



Governing land for women and men

Introduction to gender-equitable governance of land tenure

Text-only version

The interactive version of this lesson is available free of charge at <https://elearning.fao.org>



Some rights reserved. This work is available under a CC BY-NC-SA 3.0 IGO license

(<https://creativecommons.org/licenses/by-nc-sa/3.0/igo>) © FAO, 2016



Food and Agriculture
Organization of the
United Nations

This course is funded by the European Union through the EU-FAO
Improved Global Governance for Hunger Reduction Programme



© FAO, 2016

In this lesson

LEARNING OBJECTIVES..... 2

INTRODUCTION..... 2

THE IMPORTANCE OF LAND RIGHTS..... 3

THE VOLUNTARY GUIDELINES..... 7

TEN PRINCIPLES OF IMPLEMENTATION 7

GENDER-EQUITABLE GOVERNANCE OF TENURE 8

HOW IS THIS COURSE ORGANIZED? 9

CONCLUSIONS..... 14

SUMMARY 14

LEARNING OBJECTIVES

At the end of this lesson, you will be able to:

- ▶ understand the purpose of the *Voluntary guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security*;
- ▶ identify the features of responsible, gender-equitable governance of land tenure; and
- ▶ understand the importance of rights to land for women.

INTRODUCTION

This course is based on the technical guide, *Governing land for women and men*, which aims to assist the implementation of the **Voluntary guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security**.

It provides guidance to support the achievement of the *Guidelines'* principle of **gender equality in tenure governance**.




What does "gender equality in tenure governance" mean?

What is "responsible governance of tenure"?

What are the "voluntary guidelines"?

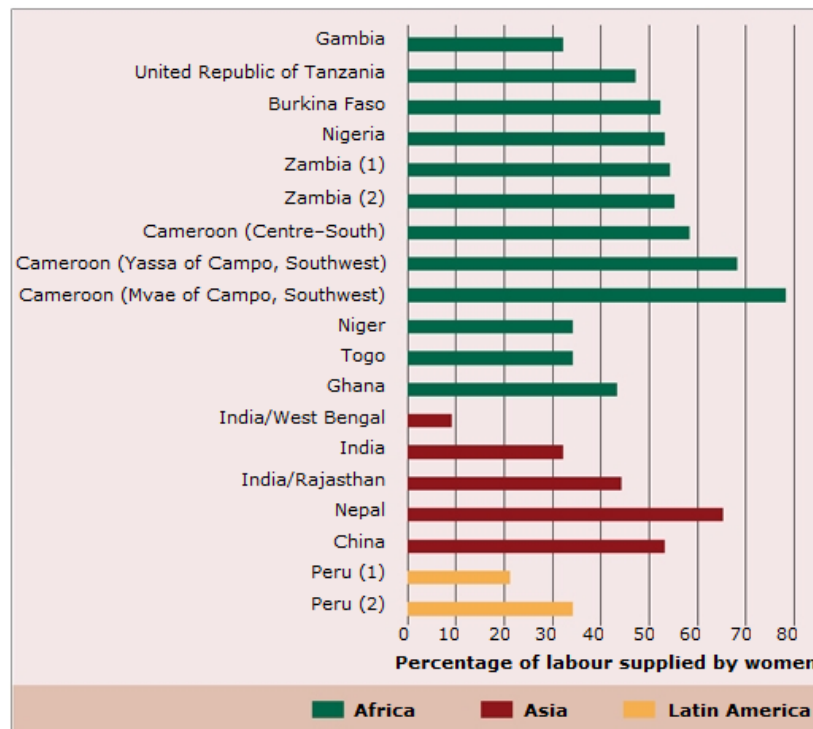
In this lesson, we will find out the answers to these questions. Then, we will discover what you will learn in this course, and how different types of course participants can benefit from it.

Why do we speak about **gender-equitable governance of land tenure**, and what does it mean? To answer this question, we should first consider that in rural communities, women are often the primary users of land:

"Women represent about 43 % of the agricultural labour force in developing countries. They devote, on average, between 45 to 50 % of their time to agricultural activities." 

This graph shows that they contribute between 10 and 80 % of the total agricultural labour supply in different countries.

Proportion of labour in all agricultural activities that is supplied by women



Source: *The State of Food and Agriculture 2010-2011*.

*“Yet, women farmers are generally less productive than men. How is this possible? Because women generally have **less access than men to productive resources**, including land. This lack of access to land and resources **negatively affects their productivity and their incomes**”.*

THE IMPORTANCE OF LAND RIGHTS

In fact, **land is a crucial economic asset** for women in poor rural communities:


- ✚ It is a key input for agricultural production.
- ✚ It can generate income directly, if rented out or sold.
- ✚ It can be used as collateral to access capital.
- ✚ It can raise women’s status in their families and communities.

Land can provide women with economic security before marriage, when they age, or, after they marry (if they become household heads as a result of widowhood, abandonment or through their husbands’ migration for work).

Despite the importance of having access to land, in many parts of the world, **women do not enjoy the same rights to land that men do**. This inequality exists, for example, when only men have rights of inheritance or family succession, or when men can sell the family land without consulting their wives.

A REAL STORY


Mary has 11 children. Her husband had a drinking problem, so he sold most of their property and cattle, and rented out all the rest of the family's land, without her consent. That forced her to rent land of her own from other people on which to grow food to feed her family.

 *“When I complained to our community leaders, my complaint was not taken seriously. In fact, men in our community regularly sold their land without consulting their wives. That caused a lot of problems. It increased poverty, and often the families did not benefit from the money obtained from the sales.”—Mary*

A couple of years later, the lives of Mary and other women in her community greatly improved.

A new national constitution that specified equal rights for women to land and family resources was enacted. In addition, a pilot project was implemented that involved workshops, training and meetings to raise awareness about women's equal land rights among ordinary people in the community and among community leaders.

Gender relations influence differences in the relative status and power of women and men. Gender roles shape the opportunities and constraints that women and men face in securing their livelihoods, including their access to land, decision-making about land, and the institutions that administer land and other productive resources. Gender roles and relations can be addressed and challenged to ensure that women and men can equally access the resources and services they need. But changing gender roles and relations takes a long time and is most effective if change starts at the community level. Legal and constitutional changes cannot alter gender roles and relations without changes in attitudes in communities. Agricultural extension projects cannot change gender roles and relations either, unless they specifically target women and promote changes in attitudes in communities.

 *“One of the greatest changes is that my husband has given me what I want: land, so that I can take care of my children.”—Mary*



“The chiefs and elders explained to me many things that I didn’t know, in a way that I can understand. Now I see the value in letting my wife make decisions, too. When I support her, it will mean more crops from our farm. We will eat well and the children can finish school.-- Mary’s husband

WHAT IS GOVERNANCE OF TENURE?

Maria’s story shows that when men and women’s equal rights to land are recognized, the entire community can benefit. **Governance of land tenure** should recognize equal rights to land, and address the different needs and priorities of women and men.

Let’s see what governance of land tenure means, and why it is so important.

What is **land tenure**?

Land tenure specifies the **relationships between people and land**.

Land tenure systems determine:

- ↳ **who** can use what land;
- ↳ for **how long**;
- ↳ under **what conditions**; and
- ↳ with what associated **responsibilities** and **duties**.

What is **governance** of tenure?

Governance¹ of tenure is the way in which **access to and control over natural resources** is managed in a society. It includes, among other things, how competing priorities and interests of different groups are reconciled.

1 Governance - There are many different definitions of governance. In general, it refers to the process of governing - managing society and reconciling the competing priorities and interests of different groups.

It includes formal government agencies and informal and customary arrangements. It is concerned with how citizens participate in decision-making, how government is accountable to its citizens, how society obliges its members to observe its rules and laws, and how differences are resolved.

Governance of tenure refers to both the **organizations** (government, courts, agencies) and the **rules and processes** that regulate tenure rights.

Responsible governance of tenure may be more challenging in case of multiple legal systems. In many countries, the presence of different tenure systems creates confusion, when different laws and local customary norms and practices are in conflict.

Written laws and local customs can operate **in parallel** within a country; for example, with the formal system in the towns and cities, and the traditional system in rural areas.

They may also **overlap**, with formal ownership established under the statutory legal system, but with customary rights applying. In many cases, they also **contradict** each other.

☞ In all these cases, it is particularly important to ensure **recognition** and **respect for tenure rights holders** and their rights, and **protection of tenure rights** against threats and infringements.

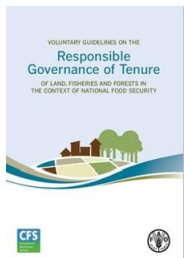
Example: Lina's story:

Lina heard on the radio that the national government had just enacted a new law allowing a woman to inherit her husband's land after he died. A few weeks later, her husband sadly passed away, and the family came to bury him.

At the funeral, her husband's relatives told her she would have to give back their two acre farm as soon as she had harvested that season's crops.

Lina told them about the new law, but they did not believe her because, in their community, widows had never been allowed to inherit from their husbands. In fact, the local customary leaders could still revoke land rights from a widow for redistribution to the male members of her deceased husband's family. Lina would soon lose her land and be unable to feed her children.

THE VOLUNTARY GUIDELINES



In an effort to address the problems arising from poor governance of tenure, especially in relation to the most vulnerable and marginalized people, in May 2012 the international community approved the ***Voluntary guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security***, through the **Committee on World Food Security**.
www.fao.org/nr/tenure/en/ access the guidelines online

The guidelines are a **set of recommended principles and practices** on how to govern the rights and duties associated with land, fisheries and forests, in an equitable and responsible way.

The *Voluntary guidelines* represent an unprecedented consensus on tenure, and specifically on **internationally recognized principles and best practices** that are being used in various parts of the world. Importantly, the guidelines are **voluntary**, so they only apply if a country, or individuals or groups within a country, agree to follow them.

They do not replace laws and treaties, nor do they reduce existing obligations under laws or treaties.

TEN PRINCIPLES OF IMPLEMENTATION

The Voluntary guidelines are built on ten principles of implementation, which recommend how states and others should approach responsible governance of tenure. **Gender equality**² is one of them. The *Voluntary guidelines* call on states to take policy, legal and practical steps to ensure that women and girls have equal tenure rights and access to land, fisheries and forests, independent of their civil and marital status.

² **Gender equality** - Gender equality is the state in which women and men enjoy equal rights, opportunities and entitlements in civil and political life. It means equal participation of women and men in decision-making, equal ability to exercise their human rights, equal access to and control over resources and the benefits of development, and equal opportunities in employment and in all other aspects of their livelihoods.

- | | |
|-------------------------------------|----------------------------------|
| 1 Human dignity | 6 Consultation and participation |
| 2 Non-discrimination | 7 Rule of law |
| 3 Equity and justice | 8 Transparency |
| 4 Gender equality | 9 Accountability |
| 5 Holistic and sustainable approach | 10 Continuous improvement |

The Voluntary guidelines' principles of implementation relevant to gender: equality

3.B.1 Human dignity: recognizing the inherent dignity and the equal and inalienable human rights of all individuals.

3.B.2 Non-discrimination: no one should be subject to discrimination under law and policies as well as in practice.

3.B.3 Equity and justice: recognizing that equality between individuals may require acknowledging differences between individuals, and taking positive action, including empowerment, in order to promote equitable tenure rights and access to land, fisheries and forests, for all women and men, youth, and vulnerable and traditionally marginalized people, within the national context.

3.B.4 Gender equality: ensuring the equal right of women and men to the enjoyment of all human rights, while acknowledging differences between women and men and taking specific measures aimed at accelerating de facto equality where necessary. States should ensure that women and girls have equal tenure rights and access to land, fisheries and forests, independent of their civil and marital status.

GENDER-EQUITABLE GOVERNANCE OF TENURE

Together in this course, we will consider how to promote **gender-equitable governance of land tenure**, to ensure that the **interests and needs of all people** - women and men - are addressed, and that the processes and institutions for land tenure governance are transparent, consultative and participatory.

Gender-equitable governance of land tenure ensures that **women and men can participate equally in their relationships to land**, through both formal institutions and informal arrangements for land administration and management.

The importance of mainstreaming gender equity

Mainstreaming gender equity principles in land tenure governance is essential for the achievement of Millennium Development Goals (MDGs) 3 - promoting gender equality and empowering women; and 1 - eradicating poverty and hunger. As *The state of food and agriculture 2010-2011* argues, gender inequality must be addressed to increase the overall global performance of the agricultural sector (FAO, 2011b). Mainstreaming gender equity is supported by internationally endorsed legally-binding principles of non-discrimination by gender, as most clearly set out in the 1979 Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which states:

Articles 13 to 15: Women to have equal rights with men to conclude contracts and in the administration of property, including equal access to mortgages and equality in procedures before courts and tribunals, with restrictions to the legal capacity of women deemed to be null and void.

Article 14: Women to receive equal treatment in land and agrarian reforms, and in land resettlement schemes and housing.

Article 16: Women to have the same rights in marriage as their spouses with respect to ownership, management, enjoyment and disposal of property, including on divorce.

HOW IS THIS COURSE ORGANIZED?

This course is organized into six lessons, which follow a logical sequence - from policy, to law, to implementation. Each lesson is designed as a stand-alone section that you can access separately, or in combination with others. The course does not embrace the full scope of the *Voluntary guidelines*, which also cover governance of tenure of fisheries and forests. However, the broad principles of gender-equitable participation in governance processes are applicable to fisheries and forests as well (particularly as these interface with land) and interesting lessons can be drawn for wider use.

Lesson	Topic	What you will learn about
1	Introduction	The concept of gender-equitable governance of land tenure, and how the course is organized.
2	Policy-making	Building gender-equitable participation into land policy-making processes.
3	Legal issues	Legal pluralism, legal drafting, access to justice, land dispute resolution, legal support.

4	Institutions	Building gender-equitable land institutions through women's participation and representation and developing capacity for responsible tenure governance.
5	Technical issues	Gender equity in land administration activities, technologies, systems and projects, and women's participation in land administration and management.
6	Getting the message across	Communication strategies and methods to support responsible gender-equitable land tenure governance.

Who is this course for?


Who is this course for? **Administrators, technicians and professionals** working in the land sector, but also **anyone** working in any capacity on issues **relating to gender and/or land** can benefit from this course.

Different people in different situations may choose the lessons that best meet their needs. In fact, each lesson may be more or less relevant to different types of course participants. In each of these lessons, you will find guidance and examples of good practice for achieving gender-equitable land tenure governance. We will learn what has worked, where, why and how.

How can this course help our everyday work?

Here are six different people working in various contexts in the land sector. Each of them will tell us a story to show how the information included in each of the different lessons can be useful in addressing a challenging situation in their everyday work.

John's story

 *"I work for the district government as a social welfare officer. I come across many cases of families locked in land disputes, especially vulnerable women with small children, who are often chased off their land when their husbands die."* --John

John's story shows how the presence of **different tenure systems** in many countries can create confusion when the different systems, laws and norms conflict. It is critical to protect people's rights to

land, especially the most vulnerable. To do that, one must know about the drafting of laws, access to justice, land dispute resolution and legal support.

✦ In **Lesson 3, "Legal issues for gender-equitable governance of land tenure"** we will learn about the most important legal issues in relation to land.

John continues: *"However, it is hard for me to help, even after I tell them about their legal rights, as it is too expensive for them to take a case to court. This is why I asked my director, the district commissioner, if we could look for some funding to create a legal support fund, to help the poorest people pay their legal expenses. When it was time to plan the district budget for the next year, the district commissioner instructed the budget officers to make savings on staff lunch allowances during training days, in order to start a small legal support fund. I also approached some private legal firms in the capital city to ask for small grants. Now, there is enough money to support 20 of the very poorest people in my district so that they can pursue their legal land claims."*

Annie's story

"I work for a local NGO that helps groups of women organize as cooperatives to find land to rent. Two years ago, when the government was preparing a new land policy, I heard in the media that as a consequence of a proposed provision in the policy, it would be harder for women to rent land. What could I do to try to influence the policy-making process? I wanted to avoid a situation where the new policy might have such a negative effect on the women I was trying to help!" 🗨️ --Annie

Annie's story shows the importance of ensuring that **both women and men participate equally in land policy-making processes**. This equal participation is a first step towards responsible gender-equitable governance of land tenure.

✦ In **Lesson 2, "Gender-equitable participation in land policy-making"** we will learn about gender-equitable participation in land policy-making processes.

A month later, Annie was invited by the government to join a training event funded by the United Nations to inform people about the new land policy. At the training event, government officials asked participants to give feedback about how they thought the policy might affect people.

🗨️ *"I explained how one provision of the policy would make it harder for women to rent land for their cooperatives. One of the government officials asked me to help him*

re-draft that section of the policy. When the new policy was finalized, I was proud to see that it contained provisions that made it easier for groups of women farmers to rent land.”

Olivia’s story

The land management committee in Olivia’s village is composed entirely of men, who make decisions about community resources such as land.


A certain number of trees must be regularly planted to provide a sustainable supply of firewood in the village. Last year, the land management committee chose a planting time in the middle of the day, which made things very difficult for Olivia and the other women in the village, who were usually working on their farms at that time. But, like all villagers, they were required to help with the planting and had to leave their fields early.

Women are often excluded from participation in the day-to-day processes of land tenure governance at all levels, and have limited capacity to influence decision-making, as Olivia’s story shows. To ensure gender-equitable land governance, it is critical to know ways to promote equal participation of both women and men.

✦ In **Lesson 4, “Building gender-equitable and participatory land institutions”** we will learn how to facilitate the representation and participation of all women and men in the institutions of land tenure governance and how to develop their capacities.


💬 *“We had to leave our fields even though it was a critical season for weeding. Weeding is a woman’s task, and because there were no women on the committee, no one on the committee realized this. I and the other women respected the men committee members, and so no one said anything. We helped with the tree-planting, but we were not able to get all our weeding done, and the crop yields suffered.” --Olivia*

At harvest time, the men in the village began asking questions about the poor harvest and it became clear what had happened. A whole village meeting was called and the chairman of the land management committee asked for women to be nominated to join the committee so that this kind of situation could be avoided in the future.

 *“I found the courage to speak up at the meeting, and said that women would only be able to participate in the committee if its meetings could be held at a time and a place that would also be convenient and safe for women, and everyone agreed!”--Olivia*

Malik's story

How can we **design land administration activities** to take into account and address **women's needs, interests and concerns**? And how can we ensure that women participate **equally with men** in land administration activities, as target groups and clients?

Malik tells us how he was able to do it: *“I work as a land surveyor in the private sector. People come to ask me to carry out surveys to make their boundaries clear and prevent disputes. However, often their neighbours, especially the women, become very suspicious when they see my survey equipment and ask a lot of questions about what I am doing.”* 



In Lesson 5, **“Technical issues”** we will learn about gender-sensitive approaches, methods, technologies and systems for land administration and management, including on land projects.


Malik's approach worked and neighbours of the plots he was surveying started to become more friendly. It even gained him new customers, as once people realized that he was using his equipment to make maps of their plots with clear boundaries, they wanted him to do that for them, too.


“This is why I recruited a young woman as an assistant, as I felt it would be easier for her to explain our work to other women, and that this would make them feel less intimidated by the survey process and by my bulky and complicated, scientific-looking equipment.”--Malik


Tom and Paula's story

Good communication is vital to responsible gender-equitable governance of land tenure. It is critical to be knowledgeable about issues such as gender sensitization, awareness raising, advocacy, legal literacy and long-term changes in values and attitudes. Tom and Paula tell us a story about this.


Tom and Paula work for an NGO involved in supporting orphaned children. In the communities where they work, there is often resistance to allowing these children (especially the girls) to inherit their parents' land.

 *We designed a community awareness-raising campaign, involving whole community meetings and also separate meetings with a smaller group of male community leaders”.--Paula*

 *“In the smaller groups, we used role-play exercises to encourage the male leaders to think about the needs of different groups of community members, and to consider what help they might want to receive if they were in their shoes.”--Tom*

 In **Lesson 6, “Getting the message across”** we will learn about the most effective communication strategies and methods, and about key issues in getting the message across.

When they went back to the whole community meetings, Tom and Paula noticed that the male leaders started to sound more sympathetic to the inheritance rights of orphaned children, including girl children.

 *“The male leaders helped us persuade the rest of the community to support the orphans’*

inheritance rights, as the community respected the views of their leaders more than those of NGO workers like us, who they saw more as outsiders!”—they say

CONCLUSIONS

The *Voluntary guidelines* can help to improve tenure governance, thereby reducing hunger and poverty, **promoting gender equality** and enhancing environmental and social sustainability.

By ensuring women’s and men’s secure tenure rights and their equitable access to land, fisheries and forests through your work, you will be able to contribute to global and national efforts towards the eradication of hunger and poverty.

SUMMARY

- Governance of land tenure should address the **different needs and priorities of women and men**, to ensure equal access to land rights for all.
- **Land tenure** specifies the **relationships between people and land**. Land tenure systems determine: who can use what land, for how long, under what conditions and with what associated responsibilities and duties?

- **Governance of tenure** is the way in which **access to and control over natural resources** is managed in a society.
- It is particularly important to ensure **recognition** and **respect for tenure rights holders** and their rights, as well as **protection of tenure rights** against threats and infringements.
- The *Voluntary guidelines* are built on **ten principles of implementation** which recommend how states and others should approach responsible governance of tenure. Gender equality is one of them.
- **Gender-equitable governance of land tenure** ensures that women and men can participate equally in their relationships to land and that the interests and needs of all people - women and men - are addressed. It implies that the processes and institutions for land tenure governance are transparent, consultative and participatory.