, community decisions are made without explicit reference to women's knowledge or priorities. Again, the customary system of inheritance which, in most cases, discriminate against women - wives or daughters- inheritance may still subsists as the case may be; although, in the country the Court of Appeal invalidated customary norms providing inheritance by male family members only (Mojekwu Mojekwu. (1997) 7NWLR 28) and conditioning inheritance by daughters to their undertaking to remain unmarried (Mojekwu v Ejikeme (2000) 5NWLR 402. Well we do not know the woman who will not marry because of land own by her father.

LAND AS A BASIS FOR SOCIO-ECONOMIC EMPOWERMENT OF WOMEN

Rural poverty is strongly associated with poor access to land, either in the form of landlessness or because of insecure and contested land rights Economic analysis has long recognized the importance of secure property rights for growth, and therefore for the poverty reduction which growth can bring. Increased land access for the poor can also bring direct benefits of poverty alleviation, not least by contributing directly to increased household food security. In countries where agriculture is a main economic activity, access to land is a fundamental means whereby the poor can ensure household food supplies and generate income. This applies both to societies in which subsistence agriculture is prevalent, where access to land is the sine qua non of household food security; and to societies where agriculture is more market-oriented, in which family farming provides a principal source of employment generating the income with which to buy food. Even where agriculture and land are becoming less important with the growth of alternative sources of income, secure land rights provide a valuable source of income for investment, retirement or security in case of unemployment (Chikaire *et al.*, 2010a).

Secure rights to land are also a basis for shelter, for access to services and for civic and political participation. They are also a source of financial security, as collateral to raise credit or as a transferable asset that can be sold, rented out, mortgaged, loaned or bequeathed. Moreover, secure access to land creates incentives for the user to invest labour and other resources in it, so as to maintain or enhance its value and sustain its productivity, and to access social and economic development opportunities.

In addition, research has documented a positive relationship between equitably distributed land and economic growth (Deininger & Squire 1998). While history provides examples of countries that have developed with very unequal land distributions (see for instance the industrial revolution that took place in Great Britain in the 18th and 19th centuries), research shows that, over the period 1960-2000, countries with a more egalitarian distribution of land tended to be characterized by higher levels of economic growth (Deininger 2003). More egalitarian land distributions are also associated with greater social peace and cohesion. Where land rights are highly concentrated, inequalities may spawn a sense of injustice, entailing risks of land occupations and even violent clashes over land. The experience of several East Asian countries (South Korea, Taiwan) shows how a reform resulting in more equitable land distribution is fundamental in creating the basis for sustained economic development.

The relationship between access to land and poverty reduction cannot be seen in isolation from broader agricultural and economic policy. Equally, these issues are intimately connected with rural development policies and environmental outcomes. The distribution of land rights and opportunities for access to land will have implications for the distribution of wealth, rates of economic growth and the incidence of poverty, and the shape and direction of agricultural development will affect the incomes and returns from different types of farming activity, the value of land and demands for access to land resources (Cotula, 2002; Cotula *et al.*, 2004). The incentives and tenure structures that largely determine how land is used will profoundly affect environmental impacts and sustainability.

Discussions on access to land should be placed in the context of the debate on agricultural modernization that is taking place in many parts of the world. Broadly speaking, two models of agricultural development are competing in the market for policy ideas. On the one hand, a commonly held view calls for the promotion of agribusiness as a way to attract private capital and increase agricultural productivity. On the other, family farming remains the backbone of rural livelihoods in many parts of the developing world, and has been shown to be dynamic, responsive to change, and an important source of investment in agriculture, such as West Africa (Toulmin & Guêye 2003). Whereas social justice and equity concerns demand that agrarian strategy support the struggles of poor people for access to land as a means of subsistence and livelihood, some critics argue that smallholder farming is inefficient and that the rural poor would be better off leaving the land and finding employment in the "modern" economy - whether in commercial farms or in the non-farm sector. In practice, family farming competes with commercial demands for land and, given the context of increasingly globalized markets, sustaining rural livelihoods for smallholder farmers will depend on their continued modernization, with support from policy and resources to strengthen capacity and access to markets.

THE WAY FORWARD

There are essentially two ways to enhance women's land rights. One is to protect or increase the security of existing rights. The other is to create new rights or increase the range of rights over which women have control. The comparative advantage of customary tenure systems is an institutional capacity to support existing land rights, while for formal systems it is the capacity to create new rights (Chikaire *et al.*, 2010a).

A woman's rights are secure when she can use or manage land in a predictable fashion for a defined length of time. Security of tenure consists of three dimensions: definition, independent control, and enforcement. The first component is clarity in duration and content of rights. Very limited rights, such as fuel wood collection, can be secure if they endure over time. The content of customary rights can be ambiguous, however, since they are established through oral contracts that are frequently modified and reinterpreted. A promising area for policy development is the clarification and registration of women's customary use rights. Tenure security (or women could be improved by establishing contracts protecting widows and children from eviction or by developing leasehold contracts documenting the duration and scope of women's land rights to permit planning and managing of land and income use.

A second component of security is independent control - a factor greatly diminished because of the derivative character of women's rights to land. For most women, land rights are derived. From their relationships to men: fathers, husbands, or brothers. The difficulty in distinguishing rights of different household members also contributes to the, sometimes false, assumption that women in landed households share these rights and that women's specific land rights need only be defined when they head households. But in most cases, unlike men, women cannot liquidate, trade, or retain derived land rights when the male link is lost. Continued access to land depends on a woman's fulfilling or negotiating a constantly changing set of obligations and expectations defined by the men who hold the rights.

A third dimension of security of tenure concerns women's ability to defend and enforce their land rights. Tenure security depends upon women's capacity to lobby for and promote their interests and upon whether the formal and customary authorities vested with the power to protect women's land rights share these interests and have a strong imperative to uphold them.

For improvements in tenure security to become operational, they need to be socially acceptable to formal and informal governing bodies with different norms and values. Policymakers need to identify partners capable of influencing the attitudes, priorities, and incentives that govern political and group decisions.

Land reforms associated with new political regimes and government- or project- based land redistribution have induced significant changes in landholding patterns, poverty, and inequality while adversely affecting women almost universally. Similarly low percentages continue to characterize donor-driven resettlement and irrigation projects. Clearly, to improve women's property rights, land reform policy must focus political will on favoring women in redistribution through stable, capable institutions:

Changing policies that regulate land markets is a second formal mechanism for creating new rights. However, where women can legally purchase land in practice, only wealthier women and women's groups have the income to compete in the market. Nepotism, preferential treatment, and complex, expensive procedural requirements restrict entry to land markets. Policy should focus on reducing the administrative transaction costs and barriers faced by poorer buyers and women (Chikaire *et al.*, 2011).

Women do not form a single group or always act in solidarity. Coalition building and negotiated reform can help to induce positive change. Cross-sectoral alliances, unions, and lobby groups can build a shared awareness of common positions among women, encouraging joint action. Women and like-minded citizens who have formed viable civil society groups or cooperatives have, on a small scale, not only succeeded in purchasing land, but have also increased their capacity to leverage relationships of power and manipulate public opinion and legal contexts. These shifts in public attitudes are critical for creating the convergence of values that support changes in tenure systems.

Conclusion

Enhancing women's land rights requires that they become a political priority and a legal possibility; it also requires administrative viability, social acceptability, and moral legitimacy. Complementary policies must address women's limitations in exercising and enjoying their land rights. Even with assured land rights, investments in property require access, financial markets and information, extension, and other services. Policymakers should be aware of the complexity of tenure systems and how legal principles associated with land rights can be subverted when put into practice. To bring about substantial progress, integrated joint action is required of each category of stakeholder noted below, in keeping with their distinct objectives:

Women must know what rights to land they can claim and how to claim (those rights); formal and customary limited administration officials and services must develop the administrative capacity and discipline to process records and claims in support of women. National governments/parliaments must approve regulations that create the fertile ground on which positive change can take root. The general public must recognize and accept that women's rights to land are ultimately in the interests of a broader populace, and create the popular support needed for political change.

References

- Abdullahi, H.J and Hamza, I. (2003) Women and Land in Northern Nigeria: The Rights. In Wanyeki, L.M. (ed) Women and Land in Africa. Zed Books, London.
- Aluko, B.T (2005) Transformation of Customary Tenure into English System of Land holdings; How it was Achieved. Seminar Paper on Land Law and Land Development. Faculty of Law, Obafemi Awolowo University, Ile-Ife.
- Amankwah, H.A (1989): The Legal Regime of Land Use in West Africa: Ghana and Nigeria. Pacific Law Press, Tasmania.
- Amanor, K.S (2001) Share Contracts in the Oil Palm and Cities. Bolt of Ghana. International Institution for Environment and Development, London
- Benschap, M. (2004) Women's Rights to Land and Property: Women in Human Settlements Development- Challenges and Opportunities. Commission on Sustainable development United Nations Habitat, New York.
- Berry, S. (1993) No Condition is permanent: The social Dynamic of Agrarian Change in sub-African. University of Wisconsin, Madison.
- Boserup, E. (1970) Women's Role in Economic Development Saint Martin. Press, New York.
- Cotulla, L. (2002) Gender and Law: Women are Right in Agricultural. Legislative study 86. Food and Agricultural Organization, Rome.
- Cotulla, L. (2004) Better Land Access for the Poor: lessons from experience and Challenges Ahead.
- Chikaire, J., Orusha, J.O., Nwoye, E.O. and Onogu, B. (2011) Land Reform for sustainable Development and poverty Reduction in Nigeria. *World Rural Observation Vol 3(3): 114-121*
- Chikaire J., Nnadi, F.N and Nwakwasi, R.N (2010) Secure Access to Land: a Panacea to rural poverty in Nigeria. *Journal of Agriculture, Forestry and the Social Science Vol. 8 (1): 1-14*

- Chikaire J., Nnadi, F.N., Nwakwasi, R.N., Anyoha, N.O. and Ejiogu Okereke, N. (2010a) Women and Sustainable Food Security in Nigeria: The Role of Secure Access to Land. Proceedings of the 44th Annual Conference of Agriculture Society of Nigeria Held at Ladoke Akintola University of Technology, Ogbomosho, Oyo State. 18th -22nd October.
- ECA (2004) Land Tenure Systems and their Impacts on Food Security and Sustainable, Development n Africa Economic Commission for Africa. Addis Ababa Ethiopia.
- Dahl, T.S (1987) Women's Law: An Introduction to Fanunist Jurisprudence. Oglo Norwegian University Press. Oslo.
- Deininger, K. and Square , L. (1998) New Ways of Looking at Old Issues: Inequality and Growth: *Journal of Development Economics*, 57 (2). 259-287
- Deininger K. and Binswanger, H. (1999): The Evolution of the World: Banks and Policy: Principles, Experience and Future Challenges. The world Bank Research Observer 14:247-276
- Deining, K. (2003) Land Policies for Growth and Poverty Reduction. Oxford University Press. Oxford.
- De January, A. and Sadoulet, E. (2001) Access to Land and Land Policy Reforms. Policy Brief No. 3. World Institute for Development Economics Research. United Nations University. Helsinki, Finland.
- Dey, J. (1981) Gambian Women: unequal Partners in Rice development Projects. *Journal of Development Studies* 17 (3) 109-122.
- Fabiyi, Y., (1990) Land Policy for Nigeria: Issues and Perspectives: An Inaugural Lechire Presented at Obafemi Awolowo University Ile-Ife.
- Freudenberger, M (1993) Land Tenure, Local Institutions and Natural Resources Management in Senegal. Land Tenure Control. Madison.
- Gopal, G-and Salim, M. (1998) Gender and Law: Eastern African SPunks, Proceedings from a conference Organized by the World Bank and Economic Commission for Africa. World bank, Washington, D.C
- Gray, L.C and Kevane, M. (2001) Evolving Land Rights and Agricultural Intensification in Southwestern Burkna Faso. *World Development Report* 29 (4): 573-587
- Hilhorst, T. (2000) Women's Land Rights: Current Development in sub-Saharan Africa. In Toulmin, C and Quan.J. *Evolving Land Rights, Policy and Tenure in Africa*. Natural Resources Institute, Landon.
- Iwarere, L.J. (1994) A Partial Adjournalment Model of Land Owner Behaviour Under the Nigerian Land Use Act. *Journal of Housing Research Vol. (2) 24-262*.
- Lastarria-Corhiel, S. (1997) Impacts of Privatization on (31) Gender and Property Rights in Africa. *World Development* 35 (8): 1317-134
- Mackinnon, C. (2005) Women's Livers, Men's Lives. Harvard University Press. London.
- Meer, S (1997) Women, Land and Authority: Perspective from South Africa. David Philip Oxfam, Cape Town.
- Mies, M. and Shiva, V. (1993) Econfeminism, Zed Books, London
- Mies, M. (2003) Patriarchy and Accumulation on a World Zed Books, London.
- Ntsebeza, L. (1999) Land tenure Reform in South Africa: An Example from the Eastern Cape Province. Dry lands Issue Paper No. 82. International Institution for Environment and Development, London.
- Nnadi, F.N., Chikaire, J., Anyoha, N.O. and Nwakwasi, R.N., (2010a) Land Question and National Development in Nigeria. *International Journal of Agriculture and rural Development Vol. 13 (1): 27-33*
- Nnadi, F.N. Chikaire, J., Nwakwasi, R.N and Anyoha, N.O (2010b) Land Use Act and Rural Poverty Reduction in Nigeria. *International Journal of Tropical Agriculture and Farming System Vol (44): 23-27*.
- Nnadi, F.N. and Chikaire, J. (2010) Land Tenure and Gender Relations: Implication for sustainable Rural Development. *International Journal of Tropical Agriculture and Farming System Vol 4 (1): 28-31*.
- Olukoshi, A. (2004) Property Rights, Investment, Opportunity and Grwoth Africa in a Global Context. In Quan, J., Tan, S. F. and Toulmin, C (eds) Land in Africa-Market Asset or Secure Livelihood. IIED and NRI, London .
- Omiring, M.M. (2002) Issues in Land Accessibility in Nigeria. IN Omiri M,M., NUbi, T. and Fawehinmi, S.A (eds) Land Management and Property reforms in Nigeria. Proceeding of a National Workshop by the Department of Estate. Management, University of Lagos.
- Omotola, J.A (1980) Essays on the land Use Act, 1978 University of Lagos Press, Lagos.
- Omotola, J.A (1982) The Land Use Act. Report of a National Workshop, University of Lagos Press, Lagos.
- Quan. J. (2006) Land Access in the 21st Century: Issues, Trends Linkages and Policy Options. Food and Agricultures Organization, Rome.
- Shiva, V. (1989) Staying Alive: Women, Economy and Development. Zed Books, New Jersey.
- Todaro, M.P. (1995) Economic Development. Fifth edition. Longman Publishers, London.
- Toulimin, C. (2000) Decentralization and Land Tenure. In Toulmin, C. and Quan, J. (eds) *Evolving Land Rights, Policy and Tenure in Africa* . International Institute for Environment and Development, London.
- Toulmin, C. and Gueye, B. (2003) Transformations in West African Agriculture and the Role of Family Farms. SAH/D/541-SWAC Secretariat.
- Tripp, A.M (2003) Women's Movements, Customary Law and Land Rights in Africa: The Case of Uganda. Research Monograph, university of Wisconsin, Madison.
- Udo, R.K (1999) The National Land Policy of Nigeria. Development Policy Centre, Research report No.16, Ibadan.

- Umezulike, I.A. (2004) The Land Use Act-More than Two Decades After and Problems of Adaptive Strategies of Implementation. Snaap Press Limited, Enugu.
- White Head A. and Tsikate. D. (2003) Policy Discourse of Women's Land Rights in Sub-Saharan Africa: The Implication of the Return to the Customary. *Journal of Agrarian Change*. VOL. 3 (1&1): 67-112.
- World Bank (2000) World Development Report 2000/01. Attacking Poverty: Approach and Outline. World Bank Washington D.C
- Yngstron, L. (2002) Women, Wives and land Rights in African: Situation Gender Beyond the Household in the Debate Over Land Policy and changing Tenure Systems. *Oxford Development Studies* Vol. 30(1): 21-40.