

WOMEN'S ACCESS TO EMERGING URBAN LAND IN THE SISSALA EAST DISTRICT IN NORTHERN GHANA

W. M. Adolwine and A. Dudima

Department of Land Economy

College of Architecture and Planning, KNUST, Kumasi

Email –adolwinwm@yahoo.co.uk

ABSTRACT

Using both qualitative and quantitative data, this study assessed the level and extent of women's rights to urban land and how to improve access for purposes of urban land development in the patrilineal communities of the Sissala East District in the Upper West Region of northern Ghana. The evidence shows that though women do access and hold urban land rights through purchase, they normally do so with the understanding of their husbands, since a woman acquires membership of her husband's ancestral home. The security of such purchased property is guaranteed while that of gifts or donations depends on the security of a marriage - women with male children generally have far more security and effectively control land. The way forward in addressing women's vulnerability, access and security to land is through a multi-sectoral approach that provides education and training for women, financial empowerment through expansion of income-generating activities and credit facilities, gender inclusiveness in decision-making and support for traditional institutions, co-operatives and advocacy groups that build women capacity.

Keywords: *land tenure, access to land, land rights, patrilineal system, Sissala East District.*

INTRODUCTION

The issue of gender in land access has attracted attention from land administrators, gender activists, world bodies and development associations and how these are addressed in development has a direct impact on the livelihood and security of people not only in rural areas, but in urban areas as well. The role of land tenure in sustainable development cannot therefore be overemphasized, and failure to address the land tenure interests of all stakeholders in land development can cause problems and inequities (FAO, 2002a). Land tenure issues therefore

need to be addressed as part of a wider effort to improve urban services and infrastructure (Toulmin and Longbottom, 2001). The quantity and quality of the use rights of the land owner is important since it defines the security, management level and value of the land held.

Urban land development is principally influenced by the availability and ease of access to land by all. An efficient urban land development can provide infrastructure and improve the general economic and social change of the community. Women's contribution to agricul-

ture according to the available literature has been tremendous. In the area of urban land development however, the literature is scanty and very little is said about the participation of women. Consequently, the level of participation of women in urban land development and the policies, laws and practices that have either hindered or promoted this has not been thoroughly researched.

The Food and Agricultural Organization (FAO, 2002b) define land tenure as “the relationship - whether legally or customarily defined - among people, as individuals or groups, with respect to land.” Rules of land tenure, enforceable through customary structures or in formal courts of law, define and determine how access to land or property rights to land are to be allocated or granted to rights of use, control, and transfer within societies, along with associated responsibilities and restraints.

A large and varied number of rights often exist in land and such rights can take the form of:

- use rights: the right to use the land for a defined purpose, such as to grow crops, to build a house, etc.
- control rights: the right to make decisions on how the land should be used and to benefit financially from the sale of crops, etc.
- transfer rights: the right to sell, lease or mortgage the land, to convey the land to others through intra-community reallocations or to heirs, and to reallocate use and control rights (FAO, 2002a).

In the Upper East and West Regions, lands are mostly legally owned by the ‘*Tindama*’ (literally means ‘land owners’; descendants of the original settlers of an area). The allodial title to land is vested in them and they hold the land in trust as titular holders for the whole community (Kasanga and Kotey, 2001). Land is effectively held and controlled by families in the various communities and they have absolute freedom to dispose of land, albeit with the consent of the *Tindana*. The

individual’s access to land for use is governed through land tenure systems that deal with the allocation, use and control of land and its associated resources.

The literature (Duncan, 1996; Touray, 1998; Kotey and Tsikata, 1998; Ayua, 1998; Tejan-Cole, 1998; Benneh *et al.*, 1995; Kevane and Gray, 1999; FAO, 2002a and Salifu, 2005) highlights cultural bias and discrimination against women in accessing land for development across Africa and especially sub-Saharan Africa. In Northern Ghana, control over resources generally follows a gender segregated pattern based on traditional norms which limit the land rights of women resulting in land being concentrated in the hands of men to the exclusion of women.

In terms of the security of women’s land rights, FAO (2002a) found lack of adequate provisions for women to hold land rights independently of their husbands or male relatives and this does not grant security for women. IFAD (1998) also found women can expect to own at best temporary use of plots of land from their husbands while unmarried women seldom have access to land and widows tend to lose access to land unless they have male children. The courts in Ghana have also confirmed in *Bentsi-Enchill v. Bentsi-Enchill* (1976) and *Clerk v. Clerk* (1981) that customary rights conferred on women by virtue of their status as wives, terminate automatically after divorce (Kuenyehia, 1998).

This paper examines the linkages between land tenure and access to urban land for development by women in the Sissala East District. It examines these with respect to policies and practices that have either hindered or promoted the level of participation of women in urban land development. To achieve this, two objectives were pursued: (a) to assess access to urban land rights by women and (b) to examine the degree of security of these rights for sustainable development policies. It highlights the difficulties and constraints underpinning their access and insecurity of title to land in a culture of

unequal gender relations.

MATERIALS AND METHODS

Study Area

The study was conducted between December 2007 and February 2008 at Tumu, the capital of the Sissala East District located in the Upper West Region of north-western Ghana. Tumu is the only urban settlement in the district with a population estimate of 10,878 people in 2006. The district has a total land size of 4,744 sq km and a total population estimate of 51,182 with an annual growth rate of 1.7%. The population density is 12 persons per sq km. The District is basically rural with more than 85% of the people living in rural settlements and practice predominantly subsistence farming (Government of Ghana, 2006). The level of formal education among adults in the region is very low and the region also has the highest incidence of poverty in the country; about 84% of the population live below the poverty line, earning less than US\$1 a day and are unable to afford their basic food needs (ibid).

The people practice patrilineal system of inheritance whereby property rights remain with male children who inherit their fathers. Marriage residence is patrilocal and a woman upon her marriage is by custom assimilated into her marital home as her new ancestral home. The district shares a long northern border with the French-speaking country of Burkina Faso. It also shares borders with Kassena Nankana and Builsa districts to the east and Sissala West District to the west.

Sampling and data analysis

The empirical case study approach was adopted and relied on questionnaires and interviews for the data. The town was divided into four sections and 30 houses were randomly selected from each section. A total of 120 women were interviewed, one from each house and quantitative data was collected for the analysis. The choice of the moderate sample size was dictated by the fact that most urban female land developers were un-cooperative and would not

grant interviews on land ownership without consultation from their husbands. The questionnaires consisted of a blend of open and closed-ended questions. Most of the questionnaires had to be personally administered since the average respondent was either illiterate or semi-illiterate. Some had to be contacted in their places of work and others at home. Qualitative data was also collected through structured interviews conducted with some identified key informants or key stakeholders connected with land delivery or the development and sale of urban land. These included the 'tindana', clan heads and some women leaders on gender and land development.

Data collected was subsequently analyzed using both quantitative and qualitative means. Quantitative data was subjected to descriptive analysis of simple proportions, frequencies, means and percentages using charts and tables while descriptive analysis was used for the interviews conducted with the various identified stakeholders.

RESULTS AND DISCUSSION

Sample characteristics

The profile of the sampled women differed in age, marital status, and educational levels. From Table 1, close to 80% of the respondents were above 40 years with a mean age of 49. Married women including widows constituted over 82% of respondents while the unmarried were 9.2%. The average family size was 4.5, lower than the 5.6 estimate for rural Ghana.

The educational status of the women was generally low yet education is key to women empowerment and poverty reduction. Over 63% of the women have no formal education. Of the about 36% who have some education, only 15% have gone beyond the middle or junior secondary school level and only 3.3% have had over 15 years of schooling which is within the tertiary level. The low level of education among the women reflects the low number of women in government or formal sector employment (See Fig. 3). This could be attributed to the scarce formal education infrastructure in

most of northern Ghana 40 years ago, as well as the cultural biases against educating the girl-child at the time.

Table 1: Characteristics of the Sampled women: N=120

Variables	Categories	No.	%
Age	30-39	24	20
	40-49	48	40
	50-59	30	25
	60-69	11	9.2
	70+	7	5.8
Marital Status	Married	64	53.3
	Widowed	35	29.2
	Not Married/Single	11	9.2
	Divorced	6	5
	Separated	4	3.3
Educational Status	None	76	63.3
	Primary Level	16	13.3
	Middle Sch./JSS	10	8.3
	Secondary and Equivalent	8	6.7
	Teacher Training and Equivalent	6	5
	Tertiary	4	3.3

Accessibility and Ownership of Land by Women

Since ownership of land is reflected in the quantity and quality of rights exercisable over that land, the study sought to find out whether respondents have access to, and also whether they actually owned land themselves.

Table 2: Accessibility and land ownership by women

Variable	Yes	No
Women can have access to use of land	78 (65%)	42 (35%)
Women who own (have acquired) land	45 (37.5%)	75 (62.5%).

The results show that the majority believe women can generally access land for socio-economic activities, though only a few are actually able to claim ownership over land. All age groups can access urban land for development but those more likely to own land are those above 40. Indeed 75% of those who own land were above 49 years.

Mode of Acquisition and types of interests acquired

A break down of the 45 women who own land (Fig. 1) shows that the majority of them inherited their husbands, followed by those who got their lands as gifts from husbands and other family members. A significant proportion (22%) also bought their lands. Indeed, in separate interviews with the *Tindana* and some women gender activists, it was clear that women have no difficulty once they have the required resources or money needed to purchase land. Thus, urban land is not strictly within the influence of customary laws and practices as in rural areas where women mostly access land through husbands or other family relations. Only one of the women holds a freehold interest with the majority holding leaseholds. This is because landowners do not normally grant freehold interests in land.

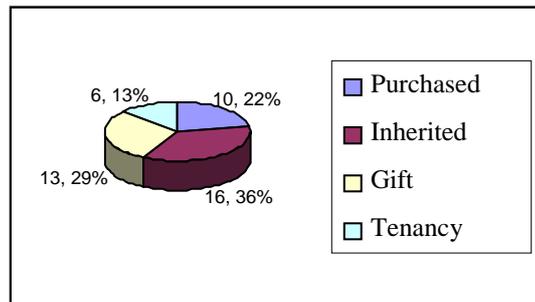


Figure 1: Mode of Land Acquisition by Women

In urban areas, women with financial backing, whether married or not can buy land in their own rights. Respondents were unanimous that due to modernization, once a woman is financially sound, she can obtain land directly from the landowners without necessarily going

through a man. Nevertheless from the survey, married women would normally buy land with the knowledge and concurrence of their husbands. When respondents were asked to give reasons why few women owned land, the following reasons were ranked in descending order. Multiple answers were allowed.

- Lack of finance
- High land prices
- Custom and traditions which subordinates the female to the male
- Women belong to two families and ones residency cannot be easily predicted.

This data corroborates those of International Federation of Surveyors (FIG) that in Africa “women have a slightly better situation in urban areas than in rural ones, because they can buy and own land but because of their economically disadvantaged position, most women cannot afford to buy land, which is often expensive” (UNCHS-Habitat, 2001).

Categories of women who own land

A woman's marital status emerged as the most influential determinant to land access. Over 90% of the 78 who indicated women have no problems accessing urban land for development were either married or widowed and they together constitute more than 91% of the 45 who actually own land.

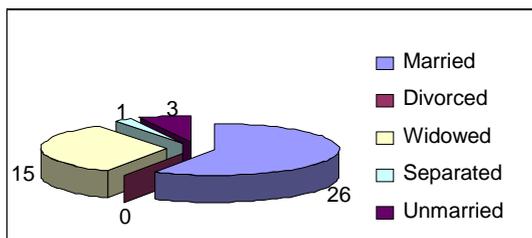


Figure 2: Women who own land

Only one of the four who separated from their husbands, and who is a *pito* (A local alcoholic drink brewed from locally cultivated cereals) brewer has purchased land and has an uncompleted structure on it. She intimated that the

plot of land was at the centre of her marriage problems. None of the divorcees however owned land. Indeed one divorcee claimed she was given a ‘plot of land’ for development by her husband but it was reclaimed upon the dissolution of the marriage. The survey therefore shows that notwithstanding the fact that urban land is available to anyone who has the ability to purchase, women still largely depend on inheritance and gifts from their husbands and other relations to access land due to lack of finance.

More married women own land than unmarried women. About 58% of those who own land are married as against only 6.7% of those unmarried and 33% widows. The reasons given were that married women got more support financially from their husbands to enable them purchase land. Some also got land as gifts from their husbands while most inherit their late husbands. The data therefore show that stability in marriage is *sin qua non* in accessing land. The custom frowns on the practice of remaining unmarried. Women are expected to marry and move out of their natal homes; hence unmarried women deserve no share of family land. A respondent summed up the difficulties of women's land ownership thus:

“...Why I don't own land? Don't you know our tradition? When a man marries a woman, he owns and controls her, her children, and everything the woman has, how can a woman own and control anything in a man's house?”(Personal communication, 06/01/08).

A gender activist, Miss Paulina Tengan, stated: *“...in Sissala land, an unmarried woman is comparable to a Ghanaian with dual citizenship who by the Constitution is disqualified from entering Parliament or holding a high profile public office. You cannot inherit land at home once you potentially belong to another family, a practice very diffi-*

cult to change" (Personal communication, 08/01/08).

While regretting discrimination against women, the *Tindana* had this to say:

"to revise our customary inheritance and allow females to inherit both at home and at their matrimonial homes will have the reverse effect: it will discriminate against the boy-child; the perpetuator of the family tree" (Personal communication, 08/10/08).

The above statements illustrate the deeply entrenched nature of patriarchal traditions and values that discriminate against women owning and controlling land in their own rights and ensuring that wealth, property and land belong to men. Thus, whilst it is easier for women to obtain urban land use rights, it is extremely difficult for them to have control/management and transfer rights except for those they purchase. These findings corroborate with the findings of FIG that in Africa "a woman is perceived as a 'temporary resident' in her parents' home until she gets married, and a resident in her husband's home so long as he is alive and satisfied with her" (UNCHS-Habitat, 2001).

They also corroborate many of the findings that married women are more likely to access land than single women (GTZ, 1998; Ruenger, 2006; IIED, 1999; FAO, 2002a), and that divorcees lose whatever land rights they previously held in marriage (Kuenyehia, 1998; GTZ, 1998).

Education and Land Access

Women's access to urban land is strongly linked to their educational status. The study found a strong correlation between education and land ownership among the women. All the 28 women who have education beyond primary level (Table 1) have easy access to land for various development projects such as for housing and trading shops. In terms of land ownership rights, majority of those who own lands

were found to be the educated women. Sixty-eight percent or 30 of the 44 women who have at least basic school education own land, as against only 20% or 15 of the 76 who have never been to school. In detail, all the 16 who have at least senior secondary education own land; of the 10 who purchased such lands outright (Fig 1), seven are educated, while 11 of the 16 women who inherited their husbands are educated. Ten of the 13 who got their lands as gifts are also educated. However, more uneducated women hold leaseholds as against the educated.

Thus, educated women have better opportunities to resource access because they are more likely to be gainfully employed and thereby have the financial means to purchase land and more importantly, are better socially placed to influence husbands and family members in accessing land.

Table 3: Education and land ownership

Mode of Acquisition	Educated	Uneducated	Total
Inherited	11	5	16
Purchased	7	3	10
Gift	10	3	13
Tenant	2	4	6
Total	30	15	45

Livelihoods of Respondents and Access to Land

The livelihoods of urban women mostly depend on the nature of the urban economy, and since the kind of economic activity of the individual largely determines one's ability to own property through purchase, respondents were asked about the economic activities they were engaged in for a living and their income levels. Secondary production and service provision constitute the sources of livelihoods of majority of the respondents. Many of the women were engaged in petty trading and other low remuneration activities.

nerative jobs as shown in Fig. 3 and most of them including the housewives, farmers, food vendors and pito brewers are without formal education.

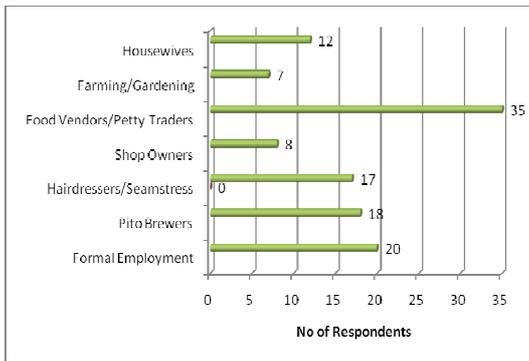


Fig. 3: Economic Activities of Respondents: N=117

Average monthly income was low with significant differences in income levels. The housewives were totally dependent on their husbands for financial support. Very few of the women earn high incomes of around GH¢350 or about US\$300 (US\$1=GHC1.16 (February 2008)) a month on average. They include some shop owners and middle level management staff in the formal sector. There is a clear correlation between education, the type of job and the ability to access or purchase land. The women who purchased land in their own right include shop owners, pito brewers and employees in middle level management positions.

Women's perception as to how to improve their access to Urban Land

Respondents were asked how their access to urban land can be improved. Multiple answers were allowed and Table 4 shows the most popularly held view given by almost all the women is financial empowerment of women. Finance is therefore the most critical factor to women's inability to access urban land for development and the women believe with financial empowerment many more women can access land. Many of them depend on inheritance

due to lack of finance. The women also believe quality formal education will improve their access to land rights.

Table 4: How to improve Women's Access to Urban Land

Type of Intervention	Response
Financial Empowerment (e.g. providing credit)	111
Reduction of Land Price	83
Formal Education of women	73
Land Tenure Reform to allow women inherit	58
Legislation on Women's rights and empowerment	19

The data also shows that the women agree that land tenure and cultural issues are only secondary roadblocks to urban land access.

Security of Landholdings

For proper investments in land, land rights must be enforceable or secured against seizure by force or by law. FAO (2002b) defines security of tenure as the "certainty that a person's rights to land will be recognized by others and protected in cases of specific challenges." One's rights to land are said to be secured if for example someone with a fifty year lease of land is sure to have quiet use and enjoyment and is safe from eviction during the tenure.

People with insecure land rights face the risk of losing such rights through eviction. They will be unable to take effective decisions on land development and sustainable livelihoods could be affected. An important source of land rights security is the community. So when neighbours recognize and enforce a person's rights, that person's security increases (FAO, 2002b).

The support of legal and customary institutions in the form of social recognition and registration of titles are therefore fundamental if women's land rights are to be protected. Coercive structures such as "land guards" used in Ghana cannot guarantee lasting security. Land rights security come from community recognition and land registration supported by cadastral systems and adjudication of disputes in both the informal customary and the formal court systems.

In terms of seeking documentation as a means of conferring greater security of land holdings, only five of the women have documented their lands in their own names. Six have documented as joint owners with their husbands and 22 are in the names of their husbands. Three are in the names of widows' male children and nine have no documentation on their lands.

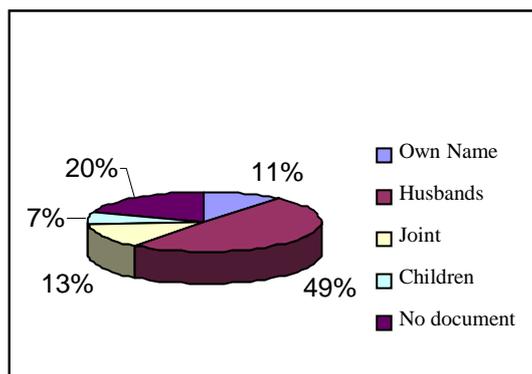


Fig. 4: Evidence and Manner of Documentation

The reasons cited for non-documentation included the cumbersome process and length of time it took one to document land, that the land either belonged to a husband or was given for the woman's life time only and that some lands were farmlands which are not registrable. When asked why most properties were not documented in their own names, some said the properties are bequeathed to them as widows. Others said that at times self-acquired properties are held in husbands' names or joint names out of respect. Some however conceded that to

do otherwise could threaten the marriage.

When further asked whether documentations solely in husbands' names will not lead to the loss of their land rights at pleasure, they responded in the negative. They contended that by the customary rules, self-acquired properties of a husband belong to him and his immediate family and community members respect these values. Upon his death intestate, the property passes on to his surviving wife and children to be held by the male children through whom the family tree is perpetuated. They contend that clan heads will normally enforce these social values but when they fail, the *Tindana* will ensure compliance against usurpers.

Going by the survey results then, women's access and land rights under the current tenurial and inheritance systems are more reasonably secured through social recognition than by documentation. This corroborates the findings of Benneh *et al.*, (1995) that access to family lands through the husband, or to vacant communal lands through the *Tindana* are "reasonably assured." It however contradicts findings that women generally do not have security in tenure (FAO, 1998, 2002b; Salifu, 2005; IIED, 1999) which are more applicable to rural land situations. Most of the educated women in the survey were also aware of the Intestate Succession Law, 1985, PNDCL 111 which provides for property distribution and the protection of surviving spouses in intestate succession.

Improving Women's Access to Urban Land: the Way Forward

Education and skills training

Education has been strongly linked to land access. It is therefore absolutely necessary that women's educational status be improved. A vigorous pursuit of the Free Compulsory Basic Education policy (FCUBE was designed by Government with time lines to ensure that all Ghanaian children receive basic education) to enable every girl-child have formal education and training to appreciable levels, will give

women a voice in decision-making and improve their access to good jobs. It is equally important to provide skills training opportunities to those who cannot pursue higher education.

Financial empowerment

Since increasing commercialization of land provides opportunities for women to overcome socio-cultural barriers in accessing land, it is important that women are empowered financially through access to District Assembly loans or bank credit to boost their micro businesses.

Improve land management through collaboration with local institutions

The easiest and popular mode of acquiring and owning landed property is still inheritance. This unfortunately disadvantages unmarried and divorced women. Reforms are clearly necessary, though hasty tenurial reforms or statutory legislation on the negative cultural barriers to benefit women may not be a reasonable option.

Tenure reform should be based on the following:

1. Strengthening the land rights of the poor, the landless, women and other marginalized groups through statutory provisions.
2. Building on and recognizing derived rights of women and emphasizing documentation on land transactions as a means of enhancing security.
3. Supporting and strengthening traditional systems and institutions (Customary Land Secretariats) in charge of implementing customary rules such as that of the 'Tindana' to make them accessible and to improve upon land management and land disputes resolution.

Joint Land Titling

Women's effective control over land can be enhanced through joint land titling. In interviews with gender activists, women assert that their bargaining power vis à vis their husbands and in-laws would be enhanced considerably

with joint land titling. If husbands self-acquired lands are registered in both husband and wife's names it will promote social justice, increase women's access to land and control over land-related decisions. It will also reduce controls over family land, make land alienation more difficult and increase tenure security for women and female headed households.

Gender inclusiveness in policy and decision-making

It is important to improve the opportunities for gender inclusiveness both at central and local government levels in decision-making roles especially concerning land related matters.

CONCLUSION

The study found that though women are generally constrained in easy access to land through inheritance due to customary rules of inheritance, the trend is emerging in the urban settlements where financial power is becoming the determining factor rather than custom. The study established positive relationships between financial strengths and access to urban land. Women with financial ability can engage in the land market without any form of discrimination. Women's level of education was also found to enhance their access to land as well as their marital status. Well educated women have better opportunities and those in stable marriages appear to have no problems accessing land and have 'de facto' tenure security. Male children hold land rights on behalf of their widowed mothers and all these rights are well anchored on the customary systems. What needs to be done is ensuring education for all, especially the girl-child, in order to improve upon women's income opportunities. Education and training will also enable women overcome the psychological barrier and socio-cultural constraints in accessing land. Customary institutions should also be strengthened and supported to improve upon their land management practices.

It is suggested that since this study is constrained by its exploratory nature, further state-

level studies be conducted, in selected increased number of districts applying the approach that has been tested here.

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