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Gender and the Political Economy of Land in Africa

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Abstract

Evidence shows that secure land rights have positive effects on poor people in general and women in particular, especially where households previously had little security. Several countries in Africa have been undertaking land reform initiatives that prohibit gender-based discrimination; however, the results revealed a substantial gap between the development of laws and their effective implementation. This paper draws attention to the political systems within which land tenure and property rights operate, especially for women. It also points out the main challenges in securing women's land rights in Africa and highlights the economic, social and environmental benefits of increasing women's access to land. The analysis shows that although many of the changes in policy and law appear to be legal and technical, access to and control over land is in practice related to socio-economic characteristics and governed by cultural practices and power relations at the family, community and country levels. The paper therefore recognizes the need for innovative approaches that go beyond property rights in operationalising strategies that strengthen women's access to land. It is not enough for land legislation to be gender-sensitive; it must be gender-transformational. Land markets could potentially contribute to this transformation but their role is still limited by poor institutional capacity. The roles that different actors (women, men, women's organizations, community leaders, donors) can play would be crucial in the process of securing women's access to land in Africa.

1.0 Introduction

The importance of land to economic development and social welfare in Africa can never be over-emphasised. At the country level, land is a key economic and productive asset for most African economies who continue to rely heavily on land-based resources for a significant share of GDP, national food needs, employment, and export revenue. At the same time, it constitutes a vital resource for the livelihoods of millions of rural households. Indeed, land is not only a source of economic production; it also has significant historical and cultural importance and gives social prestige and access to political power within the community (FAO, 2002). Those who control rights to land have a certain amount of power over those who do not, especially in agriculture-based economies (Lastarria-Cornhiel and Fraiss, 2009).

In Africa, as elsewhere, land control continues to be highly dominated by men. Although women play an important role in food production and provision, in most of the cases, they do not have access to or control over land (SOFA, 2011). Women are deprived of equal access to land, have limited decision-making power over how to use the land, due to a range of legal, structural, socioeconomic and cultural constraints. Most of the time African women get access to land through their relationship with a male family member, and lose their rights over the land if the relationship ends. Moreover, the land they own is usually smaller and of lower quality in comparison to land owned by men (FAO, 2011). This exclusion leaves women vulnerable as they are often denied the social and economic autonomy that is vital for their empowerment.

Increasing women's access to land is thus crucial in the quest to create more egalitarian societies in Africa as a prerequisite to achieving inclusive growth. In this line, many African countries have improved their legal and policy frameworks for land administration to protect women's rights. However, in most cases, experience shows that there are gaps between legal provisions and implementation in practice. At the community level, women are still disadvantaged compared to men with regards to ownership, operation, management, and decision-making over land. Indeed, whether policies and laws address existing gender inequality may depend on

political, cultural, social and familial processes and relations. Although a large volume of literature discusses the impact of land ownership on agricultural productivity in Africa, little attention has been devoted to the political systems within which land tenure and property rights operate, especially for women, in light of a regional development process that is influenced by global, regional, national, and local circumstances.

The present paper aims to provide more insights on women's tenure security and its implications for gender equality in the context of political economy of land in Africa. Based on an extensive desk review of multiple secondary sources, including theoretical literature on gender and land rights, country case studies, land legislation and government policy documents, the paper reviewed the political and economic dynamics underlying land policies in Africa, especially as related to women's land ownership (section 2) and identified the main challenges in securing women's land rights (section 3). It also explores how increasing access to and control over land improve the wellbeing of women, their families and their communities in Africa (section 4). Promising approaches ensuring that women's needs and interests are fully taken into account in land legislation and policy are identified as well as some case studies of project interventions that actively and directly impact on women's rights and access to land (section 5). Based on this, strategies to strengthen gender-equitable land laws and policies are suggested as well as measures to ensure effectiveness of women's rights to land beyond property rights (section 6). Finally, the paper concludes by pointing out the need for innovative approaches in operationalizing good strategies to improve women's access to land (section 7).

2.0 Women tenure security through the political and economic development in Africa

Land policies and evolution of women's land rights under political systems in Africa

Land is not only an asset with economic and financial value. In most African countries, land constitutes a major political asset. Over the years, a range of political forces and influences have affected the processes of land allocation in Africa. Land policies are determined largely based on political considerations. The choice of institutional structure through which land rights are to be managed has major implications for the distribution of power within society (Cotula et al., 2004). Longstanding differences between men and women regarding land ownership can be viewed as the results of a complex interplay between statutory laws and informal and customary justice systems since the time of colonialism. This section evaluates the changing pattern on land allocation rules under different political systems and the way it impacts women's access to and control over land across development periods in African countries - from the colonial period through to the present land tenure reform programmes.

Women's land ownership under colonial regimes

The land question under colonialism in Africa was in most cases based on a distinction between law and custom¹. The political institutions and policy decisions during this period were made up exclusively of the white minority. In most of the colonial states, legislation was introduced at an early stage to regulate the use of and access to forests, pastures, wildlife and water (Ikdale et al, 2005). The colonial statutory regimes established that, native land did not have status as private property, and restricting land market and individual property rights. Further, land question involved the desire of colonial powers to control nationalism and maintain adequate indigenous labour supplies (Amanor, 1992). They established; thus local authorities, such as chiefs, and citizenship or membership in the society were conferred on male adults who were empowered to allocate land

¹ Law referred to the metropolitan written rules, while the mostly unwritten norms of the native populations were considered to be customs.

between natives (Moyo, 1998). Most of the colonial constitutions established that, in family and personal matters, the customary laws of the indigenous population applied.

Although generally full members of the community have direct and secure rights to community land; in the patriarchal² structures which dominate social and production relations in Africa, allocation of land is generally given to men, particularly after reaching certain age or after marriage. Women are denied the rights to have access to and control over land, particularly when they get married into the community. The only use rights to land they may have is generally related to the land allocated to them by their husbands. If the marriage relationship ends (divorce or death of the spouse), women are deprived of their rights (control and use) on the family land. For those who are not married, they were allocated some pieces of land in their mothers' fields to grow crops and accumulate some provisions in preparation for marriage (Peters et al., 1988). Hence, for women, this denial of property rights on land reflects their prevalent citizenship status where they may be considered as inferior or second class citizens.

According to Chanock (1985), these customary doctrines were developed by colonial administrators and chiefs as a vehicle for legitimating colonial rule on the one hand, and social and economic control of gender relationships on the other, rather than having a substantive and fixed content. For instance, in Mozambique, under the colonial *prazo*³ system, land was often granted to women but only on the condition that the woman married a Portuguese man (Ikdahl et al, 2005).

Furthermore, the colonial period was also characterised by the introduction of cash crops with a market value, which were under the control of men and enabled them to cultivate more land. Women were to continue with subsistence farming and were therefore restricted to smaller tracts of land for cultivation. This land restriction reduced the economic independence

² Patriarchy implies that all significant rights and powers within the community are held by senior males; women and junior males do not have the same rights and hold a lower status. Besides, women who marry into the lineage and community are usually considered transient members (Moyo, 1998).

³ The *prazo* system, involved large tracts of land, and documented by contracts dating back to the mid-17th century, when the crown granted control over land to individuals/families for 'three life tenures' (Newitt, 1995).

enjoyed by women by compromising their economic productivity. As colonialism continue to entrench itself in Africa, the perceived importance of women's agricultural contribution to the household was reduced as their vital role in food production was overshadowed by the more lucrative male-controlled cash crop cultivation. Consequently, women were continuously excluded from having access to land.

Women's land ownership under postcolonial regimes

In the post-independence Africa, land laws were generally inherited from colonial governments reinforcing the autocratic or monopolized policy processes instituted by colonial regimes. Land rights were formalized in the light of the colonial legacy of 'plural systems of law' characterized by the interaction between state laws and local norms which affect women's land rights in different ways. Gender based inequality on access to and control over land in postcolonial Africa was exacerbated by the fact that land administration processes managed by new state institutions, traditional authorities, and local committee structures were all heavily male-dominated. As a result, economic and political circumstances were systematically structured to influence gender relations with respect to land; making women's land rights even more precarious (Moyo, 2005).

In many of Africa's postcolonial societies, the colonial legacy significantly affected the pattern of land distribution in the elite's favour. The chiefs, loyalists, and the wealthy acquired more land than others while the lower social groups, including women, were deprived of their rights to own land especially if they did not or could not participate in the adjudication of these rights (Kanyinga and Lumumba, 2002). Centralizing power was often a source of disputes within the community and increasing numbers of land conflicts in Africa reflect inequalities macerated in both colonial and postcolonial land policies (Moyo, 2005). There is a large body of literature which addresses gender-based conflicts within the community regarding access to and control over land along gender lines (Nyukuri, 2006, Griffiths 1997; Whitehead & Tsikata 2003). The emergence of these distribution problems rationalise the introduction of land reforms in Africa to deal with inequalities in access to land.

Land reform and women's rights

Several countries in Africa have reformulated their land policies in order to redress colonial inequalities in land access and ownership. The first land reform programmes to take place during the twentieth century were often introduced in newly independent countries before the end of the Cold War and after the fall of the Berlin Wall in the late 1980s (Spichiger et al., 2013). The state played a central role in all of these reforms and their main emphasis was on land *redistribution* from large landowners to smallholders and also on the restitution of rights.

In practice, the state-led land reform policies in Africa have focused on reforming the regulation of land use among smallholders, and on attempts to redirect the local and customary tenure systems towards a more egalitarian society. However, it is widely recognized that the agrarian reforms implemented from the 1950s through the 1970s did not take into account the gender dimension. These reforms were often based on the assumption that assets allocated to the head of household - typically male - would benefit all household members equitably (UNRISD, 2006). These first land reforms which ignored the enormous impacts of gender-based inequalities in access to land on economic development, were generally implemented at a time gender equality was marginal to the policy agenda and when women's organizations lacked their current visibility (Ibid). For example, in analysing the 1975 land reform in Ethiopia, Kebede (2008) found a high level of inequality in the distribution of land, contrary to the widespread consensus that land is distributed equitably. Besides, in Kenya, the 1978 land reform was based on the policy of 'favouring the progressive farmer'. This policy means, in effect, that the government intervened in the economy to offer extra advantages to an already privileged minority, which excluded women (Samuel Kariuki, 2009).

In the 1990s, land policy reforms once again emerged as a prominent issue on the agenda of many African governments and their supporting donors. The main focus of these new reforms was land titling, designed to promote security of tenure and stimulate land markets. These reforms were often driven by neoliberal thoughts both at the domestic and external levels, and supported by international initiatives which established a general protection against gender discrimination. New land reforms have then been considered

as the entry point for recognition of women's land rights which is a prerequisite for women's empowerment in African societies (Ogunji, 2013). In South Africa for instance, the post-apartheid land reform programme, which has an explicit policy commitment to gender equality as a long-term goal, involves targeting women as a major category of beneficiaries in the short to medium term. As such, the programme takes into account gender considerations in all its three components, namely, (i) land redistribution, (ii) land restitution, and (iii) tenure reform. However, permanent attention has not been given to gender equality in the application of the land reform laws. In particular, no clear overall targets were set for women, gender policy goals seemed to disappear in implementation, and there is relatively little detailed information on the extent to which women are actually being reached given that data collection was often not gender disaggregated (Walker, 1998; Ogunji, 2013).

More generally, despite the fact that land reforms technically allow women to own land, women's land rights are still precarious in many parts of Africa where the application of land laws and policies is mediated by customary laws⁴ and practices that most of the time, discriminate against women. In most cases, established rural local government are still transitional and traditional leaders (i.e., chiefs) with strong patriarchal attitudes continue to exercise real power over the allocation of resources, including land.

Women tenure security under economic changes in Africa

Changes in international economic environment have not been matched by significant progress in livelihoods and social justice in Africa. Indeed, although growth rates have increased in most countries, inequalities in income and allocation of resources, including land, have also been rising. Land reform has become increasingly market-oriented, leading to a shift in focus from issues of poverty alleviation, equity, and livelihoods to economic efficiency and investment. In this context, debates over land in the context of economic liberalisation seem to omit gender-related issues. It is therefore important, for this research paper, to place the 'woman and

⁴ The existence of customary law *per se* is not the cause of precarious land rights. It has more to do with the content of certain customary laws as well as the social and economic relations which lie at the heart of these laws.

land' question in the broader context of capitalist transformations in Africa, which had been dominated by decades of orthodox liberalisation policies.

In the process of liberalisation of the land market that most African countries have undergone in the past decades, tenure rights of different classes, social groups, and gender have been one of the most discussed issues. The economic changes have shifted African land tenure systems away from indigenous customary land tenure systems which are often communal to private property tenure systems. This shift is motivated to a large extent by the fact that customary tenure systems are viewed as constraints to long term investments in land, while individual and private ownership of land are supposed to provide greater security of access and control over land; and therefore increase farmers' incentives to invest. Yet, the benefits from the shift towards private property tenure systems may not be enjoyed by certain groups of the population. In particular, women compose the largest of these groups whose benefits from land market activities are problematic (Lastarria-Cornhiel, 1997). This brings to the floor the main question of interest for this section which is: Does liberalisation of African land market tends to further weaken women's already precarious access to and control over land?

Because access to and control over land is shaped by gender-determined power relations, which exist across a range of social and political institutions, one might expect that one impact of liberalisation policies vis-à-vis land and land markets would be the elimination of gender-based discriminations with regard to land ownership and access. Yet, many studies on African experiences have pointed out that land liberalisation and commercialisation had not necessarily improved women access to land (Lastarria-Cornhiel, 1997; Razavi, 2007; Tsikata and Golah, 2010; Awumbila and Tsikata (2010); Izumi, 1999; etc.). According to Lastarria-Cornhiel (1997), the tenure system based on markets forces has strengthened the control of certain groups over land to the detriment of women and some minority groups. Indeed, the liberalisation of land market came with a change in the economic and social perceived value of land, from a source of food to an asset. Land is no longer viewed as an abundant resource valued for its ability to provide food but rather as a scarce commodity that has cash value. Therefore, certain groups, especially men with control rights to land, have been able to reinforce those rights and even

claim rights that others (including women) have customarily held. Furthermore, because women often enter the market system with no property, limited cash money and minimal political power, they are most likely to encounter serious market constraints along with a persistent gender ideology that discriminates against women.

In the case of Tanzania for instance, Izumi clearly indicated that the period of economic change over the past decades has contributed to intensify demand and conflicts over land. In some cases, customary land tenure which formerly offered women some means of protection through the marriage had been gradually eroded. Hence, she concluded that while it is clear that the indigenous land tenure systems are poor in securing women's rights to land, the market is unlikely to offer a better alternative means of ensuring those rights, especially for women living in poverty, who are unable to compete on an equal footing due to class and gender-based discrimination.

Awumbila and Tsikata (2010) in a Ghana case study also revealed that, already gender inequality had affected women's ability to benefit from land commercialisation. Moreover, the change in land tenure systems had reinforced male-centred tenure arrangements in shrinking the ownership structure to a small group of male and exacerbated women already precarious land tenure rights.

3.0 Challenges to women's land and tenure rights in Africa

Women's land and tenure rights in Africa are impacted by a number of challenges resulting mostly from a combination of traditional, cultural, legal, institutional and economic factors.

Social stereotype

The first challenge in achieving gender equality in access to land in Africa lies on the difference in social roles assigned to men and women within African patriarchal societies. This difference is related to a sexual division of labour whereby men are assigned the productive (visible, paid) role whilst, traditionally, women's role is more closely associated with domestic (invisible, unpaid) responsibilities and reproductive functions, with their productive role played down (Ceci, 2005). In practice, this sexual division of labour guarantees the dominant social position of men, and all production resources are imputed to them because they are supposed to provide for the household's needs. Aside, with a subordinate social position, women depend on their husbands for all their needs and their access to land is mediated through their relationship with males.

Customary laws

Customary laws and norms which prevail in many African societies⁵ frequently conferred rights to land to the head of the household only, who were most often men, according to patrilineal custom. Patriarchal power relations are deeply rooted in rural society and act as a powerful hindrance on women's chances to own land (Walker, 1998). Patriarchal customs are reinforced by the commercialized tradition of dowry, where a husband pays a bride price to his wife's father, and this payment supports the traditional belief that women are the 'property' of their husbands, since a payment was made for her (Scalise, 2012). This belief drives the customary land tenure rule that prohibits women from owning rights to land independent of their relationship with their father or husband.

⁵ Customary systems of property tenure account for at least 75 per cent of the land in most African countries (Sage, 2005).

Legal pluralism

In many communities in Africa, land ownership is governed by different legal systems (religious, customary, statutory) and there is often a lack of clarity on the jurisdictional boundaries of the different tenure systems. In the context of legal pluralism, the concurrent existence of two or more parallel, separate legal systems using different rules and legal paradigms to decide land cases may undermine the rule of law, lead to inequity and injustice, and foster land tenure insecurity (Knight, 2010). For instance, although in most of the cases statutory laws support women's secure rights to land, they may have limited effect at the community level due to lack of enforcement and cultural and social norms that may limit women's willingness to exercise their rights under the law (Budlender and Alma, 2011). Moreover, legal pluralism may also denote multiple legal systems operating in tandem or in concert. For instance, customary law transactions are often registered under statutory law; and courts set up under statutory law apply customary law rules and adjudicate over customary law disputes, thus legitimising customary systems in many African countries.

In most of the cases, when conflicts exist between traditional norms and legal laws, as is often the case when women's rights are considered, the constitution mandates that the state law prevails. However, this stipulation is often overlooked, and only local norms prevail and are enforced by community members. An illustration of this is the continuing resistance to, for instance, joint titling in titling projects that are supposed to include the spouse's name on the title deed in countries like Uganda and Tanzania. This is difficult to enforce at the community level due to cultural barriers. Thus, simply enacting a law is not sufficient to ensure that women have equitable recourse to remedies when the law is violated or not respected.

Institutional factors

While several African countries have formally included gender considerations into land reforms policies, women's access to and control over land is still problematic in Africa. Sometimes, women may not know their legal rights or tend to be unfamiliar with legal processes and encounter difficulties when they try to have access to courts due to lack of time, resources, constraints on mobility and judicial bias (Razavi, 2007). In addition, governments often lack or fail to commit the resources (financial, human) to implement the laws properly (Pedersen, 2010; Karikari et al.,

2005). In this case, regulations that guide implementation might not sufficiently reflect the rights promised by law. Furthermore, it is important to note that, there is lack of women representation in decision-making bodies and absence of strong social movements among women, to empower them to engage with and make use of the formal structures and legal opportunities that are being put in place. Finally, lack of sex disaggregated data makes it difficult to conduct in-depth research on integrating gender equality in land ownership in Africa.

Economic factors

Because of their subordinate position within the household and the community, women most of the times lack cash income and therefore find it difficult to accumulate capital needed to buy land or make investments and improvements on the land they work on. Indeed, the acquisition of land carries with it certain financial outlay which makes the ownership of land less attractive to women. The average income level of the average woman is much lower than that of men. Consequently, women are at such an economic disadvantage that they cannot independently acquire land and subsequently develop the land. Moreover, financial institutions demand collateral for credit which, more often, women are not able to meet. In a case study of Zambia, Himonga and Munachonga (1991) revealed that married women in practice need the consent of their husbands to obtain loans and this consent is not readily granted by husbands. The problem of limited access to financial resources is aggravated by the bureaucracy associated with the acquisition of land which is costly, cumbersome and lengthy. For women who are most of the times illiterates, this is a disadvantage.

4.0 Expanding women's access to land: Implications for livelihoods in Africa

So far, realization of gender equality on land rights has remained mainly illusory rather than operational in most African countries. The majority of women are systematically denied their rights to access, own, control or inherit land and property, although they depend mainly on land for their livelihoods. Women's secure rights to land may have major implications which can be analysed at the economic, social and environmental levels.

4.1 Economic implications

Land constitutes a major economic asset, particularly in Africa where agriculture constitutes the primary source of livelihood for millions of people. The economic consequences of gender equality in access to land are enormous and have a direct impact on women and their relatives' well-being.

Women's rights to land and economic efficiency

Property rights in land lay the foundation for agricultural productivity because land is a key input into agricultural production and enterprise development. Enhancing women's land rights could increase overall production efficiency in various contexts. Firstly, women farmers with secure land rights have the motivation to put greater effort and make productivity-enhancing investments in the land because they can be more confident in the returns to those investments (Agarwal, 2003). Secondly, secure land rights would enhance women's ability to increase production by improving their chance to enter into long-term commercial contracts with investors, who primarily deal with men (Croppenstedt et al., 2013), and thus acquire access to cash flows for reinvestment. Thirdly, land ownership places women in a stronger position and allows them to exert greater influence on agencies that provide inputs and technical information for raising productivity. Finally, evidence suggests that female farmers are just as efficient as male farmers and with equal access to inputs and services, they would achieve the same yields as men (FAO, 2011); or women might either use resources more efficiently than men (Udry et al., 1995). Hence,

total efficiency in agricultural production would improve if resources were allocated more equitably across men's and women's land plots (Allendorf, 2007).

Women's access to and control over land and economic empowerment

It is well recognized that women have the potential to change their own economic status, as well as that of the communities in which they live. There is a clear link between women's land ownership and their economic empowerment, which can be viewed as one of the most important contributing factors to achieving equality between women and men. Indeed, secure land rights confer direct and indirect economic benefits as land can be used as a base for food production and income generation from rental and sale. It can also serve as collateral for credit and as means of savings for the future (Sida, 2010).

Furthermore, Charmes (2000) points out that providing secure land and property rights to women can enhance their abilities to participate in informal trading and negotiate access to higher income markets in the formal sector. Women access to land would increase their probability of finding supplementary wage employment, of enhancing bargaining powers with employers, and of pushing up aggregate real wage rates (Agarwal, 1994). Additionally, considering the long term effects, women with secure rights to land are less likely to become economically vulnerable in their old age, and in the event of the death of their spouse or in case of divorce. In Ethiopia for instance, Fafchamps and Quisumbing, (2002) found that women's land rights within marriage might give them greater claims to assets upon divorce or the death of their husbands.

Finally, women with strong property rights in land are less likely to become economically vulnerable, and more likely to cope with unanticipated shocks and reduce their exposure to extreme poverty.

Secure land tenure for women and food security

Women are at the global concern of reducing hunger as they play a central role in household food production, dietary diversity, and children's nutrition. The relationship between secure land tenure and food security may be directed through increased food production or indirect through increased incomes from selling agricultural produce that enable the

purchase of more and better quality food and supporting livelihood diversification. When women own land, their purchasing decisions are likely to benefit the household's food security and their children's nutritional status, which are critical for poverty alleviation. The World Bank's report on agriculture and nutrition (2007) points out that "*the income and resources that women control disproportionately exert strong effects on health and nutrition outcomes in general*". Many studies have shown the existence of a positive relationship between the amount of land that a woman possesses at the time of marriage and the share of household expenditures devoted to food. For instance, Doss (2006) in a study in Ghana showed that when women own a larger share of the household's farmlands, families allocate a larger proportion of their household budget to food. Hence, increasing women farmers' access to land would increase their production and make it less likely that their families are hungry and malnourished.

4.2 Social implications

Apart from economic implications, land tenure security in Africa as well as elsewhere, can also provide social gains to women and the entire community. The social implications can be analysed through the impacts of secure land rights on women's social empowerment and the household's social welfare, as well as the effect on HIV/AIDS prevalence.

Women's access to and control over land and social empowerment

Increasing women's access to and control over land, while central in achieving women economic empowerment, is also important in improving their social status within the community. Indeed, women with strong property rights on land are more likely to be active members of the household, and enjoy enhanced intra-household bargaining and decision-making power within marriage. At the community level, improved status derived from land rights can also empower women to participate more effectively in community-level governance structures, making those institutions more likely to respond to women's needs (Boudreaux and Sacks, 2009). Furthermore, owning land would enhance women's self-confidence and empower them to participate more effectively in the civil and political arena within the society (Gomez and Tran, 2012). This would

allow them to exert greater influence over political choices and achieve gender equality and economic and social development.

Women's land rights and HIV/AIDS prevalence

Secure land rights for women may contribute to mitigate the effects of HIV/AIDS in different ways. Firstly, by promoting women's economic empowerment, land property rights also enhance their ability to negotiate safe sex and make them less likely to engage in risky sexual behaviours, such as selling sex for money or engaging in unprotected sex (Gomez and Tran, 2012). Furthermore, because secure land rights can lead to increased household food security, women are less vulnerable to engaging in transactional sex as a mean of survival (Knox et al., 2010). In a study in Botswana and Swaziland, Weiser et al. (2007) found that women who faced food insufficiency are more likely to engage in unsafe sex; putting themselves at greater risk of HIV infection. In addition, land can also serve as a source of revenue which would allow women to afford the costs associated with HIV treatment, improving their ability to cope with the economic and social impact of the disease. Finally, by improving women's social status within the household and the community, land rights can reduce women exposure to marital or domestic violence and can enhance their sexual autonomy in the society on one hand; and on the other, can increase their ability of exiting violent relationships through their economic empowerment. Because gender-based violence is a risk factor for contracting HIV/AIDS, secure land rights would lower women's risk of HIV/AIDS infection.

Women secure land tenure and households' social welfare

Within the household, there are notable gender differences in income spending patterns, depending on who holds the rights to land. Women and their children's likelihood to reap the benefits fully depends crucially on women's direct access to income and resources, and not just access mediated through husbands (Agarwal, 2003). There is a general observation that women tend to spend the income they control on household needs, whereas men spend a significant portion on personal goods. For instance, when women in the household have access to land and secure tenure rights, children are found to have higher levels of educational attainment and receive appropriate medical care (Strauss and Beegle, 1996).

4.3 Environmental implications

The link between women and environmental resources management has been well documented. Increasing women's access to and control over land have direct and indirect environmental benefits which can be investigated through the impacts of women's land rights on resources preservation as well as the way secure rights land for women can enhance resilience to climate change.

Women access to land and resources preservation

When women's land rights are insecure, it is possible to overuse the land. Indeed, when a woman's rights to use land are derived from or depend on a relationship with a male, she may fear that not using the land for one season will impact her longer-term access to the land (Gomez and Tran, 2012). For instance, Giovarelli and Wamalwa (2011) found that in Uganda, women with insecure land rights did not allow land to lie fallow, contributing to soil degradation. Another study in Rwanda revealed that the absence of strong land rights discouraged women to undertake investments on land, leading to severe soil erosion problems (Randolph and Sanders, 1988).

In fact, as primary managers and users of natural resources in many African countries, endowing women with secure land rights would give them the incentives to make the land more productive and sustainable. Indeed, ownership of the land is likely to stimulate women's interests in the land's fertility and sustainability and thus create incentives to invest in conservation measures such as irrigation and erosion control. According to Mehra (1995), "*because of their particular household responsibilities for obtaining food, fuel, and water, women who get these products directly from natural resources have a vested interest in protecting them*". In addition, as a source of income, land can provide women the needed revenue to cover the costs of conservation. Finally, increasing women access to land has been shown to reduce demographic pressures on land resources, thus minimizing the uncontrolled conversion of non-arable land into farmland (Gomez and Tran, 2012).

Women's land ownership and resilience to climate change

In rural Africa, people's capacity to adapt to environmental change is based first on their connection to natural resources. Because of their limited access to and control over assets such as land, women are found to be most at risk from climate change. Evidences show that natural disasters tend to impact disproportionately on women (Cannon 2002, Satterthwaite et al 2006). Therefore, introducing more secure land rights for women is fundamental to reducing their vulnerability to climate change. As land is an economic asset, increasing women access to and control over land means that they would have more resources to cope with seasonal and episodic weather and natural disasters. In addition, with improved access to land resources, women can acquire technological and financial capacities that are essential to increase efficiency in the use of domestic energy and renewable energy sources, and thereby enhance carbon emissions mitigation and environmental sustainability.

5.0 Promising good practices in strengthening women's land rights in Africa

Land rights are basic human rights that are linked to realisation of economic, cultural and social rights. Land is a key resource for all because of the positive correlation between accessing land resources, having secure land rights and improving livelihoods. As discussed in the above section, women's land rights, in law and in practice are an essential step towards their empowerment. Therefore, several countries in Africa have been undertaking land policy reform initiatives that are aimed at addressing social, political, and economic inequalities in access to land to ensure inclusive economic growth. The results are mixed; while in some countries examples of good practices in enhancing women's land rights in relation to laws or policies can be identified, this is not the case in other countries where the implementation of gender-based land laws and policies is still problematic. This section reviews some gender responsive legislation and land policies in Africa and discusses the gap between commitment and implementation of the laws and policies. In addition, six (6) case studies from selected countries presenting promising practices for inclusive and equitable land tenure systems and ownership are discussed.

5.1 Country's specific experiences through new legal provisions

Studies have shown that previous land policies reforms and legislation in Africa were characterized by lack of gender perspective. These policies assumed that the entire household would benefit equally when the household head was given land rights (Spighiger et al., 2013). In most African societies, men are the heads of households, and they usually prevent women's access to land. More recently, women's rights to land have explicitly been incorporated into the legal framework and gender-based land policies have been defined in some African countries; as part of the recent land reform processes (Wily, 2003). Moreover, these reforms seemed to recognize existing rights like customary rights and customary tenure systems and the pre-existing relations between men and women with regard to land. Doing so is a good entry point for women access to, ownership and

control over land in some countries in Africa. Some examples of good practices (from selected African countries) through legislative and policy frameworks to ensure women's equal right to land are provided below:

Ethiopia

In Ethiopia, the Federal Rural Land Administration Proclamation No 89/1997 emphasizes the equal rights of women in respect to the use, administration and control of land. It guarantees equal use rights on common land holdings between husband and wife. The Land Administration and Land Use Proclamation No. 456/2005 which replaced the previous one acknowledge the autonomy of regional states in matters of land. The Proclamation is progressive in terms of women's rights and it codifies use rights for women and men in terms of titles (FAO, 2010). To this end, registration and user-right certification programmes through Land Administration Committees (LACs) were implemented under the responsibility of regions and required inclusion of at least one female member.

The constitution obliges the State to prohibit laws or customary practices that harm or oppress women. In its Article 35, the constitution accords to women all rights to acquire and manage property, including land, with equal participation in decision making: *“Women have the right to acquire, administer, control, use and transfer property. In particular, they have equal rights with men with respect to use, transfer, administration and control of land. They shall also enjoy equal treatment in the inheritance of property.”*

Rwanda

The constitution of Rwanda promulgated in 2003 states that, women and men have equal rights and prohibits discrimination on the basis of sex. Under formal law, husbands and wives are granted equal rights to land and women have the ability to purchase and hold property. In addition, the Law No. 22/99 provides inheritance rights without regard to gender and states that the written consent of both spouses is required for land transactions.

Furthermore, the land tenure reform programme started by Rwanda since 2004 also aims at increasing security of tenure to all landowners and recognizes equal rights of access to land for both men and women. The land

registration process is purposely participatory and community-led, and at each stage, women are not only consulted, but they are also actively involved in running the reform programme. In addition, women are highly represented in the National Land Commission as well as in local land committees⁶. This is to ensure that their voices are heard in decision-making processes and their rights are protected in land management institutions.

Kenya

The new constitution (2010) of Kenya is one of the best-written constitutions with regard to gender mainstreaming. Indeed, it addresses women's land ownership by creating the necessary legal and institutional framework to ensure full realisation of women's right to land and other related resources. It endeavours to eliminate gender discrimination in law, customs and practices related to land and property in land. In its Chapter 5, the new constitution of Kenya requires equity in land ownership, efficiency, productivity and sustainability in land use and management. Section 67 provides for the establishment of the National Land Policy (NLP)⁷ which recognizes secure land rights and gender sensitivity as a key principle for land policy. The key questions the NLP seeks to address include equitable access to land; security of land rights; elimination of gender discrimination in law, customs and practices related to land and property; encouragement of communities to settle land disputes through recognized local community initiatives; and principles governing public, private, and community land. These provisions are elaborated in section 233.

The Kenyan laws in section 250 also call for women's representation in all land administration bodies from the National Land Commission to the lower levels of land administration. In addition, following the adoption of the new

⁶ In every land commission and land committee, women must represent at least 30 per cent of the commissioners and committee members. In the National Land Commission, which is composed of seven members, three are women; and out of 155 Kigali city and district land commissioners, 60 are women. In addition, of the five deputy registrars of land titles, two are women (UN Women, 2013).

⁷ Gender sensitivity was stated as one of the key values of the NLP formulation process. The NLP was adopted in 2009, and entered into force when the new constitution was promulgated in 2010.

constitution and the NLP, three important Land Acts⁸ with promising provisions for gender equality in access to and control over land (spousal consent in land transactions, equal recognition of men and women, and co-ownership) were adopted in 2012.

South Africa

The South African constitution in its section 25 creates obligations for the state to address key land questions. It mandates important land reforms and provides for measures to foster conditions that enable citizens to gain access to land on an equitable basis. Further, the Communal Land Rights Act of 2004 states that a woman is entitled to the same legal tenure rights and no law, community or other rule, practice or usage may discriminate against any person on the grounds of gender. Likewise, the Extension of Security of Tenure Act of 1997 provides for measures to facilitate long-term security of land tenure and is gender-neutral and non-discriminatory.

Uganda

The Uganda constitution of 1995 affirms the fundamental right of every person to own property. It also prohibits “*laws, cultures, customs or traditions which are against the dignity, welfare or interest of women ... or which undermine their status*” (art. 32). In addition, The Land Act No. 16 of 1998, amended in 2010 recognizes customary tenure as legal tenure equal to other tenures. Finally, both the constitution and the Land Act take affirmative action to reinforce women’s representation in political and administrative bodies (FAO, 2010; Rugadya, Obaikol, and Kamusiime, 2004).

Tanzania

In Tanzania, the 1977 constitution provides for equal property rights and prohibits any forms of discrimination against women. It guarantees equal rights to buy, own, use and control over land for both women and men. Further, the 1999 land reform has been recognized as a big step towards gender equity. The provisions are spelled out in much more detail in the Land Act no. 4, governing land in cities and other areas, and the Village Land Act no. 5, governing land in village areas. The Land Acts recognize

⁸ (i) Act No. 5 of 2012 - National Land Commission Act; (ii) Act No. 6 of 2012 - Land Act; and (iii) Act No. 3 of 2012 - Land Registration Act.

that women have the same rights to own land and property as men and also recognize customary land rights and institutions, but prohibit discriminatory customary practices. Concerning the Village Land Act, it declares that the village councils, which are vested with power over the administration of village land, should protect women's rights (Ik Dahl et al. 2005). It also recommends joint registration and titling by providing that where land is held in the name of one spouse, the other spouse has a presumed right of occupancy and that the disposal of land requires consent by both spouses (Walker, 2002).

Despite the existence of these positive results; such practices considered as good have always been easier proposed than adopted. A number of contestations and struggles around these issues are noteworthy. In fact, land rights issues have been constantly negotiated, contested and resisted by affected women in various ways. The examples of women's self-organised resistance to land grabs and their strategies to prevent patriarchal forms of dispossession offer powerful narratives. Activists for women's land rights have tried to have laws passed in many countries, with mixed results.

For instance in the case of Uganda, where there was very active lobbying by the Uganda Land Alliance for both men and women to be listed in title deeds as co-owners, the issue was debated in parliament repeatedly and failed several times. Women have been at the forefront through organizations such as the Uganda Land Alliance and Uganda Women's Network in the struggle for approval of the co-ownership clause. Also local NGOs such as Zambia Land Alliance (Zambia), Land Net (Malawi), Ethiopian Women Lawyers Association (Ethiopia), Federation of Women Lawyers (Kenya), Legal Assistance Centre (Namibia), Malawi's Women's Voice (Malawi), Women's Legal Aid Centre (Tanzania), Women's National Coalition (South Africa), to mention a few, have been influential in pushing for women's land rights agenda in their respective countries.

Based on the above, this section shows that there is a general awareness on the issue of women's right to land in Africa. The awareness is evidenced by the existence of good practices reflected in the commitment of States to develop constitutions and policies that prohibit discrimination based on gender. Despite these legal provisions, most of the time good land laws have not been put into practice; revealing the existence of a substantial gap

between the development of laws and policies and their effective implementation.

5.2 Gap between commitment and implementation

The commitment of countries can be appreciated through the ratification of international treaties (CEDAW, AU Protocol on the Rights of Women in Africa, etc.) and the provision of laws and policies at the national level. Constitutions and policies developed in line with the principle of gender equality in order to ensure women's access to and control over land exist. However, in most of the countries, these legislations failed to meet their objectives due to lack of appropriate implementation, which remains a real challenge. This situation raises the question of why, despite the high level of states commitment, implementation and enforcement of land laws and policies are not happening.

The general finding indicates that while legal reforms can often be achieved relatively quickly, implementation of policies, and especially the achievement of practical changes on the ground is not straightforward and sometimes take time. As mentioned by Wily (2003), the new wave of land reforms in sub-Saharan Africa expanded the provisions for women's rights, but there may be a considerable gap between the letter of the law and implementation on the ground. Several countries in Africa illustrate the discrepancy between gender equality in law and practice. For example, laws on joint titling or gender equality in succession rights in several countries failed to be implemented or enforced. In some cases like in Uganda, laws and policies remain just on paper due to challenges with implementation on the part of the government. Similarly, Tanzania, Ghana, South Africa, Malawi, Soudan and Nigeria, among others, have explicitly prohibited gender-based discrimination and guaranteed women's rights to land through their constitution, legislation and national land policy. Yet, in practice there are no measures to protect women's rights to land. According to Walker (2003), the main reason is because the principle is not given priority as a policy objective and no serious attention is paid to how to carry out these commitments in practice.

In addition, there is a conflict between constitution and/or statutory laws and customary practices that are still biased against women and do not

recognize women's property ownership. For example in Ghana, state laws on inheritance to regulate succession for spouses under customary marriages, do not seem to have much influence especially in rural areas. Also in Malawi, although the constitution forbids discrimination on the basis of gender, and guarantees women, the right to hold property either jointly or severally, land distribution in rural areas is still governed primarily by customary law, which is patriarchal. In such a context, where customary laws are predominant, the probability of success in implementing statutory laws is very low, therefore limiting women's ownership of and control over land. Nevertheless, some few cases where the implementation has been successful exist throughout literature and need to be highlighted in order to understand the success factors.

5.3 Case studies on good practices

In total, six (6) case studies from selected countries presenting good practices for inclusive and equitable land tenure systems and ownership are discussed here and presented in the appendix. These countries include Tanzania, Ethiopia, Kenya, Rwanda, Niger and Namibia. The selection of these case studies rely on their potential to provide meaningful information, insights and evidences of how gender mainstreaming works in practice in many diverse situations, taking into account the broad context of strong patriarchal influence on land allocations under customary tenure coupled with the subordinate status of women as individuals.

The lessons learned from the six case studies can help future projects and support in improving women's access to land under similar conditions. In the case of Tanzania, the success of the process, on one hand, lies on the fact that Maasai women acted as group and not as individuals with the support from a feminist organisation, which is Women's Development Organization (MWEDO). On the other hand, dialogue and negotiation with men as officials and leaders was privileged in order to gain the support of the whole community. In Ethiopia, women in Amhara region were able to secure registration of land titles as a result of training involving community representatives at the grass-roots level and conducted before the registration process commenced. This indicates the importance of community training to explain legal provisions for women's rights in the initial phase of the process. In Kenya, the justice project was successful in improving women's

access to customary justice based on community's level awareness, training of traditional leaders and women on provisions of the Constitution and supporting justice learning within schools and families. The core message from the Rwanda case study on land registration is the necessity to involve women fully in all the different phases of the process (design and initiation, implementation, dissemination). This is crucial to ensure success. In Niger, women's groups have started exercising their rights over inherited land; have been able to lease community land and participate in negotiations on the management of communal land under the "Women and Land Initiative". The Niger case study also privileged community's level awareness through dramas representations, use of radio broadcasts and more importantly, sermons by religious leaders and state officials who committed themselves to support women's access to land. Finally, positive results were obtained in Namibia through training activities and the participation of physical theatre to create social awareness on women's land rights, which encouraged women to register their land.

As a whole, from these case studies, success factors in bridging the gap between law and implementation at the local level include community levels discussions and negotiations and the full participation of the community (women, men, local and religious leaders, etc.) in the process from the beginning to completion. Training activities are necessary for all the community members, including women themselves, in order to understand the legal provisions on women's rights and the need to implement them. The choice of appropriate communication channels is also very important in making sure that a large number of people are reached. Finally, in order to strengthen their negotiation power, it is important for women to act as groups with the support of NGOs or women's organisations.

6.0 Strategies for promoting effective women's land ownership and tenure security

This study has analysed the gender dimension of land tenure in Africa and has pointed out the existence of persistent gender inequalities in access to, ownership of and control over land in almost all countries. While in some countries the main issue is related to the absence of appropriate gender-based land laws and policies, in other countries, there is a stark gap between existing gender-equitable laws and policies on land and their implementation. Addressing these issues is therefore an entry point for increasing women's access to land and may have several implications for policy makers and development agencies. Based on the findings of this study, the present section is an attempt to propose effective strategies that should be promoted to improve women's rights to land as well as the effectiveness of land-use policies. In doing so, we try to answer the following questions: How to combine legislative enactments (laws, rules and regulations) and customary laws to foster women's constitutional and legal rights to land; and which options are available for women's tenure security beyond property rights?

6.1 Legal and regulatory framework for women's land rights

Legislation has been shown to be crucial for the promotion of gender equality in access to, ownership of and control over land. Across Africa, land policies and laws protecting the rights of all land users are needed. While in some countries, women's rights to land have explicitly been incorporated into the legal framework; many other countries are yet to consider it in their constitutions. Moreover, the existence and perceived legitimacy of many customary/local institutions and norms, and the great diversity of the nature of land relations have major implications for land legislators.

First, land laws should be designed and revised to ensure that women are accorded full and equal land and property rights with men. In particular, lawmakers should strive for affirmative gender-sensitive laws rather than simply gender-neutral ones that fail to consider the practical effect of the laws on women.

Second, it is essential to review policies that are inconsistent with international, regional and national women's rights instruments, especially customary land tenure systems and religious laws. Because customary laws in many cases do not allow women to own land, on-going land-law should engage with traditional authorities to deconstruct and reconceptualise customary notions related to issues of land tenure, with a view to integrate a gender dimension. In addition, constitutions should clearly state that customary laws are subordinated to statutory laws, and the latter should effectively prevail. Moreover, land legislators should ensure that land laws supporting women's rights are not undermined by other related legislation, such as family and marriage laws, as well as inheritance and housing provisions.

Third, rather than seeking to impose a standardised and rigid norms, land legislation should seek to consider the cultural context of the country and the full participation of the civil society (including women) in the formulation of laws, policies and programmes. Affirmative policy should enable women to sit on land boards, land tribunals or land committees at various levels.

While important experiences have shown that equitable land rights are not sufficient to achieve gender equality in land tenure, the most important challenge is to ensure that those rights are real for women on the ground. Effectiveness of secure women's rights to land should therefore be analysed beyond the issue of property rights.

6.2 Women's tenure security beyond property rights

Besides developing appropriate gender-based policies and addressing formal legal rights, it is crucial to investigate options that ensure the correct implementation of these instruments. Indeed, the analysis carried out in this study has shown serious implementation problems as a result of dichotomies and conflicts between statutory law and discriminatory socio-cultural norms and practices. Therefore, the effectiveness of laws will depend on awareness about them, the abilities of the entire society to invoke them and change attitudes, the establishment of effective and efficient land institutions, the efficiency of the land market as well as the potential role of international donors.

Awareness of existing laws and policies

Although in most countries in Africa, women's rights to land are clearly established in national constitutions and legislation, generally, many people are not aware of such provisions. In most of the cases, women themselves do not know their legal rights to land. So, lack of implementation of land legislation is caused by lack of awareness of these norms. It is therefore important to promote awareness-raising campaigns and community dialogues among women, local customary institutions, and formal legal institutions, as effective ways to build understanding and support for women's land rights. Customs and traditions which support women's equal rights to land and property should be championed and shared. In addition, men should be involved and their role as important change agents should be recognized.

Community level involvement

In Africa where access to land is generally regulated by customary laws, the community remains a very important stakeholder. The effectiveness of laws in affording equal opportunities to women depends largely on a society's willingness and ability to enforce such laws. Indeed, because the strongest resistance to women's land rights can often be found at the community level, engaging local leaders and other community-level actors can help bring about real change in women's land rights. Civil society organisations such as non-governmental and community-based organisations can play a vital role in debates over the formulation of policies as well as in the dissemination of knowledge and information to support their implementation. Furthermore, it is important to promote strong women's organizations in land rights agenda which could be the catalyst needed to raise consciousness at all levels including community leaders and drive significant change in women's access to and control over land.

Institutional capacity

Beyond well-defined property rights, the implementation of land policies and laws in Africa also depends on putting in place effective and efficient land institutions (courts, administrative bodies, etc.). In most of the cases, implementation may be constrained by lack of human and financial resources to set up these bodies, leading to a lack of adequate enforcement mechanisms. It is therefore important to promote stronger land institutions

for advocacy of gender equality in all its components and the institutionalization of gender-sensitive governance. In rural Africa characterised by the economic, geographical and linguistic inaccessibility of state institutions, there is a need for decentralization at the local level. Relevant training is also needed to strengthen the skills and capacity of local land officials to carry out and enforce gender-equitable land rights. In addition, implementation may also be constrained by problems concerning the perceived legitimacy of such bodies compared to existing customary/local institutions which are considered as legitimate by the local population. There is therefore a need to build synergy of responsibilities or tasks between different institutions involved in land issues, whether customary authorities, community-based institutions, local governments or other bodies.

Role of land markets and changes in production systems

Although evidences have shown that land markets do not necessarily ensure an increase in women's access to land, opportunities do exist for them to benefit from the liberalisation of the land market. Entry into the land market requires a variety of assets, including money, bargaining power, the skills and confidence needed for land management and use, or the ability to enter into relationships that allow third parties to manage the land. Because few rural women have the financial, social, and human assets needed to enter the land market, effective land markets will require tackling the constraints to land purchase and cultivation that women face. For example, governments or NGOs could make grants or subsidised loans to landless women to allow them to purchase land that comes on the market. In addition, market access could also improve if women go to land markets not as individuals; but as group, pooling their resources and their negotiating power.

Leasing arrangements are another important way of obtaining land through the market. Usually, lease can serve as a precursor to purchase. On one hand, this might enable women to judge the land's quality and potential productivity, and on the second hand might help them to accumulate enough funds for buying land. Also, experience shows that land sales markets are much less effective than land leasing or sharecropping in providing new land access opportunities for the poor (Cotula et al., 2006). Most of the

time, high transaction costs and lack of access to credit limit the ability of the poor to buy land on the market.

Increasingly, land transactions in the form of share contracts and other tenancy arrangements are adopted by women. Although sharecropping is a predominant form of land rental in developing countries, it has been criticised for being less efficient than cash rental contracts. Nevertheless, under uncertain seasonal farming conditions, and with limitations on working capital and access to credit usually faced by women, share tenancy could be viewed as a favourable option and minimise risks for tenants as well as for landlords.

Finally non-market labour and land transactions between close relatives like spouses or family members is also a critical source of land for certain social groups and may work as a solution to overcome the lack of financial resources faced by women to enter the land market (Tsikata, 2009). The ability to transfer land on a freehold basis is likely to create incentives for greater investment and enable use of land as collateral in credit markets (Deininger, 2003).

Role of donors

The role of donors may be crucial in operationalising women's land rights and need to go beyond providing financial assistance. It is important that international partners get involved in the formulation of land laws and policies. Indeed, donors can actively contribute in drafting of new gender-based legislation or amending existing land laws, which actually constitute practical entry points for strengthening women's rights to land. This could be done through assisting in building knowledge and capacity on gender equality in access to land and the legislative process among actors such as legislators, civil society, and land users.

Donors can also contribute to strengthening the institutional implementation by supporting advocacy initiatives on the representation of women in land boards or other bodies responsible for land rights. They should also ensure a synergy between the different actions taken by all the stakeholders involved in issues related to women's land rights. Their support in collecting gender-sensitive data and sex-disaggregated data on access to, use and control over land as well as in monitoring and evaluation of the progress made in enhancing women's land rights is also important. Finally, donors' actions in

supporting strong NGOs and women's groups for effective gender awareness campaigns on women's rights to land among women, customary and religious leaders and formal legal institutions would have a great impact on effective land rights for women.

In summary, addressing women's access to land effectively is very challenging from the formalisation of laws to implementation on the ground and this requires concerted efforts at the local, national, regional and international levels. Market forces may also have an essential role to play in securing women's access to and control over land. These strategies would work towards advancing women's land rights in both law and practice. In particular, gains in increasing the number of women with secure land rights across Africa will help achieve progress in poverty reduction and build an equitable, secure and sustainable world.

7.0 Conclusion

The political systems in Africa have not facilitated women's access to and control over land. Customary land tenure which remains relevant in most of the African communities has significantly limited women's tenure security. Despite recent general awareness on the issue of women's right to land in Africa, evidenced by the commitment of States through their constitutions and policies that prohibit gender-based discrimination, most land laws and policies remain unimplemented. This reveals a substantial gap between the development of laws and their effective implementation. Moreover, the potential role that land markets could play in improving women's tenure security is still limited. There is therefore the need for innovative approaches that go beyond property rights in determining and operationalising good strategies to strengthen women's access to land. Henceforth, it is not enough for land legislation to be gender-sensitive; it must be gender-transformational. The roles that different actors (women, men, women's organizations, community leaders, donors) can play would be crucial in the process of securing women access to land in Africa.

Appendix: Case studies on good practices for inclusive and equitable land tenure systems and ownership

This appendix represents a set of 6 case studies on gender mainstreaming in access to and ownership of land in Africa. The good practices depicted here are a contribution towards closing the gender gaps that are evident in the implementation of land laws and policies.

Case study 1: Maasai women gain secure rights to village land through the support of Women Organization in Tanzania

In Tanzania, Maasai women face multiple discriminations within their community. These include cultural practices that restrict their rights to access or own land. Although The Tanzanian Village Land Act recognizes equal rights for men and women to access and control land, Maasai customs and traditions tend to marginalise women in terms of decision-making, and in terms of rights to access and control over land. With limited literacy and/or lack of knowledge of land, Maasai women are largely unrepresented in land-related decision-making bodies, resulting in little interests for their needs in designing and implementing land-related programmes.

Nevertheless, through organisation and negotiation, one group of Maasai women was able to gain secure rights to village land held under customary tenure. Women were supported in forming committees by the Maasai Women's Development Organisation (MWEDO) and then engaged in dialogue and negotiation with village officials and leaders. The support from MWEDO consisted of providing training on legal rights, as well as the administrative steps needed to help secure land rights through official land certification. As a result, Maasai women gained certificates for customary rights of occupancy of village land for women in their communities after facing significant opposition from their communities at the beginning of the negotiations.

The success of the process lies on the fact that it was defined and led by the Maasai women's committees and was focused on dialogue and negotiation with men as leaders. In doing so, the whole community supported the results and the process was then documented and shared for use by other Maasai communities in the quest to improve women's tenure security.

Source: Scalise, 2012

Case study 2: Women in Amhara region in Ethiopia gain status through land registration

Women in Ethiopia are noted to be great agricultural producers, and the Ethiopian government has, in recent years, made a commitment to gender equality in various laws and policies. Then, Ethiopia has embarked on a large land reform programme, including strong efforts to secure women's legal land rights. The process of securing land tenure in Ethiopia is through land registration and titling. The land reform programme in Ethiopia has followed two steps: the first-level certification involves the identification and registration of land holding rights at the local level while the second-level registration involves the surveying of land parcels. Training involving community representatives at the grass-roots level was conducted before the registration process commenced.

In the Amhara Region which received significant support from SIDA and USAID, it is estimated that about 52% of land holdings are registered in the name of both spouses, 27% are registered to women and 21% to men. The reform requires photographs and signatures of both husband and wife on the land rights certificate. Transactions were registered by the land administration officer and the signature of both husband and wife should be there.

The reform has contributed to women empowerment in the region. Indeed, acquisition of land rights has brought an increase in women self-confidence hence in having more women as representatives in local committees and also in making decisions with men on the use of the land and the income generated by activities at the household level. Women do also have access to credits and they are part of credit and saving groups, receiving loans from the regional micro finance institutions. Furthermore, the introduction of a legal framework has reduced women's vulnerability and risk in losing part of their crops. Therefore, promotion of women's land rights, such as the joint titling provision, is commendable for other regions in Africa as this has provided an improved context for women to secure greater land rights in Amhara region.

Source: Teklu, 2005

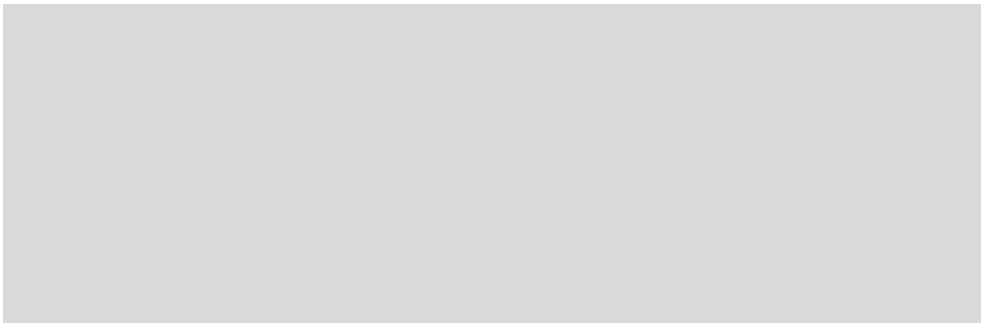
Case study 3: Improving women's access to customary justice in Kenya - the Justice Project

In Kenya as elsewhere in Africa, the implementation of formal laws and enforcement of women's rights continue to be a challenge due to lack of capacity and the discriminatory character of the formal and informal justice systems. Kenya's 2010 constitution provided greater legal recognition of women's rights to own and inherit land. It also recognizes customary justice institutions so that they do not violate the constitution. These provisions form the basis for the USAID-supported Kenya Justice Project, which piloted a model for improving women's access to customary justice as a means to strengthen and enforce women's land rights.

The Justice project works with local communities and traditional authorities to improve women's knowledge and practice of their rights, including the rights to own and inherit land and property. For the general population, the project engaged in raising community's legal awareness, developing basic justice modules to train traditional leaders on provisions of the Kenyan Constitution and National Land Policy, building women's capacity to govern and to know, understand, and exercise their rights, building capacity within the customary justice system to more effectively perform duties, and supporting justice learning related to the Kenyan constitution and the National Land Policy within schools and families.

The evaluation of the impact found significant and large improvements in women's knowledge of their rights, women's confidence in the dispute resolution process and outcomes, men's respect of women's rights, and modest improvements in physical and social accessibility of the local justice system for women. One of the project's notable successes is that local chiefs and elders now require spousal consent (with witnesses) for all land transactions, including leases. The work also resulted in a clearer understanding of the relationships between customary and statutory institutions and laws, and the development of a model to promote the integration of informal and formal justice systems.

Source: Espinosa and Santos, 2013



Case study 4: Land registration process and women's rights in Rwanda

In Rwanda, patriarchal stereotypes regarding the role and responsibilities of men and women persist in the country. Although the Constitution prohibits discrimination based on sex, Rwandan women are disadvantaged in many areas of customary law including access to and control over land. Yet, the Rwanda Initiative for Sustainable Development (RISD), with its Land Dispute Management Project (LDMP), attempts to secure women's land rights by strengthening the capacity of local leaders in managing land related disputes and increasing community awareness of women's land rights. Besides, two specific projects - the Umutara Community Resource and Infrastructure Development Project (PDRCIU) and the Kirehe Community-based Watershed Management Project (KWAMP) - were implemented by IFAD which focus on land tenure security.

These projects showed the effectiveness of the sensitisation, awareness raising and information dissemination activities carried out by various actors at community and government levels on women's land rights, the land legislation and on the registration process. Both men and women were informed over their rights and what the registration process could bring in terms of security of rights and potential benefits on their livelihoods, e.g. facilitating their access to credit. One of the positive points of the sensitisation activities was that women were fully involved in all the different phases of the registration process: they participated in the meeting organised by the authorities to inform the population about the legislation and the registration; they were part of the Cell Land Committees, the Village Executive Committee and the team of para-surveyors.

As a result, the process of securing land tenure in Rwanda led to a deep knowledge by women as well as men of women's rights in general, and specifically about land. The registration process gave women an opportunity to fix their own property rights and their property rights within the family as family land is registered in the names of both spouses. In addition, the registration process and the issuance of land titles reduced to a greater extent the number of conflicts over land.

Source: Carpano, 2011

Case study 5: Women and Land Initiative - women's land rights in Maradi, Niger

In Niger, agriculture is the main activity for 85 per cent of rural households. In places like the Maradi region of southern Niger, where malnutrition rates are critically high, women are increasingly vulnerable because they lack access to land for farming. Although modern and religious laws formally provide land rights to women, their weak and sometimes contradictory application prevent women to access land. Indeed, cultural practices and increasing land scarcity are keeping more women out of farming. In an attempt to address this issue and overcome the challenges posed by food insecurity, the “Women and Land Initiative” at CARE Niger has been working in southern Maradi - with 3,000 women in 30 communities within six municipalities - to secure land rights for women since 2010. The objective was to significantly increase women’s involvement in agriculture and reduce household vulnerability through a rights-based approach.

The project involved awareness-raising campaigns organised in all communities where there is a district-level land commission. Dramas were performed on women’s inheritance rights to land, followed by discussion, questions and answers. Other methods used were frequent radio broadcasts, sermons by religious leaders, and debates between lawyers, rural women and other local stakeholders. To gain backing from local leaders, meetings during which religious leaders and state officials commit to support women’s access to land were organised.

As a result of the Women and Land Initiative, some women’s groups have been able to lease community land for 3-10 years, often accessing land that can grow crops with high nutritive value. More women have started exercising their rights to inherited land under Niger’s Land Act. Women’s representation on local land committees has doubled (from 10 to 20%). Through the local land committees, women have opportunities to take leadership positions, allowing them to participate in negotiations on the management of communal land. The success of the Initiative lies on the fact that it has involved stakeholders at all levels by organising events and social dialogue meetings with the support and participation of local government.

Source: Mamadou and Salaou, 2013

Case study 6: Enhancing women's rights to land through the "Farmers' Support Project" in Namibia

In Namibia, 70% of the population depend on access to land for subsistence farming for their livelihoods. Women's rights to access and own land have been promoted through the National Land Policy adopted in 1998, which was a very consultative process that included gender activists. Yet, the implementation of gender-based laws and policies on the ground has been slow. In most cases, women in rural areas of Namibia are not aware of the legal provisions on women's right to land, and thus they do not register their land right.

Supported by the GIZ since 2010, the Farmers' Support Project (FSP) aims at enhancing the competencies (knowledge, skills and attitudes) of farmers and supporting them to improve their farming practices. The project represented a gender disaggregated attendance record illustrated by the female participation ratios in their activities. The process involved the participation of physical theatre performed by the Ombetja Yehinga Organisation (OYO), which is a Namibian Trust using the Arts to create social awareness. Through a unique non-verbal communication strategy, the dance troupe visited various communities to address social issues. The main instrument was a 15-minute long piece which illustrated through dancing, how women and children can benefit by registering their communal land parcel. In doing so, the piece promoted behaviour change in considering women's rights and encouraged people to register their land. It specifically provoked discussions on the role of women within the customary land tenure system.

The achievements of the project included an increasing number of women in land governance institutions. In addition, 41.5% of women were registered with secure land use rights in accordance with the Communal Land Reform Act. Furthermore, through mentorship and training related activities in communal areas, an increasing number of female farmers were reached.

Source: Matthaei and Wolf, 2013

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