

IN THIS ISSUE

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This issue of the LEGEND bulletin focuses on gender in land governance, presenting highlights from recent research and taking stock of new initiatives.



A global push for gender equality in land rights

By **Philippine Sutz (IIED)**, LEGEND Core Land Support Team

Women account for nearly half of the world's farmers and grow much of our food, according to the **UN's Food and Agriculture Organisation (FAO)** — and yet their access to and control over land in many low and middle-income countries remains limited and fragile. Growing pressures on land and rapid socio-economic changes are further undermining this. Land is central to women's empowerment — access to and control over this resource enables them to earn higher incomes, as well as improve their nutritional and educational outcomes.

The promotion of gender equality in land relations has never had as much global political support as it

has today. Target 1.4 of the newly adopted **Sustainable Development Goals (SDGs)** aims to 'ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property (...)' and target 5.a 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 (...) in accordance with national laws'. The UN's Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (**VGGT**) also affirm the principle of gender

equality and spell out its implications. Ever more countries' constitutions and laws also formally support gender equality. However, shortcomings often affect implementation, and fine-grained analyses and practical tools are needed to translate policy statements into real change.

This issue of the LEGEND bulletin focuses on gender in land governance, presenting highlights from recent research and taking stock of new initiatives. The 'In Focus' contribution explores the gendered impacts of agricultural investments and provides recommendations for designing gender-equitable land-based investments. Other contributions explore inclusive approaches to women's participation in land-related decision-making and how to mainstream gender in land administration and in collective land tenure initiatives.

Overall, these contributions confirm that deeply ingrained socio-cultural practices and power imbalances play a major role in **(continued on page 2)**

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undermining women's access to, use of and control over land. Tackling gender issues therefore raises some of the most difficult challenges in development interventions.

In order to tackle such challenges, practitioners underline the need for concerted efforts at different levels — from gender-sensitive legal reform and legal empowerment for women, through to training, awareness-raising and inclusive dialogue at local and national levels, all the way to testing new approaches to land governance programmes. Learning lessons from innovation is essential for maximising impacts and pushing policy agendas forward.

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DFID's work on gender and land

By Rachel Turner, Director, International Finance & Senior Land Champion, UK Department for International Development

The need to empower women to drive inclusive and sustainable development is a 'no brainer'. Secure land rights for women, including access to and control over land and other productive assets is key.

Some of our programmes, for example in **Rwanda** and **Ethiopia**, are taking bold steps in driving women's land rights and are achieving excellent results, including better yields, incomes, nutrition and health, improved societal status, and greater roles for women in household decision-making, even on the number of children a family will have.

Some of our programmes, for example in Rwanda and Ethiopia, are achieving excellent results

We are seeing commitments and monitoring efforts at the international level, for example through the monitoring of women's property rights in the World Bank

index on **'Women, Business and the Law'**, special **land governance guides on agreed global standards**, a land rights target for the new **Global Goal 5** (gender equality), and political commitments on women's land rights in a whole host of initiatives.

Things are moving, and that's great. But does it all add up, and are women more than an afterthought? Let's be realistic about the challenges: where women gain control over assets, some see their powers recede. And sometimes, commitments are made lightly and not followed through. Change requires determined, strategic and well-evidenced action.

Things are moving, and that's great. But does it all add up, and are women more than an afterthought?

This is why DFID will do all it can to drive this change, so that we can eradicate poverty within our lifetime. Women's land rights are at the core of our work to empower women economically. By **mid-2015**, our bilateral programmes had already helped 5.8 million people, including 2.5 million women, to improve their land and property rights. And we'll do a lot more in the years to come, including through the new global **Panel on Women's Economic Empowerment** that we have just set up.



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IN FOCUS

What do we know about gender and large-scale land acquisitions?

By the Landesa RIPL Team

Agricultural investments can benefit local communities, but evidence suggests that women lose out on those benefits and bear a disproportionate share of the negative impacts. Landesa and other organisations are working to address the limited research on this topic and provide practical guidance to investors and other relevant stakeholders on how to develop gender-sensitive investments.

Land rights — who holds them, how strong they are — are one of the key factors influencing who participates in land investment negotiations within communities, and who may ultimately benefit from them. This means that women's weaker land rights can make them more vulnerable to losing out in investment processes.

Though large-scale land acquisitions have attracted global attention, far less consideration has been paid to their gender aspects. However, a number of organisations are working to address this research gap and are yielding new insights.

Women more likely to be negatively affected by land-based investments

Changes in land use tend to affect men and women differently. Where investments result in communities losing land, women are likely to be disproportionately affected. Although impacts on women and men are varied and context-specific, initial research suggests that changes in land use and/or control can result in:

- **Land traditionally used by women being given away.** Communities might allocate land traditionally used by women to investors, or men may take control of crops previously in a female domain once the new value of the crops is proven.*
- **Women working longer hours to provide food and water for the household.** As land becomes scarcer, women tend to have to work longer hours and walk longer distances to farm and collect water

and wood. Since women tend to be the main food providers, this impacts them far more than men and cuts their productivity.

- **Further erosion of women's rights.** Evidence indicates that as pressures on land increase, women's land rights become even weaker. In Uganda and Tanzania, studies have shown that increased competition for land can cause a breakdown in customary rules, especially those related to managing communal land resources. This results in a reinterpretation of those rules that further weakens women's access to, use of, and ownership of land.
- **Men benefitting more than women from new employment opportunities.** Although investments can result in new job opportunities for local communities, these jobs tend to benefit men disproportionately. In the Philippines, for example, one company acquired land along coastlines for shrimp farms, which resulted in new seasonal employment opportunities for men but not for women.

Customary norms and practices undermine women's access to and control over land

Customary norms and practices often greatly influence how investment projects impact a community. While contexts differ, customary norms and practices often undermine women's rights when land is commoditised or when outside interests are present:

- **Women's customary land rights are more vulnerable.** Even though customary tenure systems may recognise women's right to land and both men and women report a relatively high degree of joint ownership, women's names are rarely on the documents, making them more vulnerable to losing their rights.
- **Women have limited participation in decision-making processes.** Customary practices often obstruct women's participation in decision-making processes about land governance and benefit-sharing from land investments.
- **Women are often excluded from negotiations and benefit sharing.** Women's exclusion from community discussions about land governance in turn limits their participation in community consultations with potential investors. This impacts how land is valued, how and to whom compensation is paid, and how benefits from the investment are shared. Even if women participate in a contract farming scheme, they often do not control the profits they make as men are typically in charge of household income.

Since customary norms create gender inequalities when it comes to land, investments are likely to result in differentiated outcomes for men and women. These barriers can block investors from creating better outcomes for women, as local issues around gendered land ownership are often highly complex. **(Continued on page 4)**

IN FOCUS

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Recommendations and way forward

All these issues present challenges to companies seeking to make socially responsible land investments (which is different from Corporate Social Responsibility and should be part of core operational business thinking). Failing to take gender differences into account is likely to leave women without a voice – and potentially in an even worse position than they were prior to the investment. In the long term, this could increase the company's operational costs and reputational risk.

Women's needs and rights therefore need to be explicitly

factored in when designing projects. 'Gender-neutral' land tenure analyses can be poorly conceived and implemented because they wrongly presume that rules apply equally to men and women. It is therefore crucial to understand and address gender differences in the context of commercial agriculture. Adequate budget, staffing allocations and targeted activities (as outlined in a comprehensive gender strategy adaptable to the local context) are good starting points.

Companies can overcome these hurdles, but they need clarity and support. Landesa's 'Playbooks', which are being developed under the **Responsible Investments in Property and Land** project,

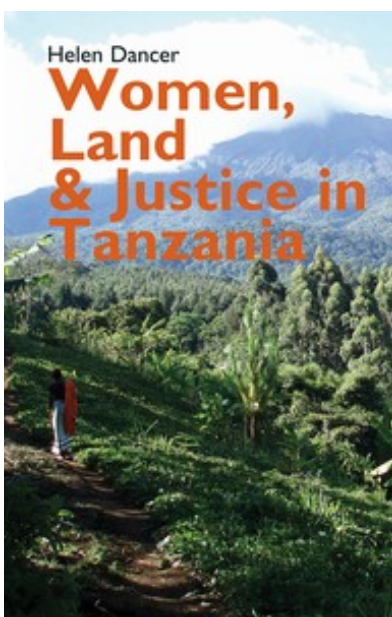
aim to educate companies on the importance of women's land rights. The Playbooks give step-by-step guidance to help companies reduce their land-related risk, while ensuring that women and men affected by land-related investments benefit equitably.

In order to protect and promote women's rights in land-based investments, efforts must be undertaken not only by investors, but also by governments, practitioners and communities.

*Click on bullet points for references. For more information contact Leslie Hannay at leslieh@resourceequity.org

New book sheds light on women's legal land battles in Tanzania

An academic documents how women in Tanzania are going to the courts to claim their land rights and calls for a holistic approach to legal reforms concerning this issue



Women, Land and Justice in Tanzania, Dancer, H. (April 2015, Oxford: James Currey).

A new book by Helen Dancer, a senior lecturer at the University of Brighton, provides evidence of how women are using legal processes to claim their land rights. Between 2009 and 2010, Dancer conducted a year's ethnographic fieldwork researching women's claims in the land tribunals of Arusha, northern Tanzania. She followed up with short visits in 2010, 2011 and 2014.

This region has experienced pressure on land and land-based conflicts for over a century, owing to its location on East African trade routes, political and social tensions, mineral resources, fertile soils and more recently, tourism. There is now a burgeoning market for land and a high number of land-related disputes going through the courts.

Dancer traced the progression of the women's legal claims from their social origins, through dispute resolution processes, and then all the way to final judgements. She

analysed the role of social, legal and political actors in court processes, including advocates and legal aid clinics.

The book calls for a holistic approach to legal reform on family land matters — an approach that considers land, marriage and inheritance issues together. It also calls on access to justice projects to address the social and institutional factors that help or hinder litigants in making legal claims, as well as calling for adequate legal aid provision in non-criminal cases. Dancer further argues that training for lawyers, adjudicators and community leaders should include reflections on the social hierarchies within the litigation process and how this affects the outcomes of women's claims.

For more information see www.jamescurrey.com

Workshops help practitioners boost women's land rights

The International Institute for Environment and Development (IIED) is leading a two-year project to identify and share lessons about women's empowerment in land-based investments in East and West Africa. Two events in these regions so far have brought together over 50 practitioners from across the continent to identify innovative practices.

IIED is working with **Netright** (Ghana), **IED Afrique** (Senegal), the **Kenya Land Alliance** (Kenya) and **Tanzania Women Lawyers Association** (Tanzania) to identify and share lessons from strategies that support women's empowerment in land-based investments across East and West Africa and promote new ways to link local innovations to national policy.

Two regional lesson-sharing events were organised in Senegal and Tanzania as part of this project, bringing together over 50 practitioners and researchers from across the continent. Participants shared their experiences and

discussed new ways to promote gender-equitable land governance.

New approaches are emerging as to how to tackle the issues at hand. Participants from Mali shared their experience of facilitating grassroots-level dialogue to 'renegotiate' gender roles in decision-making about land at family and community levels. In each village, discussions were organised to involve three separate groups: women, men and young people. Careful facilitation ensured that the voices of each group were duly listened to and that fear or lack of confidence did not interfere with discussions. Ingrained customs do not change quickly and

the discussion-based approach identified a number of risks that community members perceived in involving women in discussions around land, such as the threat to patriarchal values. However, they also identified benefits of involving women, notably, the added security that comes from more people knowing the details of individual land transactions and increased transparency the witnessing of transactions. This process led to the inclusion of women representatives in traditional land councils.

For more information see [here](#) or contact Philippine Sutz at philippine.sutz@iied.org

"The woman is a tractor": how can Eastern DRC's women gain control over land, rather than simply working on it?

Women for Women International has worked with over 84,000 marginalised women in the east of the Democratic Republic of Congo and recently commissioned research to explore these women's land rights. The study found that the women could not own land, even through inheritance, while men controlled the sales of the items that their wives farmed.

The links between land, power and identity play an important part in the ongoing conflict in the east of the Democratic Republic of Congo (DRC). Women are overwhelmingly affected by the conflict — their access to land is **crucial for their livelihoods, as well as for the food security** of both the women themselves and their families. **Women for Women International** (WfWI) has worked with over 84,000 marginalised women in eastern DRC and, despite some progress in women's earnings, they reported significant barriers.

With funding from the UK government, WfWI recently commissioned **research** to explore the challenges that women face in eastern DRC. As in many other countries, the study found that national laws and policies had

little impact on the rural women with whom WfWI works. These women's communities are guided by 'traditional' laws and practices that tend to discriminate against women, undermining their secure access to land.

The study found that marginalised women are unable to own land, even through inheritance, and depend on their husband's owned or rented land under 'traditional' frameworks. While women were able to make decisions about how to use the land they farmed, men controlled the sale of the resulting products. In instances where women were able to directly sell products, this was only for less profitable items than those controlled by their husbands.

"The woman is seen only as a producer or a worker for the family.

The whole weight of the family hangs over her, because she works more than the man... the woman is a tractor," one study participant said.

Improving women's access to land is fundamental to women's rights and eastern DRC's broader development, yet the connections between land, power and identity in both policy and practice have been gender-blind. This needs to be addressed. In parallel, greater support for DRC's women farmers is needed to help them support their families and to challenge discriminatory norms.

The **full** and **summary** reports are available online and three short participatory films can be watched on **YouTube**. For more information please contact Carron Mann at cmann@womenforwomen.org

How can we make gender concerns a mainstream aspect of community land projects?

Community titling has become a rallying cry in the development sector, in order to protect communities against land deals that do not treat them fairly — but little attention has been paid to the intersection between women’s rights and such community tenure. To fill this gap, Resource Equity and Landesa have conducted six evaluations of community land projects around the world.

The rising global demand for land has made communally held land attractive to investors — and community titling has become a rallying cry in the development sector, in order to protect communities against land deals that do not consider or compensate them. However, focusing on securing community land and resource rights without considering gender differences within communities will have disastrous effects on women, just as titling land only to heads of households did decades ago. Despite this, little attention has been paid to the intersection between women’s rights and collective tenure.

To fill this gap, **Resource Equity** and **Landesa** have conducted six programme evaluations of community land projects in China, Ghana, India, Kyrgyzstan, Namibia and Peru.

All of the projects focused on women, which meant that each project had at least some success. The studies, and a forthcoming synthesis report drawing on them, will make recommendations for how projects can protect women’s rights and make gender concerns a mainstream issue in community land projects.

While the six case studies show that there are many lessons and best practices to learn regarding women and community land, three key issues stand out: women’s lack of information about their rights, the benefits of using groups to train and empower women, and the need to engage with communities in a long-term, meaningful way.

Each project was implemented in an area where women lacked information. It is impossible for women to have a voice without knowing their rights. Women need detailed knowledge to be able to describe how they use a resource,

enter into negotiations about compensation, and engage in management of land or resources.

It is impossible for women to have a voice without knowing their rights.

Where women were part of women’s groups, of any kind, they generally had more knowledge and agency in the community. Forming or supporting these groups is therefore one way to increase women’s meaningful inclusion.

In India, the evaluated project helped forest dwellers to exercise their rights to forest land under the 2006 Forest Rights Act. A local NGO worked with 75 villages in Jharkhand, a heavily forested state, to secure individual and community forest rights. This encompassed both rights to farm land within the forest and rights to manage and conserve the non-farmed forest areas. The project also aimed to empower women to exercise their rights to natural resources.

The evaluation found that one key to promoting women’s rights in a community land and resource project was a deep involvement in the communities combined with

a focus on empowering women. The local NGO had been working in the area for many years and had always engaged local volunteers and social workers. The organisation could therefore use the deep trust it had built to promote cooperation between community members and the government, and to foster long-term change in attitudes towards women’s involvement in the community.

The organisation promoted women’s participation at the community level, both before and during the project. This included the formation and support of women’s groups, which boosted women’s empowerment individually and collectively. The groups also provided a forum for training and education. In the case of this project, they were also a way to raise awareness of the Forest Rights Act.

Going forward, more global attention needs to be paid to these types of lessons, and to the importance of the intersection between gender and collective land tenure, in order to ensure that this moment for empowerment is fully seized.

For more information contact Amanda Richardson at amandar@resourceequity.org





Researching and reforming women's land rights in the Western Balkans

Even when legal frameworks promoting gender equality are in place, local customs and traditions can exert subtle pressure that favours male ownership in land purchases and inheritance. In the Western Balkans, an FAO-World Bank joint initiative was launched in 2013 to tackle this issue.

The regional initiative, which aims to build capacity to generate gender-disaggregated reports and use them for policy making, has been embraced by six countries: Albania, Bosnia and Herzegovina, Kosovo, Montenegro, the former Yugoslav Republic of Macedonia (FYR Macedonia), and Serbia.

The countries established gender teams consisting of land administration specialists, notaries, government policy makers, gender officers, local NGO staff and private sector representatives. Each team implemented a pilot gender equality project to increase awareness of the beneficiaries, with the aim of having both women and men register their property.

The teams were trained on the **Voluntary Guidelines on the Responsible Governance of Tenure** and the technical guide on **'Governing Land for Women and Men'**. Both documents have been translated into Albanian and are now available in digital format and hard copy. All the publications and e-learning courses are also currently being translated into Arabic, in order to further disseminate the Voluntary Guidelines implementation tools.

A lot has been done but efforts must not stop there

The enthusiastic exchange of ideas and experiences across country teams shows that change is possible, despite deeply held customs and traditions. With promising legal frameworks in place, the gender teams can continue their work in the Western Balkans.

The enthusiastic exchange of ideas and experiences across country teams shows that change is possible

Country teams have set out a plan that includes: helping notaries to collect data and contribute to the preparation of a gender guide for their daily work; developing regional platforms for gender-disaggregated data from the participating countries in a standardised format, compatible with global requirements and with special focus on agricultural land; developing flexible reporting tools for gender-disaggregated data from

censuses, surveys and administrative systems; providing support to prepare data for monitoring the new Sustainable Development Goals' land-related targets, as well as methodology and pilot testing in smaller areas; and assessments of the legal framework for gender-equitable land tenure. Regional exchanges will help country teams learn from their experiences and make use of best practices.

Useful links:

- Access the e-learning course on **Governing Land for Women and Men**
- Watch the video on **Gender and Land in the Western Balkans**
- Legislation Assessment Tool & Global Gender and Land Statistics: The **Gender and Land Rights Database**

Read stories from the field **here**.

For more information contact Federica Gabellini at Federica.Gabellini@fao.org

NEWS AND UPDATES

Mokoro's new multi-country research study aims to boost women's land rights

The land specialist consultancy firm has recently launched the Women's Land Tenure Security Project, which will focus on communities in developing countries faced with large-scale land deals connected to mining. Mongolia is the study's first pilot country.

Mokoro has recently launched a multi-country research study in support of women's land rights. The Women's Land Tenure Security Project (WOLTS) has three main goals over the next 10 years: to establish stronger evidence about the threats to women's land tenure security at the community level in selected developing countries, especially in the context of large-scale land acquisitions (LSLAs) related to mining; to strengthen the capacity of communities, NGOs/CSOs and local governments to protect women's land rights; and to see tangible improvements in women's land rights in the communities and countries reached by the project.

WOLTS is an action-oriented research project. In collaboration with civil society partners, it will focus initially on carrying out participatory fieldwork among pastoral communities under threat from mining investments and related LSLAs. The project aims to help make gender equality a mainstream issue within community land management, land tenure governance and land rights protection efforts worldwide.

Mongolia is the first pilot country for the study. Mokoro is partnering there with People Centered Conservation (PCC), a Mongolian NGO that aims to promote the protection of natural resources through supporting local residents and civil society, along

with a commitment to addressing issues concerning gender equality and vulnerable groups. In the coming months, other planned activities include: starting the study in a second pilot country; selecting communities to work with; and carrying out a baseline survey and participatory research to identify threats to women's land tenure security.

For more information see <http://mokoro.co.uk/project/womens-land-tenure-security-project-wolts/> or contact Zoe Driscoll at zdriscoll@mokoro.co.uk

World Bank study explores impact of land reform on fertility outcomes

A recent World Bank study investigates the impact of land reform on the fertility outcomes of households in rural Ethiopia. In the past, public policies and customary tenure created a situation where Ethiopian households could influence their usufruct rights to land via a demographic expansion of the family. The study evaluates the impact of the abolishment of these pronatal property rights on fertility outcomes. By matching aggregated census data before and after the reform with administrative data on the reform, a difference-in-differences approach between reform and non-reform districts is used to assess the impact of the reform on fertility outcomes. The impact appears to be large. The study estimates that women in rural areas reduced their lifetime fertility by 1.2 children due to the reform. Robustness checks show that the impact estimates are not biased by spillovers or policy endogeneity.

The full report is available [here](#). For more information contact Klaus Deininger at Kdeininger@worldbank.org

Seminar suggests need for rigorous, transparent and independent research to ensure inclusive LSLAs

In a seminar organised in November 2015 by Mokoro, two experts who have recently returned from the field shared their insights about an agribusiness in Ghana and women's legal claims to land in Tanzania.

Helen Dancer talked about her fieldwork in Tanzania and presented her new book (see page 4). She stressed the need to integrate gender analyses into land law and policy formulation, and address the social and institutional aspects of access to justice. She also emphasised that equal access to justice for all requires training and consciousness-raising for lawyers and adjudicators at all levels of the legal process.

Kristina Lanz detailed how a so-called 'inclusive' agribusiness investment project in Ghana only benefitted specific members of the community in practice, with vulnerable women losing out. Such findings are not uncommon and point toward a need for strong accountability and monitoring mechanisms. Kristina Lanz also stressed the importance of strengthening community organisations to recognise community rights.

The discussion that followed revolved around the importance of transparency in land deals, the need for academics and researchers to remain neutral and independent, and the importance of rigorous, long-term research at the community level to provide locally specific solutions for policy and law makers.

The presentations are downloadable [here](#). For more information see <http://mokoro.co.uk/new-research-on-womens-land-rights-a-mokoro-seminar> or contact Zoe Driscoll at zdriscoll@mokoro.co.uk

NEWS AND UPDATES

New LEGEND publication explores the aims and performance of DFID land programmes, including its work on strengthening tenure security for women

The LEGEND Knowledge Management team has recently published a Portfolio Overview that looks across 24 DFID land programmes. It looks at how programmes are designed, where they work, what they do and how they have performed. It looks at both the main programmes that work on land governance and those that work on land to achieve a broader set of objectives. The review provides findings for staff designing, managing and implementing programmes, including on how programmes have strengthened tenure security for women both through land registration programmes and alternative approaches such as legal empowerment. It finds that most programmes have performed well against expectations, and that building design on a good understanding of local practices and the political context is key to success.

The Portfolio Overview is available at <https://www.landportal.info/library/resources/dfid-portfolio-overview/legend-portfolio-overview>



Photo credits. Front: Woman fetching mangos in Baro, Guinea. Mike Goldwater/GWI / Page 2: Female smallholder in Kenya. Neil Thomas/USAID / Page 6: Woman on her gardening plot in Selingue, Mali. Mike Goldwater/GWI / Page 7: Female farmers harvesting wheat in Banovici, Bosnia and Herzegovina. FAO / Above: Woman harvesting her crops in West Bengal, India. UN Women/Ashutosh Negi.

About us

Land: Enhancing Governance for Economic Development (LEGEND) is a DFID programme that aims to improve land rights protection, knowledge and information, and the quality of private sector investment in DFID priority countries. It includes the development and start-up of new DFID country land programmes, alongside knowledge management activities, a challenge fund to support land governance innovations, and management of complementary DFID grants, MoUs and contracts, and supported by a Core Land Support Team.

Future issues of this bulletin will feature updates on our most interesting findings and results, keeping you posted and enriching the debate.

You can send suggestions and comments on this bulletin to legend@odi.org.uk

