Women’s Access to Land:¹
The role of evidence-based advocacy for women’s rights

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¹ This note has been prepared by Annalisa Mauro and Sabine Pallas – ILC Secretariat – for the initiative “Land Governance in Support of the MDGs: Responding to New Challenges” organised by World Bank Washington DC, March 9 and 10, 2009.
1. Introduction

Access to and control of land is crucial for the livelihood needs of the rural poor, but major social, political, and institutional challenges continue to prevent the rural poor from gaining secure tenure rights— and such challenges are more pronounced for women. This is in contradiction to women’s often unrecognised but crucial role in ensuring household food security, in which they are constrained by unequal access to land, inputs, and information. Women also have limited decision-making power and depend on men for use rights—which are easily lost if they are widowed or divorced.

The Universal Declaration of Human Rights stipulates that human rights apply to all, regardless of sex, yet women around the world find themselves disproportionately affected by discrimination and a violation of their rights—which keeps them trapped in poverty. While many countries now make reference to gender equality in their constitutions, laws relating to property rights often enough do not give equal status to women. Where they do, they may still not implemented to ensure that women’s property rights are respected. Even when women have de jure property rights, their de facto control of land is tenuous. Women’s ability to claim, use and defend their rights is also weak: they lack awareness of their rights and legal processes due to lower educational levels and difficulties when accessing courts due to lack of time, resources, mobility and judicial bias.

In sum, women’s access to and control over resources is shaped by complex systems of common and civil law as well as customary and religious laws and practices. The practise and perception of a woman’s position in the household, family and community affects to what extent women can exercise their rights.

The ability to access land and to claim, use and defend tenure rights is contingent on processes of empowerment, political, so that poor women (and men) can advocate for pro-poor laws and policy, and participate in decision-making processes at various levels; legal, so that poor women, as citizens, can claim protection by the rule of law. Women face additional hurdles to empowerment, such as their status within the household and community, where they are often excluded from decision-making, and their status under customary and/or statutory law.

The asymmetries in access to and control of livelihood assets (such as land, water, energy, credit, knowledge and labor) negatively affect women’s food production.

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4 World Bank/IFAD/FAO (2008) - Gender in Agriculture Sourcebook – Module 1: Gender and Food security.
5 UNRISD (2005) Land Tenure Reform and Gender Equality, Research and Policy Brief No.4
Studies cited in Deere and Doss (2006) indicate that women held land in only 10 percent of Ghanaian households while men held land in 16-23 percent in Ghana; women are 5% of registered landholders in Kenya, 22.4 percent in Mexican ejidos (communal farming lands) and 15.5 percent in Nicaragua. On average, men’s land holdings were almost three times the women’s land holdings. This compromised land access leads women to make suboptimal decisions with regard to crop choices and to obtain lower yields than would otherwise be possible if household resources were allocated efficiently.\(^6\)

It is thus extremely important to address the specific hurdles faced by women in becoming empowered, politically and legally. Specific attention needs to be dedicated to the different impact of policies and programs on men and women, so as to ensure not only the consideration of gender differences, but also the proactive promotion of gender equality. Women’s lack of access to and control over land is a key factor contributing to poverty, and needs to be addressed for sustainable poverty reduction.

ILC’s approach is to enhance the understanding of obstacles and opportunities for women in rural areas, in a context of an increasing feminisation of agriculture, with migration of men to urban areas for more ‘profitable’ activities and other trends resulting in a growing number of female-headed households. Though agriculture continues to generate only small incomes, it is crucial for food security. In this challenging context, ILC activities are aimed at highlighting the positive role played by women in rural areas. It is crucial to make women visible as key actors in territorial, social and cultural development of indigenous and non-indigenous communities of rural areas.

It is clear that donors, multilateral organisations and many governments have in the last 5 years increasingly recognised the importance of secure land tenure for women. In the statements from major groups to CSD17, for example, without exception they emphasised the need to support women’s access to land. Almost all donors active in the land and natural resource sector pay particular attention in their policy statements to women’s access to land. The challenge now is therefore to translate this increasing political will into action. The advocacy work of ILC in this area is therefore less focused on persuading on the need so support women’s access to land, and increasingly focused on identifying practical solutions, particularly at the grassroots level, supporting them, and making policy-makers aware of how this can be achieved.

2. What does ILC do?

2.1 ILC Policy dialogue and advocacy

As a global coalition, spanning from local grassroots organizations to United Nations agencies, international financial institutions and international organizations, ILC creates and benefits from unique opportunities to engage in dialogue on land issues. This engagement helps the voice of civil society to be

\(^6\) World Bank – IFAD and FAO (2008) - Gender in Agriculture Sourcebook
heard on land issues at international, national and local levels. It creates opportunities for members with different access to political and economic power and differing views to engage together and discuss the role of land access security in the lives of poor men and women. On the issue of women’s access to land, ILC focuses on the **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)** as an opportunity to take stock of gender equality – both in law and in practice – at the country level. As the only international human rights treaty that specifically addresses women’s rights to land, CEDAW is a powerful tool to ensure women’s rights in rural development. In 2004, ILC, FAO and IFAD published the report “Rural women’s access to land and property in selected countries - Progress towards achieving the aims of CEDAW”7 to attempt a comparative analysis. The following issues have been evaluated: (i) legislation relating to equal access to land and other property, equal legal capacity and inheritance rights, and equal property rights (Articles 14, 15 and 16); (ii) statistics disaggregated by sex on the rural population, the indigenous population, the agricultural and rural labour force, land distribution and ownership, and women farmers (Articles 10, 12 and 14).

An updating and complementing of the 2004 report is currently under consideration, including the production of tailored advocacy products to be used for influencing policy and building public awareness.

### 2.2 Knowledge management and capacity building

The ILC membership base facilitates the sharing of diverse experiences in promoting pro-poor land policy and practice, and the scaling-up of successful innovations. ILC analyses land issues and trends, the poverty effects of landlessness and resource insecurity, and the impacts of land policies and practices; packages, disseminates and promotes lessons learned and ‘good practices’ that show strong potential for replication and for policy relevance and supports activities for collective empowerment.

How do the rural poor, and especially women, use and value land and other natural resources? How do they benefit from them? What processes of empowerment evolve when women’s access to and control over these resources are increased and improved? The ILC **Women’s Resource Access Programme (WRAP)** is a special programme set out to explore these issues within different contexts. WRAP provides a tool for listening to and documenting the views and opinions of rural poor women on the value and importance of secure access to land and other natural resources. WRAP helps to raise international understanding and provides development practitioners with a rapid, effective and low-cost participatory tool for incorporating poor women’s voices in project identification, design, implementation and evaluation. The WRAP approach is built around a series of small community workshops to offer a forum for listening to the views and perceptions of poor community women on a range of selected resource access issues. WRAP workshops have taken place in India, Nepal, Cambodia, Indonesia,  

Cambodia, Uganda and Kenya. The WRAP worked best when it was integrated with other activities, for instance, in Nepal (2001), where it set out to explore how women’s lives changed due to a single IFAD project - The Hills Leasehold Forestry and Forage Development Project - in terms of their access to and benefit from natural resources. The same was true for Kenya (2003), where WRAP workshops were held in collaboration with IFAD and the Government of Kenya to provide some insights into women’s concerns in a project area so as to provide inputs to the formulation of the IFAD Southern Nyanza Community Development Project.

Poverty is not only a question of economics, but also – probably most importantly – a lack of poor women and men’s participation in the decision-making that affects their livelihoods. ILC seeks to address the specific hurdles faced by women in becoming empowered by supporting member efforts to promote women’s access to land, particularly to encourage evidence-based advocacy to promote gender equality.

In Africa, ILC is carrying out a research project in Eastern and Southern Africa, with support from the International Development Research Centre (IDRC) and in collaboration with two partner institutions in Africa. The project aims at linking research, which has provided sufficient understanding of the need for improving women’s access to and control over land, and action, which should address obstacles and challenges persisting in practise in the gendered power relations governing society. The overall result expected is an enhanced understanding of how complex power relations continue to hinder women’s access to land, while strengthening women’s role as change agents to influence the formulation and implementation of relevant policies.

Research topics in Eastern Africa include the role community watchdogs (GROOTS Kenya), the realisation of women’s property rights resulting from legislative intervention (ULA-Uganda Land Alliance and Uganda Media Women’s Association) and strengthening property inheritance rights of widows as a means of increasing women’s access and control of land (Young Widows Advancement Programme, Kenya). In Southern Africa, research will look at the impact of fast land reform on women’s lives (WFA-Women Farmers’ Association and CASS-Centre for Applied Social Sciences, University of Zimbabwe) to women’s access to land under legal dualism in Malawi (WOLREC-Women’s Legal Resource Centre with UNFPA-United Nations Population Fund and OXFAM).

In Latin America, a Nicaraguan ILC member, NITLAPAN, is leading the effort to coordinate activities on women’s access across the region, starting with a first regional thematic workshop in July 2008 and continuing into a research contest on three priority topics: 1. Norms and regulations governing women’s land/natural resource rights; 2. the role of women in the rural economy; 3. case studies of

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8 http://www.landcoalition.org/program/wa_wrap_asia_1.html
9 The Makerere Institute for Social Research (MISR) of Makerere University in Uganda and the Programme of Land and Agrarian Studies (PLAAS) of the University of the Western Cape in South Africa.
women accessing land in the frame of livelihoods strategy and impact in their living conditions.

Research and advocacy are complemented by capacity building activities in the area of the exercise of rights (land literacy, legal empowerment and assistance) and their enforceability.

3. Lessons learned from Latin America

In **Nicaragua**, ILC and Grupo Tierra\(^{10}\) supported an exchange of experiences among women groups of farmers’ organisations, concentrating on processes of building awareness among women on their social and economic role. By establishing women’s organisations on a variety of topics, ranging from agriculture production, processing and small scale agro industries, management and protection of natural resources, improvement of community infrastructure, technical assistance, micro-credit, and commercialization networks, women’s living conditions have significantly improved. It has emerged clearly that establishing such women’s organisations is a solution for a wide range of problems, be they individual or collective, and can address immediate needs as well as strategic decisions.

Women participating in the Nicaraguan experience recognised that not having control over land impeded them from solving the problem of improving food security and nutrition for their families. As a result, the claim for land rights recognition became a priority in their individual and collective agenda in a context where local institutions are usually not responsive to women’s demands. The income generated by women organisations was accompanied by an increase of self esteem, visibility in the community, independence, knowledge, and access to other important productive assets. Women recognised their role as change actor also in terms of the education given to children and improved communication with other actors.

Women highlighted the fact that an undefended right is a lost right; therefore they stated the importance of land literacy, legal empowerment and assistance to became aware of the opportunities given to them. Most of the women participating in the Nicaraguan experience are now leasing and buying land.

Mixed cooperatives are generating more challenges because of women having to negotiate with men in taking decisions. An important element is to influence the definition of pro-women policies at all levels and in all frameworks (for instance in Nicaragua, women need their husband’s endorsement to apply for loans; there is no quote for women representatives in the board of mixed cooperatives, etc.).

**WHO**\(^{11}\) states that in the case of women in rural areas of **Bolivia**, one of the biggest obstacles for increasing agricultural productivity and women’s income is the lack

\(^{10}\) http://www.landcoalition.org/pdf/08_Reflexiones_de_mujeres_campesinas.pdf  
\(^{11}\) http://www.ops.org.bo/servicios/?DB=B&$T11=6941&$E=SN
of land tenure security. Fundacion TIERRA,\textsuperscript{12} Bolivian ILC member, challenged the linear logic often promoted of land title = increase of productivity = environmental sustainability= income generation and moved further the level of understanding of women’s role in rural societies in Bolivia.

What is the role of women in families and communities? In which way can women secure their land access and use rights? What is the linkage between land access, juridical security, investment, productivity and economic income of the family?

In some contexts, such as the highlands of Bolivia, land rights security can be guaranteed by the existence of social norms and pacts within families and communities to recognise with legitimacy the inheritance, leasing and transfer of land. This type of land security doesn’t necessary leads to generate margins of accumulation to be re-invested.

In Bolivia and specifically in the aymara culture of the highlands there is an idealization of the man-women relationship. The gender identities existing in aymara culture are strong, as a person is born with rights and obligations and these define her/his role in the family and in aymara society - with a strong impact on accessing resources. The Andean theory of complementarity/duality says that the relationship between a man and a woman is in harmony and balanced, with clearly assigned productive and reproductive roles in the family and in the community where the “Chachawarmi” (couple) has rights and obligations as a couple.

Despite the fact that Chachawarmi is still a strong concept within farmers’ organisations in Bolivia; there is now an open discussion on the unbalanced decision making powers assigned within the couple. Other elements are contributing at recreating the gender relationships and the role of women in the Andean rural societies.

Bolivia is going through a very interesting process of definition of land and territorial rights in which a clear and shared understanding of women’s role is fundamental to face contradictions and overlap between customary and statuary laws and regulations.

A lack of research in this area makes it difficult to understand the relationship between women access to land and different economic spheres of productivity. Fundación Tierra is thus prioritizing two lines of research, on agriculture and livestock production, as well as the transport and commercialization of agricultural products. One of the aims is to contribute to a better understanding of women’s contribution of women to family and communal income (in cash and kind).

Fundacion TIERRA has carried out a comparative exercise to analyse women’s access to land in quantitative terms over the last 50 years which has shown a increasing the number of land titles in the name of women, so something is slowly changing in visibilization of the role played by women in the Bolivian rural communities.

\textsuperscript{12}http://www.ftierra.org/index.php?option=com_docman\&task=cat_view\&gid=117\&Itemid=268