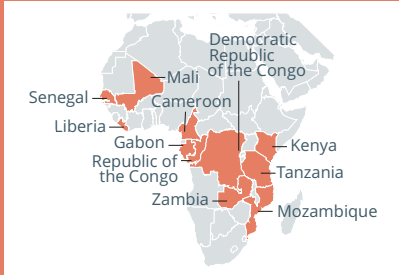


Power and Potential

KEY FINDINGS FROM AFRICA

www.rightsandresources.org/powerpotential

The study analyzed **26 legal frameworks** that regulate community forest tenure in **11 African countries**.



Countries reviewed in Africa provide the **most consistent affirmation of women's property rights and greatest recognition of women's community-level dispute-resolution rights**, but they also afford indigenous and rural women the **weakest community-level inheritance and voting rights**.



Two types of laws are examined in the study:

OVERARCHING LAWS: National-level laws and regulations that apply to all individuals in a country, regardless of whether they exercise property rights through a community-based tenure system.

Rights analyzed:
Constitutional Equal Protection, Property Rights, Inheritance

COMMUNITY-LEVEL TENURE LAWS: National-level laws and regulations concerning the tenure rights of individuals within a community-based tenure system.

Rights analyzed:
Membership, Inheritance, Voting, Leadership, Dispute Resolution

Overarching Laws



INHERITANCE AT THE NATIONAL LEVEL

None of the assessed countries in Africa recognize the inheritance rights of women in consensual unions. This inadequate legal protection for women is a significant obstacle to their tenure security, especially since consensual unions are common across the developing world.

Kenya, Mali, Senegal, Tanzania, and Zambia have laws that legally discriminate against daughters, widows, and/or women in consensual unions, or defer to religious or customary law without safeguarding women's inheritance rights.



PROPERTY RIGHTS

73% of the African countries analyzed provide general legal provisions affirming all women's property rights.

Spotlight on Kenya & Liberia

Kenya's Land Act of 2012 is guided by the principle of "**elimination of gender discrimination in law, customs and practices related to land and property in land.**"

Laws establishing registered community lands in Kenya contain **some of the most detailed protections for women's membership rights**, explicitly accounting for situations of divorce, widowhood, and remarriage.

0 of the 2 legal frameworks in Liberia address community-level inheritance.

Community-level Laws



INHERITANCE AT THE COMMUNITY LEVEL

African countries afford indigenous and rural women the **weakest community-level inheritance rights**.

Over 80% of African legal frameworks regulating community forest tenure do not contain community-level inheritance provisions of any kind.



DISPUTE RESOLUTION

The African countries analyzed provide the **most frequent recognition of women's community-level dispute-resolution rights**.

69% of African legal frameworks either expressly protect women's dispute resolution rights or address dispute resolution in a gender-neutral manner.



VOTING

African countries afford indigenous and rural women the **weakest community-level voting rights**.

0 legal frameworks require the presence of a quorum of women for communities' general assemblies to take binding action.

Only **8%** of the African legal frameworks recognize women's right to vote in community general assemblies.