

Policy pointers

Projects that focus solely on women's land ownership can be restrictive, as they fail to address all the challenges faced by rural women in relation to land governance.

Projects promoting gender equality in land governance should develop approaches that aim for transformative change in gender dynamics, starting at household level.

Donors, NGOs and government bodies working on gender and land issues need to understand customary law and practice, local governance systems and the ways in which these support women's land tenure before developing projects on land and gender.

To ensure rural women's voices are included in such processes, NGOs, governments and international actors need to create spaces where rural women can be better represented in national and international discussions on land rights.

Reconsidering approaches to women's land rights in sub-Saharan Africa

Discussions around gender equality in land governance in sub-Saharan Africa often highlight the fact that only a small percentage of women own land, and many projects addressing land and gender in the region focus on women's ability to acquire land. But this framing does not fully convey the breadth of challenges women face in relation to land stewardship, such as involvement in decision making. Based on learning from an event that brought together 28 NGO practitioners and academics from East and West Africa, this briefing suggests that any attempt to tackle gender inequalities in land governance must also take into account local contexts and gender dynamics. Projects must start at a household level, put aside easy assumptions about customary practice, and — perhaps most crucially — ensure that women's voices are solicited and heard.

Women and land: a complex picture

Many projects trying to tackle women and land issues in sub-Saharan Africa are based on the assumption that women own only a small percentage of land, and their plots are significantly smaller than those owned by men. However, the majority of rural men and women in this region do not actually own the land that they live on and farm, and which provides their livelihoods. This makes the picture more complex. Legal frameworks governing land vary between countries but, in many countries, rural communities claim user rights on state-owned land. This can be through legal arrangements that allow for the recognition of traditional communal rights or through informal arrangements based on occupancy and traditional practice.

In parallel, the growing demand for food and natural resources worldwide has led to increased

commercial pressures on land. Large-scale land-based investments often entail negative impacts for rural communities as a whole and land loss usually affects women disproportionately, as they are already disadvantaged compared to men.

The issues women face around equal access to, ownership of, and control over land in sub-Saharan Africa are complex. Gender inequalities around land governance are first and foremost linked to women's capacity to hold and inherit tenure rights but they are also a result of women's lack of involvement in decision-making processes around land and wider gender discrimination in sociocultural and political relations.

Strategies to develop plots for women farmers often operate without consideration of the specific gender relations within a society. For example, a 2004 study of women and

Customary approaches are not fixed systems, but constantly change and adapt according to context

agriculture¹ highlighted how, at moments of stress where land and livelihood opportunities are under threat, the most powerful individuals within communities tend to reassert social structures which exclude the less powerful — notably women.

Studies have shown that gender-equitable land division can have a number of benefits, including increased rural productivity, reduced domestic violence,² positive impacts on children's health³ and improvements in household welfare.⁴ A number of international guidelines⁵ promote gender-equitable land governance, which some countries in the region have incorporated into their national legal frameworks. For example, Senegal's national law states that “[m]en and women have equal right to access and ownership of land”,⁶ and the Kenyan Constitution provides for the “elimination of gender discrimination in law, customs and practices related to land and property in land”.⁷ Despite such advances, the challenge of securing women's land rights remains complicated, especially where sociocultural patterns and power imbalances obstruct efforts.

This briefing discusses how decision makers and NGOs can best tackle the question of women's access to land, based around three main lessons that emerged from an IIED lesson-sharing event on land and gender in May 2015 in Saly, Senegal. The workshop brought together 28 gender, land rights and legal specialists from Kenya, Ghana, Tanzania, Mali, Senegal and Uganda. We outline some key concepts in Box 1.

Box 1. Framing the key concepts

Land. The concept of land has economic, political and cultural aspects. This paper takes a holistic approach to land that includes ownership, control, access, use and decision making around it.

Power dynamics. It is important to consider who is involved in the management of land and the powers they have to influence how it is used, how they share the benefits of land access, and whether they protect and promote the needs of vulnerable groups. Social dynamics around gender are also shaped by the power of individuals and groups of individuals within a particular social context.

Gender. The question of gender affects groups differently and people experience inequality in different ways. For example, rural and urban women face different challenges to equal opportunities and outcomes in their daily lives.

Lesson 1: gender equality must start at home

One of the main lessons from the lesson-sharing event is that if work on gender issues is to have a sustainable impact it needs to start at the household or family level. Workshop participants noted that conventional approaches to gender-equitable land governance often emphasise securing women's access to land through individual or communal plots. Although this can help, participants felt that the reality of gender relations is more complex. Within each household or family, the person who decides on land management and participates in community meetings has important decision-making power. Participants argued that effective analysis and activities need to start in the family and then move through different levels of decision making — from community to village, national and international.

Traditional practices regarding access to and control of land in rural Africa often disadvantage women. For example, in certain areas of Senegal, despite national law promoting gender equality, women have no right to inherit land and men (as heads of the family) hold all decision-making power over land. Workshop participants suggested strategies and approaches to bring about change in such traditional practices. For example, in many of the countries represented at the event, rural decision making around land at family level usually takes place orally, and there is no written evidence of transactions. Such oral-based transactions can provide an opportunity to begin to involve women, whose participation can help ensure transparency and accountability in decision making.

Involving women as witnesses to discussions around land not only builds their knowledge and participation in land transactions at household level, but also increases the number of people informed about a transaction and the likelihood of details being remembered. Research NGO GERSDA have been working to integrate women into family discussions around land in Mali (see Box 2).

In addressing attitudes to gender at the family level, workshop participants highlighted the benefits of bringing together community actors — women, village chiefs and religious leaders — to openly discuss women's access to land. This could include determining the roles that women play in their families, especially on an economic level, and then working with communities to see how they can share resources more representatively. Training plays a key a role in ensuring that women are informed on procedures and practices around land.

Box 2: Involving women in land transactions in Mali

In 2013/14, the Groupe d'Études et de Recherche en Sociologie et Droit Appliqué (GERSDA)⁹ facilitated a process to improve women's representation in local-level land-related decision making, through village and then municipality-level discussions to develop shared rules ('local conventions') for the management of land. This process led to an agreement that women would now be represented in family councils deciding on land allocations.

In terms of the process itself: 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.

GERSDA noted the need for a follow-up process, recognising that engrained customs do not change quickly. Its 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. 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.

The experiences of workshop participants showed that this kind of work can transform gender relations. Such approaches go beyond helping women gain access to land and instead work with both men and women on an individual basis to shift ingrained perceptions about roles and responsibilities to bring about lasting change.

Lesson 2: put aside assumptions about customary practice

Workshop participants emphasised that it is easy to make simplistic assumptions when considering the relationship of customary land governance practices in relation to women's access to land. In some cases, customary practices can deny ownership rights to both men and women, with occupied land managed through traditional decision-making systems and structures. In others, community practices prevent gender-equal land rights or the application of more progressive law.

But customary systems are not always gender discriminatory, and practices are extremely diverse across the sub-Saharan Africa. For example, although women in Senegal cannot inherit land and are sometimes considered inheritable goods themselves, in southern Ghana inheritance is through the female line. Customary approaches are not fixed systems, but constantly change and adapt according to context and internal and external influences.

It is therefore important to document diverse customary practices and to identify spaces within them that promote women's involvement in land governance. These could then provide a starting point for developing better protection and rights for women in land governance and decision making. For this approach to succeed, NGOs,

governments and donors must have a strong understanding and mapping of local systems, as well as sufficient resources and thorough advance planning for projects on land and gender issues.

Lesson 3: include the voices of rural women

Current discussions about land, including commercial pressures and 'land grabbing', are often gender blind and involve little input from or representation of rural women. Although there is a lively debate at national and international level around the needs of rural women in terms of equal access to and control over land, rural women's voices and opinions are rarely included. Policy discussions would benefit from understanding the main drivers behind rural women's specific needs around access to land. Rural women therefore need support to ensure that their voices are directly involved.

The Senegal workshop highlighted the necessity of developing methods that give women the confidence and ability to get involved in national and international debates about land and related policy, including policies on large-scale land acquisitions. Participants recommended dedicated national platforms for women farmers to discuss land issues. This would give rural women a space to express their needs and develop a clear plan of their priorities for change at both community and country level.

Discussions about gender must consider different groups of women and men, both rural and urban, and diverse livelihood groups such as pastoralists or fishers. The voice and power of individuals will vary between and within groups. So it is important to address differences in decision making and develop a common voice on

Box 3. Raising women's voices to policy level in Ghana

NETRIGHT lobbied to revise the Ghanaian constitution to highlight gender inequalities and propose provisions for a gender-sensitive legislative framework consistent with the government's international commitments. This bottom-up process included expert legal review and consultations with women in the country's northern and southern zones. The proposed amendments were reviewed by a critical mass of women — from women's rights activists, young professionals, members of academia, and market traders to students — giving credibility to the process.

A key aspect of success was assuring that decision makers recognised NETRIGHT's legitimacy to represent the voice of women in Ghana. The challenges of carrying out this work included the slow pace and high financial cost of consulting so many different groups. The constitutional review process is ongoing.

gender issues. The experiences of NETRIGHT,⁸ a network of civil society organisations and individuals in Ghana, of working on this type of approach is particularly valuable (see Box 3).

Conclusion

This paper emphasises the need for donors, NGOs and governments to take a more comprehensive approach to women's land rights that addresses underlying gender dynamics to bring about transformative gender change rather than token gains for women. To be effective, work to secure women's rights to land must focus on tackling social relations to transform gender dynamics and needs to start at household level.

Efforts to secure women's land rights also need to move beyond generalisations about customary practices to document diverse and evolving local

systems and the opportunities they provide to promote women's voices and decision-making power. This could provide a starting point for developing better protection and rights for women in land governance and decision making. For this approach to succeed, NGOs, governments and donors must have a thorough understanding of customary law and practice and local traditions on land and gender issues, as well as enough resources to plan projects in advance. They should also create the necessary opportunities for rural women's voices to be heard in land rights discussions at all levels — which is vital if projects are to deliver better protection and rights for women in land governance.

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Notes

¹ Doka M and Monimart, M (2004). Women's access to land: the de-feminisation of agriculture in southern Niger? IIED, London. See <http://pubs.iied.org/9328IIED> / ² Open Society Foundations (2014) Securing women's land and property rights: A critical step to address HIV, violence, and food security. See www.opensocietyfoundations.org / ³ Allendorf, K (2007). Do women's land rights promote empowerment and child health in Nepal? *World Development* 35(11) / ⁴ OHCHR and UN Women (2013). Realizing women's rights to land and other productive resources / ⁵ For example, CEDAW, the Voluntary Guideline on the Responsible Governance of Tenure of Land, Fisheries and Forests, The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa / ⁶ Constitution of the Republic of Senegal, Article 15 / ⁷ Constitution of Kenya, Article 60(1)(f) / ⁸ NETRIGHT is a network of civil society organisations and individuals in Ghana who have a clear interest in working together to bring a gender perspective into national processes and advocate for policy change to strengthen women's human rights / ⁹ GERSDA is a non-profit making organisation established by staff from the University of Bamako's faculty of legal and economic science to carry out research, raise awareness and support public bodies around legal knowledge.