



Gender & Land – Implications for Sustainable Development

A working paper for
development practitioners



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Federal Department of Foreign Affairs FDFA
Swiss Agency for Development and Cooperation SDC

Contents

1. Introduction	3
2. Gender and land in a changing world	5
2.1 Complex governance of land tenure and resulting obstacles	5
2.2 Growing pressure on land	6
2.2.1 Effects of climate change	7
2.2.2 Challenges to food security	8
2.2.3 Fight for water	9
2.2.4 Increased number of conflicts	9
2.2.5 Migration and social changes	10
3. Gender and land in the international policy discourse	11
3.1 Relevant international human rights frameworks	11
3.2 International policy instruments and initiatives	12
3.3 Regional legal and policy frameworks	12
3.4 Gender and land in the post-2015 agenda	13
4. Gender and land: Addressing the issue at national and local level	14
4.1 Land tenure reform and access to justice	14
4.2 Equal participation of women and men in decision-making over land	17
4.3 Changing gender roles	18
5. Conclusion	20
6. Bibliography	22
6.1 SDC Resources	22
6.2 Other publications	23

1. Introduction

**“Let’s point it out very clearly: Women must have equal access to land because it is their right.”
(Graf 2014)**

With these words, Willy Graf, Deputy Head of Regional Cooperation at the **Swiss Agency for Development and Cooperation (SDC)** opened the international conference on Gender, Land and Sustainable Development in June 2014 at the University of Berne. During 2014, two SDC networks - the Gender Equality Network and the Agriculture and Food Security Network, with professionals from headquarters and from the cooperation offices in partner countries – discussed issues of land, food security, agriculture and gender in depth. This was carried out in preparatory e-discussions and culminated in the biannual face-to-face of the two networks and the aforementioned international conference. The present publication now draws on the professional experiences of SDC staff around the world and the discussions and good practices mentioned. It also includes references to the latest research and reports on the issue of gender and land.

In the relevant literature and throughout history, land has been recognized as a primary source of wellbeing. This **relevance** is especially high in rural areas, where land is the basis for food, shelter and economic activities to secure livelihoods. But access to water and forests, to basic services such as electricity and sanitation, credit, transportation and markets is often also dependant on land. Notwithstanding this fact, in many societies land ownership determines a person’s social status and decision-making power. It thus has a great cultural and religious significance, as it contributes to the identity and dignity of a person and society as a whole (FAO 2002: 3). Land is one of the most important assets held by rural women and men. But land and oth-

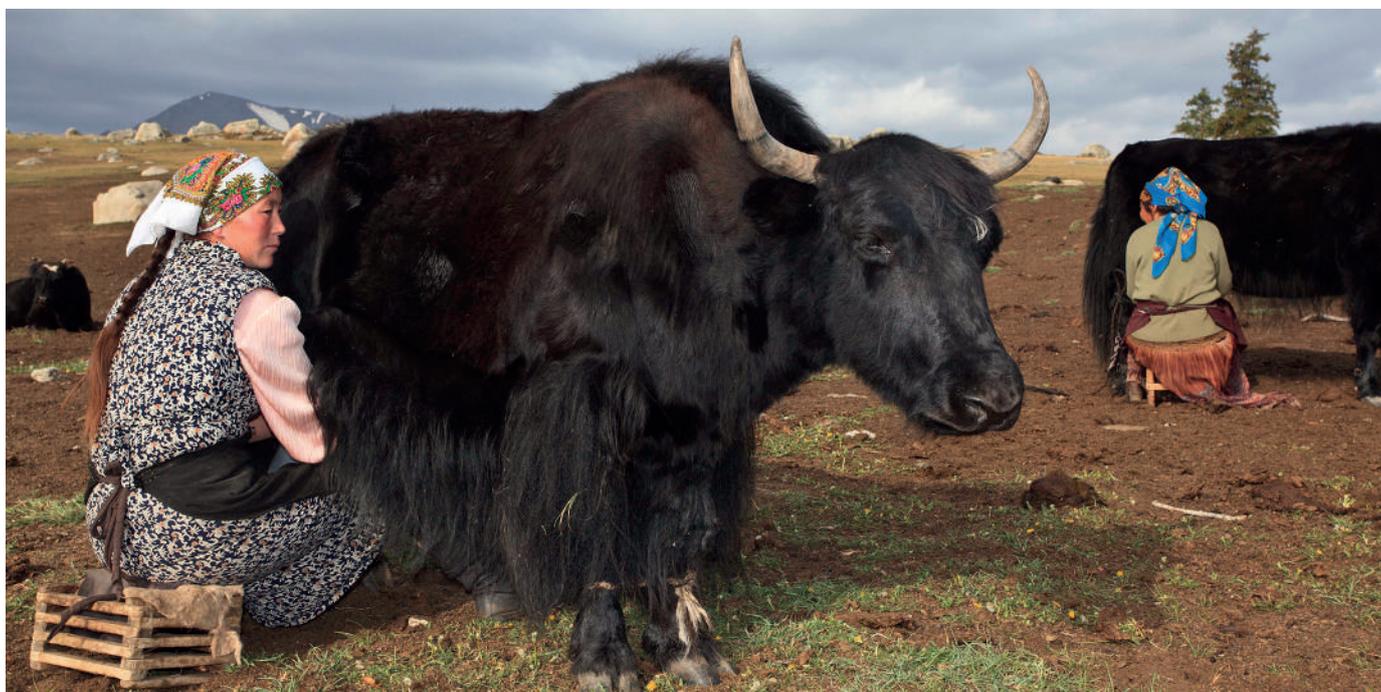
er natural resources¹ are closely linked and interact with the recent trends of food security, water, climate change and conflicts. These trends show that pressure on natural resources is rising as these become scarcer (Action Aid 2010: 2; FAO 2002: 3).

The issue of land is a **highly gendered** one. As Sabine Pallas (2014) stated in her keynote speech at the conference, data demonstrate a glaring gender gap in land holdings in all regions of the world, with fewer than 5% of landholders in North Africa and West Asia being women, an average of 15% in Sub-Saharan African, and reaching more than 25% in some countries in Latin America. In addition, women’s landholdings tend to be smaller and of lesser soil quality and, even where women hold land, this does not automatically imply that they control what they produce (FAO 2010; Pallas 2014). This is regardless of the fact that women produce 60% to 80% of the food (ActionAid 2010: 2) and comprise an average of 43% of the agricultural labour force in developing countries (FAO 2011: 7). Gender roles and stereotypes, insufficient legal rights and policies on the national and local levels and/or their lacking implementation, as well as customary and cultural practices, hinder women’s equal rights to land. As a consequence, one out of seven people in the world suffers from hunger and more than 60% of the hungry are women and children (ActionAid 2010: 2). Therefore equal and secure rights² to land are a central aspect of sustainable development and poverty reduction and are fundamental to ensure the realisation of human rights (ILC 2008: 2).

After many years of advocacy, several **international and regional legal and policy instruments** today form a clear foundation for tackling persisting

¹ As land is one of several natural resources, such as water, fisheries, forests, etc., in the following only land will be mentioned even though other natural resources are closely interconnected with the rights to land and are also important to achieve poverty reduction and sustainable development.

² The definition of women’s’ rights or equal rights to land is used in this publication as defined on page 7.



Women milking yak, Mongolia.

gender inequalities and empowering women and men with equal rights to land. Now, in the process of elaborating sustainable development goals in the post-2015 development framework, women's activists, NGOs, international organisations and governments such as Switzerland support the inclusion of a twin track gender approach: A stand-alone goal on gender equality, women's and girls' empowerment and women's human rights, as well as the transversal integration of gender equality in all other goals. Equal rights to land are an important target under the stand-alone goal and are also integrated in a number of other goals (OECD 2013; Swiss Position on a Framework for Sustainable Development Post-2015 2014: 19; UN Women 2013).

Development cooperation has addressed the issue of gender and land for quite a while. There are different approaches and several good practices, but obstacles and challenges persist in addressing the issue. Neither the international human rights framework nor national laws automatically guarantee equal access to and control over land for women and men – as examples from SDC's work clearly show. Women and men need to know their rights, and access to justice, good governance and equal participation in decision-making for women and men needs to be enhanced. Most of all, the structural obstacles and root causes of gender inequality need to be tackled - gender roles and stereotypes reflecting the unequal power relationships between women and men (Pallas 2014; FAO 2012: V; OHCHR/UN Women 2013).

A review of the literature shows that several journal articles, reports and policy briefs have appeared in the last few years. While much has been written on the lack of women's land rights in developing countries, recent trends such as large-scale land ac-

quisition as well as the effects of social change and migration have only rarely been spotlighted from a gender perspective.³ Certainly, there is a lack both of sex-disaggregated data on the phenomenon and of in-depth studies (Lanz et al. 2012: 39).

The **aim of this working paper** is mainly to provide development practitioners with theoretical and practical background information, as well as with ideas, approaches and lessons learned about how to address the issue of gender and land. It was elaborated in a very participative manner with SDC gender focal points around the world, in e-discussions, debates at the biannual face-to-face and the conference, as well as through other communications within the network. The paper is intended to make development practitioners aware of gender equality issues concerning land. It provides them with sustainable ways to address the issue in their day-to-day work across different thematic domains. However, the paper can also serve to inform policy makers in the ongoing post-2015 debate of the issue of gender and land. This working paper is the second of a series of different relevant issues concerning gender equality and sustainable development.⁴

The **structure of the working paper** is as follows: First, critical issues concerning gender and land are highlighted. This is followed by an overview of the international and regional legal and policy context. Chapter four gives an inside view of development cooperation approaches and SDC good practices as to how the challenges in gender equality and land are addressed. The last chapter presents a summary, conclusions and recommendations.

³ One exception that illuminates the gendered impacts of large-scale land acquisition is Daley (2011).

⁴ The first paper was published in November 2013 on Violence against Women (see www.sdc-gender-development.net).

2. Gender and land in a changing world

Less than 2% of the land available worldwide is owned by women (ActionAid 2010: 5). Why is the issue of land so gendered? And why are rights to land so important to secure rural livelihoods, fight poverty and achieve sustainable development? These are the questions that will be addressed by highlighting how recent developments in the context of climate change, food security, water and resource conflicts as well as social and political changes in society influence the already precarious situation concerning land.

Throughout literature and history, land has been recognized as a primary **source of wellbeing, wealth, social status and power**. Especially in rural areas, land is the basis for food, shelter and economic activities (E-discussion SDC Gender Equality Network 2014). Land is also the most significant provider of employment opportunities. Access to water, forests, fishing grounds, harvesting and hunting territories as well as to basic services such as sanitation and electricity is often conditioned by the rights to land – as are credit, transportation and markets. Also the willingness and ability to make long term investments in land and in housing are often directly dependent on secure rights to land (Action Aid 2010: 2, FAO 2002: 3).

In many societies and especially in rural areas, **social inclusion or exclusion** often depends on a person's land holding status. And there is a strong correlation between the decision-making powers that a person enjoys and the quantity and quality of her or his land rights. Land also has great cultural and religious significance and contributes to the identity of individuals and of society as a whole (FAO 2002: 3; E-discussion SDC Gender Equality Network 2014). Therefore the issue of land is closely linked to gender (Pallas 2014).

In each society, **gender roles and stereotypes** determine how males and females should think, speak and interact and what work is assigned to them; they often limit the opportunities and chances both women and men have in their lives. These gender roles and the status attached to women and men vary widely by region, age, ethnicity and social class and they change over time (Bieri et al. 2011: 87). In most traditional, rural contexts, men are the head of the household; they represent the household towards the outside, make the important decisions and often work outside the home in cash crop production. Women are mostly responsible for food preparation, food production, water collection and for the general wellbeing of the family (E-discussion SDC Gender Equality Network 2014). In some cultural contexts, restricted roles for women also limit their mobility, discouraging autonomous decision-making and responsibilities in public spaces (E-discussion SDC Gender Equality Network 2014). So rural women and men are highly dependent both on secure land rights and on related inputs, services and education. Nevertheless, a multitude of sources illustrate large gender disparities in these rights (BRIDGE 2014: 13; SDC 2014: 1).

Definition of women's rights to land

Throughout this publication, the phrase **women's rights to land** will be used according to the practice of the international human rights framework. **These rights entail the ability of women to own, use, access, control, transfer, inherit and otherwise make decisions about land that includes farmland, wetland, pasture, rangeland, fishery, forest, harvest and hunting territories as well as other related natural resources**. They also encompass women's rights to secure land tenure and to meaningfully participate at all stages of land law, policy and programme development, from assessment and analysis, programme planning and design, budgeting and financing and implementation, to monitoring and evaluation (OHCHR/UN Women 2013: 1).

2.1 Complex governance of land tenure and resulting obstacles

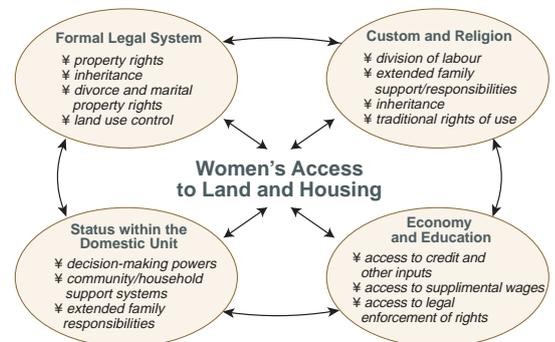
How people, communities and states regulate these rights to land is defined through **different land tenure systems**. These systems determine who holds what kind of rights to land. While in

developed⁵ countries, most land is either privately owned or owned by the state (public land), land tenure in developing countries is often more complex and is based both on state laws and policies as well as on unwritten customs and practices or religious laws which are sometimes contradictory (FAO 2012: V; Meinzen-Dick/Mwangi 2006: 1). Under these customary forms of land tenure, different people or groups often exercise multiple rights to the same parcel of land. These **'bundles of rights'** to the same parcel of land can be roughly divided into **rights to use (access), rights to control and rights to transfer (lease or sale)** (FAO 2002: 3-5; Meinzen-Dick/Mwangi 2006: 1). The manner in which all these rights are actually distributed and used can be very complex and depends on the local context. In many countries, women have no legal rights to own land, and even where they are allowed to own it, the amount of actual land that is titled under women's names is very low. In many communities, gender disparities with regards to land are linked to gender roles, stereotypes and other traditional and customary rules that enforce assumptions that men, as heads of households, have to control and manage land – implicitly reflecting ideas that women are incapable of managing land effectively, that land given to women is 'lost to another family' in the event of marriage, divorce or (male) death, and that men will provide for women's financial security (Action Aid 2010: 2; FAO 2002: 10; E-discussion SDC Gender Equality Network 2014; OHCHR/UN Women 2013: 2). These assumptions – such as the head of the family as the year-round provider of food for the entire family – does not reflect reality, as family fields often only provide food for half of the year and men emigrate and leave women to manage the family (Monimart 2014b). So women's rights to land depend on their kinship and/or relationships as wives, mothers and sisters. Similarly, there are a few societies where rights to land stems from the female line, and in this case male partners and children may be disadvantaged (FAO 2002: 10).

Barriers to women's rights to land often include inadequate legal standards and/or ineffective implementation at national and local level, because of weak institutions, as well as customary/religious laws and discriminatory cultural attitudes and practices. These different discriminatory systems and

a lack of understanding of land policies and laws often coexist and make it very hard for women to claim their rights (E-discussion SDC Gender Equality Network 2014; Monimart 2014b). On the other side, politicians, bureaucrats and other actors have not yet considered the importance of this issue or are not willing to do so (E-discussion SDC Gender Equality Network 2014).

Institutions that affect women's access to land and housing (FAO 2002: 10):



As a consequence of the persisting gender inequalities in customary and legal land tenure systems, women have **limited rights to land**. Often women only have the right to use land. So they work as unpaid family workers on the fields of their family (E-discussion SDC Gender Equality Network 2014) or, if they cultivate on their own, they are disadvantaged in the access to bank credit and technical and knowledge support because of the missing land title (Action Aid 2010: 2; E-discussion SDC Gender Equality Network 2014). Their land is often of lower soil quality. Without secure rights to land and access to support services, women's opportunities to make economic decisions and start independent income-generating activities are limited. In addition, limited rights to land may not grant enough security for women and other dependants when traditional family structures dissolve or other changes stress land tenure systems (E-discussion SDC Gender Equality Network 2014).

2.2 Growing pressure on land

As women are fighting for their equal rights to land, recent developments in the globalised world increase the pressure on land and stoke the fight (ILC 2011: 5 et seq.). These developments contribute to land scarcity and lead to continued land concentration, leaving the most economically valuable land in the hands of a small number of actors and excluding

⁵ The publication follows the terminology used by SDC and therefore uses terms such as 'developed' and 'developing country', while being aware that these terms are being discussed controversially.

many of the poorest people, particularly women, who are least equipped to cope with these shifts. They thus essentially complicate the fight for gender equality regarding land (FAO 2012: V; ILC 2011: 5 et seq.). This trend of scarcity stems from a number of causes, which are mostly human-induced. The effects of **climate change**⁶, challenges to **food security** because of the more recent wave of large-scale land acquisitions, the fight for **water** and an **increasing number of conflicts** contribute to **social changes and migration** that further marginalise the most vulnerable among rural people (Action Aid 2010: 2). In the following sections, these recent trends will be highlighted in more detail.

ed natural disasters. These effects make fertile land scarcer. Also, carbon-trading mechanisms are likely to increase pressure on land and forests in placing a commercial value on these resources (Aguilar 2014; ILC 2008: 3; Lanz et al. 2012: 41). The effects are and will be differently distributed among regions, generations, income groups, occupations, age groups and between women and men (Aguilar 2014).

In the literature, it is widely acknowledged that climate change does affect women and men differently and that they have different coping capabilities with the effects of climate change – the **impact of climate change** is not gender-neutral. On the



Floating houses, Cambodia.

2.2.1 Effects of climate change

It is widely shared among researchers and experts that climate change has a variety of effects, ranging from erratic rainfall, droughts and land degradation to a loss of biodiversity and increased climate-relat-

side of **vulnerability**, women are mainly affected in their vital role of ensuring the household's food security and enhancing agricultural productivity. The effects of climate change lead to a general loss of natural resources and to an increase in women's workload – i.e. walking greater distances to cover the family's water and energy needs. Men, as an effect of climate change, suffer from the loss of sources of income such as cash crop production

⁶ These four dimensions - climate change, food security, water and resource conflicts - were highlighted and discussed in workshops at the international conference in June 2014 and therefore give this chapter its structure.



Harvest in Kagbeni, Nepal.

and this often threatens their breadwinner role, contributing to increased stress, violence and male migration in search for other income opportunities (ICFG/SDC 2013). On the other hand, **coping and adaptive capabilities** to respond to the effects of climate change are also influenced by gender inequalities in land rights and gendered social roles and they hinder women from responding effectively to climate risks - even when several studies have shown that women have very effective strategies for responding to climate change. It is therefore important that responses to climate change take these inequalities into account and that women not be addressed as passive actors, but as potential agents for change (Action Aid 2010: 26; Aguilar 2014; IFAD 2014: 7; Sieber 2014; UNDP 2012: 2).

2.2.2 Challenges to food security

Despite the fact that there is enough food in the world to feed everyone, FAO's Hunger Map (2014) shows that about 805 million people were chronically undernourished in 2012-2014, with insufficient food for an active and healthy life. At least 60% of all undernourished people are women and girls, despite the fact that women produce most of all food for home consumption worldwide (BRIDGE 2014: 5). This is often due to entrenched gender roles. Women are responsible for food preparation and production, but they also eat after the men and are the first ones to skip meals when food becomes scarce (ICFG/SDG 2013: 31).

Emerging evidence strongly indicates that where women have equal rights to land, households experience higher levels of **food security at the household and community level** (BRIDGE 2014: 5). Secure rights to land lead to increased household agricultural productivity and production, providing

incentives to invest in improvements in land, in access to financial services and programmes to create better land use (E-discussion SDC Gender Equality Network 2014). They also impact the households' budget allocated for food, so households benefit from better nutrition, especially for the children (E-discussion SDC Gender Equality Network 2014). In this way, households' food security can be improved and poverty reduced (Landesa 2012). But the global financial, oil and food crash in 2008 and other recent trends, such as large-scale land acquisitions, are additionally challenging food security (BRIDGE 2014: 5; Monimart 2014a). At the international conference, large-scale land acquisitions were identified as an important dimension that needs a thorough analysis from a gender perspective.

The world today is experiencing the biggest surge in **land expropriation and sales** since the colonial era. Wealthy countries, corporations and individuals acquire enormous amounts of land in poorer countries of the South, especially in Sub-Saharan Africa, mainly in order to grow food, as well as to grow biofuels to secure their energy supply (Lanz et al. 2012: 40). As land has increasingly become an economic asset and the market for it is globalised, poorer land users have become vulnerable to lose their land to those with greater economic, political or social ability. It is nearly impossible for poorer rural people to acquire or to lay claim to the same tracts of land (ILC 2008: 3).

As for the majority of rural women, land is the basis for accumulating material and immaterial goods and for social capital and the **grabbing of agricultural land and pastoral areas** aggravates the increasing difficulties of women to exercise their rights to land. But the scarcity and the lack of alternatives also push the men of these households

to develop various strategies to grab land intended for women. The most extreme cases lead to the exclusion of women from all agricultural activity, and therefore to the feminisation of poverty and, finally, to social exclusion. These situations demonstrate how important equal rights to land are (Monimart 2014a). Available studies also show that women do not profit from **compensation or land-lease payments** (Goethe 2014). They are also discriminated against at the level of possible job creation or access to improved land (irrigated areas). Limited mobility and the absence of training give them even fewer alternatives than men (ILC 2008: 3).

Gender discrimination in access to land and its aggravation by the many modes of land-grabbing that exist **must be recognised and studied** (Lanz et al. 2012: 39; Monimart 2014a). The negative impacts of grabbing must be seen in the **context of sustainable family agriculture and the food systems in which women and men work** that are threatened by agribusiness and the dominance of markets (Goethe 2014; Monimart 2014a). Beyond this analysis, gender is a part of the unavoidable transformation of power relationships on the path to fair and sustainable development (Monimart 2014a).

2.2.3 Fight for water

Most of the world's 1.2 billion poor people, of whom two thirds are women, live in water-poor countries and do not have access to safe and reliable water supplies for productive and domestic uses. This means that one third of the world's population is currently experiencing some kind of physical or economic **water scarcity**. A growing competition for water from different sectors such as industry, agriculture, power generation and private use is making it difficult for poor people to access this scarce resource for productive, consumptive and social uses (IFAD 2012: 2). In the next 30 years, water use is estimated to increase by about 50% (Gabizon 2014). In water-poor regions and countries, inequality in access to water is increasing, because of the competition for limited natural resources through

climate change, water-intensive commercial agriculture as well as land and water grabbing. This particularly affects poor rural people, especially women (IFAD 2012: 2).

In most of these countries, **water use and management** are typically divided by gender. Women and girls are responsible for collecting and using water for household purposes, food production and child-care as well as the care of the elderly and ill, while men make decisions about water resource management and development at both local and national levels (ICFG/SDC 2013: 56; Gabizon 2014). Access to water is often closely linked to land rights. For example, women and girls from poorer, marginalized communities, who often do not have secure land rights, are generally more dependent on open water sources (Gabizon 2014). Research also shows that women can face direct competition with men for communal water resources during times of water shortage or during local conflicts. Women are more exposed to violence, they have to walk further to fetch water and they face additional pressure on their time (Gabizon 2014; ICFG/SDC 2013: 57).

Prevailing gender-based inequalities are also responsible for the fact that women have less means and capability to cope and adapt, and consequently bear a **disproportionate burden** in the increased competition for water. Gender considerations in relation to water, though not only, need to be framed within the context of the burdens faced by women to ensure access to water and sanitation as a result of traditional gender-based division of labour, but also within women's socio-economic interests in water resources as part of their rights to productive assets and resources to secure livelihoods and to participate in decision-making (Rizzotti 2014). These links between water, food security and gender have to be addressed to reduce poverty and achieve sustainable development (Allély et al. 2000: 9).

2.2.4 Increased number of conflicts

Worldwide, the number of conflicts has increased.

Conflicts and their effects, such as displacement and the death of family members, unvaryingly have an impact on the availability and use of land. In addition, in the chaos of conflicts, weak states and customary authorities, existing or unresolved land disputes emerge and/or land grabbing takes place (UNDP et al. 2013: 15). These difficult situations present different challenges to men and women. The capability of individuals to cope with the impacts of conflicts such as physical threats and food insecurity, displacement, loss of livelihood assets and social exclusion, is strongly influenced by **gendered roles and responsibilities**. Also, conflicts shift gender roles. Women take over new spaces and diversify their roles, but conflicts also lead to a higher workload and an increase in care responsibilities (Sancar 2014). During war and post-war periods, many men lose their lives while women and children leave their homes and lose their land (E-discussion SDC Gender Equality Network 2014).

Addressing issues of inequality in land rights is therefore a critical condition for a sustainable and lasting peacebuilding process and, within this process, traditional role models have to be rethought and access to social security protection and basic services have to be guaranteed (Halle 2014; Sancar 2014).

2.2.5 Migration and social change

The effects of these recent developments contribute significantly to migration and other social change. Traditional forms of living and producing are challenged as **non-traditional household arrangements** emerge through labour mobility, divorce, death, conflicts, etc. Land tenure governance systems often do not adapt to these changes and women suffer great risks of losing land rights. **Migration** to urban centres has resulted in a rapid rise in the number of women-headed rural households. Women remain in the rural context with an increased work load and more social responsibility. They not only care for children, the elderly and other vulnerable people left behind, but also secure the

household's wellbeing (E-discussion SDC Gender Equality Network 2014). But many of these women are those with the least social power (i.e. single parents, widows, divorcees, wives of migrant workers, elderly or disabled people). They are largely without effective decision-making power, often without a voice in community governance, and increasingly without rights to land. Single, divorced or widowed women can end up dependent on the goodwill of distant family members (FAO 2002: 11). These changes once again increase the need to readjust traditional gender roles according to which men are 'the providers' and women 'the reproducers', in order to allow women to exercise their rights to land efficiently and equitably and to secure their economic and social wellbeing (FAO 2002: 2, Monimart 2014b).

As shown in this chapter, several articles, reports and policy briefs have been written on gender disparities in land rights in many countries. A body of research on the topic provides a growing evidence base for arguments in favour of securing women's land rights to achieve poverty reduction and sustainable development (FAO 2002: 3; ILC 2012: 5 et seq.; Pallas 2014).

3. Gender and land in the international policy discourse

In the current context of **persisting gender disparities in rights to land** and rising pressures on land, international, regional, national and local stakeholders are fighting for the recognition of the importance of ensuring equal land rights for women and men, as well as the rights to information, participation, association, freedom from violence, and education the lack of which prevents them from accessing these vital resources (Pallas 2014, OHCHR/UN Women 2013: 5). What is the human rights situation concerning land? What kind of policy instruments exist? And how is the issue of land integrated into the new, post-2015, sustainable development goals? This chapter offers a broad, but not exhaustive picture of the situation.

3.1 Relevant international human rights frameworks

International and regional legal and policy instruments form a solid binding foundation to tackle persisting gender inequalities and promote women's rights to land. The right to land as such is not formulated in one specific international treaty. It is a cross-sector issue defined in many other rights, such as the right to an adequate standard of living, the right to food, housing and water and other rights in several different international human rights instruments. These instruments protect women's land rights and oblige states to respect and fulfil human rights related to equal access, use and control over land and other productive resources (OHCHR/UN Women 2013: 5-8).

For women's right to land, the **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**, 1979, is of particular importance and interest. CEDAW calls on state parties to end discrimination and "take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women" (Art. 2, f) (UN General Assembly 1979). According to CEDAW, member states are under the obligation "to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of

men and women, that they participate in and benefit from rural development (...)" (Art. 14, 2) (UN General Assembly 1979). This includes the rights to education (Art. 10, 11, 13), access to housing (Art. 14), access to credit and loans (Art. 13 and 14) and the right to participation (Art. 7 and 8). Importantly, it also guarantees equal treatment in land and agrarian reforms as well as in land resettlement schemes (Art. 14). Furthermore, the convention obliges states to accord women equal access to justice (Art. 15) and "to take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations" (Art. 16, 1) (UN General Assembly 1979). The Convention also guarantees other rights such as the right to health (Art. 10) or work (Art. 11) (Action Aid 2010: 13-15, OHCHR/UN Women 2013: 5-8; FDFA et al. 2014).

Different bodies monitor the **implementation** of the international human rights treaties and call on member states to ensure women's human rights related to access to, use of and control over land. Furthermore, on behalf of the United Nations Human Rights Council, Special Rapporteurs examine, monitor, advise and report human rights violations on current themes such as women's rights to land. The Special Rapporteur for the right to food, Hilal Elver, and Caterina de Albuquerque, Special Rapporteur for the right and access to safe drinking water and sanitation, are important actors in this process (OHCHR 2014).

Experience shows, however, that the claim to women's rights to land often faces **persistent resistance**. For example, in 2012, at the fifty-sixth session of the Commission on the Status of Women (CSW), the priority theme was the empowerment of rural women and their role in poverty and hunger eradication, development and current challenges. The Commission did not adopt agreed conclusions on the priority theme during this session, since it was not possible for the delegations to agree on language for a number of key terms, among them the issue of women's rights to land (CSW 2012).

3.2 International policy instruments and initiatives

There are several non-binding international policy instruments, principles, guidelines, initiatives and recommendations that support those international human right instruments.

The **Beijing Platform for Action** of the Fourth World Conference on Women in 1995 promotes women's access to land, to affordable housing and urges states to undertake legislative and administrative reforms. It supports legal obligations of member states to ensure women's equal access to economic resources, including the rights to inheritance and ownership of land and other property. Further documents, such as **the Habitat Agenda**, adopted at the second United Nations Conference on Human Settlement of 1996, the **Plan of Action of the World Food Summit**, 1996, and **the Basic principles and guidelines on development-based evictions and displacement**, 2007, of the Special Rapporteur on adequate housing, promote equal rights to land (Action Aid 2010: 13-15; OHCHR/UN Women 2013: 8-11).

In 2012, the Committee on World Food Security officially endorsed the **Voluntary Guidelines on the Responsible Governance of Tenure of Lands, Fisheries and Forests in the Context of National Food Security (VGGT)**. These guidelines are built on existing human rights instruments, enshrining gender equality as well as regional frameworks. It obliges states to "ensure that women and girls have equal tenure rights and access to land, fisheries and forests independent of their civil and marital status" (3B Principles of Implementation, 4) (CFS/FAO 2012: 5). And it provides guidance on various aspects of the governance of tenure on the principle of gender equality to achieve food security for all. It shows an encouraging trend towards addressing gender issues in land governance, as well as recognising the importance of women's land rights (Action Aid 2010: 13-15; CFS/FAO 2012; OHCHR/UN Women 2013: 8-11; Graf 2014; Pallas 2014).

Gender equality and women's rights have also been integrated into closely related fields, i.e. into the **United Nations Framework Convention on Climate Change** (UNFCCC), this after several years of advocacy and awareness raising (Aguilar 2014; WEDO/GGCA 2014: 2). In the field of food security and under the umbrella of the Committee on World Food Security, in 2014 governments from around the world approved **the Principles for Responsible Investment in Agriculture and Food Systems (CFS)**, a guidance intended to ensure investment in agriculture and food systems that benefits local food security and workers' rights (CFS/FAO 2014).

3.3 Regional legal and policy frameworks

At the regional level, there are several legal and policy frameworks that ensure women's rights to land.⁷ In Africa, for example, the **Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa** of 2003 guarantees women's land and property rights. The protocol requires state parties to ensure that in the event of separation, divorce or annulment of marriage, women and men shall have rights to an equitable sharing of the joint property deriving from the marriage, such as access to land (OHCHR/UN Women 2013: 11-13).

The **Framework and Guidelines on Land Policy in Africa**, adopted by the African Union in 2009, and the **Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights** of 2010 also recognise the principle of gender equality and women's equal rights to land. The **Nairobi Action Plan on Large Scale Land-Based Investments in Africa** of 2011 embraces the promotion of alternative land based investment models and highlights the potential negative impacts of large-scale land acquisitions in order

⁷ For a detailed list, see OHCHR/UN Women 2013: 11-13.



Woman preparing food, Nicaragua.

to achieve equitable and sustainable food security and development. For other regions of the world, there are similar legal and policy instruments, such as for example the consensus documents adopted at the Regional Conference on Women in Latin America and the Caribbean (Action Aid 2010: 13-15; OHCHR/UN Women 2013: 11-13).

3.4 Gender and land in the post-2015 agenda

The **Millennium Development Goals (MDGs)** will expire 2015 and the international development community is developing a new global post-2015 agenda, the **Sustainable Development Goals (SDGs)**. In July 2013, the Open Working Group set up by the UN published the **Proposal for Sustainable Development Goals** that suggests 17 different thematic areas for the new goals. It contains a stand-alone goal on gender equality (goal 5) as well as the transversal integration of gender equality in some of the other goals (UN General Assembly 2014). Civil society activists have been advocating strongly to have equal rights to land and other natural resources included prominently in the new framework, with some success: they now figure as a means of implementation of goal 5, but – unfortunately – with the affix “in accordance with national

laws” (UN General Assembly 2014).⁸ In addition, important references are made in other related goals, in particular those on poverty and food security (goals 1 and 2).⁹ Also, the Swiss government in its official position supports an explicit right-based and twin track approach on gender equality, women’s empowerment and women’s rights that include equal rights to land as well as food and water security as priority themes (Graf 2014; Swiss Position on a Framework for Sustainable Development Post-2015 2014: 19; Swiss Position on Gender Equality in the Post-2015 Agenda 2014).

The process on the new sustainable development agenda is ongoing and, in 2015, intergovernmental negotiations will take place until new goals are defined and hopefully adopted by the UN General Assembly.

As this chapter shows, in recent years significant progress has been made in the international human rights and policy instruments and regional frameworks to integrate equal rights to land. However, in many countries human rights and other legal and policy instruments are still at odds with national legislation or customary rules, and historical inequalities and new pressures are preventing the most vulnerable people, especially women, from exercising their rights. In effect, statutory rights are often overruled by customary practices that clearly disadvantage women (ILC 2012: 5-7, Lanz et al. 2013: 52).

8 “(...) Reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance, and natural resources (5a).”

9 The resistance against equal land rights for women and men originates mostly from those countries that have inheritance laws that discriminate against women and thus are not compatible with gender equality in land rights.

4. Gender and land: Addressing the issue at national and local level

Equal rights to land are important to secure rural livelihoods and to fight poverty – and pressure on land is growing through the effects of climate change, challenges of food security, fights for water and an increasing number of conflicts. All these issues concerning land are extremely gendered. Furthermore, despite progress in international human rights and policy instruments as outlined in the previous chapter, evidence and also SDC experience suggest that national law and its complex interaction with local and customary practices are much more powerful since they directly affect the reality of women's rights to land.

The question is therefore: What can development cooperation in general and the Swiss Agency for Development and Cooperation (SDC) in particular do to promote equal rights to land for women and men? There are different approaches and good practices, but obstacles and challenges persist – from structural obstacles based on unequal power relationships, weak governance or technical approaches to land policy and administration that ignore gender issues. Gender and land are and remain a difficult issue to address (Pallas 2014; FAO 2012: V). This chapter lists some of the key issues and on-the-ground practices of SDC's daily work - including SDC project good practices in different partner countries.

Members of the SDC Gender Equality Network - i.e. thematic programme officers at headquarters and in SDC's partner countries who are responsible for gender equality - mention three key issues that need to be addressed in order to promote equal access to and control over land for women and men (mutually complementing each other):¹⁰

- Land tenure reforms and access to justice
- Equal participation of women and men in decision-making over land
- Changing gender roles

In addition to these key issues, there are two critical cross-sector soft factors (among others) that should be considered in project design and budget: Time and workloads as well as mobility. Below, each of these three approaches and cross-sector factors will be highlighted and illustrated with good practices (in boxes) from SDC programs:

4.1 Land tenure reforms and access to justice

As pointed out in chapter 2 of this publication, in many developing countries complex land tenure systems based on statutory laws as well as customary and religious laws and practices determine who has what kind of rights to land – and often these systems are embedded within gender stereotypes (FAO 2002: 12; OHCHR/UN Women 2013: 21; Pallas 2011: 271). As also pointed out in chapter 3, there are different international and regional instruments that protect women's land rights. How then is the situation in terms of land rights in SDC's partner countries and what can be done to promote equal rights to land for women and men by way of land tenure reforms and access to justice?

The most common way to achieve equal access for women and men to land as well as control over it are **land tenure reforms** (FAO 2010; Pallas 2011: 271; OHCHR/UN Women 2013).¹¹ OHCHR and UN Women (2013) therefore recommend that the existing international human rights instruments be incorporated in national laws and that women's independent land rights be guaranteed in the national constitution – with a special focus on equal rights to access, use and control of productive resources, including

¹⁰ This publication draws on the experiences and approaches of SDC, based on contributions of SDC Gender Equality Network members and their own assessment of good practices. For an in-depth analysis of the different cases and the analysis of the legal situation in the respective SDC partner countries concerning land rights (see recommendation in chapter 5), a more systematic analysis of the overall approach of SDC programmes would be important, but is beyond the scope of this paper.

¹¹ UN Women (2013) contains a large variety of case studies and good practices for promoting women's access to and control over land.

Good Practice: Mali

Mali has an agricultural orientation act which provides an almost comprehensive institutional basis for the successful implementation of a gender-based approach. The act includes – among other groups – “the economic and social promotion of women in a rural and peri-urban environment (...) by promoting their access to the means of production. (...) Preference is given to women in the allocation of land plots in the newly developed areas provided by public funds” (SDC 2014: 3). Nevertheless, despite a **favourable legal framework** and the fact that women make up almost half of the farming population, they “often have limited access to the means of production” according to a case study on the APEL and AVAL programmes carried out on behalf of SDC (SDC 2014: 3).

These two programmes made it possible to improve the access of women and young people to land, finance, inputs and training. One of the programmes concerns promotion of the local economy (APEL), and the other spatial planning and the ‘peaceful development’ of agricultural land (AVAL). In both programmes, the **involvement of the local community** was crucial for ensuring support so as to guarantee land tenure for women’s groups. Based on the findings of the above mentioned case study, quantitative objectives in the form of **quotas** were established for the APEL and AVAL programs. Women and young people were to benefit from 20% or even 25% of the developed areas rather than the 10% (i.e. 5,000 hectares) prescribed by law (E-discussion SDC Gender Equality Network 2014; SDC 2014: 3). “The programmes AVAL and APEL have managed to work with all actors on a local level to allocate a minimum of 30% of all land to women” (Sissoko 2014).

Good Practice: Burundi

“In Burundi the landmark land tenure project in the Ngozi province was only able to secure land use rights, not land titling for women. Yet SDC is going ahead with its support since clarity on land rights is so strongly linked to local tensions among ethnic groups that it was seen of prime importance to achieve land use security as part of a conflict transformation strategy. In Burundi for sure, it is an ambition of SDC and its partners to bring **titling for women** to the table” (Graf 2014: 3)

land. These specific land laws on the national level have to be accompanied by laws that generally prohibit discrimination (OHCHR/UN Women 2013: 21, 23, 28, 34). In addition, equal inheritance rights need to be assured for both sexes, even in situations of divorce, cohabitation, polygamy and customary marriage (OHCHR/UN Women 2013: 37, 39, 40). A system of land titling and registration that records tenure rights in a formal and centralised way could be another way of guaranteeing land rights.¹² Laws shall furthermore secure women’s tenure through legal security and protect them from forced eviction at the hand of both public and private actors – e.g. in situations of property-grabbing or domestic violence (OHCHR/UN Women 2013: 24, 27, 41, 42).

SDC’s partner countries do have **different legal situations** concerning land rights. In Benin for example, “women have access to land. They have the right to own, to buy and to use land in rural areas. (...) In most departments though, women do not inherit land. The main reason for this is that women will leave with the property when they get married and nurture the family of the husband. Therefore only boys have the right to inherit the land of the father” (Codjia Agossou 2014). Or in Burundi “90% of the population lives off the land, but ‘even when women buy a plot, the land title may be issued in the husband’s name’ adding ‘they say that otherwise it creates problems in the home, and this is often true” (Ndikumamasabo cited in SDC 2014: 2).

Land tenure reforms to promote equal rights to land are one important step, but only one side of the coin. Even when women have the same rights as men to land, the challenges reside in the **application of the law**. Women need to know their rights and they need to be able to access justice (Pallas 2011: 283 et seq.). Women’s ability to claim their

¹² This issue is contested. There are ongoing discussions in academia as well as within the World Bank and other institutions as to whether formalising land rights is feasible or even possible in contexts with very strong customary systems. See Tsikata & Whitehead (2003) for an overview.

Good Practice: Cambodia

More than 70% of Cambodians depend on agriculture and natural resources (fisheries and forests) for their livelihoods. More than 65% of Cambodian women are farmers or engaged in fisheries. The SDC program on *Support to Community Forestry and Fisheries* strengthens local communities to secure access to natural resources to improve food security and increase their income. The programme pursues the inclusion of and benefits for women and ethnic minorities. To do so, mechanisms are created to **enhance women's participation in activities with regard to their multiple family and household responsibilities**, such as the choice of venues and the timing of training and other support activities, increasing the access of women to forestry and fishery resources, focusing community-based enterprise on women's skills or entrepreneurial interests, and enhancing the social organisation of women for mutual support and learning, thus helping them to better voice issues and gain confidence (SDC Program Cambodia).

Good Practice: Burkina Faso

With the GRAF project – a project in the field of the rule of law, key land research and gender - Burkina Faso has started pilot actions to secure land rights for women and to promote access to farmland for women. The project aims at securing farm land for women through the application of Burkina Faso's new law on land rights adopted in 2009. This is done through raising awareness on the unequal access to resources and **social dialogue** with all members of the community (women, men, authorities). The project experience is that **acceptance by the local community** is a key issue and that this takes a very long time. A land charter, a form of **local bylaw**, was adopted through the customary authorities to enforce the application of the national law on the local level. Through the project, it was possible not only to secure land titles (with certificates of land possession) for 105 women, but also to break an important taboo on the traditional concept of land ownership. A **community-adapted approach** as well as the **involvement of the whole community** were key factors for the success of the project (E-discussion SDC Gender Equality Network 2014; SDC 2013: 3). "This was only possible thanks to the cooperation of the municipal authority (...). The process did however require many courtesy visits to the administrative, religious and traditional leaders, supported by meetings to raise awareness in the community" (Koanda 2014).

Good Practice: Sri Lanka

"If there is a male in the household, the male would still be responsible for 'making use' of the land and the female would support any supporting activities like in farming. It is only in the rare families where a woman is the head of the family, that she would take the initiative to 'make use' of the land" (Wijesinghe 2014). In Sri Lanka, SDC **advocates** with the government authorities to speed up the process as well as to provide land deeds. SDC also lobbies with parents and siblings to allow ownership of land with the official deed for women-headed families (Wijesinghe 2014).

rights is linked to education, awareness of rights and decision-making power (also see 4.2 and 4.3). Among others, OHCHR/UN Women (2013) as well as Pallas (2011) recommend that not only land tenure reforms shall take place, but that laws, policies and programmes should promote access to justice and enforcement. This can be done through legal literacy and awareness-raising campaigns within the communities on equal rights to land (OHCHR/UN Women 2013: 31, 33, 42, 52, 54). Further, courts need to be accessible and affordable for all women, including legal aid, and legal professionals as well as religious and customary justice authorities need regular training in equal rights to land (OHCHR/UN Women 2013: 31, 47).

Time and workload as well as **mobility** are critical soft factors to be considered, for example in organising training and awareness-raising activities. Women have multiple roles in agricultural societies (mother, household manager, gardener, farmer, etc.) and this workload results in time scarcity. Considering this aspect in project design and budget, all training or awareness-raising activities need to take place at times when it is possible for women to participate (e.g. not during meal times). Furthermore, women need to be empowered in accessing mobility. The costs of mobility as well as childcare can restrain them from accessing training or going to court. In projects, there should be enough money for mobility so that women can also participate in training and it is possible that they can take their children and child-carers with them (E-discussion SDC Gender Equality Network 2014; Bieri et al. 2011).

Special attention within all these measures always needs to be paid to **intersectional and multiple forms of discrimination** and the situation of marginalised and vulnerable groups of women (such as women living with HIV / AIDS, women with disabilities, elderly women, displaced women or indigenous women) needs to be taken into account (OHCHR/UN Women 2013: 20, 56, 57, 59). Furthermore, acceptance by leaders plays an important role.

Many members of the SDC Gender Equality Network mention socially constructed gender stereotypes and roles that influence traditional and customary rules and make it difficult for women to make use of their rights. "The challenges in the project are the effective application of the existing laws, and all actors have to know their rights" (Codjia Agossou 2014).

4.2 Equal participation of women and men in decision-making over land

Another way to promote equal rights to land is through **ensuring meaningful participation of women in decision-making** (Pallas 2011: 271; OHCHR/UN Women 2013). Generally, women have

less voice in decision-making than men in politics, the economy, their societies and within their household, where they often lack control over household spending and earned income (Swiss Position on Gender Equality in the Post-2015 Agenda 2014). Women are prevented from participating in decision-making due to a lack of awareness of their rights, lower levels of literacy and education, and a lack of access to justice (Pallas 2011: 271). "Women remain a minority in decision-making and managerial functions, such as the management committees of farmer associations, where discrepancies in education and self-confidence are most apparent. The objective of empowering women therefore needs to be clearly stated" (SDC 2014: 4). "Women lack information because they do not participate in the public sphere, and are not aware of laws and policies, an area which is still considered the men's domain. Women face obstacles when they want to attend meetings (...) due to cultural restrictions (...), but also due to a workload (households and agricultural activity) that does not allow them to leave to attend a meeting. The end result is that women are less informed about anything that happens outside their household, and possibly also less concerned with such issues, because they are traditionally 'men's business'" (Pallas 2011: 282). Therefore here again, the cross-sector issue of time and workloads needs to be considered in promoting equal participation of women and men in decision-making over land – e.g. through organising the meetings at certain times when it is possible for women to attend or through empowering women in accessing mobility to get to places where decision-making takes place (E-discussion SDC Gender Equality Network 2014).

In order to promote equal rights to land, women and women's rights groups should have **full participation** in the formulation of laws, policies and programmes and they should be **represented on equal terms with men in all decision-making structures** relevant to land and agriculture. For an informed, active, meaningful and effective engagement, women and women's rights groups need to have **full and accurate information** about decision-making processes, they should be able to benefit from **capability-building and special measures** might be required where needed. The right to participation applies to all stages of law, policy and programme development, including assessment and analysis, programme planning and design, budgeting and financing, implementation, monitoring and evaluation (Pallas 2011: 283 et seq.; OHCHR/UN Women 2013: 7). On top of participation in decision-making, land laws, policies and programmes

Good Practice: Pakistan

Pakistan lacks a legal basis that guarantees women's access to land and the possibility to own land is lacking even though women play a huge role in agriculture in this country also. The approach of raising awareness on legal issues among women and promoting access to legal aid is used in Pakistan (Khalid 2014). "The rule of law initiative in the SDC's governance programme has managed to **raise awareness on legal issues** among women in the Khyber Pakhtunkhwa province. During 2013, the project successfully provided legal aid to women from the Malakand division who were deprived of their share of inheritance" (Khalid 2014).

less voice in decision-making than men in politics, the economy, their societies and within their household, where they often lack control over household spending and earned income (Swiss Position on Gender Equality in the Post-2015 Agenda 2014). Women are prevented from participating in decision-making due to a lack of awareness of their rights, lower levels of literacy and education, and a lack of access to justice (Pallas 2011: 271). "Women remain a minority in decision-making and managerial functions, such as the management committees of farmer associations, where discrepancies in education and self-confidence are most apparent. The objective of empowering women therefore needs to be clearly stated" (SDC 2014: 4). "Women lack information because they do not participate in the public sphere, and are not aware of laws and policies, an area which is still considered the men's domain. Women face obstacles when they want to attend meetings (...) due to cultural restrictions (...), but also due to a workload (households and agricultural activity) that does not allow them to leave to attend a meeting. The end result is that women are less informed about anything that happens outside their household, and possibly also less concerned with such issues, because they are traditionally 'men's business'" (Pallas 2011: 282). Therefore here again, the cross-sector issue of time and workloads needs to be considered in promoting equal participation of women and men in decision-making over land – e.g. through organising the meetings at certain times when it is possible for women to attend or through empowering women in accessing mobility to get to places where decision-making takes place (E-discussion SDC Gender Equality Network 2014).



Shepherd with goat caravan, Pakistan.



Training in agricultural technics, Tanzania.

4.3 Changing gender roles

Another way - in fact the most sustainable way - to achieve gender equality in general and to promote equal access to and control over land for women and men in particular, is **working towards changing gender roles and stereotypes** (Pallas 2011: 283 et seq.; OHCHR/UN Women 2013). Practices and perceptions of women's status in the household, family and community affect the extent to which women can exercise their rights (Pallas 2011: 271). Members of SDC's gender equality network report persisting gender inequalities in their countries – e.g. in Mongolia 85% of the land is registered in the name of male family members, 2/3 of the land in Niger is granted to men and only 12% of the farms in the Ukraine are headed by women. In Nicaragua, only 23% of land owners are women and in Bosnia Herzegovina, women returnees after the war had to fight to get ownership of land which had belonged to deceased male family members (E-discussion SDC Gender Equality Network 2014).

Socially constructed gender roles and traditional norms are mentioned as one of the biggest obstacles for women's rights to land. Land in different countries is considered as a masculine good and there is low acceptance of women being able to make decisions on their own.

"We need to put a strong emphasis on the empowerment of women, as nothing can be done if women are not aware of their rights and just accept their situation as it is. Gender stereotypes influence the upbringing and education of girls and boys from the very beginning: (a) It is the boy who accompanies his father to the field. (b) A boy is not allowed to be afraid. (c) I go out and give you the responsibility for the house, look after your sisters and brothers. (d) Come my oldest son, I will show you the boundaries of our field. (e) In the fields, boys work with their father and girls with their mother."

(Codjia Agossou 2014)

should be **gender-sensitive**; tools as well as land budgeting should be participatory and reflect an **integrated gender perspective**; and they should track how budgets respond to gender equality commitments and targets. This needs to be accompanied by **gender-sensitive and sex-disaggregated data collection** on access to, use and control of land, as well as monitoring and evaluation involving women (FAO 2010; OHCHR/UN Women 2013: 41, 48, 50).

Furthermore, the rights to land are not sufficient if women and men do not have access to **other means of production**. In order to be able to productively farm the land and eventually benefit from it, other productive resources are needed – such as access to loans and credits, to agricultural education (including information, training, extension services as well as technology and resource transfer), to agricultural inputs (including seeds, tools and equipment for farming) as well as access to markets (OHCHR/UN Women 2013: 45, 46; E-discussion SDC Gender Equality Network 2014).

Good Practice: Benin

The land and family law of Benin gives women the same inheritance rights as men, but again the application of the law and awareness of these rights among women are the biggest challenges. "When women settle in their husband's village, they are still seen as being 'not from here'. When widowed, the land does not pass into their hands. Even when the legal framework reflects a political will in favour of equality, (...) resistance to the law's application remains considerable" (Codjia Agossou Blandine 2014). In Benin, SDC supports projects aimed at empowering women in agricultural and pastoral production through increased economic self-reliance, training, research on the socio-cultural environment and leadership. The community gradually becomes accustomed to seeing women in positions of responsibility, and seeing husbands sharing the decision-making and even household duties. "A woman's increasing income earns her greater respect and therefore power potential. Influencing relations in the home requires increasing men's awareness. This is not easy, but with perseverance it can be achieved. It needs continuous effort" (Codjia Agossou 2014).

The experience of Benin also shows that **successful examples** are the best way to encourage men to share power (SDC 2014: 2, 4). "The patriarchal system of transferring land is not as rigid as we always say. We had a court case in Benin where a woman fought for her right to inherit land against her cousin. She obtained her right by the customary court – even against cultural norms" (Codjia Agossou 2014).

The SDC gender action plans for East, Southern and West Africa aim to obtain the **statistical data** relevant to the programmes, so it is possible to identify underlying problems and set clear objectives, monitor progress and quantify the results. In Benin, this was done through 'Swiss support for an agricultural and pastoral development' evaluation report that makes it possible to follow the improvements over a period of four years with regard to cultivated or fallow land, different crops and livestock, increases in revenue and rates of literacy, etc. The report also allows efforts that have been particularly favourable to women to be identified, ensuring that rural development programmes do not merely duplicate existing inequalities when the gender question is either ignored or underestimated (SDC 2014: 2, 4).

Also Pallas (2011: 282-283) states that "(...) gender equality or gender justice is not a familiar concept in rural areas, where gender stereotyping is prevalent and tasks are very clearly assigned based on gender. In addition, while laws and policies may refer to gender equality, the concept has not been internalised and/or translated into action at the local level – and sometimes even at the higher level, where rhetoric may be gender-neutral but actions are not, because little attention is paid to promoting gender equality."

In order to promote equal rights to land, a **fight against unequal power relationships** between women and men as well as a **change of practices and perceptions of women** in the household, family and community are needed (Pallas 2011: 271; OHCHR/UN Women 2013). This can be done through raising awareness at all levels - from members of a household to traditional leaders in the community, from officials in the regional administration to policy-makers. "In an area as sensitive as gender relations, acceptance by the communities involved plays a major role. This is all the more true in rural areas, where the authority of religious leaders and village chiefs is all the greater" (SDC 2014: 4). Within all these activities to change gender roles, the cross-sector issues concerning the sexual division of labour, care-work and resulting time scarcity and workloads of women are core issues that need to be discussed (E-discussion SDC Gender Equality Network 2014; Bieri et al. 2011).

5. Conclusion

As the literature and development practice show, in most countries women and men don't have equal rights to land. Despite international and regional instruments and policy frameworks that guarantee equal rights to land, development cooperation and civil society actors struggle at different levels and with different approaches for more gender equality in land rights.

Inadequate laws and policies on the national and local levels and/or deficient implementation of these laws as well as customary and culturally customs prevent women from exercising their rights. But land is essential to secure a livelihood, especially for rural people, and to reduce poverty and promote sustainable development. Equal rights to land must therefore be an unchallenged asset in the **new post-2015 development framework**.

"(...) In a world where the imperative of equal legal and political status and rights for every human being is (...) increasingly accepted, there is no room for systems which prevent women from inheriting, owning, selling and managing farm land." (Graf 2014)

This publication draws on the experiences and knowledge of SDC staff in the cooperation offices around the world and at headquarters as well as the evidence of researchers and activists. Two SDC networks, the Gender Equality Network and the Agriculture and Food Security Network, shared their knowledge during the first half of 2014. Preparation, face-to-face meetings and the conference formed a transdisciplinary **process of institutional and shared learning** and deepened the awareness and knowledge of this important issue.

There is still a **large gap** between international and regional instruments and policies that guarantee equal rights to land and their successful implemen-

tation. Neither does a favourable legal framework on the national level guarantee women and men the same access to and control over land. Equal participation in decision-making is needed, women and men should know about their rights and they need to have equal access to justice. And most of all, the underlying root causes – gender stereotypes and unequal power relationships between women and men – need to be in the focus to address the problem in a sustainable manner.

SDC and other development cooperation agencies **address these various obstacles** on different levels – such as the international policy level, the regional and national level as well as the operational level, through a human rights and a community-based approach. As the good practices of SDC from the operational level show, they work with women to empower them in their rights and in participation in decision-making processes, but also with men and the whole community and its leaders to increase awareness of gender equality and to transform traditional gender roles so as to address the root causes of the problem. As facts and figures show, this goes in the right direction, but there is still a lot to do in order to reach sustainable development.

From the transdisciplinary process of institutional and shared learning among the two networks, recommendations can be made for development practitioners and key questions can be formulated for a forward looking agenda for SDC:

Recommendations for development practitioners:

- An international human rights framework is not sufficient to promote equal rights to land for women and men – and neither is a favourable legal framework on the national level. Related effectively functioning **institutions and control mechanisms** have to be in place and women and men need to **know about their rights**, as they need **equal participation in**

decision-making. Also gender roles and stereotypes and unequal power relationships – the **root causes of gender inequality** – need to be tackled.

- On the operational level, a **community-based approach involving the whole community** seems to be a crucial element for success in promoting equal rights to land. Community **leaders** and religious and other leaders are key people who need to be consulted and guided – even when perseverance and patience is needed.
- **Quotas and titling for women** seem to be a useful strategy, but depend strongly on the context and always require acceptance by the community. **Successful examples** such as favourable court cases can serve as a positive example and encourage other women to fight for their rights.
- **Time and workloads** resulting from the gendered division of labour as well as **mobility** are two critical soft factors to consider in project design and budgets. As women have multiple roles in agricultural societies, they suffer from heavy workloads and have little time to participate in project activities. And their low status and often minimal say over household-spending restrict their mobility. Development practitioners need to be aware of these two issues and integrate them in a cross-sectorial manner.
- The rights to land always need to be linked to other productive assets. Women and men need equal access to **other means of production** – such as loans and credits, farming education, agricultural inputs and markets.

Key questions for a forward looking agenda among SDC are:

- National law is often more powerful than international law. A solid analysis of land tenure on the national level, including its gendered nature, is a must for any agriculture and/ or rural development project. This **analysis of national laws and customs in all SDC partner countries** needs to be the basis for all interventions. Possible questions can be: Which partner countries have *de jure* equal rights, but for some other reason do not implement them? Why is this? What countries have made progress in equal land rights? How did they do it? What can we learn from them? How did increased equality impact on the economy as well as on the social structure and gender relations?
- Furthermore, a careful assessment **of the bundles of rights** (access, use, transfer, etc.) is needed. Which right is most relevant in what context and why? What does this mean for the strategic orientation and the focus of programs?

6. Bibliography

6.1 SDC Resources

Swiss Position on a Framework for Sustainable Development Post-2015 (2014). Berne, Swiss Confederation.

Swiss Position on Gender Equality in the Post-2015 Agenda (2014). Working Paper. Berne, Swiss Confederation.

Swiss Agency for Development and Cooperation (SDC) (2014): Gender Equality at the Heart of Rural Development. *Africa Brief June 2014*. Berne, SDC.

E-discussion (unpublished) Gender Equality Network 2014:

Codjia Agossou Blandine, SDC Cooperation Office Benin

Khalid Amna, SDC Cooperation Office Pakistan

Koanda Habibou, SDC Cooperation Office Burkina Faso

Sissoko Sokona, SDC Cooperation Office Mali

Wijesinghe Dasaman, SDC Programme Office Sri Lanka

And with further contribution of Amadou Soufiyane, SDC Cooperation Office Niger; Bürlü Markus, SDC Berne; Cernat Natalia, SDC Cooperation Office Moldova; Djaborov Shodiboy, SDC Cooperation Office Tajikistan; Ganzfried Miriam, ICFG; Ghale Yamuna, SDC Cooperation Office Nepal; Nestrylay Ladmyla, SDC Cooperation Office Ukraine; Sandino Jose Luis, SDC Cooperation Office Nicaragua; Stettler Evelin, SDC Berne; Tanovic Almir, SDC Cooperation Office Bosnia Herzegovina; Tsegmid Batzaya, SDC Cooperation Office Mongolia; Yacoub, Sally, SDC Cooperation Office Egypt

International Conference on Gender, Land and Sustainable Development, 5th of June 2014, University of Berne (www.sdc-gender-development.net/en/Home/f2f_2014/Thursday_Gender_Land_Sustainable_Development)

Aguilar, Lorena (2014): Women do more than inspire change – they create it: Climate Change gender actions plans.

Gabizon, Sascha (2014): Gender, Water and Land Rights in the context of the negotiations for a new global sustainable development agenda post-2015.

Goethe, Tina (2014): Gender & Food Security from a NGO Perspective.

Graf, Willi (2014): Introduction speech.

Halle, Silja (2014): Women and Natural Resources: Unlocking the Peacebuilding Potential.

Monimart, Marie (2014a): Gender, Land Grabbing and the Seizure of Pastoral Areas: A Threat to Livelihoods and Food Security in the Sahel – the Case of Niger.

Monimart, Marie (2014b): Gender, a neglected potential to ensure durable food security.

Pallas, Sabine (2014): Women's Land Rights: The Key to Sustainable Development.

Rizzotti, Nathalie (2014): Focus on Women and Water.

Sancar, Annemarie (2014): Peacebuilding for more gender justice goes beyond the question of access to resources!

SDC (2014): Film court-métrage. Genre, Terre et Développement durable. Niger, SDC Cooperation Office.

Sieber, Patrick (2014): Tackling Gender Equality Aspects within the Portfolio of SDC's Global Programme Climate Change (GPCC): Combining Specific Selected Gender Activities with the Use of a more Transversal Approach in the Case of Outsourced Operational Work.

6.2 Other publications

Action Aid (2010): Her Mile. Women's rights and access to land. The last stretch of road to eradicate hunger. Rome, Action Aid.

Allély, D./Drevet-Dabbous, O./Etienne, J./Francis, J./Morel à L'Hussier, A./Chappé, P./Verdelhan Cayre, G. (2000): Water, gender and sustainable development. Lessons learnt from French Co-operation in sub-Saharan Africa. Paris, Editions du GRETE/Ministère des Affaires étrangères/Agence française de développement/World Bank.

Bieri, Sabin/Fankhauser, Lilian/Sancar, Annemarie/Stolz, Nicole (2011): Added Value. Contribution to gender equitable economic development. Berne, ICFG/SDG/Caritas Switzerland.

BRIDGE (2014): Bridge Cutting Edge Report. Gender and Food Security (not published). Brighton, Institute of Development Studies (IDS). (www.bridge.ids.ac.uk/ids-document/A69889?lang=en [4.12.2014]).

Commission on the Status of Women (CSW) (2012): The empowerment of rural women and their role in poverty and hunger eradication, development and current challenges. Chair's summary. (www.un.org/womenwatch/daw/csw/csw56/documents/Chair_summary_AC_25_May_2012_AS%20POSTED.pdf [18.11.2014]).

Committee on World Food Security (CFS)/Food and Agriculture organization of the United Nations (FAO) (2014): The Principles for Responsible Investment in Agriculture and Food Systems. Rome, FAO. (www.fao.org/cfs/cfs-home/resaginv/en/ [18.11.2014]).

Committee on World Food Security (CFS)/Food and Agriculture organization of the United Nations (FAO) (2012): Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. Rome, FAO.

Daley, Elisabeth (2011): Gendered impacts of commercial pressures on land. Rome, The international Land Coalition (ILC).

Food and Agriculture Organization of the United Nations (FAO) (2014): FAO Hunger Map 2014. Rome, FAO. (www.fao.org/3/a-i4033e.pdf [18.11.2014]).

Food and Agriculture Organization of the United Nations (FAO) (2012): Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. Rome, FAO.

Food and Agriculture Organization of the United Nations (FAO) (2011): The State of Food and Agriculture 2010-1011. Women in Agriculture. Closing the Gap for Development. Rome, FAO.

Food and Agriculture Organization of the United Nations (FAO) (2010): Gender and Land Rights. Understanding Complexities; Adjusting Policies. *Economic and Social Perspectives Policy Brief 8*. Rome, FAO.

Food and Agriculture Organization of the United Nations (FAO) (2002): Gender and access to land. *FAO Land Tenure Studies 4*. Rome, FAO.

Interdisciplinary Centre for Gender Studies (ICFG)/Swiss Agency for Development and Cooperation (SDC) (2013): Sustainable development from a gender perspective: A glossary. Berne, University of Berne/SDC.

- International Fund for Agricultural Development (IFAD) (2014): *The Gender Advantage. Women on the front line of Climate Change*. Rome, IFAD.
- International Fund for Agricultural Development (IFAD) (2012): *Gender and Water. Securing water for improved rural livelihoods: the multiple-uses system approach*. Rome, IFAD.
- International Land Coalition (ILC) (2011): *Strategic Framework 2011-2015*. Rome, ILC.
- International Land Coalition (ILC) (2008): *Land and Vulnerable People in a World of Change. An appeal for collective action. Commission on Sustainable Development 16"; ILC, New York 5-16 May 2008*. (www.landcoalition.org/sites/default/files/legacy/legacypdf/08_08_Land_and_vulnerable_people_final.pdf?q=pdf/08_08_Land_and_vulnerable_people_final.pdf [4.11.2014]).
- Lanz, Kristina/Bieri, Sabin/Fankhauser, Lilian (2012): *Critical Gender Issues with Regard to Food, Land, and Water. A Compendium for Policy-makers, NGOs, and Researchers. NCCR North-South Dialogue 40*. Berne, ICFG.
- Meinzen-Dick, Ruth/Mwangi, Esther (2006): *Cutting the Web of Interest: Pitfalls of formalizing property rights. Land Use Policy 2009 26 (1), 36-43*.
- Organisation for Economic Co-operation and Development (OECD) (2013): *Gender Equality and women's rights in the post-2015 agenda: A foundation for sustainable development*. Paris, OECD.
- Pallas, Sabine (2011). *Women's land rights and women's empowerment: one and the same?* In: *Du grain à moudre. Genre, développement rural et alimentation*. (Dir.) C. Verschuur. 269-289. Actes des colloques genre et développement. Berne, DDC, Commission nationale suisse pour l'UNESCO; Genève, IHEID.
- Rural Development Institute (LANDESA) (2012): *Land rights and food security. The linkage between secure land rights, women, and improved household food security and nutrition. Issue Brief March 2012*. (www.landesa.org/wp-content/uploads/Landesa-Issue-Brief-Land-Rights-and-Food-Security.pdf [5.11.2014]).
- Swiss Federal Department of Foreign Affairs (FDFA)/ Swiss Centre of Expertise in Human Rights (SCHR)/ Interdisciplinary Centre for Gender Studies (ICFG) (2014): *Human Rights of Women and Girls (W'sHR App)*. (www.womenshumanrights.ch [4.11.2014]).
- United Nation Development Programme (UNDP) (2012): *Gender, climate change and food security. Gender and Climate Change Africa Policy Brief 4*. New York, UNDP.
- United Nation Environment Programme (UNEP)/ United Nations Entity for Gender Equality and the Empowerment of Women (UN Women)/ United Nation Peacebuilding Support Office (PBSO)/United Nations Development Programme (UNDP) (2013): *Women and Natural Resources. Unlocking the Peacebuilding Potential*. New York, UNEP, UN Women, PBSO and UNDP.
- United Nations General Assembly (2014): *A/68/970. Report of the Open Working Group of the General Assembly on Sustainable Development Goals*. New York, United Nations.
- UN General Assembly (1979): *Convention on the Elimination of All Forms of Discrimination Against Women, 18. December 1979*. In: *United Nations Treaty Series 1249, 13*.
- United Nations Human Rights, Office of the High Commissioner for Human Rights (OHCHR) (2014): *Special Procedures of the Human Right Council*. (www.ohchr.org/en/HRBodies/SP/Pages/Welcompage.aspx [5.11.2014]).

United Nations Human Rights, Office of the High Commissioner for Human Rights (OHCHR)/ UN Women (2013): Realizing women's Right to Land and Other Productive Resources. New York and Geneva, United Nations.

UN Women (2013): A Transformative stand-alone Goal on Achieving Gender Equality, Women's Rights and Women's Empowerment: Imperatives and Key Components. New York, UN Women.

Women's Environment & Development Organization (WEDO)/Global Gender and Climate Alliance (GGCA) (2014): Gender Equality and the United Nations Framework Convention on Climate Change: A Compilation of Decision Text. Bonn, UNFCCC.



Four generations in Swabi, Pakistan.



Landscape of northern Laos.



Farmer's house, Nicaragua.

u^b

b

**UNIVERSITÄT
BERN**

**Interdisciplinary Centre
for Gender Studies (ICFG)**



SDC-Gender Equality Network

Imprint

Editor:

Swiss Federal Department of Foreign Affairs FDFA

Directorate

3003 Berne

www.fdfa.admin.ch

Authors:

Andrea Graf, Flurina Derungs

Interdisciplinary Centre for Gender Studies (ICFG), University of Berne

Appointment:

Ursula Keller, Swiss Agency for Development and Cooperation (SDC)

With the contributions of:

Amadou Soufiyane, SDC Cooperation Office Niger; Bürli Markus, SDC Berne; Cernat Natalia, SDC Cooperation Office Moldova; Codjia Agossou Blandine, SDC Cooperation Office Benin; Djaborov Shodiboy, SDC Cooperation Office Tajikistan; Fellmann Felix, SDC Berne; Ganzfried Miriam, ICFG; Ghale Yamuna, SDC Cooperation Office Nepal; Keller Ursula, SDC Berne; Khalid Amna, SDC Cooperation Office Pakistan; Kouanda Habibou, SDC Cooperation Office Burkina Faso; Lanz Kristina, ICFG; Nestrlyay Ladmyla, SDC Cooperation Office Ukraine; Sandino Jose Luis, SDC Cooperation Office Nicaragua; Sissoko Sokona, SDC Cooperation Office Mali; Stettler Evelin, SDC Berne; Tanovic Almir, SDC Cooperation Office Bosnia Herzegowina; Tsegmid Batzaya, SDC Cooperation Office Mongolia; Wijesinghe Dasaman, SDC Programme Office Sri Lanka; Yacoub Sally, SDC Cooperation Office Egypt

Copy-editing:

Scribe, www.scribe.ch

Design:

Mark Manion, Communication Arts

Photographs:

Andrea Graf, Interdisciplinary Centre for Gender Studies (ICFG)

Karl Schuler, Swiss Agency for Development and Cooperation (SDC)

Swiss Agency for Development and Cooperation (SDC), Cooperation Office Tanzania

Orders:

Information FDFA

Phone: +41 58 462 31 53

E-mail: info@eda.admin.ch

For further information please contact:

izfg-info@izfg.unibe.ch or info@deza.admin.ch

Berne, December 2014