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**Bridging local concerns and global frameworks to strengthen rural women’s land rights**

Expert paper prepared by

Katia Araujo, Landesa\*

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\* The views expressed in this paper are those of the author and do not necessarily represent those of the United Nations.

## Introduction

As UN Secretary-General Ban Ki-moon has remarked, “Rural women are the backbone of sustainable livelihoods and provide food security for their families and communities.”<sup>1</sup> Rural women represent an estimated 43% of the agricultural labor force in developing countries, and approximately one quarter of the world’s population is comprised of rural women whose livelihoods are sustained by agriculture and natural resources.<sup>2</sup>

Implementing economic and social policies for gender equality and the empowerment of rural women and girls requires effective interventions that promote structural transformation, as well as systems and collaboration; this is paramount not only at a global level, but across all scales. Within the context of emerging opportunities and increasing challenges for full realization of rural women and girls’ empowerment, it is important to promote governments’ actions, ensure clear alignment of global policy frameworks with local realities, and create incentives to scale up successful efforts. Ultimately, it is critical that governments’ efforts intentionally work towards the advancement of rural women’s land rights and access to natural resources, which are foundational to achieve related development agendas and their specific targets.

This paper will present opportunities for policy framing to address women’s land rights, the role and challenges of rural women and girls, and recommendations to bridge policy with local concerns.

## Opportunities for women’s land rights in the current global policy debate

The global policy framing of land rights and rights to resources, in particular for women, has increasingly bridged international development agendas and human rights developments. A number of global frameworks explicitly recognize rural women’s land rights. The UN Committee on the Elimination of All Forms of Discrimination Against Women’s recent General Recommendation 34 on the Rights of Rural Women characterizes the right to land and natural resources as “fundamental human rights” for rural women.<sup>3</sup> The 2030 Sustainable Development Agenda places land rights at the core of global development priorities, recognizing its foundational link to eradicating poverty (Goal 1), ensuring food and nutrition security (Goal 2), promoting gender equality and empowerment of women and girls (Goal 5), sustainable cities (Goal 11) and life on land (Goal 15). Secure land rights also contribute to achieving other SDG goals, including peace and security. Member States of the Commission on the Status of Women unanimously agreed during its latest 61st Session that women must have equal rights to a range of land rights, from access, to ownership, to control over land. The 2016 Agreed Conclusions contain two explicit references to women’s rights that urge states to anchor a normative framework for women’s land rights, requiring states to not only enact strong, unequivocal laws, but also to ensure equal rights are realized. Furthermore, gender equality is one of ten core implementation principles for the FAO’s Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) of Land, Fisheries and Forests in the Context of National Food Security (“Guidelines”; FAO, 2012).

At the regional level, the African Union Declaration on Land Issues and Challenges in Africa and the Framework and Guidelines on Land Policy in Africa (F&G) identify securing women’s land rights as a critical area for advocacy and action of African member states, to eradicate poverty and to reduce the gender gap in control of resources. Within the framework of the African Union (AU) Agenda 2063, this engagement includes member states’ commitment to monitor progress toward securing women’s land rights and increasing the amount of land allocated (individually or jointly) to women to a minimum of 30% by 2025. African Union’s recent endorsement of the Pan African Women’s Charter on Land Rights demonstrates further build up on political will in the region. The Charter is the concrete outcome from the Kilimanjaro Initiative, which has

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<sup>1</sup> UN News Centre. (October 15, 2015). ‘Rural women are the backbone of sustainable livelihoods,’ Ban declares on International Day. (Retrieved from: <http://www.un.org/sustainabledevelopment/blog/2015/10/rural-women-are-the-backbone-of-sustainable-livelihoods-ban-declares-on-international-day/>)

<sup>2</sup> United Nations Regional Information Centre for Western Europe (UNRIC). (October 14, 2015). Rural women are critical to the success of the 17 Global Goals. Retrieved from: <http://www.unric.org/en/latest-un-buzz/29913--rural-women-are-critical-to-the-success-of-the-17-global-goals>)

<sup>3</sup> CEDAW Committee, General Recommendation No. 34 on the rights of rural women (2016), UN Doc. CEDAW/C/GC/34 at para. 56. “The Committee considers rural women’s rights to land, natural resources, including water, seeds, forestry, as well as fisheries, as fundamental human rights.”

mobilized rural women from 22 countries across Africa. The Charter includes 15 specific demands addressing women's access to use, control, own, inherit and dispose of their land and natural resources, with the ultimate aim to empower women across the continent. These milestones amount to an unprecedented commitment, which sets standards and could influence other regions to make similar commitments. Lastly, the agreed New Urban Agenda at Habitat III makes multiple commitments to promoting "increased security of tenure for all," recognizes the "plurality of tenure types," and explicitly identifies women's security of land tenure as the cornerstone of their empowerment.<sup>4</sup> Despite these relevant international and regional policy instruments and targets, there is a critical need for more coordination, collaboration, and coherence among all relevant actors so that instruments like the VGGT and the SDGs can be implemented to advance the rights of rural women to land and control of resources in line with already articulated standards described above.

## Challenges ahead

These instruments provide governments with clear guidance from the international community on women's land rights, yet much more progress is needed to secure women's land rights. CEDAW GR 34, para. 55 states that "Rural women often have only limited rights over land and natural resources. In many regions, they suffer from discrimination in relation to land rights, including with respect to communal lands, which are controlled largely by men." Communal and collective land are governed by social and cultural norms that have social legitimacy among community members, often taking precedence over statutory laws. Elevating women's land rights within collective land rights requires specific and careful strategy, based on practices that have provided the intended impact of promoting gender equality.

For instance, the SDGs framework includes 3 sex-disaggregated indicators related to land, including measuring women's perceptions of secure tenure (1.4.2) as well as documentation (1.4.2) and ownership or secure tenure of agricultural land (5.a.1), and legal frameworks (including both formal and customary) that guarantee women's equal rights to ownership or control of land (5.a.2). With the production of sex-disaggregated data, governments and global stakeholders can more effectively improve realities for communities and individuals living in poverty. Yet, there is an ongoing process of debate about full adoption of these recommended indicators into the global framework with priority status and governments' full commitment. There is a risk that states and development partners will repeat historical mistakes where land reform programs that focused on land to the household entrenched gender disparities by formalizing title in (mostly) men's names;<sup>5</sup> it is critical to gather needed data to inform and provide impetus for women's land rights interventions, and to press for implementation of existing laws and policies. Practitioners, government officials, and other stakeholders must understand local needs and how local actors can be resourceful partners and implementers; targeted collaborative strategies will multiply efforts across scales.

In short, implementation of international standards for women's land rights necessitates strategic effort to be fully realized. Governments must establish criteria, including national level gender strategies, to prioritize rural women's land rights and transform the power relations within land and natural resource governance.

## Rural women: Challenges and opportunities

Globally, land is an enormously powerful asset, but also has a social function. Both aspects are extremely important to advance gender equality and empower rural women and girls. It is widely recognized both that rural women and girls are sustained by agriculture and natural resources, and that the accumulation of assets is the way out of poverty.<sup>6</sup> Land is viewed generally as an important resource for rural women and girls; a source of livelihood, housing, and security every day and in times of hardship. In Sub-Saharan Africa and Asia the

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<sup>4</sup> The New Urban Agenda (2016) Para.35 *We commit to promote, at the appropriate level of government, including sub-national and local government, increased security of tenure for all, recognizing the plurality of tenure types, and to develop fit-for-purpose, and age-, gender-, and environment-responsive solutions within the continuum of land and property rights, with particular attention to security of land tenure for women as key to their empowerment, including through effective administrative systems.*

<sup>5</sup> Roy Prosterman, *Enhancing Poor Rural Women's Land Rights in the Developing World*, Journal of International Affairs, Fall/Winter 2013, Vol. 67, No. 1, 147-164, at 148.

<sup>6</sup> Moser, C O N (editor) (2007), *Reducing Global Poverty: the case for Asset Accumulation*. Brooking Press, Washington, DC

majority of employed women work in the agriculture sector (60 and 70 percent, respectively). Yet women and girls constitute 60 percent of the world's chronically hungry people, according to UN Women. Rigid gender roles in many societies place rural women at the center of the family, responsible for securing household resources – food, water, and fuel for heating and cooking – and also serving as the primary caregivers, but they often lack control over these resources.<sup>7</sup> The time necessary to meet household needs curtails their opportunities for education, growing food, or generating income—opportunities that would enhance their wealth and wellbeing and that of their family.<sup>8</sup>

With no guarantee to their land, rural women grapple with fewer means and incentives to invest in the land, to access seeds, fertilizer, and equipment, and to increase its productivity and yields. Male urban migration has positively affected rural women's opportunities to partake in land and natural resource governance. However, women are still excluded from participation and positions of leadership in rural governing bodies responsible for major land-related decisions, including allocations and investments. Outmoded laws and biased gender norms continue to claw at women's ability to genuinely control land and invest in land to the same extent as men. As a result, often women's only claim to the land they rely on for food, income, and shelter is through their relationship to a male relative – a husband, father, or brother. They are susceptible to displacement and exploitation because they lack control over the land they depend on. These inequalities are exacerbated by women's lower literacy rates, which often means women have lower awareness of their rights and the avenues for asserting and claiming them.

Research demonstrates links between strengthening women's rights to land and natural resources and women's increased participation in household decision making, resulting in increased status in the community and opportunity to claim public roles. Secure land rights for women set off powerful continued ripple effects:

- Greater status and bargaining -power in the household and the community<sup>9</sup>
- Better nutrition and food security for women and their families<sup>10</sup>
- Higher earning and individual savings<sup>11</sup>
- Improved access to micro-credit and formal loans<sup>12</sup>
- Greater food and harvest productivity<sup>13</sup>
- Decreased vulnerability to contracting HIV and better ability to manage it<sup>14</sup>
- Potential reduction in domestic violence<sup>15</sup>
- Improved family health<sup>16</sup>
- Educational gains for children, including for girls<sup>17</sup>
- Greater environmental stewardship, such as preventing soil erosion, planting more trees and reduced deforestation<sup>18</sup>

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<sup>7</sup> "Women's Economic Empowerment." Issues paper. 2011. Web. 1 Apr. 2016. <<https://www.oecd.org/dac/gender-development/47561694.pdf>>.

<sup>8</sup> Ibid.

<sup>9</sup> See e.g., Deere & Doss, 2008; Agarwal, 2011.

<sup>10</sup> Women's empowerment and voice in household decision making leads to an increase in spending allocated to food, healthcare, and education which improve children's wellbeing in the present as well as future human capital. Allendoff, 2007; Nguyen, 2014; Doss, 2006.

<sup>11</sup> Peterson (2011) found that secure access to land led to a four-fold increase in income and thirty-five percent higher savings rate.

<sup>12</sup> See e.g. Saito, et al. 1994.

<sup>13</sup> Women's empowerment and voice in household decision making leads to an increase in spending allocated to food, healthcare, and education which improve children's wellbeing in the present as well as future human capital. Allendoff, 2007; Nguyen, 2014; Doss, 2006.

<sup>14</sup> Research has also indicated that secure land rights make women less vulnerable to HIV as well as better able to manage it. Strickland, 2004; Sweetman, 2008, ICRW, 2006.

<sup>15</sup> Research has shown that women with secure land access were eight times less likely to suffer from domestic violence. Agarwal & Panda 2005.

<sup>16</sup> See e.g. Menon et al. 2014.

<sup>17</sup> Doss, 2006.

<sup>18</sup> Landesa, Land Rights, Climate Change, and Environmental Stewardship (December 2015) at <http://www.landesa.org/resources/climate-change/>.

Gender plays a defining role in how individuals utilize and benefit from land and natural resources, which are closely linked to livelihoods for the vast majority of people.<sup>19</sup> Rural women face unique concerns within household and communities, including the risk of physical insecurity linked to their role in collecting natural resources or growing food. If these concerns are unrecognized, inequalities in access and control of land and natural resource rights can be perpetuated.<sup>20</sup>

### Opportunities to bridge with local concerns

To leverage existing opportunities, women's land rights must be realized in practice, capturing a broader understanding which includes varied types of tenure arrangements. As the recent United Nations Working Group on Discrimination Against Women's position paper<sup>21</sup> argued, four main principles should be taken into account in the process of designing law and changing norms. These are: quality, legality and effective implementation, participation and enforceability.

- *Quality* means that the scope of the land rights is clearly defined and must include all forms of tenure exercised by women and men, including ownership, access and use (e.g., right to use, lease, transfer, inherit, rent, occupation); the rights should be granted for a clear and ideally extended period of time. Land rights must not be terminated or limited due to gender-based legal, cultural or religious norms, or dynamics in a family or community that result from marriage, divorce, widowhood, migration, parenthood, domestic violence or any other change in a woman's social/marital status or a change in the leadership or structure of her community.
- *Legality and effective implementation* entails that equal land rights must be legally recognized. That means that women's land rights must be guaranteed by law whether or not they are recognized by customary or religious systems, by family members, by a woman's community and its leaders. Customary justice systems are also often dominated by men and therefore tend to perpetuate inequalities and patriarchal interpretations of culture, resulting in discrimination against women. Therefore, governments have an obligation to exercise due diligence to guarantee and protect women's right to equality in plural legal systems. Governments must take all appropriate measures to eliminate discriminatory social, cultural or religious beliefs and practices that annul or diminish women's enjoyment of these rights. Affirming the primacy of international human rights law is a key step towards ensuring women's equality.
- *Participation* requires the inclusion of women in policy making bodies regarding land ownership and use.
- *Enforceability* requires that governments must ensure that women be fully informed of their land rights and that they have access to justice to enforce them without discrimination, including in official bodies, courts, and other relevant dispute resolution bodies, such as customary institutions. Access to dispute resolution or enforcement mechanisms must not be subject to extra permissions that apply based on gender, social condition, or other status. Land rights enforcement and dispute resolution processes must be available, accessible, affordable and gender-responsive.

The element of meaningful participation is critical for rural women's land rights. Women's land rights are a highly local issue. Progress requires local social mobilization and active engagement, local understanding of the

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<sup>19</sup> "Women and Natural Resources: Unlocking the Peacebuilding Potential." New York: United Nations Environment Programme, United Nations Entity for Gender Equality and the Empowerment of Women, United Nations Peacebuilding Support Office and United Nations Development Programme, 2013. Web. <<http://www.undp.org/content/dam/undp/library/crisis%20prevention/WomenNaturalResourcesPBreport2013.pdf>>.

<sup>20</sup> Ibid.

<sup>21</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/34&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/34&Lang=en)

problems, and local responses by government. Critically, local activism around widely dispersed and long-standing issues like women's land rights can be easy for governments to ignore, and must be sustained.

Women's land rights activists see the SDG framework as a key opportunity to tackle long standing gender gap as rural women are most affected by land and resource inequities. Harnessing existing global policies (like the SDGs and VGGT frameworks) to local actions can address identified barriers to secure land rights for women, maximizing the unprecedented opportunity of the 2030 Agenda. The SDGs provide internationally agreed upon objectives and a detailed set of indicators which local actors can use to create a monitoring framework. Taken together, this "global framework—local action" approach makes meaningful participation and inclusion of women in the policy-making process a core element of progress, offering new opportunities to scale up and accelerate securing women's land rights.

### **Lessons from practice: Women-led strategies to promote local level policy and advocacy bridging local realities to global framing**

In Brazil, rural women advocate for public policies that are not gender neutral to have access to available land and credit. However, a lack of adequate information, precarious political relationships, and lack of political will mean that many women feel intimidated and remain excluded from these benefits. Continuous and pervasive gendered inequalities underpin inequalities in land tenure, often reinforced by gender-biased practices. Increased active participation of rural women and girls in the political decision-making processes is critical to address this issue; this requires sustaining and scaling up a robust and organized local movement of rural women equipped to increase their participation.

Recognizing this reality, Espaço Feminista<sup>22</sup> - a feminist non-governmental organization based in Recife, Brazil - is piloting a project to strengthen women's land rights as part of a broader change in legal infrastructure, ultimately enhancing access to justice and improving rural women's reality. Leveraging the SDGs framework, Espaço Feminista's approach increases women's knowledge about the new global agenda as it relates to their identified problems and priorities; applies selected goals, targets and indicators to build a monitoring process on local level; and builds a coalition of partners and governments from all levels (local, state and national) and sectors (legislative, executive and judiciary). They then support the organized women's group to collect data in order to analyze and measure the changes, and inform government agencies, public institutions, social movements and the international community about progress and what additional efforts are needed. This approach is being piloted involving communities from four different municipalities including Caruaru, Bonito, Camocim de São Felix, and São Joaquim do Monte covering an area of approximately 450 thousand hectares and employing more than 200 thousand people during harvesting season.<sup>23</sup>

Espaço Feminista launched a global campaign on community and traditional land rights ("Land Rights Now") by introducing the VGGT<sup>24</sup> in popular language as the first introduction to a global mechanism. This was to drive analysis of this instrument as a tool for change, and as the mechanism by which they engage in an analysis of existing public policies on land governance.

Espaço Feminista's team and the communities involved in the process select specific SDG targets, including 1.4, 2.3, 5.a, and 11.1. Then they collectively conduct an exercise examining the existing public policies and programs related to those indicators. Once this analysis is completed, the women's groups and communities come together to validate both information collected and the analysis of public policies related to their municipality and territory. This step builds capacity for the women's groups and community members, serving as preparation for policy dialogues—gatherings to which the communities invite targeted stakeholders,

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<sup>22</sup> Espaço Feminista is a feminist non-governmental organization based in Recife and that serves as an umbrella organization linking urban and rural groups around land issues. EF works with women leaders from a very diverse spectrum and background, from urban communities to indigenous, quilombolas, women family farmers, landless women (engaged in social movements)

<sup>23</sup> IBGE Census (2010)

<sup>24</sup> More information available at: <http://www.landrightsnow.org/en/home/> and <https://www.landes.org/blog-local-movement-leveraging-sustainable-development-goals-strengthen-womens-land-rights-brazil/>

including government officials in charge of developing and implementing policy. This reinforces the capacity of local women's groups to use the information collected and analyzed (data and public policies) and to articulate the findings, advocating with government and other relevant actors. The last step is the devolution of data at the dialogue with local officials. The women present their recommendations, calling for the implementation or adaptation of existing policies to address gaps they identify.<sup>25</sup>

The evidence clearly highlights the challenges of women's rights to land access, use and control. Among the findings are qualitative reports of barriers affecting women's capacity to live in rural areas, forcing them to migrate to the periphery of cities, where they face inadequate housing and infrastructure, and lack basic services.

### **The Pilot: Monitoring the SDGs from local to global**

An exercise was carried out during a two-day workshop in Bonito is instructive. EF's team conducted a situational analysis with active participation from 40 women participants representing communities from all the four municipalities. Bonito has the highest rural housing deficit (17,1%) within the four municipalities analyzed (Diagram 1). The situational analysis allowed the group to compare the existing data and extract indicators related to the SDG targets selected. This provided understanding of the relevance of SDGs framing to their realities. Discussion groups were conducted in this territory, using a questionnaire developed to elicit women's perspectives on concepts and definitions related to security of tenure, including issues of family dispute over land and external pressures or threats. These discussions increased awareness about existing gender inequalities for those present in the workshop and discussion groups. The first local policy dialogue in Bonito drew 81 participants from the territory, including 56 women. Those present focused on joint actions of women's groups and government agencies to implement and measure the effectiveness of public policies that can help achieve selected SDGs and targets, based on a set of localized SDG indicators adapted to the territory's realities.

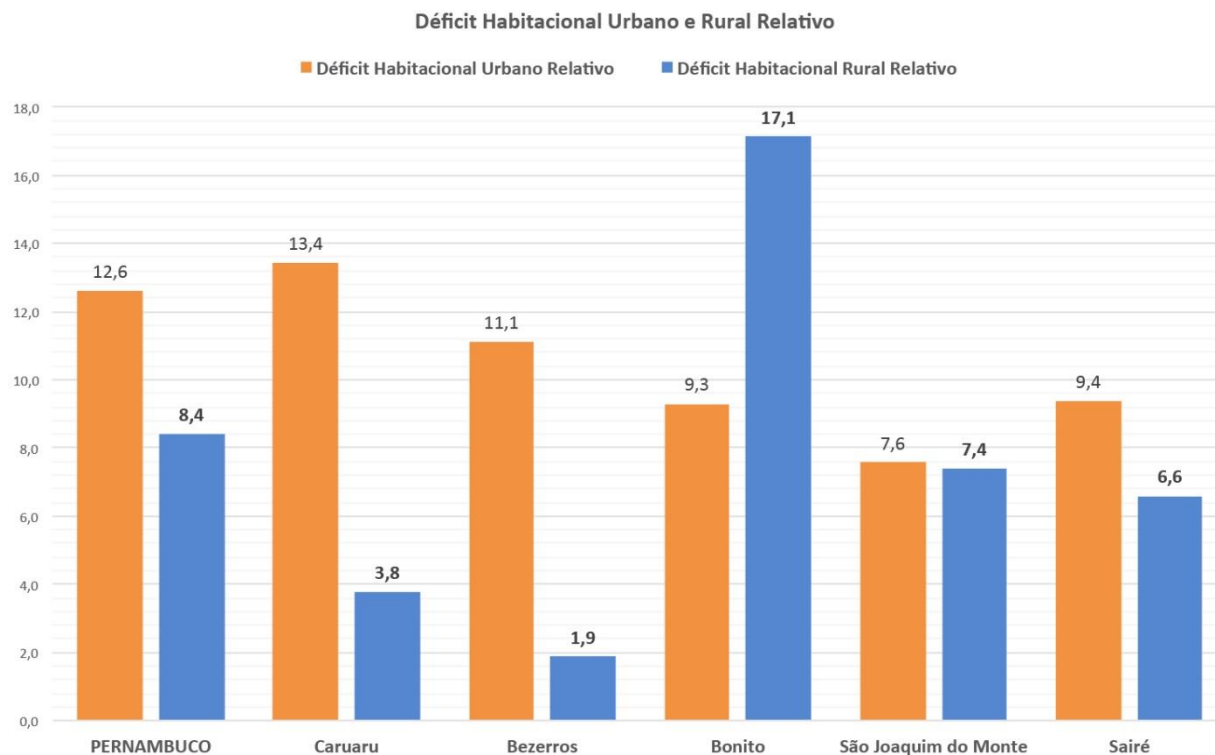
### ***Workshop and Policy Dialogue Preliminary findings***

During the preliminary survey to gather women's perspectives related to security of tenure, and the analysis of the existing indicators in relationship to each of the selected SDG targets, the data collected provided the baseline for the pilot and current reality of Bonito. The following were the preliminary findings:

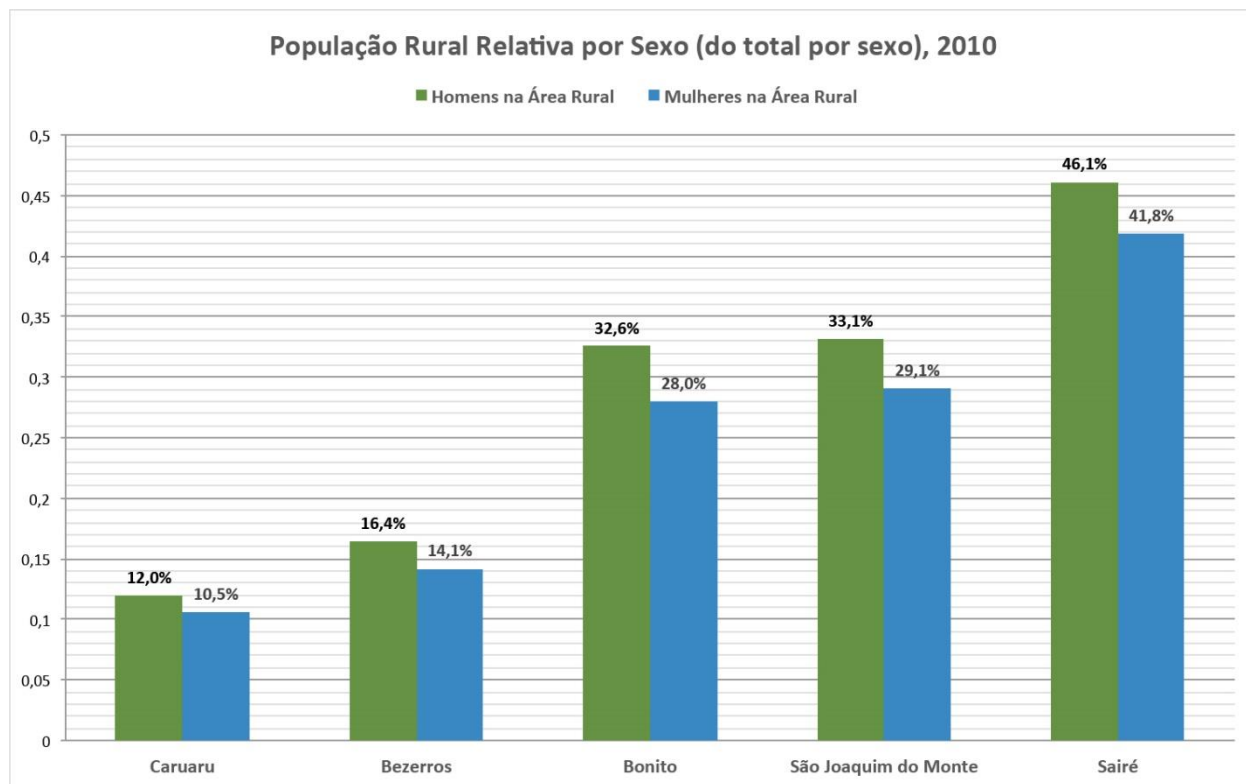
- Participants lacked sufficient knowledge about their legal rights within the land rights reform law and existing programs that provide women the tools to claim secure tenure
- Local practice of inheritance rights is pervasive and discriminatory against women, reinforced by the non-formal and formalized relationships (including marriage, co-habitation, etc..)
- Intra-familial land dispute is a common problem in the community revealing the different ways women's tenure are insecure in the household
- Participants selected twelve existing public policies to pair with selected SDGs targets 1.4, 2.3, 5.a, and 11.1, enabling monitoring, advocacy, and better outcomes for the communities

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<sup>25</sup> Personal communication with Patricia Chaves, Director of Espacio Feminista and Pilot lead



**Rural Population (male/green and female/blue) Source: IBGE**





## **Bonito: Lessons Learned**

- Most policies are implemented at the local level. Achieving the SDG targets and goals requires good policies that are non-gender neutral and well implemented locally;
- Participants from the local level relate more often to local authorities; it is easier for organized communities (women and men) to establish a direct connection with local governments than national level government officials, or to rely exclusively on external actors to collect data and build connections between communities and government;
- Information is power. Organized women's groups operating at the local level need support to identify and advocate for better policies and enforce the implementation existing policies. This requires helping them gain better understanding of their situation and how their advocacy efforts can be grounded in their local context;
- It is essential to facilitate dialogue between diverse groups of stakeholders to overcome challenges in developing policies at the local level. Bridging differences and recognizing conflicts of interest creates the conditions to build a coalition of disparate groups, backgrounds and positions to advance shared goals: improving the living conditions of marginalized groups. This can be achieved through fruitful dialogue where differences (of perception, interest, knowledge) are discussed and considered to formulate and implement public policies that reflect local diversity;
- Participants recognized that they cannot afford to disregard the women's capacity in their diversity and plurality to interpret and understand different forms of information, especially information related to their experience;
- It is crucial to build a monitoring process of the global agenda that gives the most of the groups that are marginalized the opportunity to take protagonist role in the discussion and to understand how these global and national agendas are linked to their local context