

Empowering Women Through Land Rights



Command over property is arguably the most severe form of inequality between men and women today. Despite their prevalence, gender differences in rights to land are some of the most poorly documented dimensions of gender inequality and figure in few statistical systems.

SOURCE:

Crowley, E. 2001. *Empowering Women to Achieve Food Security*. 2020 Focus Brief 11, International Food Policy Research Institute, Washington, D.C.

Land rights increase women's power in social, economic, and political relationships. Rural women claim that secure land rights increase their social and political status, and improve their sense of self-esteem, confidence, security, and dignity. These rights can also increase women's bargaining power in their families and participation in public dialogue and local political institutions.

Customary vs. Formal Systems

In considering land rights, one must determine which system can provide women with greater and more secure access to land: customary tenure systems or formal statutory systems. The former are locally enforceable and have adapted over time, while the latter are legally or morally bound by universal conventions.

Customary systems are based on membership in lineage, community or household. These systems are most effective when land is relatively abundant and most land users know one another and have regular and direct contact. Formal systems are most effective where land values are high and land transactions among strangers are frequent. These transactions require transparency and public records to reduce informational asymmetries.

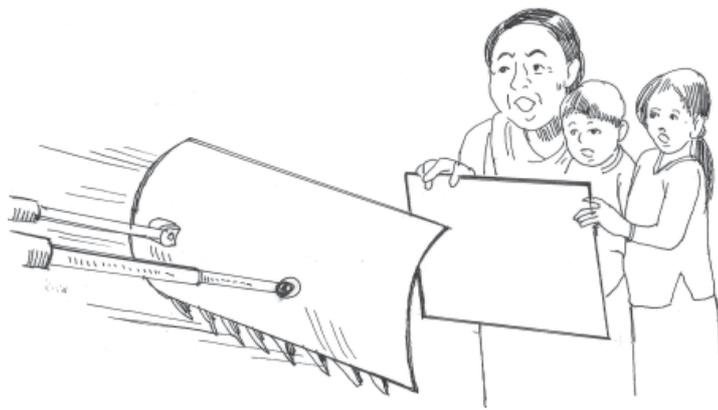
In formal tenure systems, unwritten rights often coexist with the limited number of rights that are actually recorded in registries or titles. On the other hand, the codification of customary rights has often strengthened and concentrated land rights of individual, senior, male household heads over other interests, resulting in only a small percentage of the population, and strikingly few women, holding land certificates or titles in developing countries.

Securing Rights for Women

There are essentially two ways to enhance women's land rights. One is to protect or increase the security of existing rights. The other is to create new rights or increase the range of rights over which women have control. The customary tenure systems support or secure existing land rights, while formal systems create new rights.

A woman's rights are secure when she can use or manage land in a predictable fashion for a defined length of time. Customary of tenure consists of three dimensions: definition, independent control, and enforcement.

In defining security of tenure, policy can be developed towards the clarification and registration of women's customary use rights. Tenure security for women can be improved by establishing contracts protecting widows and children from eviction or by developing leasehold contracts documenting the duration and scope of women's land rights to permit planning and managing of land and income use.



For most women, land rights are defined by their relationships to men: fathers, husbands, or brothers. The difficulty in distinguishing rights of different household members also contributes to the (sometimes false) assumption that women in landed households share these rights and that women's specific land rights need only be defined when they head households. However, in most cases, unlike men, women cannot liquidate, trade, or retain derived land rights when the male link is lost.

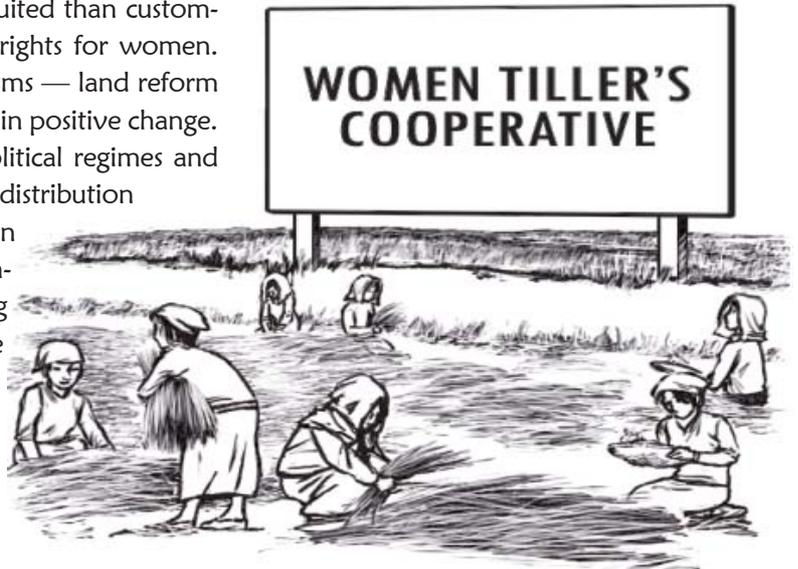
Enforcement of tenure security depends upon women's capacity to lobby for and promote their interests. It also relies upon whether the formal and customary authorities vested with the power to protect women's land rights share these interests and have a strong imperative to uphold them.

For improvements in tenure security to become operational, they need to be socially acceptable to formal and informal governing bodies with different norms and values. Policymakers need to identify partners capable of influencing the attitudes, priorities, and incentives that govern political and group decisions. Proposals for improved tenure security also need to be administratively viable.

The challenge then for government planners is to build a land administration capacity capable of more efficient land transfers than customary inheritance systems. Another challenge is to develop a robust, affordable and accessible dispute resolution procedure.

Creating Rights for Women

Formal tenure systems can be better suited than customary ones to rapidly create new land rights for women. However, two major formal mechanisms — land reform and land markets — have not resulted in positive change. Land reforms associated with new political regimes and government- or project-based land redistribution have induced significant changes in landholding patterns, poverty, and inequality while adversely affecting women almost universally. To improve women's property rights, land reform policy must focus on favoring women in redistribution through stable and capable institutions.



Changing the policies that regulate land markets is a second formal mechanism for creating new rights. However, in practice, only wealthier women and women's groups have the income to buy land through formal markets. Nepotism, preferential treatment, and complex, expensive procedural requirements restrict entry to land markets. Policy should focus on reducing the administrative transaction costs and barriers faced by poorer buyers and women.

To create the convergence of values that support changes in tenure systems, a shift in public attitudes is needed. Coalition building and negotiated reform can help to induce positive change. Cross-sectoral alliances, unions and lobby groups can build a shared awareness of common positions among women, encouraging joint action.

Integrated Action for Enhancing Women's Land Rights

Enhancing women's land rights requires that they become a political priority and a legal possibility; it also requires administrative viability, social acceptability, and moral legitimacy. Complementary policies must address women's limitations in exercising and enjoying their land rights.

Even with assured land rights, investments in property require access to financial markets and information, extension, and other services. Policymakers should be aware of the complexity of tenure systems and how legal principles associated with land rights can be subverted when put into practice.

To bring about substantial progress, integrated joint action is required to meet the following objectives:

- Women must know what rights to land they can claim and how to claim those rights.
- Formal and customary land administration officials and services must develop the administrative capacity and discipline to process records and claims in support of women.

- The general public must recognize and accept that women's rights to land are ultimately in the interests of a broader populace, and create the popular support needed for political change.

Leveraging Power of Influence

Women and like-minded citizens who have formed viable civil society groups or cooperatives have, on a small scale, not only succeeded in purchasing land, but have also increased their capacity to leverage relationships of power and manipulate public opinion and legal contexts.

Suggested Readings

Agarwal, B. 1994. *A Field of One's Own: Gender and Land Rights in South Asia*. Cambridge University Press.

Gray, L. and M. Kevane. 1999. *Diminished Access, Diverted Exclusion: Women and Land Tenure in Sub-Saharan Africa*. *African Studies Review* 42(2): 15-39.

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