

Chapter 6

Urban Landownership and the Right to Sustainable Development for Women in Africa



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Abstract This chapter explores urban landownership in relation to the right to sustainable development granted by law to all the women of Africa. Although Africa is becoming more and more urbanised, its women are largely still relegated to remote rural areas and excluded from the benefits of urban life, which seems to imply that they are ordained exclusively for rural livelihood. Local governance provides an important institutionalised framework within which to address the question of land rights for women. The principle of “no one is left behind” and SDG 11 highlight the need for the inclusive participation of women in urban governance and development planning. While women are the cornerstone for development in Africa, they continue to endure development injustices due to their subjugated status under the dominant cultural and societal norms in African societies. The Protocol on the Rights of Women in Africa (Maputo Protocol), adopted in 2003 provides in Article 19(c) to “promote women’s access to and control over productive resources such as land and guarantee their right to property”, and this chapter seeks to determine how the entitlement to sustainable development could effectively be guaranteed to the women of Africa.

Keywords Landownership · African women · Right to sustainable development · Urban governance · Protocol on the Rights of Women in Africa · The right to development

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6.1 Introduction

This chapter explores the right to sustainable development with respect to women's access and entitlement to urban land. The global agenda for development sets a specific target for parity and equitable ownership and control, to be achieved by 2030. Women are more than half of the world's population yet own less than 20% of the land, with an estimated 25 million urban women lacking constitutional and statutory landownership rights (Boutkhil 2019:14). In rural areas much attention has addressed customary limitations, but urban land rights are subject to more complex dynamics that need closer scrutiny. Urban spaces have generally been planned, designed and governed without the involvement of women as decision makers (UN-Habitat 2012), and reflects existing tensions resulting from competing (patriarchal, political and neoliberal) interests.

Urban land governance systems and practices need to be transformed to benefit the women of Africa and emerging urban spaces designed in relation to the New Urban Agenda (NUA), with meaningful participation of women in decision-making (para 41). Women are generally denied access to land because of societal norms and practices that exclude them. Might it be that the legal guarantees enshrined in the Maputo Protocol among other instruments have not appropriately been explored? Could an expanded conceptual reading of the provisions of the law facilitate effective participation of the women of Africa in the decision-making and conceptualisation of urban land governance policies to their benefit?

In this chapter, first I discuss the right to sustainable development to show that legitimate access to urban landownership guarantees livelihood security and a decent standard of living. Secondly, I argue that women's urban land rights could be explored with the principles of intergenerational equity and spatial justice. In conclusion, I posit that entitlement to urban land entails leveraging African women's potential to participate constructively in urban land governance processes, conceived within a broader conceptual framework of the right to development and the sustainability matrix.

6.2 The Right to Sustainable Development Ascribed to African Women

The African human rights system establishes an explicit connection between human rights and development and provides the mechanisms through which both can be achieved. The African Charter on Human and Peoples' Rights (1981, Article 22(1)) states that "[a]ll peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind". The unambiguous reference to all peoples comprises women who equally have the right to economic, social and cultural development, including entitlement to land; which means that they may rightfully

lay claim to the productive resources such as land from which they have traditionally been excluded.

Entitlement to socio-economic and cultural self-determination includes making their own development choices, equality of opportunities for development, active involvement and meaningful participation in development appropriate to their particular circumstances, and fair (re)distribution of the gains from the development process. Self-determination and freedom in the making of development choices guarantees to the women of Africa an entitlement to freely decide between the alternatives of rural and urban livelihood for sustainable development. The Declaration on the Right to Development (1986) guarantees in Article 1(2) the right to full sovereignty over natural wealth and resources. The African Charter equally states in Article 22(1) that the right to development is subject to the equal enjoyment of the common African heritage, and guarantees that they can equally benefit from fair (re) distribution of the natural resources. The common African heritage consists of a range of natural endowments, especially land as a major determining factor to development.

The liberty to make alternative choices from those imposed by societal norms entitles the women of Africa to prioritise their options in seeking access to urban spaces, where they are disproportionately excluded from the advantages of proximity to opportunities for advancement and socio-economic empowerment. Land, as a primary means of production, constitutes an important component of the urban space.

The New Urban Agenda (NUA) adopted in 2016 highlights effective gender equality and empowerment to ensure that all women meaningfully participate and enjoy equal rights in leadership and decision-making (Sect. 6.3). UN-Habitat has developed a growing focus on urban law linked to SDGs 11 and 16. SDG 11 highlights the need for inclusive participation of women in decision-making processes with regard to human settlements, and SDG 16 seeks to promote inclusive societies and facilitate access to justice as a means to achieve sustainable development for all.

African women's right to landownership and their contribution to development is acknowledged in the Maputo Protocol (2003) and the Declaration on Land (2009) adopted by the African Union. The Protocol supports "women's access to and control over productive resources such as land and guarantee their right to property". The Declaration on Land (not legally binding) promotes access and security of land tenure for women as a key priority. However, in practice, African women continue to experience development injustices, because of inherited colonial urban governance policies, patriarchal norms embedded in African societies, encroaching neo-liberal ambitions to grab urban spaces for business, corrupt leadership and maladministration (Bhatasara 2015).

Reforms have increasingly addressed issues relating to women's subjugation, including land-ownership, but tend to ignore the reality that matters relating to land-ownership are generally undergirded by societal power relations (Rakodi 2014:3). Even as these tensions rob women of substantive entitlements, redress has mostly been sought through disjointed strategies that focus mainly on gender inclusivity in development programming by way of capacity building and affirmative action initiatives (Agarwal 2003:185).

The Kilimanjaro Initiative (2016) seeks to create the opportunity for rural women to participate in decision-making about their rights to land and other natural resources. One of its central objectives is to strengthen rural women's movements and agency in asserting and defending their land and natural resource rights in Africa. The UN-Habitat (2019:7) GLTN Gender Strategy (2019–2030) asserts that “[i]mproving the rights of women and girls to land is vital to overcome poverty and inequality, ensure justice and human rights, and counter trends that further undermine the rights and wellbeing of women”.

Although Africa is becoming more and more urbanised, where large proportions of its populations are increasingly found, its women are largely still relegated to the urban peripheries or remote rural areas, generally excluding the poor and vulnerable from urban life. Initiatives on the empowerment of rural women (UN Women 2012; CEDAW 1976:art 14) seem to imply that women are ordained for rural living, mostly associated to farming and the predominantly informal rural economy.

6.2.1 Policy Obligations

The right to development in Africa is a collective right attributed to groups of peoples, and thus can be claimed by women in Africa as a collective. The fulfilment of this right creates an obligation for suitable policies as articulated in Article 2(3) of the Declaration on the Right to Development, which states; “the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom”.

The Declaration provides in Article 8(1) that “[e]ffective measures should be undertaken to ensure that women have an active role in the development process”, and in Article 4 that “[s]tates have the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development”. The African Charter has similar provisions in Articles 1 and 22(2) which obligate state parties to take the necessary measures to make the right to development a reality for all the peoples of Africa. These provisions impose a moral and legal obligation on African states to create the necessary enabling environment both at domestic and international levels to ensure that women can, as a right, navigate the processes for development and equally contribute thereto.

The principal instruments that enshrined the right to development, however, ignore issues specific to women and do not sufficiently engage with the “exclusion of women at both national and international levels from participating, or indeed in addressing the barriers to women's participation”, noting in particular “the ways in which [they] are prevented from accessing, using and owning land” (Banda 2013:154–155). While a UN Women report of 2012 notes progress with equal representation for women in decision-making, women are generally still left behind.

The guide on reforming urban laws in Africa suggests that urban lawmaking must take into account practical realities that impact on urban land governance (Berrisford and McAuslan 2017), one of which is that women are generally not involved in the decision-making processes on urban land governance, and, consequently, their right of access to urban spaces is unfairly restricted.

The problem has continued to exist because of the lack of conceptual clarity and a defined framework, where women are not only perceived as some passive observers but as active participants of the development process with potential to determine policy direction. In an effort to redress the shortcomings of the African Charter in not sufficiently highlighting women's concerns, the African Union in 2003 adopted an additional Protocol to the African Charter with specific focus on the rights of women, which enshrines the right to sustainable development in Article 19:

Women shall have *the right to fully enjoy their right to sustainable development*. In this connection, the states parties shall take all appropriate measures to:

- introduce the gender perspective in the national development planning procedures;
- ensure *participation of women at all levels in the conceptualisation, decision-making, implementation and evaluation of development policies and programmes*;
- promote *women's access to and control over productive resources such as land* and guarantee their right to property;
- promote women's access to credit, training, skills development and extension services at rural and *urban levels* in order to provide women with a higher quality of life and reduce the level of poverty among women;
- take into account *indicators of human development* specifically relating to women in the elaboration of development policies and programmes; and
- ensure that the negative effects of globalisation and any adverse effects of the implementation of trade and economic policies and programmes are reduced to the minimum for women (emphasis added).

These provide normative directives that are supposed to guide domestic policy-making, at least for state parties to the Protocol, which has been ratified by 37 out of 55 African countries. Elaborate as the guarantees appear, the realities in some African countries (such as Kenya, Ghana and Malawi) are different.

Kenya ratified the Maputo Protocol in 2010, the same year it adopted a new Constitution and a policy framework favouring the advancing of women's land rights. The Kenyan Constitution devotes chapter five to land and the environment. Reflecting the wordings of the Protocol, the Constitution defines land use, ownership and management patterns in relation to equitable access to land, security of land rights, sustainable and productive management of land resources, and elimination of gender discriminatory laws, customs and practices related to land among others (Art 60(1)(a)–(d)). The Kenyan Constitution further provides in Article 61(1) that “[a]ll land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals”. The reference to “all land” implies that Kenyan women are not excluded from equitable access to ownership and use of urban land. Besides the constitutional right to land, the National Land Policy incorporates guiding principles of inclusive participation, equitable access, secure land entitlement, intra- and intergenerational equity, transparent and democratic governance and gender sensitivity in land management. It singles out Kenyan women's land rights as

requiring particular attention and recommends some practical measures (Accord et al. 2012:7), to provide the enabling framework within which Kenyan women can assert entitlement to urban land. The Kenyan Constitution (Art 67(2)(b)) mandates the National Land Commission to enforce the National Land Policy.

Ghana ratified the Maputo Protocol in June 2007, and is legally bound by the provisions contained therein, which ought to be translated into measures for domestic implementation. Nyarko (2016:97) observes that in Ghana, “[n]egative cultural perceptions of gender equality persist, which continue to limit women’s access to productive resources such as land and credit”. Equality in landownership could become a reality for women in Ghana if the provisions of the Maputo Protocol were given domestic relevance, but Ghana (like many other African countries) is noted for ratifying treaties without domesticating them (Nyarko 2016:98). Although there are no legal impediments to women’s rights to landownership in Ghana, Higgins and Fenrich (2011:10–19) show that the realities on the ground are complex. In the Sissala East District in northern Ghana, 37.5% of women surveyed confirmed ownership of urban land acquired through purchase, but only with the knowledge and agreement of the husband (Adolwine and Dudima 2010:98). They report that more married women (58%) own land, as opposed to only 6.7% of unmarried women and 33% of widows. For the women who genuinely own their own land, many may lose the land upon dissolution of the marriage on the basis that “[w]hen a man marries a woman, he owns and controls her, her children, and everything the woman has...” (Adolwine and Dudima 2010:98). Obeng-Odoom (2014) indicates that land policies in Ghana have not only failed to remedy the situation but has rather had perverse implications for women.

Malawi ratified the Maputo Protocol in 2005, yet landownership has largely been regulated by a gender-biased “statutory and customary” framework based upon the “1965 Land Law which fails to guarantee women equal rights to land as men” (Accord et al. 2012:25). Although some concrete actions have been undertaken, notably the Malawi National Land Policy adopted in 2002 and the new Land Bill 2018, envisaging equal access to land for all Malawians, the focus is still primarily on customary (rural) land, which is governed principally by customary law. Perhaps because of their key role in agriculture as the main source of livelihood, “more women own land in Malawi than in most other countries in sub-Saharan Africa” (Oxfam and LANDac 2018:1), but sustainable development requires expanding their options beyond the limitations of rural livelihood. While the NUA encourages inclusive equitable access to the urban space, there is no known policy instrument that guarantees urban landownership rights for women in Malawi. Attention to this reality is important because as indicated in the Habitat III-2016 Policy Paper (2017:30), “[c]urrent urbanization processes are reinforcing inequality and exclusion – particularly for women...”, meaning that without an appropriate urban governance policy that takes into consideration women’s rights and specific needs, they would systematically be “shut out” and denied a place in the urban neighbourhoods of Malawi. Although the lack of an urban governance policy framework constitutes an impediment, it also offers the opportunity for the women of Malawi to campaign for one in accordance with Article 19 of the Maputo Protocol.

While policy implementation has always been a serious problem in all of Africa, the value of having comprehensive laid down legislation, policies and institutional mechanisms as in the case of Kenya cannot be underestimated. The absence of a policy or regulatory framework as noted in the Global Land Tool Network Gender Strategy compromises the extent to which the women of Africa can assert entitlement to urban land (UN-Habitat 2019:2). Where the law is limited, it is recommended to “look beyond legal and policy reforms and adopt broad based social change towards women’s land rights” (Accord et al. 2012:1).

The Maputo Protocol employs the concept of sustainability, which provides theoretical guidelines for understanding women’s struggles for recognition and self-determination in matters of landownership. As a collective right that can only be claimed by groups of persons, the right to sustainable development requires recourse to such extensive measures that can collectively benefit not only women but importantly also advance development in every society (be it urban or rural) across the African continent. To achieve this purpose entails a contextualised understanding of the notion of sustainability and the core principles that it embodies.

6.3 Sustainability Matrix

The concept of sustainable development was originally defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”, and has frequently been applied within the context of climate change and environmental governance, evolved to incorporate every aspect of development. According to Mensah (2019:5), sustainability means “improving and sustaining a healthy economic, ecological and social system for human development”.

The term sustainability applies within the context of the Sustainable Development Goals as a process that envisages environmental protection and adherence to the principles of social justice and human rights (Transforming Our World 2015:para 2). With regard to African women, sustainable development embodies the right to have equitable access to land and to productively utilise same for improved wellbeing. Embedded in the sustainable development framework are the principles of intergenerational equity and spatial justice, explained below in relation to how they could be employed in women’s entitlement to land.

6.3.1 *Intergenerational Equity*

Sustainable development imposes an obligation to maintain balance between the human aspirations for the highest attainable standard of living and the rational utilisation of limited natural resources. Central to this is the core principle of intergenerational equity, based on the premise that each generation has a right to inherit the

same diversity in natural and cultural resources enjoyed by previous generations (Okukpon-Adesanya 2012:141–142). Golub et al. (2013:269) assert that intergenerational equity requires redressing the historical injustices that have a replicating impact on present as well as future generations.

Taylor submits that “the discussion of what is meant by present and future generations – and how we define our duties to them – is often missing” (Taylor 2013:2) in the sense that while the law broadly guarantees equality in landownership, the mechanisms to ensure substantive entitlements are not clearly established. Prejudices that exclude African women from landownership persist and are often guarded as societal values. For instance, the question of women’s right to own and transfer land is frequently contested much more than those of men, which in most cases is readily affirmed as an ordained practice in more or less all traditional African societies.

Intergenerational equity not only imposes an ethical duty of concern for the well-being of future generations, but also a duty on present generations to be mindful that future generations of African women do not remain dispossessed and impoverished. The legacies that would be bequeathed to future generations depend largely on the choices that the present generations make. Unfortunately, the choices of the past, which present generations in Africa have inherited, were largely influenced by the prejudices of colonialism in combination with local patriarchal privileges that remain heavily skewed in favour of male dominance in landownership.

With reference to South Africa, Agarwal (2003:190) explains that even where women happen to gain access to land, such land is registered in the husbands’ names, and thereafter inherited by the eldest son under the customary practice of primogeniture. Customary laws, as Rakodi (1996) further explains, deprive women even within the institution of marriage where they are often barred from community of ownership such that in the event of a divorce or widowhood, the man either exclusively claims everything or the matrimonial property is inherited by the man’s family. UN-Habitat (2019:2) affirms that “[i]n patriarchal societies, women may have weaker or no rights to land and property, or they may lose their rights if a husband or father dies”. Agarwal (2003:190) cautions that women have to avert the “risk of being evicted by their sons (male in-laws); enhance their freedom to take independent decisions on land use” and enjoy the right to bequeath land to their children, should they face abandonment by husbands.

According to Akinola (2018:2), evidence of African women’s exclusion from landownership has only evolved into a cultural practice that aims primarily at securing opportunities and benefits for men. Intergenerational equity becomes relevant in this context, with the purpose of righting the injustices of land dispossession, which if not corrected will impact adversely upon future generations of African women. Against the age-old practices that favour patrilineal lines in most African societies, the principle of intergenerational equity provides the basis for considering an institutionalised binary system, like in some communities in Malawi where land is equally bequeathed to future generations along matrilineal lines.

The vested interests of the actors involved almost always predominate in policy formulation, in recognition of which the Maputo Protocol emphasises women’s participation in decision-making and implementation and evaluation of development

policies and programmes, including in access to and control over land. Because women's urban landownership claims challenge male dominance and generate gender power struggles, the prevailing circumstances necessitate weighing development options on the scales of equity in determining the futures for all the peoples of Africa. If the choices of today overlook intergenerational equity, aspirations for sustainable development for the entire African continent would stagnate.

Laws and social phenomena are subject to change as are societal norms and customary practices. Equity demands fairness, by virtue of which African women deserve a reasonably just opportunity, especially where conflicting interests are at stake.

It requires acknowledging women as major stakeholders in decisions that have to do with their lives. The Maputo Protocol enshrines in article 19(b) the obligation to "ensure [the] participation of women at all levels in the conceptualisation, decision-making, implementation and evaluation of development policies and programmes". African women's contribution in spatial justice that guarantees to them access to urban spaces is important for the realisation of the right to sustainable development.

6.3.2 *Spatial Justice*

Urban land governance across most of Africa continues to replicate the colonial model that unjustly restricted access to urban spaces, as in apartheid South Africa, where black people were outlawed from urban areas unless permitted to come and work (Urban Landmark 2013:6). Although present day restrictions may not translate directly from enacted legislation, established systems and the pressures of urban life perpetuate similar spatial injustices that exclude the poor and the disadvantaged from a gainful place in urban Africa. African women's claim to equitable access to urban spaces and the right to own land therein is grounded upon the spatial justice theory. Spatial justice theorist, Soja (2009:1), explains that "the geographies in which we live can have negative as well as positive consequences on practically everything we do". This is particularly true for the women of Africa whose lived experiences are predominantly shaped by subjective societal norms. Soja defines spatial justice as "an intentional and focused emphasis on the spatial or geographical aspects of justice and injustice [necessitating] the fair and equitable distribution in space of socially valued resources and the opportunities to use them".

The socially valued resources referred to are understood to include not just land, but importantly urban land because of the advantages and proximity to opportunities that it offers. Spatial justice is concerned with questions of location and fairness in the distribution of geographical space, which De Villiers (2016:2) describes in simple terms as "better access to and use of land", requiring "mechanisms for putting into place processes to provide disadvantaged communities with access to land, as a process of redress". For Soja (2009:3), the normal workings of an urban system and the everyday activities of urban functioning have remained a primary source of inequality and injustice in terms of locational decision-making, primarily

influenced by dominant factors that typically privilege the rich over the poor. While landownership in urban Africa is largely regulated by statutory law, which in many instances favour women and, therefore, should not pose a problem, “urbanisation activates the full flare of its effects [on women] when statutory land acquisition processes, [...] come into conflict with customary land acquisition processes” (Chigbu et al. 2019:11).

The burden of poverty weighs disproportionately on African women, excluded from a place in the urban vicinities, even though legally entitled to access. In resuscitating Lefebvre’s seminar concept of the right to the city, Van Marle (2014:174) highlights the “importance of a theoretical engagement with the theme of spatiality and spatial justice”, imagining that things could be different by simply challenging the *status quo*. Spatial justice in this instance would concern how much of urban space across Africa could and should be reserved space to be accessed, acquired and utilised exclusively by women as redress for the collective disadvantage they have been subjected to. Encroachment into such reserved spaces would under the spatial justice principle amount to a contravention of women’s right to sustainable development under the Maputo Protocol.

The Declaration on the Right to Development provides in Article 8(1) that effective measures be undertaken to eradicate the injustices that obstruct women’s active participation in the development process. Article 1(2) of the Declaration, which guarantees the right to natural resource ownership, and the social injustices referred to in Article 8(1), do not exclude the societal norms and practices denying women urban landownership.

Article 19(c) of the Maputo Protocol not only entitles women to have access to and to control land, but delineates land as a productive resource. In Soja’s (2009:2) conception of spatial justice as the “fair and equitable distribution in space of socially valued resources and the opportunities to use them”, the entitlement to land must be accompanied by the capacity to put such land into productive use. The productive use of land entails equipping African women to actively participate in policy debates on urban land governance. The Maputo Protocol indeed enshrines in Article 19(d) the commitment by Africa’s political leadership to “promote women’s access to credit, training, skills development and extension services at rural and urban levels”. Unfortunately, in Africa, political promises do not readily translate into action.

African women’s restricted access to and ownership of urban land can to a large extent be attributed to their exclusion from the conversations in mainstream society, which eventually translate into policies and then executable plans. In the face of increasing spatial injustices manifested through land conflicts and growing land access problems all over Africa (Whitehead and Tsikata 2003:68), state parties to the Maputo Protocol should expand women’s participation in policy- and decision-making and in development planning. I borrow from Fraser’s (2003:7) notion of “parity of participation” based around three intertwined conditions:

First, the distribution of material resources must be such as to ensure participants’ equal capacity for social interaction. This condition precludes economic structures that institutionalise deprivation, exploitation and gross disparities in wealth, income, labour and leisure time, which prevent some people from

participating as on a par with others in social life. Second, the status order must express equal respect for all participants and ensure equal opportunity for achieving social esteem. This condition precludes institutionalised patterns of cultural value that systematically depreciate some categories of people and the qualities associated with them, thus denying them the status of full partners in social interaction. Finally, the political constitution of society must be such as to accord roughly equal political voice to all social actors. This condition rules out electoral decision rules and media structures that systematically deprive some people of their fair chance to influence decisions that affect them.

In spite of the progressive provisions of the Maputo Protocol, implementation is yet to be ascertained. Home (2011:25) asserts that claims for land redistribution by the “have-nots” is prone to, and indeed from experience, known to face resistance from the elite “haves” who generally control the lawmaking process. Besides anticipating to guarantee access to urban landownership for the women of Africa through redistributive measures, Home suggests that the demands of the have-nots might also be achieved through allocation from the “shrinking category of land unclaimed by anyone”. If urban spaces continue to expand into unclaimed land, spatial justice would entail prioritising ownership for women.

African state governments are accordingly obligated to take concrete positive measures and actions in making socio-economic, cultural and political conditions favourable for women. It necessitates a restructured urban dispensation as envisaged by the NUA, where municipal legislation, regulatory policies and implementation plans are designed to ensure that the urban landownership needs of present generations of African women are met and guarantee those of future generations. Despite the range of provisions in various domestic and most importantly African human rights instruments that envisage women’s equitable access to land, there is no record of any litigation so far, particularly at the level of the African Court or the African Commission on Human and Peoples’ Rights, exclusively involving women’s claim to land. Urban governance should accordingly consider special remedy mechanisms through which African women can have facilitated access in seeking land redistributive justice.

6.4 Conclusion

Local governance provides the institutionalised framework within which to effectively and judiciously redress concerns relating to land rights for women, particularly in Africa. Even though the Maputo Protocol enshrines the right to sustainable development, which incorporates African women’s entitlement to land ownership, implementation has not followed. Despite the advantages that urbanisation presents in driving the sustainable development agenda, access to and entitlement to urban landownership for the women of Africa is still largely aspirational. The absence of land rights renders African women vulnerable and incapable of developing the socio-economic capacity for autonomy, and, thus, subjects them to conditions that

make them perpetually subservient. Denied or deprived of land, an inestimable resource for economic, social and cultural advancement, African women will continue to live under the constant threat of poverty and the illusion of a better standard of living, unable to make sustainable plans or to self-reliantly exercise control over their own existence.

Besides customary norms and practices and the limitations of the law that militate against women in Africa, there are other major practical realities, including the increasing expansion of the frontiers of the market economy and the consequent need for gentrification of African urban spaces to attract foreign investments against which women's claim to urban land is set to be achieved. With many African countries like Ethiopia, Nigeria, Kenya, Rwanda, Mozambique, Ghana and a lot more rising to recognition as emerging economies and investment destinations of choice to foreign investors and multinational corporations, their encroachment multiplies the demand for urban land and consequently set African women against extremely tough competition. The good intentions of adopting progressive urban land governance policies notwithstanding the competition for urban land, which is driven by the market forces of demand and supply, tend to exclude women on account of the inability to afford.

In an information note on the right to development and gender, the UN Office of the High Commissioner for Human Rights recognizes that redressing the structural inequalities relating to landownership is central to expanding women's options and opportunities, not just through their integration into the development process but to also influence the broader sustainable development agenda. With regard to the SDG 11 requirement of inclusivity in human settlement, if sustainable development is to be achieved for the women of Africa, access to urban spaces, urban planning and matters relating to the (re)distribution of urban land require African women's active involvement as major stakeholders.

Comprehensive development cannot be achieved in Africa where over half of the population is deprived of land and consequently, denied equality of opportunities in urban Africa.

References

- Accord, Oxfam, ActionAid (2012) The right to land and justice for women in Africa. African Women's Land Rights Conference, Nairobi, Kenya
- Adolwine WM, Dudima A (2010) Women's access to emerging urban land in the Sissala East District in Northern Ghana. *J Sci Technol* 30(2):94–104
- African Charter on Human and Peoples' Rights adopted in Nairobi, Kenya on 27 June 1981 OAU Doc CAB/LEG/67/3 Rev.5 (1981)
- African Commission on Human and Peoples' Rights (Ogiek Community) v Republic of Kenya (2017) Appl No 006/2017
- Agarwal B (2003) Gender and land rights revisited: exploring new prospects via the state, family and market. *J Agrar Chang* 3(1/2):184–224
- Akinola AO (2018) Women, culture and Africa's land reform agenda. *Front Psychol* 9(2234):1–8

- Banda F (2013) Women, human rights and development. In: UN Human Rights (ed) *Realizing the right to development: essays in commemorating 25 years of the United Nations declaration on the right to development*, pp 149–158
- Berrisford S, McAuslan P (2017) *Reforming urban laws in Africa: a practical guide*. African Centre for Cities (ACC), Cities Alliance, UN-Habitat and Urban LandMark
- Bhatasara S (2015) Understanding corruption in social service delivery in Zimbabwe: case studies from the local government sector. In: Lenneiy MN (ed) *Political economy of corruption and the battle for accountability in Zimbabwe 2000–2015*. Harare, Transparency International Zimbabwe, pp 55–68
- Boutkhil S (2019) Violence against women: women’s struggle for the right to collective land in Morocco. In: Kalunta-Crumpton A (ed) *Violence against women of African descent: global perspectives*. Lanham, Lexington Books, London, pp 9–26
- Chigbu UE, Paradza G, Dachaga W (2019) Differentiations in women’s land tenure experiences: implications for women’s land access and tenure security in sub-Saharan Africa. *Land* 8(22):1–22)21
- Declaration on the Right to Development Resolution A/RES/41/128 adopted by the UN General Assembly on 4 December 1986
- De Villiers I (2016) Leibniz, Lefebvre and the spatial turn in law. *HTS Theologiese Stud/Theol Stud* 72(1):1–6
- Fraser N (2003) Social justice in the age of identity politics. In: Fraser N, Honneth A (eds) *Redistribution or recognition? A political-philosophical exchange*. Verso, London/New York, pp 7–109
- Golub A, Mahoney M, Harlow J (2013) Sustainability and intergenerational equity: do past injustices matter? *Sustain Sci* 8:269–277
- Habitat III 2016 Policy Papers (2017) Policy paper 4: urban governance, capacity and institutional development. United Nations
- Higgins T, Fenrich J (2011) Legal pluralism, gender, and access to land in Ghana. *Fordham Environ Law Rev* 23(2):7–21
- Home R (2011) Towards a pro-poor land law in sub-Saharan Africa. In: Home R (ed) *Essays in African land law*. University of Pretoria Law Press, Pretoria, pp 25–45
- Kilimanjaro Initiative (2016) *Charter of demands: actualizing women’s land rights in Africa*
- Mensah J (2019) Sustainable development: meaning, history, principles, pillars, and implications for human action: literature review. *Cogent Soc Sci* 5(1653531):1–21
- Nyarko MG (2016) The impact of the African charter and the Maputo protocol in Ghana. In: Ayeni VO (ed) *The impact of the African charter and the Maputo protocol in selected African states*. Pretoria University Law Press, Pretoria, pp 95–113
- Obeng-Odoom F (2014) Urban land policies in Ghana: a case of the Emperor’s new clothes? *Rev Black Polit Econ* 41(2):119–143
- Okukpon-Adesanya I (2012) Pushing the frontiers of equity as a means for environmental justice in Africa. *Nnamdi Azikiwe Univ J Int Law Jurisprud* 3:138–154
- Oxfam in Malawi, LANDac (2018) *Securing women’s land rights: scaling for impact in Malawi*. LANDac, Utrecht – working paper 4: securing women’s land rights in Africa
- Rakodi C (2014) Expanding women’s access to land and housing in urban areas. *Gender equality and development – women’s voice and agency research series 2014 No 8*
- Soja EW (2009) The city and spatial justice. *Spat Justice* 1:1–5
- Taylor J (2013) Intergenerational justice: a useful perspective for heritage conservation. *Conserv Cult Connections*:1–12
- Transforming Our World: The 2030 Agenda for Sustainable Development Resolution A/RES/70/1 adopted by the United Nations General Assembly on 27 September 2015
- UN Habitat (2019) *Global land tool network gender strategy (2019–2030): towards securing women’s and girls’ land and property rights*. United Nations Human Settlements Programme, Nairobi
- UN-HABITAT (2012) *Gender issue guide: urban planning and design*. United Nations Human Settlements Programme, Nairobi

- United Nations Women (2012) Commission on the status of women 2012. UN Women Available at. <https://www.unwomen.org/en/news/in-focus/commission-on-the-status-of-women-2012>. Accessed 28 Oct 2019
- Urban Landmark (2013) Land governance in South Africa: implementing the land governance assessment framework
- Van Marle K (2014) Re-visioning space, justice and belonging in the capital city of Pretoria/Tshwane. *De Jure*:163–174
- Whitehead A, Tsikata D (2003) Policy discourses on women's land rights in sub-Saharan Africa: the implications of the return to the customary. *J Agrar Chang* 3(1/2):67–112