

4.3 Women's land tenure rights

Wanjiku Chiuri, Action Track 3 Gender Lead

Background information

Land is the common ground that we stand and rely on in order to create wealth, sustainably manage our ecosystems, build peaceful and just societies. Food systems, climate change, sustainable development, landscape improvements are dependent on land and people's ability to invest in activities that improve food systems, address climate change and lead to land restoration is dependent on their access to ownership and claims to land. It is therefore impossible to think about improving food systems without addressing the issue of land as a basis for healthy soils, sustainable and healthy forests, healthy plants and animals. Evidence shows that whoever controls the land or the water bodies where these foods emanate from, has the power to use, misuse, rehabilitate and sustainably manage the resource. Land access, ownership and rights therefore play critical roles in nature-positive food production at scale. Ownership and control of land is gendered with women having much lower access to and control over land, whether through formal or customary rights. Increasing women's control and rights to land is therefore a game changing solution for Action Track 3 in boosting nature-positive production at scale.

1.1 What, in brief, is the solution?

The solution is to secure the ownership and rights to land, through formal registration and customary and other rights for women. This will entail the following:

- Support the domestication, implementation and accountability of the Voluntary Guidelines on the Responsible Governance of Tenure of Lands, Fisheries and Forests in the Context of National Food Security and the gender technical guidelines¹ as well regional guidelines such as the Framework and Guidelines on Land Policy in Africa, adopted by the African Union in 2009, which contains provisions on strengthening the land rights of women².
- Form a global women's movement to advocate for women's rights through strategic alliances including civil society, governments and the private sector that will focus on addressing the disconnect between law provisions & their enforcement in countries where laws on women's land rights exist, changing and ensuring customary laws provide for women's rights to land, address the gender and social norms that constrain land inheritance for women, and build capacity of women, male champions and rights holders to advocate for women's rights to land and other resources.
- Ensure international convention and treaty obligations related to gender and food systems are enshrined in national legal frameworks and that mechanisms for application of the law or dispute settlement are functioning, accountable and accessible to women and build capacities and provide tools to enable the implementation of relevant policies by national actors and their implementation by sub-national actors.
- Remove barriers to women's ownership of and control of land and other productive assets through rights-based approaches and other instruments such as social and environmental standards and responsible investment frameworks – and demand accountability from all partners on progress towards the realization of these rights.

¹ FAO, *Governing Land for Women and Men: A Technical Guide to Support the Achievement of Gender-equitable Governance of Land Tenure*, Governance of Tenure Technical Guide No. 1 (Rome, 2013). Available from www.fao.org/docrep/017/i3114e/i3114e.pdf

² The Land Policy Initiative (a joint programme of the tripartite consortium constituted by the African Union Commission, the United Nations Economic Commission for Africa and the African Development Bank) is now moving towards assisting African Union member States in developing or reviewing their land policies as well as in implementing and evaluating these policies.

1.2 What was/were the source(s) from which this solution emerged?

The Gender Team lead for UN food systems Summit; ACAI public consultations; AU documents and declarations, other land tenure sources and Women and land publications.

1.3 What problem is it trying to address within food systems?

This solution addresses the low access to, ownership and rights to land by women that has been reported across regions. According to FAO, gaps in men and women's ownership of land exist in many countries. For example, in Nigeria, while 84% of land is registered in the name of men, only 5% is registered in the name of women, and 8% is jointly registered. In Niger, the data shows 64% of land is registered to men, 8% to women and 28% is registered jointly. And this is not only a problem in Africa. In Vietnam, only 16% of land is registered to women while 72% is registered to men. In Bangladesh, only 11% of land is registered to women, and in Tajikistan, only 14% of land is registered to women. And even when women own land, they tend to own less land than men. In the nine countries in sub-Saharan Africa and Asia for which data are available, women own a significantly smaller amount of agricultural land. This is even true in countries, such as Malawi, where women constitute a larger share of all landowners.

There are two imperatives for increasing women's ownership of and rights to land. One is an issue of justice. That women, as a matter of rights and justice should have the same access to and ownership of resources such as land and rights to the use of natural resources as men do.

The second, is that when women own and have rights to land, there is improvements in their investments on natural resource management and longterm improvements on the land. Women's access to land has shown very positive results in land rehabilitation. As Samandari (2017) pointed out, "A review of Ethiopia's recent land certification programme confirmed past findings that ownership increases investments in, and outputs from, the land". Insecurity of land tenure, poor access to credit and technology are some of the major constraints preventing women from rehabilitating soils and boosting nature-positive food production strategies.

While land use rights are needed to adopt any agricultural production technologies, control rights and security of tenure may affect the adoption of longer-term investments, particularly Natural Resources Management practices. In Rwanda, women with formalized land rights were 19 percent more likely to engage in soil conservation, compared to 10 percent among men. In rural Benin, women were historically less likely than men to invest in soil fertility by leaving their land fallow, but this gender gap disappeared in communities where female-headed households mapped and documented their parcel boundaries. In Ghana the intensity of investments on different plots cultivated by a given individual corresponds to that individual's security of tenure over those specific plots and, in turn, to the individual's position in the political hierarchy relevant to those specific plots.

Land registration programs in Rwanda, Benin, and Ethiopia that have emphasized women's land rights have had impact on technology adoption. In Rwanda, program participants were twice as likely as control households to invest in or maintain bunds, terraces, and check dams for soil conservation, and female headed households whose lands were regularized were the most likely to undertake such long-term investments. In Zambia, women in two districts were more likely than men to say that complex tenure is a barrier to short term soil conservation (mulching, inorganic fertilizers) and longer term tree planting; and in communities where widows inherit, households are more likely to invest through fertilizer use and fallowing.

1.4 How can this solution address that problem?

By ensuring that a critical mass of women own land in all the food systems (agriculture, Livestock, fishing) we can be assured of nature-positive food production.

1.5 Why does this solution align to the definition and criteria for a ‘game changing solution’ developed by the Summit?

Women’s land tenure is a game changing solution because boosting nature-positive food production can only be done by those in control of land and other means of production. This is because, secure rights to land are a critical, but often overlooked. Most documents from international organizations, governments, research institutions and Non-governmental institutions address the role of women in the food systems, how they are major players in food production, processes and distribution. They correctly mention how equal access and control of means of production would make a difference. Therefore, Women’s right to own land is a basic factor in achieving household food security and improved nutritional status, efficient and sustainable management of the environment. “Secure land rights refer to rights that are clearly defined, long-term, enforceable, appropriately transferrable, and socially and legally legitimate” (Landesa, 2012). These secure land rights lead to increased household agricultural productivity by:

- Providing incentives to invest in improvements to the land and its resources;
- Increasing opportunities to access financial services, technologies and other support programs;
- “Creating the space needed—one without constant risk of losing land—for more optimal land use” (Landesa 2012).

1.6 What is the existing evidence supporting the argument that this solution will work, or at least that it will achieve the initial outcomes described above?

There is evidence from multiple countries (including those cited above) showing that women’s ownership and rights to land has been shown to increase their investments in natural resource management. Other examples include studies from Uganda that show that Ugandan women farmers who did not have independent and secure rights to the land they farmed, many did not allow the land to lie fallow during the most beneficial periods. Because they feared that not using the land would affect their ability to gain future access, the land was overused and less productive (R. Giovarelli and B. Wamalwa, 2005). Most recently, in Rwanda and Ethiopia where women are being included for secure tenure to land, reports indicate better management of land resources are accompanying secure tenure rights (Ali et al, 2014).

1.7 What is the current and/or likely political support for this idea?

Globally, the idea is ripe for political support. In India, China, Latin America and Africa, governments have piloted giving women land titles and the results are very encouraging. In Africa, AU gender strategy and the vision has aimed at achieving full gender equality (AU Goal 17), the implementation plan recommends that 20% of rural women have access to and control of land by 2023. The Committee on World Food Security has Voluntary Guidelines Responsible Governance of Tenure of Lands, Fisheries and Forests in the Context of National Food Security.

1.8 Are there certain contexts for which this solution is particularly well suited, or, conversely, contexts for which it is not well-suited at all?

Women’s land ownership is suited in all contexts although it is more critical in Africa, Asia and Latin America.

1.9 Who are the key stakeholders to be further involved in the process of developing and refining the solution idea?

The Africa Union, The Committee on World Food Security, Civil Society organizations such as CARE, Landesa, Oxfam, The UNECA Land Policy Centre, national organizations that have Land Alliances, UN Women amongst others. We expect that most member states with policies that support gender

equality, and those with Feminist International Policies such as Canada and Sweden and others would be part of this coalition.

References

Ali, D.A, K. Deininger, M. Goldstein (2014), “ Environmental and gender impacts of land tenure regularization in Africa: Pilot evidence from Rwanda” in *Journal of Development Economics* 110 (2014) 20-275. World Bank, USA.

FAO (2018). *The Gender Gap in land rights*. FAO. Social Policies and Rural Institutions Division (ESP). Rome.

R. Giovarelli and B. Wamalwa, *Issue Brief – Land Tenure, Property Rights, and Gender: Challenges and Approaches for Strengthening Women’s Land Tenure and Property Rights 2* (USAID 2011) (citing K. Mason and H. Carlsson, *The Development Impact of Gender Equality in Land Rights*, in *human rights and development: towards mutual reinforcement* (p. Alston and M. Robinson, eds., Oxford U. Press 2005).

Samandari, Atieno Mboya (2017). *Gender-responsive land degradation neutrality*. landoutlook working paper. United Nations Convention to Combat Desertification.