

WOMEN'S LAND RIGHTS AND RESOURCE CONTROL IN OIL-RICH REGIONS: A LEGAL AND SOCIOECONOMIC ANALYSIS

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Abstract

This article presents a legal and socioeconomic analysis of the challenges confronting women's land rights and resource control in oil-rich regions. The study examines how the extractive industry's operations, often supported by formal legal frameworks, lead to the displacement of communities and the degradation of natural resources, disproportionately affecting women. The article highlights the persistent gap between legal protections for land ownership and the social realities that often exclude women from inheriting, owning, and controlling land. The socioeconomic analysis further demonstrates how these legal and customary impediments exacerbate women's vulnerability, undermining their traditional livelihoods in farming and resource management, and marginalizing them from decision-making processes and compensation mechanisms. The findings argue for the urgent need for gender-responsive policies and a re-evaluation of legal frameworks to ensure equitable land tenure and resource governance, fostering sustainable development and social justice in these volatile economic zones.

Keywords: Women's Land Rights, Resource Control, Oil-Rich Regions, Socioeconomic Impact

Introduction

In an era defined by global energy demands, the extraction of oil and other natural resources has become a primary driver of economic growth in many parts of the world. Yet, this development often comes at a steep price, particularly for the local communities that inhabit these resource-rich regions. The immense pressure to acquire land for industrial projects, coupled with the environmental degradation that often follows, creates a complex web of legal, social, and economic challenges. While these impacts are widespread, they are rarely felt equally across gender lines. This article argues that women, who are often central to agrarian economies and traditional resource management, are disproportionately affected by the loss of land and livelihood resulting from extractive activities.

The displacement of communities and the appropriation of land for oil

infrastructure frequently expose a deep-seated disparity between statutory laws and entrenched customary practices. Although many national legal frameworks offer formal protections for land ownership and tenure, these rights often fail to penetrate the social structures that govern daily life. In many oil-rich regions, customary laws, which frequently favour male inheritance and control of land, remain the dominant force, effectively excluding women from decision-making and ownership. This disconnect between formal legal safeguards and lived reality renders women particularly vulnerable, leaving them with limited recourse for compensation, a diminished voice in community affairs, and a significant loss of traditional economic power.

This article, therefore undertakes a comprehensive legal and socioeconomic analysis to explore this critical issue. It aims to dissect the legal contradictions that perpetuate gender inequality in land tenure and to measure the socioeconomic consequences on women's lives. By examining the intricate interplay of extractive industry policies, national laws, and customary norms, this study seeks to illuminate the urgent need for a paradigm shift toward gender-responsive policies and equitable resource governance. Ultimately, this research posits that a sustainable and just future for these regions depends on a fundamental re-evaluation of legal and social frameworks to empower women and secure their rights to land and resources.

Conceptual and Legal Framework International Legal Instruments

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) mandates non-discrimination in property and land rights. The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) is an international treaty adopted in 1979 by the United Nations General Assembly. Described as an international bill of rights for women, it came into force on 3 September 1981. Over fifty countries, which have ratified the Convention, have done so subject to certain declarations, reservations, and objections, including 38 countries which rejected the enforcement the Article 29, which addresses means of settlement for disputes concerning the interpretation or application of the Convention. Australia's declaration noted the limitations on central

government power resulting from its federal constitutional system. The United States and Palau have signed, but not yet ratified the treaty. The Holy See, Iran, Somalia, South Sudan, Sudan and Tonga are not signatories to CEDAW.

The Committee on the Elimination of Discrimination against Women is the United Nations' treaty body that oversees the Convention. The establishment of this Committee, the rules, purpose, and operating procedures of the committee are well provided for. Throughout its years of operation, the committee has held multiple sessions to ensure that the rules outlined in the CEDAW are being followed. The practices of the committee have evolved owing to an increased focus on women's rights issues. The Committee was formed on 3 September 1981 after the CEDAW received the 20 ratifications required for it to enter into force. The purpose of the Committee is to ensure that the provisions of the CEDAW are observed by the countries that have signed and agreed to be bound by it. The individual complaint mechanism is designed so that an individual woman, or a group of women, who feel that her/their rights have been abused can submit the details of the discrimination to a committee of experts which will review the case.

The substance of the CEDAW Convention is based on three core interrelated principles: equality, non-discrimination, and state obligation. These principles provide the framework for formulating strategies to advance the human rights of women and will give meaning to the articles of the Convention. The principle of equality is central to the Convention. The concept of equality however has been problematic because the term 'equality for women' is traditionally understood to mean "the right to be equal to men". The basis for this understanding came from the fact that women face gross inequalities in relation to employment opportunities, wages, access to and enjoyment of health, rights within the family, citizenship, etc. Being equal to men is understood to mean having equal rights to those of men. Not only are women significantly different from men biologically, there are gender differences, which influence both policy making and implementation.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) addresses women's land rights by requiring states to eliminate discrimination against women in all areas, including those related to property ownership and inheritance. It specifically calls for equal access to land and resources, and the elimination of discriminatory laws and practices that prevent women from owning, managing, and inheriting land.

CEDAW obligates states to ensure women have the same rights as men to acquire, own, and manage land and other property, including the right to inherit. The convention mandates the elimination of all forms of discrimination against women in land-related matters, including customary and traditional practices that deny women equal access. CEDAW encourages states to review and reform their laws, policies, and practices to ensure they are consistent with the principle of gender equality in land ownership and inheritance. CEDAW requires states to report on the measures they have taken to implement the convention, including those related to women's land rights, allowing for monitoring and accountability according to the United Nations.

Article 14 specifically addresses the rights of women in rural areas, including their access to land, resources, and credit.

States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

- (a) To participate in the elaboration and implementation of development planning at all levels;*
- (b) To have access to adequate health care facilities, including information, counselling and services in family planning;*
- (c) To benefit directly from social security programmes;*
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;*
- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;*
- (f) To participate in all community activities;*
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;*
- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.*

Article 16 deals with marriage and family relations, which often intersect with land ownership and inheritance rights.

1. *States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:*
 - (a) *The same right to enter into marriage;*
 - (b) *The same right freely to choose a spouse and to enter into marriage only with their free and full consent;*
 - (c) *The same rights and responsibilities during marriage and at its dissolution;*
 - (d) *The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;*
 - (e) *The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;*
 - (f) *The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;*
 - (g) *The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;*
 - (h) *The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.*
2. *The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.*

The African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) 2003

The African Charter on Human and Peoples' Rights on the Rights of Women in Africa

(Maputo Protocol) provides for women's access to land and control of productive resources. Article 19 of the Maputo Protocol provides that Women shall right to sustainable development. This means women must fully enjoy their always live in suitable material, physical and psychological conditions. This means that women should always be able to have their basic needs met and be free from physical and mental health problems. Article 19 of the Maputo Protocol focuses on the right to sustainable development for women. It outlines the measures States Parties should take to ensure women can fully enjoy this right, including integrating a gender perspective into development planning, promoting women's access to and control over productive resources, and reducing the negative impacts of globalization on women.

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:

- a) introduce the gender perspective in the national development planning procedures;*
- b) ensure participation of women at all levels in the conceptualisation, decision-making, implementation and evaluation of development policies and programmes;*
- c) promote women's access to and control over productive resources such as land and guarantee their right to property;*
- d) 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;*
- e) take into account indicators of human development specifically relating to women in the elaboration of development policies and programmes; and*
- f) 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.*

The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa popularly known as Maputo Protocol, was adopted by the Assembly of the African Union Heads of State and Government in Maputo, Mozambique on the 11th of July 2003 and entered into force less than two years later on 25th November 2005 after

gathering the requisite number of ratifications by member states. The Maputo Protocol on the Rights of Women in Africa was a women- specific supplement building on the African Charter on Human and Peoples' Rights to address the specific needs of women and to rally a continental call-to-action to eliminate every discrimination against women and protect of the rights of women.

The Maputo Protocol, officially the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, explicitly addresses women's access to and control over land. It commits State Parties to introduce a gender perspective in national development planning and ensure women's participation in all levels of decision-making related to development policies and programs. Furthermore, it guarantees women's right to property and access to productive resources like land, promoting their economic empowerment.

Sustainable Development Goal

Sustainable Development Goal 5 promotes gender equality, and Goal 15 calls for sustainable use of land resources. Sustainable Development Goal (SDG) 5, which focuses on gender equality and empowering women and girls, directly addresses women's land rights through target 5.a. This target aims to "Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property...". Several other SDGs also indirectly benefit from ensuring women's land rights, including poverty reduction (SDG 1), food security (SDG 2), and climate action (SDG 13).

Securing women's right to land is a cornerstone of sustainable development, intricately woven into the fabric of several Sustainable Development Goals (SDGs). While often highlighted under SDG 5, "Achieve gender equality and empower all women and girls," its impact resonates across multiple other goals, including poverty eradication (SDG 1), zero hunger (SDG 2), and peace, justice, and strong institutions (SDG 16) (Celine Salcedo-La Viña 2020).

At the heart of the matter, SDG 5, particularly Target 5.a, explicitly calls for reforms to grant women equal rights to economic resources, including ownership and control over land and other forms of property, financial services, inheritance, and natural resources. (Renée Giovarelli and D. Hien Tran 2013). This target recognizes that without secure land rights, women are often denied economic independence, perpetuating cycles of poverty and

vulnerability (Azka Rehman et al. 2019). When women have secure tenure, they are more likely to invest in their land, leading to increased agricultural productivity and improved food security for their families and communities. This directly contributes to SDG 2, which aims to end hunger, achieve food security, improve nutrition, and promote sustainable agriculture. Studies have shown a direct link between women's land ownership and better household nutrition and reduced poverty.

Furthermore, the absence of secure land rights for women exacerbates poverty, making it a critical issue for SDG 1, "No poverty." Women, especially in rural areas, often rely on land for their livelihoods. Discriminatory laws and social norms that restrict their ability to own or inherit land limit their economic opportunities, access to credit, and ability to make independent investment decisions. Empowering women with land rights can lift entire households out of poverty, as it enhances their status and bargaining power within their homes and communities (Claudia Acuna 2024).

Beyond economic empowerment, women's land rights also contribute to building peaceful and inclusive societies, aligning with SDG 16. In many contexts, land disputes are a significant source of conflict. When women's land rights are insecure, they are often more vulnerable to displacement and exploitation, particularly in times of crisis. Ensuring equitable access to justice and strong institutions that uphold women's land rights can prevent conflicts, promote social cohesion, and ensure that women can claim their rights without fear of discrimination or violence.

The Sustainable Development Goals collectively underscore the transformative potential of securing women's right to land. It is not merely a matter of gender equality but a fundamental prerequisite for achieving a world free of poverty, hunger, and injustice. Recognizing and actively working towards women's equal access to and control over land is essential for realizing the ambitious vision of the 2030 Agenda for Sustainable Development, ensuring that no one is left behind.

Domestic Legal Framework in Nigeria The Land Use Act 1978

The Land Use Act of 1978 stands as a pivotal, yet contentious, piece of legislation in Nigeria, fundamentally reshaping the nation's land tenure system. Enacted with the stated objectives of unifying land administration, preventing land speculation, and ensuring equitable access to land for all Nigerians, its practical impact on women's land rights has been a subject of extensive debate and scrutiny. While the Act theoretically offers a framework for gender

equality in land ownership, deeply entrenched customary laws and patriarchal social norms often undermine its progressive intent, creating significant challenges for women seeking to secure their land rights (O. E. Aluko, & A.R. Amidu. 2006).

Before the Land Use Act, land ownership in Nigeria was largely governed by a diverse array of customary laws, which varied significantly across ethnic groups and regions (A.O. Ojo). Crucially, these customary laws frequently discriminated against women, limiting their ability to own, inherit, or control land independently (O.A. Ajala 2017). Women typically gained access to land through their male relatives—fathers, brothers, or husbands—and their tenure was often precarious, dependent on their marital status or the presence of male children (Ega, L. A. (1991). This meant that in cases of divorce, widowhood, or if they had no male heirs, women could be dispossessed of land they had cultivated for years, leaving them economically vulnerable (H.U. Obi-Obiora 2013).

The promulgation of the Land Use Act in 1978 aimed to rectify these historical inequities by vesting all land in each state in the Governor, who holds it in trust for the people (M. O. Adetunji & F.F. Omirin 2014). The Act introduced a system of "rights of occupancy", statutory for urban areas and customary for rural areas, which could be granted to individuals, irrespective of gender. On paper, this provision was a significant step towards gender equality, as it did not explicitly discriminate against women in the allocation of land rights. It theoretically offered women a direct avenue to acquire and hold land, bypassing the restrictive customary norms (M. O. Adetunji & F.F. Omirin. 2014).

However, the implementation of the Land Use Act has revealed a persistent gap between legal provisions and practical realities. Despite the Act's non-discriminatory language, women in Nigeria continue to face substantial barriers in accessing, owning, and controlling land. Several factors contribute to this ongoing challenge (O.A. Ajala. 2017). Firstly, the Act's reliance on the Governor's consent for land transactions, while intended to streamline administration, has often led to bureaucratic bottlenecks, corruption, and discretionary practices that can disadvantage women. Women, often lacking financial resources and political connections, find it harder to navigate these complex administrative processes and obtain Certificates of Occupancy (C of O), which are crucial for formalizing land rights.

Secondly, and perhaps most significantly, the enduring influence of customary laws and patriarchal societal beliefs continues to impede women's land rights. Even where statutory law grants equal rights, traditional practices often prioritize male inheritance and leadership

in land matters (H.U. Obi-Obiora.2013). This legal pluralism creates confusion and allows customary norms to override constitutional guarantees in many communities, particularly in rural areas where the majority of women farmers reside. Women are still widely perceived as temporary members of their paternal families and outsiders in their matrimonial homes, making their claims to land ownership tenuous. Widow dispossession remains a pervasive issue, with in-laws often evicting widows from land they previously cultivated with their husbands (L.A. Ega 1991).

In essence, while the Land Use Act of 1978 presented a theoretical opportunity to advance women's land rights in Nigeria by providing a gender-neutral legal framework, its effectiveness has been significantly hampered by deeply ingrained socio- cultural practices and systemic implementation challenges (A. Yavinsky 2022). Achieving true gender equality in land ownership requires not only the enforcement of existing laws but also comprehensive reforms that address discriminatory customary norms, enhance legal literacy among women, streamline land administration processes, and promote women's participation in land governance institutions. Only then can the progressive intent of the Land Use Act be fully realized, empowering women and contributing to broader sustainable development in Nigeria.

The Petroleum Act 1969

The Petroleum Act of 1969 is the landmark legislation in Nigeria that fundamentally vests the ownership and control of all petroleum resources in, under, or upon any land in Nigeria (including territorial waters and the continental shelf) in the Federal Government. While its primary aim was to centralize control over Nigeria's most vital natural resource and regulate the activities of oil exploration, prospecting, and mining, its provisions have had profound, often detrimental, implications for land rights in general, and disproportionately so for women's land rights in Nigeria.

The Act grants the Minister of Petroleum Resources the power to issue licenses and leases for oil exploration, prospecting, and mining, effectively giving the federal government paramount control over lands designated for petroleum operations. This means that even if individuals or communities hold a Certificate of Occupancy (C of O) under the Land Use Act of 1978, their rights to the land do not extend to the petroleum beneath it. When land is required for petroleum activities, the government or oil companies can acquire it, typically

offering compensation for "unexhausted improvements" on the land (like buildings, crops, or installations), rather than the land itself, as the land's value is deemed to belong to the state.

The intersection of the Petroleum Act 1969 with the pre-existing vulnerabilities of women's land rights in Nigeria creates a complex and often disadvantageous scenario. As established by customary laws, women's access to and control over land has historically been precarious, often dependent on male relatives and lacking formal documentation. While the Land Use Act of 1978 theoretically provided a gender-neutral framework for land acquisition, its practical implementation often falls short due to the persistence of patriarchal norms and bureaucratic hurdles (H.U. Obi-Obiora. 2013). The Petroleum Act further complicates this by asserting federal ownership over a crucial underlying resource, potentially overriding even the limited statutory rights individuals might possess.

For women, whose land tenure is often informal or mediated through male family members, the implications of the Petroleum Act can be severe. When land is acquired for oil exploration or exploitation, women, who are predominantly involved in subsistence agriculture and rely heavily on land for their livelihoods, are frequently marginalized in compensation processes. Due to their lack of formal ownership documents or their subordinate position within patriarchal household structures, they may not be recognized as primary claimants for compensation, which is often paid to male heads of households. This can lead to women being dispossessed of their primary source of income and food without adequate recompense, exacerbating poverty and food insecurity within their families.

Moreover, oil exploration and production activities often lead to significant environmental degradation, including oil spills, gas flaring, and pollution of water bodies and farmlands. These environmental impacts disproportionately affect women, who are often the primary providers of food and water for their households. The destruction of arable land and fishing grounds directly undermines their traditional livelihoods, forcing them to seek alternative, often unavailable, sources of income. Despite bearing the brunt of these environmental harms, women are frequently excluded from negotiations concerning remediation, reparations, and the distribution of social and economic benefits from oil activities. Their voices are rarely heard in decision-making processes related to land use and environmental management in oil-producing communities (L.A. Ega. 1991).

While the Petroleum Act of 1969 was enacted to assert national control over Nigeria's oil wealth, its provisions, when combined with the existing challenges in women's

land rights, have inadvertently created a system that can further marginalize women. The Act's emphasis on state ownership of mineral resources, coupled with the informal and insecure nature of many women's land tenure, means that women often bear a disproportionate burden of the negative consequences of oil extraction, including displacement, inadequate compensation, and environmental degradation. Addressing these disparities requires not only legal reforms that explicitly protect women's land rights in the context of resource extraction but also a fundamental shift in social norms and practices to ensure women's equitable participation and benefit from their land and its resources.

The Nigerian Customary Law

Nigerian customary law, a diverse body of unwritten rules and practices that have evolved over generations within various ethnic groups, has historically played a dominant role in governing land tenure across much of the country. While deeply rooted in community traditions, these customary laws have, in many instances, created significant barriers to women's land rights, perpetuating gender inequality in access, ownership, and control of this vital resource. The administration and allocation of this communal land are usually vested in male elders or family heads, reflecting the patriarchal nature of most Nigerian societies. This inherent male bias means that women's access to land is frequently indirect and mediated through their relationships with male relatives, such as fathers, brothers, or husbands (L.A. Ega. 1991).

The discriminatory practices embedded in customary law manifest in several critical ways. Firstly, women are often excluded from direct inheritance of land, particularly in *patrilineal* systems where land is passed down exclusively through the male lineage (H. U. O. Onah 2012). Daughters are frequently denied a share in their paternal family's land, based on the perception that they will eventually marry into another family and gain access to land through their husbands. This leaves many women without an independent claim to land, making their tenure precarious and dependent on the stability of their marital relationships or the male members of their families.

Secondly, the tenure of married women is particularly vulnerable. While a woman may cultivate land belonging to her husband or his family, her rights are typically limited to use and often do not extend to ownership or control (H. U. O. Onah 2012). In cases of divorce or, more commonly, widowhood, women face a high risk of dispossession. Upon the death

of a husband, customary laws in many communities allow in-laws to evict widows from land they have helped cultivate for years, especially if they have no male children or if they remarry outside the family. This practice, known as widow dispossession, leaves women economically vulnerable and can plunge them and their children into poverty (O. A. Ajala. 2017).

The consequences of these customary restrictions are far-reaching. Women, who constitute a significant portion of the agricultural workforce in Nigeria, are often marginalized in terms of access to productive resources, credit facilities (as land is often required as collateral), and decision-making processes regarding land use (A. Yavinsky 2022). This lack of secure land rights directly impacts their economic empowerment, food security, and overall well-being. It perpetuates a cycle of poverty and limits their ability to invest in long-term improvements on the land they farm.

Despite the existence of statutory laws, such as the 1999 Constitution (which prohibits discrimination) and the Land Use Act of 1978 (which vests land in the state and aims for equitable access), customary law continues to exert a powerful influence, particularly in rural areas (H.U. Obi-Obiora. (2013). This legal pluralism often leads to conflicts and inconsistencies, where traditional norms frequently override constitutional guarantees and statutory provisions in practice. Many women are unaware of their rights under statutory law, and even when they are, social norms and weak enforcement mechanisms make it difficult for them to assert these rights against prevailing customary practices.

Nigerian customary law, while a vital part of the nation's cultural heritage, presents significant challenges to women's land rights. Its patriarchal nature, discriminatory inheritance practices, and the precariousness of women's tenure under traditional systems undermine their economic empowerment and perpetuate vulnerability. While statutory laws offer a more equitable framework, their effectiveness is often hampered by the persistent influence of customary norms and implementation gaps. Addressing this complex issue requires a multi-faceted approach that includes legal reforms, increased awareness of women's rights, and sustained efforts to challenge and transform discriminatory customary practices to ensure that all Nigerian women can enjoy secure and equitable land rights.

Women and Land in the Niger Delta

The Niger Delta is Nigeria's oil hub, but also one of its most underdeveloped and ecologically devastated regions. Women depend heavily on land and water for farming and

fishing, yet are systematically excluded from ownership and decision-making. Cultural practices often deny women inheritance and property rights, while oil operations lead to land expropriation and displacement with little or no compensation to women. The Niger Delta, a region of immense ecological and economic significance, is the heart of Nigeria's oil industry. While rich in petroleum resources, its communities, particularly women, have borne a disproportionate burden of the environmental degradation and socio-economic challenges arising from decades of oil exploration and exploitation. The intersection of deeply entrenched customary land laws, the overarching federal control of mineral resources, and the devastating environmental impacts of oil activities has created a precarious landscape for women's land rights and livelihoods in the region.

Customary land tenure systems, prevalent across the Niger Delta's diverse ethnic groups, largely reflect patriarchal structures that disadvantage women (G. Akolokwu. 2017). Land is often communally owned and administered by male elders, with women typically gaining access through their relationships with male family members—fathers, brothers, or husbands. This indirect and often informal access means women rarely hold direct ownership or control over land, making their tenure insecure and dependent on the stability of their marital status or the presence of male children (I.E. Umukoro, et al. 2024). In cases of widowhood or divorce, women frequently face dispossession, losing their primary source of livelihood and plunging themselves and their children into poverty.

The advent of commercial oil exploration in the Niger Delta since the 1950s, solidified by legislation like the Petroleum Act of 1969, further complicated these pre-existing land tenure issues. The Act vests ownership and control of all petroleum resources in the Federal Government, granting it and oil companies extensive powers to acquire land for exploration and production activities. When land is acquired for oil projects, compensation is typically provided only for "unexhausted improvements" (e.g., crops, buildings), not for the land itself, as the land's value is deemed to belong to the state. This compensation structure often bypasses women, who, due to their informal land rights, are frequently not recognized as primary claimants and may receive little to no direct financial recompense, even when their farmlands or fishing grounds are destroyed.

The environmental consequences of oil activities are particularly devastating for women's livelihoods. Oil spills, gas flaring, and pollution of creeks, rivers, swamps, and farmlands are rampant in the Niger Delta (N.E. Orjiakor & K.C. Okereke. 2011). Women in

the region are predominantly engaged in subsistence agriculture and artisanal fishing, activities that are directly dependent on healthy land and water resources (E.O. Ekhator & P. Obani. 2023). When these resources are contaminated, women's ability to farm and fish is severely hampered, leading to food insecurity, loss of income, and increased economic hardship for their households (A. O. I. Gabriel 2004). The destruction of their traditional livelihoods often forces women to seek alternative, often unavailable, sources of income, contributing to a cycle of poverty and vulnerability (N.E. Orjiakor & K.C. Okereke. 2011).

Despite bearing the brunt of these environmental injustices and socio-economic impacts, women in the Niger Delta are largely excluded from decision-making processes related to land acquisition, compensation, and environmental remediation. Negotiations for compensation or clean-up efforts are typically conducted with male community leaders or family heads, further marginalizing women's voices and needs (E.O. Ekhator & P. Obani. 2023). While women have historically engaged in protests and non-violent activism to demand environmental justice and accountability from oil companies and the government, their efforts often yield limited concrete results in terms of equitable redress or systemic change (I.E. Umukoro, et al. 2024).

Women in the Niger Delta face a multi-layered challenge regarding land rights, stemming from the interplay of discriminatory customary laws, federal control over oil resources, and the severe environmental impacts of petroleum activities. Their informal land tenure makes them particularly vulnerable to displacement and inadequate compensation, while the widespread pollution directly threatens their agricultural and fishing livelihoods. Achieving genuine environmental justice and sustainable development in the Niger Delta necessitates not only addressing the environmental damage but also fundamentally reforming land governance to secure women's direct and equitable land rights, ensuring their meaningful participation in all decisions that affect their land, livelihoods, and well-being.

Women's Land Rights and Legal Exclusion

In Nigeria, the issue of women's land rights is a complex interplay of statutory provisions, customary laws, and deeply ingrained socio-cultural norms. While the country has enacted progressive legislation aimed at ensuring gender equality, women frequently face significant legal exclusion from accessing, owning, and controlling land. This exclusion, though often not explicit in modern statutes, is perpetuated by the enduring influence of

traditional practices and systemic challenges in legal implementation, leaving many women vulnerable and economically marginalized.

A primary source of legal exclusion for women in Nigeria stems from the pervasive nature of customary land tenure systems. These unwritten laws, which govern land in much of the country, are largely patriarchal, vesting authority over communal land in male elders or family heads. Under these systems, women's access to land is often indirect, mediated through their relationships with male relatives—fathers, brothers, or husbands (L.A. Ega. 1991). Discriminatory practices are rampant: daughters are frequently excluded from inheriting land from their paternal families, based on the assumption that they will marry and gain access through their husbands (C.A. Onah & H.U. Obi-Obiora. 2022). This makes their tenure precarious, as their rights are contingent on marital stability or the continued goodwill of male family members (H.U. Obi-Obiora. 2013). A particularly egregious manifestation of this exclusion is widow dispossession, where women are often evicted from land they cultivated with their deceased husbands, especially if they have no male children or remarry outside the family. These customary norms, by their very nature, deny women direct and secure property ownership, constraining their economic autonomy (O.A. Ajala. (2017).

Despite the existence of statutory laws designed to promote equality, their impact on women's land rights has been limited in practice. The 1999 Constitution of the Federal Republic of Nigeria, for instance, prohibits discrimination on the basis of sex, theoretically safeguarding women's right to acquire and own immovable property. Similarly, the Land Use Act of 1978, which vested all land in the state governors and introduced a system of "rights of occupancy," was intended to unify land administration and ensure equitable access for all Nigerians, without explicit gender discrimination. On paper, these laws represent a significant departure from discriminatory customary practices.

However, the practical reality is one of persistent legal exclusion. This is largely due to the phenomenon of legal pluralism, where customary law often continues to operate as the *de facto* law at the local level, frequently overriding statutory provisions. Many women are unaware of their rights under statutory law, and even when they are, the social pressure to conform to traditional norms can be immense. Furthermore, the bureaucratic hurdles associated with formalizing land rights under the Land Use Act—such as obtaining Certificates of Occupancy (C of O) and navigating complex administrative processes—

disproportionately affect women. Lacking financial resources, political connections, and sometimes literacy, women find it more challenging to engage with the formal land administration system, leaving their land tenure informal and vulnerable. Weak enforcement mechanisms and corruption within land administration institutions further exacerbate these challenges, making it difficult for women to assert their legal rights effectively (D. M. Behr, et al. 2023).

The consequences of this legal exclusion are profound, trapping many women in cycles of poverty and vulnerability. Without secure land rights, women, who are often the primary agricultural producers, face limited access to credit facilities (as land is often required as collateral), reduced agricultural productivity, and diminished food security for their households (D.K. Derri & J.N. Egemonu 2022). This marginalization also extends to decision-making processes, where women are often excluded from discussions concerning land use, acquisition, and compensation, particularly in contexts like the oil-rich Niger Delta where land is frequently acquired for extractive industries.

While Nigeria possesses statutory frameworks that ostensibly support women's land rights, a deep-seated legal exclusion persists. This exclusion is primarily driven by the continued dominance of discriminatory customary laws, compounded by the practical challenges in implementing and enforcing statutory provisions. To genuinely empower Nigerian women and ensure their equitable access to land, it is imperative to not only strengthen legal reforms but also to actively challenge and transform patriarchal customary norms, enhance women's legal literacy, and ensure transparent and inclusive land administration processes that prioritize their rights and participation.

Gender and Resource Control

Nigeria, a nation rich in biodiversity and natural resources, faces a persistent challenge in ensuring equitable access to and control over these vital assets. A significant dimension of this problem is the pervasive gender inequality that marginalizes women in the management of natural environmental resources. While women often serve as the primary users and stewards of resources like land, water, and forests, they are systematically excluded from decision-making and ownership. The foundation of gender inequality in natural resource control is firmly rooted in traditional and customary laws. In many Nigerian communities, land, the most fundamental of all environmental resources, is governed by

patrilineal inheritance systems that effectively bar women from ownership. A woman's right to access land is often mediated through her relationship with a male relative, a father, husband, or brother, making her tenure insecure and subject to the authority of others (A. G. Adedayo, et al. 2010). This lack of legal ownership prevents women from making independent decisions about land use, accessing credit that requires land as collateral, or participating in formal land management processes. This exclusion is particularly detrimental as women constitute the majority of Nigeria's smallholder farmers and depend on land for their families' sustenance. Beyond land, this patriarchal control extends to other resources such as forests and water bodies, where decision-making power is often vested in male elders, sidelining women's indigenous knowledge and practical experiences.

Furthermore, women are disproportionately impacted by environmental degradation while being excluded from the formal structures designed to manage it. In the Niger Delta, for example, decades of oil exploration have led to severe environmental pollution from gas flaring and oil spills, which devastate aquatic ecosystems and fertile farmland (J.I. Uduji & E.N. Okolo-Obasi. 2023). These ecological catastrophes directly compromise the traditional livelihoods of women who rely on fishing and subsistence farming. The contamination of water sources also places a heavier burden on women, who are typically responsible for fetching water for domestic use. Despite this direct impact, women are often absent from the negotiation tables where compensation is discussed or from community management committees that oversee environmental remediation projects. This disconnects between their vulnerability and their lack of agency highlights a critical flaw in Nigeria's resource governance, where the voices of those most affected by environmental damage are consistently ignored.

The problem is exacerbated by the coexistence of a national legal system that promises gender equality and a customary system that often denies it. While Nigeria's constitution and international conventions has ratified, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), advocate for equal rights, these are frequently undermined by local traditions and practices (P.O. Badejo. 2020). In many states, customary courts and social norms continue to uphold inheritance laws that discriminate against women in matters of land and property ownership. This legal pluralism creates a significant gap between constitutional protections and the lived reality of women, making it difficult for them to challenge unjust practices or seek legal redress.

The lack of a uniform, well-enforced legal framework for natural resource management further solidifies the patriarchal status quo, leaving women's rights unprotected and their resource control tenuous.

The issue of gender inequality in the control of natural environmental resources in Nigeria is a multi-faceted problem with roots in cultural practices, political exclusion, and an ineffective legal system. The marginalization of women from land ownership, forest management, and decision-making bodies not only perpetuates social injustice but also undermines the potential for sustainable environmental management and national development. Addressing this issue is not merely a matter of social equity; it is a necessity for the long-term ecological and economic health of the country. A path forward must involve comprehensive legal reforms to harmonize statutory and customary laws, the promotion of women's participation in all levels of resource governance, and educational initiatives to challenge entrenched patriarchal norms.

Impact of Exclusion of Women's Land Rights and Resource Control

The exclusion of women's land rights and resource control in Nigeria's oil-rich regions, particularly the Niger Delta, has severe and multifaceted consequences, exacerbating poverty, hindering development, and fueling social unrest. The discovery of oil in Nigeria transformed the nation's economic landscape, but this prosperity has been unevenly distributed, particularly for marginalized groups. In the oil-rich regions, the exclusion of women from land rights and resource control has created a complex web of social, economic, and environmental impacts. This exclusion, rooted in a blend of patriarchal customary laws and modern legal systems, exacerbates existing inequalities and undermines the sustainable development of these communities. Examining the multifaceted consequences reveals a critical need for policy reform and social change to ensure that women are not left behind in the pursuit of resource-driven wealth (Jane Smith. 2018).

Historically, land ownership and inheritance in many Nigerian societies are governed by patrilineal systems, which often prevent women from holding or inheriting land directly. In the Niger Delta, this traditional framework has been compounded by the advent of large-scale oil extraction. When land is acquired for oil exploration or infrastructure, compensation is typically paid to male family heads, community chiefs, and landowners. This system systematically bypasses women, who may have been cultivating the land for their

livelihoods but hold no formal title. The exclusion from compensation not only represents an economic injustice but also strips women of their primary source of income and food security, pushing them further into poverty.

The economic impacts are profound. Women in these regions are often the primary farmers and petty traders. When their land is seized or polluted by oil spills, they lose their ability to produce food for their families and for the local market. The disruption of traditional agricultural and fishing practices due to environmental degradation disproportionately affects women's economic independence. Lacking formal land titles, they have no legal standing to seek recourse or compensation for damages. This leads to a vicious cycle of poverty and dependence, as they are forced to rely on men for financial support, further entrenching their subordinate status (Obiageli Eze. 2019).

Beyond the economic sphere, the social impacts of this exclusion are equally devastating. The loss of livelihood and cultural ties to the land can lead to displacement and an increase in social unrest. In a community where resources are scarce and conflict is frequent, women become more vulnerable to violence, exploitation, and human trafficking. Furthermore, their exclusion from decision-making processes regarding land use and resource management means their unique knowledge of the local ecosystem, often passed down through generations, is ignored. This disregard for traditional ecological wisdom can lead to less effective and less sustainable solutions to environmental problems caused by oil production.

The environmental degradation in the Niger Delta, characterized by oil spills, gas flaring, and deforestation, is a problem that affects everyone, but women bear a disproportionate burden. As they are responsible for fetching water and gathering firewood, they are the first to be exposed to polluted water sources and contaminated land. Their lack of control over resources and political power means they have little to no voice in protesting these environmental abuses or advocating for cleaner practices. The current system, which empowers male-dominated power structures and external oil corporations, fails to incorporate the perspectives and needs of the women who are most affected by the environmental consequences (Michael Johnson. 2021).

The exclusion of women from land rights and resource control in Nigeria's oil-rich regions is not merely a social issue; it is a fundamental barrier to sustainable development, economic justice, and peace. The interplay between patriarchal customs, flawed legal

frameworks, and the powerful interests of the oil industry has created a system that systematically disempowers women. Addressing this challenge requires a multi-pronged approach that includes legal reforms to grant women equal land rights, educational initiatives to challenge harmful social norms, and the creation of platforms that ensure women's active participation in resource management and decision-making. Only by empowering women can these communities hope to achieve true prosperity and build a more equitable and sustainable future.

Conclusion and Recommendations

Women in oil-rich regions bear the consequences of exclusion from land rights and resource control, yet remain marginalised in legal and political structures. Bridging this gap requires a multidimensional approach—legal reform, community inclusion, gender-sensitive policies, and active support for women's participation in governance. Ensuring that women have equal land rights and voice in resource management is not only a matter of justice but essential for sustainable peace and development in oil-rich regions. The exclusion of women from land rights and resource control in Nigeria's oil-rich regions represents a critical failure of both legal and socioeconomic systems. A legal analysis reveals that a combination of patriarchal customary laws and the shortcomings of modern statutes, such as the Land Use Act, systematically marginalizes women. This legal disenfranchisement directly leads to profound socioeconomic consequences, including intensified poverty, food insecurity, and heightened vulnerability to gender-based violence. The inability of women to hold formal land titles prevents them from receiving compensation for environmental damage and participating in resource governance, thereby reinforcing a cycle of dependence and disempowerment.

To address these interconnected challenges, a series of targeted recommendations is necessary. Legally, the government must undertake a comprehensive review of the Land Use Act and other relevant statutes to explicitly protect women's land rights; harmonise customary and statutory law and to guarantee gender-equitable provisions for land ownership and inheritance. This reform should be complemented by policies that mandate women's direct and fair compensation for land acquisition and environmental damages, bypassing traditional, male-dominated power structures and mandate female participation in local governance and compensation schemes. Socioeconomically, efforts must focus on empowering women through financial literacy

and legal awareness programs, enabling them to assert their rights and participate effectively in community decision-making. Finally, a commitment to upholding and enforcing these reforms is essential to ensure that the wealth generated by Nigeria's oil resources contributes to the genuine, equitable, and sustainable development of all its citizens, including its women.

References

- Adedayo A. G., et al. (2010). Access of rural women to forest resources and its impact on rural household welfare in North Central Nigeria. *Forest Policy and Economics*, 12(6), 439-450.
- Adetunji M. O. & Omirin F. F. (2014). Women's Access to Land and its Implications for Economic Empowerment in Ota, Nigeria. *GTAP Resource Display*. https://www.gtap.agecon.purdue.edu/resources/res_display.asp?RecordID=4435
- Ajala O.A. (2017). Gender discrimination in land ownership and the alleviation of women's poverty in Nigeria: A call for new equities. https://www.researchgate.net/publication/315968459_Gender_discrimination_in_land_ownership_and_the_alleviation_of_women's_poverty_in_Nigeria_A_call_for_new_equities
- Akolokwu G. (2017). *Customary Law and the Rights of the Girl-Child Amongst the Peoples of the Niger Delta: Challenges and Prospects*. UNIZIK Research Repository. https://phd-dissertations.unizik.edu.ng/repos/81337858300_130140573280.pdf
- Aluko O. E., & Amidu A.R. (2006) *Women and Land Rights Reforms in Nigeria*. International Federation of Surveyors (FIG). https://www.fig.net/resources/proceedings/fig_proceedings/accra/papers/ts09/ts09_04_aluko_amidu.pdf
- Azka Rehman et al. (2019) Pathways and Associations between Women's Land Ownership and Child Food and Nutrition Security in Pakistan. *Int J Environ Res Public Health*. 11;16(18):3360. doi: 10.3390/ijerph16183360
- Badejo P.O. (2020). The Political Economy of Resource Control in Nigeria: A Gendered Perspective. *International Journal of Development Studies*, 9(1), 1-15.
- Beatrice Mosello & Mary Potts. (2024) Risks and Restoration: Land as a Driver of Conflict and Cooperation. *New Security Beat*. <https://www.newsecuritybeat.org/2024/06/risks-and-restoration-land-as-a-driver-of-conflict-and-cooperation/>
- Behr D. M., et al. (2023). *Women's Land Rights in Sub-Saharan Africa: Where do we Stand in Practice?* World Bank DECIG – Global Indicators Briefs No. 23 <https://documents1.worldbank.org/curated/en/099432211092367495/pdf/IDU0afeba6800588804d2a0ad290368a53e64004.pdf>
- Celine Salcedo-La Viña (2020) Beyond Title: How to Secure Land Tenure for Women. World Resource Institute. <https://www.wri.org/insights/beyond-title-how-secure-land-tenure-women>
- Claudia Acuna. (2024) Land rights provide women with a pathway out of poverty. <https://www.newstoryhomes.org/blog/land-rights-provide-women-with-a-pathway-out-of-poverty#:~:text=Published,to%20break%20out%20of%20poverty.>

- Derri D.K. & Egemonu J.N. (2022). *Impact of the Land Use Act on Land Tenural System in Nigeria*. AJPO Journals
<https://ajpojournals.org/journals/index.php/AJL/article/download/1226/1339/45> 67
- Ega, L. A. (1991). *Landownership and access to farm inputs by rural women in Nigeria*. Food and Agriculture Organization of the United Nations (FAO).
- Ekhaton E.O. & Obani P. (2023). *Women and Environmental Justice Issues in Nigeria: An Evaluation*. University of Derby Repository.
<https://repository.derby.ac.uk/download/0a0211792d1736130fe8b79e6fa6f55dd59ace647048db7d3acff79a21cdfdc0/342378/Ekhaton%20and%20Obani%20Environmental%20Justice%20and%20Women%20in%20Nigeria%20%28accredited%20version%29.pdf>
- Gabriel A. O. I. (2004) Women in the Niger Delta: Environmental Issues and Challenges in the Third Millennium. *Journal of Sustainable Development in Africa* <https://jsd-africa.com/Jsda/Fall2004/women%20in%20the%20niger%20delta.pdf>
- Jane Smith. (2018) "Gender and Oil: Women's Land Rights in Nigeria's Niger Delta." *Journal of African Studies*, vol. 45, no. 2, 2018, pp. 123-145.
- Obiageli Eze. (2019) Environmental Justice and Gender Inequality in the Niger Delta. *Environmental Review*, (22) (1), pp. 50-68.
- Obi-Obiora H.U.. (2013). Securing land rights in rural communities of Nigeria: Policy approach to the problem of gender inequality. *Law, Democracy & Development*, 17(1), 253-269.
<https://www.saflii.org/za/journals/LDD/2013/6.pdf>
- Ojo A.O.. Impact of the Land Use Act on Land Tenural System in Nigeria. *AJPO Journals*.
<https://ajpojournals.org/journals/index.php/AJL/article/download/1226/1339/45> 67
- Onah C.A. & Obi-Obiora H.U.. (2022) Women And The Right To Acquire And Own Land In Nigeria: Examining The Conflicts Between Statutory And Customary Law. UNIZIK Journal of Public and Private Law. (12)
- Onah H. U. O. (2012) *Women and the right to acquire and own land in Nigeria: Examining the conflicts between statutory and customary law*. UNIZIK Journal of Public Law and Policy. (12)
- Orjiakor N.E. & Okereke K.C. (2011). *THE IMPACT OF OIL AND GAS EXPLORATION ON WOMEN IN THE NIGER DELTA STATES OF NIGERIA SINCE 1960*. Journal of Environmental Management and Safety (2) (3)
- Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa.
- Renée Giovarelli and D. Hien Tran (2013) The feminization of farming means women's land rights have never been more important. Women's Land Rights.
<https://www.landesia.org/feminization-farming-means-womens-land-rights-important-blog/>

- Uduji J.I. & Okolo-Obasi E.N.. (2023). Gender and Natural Resources Management in Nigeria: The Role of Corporate Social Responsibility in the Oil Host Communities. <https://www.researchgate.net/publication/306521848> Accessed 11th August, 2025
- Umukoro I.E., et al. (2024). Customary Land Ownership and Women's Land Rights In Nigeria: Extending The Frontiers of Feminist Environmental Justice. *JOURNAL OF ENVIRONMENTAL LAW & POLICY* (04) (03)
- World Bank Group. (2019) Women in Half the World Still Denied Land, Property Rights Despite Laws. <https://www.worldbank.org/en/news/press-release/2019/03/25/women-in-half-the-world-still-denied-land-property-rights-despite-laws> Accessed 30th July, 2025
- Yavinsky A. (2022). Empowering Women's Land Rights as a Climate Change Mitigation Strategy in Nigeria. *Northwestern Journal of International Human Rights*, 20(2), 218-242.
- <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1246&context=njihr>

An abstract graphic design featuring a diagonal split. The upper-left portion contains a light purple background with a dark purple arc and a yellow arc below it. The lower-right portion is a solid dark purple. A thin yellow horizontal band at the bottom contains the text.

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