



Women and Inheritance

Opportunities and Challenges
for Policy and Practice Change
in 5 Sub-Saharan African countries



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Inheritance as critical point

- Critical points in lifetimes: birth, marriage eligibility, marriage, divorce, retirement, death
- ‘Window’: perspective on vulnerabilities

Inheritance as complex

- Conflations - often contests - of multiple layers of laws, political economy contingencies, social and cultural norms, local systems of legitimacy, individual histories, strategies and preferences

Political & Moral Economies of Inheritance

Political economy of inheritance

- status of women
- land ownership and control
- legitimacy of statutory and customary systems

Moral economy of inheritance

- local brokerage of authenticity of right
- interpersonal processes and decisions

“Across the board, whether someone is legally married or not, even when your rights are clearly outlined in law, there are major challenges because it starts with relationships in the family.”

Ghana, Kenya, Mozambique, Rwanda, Uganda

Common Approaches to Safeguarding Women's Inheritance:

2 levels: legal rights & local processes

- **Marriage recognition and rights**
- **Customary land governance**
- **Local arbitration**

Marriage and Inheritance

- **Property rights for polygamous spouses**
 - Divisions between wives and children
- **Spousal rights to property 'jointly' acquired**
 - Statutory recognition of in-kind contributions
- **Rights for cohabitating partners?**
 - Legal definitions (1, 2, 5 years); **political opposition**
- **Recognition of customary marriages**
 - Lack of registration (despite eased procedures)
 - Legal precedents (inconsistently applied)
 - **Local arbitration of authenticity of claims**

Customary land governance

- Using customary governance as safeguard
- Proactive, participatory processes

"I have already made my will because at some point I will die and in my will, my girls will inherit from me."

Ugandan President Yoweri Museveni (June 2010)

Local arbitration

| | Women's Estimates | Officials' Estimates |
|----------------|-------------------|----------------------|
| Elders | \$14 | \$2 |
| Chiefs | \$35 | 0 |
| Land tribunals | \$53 | \$21 |
| Courts | \$142 | \$142-428 |

Study of local land dispute resolutions, western Kenya. Henrysson & Joireman 2009

- Capacity building and formalisation
- Building consensus to bridge law into legitimacy
- Monitoring & reporting

Thank you.

<http://www.chronicpoverty.org/publications/details/inheritance-and-the-intergenerational-transmission-of-poverty-in-sub-saharan-africa-policy-considerations>



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